



ORDINARY MEETING OF  
BATHURST REGIONAL COUNCIL

13 July 2016

His Worship the Mayor & Councillors

**Notice of Ordinary Meeting of Bathurst Regional Council - Wednesday,  
20 July 2016**

I have to advise that an **Ordinary Meeting** of Bathurst Regional Council will be held in the Council Chambers on Wednesday, 20 July 2016 commencing at 6.00 pm.

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

D J Sherley  
**GENERAL MANAGER**

# **BUSINESS AGENDA**

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

**TO BE HELD ON WEDNESDAY, 20 JULY 2016**

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

**2. PUBLIC QUESTION TIME**

**3. PRAYER**

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

**4. APOLOGIES**

**5. MINUTES**

\* MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 15 JUNE 2016

\* MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 6 JULY 2016

**6. DECLARATION OF INTEREST**

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

**7. MAYORAL MINUTE - Nil**

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

\* DIRECTOR ENVIRONMENTAL PLANNING & BUILDING SERVICES' REPORT

\* DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT

\* DIRECTOR ENGINEERING SERVICES' REPORT

\* DIRECTOR CULTURAL & COMMUNITY SERVICES' REPORT

**9. REPORTS OF OTHER COMMITTEES**

\* MINUTES - POLICY COMMITTEE MEETING - 6 JULY 2016

\* MINUTES - TRAFFIC COMMITTEE MEETING - 5 JULY 2016

**10. NOTICES OF MOTION - Nil**

**11. RESCISSION MOTIONS - Nil**

**12. DELEGATES REPORTS**

\* COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 8 JUNE 2016

\* MINUTES - BATHURST REGIONAL YOUTH COUNCIL - 28 JUNE 2016

### 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	TRANSFER OF HANGAR SHARE - LOT 12 IN DP1041715 KNOWN AS 16 WINDSOCK WAY BATHURST AERODROME - BAILEY TO CRUM	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	BATHURST MOTOR FESTIVAL	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

		Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
3	RENEWAL OF LICENCE AGREEMENT - LOT 101 IN DP1204847 LOCATED AT 7 LEE STREET KELSO - BATHURST REGIONAL COUNCIL CHILDREN'S SERVICES ENCOMPASSING FAMILY DAY CARE AND VACATION CARE.	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
4	RENEWAL OF LEASE AGREEMENT - PART LOT 101 IN DP1204847 KNOWN AS 7 LEE STREET KELSO - WEST BATHURST PRESCHOOL EARLY START PROGRAM	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
5	NEW COMMERCIAL LEASE AGREEMENT - LOT 19 IN DP849271 KNOWN AS 57 SEYMOUR STREET BATHURST - BATHURST SEYMOUR CENTRE	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
6	NORWOOD PARK LIMITED - BATHURST CEMETERY	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on

		balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
7	BATHURST ACTIVE FESTIVAL	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
8	SALE OF LOT 1016 IN DP1212670 KNOWN AS 16 MCLEAN STREET WINDRADYNE	10A (2) (c) – contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. Discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it would prejudice council's position in negotiating commercial and or financial arrangements.
9	RENEWAL OF COMMERCIAL LEASE AGREEMENT - LOT 5 IN DP847356 KNOWN AS 8 WINDSOCK WAY BATHURST AERODROME - NSW LAND AND PROPERTY INFORMATION	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 NETWASTE REGIONAL COLLECTION & DISPOSAL OF USED MOTOR OIL - NETWASTE	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the

	TENDER	commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
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**14. RESOLVE INTO OPEN COUNCIL**

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

**16. MEETING CLOSE**

## MINUTE

### 1 MEETING COMMENCES

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

## MINUTE

### 2 PUBLIC QUESTION TIME

**M Wilson** – President, White Rock Progress Association - Item #14 ADEPBS - Alec Lamberton Field - requests Alec Lamberton Field be retained as open space. Issues such as being an entrance to the City, need for parkland, current availability of industrial land, use of the site as a greenspace buffer were raised. It could be part of a wildlife corridor. The Group has presented a wide range of recreational uses. Concerns at reclassification of 71% of the site to operational, as this may not preserve the integrity of the site as recreational. Requests Council reject the rezoning and reclassifications proposed or defer the decision for five years so all persons can be consulted. Referred to possible amalgamations that may occur.

**B Manning** - Ratepayer - asked is Council purchasing 9 McKell Street, Bathurst. Mrs Manning raised a number of issues about reports to Council. Further Mrs Manning spoke to letters from the General Manager. Also raised issues about Council going into closed session and the powers of Council to buy land.

**The General Manager** advised the Council is purchasing the property and spoke to other issues raised.

**N Hirekodi and M Crisologo** - Bathurst Regional Youth Council - Item #4 and #5 DCCS - spoke to reports to the Council on recent events held by the Youth Council: YJAM and the Winter Festival.



## MINUTE

### 3 APOLOGIES

Nil.

## MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

## **1 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 15 JUNE 2016 (11.00005)**

**Recommendation:** That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 15 June 2015 be adopted.

**Report:** The Minutes of the Ordinary Meeting of Bathurst Regional Council held on 15 June 2016, are attached.

**Financial Implications:** N/A

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

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

**MINUTE**

**4 Item 1 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL**  
**- 15 JUNE 2016 (11.00005)**

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

**RESOLVED:** That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 15 June 2015 be adopted.

## **2 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 6 JULY 2016 (11.00005)**

**Recommendation:** That the Minutes of the Ordinary Meeting of Bathurst Regional Council following Policy held on 6 July 2016 be adopted.

**Report:** The Minutes of the Ordinary Meeting of Bathurst Regional Council following Policy held on 6 July 2016, are attached.

**Financial Implications:** N/A

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

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

**MINUTE**

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

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

**RESOLVED:** That the Minutes of the Ordinary Meeting of Bathurst Regional Council following Policy held on 6 July 2016 be adopted.

**MINUTES OF THE ORDINARY MEETING OF BATHURST REGIONAL COUNCIL**  
**HELD ON 15 JUNE 2016**

**MEETING COMMENCES**

**1 MEETING COMMENCES 6:00 PM**

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

**PUBLIC QUESTION TIME**

**2 PUBLIC QUESTION TIME**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**S Bathgate – Bathurst 2016 Heritage Action Network**

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

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

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

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

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

**F White – National Trust - Cox's Road Brochure**

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



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

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

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

**The Mayor** stated submission will be treated as required.

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

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

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

**B Trimming**

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

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

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

**APOLOGIES****3 APOLOGIES**

Nil.

**MINUTES****4 Item 1 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 18 MAY 2016 (11.00005)****MOVED** Cr I Northand **SECONDED** Cr M Coote**RESOLVED:** That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 18 May 2016 be adopted.**5 Item 2 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 1 JUNE 2016 (11.00005)****MOVED** Cr I Northand **SECONDED** Cr G Westman**RESOLVED:** That the Minutes of the Ordinary Meeting of Bathurst Regional Council following Policy held on 1 June 2016 be adopted.**DECLARATION OF INTEREST****6 DECLARATION OF INTEREST 11.00002****MOVED** Cr M Cooteand **SECONDED** Cr B Bourke**RESOLVED:** That the following Declarations of Interest be noted.Cr North

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

**RECEIVE AND DEAL WITH DIRECTORS' REPORTS****Director Environmental Planning & Building Services' Report****7 Item 1 SECTION 79C OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (03.00053)****MOVED** Cr B Bourkeand **SECONDED** Cr W Aubin**RESOLVED:** That the information be noted.**8 Item 2 GENERAL REPORT (03.00053)****MOVED** Cr G Westmanand **SECONDED** Cr I North**RESOLVED:** That the information be noted.**9 Item 3 DEVELOPMENT APPLICATION NO. 2016/0116 –SERVICED APARTMENTS AND RETAINING WALLS AT 50 BENTINCK STREET, BATHURST. APPLICANT: JOSS CONSTRUCTIONS. OWNER: REGIONAL NOMINEES PTY LTD DA/2016/0116****MOVED** Cr M Cooteand **SECONDED** Cr B Bourke

**RESOLVED:** That Council:

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

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

**The result of the division was:**

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

Against the motion - Nil

Absent - Nil

Abstain - Nil

**10**

**Item 4 DEVELOPMENT APPLICATION NO. 2015/0310 – SIX LOT SUBDIVISION AT 50 BENTINCK STREET, BATHURST. APPLICANT: JOSS CONTRUCTIONS. OWNER: REGIONAL NOMINEES PTY LTD (DA/2015/0310)**  
**MOVED** Cr I North and **SECONDED** Cr M Coote

**RESOLVED:** That Council:

- (a) as the consent authority, grant consent pursuant to section 80 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2015/0310, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended and including conditions to the effect that:
- (1) The applicant is to create the following Restriction as to User/Covenant:
- a) On proposed Lots 2, 3 and 4 to restrict the height of any building to 300mm below the gutter line of the Dairy Farmers Building in accordance with the recommendations of the Statement of Heritage Impact (prepared by GBA Heritage, dated 15/6/2016).
  - b) On proposed Lots 4 and 6 to restrict the height of building to single storey in accordance with the recommendations of the Statement of Heritage Impact (prepared by GBA Heritage, dated 15/6/2016).
  - c) On proposed Lot 1 indicating no structures within the curtilage identified in the recommendations of the Statement of Heritage Impact (prepared by GBA Heritage, dated 15/6/2016).
  - d) On proposed Lots 2, 3 and 4 indicating a building envelope that is setback a minimum 3m from the Bentinck Street frontage.
  - e) On proposed Lots 2, 3, 4 and 5 restricting vehicular access onto Bentinck Street.
  - f) On the proposed Lot on which the well is located restricting its demolition and identifying its location on the survey plan.
  - g) On proposed lots 2, 3 and 4 that requires the future buildings on these lots to achieve the following built form:
    - a. Be constructed of full face brickwork of strong autumn colours (blended bricks are not to be used);
    - b. Include a single/double storey verandah;
    - c. Building facades are to address the street with fenestrations to be divided into traditional golden proportions;
    - d. The building facades on proposed lot 2 are to address both Howick and Bentinck Streets; and
    - e. Façade detailing is to be sympathetic to and complement the features of the remaining historic buildings on lots 5 and 6.
  - h) On all proposed lots that requires any side and rear boundary fencing to be timber paling or brick to a maximum height of 1.8m.
- (2) Prior to the Issue of Subdivision Certificate, a Survey Plan is to be submitted indicating the exact location of the well.
- (3) An excavation permit under Section 139 and Section 140 of the Heritage Act 1977 must be obtained before any excavation work commences on site. The excavation permit is to be supported by a site specific Archaeological Assessment Report prepared by a specialist heritage archaeologist. A copy of the Archaeological Assessment Report and the excavation permit are to be provided to Council prior to the issue of a Construction Certificate or prior to the commencement of any works on the site.
- (4) Prior to the issue of a Construction Certificate or prior to the commencement of any works on the site, the applicant is to lodge a

Construction Heritage Management Plan which addresses the following:

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

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

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

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

- (b) notify those that made submissions of its decision.
- (c) call a division.

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

**The result of the division was:**

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

Against the motion - Nil

Absent - Nil

Abstain - Nil

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

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

- 12** **Item 6 OLD GOVERNMENT COTTAGE CONSERVATION MANAGEMENT PLAN (22.00862)**  
**MOVED** Cr M Morse and **SECONDED** Cr G Hanger

**RESOLVED:** That Council:

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

- 13** **Item 7 BATHURST REGION HERITAGE ADVISORY SERVICE 2015-16 (10.00004)**  
**MOVED** Cr I North and **SECONDED** Cr G Westman

**RESOLVED:** That Council:

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

- 14** **Item 8 PLANNING PROPOSAL – GATEWAY ENTERPRISE – SHOPPING CENTRE, PART 213 SYDNEY ROAD KELSO, APPLICANT GSA PLANNING ON BEHALF OF GATEWAY LAND CORPORATION PTY LTD (20.00300)**  
**MOVED** Cr M Coote and **SECONDED** Cr B Bourke

**RESOLVED:** That Council:

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

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

**The result of the division was:**

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

**Against the motion** - Nil

**Absent** - Nil

**Abstain** - Nil

- 15** **Item 9 BATHURST 2036 HOUSING STRATEGY – SUMMARY OF PUBLIC CONSULTATION (20.00089)**  
**MOVED** Cr I North and **SECONDED** Cr G Westman

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

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

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

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

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

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

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

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

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

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

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

**MOVED** Cr G Westman and **SECONDED** Cr B Bourke

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

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

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

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

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

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

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

**Reason: Nephew works at Belly's Bikes.**

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

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

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

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

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

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

**RESOLVED:** That Council:

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

**25 Item 8 REQUEST FOR FINANCIAL ASSISTANCE - NATIONAL COOL CLIMATE**



**WINE SHOW (18.00004)****MOVED** Cr M Cooteand **SECONDED** Cr W Aubin

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

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

**MOVED** Cr B Bourkeand **SECONDED** Cr M Coote

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

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

**MOVED** Cr I Northand **SECONDED** Cr B Bourke

**RESOLVED:** That Council:

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

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

**MOVED** Cr M Morseand **SECONDED** Cr M Coote

**RESOLVED:** That Council consider the submissions individually.

**29** **Item 11.01 SUBMISSIONS - DRAFT DELIVERY PLAN 2016-2020 AND ANNUAL OPERATING PLAN 2016/2017 (16.00144)**

**MOVED** Cr M Morseand **SECONDED** Cr B Bourke

**(a) Centennial Park**

**RESOLVED:** That a Plan for the improvement of Centennial Park be prepared.

**30** **Item 11.021 SUBMISSIONS - DRAFT DELIVERY PLAN 2016-2020 AND ANNUAL OPERATING PLAN 2016/2017 (16.00144)**

**MOVED** Cr M Morseand **SECONDED** Cr G Hanger

**(b) Community Arts Centre**

That Council amend the DP/AOP to amend the allocation of \$5 million to a community arts centre to community cultural facilities as determined through the cultural plan development process.

The MOTION was PUT and LOST

- 31** **Item 11.022 SUBMISSIONS - DRAFT DELIVERY PLAN 2016-2020 AND ANNUAL OPERATING PLAN 2016/2017 (16.00144)**  
**MOVED** Cr I North and **SECONDED** Cr M Coote

**(b) Community Arts Centre**

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

- 32** **Item 11.03 SUBMISSIONS - DRAFT DELIVERY PLAN 2016-2020 AND ANNUAL OPERATING PLAN 2016/2017 (16.00144)**  
**MOVED** Cr M Coote and **SECONDED** Cr G Westman

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

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

- 33** **Item 11.04 SUBMISSIONS - DRAFT DELIVERY PLAN 2016-2020 AND ANNUAL OPERATING PLAN 2016/2017 (16.00144)**  
**MOVED** Cr M Coote and **SECONDED** Cr I North

**(d) Keppel Street Underground Mapping**

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

- 34** **Item 11.05 SUBMISSIONS - DRAFT DELIVERY PLAN 2016-2020 AND ANNUAL OPERATING PLAN 2016/2017 (16.00144)**  
**MOVED** Cr M Coote and **SECONDED** Cr W Aubin

**(e) Keppel Street Roundabout Planting**

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

- 35** **Item 11.06 SUBMISSIONS - DRAFT DELIVERY PLAN 2016-2020 AND ANNUAL OPERATING PLAN 2016/2017 (16.00144)**  
**MOVED** Cr I North and **SECONDED** Cr M Coote

**(f) Bathurst 2036 Heritage Action Network**

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

- 36** **Item 11.07 SUBMISSIONS - DRAFT DELIVERY PLAN 2016-2020 AND ANNUAL OPERATING PLAN 2016/2017 (16.00144)**  
**MOVED** Cr G Westman and **SECONDED** Cr W Aubin

**(g) Bonner Street Footpath**

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

**37 Item 11.08 SUBMISSIONS - DRAFT DELIVERY PLAN 2016-2020 AND ANNUAL OPERATING PLAN 2016/2017 (16.00144)**

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

**(h) Tri-Skate Competition**

**RESOLVED:** That Council:

1. Not amend the DP/AOP in respect of the submission.
2. Support the Youth Council undertaking an Event at the Skate Park.

**38 Item 11.09 SUBMISSIONS - DRAFT DELIVERY PLAN 2016-2020 AND ANNUAL OPERATING PLAN 2016/2017 (16.00144)**

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

**(i) Evans Monument Interpretive Signage**

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

**39 Item 11.10 SUBMISSIONS - DRAFT DELIVERY PLAN 2016-2020 AND ANNUAL OPERATING PLAN 2016/2017 (16.00144)**

**MOVED** Cr G Westman and **SECONDED** Cr B Bourke

**(j) Keppel Street Tree Planting**

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

**40 Item 11.11 SUBMISSIONS - DRAFT DELIVERY PLAN 2016-2020 AND ANNUAL OPERATING PLAN 2016/2017 (16.00144)**

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

**(k) CCTV in the CBD**

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

**41 Item 11.12 SUBMISSIONS - DRAFT DELIVERY PLAN 2016-2020 AND ANNUAL OPERATING PLAN 2016/2017 (16.00144)**

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

**(l) Street Art and Laneways Revival Pilot Project**

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

**42 Item 11.13 SUBMISSIONS - DRAFT DELIVERY PLAN 2016-2020 AND ANNUAL OPERATING PLAN 2016/2017 (16.00144)**

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

**(m) Renewable Energy and Battery Technology**

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

**43 Item 11.14 SUBMISSIONS - DRAFT DELIVERY PLAN 2016-2020 AND ANNUAL OPERATING PLAN 2016/2017 (16.00144)**

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

**(n) Central NSW Renewable Energy Co-operative Support**

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

**44 Item 11.15 SUBMISSIONS - DRAFT DELIVERY PLAN 2016-2020 AND ANNUAL OPERATING PLAN 2016/2017 (16.00144)**

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

**(o) Monument to Australian Agriculture**

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

**45 Item 11.16 SUBMISSIONS - DRAFT DELIVERY PLAN 2016-2020 AND ANNUAL OPERATING PLAN 2016/2017 (16.00144)**

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

**(p) Bathurst 12 Hour Race Victors' Walk**

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

**46 Item 11.17 SUBMISSIONS - DRAFT DELIVERY PLAN 2016-2020 AND ANNUAL OPERATING PLAN 2016/2017 (16.00144)**

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

**(q) Bathurst Golf Club Water Charges**

**RESOLVED:** That the matter be deferred for further consideration.

**47 Item 11.18 SUBMISSIONS - DRAFT DELIVERY PLAN 2016-2020 AND ANNUAL OPERATING PLAN 2016/2017 (16.00144)**

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

**(r) Sewerage Access Charge**

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

**48 Item 11.19 SUBMISSIONS - DRAFT DELIVERY PLAN 2016-2020 AND ANNUAL OPERATING PLAN 2016/2017 (16.00144)**

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

**(s) Submission from Mr G A Crisp**

**RESOLVED:** That Council not amend the DP/AOP in respect of the submission received from Mr G A Crisp.

**49 Item 11.20 SUBMISSIONS - DRAFT DELIVERY PLAN 2016-2020 AND ANNUAL OPERATING PLAN 2016/2017 (16.00144)**

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

**(t) Robin Hill Sewerage Service**

**RESOLVED:** That Council not amend the DP/AOP in respect of the submission received from Mr & Mrs Graf.

**50 Item 11.21 SUBMISSIONS - DRAFT DELIVERY PLAN 2016-2020 AND ANNUAL OPERATING PLAN 2016/2017 (16.00144)**

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

**(u) Bridle Track**

**RESOLVED:** That Council not amend the DP/AOP in respect of the submission received from Four Wheel Drive NSW & ACT Inc.

**51 Item 11.22 SUBMISSIONS - DRAFT DELIVERY PLAN 2016-2020 AND ANNUAL OPERATING PLAN 2016/2017 (16.00144)**

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

**(v) Adventure Playground**

**RESOLVED:** That Council not amend the DP/AOP in respect of the submission received from Mr T Thorpe.

**52 Item 11.23 SUBMISSIONS - DRAFT DELIVERY PLAN 2016-2020 AND ANNUAL OPERATING PLAN 2016/2017 (16.00144)**

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

**(w) Hereford Street Rugby League Complex**

**RESOLVED:** That Council not amend the DP/AOP in respect of the submission received from Mr T Thorpe.

**53 Item 11.24 SUBMISSIONS - DRAFT DELIVERY PLAN 2016-2020 AND ANNUAL OPERATING PLAN 2016/2017 (16.00144)**

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

**(x) Mobile Coin-Operated Go-Kart Track**

**RESOLVED:** That Council not amend the DP/AOP in respect of the submission received from Mr T Thorpe.

**54 Item 11.25 SUBMISSIONS - DRAFT DELIVERY PLAN 2016-2020 AND ANNUAL OPERATING PLAN 2016/2017 (16.00144)**

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

**(y) Bathurst Seymour Centre Retaining Wall**

**RESOLVED:** That Council not amend the DP/AOP in respect of the submission received from Bathurst Seymour Centre.

**55 Item 11.26 SUBMISSIONS - DRAFT DELIVERY PLAN 2016-2020 AND ANNUAL OPERATING PLAN 2016/2017 (16.00144)**

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

**(z) Waste Management Charges**

**RESOLVED:** That the Revenue Policy item Waste Management Centre Charges for Truck Tyre Disposal change to \$34 per tyre.

**56 Item 12 DELIVERY PLAN 2016-2020 AND ANNUAL OPERATING PLAN 2016/2017 (16.00144)**

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

**RESOLVED:** That, following consideration of the submissions received by Council, the Draft Delivery Plan 2016-2020 and Annual Operating Plan 2016/2017 be adopted as the Bathurst Regional Council Delivery Plan and Annual Operating Plan, subject to the inclusion of any amendment adopted as a result of the submissions received, and all expenditure and income items incorporated in the Annual Operating Plan 2016/2017 be voted.

Further, that Councillors remuneration be set at the maximum level for the category Regional Rural as published by the Local Government Remuneration Tribunal.

**57 Item 13 2016/2017 REVENUE POLICY (16.00144)**

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

**RESOLVED:** That, following consideration of the submissions received by Council, the Revenue Policy for 2016/2017, as presented to Council, be adopted as the Bathurst Regional Council 2016/2017 Revenue Policy with the inclusion of any amendments adopted as a result of the submissions received.

**58 Item 14 PENSIONER REBATE POLICY UPDATE - WASTE MANAGEMENT (41.00089, 16.00037)**

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

**RESOLVED:** That the amended policy "Rates - Accumulation of Rates by Aged Pensioners & Rebates" be adopted.

59

**Item 15 2016/2017 RATE LEVY (16.00144)****MOVED** Cr I Northand **SECONDED** Cr G Westman

**RESOLVED:** That Council formally resolve to make the following rates and charges in relation to the 2016/2017 Rating Year.

- (a) ORDINARY RATES FOR 2016/2017 - That in accordance with Sections 534 and 535 of the Local Government Act, 1993, WHEREAS the Bathurst Delivery Plan 2016-2020 and Annual Operating Plan 2016/2017 for the twelve months to 30 June 2016 was adopted by the Council on 15 June 2016 it is hereby recommended that:
1. a **Residential Rate** of zero point two eight eight two one three (0.288213) cents in the dollar on the land value of all rateable land categorised as Residential in accordance with Section 516 of the Local Government Act, 1993 excepting those parcels of land sub-categorised as "Residential Town/Villages", AND THAT
  2. a **Residential Town/Villages Rate** of zero point nine three eight five two three (0.938523) cents in the dollar on the land value of all rateable land sub-categorised as Residential – Town/Villages, in accordance with Section 529(2) (b) of the Local Government Act, 1993, AND THAT
  3. a **Farmland Rate** of zero point two one nine four seven five (0.219475) cents in the dollar on the land value of all rateable land categorised as Farmland in accordance with Section 515 of the Local Government Act, 1993, AND THAT
  4. a **Business Rate** of zero point four five six six zero two (0.456602) cents in the dollar on the land value of all rateable land categorised as Business in accordance with Section 518 of the Local Government Act, 1993, excepting those parcels of land sub-categorised as "Business Bathurst City", "Business Forest Grove", "Business Ceramic Avenue", "Business Eglinton Non-Urban", "Business Orton Park", "Business Stewarts Mount", "Business Evans Plains" AND THAT
  5. a **Business Bathurst City Rate** of one point eight three nine eight one one (1.839811) cents in the dollar on the land value of all rateable land sub-categorised as Business Bathurst City in accordance with Section 529(2)(d) of the Local Government Act, 1993, AND THAT
  6. a **Business Forest Grove Rate** of one point five nine two four nine zero (1.592490) cents in the dollar on the land value of all rateable land sub-categorised as Business Forest Grove in accordance with Section 529(2)(d) of the Local Government Act, 1993, AND THAT
  7. a **Business Ceramic Avenue Rate** of one point five nine two four nine zero (1.592490) cents in the dollar on the land value of all rateable land sub-categorised as Business Ceramic Avenue in accordance with Section 529(2)(d) of the Local Government Act, 1993, AND THAT
  8. a **Business Eglinton Non-Urban Rate** of one point five nine two four nine zero (1.592490) cents in the dollar on the land value of all rateable land

sub-categorised as Business Eglinton Non-Urban in accordance with Section 529(2)(d) of the Local Government Act, 1993, AND THAT

9. a **Business Orton Park Rate** of one point five nine two four nine zero (1.592490) cents in the dollar on the land value of all rateable land sub-categorised as Business Orton Park in accordance with Section 529(2)(d) of the Local Government Act, 1993, AND THAT
10. a **Business Stewarts Mount Rate** of one point five nine two four nine zero (1.592490) cents in the dollar on the land value of all rateable land sub-categorised as Business Stewarts Mount in accordance with Section 529(2)(d) of the Local Government Act, 1993, AND THAT
11. a **Business Evans Plains Rate** of one point five nine two four nine zero (1.592490) cents in the dollar on the land value of all rateable land sub-categorised as Business Evans Plains in accordance with Section 529(2)(d) of the Local Government Act, 1993, AND THAT
12. a **Mining Rate** of zero point three five zero one nine nine (0.350199) cents in the dollar on the land value of all rateable land categorised as Mining in accordance with Section 517 of the Local Government Act, 1993,

BE NOW MADE for the 2016/2017 Rating Year subject to the following Minimum and Base Amounts in accordance with Section 548 and Section 499 of the Local Government Act, 1993, AND THAT aggregation of values of certain parcels of land subject to a minimum or base amount in accordance with Section 548A of the Local Government Act, 1993, be permitted.

	Category	Minimum Amount	Base Amount	%Yield Base Amount
1	<b>Residential</b>		\$253.00	33
2	<b>Residential/Town Village</b>	\$360.00		
3	<b>Farmland</b>		\$342.00	25
4	<b>Business</b>	\$250.00		
5	<b>Business Bathurst City</b>	\$385.00		
6	<b>Business Forest Grove</b>	\$385.00		
7	<b>Business Ceramic Avenue</b>	\$385.00		
8	<b>Business Eglinton Non-Urban</b>	\$385.00		
9	<b>Business Orton Park</b>	\$385.00		
10	<b>Business Stewarts Mount</b>	\$385.00		
11	<b>Business Evans Plains</b>	\$385.00		
12	<b>Mining</b>		\$224.00	47

- (b) DOMESTIC WASTE MANAGEMENT CHARGES FOR 2016/2017 - That the annual charge for each parcel of rateable land where the service is available under Section 496 of the Local Government Act, 1993, for the removal of weekly general waste, weekly food and green waste and the fortnightly collection of material for recycling for the twelve months commencing 1 July 2016 being three hundred and sixty eight dollars and zero cents (\$368.00) for the provision of one waste mobile bin, one food and green waste mobile bin and one recycle mobile bin be made by the Council, and that the annual charge to be made for



each parcel of rateable vacant land where the service is available under Section 496 of the Local Government Act, 1993, for the twelve months commencing 1 July 2016 being six dollars and zero cents (\$6.00) be made by the Council and further that a charge where the service is provided under Section 496 of the Local Government Act, 1993, for each additional domestic waste collection service of one hundred and eighty five dollars and zero cents (\$185.00) per mobile bin and for each additional food and green waste collection service of ninety eight dollars and zero cents (\$98.00) and for each additional fortnightly recycling collection service of eighty five dollars and zero cents (\$85.00) per mobile bin be made by the Council.

