

27 March 2019

His Worship the Mayor & Councillors

**Notice of Policy Committee Meeting of Bathurst Regional Council -  
Wednesday, 3 April 2019**

I have to advise that a **Policy Committee Meeting** will be held in the Council Chambers on Wednesday, 3 April 2019 commencing at 6.00 pm.



D J Sherley  
**GENERAL MANAGER**

## **BUSINESS AGENDA**

### **POLICY COMMITTEE**

**TO BE HELD ON WEDNESDAY, 3 APRIL 2019**

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

**2. APOLOGIES**

**3. REPORT OF PREVIOUS MEETING**

\* MINUTES - POLICY COMMITTEE MEETING - 6 MARCH 2019

**4. 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.

**5. RECEIVE AND DEAL WITH GENERAL MANAGER'S AND DIRECTORS' REPORTS**

**6. GENERAL BUSINESS**

**7. DISCUSSION FORUM - DEVELOPMENT APPLICATION SUBMISSIONS - Nil**

**8. DISCUSSION FORUM OTHER**

\* DRAFT COMMUNITY PARTICIPATION PLAN

**9. MEETING CLOSE**

## MINUTE

### 1 MEETING COMMENCES

**Present:** Councillors Hanger (Chair), Aubin, Bourke, Christian, Fry, Jennings, Morse, North.

## MINUTE

### 2 APOLOGIES

MOVED: Cr I North SECONDED: Cr W Aubin

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

**REPORT OF PREVIOUS MEETING AND MINUTES**

POLICY COMMITTEE

## **1 MINUTES - POLICY COMMITTEE MEETING - 6 MARCH 2019 (07.00064)**

**Recommendation:** That the Minutes of the Policy Committee Meeting held on 6 March 2019 be adopted.

**Report:** The Minutes of the Policy Committee Meeting held 6 March 2019, are **attached**.

**Financial Implications:** N/A

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

- Objective 6: Community leadership and collaboration Strategy 6.4

### **Community Engagement**

- Inform To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

## MINUTE

- 3 Item 1 MINUTES - POLICY COMMITTEE MEETING - 6 MARCH 2019 (07.00064)  
MOVED: Cr W Aubin SECONDED: Cr M Morse

**RESOLVED:** That the Minutes of the Policy Committee Meeting held on 6 March 2019 be adopted.

**MINUTES OF THE POLICY COMMITTEE**  
**HELD ON 6 MARCH 2019**

**MEETING COMMENCES**

**1 MEETING COMMENCES 6:00 PM**

**Present:** Councillors Hanger (Chair), Aubin, Bourke, Fry, Jennings, North, Rudge.

**APOLOGIES**

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

**RESOLVED:** That the apologies from Cr Christian and Cr Morse be accepted and leave of absence granted.

**REPORT OF PREVIOUS MEETING**

**3 Item 1 MINUTES - POLICY COMMITTEE MEETING - 5 DECEMBER 2018 (07.00064)**  
**MOVED** Cr W Aubin and **SECONDED** Cr J Rudge

**RESOLVED:** That the Minutes of the Policy Committee Meeting held on 5 December 2018 be adopted.

**DECLARATION OF INTEREST**

**4 DECLARATION OF INTEREST 11.00002**  
**MOVED** Cr B Bourke and **SECONDED** Cr I North

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

**RECEIVE AND DEAL WITH GENERAL MANAGER'S AND DIRECTORS' REPORTS**

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

**5 Item 1 ON-SITE SEWAGE MANAGEMENT STRATEGY (41.00089, 14.00006)**  
**MOVED** Cr I North and **SECONDED** Cr W Aubin

**RESOLVED:** That Council:

- (a) place the On-site Sewage Management Strategy on public exhibition for a period of 28 days;
- (b) if no submissions are received, adopt the strategy; and
- (c) if submissions are received, a further report will be prepared for Council.

**6** **Item 2 LIGHTING - WHITE WAY LIGHTING UNDER AWNINGS IN THE CBD (41.00089, 28.00014)**  
**MOVED** Cr W Aubin and **SECONDED** Cr J Jennings

**RESOLVED:** That Council place on public exhibition for 28 days the intention to revoke the Policy "Lighting - White Way Lighting Under Awnings in the CBD."

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

**7** **Item 1 REPORT OF AUDIT AND RISK MANAGEMENT COMMITTEE - 28 NOVEMBER 2018 (07.00096)**  
**MOVED** Cr J Rudge and **SECONDED** Cr I North

**RESOLVED:** That the recommendations of the Audit & Risk Management Committee Meeting held on 28 November 2018 be adopted.

**8** **Item 2 DRAFT CODE OF MEETING PRACTICE (07.00064, 07.00065)**  
**MOVED** Cr I North and **SECONDED** Cr J Jennings

**RESOLVED:** That Council:

- (a) place the Draft Code of Meeting Practice on public exhibition for a period of not less than 28 days; and
- (b) receive a report following the public exhibition period.

**GENERAL BUSINESS**

**9** **RANKIN/DURHAM STREET INTERSECTION (25.00089)**

**Cr North** - requested an update on traffic treatment for this intersection.

**Cr Aubin** noted that Road & Maritime Services (RMS) are looking at a possible no right hand turn.

**The Director Engineering Services** advised that RMS has commenced traffic investigations across the area, the study will look at this area. Expect results in 4-6 months.

**10**      **Item 2 PERTHVILLE AND EGLINTON RIVER ISSUES (31.00011)**

**Cr North** - spoke to concerns being raised by community and noted issues on private land. Could concerns be raised with the local member about State Government controls that are causing problems?

**The Director Engineering Services** spoke to current controls in place.

**11**      **Item 3 WATER RESTRICTIONS (32.00017)**

**Cr North** - asked could a report come back to Council showing water levels, usage levels this year as against last year?

**The General Manager** noted a Working Party has been scheduled for next week on this matter. Further, a report is being prepared for Council's April/May meeting.

**12**      **Item 4 WEBSITE - ADVICE OF EVENTS (21.00002)**

**Cr North** - asked how do we let people know what events are on in the City?

**The General Manager** noted events are listed on the Bathurst Visitors Information Centre (BVIC) web page. Groups are encouraged to provide advice to BVIC so can be included.

