

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

10 November 2021

His Worship the Mayor & Councillors

Notice of Ordinary Meeting of Bathurst Regional Council – Wednesday 17 November 2021

I have to advise that an Ordinary Meeting of Bathurst Regional Council will be held in the Council Chambers on Wednesday 17 November 2021 commencing at 6:00 PM or immediately following the conclusion of the Public Forum session.

Public Forum will be held from 6.00 pm where there will be an opportunity for members of the public to raise matters with Council.



D J Sherley

GENERAL MANAGER

**MINUTES OF THE ORDINARY MEETING OF
BATHURST REGIONAL COUNCIL
HELD ON Wednesday 17 November 2021**

1 PUBLIC FORUM

MINUTE

Gordon Crisp - Resident - Spoke to the Strata Corporation of which he is Secretary, concerning water use that has occurred. Noted processes he believes are in place for payment of those charges. Requesting invoice to pay his water fees. Said he has sent 12 registered letters to Council.

D Clyburn - Secretary, Tournament Water Ski Community Club - Spoke to Director Engineering Services Report 8.4.2. Seeking support from Council for their proposal for water skiing at Ben Chifley Dam. Spoke to proposal submitted to Council regarding various plans and procedures to be put in place to facilitate the safe operations of the ski operations. Has consulted with other groups using the dam, noted residents concerns and how these have been addressed.

B Trimming - Interim Chair, Bathurst Regional Access Committee - Spoke to recent event on International Day for People With Disabilities, went really well and congratulated Council and Council staff. In regards to the Access Committee it will be putting effort into multi-tenanted buildings to ensure entrances comply with access requirements. Gave thanks to Councillor Morse for her efforts over the years, as she is retiring.

2 RECORDING OF MEETINGS

3 MEETING COMMENCES

Meeting commenced at

MINUTE

Meeting commenced at 6.16pm.

Present: Cr I North (Chair), Cr B Bourke, Cr A Christian, Cr J Fry, Cr G Hanger, Cr J Jennings, Cr M Morse , Cr W Aubin, Cr J Rudge via Teams

4 PRAYER AND ACKNOWLEDGEMENT OF COUNTRY

5 APOLOGIES

Nil

MINUTE

MOVED: Cr B Bourke SECONDED: Cr W Aubin

RESOLVED:

That the apology of Councillor Jennings for his late arrival be accepted.

6 MINUTES

6.1 CONFIRMATION OF MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL HELD 20 OCTOBER 2021

File No: 11.00005

RECOMMENDATION:

That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 20 October 2021 be adopted.

REPORT:

The Minutes of the Ordinary Meeting of Bathurst Regional Council held on 20 October 2021 are attached.

FINANCIAL IMPLICATIONS:

Nil

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

Objective 6: Community leadership and collaboration.

Strategy 6.4 Meet legislative and compliance requirements.

COMMUNITY ENGAGEMENT:

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

ATTACHMENTS:

1. Ordinary Minutes of Bathurst Regional Council held 20 October 2021 [6.1.1 - 28 pages]

MINUTE

RESOLUTION NUMBER: ORD2021-388

MOVED: Cr G Hanger SECONDED: Cr A Christian

RESOLVED:

That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 20 October 2021 be adopted.

7 DECLARATION OF INTEREST

Declaration of Interest

MINUTE

RESOLUTION NUMBER: ORD2021-387

MOVED: Cr A Christian SECONDED: Cr M Morse

RESOLVED:

That the Declaration of Interest be noted.

Councillor Jennings declared a non-pecuniary significant interest in item 8.2.3 of the Director Environmental Planning & Building Services Report.

Reason: CEO of Australian Milling Museum which has an interest in residing as a tenant at Tremains Mill complex.

Councillor Fry declared a non-pecuniary non-significant interest in item 8.2.3 of the Director Environmental Planning & Building Services Report.

Reason: Provided 2 compost seats funded by an EPA Grant to Tremains Mill precinct.

Mayor gave acknowledgement of the service of Councillor Morse who is retiring at the coming election.

Councillor Morse spoke in response and reflected on the Morse/Moodie family involvement in Bathurst Council.

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

8.1 GENERAL MANAGER'S REPORT

8.1.1 ABORIGINAL CULTURAL HERITAGE

File No: 20.00311, 23.0010, 09.00031

RECOMMENDATION:

That the information be noted.

REPORT:

Council, at its meetings held May, September and December 2019, July and December 2020, and July 2021, considered reports addressing the broad range of issues Council is facing with respect to Aboriginal Cultural Heritage. Council and the community's priority, under the Bathurst 2040 Community Strategic Plan, Strategy 1.1, is to "respect, protect and promote the region's Aboriginal heritage assets".

This report provides a further update since July 2021 relating to Council's key activities, programs and issues it is facing and addressing with respect to:

1. protection,
2. recognition, and
3. reconciliation.

1. PROTECTION

Hampden Park Industrial Estate

Following completion of an Aboriginal Cultural Heritage Assessment (ACHA) for the extension of the Hampden Park Industrial Estate two artefacts were located. An Aboriginal Heritage Impact Permit (AHIP) has been lodged under the NPWS Act 1974 seeking the removal of the artefacts, storage off site whilst works are completed and then appropriate reburial on site at the completion of work. The AHIP was issued on 27 October 2021.

Rankens Bridge – Investigation of water main

Investigation into the condition of a water main laid in the 1980's requires two access holes of approximately 2m² in plan area and approximately 1m deep to be dug to the east of Rankens Bridge to allow access to the main to install a CCTV camera. Verbal advice received from Wiradyuri Elders is that this area is significant and that they object to the access holes and that a site card would be lodged. There is an existing site card in the vicinity of the site as a men's initiation and ceremonial area lodged in 2017, it is not known if a further card is proposed to be lodged. Further discussions will be held with the Elders

in respect of this matter prior to determining if works can proceed.

Site card #44-4-0277 – Aboriginal Object found and removed from Mount Panorama

Council noted an article in the Western Advocate (11 May 2021) of an individual claiming to have found an Aboriginal Object on Mount Panorama. Council notes that the Wiradjuri Elders have registered a site card for the object (#44-3-0277). It appears from the picture in the article that the object has been removed from the site. Council has sought a compliance investigation with DPIE to determine if in fact the object is an Aboriginal object and if so how it has been removed from the site without an Aboriginal Heritage Impact Permit approval or a Care of Control permit in place. DPIE have advised that their investigations, including inspection of the object, have been delayed as a result of COVID-19 but are hopeful that this can be finalised as soon as an archaeologist can examine the object. Council still awaits final advice on this matter.

Tree removal/pruning at Mount Panorama

Twenty three (23) trees required removal and 8 trees required pruning within McPhillamy / Sulman / Reid Park at Mount Panorama based upon advice from a qualified arborist, prior to allowing camping at the upcoming Bathurst 1000 event.

Notification (for information) was made to the Federal Government by Council directly and to the Wiradjuri Elder's solicitors by Council's solicitor. No concerns were raised by Federal Government. Concerns were raised by the Wiradjuri Elders. Whilst those concerns were noted the works were required for safety reasons and a permit for the works issued by DPIE.

Based on legal advice sought by Council the works proceeded. No trees within the current Section 10 declaration site at the top of the Mountain were impacted.

Remediation works – Go Kart Site Mount Panorama

Council has prepared plans to remediate the lands, previously used for camping, at the top of the Mountain that have been fenced off in anticipation of the Go Kart Track development. Councillors were updated on this matter at the Working Party held on 29 September.

2. RECOGNITION

Heritage Protection Application under Aboriginal and Torres Strait Islander Heritage Protection (ATSHP) Act 1984, Mount Panorama, Bathurst (Federal)

The Minister, The Hon Sussan Ley, made the Section 10 Declaration over certain lands at the top of Mount Panorama Wahluu 30 April 2021.

In making the section 10 Declaration the Minister advised:

"At a high level, in reaching my decision, I gave consideration to the following points:

- I am satisfied that the specified area is a 'significant Aboriginal area' to the extent that it contributes to the form of the fallen warrior Wahluu, which is generally*

- accepted as an important creation story for the Wiradyuri people.*
- Further, I am satisfied that part of the specified area that is a significant Aboriginal area is under 'threat of injury or desecration' from the proposed construction of a go-kart track. In the declaration I made under Section 10, I refer to this area as the 'declared area'.*
- In relation to the declared area, I do not consider that there are any pecuniary or proprietary interests, or other relevant matters, that outweigh the benefits of protecting that area by a declaration under Section 10 of the ATSIHP Act."*

Council has since sought advice from the Minister as to what areas of the Mountain contribute to the form of the fallen warrior Wahluu and so influenced the decision to make the Declaration. The Minister and her Department have been unable to provide advice to Council.

Council has since become aware of a new site card #44-3-0280 that relates to the outline of Wahluu. The site card was registered on the Aboriginal Heritage Information Management System (AHIMS) on 6 September 2021.

3. RECONCILIATION

Planning for commemorations for the 2024 Bicentenary of the Declaration of Martial Law in 1824

An internal staff working group has been created to guide Council's role in the commemoration of the declaration of martial law in 1824 and the Bathurst Wars. A calendar of events, projects and activities is being established for the next 3 year period. A key event identified is the 2022 Theo Barker Lecture (co-hosted by Council and the Bathurst District Historical Society), with the 2022 lecturer being Dr Stephen Gapps, author of the soon to be published Bathurst Wars (1822- 1824) book.

River Connections- knowing and caring for the Macquarie River/Wambuul

This project is an experiential, engaging nature-based program to connect students at local schools with the Macquarie River/Wambuul and its catchments. Participating students engaged in a value-based learning program including Wiradjuri cultural perspectives, science, art and inquiry-based exploration. Students have been supported to develop action plans to look after the river and share learnings with their school community. A teacher professional development program and teaching resources was also developed, to share learnings, and allow teachers to integrate learning and approaches into their teaching in the long term.

In its first year of delivery, the River Connections program has been enthusiastically received by teachers, students and the broader community. Students have designed footpath displays to share their learnings with the community. Participant surveys have been overwhelmingly positive. Strong working relationships have been established, and internal capacity has developed, that will see this program continue into the future. Zoom sessions were included with Wiradyuri Elders, introducing the Wambuul from a Cultural perspective. Integration of cultural content as delivered by the Wiradyuri Elders was a key strength of the program. Learning about the cultural significance of the river and Wiradyuri approaches to caring for country gave the program much more meaning than a pure science/sustainability program would have had. An unforeseen benefit was also the strengthening of the relationship between the Elders and the schools, with possible opportunities for future collaboration emerging. The commitment to two-way respectful learning, and to building trust and respectful working relationships is what made the cultural aspects of the project possible. This takes time but leads to meaningful

outcomes. This is an approach that can be applied in many kinds of projects.

Dual Naming – Macquarie River Wambuul

The public exhibition for the dual naming of the Macquarie River Wambuul has been completed. Council is awaiting further advice from the Geographical Names Board (GNB) on this matter.

Interpretation Signage – Mount Panorama Wahluu Boardwalk

Council has developed an interpretation plan for the Mount Panorama Wahluu boardwalk. Final design of the stage 1 interpretation signage proposed across the top of the Mountain is complete and includes a range of Indigenous story content, inclusive of the Wahluu Creation story. Manufacture of the new signage is underway.

Bathurst Streets as Shared Spaces Pilot Project

Public art is a key element of the Bathurst Streets as Shared Spaces Pilot Project. Council has worked closely with artists, through multidisciplinary design studio ESEM Projects, to create a significant wall mural, depicting a creation story of the Wiradyuri people, as well as other temporary art installations within the Bathurst Town Square precinct. It is expected that the mural artwork will be erected towards the end of this year/beginning of next year on the Post Office building in Howick Street. The project has experienced delays as a result of COVID-19 restrictions.

The Streets as Shared Spaces project will also incorporate new interpretation and wayfinding signage that will include Wiradjuri cultural heritage content.

Involvement and Engagement – Cultural and Community Events

The table below outlines recent involvement and engagement with local Aboriginal Groups since the report to Council in July 2021. COVID-19 has impacted on some of usual events in which involvement and engagement with local Aboriginal groups would normally be held.

Section	Date/s	Event	Detail of Involvement / Engagement / Welcome to Country
BRAG	October 2021	First Nations Curator EOI	Information shared
BRAG	September 2021	MGNSW IMAGiNE Awards Nomination	BRAG nomination: Banha Belong Kelso Community Hub Mural Project
BRAG	9 August 2021	Regional Tourism Activation Fund Grant Application	Letter of support provided by BLALC (Keppel St Cultural Precinct revitalisation & digital gallery)
BRAG	July 2021	BLALC NAIDOC Week exhibition development	BRAG staff assisted BLALC with development of a NAIDOC exhibitions (Tremains Gallery, entry form, invitation design etc.)

Section	Date/s	Event	Detail of Involvement / Engagement / Welcome to Country
BRAG	31 July – 7 November 2021	Myall Creek & Beyond exhibition & programs	Public program consultation with Wiradyuri Elders (event did not proceed), e-introduction to Myall Creek Trustees by AGD.
BMEC	July 2021	NAIDOC week celebration BMEC	Collaborated with Community Services and the Aboriginal Liaison Officer in the delivery of the NAIDOC celebration event.
BMEC	July – September 2021	Fast Cars & Dirty Beats	Consultation with Wiradjuri Elders in relation to Aboriginal significance of Mount Panorama – Wahluu as part of the development of this new performance work
BMEC	July – November 2021	BMEC 2022 Annual Season	Communication and collaboration with various Aboriginal artists and tour coordinators to program four Aboriginal performance projects in the BMEC 2022 Annual Season. Three of these focus on Wiradjuri stories.
BVIC	July 2021	Addition of Wiradjuri heritage activities to 2022 Autumn Colours program	Met with Dinawan (Uncle Bill Allen) and visited Windradyne's grave to discuss addition of activities including Welcome to Country at commencement of Autumn Colours program in March 2022.
COMMUNITY SERVICES	August 2021	Aboriginal Liaison Officer	Involvement with BLALC Marra Marra Group
COMMUNITY SERVICES	August 2021	Aboriginal Liaison Officer	Met with BLALC and NAIDOC organising committee for September NAIDOC celebrations
COMMUNITY SERVICES	August and October 2021	Aboriginal Liaison Officer	Chair Bathurst Aboriginal Interagency Meetings
COMMUNITY SERVICES	October 2021	Aboriginal Liaison Officer	Attend Bathurst Aboriginal Education Consultative Group Meetings and AGM
EVENTS	26 January 2021	Australia Day	Acknowledgement to Country - Shirley Scott.
EVENTS	1 May 2021	Bathurst NRL	Welcome to Country (Uncle Bill Allen) and performance by Waganha Dancers accompanied by Waganha boys & Dinawan Connection Dancers. Waganha Boys & Dinawan Connection Dancers – received free entry to the event.
EVENTS	9 May 2021	Proclamation Day	Acknowledgement to Country - Shirley Scott.
EVENTS	July 2021	Bathurst Winter Festival	Opening of the Bathurst Winter Festival – welcome to country and indigenous food vendors.

Section	Date/s	Event	Detail of Involvement / Engagement / Welcome to Country
			Dedicated illumination site

Aboriginal Liaison Officer

The Aboriginal Liaison Officer position commenced in February. Activities of the officer will be reported on an ongoing basis separately to Council inclusive of information relating to the preparation of a new Aboriginal Commitment Strategy.

FINANCIAL IMPLICATIONS:

1. The total cost to date on cultural interpretation studies and the anthropological investigations has been: \$182,138 (excluding RAP fees).
2. The total cost spent to date on Aboriginal Cultural Heritage Assessments (Campground, Go Kart Track and Second Circuit), investigations has been \$614,217.67 (excluding RAP fees).
3. The Registered Aboriginal Party fees paid to date for the ACHARs (above) and the Anthropological Investigations has been \$162,448.
4. The costs associated with the reconciliatory actions under this report have been met within existing Council budgets.
5. The costs associated with providing advice to Department of Premier and Cabinet and submitting new site cards at Mount Panorama are \$3,113.00.
6. The costs for expert advice in relation to the section 10 application were \$8,800.
7. The costs associated with the Wambuul Ceremonial sign were \$2,876.50.
8. It is estimated that the due diligence report and associated ACHA for the Stormwater Harvesting pipeline and ponds will be in the order of \$350,000. Final costs will be reported once the investigations are completed.
9. The costs associated with the preparation of the ACHA for the Kelso Industrial Park extension are estimated to be \$50,000. Final costs will be reported once the investigations are completed.
10. The costs associated with the preparation of the due diligence assessment for the Bridle Track realignment was \$3,500.
11. The costs associated with initial investigations into the bone fragment at the Perthville levee was \$6,985, with additional costs expected but yet unknown.
12. \$120,000 received from NSW Regional Arts Fund to engage a First Nations curator to develop a program of arts and cultural activities to commemorate the bicentennial of the Bathurst Wars.
13. The cost to Council to employ the Aboriginal Liaison Officer will be in the order of \$120,000 per annum.
14. The cost of the Construction Heritage Management Plan for the Go Kart track was \$4,400.
15. The costs associated with the preparation of the due diligence assessment for the McPhillamy Park playground upgrade and additional services was \$7,194.
16. The cost of the additional assessment for the installation of sampling equipment on the Macquarie River was \$1,250.
17. Appointment of Dr Stephen Gapps to undertake research for Bathurst Wars digital mapping project was \$20,000.
18. AHIP application fee for the Hampton Park Industrial Estate: \$1,330.
19. The Streets as Shared Spaces project is fully funded from a NSW State Government Grant.

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND

STRATEGIES:

Objective 1: Our sense of place and identity.

Strategy 1.1 Respect, protect and promote the region's Aboriginal heritage assets.

Strategy 1.3 Enhance the cultural vitality of the region.

Objective 4: Enabling sustainable growth.

Strategy 4.6 Plan for, assess and regulate development activity.

Objective 6: Community leadership and collaboration.

Strategy 6.4 Meet legislative and compliance requirements.

COMMUNITY ENGAGEMENT:

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

ATTACHMENTS:

Nil

MINUTE

RESOLUTION NUMBER: ORD2021-389

MOVED: Cr B Bourke SECONDED: Cr J Jennings

RESOLVED:

That the information be noted.

**8.1.2 MOUNT PANORAMA/WAHLUU - S:10 ATSIHPA
AND SHAPE OF THE FALLEN WARRIOR
WAHLUU**

File No: 20.00311 & 09.00031

RECOMMENDATION:

That the information be noted.

BACKGROUND:

Council at the meeting held 16 June 2021 received a report on the Go Kart Track proposal at Mount Panorama/Wahluu, refer General Manager report No. 8.1.1, at **attachment 1**.

A subsequent working party was held with Councillors on the 29 September 2021, to bring Councillors up to date with a number of issues that will impact the future use of Mount Panorama/Wahluu. This report specifically deals with the Form of Wahluu on Mount Panorama/Wahluu and surrounds (refer Section 10 Declaration).

At **attachment 2** is a copy of the Declaration under the Aboriginal and Torres Strait Islander Heritage Protection Act (ATSIHPA) and a covering letter.

REPORT:

This matter is of major concern in understanding the ramifications of the Minister's Section 10 Declaration, which advised inter alia;

"To make a declaration under Section 10 of the ATSIHP Act, I must be satisfied the specified area is a 'significant Aboriginal area' for the purposes of Section 10(1)(b)(i) of the ATSIHP Act, that is 'under threat of injury or desecration' for the purposes of Section 10(1)(b)(ii) of the ATSIHP Act. I have decided to make a declaration under Section 10 of the ATSIHP Act over part of the specified area as indicated in the enclosed declaration.

At a high-level, in reaching my decision, I gave consideration to the following points:

- I am satisfied that the specified area is a 'significant Aboriginal area' to the extent that it contributes to the form of the fallen warrior Wahluu, which is generally accepted as an important creation story for the Wiradyuri people.*
- Further, I am satisfied that part of the specified area that is a significant Aboriginal area is under 'threat of injury or desecration' from the proposed construction of a go-kart track. In the declaration I made under Section 10, I refer to this area as the 'declared area'.*

- *In relation to the declared area, I do not consider that there are any pecuniary or proprietary interests, or other relevant matters, that outweigh the benefits of protecting that area by a declaration under Section 10 of the ATSIHP Act.”*

Given that the letter and declaration refer to the form of the fallen warrior Wahluu, which is an undefined area in the declaration except for;

“The Declaration ensures that the area containing part of the summit of Wahluu, Mount Panorama, being the shoulder of the fallen warrior Wahluu, that is of significance to the Wiradyuri tradition is not destroyed or damaged.”

Council has written to the Minister seeking that she identify the complete area of Mount Panorama/Wahluu which is identified as the form of the fallen warrior Wahluu.

Progression in this matter has been as follows;

- Letter from Hon Sussan Ley (undated), copy at **attachment 2** advising the Minister has made a Section 10 Declaration under ATSIHP Act. The Declaration was dated 30 April 2021.
- BRC letter to Hon Sussan Ley dated 28 May 2021 refer **attachment 3**. The letter expressed Council’s concerns at the Declaration and asked the Minister to advise *“the area of Mount Panorama/Wahluu that you and your Department identify as the ‘complete’ area of the Mount, that contributes to the form of the fallen warrior Wahluu.”*
- Response from Department of Agriculture, Water and Environment **attachment 4**, dated 17 June 2021. Refusing to provide the detail as to the form of the fallen warrior Wahluu. The letter refers Council to WTOCWAC, who it should be noted were not the decision-makers.
- BRC letter to Department Agriculture, Water and Environment dated 15 July 2021, **attachment 5**. The letter again requests details of the form of Wahluu including *“it seems inconceivable to Council that to reach that decision to only a specified area of the Mountain, the Minister did not have a sound understanding of how Mount Panorama/Wahluu forms part of the form of the fallen warrior within the wider landscape.”*
- Response from the Department Agriculture, Water and the Environment, 21 July 2021 **attachment 6**. Again, refusing to provide details of the form of Wahluu. The letter again refers Council to the WTOCWAC, who as noted in Council’s letter dated 15 July 2021 **attachment 5**, were not the decision-makers.
- Correspondence from BRC to both BLALC and WTOCWAC dated 30 July 2021, seeking assistance in identifying the form of the fallen warrior Wahluu, refer **attachment 7**.
- BLALC response to BRC dated 2 August 2021, **attachment 8** advising that;

“No information, research or compiled interviews has been presented as to the validity of this story.”

- WTOCWAC response to BRC dated 2 August 2021, advising that;
“We have referred it (sic request about the shape of Wahluu) to our legal team for advice and will get back in due course.”
- BRC letter to Department Agriculture, Water and Environment dated 2 August 2021, **attachment 9** requesting that the Minister or Department advise the area that they identify as the ‘complete’ form of the fallen warrior Wahluu as the decision-makers in the Section 10 Declaration.
- Letter from Hon Sussan Ley dated 10 August 2021, **attachment 10** again refusing to provide details of the form of Wahluu and referring Council to WTOCWAC for clarification.
- BRC letter to Hon Sussan Ley dated 27 August 2021, **attachment 11**, requesting access under FOI to documentation concerning the form of Wahluu that was utilised in the Minister making her decision.
- WTOCWAC response dated 27 August 2021, **attachment 12** advising with respect to the form of Wahluu;

“Regarding the query, the entirety of the land above approximately the 700m above sea-level elevation contour of Mount Panorama-Wahluu including the Sulman, Reid, McPhillamy Parks and some of what was the Sir Joseph Banks Reserve, accords with Bathurst Wiradyuri oral history, Dreaming and Creation stories as the outline of the body of Wahluu and for this reason is sacred.”

A map of the 700m contour line is at **attachment 13**, this covers an extensive area.

- The identification of the “Fallen Warrior” is now to the 700m contour not the 820m contour mark as referred to in the Section 10 application, **attachment 14**. The Section 10 Reviewers report 1 May 2020 – Terry Bailey, was based on the 820m contour mark.

To assist Councillors, at **attachment 15** is a map showing the 820m, 830m and 840m contour lines. This should be viewed in conjunction with the 700m map at **attachment 13**.

- Correspondence from BRC to WTOCWAC dated 10 September 2021, **attachment 16** noting variation in elevated contours utilised in the WTOCWAC correspondence 27 August 2021, refer **attachment 12** of 700 metres as against the 820 metres contour mark utilised in the Section 10 application. The correspondence seeks clarification of this variation.
- Correspondence from BRC to WTOCWAC dated 12 October 2021, refer **attachment 17**, requesting advice concerning the matter of the 700m and 820m contours anomaly.

At the time of writing this report:

1. The documents requested under *Freedom of Information Act 1982*, refer **attachment 11**, have not been provided, nor has any response been received from the Minister's Office.
2. The Minister's Office has maintained a position of refusing to provide the details as to the Form of the Fallen Warrior Wahluu, despite numerous requests.
3. Clarification has not been received as to the differing contour levels 700m-v-820m in various documents held by Council.
4. A meeting of The Hon. Andrew Gee, Mayor and General Manager was held on the 3rd of November 2021, to discuss this matter. The Federal member will raise Council's concerns with The Hon. Susan Ley and convey Council's request for definition of the Form of the Fallen Warrior Wahluu.

FINANCIAL IMPLICATIONS:

The Section 10 Declaration and the identified Form of Wahluu may have financial impacts on Council and the Community, it is not possible to adequately assess these due to the lack of information available.

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

Objective 1: Our sense of place and identity.

- Strategy 1.1 Respect, protect and promote the region's Aboriginal heritage assets.
- Strategy 1.2 Protect, enhance and promote the region's European heritage assets and character.

Objective 2: A smart and vibrant economy.

- Strategy 2.1 Support local business and industry.
- Strategy 2.5 Support Mount Panorama as a premier motor sport and event precinct.

Objective 4: Enabling sustainable growth.

- Strategy 4.1 Facilitate development in the region that considers the current and future needs of our community.
- Strategy 4.3 Ensure services, facilities and infrastructure meet the changing needs of our region.

Objective 6: Community leadership and collaboration.

- Strategy 6.1 Communicate and engage with the community, government and business groups on important matters affecting the Bathurst region.
- Strategy 6.5 Be open and fair in our decisions and our dealings with people.
- Strategy 6.6 Manage our money and our assets to be sustainable now and into the future.

COMMUNITY ENGAGEMENT:

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

ATTACHMENTS:

1. Attachment 1 [8.1.2.1 - 8 pages]
2. Attachment 2 [8.1.2.2 - 16 pages]
3. Attachment 3 [8.1.2.3 - 2 pages]
4. Attachment 4 [8.1.2.4 - 1 page]
5. Attachment 5 [8.1.2.5 - 1 page]
6. Attachment 6 [8.1.2.6 - 1 page]
7. Attachment 7 [8.1.2.7 - 2 pages]
8. Attachment 8 [8.1.2.8 - 1 page]
9. Attachment 9 [8.1.2.9 - 1 page]
10. Attachment 10 [8.1.2.10 - 2 pages]
11. Attachment 11 [8.1.2.11 - 1 page]
12. Attachment 12 [8.1.2.12 - 1 page]
13. Attachment 13 [8.1.2.13 - 1 page]
14. Attachment 14 [8.1.2.14 - 12 pages]
15. Attachment 15 [8.1.2.15 - 1 page]
16. Attachment 16 [8.1.2.16 - 4 pages]
17. Attachment 17 [8.1.2.17 - 1 page]

MINUTE

RESOLUTION NUMBER: ORD2021-390

MOVED: Cr B Bourke SECONDED: Cr W Aubin

RESOLVED:

That the information be noted.

8.2 DIRECTOR ENVIRONMENTAL PLANNING AND BUILDING SERVICES REPORT

8.2.1 SECTION 4.15 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

File No: 03.00053

RECOMMENDATION:

That the information be noted.

REPORT:

Section 4.15 of the Environmental Planning and Assessment Act 1979 is provided below to assist Council in the assessment of Development Applications.

4.15 Evaluation (cf previous s 79C)

- (1) **Matters for consideration—general** In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application—
 - (a) the provisions of—
 - (i) any environmental planning instrument, and
 - (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and
 - (iii) any development control plan, and
 - (iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and
 - (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),
 - (v) (Repealed)that apply to the land to which the development application relates,
 - (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,
 - (c) the suitability of the site for the development,
 - (d) any submissions made in accordance with this Act or the regulations,
 - (e) the public interest.
- (2) **Compliance with non-discretionary development standards—development other than complying development** If an environmental

planning instrument or a regulation contains non-discretionary development standards and development, not being complying development, the subject of a development application complies with those standards, the consent authority—

- (a) is not entitled to take those standards into further consideration in determining the development application, and
- (b) must not refuse the application on the ground that the development does not comply with those standards, and
- (c) must not impose a condition of consent that has the same, or substantially the same, effect as those standards but is more onerous than those standards,

and the discretion of the consent authority under this section and section 4.16 is limited accordingly.

- (3) If an environmental planning instrument or a regulation contains non-discretionary development standards and development the subject of a development application does not comply with those standards—
 - (a) subsection (2) does not apply and the discretion of the consent authority under this section and section 4.16 is not limited as referred to in that subsection, and
 - (b) a provision of an environmental planning instrument that allows flexibility in the application of a development standard may be applied to the non-discretionary development standard.

Note—

The application of non-discretionary development standards to complying development is dealt with in section 4.28(3) and (4).

- (3A) **Development control plans** If a development control plan contains provisions that relate to the development that is the subject of a development application, the consent authority—
 - (a) if those provisions set standards with respect to an aspect of the development and the development application complies with those standards—is not to require more onerous standards with respect to that aspect of the development, and
 - (b) if those provisions set standards with respect to an aspect of the development and the development application does not comply with those standards—is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development, and
 - (c) may consider those provisions only in connection with the assessment of that development application.

In this subsection, **standards** include performance criteria.

- (4) **Consent where an accreditation is in force** A consent authority must not refuse to grant consent to development on the ground that any building product or system relating to the development does not comply with a requirement of the *Building Code of Australia* if the building product or system is accredited in respect of that requirement in accordance with the regulations.

- (5) A consent authority and an employee of a consent authority do not incur any liability as a consequence of acting in accordance with subsection (4).
- (6) **Definitions** In this section—
 - (a) reference to development extends to include a reference to the building, work, use or land proposed to be erected, carried out, undertaken or subdivided, respectively, pursuant to the grant of consent to a development application, and
 - (b) ***non-discretionary development standards*** means development standards that are identified in an environmental planning instrument or a regulation as non-discretionary development standards.

FINANCIAL IMPLICATIONS:

Nil

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

Objective 6: Community leadership and collaboration.

Strategy 6.4 Meet legislative and compliance requirements.

COMMUNITY ENGAGEMENT:

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

ATTACHMENTS:

Nil

MINUTE

RESOLUTION NUMBER: ORD2021-391

MOVED: Cr B Bourke SECONDED: Cr G Hanger

RESOLVED:

That the information be noted.

8.2.2 GENERAL REPORT

File No: 03.00053

RECOMMENDATION:

That the information be noted.

REPORT:

The following reports are provided for Council's information.

- (a) Applications approved using authority delegated to the Director Environmental Planning & Building Services during October 2021 (**attachment 1**).
- (b) Applications refused during October 2021 (**attachment 2**).
- (c) Applications under assessment as at the date of compilation of this report (**attachment 3**).
- (d) Applications pending determination for greater than 40 days as at the date of compilation of this report (**attachment 4**).
- (e) Applications with variations to development standards under Clause 4.6 of Bathurst Regional LEP 2014 approved in October 2021 (**attachment 5**).
- (f) No political disclosure statements have been received in relation to any "planning applications" being considered at this meeting.

FINANCIAL IMPLICATIONS:

Nil

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

Objective 4: Enabling sustainable growth.

Strategy 4.6 Plan for, assess and regulate development activity.

Objective 6: Community leadership and collaboration.

Strategy 6.4 Meet legislative and compliance requirements.

COMMUNITY ENGAGEMENT:

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

ATTACHMENTS:

1. DAs approved [8.2.2.1 - 2 pages]
2. DAs refused [8.2.2.2 - 1 page]
3. DAs pending [8.2.2.3 - 3 pages]
4. Over 40 days [8.2.2.4 - 3 pages]
5. Variations [8.2.2.5 - 1 page]

MINUTE

RESOLUTION NUMBER: ORD2021-392

MOVED: Cr M Morse SECONDED: Cr J Jennings

RESOLVED:

That the information be noted.

**8.2.3 DEVELOPMENT APPLICATION NO. 2021/190 -
PROPOSED DEMOLITION, CHANGE OF USE TO
RECREATION FACILITY (GYM), PARTIAL DEMOLITION,
ADDITIONS AND ALTERATIONS TO BUILDING,
CONSTRUCT CARPARK AND INSTALL SIGNAGE - LOT
11 DP 1266801, 7 KEPPEL STREET, BATHURST**

File No: 2021/190

RECOMMENDATION:

That Council:

- a) Support the variation to Clause 5.6 "Parking, Access and Manoeuvring Areas", Clause 5.8 "Open Areas and Fencing" and Clause 14.3 "Car Parking" of *Bathurst Regional Development Control Plan 2014*.
- b) as the consent authority, grant consent pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979* to Development Application No. 2021/190, subject to conditions able to be imposed pursuant to Section 4.17 of the *Environmental Planning and Assessment Act 1979*, as amended, including but not limited to:

Electricity Infrastructure

- 1. Compliance with any requirements of Essential Energy, including but not limited to, the following:
 - a) Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property must be complied with.
 - b) Prior to any demolition works commencing, any service line/s to the property must be disconnected.
 - c) The applicant will need to engage the services of an Accredited Service Provider to ensure adequate provision of power is available in accordance with industry standards.
 - d) Essential Energy's records indicate that there is electricity infrastructure located within the property and within close proximity of the property. Any activities within these locations must be undertaken in accordance with the latest industry guideline currently known as *ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure*. Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure.
 - e) Prior to carrying out any works, a "Dial Before You Dig" enquiry must be undertaken in accordance with the requirements of *Part 5E (Protection of Underground Electricity Power Lines)* of the *Electricity Supply Act*

1995 (NSW).

- f) Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the *Code of Practice – Work near Overhead Power Lines* and *Code of Practice – Work near Underground Assets*.

Land Contamination

- 2. Demolition works must not commence onsite, until such time as a Construction Certificate has been obtained.
- 3. Prior to the issue of any Construction Certificate, additional investigations must be undertaken by a suitably qualified and experienced Contaminated Land Consultant to determine the extent and status of the ash fill located on the North-Western side of Lot 11 DP 1266801.

The additional investigations must be carried out in accordance with the results and recommendations of the *Preliminary Contamination Investigation Report* prepared by Envirowest Consulting, dated 3 April 2018 (Reference No. R9144c1).

- 4. Should the additional contaminated land investigations identify that remediation work is necessary to ensure that the site is suitable for the development, then a Remediation Action Plan (RAP) must be prepared that addresses the contamination identified and sets out how the site can be made suitable for its intended use including methodology, clean-up criteria and validation procedures. The RAP must be prepared in accordance with:
 - a) Council's *Contaminated Land Policy*. Please note the requirements specified in Council's policy for consultant's reporting and for site audits.
 - b) The *Managing Land Contamination: Planning Guideline (1998)*.
 - c) *State Environmental Planning Policy No 55 – Remediation of Land*.
 - d) Relevant NSW Environment Protection Authority (EPA) Guidelines.
 - e) The *National Environment Protection (Assessment of Site Contamination) Measure 1999*.
 - f) The *Contaminated Land Management Act 1997*.
- 5. A Validation Report must be provided to Council along with the Summary Report and Notice of Completion required under Clause 17(2) of State Environmental Planning Policy No 55 – Remediation of Land to confirm that the remediation has been completed generally in accordance with the RAP and that the site is suitable for the development. The Validation Report must be prepared in accordance with:
 - a) Council's Contaminated Land Policy.
 - b) The *Managing Land Contamination: Planning Guideline (1998)*.
 - c) *State Environmental Planning Policy No 55 – Remediation of Land*.
 - d) Relevant NSW Environment Protection Authority (EPA) Guidelines.
 - e) The *National Environment Protection (Assessment of Site Contamination) Measure 1999*.
 - f) The *Contaminated Land Management Act 1997*.

Any recommendations identified in the Validation Report shall be binding on the development.

6. A Site Management Plan (has the same meaning as an Environmental Management Plan defined in *the Contaminated Land Management: Guidelines for the NSW Site Auditor Scheme*), if required to make the site suitable for the development, must be submitted to Council for approval. The plan must address what land use restrictions are required, any ongoing monitoring requirements and what responses should be made to any unsatisfactory monitoring results. The Site Management Plan must be prepared in accordance with:
 - a) Council's *Contaminated Land Policy*. Please note the requirements specified in Council's policy for consultants reporting and for Site Audits.
 - b) The *Managing Land Contamination: Planning Guideline (1998)*.
 - c) *State Environmental Planning Policy No 55 – Remediation of Land*.
 - d) Relevant NSW Environment Protection Authority (EPA) Guidelines.
 - e) The *National Environment Protection (Assessment of Site Contamination) Measure 1999*.
 - f) The *Contaminated Land Management Act 1997*.

A restriction or covenant requiring compliance with the approved Site Management Plan must be registered on the title under Section 88E of the *Conveyancing Act 1919* or Section 29(3) of the *Contaminated Land Management Act 1997*. Assistance must be provided to Council (including by executing relevant documents) to enable registration (without unreasonable delay) of the restriction or covenant. Council is to be named as the only party able to vary or release the restriction or covenant.

7. All construction, development and use shall be bound by the recommendations of the Validation Report or any Site Management Plan coming from the remediation of the site.
8. Remediation work is to be carried out by a suitably qualified and experienced contractor under the guidance of a Contaminated Land Consultant who meets the requirements of Council's Contaminated Land Policy in relation to reporting, certification and insurances.
9. A Construction Certificate shall be required for any structure required to carry out the remediation.
10. Adjoining property owners must be notified in writing of the commencement date of the remediation activities at least seven (7) days prior to remediation activities commencing on site.
11. While the remediation activities are being undertaken the contractor must maintain a written record of any complaints received in relation to the conduct of the remediation. The written record must include each complainant's name and address, the time and date that each complaint was made, the nature of each complaint and the actions taken to address the complaint. The record may be requested by Council officers during the conduct of remediation, in which case the record must be made available to Council.

Any complaint received by the contractor in relation to the remediation

activities must be notified to Council during Council business hours as soon as possible and in all cases no later than 2 business days following the date that the complaint was received by the contractor.

12. Remediation activities must not cause any environmental harm outside of the area nominated for remediation within the site. The remediation area is to be contained by a suitable barrier or fencing to prevent all unauthorised access. Erosion and sediment controls must be in place to prevent any soil leaving the remediation site. Runoff from areas of contaminated soil, whether in situ, stockpiled or in excavation pits, must not be permitted to leave the site without relevant testing or treatment.
13. Remediation activities must be managed to ensure that dust, odour, gases or fumes are not emitted beyond the boundary of the remediation site. Appropriate monitoring equipment may be necessary to demonstrate compliance with the condition.
14. All liquid and solid waste must be classified in accordance with the *Protection of the Environment (Waste) Regulation 2014* and related guidelines.
15. All waste transported from the remediation site must be covered in a vehicle suitable for that waste material. There must be no tracking of soil onto public roads.
16. Any receiver of waste material must be properly licensed by the NSW Environment Protection Authority (EPA) to receive that waste. If a nonlicensed premises is intended to receive waste from the site then an approved notice within the meaning of Section 143(4) of the *Protection of the Environment Operations Act 1997* (Section 143 notice) must be supplied prior to removal of the material from the remediation site.
17. Details of material removed including volume, mass, classification, destination and any Section 143 notices are to be included in the Validation Report.
18. Prior to the commencement of any works, an Unexpected Finds Protocol must be prepared by a suitably qualified and experienced Contaminated Land Consultant. The Unexpected Finds Protocol must:
 - a) Describe the procedures to be implemented if suspected contamination is identified onsite.
 - b) Be prepared in accordance with the results and recommendations of the *Preliminary Contamination Investigation Report* prepared by Envirowest Consulting, dated 3 April 2018 (Reference No. R9144c1).
19. If any unidentified material not previously identified as part of an investigation are uncovered during the development, then all works shall stop immediately in that area and Council be contacted. Works are not to recommence until approval has been received from Council. Depending upon the nature and the significance of the material, further assessment may be required before further work can continue in that area. Unexpected finds include but are not limited to:
 - a) Suspected contamination in the form of ash, staining, discolouration, odours, underground petroleum storage systems or suspected asbestos

- containing material; or
- b) Suspected Aboriginal relics in the form of tools, artwork, bones etc; or
- c) Suspected non-Aboriginal heritage relics not previously identified.

Signage and Lighting

- 20. The approved signage must not be illuminated or flood lit.
- 21. The installation of exterior lighting to all vehicular manoeuvring and parking areas. The exterior lighting shall be designed and installed so that no obtrusive light will be cast onto any adjoining property.

NOTE 1: Compliance with Australian Standard AS4282 "Control of the Obtrusive Effects of Outdoor Lighting" will satisfy this condition.

- 22. Any security lighting of unattended premises must use a motion detector sensor switch.
- 23. All external lighting (excluding minimum security lighting) must be switched off outside of the approved operating hours, which are as follows:

Mondays to Fridays	4:00am to 9:00pm
Saturdays and Sundays	6:00am to 4:00pm

Heritage Conservation

- 24. Prior to the issue of Construction Certificate, a methodology is to be provided demonstrating how demolition works are to occur to ensure the least amount of impact on the heritage significant building D.
- 25. During the carrying out of the proposed works, if any archaeological remains are discovered, the developer is to stop works immediately and notify the Heritage Division, NSW Office of Environment & Heritage. Any such find is to be dealt with appropriately and in accordance with the *Heritage Act 1977*, recorded, and details given to Council prior to the continuing of works.

The existing railway lines on the site are to remain in situ. Works to the carparking area are not to damage, alter, remove or cover these tracks.

NOTE 1: A Section 140 Permit will need to be obtained to disturb archaeological relics. This permit is to be obtained from the Department of Premier & Cabinet (Heritage), prior to the disturbance of the archaeological relics.

- 26. To reduce the visibility of the roof-mounted solar energy system, panels must not be installed on the awning located off the North-Eastern side of the gym building (Building E) or to the very edge of the roof.
- 27. Prior to the issue of any Construction Certificate, details of the colours and materials to be incorporated into the brick fencing and metal gate are to be provided to Council for endorsement. Bricks are to be in strong Autumn tones.

Vehicular Access, Bicycle Parking, Car Parking and Development Contributions

28. The paving (in concrete) and permanent line marking of all vehicular manoeuvring and parking areas, in accordance with Bathurst Regional Council's Guidelines for Engineering Works.

NOTE 1: If other hard standing, dust free and weatherproof surfaces are proposed instead of concrete, a proposed alternative surface control and ongoing site management plan must be submitted to Council for written approval prior to the alternative being accepted.

29. The provision of at least eighteen (18) car parking spaces in the carpark on the north eastern side of the gymnasium in a manner that is in accordance with Australian Standard AS 2890.1 – 2004 Car Parking and Council's Offstreet Car Parking Code.
30. The payment to Council of \$134,721.30 for the provision of carparking within the Bathurst CBD in accordance with Council's Section 94 or 7.11 Contributions Plan "Bathurst CBD Car Parking" (being the equivalent of 7 spaces).

All monetary conditions are to be paid prior to the issuing of any Construction Certificates.

NOTE 1: All monetary conditions are reviewed annually and may change as of 1 July each year.

NOTE 2: Copies of all Council's Section 94 or 7.11 Contribution Plans may be inspected at Council's offices.

31. Group fitness classes are not permitted to be carried out on the land in association with the approved recreation facility (indoor).
32. The provision of at least four (4) designated bicycle parking spaces on the subject land in accordance with the approved Site Plan and Council's Development Control Plan.

Bicycle parking is to be provided in a manner where cyclists are able to secure the frame and two wheels of a bicycle to a fixed, secure stand, with the cyclists own lock and chain.

Water and Sewer Headworks Charges

33. The developer is to apply to Council for a Certificate of Compliance pursuant to Section 305 of the Water Management Act, 2000.

The developer will have to contribute the sum of \$2,227.50 water headworks plus \$2,167.20 sewer headworks before the Certificate of Compliance will be issued.

Trade Waste

34. Pre-treatment equipment must be installed to treat liquid trade waste before it can be discharged to Council's sewer system.
35. Trade waste material is not to be discharged into Council's sewerage system and/or stormwater system, without first obtaining written approval under

Section 68 of the Local Government Act 1993 from Council.

The completed approval must be obtained prior to the occupation of the building(s).

The conditions of the approval are to be complied with in all respects.

36. The applicant is to install back flow prevention, devices throughout the water supply system, all in accordance with AS/NZS 3500 and the Plumbing Code of Australia.

Fencing

37. Prior to the issue of any Construction Certificate, amended plans are to be submitted to Council which demonstrate that the proposed fencing will be designed so as not to:
- a) Include any sliding gate (or other similar gate) that would cause adverse noise impacts when opening/closing.
 - b) Include any gate or fencing that would impede vehicular access throughout the carpark. Manoeuvring area is to be provided within the site to enable all vehicles servicing the development to enter and leave the site in a forward direction in accordance with *AUSTROADS Passenger Vehicle Swept Path*.
 - c) Impede access to car parking spaces No. 12 to 14 (as identified on the approved Site Plan) from Manilla Street.

Crime Prevention

38. The development is to be carried out in accordance with the *Crime Prevention Through Environmental Design (CPTED) Assessment Report* (prepared by Brett Moulds Design and Drafting, Issue A, dated 26 April 2021).
39. Lighting must meet the minimum Australian standard for public streets, car parks and pedestrian access. To improve the safety of the development and reduce crime risk, it is recommended that the following actions be implemented onsite:
- a) Install lighting from walkways to the Gym.
 - b) Install sensor lighting or similar at all access points, including the rear of the premises.
 - c) Ensure all lighting is vandal resistant.
 - d) Install CCTV cameras inside and outside the premises.
 - e) Install an intruder alarm system.
 - f) Install signage in a clearly visible location throughout the site (around entrance/exit points) which states:
 - i) "CCTV cameras in use 24 hours".
 - ii) "Alarm system in use 24 hours".
 - iii) "Trespassers will be prosecuted".
 - g) Ensure all entry points are fitted with appropriate door locks.

Noise

40. Music noise levels generated from the premises must not exceed the following:

Time of Day	Maximum Noise Level
Day and Evening (7:00am to 10:00pm)	80dB(A) _{L_{eq}}
Night (10:00pm to 7:00am)	65dB(A) _{L_{eq}}

41. All windows, doors and openings on the North-Western façade of the gym building fronting Manilla Street must remain closed at all times.
42. All windows, doors and openings on the North-Eastern façade of the gym building fronting the carpark must remain closed between the hours of 4:00am to 7:00am and 6:00pm to 9:00pm. Entry to the gym must be via the South-Eastern doors from the internal walkway during this timeframe.
43. To reduce the noise impacts of the development on the surrounding residential area, all staff and patrons must be encouraged to utilise all available onsite carparking. Parking on the public road must only be utilised when the onsite carpark is full. It is recommended that this requirement be adopted as a condition of membership.
44. The erection of signs that clearly indicate to the drivers of vehicles both on and off the subject land, the location and means of access to the carparking area.
45. Prior to the issue of any Occupation Certificate, signage must be installed in a prominent position at the entrance to the carpark, which states the following (or to a similar effect):

"Please respect our neighbours. Congregating in the carpark must be kept to a minimum during early morning hours".

46. Resilient flooring must be provided within the active areas of the gym, and in particular within any open or free weight areas. Indicatively, this could consist of an isolated flooring system topped with Regupol Everroll or 25mm thick Olympact tiles. Other systems may also be considered subject to the written support of an Acoustic Engineer.

Prior to the issue of any Construction Certificate, the location and type of all required resistant flooring must be clearly identified on the Floor Plans.

47. Detailed acoustic design of all mechanical plant must be undertaken prior to the issue of any Construction Certificate. An Acoustic Report must be commissioned to determine the acoustic treatments (including plant vibration isolation) needed to ensure that all new plant items will avoid impacts on nearby development and comply with the acoustic requirements of Council and the NSW Environment Protection Authority (EPA). Reference should be made to the *Gym Noise Impact Assessment Report* prepared by Acoustic Logic, dated 5 August 2021.
48. The development shall only be conducted:
- a) on Mondays to Fridays inclusive between the hours of 4:00am and 9:00pm.
 - b) On Saturdays to Sundays inclusive between the hours of 6:00am to

4:00pm.

49. Building work involving the use of electric or pneumatic tools or other noisy operations shall be carried out only between 7.00 am and 8.00 pm on weekdays and 8.00 am and 8.00 pm on weekends and public holidays.

c) call a division.

REPORT:

Site

Lot 11 DP 1266801 (approximately 7,000m²) contains the Tremains Mill precinct which is currently comprised of a variety of commercial and residential land uses.

The following table provides a summary of all recent Development Application submitted to Council in relation to the subject land:

Previous Development Applications Relating to the Land					
Application No.	Description	Property Description	Determination	Date of Determination	Comment
2016/253	Additions and Alterations to Existing Building.	Lot 1 DP 782323, 7 Keppel Street	Approved.	5 September 2016	Victoria Stores building – Two-storey brick building fronting Keppel Street (Victoria Stores).
2018/69	Two Lot Subdivision (Boundary Adjustment)	Lot 1 DP 782323 and Lot B DP 197430, 7 Keppel Street	Approved	6 April 2018	Boundary adjustment between subject land and Keppel St. Kindy.
2018/198	Partial Demolition, Alterations and Additions to an Existing Commercial Building for Mixed Commercial and Serviced Apartments, Construction of Amenities Block, Establishment of Converted Shipping Containers for Retail Purposes, Associated Landscaping and Fencing	Lot 1 DP 782323 and Lot 1 DP 1246829, 7 Keppel Street	Approved	12 November 2018	Victoria Stores building, internal courtyard and carpark, small internal facing building for amenities and two new commercial tenancies (shipping containers).
2018/227	Demolition of Various Components, Carpark, Public	Lot 1 DP 782323 and Lot B DP	Withdrawn	--	All remaining buildings on Eastern side

	Plaza, Public Toilets and Mixed Use Development (Retail, Information and Education, Function Centre, Museum Storage and Resortation, Food and Drink Premises, Visitor Accommodation, Serviced Apartments)	197430, 7-11 Keppel Street			of land – Metal Sheds, Bedwells Feed Barn, Brick Mill building, Block shed (Bathurst Rewinds) and Timber Silos.
2019/355	Subdivision of Two Lots into Two (Boundary Adjustment)	Lot 1 DP 1246829 and Lot A DP 389015, 7 Keppel Street and 67 Havannah Street	Approved	23 January 2020	Boundary adjustment between subject land and former BBF Industrial.
2020/336	Use of Existing Change-of-Use to Office	Lot 1 DP 1246829, 7 Keppel Street	Approved	19 February 2021	Small internal facing building (part of Brick Mill building).
2020/348	Use of Existing Commercial Tenancy as a Bakery	Lot 11 DP 1266801, 7 Keppel Street	Approved	27 November 2020	Victoria Stores building.

The development site fronts Manilla Street. Residential development is predominant on the North-Western side of Manilla Street.

An aerial location plan is provided in **attachment 1**.

Proposed Development

The proposed development includes:

1. The demolition of two existing buildings (shed and skillion roof structure).
2. A change of use of an existing shed building to a recreation facility (indoor) – gym.
3. Partial demolition, additions and alterations to existing shed building.
4. The construction of an eighteen (18) space onsite carpark.
5. Installation of four (4) wall signs.
6. Construction of a 1.925 metre-high face brick fence with a sliding metal spear top gate.
7. Installation of roof-mounted solar energy system.

The proposed indoor recreation facility (gym) (approximately 514.9m²) will include: an open gym area, retail space, reception, office, staff room, storage room, accessible bathroom, two (2) shower rooms, two (2) water closets and a mezzanine floor.

The indoor recreation facility (gym) is proposed to operate between the following hours and be staffed at all times:

Mondays to Fridays	4:00am to 9:00pm
Saturdays and Sundays	6:00am to 4:00pm

The applicant has stated in writing that *“it is not envisaged that group classes will be conducted in the proposed gym. If in the future a demand is displayed on this service, the appropriate approvals will be sought.”* Accordingly, the current application does not seek approval for group fitness classes.

Vehicular access will be provided over the existing driveway located on the Northern boundary of Lot 11 DP 1266801 from Manilla Street.

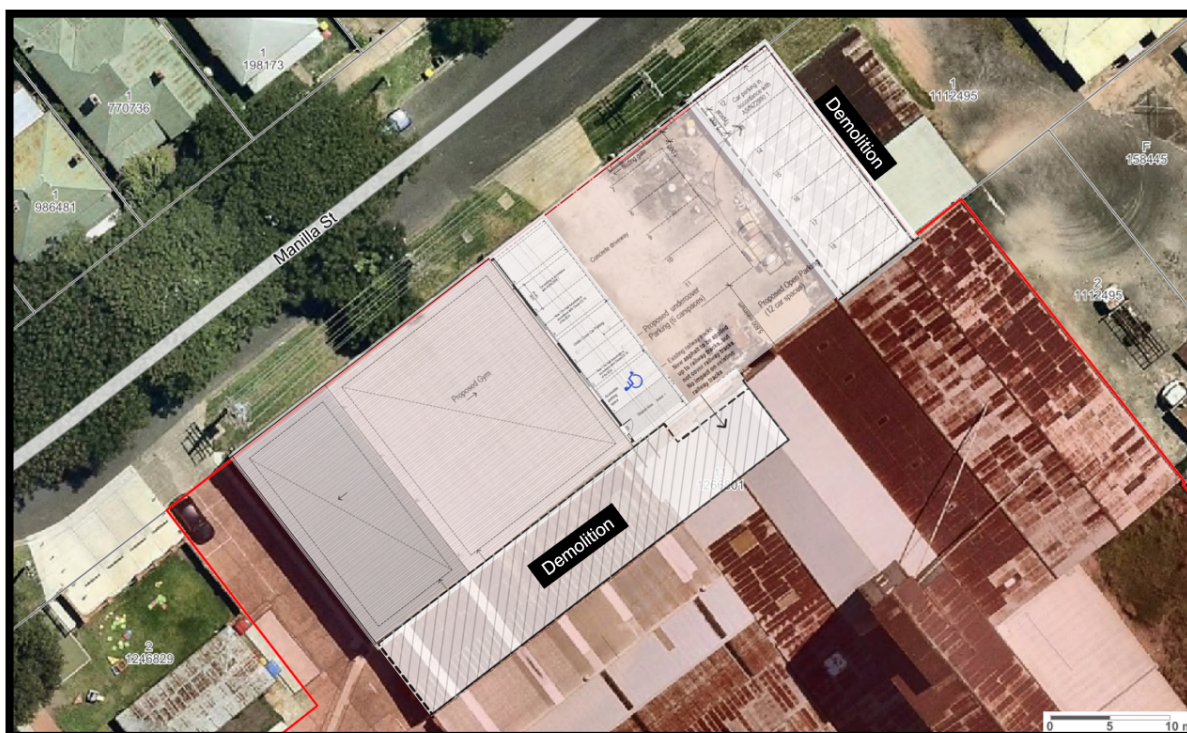


Figure 1 – Site Plan Overlaid on Aerial Mapping – Demolition of Two (2) Structures, Change of Use of Shed to Recreation Facility (Indoor), Construction of New Eighteen (18) Space Carpark – North-Western Side of Lot 11 DP 1266801 – Tremains Mill Precinct

Photographs of the development site are provided in **attachment 2** and a copy of the plans of the proposed development and associated documentation is provided in **attachments 3-18**.

Summary of Attachments

Attachment No.	Description
1.	Aerial Location Plan of Subject Land.
2.	Photographs of Proposed Development Site.
3.	Plans of Proposed Development.
4.	Statement of Environmental Effects.
5.	Preliminary Contamination Investigation Report.
6.	Statement of Heritage Impact.
7.	Noise Impact Assessment Report.
8.	Non-Residential Lighting Calculator.
9.	Conservation Management Plan – Tremain's Flour Mill.
10.	Crime Prevention Through Environmental Design (CPTED) Assessment Report.
11.	Applicant's Response to Additional Information Request – Letter dated 25 August 2021.
12.	Applicant's Response to Public Submission and Additional Information Request – Letter dated 28 October 2021.

13.	Applicant's Statement on Carparking in Support of Proposed Development – Letter dated 13 July 2021.
14.	Carparking Survey for Gym Premises in Orange – 5 July to 11 July 2021.
15.	Applicant's Request for Variation to Carparking, Landscape Screening and Fencing Standards within Development Control Plan.
16.	Tremain's Mill Future Carparking Concept Plan.
17.	Acoustic Consultant's Response to Additional Information Request – Letter dated 5 August 2021.
18.	Acoustic Consultant's Response to Additional Information Request – Letter dated 2 November 2021.
19.	Written Advice Received from Essential Energy.
20.	Written Advice Received from NSW Police.
21.	Public Submission Received in Relation to Proposed Development.

State Environmental Planning Policies

State Environmental Planning Policy (Infrastructure) 2007

Compliance Table – <i>State Environmental Planning Policy (Infrastructure) 2007</i>		
Clause		Compliance
PART 3 DEVELOPMENT CONTROLS		
Division 4 Electricity generating works or solar energy systems		
33	Definitions	Yes.
34	Development permitted with consent	N/A.
35	Other development permitted with consent where electricity generating works permitted	Yes.
36	Development permitted without consent	N/A.
37	Complying development	N/A.
38	Prohibited development	N/A.
39	Exempt development	N/A.
Division 5 Electricity transmission or distribution networks		
<i>Subdivision 2 Development likely to affect and electricity transmission or distribution network</i>		
45	Determination of development applications – other development	Yes.

Division 4 Electricity generating works or solar energy systems

The proposed development includes the installation of a roof mounted solar energy system, which will be located across the entire roof of the proposed gym building. In accordance with Clause 34(7) of *State Environmental Planning Policy (Infrastructure) 2007* (SEPP 2007), development for the purpose of a solar energy system may be carried out by any person with consent on any land.

Division 5 Electricity transmission or distribution networks

The proposed development is located in proximity to existing overhead powerlines. Accordingly, the application was referred to Essential Energy for consideration under Clause 45 of SEPP (Infrastructure) 2007 and the following comments were received (see **attachment 19**):

Essential Energy – 28 May 2021

We refer to the above matter and to your correspondence via the NSW Planning Portal seeking comment from Essential Energy in relation to the proposed development.

Strictly based on the documents submitted, Essential Energy has no comments to make as to potential safety risks arising from the proposed development.

Essential Energy makes the following general comments:

1. If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment.
2. Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with.
3. Prior to any demolition works commencing, any service line/s to the property must be disconnected.
4. The Applicant will need to engage the services of an Accredited Service Provider to ensure adequate provision of power is available in accordance with industry standards.
5. In addition, Essential Energy's records indicate there is electricity infrastructure located within the property and within close proximity of the property. Any activities within these locations must be undertaken in accordance with the latest industry guideline currently known as *ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure*. Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure.
6. Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of *Part 5E (Protection of Underground Electricity Power Lines)* of the *Electricity Supply Act 1995* (NSW).
7. Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the *Code of Practice – Work near Overhead Power Lines* and *Code of Practice – Work near Underground Assets*.

Therefore, subject to the above recommendations being adopted as conditions of consent, it is considered that the proposed development is not likely to place any adverse impacts on existing electricity infrastructure.

State Environmental Planning Policy No 55 – Remediation of Land

Lot 11 DP 1266801 is identified on Council's Contaminated Land Information System (CLIS) due to its history of industrial usage.

Accordingly, a *Preliminary Contamination Investigation* Report (prepared by Envirowest Consulting, Reference No. R9144c1, dated 3 April 2018) has been submitted to Council for consideration (see **attachment 5**). The report identifies the following:

Methodology

- The investigation generally comprised of:
 - A site inspection undertaken on 22 February 2018.
 - A land use history review and interviews with the current landowner and staff.,
 - A search of the NSW Environment Protection Authority's (EPA) records of public notices under the *Contaminated Land Management Act 1997* (CLM Act).
 - A review of soil and geographical maps.
 - A review of historical photographs (1954).

- A search of the NSW planning viewer (mapping).
- Seeking a Section 10.7 Planning Certificate in relation to the land.
- Soil sampling undertaken on 30 January 2018 and analysis of the soil samples for contaminants of concern.
- During the field investigation carried out on 30 January 2018, discrete soil samples were collected from twelve (12) accessible locations across the site which were representative of all land use areas. The sampling density comprised of an approximate 25m grid pattern and samples were collected from two depths at each location, except at location B12. Field samples were taken from representative fill and natural layers and were assessed for odour, staining and volatile organic compounds.



Figure 2 – Plan of Sampling and Bore Locations from the Preliminary Contamination Investigation Report – Lot 11 DP 1266801

- The soil samples were evaluated for TRH (C6-C40), PAH, BTEXN, arsenic, cadmium, chromium, copper, lead, nickel, zinc and mercury as these were identified as the contaminants of concern due to the presence of fill and historical use of machinery.
- Field screening for volatile organic compounds were undertaken of soil samples as an indicator of hydrocarbons.
- The site surface and soil profile in each borehole were visually inspected for asbestos containing materials. An asbestos audit of the buildings was not part of this report.

Historical Land Use

- The land has previously been used for commercial and industrial purposes, including historical flour milling (1857 – 1978), the manufacture and sale of livestock feeds and the storage of small amounts of pesticides in containers (Bedwells), the restoration and sale of furniture, an automotive battery workshop, truck depot, fuel storage, vehicle repair workshop and laundromat.
- Based on historical activities and site inspection, contaminants of concern are from fill that may have been used in levelling and construction. Ballast from the former railway line is also a source of contamination. Current land-uses are unlikely to have contributed to contamination.
- The land is not listed on the NSW Environment Protection Authority's register of contaminated sites.
- Historical contamination is present east of the site on fuel depots, railway land and the old Bathurst Gasworks. The contamination is unlikely to have impacted the site due to distance and lack of effective conduits and distance to source.

Results

- Surface cover in the investigation area included concrete slabs in the buildings and some parking areas. Blue metal gravel and bitumen were located in some non-sealed parking areas.
- No areas of surface staining were identified during the site inspection. Samples collected from the boreholes to 3m depth did not detect visual evidence of staining, odour or detectable VOC with the field photoionization detector.
- Fill comprising ash and sandy clay was present in most soil borings drilled. The typical depth was up to 0.5m under concrete. In some areas the fill extended to greater depths. At location BH10 in the North-Western buildings the ash was present to great the 3m depth. Trace levels of red brick were present in some soil profiles indicating the concrete cover former building footings or fill. The natural soils were yellow brown sandy clay to the drilling depth of 3m.
- Some samples containing ash contained slightly elevated levels of heavy metals or PAH. It is suspected the ash was from the former engine room on the site that powered the mill. Soil samples at six locations contained slightly elevated levels of PAH or TRH at levels less than the residential land use thresholds.
- The levels of zinc and lead were greater than background in several samples however still low and less than the adopted thresholds.
- Soil sample B6-100 contain level of carcinogenic PAH (4.8 mg/kg) slightly greater than the residential threshold of 4mg/kg. The upper 95% confidence limit of carcinogenic PAH was less than the residential health investigation threshold.

- Two samples (B6-100 and B9-100) contained B(a)P at levels exceeding the ESL. The 95% upper limit of BaP is less than the adopted thresholds. The levels of other metals or hydrocarbons in the samples were less than the adopted thresholds.
- Human health is not exposed to PAH due to the levels identified and the lack of viable pathways.
- No ecological receptors are exposed to benzo(a)pyrene due to the lack of viable pathways.
- The site is suitable for the proposed commercial and residential development.

Recommendations

- An unexpected finds protocol should be prepared for any excavation works. The unexpected finds protocol will describe procedures to be implemented if suspected contamination is identified.
- If the North-Western shed is to be demolished (BH10), additional investigations should be undertaken to determine the extent and status of the ash fill. An unexpected finds protocol should be prepared prior to the demolition works.

Sampling location BH10 is located within the shed which is to be used for the proposed gym. Given that the existing skillion roof structure is proposed to be demolished, it is considered that additional investigations should be undertaken to determine the extent and status of the ash fill. To ensure the land is suitable in its current state (or will be made suitable) for the proposed commercial use as an indoor recreation facility in accordance with Clause 7 of *State Environmental Planning Policy No. 55 – Remediation of Land*, it is recommended that the following conditions of consent be implemented (if approved):

GENERAL

2. Demolition works must not commence onsite, until such time as a Construction Certificate has been obtained.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

3. Prior to the issue of any Construction Certificate, additional investigations must be undertaken by a suitably qualified and experienced Contaminated Land Consultant to determine the extent and status of the ash fill located on the North-Western side of Lot 11 DP 1266801.

The additional investigations must be carried out in accordance with the results and recommendations of the *Preliminary Contamination Investigation* Report prepared by Envirowest Consulting, dated 3 April 2018 (Reference No. R9144c1).

4. Should the additional contaminated land investigations identify that remediation work is necessary to ensure that the site is suitable for the development, then a Remediation Action Plan (RAP) must be prepared that addresses the contamination identified and sets out how the site can be made suitable for its intended use including methodology, clean-up criteria and validation procedures. The RAP must

be prepared in accordance with:

- a) Council's *Contaminated Land Policy*. Please note the requirements specified in Council's policy for consultant's reporting and for site audits.
 - b) The *Managing Land Contamination: Planning Guideline (1998)*.
 - c) *State Environmental Planning Policy No 55 – Remediation of Land*.
 - d) Relevant NSW Environment Protection Authority (EPA) Guidelines.
 - e) The *National Environment Protection (Assessment of Site Contamination) Measure 1999*.
 - f) The *Contaminated Land Management Act 1997*.
5. A Validation Report must be provided to Council along with the Summary Report and Notice of Completion required under Clause 17(2) of *State Environmental Planning Policy No 55 – Remediation of Land* to confirm that the remediation has been completed generally in accordance with the RAP and that the site is suitable for the development. The Validation Report must be prepared in accordance with:
- a) Council's *Contaminated Land Policy*.
 - b) The *Managing Land Contamination: Planning Guideline (1998)*.
 - c) *State Environmental Planning Policy No 55 – Remediation of Land*.
 - d) Relevant NSW Environment Protection Authority (EPA) Guidelines.
 - e) The *National Environment Protection (Assessment of Site Contamination) Measure 1999*.
 - f) The *Contaminated Land Management Act 1997*.

Any recommendations identified in the Validation Report shall be binding on the development.

6. A Site Management Plan (has the same meaning as an Environmental Management Plan defined in *the Contaminated Land Management: Guidelines for the NSW Site Auditor Scheme*), if required to make the site suitable for the development, must be submitted to Council for approval. The plan must address what land use restrictions are required, any ongoing monitoring requirements and what responses should be made to any unsatisfactory monitoring results. The Site Management Plan must be prepared in accordance with:
- a) Council's *Contaminated Land Policy*. Please note the requirements specified in Council's policy for consultants reporting and for Site Audits.
 - b) The *Managing Land Contamination: Planning Guideline (1998)*.
 - c) *State Environmental Planning Policy No 55 – Remediation of Land*.
 - d) Relevant NSW Environment Protection Authority (EPA) Guidelines.
 - e) The *National Environment Protection (Assessment of Site Contamination) Measure 1999*.
 - f) The *Contaminated Land Management Act 1997*.

A restriction or covenant requiring compliance with the approved Site Management Plan must be registered on the title under Section 88E of the *Conveyancing Act 1919* or Section 29(3) of the *Contaminated Land Management Act 1997*. Assistance must be provided to Council (including by executing relevant documents) to enable registration (without unreasonable delay) of the restriction or covenant. Council is to be named as the only party able to vary or release the restriction or covenant.

7. All construction, development and use shall be bound by the recommendations of the Validation Report or any Site Management Plan coming from the remediation of the site.

8. Remediation work is to be carried out by a suitably qualified and experienced contractor under the guidance of a Contaminated Land Consultant who meets the requirements of Council's Contaminated Land Policy in relation to reporting, certification and insurances.
9. A Construction Certificate shall be required for any structure required to carry out the remediation.
10. Adjoining property owners must be notified in writing of the commencement date of the remediation activities at least seven (7) days prior to remediation activities commencing on site.
11. A sign identifying the contact details of the remediation contractor must be displayed at the site for the duration of the remediation activities. The sign must identify the phone numbers for the duration of the remediation activities.
12. While the remediation activities are being undertaken the contractor must maintain a written record of any complaints received in relation to the conduct of the remediation. The written record must include each complainant's name and address, the time and date that each complaint was made, the nature of each complaint and the actions taken to address the complaint. The record may be requested by Council officers during the conduct of remediation, in which case the record must be made available to Council.

Any complaint received by the contractor in relation to the remediation activities must be notified to Council during Council business hours as soon as possible and in all cases no later than 2 business days following the date that the complaint was received by the contractor.

13. Remediation activities must not cause any environmental harm outside of the area nominated for remediation within the site. The remediation area is to be contained by a suitable barrier or fencing to prevent all unauthorised access. Erosion and sediment controls must be in place to prevent any soil leaving the remediation site. Runoff from areas of contaminated soil, whether in situ, stockpiled or in excavation pits, must not be permitted to leave the site without relevant testing or treatment.
14. Remediation activities must be managed to ensure that dust, odour, gases or fumes are not emitted beyond the boundary of the remediation site. Appropriate monitoring equipment may be necessary to demonstrate compliance with the condition.
15. All liquid and solid waste must be classified in accordance with the *Protection of the Environment (Waste) Regulation 2014* and related guidelines.
16. All waste transported from the remediation site must be covered in a vehicle suitable for that waste material. There must be no tracking of soil onto public roads.
17. Any receiver of waste material must be properly licensed by the NSW Environment Protection Authority (EPA) to receive that waste. If a nonlicensed premises is intended to receive waste from the site then an approved notice within the meaning of Section 143(4) of the *Protection of the Environment Operations Act 1997* (Section 143 notice) must be supplied prior to removal of the material from the remediation site.
18. Details of material removed including volume, mass, classification, destination and

any Section 143 notices are to be included in the Validation Report.

PRIOR TO COMMENCEMENT OF WORKS

19. Prior to the commencement of any works, an Unexpected Finds Protocol must be prepared by a suitably qualified and experienced Contaminated Land Consultant. The Unexpected Finds Protocol must:

- Describe the procedures to be implemented if suspected contamination is identified onsite.
- Be prepared in accordance with the results and recommendations of the *Preliminary Contamination Investigation* Report prepared by Envirowest Consulting, dated 3 April 2018 (Reference No. R9144c1).

DURING CONSTRUCTION

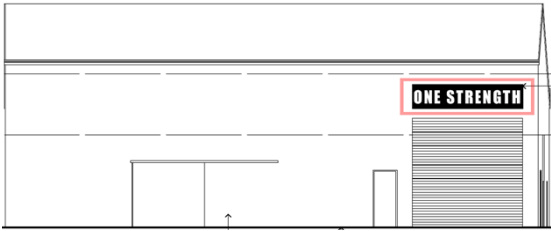
20. If any unidentified material not previously identified as part of an investigation are uncovered during the development, then all works shall stop immediately in that area and Council be contacted. Works are not to recommence until approval has been received from Council. Depending upon the nature and the significance of the material, further assessment may be required before further work can continue in that area. Unexpected finds include but are not limited to:

- Suspected contamination in the form of ash, staining, discolouration, odours, underground petroleum storage systems or suspected asbestos containing material; or
- Suspected Aboriginal relics in the form of tools, artwork, bones etc; or
- Suspected non-Aboriginal heritage relics not previously identified.

State Environmental Planning Policy No 64 – Advertising and Signage

The proposed development includes the installation of four wall signs, as described below:

Proposed Signage			
Sign	Dimensions	Location	Image
Business Identification Sign – “One Strength”.	4.5m (w) x 1.0m (l)	South-Eastern elevation of building – Facing internally.	
Wall Sign – “Iron Ambitions”.	0.8m (w) x 0.8m (l)		
Business Identification Sign – “One Strength”.	4.5m (w) x 1.0m (l)	North-Eastern elevation of awning – Facing proposed carpark.	

Business Identification Sign – “One Strength”.	4.0m (w) x 0.9m (l)	South-Western elevation of building – Facing internally to existing courtyard.	
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The proposed signage will generally comply with the objectives of *State Environmental Planning Policy No 64 – Advertising and Signage* and the Schedule 1 assessment criteria, as outlined below.

Compliance Table – <i>State Environmental Planning Policy No 64 – Advertising and Signage</i>			
SCHEDULE 1 ASSESSMENT CRITERIA			
Criteria	Considerations	Proposal	Satisfied
1 Character of the area	<ul style="list-style-type: none"> Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located? Is the proposal consistent with a particular theme for outdoor advertising in the area or locality? 	The proposed signage is generally compatible with the existing character or the Tremains Mill precinct and broader surrounding commercial area.	Yes.
2 Special areas	Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The proposed signage has been designed, sized and located so as not to visually detract from the amenity or visual quality of the heritage item or surrounding conservation area. No signage has been proposed on the Manilla Street façade.	Yes.
3 Views and vistas	<ul style="list-style-type: none"> Does the proposal obscure or compromise important views? Does the proposal dominate the skyline and reduce the quality of vistas? Does the proposal respect the viewing rights of other advertisers? 	The proposed signage will be located below eave height of the existing shed building and will not obscure or compromise important views. The signage will not dominate the skyline or reduce the quality of any vistas. The proposal respects the viewing rights of other advertisers within the Tremains Mill precinct and the broader commercial area.	Yes.
4 Streetscape, setting or landscape	<ul style="list-style-type: none"> Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape? Does the proposal contribute to the visual interest of the streetscape, setting or landscape? Does the proposal reduce clutter by rationalising and simplifying existing advertising? Does the proposal screen unsightliness? 	<p>The scale, proportion and form of the proposed signage is appropriate for the heritage item and surrounding heritage conservation area.</p> <p>Only one business identification sign has been proposed on three (3) of the four (4) building elevations. It is considered that the signage proposal is simplified and will not result in any visual clutter.</p>	Yes.

	<ul style="list-style-type: none"> Does the proposal protrude above buildings, structures or tree canopies in the area or locality? Does the proposal require ongoing vegetation management? 	The proposed signage will be located below eave height of the existing shed building. The proposal will not protrude above buildings, structures or tree canopies in the area or locality.	
5 Site and building	<ul style="list-style-type: none"> Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located? Does the proposal respect important features of the site or building, or both? Does the proposal show innovation and imagination in its relationship to the site or building, or both? 	The proposed signage will be suitably sized and located on the building so as not to obscure any significant architectural features. The proposal will be compatible with the scale and proportion of the site and building, particularly including the existing roller doors.	Yes.
6 Associated devices and logos with advertisements and advertising structures	Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	The proposed signage does not incorporate any safety devices, platforms, lighting devices or logos.	Yes.
7 Illumination	<ul style="list-style-type: none"> Would illumination result in unacceptable glare? Would illumination affect safety for pedestrians, vehicles or aircraft? Would illumination detract from the amenity of any residence or other form of accommodation? Can the intensity of the illumination be adjusted, if necessary? Is the illumination subject to a curfew? 	The signage is not proposed to be illuminated or floodlit. Conditions of consent will be implemented to ensure lighting is not installed in the future.	Yes, subject to conditions.
8 Safety	<ul style="list-style-type: none"> Would the proposal reduce the safety for any public road? Would the proposal reduce the safety for pedestrians or bicyclists? Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas? 	The proposed signage will be installed on the walls of the existing building and is not expected to reduce the safety of any public road, including for pedestrians, bicyclists and children.	Yes.

Bathurst Local Environmental Plan 2014

Zone

The land is zoned B3 Commercial Core under *Bathurst Regional Local Environmental Plan 2014* (LEP 2014).

Objectives

The proposed recreation facility (indoor) will generally comply with the objectives of the B3 Commercial Core zone under LEP 2014, which are:

- To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.
- To encourage appropriate employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To encourage development that confirms the role of the Bathurst central business district as the primary retail and business centre in the region.
- To protect and conserve the historic and scenic quality of the Bathurst central business district as a key economic and social asset.

Permissibility

Development for the purpose of a recreation facility (indoor) (defined below) is permitted with consent on land zoned B3 Commercial Core under LEP 2014.

recreation facility (indoor) means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.

Special Provisions

Clause 4.3 – Height of Buildings

The maximum building height applicable to the land is 12 metres under Clause 4.3 of LEP 2014. The existing shed includes a maximum height of 9.1 metres and no change to the overall height of the building has been proposed. The development will comply with the requirements of Clause 4.3 of LEP 2014.

Clause 4.4 – Floor Space Ratio / 4.5 – Calculation of Floor Space Ratio and Site Area

The maximum floor space ratio applicable to the land is 2:1 under Clause 4.4 of LEP 2014. The site retains a current estimated floor space ratio of approximately 1:1 and the proposed development does not involve any increase to the existing gross floor area of the site. The development will comply with the requirements of Clause 4.4 of LEP 2014.

The floor space ratio calculation methods outlined in Clause 4.5 of LEP 2014 have been followed in determining compliance with Clause 4.4.

Clause 5.10 – Heritage Conservation

The land is identified as a Local Heritage Item known as “Tremain’s Mill & Silos (formerly Victoria Mill) & Invincible Flour Sign” and is located within the Bathurst Heritage Conservation Area.

A Conservation Management Plan (CMP) (prepared by Senthilpavai Kasiannan, dated March 2016) has previously been submitted to Council in relation to the Tremains Mill site (see **attachment 9**). The proposed development includes works to structures that are identified as intrusive or low heritage significant under the CMP.

Of the works to be undertaken the following is of note:

- The demolition of the skillion roofed shed structure between the gym building (Building E) and the old Bedwells Feed Barn (Building D) is supported. A methodology is to be provided demonstrating how the demolition works can occur

- to ensure the least amount of impact on the heritage significant Building E.
- The demolition of shed located along the North-Eastern boundary is supported.
- The heritage significant railway line into the site will be located within the new carpark. The railway lines are to remain in situ.
- A roof-mounted solar energy system is proposed be installed over the entire roof of the gym building (Building E). Given the height and low roof pitch of the building, visibility of the solar energy system will be minimal. Panels must not be placed on the awning section of Building E or to the very edge of the roof.
- No objections are raised in relation to the two new external openings to be provided on the South-Eastern elevation of the gym building (Building E) as the shed is of low heritage significance.
- The signage to be installed on the South-Western elevation of the gym building (Building E) has been reduced in size to be more consistent with the width of the existing roller door and ensure it does not compete with the existing heritage signage on the site. The sign is to be placed on a relatively modern industrial shed. Its visibility is considered to be appropriate to allow for suitable advertising of the business within the forecourt area of the Mill precinct.
- The signage to be installed on the North-Eastern elevation is acceptable in this location. A reduction in the size of this sign to be in line with the structure it is fitted would result in the sign being out of proportion.
- The signage to be installed on the South-Eastern elevation will only be seen when entering the gym, it cannot be seen from within the Tremains Mill site or from the street.
- No works are occurring on the heritage significant Bedwells Feed Barn building (Building D) as part of this application.
- A 1.925 metre high face brick fence and gate is proposed to be installed on the North-Western boundary of the carpark, adjacent to Manilla Street. The proposed fencing is constructed of appropriate materials and incorporates decorative detailing. Whilst the fence is appropriate from a streetscape perspective there are other operational reasons as to why it is not acceptable in this form.

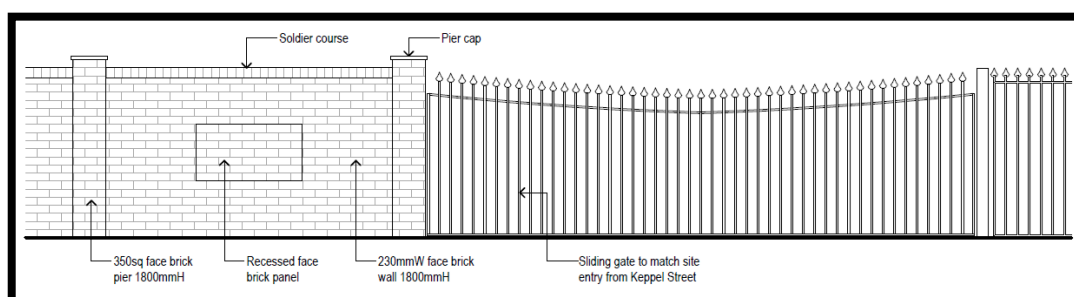


Figure 3 – Elevation Plan – Proposed 1.925m High Facebrick Fence with a Sliding Metal Spear Top Gate – North-Western Boundary Fronting Manilla Street – Lot 11 DP 1266801

Therefore, it is considered that the proposed development will not result in any significant adverse impacts on the heritage significance of the Item or surrounding Heritage Conservation Area, subject to the following conditions:

1. Prior to the issue of Construction Certificate, a methodology is to be provided demonstrating how demolition works are to occur to ensure the least amount of impact on the heritage significant building D.
2. During the carrying out of the proposed works, if any archaeological remains are discovered, the developer is to stop works immediately and notify the Heritage Division, NSW Office of Environment & Heritage. Any such find is to be dealt with appropriately and in accordance with the *Heritage Act 1977*, recorded, and details given to Council prior to the continuing of works.

The existing railway lines on the site are to remain in situ. Works to the carparking area are not to damage, alter, remove or cover these tracks.

NOTE 1: A Section 140 Permit will need to be obtained to disturb archaeological relics. This permit is to be obtained from the Department of Premier & Cabinet (Heritage), prior to the disturbance of the archaeological relics.

3. To reduce the visibility of the roof-mounted solar energy system, panels must not be installed on the awning located off the North-Eastern side of the gym building (Building E) or to the very edge of the roof.
4. Prior to the issue of any Construction Certificate, details of the colours and materials to be incorporated into the brick fencing and metal gate are to be provided to Council for endorsement. Bricks are to be in strong Autumn tones.

Clause 7.5 – Essential Services

The land currently retains connections to electricity services and Council's water supply, sewerage and stormwater reticulation networks. Conditions of consent will be implemented (if approved) to ensure that all stormwater runoff from the development (and proposed carpark) is collected and conveyed to a legal point of discharge and that the existing vehicular access is suitably constructed and upgraded to Council's Guidelines for Engineering Works.

Clause 7.10 – Signage

The proposed development includes the installation of four (4) wall signs. The signage relates to the proposed recreation facility (indoor), which is a permissible use of the land. The dimensions and overall size of the signage is not larger than would reasonably be required so to inform the public.

Bathurst Development Control Plan 2014

The proposed development includes variations to the following Clauses of *Bathurst Regional Development Control Plan 2014* (DCP 2014), which are discussed further below.

- Chapter 5 Business and Industrial Development: Clause 5.6 "Parking, Access and Manoeuvring Areas" and Clause 5.8 "Open Areas and Fencing".
- Chapter 14 Parking: Clause 14.3 "Car Parking"

However, the proposal will generally comply with the objectives and remaining development standards of DCP 2014, subject to conditions.

Chapter 5 – Business and Industrial Development

Compliance Table – Chapter 5 “Business and Industrial Development” – Bathurst Regional Development Control Plan 2014			
5.2 SITING CONSIDERATIONS			
5.2.2 Development Standards			
Development Standard		Proposed	Compliance
a) Any part of the building must comply with the building line setbacks specified in the table below.		North-Western Boundary 0.0m (No change to existing front setback). North-Eastern Boundary 23.2m. South-Eastern Boundary 61.8m. South-Western Boundary 7.3m.	Yes.
Location	Minimum Building Line		
B1 Neighbourhood Centre & B3 Commercial Core	<u>Front Building Line Setback</u> Must complement the existing setbacks of surrounding buildings in the vicinity and within the streetscape. <u>Side and Rear Building Line Setback</u> As specified by the National Construction Code (NCC).		
5.5 HEIGHT OF BUILDINGS – BATHURST CONSERVATION AREA – ZONE B3 COMMERCIAL CORE			
5.5.2 Development Standards			
Development Standard		Proposed	Compliance
a) A building containing more than 3 floors shall not be erected on land within Zone B3 – Commercial Core and located within the Bathurst Heritage Conservation Area unless, in the opinion of Council, the building: i) Does not detract from the existing streetscape and landscape, or ii) Is located behind the existing buildings within the streetscape such that its height does not detract from that streetscape or landscape, or iii) Is an extension of or constitutes the rebuilding of a building to a height not exceeding the height of the building at 27 March 1987.		Existing two-storey building (contains mezzanine).	Yes.

5.6 PARKING, ACCESS AND MANOEUVRING AREAS		
5.6.2 Development Standards		
Development Standard	Proposed	Compliance
b) On site car parking spaces and loading/unloading areas shall not form part of the vehicle manoeuvring areas.	<p>Loading/unloading areas have not been nominated on the site. However, it is expected that any deliveries would be from a small-scale vehicle and less frequent than other kinds of commercial and industrial developments that handle/process a large amount of goods and waste.</p> <p>Additionally, due to the nature of the development, patrons are likely to spend approximately 30 minutes to an hour inside the premises, which will reduce the vehicle turnover rates in comparison to other higher traffic generating developments.</p> <p>It is considered that there is a sufficient area available onsite for a van or similar sized vehicle to load/unload without causing significant disruption to traffic movements on or off the site.</p>	Yes.
c) All car parking areas to be located behind the building line or a minimum 3m from the front property boundary. Adequate landscape screening is to be provided within the 3m setback to reduce the effect of the parking area on the streetscape.	<p>The proposed carpark is to be setback approximately 1.456 metres from the North-Western boundary fronting Manilla Street. No landscaping has been proposed within this setback area and instead, a 1.925 metre high face brick fence with a sliding metal spear top gate is proposed to be installed on the North-Western boundary (see Figure 3).</p> <p>The applicant has provided the following reasoning for the proposed variation to Clause 5.6.2(c) of DCP 2014:</p> <p><i>“The following Development Control Plan standard requests that the required 3.0m screened landscape setback be removed, and in its place an 1800mm high articulated red face brick fence with a sympathetic heritage design be provided to the Manilla Street boundary in the immediate area of the proposed car park. The solid fence will provide both a visual and acoustic barrier between vehicle movements and adjoining residences, thus removing the need for a 3.0m landscaped zone.</i></p> <p><i>The entrance to the carpark will be gated by 1800mm high spear top panels with a black powder coated finish. The proposed gates will compliment those already in place along the Keppel Street frontage.</i></p> <p><i>Overall the proposed fence and gate will be in keeping with the aesthetic character of the development. The additional 3.0 metres gained within the site allows for the inclusion of extra onsite parking spaces. Given that the available space for on site parking is limited, the variation to the clause benefits both the neighbouring residences and gym management.”</i></p>	<p>No.</p> <p>Variation proposed and considered acceptable although design of fence to be altered.</p>

	<p>Whilst the inclusion of a fence is generally supported there are operational and functional considerations associated with the gates which raises concerns given its proximity to residential properties (ie mechanical gates opening at 4am in the morning). Similarly the construction of a fence will preclude access for part of the carpark. Whilst, the fence design is generally supported it should not ultimately be approved as it is at present a significant source of noise in a residential precinct and precludes access to part of the carpark. An alternate fence design that removes the mechanical gates and maintains access to the entirety of the carpark would nonetheless be acceptable.</p>	
d) All vehicular parking areas are to be paved and line marked.	Conditions of consent will be implemented (if approved) to ensure that the carpark is suitably paved and linemarked.	Yes, subject to conditions.
e) Car parking must comply with the minimum sizes outlined in Schedule 2.	Carparking spaces sufficiently sized.	Yes.
g) Manoeuvring area is to be provided within the site to enable all vehicles serving the development to enter and leave the site in a forward direction, in accordance with Schedule 3 of this Plan. All manoeuvring areas are to be adequate for a truck 12.5 metres long.	<p>Plans have been submitted to Council which demonstrate that a 12.5-metre-long truck can enter and exit the site in a forward direction, but not without impeding on the designated carparking spaces.</p> <p>The applicant has provided the following reasoning for the proposed variation to Clause 5.6.2(g) of DCP 2014:</p> <p><i>“...deliveries at the One Strength Gym in Orange are made by a courier van or similar. Should a delivery be made by a larger vehicle such as a 12.5m long service vehicle, it would only be at the time of initial setup when the proposed carpark would be empty of patron vehicles. The proposed carpark provides adequate space for the truck to manoeuvre and exit from the site in a forward direction.</i></p> <p><i>Deliveriess are anticipated to be infrequent without the need for a loading and unloading bay. As indicated from the car park survey at One Strength in Orange, the maximum number of vehicles in the carpark at any one time was found to be 14, which occurred after 5pm. As 16 car parking spaces have been provided there is capacity for a courier to park temporarily in a vacant car space for deliveries.</i></p> <p><i>...Austroad swept paths have been provided for both a 12.5m long service vehicle... the 12.5m long service vehicles movements have been provided in the space allocated as the proposed car park not taking into consideration the passenger parking spaces as the carpark would not be in use by patrons at such time.”</i></p>	No. Variation proposed and considered acceptable.

	<p>Due to the nature of the proposed development, it is not unreasonable to expect that deliveries would be from a small-scale vehicle (e.g. a courier van) and less frequent than other kinds of commercial and industrial developments that handle/process a large amount of goods and waste.</p> <p>Additionally, the carparking survey for the Orange premises indicates that peak hours for the proposed gym are likely to occur between 3pm and 7pm. This means that there is likely to be carparking available onsite to accommodate a small-scale service vehicle during the morning and early-afternoon operating hours; being generally common delivery hours.</p> <p>The proposed variation to Clause 5.6.2(g) of DCP 2014 is supported in this case.</p>	
h) A minimum 6m access width is to be provided at the property boundary or as required for major traffic generating development. Council may consider a lesser access width within Zone B3 Commercial Core.	6 metres.	Yes.
i) The entrance to a site shall not be located in close proximity to an intersection. Minimum distance of 30m should be provided between an entrance and an intersection with a highway or major road.	Driveway access located more than 30 metres from any intersection.	Yes.
j) Loading and unloading facilities should be in the form of a loading dock and provided on-site such that service vehicles are located wholly within the site and do not create conflicts with parking areas or manoeuvring areas.	Whilst a loading/unloading area has not been nominated, it is considered that there is a sufficient area available onsite to allow a small-scale delivery vehicle to load and unload without causing significant traffic conflicts both on and off the site.	No. Variation proposed and considered acceptable.
k) Vehicular crossings and laybacks must be provided for satisfactory ingress/egress.	Conditions of consent will be implemented (if approved) to ensure that the existing vehicular access is constructed and upgraded to comply with Council's Guidelines for Engineering Works.	Yes.

5.7 CLEAN BUSINESS AND INDUSTRY		
5.7.2 Development Standards		
Drainage and Stormwater Quality		
Development Standard	Proposed	Compliance
a) Development must comply with the requirements of the document: <i>Managing Urban Stormwater: Soils and Construction 2004</i> , produced by Landcom. Due consideration is to be given to potential impacts on off-site streams in terms of channel stability under modified flow regimes resulting from development.	Conditions of consent will be implemented (if approved) to ensure that all stormwater runoff from the development is collected and conveyed to a legal point of discharge. The proposal is not likely to result in significant impacts on stream and channel stability.	Yes.
Trade Waste		
Trade Waste means liquid trade or factory wastes or chemical or other impurities from any business, trade or manufacturing premises, other than domestic sewage, storm water or unpolluted water. Trade Waste will fall into one of two categories. <u>Category A</u> Includes all industries which produce large quantities of industrial waste, usually with discharges in excess of 2,000 kilolitres per year. <u>Category B</u> Includes all businesses/developments such as service stations, restaurants, fast food outlets, laboratories, plant/truck/car washes, mechanical repair workshops, schools, universities, hospitals, stables, bakeries, dairies, market places or other polluted premises where it is required to install pre-treatment apparatus such as grease arrestors, oil arrestors, neutralisers, dilution pits/tanks, etc. where the flow is usually less than 2,000 kilolitres per year.	The application was referred to Council's Trade Waste Officer for consideration and no objections or concerns were raised in relation to the proposal. Conditions of consent will be implemented (if approved) to ensure that the appropriate Trade Waste Approval is sought.	Yes, subject to conditions.
a) Any development that falls within one of the above categories, will be required to enter into a Trade Waste Agreement with Council by the submission of an Application to Discharge Liquid Trade Waste into Council's Sewer. The applicant should liaise with Council's Trade Waste Officer in relation to the fees and charges involved and the trade waste equipment required to be installed.		
Noise		
a) A noise impact assessment report must be prepared and submitted with a Development Application for any development which Council considers may have the potential to increase existing noise levels in a locality.	An Acoustic Report (prepared by Acoustic Logic, dated 23 April 2021) has been prepared in accordance with the NSW EPA's Noise Policy for Industry (NPI) and submitted to Council in relation to the proposed development. Additional information has also been sought and provided during the assessment process. The results are discussed further throughout of this report.	Yes.
b) The noise impact assessment must be prepared in accordance with the OEH Industrial Noise Policy.		
5.8 OPEN AREAS AND FENCING		

5.8.3 Development Standards		
Development Standard	Proposed	Compliance
a) All loading/unloading, storage, garbage or open work areas are to be located behind the building alignment and are to be fully screened from the view of a public road.	Loading/unloading areas have not been nominated on the site.	N/A.
b) Fences/screen walls (including security fencing) are not to be located within 5m of the front property boundary and 3m of a property boundary adjoining a side or rear street, unless adequate landscape screening is provided.	<p>A 1.925-metre-high face brick fence with a sliding metal spear top gate is proposed to be installed on the North-Western boundary of the land fronting Manilla Street (see Figure 3). The fence does not include a 5m setback and adequate screening has not been provided.</p> <p>The applicant has provided the following reasoning for the proposed variation to Clause 5.8(b) of DCP 2014:</p> <p><i>The following Development Control Plan standard request for variation requests that the required 3.0m screened landscape setback be removed, and in its place an 1800mm high articulated red face brick fence with a sympathetic heritage design be provided to the Manilla Street boundary in the immediate area of the proposed car park. The solid fence will provide both a visual and acoustic barrier between vehicle movements and adjoining residences, thus removing the need for a 3.0m landscaped zone.</i></p> <p><i>The entrance to the carpark will be gated by 1800mm high spear top panels with a black powder coated finish. The proposed gate will compliment those already in place along the Keppel Street frontage.</i></p> <p><i>The Tremains Mill precinct is an important asset to Bathurst and surrounding areas. The adaptive re use of the heritage structures ensures that each of the buildings will be maintained in the future for all to enjoy. For this to occur, potential uses such as the proposed gym need to be given every opportunity to utilise the spaces. The available site area for on site parking is limited to that of existing open space, and open space created by demolition of 'ad hoc' structures. Whilst flexibility in matters such as fire safety and accessibility can not be entertained, flexibility in on site parking standards can be varied if the request is justified.</i></p> <p><i>Overall the proposed fence and gate will be in keeping with the aesthetic character of the development. The additional 3.0 metres gained within the site allows for the inclusion of extra onsite parking spaces. Given that the available space for on site parking is limited, the variation to the clause benefits both the neighbouring residences and gym management.</i></p> <p>As noted above the inclusion of a sliding gate creates operational issues given its proximity to the residential properties in Manilla Street and proposed opening hours. To reduce the noise impacts of the development, it is recommended that a condition of consent be implemented (if approved) to ensure that the sliding gates be removed.</p>	<p>No.</p> <p>Variation proposed and considered acceptable subject to conditions requiring an amended design.</p>

	Alternate gates may be possible (e.g. swinging) although this will be subject to them maintaining access to carparking areas.	
c) Details of proposed materials and the type of construction for (a) and (b) above should be included with the Development Application.	Sufficient details of proposed fencing materials provided.	Yes.
5.19 ACTIVE STREET FRONTAGES – KEPPEL STREET		
5.19.3 Development Standards		
Development Standard	Proposed	Compliance
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.	The building subject to this application does not have direct frontage onto Keppel Street. The proposal will not impact the street front activity of this area.	N/A.

Chapter 10 – Urban Design and Heritage Conservation

The land is identified as a Local Heritage Item and is located within the Bathurst Heritage Conservation Area. The proposed development has been appropriately designed, managed and scaled to comply with Chapter 10 of DCP 2014 and prevent any significant adverse impacts on heritage conservation.

Compliance Table – Chapter 10 “Urban Design & Heritage Conservation” – <i>Bathurst Regional Development Control Plan 2014</i>			
10.2 HERITAGE IMPACT			
10.2.2 Conservation Management Plans			
The submitted Statement of Heritage Impact (SoHI) makes reference to the Conservation Management Plan previously prepared and submitted to Council in relation to the land.			
10.2.3 Statement of Heritage Impact			
A SoHI has been submitted to Council and reviewed. No significant concerns or objections were raised, subject to conditions of consent.			
10.3 DEMOLITION OF BUILDINGS			
10.3.3 Statement of Heritage Impact			
A Statement of Heritage Impact has been submitted to Council in relation to the proposed development (see Attachment 6).			
10.3.4 Bathurst Conservation Area Management Strategy			
The Tremains Mill site is generally categorised as “Contributory” and “Mid-Victorian 1860-1875” under the <i>Bathurst Conservation Area Management Strategy</i> . However, the CMP prepared in relation to the land more accurately identifies that the two sheds to be demolished are “Intrusive” elements in the heritage landscape and that the existing shed to be converted into a gym is of “Low” heritage significance.			
10.5 DEVELOPMENT WITHIN THE BATHURST AND KELSO HERITAGE CONSERVATION AREAS			
10.5.4 Commercial/Industrial Development			
Development Standard		Proposed	Compliance
Building Design	b) New or upgraded shop fronts should be based on the characteristic elements of traditional shop fronts located within the vicinity including: <ul style="list-style-type: none"> awning or verandah height, fascia lines, window proportions, common horizontal lines (eg, ridges, gutters, window heads), and architectural features/decorations (eg, mouldings, parapets). 	No objections or concerns raised in relation to the design, proportion and construction of any newly proposed doors. No new doors or openings have been proposed on the North-Western Elevation fronting Manilla Street.	Yes.

	d) Extensions and alterations must complement the original form and scale of the existing building. The shape and proportions of the existing building should be altered as little as possible.	No extensions to the existing building are proposed. It is considered that the proposed internal and external alterations will complement the original form of the building.	Yes.
	e) Alterations are to have minimal disturbance to original wall materials, windows, doors and verandahs.	The proposed internal and external alterations will not result in any adverse disturbance to the original walls, materials, windows, doors and awnings.	Yes.
	f) Monotonous facades with little relief or detail must be avoided.	The character of the existing heritage building is somewhat monotonous. Minor external changes are proposed to the building and considered acceptable.	Yes.
	i) Buildings should be designed to provide passive surveillance to streets or public spaces.	The existing building includes few windows fronting Manilla Street. However, the demolition of the Northern shed building and construction of a replacement carpark will increase activity on this street frontage and associated passive surveillance.	Yes.
	j) Any steel sheeting is to be of a traditional corrugated profile and is to be used generally only behind the front building façade or for outbuildings.	Existing wall and roof sheeting is of corrugated profile. No changes proposed.	Yes.
	k) Any building services are to be integrated into the design of the roof so that they do not negatively impact on the existing streetscape.	Conditions of consent should be implemented (if approved) to ensure that the proposed roof-mounter solar energy system is appropriately installed so as to reduce its visibility to the streetscape of Manilla Street.	Yes, subject to conditions.
	l) Development Application Plans submitted to Council are to include accurately detailed and appropriate coloured impressions or images of all building facades of the proposed development with particular regard to the building features, detailing, colouring and materials used.	Submitted plans sufficiently detailed.	Yes.
Utility Services	a) Utility services should generally not be visible from the street. Council may consider utility services on roof tops or awnings only where adequate and	Conditions of consent should be implemented (if approved) to ensure that the proposed roof-	Yes, subject to conditions.

	complementary screening can be provided (refer to section 10.5.4(k) above).	mounter solar energy system is appropriately installed so as to reduce its visibility to the streetscape of Manilla Street.	
10.9 ARCHAEOLOGICAL PERMITS			
10.9.1 General			
	Development Standard	Proposed	Compliance
b)	<p>If Council is of the opinion that it is likely that a site might contain archaeological relics, it must include a condition of the consent as follows:</p> <p>i) During the development, if any archaeological remains are discovered, the developer is to stop works immediately and notify the NSW Heritage Division and Council. Any such find is to be dealt with appropriately, in accordance with the Heritage Act 1977, and recorded, and details given to Council prior to the continuing of works.</p> <p><u>Note:</u> A Section 140 permit will need to be obtained to disturb archaeological relics. This permit is to be obtained from the NSW Heritage Division, Office of Environment and Heritage, prior to the disturbance of the archaeological relics.</p> <p>ii) The applicant is to lodge, prior to the issue of a construction certificate, a Construction Heritage Management Plan to Council which addresses the following:</p> <ol style="list-style-type: none"> 1. Mitigation measures in relation to the likely archaeology onsite; 2. The proposed monitoring that will be in place for any archaeological relics uncovered; 3. Training, resources and consultation for staff on the site during excavation; 4. Incident management protocol; and 5. Methods dealing with unexpected finds during works. 	Conditions of consent will be implemented (if approved) to ensure that, should any archaeological relics be uncovered during works, they are appropriately managed.	Yes, subject to conditions.
10.10 ABORIGINAL HERITAGE			
The land is identified as having a low Aboriginal heritage sensitivity. The proposed development involves the demolition of two existing building and the reuse of a heritage building for the purposes of an indoor recreational facility (gym). The proposed development is not expected to place any significant impacts on Aboriginal cultural heritage.			

Chapter 11 – Outdoor Lighting

No details have been provided to Council in relation to the proposed outdoor lighting treatment of the development. Given the proximity of the development to neighbouring residences, conditions of consent will be implemented to ensure that all lighting (including carpark lighting) is installed in accordance with AS4282.

Compliance Table – Chapter 11 “Outdoor Lighting” – <i>Bathurst Regional Development Control Plan 2014</i>			
11.2 GOOD AND BAD LIGHTING			
11.2.1 Development standards			
	Development Standard	Proposed	Compliance
a)	Light is to be directed downwards, not upwards, to	Conditions of consent will be	Yes, subject

illuminate the target area. If there is no alternative to up-lighting, then shields and baffles must be used to reduce spill light to a minimum.	implemented (if approved) to ensure lighting is directed downwards or shielded from neighbouring residential properties.	to conditions.
b) Specifically designed lighting equipment is to be used that, once installed, minimises the spread of light near to, or above, the horizontal.		Yes, subject to conditions.
c) Do not 'over' light. Provide adequate lighting to achieve the desired effect. To keep glare to a minimum, the main beam angle of all lights directed towards any potential observer is to be kept below 70 degrees. It should be noted that the higher the mounting height, the lower can be the main beam angle. In places with low ambient light, glare can be very obtrusive and extra care should be taken in positioning and aiming light.	Conditions of consent will be implemented (if approved) to ensure that all outdoor lighting is installed at an appropriate angle and at a level that is adequate only to achieve the desired effect.	Yes, subject to conditions.
d) Floodlights with asymmetric beams are to be used that permit the front glazing to be kept at or near parallel to the surface being lit.	No floodlights or large glazing areas proposed on façade.	Yes.
e) For domestic and small scale security lighting of business premises, the following solutions should be applied: <ul style="list-style-type: none"> Passive infra-red detectors can be used to good effect, if correctly aligned and installed. A 150W (2000 lm) tungsten halogen lamp is more than adequate. Lamps of 300W/500 W create too much light, more glare and darker shadows. All-night lighting at low brightness, is equally acceptable. For an entry light, a 9 W (600 lm) compact fluorescent lamp is more than adequate in most locations. 	Conditions of consent will be implemented (if approved) to ensure that any outdoor security lighting is appropriate.	Yes, subject to conditions.