- (c) WASTE MANAGEMENT SERVICE CHARGES FOR 2016/2017 (NON DOMESTIC) – That the annual charge where the service is provided under Section 501/502 of the Local Government Act, 1993, for the weekly removal of garbage being one hundred and eighty five dollars (\$185.00) per mobile bin and the weekly removal of food and green waste being ninety eight dollars (\$98.00) and the fortnightly collection of material for recycling being eighty five dollars (\$85.00) per mobile bin for the twelve months commencing 1 July 2016 be made by the Council.
- (d) WASTE MANAGEMENT SERVICE CHARGES – RURAL AREAS FOR 2016/2017 That the annual waste charge be levied for each rural rateable property that is outside of the waste collection area, Council provides access to rural transfers stations, under Section 501 of the Local Government Act, 1993, for the twelve months commencing 1 July 2016 being seventy eight dollars (\$78.00) be made by the Council.
- (e) WASTE MANAGEMENT VOUCHERS – That the Council provide to all rateable properties eight waste management vouchers, consisting of 4 Mixed Refuse Vouchers consisting of two by 200kg and two by 100kg each and 4 Green Waste Vouchers consisting of two by 200 kg and two by 100kg each, at no charge.
- (f) SEWERAGE CHARGES FOR 2016/2017 – That in accordance with Sections 501,502, 503, 539, 541 and 552 of the Local Government Act, 1993, the following charges are made for the twelve months commencing 1 July 2016.
  - 1. That the annual charge for single residential (including residential strata) and un-metered properties, be five hundred and twenty nine dollars and zero cents (\$529.00).
  - 2. That the annual charge for vacant land be three hundred and thirty six dollars and zero cents (\$336.00).
  - 3. That the annual access charges for non-residential and multiple residential properties are to be the total of the metered charges applicable to the property as shown in the table below multiplied by a sewerage discharge factor.

Size of Water Connection (mm)	Charge for 2016/2017
20	\$477.00
25	\$742.00

32	\$1217.00
40	\$1904.00
50	\$2974.00
65	\$4783.00
80	\$7608.00
100	\$11888.00
150	\$26745.00
Strata Properties (Each non-residential lot)	\$477.00
Assumption School	\$1489.00

4. That the Sewer Usage Charge (Section 502) for non-residential and multiple residential properties be one dollar and fifty five cents (\$1.55) per kilolitre of filtered water supplied multiplied by a sewerage discharge factor.

(g) SEWERAGE CHARGES -TRADE WASTE 2016/2017

That in accordance with Sections 501,503, 539, and 541 of the Local Government Act, 1993, the following charges are made for the twelve months commencing 1 July 2016.

1. That the Annual Trade Waste Fee for individual businesses be one hundred and seven dollars and ninety cents (\$107.90).
2. That the Annual Trade Waste Fee (Large Discharger) for individual business be seven hundred and twenty dollars and thirty cents (\$720.30).
3. That the Trade Usage Charge for non-residential properties be two dollars and fifty cents (\$2.50) per kilolitre of filtered water supplied multiplied by a trade discharge factor.

(h) WATER CHARGES 2016/2017 – That in accordance with Sections 501,502, 503, 539, 541 and 552 of the Local Government Act, 1993, the following charges are made for the twelve months commencing 1 July 2016.

1. That the annual water availability charges are to be the total of the metered charges applicable to the property as shown in the table below for:

Size of Water Connection (mm)	Charge for 2016/2017 \$
20	\$164.00
25	\$256.00
32	\$419.00
40	\$655.00
50	\$1022.00

65	\$1727.00
80	\$2614.00
100	\$4083.00
150	\$9188.00
Hillview Water Supply	\$149.00

2. That the minimum annual water availability charge for each unit within a Strata development be one hundred and sixty four dollars and zero cents (\$164.00).
3. That the annual water availability charge for vacant unconnected land be one hundred and sixty four dollars and zero cents (\$164.00).
4. That the annual water availability charge for unmetered or unconnected properties be six hundred and ninety nine dollars and zero cents (\$699.00).
5. That if water pressure at a property is less than 120 kpa, then a larger service may attract a charge of one hundred and sixty four dollars and zero cents (\$164.00).
6. That Water Usage Charges (Section 502) be as follows in the below table.

Type	Consumption	Tariff per kilolitre for 2016/2017
Hillview Estate Water Supply	First 250 kl	\$1.98
	> 250 kl	\$3.97
Residential Filtered	First 250 kl	\$1.89
	> 250 kl	\$2.84
Residential Raw	First 250 kl	\$0.83
	> 250 kl	\$1.25
Other Filtered	First 250 kl	\$1.89
	> 250 kl	\$2.84
Other Raw	First 250 kl	\$0.83
	> 250 kl	\$1.25
Large Industrial Filtered	>0 kl	\$1.62
Large Industrial Raw	>0 kl	\$1.04
Community Clubs:	First 18,000 kl	\$0.75
Golf, Majellan & Bathurst Community Club	>18,000kl to 32,000kl	\$0.99
	Balance	\$1.47
Strata Unit property	First 250 kl (for each unit)	\$1.89
	>250 kl (for each unit)	\$2.84
Home Dialysis – subject to doctors certificate	First 200 kl	Free
	200kl-250 kl	\$1.89
	>250 kl	\$2.84
Hospital	1 <sup>st</sup> x patient average	Free
	Balance per KL	\$2.84

- (i) Included in this year's Bathurst Delivery Plan 2016-2020 and Annual Operating Plan 2016/2017 in the Water Fund are amounts for Operational expenditure at



- 64** **Item 5 NBN ROLLOUT IN BATHURST (08.00005)**  
**MOVED** Cr M Coote and **SECONDED** Cr B Bourke

**RESOLVED:** That Council provide approval to NBN Co Limited for Land Access and Activity Notice for installation of NBN Network within Bathurst, as per the conditions listed within the Director Engineering Services' Report.

- 65** **Item 6 TRUNKY CREEK HOTEL TOILETS (22.12659)**  
**MOVED** Cr I North and **SECONDED** Cr M Morse

**RESOLVED:** That Council:

1. Take no further action on this matter;
2. Request the owners to provide any documentation they have with respect to any purported arrangement concerning the toilets, and if this is provided, Council reconsider the issue; and
3. Investigate the provision of public toilets at Trunkey Creek.

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

- 66** **Item 1 BATHURST REGIONAL ART GALLERY - GENERATION ART PROGRAM (21.00002)**  
**MOVED** Cr W Aubin and **SECONDED** Cr I North

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

- 67** **Item 2 A NEW BATHURST LIBRARY SERVICE - BOOKS ON PRESCRIPTION (18.00115)**  
**MOVED** Cr B Bourke and **SECONDED** Cr M Morse

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

- 68** **Item 3 BATHURST REGION TOURISM REFERENCE GROUP - MEETING HELD 9 MAY 2016 (07.00016)**  
**MOVED** Cr I North and **SECONDED** Cr W Aubin

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

- 69** **Item 4 WORKING TO BUILD A CHILD-SAFE, CHILD-FRIENDLY BATHURST (18.00309)**  
**MOVED** Cr M Coote and **SECONDED** Cr B Bourke

**RESOLVED:** That:

- (a) Council support the initiative of the Bathurst Child and Family Network to build

an awareness of child-safe child-friendly Bathurst within the local business sector and Bathurst community.

- (b) Council takes leadership to promote the principles of UNICEF's Convention on the Rights of a Child, leading towards Bathurst being recognised as a Child Friendly City.
- (c) The initiative is incorporated into the upcoming revised Bathurst 2036 Community Strategic Plan.

**70** **Item 5 CAMPERVAN AND MOTORHOME CLUB OF AUSTRALIA (CMCA) 30TH ANNIVERSARY RALLY (21.00041)**  
**MOVED** Cr B Bourke and **SECONDED** Cr G Westman

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

**71** **Item 6 RECONCILIATION ACTION PLAN (RAP) - UPDATE REPORT (09.00031)**  
**MOVED** Cr I North and **SECONDED** Cr M Morse

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

**72** **Item 7 BATHURST MEMORIAL ENTERTAINMENT CENTRE - BATHURST WRITERS' AND READERS' FESTIVAL IN ASSOCIATION WITH THE SYDNEY WRITERS' FESTIVAL LIVE AND LOCAL (21.00060)**  
**MOVED** Cr I North and **SECONDED** Cr W Aubin

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

**General Manager's Report**

**73** **Item 1 VACANCY IN CIVIC OFFICE - COUNCILLOR JESS JENNINGS (12.00010-08)**  
**MOVED** Cr M Coote and **SECONDED** Cr I North

**RESOLVED:** That Council

- (a) note that the Civic Office held by Councillor Jess Jennings is vacant.
- (b) apply to the Minister to make an Order under Section 294 of the *Local Government Act* that the vacancy not be filled.

**REPORTS OF OTHER COMMITTEES**

**Policy Committee Meeting**

**74** **Item 1 MINUTES - POLICY COMMITTEE MEETING - 1 JUNE 2016 (07.00064)**  
**MOVED** Cr G Westman and **SECONDED** Cr I North



79

**RESOLVE INTO CONFIDENTIAL COMMITTEE OF THE WHOLE TO DEAL WITH CONFIDENTIAL REPORTS****MOVED** Cr M Cooteand **SECONDED** Cr W Aubin

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

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

**RESOLVED:** That:

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

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

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	NAB B2B CYCLING FESTIVAL	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
2	RENEWAL OF RURAL LICENCE AGREEMENT - LOTS 2 AND 3 IN DP1115543 LOCATED ON CHURCH LANE KELSO	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.



3	EXPRESSION OF INTEREST - LOT 3 IN DP1127323, PART LOT 1007 IN DP 1168702 AND PART LOT 1 IN DP624336 LOCATED AT 4040 O'CONNELL ROAD BATHURST	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
4	RENEWAL OF RURAL LICENCE AGREEMENT - LOT 3 IN DP 232111 LOCATED AT 68 MOUNTAIN STRAIGHT MT PANORAMA	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
5	RENEWAL OF LEASE AGREEMENT - LOT 300 IN DP1099537 LOCATED AT 23 ZAGREB STREET, KELSO - DOWNER EDI WORKS PTY LTD	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
6	NAMING OF COUNCIL'S ASSETS	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial

		position of the person who supplied it.
7	INTERNATIONAL ALL VETERAN AUTO RALLY 2019	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

**\* DIRECTOR ENGINEERING SERVICES' REPORT**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	TENDER FOR SEWER PUMP STATION NO 2 REMEDIAL WORKS	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

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

- a** **Item 1 NAB B2B CYCLING FESTIVAL (23.00128)**  
**MOVED** Cr M Coote and **SECONDED** Cr W Aubin

**That** Council act in accordance with the recommendations contained within the report.

- b** **Item 2 RENEWAL OF RURAL LICENCE AGREEMENT - LOTS 2 AND 3 IN DP1115543 LOCATED ON CHURCH LANE KELSO (22.00487)**  
**MOVED** Cr B Bourke and **SECONDED** Cr W Aubin

**That** Council approves entering into a new Rural Licence agreement with Mrs Jennifer Orzowski for Lot 2 and Lot 3 in DP1115543 known as 57A Church Lane Kelso for a period of two (2) years as detailed in the report.

**c Item 3 EXPRESSION OF INTEREST - LOT 3 IN DP1127323, PART LOT 1007 IN DP 1168702 AND PART LOT 1 IN DP624336 LOCATED AT 4040 O'CONNELL ROAD BATHURST (22.05149)**

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

That Council approves entering into a new Rural Licence agreement with Mr Stuart and Mrs Leanne Ferguson for Lot 3 in DP1127323, part Lot 1006 in DP1129907 and Lot 1 in DP624336 located at 4040 O'Connell Road Bathurst for a period of three (3) years as detailed in the report.

**d Item 4 RENEWAL OF RURAL LICENCE AGREEMENT - LOT 3 IN DP 232111 LOCATED AT 68 MOUNTAIN STRAIGHT MT PANORAMA (22.00054)**

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

That Council approves entering into a new Rural Licence agreement with Mr Neil and Mrs Patricia Colley for Lot 3 in DP232111 located at 68 Mountain Straight, Mt Panorama for a period of three (3) years, as detailed in the report.

**e Item 5 RENEWAL OF LEASE AGREEMENT - LOT 300 IN DP1099537 LOCATED AT 23 ZAGREB STREET, KELSO - DOWNER EDI WORKS PTY LTD (22.01342)**

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

That Council approves entering into a new Lease agreement for Lot 300 in DP1099537 located at 23 Zagreb Street, Kelso with Downer EDI Works Pty Ltd for a period of five (5) years with a five (5) year option period as detailed in the report.

**f Item 6 NAMING OF COUNCIL'S ASSETS (04.00041)**

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

That Council support the naming of the Media Centre at Mount Panorama Pit Complex as the "Bill Tuckey Media Centre".

**g Item 7 INTERNATIONAL ALL VETERAN AUTO RALLY 2019 (23.00015)**

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

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

**Director Engineering Services' Report**

**h Item 1 TENDER FOR SEWER PUMP STATION NO 2 REMEDIAL WORKS (36.00590)**

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

That Council accept the tender from Fitt Resources Pty Ltd in the amount of \$175,642.50 (inclusive GST) for the Remedial Works to Sewer Pump Station (SPS) No 2 subject to variations and provisional amounts.

**RESOLVE INTO OPEN COUNCIL**

**80** **RESOLVE INTO OPEN COUNCIL**  
**MOVED** Cr M Coote and **SECONDED** Cr I North

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

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

**81** **ADOPT REPORT OF THE COMMITTEE OF THE WHOLE**  
**MOVED** Cr W Aubin and **SECONDED** Cr I North

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

**MEETING CLOSE**

**82** **MEETING CLOSE**

The Meeting closed at 8.09 pm.

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

**MINUTES OF THE ORDINARY MEETING OF COUNCIL FOLLOWING POLICY  
COMMITTEE  
HELD ON 6 JULY 2016**

**MEETING COMMENCES**

**1 MEETING COMMENCES 6:15 PM**

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

**APOLOGIES**

**2 APOLOGIES**

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

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

**DECLARATION OF INTEREST**

**3 DECLARATION OF INTEREST 11.00002**

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

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

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

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

**MOVED** Cr W Aubin and **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 ENGINEERING SERVICES' REPORT**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	TENDER FOR CONSTRUCTION OF AERODROME BOUNDARY FENCING	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
2	TENDER FOR PREFERRED CONTRACTORS LIST	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	TENDER FOR DESIGN AND CONSTRUCTION OF WINBURNDALE RIVULET BRIDGE (RIVULET ROAD, PEEL)	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****a** **Item 1 TENDER FOR CONSTRUCTION OF AERODROME BOUNDARY FENCING (36.00593)****MOVED** Cr B Bourke and **SECONDED** Cr M Morse

That Council accept the tender of Olympic Fencing Ltd in the amount of \$380,518.60 (incl GST) for the construction of a new boundary fence at the Bathurst Aerodrome, subject to adjustments and provisional items.

**b** **Item 2 TENDER FOR PREFERRED CONTRACTORS LIST (36.00592)****MOVED** Cr G Westman and **SECONDED** Cr M Coote

That Council accepts the Preferred Contractor List for the engagement of contractors for minor building works up to the value of \$20,000 (incl. GST) as listed in the Director Engineering Services' report, subject to submission of complete information being supplied for casual hire and in accordance with the General Conditions of Tender.

**c** **Item 3 TENDER FOR DESIGN AND CONSTRUCTION OF WINBURNDALE RIVULET BRIDGE (RIVULET ROAD, PEEL) (36.00594)****MOVED** Cr B Bourke and **SECONDED** Cr W Aubin

That Council accepts the tender of Civilbuild Pty Ltd for the amount of \$485,833.10 (incl. GST) subject to provisional items and variations.

**RESOLVE INTO OPEN COUNCIL****5** **RESOLVE INTO OPEN COUNCIL****MOVED** Cr G Westman and **SECONDED** Cr W Aubin

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

**ADOPT REPORT OF THE COMMITTEE OF THE WHOLE****6** **ADOPT REPORT OF THE COMMITTEE OF THE WHOLE****MOVED** Cr G Westman and **SECONDED** Cr W Aubin

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

**MEETING CLOSE**

7      **MEETING CLOSE**

The Meeting closed at 6.35 pm.

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



## MINUTE

**6**     **DECLARATION OF INTEREST 11.00002**  
          **MOVED: Cr M Coote SECONDED: Cr W Aubin**

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

Cr North

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

**RECEIVE AND DEAL WITH DIRECTORS' REPORTS AND MINUTES**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

20 JULY 2016

## MINUTE

**7     Item .1   SUSPENSION OF STANDING ORDERS 11.00005**  
**MOVED: Cr I North SECONDED: Cr B Bourke**

**RESOLVED:** That Standing Orders be suspended to allow Council to deal with the Acting Director Environmental Planning & Building Services Report #14: Bathurst Regional Local Environmental Plan 2014 Application No 5 - rezoning and reclassification of Alec Lamberton Field, Lot 7, DP620655, Lee Street, Kelso and Bathurst Regional Development Control Plan 2014 Application No 5.

**6 BATHURST REGIONAL LOCAL ENVIRONMENTAL PLAN 2014**  
**APPLICATION NO 5 – REZONING AND RECLASSIFICATION OF ALEC**  
**LAMBERTON FIELD, LOT 7, DP 620655, LEE STREET KELSO AND BATHURST**  
**REGIONAL DEVELOPMENT CONTROL PLAN 2014 APPLICATION NO 5**  
**(20.00291)**

**Recommendation:** That Council:

- (a) Amend the Bathurst Regional Local Environmental Plan 2014 to rezone those parts of Lot 7, DP 620655 identified in the maps attached to this report from RE1 Public Recreation to IN1 General Industrial;
- (b) Amend the Bathurst Regional Local Environmental Plan 2014 reclassify those parts of Lot 7, DP 620655 identified in the maps attached to this report from Community to Operational;
- (c) Forward the Planning Proposal to the NSW Department of Planning and Environment for gazettal;
- (d) Prepare an amendment to the Bathurst Regional Development Control Plan 2014 to support the partial rezoning of the land to an industrial use;
- (e) Notify those who made submissions of the decision; and
- (f) call a division.

**Report:** Council's Property Section has lodged an application in relation to Alec Lamberton Field, known as Lot 7, DP 620655, Lee Street Kelso, for its rezoning from RE1 Public Recreation to IN1 General Industrial and its reclassification from Community Land to Operational Land.

A location plan is provided at **attachment 1**.

Council at its Ordinary Meeting held 17 June 2015 resolved to:

- (a) prepare a Planning Proposal in accordance with the NSW Department of Planning and Environment Guidelines to rezone Lot 7, DP 620655 from RE1 Public Recreation to IN1 General Industrial and reclassify it from Community to Operational; and
- (b) forward the Planning Proposal to the NSW Department of Planning and Environment requesting a Gateway Determination;
- (c) accept any delegations from the NSW Department of Planning and Environment in relation to this Planning Proposal;
- (d) prepare an amendment to the Bathurst Regional Development Control Plan 2014 to support the rezoning of the land to an industrial use; and
- (e) call a division.

The Alec Lamberton Field Rezoning and Reclassification Planning Proposal involves an amendment to the Bathurst Regional Local Environmental Plan 2014 ("the LEP"), to:

- a) Rezone the land from RE1 Public Recreation to IN1 General Industrial; and
- b) Reclassify the land from Community to Operational (pursuant to Clauses 27 & 28 of the Local Government Act 1993).

This is to be achieved by:

- a) Amending the Land Zoning Map (tile LZN\_011F) under Bathurst Regional Local Environmental Plan 2014.
- b) Amending the Floor Space Ratio Map (tile FSR\_011F) under Bathurst Regional Local Environmental Plan 2014.
- c) Amending the Height of Buildings Map (title HOB\_011F) under Bathurst Regional Local Environmental Plan 2014.
- d) Amending Bathurst Regional Local Environmental Plan 2014 to include Lot 7 DP 263393 in the table under Part 1 of Schedule 4 of the Bathurst Regional Local Environmental Plan 2014 (Classification of Land).

It is important to note that the rezoning and reclassification whilst undertaken at the same time, are in fact two separate decisions which achieve two very different outcomes.

The rezoning of the land from RE1 Public Recreation to IN1 General Industrial zone affects what uses may be carried out on the land.

The reclassification of the land from Community to Operational land under the Local Government Act 1993 affects the way Council, as owner, may deal with the land. All public land owned by Council must be classified as either "Community" or "Operational" land.

*'Community' land is defined for the purposes of the Local Government Act 1993 to be land that is set aside for community use, such as neighbourhood parks and sportsgrounds. Development and use of this land is subject to controls set out in the Act such as Community land cannot be sold, or leased or licensed for more than 21 years. For any leases of community land in excess of 5 years a process of public consultation must occur. In addition to these controls, the Act requires Councils to have plans of management for all Community lands.*

*In contrast, 'Operational' land comprises land that serves a commercial or operational function (e.g. a works depot, car park, sewage pump station), or land that is being retained for commercial or strategic reasons. The range of controls that apply to Community land do not apply to the use and management of Operational land.*

In the event that reclassification of the land is to occur, Council as owner of the land has the ultimate power to determination the future of the land.

Likewise it would be possible to proceed with the reclassification on its own (or part thereof) without the rezoning if Council wished to allow greater flexibility in the future management of the land.

#### Pubic Exhibition

The Planning Proposal was publicly exhibited during the period 19 October 2015 and 16 November 2015. A number of submissions were received during the exhibition period.

A number of submissions were also received before and after the public exhibition period. Included in the submissions were a number of petitions.

A copy of all the submissions including the petitions and those received outside the public exhibition period are at **attachment 2**.

Name	Comments or issues raised
Max Wilson &	<ul style="list-style-type: none"><li>• The field and building could be used by groups whose activities have an</li></ul>

Elizabeth Forbes on behalf of White Rock Progress Association	<p>outdoor theme.</p> <ul style="list-style-type: none"> <li>● The building could be used by groups who need an indoor meeting space.</li> <li>● The site is readily accessible from White Rock and Bathurst.</li> <li>● The building could be upgraded so that it could be hired out.</li> <li>● Tree plantings would create parkland.</li> <li>● White Rock needs a centre of community focus.</li> </ul>
Max Wilson & Elizabeth Forbes on behalf of White Rock Progress Association	<ul style="list-style-type: none"> <li>● White Rock Progress Association unanimously supports idea for use of Alec Lamberton Field by various community groups, with management of the field and building under a management committee made up of interested groups</li> </ul>
Shannon Felsch (Steeline)	<ul style="list-style-type: none"> <li>● An IN1 General Industrial zoning will complement the adjoining industrial/commercial land uses.</li> <li>● Owners of adjoining land will be able to expand into the site if they desire.</li> <li>● Existing roads bounding the site can service industrial uses.</li> </ul>
Civil Aviation Safety Authority (CASA)	<ul style="list-style-type: none"> <li>● Rezoning and reclassification will not affect operations at Bathurst Airport.</li> </ul>
Max Wilson & Elizabeth Forbes on behalf of White Rock Progress Association	<ul style="list-style-type: none"> <li>● Deep concern over loss of recreational land.</li> <li>● No existing recreational land to serve the needs of White Rock residents.</li> <li>● Field creates buffer between residents, Scots School and the adjoining industrial land.</li> <li>● Undeveloped industrial land available in Hampden Park Road therefore this additional land not required.</li> <li>● Council should maintain current zoning.</li> <li>● Trees and shrubs should be planted.</li> <li>● A walking path should be established amongst the plantings.</li> <li>● Scots School may wish to utilise the ovals.</li> <li>● White Rock does not have its own meeting space or park area.</li> </ul>
James MacMahon	<ul style="list-style-type: none"> <li>● Land has been zoned recreation since 1980.</li> <li>● Land is the only usable recreational/parkland in the area.</li> <li>● Land is located on a major road.</li> <li>● Land creates buffer between farm land, Scots School and adjoining industrial land.</li> <li>● No need for additional industrial land as plenty of land available already zoned IN1 Industrial.</li> <li>● Assumption that Council wishes to sell the land to reduce maintenance costs.</li> </ul>
E & V Lehner	<ul style="list-style-type: none"> <li>● Land provides buffer from adjoining industrial land.</li> <li>● Land provides a safe area for recreation.</li> <li>● Grants could be obtained.</li> <li>● Suggestion of various enhancements (including plantings and walking/riding tracks).</li> </ul>
Roads & Maritime Services (RMS)	<ul style="list-style-type: none"> <li>● All vehicle access should be obtained via Lee Street and not Littlebourne Street.</li> <li>● Council should consider impact of new land use (i.e. industrial) on the surrounding road network, in particular the intersection of Lee and Littlebourne Streets.</li> </ul>
Mark Sutton on behalf of Bathurst Evangelical Church	<ul style="list-style-type: none"> <li>● Best use of the site would be as green space.</li> <li>● Green space will provide buffer between residents, Scots School and the adjoining industrial land.</li> </ul>
Peter & Jenny Montgomerie	<ul style="list-style-type: none"> <li>● Field is only recreation area available for White Rock community.</li> <li>● Residents purchased in White Rock knowing field was there.</li> <li>● Field provides buffer between residents, Scots School and the adjoining industrial land.</li> <li>● Recreational activities other than playing sport could occur on the field.</li> <li>● Industrial uses would increase traffic which has the potential to create safety and noise issues.</li> </ul>

	<ul style="list-style-type: none"> <li>● Field could be converted to vegetated open space corridor if it is not used for active recreation.</li> </ul>
Max Wilson & Elizabeth Forbes on behalf of White Rock Progress Association	<ul style="list-style-type: none"> <li>● Loss of recreational land and green space.</li> <li>● No other recreational land to serve the residents of White Rock.</li> <li>● Field provides buffer between residents, Scots School and the adjoining industrial land.</li> </ul>
Max Wilson & Elizabeth Forbes on behalf of White Rock Progress Association	<ul style="list-style-type: none"> <li>● No other recreational land to serve the residents of White Rock.</li> <li>● Field provides buffer between residents, Scots School and the adjoining industrial land.</li> <li>● Council should maintain current zoning.</li> <li>● Trees and shrubs should be planted.</li> <li>● A walking path should be established amongst the plantings.</li> <li>● Scots School may wish to utilise the ovals.</li> <li>● White Rock does not have its own meeting space or park area.</li> </ul>
E & V Lehner	<ul style="list-style-type: none"> <li>● White Rock is isolated from other facilities by the river and the Kelso industrial area.</li> <li>● Residents contribute to existing facilities but have to travel considerable distance to use them.</li> <li>● No other recreational land to serve the residents of White Rock but ample industrial land already available.</li> <li>● Public access has been restricted to the site.</li> </ul>
Petition – Residents of Blue Ridge	<ul style="list-style-type: none"> <li>● No existing recreational land to serve the needs of White Rock residents.</li> <li>● Field creates buffer between residents, Scots School and the adjoining industrial land.</li> <li>● Undeveloped industrial land available in Hampden Park Road therefore this additional land not required.</li> <li>● Council should maintain current zoning.</li> <li>● Trees and shrubs should be planted.</li> <li>● A walking path should be established amongst the plantings.</li> <li>● Scots School may wish to utilise the ovals.</li> <li>● White Rock does not have its own meeting space or park area.</li> </ul>
Petition – Residents of Claremont Drive	<ul style="list-style-type: none"> <li>● No existing recreational land to serve the needs of White Rock residents.</li> <li>● Field creates buffer between residents, Scots School and the adjoining industrial land.</li> <li>● Undeveloped industrial land available in Hampden Park Road therefore this additional land not required.</li> <li>● Council should maintain current zoning.</li> <li>● Trees and shrubs should be planted.</li> <li>● A walking path should be established amongst the plantings.</li> <li>● Scots School may wish to utilise the ovals.</li> <li>● White Rock does not have its own meeting space or park area.</li> </ul>
Petition – Residents of White Rock Road	<ul style="list-style-type: none"> <li>● No existing recreational land to serve the needs of White Rock residents.</li> <li>● Field creates buffer between residents, Scots School and the adjoining industrial land.</li> <li>● Undeveloped industrial land available in Hampden Park Road therefore this additional land not required.</li> <li>● Council should maintain current zoning.</li> <li>● Trees and shrubs should be planted.</li> <li>● A walking path should be established amongst the plantings.</li> <li>● Scots School may wish to utilise the ovals.</li> <li>● White Rock does not have its own meeting space or park area.</li> </ul>
Petition – Residents Frys Lane	<ul style="list-style-type: none"> <li>● No existing recreational land to serve the needs of White Rock residents.</li> <li>● Field creates buffer between residents, Scots School and the adjoining industrial land.</li> <li>● Undeveloped industrial land available in Hampden Park Road therefore</li> </ul>

