



ORDINARY MEETING OF  
BATHURST REGIONAL COUNCIL

9 February 2011

His Worship the Mayor & Councillors

I have to advise that an **Ordinary Meeting** of Bathurst Regional Council will be held in the Council Chambers on Wednesday, 16 February 2011 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.

A handwritten signature in blue ink, appearing to read "D J Sherley".

D J Sherley  
**GENERAL MANAGER**

# **BUSINESS AGENDA**

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

**TO BE HELD ON WEDNESDAY, 16 FEBRUARY 2011**

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 - 2 February 2011
6. DECLARATION OF INTEREST  
To assist the Councillors and committee members in their correct consideration of business before them at the meeting, please give consideration to Section 451 of the Local Government Act, in relation to Declaration of Interest at meetings.
7. MAYORAL MINUTE - Nil
8. RECEIVE AND DEAL WITH DIRECTORS' REPORTS  
  - \* Director Environmental Planning & Building Services' Report
  - \* Director Corporate Services & Finance's Report
  - \* Director Engineering Services' Report
  - \* Director Cultural & Community Services' Report
9. REPORTS OF OTHER COMMITTEES  
  - \* Minutes - Policy Committee Meeting - 2 February 2011
  - \* Minutes - Traffic Committee Meeting - 1 February 2011
10. NOTICES OF MOTION - Nil
11. RESCISSION MOTIONS - Nil
12. DELEGATES REPORTS

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 the opinion of the General Manager, 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 LICENCE AGREEMENT - BATHURST GREYHOUND RACING CLUB - LOT 23 DP701345 AND LOT 24 SECTION 100 DP811166 UPFOLD 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	PROPOSED NEW TELECOMMUNICATION LEASES	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the

		public interest as it would prejudice the commercial position of the person who supplied it.
3	RESIDENTIAL TENANCY - 200 COLLEGE ROAD, BATHURST	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
4	PROPOSED SUBDIVISION OF LOT 705 DP1103109 AND SALE OF LAND - IRVING PLACE, BATHURST TRADE CENTRE	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	MOUNT PANORAMA - PROPOSED EVENT - MARCH 2011	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	PROPOSED PURCHASE OF LOT 1 DP 1086580 SYDNEY ROAD, BATHURST	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the

		public interest as it would prejudice the commercial position of the person who supplied it.
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**\* Director Engineering Services' Report**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	ROADBASE ANNUAL TENDER	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
2	TENDER FOR DESIGN AND CONSTRUCTION OF ELECTRICAL RETICULATION WITHIN THE PIT PADDOCK, MOUNT PANORAMA RACING CIRCUIT 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.
3	TENDER FOR DESIGN AND CONSTRUCTION OF ELECTRICAL RETICULATION AT WINDRADYNE RESIDENTIAL ESTATE STAGE 900	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 CONSTRUCTION OF CIVIL WORKS AT WINDRADYNE RESIDENTIAL ESTATE	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the

	STAGE 900	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 ROAD DEDICATION - PARTIAL ROAD CLOSURE AND TRANSFER - MOUNT HORRIBLE ROAD, LIMEKILNS	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	PROPOSED PARTIAL ROAD CLOSURE - EGLINTON ROAD, ABERCROMBIE	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 Toole (Chair), Aubin, Bourke, Carpenter, Hanger, Morse, North, Thompson, Westman

## MINUTE

### 2 PUBLIC QUESTION TIME

#### G Crisp – Ratepayer

- Raised questions with Councillors and staff.
- Spoke of attendance of Councillors at October 2010 meeting.
- Spoke of Statutory Declarations provided regarding parking in Court House Lane.
- Spoke of ICAC investigations.
- Does General Manager deny lack of action is illegal and spoke of various allegations and requested Mayor stand aside.



**MINUTE**

**3     APOLOGIES**

Nil.

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL  
MINUTES

**MINUTES TO THE ORDINARY MEETING OF BATHURST REGIONAL COUNCIL**  
**MEETING HELD ON 16 FEBRUARY 2011**

General Manager  
Bathurst Regional Council

**1 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 2**  
**FEBRUARY 2011 (11.00005)**

**Recommendation:** That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 2 February 2011 be adopted.

**Report:** The Minutes of the Ordinary Meeting of Bathurst Regional Council held 2 February 2011, are attached.

**Financial Implications:** N/A

**MINUTE**

**4 Item 1 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL**  
**- 2 FEBRUARY 2011 (11.00005)**

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

**RESOLVED:** That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 2 February 2011 be adopted.

**MINUTES OF THE ORDINARY MEETING OF BATHURST REGIONAL COUNCIL  
HELD ON 2 FEBRUARY 2011**

**MEETING COMMENCES**

**1 MEETING COMMENCES**

**Present:** Councillors Toole (Chair), Aubin, Bourke, Carpenter, Hanger, Morse, North, Thompson, Westman

**PUBLIC QUESTION TIME**

**2 PUBLIC QUESTION TIME**

**Mr G Crisp – Rate Payer**

- Does Mayor deny that at the December 2010 meeting the Mayor and General Manager said the Director Environmental Planning and Building Services was not to answer questions about parking.
- Accusation that General Manager didn't comply with the Local Government Act in a number of sections.
- Made allegations of non declarations of interests.
- Made allegations regarding parking in Court House Lane.
- Alleges conspiracy

**Mr B Triming – Rate Payer**

- Loud speakers in Chamber - much clearer for hearing.
- Aboriginal Flags - Congratulated Council on flying the flag in the Chamber and outside of the building.
- Drinking outside of hotel & dog attacks - Happy that Councilors addressed his issue. However, has received response from Council, did not address all issues about access around the hotel. Can the problem of the black dog and drinking on the footpath be addressed.
- Corner Commonwealth Street and McKenzie Place - There is a unit development being approved in this location and this will increase carparking and there is no footpath here. What will be done in this location?

**The Director Environmental Planning & Building Services** spoke to duplex being the subject of a Development Application. The Director Environmental Planning & Building Services advised he would contact Mr Triming.

**APOLOGIES**

**3 APOLOGIES**

Nil

**MINUTES**



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

- 9** **Item 3 MODIFICATION TO DEVELOPMENT APPLICATION NO 2007/0210 – TWO LOT SUBDIVISION (BOUNDARY ADJUSTMENT AT 112 & 136 HOLLIS LANE, PERTHVILLE. APPLICANT: MR G INWOOD. OWNER: MR W & MRS L BERRY & MR G & MRS N INWOOD (DA/2007/0210))**  
**MOVED** Cr I North and **SECONDED** Cr W Aubin

**RESOLVED:** That Council:

- (a) support the variation to the 1(e) – Outer Rural Zone 100 hectare minimum lot size as prescribed in the Clause 27 (1) of *Bathurst Regional (Interim) Local Environmental Plan 2005* for proposed Lot 172 and proposed Lot 173;
- (b) support the variation to the 1(e) – Outer Rural Zone 100 hectare minimum lot size as prescribed in the Clause 28 (1) of *Bathurst Regional (Interim) Local Environmental Plan 2005* for proposed Lot 172 and proposed Lot 173;
- (c) direct the Director Environmental, Planning & Building Services to approve the modification to Development Application No. 2007/0210, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979; and
- (d) call a division.

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

**The result of the division was:**

In favour of the motion - Cr W Aubin, Cr B Bourke, Cr T Carpenter, Cr G Hanger, Cr M Morse, Cr I North, Cr R Thompson, Cr P Toole, Cr G Westman,

Against the motion - NIL

Absent - NIL

Abstain - NIL

- 10** **Item 4 DEVELOPMENT APPLICATION NO. 2010/0884 – THREE SINGLE STOREY UNITS AND ALTERATIONS TO EXISTING DWELLING AT 185 ROCKET STREET, BATHURST. APPLICANT: MR STEVE RALPH. OWNER: MRS J BARLOW AND MRS L RALPH (2010/0884))**  
**MOVED** Cr G Hanger and **SECONDED** Cr G Westman

**RESOLVED:** That Council:

- (a) support the variation to the site Coverage/Population density development standards prescribed in the Development Control Plan Residential Housing; and
- (b) support the variation to the Private Open Space development standards prescribed in the Control Plan Residential Housing Development; and
- (c) direct the Director Environmental, Planning & Building Services to approve Development Application No. 2010/0884, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended.

(d) call a division. On being **PUT** to the **VOTE** the **MOTION** was **CARRIED**

**The result of the division was:**

In favour of the motion - Cr W Aubin, Cr B Bourke, Cr T Carpenter, Cr G Hanger, Cr M Morse, Cr I North, Cr R Thompson, Cr P Toole, Cr G Westman,

Against the motion - NIL

Absent - NIL

Abstain - NIL

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

**11 Item 1 STATEMENT OF INVESTMENTS (16.00001)**

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

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

**12 Item 2 YEAR TO DATE REVIEW - 2010/2011 MANAGEMENT PLAN AND BUDGET (16.00121)**

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

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

**13 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 G Hanger

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

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

**MOVED** Cr T Carpenter and **SECONDED** Cr I North

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

**15 Item 5 REQUEST FOR FINANCIAL ASSISTANCE - INTERNATIONAL FRIENDSHIP GROUP OF BATHURST (18.00004-23/073)**

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

**RESOLVED:** That Council donate \$418 to International Friendship Group of Bathurst towards the cost of displaying a banner in William Street in February 2011 from Section 356 Donations.



**16 Item 6 BATHURST GOLF CLUB LIMITED WATER CHARGE VARIATIONS****(22.00126-02/012)****MOVED** Cr R Thompsonand **SECONDED** Cr I North

**RESOLVED:** That Council refer the proposed changes to the water charges for Bathurst Golf Club to the 2011/2012 Management Plan

**17 Item 7 REQUEST FOR FINANCIAL ASSISTANCE - BATHURST PISTOL CLUB INC. (22.00042-02/004)****MOVED** Cr B Bourkeand **SECONDED** Cr W Aubin

**RESOLVED:** That this matter be referred to the 2011/2012 Management Plan.

**18 Item 8 COST SHIFTING SURVEY (03.00020-02)****MOVED** Cr T Carpenterand **SECONDED** Cr M Morse

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

**19 Item 9 REQUEST FOR FINANCIAL ASSISTANCE - LOCAL GOVERNMENT & SHIRES ASSOCIATION OF NSW (03.00025/054)****MOVED** Cr I Northand **SECONDED** Cr G Westman

**RESOLVED:** That Council approve the request for assistance with the funding of legal costs incurred by Ballina Shire Council amounting to \$714.70 to be funded from Council's legal allocations.

**20 Item 10 SUPPLY OF ELECTRICITY (16.00007-06)****MOVED** Cr I Northand **SECONDED** Cr T Carpenter

**Cr Morse declared a pecuniary interest in this item and left the room.**

**Reason: Owns business that carries out contract work for Country Energy.**

**RESOLVED:** That:

(a) the information be noted.

(b) Council adopt the recommendations contained in the report.

**21 Item 11 RURAL FIRE SERVICE - FIRE CONTROL CENTRE (13.00020)****MOVED** Cr R Thompsonand **SECONDED** Cr B Bourke

**RESOLVED:** That Council refer this item for consideration at a Working Party to be held early 2011.

**22 Item 12 BLAYNEY TO BATHURST (B2B) CYCLO SPORTIF CHALLENGE - REQUEST FOR SUPPORT (23.00128)****MOVED** Cr I Northand **SECONDED** Cr W Aubin

**Cr Westman declared a pecuniary interest in this item and left the room.**

**Reason: Owns business that sponsors the event.**

**RESOLVED:** That Council agrees to support and donate the fees associated with the requirements to successfully run the Rotary Club of Bathurst Daybreak Inc Cycling Weekend on the 9 and 10 April 2011.

**23 Item 13 REQUEST FOR FINANCIAL ASSISTANCE - ROTARY YOUTH DRIVER AWARENESS PROGRAM (18.00004-23/052)**

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

**RESOLVED:** That Council donate the costs of \$5,558 associated with the hire of Pit Complex for the Rotary Youth Driver Awareness program to be held 14-17 March 2011 from Section 356 Donations - Mount Panorama Fees.

**Director Engineering Services' Report**

**24 Item 1 PROPOSED ROAD DEDICATION - LOT 31 DP748459, TURONDALE ROAD, MILLAH MURRAH (22.10357)**

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

**RESOLVED:** That Council approve the dedication of land in Lot 31 DP748459 to the public as road under Section 10 of the Roads Act 1993, as detailed in the Director Engineering Services' report.

**25 Item 2 PROPOSED ACQUISITION AND CONSOLIDATION OF CROWN LAND - LOT 7005 & 7006 DP1057676, JOHN MATTHEWS SPORTS COMPLEX, DURHAM STREET BATHURST (04.00013-06)**

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

**RESOLVED:** That Council:-

- (a) Approve the acquisition of Lot 7005 and 7006 DP1057676 from The Crown for inclusion in the John Matthews Sporting Complex;
  - (b) Classify Lot 7006 DP1057676 as Community land and consolidate it with Lots 10 to 15 Section 58 DP758065, Lots 2 and 3 DP552313, and Lot B DP158447, to become 1 super lot;
  - (c) Classify Lot 7005 DP1057676 as Operational land,
- as detailed in the Director Engineering Services' report.

**26 Item 3 PROPOSED ROAD DEDICATION - TWO SECTIONS OF HAMILTON STREET EGLINTON (25.00050)**

**MOVED** Cr I North and **SECONDED** Cr R Thompson

**RESOLVED:** That Council approve the transfer and dedication of 2 parcels of land in Hamilton Street, Eglinton. The land is to be:-



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

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

**MOVED** Cr I North

and **SECONDED** Cr T Carpenter

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 we 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	LAND RELEASE - WESTBOURNE DRIVE, CARLYLE AVENUE & OPHIR ROAD - AVONLEA STAGE 6 RESIDENTIAL SUBDIVISION	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.
2	TRANSFER OF LICENCE AGREEMENT - O'ROURKE TO PETERSON, BEN CHIFLEY DAM.	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 SUBDIVISION OF LAND - HAMPDEN PARK ROAD, KELSO INDUSTRIAL PARK AND SALE TO OAKLEIGH PLUMBING.	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	VARIATION - RESTRICTION AS TO USER - 11 HOBSON CLOSE, 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.
5	PROPOSED NEW RESIDENTIAL SUBDIVISIONS TO BE KNOWN AS LLANARTH STAGE 11 AND LLANARTH STAGE 12	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.

**\* Director Engineering Services' Report**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
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1	COMPULSORY ACQUISITION FOR CARLINGFORD LEVEE - LOT 21 DP1160509 ALPHA 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.
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### Director Corporate Services & Finance's Report

- a** Item 1 LAND RELEASE - WESTBOURNE DRIVE, CARLYLE AVENUE & OPHIR ROAD - AVONLEA STAGE 6 RESIDENTIAL SUBDIVISION (20.00102)  
MOVED Cr I North and SECONDED Cr G Westman

That Council approves:

- (a) the release for sale of twenty nine (29) lots, namely Lot 600 to Lot 628, in current Lot 734 DP1155783 located on Westbourne Drive, Carlyle Avenue and Ophir Road in the new residential subdivision to be known as Avonlea Stage 6, under the ballot system.
- (b) the sale prices as detailed in the report.

- b** Item 2 TRANSFER OF LICENCE AGREEMENT - O'ROURKE TO PETERSON, BEN CHIFLEY DAM. (32.00005)  
MOVED Cr R Thompson and SECONDED Cr B Bourke

That Council approves the transfer of the current Licence Agreement for part Lot 1 DP632418 Ben Chifley Dam in the name of PJ & CM O'Rourke to M & B Peterson as detailed in the report.

- c** Item 3 PROPOSED SUBDIVISION OF LAND - HAMPDEN PARK ROAD, KELSO INDUSTRIAL PARK AND SALE TO OAKLEIGH PLUMBING. (20.00138)  
MOVED Cr G Westman and SECONDED Cr T Carpenter

That Council approve the proposed subdivision of Lot 1006 DP1129907 Hampden Park Road, Kelso Industrial Park and subsequent sale of land to Oakleigh Plumbing as detailed in the report.

- d** Item 4 VARIATION - RESTRICTION AS TO USER - 11 HOBSON CLOSE, EGLINTON (22.03685)  
MOVED Cr I North and SECONDED Cr B Bourke

That Council approve the request to vary the clause relating to the distance a building must be constructed from the boundary ("Restriction as to User (e)") for 11 Hobson Close Eglinton as detailed in the report.

- e** **Item 5 PROPOSED NEW RESIDENTIAL SUBDIVISIONS TO BE KNOWN AS LLANARTH STAGE 11 AND LLANARTH STAGE 12 (20.00085)**  
MOVED Cr B Bourke and SECONDED Cr T Carpenter

That Council:

- (a) approve the forty-three (43) lot residential subdivisions to be known as Llanarth Stage 11 (twenty lots) and Llanarth Stage 12 (twenty three lots) in current Lot 734 DP1155783 located at Westbourne Drive, Blaxland Drive and Evernden Road at an estimated cost as detailed in the report including civil and electrical works to be funded from Council's Land Development Reserves.
- (b) approve the commencement of construction to start as soon as possible subject to a satisfactory Development Application approval.
- (c) seek a further report regarding a release date and appropriate lot prices once construction works have commenced.

#### Director Engineering Services' Report

- f** **Item 1 COMPULSORY ACQUISITION FOR CARLINGFORD LEVEE - LOT 21 DP1160509 ALPHA STREET BATHURST (31.00001-07)**  
MOVED Cr R Thompson and SECONDED Cr W Aubin

That Council.

- (a) Make application to the Minister/Governor to compulsorily acquire Lot 21 DP1160509 Alpha Street, Bathurst through the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 and the Local Government Act, to allow construction of the Carlingford Levee;
- (b) Enter into a Licence to Construct with RailCorp allowing levee construction to progress while following the compulsory acquisition process; and
- (c) Classify the acquired land (2338m<sup>2</sup>) as Operational;
- (d) Pay all reasonable legal, survey and valuation fees associated with the transfer of land.
- (e) Advise that Council does not want any of the mines or mineral contained within the acquired land.

#### RESOLVE INTO OPEN COUNCIL

- 32** **RESOLVE INTO OPEN COUNCIL**  
MOVED Cr I North and SECONDED Cr R Thompson

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





**MINUTE**

**5     DECLARATION OF INTEREST**  
**MOVED: I North SECONDED: T Carpenter**

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

Cr Morse

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

Cr Toole

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

Cr Bourke

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

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL  
DIRECTOR ENVIRONMENTAL PLANNING & BUILDING SERVICES' REPORT  
16 FEBRUARY 2011

**DIRECTOR ENVIRONMENTAL PLANNING & BUILDING SERVICES' REPORT TO THE  
ORDINARY MEETING OF BATHURST REGIONAL COUNCIL MEETING HELD ON 16  
FEBRUARY 2011**

General Manager  
Bathurst Regional Council

**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.

**MINUTE**

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

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

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

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

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

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

- (a) Applications determined using authority delegated to the Director Environmental Planning & Building Services during January 2010 (**attachment 1**)
- (b) Applications refused during January 2010 (**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 approved in January 2010 (**attachment 5**).

**Financial Implications:** Nil.

**MINUTE**

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

**MOVED: T Carpenter   SECONDED: M Morse**

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

**3 DEVELOPMENT APPLICATION NO. 2010/0735 – GENERAL STORE ATTACHED TO EXISTING DWELLING AT 185 SEYMOUR STREET, BATHURST. APPLICANT: MR M HONARMAND. OWNER: MR M & MRS R HONARMAND (DA/2010/0735)**

**Recommendation:** That Council:

- (a) direct the Director Environmental, Planning & Building Services to approve Development Application No. 2010/0735, 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 applicant is to submit a detailed schedule of materials and finishes for the approval of Council's Heritage Advisor prior to the issue of a Construction Certificate.
  - (ii) The applicant is to provide garbage receptacles within and outside the proposed general store.
  - (iii) The applicant is to submit a detailed landscape plan for the approval of Council's Parks and Gardens Section prior to the issue of a Construction Certificate.
  - (iv) The applicant is to submit a further Development Application for advertising signage prior to the issue of an Occupation Certificate.
  - (v) The applicant is to construct a 1.2m wide footpath for the full frontage in Brilliant Street.
- (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 construction of a general store attached to an existing dwelling at 185 Seymour Street, Bathurst, described as Lot 23, DP 585443 (see location plan at **attachment 1**).

The site currently contains a detached dwelling with attached double garage.

**The proposal**

The proposal involves the construction of an addition to the existing dwelling and for the use of the space as a general store (see plan of proposed development at **attachment 2**). The general store will appear as a prolongation of the existing dwelling and will extend to the boundary of the subject land to Brilliant Street.

The general store comprises an area of approximately 37.8m<sup>2</sup> and will be accessible from the Brilliant Street frontage of the subject property.

The existing dwelling fronts Seymour Street.

**Planning Context**

*Bathurst Regional (Interim) Local Environmental Plan 2005*

The subject site is zoned 2(a) Residential under the provisions of the *Bathurst Regional (Interim) Local Environmental Plan 2005*.

The proposed development is defined as a *general store*. Under the Bathurst Regional (Interim) Local Environmental Plan 2005 a general store is defined as:

*“...a shop trading principally in groceries, smallgoods and associated small items for residents in its vicinity.”*

A *general store* is permissible with consent in the 2(a) Residential zone. The proposal is not inconsistent with the objectives of the zone.

#### *Clause 23 Protection of environmental heritage*

The subject land is located within the Heritage Conservation Area under Clause 23 of Bathurst Regional (Interim) Local Environmental Plan 2005.

The proposal was referred to Council’s Heritage Advisor for comment. Council’s Heritage Advisor raised some concerns with the original proposal as it included concrete block walls and a flat suspended concrete roof. The applicant was advised of these concerns and subsequently submitted amended plans which included a gabled roof (to compliment that of the existing dwelling) and face brick walls.

Council’s Heritage Advisor is on the whole satisfied with the amended plans. Council’s Heritage Advisor has requested that if the Development Application is approved a condition be imposed to request a detailed colour scheme prior to the issue of a Construction Certificate.

#### *Development Control Plan*

As the proposal is for a commercial development in the 2(a) Residential zone, the Development Control Plan – Residential Housing and the Development Control Plan – Business Development are not applicable. The Development Control Plan – Residential Housing applies only to residential development in the 2(a) Residential zone while the Development Control Plan – Business Development applies only to business development in the 3(a) General Business zone and the 3(b) Service Business zone.

#### *Off-Street Car Parking Code*

Under Council’s existing Off Street Car Parking Code shops require the provision of off street parking at a ratio of 1 space per 35 square metres. Accordingly the general store would require 1 space. Based on the assumption that one space would be used for the dwelling and one space for the shop then there is adequate provision for on site parking in accordance with Council’s Off Street Car Parking Code (i.e. through the double garage and driveway). Council’s Code does not distinguish between tenant/customer parking. In this case the space could be used by the proprietor of the shop as opposed to customers and there will be an overlap with the occupants of the dwelling who will also rely upon this area for parking.

#### Submissions

The Development Application was notified to two adjoining property owners from 3 November 2010 to 13 November 2010. During the notification period a total of ten (10)



submissions were received. A further 2 submissions were received after the close of the notification period (see submissions at **attachment 3**).

A Discussion Forum, to which the applicant and objectors were invited, was held at the Policy Committee Meeting on 1 December 2010 (see discussion forum minutes at **attachment 4**).

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

### **Impact on streetscape (appearance and zero setback)**

Comment: The design of the development is such that it will appear as a prolongation of the existing dwelling which fronts Seymour Street. It will not protrude forward of the alignment to Seymour Street. The dwelling will however extend forward to the boundary of the property with Brilliant Street and will be located forward of the adjoining dwelling at 65B Brilliant Street.

The adjoining dwelling to Brilliant Street is set back approximately 7 – 7.5 metres from the Brilliant Street alignment. This setback is reasonably consistent through this section of Brilliant Street.

The use of a reduced setback is not uncommon on corner allotments throughout the Conservation Area particularly so where they involve corner stores.

Ultimately it is considered that the reduced setback to Brilliant Street will not have an adverse impact on 65B Brilliant Street due to its location approximately 5.2 metres from the common boundary. The opportunity exists to include within this area a significant screen planting area to ameliorate any impacts.

Council's Heritage Advisor is on the whole satisfied that the design of the proposed building will compliment the existing building on the subject site and that, with appropriate materials and colour scheme, it will not have a significant adverse impact on the overall streetscape. A condition can be imposed to request a detailed schedule of materials and finishes prior to the issue of the Construction Certificate.

### **Impact on visibility around corner for drivers**

Comment: The current footpath width of approximately 8 metres in Brilliant Street and approximately 6 metres in Seymour Street provides adequate sight distances around the corner.

Under the current Australian Road Rules a vehicle is able to park no closer than 10 metres from the kerb line of the corner. Vehicles will therefore be able to legally park in front of the business and this would not by reference to the standards substantively impact on the safety and utility of the intersection of Brilliant and Seymour Street.

### **Crime and antisocial behaviour**

Comment: The general store is not of sufficient size to warrant direct referral to the NSW Police in accordance with Council's Crime Prevention Through Environmental Design (CPTED) protocol.

There is however no evidence to support the position that this corner store will generate any crime or antisocial behaviour. There is also no evidence put forward to suggest that other

corner and general stores operating in Bathurst result in increased levels of crime and antisocial behaviour.

Surrounding dwellings will provide passive surveillance of the immediate area surrounding the proposed General Store. Further, appropriate lighting can be installed to improve surveillance after dark. It should however be noted that the General Store will not be open after 7.00pm on any day.

### **Privacy**

Comment: While the proposed building does have windows facing the adjoining property in Brilliant Street, a setback of 5.2 metres has been proposed. The addition of landscaping within this area would also mitigate any privacy concerns.

### **Litter**

Comment: A condition can be imposed to ensure that garbage receptacles are provided inside and outside the General Store. Similar premises in Bathurst have garbage receptacles on the footpath which may also be appropriate for this location.

