

14 June 2017

His Worship the Mayor & Councillors

**Notice of Ordinary Meeting of Bathurst Regional Council - Wednesday,
21 June 2017**

I have to advise that an **Ordinary Meeting** of Bathurst Regional Council will be held in the Council Chambers on Wednesday, 21 June 2017 commencing at 6.00 pm.

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



D J Sherley
GENERAL MANAGER

BUSINESS AGENDA

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

TO BE HELD ON WEDNESDAY, 21 JUNE 2017

1. 6:00 PM - MEETING COMMENCES

2. PUBLIC QUESTION TIME

3. PRAYER

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

4. APOLOGIES

5. MINUTES

* MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 17 MAY 2017

* MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 7 JUNE 2017

6. DECLARATION OF INTEREST

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

7. MAYORAL MINUTE - Nil

8. RECEIVE AND DEAL WITH DIRECTORS' REPORTS

* DIRECTOR ENVIRONMENTAL PLANNING & BUILDING SERVICES' REPORT

* DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT

* DIRECTOR ENGINEERING SERVICES' REPORT

* DIRECTOR CULTURAL & COMMUNITY SERVICES' REPORT

9. REPORTS OF OTHER COMMITTEES

* MINUTES - POLICY COMMITTEE MEETING - 7 JUNE 2017

* MINUTES - TRAFFIC COMMITTEE MEETING - 6 JUNE 2017

10. NOTICES OF MOTION - Nil

11. RESCISSION MOTIONS - NIL

12. DELEGATES REPORTS

- * UPPER MACQUARIE COUNTY COUNCIL (UMCC)
- * CENTROC BOARD MEETING 25 MAY 2017 (PARLIAMENT HOUSE, SYDNEY)

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

Recommendation: That:

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

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

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

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

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	RENEWAL OF RURAL LICENCE AGREEMENT - PART LOT 221 DP1147157, STEPHENS LANE, KELSO	10A (2) (c) – contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. Discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it would prejudice council's position in negotiating commercial and or financial arrangements.
2	RENEWAL OF SPORTING LICENCE AGREEMENT - CLUBHOUSE AND SPORTING FIELDS AT ANN ASHWOOD PARK, 67 HEREFORD STREET -	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.

	BATHURST BULLDOGS RUGBY UNION INC	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 COMMERCIAL LEASE - LOT 4 DP112509 - MOUNT PANORAMA - SIGN EVENT 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.
4	SALE OF PROPERTY - LOT 1003 DP1129907 - 53 HAMPDEN PARK ROAD, KELSO - KELSO INDUSTRIAL ESTATE	10A (2) (c) – contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. Discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it would prejudice council's position in negotiating commercial and or financial arrangements.
5	RENEWAL OF COMMUNITY LEASE AGREEMENT - PART LOT 5 DP776928 DORMAN PLACE, LEARMONTH PARK, KELSO - CENTRAL TABLELANDS WOODCRAFT INC.	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
6	SALE OF LAND AT PART LOT 202 DP1074567, KNOWN AS 31 HAMPDEN PARK ROAD, KELSO.	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.
7	RURAL LICENCE AGREEMENT - LOT 60 DP1226661, COX LANE, EGLINTON	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
8	FINANCIAL STATEMENT - 2016 CHALLENGE BATHURST	10A (2) (c) – contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. Discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it would prejudice council's position in negotiating commercial and or financial arrangements.
9	FINANCIAL STATEMENT - 2017 BATHURST 6 HOUR	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.
10	CONTRACT FOR PRINTING AND MAILING OF RATES NOTICES	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.
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*** DIRECTOR ENGINEERING SERVICES' REPORT**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	TENDER FOR NETWASTE REGIONAL COLLECTION AND RECYCLING OF SCRAP METAL - NETWASTE TENDER F2442	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 RESERVOIR ROOF REPLACEMENTS – FORREST'S ELBOW, MOUNT PANORAMA	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

14. RESOLVE INTO OPEN COUNCIL

15. ADOPT REPORT OF THE COMMITTEE OF THE WHOLE

16. MEETING CLOSE

MINUTE

1 MEETING COMMENCES

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

MINUTE

2 PUBLIC QUESTION TIME

K McNab – resident - Mitre/Suttor/Lambert Streets intersection Item #6(b) DCSF

Asked when does Council anticipate result of Black Spot funding will be known? Spoke to need for roundabout and issues involved and petition from community. Noted the population growth in the area. Asked that public comment be allowed on the final plan. Asked Council to adopt works for roundabout in the budget.

B Trimming – Chair Bathurst Regional Access Committee - Item #6(d) DCSF

Budget is disappointing as no seed funding for disability toilet in BMEC. Requests this be considered. Also spoke to need for disability toilet in the Administration Building and notes no funds have been included. This matter has been going on since 2011. This direction does not align with the Disability Inclusion Action Plan (DIAP). The DIAP is an excellent document and Council should be congratulated, noted the processes in place to develop the plan.

A Gibbons – Panorama Hotel - DA Service Station 53 Durham St - Item #8 DEPBS

Spoke to concerns with DA including; location of proposed building, exposure of motel to pollution factors, light problems, window problems, noise, hours of operation, traffic levels, odour, safety concerns.

B Young –applicant representative - DA Service Station 53 Durham St - Item #8 DEPBS

Spoke to DA. The assessment has been very thorough and notes some additional conditions have been added and the applicant accepts these. There has been some neighbourhood correspondence on the issues raised by Mr Gibbons and these issues have been addressed. Spoke to location factors and need to comply with RMS requirements. Police have reviewed the site and have signed off. The current layout does not meet modern standards. Servicing is already available 24 hours per day. Spoke to other factors such as; light, noise, odour. The development complies with all standards.

S Bathgate –Bathurst Heritage Action Network - DA Service Station 53 Durham St - Item #8 DEPBS

Spoke to signage concerns. The proposal does not meet Council's Development Control Plan (DCP). This does not avoid the proliferation of signage. The problem is that this will create a precedent and may cause a doubling of blade signs in and out of Bathurst. The DCP says 'must not' grant consent. Mr Bathgate circulated a photo of the existing signage and spoke to issues of like for like and requirements to be flexible in controls. This development does not meet the strategic objectives of the DCP.

B Manning – resident

Spoke to recent GIPA request and queried what is Council's land development reserve and on what basis does Council buy and sell land.

The Director Corporate Services & Finance provided basis of the reserve created by Council and noted Council operates under the Local Government Act.

Mrs Manning spoke to; damage to her adjoining wall and concerns she has; purposes of Council buying the land; noise issues occurring and referred to Council's closed meetings.

The General Manager provided a response to matters raised including communication processes and conditions of wall.

B Hodson – applicant - DA Subdivision, 624 Limekilns Road, Forest Grove - Item #9 DEPBS

Seeking amendment to current DA. Spoke to history of development, dwellings proposed, permanency of accommodation. Seeking allowance for transportable homes. Noted change in schools curriculum from gold and the current focus on aboriginal culture/heritage. Will be developing a cultural museum and heritage centre. Asks Council to reconsider the wording, the proposal is for non-permanent accommodation, seeking to put in a caravan park.

P Hennessy –applicant - DA 3397 O'Connell Road - Item #10 DEPBS

Feels the report contains material omissions and is deeply flawed and misleading. It includes no comments on Macquarie Enterprises that have ceased and the fact that 3 blocks already exist. There is no acknowledgement of; third access provided, security issues, heritage nature of the area. Spoke to 9 items raised in the report. Felt a number of these are false, eg traffic numbers, costs of maintaining private road, mining matters, accesses provided and many are not an issue. Requests Council vary the guidelines.

B Hennessy –applicant - DA 3397 O'Connell Road - Item #10 DEPBS

Requests Council vary its guidelines - spoke to the two objections contained in the report, many of the items raised are false, including access matters, photographs contained in submissions which do not refer to the Hennessy's property. Also discussed fencing concerns in regards to location on property and the needs for repairs undertaken. Oberon Council is keenly aware of the heritage nature of Macquarie, this appears to be greater than that of Bathurst Regional Council. Mrs Hennessy provided greater detail on heritage factors, eg cultural significance.

G Crisp –ratepayer - Budget - Item #6(n) DCSF

Asked do Councillors understand under new Local Government Act the obligations imposed by s:8. Referred to allegations he has made about water charging and issues of defamation. The General Manager does not understand the difference between 'embarrassing' and 'defamatory'. The General Manager is in contravention of s:8 of the Local Government Act. Currently Mr Crisp is looking at taking defamation action against Councillors for \$10 million each.

G Stocks –representing neighbour - DA 249 Rankin St - Item #3 DEPBS

Speaking on behalf of P Burke of 251 Rankin Street. There are concerns with shading. Consideration needs to be given to ensuring reasonable sunshine is accessed by 251 Rankin Street.

T Buckley – owner - DA 249 Rankin St - Item #3 DEPBS

This is a standard development, there is minimal impact on neighbours, to facilitate 251 Rankin Street, the building has been sited to limit impact. Asks Council to approve Development Application.

MINUTE

3 APOLOGIES

MOVED: Cr B Bourke SECONDED: Cr I North

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

MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

1 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 17 MAY 2017 (11.00005)

Recommendation: That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 17 May 2017 be adopted.

Report: The Minutes of the Ordinary Meeting of Bathurst Regional Council held on 17 May 2017, are attached.

Financial Implications: N/A

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

4 Item 1 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
- 17 MAY 2017 (11.00005)

MOVED: Cr G Westman SECONDED: Cr M Coote

RESOLVED: That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 17 May 2017 be adopted.

2 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 7 JUNE 2017 (11.00005)

Recommendation: That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 7 June 2017 be adopted.

Report: The Minutes of the Ordinary Meeting of Bathurst Regional Council held on 7 June 2017, are attached.

Financial Implications: N/A

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

5 Item 2 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
- 7 JUNE 2017 (11.00005)

MOVED: Cr I North SECONDED: Cr B Bourke

RESOLVED: That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 7 June 2017 be adopted.

MINUTES OF THE ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
HELD ON 17 MAY 2017

MEETING COMMENCES

1 MEETING COMMENCES 6:00 PM

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

PUBLIC QUESTION TIME

2 PUBLIC QUESTION TIME

Annette – Eglinton Public School P & C - DCP for Eglinton West

Advised that the Eglinton Public School P & C are against the Education Department decision not to keep the land adjoining the school for the future expansion of the school. The school is bursting at the seams, there are 480 children. The school cannot cater for the growth of the population. Spoke to concerns with inadequate infrastructure in Eglinton. The proposal from the Department of Education is unacceptable, the Department should keep the land, need green strip maintained.

K McNab – resident - Mitre/Suttor/Lambert streets intersection

Tabled petition part 3, with over 500 signatures. To date over 4,000 signatures have been received. If Council does not obtain Black Spot funding for this intersection, how will this be funded? Need a Plan B. Perhaps could utilise funds identified for Mount Panorama. Council needs to act in accordance with the needs of the community. Spoke to plans for road works and need for a crossing in the location. Why was the crossing cut out of the proposed design?

The General Manager spoke to budgetary processes in place and ability for Council to review the budget where the Council so chooses.

The Acting Director Engineering Services will review design as requested.

C Clark – resident - Resource Recovery Facility, Upfold Street

Noted a Development Application recently approved by the Joint Regional Planning Panel and condition #37 - disposal of waste to Council's Waste Management Centre. This is a standard condition, can this be changed? All materials coming in are documented with the Environmental Protection Authority, spoke to chain of custody.

The Acting Director Environmental, Planning & Building Services advised standard conditions can be changed now that there is an alternative, will review this matter.

S Driver & A Wilde – Youth Council - Item #3 Director Cultural & Community Services report

Spoke to report by the Youth Council and to Youth Week events. There were six events including YJAM and movie screening. Over 700 people attended the events. Noted future directions of the Youth Council.

B Manning – ratepayer - 9 McKell Street

Spoke to court case she had with Council and Council's actions in this matter. Gave a history including purchase price of 9 McKell Street. People have not been punished for actions taken. Council has asked for issues Ms Manning had and she advised these. She indicated that she felt Council took no notice. There has been no benefit to the ratepayers. The pump recently was run for 24 hours per day. Spoke to recent GIPA request for documentation and access to noise report taken. Further spoke to condition of brick wall between the properties.

G Crisp – ratepayer

Spoke to minutes of 19 April 2017 Council Meeting and stated they were wrong. Spoke to small court claim that he made and cost of going to the Land and Environment Court. Referred to Prefabricated Buildings case and whether Council provided misleading statements. Raised allegations against the Office of Local Government and purported illegal actions.

The General Manager noted minutes are correct and it is up to Council to determine if they wish to accept them. In regards to court cases; it was Mr Crisp who took the action and applied for discontinuance in this matter. Council tried to assist on jurisdictional issues. Also noted that the Prefabricated Buildings case was dismissed in favour of Council.

B Trimming– ratepayer - various issues

- Thanked the Engineering Department for responding to requests made.
- Spoke to the upcoming "Blessing of the Carillon", who is organising this?
- Footpath in front of RMS Service Centre - who is responsible for putting one in?
- Expressed concerns at road crossing and signage near Petrol Station, Durham Street.

The Mayor advised Council understands the Carillon event is being organised by the RSL.

The Acting Director Engineering Services advised the footpath is likely to be Council responsibility, will review the matter.

The Acting Director Environmental, Planning & Building Services advised will follow-up road access problem.

APOLOGIES

3 APOLOGIES

Nil.

MINUTES**4 Item 1 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 19 APRIL 2017 (11.00005)****MOVED** Cr B Bourkeand **SECONDED** Cr W Aubin**RESOLVED:** That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 19 April 2017 be adopted.**5 Item 2 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 3 MAY 2017 (11.00005)****MOVED** Cr G Westmanand **SECONDED** Cr B Bourke**RESOLVED:** That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 3 May 2017 be adopted.**DECLARATION OF INTEREST****6 DECLARATION OF INTEREST 11.00002****MOVED** Cr M Cooteand **SECONDED** Cr I North**RESOLVED:** That the following Declarations of Interest be noted.Cr Westman

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

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

RECEIVE AND DEAL WITH DIRECTORS' REPORTS**Director Environmental Planning & Building Services' Report****7 Item 1 SECTION 79C OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (03.00053)****MOVED** Cr G Westmanand **SECONDED** Cr M Coote**RESOLVED:** That the information be noted.**8 Item 2 GENERAL REPORT (03.00053)****MOVED** Cr G Westmanand **SECONDED** Cr W Aubin**RESOLVED:** That the information be noted.**9 Item 3 DEVELOPMENT APPLICATION NO. 2017/90 – USE OF EXISTING FUNCTION ROOM AND USE OF EXISTING DECK AT THE DUDLEY HOTEL, 250**

STEWART STREET, BATHURST. APPLICANT: MR R TAYLOR. OWNER: MR M WORTHINGTON & MR A CATALANO (DA/2017/90)

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

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

Reason: Applicant is client of his employer.

RESOLVED: That Council:

- (a) support the variation to the car parking ratio of 1 space per 10m² for pubs prescribed in the Bathurst Regional Development Control Plan 2014 and therefore support the reduction in the required number of car parks from 34 to 29;
- (b) as the consent authority, grant consent pursuant to section 80 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2017/90, 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) At least 29 car parking spaces are to be available on the site at all times; and
- (c) call a division.

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

The result of the division was:

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

Against the motion - Nil

Absent - Cr G Westman,

Abstain - Nil

10 Item 4 DEVELOPMENT APPLICATION NO. 2017/125 – TWO LOT SUBDIVISION AT 131 MOUNT RANKIN ROAD, MOUNT RANKIN. APPLICANT: MRS VICKIE HART. OWNER: MRS V E HART (DA/2017/125)

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

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

Reason: Applicant is client of his employer.

RESOLVED: That Council:

- (a) support the variation to the 4.1 Minimum Subdivision Lot Size development standard prescribed in the Bathurst Regional Local Environmental Plan 2014;
- (b) as the consent authority, grant consent pursuant to section 80 of the

Environmental Planning and Assessment Act 1979 to Development Application No. 2017/125, 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.

Against the motion - Nil

Absent - Cr G Westman,

Abstain - Nil

11 **Item 5 MOBILE BLACK SPOTS PROGRAM FUNDING (08.00002)**
MOVED Cr G Westman and **SECONDED** Cr M Coote

RESOLVED: That the information be noted.

Director Corporate Services & Finance's Report

12 **Item 1 STATEMENT OF INVESTMENTS (16.00001)**
MOVED Cr B Bourke and **SECONDED** Cr M Morse

RESOLVED: That the information be noted.

13 **Item 2 MONTHLY REVIEW - 2016-2020 DELIVERY PLAN AND QUARTERLY BUDGET REVIEW STATEMENT 2016-2017 (16.00144)**
MOVED Cr W Aubin and **SECONDED** Cr G Westman

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

14 **Item 3 SUNDRY SECTION 356 DONATIONS, BATHURST MEMORIAL ENTERTAINMENT CENTRE COMMUNITY USE SUBSIDY AND MOUNT PANORAMA FEE SUBSIDY (18.00004)**
MOVED Cr B Bourke and **SECONDED** Cr M Coote

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

- 15** **Item 4 POWER OF ATTORNEY (11.00007)**
MOVED Cr G Westman and **SECONDED** Cr M Coote

RESOLVED: That the information be noted.

- 16** **Item 5 2017 BROCK COMMODORE OWNERS ASSOCIATION OF AUSTRALIA NATIONAL EVENT (23.00015-08/078)**
MOVED Cr M Coote and **SECONDED** Cr I North

RESOLVED: That:

- (a) Council close Russell Street between William Street and George Street between 8.30 am and 1.30 pm on Saturday, 14 October 2017 to enable a display of Brock Commodores;
- (b) Council open Pit Lane at the Mount Panorama Circuit between 9 am and 12.30 pm on Sunday, 15 October 2017 to enable a photo shoot of the Brock Commodores; and
- (c) Council donate the costs associated with:
 - (i) The venue hire and entry fees to the National Motor Racing Museum for the Mayoral Welcome Reception, estimated to be \$1,000;
 - (ii) The road closure of Russell Street, estimated to be \$1,500;
 - (iii) The opening and use of Pit Lane, estimated to be \$249;

which are to be funded from Council's Section 356 Donations 2017/2018 budget allocation.

- 17** **Item 6 THE KANGAROO PROJECT - "APPLETON" ORCHARD, COLLEGE ROAD (14.00665)**
MOVED Cr B Bourke and **SECONDED** Cr G Westman

RESOLVED: That:

- (a) The update of the Kangaroo Project be noted; and
- (b) Delegate to the General Manager the authority to maintain the fencing until the end of July 2017, should it be required.

- 18** **Item 7 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE (22.07480, 22.00972, 22.00545, 21.00037, 22.02208, 22.00358, 20.00119, 04.00028)**
MOVED Cr G Westman and **SECONDED** Cr M Coote

RESOLVED: That the information be noted.

- 26** **Item 7 BATHURST REGIONAL ART GALLERY - GENERATION ART (GA) PROGRAM REVIEW (21.00002)**
MOVED Cr G Westman and **SECONDED** Cr M Morse

RESOLVED: That the information be noted.

REPORTS OF OTHER COMMITTEES

Policy Committee Meeting

- 27** **Item 1 MINUTES - POLICY COMMITTEE MEETING - 3 MAY 2017 (07.00064)**
MOVED Cr G Westman and **SECONDED** Cr M Coote

RESOLVED: That the recommendations of the Policy Committee Meeting held on 3 May 2017 be adopted.

Traffic Committee Meeting

- 28** **Item 1 MINUTES - TRAFFIC COMMITTEE MEETING - 2 MAY 2017 (07.00006)**
MOVED Cr W Aubin and **SECONDED** Cr G Westman

RESOLVED: That the information be noted.

DELEGATES REPORTS

- 29** **Item 1 MINUTES - BATHURST REGIONAL YOUTH COUNCIL 7 MARCH 2017 (11.00020)**
MOVED Cr M Coote and **SECONDED** Cr G Westman

RESOLVED: That Council:

- (a) Note the information; and
- (b) Adopt the membership of the Bathurst Regional Youth Council for 2017, including Sarah Driver as Youth Mayor and Lili Carter as Deputy Youth Mayor.

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

- 30** **RESOLVE INTO CONFIDENTIAL COMMITTEE OF THE WHOLE TO DEAL WITH CONFIDENTIAL REPORTS**
MOVED Cr M Coote and **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	MANAGING AGENCY AGREEMENT - LOT 25 IN DP214037 LOCATED AT 9 MCKELL STREET, BATHURST	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
2	KELSO FLOODPLAIN VOLUNTARY ACQUISITION - PROPOSED PURCHASE OF LOT 2 AND LOT 3 IN DP194761 LOCATED AT 20 STEPHENS 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	PROPOSED SALE OF PART LOT 824 IN DP1185390 LOCATED ON WESTBOURNE DRIVE, LLANARTH	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.
4	INTERIM SPORTING LICENCE AGREEMENT - LOT 234 IN DP750357 KNOWN AS THE BATHURST INDOOR SPORTS STADIUM LOCATED ON VITTORIA STREET, BATHURST	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
5	PROPOSED SALE -	10A (2) (c) – contains information that would, if

	COMPULSORY ACQUISITION BY AGREEMENT - LOT 10 IN DP716663 LOCATED AT 6 COMMONWEALTH STREET, BATHURST	disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. Discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it would prejudice council's position in negotiating commercial and or financial arrangements.
6	PROPOSED NEW RESIDENTIAL DEVELOPMENT AND SUBDIVISION OF LAND - LOT 5 IN DP847225 LOCATED AT 197 LIMEKILNS ROAD, KELSO	10A (2) (d) (ii) – contains commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the council. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the Council.
7	PROPOSED NEW RESIDENTIAL DEVELOPMENT AND SUBDIVISION OF LAND - LOT 1126 IN DP1215618 LOCATED ON COLVILLE STREET, WINDRADYNE	10A (2) (d) (ii) – contains commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the council. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the Council.
8	ADVERTISING AT MOUNT PANORAMA - HELL CORNER BRIDGE	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.

Director Corporate Services & Finance's Report

a Item 1 MANAGING AGENCY AGREEMENT - LOT 25 IN DP214037 LOCATED AT 9 MCKELL STREET, BATHURST (22.07480)

MOVED Cr B Bourke and SECONDED Cr M Morse

That Council enters into a Managing Agency agreement for Lot 25 in DP214037 located at 9 McKell Street, Bathurst with LJ Hooker Bathurst, as detailed in the report.

b Item 2 KELSO FLOODPLAIN VOLUNTARY ACQUISITION - PROPOSED PURCHASE OF LOT 2 AND LOT 3 IN DP194761 LOCATED AT 20 STEPHENS LANE, KELSO (22.00972)

MOVED Cr B Bourke and SECONDED Cr M Coote

That Council:

- (a) authorises the General Manager (a) to enter into negotiations with the owner for the purchase of Lot 2 and Lot 3 in DP194761 located at 20 Stephens Lane,

Kelso under the Government's Voluntary Acquisition Scheme, as detailed in the report.

- (b) classifies the land as Operational land under the provisions of Section 31(2) of the Local Government Act 1993.

c **Item 3 PROPOSED SALE OF PART LOT 824 IN DP1185390 LOCATED ON WESTBOURNE DRIVE, LLANARTH (22.00545)**

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

That Council approves the sale of part Lot 824 in DP1185390 located on Westbourne Drive, Llanarth to the Trustees of the Roman Catholic Church for the Diocese of Bathurst as detailed in the report.

d **Item 4 INTERIM SPORTING LICENCE AGREEMENT - LOT 234 IN DP750357 KNOWN AS THE BATHURST INDOOR SPORTS STADIUM LOCATED ON VITTORIA STREET, BATHURST (21.00037)**

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

That

- (a) Council approves entering into an interim Sporting Licence agreement for Lot 234 in DP750357 known as the Bathurst Indoor Sports Stadium located on Vittoria Street, Bathurst with the Bathurst Basketball Association Inc., as detailed in the report.
- (b) The Basketball Association be required to submit their audited statements to Council by 31 December 2017.

e **Item 5 PROPOSED SALE - COMPULSORY ACQUISITION BY AGREEMENT - LOT 10 IN DP716663 LOCATED AT 6 COMMONWEALTH STREET, BATHURST (22.02208)**

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

That Council approves the sale via compulsory acquisition by agreement of Lot 10 in DP716663 located at 6 Commonwealth Street, Bathurst to NSW Health Infrastructure, as detailed in the report.

f **Item 6 PROPOSED NEW RESIDENTIAL DEVELOPMENT AND SUBDIVISION OF LAND - LOT 5 IN DP847225 LOCATED AT 197 LIMEKILNS ROAD, KELSO (22.00358)**

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

That Council lodge a Development Application and Construction Certificate for a two hundred and seventy five (275) lot residential subdivision of Lot 5 in DP847225 located at 197 Limekilns Road, Kelso, as detailed in the report.

- g** Item 7 PROPOSED NEW RESIDENTIAL DEVELOPMENT AND SUBDIVISION OF LAND - LOT 1126 IN DP1215618 LOCATED ON COLVILLE STREET, WINDRADYNE (20.00119)
MOVED Cr M Coote and SECONDED Cr B Bourke

That Council lodge a Development Application and Construction Certificate for a one hundred and eighty (180) lot residential subdivision of Lot 1126 in DP1215618 located on Colville Street, Windradyne, as detailed in the report.

- h** Item 8 ADVERTISING AT MOUNT PANORAMA - HELL CORNER BRIDGE (04.00028)
MOVED Cr M Coote and SECONDED Cr B Bourke

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

RESOLVE INTO OPEN COUNCIL

- 31** RESOLVE INTO OPEN COUNCIL
MOVED Cr M Coote and SECONDED Cr W Aubin

RESOLVED: That Council resume Open Council.

ADOPT REPORT OF THE COMMITTEE OF THE WHOLE

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

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

MEETING CLOSE

- 33** MEETING CLOSE

The Meeting closed at 7.29 pm.

CHAIRMAN: _____

**MINUTES OF THE ORDINARY MEETING OF COUNCIL FOLLOWING POLICY
COMMITTEE
HELD ON 7 JUNE 2017**

MEETING COMMENCES

1 MEETING COMMENCES 6:16 PM

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

APOLOGIES

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

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 M Coote and **SECONDED** Cr W Aubin

RESOLVED: That the following Declaration of Interest be noted.

Cr Hanger
Item # 7 of the Director Engineering Services' confidential report.

RECEIVE AND DEAL WITH DIRECTORS' REPORTS

Director Corporate Services & Finance's Report

4 Item 1 LOAN FUNDING FROM NSW TREASURY CORPORATION (16.00020)
MOVED Cr G Westman and **SECONDED** Cr M Morse

RESOLVED: That Council approve the execution of the Loan Agreement with New South Wales Treasury Corporation.

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

5

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

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

There were no representations from the public.

RESOLVED: That:

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

*** DIRECTOR ENGINEERING SERVICES' REPORT**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	TENDER FOR PROVISION OF TRAFFIC CONTROL SERVICES	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 ROAD STABILISING 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.
3	TENDER FOR THE SUPPLY, DELIVERY AND PLACEMENT OF SPRAYED BITUMINOUS SURFACING	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	TENDER FOR THE CLEANING OF PUBLIC BUILDINGS	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.

- d** **Item 4 TENDER FOR THE CLEANING OF PUBLIC BUILDINGS (36.00635)**
MOVED Cr G Westman and **SECONDED** Cr B Bourke

That Council accept the tendered prices (incl GST) of:

Nimdor Cleaning Services Pty Ltd	Separable Portion (i)	\$87,600.00
SKG Cleaning Services Pty Ltd	Separable Portion (ii)	\$94,380.00
TJS Services Group Pty Ltd	Separable Portion (iii)	\$56,350.27
Northern Contract Cleaners Pty Ltd	Separable Portion (iv)	\$59,528.00
Nimdor Cleaning Services Pty Ltd	Separable Portion (v)	\$101,700.00
Nimdor Cleaning Services Pty Ltd	Separable Portion (vi)	\$71,080.00
Nimdor Cleaning Services Pty Ltd	Separable Portion (vii)	\$46,070.00
Nimdor Cleaning Services Pty Ltd	Separable Portion (viii)	\$5,200.00
Nimdor Cleaning Services Pty Ltd	Separable Portion (ix)	\$38,220.00
SKG Cleaning Services Pty Ltd	Separable Portion (x)	\$27,283.12

- e** **Item 5 TENDER FOR THE CLEANING OF PUBLIC TOILETS (36.00634)**
MOVED Cr G Westman and **SECONDED** Cr B Bourke

That Council accept the tender of Nimdor Cleaning Services Pty Ltd for the amount of \$149,556.00 (inc.GST) for the Cleaning of Council Public Toilets, subject to alterations and provisional items, with the option for Council to extend for a further two (2) years at an additional cost of \$149,556.00 (inc.GST).

- f** **Item 6 TENDER FOR THE PROVISION OF SANITARY SERVICES (36.00633)**
MOVED Cr G Westman and **SECONDED** Cr W Aubin

That Council accept the tender of Flick Anticimex Pty Ltd for the amount of \$29,873.25 (inc.GST) for the Provision of Sanitary Services, subject to alterations and provisional items, with the option for Council to extend for a further two (2) years at a cost of \$31,366.91 (inc. GST).

- g** **Item 7 TENDER FOR PREFERRED CONTRACTORS LIST FOR MINOR BUILDING WORKS (36.00636)**
MOVED Cr B Bourke and **SECONDED** Cr M Morse

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

Reason: Business tendering for Industrial Electrical Preferred Contractors list is owned by a family member.

The Mayor, Cr Hanger vacated the Chair.

The Deputy Mayor, Cr Coote took the Chair for this item.

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.

- h** **Item 8 TENDER FOR THE PROVISION OF SECURITY FOR COUNCIL BUILDINGS (36.00632)**
MOVED Cr G Westman and **SECONDED** Cr M Coote

That Council accept the tender from Smith and Co Security Pty Ltd for the provision of Security for Council Buildings for the tender amount of \$179,631.85 (inc GST) plus provisional items for two (2) years, with the option for Council to extend for a further two (2) years at \$186,774.29.

RESOLVE INTO OPEN COUNCIL

- 6** **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

- 7** **ADOPT REPORT OF THE COMMITTEE OF THE WHOLE**
MOVED Cr B Bourke and **SECONDED** Cr G Westman

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

MEETING CLOSE

- 8** **MEETING CLOSE**

The Meeting closed at 6.31 pm.

CHAIRMAN: _____

MINUTE

6 **DECLARATION OF INTEREST 11.00002** **MOVED: Cr I North SECONDED: Cr M Coote**

RESOLVED: That the following Declarations of Interest be noted.

Cr Westman

Item #3 of the Director Environmental, Planning's report

Item #6 of the Director Environmental, Planning's report

Item #7 of the Director Environmental, Planning's report

Item #4 of the Director Corporate Services & Finance Confidential report

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

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

21 JUNE 2017

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

Recommendation: That the information be noted.

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

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

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

MOVED: Cr G Westman SECONDED: Cr M Coote

RESOLVED: That the information be noted.

2 GENERAL REPORT (03.00053)

Recommendation: That the information be noted.

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

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

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

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

RESOLVED: That the information be noted.

3 DEVELOPMENT APPLICATION NO. 2017/102 – PARTIAL DEMOLITION AND TWO STOREY ADDITIONS TO DWELLING WITH ATTACHED CARPORT AT 249 RANKIN STREET, BATHURST. APPLICANT: BIARCHITECTS. OWNER: MS A N HILL (DA/2017/12)

Recommendation: That Council:

- (a) as the consent authority, grant consent pursuant to section 80 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2017/102, 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 external colour scheme of the additions is to complement the existing dwelling,
 - (ii) The cladding on the roof on the additions is to be of a traditional corrugated profile;
- (b) notify those that made submissions of its decision; and
- (c) call a division.

Report: The Site

Council has received a Development Application (DA) for the partial demolition and two storey additions to an existing dwelling with attached carport at 249 Rankin Street, Bathurst, described as Lot 12, DP 1110466. A location plan is provided at **attachment 1**.

The site currently contains a single storey dwelling with a large shed to the rear of the site .

The proposal

The proposal involves the following:

- Partial demolition of the 1950's rear addition to the original building;
- Two storey addition to the rear of the dwelling; and
- Attached carport.

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

Planning Context

Bathurst Regional Local Environmental Plan 2014

The subject site is zoned R1 General Residential under the provisions of the *Bathurst Regional Local Environmental Plan 2014*. *Dwellings* are permissible with consent in the R1General Residential zone. The proposal is consistent with the objectives of the zone.

Clause 4.3 Height of buildings

The height of buildings map shows the maximum height for a building on the subject land of 9 metres. The height of the new dwelling is approximately 7.21 metres (measured from the

existing ground level to the highest part of the dwelling). The proposed development complies with the standard.

Clause 10 Heritage Conservation

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

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

The proposed partial demolition and additions to the existing dwelling on site is considered to have a minor effect on the heritage significance of the dwelling. The proposal involves the removal of the unsympathetic additions to the rear of the building. The two storey additions to the building are setback approximately 10 metres from the front building line of the existing single storey component of the building. The setback of the two storey component from Rankin Street reduces the impact of the development of the streetscape.

Bathurst Regional Development Control Plan 2014

Chapter 2 – Exhibition and Notification of Development Applications

The Development Application was notified to adjoining property owners in accordance with Chapter 2 of Council's DCP between 6 April 2017 and 18 April 2017.

Three submissions were received (**attachment 3**).

A discussion forum was held for this Development Application on 1 May 2017. The minutes of the discussion forum are at **attachment 4**.

The issues raised in the submissions include:

Overshadowing: *The applicant has submitted shadow diagrams* (**attachment 5**).

The shadow diagrams illustrate the anticipated shadow from both the current dwelling and fence and the new 2 storey addition at hourly intervals.

The owner of the adjoining property at 251 Rankin expressed concern at overshadowing of the rear living areas of the dwelling from the 2 storey addition.

The shadow diagrams show that the dwelling and open space at 251 Rankin Street will be impacted from the development. The overshadowing to the dwelling will occur up until approximately 12 noon and parts of the attached carport itself until 2pm. The development will only have a minor impact on the open space in the rear of the yard.

Whilst Council's DCP does not have specific standards for overshadowing requirements for dwelling houses it typically applies the standards for residential units and dual occupancies in these situations. These standards are that at least two hours of sunlight to indoor and outdoor living areas of adjoining properties is to be maintained between 9am and 3pm on 21 June. The dwelling at 251 Rankin Street will maintain two hours of sunlight from 12 noon to 3pm to indoor and outdoor living areas and therefore the development complies with Council's Standard.

There was also a suggestion that the shadow diagrams did not accurately reflect north. The applicant has confirmed that north is correct on the shadow diagrams submitted. Council has

checked and confirmed that north is correct on the plans.

**Second storey component is out of character with the streetscape.
Development is intrusive and unsympathetic to the character of the area.**

This section of Rankin Street is characterised by single storey dwellings and presents as a reasonably uniform streetscape albeit with a variety of different housing styles.

The two storey additions are setback 10 metres from the front building line of the single storey component of the building. As the second storey component of the building is setback from Rankin Street, the impact of the development on the streetscape is considered an acceptable level of change in this instance and is not uncommon in relation to other extensions to single storey dwellings in the conservation area.