	<p>this additional land not required.</p> <ul style="list-style-type: none"> <li>● Council should maintain current zoning.</li> <li>● Trees and shrubs should be planted.</li> <li>● A walking path should be established amongst the plantings.</li> <li>● Scots School may wish to utilise the ovals.</li> <li>● White Rock does not have its own meeting space or park area.</li> </ul>
Petition – Residents of Wallaroi Close	<ul style="list-style-type: none"> <li>● No existing recreational land to serve the needs of White Rock residents.</li> <li>● Field creates buffer between residents, Scots School and the adjoining industrial land.</li> <li>● Undeveloped industrial land available in Hampden Park Road therefore this additional land not required.</li> <li>● Council should maintain current zoning.</li> <li>● Trees and shrubs should be planted.</li> <li>● A walking path should be established amongst the plantings.</li> <li>● Scots School may wish to utilise the ovals.</li> <li>● White Rock does not have its own meeting space or park area.</li> </ul>
Petition – Residents of Thompsons Hill Retreat	<ul style="list-style-type: none"> <li>● No existing recreational land to serve the needs of White Rock residents.</li> <li>● Field creates buffer between residents, Scots School and the adjoining industrial land.</li> <li>● Undeveloped industrial land available in Hampden Park Road therefore this additional land not required.</li> <li>● Council should maintain current zoning.</li> <li>● Trees and shrubs should be planted.</li> <li>● A walking path should be established amongst the plantings.</li> <li>● Scots School may wish to utilise the ovals.</li> <li>● White Rock does not have its own meeting space or park area.</li> </ul>
Petition	<ul style="list-style-type: none"> <li>● No existing recreational land to serve the needs of White Rock residents.</li> <li>● Field creates buffer between residents, Scots School and the adjoining industrial land.</li> <li>● Undeveloped industrial land available in Hampden Park Road therefore this additional land not required.</li> <li>● Council should maintain current zoning.</li> <li>● Trees and shrubs should be planted.</li> <li>● A walking path should be established amongst the plantings.</li> <li>● Scots School may wish to utilise the ovals.</li> <li>● White Rock does not have its own meeting space or park area.</li> </ul>
John & Cathy Down	<ul style="list-style-type: none"> <li>● Residents of Bathurst for over 30 years.</li> <li>● Seen many changes and growth in the industrial area that are not attractive or sensible.</li> <li>● Many ugly elements along Lee Street and the Oberon Road make an unattractive approach to Bathurst.</li> <li>● Loss of last piece of green space.</li> <li>● A parkland on the site would create a good approach and therefore a good impression.</li> </ul>
Scots School	<ul style="list-style-type: none"> <li>● Undeveloped industrial land available east of Hampden Park Road therefore this additional land not required.</li> <li>● Rezoning to industrial would impact on students, boarders and staff of Scots School.</li> <li>● Rezoning to industrial would increase traffic and noise and would be aesthetically ugly.</li> <li>● Rezoning would increase industrial activity on a major road running right by Scots School.</li> </ul>
Bathurst District Sport & Recreation Council	<ul style="list-style-type: none"> <li>● BDSRC does not support loss of recreation land.</li> <li>● Land should be retained as recreational and further developed for the nearby residential growth areas.</li> <li>● Request that Council reject proposal and enter into discussion with</li> </ul>



	interested parties on future development for recreational purposes.
Peter Montgomerie	<ul style="list-style-type: none"> <li>● Site would be suitable for a caravan/RV stopover area that includes a waste disposal dump point. Only two other dump points in Bathurst. The one at the treatment works is closed after hours and the one in Corporation Avenue on private land has now closed permanently.</li> <li>● The existing clubhouse building could be easily converted to public toilets.</li> <li>● The whole site should be retained and turned into an entry feature and tourist stop.</li> </ul>
Max Wilson & Elizabeth Forbes on behalf of White Rock Progress Association	<ul style="list-style-type: none"> <li>● Proposal has attracted wide community interest and support for retention as a recreation zone.</li> <li>● Community has become aware of the site's potential importance as an entrance to Bathurst.</li> <li>● <b>Request that Council reconsider and withdraw the application for rezoning and reclassification and reaffirm its intention to maintain the current zoning and current classification.</b></li> </ul>
Elizabeth Chandler	<ul style="list-style-type: none"> <li>● Sporting facilities important for a growing city.</li> <li>● Suggest updating the clubhouse building and adding a gymnasium to create welcome addition to sporting, cultural and community assets.</li> <li>● Landscape designer could complete the site with parks and gardens around the perimeter.</li> </ul>

### Public Hearing

As required by Section 29 of the Local Government Act 1993, a Public Hearing was held on 18 February 2016 in relation to the proposal to reclassify the subject land from Community to Operational. Twenty-seven members of the public attended the hearing. The public hearing report prepared by the independent chair of the Public Hearing is at **attachment 3**.

The findings of the Public Hearing indicated that those who attended sought the retention of the land by Council and its continued use for public purposes rather than the sale of the land that could result if its reclassification proceeds.

### Key matters raised in the submissions and at the Public Hearing

#### ***Need for additional industrial land***

There is no immediate need to identify additional land for industrial purposes in terms of current available vacant industrial land stocks in Bathurst.

#### ***Appropriateness of industrial zoning***

Community submissions sought to have the land retained in the ownership of Council and be put to passive recreational uses.

Community submissions objected to the rezoning of the land for industrial purposes for a number of reasons including its potential to have a negative impact on the amenity of the area through visual and acoustic impacts.

In terms of the future impact of development on the amenity and landscape of the area the land is located at three distinct levels.

The lowest level adjacent to the intersection of Littlebourne and Lee Streets is recommended by the public hearing report not to be reclassified to operational and is recommended to be retained for City gateway beautification treatment. Rezoning of this level to an industrial zoning is therefore not supported.

The next level (the western playing field) sits low in the landscape and adjoins Lee Street. It faces the site of an approved freight terminal and vacant land owned by the Scots School. It is not visible from O'Connell Road. It adjoins other industrial development along Lee Street. An appropriate visual buffer could be achieved (via a DCP amendment) approximately 15 metres deep along the Lee Street frontage. This would allow for a visual and acoustic screen between the subject site and Scots School. In terms of amenity and landscape it is considered that the western playing field could be reclassified to operational and rezoned to industrial, excluding a 15 metre buffer along the Lee Street frontage which should be created via the DCP.

The upper level (the eastern playing field) sits high in the landscape. It adjoins Littlebourne Street. It is highly visible on approach to the City from O'Connell/Oberon. If industrial buildings were to be constructed on this level they would be difficult to screen and would have the potential to significantly impact on the entrance to the City without strict development controls. Rezoning the eastern playing field to industrial is less desirable from an amenity/landscape perspective. In terms of amenity and landscape it is desirable to retain a recreational zoning on the eastern playing field but that the field, excluding a 20 metre buffer along the Littlebourne Street (gateway) frontage, be reclassified to Operational. If the land remains zoned recreation but is reclassified as Operational land, it would allow Council to consider sale or lease for uses such as indoor or outdoor recreation facilities, function centres, information and education facilities or any other such use, including the range of uses suggested in the submissions received.

#### ***Need for gateway beautification***

The lowest level adjacent to the intersection of Littlebourne and Lee Streets is recommended by the public hearing report not to be reclassified to operational and is recommended to be retained for City gateway beautification treatment. Rezoning of this level to an industrial zone is not therefore supported.

#### ***Need for buffer between industrial land and surrounding residential and educational uses***

An appropriate buffer could be achieved if the Community classification and recreational zoning was maintained along the Littlebourne Street and Lee Street frontages to enable appropriate gateway treatment. An appropriate buffer could be created (via a DCP amendment) to provide for a buffer between a future industrial use on the western playing field and Scots School.

#### ***No other recreational land available for the residents of White Rock***

The community have indicated that no recreational land is available to the rural residential development of the White Rock Road area with extensions to such development planned for the future.

Council traditionally has not provided public open space in close proximity to rural residential development on the basis that the larger lot size of blocks does not create a need for provision of passive public open space. If Council were to provide public open space for rural residential development it would be more centrally located within each rural residential estate, not isolated from them. The separation of the subject land from the rural residential areas would suggest that it is effectively regional open space rather than local open space which begs the question, is it appropriately located (i.e. centrally located) to serve as regional open space.

The community have suggested that the site could be converted to a nature reserve/botanic garden with an Aboriginal Cultural focus. This location does not present itself as an ideal site for a major regional recreation space of the kind suggested in terms of access to it from other residential areas of Bathurst. Its separation from the growing suburb of Kelso by the Great Western Highway is considered a barrier. A more appropriate site might be identified for such future regional recreation facility of this kind.

The retention of the upper level (the eastern playing field) as recreational land (but with an operational classification) will enable Council to consider reuse for a range of either active or passive recreational uses, including private recreational uses.

#### Recommended Option for Rezoning and Reclassification

See map at **attachment 4** indicating the recommended option for reclassification.

See map at **attachment 5** indicating the recommended option for rezoning.

#### Development Control Plan Amendment

Should Council resolve to adopt the recommended option for the rezoning and reclassification (i.e. the rezoning of the lower level – western playing field to IN1 General Industrial) an amendment to the Bathurst Regional Development Control Plan 2014 will be prepared to introduce development controls for this land including a buffer along Lees Street opposite Scots School. The amendment would be publicly exhibited and reported to Council independent of the current process.

#### Conclusion

Council's Property Section has lodged an application in relation to Alec Lamberton Field, known as Lot 7, DP 620655, Lee Street Kelso, for its rezoning from RE1 Public Recreation to IN1 General Industrial and reclassification from Community Land to Operational Land. The Planning Proposal was publicly exhibited during the period 19 October 2015 and 16 November 2015. A number of submissions were received during the exhibition period. As required by Section 29 of the Local Government Act 1993, a Public Hearing was held on 18 February 2016 in relation to the proposal to reclassify the subject land from Community to Operational. Twenty-seven members of the public attended the hearing. The findings of the Public Hearing indicated that those who attended sought the retention of the land by Council and its continued use for public purposes rather than the sale of the land that could result if its reclassification proceeds. Council also received a request from the public **not** to proceed with the Planning Proposal.

The submissions highlight the importance of the landscape and amenity values of the site and its potential to serve as open space for the White Rock area. An examination of the landscape and amenity issues suggests that the retention of the eastern (upper) playing field would address the issues raised. It is recommended that the majority of the site be reclassified to Operational to give Council flexibility in securing either an appropriate public or private recreational use of the eastern (upper) playing field. It is considered that an industrial rezoning of the western (lower) playing field can be supported on amenity and landscape grounds should Council wish to pursue the future sale of this portion of the site for industrial purposes.

**Financial Implications:** Council is not currently funding the maintenance or improvement of the land under its management plan. The reclassification of the land will not change the current financial status quo. The reclassification would however offer Council an opportunity to sell or lease the land into the future, notwithstanding its zoning.

**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 6 BATHURST REGIONAL LOCAL ENVIRONMENTAL PLAN 2014 APPLICATION NO 5 – REZONING AND RECLASSIFICATION OF ALEC LAMBERTON FIELD, LOT 7, DP 620655, LEE STREET KELSO AND BATHURST REGIONAL DEVELOPMENT CONTROL PLAN 2014 APPLICATION NO 5 (20.00291)**  
**MOVED: Cr M Morse SECONDED: Cr I North**

**RESOLVED:** That Council:

- (a) Not proceed to amend the Bathurst Regional Local Environmental Plan 2014 to rezone Alec Lamberton Field from Recreation to IN1 General Industrial.
- (b) Amend the Bathurst Regional Local Environmental Plan 2014 reclassify those parts of Lot 7, DP 620655 identified in the maps attached to this report from Community to Operational;
- (c) Forward the Planning Proposal to the NSW Department of Planning and Environment for gazettal;
- (d) Notify those who made submissions of the 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, Cr G Rush, Cr G Westman,

Against the motion - Nil

Absent - Nil

Abstain - Nil

**MINUTE**

**9 Item 6 RESUMPTION OF STANDING ORDERS 11.00005**  
**MOVED: Cr I North SECONDED: Cr W Aubin**

**RESOLVED:** That Council resume Standing Orders.

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

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

20 JULY 2016

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

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

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

**Financial Implications:** Nil.

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

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



**MINUTE**

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

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

**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 June 2016 (**attachment 1**).
- (b) Applications refused during June 2016 (**attachment 2**).
- (c) Applications under assessment as at the date of compilation of this report (**attachment 3**).
- (d) Applications pending approval for greater than 40 days as at the date of compilation of this report (**attachment 4**).
- (e) Applications with variations to development standards under State Environmental Planning Policy No. 1 or Clause 4.6 of Bathurst Regional LEP 2014 approved in June 2016 (**attachment 5**).
- (f) No political disclosure statements have been received in relation to any "planning applications" being considered at this meeting.

**Financial Implications:** Nil.

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

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

## MINUTE

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

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

**3 DEVELOPMENT APPLICATION NO. 2016/0139 – DUAL OCCUPANCY AND TWO LOT SUBDIVISION AT LOT B DP 356335, 158 RANKIN STREET, BATHURST. APPLICANT & OWNER: MR W BEATTIE (DA/2016/0139)**

**Recommendation:** That Council:

- (a) support the variation to the Minimum Lot Size for Clause 4.1B Minimum lot sizes for dual occupancies, multi dwelling houses and residential flat buildings development standards prescribed in the Bathurst Regional Local Environmental Plan 2014 and Bathurst Regional DCP 2014; and
- (b) as the consent authority, grant consent pursuant to section 80 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2016/0139, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended; and
- (c) call a division.

**Report:** The Site

Council has received a Development Application (DA) for dual occupancy and two lot subdivision at 158 Rankin Street, Bathurst, described as Lot B DP 356335. A location plan is provided at **attachment 1**.

The site is located within a residential area of Bathurst. Surrounding development consists of a mixture of single storey dwellings and medium density reflective of the local Bathurst Heritage and the Heritage Conservation Area in which it is situated. Several of the dwellings have been converted into commercial premises.

The site contains a single storey dwelling and detached garage/shed. The site is 518.5 sqm.

**The proposal**

The proposal involves the construction of a new second dwelling (dual occupancy) and two lot subdivision. The plan of proposed development is at **attachment 2**. The second dwelling is single storey dwelling and is located at the rear of the site. The proposal also requires the existing garage to be demolished.

The development includes the removal of 2 trees at the rear of the site.

**Planning Context**

*Bathurst Regional Local Environmental Plan 2014*

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

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

Clause 4.1B of the LEP requires a minimum lot size for a dual occupancy of 600 sqm. The property is 518.5 sqm.

The proposed development is seeking consent to vary Clause 4.1B of Bathurst Regional LEP 2014 for a dual occupancy on a lot that is less than the minimum lot size.

A Clause 4.6 Variation was submitted with the DA documentation and is included within the Statement of Environmental Effects (**attachment 3**). The variation to the development standard is justified by the following:

- The variation is considered of minor nature, a 13.6% variation to the required lot size;
- The development remains consistent with the objectives R1 General Residential Zone and encourages higher density development within close proximity to Bathurst CBD;
- Provides a variety of housing supply within close proximity to the Bathurst CBD; and
- Facilitates the transition from low to medium density housing in the immediate vicinity.
- The development has been designed such that it achieves adequate open space, parking and manoeuvring areas for the each of the dwellings.

The Clause 4.6 Variation is considered to be well founded and adequately justifies the non-compliance with the minimum lot size for dual occupancies. The proposed development complies with all other development standards. It is considered there are sufficient planning grounds to justify the non-compliance and should not result in an adverse impact.

#### **Clause 5.10 Heritage Conservation**

The subject site is located within the Bathurst Heritage Conservation Area but is not listed as an Item of Heritage Significance.

The proposal to remove the existing garage on site is considered acceptable given it is not original and there is little impact on the streetscape.

The proposed dwelling at the rear of the property has been designed to reflect heritage development controls pursuant to the Bathurst Regional DCP 2014.

The proposed dwelling is a single storey dwelling consisting of a 30 degree roof pitch, brick veneer and colorbond roof and gutter. Conditions will be imposed for the use of strong autumn tones in the building materials.

#### *Development Control Plan*

#### **Bathurst Regional Development Control Plan 2014 – Chapter 4 Residential Development**

The site is contained within Precinct 1 pursuant to the *Bathurst Regional Development Control Plan 2014* (DCP). Dual occupancy and two lot residential subdivision is permissible with consent in the precinct. 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	518m <sup>2</sup>	600m <sup>2</sup>	No*
Setbacks Front	Complements Existing	Complements Existing	Yes

Rear Side	1.01m 900mm	In accordance with BCA In accordance with BCA	Yes Yes
Height	4.7m	Two-storey maximum	Yes
Site coverage	48%	50%	Yes
Car parking Resident Visitor	1 per dwelling 1 (stacked)	1 1	Yes Yes
Accessway width	3.5m	3-6m	Yes
Open space area	30.5m <sup>2</sup>	30m <sup>2</sup>	Yes
Open space width	>4m	4m wide	Yes

- \* The proposed development does not comply with the minimum lot size for dual occupancies within Residential Precinct 1. Notwithstanding the development is considered acceptable for the reasons noted above.

### ***Bathurst Regional Development Control Plan 2014 - Chapter 13 Landscaping and Greening***

The proposal seeks consent to removal of two trees. The trees to be removed are as follows:

- A mature Chinese Windmill Palm - *Trachycarpus fortunei* . It is believed to be fully grown and approximately 11 metres tall. This species of palm is quite common in Bathurst as they are not susceptible to frost. The tree is not a particularly good specimen, due to minimal and sparse branching fronds present. This palm is not considered to be significant in this location.
- A Walnut Tree - *Juglans regia* . The tree is mature, approximately 12 metres tall with a canopy drip line of approximately 14 metres. Walnut trees are common in Bathurst, although the shape, size and maturity of this specimen implies it has some significance.

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

#### Submissions

The Development Application did not trigger the requirement for exhibition or notification, pursuant to Chapter 2 of the Bathurst Regional DCP 2014.

#### Conclusion

Council has received a Development Application (DA) for dual occupancy and two lot subdivision at 158 Rankin Street, Bathurst. The proposal complies with all other development standards and development controls imposed by relevant planning documents with the exception of the minimum lot size for a dual occupancy specified in the LEP and DCP. Council staff support the applicants Clause 4.6 Variation to vary the minimum lot size - Dual Occupancy standard for the reasons outlined in this report. The proposal is consistent with the objectives for the R1 General Residential Zone and introduces higher density within close proximity to the CBD.

It is recommended the Development Application be approved subject to conditions.

**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

**12 Item 3 DEVELOPMENT APPLICATION NO. 2016/0139 – DUAL OCCUPANCY AND TWO LOT SUBDIVISION AT LOT B DP 356335, 158 RANKIN STREET, BATHURST. APPLICANT & OWNER: MR W BEATTIE (DA/2016/0139)**

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

**RESOLVED:** That Council:

- (a) support the variation to the Minimum Lot Size for Clause 4.1B Minimum lot sizes for dual occupancies, multi dwelling houses and residential flat buildings development standards prescribed in the Bathurst Regional Local Environmental Plan 2014 and Bathurst Regional DCP 2014; and
- (b) as the consent authority, grant consent pursuant to section 80 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2016/0139, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended; and
- (c) call a division.

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

**The result of the division was:**

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

Against the motion - Nil

Absent - Nil

Abstain - Nil



**4 DEVELOPMENT APPLICATION NO. 2016/0130 – DEMOLITION OF EXISTING DWELLING, CONSTRUCTION OF SINGLE STOREY REPLACEMENT DWELLING WITH ATTACHED GARAGE AND CARPORT AT 76 LAMBERT STREET, BATHURST. APPLICANT: ADAM HART CONSTRUCTIONS PTY LTD. OWNER: MR W SMITH (DA/2016/0130)**

**Recommendation:** That Council:

- (a) as the consent authority, grant consent pursuant to section 80 of the Environmental Planning and Assessment Act 1979, as amended to Development Application 2016/0130, 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 replacement building.
  - ii. Demolition is not to commence until a photographic record has been created of the existing building and submitted to Council.
  - iii. The applicant is to submit to Council for approval a schedule of materials, colours and finishes and this is to include a non-coloured traditional corrugated profile roof material.
  - iv. The applicant is to submit to Council a schedule of materials from the existing dwelling to be reused in the proposed dwelling.
- (b) call a division.

**Report:** Council has received a Development Application (DA) for the demolition of an existing dwelling and construction of a single storey replacement dwelling with attached garage and carport at 76 Lambert Street, Bathurst, described as Lot 1, DP 1011728. A location plan is provided at **attachment 1**.

**The Site**

The site currently contains a single storey dwelling, a separate garage and a separate carport.

The site is 396 square metres.

**The proposal**

The proposal involves:

- Demolition of the existing dwelling, garage and carport; and
- Construction of a single storey replacement dwelling with attached garage and carport.

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

**Advertising and Notification**

In accordance with the Chapter 2 - Exhibition & Notification of Development Applications of the Bathurst Regional Development Control Plan 2014, the application was advertised between 9 May 2016 and 23 May 2016 and three (3) adjoining residents were notified. During the advertising and notification period two (2) submissions were received (see

submissions at **attachment 3**).

A Discussion Forum was convened by the Acting Director Environmental Planning and Building Services on 7 June 2016 with the owner, applicant and objectors in attendance (see minutes of Discussion Forum at **attachment 4**).

Issues raised in the submissions and at the Discussion Forum included:

Name/Organisation	Issues	Comment
National Trust	<ul style="list-style-type: none"> <li>● Colorbond is an inappropriate material for roofing. A form of corrugated iron of traditional cut, lay and colour will suit the house and neighbourhood.</li> <li>● A separate roof for the garage is recommended. This will give the garage a traditional detached appearance, while allowing for the garage to remain attached to the house. It is naturally expected that the owner would wish to have the convenience of a garage built into the main house.</li> </ul>	<ul style="list-style-type: none"> <li>● During the Discussion Forum the owner and applicant agreed to use whatever roofing material Council considered appropriate. A condition is proposed to ensure that a traditional profile non-coloured roofing material is used.</li> <li>● During the Discussion Forum the applicant and owner presented amended plans that showed a separate roof over the attached garage.</li> </ul>
Mrs M Boet	<ul style="list-style-type: none"> <li>● Impact of blank garage wall on view from lounge room window.</li> <li>● Impact of garage on sunlight into lounge room window.</li> </ul>	<ul style="list-style-type: none"> <li>● During the Discussion Forum the applicant and owner presented amended plans that showed a separate roof over the attached garage which reduces its bulk and therefore improves solar access to the neighbours window.</li> <li>● The amended plans also showed that the front setback for the proposed garage increased from 9 metres to 10 metres which will offset the building from the neighbour's window.</li> </ul>

It should be noted that neither of the two submissions strongly opposed the proposed development but rather raised concerns about specific elements of the infill development that have since been addressed with the submission of amended plans.

### Planning Context

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

The subject site is zoned R1 General Residential under the provisions of the Planning Instrument. The proposal is defined as *dwelling* and is permissible with consent in the R1 General Residential zone. The proposal complies with the objectives of the zone.

## 5.10 Heritage Conservation

The site is located within 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 is a simple Late Victorian cottage. It is not an exceptional example of its period of construction and has been significantly altered. As is evident in the Structural Assessment, the dwelling is generally in a poor form that lacks construction integrity and originality.

Pre-Development Application advice before the preparation of the Structural Assessment sought retention of the front four rooms of the dwelling as an alternative to outright demolition. In this instance complete demolition is supported on the following basis:

- The dwelling's poor condition;
- The lower conservation value of the dwelling given that it has been significantly altered from its original construction; and
- The appropriateness of the infill building.

### ***Bathurst Regional Development Control Plan 2014 – Chapter 4 Residential Development***

The site is contained within Precinct 1 pursuant to the *Bathurst Regional Development Control Plan* (DCP) 2014. The following development standards are applicable to the development:

#### Chapter 4 Residential Development

<b>Development Standard</b>	<b>Proposed</b>	<b>Permissible</b>	<b>Compliance</b>
Setbacks			
Front	0.9m	Complement existing	Yes
Carport	5.0m	Behind building line	Yes
Garage	10.5m	Behind building line	Yes
Rear	As per BCA	As per BCA	Yes
Side	As per BCA	As per BCA	Yes
Car parking			
Resident	2 spaces	1 space	Yes
Height	Single storey	Two storey	Yes
Open space area	>40m <sup>2</sup>	40m <sup>2</sup>	Yes
Open space width	>4.0m <sup>2</sup>	Minimum 4.0m	Yes

## Chapter 10 Urban Design & Heritage Conservation

### 10.3.3 Statement of Heritage Impact

A detailed Heritage Impact Statement (**attachment 5**) has been prepared in accordance with Section 10.3.3 of the Bathurst Regional Development Control Plan 2014.

The document identifies the following Statement of Significance for the existing dwelling:

*There is scarce information available about this property. It is not shown on the 1877 sketch of Bathurst due to falling outside of CBD area, even so the drawing would only have shown an empty lot as the building was likely constructed in c 1920, the architectural style is not certain as much use was made of second hand materials and fittings, making more precise dating difficult. Further details can be found in the Physical Evidence section of this document. In addition, the property is not heritage listed however it is within the Bathurst Heritage Conservation Area.*

*The building has a wood frame with an iron roof. Internal walls are typically timber framed, with floor construction generally bearers and joists with some construction on slab. The verandah is brick under a large, hipped iron roof. The roof, gutters, flashing and external timbers are damaged and in poor condition, generally under later cladding. The structural report notes that the water damage and reactive clay movement throughout the house is considered category 4 which is the highest rating in terms of vertical and stepwise cracks up to 20mm in width.*

*Originally the building was likely a simple typical interwar 4 room cottage. There have been modifications and additions throughout the life of the building, mainly circa 1940-50 which have further compromised the structural integrity of the house. There is no landscape to speak of and the yard is in poor condition. This whole series of works to a minor dwelling, using second-hand reclaimed materials, combines to form an unlikely mish-mash of materials and poor overall structure, design and appearance. All of these issues detract greatly from any possible site significance, leading to little significance being enjoyed by this site.*

Despite the above findings Council is of the opinion that the original dwelling was constructed in the Late Victorian period (1880-1900). The configuration of the kitchen (including chimney/fireplace) suggests that it was originally separate from the main building which was common up until the end of the Late Victorian period.

The document identifies the following Statement of Heritage Impact:

*The proposal is to build a dwelling of very similar design and proportions to the existing, when viewed from the street. Although the garage is attached it presents the same elevation as currently existing with the garage to the left of the house. It will not materially affect views or shading of the adjacent items. Therefore the heritage items in the vicinity will not be detrimentally affected and do not warrant separate heritage investigation.*

*Whilst archaeological investigation and assessment of heritage issues is an important part of the legislation and development planning in Bathurst, archaeological excavation of the site would be an expensive and unnecessary requirement, due to the likely minimal significance of any remains.*

*The proposal will conserve the scale, residential nature and landscape of the built form of the street, and the general Bathurst Conservation Area.*

### Historical Assessment

The Heritage Impact Statement contains a detailed Historical Assessment.