**13**      **Item 5 KEPPEL STREET BUSINESS OWNERS (EVENTS) (25.00039)**

**Cr North** - advised meeting held with shop owners was very good, particularly discussed Winter Festival. Could they be invited to a Working Party of Council?

**The General Manager** advised that this can be arranged. Requested they put in a letter providing details prior to the meeting.

**14**      **Item 6 POLICY MEETINGS (07.00064)**

**Cr North** - requests a Policy Committee meeting be held in February each year.

**15**      **Item 7 OAKTREE RETIRMENT VILLAGE (13.00019, 22.04712)**

**Cr North** - advised the Retirement Village have expressed concerns with pine trees at the back of their village, could this be looked at?

**16**      **Item 8 KEPPEL STREET PRECINCT (25.00039)**

**Cr Fry** - spoke to meeting held, it was positive and noted possible Winter Festival connections

**17**      **Item 9 WATER/SEDIMENT MOVEMENT (13.00031)**

**Cr Fry** - spoke to recent storms, water flows are changing and noted impacts across the State. There is massive disruption and this is impacting food provision. Noted Blue Mountains have declared a state of climate emergency. There needs to be a reality check. Cr Fry then spoke to water controls/availability, recycling projects, effluent reuse, smart meters, Ben Chifley Dam controls.

**The Director Engineering Services** spoke to review of drought management strategy and current practices in place.

**18**      **Item 10 KEPPEL STREET (25.00039)**

**Cr Jennings** - spoke to recent meeting with owners, went well and spoke to various activity names.

**19**      **Item 11 RAGLAN PUBLIC SCHOOL - DOG POO BAGS (13.00006)**

**Cr Jennings** - advised the bags are being used and then being thrown into the school. Could this be followed up?

**20**      **Item 12 CLASSIC CAR SALE (21.00005)**

**Cr Jennings** - asked did we review the recent sale in Gosford?

**The Director Corporate Services & Finance** advised that the classic car auctions held no items of significance to the National Motor Racing Museum.

**21**      **Item 13 MACQUARIE PLAZA (22.01375)**

**Cr Jennings** - area looks appalling. Noted Cr Christian has same concern. How is the Public Art Policy going?

**The Director Cultural & Community Services** advised the Policy has just come off public exhibition. Will be reported to April/May meeting. The Policy proposes a Committee to review projects, be established. This will include Councillors.

**22**      **Item 14 CBD WIFI TEST (37.00610)**

**Cr Jennings** - asked how is this going? Some areas not working.

**The Director Corporate Services & Finance** noted where current trial is at.

**23**      **Item 15 BMX/VELODROME (04.00140)**

**Cr Jennings** - advised there is a hand painted sign on Vale Road indicating the facility. Could we look at putting in a more professional sign.

**24**      **Item 16 DISABILITY ACCESS - ADULT CHANGE TABLE (09.00020)**

**Cr Jennings** - asked could this be included for consideration in future toilet upgrades?

**25**      **Item 17 DISABILITY ICON (09.00020)**

**Cr Jennings** - advised Central Coast Council has changed icon to half wheelchair and half standing person. Could Council look at adopting the change?

**26**      **Item 18 COLLEGE ROAD - PLAYGROUND (04.00034)**

**Cr Jennings** - met with local residents to get them involved in design and development of play equipment/shelter, trees etc for the park. Feels a budget of \$10,000 to \$15,000 would be needed and community engaged to build.

**The General Manager** recommended a submission be made to the 2019/2020 Operational Plan.

**27**      **Item 19 DEVELOPMENT APPLICATION NOISE LIMITS (13.00021)**

**Cr Jennings** - queried what limits occur once a Development Application is

approved, in regards to building work.

**The Acting Director Environmental, Planning & Building Services** advised that other than prescribed hours of work, no prescribed limits are in place.

**28**      **Item 20 DROUGHT STRATEGY (13.00031)**

**Cr Jennings** - asked in preparing this, could risk mapping be undertaken, using state data sources?

**29**      **Item 21 STREET LIBRARIES (21.00054)**

**Cr Jennings** - noted Yetholme/Perthville got structures from the Woodies. Could we look at a program for villages?

**30**      **Item 22 GREENSPACES/PARKS (04.00034)**

**Cr Rudge** - spoke to maintenance levels in areas outside the CBD. Noted resource levels available, with growth of open spaces need to look at making more resources available.

**31**      **Item 23 WALKERS ON THE MOUNT (04.00019)**

**Cr Rudge** - Bus Drivers have stated the walkers will not move out of the way, it is dangerous. Could the Traffic Committee look at this? Could we remind people of safety issues?

**The Director Engineering Services** noted Boardwalk project currently in place, this will alleviate some of the problems. Have previously undertaken community awareness programs.

**32**      **Item 24 KEPPEL STREET GROUP (25.00039)**

**Cr Rudge** - great that they are getting together. They can be used as an example of businesses having a go.

**33**      **Item 25 BATHURST 2019 DESTINATION PLANNER (24.00010)**

**Cr Rudge** - stated new booklet is fantastic. Visitation will increase with the \$2.5 billion upgrade announced today for the Great Western Highway (Lithgow to Katoomba).

**34**      **Item 26 BEN CHIFLEY DAM PIPELINE (36.00215)**

**Cr Rudge** - referred to 2008 strategy undertaken. There are water sharing rules etc to be looked at. Requests a Working Party be held.

**35**      **Item 27 INTERNATIONAL WOMEN'S DAY (23.00155)**

**Cr Rudge** - spoke to an exciting range of events that are scheduled for this week.

**Cr North** spoke of recent meeting held where comments were made about International Women's Day events.

**36**      **Item 28 GILMOUR STREET UNITS, NEAR HOPE CHURCH (25.00035)**

**Cr Bourke** - residents have asked for another chair on Hereford Street. In addition, could we also look at these on the Kath Knowles walkway.