Lack of vertical features primarily windows and verandah posts

The development does include two vertical windows fronting Rankin Street in the second storey element. The design of the addition is not symmetrical as the setback from the boundary to 251 Rankin Street for the second storey is required to be 1.5 metres from the side boundary to comply with Council's Planning Controls.

The result is that the ground floor will be set back on the boundary with 251 Rankin whilst the second storey will be offset by up to 1.8 metres.

Materials used in second storey component of the building

The existing dwelling is painted brick. The proposed material to be used on walls of the addition is profiled FC cladding. This profiled FC cladding is considered an appropriate material for the additions. A condition will be imposed on the application to ensure the colour scheme for the external cladding is to complement the existing dwelling.

The roofing material is proposed to be colourbond. A condition will be imposed requiring the roofing to be a traditional corrugated profile.

Roller door fronting Rankin Street

Prior to the discussion forum Council requested that the roller door be removed from the carport. The Applicant has submitted amended plans which show the structure as only being a carport with no roller door. This satisfies the objection raised.

Privacy to 247 Rankin Street and 251 Rankin Street

The windows which are looking over the above properties are long narrow horizontal high level windows. These windows are set high on the wall and are not considered to interfere with the privacy of the adjoining properties. The option of requiring obscure glass to these high level windows has been considered however given they are at an elevated level is not considered warranted.

Chapter 4 Residential Development

The site is contained within Precinct 1 pursuant to the *Bathurst Regional Development Control Plan 2014* (DCP). Dwellings are permissible with consent in Precinct 1. The proposal complies with the objectives of the Precinct and the development standards for dwellings and secondary dwellings:

Development Standard	Proposed	Permissible	Compliance
Minimum lot size	550m ²	550m ²	Yes
Height	Two-storey	Two- storey maximum	Yes
Setback - front	N/A	Consistent with adjoining	Yes
Setback - side	20.2m	In accordance with BCA	Yes
Setback - rear	0m	In accordance with BCA	Yes
Car parking - Dwelling	1	1	Yes

- * The second storey additions are setback 1.5 metres from 251 Rankin Street. This setback is considered appropriate as it reduces a proportion of the overshadowing to the adjoining property.

Chapter 10 – Urban Design and Heritage Conservation

The Applicant has provided a Statement of Heritage Impact (see **attachment 6**).

The dwelling has a Bathurst Conservation Area Management Strategy (BCAMS) rating of contributory as the dwelling is a late Victorian cottage (1860-1875).

The development proposes to demolish the 1950's additions at the rear of the dwelling. The original fabric of the Victorian era building is to be maintained.

The proposed setback of 10 metres for the second storey component of the building will result in a minimal impact to the Rankin Street streetscape. The two storey additions are set back far enough to ensure the scale of the original building to the street is maintained. The design of the additions is of appropriate proportion and has good fenestration.

The carport is setback 2.7 metres from the verandah (front building line of the building). This setback of the carport is considered appropriate as it is not a dominant feature of the Rankin Street streetscape. The applicant originally proposed a roller door on the Rankin Street elevation. This has been removed from the plans.

Other issues

The demolition will generate waste that will require appropriate disposal. A condition will be imposed requiring the provision of a waste management plan to be prepared and submitted.

Conclusion

Council has received a Development Application (DA) for the partial demolition of the dwelling and two storey additions to the dwelling and attached carport at 249 Rankin Street, Bathurst.

The issues raised in the submissions have been dealt with in the body of the report. Whilst it is acknowledged that there will be impacts on the adjoining properties these are within those expected as residential densities increase throughout the City. Approval is recommended.

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

9 Item 3 DEVELOPMENT APPLICATION NO. 2017/102 – PARTIAL DEMOLITION AND TWO STOREY ADDITIONS TO DWELLING WITH ATTACHED CARPORT AT 249 RANKIN STREET, BATHURST. APPLICANT: BIARCHITECTS. OWNER: MS A N HILL (DA/2017/12)

MOVED: Cr M Morse SECONDED: Cr M Coote

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

Reason: Objector is vendor of employer.

RESOLVED: That Council:

- (a) as the consent authority, grant consent pursuant to section 80 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2017/102, 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 external colour scheme of the additions is to complement the existing dwelling,
 - (ii) The cladding on the roof on the additions is to be of a traditional corrugated profile;
- (b) notify those that made submissions of its decision; and
- (c) call a division.

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

The result of the division was:

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

Against the motion - Cr B Bourke,

Absent - Cr W Aubin, Cr G Westman,

Abstain - Nil

4 DEVELOPMENT APPLICATION NO. 2017/121 – DEMOLITION OF EXISTING DWELLING (129 HAVANNAH STREET), TWO LOT CONSOLIDATION, THREE X THREE-BEDROOM UNITS, GARAGE, FRONT FENCE AND FOUR LOT RESIDENTIAL SUBDIVISION AT 129 & 131 HAVANNAH STREET, BATHURST. APPLICANT: SCHAFFER & SONS PTY LTD. OWNER: MRS S SCHAFFER (DA/2017/121)

Recommendation: That Council:

- (a) as the consent authority, grant consent pursuant to section 80 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2017/121, 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. Amended plans are to be submitted that incorporate face brick detailing in the proposed front/side fences; and
- (b) call a division.

Report: The Site

Council has received a Development Application (DA) for the demolition of the existing dwelling and outbuildings, two lot consolidation, erection of three x three-bedroom units, garage, front fence and four lot residential subdivision at 129 and 131 Havannah Street, Bathurst, described as Lot 2, DP 102276 and Lot 8, DP 758065. A location plan is provided at **attachment 1**.

129 Havannah Street currently contains a single storey fibro clad dwelling with sheet metal roofing and separate sheds/outbuildings. This dwelling is proposed to be demolished.

131 Havannah Street currently contains a single storey masonry dwelling with sheet metal roofing. This dwelling will remain unchanged.

The total site area is 1600m².

The proposal

The proposal involves:

- Demolition of the existing dwelling and outbuildings at 129 Havannah Street;
- Two lot consolidation;
- Erection of three x three-bedroom units;
- Erection of garage at 131 Havannah Street;
- Front fence (along Havannah and Piper Streets); and
- Four lot residential subdivision.

The development will progress in stages with the demolition and consolidation to occur in the initial stages. The consolidation is necessary to remove boundary encroachments in the latter stages.

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

Amended Plans

As a result of Council's initial review of the proposal, the applicant submitted amended plans incorporating the following:

- An increase in the ceiling height for the three proposed units to match that of the existing dwelling at 131 Havannah Street;
- Increasing the front setback of the proposed garage (for 131 Havannah Street) so that it sits 0.5 metre behind the existing dwelling at 131 Havannah Street;
- Increasing the roof pitch of the proposed rear dwellings from 22.5° to 27° to match the new front dwelling (129 Havannah Street);
- Increasing the height of the fence along Piper Street from 1.6 metres to 1.8 metres and introducing lapped and capped timber paling infill panels in order to screen/enclose the north-facing private open space areas for the proposed units.

It should be noted that the plans at **attachment 2** are the amended plans used for assessment.

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 10 April 2017 and 24 April 2017 and one (1) directly adjoining resident was notified. During the advertising and notification period no submissions were received.

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* 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 occupancies, multi dwelling housing and residential flat buildings

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

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

(2) *Development consent must not be granted to development for the purposes of a dual occupancy on a lot unless the lot is at least the minimum lot size shown on the Minimum Lot Size - Dual Occupancy Map for that lot.*

The *Minimum Lot Size Multi Dwelling Housing and Residential Flat Buildings Map* indicates that the minimum lot size for the subject property is 900m². The total area of the subject site is 1600m² and therefore multi dwelling housing is permissible.

Clause 4.3 Height of buildings

The *Height of Buildings Map* indicates that the maximum building height for the subject property is 9 metres. The proposed buildings will have an overall height of approximately 5.5 metres.

Clause 5.9 Preservation of trees

While the proposed development will necessitate the removal of some vegetation (both trees and shrubs) none of the trees:

- are greater than 9 metres high;
- have a stem diameter of 1 metre or more; or
- have a branch spread of 15 metres.

The trees therefore do not constitute Prescribed Trees that need approval for removal.

Clause 5.10 Heritage Conservation

The site is located within Bathurst Heritage Conservation Area. The existing dwellings are 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 dwelling to be demolished at 129 Havannah is a 1950's to 1960's single storey timber framed fibro clad cottage with a single return hipped roof in corrugated iron. The front façade is asymmetrical with metal awnings over the two windows. A brick chimney is present on the eastern façade. The dwelling retains most of its original fabric and is a good example of a post war cottage. However, it is an isolated example of this period dwelling, surrounded by much earlier dwellings.

The Havannah Street frontage of the dwelling has a neutral streetscape rating. The style, type and setback of the dwelling is out of context with its neighbours in terms of its period. The secondary street frontage along Piper Street is intrusive given the lack of building articulation and dilapidated colorbond fencing.

Whilst the Structural Report by Calare Civil indicates that the proposed cost of works to bring the building up to habitable standard are not unreasonable, the dwelling makes a minimal contribution to both its street frontages. Additionally, the building has a low BCAMS rating, little heritage significance and is an isolated example of a post war dwelling. The proposed infill development is considered appropriate.

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). Residential units are permissible with consent in the Precinct. The proposal complies with the objectives of the Precinct and the development standards for residential units.

Development Standard	Required	Proposed	Compliance
Minimum lot size	900m ²	1600m ²	YES
Density	88 persons per hectare	82.5 persons per hectare	YES
Height	9.0 metres – two storeys	5.5 metres – single storey	YES
Setback - front	Must complement existing	4.0 metre minimum, complements existing	YES
Setback - side	As per BCA	As per BCA	YES
Setback - rear	As per BCA	As per BCA	YES
Car parking	1 covered resident space per dwelling	2 covered resident spaces per dwelling	YES
	1 visitor space per 2 dwellings (three bedroom or more)	1 visitor space per dwelling	YES
Private open space area	Minimum 40m ² for three bedroom dwellings	Existing dwelling – 84m ² Residence 1 – 40m ² Residence 2 – 40m ² Residence 3 – 40m ²	YES
Driveway widths	Minimum 3 metres	Independent driveways for each dwelling, minimum 3.0 metres wide	YES
Private open space width	Minimum 4.0 metres wide	Existing dwelling – 7.5m Residence 1 – 4.0m Residence 2 – 4.1m Residence 3 – 4.2m	YES
Garage doors	Maximum 50% of dwellings lineal façade	Residence 1 – 21% Residence 2 – 49% Residence 3 – 49%	YES

Chapter 10 Urban Design & Heritage Conservation

10.3.3 Statement of Heritage Impact

A detailed Statement of Heritage Impact (**attachment 3**) 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 at 129 Havannah Street:

The existing dwelling located at 129 Havannah St, Bathurst is a single storey (street elevation), timber framed, fibro clad structure. It provides minimal contribution to a traditional streetscape due to the simplicity of the building design and basic construction detailing. With the aid of Appendix 3 - Historical Assessment (As carried out by Bathurst Historical Society), it has been established that the dwelling does not have any historical value.

Historical Assessment

The Heritage Impact Statement contains a detailed Historical Assessment (**attachment 4**) prepared by the Bathurst District Historical Society. The Historical Assessment is

summarised as follows:

The original owners of Land, Portions 8 and 9 of Section 84 were F. J. Bysell and W. Medaris.

I have made a search of the 1929-1933 Rates and Valuation Books and there is no entry for 129 Havannah Street.

I also searched 1947 and 1950 Electoral Rolls and there is no entry for 129 Havannah Street.

This house was built sometime after 1950 and is typical of many houses built in Bathurst after World War Two.

The house is fibro clad with corrugated iron roof and wooden sash windows.

It was probably built for a Mr. Ian Raymond McIntosh [School Teacher] and wife Pauline Claire McIntosh [Home Domestic].

By 1971 Mr. Alan John Glazebrook [Carpenter] owned 129 Havannah Street with his wife Doreen Elizabeth Glazebrook.

Mr. Glazebrook applied to Bathurst City Council in June 1971 to add a verandah to the building.

In my opinion, this house is of no historical value.

Structural Assessment

A Structural Assessment (**attachment 5**) has been prepared by Calare Civil Pty Ltd (dated 23 March 2017). 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):
 - a) Repair damaged external timber and eaves. (\$3,000)
 - b) Replace roof iron. (\$15,000)
 - c) Replace all gutters and downpipes, ensure connection to in-ground system (\$5,000)
 - d) Install additional sub-floor vents. (\$1000)
 - e) Demolish and replace front patio and balustrading. (\$13,000)
 - f) Pack sub-floor bearers and re-level floor throughout dwelling. (\$22,000)
 - g) Remove all asbestos & replace with external Hebel and internal gyprock. (including new windows, paint \$110,000)
 - h) Renew damaged earthenware house drainage lines. (\$10,000)

The cost of the above Essential Works is estimated at **\$179,000** (excluding GST).
2. Desirable Work (to make the structure more habitable and comfortable):
 - a) Repair sub-floor masonry. (\$2,000)
 - b) Demolish shed at rear and build to current regulations. (\$15,000)
 - c) Demolish and replace car port. (\$4,000)

- d) Demolish and replace damaged boundary fencing. (\$7,000)
- e) Replace bathroom including new water proofing. (\$15,000)
- f) Replace kitchen. (\$15,000)

The cost of the above Desirable Works is estimated at **\$58,000** (excluding GST).

10.3.4 Bathurst Conservation Area Management Strategy (BCAMS)

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

The following table provides a summary of the assessment.

Address of Building:	129 Havannah Street, Bathurst
BCAMS Rating:	3
Type of Building/Current Use:	Residential
Zoning:	R1 General Residential
Period of Construction:	Exact date unknown but photos suggest 1950/60
	Representative
Heritage Listings:	Located within the Bathurst Heritage Conservation Area.
Streetscape:	The primary street frontage of the dwelling has a neutral streetscape rating. The style, type and setback of the dwelling is out of context with its neighbours in terms of its period. The secondary street frontage along Piper Street is intrusive given the lack of building articulation and dilapidated colour bond fencing.
Physical Description:	The dwelling is a single storey framed fibro clad cottage with a single return hipped roof in corrugated iron. The front façade is asymmetrical with metal awnings over the two windows. A brick chimney is present on the eastern façade. The dwelling retains most of its original fabric and is a good example of a post war cottage. However, it is an isolated example of this period dwelling, surrounded by much earlier dwellings.
Condition Description:	Fair to good.
Statement of Significance:	Archetypal post war cottage of modest proportions and typical of the 50s period, using modern material of the period, fibro and corrugated iron.
Heritage Significance:	(0) Not significant
Streetscape Rating:	(3) Contributory
Special Vegetation:	None
Integrity:	Whilst the dwelling is intact it is not historically significant and therefore does not warrant an integrity rating.

Whilst the Structural Report by Calare Civil indicates that the proposed cost of works to bring the building up to habitable standard are not unreasonable, the dwelling makes a minimal contribution to both its street frontages. Additionally, the building has a low BCAMS rating, little heritage significance and is an isolated example of a post war dwelling.

10.4 Infill Development

The proposed development achieves an appropriate scale, massing, setback and colouring to both Havannah and Piper Streets. It is proposed to require face brick detailing in the front/side fence design to ensure the materials of the infill development complement the

surrounding buildings.

Other issues

The demolition will generate waste that will require appropriate disposal. A condition will be imposed requiring the provision of a waste management plan to be prepared and submitted.

Conclusion

Council has received a Development Application (DA) for demolition of the existing dwelling and outbuildings, two lot consolidation, three x three-bedroom units, garage, front fence and four lot residential subdivision at 129 and 131 Havannah 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 the building has a low BCAMS rating, little heritage significance, is an isolated example of a post war dwelling and because of the appropriateness of the infill development.

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

10 Item 4 DEVELOPMENT APPLICATION NO. 2017/121 – DEMOLITION OF EXISTING DWELLING (129 HAVANNAH STREET), TWO LOT CONSOLIDATION, THREE X THREE-BEDROOM UNITS, GARAGE, FRONT FENCE AND FOUR LOT RESIDENTIAL SUBDIVISION AT 129 & 131 HAVANNAH STREET, BATHURST. APPLICANT: SCHAFFER & SONS PTY LTD. OWNER: MRS S SCHAFFER (DA/2017/121)
MOVED: Cr I North SECONDED: Cr M Coote

RESOLVED: That Council:

- (a) as the consent authority, grant consent pursuant to section 80 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2017/121, 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. Amended plans are to be submitted that incorporate face brick detailing in the proposed front/side fences; and
- (b) call a division.

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

The result of the division was:

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

Against the motion - Nil

Absent - Cr W Aubin,

Abstain - Nil

5 DEVELOPMENT APPLICATION NO. 2017/134 – DEMOLITION OF EXISTING ATTACHED DUAL OCCUPANCY, CONSTRUCTION OF REPLACEMENT ATTACHED DUAL OCCUPANCY, TWO CARPORTS AND TWO LOT RESIDENTIAL SUBDIVISION AT 126 SEYMOUR STREET, BATHURST. APPLICANT & OWNER: MR A LOW (DA/2017/134)

Recommendation: That Council:

- (a) support the variation to the development standard prescribed in Clause 4.1B *Minimum lot sizes for dual occupancies, multi dwelling houses and residential flat buildings* of the Bathurst Regional Local Environmental Plan 2014 and the variation to the development standard prescribed in Section 4.3 *Minimum lot size* of the Bathurst Regional Development Control Plan 2014;
- (b) as the consent authority, grant consent pursuant to section 80 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2017/134, 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. Amended plans are to be submitted that incorporate a simpler traditional verandah post design in keeping with the period of the building being demolished; and
- (c) call a division.

Report: The Site

Council has received a Development Application (DA) for the demolition of an existing attached dual occupancy, construction of a replacement attached dual occupancy, construction of two carports and a two lot residential subdivision at 126 Seymour Street, Bathurst, described as Lot 60, DP 1209121. A location plan is provided at **attachment 1**.

The subject site currently contains two single storey attached dwellings (dual occupancy).

The total site area is 589.6m².

Vehicular access to the subject site is available via a rear laneway off Cross Street.

The proposal

The proposal involves:

- Demolition of the existing attached dual occupancy;
- Construction of a replacement attached dual occupancy;
- Construction of two carports; and
- Two lot residential subdivision.

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

Advertising and Notification

In accordance with Chapter 2 - Exhibition & Notification of Development Applications of the Bathurst Regional Development Control Plan 2014, the application was advertised between 24 April 2017 and 9 May 2017 and four (4) directly adjoining residents were notified. No submissions were received.

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 (attached) 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 occupancies, multi dwelling housing and residential flat buildings

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

- (2) *Development consent must not be granted to development for the purposes of a dual occupancy on a lot unless the lot is at least the minimum lot size shown on the Minimum Lot Size - Dual Occupancy Map for that lot.*

The Minimum Lot Size—Dual Occupancy Map indicates a minimum lot size for a dual occupancy is 600m² in this locality. The subject lot is 589.6m².

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. See discussion on the Clause 4.6 variation below.

Clause 4.3 Height of buildings

The *Height of Buildings Map* indicates that the maximum building height for the subject property is 9 metres. The proposed buildings will have an overall height of approximately 5.5 metres.

Clause 4.6 Exceptions to development standards

- (1) *The objectives of this clause are as follows:*
 - (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
 - (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

- (2) *Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or*

any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

- (3) *Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*
- (4) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
- (i) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
 - (ii) *that there are sufficient environmental planning grounds to justify contravening the development standard.*

A Clause 4.6 Variation was submitted with the Development Application (**attachment 3**). The applicant has made the following case as to why compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:

- The subject site currently contains an attached dual occupancy. The proposal is to demolish the existing attached dual occupancy and replace it with a new attached dual occupancy.

The applicant has made the following case as to what the environmental planning grounds are to justify contravening the standard:

- The proposal is to demolish the existing attached dual occupancy and replace it with a new attached dual occupancy.
- The proposal is a like-for-like replacement of the existing building.
- The variation is considered of a minor nature, a 10.4m² or 1.73% variation to the required lot size.

(4) *Development consent must not be granted for development that contravenes a development standard unless:*

- (a) *the consent authority is satisfied that:*
- (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.*

The applicant's written request adequately outlines why the development standard is unreasonable or unnecessary in this instance and details the environmental planning grounds to justify the contravention.

Clause 5.9 Preservation of trees

The proposed development will necessitate the removal of some vegetation (both trees and shrubs). None of the trees:

- are greater than 9 metres high;
- have a stem diameter of 1 metre or more; or
- have a branch spread of 15 metres.

The trees therefore do not constitute Prescribed Trees that need approval for removal.

Clause 5.10 Heritage Conservation

The site is located within Bathurst Heritage Conservation Area. The existing attached dual occupancy 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 symmetrical single storey attached terrace with hipped roof and chimneys. The building has a posted verandah up to the front boundary. The front of the building has been rendered most likely in the 1930's. The building is constructed in Flemish bond on the street frontage and English bond at rear. It would have been a substantial dwelling given the build quality, brickwork and size. It has a great street presence and is likely c1880's. The building is in a state of disrepair and this is having a negative impact on the streetscape in its current form.

Currently the building is in poor condition overall, the lathe plaster ceiling has been removed, the verandah partially failed, large external cracking in the brickwork, some original floor present but mostly removed and the additions at the rear have already been partially removed. Only one original window remains (at rear). Shoring-up indicates that this building was unstable from the beginning of its life indicating it was most likely always unstable and probably had only a basic brick foundation.

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). Residential units are permissible with consent in the precinct. The proposal complies with the objectives of the Precinct and the development standards for residential units, excluding the minimum lot size requirement.

Development Standard	Required	Proposed	Compliance
Minimum lot size	600m ²	589.6m ²	NO*
Site coverage	Maximum 50%	45%	YES
Height	9.0 metres – two storeys	5.5 metres – single storey	YES
Setback - front	must complement existing	0.0 metre minimum, complements existing	YES
Setback - side	As per BCA	As per BCA	YES
Setback - rear	As per BCA	As per BCA	YES
Car parking	1 covered resident space per dwelling	1 covered resident space per dwelling	YES
	1 visitor space per 4	1 visitor space per	YES

	dwellings (1-2 bedroom dwellings)	dwelling	
Private open space area	Minimum 30m ² for two bedroom dwellings	Residence 1 – 70m ² Residence 2 – 70m ²	YES
Driveway widths	Minimum 3 metres	4 metre wide laneway access	YES
Private open space width	Minimum 4.0 metres wide	Residence 1 – 7.0m Residence 2 – 7.0m	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 (Clause 4.6).

Chapter 10 Urban Design & Heritage Conservation

10.3.3 Statement of Heritage Impact

A detailed Statement of Heritage Impact (**attachment 4**) 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:

The value of the building and site at Nos. 126-128 Seymour Street lies in its contributory role as part of the existing residential streetscape. In this part of Seymour Street there is an eclectic mix of building types exhibiting symptomatic infill building replacement in the 20th century. The building at Nos. 126-128 Seymour Street is one of the older buildings in this area with the historical report showing that a house was first listed on the land in the early 1880's with neighbouring buildings being built as later infill. It has had multiple owners and tenants and is symptomatic of wealthy farmers and landholders who built and purchased investment properties which provided modest workers accommodation at affordable rents. Although in disrepair the building displays features typical of the late Victorian era. This includes a symmetrical facade under a hipped roof and front verandah, double hung windows, ashlar lined render, decorative glazed front doors and roughcast rendered chimneys. This supplied housing for working class tenants. The building is small scale with two dwellings built on a small piece of land and is one of the oldest surviving buildings in this area.

There is little potential for aboriginal archaeological significance due to previous site disturbance. The proposed building will be sited on ground already occupied by the existing double dwelling and the rear of the site has little remnant garden in evidence. It is recommended that any relics or evidence of prior occupation found during excavation be noted and photographed.

The building is not likely to be unique. The type of building it resembles is found in other locations within the Bathurst central area with nearby 144 & 146 Seymour Street possibly evolving in a similar way. There are much better examples of buildings in other areas of Bathurst which are original and in a habitable state. There are several single storey semi detached dwellings in Seymour Street.

Historical Assessment

The Heritage Impact Statement contains a detailed Historical Assessment (**attachment 5**) prepared by the Bathurst & District Historical Society. The Historical Assessment is summarised as follows:

The land at 126 & 128 Seymour Street (South Ward , Section 84 Parts 1/2) was owned by William Grant in 1870. It was originally a single allotment which extended along the Seymour street frontage from Cross Street to Piper Street. Mr Grant was a Bathurst born man who worked at the family tannery in Rankin Street.

The vacant land was sold to James Cochrane in 1882, but there are no buildings noted on the land until 1884 when a double house occupied by Thomas Neilson (No.126) & Thomas Carrile (No.128) as the tenants are noted in rates books. William Northey, a farmer of Dunkeld near Bathurst purchased the property in 1885 and it was tenanted by various tenants until its sale in 1904 to George Toole, a grazier from Tarana near Bathurst.

The Toole family owned the property until 1947 when it was sold to Elizabeth Stevens who was still living at the address in 1950. It appears that the building was erected and used as an investment property until this time.

Raymond Weal, a bootmaker owned 128 Seymour Street in 1950 and is listed as also occupied by Betsy Weal.

Whilst it is not specifically listed as a heritage item, 126-128 Seymour Street is significant as an example of the history of wealthy merchants, farmers and landholders building and purchasing investment housing in Bathurst. This supplied housing for working class tenants at affordable rents. The building is small scale with two dwellings built on a small piece of land and is one of the oldest surviving buildings in this area.

Structural Assessment

A Structural Assessment (**attachment 6**) has been prepared by Calare Civil Pty Ltd (dated 10 August 2016). The Structural Assessment prepared by Calare Civil Pty Ltd identifies the following essential and desirable works:

1. Essential Work (to ensure structural soundness and safety of building, and to extend building life):
 - a) Demolition of existing outbuilding (\$20,000.00)
 - b) Replace bathroom and kitchen (\$35,000.00)
 - c) Install dampcourse throughout (\$9,000.00)
 - d) Install termite protection system (\$6,000.00)
 - e) Replace floor throughout – bearers & joist system (\$40,000.00)
 - f) Remove & replace windows (\$7,000.00)
 - g) Renew internal wall linings (\$18,000.00)
 - h) Install downpipes & stormwater system (\$5,000.00)
 - i) Installation of new doors, skirting, architraves (\$10,000.00)
 - j) Replacement of all floor coverings & light fittings (\$7,000.00)

The cost of the above Essential Works is estimated at \$157,000.00 (excluding GST).

2. Desirable Work (to make the structure more habitable and comfortable):
 - a) Underpin footings (\$35,000.00)
 - b) Remove & replace fascia, gutter & eaves (\$10,000.00)
 - c) Replace iron roof with new rafter/battens as required (\$15,000.00)
 - d) Rebuild front verandah to match streetscape (\$10,000.00)

- e) Install insulation paper & wool insulation bats (\$4,000.00)
- f) Removal of all rubbish from site (\$5,000.00)
- g) Painting throughout including timber (\$15,000.00)

The cost of the above Desirable Works is estimated at \$94,000 (excluding GST).

10.3.4 Bathurst Conservation Area Management Strategy (BCAMS)

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

The following table provides a summary of the assessment.

Address of Building:	126 Seymour Street, Bathurst
BCAMS Rating:	8
Type of Building/Current Use:	Residential
Zoning:	R1 General Residential
Period of Construction:	Mid Victorian 1860-1880
	Representative
Heritage Listings:	Located within the Bathurst Heritage Conservation Area.
Streetscape:	Dwelling constructed in Flemish bond on street frontage and English bond at rear. It would have been a substantial dwelling given the build quality, brickwork and size. It has a great street presence and is likely c1880's. The building is in a state of disrepair and this is having a negative impact on the streetscape in its current form.
Physical Description:	A symmetrical single storey attached terrace with hipped roof and chimneys. Posted verandah up to the front boundary. The front of the building has been rendered, likely in the 1930's.
Condition Description:	Currently the building is in poor condition overall, the lathe plaster ceiling has been removed, the verandah partially failed, large external cracking in the brickwork, some original floor present but mostly removed and the additions at the rear have already been partially removed. Only 1 original window remains (at rear). Shoring-up indicates that this building was unstable from the beginning of its life indicating it was most likely always unstable and probably only has a basic brick foundation.
Statement of Significance:	The Heritage Impact Statement submitted with the application notes that the building is a significant example of the history of wealthy merchants, farmers and landholders, building and purchasing investment housing in Bathurst. This supplied housing for working class tenants at affordable rents. The building whilst small in scale, is one of the oldest surviving buildings in this area.
Heritage Significance	(4) Historically significant in a regional context (pre 1900/state significant)
Streetscape Rating	(3) Contributory
Integrity	(1) Altered unsympathetically – Reversible
Special Vegetation:	None

Whilst the building has a high BCAMS rating and played an important role in the development of Bathurst, it is acknowledged that the building is in a severe state of disrepair. There are however, better examples of this type of building in Bathurst and the proposed replacement dwellings contribute well to the streetscape. On the basis of the state of disrepair of the building, demolition is supported in this instance.

10.4 Infill Development

The proposed infill dual occupancy development achieves the same scale, massing, setback and materials of the existing building. It is proposed to require a simpler traditional verandah post design in keeping with the period of the building being demolished.

Other issues

The demolition will generate waste that will require appropriate disposal. A condition will be imposed requiring the provision of a waste management plan to be prepared and submitted.

Conclusion

Council has received a Development Application (DA) for demolition of an existing attached dual occupancy, construction of a replacement attached dual occupancy, construction of two carports and two lot residential subdivision at 126 Seymour 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 the very poor condition of the existing building and because of the appropriateness of the infill development. Approval is recommended.

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

11 Item 5 DEVELOPMENT APPLICATION NO. 2017/134 – DEMOLITION OF EXISTING ATTACHED DUAL OCCUPANCY, CONSTRUCTION OF REPLACEMENT ATTACHED DUAL OCCUPANCY, TWO CARPORTS AND TWO LOT RESIDENTIAL SUBDIVISION AT 126 SEYMOUR STREET, BATHURST. APPLICANT & OWNER: MR A LOW (DA/2017/134)

MOVED: Cr I North SECONDED: Cr M Morse

RESOLVED: That Council:

- (a) support the variation to the development standard prescribed in Clause 4.1B *Minimum lot sizes for dual occupancies, multi dwelling houses and residential flat buildings* of the Bathurst Regional Local Environmental Plan 2014 and the variation to the development standard prescribed in Section 4.3 *Minimum lot size* of the Bathurst Regional Development Control Plan 2014;
- (b) as the consent authority, grant consent pursuant to section 80 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2017/134, 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. Amended plans are to be submitted that incorporate a simpler traditional verandah post design in keeping with the period of the building being demolished; 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 B Bourke, Cr M Coote, Cr G Hanger, Cr M Morse, Cr I North, Cr G Westman,

Against the motion - Nil

Absent - Cr W Aubin,

Abstain - Nil

6 DEVELOPMENT APPLICATION NO. 2017/153 – DEMOLITION OF EXISTING DWELLING, CONSTRUCTION OF REPLACEMENT SINGLE STOREY DWELLING WITH ATTACHED GARAGE AT 154 GEORGE STREET, BATHURST.
APPLICANT: MASON MIA & ASSOCIATES . OWNER: E D MASON
(DA/2017/153)

Recommendation: (a) as the consent authority, grant consent pursuant to section 80 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2017/153, 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 dwellings;
- (ii) Prior to the issue of a Construction Certificate, an amended plan is to be submitted for Council's consideration and approval indicating a central gate within the front picket balustrade of the building;
- (iii) The applicant is to submit to Council a schedule of materials from the existing dwelling to be reused in the proposed new dwelling; and

(b) call a division.

Report: The Site

Council has received a Development Application (DA) for demolition of the existing dwelling and construction of a replacement single storey dwelling with attached garage at 154 George Street, described as Lot 1 DP 735452. A location plan is provided at **attachment 1**.

The subject site currently contains a single storey dwelling. The site is 389.5m².

Vehicular access to the subject site is also available from Lambert Street via a driveway currently shared by multiple properties.

The proposal

The proposal involves the demolition of the existing building and construction of a replacement single storey dwelling and attached garage.

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

Submissions

The development application was advertised and notified to adjoining property owners from 15 May 2017 to 29 May 2017. Following the advertising and notification period, no submissions were received.

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 dwelling is permissible with consent in the R1 General Residential zone. The proposal is consistent with the objectives of the zone.

Clause 4.3 Height of Buildings

The *Height of Buildings Map* indicates that the maximum building height for the subject property is 9 metres. The proposed building will have an overall height of approximately 6.27m.

5.10 Heritage Conservation

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

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

The building is a symmetrical single storey typical Victorian dwelling with hipped roof and 2 chimneys on the eastern side. There is a posted verandah with separate hipped roof and a picket balustrade up to the front boundary. The building has timber framed windows with central door. The front of the building has been rendered, likely in the 1930's.

Currently the building is in poor condition overall, the verandah floor has partially failed and large external cracking is visible in the brickwork. Shoring-up of the wall on the western side indicates that this building was unstable from near the beginning of its life which suggests it was most likely always unstable and probably only has a brick foundation.

Development Control Plan

Chapter 4 Residential Development

Development Standard	Proposed	Permissible	Compliance
Minimum lot size	389.5m ²	550m ²	No*
Density	N/A	N/A	N/A
Site coverage	N/A	N/A	N/A
Height	6.27m	9m	Yes
Setback - front	2120mm	Complement existing	Yes
Setback - rear	1442mm	In accordance with BCA	Yes
Setback - side	200mm	In accordance with BCA	Yes
Car parking - Resident	2	1	Yes
Car parking - Visitor	1	1	Yes
Accessway Width	4.8m	3-6m wide	Yes
Open space area	76.9m ²	40m ²	Yes
Open space width	>4m	4m wide	Yes
Garage doors	0%	50% or 70%	Yes

* The subject site is less than the minimum lot sized specified on the *Minimum Lot Size Map* of the Bathurst Regional LEP 2014. The subject site was created prior to the current planning scheme and therefore has a smaller lot size.

Chapter 10 Urban Design and Heritage Conservation

10.3.3 Statement of Heritage Impact

A detailed Statement of Heritage Impact has been prepared in accordance with Section 10.3.3 of the Bathurst Regional Development Control Plan 2014 (see copy of Statement of Heritage Impact (Section 3) at **attachment 3**).

The document identifies the following Statement of Significance for the existing dwelling at 154 George Street:

This is the traditional four-room or two-bay cottage that dominated from the Georgian to the mid-Victorian periods.

The original part of the house is typical of mid to late Victorian construction. It features external solid Bathurst red 230mm double brick walls underneath the later stucco, internal single skin brick walls (all lined to conceal cracks), four pane double hung timber windows, original architraves and some original skirtings, high ceilings, wide floorboards, narrow beaded eaves, and an original fireplace.

The hipped roof is clad with painted galvanised short sheets and is pitched at over 32 degrees. The gutters are painted galvanised quad gutters with all downpipes replaced. The downpipes were recently reconnected to the stormwater line and the movement in the building has cracked the bases and opened up a 10mm gap in 8 years.

Historical Assessment

The Statement of Heritage Impact contains a detailed Historical Assessment prepared by Adaptive Architects Pty Ltd and summarises as follows:

CONNOLLY: The Connolly family was certainly a pioneering family in Bathurst, but it appears they did not impact the public record as much as other significant families in the area.