11.3 LIGHTING REQUIREMENTS

11.3.1 Development standards

General Standards

Development Standard	Proposed	Compliance
a) All fittings must have fully shielded fittings to reduce light spill onto adjoining properties.	Conditions of consent will be implemented (if approved) to ensure that all outdoor lighting has appropriate shielded fittings.	Yes, subject to conditions.
b) For the purposes of Table 2 of Australian Standard (AS) 4282 Control of the Obtrusive Effects of Outdoor Lighting, "curfewed hours" are taken to be those hours between 10pm and 7am on the following day.	Conditions of consent will be implemented (if approved) to ensure that all outdoor lighting complies with the requirements of AS4282.	Yes, subject to conditions.

Security Lighting

Development Standard	Proposed	Compliance
a) Security lighting of unattended premises must use a motion detector sensor switch.	Conditions of consent will be implemented (if approved) to ensure that any security lighting is appropriately installed. The submitted Statement of Environmental Effects (SEE) provides that the gym will always be staffed during proposed hours of operation (4am to 9pm).	Yes, subject to conditions.

Chapter 12 – Signage and Colour Schemes

The proposed signage generally complies with the requirements of Chapter 12 of DCP 2014.

Compliance Table – Chapter 12 “Signage and Colour Schemes” –
Bathurst Regional Development Control Plan 2014

12.2 ADVERTISING SIGNAGE

12.2.4 Locational Requirements

Development Standard		Proposed	Compliance
a) Council must not grant consent to the erection of signage in those locations outlined in the table below.		No illuminated signage has been identified. Conditions of consent will be implemented (if approved) to ensure that all signage is not illuminated.	Yes.
Sign Type	Prohibited Locations		
Illuminated Sign	<ul style="list-style-type: none">• Within zones R1 General Residential or R2 Low Density Residential.• On a heritage item.		

12.2.5 General Development Standards

Development Standard		Proposed	Compliance																			
a)	Council may only grant consent to signage (other than directional signs and directory board signs) where they are used in conjunction with a permissible use and situated on the land on which that use is conducted. (Clause 7.10 of LEP 2014 contains exceptions to this requirement).	The signage will be used in conjunction with the proposed indoor recreation facility, which is a permissible use of land zoned B3 Commercial Core.	Yes.																			
b)	The size of the sign and its contents/design (letters, number and symbols) must complement the scale of the building to which they relate and its streetscape.	The size of each proposed sign and the design/contents complements the scale of the existing building and the streetscape.	Yes.																			
c)	Signs must not visually dominate the area of building walls. No more than 5% of the front and return elevations of a building, or any other building elevation that is visible to a public place, is to be covered by signage (excluding the fascia signage). The total number of signs must not detract from the overall aesthetic character of the building.	<div>The proposed signs do not visually dominate the area of the buildings walls and the total number of signs does not detract from the overall aesthetic character of the building.</div> <table><tr><th>Elevation</th><th>Elevation Area</th><th>Sign</th><th>Signage Area</th><th>Coverage (%)</th></tr><tr><td rowspan="3">South-Eastern</td><td rowspan="3">183.1m²</td><td>Business Id Sign.</td><td>4.5m²</td><td rowspan="3">2.8%</td></tr><tr><td>Wall Sign.</td><td>0.64m²</td></tr><tr><td>Total</td><td>5.14m²</td></tr><tr><td>North-Eastern</td><td>104.4m²</td><td>Business Id Sign.</td><td>4.5m²</td><td>4.3%</td></tr></table>	Elevation	Elevation Area	Sign	Signage Area	Coverage (%)	South-Eastern	183.1m ²	Business Id Sign.	4.5m ²	2.8%	Wall Sign.	0.64m ²	Total	5.14m ²	North-Eastern	104.4m ²	Business Id Sign.	4.5m ²	4.3%	Yes.
Elevation	Elevation Area	Sign	Signage Area	Coverage (%)																		
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d)	<p>Council must not grant consent to the erection of signage outlined in the table below unless the signage complies with the development standards listed in the table below.</p> <table><tr><th>Sign Type</th><th>Development Standards</th></tr><tr><td>Business Identification Sign</td><td><ul style="list-style-type: none">Signs are to be placed in an appropriately or purposely designed space on new buildings or within the original historic signage space on an existing building.If backing boards used, their shape and size must be of the right proportions for the allocated space on the building so that signage does not cover the architectural features of a building.</td></tr><tr><td>Flush Wall Sign</td><td><ul style="list-style-type: none">Signs must be placed in an appropriately or purposely designed space on new buildings or within the original historic signage space on an existing building.If backing boards used, their shape and size must be of the right proportions for the allocated space on the building so that signage does not cover the architectural features of a building.Signs must not exceed 6m² in area or 5% of the elevation of the building on which the sign is fixed whichever is the lesser.</td></tr></table>	Sign Type	Development Standards	Business Identification Sign	<ul style="list-style-type: none">Signs are to be placed in an appropriately or purposely designed space on new buildings or within the original historic signage space on an existing building.If backing boards used, their shape and size must be of the right proportions for the allocated space on the building so that signage does not cover the architectural features of a building.	Flush Wall Sign	<ul style="list-style-type: none">Signs must be placed in an appropriately or purposely designed space on new buildings or within the original historic signage space on an existing building.If backing boards used, their shape and size must be of the right proportions for the allocated space on the building so that signage does not cover the architectural features of a building.Signs must not exceed 6m² in area or 5% of the elevation of the building on which the sign is fixed whichever is the lesser.	<p><u>Business Identification Sign</u></p> <p>The three (3) business identification signs have been placed in a suitable location on the existing building. No backing boards proposed.</p> <p><u>Flush Wall Sign</u></p> <p>The proposed wall signs have been placed in a suitable location on the existing building. No backing boards proposed.</p> <table><tr><th>Elevation</th><th>Elevation Area</th><th>Sign</th><th>Signage Area</th><th>Coverage (%)</th></tr><tr><td rowspan="2">South-Eastern</td><td rowspan="2">183.1m²</td><td>Business Id Sign.</td><td>4.5m²</td><td>2.5%</td></tr><tr><td>Wall Sign</td><td>0.64m²</td><td>0.3%</td></tr><tr><td>North-Eastern</td><td>104.4m2</td><td>Business Id Sign.</td><td>4.5m²</td><td>4.3%</td></tr><tr><td>South-Western</td><td>116.7m2</td><td>Business Id Sign.</td><td>3.6m²</td><td>3.1%</td></tr></table>	Elevation	Elevation Area	Sign	Signage Area	Coverage (%)	South-Eastern	183.1m ²	Business Id Sign.	4.5m ²	2.5%	Wall Sign	0.64m ²	0.3%	North-Eastern	104.4m2	Business Id Sign.	4.5m ²	4.3%	South-Western	116.7m2	Business Id Sign.	3.6m ²	3.1%	Yes.
Sign Type	Development Standards																															
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12.2.6 Signage in Heritage Conservation Areas		
Development Standard	Proposed	Compliance
a) Signs must not visually dominate the area of building walls. The total number of signs must not detract from the overall aesthetic character of the building.	The proposed signage does not visually dominate the area of building walls and the total number of signs does not detract from the overall aesthetic character of the building.	Yes.
b) Signs must be placed in an appropriately or purposely designed space on new buildings or within the original historic signage space on an existing building.	The proposed signage will be appropriately placed on the existing building.	Yes.
c) If backing boards used, their shape and size is to be of the right proportions for the allocated space on the building so that signage does not cover the architectural features or obscure windows of a building. In this regard signs painted directly on the building fabric are preferred (except on fabric that has not been previously painted).	No backing boards proposed.	Yes.
d) Signs must take into account the shape and proportion of the space they will fill and be in sympathy with that space.	The size and shape of each proposed sign is consistent with the proportion of the space in which they will be located.	Yes.
e) The size of the sign and its contents/design (letters, number and symbols) must complement the scale of the building to which they relate and its streetscape. A scale drawing of the building elevation is to be submitted with the development application showing that the sign and its contents are in proportion to the building.	The size of each proposed sign and the design/contents complements the scale of the existing building and the streetscape. Plans submitted to Council are sufficiently detailed.	Yes.
f) Colours used on signs are to include those outlined in section 12.3.3 below. Corporate colours should be modified to match the traditional colour range or be used only as trim on the sign.	No objections or concerns raised in relation to the colour selection of the proposed signage.	Yes.
g) The lettering/numbers/symbols used on the sign should generally reflect the designs that would have been historically used during the era when the building was constructed.	The lettering used on the signage is consistent with and does not dominate, other existing heritage signage located on the Tremains Mill site.	Yes.

Chapter 14 – Parking

The proposed development includes a variation to the number of required onsite carparking spaces, as outlined below.

Compliance Table – Chapter 14 “Parking” – <i>Bathurst Regional Development Control Plan 2014</i>		
14.3 CAR PARKING		
<u>Development Standards</u>		
Development Standard	Proposed	Compliance
a) Consent will generally not be given to alter, enlarge, convert or increase the capacity of any existing buildings, to erect new buildings, or to use any land unless off-street car parking is provided in accordance with this section.	18 additional carparking spaces proposed.	Yes.
c) All car parking spaces, ramps, aisles and driveways, shall be provided in accordance	Carparking spaces sufficiently sized and designed. Access to certain carparks will	Yes, subject to conditions.

	with the Guidelines issued by the Roads and Maritime Service.	be limited by virtue of the proposed fence (i.e. vehicles parked in spaces 12-14 will not be able to reverse out). It is recommended that conditions of consent be implemented (if approved) to ensure that the fence design is amended such that access to these spaces can be obtained from Manilla Street.	
e)	Car parking required to be provided on-site in accordance with this Plan is to be freely available to the users of the building which it serves.	All carparking will be located within Lot 11 DP 1266801, adjacent to the proposed gym. Due to the overall site configuration carparking across the site occurs in a number discrete areas. The carparking for the gymnasium will be physically separate from other parking and uses on the site.	Yes.
f)	Disability parking spaces, if required, are determined by the National Construction Code (see section D3.5) and are to be provided in accordance with that Code.	An accessible space is provided on site.	Yes.
Engineering and Building Standards			
	Development Standard	Proposed	Compliance
a)	On site car parking spaces shall not form part of vehicle manoeuvring areas or loading/unloading areas.	As previously discussed under Chapter 5.	Yes.
b)	All car parking areas are to be located behind the building line or should be adequately screened by landscaping to reduce the effect of the development on the streetscape (see section 13 – Landscaping and Greening of this Plan).	In this case the existing building line is established by virtue of the shed located on the Manilla Street property boundary. The carpark is located behind the building line.	Yes
c)	Car parking spaces and manoeuvring areas must comply with the minimum sizes outlined in Schedules 1 and 2 of this Plan.	As previously discussed under Chapter 5.	Yes.
d)	Visitors parking and disability parking spaces must be clearly designated and readily accessible.	Conditions of consent will be implemented (if approved) to ensure that all parking spaces (including the accessible space) are suitably marked.	Yes, subject to conditions.
e)	All parking areas are to be paved and line marked in accordance with Council's Engineering Standards.	As previously discussed under Chapter 5.	Yes, subject to conditions.
f)	Vehicular crossings and laybacks must be provided for satisfactory ingress/egress to the subject property	As previously discussed under Chapter 5.	Yes.
h)	Where car parking is provided at the rear of the site, the building is to provide a secondary entrance to integrate access between the building and the car park.	Direct pedestrian access between building and carpark will be available via the two existing sliding doors located on the North-Eastern elevation.	Yes.
i)	Sufficient manoeuvring area shall be provided for vehicles to be parked on the site in a manner which ensures that they can enter and exit the site in a forward direction.	As previously discussed under Chapter 5.	No. Variation proposed and considered acceptable.
Lighting			
	Development Standard	Proposed	Compliance
a)	Car parking areas are to be lit. All lights must have fully shielded fittings and security lighting of unattended premises must use a motion detector sensor switch.	Conditions of consent will be implemented (if approved) to ensure that suitable outdoor lighting is installed within the carpark.	Yes, subject to conditions.

Number of Parking Spaces			
Development Standard		Proposed	Compliance
a) Car parking spaces are to be provided for development in accordance with the following table. Any development not specified in the table will be considered and determined by Council on merit.		<p><u>Existing Land Uses</u></p> <p>The land currently contains a number of existing carparking spaces which are currently utilised by the existing developments/land uses located onsite.</p> <p>The following recent Development Consents granted by Council in relation to the subject land are relevant to the discussion:</p> <ul style="list-style-type: none">• 2016/253 – Additions and alterations to existing building (Victoria Stores building).• 2018/69 – Two lot subdivision (boundary adjustment).• 2018/198 - Partial demolition, alterations and additions to an existing commercial building for mixed commercial and serviced apartments, construction of amenities block, establishment of converted shipping containers for retail purposes, associated landscaping and fencing.• 2019/355 – Subdivision of two lots into two (boundary adjustment).• 2020/348 – Use of Existing Commercial Tenancy as Bakery. <p>For the purposes of these applications fourteen (14) spaces were noted to be provided on DA 2018/198 which covered the current commercial containers on site and the uses associated with the Victoria Stores building fronting Keppel Street.</p> <p>Contributions have not been required to be paid in lieu of any onsite carparking.</p> <p>It is noted that the Site Plan submitted to Council indicates that there are currently fifteen (15) spaces within the existing carpark located at the centre of the land, however, the parking space located closest to Building D is not existing and is actually covered by the existing building (see Figure 5). Therefore, it is considered that there are fourteen (14) existing spaces onsite.</p> <p><u>Existing “Spinifex” Office Premises</u></p> <p>Development Consent (No. 2020/336) was also recently granted by Council for a change of use of an existing building to an office premises (Spinifex). As part of that Development Consent, a total of eighteen (18) spaces</p>	No. Variation supported, subject to conditions.
Development	Minimum Standard		
Office premises	1 space per 50m ² . <u>Note:</u> Council may consider stack parking for development within a residential zone.		
Recreation facility or area (Indoor)	7.5 spaces per 100m ² .		

were to be provided on site although only sixteen (16) spaces would have been required for the development; being the fourteen (14) spaces previously provided under DA 2018/198 (albeit in a different location) and two (2) additional onsite carparking spaces based on an office floor area of 87m² at 1 space per 50m². These were approved within the location of the proposed new carpark associated with the gym (see **Figure 4**).

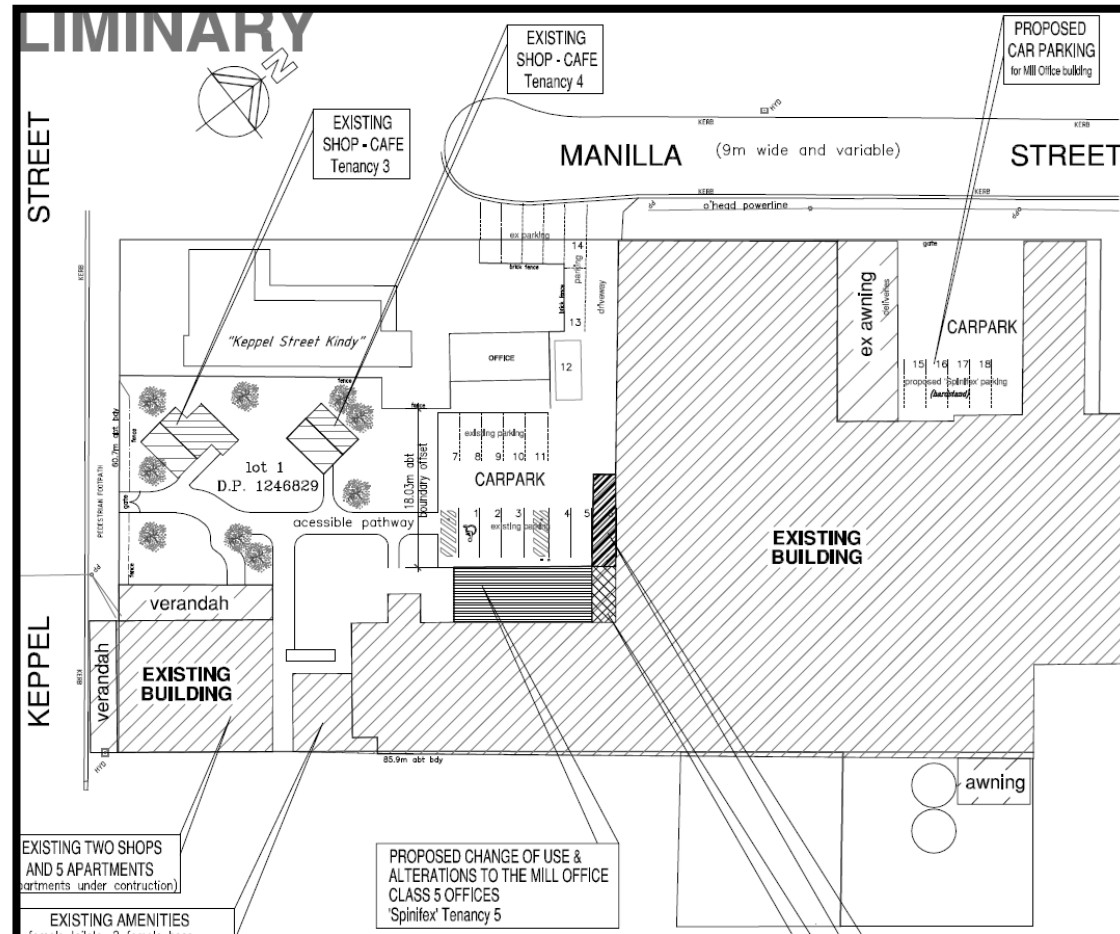


Figure 4 – Site Plan and Carparking Approved under Development Consent No. 2020/336 – Use of Existing Change-of-Use to Office – Lot 11 DP 1266801

Therefore, the two (2) onsite carparking spaces required for the existing office premises must also be catered for within the proposed new carpark and total number of additional spaces required onsite.

Proposed Indoor Recreational Facility (Gym) and New Carpark

The number of onsite carparking spaces required to be provided in association with the proposed development is calculated as follows:

Proposed Carparking Shortfall – Chapter 14 “Parking” – <i>Bathurst Regional Development Control Plan 2014</i>				
Land Use	Development Consent No.	No. Parking Spaces Required	No. Parking Spaces Proposed	Proposed Shortfall
Existing Uses (Commercial uses within Victoria Stores building, serviced apartments, commercial use shipping containers).	<ul style="list-style-type: none"> • 2016/253. • 2018/69. • 2018/198. • 2019/355. • 2020/348. 	14 spaces.	14 existing.	Nil.
Office Premises (Spinifex).	<ul style="list-style-type: none"> • 2020/336. 	2 spaces.	18 new spaces.	22 spaces.
Gym – Recreation facility (indoor)	<ul style="list-style-type: none"> • Current DA. 	<u>Gross Floor Area</u> 506.4m ² <u>Spaces Required</u> $506.4 \div 100$ $= 5.064 \times 7.5$ $= 38 \text{ spaces}$		55% variation for the gym (and office).
Total		54 spaces	32 spaces	22 spaces 40.7% variation across the whole site.

Applicant's Reasoning for Proposed Variation

The proposed development includes a shortfall of twenty-two (22) onsite carparking spaces. The applicant has provided the following reasoning for the proposed variation to Clause 14.3 of DCP 2014:

“The following Development Control Plan standard requests that the required number of onsite car parking spaces for the proposed gym be reduced from 38 to 15.

With reference to the One Strength statement provided with this submission, a parking survey has been carried out. The survey covers a full week of standard trading hours which are the same as proposed in the Bathurst location. As is evident in the survey, the maximum number of cars parked on site at any one time is 14. It is also noted that the Orange premises sub lets the tenancy to both 4 squash courts and a dance school, of which both of these contribute to the numbers surveyed. As there is no intention to sub let the subject premises in Bathurst, this will allow more car parking opportunity for gym patrons.

Prior to the gym application, a total of 18 onsite car parking spaces has been provided with previous applications. 10 spaces are allocated to commercial premises that generally operate under reduced hours due to the nature of the business type, this being coffee shop/cafe. 4 spaces are dedicated to short term accommodation, and a further 4 dedicated to an office premises. Given the varied hours of all uses of the site, the existing parking would provide opportunity for overflow parking from the gym, if required.

The Tremains Mill precinct is an important asset to Bathurst and surrounding areas. The adaptive re use of the heritage structures ensures that each of the buildings will be maintained in the future for all to enjoy. For this to occur, potential uses such as the proposed gym need to be given every opportunity to utilise the spaces. The available site area for on site parking is limited to that of existing open space, and open space created by demolition of 'ad hoc' structures. Whilst flexibility in matters such as fire safety and accessibility can not be entertained, flexibility in on site parking standards can be varied if the request is justified.

With the above in mind, we request the development control plan standard be varied as detailed”

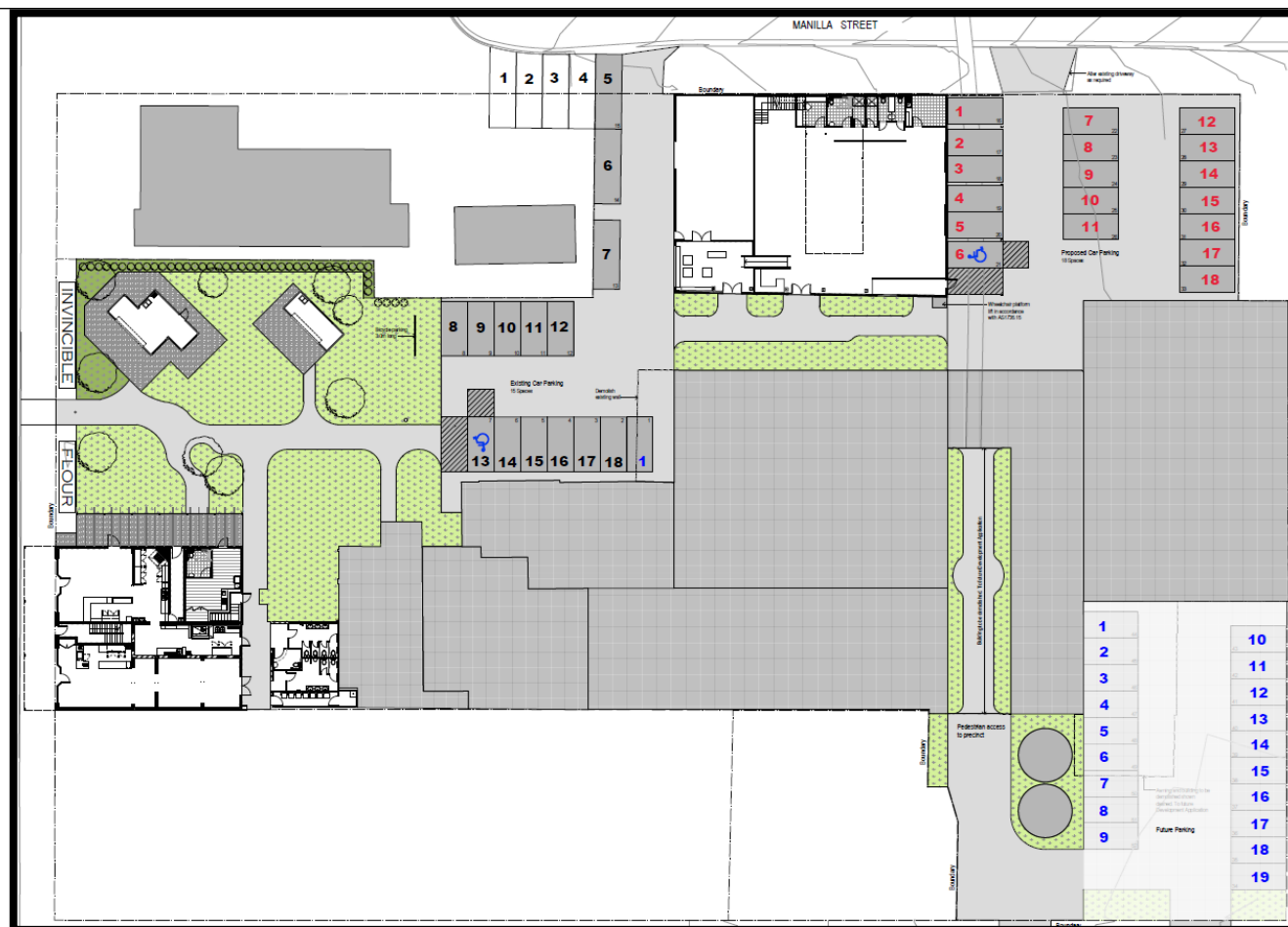
In support of the variation, the applicant also provided a carparking survey for a similar gym (under the same ownership) currently operating in Orange (146 Moulder Street Orange NSW 2800). The survey was undertaken at hourly intervals during the week of Monday 5 July 2021 to Sunday 11 July 2021. The results of the survey are provided as follows:

Existing Orange “One Strength” Gym Premises – Onsite Carparking Survey Monday 5 July 2021 to Sunday 11 July 2021										
Time of Day	Mon	Tue	Wed	Thur	Fri	Sat	Sun	Weekday Average	Weekend Average	Weekly Average
4am - 5am	2	3	3	3	2			3		3
5am - 6am	4	4	5	2	3			4		4

6am - 7am	6	3	3	6	2	2	1	4	2	3
7am - 8am	4	3	4	4	3	3	1	4	2	3
8am - 9am	3	3	2	3	1	4	2	2	3	3
9am - 10am	5	6	6	5	4	3	3	5	3	5
10am - 11am	5	7	5	4	6	4	4	5	4	5
11am - 12pm	4	3	7	5	3	4	4	4	4	4
12pm - 1pm	2	4	5	6	4	6	4	4	5	4
1pm - 2pm	2	4	5	3	3	5	2	3	4	3
2pm - 3pm	4	5	6	6	5	5	1	5	3	5
3pm - 4pm	10	12	8	8	4	4	1	8	3	7
4pm - 5pm	11	13	13	10	10			11		11
5pm - 6pm	9	13	14	11	10			11		11
6pm - 7pm	9	10	12	10	6			9		9
7pm - 8pm	4	6	8	6	2			5		5
8pm - 9pm	3	5	5	2	2			3		3

Additionally, the applicant also submitted a Carparking Concept Plan for the existing developments located onsite, the proposed gym and any additional future development likely to occur on the land (see **Figure 5** and **Attachment 16**).

Whilst the overall Concept Plan presents an opportunity for additional parking on the site it does not form part of the application. It is therefore difficult to give it much weight in terms of the overall contribution to parking on site.



Legend

- Existing Carparking Spaces
- Proposed Carparking Spaces
- Concept Carparking Spaces

Figure 5 – Carparking Concept Plan – Existing and Future Development/Land Use – Lot 11 DP 1266801

Council Comment

The proposed variation seeks a reduction in the total number of required onsite carparking spaces from fifty-four (54) to thirty-two (32) for both the existing uses and proposed gym, this being a 40.7% variation.

The hours of operation for the proposed development are consistent with the current operating hours of the existing gym located in Orange. The carparking survey for the Orange premises also indicated that the busiest hours generally occur between 3pm to 7pm, with a maximum number of fourteen (14) cars experienced onsite at any time during that week (Wednesday between 5 and 6pm). However, aerial mapping available for the Orange premises indicates that there is a maximum of approximately fourteen (14) parking spaces located onsite and no information has been provided by the applicant in relation to the potential overflow on street carparking generated by the gym.

The applicant has also stated that the existing land uses located on the development site tend to operate at varying hours and therefore, the existing onsite carparks could also accommodate any overflow carparking from the proposed gym. However, no survey information has been provided by the applicant in relation to the current weekly occupation rates of the existing carparks located on the Tremains Mill site and therefore, it cannot be determined whether the existing carparking could appropriately absorb any overflow from the gym, particularly during the likely peak hours of 3pm to 7pm. There is also a physical separation between the existing onsite carpark and the entrance door to the gym, which may encourage the use of on-street carparking over the use of the existing carpark due to proximity and ease of access.

Further, the applicant has stated that *“the available site area for on site parking is limited to that of existing open space, and open space created by demolition of ‘ad hoc’ structures.”* However, the applicant has also submitted a Concept Carparking Plan (see **Figure 5** and **Attachment 16**) to demonstrate that there will be remaining areas available on the land to provide additional carparking in association with any further future development of the site. Contrastingly, it is considered that this Concept Plan indicates that there is **currently** a sufficient area of land available on the site to provide an additional nineteen (19) space carpark as part of the currently proposed development. This would bring the total number of new carparking spaces to thirty-seven (37), leaving a deficit of only three (3) spaces.

Proposed Carparking Shortfall – Based on Implementation of Carparking Concept Plan		
Relevant Figures	Current Carparking Proposal Based on Site Plan	Current Carparking Potential Based on Concept Plan
Number Required	54	54
Number Provided	32	51

Shortfall	22	3
Percentage Variation	40.7%	5.6%

Lastly, the applicant has stated that leniency should be provided in relation to the number of required onsite carparking spaces in order to facilitate the adaptive reuse and heritage conservation of the site and building. Clause 7.9 of LEP 2014 provides the following in relation to the delivery of onsite carparking for development within a heritage conservation area:

Bathurst Regional Local Environmental Plan 2014

7.9 Conservation incentives for heritage conservation areas

- (1) Despite any other provision of this Plan, development consent may be granted for development for any purpose relating to a building that is a heritage item or in a heritage conservation area or, in the opinion of the consent authority, a building of heritage significance, or to land on which such a building is erected, if the consent authority is satisfied that—
 - (a) the conservation of the building will be facilitated by the granting of consent, and
 - (b) the development is in accordance with a heritage management document that has been approved by the consent authority, and
 - (c) the development will not adversely affect the heritage significance of the building, including its setting, and
 - (d) the development will not have any significant adverse effect on the amenity of the surrounding area.
- (2) A development consent granted under this clause is to be granted on the condition that all necessary conservation work identified in the heritage management document is to be carried out.
- (3) Despite any other provision of this Plan, the consent authority may, when considering an application for development consent to erect a building on land on which a heritage item is located or on land within a heritage conservation area, for the purpose of determining—
 - (a) the floor space ratio, and
 - (b) the number of parking spaces to be provided on the site,

exclude the floor space of the heritage item or the existing building in the heritage conservation area from its calculation of the floor space of the buildings erected on the land, but only if the consent authority is satisfied that the conservation of the heritage item or the existing building in the heritage conservation area depends on its making the exclusion.

However, it is considered that leniency should not be granted under Clause 7.9 of LEP 2014, for the following

reasons:

- The development is in accordance with an approved heritage management document that has been prepared in relation to the land, being the *Tremains Flour Mill, Conservation Management Plan* (CMP) (prepared by Senthilpavai Kasiannan, dated 4 May 2016). However, the CMP identifies the existing shed as having a low heritage significance.
- The CMP identifies that the existing shed appears to be in a good condition. It is considered that there are alternate land uses which could be more suited to the existing shed, which could allow for its ongoing conservation as well as result in a lower degree of traffic generation and amenity impacts on the surrounding residential area.
- The Development Application does not include a proposal to fulfill all necessary conservation work identified in the CMP.
- Whilst the “erection of a building” includes the making of alterations to a building (by definition), it is considered that the conservation of the existing building does not rest solely on the proposed development and the exclusion of the existing floor area from the carparking calculations. For instance, there are various other alternate land uses which could be more suited to the existing shed which would result in a lower degree of traffic generation. Therefore, Clause 7.9(3)(b) should not be applied to the proposed development.

RTA Guide to Traffic Generating Developments, 2002

Council's current carparking rate for a recreation facility (indoor) is reflective of the “desirable provision” of 7.5 spaces per 100m² of GFA for gymnasiums, as outlined under the *RTA Guide to Traffic Generating Developments, 2002* (RTA Guide). The RTA Guide defines a gymnasium as “a building... used for organised or instructed indoor exercise...” and also recommends a “minimum provision” of 4.5 spaces per 100m² of GFA.

Given the proximity of the development site to the Bathurst CBD, the availability of public and non-vehicular transport (e.g. buses and footpaths) within the immediate area and that no group fitness classes are proposed to be provided by the gym as part of this application, it not be unreasonable to apply the lower of the two carparking rates provided within the RTA Guide. In this circumstance, the development would include a shortfall of only seven (7) parking spaces; being a 17.9% variation to the RTA Guide.

**Proposed Carparking Shortfall – “Minimum Provision” for Gymnasium
under RTA Guide to Traffic Generating Development, 2002**

Land Use	Development	No. Parking	No. Parking	Proposed
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	Consent No.	Spaces Required	Spaces Proposed	Shortfall	
Existing Uses (Commercial uses within Victoria Stores building, serviced apartments, commercial use shipping containers).	<ul style="list-style-type: none"> • 2016/253. • 2018/69. • 2018/198. • 2019/355. • 2020/348. 	14 spaces.	14 existing.	Nil.	
Office Premises (Spinifex).	<ul style="list-style-type: none"> • 2020/336. 	2 spaces.	18 new spaces.	7 spaces.	
Gym – Recreation facility (indoor)	<ul style="list-style-type: none"> • Current DA. 	<u>Gross Floor Area</u> 506.4m ² <u>Spaces Required</u> 506.4 ÷ 100 = 5.064 x 4.5 = 23 spaces			
Total		39 spaces	32 spaces	7 spaces 17.9% variation	
<p><u>Existing Precedent – Carparking Shortages for the “Snap Fitness” Gym</u></p> <p>In considering the appropriateness of the proposed variation, it is important to note that Council has previously granted carparking concessions to similar developments in the past, including Development Consent No. 2013/0133 (considered by Council at its meeting held 17 July 2013) for a change of use from a retail premises (previously “Discount Daves”) to a 24-hour recreation facility (indoor) (“Snap Fitness” gym) on land known as Lot 11 DP 1200984, 85 Keppel Street Bathurst.</p> <p>85 Keppel Street is similarly a mixed-use commercial site located within the Bathurst Heritage Conservation Area. The land currently contains an indoor recreation facility (“Snap Fitness”), food and drink premises (“Dogwood” and “Food Buds”) and office premises (“Andrew Gee” and “Sureway”). The Development Application (No. 2013/0133) for the recreation facility (gym) was originally refused by Council under delegation on 24 April 2014, for the following reasons:</p> <ol style="list-style-type: none"> 1. The proposal does not provide adequate off street carparking in accordance with the Bathurst Regional (Interim) Development Control Plan 2011. 2. The proposal does not provide adequate bicycle parking in accordance with the Bathurst Regional (Interim) 					

	<p>Development Control Plan 2011.</p> <p>3. The proposal does not comply with the advertising signage standards required by the Bathurst Regional (Interim) Development Control Plan 2011.</p> <p>The Statement of Environmental Effects originally submitted with the application included a request that Council “waive” its adopted parking rates for gymnasiums on the basis of the absence of group classes, the availability of existing parking and the location within the centre of town. No empirical data to support the request was provided and the application was refused.</p> <p>However, a Section 8.2(1)(a) (formerly S.82A) “Review of Determination” was subsequently submitted to Council by the applicant for re-consideration. The matter was referred to the Ordinary Meeting of Council held on 17 July 2013 for determination and the following resolution was made:</p> <p>ORDINARY MEETING OF COUNCIL HELD ON 17 JULY 2013</p> <p>MINUTE No. 10, Item 5</p> <p>RESOLVED: That Council:</p> <p>(b) having undertaken a review of Development Application 2013/0133 change its decision and approve the application 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:</p> <ul style="list-style-type: none"> (i) The subject land is to be consolidated with the adjoining 85 Keppel Street into a single allotment prior to the Occupation of the building. (ii) The proposed above awning signage is excluded from the consent. (iii) A minimum 5 bicycle parking spaces is provided on site. (iv) The premises is not to be used for group classes. (v) The non-compliant car parks are to be remarked accordingly. <p>Additional information in support of the carparking variation was submitted to Council as part of the review of determination and Development Consent was granted based on the following particulars:</p> <ul style="list-style-type: none"> • The development included a 60.0% variation to the carparking standards of <i>Bathurst Regional (Interim) Development Control Plan 2011</i> (i.e. 7.5 spaces per 100m²); being a shortfall of 45 spaces. 	
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Snap Fitness – Carparking Shortfall under *Bathurst Regional (Interim) Development Control Plan 2011*

Land Use	Development Consent No.	No. Parking Spaces Required	No. Parking Spaces Proposed	Proposed Shortfall
Other existing Uses (Food and drink premises and office premises).	• 2008/0360.	19 spaces	30 spaces	Nil.
Gym – Recreation facility (indoor)	• 2013/0133	<u>Gross Floor Area</u> 737m ² <u>Spaces Required</u> $737 \div 100$ $= 7.37 \times 7.5$ $= 56 \text{ spaces}$		45 spaces.
Total		75 spaces		45 spaces 60.0% variation

- Group fitness classes were not proposed nor approved as part of the Development Consent.
- The development included a 43.4% variation to the recommended “minimum” carparking provision for a gymnasium under the *RTA Guide to Traffic Generating Developments, 2002* (i.e. 4.5 spaces per 100m²); being a shortfall of 23 spaces.

Snap Fitness – Carparking Shortfall Based on “Minimum Provision” for Gymnasium under *RTA Guide to Traffic Generating Development, 2002*

Land Use	Development Consent No.	No. Parking Spaces Required	No. Parking Spaces Proposed	Proposed Shortfall
Existing Uses (Food and drink premises and office premises).	• 2008/0360.	19 spaces	30 spaces	Nil.
Gym – Recreation facility (indoor)	• 2013/0133	<u>Gross Floor Area</u> 737m ² <u>Spaces Required</u>		23 spaces.

		$737 \div 100$ $= 7.37 \times 4.5$ $= 34 \text{ spaces}$			
	Total	53 spaces		23 spaces	43.4% variation
<ul style="list-style-type: none"> As part of the review of determination, the applicant provided empirical data including patronage figures from other operating “Snap Fitness” centres, in order to determine the likely carparking demand of the development. The applicant estimated that 80% of patrons would travel to gym by car and the remaining 20% would travel by foot, bicycle or shared transport. Based on the parking surveys of other “Snap Fitness” premises and the predicted means of travel, it was determined that there would be a shortfall of only 1 to 2 spaces between the hours of 5pm and 8pm, which is generally outside the core business hours for other premises operating on the site. The shortfall of up to two (2) spaces between 5pm and 8pm was considered acceptable. No contributions in lieu of the shortfall were required to be paid. The land was completely occupied by existing commercial buildings and carparking. There was no additional room available onsite for the provision of additional carparking spaces. The conservation of the existing building within the Bathurst Heritage Conservation Area did not rest solely on the proposed development. Leniency on the number of required carparking spaces was not granted based on the ongoing heritage conservation of the site and surrounding area. The net result of Council's consideration of the “Snap Fitness” proposal was that it accepted 15 spaces for the use. Based on the tenancy area of 737m² this equated to 1 space per 49.13m². <p><u>Recommendation</u></p> <p>Given that the Tremains Mill site is located within the Bathurst CBD and that no group fitness classes are proposed as part of this application, it is considered that the “minimum provision” (4.5 spaces per 100m² GFA) for gymnasiums from the RTA Guide should be adopted as the relevant onsite carparking standard for the proposed</p>					

	<p>indoor recreation facility in this case.</p> <p>Whilst Council has previously accepted a lesser standard for the “Snap Fitness” proposal, the development is distinguishable in one important aspect in that this proposal is located in a street which is dominated by residential development. Any overflow parking in the residential precinct is therefore likely to impact on the availability of on street parking. In this context the site is more sensitive to shortfalls in parking than other areas. This shortfall will remain the case notwithstanding whether Council accepts the lesser standard with or without Section 7.11 contributions that may be imposed.</p> <p>Therefore, a total of thirty-nine (39) onsite carparking spaces are required for both the existing land uses and the proposed gym. However, a total of only thirty-two (32) onsite carparking spaces are proposed to be provided meaning that the proposed development includes a shortfall of seven (7) parking spaces; being a 17.9% variation to the RTA Guide.</p>	
Contributions in Lieu		
Development Standard	Proposed	Compliance
<p>a) Council may consider a cash contribution, in lieu of on-site parking provision where:</p> <ul style="list-style-type: none"> i) As many car parking spaces as possible have been provided on-site, and ii) The subject land is located within the area subject to Council's relevant Section 94 Plan for car parking spaces, and iii) The subject land is located in an area where, in the opinion of Council, public car parking under the Section 94 Plan can be provided within reasonable proximity to the development. 	<p><u>Contribution in Lieu</u></p> <p>The subject land is located within the application area of Council's Section 7.11 Development Contributions Plan <i>Bathurst CBD Carparking, 2014</i> and it is considered that public carparking under this plan could be provided within reasonable proximity to the development.</p> <p>The submitted Carparking Concept Plan indicates that there is currently a sufficient area available on the land to provide a total of fifty-one (51) onsite carparking spaces. However, the submitted Site Plan indicates that only eighteen (18) new carparking spaces are proposed to be constructed as part of this development, bringing the total onsite to only thirty-two (32) out of the required thirty-nine (39). It is however noted that under the Concept Plan carparking will be located in various locations across the site. Additional spaces on Havannah Street as indicated on the Concept Plan would not be accessible by users of the gym without demolition of other buildings on site which has not been considered as part of this application. Its overall value to the debate is therefore limited.</p> <p>Clause 14.3(a)(i) of DCP 2014, states that “<i>Council may consider a cash contribution in lieu of on-site parking provision where as many parking spaces as possible have been provided on-site.</i>” It is considered that “as many carparking spaces as possible” have not been provided because the Carparking Concept Plan indicates that more spaces could be provided onsite to achieve compliance with the RTA Guide.</p> <p><u>Options to Address Shortfall</u></p>	<p>Yes, subject to conditions.</p>

	<p>In essence, there are three (3) options available to Council in addressing the proposed shortfall in onsite carparking spaces:</p> <p>Option 1: Refuse the Development Application.</p> <p>The proposed carparking variation could be opposed and the development refused on the following grounds:</p> <ul style="list-style-type: none"> • The carparking survey for the Orange gym premises does not provide any indication as to the onstreet carparking occupancy rates resulting from the development, particularly during peak hours when the onsite carpark is full. • Unlike the Development Application (No. 2013/0133) for “Snap Fitness”, no carparking survey information has been provided by the applicant in relation to the current weekly occupation rates of the existing carparks located on the Tremains Mill site and therefore, it cannot be determined whether the existing carparking could appropriately absorb any overflow from the gym, particularly during the likely peak hours of 3pm to 7pm. • The development site has frontage onto a residential street and any additional overflow of carparking onto Manilla Street could result in significant impacts, notably including congestion and noise. • There is a physical separation between the existing onsite carpark and the entrance door to the gym, which may encourage the use of on-street carparking over the use of the existing carpark due to proximity and ease of access. • The submitted Carparking Concept Plan indicates that there is currently a sufficient area of land available onsite to ensure compliance with the “minimum provision” of the RTA Guide, nonetheless, the applicant does not propose to provide these additional spaces. Access to the additional parking areas would only be achievable if other buildings on the site are removed. Whilst this may form part of the overall masterplan it does not form part of this application. • The Tremains Mill CMP identifies that the existing shed has a low heritage significance. The ongoing conversation of the building and site does not rest on the use of the building as a gym and the granting of a concession to the number of required onsite carparking spaces. There are various other alternate land uses which could be more suited to the existing shed and would result in a lower degree of traffic generation and amenity impacts. <p>Option 2: Require the Developer to Pay Contributions in Lieu of the Shortfall.</p>	
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	<p>The following conditions of consent could be implemented (if approved) to ensure that the applicant pays a contribution in lieu of the seven (7) carparking spaces which are not proposed to be provided to achieve compliance with the “minimum provision” of the RTA Guide:</p> <ul style="list-style-type: none"> • The provision of at least eighteen (18) car parking spaces in the carpark on the north eastern side of the gymnasium in a manner that is in accordance with Australian Standard AS 2890.1 – 2004 Car Parking and Council’s Offstreet Car Parking Code. • The payment to Council of \$134,721.30 for the provision of carparking within the Bathurst CBD in accordance with Council’s Section 94 or 7.11 Contributions Plan “Bathurst CBD Car Parking” (being the equivalent of 7 spaces). • Group fitness classes are not permitted to be carried out on the land in association with the approved recreation facility (indoor). <p>This option is the preferred option if the development is to be approved, as it would offset the impacts of the proposed carparking shortfall through the required payment of Section 7.11 Development Contributions towards the provision of other public carparking within the CBD in the future. It should be noted that this option grants a concession to the number of onsite carparking spaces that would otherwise have been required by the DCP standard (i.e. a total of 39 spaces required rather than 54), as well as allows the development to proceed without provision of the additional carparking spaces required to achieve compliance with the “minimum provision” of the RTA Guide.</p> <p>Option 3: Approve the Shortfall without a Requirement to Pay Contributions (Not Recommended).</p> <p>The development and associated carparking shortfall of seven (7) spaces could be approved as proposed, without implementing a condition to require the payment of a contribution in lieu. This option is not recommended for the reasons listed under Option 1 above.</p> <p>Additionally, in recent times Council has consistently required the payment of Section 7.11 Development Contributions in lieu of onsite carparking for a number of high-intensity land uses within the Bathurst CBD, such as Development Consent No. 2020/95 for additions and alterations to the “Oxford Hotel” and Development Consent No. 2019/295 for the mixed use commercial development of the old “Dairy Farmers” site (Quest Apartments).</p> <p>Council’s current Section 7.11 Development Contributions Plan for Bathurst CBD Car Parking came into effect on 19 November 2014, being the date that LEP 2014 came into force. In accordance with Clause 1.4, the purpose of the plan is to <i>“ensure that the existing community is not burdened by the provision of car parking facilities required</i></p>	
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	<p><i>as a result of future development where car parking is not provided onsite in accordance with the rate set by the Bathurst Regional Development Control Plan (DCP)” and to “allow the accumulation of funds which can be used for the development of properly planned and suitability located parking areas.”</i></p> <p>Further, Clause 1.6 of the Plan states that <i>“Council will impose conditions of consent requiring payment of contributions... in the case of developments resulting in a contribution payable owing to deficit onsite car parking spaces.”</i></p> <p>Lastly, Clause 1.9 of the Plan states that <i>“Exemptions will not be given for any development outlined in the Contributions Plan without an express resolution of Council.”</i> Whilst this Clause provides no guidance as to the circumstances where such an exemption may be granted, it is not unreasonable to suggest that there should be a very clear rational basis for such a decision. Absent a clear and rational reason, exemptions would be tantamount to abandoning the Plan itself. This creates significant issues for the proper administration of the Plan itself and creates inequities between different types of development, whether new or additional to existing uses.</p> <p>On this basis it is clear from the adopted Plan that:</p> <ol style="list-style-type: none"> 1. The Plan applies to the proposal by virtue of Clause 1.3, as the land is identified on the relevant map. 2. The proposal falls within the ambit of Clauses 1.4 and 1.6, with the development including an onsite carparking deficit of seven (7) spaces based on the “minimum provision” of the RTA Guide. 3. The development of an indoor recreation facility (gym) on the land will increase the demand for on-street and public carparking. It is necessary that Development Contributions be paid towards the provision of planned and suitably located public parking areas within the Bathurst CBD that will be required as a consequence of the development, or that has been provided in anticipation of or to facilitate such development. <p>Given that there is a clear nexus between the proposed development and the increased demand for on street and public carparking, it would not be in the public interest to waive or reduce the amount of contributions to be paid without any clear and rational reason. A waiver of contributions would increase the cost of providing public carparking facilities for the current and future populations of the Bathurst Region and could set an unwanted precedent for other CBD-based commercial/recreational developments to follow.</p>	
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14.4 BICYCLE PARKING										
Development Standards										
Development Standard			Proposed	Compliance						
a)	Consent will generally not be given to alter, enlarge, convert or increase the capacity of any existing buildings, to erect new buildings, or to use any land unless bicycle parking is provided in accordance with this section.		Noted. Bicycle parking will need to be provided onsite.	Noted.						
b)	Bicycle parking is to be provided in a manner where cyclists are able to secure the frame and two wheels of a bicycle to a fixed, secure stand, with the cyclists own lock and chain.		Conditions of consent will be implemented (if approved) to ensure that appropriate and secure bicycle stands are provided.	Yes.						
c)	Bicycle parking is to be provided on-site, in a secure location with adequate surveillance. The siting of facilities is to consider the likely principle user (e.g. employees or customers; residents or visitors). Council may approve the provision of bike parking on the street where considered appropriate.		The bicycle parking is proposed to be located within the shared courtyard area of the Tremains Mill site, where there is regular foot traffic and passive surveillance.	Yes.						
Number of Bicycle Parking Spaces										
Development Standard			Proposed	Compliance						
a)	Bicycle parking spaces are to be provided for development in accordance with the following table. Any development not specified in the table will be considered and determined by Council on merit.		<table><tr><th>Calculated Requirement</th><th>No. Proposed</th></tr><tr><td><u>Gross Floor Area</u> 506.4m²</td><td rowspan="4">3 metre long bicycle bay proposed in the existing shared courtyard area.</td></tr><tr><td><u>Number of Employees</u> Maximum of 3 employees onsite at any time.</td></tr><tr><td><u>Spaces Required</u> (506.4 ÷ 200) + 1 = 4 bicycle parking spaces</td></tr></table>	Calculated Requirement	No. Proposed	<u>Gross Floor Area</u> 506.4m ²	3 metre long bicycle bay proposed in the existing shared courtyard area.	<u>Number of Employees</u> Maximum of 3 employees onsite at any time.	<u>Spaces Required</u> (506.4 ÷ 200) + 1 = 4 bicycle parking spaces	Yes, subject to conditions.
Calculated Requirement	No. Proposed									
<u>Gross Floor Area</u> 506.4m ²	3 metre long bicycle bay proposed in the existing shared courtyard area.									
<u>Number of Employees</u> Maximum of 3 employees onsite at any time.										
<u>Spaces Required</u> (506.4 ÷ 200) + 1 = 4 bicycle parking spaces										
<table><tr><th>Development</th><th>Employee/ Resident Standard</th><th>Customer/ Visitor/ Student Standard</th></tr><tr><td>Recreation facility or area (Indoor and Outdoor)</td><td>1 per 4 employees.</td><td>1 per 200m².</td></tr></table>		Development	Employee/ Resident Standard	Customer/ Visitor/ Student Standard	Recreation facility or area (Indoor and Outdoor)	1 per 4 employees.	1 per 200m ² .			
Development	Employee/ Resident Standard	Customer/ Visitor/ Student Standard								
Recreation facility or area (Indoor and Outdoor)	1 per 4 employees.	1 per 200m ² .								

Chapter 15 – Crime Prevention

The proposed development includes a change of use to an indoor recreational facility. In accordance with Clause 15.4(a) of DCP 2014, the application was referred to the Bathurst Police for consideration and the following comments were received:

Bathurst Police – 25 May 2021

1. Introduction

In line with section 4.15 of the New South Wales Planning & Assessment Act 1979 and the New South Wales Planning Guidelines, the below report has been conducted on Development Application 2021/120.

2.1 Current environment

The premise forms part of the Tremain Mill site. The business is surrounded by a mix of residential and commercial enterprises and is situated a few blocks from the CBD of

Bathurst. The Victoria Hotel and the Bathurst Railway Station is within a very short walk from the premise.

2.2 Proposed development

The Gym will be located within an existing building on the site and renovations will be carried out to convert the existing building into a Gym. It is not stipulated how the members will access the premises after hours and whether a fob system/swipe card system will be used to enter the premises.

The trading hours for the Gym are as follows:

Unable to determine if staff on site after normal working hours.

Weekdays: 4:00am – 9:00pm

Weekends: 6:00am – 4:00pm

3. Crime risks and identified issues

Brett Moulds have included their CPTED plan and the proposed security treatment in the application. There is no reference to lighting, signage and CCTV in the application. The risk assessment has been completed based on the information received and the implementation of treatments as set out.

After conducting a Safer by Design Evaluation for this development application the crime risk rating has been identified on a sliding scale of low, moderate and high. The rating for this development is **Moderate Crime Risk**. By implementing the recommendations for lighting, CCTV and an intruder alarm system this will significantly reduce the risk rating.

4. Recommendations

Due to the nature of the development, identified crime risks and issues, NSWPF recommend the following:

1. Lighting/Surveillance/Technical – Moderate Risk

Lighting must meet the minimum Australian standard for public streets, car parks and pedestrian access. There is a proven correlation between poor lighting, fear of crime, the avoidance of public/private space and crime opportunity.

- Consider lighting from walkways to the Gym.
- Install sensor lighting or similar at all access points, including the rear of the premises.
- Ensure all lighting is vandal resistant.

By installing a lighting plan this will significantly reduce the risk for criminal activity.

Surveillance/Technical Supervision

No reference made to CCTV cameras or alarm systems in the application.

- Install CCTV cameras inside and outside the premises.
- Install intruder alarm system.

2. Territorial Reinforcement- Low Risk

Public areas that are well maintained take on semi-public spatial characteristics,

in that people perceive that the space is cared for and controlled.

Access points should be clear, legible and useful. Signage is best located at or prior to junctions requiring people to make decisions. Signage has not been addressed in the application.

Recommend:

- Signage installed to recognise Business.
- CCTV cameras in use 24 hours
- Alarm system in use 24 hours.
- Trespassers will be prosecuted.

3. Environmental Maintenance – Low Risk

Area image can impact feelings of safety and danger: Landscaping can be used to enhance the appearance of the development and assist in reducing opportunities vandalism. However, landscaping can provide concealment and entrapment areas for people involved in criminal activities. Plants that block natural sight lines lessen natural surveillance. There does not appear to be any evidence of overgrown/run down vegetation at the site.

A maintenance plan will be implemented, and this development should enhance the existing site and other activities at the site.

4. Access Control – Low Risk

Barriers help to restrict, channel and encourage the movement of people and vehicles into and out of designated areas.

Access control: Fire Plan submitted nil issues identified that would affect the application. Vehicle parking in Manilla Street. Pedestrian access from Keppel and Manilla Streets. Carparking also on site.

All entry points to be fitted with appropriate door locks.

Disclaimer

The New South Wales Police Force has a vital interest in ensuring the safety of members of the community and their property. By using the recommendations contained in this assessment, any person who does so acknowledges that:

- It is not possible to make all areas evaluated by the NSWPF entirely safe for members of the community or the security of their property.
- It is based upon the information provided to the NSWPF at the time the assessment was made.
- This assessment is a confidential document and is for use of the consent authority unless otherwise agreed.
- The contents of this assessment are not to be copied or circulated otherwise than for the purposes of the consent authority, unless otherwise agreed.

The NSW Police Force hopes that by using the recommendations contained in this assessment, criminal activity will be reduced and the safety of members of the community and the security of their property will increase. However, it does not guarantee that all risks have been identified, or that the area assessed will be free from criminal activity if its recommendations are followed.

Should you have any questions in relation to the evaluation contact Senior Constable Sue Rose, Crime Prevention Officer, Chifley PD, Phone 02 63328699.

Bathurst Police have identified that the proposed development will have a moderate crime

risk. It is recommended that conditions of consent are implemented (if approved) to ensure that some of the above recommendations are implemented on site to reduce this risk.

A Crime Risk Assessment was submitted to Council with the Development Application and no objections or concerns were raised by Bathurst Police in relation to the CPTED principles to be adopted in the development. A condition of consent should be implemented (if approved) to ensure that the development is generally carried out in accordance with the document.

Chapter 16 – Earthworks

The proposed development includes minor earthworks/ground disturbance which will not result in any significant change in level at the property boundary. Conditions of consent will be implemented (if approved) to ensure that suitable erosion and sedimentation controls are installed onsite, prior to the commencement of any works.

Likely Environmental (Natural and Built), Social and Economic Impacts

Noise Transmission

An Acoustic Report (dated 5 August 2021) and supporting information (dated 5 August 2021 and 2 November 2021) has been prepared by Acoustic Logic in accordance with the NSW EPA *Noise Policy for Industry 2017* (NPI) and the NSW EPA *Road Noise Policy* (see **attachments 7, 17** and **18**).

Development Proposal

The following details are relevant to the degree and duration of likely noise impacts from the proposed development:

- The indoor recreation facility and associated carpark is proposed to be located on the Northern side of Lot 11 DP 1266801, adjacent to Manilla Street.
- Manilla Street currently experiences relatively lower levels of traffic generation in comparison to Keppel Street and Havannah Street, which each experience a medium traffic volume.
- Manilla Street is largely dominated by existing residential developments.
- The proposed indoor recreational facility will be located within the existing Tremains Mill site which contains various commercial land uses.
- The development will adjoin an existing child care centre (“Keppel Street Kindy”) located the West of the subject land, fronting Keppel Street.
- The indoor recreational facility is proposed to operate between the following hours:

Mondays to Fridays	4:00am to 9:00pm
Saturdays and Sundays	6:00am to 4:00pm

Noise Sensitive Receivers

The Acoustic Report identified the following sensitive receivers (see **Figure 6**) located

within proximity to the subject land:

Nearby Sensitive Receivers		
Receiver No.	Description	Property Address
R1	Existing single-storey dwelling houses residential developments located on the Northern side of Manilla Street.	11 – 25 Manilla Street Bathurst.
R2	Existing single-storey dwelling house located to the North-East of the subject land.	2 Manilla Street Bathurst.
R3	Existing single-storey residential dwellings located to the South-East of the subject land.	55 – 59 Havannah Street Bathurst.
R4	Existing residential developments located on the South-Western side of Keppel Street, adjacent to the subject land.	2 – 42 Keppel Street Bathurst.
R5	“Keppel Street Kindy” – Existing child care centre located to the West of the subject land, fronting Keppel Street.	13 Keppel Street Bathurst.
R6	“The Victoria Hotel” – Existing pub and restaurant located to the South of the subject land, on the corner of Havannah Street and Keppel Street.	3 Keppel Street Bathurst.

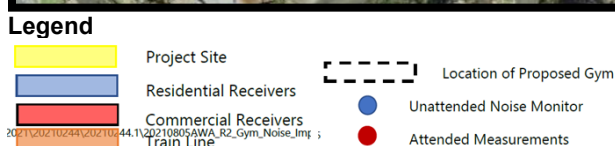


Figure 6 – Extract from Acoustic Report – Location of Noise Monitoring Data and Nearby Sensitive Receivers – Lot 11 DP 1266801

NPI Background Information

The following section provides relevant background information from the the NPI in relation to identifying the relevant Project Noise Trigger Levels and Sleep Disturbance Levels.

PROJECT NOISE TRIGGER LEVELS
<i>The project noise trigger level provides a benchmark or objective for assessing a proposal or site. It is not intended for use as a mandatory requirement. The project noise trigger level is a level that, if exceeded, would indicate a potential noise impact on the community, and so</i>

'trigger' a management response; for example, further investigation of mitigation measures.

The project noise trigger level is the **lower** (that is, the more stringent) **value** of the **project intrusiveness noise level** and **project amenity noise level** determined in Sections 2.3 and 2.4.

The project intrusiveness noise level aims to protect against significant changes in noise levels, whilst the project amenity noise level seeks to protect against cumulative noise impacts from industry and maintain amenity for particular land uses. Applying the most stringent requirement as the project noise trigger level ensures that both intrusive noise is limited and amenity is protected and that no single industry can unacceptably change the noise level of an area.

Intrusive noise levels are only applied to residential receivers (residences). For other receiver types identified in Table 2.2, only the amenity levels apply.

Project Intrusiveness Noise Level

The intrusiveness of an industrial noise source may generally be considered acceptable if the level of noise from the source (represented by the L_{Aeq} descriptor), measured over a 15-minute period, does not exceed the background noise level by more than 5 dB when beyond a minimum threshold. This intrusiveness noise level seeks to limit the degree of change a new noise source introduces to an existing environment.

The intrusiveness noise level is determined as follows:

$$L_{Aeq, 15min} = \text{rating background noise level} + 5\text{dB}$$

where:

$L_{Aeq, 15min}$ represents the equivalent continuous (energy average) A-weighted sound pressure level of the source over 15 minutes.

Minimum assumed RBLs apply in this policy. These result in minimum intrusiveness noise levels as follows:

Table 2.1: Minimum assumed RBLs and project intrusiveness noise levels.

Time of Day	Minimum Assumed Rating Background Noise Level (dB[A])	Minimum Project Intrusiveness Noise Levels ($L_{Aeq, 15min}$ dB[A])
Day	35	40
Evening	30	35
Night	30	35

Project Amenity Noise Level

To limit continuing increases in noise levels from application of the intrusiveness level alone, the ambient noise level within an area from all industrial noise sources combined should remain below the recommended amenity noise levels specified in Table 2.2 where feasible and reasonable. The recommended amenity noise levels will protect against noise impacts such as speech interference, community annoyance and some sleep disturbance.

The recommended amenity noise levels represent the objective for total industrial noise at a receiver location, whereas the project amenity noise level represents the objective for noise from a single industrial development at a receiver location.

To ensure that industrial noise levels (existing plus new) remain within the recommended amenity noise levels for an area, a project amenity noise level applies for each new source of industrial noise as follows:

Project amenity noise level for industrial developments = recommended amenity noise level (Table 2.2) minus 5 dB(A)

The following exceptions to the above method to derive the project amenity noise level apply:

1. In areas with high traffic noise levels (see Section 2.4.1).
2. In proposed developments in major industrial clusters (see Section 2.4.2).
3. Where the resultant project amenity noise level is 10 dB or more lower than the existing industrial noise level. In this case the project amenity noise levels can be set at 10 dB below existing industrial noise levels if it can be demonstrated that existing industrial noise levels are unlikely to reduce over time.
4. Where cumulative industrial noise is not a necessary consideration because no other industries are present in the area, or likely to be introduced into the area in the future. In such cases the relevant amenity noise level is assigned as the project amenity noise level for the development.

Table 2.2: Amenity noise levels

Receiver	Noise Amenity Area	Time of Day	L _{Aeq} , dB(A) Recommended Amenity Noise Level
Residential	Rural	Day	50
		Evening	45
		Night	40
	Suburban	Day	55
		Evening	45
		Night	40
	Urban	Day	60
		Evening	50
		Night	45
Commercial Premises	All	When in Use	70
Industrial Premises	All	When in Use	70

Table 2.3 of the NPI is used to determine which residential receiver category applies.

Table 2.3: Determining which of the residential receiver categories applies.

Receiver Category	Typical Planning Zoning – Standard Instrument*	Typical Existing Background Noise Levels	Description
Rural residential	RU1 – primary production RU2 – rural landscape RU4 – primary production small lots R5 – large lot residential E4 – environmental	Daytime RBL <40 dB(A) Evening RBL <35 dB(A) Night RBL <30 dB(A)	Rural – an area with an acoustical environment that is dominated by natural sounds, having little or no road traffic noise and generally characterised by low background noise levels. Settlement patterns would be typically sparse. Note: Where background noise levels are higher than those presented in column 3 due to

	living		existing industry or intensive agricultural activities, the selection of a higher noise amenity area should be considered.
Suburban residential	RU5 – village RU6 – transition R2 – low density residential R3 – medium density residential E2 – environmental conservation E3 – environmental management	Daytime RBL <45 dB(A) Evening RBL <40 dB(A) Night RBL >35dB(A)	Suburban – an area that has local traffic with characteristically intermittent traffic flows or with some limited commerce or industry. This area often has the following characteristic: evening ambient noise levels defined by the natural environment and human activity.
Urban residential	R1 – general residential R4 – high density residential B1 – neighbourhood centre (boarding houses and shop-top housing) B2 – local centre (boarding houses) B4 – mixed use	Daytime RBL >45 dB(A) Evening RBL >40 dB(A) Night RBL >35 dB(A)	Urban – an area with an acoustical environment that: <ul style="list-style-type: none"> • is dominated by 'urban hum' or industrial source noise, where urban hum means the aggregate sound of many unidentifiable, mostly traffic and/or industrial related sound sources • has through-traffic with characteristically heavy and continuous traffic flows during peak periods • is near commercial districts or industrial districts • has any combination of the above.

The L_{Aeq} is determined over a 15-minute period for the project intrusiveness noise level and over an assessment period (day, evening and night) for the project amenity noise level. This leads to the situation where, because of the different averaging periods, the same numerical value does not necessarily represent the same amount of noise heard by a person for different time periods. To standardise the time periods for the intrusiveness and amenity noise levels, this policy assumes that the $L_{Aeq, 15min}$ will be taken to be equal to the $L_{Aeq, period} + 3$ decibels (dB), unless robust evidence is provided for an alternative approach for the particular project being considered.

MAXIMUM NOISE LEVEL EVENT (SLEEP DISTURBANCE) (L_{AFmax})

The potential for sleep disturbance from maximum noise level events from premises during the night-time period needs to be considered. Sleep disturbance is considered to be both awakenings and disturbance to sleep stages.

Where the subject development/premises night-time noise levels at a residential location exceed:

- $L_{Aeq, 15min}$ 40 dB(A) or the prevailing RBL plus 5 dB, whichever is the greater, and/or
- L_{AFmax} 52 dB(A) or the prevailing RBL plus 15 dB, whichever is the greater,

a detailed maximum noise level event assessment should be undertaken.

The detailed assessment should cover the maximum noise level, the extent to which the maximum noise level exceeds the rating background noise level, and the number of times this happens during the night-time period. Some guidance on possible impact is contained in the review of research results in the NSW Road Noise Policy.

Other factors that may be important in assessing the extent of impacts on sleep include:

- how often high noise events will occur*
- the distribution of likely events across the night-time period and the existing ambient maximum events in the absence of the subject development*
- whether there are times of day when there is a clear change in the noise environment (such as during early-morning shoulder periods)*
- current scientific literature available at the time of the assessment regarding the impact of maximum noise level events at night.*

Maximum noise level event assessments should be based on the L_{AFmax} descriptor on an event basis under 'fast' time response.

The detailed assessment should consider all feasible and reasonable noise mitigation measures with a goal of achieving the above trigger levels.

Noise Monitoring and Rating Background Noise Levels (RBL)

Unattended noise monitoring was undertaken on the South-Western boundary of Lot 11 DP 1266801 adjacent to Keppel Street between Wednesday 6 December 2017 and Wednesday 13 December 2017 (**Figure 6**).

Weather affected data was excluded from the results and the following rated background noise levels were identified:

Background Noise Levels		
Time of Day	Rating Background Noise Level dB(A) _{L90(Period)}	Environmental Noise Level dB(A) $L_{eq}(\text{Period})$
Day (7:00am – 6:00pm)	43	60
Evening (6:00pm – 10:00pm)	38	60
Night (10:00pm – 7:00am)	30*	52

Note 1: The NPI states that the “**Rating background noise level (RBL)**” is “the overall single-figure background level representing each assessment period (day/evening/night) over the whole monitoring period (as opposed to over each 24-hour period used for the assessment background level). The rating background noise level is the level used for assessment purposes. Where the rating background noise level is found to be less than 30 dB(A) for the evening and night periods, then it is set to 30 dB(A); where it is found to be less than 35 dB(A) for the daytime period, then it is set to 35 dB(A).”

Attended noise measurements were also undertaken between the hours of 12:30pm and 1:30pm on Wednesday 13 December 2017 to determine the degree of correlation between noise levels at various locations around the site, including the existing residences at Manilla Street. The attended noise measurements were taken simultaneously at the following three locations:

- On the South-Western boundary of Lot 11 DP 1266801, adjacent to Keppel Street.
- Within Manilla Street off the Northern boundary of Lot 11 DP 1266801, in front of the existing residences at 21 and 23 Manilla Street (Lot 1 DP 770736 and Lot 1 DP 986481).

- At the South-Eastern boundary of Lot 11 DP 1266801, adjacent to Havannah Street.

The following table presents the attended noise monitoring results for the three locations:

Attended Noise Monitoring Levels		
Date / Time	Attended Measurement Location	Measured Noise Level dB(A) _{L90}
Wednesday 13 October 2021 between 12:30pm and 1:30pm.	South-Western boundary of Lot 11 DP 1266801, adjacent to Keppel Street.	44
	In front of the existing residences at 21 and 23 Manilla Street (Lot 1 DP 770736 and Lot 1 DP 986481).	44
	South-Eastern boundary of Lot 11 DP 1266801, adjacent to Havannah Street.	42

The attended noise monitoring results indicate that it is reasonable to adopt the RBLs taken at the unattended noise monitoring location in Keppel Street and apply them to the background noise levels for residences in Manilla Street.

Noise Level Criteria

Project Noise Trigger Levels

In accordance with the NPI, the intrusiveness noise level, amenity noise level and subsequent project trigger levels for the development are identified as follows:

Project Noise Trigger Levels							
Time of Day	Rating Background Noise Level (RBL) (dB(A)L ₉₀)	Project Intrusiveness Noise Level (L _{eq(15min)}) (RBL + 5dB)	Project Amenity Noise Level				Project Noise Trigger Level
			Receiver	Recommended Amenity Noise Level (dB(A)L _{eq(period)})	Calculated Project Level (Recommended Amenity Noise Level – 5dB)	Standardised Project Level (Project Amenity Noise Level + 3 dB)	
Day (7:00am to 6:00pm)	43	48	Rural Residential	50	45	48	48
Evening (6:00pm to 10:00pm)	38	43		45	40	43	43
Night (10:00pm to 7:00am)	30	35		40	35	38	35
When in Use			Commercial Premises	65	60	63	63
			Industrial Premises	70	65	68	68

Sleep Disturbance Levels

In accordance with the NPI, the sleep disturbance levels of the development are identified as follows:

Sleep Disturbance Levels						
Time of Day	Relevant Measurements	Rating Background Noise Level (RBL)	NPI Noise Level (Whichever is the Greater)			Sleep Disturbance Level
Night (10:00pm to 7:00am)	L _{Aeq, 15 min}	30	40 dB(A)	OR	30 + 5 dB = 35 dB(A)	40 dB(A)
	L _{AFmax}		52 dB(A)		30 + 15 dB = 45 dB(A)	52 dB(A)

Summary

Summary – Relevant Noise Assessment Criteria			
Receiver	Time of Day	Project Noise Trigger Level	Sleep Disturbance Level
Residential	Day (7:00am to 6:00pm)	48 dB(A)	L _{Aeq, 15 min} – 40 dB(A) L _{AFmax} – 52 dB(A)
	Evening (6:00pm to 10:00pm)	43 dB(A)	
	Night (10:00pm to 7:00am)	35 dB(A)	
Commercial	When in Use	63 dB(A)	
Industrial	When in Use	68 dB(A)	

Results – Projected Noise Emissions from Development

Operational Noise Impact Assessment

The following general assumptions were used in the Acoustic Report to project the noise levels likely to be produced from the proposed indoor recreation facility (gym):

- *“Open Gym Area – Maximum sound pressure level assumed to be:*
 - *65 dB(A)L_{eq} from amplified music during the night time period... This is consistent with background music.*
 - *80 dB(A)L_{eq} from amplified music during other operational times.*
- *For the early morning period (between 4am – 7am), it has been assumed that patron vocal noise internally within the gym area may also contribute to the noise level, as the reduced music levels would make conversation and training activities audible above the background level in the gym.*
 - *For this purpose, a sound power level of 75dB(A)L_{eq} has been used for gym patrons, with a total of 10 patrons engaged in conversation (1 in 2 talking at any one time); or*
 - *Instruction of a class with raised voice, assuming a vocal sound power of 84 dB(A)L_{eq} for the instructor.*
- *During the daytime and evening periods, where a higher music noise level has been assumed, noise from amplified music would generate a higher noise level than patron/vocal noise within the gym, and as such the contributions from patrons during this time would be less, i.e. the assumed maximum sound pressure level from amplified music would be representative of all scenarios of use during this period.*
- *Façade open/closed as detailed in the recommendations of the report. We also note that it is proposed to line the lower extent of the perimeter walls of the existing building with plasterboard.”*

Based on the above assumptions, the Acoustic Report projected that noise emissions from the development would result in the following impacts:

Noise Impact Assessment – Projected Operational Noise Levels				
Noise Source	Time of Day	Project Noise Trigger Level (dB(A)L _{eq} (15min))	Projected Noise Level (dB(A)L _{eq} (15min))	Complies
Operational noise from internal gym	Day (7:00am to 6:00pm)	48	48	Yes.

activities.	Evening (6:00pm to 10:00pm)	43	38	Yes.
	Night (10:00pm to 7:00am)	35	32	Yes.

Notes: The Acoustic Report states that the “primary noise source will be from amplified music and activity noise within the open gym area of the tenancy... Predicted noise levels factor in losses due to distance attenuation, barrier effects, and transmission losses through the building structure. Predicted noise emissions have been calculated on the assumption that the recommendations detailed in the report are implemented. We note that it is recommended that the existing sliding doors facing the carpark are only open during the daytime period. As such, a conservative noise reduction resulting from the sliding doors being closed has been applied during the early morning/night time and evening periods.

Sleep Disturbance Impact Assessment

In relation to the proposed night-time operating hours (between 4:00am to 7:00am), the Acoustic Report (and supporting information) used the following general assumptions to project the night-time noise levels likely to occur from the development:

- “The highest noise level expected from this activity is from a car door slamming, which has a sound power level of 95dB(A) L_{max} .” Depending on the location of the car, “the likely noise level experienced at nearby residences” would vary based on distance attenuation.
- “For a casual or normal conversation, the sound power level range per patron is between 61-66 dB(A) $L_{eq(15min)}$, and it is typical to assume that there is one person talking per two patrons. Considering distance alone, in the event there were two people having a conversation within the carpark, the resulting noise level would be less than 30 dB(A) $L_{eq(15min)}$. In order to meet or exceed the... level during the night time period, in excess of 10 people would be required to be engaged in normal conversation continuously, which would be an unlikely occurrence.”

Based on the above assumptions, the Acoustic Report projected that noise emissions from the development would result in the following impacts:

Noise Impact Assessment – Maximum Noise Level Event (Sleep Disturbance Level)					
Noise Source	Time of Day	Relevant Measurements	Sleep Disturbance Level	Projected Noise Level – External (dB(A))	Complies
Car door slamming within onsite carpark.	Night (10:00pm to 7:00am)	L _{Aeq} , 15 min	40 dB(A)		
		L _{AFmax}	52 dB(A)	55 – 58	No.
Car door slamming within Manilla Street – Directly in front of a residence.		L _{Aeq} , 15 min	40 dB(A)		
		L _{AFmax}	52 dB(A)	67	No.
Casual conversation between patrons entering and exiting the building.		L _{Aeq} , 15 min	40 dB(A)	30	Yes.
		L _{AFmax}	52 dB(A)		

The projected noise levels indicate that patron conversation outside the gym would comply with the maximum noise level event (sleep disturbance level), however, noise resulting from slamming car doors would exceed this relevant level. Therefore, in

accordance with Section 2.5 of the NPI, the Acoustic Report (and supporting information) included a detailed maximum noise level event assessment, as below:

- *“Typically, there is a 10dB(A) noise reduction between an external noise level and the noise level inside the residence (assuming that the windows are left open).”*
- Section 5.4 “Sleep Disturbance” of the NSW EPA Road Noise Policy states that *“From the research on sleep disturbance to date it can be concluded that:*
 - *Maximum internal noise levels below 50 – 55 dB(A) are unlikely to awaken people from sleep.”*
 - *“One or two noise events per night, with maximum internal noise levels of 65-70dB(A), are not likely to affect health and wellbeing significantly.”*
- In relation to cars parked within the onsite carpark, *“it would be expected that the noise level generated by a car door closing would be less than 50dB(A) inside the residence to the North, even if the windows are left open.”* The nearest sensitive receiver to the carpark is the residence located directly to the North, being 17 Manilla Street (Lot 13 DP 1104618). *“Given the peak noise event... [is] less than 50dB(A) (below the quieter end of the range identified by the EPA), in our opinion this noise generation should be considered acceptable.”*
- In relation to cars parked within Manilla Street directly in front of an existing dwelling, *“the internal noise level **within** the residence from a car door closing (being the loudest typical event expected) would be 57 dB(A) L_{max} , assuming that the windows of the residence is open. We note that this is only marginally higher than the 50-55dB(A) L_{max} range identified above and would not be perceptibly different from a strictly compliant noise level.*

Further, this noise level would only be experienced at the residence directly in front of the parked car. Dwellings either adjacent or across the street would experience a noise level approximately 5 dB(A) lower due to the additional distance from the sources of noise. In these cases, the 50-55 dB(A) L_{max} noise level would be readily achieved.

Given that the marginal exceedance of the recommended internal noise levels is only obtained by vehicles directly in front of a residence, and that this would not be expected to be a frequent occurrence, the potential impact on sleep disturbance from vehicles parking along Manilla Street would be considered acceptable with reference to the NSW EPA Road Noise Policy.”

The following table provides a summary of this detailed maximum noise level event assessment.

Noise Impact Assessment – Maximum Noise Level Event (Sleep Disturbance Level) – Internal Levels							
Noise Source	Time of Day	Relevant Measurement	Projected Noise Level – Internal (dB(A))	Sleep Disturbance Level (dB(A))		Maximum Internal Noise Levels Unlikely to Cause Awakening (dB(A))	
				Criteria	Complies	Criteria	Complies
Car door slamming within onsite carpark.	Night (10:00pm to 7:00am)	L_{AFmax}	< 50	52	Yes.	50 – 55	Yes.
Car door			57		No.		No.

slamming within Manilla Street – Directly in front of a residence.							
Car door slamming within Manilla Street – Adjacent or across street from a residence.			52		Yes.		Yes.

Based on the results of the detailed maximum noise level event assessment, it is considered that carparking within the designated onsite carpark is not likely to result in significant adverse impacts on sleep disturbance inside nearby residences. However, any night-time carparking within Manilla Street (i.e. between 4:00am and 7:00am) may result in some sleep disturbance at directly adjoining residences; although this level is not likely to result in significant impacts on health and wellbeing because the projected level is less than the adverse impact range of 65-70dB(A) where more than two events occur in one night.

As previously discussed, the proposed development includes a shortfall of onsite carparking and the gym building will be located in close proximity to Manilla Street. Therefore, it would not be unreasonable to expect that some carparking may occur within Manilla Street due to both the proposed shortfall and ease of access (proximity). It is however noted that the Orange gym premises generally experiences lower volumes of traffic during the 4:00am to 7:00am (night time) period, therefore, it is likely that with the appropriate measures in place, all traffic generated by the development during these early hours could be fully accommodated within the proposed onsite carpark, although this depends entirely on the compliance of both staff and patrons. The removal of the sliding gate on Manilla Street will encourage the use of the on site parking particularly during these early morning periods and therefore reduce the reliance on on-street parking.

Recommendations

In order to reduce the noise impacts of the development, it is recommended that the following conditions of consent be implemented (if approved) to control activities onsite. Many of these conditions have been adapted from the recommendations of the Acoustic Report.

1. Music noise levels generated from the premises must not exceed the following:

Time of Day	Maximum Noise Level
Day and Evening (7:00am to 10:00pm)	80dB(A) _{L_{eq}}
Night (10:00pm to 7:00am)	65dB(A) _{L_{eq}}

2. All windows, doors and openings on the North-Western façade of the gym building fronting Manilla Street must remain closed at all times.
3. All windows, doors and openings on the North-Eastern façade of the gym building fronting the carpark must remain closed between the hours of 4:00am to 7:00am and 6:00pm to 9:00pm. Entry to the gym must be via the South-Eastern doors from the internal walkway during this timeframe.

4. To reduce the noise impacts of the development on the surrounding residential area, all staff and patrons must be encouraged to utilise all available onsite carparking. Parking on the public road must only be utilised when the onsite carpark is full. It is recommended that this requirement be adopted as a condition of membership.
5. The erection of signs that clearly indicate to the drivers of vehicles both on and off the subject land, the location and means of access to the carparking area. ^{PM2}
6. Prior to the issue of any Occupation Certificate, signage must be installed in a prominent position at the entrance to the carpark, which states the following (or to a similar effect):

"Please respect our neighbours. Congregating in the carpark must be kept to a minimum during early morning hours".

7. Resilient flooring must be provided within the active areas of the gym, and in particular within any open or free weight areas. Indicatively, this could consist of an isolated flooring system topped with Regupol Everroll or 25mm thick Olympact tiles. Other systems may also be considered subject to the written support of an Acoustic Engineer.

Prior to the issue of any Construction Certificate, the location and type of all required resistant flooring must be clearly identified on the Floor Plans.

8. Detailed acoustic design of all mechanical plant must be undertaken prior to the issue of any Construction Certificate. An Acoustic Report must be commissioned to determine the acoustic treatments (including plant vibration isolation) needed to ensure that all new plant items will avoid impacts on nearby development and comply with the acoustic requirements of Council and the NSW Environment Protection Authority (EPA). Reference should be made to the *Gym Noise Impact Assessment Report* prepared by Acoustic Logic, dated 5 August 2021.
9. The development shall only be conducted:
 - a) on Mondays to Fridays inclusive between the hours of 4:00am and 9:00pm.
 - b) On Saturdays to Sundays inclusive between the hours of 6:00am to 4:00pm.

Public Submissions

Exhibition Period

The proposal is identified as exhibited development under *Bathurst Regional Community Participation Plan 2019* (CPP 2019) as it includes the demolition of a heritage item. Accordingly, the application was placed on public exhibition and notified to surrounding landowners for a period of fourteen (14) days between 17 May and 31 May 2021.

Additionally, the land is identified on the National Trust register and accordingly, the application was referred to the Bathurst Branch of the National Trust in accordance with Clause 3.13.2 of CPP 2019. However, no comments or submissions were received from the external stakeholder.

Number of Submissions

One (1) public submission was received during the exhibition period and is provided in **attachment 21**.

Discussion Meeting

Due to the circumstances surrounding COVID-19, a Council discussion meeting was not able to be held between Council staff, the applicant and those that made submissions.

However, Council requested that the applicant make written comment on each of the issues raised in the submissions (see **attachment 12**).

Issues

The following table provides a summary of the issues raised in the public submission and the applicant's and Council's response/comment on each issue.

ISSUE: CAR PARKING	
Public Submission	Applicant's Response
<i>A parking area has not been taken into consideration for this proposed development or for those developments already established. A nearby coffeeshop currently displays a sign stating "that there is parking in Manilla Street". I would like to mention that Manilla Street is a residential street where families live. They should not have to compete with people stopping for a coffee or for a workout and then be unable to park outside their own home.</i>	<i>15 on-site car parking spaces have been dedicated for the proposed gym including one accessible car parking space.</i>
Council Comment:	
<p>As previously discussed, given that the proposed development is located within the Bathurst CBD and that no group fitness classes are proposed as part of this application, it is considered appropriate to adopt the "minimum provision" (4.5 spaces per 100m²) for gymnasiums from the RTA Guide as the relevant carparking standard for the proposed development.</p> <p>On this basis, the proposal includes a shortfall of seven (7) parking spaces (17.9% variation), with a total of thirty-nine (39) spaces required under the RTA Guide and a total of thirty-two (32) proposed to be provided.</p> <p>It is recommended that conditions of consent be implemented to ensure compliance with the RTA Guide or to require the payment of Section 7.11 Development Contributions in lieu of the onsite spaces that will not be provided.</p> <p>To this point, all other prior development on the Tremain's Mill site has provided onsite carparking consistent with the requirements of DCP 2014.</p> <p>Lastly, it should be noted that four (4) carparking spaces have also previously been constructed in the Manilla Street road reserve, in association with the Tremain's Mill site. Any existing signage within the site could be making reference to the location of this parking.</p>	

ISSUE: NOISE	
Public Submission	Applicant's Response
<i>Businesses like 'One Strength Pty Ltd' open late into the night, some even operate under a 24 hours access. The noise levels that can emanate from these businesses from talking to music and even that of increased traffic levels can increase two-fold at night. This would definitely impact what is currently a quiet of residential street (not even</i>	<p><i>Please refer to Acoustic Engineer's report for details relating to noise generation. The proposed use of the premises has been scrutinized to a high level to ensure the existing amenity of the neighboring dwellings remain.</i></p> <p><i>The proposed operational hours have been specified in the Development Application Submission. They include 4am - 9pm weekdays, and 6am – 4pm weekends. The proposed hours of operation will not vary from those</i></p>

<i>one block in length.</i>	<i>that are approved.”</i>
Council Comment:	
The Acoustic Report demonstrates that the noise transmission from the proposed development may result in sleep disturbance impacts for surrounding residences, particularly as a result of car doors slamming within Manilla Street during the early morning operating hours. Conditions of consent could be implemented (if approved) to control activities onsite and further reduce the likely noise impacts of the development.	

ISSUE: SECURITY	
Public Submission	Applicant's Response
<p><i>Security would become an issue as a result of increased activity from the above proposed development. There is a higher risk of injury to a child or adult from increased traffic in a quiet residential street. With the increase in people traffic through the street comes the concern that there will be an increase in crime in the area.</i></p>	<p><i>The gate into the car parking area is to be closed and locked at night preventing people from entering and leaving the site of their own accord. Any 'hoon' like behavior of gym members will see the membership terminated immediately.</i></p> <p><i>There are many businesses in lower Keppel Street that have a positive contribution to the community, to associate an increased crime level due to the proposed gym is a ridiculous statement. With this in mind I also present the following statement which was provided in the original Development Application.</i></p> <p><i>Since their opening in 2018, One Strength has been involved in many charities including both local and larger organizations. Their involvement includes:</i></p> <ul style="list-style-type: none"> <i>• Offering free personal training to headspace each week for almost 2 years, helping the attendee's with self-confidence.</i> <i>• Assisting the Cancer Council to raise \$250,000 (One Strength contributing \$20,000) in the Stars of Orange Dance for Cancer.</i> <i>• Assisting Beyond Blue</i> <i>• Assisting The Black Dog Institute</i> <p><i>This has been a big part of One Strength and has greatly increased their public image. Moving forward One Strength have plans to work with more local and Australia wide organizations.</i></p> <p><i>The cornerstone of One Strength has always been creating phenomenal culture among members and staff. This has created many lifelong members and has served as a valuable referral network that has supported the growth of One Strength. One Strength are selective with who they hire. They look for individuals with years of training experience as well as a genuine love for fitness. This is so members feel welcome and comfortable knowing that their staff are knowledgeable and can lead by example. As part of their model, they are a gym that is always staffed.</i></p>
Council Comment:	
<p>In accordance with Chapter 15 of DCP 2014, the application was referred to the NSW Police for consideration. In a letter dated 25 May 2021, Bathurst Police advised that the proposed development will have a moderate crime risk. In order to further reduce this crime risk it is considered that conditions of consent should be implemented (if approved) to ensure that the recommendations provided by Bathurst Police are implemented onsite.</p> <p>Additionally, whilst the objector's concerns in relation to site security and increased antisocial behaviour are acknowledged, it could also be suggested that the presence of a commercial activity on the Manilla Street frontage would increase the passive surveillance of the area, thereby potentially improving the safety and security of the site and discouraging criminal behaviour.</p>	

ISSUE: PRIVACY AND LIGHTING	
Public Submission	Applicant's Response
<i>This also would become a problem</i>	<i>Lighting in the proposed gym will only be activated</i>

<i>for the families in Manilla Street with car lights and vehicle movements along with building lighting emanating into people's homes at night.</i>	<i>during operating hours. There will be no business lighting in the direction of neighboring dwellings. It must be stated that Manilla Street is a public road, vehicle movements along this road are not the sole responsibility of the proposed gym.</i>
Council Comment:	
<p>The existing shed building has been used for commercial purposes in the past. However, the proposed gym may result in increased light emission in the area as it includes an increase to standard operating hours (i.e. 4:00am to 9:00pm) and the construction of a new carpark adjacent to Manilla Street.</p> <p>Therefore, as previously discussed under Chapter 11 of DCP 2014, conditions of consent will be implemented (if approved) to ensure that all outdoor lighting is appropriately installed in accordance with AS4282 and only switched on during hours of operation.</p> <p>Further, the proposed gym does not include the provision of any new windows and openings on the North-Western, South-Western or North-Eastern elevations which face neighbouring properties. The development is not expected to result in any adverse overlooking of neighbouring developments.</p>	

ISSUE: SAFETY	
Public Submission	Applicant's Response
<i>With a Day Care Centre close by the proposed development, it is certainly an added worry and safety concern. Small children are so unpredictable.</i>	<i>Any children attending the existing childcare centre will be of an age where they will be accompanied by a suitable guardian. Whilst children are placed in the childcare centre they will be subject to the centres management policies. At no time will the operation of the proposed gym have any effect on either of these situations.</i>
Council Comment:	
<p>The existing childcare centre is located on adjoining Lot 2 DP 1246829 (13 Keppel Street) to the North-West and is fenced off from the subject land. The rear of the childcare centre currently adjoins the existing driveway and carpark within the Tremains Mill site.</p> <p>The newly proposed carpark and associated driveway will be located on the North-Eastern side of the existing shed building. The development is not expected to adversely increase any existing traffic safety issues within proximity to the childcare centre.</p>	

CONCLUSION:

Council has received Development Application for the demolition of two (2) existing buildings (shed and skillion roof structure), a change of use of an existing building to a recreation facility (indoor), partial demolition, additions and alterations to the existing shed building, the construction of an eighteen (18) space onsite carpark, the installation of four (4) wall signs, the construction of a 1.925 metre-high-fence and the installation of a roof mounted solar energy system.

The development site is located within the Tremains Mill precinct which is identified as a Local Heritage Item and is located within the Bathurst Heritage Conservation Area. The existing shed building is identified as having a low heritage significance under the Tremains Mill Conservation Management Plan and the two buildings to be demolished (shed and skillion roof structure) are each identified as "intrusive". The proposed development and signage is not expected to place any significant adverse impacts on the heritage conservation of the site and surrounding area.

Given the proximity of the proposed development to the Bathurst CBD and that group classes are not proposed to be provided as part of this application, it is considered appropriate to adopt the "minimum provision" of 4.5 carparking spaces per 100m² of gross

floor area under the RTA Guide to *Traffic Generating Development 2002*, rather than the relevant DCP standard of 7.5 spaces per 100m². On this basis, the proposed development includes a deficit of seven (7) onsite carparking spaces. Conditions of consent should be implemented (if approved) to require that a Section 7.11 Development Contribution be paid in lieu of the onsite carparking shortfall.

The proposed development does not comply with the sleep disturbance levels identified by the NSW EPA *Noise Policy for Industry*. Unless all carparking associated with the development can be contained within the onsite carpark during the early morning operation hours of 4:00am to 7:00am, the development may impact on the amenity of the surrounding residential area. Given that the proposed development includes a carparking shortfall and that the building itself is located in close proximity to Manilla Street, it is recommended that conditions of consent be implemented (if approved) to control activities onsite such that the predicted noise sources are limited to an appropriate level.

Should Council be satisfied that the proposed development can exist in harmony within the surrounding residential area and that the proposed carparking shortfall can be appropriately absorbed within the CBD, the development could be approved, but with numerous conditions of consent as recommended. The intent of the conditions is to mitigate the impacts described above.

FINANCIAL IMPLICATIONS:

Nil

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

Objective 1: Our sense of place and identity.

- Strategy 1.2 Protect, enhance and promote the region's European heritage assets and character.
- Strategy 1.3 Enhance the cultural vitality of the region.
- Strategy 1.4 Protect and improve the region's landscapes, views, vistas and open space.
- Strategy 1.5 Promote good design in the built environment.

Objective 4: Enabling sustainable growth.

- Strategy 4.3 Ensure services, facilities and infrastructure meet the changing needs of our region.
- Strategy 4.4 Provide parking to meet the needs of the City.
- Strategy 4.6 Plan for, assess and regulate development activity.

Objective 5: Community health, safety and well being.

- Strategy 5.1 Provide opportunities for our community to be healthy and active.

Objective 6: Community leadership and collaboration.

- Strategy 6.4 Meet legislative and compliance requirements.
- Strategy 6.5 Be open and fair in our decisions and our dealings with people.

COMMUNITY ENGAGEMENT:

02 **Consult** - to obtain public feedback on alternatives and/or decisions

ATTACHMENTS:

1. Aerial Location Plan of Subject Land [8.2.3.1 - 3 pages]
2. Photographs of Proposed Development Site [8.2.3.2 - 10 pages]
3. Plans of Proposed Development [8.2.3.3 - 12 pages]
4. Statement of Environmental Effects [8.2.3.4 - 29 pages]
5. Preliminary Contamination Investigation Report [8.2.3.5 - 67 pages]
6. Statement of Heritage Impact [8.2.3.6 - 14 pages]
7. Noise Impact Assessment Report [8.2.3.7 - 26 pages]
8. Non- Residential Lighting Calculator [8.2.3.8 - 1 page]
9. Conservation Management Plan - Tremains Flour Mill [8.2.3.9 - 166 pages]
10. Crime Prevention Through Environmental Design (CPTED) Assessment Report [8.2.3.10 - 2 pages]
11. Applicants Response to Additional Information Request - Letter dated 25 August 2021 [8.2.3.11 - 3 pages]
12. Applicants Response to Public Submission and Additional Information Request - Letter dated 28 October 2021 [8.2.3.12 - 3 pages]
13. Applicants Statement on Carparking in Support of Proposed Development - Letter dated 13 July 2021 [8.2.3.13 - 1 page]
14. Carparking Survey for Gym Premises in Orange - 5 July to 11 July 2021 [8.2.3.14 - 1 page]
15. Applicants Request for Variation to Carparking, Landscape Screening and Fencing Standards of Development Control Plan [8.2.3.15 - 4 pages]
16. Tremains Mill Future Carparking Concept Plan [8.2.3.16 - 2 pages]
17. Acoustic Consultants Response to Additional Information Request - Letter dated 5 August 2021 [8.2.3.17 - 5 pages]
18. Acoustic Consultants Response to Additional Information Request - Letter dated 2 November 2021 [8.2.3.18 - 3 pages]
19. Written Advice Received from Essential Energy [8.2.3.19 - 2 pages]
20. Written Advice Received from NSW Police [8.2.3.20 - 4 pages]
21. Public Submission Received in Relation to Proposed Development [8.2.3.21 - 2 pages]

Councillor Jennings declared a non-pecuniary significant interest and left the Chamber.

Reason: CEO of Australian Milling Museum which has an interest in residing as a tenant at Tremains Mill complex.

Councillor Fry declared a non-pecuniary non-significant interest and left the Chamber.

Reason: Provided 2 compost seats funded by an EPA Grant to Tremains Mill precinct.

MINUTE

RESOLUTION NUMBER: ORD2021-393

MOVED: Cr B Bourke SECONDED: Cr A Christian

RESOLVED:

That Council as the consent authority:

- a. defer consideration of Development Application 2021/190.
- b. call a division.

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

The result of the division was:

In favour of the motion - Cr B Bourke and Cr A Christian

Against the Motion - Cr I North, Cr J Fry, Cr G Hanger, Cr M Morse , Cr W Aubin and Cr J Rudge

Absent - Nil

Abstain - Cr J Jennings

MINUTE

MOVED: Cr G Hanger

Procedural Motion

That the motion be put.

The **MOTION LAPSED** for want of a **SECONDER**

MINUTE

MOVED: Cr G Hanger SECONDED: Cr M MORSE

RESOLVED:

That Council:

- a) Support the variation to Clause 5.6 “Parking, Access and Manoeuvring Areas”, Clause 5.8 “Open Areas and Fencing” and Clause 14.3 “Car Parking” of Bathurst Regional Development Control Plan 2014.
- b) as the consent authority, grant consent pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2021/190, subject to conditions able to be imposed pursuant to Section 4.17 of the *Environmental Planning and Assessment Act 1979*, as amended, including but not limited to:

Electricity Infrastructure

1. Compliance with any requirements of Essential Energy, including but not limited to, the following:
 - a) Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property must be complied with.
 - b) Prior to any demolition works commencing, any service line/s to the property must be disconnected.
 - c) The applicant will need to engage the services of an Accredited Service Provider to ensure adequate provision of power is available in accordance with industry standards.
 - d) Essential Energy’s records indicate that there is electricity infrastructure located within the property and within close proximity of the property. Any activities within these locations must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure. Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure.
 - e) Prior to carrying out any works, a “Dial Before You Dig” enquiry must be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the *Electricity Supply Act 1995* (NSW).
 - f) Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines and Code of Practice – Work near Underground Assets.

Land Contamination

2. Demolition works must not commence onsite, until such time as a Construction Certificate has been obtained.
3. Prior to the issue of any Construction Certificate, additional investigations must be undertaken by a suitably qualified and experienced Contaminated Land

Consultant to determine the extent and status of the ash fill located on the North-Western side of Lot 11 DP 1266801.

The additional investigations must be carried out in accordance with the results and recommendations of the Preliminary Contamination Investigation Report prepared by Envirowest Consulting, dated 3 April 2018 (Reference No. R9144c1).

4. Should the additional contaminated land investigations identify that remediation work is necessary to ensure that the site is suitable for the development, then a Remediation Action Plan (RAP) must be prepared that addresses the contamination identified and sets out how the site can be made suitable for its intended use including methodology, clean-up criteria and validation procedures. The RAP must be prepared in accordance with:
 - a) Council's Contaminated Land Policy. Please note the requirements specified in Council's policy for consultant's reporting and for site audits.
 - b) The Managing Land Contamination: Planning Guideline (1998).
 - c) State Environmental Planning Policy No 55 – Remediation of Land.
 - d) Relevant NSW Environment Protection Authority (EPA) Guidelines.
 - e) The National Environment Protection (Assessment of Site Contamination) Measure 1999.
 - f) The Contaminated Land Management Act 1997.
5. A Validation Report must be provided to Council along with the Summary Report and Notice of Completion required under Clause 17(2) of State Environmental Planning Policy No 55 – Remediation of Land to confirm that the remediation has been completed generally in accordance with the RAP and that the site is suitable for the development. The Validation Report must be prepared in accordance with:
 - a) Council's Contaminated Land Policy.
 - b) The Managing Land Contamination: Planning Guideline (1998).
 - c) State Environmental Planning Policy No 55 – Remediation of Land.
 - d) Relevant NSW Environment Protection Authority (EPA) Guidelines.
 - e) The National Environment Protection (Assessment of Site Contamination) Measure 1999.
 - f) The Contaminated Land Management Act 1997.

Any recommendations identified in the Validation Report shall be binding on the development.
6. A Site Management Plan (has the same meaning as an Environmental Management Plan defined in the Contaminated Land Management: Guidelines for the NSW Site Auditor Scheme), if required to make the site suitable for the development, must be submitted to Council for approval. The plan must address what land use restrictions are required, any ongoing monitoring requirements and what responses should be made to any unsatisfactory monitoring results. The Site Management Plan must be prepared in accordance with:
 - a) Council's Contaminated Land Policy. Please note the requirements specified in Council's policy for consultants reporting and for Site Audits.
 - b) The Managing Land Contamination: Planning Guideline (1998).
 - c) State Environmental Planning Policy No 55 – Remediation of Land.
 - d) Relevant NSW Environment Protection Authority (EPA) Guidelines.
 - e) The National Environment Protection (Assessment of Site Contamination) Measure 1999.

f) The Contaminated Land Management Act 1997.

A restriction or covenant requiring compliance with the approved Site Management Plan must be registered on the title under Section 88E of the Conveyancing Act 1919 or Section 29(3) of the *Contaminated Land Management Act 1997*.

Assistance must be provided to Council (including by executing relevant documents) to enable registration (without unreasonable delay) of the restriction or covenant. Council is to be named as the only party able to vary or release the restriction or covenant.

7. All construction, development and use shall be bound by the recommendations of the Validation Report or any Site Management Plan coming from the remediation of the site.
8. Remediation work is to be carried out by a suitably qualified and experienced contractor under the guidance of a Contaminated Land Consultant who meets the requirements of Council's Contaminated Land Policy in relation to reporting, certification and insurances.
9. A Construction Certificate shall be required for any structure required to carry out the remediation.
10. Adjoining property owners must be notified in writing of the commencement date of the remediation activities at least seven (7) days prior to remediation activities commencing on site. While the remediation activities are being undertaken the contractor must maintain a written record of any complaints received in relation to the conduct of the remediation. The written record must include each complainant's name and address, the time and date that each complaint was made, the nature of each complaint and the actions taken to address the complaint. The record may be requested by Council officers during the conduct of remediation, in which case the record must be made available to Council.

Any complaint received by the contractor in relation to the remediation activities must be notified to Council during Council business hours as soon as possible and in all cases no later than 2 business days following the date that the complaint was received by the contractor.

11. While the remediation activities are being undertaken the contractor must maintain a written record of any complaints received in relation to the conduct of the remediation. The written record must include each complainant's name and address, the time and date that each complaint was made, the nature of each complaint and the actions taken to address the complaint. The record may be requested by Council officers during the conduct of remediation, in which case the record must be made available to Council.

Any complaint received by the contractor in relation to the remediation activities must be notified to Council during Council business hours as soon as possible and in cases no later than 2 business days following the date that the complaint was received by the contractor.

12. Remediation activities must not cause any environmental harm outside of the area nominated for remediation within the site. The remediation area is to be contained by a suitable barrier or fencing to prevent all unauthorised access. Erosion and sediment controls must be in place to prevent any soil leaving the remediation site.

Runoff from areas of contaminated soil, whether in situ, stockpiled or in excavation pits, must not be permitted to leave the site without relevant testing or treatment.

13. Remediation activities must be managed to ensure that dust, odour, gases or fumes are not emitted beyond the boundary of the remediation site. Appropriate monitoring equipment may be necessary to demonstrate compliance with the condition.
14. All liquid and solid waste must be classified in accordance with the Protection of the Environment (Waste) Regulation 2014 and related guidelines.
15. All waste transported from the remediation site must be covered in a vehicle suitable for that waste material. There must be no tracking of soil onto public roads.
16. Any receiver of waste material must be properly licensed by the NSW Environment Protection Authority (EPA) to receive that waste. If a nonlicensed premises is intended to receive waste from the site then an approved notice within the meaning of Section 143(4) of the Protection of the Environment Operations Act 1997 (Section 143 notice) must be supplied prior to removal of the material from the remediation site.
17. Details of material removed including volume, mass, classification, destination and any Section 143 notices are to be included in the Validation Report.
18. Prior to the commencement of any works, an Unexpected Finds Protocol must be prepared by a suitably qualified and experienced Contaminated Land Consultant. The Unexpected Finds Protocol must:
 - a) Describe the procedures to be implemented if suspected contamination is identified onsite.
 - b) Be prepared in accordance with the results and recommendations of the Preliminary Contamination Investigation Report prepared by Envirowest Consulting, dated 3 April 2018 (Reference No. R9144c1).
19. If any unidentified material not previously identified as part of an investigation are uncovered during the development, then all works shall stop immediately in that area and Council be contacted. Works are not to recommence until approval has been received from Council. Depending upon the nature and the significance of the material, further assessment may be required before further work can continue in that area. Unexpected finds include but are not limited to:
 - a) Suspected contamination in the form of ash, staining, discolouration, odours, underground petroleum storage systems or suspected asbestos containing material; or
 - b) Suspected Aboriginal relics in the form of tools, artwork, bones etc; or
 - c) Suspected non-Aboriginal heritage relics not previously identified.