### **Pedestrian safety**

Comment: A 40 km/h speed limit applies in Brilliant Street during the morning and afternoon peak times due to the location opposite St Stanislaus College. Outside such times a 50km/h speed limit applies.

A significant number of pedestrians already cross Brilliant Street in the morning and afternoon peak times to enter and leave St Stanislaus without the need for a designated pedestrian crossing and without major incident. These pedestrian movements tend however to be concentrated towards the intersection of Brilliant and Bentinck Streets associated with the buses dropping off passengers and the bus stop located in this area.

### **Traffic generation**

Comment: The purpose of the proposed general store is to cater to the convenience needs of the surrounding residential area and to passing traffic.

As with other similar premises in Bathurst it is likely that a significant number of customers will arrive on foot from the surrounding residential area. It is therefore not considered that the proposed general store will significantly increase localised traffic.

### **No provision for on-site parking**

Comment: Two car parking spaces are available in the driveway of the existing dwelling for long term parking. Short term on-street parking is available in Brilliant Street near the entrance to the general store for customers. This arrangement is consistent with other general stores in Bathurst.

Under Council's existing Off Street Car Parking Code shops require the provision of off street parking at a ratio of 1 space per 35 square metres. Accordingly the general store would require 1 space. Based on the assumption that one space would be used for dwelling and one space for the shop then there is adequate provision for on site parking in accordance with Council's Off Street Car Parking Code.

### **No provision for on-site loading (delivery) area**

Comment: No specific provision is made for a designated off street loading zone. Short term on-street parking is available in Brilliant Street near the entrance to the general store for deliveries. This arrangement is consistent with other general stores in Bathurst. Given the overall size of the shop the lack of designated off street loading and unloading facilities is considered acceptable.

### **No provision for goods storage**

Comment: The applicant has indicated that only minimal replenishment stock will be kept on-site and it will be accommodated either within the general store or within the garage of the dwelling.

It is noted that there is no specific reference on the plans to the use of the garage for product storage. Before it could be used for the storage of food it would need to comply with AS4674 – Design, Construction and Fitout of Premises. A condition to the effect that the garage is not to be used without further consent is appropriate.

### **No provision for landscaping**

Comment: A condition can be imposed to request a detailed landscape plan prior to the issue of the Construction Certificate.

### **No indication of trading hours**

Comment: The applicant has indicated that the trading hours will be as follows:

Monday – Friday	6.15am – 7.00pm
Saturday	7.00am – 4.00pm
Sunday	7.00am – 4.00pm

**It is noted that Council does not control the opening hours for other corner stores operating in Bathurst.**

### **Noise generation**

Comment: Given that the entire operation will be contained within the proposed building, that the operating hours as proposed above and the level of background noise already generated by traffic on Brilliant Street, sustained intrusive noise is unlikely to be an issue.

### **No indication of advertising signage**

Comment: A condition can be imposed to request a further Development Application for advertising signage prior to the issue of an Occupation Certificate for the general store.

### **No indication of type of goods to be sold**

Comment: The applicant has indicated that the following goods will be stocked:

- Grocery items (e.g. eggs, bread, milk, juice, shampoo, soap tissues)
- Soft drinks and snacks (chips and chocolates)

- Sunglasses
- Stationery

The applicant has indicated that they **will not** be stocking cigarettes, alcohol or sex products/publications. Further, the applicant has indicated that they will not be preparing take-away food.

### **Lack of footpath surrounding the site**

Comment: As indicated earlier, the general store is likely to be accessed by pedestrians in the area and possibly by short term parking in Brilliant Street. It is therefore considered appropriate to condition any consent to require the construction of a 1.2m wide footpath for the full frontage of the property in Brilliant Street.

### Conclusion

Council has received a Development Application (DA) for the construction of a general store attached to an existing dwelling at 185 Seymour Street, Bathurst. The subject site is zoned 2(a) Residential under the provisions of the *Bathurst Regional (Interim) Local Environmental Plan 2005*. A *general store* is permissible with consent in the 2(a) Residential zone. The Development Application was notified to two adjoining property owners. During the notification period a total of ten (10) submissions were received. A further 2 submissions were received after the close of the notification period. A Discussion Forum, to which the applicant and objectors were invited, has been held. Issues raised in the submissions and at the Discussion Forum have been addressed in this report and can be dealt with through the imposition of appropriate conditions of consent. Approval is therefore recommended.

**Financial Implications:** Nil.

## MINUTE

**8 Item 3 DEVELOPMENT APPLICATION NO. 2010/0735 – GENERAL STORE ATTACHED TO EXISTING DWELLING AT 185 SEYMOUR STREET, BATHURST. APPLICANT: MR M HONARMAND. OWNER: MR M & MRS R HONARMAND (DA/2010/0735)**

**MOVED: M Morse SECONDED: B Bourke**

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

Reason: Part owner of commercial premise at 292 Havannah Street, Bathurst,

Cr Bourke declared a non-pecuniary interest in this item.

Reason: Neighbour to Development. Lives in Seymour Street.

The Mayor vacated the Chair.

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

**RESOLVED:** That Council:

- (a) direct the Director Environmental, Planning & Building Services to refuse Development Application No. 2010/0735 for the following reasons:
  - (i) Council is of the opinion that the development as submitted will have an adverse impact on the amenity of the area.
  - (ii) Council is of the opinion that a zero set back onto Brilliant Street will have a detrimental impact on the existing streetscape and is therefore not appropriate in this location.
- (b) notify those that made submissions of its decision; and
- (c) call a division.

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

**The result of the division was:**

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

Against the motion - Cr T Carpenter

Absent - Cr P Toole

Abstain - Nil

#### **4 LOCAL GOVERNMENT HERITAGE STRATEGY REPORT COMPARISON (20.00123)**

**Recommendation:** That Council:

- (a) note the information; and
- (b) note that a copy of this report be forwarded to the Heritage Branch, Department of Planning, for their information.

**Report:** The Heritage Branch, Department of Planning, has collated data for the 2009-10 financial year in accordance with the local government heritage advisor funding program. The Summary Heritage Strategy Annual Report 2009-10 provides averages for the 82 NSW councils who received funding during this period. These averages have been compared with the overall results from Bathurst Regional Council for the same period to exemplify how Council is performing.

Out of 105 NSW councils, there are 82 who receive funding through the NSW Heritage Grants for local government from the Heritage Branch, being 76% of NSW councils.

Below is a summary of the major findings between the State averages from the 82 councils, when compared to Bathurst Regional Council.

##### **Heritage Trades, Services & Supplies Directories:**

- 44% of councils said they have established a local heritage consultants directory and services and supplies directory. Interestingly however, those that refer to a directory on their website simply link back to the Sydney based Heritage Consultants Directory on the Heritage Branch website.
- Bathurst Regional Council is the only council that has a directory that applies specifically to the heritage services within its LGA.

##### **Heritage Items:**

- The average number of heritage items in LEP heritage schedules per LGA is 129.
- The current DRAFT heritage schedule for the Bathurst Regional (Interim) LEP 2005 has 298 heritage items. This will result in an additional 169 heritage items above the State average. Gazettal of this new schedule is imminent.
- The significantly higher number of heritage items illustrates the built heritage significance within the Bathurst Region.

##### **Heritage Advisory Service:**

- The average number of site visits undertaken by Heritage Advisors per council was 39. The total number of site visits by Bathurst Regional Council's Heritage Advisor was 138. This is 99 more site visits than the State average.
- The average number of times heritage advice was given was 33 times. At Bathurst, Council's Heritage Advisor gave heritage advice 116 times, being 83 more times than the State average.
- The average number of times advice was provided by Heritage Advisors on pre DA

advice was 23. Council's Heritage Advisor provided advice 34 times for pre DA advice, being 11 more times than the State average.

- The average amount of times Heritage Advisors gave advice on DA designs was 17. Council's Heritage Advisor gave advice on 101 DAs, being 84 more DAs than the State average.
- The significantly higher numbers relating to Council's Heritage Advisory service indicate the demand and success of the service within the region when compared to the State averages.

#### Waiving DA fees:

- Only 36% of councils waive or reduce DA fees. Council continues to waive DA fees associated with repainting of commercial buildings and DA and CC fees for the reinstatement of front verandahs.

#### Heritage Fund:

- 453 projects were completed within NSW under the local heritage fund program. This averages at approximately 5 projects per council. However, 39 (8.5%) of these were completed within the Bathurst Region.
- The total project value for heritage funds in the State was \$3,431,068. This averages at \$41,842 per council. However, the total project value at Bathurst was \$273,535, equating to approximately 8% of the total project value for the State.
- The total local heritage fund contribution for the State from councils and the Heritage Branch was \$753,184. The average contribution is approximately \$9,100. The total contribution from Bathurst Regional Council was \$39,300. This equates to 5.2% of the overall contribution.
- The total owner contribution to the heritage fund was \$2,678,026 which equates to an average of \$32,650 per council. Owner contribution in the Bathurst Region was \$234,235.21. This equates to 8.75% of the overall owner contribution for the State from the Bathurst Region.
- The above figures indicate that Council is well above the State averages with the number of projects completed, is responsible for a significant component of the State's total project value for heritage funds and is well above the State average for its contribution to the heritage fund. Owner contributions to the heritage fund within the Bathurst Region are significantly higher than the State average.

#### Heritage Education:

- There was a State average of 13 owners per LGA who attended some form of heritage training. 40 owners from the Bathurst Region attended heritage training.

#### Adaptive Reuse:

- The State average for approvals of DAs for adaptive reuse works was 4. The Bathurst Region is just ahead of the average with an approval of 5 applications for reuse.

#### Conclusion

The above comparisons demonstrate the success of Council's Heritage Strategy, particularly in relation to Council's Heritage Advisory Service and the Bathurst Region Heritage Fund. As a result of Council's Heritage Fund figures, these clearly increase the State averages which is a major advantage to the Heritage Branch when reporting back to the Department of Planning.

The Bathurst Regional Heritage Fund is the largest of its kind in the State, with Council contributing a significant amount of funding, when compared to other councils.

In addition to the continuing success of the above two programs, Council continues to perform well in other heritage related areas such as its locally based Heritage Trades & Services Directory and the provision of heritage training to owners of heritage buildings.

Council will continue to implement its heritage management program in accordance with its *Heritage Strategy for the Bathurst Region*. By undertaking such work, Council will continue to be a leading local government authority for heritage management within the State.

**Financial Implications:** Nil.



**MINUTE**

**9 Item 4 LOCAL GOVERNMENT HERITAGE STRATEGY REPORT  
COMPARISON (20.00123)**

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

**RESOLVED:** That Council:

- (a) note the information; and
- (b) note that a copy of this report be forwarded to the Heritage Branch, Department of Planning, for their information.

**5 DEVELOPMENT APPLICATION 2010/0924 – DEMOLITION OF EXISTING COMMERCIAL PREMISES AND CONSTRUCTION OF NEW SHOPPING CENTRE – APPLICANT: CAMFLEX PTY LTD. OWNER: CAMFLEX PTY LTD AND BATHURST REGIONAL COUNCIL (da/2010/0924)**

**Recommendation:** That Council:

- (a) advise the applicant that the following principles should govern the calculation of carparking spaces for Development Application 2010/0924:
- i. The “warehouse” area of the development is to be distributed proportionally between the supermarket use and the general retail use based on the respective floor area for each.
  - ii. Based on the current submitted plans and the assumption above the number of required spaces is 111.
  - iii. Council is willing to forego 9 spaces being the area of parallel parking to allow 2 way access between the development and the Council carpark.
  - iv. Any further shortfall may be offset by way of a contribution in accordance with Council’s Section 94 contribution plan.
- (b) advise the applicant that it has no objection to the carrying out of works within its carpark subject to:
- i. all works being done at the developers costs;
  - ii. the works are done in a timely and appropriate manner: and
  - iii. there is no reduction in the number of parking spaces in Council’s carpark or impact on the overall functionality within the carpark.
- (c) call a division.

**Report:** Council staff have been holding on-going discussions with the developers of the O’Connor Nissan site and the adjoining Council owned carpark.

The proposed development involves the demolition of the existing O’Connor Nissan buildings and the construction of a new IGA shopping centre including supermarket, bottle shop and “Discount Dave” store. The applicant proposes 97 on site car parking spaces.

The development includes Council’s land fronting Rankin Street which is currently used as part of the George Street carpark and contains approximately 50 parking spaces. The land is currently under contract (refer to DEPBS report to Council meeting 17 February 2010).

Council **currently** has before it a Development Application which, in the opinion of staff, underestimates the number of parking spaces required and limits access to the remaining section of Council owned carpark adjoining Becks Bakery (formerly Bernards Bakery building). Under the current proposal access to the IGA development would only be available one way from the Bernards carpark with no access available in the other direction i.e. from Rankin to George Street.

Council staff have made it clear to the applicants that the current proposal is unacceptable and requires reconsideration.

In response to these discussions Council has received draft plans from the Architects outlining amendments to the proposal to address these concerns. The amended plans include the provision of 97 parking spaces on site.

The amended plans and accompanying letter are provided at **attachment 1**.

Acceptance of the amended plans will be inconsistent with Council's existing suite of policies contained within its Off Street Carparking Code and Section 94 Contributions Plan for Off Street Carparking Facilities. There are however functional benefits to granting concessions to allow better integration between the development and Council's remaining carpark.

### Parking Calculation

For the purposes of these discussions Council's existing Off Street Carparking Code requires parking to be provided at the following ratios.

<b>Development Type</b>	<b>Parking Ratio</b>
Supermarkets	1 space per 20 sqm
Shops	1 space per 35 sqm
Warehouse	1 space per 300 sqm

The applicants original position was that the warehouse component of the development (i.e. where the goods are stored pending their use within the supermarket and shops) should be charged at the rate of 1 space per 300 square metres being the rate applicable to general use warehouses.

The applicant's interpretation of the policy is a misapplication of the Policy and contrary to the manner in which the Off Street Carparking Code has been applied to other developments throughout the City.

The appropriate interpretation of the Off Street Carparking Code is that any ancillary storage areas such as the warehouse component should be included in the Gross Floor Area for the shop type that it serves.

Accordingly the applicant has requested that the warehouse component be considered on a proportional basis as it will serve both the supermarket component and the general retail component and will serve an overall warehouse function. i.e. 100 sqm supermarket, 100 sqm shops and 100sqm warehousing.

The applicant's calculation of the number of spaces would therefore be as follows:

<b>Development Type</b>	<b>Floor area (sqm)</b>	<b>Parking Ratio</b>	<b>Parking Required</b>
Supermarket	1460	1 space per 20sqm	73
Shops	875	1 space per 35 sqm	25
Warehouse (supermarket)	100	1 space per 20sqm	5
Warehouse (retail)	100	1 space per 35 sqm	2.86
Warehouse (general)	100	1 space per 300 sqm	0.33
<b>TOTAL</b>			<b>106.2 (say 106)</b>

The applicant's position is that 106 spaces are required under Council's Code.

Whilst it is acknowledged that it is appropriate to proportion the warehouse component between the supermarket and the general retail it remains inappropriate and a misapplication of the Off Street Carparking Code to separately categorise the general warehouse component to attract the lower parking rate.

A far more appropriate interpretation of the Code would be to divide the warehouse component between the supermarket and shops based on the floor area of each. Based on the current floor space ratio of supermarket to retail of 62.5% supermarket and 37.5% retail that warehouse component should be attributed as 187.5 sqm for the supermarket and 112.5 sqm for the retail component.

The required level of carparking as per Council's existing Code is as follows:

Development Type	Floor area (sqm)	Parking Ratio	Parking Required
Supermarket	1460	1 space per 20sqm	73
Shops	875	1 space per 35 sqm	25
Warehouse (supermarket)	187.5	1 space per 20sqm	9.4
Warehouse (retail)	112.5	1 space per 35 sqm	3.2
<b>TOTAL</b>			<b>110.6 (say 111)</b>

The number of spaces required under Council's Off Street Carparking Code is therefore 111.

The applicant currently proposes 97 spaces on site meaning that there is a deficit of 14 spaces.

#### Provision of access between the carparks

The current proposal involves the provision of one way traffic movements only between the IGA development and the adjoining Council carpark with a row of parallel spaces along one side.

The amended proposal includes the provision of 2 way access between the IGA and Council carparks but as a result deletes the row of parallel spaces in this area. This area would be capable of accommodating 9 spaces if the row of parallel spaces is retained.

Overall it is considered essential that 2 way access between the IGA development and the Council retained carparking adjoining Becks Bakery is retained to allow integration between the two sites.

It would therefore be appropriate to discount the number of spaces required by 9 to accommodate the ongoing 2 way access between the two carparks.

The alternative is to require the additional spaces or require a contribution towards the shortfall under Council's current Section 94 Contributions Plan. The contribution rate is currently \$7890.40 per space.

#### Works on Council land

Council should also note that implementation of the development will also necessitate works within the remaining Council carpark adjoining Becks Bakery. Specifically it will be necessary to alter the ground levels through the lower section of the carpark to enable stormwater to be directed through the newly constructed IGA carpark and prevent stormwater entering adjoining properties.

In principle no objection should be raised to the carrying out of works subject to:

- All works being done at the developers costs
- The works are done in a timely and appropriate manner: and
- There is no reduction in the number of parking spaces in Council's carpark or impact on the overall functionality within the carpark.

#### Submission from Charter Hall

Council should note that it has received a submission from Charter Hall (the owners of Bathurst Chase Shopping Centre) objecting to the calculation of parking spaces as originally imposed for that centre.

Councillors will recall that as part of the most recent redevelopment of the Bathurst Chase Shopping Centre the owners were required to make a contribution under Council's Section 94 Plan for a shortfall in the number of spaces of approximately 16 spaces.

Charter Hall is extremely mindful in ensuring that each shopping centre is treated equally and the interpretation given under Council's policies is consistently applied.

#### Conclusions

In order to allow for the matter to progress beyond the concept plan stage it is important that some ground rules for the calculation of the number of parking spaces be provided to the applicant to enable them to proceed as follows:

- The "warehouse" area of the development is to be distributed proportionally between the supermarket use and the general retail use based on the respective floor area for each.
- Based on the current submitted plans and the assumption above the number of required spaces is 111.
- Council is willing to forego 9 spaces being the area of parallel parking to allow 2 way access between the development and the Council carpark.
- Any further shortfall may be offset by way of a contribution in accordance with Council's Section 94 contribution plan.

It should be noted that following this report Council would still expect a number of other outstanding matters to be addressed through more detailed plans. The Development Application will be referred to Council (at a later date) for final consideration.

**Financial Implications:** Nil.

## MINUTE

### **10 Item 5 DEVELOPMENT APPLICATION 2010/0924 – DEMOLITION OF EXISTING COMMERCIAL PREMISES AND CONSTRUCTION OF NEW SHOPPING CENTRE – APPLICANT: CAMFLEX PTY LTD. OWNER: CAMFLEX PTY LTD AND BATHURST REGIONAL COUNCIL (DA/2010/0924)**

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

**RESOLVED:** That Council:

- (a) advise the applicant that the following principles should govern the calculation of carparking spaces for Development Application 2010/0924:
  - i. The “warehouse” area of the development is to be distributed proportionally between the supermarket use and the general retail use based on the respective floor area for each.
  - ii. Based on the current submitted plans and the assumption above the number of required spaces is 111.
  - iii. Council is willing to forego 9 spaces being the area of parallel parking to allow 2 way access between the development and the Council carpark.
  - iv. Any further shortfall may be offset by way of a contribution in accordance with Council’s Section 94 contribution plan.
- (b) advise the applicant that it has no objection to the carrying out of works within its carpark subject to:
  - i. all works being done at the developers costs;
  - ii. the works are done in a timely and appropriate manner: and
  - iii. there is no reduction in the number of parking spaces in Council’s carpark or impact on the overall functionality within the carpark.
- (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 T Carpenter, Cr G Hanger, Cr M Morse, Cr I North, Cr R Thompson, Cr P Toole, Cr G Westman

Against the motion - Nil

Absent - Nil

Abstain - Nil

**6 NEW SOUTH WALES FIRE BRIGADE INSPECTION OF 90 KEPPEL STREET, BATHURST (22.00930)**

**Recommendation:** That Council:

- (a) require the outstanding work be completed by 17 March 2011; and
- (b) in the event that the outstanding work is not completed, undertake procedures to issue an Order under the Environmental Planning and Assessment Act.

**Report:** Council has received a Report from New South Wales Fire Brigades (NSWFB) in relation to its recent inspection of the building located at 90 Keppel Street, Bathurst. Section 121ZD of the Act requires this matter be reported to Council where a decision has to be made as to whether Council will issue an Order requiring the building to be upgraded or to cease the use of the building.

The Report contained four fire safety issues of concern to NSWFB.

- 1. The fire indicator panel was in need of servicing,
- 2. The fire alarm signalling equipment has been removed,
- 3. The door leading to the carpark was chocked open and the self closer removed, and
- 4. There was no annual fire safety statement on display.

A copy of the report is at **attachment 1**.

These fire safety issues were raised by Council with the strata management who engaged a specialist company to address the NSWFB report.

At a recent inspection of the building by Council the only issue that remained outstanding was the provision of fire doors with self closing devices and appropriate signage to the doorways into the fire isolated stairway. Due to delays from suppliers the doors are yet to be installed. However it is expected that the doors will be installed and in compliance with the Building Code of Australia within 30 days.

It is therefore appropriate to defer the issuing of the Order at this stage given the strata manager's undertakings to date. In the event that the remaining works are not completed within 30 days, then an Order would be appropriate.

**Financial Implications:** Nil.

**MINUTE**

**11 Item 6 NEW SOUTH WALES FIRE BRIGADE INSPECTION OF 90 KEPPEL STREET, BATHURST (22.00930)**

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

**RESOLVED:** That Council:

- (a) require the outstanding work be completed by 17 March 2011; and
- (b) in the event that the outstanding work is not completed, undertake procedures to issue an Order under the Environmental Planning and Assessment Act.



**7 DRAFT BATHURST REGIONAL (INTERIM) DEVELOPMENT CONTROL PLAN 2010**  
**20.00163**

**Recommendation:** That Council:

- (a) adopt the Bathurst Regional (Interim) Development Control Plan 2011 subject to the inclusion of the amendments/alterations outlined in this report but note that Section 10.6 (Perthville Heritage Conservation Area) and Section 10.7 (Chifley Memorial Housing Estate) will not become effective until gazettal of Council's heritage planning proposal.
- (b) repeal the following Development Control Plans, Policies and Codes:
- Bathurst Regional Council Off Street Carparking Code
  - Bathurst Regional Council Landscaping Code
  - DCP – Residential Housing
  - DCP – Residential Subdivision
  - DCP – Advertising and Notification of Development Applications
  - DCP – Blue Ridge Estate
  - DCP – Business Development
  - DCP – Industrial Development
  - DCP – Mount Haven Estate
  - DCP – Mount Panorama and Environs
  - DCP – Outdoor Advertising and Directional Signs
  - DCP – Robin Hill
  - DCP – Wallaroi
  - DCP – Wentworth Estate
  - DCP – Village
  - DCP – Rural Lands
  - DCP – William Street Carpark
  - DCP – Lots 1 & 2 DP 1067087, White Rock
  - Demolition of Built Environment Policy
  - Commercial Infill Policy
  - Residential Infill Policy
- (c) repeal the following sections of the Bathurst Floodplain Management Policy:
- Section 4 – Part 3, Part 4, Part 5, and Part 10.
- (d) give notice of the adoption of the Bathurst Regional (Interim) Development Control Plan 2011 and repeal of plans, policies and codes listed in (2) and (3) above in accordance with the requirements of the Environmental Planning and Assessment Act (1979), and note that the DCP does not become effective until this date.
- (e) notify those who lodged submissions of Council's decision; and
- (f) call a division.

**Report:** The Draft Bathurst Regional (Interim) Development Control Plan 2010 (Draft DCP) was placed on public exhibition from 2 October to 15 November 2010.

This report summarises the content of the Draft DCP, the public exhibition process,

associated issues raised by the community and Council's Environmental Planning and Building Services (DEP&BS) response to those issues.

This report also outlines the recommended changes to the draft plan as a result of the public exhibition process for Council's consideration prior to the Plan's adoption.

### Content of the Draft DCP

The Draft DCP provides details and criteria for assessing Development Applications under Council's current Local Environmental Plan (Bathurst Regional (Interim) Local Environmental Plan 2005) (LEP). Given the delays experienced and the number of outstanding matters that need to be negotiated with the Department of Planning and the uncertainty of outcomes in relation to the new comprehensive LEP process, the draft DCP will implement many of the recommendations of the Urban and Rural Strategies and the Heritage Study that do not require an LEP rezoning (that is they are not reliant on the new comprehensive LEP).

The table below summarises the structure of the draft DCP and the proposed key changes from the existing DCP provisions, as exhibited.