The Heritage Impact Statement provided with the application states the site was owned by J Barnes who was an avid Bathurst community member in the 1800's, but he did not live at the subject site. The history of the house is relatively unknown.

## Structural Assessment

A Structural Assessment has been prepared by Calare Civil Pty Ltd (dated 24 February 2016). An addendum to the Structural Assessment was prepared by Calare Civil Pty Ltd (dated 26 May 2016) that included a more detailed itemised list and costings for essential and desirable works. The addendum to the Structural Assessment identifies the following essential and desirable works:

1. Essential Work (to ensure structural soundness and safety of building, and to extend building life):
  - Demolition of existing rear extension;
  - Replace bathroom, kitchen, living areas;
  - Install dampcourse throughout;
  - Install termite protection system;
  - Replace flooring – bearers & joist with support piers;
  - Remove Asbestos layer of cladding;
  - Remove timber layer of cladding with lead paint;
  - Remove & replace windows due to rot;
  - Remove & replace internal linings;
  - Install insulation to existing walls;
  - Install downpipes & stormwater system;
  - Installation of new doors, skirting, architraves; and
  - Replacement of all floor covering and light fittings.

The cost of the above Essential Works is estimated at \$329,237.56 which includes a \$20,000 contingency.

2. Desirable Work (to make the structure more habitable and comfortable):
  - Underpin footings;
  - Install ventilation extraction system;
  - Replace external timber wall cladding;
  - Remove & replace fascia, gutter & eaves;
  - Replace iron roof with new rafter/battens as required;
  - Remove/replace front patio;
  - Remodel front verandah to match streetscape;
  - Install insulation paper & wool insulation batts;
  - Removal of all rubbish from site; and
  - Painting throughout including timber.

The cost of the above Desirable Works is estimated at \$109,822.35.

The Structural Assessment including addendum is at **attachment 6**.

The Pest Inspection Report of the premises is at **attachment 7**.

The schedule of costs is significant, however it should be noted that a number of elements listed should be excluded as they would be building elements that would have to be met in the construction of a new dwelling, for example:

- Replace bathroom, kitchen and living areas;
- Replace internal finishings;
- Install insulation;
- Install doors, skirting and architraves;

- Replace floor coverings and light fittings;
- Removal of rubbish from site; and
- Painting throughout.

#### 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.

<b>Address of building:</b>	76 Lambert Street Bathurst
<b>BCAMS rating:</b>	8
<b>Type of building/current use:</b>	The dwelling has been used for residential purposes but is not currently lived in.
<b>Zoning:</b>	R1 General Residential
<b>Period of construction:</b>	Exact date unknown but photos suggest late Victorian era (1880-1900) - Representative
<b>Heritage listings:</b>	Located within the Bathurst Heritage Conservation Area.
<b>Streetscape:</b>	The dwelling sits within a residential streetscape.
<b>Brief history:</b>	The Heritage Impact Statement provided with the application states the site was owned by J Barnes who was an avid Bathurst community member in the 1800's, but he did not live at the subject site. The history of the house is relatively unknown.
<b>Physical description:</b>	76 Lambert Street is a simply late Victorian cottage. It is not an exceptional example of its period of construction as it has been significantly modified.
<b>Condition description:</b>	The dwelling is generally in a poor form that lacks construction integrity and originality.
<b>Statement of significance:</b>	The dwelling sits well within the streetscape along Lambert Street. Elements of the original kitchen such as the chimney and board and batten wall have been uncovered during partial demolition at the rear of the building. The dwelling is of late Victorian period, however it is not an exceptional example of its period of construction as it has been significantly modified.
<b>Heritage significance:</b>	Historically significant in a regional context (pre 1900/state significant)
<b>Streetscape rating:</b>	Contributory
<b>Special vegetation:</b>	None
<b>Comments:</b>	The size and style of the dwelling within the streetscape indicates it would have been a typical home in the Late Victorian period. The dwelling has undergone significant changes to the original fabric and does appear to be in poor structural form.
<b>Integrity:</b>	Altered unsympathetically – Reversible

Despite the high BCAMS rating, the very poor condition of the building and the extent of reconstruction required means that repair and retention is not feasible in this instance. As the rating remains high the best outcome is considered to be demolition and reconstruction using as much of the original fabric as possible. In this regard a condition will be imposed seeking a schedule of materials to be reused in the new building.

#### Conclusion

Council has received a Development Application (DA) for the demolition of an existing dwelling and construction of a single storey replacement dwelling with attached garage and carport at 76 Lambert Street, Bathurst. A Heritage Impact Statement which includes Structural and Historical Assessments has been submitted with the Development

Application. In this instance the proposed demolition is supported because of its poor condition and because the conservation value of it is very low given that it has been significantly altered from its original construction in the Late Victorian period. The proposed infill dwelling will have a positive impact on the Heritage Conservation Area.

**Financial Implications:** Nil.

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

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

## MINUTE

**13 Item 4 DEVELOPMENT APPLICATION NO. 2016/0130 – DEMOLITION OF EXISTING DWELLING, CONSTRUCTION OF SINGLE STOREY REPLACEMENT DWELLING WITH ATTACHED GARAGE AND CARPORT AT 76 LAMBERT STREET, BATHURST. APPLICANT: ADAM HART CONSTRUCTIONS PTY LTD. OWNER: MR W SMITH (DA/2016/0130)**

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

**RESOLVED:** That Council:

- (a) as the consent authority, grant consent pursuant to section 80 of the Environmental Planning and Assessment Act 1979, as amended to Development Application 2016/0130, 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 replacement building.
  - ii. Demolition is not to commence until a photographic record has been created of the existing building and submitted to Council.
  - iii. The applicant is to submit to Council for approval a schedule of materials, colours and finishes and this is to include a non-coloured traditional corrugated profile roof material.
  - iv. The applicant is to submit to Council a schedule of materials from the existing dwelling to be reused in the proposed dwelling.
  - v. Prepare a dilapidation report for the building adjoining the site known as Lot 15 DP1041219, 78 Lambert Street.
- (b) call a division.

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

**The result of the division was:**

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

Against the motion - Nil

Absent - Nil

Abstain - Nil



**5 DEVELOPMENT APPLICATION NO. 2016/177 – 2 X 3 BEDROOM RESIDENTIAL UNITS AND 3 LOT RESIDENTIAL SUBDIVISION AT 44 ESROM STREET, WEST BATHURST. APPLICANT: MR JEREMY COWELL. OWNER: MR G BRYANT, MRS K BRYANT, GALIAN PTY LTD (DA/2016/177)**

**Recommendation:** That Council:

- (a) support the variation to the Minimum Lot Size for *Clause 4.1B Minimum lot sizes for dual occupancies, multi dwelling housing and residential flat buildings* development standards prescribed in the Bathurst Regional Local Environmental Plan 2014;
- (b) Support the variation to the Residential Density development standards prescribed in Section 4.2 of the Bathurst Regional Development Control Plan 2014;
- (c) as the consent authority, grant consent pursuant to section 80 of the Environmental Planning and Assessment Act 1979, as amended to Development Application No. 2016/177, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended; and
- (d) call a division.

**Report:** The Site

Council has received a Development Application (DA) for the construction of 2 x 3 bedroom residential units and 3 lot residential subdivision at 44 Esrom Street, described as Lot 1, Section 133, DP 23045. A location plan is provided at **attachment 1**.

The site contains a single storey dwelling, facing 44 Esrom Street which is being retained.

The surrounding area is characterised by single storey, detached residential dwellings although there are a number of dual occupancy and residential units dispersed about the locality. Adjacent the site is industrial zoned land, currently being occupied by Simplot and Dunbar Scaffolding.

The site has an area of 1,239m<sup>2</sup>.

**History of the Site**

The site has been used for residential uses only.

**The proposal**

The proposal involves two single storey, three bedroom dwellings at the rear of the site, and three lot residential subdivision. The plan of proposed development is 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*. Multi dwelling housing and three lot residential subdivision is permissible with consent in the R1 General Residential zone. The proposal is consistent with the objectives of the zone and compatible with surrounding dwelling types

within the vicinity.

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

Clause 4.1B of the LEP requires a minimum lot size for multi dwelling housing of 1,300m<sup>2</sup>.

The proposed development is seeking consent to vary the Bathurst LEP 2014 Clause 4.1B for multi dwelling housing on a lot that is less than the minimum lot size specified on the Minimum Lot Size Map.

A Clause 4.6 Variation was submitted with the DA documentation. The variation to the development standard is justified by the following:

- The variation is considered of minor nature, a 4.7% variation to the required lot size;
- The development remains consistent with the objectives R1 General Residential Zone and encourages higher density development within close proximity to Bathurst CBD;
- Provides a variety of housing supply within close proximity to major employment hubs;
- The development has been designed such that it achieves adequate open space, parking and manoeuvring areas for each of the dwellings; and
- Development on a similar scale is within the vicinity.

The Clause 4.6 Variation Request is considered to be well founded and adequately justifies the non-compliance with the minimum lot size for multi dwelling housing. The proposed development complies with all other development standards. It is considered there are sufficient planning grounds to justify the non-compliance and should not result in an adverse impact.

*Development Control Plan*

**Bathurst Regional Development Control Plan 2014 – Chapter 4 Residential Development**

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

Development Standard	Proposed	Permissible	Compliance
Minimum lot size	1,239m <sup>2</sup>	1,300m <sup>2</sup>	No*
Density	71.03	60.00	No**
Site Coverage	34.26%	Maximum 50%	Yes
Height	4.8m	Two- storey maximum	Yes
Setbacks Front Rear Side	total 15m 1.6m 4.7m	total 8m In accordance with BCA In accordance with BCA	Yes Yes Yes
Car parking Resident Visitor	1 1	1 1	Yes Yes
Accessway Width	3.4m/dwelling	3-6m wide	Yes
Open space area	>40m <sup>2</sup>	40m <sup>2</sup> each	Yes

Open space width	4m wide	4m wide	Yes
Battle-axe allotment	Regular	Regular allotments only	Yes
Frontage width	>20m	Minimum 20 metres	Yes
Frequency	Corner allotment	Corner allotment or 40m separation	Yes

- \* The proposed development seeks consent for multi dwelling housing on a site that is less than the minimum lot size specified on the Minimum Lot Size Map of the Bathurst Regional DCP 2014. The minimum lot size required is 1,300m<sup>2</sup> and the subject site is 1239m<sup>2</sup>. The variation is for 4.7% of the required lot size for multi dwelling housing. Therefore the density does not comply.
- \*\* The applicants are also seeking an 18.4% variation to the Residential Density provisions of Section 4.2 of the DCP. The non-compliance is primarily attributable to the smaller lot size.

Council staff have supported the variation to the minimum lot size for multi unit developments outlined above.

Notwithstanding the development is considered acceptable for the reasons noted above.

### Submissions

The development application was advertised and notified to adjoining property owners from 20 June 2016 to 4 July 2016. Following the advertising and notification period no submissions were received.

### Conclusion

Council has received a Development Application for multi dwelling housing at 44 Esrom Street, West Bathurst. There is an existing dwelling on site and a proposal for two additional 3 bedroom dwellings at the rear. The DA seeks consent to vary the minimum lot size for multi dwelling housing by 4.7% and the residential density provisions by 18.4%. The proposal meets the requirements of all other development standards and planning controls.

Council staff support the variation of the Minimum lot size for Multi dwelling housing (Clause 4.1B of the Bathurst Regional Local Environmental Plan 2014) and the residential density development standards (Section 4.2 of the Bathurst Regional Development Control Plan 2014) for the reasons outlined in this report.

**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

**14 Item 5 DEVELOPMENT APPLICATION NO. 2016/177 – 2 X 3 BEDROOM RESIDENTIAL UNITS AND 3 LOT RESIDENTIAL SUBDIVISION AT 44 ESROM STREET, WEST BATHURST. APPLICANT: MR JEREMY COWELL. OWNER: MR G BRYANT, MRS K BRYANT, GALIAN PTY LTD (DA/2016/177)**

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

**RESOLVED:** That Council:

- (a) support the variation to the Minimum Lot Size for *Clause 4.1B Minimum lot sizes for dual occupancies, multi dwelling housing and residential flat buildings* development standards prescribed in the Bathurst Regional Local Environmental Plan 2014;
- (b) Support the variation to the Residential Density development standards prescribed in Section 4.2 of the Bathurst Regional Development Control Plan 2014;
- (c) as the consent authority, grant consent pursuant to section 80 of the Environmental Planning and Assessment Act 1979, as amended to Development Application No. 2016/177, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended; and
- (d) call a division.

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

**The result of the division was:**

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

Against the motion - Nil

Absent - Nil

Abstain - Nil

**6 DEVELOPMENT APPLICATION NO. 2016/0173 – SINGLE STOREY DWELLING WITH ATTACHED GARAGE AND DETACHED GARAGE AT LOT 14, 15, 16, 19, 20 DP 750354 & LOT 1 DP 245842, O'REAGANS ROAD AND HOLLIS LANE, PERTHVILLE. APPLICANT: J & A SEAMAN C/- ANTHONY DAINITH TOWN PLANNING. OWNER: JD & JA SEAMAN & J & A SEAMAN PTY LTD (DA/2016/0173)**

**Recommendation:** That Council:

- (a) support the variation to Clause 4.2B Erection of dwelling houses on land in certain rural zones prescribed in the Bathurst Regional Local Environment Plan 2014; and
- (b) as the consent authority, grant consent pursuant to section 80 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2016/0173, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended and including conditions to the effect that:
  - (i) The subject land is to be consolidated into one lot.

Note: Evidence of consolidation is to be provided to Council prior to the issuing of an Occupation Certificate.

- (c) call a division.

**Report:** The Site

Council has received a Development Application (DA) for a construction of a dwelling and detached garage at Hollis Lane, Perthville, described as Lot 14, 15, 16, 19, 20 DP 750354 and Lot 1 DP 245842. A location plan is provided at **attachment 1**.

The site has a total area of approximately 93ha.

The site is currently vacant. Access to the site is proposed to be constructed off Hollis Lane.

**History of the Site/Proposal (if applicable)**

The site was previously used for agricultural purposes.

**The proposal**

The proposal involves:

- construction of a 5 bedroom dwelling with attached garage;
- detached garage; and
- construction of driveway and internal road off Hollis Lane.

The plan of proposed development is at **attachment 2**.

**Planning Context**

*Bathurst Regional Local Environmental Plan 2014*

The subject site is zoned RU1 Primary Production under the provisions of the *Bathurst Regional Local Environmental Plan 2014*. Dwellings and garages are permissible with consent in the RU1 Primary Production zone. The proposal is generally consistent with the objectives of the zone.

#### 4.2 Erection of dwelling houses on certain rural zones

The objective of this clause is to minimise unplanned rural residential development.

The site is zoned RU1 Primary production and is currently vacant.

The minimum lot size map specifies the minimum lot size is 100Ha on the subject site. The subject site has an area of approximately 93.079Ha (as calculated in the table below). This does not comply with the minimum lot size of 100Ha.

Lot	DP	Area
1	245842	1.699Ha
20	750354	17.18Ha
19	750354	16.19Ha
16	750354	16.19Ha
15	750354	16.19Ha
14	750354	25.00Ha
<b>Total Area</b>		<b>93.079</b>

The proposed development is seeking consent to vary Clause 4.2B of Bathurst LEP 2014 for the erection of a rural dwelling on a lot that is less than the minimum lot size specified in the Minimum Lot Size Map.

A Clause 4.6 Variation was submitted with the DA documentation and is included with the Statement of Environmental Effects (**attachment 3**). The variation to the development standard is justified by the following:

- variation is considered minor being only a 6.929% variation;
- development is consistent with the objectives of the zone;
- development is consistent with the provisions of the BRDCP 2014
- the land is a standalone holding ie it is in separate ownership from adjoining land;
- standard will unreasonably prevent an ancillary dwelling supporting rural activities on the site;
- development will not impact on the surrounding land uses; and
- dwelling is located on the least productive part of the site

The Clause 4.6 Variation is considered to be well founded and adequately justifies the non-compliance with the minimum lot size for a rural dwelling. The proposed development complies with all other development standards. It is considered there are sufficient planning grounds to justify the non-compliance and should not result in an adverse impact.

#### **Development Control Plan 2014**

#### **Bathurst Regional Development Control Plan 2014 – Chapter 6 Rural and Rural Lifestyle Development**

Development Standard	Proposed	Permissible	Compliance
Setback	70m	50m	Yes
Domestic Water Supply	90,000lt	15,000lt per bedroom	Yes

Fire Fighting Water Supply	20,000lt	20,000lt	Yes
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Part 6.6 of the DCP outlines standards in relation to building form and design in the rural zone which are addressed as follows:

- a) The materials used must be naturally textured and coloured, sympathetic to the natural environment and must be non-reflective.

*The proposed dwelling will have sandstone block walls and Colourbond roofing. A condition has been imposed to ensure that non-reflective materials and an appropriate rural colour scheme are used.*

- b) The bulk and scale of the building must not adversely impact on the visual amenity from neighbouring properties or the visual amenity from other significant locations in the City or the Region.

*The proposed dwelling is single storey only with an overall height of only approximately 5.5 metres from the natural ground level therefore it is unlikely to have an adverse impact on the visual amenity of neighbouring properties or from significant nearby locations.*

- c) The height of the building must relate to the topography of the land so that on steeper sites at least part of the roof plane is parallel to the slope and the overall building height sits below any ridgeline/s.

*The proposed dwelling is single storey only, and there are no ridgelines in close proximity.*

- d) The design of the building must be in keeping with the rural character of the area.

*The design of the proposed dwelling is consistent with that of other dwellings in the surrounding area and is considered appropriate for the locality.*

- e) Rural structures such as outbuildings must be adequately screened with vegetation and setback from any road.

*The proposed outbuilding is located within close proximity to the proposed dwelling which will have limited visibility to any road.*

### **Bathurst Regional Development Control Plan 2014 – Chapter 9 Environmental Considerations**

<b>Sensitive Land Areas – DCP Map No. 29 Land Resources</b>		
Environmentally Sensitive Area	Identified on Subject Site?	Comment
Land Capability Class 7	No	<i>The subject site is identified as Land Capability Class 3 &amp; 5 Suitable for Grazing.</i>
Land Capability Class 8	No	
Karst Extent	No	
Salting	No	
Sever or Extreme Sheet or Rill Erosion	No	
<b>Sensitive Waterways – DCP Map No. 30 Riparian Land &amp; Waterways</b>		
Environmentally Sensitive Area	Identified on Subject Site?	Comment
Sensitive Waterways	No	<i>No sensitive waterways have been identified on the</i>

<b>High or Moderate Biodiversity – DCP Map No. 31 Biodiversity</b>		<i>site.</i>
Environmentally Sensitive Area	Identified on Subject Site?	Comment
DECC Estate	No	<i>The site is identified as being of “High biodiversity sensitivity”. The proposed development will not remove any trees. The site majority cleared and with scattered vegetation the proposed development will have minimal impact on the flora and fauna within close proximity to the development.</i>
High Biodiversity Sensitivity	Yes	
Moderate Biodiversity Sensitivity	No	

### Submissions

The development application was not notified to adjoining property owners in accordance with Chapter 2 of Council’s DCP 2014. The proposed development is considered to have a minimal impact on the surrounding lands.

### Conclusion

Council received a Development Application (DA) for a rural dwelling with a detached garage. The Bathurst Regional LEP 2014 requires a minimum area of 100Ha to erect a dwelling. The subject land has an area of 93.079Ha.

Council staff support the variation to the minimum lot size (Clause 4.26 Bathurst Regional LEP 2014) for the reasons outlined in the report.

**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

**15 Item 6 DEVELOPMENT APPLICATION NO. 2016/0173 – SINGLE STOREY DWELLING WITH ATTACHED GARAGE AND DETACHED GARAGE AT LOT 14, 15, 16, 19, 20 DP 750354 & LOT 1 DP 245842, O'REAGANS ROAD AND HOLLIS LANE, PERTHVILLE. APPLICANT: J & A SEAMAN C/- ANTHONY DAINITH TOWN PLANNING. OWNER: JD & JA SEAMAN & J & A SEAMAN PTY LTD (DA/2016/0173)**  
**MOVED: Cr M Coote SECONDED: Cr I North**

**RESOLVED:** That Council:

- (a) support the variation to Clause 4.2B Erection of dwelling houses on land in certain rural zones prescribed in the Bathurst Regional Local Environment Plan 2014; and
- (b) as the consent authority, grant consent pursuant to section 80 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2016/0173, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended and including conditions to the effect that:
  - (i) The subject land is to be consolidated into one lot.

Note: Evidence of consolidation is to be provided to Council prior to the issuing of an Occupation Certificate.

- (c) call a division.

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

**The result of the division was:**

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

Against the motion - Nil

Absent - Nil

Abstain - Nil

## **7 2015/16 BATHURST REGION LOCAL HERITAGE FUND (16.00143)**

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

**Report:** The Bathurst Region local heritage funding program is in its 18<sup>th</sup> year of operation. In 2015/16 a total of 54 projects were completed with Council offering a total \$58,150 to property owners and community groups throughout the region as part of this round of funding. Grants ranged from \$200 - \$2,000, with \$4,000 offered to the Bathurst Family History Group for the restoration of graves of Bathurst general Cemetery. The 2015/16 funding program has seen \$410,799 worth of works being completed in the region. The Bathurst Region Local Heritage Fund is the largest funding project of its type in NSW.

The table below shows the funds growth since in inception in 1998/99.

<b>Overview of the local heritage fund to date:</b>		
<b>Year</b>	<b>Projects Completed</b>	<b>Total value of works</b>
1998/99	8	\$38,278
1999/00	11	\$56,203
2000/01	14	\$92,681
2001/02	24	\$122,014
2002/03	24	\$109,599
2003/04	25	\$139,399
2004/05	40	\$389,195
2005/06	33	\$190,930
2006/07	33	\$293,740
2007/08	44	\$376,965
2008/09	44	\$360,849
2009/10	39	\$273,535
2010/11	47	\$812,598
2011/12	39	\$288,786
2012/13	62	\$752,786
2013/14	51	\$402,378
2014/15	51	\$400,711
2015/16	54	\$410,799
<b>Total</b>	<b>638</b>	<b>\$5,511,446</b>

There is an extremely positive response from property owners and community groups throughout the region about the funding program. Council continues to see property owners annually undertaking small projects that have improved their property and over time help to improve the streetscapes of the heritage conservation areas. This year the fund, amongst other things, has helped restore and repaint the former Sunny Corner School and the Old Peel Schoolhouse, repair the verandah on the Old Milltown Police Station and restore headstones in Long Swamp, Rockley and Bathurst Cemeteries.

The final report for the 2015/16 Local Heritage Fund can be found at **attachment 1**. Please note this report was prepared in mid May 2016 for Council's reporting requirements to the NSW Office of Environment Heritage for funding.

**Financial Implications:** The Bathurst Region local heritage fund is funded by Council and the NSW Office of Environment and Heritage.

## **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, 11.4

## MINUTE

- 16 Item 7 2015/16 BATHURST REGION LOCAL HERITAGE FUND (16.00143)  
MOVED: Cr G Westman SECONDED: Cr M Morse

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

## **8 2015/16 BATHURST REGION HERITAGE CONSERVATION AND INTERPRETATION FUND (13.00080)**

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

**Report:** The Bathurst Region Heritage Conservation and Interpretation funding program is in its 5<sup>th</sup> year of operation. The fund was established to assist private property owners and community groups to undertake special heritage projects including:

- preparation of conservation management plans;
- publishing local history books and publications;
- implementing heritage interpretation projects; and
- presenting exhibitions promoting the heritage and history of the Bathurst Region.

A total of 9 Projects were completed in 2015/16 with Council offering \$14,063 to individuals and community groups from Bathurst and to the rural villages of Hill End and Yetholme. Several Bathurst 200 projects also received funding. Grants ranged from \$500 - \$4,000.

<b>Overview of the Conservation and Interpretation fund to date:</b>		
<b>Year</b>	<b>Projects Completed</b>	<b>Funding Offered</b>
2011/12	7	\$19,505
2012/13	8	\$11,755
2013/14	7	\$17,500
2014/15	11	\$20,475
2015/16	9	\$14,063
<b>Total</b>	<b>42</b>	<b>\$83,298</b>

This year's funding program has provided financial assistance for the completion of the following projects:

- Cox's Road Brochure - Bathurst Branch of the National Trust.
- Interpretation Sign – 67 Morrisset Street, Mr Murray Arnold and Ms Anne Balcomb.
- Format documentation and update website - Hill End & Tambaroora Gathering Group.
- 200 Plants and Animals exhibition - Bathurst Community Climate Action Network.
- Biography on Ben Chifley – Ms Sue Martin and Ms Jane Chifley.
- Yetholme District History Day - Yetholme District Progress Association.
- Conservation Management Plan for Tremains Mill - Tremains Mill Community Group.
- Community Mill Day - Tremains Mill Community Group.
- Publishing of 'Ben Hall's Treasure' – Mr John Donohoe.

In total, the projects completed in the 2015/16 fund have an estimated total value of \$102,581.20 for the region, which is up substantially from the 2014/15 fund. All of the projects provide an important contribution in protecting, promoting and recording the region's unique heritage and history.

Applications for the 2016/17 have been called with applications closed at the end of June.

**Financial Implications:** The Bathurst Region Heritage Conservation and Interpretation fund is funded under Council's Management Plan.

## **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, 11.4, 11.10

**MINUTE**

**17 Item 8 2015/16 BATHURST REGION HERITAGE CONSERVATION AND INTERPRETATION FUND (13.00080)**

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

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

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

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

**Report:** The Bathurst Region Heritage Reference Group met on 16 June 2016. The minutes of that group's meeting are provided at **attachment 1**.

The group will meet next in September 2016.

**Attachment 2** provides an update of Council's achievements to date with respect to the implementation of its Heritage Strategy and includes:

- Finalisation of the 2015-16 Bathurst Region Local Heritage Fund and the Bathurst Region Conservation and Interpretation Fund 2015-16.
- Applications have been called for the 2016-2017 Bathurst Region Local Heritage Fund and the 2016-2017 Bathurst Region Interpretation Fund.
- Aboriginal Heritage Study completed, consultation for feedback with Aboriginal Community groups undertaken early March.
- Hill End Archaeological investigation being finalised.
- 2016 Pillars of Bathurst were announced on Proclamation Day.
- Liaise with NSW Institution of Surveyors in commencing Bathurst Surveyors History Heritage Trail.
- Finalising Town Square Main Street Review.
- Commenced CBD Main Street Review (within existing Heritage Advisory budget).
- Preparation of a Planning Proposal to update the list of heritage items in Schedule 5 of Bathurst Regional Local Environmental Plan 2014, as amended.
- Council's Heritage Advisory Service continues to be a well received program with 123 site inspections undertaken to date this financial year.
- Preparation of the annual reports to the Office of Environment and Heritage in relation to the 2014/2017 Heritage Strategy and the 2015/2016 Local Heritage Fund. The Heritage Strategy report was referred to Council at its June meeting. The Local Heritage Fund and Interpretation Fund reports have been referred to the July Council meeting.

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

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

- Objective 11: To protect the region's unique heritage and history. To protect a unique identity. Strategy 11.1
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.3, 30.5, 30.6



## MINUTE

- 18 Item 9 BATHURST REGION HERITAGE REFERENCE GROUP (20.00123)  
MOVED: Cr G Westman SECONDED: Cr B Bourke

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

## **10 DRAFT CENTRAL WEST AND ORANA REGIONAL PLAN (18.00109)**

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

**Report:** The Department of Planning and Environment released the draft Central West and Orana Regional Plan.

The draft Plan seeks to establish a vision for a sustainable future for the wider Central West and Orana regions. It aims to grow and diversify the economy, strengthen the regions cities, centres, towns and villages and sustainably manage resources.