**The Director Engineering Services** will review possible options.

**37**      **Item 29 GRAFITTI (20.00045)**

**Cr Bourke** - expressed concern that painting on public walls will encourage graffiti.

**MEETING CLOSE**

**38**      **MEETING CLOSE**

The Meeting closed at 7.04 pm.

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

**MINUTE**

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

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

**GENERAL BUSINESS**

POLICY COMMITTEE

## MINUTE

### 5 Item 1 GASWORKS SITE (22.00052)

Cr Bourke - enquired as to the status of this site.

The General Manager noted conversations that are currently being held.

**MINUTE**

**6 Item 2 POPULARLY ELECTED MAYOR (12.00005)**

**Cr Bourke** - asked where the survey is at on this proposal?

**The General Manager** advised survey completed, results are being collected.

**MINUTE**

**7 Item 3 PIGEON PROGRAM (14.00627)**

**Cr Bourke** - queried where scheduled program is at.

**The Director of Environmental, Planning and Development Services** will review the program and advise Council of status.

**MINUTE**

**8 Item 4 PIGEON PROGRAM - ELECTRIC TAPE (14.00627)**

**Cr Jennings** - enquired as to where investigations are at, will we be looking at using this method.

**MINUTE**

**9 Item 5 FEDERAL FUNDS - DROUGHT RELIEF (16.00171)**

**Cr Jennings** - spoke to \$1 million grant, recently approved. Does money have to be spent in this calendar year? Possible funding options; villages, water efficiencies etc.

**The General Manager** advised it is understood funds must be spent by 31 December 2019

**MINUTE**

**10 Item 6 DAYLIGHT SAVING - WATER RESTRICTIONS (32.00017)**

**Cr Jennings** - asked if there would be any changes to restrictions with the finish of daylight saving?

**The General Manager** advised restrictions will remain under the existing time restraints.

**MINUTE**

**11 Item 7 STREET LIBRARIES AND LIBRARY SERVICES (21.00054)**

**Cr Jennings** - spoke to expansion of services eg seed, cooking utensils, toy library facilities.

## **MINUTE**

### **12 Item 8 FORGOTTEN PARKS (04.00034)**

**Cr Jennings** - requests a Working Party on the forgotten parks of Bathurst and proposed upgradings. Then spoke to College Road Park Petition received and the last Policy Meeting where this was raised in Council. Also noted Council's Parks Works Budget which caters for upgrades. Requests the irrigation, trees, basketball hoop and line-marking proposed works, be undertaken for College Road for a cost estimate of \$12,000 to \$13,000.

Further, requests Council look at a staging process for the Centennial Park works.

**Meeting was suspended at 6.15 pm for the commencement of the Discussion Forum.**

**General Business resumed at 6.36 pm following the conclusion of the Discussion Forum**

## MINUTE

### 13    Item 9    PARKS AND GARDENS (04.00034)

**Cr Aubin** - agrees with proposal of Cr Jennings and requests a Working Party be held as soon as practical on the balance of the funds of around \$38,000. Need to look also at scheduled works for Centennial Park.

**MINUTE**

**14    Item 10    BUS INTERCHANGE (25.00006)**

**Cr Aubin** - asked if this matter has been considered by Council?

**The General Manager** spoke to history of Interchange that was built in Howick Street.

## **MINUTE**

### **15    Item 11    LEP - CBD HEIGHT LIMIT (20.00143)**

**Cr Aubin** - asked is there a limit of 12 metres? What height is the Courthouse building? Then spoke to the urban sprawl and the need for medium density CBD area, this will assist in affordability.

**The Director of Environmental, Planning and Development** spoke to controls in place in LEP and DCP's and recently the Housing Study being undertaken.

**MINUTE**

**16    Item 12    BUS INTERCHANGE (25.00006)**

**Cr Morse** - spoke to position of bus company and the non-use of the interchange space.

**MINUTE**

**17    Item 13    FLOODING ELEVEN MILE DRIVE (25.00029)**

**Cr Morse** - matter raised by ratepayer - who is responsible for removing the Bulrushes?

**The General Manager** advised that if private property, it is the owner's responsibility and it is an issue under State Government controls.

## MINUTE

### 18 Item 14 FOOTBALL - CAR PARKING ON ROAD VERGES (18.00296)

**Cr Morse** - advised has received concerns from people in Howick Street about cars parking on verges and that they weren't advised of the event. Can we please do this for future events?

**MINUTE**

**19    Item 15    PARKS AND GARDENS (04.00034)**

**Cr Morse** - stated that at Centennial Park all they want is water. The costs are ridiculous. Spoke to College Road proposal, feels unfair.

**MINUTE**

**20 Item 16 POPULARLY ELECTED MAYOR (12.00005)**

**Cr Morse** - stated not happy with wording of the survey. The main issue was the preamble, which did not mention that a popularly elected Mayor is elected for four (4) years.

**MINUTE**

**21    Item 17    DROUGHT - MEALS ON WHEELS IMPACTS (13.00031)**

**Cr Morse** - Meals on Wheels are impacted by the drought, as have nutritional requirements that must be met. Product costs are going up, some assistance is needed. Perhaps drought relief fund may assist?

**MINUTE**

**22    Item 18    ETERNAL FLAME (04.00021)**

**Cr Morse** - advised that the new sculpture will be opened on Anzac Day.

## MINUTE

### 23    Item 19    SOLAR FARM (13.00061)

**Cr Fry** - advised that Albury Council now has a solar farm and have combined it with the methane generator at the tip. Can we use our methane? We need to do a study for a solar farm. Albury's was built by private developers.

**The Acting Director of Engineering Services** advised that the agreement for methane at Waste Management Centre (WMC) is still in place. Spoke to economic viability issues.

**MINUTE**

**24 Item 20 DROUGHT FUNDS (16.00171)**

**Cr Fry** - suggests; conduct workshops on native regeneration projects (do it with Upper Macquarie County Council), update storm water management plan.