This early significance for the family is mostly associated with their very early rural grants in Bathurst and on the road to Wellington. Their first interest in the town itself was in the 1850s at the Brilliant St corner site, and it appears at the Piper St corner through their relative Owen. The subject site at the corner of Lambert St came much later in the mid-1880s, when the second generation was coming into its own, and was another small expansion of their significant property ownership. It is thus not as significant in its own right.

McKENNY: The McKenny connection was too brief to be of lasting significance, and this family also did not become particularly noteworthy.

FLYNN: Once the house became a single residence and not part of a large portfolio it became associated with more ordinary families. Its longest association was with Leslie Flynn, a modest railway guard. It would appear the building has spent much of its life as a rental property. It may have housed members of the Connolly family, but they had many properties and may have leased some of them. The McKenny's were clearly not in residence and the more recent history also seems dominated by leasing.

See Section 2.3 Site History of the Statement of Heritage Impact at **attachment 3**.

Structural Assessment

A Structural Assessment (**attachment 4**) has been prepared by Calare Civil Pty Ltd (dated

15 April 2016). The Structural Assessment identifies the following essential and desirable works:


1. Essential Work (to ensure structural soundness and safety of building, and to extend the building life):
 - a) Repair damaged external timber and eaves;
 - b) Replace all gutters and downpipes, ensure connection of downpipes to in-ground storm water system;
 - c) Install additional sub-floor vents;
 - d) Repair damaged flashing and secure roof iron; and
 - e) Replace timber floors throughout dwelling.

The cost of the above Essential Works is estimated at **\$100,000** (excluding GST).

2. Desirable Work (to make structure more habitable and comfortable)
 - a) Underpin footings;
 - b) Demolish additions at rear and build to current building standards/regulations;
 - c) Remove and replace roof iron;
 - d) Repair cracks to external walls and replace external finishes;
 - e) Replace all internal wall linings.

The cost of the above Desirable Works in estimated at **\$84,600** (excluding GST).

10.3.4 Bathurst Conservation Area Management Strategy (BCAMS)

Address of Building:	154 George Street, Bathurst
BCAMS Rating:	7
Period of Construction:	Mid Victorian 1860-1885
	Representative
	
Current Use:	Residential
Zoning:	R1 Residential
Heritage Listings:	Bathurst Heritage Conservation Area
Streetscape:	The dwelling contributes well to this section of George Street as it is located at the front boundary and is part of a row of dwellings of the same period. The building is in a state of disrepair and this is having a negative impact on the streetscape in its current form.
Physical Description:	A symmetrical single storey typical Victorian dwelling with hipped roof and 2

	chimneys on the eastern side. Posted verandah with separate hipped roof and a picket balustrade up to the front boundary. Timber framed windows with central door. The front of the building has been rendered, likely in the 1930's.
Condition Description:	Currently the building is in poor condition overall, the verandah floor has partially failed and large external cracking is visible in the brickwork. Shoring-up on the western side indicates that this building was unstable from near the beginning of its life indicating it was most likely always unstable and probably only on a basic brick foundation.
Statement of Significance:	The Heritage Impact Statement submitted with the application notes that the building is c1880's and an example of a modest cottage for the period. The building does not feature any significant characteristics nor is it associated with a notable person.
Streetscape Rating	(3) Contributory
Heritage Significance:	(4) Historically significant in a regional context (pre 1900/state significant)
Integrity:	(0) Altered unsympathetically – Non-reversible
Special Vegetation:	Nil

Whilst the Structural Report by Calare Civil indicates that the proposed cost of works to bring the building up to a habitable standard are not unreasonable, the dwelling has a reduced contribution to the streetscape due to its current condition, has been altered unsympathetically and those alterations are considered non-reversible. The BCAMS assessment notes the condition of the building is poor and unstable. It is proposed that a condition be imposed seeking a schedule of materials to be reused in the new building.

10.4 Infill Development

The proposed new replacement dwelling achieves the same scale, massing, setback and materials of the existing building. It is proposed to require a central gate within the front picket balustrade of the building.

Other issues

The demolition will generate waste that will require appropriate disposal. A condition will be imposed requiring the provision of a waste management plan to be prepared and submitted.

Conclusion

Council has received a Development Application (DA) for demolition of the existing dwelling and construction of a single storey dwelling with attached garage at 154 George Street, Bathurst. The proposed new dwelling is three bedroom and the design is respectful of the existing house, inclusive of front fence, appearance and paint colours. 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 the poor condition and stability of the existing building and the appropriateness of the infill development. Approval is recommended.

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

12 Item 6 DEVELOPMENT APPLICATION NO. 2017/153 – DEMOLITION OF EXISTING DWELLING, CONSTRUCTION OF REPLACEMENT SINGLE STOREY DWELLING WITH ATTACHED GARAGE AT 154 GEORGE STREET, BATHURST. APPLICANT: MASON MIA & ASSOCIATES . OWNER: E D MASON (DA/2017/153) MOVED: Cr M Coote SECONDED: Cr B Bourke

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

Reason: applicant is a vendor/landlord of employer

RESOLVED:

- (a) as the consent authority, grant consent pursuant to section 80 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2017/153, 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 dwellings;
 - (ii) Prior to the issue of a Construction Certificate, an amended plan is to be submitted for Council's consideration and approval indicating a central gate within the front picket balustrade of the building;
 - (iii) The applicant is to submit to Council a schedule of materials from the existing dwelling to be reused in the proposed new dwelling; and
- (b) call a division.

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

The result of the division was:

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

Against the motion - Nil

Absent - Cr W Aubin, Cr G Westman,

Abstain - Nil

7 DEVELOPMENT APPLICATION NO. 2017/124 – DEMOLITION OF EXISTING DWELLING, CONSTRUCTION OF TWO STOREY DETACHED DUAL OCCUPANCY AND TWO LOT SUBDIVISION WITH ATTACHED GARAGES AT 235 BENTINCK STREET, BATHURST. APPLICANT: ROBBIE LEE DEVELOPMENTS PTY LTD. OWNER: MR RA & MRS JI LEE (DA/2017/124)

Recommendation: That Council:

- (a) as the consent authority, grant consent pursuant to section 80 of the EP&A Act to Development Application 2017/124, 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 dual occupancy buildings; and
- (b) notify those that made submissions of its decision; and
- (c) call a division.

Report: Council has received a Development Application (DA) for the demolition of an existing dwelling and construction of a two storey detached dual occupancy with attached garages and two lot subdivision at 235 Bentinck Street, Bathurst, described as Lot 3, DP 223223. A location plan is provided at **attachment 1**.

The Site

The site currently contains a single storey dwelling with attached garage. The site has vehicular access off Bentinck Street.

The site is 727.2m².

The existing house on site has been substantially altered.

The proposal

The proposal involves:

- Demolition of the existing dwelling and garage; and
- Construction of a two-storey detached dual occupancy with attached garages;
- Two lot subdivision.

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 20 April 2017 and 5 May 2017 and three (3) adjoining residents were notified.

During the advertising and notification period one (1) submission was received (see **attachment 3**).

A Discussion Forum was held on 16 May 2017 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:

- Proposed development is out of character with the surrounding streetscape;
- Impact on privacy on bedrooms and open space of 233 Bentinck Street;
- Lack of parking and potential for overflow onto Bentinck Street; and
- Noise amplification on hard surfaces past 233 Bentinck Street.

It should be noted that the submission did not raise concern with respect to the demolition, but rather the design of the proposed infill development.

In response to these issues Council received amended plans inclusive of; extra landscaping for acoustic buffering, heritage elements on the façade to integrate into the streetscape, and better representation of the proposed heights of the new development. A plan of the proposed development height in relation to surrounding context is demonstrated at [attachment 5](#). In this regard it is considered that the amended plans address the concerns raised by the neighbour.

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 *dual occupancy* and is permissible with consent in the R1 General Residential zone. The proposal complies with the objectives of the zone.

4.3 Height of Buildings

The *Height of Buildings Map* indicates that the maximum building height for the subject property is 9 metres. The proposed buildings will have an overall height of approximately 7.405 metres.

5.10 Heritage Conservation

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

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

The existing building is a simple 1950's/60's cottage. It is not an exceptional example of its period of construction and is in very poor condition. The building is a single storey brick veneer dwelling with fibro gable fronting the street. Aluminium windows front the street and are likely original to the 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

Development Standard	Proposed	Permissible	Compliance
Minimum lot size	727.2m ²	600m ²	Yes
Density	60.51	88 persons	Yes
Site coverage	41%	50% coverage	Yes
Height - dwelling 1	7.045m	Two-storey max	Yes
Height - dwelling 2	7.629m	Two-storey max	Yes
Setback - front	6m	complement existing	Yes
Setback - rear	2.692m	In accordance with BCA	Yes
Setback - side	2m	In accordance with BCA	Yes
Car parking - resident	1 per dwelling	1 per dwelling	Yes
Car parking - visitor	1 stacked	1 stacked	Yes
Accessway Width	3.5m	3-6m	Yes
Open space area - dwelling 1	44.6m ²	30m ²	Yes
Open space area - dwelling 2	44.2m ²	30m ²	Yes
Open space width	>4m	4m wide	Yes
Garage doors	0%	50% to 70%	Yes

Chapter 10 Urban Design and Heritage Conservation

A detailed Heritage Impact Statement (**attachment 6**) 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 Heritage Impact for the existing dwelling in accordance with the 'Assessing Heritage Significance' guidelines from the NSW Heritage Manual.

- a. *An item is important in the course, or pattern, of the local area's cultural or natural history.*

The subject site is considered to have no local heritage significance due to the era of its construction, design and material selection.

- b. *An item has strong or special associations with the life or works of a person, or group of persons, of importance in the local area's cultural or natural history.*

The site has no known significant connection with people or persons of importance.

- c. *An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in the local area.*

The existing residence expresses standard construction methods and aesthetics typical of low cost houses of its time of construction. As a result, the existing residence detracts from the more traditional examples in the local area.

- d. *An item has strong or special association with a particular community or cultural group in the local area for social, cultural or spiritual reasons.*

The existing residence has no known association with any particular community or cultural group.

- e. *An item has potential to yield information that will contribute to an understanding of the local area's cultural or natural history.*

The property is not considered to have archaeological potential.

- f. *An item possesses uncommon, rare or endangered aspects of the local area's cultural or natural history.*

The subject site is considered unlikely to possess uncommon, rare or endangered aspects of the local area's culture or natural history.

- g. *An item is important in demonstrating the principal characteristics of a class of the local area's*
– *Cultural or natural places; or*
– *Cultural or natural environments*

The subject site is considered unlikely to have cultural significance or unique characteristics of the natural places or environments.

The existing dwelling located at 235 Bentinck St, Bathurst is a single storey face brick structure. It does not contribute to a traditional streetscape due to the building design and minimal construction detail.

The subject site is occupied by a single residence constructed during the 1960's. The front of the residence is a single storey structure. The main elevation fronts the south-east side of Bentinck Street. The structure as it stands today does not portray any significant heritage features. The existing roof structure is tile with visible damage.

The wall construction is red brick which has extensive cracking. The roof form has two gables. Construction is timber frame and tile. The gable treatment is timber and is showing visible signs of deterioration. Almost all eaves linings have been removed. The roof forms a narrow porch over the recessed main entrance. The floor construction for the residence is timber framed.

The windows facing Bentinck Street are aluminium framed, double hung typical of the era. The main entrance to the house is located on the south west side of the residence and is accessed by a concrete landing. The driveway and garage access is from Bentinck Street.

The neighbouring houses to the left and right were likely constructed during the 1970's and 1930's respectively. Each house is of similar construction type typical of its era. Whilst the existing residence and adjacent residences do not portray the features evident in historical forms, it has been the aim to design the streetscape elevation of the new residence to be in keeping with the surrounding areas.

Historical Assessment

The Heritage Impact Statement contains a brief historical summary from information derived from Bathurst District Historical Society.

The site is understood to be first owned by J.N. McIntosh, then Robert Bolton in 1933, Leslie R. Treneman, and Thomas F. Ross in 1969.

Structural Assessment

A Structural Assessment has been prepared by Calare Civil Pty Ltd (dated 7 March 2017) refer **attachment 7**. The Structural Report submitted outlines the poor condition of the existing dwelling inclusive of significant cracking, damaged brick work, damaged roof tiles and other significant structural issues. 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.

The Structural Assessment provided a list of essential work, to make the structure more habitable and comfortable. Only essential work was detailed, given the internal removal of liveable elements:

- Replace fascia
- Carry out repairs to cracked brickwork and fit "helifix" ties;
- Replace gutter and down pipes;
- Replace broken tiles and repoint roof;
- Repair ramp to side access door;
- Repair driveway and cement paths around buildings;
- Replace all electrical work;
- Check and replace all plumbing;
- Install insulation and ceiling lining;
- Install insulation and wall lining;
- Replace floor coverings;
- Complete renovation of bathroom;
- Install kitchen;
- Repair broken windows;
- Remedial works to correct rising damp;
- Complete repaint of interior; and
- Fit ties between brickwork and frame.

The cost of the above works is estimated at in excess of \$250,000.00 (excluding GST).

10.3.4 Bathurst Conservation Area Management Strategy (BCAMS)

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

The following table provides a summary of the assessment.

Address of Building:	235 Bentinck Street, Bathurst
BCAMS Rating:	1
Current Use:	Residential - Vacant
Zoning:	R1 Residential
Period of Construction:	1950's/60's
	Representative
Heritage Listings:	Bathurst Heritage Conservation Area

Streetscape:	Primary street frontage – neutral. The building is in a state of disrepair and does not contribute well to the streetscape in its current form.
Physical Description:	Single storey brick veneer dwelling with fibro gable fronting the street. Garage is setback from front building line and front entrance door is not visible from the street. Aluminium windows front the street and are likely original to the building.
Condition Description:	Poor. The building has had significant issues with damp which have caused major cracking and damage to the brickwork.
Statement of Significance:	A modest house of minimal presence in the street, possibly constructed in the 1950's/60's. A minimal fence line of stepped face extruded textured bricks.
Heritage Significance:	Not Significant
Streetscape Rating	(1) Neutral
Integrity:	(0) Altered unsympathetically – Non-reversible
Special Vegetation:	Nil

The building has a very low BCAMS rating. In addition, the very poor condition of the building and the extent of reconstruction required means that repair and retention is not feasible in this instance.

10.4 Infill Development

The proposed design of the new dwelling fronting Bentinck Street is supported for its gable roof detail, roof pitch (25 degrees) and building materials. The applicant has ensured that the setback of the second storey element of the proposed building is behind the front building line of the dwelling on adjoining site (233 Bentinck). Whilst the new development is two storey, its scale and massing remains appropriate to the existing single storey streetscape as illustrated in **attachment 5**. The new development and the neighbouring house at 233 Bentinck Street both have an overall height of just over 7 metres. **Attachment 5** also illustrates the use of appropriate materials, colouring and detailing of the new development. The development incorporates garages to the rear. Overall it is considered that the new development will contribute well to the streetscape.

The proposed fencing is supported as it also contributes well to Bentinck Street and complies with CI 10.5.3 of the DCP.

Other issues

The demolition will generate waste that will require appropriate disposal. A condition will be imposed requiring the provision of a waste management plan to be prepared and submitted.

Conclusion

Council has received a Development Application (DA) for the demolition of an existing dwelling and construction of a two storey dual occupancy with attached garages at 235 Bentinck 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 Post-War period (1945-1960).

The proposed infill dwelling will have a positive impact on the Heritage Conservation Area and utilises the site providing more housing within close proximity to the CBD.

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

13 Item 7 DEVELOPMENT APPLICATION NO. 2017/124 – DEMOLITION OF EXISTING DWELLING, CONSTRUCTION OF TWO STOREY DETACHED DUAL OCCUPANCY AND TWO LOT SUBDIVISION WITH ATTACHED GARAGES AT 235 BENTINCK STREET, BATHURST. APPLICANT: ROBBIE LEE DEVELOPMENTS PTY LTD. OWNER: MR RA & MRS JI LEE (DA/2017/124)
MOVED: Cr I North SECONDED: Cr M Coote

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

Reason: Applicant is a landlord with employer.

RESOLVED: That Council:

- (a) as the consent authority, grant consent pursuant to section 80 of the EP&A Act to Development Application 2017/124, 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 dual occupancy buildings; and
- (b) notify those that made submissions of its decision; and
- (c) call a division.

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

The result of the division was:

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

8 DEVELOPMENT APPLICATION NO. 2017/24 – DEMOLITION OF EXISTING SERVICE STATION INCLUDING REMOVAL OF FUEL SYSTEM AND ASSOCIATED REMEDIATION WORKS (CATEGORY 1), CONSTRUCTION OF NEW SERVICE STATION AND INSTALLATION OF NEW FUEL SYSTEM AND ADVERTISING SIGNAGE AT 53 DURHAM STREET, BATHURST. APPLICANT: CALTEX AUSTRALIA PETROLEUM. OWNER: CALTEX OIL AUST PTY LTD (Da/2017/24)

Recommendation: That Council:

- (a) support the variation to the advertising signage development standards relating to multiple blade signs, illuminated signs and fascia signs prescribed in the Bathurst Regional Development Control Plan 2014;
- (b) as the consent authority, grant consent pursuant to section 80 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2017/24, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended and including conditions to the effect that:
 - i. Prior to the issue of a Construction Certificate the applicant is to submit amended plans showing the main blade sign reduced in height to equal the overall building height (5.5 metres) and a face area of no more than 10m²;
 - ii. Prior to the issue of a Construction Certificate the applicant is to submit amended plans showing a front fence of masonry pillars with picket or palisade infill panels;
 - iii. Prior to the issue of a Construction Certificate the applicant is to submit amended plans showing details of the proposed side masonry fence forward of the building line; and
 - iv. Prior to the issue of a Construction Certificate the applicant is to submit a detailed Construction Management Plan;
- (c) notify those that made submissions of its decision; and
- (d) call a division.

Report: The Site

Council has received a Development Application (DA) for the demolition of the existing service station including removal of existing fuel system and associated remediation works (Category 1), construction of a new service station and installation of a new fuel system and advertising signage at 53 Durham Street, Bathurst, described as Lot 1, Section 80A, DP 758065. A location plan is provided at **attachment 1**.

The area of the site is 1818m².

The site currently contains a service station building with attached workshop and canopy and freestanding advertising signage. The site is bounded on the south-east and north-east by the Panorama Hotel (a hotel and motel complex). The site has two existing ingress/egress points to Durham Street and a further two existing ingress/egress points to Charlotte Street.

It is noted that there is currently an access between the subject site and the adjoining

Panorama Hotel site. This longstanding access arrangement is not to Council's knowledge protected by a reciprocal right of carriageway (or any other legal protection) and therefore its closure, as proposed by this application, is a civil matter between the two property owners concerned.

The proposal

The proposal involves:

1. Demolition of the existing service station building;
2. Removal of the existing fuel system and associated remediation works (Category 1);
3. Installation of a new fuel system and construction of a new service station along the south-east boundary of the site; and
4. Erection of new advertising signage.

See copies of the following:

- Plans of the proposed development at **attachment 2**;
- Statement of Environmental Effects at **attachment 3**;
- Remediation Action Plan at **attachment 4**;
- Noise Assessment at **attachment 5**.

Copies of the following additional documents can be obtained from Council's Environmental, Planning & Building Service Department or from Council's DA Tracker website:

- Crime Prevention Through Environmental Design (CPTED) Report;
- Waste Management Plan;
- Multi-level Risk Assessment; and
- Traffic Report.

Amended Plans

After an initial review of the proposal Council wrote to the applicant and advised that the following elements of the original proposal were not supported:

- Proposed main blade sign with an overall height of 9 metres and a face of approximately 19 square metres;
- Proposed separate promo blade sign with an overall height of 2.3 metres and a face of approximately 2.9 square metres;
- Proposed flush wall sign on the south-west elevation of the building with an area of 9.7 square metres;
- Proposed colorbond fence forward of the building line on Durham Street frontage; and
- Proposed building with no face brickwork.

As a result of Council's initial review, the receipt of submissions and a discussion forum, the applicant submitted amended plans incorporating the following amendments:

- Replacement of the proposed colorbond fence forward of the building line on the Durham Street frontage with a masonry fence;
- Removal of the large flush wall sign on the south-west elevation of the building;
- Removal of the four promo signs below the window sill on the north-west elevation of the building;
- Introduction of red brick elements to the north-west and south-west elevations of the building;
- Introduction of mosaic tile elements to the north-west and south-west elevations of the

- building;
- Reduction in the height of the main blade sign from 9.0 metres to 6.0 metres with a face of 12.5 square metres;
- Replacement of the promo blade sign with a price blade sign with an overall height of 2.869 metres and a face of approximately 4 square metres.

The written response from the applicant in support of the amended plans is at attachment 6. It should be noted that the plans at attachment 2 are the amended plans used for the purposes of assessment.

External Referrals

Roads & Maritime Services (RMS)

The Development Application was referred to Roads and Maritime Services (RMS) under State Environmental Planning Policy (Infrastructure) 2007 as the proposal is for a service station with direct access to a classified road (Durham Street – Great Western Highway).

The Development Application was also referred to Roads and Maritime Services (RMS) under Section 138 of the Roads Act 1993 as the proposal involves new accesses to a classified road (Durham Street – Great Western Highway).

RMS raised no objections to the proposed development and subsequently granted concurrence under Section 138 of the Roads Act 1993 subject to conditions and subject to Council satisfying itself that access cannot practicably be obtained solely from Charlotte Street. In this case access cannot practicably be obtained solely from Charlotte Street and access to Durham Street is critical to the functionality of the site. Furthermore, the proposed access configuration is only slightly modified from the existing configuration which allows for access via Durham Street and Charlotte Street.

Planning Context

State Environmental Planning Policy No 64 – Advertising and Signage

As the proposed signage will be visible from a public place the provisions of State Environmental Planning Policy No 64 (SEPP 64) – Advertising and Signage apply. See Council's SEPP 64 assessment at attachment 7.

State Environmental Planning Policy No 55 – Remediation of Land

The proposal involves 'Category 1 remediation works' as defined by clause 9(e)(ii) of the NSW State Environmental Planning Policy No 55 – Remediation of Land (SEPP 55) due to the site being located within a heritage conservation area.

A Remediation Action Plan (RAP) (attachment 4), prepared by Parsons Brinkerhoff (dated 22 December 2016), has been submitted with the Development Application.

The RAP identifies the following remediation works:

- Collection of soil samples from the excavations for analysis for contaminants of concern after existing infrastructure has been removed;
- Removal of any impacted soils that are considered unsuitable, which are to be classified and disposed off-site to an EPA approved landfill;
- Investigation and remediation of hydrocarbon and any impacted seepage water in excavations and in services conduits; and

- Backfilling of the resulting excavations with approved clean imported VENM, ENM and/or excavated soil found to be suitable for reuse.

Council is required, under the provisions of the State Environmental Planning Policy No 55 - Remediation of Land, to place the proposed development on public exhibition for a period of 30 days. The period of exhibition commenced on Monday 13 February 2017 and closed on Tuesday 14 March 2017. At the completion of the public exhibition period a total of (4) submissions had been received. The submissions received did not raise concerns with respect to the remediation of the site.

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 service station is permissible with consent in the R1 General Residential zone. The proposal is consistent with the objectives of the zone.

Clause 4.3 Height of buildings

The *Height of Buildings Map* indicates that the maximum building height on the subject site is 9 metres. The proposed building will have an overall height of 5.5 metres. Signage of up to 6 metres is also proposed.

Clause 5.10 Heritage conservation

The subject site is within the Bathurst Heritage Conservation Area. The building to be demolished is of no heritage significance. The amended proposal should be conditioned to be reflective of its location in the heritage conservation area as follows:

- The submission to Council of a schedule of colours, finishes and materials prior to the issue of a Construction Certificate noting that the use of white on the proposed building is not supported.
- The submission to Council of amended plans showing a masonry front fence along both street frontages incorporating brick pillars and a picket or palisade infill.
- The submission to Council of amended plans showing the elevation of the proposed masonry wall forward of the building line along the south-east boundary.

Clause 7.3 Airspace operations

While the subject site is within the Bathurst airport environs, the proposed building and signage structures will not penetrate the Limitation or Operations Surface.

Bathurst Regional Development Control Plan 2014

Chapter 5 Business and Industrial Development

5.2 Siting considerations

Development Standard	Proposed/Comment
<p><u>Front Building Line Setback</u></p> <p>Must complement the existing setbacks of surrounding buildings in the vicinity and within the streetscape.</p>	<p>The proposed building will be setback 8.0 metres from the front (Durham Street) boundary. The setbacks in this area of Durham Street vary significantly. The front setback is not however considered significantly out of character. It is noted that the building will be forward of the adjoining Panorama Hotel which is itself set well</p>

	back from Durham Street and is largely recessive in the streetscape. The Panorama Hotel is currently shielded from view by the existing service station canopy and forecourt.
<u>Side and Rear Building Line Setback</u> As specified by the National Construction Code (NCC).	Proposed side and rear setbacks are in accordance with National Construction Code (NCC).

5.3 Soil & water management

A condition will be imposed to require the submission of a detailed soil and water management plan prior to the issue of a Construction Certificate.

5.6 Parking, access and manoeuvring areas

Access to the subject site will be via two ingress/egress points on Durham Street and two further ingress/egress points along Charlotte Street. All proposed ingress/egress points are at the same or similar locations to the existing ones.

The proposed configuration enables a 19.0 metre articulated fuel delivery truck to enter the site from Charlotte Street, pass through the site and exit the site onto Durham Street.

The proposed configuration includes a designated delivery bay adjacent to the service/plant yard which will accommodate a 12.5 metre rigid delivery truck.

A total of 11 designated car parking spaces will be provided on site (see discussion on car park provision below).

5.7 Clean business and industry

Air Quality

The new fuel system will be fitted with a Stage 1 vapour recovery system. This system will capture displaced vapour and return it to the underground fuel storage tanks or other storage facility.

Given that the new fuel system will be fitted with the latest odour technology it is likely that the odour impact will be less than the current situation.

Noise

A Noise Assessment (**attachment 5**) prepared by Muller Acoustic Consulting (dated 17 January 2017) has been submitted with the Development Application.

The Noise Assessment has been undertaken on the basis that the new service station will operate 24 hours a day. The existing service station does not operate 24 hours a day but is accessible for card only transactions after hours. Delivery of fuel, delivery of store items and waste collection will not occur between the hours of 10.00pm and 7.00am.

The Noise Assessment has quantified operational noise levels at the nearest residential and commercial receivers combining simultaneous occurrence of the following noise sources:

- Customer car noise (driving around the site or at petrol bowsers) and tyre inflation;
- Truck idle/drive off, customers, passbys and deliveries/collections; and

- Mechanical plant.

In accordance with the NSW EPA Industrial Noise Policy there are two approaches to establishing appropriate project specific noise criteria.

The first approach is to determine the intrusiveness of noise. This typically involves establishing background noise levels plus 5dBA. This is referred to as the “intrusive” criteria.

The second approach is an amenity level of the different types of receivers in an area dependent on the time of day. This is referred to as the “amenity” criteria. For example the “acceptable” criteria is 55 dBA for residential development during daytime.

Where the amenity and intrusive criteria differ it is the lower of the two which is used for the purposes of assessment.

Unattended noise monitoring was undertaken in Charlotte Street to establish background noise levels. The measured background noise levels are as follows:

Period	Background LA90 dBA	Intrusive Criteria dBA
Day (7am to 6pm)	52	57
Evening (6pm to 10pm)	46	51
Night (10pm to 7am)	38	43

The intrusive criteria for the different types of receivers are as follows:

Receiver	Period	Acceptable dBA
Residential	Day	55
	Evening	45
	Night	45
Commercial	When in use	65
Active Recreation	When in use	55
Classroom (internal)	When in use	35

The following table outlines the project specific noise criteria and the predicted operational noise levels at the nearest residential receivers.

Residential Receiver	Project Specific Criteria LAeq(15 min) dBA			Predicted Noise Level LAeq(15 min) dBA			Compliance
	Day	Evening	Night	Day	Evening	Night	
R1 (Dwelling at 29 Charlotte Street)	55	49	43	49	49	38	Yes
R2 (Dwelling at 27 Charlotte Street)	55	49	43	39	39	36	Yes
M1 (Panorama Hotel - main building at 51 Durham Street)	55	49	43	41	41	34	Yes
M2 (Panorama Hotel - accommodation building at 51 Durham Street)	55	49	43	47	47	39	Yes
M3 (Panorama Hotel - accommodation building at 51 Durham Street)	55	49	43	33	33	27	Yes
M4 (Governor Macquarie Motor Inn at 19 Charlotte Street)	55	49	43	37	37	33	Yes

The following table outlines the sleep disturbance criteria and the predicted operational

noise levels at the nearest residential receivers.

	Project Specific Criteria LAmax dBA	Predicted Noise Level LAmax dBA	
Residential Receiver	Night	Night	Compliance
R1 (Dwelling at 29 Charlotte Street)	53	36	Yes
R2 (Dwelling at 27 Charlotte Street)	53	32	Yes
M1 (Panorama Hotel - main building at 51 Durham Street)	53	33	Yes
M2 (Panorama Hotel - accommodation building at 51 Durham Street)	53	39	Yes
M3 (Panorama Hotel - accommodation building at 51 Durham Street)	53	24	Yes
M4 (Governor Macquarie Motor Inn at 19 Charlotte Street)	53	31	Yes

The following table outlines the project specific noise criteria and the predicted construction noise levels at the nearest residential receivers.

	Management Level LAeq(15 min) dBA	Predicted Noise Level LAeq (15 min) dBA	
Residential Receiver	Day	Day	Compliance
R1 (Dwelling at 29 Charlotte Street)	62	63	No*
R2 (Dwelling at 27 Charlotte Street)	62	61	Yes
M1 (Panorama Hotel - main building at 51 Durham Street)	62	64	No*
M2 (Panorama Hotel - accommodation building at 51 Durham Street)	62	67	No*
M3 (Panorama Hotel - accommodation building at 51 Durham Street)	62	44	Yes
M4 (Governor Macquarie Motor Inn at 19 Charlotte Street)	62	60	Yes

It is noted that noise levels may exceed the applicable Management Level at residential receivers R1, M1 and M2 during construction/demolition activities. In order to mitigate the potential for exceedance the following measures have been recommended by the Acoustic Consultant and will need to be included in a Construction Management Plan:

- *implement boundary fences/retaining walls as early as possible to maximise their attenuation benefits to surrounding receivers;*
- *toolbox and induction of personnel prior to shift to discuss noise control measures that*

- *may be implemented to reduce noise emissions to the community;*
- *where possible use mobile screens or construction hording to act as barriers between construction works and receivers;*
- *all plant should be shutdown when not in use. Plant to be parked/started at farthest point from relevant assessment locations;*
- *operating plant in a conservative manner (no over-revving);*
- *selection of the quietest suitable machinery available for each activity;*
- *avoidance of noisy plant/machinery working simultaneously where practicable;*
- *minimisation of metallic impact noise;*
- *all plant are to utilise a broadband reverse alarm in lieu of the traditional hi frequency type reverse alarm; and*
- *undertake letter box drops to notify receivers of potential works.*

A condition will be imposed to ensure that a detailed construction management plan is submitted to Council prior to the commencement of works on site.

5.8 Open areas and fencing

All loading/unloading, storage and garbage areas are located behind the building alignment and are fully screened from both Durham and Charlotte Streets.

Plans for the development indicate a masonry fence along the south-east boundary forward of the building line and a colorbond fence behind the building line. There is an existing masonry and colorbond fence along the north-east boundary. A condition will be imposed to request amended plans with elevations of the proposed masonry fence forward of the building line and the masonry front fence.

Chapter 9 Environmental Considerations

9.5 Groundwater

The subject site is within an area identified as being of high/moderately high groundwater vulnerability.

A Remediation Action Plan (RAP) prepared by Parsons Brinkerhoff (dated 22 December 2016) has been submitted with the Development Application.

In accordance with NSW Department of Environment, Climate Change and Water (2009) *Guidelines for Implementing the Protection of the Environment Operation (Underground Petroleum Storage System) Regulation – Technical note: Site Validation Reporting*, the groundwater conditions at the site must be assessed following removal of UPSS and impacted soil. Groundwater monitoring will be carried out following the removal of the existing fuel system.

Chapter 10 Urban Design & Heritage Conservation

10.5.4 Commercial/Industrial Development

Amended plans indicate the introduction of red brick elements to the north-west and south-west elevations of the proposed building as required by Clause 10.5.4 of the DCP.

Chapter 11 Outdoor Lighting

A condition will be imposed to ensure that all exterior lighting associated with the development is designed and installed so that no obtrusive light will be cast onto any adjoining property and therefore achieve compliance with Australian Standard AS4282

“Control of the Obtrusive Effects of Outdoor Lighting”.

Chapter 12 Signage and Colour Schemes

12.2.4 Locational requirements & 12.2.5 General development standards

Blade signs

The development includes the following blade signs:

- 1 x main sign 6.0m X 2.2m – total area 12.5m²; and
- 1 x price sign 2.869m X 1.405m – total area 4.03m².

There are also a number of other miscellaneous signs on the building and canopy.

The DCP prescribes the following development standards for blade signs:

Development Standard	Proposed/Comment
Only one blade sign on land zoned R1 General Residential and on land where the sign is visible from a State Highway.	The development includes two blade signs. The applicant seeks to vary this development standard on the basis that it is essentially a like for like replacement of the existing signage configuration on the site and that it is consistent with other signage in the locality. The variation to this development standard is considered appropriate given that the site currently has a separate price board of similar dimensions (separate and distinct from the existing main pylon sign) and that, as noted below, the main blade sign will be reduced in height (by way of conditions on the approval).
No illuminated signage on land zoned R1 General Residential	The development includes two blade signs that will be internally illuminated. The variation to this development standard is considered appropriate given that the subject site is currently used as a service station, is within an established commercial precinct and has existing illuminated signage. Further, signage will be either internally illuminated or down-lit which will result in minimal light spillage or glare.
The height of the sign must not exceed the roof height of the building to which it relates.	The main blade sign will have a height of 6.0 metres. The building (canopy) will have an overall height 5.5 metres. The applicant seeks to vary this development standard on the basis that it is essentially a like for like replacement of the existing signage configuration on the site and that it is consistent with other signage in the locality. The variation to this development standard is not supported and a condition will therefore be imposed to request amended plans showing a compliant main blade sign (no higher than 5.5 metres) prior to the issue of any Construction Certificates. It should be noted that the existing pylon sign is approximately 6.8 metres high and exceeds the height of the existing building.
The size of each face of the blade sign must not	The main blade sign will have a total face area of

exceed 10 square metres.	12.5m ² . The applicant seeks to vary this development standard on the basis that it is essentially a like for like replacement of the existing signage configuration on the site and that it is consistent with other signage in the locality. The variation to this development standard is not supported and a condition will therefore be imposed to request amended plans showing a compliant main blade sign (with face not exceeding 10m ²) prior to the issue of any Construction Certificates. The separate price blade sign will have a total face area of 4.03m ² which therefore complies with the DCP standard.
The width of the sign must not exceed 2.4 metres.	The main blade sign will be 2.2 metres wide and therefore complies with this development standard. The price blade sign will be 1.405 metres wide and therefore complies with this development standard.
The sign must be constructed so that it is structurally adequate to withstand the dead and live (wind) loads that may be imposed on it.	Plans certified by a Structural Engineer will need to be submitted with a Construction Certificate for the proposed blade signs.