No	Draft DCP Chapter	Key Changes to Existing DCP Provisions
1	Preliminary	No change
2	Advertising and Notification of Development Applications	Introduces new notification requirements for modified applications.
3	Subdivision of land	Introduces: <ul style="list-style-type: none"> <li>● merit based approach to minimum lot size for rural villages (subject to effluent disposal).</li> <li>● 800m<sup>2</sup> minimum lot size for village lots at Hill End that are able to connect to DECCW sewerage system.</li> <li>● Provides more detailed road design requirements.</li> <li>● Requires more stringent effluent disposal requirements for lots located in High Groundwater Vulnerability Areas.</li> <li>● Additional assessment requirements to protect the natural environment.</li> <li>● Additional development standards to address land contamination.</li> <li>● Additional standards for development to be accessed via crown roads (exists in practice now).</li> <li>● Requires any new subdivision of rural villages to be a traditional modified grid pattern.</li> <li>● Additional standards for the subdivision of land in a Heritage Conservation Area or of a Heritage Item to identify appropriate curtilages around historical buildings and established landscaping.</li> <li>● Requires below ground electricity services for Eglinton, Raglan and Perthville instead of above ground services.</li> </ul>
4	Residential Development	Establishes four new residential precincts as follows.
		<u>Precinct 1 – Inner City Area.</u> <ul style="list-style-type: none"> <li>● Minimum lot size for dual occupancy increases to 600m<sup>2</sup> (800m<sup>2</sup> for battleaxe allotments).</li> </ul>
		<u>Precinct 2 – Old and New Suburban Areas.</u>

		<ul style="list-style-type: none"> <li>● Development standard requiring a 75m separation of dual occupancy developments in newer suburban areas deleted.</li> <li>● Minimum lot size for dual occupancy increases to 850m<sup>2</sup>.</li> <li>● Residential units permitted on lots greater than 1300m<sup>2</sup> at a density of 60 persons per site hectare.</li> <li>● Dual occupancies and residential units not permitted on battleaxe allotments or within cul-de-sacs except corner allotments.</li> </ul>
		<u>Precinct 3 – Eglinton, Raglan and Perthville</u> <ul style="list-style-type: none"> <li>● Minimum lot size for dual occupancy is 900m<sup>2</sup>.</li> <li>● Dual occupancies not permitted on battleaxe allotments or within cul-de-sacs except corner allotments.</li> </ul>
		<u>Precinct 4 – Land near sewerage treatment plant and within 50dBA noise contour</u> <ul style="list-style-type: none"> <li>● Dual occupancies no longer permitted in South Bathurst within the 50dBA contour.</li> </ul>
		<u>2(a) – Residential Zone – outside Heritage Conservation Area</u> <ul style="list-style-type: none"> <li>● Front building line setback reduced to 6m unless streetscape already established at 8m.</li> </ul>
		<u>2(a) – Residential Zone</u> <ul style="list-style-type: none"> <li>● Height of buildings restricted to 2 storeys plus attic and basement.</li> </ul>
		<u>Housing attached to shops</u> <ul style="list-style-type: none"> <li>● New standards in relation to building setbacks, private open space and carparking.</li> </ul>
5	Business and Industrial Development	<u>3(a) – General Business, 3(b) – Service Business and 4(a) – Industrial</u> <ul style="list-style-type: none"> <li>● Require submission of air quality impact assessment or noise impact assessment where development may impact on air quality or existing noise levels.</li> </ul>
		<u>Neighbourhood Shopping Centres</u> <ul style="list-style-type: none"> <li>● New general design guidelines.</li> </ul>
		<u>Service Trade Centre</u> <ul style="list-style-type: none"> <li>● New road link to land to west.</li> <li>● Fencing along McDiarmid to be timber, masonry or wire (not steel).</li> </ul>
		<u>Sydney Road Precinct (North)</u> <ul style="list-style-type: none"> <li>● Deleted all service roads originally proposed.</li> </ul>
		<u>Stockland Drive</u> <ul style="list-style-type: none"> <li>● Included new “Area 4” facing Lee Street and Stockland Drive.</li> </ul>
6	Rural and Rural Lifestyle Development	<u>1(a) – Inner Rural and 1(e) – Outer Rural Zones</u> <ul style="list-style-type: none"> <li>● Environmental assessment required for development affected by sensitive land areas, sensitive waterways and biodiversity.</li> </ul>
		<u>1(a) – Inner Rural, 1(b) – Market Garden, 1(d) – Rural Special Purposes and 1(e) – Outer Rural</u> <ul style="list-style-type: none"> <li>● Range of new setback requirements for different types of activities.</li> </ul>
		<u>Mount Haven Estate</u> <ul style="list-style-type: none"> <li>● Allow Council to approve on-site effluent disposal systems if considered appropriate.</li> </ul>
		<u>Land adjoining State Forests</u> <ul style="list-style-type: none"> <li>● No new dwellings can rely on State Forest roads.</li> <li>● Electrical infrastructure plans required for DA’s adjoining forestry lands.</li> </ul>
		<u>In vicinity of Yetholme</u> <ul style="list-style-type: none"> <li>● Development required to locate away from Purple Copper Butterfly habitat and re-vegetation required to DECCW guidelines.</li> </ul>

7	Rural Village Development	<u>2(v) – Village Zone</u>
		<ul style="list-style-type: none"> <li>• Merit based lot size dependent upon effluent disposal instead of 1ha minimum.</li> <li>• New building design guidelines relating to built form (new buildings, extensions &amp; additions, garages/carports, outbuildings), roof and verandahs, materials and colours, fencing, moveable dwellings and utility services.</li> </ul>
		<u>Hill End</u> <ul style="list-style-type: none"> <li>• New archaeological map for Hill End.</li> <li>• Properties listed as being of high or medium significance will be required to lodge archaeological report with Development Application (DA).</li> <li>• New archaeological condition of consent for all other properties.</li> </ul>
		<u>Hill End, Sofala, Rockley, Trunkey Creek, Georges Plains and Wattle Flat</u> <ul style="list-style-type: none"> <li>• New requirement to consider statement of significance (heritage value of the village) for all Development Applications.</li> </ul>
8	Mount Panorama Development	<u>Part of 372 Panorama Avenue (Lot 1, DP 864379) owned by Department of Education and Training</u> <ul style="list-style-type: none"> <li>• Land use was previously restricted to open space. Land has been excluded from DCP map restrictions to allow future use for educational purposes.</li> </ul>
9	Environmental Considerations	<u>1(a) – Inner Rural and 1(e) – Outer Rural Zones</u> <ul style="list-style-type: none"> <li>• Environmental assessment required for development affected by sensitive land areas, sensitive waterways and biodiversity.</li> </ul>
		<u>Certain types of development (e.g. on-site effluent disposal systems)</u> <ul style="list-style-type: none"> <li>• Environmental assessment required for lands identified as high or moderately high groundwater vulnerability for certain types of development.</li> </ul>
		<u>Flood prone lands</u> <ul style="list-style-type: none"> <li>• Majority of Council's existing Flood Plain Management Policy transferred into DCP unchanged.</li> </ul>
		<u>All lands</u> <ul style="list-style-type: none"> <li>• New sustainable building design and energy efficiency guidelines relating to solar passive design, landscaping, colours, lighting, water saving, rainwater tanks, grey water reuse, renewable energy, hot water systems and waste.</li> <li>• Statements of environmental effects lodged with DA's will be required to address these principles.</li> </ul>
10	Urban Design and Heritage	<u>Heritage Conservation Areas and Heritage Items</u> <ul style="list-style-type: none"> <li>• Guidelines provided for the preparation of Conservation Management Plans, Strategies and Heritage Impact Statements.</li> </ul>
		<u>Demolition of buildings in Heritage Conservation Areas and Heritage Items</u> <ul style="list-style-type: none"> <li>• Structural and Historical Assessment Policy transferred into the DCP unchanged.</li> <li>• Within the Bathurst Conservation Area Council will also consider an assessment of the building under its Bathurst Conservation Area Management Strategy (BCAMS).</li> </ul>
		<u>Infill Development</u> <ul style="list-style-type: none"> <li>• Infill development policy transferred into DCP unchanged.</li> </ul>
		<u>Bathurst and Kelso Heritage Conservation Areas</u> <ul style="list-style-type: none"> <li>• New residential development standards related to building design,</li> </ul>

		<p>garages and outbuildings, front fences and utility services.</p> <ul style="list-style-type: none"> <li>● New commercial/industrial development standards related to building design, landmark sites and utility services.</li> </ul>
		<p><u>Perthville Conservation Area</u></p> <ul style="list-style-type: none"> <li>● This section is subject to the current heritage planning proposal with the Department of Planning to amend the LEP. Gazettal of the amending LEP is imminent. This section would not become effective until the LEP is gazetted.</li> <li>● New development standards for buildings.</li> </ul>
		<p><u>Chifley Memorial Housing Estate – West Bathurst</u></p> <ul style="list-style-type: none"> <li>● This section is subject to the current heritage planning proposal with the Department of Planning to amend the LEP. Gazettal of the amending LEP is imminent. This section would not become effective until the LEP is gazetted.</li> <li>● New infill development standards.</li> </ul>
		<p><u>Archaeological Sites</u></p> <ul style="list-style-type: none"> <li>● New conditions of consent where relics or remains are likely to be found.</li> </ul>
		<p><u>Aboriginal Sites</u></p> <ul style="list-style-type: none"> <li>● New requirements for Aboriginal Site and Foot Survey.</li> </ul>
11	Outdoor Lighting	<p><u>All Lands</u></p> <ul style="list-style-type: none"> <li>● New development standards to protect the dark night sky in the Bathurst Region.</li> </ul>
12	Signage and Colour Schemes	<p><u>All Lands</u></p> <ul style="list-style-type: none"> <li>● New detailed locational requirements for certain types of signs.</li> <li>● New development standards relating to the size, design and façade area that can be used for signage.</li> <li>● New specific design standards for certain types of signs.</li> </ul>
		<p><u>Heritage Conservation Areas</u></p> <ul style="list-style-type: none"> <li>● New development standards for signage relating to design, size, shape, façade area and colours.</li> </ul>
		<p><u>Hill End and Sofala</u></p> <ul style="list-style-type: none"> <li>● New development standards for signage relating to design, size, shape, façade area and colours.</li> </ul>
		<p><u>Heritage Conservation Areas and Heritage Items</u></p> <ul style="list-style-type: none"> <li>● New development standards for the painting and rendering of buildings and the use of corporate colours.</li> </ul>
13	Landscaping and Greening	<p><u>All Lands</u></p> <ul style="list-style-type: none"> <li>● Landscaping Code transferred into the DCP largely unchanged.</li> <li>● Require landscape plans to be submitted with DA prior to consent being issued.</li> <li>● New types of developments required to lodge landscape plans (e.g. subdivisions adjacent to arterial roads).</li> <li>● New maintenance conditions for landscaping 2 years after completion.</li> <li>● Tree Preservation Orders referenced in the DCP.</li> </ul>
14	Parking	<p><u>All Lands</u></p> <ul style="list-style-type: none"> <li>● New bicycle parking standards for certain types of development (e.g. shops, recreation facilities, industry).</li> <li>● New car parking standards for certain types of development (e.g. recreation facilities, hospitals, hotels and clubs, tourist accommodation, refreshment rooms, service stations and medium density housing).</li> </ul>

<b>15</b>	Crime Prevention	<u>All Lands (certain types of development)</u> <ul style="list-style-type: none"> <li>● Reiterates Council's existing Crime Prevention Through Environmental Design (CPTED) protocol with the NSW Police Service.</li> </ul>
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### The Public Exhibition Process

Council undertook an extensive community consultation program during the public exhibition process.

During the public exhibition period Council held six information sessions to provide an overview of how the DCP changes may affect different interest groups. Council's Planning staff were available at these sessions to answer queries in relation to the proposed changes. These information sessions were widely publicised in the local newspaper and on the radio. Approximately 1200 letters were sent out to individuals and interest groups notifying them of the exhibition period and inviting them to attend the information sessions.

Details of sessions held and number of participants are detailed below.

<b>Date</b>	<b>Issues</b>	<b>Attendance</b>
Thursday 14 October 2010	Rural lands and Rural Villages	15 persons
Thursday 14 October 2010	Key changes to Planning Standards	15 persons
Monday 18 October 2010	Urban	5 persons
Monday 25 October 2010	Environmental	4 persons
Monday 25 October 2010	Key changes to Planning Standards	24 persons
Monday 25 October 2010	Dark Night Sky	1 person
Monday 1 November 2010	Heritage	11 persons
<b>Total attendees</b>		<b>75 persons</b>

Finally, a full copy of the draft DCP as well as fact sheets on the key changes proposed to specific locations, land types and considerations were available from Council's Environmental Planning and Building Services Department and electronically on Council's website.

Council received a total of 15 submissions during the public exhibition period. See report to the Discussion Forum held on 1 December 2010 for a copy of those submissions. Since the Discussion Forum 1 additional submission from the Central West Catchment Management Authority has been received and it is included at **attachment 1** and discussed below.

### Issues raised and Council's Environmental Planning and Building Services (DEP&BS) response to those issues.

The issues raised in the submissions and the Planning staff's response to the issues raised are summarised in the following tables.

<b>Anthony Daintith Town Planning</b>	
<b>Issues Raised</b>	<b>Response to Issues Raised</b>
Consider a two lot subdivision at Lot 122, DP 1098713, 20 Cherry Lane, Robin Hill.	It is not Council's intention to change the existing density control provisions at Robin Hill identified in Part 9 of the existing Development Control Plan – Robin Hill to

	enable further subdivision of existing rural residential properties at this location. Further subdivision of land at Robin Hill has the potential to exacerbate existing septic issues (in the absence of a reticulated sewerage system) and contradict proposed environmental protection areas. Further subdivision should only be considered by Council in this location at such time that reticulated sewer can be provided.
<b>Recommended changes to Draft DCP</b>	<b>No change to the DCP proposed.</b>

<b>Barson Pty Ltd</b>	
<b>Issues Raised</b>	<b>Response to Issues Raised</b>
<u>General Issues raised from Fact Sheets</u>	
Topography may limit traditional modified grid pattern for subdivision in rural villages.	Noted. Notwithstanding the most appropriate subdivision patterns for the rural villages is a traditional modified grid.
Heritage Statements of Significance for the rural villages vs. Statements of Heritage impact.	Heritage Statements of Significance have been included in the DCP to define the significance of individual Heritage Conservation Areas so as to identify what the plan aims to protect and enhance as a basis for the development assessment process. Statements of Heritage Impact are further required to be submitted by applicants with development proposals as required by Council to enable a thorough assessment of heritage impacts.
Additional environmental and heritage reporting requirements may stifle development.	Disagree. Proposed heritage reporting requirements already exist in policy form and have been included unchanged in the DCP. Additional environmental reporting requirements are necessary to protect the regions land resources, groundwater, sensitive waterways and biodiversity as recommended by relevant state government agencies.
How have "archaeologically sterile" sites at Hill End been determined?	These sites were determined by Department of Environment, Climate Change and Water (DECCW).
Business zone in Perthville only on existing nursery and not garage/shop.	Noted. A site inspection revealed that the existing nursery identified as business on the DCP map no longer exists. Notwithstanding, the business land use should remain to enable future business development at this location if required. The Perthville store/post office/garage at 13 Vale Road has also long maintained a business use. It is therefore recommended that this land (Lot 2, DP 786926, 13 Vale Road) also be identified as business on the DCP map.

DCP specific comments	
Concerned about notification limited to adjoining owners.	The Draft DCP does not change the existing notification arrangements. Further notification is not considered warranted.
Where does Council stand on using dam water for fire fighting purposes?	Council does not allow the use of dam water for fire fighting purposes as per advice from the NSW Rural Fire Service (RFS). Notwithstanding, the RFS will allow other water sources (including dam water) under special circumstances. In this scenario the onus would be on the applicant to provide written evidence to Council that the RFS supports the proposed alternative water source. A note to this effect will be added to the relevant sections of the DCP.
In certain circumstances subdivision certificates should be able to be released prior to landscaping (i.e. drought conditions or stage development).	Disagree. It is appropriate for landscaping to be completed prior to the release of subdivision certificates. Council can consider a variation to the development standard pursuant to Section 1.7 of the Plan on a case by case basis.
Need clarification of Council's position on Department of Lands requiring Council taking over crown roads in relation to new development.	The draft DCP sets out development standards in relation to access via crown roads. These standards are based on advice provided to Council by the Department of Lands.
Need for consideration of Mount Haven Estate's original subdivision covenants.	Disagree. Clause 8 – <i>Certain requirements not to apply</i> of the LEP overrides Council's consideration of covenants for the purpose of enabling development to be carried out.
Need to clarify "butterfly habitat" at Yetholme.	In practice, Council's environmental officers undertake site inspections to identify potential butterfly habitat in relation to applications for new development at Yetholme. The standard proposed in the draft DCP in relation to butterfly habitat was drafted as recommended by DECCW.
Have Council consulted with the Department of Environment, Climate Change and Water in relation to reticulated sewerage at Hill End.	Yes. Draft DCP provisions in relation to development at Hill End were a result of information received by DECCW through the comprehensive LEP process. See below Council's response to the submission from DECCW in relation to Hill End.
How will sustainable building design and energy efficiency guidelines apply to retro-fitting heritage buildings?	Section 9.9 Sustainable Building Design and Energy Efficiency of the Draft DCP includes new sustainable building design and energy efficiency guidelines for new buildings. Changes to existing buildings that are a Heritage Item or within a Heritage Conservation Area may require consent under Council's LEP. Where consent is required a Heritage Impact Statement may also be required under Part 10 of the DCP.



	Further, the Environmental Planning and Building Services Department is currently preparing guidelines for the fitting of solar panels to heritage items and buildings within Heritage Conservation Areas.
Heritage impact content requirements are not needed for documents required to be prepared by qualified persons.	Disagree. Heritage Impact content requirements are included in the Draft DCP to provide an overview to applicants of what is required.
Need clearer definitions for tourist signage vs. business signage.	Clause 16 (2) – <i>Development for the purpose of advertisements</i> of the LEP details consent requirements in relation to tourist signage.
Need for a new high density zone outside the Heritage Conservation Area and the suburbs with a minimum density of 100 persons per site hectare, 3 storey high limit and zero setback lines. Current medium density provisions will have a marginal effect overall.	Disagree. The Draft DCP introduces increased medium density housing opportunities into the City's suburban areas. The regional community generally did not support high density development opportunities throughout the consultation process for the Urban Strategy.
Supports reduction in setbacks.	Noted.
Character development in historic areas is weak.	Strongly disagree. Council has included extensive new development standards in relation to heritage.
Needs more positive provisions for the main road approaches to the City and the provision of a bypass.	Disagree. Council has included new landscaping and greening requirements in relation to new development along main roads which seek to enhance the City's gateways. The issue of a bypass is a separate issue and unrelated to the DCP.
<b>Recommended changes to Draft DCP</b>	<ol style="list-style-type: none"> <li>1. <b>Amend the Draft DCP Map No. 3 – Perthville to identify Lot 2, DP 786926, 13 Vale Road as Business.</b></li> <li>2. <b>Include a note in relation to rural water supply required for fire fighting purposes that if other sources of water are proposed to be used, the application must be accompanied by a letter from the RFS that supports the alternative water source.</b></li> </ol>

<b>Vic Schembri</b>	
<b>Issues Raised</b>	<b>Response to Issues Raised</b>
As a Developer of a 17 lot subdivision in the village of Raglan strongly objects and greatly concerned that dual occupancies will no longer be permitted on battleaxe allotments or within cul-de-sacs except corner blocks.	In light of this submission and other comments raised during the public exhibition process, Council staff have undertaken a review of the proposed dual occupancy provisions in relation to Precinct 2 (suburban areas) and Precinct 3 (Urban Villages). A summary of this review is

provided below.

Dual Occupancy Development – Precinct 2  
(Outer suburban areas)

The draft DCP proposes to:

- Delete the development standard requiring a 75m separation of dual occupancy developments in newer suburban areas.
- Increase the minimum lot size from 550m<sup>2</sup> to 850m<sup>2</sup>.
- Not allow dual occupancy development on battleaxe allotments or within cul-de-sacs except corner allotments and under certain circumstances (e.g. proximity to open space).

Dual Occupancy Development Precinct 3  
(Eglinton, Raglan and Perthville)

There are currently no restrictions on dual occupancy developments in the villages other than a 900m<sup>2</sup> minimum lot size. The draft DCP proposes to place the same restrictions on their location as for Precinct 2 above but maintain the 900m<sup>2</sup> minimum lot size.

The intent of the original 75 metre separation of dual occupancy developments in suburban areas was to allow limited scattered developments across suburban areas. Such developments would increase housing choice but would have minimal impact on the overall density of these localities.

The 75 metre separation of dual occupancy developments was not applied to the urban villages simply because there had never been a great level of demand for such development. However, logically it should have also applied to ensure developments were scattered across the villages rather than being concentrated together.

The intent of the draft DCP was to potentially increase the number of dual occupancy developments in Precinct 2 and 3 to further increase housing choice but to avoid their concentration in cul-de-sacs where parking issues and amenity might be

more problematic.

On review of these proposed provisions it is clear that the prevailing suburban layout in Precinct 2 is a circuitous network of long looping cul-de-sacs. This is quite a contrast to the traditional grid pattern characteristic of the city centre, the urban villages and proposed new residential subdivision patterns. In this regard then, to not allow dual occupancies within longer cul-de-sacs would ultimately limit future supply which was not the intent of Council's urban strategy.

Cul-de-sacs within the villages of Eglinton, Raglan and Perthville are limited, but again the proposed restrictions would limit dual occupancy potential particularly in the longer cul-de-sacs.

A key objective of Precinct 2 (suburbs) is to permit forms of medium density housing which are compatible with the single dwelling character and whose impact on the existing amenity of neighbourhoods is minimised.

A key objective of Precinct 3 (urban villages) is to limit medium density housing to dual occupancy housing which is compatible with the single dwelling character of the precinct and whose impact on the existing neighbourhood is minimised.

The key for both precincts therefore is to increase the potential for dual occupancy developments but identify means to maintain the lower density character of each precinct. This relies on dispersing developments as best as possible rather than concentrating them in single locations. Further in cul-de-sacs the concentration of dual occupancies has further traffic and parking implications.

In reviewing the DCP provisions, the following change is recommended to Part 4.6 of the DCP.

#### **4.6 Locational Criteria – Dual Occupancies Precinct 2 and 3.**

##### **4.6.1 Objective**

- a) To ensure dual occupancy developments within Precinct 2 and 3 are located so as to minimise their impact on the existing amenity of the area.

#### **4.6.2 Development Standards**

- a) Not permitted on battle-axe allotments.
- b) Must have a lot frontage at the road reserve of not less than 20 metres, including at the cul-de-sac head.
- c) Must be located either:
- (i) on corner allotments, or
  - (ii) no closer than 40 metres on the same side of the street as another dual occupancy (excluding any dual occupancy located on a corner allotment).

Note that the proposed minimum lot size would be 850m<sup>2</sup> (precinct 2) and 900m<sup>2</sup> (precinct 3).

This would achieve a higher concentration of dual occupancies at the start of the cul-de-sac and fewer at its head, which would relieve traffic and parking issues within the cul-de-sac. Further, within all streets it would spread the developments out generally to every third lot. This would be similar to the existing 75 metre separation which sought to achieve one dual occupancy for every nine dwellings but in a radial zone.

In terms of Mr Schembri's proposal this alternative solution will not address his desire to deliver 14 dual occupancy developments over 7 lots within the cul-de-sac. It is the contention of Council staff however, that such a result is not in keeping with the existing objective of the precinct under the current DCP nor that of the proposed draft DCP, both of which are to:

- Permit forms of dual occupancy housing which are compatible with the single dwelling character of the precinct and whose impact on the existing amenity of neighbourhoods is minimised.

<p><b>Recommended changes to Draft DCP</b></p>	<p><b>Amend Part 4.6 of the DCP to read as follows:</b></p> <p><b>4.6 Locational Criteria – Dual Occupancies Precinct 2 and 3.</b></p> <p><b>4.6.1 Objective</b></p> <p>a) <b>To ensure dual occupancy developments within Precinct 2 and 3 are located so as to minimise their impact on the existing amenity of the area.</b></p> <p><b>4.6.2 Development Standards</b></p> <p>a) <b>Not permitted on battle-axe allotments.</b></p> <p>b) <b>Must have a lot frontage at the road reserve of not less than 20 metres, including at the cul-de-sac head.</b></p> <p>c) <b>Must be located either:</b></p> <p>(i) <b>on corner allotments, or</b></p> <p>(ii) <b>no closer than 40 metres on the same side of the street as another dual occupancy (excluding any dual occupancy located on a corner allotment).</b></p>
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<b>Ken Carpenter</b>	
<b>Issues Raised</b>	<b>Response to Issues Raised</b>
<p>Concerned that Council's provisions regarding architectural congruence of building in and near old houses are not adequate.</p>	<p>Disagree. The Draft DCP sets out heritage reporting requirements, defines the significance of the Region's Heritage Conservation Areas and includes detailed building design requirements for development in historic areas and heritage buildings.</p>
<p>Raises deep concerns about regulation of development of battleaxe blocks within Precinct 1. Seeks a blanket ban on the construction of units in battleaxe lots in the historic area and require 850m<sup>2</sup> for dual occupancies to cover precinct 1.</p>	<p>The Draft DCP increases the minimum lot size for dual occupancy and residential units on battleaxe lots within Precinct 1 (Inner City) from 750m<sup>2</sup> to 800m<sup>2</sup> and 750m<sup>2</sup> to 1100m<sup>2</sup> respectively. The proposed minimum lot size increase seeks to provide a higher quality development on battleaxe allotments than Council is currently seeing. Existing 'gun barrel' developments stem back to the historical subdivision pattern of the City centre that was characterised by 20</p>
<p>Concerned about dual occupancy and residential unit development on battleaxe blocks and associated impacts such as noise and petrol and diesel pollution. Does not support unsympathetic overdevelopment</p>	

and unpleasant and overcrowded environment in Bathurst.	<p>metre wide by 100 metre long lots. The existing battleaxe development that has resulted from this pattern has been a compromise to retain existing historical homes (at the front) and enable development of the long vacant area at the rear. It should be noted that Council has long had an incentive clause in its DCP whereby in Precinct 1 a higher density is permissible (93.5 persons per site hectare) on lots greater than 4000m<sup>2</sup>. This clause was an incentive to encourage landowners to band together to produce lots of a scale that would support better quality unit development than that on long thin allotments in isolation.</p> <p>High density development has never been permitted in the City and is not proposed by the draft DCP.</p>
Seeks Council to amend the DCP to include a qualitative approach which looks at the overall significance of a development proposal and its surrounding context.	It is considered that the proposed development standards in relation to all types of new developments are extensive and will enable consideration of individual applications on merit.
<b>Recommended changes to Draft DCP</b>	<b>No change to the Draft DCP proposed.</b>

<b>NSW Department of Environment, Climate Change and Water</b>	
<b>Issues Raised</b>	<b>Response to Issues Raised</b>
Generally supports Rural and Rural Lifestyle Development strategic objectives (a) and (f).	Noted.
Supports the integration of sensitive land, waterway and high or moderate biodiversity maps into the DCP but recommends environmental considerations be applied to all zones and not just general rural zones.	Much consideration has been given to the application of sensitive land, waterway and high or moderate biodiversity mapping in the draft DCP. It is not practical to apply stringent individual DA environmental assessment reporting requirements to existing urban and rural residential zoned areas where they are already micro planned to minimise potential environmental impacts. Council has included stringent land management controls and land use areas on all of its residential and rural residential areas as the best means to protect existing environmental features (see various maps of residential and rural residential areas).
Suggests when formulating a new LEP Council consider the use of sensitive land, waterway and high or moderate biodiversity maps and clauses developed by DECCW.	Noted. It is intended to include sensitive land, waterway and high or moderate biodiversity maps and clauses developed by DECCW in the Comprehensive LEP.
Supports special provisions to protect the Purple Copper Butterfly.	Noted.