**MINUTE**

**25    Item 21    TRAFFIC STUDY (28.00017)**

**Cr Fry** - asked will the Traffic Study look at a third crossing of the river? Should look at acquisition of land.

**Acting Director of Engineering Services** advised that it is understood that the study will include this.

**MINUTE**

**26    Item 22    CENTENNIAL PARK (04.00047)**

**Cr Fry** - requested, should look at storm water harvesting and also if Rocket and Bentinck intersection would be able to be used.

**MINUTE**

**27    Item 23    ELEVEN MILE DRIVE (25.00029)**

**Cr Christian** - Asked, can we contact the relevant authorities with respect to flood issues?

**MINUTE**

**28    Item 24    MARSDEN LANE PEDESTRIAN CROSSING (25.00124)**

**Cr Christian** - representations have been received about need for crossing. Can this be investigated, there is a problem near Holy Family School?

**MINUTE**

**29 Item 25 BLISTERS AT KEPPEL AND WILLIAM STREETS (25.00039)**  
**(25.00002)**

**Cr Christian** - asked, are these Council's responsibility? Could they be tidied up?

## MINUTE

### 30    Item 26    AUSTRALIA DAY COMMITTEE (23.00033)

**Cr Christian** - advised that the recent meeting was very productive. Spoke to suggestions made and asks that the Councillors hold a Working Party to discuss.

## MINUTE

### 31    Item 27    COLLEGE ROAD (25.00126)

**Cr Christian** - stated, happy with Cr Jennings' proposal, but Council needs to look at Centennial Park and the scope of works. This is a decision for Councillors to make.

## MINUTE

### 32    Item 28    PARKS AND GARDENS (04.00034)

**Cr North** - stated, good to see this item raised tonight. Council has responsibilities to undertake works. Also need to do study of all our buildings to comply with disability requirements.

## MINUTE

### 33    Item 29    DISABILITY LOGO (07.00031)

**Cr North** - asked where has this matter gone with the international logo?

**The Director of Environmental, Building and Development Services** advised that the international logo is mandatory, additional signage can go in to complement, if Council should so determine.

**MINUTE**

**34    Item 30    CCTV (36.00690)**

**Cr North** - asked where is the roll out at?

**The Director of Cultural and Community Services** advised that it is still on track to go live at the end of May. Under-boring is occurring.

**MINUTE**

**35    Item 31    RIFLE CLUB (18.00077) (20.00278)**

**Cr North** - spoke to issues of concern with respect to the second circuit.

**The Mayor** advised that a meeting was recently held to discuss matters of concern.

**MINUTE**

**36 Item 32 MITRE / SUTTOR / LAMBERT STREET ROUNDABOUT (25.00095)**  
**(37.00593)**

**Cr North** - asked where is this at?

**The Acting Director of Engineering Services** advised Geolyse has nearly finished the design, tenders to be called in the near future.

## **MINUTE**

### **37 Item 33 ALGAE AT DAM (32.00005) (13.00012)**

**Cr North** - spoke to representations from Mr T Jones on this matter.

**The Acting Director of Engineering Services** advised that a testing regime is in place, and this is in accordance with national standards.

**MINUTE**

**38 Item 34 SPORT & RECREATION COUNCIL (18.00021)**

**Cr North** - asked when people are put on the Sports Honour Board, can we do a Mayoral Welcome?

## MINUTE

### 39    Item 35    UMCC - DROUGHT NEEDS (18.00172)

**Cr North** - advised that in current dry conditions, the aerial spray program has stopped. When the drought breaks, weeds will be a problem, so might need a drought assistance program, possibly Federal Government Drought Grant could be used?

**MINUTE**

**40 Item 36 FLOW METERS IN RIVER (31.00010)**

**Cr North** - suggest perhaps additional meters could be put into the river, via the Federal Government Drought Grant.

**MINUTE**

**41    Item 37    WINTER FESTIVAL - KEPPEL STREET (23.00152)**

**Cr North** - noted that Council is working with Keppel Street owners. Could a report come back to Councillors?

**MINUTE**

**42    Item 38    ROADS AT ROCKLEY (25.00575)**

**Cr North** - tabled a letter of concern from a resident for Council's attention.

**MINUTE**

**43    Item 39    URBAN SPRAWL (20.00143)**

**Cr North** - noted concerns being raised, need to review in next LEP.

**DISCUSSION FORUM OTHER AND MINUTES**

POLICY COMMITTEE

## **1 DRAFT COMMUNITY PARTICIPATION PLAN (20.00331)**

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

**Report:** In March 2018, changes to the Environmental Planning and Assessment (EPA) Act 1979 set out new requirements for Councils to prepare a Community Participation Plan (CPP). All Planning Authorities, including the Department of Planning and Environment and Councils, will be required to have in place a Community Participation Plan by 1 December 2019.

The CPP sets out when and how Council will engage with its communities across all the planning functions it performs (strategic planning and development assessment) under the EPA Act 1979. The CPP also summarises those circumstances where planning decisions are made outside Council's jurisdiction, and development which is exempt from a development application. Both of those scenarios place limitations on the ability of the community to participate. The CPP must meet the minimum requirements for community participation as set out in the EPA Act. The CPP is distinct from Council's Community Engagement Strategy which remains in place as adopted by Council and applies to Council's functions outside those under the EPA Act.

### **Public Exhibition**

Following Council's resolution dated 6 February 2019, Council placed the draft CPP on public exhibition for a period of 28 days from 11 February 2019 to 11 March 2019. Council staff attended the Eglinton Fair on 23 February 2019 to promote the draft CPP. A public information session was held on 27 February 2019.

### **Submissions:**

As a result of the public exhibition period, a total of four (4) submissions were received by Council. Copies of the submissions are provided as **attachment 1**.