Signage and Lighting

20. The approved signage must not be illuminated or flood lit.

21. The installation of exterior lighting to all vehicular manoeuvring and parking areas. The exterior lighting shall be designed and installed so that no obtrusive light will be cast onto any adjoining property.

NOTE 1: Compliance with Australian Standard AS4282 "Control of the Obtrusive Effects of Outdoor Lighting" will satisfy this condition.

22. Any security lighting of unattended premises must use a motion detector sensor switch.
23. All external lighting (excluding minimum security lighting) must be switched off outside of the approved operating hours, which are as follows:

Mondays to Fridays 4:00am to 9:00pm
Saturdays and Sundays 6:00am to 4:00pm

Heritage Conservation

24. Prior to the issue of Construction Certificate, a methodology is to be provided demonstrating how demolition works are to occur to ensure the least amount of impact on the heritage significant building D.
25. During the carrying out of the proposed works, if any archaeological remains are discovered, the developer is to stop works immediately and notify the Heritage Division, NSW Office of Environment & Heritage. Any such find is to be dealt with appropriately and in accordance with the Heritage Act 1977, recorded, and details given to Council prior to the continuing of works.

The existing railway lines on the site are to remain in situ. Works to the carparking area are not to damage, alter, remove or cover these tracks.

NOTE 1: A Section 140 Permit will need to be obtained to disturb archaeological relics. This permit is to be obtained from the Department of Premier & Cabinet (Heritage), prior to the disturbance of the archaeological relics.

26. To reduce the visibility of the roof-mounted solar energy system, panels must not be installed on the awning located off the North-Eastern side of the gym building (Building E) or to the very edge of the roof.
27. Prior to the issue of any Construction Certificate, details of the colours and materials to be incorporated into the brick fencing and metal gate are to be provided to Council for endorsement. Bricks are to be in strong Autumn tones.

Vehicular Access, Bicycle Parking, Car Parking and Development Contributions

28. The paving (in concrete) and permanent line marking of all vehicular manoeuvring and parking areas, in accordance with Bathurst Regional Council's Guidelines for Engineering Works.

NOTE 1: If other hard standing, dust free and weatherproof surfaces are proposed instead of concrete, a proposed alternative surface control and ongoing

site management plan must be submitted to Council for written approval prior to the alternative being accepted.

29. The provision of at least eighteen (18) car parking spaces in the carpark on the north eastern side of the gymnasium in a manner that is in accordance with Australian Standard AS 2890.1 – 2004 Car Parking and Council's Offstreet Car Parking Code.
30. The payment to Council of \$134,721.30 for the provision of carparking within the Bathurst CBD in accordance with Council's Section 94 or 7.11 Contributions Plan "Bathurst CBD Car Parking" (being the equivalent of 7 spaces).

All monetary contributions are to be paid prior to the issuing of any Occupation Certificates.

NOTE 1: All monetary conditions are reviewed annually and may change as of 1 July each year.

NOTE 2: Copies of all Council's Section 94 or 7.11 Contribution Plans may be inspected at Council's offices.

31. Group fitness classes are not permitted to be carried out on the land in association with the approved recreation facility (indoor).
32. The provision of at least four (4) designated bicycle parking spaces on the subject land in accordance with the approved Site Plan and Council's Development Control Plan.

Bicycle parking is to be provided in a manner where cyclists are able to secure the frame and two wheels of a bicycle to a fixed, secure stand, with the cyclists own lock and chain.

Water and Sewer Headworks Charges

33. The developer is to apply to Council for a Certificate of Compliance pursuant to Section 305 of the Water Management Act, 2000.

The developer will have to contribute the sum of \$2,227.50 water headworks plus \$2,167.20 sewer headworks before the Certificate of Compliance will be issued.

Trade Waste

34. Pre-treatment equipment must be installed to treat liquid trade waste before it can be discharged to Council's sewer system.
35. Trade waste material is not to be discharged into Council's sewerage system and/or stormwater system, without first obtaining written approval under Section 68 of the Local Government Act 1993 from Council.

The completed approval must be obtained prior to the occupation of the building(s).

The conditions of the approval are to be complied with in all respects.

36. The applicant is to install back flow prevention, devices throughout the water supply system, all in accordance with AS/NZS 3500 and the Plumbing Code of Australia.

Fencing

37. Prior to the issue of any Construction Certificate, amended plans are to be submitted to Council which demonstrate that the proposed fencing will be designed so as not to:
- a) Include any sliding gate (or other similar gate) that would cause adverse noise impacts when opening/closing.
 - b) Include any gate or fencing that would impede vehicular access throughout the carpark. Manoeuvring area is to be provided within the site to enable all vehicles servicing the development to enter and leave the site in a forward direction in accordance with AUSTROADS Passenger Vehicle Swept Path.
 - c) Impede access to car parking spaces No. 12 to 14 (as identified on the approved Site Plan) from Manilla Street.

Crime Prevention

38. The development is to be carried out in accordance with the Crime Prevention Through Environmental Design (CPTED) Assessment Report (prepared by Brett Moulds Design and Drafting, Issue A, dated 26 April 2021).
39. Lighting must meet the minimum Australian standard for public streets, car parks and pedestrian access. To improve the safety of the development and reduce crime risk, it is recommended that the following actions be implemented onsite:
- a) Install lighting from walkways to the Gym.
 - b) Install sensor lighting or similar at all access points, including the rear of the premises.
 - c) Ensure all lighting is vandal resistant.
 - d) Install CCTV cameras inside and outside the premises.
 - e) Install an intruder alarm system.
 - f) Install signage in a clearly visible location throughout the site (around entrance/exit points) which states:
 - i) "CCTV cameras in use 24 hours".
 - ii) "Alarm system in use 24 hours".
 - iii) "Trespassers will be prosecuted".
 - g) Ensure all entry points are fitted with appropriate door locks.

Noise

40. Music noise levels generated from the premises must not exceed the following:

Time of Day	Maximum Noise Level
Day and Evening (7:00am to 10:00pm)	80dB(A) _{Leq}
Night (10:00pm to 7:00am)	65dB(A) _{Leq}

41. All windows, doors and openings on the North-Western façade of the gym building fronting Manilla Street must remain closed at all times.
42. All windows, doors and openings on the North-Eastern façade of the gym building fronting the carpark must remain closed between the hours of 4:00am to 7:00am and 6:00pm to 9:00pm. Entry to the gym must be via the South-Eastern doors from the internal walkway during this timeframe.
43. To reduce the noise impacts of the development on the surrounding residential area, all staff and patrons must be encouraged to utilise all available onsite carparking. Parking on the public road must only be utilised when the onsite carpark is full. It is recommended that this requirement be adopted as a condition of membership.
44. The erection of signs that clearly indicate to the drivers of vehicles both on and off the subject land, the location and means of access to the carparking area.
45. Prior to the issue of any Occupation Certificate, signage must be installed in a prominent position at the entrance to the carpark, which states the following (or to a similar effect):
- “Please respect our neighbours. Congregating in the carpark must be kept to a minimum during early morning hours”.
46. Resilient flooring must be provided within the active areas of the gym, and in particular within any open or free weight areas. Indicatively, this could consist of an isolated flooring system topped with Regupol Everroll or 25mm thick Olympact tiles. Other systems may also be considered subject to the written support of an Acoustic Engineer.
- Prior to the issue of any Construction Certificate, the location and type of all required resistant flooring must be clearly identified on the Floor Plans.
47. Detailed acoustic design of all mechanical plant must be undertaken prior to the issue of any Construction Certificate. An Acoustic Report must be commissioned to determine the acoustic treatments (including plant vibration isolation) needed to ensure that all new plant items will avoid impacts on nearby development and comply with the acoustic requirements of Council and the NSW Environment Protection Authority (EPA). Reference should be made to the Gym Noise Impact Assessment Report prepared by Acoustic Logic, dated 5 August 2021.
48. The development shall only be conducted:
- a) On Mondays to Fridays inclusive between the hours of 4:00am and 9:00pm.
 - b) On Saturdays to Sundays inclusive between the hours of 6:00am to 4:00pm.
49. Building work involving the use of electric or pneumatic tools or other noisy operations shall be carried out only between 7.00 am and 8.00 pm on weekdays and 8.00 am and 8.00 pm on weekends and public holidays.
- 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 I North, Cr B Bourke, Cr A Christian, Cr G Hanger, Cr M Morse , Cr W Aubin and Cr J Rudge

Against the Motion - Cr J Fry,

Absent - Nil

Abstain - Cr J Jennings

8.2.4 REQUEST TO NAME WALKWAY BETWEEN KEPPEL STREET AND KOHLHOFF WAY CARPARK THE "ALLAN WRIGHT WALKWAY"

File No: 20.00024

RECOMMENDATION:

That Council:

- a) place on public exhibition for a period of 28 days its intention to name the walkway connecting Keppel Street and the BINC Carpark the "Allan Wright Walkway";
 - b) should no objections be received during the public exhibition period, adopt the name "Allan Wright Walkway" and install appropriate signage at either end of the walkway; or
 - c) if an objection is received a further report will be prepared for Council.
-

REPORT:

Council has received a request from the Wright family to name the walkway between 41 and 43-45 Keppel Street and connecting Keppel Street with the BINC Carpark "Allan Wright Walkway" in recognition of Mr Wright's service and commitment to the Bathurst community. The walkway was formerly part of 43-45 Keppel Street (Central Commercial Printers)

Please see map and aerial photo identifying the subject walkway at **attachment 1**.

The following background information has been provided by the Wright family with the nomination:

Alan Wright (1943-2020) was the founding owner of Central Commercial Printers and bought the premises of "Wright Heaton", before tastefully converting it into the Central Commercial Printers building as it is today. As the walkway is adjacent to the building it is fitting for recognition in this location.

Mr Wright and his family lived in Bathurst for many years and Alan was a well-respected businessman in the Bathurst community. Central Commercial Printers (CCP) has been in Bathurst under Alan's stewardship since 1977 and remains a strong, viable business. CCP was awarded "Most Outstanding Business of the Year" at the 2013 Bathurst Business Awards.

Alan was also heavily involved with community groups such as the Bathurst Lions Club and the Bathurst Harness Racing Club, volunteering on the Boards of both organisations.

The name is generally consistent with the naming policies of both Council and the Geographic Names Board (GNB).

Council has been advised by the GNB that the name does not need to go through a formal Gazettal process with the GNB as the walkway is not a public road, is not dedicated public land and will not be used for addressing of adjacent properties. The GNB did however recommend that Council notify it once the exhibition and adoption process had been completed so that the walkway name can be included on topographic maps.

CONCLUSION:

Council has received a request to name the walkway connecting Keppel Street to the BINC Carpark the "Allan Wright Walkway". Allan Wright had a long association with the land and was also prominent in the local business community and community groups.

FINANCIAL IMPLICATIONS:

Nil

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

Objective 1: Our sense of place and identity.

Strategy 1.2 Protect, enhance and promote the region's European heritage assets and character.

Objective 4: Enabling sustainable growth.

Strategy 4.2 Provide safe and efficient road, cycleway and pathway networks to improve accessibility.

Objective 6: Community leadership and collaboration.

Strategy 6.5 Be open and fair in our decisions and our dealings with people.

COMMUNITY ENGAGEMENT:

02 **Consult** - to obtain public feedback on alternatives and/or decisions

ATTACHMENTS:

1. Location Plan & Aerial [8.2.4.1 - 2 pages]

MINUTE

RESOLUTION NUMBER: ORD2021-394

MOVED: Cr J Jennings SECONDED: Cr W Aubin

RESOLVED:

That Council:

- a) place on public exhibition for a period of 28 days its intention to name the walkway connecting Keppel Street and the BINC Carpark the “Alan Wright Walkway”;
- b) should no objections be received during the public exhibition period, adopt the name “Alan Wright Walkway” and install appropriate signage at either end of the walkway; or
- c) if an objection is received a further report will be prepared for Council.

8.2.5

NAMING OF UNNAMED CREEK - NEDS CREEK

File No: 22.14276

RECOMMENDATION:

That Council:

- a) support the name Neds Creek for an unnamed creek that traverses Lot: 131 DP: 1175961, The Bridle Track; and
 - b)
 - c) advise the property owner, Sharon Shelton, of its support for the naming, subject to the Geographical Names Board public exhibition process including notification to all adjoining property owners and relevant Indigenous Groups.
-

REPORT:

Council recently received a request from a property owner on the Bridle Track, regarding the naming of an unnamed watercourse that traverses the subject site. See request at [attachment 1](#), location map at [attachment 2](#).

The property owner, Sharon Shelton, has approached and received advice from the Geographical Names Board (GNB), that the request to name the creek requires Council endorsement of the proposed name as part of their naming process.

The proposed name is Neds Creek

In the 1920s, a boundary rider, shearer and rabbit trapper named Ned frequented this area of the Bridle Track. The property owner has confirmed that a shearer worked at "Freemantle Station" that signed his name "Ned Kelly 1925" on the lower level rafters of the shearing shed (from the book, "Freemantle via Bathurst" by Jim Buchan 2001 ISBN: 0-646-41451-8). In the early 1900s, many of the workers at Freemantle and Killongbutta used the Bridle Track to access Hill End, so it is quite possible he was familiar with this area.

The property owner, Sharon Shelton, has previously published a local history book on the Bridle Track "Tales of the Bridle Track: Bathurst to Hill End" in 2019 and Council supported its publication under the Bathurst Heritage Assistance Fund.

The subject watercourse is a tributary of Stony Creek and traverses approximately 8.5kms through several properties in a south westerly direction. The subject watercourse is noted to be a third order stream (possibly fourth order where it crosses this property) and these are often named. The adjacent creek which also joins Stony Creek is named Burnt Creek (fourth order).

Council notes there is a watercourse named Neds Creek located in Upper Lachlan Shire LGA.

Based on the information provided in the request, Council can be supportive of the

naming of the watercourse subject to the Geographical Names Board undertaking an exhibition process and that exhibition include notification to all adjoining property owners and relevant Indigenous Groups.

FINANCIAL IMPLICATIONS:

Nil.

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

Objective 1: Our sense of place and identity.

Strategy 1.2 Protect, enhance and promote the region's European heritage assets and character.

Objective 6: Community leadership and collaboration.

Strategy 6.1 Communicate and engage with the community, government and business groups on important matters affecting the Bathurst region.

Strategy 6.5 Be open and fair in our decisions and our dealings with people.

COMMUNITY ENGAGEMENT:

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

ATTACHMENTS:

1. Request to name creek [8.2.5.1 - 2 pages]
2. Location map [8.2.5.2 - 1 page]

MINUTE

RESOLUTION NUMBER: ORD2021-395

MOVED: Cr G Hanger SECONDED: Cr W Aubin

RESOLVED:

That Council:

- a) support the name Neds Creek for an unnamed creek that traverses Lot: 131 DP: 1175961, The Bridle Track; and
- b) advise the property owner, Sharon Shelton, of its support for the naming, subject to the Geographical Names Board public exhibition process including notification to all adjoining property owners and relevant Indigenous Groups.

8.2.6 ANNUAL STATE OF THE ENVIRONMENT REPORTS

File No: 13.00004/13.00062

RECOMMENDATION:

That Council:

- a) note that the 2021 Bathurst State of the Environment Report and the 2021 Regional State of the Environment Bathurst Snapshot Report have been prepared; and
 - b) make electronic copies of both reports available on Bathurst Regional Council's Website.
-

REPORT:

The Bathurst State of the Environment Report (SoE) (**attachment 1**) describes how Council and the community are working together to achieve the environmental stewardship objective of the 2040 Community Strategic Plan. The Community Strategic Plan identifies five strategies which will enable it to meet this objective:

- Protect and improve natural areas and ecosystems, including the Macquarie River and other waterways
- Protect the City's water supply
- Minimise the City's environmental footprint, live more sustainably and use resources more wisely
- Protect and improve the region's biodiversity
- Increase resilience to natural hazards and climate change

The report examines trends in key environmental indicators including Council energy use, greenhouse gas emissions, waste to landfill, rainfall and temperature as well as community water and energy use. The report also highlights several Council led projects in the area of biodiversity conservation and river protection.

Under the Integrated Planning and Reporting Framework, Council is only required to produce an SoE once every four years with the end of term report. However, Council staff have chosen to prepare it on an annual basis in order to make information on Council's environmental progress available to the public in a timely and readily accessible format.

Key issues highlighted by the report include:

- Bathurst experienced near average temperatures in 2020-21, though the long-term trend of increased maximum temperatures continues.
- Autumn rainfall broke the ongoing drought, leading to increased inflows into Chifley Dam and the decision by Council to reduce water restrictions from Level 4/5 to Level 3 in August 2020.
- Ongoing community education resulted in an average water use per person of 130 litres per day by June 2021.

- Continued community uptake of small scale solar. By the end of June 30.8MW solar had been installed in the Bathurst Region including 593.6kW on Council facilities.
- The lowest energy use (gas and electricity) at Council facilities since at least 2009-2010 due to increased energy efficiencies, LED streetlight roll out and continued solar installation.
- An 18% increase of waste being disposed at landfill, thought to be in response to increased development activity.
- An education and enforcement campaign saw a 93.7% reduction in cigarette butt litter in the Bathurst CBD.

In addition to preparing this SoE, Council also participated in the 2021 Greater Central West Regional SoE program, from which a snapshot report has been prepared for each participating Council (**attachment 2**). Participation in this process enables Council to compare its activities on a regional basis with other LGA's and cities of similar size and demographics. It also facilitates better understanding of trends in the condition of environmental assets which cross political boundaries. Of note in the Bathurst Region:

- The area of land covered by mining exploration has increased.
- The number of declared priority weeds increased from 98 to 104 species in the LGA.
- The number of Indigenous sites on the AHIMS register continues to grow as does the number of locally listed heritage items.
- The amount of community volunteer hours, the number of community environmental programs and the area of land rehabilitated was stable, despite health restrictions limiting activities.
- Hazardous household waste disposal through collection facilities increased significantly.

FINANCIAL IMPLICATIONS:

Nil.

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

Objective 3: Environmental stewardship.

- Strategy 3.1 Protect and improve our natural areas and ecosystems, including the Macquarie River and other waterways.
- Strategy 3.3 Minimise the City's environmental footprint, live more sustainably and use resources more wisely.
- Strategy 3.5 Increase resilience to natural hazards and climate change.

Objective 6: Community leadership and collaboration.

Objective 3: Environmental stewardship.

- Strategy 3.1 Protect and improve our natural areas and ecosystems, including the Macquarie River and other waterways.
- Strategy 3.3 Minimise the City's environmental footprint, live more sustainably and use resources more wisely.
- Strategy 3.5 Increase resilience to natural hazards and climate change.

Objective 6: Community leadership and collaboration.

Strategy 6.1 Communicate and engage with the community, government and business groups on important matters affecting the Bathurst region.

COMMUNITY ENGAGEMENT:

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

ATTACHMENTS:

1. State of the Environment Snapshot 2021-21 [8.2.6.1 - 9 pages]
2. Regional State of the Environment Report 2016-21 [8.2.6.2 - 5 pages]

MINUTE

RESOLUTION NUMBER: ORD2021-396

MOVED: Cr B Bourke SECONDED: Cr J Jennings

RESOLVED:

That Council:

- a) note that the 2021 Bathurst State of the Environment Report and the 2021 Regional State of the Environment Bathurst Snapshot Report have been prepared; and
- b) make electronic copies of both reports available on Bathurst Regional Council's Website.

8.2.7 **BANISHING BATHURST BUTTS NSW EPA
GRANT PROJECT DELIVERY UPDATE**

File No: **13.00006-04**

RECOMMENDATION:

That the information be noted.

SUMMARY:

Cigarette litter throughout the Bathurst CBD has decreased by 93.7% in the 12-month period of the Banishing Bathurst Butts EPA grant funded project, with 87.9% of smokers now choosing to bin their butts in Council waste receptacles rather than discarding them in the street, which are washed into the Macquarie River. The successful Banishing Bathurst Butts project was featured in the NSW Government's Waste and Sustainable Materials Strategy 2041.

REPORT:

Council's application to Round 1 of the NSW Environment Protection Authority's Cigarette Butt Litter Prevention Grants Program for the project '*Banishing Bathurst Butts - Significantly Reducing CBD Litter*' was successful in October 2020.

The Banishing Bathurst Butts project increased public awareness and education, improved infrastructure, and implemented strategic enforcement. Banishing Bathurst Butts aimed to increase binning rates by 50% and decrease CBD cigarette butt litter by 70% in a 12-month period. Baseline surveys calculated that approximately 18,000 cigarette butts were littered in the CBD each week (Figure 1). Upgrades to existing waste infrastructure and installation of butt bins with associated signage was identified as an urgent need to mitigate this worrying litter trend.

The project exceeded these targets by reducing cigarette litter by 93.7% and increasing binning rates by 87.9% in the 12-month project period (Figure 2) and featured in the NSW Government's Waste and Sustainable Materials Strategy 2041.

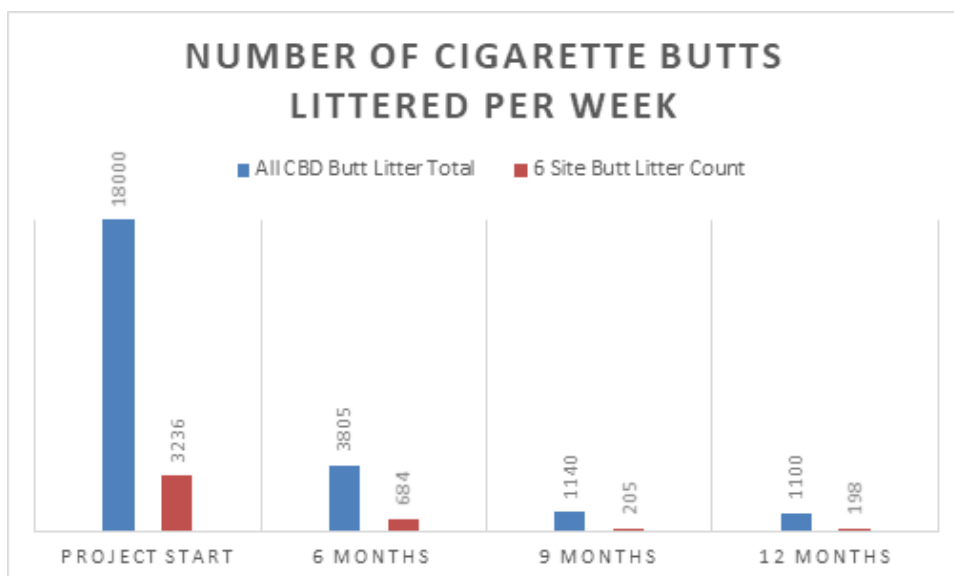


Figure 1 - Number of cigarette butts littered per week counted across six (6) survey sites and extrapolated across total CBD area.

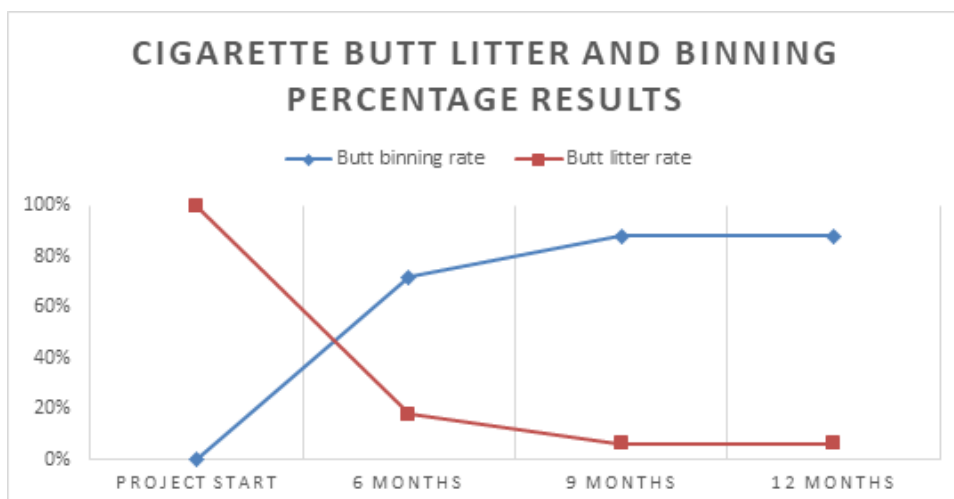


Figure 2 - Cigarette butt litter and binning percentage.

Cigarette butt bins, directional floor graphics and informative signage were installed throughout the CBD, with particular focus on Howick Street Bus Terminal, Taxi Rank and Post Office hotspots. Bins and signage were also installed at the RSL and Elizabeth Street carparks, near pubs and clubs, and at the entryways to the three CBD shopping centres. Infrastructure was installed in locations that complied with the *Smoke Free Environment Act 2000* and did not obstruct or impede pedestrian movement.

Banishing Bathurst Butts satisfied all NSW Environment Protection Authority's Cigarette Butt Litter Prevention Grants Program project KPI's. Project KPI outcomes included:

- Butt litter counts across the six (6) project sites has decreased by 93.7% when comparing November/December 2020 survey data and August/September 2021 data. This exceeds the project KPI of decreasing cigarette litter by 70%.
-
- CBD Litter Officers have implemented clean-up activities at all sites and continue to do so on a weekly basis, with 38 litter officer hours committed per week to cleaning CBD footpaths, garden beds, emptying bins and generally tidiness. This satisfies the project KPI of 38 litter officer hours.

-
- Fifty (50) existing CBD bins with butt out pads were updated with directional and educational branding. Thirty (30) butt bins and fifty (50) aluminium floor graphics were installed throughout the CBD to direct smokers to lawfully dispose of waste (*Figure 3*). Five hundred personal butt bins were provided free to smokers during surveys and at community engagement events. With 87.9% of smokers in the CBD choose to bin their butts, this exceeds the project KPI of increasing binning rates by 50%.
-
- Informative and directional signage was installed throughout the CBD in January-April 2021, an advertising campaign on public transport (bus and taxi) was implemented in December 2020 and ran to project end. A series of Facebook educational posts and short films were posted to encourage online engagement. The project featured on 2BS radio three times, in the Western Advocate five times and was on Prime 7 News in August 2021.
-
- Improved infrastructure instilled pride of place and ownership throughout the CBD, make it undesirable and socially unacceptable to litter their cigarette butt. Smoker opinion was measured during surveys, there was a 38% increase in smoker pride of place over the duration of the project which exceeded the 20% target.
-
- A verbal warning and personal butt bins were provided to smokers who were observed littering during a six-month soft enforcement campaign. Five (5) Penalty Infringement Notices were issued to smokers who littered their cigarette during the following six-month hard enforcement period.



Figure 3 – Banishing Bathurst Butts cylinder butt bin and educational signage.

FINANCIAL IMPLICATIONS:

Grant funding of \$35,140 was allocated to Bathurst Regional Council's Banishing Bathurst Butts project as part of NSW EPA's Waste Less, Recycle More initiative. Council contributed \$30,194.00 as a combination of funding and staff time (in-kind). The Council contributions were from existing allocations within Environmental Planning and Building Services and Engineering Services budgets.

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

Objective 3: Environmental stewardship.

- Strategy 3.1 Protect and improve our natural areas and ecosystems, including the Macquarie River and other waterways.
- Strategy 3.3 Minimise the City's environmental footprint, live more sustainably and use resources more wisely.

Objective 5: Community health, safety and well being.

- Strategy 5.2 Help make the Bathurst CBD, neighbourhoods and the region's villages attractive and full of life.
- Strategy 5.4 Make our public places safe and welcoming.

Objective 6: Community leadership and collaboration.

- Strategy 6.4 Meet legislative and compliance requirements.

COMMUNITY ENGAGEMENT:

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

ATTACHMENTS:

Nil

MINUTE

RESOLUTION NUMBER: ORD2021-397

MOVED: Cr A Christian SECONDED: Cr W Aubin

RESOLVED:

That the information be noted.

8.2.8

LEGIONELLA MANAGEMENT PLAN

File No: 14.00001-02

RECOMMENDATION:

That Council:

- a) place the Legionella Management Plan on public exhibition for a period of 28 days;
 - b) if Council receives submissions on the Legionella Management Plan, prepare a further report to Council; and
 - c) if no submissions are received, adopt the Legionella Management Plan.
-

REPORT:

Cooling water systems are used for climate control in some commercial buildings, including a small number in Bathurst. The *Public Health Regulation 2012* was amended on 10 August 2018 with additional requirements in relation to the management of cooling water systems in New South Wales. This amendment supplements the amendment that commenced on 1 January 2018, which introduced monthly testing of cooling water systems, and notification of reportable tests results to local government authorities.

Bathurst Regional Council has responsibilities legislated under Section 4 of the *Public Health Act 2010* to take appropriate measures to ensure compliance with regulation of cooling water systems. These additional requirements will increase responsibilities of the owners of buildings with cooling water systems, and increase the workload and resources needed within Council to satisfy legislative responsibilities.

1. The Regulation introduces six safeguards for the prevention of Legionnaires disease outbreaks from cooling water systems which include the following responsibilities of the building owner/occupier:
 - i. The Risk Assessment of Legionella contamination is to be documented in a Risk Management Plan (RMP) and updated every 5 years dependent on the risk rating.
 - ii. Independent Auditing of compliance with the RMP and Regulation is to be conducted annually
 - iii. Certificates of RMP completion and audit completion are to be provided to the Local Government Authority
 - iv. Monthly Sampling and Testing for Legionella and heterotrophic colony counts are to be undertaken
 - v. Reportable laboratory test results (Legionella count $\geq 1,000$ cfu/mL or Heterotrophic Colony Count $\geq 5,000,000$ cfu/mL are to be notified

- vi. All cooling towers are to display a unique identification number.
- 2. Legislative requirements of a Local Government Authority are the following:
 - i. Maintain a register of all cooling water systems within the Local Government Area (LGA)
 - ii. May undertake inspections to monitor compliance and identify unregistered systems
 - iii. Investigate systems with an audit demonstrating non-compliance
 - iv. Assist Public Health Units during a Legionnaires' disease outbreak investigation
 - v. Receive notifications of installation or a change in particulars (including decommissioning) of systems within the LGA
 - vi. Issue a unique identification number for each cooling tower using a consistent format across NSW i.e.
 - 3 letters for the LGA
 - 4 digits for the cooling water system number
 - 2 digits for the cooling tower number within the cooling water system
 - vii. Receive and investigate notifications of reportable test results of Legionella count $\geq 1,000$ cfu/mL or Heterotrophic Colony Count $\geq 5,000,000$ cfu/mL
 - viii. Receive and follow up outstanding certificates of Risk Management Plan completion and audit completion.

A Legionella Management Plan has been developed by Council to contain all legislative responsibilities for all stakeholders including Council Officers, building occupiers and building owners and is provided in **attachment 1**.

It is recommended this be placed on public exhibition and owners and operators of buildings with cooling water systems be notified.

FINANCIAL IMPLICATIONS:

These activities will need to be undertaken utilising existing staff resources, but is a further example of responsibility and cost shifting from the State Government to Local Government

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

Objective 6: Community leadership and collaboration.

Strategy 6.4 Meet legislative and compliance requirements.

Strategy 6.5 Be open and fair in our decisions and our dealings with people.

COMMUNITY ENGAGEMENT:

02 **Consult** - to obtain public feedback on alternatives and/or decisions

ATTACHMENTS:

1. Draft Legionella Management Plan [8.2.8.1 - 11 pages]

MINUTE

RESOLUTION NUMBER: ORD2021-398

MOVED: Cr W Aubin SECONDED: Cr B Bourke

RESOLVED:

That Council:

- a) place the Legionella Management Plan on public exhibition for a period of 28 days;
- b) if Council receives submissions on the Legionella Management Plan, prepare a further report to Council; and
- c) if no submissions are received, adopt the Legionella Management Plan.

8.2.9 TREE PRESERVATION AND MANAGEMENT POLICY

File No: 20.00143

RECOMMENDATION:

That Council adopt the updated Tree Preservation and Management Policy.

REPORT:

As part of Council's process to review each of its policies, Council staff have reviewed the "Tree Preservation and Management Policy". Some minor updates are required to the Policy as follows:

1. Section 3: - to ensure the Policy references the correct planning instrument, being the Bathurst Regional Development Control Plan 2014, as the previous clause 5.9 of the Local Environmental Plan has since been repealed under State Government changes to the standard instrument Local Environmental Plan.
2. Section 3 – to update the way the Policy refers to the heritage conservation areas under the Local Environmental Plan (LEP) to ensure that any future changes in the LEP do not impact on the currency of the Policy.

As the proposed amendments to the Policy are immaterial in nature and reflect current practice, the proposed amendments are not required to be placed on public exhibition prior to adoption. A copy of the updated policy with the proposed changes is provided at **attachment 1**.

It is recommended that Council adopt the updated Tree Preservation and Management Policy.

FINANCIAL IMPLICATIONS:

N/A

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

Objective 1: Our sense of place and identity.

Strategy 1.2 Protect, enhance and promote the region's European heritage assets and character.

Strategy 1.4 Protect and improve the region's landscapes, views, vistas and open space.

Objective 3: Environmental stewardship.

Strategy 3.4 Protect and improve the region's biodiversity.

Objective 6: Community leadership and collaboration.

Strategy 6.4 Meet legislative and compliance requirements.

COMMUNITY ENGAGEMENT:

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

ATTACHMENTS:

1. Draft Tree Preservation and Management Policy [**8.2.9.1** - 12 pages]

MINUTE

RESOLUTION NUMBER: ORD2021-399

MOVED: Cr A Christian SECONDED: Cr J Fry

RESOLVED:

That Council adopt the updated Tree Preservation and Management Policy.

8.2.10

CONTROL OF OPEN BURNING POLICY

File No: 13.00030

RECOMMENDATION:

That Council:

- a) place the revised Control of Open Burning Policy on public exhibition for a period of 28 days;
 - b)
 - c) if Council receives submissions on the revised Policy, prepare a further report for Council;
 - d) if no submissions are received, adopt the revised Policy.
-

SUMMARY:

Council adopted the Control of Open Burning Policy (the Policy) at its Ordinary Meeting on 17 September 2014. Staff have reviewed the Policy and recommend minor changes to reflect changes in statutory instruments and contemporary policy structure.

REPORT:

Council adopted the original Control of Open Burning Policy (the Policy) in 2009 to provide guidelines for the community in the application of the *Protection of the Environment Operations (POEO) (Clean Air) Regulation (2002)*. The Policy was updated in 2014 and in line with the regular review process for all Council policies, the document has recently been reviewed by staff. A copy of the revised Policy is at **attachment 1**.

The Policy has been revised to reflect current statutory instruments, including:

- The Bathurst Regional (Interim) Local Environmental Plan has been replaced by the Bathurst Regional Local Environmental Plan 2014 (BRLEP 2014)
- The references to zones 1a, 1b, 1e and 1f have been removed and replaced with their equivalents from the BRLEP 2014, namely RU1, RU4 and E4
- The *Protection of the Environment Operations (POEO) (Clean Air) Regulation 2021* is now in force and the references updated accordingly
- Replace references to repealed legislation with the *Biosecurity Act 2015*

Other recommended changes include:

- Amend the minimum lot size where open burning is allowed from 2 Hectares to 3 Hectares
- Addition of items in the list of restricted materials in section 7 (furniture, pallets, grass clippings, timber waste generated from business activities)
- Amend conditions in section 8 to prohibit burning during Severe, Extreme or Catastrophic Fire Risk to reflect current Fire Danger Ratings used by the NSW RFS
- Amend the conditions in section 8 to allow an assessment via telephone and a site

- visit is only required if the Council Officer deems necessary
- Remove the definition of routine agricultural activity which was repealed with the *Native Vegetation Act 1993* and replaced with a reference to the allowable activities and self-assessable codes under the *Local Land Services Act 2013*
- Removal of section 10 to be consistent with other policies

The Policy provides a transparent framework for the management of open burning in the Bathurst Region Local Government Area and has assisted Council in mitigating the public health and environmental risks associated with unapproved or inappropriate burning of material.

CONCLUSION:

It is recommended that Council place the revised policy on public exhibition, to seek feedback from the community on the suggested changes to the Policy.

FINANCIAL IMPLICATIONS:

Nil.

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

Objective 3: Environmental stewardship.

Strategy 3.5 Increase resilience to natural hazards and climate change.

Objective 6: Community leadership and collaboration.

Strategy 6.4 Meet legislative and compliance requirements.

COMMUNITY ENGAGEMENT:

02 **Consult** - to obtain public feedback on alternatives and/or decisions

ATTACHMENTS:

- Draft Control of open burning policy [8.2.10.1 - 9 pages]

MINUTE

RESOLUTION NUMBER: ORD2021-400

MOVED: Cr B Bourke SECONDED: Cr W Aubin

RESOLVED:

That Council:

- place the revised Control of Open Burning Policy on public exhibition for a period of 28 days;

- b) if Council receives submissions on the revised Policy, prepare a further report for Council;
- c) if no submissions are received, adopt the revised Policy.

8.2.11

DANGEROUS AND MENACING DOGS POLICY

File No: 02.00006

RECOMMENDATION:

That Council:

- a) place the revised Dangerous and Menacing Dogs Policy on public exhibition for a period of 28 days;
 - b) if Council receives submissions on the revised Policy, prepare a further report for Council;
 - c) if no submissions are received, adopt the revised Policy.
-

SUMMARY:

Council adopted the Dangerous and Menacing Dog Policy (the Policy) at its Ordinary Meeting on 21 June 2017. Staff have reviewed the Policy and recommend minor changes to the written policy and the risk assessment matrix.

REPORT:

Council adopted the Dangerous and Menacing Dog Policy (the Policy) to provide a transparent framework for the regulatory response to an alleged dog attack. The Policy has been successfully implemented since this time. In line with the regular review process for all Council policies, the document has been reviewed by staff.

Several minor changes are recommended as detailed below:

- update of the reference to the Guidelines for the Exercise of Functions under the Companion Animals Act 1998 to the 2015 edition
- change to the wording of section 5 to read *“typically this should include the Director Environmental, Planning and Building Services, a Manager from the Environmental, Planning and Building Services Department and an unbiased staff member”* instead of *“a Ranger”*. The purpose of this change is not to preclude the participation of a Ranger on the panel, but to ensure the independence of the panel considering representations.
- add clarify section 6 to indicate a Menacing Dog Declaration is not subject to appeal in the local or district court, but an appeal may be lodged in the Supreme Court.

Several minor changes have been recommended in the risk assessment matrices as detailed below:

- Remove the references to “illegally off leash,” in the location of attack section as this is a duplication of straying, and not a term used in the *Companion Animals Act 1998*.
- Remove the definition of illegally off leash from the table of terms to reflect its

- removal from the risk assessment matrices
- Add “On Dog’s Property – Trespassing” to distinguish between attacks that occur on invited visitors (either human or animal) and on those trespassing on private property
- Update the risk ratings values to incorporate the changes above
- Amend the consideration for Unacceptable Risk animals to read “*Declare Dog Dangerous and seek a destruction order*”
- Amend the Dog Attack (Animal) score ranges to be consistent with that in the Dog Attack (Human) matrix
- Remove the graphic on the last page of the policy which shows the scores, as it does not add any value to the policy.

The suggested changes do not fundamentally alter the process for assessing the seriousness of an incident, nor the process of the review panel. However, it is recommended that these changes are made to ensure that the Policy reflects the current statutory framework and to correct minor inconsistencies in the matrices.

CONCLUSION:

It is recommended that Council place the revised policy on public exhibition, to seek feedback from the community on the suggested changes to the Policy.

FINANCIAL IMPLICATIONS:

Nil.

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

Objective 6: Community leadership and collaboration.

Strategy 6.4 Meet legislative and compliance requirements.

COMMUNITY ENGAGEMENT:

02 **Consult** - to obtain public feedback on alternatives and/or decisions

ATTACHMENTS:

1. Draft Dangerous and Menacing Dog Policy [8.2.11.1 - 6 pages]

MINUTE

RESOLUTION NUMBER: ORD2021-401

MOVED: Cr M Morse SECONDED: Cr J Jennings

RESOLVED:

That Council:

- a) place the revised Dangerous and Menacing Dogs Policy on public exhibition for a

period of 28 days;

- b) if Council receives submissions on the revised Policy, prepare a further report for Council;
- c) if no submissions are received, adopt the revised Policy.

8.2.12 STREET VENDING AND ROADSIDE STALLS – OPERATION DURING FULL TRACK CLOSURE MOTOR RACING EVENTS

File No: 30.00004

RECOMMENDATION:

That Council repeal the “Street vending and roadside stalls - Operation during full track closure motor racing events” Policy.

REPORT:

Council at its Ordinary Meeting on 17 June 2019 adopted the “Street vending and roadside stalls – Operation during full track closure motor racing events” Policy (the Policy).

The purpose of the Policy (**attachment 1**) was to trial a designated location for street vending and roadside stalls during large motor racing events, as historically vendors had set up in various locations around Bathurst. In some instances, these temporary stalls had caused issues of public safety or nuisance.

While the trial was successful in providing a designated location for street vending and roadside stalls, it was not deemed a suitable long-term location for such activities, based on feedback from vendors. Therefore, it is recommended that Council repeal the Policy, as it was adopted as a 12-month trial.

In the absence of a Policy, Council staff will continue the practice of monitoring vendors to ensure public safety is maintained and vendors have the necessary approvals to operate.

CONCLUSION:

It is recommended that Council repeal the Policy, as the 12-month trial is complete.

FINANCIAL IMPLICATIONS:

Nil.

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

Objective 6: Community leadership and collaboration.

Strategy 6.4 Meet legislative and compliance requirements.

COMMUNITY ENGAGEMENT:

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

ATTACHMENTS:

1. Street vending and roadside stalls - operation during full track closure motor racing events [8.2.12.1 - 3 pages]

MINUTE**RESOLUTION NUMBER: ORD2021-402****MOVED: Cr A Christian SECONDED: Cr J Fry****RESOLVED:**

That Council repeal the "Street vending and roadside stalls - Operation during full track closure motor racing events" Policy.

8.3 DIRECTOR CORPORATE SERVICES AND FINANCE'S REPORT

8.3.1 STATEMENT OF INVESTMENTS

File No: 16.00001

RECOMMENDATION:

That the information be noted.

REPORT:

\$90,230,000 was invested at 30 October 2021 in accordance with Council's investment policies, the Minister's Investment Order dated 12 January 2011, the Local Government Act 1993 and associated regulations. All investments have been reconciled with Council's general ledger and are listed below:

	<u>Rating</u>	<u>Balance</u>	<u>Average Return</u>
<u>Short Term 1 – 365 Days</u> (comprising Commercial Bills, Term Deposits, Debentures and Certificates of Deposits):			
National Australia Bank Limited	A-1+	\$22,500,000.00	0.53%
CBA	A-1+	\$4,500,000.00	0.36%
CBA Green Deposit	A-1+	\$1,500,000.00	0.36%
AMP	A2	\$4,500,000.00	0.63%
Bank of Queensland Limited	A2	\$13,500,000.00	0.49%
Auswide Bank	A2	\$1,500,000.00	1.31%
Members Equity Bank	A2	\$10,500,000.00	0.45%
Maritime, Mining & Power Credit Union Ltd	ADI	<u>\$7,500,000.00</u>	<u>0.51%</u>
		\$66,000,000.00	0.51%
<u>Long Term > 365 Days</u> (comprising Commercial Bills, Term Deposits, Debentures and			

Bonds):**Floating Rate****Term Deposits**

Westpac Coupon Select 1	AA-	\$3,000,000.00	1.26%
Westpac Coupon Select 2	AA-	\$1,500,000.00	1.01%
Westpac Green Tailored Deposit	AA-	\$1,500,000.00	0.29%
Westpac Fixed Term Deposit	AA-	\$1,500,000.00	1.25%
Maritime Mining & Power Credit Union Ltd	ADI	<u>\$1,230,000.00</u>	<u>0.25%</u>
-	-	\$8,730,000.00	0.91%

Floating Rate**Notes**

CBA Climate Bond	AA-	\$1,000,000.00	0.94%
CBA Green	AA-	\$1,500,000.00	0.43%
Commonwealth	AA-	\$500,000.00	0.95%
Bank of Australia 2			
National Australia Bank	AA-	\$700,000.00	0.95%
National Australia Bank	AA-	\$1,200,000.00	0.42%
HSBC Sydney	AA-	\$1,500,000.00	0.85%
Macquarie Bank	A+	\$1,000,000.00	0.76%
Macquarie Bank	A+	\$1,500,000.00	0.49%
UBS AG Australian	A+	\$650,000.00	0.94%
Suncorp Metway Ltd	A+	\$500,000.00	0.46%
Suncorp Metway Ltd	A+	\$1,550,000.00	0.49%
Sumitomo Mitsui Banking Corp	A	\$1,000,000.00	1.16%
Bendigo & Adelaide Ltd	BBB+	\$900,000.00	0.53%
AMP	BBB	\$1,000,000.00	1.07%
Newcastle Permanent 3	BBB	<u>\$1,000,000.00</u>	<u>1.69%</u>
		\$15,550,000.00	0.77%

Total Investments**\$90,230,000.00****0.60%*****These funds were
held as follows:***

Reserves Total (includes unexpended loan funds)	\$44,574,417.00
Grants held for specific purposes	\$1,611,000.00
Section 7.11 Funds	\$44,044,583.00

held for specific
purposes
Unrestricted
Investments

\$0.00

Total Investments

\$78,180,000.00

Total Interest
Revenue to 31
October 2019

\$184,521.26

0.60%

A Jones
Responsible Accounting Officer

FINANCIAL IMPLICATIONS:

N/A

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

Objective 4: Enabling sustainable growth.

Strategy 4.6 Plan for, assess and regulate development activity.

COMMUNITY ENGAGEMENT:

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

ATTACHMENTS:

1. Investments 31 October 2021 pre-accrual [8.3.1.1 - 2 pages]

MINUTE

RESOLUTION NUMBER: ORD2021-403

MOVED: Cr B Bourke SECONDED: Cr G Hanger

RESOLVED:

That the information be noted.

8.3.2

QUARTERLY REVIEW - 2021/2025 DELIVERY PLAN AND OPERATIONAL PLAN 2021/2022

File No: 16.00182

RECOMMENDATION:

That the information be noted and budget variations be approved.

REPORT:

Bathurst Regional Council has in place the Bathurst 2040 Community Strategic Plan which aims to inform the community about the major directions and programs Council is undertaking in shaping the future of the Bathurst Region. These directions are summarised as objectives and strategies in the Community Strategic Plan which was adopted by Council on 16 May 2018. The Plan is available for viewing at the council offices at 158 Russell Street or can be downloaded from the Public Documents section of Council's website, www.bathurst.nsw.gov.au/council/general-information/public-documents. A listing of the Objectives and Strategies from the Bathurst 2040 Community Strategic Plan can be found within the Plan commencing from page 22.

At **attachment 1** is an update of Council's progress towards achieving the Strategies and Objectives for the 2021-2025 Delivery Plan and the Annual Operational Plan 2021-2022. Clause 203(1) of the Local Government (General) Regulation 2005 (the Regulation) requires a council's responsible accounting officer to prepare and submit a quarterly budget review statement to the governing body of council. The quarterly budget review statement must show, by reference to the estimated income and expenditure that is set out in the operational plan adopted by council for the relevant year, a revised estimate of income and expenditure for that year. It also requires the budget review statement to include a report by the responsible accounting officer as to whether or not they consider the statement indicates council to be in a satisfactory financial position (with regard to its original budget) and if not, to include recommendations for remedial action.

The Division of Local Government has set a prescribed format for the Quarterly Budget Review Statement (QBRs). The statement is in the same format as the requirements for the new Annual Operational Plan that replaced the Management Plan from 1 July 2012. The QBRs Report shown at **attachment 2** is in the format of a commercial Income and Expenditure Statement as per the Office of Local Government Guidelines.

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

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

FINANCIAL IMPLICATIONS:

Nil

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

Objective 6: Community leadership and collaboration.

Strategy 6.4 Meet legislative and compliance requirements.

COMMUNITY ENGAGEMENT:

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

ATTACHMENTS:

1. Operating Plan Review - Oct 2021 [**8.3.2.1** - 59 pages]
2. QBRS Report Sep 21 [**8.3.2.2** - 15 pages]

MINUTE

RESOLUTION NUMBER: ORD2021-404

MOVED: Cr B Bourke SECONDED: Cr M Morse

RESOLVED:

That the information be noted and budget variations be approved.

8.3.3 SUNDRY SECTION 356 DONATIONS, BATHURST MEMORIAL ENTERTAINMENT CENTRE COMMUNITY USE SUBSIDY AND MOUNT PANORAMA FEE SUBSIDY

File No: 18.00004

RECOMMENDATION:

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

REPORT:

At **attachment 1** is a list of Sundry Section 356 Donations, Bathurst Memorial Entertainment Centre Community Use Subsidies and Mount Panorama Fee Subsidies granted by Council for the period ending 31 October 2021 including a report on annual Rental Subsidies granted by Council.

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:	\$ 15,000.00 **
BMEC Community use:	\$ 10,000.00
Mount Panorama:	\$ 35,000.00

** The above amount includes donations already committed but not yet paid. After allowing for the committed donations the remaining balance is \$15,000.

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

Objective 5: Community health, safety and well-being.

Strategy 5.3 Help build resilient, inclusive communities.

Objective 6: Community leadership and collaboration.

Strategy 6.5 Be open and fair in our decisions and our dealings with people.

COMMUNITY ENGAGEMENT:

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

ATTACHMENTS:

1. 356 Donations Report as at 31 October 2021 [8.3.3.1 - 2 pages]

MINUTE

RESOLUTION NUMBER: ORD2021-405

MOVED: Cr W Aubin SECONDED: Cr M Morse

RESOLVED:

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

8.3.4 POWER OF ATTORNEY

File No: 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.

- M Anderson - 135 Marsden Lane - Lot 152 DP1275358 – Sales Contract
- K Casani – 137 Marsden Lane – Lot 153 DP1275358 – Sales Contract
- S Fitzgerald – 139 Marsden Lane – Lot 154 DP1275358 – Sales Contract
- L Naylor – 141 Marsden Lane – Lot 155 DP1275358 – Sales Contract
- K Gossland – 143 Marsden Lane – Lot 156 DP1275358 – Sales Contract
- Markwater Developments – 33 Michigan Road – Lot 1000 DP1129907 – Amended Sales Contract
- Australian Unity Home Care Services – 1/55 Seymour Street – Part Lot 180 DP862410 – Lease Agreement
- DCS Spatial Services – 8 Windsock Way – Lot 5 DP847356 – Lease Agreement
- Schafer & Sons Pastoral – 151 Laffing Waters Lane – Lot 231 DP1177478 Rural Licence Agreement
- Bathurst District Historical Society – East Wing Courthouse – Landowners Consent

General Items

- Nil

Linen Plan Release

- Nil

FINANCIAL IMPLICATIONS:

Nil

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

Objective 4: Enabling sustainable growth.

Strategy 4.6 Plan for, assess and regulate development activity.

COMMUNITY ENGAGEMENT:

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

ATTACHMENTS:

Nil

MINUTE

RESOLUTION NUMBER: ORD2021-406

MOVED: Cr J Jennings SECONDED: Cr W Aubin

RESOLVED:

That the information be noted.

8.3.5 COUNCIL POLICY REVIEW - POLICIES REVIEWED WITH NO OR MINIMAL CHANGES IDENTIFIED

File No: 11.00006

RECOMMENDATION:

That the information be noted.

REPORT:

As part of Council's governance procedures, a program to review all Council policies every two years has been implemented.

The following Council Policies have recently been reviewed. As there were no or minimal changes the policies are not required to be placed on public display or formally readopted by Council.

Policy Reviewed	Action	New Renewal Date
Industries – Establishment of New Industries in Bathurst	No change	November 2023
Staff – Designated Persons Disclosing Interests	Minimal changes to legislation Section and Regulation numbers and update to position titles.	November 2023
Governance – Payment of Expenses Provision of Facilities for Councillors	Minimal changes to Act numbers.	November 2023

That the following policies have been reviewed and have been considered to be operational and it is recommended that the policy be removed from the Council Policy Manual.

Policy – Change to Operational	New Renewal Date
Nil	

FINANCIAL IMPLICATIONS:

Nil

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

Objective 6: Community leadership and collaboration.

Strategy 6.4 Meet legislative and compliance requirements.

COMMUNITY ENGAGEMENT:

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

ATTACHMENTS:

1. Industries - Establishment of New Industries in Bathurst [**8.3.5.1** - 1 page]
2. Staff Designated Persons Disclosing Interests [**8.3.5.2** - 2 pages]
3. Governance Payment of expenses Provision of Facilities [**8.3.5.3** - 16 pages]

MINUTE

RESOLUTION NUMBER: ORD2021-407

MOVED: Cr A Christian SECONDED: Cr W Aubin

RESOLVED:

That the information be noted.

8.3.6 INTEGRATED PLANNING AND REPORTING - END OF TERM REPORT

File No: 11.00008

RECOMMENDATION:

That the information be noted.

REPORT:

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

The Community Strategic Plan (CSP) is the highest level plan a Council must prepare. The CSP identifies the community's main priorities and aspirations for the future and includes strategies to achieve these goals. Council must at the end of the Council term prepare a report on the achievements of the current Council in relation to its obligations contained within the CSP. This End of Term report covers the period since the last election held in September 2017. A copy of the report is shown at **attachment 1**.

FINANCIAL IMPLICATIONS:

Nil

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

Objective 2: A smart and vibrant economy.

Strategy 2.2 Grow local employment, investment and attract new businesses by nurturing and supporting entrepreneurs, partnerships and local skill development.

Objective 6: Community leadership and collaboration.

Strategy 6.4 Meet legislative and compliance requirements.

Strategy 6.7 Invest in our people.

COMMUNITY ENGAGEMENT:

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

ATTACHMENTS:

1. End of Term Report FINAL [8.3.6.1 - 25 pages]

MINUTE**RESOLUTION NUMBER: ORD2021-408****MOVED: Cr J Jennings SECONDED: Cr B Bourke****RESOLVED:**

That the information be noted.

8.3.7 COST OF COVID - 2021/2022 - DECEMBER QUARTER

File No: 14.00764, 16.000179

RECOMMENDATION:

That Council:

- i. Note the report on the costs of the Covid pandemic incurred by Council for the December 2021 Quarter; and
 - ii. Adopt the budget variations as detailed within this report.
-

REPORT:

Councillors would recall from the Ordinary Meeting of 15 September 2021 that a report was presented of the costs of the Covid pandemic incurred by Council for the September 2021 quarter.

With the continuation of the pandemic, this report provides an update for the December 2021 quarter.

Council staff have undertaken a review of Council's operations and have quantified each impact up to the end of the December quarter. A summary of each area reviewed is provided below.

- i. **Aerodrome Land Changes – Additional loss of \$28,500**
With the continuation of travel restrictions into Regional NSW, there has been a further decline in the landing charges at the Bathurst Aerodrome. The amount quoted above is in addition to the \$20,000 loss adjusted during the September quarter.
- ii. **Relaxation of Parking Fines & Charges – Additional Loss of \$72,000**
Council has continued with this initiative to support our local economy where permitted by the relevant Public Health Orders. The amount quoted above is in addition to the \$86,000 loss adjusted during the September quarter.
- iii. **Council's operations Expenses – Additional Loss of \$41,000.**
Council continues to incur operational expenses that have arisen as a direct result of the Covid Pandemic. These costs included additional cleaning equipment, the hiring of additional vehicles, the purchase of counter screens and the engagement of security services.
The amount quoted above is in addition to the \$90,000 cost adjusted during the September quarter.
- iv. **Provision of Commercial Rent Waivers – Additional Loss of \$18,755.**

Due to the commercial-in-confidence nature of Council's commercial leases, the individual details of each lease that has contributed to this loss is unable to be disclosed. However, the number of lessees/ tenants seeking Covid rent relief have increased during the December quarter, with all being able to operate, albeit under restrictions, during October and November. The amount quoted above is in addition to the \$3,457 loss adjustment during the September quarter.

- v. Museums Closures – additional loss of \$102,685
With the Covid restrictions extending the closure of museums into the December quarter, an additional loss will be incurred. This amount is in addition to the \$170,000 adjusted during the September quarter.
- vi. BMEC Closure – additional loss of \$12,607
With the Covid restrictions extending the closure of BMEC into the December quarter, an additional loss will be incurred. This amount is in addition to the \$110,000 adjusted during the September quarter.

The collective total of the items listed above amount to an additional loss of \$275,547 for the December quarter, which brings to year to date loss up to \$799,547.

In addition to the items listed, Council has supported NSW Health in its response to the pandemic. These have included:

- Two testing sites at Mt Panorama, and
- Vaccination clinics at BMEC, Kelso Community Hub and Mt Panorama.

NSW Health have agreed to reimburse Council for all third-part costs in establishing these sites. However, all Council's charges associated with these sites have not been applied.

For Councillors information, had these changes been applied, Council would have collected \$26,800 (incl gst) for the December quarter

FINANCIAL IMPLICATIONS:

To maintain a balanced budget for Council, the following budget variations are recommended to offset the additional loss of \$275,547.

Variation	Reduction/ Saving
Corporate Services & Finance	
Job Seeker Payments	11,835
Corporate Governance – Postage	10,000
Corporate Governance – Telephone	5,000
Corporate Governance - Reference Material	5,000
Engineering Services	
Engineering Works – Salary Savings	59,712
Environmental, Planning & Building Services	
Parking Fines – Other Levies to Govt	10,000
CBD Main Street Improvement Fund	20,000
Ranger/ Parking – Salary Savings	33,000

Cultural Community Services	
Kelso Community Hub - Salaries	49,000
Kelso Community Hub – Programs	5,000
Collections Facility – Electricity Charges	20,000
CCS Admins – Salary Savings	15,000
Library – Salary Savings	22,000
Tourism – Salary Savings	10,000
Total	275,547

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

Objective 2: A smart and vibrant economy.

Strategy 2.1 Support local business and industry.

COMMUNITY ENGAGEMENT:

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

ATTACHMENTS:

Nil

MINUTE

RESOLUTION NUMBER: ORD2021-409

MOVED: Cr B Bourke SECONDED: Cr A Christian

RESOLVED:

That Council:

- i. Note the report on the costs of the Covid pandemic incurred by Council for the December 2021 Quarter; and
- ii. Adopt the budget variations as detailed within this report.

8.4 DIRECTOR ENGINEERING SERVICE'S REPORT

8.4.1 COUNCIL SPORTING GRANTS PROGRAM YEAR ENDING 30 JUNE 2022

File No: 18.00279-05

RECOMMENDATION:

That Council:-

- a) approve the following sporting grants totaling \$12,918 for the 2021/2022 financial year, in accordance with the recommendations contained within the Director Engineering Services' report;

ORGANISATION	PROPOSED GRANT
Bathurst Bushrangers ARFC	\$738
Bathurst Bushrangers ARFC	\$600
Bathurst Hockey Association	\$4,880
Panorama Motorcycle Club	\$2,500
Bathurst Rifle Club	\$1,200
Bathurst Cycling Club	\$3,000

and

- b) offer a second round of the 2021/2022 Council Sporting Grants Program to the Bathurst sporting community with the remaining unallocated funding within the current sporting grants budget.

REPORT:

Council would be aware Council's Sporting Grants scheme has been developed to assist sporting clubs that utilise Council facilities in undertaking specific works or purchasing of equipment for the advancement of sport in the Bathurst Region. A total of \$20,000 is allocated annually to fund this program, with sporting organisations that are affiliated with the Bathurst District Sport and Recreation Council being eligible to apply.

Notices for Council's 2021/2022 Sporting Grant Program were advertised in the Western Advocate in August and September 2021, as well as on Council's Website. In addition, the Bathurst Sport and Recreation Council were also advised during the advertising period.

At the close of advertising, a total of seven (7) applications from local sporting groups were received with a total combined amount requested of \$52,918. Applications received were submitted by the following organisations:

Bathurst and District BMX Club Inc
Bathurst Bushrangers ARFC (2)
Bathurst Hockey Association
Panorama Motorcycle Club
Bathurst Rifle Club

Bathurst Cycling Club

The applications from the above organisations were forwarded to the Bathurst District Sport and Recreation Council (BDSRC) for their comment. The BDSRC have reviewed the applications and have made recommendations for the allocation of funding to four of the seven applicants. A copy of their letter and deliberations is shown at **attachment 1**.

Review of submissions

The request from Bathurst and District BMX Club Inc is not recommended for funding on this occasion. The grant that they seek is well above the total funds allocated for the entire 2021/2022 program. It is also believed impractical to offer a percentage of funding, as the BMX Club have not indicated that they are able to contribute any funding to this project and it would be unlikely that they would be able to complete the works without full funding being provided.

BDSRC have claimed that the two submissions from Bathurst Bushrangers are ineligible as the requested funding is for the supply of consumables and classed as operational items. It should be noted that the "Conditions of Grant" that forms part of the grant application documentation does not indicate that the Bathurst Bushrangers' proposed projects are non-compliant or that they are ineligible. It is considered that the equipment proposed by the Bathurst Bushrangers are Capital in nature, with a life span of 3-5 years, and meets the grant criteria. It is therefore recommended that the Bathurst Bushrangers' applications be approved for the amounts as recommended in Table 1.

Bathurst District Sports and Recreation Council have also requested an extension to the 2021/2022 Grant program, sighting a number of issues around the COVID restrictions during the past few months that may have prevented sporting organisations from being able to prepare and submit applications prior to the close date of 28 September 2021.

BDSRC were advised that Council was unable to provide an extension to the grant application that had already closed due to various reasons, including the processes that Council is required to abide by in relation to the administration of Council funds and the requirement to adhere to guidelines as set by the grant application and assessment process.

However, it is acknowledged that COVID restrictions has caused significant disruption to all sporting groups over the past year and that these disruptions may well have prevented organisations from being able to make submissions this year. As such, it is recommended that Council's surplus funding from the 2021/2022 sports grant allocation budget be made available for a second round of sports grants, proposed to be called early within the New Year. It is recommended that the second round be made available only to those sporting organisations that have not submitted an application in the first round.

Recommendation

It is therefore recommended that Council approve the following sporting grants for the 2021/2022 financial year to date totalling \$12,918.

Table 1 (below) highlights the sporting groups that have applied, the proposed projects, the grant amounts sought, the funding amount recommended by BDSRC and staff recommendations to Council in respect to grant funding.

TABLE 1.

Sporting group	Project description	Amount requested from applicants	BDSRC proposed grant amount	RECOMMENDED GRANT AMOUNT
Bathurst and District BMX Club Inc	Resurfacing of track	\$40,000	0	0
Bathurst Bushrangers ARFC	Canteen POS System	\$738	0	\$738
Bathurst Bushrangers ARFC	Laptop computer for Registrar	\$600	0	\$600
Bathurst Hockey Association	Replace facility lighting with LED	\$4,880	\$4,880	\$4,880
Panorama Motorcycle Club	Internal improvements to race control building	\$2,500	\$2,500	\$2,500
Bathurst Rifle Club	Install additional electronic target	\$1,200	\$1,200	\$1,200
Bathurst Cycling Club	Construction of stairs and reshape disabled access	\$3,000	\$3,000	\$3,000
TOTALS		\$52,918	\$11,580	\$12,918

It is also recommended that Council offer a second round of the 2021/2022 Council Sporting Grants Program to the Bathurst sporting community, utilising the remaining unallocated funding from the current sports grant budget.

FINANCIAL IMPLICATIONS:

Council has included \$20,000 in its 2021/2022 Operational Plan for the Sporting Grants Program. Should Council approve grant allocations as recommended, there would be \$7,082 available to implement round two of the 2021/22 Sports grants program.

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

Objective 4: Enabling sustainable growth.

Strategy 4.1 Facilitate development in the region that considers the current and future needs of our community.

Strategy 4.3 Ensure services, facilities and infrastructure meet the changing needs of our region.

Objective 5: Community health, safety and well being.

Strategy 5.1 Provide opportunities for our community to be healthy and active.

Strategy 5.2 Help make the Bathurst CBD, neighbourhoods and the region's villages attractive and full of life.

Objective 6: Community leadership and collaboration.

Strategy 6.7 Invest in our people.

COMMUNITY ENGAGEMENT:

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

ATTACHMENTS:

1. Attachment 1 [8.4.1.1 - 2 pages]

MINUTE

RESOLUTION NUMBER: ORD2021-410

MOVED: Cr B Bourke SECONDED: Cr A Christian

RESOLVED:

That Council:-

- a) approve the following sporting grants totaling \$12,918 for the 2021/2022 financial year, in accordance with the recommendations contained within the Director Engineering Services' report;

ORGANISATION	PROPOSED GRANT
Bathurst Bushrangers ARFC	\$738
Bathurst Bushrangers ARFC	\$600
Bathurst Hockey Association	\$4,880
Panorama Motorcycle Club	\$2,500
Bathurst Rifle Club	\$1,200
Bathurst Cycling Club	\$3,000

and

- b) offer a second round of the 2021/2022 Council Sporting Grants Program to the Bathurst sporting community with the remaining unallocated funding within the current sporting grants budget.

8.4.2 REQUEST FOR LETTER OF SUPPORT - CHIFLEY DAM

File No: 32.00005-08

RECOMMENDATION:

For Council's consideration.

REPORT:

Council has been approached by the recently formed Bathurst Tournament Water Ski Club (the Club), who wish to utilise a section of the Campbells River upstream of Chifley Dam for their sport. Please refer to **attachment 1** for details of request, which includes course location and equipment required, Safety Plans, certificate of incorporation along with noise and wake data.

This will include the placement of buoys within Chifley Dam for the duration of the season and will be recovered following the conclusion of the sports season.

As part of their application, the Club has carried out targeted consultation with other clubs that use the dam, including the Bathurst Dragon Boat Club, Bathurst RSL Fishing Club and Bathurst Rowing Club. Response to stakeholder consultation is included within the provided submission.

Bathurst Regional Council has been made aware of an objection from an adjoining landowner at 571 Garthowen Lane, Tannas Mount. Council organised a meeting with the Club, two adjoining landowners, with the Mayor and Director Engineering Services representing Council. During the meeting, concerns of noise from the ski boats, potential environmental damage to dam foreshore, potential for fire on the foreshore, and from spectators trespassing on private property were raised. At the conclusion of the meeting, the agreement reached by all parties was for a 12-month trial period for the request, with a subsequent review by appropriate stakeholders and further consideration by the Council as to whether the proposal should continue.

Following the conclusion of the meeting, Council received further correspondence from the landowner from 571 Garthowen Lane, rescinding their earlier agreement for a trial period and reaffirmed their objection to the proposal. Refer **attachment 2** for details.

Councillors would be aware that use of boats on Chifley Dam is not regulated by Bathurst Regional Council, but by Transport for NSW. For the Club to be able to use Chifley Dam for their sport, they are required to obtain an aquatic licence from the State Government; since Council owns the dam infrastructure, a letter of support is required to be a part of their application.

The Club has not requested financial support from the Council. The particular location chosen by the Club may be affected by changing water levels of the dam in times of drought, and also during flood events.

Council has a number of options available, as follows:-

Option 1 – refusal to provide letter of support

Council can choose to not provide a letter of support for the proposal. Should this occur, the Bathurst Tournament Water Ski Club will be unable to progress their application with Transport for NSW for an aquatic licence.

Should this be the case, an appropriate resolution is as follows:-

That Council not provide a letter of support to the Bathurst Tournament Water Ski Club for an aquatic licence to operate at Chifley Dam.

Option 2 – To provide a letter of support

Should Council choose to provide a letter of support, the recommendation may be as follows:-

That Council provide a letter of support to the Bathurst Tournament Water Ski Club for an aquatic licence to operate at Chifley Dam with the following conditions:-

- a) That the letter of support allow a maximum of 12 months operation,*
- b) The operation of Bathurst Tournament Water Ski Club upon Chifley Dam be carried out in accordance with the aquatic licence, should it be granted by Transport for NSW,*
- c) That the Bathurst Tournament Water Ski Club operation on Chifley Dam during the trial period only be for its own direct members and no other Club be invited to participate at the slalom course on Chifley Dam,*
- d) That following the trial period that consultation be carried out with stakeholders to determine concerns regarding the operation of the Club,*
- e) That a further report be presented to Council for its consideration as to whether the Club operation should continue.*

Noting the objection by the adjoining landowner, the matter is for Council to consider and determine an appropriate resolution.

FINANCIAL IMPLICATIONS:

Nil

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

Objective 5: Community health, safety and well being.

Strategy 5.1 Provide opportunities for our community to be healthy and active.

COMMUNITY ENGAGEMENT:

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

ATTACHMENTS:

1. Attachment 1 Formal Recommendation to Bathurst Regional Council [8.4.2.1 - 61 pages]
2. Attachment 2 [8.4.2.2 - 5 pages]

MINUTE

RESOLUTION NUMBER: ORD2021-411

MOVED: Cr B Bourke SECONDED: Cr A Christian

RESOLVED:

That Council provide a letter of support to the Bathurst Tournament Water Ski Club for an aquatic licence to operate at Chifley Dam with the following conditions:-

- a. That the letter of support allow a maximum of 12 months operations,
- b. The operation of Bathurst Tournament Water Ski Club upon Chifley Dam be carried out in accordance with the aquatic licence, should it be granted by Transport for NSW,
- c. That the Bathurst Tournament Water Ski Club operation on Chifley Dam during the trial period only be for its own direct members and no other Club be invited to participate at the slalom course on Chifley Dam,
- d. That following the trial period that consultation be carried out with stakeholders to determine concerns regarding the operations of the Club,
- e. That a further report be presented to Council for its consideration as to whether the Club operation should continue.

8.5 DIRECTOR CULTURAL AND COMMUNITY SERVICE'S REPORT

8.5.1 BATHURST LIBRARY CUSTOMER SATISFACTION SURVEY 2021

File No: 21.00054

RECOMMENDATION:

That the information be noted.

REPORT:

As recommended by the State Library of NSW, the Bathurst Library ran its biennial customer satisfaction survey from 25 June to 19 July 2021. The survey is carried out to allow community feedback, which, in turn, gives the library team information on how they can improve services to the community.

The survey was available online and hard copies were made available in the Bathurst Library. A total of 73 responses were received.

A copy of the 2021 Bathurst Library Customer Satisfaction Survey Results is provided at **attachment 1**. The report analyses the results of the survey and compares results to the 2019 survey, where relevant.

SUMMARY OF SURVEY RESULTS

Over 95% of respondents rate the library facilities and services as being very good or good.

Over 96% of respondents rated the material they borrowed as good or very good.

"More of the same. There is an excellent mix in the library collections and up to date with publications, so continuing and expanding that would be good."

54.4% indicated they use the online library, compared to 24.4% in 2019.

Over 90% of respondents rated our customer service, programs, access to technology and internet connectivity as good or very good.

"The staff of the library are what makes it such a pleasure to visit. They are always very helpful and friendly and go beyond just 'doing their job'. Their knowledge of the library is excellent."

CONCLUSION

The results from the survey conducted are very pleasing and support the Bathurst Library Strategic direction as contained in the Strategic Plan 2019-2024.

FINANCIAL IMPLICATIONS:

Funding for this item is contained within existing budgets

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

Objective 1: Our sense of place and identity.

Strategy 1.3 Enhance the cultural vitality of the region.

Objective 2: A smart and vibrant economy.

Strategy 2.3 Develop Bathurst as a Smart City.

Objective 4: Enabling sustainable growth.

Strategy 4.3 Ensure services, facilities and infrastructure meet the changing needs of our region.

Objective 5: Community health, safety and well being.

Strategy 5.3 Help build resilient, inclusive communities.

Strategy 5.5 Plan and respond to demographic changes in the community.

COMMUNITY ENGAGEMENT:

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

ATTACHMENTS:

1. 17 Nov 21 - Library Survey Results [8.5.1.1 - 4 pages]

MINUTE

RESOLUTION NUMBER: ORD2021-412

MOVED: Cr M Morse SECONDED: Cr W Aubin

RESOLVED:

That the information be noted.

9 REPORTS OF OTHER COMMITTEES

9.2 TRAFFIC COMMITTEE REPORT - 2 NOVEMBER 2021

File No: 07.00006

MINUTE

RESOLUTION NUMBER: ORD2021-413

MOVED: Cr W Aubin SECONDED: Cr A Christian

RESOLVED:

That the recommendations of the Traffic Committee Meeting of Bathurst Regional Council held on 2 November 2021 be adopted.

10 NOTICES OF MOTION

11 RESCISSION MOTIONS

12 COUNCILLORS / DELEGATES REPORTS

12.1 COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 13 OCTOBER 2021

File No: 11.00019

RECOMMENDATION:

That the information be noted.

REPORT:

Present: Mayor I North, Cr G Hanger, Cr J Rudge (teams), Cr J Jennings (teams), Cr J Fry, Cr M Morse, Cr W Aubin

Apologies: Cr A Christian and Cr B Bourke

1. Bathurst War Memorial Carillon Public Fund Trustees

- Provided a presentation to Councillors on their preferred location of the plaque

that acknowledges those that contributed to the completion of the works at the Carillon.

- Preferred location is on the northern side, on the inside of wall of the wings to the steps to the Carillon.
- The plaque has been made, and was available for Councillors to view.
- The Bathurst RSL Sub Branch have provided their support for the installation for the plaque in the location as proposed.
- Seeking Council's approval for the plaque to be installed in their preferred location.

FINANCIAL IMPLICATIONS:

N/A

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

Objective 6: Community leadership and collaboration.

Strategy 6.1 Communicate and engage with the community, government and business groups on important matters affecting the Bathurst region.

COMMUNITY ENGAGEMENT:

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

ATTACHMENTS:

Nil

MINUTE

RESOLUTION NUMBER: ORD2021-414

MOVED: Cr W Aubin SECONDED: Cr A Christian

RESOLVED:

That the information be noted.

12.2 END OF TERM REPORT FOR UPPER MACQUARIE COUNTY COUNCIL (UMCC)

File No: 18.00172-17

RECOMMENDATION:

That the information be noted.

REPORT:

Bathurst Regional Council is one of the four constituent Councils (the others being Blayney, Oberon and Lithgow), that makes up the local weeds authority – Upper Macquarie County Council.

With the end of the Council term approaching, Upper Macquarie County Council has produced its end of term report. A copy of this report is at **attachment 1** for Council's information.

FINANCIAL IMPLICATIONS:

There are no financial implications from this report. Council is a joint funder of Upper Macquarie County Council's operations.

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

Objective 1: Our sense of place and identity.

Strategy 1.4 Protect and improve the region's landscapes, views, vistas and open space.

Objective 2: A smart and vibrant economy.

Strategy 2.4 Support agriculture, local manufacturing, food production and education as significant contributors to the region's economy

Objective 3: Environmental stewardship.

Strategy 3.1 Protect and improve our natural areas and ecosystems, including the Macquarie River and other waterways.

Strategy 3.4 Protect and improve the region's biodiversity.

Objective 6: Community leadership and collaboration.

Strategy 6.2 Work with our partners and neighbouring councils to share skills, knowledge and resources and find ways to deliver services more efficiently.

COMMUNITY ENGAGEMENT:

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

ATTACHMENTS:

1. Attachment 1 [12.2.1 - 12 pages]

MINUTE

RESOLUTION NUMBER: ORD2021-415

MOVED: Cr W Aubin SECONDED: Cr J Fry

RESOLVED:

That the information be noted.

12.3 MINUTES - BATHURST REGIONAL YOUTH COUNCIL - 12 OCTOBER 2021

File No: 11.00020

RECOMMENDATION:

That the information be noted.

REPORT:

The Youth Council considered a number of items at their meeting held on Tuesday 12 October 2021, including the following:

- Feedback from previous Father's Day and R U OK? Day initiatives.
- Keeping Positive During Covid – Creative Arts Competition.
- Planning for a Christmas initiative.
- Planning for Youth Week 2022: 4 – 14 April 2022.

The Minutes of the Youth Council Meeting held on Tuesday 12 October 2021 are attached.

FINANCIAL IMPLICATIONS:

There are no financial implications resulting from this report.

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

Objective 4: Enabling sustainable growth.

Strategy 4.1 Facilitate development in the region that considers the current and future needs of our community.

Objective 5: Community health, safety and well being.

Strategy 5.1 Provide opportunities for our community to be healthy and active.

Strategy 5.4 Make our public places safe and welcoming.

Objective 6: Community leadership and collaboration.

Strategy 6.1 Communicate and engage with the community, government and business groups on important matters affecting the Bathurst region.

COMMUNITY ENGAGEMENT:

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

ATTACHMENTS:

1. Minutes 12 October 2021 [**12.3.1** - 3 pages]

MINUTE**RESOLUTION NUMBER: ORD2021-416****MOVED: Cr B Bourke SECONDED: Cr A Christian****RESOLVED:****That the information be noted.**

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

13.0 RESOLVE INTO CONFIDENTIAL COMMITTEE OF THE WHOLE

13.0.1 Resolve into Confidential Committee of the Whole

MINUTE

RESOLUTION NUMBER:

MOVED: Cr A Christian SECONDED: Cr W Aubin

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

There were no representation from the public.

RESOLVED:

That:

Council resolve into closed Council to consider business identified, together with any late reports tabled at the meeting.

- (b) Pursuant to section 10A(1)-(3) of the Local Government Act 1993, the media and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of section 10A(2) as outlined above.
- (c) Correspondence and reports relevant to the subject business be withheld from access.

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

1. In accordance with Section 9(2A) of the Local Government Act 1993, it is the opinion of the General Manager that the following business is of a kind as referred to in section 10A(2) of the Act and should be dealt with in a part of the meeting closed to the media and public.
2. In accordance with Section 10B(1) it is considered that discussion of the matter in open meeting, would on balance, be contrary to the public interest.
3. 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.

13.2 DIRECTOR CORPORATE SERVICES AND FINANCE'S REPORT

**13.2.1 EXTENSION OF RURAL LICENCE AGREEMENT – LOT 1
DP1223252 – 71 HEREFORD STREET, KELSO**

Reason: 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.

This item relates to the proposal to the approved Rural Licence Agreement at 71 Hereford Street, Kelso.

MINUTE

RESOLUTION NUMBER: CONF2021-86

MOVED: Cr B Bourke SECONDED: Cr W Aubin

RESOLVED:

That Council approves the renewal of the Rural Licence Agreement for Lot 1 DP1223252, 71 Hereford Street, Kelso, for a period of five (5) years as detailed in the report and subject to Council's Land Management Guidelines and insurance requirements.

**13.2.2 EXTENSION OF RURAL LICENCE AGREEMENT – LOT 5
DP774064 – 434 LAFFING WATERS LANE, LAFFING WATERS**

Reason: 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.

This item relates to the approved extension of the Rural Licence Agreement at 434 Laffing Waters Lane, Laffing Waters.

MINUTE

RESOLUTION NUMBER: CONF2021-87

MOVED: Cr W Aubin SECONDED: Cr M Morse

RESOLVED:

That Council approve the extension of the Rural Licence Agreement for Lot 5 DP774064, 434 Laffing Waters Lane, Laffing Waters, for a period of twelve (12) months as detailed in the report and subject to Council's Land Management Guidelines and insurance requirements.

14 RESOLVE INTO OPEN COUNCIL

RECOMMENDATION:

That Council resume open Council.

MINUTE

RESOLUTION NUMBER: ORD2021-417

MOVED: Cr J Jennings SECONDED: Cr W Aubin

RESOLVED:

That Council resume open Council.

15 ADOPT REPORT OF THE COMMITTEE OF THE WHOLE

MINUTE

RESOLUTION NUMBER: ORD2021-418

MOVED: Cr M Morse SECONDED: Cr A Christian

RESOLVED:

That the Report of the Committee of the Whole, resolution numbers Conf2021-86 to Conf2021-87 be adopted.

16 MEETING CLOSE

MINUTE

The Meeting closed at 8.20pm.

CHAIR:

Ordinary Meeting of Council - 17 November 2021 Attachments

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**MINUTES OF THE ORDINARY MEETING OF
BATHURST REGIONAL COUNCIL
HELD ON Wednesday 20 October 2021**

1 PUBLIC FORUM

MINUTE

Stuart Driver - Resident - Council Representation between election day and the result declaration - Seeks the Council pass this representation to the Youth Mayor or the person who gets the highest primary votes.

Bob Trimming - Chair Bathurst Regional Access Committee - Thanked all Directors for assistance that has been provided during the closedown. Spoke to special events and the input of Bathurst Regional Access Committee. Requests any special events sponsored by Council is required to have a disability access plan. this document should be made available before the event and preferably Bathurst Regional Access Committee should have input. Mr Trimming said he will forward his thoughts in writing.

2 RECORDING OF MEETINGS

3 MEETING COMMENCES

MINUTE

Meeting commenced at 6.09pm.

Present: Cr I North (Chair), Cr B Bourke, Cr A Christian, Cr J Fry, Cr G Hanger, Cr J Jennings (via Teams), Cr M Morse , Cr W Aubin, Cr J Rudge (via Teams)

4 PRAYER AND ACKNOWLEDGEMENT OF COUNTRY

5 APOLOGIES

MINUTE

MOVED: Cr B Bourke SECONDED: Cr J Fry

RESOLVED:

Nil

6 MINUTES

6.1 CONFIRMATION OF MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL HELD 22 SEPTEMBER 2021

File No: 11.00005

MINUTE

RESOLUTION NUMBER: ORD2021-349

MOVED: Cr A Christian SECONDED: Cr I North

RESOLVED:

That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 22 September 2021 be adopted.

7 DECLARATION OF INTEREST

Declaration of Interest

MINUTE

RESOLUTION NUMBER: ORD2021-350

MOVED: Cr B Bourke SECONDED: Cr A Christian

RESOLVED: That the Declaration of Interest be noted.

General Manager declared a pecuniary interest in item 14.1.2 of the Mayoral Confidential Report.

Reason: Employment contract.

Councillor Christian read out a statement to the meeting as follows:

A few months ago I made comments mentioning the parallels between unvaccinated people of today not being able to open business's and participate in society without a "certificate" to the way Jewish people could not open businesses and participate in society without their papers in 1930s.

I can only assume someone in the Bathurst community has reported these comments to the CEO of The New South Wales Jewish Board of Deputies Darren Bark and I believe, unfortunately misrepresented what I had said which is very distressing to me.

I was in NO WAY comparing the Holocaust, which has been suggest, to the current situation. I was simply identifying times in history where people have been segregated for various reasons.

I have tremendous respect and admiration for the Jewish people, they are world leaders in science and technology and the resilience they've shown as a people is truly amazing. Coming back from the most horrific, evil unspeakable acts inhuman history like they have is truly incredible.

Mr Bark has invited me to attend The Sydney Jewish Museum with him which I am really grateful for and I'd be honoured to accept his invitation and for any offence thats been caused by this matter I unreservedly apologise.

8 MAYORAL MINUTE

8.1 WATER RESTRICTIONS

File No: 32.00017

MINUTE

MOVED: Cr I North

That :

- (a) Council introduce Level 2A restrictions effective Monday 1 November 2021, and

(b) should Chifley Dam level fall to 80%, revert to Level 3 High Water Restrictions.

The MOTION was then PUT and LOST.

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

9.1 GENERAL MANAGER'S REPORT

9.1.1 DISCLOSURES BY COUNCILLORS AND DESIGNATED PERSONS RETURNS

File No: 11.00002-06

MINUTE

RESOLUTION NUMBER: ORD2021-351

MOVED: Cr B Bourke SECONDED: Cr A Christian

RESOLVED:

That the completed Disclosure of Interest for Councillors and Designated Persons Returns for Councillors and relevant staff be noted for period ending 30 June 2021.

9.1.2 DELEGATIONS MAYOR - ELECTION PERIOD

File No: 41.00088 & 11.00007

MINUTE

RESOLUTION NUMBER: ORD2021-352

MOVED: Cr B Bourke SECONDED: Cr G Hanger

RESOLVED:

That Council delegate to Mr Ian North the authority to:

- Carry out civic and ceremonial functions of the Mayoral office, between election day and the holding of the Mayoral election after the election.

**9.2 DIRECTOR ENVIRONMENTAL PLANNING AND BUILDING
SERVICES REPORT**

**9.2.1 SECTION 4.15 OF THE ENVIRONMENTAL PLANNING
AND ASSESSMENT ACT 1979**

File No: 03.00053

MINUTE

RESOLUTION NUMBER: ORD2021-353

MOVED: Cr A Christian SECONDED: Cr M Morse

RESOLVED:

That the information be noted.

9.2.2 GENERAL REPORT

File No: 03.00053

MINUTE

RESOLUTION NUMBER: ORD2021-354

MOVED: Cr B Bourke SECONDED: Cr J Fry

RESOLVED:

That the information be noted.

9.2.3 DEVELOPMENT APPLICATION 2021/419 - TWO LOT RURAL SUBDIVISION, 82 HODGES ROAD, BRUINBUN. APPLICANT: HAMMOND SMEALLIE & CO. OWNER S & J SOAMES

File No: 2021/419

MINUTE

RESOLUTION NUMBER: ORD2021-355

MOVED: Cr J Rudge SECONDED: Cr B Bourke

RESOLVED:

That Council:

- a) support the variation to the 100 hectare minimum lot size development standard pursuant to Clause 4.1 of the Bathurst Regional Local Environmental Plan 2014 and the associated Lot Size Map for the subject land for the creation of proposed Lot 101;
- b) support the variation to the 100 hectare minimum lot size development standard pursuant to Clause 4.2B of the Bathurst Regional Local Environmental Plan 2014 for the erection of a future dwelling on proposed Lot 101; 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 I North, Cr B Bourke, Cr A Christian, Cr J Fry, Cr G Hanger, Cr J Jennings, Cr M Morse , Cr W Aubin and Cr J Rudge

Against the Motion - Nil

Absent - Nil

Abstain - Nil

9.2.4 DEVELOPMENT APPLICATION 2021/313 - TWO LOT SUBDIVISION, BONNOR STREET, KELSO. APPLICANT AND OWNER: BATHURST REGIONAL COUNCIL

File No: DA2021/313

MINUTE

RESOLUTION NUMBER: ORD2021-356

MOVED: Cr B Bourke SECONDED: Cr M Morse

RESOLVED:

That Council:

- a) support the variation to the 550m² minimum lot size development standard pursuant to Clause 4.1 of the Bathurst Regional Local Environmental Plan 2014 and the associated Lot Size Map for the subject land for the creation of proposed Lots 1 and 2;
- b) as consent authority, grant consent pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 2021/313, subject to conditions able to be imposed pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979; 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 I North, Cr B Bourke, Cr A Christian, Cr J Fry, Cr G Hanger, Cr J Jennings, Cr M Morse , Cr W Aubin and Cr J Rudge

Against the Motion - Nil

Absent - Nil

Abstain - Nil

**9.2.5 BATHURST REGIONAL DEVELOPMENT
CONTROL PLAN 2014 - AMENDMENT NO. 23 -
GORMANS HILL RESIDENTIAL PRECINCT
AMENDMENT**

File No: 20.00349

MINUTE

RESOLUTION NUMBER: ORD2021-357

MOVED: Cr B Bourke SECONDED: Cr J Fry

RESOLVED:

That Council

- (a) adopt the Bathurst Regional Development Control Plan amendment as outlined in this report, including the inclusion of Lot 1100 DP1270424 within schedule 1 of the Development Control Plan;
- (b) notify those who lodged submissions of its decision;
- (c) give public notice of Council's decision in accordance with the requirements 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 I North, Cr B Bourke, Cr A Christian, Cr J Fry, Cr G Hanger, Cr J Jennings, Cr M Morse , Cr W Aubin and Cr J Rudge

Against the Motion - Nil

Absent - Nil

Abstain - Nil

**9.2.6 BATHURST LOCAL ENVIRONMENTAL PLAN
2014 - BATHURST INTEGRATED MEDICAL
CENTRE PROPOSED AMENDMENT - HEIGHT
OF BUILDINGS AND FLOOR SPACE RATIO**

File No: 20.00345

MINUTE

RESOLUTION NUMBER: ORD2021-358

MOVED: Cr W Aubin SECONDED: Cr A Christian

RESOLVED:

That Council:

- a) note the proponent's intention to lodge a Planning Proposal to amend the Height of Buildings and Floor Space Ratio provisions in relation to the proposed site for the Bathurst Integrated Medical Centre and multi-storey car park on the adjoining George Street car park;
- b) support the commencement of a Planning Proposal, under authority delegated to the Director Environmental Planning and Building Services, in accordance with the NSW Department of Planning, Industry & Environment Guidelines to amend the Bathurst Regional Local Environmental Plan 2014 accordingly;
- c) forward the Planning Proposal to the NSW Department of Planning, Industry & Environment to request a gateway determination; 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 I North, Cr B Bourke, Cr A Christian, Cr J Fry, Cr G Hanger, Cr J Jennings, Cr M Morse, Cr W Aubin and Cr J Rudge

Against the Motion - Nil

Absent - Nil

Abstain - Nil

9.2.7 PLANNING PROPOSAL – BATHURST REGIONAL LOCAL ENVIRONMENTAL PLAN 2014 AMENDMENT – HERITAGE CONSERVATION AREA REVIEW

File No: 20.00346

MINUTE

RESOLUTION NUMBER: ORD2021-359

MOVED: Cr G Hanger SECONDED: Cr J Jennings

RESOLVED:

That Council:

- a) adopt the Bathurst Regional Local Environmental Plan amendment to implement the recommendations of the Bathurst Heritage Conservation Area Review as outlined in this report;
- b) adopt the Bathurst Regional Development Control Plan 2014 amendment as outlined in this report;
- c) forward the Bathurst Regional Local Environmental Plan – Heritage Conservation Area Review Planning Proposal to the NSW Department of Planning, Industry and Environment for gazettal;
- d) notify those who lodged a submission of Council's decision; and
- e) call a division.

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

The result of the division was:

In favour of the motion - Cr I North, Cr B Bourke, Cr A Christian, Cr J Fry, Cr G Hanger, Cr J Jennings, Cr M Morse , Cr W Aubin and Cr J Rudge

Against the Motion - Nil

Absent - Nil

Abstain - Nil

9.2.8 URBAN GROWTH - CITY OF BATHURST

File No: 20.00335

MINUTE

RESOLUTION NUMBER: ORD2021-360

MOVED: Cr W Aubin SECONDED: Cr J Fry

RESOLVED:

That the information be noted.

9.2.9 BATHURST REGION HERITAGE PLAN 2021-2025

File No: 20.00123

MINUTE

RESOLUTION NUMBER: ORD2021-361

MOVED: Cr M Morse SECONDED: Cr G Hanger

RESOLVED:

That Council adopt the Bathurst Region Heritage Plan 2021-2025.

9.2.10 UPGRADE OF HEREFORD STREET CORRIDOR

File No: 28.00037

MINUTE

RESOLUTION NUMBER: ORD2021-362

MOVED: Cr A Christian SECONDED: Cr W Aubin

RESOLVED:

That Council endorse:

- (a) the upgrading of the Hereford Street corridor as a priority;
- (b) the future signalisation of the Hereford/Gilmour Street intersection and progress towards a detailed design; and
- (c) ongoing investigations into the raising and duplication of the George Street low level bridge, the duplication of Hereford and George Streets and associated signalisation of intersections along George Street.

**9.2.11 FUTUREPROOFING OUR CBD (COUNCIL'S
RESPONSE TO THE BATHURST TOWN
CENTRE MASTER PLAN) - "WHAT BATHURST
SAID"**

File No: 20.00340

MINUTE

RESOLUTION NUMBER: ORD2021-363

MOVED: Cr J Fry SECONDED: Cr W Aubin

RESOLVED:

That Council:

- (a) note the report; and
- (b) make the Futureproofing Our CBD (Council's Response to the Bathurst Town Centre Master Plan) – "What Bathurst Said" report publicly available via the Bathurst Yoursay website.

**9.2.12 BATHURST AMBULANCE STATION (FORMER) -
CONSERVATION MANAGEMENT PLAN**

File No: 37.00739

MINUTE

RESOLUTION NUMBER: ORD2021-364

MOVED: Cr M Morse SECONDED: Cr B Bourke

RESOLVED:

That the information be noted.

**9.2.13 RENEWABLE ENERGY ACTION PLAN -
IMPLEMENTATION UPDATE**

File No: 13.00092

MINUTE

RESOLUTION NUMBER: ORD2021-365

MOVED: Cr J Fry SECONDED: Cr M Morse

RESOLVED:

That the information be noted

**9.2.14 CLIMATE CHANGE RESPONSE FRAMEWORK -
REVIEW AND UPDATE**

File No: 13.00027

MINUTE

MOVED: Cr G Hanger SECONDED: Cr A Christian

Procedural Motion

That the **PROCEDURAL MOTION** be **PUT** the PROCEDURAL MOTION was **CARRIED**

RESOLUTION NUMBER: ORD2021-366

MOVED: Cr M Morse SECONDED: Cr J Fry

RESOLVED:

That the information then be noted.

9.3 DIRECTOR CORPORATE SERVICES AND FINANCE'S REPORT

9.3.1 STATEMENT OF INVESTMENTS

File No: 16.00001

MINUTE

RESOLUTION NUMBER: ORD2021-367

MOVED: Cr B Bourke SECONDED: Cr J Fry

RESOLVED:

That the information be noted.

9.3.2 MONTHLY REVIEW - 2021/2025 DELIVERY PLAN AND OPERATIONAL PLAN 2021/2022

File No: 16.00167

MINUTE

RESOLUTION NUMBER: ORD2021-368

MOVED: Cr B Bourke SECONDED: Cr W Aubin

RESOLVED:

That the information be noted.

9.3.3 SUNDRY SECTION 356 DONATIONS, BATHURST MEMORIAL ENTERTAINMENT CENTRE COMMUNITY USE SUBSIDY AND MOUNT PANORAMA FEE SUBSIDY

File No: 18.00004

MINUTE

RESOLUTION NUMBER: ORD2021-369

MOVED: Cr G Hanger SECONDED: Cr J Fry

RESOLVED:

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

9.3.4 POWER OF ATTORNEY

File No: 11.00007

MINUTE

RESOLUTION NUMBER: ORD2021-370

MOVED: Cr W Aubin SECONDED: Cr A Christian

RESOLVED:

That the information be noted.

**9.3.5 COUNCIL POLICY REVIEW - POLICIES
REVIEWED WITH NO OR MINIMAL CHANGES
IDENTIFIED**

File No: 11.00006

MINUTE

RESOLUTION NUMBER: ORD2021-371

MOVED: Cr M Morse SECONDED: Cr B Bourke

RESOLVED:

That the information be noted.

**9.3.6 CODE OF CONDUCT COMPLAINTS - 1
SEPTEMBER 2020 TO 31 AUGUST 2021**

File No: 07.00088

MINUTE

RESOLUTION NUMBER: ORD2021-372

MOVED: Cr G Hanger SECONDED: Cr B Bourke

RESOLVED:

That the information be noted.

9.3.7 CARRYOVER WORKS

File No: 16.00182

MINUTE

RESOLUTION NUMBER: ORD2021-373

MOVED: Cr M Morse SECONDED: Cr B Bourke

RESOLVED:

That the items as identified on the lists of Revote works as at 30 June 2021 be approved and the Carryover works be noted and added to the Operation Plan for 2021/2022.

**9.3.8 REQUEST FOR FINANCIAL ASSISTANCE - 2022
FESTIVAL OF THE BELLS**

File No: 23.00026

MINUTE

MOVED: Cr J Rudge SECONDED: Cr J Jennings

That Council:

1. Waive the fees associated with the road closures required for the 2022 Festival of the Bells event to a maximum of \$2,500.
2. Provide \$10k funding to the Festival of Bells event as a major sponsor.
3. To be funded from the Road Closure vote and Section 356 donations vote.

The following **MOTION** was **PUT** and **LOST**.

MINUTE

RESOLUTION NUMBER: ORD2021-386

MOVED: Cr G Hanger SECONDED: Cr A Christian

RESOLVED:

That Council waive the fees associated with the road closures required for the 2022 Festival of the Bells event to a maximum of \$2,500 to be funded from the Road Closure vote.

9.3.9 BATHURST 1000 AGREEMENT

File No: 04.00001

MINUTE

RESOLUTION NUMBER: ORD2021-374

MOVED: Cr W Aubin SECONDED: Cr B Bourke

RESOLVED:

That Council delegate authority to the General Manager to:

- i. amend the Bathurst 1000 Agreement to permit the hosting of the 2022 Repco Bathurst 1000 at a date other than the date prescribed by the Agreement; and
- ii. authorise the assignment of the Agreement due to the sale of Archer Capital's equity ownership in the Supercars' business, subject to:
 - a. Council receiving written notification of the sale proceeding; and
 - b. A satisfactory result being returned from Council's due diligence assessment of the assignment.

9.4 DIRECTOR ENGINEERING SERVICE'S REPORT

9.4.1 GEORGE PARK MASTERPLAN

File No: 04.00042-05

MINUTE

RESOLUTION NUMBER: ORD2021-375

MOVED: Cr J Fry SECONDED: Cr A Christian

RESOLVED:

That Council endorse the Draft Master Plan proposal for the development of the George Park Sports Precinct, Bathurst.

**9.4.2 BROOKE MOORE WOODLAND RESERVE
MANAGEMENT PLAN**

File No: 04.00050-02

MINUTE

RESOLUTION NUMBER: ORD2021-376

MOVED: Cr A Christian SECONDED: Cr J Rudge

RESOLVED:

That Council adopt the Brooke Moore Woodland Reserve Management Plan.

**9.4.3 PROPOSED ROAD WIDENING - LOTS 21 AND
22 IN DP1018813 - TARANA ROAD, GEMALLA.**

File No: 25.00290

MINUTE

RESOLUTION NUMBER: ORD2021-377

MOVED: Cr G Hanger SECONDED: Cr W Aubin

RESOLVED:

That Council:

- a) approve the proposed road widening affecting Lots 21 and 22 in DP1018813 at Tarana Road, Gemalla and dedicate the road to the public;
- b) approve the terms proposed as detailed in the Director Engineering Services' report.

**9.4.4 REQUEST FOR LETTER OF SUPPORT -
CHIFLEY DAM**

File No: 32.00005-08

MINUTE

The item was **WITHDRAWN**.

**9.4.5 BOUNDARY ADJUSTMENT PROPOSAL
BETWEEN LOT 213 DP1218205 AND LOT 221
DP830125 - ADRIENNE STREET, RAGLAN**

File No: 22.08828

MINUTE

RESOLUTION NUMBER: ORD2021-378

MOVED: Cr B Bourke SECONDED: Cr G Hanger

RESOLVED:

That Council:

- a) approve the proposed boundary adjustment to Lot 221 in DP830125 at Adrienne Street, Raglan; and
- b) approve the terms proposed as detailed in the Director Engineering Services' report.

9.5 DIRECTOR CULTURAL AND COMMUNITY SERVICE'S REPORT

9.5.1 2021/2022 RURAL VILLAGE IMPROVEMENT PROGRAM

File No: 16.00104

MINUTE

RESOLUTION NUMBER: ORD2021-379

MOVED: Cr G Hanger SECONDED: Cr B Bourke

RESOLVED:

That Council distribute the 2021/2022 Rural Village Improvement Program funding as

follows:

Name of Association	Project Requested	Total Requested
Hill End & District Volunteer Bushfire Brigade	Oxygen Therapy Equipment	\$2,850
Rockley & District Community Association	Automatic hand sanitiser station, soap dispensers to value	\$1,425
Rockley Sportsground and Hall Management Committee	Cleaning equipment, including vacuum, leaf blower as funds permit	\$1,425
Sofala and District Agricultural & Horticultural Show Society Inc	Gyprock, materials and accessories to complete repair of termite damaged kitchen.	\$1,425
Sofala Progress Association Inc	1. Piewarmer 2. Larger Microwave 3. Kitchen equipment, with remaining funds	\$1,425
Sunny Corner & District Progress Association Inc	Stage 2 installation of permanent concrete barriers to complete previous year's project	\$2,850
Trunkley Creek Progress Association	Chairs for hall, if not able to pick up from Sydney, utilise funds for further repairs to hall, which could include carpet and/or termite treatment for hall floor	\$2,850
Wattle Flat Heritage Lands Land Manager	Purchase and erect Australian recycled plastic park bench seat on concrete plinth at Thompson Street Reservice including shade tree or trees	\$1,425
Wattle Flat Progress Association	Purchase and build steel picnic shelter and timber picnic setting near multi-purpose sports courts in recreation ground	\$1,425
Yetholme Progress Association	Purchase and install two (2) exhaust fans, small awning and replacement motor/s in gas oven range hoods.	\$2,850
TOTAL AMOUNT		\$19,950.00

10 REPORTS OF OTHER COMMITTEES

10.1 TRAFFIC COMMITTEE REPORT - 7 SEPTEMBER 2021

File No: 07.00006

MINUTE

RESOLUTION NUMBER: ORD2021-380

MOVED: Cr W Aubin SECONDED: Cr B Bourke

RESOLVED:

That the recommendations of the Traffic Committee Meeting of Bathurst Regional Council held on 7 September 2021 be adopted.

10.2 TRAFFIC COMMITTEE REPORT - 5 OCTOBER 2021

File No: 07.00006

MINUTE

RESOLUTION NUMBER: ORD2021-381

MOVED: Cr B Bourke SECONDED: Cr W Aubin

RESOLVED:

That the recommendations of the Traffic Committee Meeting of Bathurst Regional Council held on 5 October 2021 be adopted.

11 NOTICES OF MOTION

**11.1 COUNCILLOR AUBIN - DECORATIVE LIGHTS
CBD**

File No: 11.00004

MINUTE

RESOLUTION NUMBER: ORD2021-382

MOVED: Cr W Aubin SECONDED: Cr B Bourke

RESOLVED:

That Council:

Investigate the possibility of putting decorative lights:

1. Down William Street from Russell Street to Durham Street, similar to Summer Street in Orange; and
2. Keppel Street from William Street to the Railway Station.

11.2 COUNCILLOR AUBIN - LAND SALE BALLOT UPGRADE

File No: 11.00004

MINUTE

RESOLUTION NUMBER: ORD2021-383

MOVED: Cr W Aubin SECONDED: Cr B Bourke

RESOLVED:

That Council:

Undertake a review of its land selling procedures and that a report be prepared for Council on available options.

12 RESCISSION MOTIONS

13 COUNCILLORS / DELEGATES REPORTS

13.1 MINUTES - BATHURST COMMUNITY SAFETY

COMMITTEE - 23 SEPTEMBER 2021

File No: 07.00107

MINUTE

RESOLUTION NUMBER: ORD2021-384

MOVED: Cr J Rudge SECONDED: Cr B Bourke

RESOLVED:

That the information be noted.

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

14.0 RESOLVE INTO CONFIDENTIAL COMMITTEE OF THE WHOLE

14.0.1 Resolve into Confidential Committee of the Whole

MINUTE

RESOLUTION NUMBER:

MOVED: Cr W Aubin SECONDED: Cr M Morse

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

There were no representation from the public.

RESOLVED:

That:

Council resolve into closed Council to consider business identified, together with any late reports tabled at the meeting.

- (b) Pursuant to section 10A(1)-(3) of the Local Government Act 1993, the media and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of section 10A(2) as outlined above.

- (c) Correspondence and reports relevant to the subject business be withheld from access.

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

1. In accordance with Section 9(2A) of the Local Government Act 1993, it is the opinion of the General Manager that the following business is of a kind as referred to in section 10A(2) of the Act and should be dealt with in a part of the meeting closed to the media and public.
2. In accordance with Section 10B(1) it is considered that discussion of the matter in open meeting, would on balance, be contrary to the public interest.
3. 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.