Fascia signs

The development includes the following fascia signs:

- 1 x “Caltex” logo on south-west elevation of canopy;
- 1 x “Caltex” text on north-west elevation of canopy;
- 1 x “Star Mart” sign and logo on south-west elevation of building; and
- 1 x “Star Mart” sign and logo on north-west elevation of building.

The DCP prescribes the following development standards for fascia signs:

Development Standard	Proposed/Comment
No illuminated signage on land zoned R1 General Residential	The development includes fascia signs on the building and canopy that will be illuminated. The variation to this development standard is considered appropriate given that the subject site is currently used as a service station, is within an established commercial precinct and has existing illuminated signage.
The size of the sign must not extend beyond the depth of the existing fascia.	The Caltex logo only on the south-west elevation of the canopy will extend above the fascia by approximately 0.2m. The Star Mart logo on the north-west elevation of the building will extend above the fascia by approximately 0.3m. This protrusion does not however extend above the highest point of the building and is therefore considered appropriate.

13 Landscaping and Greening

A landscape concept plan has been submitted with the Development Application. A

condition will be imposed to request a detailed landscape plan prior to the issue of any Construction Certificates.

Chapter 14 Parking

The DCP prescribes the following development standard for car parking for service stations:

Development Standard	Proposed/Comment
6 spaces per work bay plus, 5 spaces per 100m ² of shop plus, 15 spaces per 100m ² of restaurant OR 1 space per 3 seats, whichever is greater.	The proposed development does not include work bays or a restaurant. The proposed building will have a gross floor area of 220m ² which requires 11 parking spaces (based on 5 spaces per 100m ² of shop). A total of 11 parking spaces are indicated on the plans for the proposed development.

Chapter 15 Crime prevention

The proposal was referred to NSW Police for consideration under the *Crime Prevention Through Environmental Design (CPTED)* principles. NSW Police determined that the proposed development will have a site risk rating of **Medium to High Crime Risk**. NSW Police have made recommendations and these have been forwarded to the applicant.

It should be noted that the site risk rating would most likely be the same or similar for the existing operation on the site.

Submissions

The proposal involves 'Category 1 remediation works' as defined by clause 9(e)(ii) of the NSW State Environmental Planning Policy No 55 – Remediation of Land (SEPP 55) due to the site being located within a heritage conservation area. Council is required, under the provisions of the State Environmental Planning Policy No 55 - Remediation of Land, to place the proposed development on public exhibition for a period of 30 days. The period of exhibition commenced on Monday 13 February 2017 and closed on Tuesday 14 March 2017. By the end of the public exhibition period a total of (4) submissions had been received. A further two (2) submissions were received after the close of the public exhibition period.

See all submissions at **attachment 8**.

A discussion forum was convened by the Acting Director Environmental Planning and Building Services on 5 April 2017 (see minutes of discussion forum at **attachment 9**). Key issues raised in the submissions and at the discussion forum are summarised as follows:

- **Proposal to extend trade to 24 hours a day**
Comment: The existing service station, while not staffed 24 hours, is accessible 24 hours with card access to bowlers. Currently heavy vehicles move along the north-east and south-east boundaries directly adjacent to the Panorama Hotel in order to access the diesel pump. As noted above the development is able to operate during night time hours whilst still complying with the appropriate noise criteria.
- **Excessive size of proposed blade sign contrary to DCP.**
Comment: Amended plans indicate that the proposed main blade sign has been reduced from 9 metres high as originally proposed to 6 metres high and from 18m² face area to 12.5m² face area. The variation to this development standard is not supported and a condition will therefore be imposed to request amended plans showing a

compliant main blade sign (5.5 metre high and with a face area of 10m²) prior to the issue of any Construction Certificates.

- **Inclusion of additional blade sign (promo sign) contrary to DCP.**

Comment: : Amended plans indicate that the proposed additional promo blade sign has been replaced with a separate price board with an overall height of 2.869 metres and a face area of 4.09m². It should be noted that the site currently has a separate price board of similar dimensions (separate and distinct from the existing main pylon sign) and therefore this variation is supported.

- **Excessive size of flush wall sign on Durham Street elevation of proposed building contrary to DCP.**

Comment: Amended plans indicate that the proposed flush wall sign on the south-west elevation of the proposed building has been removed entirely.

- **Proposal for colorbond fencing forward of building line.**

Comment: Amended plans indicate that the proposed fence forward of the building line on the south-east boundary will be masonry and not colorbond.

- **Fencing behind building line unclear.**

Comment: Amended plans indicate that the fencing behind the building line will be 2.0 metre high colorbond fencing. Some of this fencing will be screened by existing vegetation within the hotel site.

- **Noise impact on adjacent motel rooms.**

Comment: See discussion on noise above.

- **Odour impact on adjacent motel rooms.**

Comment: The new fuel system will be fitted with a Stage 1 vapour recovery system. This system will capture displaced vapour and return it to the underground fuel storage tanks or other storage facility.

Given that the new fuel system will be fitted with the latest odour technology it is likely that the odour impact will be less than the current situation.

- **Need for street trees along Durham Street.**

Comment: Council has adopted a tree planting plan for Durham Street however the plan does not include trees immediately in front of the subject site because insufficient space is available for plantings and because plantings may affect the functionality of the service station's driveways.

- **No brick elements included in proposal contrary to DCP.**

Comment: Amended plans indicate that the proposed building will have face brick elements on the north-west and south-west elevations of the proposed building. A condition will be imposed to require the submission of a detailed schedule of colours, finishes and materials prior to the issue of a Construction Certificate.

- **Loss of street exposure for Panorama Hotel.**

Comment: Views to the Panorama Hotel building are already significantly obscured by existing vegetation (within the hotel site) and by the existing service station canopy. Whilst the new development will limit the visibility into the Hotel for eastbound traffic this is not considered sufficient reason to warrant refusal or further modification to the development.

- **Overall positioning of proposed building.**

Comment: Attached to the written response from the applicant in support of the amended plans (at **attachment 6**) is an initial concept plan showing the building located along the north-east boundary of the site. As indicated by this plan, positioning the building on the north-east boundary would create traffic conflict because minimum separation distances between access points and between access points and the intersection of Durham and Charlotte Streets could not be achieved.

The proposed location allows for clear surveillance of the majority of the site from the service counter. The only public part of the site not visible from the service counter is the parking area forward of the building line, however this area is clearly visible from Durham Street and is therefore not considered to be a concealment point. The location of the existing building only allows for surveillance of the refuelling areas but not to either side or behind the existing building.

- **Sight distance for vehicles leaving the Panorama Hotel**

Comment: The ingress/egress point for the Panorama Hotel is located approximately 20 metres south-east of the boundary with the Caltex site. It is considered that appropriate sight distances will be maintained given this separation and the setback of the proposed building.

Other issues

The demolition will generate waste that will require appropriate disposal. A condition will be imposed requiring the provision of a waste management plan to be prepared and submitted.

Conclusion

Council has received a Development Application (DA) for demolition of the existing service station including removal of the existing fuel system and associated remediation works (Category 1), construction of a new service station and installation of a new fuel system and advertising signage at 53 Durham Street, Bathurst. Council is required, under the provisions of the State Environmental Planning Policy No 55 - Remediation of Land, to place the proposed development on public exhibition for a period of 30 days. By the end of the public exhibition period a total of (4) submissions had been received. A further two (2) submissions were received after the close of the public exhibition period. Issues raised in the submission and at the Discussion Forum have been addressed in this report. For the reasons outlined in this report approval is recommended.

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

14 Item 8 DEVELOPMENT APPLICATION NO. 2017/24 – DEMOLITION OF EXISTING SERVICE STATION INCLUDING REMOVAL OF FUEL SYSTEM AND ASSOCIATED REMEDIATION WORKS (CATEGORY 1), CONSTRUCTION OF NEW SERVICE STATION AND INSTALLATION OF NEW FUEL SYSTEM AND ADVERTISING SIGNAGE AT 53 DURHAM STREET, BATHURST. APPLICANT: CALTEX AUSTRALIA PETROLEUM. OWNER: CALTEX OIL AUST PTY LTD (Da/2017/24)
MOVED: Cr M Morse SECONDED: Cr I North

That Council:

- (a) Not support the variation to the advertising signage development standards relating to multiple blade signs, illuminated signs and fascia signs prescribed in the Bathurst Regional Development Control Plan 2014;
- (b) as the consent authority, grant consent pursuant to section 80 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2017/24, 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. Further discussions be held with Caltex to reduce the size of blade signs, with reference to Heritage signage issues;
 - ii. Prior to the issue of a Construction Certificate the applicant is to submit amended plans showing a front fence of masonry pillars with picket or palisade infill panels;
 - iii. Prior to the issue of a Construction Certificate the applicant is to submit amended plans showing details of the proposed side masonry fence forward of the building line; and
 - iv. Prior to the issue of a Construction Certificate the applicant is to submit a detailed Construction Management Plan;
- (c) notify those that made submissions of its decision; and
- (d) call a division.

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

The result of the division was:

In favour of the motion - Cr M Morse,

Against the motion - Cr B Bourke, Cr M Coote, Cr G Hanger, Cr I North, Cr G Westman,

Absent - Cr W Aubin,

Abstain - Nil

MINUTE

15 Item 8.01 DEVELOPMENT APPLICATION NO. 2017/24 – DEMOLITION OF EXISTING SERVICE STATION INCLUDING REMOVAL OF FUEL SYSTEM AND ASSOCIATED REMEDIATION WORKS (CATEGORY 1), CONSTRUCTION OF NEW SERVICE STATION AND INSTALLATION OF NEW FUEL SYSTEM AND ADVERTISING SIGNAGE AT 53 DURHAM STREET, BATHURST. APPLICANT: CALTEX AUSTRALIA PETROLEUM. OWNER: CALTEX OIL AUST PTY LTD (Da/2017/24)
MOVED: Cr I North SECONDED: Cr B Bourke

RESOLVED: That Council defer a decision on DA 2017/24 for further discussions with Caltex.

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

The result of the division was:

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

Against the motion - Nil

Absent - Cr W Aubin,

Abstain - Nil

**9 MODIFICATION OF DEVELOPMENT APPLICATION NO. 2002/0736 –
MODIFICATION TO 19 LOT COMMUNITY TITLE SUBDIVISION AT 624
LIMEKILNS ROAD, FOREST GROVE. APPLICANT: BRUCE HODSON . OWNER:
EDUCATIONAL LEARNING PTY LTD AND HERITAGE HILLS AUSTRALIA PTY
LTD (DA/2002/0736)**

Recommendation: That Council:

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

Report: The Site

Council has received an application to modify an existing development consent to subdivide Rossmore Park to facilitate its development as a tourism/recreation/accommodation precinct. The subdivision is proposed to be undertaken pursuant to Community Titles legislation. Rossmore Park is located at 624 Limekilns Road, Forest Grove, described as Lots 207 and 271 DP 861476, Lot 1 DP 126025, Lot 1 DP1047459, Lot B1 DP 403344, Lots 33 and 34 DP 1012860. A location plan is provided at **attachment 1**.

The site currently contains the Sheep and Cattle Drome, an education centre and is accessed from Limekilns Road. The site is utilised by various school and education groups throughout the year and currently provides accommodation in the form of dormitory style accommodation.

History of the Site/Proposal

There is a long history of attempts to develop Rossmore Park into various forms of residential and non-permanent accommodation types. The developments have typically centred round the development of a golf course and expansion of tourist related facilities.

Historically Council and government departments, notably the Department of Planning and Environment, have had concerns with permanent accommodation on site.

Consideration has previously been given to the idea of permanent housing on the subject site via a rezoning enquiry to the Department of Urban Affairs and Planning (now Department of Planning and Environment), in 1997.

Advice received during this process from the Department of Planning and Environment was that it would not support permanent housing at this site and would therefore likely refuse a request to rezone the site to allow for permanent housing uses. The letter, (**attachment 2**) notes the following for its justification:

- Inconsistency with Housing Strategy prepared at the time;
- Potential to impact on Bathurst Housing market;
- Proximity of site to Bathurst Airport could result in conflicting land uses and the likely expansion of the Airport in the future.

It is for this reason that the existing development consent granted in 2002 is predicated upon the use of the site for non-permanent accommodation.

Planning Context

Environmental Planning and Assessment Act 1979, as amended

The application seeks a modification pursuant to Section 96 of the Environmental Planning and Assessment Act 1979 (as amended).

Modifications under Section 96(2) may be granted by the consent authority as follows:

(2) *Other modifications*

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

- (a) *it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (b) *it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*
- (c) *it has notified the application in accordance with:*
 - (i) *the regulations, if the regulations so require, or*
 - (ii) *a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (d) *it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.*

In order for Council to validly consider the application as a modification it must be satisfied that the development as proposed *is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all).*

It is noted that the modification application only relates to the modification to the existing consent. In the event that the modification request is refused the existing consent remains unaffected and continues to operate in the current form.

Development Consent was originally granted 19 September 2002 and was subsequently modified on 13 May 2003 and 18 February 2009.

The consent, as originally granted 19 September 2002 (refer **attachment 3**), was for a 22 Lot community title subdivision and public road and masterplan incorporating subdivision of land pursuant to the Community Land Management Act 1989 to create lots containing the following:

- Lot 1 – Public Road
- Lot 2 – Golf Course
- Lot 3 – 40 individual dwellings (non-permanent)
- Lot 4 – 60 cabin/villas (non-permanent) and conference centre
- Lot 5 – 40 villas (non-permanent)
- Lot 6 – 30 villas (non-permanent)
- Lot 7 – Observatory
- Lot 8 – New Agrodome
- Lot 9 – 120 unit retirement village – (non-permanent)
- Lot 10 – 50 terrace homes – (non-permanent)
- Lot 11 – New clubhouse and commerce centre
- Lot 12 – Dormitory accommodation – (non-permanent)
- Lot 13 – Car parking
- Lot 14 – 20 terrace homes – (non-permanent)
- Lot 15 – Memorial Parkland
- Lot 16 – 30 villas – (no-permanent)
- Lot 17 – Crematorium
- Lot 18 – Cricket Ground
- Lot 19 – Reserve land
- Lot 20 – Horse stables and equestrian centre
- Lot 21 – Reserve lands
- Lot 22 – Reserve lands

The development consent approves the subdivision of the land with the concept plan for the abovementioned uses on the respective allotments.

Subsequent development of each lot would require further development consent as noted in condition 6 which notes “a further development application for the erection of any building is to be lodged and approved.”

Condition 46 of the consent requires “the proposed residential components of the development are to be used for temporary residential accommodation only. The same persons must not, for more than a total of six weeks continuously or more than 156 days in any calendar year, occupy any of the dwellings on the subject land.”

There have been a number of subsequent modifications to the original consent including reducing the number of lots to 19, deleting the public road, changing some of the intended uses and lot layout. These do not impact upon the current modification application.

The proposal

The proposal involves a modification to the consent by altering the description of the development (referred to in the application as condition 3) as follows:

Condition 3 is proposed to read as:

Lot 3 – Caravan Park with a maximum of 130 “moveable dwellings”, i.e., “manufactured homes” as per the definition contained in State Environmental Planning Policy 21 (SEPP 21).

Lot 4 - Caravan Park with a maximum of 100 “moveable dwellings”, i.e., “manufactured homes” as per the definition contained in State Environmental Planning Policy 21 (SEPP 21).

Lot 5 - Caravan Park with a maximum of 60 “moveable dwellings”, i.e., “manufactured homes” as per the definition contained in State Environmental Planning Policy 21 (SEPP 21).

Lot 6 - Caravan Park with a maximum of 50 “moveable dwellings”, i.e., “manufactured homes” as per the definition contained in State Environmental Planning Policy 21 (SEPP 21).

Lot 18 - Caravan Park with a maximum of 50 “moveable dwellings”, i.e., “manufactured homes” as per the definition contained in State Environmental Planning Policy 21 (SEPP 21).

Condition 46 is proposed to read as:

The proposed caravan park shall comply with Clause 73 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.

The proposal also involves amendments to the lot layout to reflect the above changes.

Documents submitted with the modification are at **attachment 4**.

State Environmental Planning Policy 21 – Caravan Parks

The applicant refers to the use of the proposed caravan park complying with the requirements of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.

The definition of a moveable dwelling under SEPP 21 – Caravan Parks is the same as the definition under the Local Government Act 1993 being:

moveable dwelling means:

- (a) *any tent, or any caravan or other van or other portable device (whether on wheels or not), used for human habitation, or*
- (b) *a manufactured home, or*
- (c) *any conveyance, structure or thing of a class or description prescribed by the regulations for the purposes of this definition.*

manufactured home means a self-contained dwelling (that is, a dwelling that includes at least one kitchen, bathroom, bedroom and living area and that also includes toilet and laundry facilities), being a dwelling:

- (a) *that comprises one or more major sections, and*
 - (b) *that is not a motor vehicle, trailer or other registrable vehicle within the meaning of the Road Transport Act 2013,*
- and includes any associated structures that form part of the dwelling.*

The definition of a “manufactured home” under SEPP 21 cannot be a caravan or other registrable vehicle and therefore would only comprise self-contained dwellings.

Whether the development is substantially the same

Under the EP&A Act 1979, consent can only be granted if the modification is substantially the same development, using the primary test under Section 96(2)(a) of the Act.

Council’s concerns related to whether the application, as lodged, is in fact “substantially the same development”. The phrase “substantially the same” has been the subject of many legal decisions and precedence which govern its interpretation. The applicant formed the opinion, and continues to press, that the proposal is substantially the same.

Subsequent to these discussions Council sought its own legal advice on the capacity to

support the modification. A copy of that advice is provided at **attachment 5**.

Council's legal advice concludes that the modification is **not** substantially the same development and is **not** capable of being dealt with by way of modification. It is on these grounds Council cannot support the modification before it.

In the findings of *Vacik Pty Ltd v Penrith City Council* NSWLEC, 24 February 1992, a modification being substantially the same as the approved development test notes:

" 'substantially' when used in the section means essentially or materially having the same essence."

Council's advice is quite detailed and will not be repeated in full however the following conclusions are made:

- The use of the land as a caravan park is a use which is of a different characterisation from that which was originally approved.
- A caravan park and by extension a manufactured home estate is a use of an entirely different character from the mixed accommodation originally approved.
- The lot layout has altered significantly and seeks an intensity of units of accommodation in locations not previously considered.
- Deletion of reference to "non permanent" from individual lots where accommodation units were permissible releases a specific obligation with respect to the units of accommodation.
- The buildings would be habitable structures, without limitation as to the permanency of their occupancy. To all intents and purposes they will appear as available for permanent occupation. Not to impose a specific limitation for non-permanency as appeared in the original consent and to replace condition 46 creates a substantial difference.

On these grounds, the modification cannot be justified or supported.

It is noted that this approach does not preclude the applicant from lodging a new Development Application to facilitate the development of the land.

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 17: To encourage living, vibrant and growing villages and rural settlements. Strategy 17.1
- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.8

MINUTE

16 Item 9 MODIFICATION OF DEVELOPMENT APPLICATION NO. 2002/0736 – MODIFICATION TO 19 LOT COMMUNITY TITLE SUBDIVISION AT 624 LIMEKILNS ROAD, FOREST GROVE. APPLICANT: BRUCE HODSON . OWNER: EDUCATIONAL LEARNING PTY LTD AND HERITAGE HILLS AUSTRALIA PTY LTD (DA/2002/0736)
MOVED: Cr B Bourke SECONDED: Cr I North

RESOLVED: That Council

- (a) defer consideration of DA2002/0736 and refer the matter to a Working Party of Council
- (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 B Bourke, Cr M Coote, Cr G Hanger, Cr M Morse, Cr I North, Cr G Westman,

Against the motion - Nil

Absent - Cr W Aubin,

Abstain - Nil

10 REQUEST TO VARY GUIDELINES FOR ENGINEERING WORKS FOR ACCESS TO RURAL SUBDIVISION APPROVED BY OBERON COUNCIL, 3397 O'CONNELL ROAD, O'CONNELL (20.00099)

Recommendation: That Council:

- (a) not support the variation to the Guidelines for Engineering Works to allow nine (9) lots to gain access off a gravel right of carriageway;
- (b) advise Oberon Council that:
 - (i) Condition 14(a) should remain and the access should be constructed as a public road,
 - (ii) Condition 14(b) should remain in the event that the land is to be a public road,
 - (iii) Condition 14(c) may be deleted or modified provided that alternate flood free access is legally and physically available,
 - (iv) Condition 14(d) may be deleted on the basis that the bridge is to be privately owned,
 - (v) Condition 14(e) should remain as is; and
- (c) call a division.

Report: Background

On 15 March 2016 Oberon Council approved a Development Application for an eight (8) lot rural subdivision of Lot 2, DP 576703, 3397 O'Connell Road, O'Connell. The subject property is an historical holding known as "Macquarie". See location plan at **attachment 1**.

The majority of the Macquarie property is located in the Oberon Council Local Government Area (LGA). Accordingly Oberon Council is the consent authority for the purposes of the subdivision. It should be noted that there was also a pre-existing subdivision approval for a further two (2) allotments making ten (10) allotments in total.

Bathurst Regional Council's involvement in the Development Application stems from the fact that the primary access to the subject property is within the Bathurst Regional LGA. As part of the initial assessment process Bathurst Council was requested to provide advice to Oberon Council in relation to the land within its jurisdiction. Council's advice is limited to the access road within its LGA and does not extend to the merits of the subdivision nor the internal accesses within the property.

The access handle is currently a privately owned parcel of land, known as Lot 10, DP 1074856. It is held in the same ownership as the Macquarie property.

The access handle is approximately 550 metres long, is currently a gravel driveway and runs between O'Connell Road and the Fish River. The access handle is used to access Macquarie. It would be subject to periodic inundation from the Fish River.

This access will be used by nine (9) lots, being the eight (8) approved additional lots and the residual lot containing the existing dwelling and outbuildings. An additional lot within the holding, being Lot 3, has its own independent access to Bosworth Falls Road and therefore does not rely on the subject access.

The approved plan of subdivision is at **attachment 2**.

It is understood that the subdivision has been partly implemented with Lots 3, 4 and 5 being registered.

On 9 February 2016, after receiving the original Development Application, Oberon Council sought comment from Bathurst Regional Council in relation to the access to the proposed subdivision.

Bathurst Regional Council responded to Oberon Council's request for comment on 11 March 2016 (see **attachment 3**). In summary Bathurst Regional Council made the following comments:

1. *In accordance with Council's Guidelines for Engineering Works the proposed right of carriageway over existing Lot 10 is suitable for servicing the primary allotment and two additional allotments only. However Council is prepared to allow one additional allotment only to be serviced via this right of carriageway, any allotments beyond four will require the construction and dedication of a public roadway as outlined in point 2 below.*
2. *As indicated in the Development Application the proposed development is for a ten lot rural subdivision being serviced by a right of carriageway from the O'Connell Road. This does not comply with Council's Guidelines for Engineering Works. If it is the intention of the applicant to access more than four allotments by this roadway Council would require the construction and dedication of a public roadway in accordance with Council's Guidelines from the O'Connell Road to the current boundary of the LGA. Whilst this would normally consist of a 20 metre wide public road reserve, with a roadway consisting of a 10.5 metre wide formation appropriately drained and an 8.5 metre wide 2 coat bitumen seal minimum Council would accept a reduced public road reserve width to match the existing allotment width on this occasion although the road would continue to be sealed.*
3. *The public roadway is to be designed and constructed to provide unimpeded access to all allotments during a 1 in 100 year flooding event of the Fish River. Council will require a flood impact assessment to be carried out on the flood plain to determine the impacts of the development on adjoining properties prior to approval. Note any significant impact will result in refusal of the development, please refer to Council's flood policy for the definition of significant impact.*
4. *If the access is to be constructed and dedicated as a public road the existing bridge over the Fish River is to be upgraded to comply with all requirements of AS 5100.*
5. *The intersection of the new access roadway and the O'Connell Road (Main Road 253) is to be in accordance with the requirements of the RMS.*

Oberon Council, in its consent dated 15 March 2016, imposed the following condition (being condition no. 14 of that consent):

Legal Access

14. *Legal and practical access to the development from O'Connell Road via Lot 10 in DP: 1074856 is to be provided in accordance with the requirements of Bathurst Regional Councils correspondence of the 11 March, 2016, as follows:*
 - a. *In accordance with Council's Guidelines for Engineering Works the proposed right of carriageway over existing Lot 10 is suitable for servicing the primary allotment and two additional allotments only. However Council is prepared to*

allow one additional allotment only to be serviced via this right of carriageway, any allotments beyond four will require the construction and dedication of a public roadway as outlined in point b below.

- b. As indicated in the Development Application the proposed development is for a ten lot rural subdivision being serviced by a right of carriageway from the O'Connell Road. This does not comply with Councils Guidelines for Engineering Works. If it is the intention of the applicant to access more than four allotments by this roadway Council would require the construction and dedication of a public roadway in accordance with Council's Guidelines from the O'Connell Road to the current boundary of the LGA. Whilst this would normally consist of a 20 metre wide public road reserve, with a roadway consisting of a 10.5 metre wide formation appropriately drained and an 8.5 metre wide 2 coat bitumen seal minimum Council would accept a reduced public road reserve width to match the existing allotment width on this occasion although the road would continue to be sealed.*
- c. The public roadway is to be designed and constructed to provide unimpeded access to all allotments during 1 in 100 year flooding event of the Fish River. Council will require a flood impact assessment to be carried out on the flood plain to determine the impacts of the development on adjoining properties prior to approval. Note any significant impact will result in refusal of the development; please refer to Councils flood policy, for the definition of a significant impact.*
- d. If the access is to be constructed and dedicated as a public road the existing bridge over the Fish River is to be upgraded to comply with all the requirements of AS 5100.*
- e. The intersection of the new access roadway and the O'Connell Road (Main Road 253) is to be in accordance with the RMS.*

The road works, including Gazzettal and street signage, if required is to be fully completed prior to issue of a Subdivision Certificate, in consultation with Bathurst Regional Council.

Reason: To ensure the proposed road works are appropriately constructed and provide legal and practical access to the development.

Post approval discussions/correspondence with applicant

Since the Development Application was approved, the applicant has met with, and directly corresponded with, Bathurst Regional Council on numerous occasions. Throughout these discussions and correspondence Council has maintained its position in relation to the requirement for the construction of the public road but has clarified the following elements relating to it:

- The public road can terminate before the bridge over the Fish River (i.e. at the boundary of the Bathurst LGA) so that the existing bridge does not form part of the public road and therefore does not have to be upgraded to full public road standard.
- A cul-de-sac head needs to be constructed at the point where the public road terminates (i.e. before the bridge over the Fish River).
- A formal property entrance can be constructed at the point where the public road terminates to delineate the end of the public road and the beginning of the internal private access (right of carriageway).
- Signage such as "Private Roadway" and/or "Private Property" can be erected at the point

- where the public road terminates.
- A lighter coloured aggregate could be used in the bitumen to soften the visual impact of the proposed public road.
- The intersection of the access road and O'Connell Road is a matter for Roads & Maritime Services (RMS). The design specification for this intersection is to be determined by RMS.

Current Modification

On 18 April 2017 Council received notification from Oberon Council that a modification application had been received from the applicant in relation to Condition 14 of the consent (above).

The written request for modification from the applicant is at **attachment 4**.

The proposal seeks to inter alia:

- Delete 14(a) requiring the construction of a public road and in lieu the land continue as a Right of Way (ROW).
- Delete 14(b) relating to the standard of construction for the public road.
- Delete 14(c) relating to flood free access on the basis that alternate access to Bosworth Falls Road is available.
- Delete 14(d) relating to the upgrading of the existing bridge on the basis that it is to remain a private crossing.
- Retain 14(e) requiring the provision of an intersection in accordance with the requirements of the RMS.

Condition 14(a) – Public road or ROW

Section 2.3.5.6 *Vehicular Access* in Council's Guidelines for Engineering Works states that:

A maximum of three (3) allotments are to be serviced by a right of carriageway. Therefore by definition the primary allotment provides the right of carriageway and two (2) only additional lots benefit. All right of carriageways are to be appropriately formed and surface treatment applied in accordance with section 2.3.7 Driveway Construction.

It should be noted that Council, in its original response to Oberon Council, has already conceded one (1) additional lot to be accessed via the right of carriageway as an interim measure.

It is recommended that Council not support the variation to the Guidelines for Engineering Works for the construction of a public road for the following reasons:

- Administering a maintenance program involving such a high number of users (nine lots and therefore nine individual property owners) is considered impractical.
- The proximity of the access to the dwelling at 3413 O'Connell Road anecdotally already causes issues with dust.
- The *RTA Guide to Traffic Generating Developments* adopts an average of 9 vehicle movements per day per dwelling. It is noted that there is potential for 9 dwellings within this subdivision including the existing dwelling. This equates to a potential 81 vehicle movements per day over the subject access road.
- Once constructed as a sealed public road, on-going maintenance would be minimal.
- The actual construction of 8 additional dwellings will generate significant heavy vehicle movements over the subject access road.

- With areas in excess of 100 hectares, each of the proposed lots has agricultural potential which could generate heavy vehicle movements over the subject access road.
- The access would be subject to periodic inundation from the Fish River.
- Issues relating to potential trespass can be managed as noted above.
- This approach is consistent with the Rural Fire Service Planning for Bushfire Protection Guidelines which requires that access to a development comprising more than three dwellings have formalised access by dedication of a road and not by right of way.

Accordingly, Council's advice to Oberon should be to retain the current condition.

Condition 14(b) – Standard of road construction

On the basis that condition 14(a) is retained and the road remains as a public road then it follows that it should be constructed in accordance with Council's Engineering Guidelines inclusive of a bitumen seal. It is however noted that the width of the allotment in which the access handle is to be constructed is only 11 metres wide. Accordingly a reduced road reserve width has been adopted.

In the event that 14(a) were to be deleted then 14(b) could likewise be deleted however that is not the recommendation to Council. An alternate gravel standard would need to be specified by Oberon Council.

Condition 14(c) – Flood free access

The proposed access road to O'Connell Road would be subject to inundation during flood events. This would have the effect of isolating the properties during these times unless the road was to be made flood free or alternate access is available in both a physical and legal sense.

The applicant has advised that alternate access is to be made available through the other lots in the subdivision by virtue of rights of access etc.

The provision of alternate access through to Bosworth Falls Road satisfies the original intent of the condition. Accordingly, subject to Oberon Council satisfying itself that this alternate access is available both legally (by legal ROW etc) and physically by constructing the alternate access then the condition may be deleted. It would also be appropriate that the alternate access is also flood free. If alternate flood free access is not legally and physically available the properties would be isolated during flood events.

Condition 14(d) – Upgrading the existing bridge

On the basis that the existing bridge is to be retained in private ownership Council no longer has an interest in its upgrading to full public road standard. The appropriate standard as an internal access is a matter for Oberon Council to determine.

Condition 14(e) – RMS intersection

At this stage Council is not privy to any requirements to upgrade the intersection between the proposed new road and O'Connell Road. The condition remains appropriate notwithstanding the ultimate status of the road (ie public or private).

Accordingly, Council's advice to Oberon Council is recommended as follows:

- Condition 14(a) should remain and the access should be constructed as a public road.
- Condition 14(b) should remain in the event that the land is to be a public road.

- Condition 14(c) may be deleted or modified provided that alternate flood free access is legally and physically available.
- Condition 14(d) may be deleted on the basis that the bridge is to be privately owned.
- Condition 14(e) should remain as is.

Submissions

It is noted that Oberon Council will be the ultimate determining authority in relation to this application. This includes resolving outstanding issues raised by members of the public. Council has been provided with a copy of a submission by the owner of Lot 3 within the subdivision outlining concerns regarding the current and proposed access arrangements and seven submissions from the owner of the property directly adjoining the access road within the Bathurst Regional LGA (3413 O'Connell Road, Brewongle). See submissions at **attachment 5**.

Conclusion

On 15 March 2016 Oberon Council approved a Development Application for an eight (8) lot rural subdivision of Lot 2, DP 576703, 3397 O'Connell Road, O'Connell. The primary access to the subject property is within the Bathurst Regional Local Government Area (LGA). The access handle is currently a privately owned parcel of land, known as Lot 10, DP 1074856. During its assessment Oberon Council sought comment from Bathurst Regional Council in relation to the access to the proposed subdivision. Bathurst Regional Council responded to Oberon Council's request setting out the requirement for construction and dedication of the access as a public road. Council recently received notification from Oberon Council that a request for modification had been received from the applicant and that this modification related solely to the requirement for construction and dedication of the access as a public road. The applicant seeks to vary Bathurst Regional Council's Guidelines for Engineering Works to allow nine (9) lots to gain access off a gravel right of carriageway as opposed to a constructed and dedicated public road. It is recommended, for the reasons outlined in this report, that Council not support the variation to its Guidelines for Engineering Works.

Financial Implications: Nil. All costs associated with the construction of the public road and subsequent dedication are to be borne by the applicant.

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

17 Item 10 REQUEST TO VARY GUIDELINES FOR ENGINEERING WORKS FOR ACCESS TO RURAL SUBDIVISION APPROVED BY OBERON COUNCIL, 3397 O'CONNELL ROAD, O'CONNELL (20.00099)

MOVED: Cr M Coote SECONDED: Cr G Westman

That Council:

- (a) not support the variation to the Guidelines for Engineering Works to allow nine (9) lots to gain access off a gravel right of carriageway;
- (b) advise Oberon Council that:
 - (i) Condition 14(a) should remain and the access should be constructed as a public road,
 - (ii) Condition 14(b) should remain in the event that the land is to be a public road,
 - (iii) Condition 14(c) may be deleted or modified provided that alternate flood free access is legally and physically available,
 - (iv) Condition 14(d) may be deleted on the basis that the bridge is to be privately owned,
 - (v) Condition 14(e) should remain as is,
 - (vi) Any encroachments onto the adjoining properties associated with the new public road inclusive of existing fencing and trees are to be removed and the fence is to be replaced upon the correct alignment.
- (c) call a division.

MINUTE

18 Item 10.01 REQUEST TO VARY GUIDELINES FOR ENGINEERING WORKS FOR ACCESS TO RURAL SUBDIVISION APPROVED BY OBERON COUNCIL, 3397 O'CONNELL ROAD, O'CONNELL (20.00099)

MOVED: Cr B Bourke SECONDED: Cr I North

The following AMENDMENT was MOVED:

That Council:

- (a) not support the variation to the Guidelines for Engineering Works to allow nine (9) lots to gain access off a gravel right of carriageway;
- (b) advise Oberon Council that:
 - (i) Condition 14(a) should remain and the access should be constructed as a public road, however, Council has no objection to up to five lots being accessed via a Right of Way in the interim. Upon registration of the sixth lot, the access is to be constructed and dedicated as a public road,
 - (ii) Condition 14(b) should remain in the event that the land is to be a public road,
 - (iii) Condition 14(c) may be deleted or modified provided that alternate flood free access is legally and physically available,
 - (iv) Condition 14(d) may be deleted on the basis that the bridge is to be privately owned,
 - (v) Condition 14(e) should remain as is,
 - (vi) Any encroachments onto the adjoining properties associated with the new public road inclusive of existing fencing and trees are to be removed and the fence is to be replaced upon the correct alignment.
- (c) call a division

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

The result of the division was:

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

Against the motion - Cr M Coote, Cr G Hanger, Cr M Morse. Cr Hanger used his casting vote to vote against the motion.