<b>Name</b>	<b>Submission Summary</b>
Ms I Pearson	<ul style="list-style-type: none"><li>● Thanks Council for the willingness for community consultation, particularly the DA tracker and regular articles in the newspaper.</li><li>● DA consultation should include social media channels, similar to the strategic planning processes.</li><li>● Seeks that Council include criteria for determining what demolition is 'minor in nature' and therefore does not fall within the exhibited development criteria.</li><li>● Suggests the development of heritage guidelines to guide owners to suitable infill or adaptive reuse of buildings within the Heritage Conservation area.</li><li>● Comments that exempt and complying developments can still have impacts similar to those that are listed within 3.14.4.4 (other notified development).</li><li>● Seeks clarification on the exempt development notification process.</li></ul>
Mr C O'Rourke	<ul style="list-style-type: none"><li>● Thanks Council for the willingness to improve the participation of the public in the planning process.</li><li>● Thanks Council for the definition of a 'stakeholder'.</li><li>● Comments that he considers Bathurst's notification process to be the least transparent and vague compared to some other Councils.</li><li>● The submission cites a number of examples of notification processes within the Bathurst Region.</li><li>● Cites the process of consultation for the George Park Master Plan.</li><li>● Recommends Council amend Section 3.3 of the draft CPP to include technologies such as planningalerts.org.au to facilitate the participation and</li></ul>

	<p>ownership of planning decisions.</p> <ul style="list-style-type: none"> <li>● Council should consider the development of a Citizen's jury in the development of its long term planning.</li> <li>● Council adopt a distance based notification policy.</li> <li>● Council should remove the inconsistencies in the DA process with respect to certain exempt development types.</li> </ul>
Mr S Bathgate Bathurst Heritage Network	<ul style="list-style-type: none"> <li>● Considers that notification should be wider and include those properties across the road.</li> <li>● Considers that if a wider notification is not adopted, then a notice be placed on the property.</li> <li>● Considers that there should be renotification of the application, if amended plans are received. It is relevant especially if amended plans are received in response to issues raised in a submission.</li> <li>● Supports Landmark Sites to be exhibited development.</li> <li>● Considers that the notification to the National Trust should be for all applications for demolition or which alter the streetscape in the heritage conservation area, not limited to those listed on the National Trust register.</li> </ul>
Jennifer Walsh	<p>Suggests that further clarification be made on the following:</p> <ul style="list-style-type: none"> <li>● How the Community Participation Plan and the Community Engagement Plan are linked.</li> <li>● Seeks clarification on the 'Planning on a page' concept.</li> <li>● Suggests reiteration of the purpose of the CPP at section 1.8.</li> </ul>

In addition to formal submissions received during the exhibition of the draft CCP, Council staff are aware of specific examples where people felt the notification of a development application was inadequate. Issues raised this way are also under consideration.

Following the Discussion Forum a report will be presented to Council on this matter.

**Financial Implications:** Nil.

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

- Objective 6: Community leadership and collaboration Strategy 6.1, 6.3, 6.5

### **Community Engagement**

- Consult To obtain public feedback on alternatives and/or decisions

## MINUTE

### 44 Item 1 DRAFT COMMUNITY PARTICIPATION PLAN (20.00331)

Discussion included:

#### Ingrid Pearson - Ratepayer

- Spoke to Section 3.3 and queried why social media was not included.
- Section 3.10 queried process of determining who will be notified.
- Section 3.14.1(c) Demolition of heritage items, need clarification of what is a 'minor' matter, need guidelines developed.
- Section 3.14.4.4 Privacy matters, overshadowing and notification concerns re exempt development.
- Does Council require notification to itself?

#### S Bathgate - Bathurst Heritage Network Representative

- Thanked Councillors for work they do in the community.
- Advise Bathurst Heritage Network have made a submission.
- Spoke to issue of notification and the principle involved - should be anyone affected be notified. Rules are very much the same and these are old, notification has been a very vexed matter. Need a more consultative approach and involve the community
- People across a pathway or laneway from a development should be notified. Council should also look at notification of owners of strata properties in the process.
- Where a site is a landmark site, particularly in the CBD these should be exhibited, examples include: St Stephen's Church.

## EXTENSION OF TIME

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

**RESOLVED:** That an extension of time be granted for S Bathgate

#### C O'Rourke - Ratepayer

- Supports Mr Bathgate's comments and has put in a written submission.
- Spoke to consultation processes currently in place re issues of being representative of the community.
- Referred to last community survey results received. Then referred to planning process results for Eglinton.
- Suggested Council establish a citizens jury to deliver recommendations to Council on big issues of concern. They are used by a number of authorities.

## EXTENSION OF TIME

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

**RESOLVED:** That an extension of time be granted for C O'Rourke

**B Trimming - Ratepayer**

- Spoke to the increase in community participation. Some speakers have received extension of time, yet new Code of Meeting Practice is reducing time people can speak to four (4) minutes and also people will only be able to speak on the Agenda, that is wrong. The Code of Meeting Practice is in conflict with Council's Community Participation Plan.

**General Business resumed.**

Yours faithfully

A handwritten signature in black ink, appearing to read 'N Southorn', followed by a period.

N Southorn  
**DIRECTOR**  
**ENVIRONMENTAL, PLANNING & BUILDING SERVICES**

## MINUTE

### 45 MEETING CLOSE

The Meeting closed at 7.20 pm.

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

## DISCUSSION FORUM OTHER - ATTACHMENTS

POLICY COMMITTEE



Ingrid completed Submission - draft Community Participation Plan (20.0331)  
Your Say Bathurst Region

to:

nicholas.murphy, council

10/03/2019 05:57 PM

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From: Your Say Bathurst Region <notifications@engagementhq.com>

To: nicholas.murphy@bathurst.nsw.gov.au, council@bathurst.nsw.gov.au

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Ingrid just submitted the survey 'Submission - draft Community Participation Plan' with the responses below.