When formulating DCP's and other planning controls, Council should require proponents to undertake due diligence in accordance with <i>Due diligence Code of Practice for the Protection of Aboriginal Objects in NSW</i> .	Agree. It is recommended that Section 10.9 – Aboriginal Heritage be amended to require Aboriginal Site and Foot Surveys to be prepared in accordance with the <i>Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW</i> .
Does not support increased settlement density at Hill End for various reasons as outlined in the submission.	Council's current DCP prohibits further subdivision of land in Development Area A (Hill End Historic Site). This has not been reflected in the draft DCP as exhibited. It is therefore recommended that sections 3.2.3, 3.6 and the table to Part 7.5 of the Draft DCP be amended to prohibit further subdivision in the Hill End Historic Site. Further, it can be seen from Draft DCP Map No. 17 – Hill End that notwithstanding this proposed provision the majority of land zoned 2(v) – Village at Hill End is identified as Development Area A which is land under the control of DECCW and therefore Council plays no role in the consent for new development on this land.
Has concerns about the impacts of clearing a 30m area surrounding Hill End on biodiversity, cultural heritage and aesthetic values.	Not applicable. Council has not included any provisions in the Draft DCP in relation to clearing a 30 metre area around Hill End or any other village.
<b>Recommended changes to Draft DCP</b>	<ol style="list-style-type: none"> <li>1. <b>Amend Section 10.9 – Aboriginal Heritage to require Aboriginal Site and Foot Surveys to be prepared in accordance with <i>Due diligence Code of Practice for the Protection of Aboriginal Objects in NSW</i>.</b></li> <li>2. <b>Amend Sections 3.2.3, 3.6 and the table in Part 7.5 to prohibit further subdivision within the Hill End Historic Site.</b></li> </ol>

<b>K. Burns, Hill End Ranch</b>	
<b>Issues Raised</b>	<b>Response to Issues Raised</b>
Request the zoning of part of DP 776864, Lot 2 to be changed from 1(e) – Outer Rural to 2(v) – Village for reasons as outlined in the submission.	Not applicable. The draft DCP does not alter any zonings. This matter has been discussed with Mr Burns in detail, the comment has been noted and will be considered as part of the Comprehensive LEP.
<b>Recommended changes to Draft DCP</b>	<b>No change to the Draft DCP proposed.</b>

<b>Bathurst Community Climate Action Network (BCCAN)</b>	
<b>Issues Raised</b>	<b>Response to Issues Raised</b>
Council planning instruments need to protect	Noted. The Draft DCP seeks to protect long

long term environmental and social amenity.	term environmental and social amenity through an extensive range of environmental, landscaping, greening and amenity provisions.
Need to recognise the impact of an increasing population, lifestyle expectations and a carbon restrained society.	Noted. The Urban Strategy considered these issues in detail in Section 6.11 – Climate Change. The recommendations of the Urban Strategy have then been carried into the Draft DCP in relation to the multitude of development standards that seek to recognise the impact of an increasing population, lifestyle expectations and a carbon restrained society. Development standards include those in relation to urban salinity, biodiversity/vegetation, the dark night sky, energy efficiency, building design and green power, bushfire protection, housing choice and affordability, access, open space and recreation, public transport and subdivision design.
Encourage Council to consider innovations for new subdivisions that allows for diversity, sustainability and user friendly public space.	Noted. Council has provided a range of development standards in the Draft DCP that support innovative subdivision design principles that allow for diversity, sustainability and friendly public open space. These include standards that require medium density development to be in close proximity to open space areas, ensure new subdivisions face open space areas opposite roads (rather than back onto them), require landscaping plans and retention of existing vegetation as part of subdivision and medium density housing development and encourage solar passive and green design principles. Further, should Council receive a proposal for an innovative new subdivision or development that supports these principles which is not consistent with the DCP provisions, Council could amend the DCP to consider such a request on merit. This process would not be possible in relation to LEP clauses.
Provision of streetscape and landscape vegetation in subdivisions and along major transport links and support and encourage biodiversity.	Noted. The Draft DCP includes considerable standards in regard to landscaping and greening of new subdivisions and development on major roads that supports and encourages biodiversity. These provisions are directly linked to the recommendations of the Bathurst Vegetation Management Plan with respect to planting characteristics, species type and densities as they relate to specific areas within the City.



<b>Recommended changes to Draft DCP</b>	<b>No change to the Draft DCP proposed.</b>
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<b>Patrick Forman</b>	
<b>Issues Raised</b>	<b>Response to Issues Raised</b>
Supports BCCAN submission and requests Council consider annually closing off Keppel Street to celebrate heritage and promote cycle commuting.	Support for the BCCAN submission is noted. The issue of closing off Keppel Street as a means to celebrate heritage and promote cycle commuting is a separate issue beyond the scope of the DCP.
<b>Recommended changes to Draft DCP</b>	<b>No change to the Draft DCP proposed.</b>

<b>Greening Bathurst</b>	
<b>Issues Raised</b>	<b>Response to Issues Raised</b>
Supports incorporation of environmental policy into the DCP.	Noted. It is considered that the draft DCP has extensively considered built and natural environmental issues.
Supports integration of DECCW mapping as a tool for environmental protection.	Noted.
Encourages Council to coerce developers to achieve best possible environmental outcomes.	Noted. Council provides every opportunity for applicants to meet with planning staff to discuss and achieve best possible environmental outcomes through its duty planner system and by way of pre-lodgement meetings with relevant Development Control Planning Staff.
<b>Recommended changes to Draft DCP</b>	<b>No change to the Draft DCP proposed.</b>

<b>Rahamin Ecological Learning Community Inc.</b>	
<b>Issues Raised</b>	<b>Response to Issues Raised</b>
Believe that any development in the Bathurst Region should be environmentally sustainable, socially just and spiritually fulfilling for all its residents.	Noted. As detailed in the responses above relating to submissions from DECCW, Bathurst Community Climate Action Network (BCCAN), Patrick Forman, and Greening Bathurst the draft DCP has included extensive and comprehensive development standards that seek to promote development that is environmentally and socially sustainable.
All buildings, dwellings and developments should be required to abide by the philosophies of environmental sustainability, social justice and meaningful existence.	
Development should enhance the possibility for residents to live healthy, meaningful lives.	
<b>Recommended changes to Draft DCP</b>	<b>No change to the Draft DCP proposed.</b>

<b>Tracey Carpenter and Keppel Street Business Persons (15 signatories)</b>	
<b>Issues Raised</b>	<b>Response to Issues Raised</b>
Request that the DCP preserves the unique character, diversity and heritage of the Keppel Street Heritage Shopping Precinct.	Noted. The Draft DCP includes extensive provisions in relation to the protection of heritage within the Bathurst City Heritage Conservation Area (which includes Keppel Street). In this regard, Heritage Statements of Significance have been included in the
Planning controls need to ensure that future development preserves the diversity of shop	

fronts and require street frontages be sympathetic to existing qualities, diversities, heritage and character, community life and amenity.

DCP to define the significance of individual Heritage Conservation Areas and to identify what the plan aims to protect and enhance. Statements of Heritage Impact are further required to be submitted by applicants with development proposals as required by Council to enable a thorough assessment of heritage impacts.

In regard to the consideration of preservation of the diversity of shopfronts and sympathetic street frontages, Section 10.4 - Infill Development of the Draft DCP includes standards and requirements that seek to ensure new development is designed to respect neighbouring buildings and the character of the area or streetscape and to ensure new development enhances and complements the existing urban character. Infill development requirements (which apply to development proposed on vacant land, demolition and/or replacement in a Heritage Conservation Area) requires applicants to consider the scale, massing, setbacks, colours and material for proposed infill development in respect to neighbouring buildings and the established streetscape pattern in fine detail. Street photographs of the proposed site and adjoining buildings and a photomontage of the streetscape are also required.

It is therefore considered that the draft DCP provides adequate provisions for new building design. However, additional provisions could be included to encourage an active street frontage particularly in Keppel Street. Continuous business, community or retail land uses that open directly to the footpath provide active, people orientated street frontages. It enhances public security and passive surveillance and improves the amenity to the public domain by encouraging pedestrian activity. It can also assist in supporting the economic viability of business centres.

In this regard the following additional section is recommended for inclusion in Part 5 of the DCP.

#### **5.14 Active Street Frontages – Keppel**

	<p><b>Street Objective</b></p> <p>a) to promote uses that attract pedestrian traffic along ground floor street frontages in Keppel Street (between Seymour and William Streets).</p> <p><b>Development Standards</b></p> <p>a) Development consent must not be granted to the erection of a building, or a change of use of a building, on land unless Council is satisfied that the building will have an active street frontage after its erection or change of use.</p> <p>b) An active street frontage is not required for any part of a building that is used for any of the following:</p> <ul style="list-style-type: none"> <li>(i) entrances and lobbies (including as part of a mixed development),</li> <li>(ii) access to fire services,</li> <li>(iii) vehicle access</li> </ul> <p>c) In respect of (a) and (b) above, a building has an active street frontage if all premises on the ground floor of the building facing the street are used for the purposes of commercial premises, community buildings, medical centres, public facilities or buildings, refreshment rooms, shops or takeaway food outlets.</p>
<b>Late submission received including additional considerations in relation to the Keppel Street Precinct.</b>	
<b>Issues Raised</b>	<b>Response to Issues Raised</b>
Development should preserve/extend the mix of small/medium businesses.	Council can not dictate which businesses enter the Keppel Street Precinct. This is determined by market forces and is out of Councils control. Notwithstanding, see comments above in relation to encouraging an active street frontage.
Facades should be limited to 9 metres (preferably 7 metres) and street windows should be encouraged.	Disagree. 7 metre shop frontages are very narrow and not always appropriate. The infill development standards are the best means to determine appropriate widths for new development in this precinct as outlined above. The inclusion of provisions to encourage active street frontages (above) will ensure street windows are encouraged.
A continued broad mix of business should be	Zoning and permissibility of uses is an LEP

encouraged (including industrial) through maintaining a range of shop sizes and behind warehouse spaces.	issue and not a DCP issue. Home industries and service industries are permitted in the 3(a) – General Business zone.
Driveways, areas between buildings and associated vistas are an important part of the streetscape.	Noted. Council agrees these areas and vistas are an important aspect of the streetscape. These areas are adequately considered as part of the infill development requirements for adjoining development proposals and within the streetscape in general.
Avoid carparks in front of buildings and interruptions of the commercial/retail frontages.	Noted. Again the infill policy and proposed standards for active street frontages addresses these issues.
Encourage footpath dining and pockets of landscape.	Footpath dining is not a DCP issue. It is addressed by Council's Footpath Restaurants Policy. Landscaping is encouraged and enforced through stringent development standards that require landscaping plans and greening of all new business and industrial developments.
Maintain street loading parking.	Noted.
There is scope for greening the south side of Keppel Street between parking.	Noted. This matter is addressed by the CBD Beautification Scheme and associated ongoing capital works.
<b>Recommended changes to Draft DCP</b>	<b>That a new Part 5.14 – Active Street Frontages – Keppel Street be included in the DCP.</b>

<b>National Trust of Australia, Bathurst Branch</b>	
<b>Issues Raised</b>	<b>Response to Issues Raised</b>
Concerned that existing planning controls are not stringent enough to protect the city's historic past and enable demolition of significant buildings. Request clauses that retain heritage and enhance tourism potential and resident satisfaction.	Disagree. The Draft DCP includes extensive provisions in relation to the protection of heritage. Further stringent assessment requirements are included to ensure that applications for the demolition of heritage buildings are considered on merit. Demolition applications for buildings within Heritage Conservation Areas, buildings listed as Heritage Items, buildings included in the Bathurst Region Heritage Study and buildings over 50 years of age require a Heritage Impact Statement (HIS) to be lodged. The HIS must include a historical assessment, a structural assessment, and an infill development form to consider the significance of the building which is then rated under Council's Bathurst Conservation Area Management Strategy.
Request a preliminary statement in the DCP that supports Bathurst unique heritage value.	Noted. Section 10 – Urban Design and Heritage of the Draft DCP includes strategic priorities and objectives that support Bathurst's unique heritage value. Further

	Statements of significance for the Bathurst, Kelso, Perthville, Hill End, Sofala, Rockley, Trunkey Creek, Georges Plains and Wattle Flat Heritage Conservation Areas are included and they are required to be considered for all development within these areas.
Council should lead by example (e.g. public facilities and toilet blocks).	Noted.
Need to support adaptive reuse of old buildings and the streetscape not progressive piecemeal destruction.	Noted. Refer to above comments.
Raise concerns about signage, colours, streetscapes and infill development as detailed in the submission.	Section 12 – Signage and Colour Schemes of the Draft DCP seeks to ensure that signage and colour schemes as they relate to heritage buildings and streetscapes compliment and does not detract from heritage values. Section 12.2.3 – Locational requirements for signage and Section 12.2.4 - General Development Standards for signage prohibit inappropriate signage location and types as they relate to Heritage Buildings and Heritage Conservation Areas. Further Section 12.2.5 – Advertisements in Heritage Conservation Areas and Section 12.2.6 – Advertisements in Hill End and Sofala provide further specific requirements in relation to signage in these areas. Section 12.3 – Colour Schemes for buildings require consent for the painting of buildings within Heritage Conservation Areas and Heritage Items to comply with colour palettes included.
<b>Recommended changes to Draft DCP</b>	<b>No change to the Draft DCP proposed.</b>

<b>Ian Manning</b>	
<b>Issues Raised</b>	<b>Response to Issues Raised</b>
Need for additional controls in the DCP to reduce negative impacts of forestry plantations on adjoining properties (roads and fencing, bushfire, amenity and feral animals).	This submission has subsequently been withdrawn by Mr Manning. No comment required.
<b>Recommended changes to Draft DCP</b>	<b>No change to the Draft DCP proposed.</b>

<b>BathurstXdesign Working Committee</b>	
<b>Issues Raised</b>	<b>Response to Issues Raised</b>
The DCP should recognise “the Centre” and “Satellite Entities” which should be reinforced through associated density controls and reinforce traditional centres of community, and establish the intent of new	The Draft DCP distinguishes the City’s residential areas through density control residential precincts (i.e. medium density in the inner city and medium to low densities in the cities suburban areas and urban

ones.	villages). Further, provisions are included to enable the appropriate development of neighbourhood shopping centres (including community facilities and services) at appropriate locations to cater for convenience style shopping and community activities in the outer areas whilst protecting the CBD as the city's key shopping precinct as recommended by Council's Retail Strategy.
Need to encourage high quality, high density planning in strategic locations. DCP should not respond to a rear view analysis of market preferences.	The Draft DCP introduces increased medium density housing opportunities into the City's suburban areas. The regional community generally did not support high density development opportunities throughout the consultation process for the Urban Strategy.
Need to frame controls with reference to the 'traditional' form which distinguishes Bathurst and provides a sense of place.	The DCP seeks a return to a modified grid pattern subdivision more akin to the older areas of the City. As indicated above, neighbourhood centres and open space have been located to provide community centres in newly developing areas.
Freedom in respect of lot sizes allows greater diversity for a changing demography.	Council has long included numerical standards in relation to residential minimum lot sizes within its planning instruments to enable the protection of amenity. This approach is favourable to an objective based response to minimum lot size. Notwithstanding should a particular development not comply a variation can be considered on merit pursuant to Section 1.7 of the Draft Plan. It should be noted that in the suburban areas the minimum lot size is 550m <sup>2</sup> . The market, however, has created lots which average closer to 800 – 900m <sup>2</sup> . This suggests that the minimum is not too low or too restrictive.
Dispensation on underground cabling in rural villages allows visual pollution in areas most visually sensitive and encourages distributed rather than compact development.	Requiring underground servicing in the region's rural villages is not warranted given the inconsistent and adhoc nature of development in these locations. It would impact on the viability of any such subdivision.
Subdivisions which include buffers, open space or drainage areas ought to include landscaping of them.	Section 13 – Landscaping and Greening of the Draft DCP includes considerable standards in regard to landscaping and greening of new subdivisions (including buffers, interfaces and open space areas) that supports and encourages biodiversity. These provisions are directly linked to the recommendations of the Bathurst Vegetation Management Plan with respect

	to planting characteristics, species type and densities as they relate to specific areas within the City.
Wide allotment dimensions will preclude a range of development options appropriate to a changing demographic.	Noted. Allotment dimensions and minimum frontage requirements are not proposed to change under the Draft DCP from existing requirements, and are certainly not considered onerous given the style of lots being produced by the market.
Supports road fronted open space.	Noted.
Does not support inability to subdivide until unit development commenced.	Disagree. This is a long standing provision used by Council to avoid inappropriate small lot subdivision and its potential use for inappropriate development.
Concern in regard to how occupation rates/population densities are calculated.	The DCP standard uses persons per site to control the intensity of development. The occupancy rates are simply part of the formula to calculate the total number of persons that a site can manage.
Supports good purposeful small lot development on a larger scale in strategic locations rather than infill dual occupancy and unit development in outer areas.	Noted. Whilst this point holds merit, Council has chosen to introduce medium density provisions to the outer areas to enable incremental dual occupancy and unit development as the market dictates. Council's experience is that larger scale unit developments within the city have 'fallen over' due to lack of finance and demand for this type of housing. Notwithstanding, should Council receive a proposal for a large scale small lot subdivision within any residential area amendment to the DCP could be made to accommodate such a development.
Supports front building setback reductions.	Noted.
Locational criteria for residential units should include proximity to a shopping centre or similar amenity.	Locational criteria for residential unit development in the suburban areas relates only to proximity to open space. Notwithstanding, SEPP – Housing for Seniors or People with a Disability 2004 enables high density development for over 55's and people with a disability provided it is located within 400 metres of a shopping centre. This SEPP enabled the development of a significant amount of accommodation for the elderly around the Trinity Heights Shopping Centre at Kelso. It would be appropriate to permit residential unit development within 400 metres of a neighbourhood shopping centre notwithstanding other locational criteria.
Private open space ought to be defensible and usable rather than behind the front building line.	Disagree. This provision does not restrict the provision of open space in the 'front yard', it simply requires the minimum

	provision to be located behind the front building line. From experience the provision of open space forward of the front building line has not always established functional, private and usable areas, despite screening attempts in most instances. Proposed development standards in relation to communal open space requirements for unit developments seek to encourage more usable space in relation to higher densities.
A blanket 2 storey height control is inconsistent with the traditional form of the City.	Disagree. Currently within the Bathurst Heritage Conservation Area residential development is limited to two storeys and commercial development is limited to three storeys. Council currently does not have any height restrictions in place for residential land outside the Bathurst Heritage Conservation Area. The introduction of a two storey height limit across the entire residential zone is consistent with the height of new dwelling development applications Council is receiving and the traditional height of buildings in the older areas of the City. Notwithstanding a variation to this standard can be considered if required pursuant to Section 1.7 of the Draft DCP.
Does not support parking spaces behind the building line.	Disagree. This is a longstanding existing development standard. It is not proposed to be altered by the Draft DCP.
Generally supportive of the Draft DCP and its content.	Noted.
Does not agree with a “status quo” approach in planning and foresee imminent and rapid change potentially imposed on the community by external influences and encourage community leaders to prepare with vision and vigour to establish Bathurst as a leading example of an economically, environmentally and socially sustainable community.	It is considered that the Draft DCP will introduce significant changes to development standards for all types of development in the Bathurst Region. The approach taken by the Draft DCP is to produce a user friendly document that encourages environmentally and socially sustainable development in keeping with community expectation and consistent with the outcomes of the urban and rural strategy process and its associated community engagement.
<b>Recommended changes to Draft DCP</b>	<b>Amend Part 4.5.2 of the DCP to permit residential units within 400 metres of neighbourhood shopping centres regardless of other locational criteria.</b>

<b>Roland Zopf</b>	
<b>Issues Raised</b>	<b>Response to Issues Raised</b>
Need to protect the City’s historic buildings	The Draft DCP includes considerable



from demolition and the City's streetscapes from inappropriate development. Need to force developers to restore buildings rather than knock them down.	standards and requirements in relation to the protection of Heritage. Refer to response to issues raised by Keppel Street Business Persons (15 signatories) and National Trust of Australia, Bathurst Branch above.
<b>Recommended changes to Draft DCP</b>	<b>No change to the Draft DCP proposed.</b>

<b>Joyette Swane &amp; Brian Fitzpatrick</b>	
<b>Issues Raised</b>	<b>Response to Issues Raised</b>
Request consideration of visual scapes and natural ecology of the residential block bound by Bentinck, William and Rocket Streets when considering future development for reasons outlined in the submission.	Given that this block is located within the Bathurst City Heritage Conservation Area any application for development would ensure adequate consideration of visual scapes in this location, specifically as they relate to heritage values. Further, natural ecology would be duly considered in this location by the development standards of Section 13 – Landscaping and Greening which relate to Council's tree preservation order, street trees and landscaping and greening requirements for new development.
<b>Recommended changes to Draft DCP</b>	<b>No change to the Draft DCP proposed.</b>

<b>William Knight</b>	
<b>Issues Raised</b>	<b>Response to Issues Raised</b>
Request 208 & 224 Gilmour Street, Kelso be included as residential following construction of a levee across this land which delineates a clear boundary between rural and residential uses.  Since the construction of the levee it is no longer practical to perform rural activities on this land.	The Bathurst Region Urban Strategy included the following recommended action to protect views to and from the Macquarie River Floodplain as a significant view/vista for the City. <i>Do not permit rezoning of existing rural lands for urban or rural residential purposes zone on the Macquarie River Floodplain. Specifically, do not permit any further rezonings to residential or rural residential of lands on the western side of Gilmour Street, the southern side of Eleven Mile Drive or east of Eglinton Road.</i> Therefore any rezonings to residential at this location (irrespective of the construction of a levee) are not warranted.  Notwithstanding, this issue is an LEP matter and can not be dealt with by this DCP.
<b>Recommended changes to Draft DCP</b>	<b>No change to the Draft DCP proposed.</b>

<b>Central West Catchment Management Authority</b>	
<b>Issues Raised</b>	<b>Response to Issues Raised</b>
Supports inclusion of environmental	Noted. Council intends to include such

considerations in the DCP and recommends such considerations be included in the LEP.	considerations in its comprehensive LEP.
Ensure Water Sensitive Urban Design (WSUD) principles are identified in Council's engineering policy.	The DCP calls on Council's Engineering Guidelines to provide detailed standards relating to stormwater drainage. If Council wishes to introduce WSUD principles then this would be a matter for consideration with respect to a review of the Engineering Guidelines rather than the DCP.
Need to include additional priorities and objectives for rural and rural lifestyle development as per the wording in the standard template.	Council has included relevant strategic priorities and objectives in its DCP as identified from Council's Rural Strategy. Wording from the Standard Instrument is relevant only to Council's future LEP.
Commend council on utilising Environmental Sensitive Areas maps in the DCP and recommends using them in the LEP.	Noted. Council intends to include such considerations in its comprehensive LEP.
Setbacks should also include buffer zones to protect remnant vegetation.	Council has included extensive provisions in the Draft DCP to protect remnant vegetation and biodiversity. Sections 4.7 Private open space/landscaping, 9.4 Biodiversity, and 13 Landscaping and Greening all require new development to protect, maintain and enhance existing vegetation. Further, DCP maps for residential and rural residential areas prohibit building in environmental protection areas which protects all existing native vegetation and biodiversity from inappropriate development. Additional buffer zones are not required.
Recommend a section be included to place fencing to avoid its impact on habitat and habitat corridors.	The Native Vegetation Act (2003) enables any person to clear vegetation 10 metres either side of a proposed fence. Any such DCP requirement would contradict the Act and serve no purpose. The DCP aims to require appropriate environmental assessment at the subdivision stage such that impacts such as those including fencing can be appropriately assessed.
Include strategic priorities and objectives to minimise the impact upon natural and aboriginal cultural heritage in Section 7 – Rural Village.	Section 10 – Urban Design and Heritage Conservation includes extensive strategic priorities and objectives and associated development standards in relation to built, natural and aboriginal heritage. These are best placed in this section where they cover all development types and not just rural village development. See further comments in relation to Aboriginal Heritage below.
Need to include how vegetation can be protected and enhanced in land management areas.	This information is included in Section 13 of the DCP. Section 7.7.4 Management of land refers to landscaping requirements pursuant to Section 13 – Landscaping and greening. This section then includes dimensions and

	<p>characteristics, species types/planting characteristics, planting density and timing of planting required for these areas. To include development standards requiring protecting root zones and trees with fencing that cannot be removed or be easily knocked over and requiring fencing to be erected outside of the canopy drip zone of the tree; after construction by applying mulch around the tree, etc. is not practical and can not be easily enforced and monitored by Council officers.</p>
<p>Recommends Council review statements of significance for the villages to refer to Aboriginal Cultural Heritage and consult with the Local Aboriginal Land Council and DECCW in this regard. Further, clarification is needed on how Council considers Aboriginal Heritage.</p>	<p>As part of the Bathurst Region Heritage Study, Council engaged an Aboriginal Officer to undertake the investigation of Aboriginal heritage within the region. Unfortunately, the officer was not able to complete the works and only provided Council with a brief list of places that may be of Aboriginal significance. Approximately 2 years ago, Council's Senior Strategic Planner met with two Aboriginal Officers who were specifically employed by the CW Catchment Management Authority to undertake a separate Aboriginal Heritage Study within the Bathurst and Orange LGAs. Unfortunately, to date, Council has not been able to determine where this study is up to, despite numerous attempts with CMA staff. Therefore, based on the above, Council envisages it will undertake an Aboriginal Heritage Study at some time in the future for the LGA. Council is of the opinion that it is during this process that Aboriginal Cultural Heritage within the region will be clearly identified and that subsequently, the Statements of Significance for the villages, and more importantly, that individual places of Aboriginal significance will be recognised through appropriate amendments to the heritage schedule in the LEP and through specific planning controls in the relevant sections in the DCP.</p>
<p>Need to identify and protect remnant vegetation in the Mount Panorama locality as an important objective of this area.</p>	<p>Planning provisions for the Mount Panorama locality do not change under this DCP. Vegetation at Mount Panorama is protected by Council's existing tree preservation order and scenic protection provisions in Council's LEP.</p>
<p>Need to include in Environmental Section strategic priorities/objectives that cover riparian corridors and in-stream habitat.</p>	<p>The strategic objectives and priorities already reference water quality and the need to protect, maintain and improve waterways and biodiversity. No further action required.</p>