Council staff have prepared a submission with respect to the draft Plan which has been forwarded to the Department given the timeframe provided for comments (refer to **attachment 1**).

Importantly Council's submission highlights the need for the Plan to:

- more clearly delineate between the regions two subregions - Central West and Orana.
- more clearly delineate the intent of the Plan, is it a regional landuse plan only or does it extend beyond landuse planning.
- include greater use of planning principles to achieve the Plans goals, directions and actions.

Council's submission outlines a range of specific comments relevant to the proposed actions within the Plan. Importantly it also acknowledges the importance of maintaining the role of the Western Region Office of the Department (based in Dubbo) in delivering regional planning outcomes.

All local environmental plans will be required to be consistent with the regional plan when they are finalised and adopted by the NSW Government.

**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 28.7
- Objective 33: To be and develop good leaders. Strategy 33.1, 33.4, 33.6

**MINUTE**

- 19 Item 10 DRAFT CENTRAL WEST AND ORANA REGIONAL PLAN (18.00109)  
MOVED: Cr I North SECONDED: Cr G Westman

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

## **11 BATHURST REGIONAL ABORIGINAL HERITAGE STUDY (20.00288)**

**Recommendation:** That Council adopt the Bathurst Regional Aboriginal Heritage Study as a strategic document to inform planning and development decisions.

**Report:** Council engaged the services of Archaeological and Heritage Management Solutions (AHMS) to prepare the Bathurst Regional Aboriginal Heritage Study. 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 will form 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 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 publically. As a result, the Aboriginal Heritage Study in its current final form cannot be released publically, but should be held confidentially as part of Council's strategic documents that will inform future planning decisions. The Study is available from the Environmental, Planning & Building Services Department for Councillors. The executive summary is included at **attachment 1**.

Council staff have held discussions with the consultant about producing a publically available document which will involve further consultation with the Aboriginal community. At the time of writing the report, the discussions were still taking place. Council staff are also investigating opportunities to develop an interpretive strategy in relation to the Study.

**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 28.5, 28.8

## MINUTE

- 20 Item 11 BATHURST REGIONAL ABORIGINAL HERITAGE STUDY (20.00288)  
MOVED: Cr M Coote SECONDED: Cr I North

**RESOLVED:** That Council adopt the Bathurst Regional Aboriginal Heritage Study as a strategic document to inform planning and development decisions.

## **12 BATHURST REGIONAL LEP 2014 APPLICATION NO 6 – WINDRADYNE AND LLANARTH ZONE BOUNDARY ALTERATION (20.00292)**

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

**Report:** Council at its Ordinary Meeting held 15 June 2016 resolved to support the inclusion of additional land owned by Mr Stewart (Part Lot 10 DP 842947 (East of Sawpit Creek)) into the planning proposal as a result of a submission received by Council. Council officers were of the opinion that the inclusion of the land was consistent with the Planning Proposal documentation.

Council officers forwarded the requisite documents to the NSW Department of Planning and Environment requesting the LEP amendment be made. Council has now received communication from the Department that the inclusion of the additional land was inconsistent with the Gateway determination, and that re-exhibition of the Planning Proposal was warranted.

The rezoning excluding Stewarts land will progress through to gazettal.

Council's intention would be to include Mr Stewart's land (Part Lot 10 DP 842947, east of Sawpit Creek) into a future 'housekeeping' planning proposal.

**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
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.3, 30.7

**MINUTE**

**21 Item 12 BATHURST REGIONAL LEP 2014 APPLICATION NO 6 –**  
**WINDRADYNE AND LLANARTH ZONE BOUNDARY ALTERATION (20.00292)**  
**MOVED: Cr G Westman SECONDED: Cr I North**

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

### **13 BATHURST REGIONAL LEP 2014 PLANNING PROPOSAL - EGLINTON (WEST) RE1, RU1, R1 ZONE BOUNDARY ALTERATION AND BATHURST REGIONAL DEVELOPMENT CONTROL PLAN 2014 AMENDMENT (20.00295)**

**Recommendation:** That Council:

- (a) adopt the Bathurst Regional LEP amendment to alter the R1 General Residential, RU1 Primary Production and RE1 Local Recreation boundary as outlined in this report;
- (b) forward the Bathurst Regional LEP – Eglinton (West) RE1, RU1, R1 zone boundary alteration Planning Proposal to the NSW Department of Planning and Environment for gazettal;
- (c) adopt the Bathurst Regional Development Control Plan amendment to alter Map No 3 – Eglinton and Schedule 6 – Residential Precincts as outlined in this report;
- (d) give public notice of Council's decision in accordance with the requirements of the Environmental Planning and Assessment Act; and
- (e) call a division.

**Report:** Council received a request from the landowner to consider an alteration to the Bathurst Regional Local Environmental Plan (LEP) with respect to the R1 General Residential, RU1 Primary Production and RE1 Local Recreation zone interface in Eglinton. An amendment to the Bathurst Regional Development Control Plan (DCP) map No. 3 – Eglinton and Schedule 6 – Residential Precincts Map was also required. A location plan is included at **attachment 1**.

Lot 11 DP 872964, Freemantle Road, Eglinton

#### **Bathurst Regional LEP 2014**

The amended lot layout is predicated on the need for a RU1 Primary Production, R1 General Residential and RE1 Local Recreation zone boundary alteration. It is proposed to rezone the following as part of the Planning Proposal:

- RU1- Primary Production zoned land proposed to be changed to RE1 – Public Recreation zoned land is approximately 0.9 hectare;
- RU1- Primary Production zoned land proposed to be changed to R1 – General Residential zoned land is approximately 0.1 hectare; and
- RE1- Public Recreation zoned land proposed to be changed to R1 – General Residential zoned land is approximately 1 hectare.

In summary, the Planning Proposal will result in a loss of approximately 1 hectare of rural land, a loss of approximately 0.1 hectares of recreation land and an increase of approximately 1.1 hectares of residential land. **Attachment 2** illustrates the proposed zone boundary changes.

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

As a result of the Planning Proposal outlined above, an amendment to the Bathurst Regional Development Control Plan (DCP) Map No. 3 – Eglinton and Schedule 6 – Residential Precincts Map was also required to ensure consistency between the LEP and DCP. The



draft DCP maps are at **attachment 3**.

#### Public exhibition

Council exhibited the draft Local Environmental Plan Amendment and Development Control Plan amendment concurrently from 23 May 2016 until 22 June 2016.

No submissions were received as a result of the public exhibition. As there were no submissions, a discussion forum or public hearing was not held.

#### Conclusion

Council has received a request from the landowner to consider an alteration the R1 General Residential, RU1 Primary Production and RE1 Local Recreation zone interface in Eglinton. The proposed amendment results in an increase of approximately 1.1 hectares of residential zoned land and a loss of approximately 1 hectare of rural land and 0.1 hectares of recreation land. It is considered that in this circumstance that the request to amend the LEP should be supported as it represents a relatively minor alteration to the zone boundaries.

**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
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.3, 30.7

## MINUTE

### **22 Item 13 BATHURST REGIONAL LEP 2014 PLANNING PROPOSAL - EGLINTON (WEST) RE1, RU1, R1 ZONE BOUNDARY ALTERATION AND BATHURST REGIONAL DEVELOPMENT CONTROL PLAN 2014 AMENDMENT (20.00295)**

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

**RESOLVED:** That Council:

- (a) adopt the Bathurst Regional LEP amendment to alter the R1 General Residential, RU1 Primary Production and RE1 Local Recreation boundary as outlined in this report;
- (b) forward the Bathurst Regional LEP – Eglinton (West) RE1, RU1, R1 zone boundary alteration Planning Proposal to the NSW Department of Planning and Environment for gazettal;
- (c) adopt the Bathurst Regional Development Control Plan amendment to alter Map No 3 – Eglinton and Schedule 6 – Residential Precincts as outlined in this report;
- (d) give public notice of Council's decision in accordance with the requirements of the Environmental Planning and Assessment Act; 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, Cr G Rush, Cr G Westman,

Against the motion - Nil

Absent - Nil

Abstain - Nil

**14 BATHURST REGIONAL LOCAL ENVIRONMENTAL PLAN 2014**  
**APPLICATION NO 5 – REZONING AND RECLASSIFICATION OF ALEC**  
**LAMBERTON FIELD, LOT 7, DP 620655, LEE STREET KELSO AND BATHURST**  
**REGIONAL DEVELOPMENT CONTROL PLAN 2014 APPLICATION NO 5**  
**(20.00291)**

**Recommendation:** That Council:

- (a) Amend the Bathurst Regional Local Environmental Plan 2014 to rezone those parts of Lot 7, DP 620655 identified in the maps attached to this report from RE1 Public Recreation to IN1 General Industrial;
- (b) Amend the Bathurst Regional Local Environmental Plan 2014 reclassify those parts of Lot 7, DP 620655 identified in the maps attached to this report from Community to Operational;
- (c) Forward the Planning Proposal to the NSW Department of Planning and Environment for gazettal;
- (d) Prepare an amendment to the Bathurst Regional Development Control Plan 2014 to support the partial rezoning of the land to an industrial use;
- (e) Notify those who made submissions of the decision; and
- (f) call a division.

**Report:** Council's Property Section has lodged an application in relation to Alec Lamberton Field, known as Lot 7, DP 620655, Lee Street Kelso, for its rezoning from RE1 Public Recreation to IN1 General Industrial and its reclassification from Community Land to Operational Land.

A location plan is provided at **attachment 1**.

Council at its Ordinary Meeting held 17 June 2015 resolved to:

- (a) prepare a Planning Proposal in accordance with the NSW Department of Planning and Environment Guidelines to rezone Lot 7, DP 620655 from RE1 Public Recreation to IN1 General Industrial and reclassify it from Community to Operational; and
- (b) forward the Planning Proposal to the NSW Department of Planning and Environment requesting a Gateway Determination;
- (c) accept any delegations from the NSW Department of Planning and Environment in relation to this Planning Proposal;
- (d) prepare an amendment to the Bathurst Regional Development Control Plan 2014 to support the rezoning of the land to an industrial use; and
- (e) call a division.

The Alec Lamberton Field Rezoning and Reclassification Planning Proposal involves an amendment to the Bathurst Regional Local Environmental Plan 2014 ("the LEP"), to:

- a) Rezone the land from RE1 Public Recreation to IN1 General Industrial; and
- b) Reclassify the land from Community to Operational (pursuant to Clauses 27 & 28 of the Local Government Act 1993).

This is to be achieved by:

- a) Amending the Land Zoning Map (tile LZN\_011F) under Bathurst Regional Local Environmental Plan 2014.
- b) Amending the Floor Space Ratio Map (tile FSR\_011F) under Bathurst Regional Local Environmental Plan 2014.
- c) Amending the Height of Buildings Map (title HOB\_011F) under Bathurst Regional Local Environmental Plan 2014.
- d) Amending Bathurst Regional Local Environmental Plan 2014 to include Lot 7 DP 263393 in the table under Part 1 of Schedule 4 of the Bathurst Regional Local Environmental Plan 2014 (Classification of Land).

It is important to note that the rezoning and reclassification whilst undertaken at the same time, are in fact two separate decisions which achieve two very different outcomes.

The rezoning of the land from RE1 Public Recreation to IN1 General Industrial zone affects what uses may be carried out on the land.

The reclassification of the land from Community to Operational land under the Local Government Act 1993 affects the way Council, as owner, may deal with the land. All public land owned by Council must be classified as either "Community" or "Operational" land.

*'Community' land is defined for the purposes of the Local Government Act 1993 to be land that is set aside for community use, such as neighbourhood parks and sportsgrounds. Development and use of this land is subject to controls set out in the Act such as Community land cannot be sold, or leased or licensed for more than 21 years. For any leases of community land in excess of 5 years a process of public consultation must occur. In addition to these controls, the Act requires Councils to have plans of management for all Community lands.*

*In contrast, 'Operational' land comprises land that serves a commercial or operational function (e.g. a works depot, car park, sewage pump station), or land that is being retained for commercial or strategic reasons. The range of controls that apply to Community land do not apply to the use and management of Operational land.*

In the event that reclassification of the land is to occur, Council as owner of the land has the ultimate power to determination the future of the land.

Likewise it would be possible to proceed with the reclassification on its own (or part thereof) without the rezoning if Council wished to allow greater flexibility in the future management of the land.

### Pubic Exhibition

The Planning Proposal was publicly exhibited during the period 19 October 2015 and 16 November 2015. A number of submissions were received during the exhibition period.

A number of submissions were also received before and after the public exhibition period. Included in the submissions were a number of petitions.

A copy of all the submissions including the petitions and those received outside the public exhibition period are at **attachment 2**.

Name	Comments or issues raised
Max Wilson &	<ul style="list-style-type: none"><li>• The field and building could be used by groups whose activities have an</li></ul>

Elizabeth Forbes on behalf of White Rock Progress Association	<p>outdoor theme.</p> <ul style="list-style-type: none"> <li>● The building could be used by groups who need an indoor meeting space.</li> <li>● The site is readily accessible from White Rock and Bathurst.</li> <li>● The building could be upgraded so that it could be hired out.</li> <li>● Tree plantings would create parkland.</li> <li>● White Rock needs a centre of community focus.</li> </ul>
Max Wilson & Elizabeth Forbes on behalf of White Rock Progress Association	<ul style="list-style-type: none"> <li>● White Rock Progress Association unanimously supports idea for use of Alec Lamberton Field by various community groups, with management of the field and building under a management committee made up of interested groups</li> </ul>
Shannon Felsch (Steeline)	<ul style="list-style-type: none"> <li>● An IN1 General Industrial zoning will complement the adjoining industrial/commercial land uses.</li> <li>● Owners of adjoining land will be able to expand into the site if they desire.</li> <li>● Existing roads bounding the site can service industrial uses.</li> </ul>
Civil Aviation Safety Authority (CASA)	<ul style="list-style-type: none"> <li>● Rezoning and reclassification will not affect operations at Bathurst Airport.</li> </ul>
Max Wilson & Elizabeth Forbes on behalf of White Rock Progress Association	<ul style="list-style-type: none"> <li>● Deep concern over loss of recreational land.</li> <li>● No existing recreational land to serve the needs of White Rock residents.</li> <li>● Field creates buffer between residents, Scots School and the adjoining industrial land.</li> <li>● Undeveloped industrial land available in Hampden Park Road therefore this additional land not required.</li> <li>● Council should maintain current zoning.</li> <li>● Trees and shrubs should be planted.</li> <li>● A walking path should be established amongst the plantings.</li> <li>● Scots School may wish to utilise the ovals.</li> <li>● White Rock does not have its own meeting space or park area.</li> </ul>
James MacMahon	<ul style="list-style-type: none"> <li>● Land has been zoned recreation since 1980.</li> <li>● Land is the only usable recreational/parkland in the area.</li> <li>● Land is located on a major road.</li> <li>● Land creates buffer between farm land, Scots School and adjoining industrial land.</li> <li>● No need for additional industrial land as plenty of land available already zoned IN1 Industrial.</li> <li>● Assumption that Council wishes to sell the land to reduce maintenance costs.</li> </ul>
E & V Lehner	<ul style="list-style-type: none"> <li>● Land provides buffer from adjoining industrial land.</li> <li>● Land provides a safe area for recreation.</li> <li>● Grants could be obtained.</li> <li>● Suggestion of various enhancements (including plantings and walking/riding tracks).</li> </ul>
Roads & Maritime Services (RMS)	<ul style="list-style-type: none"> <li>● All vehicle access should be obtained via Lee Street and not Littlebourne Street.</li> <li>● Council should consider impact of new land use (i.e. industrial) on the surrounding road network, in particular the intersection of Lee and Littlebourne Streets.</li> </ul>
Mark Sutton on behalf of Bathurst Evangelical Church	<ul style="list-style-type: none"> <li>● Best use of the site would be as green space.</li> <li>● Green space will provide buffer between residents, Scots School and the adjoining industrial land.</li> </ul>
Peter & Jenny Montgomerie	<ul style="list-style-type: none"> <li>● Field is only recreation area available for White Rock community.</li> <li>● Residents purchased in White Rock knowing field was there.</li> <li>● Field provides buffer between residents, Scots School and the adjoining industrial land.</li> <li>● Recreational activities other than playing sport could occur on the field.</li> <li>● Industrial uses would increase traffic which has the potential to create safety and noise issues.</li> </ul>

	<ul style="list-style-type: none"> <li>● Field could be converted to vegetated open space corridor if it is not used for active recreation.</li> </ul>
Max Wilson & Elizabeth Forbes on behalf of White Rock Progress Association	<ul style="list-style-type: none"> <li>● Loss of recreational land and green space.</li> <li>● No other recreational land to serve the residents of White Rock.</li> <li>● Field provides buffer between residents, Scots School and the adjoining industrial land.</li> </ul>
Max Wilson & Elizabeth Forbes on behalf of White Rock Progress Association	<ul style="list-style-type: none"> <li>● No other recreational land to serve the residents of White Rock.</li> <li>● Field provides buffer between residents, Scots School and the adjoining industrial land.</li> <li>● Council should maintain current zoning.</li> <li>● Trees and shrubs should be planted.</li> <li>● A walking path should be established amongst the plantings.</li> <li>● Scots School may wish to utilise the ovals.</li> <li>● White Rock does not have its own meeting space or park area.</li> </ul>
E & V Lehner	<ul style="list-style-type: none"> <li>● White Rock is isolated from other facilities by the river and the Kelso industrial area.</li> <li>● Residents contribute to existing facilities but have to travel considerable distance to use them.</li> <li>● No other recreational land to serve the residents of White Rock but ample industrial land already available.</li> <li>● Public access has been restricted to the site.</li> </ul>
Petition – Residents of Blue Ridge	<ul style="list-style-type: none"> <li>● No existing recreational land to serve the needs of White Rock residents.</li> <li>● Field creates buffer between residents, Scots School and the adjoining industrial land.</li> <li>● Undeveloped industrial land available in Hampden Park Road therefore this additional land not required.</li> <li>● Council should maintain current zoning.</li> <li>● Trees and shrubs should be planted.</li> <li>● A walking path should be established amongst the plantings.</li> <li>● Scots School may wish to utilise the ovals.</li> <li>● White Rock does not have its own meeting space or park area.</li> </ul>
Petition – Residents of Claremont Drive	<ul style="list-style-type: none"> <li>● No existing recreational land to serve the needs of White Rock residents.</li> <li>● Field creates buffer between residents, Scots School and the adjoining industrial land.</li> <li>● Undeveloped industrial land available in Hampden Park Road therefore this additional land not required.</li> <li>● Council should maintain current zoning.</li> <li>● Trees and shrubs should be planted.</li> <li>● A walking path should be established amongst the plantings.</li> <li>● Scots School may wish to utilise the ovals.</li> <li>● White Rock does not have its own meeting space or park area.</li> </ul>
Petition – Residents of White Rock Road	<ul style="list-style-type: none"> <li>● No existing recreational land to serve the needs of White Rock residents.</li> <li>● Field creates buffer between residents, Scots School and the adjoining industrial land.</li> <li>● Undeveloped industrial land available in Hampden Park Road therefore this additional land not required.</li> <li>● Council should maintain current zoning.</li> <li>● Trees and shrubs should be planted.</li> <li>● A walking path should be established amongst the plantings.</li> <li>● Scots School may wish to utilise the ovals.</li> <li>● White Rock does not have its own meeting space or park area.</li> </ul>
Petition – Residents Frys Lane	<ul style="list-style-type: none"> <li>● No existing recreational land to serve the needs of White Rock residents.</li> <li>● Field creates buffer between residents, Scots School and the adjoining industrial land.</li> <li>● Undeveloped industrial land available in Hampden Park Road therefore</li> </ul>

	<p>this additional land not required.</p> <ul style="list-style-type: none"> <li>● Council should maintain current zoning.</li> <li>● Trees and shrubs should be planted.</li> <li>● A walking path should be established amongst the plantings.</li> <li>● Scots School may wish to utilise the ovals.</li> <li>● White Rock does not have its own meeting space or park area.</li> </ul>
Petition – Residents of Wallaroi Close	<ul style="list-style-type: none"> <li>● No existing recreational land to serve the needs of White Rock residents.</li> <li>● Field creates buffer between residents, Scots School and the adjoining industrial land.</li> <li>● Undeveloped industrial land available in Hampden Park Road therefore this additional land not required.</li> <li>● Council should maintain current zoning.</li> <li>● Trees and shrubs should be planted.</li> <li>● A walking path should be established amongst the plantings.</li> <li>● Scots School may wish to utilise the ovals.</li> <li>● White Rock does not have its own meeting space or park area.</li> </ul>
Petition – Residents of Thompsons Hill Retreat	<ul style="list-style-type: none"> <li>● No existing recreational land to serve the needs of White Rock residents.</li> <li>● Field creates buffer between residents, Scots School and the adjoining industrial land.</li> <li>● Undeveloped industrial land available in Hampden Park Road therefore this additional land not required.</li> <li>● Council should maintain current zoning.</li> <li>● Trees and shrubs should be planted.</li> <li>● A walking path should be established amongst the plantings.</li> <li>● Scots School may wish to utilise the ovals.</li> <li>● White Rock does not have its own meeting space or park area.</li> </ul>
Petition	<ul style="list-style-type: none"> <li>● No existing recreational land to serve the needs of White Rock residents.</li> <li>● Field creates buffer between residents, Scots School and the adjoining industrial land.</li> <li>● Undeveloped industrial land available in Hampden Park Road therefore this additional land not required.</li> <li>● Council should maintain current zoning.</li> <li>● Trees and shrubs should be planted.</li> <li>● A walking path should be established amongst the plantings.</li> <li>● Scots School may wish to utilise the ovals.</li> <li>● White Rock does not have its own meeting space or park area.</li> </ul>
John & Cathy Down	<ul style="list-style-type: none"> <li>● Residents of Bathurst for over 30 years.</li> <li>● Seen many changes and growth in the industrial area that are not attractive or sensible.</li> <li>● Many ugly elements along Lee Street and the Oberon Road make an unattractive approach to Bathurst.</li> <li>● Loss of last piece of green space.</li> <li>● A parkland on the site would create a good approach and therefore a good impression.</li> </ul>
Scots School	<ul style="list-style-type: none"> <li>● Undeveloped industrial land available east of Hampden Park Road therefore this additional land not required.</li> <li>● Rezoning to industrial would impact on students, boarders and staff of Scots School.</li> <li>● Rezoning to industrial would increase traffic and noise and would be aesthetically ugly.</li> <li>● Rezoning would increase industrial activity on a major road running right by Scots School.</li> </ul>
Bathurst District Sport & Recreation Council	<ul style="list-style-type: none"> <li>● BDSRC does not support loss of recreation land.</li> <li>● Land should be retained as recreational and further developed for the nearby residential growth areas.</li> <li>● Request that Council reject proposal and enter into discussion with</li> </ul>

	interested parties on future development for recreational purposes.
Peter Montgomerie	<ul style="list-style-type: none"> <li>● Site would be suitable for a caravan/RV stopover area that includes a waste disposal dump point. Only two other dump points in Bathurst. The one at the treatment works is closed after hours and the one in Corporation Avenue on private land has now closed permanently.</li> <li>● The existing clubhouse building could be easily converted to public toilets.</li> <li>● The whole site should be retained and turned into an entry feature and tourist stop.</li> </ul>
Max Wilson & Elizabeth Forbes on behalf of White Rock Progress Association	<ul style="list-style-type: none"> <li>● Proposal has attracted wide community interest and support for retention as a recreation zone.</li> <li>● Community has become aware of the site's potential importance as an entrance to Bathurst.</li> <li>● <b>Request that Council reconsider and withdraw the application for rezoning and reclassification and reaffirm its intention to maintain the current zoning and current classification.</b></li> </ul>
Elizabeth Chandler	<ul style="list-style-type: none"> <li>● Sporting facilities important for a growing city.</li> <li>● Suggest updating the clubhouse building and adding a gymnasium to create welcome addition to sporting, cultural and community assets.</li> <li>● Landscape designer could complete the site with parks and gardens around the perimeter.</li> </ul>

### Public Hearing

As required by Section 29 of the Local Government Act 1993, a Public Hearing was held on 18 February 2016 in relation to the proposal to reclassify the subject land from Community to Operational. Twenty-seven members of the public attended the hearing. The public hearing report prepared by the independent chair of the Public Hearing is at **attachment 3**.

The findings of the Public Hearing indicated that those who attended sought the retention of the land by Council and its continued use for public purposes rather than the sale of the land that could result if its reclassification proceeds.

### Key matters raised in the submissions and at the Public Hearing

#### ***Need for additional industrial land***

There is no immediate need to identify additional land for industrial purposes in terms of current available vacant industrial land stocks in Bathurst.

#### ***Appropriateness of industrial zoning***

Community submissions sought to have the land retained in the ownership of Council and be put to passive recreational uses.

Community submissions objected to the rezoning of the land for industrial purposes for a number of reasons including its potential to have a negative impact on the amenity of the area through visual and acoustic impacts.

In terms of the future impact of development on the amenity and landscape of the area the land is located at three distinct levels.

The lowest level adjacent to the intersection of Littlebourne and Lee Streets is recommended by the public hearing report not to be reclassified to operational and is recommended to be retained for City gateway beautification treatment. Rezoning of this level to an industrial zoning is therefore not supported.



The next level (the western playing field) sits low in the landscape and adjoins Lee Street. It faces the site of an approved freight terminal and vacant land owned by the Scots School. It is not visible from O'Connell Road. It adjoins other industrial development along Lee Street. An appropriate visual buffer could be achieved (via a DCP amendment) approximately 15 metres deep along the Lee Street frontage. This would allow for a visual and acoustic screen between the subject site and Scots School. In terms of amenity and landscape it is considered that the western playing field could be reclassified to operational and rezoned to industrial, excluding a 15 metre buffer along the Lee Street frontage which should be created via the DCP.

The upper level (the eastern playing field) sits high in the landscape. It adjoins Littlebourne Street. It is highly visible on approach to the City from O'Connell/Oberon. If industrial buildings were to be constructed on this level they would be difficult to screen and would have the potential to significantly impact on the entrance to the City without strict development controls. Rezoning the eastern playing field to industrial is less desirable from an amenity/landscape perspective. In terms of amenity and landscape it is desirable to retain a recreational zoning on the eastern playing field but that the field, excluding a 20 metre buffer along the Littlebourne Street (gateway) frontage, be reclassified to Operational. If the land remains zoned recreation but is reclassified as Operational land, it would allow Council to consider sale or lease for uses such as indoor or outdoor recreation facilities, function centres, information and education facilities or any other such use, including the range of uses suggested in the submissions received.

#### ***Need for gateway beautification***

The lowest level adjacent to the intersection of Littlebourne and Lee Streets is recommended by the public hearing report not to be reclassified to operational and is recommended to be retained for City gateway beautification treatment. Rezoning of this level to an industrial zone is not therefore supported.

#### ***Need for buffer between industrial land and surrounding residential and educational uses***

An appropriate buffer could be achieved if the Community classification and recreational zoning was maintained along the Littlebourne Street and Lee Street frontages to enable appropriate gateway treatment. An appropriate buffer could be created (via a DCP amendment) to provide for a buffer between a future industrial use on the western playing field and Scots School.

#### ***No other recreational land available for the residents of White Rock***

The community have indicated that no recreational land is available to the rural residential development of the White Rock Road area with extensions to such development planned for the future.

Council traditionally has not provided public open space in close proximity to rural residential development on the basis that the larger lot size of blocks does not create a need for provision of passive public open space. If Council were to provide public open space for rural residential development it would be more centrally located within each rural residential estate, not isolated from them. The separation of the subject land from the rural residential areas would suggest that it is effectively regional open space rather than local open space which begs the question, is it appropriately located (i.e. centrally located) to serve as regional open space.