**Name**

Ingrid Pearson

**Postal Address**

17 McGillan Drive Kelso 2795

**Your email address**

ingrid@bigpond.com

**Please outline your submission**

Thank you for holding an information session on 27 February 2019. I commend Council on providing many avenues of engaging with the community. In particular, the DA-tracker and regular articles in the newspapers have kept me informed on Council's initiatives, DAs and other Council strategies and policies. My comments on the CCP draft document are: Item 3.3 DA Consultation channels: Social media was not included (it was included in 4.2 Strategic Planning Consultation channels). Item 3.10 How Council determines who will be notified: I do note that Council has discretion to notify under Section 3.14.4.4. Item 3.14.3.1 (c) Exhibited development does not apply to (xv) demolition of a heritage item, or (xvi) demolition work, relic or place .... if in the opinion of Council will be of a minor nature or will not adversely affect the environmental heritage... It is not clear to me how Council determines it is of a minor nature when it is located within a Heritage Conservation Area. May I suggest that Council develop heritage guidelines to guide owners and developers to create suitable infill/adaptive reuse for Heritage Conservation Areas using NSW Heritage Office and NSW Government Architect Offices design guides. Item 3.14.4.4 Other notified development in all zones provides notice to owners of adjoining land where a material adverse impact upon: views, overshadowing, privacy, visual impact of proposed development to streetscape. While according to EPA Act 2008 complying or exempt developments do not need to be notified, owners of adjoining land could still be adversely impacted as aforesaid by CDC development and exempt development can adversely impact on views and privacy of adjoining land owners, especially in green field sub-divisions. Does Council require notification of exempt developments for its records to check that they meet the compliance requirements for exempt development – even though this is not required by the EPA Act?

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No Answer

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Fw: CPP Information session  
Nicholas Murphy  
to:  
Group Records  
06/03/2019 03:40 PM  
Hide Details  
From: Nicholas Murphy/BathurstCC  
To: Group Records

Can you please register on 20.00331

thank you

Nicholas Murphy  
Senior Strategic Planner  
Bathurst Regional Council  
158 Russell Street Bathurst 2795  
Phone: 02 6333 6514  
Fax:  
[www.bathurst.nsw.gov.au](http://www.bathurst.nsw.gov.au)

----- Forwarded by Nicholas Murphy/BathurstCC on 06/03/2019 03:40 PM -----

From: <ingrid@bigpond.com>  
To: <Neil.Southorn@bathurst.nsw.gov.au>  
Cc: <nicholas.murphy@bathurst.nsw.gov.au>, <Janet.Bingham@bathurst.nsw.gov.au>  
Date: 02/03/2019 06:14 PM  
Subject: CPP Information session

---

Dear Neil et al,

Thank you for enlightening me on the Council community participation plan and process. Congratulations on making planning processes so transparent.

As mentioned at the session, I had not before worked with a Council that was so willing to view community participation so seriously.

It is a credit to Council – staff and management as well as Councillors (even though State Government imposes these processes) to maintain transparency.

Regards,  
Ingrid

Ingrid Pearson FRAIA  
NSW Architect Registration 3844  
Mobile +61 418 228 766  
Email [ingrid@bigpond.com](mailto:ingrid@bigpond.com)

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CJOR completed Submission - draft Community Participation Plan (20.0331)

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11/03/2019 02:45 PM

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CJOR just submitted the survey 'Submission - draft Community Participation Plan' with the responses below.

**Name**

Chris O'Rourke

**Postal Address**

Mitchell

**Your email address**

corourke@mac.com

**Please outline your submission**

See attached PDF

**Would you like to upload a document?**

[https://s3-ap-southeast-2.amazonaws.com/ehq-production-australia/cb67485f2cd869fa2ca79a3bc335f37a92a9d1c8/file\\_answers/files/030/964/757/original/CORourke\\_CPP\\_Feedback.pdf?1552275903](https://s3-ap-southeast-2.amazonaws.com/ehq-production-australia/cb67485f2cd869fa2ca79a3bc335f37a92a9d1c8/file_answers/files/030/964/757/original/CORourke_CPP_Feedback.pdf?1552275903)

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## **Submission to the Community Participation Plan (March 2019)**

**By**

**Chris O'Rourke, resident of Mitchell**

### **Introduction**

Council is to be commended for its willingness to improve the participation of the public in the planning process in the Bathurst LGA.

This submission will focus on how ratepayers and residents can be involved in and feel confident about the planning process.

### **Positives**

Council is to be further commended for including a definition of "stakeholder" in the CPP.

### **Suggested improvements**

This submission focusses on BRCs policy for development applications. At an ordinary meeting of Council in 2018 this author outlined the DA Notification and Advertisement policy of 10 different councils, to see how transparent each council is in its processes and how they involved their communities.

The rules of nine regional councils plus the City of Sydney were examined.

- Albury
- Armidale
- Bathurst
- Dubbo
- Goulburn
- Orange
- City of Sydney
- Tamworth
- Taree
- Wagga Wagga

### **Evaluation of Council Notification Procedures**

The most transparent and precise is Sydney. This may in part be due to the size and complexity of the area it encompasses. For example the appendix to its DCP contains three pages of detailed diagrams showing exactly which property owners will be notified.

Most councils notify "adjoining" owners but only Albury, Bathurst, Tamworth and Wagga actually define what it means. Sydney's distance criterion is very precise which effectively makes the use of the term adjoining, redundant.

A number of councils provide written notification in all instances (even though in some cases it is not clear who will be notified). They are Albury, Goulburn, Orange, Sydney, Tamworth, Taree and Wagga. Dubbo has a DCP containing contradictory statements. It reads “Everyone in the “general locality” will be notified and later “Council will notify or advertise developments where it is considered to be in the public interest to do so.”

Some councils are very vague about the criteria for assessing DAs: Bathurst, Orange, Tamworth and Taree. Albury has 14 separate criteria but Bathurst and Taree only have 5.

Of interest is that Armidale Council requires independent assessment for applications which it itself proposes. No other council does that.

**The least transparent and vague in terms of DAs and notification, when considering a range of criteria are Armidale, Bathurst and Dubbo.**

This lack of transparency, in the case of Bathurst, was highlighted by “The Western Advocate” in its editorial of 30th August 2018:

It was only after a personal plea to councillors from Professor David Goldney that it was decided to put the plan on public display for 28 days to invite some feedback.

And Professor Goldney was only made aware of the master plan when the Western Advocate published an article in the days leading up to the meeting. Without that article, it’s very likely that the first residents living near George Park would have known of the redevelopment would have been when the heavy machinery moved in to disrupt their morning walk.

That is exactly what happened in 2013 when Council machinery moved in early one morning to excavate for the amenities building at George Park 1.

A local resident directly affected by this development phoned council and asked “Shouldn’t we have seen a DA for that?”