Section 9.1.2 Objectives d) and k) contradict each other in relation to bushfire.	Disagree.
Commends the objective for land resources but notes development proposed by the Draft LEP would contravene these objectives.	Noted. The Draft LEP comment is not applicable to the Draft DCP.
Council should refer to the CMA's best management practice guide when assessing site plans.	Noted. A reference to this guideline will be included in Section 9.2.3.
Proposed riparian land and waterway development standards should address Water Sensitive Urban Design (WSUD) Principles.	A reference to this policy will be included in Section 9.3.3.
Bushfire prone objective should be to direct growth and development away from biodiverse areas to protect human settlement and natural resources.	The Draft DCP includes relevant objectives and development standards as they relate to bushfire prone land including the objective <i>to minimise the risk of property and the community from bushfire and to minimise the impact of fire protection measures on the regions biodiversity</i> and the development standard <i>that all new development is to comply with the provisions of the Rural Fire Service's Planning for Bushfire Protection 2006</i> . The DCP does not zone land or open up new land for development and therefore does not direct growth and development toward biodiversity areas.
Need to address Property Vegetation Plans (PVPs) required by the NSW Native Vegetation Act.	Council has no control or authority in regard to Property Vegetation Plans. This process is independent of Council, governed by the Native Vegetation Act and controlled by the CMA. It has nothing to do with a DCP.
DECCW and DoP are working on a Biodiversity Certification of Environmental Planning Instruments Guide which should be of interest to Council.	Noted.
Need to address WSUD in the objectives for Landscape Plans.	A reference to the policy will be included in Section 13.3.5 of the DCP.
Landscaping maintenance conditions of consent should be widened to include the natural movements of all flora and fauna species in the area.	This section of the DCP refers to the types of development which require landscaping plans. This issue has been misinterpreted.
Design Principles for landscaping plans should address remnant vegetation, riparian zones and WSUD.	Point (e) of Section 13.3.5 will be amended to reference areas of biodiversity as recommended.
Recommends that an objective be included that street trees provide connectivity between key areas of habitat across the LGA and that street tree planting should incorporate WSUD principles.	The objective to Section 13.4.1 will be expanded as recommended.
Need to address WSUD principles in strategic objectives for car parks.	As discussed above WSUD requirements are best placed in Council's engineering

	guidelines and not in the DCP.
<b>Recommended changes to Draft DCP</b>	<ol style="list-style-type: none"> <li>1. <b>Section 9.2.3 – include reference to the Central West CMA’s Best Management Guide – Land and Soil Capability.</b></li> <li>2. <b>Section 9.3.3 – include reference to the Salinity and Water Quality Alliance’s “Stormwater and Smartwater Policy”</b></li> <li>3. <b>Section 13.3.5 (e) – include reference to areas of biodiversity.</b></li> <li>4. <b>Section 13.3.5 – include new design principle that landscaping should optimise the use of permeable surfaces, stormwater treatment and on-site water reuse where appropriate , and reference the stormwater to smartwater Policy.</b></li> <li>5. <b>The objective in Section 13.4.1 be expanded to recognise that street trees can enhance the connectivity between key areas of habitat across the LGA.</b></li> </ol>

It should be noted that **not** all of the submissions received and feedback obtained at meetings objected to the draft Plan. A lot of support from both written submissions and meeting feedback was raised for various issues and recommendations included in the draft Plan.

**Recommended changes to the draft plan as a result of the public exhibition process for Council’s consideration prior to the Plan’s adoption.**

The issues raised by the community with respect to the draft Plan were extensive.

The table below provides a brief summary of the **key** issues raised during the consultation process where a review by the Environmental, Planning and Building Services Department has resulted in a proposed change to the draft Plan with respect to these issues.

<b>Recommended changes to Draft DCP</b>	
<b>Brief Discussion</b>	<b>Summary of Recommendation to Council</b>
<b>ISSUE: Business Zone required for Perthville Shop RAISED BY: Barson Pty. Ltd.</b>	
Business zone in Perthville only on existing nursery and not garage/shop.	Amend the Draft DCP Map No. 3 – Perthville to identify Lot 2, DP 786926, 13 Vale Road as Business.
<b>ISSUE: Water sources for fire fighting purposes RAISED BY: Barson Pty. Ltd.</b>	
Need to address alternative water sources for fire fighting purposes.	Include a note in relation to rural water supply required for fire fighting purposes that if other sources of water are proposed to be used, the application must be

	accompanied by a letter from the RFS that supports the alternative water source.
<b>ISSUE: Dual Occupancy Development in Urban Villages</b> <b>RAISED By: Vic Schembri</b>	
Strongly objects that dual occupancies will no longer be permitted on battleaxe allotments or within cul-de-sacs except corner blocks in the urban villages.	Amend Part 4.6 of the DCP to read as follows:  4.6 Locational Criteria – Dual Occupancies Precinct 2 and 3. 4.6.1 Objective  a) To ensure dual occupancy developments within Precinct 2 and 3 are located so as to minimise their impact on the existing amenity of the area.  4.6.2 Development Standards  a) Not permitted on battle-axe allotments. b) Must have a lot frontage at the road reserve of not less than 20 metres, including at the cul-de-sac head. c) Must be located either: (i) on corner allotments, or (ii) no closer than 40 metres on the same side of the street as another dual occupancy (excluding any dual occupancy located on a corner allotment).
<b>ISSUE: Need for additional Aboriginal Heritage Controls</b> <b>RAISED BY: DECCW</b>	
Require proponents to undertake due diligence in accordance with <i>Due diligence Code of Practice for the Protection of Aboriginal Objects in NSW</i> .	Amend Section 10.9 – Aboriginal Heritage to require Aboriginal Site and Foot Surveys to be prepared in accordance with <i>Due diligence Code of Practice for the Protection of Aboriginal Objects in NSW</i> .
<b>ISSUE: Does not support increased settlement density at Hill End</b> <b>RAISED BY: DECCW</b>	
Does not support increased settlement density at Hill End for reasons outlined in submission.	Amend part 7.5 of the DCP to prohibit further Subdivision within the Hill End Historic Site.
<b>ISSUE: Need for additional Heritage Provisions for the Keppel Street Precinct</b> <b>RAISED BY: Keppel Street Business Owners and Councillor Tracey Carpenter</b>	
Need to include additional heritage provisions that protect and encourage active street frontages within the Keppel Street Precinct.	That a new Part 5.14 – Active Street Frontages – Keppel Street be included in the DCP.
<b>ISSUE: Residential Units should be allowed in proximity to neighbourhood shopping centres</b> <b>RAISED BY: BathurstXdesign Working Committee</b>	
Locational criteria for residential units should	Amend Part 4.5.2 of the DCP to permit

include proximity to a shopping centre or similar amenity.	residential units within 400 metres of neighbourhood shopping centres regardless of other locational criteria.
<b>ISSUE: Additional references to State Government Guidelines, Biodiversity, Design Principles and habitat connectivity required.</b>	
<b>RAISED BY: Central West Catchment Management Authority</b>	
Additional references to State Government Guidelines, Biodiversity, Design Principles and habitat connectivity required.	<ol style="list-style-type: none"> <li>1. Section 9.2.3 – include reference to the Central West CMA's Best Management Guide – Land and Soil Capability.</li> <li>2. Section 9.3.3 – include reference to the Salinity and Water Quality Alliance's "Stormwater and Smartwater Policy"</li> <li>3. Section 13.3.5 (e) – include reference to areas of biodiversity.</li> <li>4. Section 13.3.5 – include new design principle that landscaping should optimise the use of permeable surfaces, stormwater treatment and on-site water reuse where appropriate, and reference the stormwater to smartwater Policy.</li> <li>5. The objective in Section 13.4.1 be expanded to recognise that street trees can enhance the connectivity between key areas of habitat across the LGA.</li> </ol>

It should be noted that the only key objection that remains outstanding is the objection from Mr. Schembri in relation to his desire to be able to build 14 dual occupancy developments on 7 lots in a cul-de-sac in Raglan. Council staff do not necessarily conclude that such development would be supported by the DCPs objectives for the precinct under the current DCP arrangements.

#### Staff Review

In addition to the issues raised by the community, Council's Environmental Planning and Building Services Department have undertaken a final review of the Draft DCP. In this regard the following changes are proposed as detailed in the tables below.

#### **Chapter 1 - Preliminary**

<b>Proposed Change</b>	<b>Comment</b>
Section 1.7 – Departures – delete reference to public interest in (b).	Reference to public interest is not required as a departure from a development standard can only be approved if Council is satisfied that the development is consistent with the objectives of the DCP and the objectives of the zone in the LEP.

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

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<b>Proposed Change</b>	<b>Comment</b>
Section 2.7 – Freedom of Information requests: update to reference the Government Information (Public Access) Act 2009.	Reflects current legislation.
Section 2.9 – Additional paragraph added to indicate where the Christmas period cannot be avoided, DAs will be placed on public exhibition for a longer period as considered reasonable.	Provides some flexibility for Council to advertise applications upon their receipt over the Christmas/New Year period.

### **Chapter 3 – Subdivision of Land**

<b>Proposed Change</b>	<b>Comment</b>
Section 3.3.1 - permit aboveground servicing of infill lots in areas already established with aboveground services.	It would not be feasible to require infill lots to be provided with underground services in areas already established with aboveground services.
Section 3.3.8 – clarification of the land required to be landscaped for subdivisions involving an arterial or sub-arterial road.	Provides clarification that landscape plan is required for the road reserve adjacent to the arterial or sub-arterial road.
Section 3.5.2 – Access via Crown Roads – relocate under section 3.3 to apply to all lands.	As written these standards only apply to rural and rural residential lands. The standards should apply to all lands.
Section 3.7 – include note indicating that a Heritage Impact Statement will be required to be submitted with an application for subdivision in a heritage conservation area or involving a heritage item.	Place onus on the applicant to prove to Council that subdivision is appropriate.

### **Chapter 4 – Residential Development**

<b>Proposed Change</b>	<b>Comment</b>
Section 4.4 – delete the requirement for the front building line setback to be 8m if the existing streetscape is already established at 8m.	The DCP introduces a new 6m setback in suburban areas principally as a means to promote smaller lot sizes and therefore minimise the city's footprint. At some point within an existing street there must be a change in the setback. It is considered best to permit an immediate change and accept a minor staggering of setbacks in existing streets. This will certainly enable more applicants to make use of the complying development process (see separate report to council).
Section 4.5 – increase the straight line distance that residential units can locate to open space in precinct 1 from 400m to 500m.	Provide greater opportunity for residential units to locate in precinct 2.
Section 4.7 – increase the minimum width of private open space from 2m to 4m.	A 4m width is Council's current requirement under the existing DCP.
Section 4.14.4 – alter the table such that within a land use buffer only dwellings may	This reflects the existing restriction that applies to land use buffers under the current



not be erected.

DCP.

## Chapter 6 – Rural and Rural Lifestyle Development

Proposed Change	Comment
Alter section 6.2.3 to reduce the required setback to intensive animal husbandry, abattoirs, stock and sale yards and mines to 250m.	This reduced setback is consistent with the recently released setbacks for such activities under the Rural Codes SEPP from the NSW Department of Planning. It is appropriate for Council's DCP to be consistent with the SEPP.
Reduce the setback for farm buildings on lots less than 20ha from 50m to 20m.	A 50m setback on a smaller rural block may not always be achievable.
Insert new section 6.9 in relation to density restrictions at Robin Hill and show location where the restriction applies on Map No. 15.	This standard was inadvertently omitted and has been copied across unchanged from the existing Robin Hill DCP.

## Chapter 9 – Environmental Considerations

Proposed Change	Comment
Alter section 9.5.1 to exclude on site effluent disposal systems that relate to a single dwelling house from the need for additional environmental assessment.	Other sections of the DCP already require detailed geotechnical assessment for on-site effluent disposal systems for single dwelling houses. Further assessment under section 9.5.1 would only be a duplication.

## Maps

Proposed Change	Comment
Map No. 3 – Perthville - Reduce area of proposed road closure of Perth St.	To ensure all existing houses in Perth St retain legal access to Perth St.
Map No 15 – Robin Hill – show density restriction area.	As above under chapter 7.

Further minor grammar, typographical and sequential numbering changes have been made.

## Conclusion

The draft DCP has been placed on public exhibition. Sixteen submissions have been received and considered in this report.

It is considered that only one submission remains outstanding, that is, Mr Schembri's proposal to seek consent for 14 dual occupancy developments on 7 lots within the cul-de-sac off Napoleon Street, Raglan. Council staff, however, do not necessarily consider such development is consistent with the objectives for development in this residential precinct under the current DCP provisions.

This report has reviewed the proposed dual occupancy provisions in precinct 2 (suburban areas) and precinct 3 (urban villages). It is considered that the proposed amended provisions will:

- deliver more dual occupancy developments in both precinct 2 and 3 than the existing and exhibited provisions and therefore provide greater housing choice and affordability,

- and
- deliver dual occupancy developments in both precincts 2 and 3 in the best locations, ie: concentrated at intersections where dual frontage is available, and at the heads of cul-de-sacs but provide for dispersed developments within cul-de-sacs and along other local and collector roads.

It is considered that the amended provisions offer the best means to:

- maintain the lower density character and amenity of precincts 2 and 3,
- disperse dual occupancy developments throughout subdivisions, and
- reduce the likelihood of cul-de-sacs being dominated by medium density housing which in the past has had particular problems relating to traffic and parking and other social issues.

A separate memo to Councillors will be provided to illustrate in more detail the provisions recommended.

It is strongly recommended that Council adopt these amended provisions and apply them across the whole of precincts 2 and 3.

The draft DCP was prepared and exhibited in 2010. However, if Council adopts the plan as recommended by this report it would be appropriate to rename the DCP to reflect the year of adoption. It is therefore recommended that Council adopt the plan and title it "Bathurst Regional (Interim) Development Control Plan 2011".

***As there are no other outstanding matters, it is therefore recommended that Council adopt the Bathurst Regional (Interim) Development Control Plan 2011 with amendments as outlined in this report.***

Council should note that the DCP will become effective from the date of notification of Council's adoption in the Western Advocate. Further Council should note that Section 10.6 (Perthville Heritage Conservation Area) and Section 10.7 (Chifley Memorial Housing Estate) of the DCP will not become effective until gazettal of Council's heritage planning proposal.

**Financial Implications:** Nil.

## MINUTE

### **12 Item 7 DRAFT BATHURST REGIONAL (INTERIM) DEVELOPMENT CONTROL PLAN 2010 20.00163**

**MOVED: T Carpenter SECONDED: M Morse**

**RESOLVED:** That Council:

- (a) adopt the Bathurst Regional (Interim) Development Control Plan 2011 subject to the inclusion of the amendments/alterations outlined in this report but note that Section 10.6 (Perthville Heritage Conservation Area) and Section 10.7 (Chifley Memorial Housing Estate) will not become effective until gazettal of Council's heritage planning proposal.
- (b) repeal the following Development Control Plans, Policies and Codes:
- Bathurst Regional Council Off Street Carparking Code
  - Bathurst Regional Council Landscaping Code
  - DCP – Residential Housing
  - DCP – Residential Subdivision
  - DCP – Advertising and Notification of Development Applications
  - DCP – Blue Ridge Estate
  - DCP – Business Development
  - DCP – Industrial Development
  - DCP – Mount Haven Estate
  - DCP – Mount Panorama and Environs
  - DCP – Outdoor Advertising and Directional Signs
  - DCP – Robin Hill
  - DCP – Wallaroi
  - DCP – Wentworth Estate
  - DCP – Village
  - DCP – Rural Lands
  - DCP – William Street Carpark
  - DCP – Lots 1 & 2 DP 1067087, White Rock
  - Demolition of Built Environment Policy
  - Commercial Infill Policy
  - Residential Infill Policy
- (c) repeal the following sections of the Bathurst Floodplain Management Policy:
- Section 4 – Part 3, Part 4, Part 5, and Part 10.
- (d) give notice of the adoption of the Bathurst Regional (Interim) Development Control Plan 2011 and repeal of plans, policies and codes listed in (2) and (3) above in accordance with the requirements of the Environmental Planning and Assessment Act (1979), and note that the DCP does not become effective until this date.
- (e) notify those who lodged submissions of Council's decision; and
- (f) 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 T Carpenter, Cr G Hanger, Cr M Morse, Cr I North, Cr R Thompson, Cr P Toole, Cr G Westman

Against the motion - Nil

Absent - Nil

Abstain - Nil

## **8 AMENDMENT TO THE DEVELOPMENT CONTROL PLAN - COMPLYING DEVELOPMENT (20.00176)**

**Recommendation:** That Council:

- (a) adopt the new Bathurst Regional Council Development Control Plan - Complying Development which amends parts 18.2.2 and 19.2.2 to reduce the front building alignment for new dwellings and exhibition homes to be a minimum of 6 metres and a maximum of 10 metres, and in the case of corner allotments the combined distance of the two building line setbacks to the two roads to be not less than 8 metres, provided that neither setback is less than 2 metres,
- (b) resolve to prepare a Planning Proposal to amend Clause 20(3) of the Bathurst Regional (Interim) Local Environmental Plan 2005,
- (c) give public notice of Council's decision in accordance with the requirements of the Environmental Planning and Assessment Act 1979, and
- (d) note that the new DCP will not come into effect until gazettal of the Planning proposal.

**Report:** Item 7 of this report recommends that Council adopt the Bathurst Regional (Interim) Development Control Plan 2010.

The Bathurst Regional (Interim) Development Control Plan includes extensive changes to existing development standards affecting all types of development in the Region which do not affect the Bathurst Regional (Interim) Local Environmental Plan (2005).

In this regard, **Section 4.4.2** of the Interim DCP reduces the front building line setback for dwellings in the 2(a) Residential zone outside the Bathurst Heritage Conservation Area from 8 metres to 6 metres.

### **Development Control Plan - Complying Development**

The Development Control Plan - Complying Development did not change as a result of the Bathurst Regional (Interim) Development Control Plan 2010 and continues to require a front building line setback of between 8 - 12 metres, and a combined setback of 10 metres for corner allotments, which is inconsistent with the new development standards of the Interim DCP. The result of this inconsistency is that persons wishing to use the reduced setback would not be able to do so as Complying Development.

Council staff drafted an amendment to the DCP - Complying Development which reduced the front setback of Complying Development Applications for dwellings and exhibition homes from between 8 - 12 metres to 6 - 10 metres (ie 2 metres closer to the front boundary) and a combined setback of 8 metres for corner allotments to make it consistent with the Interim DCP.

The amendment to the Complying Development DCP was placed on public exhibition for a period of 28 days from 20 November 2010 to 20 December 2010. As a result of the public exhibition process, Council did not receive any submissions in relation to the amendment.

### **Bathurst Regional (Interim) Local Environmental Plan 2005**

To enable the amended DCP - Complying Development to be acted upon, Council's current

LEP is required to be amended via a Planning Proposal.

Clause 20 (3) of the Bathurst Regional (Interim) Local Environmental Plan (2005) states:

*Development is exempt or complying development only if it complies with the development standards and other requirements applied to the development respectively by Bathurst Regional Council Development Control Plan – Exempt Development and Bathurst Regional Council Development Control Plan – Complying Development **as adopted by the Council on 20 April 2005.***

Given the amendment to the Development Control Plan - Complying Development (2005) Clause 20(3) of the Bathurst Regional (Interim) Local Environmental Plan (2005) is required to be amended to insert the new adoption date of the amended DCP - Complying Development.

A Planning Proposal will be prepared to that effect and forwarded to the Department of Planning. The DCP amendment will not come into effect until the Planning Proposal has been gazetted.

**Financial Implications:** Nil.

## MINUTE

### **13 Item 8 AMENDMENT TO THE DEVELOPMENT CONTROL PLAN - COMPLYING DEVELOPMENT (20.00176)**

**MOVED:** T Carpenter **SECONDED:** I North

**RESOLVED:** That Council:

- (a) adopt the new Bathurst Regional Council Development Control Plan - Complying Development which amends parts 18.2.2 and 19.2.2 to reduce the front building alignment for new dwellings and exhibition homes to be a minimum of 6 metres and a maximum of 10 metres, and in the case of corner allotments the combined distance of the two building line setbacks to the two roads to be not less than 8 metres, provided that neither setback is less than 2 metres,
- (b) resolve to prepare a Planning Proposal to amend Clause 20(3) of the Bathurst Regional (Interim) Local Environmental Plan 2005,
- (c) give public notice of Council's decision in accordance with the requirements of the Environmental Planning and Assessment Act 1979, and
- (d) note that the new DCP will not come into effect until gazettal of the Planning proposal.
- (e) call a division.

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

**The result of the division was:**

In favour of the motion - Cr W Aubin, Cr B Bourke, Cr T Carpenter, Cr G Hanger, Cr M Morse, Cr I North, Cr R Thompson, Cr P Toole, Cr G Westman

Against the motion - Nil

Absent - Nil

Abstain - Nil

## **9 STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT & COMPLYING DEVELOPMENT CODES) 2008 (02.00018)**

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

**Report:** The Department of Planning introduced SEPP (Exempt & Complying Development Codes) 2008 in February 2009. The SEPP applied to the Bathurst Regional LGA for 6 months. Since that time, Bathurst Regional Council has had an exemption from the SEPP, instead using its own provisions for exempt and complying developments under the existing Development Control Plans for Exempt and Complying Development.

Council has received correspondence from the Department of Planning stating that the exemption from the SEPP is due to expire on 27 February 2011. After this date, the SEPP will apply to the Bathurst Regional LGA. Unlike other LGA's, however, the Council's own provisions will also apply for both exempt and complying development. Owners of land will therefore be able to choose either the SEPP or Council's provisions.

### **Exempt Developments**

The Department has made several changes to exempt developments within the SEPP including:

- an additional 9 development types as exempt development, and
- refining the development standards for a number of exempt developments.

However, Council still has reservations as to some development types whereby they have no consideration of circumstances unique to the Bathurst Region. For example various types of both complying and exempt development allows new accesses to be constructed directly onto Mount Panorama. Council staff have previously written to the Department to express their concerns on a number of matters and to seek an exemption for Mount Panorama.

To date the Department has not addressed Council's concerns other than to enable Council's existing exempt provisions to remain in place.

### **Complying Development Certificates**

The Department has made significant amendments to the Complying Development portion of the SEPP which are:

- a) alterations to the existing:
- Part 3 - General Housing Code
  - Part 4 - Housing Alterations Code

and

- b) introduction of the following:
- Part 3A - Rural Housing Code
  - Part 4A - General Development Code
  - Part 7 - Demolition Code

### **Rural Housing Code**

The Rural Housing Code will allow the construction of rural dwellings as Complying Development if they meet the criteria including:



- meeting the minimum lot size for the zone,
- construction of the dwelling within a building envelope if identified on the Deposited Plan, or achieving preset boundary setbacks, and
- access via a public road or Right of Carriageway. Access via a Crown Road Reserve is not permissible under the SEPP.

Council staff have significant concerns as to the SEPP not taking into consideration unique circumstances to the Bathurst Region. For example, the SEPP does not consider the location of dwellings with respect to Threatened Species, a factor that Council is required to consider under Section 79C of the EP&A Act. The SEPP will also permit dwellings to be considered as Complying Development in Council's rural residential areas such as Blue Ridge Estate, Wentworth Estate and Robin Hill, with no regard for Council's existing DCP provisions. Council staff consider that this is a development type which may have the largest up take by the public.

Changes to the SEPP will also permit dwellings to be erected on low risk bushfire prone land as complying development.

Council has previously written to the Department outlining in detail its very serious concerns with the Rural Housing Code.

#### General Development Code

This is a new category of development under the SEPP which have been introduced for development types which are not readily defined as whether commercial, industrial or residential.

At the commencement of the SEPP, a Bed and Breakfast accommodation will be the only development type covered by this section. It is anticipated that additional development types will be added to this section in future amendments to the SEPP.

#### Demolition Code

Demolition was previously permitted under the SEPP, but has been grouped together in a new section. It should be noted that Demolition is also permissible under Council's Development Control Plan - Exempt Development for buildings located:

- outside the Heritage Conservation Area and
- Not a Heritage Item, and
- Not more than 50 years old.

Under the SEPP Demolition is not permissible on Heritage Items or draft Heritage items, although some works may be carried out in conservation areas. These are listed below:

- demolition associated with new door or window openings if it is at the rear of the building and at the ground floor level (e.g. replacing a rear window with french doors),
- minor demolition works directly associated with new work allowed under the Housing Alterations Code including works that are associated with an attic conversion,
- a flush roof window to the rear roof plane.

#### Conclusion

Whilst Council staff remain very concerned at some of the provisions in the amended SEPP,

at least the Department of Planning has finally taken a common sense approach by retaining Council's own exempt provisions, many of which are much more generous than the SEPP provisions.

Council staff will continue to review the SEPP and make representations to the Department.