The community have suggested that the site could be converted to a nature reserve/botanic garden with an Aboriginal Cultural focus. This location does not present itself as an ideal site for a major regional recreation space of the kind suggested in terms of access to it from other residential areas of Bathurst. Its separation from the growing suburb of Kelso by the Great Western Highway is considered a barrier. A more appropriate site might be identified for such future regional recreation facility of this kind.

The retention of the upper level (the eastern playing field) as recreational land (but with an operational classification) will enable Council to consider reuse for a range of either active or passive recreational uses, including private recreational uses.

#### Recommended Option for Rezoning and Reclassification

See map at **attachment 4** indicating the recommended option for reclassification.

See map at **attachment 5** indicating the recommended option for rezoning.

#### Development Control Plan Amendment

Should Council resolve to adopt the recommended option for the rezoning and reclassification (i.e. the rezoning of the lower level – western playing field to IN1 General Industrial) an amendment to the Bathurst Regional Development Control Plan 2014 will be prepared to introduce development controls for this land including a buffer along Lees Street opposite Scots School. The amendment would be publicly exhibited and reported to Council independent of the current process.

#### Conclusion

Council's Property Section has lodged an application in relation to Alec Lamberton Field, known as Lot 7, DP 620655, Lee Street Kelso, for its rezoning from RE1 Public Recreation to IN1 General Industrial and reclassification from Community Land to Operational Land. The Planning Proposal was publicly exhibited during the period 19 October 2015 and 16 November 2015. A number of submissions were received during the exhibition period. As required by Section 29 of the Local Government Act 1993, a Public Hearing was held on 18 February 2016 in relation to the proposal to reclassify the subject land from Community to Operational. Twenty-seven members of the public attended the hearing. The findings of the Public Hearing indicated that those who attended sought the retention of the land by Council and its continued use for public purposes rather than the sale of the land that could result if its reclassification proceeds. Council also received a request from the public **not** to proceed with the Planning Proposal.

The submissions highlight the importance of the landscape and amenity values of the site and its potential to serve as open space for the White Rock area. An examination of the landscape and amenity issues suggests that the retention of the eastern (upper) playing field would address the issues raised. It is recommended that the majority of the site be reclassified to Operational to give Council flexibility in securing either an appropriate public or private recreational use of the eastern (upper) playing field. It is considered that an industrial rezoning of the western (lower) playing field can be supported on amenity and landscape grounds should Council wish to pursue the future sale of this portion of the site for industrial purposes.

**Financial Implications:** Council is not currently funding the maintenance or improvement of the land under its management plan. The reclassification of the land will not change the current financial status quo. The reclassification would however offer Council an opportunity to sell or lease the land into the future, notwithstanding its zoning.

## **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

**23 Item 14 BATHURST REGIONAL LOCAL ENVIRONMENTAL PLAN 2014  
APPLICATION NO 5 – REZONING AND RECLASSIFICATION OF ALEC LAMBERTON  
FIELD, LOT 7, DP 620655, LEE STREET KELSO AND BATHURST REGIONAL  
DEVELOPMENT CONTROL PLAN 2014 APPLICATION NO 5 (20.00291)**

This item was dealt with at Minute #8

## **15 BATHURST REGION ECONOMIC PERFORMANCE (20.00071)**

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

**Report:** Council's economic consultants (ID Consulting) have recently released data regarding the economic performance of the Bathurst Regional LGA. The Bathurst Region has demonstrated very strong growth, as evident from the below figures:

- 2013-2015 represents the strongest 3 consecutive years of continual economic growth since ID started tracking economic data for the Bathurst Region (2001). The Bathurst Region experienced an average growth in GRP (Gross Regional Product) of 3% over this period, compared to the NSW Regional average of 2%.
- Official population of Bathurst Region LGA is 42,231, representing growth of 1.39% on 2014 figures. Bathurst is experiencing an average annual growth of 1.46%.
- 2% jobs growth from 2014 to 2015, compared to 1.6% NSW average. This is primarily driven by new jobs in Education & Training, Wholesale Trade and Accommodation Services.
- Significant decrease in the unemployment rate as of March 2016, dropping from 6.27% (December 2015) to the current rate of 5.39% or 1,419 unemployed persons to 1,243. This is a significant decrease in unemployment terms. Comparatively, the Regional NSW average is 6.6%.

**Conclusion:**

Over the past 3 years, the Bathurst Region has demonstrated strong economic prosperity and population growth. The 2013-2015 period represents the strongest 3 consecutive years of continual economic growth since Councils economic consultants (ID Consulting) started tracking data for the Bathurst Region (2001).

**Financial Implications:** Nil.

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

- Objective 1: To attract employment, generate investment and attract new economic development opportunities. Strategy 1.3
- Objective 5: To facilitate and foster partnerships, networks and infrastructure to support and attract knowledge, innovation and research. Strategy 5.4, 5.1
- 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 29.2

## MINUTE

- 24 Item 15 BATHURST REGION ECONOMIC PERFORMANCE (20.00071)  
MOVED: Cr M Coote SECONDED: Cr I North

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

## **16 2016 BUSINESS MANAGEMENT WORKSHOPS - FEEDBACK (20.00304)**

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

**Report:** In June 2016, Council hosted the fifth series of Business Management Workshops. The Workshops were a great success and attracted high attendance rates, with many new and emerging businesses participating for the first time.

Council's Business Management Workshops have now developed to become key events that are eagerly anticipated within the Bathurst business community. Council has now successfully run 15 workshops across 2013-16. Collectively, almost 800 businesses have attended Council's Workshops since their inception in 2013. All workshops are presented by local experts.

Please note the following levels of attendance at the June 2016 Workshops:

**Workshop One: Doing business in Bathurst – understanding your local market**

Wednesday 8 June 2016, BMEC  
60 attendees

**Workshop Two: Building your business advantage – simple practices to boost your business**

Thursday 16 June 2016, BMEC  
60 attendees

**Workshop three: The secret to getting more customers**

Thursday 23 June 2016, BMEC  
85 attendees

Council has also collated feedback from the June workshops. Overall, 71% of respondents rated the Workshops as "Excellent", with the remaining respondents rating the workshops as "Very Good" (26%) and "Satisfactory" (3%).

Comments include:

"Best one yet and I've attended most events".

"I always look to take away one good/major idea from each seminar and today I took away 5. Nathan was fluent, good mix of anecdotal examples and statistics; excellent use of overhead presentations; skilled; knowledgeable".

"Thoroughly enjoyed the workshop, wish it was longer... Thank you to the Council organisers. I attend most meetings/workshops and have found them all very informative and useful".

"Excellent content, very appropriate and well delivered. Superb! Nathan was informative and engaging! Very much enjoying the workshops!"

**Conclusion:**

The June 2016 Business Management Workshops were very well received by the business community with positive feedback and the high levels of attendance.

The workshops reinforce Council's status as an innovative leader in the provision of

programs to assist local business growth and as a strong supporter of the Bathurst business community.

**Financial Implications:** Nil.

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

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



**MINUTE**

**25 Item 16 2016 BUSINESS MANAGEMENT WORKSHOPS - FEEDBACK**  
**(20.00304)**

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

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

## **17 EVOCITIES BRANDING (28.00208)**

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

**Report:** In accordance with the Evocities Marketing Strategy for 2015-2019 and Activity Plan for 2015/2016, a new Evocities website has been designed and launched. The website features new branding, videos, images and case studies and can be viewed at [www.evocities.com.au](http://www.evocities.com.au).

**Financial Implications:** Nil.

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

- Objective 1: To attract employment, generate investment and attract new economic development opportunities. Strategy 1.2, 1.3, 1.4
- Objective 4: To market Bathurst as a great place to live, work, study, invest and play. Strategy 4.1, 4.2, 4.4, 4.7
- Objective 5: To facilitate and foster partnerships, networks and infrastructure to support and attract knowledge, innovation and research. Strategy 5.1

**MINUTE**

- 26 **Item 17 EVOCITIES BRANDING (28.00208)**  
**MOVED: Cr I North SECONDED: Cr B Bourke**

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

Yours faithfully



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

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

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

20 JULY 2016

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

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

**Report:** \$69,600,000.00 was invested at 30 June 2016 in accordance with Council's investment policies, the Minister's Investment Order dated 12 January 2011, the Local Government Act 1993 and associated regulations. All investments have been reconciled with Council's general ledger and are listed below:

	<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>			
Bank of Queensland	A2	\$3,000,000.00	3.01%
Bendigo and Adelaide Bank Limited	A2	\$500,000.00	2.87%
Bankwest	A1+	\$1,500,000.00	2.97%
National Australia Bank Limited	A1+	\$20,000,000.00	3.02%
St George	A1+	\$3,000,000.00	2.98%
Maritime, Mining & Power Credit Union Ltd	ADI	\$500,000.00	2.90%
People's Choice Credit Union	ADI	\$1,500,000.00	2.93%
Railways Credit Union Limited	ADI	\$1,000,000.00	3.06%
SGE Credit Union Limited	ADI	<u>\$1,500,000.00</u>	<u>2.92%</u>
		<b>\$32,500,000.00</b>	<b>3.00%</b>
<b><u>Long Term &gt; 365 Days</u></b> <b>(comprising Commercial Bills, Term Deposits, Debentures and Bonds):</b>			
<b><u>Committed Rolling Investments</u></b>			
Westpac	AA-	\$2,000,000.00	3.47%
CBA Deposit Plus	AA-	\$1,500,000.00	2.81%
CBA Deposit Plus 1	AA-	\$1,500,000.00	3.32%
CBA Deposit Plus 2	AA-	\$1,500,000.00	4.00%
WBC Coupon Select	AA-	\$2,000,000.00	3.00%
Maritime Mining & Power Credit Union Ltd	ADI	<u>\$2,800,000.00</u>	<u>2.20%</u>
		<b>\$11,300,000.00</b>	<b>3.03%</b>
<b><u>Fixed, Negotiable &amp; Tradeable Certificates of Deposits</u></b>			
Commonwealth Bank	AA-	<u>\$2,000,000.00</u>	<u>3.32%</u>
		<b>\$2,000,000.00</b>	<b>3.32%</b>
<b><u>Floating Rate Notes</u></b>			
Commonwealth Bank of Aust.	AA-	\$1,000,000.00	3.19%
AMP	AA-	\$800,000.00	3.12%
AMP	AA-	\$1,000,000.00	3.35%
Suncorp Metway	A+	\$1,000,000.00	3.53%
Rabobank	A+	\$1,000,000.00	3.49%
Macquarie Bank	A	\$1,000,000.00	3.10%
Bendigo & Adelaide Bank Retail Bond	A-	\$1,000,000.00	3.18%

Bank of Queensland	A-	\$1,000,000.00	3.02%
Bank of Queensland 1	A-	\$2,000,000.00	3.10%
Bendigo & Adelaide Bank 2	A-	\$1,000,000.00	2.93%
Bendigo & Adelaide Bank 3	A-	\$1,000,000.00	3.09%
Bank of Queensland 2	A-	\$1,000,000.00	3.11%
Credit Union Australia	BBB+	\$3,000,000.00	3.30%
Police Bank Ltd	BBB+	\$1,000,000.00	3.10%
Police Bank Ltd 2	BBB+	\$1,000,000.00	3.09%
Credit Union Australia 2	BBB+	\$1,000,000.00	3.20%
Credit Union Australia 3	BBB+	\$1,000,000.00	3.90%
Newcastle Permanent	BBB+	\$1,000,000.00	3.62%
Newcastle Permanent 2	BBB+	\$1,000,000.00	3.60%
Members Equity Bank 2	BBB+	\$1,000,000.00	2.98%
Greater Building Society	BBB	<u>\$1,000,000.00</u>	<u>3.30%</u>
		<b>\$23,800,000.00</b>	<b>3.25%</b>

**Total Investments** **\$69,600,000.00** **3.10 %**

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

Reserves Total (includes unexpended loan funds)	\$34,157,425.00
Grants held for specific purposes	\$2,494,303.00
Section 94 Funds held for specific purposes	\$32,881,696.00
Unrestricted Investments – All Funds	\$66,576.00

**Total Investments** **\$69,600,000.00**

**Total Interest Revenue to 30 June 2016** **\$2,236,150.33** **3.10%**

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

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

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

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

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

**MINUTE**

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

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

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

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

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

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

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

Fines or penalty notices this month - Refer to attachment 2.

**Financial Implications:** Nil.

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

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



**MINUTE**

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

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

**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 30 June 2016.

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

Section 356:	\$0
BMEC Community use:	\$0
Mount Panorama:	\$13,131.27

#### **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**

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

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

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

#### **4 POWER OF ATTORNEY (11.00007)**

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

**Report:** That the General Manager's action in affixing the Power of Attorney to the following be noted.

- King Cain Solicitors - Agreement Conveyancing Services
- TG & AM Parker - 27 Barr Street - Lot 1084, DP 1215618 - Transfer
- GJ & DM Toole - 13 Twynam Avenue - Lot 1063, DP 1215618 - Transfer
- CE & HT Gordon - 10 Barr Street - Lot 1004, DP 1212670 - Transfer
- N Schryver - Stephens Lane, Kelso - Part Lot 221, DP 1147157 - Rural Licence
- Bathurst Building Solutions Pty Ltd - 19 Twynam Avenue - Lot 1060, DP 1215618 - Transfer
- RJ Carroll - 222 Yarras Lane, Kelso - Lot 5 & 6, DP 1218911 - Transfer
- J & L Ferguson - 4040 O'Connell Road - Lot 3, DP 1127323; Part Lot 1007, DP 1168702; Part Lot 1, DP 624336 - In House Rural Licence
- JA & CA Hagney - 7 Poate Street - Lot 1098, DP 1215618 - Transfer
- N & P Colley - 68 Mountain Straight - Lot 3, DP 232111 - Rural Licence
- Bathurst Greyhound Club - Upfold Street - Lot 23, DP 701345; Lot 24, DP 811166 - Rural Licence
- JL Vanderhel & MJ Grace - 7 Matthews Street - Lot 1115, DP 1215618 - Transfer

#### **Linen Plan Release**

- Nil

**Financial Implications:** Nil.

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

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

## MINUTE

- 30 Item 4 POWER OF ATTORNEY (11.00007)  
MOVED: Cr G Westman SECONDED: Cr I North

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

## **5 BIKE HIRE SCHEME (20.00117)**

**Recommendation:** For Council's consideration.

**Report:** Council staff have recently been investigating the potential of establishing a Bike Hire in Bathurst and this report now provides information on those investigations.

To capitalise on the success of the newly completed Velodrome complex and BMX track and to gain more cycling exposure throughout Bathurst, investigations have been carried out on the feasibility of implementing a bike hire scheme in Bathurst.

A number of firms were contacted across Australia however only one, Boomerang Bikes, offered a product that was suitable for Bathurst. Rod Lennon, the owner of Boomerang Bikes, met with the Mayor and Directors in May 2016 to discuss the requirements of a bike hire scheme in Bathurst.

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

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

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

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

Discussions have been held with Belgravia Leisure regarding the location of a bike hire station at the Bathurst Aquatic Centre. Belgravia are happy to discuss the matter further with Council.

## **Partnership**

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

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

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

Boomerang Bikes has provided the below estimates of setting up 2 x stations at the above mentioned locations as shown at **attachment 1** and the contributions required from Council:

- Set up costs: \$4,000
- Partnership liabilities: \$ 2,400 per month for 12 or 24 months
- Timeframe: Estimated installation date – 1 September 2016

## **Tourism**

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

## **Reference**

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

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

## **General**

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

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

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

### **Helmets**

Firstly, under the NSW Road Rules, a bicycle is considered a vehicle and has the same road rules as other vehicles. Wearing a helmet when riding a bicycle in NSW is law under these Road Rules and the helmet must comply with Australia/New Zealand Standard 2063. Council and Boomerang Bike therefore have a responsibility to ensure hirers comply with this law by providing helmets at hire stations.

As mentioned above, the proposed bike stations are to be located adjacent to a Council owned facility which would partner in the scheme. A number of helmets, available for both adults and children, would be stored at each facility. Once a bike has been hired, hirers simply provide a licence and/or credit card to the facility staff to photocopy. A helmet, and lock, is then provided to the hirer.

If a helmet is not returned, contact is made with the hirer or their credit card charged with the cost of a replacement helmet.

Helmets are readily available and fully adjustable. Helmet prices range from \$20-\$50 and, apart from cycle shops, are available at retailers such as Big W and Target. Helmets are typically available in a number of adult and children's sizes, for example: - Adult: 54-58 cm and 57-62cm, Children: S,M and L sizes. A range of helmets would be provided by Boomerang Bikes as part of their initial setup at both locations. Example helmets and adjustment devices are shown at **attachment 3** for your reference.

Both BVIC and the Aquatic Centre would have a range of helmet sizes available to bike hirers and are easily stored.

Hair nets and/or sanitiser spray would be utilised to ensure the hygiene of the helmets.

Rod Lennon of Boomerang Bikes has indicated that there is little to no issues within his existing bike hire stations relating to helmet supplies. The Boomerang Bikes website details information regarding bike hiring, including helmet information, and is shown at **attachment 4** for your reference.

Another option for hirers is to supply their own helmets.

### **Hours of Operation**

The bike hire stations are open and bikes available to hire on a 24/7 basis. However, the issuing of helmets is limited to the hours of operation of both BVIC and the Aquatic Centre. Should hirers wish to hire outside of these facility open hours, they will be responsible for supplying their own helmets.

### **Climate**

Climate may also be a factor that may affect the bike hire scheme. Bathurst can experience frosty, foggy and cold dreary days during the winter months that are not suitable for sightseeing on a hire bike.

The proposed scheme is on a trial basis and the future of its viability would be assessed after a 12 to 24 month period. Should spring, summer and autumn hire rates be sufficient



enough to carry through the winter period, the scheme may be overall viable.

Boomerang Bikes will provide monthly reports to Council whereby hire trends can be established and provide vital data detailing take up rates. This information will assist in determining the long term future of the scheme.

**Financial Implications:** The Bike Hire Scheme can be funded from Community Program and Events

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

- Objective 4: To market Bathurst as a great place to live, work, study, invest and play. Strategy 4.1

## MINUTE

- 31 Item 5 BIKE HIRE SCHEME (20.00117)  
MOVED: Cr G Westman SECONDED: Cr M Coote

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

**Reason: Nephew works at Belly's Bikes**

**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.

Yours faithfully



R Roach  
**DIRECTOR**  
**CORPORATE SERVICES & FINANCE**

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

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

20 JULY 2016

## **1 REQUEST FROM PORTLAND SPORT AND RECREATION CLUB FOR USE OF OLD BMX TRACK AT RIVER ROAD, KELSO (22.05825)**

**Recommendation:** That Council accede to the request from the Portland Sport and Recreation Club for the use of the old BMX track at River Road Kelso, with conditions as outlined in the report.

**Report:** Council has been approached by the President of the Portland Sport and Recreation Club, requesting permission to utilise the old BMX track located at River Road Kelso for the purposes of holding club activities on a regular and ongoing basis. Specifically, the club are looking to utilise the track as a venue to hire out electric scooters to club members. A copy of correspondence from the Club is included at **attachment 1**, and map showing the specific site is shown at **attachment 2**. The land where the BMX track is located is classified as Operational Land.

In brief, the Portland Recreation have advised of the following intentions concerning the use of the BMX track:-

- Needing to run activities external to Portland in order to build membership numbers of a sufficient quantity to sustain the operations of the Club financially.
- The Club are a non for profit organisation, aimed to provide recreational activities to the community
- The Club wish to hire out electric scooters at the BMX track on week days and weekends throughout the year.
- The Club have all necessary insurances and WHS compliance requirements.
- The Club are not requesting exclusive use of the BMX Track. The track will remain available for community use, even when the Club are on site.
- The BMX track and surrounds will be maintained by the Club.
- All necessary services such as toilets, garbage bins etc. will be provided by the Club.

Council would be aware that recently the decision was made to keep the old BMX track at River Road available for the use by the general community due to the new BMX track facility at the Bathurst Bike Park being an advanced and challenging course and is only available to BMX Club members. Council is soon to undertake some minor modification works to the River Road track, involving the lowering of the starting hill and berms, in order to provide a safe community facility for use by the general public and to enable the site to be suitable for mowing maintenance. The Portland Recreation Club are aware of Council's pending works and consider such works would make the area more manageable for them.

It is believed that having an organisation take some ownership of the area will ensure that the BMX track is kept to a suitable and safe condition, which will reduce Council's liability in respect to possible future injury claims as well as reduce Council's maintenance costs for general maintenance of the site.

As with the utilisation of Council facilities, it is proposed that a general lease agreement be arranged with the Portland Sport and Recreation Club, in accordance with Council's standard use agreements for sporting associations. The agreement will contain but not be limited to:-

- The Club will not be permitted exclusive use of the facility. The Club will be required

to allow general use of the Track by members of the community, even during their use.

- All maintenance and upkeep of the track and surrounds is to be their responsibility.
- Council will maintain the right to cancel use of the BMX track for any reason and at any time as determined by Council.
- The Club will be required to maintain and provide all necessary public liability insurances and other necessary documentation covering their use of the facility.
- Included in the user agreement would be a requirement for a \$20M public liability policy and a nominal charge of \$230 per annum for utilisation of the area, which is in line with other organisations that utilise Council facilities and undertake all required maintenance of the site themselves.
- It is recommended that Council provide an initial 12 month use of the BMX site. It would then be envisaged that ongoing yearly use of the facility be provided to the Club should the facility be kept maintained to Council's required standards and their use does not cause adverse restrictions for general public use of the track.

It is therefore recommended that Council accede to the request from the Portland Sport and Recreation Club for the use of the old BMX track at River Road Kelso, which will involve the Club being responsible for the ongoing maintenance of the track.

**Financial Implications:** It is believed that Council's ongoing maintenance costs will be reduced should the Portland Sport and Recreation Club be granted use of the old River Road BMX track.

#### **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

## MINUTE

**32 Item 1 REQUEST FROM PORTLAND SPORT AND RECREATION CLUB FOR USE OF OLD BMX TRACK AT RIVER ROAD, KELSO (22.05825)**  
**MOVED: Cr B Bourke SECONDED: Cr I North**

**RESOLVED:** That Council accede to the request from the Portland Sport and Recreation Club for the use of the old BMX track at River Road Kelso, with conditions as outlined in the report.

## **2 WHITES STOCK TRANSPORT - 4.6M HIGH 25M B-DOUBLE APPLICATIONS (28.00012-09/024)**

**Recommendation:** That Council not approve the 12 applications for 4.6m High 25m B-Double routes from Whites Stock Transport Pty Ltd.

**Report:** Whites Stock Transport Pty Ltd has requested access for 4.6m High 25m B-Doubles for 12 routes within the Bathurst Regional Council Area. Please refer to routes at **attachment 1**.

Council's Traffic & Design Engineer has assessed the proposed routes in accordance with the Roads and Maritime Services document NSW Route Assessment Guide - Freight Route Investigation Levels.

The result of much of the assessment was that the vehicle did not meet the Austroads Guide to Road Design Part 4 2009 criteria for swept paths, as they did not maintain a swept path with a minimum offset of 0.5m from the extremities of the vehicle path to a kerb, pavement edge, or centre line to a significant degree, for significant sections of the route. Furthermore the other route requests were for light load limited roads and a height restricted road.

The swept path of the proposed 25m B-Double failed to safely negotiate the following conflict points. Where the B-Double encroaches onto the wrong or opposing side of the road the risk of collisions with other vehicles such as passenger vehicles, school buses or transport vehicles increases; also where B-Doubles encroach onto the verge area of the road the risk of collisions with school children, pedestrians, cyclists and horse riders increases:

It is recommended that the 4.6m High 25m B-Double routes not be approved.

A summary of the results of the route assessments is presented below.

Route No.	Road	Comment
1	Hen & Chicken Lane and return via reversal of this route.	<p>The RMS has advised that they have declined this route.</p> <p>This Lane has an existing light traffic 12t load limit.</p> <p>A swept path analysis shows that 25m B-Doubles</p> <ul style="list-style-type: none"> <li>(i) encroach into the path of opposing traffic at the compound bend by 1.7m and 1.2m on each of the curves located approximately 1280m from Vale Road. Please refer to plan at <b><u>attachment 2 sheet 1</u></b></li> <li>(ii) encroach into the path of opposing traffic when entering Hen &amp; Chicken Lane from the Vale Road by 3.7m across unbroken double centrelines. Please refer to plan at <b><u>attachment 2 sheet 2</u></b></li> <li>(iii) encroach into the path of opposing traffic at the</li> </ul>

		<p>compound bend by 1.7m and 1.0m on each of the curves located approximately 8094m from Vale Road. Please refer to plan at <b><u>attachment 2 sheet 3</u></b></p>
2	<p>Timber Ridge Road and return via reversal of this route.</p>	<p>The RMS has advised that they have declined this route.</p> <p>This road has an existing light traffic 12t load limit.</p> <p>A swept path analysis shows that 25m B-Doubles</p> <ul style="list-style-type: none"> <li>(i) encroach into the verge area when entering the Great Western Highway from Timber Ridge Road past the edge line by 3.0m. Please refer to plan at <b><u>attachment 2 sheet 4</u></b></li> <li>(ii) encroach into the path of opposing traffic when entering Timber Ridge Road from the Great Western Highway by 7.0m across the unbroken double centrelines.</li> </ul> <p>Vehicles on Timber Ridge Road by law are required to give way to all traffic on The Great Western Highway and must not proceed until it is clear and safe to do so. However, due to the size of the proposed vehicle and its associated swept path, the operator is placed in a position unable to commence its right turn from The Great Western Highway if there are vehicles already occupying that road space on Timber Ridge Road.</p> <p>Please refer to plan at <b><u>attachment 2 sheet 4.</u></b></p>
3	<p>Browning Street, Panorama Avenue and Hobbys Yards Road.</p>	<p>The RMS has advised that they have declined this route.</p> <p>Browning Street has an existing light traffic 12t load limit.</p> <p>A swept path analysis shows that 25m B-Doubles</p> <ul style="list-style-type: none"> <li>(i) encroach into the verge area when entering Trunkey Road from Hobbys Yards Road past the edge line by 3.4m. Please refer to plan at <b><u>attachment 2 sheet 5</u></b></li> <li>(ii) turning right out of Trunkey Road onto Hobbys Yards Road must cross double unbroken centrelines to commence their turn 15m prior to the hold line and then travel encroaching into the path of the opposing traffic lane until the turn is complete. Please refer to plan at</li> </ul>



		<p><b><u>attachment 2 sheet 5</u></b></p> <p>(iii) encroach 4.3m into the path of opposing traffic when entering Browning Street across unbroken double centrelines from the Mid-Western Highway. Please refer to plan at <b><u>attachment 2 sheet 6</u></b></p>
4	Bentinck Street, Rocket Street, Vale Road, Trunkey Road, Hobbys Yards Road and return via reversal of route.	<p>The RMS has advised that it has declined this route.</p> <p>The railway bridge on Rocket Street has a 4.5m height limit which prohibits the 4.6m high vehicle requested.</p> <p>(i) A swept path analysis shows that 25m B-Doubles encroach into the verge area when entering Trunkey Road from Hobbys Yards Road past the edge line by 3.4m. Please refer to plan at <b><u>attachment 2 sheet 7</u></b></p> <p>(ii) turning right out of Trunkey Road onto Hobbys Yards Road must cross double unbroken centrelines to commence their turn 15m prior to the hold line and then travel encroaching into the path of the opposing traffic lane until the turn is complete. Please refer to plan at <b><u>attachment 2 sheet 5</u></b></p>
5	Rockley Road and Burruga Road to Burruga; and return via reversal of this route.	The applicant has since advised that this route application has been withdrawn.
6	O'Connell Plains Road and Lagoon Road to Mount Tannas; and return via reversal of the route.	The applicant has since advised that this route application has been withdrawn.
7	Boyd Street, Limekilns Road, Yarras Lane, Glanmire Lane and return via reversal of route.	<p>A swept path analysis shows that 25m B-Doubles</p> <p>(i) encroach into the path of opposing traffic at the bend at St Anthony's Creek Road when travelling northbound by 1.6m. Please refer to plan at <b><u>attachment 2 sheet 8</u></b></p> <p>(ii) encroach into the path of opposing traffic at the intersection when entering Yarras Lane from Limekilns road by 3.5m.</p> <p>Vehicles on Yarras Lane by law are required to give way to all traffic on Limekilns Road and must not proceed until it is clear and safe to do so. However, due to the size of the proposed vehicle and its</p>