14.1 MAYOR'S REPORT

14.1.1 GENERAL MANAGER APPRAISAL 2020-2021

Reason: 10A (2) (a) Deals with personnel matters concerning particular individuals (other than Councillors) disclosure of which would not be in the public interest as it would reveal personal details of the individuals concerned

This item relates to the General Manager's appraisal 2020-2021.

MINUTE

RESOLUTION NUMBER: CONF2021-81

MOVED: Cr J Fry SECONDED: Cr B Bourke

RESOLVED:

That:

- (a) Council note the performance review of the General Manager, which was rated as more than satisfactory;
- (b) Council note that the General Manager's employment package has been set at \$395,310.

14.2 DIRECTOR ENVIRONMENTAL PLANNING AND BUILDING SERVICE'S REPORT

14.2.1 UPGRADE OF HEREFORD STREET - ADDITIONAL MATTERS

Reason: 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.

This item relates to the upgrade of the Hereford Street corridor.

MINUTE

RESOLUTION NUMBER: CONF2021-82

MOVED: Cr W Aubin SECONDED: Cr G Hanger

RESOLVED:

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

14.3 DIRECTOR CORPORATE SERVICES AND FINANCE'S REPORT

14.3.1 RENEWAL OF COMMUNITY LICENCE AGREEMENT 3/55 SEYMOUR STREET

Reason: 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.

This item relates to the proposal of the renewal of Licence Agreement for part Lot 180 DP862410, 3/55 Seymour Street, Bathurst.

MINUTE

RESOLUTION NUMBER: CONF2021-83

MOVED: Cr W Aubin SECONDED: Cr G Hanger

RESOLVED:

That Council approve the renewal of the Community Licence Agreement for part Lot 180 in DP862410, 3/55 Seymour Street, Bathurst for a period of five (5) years as detailed in the report.

14.3.2 RENEWAL OF COMMERCIAL LEASE AGREEMENT 4/55 SEYMOUR STREET

Reason: 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.

This item relates to the proposal of the Commercial Lease Agreement for part Lot 180 DP862410, 4/55 Seymour Street Bathurst.

MINUTE

RESOLUTION NUMBER: CONF2021-84

MOVED: Cr M Morse SECONDED: Cr W Aubin

RESOLVED:

That Council approve the renewal of the Commercial Lease Agreement for part Lot 180 in DP862410, 4/55 Seymour Street, Bathurst for a period of five (5) years as detailed in the report.

15 RESOLVE INTO OPEN COUNCIL

MINUTE

RESOLUTION NUMBER: CONF2021-85

MOVED: Cr W Aubin SECONDED: Cr G Hanger

RESOLVED:

That Council resume open Council.

16 ADOPT REPORT OF THE COMMITTEE OF THE WHOLE

MINUTE

RESOLUTION NUMBER: ORD2021-385

MOVED: Cr G Hanger SECONDED: Cr A Christian

RESOLVED:

That the Report of the Committee of the Whole, resolution numbers Conf2021-81 to Conf2021-84 be adopted.

17 MEETING CLOSE

MINUTE

The Meeting closed at 8.32pm.

CHAIR:

**8.1.1 GO KART TRACK PROPOSAL MOUNT
PANORAMA/WAHLUU**

File No: 2015/196-08

RECOMMENDATION:

For Council's determination.

REPORT:

Introduction

Council has recently received notification from the Hon Sussan Ley MP concerning the making of a Section 10 Declaration on 30 April 2021 for an area of land in the Mount Panorama/Wahluu precinct, refer **attachments 1 and 5** for the Declaration under the Aboriginal and Torres Strait Islander Heritage Protection Act (ATSIHPA) and cover letter. The covering letter to Council includes ;

"At a high level, in reaching my decision, I gave consideration to the following points:

- *I am satisfied that the specified area is a 'significant Aboriginal area' to the extent that it contributes to the form of the fallen warrior Wahluu, which is generally accepted as an important creation story for the Wiradyuri people.*
- *Further, I am satisfied that part of the specified area that is a significant Aboriginal area is under 'threat of injury or desecration' from the proposed construction of a go-kart track. In the declaration I made under section 10, I refer to this area as the 'declared area'.*
- *In relation to the declared area, I do not consider that there are any pecuniary or proprietary interests, or other relevant matters, that outweigh the benefits of protecting that area by a declaration under section 10 of the ATSIHO Act."*

Purpose of Report

Given the recent declaration by the Minister, direction is sought from Council on a number of issues, including ;

- (a) Future direction for the Go Kart Track project,
- (b) Location options for the Go Kart track, if the project is to continue,
- (c) Proposed action with regard to the \$2.25 million in borrowings for the project.

The report also provides updates to the community and Council on the actions being undertaken to address the implications of the decision. This includes seeking advice on compensation from the Federal Government for Council and the Go Kart club, and clarification on the spatial impact of the reason given for the declaration.

Background

The proposal to develop a Go Kart Track in the Bathurst Regional Council area has had a reasonably long history. However for the purposes of the current matter, the following are the relevant actions and reports to date;

1. Development Application 2015/196 lodged with Council - 4 June 2015
2. Public Discussion forum Council – 5 August 2015,
3. Development Assessment report to Council – 16 September 2015,
4. Development Application 2015/196 determined – 28 September 2015,
5. Report to Council 21 September 2016 advising arrangements for Bathurst Kart Club to contribute \$150,000 to the Go Kart circuit project,
6. Extent Heritage engaged to prepare Mount Panorama/Wahluu Aboriginal assessment studies (ACHAR) for Go Kart Track and Anthropological investigation – 4 April 2017,
7. Site Card No 44-3-0196 Women's Dreaming Site recorded on AHIMS,
8. Bathurst Regional Aboriginal Heritage Study report to Council 16 August 2017,
9. Cultural Heritage report to Council 15 August 2018,
10. Public Discussion Forum council – 5 December 2018,
11. Development Assessment report to Council – 19 December 2018,
12. Advice from Federal Department of Environment and Energy that a Section 9 ATSIHPA application had been made – 9 January 2019. The application was lodged with the Department on 20 December 2018,
13. First Modification to Development Application 2015/196 Determined – 23 January 2019.
14. Section 10 Application lodged with Federal Department – 8 February 2019,
15. Development Assessment report to Council – 20 March 2019,
16. Second Modification to DA 2015/196 Determined – 22 March 2019,
17. Advice to ATSIHP unit Federal Government of Go Kart site works commencing – 15 January 2019 and 29 March 2019,
18. Advice from Federal Department of Environment and Energy that a Section 10 ATSIHPA application had been made – 8 August 2019,
19. Formal Notice Western Advocate of section 10 application seeking representations – 10 October 2019,
20. Budget report to Council – 6 May 2020,
21. Demolition of 1980's dwelling and disused telecommunication infrastructure – 21 May 2019.
22. Budget report to Council – 17 June 2020,
23. Mayoral Minute to Council – 21 October 2020 : Funding of project. Loan \$2.25 million,
24. License of proposed Go Kart site to Bathurst Kart Club Inc. to Council 21 October 2020,
25. Rescission Motion to Council – 29 October 2020: concerning Mayoral Minute 21 October 2020 (lost),
26. WTOCWAC receives a copy 1 December 2020 of the Section 10 reporters report dated 1 May 2020 under ATSIHPAct,
27. The Hon Sussan Ley makes 5 March 2021, a Section 9 Declaration under the ATSHIP Act for the area impacted by the proposed go-kart development,
28. Meetings in Bathurst – Hon Sussan Ley – 12 March 2021,
29. Notice of Motion Cr Fry to Council – 17 March 2021 (lost),
30. Notice of Motion Cr Jennings to Council – 17 March 2021 (lost),
31. Hon Sussan Ley advises 30 March 2021 of an extension to the Section 9 Declaration previously made,

32. Bathurst Regional Council receives a copy 1 April 2021 of the Section 10 Reporter's report dated 1 May 2020 under ATSIHP Act,
33. Submission by Crennan Legal to Hon Sussan Ley arguing against the making of a Section 10 Declaration – 15 April 2021.
34. The Hon Sussan Ley 30 April 2021, makes a Section 10 Declaration for the area of the proposed go-kart track construction area, refer attachments 1 and 5,

Current/Recent Actions on this matter

There are currently a number of actions that have occurred, or are currently ongoing, that relate to the Go Kart track matter, these include ;

Supreme Court Case

This matter relates to orders to restrain work on the proposed Go Kart Track development at Mount Panorama/Wahluu and also that the Wiradyuri Traditional Owners Central West Aboriginal Corporation hold a profit a prendre by prescription in the site, refer attachment

2.

Status: The matter is ongoing at this time.

Friends of McPhillamy Park

The group have forwarded legal correspondence which in particular challenges the classification of various lands at the top of Mount Panorama/Wahluu. Council has rejected the assertions and advised the groups lawyers that the land will not be reclassified.

Status: Council considers this matter to be completed at this time.

Additional Section 10 Application under ATSIHP Act

Council understands the Federal Department has received a further Section 10 application covering a larger area of the Mount Panorama/Wahluu precinct.

Status: At this time council has not been provided with a copy of the application.

Federal Department of Agriculture, Water and the Environment – Complaint

Complaint 3 March 2021, that the proposed Go Kart facility may impact an EPBC Act listed ecological community. The complaint was responded to, and no further correspondence has been received from the Department.

Status: It is considered this matter is finalised.

NTSCORP concerns under the Future Acts regime of the Native Title Act (Cwlth)

Council received correspondence 8 March 2021, from NTSCORP concerning the Go Kart Track proposal and seeking clarification as to the status of notification for the development under the Future Acts regime of the Native Title Act 1993 (Cth). Council responded to the matter and received advice from NTSCORP that they required no further action.

Status: It is considered this matter is completed.

DPIE – North West Division: NSW Biodiversity and Conservation - Complaint

Council received advice 4 March 2021, that a complaint had been received about imminent clearing associated with the Go Kart Track project. Council provided advice to the Department; no further action has occurred.

Status: It is considered the matter is completed.

David Shoebridge MLC on behalf of the Wiradyuri Traditional Owners Central West Aboriginal Corporation (WTOCWAC) – Complaint

Mr Shoebridge made approaches to the Hon Matt Kean to halt the Go Kart track

development on behalf of WTOCWAC. The Minister advised inter alia; *"I am advised that the go-kart track project can therefore proceed in accordance with the issued project consent."*

Status: It is considered this matter is completed.

Panorama Motor Cycle Club (PMCC) – compliance with S:9 Declaration ATSIHP Act

The Department of Agriculture, Water and Environment advised 15 March 2021, PMCC that a third party had suggested to them that a working bee by PMCC may have encroached on the declared area and/or been in breach of the Declaration. The PMCC responded to the Department, with no further action taken.

Status: It is considered that this matter is completed.

Funding of Go Kart Track

The estimated budget for the proposed Go Kart Track at Mount Panorama/Wahluu is \$4.5 million. Council has sought funding through a number of sources, these have included; grants (e.g., BBRF – Federal), funds from the Bathurst Karting group and loan funding. Council by way of Mayoral Minute 21 October 2020 resolved to borrow \$2.25 million dollars to fund constructions costs.

That Council:

- (i) vote funding of \$2.25million for the construction of the Go Kart Track at Mount Panorama/Wahluu.*
- (ii) the Council funds to be sourced by way of loan in 2020/21,*
- (iii) continue to seek grants and other funding sources for the balance of \$2.25million required for the Go Kart Track.*

The loan funds of \$2.25 million have been drawn down into Council's bank account. Specific detail on the loan is as follows;

Duration of the Loan : 10 years
Interest Rate : 1.82%
Total Repayment Amt (today's \$) : \$2,466,455
Repayments (qtrly) : \$61,661.39

Council is in a position to review the allocation of the loan funds with the recent declaration made by the Minister.

Options for Council consideration include ;

- (a) Payout the loan, noting some interest penalties may apply
- (b) Hold the funds whilst another site is researched for a Go Kart Track, or
- (c) Allocate the funds to other projects.

Various Actions commenced concerning the development at the top of Mount Panorama/Wahluu, including the Go Kart Track

For prior history of various actions being taken in this matter e.g., Aboriginal Place application, Section 136 application to OEH, miscellaneous complaints and concerns reference should be made to the following reports to Council;

- General Manager's Report 15 May 2019,
- General Manager's Report 18 September 2019,

- General Manager's Report 11 December 2019,
- General Manager's Report 15 July 2020, and
- General Manager's Report 9 December 2020.

Location of the Track

With the Minister having made the Section 10 Declaration, refer attachments 1 and 5, concerning the approved Go Kart Track site at Mount Panorama/Wahluu, it would appear that this site in the medium to long term is no longer an option. Carrying out the Go Kart Track at the site whilst the Section 10 Declaration is current would constitute a criminal breach of the Section 10 Declaration.

Council has the right to challenge the making of the Section 10 Declaration by bringing judicial review proceedings in Federal Court. Because a Section 10 Declaration is a legislative instrument, Council is very limited in the ways that it can ask the Federal Court to quash the Section 10 Declaration. Essentially, Council would need to establish that in making the Section 10 Declaration the procedures set out in the Section 10 have not been followed by the Minister. Initial reviews of a possible judicial review of the decision would indicate the Minister has complied with all the statutory requirements of section 10 of the Aboriginal Torres Strait Islander Heritage Protection Act.

Council basically has three options for consideration ;

- (a) Attempt to seek a judicial review of the decision (not recommended as prospects of success are very poor),
- (b) Identify one or more alternative sites for further review, or
- (c) Not pursue the proposed project any further.

Compensation request to Federal Government for funds expended on project

Council has written to the Hon Sussan Ley (5 May 2021 and 21 May 2021) refer attachment 3 seeking advice as to compensation available to Council and the Go Kart Club for costs already incurred in developing the project. Noting, that Council at all times adhered to relevant State and Federal legislation in regard to the Go Kart Track proposal for Mount Panorama/Wahluu and that the works undertaken were known by the Federal government prior to their commencement by way of advice from Council 15 January 2019 and 29 March 2019.

Status: At the time of writing this report, Council has not received a response.

Impact of the Declaration on Mount Panorama/Wahluu: Form of Fallen Warrior Wahluu

The Minister, in her letter advising the Council of the Section 10 Declaration attachment 5 included;

"To make a declaration under section 10 of the ATSIHP Act, I must be satisfied the specified area is a 'significant Aboriginal area' for the purposes of section 10(1)(b)(i) of the ATSIHP Act, that is 'under threat of injury or desecration' for the purposes of section 10(1)(b)(ii) of the ATSIHP Act. I have decided to make a declaration under section 10 of the ATSIHP Act over part of the specified area as indicated in the enclosed declaration.

At a high-level, in reaching my decision, I gave consideration to the following points:

- *I am satisfied that the specified area is a 'significant Aboriginal area' to the extent that it contributes to the form of the fallen warrior Wahluu, which is generally accepted as an important creation story for the Wiradyuri people.*
- *Further, I am satisfied that part of the specified area that is a significant Aboriginal area is under 'threat of injury or desecration' from the proposed construction of a go-kart track. In the declaration I made under section 10, I refer to this area as the 'declared area'.*
- *In relation to the declared area, I do not consider that there are any pecuniary or proprietary interests, or other relevant matters, that outweigh the benefits of protecting that area by a declaration under section 10 of the ATSIHP Act."*

Given that the letter and declaration refer to the form of the fallen warrior Wahluu, which is an undefined area in the declaration except for;

"The Declaration ensures that the area containing part of the summit of Wahluu, Mount Panorama, being the shoulder of the fallen warrior Wahluu, that is of significance to the Wiradyuri tradition is not destroyed or damaged."

Council has written to the Minister 28 May 2021 **attachment 4** seeking that she identify the complete area of Mount Panorama/Wahluu which is identified as the form of the fallen warrior Wahluu. The Council needs to understand the potential impacts that the declaration has on the whole of the Mount Panorama/Wahluu precinct, for current and future proposals.

Status: At the time of writing this report, Council has not received a response.

Fencing around Go Kart Track (proposed) site

Currently the Go Kart site is still fenced off. This will be maintained at this time having regard to;

- (a) The site is a construction area, noting that substantial commencement of the DA had already occurred in the first half of 2019,
- (b) The site will need earthworks to restore it to a condition that camping etc. as approved by the Minister can occur,
- (c) It is assumed from the Section 10 Declaration that approval to do works may be required from the Minister and potentially other parties. A scope of works is yet to be developed,
- (d) The site is currently leased to the Bathurst Kart Club Inc., refer report to Council 21 October 2020. The Council must give due regard to these rights, noting the Club will have public liability obligations amongst other factors.
- (e) The removal of the fence itself will involve surface disturbance due to removal of the posts, it is anticipated that this activity will require approval from the Minister.

Mount Panorama Wahluu Boardwalk Interpretation Plan

Council staff have prepared an interpretation plan for the Mount Panorama Wahluu boardwalk to identify opportunities to interpret and celebrate the region's Indigenous and European cultural heritage, particularly that relating to the Mountain. Council has referred the plan to various partners for input into the project, including the Bathurst Local Aboriginal Lands Council and the Wiradjuri Elders groups. A quotation has been called for the design, manufacture and installation of the first stage of interpretative signage focused on the top of the Mountain and the new lookout.

Status: Council note the current standing of this project.

FINANCIAL IMPLICATIONS:

At this time, it is not possible to quantify the financial implications of this report, due to current court actions occurring and the need to get clarity from the Minister on her decision and whether compensation may be payable by the Government.

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

Objective 1: Our sense of place and identity.

Strategy 1.1 Respect, protect and promote the region's Aboriginal heritage assets.

Strategy 1.2 Protect, enhance and promote the region's European heritage assets and character.

Objective 2: A smart and vibrant economy.

Strategy 2.1 Support local business and industry.

Strategy 2.5 Support Mount Panorama as a premier motor sport and event precinct.

Objective 5: Community health, safety and well being.

Strategy 5.1 Provide opportunities for our community to be healthy and active.

Strategy 5.5 Plan and respond to demographic changes in the community.

Objective 6: Community leadership and collaboration.

Strategy 6.5 Be open and fair in our decisions and our dealings with people.

COMMUNITY ENGAGEMENT:

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

ATTACHMENTS:

1. Attachment 1 [8.1.1.1 - 14 pages]
2. Attachment 2 [8.1.1.2 - 5 pages]
3. Attachment 3 [8.1.1.3 - 3 pages]

4. Attachment 4 [8.1.1.4 - 2 pages]
5. Attachment 5 [8.1.1.5 - 1 page]



**THE HON SUSSAN LEY MP
MINISTER FOR THE ENVIRONMENT
MEMBER FOR FARRER**

MS21-000561

Mr David Sherley
General Manager
Bathurst Regional Council
Private Mail Bag 17
BATHURST NSW 2795
david.sherley@bathurst.nsw.gov.au

Dear Mr Sherley *David*

I am writing in relation to an application of 8 February 2019 (the application), under section 10 of the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (Cth) (ATSIHP Act). The application sought protection of a specified area on Wahluu / Mount Panorama, near Bathurst, New South Wales.

To make a declaration under section 10 of the ATSIHP Act, I must be satisfied the specified area is a 'significant Aboriginal area' for the purposes of section 10(1)(b)(i) of the ATSIHP Act, that is 'under threat of injury or desecration' for the purposes of section 10(1)(b)(ii) of the ATSIHP Act. I have decided to make a declaration under section 10 of the ATSIHP Act over part of the specified area as indicated in the enclosed declaration.

At a high-level, in reaching my decision, I gave consideration to the following points:

- I am satisfied that the specified area is a 'significant Aboriginal area' to the extent that it contributes to the form of the fallen warrior Wahluu, which is generally accepted as an important creation story for the Wiradyuri people.
- Further, I am satisfied that part of the specified area that is a significant Aboriginal area is under 'threat of injury or desecration' from the proposed construction of a go-kart track. In the declaration I made under section 10, I refer to this area as the 'declared area'.
- In relation to the declared area, I do not consider that there are any pecuniary or proprietary interests, or other relevant matters, that outweigh the benefits of protecting that area by a declaration under section 10 of the ATSIHP Act.

Note, an explanatory statement accompanies the declaration. If you have questions relating to the section 10 declaration, please contact my department on 02 6275 9450 or atsihpa@awe.gov.au.

I have written separately to other affected parties to advise them of my decision.

Yours sincerely

A handwritten signature in cursive script, appearing to read 'Susan Ley'.

SUSSAN LEY

Parliament House Canberra ACT 2600 Telephone (02) 6277 7920



Aboriginal and Torres Strait Islander Heritage Protection (Wahluu Mount Panorama Site) Declaration 2021

I, SUSSAN LEY, Minister for the Environment, make the following declaration under subsection 10(1) of the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984*.

Dated



SUSSAN LEY

Minister for the Environment

30th April 2021

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4	Definitions	3

Part 1 - Preliminary matters

1. **Name**

This instrument is the *Aboriginal and Torres Strait Islander Heritage Protection (Wahluu Mount Panorama Site) Declaration 2021*.

2. **Commencement**

This instrument commences on 5 May 2021.

3. **Authority**

This instrument is made under section 10 of the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984*.

4. **Definitions**

Act means the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (Cth).

Bulk earthworks means the excavation or other movement of large quantities of soil or rock with the intent or effect of changing the level or elevation of an area of land.

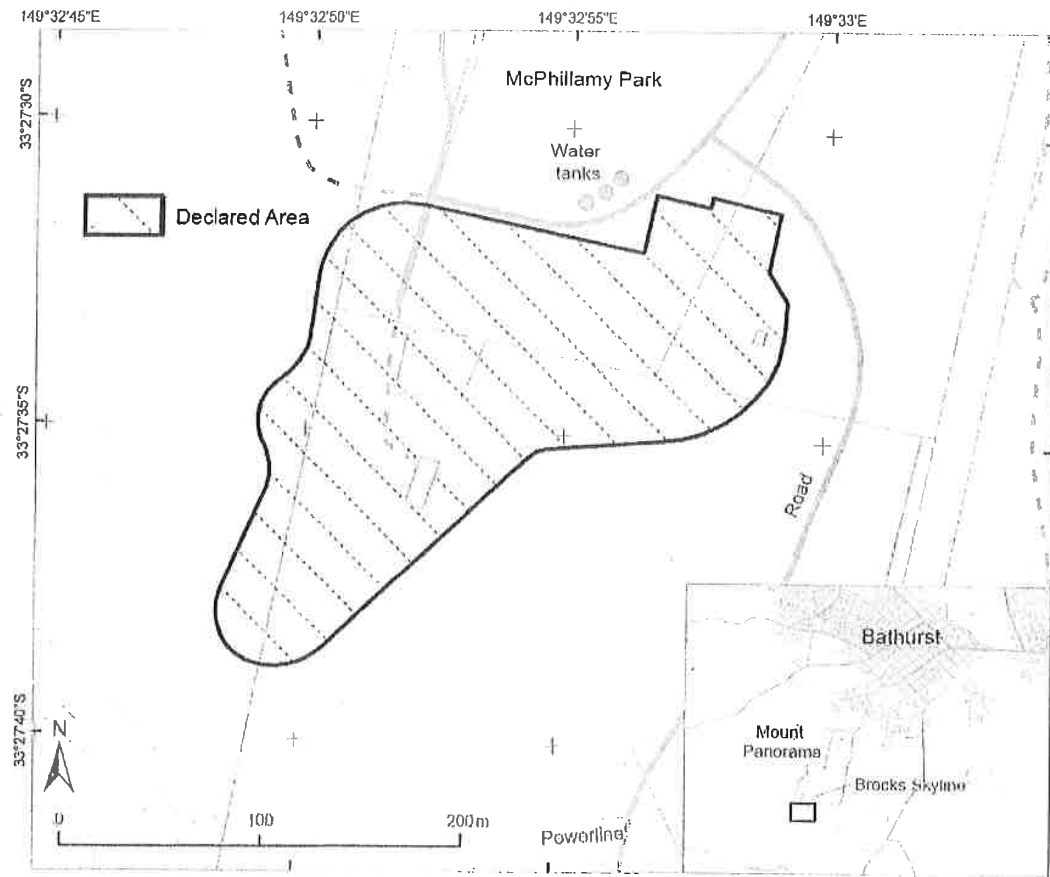
Clearing of vegetation means the removal by any means of groups of trees, shrubs or other vegetation for the purpose of establishing a cleared area, but does not include targeted maintenance or removal of individual plants.

Declared area means the area described in Part 2, section 5 of this instrument.

Part 2 - Declaration of an area as a significant Aboriginal area to be preserved and protected from injury or desecration.

5. Declared area

For the purposes of subsection 10(1) of the Act, the specified area to which this declaration applies is an area on Wahluu / Mount Panorama in Bathurst in New South Wales, indicated as the "declared area" in the map below.



6. Declaration

(1) For the purposes of section 10 of the Act, the declared area is a significant Aboriginal area that is to be preserved and protected from injury and desecration in the manner specified in subsection (2).

(2) A person must not:

- (a) undertake any clearing of vegetation within the declared area; or
- (b) undertake any bulk earthworks within the declared area; or
- (c) construct any buildings on the declared area or seal any part of the declared area, including with bitumen or concrete; or
- (d) undertake any action that will, or is likely to, directly alter the topography or landform of the declared area.

Note: Under subsection 22(1) of the Act, a person commits an offence if the person engages in conduct that contravenes a provision of a declaration made under Part II of the Act in relation to a significant Aboriginal area.

Penalty: (a) if the person is a natural person - imprisonment for 5 years or 100 penalty units, or both; or
(b) if the person is a body corporate - 500 penalty units.

(3) For the avoidance of doubt, subsection (2) does not prohibit the following in relation to the declared area:

- (a) enjoyment of a lawful right of access to or use of land within the declared area;
- (b) use of the declared area as a campsite;
- (c) use the declared area otherwise as a public open space; and
- (d) any activities necessary to maintain safety consistent with use as public open space,

so long as the use, access or activities do not involve any of the activities mentioned in subsection (2).

7. Period of effect

This instrument has effect for 10 years beginning on the date this instrument commences.

EXPLANATORY STATEMENT

Issued by Authority of the Minister for the Environment

Aboriginal and Torres Strait Islander Heritage Protection Act 1984

Aboriginal and Torres Strait Islander Heritage Protection (Wahluu Mount Panorama Site)
Declaration 2021

Legislative Authority

Section 10 of the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (the Act) provides that the Minister may, by legislative instrument, make a declaration preserving and protecting a specified area from injury or desecration if, among other things, he or she is satisfied that the area is a significant Aboriginal area and that it is under threat of injury or desecration.

Purpose

The purpose of the *Aboriginal and Torres Strait Islander Heritage Protection (Wahluu Mount Panorama Site) Declaration 2021* (the Declaration) is to preserve and protect the significant Aboriginal area at the Wahluu Mount Panorama site (the declared area) from injury or desecration.

Background

The Act preserves and protects from injury or desecration significant Aboriginal areas and objects that are of particular significance to Aboriginal and Torres Strait Islander people in accordance with Aboriginal or Torres Strait Islander traditions. This includes an area of land in Australia or beneath Australian waters, an area of water in Australia or an area of Australian waters. Part II of the Act provides for the protection of significant Aboriginal areas and objects.

The Act recognises the body of traditions, observances, customs and beliefs of Aboriginal and Torres Strait Islanders generally or of a particular community or group thereof, including any such traditions, observances, customs or beliefs relating to particular persons, areas, objects or relationships.

Section 10 of Part II of the Act provides that where the Minister:

- Receives an application made orally or in writing by or on behalf of an Aboriginal or a group of Aboriginals seeking the preservation or protection of a specified area from injury or desecration
- Is satisfied:
 - That the area is a significant Aboriginal area; and
 - That it is under threat of injury or desecration;
- Has received a report under subsection 10(4) of the Act in relation to the area from a person nominated by him or her and has considered the report and any representations attached to the report; and
- Has considered such other matters as he or she thinks relevant;

He or she may, by legislative instrument, make a declaration in relation to the area.

On 8 February 2019 (executed 18 February 2019), the then Minister for the Environment, received an oral application from the Wiradyuri Traditional Owners Central West Aboriginal Corporation seeking the preservation or protection of a specified area from injury or desecration.

The Minister received a report under subsection 10(4) of the Act in relation to the specified area that is the subject of the application and considered the report and the representations attached to the report.

Before the report was submitted to the Minister, a notice was published in the *Gazette* and in the *Western Advocate* – a local newspaper circulating in the area of Bathurst:

- Stating the purpose of the application made under subsection 10(1) of the Act and the matters required to be dealt with in the report
- Inviting interested persons to furnish representations in connection with the report by 1 November 2019 (subsequently extended to 7 February 2020) that date being not less than 14 days after the date of publication of the notice in the *Gazette*; and
- Specifying the address to which such representations may be furnished.

The report gave due consideration to those representations and those representations were attached to the report when it was submitted to the Minister.

The report in relation to the area dealt with the matters in subsection 10(4) of the Act, including:

- The particular significance of the area to Aboriginals
- The nature and extent of the threat of or injury to, or desecration of the area
- The prohibitions and restrictions to be made with respect to the area
- The effect making the declaration may have on the proprietary or pecuniary interests of persons other than the Aboriginals to whom the area is significant.

On 8 October 2020, the Minister consulted the New South Wales Special Minister of State, Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts, the Hon Don Harwin MLC, as to whether there is, under a law of NSW, effective protection of the declared area from the threat of injury or desecration, in accordance with subsection 13(2) of the Act. Minister Harwin's response stated that Aboriginal objects within the specified area are protected under NSW law but that there was at the time no legislative framework in place to protect the intangible Aboriginal cultural heritage values of the specified area.

The Minister considered the application and the report and was satisfied that the declared area is a significant Aboriginal area and that it was under threat of injury or desecration from a proposed go-kart track development by Bathurst Regional Council. Accordingly, the Minister decided to make a declaration under section 10 of the Act to preserve or protect the declared area from injury or desecration.

Impact and Effect

The Declaration preserves and protects the area of significance to Aboriginals at the Wahluu Mount Panorama site from injury or desecration for a period of 10 years commencing on 5 May 2021.

Consultation

Targeted consultation with 8 parties identified as having proprietary and pecuniary interest in a declaration being made was undertaken between 30 March and 15 April 2021. Responses to that consultation have been taken into account by the Minister in making this declaration. Broad consultation was also undertaken in the preparation of the section 10 report, which involved the applicants, being the Wiradyuri Traditional Owners Central West Aboriginal Corporation, the Bathurst Regional Council, and other parties with interests that may be affected by the decision of the Minister whether to make a declaration under section 10 of the Act in relation to the site.

On 8 October 2020, the Minister consulted the New South Wales Special Minister of State, Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts, the Hon Don Harwin MLC, on making a declaration under the Act, in fulfilment of the requirements of subsection 13(2) of the Act. The outcome of that consultation is noted above.

Details/ Operation

Details of the Declaration are set out in Attachment A.

Other

The Declaration is compatible with the human rights and freedoms recognised or declared under section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*. A full statement of compatibility is set out in Attachment B.

The Declaration is a legislative instrument for the purposes of the *Legislation Act 2003*.

ATTACHMENT A

Details of the *Aboriginal and Torres Strait Islander Heritage Protection (Wahlui Mount Panorama Site) Declaration 2021*

Section 1 – Name

This section provides that the name of the declaration is the *Aboriginal and Torres Strait Islander Heritage Protection (Wahlui Mount Panorama Site) Declaration 2021*.

Section 2 – Commencement

This section provides for the declaration to commence on 5 May 2021.

Section 3 – Authority

This section provides that the declaration is made under section 10 of the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984*.

Section 4 – Definitions

This section sets out the definitions used in the instrument, including the definition of *declared area* (which is relevant to section 5, inserted by item 1 below) and definitions of *bulk earthworks* and *clearing of vegetation* (which are relevant to subsection 6(2), inserted by item 2 below).

Part 2 – Declaration of an area as a significant Aboriginal area to be preserved and protected from injury or desecration

Item 1 – Section 5

This item declares the specified area of Wahlui/Mout Panorama in Bathurst in New South Wales, identified by the map in this provision as the *declared area* for the purposes of subsection 10(1) of the Act. The map is an accurate topographic map that is to scale.

Item 2 – Section 6

Subsection 6(1) provides that the declared area (identified by the map inserted by item 1 above) is a significant Aboriginal area that is to be preserved and protected from injury and desecration.

Subsection 6(2) provides for the ways in which the declared area is to be protected from injury or desecration. Specifically, a person must not, within the declared area:

- Undertake any clearing of vegetation; or
- Undertake any bulk earthworks.

Subsection 6(2) further provides that a person must also not:

- Construct any buildings on the declared area; or
- Seal any part of the declared area (including with bitumen or concrete); or

- Undertake any action that will, or is likely to, directly alter the topography or landform of the declared area.

The note to subsection 6(2) refers the reader to subsection 22(1) of the Act, which provides that a person commits an offence if the person engages in conduct that contravenes a provision of a declaration made under Part II of the Act in relation to a significant Aboriginal area and sets out the penalty for such contravention.

New subsection 6(3) sets out exceptions to subsection 6(2) by clarifying the activities that are permitted in the declared area. These are:

- The enjoyment of a lawful right of access to or use of land within the declared area
- The use of the declared area as a campsite
- The use of the declared area otherwise as a public open space; and
- Any activities necessary to maintain the public safety of the declared area, consistent with its use as a public open space,

provided the use, access or activities do not involve any of the activities in subsection 6(2). The intention of this subsection is to clarify that ongoing usage of the area as public open space is still permitted.

Item 3 – Section 7

This section specifies the period for which the instrument will remain in effect, in accordance with subsection 12(2) of the Act. The instrument will remain in effect for 10 years from the date it commences. The instrument will commence on 5 May 2021 (see section 2 above).

ATTACHMENT B

Statement of Compatibility with Human Rights

Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011

***Aboriginal and Torres Strait Islander Heritage Protection (Wahluu Mount Panorama Site)
Declaration 2021***

This Legislative Instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Overview of the Legislative Instrument

Section 10 of the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (the Act) allows the Australian Government Minister for the Environment to make declarations in relation to areas where the Minister receives a valid application by or on behalf of an Aboriginal or a group of Aboriginals and is satisfied that the area is a significant Aboriginal area and that it is under threat of injury or desecration.

Aboriginal and Torres Strait Islander Heritage Protection (Wahluu Mount Panorama Site) Declaration 2021 (the Declaration) is a declaration made by the Minister under section 10 of the Act. The purpose of the Declaration is to preserve and protect the significant Aboriginal area at the Wahluu Mount Panorama Site from the threat of injury or desecration attributed to a proposed go-kart development by the Bathurst Regional Council.

The Declaration contains a list of prohibited conduct, including any action that will or is likely to threaten the topography of the declared area.

Human rights implications

This Declaration engages the following rights:

- The right to self-determination
- The right to enjoy and benefit from culture
- The right to equality and non-discrimination; and
- The right to freedom of thought, conscience and religion or belief.

The right to self-determination

The rights of peoples to freely determine their political status and freely pursue their economic, social and cultural development are contained in article 1 of the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). The right is a collective right applying to groups of peoples, in contrast to rights to culture which protect the rights of individuals within a group.

This Declaration promotes the right to self-determination for people of Aboriginal and Torres Strait Islander descent, and in particular for the Wiradyuri people, as it preserves the social and cultural development of the Wiradyuri people and enables them to continue to observe and take part in their cultural practices on their own terms.

The declared area is of particular significance to the Wiradyuri people as Wahluu, Mount Panorama, and in particular its topography, is representative of the fallen warrior Wahluu, a figure that is of significance to the cultural narratives of the Wiradyuri people. The proposed development of a go-kart track would result in the permanent alteration of the topography at part of the summit of Wahluu, Mount Panorama and will remove or constrain access to part of the summit of Wahluu, Mount Panorama. This would interfere with the right of the Wiradyuri people to freely pursue their social and cultural development.

Relevantly, the Wiradyuri people have been involved in the process which has led to the Declaration. The application for the Declaration was made by the Wiradyuri Traditional Owners Central West Aboriginal Corporation, a group of Aboriginal Elders and traditional owners of Wahluu, Mount Panorama.

The right to enjoy and benefit from culture

The right to enjoy and benefit from culture is contained in Article 27 of the ICCPR and Article 15 of the ICESCR. Article 27 of the ICCPR protects the rights of individuals belonging to ethnic, religious and linguistic minorities within a country to enjoy their own culture, practise their own religion and use their own language. Article 15 of the ICESCR protects the right of all persons to take part in cultural life.

In General Comment No. 23 (CCPR/C/21/Rev.1/Add.5 (1994)), the Human Rights Committee stated that Article 27 is directed towards 'ensuring the survival and continued development of the cultural, religious and social identity of the minorities concerned, thus enriching the fabric of society as a whole'. The Committee also observed that 'culture manifests itself in many forms, including a particular way of life associated with the use of land resources, especially in the case of indigenous peoples... The enjoyment of those rights may require positive legal measures of protection'.

In General Comment No. 21 (E/C.12/GC/21 (2009)) the United Nations Committee on Economic, Social and Cultural Rights stated that the 'strong communal dimension of indigenous peoples' cultural life is indispensable to their existence, well-being and full development, and includes the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired. Indigenous peoples' cultural values and rights associated with their ancestral lands and their relationship with nature should be regarded with respect and protected, in order to prevent the degradation of their particular way of life, including their means of subsistence, the loss of their natural resources and, ultimately, their cultural identity'.

The Declaration ensures that the area containing part of the summit of Wahluu, Mount Panorama, being the shoulder of the fallen warrior Wahluu, that is of significance to the Wiradyuri tradition is not destroyed or damaged. This promotes the right to enjoy culture as it ensures the protection of the land and natural attributes within the declared area and preserves it for the Wiradyuri people to use and enjoy in accordance with Wiradyuri tradition.

The right to equality and non-discrimination

Articles 2, 16 and 26 of the ICCPR affirm the rights of all people to be treated equally. Article 2 of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) further prohibits discrimination on the basis of race.

The Declaration specifies the declared area as a significant Aboriginal area and prohibits any action that will or is likely to adversely affect the use or significance of the declared area in accordance with Aboriginal tradition. In doing so, the Declaration favours the interests of the Wiradyuri people over those of other persons on the basis of race, with the result that other persons do not benefit from being able to take particular actions in the declared area.

While this Declaration constitutes differential treatment on the basis of race, it can be characterised as a 'special measure' within the meaning of Article 1(4) of the ICERD. Article 1(4) provides that special measures shall not be deemed as racial discrimination, provided that the measure:

- is taken for the sole purpose of securing adequate advancement of a certain racial or ethnic group or individual;
- is necessary to ensure the equal enjoyment or exercise of human rights and fundamental freedoms for the group or individual;
- does not, as a consequence, lead to the maintenance of separate rights for different racial groups; and
- is not continued after the objectives for which it was taken have been achieved.

This instrument meets the requirements of Article 1(4) because it:

- preserves and protects the declared area for the benefit of the Wiradyuri people;
- has the sole purpose of protecting the rights of the Wiradyuri people to continue to enjoy their own culture and undertake traditional activities in the declared area;
- is necessary, as otherwise the rights of the Wiradyuri people in relation to the declared area will not be preserved; and
- continues for a period of 10 years from the day Declaration commences, which is intended to ensure the preservation and protection of the declared area from threats of injury or desecration arising specifically from the proposed go-kart track.

The right to freedom of thought, conscience and religion or belief

Article 18 of the ICCPR protects the right of individuals to think freely, and to entertain ideas and hold positions based on conscientious or religious or other beliefs. Subject to certain limitations, persons also have the right to demonstrate or manifest religious or other beliefs, by way of worship, observance, practice, and teaching.

The Declaration promotes this right as it preserves and protects the declared area that is considered to be a spiritually significant area by the Wiradyuri people. The instrument allows

the local indigenous community to express their spiritual and cultural connection to the area and practice their beliefs.

Conclusion

The Legislative Instrument is compatible with human rights because it promotes the protection of human rights. To the extent that it may limit human rights, those limitations are reasonable, necessary and proportionate.

**The Hon. Sussan Ley MP
Minister for the Environment**



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28 May 2021

The Hon Sussan Ley MP
Minister for the Environment
House of Representatives
Parliament House
Post Office Box 6022
CANBERRA ACT 2600

By email: sussan.ley.mp@aph.gov.au

Dear Minister Ley

Section 10 Declaration
Mount Panorama/Wahluu: Go Kart Track

Council refers to the recent section 10 declaration made by yourself on Mount Panorama/Wahluu. The letter to Council advising of the declaration included;

To make a declaration under section 10 of the ATSIHP Act, I must be satisfied the specified area is a 'significant Aboriginal area' for the purposes of section 10(1)(b)(i) of the ATSIHP Act, that is 'under threat of injury or desecration' for the purposes of section 10(1)(b)(ii) of the ATSIHP Act. I have decided to make a declaration under section 10 of the ATSIHP Act over part of the specified area as indicated in the enclosed declaration.

At a high-level, in reaching my decision, I gave consideration to the following points:

- I am satisfied that the specified area is a 'significant Aboriginal area' to the extent that it contributes to the form of the fallen warrior Wahluu, which is generally accepted as an important creation story for the Wiradyuri people.*
- Further, I am satisfied that part of the specified area that is a significant Aboriginal area is under 'threat of injury or desecration' from the proposed construction of a go-kart track. In the declaration I made under section 10, I refer to this area as the 'declared area'.*
- In relation to the declared area, I do not consider that there are any pecuniary or proprietary interests, or other relevant matters, that outweigh the benefits of protecting that area by a declaration under section 10 of the ATSIHP Act.*

The declaration and its ramifications continue to be of major concern to this Council. To facilitate a better understanding of current and possible future impacts, could you please advise of the area at Mount Panorama/Wahluu that you and your Department identify as the "complete" area of the Mount, that contributes to the form of the fallen warrior Wahluu.

Your urgent response would be appreciated.

Yours faithfully



D J Sherley
GENERAL MANAGER

Copy:

Hon Andrew Gee MP
Federal Member for Calare
By Email: andrew.gee.mp@aph.gov.au



Australian Government
Department of Agriculture,
Water and the Environment

MC21-006651

Mr David Sherley
General Manager
Bathurst Regional Council
Private Mail Bag 17
BATHURST NSW 2795

council@bathurst.nsw.gov.au

Dear Mr Sherley

Thank you for your correspondence of 28 May 2021 concerning the *Aboriginal and Torres Strait Islander Heritage Protection (Wahluu Mount Panorama Site) Declaration 2021*, which was also copied to the Hon Andrew Gee MP. Your correspondence has been passed on to the Department of Agriculture, Water and the Environment to reply.

You ask if the Minister for the Environment, the Hon Sussan Ley MP, can advise you of the 'complete' area of the Mount that contributes to the form of the fallen warrior Wahluu. Under the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (ATSIHP Act), the Minister was required to consider the significance of the specified area to which the application was made, and therefore the Minister's decision was only in relation to that area. The applicant in this case, the Wiradyuri Traditional Owners Central West Aboriginal Corporation, would be best placed to help with your enquiry in relation to the areas beyond the specified area.

Thank you for writing on this matter.

Yours sincerely

A handwritten signature in black ink, appearing to read 'James Barker', with a stylized, wavy line extending from the end.

James Barker
Assistant Secretary
Heritage Branch

17 June 2021

cc: The Hon Andrew Gee, Minister for Decentralisation and Regional Education and Minister Assisting the Minister for Trade and Investment



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15 July 2021

Mr J Baker
Assistance Secretary
Heritage Branch
Department of Agriculture, Water and the Environment
GPO Box 858
CANBERRA ACT 2601

Via email: ATSIHPA@awe.gov.au

Dear Mr Baker

Section 10 Declaration
Mount Panorama/Wahluu

I refer to your response to Council's letter dated 28 May 2021 in relation to the Minister's decision to make a Section 10 Declaration under the ATSIHP Act in relation to certain lands at Mount Panorama/Wahluu, Bathurst.

Council again notes that the Ministers decision to issue the declaration was based on her being "*satisfied that the specified area is a 'significant Aboriginal area' to the extent that it contributes to the form of the fallen warrior Wahluu, which is generally accepted as an important creation story for the Wiradyuri people*".

It seems inconceivable to Council that to reach that decision in relation to only a specified area of the Mountain the Minister did not have a sound understanding of how Mount Panorama Wahluu forms part of the form of the fallen warrior within the wider landscape.

The declaration and its ramifications continue to be of major concern to Council. Council again seeks the Minister's position as to what extent the form of the fallen warrior might take so that current and possible future implications of new activities in the Mount Panorama Wahluu precinct (and beyond) can be considered as it is the Minister who might consider future applications under the ATSIHP Act, not the Wiradyuri Traditional Owners Central West Aboriginal Corporation.

From a probity point of view, the Minister must be able to justify her position in relation to her decision given the absence, in the report under Section 10 provided to aid the Minister's decision, of any explanation of the extent to which form of the fallen warrior Wahluu relates not only to the specified area but the wider landform.

I await your further advice.

Yours faithfully

D J Sherley
GENERAL MANAGER

Reference: DS:AF: 20.00311, DA2015/196, 04.00153 & 09.00031
Contact: Mr David Sherley (02) 6333 6201



Australian Government
Department of Agriculture,
Water and the Environment

Mr David Sherley
General Manager
Bathurst Regional Council
Private Mail Bag 17
BATHURST NSW 2795

council@bathurst.nsw.gov.au

Dear Mr Sherley

Thank you for your correspondence of 15 July 2021 concerning the response provided to you on 28 May 2021 in relation to the form of Wahluu and the *Aboriginal and Torres Strait Islander Heritage Protection (Wahluu Mount Panorama Site) Declaration 2021*. You also copied the Hon Andrew Gee MP into the correspondence.

Under the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (ATSIHP Act), the Minister is required to consider the significance of the specified area to which the application was made, and therefore the Minister's decision was only in relation to that area.

The applicant in this case, the Wiradyuri Traditional Owners Central West Aboriginal Corporation, would be best placed to help with your enquiry in relation to the areas beyond the specified area.

Thank you for writing again on this matter.

Yours sincerely

A handwritten signature in black ink, appearing to read 'James Barker'.

James Barker
Assistant Secretary
Heritage Branch

21 July 2021

cc: The Hon Andrew Gee, Minister for Decentralisation and Regional Education and Minister Assisting the Minister for Trade and Investment



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30 July 2021

Ms Tonilee Scott
CEO
Bathurst Local Aboriginal Lands Council
149 Russell Street
BATHURST NSW 2795

Via Email: ceo@bathurstlalc.com

Dear Ms Scott

**RE: Section 10 Declaration – Mount Panorama/Wahluu
Form of the Fallen Warrior Wahluu**

Council notes the recent Section 10 Declaration made by the Federal Minister under the ATSIHP Act in relation to certain lands at Mount Panorama/Wahluu, Bathurst.

The Minister's decision to issue the declaration was based on her being "*satisfied that the specified area is a 'significant Aboriginal area' to the extent that it contributes to the form of the fallen warrior Wahluu, which is generally accepted as an important story for the Wiradyuri people.*"

To assist Council in understanding the implications of this decision, Council would seek advice from you of the areas of land that you identify as the 'complete' area of land that contributes to the form of the fallen warrior Wahluu.

Thank you for your assistance in this matter.

Yours faithfully

D J Sherley
GENERAL MANAGER



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30 July 2021

Yanhadarrambal
Wiradyuri Traditional Owners
Central West Aboriginal Corporation

Via Email: gunhigal@gmail.com

Dear Yanhadarrambal

**RE: Section 10 Declaration – Mount Panorama/Wahluu
Form of the Fallen Warrior Wahluu**

Council notes the recent Section 10 Declaration made by the Federal Minister under the ATSIHP Act in relation to certain lands at Mount Panorama/Wahluu, Bathurst.

The Minister's decision to issue the declaration was based on her being "*satisfied that the specified area is a 'significant Aboriginal area' to the extent that it contributes to the form of the fallen warrior Wahluu, which is generally accepted as an important story for the Wiradyuri people.*"

To assist Council in understanding the implications of this decision, and to inform anticipated discussions between the Council and the Wiradyuri Traditional Owners Central West Aboriginal Corporation concerning Mount Panorama/Wahluu, Council would seek advice from you of the areas of land that you identify as the 'complete' area of land that contributes to the form of the fallen warrior Wahluu.

Thank you for your assistance in this matter.

Yours faithfully

D J Sherley
GENERAL MANAGER

David Sherley

From: Tonilee Scott <CEO@Bathurstlalc.com>
Sent: Monday, 2 August 2021 11:09 AM
To: David Sherley
Subject: Section 10 Declaration – Mount Panorama/Wahluu and the Form of the Fallen Warrior Wahluu

CAUTION: This email originated from outside BRC. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Good Morning Dave,

Thank you for your correspondence dated 30 July 2021, regarding the above subject line.
We believe that the story of the Fallen Warrior Wahluu, is a contemporary creation developed in the last 10 years.
This story has not been weaved into the fabric of the local Aboriginal community.

This Story has not existed in the community prior to this time.

The entirety of Wahluu landform displays common landform themes that exist in identifying Aboriginal areas. Example, Mountainous terrain, altitude common with Men's business.

No information, research or compiled interviews, has been presented as to the validity of this story.

Therefore we cannot solidify the story presented by a minority and give advice on which areas of land that contribute to the alleged form of the fallen warrior Wahluu.

Kind regards

Tonilee Scott
Bathurst Local Aboriginal Land Council
149 Russell Street
Bathurst NSW 2795
P: 026332 6835
F: 026332 3623
E: ceo@bathurstlalc.com
E: bathlalc2@bigpond.com

*We acknowledge and respect the Wiradjuri people, the traditional owners and custodians of this region.
We honor their cultural, spiritual, and emotional connection to this land.
We also acknowledge the other Indigenous nations and people whose traditional home this land is.*



Note: This email is confidential. If you are not the intended recipient you must not disclose or use the information contained in it. If you have received this email in error please notify us immediately by return email and delete the document.

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BATHURST
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2 August 2021

Mr J Barker
Assistance Secretary
Heritage Branch
Department of Agriculture, Water and the Environment
GPO Box 858
CANBERRA ACT 2601

Via email: ATSIHPA@awe.gov.au

Dear Mr Barker,

Section 10 Declaration
Mount Panorama/Wahluu

I refer to your response to Council's letter dated 21 July 2021 in relation to the Minister's decision to make a Section 10 Declaration under the ATSIHP Act with respect to certain lands at Mount Panorama/Wahluu, Bathurst.

It is noted that you again refuse to identify the extent of the form of the fallen warrior as requested by Council in its letters dated 28 May and 15 July 2021.

With respect, it is inappropriate to refer Council to the Wiradyuri (WTOCWAC) for an answer. The WTOCWAC were not the decision-makers in this matter, this role fell to the Minister.

Council requests that the Minister, or your department, advise of the area of Mount Panorama/Wahluu and surrounds that you identify as the 'complete' form of the fallen warrior Wahluu.

The impacts of the declaration are significant and as a matter of public confidence in the process followed by the Minister, this information needs to be provided as a matter of urgency.

If you should have any queries, please do not hesitate to contact me on the number below.

Yours faithfully


D J Sherley
GENERAL MANAGER

Reference: DS:AF: 20.00311, DA2015/196, 04.00153 & 09.00031
Contact: Mr David Sherley (02) 6333 6201

BATHURST REGION... FULL OF LIFE



THE HON SUSSAN LEY MP
MINISTER FOR THE ENVIRONMENT
MEMBER FOR FARRER

MB21-001713

Mr David Sherley
General Manager
Bathurst Regional Council
Private Mail Bag 17
BATHURST NSW 2795

10 AUG 2021

council@bathurst.nsw.gov.au

Dear Mr Sherley

David

I refer to your various letters concerning the declaration I made under section 10 of the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (Cth) (ATSIHP Act) with regard to Wahluu / Mount Panorama (the Declaration).

To assist you to better understand the effects of the Declaration, the Department of Agriculture, Water and the Environment has provided you with several responses addressing the matters you have raised. I have been closely monitoring the exchange of correspondence and note the department wrote to you on 20 July 2021 to indicate its view that Council's proposed site remediation works would not be in contravention of the declaration.

While I understand Council's concerns of wanting to comply with the terms of the declaration, the declaration is clear. It allows the lawful right of access to and use of the land that is within the declared area. The declaration does not prohibit use of the declared area as a campsite nor as public open space. In addition, the declaration permits those activities necessary to maintain public safety.

You have also requested advice on the area of Mount Panorama / Wahluu identified as the 'complete form' of the fallen warrior Wahluu. You would be aware that the declaration I made relates only to the declared area, which is part of the form of the fallen warrior Wahluu, and the terms of that.

It was my view the proposed development would have resulted in the permanent alteration of the topography of the summit, which is part of the Traditional Owners' creation story of the form of the fallen warrior, Wahluu. As to the cultural significance of the location to the Wiradyuri people generally, I recommend you further discuss this directly with the applicants and the Traditional Owners.

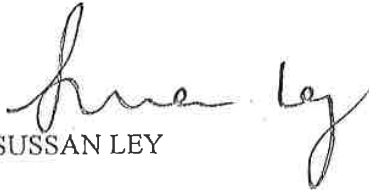
Importantly, from my meetings with all interested parties in Bathurst, I noted the concerns raised by Councillors to protect the heritage of motor racing, of public access and camping on the mountain. I received a clear assurance from the applicants they did not wish to restrict these activities. It is my view, the declaration, as made, does not affect the future of motor racing, which will remain synonymous with Mount Panorama and Bathurst.

*Foam
of
Wahluu*

I do also welcome the Council's decision to explore options at an alternate site for the Go Kart Track and hope this can be concluded.

If you have additional questions relating to the declaration or the ATSIHP Act, you may refer these to the department.

Yours sincerely



SUSSAN LEY



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27 August 2021

The Hon Susan Ley MP
Minister for the Environment
House of Representatives
Parliament House
PO Box 6022
CANBERRA ACT 2600

Via Email: sussan.ley.mp@aph.gov.au

Dear Minister Ley

SECTION 10 DECLARATION WAHLUU MOUNT PANORAMA SITE 30 APRIL 2021

I refer to your declaration under section 10 of the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (Cth) dated 30 April 2021 known as the *Aboriginal and Torres Strait Islander Heritage protection (Wahluu Mount Panorama Site) Declaration 2021* (Declaration).

I refer you to Attachment B of the Declaration wherein you state: "The Declaration ensures that the area containing part of the summit of Wahluu, Mount Panorama, **being the shoulder of the fallen warrior Wahluu**, that is of significance to the Wiradyuri tradition is not destroyed or damaged." [my emphasis]

I make this request on behalf of Bathurst Regional Council under the *Freedom of Information Act 1982* (Cth) (FOI Act). I request that you give Bathurst Regional Council access to all documents or official documents (within the meaning of the FOI Act) relied upon by you in making the above statement which evidence or establish that the area containing part of the summit of Wahluu, Mount Panorama the subject of the Declaration, represents the shoulder of the fallen warrior Wahluu.

All documents may be provided to Council by return email.

I thank you in anticipation of your attention to this request.

Yours faithfully

D J Sherley
GENERAL MANAGER

Copy: The Hon Andrew Gee MP, Member for Calare.



27 August 2021

To Mr David Sherley
158 Russell Street or PMB 17
Bathurst NSW 2795
Australia
By email only:

Dear David,

Letters dated 2 August 2021

Thank you for your two letters dated 2 August 2021, the "Fallen Warrior" Letter, and the "Site Remediation" Letter.

Fallen Warrior letter

Regarding the query, the entirety of the land above approximately the 700m above-sea-level elevation contour of Mount Panorama-Wahluu, including the Sulman, Reid, McPhillamy Parks, and some of what was the Sir Joseph Banks Reserve, accords with Bathurst Wiradyuri oral history, Dreaming and Creation stories as the outline of the body of Wahluu and for this reason is sacred.

Site Remediation letter

Thank you for seeking to consult with us regarding proposed remediation works. We hope this represents a new beginning in relations between Council and the traditional owners of Wahluu. Before we can meaningfully respond, the Directors seek some further information, specifically:

1. Is there asbestos on or near the women's site?
2. How and when were the windrows and dirt mounds made? What are they comprised of?
3. Is the site of the demolished house to be remediated as well?
4. What is the impact of the Council's proposed rectification on the flora on the women's site?

Moving forward, we think it would be more helpful if the directors of the WTOCWAC were to meet with the Director of Engineering Services to discuss the next steps towards the return of access to the women's site. We are looking forward to working with the Council in this important regard. Please let us know when would suit you for such a meeting.

We look forward to hearing from you.

Yours sincerely,

Mallyan Brian Grant, Yanhadarrambal Jade Flynn, Wirribee Leanna Carr-Smith
Directors WTOCWAC





Record of an oral application for a section 10 declaration to protect Aboriginal heritage

*Aboriginal and Torres Strait Islander Heritage
Protection Act 1984 (Cth)*

*Department of the Environment and Energy
www.environment.gov.au/heritage*

Record of an oral application for a declaration to protect Aboriginal heritage

1. Date of application

8 February 2019

2. Applicant(s)**a. Contact details**

Your name and contact details, including a postal or email address.

Name	Jade Flynn, Bill Allan, Brian Grant & Leanna Carr-Smith
Postal address	PO Box 1908 West Bathurst NSW 2795
Email	jadeyanha@gmail.com
Mobile Phone	0450 496 916
Telephone	-

b. Aboriginality

An application must be made by or on behalf of an Aboriginal person(s). Under the Act, Aboriginal means a person of the Aboriginal race of Australia or a descendant of the indigenous inhabitants of the Torres Strait islands.

Are you an Aboriginal person?	Yes
Are you making the application on behalf of an Aboriginal person or persons?	Yes

If you are acting on behalf of an Indigenous person or group, please name the Indigenous person or group. Attach evidence that you are authorised to make the application.

Wiradyuri Traditional Owners Central West Aboriginal Corporation

Record of an oral application for a declaration to protect Aboriginal heritage

3. Traditional Owner / Custodian

Who is the traditional owner or custodian of the area or object?

Has the area been granted to traditional owners, or been the subject of a native title claim determination?	No
If yes, please provide the Native Title Reference Number.	N/A
Please provide contact details for a representative body such as a Registered Native Title Body Corporate.	N/A

4. Area or objects to be protected

Give information to accurately locate the area, including the boundaries and maps of the area if you have them.

a. The area(s) to be protected by declaration under section 10

Location	Wahluu – Mt Panorama
Nearest town	Bathurst, 5km away
State or territory	NSW
Current owner	Crown, Public and Private land
Boundaries	With reference to the map on page 27 of the trigger report, they wish to extend the Specified Area to include the majority of the lowest elevation outline (820 meters) up until the high voltage powerlines and also including the whole of the Sir Joseph Banks Nature Park.
Features (if relevant)	Specified Area includes both men's and women's areas, a traditional stone hut, waterholes and the remnants of several significant paths, sites, culturally modified trees and camp sites including a camp oven that has been damaged from development of the area.

b. The object(s) to be protected by declaration under section 10

Location	Top of Wahluu
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Record of an oral application for a declaration to protect Aboriginal heritage

Nearest town	Bathurst, 5km away
State or territory	NSW
Current owner	Crown, Public and Private land
Description	Stone Hut, made of Aboriginal artefacts in the pillars and walls. Natural Spring – currently inaccessible. Culturally modified trees in the area

5. Why is the area(s) or object(s) significant according to Aboriginal tradition?

Describe in detail what is significant about this area(s) or object(s), including Indigenous stories or songs, customs, beliefs, observances or laws.

1. The Mountain is a part of the Wiradjuri Wahluu songline which is part of a wider story that connects Wiradjuri to neighbouring Aboriginal nations.
2. The Dreaming is linked to the topographic shapes of the Mountains.
3. The top on the mountain is called Wahluu by the local Wiradjuri community. Wahluu is a part of a creation story as he is one of Baiame's warriors who helped create the land.
4. There is a Bora Ring along one of the significant pathways.
5. Women would take young boys up for a pre-initiation ceremony.
6. Another ceremony would take place where women would hand over the adolescent boys to the men for them to conduct the Men's initiation at another area.
7. The women conducted ceremonies after the boys were handed over, in the springs located in the area, they spoke to their creator, asking for blessings to keep the boys safe. Some of the springs are not currently running. The springs and water runs coming from the top of the Mountain are considered to be sacred and from Wahluu himself.
8. The attendance at the two above ceremonies was part of a "cultural learning" journey for children not of that age, witnessing the ceremonies, for them to understand the stories, customs and observances and laws associated with the significance of the ceremonies. These ceremonies are on-going, as are the passing of traditional knowledge of the various sites up until access was blocked by the proponent a few years ago.
9. Elders have shared their knowledge of the initiation rituals down to Mr Grant – there are 5 parts to the story, this is also confidential information.
10. There are other areas that the women would go to within Bathurst along the river. These sites link back to Wahluu, linking to sacred areas along the songline.
11. The celebration site is also a gathering place for the law men and women to come together and do business – this included elders from Wiradjuri and Wonnarua, and possibly others.
12. The pathway from the women's area to the celebration area are all interlinked. There is evidence of the pathways even though the stones have been removed.

Record of an oral application for a declaration to protect Aboriginal heritage

13. The location of the sites on the Mountain provided views of Country and brought them closer to Baiame.
14. There is a stone hut within the Specified Area using stone from the quarry which the inhabitants of the area had quarried themselves and stones from the paths that the women would use to access the different ceremony areas making it both a women's and men's site.
15. There is a pathway on the Specified Area that links the Women's Business Area to the Men's area, the pathway is culturally significant and was lined with artefacts (some of which are now in the Stone Hut). They were also lined with 'ancestral trees' which were what defined the two different paths. Some of these trees have been destroyed (the scars and modifications removed) but their trunks remain.
16. There is a traditional camp oven that has been destroyed by modern development of the area however evidence of it still remains. It was used by the women to prepare food for the celebration site.
17. There is an additional area for ceremony that is like a viewing platform, where you can look out across the Country and speak to Baiame.
18. The path from the women's area leads to a celebration site where the elders would gather and to discuss lore. This was a community site where both men and women could be. A site nearby the celebration site was designated for women who were unmarried. The men would choose/request a wife from the women here which would contribute to the men's initiation. There are markings on trees at this site.
19. There are several related documents and audio files describing the significance of the site, the rituals and ceremonies and talking about significant places throughout the whole area.
20. Stone cairns used to be on the women's site but have since been removed.
21. There are trees that are markers, being indicators of gravesites.
22. There are also areas that are known to be gravesites.
23. They have knowledge of the flora and fauna of the area, their special medicine plants and bush tucker are on the Mountain near the sites.
24. The knowledge of the area, stories and traditions have been passed from the older women and elders in the community down to the present generations. Some of the elders have over 74 years of knowledge of the area.
25. The site is spoken about in the neighbouring community of Orange, as the creation story of Wahluu is connected to one of their stories.

Record of an oral application for a declaration to protect Aboriginal heritage

6. What is the threat?

<p>What actions will injure or desecrate the area(s) or object(s) unless a declaration is made?</p>	<ol style="list-style-type: none"> 1. Bathurst Regional Council's development of an existing Go-Kart track. DA 2015/196 – a modification of the original Development Application was voted on and approved on 19 December 2018. 2. There are currently old tyres dumped all over the women's site, they are used to reinforce the track walls, but are left on the ground until (if) they are used to fix the track walls. These tyres are also covering some of the pathways. 3. Access to the sacred sites is currently being denied to the community members by blocking off the site with fences. <ol style="list-style-type: none"> a. The fences block access to the women's site and the paths leading to the site. They are unable to access their Dreaming places, and unable to access the women's sites to uphold responsibilities of Wiradjuri lore and to hand down their stories to the younger generation. b. In order to access the site, the women have to walk further down the hill to climb over the fence, from there, they walk up to the site. This affects their traditions and lore regarding the maintenance of the path and the requirement that they only use the traditional paths when accessing the sites. c. The women consider themselves and the whole community as being 'spirit sick' as they cannot fulfil their cultural duties. d. By Wiradjuri lore – they are supposed to stick to the pathways, their cultural safety is at risk because they are unable to use the pathways. 4. One of the Elders has broken cultural law by relating the initiation story (5 parts) to the archaeologist in order to try to preserve the site. There are cultural ramifications and consequences as a result of this. 5. The local newspaper has recently contained an article showing a design to build a resort on both the women's and men's sites which would change the topography of the land which in turn would affect the significance of the Mountain. 6. The Council has expressed interest in destroying a contemporary house that was built on the women's site. 7. There is evidence that machinery has cause disturbance of the women's site however when this damage was done is not easily determined but possibly occurred since the fence was erected by council around the site.
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Record of an oral application for a declaration to protect Aboriginal heritage

Why will the action result in the area(s) or object(s) being injured or desecrated?	<ol style="list-style-type: none"> 1. The Go Kart track will result in digging up 7 hectares of area, 6 meters deep and as wide around the perimeter of the proposed track, possibly digging up the gravesites and destroying the significance of the above objects in the area. The Stone Hut with artefacts will also be at risk of being destroyed. The Council has tagged 500 trees some of which will be scheduled for removal, they are 200-300-year-old trees, some with cultural significance. All of the trees in the women's area will be removed. 2. The Applicants are concerned that the destruction of the contemporary brick house would in itself damage the women's site through the use of heavy machines needed to demolish it. 3. By being unable to follow Wiradjuri lore, the pathways are not being maintained and are degrading as a result. 4. The proposed resort plans displayed in the local paper if ever built will remove the top of the Mountain, destroying sites and the significance associated with the Mountain's topography. 5. The dumping of tyres on the women's site is affecting the significance of the pathways and resulting in further degradation of the site and the significant pathways in the area.
When is the action likely to occur?	Since the development was approved on 19 December 2018, the Go Kart track development could occur at any time.
Is the action lawful?	Pending approval, the Go Kart track and other planned developments will be. The dumping of tyres on the sites are not considered to be lawful.

7. State and territory processes

What State or Territory processes have been taken so far?

-

8. Consultation

What consultation has been taken with you or other Indigenous people or groups?

Some consultation, which resulted in presenting the Council the archaeological and anthropological report, but no response to these. The reports were to have recommended that the works not go ahead. The anthropological report discussed the intangible significance of the site.

Record of an oral application for a declaration to protect Aboriginal heritage

What was the result of the consultations?

As a group of Traditional Owners and Wiradyuri Elders we met with the Mayor and General Manager of Bathurst Council on more than one occasion with the view to preserving the cultural values of Wahluu/ Mt Panorama. To the extent that we were prepared to provide all information and map out all sacred sites both tangible and non-tangible.

We developed and presented a simple MOU that would create a bond of trust between the Traditional Owners and Council To date that has not progressed.

We have provided in writing to Council; our objections of the building of the go kart track on the sacred Women's site that also encompasses some of the men's site and that an alternative site should be found and considered, our objection was dismissed by councils.

In an attempt to cease any further destruction of sacred sites we have offered council the opportunity to commence negotiations for an Indigenous Land Use Agreement to the extent that all relevant information and the contact persons of the NNTT was forwarded to Council via email. That has not been acted on by council.

9. Confidential or restricted information

Is any of the information you have given confidential or restricted e.g. women's or men's business? Please tell us which information is confidential or restricted. The Minister or Department may need to give the information in this application and any supporting evidence to other parties to give them procedural fairness or as part of a review.

The use of the women's site, sacred springs and water runs, as well as the information regarding the initiation rituals is considered to be confidential information. This has been provided to the Department in order to protect the site.

10. Previous applications

Have there been other ATSIHP Act applications to protect this area(s) / object(s)?

When?	Which part of the ATSIHP Act (s9, s10, s12 or s18)?	Was it the same threat?
20/12/2018	Section 9	Yes, the Go Kart track development

Record of an oral application for a declaration to protect Aboriginal heritage

11. List of supporting evidence

Attach maps, reports or other documents that support this application. Label the attachments (e.g. '1', '2', '3' or 'A', 'B', 'C') and explain how each one relates to the application.

Attachment	How does it relate to the application?
Director Environmental Planning and Building Services Report – Attachments – Extraordinary meeting of Bathurst Regional Council – 19 Dec 2018	Proposed action affecting the sites.
WIR01 – Wiradjuri Wahluu Mt Panorama Ethno Notes – Assoc. Prof Neil Draper	Report supporting and discussing the significance of Wahluu to the Applicants
Aboriginal Cultural Heritage Assessment Report – Proposed Go Kart Track, Wahluu, Bathurst	Cultural Heritage assessment of the area for the proposed construction of the Go Kart track
Survey Debrief 20 March Part 1	Audio track describing the significance of the sites at Wahluu
Review of Complaint against Council by Conduct reviewer Kate Roach	Providing context for Application
Bathurst Regional Council – Statement of Environmental Effects – Go Kart Development	Relates to one of the proposed actions
Mount Panorama Trigger Report	Discusses the significance of the area
Letters to Council regarding the Memorandum of Understanding	Providing context for Application
Letter to Editor regarding the Go Kart track on Wahluu	Providing context for Application
Flora and Fauna Report of the Mt Panorama region	Providing context for Application regarding the significance of the area
Emails from Anthony to BRC	Regarding Indigenous consultation on proposed works
Bathurst Regional Local Government Area Aboriginal Heritage Study	Providing context for Application – significance of the area
Letter to Bathurst Regional Council (AUBIN letter to BRC)	Providing context for Application
Bathurst Regional Council meeting minutes 19 December 2018	Providing context for Application – regarding development on the site

Record of an oral application for a declaration to protect Aboriginal heritage

Response from Bathurst Regional Council in regards to Aboriginal Place nomination	Providing context for Application – state protection
Assessment of the prehistoric heritage in the Evans Shire (1298.pdf)	Providing context for Application - significance
Typed articles relating to the Aborigines Principally archaeological sites of the Bathurst District (353.pdf)	Providing context for Application - significance
Archaeological Survey of the Proposed Electricity commission transmission line between Bathurst-Raglan-Mount Panorama (606.pdf)	Heritage survey of the Specified area - significance
the story (dreaming story) of Wahluu as told by Uncle Bill Allen (Dinawan Dyirribang)	Providing information in regards to significance of the area https://www.youtube.com/watch?v=oMmvmKeruTQ
Article – proposed plans for Mount Panorama facility	Provides information regarding the proposed resort development, one of the threats to the Specified Area Link
Article - Cultural heritage claims on Mount Panorama have got councilors fired up	Article regarding cultural heritage claim issues on Mount Panorama Link

Record of an oral application for a declaration to protect Aboriginal heritage

12. Declaration

It is an offence under the *Criminal Code Act 1995* (Commonwealth) to provide false or misleading information in this application or any documents that are part of this application.

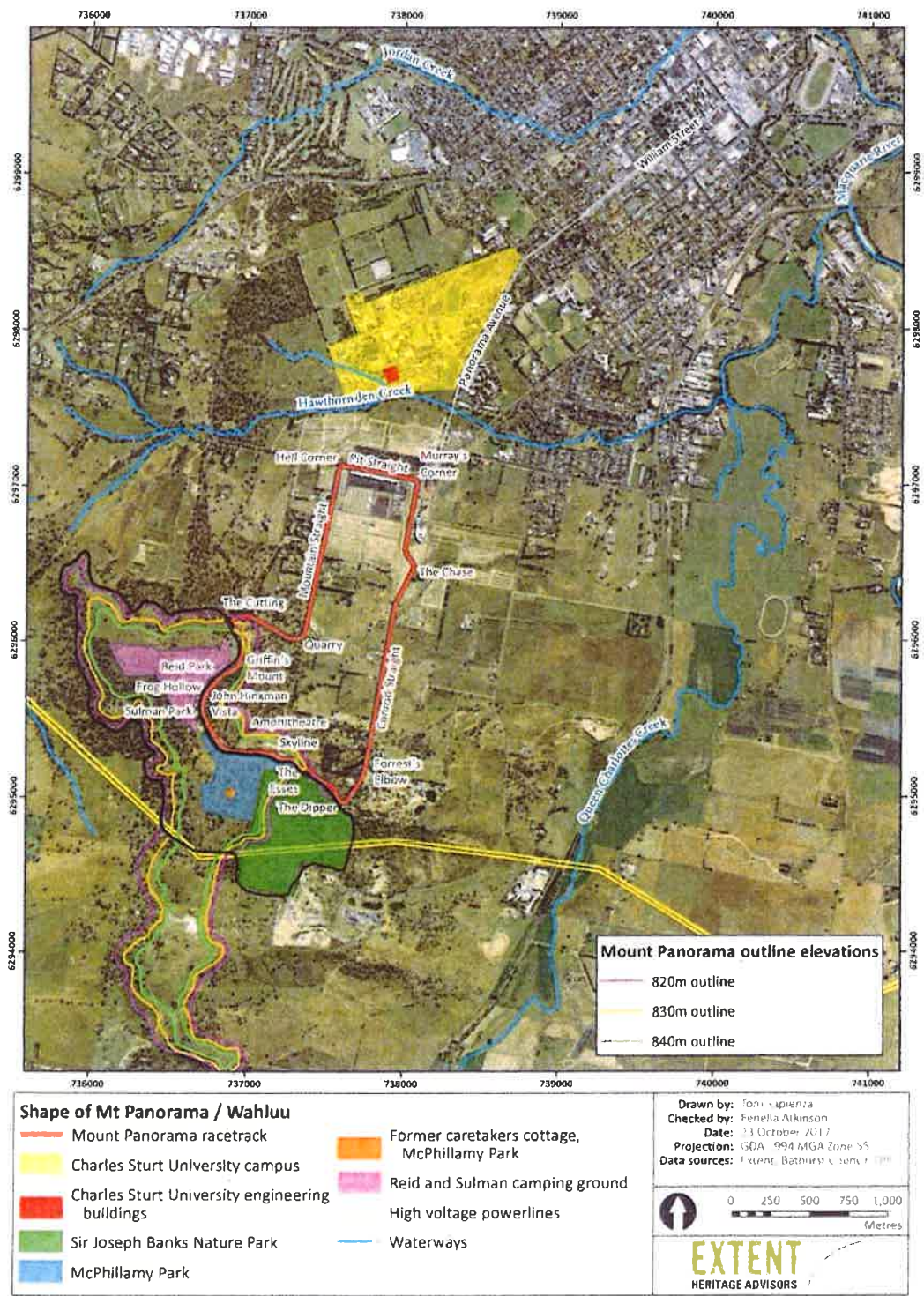
I declare that this application is an accurate record of the oral application I made. I am aware that any information (including personal information) which I provide in support of my application may be disclosed by the Commonwealth to other parties.

I agree to allow the Commonwealth for reason of natural justice or procedural fairness to release all the information I provide to other parties as appropriate;

Or

I agree to allow the Commonwealth for reason of natural justice or procedural fairness to release the information I provide to other parties as appropriate, except the following information....I do not agree to the release of this information to others because....

Applicant signature	Provided approval via email from jadeyanha@gmail.com
Date	18 February 2019





Civic Centre
158 Russell Street
Private Mail Bag 17
Bathurst NSW 2795

Telephone 02 6333 6111
Facsimile 02 6331 7211
council@bathurst.nsw.gov.au
www.bathurst.nsw.gov.au

10 September 2021

Yanhadarrambal
Wiradyuri Traditional Owners
Central West Aboriginal Corporation

Via email: gunhigal@gmail.com

Dear Yanhadarrambal

Outline of the Fallen Warrior - Wahluu

Reference is made to that part your letter to Council dated 27 August 2021 headed "Fallen Warrior letter". In response to Council's enquiry (2 August 2021) WTOCWAC asserts that:

"the entirety of the land above approximately 700m above-sea-level elevation contour of Mount Panorama-Wahluu including the Sulman, Reid, McPhillamy Parks and some of what was the Sir Joseph Banks Reserve, accords with Bathurst Wiradyuri oral history, Dreaming and Creation stories as the outline of the body of Wahluu and for this reason is sacred".

The reference to the "700m above-sea-level elevation contour" is inconsistent with the Application made under Section 10 Aboriginal and Torres Strait Islander Heritage Protection Act dated 18 February 2019 (the Section 10 application).

The Section 10 application identified the area to be protected:

- (a) the elevation contour as 820 metres;
- (b) "the map on page 27 of the trigger report" (SIC);
- (c) the Sir Joseph Banks Nature Park;
- (d) the nearest town as "Bathurst, 5km away";
- (e) "Top of Wahluu" as the location.

Council seeks clarification of the numerical value of the contour in respect of which the outline of the body of Wahluu is said to represent.

The apparent inconsistency between the elevation contours of 700 metres and 820 metres needs to be resolved.

For your assistance I **enclose** a copy of a map of the locality with the 700 metre elevation contour superimposed upon it.

Reference: DS:AF: 09.00031, 2015/196, 20.00311 & 04.00153
Contact: Mr David Sherley (02) 6333 6201

BATHURST REGION... FULL OF LIFE

2.

Wiradyuri Traditional Owners Central West Aboriginal Corporation
10 September 2021

You will see that the 700 metre elevation contour captures an area which extends vastly beyond the top of Wahluu - Mount Panorama, into the city and suburbs of Bathurst and other features referred to in the Section 10 Application.

The inconsistency is also identified by the references in your letter of 27 August 2021 to Sulman Park, Reid Park and McPhillamy and to *"some of what was the Sir Joseph Banks Nature Reserve"*.

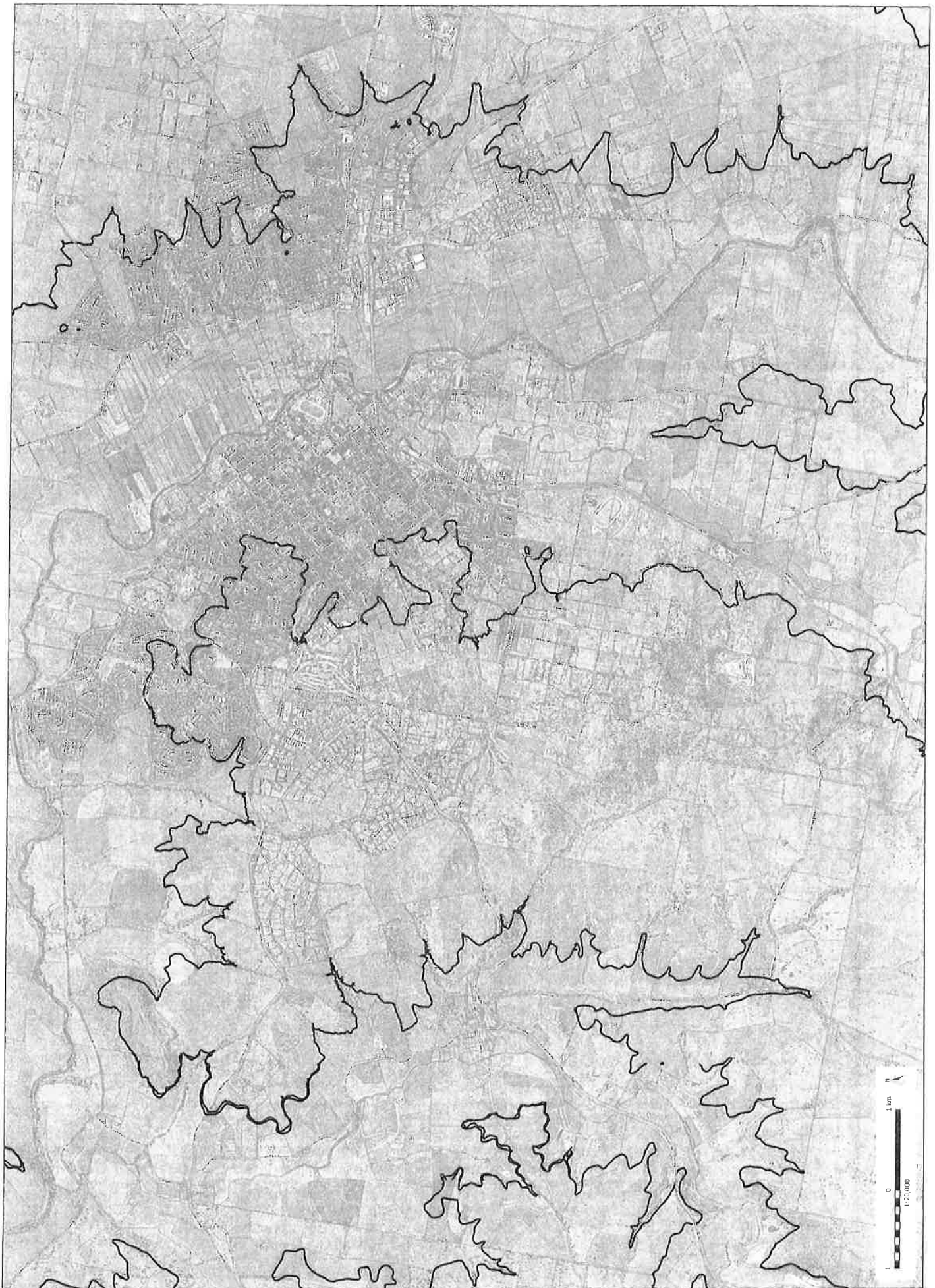
Council accepts that it is likely that a typographic error or other misdescription of the elevation contour may have occurred and you are invited to correct the reference. If, however, it is the WTOCWAC's position that the 700 metre elevation contour is the correct representation would you please reconcile the discrepancy between the two elevation contours (700m - 820m).

This is an important clarification to obtain and your early response, in any event, within 14 days would be appreciated.

Yours faithfully



D J Sherley
GENERAL MANAGER





Civic Centre
158 Russell Street
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Bathurst NSW 2795

Telephone 02 6333 6111
Facsimile 02 6331 7211
council@bathurst.nsw.gov.au
www.bathurst.nsw.gov.au

12 October 2021

Mallyan Brian Grant, Yanhadarrambal Jade Flynn & Wirribee Leanna Carr-Smith
Directors
Wiradyuri Traditional Owners
Central West Aboriginal Corporation

Via email: gunhigal@gmail.com

Dear all

Re: Site Remediation

Reference is made to your letter dated 5 October 2021 regarding maintenance work and tree removal at Mount Panorama - Wahluu.

In that letter it is said that *"the Directors of the WTOCWAC require a meeting with Council to discuss the upcoming works to the campground and trees and the general site remediation works."* No such requirement arises under the Section 10 Declaration or exists by any other legal right.

Whilst it is not a requirement that a meeting be held, as a courtesy to WTOCWAC ("the Corporation") Council representatives would be prepared to meet at a time convenient to you for discussions.

Please note that closure of access to the fenced off area in McPhillamy Park on 5 October 2021 as advised to your solicitors by Council's solicitors, commenced that day. The trees approved for removal under the Threatened Species Licence together with the maintenance and remediation works are progressing.

Council representatives are happy to meet for discussion in anticipation of progressing a good working relationship for the future.

It is noted, however, that the Corporation has not responded to Council's letter of 10 September 2021 regarding the claim by the Corporation with respect to the land above the 700m contour of Mount Panorama - Wahluu. The inconsistency between the 700m contour claim and the 820m contour claim (Section 10 Application 18 February 2019) requires an immediate response from you.

Please be aware that a Report on issues that may impact future uses at the top of Mount Panorama - Wahluu is due to be presented to the November 2021 meeting of Council. Please provide the clarification of the 700m contour by 1 November 2021 at the latest.

Your response and your availability for a meeting are requested.

Yours faithfully

D J Sherley
GENERAL MANAGER

Reference: DS:TM: 34.00108-02, 09.00031, DA 2015/196, 20.00311 & 04.00153
Contact: Mr David Sherley (02) 6333 6201

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Printed: 2/11/2021 2:37:08PM

Type	Year	No.	Value	Description	Address	Date Determine
10	2020	111	\$450,000	Three residential units, tree removal, carport & subdivision	121 William Street BATHURST	12/10/2021
10	2021	330	\$0	Two Lot Rural Subdivision	4744 Trunkey Road ARKELL	25/10/2021
10	2003	460	\$0	MOD - Factory and ancillary dwelling	16 Vale Road SOUTH BATHURST	19/10/2021
10	2021	365	\$125,455	Alterations to existing dwelling_construction of secondary dwelling	4 Kite Place RAGLAN	15/10/2021
10	2014	313	\$150,000	MOD - two storey dwelling with attached garage	205 Walang Drive NAPOLEON REEF	18/10/2021
10	2021	382	\$25,000	Replace existing shed	997 Bathurst Street SUNNY CORNER	22/10/2021
10	2021	383	\$626,300	Second rural dwelling and shed	73 Clairvaux Lane KELSO	11/10/2021
10	2021	384	\$40,000	Construction of a shed, rainwater tank, earthworks and retaining walls	74 George Thomas Close THE LAGOON	5/10/2021
10	2021	395	\$420,600	Single storey dwelling, detached garage and shed	158 Gilmour Street KELSO	12/10/2021
10	2021	402	\$18,450	Alterations and additions to existing dwelling	168 Rocket Street BATHURST	13/10/2021
10	2021	406	\$12,000	Carport	96 Seymour Street BATHURST	6/10/2021
10	2021	407	\$100,000	Industrial shed	10 Kirkcaldy Street SOUTH BATHURST	26/10/2021
10	2021	410	\$83,897	single storey dwelling with carport	Sofala Road WATTLE FLAT	13/10/2021
10	2021	415	\$55,000	Shed	67 George Thomas Close THE LAGOON	12/10/2021
10	2021	418	\$35,000	Installation of solar panels on a commercial premises	2A Piper Street BATHURST	25/10/2021
10	2021	421	\$935	Use of existing - conversion of garage to detached habitable room	17 Cedar Drive LLANARTH	20/10/2021
10	2021	424	\$0	Six lot subdivision	Freemantle Road EGLINTON	18/10/2021
10	2021	426	\$778,868	Demolition, alteration and additions to shopping centre	210 Howick Street BATHURST	6/10/2021
10	2021	434	\$0	Change of use to coach drivers accommodation	428 Conrod Straight MOUNT PANORAMA	22/10/2021
18	2021	215	\$1,265,468	Construction of nine (9) industrial units	14 Watt Drive ROBIN HILL	19/10/2021
10	2021	446	\$23,000	Garage and carport	88 Mount Haven Way MEADOW FLAT	13/10/2021
10	2021	448	\$600,000	Dual occupancy and two lot residential subdivision	11 Ignatius Place KELSO	18/10/2021
18	2021	218	\$300,000	Telecommunication/communication facility	32 Pine Ridge Road ROCK FOREST	8/10/2021
10	2021	453	\$20,000	Construction of a shed	224 Howards Drive MOUNT RANKIN	25/10/2021
10	2021	454	\$330,930	Single storey dwelling with attached garage	25 Landseer Street RAGLAN	18/10/2021
10	2021	457	\$22,000	shed	52 Locke Street RAGLAN	22/10/2021
10	2021	459	\$58,560	Inground swimming pool and safety barrier and retaining wall	9 Quigley Close KELSO	25/10/2021
10	2019	388	\$0	Tourist and Visitor Accommodation (Including Conversion of Shearing Sh	1611 Mid Western Highway EVANS PLAINS	11/10/2021
18	2021	223	\$385,000	Single storey dwelling with attached garage	32 Meagher Street LLANARTH	13/10/2021
10	2021	460	\$72,475	Single Storey Dwelling	3821 Sofala Road WATTLE FLAT	19/10/2021
10	2021	464	\$30,000	Garage and carport	264 Tarana Road BREWONGLE	6/10/2021
10	2021	469	\$49,000	Alterations and additions to existing shed	15 Arabella Place ROBIN HILL	29/10/2021
10	2021	473	\$0	Four lot strata subdivision	48 Lambert Street BATHURST	22/10/2021
18	2021	226	\$20,000	Inground swimming pool and safety barrier	35 Peacock Street EGLINTON	14/10/2021
10	2021	1	\$100,000	MOD - second rural dwelling and shed	314 Freemantle Road MOUNT RANKIN	22/10/2021
10	2021	478	\$70,000	Conversion of church to dwelling, internal alterations and additions	44 Christie Street RAGLAN	25/10/2021
10	2021	479	\$80,000	Shed and two rainwater tanks	308 Laffing Waters Lane LAFFING WATERS	13/10/2021
10	2021	481	\$61,640	Non-habitable additions to dwelling	4 Dunoon Place ABERCROMBIE	14/10/2021
10	2017	316	\$5,000	MOD - change carport design from skillion to gable roof	9 Ranken Street EGLINTON	27/10/2021
10	2021	485	\$10,000	Additions and alterations to residential unit - external stairs	56B Boyd Street KELSO	26/10/2021
10	2021	489	\$160,000	Convert non habitable room to habitable rooms	275 White Rock Road WHITE ROCK	6/10/2021
10	2020	512	\$278,302	MOD - Dual occupancy (2nd dwelling) and 2 lot subdivision	206 Rocket Street BATHURST	5/10/2021
18	2021	230	\$30,000	In ground swimming pool and safety barrier	17 Arnold Court KELSO	15/10/2021
10	2021	495	\$105,000	Use of existng sheds	4465 Great Western Highway GLANMIRE	27/10/2021
10	2021	498	\$50,000	Habitable rooms	5 Mulley Close WINDRADYNE	28/10/2021
10	2021	500	\$72,000	Shed	191 Blue Ridge Drive KELSO	15/10/2021

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Type	Year	No.	Value Description	Address	Date Determine
10	2021	502	\$6,000 Retaining wall	15 Dovey Drive KELSO	13/10/2021
18	2021	235	\$239,552 Alterations and additions to dwelling	10 Colin Street PERTHVILLE	13/10/2021
18	2021	238	\$530,486 Single storey dwelling with attached garage	84 George Thomas Close THE LAGOON	29/10/2021
18	2021	239	\$353,000 Construction of a single storey dwelling with attached garage	113 Hughes Street KELSO	12/10/2021
10	2021	83	\$0 MOD - Shed, rainwater tank and earthworks	69 George Thomas Close THE LAGOON	8/10/2021
18	2021	240	\$350,000 Single storey dwelling with attached garage	11 Fairleigh Place KELSO	28/10/2021
18	2021	242	\$253,000 Single storey dwelling with attached garage	3 Lockwood Rise KELSO	8/10/2021
18	2021	219	\$45,000 Inground swimming pool, spa and safety barrier	199 White Rock Road WHITE ROCK	15/10/2021
10	2021	422	\$74,000 MOD - hay shed	Stewart Street EVANS PLAINS	27/10/2021
10	2021	319	\$150,000 MOD- Single storey dwelling and greenhouse	2 Church Street ROCKLEY	12/10/2021
18	2021	245	\$330,000 Single storey dwelling with attached garage	3 Fairleigh Place KELSO	15/10/2021
18	2021	246	\$462,624 Single storey dwelling with attached garage	87 Graham Drive KELSO	21/10/2021
10	2021	529	\$445,241 Single storey dwelling with attached garage	10 Bolton Street KELSO	29/10/2021
18	2021	247	\$29,000 Installation of swimming pool and safety barrier	21 Connolly Drive KELSO	22/10/2021
18	2021	248	\$520,500 Single storey dwelling with attached garage	200 Freemantle Road EGLINTON	25/10/2021
10	2021	389	\$0 MOD - Construction of a carport	10 Farmgate Drive ABERCROMBIE	28/10/2021

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Type	Year	No.	Value Description	Address	Date Determine
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NIL

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Type	Year	No.	Value	Description	Address
10	2017	214	\$75,000	Internal office addition to existing hangar	PJ Moodie Drive RAGLAN
10	2017	142	\$0	MOD -Internal and external alterations to existing commercial building	205 Howick Street BATHURST
10	2019	146	\$0	Ten (10) Lot Industrial Subdivision	Havannah Street BATHURST
10	2020	31	\$420,000	Bakery and cafe and two lot subdivision	369 Stewart Street MITCHELL
10	2020	32	\$1,700,000	Motel and two lot commercial subdivision	369 Stewart Street MITCHELL
10	2020	126	\$2,880	Alterations to dwelling - replace window	31 Havannah Street BATHURST
10	2020	146	\$49,900	Reclamation project - sunny corner mine	83 Dark Corner Road SUNNY CORNER
10	2020	199	\$8,500	Use of existing alterations to unit development	4 Keppel Street BATHURST
10	2020	200	\$7,000	Use of existing alterations - internal timber staircase	4 Keppel Street BATHURST
10	2020	201	\$9,500	use of existing alterations to unit development	4 Keppel Street BATHURST
10	2020	202	\$6,500	Use of existing masonry fence	6 Keppel Street BATHURST
10	2020	314	\$15,000	Change of use from garage to habitable rooms	1336 Limekilns Road CLEAR CREEK
10	2020	325	\$34,000	Conversion of shed to habitable rooms	32 Beath Street WATTLE FLAT
10	2020	354	\$10,000	Fences - front and side	327 Rankin Street BATHURST
10	2019	349	\$500,000	MOD - Alterations and additions to existing dwelling	143 Brilliant Street BATHURST
18	2020	212	\$288,000	Single storey dwelling with attached garage	12 Fairleigh Place KELSO
10	2020	436	\$0	148 Lot Residential subdivision and bulk earthworks	Marsden Lane KELSO
10	2020	476	\$500	Earthworks	22 Burlington Rise KELSO
10	2020	489	\$880,000	Additional 5 x 2 storey dwelling units	183 Rocket Street BATHURST
10	2020	502	\$20,000	Construction of a retaining wall	5 Irving Place ROBIN HILL
10	2020	508	\$7,500,000	135 Lot Residential Subdivision (4 Open Space Lots and 131 Residential	Marsden Lane KELSO
10	2021	11	\$148,000	Construction of farm shed	46 Lagoon Road ORTON PARK
10	2021	18	\$0	181 lot Residential Subdivision	240A Limekilns Road KELSO
10	2021	32	\$8,400	Construction of shed and carport	30 Bowen Street SOFALA
10	2021	72	\$303,537	Single storey dwelling	7 Bolton Street KELSO
10	2021	75	\$10,000	Intensification of mining facility	Trunkey Road CALOOLA
10	2021	112	\$120,000	Additions and alterations to existing dwelling	379 Billywillinga Road BILLYWILLINGA
10	2020	403	\$10,990	MOD - construct a gable carport to the existing dwelling	28 Barr Street WINDRADYNE
10	2021	133	\$170,000	Tourist accommodation units	715 Eusdale Road MEADOW FLAT
10	2014	321	\$0	MOD - Five lot rural subdivision	1924 Limekilns Road LIMEKILNS
10	2021	183	\$750,000	Tourist and Visitor Accommodation - 6 portable cabins	350 Molybdonite Road LOCKSLEY
10	2021	190	\$50,000	Proposed change of use and additions and alterations	7 Keppel Street BATHURST
10	2021	224	\$165,000	Rural secondary dwelling	933 Freemantle Road BILLYWILLINGA
10	2021	21	\$320,000	Second storey extension to existing residential dwelling	208 Boundary Road ROBIN HILL
10	2021	236	\$144,000	new shop top dwelling	63 William Street BATHURST
10	2021	256	\$0	70 lot subdivision including 68 residential & 2 residual & public road	240A Limekilns Road KELSO
10	2021	262	\$4,500,000	Demolition, construction of mixed use development and subdivision	98 Corporation Avenue ROBIN HILL
10	2021	288	\$30,000	Telecommunication facility	Brocks Skyline MOUNT PANORAMA
10	2021	289	\$215,000	Dual occupancy (second dwelling) and two lot subdivision	81 Taylor Street EGLINTON
10	2021	293	\$500,000	Demolition of existing dwelling and construction of 3 commercial units	124 Bentinck Street BATHURST
10	2021	296	\$10,000	Signage	3249 O'Connell Road BREWONGLE
10	2021	302	\$276,000	commercial development - Retail	278 Lambert Street WEST BATHURST
10	2021	306	\$31,600	Additions and Alterations to Existing Building and Change of Use from	186 Russell Street BATHURST
10	2021	312	\$100,000	Proposed accessible amenities, shed refurbishment, primitive campground	1932 The Bridle Track BRUINBUN
10	2021	313	\$10,000	Two Lot subdivision	Bonnor Street KELSO
10	2021	338	\$2,750,673	Eleven lot subdivision and associated works	Corporation Avenue ROBIN HILL
10	2021	340	\$400,000	Demolition, additions and alterations to a business	161 George Street BATHURST
10	2021	343	\$20,000	Change of use from farm shed to cellar door	700 Rockley Road ROCKLEY MOUNT
10	2021	349	\$635,000	Partial demolition, addition/alteration, dual occ & 2 lot Subdivision	131 Mitre Street WEST BATHURST
10	2021	357	\$0	Two lot commercial subdivision	2 Ashworth Drive KELSO
10	2021	358	\$3,000,000	Construction of a multi unit housing 12 x 3 bedroom units	225C Peel Street BATHURST
10	2021	366	\$1,011,765	Warehouse and Distribution Centre and Light Industry	5475 Great Western Highway RAGLAN
10	2021	367	\$180,994	Depot shed and garage/carport	255 College Road ORTON PARK
10	2021	360	\$0	Change of use to mechanical workshop	5/11 Corporation Avenue ROBIN HILL

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Type	Year	No.	Value	Description	Address
10	2021	394	\$0	Six light industrial units, secondary dwelling and carport	21 Upfold Street GORMANS HILL
10	2021	404	\$25,000	Construction of a cabana	47 Gilmour Street KELSO
10	2021	416	\$424,600	Single storey dwelling with attached garage	92 McManus Road MEADOW FLAT
10	2021	419	\$0	Two lot rural subdivision	82 Hodges Road BRUINBUN
10	2021	420	\$280,000	Dual occupancy (second dwelling) and two lot residential subdivision	121 Stewart Street BATHURST
10	2021	423	\$400,000	Demolition of existing dwelling and new single storey dwelling	36 Elmswood Road CALOOLA
10	2021	429	\$1,155,000	Six two bedroom units & six lot community title subdivision	38A Stanley Street BATHURST
10	2021	432	\$478,500	Construction of three industrial units and associated earthworks	5A Michigan Road KELSO
10	2021	433	\$929,500	Sex services premises	8 Kirkcaldy Street SOUTH BATHURST
10	2021	435	\$826,400	Construction of 8 industrial units	5 Michigan Road KELSO
10	2021	436	\$195,996	Second rural dwelling	715 Eusdale Road MEADOW FLAT
10	2021	438	\$30,000	Install new 1.8m satellite dish @ existing telecommunications facility	455 Wambool Road WAMBOOL
10	2021	439	\$0	Two lot rural boundary adjustment	75 Thomas Drive EGLINTON
10	2021	440	\$549,670	Demolition and construction of new dwelling and shed	36 Stanley Street BATHURST
10	2021	442	\$18,500	Construction of a shed	157 Russell Street BATHURST
10	2021	447	\$529,145	Convert existing dwelling to habitable space & construct new dwelling	829 Redbank Road TRIANGLE FLAT
10	2021	449	\$40,000	Additions and alterations to existing dwelling	9 Lord Street BATHURST
10	2021	451	\$19,800	Enclose existing carport	7 Maple Close KELSO
10	2021	456	\$281,000	Demolition and construction of showground pavilion	Kendall Avenue BATHURST
10	2021	458	\$1,200,000	Two storey dwelling with attached garage	36 George Thomas Close THE LAGOON
10	2021	461	\$13,000	Retaining wall	13 Darvall Drive KELSO
10	2021	462	\$10,000	Alterations and additions to dwelling	242 Eglinton Road ABERCROMBIE
10	2021	463	\$58,399	Shed with attached carport	44 Claremont Drive WHITE ROCK
10	2021	465	\$28,000	Construction of a shed	4 Locke Street RAGLAN
10	2021	466	\$1,078,000	seven single storey units for short-term tourist	119 Duramana Road EGLINTON
10	2021	467	\$148,200	Construction of an industrial shed	105 Sydney Road KELSO
10	2021	468	\$1,265,469	Nine (9) Lot Strata Subdivision	14 Watt Drive ROBIN HILL
10	2021	103	\$125,000	MODIFICATION - Geotechnical test pits and bore holes	107 Hen & Chicken Lane PERTHVILLE
10	2021	470	\$10,000	Construction of a retaining wall	19 Darvall Drive KELSO
10	2021	474	\$20,000	Alterations and additions to existing dwelling	16 Edgell Street WEST BATHURST
10	2021	475	\$52,120	Enclosed sun room addition and patio	17 Bathurst Street PERTHVILLE
10	2021	476	\$10,000	Extension of existing shed	35 Peacock Street EGLINTON
10	2021	477	\$100,000	Construction of a garage	1 Napier Street WINDRADYNE
10	2021	480	\$0	Two lot rural subdivision	5229 Trunkey Road TRUNKY CREEK
10	2021	482	\$12,000	Construction of retaining wall	9 Darvall Drive KELSO
10	2021	483	\$25,000	Proposed change of use - habitable space to secondary dwelling	57 Brilliant Street BATHURST
10	2021	486	\$804,053	Single storey dwelling and seperate garage	232 Hollis Lane PERTHVILLE
10	2021	487	\$780,000	Demolition of existing dwelling, construct two boarding houses	14 Russell Street GORMANS HILL
10	2021	488	\$800	Installation of commercial signage	233 Stewart Street BATHURST
10	2021	490	\$2,270,000	Function centre, tourist-visitor accommodation and primitive camping	25 Hollis Lane PERTHVILLE
10	2021	492	\$90,000	Additions to existing commercial food premises.	1 Wark Parade WINDRADYNE
10	2021	493	\$18,843	Garage	269 Brilliant Street BATHURST
10	2021	496	\$19,500	Construction of building with bathroom and swim spa	51 Bathurst Street PERTHVILLE
10	2021	497	\$30,000	Replace retaining wall and install new 7x3m swimming pool	30 Jarrah Court KELSO
10	2021	499	\$611,500	Single storey dwelling with attached garage	700 Diamond Swamp Road TARANA
10	2021	501	\$320,000	Alterations and additions to existing dwelling and partial demolition	170 Havannah Street BATHURST
18	2021	232	\$141,000	Alterations and additions to dwelling	715 Willow Tree Lane MOUNT RANKIN
10	2021	503	\$75,000	Demolition and construction of a single storey dwelling	2992 Turondale Road TURONDALE
10	2021	504	\$20,000	Shed with attached carport	47 Darwin Drive LLANARTH
10	2021	505	\$16,000	Construction of a shed	4 Williams Lane PERTHVILLE
10	2021	506	\$45,000	Construction of a shed	37 Locke Street RAGLAN
18	2021	236	\$230,000	Alterations to commercial premises for use as restaurant	1 Wark Parade WINDRADYNE
10	2021	507	\$33,428	Alterations and additions to existing dwelling	304 Havannah Street SOUTH BATHURST

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Type	Year	No.	Value	Description	Address
10	2021	508	\$366,000	Single storey dwelling with attached garage	154 Gilmour Street KELSO
18	2021	241	\$11,500	Swimming pool	17 Darvall Drive KELSO
10	2021	509	\$87,000	Construction of a single storey secondary dwelling	6 Lyon Close KELSO
10	2021	510	\$56,960	Erection of farm / machinery sheds	722 Sofala Road LAFFING WATERS
10	2021	511	\$85,000	Alterations and additions to an existing dwelling	30 Houses Lane DUNKELD
10	2021	512	\$0	Two lot residential subdivision (boundary adjustment)	20 Wheatfield Drive KELSO
10	2021	513	\$581,455	Single storey dwelling with attached garage and detached garage	133 Mount Rankin Road MOUNT RANKIN
10	2021	514	\$400,000	Two storey boatshed/clubhouse.	Chifley Dam Road THE LAGOON
10	2021	515	\$377,194	Single storey dwelling with attached garage and retaining walls	3 Wallace Way KELSO
10	2021	516	\$680,000	Use of existing earthworks	8 Bolton Street KELSO
10	2021	518	\$180,000	Detached habitable addition to dwelling	17 Claremont Drive WHITE ROCK
10	2021	520	\$95,000	Proposed secondary dwelling	9 Rocket Street BATHURST
10	2021	521	\$1,200	Use of existing carport	306 Havannah Street SOUTH BATHURST
10	2021	522	\$10,437	Patio cover	7 Lindrum Place WINDRADYNE
10	2020	283	\$10,000	MOD - Mezzanine floor, stairs and deck to shed	6 Eugenie Street RAGLAN
10	2021	523	\$358,000	Single storey dwelling	3772 Limekilns Road WATTLE FLAT
10	2021	524	\$15,000	Shed	46 Sundown Drive KELSO
10	2021	525	\$507,132	Alterations and additions to existing clubhouse	69 Hereford Street KELSO
10	2021	527	\$46,955	Sunroom addition to existing dwelling	363 Freemantle Road MOUNT RANKIN
10	2021	528	\$250,000	Dual occupancy (second dwelling) and two lot residential subdivision	195 Havannah Street BATHURST
10	2021	530	\$560,000	Dual occupancy and two lot residential subdivision	24 Darvall Drive KELSO
10	2021	531	\$35,000	Alterations and additions to existing dwelling	176 Durham Street BATHURST
10	2021	533	\$15,156	Carport	19 Farmgate Drive ABERCROMBIE
10	2021	534	\$1,200,000	Construction of 4 single storey residential dwellings	165 Keppel Street BATHURST
10	2021	535	\$13,127	Construction of garage on existing concrete slab	2 Meagher Street LLANARTH
10	2021	536	\$37,000	Construction of a shed with attached carport and patio	39 Maxwell Drive EGLINTON
18	2021	250	\$16,000	Inground swimming pool with safety barrier	37 Maxwell Drive EGLINTON
10	2021	124	\$19,000	Additions and / alterations to existing dwelling	305 Stewart Street BATHURST
18	2020	40	\$0	Alts and adds to residential development	219 Turondale Road DURAMANA
10	2021	537	\$39,221	looking to construct a patio and enclose it	44 Claremont Drive WHITE ROCK
10	2021	538	\$0	Two lot boundary adjustment	4173 O'Connell Road WHITE ROCK
10	2021	539	\$55,810	In ground swimming pool and safety barrier	295 Keppel Street WEST BATHURST
10	2021	540	\$15,000	Shed	2 Furness Street BATHURST
10	2021	541	\$55,500	Demolition, rebuild of driveway	297 Russell Street BATHURST
10	2021	542	\$3,130	Carport	25 Saxby Close WINDRADYNE
18	2021	251	\$27,900	In ground swimming pool and safety barrier	398 Eusdale Road YETHOLME
10	2017	91	\$290,000	MOD - Construction of a single storey dwelling with attached garage	86 Church Street PEEL
10	2021	543	\$33,000	Shed	38 Alexander Street EGLINTON
10	2021	544	\$675,000	Alterations and Additions to a commercial premises	2 Budden Street ROCKLEY
10	2021	545	\$33,519	Shed	96 Hamilton Street EGLINTON
10	2021	546	\$2,000	Conversion of portion of garage to habitable room	8 Croke Close KELSO
10	2021	547	\$635,000	Two storey dwelling with attached garage	10 Dovey Drive KELSO
10	2018	130	\$18,950	MOD - Shed	12 Lew Avenue EGLINTON
10	2021	548	\$0	Alterations and additions to school	31 Gormans Hill Road GORMANS HILL
10	2021	549	\$5,000	Earthworks	53 George Thomas Close THE LAGOON
18	2021	254	\$30,000	Installation of a swimming pool	10 Bolton Street KELSO
10	2021	550	\$650,000	Residential Unit development	22 Kefford Street BATHURST
10	2021	551	\$78,000	Alterations and additions to dwelling	4 Clements Street BATHURST
10	2021	552	\$25,000	office change to business. skin penetration	49 William Street BATHURST
18	2021	212	\$0	MOD - In ground swimming pool and safety barrier	13 Connolly Drive KELSO
10	2021	553	\$236,351	Construction of Brick veneer offices That will be used as main	62 Bant Street SOUTH BATHURST
10	2021	554	\$0	Two Lot Subdivision	526 Willow Tree Lane MOUNT RANKIN
10	2021	384	\$40,000	Proposed prefabricated shed, effluent system, water tank and	74 George Thomas Close THE LAGOON
10	2021	555	\$5,000	Installation of two 6m x 72m marquees for Challenge Bathurst. The	Russell Street BATHURST

App Type	Year	No	Description	Address	Application Date	Days Open	Stop Days	Reason
10	2014	321	MOD - Five lot rural subdivision	1924 Limekilns Road LIMEKILNS	7/04/2021	209	194	Under assessment
10	2017	142	MOD -Internal and external alterations to existing	205 Howick Street BATHURST	28/02/2019	978	958	Amended plans/documentation requested
10	2017	214	Internal office addition to existing hangar	PJ Moodie Drive RAGLAN	16/06/2017	1,600	1,554	Additional information requested
10	2018	111	Machinery Shed	50 Whyalla Circuit KELSO	44400	102		Under assessment
10	2019	146	Ten (10) lot industrial subdivision	Havannah Street BATHURST	14/05/2019	903	36	Council approved. Draft consent with applicant
10	2020	31	Bakery and cafe and two lot subdivision	369 Stewart Street MITCHELL	4/02/2020	637	633	Additional information requested
10	2020	32	Motel and two lot commercial subdivision	369 Stewart Street MITCHELL	4/02/2020	637	633	Additional information requested
10	2020	126	Alterations to dwelling - replace window	31 Havannah Street BATHURST	24/04/2020	557	545	Additional information requested
10	2020	146	Reclamation project - Sunny Corner mine	Austral Street SUNNY CORNER	13/05/2020	538	532	Owners consent (Crown land) required
10	2020	199	Use of existing alterations to unit development	4 Keppel Street BATHURST	24/06/2020	496	455	Additional information requested
10	2020	200	Use of existing alterations - internal timber staircase	4 Keppel Street BATHURST	24/06/2020	496	455	Additional information requested
10	2020	201	use of existing alterations to unit development	4 Keppel Street BATHURST	24/06/2020	496	455	Additional information requested
10	2020	202	Use of existing masonry fence	2A Keppel Street BATHURST	24/06/2020	496	455	Additional information requested
10	2020	314	Change of use from garage to habitable rooms	1336 Limekilns Road CLEAR CREEK	8/09/2020	420	413	Additional information requested
10	2020	325	Conversion of shed to habitable rooms	32 Beath Street WATTLE FLAT	14/09/2020	414		Additional information requested
10	2020	354	Fences - front and side	327 Rankin Street BATHURST	1/10/2020	397		Additional information requested
10	2020	403	MOD - construct a gable carport to the existing dwelling	28 Barr Street WINDRADYNE	19/03/2021	228		Under assessment
10	2020	436	148 Lot Residential subdivision and bulk earthworks	Marsden Lane KELSO	11/11/2020	356	256	Under assessment
10	2020	476	Earthworks	22 Burlington Rise KELSO	8/12/2020	329	319	Additional information requested
10	2020	489	Additional 5 x 2 storey dwelling units	183 Rocket Street BATHURST	10/12/2020	327		Additional information requested
10	2020	502	Construction of a retaining wall	5 Irving Place ROBIN HILL	17/12/2020	320	318	Additional information requested
10	2020	508	135 Lot Residential Subdivision	Marsden Lane KELSO	21/12/2020	316		RPP on Tuesday 9 November 2021
10	2021	11	Construction of farm shed	46 Lagoon Road ORTON PARK	21/01/2021	285	256	Waiting on additional information
10	2021	18	181 lot Residential Subdivision	240A Limekilns Road KELSO	29/01/2021	277		Additional information requested
10	2021	32	Construction of shed and carport	30 Bowen Street SOFALA	4/02/2021	271		To be withdrawn
10	2021	75	Intensification of mining facility	Trunkey Road CALOOLA	24/02/2021	251	224	Waiting on TfNSW
10	2021	103	MOD - Geotechnical test pits and bore holes	107 Hen & Chicken Lane PERTHVILLE	16/09/2021	47		Waiting on TfNSW
10	2021	112	Additions and alterations to existing dwelling	379 Billywillinga Road BILLYWILLINGA	6/04/2021	210		Additional information requested
10	2021	133	Tourist accommodation units	715 Eusdale Road MEADOW FLAT	23/03/2021	224		To be withdrawn
10	2021	183	Tourist and Visitor Accommodation	350 Molybdonite Road LOCKSLEY	3/05/2021	183	135	Additional information requested by RFS
10	2021	190	Proposed change of use and additions/alterations	7 Keppel Street BATHURST	10/05/2021	176	24	Additional information requested
10	2021	224	Rural secondary dwelling	933 Freemantle Road BILLYWILLINGA	19/05/2021	167		Additional information requested

10	2021	236	New shop top dwelling	63 William Street BATHURST	3/06/2021	152	117	Under assessment
10	2021	256	70 lot subdivision	240A Limekilns Road KELSO	1/06/2021	154		Under assessment
10	2021	262	Demolition, construction of mixed use development	98 Corporation Avenue ROBIN HILL	3/06/2021	152	45	Additional information requested
10	2021	288	Telecommunication facility	Brocks Skyline MOUNT PANORAMA	23/06/2021	132		Additional information requested
10	2021	289	Dual occupancy (second dwelling) and two lot	81 Taylor Street EGLINTON	18/06/2021	137		Report to November Council meeting
10	2021	293	Demolition of existing dwelling and construction of 3	124 Bentinck Street BATHURST	24/06/2021	131	90	Amended plans requested
10	2021	296	Signage	3249 O'Connell Road BREWONGLE	22/06/2021	133		Awaiting comments from Heritage NSW
10	2021	302	Commercial development - Retail	278 Lambert Street WEST BATHURST	29/06/2021	126		Additional information requested
10	2021	306	Additions and Alterations to Existing Building and Change of	186 Russell Street BATHURST	30/06/2021	125		Under assessment
10	2021	312	Proposed accessible amenities, shed	1932 The Bridle Track BRUINBUN	30/06/2021	125		Awaiting comments from NSW RFS
10	2021	313	Two Lot subdivision	Bonnor Street KELSO	22/07/2021	103		Under assessment
10	2021	338	Eleven lot subdivision and associated works	Corporation Avenue ROBIN HILL	14/07/2021	111		Additional information requested
10	2021	340	Demolition, additions and alterations to a business	161 George Street BATHURST	13/07/2021	112	87	Additional information requested by Essential
10	2021	343	Change of use from farm shed to cellar door	700 Rockley Road ROCKLEY MOUNT	27/07/2021	98	63	Additional information requested
10	2021	349	Partial demolition, addition/alteration, dual occ & 2	131 Mitre Street WEST BATHURST	27/07/2021	98		Under assessment
10	2021	357	Two lot commercial subdivision	2 Ashworth Drive KELSO	26/07/2021	99		Under assessment
10	2021	358	Construction of a multi unit housing 12 x 3 bedroom units	225C Peel Street BATHURST	23/07/2021	102		Additional information requested
10	2021	360	Change of use to mechanical workshop	5/11 Corporation Avenue ROBIN HILL	4/08/2021	90		Additional information requested
10	2021	366	Warehouse and Distribution Centre and Light Industry	5475 Great Western Highway RAGLAN	28/07/2021	97	89	Amended plans requested
10	2021	367	Depot shed and garage/carport	255 College Road ORTON PARK	28/07/2021	97		Under assessment
10	2021	394	Six light industrial units, second dwelling and carport	21 Upfold Street GORMANS HILL	13/08/2021	81	52	Additional information requested
10	2021	404	Construction of a cabana	47 Gilmour Street KELSO	25/08/2021	69	27	Owner considering amending plans
10	2021	416	Single storey dwelling with attached garage	92 McManus Road MEADOW FLAT	19/08/2021	75	46	Additional information requested
10	2021	419	Two lot rural subdivision	82 Hodges Road BRUINBUN	19/08/2021	75		Under assessment
10	2021	420	Dual occupancy (second dwelling) and two lot residential	121 Stewart Street BATHURST	17/08/2021	77	38	Additional information requested
10	2021	423	Demolition of existing dwelling and new single storey	36 Elmswood Road CALOOLA	23/08/2021	71	71	Under assessment
10	2021	429	Six two bedroom units & six lot community title subdivision	38A Stanley Street BATHURST	24/08/2021	70		Waiting on NRAR, additional information requested
10	2021	433	Sex services premises	8 Kirkcaldy Street SOUTH BATHURST	30/08/2021	64	24	Additional information requested
10	2021	435	Construction of 8 industrial units	5 Michigan Road KELSO	20/09/2021	43		Additional information requested
10	2021	436	Second rural dwelling	715 Eusdale Road MEADOW FLAT	27/08/2021	67		Awaiting comments from NSW RFS
10	2021	438	Install new 1.8m satellite dish @ existing	455 Wambool Road WAMBOOL	10/09/2021	53		Under assessment
10	2021	439	Two lot rural boundary adjustment	75 Thomas Drive EGLINTON	27/08/2021	67		Notification period
10	2021	440	Demolition and construction of new dwelling and shed	36 Stanley Street BATHURST	31/08/2021	63		Additional information requested
10	2021	442	Construction of a shed	157 Russell Street BATHURST	21/09/2021	42		Additional information requested
10	2021	447	Convert existing dwelling to habitable space & construct	829 Redbank Road TRIANGLE FLAT	13/09/2021	50		Under assessment
10	2021	451	Enclose existing carport	7 Maple Close KELSO	7/09/2021	56		Additional information requested
10	2021	456	Demolition and construction of showground pavilion	Kendall Avenue BATHURST	16/09/2021	47	34	Additional information requested

Attachment 8.2.2.4

10	2021	465	Construction of a shed	4 Locke Street RAGLAN	21/09/2021	42	Under assessment
10	2021	466	seven single storey units for short-term tourist	119 Duramana Road EGLINTON	22/09/2021	41	Under assessment
10	2021	467	Construction of an industrial shed	105 Sydney Road KELSO	20/09/2021	43	Under assessment
10	2021	468	Nine (9) Lot Strata Subdivision	14 Watt Drive ROBIN HILL	16/09/2021	47	Under assessment
10	2021	469	Alterations and additions to existing shed	15 Arabella Place ROBIN HILL	17/09/2021	46	Under assessment
10	2021	474	Alterations and additions to existing dwelling	16 Edgell Street WEST BATHURST	21/09/2021	42	Under assessment

Printed: 2/11/2021 2:39:07PM

Council	DA	Lot	DP	Stre	Street Name	Suburb	Postcode	Category	Environmental Planning Instrument	Zoning Of Land	Development Standard To Be Varied	Justification Of Variation	Extent Of Variation	Concurring Authority	Date Determined
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NIL



Important Notice!