Absent - Cr W Aubin,

Abstain - Nil

The original **MOTION** was then **PUT**

MINUTE

19 Item 10.02 REQUEST TO VARY GUIDELINES FOR ENGINEERING WORKS FOR ACCESS TO RURAL SUBDIVISION APPROVED BY OBERON COUNCIL, 3397 O'CONNELL ROAD, O'CONNELL (20.00099)

MOVED: Cr M Coote SECONDED: Cr G Westman

RESOLVED: That Council:

- (a) not support the variation to the Guidelines for Engineering Works to allow nine (9) lots to gain access off a gravel right of carriageway;
- (b) advise Oberon Council that:
 - (i) Condition 14(a) should remain and the access should be constructed as a public road,
 - (ii) Condition 14(b) should remain in the event that the land is to be a public road,
 - (iii) Condition 14(c) may be deleted or modified provided that alternate flood free access is legally and physically available,
 - (iv) Condition 14(d) may be deleted on the basis that the bridge is to be privately owned,
 - (v) Condition 14(e) should remain as is,
 - (vi) Any encroachments onto the adjoining properties associated with the new public road inclusive of existing fencing and trees are to be removed and the fence is to be replaced upon the correct alignment.
- (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 M Coote, Cr G Hanger, Cr M Morse, Cr I North, Cr G Westman,

Against the motion - Cr B Bourke,

Absent - Cr W Aubin,

Abstain - Nil

11 BATHURST REGION HERITAGE ADVISORY SERVICE 2016-17 (10.00004)

Recommendation: That Council:

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

Report: Bathurst Regional Council recently finalised its annual reporting to the NSW Office of Environment and Heritage (OEH) regarding Council's Heritage Advisory Service. This reporting is required by the OEH as part of their annual Heritage Advisor Grant Program in which Council received a grant of \$6,500.00 in the 2016/17 funding round. This years funding was unfortunately less than the \$8,000 Council received from the OEH in the 2015/16 round. Reporting is required to be submitted from May to May each year.

The Bathurst Region Heritage Advisory Service continues to grow in popularity, with 137 site visits undertaken in the period May 2016 to May 2017. There has been an increase in site visits from last year. Additionally, advice has substantially increased on last year in relation to:

- 85 Heritage/Urban Design advice;
- 32 Pre DA advice; and
- 73 DA assessment advice.

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

- Completion of the CBD Main Street Study update providing statement of significance and building recommendations for the entire Bathurst CBD.
- Provided advice and assistance to Council throughout the assessment of the Bathurst Railway Museum on State Heritage listed lands.
- Provided a scope of works and a maintenance schedule for the Bathurst Grandstand and the Machattie Park Fernery.
- Provided advice and draft design sketches for alterations to the Bathurst Library.
- Provided assistance to the Bathurst Branch National Trust for the Local Heritage Awards and was also a Judge at the awards.
- Provided advice and statement of significance for items proposed to be updated in Schedule 5 of Bathurst Regional Local Environmental Plan 2014.
- Assisted Council in the assessment of applications under the Bathurst Region Local Heritage Fund, Bathurst Region Interpretation Fund and the Bathurst CBD Main Street Improvement Fund.
- Provided Urban Design Advice for future planning provisions for the Sydney Road gateway lands.
- Provided preliminary review of areas identified for consideration for urban renewal under the Housing Strategy currently being prepared by Council.
- Provided input into the preparation of a new Heritage Strategy currently being prepared by Council.
- Attended meetings of the Bathurst Region Heritage Reference Group.
- Attended the NSW Government Architects forum in Orange on Urban Design.

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

Council is strongly recommended.

Council's budget for the Heritage Advisory Service has been fully expended with total expenditure for the service for the period being \$29,000.00. Consideration in the 2018/19 management plan for a review of the budget allocation for this service will be required to ensure this service can be maintained at its current level.

Council's annual report to OEH in respect of its heritage management program is provided at **attachment 1**.

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

20 Item 11 BATHURST REGION HERITAGE ADVISORY SERVICE 2016-17
(10.00004)

MOVED: Cr I North SECONDED: Cr M Morse

RESOLVED: That Council:

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

12 BATHURST REGION HERITAGE REFERENCE GROUP (20.00123)

Recommendation: That the report be noted.

Report: The Bathurst Region Heritage Reference Group met on 11 May 2017. The minutes of that group's meeting are provided at **attachment 1**.

The group discussed the draft Heritage Plan with any written submission on the draft to be received at Council by 16 June 2017. A copy of the draft plan is at **attachment 2**.

The group will meet next in August 2017.

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

- 21 Item 12 BATHURST REGION HERITAGE REFERENCE GROUP (20.00123)
MOVED: Cr M Morse SECONDED: Cr I North

RESOLVED: That the report be noted.

13 BATHURST BACKYARD BIRD COUNT – RESULTS OF 2016 PROGRAM (13.00081)

Recommendation: That Council

- (a) note the report; and
- (b) support ongoing participation in the Aussie Backyard Bird count.

Report: In 2014, as part of BirdLife Australia's National Bird Week celebrations, BirdLife Australia ran the first ever Aussie Backyard Bird Count — now one of the largest citizen science projects of this nature in Australia. Council has participated in and promoted the program since 2015.

The Aussie Backyard Bird Count provides an opportunity for everyone — from school children, senior citizens, families and community groups — to become citizen scientists for one week every October. The data collected by these citizen scientists plays a vital role in providing important information to BirdLife Australia and increases our understanding of Australian bird species that live where people live. The health of bird populations also gives an indication of environmental health. Furthermore, the bird count helps raise the profile of bird species throughout Australia, highlighting the importance of these species and promoting a national passion for Australian birds.

As surveying native and introduced bird populations are listed as priority actions in the Bathurst Biodiversity Management and Pest Bird Management Plans, and following from the success of the 2015 program, Council decided to again participate in the 2016 program which ran from 17 to 23 October.

The full report, which has now been received, is included as **attachment 1**. The following presents a snapshot of participation and the results:

- A total of 7,426 individual birds were observed and recorded during the week, an increase of 2,574 from 2015.
- 132 bird species were recorded.
- 3 of the top 10 most common species observed were feral or introduced birds with the introduced Common Starling by far the most common bird.
- 13 threatened species were recorded.
- 95 participants registered and contributed over 78 hours of survey time.
- 191 checklists were submitted with an average of 2.7 per registered participant.
- An average of 110 birds was recorded per participant.
- Most of the birds recorded were in the central parts of the Council area, indicating good involvement of people in the urban and suburban areas.
- The prominence of introduced species as the most common species observed is greater than that observed state and nationwide.
- Decline in native birds is being blamed on the continued loss of native vegetation in the urban, suburban and rural landscape and an increase in simplified plantings of exotic species.

Activities

Council actively promoted the 'Bathurst Backyard Bird Count' through the distribution of supplied posters, flyers, bookmarks and a media release. A Facebook page facebook/bathurstbirdcount and Instagram account @bathurstbirdcount were again used to help promote the event and build involvement. A guided bird walk led by local naturalist,

Tiffany Mason, attracted 9 locals on a cold and wet day and resulted in dozens of birds from 37 species being observed in the Boundary Road Reserve.

Local residents were encouraged to sit for 20 minutes and use the phone app or website to record the birds they see in their backyard or local area. Ninety five participants submitted 251 checklists with just over 7,400 birds observed across the region during the week-long event.

Most common species

The 5 most common species surveyed was the introduced Common Starling* followed by the Australian Magpie, Galah, House Sparrow* and Red-rumped Parrot (*feral species).

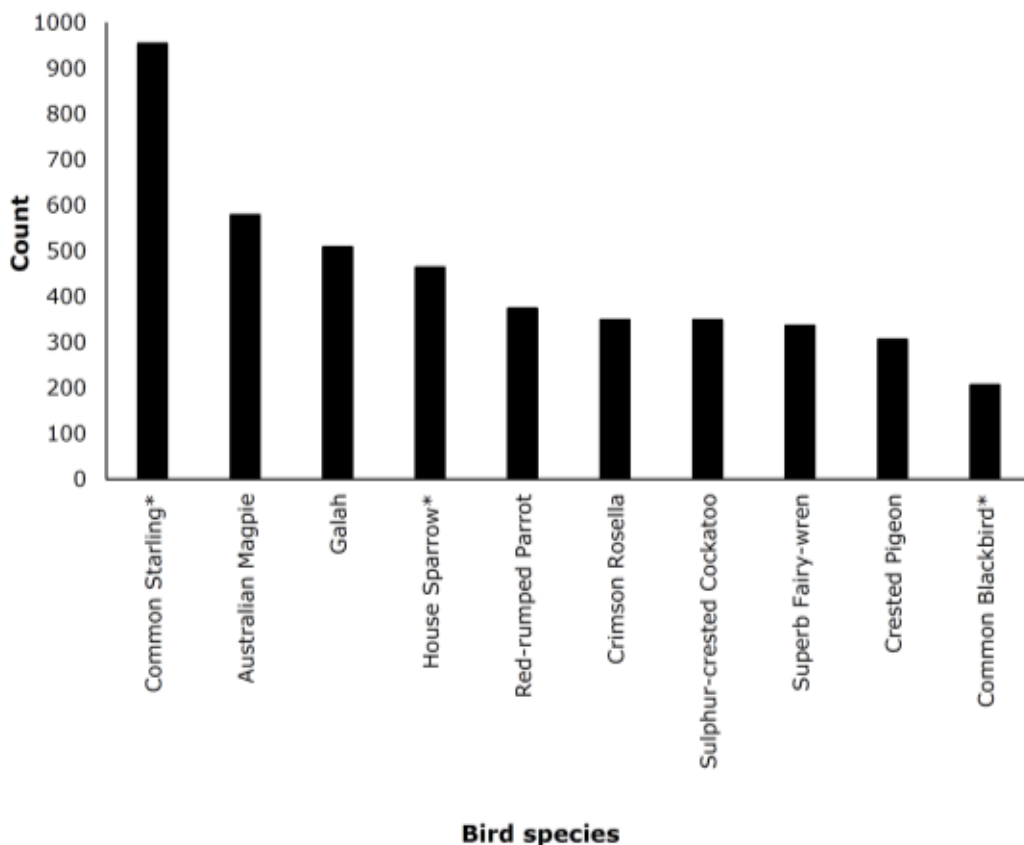


Figure 1: The 10 most commonly observed bird species within the Bathurst Regional Council boundaries during the 2016 Aussie Backyard Bird Count. * indicates introduced species.

The proportion of introduced species of bird in the Bathurst Region was far greater than that seen in State and National results with introduced birds, making up nearly 25% of all birds counted. This result may be due to the high proportion of exotic vegetation in the urban areas and a trend towards simple garden designs dominated by non-native species. Common native species were those that are known to be more aggressive (magpies, parrots) or adapted to living in suburban environments (fairy wrens, crested pigeons).

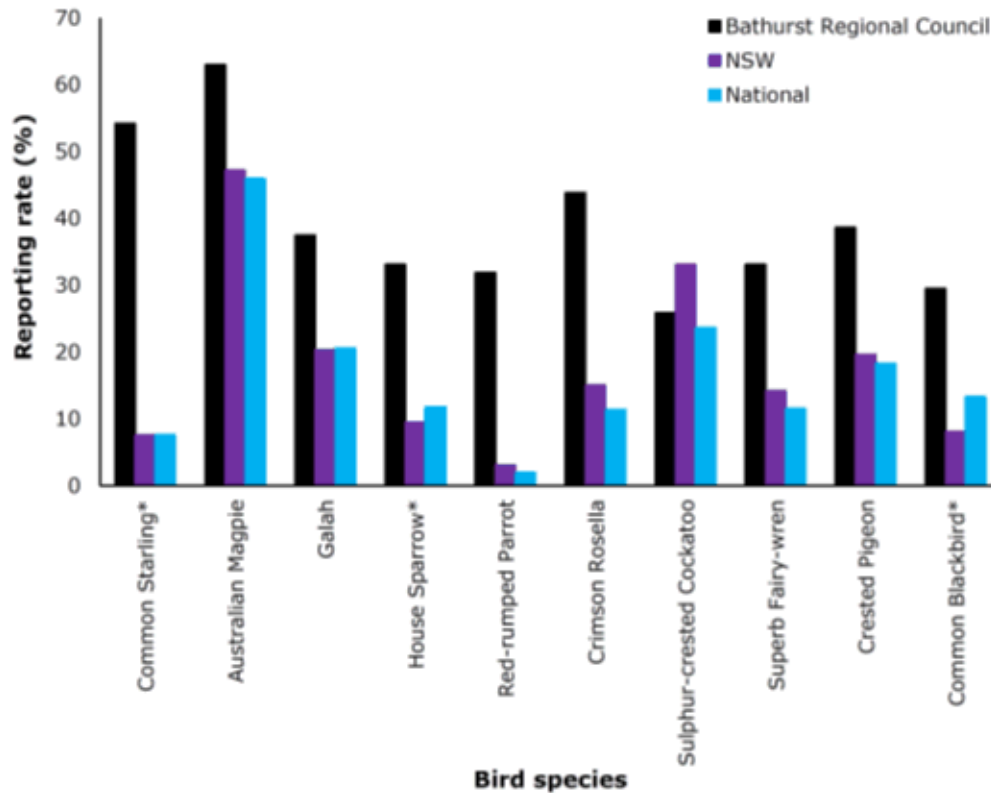


Figure 2. Comparison between the reporting rates of the ten most commonly detected species during the 2016 Aussie Backyard Bird Count within the Bathurst Regional Council boundaries, New South Wales and nationally. * indicates introduced species.

Importantly, several declining or threatened species were identified during the survey. These species are considered to be declining for a variety of reasons but mostly due to clearing of woodland habitat, loss of nesting hollows due to development and firewood collection and declining food resources. The threatened species recorded were:

- Regent Honeyeater (Critically Endangered)
- Gang-gang Cockatoo (Vulnerable)
- Glossy Black Cockatoo (Vulnerable)
- Turquoise Parrot (Vulnerable)
- Superb Parrot (Vulnerable)
- Speckled Warbler (Vulnerable)
- Brown Treecreeper (Vulnerable)
- Diamond Firetail (Vulnerable)
- Dusky Woodswallow (Vulnerable)
- Scarlet Robin (Vulnerable)
- Little Eagle (Vulnerable)
- Barking Owl (Vulnerable)
- Freckled Duck (Vulnerable)

Of particular importance was the sighting of the critically endangered Regent Honeyeater which has been the subject of intense NSW breeding programs and local and regional habitat restoration activities and a Freckled Duck sighted along Raglan Creek.

Overview

A review of long-term population trends by BirdLife Australia infers that Bathurst bird populations are on similar trajectories. Native species are being replaced by feral species and smaller natives are being replaced by larger more aggressive native species. However, the trend in the Bathurst Region is moving much faster towards an environment dominated by introduced species of birds. This has been blamed upon the replacement of native vegetation and a move towards 'simplified' backyards and urban landscapes without a diversity of grass, shrub and tree species.

As the results show that feral bird or aggressive native birds continue to increase, it is recommended that Council consider opportunities to increase the proportion of native plantings within the urban and suburban environment, not just in Council reserves but in street tree plantings and new developments. Such plantings provide key corridors, food resources and refuges for native species and are less likely to attract and support feral species.

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

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 8: To promote sustainable and energy efficient growth. Strategy 8.4
- Objective 10: To protect and enhance the region's biodiversity. Strategy 10.4, 10.11
- 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 33.6

MINUTE

22 Item 13 BATHURST BACKYARD BIRD COUNT – RESULTS OF 2016 PROGRAM (13.00081)

MOVED: Cr G Westman SECONDED: Cr M Coote

RESOLVED: That Council

- (a) note the report; and
- (b) support ongoing participation in the Aussie Backyard Bird count.

14 WORKS IN KIND ARRANGEMENT – GROSS POLLUTANT TRAP ABERCROMBIE (DA/2010/0607)

Recommendation: That Council:

- (a) enter into a works-in-kind arrangement with Llandco Pty Ltd to construct the Gross Pollutant Trap (GPT) as shown on the approved Plans (DA2010/0607) to Council's satisfaction;
- (b) contribute \$35,913.86 towards the construction of the GPT;
- (c) waive the remaining balance of the contribution required by condition No. 13 of DA2010/0607, estimated to be \$21,381.18;
- (d) notify the landowner of its decision; and
- (e) call a division.

Report: Council has been approached by Llandco Pty Ltd to contribute towards the cost of the construction of a Gross Pollutant Trap (GPT) at Abercrombie. A location map is provided at **attachment 1**. The GPT accommodates stormwater from land historically developed by Llandco Pty Ltd, Lenehan and Council.

Background

As part of the subdivision of land at Llanarth, Council developed a watershed or catchment map to determine an appropriate catchment for the construction of a GPT. At the time, (1997/98) it was estimated to cost \$35,000 to construct. The watershed map included land owned by Llandco Pty Ltd and Council which has subsequently been subdivided. Council subsequently imposed a condition on the Llandco Pty Ltd consents requiring a pro rata contribution towards the construction of the GPT.

To date, the GPT has not been constructed. As part of more recent subdivisions being undertaken by Llandco Pty Ltd, a newer GPT generally in the same location to that proposed in 1998 is required. It is considered that the proposed location of the GPT by the landowner is a better choice as it will capture a larger portion of the catchment than the previous proposal and make the earlier proposal redundant.

Council has received a request from Llandco Pty Ltd to contribute towards the cost of constructing a GPT required as part of subdivision works associated with Riverview Estate.

Council subdivision (DA2010/0699)

Council did not levy a contribution on its own subdivision (DA2010/0699) on the assumption that Council would be required to construct the GPT at a later date with the contributions collected from other developments and its own contributions. In this circumstance, where Llandco Pty Ltd is constructing the GPT, it is considered appropriate that Council contributes to the cost equivalent to the contribution that ought to have been levied on its subdivision.

Works-in-kind arrangement

The table below summarises the contribution Council should make towards the GPT as a works in kind arrangement. The contribution includes financial contributions already made by developers as part of Council's contribution.

Item	Description	Value	Funding source
1	Contributions from previous Development Applications	\$22,641.12	Trust 649
2	Council subdivision 2010/0699	\$13,272.74	Land development fund
	Total	\$35,913.86	

It should also be noted that Council should waive the remainder of the contributions payable under the most recent consent (DA2010/0607) required for the GPT on the basis that the contribution will be used to construct the GPT.

Conclusion

That Council enter into a works-in-kind arrangement with Llandco Pty Ltd for the construction of the GPT as shown on the approved Plans (DA2010/0607) to Council's satisfaction.

Financial Implications: Council will contribute \$35,913.86 to the cost of the GPT from Section 94 funds and the Land Development fund. Council will also forego a further \$21,381.18 in future Section 94 contributions.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 12: To protect and enhance water quality and riparian ecology. Strategy 12.4
- 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 29.7

MINUTE

23 Item 14 WORKS IN KIND ARRANGEMENT – GROSS POLLUTANT TRAP ABERCROMBIE (DA/2010/0607)

MOVED: Cr G Westman SECONDED: Cr I North

RESOLVED: That Council:

- (a) enter into a works-in-kind arrangement with Llandco Pty Ltd to construct the Gross Pollutant Trap (GPT) as shown on the approved Plans (DA2010/0607) to Council's satisfaction;
- (b) contribute \$35,913.86 towards the construction of the GPT;
- (c) waive the remaining balance of the contribution required by condition No. 13 of DA2010/0607, estimated to be \$21,381.18;
- (d) notify the landowner of its decision; and
- (e) call a division.

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

The result of the division was:

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

Against the motion - Nil

Absent - Cr W Aubin,

Abstain - Nil

15 DEALING WITH THE PROBLEM OF ILLEGAL DUMPING IN THE BATHURST REGION (13.00006)

Recommendation: That the information be noted.

Report: Like many Local Government Areas, Council has been dealing with the ongoing and increasing matter of illegal disposal of waste material. The correct handling and disposal of waste material, in particular fill material, can at times be complex. Therefore Council encourages all people dealing with waste processing or disposal to avoid potential fines and discuss correct handling options with Council officers in the first instance.

About illegal dumping

Illegal waste disposal includes:

- Dumping of household waste onto private and public lands;
- Filling of development sites, gullies and creeks with unapproved material or without approval;
- Disposing of construction, demolition and excavation waste onto unlicensed land; and,
- Acceptance of 'clean fill' which turns out to be contaminated material.

Waste material may include:

- Household waste such as kitchen waste, white goods, furniture, vehicle parts, dead animals, green waste;
- Asbestos board or 'fibro';
- Concrete, wood, bricks, plastic, metal and other items from building sites;
- Excavated earth material which may include building waste;
- Earth material contaminated with asbestos, heavy metals, pesticides or petroleum hydrocarbons; and,
- Virgin excavated material (which is classed as a waste material under the *Protection of the Environment Operations Act 1997*).

Since January 2010, Council has received approximately 800 complaints with regards to the illegal dumping of waste material. Council expects that the actual number is much higher than this as many incidents go unreported.

Why is it an issue?

Some may argue that some of the waste items listed above are not an issue as they are not toxic, however the placement of many items on or in land can cause ongoing issues, such as:

- Slumping or undermining of land as buried waste rots down;
- Erosion occurring around non-compactible items;
- Concrete and bricks and other material are later exposed which may be unsightly and impact upon property values or future development;
- Green waste can introduce weeds into the environment;
- Green waste can cause the leaching of nutrients into waterways and ground water if it decomposes underground.

Of course, where waste is known to be damaging to human health or the environment (i.e. heavy metals, asbestos, pesticides etc), the clean-up can be costly and is often borne by Council or the landholder and not the person who was responsible. It can also pose serious

risk to persons who come into contact with the contaminants. Sometimes the cost is just too great and the land will remain contaminated for some time with potential risk to the land and surrounding land and waterways.

Compliance and enforcement

Council has four different avenues to deal with the handling of waste material:

Legislation

The *Protection of the Environment Operations Act 1997* (The POEO Act) and the *POEO (Waste) Regulation 2014* deals with the appropriate ways to deal with waste material. Council, and the NSW Environment Protection Authority (EPA), have powers to issue penalty notices for the illegal disposal of waste. Fines range from \$60-\$250 for littering, up to \$8,000 for the illegal transport and disposal of waste including building waste and asbestos material. In serious incidents, the NSW EPA may take court action against the parties responsible with fines of over \$1 million dollars able to be issued.

There are provisions under legislation which encourage the reuse of waste material. These are classed as "Resource Recovery Exemptions" and include the reuse of material such as concrete and bricks, compost and mulch, food and animal waste and excavated natural material. There are certain criteria that must be complied with to minimise risk of harm to people and the environment and Council officers and the NSW EPA can provide advice in relation to these exemptions.

Council's Officers are authorised to issue penalty infringement notices in relation to waste offences and undertake other enforcement options such as clean up notices, prevention and prohibition notices.

Local Environmental Plan

Under Schedule 2 Exempt Development, Section 25.2 of the Bathurst Regional Local Environmental Plan 2014, it is a requirement that earthworks "use clean fill that is virgin excavated natural material". That is material that has been freshly excavated and does not contain any other material or contaminants. If it is not clean fill, it would require development consent before it can be used.

The Approved Handling of Fill Policy

In September 2011, Council adopted the Approved Handling of Fill Policy. It uses the information contained in the above legislation and the Local Environmental Plan to set standards for the transport, reuse and disposal of fill material.

Conditions of consent

Council is currently reviewing its standard condition of consent for developments that will generate significant amounts of waste material. This may include demolitions, excavations and large commercial or lot developments. The effect of the condition would be to require the developer to complete and submit to Council for approval a completed Council Waste Management Plan template. The Plan shall include, but not limited to, the following:

- The types of waste to be handled;
- Volume of each waste;
- Management and storage of waste;
- Method of waste disposal;

- Method of waste transport;
- Disposal location; and
- Provide proof of disposal at a licensed facility where necessary.

Council has altered the wording to its standard condition to reflect alternate locations for the disposal of waste other than the Waste Management Centre. This issue was raised by members of the public at the Council meeting held 17 May 2017.

Recent activities

Private waste handling facilities

At present there are a limited number of private facilities in the Bathurst LGA which are authorised (by way of consent or existing use rights) or licensed by the NSW EPA to receive, process, recycle or dispose of different types of waste.

The JRPP has recently approved a private facility which has the potential to deal with up to 30,000 tonnes per year of construction and demolition waste such as concrete and brick. This facility will also operate within the requirements of a NSW EPA Environment Protection Licence.

These facilities have the potential to divert materials from the Council Waste Management Centre and to reduce the opportunities for illegal dumping of waste. It is intended that the continued education of builders, developers and the general public around the correct handling of waste and options for reuse and disposal will reduce the amount of waste being illegally disposed of or unnecessarily going to landfill.

Dunkeld Road waste dumping

Council received a complaint with regards to a quantity of fill material being deposited on a section of the old Dunkeld Road, Dunkeld, approximately 100m long, not visible from the new road alignment. Over a period of several months, persons unknown deposited approximately 180 cubic metres of concrete, asphalt, bricks and earth material. Council undertook surveillance of the site but the activity has since ceased.

Council has now engaged a consultant to assess the waste material and to recommend disposal methods or if appropriate, reuse. The cost to Council thus far has been nearly \$5,000. The cost of clean-up and removal of the material is yet to be determined and is dependent on the final assessment of the waste.

Wambool Crown Reserve waste clean-up

Since early 2011 Council has received complaints about waste material in two crown reserves on Tarana Road and Timber Ridge Road, Wambool. The waste in the two sites appeared to have been in the location for several years and included car bodies, household appliances, tyres, general waste and what appeared to be buried asbestos fibre board. The sites were not readily accessible and due to the size of the waste dump, it was estimated to cost approximately \$50,000 to remove and dispose of it appropriately.

As the material was located within crown reserves, Council was not the appropriate authority to conduct the clean-up. Council staff have been working with NSW Department of Primary Industries (DPI) – Lands staff for some time to reach a suitable conclusion. Council has since been notified that funding had been obtained by DPI – Lands. The clean-up had commenced at the time of writing and should be complete within a few weeks.

Combatting Illegal Dumping Grant

Council was recently successful in receiving \$19,890 in grant funding from the NSW EPA to complete the 'Combatting Illegal Dumping' grant program which will establish baseline data and develop an ongoing management strategy. Council will enter all illegal dumping complaints into a NSW EPA interactive database called RIDonline. Once compiled, this resource will be used to determine hotspots in the Bathurst Region and through a Council staff steering committee a prevention and enforcement strategy will be developed. The installation of control measures such as barriers, fencing or lighting will be installed along with semi-permanent surveillance cameras in the worse affected areas. Council will contribute in-kind funding to assist in the roll-out of control measures.

All aspects of the program are expected to be completed by 30 June 2018.

Financial Implications: Funding for this item is contained within existing waste and environmental compliance budgets. The Combatting Illegal Dumping grant program is a NSW EPA Waste Less, Recycle More initiative funded from the waste levy.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 8: To promote sustainable and energy efficient growth. Strategy 8.2
- Objective 16: To encourage sustainable waste management practices, incorporating opportunities for energy generation. Strategy 16.1, 16.2, 16.5
- 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

24 Item 15 DEALING WITH THE PROBLEM OF ILLEGAL DUMPING IN THE BATHURST REGION (13.00006)

MOVED: Cr M Morse SECONDED: Cr I North

RESOLVED: That the information be noted.

16 WATTLE FLAT MINING AREAS – ARCHAEOLOGICAL MANAGEMENT PLAN (20.00297)

Recommendation: That Council:

- (a) adopt the Wattle Flat Mining Areas – Archaeological Management Plan as a strategic document to inform planning and development decisions;
- (b) forward a copy of the Wattle Flat Mining Areas – Archaeological Management Plan to the Wattle Flat Progress Association, The Wattle Flat Heritage Lands Trust and the Bathurst District Historical Society; and
- (c) place the Wattle Flat Mining Areas – Archaeological Management Plan on Council's website.

Report: Council has engaged the services of Bowen Heritage Management to prepare an Archaeological Management Plan (AMP) at the following historic mining sites in Wattle Flat:

- Queenslander / King Mine.
- Big Oakey / Surface Hill Mine.
- Little Oakey Mine.
- Solitary Reef.

The mining sites are located on Crown and privately owned land in and surrounding the Wattle Flat Village.

The aim of the study was to identify and assess the relative likelihood and significance of archaeological resources on these sites. As part of the investigation, non-mandatory site inspections were undertaken to carry out a brief visual survey of the properties identified in the AMP study area.

The AMP will guide future planning controls and specific provisions within Council's Development Control Plan (DCP) relating to these specific sites. The Study also provides detailed historic information that can be further interpreted on site to promote the history of the Wattle Flat locality. The Study is available from the Environmental, Planning & Building Services Department for Councillors. The executive summary is included at **attachment 1**.

Council staff are 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

25 Item 16 WATTLE FLAT MINING AREAS – ARCHAEOLOGICAL MANAGEMENT PLAN (20.00297)

MOVED: Cr I North SECONDED: Cr M Coote

RESOLVED: That Council:

- (a) adopt the Wattle Flat Mining Areas – Archaeological Management Plan as a strategic document to inform planning and development decisions;
- (b) forward a copy of the Wattle Flat Mining Areas – Archaeological Management Plan to the Wattle Flat Progress Association, The Wattle Flat Heritage Lands Trust and the Bathurst District Historical Society; and
- (c) place the Wattle Flat Mining Areas – Archaeological Management Plan on Council's website.

17 BATHURST REGION ECONOMIC UPDATE (20.00071)

Recommendation: That the report be noted.

Report: Council's economic consultants (.id) have recently updated their data on the economic performance of the Bathurst Regional LGA. The Bathurst Region has demonstrated very strong growth, as evident from the below figures:

- Gross Domestic Product (GDP) is currently \$2.14 billion. The Bathurst economy is growing at approximately 2.1% per year.
- 2014-2016 represents the strongest 3 consecutive years of continual economic growth experienced in the Bathurst Region.
- According to NSW Department of Planning and Environment, Bathurst is the 4th fastest growing regional LGA, behind Queanbeyan, Maitland and Yass (2016).
- The official population of the Bathurst Regional LGA is 43,080. This equates to 1.86% growth on 2015, or an additional 787 people added to the population. 2016 was the strongest year for population growth since 2009.
- As of December 2016, the unemployment rate was 3.85%, much less than the average regional NSW rate of 5.65% and the lowest rate in almost a decade.
- 18,900 local jobs as of 2016, 3.8% growth from 2015 to 2016. This is primarily driven by new jobs in Education & Training, Construction, Wholesale Trade and Accommodation Services.
- The strongest sectors by employment and economic contribution are Manufacturing, Education & Training, and Public Administration.

Conclusion

From 2014-2016, the Bathurst Region demonstrated strong economic prosperity and population growth. This period represents the strongest 3 consecutive years of continual economic growth since Council's economic consultants (.id) started tracking data for the Bathurst Region in 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
- 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

- 26 Item 17 BATHURST REGION ECONOMIC UPDATE (20.00071)
MOVED: Cr M Morse SECONDED: Cr G Westman

RESOLVED: That the report be noted.

18 2017 SUSTAINABLE LIVING EXPO (23.00124)

Recommendation: That Council:

- (a) note the report; and
- (b) supports the ongoing growth and innovation in the Sustainable Living Expo.

Report: The 2017 Sustainable Living Expo (SLE) was held on Saturday 25 March in conjunction with the Bathurst Farmers Markets. This year is the ninth Expo and the seventh at the Farmers Markets. The last few years have seen a significant investment in reinventing the Expo and making it appeal to a broader cross section of the Bathurst Community.

The SLE was the result of collaboration between Council's Environmental, Water and Waste and Recreation Teams. This year the theme was Love Food Hate Waste which provided the opportunity to talk about Council's sustainability initiatives, buying local seasonal food, waste sorting and reduction of bottled water use/sales. These initiatives tie into Council's existing efforts in providing information to residents supporting the organic waste collection service as well as living with a smaller environmental footprint through actions such as solar power and vegetable growing.

For this year's SLE, Council was successful in securing both Colin Fassnidge (part owner of 4fourteen and Judge on My Kitchen Rules) and Matthew Evans (Fat Pig Farm and presenter of Gourmet Farmer) as guest speakers.

These guest speakers were supported by the King and Queen of Green and Shoalhaven's Zoo to You. Local businesses and community groups were also key participants at the SLE with stalls providing information on products and services available locally.

This year the commitments of the guest speakers were expanded to reflect the significant financial investment in securing their presence to include a ticketed local food and wine event, the farmers market presentations, a producers lunch and 'familiarisations' with key Bathurst tourism destinations and social media activations.

As a result of integrated promotion of the event through traditional and social media channels, the Friday evening Sustainable Supper sold out all 100 tickets two weeks prior to the event. An estimated 6000 people attended the SLE and farmers markets on Saturday morning (between 8am and midday). The social media reach of the event was approximately 8000 people with 1000 people clicking onto posts to seek more information.

The SLE included four key events this year:

King and Queen of Green

On Friday morning at BMEC the King and Queen of Green delivered an excellent sustainability themed performance for primary school students. Around 550 students attended the performances and took home messages about waste and recycling.

Sustainable Supper

The Sustainable Supper was a relaxed question and answer session held at the Ces English Pavillion at the Showground, MC'd by Janine Hosemans. The chefs were briefed with food waste minimisation and supporting local and seasonal food messages and they wove these into stories and advice given on the evening. Food and wine served on the night was locally

sourced and adapted from Colin Fassnidge's recipes. Non-alcoholic beverages on the night were carbonated 'town water' served with local artisanal cordials and very successfully showcased the quality of the local water. All plates and glasses were reusable and napkins were compostable. Books by both chefs were available for sale and many attendees took the opportunity to have their books signed by the authors and to take selfies.

Sustainable Living Expo

The SLE event attracted significant interest with over 20 local businesses and community groups taking the opportunity to showcase their products and services. Council had a large presence at the Expo with information on all of Council's environmental and sustainability related services and programs. This was supported by a Waste 2 Art workshop providing a hands-on experience.

Matthew Evans gave two 30 minute presentations (8.15am and 10.45am) followed by book signings. He spoke about growing and producing food and his experiences of that. He talked about the value of food, ethical food consumption and minimising food waste by recognising the value and effort in growing food. The presentations were very well received with large audiences for both presentations.

Colin Fassnidge gave a nose to tail cooking demonstration at 9.45am. He spent an hour talking on the breakdown of a local pasture raised suckling pig and how to use both traditional and non-traditional cuts of meat. It was a capacity crowd of 300 people inside the Ces English Pavillion. Colin then spent the next hour signing books and speaking with attendees.

Producers Lunch

To finish the Farmers Markets, all farmers market stallholders were invited to a 'producers lunch' at the end of the SLE. Matthew Evans spoke briefly to the stallholders about his experience producing food and selling through markets. Stallholders were provided with a light lunch that reflected the food cooked on the Friday evening. All produce served was locally produced.

Feedback

Overall feedback from all the events has been very positive. The Farmers Markets and SLE Stallholders were very positive in their feedback. All three of the events held over the period of 24 and 25 March were considered successful due to the large number of people attending the events and the positive feedback which has subsequently been received.