The answer was “No, because you are not affected”.

The building is straight across the road from where the resident lives. Other neighbours in the same street were not notified.

**Whether or not local residents will be notified of a council development (like the one in this case) depends entirely on the discretion of the responsible council officer.**

There are a number of inconsistencies in the rules in the DCP.

**Example 1.** Consider two owners one of whom wants to undertake a notifiable development (eg. a second storey which will require it to be notified to some neighbours).

Let’s say this is happening to a property either side of the path between Harris St and Rocket St which is 1.6m wide.

In most other councils the neighbour across the path would have to be informed about the DA. In Bathurst the neighbour may or may not be informed because of the path which separates the two properties. If there was no path the neighbour would have to be notified.

The BRC DCP reads

“... written notice of a notified Development Application will be given to the owners of land directly adjoining the land on which the development is intended to occur. For the purposes of determining what is adjoining land, Council will **generally exclude** land which is separated by a road, pathway or other significant feature.” (emphasis added)

What is a significant feature? Who knows? Who decides? When will exclusion occur?

The neighbour, only 1.6 metres away may or may not have any official notification that her neighbour is going to put on a second storey. One day the machinery might just turn up, work will start and the neighbour will have no idea what is happening. Hopefully the building neighbour will have done the right thing and consulted with the person next door. And hopefully the council officer responsible for the DA will have seen a need to send out a notification.

**But there is no guarantee that either of those things will happen.**

**Example 2.** Antenna and masts v sports field floodlighting.

Let's imagine a house on a street next to a sporting facility (like George Park perhaps) separated by a road.

A short wave enthusiast who lives across the road from the sporting facility wants to put up a new antennae which is 2m tall. She wants to put in on the roof of her house. There is a rule in the DCP which states that any mast or antennae over 1.8m can only be erected with consent (ie. With a DA approved by council). See diagram on the next page.

Let's say that the original Master Plan for George Park (August 2018) had gone ahead. This would have seen 8 lighting towers 30m in height erected at George Park. Council does not need to have a DA for this because sports field lighting (and some related structures like scoreboards) are exempt development. See below.

Thus on one side of a street we have a single small antennae reaching perhaps 12m above the ground which requires a DA.

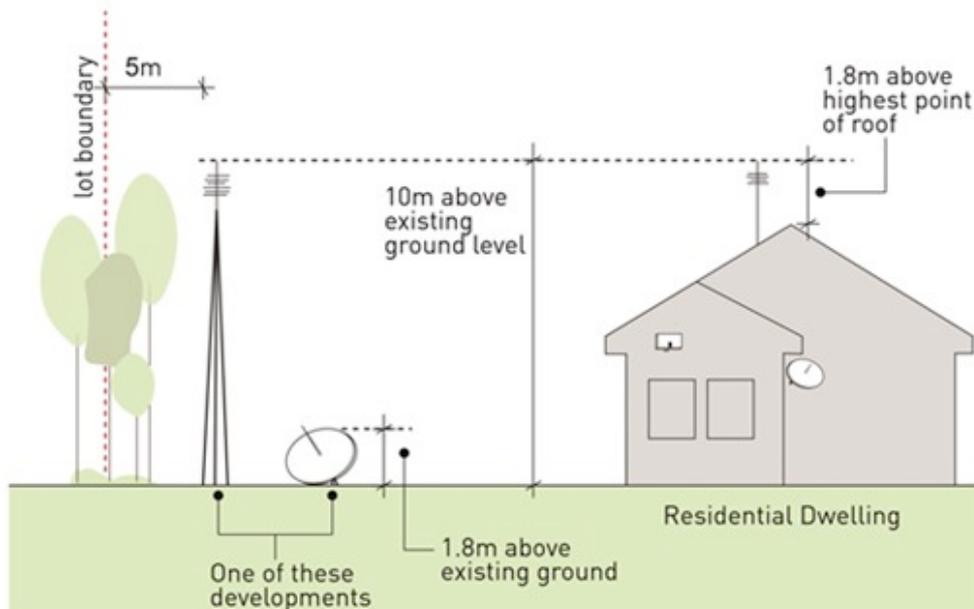
On the other side of the street, perhaps only 20m away we might have had one of the 8 lighting towers reaching 30m above the ground which requires no DA. It does not even have to be notified. The notification may not occur because it is separated by a road from the development site.

See page 6 of **DEVELOPMENT CONTROL PLAN – EXEMPT DEVELOPMENT**

See also p56 and p80 of **Bathurst Regional Local Environmental Plan 2014**

See image below from:

<https://www.planningportal.nsw.gov.au/understanding-planning/assessment-systems/exempt-development/aerials-antennas-communication-dishes>



If we take the example of a sports field that is going to be developed (perhaps like that which was proposed for George Park) Armidale council would send out a letter to landowners:

Quote from their DCP

“a development application for land that Council owns or controls, and where Council would normally be the decision-maker, an independent assessment of the application will be undertaken.”

An external body will decide. This ensures the transparency of the process.

The planning process in Bathurst needs to be much more transparent and consultative. Having a distance based notification policy like the City of Sydney will achieve this.

### **Failure of Council to follow process in Designation of George Park**

The Draft George Park Master Plan 2018 indicated that George Park had been officially designated by Council as the “AFL Precinct for the Bathurst Region”.

**No such decision has been made.**

In 1986 Council approved use of George Park by the Bathurst Australian Rules Football Club. It appears that within the last few years a council officer or officers

have decided to refer George Park as a regional facility. The motive for doing this is not clear.

Local and other residents were not consulted or notified about this significant change of use given that it this development would make it “regionally significant” and that they would be “materially adversely affected”? (Refer to BRC’s DCP 2.3.1 and 2.3.2)

This clearly demonstrates that BRC has not allowed “all members of the community to participate in planning decisions to achieve better planning outcomes, in an open and transparent process;” (refer to the terms of reference of the CPP).

### **Other recommendations**

Consultation Channels (see p. 15 of draft CPP)

Council needs to include “push” technologies in its notification policy. This would be at little cost to council and it would facilitate participation in and ownership of planning decisions.