		<p>associated swept path, the operator is placed in a position unable to commence its right turn from Limekilns Road if there are vehicles already occupying that road space on Yarras Lane.</p> <p>Please refer to plan at <b><u>attachment 2 sheet 9</u></b></p> <p>(iii) encroach into the path of opposing traffic at the intersection when entering Glanmire Lane from the Great Western Highway by 3.6m.</p> <p>Vehicles on Glanmire Lane by law are required to give way to all traffic on the Great Western Highway and must not proceed until it is clear and safe to do so. However, due to the size of the proposed vehicle and its associated swept path, the operator is placed in a position unable to commence its left turn from The Great Western Highway if there are vehicles already occupying that road space on Glanmire Road.</p> <p>Please refer to plan at <b><u>attachment 2 sheet 10.</u></b></p>
8	Evans Plains Road and return via reversal of route.	<p>The RMS has advised that they have declined this route.</p> <p>A swept path analysis shows that 25m B-Doubles</p> <p>(i) encroach 1.1m into the path of opposing traffic at the bend at chainage 2430m from the Mid-Western Highway.</p> <p>Please refer to plan at <b><u>attachment 2 sheet 11</u></b></p> <p>(ii) encroach 0.5m into the path of opposing traffic at the bend at chainage 1219m from the Mid-Western Highway.</p> <p>Please refer to plan at <b><u>attachment 2 sheet 12</u></b></p> <p>(iii) encroach 3.2m across unbroken double centrelines into the path of opposing traffic at the Mid-Western Highway when entering Evans Plains road from Orange.</p> <p>Vehicles on Evans Plains Road by law are required to give way to all traffic on the Mid-Western Highway and must not proceed until it is clear and safe to do so. However, due to the size of the proposed vehicle and its associated swept path, the operator is placed in a position unable to commence its left turn from the Mid-Western Highway if there are vehicles already occupying that road space on Evans Plains Road.</p>

		Please refer to plan at <b><u>attachment 2 sheet 13</u></b>
9	Diamond Swamp Road and return via reversal of route.	<p>The RMS has advised that they have declined this route.</p> <p>A swept path analysis shows that 25m B-Doubles</p> <ul style="list-style-type: none"> <li>(i) encroach into the path of opposing traffic by 1.9m when exiting the causeway northbound near the Oberon Boundary. Please refer to plan at <b><u>attachment 2 sheet 14</u></b></li> <li>(ii) encroach into the path of opposing traffic by 7.0m when entering Diamond Swamp Road from the west via the Great Western Highway.</li> </ul> <p>Vehicles on Diamond Swamp Road by law are required to give way to all traffic on The Great Western Highway and must not proceed until it is clear and safe to do so. However, due to the size of the proposed vehicle and its associated swept path, the operator is placed in a position unable to commence its right turn from The Great Western Highway if there are vehicles already occupying that road space on Diamond Swamp Road.</p> <p>Please refer to plan at <b><u>attachment 2 sheet 14a</u></b></p> <ul style="list-style-type: none"> <li>(iii) encroach into the verge area past the fog line by 3.2m when entering Great Western Highway and heading west from the Diamond Swamp Road. Please refer to plan at <b><u>attachment 2 sheet 14a</u></b></li> </ul> <p>This route has a deficiency in grade such that a 120m section is at a grade of 15.76%. The Austroads Guide to Road Design rates grades over 15% as not negotiable for heavy vehicles for uphill or down hill passage.</p>
10	Mill Lane and Return via reversal of the route.	<p>This road has deficient width for the passage of B-Doubles. Sections of carriageway for the sealed road have been measured at approximately 5.0m carriage way width in sections, where 7m is required for B-Doubles in the NSW Route Assessment Guide.</p> <p>A swept path analysis shows that 25m B-Doubles</p> <ul style="list-style-type: none"> <li>(i) encroach into the path of opposing traffic to enter this road from Freemantle Road via Eglinton by 2.2m.</li> </ul> <p>Vehicles on Mill Lane by law are required to give</p>

		<p>way to all traffic on Freemantle Road and must not proceed until it is clear and safe to do so. However, due to the size of the proposed vehicle and its associated swept path, the operator is placed in a position unable to commence its right turn from Freemantle Road if there are vehicles already occupying that road space on Mill Lane.</p> <p>Please refer to plan at <b><u>attachment 2 sheet 15</u></b>.</p> <p>(ii) encroach into the path of opposing traffic to enter this road from Freemantle Road from the west by 6.6m. Please refer to plan at <b><u>attachment 2 sheet 15</u></b></p> <p>(iii) encroach into the path of opposing traffic by 2.0m while taking the bend in Mill Lane. Please refer to plan at <b><u>attachment 2 sheet 16</u></b></p> <p>This route has access issues in poor weather.</p>
11	Cashens Lane and Ophir Road and return via reversal of the route.	<p>The RMS has advised that they have declined this route.</p> <p>A swept path analysis shows that 25m B-Doubles</p> <p>(i) encroach into the path of opposing traffic by 7.0m when entering Ophir Road from Cashens Lane.</p> <p>Vehicles on Ophir Road by law are required to give way to all traffic on Cashens Lane and must not proceed until it is clear and safe to do so. However, due to the size of the proposed vehicle and its associated swept path, the operator is placed in a position unable to commence its right turn from Cashens Lane if there are vehicles already occupying that road space on Ophir Road.</p> <p>Please refer to plan at <b><u>attachment 2 sheet 17</u></b></p> <p>(ii) encroach into the path of opposing traffic to enter Cashens Lane from the Mitchell Highway heading eastbound by 4.5m. Please refer to plan at <b><u>attachment 2 sheet 18</u></b></p> <p>This route also has access issues in poor weather.</p>
12	Brewongle Lane, Station Street, Tarana Road and return via reversal of this route.	<p>A swept path analysis shows that 25m B-Doubles</p> <p>(i) encroach into the path of opposing traffic at the bend in Brewongle Lane 3420m from the Great Western Highway by 2.1m. Please refer to plan at <b><u>attachment 2 sheet 19</u></b></p>

	<p>(ii) encroach into the path of opposing traffic at the bend in Brewongle Lane 2424m from the Great Western Highway by 2.1m. Please refer to plan at <b><u>attachment 2 sheet 20</u></b></p> <p>(iii) encroach into the path of opposing traffic at the bend in Brewongle Lane 4035m by 1.5m. Please refer to plan at <b><u>attachment 2 sheet 21</u></b></p> <p>(iv) encroach 2.6m into the path of opposing traffic on the intersection between Brewongle Lane and Station Street heading south bound. Please refer to plan at <b><u>attachment 2 sheet 22</u></b></p> <p>(v) encroach 3.0m into the path of opposing traffic when entering Station Street from Tarana Road, while also encroaching into the verge area of the road, when a 0.5m clearance should be available.</p> <p>Vehicles on Station Street by law are required to give way to all traffic on Tarana Road and must not proceed until it is clear and safe to do so. However, due to the size of the proposed vehicle and its associated swept path, the operator is placed in a position unable to commence its left turn from Tarana Road if there are vehicles already occupying that road space on Station Street.</p> <p>Please refer to plan at <b><u>attachment 2 sheet 23</u></b></p>
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Bathurst Regional Council is satisfied that the proposed granting of access will pose significant risk to public safety and the vehicle has been found to be incompatible with existing road infrastructure and traffic conditions.

**Financial Implications:** Nil.

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

- Objective 24: To provide and support the provision of accessible, affordable and well planned transport systems. Strategy 24.2

## MINUTE

### **33 Item 2 WHITES STOCK TRANSPORT - 4.6M HIGH 25M B-DOUBLE APPLICATIONS (28.00012-09/024)**

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

**RESOLVED:** That Council not approve the 12 applications for 4.6m High 25m B-Double routes from Whites Stock Transport Pty Ltd.

### **3 14.5M BUS ROUTE BATHURST TO HILL END, SOFALA AND ILFORD (28.00012-09/005)**

**Recommendation:** That Council not approve the application for a 14.5m Bus Route to Hill End, Sofala and Ilford.

**Report:** The Bus and Coach Industrial Association has requested access for 14.5m Coaches from Bathurst to Hill End, Sofala and Ilford.

Council's Traffic & Design Engineer has assessed the proposed route in accordance with the Roads and Maritime Services document Route Assessment for 14.5m Buses.

The result of the assessment was that the vehicle did not meet the Austroads Guide to Road Design Part 4 2009 criteria for swept paths, as they did not maintain a swept path with a minimum offset of 0.5m from the extremities of the vehicle path to a kerb, pavement edge, or centre line to a significant degree, for significant sections of the route.

It is recommended that the 14.5m Coach route not be approved.

It is noted that many of the streets within Sofala and Hill End are of deficient width. Council's Engineering Guidelines require 8m wide carriageway width for local roads, however these roads predate Council's current standards and many have sealed widths around 4m wide, which are not suited for the passage of 14.5m long buses due to greater width requirements on bends and near intersections.

The swept path of the proposed 14.5m bus failed to safely negotiate the following conflict points. Where the bus encroaches onto the wrong or opposing side of the road the risk of collisions with other vehicles such as passenger vehicles, school buses or transport vehicles increase:

#### **Sofala**

1. Intersection of Davis Street and Bowen Street, Sofala. The swept path of the left hand turn from the southern end of Davis Street crossed the centreline of the road by 3.8m, however this manoeuvre required commencement from the wrong side of the road to make the turn and encroached on both verges. Please refer to image at **attachment 1 sheet 1**.

Bowen Street has deficient width, with a 4m wide seal. Council's Engineering Guidelines require 8m wide carriageway width, however this road predates Council's current standards.

2. Intersection of Davis Street and Bowen Street, Sofala. The swept path of the left hand turn from the western end of Bowen Street crossed the centreline to the wrong side of the road by 2.6m and encroached 2m onto the verge. Please refer to image at **attachment 1 sheet 1**.

Davis Street has deficient width, with a 5m wide seal to the north of Bowen Street and 4.6m wide seal to the south of Bowen Street. Council's Engineering Guidelines require 8m wide carriageway width, however this road predates Council's current standards.

3. Intersection of Davis Street and Bowen Street, Sofala. The swept path of the left hand turn from Davis Street eastbound encroached 2.5m into the opposing traffic

lane and 1.1m onto the verge. Please refer to image at **attachment 1 sheet 1**.

4. Intersection of Barkly Street and Bowen Street. The swept path of the left hand turn from Barkly Street westbound encroaches 4.5m into the opposing traffic lane. This is when the turn is made from the centre of the lane. Swept path results in conflicts with fences on both sides of Bowen Street when attempting to complete this turn in a single manoeuvre. Please refer to image at **attachment 1 sheet 2**.

Barkly Street has deficient width, with a 3.5m wide seal. Council's Engineering Guidelines require 8m wide carriageway width, however this road predates Council's current standards.

5. Bend in Davis Street at the Bowen Street intersection. The swept path for south bound 14.5m buses requires that the buses operate 0.5m into the opposing lane when proceeding straight through the intersection. Please refer to image at **attachment 1 sheet 1**.
6. Bend in Barkly Street Sofala. The swept path for the eastbound vehicle encroached 3.2m over the centreline and onto the left verges 1.3 and the right verge (including private premises front garden 1.1m) 1.8m. Please refer to image at **attachment 1 sheet 2**.
7. Denison Street between Davis Street and Bowen Street. This area is a pedestrian only access bridge and 14.5m bus passage would not be suitable.
8. Turon Terrace Cul De Sac. This area contains a 13m wide all weather seal (excluding the angled parking area), which is not a suitable for bus access as insufficient width is available for turning buses around. Please refer to image at **attachment 1 sheet 3**.
9. Sofala Road and Davis Street Intersection. The angle of this intersection is such that it does not provide sufficient sight distances to buses entering Sofala Road from Davis Street turning right. Where driver sight distance is deficient the risk of right turning vehicle collisions are increased. The sight distance requirements of the Austroads road design guide for right turns are for a driver observation angle less than 110 degrees, whereas a 14.5m bus without crossing into the opposing traffic lane would have an angle greater than 130 degrees. Please refer to image at **attachment 1 sheet 4**.

## Hill End

1. High Street is a narrow mostly unsealed road with poor alignment. A swept path analysis of a 14.5 m bus along High Street results in the swept path crossing the centre line into the path of oncoming traffic for most of the 1200m long road. Please refer to image at **attachment 1 sheets 9 & 10**.

A sealed section of High Street near William Street has deficient width, with a 4.0m wide seal just prior to where it intersects with William Street. Please refer to image at **attachment 1 sheets 7**.

2. Intersection of High Street and Thomas Street. The swept path for west bound 14.5m buses requires that the buses operate 1.0m into the opposing lane of traffic when turning left through the intersection. Please refer to image at **attachment 1 sheet 12**.



3. Intersection of Thomas Street and Denison Street. The swept path for northbound 14.5m buses requires that buses operate 5.0m into the opposing lane of traffic when turning left through the intersection. Please refer to image at **attachment 1 sheet 12**.
4. Intersection of William Street and Denison Street. The swept path for eastbound 14.5m buses requires that buses operate 4.8m into the opposing lane of traffic when turning right through the intersection. Please refer to image at **attachment 1 sheet 8**.
5. Intersection of Denison Street and Belmore Street. The swept path for eastbound 14.5m buses requires that buses operate 2.7m into the opposing lane of traffic when turning right into the intersection. Please refer to image at **attachment 1 sheet 5**.  
  
Belmore Street has a deficient width, with a 3.6m wide seal.
6. Intersection Beyers Avenue and Clarke Street. The angle of this left turn out of the southern end of Beyers Avenue into Clarke Street was too tight for a suitable swept path image to be produced, which indicates insufficient space is available to complete this manoeuvre.
7. Intersection the southern end of Clarke Street and Tamboroora Street. The swept path for northbound 14.5m buses requires that buses operate 2.4m into the opposing lane of traffic when turning left into the intersection. Please refer to image at **attachment 1 sheet 11**.
8. Intersection Beyers Avenue and Moores Lane. The swept path for eastbound 14.5m buses requires that buses operate 3.0m into the opposing lane of traffic when turning right into the intersection. Please refer to image at **attachment 1 sheet 13**.
9. Intersection of High Street and Belmore Street. The swept path for eastbound 14.5m buses requires that buses operate 6.0m into the opposing lane of traffic when turning right into the intersection. Please refer to image at **attachment 1 sheet 6**.

### **Tuondale Road**

1. Bend prior to Coles bridge. The swept path for the 14.5m Bus requires that the bus operate 0.4m into the opposing lane of traffic prior to the bend before the angled bridge approach while travelling eastbound. The swept path also encroaches within 0.6m of the edge of the bitumen seal. Please refer to image at **attachment 1 sheet 14**.

Council is undertaking design to replace the bridge, however construction timing will be dependent upon funding availability.

### **Hill End Road**

1. Cockatoo Hill, Hill End Road. While the upgrade of Hill End Road between Sofala Road and Tuondale Road was designed for 14.5m buses, construction issues with rock blasting being required meant that the road had to deviate from the design. As no as built survey has been undertaken of this section of road, it is recommended that a 14.5m bus trial be undertaken prior to approval of any 14.5m bus routes in this location.

2. Wallaby Rocks Bridge, Hill End Road. This bridge is an RMS bridge. Council can only refer access approval requests to the RMS for this bridge.

To approve access to Hill End from Sofala Road via Hill End Road an application containing a suitable U-Turn area off Beyers Road would be required, as well as a successful 14.5m Bus trial through the Cockatoo Hill area.

Access to Sofala via Hill End Road and Denison Street would require that buses park at the Joyce Pearce Memorial Park Bus Parking area.

Bathurst Regional Council is satisfied that the proposed granting of access will pose significant risk to public safety and the vehicle has been found to be incompatible with existing road infrastructure and traffic conditions.

**Financial Implications:** Nil.

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

- Objective 24: To provide and support the provision of accessible, affordable and well planned transport systems. Strategy 24.2

## MINUTE

**34** Item 3 14.5M BUS ROUTE BATHURST TO HILL END, SOFALA AND ILFORD  
(28.00012-09/005)

MOVED: Cr M Morse SECONDED: Cr W Aubin

**RESOLVED:** That Council not approve the application for a 14.5m Bus Route to Hill End, Sofala and Ilford.

#### **4 PROPOSED TRANSFER OF UNNAMED LANE OFF KEPPEL STREET AT REAR 203-223 GEORGE STREET BATHURST (25.00587)**

**Recommendation:** That Council approve the transfer of the unnamed laneway off Keppel Street at the rear of 203-223 George Street Bathurst to its ownership, in accordance with Director Engineering Services' report.

**Report:** Council has received a request from the owner of a business in George Street that Council acquire an unnamed laneway situated off Keppel Street which provides rear access to business premises at 203 to 223 George Street Bathurst. Formalisation of matters concerning the laneway will result in legal access being available to those premises. Please refer to **attachment 1** - unregistered plan of subdivision identifying the unnamed laneway as Lot 10 and being 462.2 square metres in area.

It has been ascertained by a search at the Land Titles Office that the laneway was created in a private old system subdivision circa 1841, with no evidence of formal resumption or dedication thereafter having occurred.

Council has provided advice to the solicitor for the applicant as to the:

- (a) legal status of the laneway;
- (b) terms upon which it would consider transfer of the laneway to its care and control; and
- (c) requirement for the laneway to be upgraded to meet Council's Engineering Guidelines for construction of a public road.

The applicant has submitted Engineering Design Plans prepared by Barnson Pty Ltd engineering consultants, dated 8 June 2016, and entitled 'Proposed Lane Upgrade Section 14 DP758065 Keppel Street Bathurst'. Such plans are compliant with the requirements for a public road in accordance with Council's Guidelines for Engineering Works [4m Wide Asphaltic Concrete (AC) Pavement].

Such construction is to be undertaken to the satisfaction of Council's Subdivision Supervisor and in accordance with the terms outlined in Council's letter to the applicant's solicitors dated 13 April 2016. Upon satisfactory completion of the construction, publication of a notice in the Government Gazette dedicating the land as public road would be undertaken by Council, completing the process.

The applicant is responsible for payment of all construction, legal and survey costs.

It is recommended that Council approve the Engineering Design Plans, and the transfer of the unnamed lane to its ownership as a public road.

**Financial Implications:** Nil. All costs are to be met by the applicants.

#### **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 6.6

**MINUTE**

**35    Item 4    PROPOSED TRANSFER OF UNNAMED LANE OFF KEPPEL STREET  
AT REAR 203-223 GEORGE STREET BATHURST (25.00587)**  
**MOVED: Cr I North SECONDED: Cr B Bourke**

**RESOLVED:** That Council request the applicant to provide written advice from all adjoining landowners to the laneway, as to their concurrence with this request.

## **5 CONSENT TO CLOSURE OF UNCONSTRUCTED COUNCIL ROADS - LOCATED AT ARKELL AND COLO (25.00115)**

**Recommendation:** That Council consent to the closure of unformed Council Roads as proposed by The Crown subject to the information contained in the Director Engineering Services' Report.

**Report:** Council has received notice from Department Primary Industries - Lands of the proposed closure of Crown Roads including 2 Unformed Council Roads in the Bathurst local government area.

Unformed Council Roads for which The Crown seeks Council's consent to close in this instance, with their being no application, are:

	<b>Land:</b>	<b>Council's Records:</b>	<b>Location:</b>
(a)	Road above Lot 1 DP1064406	<u>Council Road</u> Not Constructed: Arkell	Please refer to Feature Report at <b><u>attachment 1</u></b>
(b)	Road below Lot 2 DP543029	<u>Council Road</u> Not Constructed: Arkell	Please refer to Feature Report at <b><u>attachment 1</u></b>
(c)	Road traversing Lots 5 and 6 DP753040 and Part Lot 1 DP753040	<u>Council Road</u> Not Constructed: Colo	Please refer to Feature Report at <b><u>attachment 2</u></b>
(d)	Road above Lot 127 DP753022 and above Lot 165 DP753022	Crown Road Not Constructed: Arkell	Please refer to Feature Report at <b><u>attachment 3</u></b>

It is considered the unformed Council roads are not required for Council infrastructure purposes. Upon closure, the unformed Council roads will vest in The Crown, and in the event The Crown receives any interest from an adjoining land owner, The Crown will deal directly with that land owner in the process for closure and sale (if any) of the unformed Council roads.

The Crown has notified all adjoining and affected land owners, and authorities of its proposal, inviting submissions. It is considered that Council does not have any interests which may be affected by the closing of the unformed Council roads identified.

It is recommended that Council consent to the proposed closure of unformed Council roads listed in the table forming part of this report.

**Financial Implications:** Nil, as The Crown will undertake the procedure, upon receiving Council's consent.

### **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**

**36 Item 5 CONSENT TO CLOSURE OF UNCONSTRUCTED COUNCIL ROADS -  
LOCATED AT ARKELL AND COLO (25.00115)**

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

**RESOLVED:** That Council consent to the closure of unformed Council Roads as proposed by The Crown subject to the information contained in the Director Engineering Services' Report.

Yours faithfully



Doug Patterson  
**DIRECTOR  
ENGINEERING SERVICES**

**DIRECTOR CULTURAL & COMMUNITY SERVICES' REPORT AND  
MINUTES**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

20 JULY 2016



## **1 UPDATE ON THE DEVELOPMENT OF THE BATHURST RAIL MUSEUM (21.00120)**

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

**Report:** Following Council's resolution to accept the cultural gift offered by Siobhan Hennessy of the largest HO scale layout in Australia planning has commenced for the development of the Bathurst Rail Museum (Council Meeting 10 December 2014, General Manager's Confidential Report #1).

At Council's Working Party held on 8 June 2016, concept plans for the site were tabled, a copy of these plans are at **attachment 1**.

Negotiations have taken place with Transport for NSW (TfNSW) and their representative John Holland Pty Ltd for a long term lease of the historic Railway Institute Building within the historic rail precinct to house the museum. A Memorandum of Understanding (MOU) has been finalised with a formal lease to be ratified in the near future.

Work to date has included the commissioning of building reports and a Conservation Management Strategy for the Railway Institute Building. Negotiation with TfNSW regarding the use of objects and images that have local significance has also occurred. Research regarding the design of the museum and the development of a range of planning documents has been undertaken. These have included the development of Asset, Procurement, Project and Risk Management Plans as well as a Business Case and Economic Assessment. An Integrated Development Application has been lodged with Council awaiting approval.

The planning for the next stage in the development of the museum focussing on content is underway. Oral histories and local information will be sought ensuring a broad range of stories and local history is included. A suitably qualified professional museum content development company will be engaged to assist in the design of interpretation components ensuring high quality, innovative presentation.

Further updates will be provided to Councillors as the attached plans are progressively implemented.

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

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

- Objective 4: To market Bathurst as a great place to live, work, study, invest and play. Strategy 4.1, 4.6
- Objective 6: To support infrastructure development necessary to enhance Bathurst's life-style and industry development. Strategy 6.3
- Objective 11: To protect the region's unique heritage and history. To protect a unique identity. Strategy 11.6, 11.8, 11.9
- 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 20.4

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

Strategy 28.2

**MINUTE**

**37 Item 1 UPDATE ON THE DEVELOPMENT OF THE BATHURST RAIL MUSEUM**  
**(21.00120)**

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

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

## **2 AUTUMN COLOURS 2016 (23.00060)**

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

**Report:** The Bathurst Visitor Information Centre collates events and curates activities and tours for the Autumn Colours Program. The program is coordinated by the Autumn Colours Program Working Party.

The 2016 program has once again proven to be a great success with growing interest and demand for information.

Advertising and publicity for the program was delivered through the following media:

- Visit Bathurst website
- Facebook page - I Love Bathurst, listed featured events
- Autumn Colours images, placed on instagram.
- Distribution of a printed booklet - 6,000 copies were distributed
- 2BS/Brock FM – advertising campaign
- Go 55s and The Seniors' Newspaper – seniors publications
- Discover Magazine and iMag – regional publications
- Caravanning Australia and The Wanderer – grey nomad market
- 2CH – radio campaign

Of the 233 events listed in the program ten specific tours (each held monthly) were created by the Autumn Colours Program Working Party. These special events attracted 471 participants, many travelling from outside the region and state to attend. The Pit Tours, History Mystery Tours and Spirit of Bathurst Tours attracted the greatest interest.

The Visitor Information Centre acknowledges the significant contribution of the Family History Group and Bathurst District Historical Society to the success of this program. During Heritage Week from 30 April to 8 May 2016, 38 events were held including Proclamation Day, guided tours of the Historical Society Museum, Machattie Park and the 1880 Bathurst Hospital Building.

Certificates of appreciation were presented by the Mayor to 20 working party members and helpers.

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

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

- Objective 4: To market Bathurst as a great place to live, work, study, invest and play. Strategy 4.1, 4.6, 4.8
- Objective 11: To protect the region's unique heritage and history. To protect a unique identity. Strategy 11.6

## MINUTE

- 38 Item 2 AUTUMN COLOURS 2016 (23.00060)  
MOVED: Cr M Coote SECONDED: Cr W Aubin

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

### **3 NAIDOC WEEK FLAG RAISING EVENT - MONDAY 4 JULY 2016 (09.00031)**

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

**Report:** Council celebrated NAIDOC Week with a flag raising event attended by approximately 120 people. The event was held on Monday 4 July 2016 with a morning tea and an official ceremony in Council Chambers.

NAIDOC celebrations are held around Australia each July to celebrate the history, culture and achievements of Aboriginal and Torres Strait Islander peoples. This year Australia celebrates National NAIDOC Week from Sunday 3 July 2016 to Sunday 10 July 2016. The theme for National NAIDOC Week 2015 is *Songlines: The living narrative of our nation*. The Songlines are recorded in traditional songs, stories, dance and art. They carry significant spiritual and cultural connection, knowledge, customs, ceremony and lore of many Aboriginal nations and language groups.

Local Wiradyuri Elder, Joylene Simpson provided a Welcome to Country. The Mayor, Councillor Gary Rush addressed a large gathering of Aboriginal and local community members.

The event featured young local Aboriginal dancers and a display of artwork completed by local Aboriginal school students.

Shona Kennedy addressed the gathering with regards to the artwork project overseen by Bathurst Young Mob. The artwork was completed at Kelso Community Centre, in conjunction with Bathurst Young Mob and VERTO. Students attended the "Sugarland" performance at the Bathurst Memorial Entertainment Centre (BMEC) and met with the cast and producers following the performance. As part of this experience, a drama workshop was conducted at Kelso Community Centre with the cast. Two young Aboriginal students provided a brief report of the activities they participated in, in conjunction with Kelso Community Centre, Bathurst Young Mob and BMEC.

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

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

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

**MINUTE**

**39 Item 3 NAIDOC WEEK FLAG RAISING EVENT - MONDAY 4 JULY 2016**  
**(09.00031)**

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

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

#### **4 BATHURST REGIONAL YOUTH COUNCIL - FLASHBACK FRIDAY DANCE PARTY - 24 JUNE 2016 (11.00020)**

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

**Report:** The Bathurst Regional Youth Council held it's annual dance party at BMEC on Friday 24 June 2016. The theme of the event was "Flashback Friday" and young people were encouraged to dress in any clothing representing the theme of Flashback. There were 390 young people in attendance on the night. The event was a drug and alcohol free, fully supervised event.

Young people enjoyed music provided by a local young DJ who is a year 12 student at St Stanislaus' College, Bathurst. A highlight of the event was the provision of a photo booth.

Representatives from headspace Bathurst provided a range of resources for young people. Young people also had the opportunity to create a badge of their own design.