A number of Farmers Market stallholders reported increased sales as a result of the increased number of people at the markets and all of the stallholders enjoyed the lunch provided after the markets and appreciated the recognition of their efforts to make the farmers markets successful. Stallholders were also grateful for the opportunity to hear a guest speaker who had experience very relevant to their own.

SLE stallholders reported a very busy morning with lots of active take up of memberships and interest in products available. Council's own stall was also busy with people asking questions and seeking further information about programs and services.

Considerations for next year

The following were identified as areas that worked very well for the 2017 SLE:

- Leveraged events and activities (Sustainable Supper, Producers lunch, Mount Panorama Lap etc)
- Quality and Profile of the speakers
- A three week pre-promotional period
- The waste to art 'hands on' table
- King and Queen of Green and Zoo to You performances
- Postcards to giveaway promoting the event.

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

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

- 27 **Item 18 2017 SUSTAINABLE LIVING EXPO (23.00124)**
MOVED: Cr M Coote SECONDED: Cr G Westman

RESOLVED: That Council:

- (a) note the report; and
- (b) supports the ongoing growth and innovation in the Sustainable Living Expo.

Yours faithfully



J Bingham
ACTING DIRECTOR
ENVIRONMENTAL, PLANNING & BUILDING SERVICES

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

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

21 JUNE 2017

1 STATEMENT OF INVESTMENTS (16.00001)

Recommendation: That the information be noted.

Report: \$79,000,000 was invested at 31 May, 2017 in accordance with Council's investment policies, the Minister's Investment Order dated 12 January 2011, the Local Government Act 1993 and associated regulations. All investments have been reconciled with Council's general ledger and are listed below:

	<u>Rating</u>	<u>Balance</u>	<u>Average Return</u>
<u>Short Term 1 – 365 Days</u> (comprising Commercial Bills, Term Deposits, Debentures and Certificates of Deposits):			
National Australia Bank Limited	A1+	\$4,000,000.00	2.83%
St George	A1+	\$3,000,000.00	2.77%
Bankwest	A1+	\$4,500,000.00	2.67%
Bank of Queensland Limited	A2	\$18,000,000.00	2.72%
Bendigo and Adelaide Bank Limited	A2	\$500,000.00	2.71%
Newcastle Permanent	A2	\$2,500,000.00	2.80%
Maritime, Mining & Power Credit Union Ltd	A2	\$500,000.00	2.74%
People's Choice Credit Union	A2	\$6,000,000.00	2.69%
G & C Mutual Bank Limited	A3	\$1,500,000.00	2.75%
Railways Credit Union Limited	ADI	<u>\$2,000,000.00</u>	<u>2.85%</u>
		\$42,500,000.00	2.74%
<u>Long Term > 365 Days</u> (comprising Commercial Bills, Term Deposits, Debentures and Bonds):			
<u>Floating Rate Term Deposits</u>			
CBA Deposit Plus	AA-	\$1,500,000.00	2.59%
CBA Deposit Plus 1	AA-	\$1,500,000.00	2.74%
CBA Deposit Plus 2	AA-	\$1,500,000.00	2.82%
WBC Coupon Select	AA-	\$2,000,000.00	2.76%
WBC Coupon Select 1	AA-	\$3,000,000.00	3.00%
Maritime Mining & Power Credit Union Ltd	ADI	<u>\$2,200,000.00</u>	<u>1.70%</u>
		\$11,700,000.00	2.60%
<u>Fixed, Negotiable & Tradeable Certificates of Deposits</u>			
Greater Bank Ltd	BBB	\$1,000,000.00	3.14%
Greater Bank Ltd	BBB	<u>\$2,000,000.00</u>	<u>3.29%</u>
		\$3,000,000.00	3.24%
<u>Floating Rate Notes</u>			
Commonwealth Bank of Aust.	AA-	\$1,000,000.00	2.67%
CBA Climate Bond	AA-	\$1,000,000.00	2.72%
Suncorp Metway	A+	\$1,000,000.00	3.00%
Rabobank	A+	\$1,000,000.00	3.29%

AMP	A	\$1,000,000.00	2.85%
AMP	A	\$800,000.00	2.90%
AMP	A	\$1,000,000.00	3.09%
Macquarie Bank	A	\$1,000,000.00	2.89%
Bank of Queensland	BBB+	\$1,000,000.00	2.80%
Bank of Queensland 1	BBB+	\$2,000,000.00	2.90%
Bank of Queensland 2	BBB+	\$1,000,000.00	2.81%
Bendigo & Adelaide Bank 2	BBB+	\$1,000,000.00	2.73%
Bendigo & Adelaide Bank 3	BBB+	\$1,000,000.00	2.84%
Police Bank Ltd	BBB	\$1,000,000.00	2.84%
Police Bank Ltd 2	BBB	\$1,000,000.00	2.84%
Credit Union Australia 2	BBB	\$1,000,000.00	3.00%
Credit Union Australia 3	BBB	\$1,000,000.00	3.40%
Newcastle Permanent	BBB	\$1,000,000.00	3.14%
Newcastle Permanent 2	BBB	\$1,000,000.00	3.40%
Newcastle Permanent 3	BBB	\$1,000,000.00	3.40%
Members Equity Bank 2	BBB	<u>\$1,000,000.00</u>	<u>2.74%</u>
		\$21,800,000.00	2.96%

Total Investments **\$79,000,000.00** **2.80%**

These funds were held as follows:

Reserves Total (includes unexpended loan funds)	\$42,816,372.00
Grants held for specific purposes	\$2,773,031.00
Section 94 Funds held for specific purposes	\$32,931,328.00
Unrestricted Investments – All Funds	\$479,269.00

Total Investments **\$79,000,000.00**

Total Interest Revenue to 31 May 2017 **\$1,957,820.02** **2.80%**

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

- 28** Item 1 STATEMENT OF INVESTMENTS (16.00001)
MOVED: Cr G Westman SECONDED: Cr I North

RESOLVED: That the information be noted.

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

Recommendation: That the information be noted.

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

At **attachment 1** is an update of Council's progress towards achieving the Strategies and Objectives for the 2016-2020 Delivery Plan and the Annual Operational Plan 2016-2017.

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

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

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

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

MOVED: Cr M Coote SECONDED: Cr M Morse

RESOLVED: That the information be noted.

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

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

Report: At **attachment 1** is a list of Sundry Section 356 Donations, Bathurst Memorial Entertainment Centre Community Use Subsidies and Mount Panorama Fee Subsidies granted by Council for the period ending 31 May 2017.

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

Section 356:	\$Nil
BMEC Community use:	\$Nil
Mount Panorama:	\$7534.57

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

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

MOVED: Cr I North 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.

- Eodo Pty Ltd - 186 Limekilns Road - Part Lot 1, DP 772047 - Transfer
- Regional Constructions Pty Ltd - 1 Poate Street - Lot 1095, DP 1215618 - Transfer
- Regional Constructions Pty Ltd - 40 Governors Parade - Part Lot 1124 - DP 1215618 - Transfer
- C Cox - 193 Morrisset Street - Lot 14 and 15, DP 1089380 - Rural Licence
- Hibbards Pty Ltd - 10 Lew Avenue - Lot 5, DP 1226661 - Transfer
- NSW Trustee & Guardian - Shop 2, 230 Howick Street - Lot 2, DP 274489 - Lease

Linen Plan Release

- Nil

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

- 31 Item 4 POWER OF ATTORNEY (11.00007)
MOVED: Cr B Bourke SECONDED: Cr M Morse

RESOLVED: That the information be noted.

5 APPOINTMENT OF STATE EMERGENCY SERVICE VOLUNTEER CONTROLLERS - BATHURST AND SOFALA UNITS (18.00043)

Recommendation: That Council advise the NSW State Emergency Service that Council supports

- (a) the re-appointment of Mr Gavan Ellis as Volunteer Local Controller for the Bathurst Unit
- (b) the re-appointment of Ms Jessie Davidson as the Volunteer Unit Controller for the Bathurst Unit
- (c) the appointment of Mr Michael Cole as the Volunteer Unit Controller for the Sofala Unit

Report: Section 17 (1) of the State Emergency Service Act, 1989 states:

- (1) *The Commissioner may, on the recommendation of the council of a local government area, appoint one or more persons as the local controller for the area.*

Council has received correspondence from Craig Ronan, Region Controller, NSW State Emergency Service (SES) advising of the following proposed volunteer appointments for the Bathurst and Sofala SES units. The appointments are for a period of up to 2 years commencing on 1 August 2017 and are based on a period of satisfactory performance in the roles.

NSW SES Local and Unit Controllers are appointed by the Commissioner of the NSW SES and appointments are generally based upon the recommendation of the relevant Council and Region Controller. NSW SES seek confirmation of support for the following appointments:- the re-appointment of Mr Gavan Ellis as Volunteer Local Controller for the Bathurst Unit, the re-appointment of Ms Jessie Davidson as the Volunteer Unit Controller for the Bathurst Unit, the appointment of Mr Michael Cole as the Volunteer Unit Controller for the Sofala Unit.

It is recommended that Council advise the NSW State Emergency Service that Council supports

- (a) the re-appointment of Mr Gavan Ellis as Volunteer Local Controller for the Bathurst Unit
- (b) the re-appointment of Ms Jessie Davidson as the Volunteer Unit Controller for the Bathurst Unit
- (c) the appointment of Mr Michael Cole as the Volunteer Unit Controller for the Sofala Unit.

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 29: To guide the construction and provision of new infrastructure/facilities and services and the management and upgrading of existing assets and service levels. Strategy 29.6
- Objective 22: To improve community safety. Strategy 22.8

MINUTE

32 Item 5 APPOINTMENT OF STATE EMERGENCY SERVICE VOLUNTEER CONTROLLERS - BATHURST AND SOFALA UNITS (18.00043)

MOVED: Cr M Coote SECONDED: Cr M Morse

RESOLVED: That Council advise the NSW State Emergency Service that Council supports

- (a) the re-appointment of Mr Gavan Ellis as Volunteer Local Controller for the Bathurst Unit
- (b) the re-appointment of Ms Jessie Davidson as the Volunteer Unit Controller for the Bathurst Unit
- (c) the appointment of Mr Michael Cole as the Volunteer Unit Controller for the Sofala Unit

6 SUBMISSIONS - DRAFT DELIVERY PLAN 2017-2021 AND ANNUAL OPERATIONAL PLAN 2017/2018 (16.00148)

Recommendation: That Council consider the submissions individually.

Report: Council has had the Draft Bathurst Delivery Plan 2017-2021 and Annual Operational Plan 2017/2018 (DP/AOP) on exhibition for the required period of 28 days.

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

(a) Robin Hill Sewerage Service

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

Report: Council has received a submission from Mr & Mrs Graf along with a petition, see **attachment 1**, requesting the extension of sewerage services to the Robin Hill area. Council's Engineering Department has commenced investigations into this matter and has scheduled these works at a future date.

Financial implications: If the recommendation is adopted, there will be no change to the Bathurst Delivery Plan 2017-2021 and Annual Operational Plan 2017/2018.

(b) Mitre / Lambert / Suttor Street Intersection

Recommendation: That:

- (a) Council note the submissions from community members
- (b) Should Council be unsuccessful in securing sufficient Blackspot Funding for the Mitre/Suttor/Lambert Street project, that a report be presented to Council to fund this project from the 2017/2018 budget.

Report: Contained within Council's draft budget is an amount of \$1.7 million for an upgrade to the intersection of Mitre, Lambert and Suttor Streets. The Engineering plan that has been on display shows a roundabout as the best solution. Included in that plan is a pedestrian island to replace the current pedestrian crossing.

All submissions, shown at **attachments 2 to 13**, are in favour of the roundabout; however, they are opposed to the change in the pedestrian crossing. It should be noted that the design on display is only a preliminary draft for discussion purposes and, after the adoption of the budget, a more detailed plan with the opportunity for community input will be completed.

Councillor Bourke has also completed a submission, **attachment 14**, to the DP/AOP requesting that if Council is unsuccessful in its application for Blackspot funding, that a further report be presented to Council with other funding options.

Financial implications: If the recommendation is adopted, there will be no change to the Bathurst Delivery Plan 2017-2021 and Annual Operational Plan 2017/2018.

(c) **Bathurst Regional Access Committee (BRAC) – Funding the International Day of People with Disability (IDPwD)**

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

Report: BRAC have requested (shown at **attachment 13**) that \$1,500 be allocated for a contribution to running costs of the IDPwD. The event was run last year by the Bathurst Community Alliance and prior to that Council provided a small contribution.

The amount proposed has not been justified by reference to costs incurred and it is suggested that Bathurst Community Alliance put together a funding proposal and seek a donation from Council through the Section 356 process.

Financial implications: If the recommendation is adopted, there will be no change to the Bathurst Delivery Plan 2017-2021 and Annual Operational Plan 2017/2018.

(d) **Bathurst Regional Access Committee (BRAC) – Upgrade of Bathurst Memorial Entertainment Centre (BMEC) toilets**

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

Report: BRAC have requested (shown at **attachment 13**) that the top floor toilets in BMEC be upgraded to accommodate current disability standards. BMEC currently has compliant toilets on the ground floor and a lift for disabled access from the top floor to the ground floor. Due to the nature of the original building that now accommodates BMEC, the top floor toilets have steps down into the toilets, making them inaccessible for people with a disability. Reconstruction of this area would involve major expenditure.

Due to the prohibitive costs and noting that existing facilities are available, it is recommended that Council not amend the DP/AOP for this request.

Financial implications: If the recommendation is adopted, there will be no change to the Bathurst Delivery Plan 2017-2021 and Annual Operational Plan 2017/2018.

(e) **Bathurst Regional Access Committee (BRAC) – Installation of an access mobility aid at the Australian Fossil & Mineral Museum (AFMM)**

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

Report: BRAC have noted with concern (shown at **attachment 13**) that there is no provision of the installation of an access mobility aid such as a stair lift or platform lift to enable disabled access to the mezzanine floor of the AFMM.

BRAC have also requested (shown at **attachment 13**) that people with a disability, who are unable to traverse the stairs to the mezzanine level, be offered a concessional entry fee as they are unable to view the whole collection.

The current admission fee structure for 2016/2017 is:

Adults	\$14.00

Concession (Seniors & Pensioners)	\$10.00
Students	\$10.00
Children 5-16 years	\$7.00
Children under 5 years	Free
Carers accompanying person under care	Free

Those wishing to enter via a "Concession" admission must hold a valid Government issued Senior or Pensioners card.

The original renovation of the AFMM was completed several years ago, with BCA guidelines being met at that time. 95% of the collection is located in the accessible areas of the AFMM. Council staff will investigate opportunities to move the small amount of exhibits currently located on the mezzanine level to the ground floor. The outcomes of those investigations will be advised to BRAC.

Council will also be undertaking a strategic review of the Australian Fossil & Mineral Museum during 2017/2018 and the Bathurst Regional Access Committee will be included in the consultation process as part of this review.

Financial implications: If the recommendation is adopted, there will be no change to the Bathurst Delivery Plan 2017-2021 and Annual Operational Plan 2017/2018.

(f) Bathurst Regional Access Committee (BRAC) – Senior Staff

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

Report: BRAC have asked (shown at **attachment 13**) why Doug Patterson is listed as a senior staff member.

Mr Patterson is a current employee of Council and continues to be an employee after the 2017/2018 financial year (reporting period) has commenced.

Financial implications: If the recommendation is adopted, there will be no change to the Bathurst Delivery Plan 2017-2021 and Annual Operational Plan 2017/2018.

(g) Bathurst Regional Access Committee (BRAC) – Community Strategic Plan (CSP) Objectives

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

Report: BRAC have requested at items 8, 9, 10, 11 and 12 (shown at **attachment 13**) that some CSP objectives change to include accessibility references. The CSP was developed in 2011 with the new Council and with consultation with the public and various community groups. The plan was on public display for submissions at that time. The content used from that plan is static until a new plan is developed.

A new CSP will be developed in consultation with the new Council, community groups and the public after the Local Government elections in September 2017. BRAC will be included in the CSP development process and will have the opportunity for input at that time.

The Destination Management Plan is currently under review with a view to incorporating inclusive tourism, refer to the report from the Director Cultural & Community Services to this meeting. The Disability Inclusion Action Plan is also being considered at this meeting which includes accessibility, refer to the report from the Director Cultural & Community Services to this meeting, and this plan will inform the Community Strategic Plan's development.

Financial implications: If the recommendation is adopted, there will be no change to the Bathurst Delivery Plan 2017-2021 and Annual Operational Plan 2017/2018.

(h) Mobile Coin-Operated Go-Kart Track

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

Report: Council has received a submission from Tony Thorpe, shown at **attachment 15** suggesting that Council incorporate a mobile coin-operated go-kart track to be established adjacent to the Community Opportunity Shop.

This project would require a significant amount of planning and will be considered by Council during the ensuing year for possible inclusion in future budgets.

Financial implications: If the recommendation is adopted, there will be no change to the Bathurst Delivery Plan 2017-2021 and Annual Operational Plan 2017/2018.

(i) Water/Sculptural/Multimedia Feature at the Entrance to Bathurst

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

Report: Council has received a submission from Tony Thorpe, shown at **attachment 16**, for a large metallic piece that is sculpted and part of a metallic backdrop to a large recirculating water sheet that at night is both backlit and uses an all-weather projection of historic Bathurst landmarks and images to be constructed on the southern side of the Evans Bridge.

Council has recently engaged dsb Landscape Architects to undertake a scoping study to develop a minimum of 3 concept options for an entrance statement on Sydney Road, Bathurst. The submission by Mr Thorpe while a submission on the DP/AOP has been referred to dsb Landscape Architects for consideration as part of their scoping study. As a result of this action it is recommended that Council not amend the DP/AOP.

Financial implications: If the recommendation is adopted, there will be no change to the Bathurst Delivery Plan 2017-2021 and Annual Operational Plan 2017/2018.

(j) Keppel Street Roundabout Planting

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

Report: A submission has been received from Warwick Artis, shown at **attachment 17**, to include irrigation, drainage and planting out the roundabout at the intersection of Keppel Street and Bentinck Street.

The roundabout at Keppel and Bentinck Streets does not currently have access to a water supply. The Parks Department has looked into this project and the works involved are quite substantial. It is therefore recommended not to incorporate this request into the DP/AOP.

Financial implications: If the recommendation is adopted, there will be no change to the Bathurst Delivery Plan 2017-2021 and Annual Operational Plan 2017/2018.

(k) Greening Bathurst

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

Report: A submission has been received from Greening Bathurst, shown at **attachment 18**, to include annual funding of their organisation.

Support of this organisation could be requested in the annual Section 356 donations program and therefore it is not recommended to incorporate this request into the current DP/AOP.

Financial implications: If the recommendation is adopted, there will be no change to the Bathurst Delivery Plan 2017-2021 and Annual Operational Plan 2017/2018.

(l) Bathurst Seymour Centre Retaining Wall

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

Report: Council has received a submission from Bathurst Seymour Centre, shown at **attachment 19**, requesting the re-construction of a retaining wall at the rear of the property.

The site is to be inspected by Council's engineers with a view to determining what works are required and the urgency of the problem. Until this preliminary work has been completed, Council is not in a position to allocate funding to the project. A separate report, if required, will come back to Council for consideration.

Financial implications: If the recommendation is adopted, there will be no change to the Bathurst Delivery Plan 2017-2021 and Annual Operational Plan 2017/2018.

(m) Water and Sewerage Availability Charges

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

Report: Council has received submissions by Ray Carter, on behalf of his company Prefabricated Buildings Pty Ltd and other associated companies (see **attachment 20**), Horton Rhodes Lawyers, acting for Prefabricated Buildings Pty Limited (see **attachment 21**) and Heath Consulting Engineers (see **attachment 22**) in relation to water and sewerage service availability charges. The submissions request Council to review the method of water and sewer fund non-residential access charges. Council has reviewed these access

charges and has found that they reflect a cost recovery on each of the services. Council's Water and Sewer Funds are based on Council recovering its operational costs by way of income received respectively from water and sewerage access charges together with income from usage charges.

Council uses the availability pricing method shown in NSW Government's Best Practice Management of Water Supply and Sewerage Guidelines.

Council's calculation of the access charges have been reviewed by the Minister for Water and Utilities in 2004 and the Minister for Water in 2009. Both Ministers have supported Council's approach as "responsible" and "appropriate".

The power to impose availability (s501) and usage (s502) charges have also recently been contested in court and found to be legal charges. Horton Rhodes Lawyers represented Prefabricated Buildings Pty Ltd in the NSW Land and Environment Court against Council regarding this matter. Prefabricated Buildings Pty Ltd's application was dismissed with Robson J finding that "it appears clear that Council is entitled to charge for services based on both actual use and availability of those services" and that the accessibility charges had not been unlawfully levied under the Act. A copy of the decision [2017] NSWLEC 44 is shown at **attachment 23**.

Financial implications: If the recommendation is adopted, there will be no change to the Bathurst Delivery Plan 2017-2021 and Annual Operational Plan 2017/2018.

(n) Submission from Mr G A Crisp

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

Report: Council has received a submission from Mr G A Crisp dated 5 June 2017. Mr Crisp's contention is that Council overcharges customers with low water usage in order to subsidise customers with high usage.

As shown in the previous item, Council's water and sewerage charges have been reviewed by independent bodies. tested in court and found to be legally charged and The charges are in accordance with NSW Best Practice Guidelines. Council's power to impose an availability charge (s501) and usage charge (s502) has been approved of by the Land and Environment Court.

Best practice recommends a two-part charge for water supply, an availability charge and a two-step usage charge that discourages high consumption by setting the second step at not less than 150% of the first step. Accordingly, Council is proposing in 2017/2018 a charge of \$1.95 per 1,000 litres for the first 250,000 litres used and then \$2.93 for every 1,000 litres thereafter. The system therefore rewards consumers who have a lower usage with higher usage attracting a higher per kilolitre charge.

The submission by Mr Crisp also contains complaints and allegations much of which are unrelated to the DP/AOP process. It is not possible to dissect those matters from the remainder of the submission. Much of the material:

- (i) has been raised before
- (ii) involves allegations made against a range of persons and is not necessarily related to the Bathurst Delivery Plan 2017-2021 or the Annual Operational Plan 2017/2018

(iii) is defamatory and will not be re-published by Council.

The submission from Mr Crisp has been provided to Councillors as a confidential memorandum **under separate cover**.

Financial implications: If the recommendation is adopted, there will be no change to the Bathurst Delivery Plan 2017-2021 and Annual Operational Plan 2017/2018.

Financial Implications: If the recommendations are adopted, there will be no change to the Bathurst Delivery Plan 2017-2021 and Annual Operational Plan 2017/2018.

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

33 Item 6 SUBMISSIONS - DRAFT DELIVERY PLAN 2017-2021 AND ANNUAL OPERATIONAL PLAN 2017/2018 (16.00148)

MOVED: Cr I North SECONDED: Cr M Coote

RESOLVED: That Council consider the submissions individually.

MINUTE

34 Item 6.01 SUBMISSIONS - DRAFT DELIVERY PLAN 2017-2021 AND ANNUAL OPERATIONAL PLAN 2017/2018 (16.00148)

MOVED: Cr M Coote SECONDED: Cr M Morse

(a) Robin Hill Sewerage Service

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

MINUTE

35 Item 6.02 SUBMISSIONS - DRAFT DELIVERY PLAN 2017-2021 AND ANNUAL OPERATIONAL PLAN 2017/2018 (16.00148)

MOVED: Cr B Bourke SECONDED: Cr I North

(b) Mitre / Lambert / Suttor Street Intersection

RESOLVED: That:

- (a) Council note the submissions from community members
- (b) Should Council be unsuccessful in securing sufficient Blackspot Funding for the Mitre/Suttor/Lambert Street project, that a report be presented to Council to fund this project from the 2017/2018 budget.

MINUTE

36 Item 6.03 SUBMISSIONS - DRAFT DELIVERY PLAN 2017-2021 AND ANNUAL OPERATIONAL PLAN 2017/2018 (16.00148)

MOVED: Cr M Coote SECONDED: Cr I North

(c) Bathurst Regional Access Committee (BRAC) – Funding the International Day of People with Disability (IDPwD)

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

MINUTE

37 Item 6.04 SUBMISSIONS - DRAFT DELIVERY PLAN 2017-2021 AND ANNUAL OPERATIONAL PLAN 2017/2018 (16.00148)

MOVED: Cr M Coote SECONDED: Cr I North

(d) Bathurst Regional Access Committee (BRAC) – Upgrade of Bathurst Memorial Entertainment Centre (BMEC) toilets

RESOLVED: That

- (a) Council not amend the DP/AOP in respect of the submission.
- (b) A report be prepared for Council on the disabled toilet provision for the BMEC and the Administration Buildings.

MINUTE

38 Item 6.05 SUBMISSIONS - DRAFT DELIVERY PLAN 2017-2021 AND ANNUAL OPERATIONAL PLAN 2017/2018 (16.00148)

MOVED: Cr G Westman SECONDED: Cr M Coote

(e) Bathurst Regional Access Committee (BRAC) – Installation of an access mobility aid at the Australian Fossil & Mineral Museum (AFMM)

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

MINUTE

39 Item 6.06 SUBMISSIONS - DRAFT DELIVERY PLAN 2017-2021 AND ANNUAL OPERATIONAL PLAN 2017/2018 (16.00148)

MOVED: Cr M Coote SECONDED: Cr I North

(f) **Bathurst Regional Access Committee (BRAC) – Senior Staff**

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

MINUTE

40 Item 6.07 SUBMISSIONS - DRAFT DELIVERY PLAN 2017-2021 AND ANNUAL OPERATIONAL PLAN 2017/2018 (16.00148)

MOVED: Cr M Coote SECONDED: Cr G Westman

(g) Bathurst Regional Access Committee (BRAC) – Community Strategic Plan (CSP) Objectives

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

MINUTE

41 Item 6.08 SUBMISSIONS - DRAFT DELIVERY PLAN 2017-2021 AND ANNUAL OPERATIONAL PLAN 2017/2018 (16.00148)

MOVED: Cr M Coote SECONDED: Cr M Morse

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

Reason: Manages Bathurst Community Opp-Shop

(h) Mobile Coin-Operated Go-Kart Track

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

MINUTE

42 Item 6.09 SUBMISSIONS - DRAFT DELIVERY PLAN 2017-2021 AND ANNUAL OPERATIONAL PLAN 2017/2018 (16.00148)

MOVED: Cr I North SECONDED: Cr G Westman

(i) **Water/Sculptural/Multimedia Feature at the Entrance to Bathurst**

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

MINUTE

43 Item 6.1 SUBMISSIONS - DRAFT DELIVERY PLAN 2017-2021 AND ANNUAL OPERATIONAL PLAN 2017/2018 (16.00148)

MOVED: Cr M Coote SECONDED: Cr G Westman

(j) Keppel Street Roundabout Planting

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

MINUTE

44 Item 6.11 SUBMISSIONS - DRAFT DELIVERY PLAN 2017-2021 AND ANNUAL OPERATIONAL PLAN 2017/2018 (16.00148)

MOVED: Cr M Morse SECONDED: Cr I North

(k) **Greening Bathurst**

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

MINUTE

45 Item 6.12 SUBMISSIONS - DRAFT DELIVERY PLAN 2017-2021 AND ANNUAL OPERATIONAL PLAN 2017/2018 (16.00148)

MOVED: Cr M Morse SECONDED: Cr M Coote

(I) Bathurst Seymour Centre Retaining Wall

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

MINUTE

46 Item 6.13 SUBMISSIONS - DRAFT DELIVERY PLAN 2017-2021 AND ANNUAL OPERATIONAL PLAN 2017/2018 (16.00148)

MOVED: Cr B Bourke SECONDED: Cr M Morse

(m) **Water and Sewerage Availability Charges**

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

MINUTE

47 Item 6.14 SUBMISSIONS - DRAFT DELIVERY PLAN 2017-2021 AND ANNUAL OPERATIONAL PLAN 2017/2018 (16.00148)

MOVED: Cr B Bourke SECONDED: Cr M Coote

(n) **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.

7 DELIVERY PLAN 2017-2021 AND ANNUAL OPERATIONAL PLAN 2017/2018 (16.00148)

Recommendation: That:

- (a) Following consideration of the submissions received by Council, the Draft Delivery Plan 2017-2021 and Annual Operational Plan 2017/2018 be adopted as the Bathurst Regional Council Delivery Plan and Annual Operational 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 Operational Plan 2017/2018 be voted.
- (b) Councillors remuneration be set at the maximum level for the category Regional Rural as published by the Local Government Remuneration Tribunal.

Report: The Draft Delivery Plan 2017-2021 and Annual Operational Plan 2017/2018 has been advertised for the statutory 28 days and submissions were received during the exhibition period.

Council considered these submissions in the previous report (DCSF #6 of 21 June 2017) and any adjustment to the Draft Delivery Plan 2017-2021 and Annual Operational Plan 2017/2018 adopted at that item will now have to be included in the formal adoption of the Plan.

The adopted budget contains an allowance for Councillors to be paid in accordance with the maximum level allowed by the Local Government Remuneration Tribunal under the category, Regional Rural, as shown at **attachment 1**.

Financial Implications: The Delivery Plan 2017-2021 and Annual Operational Plan 2017/2018 is the budget of the Bathurst Regional Council for the 2017/2018 financial year.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

48 Item 7 DELIVERY PLAN 2017-2021 AND ANNUAL OPERATIONAL PLAN 2017/2018 (16.00148)

MOVED: Cr M Coote SECONDED: Cr I North

RESOLVED: That:

- (a) Following consideration of the submissions received by Council, the Draft Delivery Plan 2017-2021 and Annual Operational Plan 2017/2018 be adopted as the Bathurst Regional Council Delivery Plan and Annual Operational 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 Operational Plan 2017/2018 be voted.
- (b) Councillors remuneration be set at the maximum level for the category Regional Rural as published by the Local Government Remuneration Tribunal.

8 2017/2018 REVENUE POLICY (16.00148)

Recommendation: That, following consideration of the submissions received by Council, the Revenue Policy for 2017/2018, as presented to Council, be adopted as the Bathurst Regional Council 2017/2018 Revenue Policy with the inclusion of any amendments adopted as a result of the submissions received

Report: Council's Revenue Policy for 2017/2018 has been advertised for the statutory 28 days and submissions considered by Council.

Included in this year's Plan is the provision of eight waste management vouchers consisting of:

- two (2) x Mixed Refuse Vouchers of 200kg each
- two (2) x Mixed Refuse Vouchers of 100kg each
- two (2) x Green Waste Vouchers of 200kg each, and
- two (2) x Green Waste Vouchers of 100kg each.

Vouchers have been issued to ratepayers for a number of years. The number of vouchers was amended last year to assist ratepayers in getting better value from the issued vouchers. The usage will be monitored during 2017/2018 for review and modification, if required, during next year's budget process.

Financial Implications: The 2017/2018 Revenue Policy sets out the fees and charges for Council services for the 2017/2018 financial year. These fees and charges assist Council to achieve its budgeted income for the year.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

- 49 **Item 8 2017/2018 REVENUE POLICY (16.00148)**
MOVED: Cr M Coote SECONDED: Cr I North

RESOLVED: That, following consideration of the submissions received by Council, the Revenue Policy for 2017/2018, as presented to Council, be adopted as the Bathurst Regional Council 2017/2018 Revenue Policy with the inclusion of any amendments adopted as a result of the submissions received

9 2017/2018 RATE LEVY (16.00148)

Recommendation: That Council formally resolve to make the following rates and charges in relation to the 2017/2018 Rating Year.

- (a) ORDINARY RATES FOR 2017/2018 - That in accordance with Sections 534 and 535 of the Local Government Act, 1993, WHEREAS the Bathurst Delivery Plan 2017-2021 and Annual Operational Plan 2017/2018 for the twelve months to 30 June 2018 was adopted by the Council on 21 June 2017 it is hereby recommended that:
1. a **Residential Rate** of zero point two eight two five three five (0.282535) 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 one nine six nine nine (0.919699) 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 five one five one (0.215151) 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 four four zero six three (0.444063) 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 zero two seven zero nine (1.802709) 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 six one one one eight (1.561118) 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 six one one one eight (1.561118) 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 six one one one eight (1.561118) 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 six one one one eight (1.561118) 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 six one one one eight (1.561118) 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 six one one one eight (1.561118) 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 four three three zero one (0.343301) 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 2017/2018 Rating Year subject to the following Minimum and Base Amounts in accordance with Section 548 and Section 499 of the Local Government Act, 1993, AND THAT aggregation of values of certain parcels of land subject to a minimum or base amount in accordance with Section 548A of the Local Government Act, 1993, be permitted.

	Category	Minimum Amount	Base Amount	%Yield Base Amount
1	Residential		\$256.00	33
2	Residential/Town Village	\$365.00		
3	Farmland		\$347.00	25
4	Business	\$254.00		
5	Business Bathurst City	\$390.00		
6	Business Forest Grove	\$390.00		
7	Business Ceramic Avenue	\$390.00		
8	Business Eglinton Non-Urban	\$390.00		
9	Business Orton Park	\$390.00		
10	Business Stewarts Mount	\$390.00		
11	Business Evans Plains	\$390.00		
12	Mining		\$224.00	48

- (b) DOMESTIC WASTE MANAGEMENT CHARGES FOR 2017/2018 - That the annual residential charge – Standalone Dwellings 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 2017 being three hundred and seventy seven dollars and zero cents (\$377.00) 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 the annual residential charge for Other than Standalone Dwellings for the removal of weekly general waste, and the fortnightly collection of material for recycling for the twelve months commencing 1 July 2017 being two hundred and seventy nine dollars and zero cents (\$279.00), 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 2017 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 ninety four dollars and zero cents (\$194.00) 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 2017/2018 (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 ninety four dollars (\$194.00) 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 2017 be made by the Council.
- (d) **WASTE MANAGEMENT SERVICE CHARGES – RURAL AREAS FOR 2017/2018** 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 2017 being eighty one dollars (\$81.00) 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 2017/2018** – 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 2017.
1. That the annual charge for single residential (including residential strata) and un-metered properties, be five hundred and fifty six dollars and zero cents (\$556.00).
 2. That the annual charge for vacant land be three hundred and fifty three dollars and zero cents (\$353.00).
 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 2017/2018
20	\$501.00
25	\$780.00
32	\$1278.00
40	\$2000.00
50	\$3123.00
65	\$5023.00

80	\$7989.00
100	\$12483.00
150	\$28083.00
Strata Properties (Each non-residential lot)	\$501.00
Assumption School	\$1564.00

- That the Sewer Usage Charge (Section 502) for non-residential and multiple residential properties be one dollar and sixty five cents (\$1.65) per kilolitre of filtered water supplied multiplied by a sewerage discharge factor.

(g) SEWERAGE CHARGES -TRADE WASTE 2017/2018

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 2017.

- That the Annual Trade Waste Fee for individual businesses be one hundred and thirteen dollars and thirty cents (\$113.30).
- That the Annual Trade Waste Fee (Large Discharger) for individual business be seven hundred and fifty six dollars and forty cents (\$756.40).
- That the Trade Usage Charge for non-residential properties be two dollars and seventy cents (\$2.70) per kilolitre of filtered water supplied multiplied by a trade discharge factor.

(h) WATER CHARGES 2017/2018 – 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 2017.