**Financial Implications:** Nil.

**MINUTE**

**14 Item 9 STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT & COMPLYING DEVELOPMENT CODES) 2008 (02.00018)**

**MOVED: T Carpenter SECONDED: G Westman**

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

## **10 DRAFT BATHURST COMMUNITY ACCESS AND CYCLING PLAN 2011 (20.00165)**

**Recommendation:** That Council place the draft Bathurst Community Access and Cycling Plan 2011 on public exhibition for a period of one (1) month.

**Report:** The draft Bathurst Community Access and Cycling Plan 2011 has been prepared to review, update and expand on the 3 key Access Plans of the former Bathurst City Council: the 1993 Bike Plan, 1999 Strategic Access Plan and the 2001 Pedestrian Access and Mobility Plan (PAMP).

This Plan is intended to be the primary guiding document for the construction of footpaths and cycleways in the Bathurst Region. The resulting table of works will assist Council to program, forecast and apply for funding for footpaths and cycleways into the future.

The primary aim of the plan is to provide a holistic and planned approach to improving the pedestrian and cycle environment within the Bathurst Region for its community and visitors to the Region by:

- a) Identifying opportunities for upgrading and improving the existing access network;
- b) Identifying additional access linkages that:
  - i) support connectivity of existing linkages,
  - ii) complement popular and high use routes, and
  - iii) extend the network to, and within, the Region's rural villages;
- c) Identifying opportunities for cycling tourism;
- d) Identifying associated facilities and access aids that are required to support the network; and
- e) Adopting a network that:
  - i) encourages cycling and walking as an alternative to the motor vehicle;
  - ii) integrates walking and cycling into the transport network; and
  - iii) removes barriers to walking and cycling and improves access to all members of the community.

### **Community Consultation**

Council conducted an online survey, a saddle survey and a series of workshops in March, April and May 2010 to help inform the preparation of this plan. It also sought survey responses and submissions from the general community.

Thirty seven participants attended the workshops and Council received 117 survey responses and 3 written submissions from the Bathurst Regional community. Key issues raised included:

- Support for new routes within the City and connecting the rural villages and localities.
- Identification of missing links within the existing network and access issues for persons with disabilities
- Request for support facilities (i.e. bicycle racks, water stations and signage)
- Suggested routes in the Region's rural villages to be included into the Plan.

The saddle survey concluded that the existing network, is comprehensive and covers a significant portion of the City. There are comparatively few cycleways or footpaths within the region's rural villages.

A further survey of cycle usage of the cycleway network identified that approximately 40 cyclists per day used the cycleways in Bicentennial Park and the Eglinton Bike Path. It

should be noted that the survey did not include pedestrians, although it is likely that many pedestrians use the network.

The table below lists the community groups which were invited for consultation during the preparation of the Plan.

Bathurst Regional Youth Council	Bathurst Business Chamber Inc.
Bathurst Cycling Club	NSW Sport and Recreation
Bathurst Bicycle Users Group	Bathurst Community Transport Group
Bathurst PCYC	Raglan Community Hall
Taxi cabs of Bathurst	Eglinton Hall & Park Committee
Jones Bros Buses	Peel Recreation Reserve Trust
Bathurst Community Climate Action Network	Hill End & Tambaroora Progress Association
Bathurst Regional Access Committee	Yetholme Progress Association
Bathurst BMX Club	Sofala Progress Association
CSU Student Association	Rockley & District Community Association
Charles Sturt University	Wattle Flat Progress Association
Skillset	Perthville Development Group Inc.

#### Draft Bathurst Community Access and Cycle Plan

A copy of the draft Plan has previously been provided to Councillors.

The draft Plan's findings are broken into groups, which are summarised below.

#### Planning Response

Section 4 of the Plan identifies areas where a planning response is required (i.e. policy amendment). Key recommendations include:

- Amend Council's Guidelines for Engineering Works and Civil Engineering Construction Guidelines to require gutter ramps to be installed within roll-over kerbs for the identified strategic routes.
- Develop a policy for the maintenance of the footpath and cycleway networks.
- The Engineering Guidelines to be amended to include the following support facilities for new cycleway construction:
  - Seats
  - Directional signs
  - Lighting
  - Shade trees
  - Toilets
  - Water stations
  - Dog tidy bag dispensers.
- Council to investigate options for temporary bicycle parking at community events.
- Council to consult with Country Energy to investigate options for installing lighting on the existing network.
- Implement parts of the 'Sharing the Road' program produced by VicRoads.
- Provide a sealed apron adjacent to seats for prams, wheelchairs or mobility scooters.
- Increase the width of footpaths from 1.2m to 1.5m wide to encourage the sharing of those footpaths where pedestrian volumes are low.

#### Engineering Response

Section 5 of the Plan reflects the physical works that are required to be completed. Key recommendations include:

- Footpaths and cycleways are to be constructed as illustrated on Maps 4 and 5 and described in Appendix 1 and 2 of the Plan.
- Signpost the existing and future bicycle parking within the CBD.
- Provide bicycle parking at all public toilet blocks in recreation areas and along cycleways.
- Investigate the need for lighting and/or additional lighting within the footpath and cycleway networks.
- Council investigate options to reduce the flooding of the Hereford Street cycleway.

In terms of future routes, key off road cycleway routes recommended include:

- Raglan and Perthville,
- adjacent to Sawpit Creek from Mitchell Highway to Eglinton.
- East - West linkages through Kelso from Boyd Street to Marsden Lane
- from the Caravan park to Bathurst.
- New loop route around the expanded Eglinton,
- Bradwardine Road
- New linkages in Windradyne to Sawpit Creek and the existing Eglinton cycleway.
- Improved linkages to the Adventure Playground.

In terms of future routes, key footpath routes recommended include:

- extending footpaths to Macquarie care
- various footpaths within the City's urban villages of Eglinton, Raglan and Perthville.
- various footpaths within the Region's rural villages of Yetholme, Rockley, Trunkey Creek, and Wattle Flat
- providing footpaths within the inner areas of the Bathurst City on at least 1 side of all blocks.
- Tandora Street
- Linkages to all Schools
- Evernden Road and Westbourne Drive / Howarth Close in Windradyne to Sawpit creek
- Esrom Street
- Havannah Street

In terms of future routes, key on road cycle routes recommended include:

- Eleven Mile Drive
- Perthville
- Limekilns Road / Marsden Lane loop
- Mount Panorama.

### Tourism, Promotion and Marketing

Section 6 of the Plan focusses on promoting cycling and tourism in the Bathurst Region. Key recommendations include:

- Signpost or mark and provide permanent distance markers for the Edgell Jog route.
- Encourage the development of a bicycle hire business for the Bathurst Region.
- Assist with the promotion of the existing bicycle activities associated with cycling events including Bathurst to Blayney (B2B) and Bike Week.

- Assist with the promotion of the Bathurst Region as a cycle friendly town.

### Young Riders

Section 7 of the Plan identifies the need for young rider facilities and education. Key recommendations include:

- Construct a free public bicycle education / recreation facility for children and cyclists in road behaviour, bicycle skills and pedestrian safety, including a road circuit simulating road conditions.
- To encourage the schools within the Bathurst Region to provide bicycle parking facilities.
- Develop specific 'Young Rider Friendly' routes and maps that identify safe, low traffic volume on-road routes and cycleways.

### Funding

Section 8 of the Plan identifies potential sources of external and internal funding that Council could utilise for funding the construction of footpath and cycleways in the Region. Key recommendations include:

- That Council apply for funding of projects through the RTA, for projects which improve the existing cycleway network through funding opportunities such as:
  - Major Works Program RTA-Council Co-Funding Programs
  - Cycleway Bicycle Facilities Grants Program
  - Bike Week Funding Grants Program
  - Bicycle User Support Grants Program
- That Council consider increasing the funding allocated to the construction of cycleways and footpaths and the associated support facilities.
- Include cycleways and footpaths as part of specific Section 94 Contribution Plan Areas.

Council should note that the scope of works proposed by the Plan is considerable and construction costs will increase for the recommended wider footpaths.

### Priorities

Section 9 of the Plan outlines the process used for assigning priorities to the works outlined in the Plan. In this regard, the Plan identifies the following as high priorities:

- Providing sealed footpaths within all streets within Residential Precinct 1 (Inner City) to improve connectivity to the CBD and support the increased living densities in this area and the likely older age structure of persons close to the CBD.
- Providing access along its identified strategic access routes and to important community facilities such as Bathurst Base Hospital, Council facilities and the Region's key recreation areas.

### Public Exhibition

It is proposed that the Plan now be placed on exhibition for a period of 1 month enabling the Bathurst Community and interested stakeholders to comment on the draft Plan prior to its finalisation.

A copy of the Draft Bathurst Community Access & Cycling Plan 2011 has been provided under separate cover.

## Conclusion

The scope of works proposed by this Plan is considerable and will take some time to implement depending on funding availability. The Plan, once completed, will provide for better integration of walking and cycling into the Bathurst Region and the transport network. Ongoing review of the Plan is encouraged as the City continues to grow.

A further report will be presented to Council following exhibition of the draft plan.

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



**MINUTE**

**15    Item 10    DRAFT BATHURST COMMUNITY ACCESS AND CYCLING PLAN 2011**  
**(20.00165)**

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

**RESOLVED:** That Council place the draft Bathurst Community Access and Cycling Plan 2011 on public exhibition for a period of one (1) month.

## **11 BIODIVERSITY MANAGEMENT ISSUES PAPER (37.00304)**

**Recommendation:** That Council place the Biodiversity Management Issues Paper on public exhibition for a period of 28 days.

**Report:** In 2009, the Bathurst Orange Dubbo Alliance of Councils (BOD) received a \$2 million dollar grant from the NSW Environmental Trust's Urban Sustainability Programme to implement a project entitled Inspiring and Integrating Change. Bathurst is the lead Council for biodiversity for the project, with the preparation of a Biodiversity Management Plan for the Bathurst Local Government Area (LGA) a key outcome of the program. The preparation of a Biodiversity Management Plan fulfils an important target of the BOD Environmental Sustainability Action Plan.

As a first step towards the preparation of a Biodiversity Management Plan, Council engaged Applied Ecology to prepare a Biodiversity Management Issues Paper. The Issues Paper was to consider what biodiversity assets should be covered by the plan, where Council's direct and indirect responsibilities in relation to biodiversity management lie, and to analyse where Council's current plans, strategies, policies and procedures can be improved to better protect and enhance biodiversity.

In order to inform the Issues Paper, the consultants held an expert panel meeting in August 2010. Where appropriate information gathered from the panel has been incorporated into the Issues Paper.

The Issues Paper has now been completed and the executive summary of the report is provided as **attachment 1**. A full copy of the report (approximately 200 pages) is available from the Department of Environmental, Planning and Building Services. Placing the paper on public exhibition will provide opportunity for members of the public to comment on the issues raised in the paper and provide further information in relation to biodiversity management in the Bathurst LGA.

The Issues Paper and any additional comments received from the public will be used to inform the development of a Biodiversity Management Plan for the Bathurst Regional Council LGA.

**Financial Implications:** Nil. This project has been funded with external funding from the NSW Environmental Trust.

**MINUTE**

**16     Item 11     BIODIVERSITY MANAGEMENT ISSUES PAPER (37.00304)**

**MOVED: R Thompson SECONDED: B Bourke**

**RESOLVED:** That Council place the Biodiversity Management Issues Paper on public exhibition for a period of 28 days.

## **12 BATHURST URBAN DRAINAGE RESERVE VEGETATION LINK: REVEGETATION PLAN (37.00297)**

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

**Report:** Council (as part of the Bathurst Orange Dubbo Alliance of Councils (BOD)), was successful in receiving a portion of \$2 million dollars in funding to implement the Inspiring and Integrating Change project as part of the NSW Environmental Trusts Urban Sustainability Programme. Bathurst had a biodiversity focus as part of this funding with one of the projects being to undertake an Urban Drainage Reserve Vegetation Link involving the revegetation of eleven key drainage reserves.

The first stage of this project, the Revegetation Plan, is now complete and is available for viewing on Council's website. Council will soon be requesting contract tenders for the implementation of the plan, including the planting of over 80,000 seedlings.

**Financial Implications:** The Urban Drainage Reserve Vegetation Link has been funded by a \$225,000 grant as part of the NSW Government's Environmental Trust, with \$25,000 in-kind funding provided by Council as part of the 2010/11 Management Plan.

**MINUTE**

**17 Item 12 BATHURST URBAN DRAINAGE RESERVE VEGETATION LINK:  
REVEGETATION PLAN (37.00297)**

**MOVED: G Westman SECONDED: T Carpenter**

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

### **13 NEW RESIDENT SURVEY (03.00051)**

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

**Report:** As part of the design and content process for the new Bathurst Region Lifestyle and Investment prospectus, Council surveyed approximately 140 new residents that relocated to Bathurst in 2009 and part of 2010. Over 60 surveys were returned representing an overwhelming return rate of 43%. Since the initial survey, 15 additional new residents have also been identified and surveyed. This report provides an insight into why and when new residents are relocating to Bathurst and the most important factors influencing their decision making process.

#### **Motivations**

Over 44% of respondents moved to Bathurst for lifestyle reasons, with 39 % relocating for employment and 37% indicated they had moved to be closer to family.

#### **Relocation Statistics**

January and February proved to be the most popular months to move to Bathurst (19% & 14% respectively) and June the month with the lowest number of relocations. It could be assumed this is due to children commencing at new educational facilities, with the winter months deterring people from actually relocating. This would also correlate with real estate data suggesting that nationally the months of November and October register the highest real estate listings.

Interestingly 54% of respondents purchased their home rather than rent when relocating to Bathurst, which reflects affordability as one of Bathurst's greatest attractants.

Bathurst is attracting new residents from a range of locations. The majority of respondents (75%) have relocated from the Sydney area with 9% relocating from overseas. Queensland, Victoria, Tasmania, South Australia had similar responses.

#### **Decision Making Process**

An analysis of the survey results indicates that the process from first thought to making the relocation to Bathurst took less than 6 months (47%) which reflects a core reason for moving is for employment reasons. 23% indicated a timeframe of 6-12 months. This is a shorter decision making process than 18 months indicated by Evocities research with only 11% indicating one to two years from the initial relocation thought.

Over 90% of relocators visited Bathurst prior to relocating with 59% spending less than two days in the region. This would indicate that there is a secondary benefit of marketing to attract new residents, with tourism expenditure. New Residents gathered information on Bathurst from friends and family (53%), internet (40%) and Bathurst Regional Council (5%). Areas that new residents consider when relocating include potential employment, housing affordability, health facilities, community infrastructure, educational facilities and access to water.

Forty seven percent (47%) of new residents were unsure of the length of time they will stay in Bathurst however over 37% indicated a long term move of 10 years or more. Only 4% indicated they would stay for less than 12 months.

Over 14% of respondents indicated they had opened a new business and as part of the

survey process these people have since made contact with the Bathurst Business Chamber and have been invited to networking events.

Unfortunately the majority of new residents did not attend the Mayoral Welcome reception primarily due to lack of awareness of the event, followed by work commitments and young children.

### Conclusion

The New Residents survey provided valuable data which informed the design and content process of Councils new lifestyle and investment prospectus. It is also providing strong rationale for the development of the new Bathurst Region Website.

It is recommended that Council continue to work with the 'Welcome Wagon' now managed by the CWA to survey New Residents to Bathurst to gain valuable insights into the decision making process. It is also suggested that Council publicise the Mayoral Welcome Reception through its current media channels including print and radio. Additional questions to gather tourism expenditure data have been inserted into the survey.

**Financial Implications:** Nil.

**MINUTE**

**18     Item 13    NEW RESIDENT SURVEY (03.00051)**

**MOVED: W Aubin SECONDED: M Morse**

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



## **14 EVOCITIES (18.00208)**

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

**Report:** After five years of hard work and careful planning by the local councils of Albury, Armidale, Bathurst, Dubbo, Orange, Tamworth and Wagga Wagga, Evocities - a unique project to attract new residents created and brought to life by the seven cities - was launched to the Sydney public on 22 September 2010. Evocities was created to combat the general lack of awareness of the existence of "regional cities" and to highlight them as vibrant, thriving locations that offer employment, financial rewards and increased lifestyle opportunities.

In 2010, each Council dedicated money and resources to the campaign, which was boosted by funding from the Australian Government, the NSW State Government, and corporate supporters including the Commonwealth Bank of Australia, Charles Sturt University, the University of New England, Country Energy, Rex Airlines, GWS Personnel and Orange Mental Health.

The campaign has well and truly hit the ground running and, in the months since launching, continues to generate enormous interest amongst Sydneysiders who are looking for an alternative to capital city living.

At the time of writing, there have been 55,000 visits to the [www.evocities.com.au](http://www.evocities.com.au) website from people interested in the Evocities campaign. The fact that 75 per cent of visitors to the website are from Sydney is strong validation that the campaign is hitting the mark in terms of reaching the target – Sydneysiders who are considering a new life in a regional city.

These web visitors are following up on their initial interest as well. More than 1,200 people have requested more information on moving to one of the seven Evocities. A crucial consideration for most of these people is the availability of job and career opportunities, opportunities which the Evocities have in abundance.

The level of enquiries to the cities has been in direct correlation with marketing activity. Whilst the marketing campaign was active, 587 visits per day to the Evocities website was being maintained. Since the campaign was completed (December), the daily average has dropped to 87.

While the initial focus of the first year of the campaign was largely on building awareness, Evocities has already kicked some early goals in convincing Sydneysiders that a "city change" is for them. Bathurst has already gained new residents as a direct result of the Evocities. A solicitor with his family has relocated from Queensland, and in addition there has been property investment directly as a result of Evocities.

It is critical to note that the research indicates that moving to a new city is a long-term decision that takes an average of around 12 months, so to have attracted new residents so quickly shows the strength of what the Evocities are offering to Sydneysiders.

Evocities is planned to be a three year campaign, so it is vital that the campaign's momentum continue. The steering committee has recently held a strategic planning session for years two and three of the Campaign, which will be marketing focused as well as an investment strategic offer.

As part of the campaign, a radio competition was run by 2Day FM which received over 390 entries. The Bathurst winners will be visiting Bathurst on the 18<sup>th</sup> February with local

operators kindly providing inkind support. Citigate has offered 2 nights accommodation with breakfast, Church bar dinner and Bathurst Council passes to the National Motor Racing Museum.

**Campaign Period: – Sept 13th – December 31st (16 weeks)**

- 54,331 Visits to evocities.com.au
- 79% “new” visits – 43,000 people visited the site.
- 75% of website traffic originated from Sydney
- Over 1500 visits from 15 other countries
- 19,028 visits referred from other websites

**Evocities Direct Enquiries**

- Over 1200 enquiries to the 7 cities during campaign period, with several recording over 200 enquiries via all sources
- 422 enquiries lodged via Evo-Central (evocities.com.au enquiry platform)
- 70% of registered enquiries to Evocentral stated that they are seeking employment (to act on relocation)
- 58 “business relocation” enquiries
- 34,459 visits to the 7 Evo - Jobs sites
- 95% of traffic to Evo Jobs sites originated from Sydney
- All jobs websites averaged over 2,000 visits per month

**Bathurst Direct Results**

- Bathurst has had over 210 direct enquiries.
- Bathurst is the most viewed location on Evocities site
- Bathurst has received over 6 new business enquiries directly as a result of Evocities
- Bathurst Jobs site has had over 5,274 visits fom over 95 cities

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

**MINUTE**

**19     Item 14   EVOCITIES (18.00208)**

**MOVED: B Bourke SECONDED: T Carpenter**

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

## **15 LAND IMPROVEMENT AWARDS (16.00121-02)**

**Recommendation:** That Council adopt the following recommendations.

**Report:** Council has included \$20 000 in the 2010/11 Management Plan for two \$10 000 Land Improvement Awards. Council wishes to recognise and encourage those landholders who commit to undertaking activities on their property that ensure the maintenance or enhancement of the land's ecological values.

It is recommended that Council select the two following broad categories for these awards:

- Riparian and Remnant Vegetation Management – examples may include addressing erosion issues, provision of off-stream watering for stock, stock exclusion from waterways, protection and enhancement of vegetation
- Soil and Grazing Management – examples may include no/low til farming, no stubble burning or innovative practices and activities that build resilience in the landscape

It is recommended Council adopt the following framework for assessing the awards:

- All applications are assessed by a group of staff and a shortlist of the best applications is prepared
- A panel consisting of the Mayor, one other Councillor, Director Environmental, Planning and Building Services and (if possible) Central West CMA Officer assess the shortlist of applications and prepare a report for an ordinary meeting of Council
- The recipients of the awards are determined by a resolution of Council
- Applications must be in writing and in a format to be determined by Council
- Council advertise the awards and seek nominations for a specified period (eg one month)
- The proceeds of the award must be utilised for further Land Improvement works on the winning properties, the nature of which is to be approved by Council.

**Financial Implications:** The Land Improvement Awards funds have been provided as part of the 2010/11 Council Management Plan

## MINUTE

### 20 Item 15 LAND IMPROVEMENT AWARDS (16.00121-02, 41.00089)


**MOVED: R Thompson SECONDED: I North**

**RESOLVED:** That Council adopt the following recommendations:

1. that Council select the two following broad categories for these awards:
  - Riparian and Remnant Vegetation Management – examples may include addressing erosion issues, provision of off-stream watering for stock, stock exclusion from waterways, protection and enhancement of vegetation
  - Soil and Grazing Management – examples may include no/low til farming, no stubble burning or innovative practices and activities that build resilience in the landscape
2. that Council adopt the following framework for assessing the awards:
  - All applications are assessed by a group of staff and a shortlist of the best applications is prepared
  - A panel consisting of the Mayor, one other Councillor, Director Environmental, Planning and Building Services and (if possible) Central West CMA Officer assess the shortlist of applications and prepare a report for an ordinary meeting of Council
  - The recipients of the awards are determined by a resolution of Council
  - Applications must be in writing and in a format to be determined by Council
  - Council advertise the awards and seek nominations for a specified period (eg one month)
  - The proceeds of the award must be utilised for further Land Improvement works on the winning properties, the nature of which is to be approved by Council.

**Note: It is permissible that both awards could be awarded in the same category in any one year.**

Yours faithfully



D R Shaw  
**DIRECTOR**  
**ENVIRONMENTAL, PLANNING & BUILDING SERVICES**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL  
DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT  
16 FEBRUARY 2011

**DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT TO THE ORDINARY  
MEETING OF BATHURST REGIONAL COUNCIL MEETING HELD ON 16 FEBRUARY  
2011**

General Manager  
Bathurst Regional Council

**1 STATEMENT OF INVESTMENTS (16.00001)**

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

**Report:** \$57,021,107.58 was invested at 31 January, 2011 in accordance with Council's investment policies, the Minister's Investment Order dated 31 July 2008, the Local Government Act 1993 and associated regulations. All investments have been reconciled with Council's general ledger and are listed below:

**Year to Date Averages**

(as per the CBA & RBA for comparison purposes)

Reserve Bank of Australia - Cash Rate	4.75%
AFMA - 90 day Bank Bill Swap Rate (BBSW)	4.79%
Three Year Swap Rate - Commonwealth	5.12%

**Short Term 1 – 365 Days**

**(Comprising Commercial Bills,  
Debentures and Certificates of**

**Deposit:**

	<b><u>Rating</u></b>		<b><u>Average Return</u></b>
Bankwest	A-1+	\$3,000,000.00	6.12%
Bank of Queensland	A-2	\$5,500,000.00	6.13%
Bendigo and Adelaide Bank Ltd	A-2	\$7,500,000.00	6.16%
IMB Ltd	A-3	\$8,500,000.00	6.13%
National Australia Bank	A-1+	\$7,500,000.00	6.07%
Railways Credit Union	ADI	\$2,500,000.00	6.17%
Reliance Credit Union	ADI	\$1,000,000.00	6.00%
Savings and Loans Credit Union	ADI	\$1,000,000.00	6.13%
SGE Credit Union	ADI	\$2,000,000.00	6.19%
Westpac Banking Corporation	A-1+	<u>\$1,000,000.00</u>	<u>6.11%</u>
		<u>\$39,500,000.00</u>	6.13%

**Long Term**

**(comprising Commercial Bills, Term  
Deposits and Bonds):**

Railways Credit Union	ADI	<u>\$0.00</u>	<u>0%</u>
		\$0.00	0%

**Committed Rolling Investments**

Westpac	AA	\$2,000,000.00	6.09%
Westpac	AA	\$2,000,000.00	6.36%
Westpac	AA	<u>\$2,000,000.00</u>	<u>6.29%</u>
		\$6,000,000.00	6.25%

**Community Income Note**

*Rembrandt Australia Trust		<u>\$931,107.58</u>	<u>0.00%</u>
(refer to DCSF C#1 report of 19/3/2008)		\$931,107.58	0.00%

**Negotiable & tradeable Certificates of Deposits**

Commonwealth Bank	AA	<u>\$2,000,000.00</u>	<u>5.81%</u>
		\$2,000,000.00	5.81%

**Floating Rate Notes**

ANZ	AA	\$2,000,000.00	5.95%
Barclays Bank PLC – Australian Branch	AA-	\$2,000,000.00	6.62%
Bendigo Bank 2007	BBB	\$2,000,000.00	6.07%
Lehman Brothers Treasury Co		\$90,000.00	0.00%
Mackay Permanent Building Society	BBB-	\$500,000.00	5.90%
The Royal Bank of Scotland – Australian Branch	A+	<u>\$2,000,000.00</u>	<u>7.33%</u>
		\$8,590,000.00	6.39%

**Total Investments** **\$57,021,107.58** **6.07%**

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

Reserves Total (includes unexpended loan funds)		\$34,775,283.80
Grants held for specific purposes		\$3,865,705.90
Section 94 Funds held for specific purposes		\$18,184,342.55
Unrestricted Investments – All Funds		\$195,775.33
*General Fund	\$69,709.44	
*Water Fund	\$52,576.47	
*Sewer Fund	\$28,334.10	
*Waste Fund	<u>\$45,155.32</u>	

**Total Investments** **\$59,021,107.58**

**Total interest revenue to 31/01/2011 on investments** **\$2,145,377.10** **6.07%**

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

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



**MINUTE**

21 **Item 1 STATEMENT OF INVESTMENTS (16.00001)**

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

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

**2 YEAR TO DATE REVIEW - 2010/2011 MANAGEMENT PLAN AND BUDGET (16.00121)**

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

**Report:** At **attachment 1 and 2** is the revised summary and detail of the Management Plan and Budget for the period to 31 January 2011.