This map is not a precise survey document. Accurate locations can only be determined by a survey on the ground.

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Drawn By: Fern-Alice Coles

Date: 21/10/2021

Projection: GDA94 / MGA zone 55

Scale: 1:376 @ A3

**Aerial Location Plan – Lot 11 DP 1266801
– 7 Keppel Street Bathurst**



Important Notice!

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Date: 21/10/2021

Projection: GDA94 / MGA zone 55

Scale: 1:376 @ A3

**Aerial Location Plan – Lot 11 DP 1266801
– 7 Keppel Street Bathurst**

Development Application No. 2021/190 – Photographs of Development Site



Figure 1 – Existing Shed on North-Eastern Boundary of Land – Proposed to be Demolished for Construction of Carpark



Figure 2 – Existing Shed on North-Eastern Boundary of Land – Proposed to be Demolished for Construction of Carpark



Figure 3 – North-Eastern Elevation of Existing Shed – Proposed Change of Use to Recreation Facility (Gym)



Figure 4 – North-Western Elevation of Existing Shed – Proposed Change of Use to Recreation Facility (Gym) – Existing Access to be Used for Carpark



Figure 5 – North-Eastern Elevation of Existing Shed – Proposed Change of Use to Recreation Facility (Gym) – Carparking to be Provided Beneath Awning



Figure 6 – North-Eastern Elevation of Existing Shed – Proposed Change of Use to Recreation Facility (Gym) – Carparking to be Provided Beneath Awning



Figure 7 – North-Eastern and North-Western Elevations of Existing Shed – Proposed Change of Use to Recreation Facility (Gym) – Carparking to be Provided Beneath Awning



Figure 8 – North-Western Elevation of Existing Shed to Adjoin Proposed Carpark



Figure 9 – North-Western Elevation of Existing Shed to Adjoin Proposed Carpark and Timber Silos Behind



Figure 10 – Proposed Carpark to be Located on North-Eastern Side of Proposed Recreation Facility (Gym) – Access from Manilla Street



Figure 11 – Location of Proposed Carpark – Access from Manilla Street



Figure 12 – South-Western Elevation of Existing Shed – Proposed Change of Use to Recreation Facility (Gym)



Figure 13 – South-Western Elevation of Existing Shed – Proposed Change of Use to Recreation Facility (Gym) – Existing Awning (Cream Building) to be Demolished for New Walkway

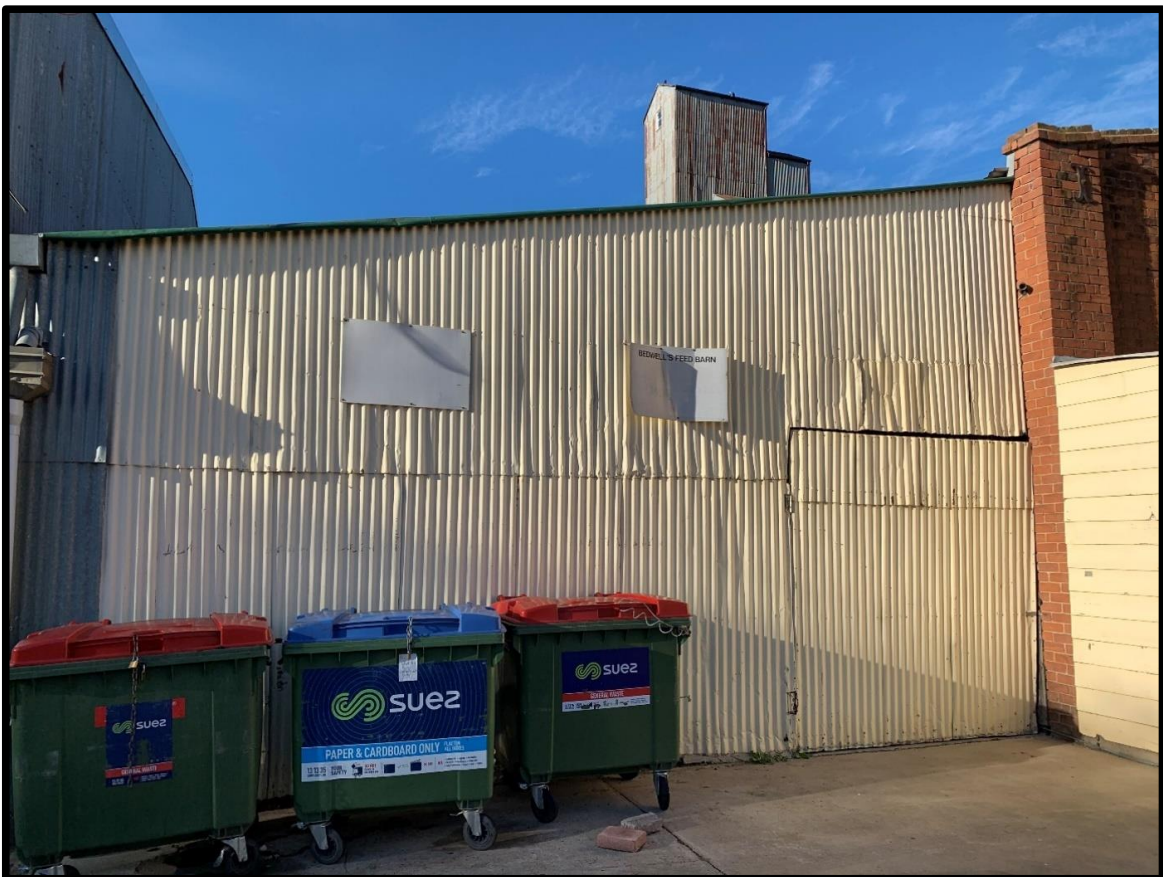


Figure 14 – South-Western Elevation of Existing Awning – To be Demolished for New Walkway

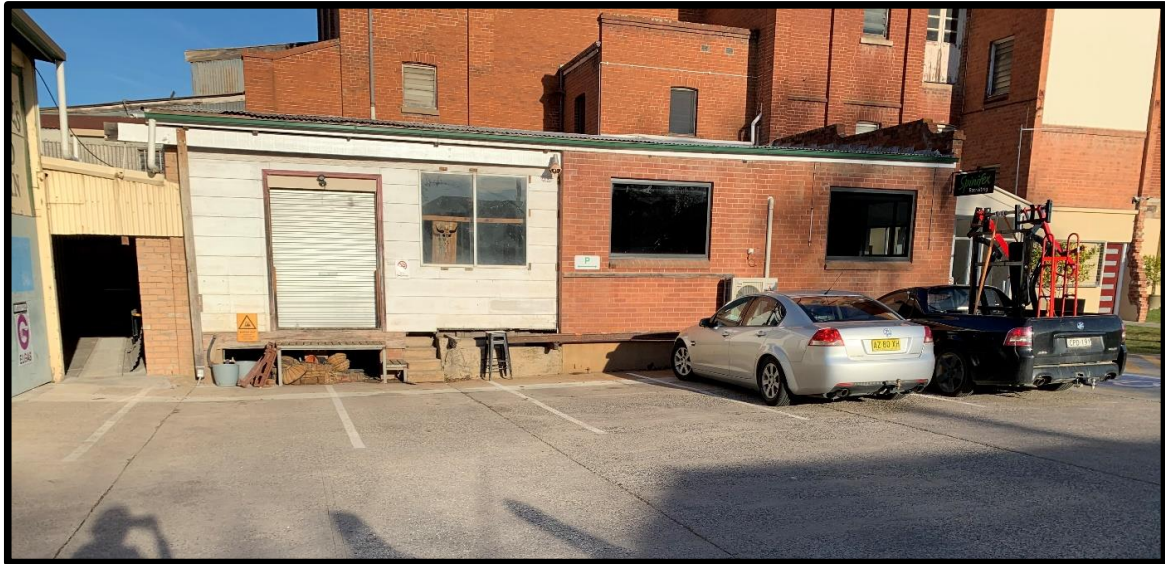


Figure 15 – North-Western Elevation of Existing “Spinifex” Office – New Carpark Proposed to Accommodate Carparking from Existing “Spinifex” Office and New Recreation Facility (Gym)



Figure 16 – Examples of Existing “Heritage Style” Signage on Land



Figure 17 – Existing Courtyard and Commercial Premises – Western Side of Subject Land



Figure 18 – Existing Courtyard and Carpark – Western Side of Subject Land



Figure 19 – Existing Brick Mill Building – South-Western Side of Subject Land



Figure 20 – Existing Brick Mill Building, Courtyard and Commercial Premises – Western Side of Subject Land

Contents

DACC 01	Cover Page
DACC 02	Site Plan
DACC 03	Partial Site/Roof Plan
DACC 04	Existing Ground Floor Plan
DACC 05	Proposed Ground Floor Plan
DACC 06	Reflected Ceiling Plan
DACC 07	Elevations 1 & 2
DACC 08	Elevations 3 & 4
DACC 09	Sections AA & Fence Detail
DACC 10	Compliance Plan
DACC 11	Truck Turning Movement
DACC 12	Specification

Attachment 8.2.3.3

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18/06/21	I	Signage, railway tracks
26/04/21	H	Signage
Date		Amendment



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Proposed Commercial Tenancy - Gym
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Cover Page
DACC 01

Issue: K
Date: 28/08/21
Project: BMD151659

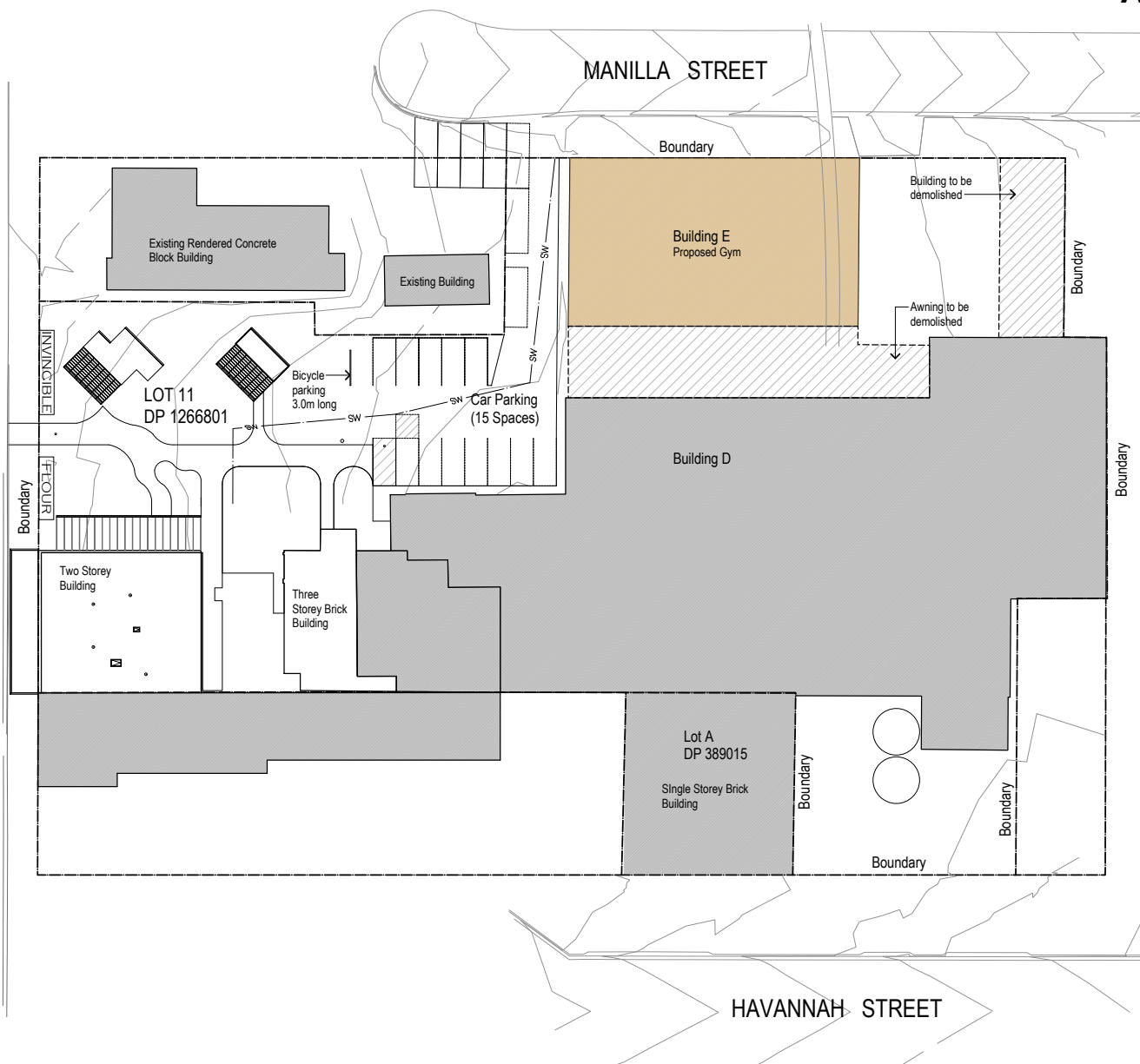
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KEPPEL STREET

MANILLA STREET

HAVANNAH STREET



Car parking allocation

DA1: 14 car parking spaces
Spinifex: 4 car parking spaces
One Strength: 15 car parking spaces

Car spaces existing: 15

Car spaces proposed: 33

Area Schedule - Building E

Ground Floor	517.0 m ²
Garage	89.0 m ²
Total Building Area	606.0 m²

27/08/21	K
25/08/21	J
18/06/21	I
26/04/21	H
Date	

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Signage, railway tracks
Signage

Amendment



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bdaa
ACCREDITED
BUILDING DESIGNER

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One Strength Pty Ltd
7 Keppel Street, Bathurst NSW




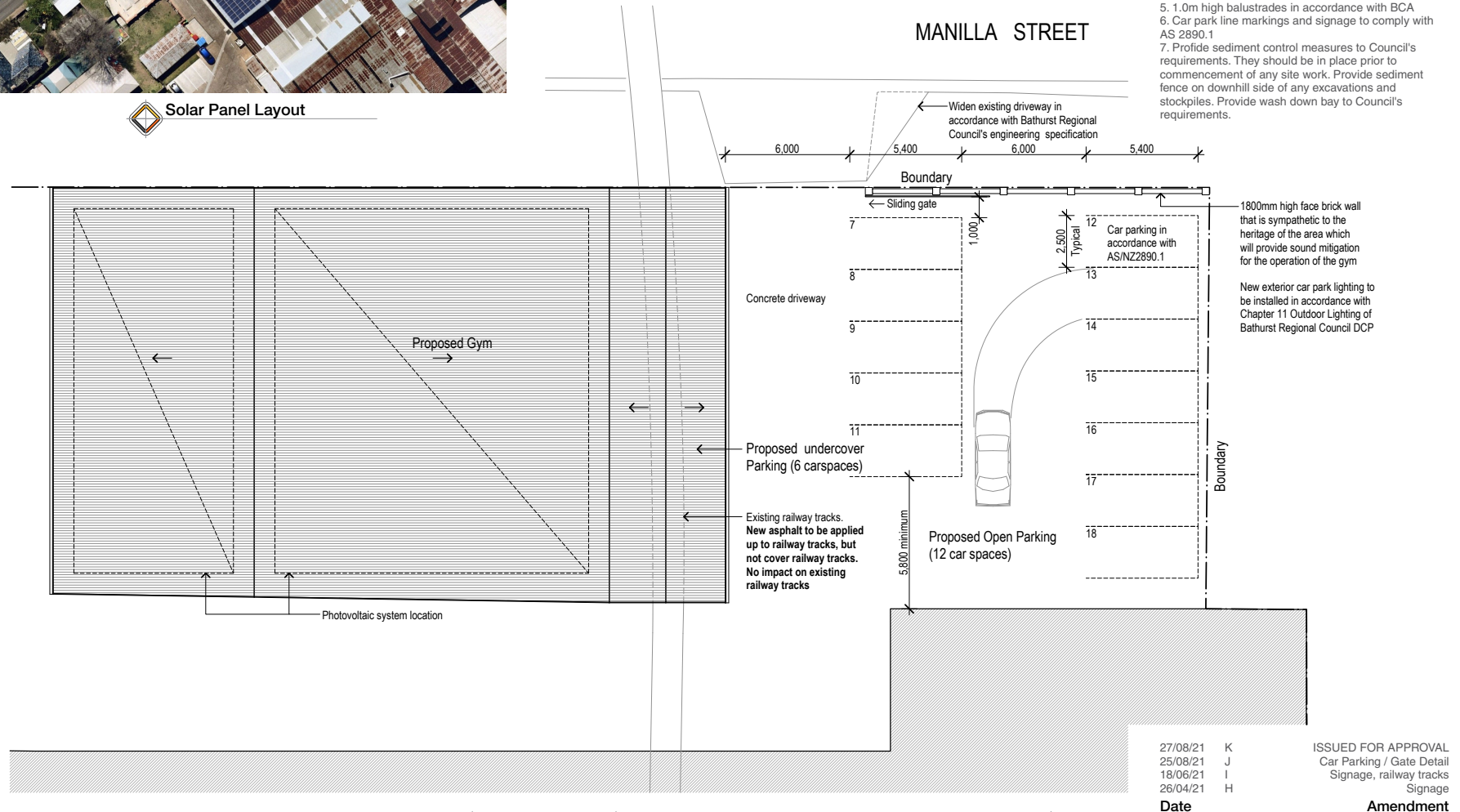
Site Plan
DACC 02
Issue: K
Scale: 1:500 @ A3

Date: 28/08/21
Project: BMD151659

A	Aluminium
B	Basin
BDRY	Boundary
BPB	Bagged & Painted Brickwork
BV	Brick Veneer
CL	Ceiling Level
CONC	Concrete
CP	Concrete Paver
CPT	Carpet
CRS	Corrugated Roof Sheet
CS	Cavity Sliding Door
CT	Ceramic Tile
DH	Double Hung
DP	Downpipe
EMB	Electrical Meterboard
ENS	Ensuite
FB	Face Brick
FC	Fibre Cement
FFL	Finished Floor Level
F	Fixed Glass
FW	Floor Waste
GM	Gas Meter
HC	Hollow Core
HWS	Hot Water Service
LDRY	Laundry
MH	Manhole
PB	Plasterboard
PFC	Painted Fibre Cement
O	Fixed Panel
OG	Obscure Glass
REF	Refrigerator
RH	Rangehood
RL	Reduced Level
RWT	Rain Water Tank
SC	Solid Core
SD	Sliding Door
SHR	Shower
SS	Stainless Steel Sink
SV	Stone Veneer
T	Tub
TC	Texture Coated Hebel
TYP	Typical
UBO	Under Bench Oven
WC	Water Closet
W	Washing Machine
WM	Water Meter
X	Sliding panel



 Solar Panel Layout



Car parking allocation

DA1: 14 car parking spaces
Spinifex: 4 car parking spaces
One Strength: 15 car parking spaces

Car spaces existing: 15

Car spaces proposed: 33

Area Schedule

Ground Floor	517.0 m ²
Garage	89.0 m ²
Total Building Area	606.0 m²

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Notes:

1. Builder to confirm coordination of architectural and structural documentation prior to construction.
2. Refer to Engineer's details for all structural details.
3. Accessible parking in accordance with AS1428.6 and AS/NZ 2890.6
4. Threshold ramps in accordance with AS1428.1, Clause 10.5
5. 1.0m high balustrades in accordance with BCA
6. Car park line markings and signage to comply with AS 2890.1
7. Provide sediment control measures to Council's requirements. They should be in place prior to commencement of any site work. Provide sediment fence on downhill side of any excavations and stockpiles. Provide wash down bay to Council's requirements.



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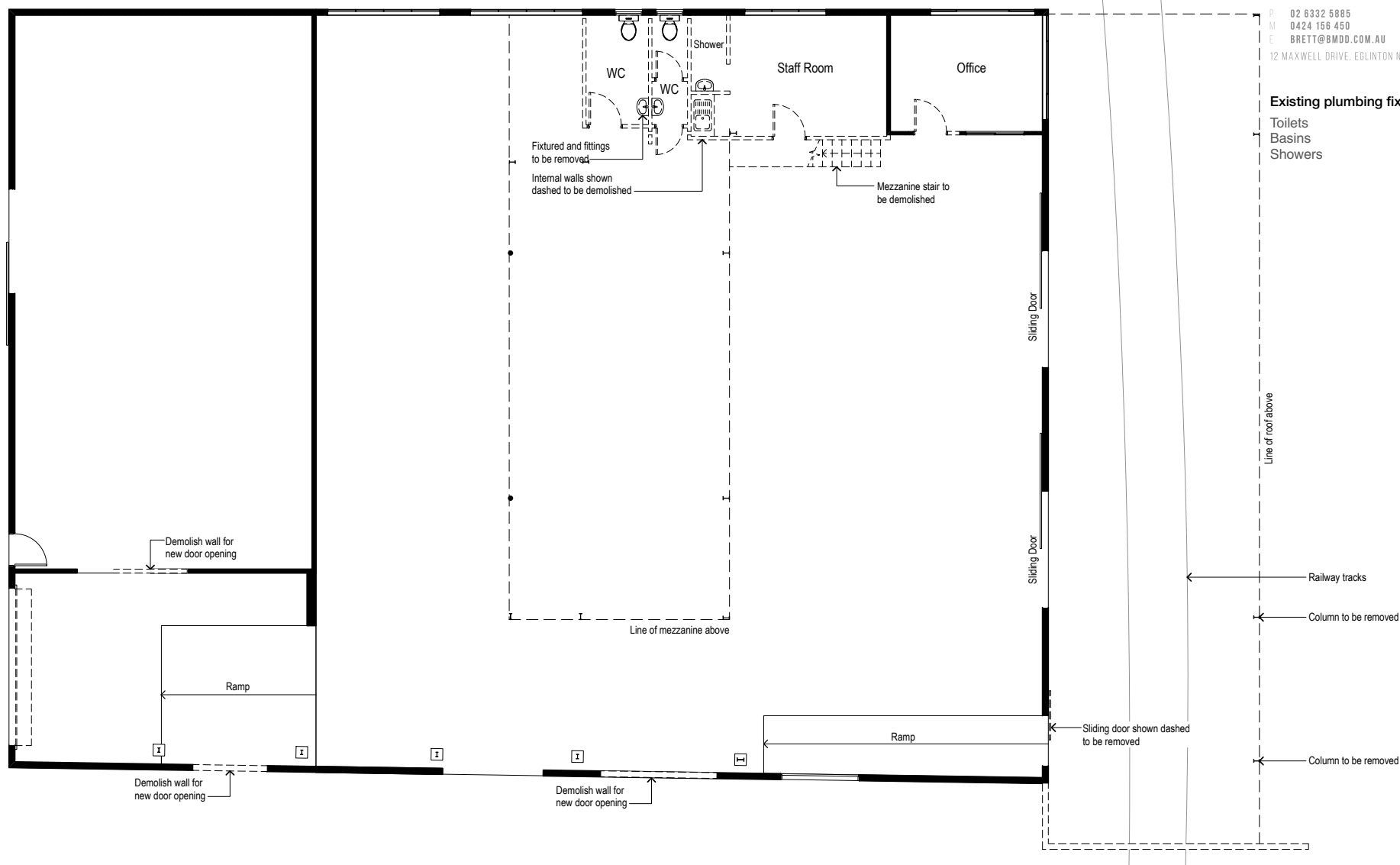
Partial Site/Roof Plan
DACC 03
Issue: K
Scale: 1:200 @ A3
Date: 28/08/21
Project: BMD151659



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Existing plumbing fixtures

Toilets	2
Basins	3
Showers	1



Area Schedule

Ground Floor	517.0 m ²
Garage	89.0 m ²
Total Building Area	606.0 m²

27/08/21	K	ISSUED FOR APPROVAL
25/08/21	J	Car Parking / Gate Detail
18/06/21	I	Signage, railway tracks
26/04/21	H	Signage
Date		Amendment



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7 Keppel Street, Bathurst NSW



Existing Ground Floor Plan

DACC 04

Issue: K
Scale: 1:100 @ A3

Date: 28/08/21
Project: BMD151659

A	Aluminium
B	Basin
BDRY	Boundary
BBP	Bagged & Painted Brickwork
BV	Brick Veneer
CL	Ceiling Level
CONC	Concrete
CP	Concrete Paver
CPT	Carpet
CRS	Corrugated Roof Sheet
CS	Cavity Sliding Door
CT	Ceramic Tile
DH	Double Hung
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HWS	Hot Water Service
LDRY	Laundry
MH	Manhole
PB	Plasterboard
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O	Fixed Panel
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REF	Refrigerator
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SHR	Shower
SS	Stainless Steel Sink
SV	Stone Veneer
T	Tub
TC	Texture Coated Hebel
TYP	Typical
UBO	Under Bench Oven
WC	Water Closet
W	Washing Machine
WM	Water Meter
X	Sliding panel

Proposes plumbing fixtures

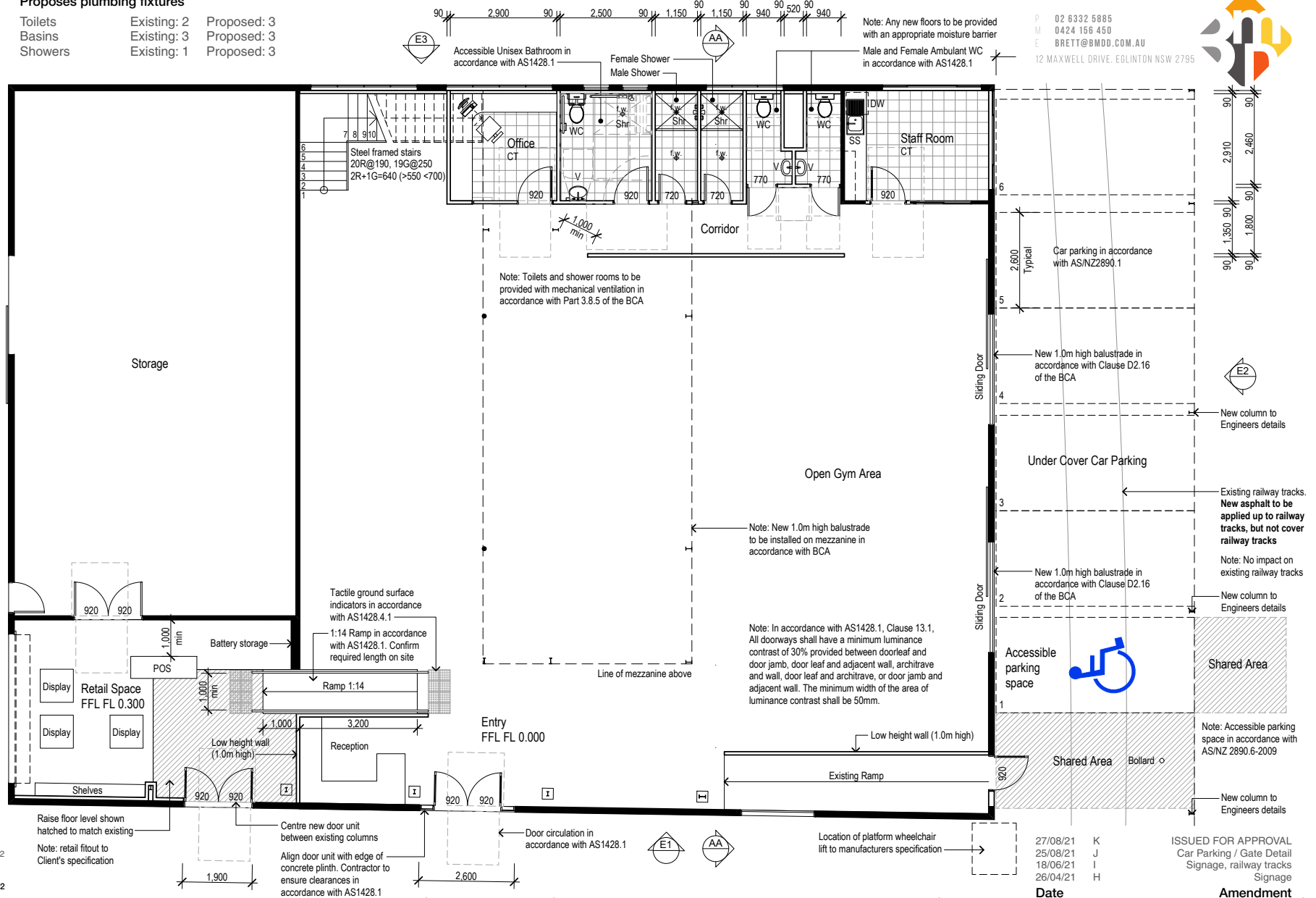
Toilets	Existing: 2	Proposed: 3
Basins	Existing: 3	Proposed: 3
Showers	Existing: 1	Proposed: 3

Notes:

1. Builder to confirm coordination of architectural and structural documentation prior to construction.
2. Refer to Engineer's details for all structural details.
3. Accessible parking in accordance with AS1428.6 and AS/NZ 2890.6
4. Threshold ramps in accordance with AS1428.1, Clause 10.5
5. 1.0m high balustrades in accordance with BCA
6. Car park line markings and signage to comply with AS 2890.1
7. Profile sediment control measures to Council's requirements. They should be in place prior to commencement of any site work. Provide sediment fence on downhill side of any excavations and stockpiles. Provide wash down bay to Council's requirements.

Area Schedule

Ground Floor	517.0 m ²
Garage	89.0 m ²
Total Building Area	606.0 m²



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Proposed Commercial Tenancy - Gym

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Proposed Ground Floor Plan

DACC 05

Issue: K
Scale: 1:100 @ A3

Date: 28/08/21
Project: BMD151659

ISSUED FOR APPROVAL
Car Parking / Gate Detail
Signage, railway tracks
Signage


-  Flush finished plasterboard ceiling fixed to underside of roof structure
-  Flush finished wet area plasterboard ceiling on metal suspension system
-  Exit Sign
-  Direction Sign

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Note:
Bathroom exhaust fan to be discharged to the exterior of the building

Part J Lighting Calculations

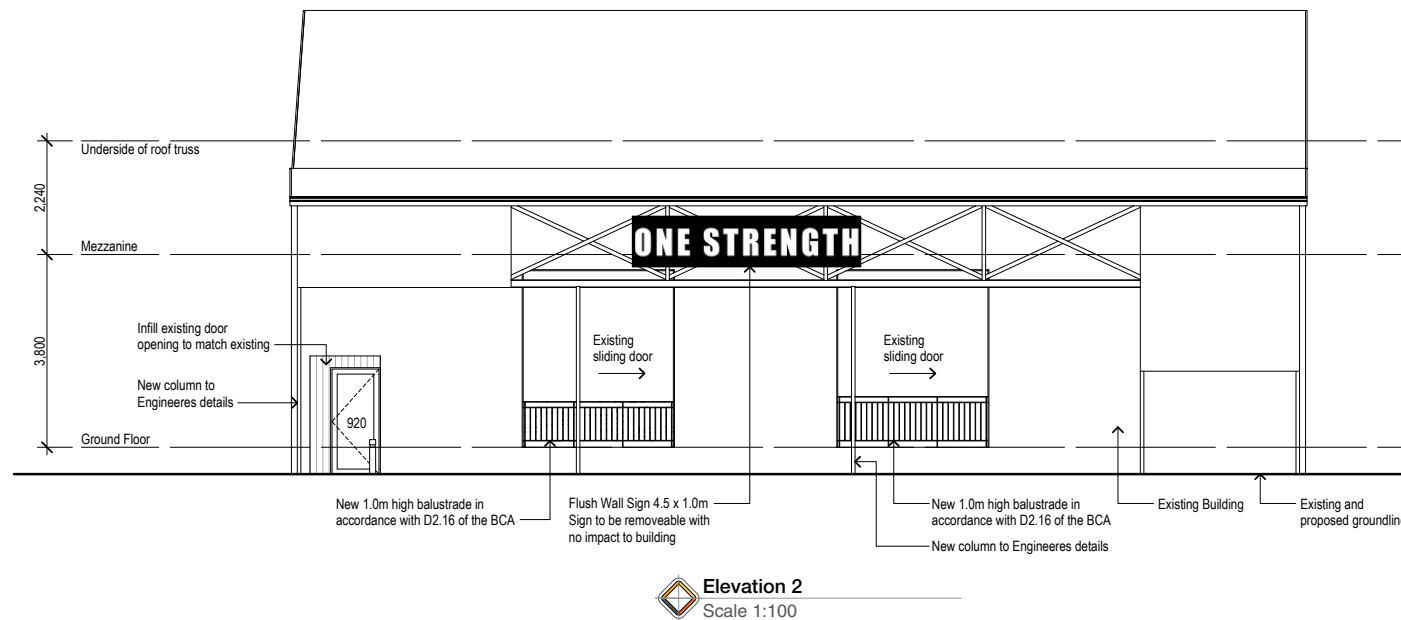
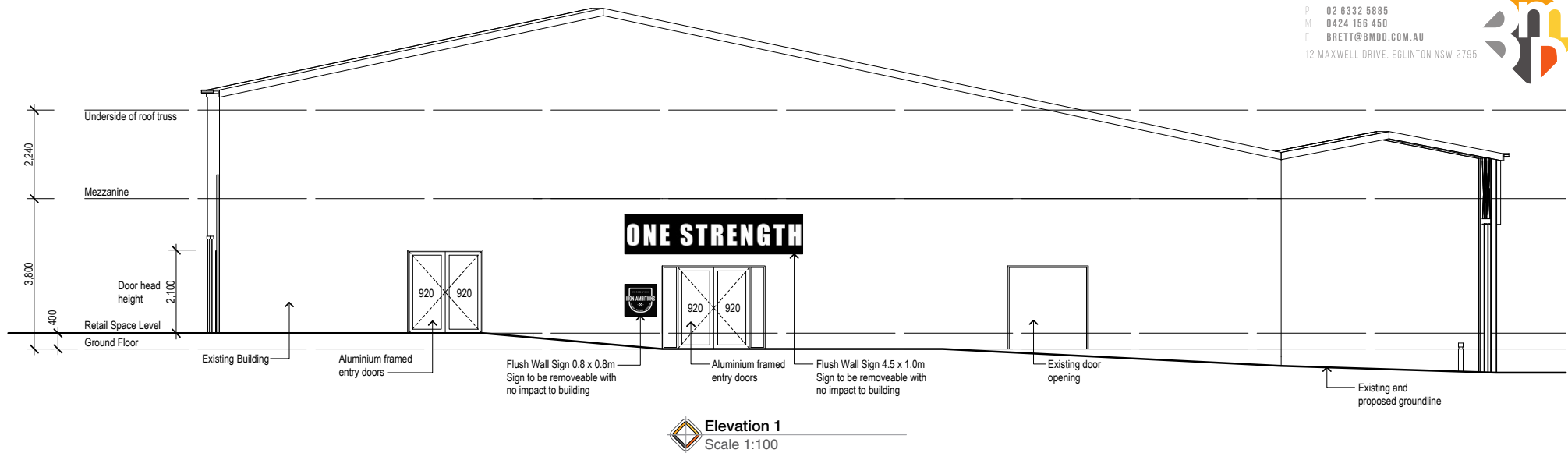
Internal Lighting Type		QTY	Total (W)
● L1	7W recessed LED downlight	16	112
○	400W High Bay LED light	7	2800
	56W surface mounted LED batten (2x 28W)	8	448
Total: 3360			

The maximum allowable illumination power density for the proposed development is 3435W/m². Refer to BCA Part J lighting calculator. A total of 3360W is being proposed for this development.



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25/08/21	J	Car Parking / Gate Detail
18/06/21	I	Signage, railway tracks
26/04/21	H	Signage
Date		Amendment





27/08/21	K	ISSUED FOR APPROVAL
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26/04/21	H	Signage
Date		Amendment



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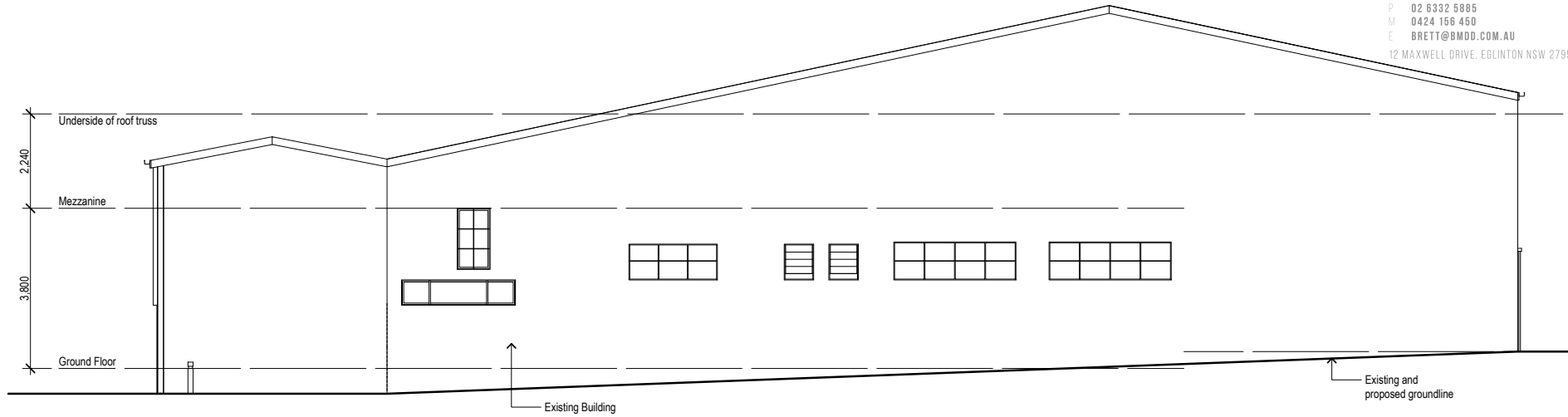
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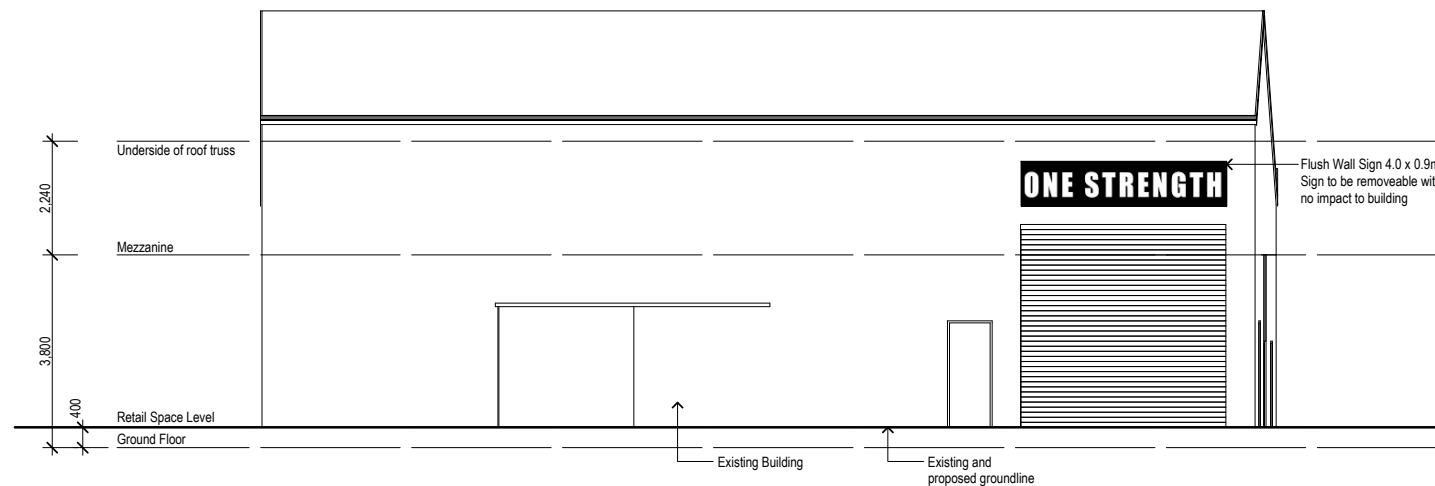
Elevations 1 & 2
DACC 07
Issue: K
Scale: 1:100 @ A3

Date: 28/08/21
Project: BMD151659

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Elevation 3
Scale 1:100



Elevation 4
Scale 1:100

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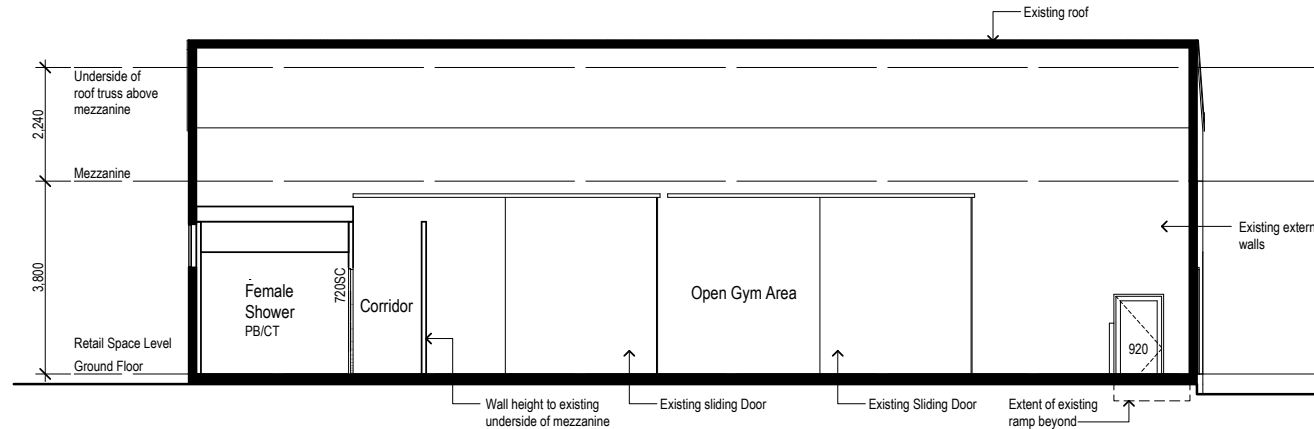


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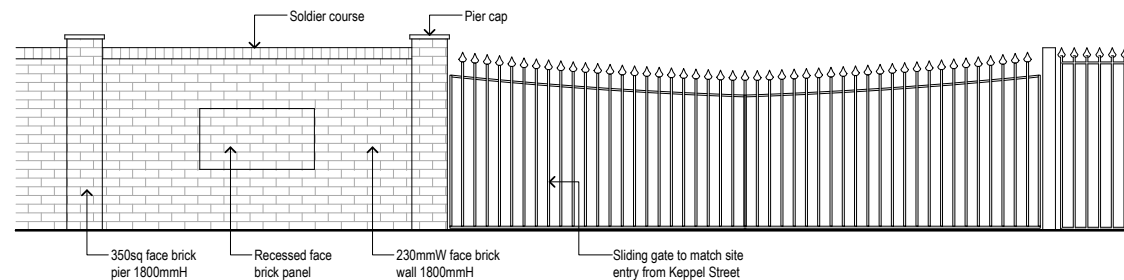


Elevations 3 & 4
DACC 08
Issue: K
Scale: 1:100 @ A3

Date: 28/08/21
Project: BMD151659



Section AA
Scale 1:100



Elevation 5
Scale 1:50

27/08/21	K	ISSUED FOR APPROVAL
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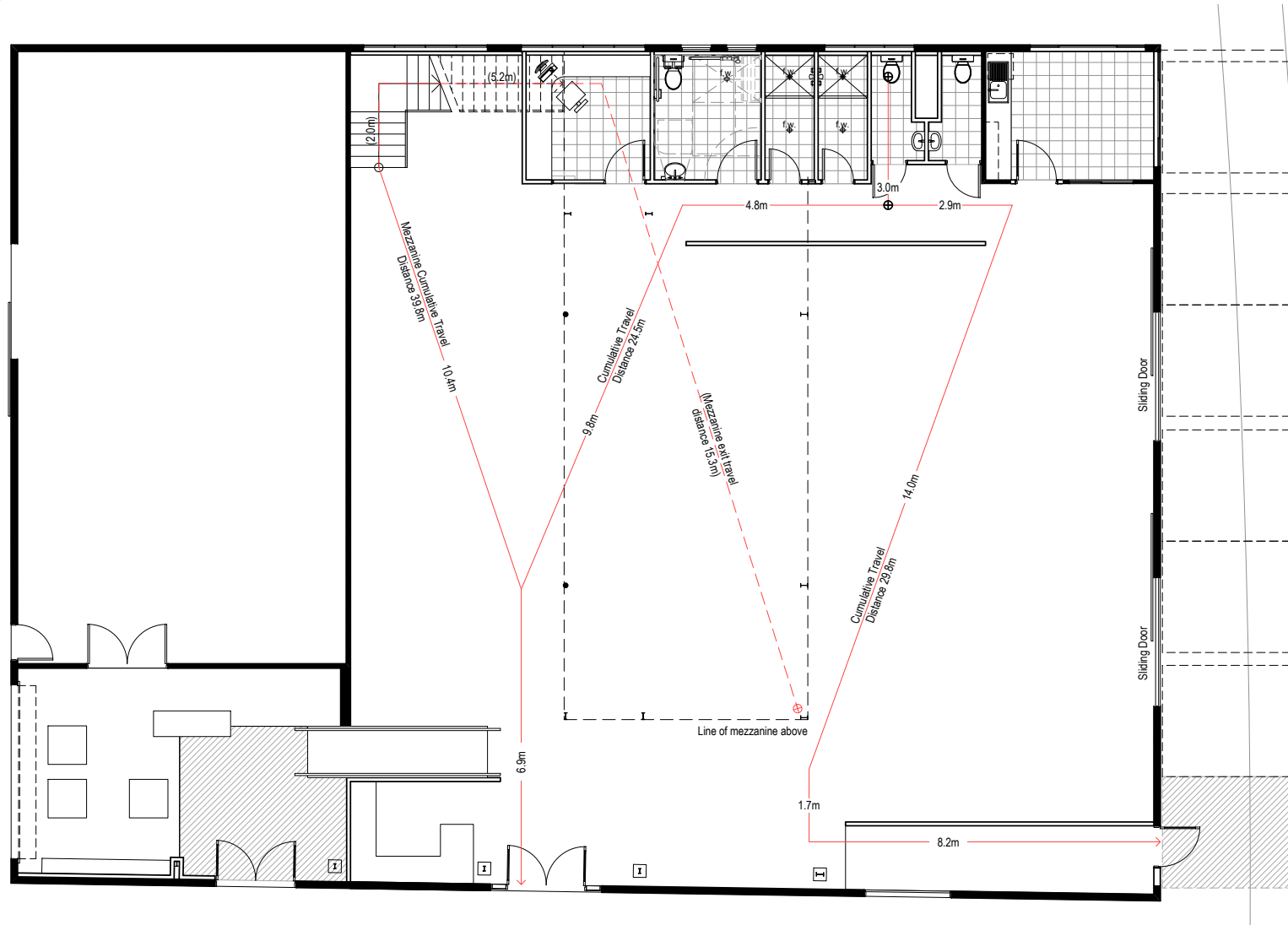
Sections AA & Fence Detail
DACC 09
Issue: K
Scale: 1:100, 1:50 @ A3
Date: 28/08/21
Project: BMD151659

Exit Travel Distance

Exit travel distances to comply with BCA Clause D1.4 Exist Travel Distances;
(c) (i) No point on a floor must be more than 20m from an exit, or a point from which travel in different directions to 2 exits is available, in which case the maximum distance to one of those exits must not exceed 40m

Attachment 8.2.3.3

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25/08/21 J
18/06/21 I
26/04/21 H
Date

ISSUED FOR APPROVAL
Car Parking / Gate Detail
Signage, railway tracks
Signage
Amendment



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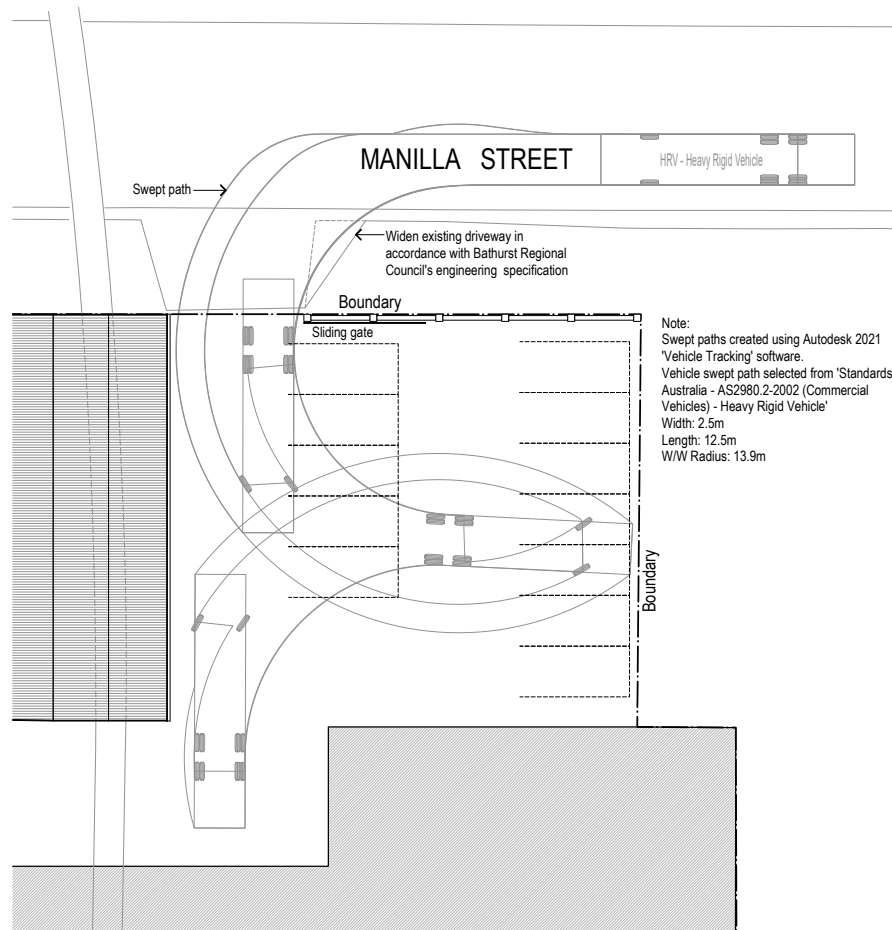


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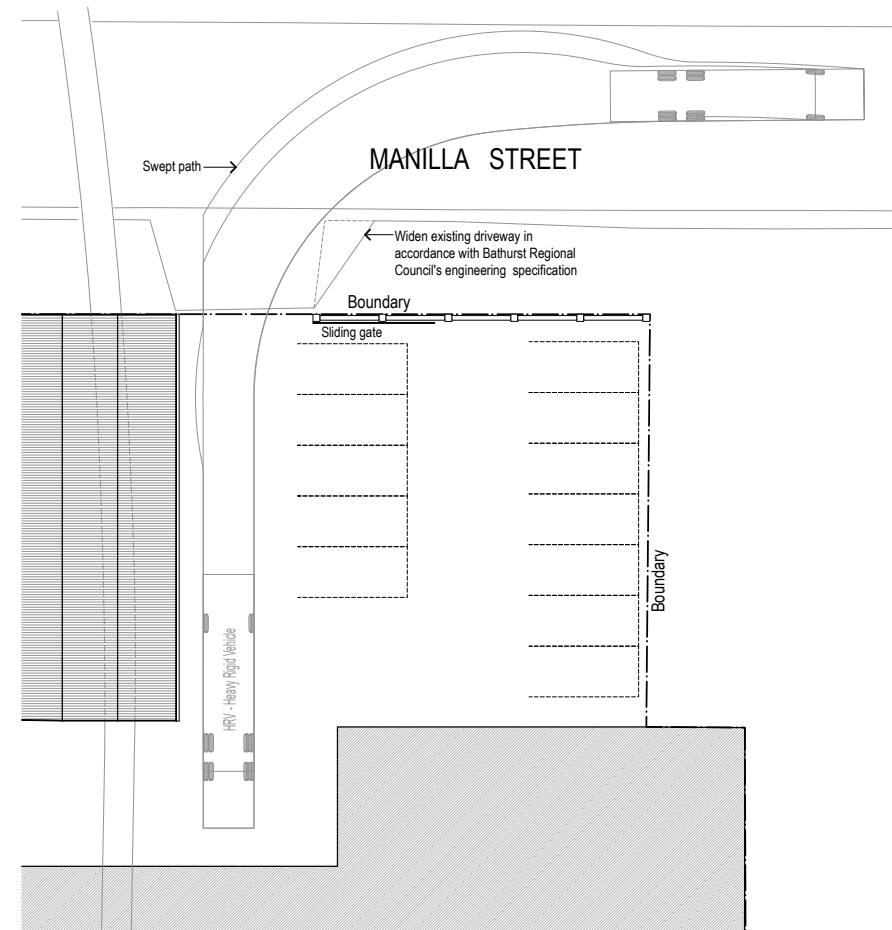


Compliance Plan
DACC 10
Issue: K
Scale: 1:100 @ A3

Date: 28/08/21
Project: BMD151659



Truck Turn Entry
Scale 1:250



Truck Turn Exit
Scale 1:250

27/08/21	K	ISSUED FOR APPROVAL
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26/04/21	H	Signage
Date		Amendment



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7 Keppel Street, Bathurst NSW



Truck Turning Movement

DACC 11

Issue: K
Scale: 1:250 @ A3

Date: 28/08/21
Project: BMD151659

General

- Design & Construct drawings prepared on the basis of DA approved drawings and the client supplied Design Brief.
- Dimensions are in millimetres unless otherwise noted.
- All dimensions shall be verified on site by contractor prior to commencement of any works.
- Figured dimensions take precedence over scaled.
- Do not scale off drawings.
- It is the responsibility of the builder to verify documents as to their accuracy and suitability.
- These plans are to be read in conjunction with Engineer's details.
- NCC refers to the National Construction Code - Volume 1, Building Code of Australia, Class 2 to 9 Buildings
- All discrepancies are to be referred to designer for action.
- Ground levels shown are subject to preliminary survey only and as such final levels and confirmation of same remains the contractors responsibility.
- No liability will be accepted due to failure to observe & implement any of the above.

Statutory Requirements

- All work to be carried out in accordance with the BCA, conditions imposed by the local authority and the commitments outlined in the relevant Part J Assessment.
- The builder is to comply with the requirements of all legally constituted authorities having jurisdiction over the building works.
- Soil & sediment erosion control in accordance with requirements of the department of land & water conservation are to be put into place prior to commencement of building works.
- Prior to the commencement of building work, the builder shall provide temporary toilet facilities for the use of subcontractors. On completion the builder shall remove the amenity.

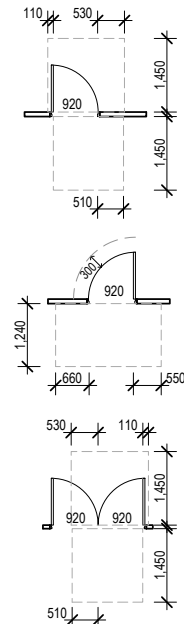
BCA Requirements

- All materials shall comply with Section B - Structure of the NCC.
- All materials & assembly materials & structure must comply with Specification C1.10 of the NCC.
- All selected floor coverings to comply with Clause C1.10 of the NCC. A compliance report is to be provided to Council prior to granting of the Occupation Certificate in accordance with this Clause.
- All wet area floors are to be graded and drained to floor wastes to NCC & plumbing codes.
- An approved impervious wall/floor joints is to be provided to the perimeter of all wet areas to NCC & Council requirements.
- The electricity supply system must comply with Clause C2.13 of the NCC.
- All services penetrating building elements required to have an FRL are to be done so in accordance with NCC Clause C3.15 Openings for service installations.
- All construction joints, spaces and the like in and between building elements required to be protected are to be done so in accordance with NCC Clause C3.16 Construction Joints.
- Exits must be constructed in accordance with Part D1 of the NCC
- The unobstructed height of the exit path must not be less than 2m in accordance with NCC Clause D1.6a.
- The unobstructed width of the exit path must not be less than 1m in accordance with NCC Clause D1.6b.
- The stair, handrails & balustrades shall comply with Part D2 'Construction of exits' of the NCC.
- Doors & operation of latches are to comply with Parts D2.19, D2.20 & D2.21 of the NCC.
- All accessible doors shall have a luminance contrast in accordance with AS 1428.1 - 2009 Clause 13.1 Luminance contrast.
- Thresholds shall comply with Clause D2.15(d) of the NCC.
- Location of services & equipment must comply with Clause D2.7(d) of the NCC.
- All full height glazing to have visual indicators in accordance with BCA 2016 Clause D3.12 Glazing on an accessway.
- Enclosure of space under Non fire-isolated stairs to comply with NCC Clause D2.8b.i. Enclosing walls and ceilings to have an FRL of not less than 60/60/60; and, ii. access doorway to the enclosed space to be fitted with a self-closing -60/30 fire door
- Disabled access is to comply with AS1428.1.
- Accessible facilities, services & features are to comply with Clause D3.6 of the NCC.
- Tactile indicators are to be provided to comply with Clause D3.8 of the NCC.
- Certificates relating to essential services (list to come from Council) shall be submitted pursuant to Section E of the NCC.

- Exits are not to be locked at point of discharge.
- An automatic smoke detection and alarm system complying with Specification E2.2a and Clause E2.2a General Requirements of the NCC.
- An emergency lighting system is to be provided in accordance with AS 2293.1 and Clause E4.2 of the NCC.
- Exit signage must be supplied and operated in accordance with Clauses E4.5 & E4.8 of the NCC.
- Directional signage must be installed in accordance Clause E4.6 of the NCC.
- Fire precautions during construction shall be undertaken in accordance with section E, Clause E1.9 of the NCC.
- All stormwater drainage work shall be carried out to comply with Clause F1.1 of the NCC & AS/NZ 3500.3.
- All roof coverings to be installed in accordance with Clause F1.5 of the NCC & AS/NZ 1562.1.
- All Sarking to be provided and installed in accordance with Clause F1.6 of the NCC.
- Wet area waterproofing shall be carried out in accordance with Clause F1.7 of the NCC.
- All damp-proofing to be carried out in accordance with Clauses F1.9 & F1.10 of the NCC.
- All wet area floors are to be graded and drained to floor wastes in accordance with Clause F1.11 of the NCC.
- To comply with Clause F1.13 & Part J2 of the BCA, window and door frame and glazing qualities are to be supplied in accordance with the Glazing calculator attached to the BCA Part J Assessment.
- Adequate means of disposal of sanitary towels must be provided in sanitary facilities for use by female in accordance with Clause F2.3 Facilities in Class 3 to 9 buildings of the NCC.
- Disabled toilets & the fit out of the same are to comply with Part F2.4 of the NCC & AS1428.1.
- An accessible unisex sanitary compartment must contain a closet pan, washbasin, shelf, or bench top and adequate means of disposal of sanitary towels in accordance with Clause F2.4d Accessible sanitary facilities of the NCC.
- The circulation spaces, fixtures and fittings of all accessible sanitary facilities must comply with Clause F2.4d Accessible sanitary facilities of the NCC and AS1428.1
- Artificial lighting must be provided in accordance with Clause F4.4a and b of Artificial lighting.
- The ventilation of each room is to comply with Clause F4.5 of the NCC. The proposed mechanical ventilation system is to comply with AS 1688.2 and AS/NZS 3666.1.

Signage must be provided in accordance with BCA 2019 Clause D3.6 Signage In a building required to be accessible—

- (a) braille and tactile signage complying with Specification D3.6 must -
- (i) incorporate the international symbol of access or deafness, as appropriate, in accordance with AS 1428.1 must identify each -
- (A) sanitary facility, except a sanitary facility within a sole-occupancy unit in a Class 1b or Class 3 building; and
- (B) space with a hearing augmentation system; and
- (ii) identify each door required by E4.5 to be provided with an exit sign and state -
- (A) "Exit" and
- (B) "Level" followed by the floor level number; and
- (b) signage including the international symbol for deafness in accordance with AS 1428.1 must be provided within a room containing a hearing augmentation system identifying -
- (i) the type of hearing augmentation; and
- (ii) the area covered within the room; and
- (iii) if receivers are being used and where the receivers can be obtained; and
- (c) signage in accordance with AS 1428.1 must be provided for accessible unisex sanitary facilities to identify if the facility is suitable for left or right handed use; and
- (d) signage to identify an amenable accessible sanitary facility in accordance with AS 1428.1 must be located on a door of the facility; and
- (e) where a pedestrian entrance is not accessible, directional signage incorporating the international symbol of access in accordance with AS 1428.1 must be provided to direct the person to the location of the nearest accessible pedestrian entrance; and
- (f) where a bank of sanitary facilities is not provided with an accessible unisex sanitary facility, directional signage incorporating the international symbol of access in accordance with AS1428.1 must be placed at the location of the sanitary facilities that are not accessible, to direct a person to the location of the nearest accessible unisex sanitary facility



Door Clearances
Scale 1:100

27/08/21	K	ISSUED FOR APPROVAL
25/08/21	J	Car Parking / Gate Detail
18/06/21	I	Signage, railway tracks
26/04/21	H	Signage
Date		Amendment

BRETT MOULDS
DESIGN & DRAFTING

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Proposed Commercial Tenancy - Gym
One Strength Pty Ltd
7 Keppel Street, Bathurst NSW



Specification
DACC 12
Issue: K
Scale: NTS @ A3

Date: 28/08/21
Project: BMD151659



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Statement of Environmental Effects

Issue A

26th April 2021

Proposed Commercial Tenancy - Gym

Building E, 7 Keppel Street, Bathurst

For

One Strength Pty Ltd

Authored by

Brett Moulds Design & Drafting Pty Ltd



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1. Applicant

The applicant for the development proposal is One Strength Pty Ltd. All correspondence arising out of the application should be directed to Mr. Brett Moulds, email: brett@bmdd.com.au, or Ph: 0424 156 450.

2. Owners of the land

The owner of the subject land is AIR Super Trustee. The owners have completed the necessary sections of the application form giving consent to lodge the application.

3. Property Details

The subject development site is identified as 7 Keppel Street, Lot 11 of DP 1266801 The total land area 7120 square meters. See Figures 1 below. The site is classified as an EPI Heritage Item.

The site boundaries consist of the following;

North-west: Commercial Development fronting Keppel Street. Manilla Street.

North-east: Neighbouring Residential development. Commercial developments.

South-east: Neighbouring Commercial developments

South-west: Keppel Street

See Figures 2 and 6 below.

The whole of the land is zoned B3 Commercial Core pursuant to Bathurst Regional Local Environmental Plan (LEP) 2014.



Figure 1. Aerial image highlighting 7 Keppel Street



Figure 2. Subject Building viewed from Manilla Street



Figure 3. Number 21, 23 and 25 Manilla Street



Figure 4. Number 13, 17 and 19 Manilla Street



Figure 5. Number 2 Manilla Street



Figure 6. Manilla Street looking South-West

4. Proposed Development

The development proposal seeks approval for the following:

- a) Refit of an existing commercial building (Figure 2)
- b) Construction of a new carparking area
- c) Demolition of an existing lean-to building to separate Building D and Building E. Refer to Statement of Heritage Impact for additional details.

The proposal is to refit the existing commercial building, known as Building E, for use as a commercial Gym with associated car parking facilities. Vehicle access to the development will be from the existing driveway direct from Manilla Street. Refer to Appendix A - Architectural Documentation. All building and infrastructure works are intended to comply with the Bathurst Regional Councils Guidelines for Engineering Works, the Australian Standards and the National Construction Code. It is envisaged that all building works will be carried out in one stage.

Since their opening in 2018, One Strength has been involved in many charities including both local and larger organizations. Their involvement includes:

- Offering free personal training to headspace each week for almost 2 years, helping the attendee's with self-confidence.
- Assisting the Cancer Council to raise \$250,000 (One Strength contributing \$20,000) in the Stars of Orange Dance for Cancer.
- Assisting Beyond Blue
- Assisting The Black Dog Institute

This has been a big part of One Strength and has greatly increased their public image. Moving forward One Strength have plans to work with more local and Australia wide organizations.

The cornerstone of One Strength has always been creating phenomenal culture among members and staff. This has created many lifelong members and has served as a valuable referral network that has supported the growth of One Strength. One Strength are selective with who they hire. They look for individuals with years of training experience as well as a genuine love for fitness. This is so members feel welcome and comfortable knowing that their staff are knowledgeable and can lead by example. As part of their model, they are a gym that is always staffed.

Proposed hours of operation are:

4am – 9pm, Weekdays

6am – 4pm, Weekends

Based on the last two years of operation, One Strength believe that this is more than sufficient to service their members.

5. Planning Matters

The planning instruments applicable to the proposal are;

- A. Bathurst Regional Local Environmental Plan (LEP) 2014
- B. Environmental Planning and Assessment ACT 1979.
- C. Bathurst Regional Development Control Plan (DCP) 2014. As amended 30th September 2017.

A. Bathurst Regional Local Environmental Plan (LEP) 2014

The following specific provisions of the LEP apply to the proposal;

Part 2 - Permitted or prohibited development

Part 2.2 - Zoning of land to which Plan applies

- *The land is zoned B3 Commercial Core*

The Land Use Table below sets out the, Objectives of the R1 zone, permitted use without consent, Permitted use with consent, and any prohibited use of the land.

Zone B3 Commercial Core

1 Objectives of zone

- To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.
- To encourage appropriate employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To encourage development that confirms the role of the Bathurst central business district as the primary retail and business centre in the region.
- To protect and conserve the historic and scenic quality of the Bathurst central business district as a key economic and social asset.

2 Permitted without consent

Environmental protection works; Home-based child care; Home businesses; Home occupations; Roads

3 Permitted with consent

Centre-based child care facilities; **Commercial premises**; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Light industries; Medical centres; Oyster aquaculture; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Tank-

based aquaculture; Waste or resource transfer stations; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Animal boarding or training facilities; Cemeteries; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Home occupations (sex services); Industrial training facilities; Industries; Open cut mining; Pond-based aquaculture; Rural industries; Rural workers' dwellings; Sex services premises; Transport depots; Truck depots; Warehouse or distribution centres; Waste or resource management facilities

- *The Development Proposal is located within the B3 Commercial Core use zone and meets the criteria and objectives indicated in the Land Use Table as set out above.*

Part 3 – Exempt and complying development

Part 3.1 - Exempt development

- *The proposed development is not an Exempt Development.*

Part 3.2 - Complying development

- *The proposed development is not a Complying Development.*

Part 3.3 – Environmentally sensitive areas excluded

- *Not applicable as development is not an Exempt Development or a Complying Development.*

Part 4 – Principal development standards

4.1B Minimum lot sizes for dual occupancies, multi dwelling housing and residential flat buildings

- *Not applicable*

4.3 Height of buildings

- *Not applicable*

4.4 Floor space ratio

- *No applicable*

Part 5 – Miscellaneous provisions

5.10 Heritage conservation

- *The land is identified as being within the Bathurst Conservation Area.*
- *The site is listed as a heritage items in Bathurst Regional Local Environmental Plan 2014.*

Part 6 – Urban release areas

- *Not applicable.*

Part 7 – Additional local provisions

7.1 Flood planning

- *The subject lots are not identified as being in a flood planning area.*

7.2 Bush fire prone land

- *The subject lots are not identified as being in bush fire prone land.*

7.3 – Airspace Operations

- *Not applicable.*

7.4 – Development in areas subject to aircraft noise

- *Not applicable.*

7.5 Essential Services

Part 7.5 provides that: -

Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:

- (a) the supply of water,
- (b) the supply of electricity,
- (c) the disposal and management of sewage,
- (d) stormwater drainage or on-site conservation,
- (e) suitable vehicular access.

- *The development meets all the criteria required by Part 7.10.*

7.6 – Mount Panorama environs

- *Not applicable.*

7.7 – Mount Panorama tourist and visitor accommodation and eco-tourist facilities

- *Not applicable.*

7.8 – Mount Panorama commercial motor race hosting

- *Not applicable.*

7.9 – Conservation incentives for heritage conservation areas

- *Not applicable.*

7.10 – Signage

- *Not applicable.*

7.11 – Subdivision of land in Mount Haven Estate, Meadow Flat

- *Not applicable.*

7.12 – Subdivision of land in Mount Haven Estate, Meadow Flat

- *Not applicable.*

7.13 Location of sex services premises

- *Not applicable.*

7.14 Drinking water catchments

- *The subject land is not identified as being in a drinking water catchment area.*

B. Environmental Planning and Assessment Act 1979 – SECT 4.15

Evaluation

4.15 Evaluation (cf previous 79C)

(1) Matters for consideration - *In determining a development application, a consent authority is to take into account consideration of such of the following matters as are of relevance to the development subject of the development application"*

(1) (a)(i) Any environmental planning instrument, and

- Bathurst Regional Local Environmental Plan (LEP) 2014 applies to the Land.
 - *The applicable provisions of the planning instrument have been addressed in detail in this Statement of Environmental Effects.*

S79C(1)(a)(ii) Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and

- *There is no proposed planning instrument applying to the Land.*

(1)(a)(ii) Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and

- *There is no proposed planning instrument applying to the Land.*

(1)(a)(iii) Any development control plan, and

- Bathurst Regional Development Control Plan (DCP) 2014 applies to the Land.
- *The applicable provisions of the planning instrument have been addressed in detail in this Statement of Environmental Effects.*

(1)(a)(iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and

- *There are no regulations which apply to the Land.*

(1)(a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),

- *Not applicable.*

(1)(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,

- *There will be negligible impact on the surrounding natural and built environment.*

Traffic Generation:

- *There will be a marginal increase in traffic generation with the proposed development. However, the proposed development is not expected to have detrimental effects to traffic flow on Manilla Street or surrounding developments.*

Service & Utilities:

- *The land has access to all services and utilities.*

Terrestrial Biodiversity:

- *The development is not within an area designated for biodiversity.*
- *The development will have no adverse impacts on the terrestrial biodiversity of the area.*

Suitability of Site for Development:

- *The development will have negligible impact on the natural qualities of the locality and physical attributes of the site. The proposal will result in a quality commercial development on the site.*

S79(1)(c) Public Interest:

The development would not impose/cause any disadvantage to the community.

- *The land will be used/developed for the objectives consistent with the Bathurst Regional Local Environmental Plan (LEP) 2014.*
- *The development will be carried out in accordance with the provisions of the Bathurst Regional Development Control Plan 2014.*
- *The proposed development is consistent with the surrounding environment and developments.*
- *The proposal is consistent with the objectives of the B3 Commercial Core zoning.*

C. BATHURST REGIONAL DEVELOPMENT CONTROL PLAN 2014.

The following specific provisions of the Bathurst Regional Development Control Plan apply to the proposal: -

3 SUBDIVISION OF LAND

- *Part 3 does not apply to the subject Land.*

4 RESIDENTIAL DEVELOPMENT

- *Part 4 does not apply to the subject Land.*

5 BUSINESS AND INDUSTRIAL DEVELOPMENT

5.2 Siting considerations

5.2.1 Objectives

To enhance streetscape qualities, provide opportunities for landscape screening and to restrict the spread of fire between the buildings.

- *The development proposal includes a landscaped area fronting Manilla Street. No alterations are proposed to the façade of the existing building fronting Manilla Street.*

5.2.2 Development Standards

Building Setbacks:

Any part of the building must comply with the building line setback specified: R1 General Residential: Front building line must complement the existing setbacks of surrounding buildings in the vicinity and within the streetscape. Side and rear setbacks as specified by the National Construction Code (NCC).

- *Not applicable*

5.3 Soil and water management

- *Part 5.3 does not apply to the subject Land.*

5.3 Height of Buildings – Bathurst Conservation Area – Zone B3 Commercial Core

- *The development proposal does not seek approval to an alteration to the existing building height.*

5.6 Parking, Access and Maneuvering Areas

5.6.1 Objectives

- a) To provide for the safe and sufficient provision of on-site vehicular and bicycle parking
- b) To ensure that safe and functional vehicular access is provided to and within the developments.

- *Parking numbers have been provided in accordance with Section 14 – Parking.*

5.7 Clean Business and Industry

5.7.1 Objectives

To minimise the potential for pollution and erosion

- *The proposed development is expected to meet the objectives of the section.*

5.8 Open Areas and Fencing

5.8.1 Objectives

To minimise the visual impact of business and industrial development of the locality

- *The proposed carpark is to be screened with hedge planting along the Manilla Street boundary.*

5.9 Neighbourhood Shopping Centres

- *Part 5.9 does not apply to the subject Land.*

9 ENVIRONMENTAL CONSIDERATIONS

9.1 PRELIMINARY

9.1.1 Land to which this Section applies

This section applies to all land in the Bathurst Regional Local Government Area (LGA).

9.1.2 Strategic priorities and objectives

The Bathurst Region Urban Strategy 2007 and the Bathurst Region Rural Strategy 2008 establish the following key priorities and objectives with respect to key environmental issues dealt with in this section.

- *The development proposal complies with the above Strategic Priorities and Strategic Objectives listed.*

9.2 LAND RESOURCES

- *Part 9.2 does not apply to the subject Land.*

9.3 RIPARIAN LAND AND WATERWAYS

- *Part 9.3 does not apply to the subject Land.*

9.4 BIODIVERSITY

- *Part 9.4 does not apply to the subject Land.*

9.5 GROUNDWATER

- *Part 9.5 does not apply to the subject Land.*

9.6 FLOODING

9.6.1 Land to which this Section applies

This section applies to all land to which Clause 7.1 Flood Planning of the LEP applies and any land identified or known by Council as having the possibility of flooding.

- *The subject land is not identified as being in a flood planning area.*

9.7 BUSHFIRE PRONE LAND

9.7.1 Land to which this Section applies

This section applies to all land identified wholly or partly as Bushfire Prone on the Bushfire Prone Land Map held in the offices of Council.

- *The subject Land is not Bushfire Prone Land*

9.8 FLORA AND FAUNA SURVEYS

9.8.1 Objectives

- a) To establish minimum scientifically accepted standards for the quality, collection and reporting of biodiversity data.
- b) To promote planning decisions that reflect and incorporate the findings and recommendations of scientifically based flora and fauna surveys.
- c) To minimise the impact from development on the Region's biodiversity.
- d) To ensure compliance with the Office of Environment and Heritage's (OEH's) Threatened Species Assessment Guidelines.

- *The subject land is not a wetland area.*
- *There are no known threatened species or matters of national environmental significance.*
- *There are no known matters of national environmental significance.*
- *There are no known matters of local environmental significance.*

9.9.2 Development standards

- a) All new residential development is to comply with BASIX requirements as required by the NSW Department of Planning and Infrastructure, where applicable.
- b) All new commercial development is to comply with Section J – Energy Efficiency of the National Construction Code.
- c) If in the opinion of Council, the proposed development should address sustainable building design principles, the statement of environmental effects lodged with Development Applications for buildings is to include a section which addresses how the sustainable building design principles (outlined in section **9.8.3** below) have been incorporated into the development.

- *With reference to Appendix J, a National Construction Code 2019 Section J Compliance Report has been provided for the commercial development. The report indicates compliance with all requirements.*

10 URBAN DESIGN & HERITAGE CONSERVATION

10.1 PRELIMINARY

10.1.1 Land to which this Section applies

This section applies to all land within the Bathurst Regional Local Government Area (LGA), and in particular all urban zones and lands within a heritage conservation area or which contain a heritage item.

10.2 HERITAGE IMPACT

10.2.1 Objectives

To ensure adequate information is submitted with a Development Application (DA) to determine the heritage impact of development by means of either a:

- Conservation Management Plan (CMP)
- Statement of Heritage Impact (SoHI)

10.2.2 Conservation Management Plans

Under Clause 5.10(5) Heritage Assessment, Clause 5.10(6) Heritage Conservation Management Plans and Clause 7.9 Conservation Incentives Heritage Conservation

Areas of the LEP, Council may require a Conservation Management Plan (CMP) to be lodged with a DA.

10.2.3 Statement of Heritage Impact

Under Clause **5.10(5) Heritage Assessment** of the LEP, Council may require a Statement of Heritage Impact (SoHI) to be lodged with a Development Application.

10.3 DEMOLITION OF BUILDINGS

- *The proposal seeks approval to demolish a lean-to structure connecting Building D and Building E. Refer to Statement of Historical Impact for additional details.*

10.4 INFILL DEVELOPMENT

- *Not applicable*

10.5 DEVELOPMENT WITHIN THE BATHURST AND KELSO HERITAGE CONSERVATION AREAS

- *Part 10.5 does not apply to the subject Land.*

10.6 DEVELOPMENT WITHIN THE PERTHVILLE HERITAGE CONSERVATION AREA

- *Part 10.6 does not apply to the subject Land.*

10.7 CHIFLEY MEMORIAL HOUSING ESTATE (BATHURST HERITAGE CONSERVATION AREA)

- *Part 10.7 does not apply to the proposal.*

10.8 WEST BATHURST HERITAGE CONSERVATION AREA

- *Part 10.8 does not apply to the proposal.*

10.9 ARCHAEOLOGICAL PERMITS

- *It is not anticipated that any unknown archaeological relics will be disturbed by the proposed development.*

10.10 ABORIGINAL HERITAGE

- *No significant Aboriginal Heritage is known to have existing within the subject site.*

11 OUTDOOR LIGHTING

11.1 PRELIMINARY

11.1.1 Land to which this Section applies

This section applies to all land in the Bathurst Regional Local Government Area (LGA).

- *The proposed development will comply with the strategic objectives of the Outdoor Lighting policy and can be made a condition of development approval.*

11.3 LIGHTING REQUIREMENTS

11.3.1 Development standards

General Standards

- a) All fittings must have fully shielded fittings to reduce light spill onto adjoining properties.
- b) For the purposes of Table 2 of Australian Standard (AS) 4282 Control of the Obtrusive Effects of Outdoor Lighting, "curfewed hours" are taken to be those hours between 10pm and 7am on the following day.

- *All light fittings used, the placement and directional beam of such fittings will be in accordance with the standards set out in Parts 11.2.1 Development standards and 11.3.1 Development standards of the Bathurst Regional Development Control Plan 2014. Manufacturers documentation will be provided to Council at the appropriate stage of assessment for approval.*

12.3 COLOUR SCHEMES FOR BUILDINGS

12.3.1 Land to which this Section applies

This section applies to land within a Heritage Conservation Area or land that contains a heritage item.

12.3.2 Development standards

- a) The consent of Council is required for the rendering and/or painting of buildings within a Heritage Conservation Area or which are listed as a heritage item under Schedule 5 – Environmental Heritage of the LEP.
- b) Council must not grant consent to the painting, repainting or rendering of a building or structure within a heritage conservation area or on a building or structure which is

a heritage item unless the colour scheme complies with the following standards.

i) Painting or rendering of face brickwork not previously painted or rendered is not permitted unless Council is of the opinion that the painting or rendering will not adversely impact on the aesthetic appearance and physical health of the building.

ii) Painting of buildings is to be within those colour ranges on traditional colour charts, and generally in accordance with those listed in section 12.3.3 below.

12.3.3 Colour palettes

The painting of buildings is generally to be in accordance with the colour ranges outlined in this section of the Bathurst Regional Development Control Plan 2014.

- *No alterations are proposed to the exterior colour palette of the existing building.*

13 LANDSCAPING AND GREENING

13.1 PRELIMINARY

13.1.1 Land to which this Section applies

This section applies to all land in the Bathurst Regional Local Government Area (LGA).

13.1.2 Strategic priorities and objectives

a) The Bathurst Region Urban Strategy 2007 and the Bathurst Region Rural Strategy 2008 establish the following key priorities and objectives that relate to biodiversity and to the 'greening' of the Bathurst region.

Strategic Priorities

- To determine the best way to protect and enhance biodiversity and encourage revegetation and better biodiversity management.
- To determine the best way to encourage ecologically sustainable development and the protection of urban biodiversity and vegetation resources.

Strategic Objectives

- To protect, enhance and adequately manage areas of high terrestrial and aquatic biodiversity conservation value.
- To promote the restoration of lost biodiversity.
- To plan for the protection and enhancement of the Sawpit Creek and Raglan Creek corridors by requiring their rehabilitation and enhancement.

13.2 REMOVAL OF TREES

- *Not applicable*

13.3 LANDSCAPE PLANS

13.3.1 Objectives

- a) To improve the visual amenity and to ensure that developments do not dominate their surroundings.
- b) To provide an environment which enhances the streetscape and the surrounding neighbourhood.
- c) To provide an attractive outdoor living area.
- d) To provide landscaped buffers to reduce the potential for conflict between land uses.
 - *Provisions relating to landscaping can be made a condition of development approval.*

13.3.4 Landscape maintenance

Maintenance Principles

The following maintenance principles are to be incorporated into all landscape plans.

- a) Tree and lawn species should be chosen to suit variations in soil, climate and insect attack.
- b) Garden beds are to incorporate weed control mats, mowing edges and are to be mulched to a minimum depth of 80mm.
- c) An automated drip or trickle irrigation system is to be installed in preference to manual or spray watering systems.
- d) The use of advanced trees and shrubs, as well as the use of turf rather than grass seed is recommended.
- e) Maintenance of landscaping to ensure survival of plants will be a continuing requirement of any development consent.

Maintenance Conditions of Consent

- a) This (Relevant) sections applies to the following types of development:
 - i) Residential Units, involving more than 10 dwellings.
 - v) Subdivision of land which creates or adjoins an arterial or sub-arterial road for which direct access to private properties will not be granted.
 - viii) Any other development that in the opinion of Council requires specific ongoing monitoring of landscape maintenance.
- b) Council must not issue a development consent under this section unless it imposes conditions of consent to ensure landscape plans are implemented and maintained. This should include, as a minimum, conditions relating to the following matters.

- i) The approved/certified landscape plan is to be implemented and landscaping maintained for the life of the development.
- ii) The requirements necessary to ensure protection of any existing vegetation during and after construction.
- iii) The submission of a report from a suitably qualified landscape architect 2 years after the issue of the occupation or subdivision certificate that certifies that the landscaping implemented under the landscape plan has been adequately retained and maintained. Where vegetation has died or been significantly damaged, it is to be replaced.

13.3.5 Design principles & 13.3.6 Design principles – Residential units

- *Part 13.3.5 does not apply to the proposal*

13.3.7 Design principles – Business and industrial development

- *Refer to the proposed Site Plan for details.*

13.3.8 Design principles – Development Control Plan Maps

- *Part 13.3.8 does not apply to the proposal.*

13.3.9 Design principles – Arterial or sub-arterial roads

- *Part 13.3.9 does not apply to the proposal.*

13.4 STREET TREES

- *New street trees are not proposed, therefore not applicable.*

14 PARKING

14.1 PRELIMINARY

14.1.1 Land to which this Section applies

This section applies to all land in the Bathurst Regional Local Government Area (LGA).

14.1.2 Strategic priority and objectives

The Bathurst Region Urban Strategy 2007 establishes the following key priorities and objectives for car and bicycle parking within the Bathurst Region.

Strategic Priorities

- a) To ensure adequate car parking areas are available to service new development

and the community in general.

b) To encourage a comprehensive cycling environment.

Strategic Objectives

a) To provide for the safe and sufficient provision of parking on-site to meet the parking

demands generated by development.

b) To ensure that safe and functional vehicular access is provided within new developments for manoeuvring purposes.

c) To provide bicycle parking facilities.

d)

14.2 DEFINITIONS

This section adopts the definitions under the LEP and those definitions listed hereunder. The definition for Gross Floor Area is repeated from the LEP.

Applicable definitions only noted.

Medium Density Housing means development for the purpose of any of the following:

- a) Dual occupancy,
- b) Semi-detached dwelling,
- c) Attached dwelling,
- d) Multi dwelling housing, or
- e) Residential flat building.

Medium Density Housing does not include development for the purpose of a dwelling house or a secondary dwelling (granny flat).

14.3 CAR PARKING

Development standards

a) Consent will generally not be given to alter, enlarge, convert or increase the capacity of any existing buildings, to erect new buildings, or to use any land unless off-street car parking is provided in accordance with this section.

b) With respect to extensions or alterations to existing buildings, the off-street car parking requirement will be calculated on the additional or altered floor space provided.

c) All car parking spaces, ramps, aisles and driveways, shall be provided in accordance with the Guidelines issued by the Roads and Maritime Service.

d) Council reserves the right to determine off-street car parking requirements for any development in the light of representations made to the Council by relevant traffic committees/authorities.

e) Car parking required to be provided on-site in accordance with this Plan is to be

freely available to the users of the building which it serves.

f) Disability parking spaces, if required, are determined by the National Construction Code (see section D3.5) and are to be provided in accordance with that Code.

Contributions in lieu

a) Council may consider a cash contribution, in lieu of on-site parking provision where:

- i) as many car parking spaces as possible have been provided on-site, and
- ii) the subject land is located within the area subject to Council's relevant Section 94 Plan for car parking spaces, and
- iii) the subject land is located in an area where, in the opinion of Council, public car parking under the Section 94 Plan can be provided within reasonable proximity to the development.

Engineering and building standards

- a) On site car parking spaces shall not form part of vehicle maneuvering areas or loading/unloading areas.
- b) All car parking areas are to be located behind the building line or should be adequately screened by landscaping to reduce the effect of the development on the streetscape (see section 13 – *Landscaping and Greening* of this Plan).
- c) Car parking spaces and maneuvering areas must comply with the minimum sizes outlined in Schedules 1 and 2 of this Plan.
- d) Visitors parking and disability parking spaces must be clearly designated and readily accessible.
- e) All parking areas are to be paved and line marked in accordance with Council's Engineering Standards.
- f) Vehicular crossings and laybacks must be provided for satisfactory ingress/egress to the subject property.
- g) For residential development, where possible, access ways and parking areas should be provided on the southern side of the site (i.e. using the shaded area of the lot).
- h) Where car parking is provided at the rear of the site, the building is to provide a secondary entrance to integrate access between the building and the car park.
- i) Sufficient manoeuvring area shall be provided for vehicles to be parked on the site in a manner which ensures that they can enter and exit the site in a forward direction.

Lighting

- a) Car parking areas are to be lit. All lights must have fully shielded fittings and security lighting of unattended premises must use a motion detector sensor switch.

Number of car parking spaces

a) Car parking spaces are to be provided for development in accordance with the following table. Any development not specified in the table will be considered and determined by Council on merit.

Note: For development comprising multiple uses parking requirements should be calculated on the area of each of those uses.

Hotel or motel accommodation Serviced apartments: 1 space per unit plus 1 space per 2 employees

- *Car parking is in accordance with Section 14 – Parking*

14.4 BICYCLE PARKINGDevelopment Standards

- a) Consent will generally not be given to alter, enlarge, convert or increase the capacity of any existing buildings, to erect new buildings, or to use any land unless bicycle parking is provided in accordance with this section.
- b) Bicycle parking is to be provided in a manner where cyclists are able to secure the frame and two wheels of a bicycle to a fixed, secure stand, with the cyclist's own lock and chain.
- c) Bicycle parking is to be provided on-site, in a secure location with adequate surveillance. The siting of facilities is to consider the likely principle user (e.g. employees or customers; residents or visitors). Council may approve the provision of bike parking on the street where considered appropriate.

Number of Bicycle Parking Spaces

a) Bicycle parking spaces are to be provided for development in accordance with the following table. Any development not specified in the table will be considered and determined by Council on merit.

Bicycle parking provided at a minimum rate of one bicycle parking space per 10 dwellings or part thereof.

- *Not applicable*

15 CRIME PREVENTION

15.1 PRELIMINARY

15.1.1 Land to which this Section applies

This section applies to all land in the Bathurst Regional Local Government Area.

Land Use

Retail Premises – Bulky goods premises, Cellar door premises, Shops, Neighbourhood Shops

Referral standard – 1. New retail premises with a floor space of 1000 square metres or greater

Referral standard – 2. Alterations to retail premises which will create a floor space of 1000 square metres or greater

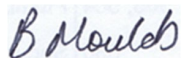
- *The proposed development does not match any noted criteria, therefore not applicable.*

Summary and Conclusions

- *The proposed development involved the refit of an existing commercial building, the construction of a new carparking area and the demolition of an existing lean-to building to separate Building D and Building E.*
- *The site is zoned Zone B3 Commercial Core pursuant to the Bathurst Local Environmental Plan (LEP) 2014*
- *The proposed development complies with the applicable Planning Instruments.*
- *The development also ensures no adverse amenity impacts on existing commercial or residential development.*
- *A Pre- Development Application meeting was held with Council on 24th March 2021. All feedback, comments and recommendations have been incorporated into the proposal.*
- *For these reasons and for the reasons outlined in this report, the proposed subdivision of the land outlined is strongly supported for approval by Council.*

We look forward to receiving feedback from Council on any of the issues identified in this report. If conditions are required to be adopted throughout the planning process, we hope to be able to incorporate them provide the best possible outcome.