- 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 2017/2018 \$
20	\$175.00
25	\$274.00
32	\$448.00
40	\$701.00
50	\$1094.00
65	\$1848.00
80	\$2797.00
100	\$4369.00
150	\$9831.00
Hillview Water Supply	\$159.00

- That the minimum annual water availability charge for each unit within a Strata development be one hundred and seventy five dollars and zero cents (\$175.00).

3. That the annual water availability charge for vacant unconnected land be one hundred and seventy five dollars and zero cents (\$175.00).
4. That the annual water availability charge for unmetered or unconnected properties be seven hundred and forty seven dollars and zero cents (\$747.00).
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 seventy five dollars and zero cents (\$175.00).
6. That Water Usage Charges (Section 502) be as follows in the below table.

Type	Consumption	Tariff per kilolitre for 2017/2018
Hillview Estate Water Supply	First 250 kl	\$2.05
	> 250 kl	\$4.10
Residential Filtered	First 250 kl	\$1.95
	> 250 kl	\$2.93
Residential Raw	First 250 kl	\$0.86
	> 250 kl	\$1.29
Other Filtered	First 250 kl	\$1.95
	> 250 kl	\$2.93
Other Raw	First 250 kl	\$0.86
	> 250 kl	\$1.29
Large Industrial Filtered	>0 kl	\$1.65
Large Industrial Raw	>0 kl	\$1.04
Community Clubs:	First 18,000 kl	\$0.77
Golf, Majellan & Bathurst Community Club	>18,000kl to 32,000kl	\$1.02
	Balance	\$1.51
Strata Unit property	First 250 kl (for each unit)	\$1.95
	>250 kl (for each unit)	\$2.93
Home Dialysis – subject to doctors certificate	First 200 kl	Free
	200kl-250 kl	\$1.95
	>250 kl	\$2.93
Hospital	1 st x patient average	Free
	Balance per KL	\$2.93

- (i) Included in this year's Bathurst Delivery Plan 2017-2021 and Annual Operational Plan 2017/2018 in the Water Fund are amounts for Operational expenditure at the Aquatic Centre. This is to be financed from revenue raised from the Water Fund as detailed in the Plan.
- (j) INTEREST ON OVERDUE RATES AND CHARGES FOR 2017/2018 – That in accordance with Section 566 of the Local Government Act, 1993 Council charge interest on overdue rates at a rate of 7.5 % per annum for the 12 month period commencing 1 July 2017 as advised by the Minister.
- (k) The rates and charges have been based upon the advertised estimates of income and expenditure, which provided for increases in Ordinary Rates of 1.5%, a 5.0% increase

in Sewer Charges, Waste Charges have been calculated on the basis of the reasonable cost of providing the service and Water Charges have been calculated on achieving a 25/75 basis (25% access charge and 75% usage charge) based on the Best Practice Guidelines introduced by the NSW Office of Water, August 2007.

Report: As per the recommendation.

Financial Implications: The Rates and charges for the year are included in the Revenue Policy which forms part of the adopted Delivery Plan 2017-2021 and Annual Operational Plan 2017/2018.

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

50 Item 9 2017/2018 RATE LEVY (16.00148) MOVED: Cr I North SECONDED: Cr M Coote

RESOLVED: That Council formally resolve to make the following rates and charges in relation to the 2017/2018 Rating Year.

- (a) ORDINARY RATES FOR 2017/2018 - That in accordance with Sections 534 and 535 of the Local Government Act, 1993, WHEREAS the Bathurst Delivery Plan 2017-2021 and Annual Operational Plan 2017/2018 for the twelve months to 30 June 2018 was adopted by the Council on 21 June 2017 it is hereby recommended that:
1. a **Residential Rate** of zero point two eight two five three five (0.282535) 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 one nine six nine nine (0.919699) 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 five one five one (0.215151) 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 four four zero six three (0.444063) 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 zero two seven zero nine (1.802709) 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 six one one one eight (1.561118) 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 six one one one eight (1.561118) 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 six one one one eight (1.561118) 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 six one one one eight (1.561118) 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 six one one one eight (1.561118) 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 six one one one eight (1.561118) 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 four three three zero one (0.343301) 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 2017/2018 Rating Year subject to the following Minimum and Base Amounts in accordance with Section 548 and Section 499 of the Local Government Act, 1993, AND THAT aggregation of values of certain parcels of land subject to a minimum or base amount in accordance with Section 548A of the Local Government Act, 1993, be permitted.

	Category	Minimum Amount	Base Amount	%Yield Base Amount
1	Residential		\$256.00	33
2	Residential/Town Village	\$365.00		
3	Farmland		\$347.00	25
4	Business	\$254.00		
5	Business Bathurst City	\$390.00		
6	Business Forest Grove	\$390.00		
7	Business Ceramic Avenue	\$390.00		
8	Business Eglinton Non-Urban	\$390.00		
9	Business Orton Park	\$390.00		
10	Business Stewarts Mount	\$390.00		
11	Business Evans Plains	\$390.00		
12	Mining		\$224.00	48

- (b) DOMESTIC WASTE MANAGEMENT CHARGES FOR 2017/2018 - That the annual residential charge – Standalone Dwellings 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 2017 being three hundred and seventy seven dollars and zero cents (\$377.00) 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 the annual residential charge for Other than Standalone Dwellings for the removal of weekly general waste, and the fortnightly collection of material for recycling for the twelve months commencing 1 July 2017 being two hundred and

seventy nine dollars and zero cents (\$279.00), 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 2017 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 ninety four dollars and zero cents (\$194.00) 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 2017/2018 (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 ninety four dollars (\$194.00) 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 2017 be made by the Council.
- (d) WASTE MANAGEMENT SERVICE CHARGES – RURAL AREAS FOR 2017/2018 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 2017 being eighty one dollars (\$81.00) 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 2017/2018 – 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 2017.
1. That the annual charge for single residential (including residential strata) and un-metered properties, be five hundred and fifty six dollars and zero cents (\$556.00).
 2. That the annual charge for vacant land be three hundred and fifty three dollars and zero cents (\$353.00).
 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 2017/2018
20	\$501.00
25	\$780.00
32	\$1278.00
40	\$2000.00

50	\$3123.00
65	\$5023.00
80	\$7989.00
100	\$12483.00
150	\$28083.00
Strata Properties (Each non-residential lot)	\$501.00
Assumption School	\$1564.00

- That the Sewer Usage Charge (Section 502) for non-residential and multiple residential properties be one dollar and sixty five cents (\$1.65) per kilolitre of filtered water supplied multiplied by a sewerage discharge factor.

(g) SEWERAGE CHARGES -TRADE WASTE 2017/2018

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 2017.

- That the Annual Trade Waste Fee for individual businesses be one hundred and thirteen dollars and thirty cents (\$113.30).
- That the Annual Trade Waste Fee (Large Discharger) for individual business be seven hundred and fifty six dollars and forty cents (\$756.40).
- That the Trade Usage Charge for non-residential properties be two dollars and seventy cents (\$2.70) per kilolitre of filtered water supplied multiplied by a trade discharge factor.

(h) WATER CHARGES 2017/2018 – 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 2017.

- 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 2017/2018 \$
20	\$175.00
25	\$274.00
32	\$448.00
40	\$701.00
50	\$1094.00
65	\$1848.00
80	\$2797.00
100	\$4369.00
150	\$9831.00

Hillview Water Supply	\$159.00
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2. That the minimum annual water availability charge for each unit within a Strata development be one hundred and seventy five dollars and zero cents (\$175.00).
3. That the annual water availability charge for vacant unconnected land be one hundred and seventy five dollars and zero cents (\$175.00).
4. That the annual water availability charge for unmetered or unconnected properties be seven hundred and forty seven dollars and zero cents (\$747.00).
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 seventy five dollars and zero cents (\$175.00).
6. That Water Usage Charges (Section 502) be as follows in the below table.

Type	Consumption	Tariff per kilolitre for 2017/2018
Hillview Estate Water Supply	First 250 kl	\$2.05
	> 250 kl	\$4.10
Residential Filtered	First 250 kl	\$1.95
	> 250 kl	\$2.93
Residential Raw	First 250 kl	\$0.86
	> 250 kl	\$1.29
Other Filtered	First 250 kl	\$1.95
	> 250 kl	\$2.93
Other Raw	First 250 kl	\$0.86
	> 250 kl	\$1.29
Large Industrial Filtered	>0 kl	\$1.65
Large Industrial Raw	>0 kl	\$1.04
Community Clubs:	First 18,000 kl	\$0.77
Golf, Majellan & Bathurst Community Club	>18,000kl to 32,000kl	\$1.02
	Balance	\$1.51
Strata Unit property	First 250 kl (for each unit)	\$1.95
	>250 kl (for each unit)	\$2.93
Home Dialysis – subject to doctors certificate	First 200 kl	Free
	200kl-250 kl	\$1.95
	>250 kl	\$2.93
Hospital	1 st x patient average	Free
	Balance per KL	\$2.93

- (i) Included in this year's Bathurst Delivery Plan 2017-2021 and Annual Operational Plan 2017/2018 in the Water Fund are amounts for Operational expenditure at the Aquatic Centre. This is to be financed from revenue raised from the Water Fund as detailed in the Plan.
- (j) INTEREST ON OVERDUE RATES AND CHARGES FOR 2017/2018 – That in accordance with Section 566 of the Local Government Act, 1993 Council charge interest on overdue rates at a rate of 7.5 % per annum for the 12 month period

commencing 1 July 2017 as advised by the Minister.

- (k) The rates and charges have been based upon the advertised estimates of income and expenditure, which provided for increases in Ordinary Rates of 1.5%, a 5.0% increase in Sewer Charges, Waste Charges have been calculated on the basis of the reasonable cost of providing the service and Water Charges have been calculated on achieving a 25/75 basis (25% access charge and 75% usage charge) based on the Best Practice Guidelines introduced by the NSW Office of Water, August 2007.

**10 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE
(11.00005, 21.00022, 22.10764, 04.00041, 22.16067, 04.00033, 22.15200,
22.01826, 04.00136, 04.00125)**

Recommendation: That the information be noted.

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

**1 RENEWAL OF RURAL LICENCE AGREEMENT - PART LOT 221 DP1147157,
STEPHENS LANE, KELSO (21.00022)**

This report relates to a proposal to enter into a new Rural Licence Agreement for Part Lot 221 DP1148157, Stephens Lane, Kelso.

**2 RENEWAL OF SPORTING LICENCE AGREEMENT - CLUBHOUSE AND SPORTING
FIELDS AT ANN ASHWOOD PARK, 67 HEREFORD STREET - BATHURST BULLDOGS
RUGBY UNION INC (22.10764)**

This report relates to a proposal to renew a Sporting Licence Agreement with the Bathurst Bulldogs Rugby Union, Inc.

**3 RENEWAL OF COMMERCIAL LEASE - LOT 4 DP112509 - MOUNT PANORAMA -
SIGN EVENT PTY LTD (04.00041)**

This report relates to the renewal of a lease for a storage shed at Mount Panorama with Sign Event Pty Ltd.

**4 SALE OF PROPERTY - LOT 1003 DP1129907 - 53 HAMPDEN PARK ROAD, KELSO
- KELSO INDUSTRIAL ESTATE (22.16067)**

This report relates to the proposed sale of land at Lot 1003 DP1129907 - 53 Hampden Park Road, Kelso.

**5 RENEWAL OF COMMUNITY LEASE AGREEMENT - PART LOT 5 DP776928
DORMAN PLACE, LEARMONTH PARK, KELSO - CENTRAL TABLELANDS
WOODCRAFT INC. (04.00033)**

This report relates to a proposal to enter into a Community Lease Agreement for the premises at Part Lot 5 DP776928 Dorman Place, Learmonth Park, Kelso with Central Tablelands Woodcraft Inc.

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

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

**7 RURAL LICENCE AGREEMENT - LOT 60 DP1226661, COX LANE, EGLINTON
(22.01826)**

This report relates to a proposal to enter into a Rural Licence Agreement for Lot 60 DP1226661, Cox Lane, Eglinton.

8 FINANCIAL STATEMENT - 2016 CHALLENGE BATHURST (04.00136)

This report relates to the provision of financial statements and payment of Council's share of profits from the event.

9 FINANCIAL STATEMENT - 2017 BATHURST 6 HOUR (04.00125)

This report relates to the provision of financial statements and payment of Council's share of profits from the event.

10 CONTRACT FOR PRINTING AND MAILING OF RATES NOTICES (16.00045)

This report relates to the contract for printing and mailing of rates notices for CENTROC member councils.

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

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

51 Item 10 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE
(11.00005, 21.00022, 22.10764, 04.00041, 22.16067, 04.00033, 22.15200, 22.01826,
04.00136, 04.00125)

MOVED: Cr M Coote SECONDED: Cr I North

RESOLVED: That the information be noted.

Yours faithfully



R Roach
DIRECTOR
CORPORATE SERVICES & FINANCE

DIRECTOR ENGINEERING SERVICES' REPORT AND MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

21 JUNE 2017

1 NSW EPA - CONTAINER DEPOSIT SCHEME (CDS) (14.00007)

Recommendation: That the information be noted.

Report: As advised to the Ordinary Council meeting held 21 September 2016 (DES, report number 2) the NSW State Government released, in December 2015, a NSW Container Deposit Scheme Discussion Paper for public consultation. The discussion paper set out the draft details of a proposed Container Deposit Scheme (CDS) designed to reduce the level of litter in NSW by 40% by 2020. The CDS is modelled on the system already in place in South Australia and the Northern Territory with some differences.

Under the proposed scheme, anyone who returns an empty eligible beverage container to an approved NSW collection depot or reverse vending machine would be eligible for a 10-cent refund. A network of depots and reverse vending machines would open to receive the empty containers.

Whilst the CDS was originally due to commence in July 2017, the Minister for the Environment, the Hon Gabrielle Upton MP has moved the commencement date to 1 December 2017, and whilst there will be future implications for Council, our customers and the community the details and extent of these remain unknown at this time.

At the time of writing, the EPA is yet to appoint the Scheme Coordinator or any Network Operators meaning there is not yet a clear path forward on how the CDS will work.

Progress on this matter will be monitored, and a further report prepared as required.

Financial Implications: Nil, at this stage.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 13: To minimise the City's environmental footprint. Strategy 13.3
- Objective 16: To encourage sustainable waste management practices, incorporating opportunities for energy generation. Strategy 16.1, 16.2

MINUTE

- 52 Item 1 NSW EPA - CONTAINER DEPOSIT SCHEME (CDS) (14.00007)
MOVED: Cr M Coote SECONDED: Cr M Morse

RESOLVED: That the information be noted.

2 KERBSIDE COLLECTION OF RECYCLING AND FOOD AND GARDEN WASTE (14.00007)

Recommendation: That the information be noted.

Report: This report is to inform Council on aspects of the kerbside collection of recycling and food and garden waste bins, which over the first 13 months of operation have collected and diverted over 7 million kilograms (7,043 tonnes) away from the landfill at the Bathurst Waste Management Centre. Food and garden waste accounted for 4,187 tonnes, and recyclables 2,856 tonnes.

Council would be aware that a new contract was signed with JR Richards, which commenced on 4 April 2016. This is a ten year contract through to 12 April 2026, with two one year extension options available that could extend the contract out to April 2028.

The contract requires fortnightly collection of kerbside recycling, which is taken to JR Richards' Transfer Station at the Orange City Council Resource Recovery Centre at 261 Ophir Road, Orange. There the recycling is combined with the recycling collected from Orange City Council, Parkes Shire Council, Forbes Shire Council, Blayney Shire Council and Cabonne Shire Council (6 councils in total). The recyclables are loaded by a telescopic loader into a semi-trailer with a retractable roof and a walking floor, and then transported to Visy Recycling's facility located in Sydney at 6 Herbert Place, Smithfield. This facility is open Monday to Friday, including public holidays, and has several automated processes to separate out the recyclables into their various components for further processing. See **attachment 1** for details. Bank guarantees are in place for both the waste collection services and the recycling receipt and processing.

The contract also requires weekly collection of kerbside food and garden waste, which is delivered by JR Richards' collection trucks directly to Australian Native Landscapes (ANL) Horticultural Products Processing and Composting Facility at 755 Browns Creek Road, Blayney. This service is also provided by JR Richards to Parkes Shire Council and Forbes Shire Council, with a similar arrangement for Orange City Council, though their food and garden waste (which started in 2013) is collected and taken to the Resource Recovery Centre at Ophir Road where it is shredded and transported in enclosed trucks to the composting facility at Euchareena Road, Molong. A Bank Guarantee is in place for the receipt and processing of food and garden waste.

The ANL facility near Blayney provides industrial scale composting capabilities, meaning that additional products that home composting cannot manage are easily composted due to the scale and 20 week timeframe of the process. There are numerous suppliers of materials to the facility apart from the food and garden waste which ANL manage. To ensure that contamination levels are as low as practical, each load of food and garden waste is checked over by ANL staff, who manually remove all plastic bags and other contamination which then is taken away to landfill. Bags are not opened due to Work Health and Safety risks, and the time it would take. Avoiding the landfilling of food and garden waste reduces Council's greenhouse gas emissions, and enables waste to be reprocessed into useful compost. Any organic matter that is sent to landfill will break down and create methane, a dangerous green-house gas, 25 times more potent than carbon dioxide. By composting this organic matter, the Bathurst community is making an important contribution to the environment, and helping to further extend the remaining life (currently around 40 years) of the Bathurst Waste Management Centre. Council's Waste Collection staff have advised that they can now empty up to an additional 100 red lidded landfill bins before their truck is filled, following the introduction of the food and garden waste service.

Council should note the significant grant funding of over \$787,000 provided by the NSW EPA through their Waste Less Recycle More initiative, funded from the Waste Levy. This enabled the costs of providing the food and garden waste service to be reduced.

With standalone residential properties now having three (3) waste bins, the paradigm around just throwing things out in a single bin has changed again. Despite significant community concern many years ago around the introduction of a recycling collection, this is now well integrated into daily life and generates almost no issues for Council, apart from some suggesting that larger households should have a weekly collection. A second (or more) bin(s) can be provided in those circumstances, with the property owner able to contact Council staff to arrange this.

The practice with a three (3) bin system should be like a traffic light - starting with green then yellow then red. It should be that the lime green lidded food and garden waste bin is used first and foremost wherever possible, knowing that it is collected weekly. (As an aside, given the comments prior to the commencement of the food and garden waste bin, it was surprising that Council received only a handful of calls regarding odours over the very long hot summer of 2016/2017). Next any items that can be recycled should go into the yellow lidded recycling bin, as it will be collected fortnightly. It should be noted that all paper and cardboard products can also go into the food and garden waste bin (helping out with concerns over space in the recycling bin), as the industrial scale composting provided by ANL will break them down. Anything that cannot be composted or recycled should go into the red lidded bin that goes to landfill. The current thinking is that any items that are compostable or recyclable that are left in the red lidded bin are seen as contamination, just as a similar view is taken of plastic bags in the lime green or yellow lidded bins.

A point of note regarding the bins is that JR Richards owns and maintains the recycling and food and garden waste bins for the life of the contract, with Council owning and maintaining the landfill bins. Whilst there was a grace period early on in the contract, JR Richards only picks up NetWaste branded recycling bins. Customers who kept their BRC recycling bins cannot obtain an additional service by placing them out for collection.

Some reminders regarding recycling include leave lids on bottles, aerosols are fine as are aluminium foil and aluminium foil trays, any plastic items with the recycling symbol (chasing arrows triangle) and numbered 1, 2, 3, 4, 5, 6, 7 inside the triangle can be recycled, and remember there is no need to rinse any of your recycling containers - just empty them out first.

Financial Implications: N/A

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 13: To minimise the City's environmental footprint. Strategy 13.3

MINUTE

53 Item 2 KERBSIDE COLLECTION OF RECYCLING AND FOOD AND GARDEN WASTE (14.00007)

MOVED: Cr I North SECONDED: Cr M Coote

RESOLVED: That the information be noted.

3 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE (11.00005, 14.00007, 36.00637)

Recommendation: That the information be noted.

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

1 TENDER FOR NETWASTE REGIONAL COLLECTION AND RECYCLING OF SCRAP METAL - NETWASTE TENDER F2442 (14.00007)

This report considers the tender for the collection and recycling of scrap metal.

2 TENDER FOR RESERVOIR ROOF REPLACEMENTS - FORREST'S ELBOW (36.00637)

This report considers the tender for the replacement of the roofs to 3 existing drinking water reservoirs at Forrest's Elbow, Mount Panorama.

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

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

54 Item 3 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE
(11.00005, 14.00007, 36.00637)

MOVED: Cr M Coote SECONDED: Cr I North

RESOLVED: That the information be noted.

Yours faithfully

A handwritten signature in black ink that reads "Darren J. Sturgiss." The signature is written in a cursive style with a period at the end.

Darren Sturgiss
ACTING DIRECTOR
ENGINEERING SERVICES

**DIRECTOR CULTURAL & COMMUNITY SERVICES' REPORT AND
MINUTES**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

21 JUNE 2017

1 BATHURST REGION: A CULTURAL VISION 2036 (20.00056)

Recommendation: That Council:

- (a) Note the submissions received during the public exhibition period.
- (b) Provide a letter to the groups and individuals who provided a submission thanking them for their contribution to the Bathurst Region: A Cultural Vision 2036.
- (c) Adopt the Bathurst Region: A Cultural Vision 2036 as noted in this report.

Report: At the ordinary meeting of Council held on 19 April 2017, Council resolved that the Bathurst Region: A Cultural Vision 2036 be placed on public exhibition for 28 days.

The draft plan was placed on public exhibition from Thursday 20 April 2017 until Thursday 18 May 2017. The draft plan was made available to members of the public at the following locations during this period encouraging review and comment:

- Council's website;
- Council's Civic Centre (ground floor and first floor);
- Bathurst Library;
- Council's Cultural Facilities (Art Gallery, BMEC, Australian Fossil & Mineral Museum, Chifley Home & Education Centre, National Motor Racing Museum)

Advertisements were placed in the Council notices section and classified section of the Western Advocate on each Saturday during this period. The draft plan was also provided to those who participated in the consultation process.

As at the closing date for submissions, 20 responses had been received from individuals and organisations from the Bathurst region and elsewhere. All respondents were highly supportive of the document and its vision for the development of Bathurst as the Premier Inland Centre of Culture and Creativity and praised the Council for its initiative.

A summary of the submissions is provided at **attachment 1** for Council's consideration. Many of the submissions contained useful information regarding the implementation of actions. All submissions included positive comments. While no changes have been made to the Vision, the wealth of information and ideas contained in the submissions will guide future endeavours.

Examples of some comments received are provided below:

- **Michael Brealey, Chief Executive Officer, Create NSW: Arts, Screen & Culture** - "Council is to be congratulated on its leadership in developing this draft vision and its ambition to be the premier inland centre for culture and creativity in NSW. The strength of Bathurst's cultural infrastructure and facilities, its people, and their stories are a solid foundation on which to build Council's Cultural Vision."
- **Elizabeth Rogers, Chief Executive Officer, Regional Art NSW** - "It is really very exciting for a regional Council to have put so much thinking around where it will stand in the future and the future of the arts and culture as being central to building a dynamic and attractive city. I am impressed that the vision places people as the number one strategy as without people there are no arts."
- **Pauline Barker, Convenor, Bathurst Town Square Group** - "I wish to congratulate

Bathurst Regional Council for developing a cultural plan through the inclusion of all stakeholder groups and individuals in the process.....The Town Hall Square, including the former TAFE building, is Bathurst's 'Jewel in the Crown' in both an historic and cultural sense. It is pleasing to note that this precinct plays a pivotal role in the draft plan's aspirations."

It is recommended that Council adopt the Bathurst Region: A Cultural Vision 2036 and use it to guide future budget and resource allocation.

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

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 4: To market Bathurst as a great place to live, work, study, invest and play. Strategy 4.1
- Objective 20: To provide a range of cultural facilities, programs, activities and events and to support and enhance cultural and social activities across the community. Strategy 20.1, 20.2, 20.3, 20.4, 20.6
- 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, 28.5, 28.7

MINUTE

55 Item 1 BATHURST REGION: A CULTURAL VISION 2036 (20.00056)
MOVED: Cr M Morse SECONDED: Cr B Bourke

RESOLVED: That Council:

- (a) Note the submissions received during the public exhibition period.
- (b) Provide a letter to the groups and individuals who provided a submission thanking them for their contribution to the Bathurst Region: A Cultural Vision 2036.
- (c) Adopt the Bathurst Region: A Cultural Vision 2036 as noted in this report.

2 BATHURST DISABILITY INCLUSION ACTION PLAN 2017 - 2021 (09.00051)

Recommendation: That Council:

- (a) Note the submission received during the public exhibition period.
- (b) Provide a letter to the group who provided a submission thanking them for their contribution to the Disability Inclusion Action Plan 2017-2021 (DIAP).
- (c) Adopt the Disability Inclusion Action Plan 2017–2021 (DIAP) and endorse the actions contained in the document.
- (d) Provide a copy of the endorsed Disability Inclusion Action Plan 2017-2021 (DIAP) to the Disability Council NSW.

Report: At the ordinary meeting of Council held on 19 April 2017, Council resolved that the Disability Inclusion Action Plan 2017 – 2021 (DIAP) be placed on public exhibition for 28 days.

The draft plan was placed on public exhibition from Thursday 20 April 2017 until Thursday 18 May 2017. The draft plan was made available to members of the public at the following locations during this period encouraging review and comment during this period:

- Council's website, where copies of the report could be accessed and/or downloaded;
- Council's Civic Centre (ground floor and first floor);
- Bathurst Library.

Advertisements were placed in the Council notices section and classified section of the Western Advocate on each Saturday during this period. The draft plan was also provided to those who participated in the consultation process.

Information and a link to the document on Council's website was distributed to organisations who participated in the consultation process.

As at the closing date for submissions one response was received from the Bathurst Regional Access Committee (BRAC). BRAC were highly supportive of the document, commending staff on their achievements and provided positive feedback and suggestions.

The suggestions related to minor wording changes, refinement of statistical information and suggested changes to actions and strategies, for Council's consideration.

A copy of the summary of the submission is provided at **attachment 1**. The attachment details the submission and suggested changes to the DIAP for Council's consideration.

A copy of the updated Community Profile is provided at **attachment 2** for Council's information, which includes the suggested changes provided by BRAC. This information will replace the existing Community Profile found on pages 13 and 14 in the Draft DIAP.

Financial Implications: Funding to complete tasks included in the Disability Inclusion Action Plan 2017 - 2021, will be included in future budget submissions over the four year life of the plan.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 19: To improve equity of access to all members of the community in public and private domains. Strategy 19.4, 19.6
- Objective 23: To encourage a supportive and inclusive community. Strategy 23.5

MINUTE

56 Item 2 BATHURST DISABILITY INCLUSION ACTION PLAN 2017 - 2021 **(09.00051)**

MOVED: Cr I North SECONDED: Cr M Coote

RESOLVED: That Council:

- (a) Note the submission received during the public exhibition period.
- (b) Provide a letter to the group who provided a submission thanking them for their contribution to the Disability Inclusion Action Plan 2017-2021 (DIAP).
- (c) Adopt the Disability Inclusion Action Plan 2017–2021 (DIAP) and endorse the actions contained in the document.
- (d) Provide a copy of the endorsed Disability Inclusion Action Plan 2017-2021 (DIAP) to the Disability Council NSW.

3 AUTUMN COLOURS 2017 (23.00060)

Recommendation: That the information be noted.

Report: Background

Since 1998 the Bathurst Visitors Information Centre has been collating a diverse array of tours, events and activities that occur between March and May. These have been grouped and promoted under the general banner of the 'Autumn Colours' program, which also includes Heritage Week. To date, the overall Autumn Colours program has not had an overarching strategic plan and has consequently occupied an indeterminate marketing and product placement position between a community event and a regional visitor drawcard.

Volunteer Led Tour Attendances

Attendance at the volunteer led tours throughout the period of Autumn Colours has shown modest growth in recent years, as follows:

Year	No. of Attendees
2015	463
2016	471
2017	487

As in previous years, tour attendees in 2017 were overwhelmingly locals, with over 80% of all attendees registering their home postcode as 2795. Six (6) new guided tours were offered in 2017, attracting 216 attendees on 16 total tours operated at an average of 13. Seven (7) previously offered tours were also operated, attracting 242 attendees on 20 total tours operated at an average of 12.

Bathurst Artisan Trades Trail (BATT) - Heritage Week

In addition to the volunteer tours, 2017 Autumn Colours also included the inaugural Bathurst Artisan Trades Trail (BATT) on the weekend of 13-14 May. BATT provided an opportunity for visitors and locals to rediscover traditional craftsmanship through a showcase of traditional arts and trades demonstrations around ten of Bathurst's iconic heritage venues during Heritage Week.

The BATT sites included five of the region's venues, which had participated in previous years' Autumn Colours activities:

- Miss Traill's House - lacemaking
- Chifley Home and Education Centre - 19th Century convict women's trades and a bonnet display
- Bathurst District Historical Society - photographs of Bathurst's rich history
- Old Government Cottage - grow your garden
- Abercrombie House - cedar restoration and french polishing

As well as a number of new venues:

- McDowell's Herbal Treatments - classical herbal medicines
- Guides Hall - Wiradjuri possum skin cloak making and the river yarners knit and crochet
- Uniting Church Hall - spinning, weaving, embroidery and all things textile
- Tremain's Mill Marketplace - building, timber and things of wood

- Agriculture Research Station Farm Square - agricultural and farm trades

This event was highly successful with over 3,000 visitors to the venues. There was an unprecedented increase, against the same period last year, as outlined in the table below:

COMPARISON VISITATION FIGURES TO PREVIOUS YEARS' AUTUMN COLOUR SITE/ACTIVITIES		
Venue	Visitation 14-15 May 2016	Visitation 13/15 May 2017
Miss Traill's House	12	183
Chifley Home	13	282
Bathurst District Historical Society	52	160
Old Government Cottage	10	110
Abercrombie House	40	323

The Bathurst Visitors Information Centre also achieved a dramatic increase from last year on this weekend from 569 in 2016 to 841 in 2017, as they were the main ticket seller for the activities.

It was ascertained that 64% of these visitors were from the Bathurst region, with 35% travelling from Sydney and regional NSW and 1% from interstate. The success of this particular event demonstrates the necessity of product renewal in the lifecycle of an event, and aligns with objective 7.2.3 of the Bathurst Region Destination Management Plan (DMP).

Marketing and Promotion

A new website www.autumncolours.com.au was launched on 24 February 2017 to promote Autumn Colours in 2017 and featuring all tours and other events scheduled for this period with live links to partner sites and information. There were 25,693 total page views on this site to the end of May, with 84% of all views originating outside the Bathurst region. The demographic analysis for March to May pleasingly showed a good balance, as indicated in the table below:

INTERNET USERS		
Month	Age 45+	Age 55+
March	56%	38%
April	49%	30%
May	51%	34%

A printed program was not produced in 2017, though a printed booklet of all monthly tours, activities and events continued to be produced and distributed locally and upon request by BVIC staff. The absence of a printed program did generate several complaints from members of the local community, though figures suggest that its absence had no negative impact upon overall event attendance.

Way Forward

All community feedback received has been recorded and will be evaluated as a part of a complete review of the Autumn Colours program and brand encompassing all marketing collateral and associated distribution strategy.

It is proposed that the full program be evaluated and a strategic plan be drafted that places the overall event within the framework of the Bathurst Region DMP and the new Destination Brand. This plan will provide a clear and structured guide, including identification of target

markets, product positioning and introduction of a measurable strategy for increasing attendance. How we engage the local community will be included in this review.

Members of the Heritage Working Party, Bathurst District Historical Society, Family History Group and other volunteers involved with Heritage week events and the Artisan Trades Trail were recognised at a function on Friday 2 June 2017.

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

57 Item 3 AUTUMN COLOURS 2017 (23.00060)
MOVED: Cr M Coote SECONDED: Cr B Bourke

RESOLVED: That the information be noted.

4 KELSO COMMUNITY HUB - UPDATE (09.00026)

Recommendation: That the information be noted.

Report: In May 2017, statistics show there were 1,010 individual users of the Hub for varying reasons, with 25 services utilising the Hub.

Five (5) Days Per Week Operation (Monday - Friday)

The Hub now operates five days a week, serviced by Council staff and hirers to the facility allowing the wider community to be catered for.

Five days per week operation is based on the requirement to have staff members present at the Hub at all times. Staff safety is a high priority and two qualified people are required to be in attendance at all times. This is achieved without additional operational expense through formalising arrangements with appropriate services and trained qualified staff. The use of volunteers has resulted in increased collaboration between different services and Council with greater outcomes.

For improved efficiencies, the Hub is utilising volunteers from the community services sector to assist with programs like the breakfast program and the after-school activities program. Volunteers are provided by Chifley LAC, Skillset Senior College, headspace, Ability Links and Young Life.

Donations

The Kelso Community Hub received a donation of \$5,000 from the Great Walk Foundation. The Foundation supports a number of organisations. Funds are raised by members participating in and seeking sponsorship during an annual walk from Bathurst to Blaxland. The donation will contribute to the upgrade of the facility playground, which will create a recreational space to be utilised by the community. It is hoped the area will include a natural habitat playground, pathways and exercise equipment. The features will enhance the health and well-being of local residents and services using the Hub in any given capacity. External funding has been sought to support this project through the FACS Social Housing & Community Improvement Fund.

The Hub has also received in-kind donations of clothing which has included over 200 pairs of shoes. These donations have come from individual community members as well as Shoes for Planet Earth. This has assisted local families in need, particularly as the winter months approach.

Services Summary

Some highlights of the services operating out of the Hub include:

- **Optometry Clinic** - 35 pairs of glasses have been allocated to people with medical eye conditions to date, by the optometry clinic which operated from the Hub in 2016-2017. Without this clinic the community members were living with debilitating conditions without having the direction or guidance to have medical examinations.
- **Challenge Community Services** - a disability-focused service has commenced utilising the Hub on a weekly basis. The Service provides greater opportunity for engagement and accessibility in the Kelso community.

- Marathon Health - Indigenous Chronic Disease Medical Service, every Thursday. Marathon Health enhances the physical and mental well-being of the Indigenous community who otherwise would not attend these medical services if they weren't available at the Hub.
- Relationships Australia - Women's Group meets every Monday. The Women's Group provides a platform for women in the Kelso community to access intensive living skills programs. One of the recent programs held, entitled Art Therapy, assists women to build resilience and coping mechanisms, whilst dealing with serious family issues.

Financial Implications: Funding to undertake the works outlined in the report has been assigned in Council's Annual Operating Plan 2016/2017 and included in the draft 2017/2018 Annual Operating Plan.

Applications for grant funding have been instigated to support the update to the recreational and well-being outside area.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 20: To provide a range of cultural facilities, programs, activities and events and to support and enhance cultural and social activities across the community. Strategy 20.3
- Objective 21: To support the provision of community services and facilities to meet the needs of specific community sectors and the community as a whole. Strategy 21.1, 21.2, 21.3
- Objective 23: To encourage a supportive and inclusive community. Strategy 23.5, 23.6, 23.7, 23.8
- Objective 25: To support the provision of high quality medical care that meets the needs of the Bathurst community. Strategy 25.1
- Objective 26: To encourage and support the provision of a range of opportunities for life long education across the Bathurst community. Strategy 26.1, 26.3

MINUTE

- 58 Item 4 KELSO COMMUNITY HUB - UPDATE (09.00026)
MOVED: Cr I North SECONDED: Cr G Westman

RESOLVED: That the information be noted.