The "chill out" area was popular and provided an option for young people to take a break from dancing and just chat amongst themselves.

Some party food and mock tails were provided.

The Youth Council were pleased to provide the opportunity for young people to socialise in a safe environment.

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

#### **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, 27.4, 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**

**40 Item 4 BATHURST REGIONAL YOUTH COUNCIL - FLASHBACK FRIDAY  
DANCE PARTY - 24 JUNE 2016 (11.00020)**

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

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

## **5 BATHURST REGIONAL YOUTH COUNCIL - YJAM STAGE AT BATHURST WINTER FESTIVAL - 2 JULY 2016 (11.00020)**

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

**Report:** The Bathurst Regional Youth Council held the first in a series of two events of the YJAM project, as part of the Bathurst Winter Festival on Saturday 2 July 2016. The event was well attended by young people, and featured five local young musical performers.

Young people enjoyed music provided by the local performers.

The YJAM stage also featured a light installation to reflect the Winter theme and the illumination.

The event was supported by the Indent Event Development Grant secured by Bathurst Regional Youth Council.

The Youth Council were pleased to be able to provide the opportunity for young people to perform and socialise in a safe environment.

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

### **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, 27.4, 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**

**41 Item 5 BATHURST REGIONAL YOUTH COUNCIL - YJAM STAGE AT BATHURST WINTER FESTIVAL - 2 JULY 2016 (11.00020)**  
**MOVED: Cr M Coote SECONDED: Cr B Bourke**

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

## **6 WORLD DUCHENNE AWARENESS DAY (WDAD) - 7 SEPTEMBER 2016 (09.00020)**

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

**Report:** Bathurst Regional Council will work with Muscular Dystrophy Queensland to celebrate World Duchenne Awareness Day on 7 September 2016. Their request to support WDAD is for Council to light up an iconic building, statue, fountain or parkway on the night of September 7, 2016. Council has agreed to light up the Carillon monument in Kings Parade under a shade of red, which represents the colour of WDAD and also the colour of all international Muscular Dystrophy Associations.

The significance of the seventh day of the ninth month was decided because there are 79 exons in the dystrophin gene – the gene responsible for causing this progressive muscle weakening condition affecting thousands of Australian males. A local family affected by this disease is very appreciative and excited about Council's recognition of this day and will be involved in helping Council to create awareness in the community surrounding this event.

Bathurst Regional Council will also be recognised in all national and state media surrounding WDAD 2016 and will be seeking local media to recognise WDAD 2016.

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

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

- Objective 19: To improve equity of access to all members of the community in public and private domains. Strategy 19.2
- Objective 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 20.5
- Objective 23: To encourage a supportive and inclusive community. Strategy 23.1, 23.3, 23.7
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.4, 30.6

**MINUTE**

**42 Item 6 WORLD DUCHENNE AWARENESS DAY (WDAD) - 7 SEPTEMBER 2016**  
**(09.00020)**

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

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

## **7 WHITE RIBBON (DOMESTIC VIOLENCE) WORKPLACE ACCREDITATION (21.00179)**

**Recommendation:** That Council endorse commencing the process of becoming a White Ribbon Accredited Workplace.

**Report:** Building on the success of the Bathurst Says No to Domestic Violence campaign, the Bathurst Regional Community Safety Committee has identified a new project which would continue the momentum. It is proposed that Council apply to and work with White Ribbon Australia to participate in the White Ribbon Workplace Accreditation Program.

The Workplace Accreditation Program recognises workplaces that are taking active steps to prevent and respond to violence against women, accrediting them as a White Ribbon Workplace.

White Ribbon Workplaces are centres of respect and proactivity in relation to the safety of women in the workplace, and are members of a truly leading edge cohort, both nationally and internationally. The Program is an award-winning initiative which is complementary to women's empowerment initiatives and strengthens the organisation's stance in relation to anti-bullying legislation. Key benefits reported from participation in the program include:

- drive social change
- improved office safety and morale
- increased staff knowledge and skills to address this issue
- improved retention rates and lower staff turnover
- risk mitigation
- improved work productivity and reduced absenteeism
- improved reputation
- becoming an employer of choice.

The White Ribbon Australia Workplace Accreditation Program provides organisations with the tools to prevent and respond to violence against women. The Program has reached over 169 organisations to date and over half a million Australian adults via their workplaces. The Program is evidence based, developed in consultation with industry experts and independently evaluated.

There are a number of steps involved to gain the accreditation including initial application and orientation then moving into 'walking the talk' by embedding policies, procedures, responses, leadership and training. The process can take between 12 – 18 months to complete, then once accredited it lasts for three years. A small staff working group is required to drive the process and activities. Continued adherence to new policies and procedures along with evidence of new initiatives surrounding White Ribbon activities is used to gain re-accreditation after this time.

By working towards becoming a White Ribbon Workplace, Bathurst Regional Council will set new standards within the organisation and continue to take the lead and create awareness in the community on the issue of domestic violence.

For Council to undertake the White Ribbon (Domestic Violence) Workplace Accreditation process, it is anticipated that this Accreditation will cost approximately \$1,800 per year over a period of three years. Inclusive in this amount is the provision of resources, online training, support and guidance through the Accreditation process and the development of standards, criteria and policies, and include in promotion and media opportunities.

**Financial Implications:** Funding for this program can be provided from the existing Community Safety initiatives budget.

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

- Objective 22: To improve community safety. Strategy 22.1, 22.2
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.4
- Objective 33: To be and develop good leaders. Strategy 33.5, 33.6

**MINUTE**

**43 Item 7 WHITE RIBBON (DOMESTIC VIOLENCE) WORKPLACE  
ACCREDITATION (21.00179)**

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

**RESOLVED:** That Council endorse commencing the process of becoming a White Ribbon Accredited Workplace.



## **8 BATHURST REGION TOURISM REFERENCE GROUP - MEETING HELD 6 JUNE 2016 (07.00016)**

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

**Report:** As part of the Destination Management Plan, which was adopted by Council on 20 May 2015, the establishment of a Tourism Reference Group has been undertaken, with the membership of the Group endorsed by Council on 9 December 2015.

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

The fourth meeting of the Bathurst Region Tourism Reference Group was held on 6 June 2016. The minutes of the Group's Meeting are provided at **attachment 1**.

At the meeting held on 6 June 2016, the Group established the following actions, linked to the Destination Management Plan:

- Industry Development Programme - workshops for tourism operators May – July :
- Held brand Social Media training course 30 May (25 attendees)
- Held Public Relations training course 29 June (20 attendees)
- Held Research and Data education workshop 2 June for Tourism Reference Group and key staff
- Prepared Tourism Research Brief – Request for quotations for customised regional data to inform destination brand process
- Meetings with Council's events team regarding Winter Festival
- Coordination of ten Winter Festival packages in collaboration with industry
- Bathurst Regional Vignerons – meetings regarding collaborative approach to event participation
- Participation Bathurst Cultural Fund – alignment and opportunities within Destination Management Plan
- Visitor Economy Group meetings set up and attended monthly
- Famils – Abercrombie Caves, Mayfield Garden, Winter Winery Wander, Bathurst Goldfields

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

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

- Objective 4: To market Bathurst as a great place to live, work, study, invest and play. Strategy 4.1, 4.3, 4.4, 4.5, 4.6, 4.7, 4.9
- Objective 11: To protect the region's unique heritage and history. To protect a unique identity. Strategy 11.6

**MINUTE**

**44 Item 8 BATHURST REGION TOURISM REFERENCE GROUP - MEETING HELD**  
**6 JUNE 2016 (07.00016)**

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

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

## **9 ARTS OUTWEST 2015 ANNUAL REPORT (18.00036)**

**Recommendation:** That Council note the Arts OutWest Annual Report for 2015.

**Report:** Council has received a copy of Arts OutWest Annual Report for 2015, copies of the report are available at Council's administration offices or can be viewed on the Arts OutWest website link ([http://artsoutwest.org.au/wp-content/uploads/2014/06/Annual-Report-2015\\_WEB.pdf](http://artsoutwest.org.au/wp-content/uploads/2014/06/Annual-Report-2015_WEB.pdf)).

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 2015 with a variety of initiatives as indicated in the report. Arts OutWest will continue to provide Council with updates on their program and the benefits to the Bathurst community.

**Financial Implications:** Council has provided \$24,500 in the Annual Operating Plan - 2016/2017 for Community Arts and this contribution is made directly to Arts OutWest.

### **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**

- 45 Item 9 ARTS OUTWEST 2015 ANNUAL REPORT (18.00036)  
MOVED: Cr I North SECONDED: Cr M Coote

**RESOLVED:** That Council note the Arts OutWest Annual Report for 2015.

Yours faithfully



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

**POLICY COMMITTEE MEETING**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

## **1 MINUTES - POLICY COMMITTEE MEETING - 6 JULY 2016 (07.00064)**

**Recommendation:** That the recommendations of the Policy Committee Meeting held on 6 July 2016 be adopted.

**Report:** The Minutes of the Policy Committee Meeting held on 6 July 2016, are attached.

**Financial Implications:** N/A

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

- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.5

## MINUTE

- 46 Item 1 MINUTES - POLICY COMMITTEE MEETING - 6 JULY 2016 (07.00064)  
MOVED: Cr G Westman SECONDED: Cr I North

**RESOLVED:** That the recommendations of the Policy Committee Meeting held on 6 July 2016 be adopted.

**MINUTES OF THE POLICY COMMITTEE**  
**HELD ON 6 JULY 2016**

**MEETING COMMENCES**

**1 MEETING COMMENCES 6:00 PM**

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

**APOLOGIES**

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

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

**REPORT OF PREVIOUS MEETING**

**3 Item 1 MINUTES - POLICY COMMITTEE MEETING - 1 JUNE 2016 (07.00064)**  
**MOVED** Cr B Bourke and **SECONDED** Cr G Westman

**RESOLVED:** That the Minutes of the Policy Committee Meeting held on 1 June 2016 be adopted.

**DECLARATION OF INTEREST**

**4 DECLARATION OF INTEREST 11.00002**  
**MOVED** Cr M Coote and **SECONDED** Cr W Aubin

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

**RECEIVE AND DEAL WITH DIRECTORS' REPORTS**

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

**5 Item 1 LEGIONELLA MANAGEMENT (41.00089 & 14.00001)**  
**MOVED** Cr G Westman and **SECONDED** Cr M Coote

**RESOLVED:** That Council repeal the "Legionella Management" Policy.



- 6** **Item 2 CONTAMINATED LAND POLICY (41.00089 & 16.00141)**  
**MOVED** Cr G Westman and **SECONDED** Cr M Coote

**RESOLVED:** That Council:

- (a) place the draft Contaminated Land Policy on public exhibition for a period of 28 days.
- (b) if no submissions are received, adopt the Policy;
- (c) delegate the authority to the General Manager to transfer properties between categories of notification of land on a Section 149 certificate as outlined in the policy in accordance with the outcomes of appropriate geotechnical investigations; and
- (d) repeal the Sunny Corner Contaminated Land Policy.

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

- 7** **Item 1 POLICY UPDATE - STAFF - DESIGNATED PERSONS DISCLOSING INTERESTS (11.00002, 41.00089)**  
**MOVED** Cr G Westman and **SECONDED** Cr G Hanger

**RESOLVED:** That Council note the information and update the list of designated positions in the Policy Manual.

- 8** **Item 2 REPORT OF AUDIT AND RISK MANAGEMENT COMMITTEE - 22 JUNE 2016 (07.00096)**  
**MOVED** Cr G Westman and **SECONDED** Cr B Bourke

**RESOLVED:** That the recommendations of the Audit & Risk Management Committee Meeting held on 22 June 2016 be adopted.

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

- 9** **Item 1 POLICIES - BATHURST LIBRARY (41.00089, 21.00054)**  
**MOVED** Cr M Morse and **SECONDED** Cr G Hanger

**RESOLVED:** That Council adopt the Bathurst Library policies as outlined in the report with the following changes:

- (a) Customer Exclusion Policy: Change "Bathurst Library endeavours to provide a safe..." to "Bathurst Library is committed to providing a safe...".
- (b) Children and Young People Policy - Policy Content: 2.1 Service Statement: add "eResources" to the list of programs and services offered to young people.

## **GENERAL BUSINESS**

### **10**      **Item 1 ROADWORKS - EGLINTON ROAD (25.00045)**

**Cr Morse** - raised concerns expressed about road works near All Saints' College.

**The Director Engineering Services** noted works that have been undertaken, given the current inclement weather. Contractor will come back to Council with proposal after undertaking various soil tests.

### **11**      **Item 2 LANEWAY - 48-50 GILMOUR STREET (04.00033)**

**Cr Morse** - noted concern expressed by ratepayer about closure of this laneway. Does Council advise public that laneways will be closed?

**The Director Engineering Services** advised matter has been considered previously by Council and was closed due to resident concerns.

### **12**      **Item 3 FRONT FENCE POLICY - MIRIYAN DRIVE (20.00010)**

**Cr Morse** - asked can residents put up front fences in this area?

**The Acting Director Environmental, Planning & Building Services** spoke to issues of covenants and Council controls on developments.

**The General Manager** suggested resident needs to contact Council due to technical issues that are concerned.

### **13**      **Item 4 WINTER FESTIVAL (23.00152)**

**Cr Coote** - requested an update on the Winter Festival. This is great for Council to do this.

**The Mayor** noted:

- The Festival opened last Saturday night, estimated 10,000 people attended. Over 7,000 individual mobile devices were detected in the area by Council wi-fi infrastructure.
- Food and wine stalls were transferred to Church Street this year. This was a success, providers have given very strong feedback to Council.
- Busking stations, illumination, TAFE Building app all worked well.
- Ice skating rink sales as at yesterday are over 11,700.
- Ferris wheel sale of tickets over 4,000.
- Two main stages at either end of Kings Parade worked well.

- Everyone was very well behaved and there has been no damage.
- Provided details of event and food stalls being set up for this Saturday, 9 July 2016.

**14      Item 5 WINTER FESTIVAL (23.00152)**

**Cr Aubin** - received very positive feedback on the event.

**15      Item 6 ENTRANCE TO THE CITY - HIGHWAY/BRADWARDINE ROAD (07.00097)**

**Cr Aubin** - noted the entrance to the city in this area looks really good. Can we look at what Norwood is going to do with the dam, what are their plans?

**16      Item 7 RESEALING PROGRAM (16.00061)**

**Cr Aubin** - asked can we look at using hot-mix for the reseal programs undertaken by Council in prime areas?

**17      Item 8 POTHOLE FIXING MACHINES (15.00002)**

**Cr Aubin** - asked can we look into these machines and see if it is worth purchasing one of these machines. Requests a report comeback to Council.

**18      Item 9 ASRA WORLD CUP EVENT (23.00026)**

**Cr Aubin** - Australian Skateboard Racing Association is seeking to hold a World Cup skating event in Bathurst. This sport is in the Olympic Games in 2020. Interested in coming to Bathurst next March for a three day event.

**19      Item 10 FORMER TAFE BUILDING (22.01387)**

**Cr Bourke** - requested an update on where this matter is at.

**The General Manager** provided an update, currently with the State Government for final processing.

**MEETING CLOSE**

**20      MEETING CLOSE**

The Meeting closed at 6.31 pm.

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

**TRAFFIC COMMITTEE MEETING**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

## **1 MINUTES - TRAFFIC COMMITTEE MEETING - 5 JULY 2016 (07.00006)**

**Recommendation:** That the recommendations of the Traffic Committee Meeting held on 5 July 2016 be adopted.

**Report:** The Minutes of the Traffic Committee Meeting held on 5 July 2016, are attached.

**Financial Implications:** N/A

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

- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.5

## MINUTE

- 47 Item 1 MINUTES - TRAFFIC COMMITTEE MEETING - 5 JULY 2016 (07.00006)  
MOVED: Cr W Aubin SECONDED: Cr M Coote

**RESOLVED:** That the recommendations of the Traffic Committee Meeting held on 5 July 2016 be adopted.

**MINUTES OF THE TRAFFIC COMMITTEE**  
**HELD ON 5 JULY 2016**

**MEETING COMMENCES**

**1 MEETING COMMENCES 2:00 PM**

Members: Cr Warren Aubin (Chair), Senior Constable Jason Marks (Police), David Veness (MP Representative), Jackie Barry (Roads & Maritime Services).

Present: Bernard Drum (Manager Technical Services) and Paul Kendrick (Traffic & Design Engineer).

**APOLOGIES**

**2 APOLOGIES**

Nil

**REPORT OF PREVIOUS MEETING**

**3 Item 1 MINUTES - TRAFFIC COMMITTEE MEETING - 7 JUNE 2016 (07.00006)**

That the Minutes of the Traffic Committee Meeting held on 7 June 2016 be adopted.

**DECLARATION OF INTEREST**

**4 DECLARATION OF INTEREST 11.00002**

That the Declaration of Interest be noted.

**RECEIVE AND DEAL WITH DIRECTORS' REPORTS**

**Director Engineering Services' Report**

**5 Item 1 MINUTES OF THE TRAFFIC COMMITTEE MEETING HELD 7 JUNE 2016 (07.00006)**

That the information be noted and necessary actions be taken.

**6 Item 2 MONTHLY REPORT FOR LOCAL GOVERNMENT ROAD SAFETY PROGRAM (28.00002)**



That the information be noted.

**7 Item 3 2016 WINTER FESTIVAL (23.00152)**

That Council reviews the report for the Bathurst Winter Festival event and approves the proposed change to when the road will be closed.

The proposed change is to allow for the set-up of the ice rink to be completed by Saturday 2 July 2016.

The event is to be classified as a Class 2 event and approved subject to conditions decided by the Traffic Committee.

**8 Item 4 SMALL BIZ BUS - VISIT TO BATHURST 12 & 13 JULY 2016 (20.00071)**

That Council classify the Small Biz Bus visit to Bathurst proposed for Tuesday 12 July and Wednesday 13 July 2016 as an unclassified event, and endorse the traffic management subject to conditions as detailed in the Director Engineering Services' report.

**9 Item 5 SAFETY REVIEW OF ROCKET STREET, BETWEEN HENDERSON STREET AND PEEL STREET, BATHURST, UPDATE (25.00095)**

That Council proceed with the installation of centre lines and edge lines on Rocket Street, between Henderson Street and Peel Street.

**10 Item 6 PROPOSED BUS STOP MID WESTERN HIGHWAY FITZGERALDS MOUNT (22.11088)**

That Council approve the bus stop for a school bus service route on the Mid-Western Highway near the crown road access to 2383 Fitzgerald Mount.

**11 Item 7 BATHURST LIGHT CAR CLUB - BATHURST & SUNNY CORNER RALLIES 2016 (23.000157)**

That Council classify the Bathurst and Sunny Corner Rallies, to be held on 24 September 2016 as Class 2 events, and the events be approved subject to conditions as detailed in the Director Engineering Services' Report.

**TRAFFIC REGISTER**

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

That the information be noted.

**MEETING CLOSE**

**13 MEETING CLOSE**

The Meeting closed at 2.16 pm.

## DELEGATES REPORTS AND MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

20 JULY 2016

## **1 COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 8 JUNE 2016 (11.00019)**

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

**Report:** **Present:** Councillors Gary Rush (Chair), Aubin, Bourke, Coote, Hanger, North, Westman

**Apologies:** Councillor Morse

### **1. BATHURST GOLF CLUB (22.00126)**

Representatives of the Bathurst Golf Club - Secretary/Manager Brad Constable, President Ray Stapley, Vice President Marty Meredith, Treasurer Peter Brien and Club Professional Matt Barratt met with Council to discuss the water charges for the Club.

Discussion included:

- Spoke to Council's resolution not to provide any further discounts on raw water charges at the Bathurst Golf Club and asks Council to reconsider.
- Need to keep course in good condition.
- Spoke to classification as "Community Club".
- Would like a fairer rate.
- Club is beneficial to Bathurst.
- 650 playing members.
- Club tournaments bring competitors from NSW and across Australia.
- 130 juniors learning the game.
- Chosen as hub for golf in Central NSW.
- Work with Tourism NSW to develop golf tourism.
- Have subsidised junior membership fee.

**Financial Implications:** Nil.

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

- Objective 23: To encourage a supportive and inclusive community. Strategy 23.3
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.5

- Objective 20: To provide a range of cultural facilities, programs, activities and events and to support and enhance cultural and social activities across the community.

Strategy 20.2

**MINUTE**

**48 Item 1 COUNCILLORS MEETING WITH COMMUNITY  
GROUPS/REPRESENTATIVES - 8 JUNE 2016 (11.00019)**  
**MOVED: Cr B Bourke SECONDED: Cr I North**

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

## **2 MINUTES - BATHURST REGIONAL YOUTH COUNCIL - 28 JUNE 2016** **(11.00020)**

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

**Report:** The Youth Council considered a number of items at the bi-monthly meeting, including a debrief of the “Flashback Friday” Dance Party Event held at Bathurst Memorial Entertainment Centre, the Youth Council project, which will focus on a campaign surrounding positive body image supported by a social media campaign and stickers, and the upcoming YJAM youth music stage to be held as part of the Bathurst Winter Festival.

The Youth Council addressed the following items at their meeting held on 28 June 2016:

- Debrief – Flashback Friday Dance Party
- Youth Council Project
- YJAM Project

A copy of the minutes from the meeting are provided at **attachment 1**.

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

### **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**

**49 Item 2 MINUTES - BATHURST REGIONAL YOUTH COUNCIL - 28 JUNE 2016**  
**(11.00020)**

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

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



## MINUTE

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

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

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

M Nicholls, Western Advocate - raised general concern about items going into confidential need to have more information provided.

R Wilson felt more information on why an item goes into Confidential should be given.

**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	TRANSFER OF HANGAR SHARE - LOT 12 IN DP1041715 KNOWN AS 16 WINDSOCK WAY BATHURST AERODROME - BAILEY TO CRUM	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	BATHURST MOTOR FESTIVAL	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in

		open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
3	RENEWAL OF LICENCE AGREEMENT - LOT 101 IN DP1204847 LOCATED AT 7 LEE STREET KELSO - BATHURST REGIONAL COUNCIL CHILDREN'S SERVICES ENCOMPASSING FAMILY DAY CARE AND VACATION CARE.	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
4	RENEWAL OF LEASE AGREEMENT - PART LOT 101 IN DP1204847 KNOWN AS 7 LEE STREET KELSO - WEST BATHURST PRESCHOOL EARLY START PROGRAM	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
5	NEW COMMERCIAL LEASE AGREEMENT - LOT 19 IN DP849271 KNOWN AS 57 SEYMOUR STREET BATHURST - BATHURST SEYMOUR CENTRE	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
6	NORWOOD PARK LIMITED - BATHURST CEMETERY	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the

		public interest as it would prejudice the commercial position of the person who supplied it.
7	BATHURST ACTIVE FESTIVAL	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
8	SALE OF LOT 1016 IN DP1212670 KNOWN AS 16 MCLEAN STREET WINDRADYNE	10A (2) (c) – contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. Discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it would prejudice council's position in negotiating commercial and or financial arrangements.
9	RENEWAL OF COMMERCIAL LEASE AGREEMENT - LOT 5 IN DP847356 KNOWN AS 8 WINDSOCK WAY BATHURST AERODROME - NSW LAND AND PROPERTY INFORMATION	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 NETWASTE REGIONAL COLLECTION & DISPOSAL OF USED MOTOR OIL - NETWASTE TENDER	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the

	person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
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**DIRECTOR CORPORATE SERVICES & FINANCE'S CONFIDENTIAL  
MINUTES**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

20 JULY 2016

## MINUTE

(a) **Item 1 TRANSFER OF HANGAR SHARE - LOT 12 IN DP1041715  
KNOWN AS 16 WINDSOCK WAY BATHURST AERODROME - BAILEY TO CRUM  
(21.00082)**

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

**That** Council approves the transfer of the portion of the lease belonging to Mr James Bailey to Mr David Crum for the hangar complex ('The Hangars') located on Lot 12 in DP1041715 and known as 16 Windsock Way, Bathurst Aerodrome as detailed in the report.

**MINUTE**

**(b) Item 2 BATHURST MOTOR FESTIVAL (04.00125)**  
**MOVED: Cr W Aubin SECONDED: Cr M Coote**

**That** the information be noted.

**MINUTE**

**(c) Item 3 RENEWAL OF LICENCE AGREEMENT - LOT 101 IN DP1204847  
LOCATED AT 7 LEE STREET KELSO - BATHURST REGIONAL COUNCIL  
CHILDREN'S SERVICES ENCOMPASSING FAMILY DAY CARE AND VACATION  
CARE. (22.02268)**

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

**That** Council approve entering into a new licence agreement with Bathurst Regional Council Children's Services incorporating Family Day Care and Vacation Care for part Lot 101 in DP1204847 known as 7 Lee Street Kelso for a period of two (2) years as detailed in the report.



**MINUTE**

**(d) Item 4 RENEWAL OF LEASE AGREEMENT - PART LOT 101 IN  
DP1204847 KNOWN AS 7 LEE STREET KELSO - WEST BATHURST  
PRESCHOOL EARLY START PROGRAM (22.02268)  
MOVED: Cr B Bourke SECONDED: Cr M Coote**

**That** Council approves entering into a new in-house Licence agreement with the West Bathurst Preschool Early Start Program for a portion of space located at part Lot 101 in DP1204847 known as 7 Lee Street Kelso for a period of three (3) years as detailed in the report.

**MINUTE**

**(e) Item 5 NEW COMMERCIAL LEASE AGREEMENT - LOT 19 IN  
DP849271 KNOWN AS 57 SEYMOUR STREET BATHURST - BATHURST  
SEYMOUR CENTRE (22.00185)**

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

**That** Council approves entering into a new Commercial Lease agreement for Lot 19 in DP849271 known as 57 Seymour Street Bathurst with the Bathurst Seymour Centre for a period of one (1) year with a one (1) year option period as detailed in the report.

**MINUTE**

- (f) Item 6 NORWOOD PARK LIMITED - BATHURST CEMETERY (09.00009)**  
**MOVED: Cr G Westman SECONDED: Cr B Bourke**

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

**MINUTE**

**(g) Item 7 BATHURST ACTIVE FESTIVAL (23.00026)**  
**MOVED: Cr I North SECONDED: Cr G Westman**

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

**MINUTE**

**(h) Item 8 SALE OF LOT 1016 IN DP1212670 KNOWN AS 16 MCLEAN STREET WINDRADYNE (22.15448)**

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

**That** Council approves the sale of Lot 1016 in DP1212670 known as 16 McLean Street Windradyne 1000 - Stage 1 to Mr Ryan Grives, incorporating Builder's Terms, at the reduced price of \$165,000.

**MINUTE**

**(i) Item 9 RENEWAL OF COMMERCIAL LEASE AGREEMENT - LOT 5 IN  
DP847356 KNOWN AS 8 WINDSOCK WAY BATHURST AERODROME - NSW  
LAND AND PROPERTY INFORMATION (21.00076)  
MOVED: Cr I North SECONDED: Cr M Coote**

**That** Council approves entering into a new Commercial Lease agreement for Lot 5 in DP847356 known as 8 Windsock Way Bathurst Aerodrome with the NSW Government Land & Property Information as detailed in the report.

**DIRECTOR ENGINEERING SERVICES' CONFIDENTIAL MINUTES**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

20 JULY 2016

**MINUTE**

**(j) Item 1 TENDER FOR NETWASTE REGIONAL COLLECTION & DISPOSAL OF USED MOTOR OIL - NETWASTE TENDER (14.00007)**

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

**That Council act in accordance with the Director Engineering Services' report.**



## MINUTE

51 **RESOLVE INTO OPEN COUNCIL**  
**MOVED: Cr B Bourke SECONDED: Cr I North**

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

**MINUTE**

**52 ADOPT REPORT OF THE COMMITTEE OF THE WHOLE**  
**MOVED: Cr W Aubin SECONDED: Cr I North**

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

## MINUTE

### 53 MEETING CLOSE

The Meeting closed at 7.30 pm.

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