Yours Sincerely



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Appendix A

Architectural Documentation



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Appendix B

Statement of Heritage Impact

Preliminary Contamination Investigation

The Old Tremain Flour Mill complex
11 Keppel Street, Bathurst NSW



Ref: R9144c1
Date: 3 April 2018

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Report number: R9144c

Date: 3 April 2018

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Summary report

Address: 11 Keppel Street Bathurst, NSW, Lot 2 DP632811, Lot 430 DP45582

Dates of works: 22 February 2018

Main areas of concern

The investigation area was The Old Tremain Flour Mill complex, 11 Keppel Street Bathurst, NSW. Land use will change from commercial to a mixture of commercial and residential.

Notable contaminant concentrations

Contamination was not detected in the site inspection or samples collected.

Nature of works carried out

A Preliminary contamination investigation including soil sampling was undertaken over the site.

Nature and extent of residual contamination

The site currently has varying commercial land-uses.

Buildings on the site were constructed from 1875 and progressively updated. At the time of inspection the buildings were vacant and previously used for the processing of flour, storage of grain, blending of feeds. Ancillary sheds were used for storage, retailing and offices.

No evidence of contamination was identified on the site at the inspection. The surface cover consisted of concrete over most of the site. Some areas were gravelled driveways and parking areas.

Fill material was identified in the boreholes drilled to a depth of 0.5 metre and deeper at some locations. The fill material comprised sandy clay with ash and bricks. Natural soil consisted of sandy clays.

The levels of all analytes in soil samples from the boreholes drilled were below the adopted thresholds.

Risk factors

No contaminants of concern were identified.

Waste removed

Nil.

Remediation

An unexpected fines protocol should be prepared prior to the demolition works. The unexpected fines protocol will describe procedures to be implemented if suspected contamination is identified.

Statement of suitability

The site is suitable for the proposed land-use.

This is an accurate summary of the report titled: Preliminary Contamination investigation – 11 Keppel Street Bathurst, NSW (Report number R9144c)

Produced by: Envirowest Consulting Pty Ltd Dated: 29/3/2018

Name: Gregory Madafiglio CEnvP

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1. Introduction

Redevelopment is proposed for the Tremain Flour Mill complex, Bathurst, NSW. The development will comprise a mix of residential and commercial land-uses. The existing buildings on the site will generally remain, some external structures modified and new internal layouts fitted.

Historical flour milling and other activities may have resulted in contamination of the site. A Preliminary Contamination Investigation is required to determine suitability for proposed commercial/residential land-use.

2. Scope of work

Envirowest Consulting Pty Ltd was commissioned by CWPM to undertake a Preliminary contamination investigation at the Tremain Flour Mill complex, 11 Keppel Street, Bathurst NSW. The objective was to identify past potentially contaminating activities, identify potential contamination types, discuss the site condition, provide a Preliminary assessment of site contamination and assess the suitability for commercial/residential land-use.

3. Site identification

Address	The Old Tremain Flour Mill complex 11 Keppel Street Bathurst NSW
Client	CWPM
Deposited plans	Lot 1 DP782323, Lot A DP389015, Lot B DP157438
Locality map	Figure 1
Site plan	Figure 5
Area	Approximately 0.74ha

4. Site history

4.1 Zoning

The site is zoned B3 Commercial Core under the Bathurst Regional Council LEP.

4.2 Land-use

Tenants are vacating the site. The main building was used by Bedwells Produce for manufacture and sale of livestock feeds. Other buildings were utilised by vendors of furniture and an automotive battery workshop.

4.3 Summary of council records

A search of Bathurst Council's and Use Information System Database did not identify any contaminating land-uses. A search of the Bathurst Regional Councils Land Use Information System (LUIS) identified the following:

- Rural Supplies
- Battery manufacture, storage and recycling

Other activities possibly existing on the site by council included:

- Truck depot

- Fuel storage
- Vehicle repair workshop

4.4 Sources of information

- Site inspection 22 February 2018 by Greg Madafiglio
- Interview with current owner and staff
- NSW EPA records of public notices under the CLM Act 1997
- Soil and geological maps
- Historical photographs 1954
- NSW Planning and Environment planning viewer
- Bathurst Regional Council Section 149(2) Certificate

4.5 Chronological list of site uses

4.5.1 Aerial photographs

Year	Descriptions
1943	The processing building, sheds and silos are present of on the site
1954	Unchanged
2006	Unchanged
2013	Unchanged
2016	Unchanged

4.5.2 Site history

Tremain's Victoria Mill was built of local brick in 1857 by the Chapman brothers, it was three storeys high with a prominent brick chimney and powered by a steam engine. It was purchased by William Tremain in 1859.

The Mill is a large complex and structures have been added as the business expanded and new technologies were adopted. In 1884 the Victoria Stores building fronting Keppel Street was built, and by 1900 this had evolved into a two storey building. In 1900 a fourth storey was added to the brick mill building.

The silos were erected in 1932 comprising nine stacked oregon timber bins encased in corrugated iron. In the early 1940's two more similar silos were erected. In 1953 operations were converted to electricity and the chimney of the engine room removed. In 1956 the twin concrete silos were built.

The flour mill operated on the site until 1978. Most of the site has operated as Bedwells Stock feeds since 1978. Bedwells store and blend stockfeeds for retail sale. The stockfeed retail operated from one building and blending of stock feeds occurred in another building.

Other ancillary sheds were leased to various commercial activities.

Recent list of business operating from the site

Name and address	Activities
Bedwells Stockfeeds 11 Keppel Street	Storage of rural supplies including small amounts of pesticides in containers
Bathurst rewinds 11 Keppel Street	Automotive electricians
Furniture restoration 11 Keppel Street	Retail sales of old furniture
Country Bumpkin Restoration 4 Manila Street	Retails sales of second hand household items
61 Havannah Street	Currently vacant lot, used for truck storage
Bathurst Batteries 63 Havannah Street	Retail battery sales, temporary storage but no processing of batteries
11 Keppel Street	Laundromat lower lever, residential upper level

A shed to the northwest operated as a second hand dealer of household items. Bathurst bolts and Fasteners operated from a shed on Havannah Street. A motor mechanic workshop was located in a shed on Havannah Street. The brick building on Keppel Street contained retail businesses on the lower level and several residential units on the upper level.

4.6 Buildings and infrastructure

Mill sheds are various ages and constructed from 1858 onwards. The older sheds are timber post and frame with iron cladding. A brick engine room, stairwell, warehouse, shops and units are located south of the site. Large steel and concrete silos used for the storage of grain are located on the site. Machinery and hoppers remain in use for the handling of grain. The silos and mill are connected by underground conveyor and drive shafts for the movement of grain and flour.

Grain storage and handling machinery remains in the sheds and has been utilised until recently by Bedwells Feed for the manufacture and blending of stock feeds.

The industrial supplies retail ship, mechanic and second hand dealer operated from steel sheds.

The retail and residential double storey building on Keppel Street was brick.

A disused railway line traversed the shed on the norther side of the lot. Some tracks have been removed along the eastern section and tracks remain on the western section but are partially buried.

4.7 Contaminants of concern and potential contaminants

The flour mill engine was coal powered and disposal of ash is a potential source of contamination. Flour processing is not a contaminating activity and has no contaminating by-products.

Comments on potential contaminating activities are present in the schedule below

Activity	Contamination potential
Rural supplies	The storage of small amounts rural supplies occurred in secure area with a concrete floor in part of the main buildings. Leakage of chemicals would have been small quantities and not penetrate the concrete
Battery manufacture and storage	Sales and installation of batteries. No reconditioning. Only storage of batteries in a sealed area in the building. Low risk of leakage or soil contamination
Truck depot	Parking of trucks on concrete area in shed. Low risk of contamination
Furniture restoration 4 Manila Street	Second hand a furniture sales business. Minor restoration of furniture occurred in the buildings with sealed concrete floors. Very low risk of contamination from solvents and stains.
Vehicle repair workshop	Replacement of batteries and auto electrical works were undertaken in several sheds. The sheds had concrete floors. No underground tanks, storage of oils or in ground hydraulic lifts. Low risk of contamination.

Based on historical activities and site inspection contaminants of concern are from fill that may have been used in levelling and construction. Ballast from the former railway line is also a source of contamination. Current land-uses are unlikely to have contributed to contamination.

Potential contaminants have been identified as;

- Heavy metals (arsenic, cadmium, chromium, copper, nickel, lead, zinc, mercury)
- Total recoverable hydrocarbons (TRH C6-C40)
- Benzene, toluene, ethylbenzene, xylenes, and naphthalene (BTEXN)
- Polycyclic aromatic hydrocarbons (PAH)

4.8 Relevant complaint history

None known

4.9 Contaminated site register

The site is not listed on the NSW EPA register of contaminated sites.

4.10 Investigation history

No previous investigations are known to have been undertaken on the site.

4.11 Neighbouring land-use

East – Commercial

South – Railway land

North – residential

West – Commercial

Historical contamination is present east of the site on fuel depots, railway land and the old Bathurst Gasworks. The contamination is unlikely to have impacted the site due to distance and lack of effective conduits and distance to source.

4.12 Integrity assessment

The site history was obtained from a site inspection and history review. The information is consistent with the current site condition and to the best of the assessor's knowledge is accurate.

5. Site condition and environment

5.1 Surface cover

Surface cover in the investigation area included concrete slabs in the buildings and some parking areas. Blue metal gravel and bitumen were located in some non-sealed parking areas.

5.2 Topography

The site is located on a mid slope with an inclination of 0 to 1% west.

5.3 Soils and geology

The site is located within the Bathurst Soil Landscape (OEH 2016). The dominant soils within the landscape are chromosols. Chromosols comprise dark reddish to greyish yellow sandy loam over a reddish brown to brown sandy clay loam or sandy to heavy clay.

Lithology of the site is Bathurst Granite comprising medium to coarse grained massive granodiorite and adamellites (OEH 2016).

5.4 Hydrology**5.4.1 Surface water**

Surface water on the site flows into the town stormwater system to the northeast. The Macquarie River is located approximately 650m northeast of the site. The site is not located in a designated drinking water catchment.

5.4.2 Groundwater

The site is located within the Lachlan Fold Belt: Macquarie Castlereagh Groundwater Management Unit and approximately 51.16GL of groundwater is consumed within the management unit each year.

No bores are known to be located on the site. Three bores were identified on the NSW Office of Water groundwater database to the north and east. The bores are licensed for monitoring and have depths of 7.5m and 12m. Standing water levels were identified in two bores from 4m.

Six other bores are located within 500m of the site. One bore is located approximately 260m north east at Carrington Park and is licensed for recreational use. The bore was constructed to 32m with waterbearing zones at 6.1 to 25.3m in decomposed granite and 29 to 29.11m in granite. Standing water level at the time of construction was 5.5m. Two monitoring bores have been constructed approximately 470m south east on the former Bathurst Gas Works site. The bores have water bearing zones from 5m in gravel sand and granite. Standing water levels at the time of construction was from 3m.

6. Data Quality Objectives**6.1 State the problem**

A commercial and residential land-use is proposed for 11 Keppel Street, Bathurst, NSW. The property has been a flour mill and mix of other non-impacting commercial land-uses. A preliminary contamination investigation is required to ensure suitability for the proposed land-use.

6.2 Identify the decision

The proposed land-use is commercial and residential and the levels of contaminants should be less than the adopted thresholds.

6.3 Identify the inputs decision

Investigation of the site is required to identify any potential contaminants from historical land-use on the site.

6.4 Define the boundaries of the study

The investigation area is 11 Keppel Street, Bathurst, NSW.

6.5 Develop a decision rule

The guidelines for soil were the residential land-use health investigation levels (HIL), health screening levels (HSL), ecological investigation levels (EIL) and ecological screening levels (ESL) which is the most sensitive land-use.

6.6 Specify acceptable limits on the decision errors.

The 95% upper confidence limit of average levels of samples collected is less than the threshold levels.

6.7 Optimize the design for obtaining data

Soil sampling was undertaken as described in later sections.

Quality assurance and quality control objective and indicators are described in later sections.

7. Sampling analysis plan and sampling methodology**7.1 Sampling strategy****7.1.1 Sampling design**

A systematic sampling pattern was adopted to assess the probable location of contamination across the site in the soil.

7.1.2 Sampling locations

A surface inspection of current and past uses was undertaken to identify potential localised areas of contamination.

Discrete soil samples were collected from 12 locations. Samples were collected in accessible areas over the site and representative of all land-use areas (Figure 3).

7.1.3 Sampling density

The sampling density was approximately a 25m grid pattern within site can detect a potential hot spot with a radius of 13.8 metres at a 95% level of confidence.

7.1.4 Sampling depth

Boreholes were constructed to a depth of up to 3m and the profile described. Soil samples were collected from two depths at each location except at location B12. In most locations samples were collected from the 100-200mm depth and 500-600mm in depth. Most subsoil samples were collected from natural soil. Field samples were assessed for odour, staining and volatile organic compounds throughout the profile. Samples were taken from representative fill and natural layers.

7.2 Analytes

The soil samples were evaluated for TRH (C6-C40), PAH, BTEXN, arsenic, cadmium, chromium, copper, lead, nickel, zinc and mercury as these were identified as the contaminants of concern due to the presence of fill and historical use of machinery (Table 1). Field screening for volatile organic compounds were undertaken of soil samples as an indicator of hydrocarbons.

The site surface and soil profile in each borehole were visually inspected for asbestos containing materials. An asbestos audit of the buildings was not part of this report.

7.3 Sampling methods

Soil samples were taken using a Geoprobe 6610DT track mounted hydraulic drill fitted with a solid auger.

Discrete samples were directly transferred to laboratory prepared solvent rinsed glass using a stainless steel spade. Tools were decontaminated between sampling locations to prevent cross contamination.

Samples were collected at the sampling depth, placed in zip locked bags and allowed to stabilise. The vapour was screened in the field for volatile organic compounds (VOC) with a Toxirae photoionisation detector (PID) using the headspace method by piecing the bag.

Table 1. Schedule of samples and analysis

Sample ID	Depth (mm)	Analysis undertaken
B1-100	100-200	Arsenic (As), cadmium (Cd), chromium (Cr), copper (Cu), lead (Pb), nickel (Ni), zinc (Zn), mercury (Hg), total recoverable hydrocarbons TRH(C6-C40), polycyclic aromatic hydrocarbons (PAH), benzene, toluene, ethylbenzene, xylene and naphthalene (BTEXN)
B1-800	800-900	As, Cd, Cr (total), Cu, Pb, Ni, Zn, Hg, TRH(C6-C40), PAH, BTEXN
B2-100	100-200	As, Cd, Cr (total), Cu, Pb, Ni, Zn, Hg, TRH(C6-C40), PAH, BTEXN
B2-500	500-600	As, Cd, Cr (total), Cu, Pb, Ni, Zn, Hg, TRH(C6-C40), PAH, BTEXN
B3-100	100-200	As, Cd, Cr (total), Cu, Pb, Ni, Zn, Hg, TRH(C6-C40), PAH, BTEXN
B3-500	500-600	As, Cd, Cr (total), Cu, Pb, Ni, Zn, Hg, TRH(C6-C40), PAH, BTEXN
B4-100	100-200	As, Cd, Cr (total), Cu, Pb, Ni, Zn, Hg, TRH(C6-C40), PAH, BTEXN
B4-700	700-800	As, Cd, Cr (total), Cu, Pb, Ni, Zn, Hg, TRH(C6-C40), PAH, BTEXN
B5-100	100-200	As, Cd, Cr (total), Cu, Pb, Ni, Zn, Hg, TRH(C6-C40), PAH, BTEXN
B5-1000	1000-1100	As, Cd, Cr (total), Cu, Pb, Ni, Zn, Hg, TRH(C6-C40), PAH, BTEXN
B6-100	100-200	As, Cd, Cr (total), Cu, Pb, Ni, Zn, Hg, TRH(C6-C40), PAH, BTEXN
B6-600	600-700	As, Cd, Cr (total), Cu, Pb, Ni, Zn, Hg, TRH(C6-C40), PAH, BTEXN
B7-100	100-200	As, Cd, Cr (total), Cu, Pb, Ni, Zn, Hg, TRH(C6-C40), PAH, BTEXN
B7-700	700-800	As, Cd, Cr (total), Cu, Pb, Ni, Zn, Hg, TRH(C6-C40), PAH, BTEXN
B8-100	100-200	As, Cd, Cr (total), Cu, Pb, Ni, Zn, Hg, TRH(C6-C40), PAH, BTEXN
B8-1000	1000-1100	As, Cd, Cr (total), Cu, Pb, Ni, Zn, Hg, TRH(C6-C40), PAH, BTEXN
B9-100	100-200	As, Cd, Cr (total), Cu, Pb, Ni, Zn, Hg, TRH(C6-C40), PAH, BTEXN
B9-600	600-700	As, Cd, Cr (total), Cu, Pb, Ni, Zn, Hg, TRH(C6-C40), PAH, BTEXN
B10-100	100-200	As, Cd, Cr (total), Cu, Pb, Ni, Zn, Hg, TRH(C6-C40), PAH, BTEXN
B10-2000	2000-2100	As, Cd, Cr (total), Cu, Pb, Ni, Zn, Hg, TRH(C6-C40), PAH, BTEXN
B11-100	100-200	As, Cd, Cr (total), Cu, Pb, Ni, Zn, Hg, TRH(C6-C40), PAH, BTEXN
B11-600	600-700	As, Cd, Cr (total), Cu, Pb, Ni, Zn, Hg, TRH(C6-C40), PAH, BTEXN
B12	0-100	As, Cd, Cr (total), Cu, Pb, Ni, Zn, Hg, TRH(C6-C40), PAH, BTEXN

8. Quality assurance and quality control

8.1 Sampling design

The sampling program is intended to provide data as to the presence and levels of contaminants. Discrete soil samples across the site were collected on a systematic grid pattern of 25 metres. This sampling density will enable the detection of an area with an elevated concentration on a radius of 13.8 metres with a 95% confidence level.

The number of sampling locations is within than the recommended density in the EPA sampling guidelines.

8.2 Field

The collection of samples was undertaken in accordance with accepted standard protocols (NEPC 1999). All samples were analysed for TRH (C6-C40), BTEXN, PAH, arsenic, cadmium, chromium, copper, lead, nickel, zinc and mercury.

Sampling equipment was decontaminated between each sampling event. The appropriate storage conditions and duration were observed between sampling and analysis. A chain of custody form accompanied the samples to the laboratory.

A single sampler was used to collect the samples using standard methods. Soil collected was a fresh sample from a hand shovel. After collection the samples were immediately placed in new glass sampling jars and placed in a cooler. A field sampling log is presented as an Appendix.

The PID was calibrated with 100ppm isobutylene standard on the day of use.

One intra-laboratory sample was collected. The frequency of field duplicates is within than the NEPC (1999) recommendation of 5%. No field blank, rinsate, trip blank or matrix spikes were submitted for analysis. Some samples from all batches did not contain contaminants which confirm the absence of cross contamination during transport and storage.

8.3 Laboratory

Chemical analysis was conducted by SGS Laboratories, Alexandria, which is NATA accredited for the tests undertaken. The laboratory has quality assurance and quality control programs in place, which include internal replication and analysis of spike samples and recoveries.

Method blanks, matrix duplicates and laboratory control samples were within acceptance criteria. The quality assurance and quality control report is presented together with the laboratory report as Appendix 2.

8.4 Data evaluation

The laboratory quality control report indicates the data variability is within acceptable industry limits. The data is considered representative and usable for the purposes of the investigation. Data quality indicators are presented in Appendix 1.

9. Conceptual site model

9.1 Sources of contamination

The historical land-use is a potential source of contamination.

9.2 Contaminants of concern

The contaminants of concern identified from historical, current land-uses and fill include:

- Heavy metals (arsenic, cadmium, chromium, copper, nickel, lead, zinc and mercury)
- Hydrocarbons (TRH, BTEXN and PAH)

9.3 Potential receptors

The proposed land-use of the investigation area is commercial/industrial.

Human receptors include

- On-site workers
- Neighboring residents

Ecological receptors include

- Vegetation on the site and adjacent the site
- Aquatic receptors off-site

9.4 Exposure pathways

Pathways for exposure to contaminants are:

- Dermal contact following soil disturbance
- Ingestion after soil disturbance
- Inhalation of dust after soil disturbance
- Surface water and sediment runoff into nearby waterways
- Leaching of contaminants into the groundwater

- Direct contact of flora and fauna with the soil

9.5 Source receptor linkages

Potential source pathway receptor linkages are identified to enable evaluation of any adverse impact on human health or ecology.

The investigation area is currently commercial and human receptors on the site are unlikely. Soil disturbance is unlikely in routine activities. Pathways to link off-site receptors human or ecological receptors are not considered significant. Maintenance workers of the site may have a risk of exposure if the contaminants are present and the soil is disturbed.

Potential contamination sources, exposure pathways and receptors are presented below.

Source/contaminants	Transport	Potential exposure pathways	Receptors
<ul style="list-style-type: none"> ■ Hydrocarbons waste oil ■ Underground tank ■ Metal in fill 	<ul style="list-style-type: none"> □ Volatilisation □ Surface water □ Groundwater 	<ul style="list-style-type: none"> ■ Direct contact (ingestion and absorption) □ Inhalation □ Sensitive habitat 	<ul style="list-style-type: none"> ■ Construction workers □ Commercial □ Sensitive ecosystem
■ Potential, □ unknown			

10. Assessment criteria

The proposed land-use of the site is a mixture of retail and residential units. The laboratory results were assessed against the proposed land-use commercial and residential limited assess. The health-based investigation levels of contaminants for which criteria are available, are listed in Table 2 (NEPM 1999).

The NEPM (1999) provides health screening levels (HSL) for hydrocarbons in soil. The HSLs have been developed to be protective of human health for soil types, depths below surface and apply to exposure to hydrocarbons through the predominant vapour exposure pathway. The appropriate HSL for the site is listed in Table 2. TRH>C16 have physical properties which make the TRH fractions non-volatiles and therefore these TRH fractions are not limiting for vapour intrusion.

Ecological investigation levels (EIL) have been developed for the protection of terrestrial ecosystems for selected metals and organic substances in the soil in the guideline (NEPC 1999). Ecological screening levels (ESL) assess the risk to terrestrial ecosystems from petroleum hydrocarbons in the soil. The EILs and ESLs consider the properties of the soil and contaminants and the capacity of the local ecosystem to accommodate increases in contaminant levels.

Management limits have been developed to assess petroleum hydrocarbons following evaluation of human health and ecological risks (NEPC 1999). Management units are applicable as screening levels after consideration of relevant ESLs and HSLs. The appropriate management limit for the site is listed in Table 2.

Soil criteria as determined by measurement of volatile organic compounds (VOC) are used to determine the potential for volatile hydrocarbon contamination. The criteria have been developed based on experience to assist in the assessment of hydrocarbon contamination levels in soil. The generalised criteria are only a guide and that the level of VOC varies with hydrocarbon type. Soil VOC generalised criteria are outlined in the table below.

Generalised soil VOC criteria

Volatile organic compounds (VOC)	Description
<20ppm	Negligible
20 to 60ppm	Low
60 to 300ppm	Moderate
>300ppm	Significant

Table 2. Investigation levels – commercial land-use (mg/kg) (NEPC 1999)

Analyte	HIL B Limited access residential	HILD Commercial/ Industrial	HSL Commercial/Industrial- clay soil			EIL Commercial/ industrial	ESL Commercial / industrial
			0m to <1m	1m to <2m	2m to <4m		
Arsenic	500	3,000	-	-	-	160	-
Cadmium	150	900	-	-	-	-	-
Chromium (total)	-	-	-	-	-	-	-
Chromium (VI)	500	3,600	-	-	-	-	-
Copper	30000	240,000	-	-	-	-	-
Lead	1200	1,500	-	-	-	1,800	-
Nickel	1200	6,000	-	-	-	290	-
Zinc	60000	400,000	-	-	-	-	-
Mercury	120	730	-	-	-	-	-
TRH (C6-C10)	-	-	310	480	NL	-	215
TRH (C10-C16)	-	-	NL	NL	NL	-	170
TRH (>C16-C34)	-	-	NA	NA	NA	-	2,500
TRH (>C34-C40)	-	-	NA	NA	NA	-	6,600
TPH (C10-C36)	-	-	-	-	-	-	-
Benzene	-	-	4	6	9	-	95
Toluene	-	-	NL	NL	NL	-	135
Ethylbenzene	-	-	NL	NL	NL	-	185
Xylenes	-	-	NL	NL	NL	-	95
Naphthalene	-	-	NL	NL	NL	370	-
Benzo(a)pyrene	-	-	-	-	-	-	1.4
Total PAH	400	4,000	-	-	-	-	-
Carcinogenic PAH	4	40	-	-	-	-	-
OCP (DD's)	600	3,600	-	-	-	640	-

NL= No limit, NA= Not applicable

10. Results

The site is a former flour mill which closed in 1975. The mill building has been used as a warehouse. The grain handling section of the mill has continued to be used as a stock feed processing facility since 1978. Other buildings were utilised as storage areas, retail area or offices. No areas of surface staining were identified in the site inspection.

Fill comprising ash and sandy clay was present in most soil borings drilled. The typical depth was up to 0.5m under concrete. In some areas the fill extended to greater depths. At location BH10 in the north western buildings the ash was present to great the 3m depth. Trace levels of red brick were present in

some soil profiles indicating the concrete cover former building footings or fill. The natural soils were yellow brown sandy clay to the drilling depth of 3m.

Samples collected from the boreholes to 3m depth did not detect visual evidence of staining, odour or detectable VOC with the field photoionization detector.

Some samples containing ash contained slightly elevated levels of heavy metals or PAH. It is suspected the ash was from the former engine room on the site that powered the mill. All samples collected from the fill material and natural soil did not contain evidence of odour or staining. Soil samples at six locations contained slightly elevated levels of PAH or TRH at levels less than the residential land use thresholds.

The levels of zinc and lead were greater than background in several samples however still low and less than the adopted thresholds. The railway line traversing the site has been partially removed. Samples collected from the railway lines formation did not contain levels of the analytes greater than the adopted thresholds (Tables 3 and 4).

Table 3. Soil analysis results– metals (mg/kg)

Sample I.D.	Depth (mm)	Arsenic	Cadmium	Chromium (total)	Copper	Lead	Nickel	Zinc	Mercury
B1-100	250	3	1.4	19	20	26	8.8	96	ND
B1-800	500	ND	ND	21	21	19	10	68	ND
B2-100	200	8	77	14	30	140	10	110	0.17
B2-500	500	4	5.2	15	19	63	9.0	57	0.10
B3-100	2800	ND	ND	11	11	16	8.0	28	ND
B3-500	200	ND	ND	17	10	9	8.0	22	ND
B4-100	600	ND	0.8	15	14	17	13	77	ND
B4-700	1500	ND	0.4	17	13	9	12	43	ND
B5-100	250	3	2.7	13	12	34	9.3	350	0.05
B5-1000	500	ND	0.8	15	11	14	10	120	ND
B6-100	100	5	ND	9.4	34	180	7.7	300	0.12
B6-600	600	ND	ND	27	18	12	12	38	ND
B7-100	2800	4	2.8	1.9	49	75	4.1	820	ND
B7-700	100	ND	ND	18	18	22	9.0	120	ND
B8-100	500	6	3.7	8.5	12	20	5.2	220	ND
B8-1000	100	4	0.5	20	15	13	9.6	60	ND
B9-100	600	ND	0.3	8.7	15	51	6.9	100	0.08
B9-600	100	ND	ND	14	9.4	19	6.8	32	ND
B10-100	600	ND	1.2	9.6	7.7	2	13	30	ND
B10-2000	200	ND	ND	12	11	2	16	39	ND
B11-100	600	ND	0.4	11	18	43	10	52	0.12
B11-600	100	ND	ND	15	11	14	6.8	21	ND
B12	0-100	6	0.4	8.4	15	42	5.6	320	ND
Mean		4.78	6.97	13.93	17.13	36.61	9.17	135.78	-
Upper 95% CI		5.85	17.56	16.10	20.97	54.43	10.30	208.70	-
HIL D – Commercial / Industrial		3,000	900	3,600	240,000	1,500	6,000	400,000	730
HIL B –Residential limited access		500	150	500*	30,000	1200	1,200	60,000	120
EIL – Commercial/Industrial		160	-	-	-	1,800	290	920	-

ND – not detected, HIL – health investigation level, EIL – ecological investigation level, ESL – ecological screening level

Table 4. Soil analysis results – hydrocarbons (mg/kg)

Sample ID	F1 TRH (C6-C10)	F2 TRH (C10-C16)	F3 TRH (C16-C34)	F4 TRH (C34-C40)	Benzene	Toluene	Ethylbenzene	Xylenes	Naphthalene	PAH	Carcinogenic PAH	Benzo (a)pyrene
B1-100	ND	ND	110	ND	ND	ND	ND	ND	ND	ND	ND	ND
B1-800	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
B2-100	ND	ND	ND	ND	ND	ND	ND	ND	ND	2.8	0.3	0.3
B2-500	ND	ND	110	ND	ND	ND	ND	ND	ND	1.3	0.1	0.1
B3-100	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
B3-500	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
B4-100	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
B4-700	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
B5-100	ND	ND	ND	ND	ND	ND	ND	ND	ND	12	1.2	0.8
B5-1000	ND	ND	ND	ND	ND	ND	ND	ND	ND	1.8	0.2	0.1
B6-100	ND	ND	160	ND	ND	ND	ND	ND	ND	26	4.8	3.3
B6-600	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
B7-100	ND	ND	100	ND	ND	ND	ND	ND	ND	ND	ND	ND
B7-700	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
B8-100	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
B8-1000	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
B9-100	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	1.6
B9-600	ND	ND	360	ND	ND	ND	ND	ND	ND	ND	ND	ND
B10-100	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
B10-2000	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
B11-100	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	0.9
B11-600	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
B12	ND	ND	390	ND	ND	ND	ND	ND	ND	ND	ND	ND
Mean	-	-	-	-	-	-	-	-	-	1.91	0.29	0.31
Upper 95% CI	-	-	-	-	-	-	-	-	-	4.29	0.70	0.62
HILD – Commercial	-	-	--	-	-	-	-	-	-	4,000	40	-
HIL B - residential										400	4	
HSL D Commercial												
0 to <1m	310	NL	NL	NL	4	NL	NL	NL	NL	-	-	-
1 to <2m	480	NL	NL	NL	6	NL	NL	NL	NL	-	-	-
2 to <4m	NL	NL	NL	NL	9	NL	NL	NL	NL	-	-	-
HSLB Residential												
0 to <1m	50	280	NL		0.7	480	NL	110	5	-	-	-
1 to <2m	90	NL	NL	NL	NL	NL	NL	NL	NL	-	-	-
2 to <4m	150	NL	NL	NL	NL	NL	NL	NL	NL	-	-	-
ESL – Commercial	215	170	2,500	6,600	95	135	185	9	-	-	-	1.4

ND – not detected, HSL – health screening level, ESL – ecological screening level

11. Site characterisation

11.1 Environmental contamination

Soil sample B6-100 contain level of cacogenic PAH (4.8 mg/kg) slightly greater than the residential threshold of 4mg/kg. The upper 95% confidence limit of carcinogenic PAH was less than the residential health investigation threshold.

Two samples (B6-100 and B9-100) contained B(a)P at levels exceeding the ESL. The 95% upper limit of BaP is less than the adopted thresholds. The levels of other metals or hydrocarbons in the samples were less than the adopted thresholds.

11.2 Chemical degradation

PAH will degrade slowly in the soil.

11.3 Exposed population

11.3.1 Human health

Human health is not exposed to PAH due to the levels identified and the lack of viable pathways.

11.3.2 Environment

No ecological receptors are exposed to benzo(a)pyrene due to the lack of viable pathways.

12. Conclusions and recommendations

12.1 Summary

The buildings on the site were constructed from 1875 and progressively updated. At the time of inspection the buildings were vacant and previously used for the processing of flour, storage of grain, blending of feeds. Ancillary sheds were used for storage, retailing and offices.

No evidence of contamination was identified on the site at the inspection. The surface cover consisted of concrete over most of the site. Some areas were gravelled driveways and parking areas. The soil comprised fill to approximately 0.5m over sandy clays to 3m.

The levels of all analytes in soil samples from the boreholes drilled contained low levels of metals, TRH, BTEX and PAH. One sample slightly exceeded the health carcinogenic PAH threshold but the 95% upper confidence limit was less than the health threshold. Two samples contain Benzo(a)pyrene exceeding the ecological thresholds. The upper 95% of all samples was less than the ecological thresholds for benzo(a)pyrene. The levels of all metals, TRH and BTEX were less than the adopted thresholds.

12.2 Assumptions in reaching the conclusions

An accurate history has been obtained and typical management practices were adopted. The samples collected are assumed to be representative of the soil under the concrete slabs and sheds. The concrete does not cover unidentified structures.

12.3 Suitability for proposed use of the site

The site is suitable for the proposed commercial and residential development.

12.4 Limitations and constraints on the use of the site

An unexpected finds procedure should be prepared for any excavations.

12.5 Recommendation for further work

In the northern western shed is to be demolished additional investigations should be undertaken to determine the extent and status of the ash fill.

An unexpected fines protocol should be prepared prior to the demolition works. The unexpected fines protocol will describe procedures to be implemented if suspected contamination is identified.

13. Report limitations and intellectual property

This report has been prepared for the use of the client to achieve the objectives given the clients requirements. The level of confidence of the conclusion reached is governed by the scope of the investigation and the availability and quality of existing data. Where limitations or uncertainties are known, they are identified in the report. No liability can be accepted for failure to identify conditions or issues which arise in the future and which could not reasonably have been predicted using the scope of the investigation and the information obtained.

The investigation identifies the actual subsurface conditions only at those points where samples are taken, when they are taken. Data derived through sampling and subsequent laboratory testing is interpreted by geologists, engineers or scientists who then render an opinion about overall subsurface conditions, the nature and extent of the contamination, its likely impact on the proposed development and appropriate remediation measures. Actual conditions may differ from those inferred to exist, because no professional, no matter how well qualified, and no sub-surface exploration program, no matter how comprehensive, can reveal what is hidden by earth, rock or time. The actual interface between materials may be far more gradual or abrupt than a report indicates. Actual conditions in areas not sampled may differ from predictions. It is thus important to understand the limitations of the investigation and recognise that we are not responsible for these limitations.

This report, including data contained and its findings and conclusions, remains the intellectual property of Envirowest Consulting Pty Ltd. A licence to use the report for the specific purpose identified is granted for the persons identified in that section after full payment for the services involved in preparation of the report. This report should not be used by persons or for purposes other than those stated and should not be reproduced without the permission of Envirowest Consulting Pty Ltd.

14. References

DEC (2017) *Contaminated Sites: Guidelines for the NSW Site Auditors Scheme* (NSW Department of Environment and Conservation, Chatswood)

Environment.nsw.gov.au, *Espade | NSW Environment & Heritage* Version 2. N.p., 2015. Web. 14 February 2017.

Environment Protection Authority (1995) *Contaminated sites: Sampling Design Guidelines* (NSW Environment Protection Authority, Chatswood)

OEH (1990) *Soil Landscapes of Newcastle 1:250,000 Sheet*

NEPC (1999 revised 2013) *National Environment Protection (Assessment of Site Contamination) Measure 1999* (National Environment Protection Council Service Corporation, Adelaide)

Figures

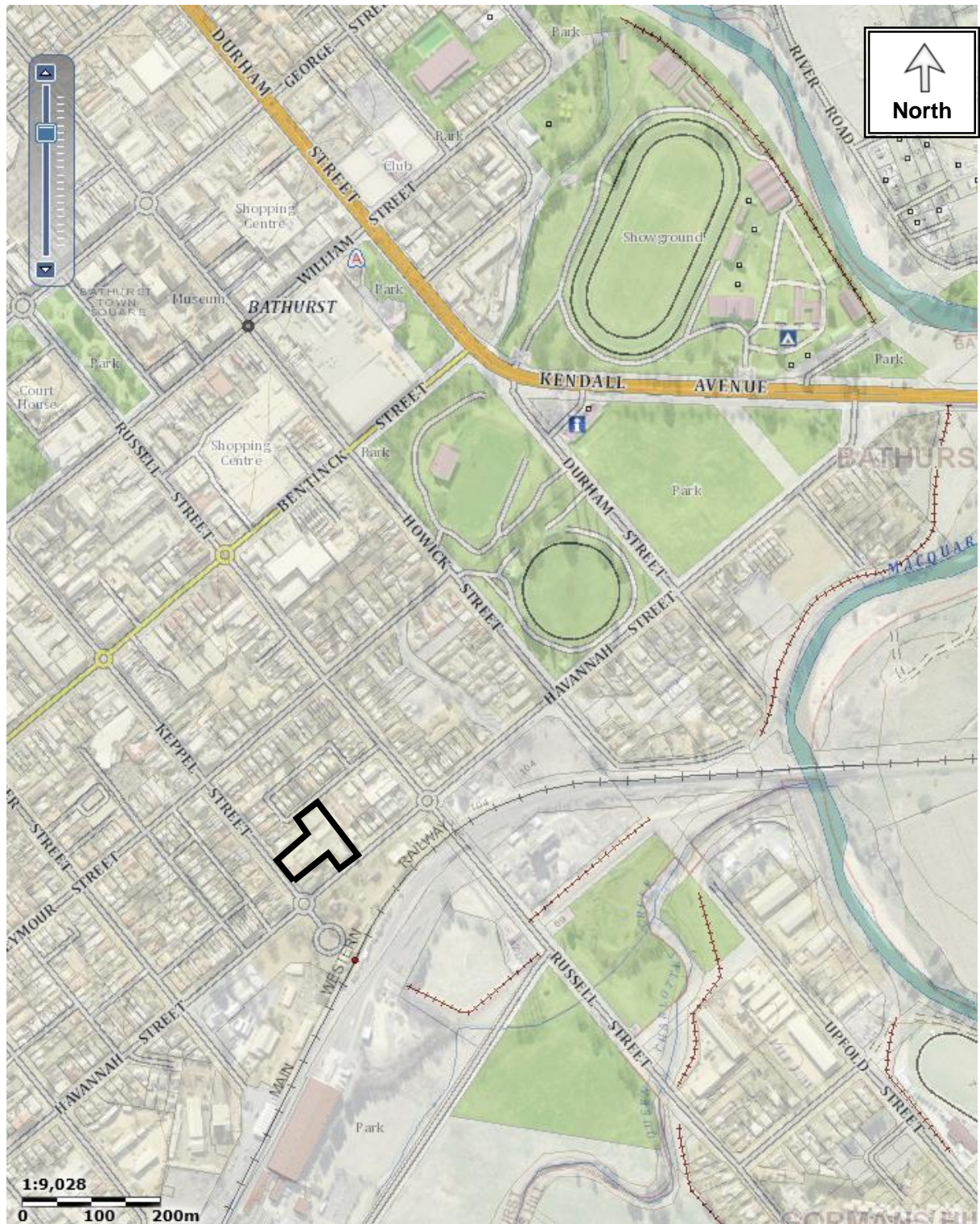



Figure 1. Locality plan		
11 Keppel Street, Bathurst NSW		
Six Maps	Envirowest Consulting Pty Ltd	
Job: R9144c	Drawn by: GM	Date: 8/3/18



Envirowest Consulting Pty Ltd R9144c

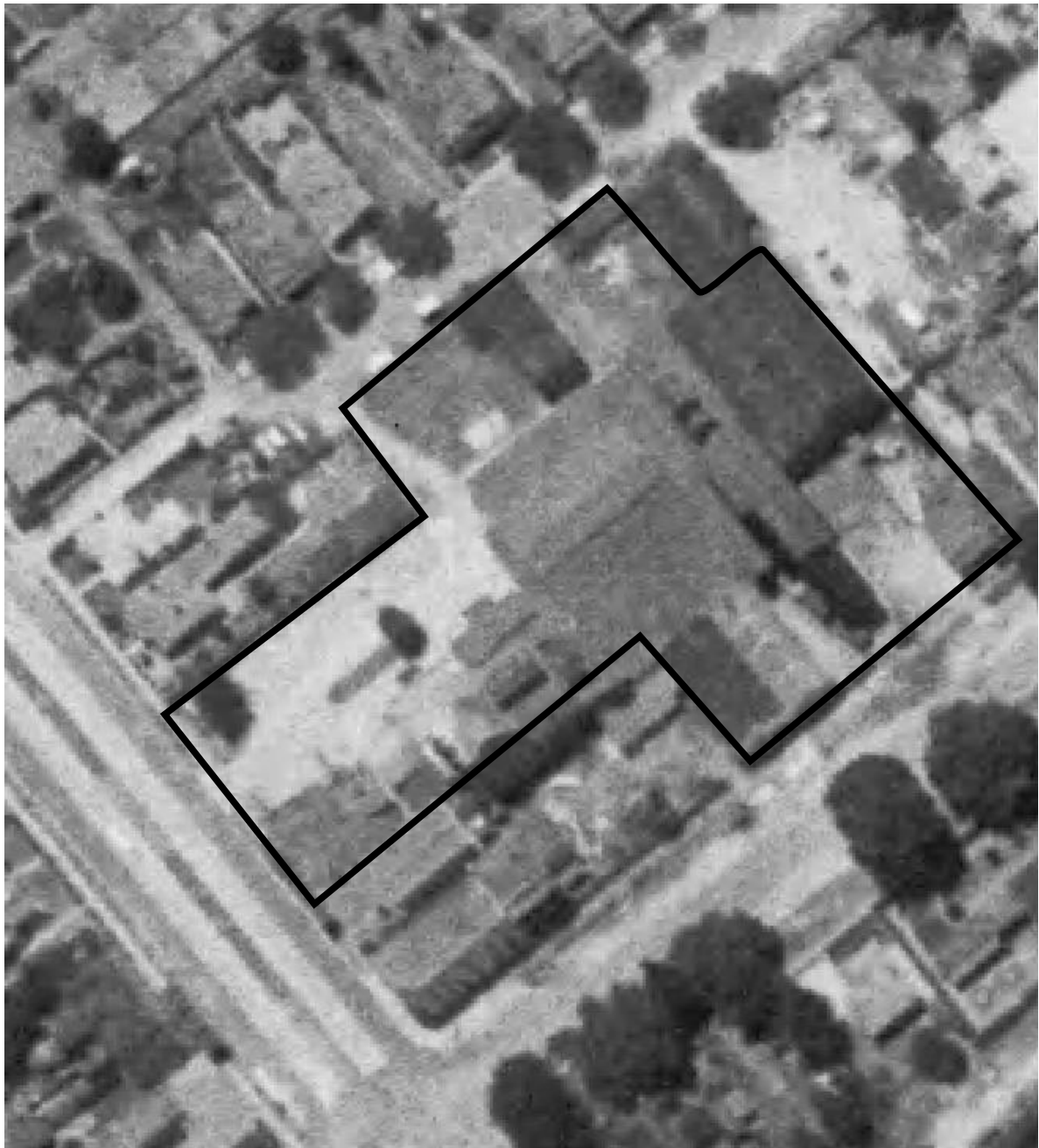



Figure 3. Aerial photograph 1954		
11 Keppel Street, Bathurst NSW		
	Envirowest Consulting Pty Ltd	
Job: R9144	Drawn by: GM	Date: 23/2/18





Figure 5. Aerial photograph 2006

11 Keppel Street, Bathurst NSW



Envirowest Consulting Pty Ltd

Job: R9144

Drawn by: GM

Date: 23/2/18



Figure 6. Sampling locations			
11 Keppel Street, Bathurst NSW			
Six Maps	Envirowest Consulting Pty Ltd		
Job: R9144c	Drawn by: GM	Date: 8/3/18	

Envirowest Consulting Pty Ltd R9144c

Figure 7. Photographs



State Library of NSW 1948



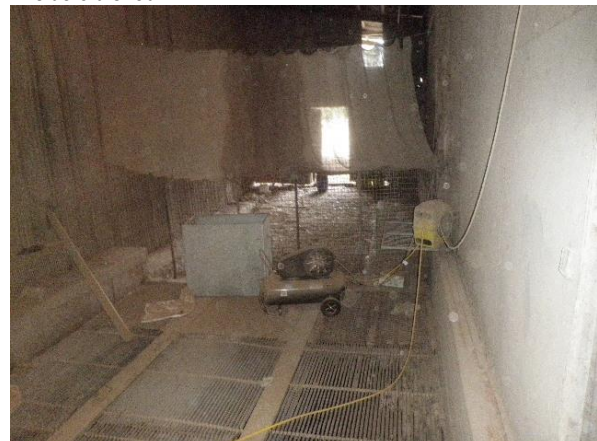
Inside old shed



Inside old shed



Feed storage area in the shed



Grain hopper



Inside old shed



Inside old shed



Bedwells hardware section of shed



Former railway line



Manilla Street parking area



Manilla Street parking area



Bathurst Batteries site



BBF industrial hardware/industrial supplies



Havannah Street



Former railway line from Havannah Street



Former railway line in shed



Feed storage area in the shed

Appendix 1. Sample analysis, quality assurance and quality control (QAQC) report**1. Data quality indicators (DQI) requirements****1.1 Completeness**

A measure of the amount of usable data for a data collection activity. Greater than 95% of the data must be reliable based on the quality objectives. Where greater than two quality objectives have less reliability than the acceptance criterion the data may be considered with uncertainty.

1.1.1 Field

Consideration	Requirement
Locations and depths to be sampled	Described in the sampling plan. The acceptance criterion is 95% data retrieved compared with proposed. Acceptance criterion is 100% in crucial areas.
SOP appropriate and compiled	Described in the sampling plan.
Experienced sampler	Sampler or supervisor
Documentation correct	Sampling log and chain of custody completed

1.1.2 Laboratory

Consideration	Requirement
Samples analysed	Number according to sampling and quality plan
Analytes	Number according to sampling and quality plan
Methods	EPA or other recognised methods with suitable PQL
Sample documentation	Complete including chain of custody and sample description
Sample holding times	Metals 6 months, OCP, PAH, TPH, PCB 14 days

1.2 Comparability

The confidence that data may be considered to be equivalent for each sampling and analytical event. The data must show little or no inconsistencies with results and field observations.

1.2.1 Field

Consideration	Requirement
SOP	Same sampling procedures to be used
Experienced sampler	Sampler or supervisor
Climatic conditions	Described as may influence results
Samples collected	Sample medium, size, preparation, storage, transport

1.2.2 Laboratory

Consideration	Requirement
Analytical methods	Same methods, approved methods
PQL	Same
Same laboratory	Justify if different
Same units	Justify if different

1.3 Representativeness

The confidence (expressed qualitatively) that data are representative of each media present on the site.

1.3.1 Field

Consideration	Requirement
Appropriate media sampled	Sampled according to sampling and quality plan or in accordance with the EPA (1995) sampling guidelines.
All media identified	Sampling media identified in the sampling and quality plan. Where surface water bodies on the site sampled.

1.3.2 Laboratory

Consideration	Requirement
Samples analysed	Blanks

1.4 Precision

A quantitative measure of the variability (or reproduced of the data). Is measured by standard deviation or relative percent difference (RPD). A RPD analysis is calculated and compared to the practical quantitation limit (PQL) or absolute difference AD.

- Levels greater than 10 times the PQL the RPD is 50%
- Levels between 5 and 10 times the PQL the RPD is 75%
- Levels between 2 and 5 times the PQL the RPD is 100%
- Levels less than 2 times the PQL, the AD is less than 2.5 times the PQL

Data not conforming to the acceptance criterion will be examined for determination of suitability for the purpose of site characterisation.

1.4.1 Field

Consideration	Requirement
Field duplicates	Frequency of 5%, results to be within RPD or discussion required indicate the appropriateness of SOP

1.4.2 Laboratory

Consideration	Requirement
Laboratory and inter lab duplicates	Frequency of 5%, results to be within RPD or discussion required. Inter laboratory duplicates will be one sample per batch.
Field duplicates	Frequency of 5%, results to be within RPD or discussion required
Laboratory prepared volatile trip spikes	One per sampling batch, results to be within RPD or discussion required

1.5 Accuracy

A quantitative measure of the closeness of the reported data to the true value.

1.5.1 Field

Consideration	Requirement
SOP	Complied
Inter laboratory duplicates	Frequency of 5%. Analysis criterion 60% RPD for levels greater than 10 times the PQL 85% RPD for levels between 5 to 10 times the PQL 100% RPD at levels between 2 to 5 times the PQL Absolute difference, 3.5 times the PQL where levels are, 2 times PQL

1.5.2 Laboratory

Recovery data (surrogates, laboratory control samples and matrix spikes) data subject to the following control limits:

- 60 to 140% acceptable data
- 20-60% discussion required, may be considered acceptable
- 10-20% data should considered as estimates
- 10% data should be rejected

Consideration	Requirement
Field blanks	Frequency of 5%, <5 times the PQL, PQL may be adjusted
Rinsate blanks	Frequency of 5%, <5 times the PQL, PQL may be adjusted
Method blanks	Frequency of 5%, <5 times the PQL, PQL may be adjusted
Matrix spikes	Frequency of 5%, results to be within +/-40% or discussion required
Matrix duplicates	Sample injected with a known concentration of contaminants with tested.
	Frequency of 5%, results to be within +/-40% or discussion required
Surrogate spikes	QC monitoring spikes to be added to samples at the extraction process in the laboratory where applicable. Surrogates are closely related to the organic target analyte and not normally found in the natural environment. Frequency of 5%, results to be within +/-40% or discussion required
Laboratory control samples	Externally prepared reference material containing representative analytes under investigation. These will be undertaken at one per batch. It is to be within +/-40% or discussion required
Laboratory prepared spikes	Frequency of 5%, results to be within +/-40% or discussion required

2. Laboratory analysis summary

One analysis batch was undertaken over the investigation program. Samples were collected on 30 January 2018. A total of 36 samples were submitted for analytical testing. The samples were collected in the field by an environmental scientist from Envirowest Consulting Pty Ltd, placed into laboratory prepared receptacles as recommended in NEPC (1999). The samples preservation and storage was undertaken using standard industry practices (NEPC 1999). A chain of custody form accompanied transport of the samples to the laboratory.

The samples were analysed at the laboratories of SGS, Alexandria, NSW which is National Association of Testing Authorities (NATA) accredited for the tests undertaken. The analyses undertaken, number of samples tested and methods are presented in the following tables:

Field duplicate frequency

Sample id.	Number of samples	Duplicate	Frequency (%)	Date collected	Substrate	Laboratory report
B1-100, B1-800, B2-100, B2-500, B3-100, B3-500, B4-100, B4-300, B4-700, B5-100, B5-1000, B6-100, B6-600, B7-100, B7-700, B8-100, B8-1000, B9-100, B9-600, B10-100, B10-2000, B11-100, B11-600, B12	23	2	9	22/2/18	Soil	SE1176020

Analytical methods		
Analyte	Extraction	Laboratory methods
Metals	USEPA 200.2 Mod	APHA USEPA SW846-6010
Chromium (III)	-	APHA 3500 CR-A&B & 3120 and USEPA SW846-3060A
Chromium (VI)	USEPA SW846-3060A	USEPA SW846-3060A
Mercury	USEPA 200.2 Mod	APHA 3112
TPH(C6-C9)	USPEA SW846-5030A	USPEA SW 846-8260B
TPH(C10-C36), PAH	Tumbler extraction of solids	USEPA SW 846-8270B
PCB	Tumbler extraction of solids	USEPA SW 846-8270B
OC Pesticides	Tumbler extraction of solids	USEPA SW 846-8270B
BTEX	Tumbler extraction of solids	USEPA SW 846-8260B

3. Field quality assurance and quality control

One intra laboratory duplicate sample was collected for the investigation. The frequency was within the recommended frequency of 5%. Table A5.1 outlines the samples collected and differences in replicate analyses. Relative differences were deemed to pass if they were within the acceptance limits of +/- 40% for replicate analyses or less than 5 times the detection limit.

Relative differences for intra laboratory duplicates

B1-100 and DA			B6-600 and DB	
	Relative difference (%)	Pass/Fail	Relative difference (%)	Pass/Fail
Arsenic	0	Pass	0	Pass
Cadmium	129	Pass	0	Pass
Chromium	62	Pass	20	Pass
Copper	66	Pass	18	Pass
Lead	0	Pass	9	Pass
Nickel	20	Pass	23	Pass
Zinc	122	Pass	20	Pass
Mercury	197	Pass	198	Pass
TRH (C6-C10)	0	Pass	0	Pass
TRH (C10-C40)	0	Pass	0	Pass
PAH	0	Pass	0	Pass

NA – relative difference unable to be calculated as results are less than laboratory detection limit, *Slight exceedances of the criteria expected due to homogeneity of samples

No trip blanks or spikes were submitted for analysis. This is not considered to create significant uncertainty in the analysis results because of the following rationale:

- The fieldwork was completed within a short time period and consistent methods were used for soil sampling.
- Soil samples were placed in insulated cooled containers after sampling to ensure preservation during transport and storage.

- The samples were placed in single use jars using clean sampling tools and disposable gloves from material not in contact with other samples. This reduces the likelihood of cross contamination.
- Samples in the analysis batch contain analytes below the level of detection. It is considered unlikely that contamination has occurred as a result of transport and handling.

4. Laboratory quality assurance and quality control

Sample holding times are recommended in NEPC (1999). The time between collection and extraction for all samples was less than the criteria listed below:

Analyte	Maximum holding time
Metals, cyanide	6 months
OCP, TPH, PCB, BTEX, PAH	14 days

The laboratory interpretative reports are presented with individual laboratory report. Assessment is made of holding time, frequency of control samples and quality control samples. No significant outliers exist for the sampling batches. The laboratory report also contains a Preliminary description of preparation methods and analytical methods.

The results, quality report, interpretative report and chain of custody are presented in the attached appendices. The quality report contains the laboratory duplicates, spikes, laboratory control samples, blanks and where appropriate matrix spike recovery (surrogate).

5. Data quality indicators (DQI) analysis

5.1 Completeness

A measure of the amount of usable data for a data collection activity (total to be greater than 95%).

The data set was found to be complete based on the scope of work. No critical areas of contamination were omitted from the data set.

5.1.1 Field

Consideration	Accepted	Comment
Locations to be sampled	Yes	In accordance with sampling methodology, described in the report. Sampling locations described in figures.
Depth to be sampled	Yes	In accordance with sampling methodology
SOP appropriate and compiled	Yes	In accordance with sampling methodology Sampled with stainless steel spade into lab prepared containers, decontamination between samples, latex gloves worn by sampler
Experienced sampler	Yes	Same soil sampler, environmental scientist
Documentation correct	Yes	Sampling log completed Chain of custody completed

5.1.2 Laboratory

Consideration	Accepted	Comment
Samples analysed	Yes	All critical samples analysed in accordance with chain of custody and analysis plan
Analytes	Yes	All analytes in accordance with chain of custody and analysis plan
Methods	Yes	Analysed in NATA accredited laboratory with recognised methods and suitable PQL
Sample documentation	Yes	Completed including chain of custody and sample results and quality results report for each batch

Sample holding times	Yes	Metals less than 6 months. OCP, TPH, PCB, BTEX less than 14 days
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5.2 Comparability

The confidence that data may be considered to be equivalent for each sampling and analytical event.

The data sets were found to be acceptable.

5.2.1 Field

Consideration	Accepted	Comment
SOP	Yes	Same sampling procedures used and sampled on one date
Experienced sampler	Yes	Experienced scientist
Climatic conditions	Yes	Described in field sampling log
Samples collected	Yes	Suitable size, storage and transport

5.2.2 Laboratory

Consideration	Accepted	Comment
Analytical methods	Yes	Same methods all samples, in accordance with NEPC(1999) or USEPA
PQL	Yes	Suitable for analytes
Same laboratory	Yes	SGS Laboratories is NATA accredited for the test
Same units	Yes	-

5.3 Representativeness

The confidence (expressed qualitatively) that data are representative of each media present on the site.

The data sets were found to be acceptable.

5.3.1 Field

Consideration	Accepted	Comment
Appropriate media sampled	Yes	Sampled according to sampling and quality plan
All media identified	Yes	Soil Sampling media identified in the sampling and quality plan

5.3.2 Laboratory

Consideration	Accepted	Comment
Samples analysed	Yes	Undertaken in NATA accredited laboratory. No blanks analysed. Samples in the analysis batch contain analytes below the level of detection. It is considered unlikely that contamination has occurred as a result of transport and handling.

5.4 Precision

A quantitative measure of the variability (or reproduced of the data). The data sets were found to be acceptable.

5.4.1 Field

Consideration	Accepted	Comment
SOP	Yes	Complied
Field duplicates	Yes	Collected.

5.4.2 Laboratory

Consideration	Accepted	Comment
Laboratory and inter lab duplicates	Yes	Frequency of 5%, results to be within +/-40% or discussion required
Field duplicates	Yes	Frequency of 5%, results to be within +/-40% or discussion required

Envirowest Consulting Pty Ltd R9144c

Laboratory prepared volatile trip NA Volatiles analytes were not analysed
spikes

5.5 Accuracy

A quantitative measure of the closeness of the reported data to the true value.

The data sets were found to be acceptable.

5.5.1 Field

Consideration	Accepted	Comment
SOP	Yes	Complied
Field blanks	NA	Frequency of 5%, <5 times the PQL, PQL may be adjusted
Rinsate blanks	NA	Frequency of 5%, <5 times the PQL, PQL may be adjusted

5.5.2 Laboratory

Consideration	Accepted	Comment
Method blanks	Yes	Frequency of 5%, <5 times the PQL, PQL may be adjusted
Matrix spikes	Yes	Frequency of 5%, results to be within +/-40% or discussion required.
Matrix duplicates	Yes	Frequency of 5%, results to be within +/-40% or discussion required
Surrogate spikes	Yes	Frequency of 5%, results to be within +/-40% or discussion required
Laboratory control samples	Yes	Frequency of 5%, results to be within +/-40% or discussion required
Laboratory prepared spikes	Yes	Frequency of 5%, results to be within +/-40% or discussion required

No trip blanks, field spikes or sample rinsates were submitted for analysis. This is not considered to create significant uncertainty in the analysis results because of the following rationale:

- The fieldwork methods used for soil sampling were consistent throughout the project with all in situ samples collected from material which had not been subject to exposure.
- The fieldwork was completed within a short time period and consistent methods were used for soil sampling.
- Soil samples were placed in insulated cooled containers as quickly as possible, with the containers filled to minimize headspace. The sample containers were sealed immediately after the sample was collected and chilled in an esky containing ice.
- The samples were stored in a refrigerator and transported with ice bricks to ensure preservation during transport and storage.
- The samples were placed in single use jars using clean sampling tools and disposable gloves from material not in contact with other samples. This reduces the likelihood of cross contamination.
- Samples in the analysis batches contained analytes below the level of detection. It is considered unlikely that contamination has occurred as a result of transport and handling.

6. Conclusion

All media appropriate to the objectives of this investigation have been adequately analysed and no area of significant uncertainty exist. It is concluded the data is usable for the purposes of the investigation.

Appendix 2. Sampling log

Sampling log

Client	CWPM
Contact	Steve Ralph
Job number	9144
Location	11 Keppel Street Bathurst NSW
Date	22 February 2018
Investigator(s)	Greg Madafiglio
Weather conditions	Hot, sunny

Sample ID	Matrix	Time	Analysis required	Comments
B1-100	Soil	22/2/18	Arsenic (As), cadmium (Ca), chromium (Cr), copper (Cu), lead (Pb), nickel (Ni), zinc (Zn), mercury (Hg), organochlorine pesticides (OCP), total recoverable hydrocarbons (TRHC6-C40), benzene, ethylbenzene, toluene, xylene, naphthalene (BETXN) and polycyclic aromatic hydrocarbon (PAH)	Duplicate DA
B1-800	Soil	22/2/18	As, Ca, Cr, Cu, Pb, Ni, Zn, Hg, TRH, BETXN and PAH	
B2-100	Soil	22/2/18	As, Ca, Cr, Cu, Pb, Ni, Zn, Hg, TRH, BETXN and PAH	
B2-500	Soil	22/2/18	As, Ca, Cr, Cu, Pb, Ni, Zn, Hg, TRH, BETXN and PAH	
B3-100	Soil	22/2/18	As, Ca, Cr, Cu, Pb, Ni, Zn, Hg, TRH, BETXN and PAH	
B3-500	Soil	22/2/18	As, Ca, Cr, Cu, Pb, Ni, Zn, Hg, TRH, BETXN and PAH	
B4-100	Soil	22/2/18	As, Ca, Cr, Cu, Pb, Ni, Zn, Hg, TRH, BETXN and PAH	
B4-700	Soil	22/2/18	As, Ca, Cr, Cu, Pb, Ni, Zn, Hg, TRH, BETXN and PAH	
B5-100	Soil	22/2/18	As, Ca, Cr, Cu, Pb, Ni, Zn, Hg, TRH, BETXN and PAH	
B5-1000	Soil	22/2/18	As, Ca, Cr, Cu, Pb, Ni, Zn, Hg, TRH, BETXN and PAH	
B6-100	Soil	22/2/18	As, Ca, Cr, Cu, Pb, Ni, Zn, Hg, TRH, BETXN and PAH	
B6-600	Soil	22/2/18	As, Ca, Cr, Cu, Pb, Ni, Zn, Hg, TRH, BETXN and PAH	
B7-100	Soil	22/2/18	As, Ca, Cr, Cu, Pb, Ni, Zn, Hg, TRH, BETXN and PAH	
B7-700	Soil	22/2/18	As, Ca, Cr, Cu, Pb, Ni, Zn, Hg, TRH, BETXN and PAH	Duplicate DB
B8-100	Soil	22/2/18	As, Ca, Cr, Cu, Pb, Ni, Zn, Hg, TRH, BETXN and PAH	
B8-1000	Soil	22/2/18	As, Ca, Cr, Cu, Pb, Ni, Zn, Hg, TRH, BETXN and PAH	
B9-100	Soil	22/2/18	As, Ca, Cr, Cu, Pb, Ni, Zn, Hg, TRH, BETXN and PAH	
B9-600	Soil	22/2/18	As, Ca, Cr, Cu, Pb, Ni, Zn, Hg, TRH, BETXN and PAH	
B10-100	Soil	22/2/18	As, Ca, Cr, Cu, Pb, Ni, Zn, Hg, TRH, BETXN and PAH	
B10-2000	Soil	22/2/18	As, Ca, Cr, Cu, Pb, Ni, Zn, Hg, TRH, BETXN and PAH	
B11-100	Soil	22/2/18	As, Ca, Cr, Cu, Pb, Ni, Zn, Hg, TRH, BETXN and PAH	
B11-600	Soil	22/2/18	As, Ca, Cr, Cu, Pb, Ni, Zn, Hg, TRH, BETXN and PAH	
B12	Soil	22/2/18	As, Ca, Cr, Cu, Pb, Ni, Zn, Hg, TRH, BETXN and PAH	








Appendix 3. Borelogs

Engineering Log - Borehole

Project No.: 9144

Client: CWPM		Commenced: 22/02/2018	
Project Name: Tremain Flour Mill		Completed: 22/02/2018	
Hole Location: 11 Keppel Street Bathurst		Logged By: GM	
Hole Position: Mill building near lift well		Checked By: AR	
Drill Model and Mounting: GEOPROBE 6610DT		Inclination: -90°	
Hole Diameter: 100 mm		RL Surface: No survey	
		Bearing: Datum: AHD Operator: MA	

Drilling Information				Soil Description						Observations					
Method	Penetration	Support	Water	Samples Tests Remarks	Recovery	RL (m)	Depth (m)	Graphic Log	Group Symbol	Material Description Fraction, Colour, Structure, Bedding, Plasticity, Sensitivity, Additional	Moisture Condition	Consistency	Relative Density	Pocket Penetrometer UCS (kPa)	Structure and Additional Observations
AD/T				B1-100 0.20 m					SP	Soil strata other minor compoenets. FILL, ash, sand and fine gravel, brown/grey	D			100	0.00: River gravel in concrete 0.10: No odour in ash
				B1-800 0.80 m						M (=LL)	S		200		
				B1-2000 2.00 m						M (=LL)	St		300		
							3			Hole Terminated at 3.00 m remart					
							4								
							5								
							6								
							7								

Method AS - Auger Screwing RR - Rock Roller WB - Washbore	Penetration  No resistance ranging to refusal	Water  Level (Date)  Inflow  Partial Loss  Complete Loss	Samples and Tests U - Undisturbed Sample D - Disturbed Sample SPT - Standard Penetration Test	Moisture Condition D - Dry M - Moist W - Wet	Consistency/Relative Density VS - Very Soft S - Soft F - Firm VSt - Very Stiff H - Hard Fr - Friable VL - Very Loose L - Loose MD - Medium Dense D - Dense VD - Very Dense
Support C - Casing	Graphic Log/Core Loss  Core recovered (hatching indicates material)  Core loss	Classification Symbols and Soil Descriptions Based on Unified Soil Classification System	Plastic Limit < PL = PL > PL		








Engineering Log - Borehole

Project No.: 9144

Client: CWPM		Commenced: 22/02/2018	
Project Name: Tremain Flour Mill		Completed: 22/02/2018	
Hole Location: 11 Keppel Street Bathurst		Logged By: GM	
Hole Position: Car park Keppel St		Checked By: AR	

Drill Model and Mounting: GEOPROBE 6610DT	Inclination: -90°	RL Surface: No survey
Hole Diameter: 100 mm	Bearing:	Datum: AHD Operator: MA

Drilling Information				Soil Description						Observations												
Method	Penetration	Support	Water	Samples Tests Remarks	Recovery	RL (m)	Depth (m)	Graphic Log	Group Symbol	Material Description Fraction, Colour, Structure, Bedding, Plasticity, Sensitivity, Additional	Moisture Condition	Consistency	Relative Density	Pocket Penetrometer UCS (kPa)	Structure and Additional Observations							
AD/T	2-100 0.10 m	2-500 0.50 m	2-2000 2.00 m				1	SC	FILL, Clayey sand, brown	M (<PL)	F	St	100 200 300 400 500		0.00: With red brick fragments							
															2	CL	FILL, Sandy clay, brown	M (<PL)	F			0.60: Trace red brick fragments
																						3
															Hole Terminated at 3.00 m							
							4															
							5															
							6															
							7															

Method AS - Auger Screwing RR - Rock Roller WB - Washbore	Penetration  No resistance ranging to refusal	Water  Level (Date)  Inflow  Partial Loss  Complete Loss	Samples and Tests U - Undisturbed Sample D - Disturbed Sample SPT - Standard Penetration Test	Moisture Condition D - Dry M - Moist W - Wet Plastic Limit < PL = PL < PL	Consistency/Relative Density VS - Very Soft S - Soft F - Firm VSt - Very Stiff H - Hard Fr - Friable VL - Very Loose L - Loose MD - Medium Dense D - Dense VD - Very Dense
Support C - Casing	Graphic Log/Core Loss  Core recovered (hatching indicates material)  Core loss	Classification Symbols and Soil Descriptions Based on Unified Soil Classification System			








Engineering Log - Borehole

Project No.: 9144

Client: CWPM		Commenced: 22/02/2018	
Project Name: Tremain Flour Mill		Completed: 22/02/2018	
Hole Location: 11 Keppel Street Bathurst		Logged By: GM	
Hole Position: Car park Keppel St		Checked By: AR	

Drill Model and Mounting: GEOPROBE 6610DT		Inclination: -90°	RL Surface: No survey
Hole Diameter: 100 mm		Bearing:	Datum: AHD Operator: MA

Drilling Information				Soil Description						Observations					
Method	Penetration	Support	Water	Samples Tests Remarks	Recovery	RL (m)	Depth (m)	Graphic Log	Group Symbol	Material Description Fraction, Colour, Structure, Bedding, Plasticity, Sensitivity, Additional	Moisture Condition	Consistency	Relative Density	Pocket Penetrometer UCS (kPa)	Structure and Additional Observations
AD/T				3-300 0.10 m					CL	Concrete				100	0.15: With red brock fragments
				3-500 0.50 m			1		CL	FILL, Sandy clay, brown	M (<LL)	S		200	
														300	
				3-2000 2.00 m			2			Sandy clay, yellow brown	M (=PL)	F		400	
							3			Hole Terminated at 3.00 m				500	
							4								
							5								
							6								
							7								



Method AS - Auger Screwing RR - Rock Roller WB - Washbore		Penetration  No resistance ranging to refusal		Water  Level (Date)  Inflow  Partial Loss  Complete Loss		Samples and Tests U - Undisturbed Sample D - Disturbed Sample SPT - Standard Penetration Test		Moisture Condition D - Dry M - Moist W - Wet		Consistency/Relative Density VS - Very Soft S - Soft F - Firm VSt - Very Stiff H - Hard Fr - Friable VL - Very Loose L - Loose MD - Medium Dense D - Dense VD - Very Dense	
Support C - Casing		Graphic Log/Core Loss  Core recovered (hatching indicates material)  Core loss		Classification Symbols and Soil Descriptions Based on Unified Soil Classification System		Plastic Limit < PL = PL > PL					








Engineering Log - Borehole

Project No.: 9144

Client: CWPM		Commenced: 22/02/2018	
Project Name: Tremain Flour Mill		Completed: 22/02/2018	
Hole Location: 11 Keppel Street Bathurst		Logged By: GM	
Hole Position: Old building near office		Checked By: AR	

Drill Model and Mounting: GEOPROBE 6610DT		Inclination: -90°	RL Surface: No survey
Hole Diameter: 100 mm		Bearing:	Datum: AHD Operator: MA

Drilling Information				Soil Description						Observations					
Method	Penetration	Support	Water	Samples Tests Remarks	Recovery	RL (m)	Depth (m)	Graphic Log	Group Symbol	Material Description Fraction, Colour, Structure, Bedding, Plasticity, Sensitivity, Additional	Moisture Condition	Consistency	Relative Density	Pocket Penetrometer UCS (kPa)	Structure and Additional Observations
AD/T				4-100 0.10 m					GP	Concrete				100	0.00: Containing crushed blue metal, concrete depth near post 150mm same as slab 0.15: Containing grey ash
				4-600 0.60 m											
				4-2000 2.00 m											
							3			Hole Terminated at 3.00 m					
							4								
							5								
							6								
							7								

Method AS - Auger Screwing RR - Rock Roller WB - Washbore	Penetration  No resistance ranging to refusal	Water  Level (Date)  Inflow  Partial Loss  Complete Loss	Samples and Tests U - Undisturbed Sample D - Disturbed Sample SPT - Standard Penetration Test	Moisture Condition D - Dry M - Moist W - Wet	Consistency/Relative Density VS - Very Soft S - Soft F - Firm VSt - Very Stiff H - Hard Fr - Friable VL - Very Loose L - Loose MD - Medium Dense D - Dense VD - Very Dense
Support C - Casing	Graphic Log/Core Loss  Core recovered (hatching indicates material)  Core loss	Classification Symbols and Soil Descriptions Based on Unified Soil Classification System	Plastic Limit < PL = PL > PL		








Engineering Log - Borehole

Project No.: 9144

Client: CWPM		Commenced: 22/02/2018	
Project Name: Tremain Flour Mill		Completed: 22/02/2018	
Hole Location: 11 Keppel Street Bathurst		Logged By: GM	
Hole Position: Old building near office		Checked By: AR	

Drill Model and Mounting: GEOPROBE 6610DT		Inclination: -90°	RL Surface: No survey
Hole Diameter: 100 mm		Bearing:	Datum: AHD Operator: MA

Drilling Information				Soil Description						Observations					
Method	Penetration	Support	Water	Samples Tests Remarks	Recovery	RL (m)	Depth (m)	Graphic Log	Group Symbol	Material Description Fraction, Colour, Structure, Bedding, Plasticity, Sensitivity, Additional	Moisture Condition	Consistency	Relative Density	Pocket Penetrometer UCS (kPa)	Structure and Additional Observations
AD/T				5-100 0.10 m					SP	Concrete				100	0.00: Concrete also 100mm at bse of post, concrete contains river gravel
				5-1000 1.00 m			1			FILL, clayey sand, brown/grey, coarse sand	M	S		200	0.10: Ash, small piece of lead sheet at 500mm
				5-2000 2.00 m			2		CL	Sandy clay, brown, coarse sand	M	St		300	
							3			Hole Terminated at 3.00 m				400	
							4							500	
							5								
							6								
							7								

Method AS - Auger Screwing RR - Rock Roller WB - Washbore	Penetration  No resistance ranging to refusal	Water  Level (Date)  Inflow  Partial Loss  Complete Loss	Samples and Tests U - Undisturbed Sample D - Disturbed Sample SPT - Standard Penetration Test	Moisture Condition D - Dry M - Moist W - Wet	Consistency/Relative Density VS - Very Soft S - Soft F - Firm VSt - Very Stiff H - Hard Fr - Friable VL - Very Loose L - Loose MD - Medium Dense D - Dense VD - Very Dense
Support C - Casing	Graphic Log/Core Loss  Core recovered (hatching indicates material)  Core loss	Classification Symbols and Soil Descriptions Based on Unified Soil Classification System	Plastic Limit < PL = PL > PL		








Engineering Log - Borehole

Project No.: 9144

Client: CWPM		Commenced: 22/02/2018	
Project Name: Tremain Flour Mill		Completed: 22/02/2018	
Hole Location: 11 Keppel Street Bathurst		Logged By: GM	
Hole Position: East of concrete silos		Checked By: AR	

Drill Model and Mounting: GEOPROBE 6610DT		Inclination: -90°	RL Surface: No survey
Hole Diameter: 100 mm		Bearing:	Datum: AHD Operator: MA

Drilling Information				Soil Description						Observations					
Method	Penetration	Support	Water	Samples Tests Remarks	Recovery	RL (m)	Depth (m)	Graphic Log	Group Symbol	Material Description Fraction, Colour, Structure, Bedding, Plasticity, Sensitivity, Additional	Moisture Condition	Consistency	Relative Density	Pocket Penetrometer UCS (kPa)	Structure and Additional Observations
AD/T				6-100 0.10 m					GP	Gravel/ash fill, grey		F			1.50: Calcite nodules
				6-500 0.50 m				CL	Sandy clay brown		M	St			
				6-2000 2.00 m				CL	Sandy clay, yellow brown, coarse sand		M	St			
							3			Hole Terminated at 3.00 m					
							4								
							5								
							6								
							7								








Method AS - Auger Screwing RR - Rock Roller WB - Washbore	Penetration  No resistance ranging to refusal	Water  Level (Date)  Inflow  Partial Loss  Complete Loss	Samples and Tests U - Undisturbed Sample D - Disturbed Sample SPT - Standard Penetration Test	Moisture Condition D - Dry M - Moist W - Wet	Consistency/Relative Density VS - Very Soft S - Soft F - Firm VSt - Very Stiff H - Hard Fr - Friable VL - Very Loose L - Loose MD - Medium Dense D - Dense VD - Very Dense
Support C - Casing	Graphic Log/Core Loss  Core recovered (hatching indicates material)  Core loss	Classification Symbols and Soil Descriptions Based on Unified Soil Classification System	Plastic Limit < PL = PL > PL		

Engineering Log - Borehole

Project No.: 9144

Client: CWPM		Commenced: 22/02/2018	
Project Name: Tremain Flour Mill		Completed: 22/02/2018	
Hole Location: 11 Keppel Street Bathurst		Logged By: GM	
Hole Position: Concrete silo near lift well		Checked By: AR	
Drill Model and Mounting: GEOPROBE 6610DT		Inclination: -90°	
Hole Diameter: 100 mm		RL Surface: No survey	
		Datum: AHD Operator: MA	

Drilling Information				Soil Description						Observations					
Method	Penetration	Support	Water	Samples Tests Remarks	Recovery	RL (m)	Depth (m)	Graphic Log	Group Symbol	Material Description Fraction, Colour, Structure, Bedding, Plasticity, Sensitivity, Additional	Moisture Condition	Consistency	Relative Density	Pocket Penetrometer UCS (kPa)	Structure and Additional Observations
AD/T				7-100 0.10 m					SP	Ash, grey	D	S			0.00: Old footing with red brick
				7-600 0.60 m			1		CL	Sandy clay, brown	M	F			
				7-2000 2.00 m			2		CL	Sandy clay, brown	M	St			
							3			Hole Terminated at 3.00 m					
							4								
							5								
							6								
							7								








Method AS - Auger Screwing RR - Rock Roller WB - Washbore	Penetration  No resistance ranging to refusal	Water  Level (Date)  Inflow  Partial Loss  Complete Loss	Samples and Tests U - Undisturbed Sample D - Disturbed Sample SPT - Standard Penetration Test	Moisture Condition D - Dry M - Moist W - Wet	Consistency/Relative Density VS - Very Soft S - Soft F - Firm VSt - Very Stiff H - Hard Fr - Friable VL - Very Loose L - Loose MD - Medium Dense D - Dense VD - Very Dense
Support C - Casing	Graphic Log/Core Loss  Core recovered (hatching indicates material)  Core loss	Classification Symbols and Soil Descriptions Based on Unified Soil Classification System	Plastic Limit < PL = PL > PL		

Engineering Log - Borehole

Project No.: 9144

Client: CWPM		Commenced: 22/02/2018	
Project Name: Tremain Flour Mill		Completed: 22/02/2018	
Hole Location: 11 Keppel Street Bathurst		Logged By: GM	
Hole Position: Near grain dump and railway		Checked By: AR	
Drill Model and Mounting: GEOPROBE 6610DT		Inclination: -90°	
Hole Diameter: 100 mm		RL Surface: No survey	
		Bearing: Datum: AHD Operator: MA	

Drilling Information				Soil Description						Observations					
Method	Penetration	Support	Water	Samples Tests Remarks	Recovery	RL (m)	Depth (m)	Graphic Log	Group Symbol	Material Description Fraction, Colour, Structure, Bedding, Plasticity, Sensitivity, Additional	Moisture Condition	Consistency	Relative Density	Pocket Penetrometer UCS (kPa)	Structure and Additional Observations
AD/T				8-100 0.10 m					GP	Sandy gravel, brown, grey	D	St			0.00: Trace ash
				8-1000 1.00 m		1		CL	FILL, sandy clay, red with fine gravel	M	St				
							CH	Clay with sand, brown, red mottles	M	St					
				8-2000 2.00 m		2		CL	Gravelly clay with sand, angular gravel	M	St				
							3			Hole Terminated at 3.00 m					
							4								
							5								
							6								
							7								




Method AS - Auger Screwing RR - Rock Roller WB - Washbore	Penetration  No resistance ranging to refusal	Water  Level (Date)  Inflow  Partial Loss  Complete Loss	Samples and Tests U - Undisturbed Sample D - Disturbed Sample SPT - Standard Penetration Test	Moisture Condition D - Dry M - Moist W - Wet	Consistency/Relative Density VS - Very Soft S - Soft F - Firm VSt - Very Stiff H - Hard Fr - Friable VL - Very Loose L - Loose MD - Medium Dense D - Dense VD - Very Dense
Support C - Casing	Graphic Log/Core Loss  Core recovered (hatching indicates material)  Core loss	Classification Symbols and Soil Descriptions Based on Unified Soil Classification System	Plastic Limit < PL = PL > PL		








Engineering Log - Borehole

Project No.: 9144

Client: CWPM				Commenced: 22/02/2018			
Project Name: Tremain Flour Mill				Completed: 22/02/2018			
Hole Location: 11 Keppel Street Bathurst				Logged By: GM			
Hole Position: Car park Manilla St				Checked By: AR			

Drill Model and Mounting: GEOPROBE 6610DT		Inclination: -90°		RL Surface: No survey	
Hole Diameter: 100 mm		Bearing:		Datum: AHD Operator: MA	

Drilling Information				Soil Description						Observations					
Method	Penetration	Support	Water	Samples Tests Remarks	Recovery	RL (m)	Depth (m)	Graphic Log	Group Symbol	Material Description Fraction, Colour, Structure, Bedding, Plasticity, Sensitivity, Additional	Moisture Condition	Consistency	Relative Density	Pocket Penetrometer UCS (kPa)	Structure and Additional Observations
ADT				9-100 0.10 m					SM	Silty sand, brown	M	St			0.00: Gravel on surface, trace red brick, ash
				9-600 0.60 m				CL	Sandy clay brown	M	F				
							1			Hole Terminated at 1.50 m					
							2								
							3								
							4								
							5								
							6								
							7								

Method AS - Auger Screwing RR - Rock Roller WB - Washbore		Penetration  No resistance ranging to refusal		Water  Level (Date)  Inflow  Partial Loss  Complete Loss		Samples and Tests U - Undisturbed Sample D - Disturbed Sample SPT - Standard Penetration Test		Moisture Condition D - Dry M - Moist W - Wet		Consistency/Relative Density VS - Very Soft S - Soft F - Firm VSt - Very Stiff H - Hard Fr - Friable VL - Very Loose L - Loose MD - Medium Dense D - Dense VD - Very Dense	
Support C - Casing		Graphic Log/Core Loss  Core recovered (hatching indicates material)  Core loss		Classification Symbols and Soil Descriptions Based on Unified Soil Classification System		Plastic Limit < PL = PL < PL					








Engineering Log - Borehole

Project No.: 9144

Client: CWPM		Commenced: 22/02/2018	
Project Name: Tremain Flour Mill		Completed: 22/02/2018	
Hole Location: 11 Keppel Street Bathurst		Logged By: GM	
Hole Position: Northern shed		Checked By: AR	

Drill Model and Mounting: GEOPROBE 6610DT		Inclination: -90°	RL Surface: No survey
Hole Diameter:		Bearing:	Datum: AHD Operator: MA

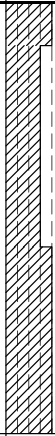

Drilling Information				Soil Description				Observations							
Method	Penetration	Support	Water	Samples Tests Remarks	Recovery	RL (m)	Depth (m)	Graphic Log	Group Symbol	Material Description Fraction, Colour, Structure, Bedding, Plasticity, Sensitivity, Additional	Moisture Condition	Consistency	Relative Density	Pocket Penetrometer UCS (kPa)	Structure and Additional Observations
AD/T				10-100 0.10 m					GP	Concrete	M	F			
				10-2000 2.00 m			1		GP	Crushed basalt fines <2mm dia					
							2			Crushed basalt fines, void, few cutting extracted	M	VS			
							3			Hole Terminated at 3.00 m					
							4								
							5								
							6								
							7								








Method AS - Auger Screwing RR - Rock Roller WB - Washbore	Penetration  No resistance ranging to refusal	Water  Level (Date)  Inflow  Partial Loss  Complete Loss	Samples and Tests U - Undisturbed Sample D - Disturbed Sample SPT - Standard Penetration Test	Moisture Condition D - Dry M - Moist W - Wet	Consistency/Relative Density VS - Very Soft S - Soft F - Firm VSt - Very Stiff H - Hard Fr - Friable VL - Very Loose L - Loose MD - Medium Dense D - Dense VD - Very Dense
Support C - Casing	Graphic Log/Core Loss  Core recovered (hatching indicates material)  Core loss	Classification Symbols and Soil Descriptions Based on Unified Soil Classification System	Plastic Limit < PL = PL > PL		

Engineering Log - Borehole

Project No.: 9144

Client: CWPM		Commenced: 22/02/2018	
Project Name: Tremain Flour Mill		Completed: 22/02/2018	
Hole Location: 11 Keppel Street Bathurst		Logged By: GM	
Hole Position: Car park Keppel St		Checked By: AR	
Drill Model and Mounting: GEOPROBE 6610DT		Inclination: -90°	
Hole Diameter: 100 mm		RL Surface: No survey	
		Datum: AHD Operator: MA	

Drilling Information				Soil Description						Observations					
Method	Penetration	Support	Water	Samples Tests Remarks	Recovery	RL (m)	Depth (m)	Graphic Log	Group Symbol	Material Description Fraction, Colour, Structure, Bedding, Plasticity, Sensitivity, Additional	Moisture Condition	Consistency	Relative Density	Pocket Penetrometer UCS (kPa)	Structure and Additional Observations
AD/T				11-100 0.10 m					GP	sandy gravel, dark grey, roadbase	D	St		100	0.00: Gravel on surface, ash and red brick
				11-600 0.60 m					CL	Sandy clay, dark brown	M	F			
									CL	Sandy clay, yellow brown	M	St			1.70: Trace calcite
							3			Hole Terminated at 3.00 m					
							4								
							5								
							6								
							7								








Method AS - Auger Screwing RR - Rock Roller WB - Washbore	Penetration  No resistance ranging to refusal	Water  Level (Date)  Inflow  Partial Loss  Complete Loss	Samples and Tests U - Undisturbed Sample D - Disturbed Sample SPT - Standard Penetration Test	Moisture Condition D - Dry M - Moist W - Wet	Consistency/Relative Density VS - Very Soft S - Soft F - Firm VSt - Very Stiff H - Hard Fr - Friable VL - Very Loose L - Loose MD - Medium Dense D - Dense VD - Very Dense
Support C - Casing	Graphic Log/Core Loss  Core recovered (hatching indicates material)  Core loss	Classification Symbols and Soil Descriptions Based on Unified Soil Classification System	Plastic Limit < PL = PL > PL		

Engineering Log - Borehole

Project No.: 9144

Client: CWPM		Commenced: 22/02/2018	
Project Name: Tremain Flour Mill		Completed: 22/02/2018	
Hole Location: 11 Keppel Street Bathurst		Logged By: GM	
Hole Position: Railway Manilla St		Checked By: AR	
Drill Model and Mounting: GEOPROBE 6610DT		Inclination: -90°	
Hole Diameter: 100 mm		RL Surface: No survey	
		Bearing: Datum: AHD Operator: MA	

Drilling Information				Soil Description				Observations							
Method	Penetration	Support	Water	Samples Tests Remarks	Recovery	RL (m)	Depth (m)	Graphic Log	Group Symbol	Material Description Fraction, Colour, Structure, Bedding, Plasticity, Sensitivity, Additional	Moisture Condition	Consistency	Relative Density	Pocket Penetrometer UCS (kPa)	Structure and Additional Observations
AD/T				12-100 0.10 m					GP	Crushed granite, fine gravel with clay yellow brown Hole Terminated at 0.20 m	D	St			
							1								
							2								
							3								
							4								
							5								
							6								
							7								

Method AS - Auger Screwing RR - Rock Roller WB - Washbore	Penetration  No resistance ranging to refusal	Water  Level (Date)  Inflow  Partial Loss  Complete Loss	Samples and Tests U - Undisturbed Sample D - Disturbed Sample SPT - Standard Penetration Test	Moisture Condition D - Dry M - Moist W - Wet Plastic Limit < PL = PL < PL	Consistency/Relative Density VS - Very Soft S - Soft F - Firm VSt - Very Stiff H - Hard Fr - Friable VL - Very Loose L - Loose MD - Medium Dense D - Dense VD - Very Dense
Support C - Casing	Graphic Log/Core Loss  Core recovered (hatching indicates material)  Core loss	Classification Symbols and Soil Descriptions Based on Unified Soil Classification System			



ANALYTICAL REPORT



Accreditation No. 2562

CLIENT DETAILS

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 ORANGE NSW 2800

Telephone 61 2 63614954
 Facsimile (Not specified)
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Project **9144**
 Order Number (Not specified)
 Samples 25

LABORATORY DETAILS

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SGS Reference **SE176020 R0**
 Date Received 27/2/2018
 Date Reported 6/3/2018

COMMENTS

Accredited for compliance with ISO/IEC 17025 - Testing. NATA accredited laboratory 2562(4354).

SIGNATORIES

Akheeque Beniamen
 Chemist

Kamrul Ahsan
 Senior Chemist

Ly Kim Ha
 Organic Section Head



ANALYTICAL RESULTS

SE176020 R0

VOC's in Soil [AN433] Tested: 1/3/2018

PARAMETER	UOM	LOR	B1-100	B1-800	B2-100	B2-500	B3-100
			SOIL	SOIL	SOIL	SOIL	SOIL
			22/2/2018 SE176020.001	22/2/2018 SE176020.002	22/2/2018 SE176020.003	22/2/2018 SE176020.004	22/2/2018 SE176020.005
Benzene	mg/kg	0.1	<0.1	<0.1	<0.1	<0.1	<0.1
Toluene	mg/kg	0.1	<0.1	<0.1	<0.1	<0.1	<0.1
Ethylbenzene	mg/kg	0.1	<0.1	<0.1	<0.1	<0.1	<0.1
m/p-xylene	mg/kg	0.2	<0.2	<0.2	<0.2	<0.2	<0.2
o-xylene	mg/kg	0.1	<0.1	<0.1	<0.1	<0.1	<0.1
Total Xylenes	mg/kg	0.3	<0.3	<0.3	<0.3	<0.3	<0.3
Total BTEX	mg/kg	0.6	<0.6	<0.6	<0.6	<0.6	<0.6
Naphthalene	mg/kg	0.1	<0.1	<0.1	<0.1	<0.1	<0.1

PARAMETER	UOM	LOR	B3-500	B4-300	B4-700	B5-100	B5-1000
			SOIL	SOIL	SOIL	SOIL	SOIL
			22/2/2018 SE176020.006	22/2/2018 SE176020.007	22/2/2018 SE176020.008	22/2/2018 SE176020.009	22/2/2018 SE176020.010
Benzene	mg/kg	0.1	<0.1	<0.1	<0.1	<0.1	<0.1
Toluene	mg/kg	0.1	<0.1	<0.1	<0.1	<0.1	<0.1
Ethylbenzene	mg/kg	0.1	<0.1	<0.1	<0.1	<0.1	<0.1
m/p-xylene	mg/kg	0.2	<0.2	<0.2	<0.2	<0.2	<0.2
o-xylene	mg/kg	0.1	<0.1	<0.1	<0.1	<0.1	<0.1
Total Xylenes	mg/kg	0.3	<0.3	<0.3	<0.3	<0.3	<0.3
Total BTEX	mg/kg	0.6	<0.6	<0.6	<0.6	<0.6	<0.6
Naphthalene	mg/kg	0.1	<0.1	<0.1	<0.1	<0.1	<0.1

PARAMETER	UOM	LOR	B6-100	B6-600	B7-100	B7-700	B8-100
			SOIL	SOIL	SOIL	SOIL	SOIL
			22/2/2018 SE176020.011	22/2/2018 SE176020.012	22/2/2018 SE176020.013	22/2/2018 SE176020.014	22/2/2018 SE176020.015
Benzene	mg/kg	0.1	<0.1	<0.1	<0.1	<0.1	<0.1
Toluene	mg/kg	0.1	<0.1	<0.1	<0.1	<0.1	<0.1
Ethylbenzene	mg/kg	0.1	<0.1	<0.1	<0.1	<0.1	<0.1
m/p-xylene	mg/kg	0.2	<0.2	<0.2	<0.2	<0.2	<0.2
o-xylene	mg/kg	0.1	<0.1	<0.1	<0.1	<0.1	<0.1
Total Xylenes	mg/kg	0.3	<0.3	<0.3	<0.3	<0.3	<0.3
Total BTEX	mg/kg	0.6	<0.6	<0.6	<0.6	<0.6	<0.6
Naphthalene	mg/kg	0.1	<0.1	<0.1	<0.1	<0.1	<0.1

PARAMETER	UOM	LOR	B8-1000	B9-100	B9-600	B10-100	B10-2000
			SOIL	SOIL	SOIL	SOIL	SOIL
			22/2/2018 SE176020.016	22/2/2018 SE176020.017	22/2/2018 SE176020.018	22/2/2018 SE176020.019	22/2/2018 SE176020.020
Benzene	mg/kg	0.1	<0.1	<0.1	<0.1	<0.1	<0.1
Toluene	mg/kg	0.1	<0.1	<0.1	<0.1	<0.1	<0.1
Ethylbenzene	mg/kg	0.1	<0.1	<0.1	<0.1	<0.1	<0.1
m/p-xylene	mg/kg	0.2	<0.2	<0.2	<0.2	<0.2	<0.2
o-xylene	mg/kg	0.1	<0.1	<0.1	<0.1	<0.1	<0.1
Total Xylenes	mg/kg	0.3	<0.3	<0.3	<0.3	<0.3	<0.3
Total BTEX	mg/kg	0.6	<0.6	<0.6	<0.6	<0.6	<0.6
Naphthalene	mg/kg	0.1	<0.1	<0.1	<0.1	<0.1	<0.1



ANALYTICAL RESULTS

SE176020 R0

VOC's in Soil [AN433] Tested: 1/3/2018 (continued)

PARAMETER	UOM	LOR	B11-100	B11-600	B12	DA	DB
			SOIL - 22/2/2018 SE176020.021	SOIL - 22/2/2018 SE176020.022	SOIL - 22/2/2018 SE176020.023	SOIL - 22/2/2018 SE176020.024	SOIL - 22/2/2018 SE176020.025
Benzene	mg/kg	0.1	<0.1	<0.1	<0.1	<0.1	<0.1
Toluene	mg/kg	0.1	<0.1	<0.1	<0.1	<0.1	<0.1
Ethylbenzene	mg/kg	0.1	<0.1	<0.1	<0.1	<0.1	<0.1
m/p-xylene	mg/kg	0.2	<0.2	<0.2	<0.2	<0.2	<0.2
o-xylene	mg/kg	0.1	<0.1	<0.1	<0.1	<0.1	<0.1
Total Xylenes	mg/kg	0.3	<0.3	<0.3	<0.3	<0.3	<0.3
Total BTEX	mg/kg	0.6	<0.6	<0.6	<0.6	<0.6	<0.6
Naphthalene	mg/kg	0.1	<0.1	<0.1	<0.1	<0.1	<0.1



ANALYTICAL RESULTS

SE176020 R0

Volatile Petroleum Hydrocarbons in Soil [AN433] Tested: 1/3/2018

PARAMETER	UOM	LOR	B1-100	B1-800	B2-100	B2-500	B3-100
			SOIL	SOIL	SOIL	SOIL	SOIL
			-	-	-	-	-
			22/2/2018 SE176020.001	22/2/2018 SE176020.002	22/2/2018 SE176020.003	22/2/2018 SE176020.004	22/2/2018 SE176020.005
TRH C6-C9	mg/kg	20	<20	<20	<20	<20	<20
Benzene (F0)	mg/kg	0.1	<0.1	<0.1	<0.1	<0.1	<0.1
TRH C6-C10	mg/kg	25	<25	<25	<25	<25	<25
TRH C6-C10 minus BTEX (F1)	mg/kg	25	<25	<25	<25	<25	<25

PARAMETER	UOM	LOR	B3-500	B4-300	B4-700	B5-100	B5-1000
			SOIL	SOIL	SOIL	SOIL	SOIL
			-	-	-	-	-
			22/2/2018 SE176020.006	22/2/2018 SE176020.007	22/2/2018 SE176020.008	22/2/2018 SE176020.009	22/2/2018 SE176020.010
TRH C6-C9	mg/kg	20	<20	<20	<20	<20	<20
Benzene (F0)	mg/kg	0.1	<0.1	<0.1	<0.1	<0.1	<0.1
TRH C6-C10	mg/kg	25	<25	<25	<25	<25	<25
TRH C6-C10 minus BTEX (F1)	mg/kg	25	<25	<25	<25	<25	<25

PARAMETER	UOM	LOR	B6-100	B6-600	B7-100	B7-700	B8-100
			SOIL	SOIL	SOIL	SOIL	SOIL
			-	-	-	-	-
			22/2/2018 SE176020.011	22/2/2018 SE176020.012	22/2/2018 SE176020.013	22/2/2018 SE176020.014	22/2/2018 SE176020.015
TRH C6-C9	mg/kg	20	<20	<20	<20	<20	<20
Benzene (F0)	mg/kg	0.1	<0.1	<0.1	<0.1	<0.1	<0.1
TRH C6-C10	mg/kg	25	<25	<25	<25	<25	<25
TRH C6-C10 minus BTEX (F1)	mg/kg	25	<25	<25	<25	<25	<25

PARAMETER	UOM	LOR	B8-1000	B9-100	B9-600	B10-100	B10-2000
			SOIL	SOIL	SOIL	SOIL	SOIL
			-	-	-	-	-
			22/2/2018 SE176020.016	22/2/2018 SE176020.017	22/2/2018 SE176020.018	22/2/2018 SE176020.019	22/2/2018 SE176020.020
TRH C6-C9	mg/kg	20	<20	<20	<20	<20	<20
Benzene (F0)	mg/kg	0.1	<0.1	<0.1	<0.1	<0.1	<0.1
TRH C6-C10	mg/kg	25	<25	<25	<25	<25	<25
TRH C6-C10 minus BTEX (F1)	mg/kg	25	<25	<25	<25	<25	<25

PARAMETER	UOM	LOR	B11-100	B11-600	B12	DA	DB
			SOIL	SOIL	SOIL	SOIL	SOIL
			-	-	-	-	-
			22/2/2018 SE176020.021	22/2/2018 SE176020.022	22/2/2018 SE176020.023	22/2/2018 SE176020.024	22/2/2018 SE176020.025
TRH C6-C9	mg/kg	20	<20	<20	<20	<20	<20
Benzene (F0)	mg/kg	0.1	<0.1	<0.1	<0.1	<0.1	<0.1
TRH C6-C10	mg/kg	25	<25	<25	<25	<25	<25
TRH C6-C10 minus BTEX (F1)	mg/kg	25	<25	<25	<25	<25	<25



ANALYTICAL RESULTS

SE176020 R0

TRH (Total Recoverable Hydrocarbons) in Soil [AN403] Tested: 1/3/2018

PARAMETER	UOM	LOR	B1-100	B1-800	B2-100	B2-500	B3-100
			SOIL	SOIL	SOIL	SOIL	SOIL
			22/2/2018 SE176020.001	22/2/2018 SE176020.002	22/2/2018 SE176020.003	22/2/2018 SE176020.004	22/2/2018 SE176020.005
TRH C10-C14	mg/kg	20	<20	<20	<20	<20	<20
TRH C15-C28	mg/kg	45	<45	<45	<45	<45	<45
TRH C29-C36	mg/kg	45	<45	<45	<45	<45	<45
TRH C37-C40	mg/kg	100	<100	<100	<100	<100	<100
TRH >C10-C16	mg/kg	25	<25	<25	<25	<25	<25
TRH >C10-C16 - Naphthalene (F2)	mg/kg	25	<25	<25	<25	<25	<25
TRH >C16-C34 (F3)	mg/kg	90	<90	<90	<90	<90	<90
TRH >C34-C40 (F4)	mg/kg	120	<120	<120	<120	<120	<120
TRH C10-C36 Total	mg/kg	110	<110	<110	<110	<110	<110
TRH C10-C40 Total (F bands)	mg/kg	210	<210	<210	<210	<210	<210

PARAMETER	UOM	LOR	B3-500	B4-300	B4-700	B5-100	B5-1000
			SOIL	SOIL	SOIL	SOIL	SOIL
			22/2/2018 SE176020.006	22/2/2018 SE176020.007	22/2/2018 SE176020.008	22/2/2018 SE176020.009	22/2/2018 SE176020.010
TRH C10-C14	mg/kg	20	<20	<20	<20	<20	<20
TRH C15-C28	mg/kg	45	<45	<45	<45	93	<45
TRH C29-C36	mg/kg	45	<45	<45	<45	<45	<45
TRH C37-C40	mg/kg	100	<100	<100	<100	<100	<100
TRH >C10-C16	mg/kg	25	<25	<25	<25	<25	<25
TRH >C10-C16 - Naphthalene (F2)	mg/kg	25	<25	<25	<25	<25	<25
TRH >C16-C34 (F3)	mg/kg	90	<90	<90	<90	110	<90
TRH >C34-C40 (F4)	mg/kg	120	<120	<120	<120	<120	<120
TRH C10-C36 Total	mg/kg	110	<110	<110	<110	<110	<110
TRH C10-C40 Total (F bands)	mg/kg	210	<210	<210	<210	<210	<210

PARAMETER	UOM	LOR	B6-100	B6-600	B7-100	B7-700	B8-100
			SOIL	SOIL	SOIL	SOIL	SOIL
			22/2/2018 SE176020.011	22/2/2018 SE176020.012	22/2/2018 SE176020.013	22/2/2018 SE176020.014	22/2/2018 SE176020.015
TRH C10-C14	mg/kg	20	<20	<20	<20	<20	<20
TRH C15-C28	mg/kg	45	100	<45	73	<45	<45
TRH C29-C36	mg/kg	45	71	<45	<45	<45	<45
TRH C37-C40	mg/kg	100	<100	<100	<100	<100	<100
TRH >C10-C16	mg/kg	25	<25	<25	<25	<25	<25
TRH >C10-C16 - Naphthalene (F2)	mg/kg	25	<25	<25	<25	<25	<25
TRH >C16-C34 (F3)	mg/kg	90	160	<90	100	<90	<90
TRH >C34-C40 (F4)	mg/kg	120	<120	<120	<120	<120	<120
TRH C10-C36 Total	mg/kg	110	170	<110	<110	<110	<110
TRH C10-C40 Total (F bands)	mg/kg	210	<210	<210	<210	<210	<210



ANALYTICAL RESULTS

SE176020 R0

TRH (Total Recoverable Hydrocarbons) in Soil [AN403] Tested: 1/3/2018 (continued)

PARAMETER	UOM	LOR	B8-1000	B9-100	B9-600	B10-100	B10-2000
			SOIL	SOIL	SOIL	SOIL	SOIL
			- 22/2/2018 SE176020.016	- 22/2/2018 SE176020.017	- 22/2/2018 SE176020.018	- 22/2/2018 SE176020.019	- 22/2/2018 SE176020.020
TRH C10-C14	mg/kg	20	<20	<20	<20	<20	<20
TRH C15-C28	mg/kg	45	<45	<45	<45	<45	<45
TRH C29-C36	mg/kg	45	<45	<45	<45	<45	<45
TRH C37-C40	mg/kg	100	<100	<100	<100	<100	<100
TRH >C10-C16	mg/kg	25	<25	<25	<25	<25	<25
TRH >C10-C16 - Naphthalene (F2)	mg/kg	25	<25	<25	<25	<25	<25
TRH >C16-C34 (F3)	mg/kg	90	<90	<90	<90	<90	<90
TRH >C34-C40 (F4)	mg/kg	120	<120	<120	<120	<120	<120
TRH C10-C36 Total	mg/kg	110	<110	<110	<110	<110	<110
TRH C10-C40 Total (F bands)	mg/kg	210	<210	<210	<210	<210	<210

PARAMETER	UOM	LOR	B11-100	B11-600	B12	DA	DB
			SOIL	SOIL	SOIL	SOIL	SOIL
			- 22/2/2018 SE176020.021	- 22/2/2018 SE176020.022	- 22/2/2018 SE176020.023	- 22/2/2018 SE176020.024	- 22/2/2018 SE176020.025
TRH C10-C14	mg/kg	20	<20	<20	<20	<20	<20
TRH C15-C28	mg/kg	45	<45	<45	170	<45	<45
TRH C29-C36	mg/kg	45	<45	<45	230	<45	<45
TRH C37-C40	mg/kg	100	<100	<100	<100	<100	<100
TRH >C10-C16	mg/kg	25	<25	<25	<25	<25	<25
TRH >C10-C16 - Naphthalene (F2)	mg/kg	25	<25	<25	<25	<25	<25
TRH >C16-C34 (F3)	mg/kg	90	<90	<90	360	<90	<90
TRH >C34-C40 (F4)	mg/kg	120	<120	<120	<120	<120	<120
TRH C10-C36 Total	mg/kg	110	<110	<110	400	<110	<110
TRH C10-C40 Total (F bands)	mg/kg	210	<210	<210	360	<210	<210