	<b>Original Estimate</b>	<b>Previously Revised Estimate</b>	<b>Revised Estimate</b>	<b>Variance for the Month</b>
<b>Engineering Services</b>	12,535,291	12,590,922	12,590,922	0
<b>Corporate Services &amp; Finance</b>	(20,125,874)	(20,169,840)	(20,169,840)	0
<b>Cultural &amp; Community Services</b>	4,437,528	4,437,528	4,437,528	0
<b>Environmental Planning &amp; Building Services</b>	3,050,100	3,038,435	3,038,435	0
<b>TOTAL</b>	(102,955)	(102,955)	(102,955)	0

Variations for the Month of January - Nil

At **attachment 3** is an update of Strategies for the 2010/2011 Management Plan

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 Traffic Authority or the Environment Protection Authority, or where a court or tribunal makes a costs order against a council.

Fines or penalty notices this month - Nil.

**Financial Implications:** Council's budget will be varied in accordance with the above table.

**MINUTE**

**22 Item 2 YEAR TO DATE REVIEW - 2010/2011 MANAGEMENT PLAN AND BUDGET (16.00121)**

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

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

**3 SUNDRY SECTION 356 DONATIONS, BATHURST MEMORIAL ENTERTAINMENT CENTRE COMMUNITY USE SUBSIDY SUNDRY, 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 2 February 2011.

**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:	\$21,027.28
BMEC Community use:	\$17,131.12
Mount Panorama:	\$18,177.00

**MINUTE**

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

**MOVED: T Carpenter SECONDED: G Hanger**

**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.

- BRC from Dyewave Pty Ltd - Watt Drive, Bathurst - Lot 802 DP1160678 - Transfer
- BRC from Optus Mobile - Raglan Reservoir, Raglan - Lot 211 DP748686 - Transfer

#### **Linen Plan Release**

- Nil

**Financial Implications:** Nil.

**MINUTE**

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

**MOVED: M Morse SECONDED: W Aubin**

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

## **5 REQUEST FOR FINANCIAL ASSISTANCE - A START IN THE ARTS (18.00004)**

**Recommendation:** That Council not assist A Start in Life in funding a proposed camp at Charles Sturt University for students.

**Report:** Council has received a request to support A Start in the Arts which is a Bathurst based project initiated by the charity A Start in Life. A copy of the request is provided at **attachment 1**.

A Start in Life provides financial assistance to underprivileged young Australians to provide them with the tools they need to receive a comprehensive education and resources to achieve their life goals.

A Start in Life proposes to hold a five days camp to be held in Bathurst and facilitated by Charles Sturt University Media Facility on the Bathurst Campus for 50 underprivileged year 11 students from surrounding areas with an interest in perusing arts based industries in tertiary education.

At the completion of the course these students will have a finished portfolio piece. This combined with mentoring from industry professionals and the development of a support network of like-minded youth will encourage them to pursue tertiary education.

A Start in Life have not specifically asked for particular funding in support of this event.

**Financial Implications:** This request could be funded from Council's Section 356 Donations which currently has a balance of \$21,027.28. Councillors are reminded that normally we would ask for full financials before this matter would be determined.



**MINUTE**

**25    Item 5    REQUEST FOR FINANCIAL ASSISTANCE - A START IN THE ARTS**  
**(18.00004)**

**MOVED: T Carpenter    SECONDED: B Bourke**

**RESOLVED:** That Council provide \$200 assistance to A Start in Life project for a proposed camp at Charles Sturt University for students to be funded from Section 356 Donations.

## **6 REQUEST FOR FINANCIAL ASSISTANCE - THE CATHEDRAL BELLS OF BATHURST PROJECT (18.00004)**

**Recommendation:** That council not make available further financial support for the Cathedral Bells of Bathurst Project.

**Report:** Council has received a further request for financial support for the Cathedral Bells of Bathurst Project. A copy of the request is provided at **attachment 1**.

Councillors will recall that in its 2007/2008 budget Council provided the Cathedral Bells Project with a grant of \$50,000 made up of 30,000 cash and \$20,000 of "in kind" work.

The Cathedral Bells Project made a further request for financial support in December 2008 to assist with the "Kiss and Ride structure" in Church Street in front of the new Cathedral Bell Tower. A copy of the Report is provided at **attachment 2** with the final Council cost being approximately \$30,000 not the original estimate of \$50,000.

This made a total contribution to the project of around \$80,000.

Council also assisted the Cathedral Bells Project by arranging for them to meet with NSW Heritage Society to obtain a specific grant to assist with this project. This meeting was successful and the Cathedral Bells Project received substantial funding from the NSW Heritage Society.

The Cathedral Bells of Bathurst have advised that this project has a short fall of \$500,000 out of the \$1.2 million project.

**Financial Implications:** Council's Section 356 Donations currently has a balance of \$21,027.28.

**MINUTE**

**26 Item 6 REQUEST FOR FINANCIAL ASSISTANCE - THE CATHEDRAL BELLS OF BATHURST PROJECT (18.00004)**

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

**RESOLVED:** That council refer the request for further financial support for the Cathedral Bells of Bathurst Project to the 2011/2012 Management Plan.

**7 REQUEST FOR FINANCIAL ASSISTANCE - NSW RURAL DOCTOR NETWORK  
(18.00004 / 18.00158/039)**

**Recommendation:** That Council refer this request for a \$3000 donation to its 2011/2012 Management Plan process to provide for NSW Rural Doctors Bursary Scholarship.

**Report:** Council has received a request from NSW Rural Doctors Network for financial assistance to the 2011 Bush Bursary / Country Women's Association Scholarship Scheme. A copy of the request is provided at **attachment 1**.

This scheme is designed to provide financial assistance to a medical student who in return will agree to spend 2 weeks of Rural placement in the Council area in the university holidays during the year or over the Christmas break.

Council participated in this scheme 2 years ago and received a further request in 2010. Council decided in 2010 not to participate in the scheme as it already has medical students from the University of Western Sydney visiting Bathurst and doing their training at Bathurst Base Hospital.

Previously when the NSW Rural Doctors Network requested this assistance their financial reports indicated a very strong financial organisation in relation to this.

Page 2 of attachment 1 indicates that many of the students who received the Bush Bursary scholarships have spent time in the country areas. As Councillors are aware Council calls for applications for Section 356 Donations. this application could be referred to this process for further consideration in the 2011/12 Management Plan.

**Financial Implications:** If Council were to consider this request in the 2010/2011 financial year, Council's Section 356 donations currently has a balance of \$21,027.28.

**MINUTE**

**27 Item 7 REQUEST FOR FINANCIAL ASSISTANCE - NSW RURAL DOCTOR NETWORK (18.00004 / 18.00158/039)**

**MOVED: I North SECONDED: R Thompson**

**RESOLVED:** That Council refer this request for a \$3000 donation to its 2011/2012 Management Plan process to provide for NSW Rural Doctors Bursary Scholarship.

**8 REQUEST FOR FINANCIAL ASSISTANCE - BATHURST DISTRICT PROSTATE CANCER SUPPORT GROUP (18.00004-23/083)**

**Recommendation:** That Council donate the cost of hiring the Bathurst Memorial Entertainment Centre (BMEC) City Hall on 31 March 2011 to hold a public meeting on Prostate Cancer Awareness at an approximate cost of \$800 from BMEC Community Subsidy.

**Report:** Council has received a request from Bathurst District Prostate Cancer Support Group for financial assistance in the hiring of the Bathurst Memorial Entertainment Centre City Hall on 31 March 2011.

The Prostate Cancer Support Group advises that they have been able to obtain the services of international speaker Bettina Arndt to speak on Prostate Cancer at this Public Meeting. A copy of the request is provided at **attachment 1**.

**Financial Implications:** This request could be funded from the Bathurst Memorial Entertainment Centre Community Subsidy Vote which currently has a balance of \$17,131.12

**MINUTE**

**28 Item 8 REQUEST FOR FINANCIAL ASSISTANCE - BATHURST DISTRICT PROSTATE CANCER SUPPORT GROUP (18.00004-23/083)**

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

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

**Reason: Prostate support group is a contracted client of Belinda's Business Centre of which the Councillor is a joint owner.**

**RESOLVED:** That Council donate the cost of hiring the Bathurst Memorial Entertainment Centre (BMEC) City Hall on 31 March 2011 to hold a public meeting on Prostate Cancer Awareness at an approximate cost of \$800 from BMEC Community use Subsidy.

## **9 DEBT WRITE-OFF - BURKES BUILDING SUPPLIES (22.02268)**

**Recommendation:** That Council write-off the debt of \$5,500 for Burkes Building Supplies.

**Report:** Council has received advice that Burkes Building Supplies (ABN 37 139 146 160) who leased the depot in Lee Street, Kelso, have gone bankrupt and is unable to pay its outstanding debts.

Burkes Building Supplies rented the property at the old Evans Shire Council Building from Council for a period of 3 years.

Burkes Building Supplies moved to a new location and Council was subsequently left with a debt of \$5,500, being the last 5 weeks rent on this property.

Council has made every effort to recover the funds, but the liquidator has indicated to Council that there is no chance of a payment. Accordingly, it is recommended that Council write-off this debt of \$5,500.

**Financial Implications:** This debt write-off could be paid from Council's expense item of 'Bad Debt write-off'.



**MINUTE**

**29     Item 9   DEBT WRITE-OFF - BURKES BUILDING SUPPLIES (22.02268)**

**MOVED: B Bourke SECONDED: T Carpenter**

**RESOLVED:** That Council write-off the debt of \$5,500 for Burkes Building Supplies.

## **10 NEWTONS NATION 2012 EVENT (04.00122)**

**Recommendation:** That Council refer the request from Newtons Nation for a date change for their next Event, from November 2011 to March 2012, to the next Mount Panorama Racing Committee Meeting to be held on 23 February 2011.

**Report:** Council has received a request from Newtons Nation for a change of date for their event which is to be held at Mount Panorama.

Traditionally, this event has been held in November to early December each year. The event was held in November 2010 and Newtons Nation have advised Council that it would be more beneficial for them to hold this event earlier in the year, in order to attract more spectators and participants.

In 2012, Easter will be held from 6-9 April and already Council has substantial bookings for the February, March and April periods.

Council's Mount Panorama Racing Committee need to discuss all these events at its meeting to be held on 23 February 2011 to ensure that Council obtains the best advantage from each of the events.

**Financial Implications:** Nil at this time.

**MINUTE**

**30     Item 10    NEWTONS NATION 2012 EVENT (04.00122)**

**MOVED: G Hanger SECONDED: W Aubin**

**RESOLVED:** That Council refer the request from Newtons Nation for a date change for their next Event, from November 2011 to March 2012, to the next Mount Panorama Racing Committee Meeting to be held on 23 February 2011.

Yours faithfully



R Roach  
**DIRECTOR**  
**CORPORATE SERVICES & FINANCE**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

DIRECTOR ENGINEERING SERVICES' REPORT

16 FEBRUARY 2011

**DIRECTOR ENGINEERING SERVICES' REPORT TO THE ORDINARY MEETING OF  
BATHURST REGIONAL COUNCIL MEETING HELD ON 16 FEBRUARY 2011**

General Manager  
Bathurst Regional Council

**1 PROPOSED WORKS TO BE UNDERTAKEN BY ICO WORK CREWS FOR COUNCIL  
(22.04446-02)**

**Recommendation:** That Council:

- (a) provide the ICO work team with an allowance of \$10,000 for the purchase of the necessary equipment to allow the undertaking of mowing maintenance works to rural cemeteries and other specific public facilities.
- (b) not provide fuel, spare parts or any servicing of or maintenance to the equipment.
- (c) Reserve funding from the existing Correctional Centre Village Maintenance Works budget item within the Recreation Management Plan to purchase replacement equipment as necessary after a period of operating life expectancy of the equipment.

**Report:** Previously, for many years, Council provided a number of work sites for the Periodic Detention Centre detainees in the Bathurst Region. The detainees undertaking the work at these sites were offenders who were ordered by the Court to perform community works over the period of the weekend. This allowed Council to have maintenance works performed at the majority of rural cemeteries and a number of other sites both under Council's control and private control. Since amalgamation Council has not had the resources to carry out mowing and other maintenance works at rural public facilities and the use of periodic detainees filled this gap and ensured that these rural facilities were attended to even if on an infrequent basis. However, the work undertaken by the detainees was well received by the rural communities.

Late in 2010, Council was advised that the Periodic Detention Centre program was to be replaced by Intensive Correction Orders (ICO). Whilst the ICO was similar to the PDC it was to be operated under different rules and be administered by officers of the Department of Corrective Services. Because of the cessation of the PDC program Council recalled much of the mowing equipment that it had supplied to the PDC previously for its own use in the daily mowing maintenance works undertaken by Council staff.

Council has been approached by the officer of the Department of Corrective Services who is charged with implementing the new program in relation to possible work sites within the Bathurst Region where works could be undertaken. Each site has to be assessed by the officer prior to any work being started. To this time, 4 sites have been assessed and been given the go ahead when sufficient offenders are available. The sites so far assessed are:

- Arkell Long Swamp Cemetery
- Georges Plains Cemetery
- Sunny Corner Cemetery
- Sofala Cemetery

Council is keen to again utilise the services of those involved in the ICO program especially as nil maintenance has been undertaken on the rural cemeteries since the cessation of the PDC. Council staff have been overwhelmed by this season's growth within Bathurst and are struggling to keep up with the mowing maintenance in Bathurst let alone venturing out to rural areas. Council has engaged the ICO program to begin mowing maintenance works at the above rural cemeteries and the program was to start in late January 2011. The program requires specific mowing equipment and various hand tools such as garden rakes, shovels, mattocks and the like to undertake the necessary works. To get the program started, Council has loaned 2 mowers and 2 weed eaters to the program so that the so far limited participants can commence works at the sites. However, Council has been requested to assist the program, as occurred previously with the PDC program, by way of supplying the necessary equipment. Discussions with the DCS officer Mr Thomas Ng, have been held and 3 options for Council to consider regarding possible assistance to the program were highlighted.

The options are:

1. Council to provide the ICO work team with an allowance of \$10,000 for the purchase of the necessary equipment to allow the undertaking of mowing maintenance works. Such equipment will be mowers, weed eaters, specific hand tools, fuel containers and a box trailer to transport the equipment to and from the work sites. Under this option, the ICO will be responsible for the servicing and maintenance of the equipment and Council will have no obligation to provide fuel, spare parts or servicing of the equipment. However, Council may wish to provide replacement equipment after an acceptable period of time of the use of items such as mowers and weed eaters.
2. ICO purchase all the necessary equipment required to undertake the maintenance works and Council provide servicing to such equipment at nil cost to ICO.
3. Council to provide all necessary equipment and servicing of such equipment at nil cost to the ICO.

In relation to the above options discussion with the Acting General Manager/Director Corporate Services and Finance have been undertaken and it has been agreed that Option 1 provides the best scenario for Council and is the preferred option. The reasons for this is that Council is receiving a service from the ICO that Council is unable to provide to the rural community. Council should, it is believed, assist the program to be able to begin as it is undertaking works that the rural community may now expect and Council assisted the previous PDC program in a similar manner with a positive outcome. Council does not have the resources to provide servicing of the equipment at nil cost or at any cost. By implementing Option 1, Council only has to provide a specific amount of finance (\$10,000) as a once off payment and purchasing and servicing is not Council's responsibility.

If it is resolved to accept Option 1 Council has the opportunity to reserve funding from the existing Correctional Centre Village Maintenance Works budget item within the Recreation Management Plan to purchase replacement equipment as necessary after a period of operating life expectancy of the equipment. Presently, this item has an annual budget of approximately \$1,500.00.

**Financial Implications:** Council is able to finance this recommendation from within its existing Management Plan.

**MINUTE**

**31 Item 1 PROPOSED WORKS TO BE UNDERTAKEN BY ICO WORK CREWS FOR COUNCIL (22.04446-02)**

**MOVED: M Morse SECONDED: G Westman**

**RESOLVED:** That Council:

- (a) provide the ICO work team with an allowance of \$10,000 for the purchase of the necessary equipment to allow the undertaking of mowing maintenance works to rural cemeteries and other specific public facilities.
- (b) not provide fuel, spare parts or any servicing of or maintenance to the equipment.
- (c) Reserve funding from the existing Correctional Centre Village Maintenance Works budget item within the Recreation Management Plan to purchase replacement equipment as necessary after a period of operating life expectancy of the equipment.

## **2 VEGETATION MANAGEMENT PLAN IMPLEMENTATION UPDATE (13.00001)**

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

**Report:** Since the last update report presented to Council, as a requirement of 6 monthly reports, progress has been made in a number of areas.

### **Reviving Raglan Creek**

Maintenance works have continued at the various sites set up as part of the Reviving Raglan Creek Project. Works have been undertaken at different times by the CWCMA Green Team and the National Green Jobs Corps although both groups have now been disbanded. Considerable replanting and restoration efforts have been put into the O'Connell Road site following damage caused by straying cattle which were allowed to access the area previously planted. Council has now reinforced the need to keep grazing stock out of such areas to enable proper establishment of the plantings and new fences and gates have been constructed. 700 new plants were planted at this site to replace losses.

### **Hawthornden Creek, Jaques Park**

The Community Engagement Officer (CEO), Bill Josh, together with a number of volunteers, have been regularly weeding, brush cutting, collecting rubbish and planting. Bill has taught new volunteers the importance of our parks and natural areas. A community planting day recently saw 20 volunteers plant 70 native trees, shrubs and grasses at Jaques Park. Both Jaques Park and the adjoining section of Hawthornden Creek off College Road have plants that are becoming well established.

### **Booth Street Reserve**

Regular maintenance of the tube stock plantings in this area has been carried out by the CEO with the assistance of a group of regular local volunteers resulting in an excellent survival rate.

### **Macquarie River – Ranken's Bridge to Sawpit Creek**

Rubbish collection, weeding, guard maintenance and collection for re-use of guards and stakes has been undertaken by the CEO and volunteers on a regular basis.

### **White Rock Road**

The CWCMA Green Team in conjunction with 19 volunteers from a local indigenous Tafe group planted 210 native plants of local provenance at this site taking the total number of plantings to 830. This site has benefited from regular watering during dry periods. Mowing and brush cutting to reduce grass competition is due to be completed shortly.



## **Blayney Road Common**

The Lions Club of Bathurst Inc. in conjunction with Bathurst Regional Council has planted and maintained over 40 advanced *Eucalyptus melliodora* (Yellow Box) within the Blayney Road Common. Council staff prepared the planting sites and purchased the trees and Lions Club members, led by Peter Varman, planted and continue to maintain the trees.

Council organised for a Conservation Volunteers team to remove the weed Hemlock, including seed heads, from Blayney Road Common recently with hopes that future regrowth will be limited.

## **Street Tree Planting**

Works have continued with street tree plantings in the Bathurst Heritage Area as well as in new subdivisions. To date this financial year the following works have been completed:

- 431 street trees planted within the Bathurst Heritage Area.
- 107 street trees planted under the Section 94 plan in new subdivisions in Bathurst.

## **Sofala Road Screening Plantings**

1,240 native trees and shrubs were planted adjacent to Sofala Road at the entrance to town to provide a vegetation screen from the colour-bond fences. This site received another 220 in-fill plantings and maintenance from the National Green Jobs Corps team. The plantings were recently mown to control the heavy weed competition present due to environmental conditions this year.

## **Flood Mitigation Crew**

The Flood Mitigation Crew continued their Willow removal program along the Macquarie River. To date this financial year 1,000 metres upstream and an additional 1,000 metres downstream from the Waste Water Treatment Plant have had Willows removed. Another 300 metres of the Macquarie River adjacent to Simplot land has had Willows removed on the South side of the river.

## **National Green Jobs Corps**

The National Green Jobs Corps, managed by Auswide Projects and funded by the Federal Government, conducted revegetation, rehabilitation and site maintenance works around Bathurst between 19 April and 23 September 2010. The following results were achieved with support from the Vegetation Management Plan to provide tube stock plants, herbicide and associated equipment:

- Planting of 2,580 native plants.
- Maintenance and weed control at over 16 sites around Bathurst.
- Maintenance and weed control at historic rural cemeteries.

Negotiations are currently underway with Conservation Volunteers to establish a new round of National Green Jobs Corps in Bathurst.

## **New Projects:**

### **Urban Waterways Management Plan Implementation Project – Boundary Road**

## **Reserve**

Council Environmental Staff in cooperation with Boundary Road Reserve Landcare Group investigated a project for the design and installation of rehabilitation works in the upper reaches of Hawthornden Creek, which lies within the Boundary Road Reserve. The proposal has been endorsed by Council. Final plans for the rehabilitation works including Schauberger Sills and Rock Walls have been prepared by Storm Consulting as has the Construction Environmental Management Plan. Tenders will go out in January/February.

### **Browning Street Reserve, Jordan Creek**

The National Green Jobs Corps team spent a week working at the Browning Street Reserve section of Jordan Creek. Large quantities of woody weeds were removed including Poplars, Privet, African Box-thorn, Willows and Elms. A significant amount of rubbish was removed from the site including 4 shopping trolleys and a collection of stolen bikes that were discovered hidden under vegetation. 290 native tubestock plants were planted including in-stream species *Carex* and *Juncus*. It is now planned that the Community Engagement Officer will initiate some local residents to assist with maintenance and continued works in the reserve.

### **Apex Park, Ophir Road**

Funding for the rehabilitation of Apex Park has been successful in the form of a CWCMA Weeds of National Significance grant as well as an I&I Fisheries Fish Habitat Action Grant. The project proposes to prevent vehicular access to the park, remove woody weeds including Willows, Poplar, Elm, Robinia and African Box-thorn and to revegetate with endemic, riparian plant species. Work is proposed to begin in early 2011. In the interim, bollards have been installed along the road frontage of Apex Park to prevent vehicular access and associated rubbish dumping and antisocial behaviour.

### **Hawthornden Creek – Charles Sturt University**

An application to the Environmental Trust Restoration and Rehabilitation Grants Program seeking funds for a collaborative project with Charles Sturt University was submitted at the end of May 2010. Unfortunately the grant was unsuccessful with some very strong competition coming largely from coastal areas. Despite this, CSU have committed \$15K to re-fence the area to create a larger riparian area for restoration.

**Financial Implications:** Funding for the implementation of the Vegetation Management Plan is included in Council's Management Plan.

**MINUTE**

**32 Item 2 VEGETATION MANAGEMENT PLAN IMPLEMENTATION UPDATE**  
**(13.00001)**

**MOVED: T Carpenter SECONDED: G Westman**

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

### **3 MACHATTIE PARK AND KINGS PARADE TREE REMOVALS (04.00012 & 04.00039)**

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

**Report:** Council would be aware, from a previous report provided to its General Meeting held 2 June 2010, that an audit was undertaken to all trees within Machattie Park and Kings Parade by the same consultants that have undertaken the audits to all street trees within the Bathurst Heritage Conservation Area and entrance highways to Bathurst. To recap, the findings of the audit at Machattie Park and Kings Parade revealed that out of the 228 trees growing within these parks, only one tree in Machattie Park and 2 deodars in Kings Parade were in an unsafe condition and required immediate removal. Since then the 3 trees have been removed, including 2 deodar trees in Kings Parade which have been replaced with super advanced trees to assist in the quicker re-establishment of the formal tree avenue. General pruning, dead wood removal and soil de-compaction works were also identified to many of the trees within Machattie Park. Such recommended works are considered standard tree maintenance activities and will be attended to as part of Council's ongoing Street Tree Audit works by its Tree Crew.

In addition, Council's tree consultants advised within their original complete tree audit of Machattie Park that there were 15 trees that required further in-depth investigations to determine their condition and the recommended action that should be undertaken. The further investigations required aerial inspections of the trees within the canopy area and inspections of decayed areas within the trees via specialist ultrasound equipment, (Picus Sonic Tomography testing). Council's contractors, Australian Tree Consultants, have recently completed the further investigations to these trees and have submitted their finding and recommendations within the report (**attachment 1**).

In summary, Australian Tree Consultants have advised of 2 elm trees within Machattie Park that require immediate removal due to their extremely poor structural condition and which are posing a serious public safety hazard. Further, it has been identified that 5 large elm trees within Machattie Park are in decline due to a number of factors including age and disease. Due to their decline, it has been strongly recommended that lateral branch reduction pruning be undertaken to these senescing trees to reduce the high level risk of branch failure that could occur as these trees continue to decline. In effect, the pruning that is recommended is aimed at reducing the load weight of branches, thus reducing the risk of major branch failure that is likely to occur as their structural support wood becomes weaker over time.

It is believed that undertaking this work will delay the inevitable decision which will have to be made in the future, that is to have the trees removed and replaced. The reduction pruning works will need to be outsourced to professional arborists who are qualified in tree climbing works and are conversant with the technical know how of pruning practices to ensure that all works are undertaken in accordance with the appropriate standards.

It should be noted that there are occasions where concerns about a tree's health and structural stability can be identified whilst remedial works are being undertaken that had not been noticed at the time of the original inspection. Should issues be identified with these trees during the remedial works and they are considered to be extreme safety issues, appropriate action will need to be undertaken at the time, with the worst case scenario being the necessary removal of a tree. Any tree that is removed from Machattie Park will obviously be replaced using advanced stock.

For information, a copy of a map showing the location of the 2 trees to be removed and the trees requiring lateral branch reduction pruning are shown in **attachment 2**.

During the in-depth investigations undertaken to the 15 trees within Machattie Park, Australian Tree Consultants identified that serious concerns to the ongoing health of some trees were being caused by the general public trying to feed possums. The ongoing daily placement of food scraps and fruit into the holes of trees is creating an unhealthy, smelling rotting soup of pathogens that is in turn causing an elevated decay rate to the trees. In order to protect the trees, and by doing so also protect the possums homes, it has been recommended that hollows that are at a reachable height from ground level be boarded up to prevent further tree damage being undertaken. Drilling to remove trapped liquid matter will also need to be conducted to some hollows to enable inside cavities to dry out. It is believed that there will be ample additional tree hollows for possums to find shelter higher up in each of these trees. Signage will also be provided to inform the public of why the hollows need to be closed off.