Council may see examples of this kind of technology at [www.planningalerts.org.au](http://www.planningalerts.org.au)

### **Citizen’s Jury**

Council should seriously consider adopting a Citizen’s Jury in the development of its long term planning.

While the development of the Bathurst 2040 Community Strategic Plan, for example, will have been open to all members of the community, the vast majority of those people would have “self-selected” their participation.

A citizens’ jury would consist of members who were selected in a similar manner to that of a court jury. This would ensure a wide range of views from people of all ages, occupations, genders, social and ethnic background, and education level.

Juries of this kind would not be convened often but participation in them would be paid and their decisions would be binding.

This is not an implied criticism of any elected councillor past or present but it is a recognition that the vast majority of councillors in all the councils in NSW are men aged over 50 who are from Anglo-Celtic backgrounds.

### **Final Recommendation**

Council must adopt a distance based notification policy.

Council must remove inconsistencies in the DA process by deleting aerials, antennas, communication dishes and similar structures from the list of exempt development.



# Bathurst Heritage Network

Bathurst's unique heritage is a key social, cultural and economic asset

10 March 2019

General Manager  
Bathurst Regional Council  
Russell St  
Bathurst 2795

Dear Sir,

## Draft Community Participation Plan 2019

Thank you for the opportunity to comment on this proposal, and for the opportunity to attend the public meeting. We wish to make the following submissions.

1. Mandatory notification of DA's is limited to the owners of adjoining properties. This is too narrow to protect the interests of those who might be affected, particularly those who live opposite across a street or side or rear laneway. We believe notice should go to owners who will have to see the property in such circumstances, so those immediately opposite, plus, say, the next two properties each side of that.

Alternatively, to achieve a similar result, a prominent notice of the DA should be placed on the front fence of the subject property.

2. Amendments to DA plans. At present it is possible for applicants to lodge changes to their DA plans, in some cases multiple times (in one current case, we are told, eight times). Where this does not result in a new DA being required, someone who made a submission based on the original plans may not know of the changes, which might be such that they are material to their submission. We believe that if there are amended plans lodged which touch on submission points, the submitter should be notified and allowed to lodge a further submission. A recent example would be the St Stephens Church modifications.
3. We welcome the decision to require all DA's for Landmark Sites to be classed as Exhibited Development. We believe there is significant work still to be done to avoid poor planning for major sites which have such an impact in the Heritage Conservation Area. Particularly in the definition of a Landmark Site, and the way in which it is required to be depicted in the DA. A recent example would be the St Stephens additions.

### NETWORK PARTNERS

Bathurst District Historical Society  
Cox's Road Project Group  
Amazing Bathurst

Greening Bathurst  
National Trust of NSW  
Bathurst Family History Group

Bathurst Town Square Group  
Miss Traill's House  
Boundary Road Reserve Landcare Group

[www.heritagebathurst.com](http://www.heritagebathurst.com)

[heritagebathurst@gmail.com](mailto:heritagebathurst@gmail.com)

**BATHURST – HERITAGE CITY**

4. The National Trust, and this organization, are major contributors to the development, management and promotion of Bathurst's heritage. To be consistent with the proposed new Aboriginal heritage provisions of the CPP, the National Trust should be advised of any development application for demolition or other development which will alter the streetscape presentation within a Conservation Area, and/or a heritage item listed in the LEP, not just limited to heritage items it has listed.

Yours faithfully,

AW Bathgate  
 Convenor  
 Bathurst Heritage Network

Bathurst District Historical Society  
 Cox's Road Project Group  
 Amazing Bathurst

**NETWORK PARTNERS**

Greening Bathurst  
 National Trust of NSW  
 Bathurst Family History Group

Bathurst Town Square Group  
 Miss Traill's House  
 Boundary Road Reserve Landcare Group

[www.heritagebathurst.com](http://www.heritagebathurst.com)

[heritagebathurst@gmail.com](mailto:heritagebathurst@gmail.com)

**BATHURST – HERITAGE CITY**



Jenny Walsh completed Submission - draft Community Participation Plan (20.0331)  
Your Say Bathurst Region

to:

nicholas.murphy, council

11/03/2019 04:01 PM

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From: Your Say Bathurst Region <notifications@engagementhq.com>

To: nicholas.murphy@bathurst.nsw.gov.au, council@bathurst.nsw.gov.au

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Jenny Walsh just submitted the survey 'Submission - draft Community Participation Plan' with the responses below.

#### **Name**

Jennifer Walsh

#### **Postal Address**

7 MUNRO ST

#### **Your email address**

jennytwalsh@hotmail.com

#### **Please outline your submission**

Hi there, The draft CPP reads well, though it would be good to make it very clear up front how the Community Participation Plan and Community Engagement Strategy are linked, perhaps including a graphic. Section 1.3 What is a Community Participation Plan? - suggest first sentence is changed to "The Bathurst Regional Council Community Participation Plan (CPP) (this document)... " (at the moment it says "The Bathurst Regional Community Participation Plan (CPP)" which suggests it's another Plan altogether. Section 1.10 Bathurst Regional Community Engagement Strategy - I'm afraid this section sheds no light on what the CES does. Stating that the aim of the Bathurst Regional Community Engagement Strategy is "to provide a framework for Council's commitment to delivering a high level of community engagement to its community." doesn't really tell you what the CES does. What does the CES do in layman's terms? Does it sets out when and how Council will engage with its communities across all the functions it performs other than planning functions? What are those functions? And is the CPP a tool used to engage with the local community and local groups regarding specific development proposals, and plans etc? There's a footnote in Section 1.3 referring to Section 1.8. At the beginning of Section 1.8 it would be good to reiterate that the CCP is a tool for engagement between the Council and communities with regarding to the Council's planning functions. The following is a description of Council's planning functions ... Also, it's not quite clear what Page 5 and Page 6 are about. What are these two pages describing? Need for consultation? Council's role in the consultation process? Should there be a heading on Page 5 that says "Why we need community consultation?" or something similar? Many thanks, Jenny

#### **Would you like to upload a document?**

No Answer

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