ANALYTICAL RESULTS

SE176020 R0

PAH (Polynuclear Aromatic Hydrocarbons) in Soil [AN420] Tested: 1/3/2018

PARAMETER	UOM	LOR	B1-100	B1-800	B2-100	B2-500	B3-100
			SOIL	SOIL	SOIL	SOIL	SOIL
			22/2/2018 SE176020.001	22/2/2018 SE176020.002	22/2/2018 SE176020.003	22/2/2018 SE176020.004	22/2/2018 SE176020.005
Naphthalene	mg/kg	0.1	<0.1	<0.1	<0.1	<0.1	<0.1
2-methylnaphthalene	mg/kg	0.1	<0.1	<0.1	<0.1	<0.1	<0.1
1-methylnaphthalene	mg/kg	0.1	<0.1	<0.1	<0.1	<0.1	<0.1
Acenaphthylene	mg/kg	0.1	<0.1	<0.1	<0.1	<0.1	<0.1
Acenaphthene	mg/kg	0.1	<0.1	<0.1	<0.1	<0.1	<0.1
Fluorene	mg/kg	0.1	<0.1	<0.1	<0.1	<0.1	<0.1
Phenanthrene	mg/kg	0.1	0.1	<0.1	0.2	0.1	<0.1
Anthracene	mg/kg	0.1	<0.1	<0.1	<0.1	<0.1	<0.1
Fluoranthene	mg/kg	0.1	<0.1	<0.1	0.5	0.3	<0.1
Pyrene	mg/kg	0.1	<0.1	<0.1	0.4	0.2	<0.1
Benzo(a)anthracene	mg/kg	0.1	<0.1	<0.1	0.4	0.2	0.1
Chrysene	mg/kg	0.1	<0.1	<0.1	0.3	0.1	<0.1
Benzo(b&j)fluoranthene	mg/kg	0.1	<0.1	<0.1	0.3	0.2	<0.1
Benzo(k)fluoranthene	mg/kg	0.1	<0.1	<0.1	0.2	0.1	<0.1
Benzo(a)pyrene	mg/kg	0.1	<0.1	<0.1	0.3	0.1	<0.1
Indeno(1,2,3-cd)pyrene	mg/kg	0.1	<0.1	<0.1	0.1	<0.1	<0.1
Dibenzo(ah)anthracene	mg/kg	0.1	<0.1	<0.1	<0.1	<0.1	<0.1
Benzo(ghi)perylene	mg/kg	0.1	<0.1	<0.1	0.1	<0.1	<0.1
Carcinogenic PAHs, BaP TEQ <LOR=0	TEQ (mg/kg)	0.2	<0.2	<0.2	0.4	<0.2	<0.2
Carcinogenic PAHs, BaP TEQ <LOR=LOR	TEQ (mg/kg)	0.3	<0.3	<0.3	0.5	<0.3	<0.3
Carcinogenic PAHs, BaP TEQ <LOR=LOR/2	TEQ (mg/kg)	0.2	<0.2	<0.2	0.4	0.2	<0.2
Total PAH (18)	mg/kg	0.8	<0.8	<0.8	2.8	1.3	<0.8
Total PAH (NEPM/WHO 16)	mg/kg	0.8	<0.8	<0.8	2.8	1.3	<0.8

PARAMETER	UOM	LOR	B3-500	B4-300	B4-700	B5-100	B5-1000
			SOIL	SOIL	SOIL	SOIL	SOIL
			22/2/2018 SE176020.006	22/2/2018 SE176020.007	22/2/2018 SE176020.008	22/2/2018 SE176020.009	22/2/2018 SE176020.010
Naphthalene	mg/kg	0.1	<0.1	<0.1	<0.1	0.1	<0.1
2-methylnaphthalene	mg/kg	0.1	<0.1	<0.1	<0.1	<0.1	<0.1
1-methylnaphthalene	mg/kg	0.1	<0.1	<0.1	<0.1	<0.1	<0.1
Acenaphthylene	mg/kg	0.1	<0.1	<0.1	<0.1	0.3	<0.1
Acenaphthene	mg/kg	0.1	<0.1	<0.1	<0.1	<0.1	<0.1
Fluorene	mg/kg	0.1	<0.1	<0.1	<0.1	<0.1	<0.1
Phenanthrene	mg/kg	0.1	<0.1	<0.1	<0.1	1.5	0.3
Anthracene	mg/kg	0.1	<0.1	<0.1	<0.1	0.3	<0.1
Fluoranthene	mg/kg	0.1	<0.1	<0.1	<0.1	2.4	0.4
Pyrene	mg/kg	0.1	<0.1	<0.1	<0.1	1.7	0.3
Benzo(a)anthracene	mg/kg	0.1	<0.1	<0.1	<0.1	1.2	0.2
Chrysene	mg/kg	0.1	<0.1	<0.1	<0.1	1.0	0.2
Benzo(b&j)fluoranthene	mg/kg	0.1	<0.1	<0.1	<0.1	1.4	0.2
Benzo(k)fluoranthene	mg/kg	0.1	<0.1	<0.1	<0.1	0.6	0.1
Benzo(a)pyrene	mg/kg	0.1	<0.1	<0.1	<0.1	0.8	0.1
Indeno(1,2,3-cd)pyrene	mg/kg	0.1	<0.1	<0.1	<0.1	0.4	<0.1
Dibenzo(ah)anthracene	mg/kg	0.1	<0.1	<0.1	<0.1	<0.1	<0.1
Benzo(ghi)perylene	mg/kg	0.1	<0.1	<0.1	<0.1	0.4	<0.1
Carcinogenic PAHs, BaP TEQ <LOR=0	TEQ (mg/kg)	0.2	<0.2	<0.2	<0.2	1.2	<0.2
Carcinogenic PAHs, BaP TEQ <LOR=LOR	TEQ (mg/kg)	0.3	<0.3	<0.3	<0.3	1.3	<0.3
Carcinogenic PAHs, BaP TEQ <LOR=LOR/2	TEQ (mg/kg)	0.2	<0.2	<0.2	<0.2	1.3	0.2
Total PAH (18)	mg/kg	0.8	<0.8	<0.8	<0.8	12	1.8
Total PAH (NEPM/WHO 16)	mg/kg	0.8	<0.8	<0.8	<0.8	12	1.8



ANALYTICAL RESULTS

SE176020 R0

PAH (Polynuclear Aromatic Hydrocarbons) in Soil [AN420] Tested: 1/3/2018 (continued)

PARAMETER	UOM	LOR	B6-100	B6-600	B7-100	B7-700	B8-100
			SOIL - 22/2/2018 SE176020.011	SOIL - 22/2/2018 SE176020.012	SOIL - 22/2/2018 SE176020.013	SOIL - 22/2/2018 SE176020.014	SOIL - 22/2/2018 SE176020.015
Naphthalene	mg/kg	0.1	0.1	<0.1	0.1	<0.1	<0.1
2-methylnaphthalene	mg/kg	0.1	<0.1	<0.1	<0.1	<0.1	<0.1
1-methylnaphthalene	mg/kg	0.1	<0.1	<0.1	<0.1	<0.1	<0.1
Acenaphthylene	mg/kg	0.1	0.5	<0.1	<0.1	<0.1	<0.1
Acenaphthene	mg/kg	0.1	<0.1	<0.1	<0.1	<0.1	<0.1
Fluorene	mg/kg	0.1	<0.1	<0.1	<0.1	<0.1	<0.1
Phenanthrene	mg/kg	0.1	1.1	<0.1	0.2	0.1	<0.1
Anthracene	mg/kg	0.1	0.4	<0.1	<0.1	<0.1	<0.1
Fluoranthene	mg/kg	0.1	3.8	<0.1	0.2	0.1	0.1
Pyrene	mg/kg	0.1	2.6	<0.1	0.1	<0.1	0.1
Benzo(a)anthracene	mg/kg	0.1	2.8	<0.1	<0.1	<0.1	<0.1
Chrysene	mg/kg	0.1	2.1	<0.1	<0.1	<0.1	<0.1
Benzo(b&j)fluoranthene	mg/kg	0.1	3.4	<0.1	<0.1	<0.1	<0.1
Benzo(k)fluoranthene	mg/kg	0.1	2.3	<0.1	<0.1	<0.1	<0.1
Benzo(a)pyrene	mg/kg	0.1	3.3	<0.1	<0.1	<0.1	<0.1
Indeno(1,2,3-cd)pyrene	mg/kg	0.1	2.0	<0.1	<0.1	<0.1	<0.1
Dibenzo(ah)anthracene	mg/kg	0.1	0.2	<0.1	<0.1	<0.1	<0.1
Benzo(ghi)perylene	mg/kg	0.1	1.8	<0.1	<0.1	<0.1	<0.1
Carcinogenic PAHs, BaP TEQ <LOR=0	TEQ (mg/kg)	0.2	4.6	<0.2	<0.2	<0.2	<0.2
Carcinogenic PAHs, BaP TEQ <LOR=LOR	TEQ (mg/kg)	0.3	4.6	<0.3	<0.3	<0.3	<0.3
Carcinogenic PAHs, BaP TEQ <LOR=LOR/2	TEQ (mg/kg)	0.2	4.6	<0.2	<0.2	<0.2	<0.2
Total PAH (18)	mg/kg	0.8	26	<0.8	<0.8	<0.8	<0.8
Total PAH (NEPM/WHO 16)	mg/kg	0.8	26	<0.8	<0.8	<0.8	<0.8

PARAMETER	UOM	LOR	B8-1000	B9-100	B9-600	B10-100	B10-2000
			SOIL - 22/2/2018 SE176020.016	SOIL - 22/2/2018 SE176020.017	SOIL - 22/2/2018 SE176020.018	SOIL - 22/2/2018 SE176020.019	SOIL - 22/2/2018 SE176020.020
Naphthalene	mg/kg	0.1	<0.1	<0.1	<0.1	<0.1	<0.1
2-methylnaphthalene	mg/kg	0.1	<0.1	<0.1	<0.1	<0.1	<0.1
1-methylnaphthalene	mg/kg	0.1	<0.1	<0.1	<0.1	<0.1	<0.1
Acenaphthylene	mg/kg	0.1	<0.1	<0.1	<0.1	<0.1	<0.1
Acenaphthene	mg/kg	0.1	<0.1	<0.1	<0.1	<0.1	<0.1
Fluorene	mg/kg	0.1	<0.1	<0.1	<0.1	<0.1	<0.1
Phenanthrene	mg/kg	0.1	<0.1	0.4	<0.1	<0.1	<0.1
Anthracene	mg/kg	0.1	<0.1	<0.1	<0.1	<0.1	<0.1
Fluoranthene	mg/kg	0.1	<0.1	0.4	<0.1	<0.1	<0.1
Pyrene	mg/kg	0.1	<0.1	0.3	<0.1	<0.1	<0.1
Benzo(a)anthracene	mg/kg	0.1	<0.1	0.2	<0.1	<0.1	<0.1
Chrysene	mg/kg	0.1	<0.1	0.2	<0.1	<0.1	<0.1
Benzo(b&j)fluoranthene	mg/kg	0.1	<0.1	0.2	<0.1	<0.1	<0.1
Benzo(k)fluoranthene	mg/kg	0.1	<0.1	<0.1	<0.1	<0.1	<0.1
Benzo(a)pyrene	mg/kg	0.1	<0.1	<0.1	<0.1	<0.1	<0.1
Indeno(1,2,3-cd)pyrene	mg/kg	0.1	<0.1	<0.1	<0.1	<0.1	<0.1
Dibenzo(ah)anthracene	mg/kg	0.1	<0.1	<0.1	<0.1	<0.1	<0.1
Benzo(ghi)perylene	mg/kg	0.1	<0.1	<0.1	<0.1	<0.1	<0.1
Carcinogenic PAHs, BaP TEQ <LOR=0	TEQ (mg/kg)	0.2	<0.2	<0.2	<0.2	<0.2	<0.2
Carcinogenic PAHs, BaP TEQ <LOR=LOR	TEQ (mg/kg)	0.3	<0.3	<0.3	<0.3	<0.3	<0.3
Carcinogenic PAHs, BaP TEQ <LOR=LOR/2	TEQ (mg/kg)	0.2	<0.2	<0.2	<0.2	<0.2	<0.2
Total PAH (18)	mg/kg	0.8	<0.8	1.6	<0.8	<0.8	<0.8
Total PAH (NEPM/WHO 16)	mg/kg	0.8	<0.8	1.6	<0.8	<0.8	<0.8



ANALYTICAL RESULTS

SE176020 R0

PAH (Polynuclear Aromatic Hydrocarbons) in Soil [AN420] Tested: 1/3/2018 (continued)

PARAMETER	UOM	LOR	B11-100	B11-600	B12	DA	DB
			SOIL - 22/2/2018 SE176020.021	SOIL - 22/2/2018 SE176020.022	SOIL - 22/2/2018 SE176020.023	SOIL - 22/2/2018 SE176020.024	SOIL - 22/2/2018 SE176020.025
Naphthalene	mg/kg	0.1	<0.1	<0.1	<0.1	<0.1	<0.1
2-methylnaphthalene	mg/kg	0.1	<0.1	<0.1	<0.1	<0.1	<0.1
1-methylnaphthalene	mg/kg	0.1	<0.1	<0.1	<0.1	<0.1	<0.1
Acenaphthylene	mg/kg	0.1	<0.1	<0.1	<0.1	<0.1	<0.1
Acenaphthene	mg/kg	0.1	<0.1	<0.1	<0.1	<0.1	<0.1
Fluorene	mg/kg	0.1	<0.1	<0.1	<0.1	<0.1	<0.1
Phenanthrene	mg/kg	0.1	0.1	<0.1	<0.1	<0.1	<0.1
Anthracene	mg/kg	0.1	<0.1	<0.1	<0.1	<0.1	<0.1
Fluoranthene	mg/kg	0.1	0.2	<0.1	<0.1	<0.1	<0.1
Pyrene	mg/kg	0.1	0.2	<0.1	<0.1	<0.1	<0.1
Benzo(a)anthracene	mg/kg	0.1	0.1	<0.1	<0.1	<0.1	<0.1
Chrysene	mg/kg	0.1	0.1	<0.1	<0.1	<0.1	<0.1
Benzo(b&j)fluoranthene	mg/kg	0.1	0.1	<0.1	<0.1	<0.1	<0.1
Benzo(k)fluoranthene	mg/kg	0.1	<0.1	<0.1	<0.1	<0.1	<0.1
Benzo(a)pyrene	mg/kg	0.1	<0.1	<0.1	<0.1	<0.1	<0.1
Indeno(1,2,3-cd)pyrene	mg/kg	0.1	<0.1	<0.1	<0.1	<0.1	<0.1
Dibenzo(ah)anthracene	mg/kg	0.1	<0.1	<0.1	<0.1	<0.1	<0.1
Benzo(ghi)perylene	mg/kg	0.1	<0.1	<0.1	<0.1	<0.1	<0.1
Carcinogenic PAHs, BaP TEQ <LOR=0	TEQ (mg/kg)	0.2	<0.2	<0.2	<0.2	<0.2	<0.2
Carcinogenic PAHs, BaP TEQ <LOR=LOR	TEQ (mg/kg)	0.3	<0.3	<0.3	<0.3	<0.3	<0.3
Carcinogenic PAHs, BaP TEQ <LOR=LOR/2	TEQ (mg/kg)	0.2	<0.2	<0.2	<0.2	<0.2	<0.2
Total PAH (18)	mg/kg	0.8	0.9	<0.8	<0.8	<0.8	<0.8
Total PAH (NEPM/WHO 16)	mg/kg	0.8	0.9	<0.8	<0.8	<0.8	<0.8



ANALYTICAL RESULTS

SE176020 R0

Total Recoverable Elements in Soil/Waste Solids/Materials by ICPOES [AN040/AN320] Tested: 5/3/2018

PARAMETER	UOM	LOR	B1-100	B1-800	B2-100	B2-500	B3-100
			SOIL	SOIL	SOIL	SOIL	SOIL
			22/2/2018 SE176020.001	22/2/2018 SE176020.002	22/2/2018 SE176020.003	22/2/2018 SE176020.004	22/2/2018 SE176020.005
Arsenic, As	mg/kg	3	3	<3	8	4	<3
Cadmium, Cd	mg/kg	0.3	1.4	<0.3	77	5.2	<0.3
Chromium, Cr	mg/kg	0.3	19	21	14	15	11
Copper, Cu	mg/kg	0.5	20	21	30	19	11
Lead, Pb	mg/kg	1	26	19	140	63	16
Nickel, Ni	mg/kg	0.5	8.8	10	10	9.0	8.0
Zinc, Zn	mg/kg	0.5	96	68	110	57	28

PARAMETER	UOM	LOR	B3-500	B4-300	B4-700	B5-100	B5-1000
			SOIL	SOIL	SOIL	SOIL	SOIL
			22/2/2018 SE176020.006	22/2/2018 SE176020.007	22/2/2018 SE176020.008	22/2/2018 SE176020.009	22/2/2018 SE176020.010
Arsenic, As	mg/kg	3	<3	<3	<3	3	<3
Cadmium, Cd	mg/kg	0.3	<0.3	0.8	0.4	2.7	0.8
Chromium, Cr	mg/kg	0.3	17	15	17	13	15
Copper, Cu	mg/kg	0.5	10	14	13	12	11
Lead, Pb	mg/kg	1	9	17	9	34	14
Nickel, Ni	mg/kg	0.5	8.0	13	12	9.3	10
Zinc, Zn	mg/kg	0.5	22	77	43	350	120

PARAMETER	UOM	LOR	B6-100	B6-600	B7-100	B7-700	B8-100
			SOIL	SOIL	SOIL	SOIL	SOIL
			22/2/2018 SE176020.011	22/2/2018 SE176020.012	22/2/2018 SE176020.013	22/2/2018 SE176020.014	22/2/2018 SE176020.015
Arsenic, As	mg/kg	3	5	<3	4	<3	6
Cadmium, Cd	mg/kg	0.3	<0.3	<0.3	2.8	<0.3	3.7
Chromium, Cr	mg/kg	0.3	9.4	27	1.9	18	8.5
Copper, Cu	mg/kg	0.5	34	18	49	16	12
Lead, Pb	mg/kg	1	180	12	75	22	20
Nickel, Ni	mg/kg	0.5	7.7	12	4.1	9.0	5.2
Zinc, Zn	mg/kg	0.5	300	38	820	120	220

PARAMETER	UOM	LOR	B8-1000	B9-100	B9-600	B10-100	B10-2000
			SOIL	SOIL	SOIL	SOIL	SOIL
			22/2/2018 SE176020.016	22/2/2018 SE176020.017	22/2/2018 SE176020.018	22/2/2018 SE176020.019	22/2/2018 SE176020.020
Arsenic, As	mg/kg	3	4	<3	<3	<3	<3
Cadmium, Cd	mg/kg	0.3	0.5	0.3	<0.3	1.2	<0.3
Chromium, Cr	mg/kg	0.3	20	8.7	14	9.6	12
Copper, Cu	mg/kg	0.5	15	15	9.4	7.7	11
Lead, Pb	mg/kg	1	13	51	19	2	2
Nickel, Ni	mg/kg	0.5	9.6	6.9	6.8	13	16
Zinc, Zn	mg/kg	0.5	60	100	32	30	39



ANALYTICAL RESULTS

SE176020 R0

Total Recoverable Elements in Soil/Waste Solids/Materials by ICPOES [AN040/AN320] Tested: 5/3/2018

PARAMETER	UOM	LOR	B11-100	B11-600	B12	DA	DB
			SOIL	SOIL	SOIL	SOIL	SOIL
			- 22/2/2018 SE176020.021	- 22/2/2018 SE176020.022	- 22/2/2018 SE176020.023	- 22/2/2018 SE176020.024	- 22/2/2018 SE176020.025
Arsenic, As	mg/kg	3	<3	<3	6	<3	<3
Cadmium, Cd	mg/kg	0.3	0.4	<0.3	0.4	<0.3	<0.3
Chromium, Cr	mg/kg	0.3	11	15	8.4	10	22
Copper, Cu	mg/kg	0.5	18	11	15	10	15
Lead, Pb	mg/kg	1	43	14	42	14	11
Nickel, Ni	mg/kg	0.5	10	6.8	5.6	7.2	9.5
Zinc, Zn	mg/kg	0.5	52	21	320	23	31



ANALYTICAL RESULTS

SE176020 R0

Mercury in Soil [AN312] Tested: 5/3/2018

PARAMETER	UOM	LOR	B1-100	B1-800	B2-100	B2-500	B3-100
			SOIL	SOIL	SOIL	SOIL	SOIL
			-	-	-	-	-
			22/2/2018 SE176020.001	22/2/2018 SE176020.002	22/2/2018 SE176020.003	22/2/2018 SE176020.004	22/2/2018 SE176020.005
Mercury	mg/kg	0.05	<0.05	<0.05	0.17	0.10	<0.05

PARAMETER	UOM	LOR	B3-500	B4-300	B4-700	B5-100	B5-1000
			SOIL	SOIL	SOIL	SOIL	SOIL
			-	-	-	-	-
			22/2/2018 SE176020.006	22/2/2018 SE176020.007	22/2/2018 SE176020.008	22/2/2018 SE176020.009	22/2/2018 SE176020.010
Mercury	mg/kg	0.05	<0.05	<0.05	<0.05	0.05	<0.05

PARAMETER	UOM	LOR	B6-100	B6-600	B7-100	B7-700	B8-100
			SOIL	SOIL	SOIL	SOIL	SOIL
			-	-	-	-	-
			22/2/2018 SE176020.011	22/2/2018 SE176020.012	22/2/2018 SE176020.013	22/2/2018 SE176020.014	22/2/2018 SE176020.015
Mercury	mg/kg	0.05	0.12	<0.05	<0.05	<0.05	<0.05

PARAMETER	UOM	LOR	B8-1000	B9-100	B9-600	B10-100	B10-2000
			SOIL	SOIL	SOIL	SOIL	SOIL
			-	-	-	-	-
			22/2/2018 SE176020.016	22/2/2018 SE176020.017	22/2/2018 SE176020.018	22/2/2018 SE176020.019	22/2/2018 SE176020.020
Mercury	mg/kg	0.05	<0.05	0.08	<0.05	<0.05	<0.05

PARAMETER	UOM	LOR	B11-100	B11-600	B12	DA	DB
			SOIL	SOIL	SOIL	SOIL	SOIL
			-	-	-	-	-
			22/2/2018 SE176020.021	22/2/2018 SE176020.022	22/2/2018 SE176020.023	22/2/2018 SE176020.024	22/2/2018 SE176020.025
Mercury	mg/kg	0.05	0.12	<0.05	<0.05	<0.05	<0.05



ANALYTICAL RESULTS

SE176020 R0

Moisture Content [AN002] Tested: 5/3/2018

			B1-100	B1-800	B2-100	B2-500	B3-100
			SOIL	SOIL	SOIL	SOIL	SOIL
			-	-	-	-	-
			22/2/2018	22/2/2018	22/2/2018	22/2/2018	22/2/2018
PARAMETER	UOM	LOR	SE176020.001	SE176020.002	SE176020.003	SE176020.004	SE176020.005
% Moisture	%w/w	0.5	16	14	16	16	9.2

			B3-500	B4-300	B4-700	B5-100	B5-1000
			SOIL	SOIL	SOIL	SOIL	SOIL
			-	-	-	-	-
			22/2/2018	22/2/2018	22/2/2018	22/2/2018	22/2/2018
PARAMETER	UOM	LOR	SE176020.006	SE176020.007	SE176020.008	SE176020.009	SE176020.010
% Moisture	%w/w	0.5	12	4.2	5.5	11	14

			B6-100	B6-600	B7-100	B7-700	B8-100
			SOIL	SOIL	SOIL	SOIL	SOIL
			-	-	-	-	-
			22/2/2018	22/2/2018	22/2/2018	22/2/2018	22/2/2018
PARAMETER	UOM	LOR	SE176020.011	SE176020.012	SE176020.013	SE176020.014	SE176020.015
% Moisture	%w/w	0.5	2.9	14	13	14	3.4

			B8-1000	B9-100	B9-600	B10-100	B10-2000
			SOIL	SOIL	SOIL	SOIL	SOIL
			-	-	-	-	-
			22/2/2018	22/2/2018	22/2/2018	22/2/2018	22/2/2018
PARAMETER	UOM	LOR	SE176020.016	SE176020.017	SE176020.018	SE176020.019	SE176020.020
% Moisture	%w/w	0.5	13	7.8	12	3.6	6.3

			B11-100	B11-600	B12	DA	DB
			SOIL	SOIL	SOIL	SOIL	SOIL
			-	-	-	-	-
			22/2/2018	22/2/2018	22/2/2018	22/2/2018	22/2/2018
PARAMETER	UOM	LOR	SE176020.021	SE176020.022	SE176020.023	SE176020.024	SE176020.025
% Moisture	%w/w	0.5	7.4	12	4.6	9.3	13



METHOD SUMMARY

SE176020 R0

METHOD

METHODOLOGY SUMMARY

AN002	The test is carried out by drying (at either 40°C or 105°C) a known mass of sample in a weighed evaporating basin. After fully dry the sample is re-weighed. Samples such as sludge and sediment having high percentages of moisture will take some time in a drying oven for complete removal of water.
AN040/AN320	A portion of sample is digested with nitric acid to decompose organic matter and hydrochloric acid to complete the digestion of metals. The digest is then analysed by ICP OES with metals results reported on the dried sample basis. Based on USEPA method 200.8 and 6010C.
AN040	A portion of sample is digested with Nitric acid to decompose organic matter and Hydrochloric acid to complete the digestion of metals and then filtered for analysis by ASS or ICP as per USEPA Method 200.8.
AN312	Mercury by Cold Vapour AAS in Soils: After digestion with nitric acid, hydrogen peroxide and hydrochloric acid, mercury ions are reduced by stannous chloride reagent in acidic solution to elemental mercury. This mercury vapour is purged by nitrogen into a cold cell in an atomic absorption spectrometer or mercury analyser. Quantification is made by comparing absorbances to those of the calibration standards. Reference APHA 3112/3500
AN403	Total Recoverable Hydrocarbons: Determination of Hydrocarbons by gas chromatography after a solvent extraction. Detection is by flame ionisation detector (FID) that produces an electronic signal in proportion to the combustible matter passing through it. Total Recoverable Hydrocarbons (TRH) are routinely reported as four alkane groupings based on the carbon chain length of the compounds: C6-C9, C10-C14, C15-C28 and C29-C36 and in recognition of the NEPM 1999 (2013), >C10-C16 (F2), >C16-C34 (F3) and >C34-C40 (F4). F2 is reported directly and also corrected by subtracting Naphthalene (from VOC method AN433) where available.
AN403	Additionally, the volatile C6-C9 fraction may be determined by a purge and trap technique and GC/MS because of the potential for volatiles loss. Total Petroleum Hydrocarbons (TPH) follows the same method of analysis after silica gel cleanup of the solvent extract. Aliphatic/Aromatic Speciation follows the same method of analysis after fractionation of the solvent extract over silica with differential polarity of the eluent solvents.
AN403	The GC/FID method is not well suited to the analysis of refined high boiling point materials (ie lubricating oils or greases) but is particularly suited for measuring diesel, kerosene and petrol if care to control volatility is taken. This method will detect naturally occurring hydrocarbons, lipids, animal fats, phenols and PAHs if they are present at sufficient levels, dependent on the use of specific cleanup/fractionation techniques. Reference USEPA 3510B, 8015B.
AN420	(SVOCs) including OC, OP, PCB, Herbicides, PAH, Phthalates and Speciated Phenols (etc) in soils, sediments and waters are determined by GCMS/ECD technique following appropriate solvent extraction process (Based on USEPA 3500C and 8270D).
AN420	Carcinogenic PAHs may be expressed as Benzo(a)pyrene equivalents by applying the BaP toxicity equivalence factor (NEPM 1999, June 2013, B7). These can be reported as the individual PAHs and as a sum of carcinogenic PAHs. The sum is reported three ways, the first assuming all <LOR results are zero, the second assuming all <LOR results are half the LOR and the third assuming all <LOR results are the LOR.
AN433	VOCs and C6-C9 Hydrocarbons by GC-MS P&T: VOC's are volatile organic compounds. The sample is presented to a gas chromatograph via a purge and trap (P&T) concentrator and autosampler and is detected with a Mass Spectrometer (MSD). Solid samples are initially extracted with methanol whilst liquid samples are processed directly. References: USEPA 5030B, 8020A, 8260.



FOOTNOTES

SE176020 R0

FOOTNOTES

*	NATA accreditation does not cover the performance of this service.	-	Not analysed.	UOM	Unit of Measure.
**	Indicative data, theoretical holding time exceeded.	NVL	Not validated.	LOR	Limit of Reporting.
		IS	Insufficient sample for analysis.	↑↓	Raised/lowered Limit of Reporting.
		LNR	Sample listed, but not received.		

Samples analysed as received.
Solid samples expressed on a dry weight basis.

Where "Total" analyte groups are reported (for example, Total PAHs, Total OC Pesticides) the total will be calculated as the sum of the individual analytes, with those analytes that are reported as <LOR being assumed to be zero. The summed (Total) limit of reporting is calculated by summing the individual analyte LORs and dividing by two. For example, where 16 individual analytes are being summed and each has an LOR of 0.1 mg/kg, the "Totals" LOR will be 1.6 / 2 (0.8 mg/kg). Where only 2 analytes are being summed, the "Total" LOR will be the sum of those two LORs.

Some totals may not appear to add up because the total is rounded after adding up the raw values.

If reported, measurement uncertainty follow the ± sign after the analytical result and is expressed as the expanded uncertainty calculated using a coverage factor of 2, providing a level of confidence of approximately 95%, unless stated otherwise in the comments section of this report.

Results reported for samples tested under test methods with codes starting with ARS-SOP, radionuclide or gross radioactivity concentrations are expressed in becquerel (Bq) per unit of mass or volume or per wipe as stated on the report. Becquerel is the SI unit for activity and equals one nuclear transformation per second.

Note that in terms of units of radioactivity:

- 1 Bq is equivalent to 27 pCi
- 37 MBq is equivalent to 1 mCi

For results reported for samples tested under test methods with codes starting with ARS-SOP, less than (<) values indicate the detection limit for each radionuclide or parameter for the measurement system used. The respective detection limits have been calculated in accordance with ISO 11929.

The QC criteria are subject to internal review according to the SGS QAQC plan and may be provided on request or alternatively can be found here : <http://www.sgs.com.au/~media/Local/Australia/Documents/Technical%20Documents/MP-AU-ENV-QU-022%20QA%20QC%20Plan.pdf>

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Attachment 8.2.3.5

Chain of Custody Form – Ref 9144

Sheet 1 of 2

Ref: 9144 Investigator: Envirowest Consulting 9 Cameron Place PO Box 8158 ORANGE NSW 2800 Telephone: (02) 6361 4954 Facsimile: (02) 6360 3960 Email: greg@envirowest.net.au Contact Person: Greg Madafiglio Invoice: accounts@envirowest.net.au			Sample matrix 			Sample preservation 			Analysis				
SGS Method Code													
Laboratory: SGS SYDNEY 16/33 Maddox Street ALEXANDRIA NSW 2015 Quotation #: Courier/CN:			Water	Soil	Sludge	Cool	HNO3/H Cl	Unpre- served	CL8				
Sample ID			Container*			Sampling Date/Time			PAH/TRH/BTEX/ 8 metals				
1	B1-100	A	22/02/2018		X		X		X	X			
2	B1-800	A	22/02/2018		X		X		X	X			
3	B2-100	A	22/02/2018		X		X		X	X			
4	B2-500	A	22/02/2018		X		X		X	X			
5	B3-100	A	22/02/2018		X		X		X	X			
6	B3-500	A	22/02/2018		X		X		X	X			
7	B4-300	A	22/02/2018		X		X		X	X			
8	B4-700	A	22/02/2018		X		X		X	X			
9	B5-100	A	22/02/2018		X		X		X	X			
10	B5-1000	A	22/02/2018		X		X		X	X			
11	B6-100	A	22/02/2018		X		X		X	X			
12	B6-600	A	22/02/2018		X		X		X	X			
Investigator: I attest that the proper field sampling procedures were used during the collection of these samples.							Sampler name: Greg Madafiglio Date : 22/02/2018 Time:						
Relinquished by: Virginia Bragg Date 26/02/2018 Time 17:00 (print and signature)							Received by: <i>Greg Madafiglio</i> Date 27/18 Time 10:00 (print and signature)						

SGS EHS Alexandria Laboratory


SE176020 COC
Received: 27 – Feb – 2018

Please return completed form to Envirowest Consulting, *A = Solvent rinsed glass jar with Teflon lined lid and green label

Chain of Custody Form – Ref 9144

Sheet 2 of 2

Ref: 9144 Investigator: Envirowest Consulting 9 Cameron Place PO Box 8158 ORANGE NSW 2800 Telephone: (02) 6361 4954 Facsimile: (02) 6360 3960 Email: greg@envirowest.net.au Contact Person: Greg Madafiglio Invoice: accounts@envirowest.net.au			Sample matrix Water Soil Sludge			Sample preservation Cool HNO3/HCl Unpre-served			Analysis				
SGS Method Code													
Laboratory: SGS SYDNEY 16/33 Maddox Street ALEXANDRIA NSW 2015 Quotation #: Courier/CN:													
Sample ID	Container*	Sampling Date/Time							PAH/TRH/BTEXN/ 8 metals				
B7-100	A	22/02/2018		X		X		X	X				
B7-700	A	22/02/2018		X		X		X	X				
B8-100	A	22/02/2018		X		X		X	X				
B8-1000	A	22/02/2018		X		X		X	X				
B9-100	A	22/02/2018		X		X		X	X				
B9-600	A	22/02/2018		X		X		X	X				
B10-100	A	22/02/2018		X		X		X	X				
B10-2000	A	22/02/2018		X		X		X	X				
B11-100	A	22/02/2018		X		X		X	X				
B11-600	A	22/02/2018		X		X		X	X				
B12	A	22/02/2018		X		X		X	X				
DA	A	22/02/2018		X		X		X	X				
DB	A	22/02/2018		X		X		X	X				
Investigator: I attest that the proper field sampling procedures were used during the collection of these samples.						Sampler name: Greg Madafiglio Date : 22/02/2018 Time:							
Relinquished by: Virginia Bragg (print and signature)			Date 26/02/2018 Time 17:00			Received by: <i>Greg Madafiglio</i> (print and signature) Date 27/8 Time 10.00							

Please return completed form to Envirowest Consulting, *A = Solvent rinsed glass jar with Teflon lined lid and green label



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Statement of Heritage Impact

Issue D

18th June 2021

Proposed Commercial Tenancy

7 Keppel Street, Bathurst

For

One Strength Pty Ltd

Authored by

Brett Moulds Design & Drafting Pty Ltd



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1. Introduction

Brett Moulds Design & Drafting PTY LTD has been engaged by One Strength Pty Ltd to prepare the following Heritage Impact Statement. The proposal is for a commercial tenancy within the existing building.

The subject site is located within the local Conservation Area and the entire site is listed as a heritage item pursuant to Bathurst Regional LEP 2014.

2. Site Location

The subject land is known as Lot 11 in DP 1266801, No.7 Keppel Street. The subject building is known as Building E and has a floor area of 530sq.m. The site is located on the north-east side of Keppel Street, between Havannah Street and Manilla Lane.



Figure 1. Site Locality

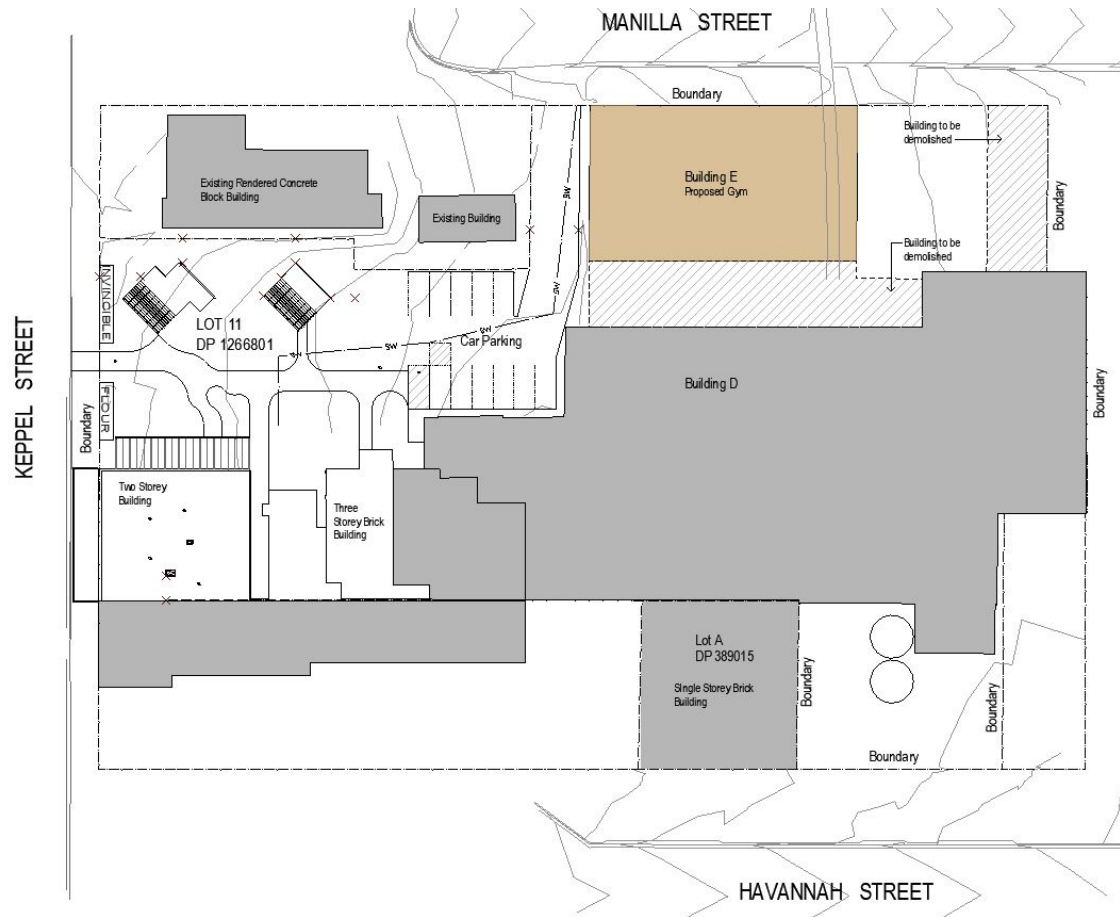


Figure 2. Site Plan



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3. Description and Context

Building E is a corrugated iron clad shed facing Manilla Street built somewhere between 1964 and 1983. Refer to parts '3.8 Railway Weigh Bridge and Siding' and '3.16 Large Shed Along Manilla Street' from the Conservation Management Plan – Tremains Flour Mill prepared by Senthilpavai Kasiannan, in Appendix 2, for additional information.

Building E is proposed to become a stand-alone building following the demolition of a skillion roofed lean-to shed between Building D and Building E. For additional information relating to Building E refer to part '3.4 Large Shed Adjacent to the Mill Building (Sheds) – Bedwells Feed Barn' in Appendix 2. Building D is the oldest building on the site and it remains largely intact with its original timber (tree trunks) posts supporting the simple gable roof. The building is a brick faced shed with two large skillion roofed aisles either side. The current side entry lean-to is proposed to be removed to bring the overall building form back to its original simple gable ended form.

A new public walkway will be created between the two buildings. New glazing in Building E will visually open the currently completely enclosed interior of the shed with a view out to the new thoroughfare.



Figure 3. Building E viewed from Manilla Street



Figure 4. Building E South-West Elevation



Figure 5. Building E viewed from Manilla Street



Figure 6. Building E Interior



Figure 7. Building D



Figure 8. Shed to be demolished in foreground



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4. The proposal

The proposal for the development of Building E is a new commercial tenancy within the existing building:

- Fit-out of a new commercial tenancy: Gym.
- Demolition of the skillion roofed lean-to structure between Building D and Building E
- Demolition of a shed on the north-eastern boundary fronting Manilla Street.
- Construction a new carparking area adjacent to Building E

The exterior of the building is proposed to remain largely unaltered. New door openings are proposed on the south-eastern elevation. There are no proposed alterations to the building's façade fronting Manilla Street.

Refer to Appendix 1 – DACC Documentation for detailed information of the development. The development complies with all relevant requirements as set out in the Bathurst Regional Local Environmental Plan 2014 and the Bathurst Regional Development Control Plan 2014

The existing railway tracks adjacent to Building E are not proposed to be removed or altered. Refer to '3.8 Railway Bridge and Siding' in Appendix 2 for additional information.



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5. Assessment of Significance

The following assessment of significance has been prepared in accordance with the 'Assessing Heritage Significance' guidelines from the NSW Heritage Manual.

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

The subject building forms a part of the Tremains Mill site and was constructed sometime between 1964 to 1983. The building is not known to have any specific historical association with the Bathurst community other than being within the Tremains Mill complex.

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

The subject building is not known to have a specific link to a person or persons of importance other than being within the Tremains Mill complex.

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

The existing building is not considered to have any significant architectural characteristics.

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

The building is not known to have an association with any community or cultural group, other than being within the Tremains Mill complex.

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

The building is not considered to have archaeological potential. However, with reference to Appendix 5 – DCP Map No. 35 Archaeological Sensitive Lands, should items be uncovered during construction phase, the appropriate approved course of action will be



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followed. Refer to Appendix 2, '7.0 Development of Conservations Policies and '8.0 Conservation Policy'.

The existing fabric of the building is to be retained. Refer to part 6.0 Constraints Issues and Opportunities of the Conservation Management Plan, Appendix 2, for details relating to the alteration for re-use of Building E. Should items of Heritage significance be discovered during construction, 'Historical Archaeology Code of Practice' prepared by NSW Government Department of Planning should be consulted.

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

It is considered that the subject site is unlikely to possess uncommon, rare or endangered aspects of the local area's culture or natural history. Also refer to 'e' above.

g. An item is important in demonstrating the principal characteristics of a class of the local area's

- Cultural or natural places; or
- Cultural or natural environments

The subject site, relating to Building E, is not considered to have cultural or natural environment significance.

6. Statement of Significance

Building E located at 7 Keppel Street, Bathurst, is a corrugated iron clad shed built somewhere between 1964 and 1983. It is anticipated the proposed commercial tenancy will have negligible impact on the streetscape as alterations are not proposed to the elevation fronting Manilla Street.



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7. Conclusion

With the above report in mind, we believe that the proposed development will provide a positive outcome for all involved.

We look forward to receiving feedback from Council on any of the issues identified in this report. Should conditions be required to be adopted throughout the planning process, we hope to be able to incorporate them and provide the best possible outcome.

Yours Sincerely

A handwritten signature in blue ink that reads 'B Moulds'.

Brett Moulds



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Appendix 1 - DA Documentation



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Appendix 2 - Conservation Management Plan, Tremains Flour Mill



MATTHEW PALAVIDIS
VICTOR FATTORETTO
MATTHEW SHIELDS

Tremain's Mill, Bathurst

Gym Noise Impact Assessment

SYDNEY
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1

Attachment 8.2.3.7

Project ID	20210244.1
Document Title	Gym Noise Impact Assessment
Attention To	A.I.R Superannuation Fund

Revision	Date	Document Reference	Prepared By	Checked By	Approved By
0	5/03/2021	20210244.1/0503A/R0/AW	AW		AW
1	23/04/2021	20210244.1/2304A/R1/AW	AW		AW
2	5/08/2021	20210244.1/0508A/R2/AW	AW		AW

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1 INTRODUCTION

Acoustic Logic (AL) has been engaged to conduct an acoustic assessment of potential noise impacts associated with the proposed gym tenancy to be located within Building E at Tremain's Mill, Bathurst.

This document details applicable noise emission criteria and an assessment of likely operational noise from use of the facility.

AL have utilised the following documents and regulations in the noise assessment of the development;

- Bathurst Regional Council Local Environment Plan (LEP) 2014 and Development Control Plan (DCP) 2014
- NSW Department of Environment and Heritage, Environmental Protection Agency document – *Noise Policy for Industry* (NPI) 2017
- NSW EPA Environmental Criteria for Road Traffic Noise

This assessment has been conducted based on the architectural drawings provided by Brett Moulds Design and Drafting for the site Project: BMD151659, Issue F, dated 22/01/21).

2 SITE DESCRIPTION

The gym is proposed to be located within Building E on the northern portion of the existing Tremain's Mill site, adjacent to Manilla Street. The operating hours for the facility are 4am – 9pm on weekdays, and 6am – 4pm on weekends. The gym primarily consists of an open activity area, with storage and amenities located on the northern wall.

Investigation has been carried out by this office in regards to the existing properties surrounding the proposed development, which is detailed below:

- Existing residential premises to the north along Manilla Street, Bathurst;
- Existing residential premises to the east at 2 Manilla Street 55 Havannah Street, Bathurst;
- Existing childcare centre adjacent to site. Keppel Street, Bathurst bounds the overall site, and further is existing residential premises along Keppel Street, Bathurst;
- The Victoria Hotel adjacent to site. Havannah Street, Bathurst bounds the site, and further this is Bathurst Train Station;

Havannah Street and Keppel Street both carry medium volumes of traffic.

The nearest noise receivers around the site include:

- Receiver 1 - Existing residential premises to the north along Manilla Street, Bathurst. Residential receivers are single story;
- Receiver 2 – Existing residential dwellings to the east at 2 Manilla Street. Residential receiver is single storey;
- Receiver 3 – Existing residential dwelling to the east at 55 Havannah Street, Bathurst. Residential receiver is single storey;
- Receiver 4 – Existing residential premises to the west along Keppel Street, Bathurst. Receivers are single and multi-storey
- Receiver 5 - Existing childcare centre adjoining site at 13 Keppel Street, Bathurst. Commercial receiver is single storey;
- Receiver 6 – Existing bar/hotel adjoining site at The Victoria Hotel 3 Keppel Street, Bathurst. Commercial receiver is multi storey.

A site map, measurement description and surrounding receivers are presented in Figure 1 below.



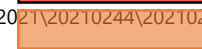
Project Site



Residential Receivers



Commercial Receivers



Train Line

Figure 1 - Project Site
Source: NSW Six Maps



Location of Proposed Gym



Unattended Noise Monitor



Attended Measurements

5

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3 NOISE DESCRIPTORS

Environmental noise constantly varies. Accordingly, it is not possible to accurately determine prevailing environmental noise conditions by measuring a single, instantaneous noise level.

To accurately determine the environmental noise a 15-20 minute measurement interval is utilised. Over this period, noise levels are monitored on a continuous basis and statistical and integrating techniques are used to determine noise description parameters.

In analysing environmental noise, three-principle measurement parameters are used, namely L_{10} , L_{90} and L_{eq} . The L_{10} and L_{90} measurement parameters are statistical levels that represent the average maximum and average minimum noise levels respectively, over the measurement intervals.

The L_{10} parameter is commonly used to measure noise produced by a particular intrusive noise source since it represents the average of the loudest noise levels produced by the source.

Conversely, the L_{90} level (which is commonly referred to as the background noise level) represents the noise level heard in the quieter periods during a measurement interval. The L_{90} parameter is used to set the allowable noise level for new, potentially intrusive noise sources since the disturbance caused by the new source will depend on how audible it is above the pre-existing noise environment, particularly during quiet periods, as represented by the L_{90} level.

The L_{eq} parameter represents the average noise energy during a measurement period. This parameter is derived by integrating the noise levels measured over the 15 minute period. L_{eq} is important in the assessment of environmental noise impact as it closely corresponds with human perception of a changing noise environment; such is the character of environmental noise.

The L_{max} parameter represents the loudest sound pressure level during a measurement period.

4 AMBIENT NOISE SURVEY

NSW EPA's Rating Background Noise Level (RBL) assessment procedure requires determination of background noise level for each day (the ABL) then the median of the individual days as set out for the entire monitoring period.

Appendices in this report present results of unattended noise monitoring conducted at the project site. Weather affected data was excluded from the assessment in line with Factsheets A & B of the NPI. The processed RBL (lowest 10th percentile noise levels during operation time period) are presented in Table 1.

4.1.1 Measurement Position

The noise monitor was installed on the western boundary of the site along Keppel Street, Bathurst. Logger had a full view of traffic movements along Keppel Street and was located 6m from the kerb. Refer to Figure 1 for detailed location.

Background noise levels measured at this location will be representative of background noise levels at nearby residential development.

4.1.2 Time of Measurement

Unattended noise monitoring was conducted from Wednesday 6th of December 2017 to Wednesday 13th of December 2017. Attended noise measurements were undertaken between the hours of 12:30pm and 1:30pm on 13th December 2017.

4.1.3 Measurement Equipment

Equipment used consisted of an Acoustic Research Laboratories Pty Ltd noise logger. The logger was set to A-weighted fast response and was programmed to store 15-minute statistical noise levels throughout the monitoring period. The monitor was calibrated at the start and end of the monitoring period using a Rion NC-73 calibrator. No significant drift was noted. Noise logger data is provided in Appendix 1.

4.1.4 Summarised Rating Background Noise Levels

Summarised rating background noise levels for the project site and immediate surroundings are presented below.

Table 1 – Measured Noise Levels

Time of day	Rating Background Noise Level dB(A)_{L90(Period)}	Environmental Noise Level dB(A) _{L_{eq}(Period)}
Day (7am – 6pm)	43	60
Evening (6pm – 10pm)	38	60
Night (10pm – 7am)	30*	52

*Noise Policy for Industry recommends minimum 30 dB(A) for night time period

4.1.5 Attended Measurement Results

In addition to the unattended noise monitoring, a series of attended noise measurements were undertaken on the 13th of December 2017 (when collecting the unattended noise monitor) to determine the correlation between background noise measurements at the unattended monitoring position and residents along Manilla Street. This was done by simultaneous measurement, demonstrating the noise levels at the logger was representative of nearby receivers.

All attended measurements were made using Norsonic 140 Type 1 sound analysers set on A-weighted fast response mode. Calibration of the meter was checked at the beginning and end of the measurement period, with no significant drift noted.

A summary of the measured background noise levels are presented in the table below.

Table 2 – Attended Noise Measurement (Monitor – Residence Background Noise Correlation)

Monitor Location	Attended Measurement Location	Time of Day	Measured Noise Level
Keppel Street, Bathurst	Location 1 -At Monitor Location	12:30pm - 1:30pm 13 th December 2017	44 dB(A) _{L₉₀}
	Location 2 – Adjacent to 21 & 23 Manilla Street, Bathurst		44 dB(A) _{L₉₀}
	Location 3 – Havannah Street		42 dB(A) _{L₉₀}

Background noise levels measured simultaneously at the unattended noise monitor location was the same at along Manilla Street. This indicates that it is reasonable to adopt the noise logger measured background noise levels when setting background noise levels for nearby residences.

5 NOISE EMISSION CRITERIA

Noise emissions from the site have been assessed for noise emitted from the proposed gym tenancy. The noise emission from the project site shall comply with the requirements of the following documents;

- Bathurst Regional Council Local Environment Plan (LEP) 2014 and Development Control Plan (DCP) 2014
- NSW Department of Environment and Heritage, *Environmental Protection Agency document – Noise Policy for Industry (NPI) 2017*.

5.1 BATHURST REGIONAL COUNCIL DEVELOPMENT CONTROL PLAN 2014

5 Business and Industrial Development

5.7.2. Development Standards

Noise

- a) A noise impact assessment report must be prepared and submitted with a Development Application for any development which Council considers may have the potential to increase existing noise levels in a locality*
- b) The noise impact assessment must be prepared in accordance with the OEH Industrial Noise Policy.*

We note that the Industrial Noise Policy has been superseded by the *Noise Policy for Industry*, detailed in the following sections.

5.2 NSW EPA NOISE POLICY FOR INDUSTRY (NPI) 2017

The EPA NPfI has two criteria which both are required to be satisfied, namely Intrusiveness and amenity. The NPfI sets out acceptable noise levels for various localities. The policy indicates four categories to assess the appropriate noise level at a site. They are rural, suburban, urban and urban/industrial interface. Under the policy the nearest residential receivers would be assessed against the rural criteria.

Noise levels are to be assessed at the property boundary or nearby dwelling, or at the balcony or façade of an apartment.

5.2.1 Intrusiveness Criterion

The guideline is intended to limit the audibility of noise emissions at residential receivers and requires that noise emissions measured using the L_{eq} descriptor not exceed the background noise level by more than 5dB(A). Where applicable, the intrusive noise level should be penalised (increased) to account for any annoying characteristics such as tonality.

Background noise levels adopted are presented in [Table 1](#). Noise emissions from the site should comply with the noise levels presented below when measured at nearby property boundary.

5.2.2 Project Amenity Criterion

The guideline is intended to limit the absolute noise level from all noise sources to a level that is consistent with the general environment.

The EPA's NPfl sets out acceptable noise levels for various localities. The recommended noise amenity area is based upon the measured background noise levels at the sensitive receiver. Based on the measured background noise levels detailed in Table 1, the Noise Policy for Industry suggests the adoption of the 'rural' categorisation.

The NPI requires project amenity noise levels to be calculated in the following manner;

$$L_{Aeq,15min} = \text{Recommended Amenity Noise Level} - 5 \text{ dB(A)} + 3 \text{ dB(A)}$$

The amenity levels appropriate for the receivers surrounding the project site are presented in [Table 3](#)

Table 3 – EPA Amenity Noise Levels

Type of Receiver	Time of day	Recommended Noise Level dB(A) _{Leq(period)}	Project Amenity Noise Level dB(A) _{Leq(period)}
Residential – Rural	Day	50	48
	Evening	45	43
	Night	40	38
Commercial premises	When in use	65	63
Industrial premises	When in use	70	68

Given the limited use of the proposed gym tenancy during the early morning period (and as such the limited impact it would have on the overall noise level during the night time period under which the amenity level applies), it is not proposed to apply the amenity level for operation between 6-7am.

The NSW EPA Noise Policy for Industry (2017) defines;

- Day as the period from 7am to 6pm Monday to Saturday and 8am to 6pm Sundays and Public Holidays;
- Evening as the period from 6pm to 10pm.
- Night as the period from 10pm to 7am Monday to Saturday and 10pm to 8am Sundays and Public Holidays

5.2.3 Sleep Arousal Criteria

The Noise Policy for Industry recommends the following noise limits to mitigate sleeping disturbance:

Where the subject development / premises night -time noise levels at a residential location exceed:

- $L_{Aeq,15min}$ 40 dB(A) or the prevailing RBL plus 5 dB, whichever is the greater, and/or
- L_{AFmax} 52 dB(A) or the prevailing RBL plus 15 dB, whichever is the greater,

a detailed maximum noise level even assessment should be undertaken.

Table 4 - Sleep Arousal Criteria for Residential Receivers

Receiver	Rating Background Noise Level (Night) dB(A) L_{90}	Emergence Level
Residences on Manilla Street Night (10pm – 6am)	30*	40 dB(A) $L_{eq, 15min}$; 52 dB(A) L_{AFmax}

*Note that the NSW EPA NPI recommends a minimum background level of 30 dB(A) $L_{90(period)}$.

If there are noise events that could exceed the emergence levels detailed in the table above, then an assessment of sleep arousal impact is required to be carried out, taking into account the level and frequency of noise events during the night, existing noise sources, etc. This more detailed sleep arousal test is conducted using the guidelines in the EPA Road Noise Policy. Most relevantly, the Road Noise Policy states:

For the research on sleep disturbance to date it can be concluded that:

- *Maximum internal noise levels below 50-55dB(A) are unlikely to awaken people from sleep.*
- *One to two noise events per night with maximum internal noise levels of 65-70dB(A) are not likely to affect health and wellbeing significantly.*

5.3 SUMMARISED NOISE EMISSION CRITERIA

Table 5 – EPA NPI Noise Emission Criteria (Residents Surrounding Tremain’s Mill)

Time Period	Assessment Background Noise Level dB(A)L_{90}	Project Amenity Criteria dB(A) L_{eq}	Intrusiveness Criteria $L_{eq}(15min)$	NPI Criteria for Sleep Disturbance
Day (7am – 6pm)	43	48	48	N/A
Evening (6pm – 10pm)	38	43	43	N/A
Night (10pm – 6am)	30	38	35	40 dB(A) $L_{eq, 15min}$; 52 dB(A) L_{AFmax}

Table 6 – EPA NPI Noise Emission Criteria (Non-Residential)

Receiver	Time of Day	Amenity Criteria dB(A) L_{eq}
Commercial	When in use	63
Industrial	When in use	68

6 ASSESSMENT OF NOISE EMISSIONS

An assessment of operational noise is presented below.

6.1 ASSUMPTIONS

Predicted noise levels are based on the following assumptions:

- Open Gym Area – Maximum sound pressure level assumed to be
 - 65 dB(A) L_{eq} from amplified music, during the night time period (for operation prior to 7am). This is consistent with background music; and
 - 80 dB(A) L_{eq} from amplified music during other operational times (between 7am and close).
- For the early morning period (between 4am – 7am), it has been assumed that patron vocal noise internally within the gym area may also contribute to the noise level, as the reduced music levels would make conversation and training activities audible above the background level in the gym.
 - For this purpose, a sound power level of 75dB(A) L_{eq} has been used for gym patrons, with a total of 10 patrons engaged in conversation (1 in 2 talking at any one time); or
 - Instruction of a class with raised voice, assuming a vocal sound power of 84 dB(A) L_{eq} for the instructor.
- During the daytime and evening periods, where a higher music noise level has been assumed, noise from amplified music would generate a higher noise level than patron/vocal noise within the gym, and as such the contribution from patrons during this time would be less. i.e the assumed maximum sound pressure level from amplified music would be representative of all scenarios of use during this period.
- Façade open/closed as detailed in the recommendations of the report. We also note that it is proposed to line the lower extent of the perimeter walls of the existing building with plasterboard.

6.2 NOISE EMISSION PREDICTIONS

Noise emissions at each of the nearby identified properties are presented below and assessed against relevant acoustic criteria from Section 5.3.

6.2.1 General Use of the Gym

The primary noise source will be from amplified music and activity noise within the open gym area of the tenancy. The predicted noise levels from the operation of the gym are presented in the following tables. Predicted noise levels factor in losses due to distance attenuation, barrier effects, and transmission losses through the building structure. Predicted noise emissions have been calculated on the assumption that the recommendations detailed in the report are implemented.

We note that it is recommended that the existing sliding doors facing the carpark are only open during the daytime period. As such, a conservative noise reduction resulting from the sliding doors being closed has been applied during the early morning/night time and evening periods.

Table 7 – Noise Emission to Residents Along Manilla Street (building façade)

Noise Source	Time of Day	Predicted Noise Level	Permissible Noise Level	Comments
Operational Noise from Internal Gym Activities	Early Morning/Night Time (4am – 7am)	32 dB(A) _{Leq(15min)}	35 dB(A) _{Leq(15min)}	Meets Noise Emission Requirements
	Daytime (7am – 6pm)	48 dB(A) _{Leq(15min)}	48 dB(A) _{Leq(15min)}	
	Evening (6pm – 8pm)	38 dB(A) _{Leq(15min)}	43 dB(A) _{Leq(15min)}	

6.2.2 Car Park Noise Emission

As the site is proposed to be used during the night time period, where potential impacts for sleep disturbance need to be considered, an assessment of peak noise impacts will be undertaken. The highest noise level expected from this activity is from a car door slamming, which has a sound power level of 95dB(A) L_{max} . Depending on the location within the carpark the door slam occurs, the likely noise level experienced at nearby residents when considering distance attenuation alone would be between 58 dB(A) L_{max} (for the closest spaces) and 55 dB(A) L_{max} for the furthest spaces.

Both of these levels indicate that this activity may generate an exceedance of the sleep disturbance emergence level, and as such a detailed assessment of sleep disturbance should be undertaken (refer Section 5.2.3). This detailed assessment is required to consider the level & frequency of the events, and is undertaken with reference to the NSW EPA Road Noise Policy, summarised below:

- The predicted noise associated with the loudest of these noise sources (car door closing) is expected to be up to 58 dB(A) L_{max} at the residence to the north.
- Typically, there is a 10dB(A) noise reduction between an external noise level and the noise level *inside* the residence (assuming that the windows are left open).
- This being the case, it would be expected that the noise level generated by a car door closing would be less than 50dB(A) *inside* the residence to the north, even if the windows are left open.
- We note the EPA guidance in this regard which states:

Maximum internal noise levels below 50 – 55 dB(A) are unlikely to awaken people from sleep

- Given that the peak noise events in question are less than 50dB(A) (below the quieter end of the range identified by the EPA), in our opinion this noise generation should be considered reasonable.

With regard to the potential for patrons of the gym to use on street parking along Manilla Street during the early morning or late evening periods, we note that there is sufficient parking available on site to generally accommodate patrons. As such, it would be expected that users of the gym would utilise these parking spaces (which are closer than street parking), rather than parking on the street. In any case, the NSW EPA Noise Policy for Industry does not apply to activities which occur outside of the premises, and as such application of the same guidelines to this activity would not be appropriate. Notwithstanding, patrons should be encouraged to utilise the on site parking which is associated with the gym to minimise any potential noise impacts on surrounding residents.

Further, Council has requested that vocal noise from patrons within the carpark be addressed. Given that this area would only be expected to be used for patrons travelling to their car, any vocal noise would generally be of a short duration and low noise level (i.e. casual conversations during the short walk to vehicles). Any noise generated from this use would not typically be expected to exceed any specific noise control requirement.

Although congregations would not be expected within the carpark, in the event that this were to occur management controls could be introduced to prevent this activity from occurring. This could include signage within the gym and carparking area, conditions of membership, or the provision of an appropriate area where patrons may congregate (either an internal lounge, or appropriately located externally such as near the entrance door).

7 RECOMMENDATIONS

The following recommendations are made to ensure ongoing compliance with noise emission goals.

- Music noise levels within the open gym area not to exceed 65dB(A) L_{eq} between 4-7am, and 80dB(A) L_{eq} at all other times.
- Windows/openings on the northern façade (facing Manilla Street) should remain closed.
- Sliding doors on the eastern façade (facing the carpark) are to remain closed between 4am – 7am and 6pm – 9pm. Entry to the gym should be via the southern doors during this time.
- Gym patrons should be encouraged to avoid using the carpark area for any type of social gatherings, particularly during the early morning and late evening periods. Further, use of the on site parking should be encouraged during the early morning/night time period.
- Resilient flooring should be provided for the active areas of the gym, and in particular any open or free weights areas. Indicatively, this may consist of an isolated flooring system topped with Regupol Everroll or 25mm thick Olympact tiles. Other systems may also be considered subject to the approval of the project acoustic consultant.
- Detailed acoustic design of all mechanical plant should be undertaken at CC stage. An acoustic report should be commissioned to determine acoustic treatments (including plant vibration isolation) needed to ensure all new plant items will comply with the Council & NSW EPA acoustic requirements, as detailed in section 5.3, so as to avoid impacts on nearby development.

8 CONCLUSION

In this report we have identified the potential noise generation as a result of proposed use of Building E of Tremain's mill as a gym.

Noise emissions have been assessed against noise emission requirements of the Bathurst Regional Council Development Control Plan and NSW EPA Noise Policy for Industry (2017).

Noise emissions from the operation of site are able to comply with all relevant acoustic criteria provided that the building and management controls recommended in section 7 of this report are adopted.

Please contact us should you have any further queries.

Yours faithfully,

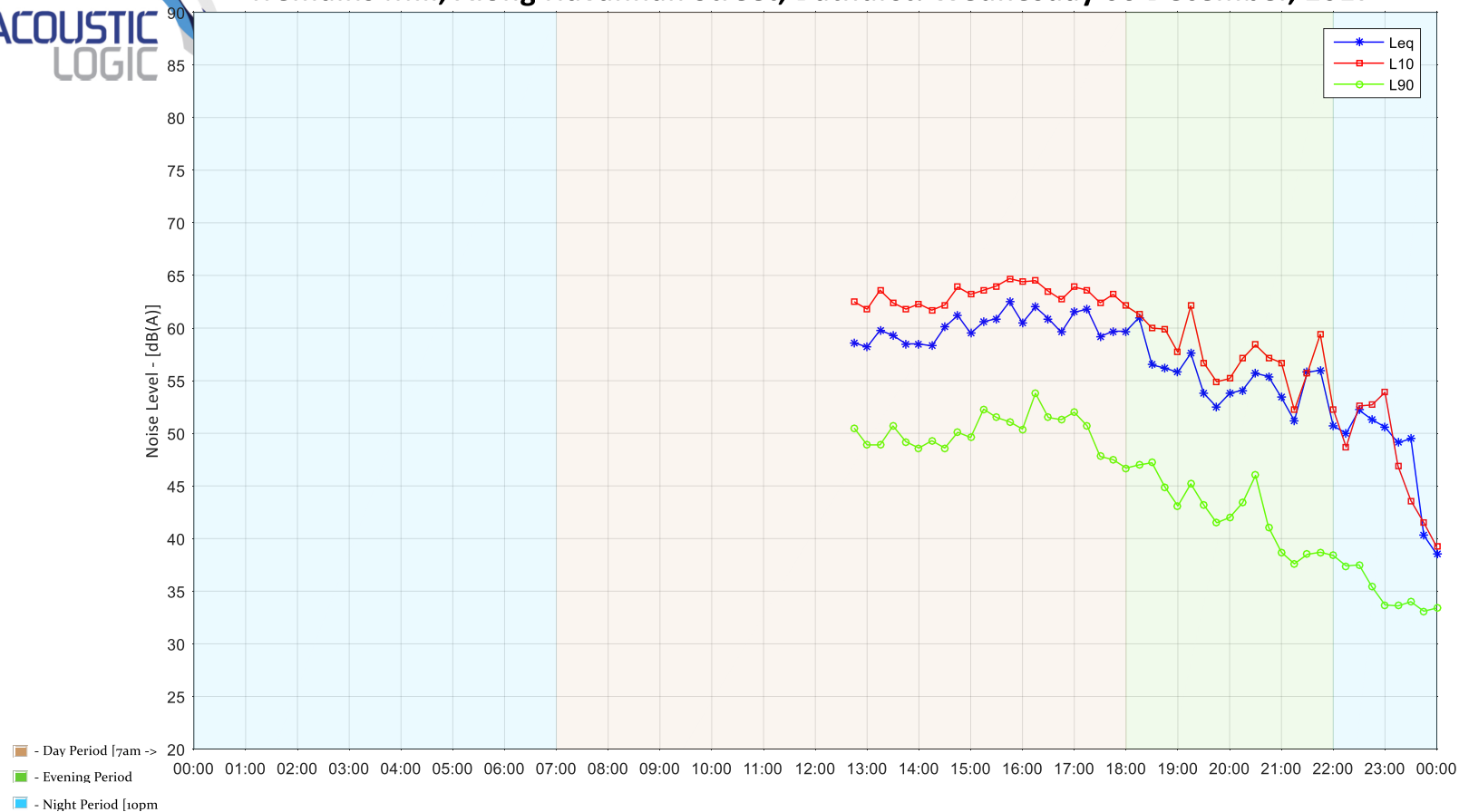
A handwritten signature in black ink, appearing to read 'Alex Washer', is positioned above the printed name.

Acoustic Logic Pty Ltd
Alex Washer

APPENDIX A – UNATTENDED NOISE MONITORING

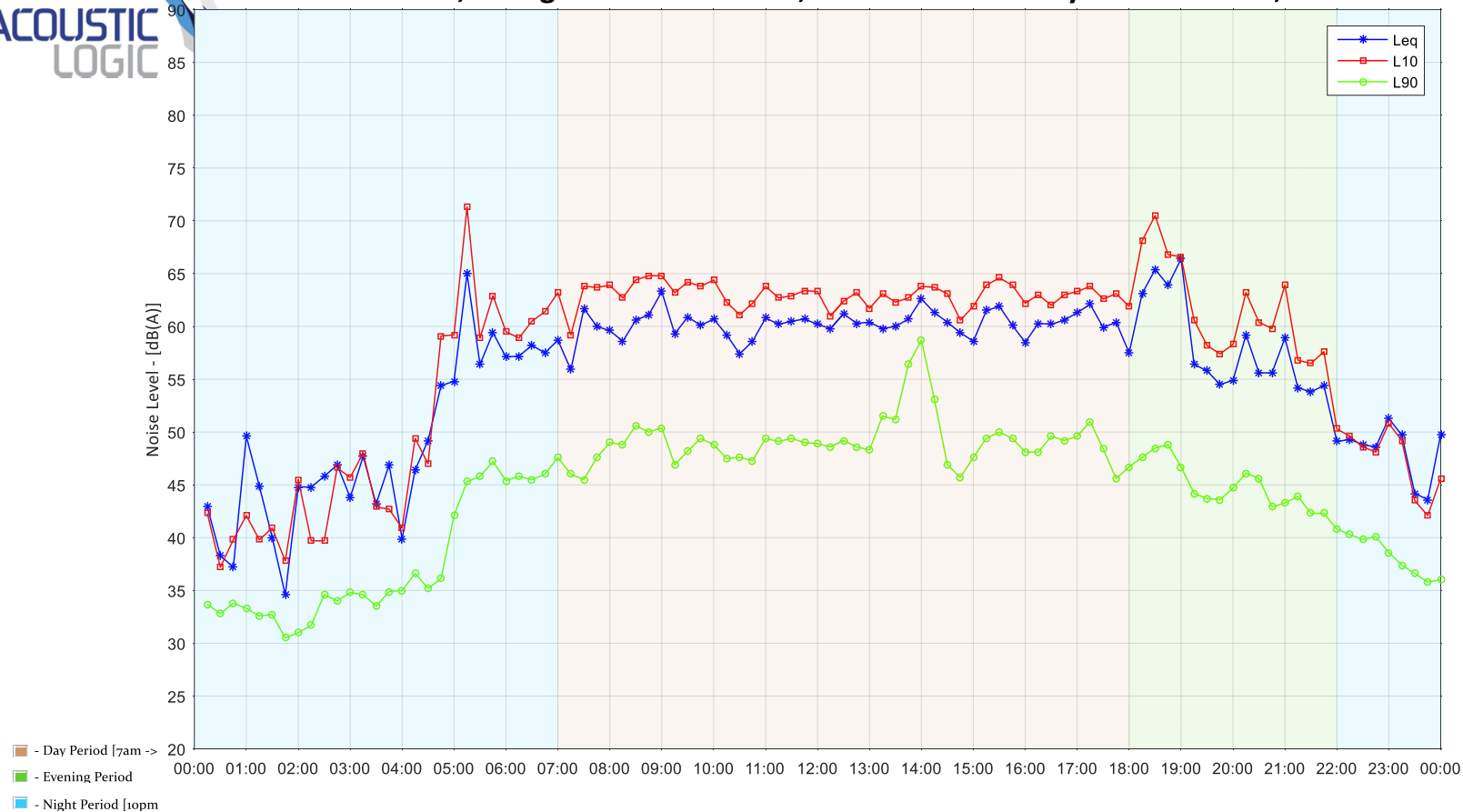


Tremains Mill, Along Havannah Street, Bathurst: Wednesday 06 December, 2017



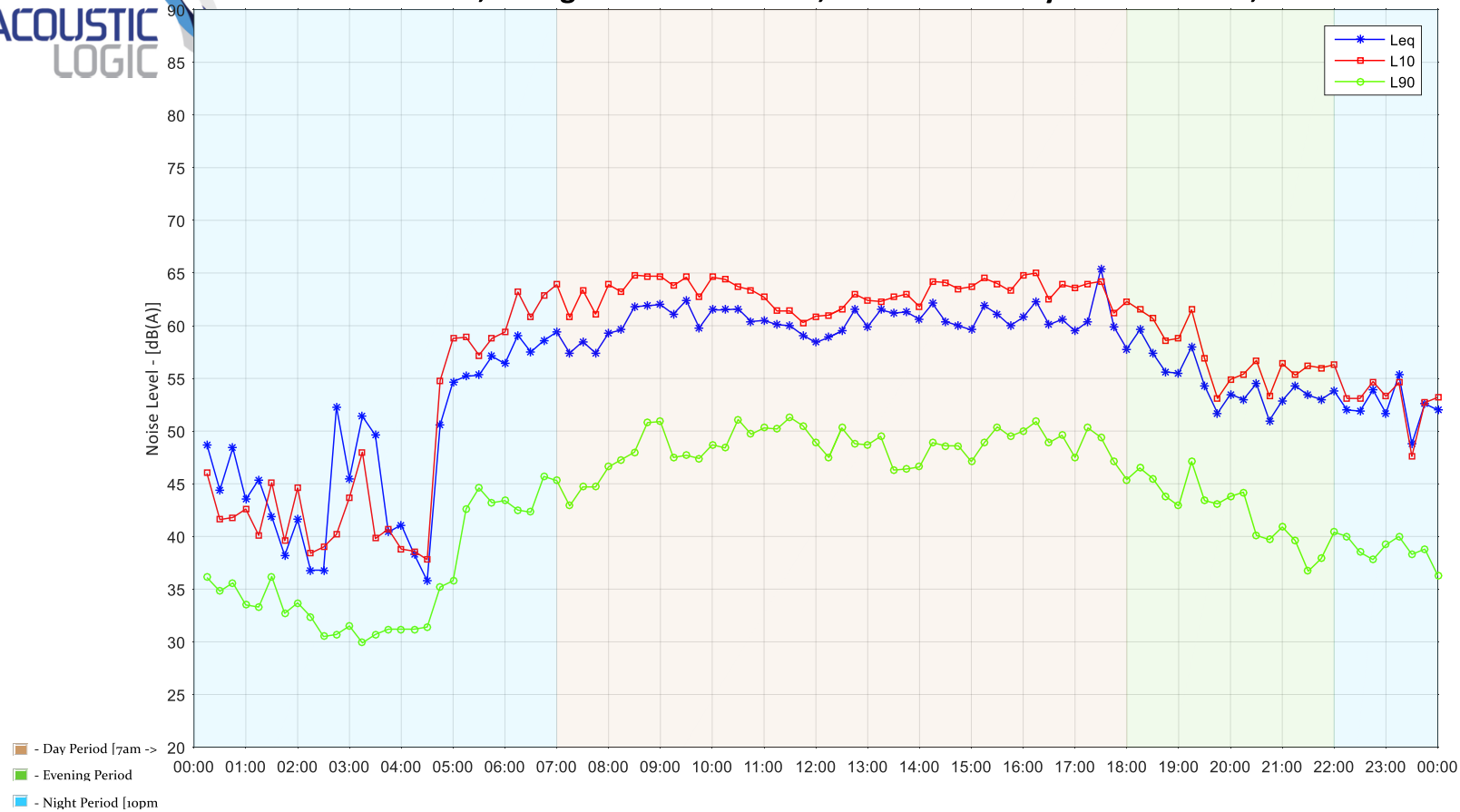


Tremains Mill, Along Havannah Street, Bathurst: Thursday 07 December, 2017



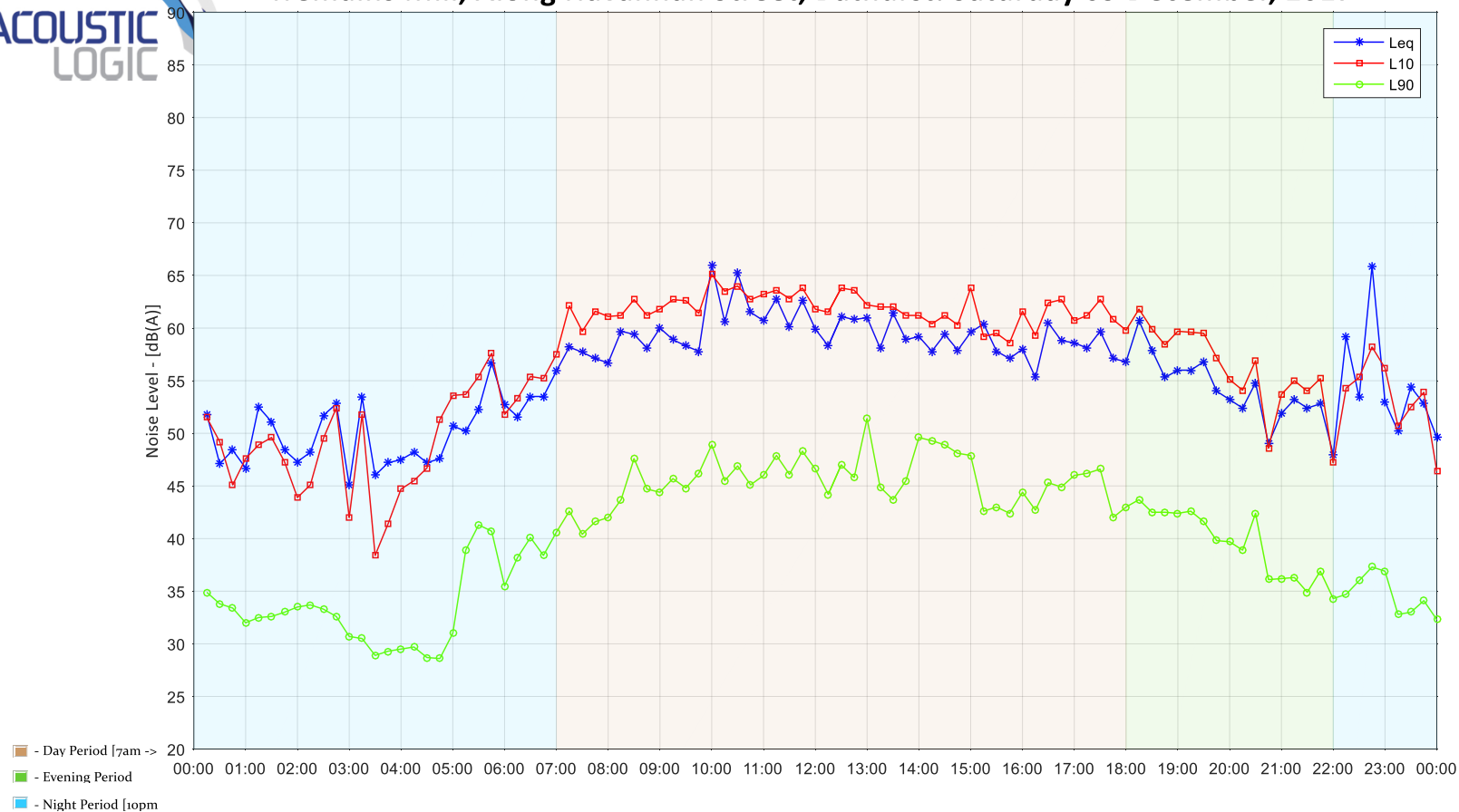


Tremains Mill, Along Havannah Street, Bathurst: Friday 08 December, 2017



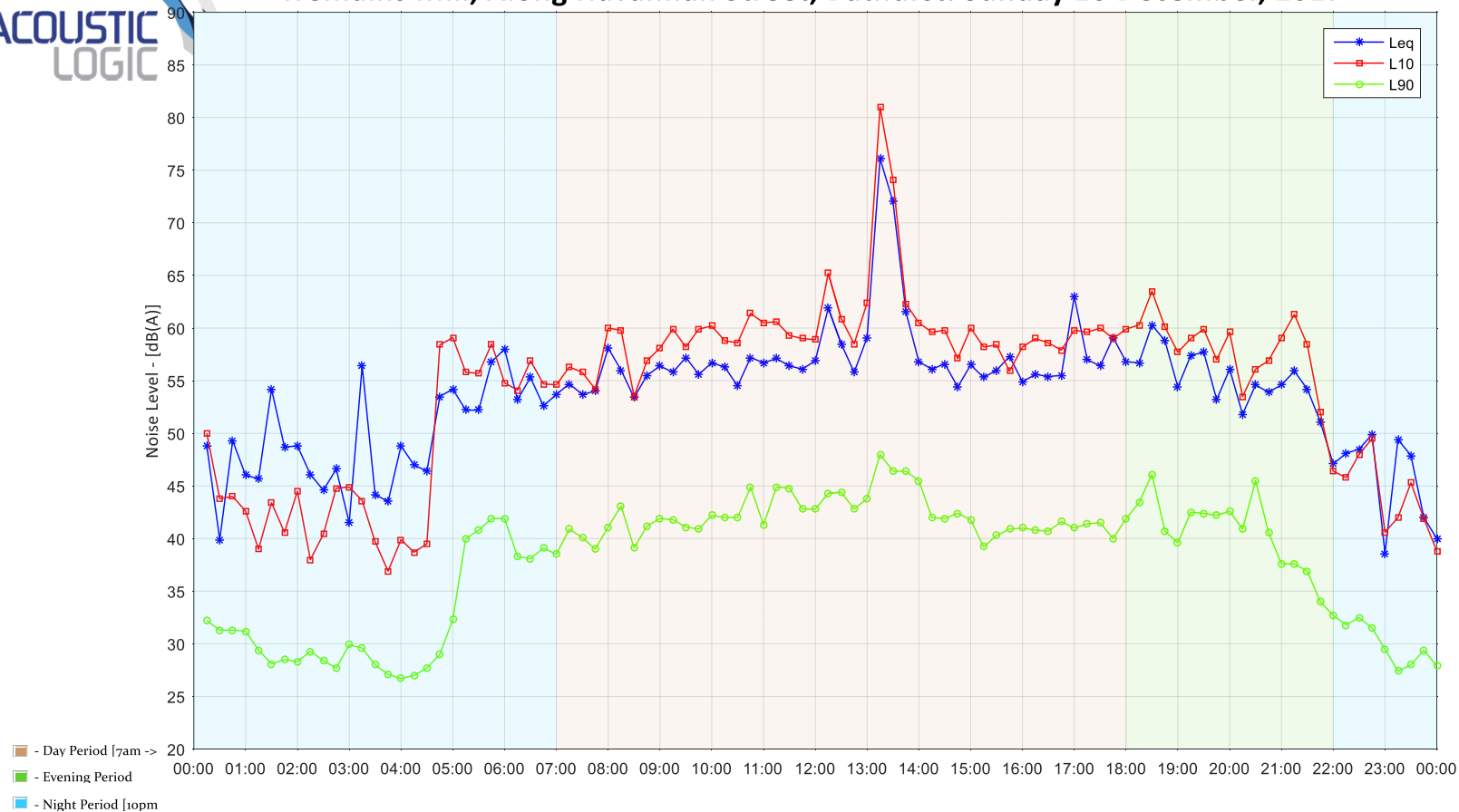


Tremains Mill, Along Havannah Street, Bathurst: Saturday 09 December, 2017



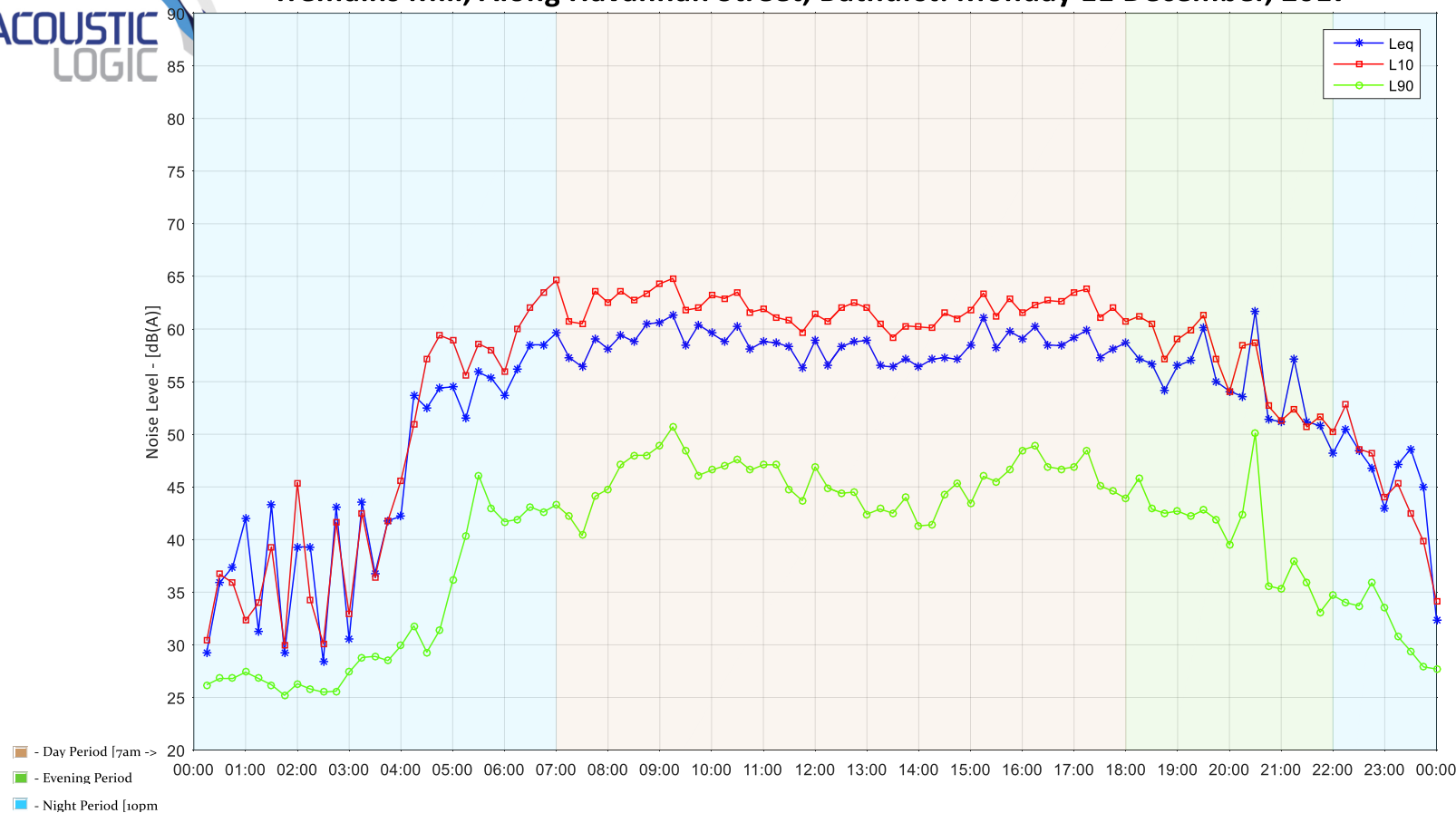


Tremains Mill, Along Havannah Street, Bathurst: Sunday 10 December, 2017



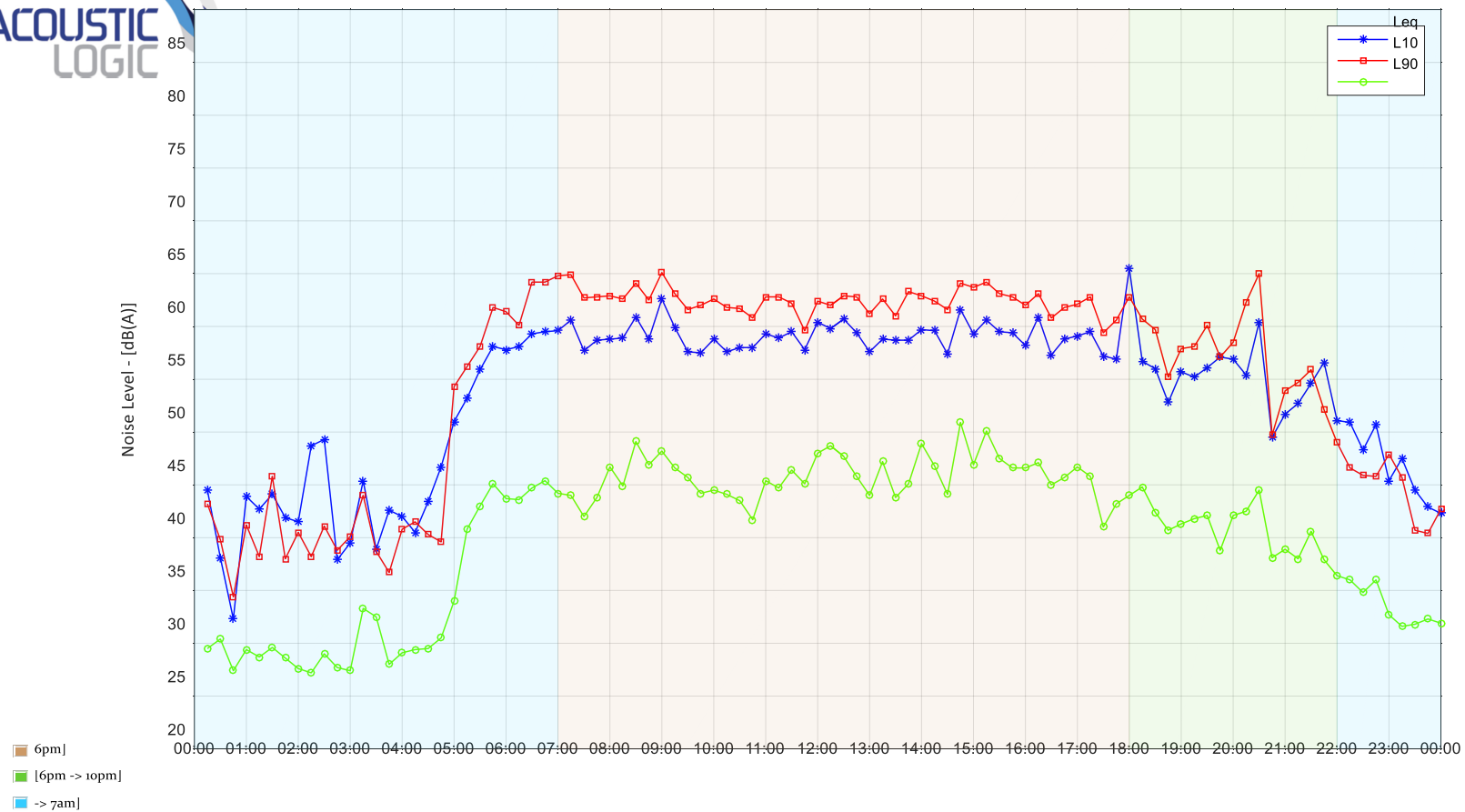


Tremains Mill, Along Havannah Street, Bathurst: Monday 11 December, 2017






Remains Inn, Along Havannah Street, Bathurst: Tuesday 12 December, 2017






Remains Inn, Along Navanman Street, Bathurst: Wednesday 15 December, 2017





Non-residential Lighting

Class 3 and 5-9 buildings



Main Menu
Help
Multiple Lighting Systems Calculator
Calculator

Building name/description

Building E - One Strength

Number of rows preferred in table below

8


(as currently displayed)

Classification

Class 6

ID	Description	Floor area of the space	Perimeter of the space	Floor to ceiling height	Design Illumination Power Load	Space	Illuminance		Adjustment Factor One			Adjustment Factor Two			Light Colour Adjustment Factors		SATISFIES PART J6.2			
							Designed Lux Level	Recommended Lux Level	Adjustment Factor One	Dimming % Area	Illuminance Turndown	Adjustment Factor Two	Dimming % Area	Illuminance Turndown	Light Colour Adjustment Factor One	Light Colour Adjustment Factor Two	System Illumination Power Load Allowance	Lighting System Share of % of Aggregate Allowance Used		
							These columns do not represent a requirement of the NCC and are suggestions only													
1	Open Gym	365.0 m ²	93 m	6.0 m	3024 W	An illuminance more than 320 lx to 400 lx											3042 W	90% of 98%		
2	Storage	109.8 m ²	44 m	6.0 m	224 W	Storage											258 W	7% of 98%		
3	Office	7.8 m ²	11 m	2.4 m	28 W	Office - artificially lit to an ambient level of less than 200 lx											33 W	1% of 98%		
4	Ambulant WC	2.5 m ²	7 m	2.4 m	14 W	Toilet, locker room, staff room, rest room and the like											15 W	0% of 98%		
5	Ambulant WC	2.5 m ²	7 m	2.4 m	14 W	Toilet, locker room, staff room, rest room and the like											15 W	0% of 98%		
6	Shower Room	3.2 m ²	8 m	2.4 m	14 W	Toilet, locker room, staff room, rest room and the like											18 W	0% of 98%		
7	Shower Room	3.2 m ²	8 m	2.4 m	14 W	Toilet, locker room, staff room, rest room and the like											18 W	0% of 98%		
8	Accessible WC	6.9 m ²	11 m	2.4 m	28 W	Toilet, locker room, staff room, rest room and the like											36 W	1% of 98%		
Total						3360 W											Total	3435 W		

if inputs are valid



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Tremain's Flour Mill

11 Keppel Street, Bathurst

CONSERVATION MANAGEMENT PLAN



SENTHILPAVAI KASIANNAN

Heritage Consultant
Wentworth Falls, NSW
March 2016

Attachment 8.2.3.9

Conservation Management Plan – Tremain's Flour Mills, Bathurst NSW

Cover Page Images:

(Top: Tremain's Flour Mills, 1940. © Tremain Family Archives;
Bottom: Tremain's Flour Mills, 2015. © Senthilpavai Kasiannan)

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March 2016

EXECUTIVE SUMMARY

The former Tremain's Flour Mills complex was one of the earliest flour mills in Bathurst and one of the last flour mills to cease operations in 1980. The flour mill is an excellent example of the late nineteenth century and early twentieth century flour mills that operated throughout regional towns in New South Wales.

The site is located at 11 Keppel Street in Bathurst and is bound by the three streets of Keppel, Havannah and Manilla. The mill and its silos occupy a landmark position in this part of Bathurst, formerly known as Milltown due to the presence of flour mills and residences of the mill workers. A number of buildings and groups of buildings in the vicinity of the Tremain's Mill site are of heritage significance. The mill site and the surroundings are within the Bathurst conservation area.

The twentieth century flourmill provides tangible evidence of the role of the wheat industry in the economic development of Bathurst, one of Australia's old inland towns.

The mill buildings and the silos are a key landmark in this part of Bathurst. The largely intact surroundings free from large scale modern development contributes significantly to the historic character and setting of the former Tremain's Flour Mills. The mill complex in turn contributes significantly to the Bathurst conservation area.

The mill buildings associated with the Tremain family are significant locally for their historic and associational values. The mill buildings date back to the late nineteenth century and are able to demonstrate the evolution of flour mills and the science of flour milling in the early twentieth century. The Tremain family operated the mills for more than a century from the time of its purchase by William Tremain in 1874. The trademark 'invincible' and 'fairy dell' products produced by the mill were very popular and the company won a number of awards—nationally and internationally for the superior quality of its flour.

The mill was a small-scale milling enterprise and it has always been associated with residences and shops. In the early days, the owners resided on the site and the mill produce was sold from the shop on the premises.

The former Tremain's Flour Mill complex including the brick mill buildings, sheds and associated silos are a common design for industrial buildings of this period. The sheds with undressed timber trunks as columns, brick buildings with exposed brick and simple detailing, Victoria Stores building in a Victorian Italianate style, rail weigh bridge and siding, smaller and larger (30 and 90 tonne) Oregon timber grain elevators, concrete silos, additional sheds, and a store along Havannah Street

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preserve the lay-out of the former flour mill site. The raised inscription on the brick parapet of the Victoria Stores building, the painted signs on the façade of the mill building and the shed, and the 'Invincible Flour' sign along Keppel Street further contribute significantly to the character of the former Tremain's Mill complex. The mill complex, its various buildings, remnant infrastructure, equipment and silos have considerable aesthetic significance.

The mill buildings also have considerable social value as established through the advocacy towards its protection prior to its sale in 2015.

Although most of the machinery were removed prior to its sale in 1980, the mill complex continues to retain all of its original grain-handling equipment, timber grain elevators made of Oregon pine, a roller mill, dreadnought grinder and some machinery. The building fabric is capable of demonstrating the flour milling processes through the remnant conveyor wheels and building infrastructure. Tremain's Mills is one of the few mills that retain its earliest shed and original Oregon timber silos

The comparative analysis did not reveal any other mill that maybe directly comparable, however, former Tremain's mill is of a generic design that is increasingly becoming rare. The mill and its associated buildings display remarkable integrity and are considerably intact, when compared to other mills in NSW.

The former Tremain's Flour Mill contributes significantly to this part of Bathurst and it is the last flour mill to have ceased operations. The conservation policies that have been developed are in recognition of the significant contributions the mill complex makes to the regional town of Bathurst. The grading of significance identified in this report has helped formulate the conservation policies. Accordingly, the policies anticipate future uses and modifications that are cognisant of the need to redevelop the site, while maintaining the heritage integrity and values of the complex.

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1.0 INTRODUCTION

1.1 BACKGROUND

This Conservation Management Plan (CMP) has been prepared on behalf of the present owner of Tremain's Flour Mill. The CMP is a requirement of the Bathurst Regional Council prior to the formulation of any redevelopment proposals that would decide the future of the mill site.

1.2 LOCATION OF SITE

The former Tremain's Flour Mill site is located at the corner of Havannah and Keppel Streets and is bound by Manilla Street along its northwest side. The location of the mill site is illustrated in Figure 1 below.



Figure 1 Aerial photograph showing the location of Tremain's Flour Mill at 11 Keppel Street, Bathurst. The site is highlighted (source: <https://maps.six.nsw.gov.au> imagery dated 25 June 2012)

The property consists of many buildings that once formed part of the historic flour mill. The Tremain's Mill site is now rented by a number of businesses and establishments. This CMP discusses all the structures on the site of the former Tremain's Flour Mill site.

1.3 METHODOLOGY

The CMP follows a standard format/methodology, as recommended by the *Heritage Manual* prepared by Heritage NSW. These include the guidelines for the preparation of conservation plans set out in *The Conservation Plan* (Kerr 2013); and the

principles as set out in the *Australia ICOMOS Burra Charter*, adopted in 2013 by Australia ICOMOS to assist in the conservation of heritage places.

The principal purpose of the CMP is to survey and assess the mill complex; to identify the significant heritage elements and establish the heritage values of the place; and to provide guidance, in the form of policies and guidelines on the conservation and treatment of the significant elements.

The following matters are addressed in this report:

- Historical background (Chapter 2)
- Physical survey and analysis (Chapter 3)
- Comparative analysis (Chapter 4)
- Assessment of cultural significance (Chapter 5)
- Constraints, Issues and Opportunities (Chapter 6)
- Development of Conservation Policies (Chapter 7)
- Conservation Policy (Chapter 8)

1.4 LIMITATIONS

This CMP addresses the historic significance of the site. While this CMP aims to be as comprehensive as possible, it has been limited by the following constraints.

- There are limited publications with regards to the flour mill site.
- Investigations with regards to the Aboriginal history in connection to the site are beyond the scope of this CMP.
- It has also been not possible to establish the historical archaeology connections with regards to the former Tremain's Flour Mill site.
- Community consultation and a deeper understanding of the site's social value has not been part of this CMP.
- Analysis and a comprehensive understanding of remnant machinery on site were not possible. The observations presented are therefore limited to visual observations only and no detailed inventorying of equipment has been undertaken.

1.5 HERITAGE STATUS

Tremain's Mill and silos (former Victoria Mill) and Invincible Flour sign are registered on the Bathurst Regional Heritage Register (I39), updated in 2015. The site is listed as a major landmark in South Bathurst and as a very good example of a Nineteenth Century flourmill complex (refer Figure 2).

In addition, Tremain's Mill and Silos also form part of the Bathurst Conservation Area (C1). The adjacent heritage items include the Victoria Hotel (I38) and the Bathurst Railway Station, Station Masters residence, cottage, Railway Institute and warehouse buildings (I37).

The property was also listed on the National Trust's Country Register. This property is not included in any other heritage register.

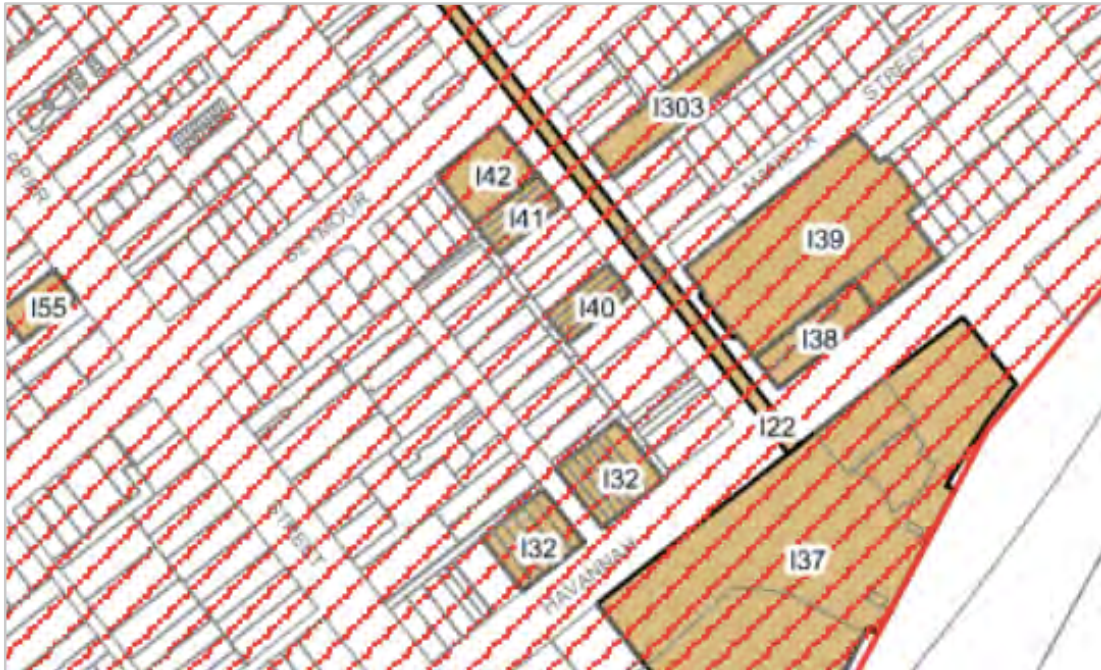


Figure 2 Heritage Map showing Tremain's Mill and Silos (I39-indicated)
(http://www.legislation.nsw.gov.au/map/0470_COM_HER_011BB_010_20140320.pdf?id=5f18d140-559b-465d-9153-d2aa4484c52c, accessed 25 October 2015)

1.6 AUTHOR IDENTIFICATION

Dr. Senthilpavai Kasiannan prepared this CMP. She surveyed the physical condition of Tremain's Flour Mills complex and compiled the findings in the form of this report. She is a heritage consultant and advisor with heritage expertise, listed on the Heritage Office (NSW) "Heritage Consultants List". She is a full international member of ICOMOS Australia. Unless otherwise stated, photographs reproduced in this report are by the author.

1.7 DEFINITIONS

Definitions and terminology used in this report are based on The Burra Charter and are as follows:

Place means site, area, land, landscape, building or other work, group of buildings or other works, and may include components, contents, spaces and views.

Cultural significance means aesthetic, historic, scientific or social value for past, present or future generations. Cultural significance is embodied in the place itself, its fabric, setting, use, associations, meanings, records, related places and related objects.

Fabric means all the physical material of the place, including components, fixtures, contents, and objects.

Conservation means all the processes of looking after a place so as to retain its cultural significance.

Maintenance means the continuous protective care of the fabric and setting of a place, and is to be distinguished from repair. Repair involves restoration or reconstruction.

Preservation means maintaining the fabric of a place in its existing state and retarding deterioration.