**Financial Implications:** It is intended that major lateral branch reduction works to the 5 identified trees will be outsourced to professional arborcultural contractors who are skilled in tree climbing activities. The rest of the required general tree maintenance works that have been identified within the original tree audit, including the necessary removal of the 2 identified trees, are to be undertaken by Council's Tree Crew.

All works will be funded under Council's ongoing Street Tree Audit Program budget.

**MINUTE**

**33 Item 3 MACHATTIE PARK AND KINGS PARADE TREE REMOVALS (04.00012 & 04.00039)**

**MOVED: T Carpenter SECONDED: I North**

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

#### **4 AERODROME ASSET MANAGEMENT PLAN (03.00170)**

**Recommendation:** That Council place the Asset Management Plan for the Bathurst Aerodrome on public exhibition for 28 days, inviting comments.

**Report:** Council will recall the report to the October 2010 meeting in which asset management plans for Urban Roads, Rural Roads, Bridges and Culverts and Footpaths and Cycleways were adopted. This report also identified that an asset management plan for the Bathurst Aerodrome would be forthcoming.

Asset Management Planning is one of the key elements of the Resourcing Strategy to support the Community Strategic Plan under integrated planning requirements.

In brief, an Asset Management Plan is one developed for the management of one or more infrastructure assets that combines multi-disciplinary management techniques (including technical and financial) over the life cycle of the asset in the most cost-effective manner to provide a specified level of service. A significant component of the plan is a long-term cash flow projection for the activities.

Following on from the previous report Bathurst Regional Council has completed the asset management plan for the Bathurst Aerodrome, a copy of which is provided at **attachment 1.**

In accordance with the guidelines for preparation of Asset Management Plans, the Bathurst Aerodrome Asset Management Plan highlights the current short fall of \$59,685 in annual funding required to maintain the existing assets to an accepted standard.

Provision and adoption of additional Asset Management Plans will further highlight the growing funding gap between the community's expectations and the ability to fund these levels of service.

The overall asset planning and financial planning is an essential part of managing the community assets and providing sustainable infrastructure, moving from annual financial planning to a long term financial plan and strategy.

The Asset Management Plans are now submitted for Council's consideration.

**Financial Implications:** Funding will need to be incorporated into annual Management Plans.

**MINUTE**

**34     Item 4     AERODROME ASSET MANAGEMENT PLAN (03.00170)**

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

**RESOLVED:** That Council place the Asset Management Plan for the Bathurst Aerodrome on public exhibition for 28 days, inviting comments.



**5 USE OF MOUNT PANORAMA PIT COMPLEX - TAFE NSW - WESTERN INSTITUTE (04.00120)**

**Recommendation:** That Council:

- (a) Enter into a new Memorandum of Understanding between TAFE NSW - Western Institute (TAFE) and Bathurst Regional Council for the use of the Pit Complex at Mount Panorama in providing a motorsport course.
- (b) The General Manager be delegated authority to extend the Memorandum of Understanding on an annual basis.

**Report:** Council entered into a Memorandum of Understanding in 2009 with TAFE NSW for this organisation to use the facilities at the Mount Panorama Pit Complex to enable them to conduct a motorsport course. The general purpose of the course is to provide training to students wishing to gain a motorsport qualification for a commercial activity or utilising their skills in obtaining work within the motorsport industry.

TAFE advised that they would use quality training, appropriate learning resources, material and equipment in delivering this training to students.

Council advised TAFE of contractual requirements it has with various motorsport organisations in providing the facilities in car race weeks. TAFE are clearly of the understanding that during these times the facilities will not be available to them and they will be required to remove all equipment from the site to allow the hirers of Mount Panorama to have access to these facilities.

The course to date has proceeded well and there have been no areas of conflict in the utilisation of the facilities with TAFE mainly utilising 2 of the colourbond operations sheds at the eastern end of the pit paddock area.

Provided at **attachment 1** is the Memorandum of Understanding that is proposed to be again entered into between the 2 organisations.

The MOU is not a lease but an agreement which can be reviewed at any time and it is therefore also recommended that the General Manager be delegated authority to extended the agreement on an annual basis if considered appropriate.

**Financial Implications:** Council would be foregoing leasing income on the pit complex during the use by TAFE however the support for the industry, the continued publicity gained due to the relationship between Council and TAFE is very positive.

**MINUTE**

**35 Item 5 USE OF MOUNT PANORAMA PIT COMPLEX - TAFE NSW - WESTERN INSTITUTE (04.00120)**

**MOVED: I North SECONDED: R Thompson**

**RESOLVED:** That Council:

- (a) Enter into a new Memorandum of Understanding between TAFE NSW - Western Institute (TAFE) and Bathurst Regional Council for the use of the Pit Complex at Mount Panorama in providing a motorsport course.
- (b) The General Manager be delegated authority to extend the Memorandum of Understanding on an annual basis.

Yours faithfully



Doug Patterson  
**DIRECTOR  
ENGINEERING SERVICES**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL  
DIRECTOR CULTURAL & COMMUNITY SERVICES' REPORT  
16 FEBRUARY 2011

**DIRECTOR CULTURAL & COMMUNITY SERVICES' REPORT TO THE ORDINARY  
MEETING OF BATHURST REGIONAL COUNCIL MEETING HELD ON 16 FEBRUARY  
2011**

General Manager  
Bathurst Regional Council

**1 INTERNATIONAL WOMEN'S DAY EVENT - 8 MARCH 2011 (23.00026)**

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

**Report:** On 8 March each year International Women's Day (IWD) is celebrated around the world. The year 2011 is a special year as it is the centenary of IWD.

Council is assisting in the running of an event for the International Women's Day "100 Women for 100 Years" dinner with guest speaker, slide show and entertainment to be held on 8 March 2011 at the Vanilla Bean Restaurant. Anticipated numbers will be approximately 80 - 100 women and attendees will pay approximately \$30 per ticket, which will contribute towards the cost of a two-course dinner with tea and coffee. A complimentary beverage will also be provided on arrival.

This event will target women of all ages and backgrounds from the Bathurst community. The dinner will provide an opportunity for women to socialise over dinner and celebrate the achievements of women in the local community from the early days to the present. The dinner will feature a mix of hands-on activities and guest speakers.

Whilst partaking in a complimentary beverage at the beginning of the night, participants will be energised and inspired by entertainment provided by a range of women's groups in the Bathurst community.

After the first course, participants will hear from a local academic and historian, Associate Professor Leonora Ritter. Leonora will celebrate the past and embrace the future, starting with some history of IWD, but also focussing on what women have to offer in making today's world a better place.

Women from all walks of life in the community will also be approached and photographed for a PowerPoint presentation to be shown on the night. Women will be asked to nominate 'The Best Innovation for Women in the Last 100 Years'. The women's photographs and quotes will be displayed on the night.

This event will be planned in partnership with a number of community stakeholders, including:

- Community support services, including Bathurst Women's Health Centre, who will assist in the organising and promotion of the event and introduction of women for inclusion in the PowerPoint presentation.
- Local women's groups, who will provide their time and also assist in promoting the event.
- A number of local businesses, who will assist in the promotion of the event and the donation of prizes.
- Bathurst Regional Council, who will co-sponsor the event and also provide in-kind

support.

- The Bathurst Memorial Entertainment Centre, who will handle ticket sales.

Complimentary tickets will be provided to the MC and guest speaker. A number of free tickets will also be allocated for nominated women from within the Indigenous and multicultural communities, who might not otherwise be able to attend this event.

**Financial Implications:** Funding for this item is contained within existing budgets as well as \$1,000 received from the NSW Government, through the Office for Women's Policy.

**MINUTE**

**36     Item 1    INTERNATIONAL WOMEN'S DAY EVENT - 8 MARCH 2011 (23.00026)**

**MOVED: R Thompson SECONDED: M Morse**

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

Yours faithfully



Annabell Miller  
**DIRECTOR**  
**CULTURAL & COMMUNITY SERVICES**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL  
POLICY COMMITTEE MEETING

**POLICY COMMITTEE MEETING TO THE ORDINARY MEETING OF BATHURST  
REGIONAL COUNCIL MEETING HELD ON 16 FEBRUARY 2011**

General Manager  
Bathurst Regional Council

**1 MINUTES - POLICY COMMITTEE MEETING - 2 FEBRUARY 2011 (07.00064)**

**Recommendation:** That the recommendations of the Policy Committee Meeting held on 2 February 2011 be adopted.

**Report:** The Minutes of the Policy Committee Meeting held on 2 February 2011, are attached.

**Financial Implications:** N/A



**MINUTE**

**37    Item 1    MINUTES - POLICY COMMITTEE MEETING - 2 FEBRUARY 2011**  
**(07.00064)**

**MOVED: B Bourke   SECONDED: M Morse**

**RESOLVED:** That the recommendations of the Policy Committee Meeting held on 2 February 2011 be adopted.

**MINUTES OF THE POLICY COMMITTEE**  
**HELD ON 2 FEBRUARY 2011**

**MEETING COMMENCES**

**1 MEETING COMMENCES**

**Present:** Councillors Toole (Chair), Aubin, Bourke, Carpenter, Hanger, Morse, North, Thompson, Westman

**In attendance:** General Manager, Director Corporate Services & Finance, Director Cultural & Community Services, Director Environmental Planning & Building Services, Director Engineering Services, Manager Corporate Governance, Manager Recreation, Manager Water & Waste, Parks Operations Manager, Environmental Officer, Senior Development Control Planner, Development Control Planner, Acting Senior Strategic Planner.

**APOLOGIES**

**2 APOLOGIES**

Nil.

**REPORT OF PREVIOUS MEETING**

**3 Item 1 MINUTES - POLICY COMMITTEE MEETING - 1 DECEMBER 2010 (07.00064)**

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

**RESOLVED:** That the recommendations of the Policy Committee Meeting held on 1 December 2010 be adopted.

**DECLARATION OF INTEREST**

**4 DECLARATION OF INTEREST**

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

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

**RECEIVE AND DEAL WITH DIRECTORS' REPORTS**

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

**5 Item 1 POLICIES - MOTOR VEHICLE & MOTOR VEHICLE LEASE (11.00003, 41.00089)**

**MOVED** Cr B Bourke and **SECONDED** Cr R Thompson

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This is page 1 of Minutes of the Policy Committee held on 2 February 2011.

General Manager

Page 154  
Mayor

**RESOLVED:**That Council adopt the revised Motor Vehicle Policy and the revised Motor Vehicle Lease Policy and update the Policy Manual.

## **GENERAL BUSINESS**

### **6 NSW HIGH SCHOOLS CRICKET CHAMPIONSHIPS 23.00013**

**Cr Hanger** - Spoke to competition to be held in Bathurst and noted Mayoral reception to be held 14 February 2011.

### **7 CATCHMENT MONTH (CENTRAL WEST CATCHMENT MANAGEMENT AUTHORITY) 07.00047**

**Cr Carpenter** - there is a cross catchment event in September 2011. Requests Council work with the Catchment Management Authority on this project.

### **8 INFRASTRUCTURE AUSTRALIA - REPORT ON WATER UTILITIES 03.00030**

**Cr Carpenter** - this report has been released and the LGSA has damned the study and notes no consultation has occurred on this matter.

### **9 CHIFLEY DAM - ALGAL BLOOMS 13.00012**

**Cr Carpenter** - disappointing blooms have occurred. Requests Director Engineering Services review controls on grazing around the dam, particularly Council owned land.

**The Director Engineering Services** spoke to controls that have been implemented and future proposals.

### **10 WATER BUBBLERS 04.00034**

**Cr Carpenter** - where is this at?

**The Director Engineering Services** advised one has been installed at the Adventure Playground. A second unit is to be placed at the River Park.

### **11 FLAG POLES ENTRY TO BATHURST 18.00269**

**Cr Morse** - can a letter be written to the Lions Club requesting six flags to be erected at the entry to Bathurst.

**Cr Bourke** noted extra flags are being obtained via John Cobb.

### **12 BIKE RACK - KEPPEL STREET 25.00039**

**Cr Morse** - disappointed that bike rack has not been installed in Keppel Street due to objections received.

**13**      **CHIFLEY DAM 32.00005**

**Cr Aubin** - can Council look at possibility of putting a canteen at Chifley Dam.

**14**      **DINOSAUR REX - ADVENTURE PLAYGROUND 04.00121**

**Cr Aubin** - is this item to be painted?

**The Director Engineering Services** advised it will remain as is.

**15**      **ADVENTURE PLAYGROUND 28.00011**

**Cr North** - has received a request, could Council look into a 40kmh speed limit in this area.

**16**      **ABORIGINAL FLAG 21.00036**

**Cr North** - have received thanks from the Aboriginal community over the placement of the flag/flag pole at the Civic Centre. Spoke to letter received from Gloria "Dindima" Rogers.

**17**      **MOWING VACANT BLOCKS 04.00034**

**Cr North** - has been approached by a lady at Kelso about an overgrown block. Can Council do something about this. Cr North advised he will provide the residents letter to Council.

**18**      **FLOOD APPEAL 18.00004**

**Cr Bourke** - Thanked Council for its support.

**19**      **CARS FOR SALE - TRINITY SHOPPING CENTRE 28.00021**

**Cr Bourke** - can Council place bollards to stop cars being placed at the roundabout?

**The Director Engineering Services** spoke to history of the matter and that if bollards were put in place it will just mean these vehicles will be located elsewhere.

**20**      **CHIFLEY DAM - CAMPING 32.00005**

**Cr Bourke** - camping sites have gone very well and many people are making use of them.

**21      GASWORKS BUILDING 22.00052, 13.00018**

**Cr Bourke** - could the Director Environmental Planning & Building Services follow up on the undertakings given by the Minister concerning this site.

**MEETING CLOSE**

**22      MEETING CLOSE**

The Meeting closed at 5.46 pm.

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

**Date:** \_\_\_\_\_ **(16 February 2011)**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL  
TRAFFIC COMMITTEE MEETING

**TRAFFIC COMMITTEE MEETING TO THE ORDINARY MEETING OF BATHURST  
REGIONAL COUNCIL MEETING HELD ON 16 FEBRUARY 2011**

General Manager  
Bathurst Regional Council

**1 MINUTES - TRAFFIC COMMITTEE MEETING - 1 FEBRUARY 2011 (07.00006)**

**Recommendation:** That the recommendations of the Traffic Committee Meeting held on 1 February 2011 be adopted.

**Report:** The Minutes of the Traffic Committee Meeting held on 1 February 2011, are attached.

**Financial Implications:** N/A

**MINUTE**

**38** Item 1 MINUTES - TRAFFIC COMMITTEE MEETING - 1 FEBRUARY 2011  
(07.00006)

**MOVED: W Aubin SECONDED: G Hanger**

**RESOLVED:** That the recommendations of the Traffic Committee Meeting held on 1 February 2011 be adopted.



**MINUTES OF THE TRAFFIC COMMITTEE**  
**HELD ON 1 FEBRUARY 2011**

**2 PM MEETING COMMENCES**

**1 PRESENT**

**Members:** Cr Warren Aubin (BRC), Robert Walker (RTA), Jeff Crompton (MP Representative), Snr Constable Adam Strachan (NSW Police)

**Present:** Manager Technical Services, Senior Technical Officer, Road Safety Officer, RTA Observer (Kyle Branscombe)

**APOLOGIES**

**2 APOLOGIES**

Nil.

**REPORT OF PREVIOUS MEETING**

**3 Item 1 MINUTES - TRAFFIC COMMITTEE MEETING - 7 DECEMBER 2010 (07.00006)**

That the Minutes of the Traffic Committee Meeting held on 7 December 2010 be adopted.

**DECLARATION OF INTEREST**

**4 DECLARATION OF INTEREST**

That the Declaration of Interest be noted.

**RECEIVE AND DEAL WITH DIRECTORS' REPORTS**

**Director Engineering Services' Report**

**5 Item 1 MINUTES OF THE TRAFFIC COMMITTEE MEETING HELD 7 DECEMBER 2010 (07.00006)**

That the information be noted.

**6 Item 2 MONTHLY REPORT FOR LOCAL GOVERNMENT ROAD SAFETY PROGRAM (28.00002)**

That the information be noted.

**7 Item 3 OYSTER BAY MOTORCYCLE CLUB ENDURO CHAMPIONSHIPS**

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This is page 1 of Minutes of the Traffic Committee held on 1 February 2011.

**(23.00026)**

That Council approve the OBMCC Enduro Championships event for 2011. The event is to be classified as a Class 2 event and approved subject to conditions detailed in the Director Engineering Services' report.

**8** **Item 4 SEPARATION LINES FOR EVERNDEN ROAD (25.00072-02)**

That Council approve the continuation of the Centre Marking Line in Evernden Road, west of Napier Street through to Darwin Drive as per Australian Standards.

**9** **Item 5 NO STOPPING SIGNS FOR ENTRANCE TO LOXLEY HOUSE (28.00007-04)**

That Council approve the installation of two "No Stopping" (R5-400 (L) & (R) signs on either end of a car length space on the eastern side of the driveway entrance to Loxley House Family Practice car park.

**10** **Item 6 LATE REPORT - ROYAL BATHURST SHOW 2011 (18.00108-02)**  
**MOVED** Cr Jeff Crompton and **SECONDED** Cr Robert Walker

That the Committee accept and deal with the late report on the Royal Bathurst Show 2011 at the Traffic Committee Meeting held on 1 February 2011.

**11** **Item 6 ROYAL BATHURST SHOW 2011 (18.00108-02)**

That Council raise no objection to implementation of the Royal Bathurst Show Traffic Management Plan for the 2011 Royal Bathurst Show on Friday 6 May 2011, Saturday 7 May 2011 and Sunday 8 May 2011. The event is to be classified as a Class 1 event and be approved subject to conditions detailed in the Director Engineering Services' report.

**TRAFFIC REGISTER**

**12** **Item 1 TRAFFIC REGISTER (07.00006)**

That the information be noted.

**MEETING CLOSE**

**MEETING CLOSE**

The meeting closed at 2.35 pm.

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

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

## MINUTE

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

**MOVED: M Morse SECONDED: 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	RENEWAL OF LICENCE AGREEMENT - BATHURST GREYHOUND RACING CLUB - LOT 23 DP701345 AND LOT 24 SECTION 100 DP811166 UPFOLD 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	PROPOSED NEW TELECOMMUNICATION LEASES	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial

		position of the person who supplied it.
3	RESIDENTIAL TENANCY - 200 COLLEGE ROAD, BATHURST	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
4	PROPOSED SUBDIVISION OF LOT 705 DP1103109 AND SALE OF LAND - IRVING PLACE, BATHURST TRADE CENTRE	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	MOUNT PANORAMA - PROPOSED EVENT - MARCH 2011	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	PROPOSED PURCHASE OF LOT 1 DP 1086580 SYDNEY ROAD, BATHURST	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial

	position of the person who supplied it.
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**\* Director Engineering Services' Report**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	ROADBASE ANNUAL TENDER	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
2	TENDER FOR DESIGN AND CONSTRUCTION OF ELECTRICAL RETICULATION WITHIN THE PIT PADDOCK, MOUNT PANORAMA RACING CIRCUIT 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.
3	TENDER FOR DESIGN AND CONSTRUCTION OF ELECTRICAL RETICULATION AT WINDRADYNE RESIDENTIAL ESTATE STAGE 900	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 CONSTRUCTION OF CIVIL WORKS AT WINDRADYNE RESIDENTIAL ESTATE STAGE 900	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 ROAD DEDICATION - PARTIAL ROAD CLOSURE AND TRANSFER - MOUNT HORRIBLE ROAD, LIMEKILNS	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	PROPOSED PARTIAL ROAD CLOSURE - EGLINTON ROAD, ABERCROMBIE	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.

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL  
CONFIDENTIAL DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT  
16 FEBRUARY 2011



**MINUTE**

a **Item 1 RENEWAL OF LICENCE AGREEMENT - BATHURST GREYHOUND RACING CLUB - LOT 23 DP701345 AND LOT 24 SECTION 100 DP811166 UPFOLD STREET BATHURST (22.09990)**

**MOVED: R Thompson SECONDED: G Westman**

**That** Council approves entering into a new five (5) year licence agreement for Lot 23 DP701345 and Lot 24 Section 100 DP811166 Upfold Street, Bathurst with the Bathurst Greyhound Racing Club as detailed in the report.

**MINUTE**

**b Item 2 PROPOSED NEW TELECOMMUNICATION LEASES (04.00075 and 22.03832)**

**MOVED: G Westman SECONDED: T Carpenter**

**That** Council approves, in principle, the entering into lease agreements with Total Communications Infrastructure Pty Ltd (TCI) for part Lot 4 DP786946 Eglinton Road, Bathurst and Part Lot 201 DP1074567 Hampden Park Road, Kelso Industrial Park, subject to the normal development approval.

**MINUTE**

**c Item 3 RESIDENTIAL TENANCY - 200 COLLEGE ROAD, BATHURST**  
**(22.05258)**

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

**That** Council approves entering into a new Residential Tenancy Agreement with Leslie Mulligan and Ian and Valerie McMillan for 200 College Road, Bathurst (Lot 2 DP749758) for an initial rental period of twelve (12) months with a twelve (12) month option period as detailed in the report.

**MINUTE**

**d Item 4 PROPOSED SUBDIVISION OF LOT 705 DP1103109 AND SALE OF LAND - IRVING PLACE, BATHURST TRADE CENTRE (20.00030)**

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

**That** Council approves the proposed subdivision of Lot 705 DP1103109 Irving Place, Bathurst Trade Centre and subsequent sale of the newly created lot to Truflo Industrial Pty Ltd at a sale price of \$59 per square metre (GST inclusive) as detailed in the report.

**MINUTE**

e **Item 5 MOUNT PANORAMA - PROPOSED EVENT - MARCH 2011 (04.00009)**

**MOVED: W Aubin SECONDED: R Thompson**

**That** the information be noted.

**MINUTE**

f Item 6 PROPOSED PURCHASE OF LOT 1 DP 1086580 SYDNEY ROAD, BATHURST (22.12424)

**MOVED: I North SECONDED: T Carpenter**

**That** Council approves the purchase of Lot 1 DP1086580 Sydney Road, Kelso as detailed in the report.

Yours faithfully



R Roach  
**DIRECTOR  
CORPORATE SERVICES & FINANCE**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL  
CONFIDENTIAL DIRECTOR ENGINEERING SERVICES' REPORT  
16 FEBRUARY 2011

**MINUTE**

**g     Item 1   ROADBASE ANNUAL TENDER (36.00398)**

**MOVED: G Westman   SECONDED: M Morse**

**That** Council accept the tender from Hanson Construction Materials Pty Ltd for supply of roadbase material (DGB20) for 2011.



**MINUTE**

**h Item 2 TENDER FOR DESIGN AND CONSTRUCTION OF ELECTRICAL RETICULATION WITHIN THE PIT PADDOCK, MOUNT PANORAMA RACING CIRCUIT BATHURST (36.00406)**

**MOVED: T Carpenter SECONDED: G Hanger**

**That** Council accepts the tender of Active Energy for the Stage 1 and Stage 3 works for the design and construction of electrical reticulation within the Pit Paddock at Mount Panorama Racing Circuit Bathurst in the amount of \$308,650 (incl GST) subject to adjustments and provisional items.

**MINUTE**

**i Item 3 TENDER FOR DESIGN AND CONSTRUCTION OF ELECTRICAL RETICULATION AT WINDRADYNE RESIDENTIAL ESTATE STAGE 900 (36.00408)**

**MOVED: R Thompson SECONDED: W Aubin**

**That** Council accepts the tender of Active Energy for the design and construction of the electrical reticulation at Windradyne Residential Estate Stage 900 in the amount of \$203,126.00 (incl. GST) subject to adjustments and provisional items.

**MINUTE**

**j Item 4 TENDER FOR CONSTRUCTION OF CIVIL WORKS AT WINDRADYNE  
RESIDENTIAL ESTATE STAGE 900 (36.00407)**

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

**That** Council accepts the tender of JH & MJ Trindade Pty Ltd, for the construction of Civil Works at Windradyne Residential Estate Stage 900 in the amount of \$1,262,118.48 (incl. GST) subject to adjustments and provisional items.

**MINUTE**

**k Item 5 PROPOSED ROAD DEDICATION - PARTIAL ROAD CLOSURE AND TRANSFER - MOUNT HORRIBLE ROAD, LIMEKILNS (25.00516)**

**MOVED: R Thompson SECONDED: G Westman**

**That Council:-**

- (a) approve the proposed dedication and partial closure of a disused section of Mount Horrible Road;
- (b) transfer the closed road to the owners of Portion 122 DP755780 at 281 Mount Horrible Road, Limekilns; and
- (c) classify the closed section of road as Operational land

as detailed in the Director Engineering Services' report.

**MINUTE**

**I Item 6 PROPOSED PARTIAL ROAD CLOSURE - EGLINTON ROAD, ABERCROMBIE (2010/0607 and 25.00045-02)**

**MOVED: W Aubin SECONDED: M Morse**

**That** Council approve the proposed partial road closure of Eglinton Road, Abercrombie and transfer the section of closed road as compensation for land gained by the subdivision of Lot 98 DP864476, as detailed in the Director Engineering Services' report. The road closure land is to be classified as Operational land.

Yours faithfully



Doug Patterson  
**DIRECTOR  
ENGINEERING SERVICES**

**MINUTE**

**40**    **RESOLVE INTO OPEN COUNCIL**  
**MOVED: B Bourke SECONDED: W Aubin**

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

**MINUTE**

**41**     **ADOPT REPORT OF THE COMMITTEE OF THE WHOLE**  
**MOVED: I North SECONDED: B Bourke**

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

**MINUTE**

**42     MEETING CLOSE**

The Meeting closed at 7.02 pm.

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

**Date:** \_\_\_\_\_ **(16 March 2010)**