5 BATHURST REGION TOURISM REFERENCE GROUP - MEETING HELD 3 APRIL 2017 (07.00116)

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 thirteenth meeting of the Bathurst Region Tourism Reference Group was held on 3 April 2017. The Minutes of the Group's meeting are provided at **attachment 1.**

At the meeting held on 3 April 2017, the group noted the following salient points:

- (a) **Brand Development** – proposed to appoint three different agencies to undertake the brand development for the three separate projects.
- (b) **Bathurst Visitor Information Centre Manager Recruitment** – Recruitment process being undertaken for the position of Bathurst Visitor Information Centre Manager.
- (c) **Media Visit** – hosting group of seven travel writers, undertaking a tour of Bathurst, with the assistance of Christopher Morgan including Keppel Street, Bathurst Regional Art Gallery and the Australian Fossil & Mineral Museum. Details of Artisan Trades Trail and Heritage Week activities provided to the group. Media visit in partnership with Destination NSW and Mayfield Garden.
- (d) **Ticketek** – Attended meeting held with BMEC staff and Ticketek, huge opportunity with database reaching 13 million. Events to target include the NRL game and Inland Sea of Sound Festival.

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

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 4: To market Bathurst as a great place to live, work, study, invest and play. Strategy 4.1
- Objective 11: To protect the region's unique heritage and history. To protect a unique identity. Strategy 11.6

MINUTE

59 Item 5 BATHURST REGION TOURISM REFERENCE GROUP - MEETING HELD
3 APRIL 2017 (07.00116)

MOVED: Cr I North SECONDED: Cr G Westman

RESOLVED: That the information be noted.

6 DESTINATION MANAGEMENT PLAN 2015 - REVIEW AND UPDATE **(07.00116)**

Recommendation: That Council:

- (a) Note the information provided in the report.
- (b) Incorporate Accessible Tourism into the Destination Management Plan in the coming year.

Report: Following the adoption of the Destination Management Plan (DMP) in May 2015, Council appointed a Tourism Reference Group consisting of a range of industry representatives. The group meets monthly and it operates within the framework of a Terms of Reference which was adopted in April 2016, and which stipulates that an annual report on the implementation of the Bathurst Region Destination Management Plan to be reported to the Council.

The DMP outlines five Strategic Priorities:

1. **Be known:** Develop and improve brand awareness and preferences through targeted marketing activities.
2. **Think like a visitor:** Increase the level of development of sustainable product that meets market needs.
3. **Local love:** Improve access, dispersal and participation in the Bathurst Region destination tourism experience.
4. **Community commitment:** Through improved communication and coordination people will work together to grow the tourism industry.
5. **Leading success:** Council will enable growth by leveraging its assets.

The plan identified 63 recommended actions to be implemented within the following priority timeframes:

- Immediate (21 actions)
- After brand is developed (3 actions)
- Short term (20 actions)
- Medium term (14 actions)
- Long term (5 actions)

The 21 '**Immediate**' items within the five Strategic Priorities were listed as actions for the focus of the Destination Development Manager. 60% of these tasks are either fully complete or nearing completion while 40% of the tasks are in progress and will be completed following the finalisation of the new destination brand. A list of the current status of these 21 Priority Actions is available at **attachment 1**.

It is noted that the remaining 42 actions will be scheduled for future action and implementation as appropriate.

Accessible Tourism

Council will consider the adoption of a Disability Inclusion Action Plan (DIAP) at its meeting on 21 June 2017, the purpose of which is to set out the strategies and actions that Council will deliver to enable people with disability to have greater access to Council information, services, facilities and events. It is critical that the DMP acknowledges this plan and include

relevant actions to ensure the region is an accessible tourism destination.

Destination NSW defines accessible tourism as: *'Accessible tourism is about making it easy for all people to enjoy tourism experiences. This includes: seniors, people with a disability, people from non-English speaking backgrounds and parents with children.'*

25% of NSW population are over 65 or have a disability, \$8billion per year is spent by travellers with a disability and 88% of people with a disability take a holiday each year. This accounts for some 8.2 million overnight trips. (Source: MTR Accessible Tourism Report September 2016).

Council's role will be to:

- Bring together, support and promote accessible businesses, festivals, events and open spaces to create a holistic approach to accessible tourism;
- Link tourism businesses to relevant local grant, award and accreditation schemes.

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

60 Item 6 DESTINATION MANAGEMENT PLAN 2015 - REVIEW AND UPDATE **(07.00116)**

MOVED: Cr G Westman SECONDED: Cr M Coote

RESOLVED: That Council:

- (a) Note the information provided in the report.
- (b) Incorporate Accessible Tourism into the Destination Management Plan in the coming year.

7 PARTNERSHIP WITH THE 2016 BATHURST MACQUARIE HERITAGE MEDAL WINNER (23.00146)

Recommendation: That the information be noted.

Report: Background

As part of the bicentenary celebrations of the proclamation by Governor Lachlan Macquarie in 1815 of Bathurst as a settlement, Council established the Bathurst Macquarie Heritage Medal. The purpose of the medal was to "Acknowledge the significant contribution of an individual to the protection, enhancement or promotion of Australia's heritage". The Bathurst Macquarie Heritage Medal winner for 2016 was Professor Robyn Sloggett AM.

Professor Sloggett is the Director of the Centre for Cultural Materials Conservation (CCMC), Faculty of Arts, University of Melbourne.

Professor Sloggett has utilised the Bathurst Macquarie Heritage Medal prize money to create a fund, matched by funds from the University of Melbourne to establish a scholarship that will enable students from the University of Melbourne to work on projects that make a difference to heritage and conservation efforts in Bathurst and around Australia.

Bathurst Regional Council - University of Melbourne Partnership

Since establishing the fund, Professor Sloggett has been to Bathurst several times with members of her team, representatives of Australian Institute for the Conservation of Cultural Materials (AICCM) and with her students.

The development of this program has multiple benefits;

- The students will have access to a range of significant collections with varied and challenging mediums and conditions.
- Council's need for materials conservation services in our rural area is urgent and crucial to the long term security of our substantial and highly valuable heritage collections.
- Wider community owned collections in our region that would benefit belong to Bathurst District Historical Society, the Rockley Mill Museum, Miss Trail's House and National Parks and Wildlife Hill End.

Three practical examples of current activities are:

- Victoria Thomas - undertaking her minor thesis on developing a conservation plan for the floor furnishings of Chifley Home.
- Keyeele Lawler-Dormer - rewriting "Re-Collections", a key reference for any collection conservation activity, with input from regional Australian collections groups.
- Amy Heffernan - developing a public program and addressing photographic collection issues within Council and the Bathurst District Historical Society collections.

A longer term goal is the trial of a Conservator-in-residence working out of Bathurst for 12 months. Council, in return, is supporting the project through provision of access to its collections, facilities, staff and expertise.

2017 Bathurst Macquarie Heritage Medal Dinner Presentation

At the 2017 Bathurst Macquarie Heritage Medal award dinner held on the Saturday 6 May 2017 Professor Robyn Sloggett presented on both the outcomes of her award and on the success of the partnership between the Grimwade Centre for Cultural Material Conservation, University of Melbourne and Council.

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

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 11: To protect the region's unique heritage and history. To protect a unique identity. Strategy 11.9
- 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 20.6
- Objective 26: To encourage and support the provision of a range of opportunities for life long education across the Bathurst community. Strategy 26.1

MINUTE

61 Item 7 PARTNERSHIP WITH THE 2016 BATHURST MACQUARIE HERITAGE MEDAL WINNER (23.00146)

MOVED: Cr M Morse SECONDED: Cr I North

RESOLVED: That the information be noted.

Yours faithfully



Alan Cattermole
DIRECTOR
CULTURAL & COMMUNITY SERVICES

POLICY COMMITTEE MEETING

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

1 MINUTES - POLICY COMMITTEE MEETING - 7 JUNE 2017 (07.00064)

Recommendation: That the recommendations of the Policy Committee Meeting held on 7 June 2017 be adopted.

Report: The Minutes of the Policy Committee Meeting held on 7 June 2017, are attached.

Financial Implications: N/A

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.5

MINUTE

62 Item 1 MINUTES - POLICY COMMITTEE MEETING - 7 JUNE 2017 (07.00064)
MOVED: Cr B Bourke SECONDED: Cr G Westman

RESOLVED: That the recommendations of the Policy Committee Meeting held on 7 June 2017 be adopted.

MINUTES OF THE POLICY COMMITTEE
HELD ON 7 JUNE 2017

MEETING COMMENCES

1 MEETING COMMENCES 6:00 PM

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

APOLOGIES

2 APOLOGIES

MOVED Cr B Bourke

and **SECONDED** Cr M Morse

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 - 3 MAY 2017 (07.00064)

MOVED Cr M Coote

and **SECONDED** Cr W Aubin

RESOLVED: That the Minutes of the Policy Committee Meeting held on 3 May 2017 be adopted.

DECLARATION OF INTEREST

4 DECLARATION OF INTEREST 11.00002

MOVED Cr B Bourke

and **SECONDED** Cr M Coote

RESOLVED: That the Declaration of Interest be noted.

RECEIVE AND DEAL WITH DIRECTORS' REPORTS

Director Environmental Planning & Building Services' Report

5 Item 1 DRAFT PLANNING INSTRUMENT AMENDMENTS AND REFUND OF FEES POLICY (41.00089)

MOVED Cr M Coote

and **SECONDED** Cr B Bourke

RESOLVED: That Council:

Cr Bourke - Thanked Council for support over the recent Community Op Shop incident.

10 **Item 2 BATHURST 12 HOUR (04.00097)**

Cr Bourke - requests a report on a Driver's Parade for 2018 Bathurst 12 Hour event.

11 **Item 3 ADVERTISING SIGNS POLICY (23.00045)**

Cr Aubin - asked does the Advertising Signs Policy cover road signs. What is the policy on temporary signage on roadsides?

The Acting Director Engineering Services advised that the policy does not cover road signs. Further, advised of timelines in place for temporary signage.

12 **Item 4 KELSO TRAFFIC ISSUES (25.00035)**

Cr Aubin - asked what is the car movement per household per day. Can Council do a traffic count on Hereford Street? The problem is going to get worse with Sunbright Estate development. Need to be proactive in planning for future traffic. Requests a report on plans/options.

The Acting Director Engineering Services advised there are 9 vehicle movements per day.

13 **Item 5 BANNER SIGNAGE IN WILLIAM STREET (23.00006)**

Cr Westman - asked what is the pricing of digital signage. Requests a report on costs and business case/plan.

14 **Item 6 TRAFFIC IN KEPPEL STREET (25.00039)**

Cr Morse - noted the issue with pedestrian movement between Vinnies and Salvation Army stores. Is the existing pedestrian crossing going to be moved? Is there beautification of Keppel Street planned?

The Acting Director Engineering Services outlined beautification items planned, but not budgeted. Plan would need to be revisited.

15 **Item 7 KEPPEL STREET DISABLED PARKING (25.00039)**

Cr Morse - feels the current location is not appropriate, could a more appropriate location be investigated?

The Mayor advised this matter will be referred to the Traffic Committee.

16 **Item 8 SMALL DOG OFF LEASH AREA (22.01232)**

Cr Morse - requested an update on the small dog off leash area.

The Acting Director Environmental, Planning & Building Services advised fencing should commence after the long weekend.

17 **Item 9 CARILLON UPDATE (04.00021)**

Cr Morse - noted there is a working party interested in upgrading the Carillon, hope to bring this to Council.

MEETING CLOSE

18 **MEETING CLOSE**

The Meeting closed at 6.16 pm.

CHAIRMAN: _____

TRAFFIC COMMITTEE MEETING

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

1 MINUTES - TRAFFIC COMMITTEE MEETING - 6 JUNE 2017 (07.00006)

Recommendation: That:

- a) the recommendations for Items 1-7 of the Traffic Committee Meeting held on Tuesday, 6 June 2017 be adopted; and
- b) the recommendation for Item 8 be changed to read "That Council not install "Left" and "Straight/Right" pavement arrows on Brilliant Street, approaching the Mid-Western Highway roundabout in the left and right hand lanes respectively"

Report: The Minutes of the Traffic Committee Meeting held on Tuesday 6 June 2017 are attached.

It should be noted that Item 8 was referred to the Committee via late report at the request of the Roads and Maritime Services (RMS) Representative, to enable RMS to have works undertaken at the respective intersection before the end of the financial year. Subsequent to the meeting, the Committee was advised by the RMS of its intention of not proceeding with the works relating to Item 8; as a result of advice from Council officers given during the meeting (refer to **attachment 1**). Due to the fact that this matter had already been voted on, agreement has been sought from all members of the Committee, which was received on Thursday 8 June 2017.

As the matter was raised by the RMS and affected RMS roads, this issue was referred to Traffic Committee to assist the RMS. It is therefore proposed that Council change the recommendation to reflect the concurrence of the Traffic Committee on this matter.

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

63 Item 1 MINUTES - TRAFFIC COMMITTEE MEETING - 6 JUNE 2017 (07.00006)
MOVED: Cr G Westman SECONDED: Cr M Coote

RESOLVED: That:

- a) the recommendations for Items 1-7 of the Traffic Committee Meeting held on Tuesday, 6 June 2017 be adopted; and
- b) the recommendation for Item 8 be changed to read "That Council not install "Left" and "Straight/Right" pavement arrows on Brilliant Street, approaching the Mid-Western Highway roundabout in the left and right hand lanes respectively"

MINUTES OF THE TRAFFIC COMMITTEE
HELD ON 6 JUNE 2017

MEETING COMMENCES

1 MEETING COMMENCES - 2.15PM

Members: Ms Jackie Barry (Roads and Maritime Services Representative), Acting Sergeant Jason Marks (Bathurst Police) and Mr David Veness (Local Member Office Representative)

Present: Ms Iris Dorsett (Tablelands Area Road Safety Officer), Mr Bernard Drum (Acting Manager Technical Services) and Mr Paul Kendrick (Traffic & Design Engineer)

APOLOGIES

2 APOLOGIES

That the apology of Cr Warren Aubin (Bathurst Regional Council) be accepted.

In the absence of Cr Aubin, the Acting Manager Technical Services chaired the meeting.

REPORT OF PREVIOUS MEETING

3 Item 1 MINUTES - TRAFFIC COMMITTEE MEETING - 4 APRIL 2017 (07.00006)

That the Minutes of the Traffic Committee Meeting held on Tuesday 4 April 2017 be adopted.

4 Item 2 MINUTES - TRAFFIC COMMITTEE MEETING - 2 MAY 2017 (07.00006)

That the information be noted.

Reference was made to the correspondence dated 1 May 2017 between Ms Jackie Barry and Mr Paul Kendrick, stating that Roads and Maritime Services had no objection to the Report of Item 3 included in the Agenda of the May meeting.

The RMS advised that based on this correspondence, the May meeting could have proceeded and requested that this be noted.

DECLARATION OF INTEREST

5 DECLARATION OF INTEREST 11.00002

That the Declaration of Interest be noted.

RECEIVE AND DEAL WITH DIRECTORS' REPORTS

Director Engineering Services' Report

This is page 1 of Minutes of the Traffic Committee held on 6 June 2017

6 Item 1 MINUTES OF THE TRAFFIC COMMITTEE MEETING HELD 4 APRIL 2017 (07.00006)

That the information be noted and necessary actions be taken.

7 Item 2 MONTHLY REPORT FOR LOCAL GOVERNMENT ROAD SAFETY PROGRAM (28.00002)

That the information be noted.

8 Item 3 NO STOPPING ZONES NEAR DENISON COLLEGE OF SECONDARY EDUCATION, KELSO CAMPUS (23.00104-05/190)

That approval be given for:

1. the installation of "No Stopping" zones at the intersection of Hughes Street and Limekilns Road,
2. for the extension of the existing "No Stopping" zones at the intersection of Roxburgh Drive and Hughes Street.

9 Item 4 REBELLION ON THE TURON – DENISON STREET SOFALA (25.00280/049)

That Council endorse the traffic management for the Rebellion on the Turon event to be held on Saturday 17 and Sunday 18 March 2018 as a Class 2 event, subject to conditions as detailed in the Director Engineering Services' report.

10 Item 5 GIVE WAY SIGN AT THE INTERSECTION OF LYAL STREET AND RUSSELL STREET GORMANS HILL (28.00007)

That Council approve the placement of a 'Give Way' sign (R1-2), hold line and barrier lines at the intersection of Lyal Street and Russell Street, Gormans Hill.

11 Item 6 TOWN SQUARE PARKING PERMITS AT 83 WILLIAM STREET (22.01387)

That Council implement "Permit Parking Zone" areas at 83 William Street Bathurst, formally known as the OLD TAFE site.

12 Item 7 EARLY REPORT - 2017 PANTHERS VS RAIDERS NRL TELSTRA PREMIERSHIP GAME – TRAFFIC MANAGEMENT PLAN (18.00296-02)

That the revised Traffic Management Plan be endorsed.

13 Item 8 LATE REPORT (25.00091, 25.00018-05, 25.00008-03)

MOTION was **MOVED** by Mr Jason Marks and **SECONDED** by Ms Jackie Barry

That the Committee accept and deal with the Late Report on the 'Pavement Arrows - Intersection of Great Western Highway, Mid-Western Highway and Brilliant Street' at the Traffic Committee Meeting on Tuesday 6 June 2017.

14 Item 8 PAVEMENT ARROWS - INTERSECTION OF GREAT WESTERN HIGHWAY, MID-WESTERN HIGHWAY AND BRILLIANT STREET (25.00091, 25.00018-05, 25.00008-03)

That Council install "Left" and "Straight/Right" pavement arrows on Brilliant Street, approaching the Mid-Western Highway roundabout in the left and right lanes respectively.

TRAFFIC REGISTER

15 Item 1 TRAFFIC REGISTER (07.00006)

That the information be noted.

MEETING CLOSE

16 MEETING CLOSE

The Meeting closed at 2.42pm.

DELEGATES REPORTS AND MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

21 JUNE 2017

1 UPPER MACQUARIE COUNTY COUNCIL (UMCC) (18.00172)

Recommendation: That Council note the Delegates Report on the Upper Macquarie County Council meeting held on 5 May 2017.

Report: The most recent meeting of the Upper Macquarie County Council (UMCC) was held on Friday 5 May 2017 at the Council offices in Kelso. A number of important matters were reported on and considered by the Council. Included amongst these were:

1. Autumn 2017 Aerial Spraying

UMCC conducted an aerial weed spraying program across the UMCC Local Government Area targeting blackberry and serrated tussock. The Program was completed in April 2017, just prior to Easter, with 64 land owners taking part and a total of 1,973Ha sprayed, including 1,034Ha of Serrated Tussock and 939Ha of Blackberry being treated.

The mix of both radio and newspaper advertising was provided and a good depth of coverage with those contacting UMCC having heard about the campaign from the advertising.

A special acknowledgement and thanks is made all those land owners who assisted the UMCC staff through the provision of landing sites, property access and water sources for the program.

2. Inspections (22 February to 20 April 2017)

With the recruitment of staff following the retirement of several officers property and roadside inspections are returning to more normal levels. Throughout the period some 334 inspections of properties and roads took place. This included:

LGA	No. of Inspections
Bathurst	83
Blayney	100
Lithgow	116
Oberon	35

Note; the Oberon Weeds Officer was on extended annual leave during the period and staff were also involved in the aerial spraying program.

Roadside spraying was undertaken by Council weeds officers in the Bathurst and Lithgow LGAs. In addition to this roadside spraying of declared noxious weeds was undertaken in the Oberon LGA by a contractor.

3. Business Activity Strategic Plan , Delivery Plan and Annual Operating Plan

These important documents have now been adopted by Council for the coming periods.

The Government recognised that county councils were different to general purpose or local councils and that to require that each county council prepare a Community Strategic Plan would in many instances merely duplicate the Community Strategic Plan required to be prepared by constituent councils. County councils were therefore exempted by Clause 218 of the *Local Government (General) Regulation 2005* from the necessity to prepare a Community Strategic Plan and were instead required by Clause 219 of the same regulation to prepare a Business Activity Strategic Plan.

The remainder of the local government planning and reporting requirements apply to county councils.

4. Alternative Governance Models

To ensure that the functioning of Council is efficient and effective a review is to be undertaken to explore alternative governance models for weed control in the UMCC region. This report is to be done in-house.

Biosecurity Act 2015

The new Biosecurity Act 2015 is expected to come into effect from mid-2017. The new Act will repeal ten existing Acts of Parliament, including the Noxious Weeds Act 1993, plus sections of a further four Acts. This is expected to impact on how the County Council does business. This matter will be reported upon at the next meeting of UMCC.

Financial Implications: There are no financial implications at this time.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 9: To protect and enhance the region's landscapes, views, vistas, open spaces and the Macquarie River. Strategy 9.4
- Objective 10: To protect and enhance the region's biodiversity. Strategy 10.6, 10.10
- Objective 33: To be and develop good leaders. Strategy 33.5

MINUTE

64 Item 1 UPPER MACQUARIE COUNTY COUNCIL (UMCC) (18.00172)
MOVED: Cr B Bourke SECONDED: Cr I North

RESOLVED: That Council note the Delegates Report on the Upper Macquarie County Council meeting held on 5 May 2017.

2 CENTROC BOARD MEETING 25 MAY 2017 (PARLIAMENT HOUSE, SYDNEY) (07.00017)

Recommendation: That the report on the CENTROC Board meeting held 25 May 2017 at Parliament House, Sydney be noted.

Report: The Centroc Board meeting was recently held at Parliament House, Sydney on 25 May 2017.

Member for Bathurst, the Hon Paul Toole, Minister for Lands and Forestry and Minister for Racing and his office staff assisted with organising the meeting in Parliament House. The Board thanked Minister Toole for his support.

The Board were fortunate to have the Premier, Deputy Premier and the following Ministers address the Board. All Ministers expressed their appreciation for the region taking the time to come and meet with them in Sydney.

- The Hon Gladys Berejiklian - Premier
- The Hon. John Barilaro MP - Deputy Premier, Minister for Regional NSW, Skills and Small Business
- The Hon. Niall Blair MLC - Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry
- The Hon Melinda Pavey - Minister for Minister for Roads, Maritime and Freight
- Hon Andrew Constance MP - Minister for Transport and Infrastructure
- The Hon. Paul Toole MP - Minister for Lands and Forestry, and Minister for Racing
- The Hon. Anthony Roberts - Minister for Planning, Minister for Housing, and Special Minister of State
- The Hon. Gabrielle Upton, MP - Minister for the Environment, Minister for Local Government, and Minister for Heritage
- The Hon. Troy Grant, MP- Minister for Police, and Minister for Emergency Services
- The Hon. Adam Marshall MP - Minister for Tourism and Major Events, and Assistant Minister for Skills
- Mrs Leslie Gladys Williams, BNurs, DipTeach MP
Parliamentary Secretary for Regional and Rural Health
- The Hon Richard Colless Parliamentary Secretary for Western NSW and Natural Resources

- The Hon. Katrina Hodgkinson – Member for Cootamundra- Confirmed
- The Hon. Paul Toole – Member for Bathurst-
- The Hon Kevin Humphries – Member for Barwon

Cr John Medcalf, Mayor of Lachlan Shire Council was elected as Chair of Centroc unopposed. He has been acting in this role since late February.

Transport Infrastructure - Cr Ken Keith, Portfolio Mayor, updated the Board on the recent Strategic Roads Group meeting, which will now be called the Centroc Transport Group. The recent Federal Government announcement of Inland Rail is a great opportunity for this region and work will be undertaken to optimise outcomes for our communities leveraging this new transport link.

The issue of the Bells Line was raised with further advocacy to be undertaken.

Water Security- Cr D Somerville, Portfolio Chair updated the Board on the advocacy currently taking place in the portfolio, including the Visit to the Region from the Chair of General Purpose Standing Committee No 5, the Hon Robert Brown for the Inquiry into the augmentation of water storages.

A meeting was held with Minister Niall Blair the day before regarding the Lachlan Valley water security project- Phase 2 Progress and the level of consultation and the NSW DPI water regulatory framework that has seen escalating costs for Councils as they attempt to resource the increasing complexity of the compliance framework for Best Practice.

Health –A proforma report was provided to Members involved in the Beyond the Range program. The report recommended that Councils continue to engage with the Beyond the Range social media Facebook posts. Social media workshops will be arranged to provide feedback to Centroc on value of the program in February 2018.

A meeting with the Rural Doctor’s Network is being co-ordinated, to discuss the progressing of a methodology on the economic and social impacts of Doctors leaving towns.

Newly announced Parliamentary Secretary for Regional and Rural Health, Mrs Leslie Williams, MP has been sent correspondence in regard to the above.

The Murray Darling Medical School was not in the Federal Budget for next year. Further advocacy work at the request of Member for Calare, Mr Andrew Gee will be undertaken.

Regional Development – A submission was lodged to the operation, effectiveness, and consequences of the Public Governance, Performance and Accountability (Location of Corporate Commonwealth Entities) Order 2016.

The revised MOU between Centroc and RDACW the only one that exists in Australia was signed and witnessed by the Hon. John Barilaro, Deputy Premier, Minister for Regional NSW, Minister for Skills and Small Business.

Substantial work across the region has been undertaken through the Review of the Regional Infrastructure by Co-ordinator Ken Gillespie and Executive Officer Don Murray.

Planning – the Chair and EO met with the Minister for Local Government on 6 April to seek an update on the progression of Joint Organisations, from this meeting Centroc was asked

to provide a brief on the JO reform to inform Ministerial deliberations. This was raised with the Minister for Local Government at the Board meeting, where the Minister committed to providing direction on Joint Organisations within a fortnight.

Cr Scott Ferguson, Mayor of Blayney raised the concern members have with being unfit due to scale and capacity as a legacy arrangement of the abandoned amalgamations. The Minister undertook to have this resolved soon.

Tourism – Advice from CNSWT, states it will wind up CNSWT and are seeking Centroc’s support for the regional function. The Centroc Board has agreed to support the function of Tourism in line with the report provided by Central NSW Tourism.

Operational – Energy is a focus in the Operational space lately, particularly the electricity market. It was reported at the Energy meeting held 5 May, that the current electricity market prices have increased by 200-300%.

Negotiations with the Southern NSW ROCS for the roll out of LED Streetlighting and smart controls still continues. A one page advocacy brief has been developed with a more developed business case to be circulated to members in due course.

The Institute of Sustainable futures has undertaken an analysis of Local trading options for Centroc Councils. Using Bathurst and Forbes as the examples. A final report will be presented soon.

Membership Fees and approval of the Centroc Budget – seven fee options were presented to the Board for the 2017/2018 membership fee structure. The Board resolved to adopt a business as usual model.

Financial – the anticipated loss for 30 June 2017 is \$29,369 against a budgeted loss of \$697. This is due to Mid Western Regional Council no longer being a member.

Financial Implications: Council’s involvement in CENTROC is provided for within existing budget allocations.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 1: To attract employment, generate investment and attract new economic development opportunities. Strategy 1.1

MINUTE

65 Item 2 CENTROC BOARD MEETING 25 MAY 2017 (PARLIAMENT HOUSE, SYDNEY) (07.00017)

MOVED: Cr G Westman SECONDED: Cr M Coote

RESOLVED: That the report on the CENTROC Board meeting held 25 May 2017 at Parliament House, Sydney be noted.

MINUTE

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

MOVED: Cr I North SECONDED: Cr G Westman

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

There were no representations from the public.

RESOLVED: That:

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

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

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	RENEWAL OF RURAL LICENCE AGREEMENT - PART LOT 221 DP1147157, STEPHENS LANE, KELSO	10A (2) (c) – contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. Discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it would prejudice council's position in negotiating commercial and or financial arrangements.
2	RENEWAL OF SPORTING LICENCE AGREEMENT - CLUBHOUSE AND SPORTING FIELDS AT ANN ASHWOOD PARK, 67 HEREFORD STREET - BATHURST BULLDOGS RUGBY UNION INC	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
3	RENEWAL OF COMMERCIAL LEASE - LOT 4 DP112509 - MOUNT PANORAMA - SIGN EVENT 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.

4	SALE OF PROPERTY - LOT 1003 DP1129907 - 53 HAMPDEN PARK ROAD, KELSO - KELSO INDUSTRIAL ESTATE	10A (2) (c) – contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. Discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it would prejudice council's position in negotiating commercial and or financial arrangements.
5	RENEWAL OF COMMUNITY LEASE AGREEMENT - PART LOT 5 DP776928 DORMAN PLACE, LEARMONTH PARK, KELSO - CENTRAL TABLELANDS WOODCRAFT INC.	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
6	SALE OF LAND AT PART LOT 202 DP1074567, KNOWN AS 31 HAMPDEN PARK ROAD, KELSO.	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.
7	RURAL LICENCE AGREEMENT - LOT 60 DP1226661, COX LANE, EGLINTON	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
8	FINANCIAL STATEMENT - 2016 CHALLENGE BATHURST	10A (2) (c) – contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. Discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it would prejudice council's position in negotiating commercial and or financial arrangements.
9	FINANCIAL STATEMENT - 2017 BATHURST 6 HOUR	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.
10	CONTRACT FOR PRINTING AND MAILING OF RATES NOTICES	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.

*** DIRECTOR ENGINEERING SERVICES' REPORT**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	TENDER FOR NETWASTE REGIONAL COLLECTION AND RECYCLING OF SCRAP METAL - NETWASTE TENDER F2442	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 RESERVOIR ROOF REPLACEMENTS – FORREST'S ELBOW, MOUNT PANORAMA	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

**DIRECTOR CORPORATE SERVICES & FINANCE'S CONFIDENTIAL
MINUTES**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

21 JUNE 2017

MINUTE

**(a) Item 1 RENEWAL OF RURAL LICENCE AGREEMENT - PART LOT 221
DP1147157, STEPHENS LANE, KELSO (21.00022)**

MOVED: Cr B Bourke SECONDED: Cr G Westman

That Council approves the renewal of the Rural Licence Agreement for Part Lot 221 in DP1147157, Stephens Lane, Kelso with Nicole Schryver for a period of three (3) years, as detailed in the report and subject to Council's Land Management Guidelines and insurance requirements.

MINUTE

**(b) Item 2 RENEWAL OF SPORTING LICENCE AGREEMENT -
CLUBHOUSE AND SPORTING FIELDS AT ANN ASHWOOD PARK, 67
HEREFORD STREET - BATHURST BULLDOGS RUGBY UNION INC (22.10764)
MOVED: Cr B Bourke SECONDED: Cr M Coote**

That Council approves the renewal of the sporting licence agreement for the clubhouse and sporting fields at Ann Ashwood Park, 67 Hereford Street, with Bathurst Bulldogs Rugby Union Club Inc for a period of 5 years as detailed in the report.

MINUTE

**(c) Item 3 RENEWAL OF COMMERCIAL LEASE - LOT 4 DP112509 -
MOUNT PANORAMA - SIGN EVENT PTY LTD (04.00041)**

MOVED: Cr I North SECONDED: Cr B Bourke

That Council approves the renewal of the Commercial Lease Agreement for the use of a storage shed located at Mt Panorama (Lot 4 DP112509) with Sign Event Pty Ltd for a period of twelve (12) months with an option period of twelve (12) months as detailed in the report.

MINUTE

(d) Item 4 SALE OF PROPERTY - LOT 1003 DP1129907 - 53 HAMPDEN PARK ROAD, KELSO - KELSO INDUSTRIAL ESTATE (22.16067)
MOVED: Cr M Coote SECONDED: Cr B Bourke

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

Reason: Employee of Raine & Horne

That Council:

- (a) Approve the sale of lot 1003 DP1129907, known as 53 Hampden Park Road, Kelso
- (b) delegate the authority to the General Manager to negotiate the sale price with the selling agency, Raine & Horne Bathurst as detailed in the report.

MINUTE

**(e) Item 5 RENEWAL OF COMMUNITY LEASE AGREEMENT - PART LOT 5
DP776928 DORMAN PLACE, LEARMONTH PARK, KELSO - CENTRAL
TABLELANDS WOODCRAFT INC. (04.00033)
MOVED: Cr M Morse SECONDED: Cr M Coote**

That Council approve the renewal of the community lease agreement for part Lot 5 in DP776928, Dorman Place, Learmonth Park, Kelso to the Central Tablelands Woodcraft Inc. for a period of five (5) years as detailed in the report.

MINUTE

(f) Item 6 SALE OF LAND AT PART LOT 202 DP1074567, KNOWN AS 31 HAMPDEN PARK ROAD, KELSO. (22.15200)

MOVED: Cr G Westman SECONDED: Cr M Coote

That Council approve the sale of part Lot 202 in DP 1074567, known as 31 Hampden Park Road, Kelso to Mr John Wallace as detailed in the report.

MINUTE

(g) Item 7 RURAL LICENCE AGREEMENT - LOT 60 DP1226661, COX LANE, EGLINTON (22.01826)

MOVED: Cr M Coote SECONDED: Cr I North

That Council approves entering into a rural licence agreement for Lot 60 in DP 1226661, Cox Lane, Eglinton with Mr Ben Windsor for a period of 12 months only, as detailed in the report and subject to Council's Land Management Guidelines and insurance requirements.

MINUTE

**(h) Item 8 FINANCIAL STATEMENT - 2016 CHALLENGE BATHURST
(04.00136)**

MOVED: Cr M Coote SECONDED: Cr B Bourke

That the information be noted.

MINUTE

- (i) Item 9 FINANCIAL STATEMENT - 2017 BATHURST 6 HOUR (04.00125)**
MOVED: Cr M Coote SECONDED: Cr B Bourke

That the information be noted.

MINUTE

(i) Item 10 CONTRACT FOR PRINTING AND MAILING OF RATES NOTICES (16.00045)

MOVED: Cr B Bourke SECONDED: Cr M Coote

That Council accept and sign a contract with Forms Express Pty Ltd for the printing and mailing of rates notices.

DIRECTOR ENGINEERING SERVICES' CONFIDENTIAL MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

21 JUNE 2017

MINUTE

(k) Item 1 TENDER FOR NETWASTE REGIONAL COLLECTION AND RECYCLING OF SCRAP METAL - NETWASTE TENDER F2442 (14.00007)
MOVED: Cr M Coote SECONDED: Cr B Bourke

That Council act in accordance with the Director Engineering Services' report.

MINUTE

(I) Item 2 TENDER FOR RESERVOIR ROOF REPLACEMENTS – FORREST'S ELBOW, MOUNT PANORAMA (36.00637)

MOVED: Cr I North SECONDED: Cr G Westman

That Council accepts the tender of Steelworks Pty Ltd, for replacement of the roofs to 3 existing potable water reservoirs at Forrest's Elbow, Mount Panorama in the amount of \$183,520.40 inclusive GST, subject to adjustments and provisional items.

MINUTE

67 **RESOLVE INTO OPEN COUNCIL**
MOVED: Cr I North SECONDED: Cr M Coote

RESOLVED: That Council resume Open Council.

MINUTE

68 **ADOPT REPORT OF THE COMMITTEE OF THE WHOLE**
MOVED: Cr B Bourke SECONDED: Cr M Coote

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

MINUTE

69 MEETING CLOSE

The Meeting closed at 8.58 pm.

CHAIRMAN: _____