Restoration means returning the existing fabric of a place to a known earlier state by removing accretions or by reassembling existing components without the introduction of new material.

Reconstruction means returning a place to a known earlier state and is distinguished from restoration by the introduction of new material into the fabric.

Adaptation means modifying a place to suit the existing use or a proposed use. Associations mean the special connections that exist between people and a place.

Use means the functions of a place, as well as the activities and practices that may occur at the place.

Compatible use means a use which respects the cultural significance of the place. Such a use involves no, or minimal, impact on cultural significance.

Setting means the area around a place, which may include a visual catchment.

Associations mean the special connections that exist between people and a place

Meanings denote what a place signifies, indicates, evokes or expresses.

Interpretation means all the ways of presenting the cultural significance of a place.

In addition, the following definitions are also noted:

Deposit (or "archaeological deposit") means soils, fills or other layers associated with the development of the place that are not structural. Deposits may contain artefacts.

Feature (or "archaeological feature") means structural remains of building and works.

Relic (also "archaeological relic") means "relic" means any deposit, artefact, object or material evidence that: (a) relates to the settlement of the area that comprises

New South Wales, not being Aboriginal settlement, and (b) is of State or local heritage significance.

The term curtilage used in this report is defined in the Heritage Office's Heritage Curtilages as "...the area of land (including land covered by water) surrounding an item or area of heritage significance which is essential for retaining and interpreting its heritage significance. It can apply to either: land which is integral to the heritage significance of items of the built heritage; or a precinct which includes buildings, works relics, trees or places and their setting."

The terms used to discuss the four types of curtilage, (i.e. Lot Boundary, Reduced, Expanded and Composite) in this report are also explained in the Heritage Office's *Heritage Curtilages*. A description of the four types of curtilage is reproduced below.

Lot Boundary Curtilage:	The most common type of heritage curtilage comprises the boundary of the property containing the heritage item as shown on the lot plan.
Reduced Curtilage:	This type of heritage curtilage is less than the lot boundary of the property. It arises where the significance of an item may not relate to the total lot, but to a lesser area, and is often defined when development occurs. An example is when a large estate containing a heritage item is to be subdivided, or when a second dwelling is proposed to be constructed on land containing a heritage item. In these cases, it is necessary to identify a heritage curtilage which is less than the property boundary, but is still sufficient to maintain the heritage significance of the item.
Expanded Curtilage:	There are circumstances an expanded curtilage may be required to protect the landscape setting or visual catchments of a heritage item. An expanded heritage curtilage is greater than the property boundary.
Composite Curtilage:	This type of curtilage applies to heritage conservation areas and defines the boundaries of land required to identify and maintain the heritage significance of an historic district, village or suburban precinct.

In addition, the following abbreviations are used in this report:

CMP – Conservation Management Plan

LPI – Land and Property Information

BRC – Bathurst Regional Council

1.8 ACKNOWLEDGMENTS

This study has benefited from the assistance and knowledge provided by:

- Stephen Birrell, Bathurst
- Barbara Hickson, Heritage Advisor, Bathurst Regional Council
- Sylvia Kilby, Bathurst District Historical Society
- Janet Bingham, Bathurst Regional Council

- Ashlee Cutter, Bathurst Regional Council
- Sandy Bathgate, Bathurst

The study has also benefitted from the following resources:

- Bathurst building approval records held at the Bathurst Regional Council office, Bathurst
- Rate records held at the Bathurst District Historical Society archives
- Early twentieth century sewer plans provided by the Bathurst Regional Council

2.0 HISTORICAL BACKGROUND

This section provides a historical background of Tremain's Mill complex in the context of Bathurst. There are limited resources that provide information of the Mill complex and this report relies on a small number of publications and a large number of newspaper articles. This section sets out the historical context for this report and includes Indigenous connections, brief history of Bathurst, wheat cultivation in Bathurst, flour milling, rate records for the site, and historical development of the Tremain's mill site.

2.1 INDIGENOUS CONNECTIONS¹

Prior to European settlement, Wiradjuri people occupied the Bathurst region. They occupied the Macquarie River area on a seasonal basis. Initially, European intrusion into Wiradjuri country was restricted on the orders of Governor Macquarie. From the early 1820s these restrictions were removed and the focus of the settler attention was on areas favoured by the indigenous people; causing the dislocation of the Wiradjuri with the arrival of pastoral settlers and their herds in greater numbers, culminating in open conflict in 1823 and 1824.

By 1840s there was widespread dislocation of the Aboriginal people. Further destruction to the indigenous population was caused due to disease, alcohol and the gold rush. From the 1890s, the remaining indigenous population were placed on reserves and missions outside the Bathurst area.

2.2 BRIEF HISTORY OF BATHURST

Following the crossing of the Blue Mountains, the Central Tablelands were found to be good as potential grazing land for the herds of the settlers. In the beginning, private occupation was restricted to the east bank of the Macquarie and Campbell rivers. Bathurst was a government station from 1815. In the 1820s and 1830s, more and more convicts completed their sentences and sought land. Combined with free migrants qualifying for larger land grants, the number of settlers moving west increased. As more Europeans moved to the west, the need for villages and market towns grew and Bathurst was laid out in 1833 and before the 1850s other towns including Mudgee, Rylstone, Orange, Wellington and Carcoar were laid out.

The discovery of gold in the 1850s had a very dramatic impact on the Central Tableland. The gold rush brought a massive influx of people into the area from 1851 onwards. The arrival of the railways in the late 19th century further reinforced the growth of Bathurst as an industrial and service centre.²

¹ McLachlan, R, 2007. *The New Country: A thematic history of The Bathurst Regional Council Local Government Area*, p8.

² McLachlan, R, 2007, p 16.

2.3 WHEAT CULTIVATION IN NEW SOUTH WALES

Wheat is one of Australia's important agricultural commodities and it forms a staple food for more than half the world's population. Wheat industry had its beginnings over 200 years ago when Governor Phillip, instigated farming operations. However, as the soil at Farm Cove was sandy and poor, in 1788, he established a 40-acre farm in Parramatta and enabled ex-convicts to own their own farms. James Ruse was the first and best-known ex-convict farmer with his Experiment Farm in Parramatta. By the end of 1790, 200 bushels (approximately 5.4 tonnes) of wheat had been harvested, all of which was saved for seed. With the opening up of Liberty Plains (now two of Sydney's western suburbs, Homebush and Strathfield) by free settlers, the colony had 6,000 acres under wheat by 1799. Although there were many hurdles initially, advancements in agricultural practices and research into newer varieties of wheat helped advance the growth of the golden grain.³

Bathurst and its surrounding areas saw much of the beginnings of the Australian colonial settlement. Bathurst being, Australia's first inland settlement, it is also the oldest city, west of the Great Dividing Range.⁴ Once the explorers had conquered the mountains, Australia's future was secured. So began the natural route to the west. Bathurst Plains had the best grass of all - "excellent good land", said George Evans. Now properties across the plains support cattle and sheep, and grow wheat, vegetables and fruit.⁵ Governor Lachlan Macquarie recorded the following in his journal after the 1821 tour of Bathurst:⁶

He [Lt. William Lawson] has 150 acres of as fine wheat now growing as I ever beheld in any country, 15 acres of very fine looking oats, and 3 acres of very good flax now in the ground, and almost ripe for cutting belonging to Government. The Macquarie wheat thrives well here, and upwards of 50 acres of it has been sown this year.

Prior to the 1870s and 80s, most of the wheat that was grown in NSW was farmed on the coastal ranges. After this time there was a marked change to inland farms and by 1881, ninety-five per cent of the wheat acreage was on inland farms. In the 1890s, there was a boom in wheat production and by 1898; New South Wales became a consistent wheat exporter rather than importer. This transformation in the wheat industry in the last decade of the nineteenth century has been attributed to: a rising population of farmers; a technological revolution in cultivation, which achieved general acceptance in this decade; the extension of the railway network into the wheat lands; the adoption of suitable wheat varieties for hot, dry conditions; and the evolution of land tenures that were suitable for wheat farmers.⁷ The wheat belt ran from the Spencer Gulf in South Australia, through the Wimmera and Mallee of Victoria, into central New South Wales. The concentration of wheat farms in NSW

³ Australian Bureau of Statistics available at

<http://www.abs.gov.au/ausstats/abs@.nsf/previousproducts/1301.0feature%20article212006> accessed 2015.

⁴ <http://www.heritageaustralia.com.au/new-south-wales/2632-bathurst> The oldest city is Goulburn in New South Wales.

⁵ Bathurst Town and Around website available at <http://www.bathurst-nsw.com/History.html> accessed 2015.

⁶ McLachlan, R, 2007, p 19.

⁷ Jeans 1972, p 201–202; cited in GAO, 2012 *Former Brunton's Flour Mill—Heritage Assessment*.

in the late nineteenth century was in the south-central area of the State. By the turn of the century, the concentration was moving north towards the Darling Plains. By the mid twentieth century, Moree had become the centre of a vast wheat-growing region in north-central NSW.⁸ Around fifty flour mills are listed in the Greater Western region⁹ and possibly a greater number existed in the early to late twentieth century.

2.4 FLOUR MILLING

As the production of wheat increased, the need to mill the flour also increased. Prior to modern technology of grinding, for hundreds of years pairs of stones were used for grinding wheat. However, this system produced a fine mixture of finely powdered bran, germ and endosperm, which could not be effectively separated using equipment. Moreover, the necessity for white flour for purposes of baking fine bread drove the development and refinement of flour milling. White flour was considered superior and a sign of luxury in the 18th century England.

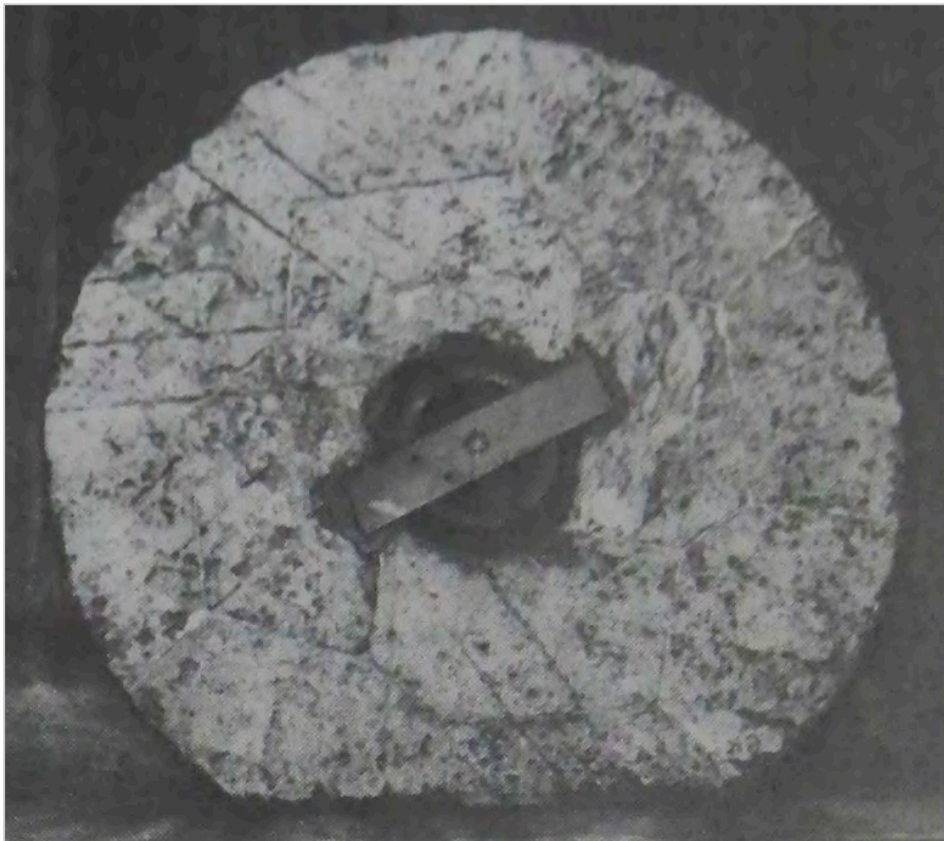


Figure 3 French burr millstone used on the Rainham property is in the yard of the Tremain's Mill
(Source: 100 years of milling, p11)

⁸ Heritage Council of NSW 1996, p 84; cited in GAO, 2012.

⁹ Chamberlain, D, 1997, *Greater Western Flour Mills*

The *French Burr Stone* for grinding wheat into flour incorporates a buhrstone, which was a variety of quartz containing many small empty cells, giving it a rough surface. The circular millstones were made out of twelve or more cut stones inlaid together to form a perfect circle held together by one or two heavy iron rims. The centre would be either circular or square depending on the type of shaft.¹⁰

As milling technology developed and improvements were made to milling and sifting processes, white flour became easily available at a reasonable cost to all. Further, the advent of steam power in the early nineteenth century enabled larger mills and the continuous production of flour.

In the 1850s, stone mills were developed in the wheat growing areas west of Sydney. Many flourmills were built throughout the wheat belt and the total number of mills in Australia in 1908 numbered 235. In the period 1900–1930, the harvests increased and Australia became a major flour exporter. In 1916 the Grain Elevator Act was passed and this provided for erection of wheat terminals for storage of the grain. In 1939 Australian Wheat Board was established to market the wheat crop in Australia (for flour mills) and overseas. In 1951, flour exports peaked and by 1958 flourmills started to diversify into bread baking, stockfeed milling, semolina and starch production. However, by 1960–1980 the flour exports started declining and there was a decline in the number of operating mills.

Examples of Henry Simon's milling machinery are illustrated in Figure 4 and Figure 5 below.

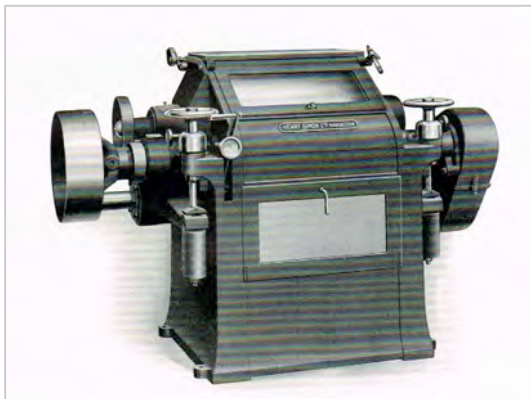


Figure 4. Two-roller (Source: Flour Mill Machinery, p57)

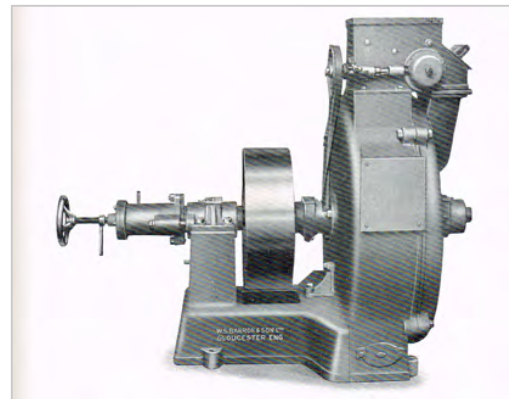


Figure 5. Dreadnought Grinder (Source: Provender Milling Maize Flaking and Oat Milling Machinery)

The site chosen for the flour mill was also important in the economy of milling. While some mills were located near a wharf, some mills were located on a canal or near a railway line for ease of transport of the grain in bulk, necessitating the need for silos and warehouse storage for the grain. The figures below illustrate the flour milling process in a simplified manner.

¹⁰ Chamberlain, D. 1997, p1.

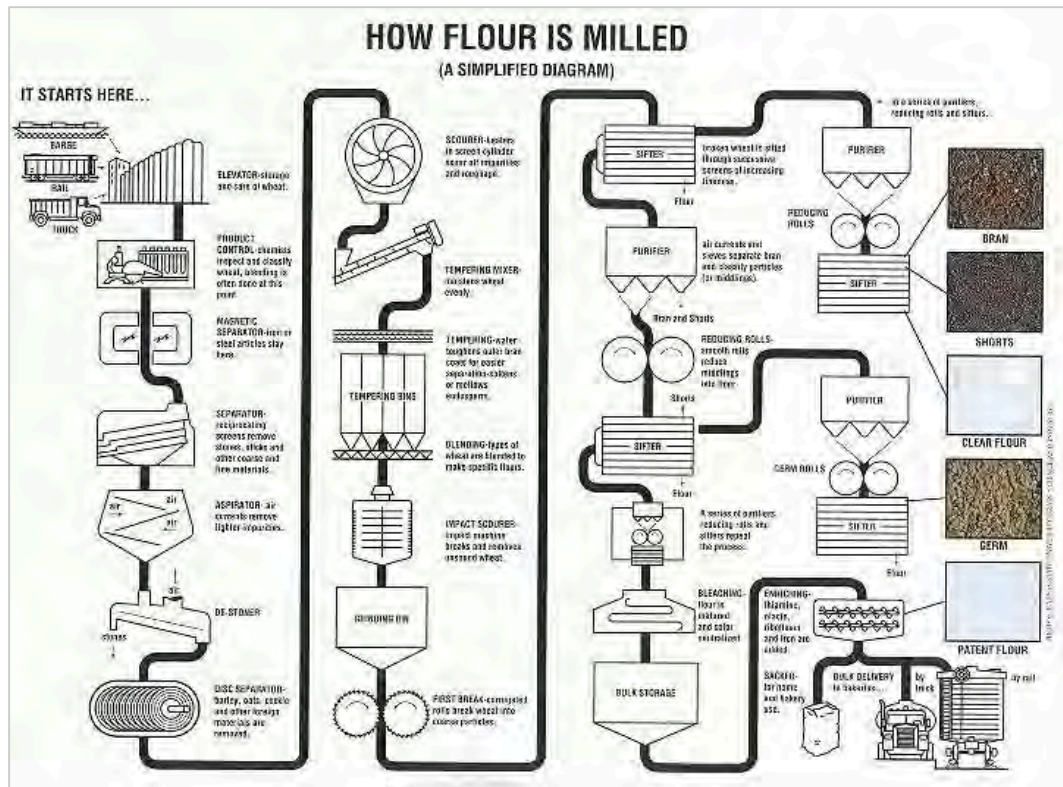


Figure 6 Simplified diagram of flour milling a (Source: The Milling Experiences of my Life, T.R Hazen, 2003 available at <http://www.angelfire.com/folk/molinologist/experiences.html>)

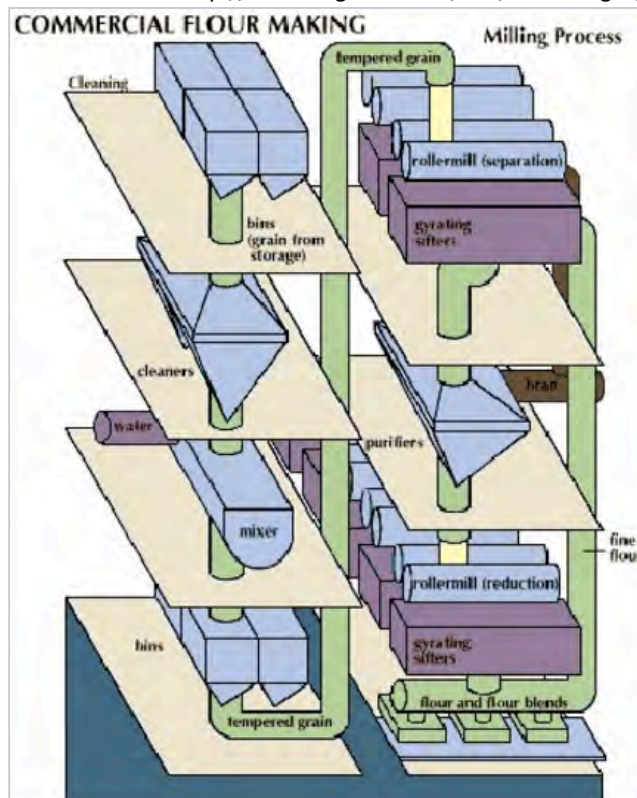


Figure 7 Flour Milling Process (Source: presentation by G.Williams, 2012 available <http://www.slideshare.net/gdwilliams/flour-milling-presentation-607>)

2.5 TREMAINS OF BATHURST

The Tremain family in Bathurst originally came from Cornwall, and they belong to a long lineage of Tremains. According to the family history compiled in 1989, there are 'ancient deeds' held by the Public Office, London with the name Tremayne dating to as far back as the fourteenth and fifteenth centuries. The Tremain legacy is therefore probably an ancient one.¹¹

William Tremain, born in 1831 in England had served as a flour miller from a very young age. He had worked in Knight's Mill at Upper St. Teath Parish, where stone-grinding system was used to grind flour. He lived with his wife (Elizabeth Westlake, his second wife) and they lived in a stone house a short distance from the mill.¹²

At the age of 25, W Tremain set sail for Australia along with his wife, son and daughter aboard the *Sardinian* in 1856. Owing to his experience as a flour miller, he sought to work in flour mills. On arriving in Sydney, William travelled to Dungog for his first job. He had to return to Sydney due to the bad conditions at the mill and decided to move to another job in Mitchell's Creek in Bathurst. The railway line had been completed to Penrith, and the family had to make their way by road that was created by William Cox in 1815. William's early job was to work in a quartz-crushing machine and the family stayed in a slab hut roofed with canvas.¹³

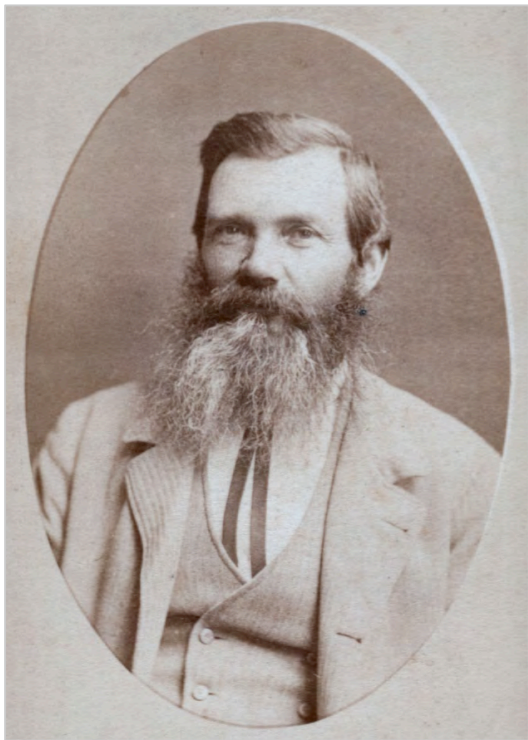


Figure 8. William Tremain. (Tremain Family Archives)

¹¹ Tremain, J & Chapple, M, 1989 *The Tremain Family History*, p19.

¹² May 1976 *U.K News in Tremain*, J & Chapple, M, 1989, p58.

¹³ *Tremains of Bathurst*, p3.



Figure 9. Tremain Family in 1886. Mr and Mrs William Tremain remain seated with the remaining family standing. (Source: Tremain Family Archives)

However, William Tremain, keen on continuing the flour milling, partnered with his nephew Bonnear and using his and his wife's savings, started a flour milling business in 1863. Bonnear's two-stone mill was in South Bathurst. This part of Bathurst was also known as Mill town in those days. It stood at the corner of Lambert Street and was called Crealy's Mill. Although they had a 5-year lease, due to bad luck and crops failing, the venture ran into trouble. Despite his troubles, William was able to install some basic flour milling machinery in Rainham and was soon back in the business. The work was tough, but they pulled through with the help of Mr Mugridge, his benefactor. However, trouble came through the expansion of the railways. The mill property lost road access when a deep cutting was put in front of the mill, forcing Tremain's family to move. Eventually, good fortune favoured Tremain in the form of Mr F.W. Smith, who owned a flourmill in Keppel Street in Bathurst along with his brother. Victoria Mill in Keppel Street was sold to Tremain in 1874 for £1600.¹⁴

2.6 RATE RECORDS AND OWNERSHIP—VICTORIA MILL/ TREMAIN'S MILL SITE¹⁵

1850–1854	1850: John Burge – Lot 9 (Grant by purchase) 1852: Samuel Down - Lot 11 (Grant by purchase) – £30 1854: Francis McMahon – Lot 10 (Grant by purchase) – £53 (refer Figure 10)
1857–65	From 1857 to 1865, the Chapman brothers owned the place. The rate records list a Flour Mill in ½ acre.

¹⁴ *Tremains of Bathurst*, p5.

¹⁵ Information adapted from; Kilby, S, 2015, Heritage Building Report.

	<p>The land was leased to J.S Brown who ran a 'Brown's Mill' on the site.</p> <p>An ad in the newspaper in 1860 states the name of the mill as Victoria Steam Mills from 1860.¹⁶ The site also recorded a brick house during this period.</p>
1865–74	<p>F W Smith and Samuel F Smith (brothers)</p> <p>Smith brothers owned the property and they ran the Victoria Mills. A brick house was also recorded on the site. An advertisement for the sale of the mill stated that: "The Victoria Mill (lot 11, Section 86) along with a Brick cottage of four rooms, brick two-room Kitchen and other outhouses. The mill run on steam also had a boiler. The railway station was proposed to be opposite to the mill".¹⁷</p>
1874–98	<p>On 13th of January 1874, William Tremain purchased Victoria Mill for £1600. The estimated annual income for the property was £180. He also rented a 3-roomed lath and plaster house with land adjacent to the Mill from Francis McMahon.</p> <p>In the late 1880s Simon's roller mills were installed in both Victoria and Britannia Mills</p> <p>The founder of the mill William Tremain had served on the Bathurst City Council, in 1895–97.</p> <p>William Tremain died in 1898.</p>
1899	<p>Following the death of W Tremain, the management of the mill and other businesses came under the three sons.</p>
1900–25	<p>Fire gutted the mill in 1901 and milling operations shifted to Britannia Mill while Victoria Mill was rebuilt.</p> <p>By 1902 Victoria Mill was completely rebuilt</p> <p>Flourmill was listed at the address 7–11 Keppel Street and a residence (8 rooms) at 13 Keppel street. The annual value of the mill was recorded as £222 and the residence as £40. From 1914, Eliza Davis Tremain is listed as the owner of the residence.</p> <p>Edward Williams expanded the drapery and occupied both the shops at 3 and 5 Keppel Street. The two shops are recorded as having 9 rooms each. The annual value of the shop is recorded as £208. The drapery measured 53' x 66' at this time.</p>
1926–28	<p>A bookshop and grocers are listed along with the Flourmill. The brick residence at 13 Keppel Street was rented out to the Railway Inspector.</p>
1929–33	<p>Painters and grocers are listed along with the Flourmill. The brick residence at 13 Keppel Street was rented out to the Railway Inspector.</p> <p>Brick Mill and Sheds occupied lots 9, 10 and 11. The measurements of buildings were 18'x 330'; 60'x 330'; 52'x 264'; 27'x 330'; and 50' x 60' to Havannah Street</p> <p>Residence at 13 Keppel Street had 8 rooms and measured 39' x 330'</p> <p>The two shops had 9 rooms each or 5 rooms with Kitchen, Bedroom and Living. One shop measured 30' x 66' and the other 23' x 66'</p>

¹⁶ Bathurst Free Press and Mining Journal, dated 25 February 1860

¹⁷ Advertisement in Bathurst Times, dated 24 April 1867

There are no rate records for the former Tremain's Flour Mill available after 1933.

2.7 HISTORY OF VICTORIA MILL/ TREMAIN'S MILLS SITE

Victoria Mill at the time of purchase in 1874 was a small mill run on steam with millstones used for grinding flour (these stones lie beneath the present dock of the mill).¹⁸ Victoria Steam Mills was one of the five mills located in this part of Bathurst. The other mills included the H.C Mathews at the corner of George and Durham Streets; Boylsons at the rear of Western Stores Ltd, William Street; Britannia, in William Street, opposite St. Mary's School; and Crealy's in Lambert Street adjoining the Railway Hotel.¹⁹ This part of South Bathurst was referred to as Milltown due to a large number of mills and a large number of mill workers' residences that were located here. Milltown is indicated on the 1939 map of the City of Bathurst (refer Figure 11).



Figure 10 1860 map of Bathurst showing the three grants that became the Tremain's Mill site (Source: LPI maps available at <http://images.maps.nsw.gov.au/pixel.htm>)

¹⁸ 100 years of milling, 1963 p6. The location of these grinding stones is not yet established.

¹⁹ 100 years of milling, p6.

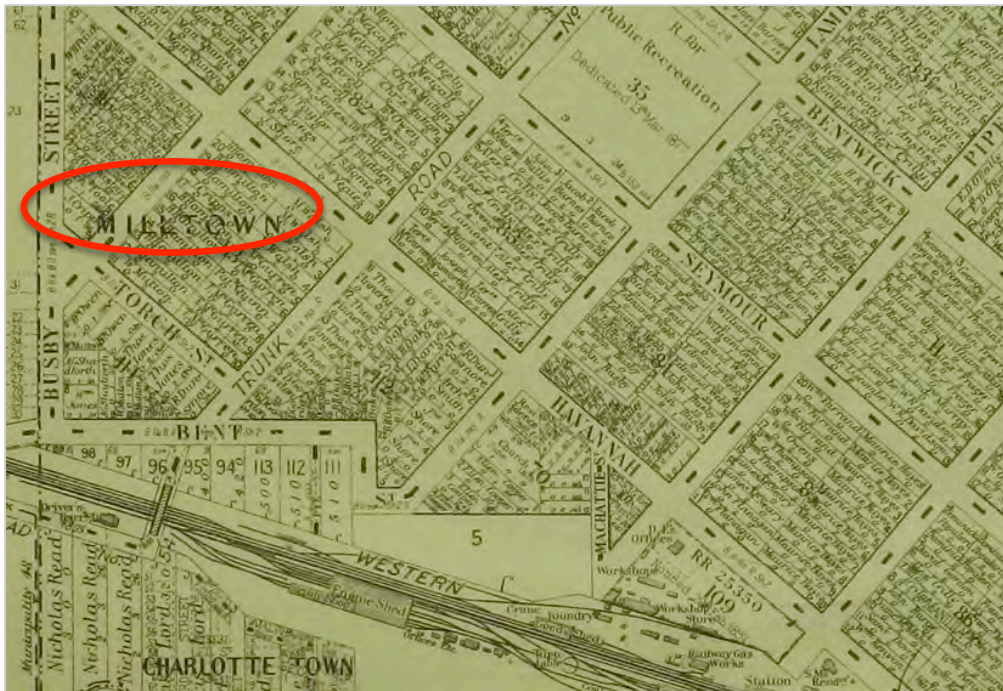


Figure 11. 8th Edition of the Map of the City of Bathurst, 1939 (Source: Bathurst District Historical Society Archives)

The historical development of the Mill complex is illustrated by providing an account for each building that existed on the mill site.

Residence at 13 Keppel Street

A brick residence has been recorded on the site since the time of the sale of Victoria Mills. The sale advertised a brick cottage of 4-rooms, 2-room kitchen and other outhouses. While it is not possible to verify the location of this cottage, it is highly likely that this brick residence sold along with the mill was indeed the Keppel Street cottage at No.13 Keppel Street. In the years 1926–33, the rate records indicate that the brick residence at 13 Keppel Street was being rented out to the Railway Inspector. No rate records are available after 1933.

This residence was replaced with a brick residence later. The council building approval records indicate that a detached brick cottage with six rooms including a kitchen was approved in September 23 1936. The brick cottage that existed prior to the pre-school was therefore possibly built in 1936.²⁰

The Keppel Street precinct study²¹ states that:

The site was originally part of the Victoria Mill complex and occupied by a residence owned by one of the Tremain family. The property included servant's quarters and a cellar and originally stretched to the rail feeder line but was

²⁰ Bathurst Regional Council 's building approval records available at the Council Office, in Bathurst.

²¹ Freeman Collett & Partners Pty Ltd, 1993, *Bathurst Main Street Project, Vol 3*, p34.

shortened to make way for a weighbridge for mill vehicles. The house was demolished in the late 1960s. Pre-school was built in the late 1980s.



Figure 12. Part view of the residence at 13 Keppel Street, 1940 (Source: Tremain family archives)

Victoria Stores – 3, 5 Keppel Street

In the years 1881–84, in addition to the mill and the residence, the property also included a brick shop. Figure 13 illustrates the single storied shop along Keppel Street with a double-storied section at the rear. In 1885–86 an additional shop was recorded in the rate books. The two shops had seven rooms each. At this time, Reuben Tremain, the son of William Tremain occupied No.5 Keppel Street, which is recorded as a general store. Edward Williams, a draper rented the shop at No.3 Keppel Street.

The Bathurst Municipal Council granted permission to add a balcony along the Keppel Street façade in 1884 (Figure 14).²² Figure 15 and Figure 17 show the double storied rear section of the building in the 1900s.

The rate records indicate that Reuben Tremain occupied a shop and a dwelling. It is possible that the upper floor to the shop was added at this time. It is also possible that the dwelling recorded was most likely above the shop (Figure 14). From 1887–1898, the rate records list Edward Williams as a Draper, who rented the premises at 3 Keppel Street. The shop is listed with nine rooms. A painted sign in the ground floor beam in the present day, illustrates the use of this shop as a drapery in the early 1900s (Figure 78). The rate records indicate that Edward Williams, the draper occupied this shop until 1925. After 1925, the rate records indicate that the shops

²² Chamberlain, D, 1997, p55.

were used as a bookshop and grocers (1926–28). In the years 1928–33, the rate records list that painters and grocers occupied the shops.

Sometime after 1964, a part of the first floor section at the rear of the Victoria Stores building was demolished. The last two windows seen in the photographs illustrated above were removed. The balcony was also demolished sometime after 1964.²³

In 1971, the Tremain brothers brought together quality-control testing equipment into a modern laboratory. The equipment included a colour grader, a dough-testing Alveograph, and nitrogen-testing unit to maintain constant control over various types of flour. Hourly tests were taken to ensure that the products met the standards.²⁴ The laboratory was housed in the upper level of the Victoria Stores building in the 1970s.²⁵



Figure 13. Victoria Stores along Keppel Street, 1881 (Source: Tremains of Bathurst, p4)

²³ Refer 1964 aerial imagery at Figure 56.

²⁴ *Tremains of Bathurst*, p14

²⁵ Anecdotal evidence from a former mill employee, collected by S. Birrell, 2015



Figure 14. Victoria Stores building—after extension, 1900 (Source: Tremain family archives)



Figure 15. Wheat wagon—Tom Peate on wagon with wheat bags with the Mill building in the background, n.d. Note the building to the rear right is the rear of Victoria Stores building (Source: Callan family)



Figure 16. Victoria Stores building (right), 1940. Note the rear portion with arched windows at two levels (Source: Tremain family archives)

Victoria Roller Flour Mill – later Tremain Bros Pty Ltd

The Victoria Mills at the time of purchase was a humble three-storied building with a basement and a square chimney at the rear. Figure 17 illustrates the mill at the time of purchase in 1874. At the time of purchase, the property included the steam flour mill building with a boiler and a brick cottage with four rooms, two-room kitchen and other outhouses. The railways station was being proposed opposite the mill.

In the late 1800s, as new wheat lands were opened up in the west, it was realised that Bathurst district was not a successful wheat-growing district. As the railway extended to the west, the Bathurst mills were affected. In order to compensate the mills left behind, the NSW Railways introduced a system of rail rebate called 'Milling in Transit'.²⁶ This rebate and the stabilisation of the milling industry helped the Tremain family to modernise the plant and develop their business. William Tremain and his family worked hard and were soon able to establish Victoria Mills as one of the major mills in the region.

²⁶ 100 years of milling, p6.



Figure 17. The original Victoria Mills purchased by William Tremain in 1874 for £1600.00 (Source: Tremain family archives)

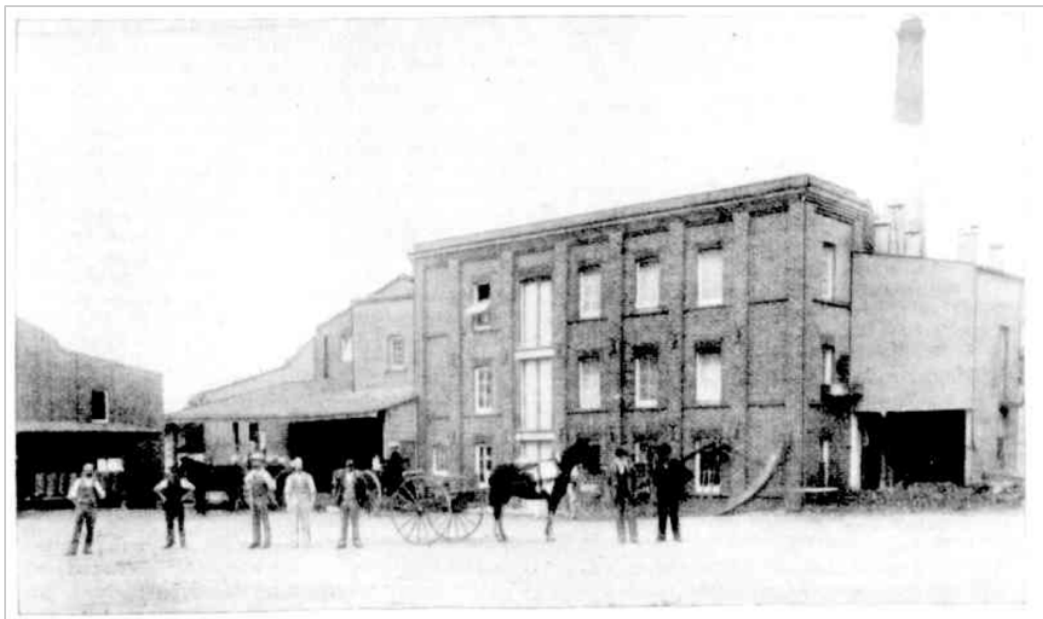


Figure 18. Victoria Mills, 1896 (Source: Town and Country Journal dated Nov 21 1896)

An advertisement in the 1880s by the leading bakers in Sydney and surrounds provided a testimonial to the quality of flour produced by a small number of mills in NSW of which Tremain's is listed.²⁷ W. Tremain installed new equipment in the mill, which improved the quality of their product, and they won a number of prizes.

²⁷ Advertisement in *Australian Town and Country Journal*, Sydney, dated 24 January 1880

Advertisements in the local newspapers became a regular feature in the 1880s. In 1895, the old millstones were replaced with steel rollers and cleaning, grading and dressing machines were installed.²⁸

The following maps of Bathurst illustrate the Victoria Mills site during the years 1882 and 1897. The railway line is clearly visible and it ran very close to the mill site.



Figure 19. 1882 map of Bathurst (Source: LPI maps available at <http://images.maps.nsw.gov.au/pixel.htm>)



Figure 20. 1897 map of Bathurst (Source: LPI maps available at <http://images.maps.nsw.gov.au/pixel.htm>)

²⁸ 100 years of milling, p67

The Tremain's Mill flour won a medal from Calcutta International Exhibition in 1883–84; from the Chicago Exposition in 1892–93; and twelve first and special prizes in Agricultural Shows at Bathurst.²⁹ Owing to the success, Tremain took on another mill in Bathurst, known as the Britannia Mill in 1889.

Britannia Mill was centrally placed on the block surrounded by Piper, Bentinck, Keppel and William Streets. Although Tremain purchased Britannia Mills in 1889, it was only made operational in 1899.³⁰

Owing to the success of the roller flour, the mill was named as the Victoria Roller Flour Mills and the Tremain's 'Invincible' patented roller flour became very popular and was a common household name.³¹ Figure 18 illustrates Victoria Mills in 1896. Regular ads highlighted the use of Henry Simon's rollers that were installed to improve Victoria mill's performance (Figure 22). The quality of flour turned out superior in fineness and colour and this prompted Tremain to adopt a brand 'Invincible'. The Tremain's marketed their flour as 'Invincible' and 'Fairy Dell'. Both Tremain's Flour Mill and Crago Flour Mill used calico flour bags for many years (Figure 23 and Figure 24).



Figure 21. Advertisement, *Bathurst Free Press and Mining Journal*, dated 24 January 1885



Figure 22. Advertisement, *Bathurst Free Press and Mining Journal*, dated 29 March 1889

Tremain's Mill was finally established on the road to success. An article in the *National Advocate* in 1890 provided a detailed account of the Victoria Roller Mill.³² The mill was a three-storied brick building with basement and its capacity was 15cwt per hour. A large granary adjoined the mill with a holding capacity of over

²⁹ Listed under Trades in, *Bathurst Federal Directory and illustrated gazetteer*, 1900

³⁰ The Britannia Mills, in *Bathurst Free Press and Mining Journal*, dated 4 November 1899.

³¹ Chamberlain, D. 1999, p56

³² Busy Bathurst, in *National Advocate*, dated 19 August 1890.

3000 sacks. The extract below from the article provides a comprehensive overview of the milling process:³³

The process of milling is carried out on the same principles as in all other establishments where the Simon system is in operation. The wheat is first received in a large hopper on the ground floor whence it is carried by elevators to the top storey. There are thirteen sets of elevators used in connections with the flour and four other for wheat, all radiating from iron boots in the basement. At the top of the mill the wheat passes through a zig-zag separating machine, which extracts all the straw, chaff and other rubbish. Thence the grain undergoes a further process of cleaning in the smutting machine; after that the separating and scouring machine operates on the grain extracting the shrunken grain and other extraneous matter; from the scouring machine the wheat passes into what is known as the Garden City brush polishing machine, which gives it a beautifully polished appearance; from this the grain is shot into a larger bin on the first set of rollers. Here it receives the first breaking, the grain being properly opened. Thence elevators carry the wheat back to the top of the mill to a quadruple rotary scalping machine which extracts all small particles and passes the wheat onto a second set of rolls. So the operation goes on till the fourth set of rollers do their work, when the material comes out in the form of semolina, bran and middlings; semolina is a term which came into use with the introduction of the roller system, from it the best flour is made. The purifying machines are next encountered, and when their work is completed the work of reduction on the first set of smooth rollers is commenced. Up to this point the crushing rollers are more or less corrugated. The dust from the purifiers and other cleaning apparatuses is blown by powerful fans into a couple of cyclone receptacles, whence it falls into receiving bags. As the process of reduction goes on, the semolina and middlings pass on to centrifugal dressing machines, which gives the flour its finishing touch. Finally the flour is carried to the top storey and descends a large shoot into the receiving bags. The impetus it receives in the fall dispensing with the necessity of 'ramming' the bags. Everything about the process is automatic, the grain not being handled in any way from the time it is lowered into the receiving hopper until the flour is taken off the bag-filler ready for sewing up. The main driving belt is 10" wide, and the series of belting which intersperse the several storeys render the peregrinations of one unaccustomed to the places somewhat difficult and dangerous, notwithstanding the admirable means of protection provided by Mr. Tremain. The plant is driven by a Welsh-made engine on the 'beam' principle. Its nominal capacity is 25 h.p., and the engine has been in active work for over 30 years. Of course numerous alterations have had to be made; amongst them a new cylinder has been put in, and some of the bearings have been replaced, but on the whole the engine despites its old-fashioned appearance, does its work just as effectively as those of modern make. The boiler is 30' in length, 6' in diameter, with five Galloway tubes, 27' long.

³³ Busy Bathurst, in *National Advocate*, dated 19 August 1890.

However, the good times did not last long. William Tremain, the founder died in 1898. He had served as the alderman for Bathurst Council from 1882–99.³⁴ According to the family's published history, William Tremain had served on the Bathurst Council in 1895, 1896 and 1897.³⁵ Soon after, a devastating fire destroyed the mill in 1901.



Figure 23. Invincible calico bag. (Source: Bruce Tremain)



Figure 24. Fairy Dell calico bag.³⁶

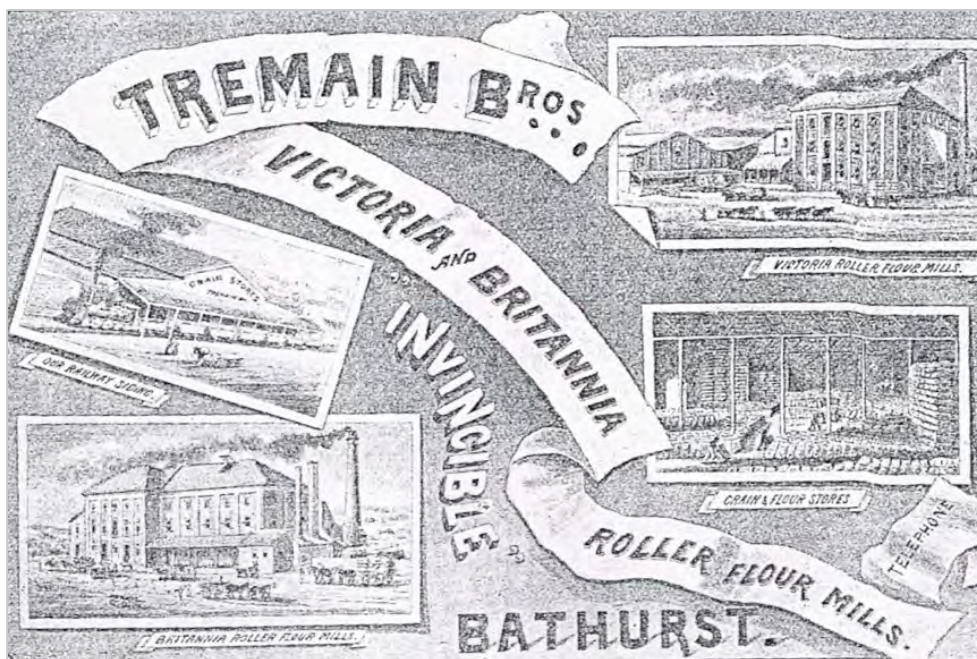


Figure 25. Listed under Trades in, *Bathurst Federal Directory and illustrated gazetteer*, 1900

³⁴ Greaves, B, *The story of Bathurst*, p341.

³⁵ *Tremains of Bathurst*, p7

³⁶ Calico Flour Bags, in *Bathurst Stamp, Coin, Collectables & Lapidary Club Newsletter*, dated Sep–Oct 2015

The advertisement illustrated in Figure 25, featured in the 1900 Bathurst Federal Directory provides images of the Victoria and Britannia Mills, Grain and flour storage at the time.

On 21st July 1901, a devastating fire destroyed most of the Tremain's Victoria Mills causing £5000 worth of damage. Probably it was fortunate that the Tremain family owned another flour mill. Britannia Mills had been set up in 1899 with the latest and improved machines and new offices. The newly installed Simon's machines ensured the milling of fine flour.³⁷ As Britannia Mills had recently been set up, the milling operations were shifted, allowing Victoria Mills to be rebuilt.



Figure 26. Victoria Mills destroyed in fire, 1901 (Source: Tremain family archives)

Within five months after Victoria Mills were destroyed, the entire mill was rebuilt and fitted with improved machinery. A news article in the Bathurst Free Press and Mining Journal provides a detailed account of the rebuilt Mill in 1902.

According to the article, Victoria Mill was one of the oldest established in the west, but had been improved from time to time until the building was completely gutted in the fire of 1901. After the fire, the only portions of the main building standing were the main walls. The Tremains took advantage of the opportunity to build a model mill. The remnant building destroyed in the fire was completely demolished with the exception of the front wall. The large wheat store adjoining the building was not damaged, and this was retained with the additions made to the shed in the

³⁷ The Britannia Mills, in *Bathurst Free Press and Mining Journal*, dated 4 November 1899.

form of an elevator, which extends to the roof and will convey the wheat to the silos and from the silos to the grain cleaning machinery.³⁸

The following excerpt provides a comprehensive overview of the rebuilt model mill:

The walls of the mill proper had been considerably raised so that more room is given on each floor. On the basement 8 double sets of roller mills with the latest contrivances, have been erected. The arrangements are so complete and compact that the floor is entirely free from dust. The second storey is known as the Purifying Floor and on this several of Simon's latest improved purifiers and centrifugal scalpers are at work, while on the third or Centrifugal Floor, a cyclone dust collector has been built. Into this the hot air dust is carried off the rolls and exhausted by means of powerful fans, while the spent air is passed through pipes leading out of the roof. The dust room has been dispensed with and each of the cleaning machines is connected with the cyclone dust collector. By this means the danger of fire is reduced to a minimum and everything is exceptionally clear and free from dust. The Centrifugal and Wheat Dressing Machines occupy the top floor.

The wheat dressing department is separated from the milling and here, on the top floor is the smutter and also the polishing and scouring machines, while on the second floor, three oats and barley cylinders are in full work. These machines extract the oats and barley, purifying the wheat before passing on to the rollers. On the basement the wheat is emptied into a sieve which removes all rough straw and other impurities before it is carried into the smutter. The different departments are separated by strong iron doors, so that in the event of fire there is less danger of damage and the flames can be more easily located.

The chimneystack was pulled down and rebuilt. It now reaches to a height of 72' and is strong and substantial. The engine is one of the most compact of its kind in the State and increased capacity has been secured. The mill is now turning out 10 sacks per hour and in order to make up for lost time, the mill is working night and day. The electric light has been installed and altogether the proprietors have occasion to be proud of the property.

The mill was therefore successfully rebuilt and its efficiency and productivity increased.

³⁸ Tremain Brothers Victoria Flour Mills, in *Bathurst Free Press and Mining Journal*, dated 21 March 1902.



Figure 27. Victoria Mills, reconstructed after the fire 1902. The shed building to the left was not affected in the fire. (Source: Tremain family archives)

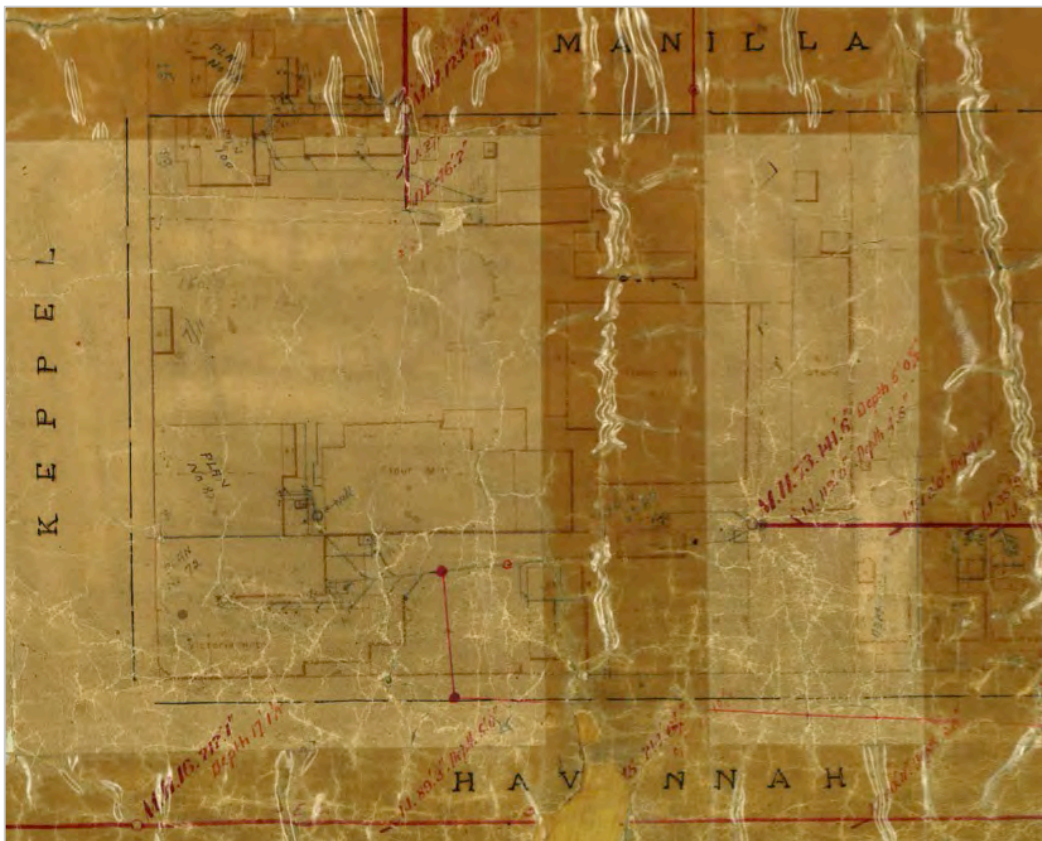


Figure 28. 1917 sewer diagram of the Tremain's Mill shows the various buildings present at the time (Source: Bathurst City Council)

The sewer diagram above provides an understanding of the Tremain Flour Mills in 1917. The buildings clearly visible are the brick mill, smaller and larger shed,

residence along Keppel Street with a kitchen behind and outhouses and the Victoria Stores.

Figure 29 illustrates the mill in 1940s. The original brick building is clearly evident with its openings. The timber silos have been added at this stage and can be seen behind the brick portion of the building. The Oregon timber grain elevators are discussed later in this chapter. The octagonal chimney with two different coloured bricks is visible.



Figure 29. Tremain Brothers Flour Mills, 1940—image detail (Source: Tremain family archives)

In 1957, additions were made to the mill. An entire floor was added along with a staircase to access the building. The changes are clearly evident in Figure 30 above.

The old octagonal chimney was designed with cream coloured corner bricks to complement the main red bricks. However, after electricity was installed, the boilers, steam engine and the chimney were no longer required. In May 1972, the chimney was demolished.

The sign *Invincible Flour* was created along the footpath on Keppel Street in front of the mill site. The sign was possibly installed towards the latter half of twentieth century.



Figure 30. Tremain Brothers Flour Mills, 1970. (Source: Tremain family archives)

Large Shed adjacent to Brick Mill Building

A large shed was adjacent to the mill in the late 1800s. At the time of the fire, this shed was not damaged (Figure 27). The brick shed has a brick gable wall with a gable iron roof and two skillion roofs on either side at a slightly lower height. A timber truss on undressed timber columns supports the roof. Undressed timber columns were a common practice in the early twentieth century in Australia, often termed bush architecture.

The building in 1900 had an awning in the front as illustrated in Figure 31. This large shed had a capacity to hold 22,000 sacks and this was nearly full of wheat in 1902.³⁹ The brick gable wall has brick pilasters along the outside. The windows have segmental arches with bricks placed on the edge.

The sewer diagram in Figure 28 indicates that a larger shed and a smaller shed were present on site at this time. In 1917, a building approval request was made for a shed on Keppel Street, estimated at 130 pounds. It is highly possible that this was the extension to the shed building at this time. Extension to the shed on either side was made beyond the skillion roofs.

³⁹ Tremain Brothers Victoria Flour Mills, in *Bathurst Free Press and Mining Journal*, dated 21 March 1902.



Figure 31. Shed building in 1902. Note the gable wall with segmental arched windows and awning (Source: Tremain family archives)



Figure 32. Shed building in 1940. (Source: Tremain family archives)

Figure 32 illustrates a view of the shed in 1940. The painted sign of Tremain Bros is clearly visible. The extension to the sides beyond the skillion roof is also evident. The openings and the awnings are clearly visible.



Figure 33. Shed building in 1970. (Source: Tremain family archives)

Figure 33 illustrates a view of the shed in 1970. Although a large tree is blocking the shed, the Tremain painted sign is clearly evident. The front awning was removed at a later date and the central window blocked in. A weatherboard structure was added to the front, which was probably higher than the awning.

A smaller shed to the northwest of this large shed was constructed at the same time as this large shed (refer Figure 28 for site layout). The smaller shed also displays the same construction details as this large shed. It has undressed timber posts as columns that support a timber truss and the roof. Figure 35 to Figure 38 illustrate this shed at the time of the construction of the Oregon timber silos.

Tremains constantly upgraded the milling equipment and kept the mill up-to-date in technology. The electric bag elevator was purchased to bag the flour and can be seen in Figure 34. The machine, nicknamed as the Dinosaur, is photographed with the mill staff in the large shed. The undressed timber columns of the large shed are clearly visible in the background.

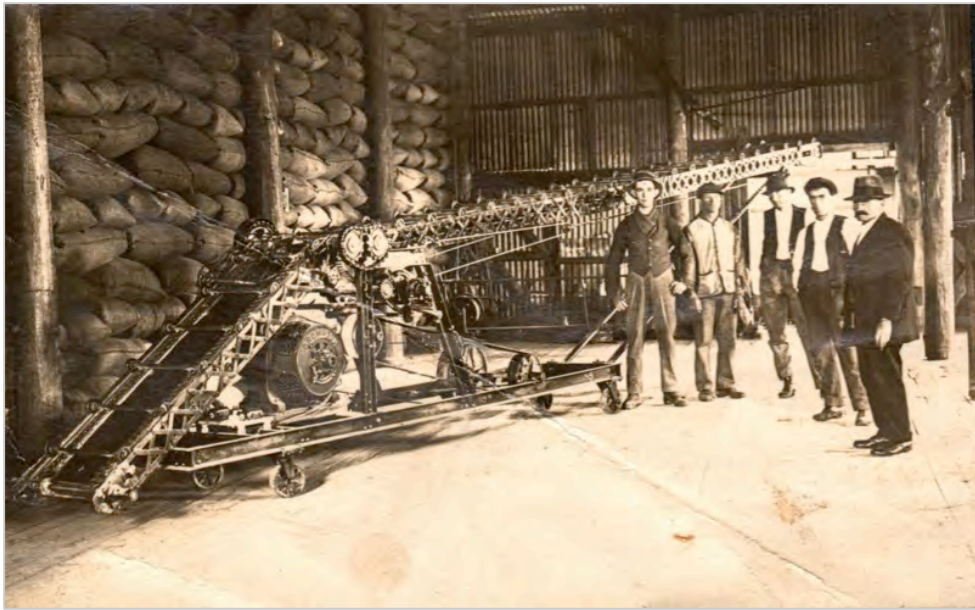


Figure 34. The electric bag elevator, 1918—nicknamed 'The Dinosaur' (Tremain Family Archives)



Figure 35. Large shed to the right and smaller shed to left at the time of 9-bin silo construction, 1932 (Tremain Family Archives)



Figure 36. Large shed to the right and smaller shed to left at the time of 9-bin silo construction, 1932 (Tremain Family Archives)



Figure 37. Large shed to the right and smaller shed to left, 1932. Note the window and door on the sheds. (Tremain Family Archives)



Figure 38. Large shed to the right and smaller shed to left, 1932. Note the gate and fence surrounding the property at this time (Tremain Family Archives)

As illustrated in the figures above, the large shed and smaller shed are visible at the time of the timber-silo construction. Figure 38 further illustrates that there was a timber fence surrounding the property along Manilla Street in 1932. A gate is also visible in the photograph.

Railway Siding

Prior to his demise, William Tremain had entered into an arrangement with the Railways to build a connecting line to the Victoria Mill at his own expense. Rail trucks at that time had a capacity of only eight tonnes and they were shuttled to and from the mill by horse. Steam engines replaced the horses later.⁴⁰ A railway siding was added which connected the mill with the railway line (Figure 39, Figure 40).

A weighbridge capable of carrying 20 tonnes is located along the railway line. This allowed in a considerable saving of time and labour in handling the wheat and flour.

⁴⁰ 100 years of Milling, p7.



Figure 39. 1922 map of Bathurst (Source: LPI maps available at <http://images.maps.nsw.gov.au/pixel.htm>) available at <http://images.maps.nsw.gov.au/pixel.htm>)



Figure 40. 1927 map of Bathurst (Source: LPI maps available at <http://images.maps.nsw.gov.au/pixel.htm>) available at <http://images.maps.nsw.gov.au/pixel.htm>)

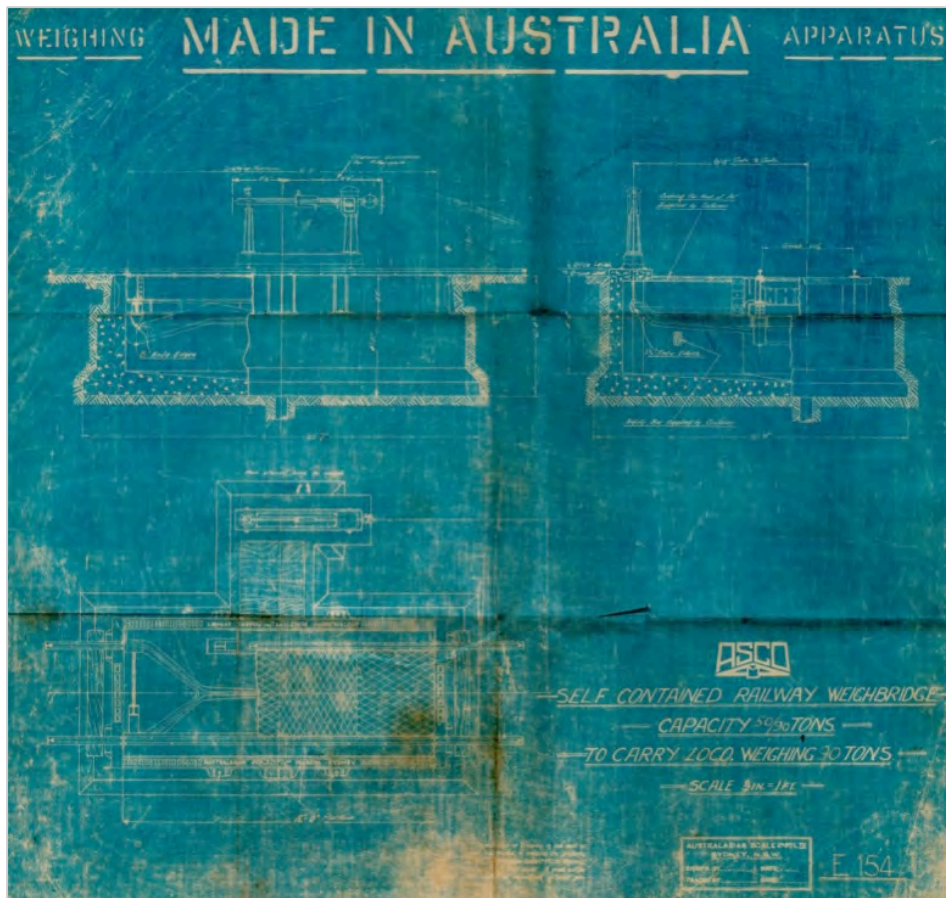


Figure 41. 1927 – Railway weighbridge drawings (Source: Tremain Family Archives)

Management of the Mills

Following the death of W. Tremain, the running of the mill and other business interests came under the management of his three sons, the eldest Reuben, John Thomas Westlake and Edwin Peter. John and Edwin took over the managing of the mill. Reuben Tremain managed the Victoria stores until 1895, where some of the flour and by-products from the mill were sold. After 1895, the store managed by Reuben Tremain as a grocery was rented out to other businesses.⁴¹

Following the reconstruction and running full capacity for a short while after the rebuilding, the next harvest failed. This meant that the Tremain's Mill suffered another setback. The Henry Simon machinery from Britannia Mill was transferred to a new mill at Boggabri and the Britannia Mill site was sold. The Tremains' attempts to expand proved futile as the Boggabri Mill was losing money. The times were hard for flouring operations and only two remained in Bathurst: Crago and Tremain's.⁴²

⁴¹ Kilby, S, 2015, Heritage Building Report.

⁴² *Tremains of Bathurst*, p11.

The outbreak of World War I and a failure of the wheat crops in 1914–15 caused further problems. Due to the demand of flour for troops and civilians, a state wheat board was formed to implement the Wheat Acquisition Act, which allowed a welcome financial breather for the Tremain's.⁴³

Grain Elevators for Flour Mills

In 1916 the Grain Elevators Board Act was passed enabling an efficient system of storing and packing. In 1918 the first American type bag elevators were built by Laycocks of Bathurst and it replaced the cumbersome method of stacking and hand loading of trucks.

Mr John Dunckley of Bathurst built the first grain elevator for Crago's Federal Flour Mills in Newtown. The grain elevator was built with foundations of concrete and posts and girders of iron-bark. The bins made of Oregon timber measured 6' x 2', diminishing to 3.5' x 2'. The bins were 47' deep and 10' from the ground with a holding capacity of 60,000 bushels;⁴⁴ belt conveyors and bucket elevators helped in quick and cheap handling of grain.⁴⁵

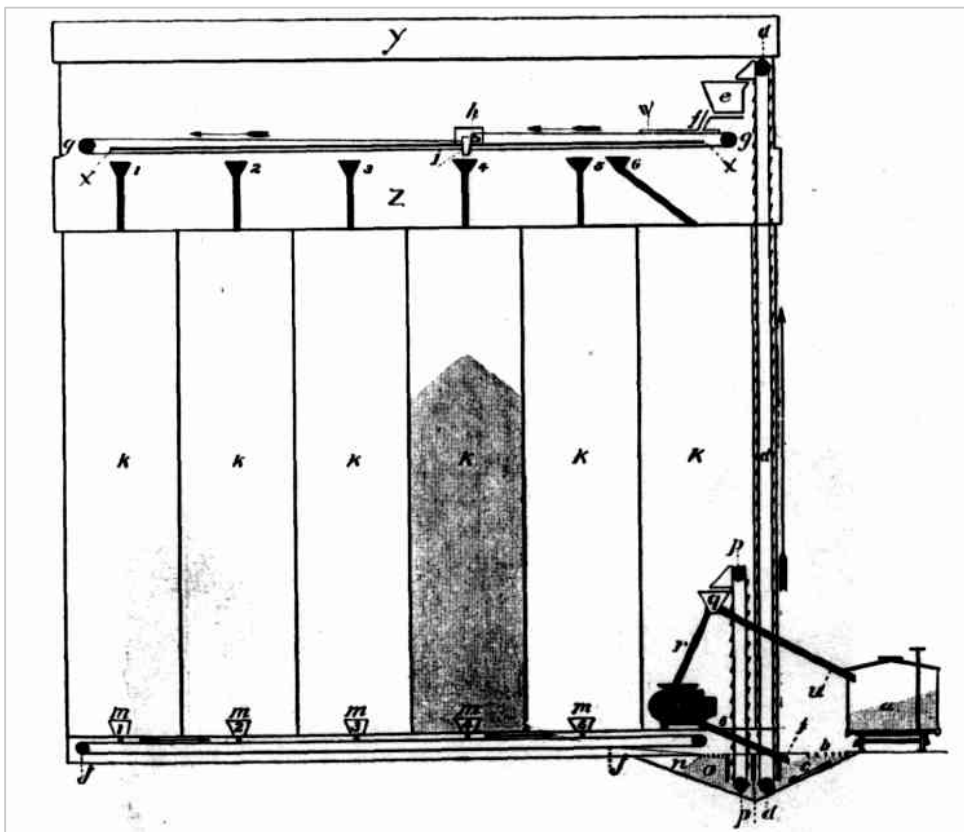


Figure 42. Diagram of a typical grain elevator and its various parts (Source: Australian Town and Country Journal, dated 9 March 1901, p29)

⁴³ 100 years of milling, p12.

⁴⁴ 1 bushel = 8 gallon /60 pounds/27.2 kgs

⁴⁵ The Sydney Mail and New South Wales Advertiser, dated 19 May 1900.

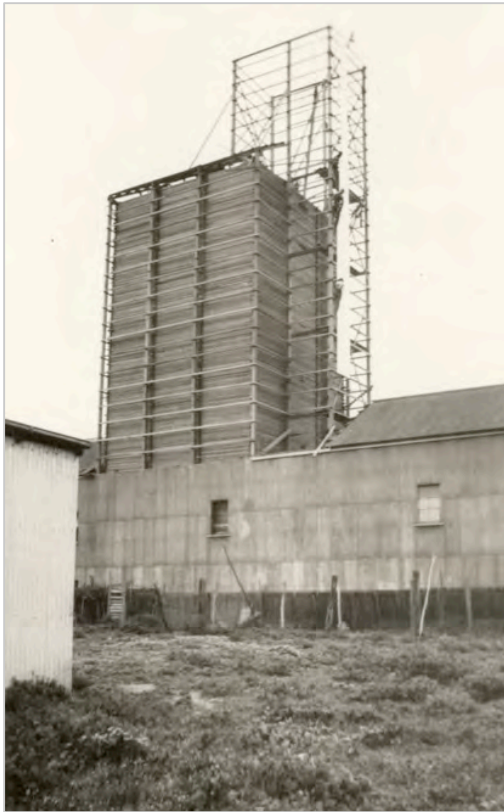


Figure 43. Nine-bin silo, 1932—view from the northern end of the site from Manilla Street. (Source: Tremain Family Archives)



Figure 44. Nine-bin silo, 1932 (Source: Tremain Family Archives)



Figure 45. Nine-bin silo, 1932—view from the northern end of the site from Manilla Street. (Source: Tremain Family Archives)



Figure 46. Nine-bin silo, 1932. View from south-western side of the mill boundary, from Manilla Street. (Source: Tremain Family Archives)

Following the death of John Tremain in 1926, it was decided to float the company and was named Tremain Bros Ltd, subsequently changed to Tremain Bros Pty Ltd. The first directors were Reuben Robert Tremain senior, William Percival Minell and Jack William Tremain. Jack Tremain took over the business.⁴⁶

A small bakery was given financial support in 1928 to promote local business. However, further expansion plans had to be shelved as depression struck. In 1932, there was a reprieve in the financial situations and some long-delayed improvements were initiated. The first of these was to erect a silo of nine bins costing £2200, as bulk handling was now a general practice.⁴⁷ Figure 43 to Figure 46 illustrate the various stages of the construction of the nine-bin silo.

Bulk handling of grain was heavily influenced by the methods practised in North America. Representatives were sent to study the construction methods so that they could be adapted to Australian requirements. Of the suitable materials considered for storing grain, wood was concluded as the best material. Oregon pine was considered the most suitable of imported timber.⁴⁸



Figure 47. Nine-bin silo, 1932—view from Manilla Street. The large shed adjacent to the brick mill building is seen to the right and the smaller shed is to the left of the timber grain elevators. Railway siding was located between the two sheds (Source: Tremain Family Archives)

⁴⁶ *Tremains of Bathurst*, p12

⁴⁷ *Tremains of Bathurst*, p12

⁴⁸ Silo Construction, in *Freeman's Journal*, dated 7 November 1907

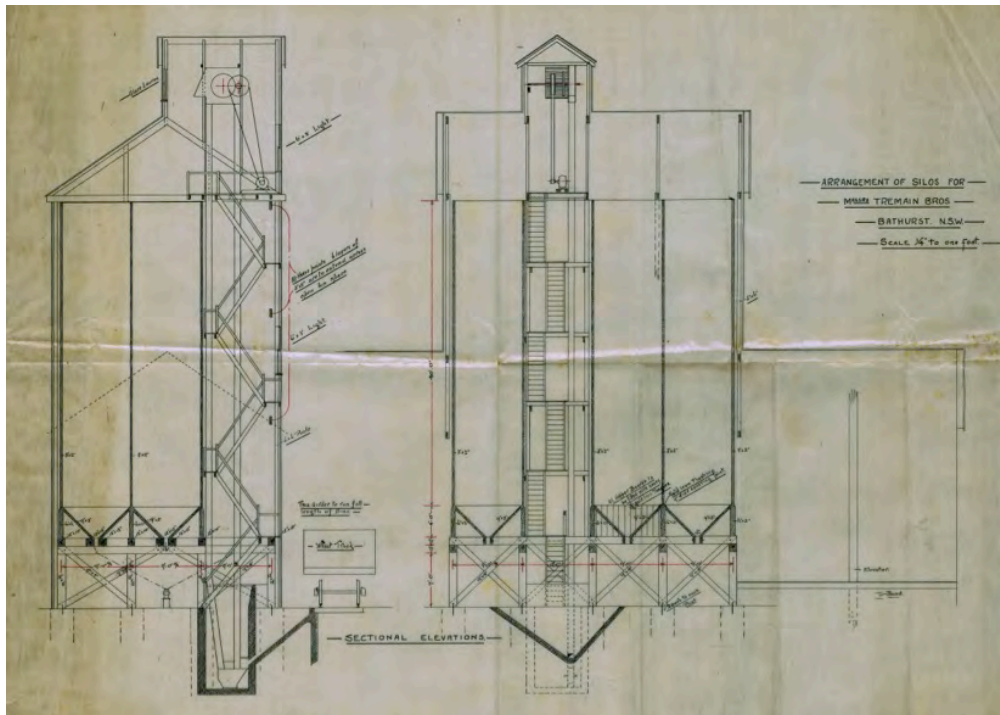


Figure 48. Section drawings for the construction of the silos, 1932 (Source: Tremain Family Archives)



Figure 49. Tremain's Mills, 1940s—note the Victorian residence at 13 Keppel Street and the brick chimney (Source: Tremain Family Archives)

Further expansion of the Tremain's Flour Mills

Following the construction of the timber silos, the old rice steam engine was replaced with a Bellis Norcom engine of 100 h.p., and some of the plant was reconditioned on modern lines, which included four new roller mills and a Robinson plansifter. The flour mill was now capable of 15/200lb bags an hour. The mill when it went back into production following the modernisation in 1934, the profits increased considerably.⁴⁹

Despite these various measures and improvements, the industry still lacked stability due to the booking requirements and practices that continued to hamper profit for the flour mills. After the formation of the Australian Wheat Board in 1939, the speculation came to an end and with World War II, Bathurst and district contributed fully and effectively.

In 1940, a second set of 9-bin silos was erected. The war however curtailed production and provided further opportunity to improve the mill and its plant. The wheat cleaning section was enlarged and redesigned. New plant and bins were installed including three new purifiers, a second Robinson plansifter which increased the capacity of the mill to 18/200lb bags. In 1942, stock meal production was started and a separate plant was installed for it two years later.

With the end of World War II, Tremain Bros Pty Ltd were ready to expand further. The buildings were extended, more plant and equipment installed and storage and siding accommodation increased. The mill capacity increased to 20/200lb bags. Figure 49 provides a 1948 view of the Tremain's Mill from Keppel Street. The Victorian residence at 13 Keppel Street is visible along with the brick chimney behind the mill building. Victoria Stores building is also longer with five windows at the upper level.

In 1953, capacity was lifted to 23/200lb bags and to cope with the increased production demands, an electric motor of 200 h.p., replaced the steam plant.

In 1954, two concrete silos were added to the mill complex. Figure 50 illustrates the construction drawings for the concrete silos.

The mill building was further expanded in 1957, when an additional floor and a staircase to the southwest were added. Figure 51 and Figure 52 illustrate the construction drawings for the proposed extensions.⁵⁰

Although many mills closed around this time including the Crago Mill in Bathurst, Tremain continued. In 1956 two concrete silos were added and handling equipment rearranged and mill activities increased due to the production of self-raising flour. In 1957 Tremain was the only mill left operating in Bathurst.

⁴⁹ *Tremains of Bathurst*, p14

⁵⁰ The drawings are dated 1957, but council records indicate that building construction approval was sought in 1958.

Conservation Management Plan – Tremain's Flour Mills, Bathurst NSW

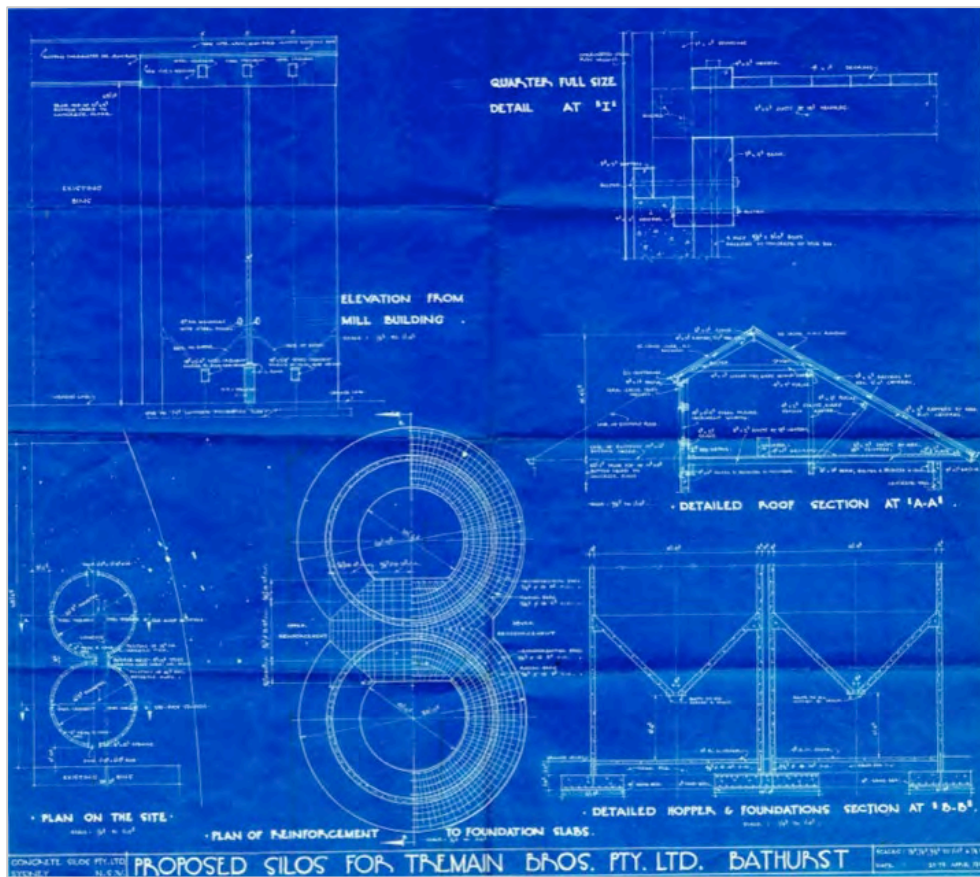


Figure 50. Construction drawings for concrete silos, 1954 (Source: Tremain Family Archives)

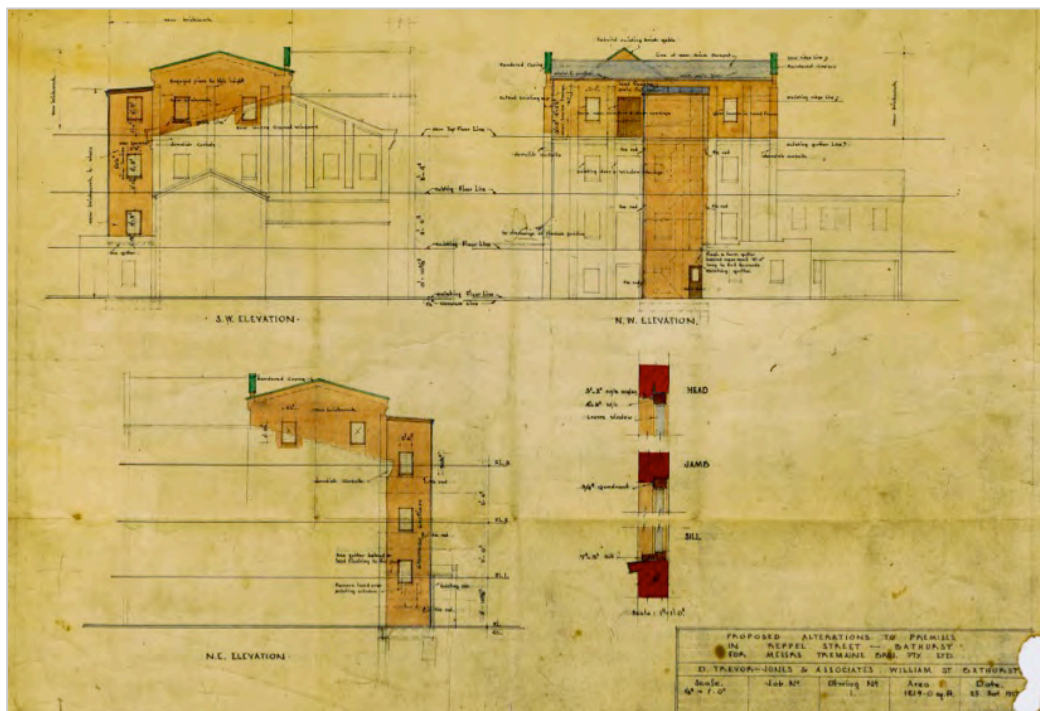


Figure 51. Mill expansion drawings, 1957 (Source: Tremain Family Archives)

Conservation Management Plan – Tremain's Flour Mills, Bathurst NSW

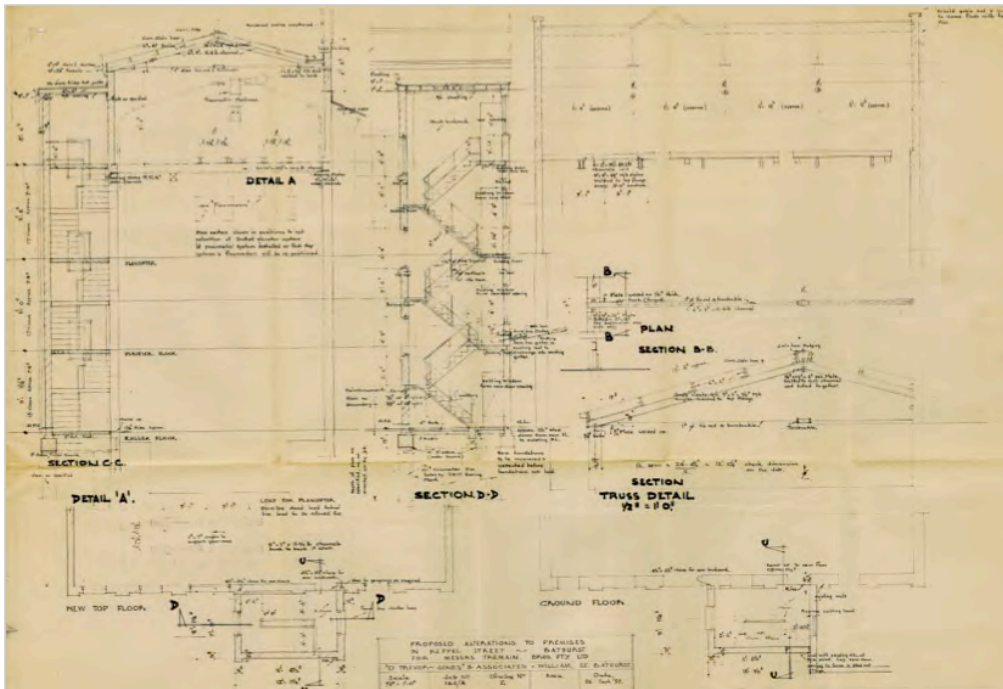


Figure 52. Addition of a staircase to the Tremain's Mill, 1957 (Source: Tremain Family Archives)



Figure 53. View of the Tremain's Mill, 1960s. Painted sign of the Tremain's flour is visible on the main façade of the mill. (Source: Tremain Family Archives)



Figure 54. View of the Tremain's Mill, 1970s. Painted sign of the Tremain's flour is visible on the main façade of the mill. (Source: Tremain Family Archives)

Brick Store, Havannah Street

A brick store was built along Havannah Street sometime in the early part of the twentieth century. However, since this is not evident in the 1917 sewer drawings (Figure 28), it is highly likely that this brick store was added after this time.

In 1957 a council application was made to add an extension to an existing brick storeroom along Havannah Street at the address 65–67 Havannah Street.⁵¹

Aerial Imagery

As there are many gaps in understanding the history of this complex industrial site, the available aerial photographs have been examined in order to provide clarity to the historical development of the former Tremain's Flour Mills.

Aerial imagery for the site is available in the latter half of the twentieth century. The earliest aerial imagery on the land and property website is provided in Figure 55 below and it dates back to 1943. Although the image is not clear, it still provides an understanding of the mill site in 1943. The buildings are annotated for reference. The buildings that are clearly visible in the aerial imagery include the residence at 13 Keppel Street, Victoria Stores at 3-5 Keppel Street, Brick Store along Havannah Street, Mill building prior to extension, addition of timber silos, large shed and smaller shed along Manilla Street. The property of the residence at 13 Keppel Street extends to almost the end of the Bedwells shed.

⁵¹ Building approval records held by the Bathurst City Council.



Figure 55. Aerial Photograph of Bathurst, 1943—Buildings that are present in 1943 are labelled (Source: <https://maps.six.nsw.gov.au>)



Figure 56. Aerial Photograph of Bathurst, 1964—note the large shed adjacent to the mill building along Manilla Street is not yet built. The veranda along Keppel Street is still standing and not yet demolished. The railway line to the mill site is clearly visible. (Source: Lands and Property Information of NSW)

By 1964 (Figure 56) the number of buildings on the Tremain's Mill Site had grown considerably. The residence at 13 Keppel Street can be seen, however, the backyard of this residence was reduced to allow for the road weighbridge. Victoria Stores building appears at its full extent with the balcony. The mill building is seen with the new floor addition and the new staircase. The chimney is vaguely visible. The brick store on Havannah Street has been extended.

The land adjacent to the large shed to the south-west is empty except for a small shed. There is a shed to the north-east of the timber silos, but it appears smaller.

The 1983 aerial photograph (Figure 57) clearly illustrates the changes that took place after 1964 and before 1983. The brick chimney, balcony to Victoria Stores along Keppel Street and the Victorian residence at 13 Keppel Street were demolished by this time. A large shed can be seen along Manilla Street, clearly built after 1964.



Figure 57. Aerial Photograph of Bathurst, 1983—note the large shed adjacent to the mill building along Manilla Street is built (Source: Lands and Property Information of NSW)

Closure of the Tremain's Mill

The Tremain family operated the flour mill for nearly 106 years. To mark the centenary, two publications titled '100 years of milling' and 'Tremains of Bathurst' were published in the 1960s. A scaled model (1:16) of the mill was featured in these publications. There is no current knowledge as to the whereabouts of this timber model of the mill.⁵²

After nearly a century of associations with the Tremain's Mill, the Tremain family ended their connections with the Victoria Mill and finally sold the milling rights to George Fielders and Company in 1980. Fielders then closed down the last operating flourmill in Bathurst.⁵³

2.8 CHRONOLOGY—TIMELINE OF THE TREMAIN'S MILL SITE

This chronology has been compiled using the information provided in the earlier sections of this chapter to facilitate a quick and easy understanding of the important dates associated with the Tremain's Mill. The chronology has attempted to cover the key dates associated with the Tremains family and the growth and development of the family-run flour mill.

YEAR	EVENT
1850–54	John Burge, Samuel Down and Francis McMahon purchased (grants by purchase) Lots 9, 11 and 10 (constituting the site of Tremain's Flour Mill) respectively in years 1850, 1852 and 1854
1857–65	Chapman brothers owned the site and a flour mill was listed. First it was called Brown's Mill. In 1860, an ad in the newspaper refers to the mill as Victoria Steam Mills.
1856	William Tremain, at the age of 25 set sail for Australia with his family
1863	W Tremain partnered with Bonnear to start Crealy's Mill in Mill town.
Late 1860s?	W Tremain started Rainham Mill
1865–74	F W Smith and Samuel F Smith (brothers) owned the property and ran Victoria Mill on the site
1874	W Tremain purchased Victoria Mill in Keppel Street, Bathurst for £1600
1876	Bathurst Railway Station opened
1883–84	Tremain's Mill flour won a medal from Calcutta International Exhibition

⁵² At the Tremain's Mill open day held on the 20 September 2015, a public appeal was made for information with regards to the scaled model. However, there has been no information yet in this regard.

⁵³ Chamberlain, D, 1999, p57

Attachment 8.2.3.9

Conservation Management Plan – Tremain's Flour Mills, Bathurst NSW

1884	Permission sought from council to add a balcony along Keppel Street façade of Victoria Stores building. The upper level of this building was also added this year.
1889	W Tremain purchased Britannia Mill
1892–93	Tremain's Mill flour won an award in Chicago Exposition
1895	Old millstones replaced with steel rollers and cleaning, grading and dressing machines installed in Victoria Mills
1895–97	W Tremain served on the Bathurst Council
1898	William Tremain died
1899	Following W Tremain's death, the management of the mill and other businesses came under the three sons
1901	Victoria Mill destroyed in a fire
1902	Mill was reconstructed after the fire
1927	Railway siding and Railway weighbridge added
1917	Building approval request for a shed on Keppel Street
1918	Electric bag elevator added to the milling infrastructure
After 1917	Brick store constructed at 65–67 Havannah Street, sometime after 1917
1926	Company floated—Tremain Bros Ltd; later changed to Tremain Bros Pty Ltd
1932	9-bin silo construction in progress
1932–34	The old rice steam engine was replaced with Bellis Norcom engine of 100 hp and four new roller mills and a Robinson plansifter were installed
1936	A detached brick cottage with 6 rooms approved by Bathurst Council (most probably the site of the preschool along Keppel Street). This residence also probably replaced the earlier residence that existed at the time of Victoria Mill sale in 1874.
1939	Formation of the Australian Wheat Board
1940	Second set of 9-bin silos were erected
1953	Capacity of the Mill increased and an electric motor of 200hp replaced the steam plant
1954–56	Two concrete silos were added. In 1956 the grain handling equipment was rearranged in the mill
1957	Additions to the Mill—Upper level and staircase added. Tremain's Flour Mill was the last operating flour mill in Bathurst
1957	Council application to extend existing brick storeroom at 65–67 Havannah Street

Attachment 8.2.3.9

Conservation Management Plan – Tremain's Flour Mills, Bathurst NSW

1960s	Road weighbridge added; Residence at 13 Keppel Street demolished
After 1964	Balcony along Keppel Street façade of Victoria Stores demolished. Large shed along Manilla Street built
1971	Quality-control testing equipment and modern laboratory installed to maintain flour quality
May 1972	Brick chimney demolished
1980	Tremains family sold the flour mill and milling rights to George Fielders and Company
1980	Fielders closed down the last operating flour mill in Bathurst
1980s-1990s	Pre-school at 13 Keppel Street constructed
2015	The former Tremain's Mill site is purchased by new owners

3.0 PHYSICAL SURVEY AND ANALYSIS

This section provides a detailed physical analysis of the Tremain's Mill site and the various buildings on the site. Two visits were conducted to survey the various buildings on the former Tremain's Flour Mill site on two occasions in September and November 2015. The buildings described in this section are based on a visual analysis only.

3.1 SETTING AND CURTILAGE

The former Tremain's Flour Mills is located at the corner of Keppel and Havannah Streets. According to the Keppel Street study:⁵⁴

Keppel Street offers an interesting range of uses such as commercial, retail and residential.

Bathurst Railway Station is located at the end of Keppel Street opposite to the subject site. A variety of built heritage and other buildings including the Railway Station group of buildings; a mix of commercial and residential buildings along Keppel and Havannah Streets surround the subject site. The buildings along Manilla Street are largely residential. The following figures provide a visual understanding of the site and its immediate surroundings.



Figure 58 Railway station from the junction of Keppel and Havannah Streets (© Kasiannan, 2015)



Figure 59 Bathurst Railway Station building—closer view (© Kasiannan, 2015)



Figure 60 Victoria Hotel from the junction of Keppel and Havannah Streets with Tremain's Mills in background (© Kasiannan, 2015)



Figure 61 Residence opposite to the mill on Keppel Streets (© Kasiannan, 2015)

⁵⁴ Freeman Collett & Partners Pty Ltd, 1993, *Bathurst Main Street Project, Vol 1-3*



Figure 62 View towards Victoria Hotel from along Havannah Street with Tremain's Mills in background (© Kasiannan, 2015)



Figure 63 Manilla Street residences, opposite to the Tremain's Mill (© Kasiannan, 2015)

The views to the mill from the surrounding streets illustrated in Figure 64 to Figure 67 below help in reinforcing the mill complex's landmark qualities.



Figure 64 Tremain's Mill from south-west from along Keppel Street (© Kasiannan, 2015)



Figure 65 Tremain's Mills from the south from Havannah Street (© Kasiannan, 2015)



Figure 66 Tremain's Mill from north-east from along Russell Street (© Kasiannan, 2015)



Figure 67 Tremain's Mill from north-west from along Manilla Street (© Kasiannan, 2015)

3.2 SITE LAYOUT

Tremain's Flour Mill is located on an L-shaped site, between the three streets Keppel, Havannah and Manilla in South Bathurst (Figure 68).



Figure 68 Aerial photograph showing the location of Tremain's Flour Mill at the junction of Keppel Street and Havannah Street, Bathurst (<https://maps.six.nsw.gov.au> imagery dated 25 June 2012)

The former Tremain's flour mill complex consists of a number of buildings and silos that are today occupied by various businesses. The primary address of the Tremain's flourmill is 11 Keppel Street and it includes the following 14 addresses:

1/11, 2/11, 3/11, 4/11, 5/11, 7, 2/7, 9, 2/9, 11 and 13 Keppel Street; 6 Manilla Street; and 63 and 65 Havannah Street

Condition

The Tremain's mill site has undergone continuous evolution as buildings were added and modified throughout the life of the flour mill. The original site layout, however, has been retained with very little modifications to the layout of the buildings.

3.3 VICTORIA STORES BUILDING

Victoria Stores building is located at 5–7 Keppel Street, adjacent to the Victoria Hotel, located on the corner of Keppel and Havannah (refer Figure 13, Figure 14, Figure 15 for early images). The building is occupied by Bathurst rewinds at 5

Keppel Street and the Keppel Street Laundry at 7 Keppel Street. The upper level has two apartments that are rented out. Parts of this building were used as a laboratory to perform quality-control tests to ensure best results with the flour milled.⁵⁵

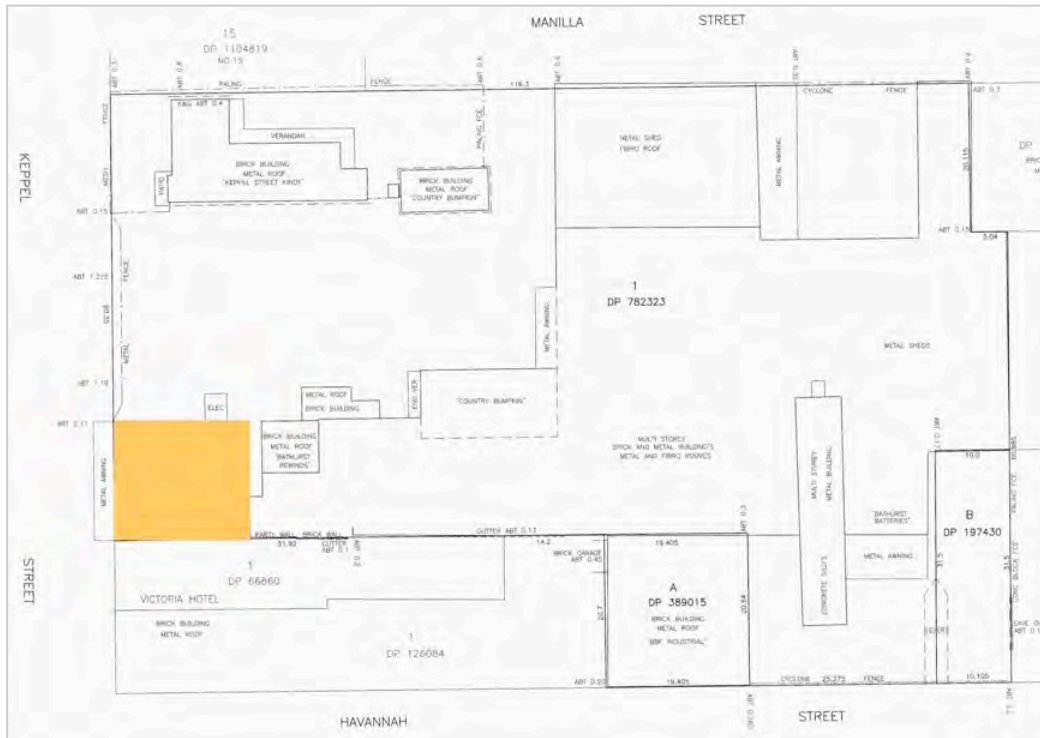


Figure 69 Location of Victoria Stores Building at 5–7 Keppel Street, Bathurst (Survey drawing by Central West Surveying Pty Ltd dated 30 Mar 2015)

The two-storied building is in a Victorian Italianate style. The Keppel Street study describes the building as:⁵⁶

The building is a two-storied Victorian Italianate style of painted brick with an iron roof. A brick parapet is topped by a raised plaque inscribed "Victoria Stores Mills 1884".

Victoria Stores—Exterior

The external wall on the northwest has three openings on the ground floor and three openings on the first floor. The rear section of the building evident in the 1900 photograph (Figure 14, Figure 15) was demolished in late twentieth century. The balcony along Keppel Street was also demolished. The ground floor of the building at present extends to the full length, but the upper level is shorter. The windows at the ground floor level have been modified. The first window from Keppel Street was originally an arched window; the arch has been filled in in recent times and is converted to a rectangular window. The second opening was a door with a flat arch

⁵⁵ Anecdotal information from former mill worker by S.Birrell.

⁵⁶ Freeman Collett & Partners Pty Ltd, 1993,

and this remains unchanged. The third opening was behind some vegetation and not easily visible. A door leading to a corridor, behind the Laundromat provided access to the upper level flat No.1. The motor room is located behind the corridor and has a large opening. The upper level section has three windows in the original configuration and these have not been altered. The brick building has been painted along Keppel Street, but the northwest façade has exposed brickwork. The openings and the corner of the building are detailed with quoins using a blonde coloured brick. The upper level windows retain the quoins in the original configuration. At the ground level, the quoins around the windows have been painted over, but the quoins on the corner of the building at both the upper and lower levels have been painted. The brick parapet is lined with blonde bricks. The building steps down towards its rear and the northwest façade steps down (refer Figure 74, Figure 75).

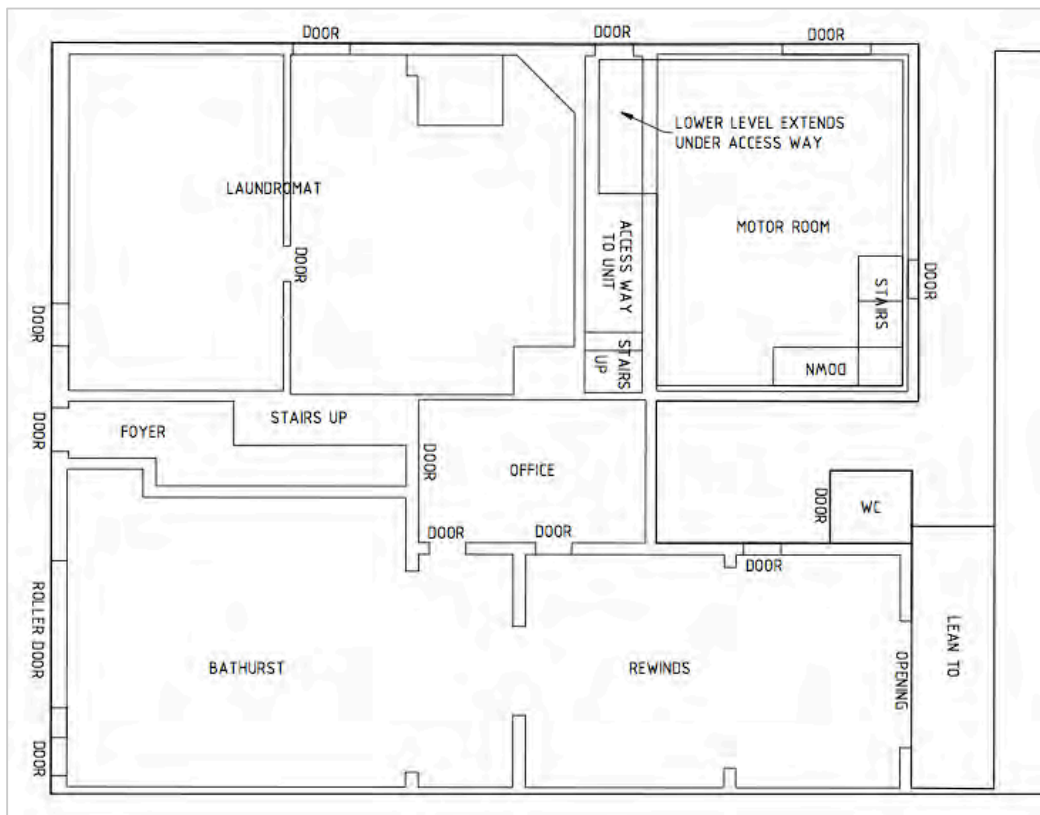


Figure 70 Ground Floor plan of Victoria Stores (Voerman & Ratsep Land Surveyors dated 31 Aug 2015)

Ground Floor—Interior

The Keppel Street laundry is located on the northwest side of the building. The laundry occupies the front two rooms. The interiors have been modified. An entry door adjacent to the laundry leads to the upper levels.

Bathurst Rewinds, an electric motor repair shop is located next door at 5 Keppel Street. The shop has two rooms, and it is evident that the previous three-room

configuration has been modified to two rooms. An old sign from the time of the drapers has been retained (Figure 78). The sign reads:

Best value in Underclothing, Hoods, Pinafores etc., Made on the premises or to order.



Figure 71 First Floor plan of Victoria Stores building (Voerman & Ratsep Land Surveyors dated 31 Aug 2015, annotated by S.Kasiannan)

First Floor—Interior

The upper level can be accessed by three different sets of stairs: one from behind the laundry, one in centre of the Keppel Street façade and one from the rear. The three sets of stairs lead to two apartments. The apartments have been numbered for ease of reference (refer Figure 71).

Flat No. 1 is above the Keppel Street laundry with one bedroom and one fireplace. The window in the kitchen was probably a door that provided access to the former balcony along the Keppel Street front. However, this has not been verified. The windows facing Keppel Street and the north-western side appear to be original joinery with elaborate timber architraves.

Flat No. 2 is a larger apartment at two levels extending over the length of the Victoria Stores building. There are three bedrooms and two fireplaces. The windows facing Keppel Street appear to be original joinery with elaborate timber architraves. All the fireplaces are blocked off but they are potentially Victorian fireplaces, with wrought iron grates and timber detailing.

Condition

The former Victoria Mill Stores is in a reasonable condition except for some problems. These include the loss of grouting below the sill level on the northwest wall, cracks below openings and deterioration due to use. A thorough physical investigation of the fabric is required to understand the precise condition of the building.

Figure 72 to Figure 93 illustrate the former Victoria Stores building.



Figure 72 Victoria Stores building façade
(© Kasiannan, 2015)



Figure 73 Victoria Stores building plaque
— Victoria Stores Mill 1884 (© Kasiannan, 2015)



Figure 74 Victoria Stores building—
northwest façade (© Kasiannan, 2015)



Figure 75 Victoria Stores building with
the mill buildings behind (S. Kasiannan, 2015)

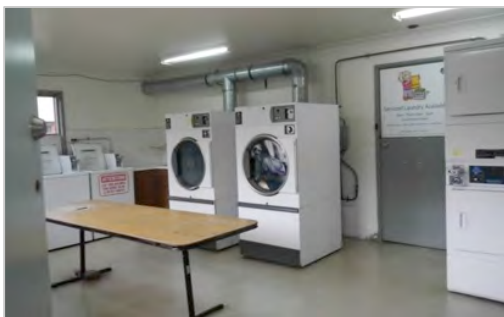


Figure 76 Keppel Street Laundry interior
(© Kasiannan, 2015)



Figure 77 Loss of mortar between the
bricks along northwest corner of the building (©
Kasiannan, 2015)



Figure 78 Original drapery sign inside Bathurst Rewinds (© Kasiannan, 2015)



Figure 79 Bathurst Rewinds interior with the original drapery sign (© Kasiannan, 2015)



Figure 80 Victoria Stores building—central stairs leading to upper level (© Kasiannan, 2015)



Figure 81 Victoria Stores building—door to access upper level stairs (© Kasiannan, 2015)



Figure 82 Victoria Stores building—store under stairs, part of Bathurst Rewinds (© Kasiannan, 2015)

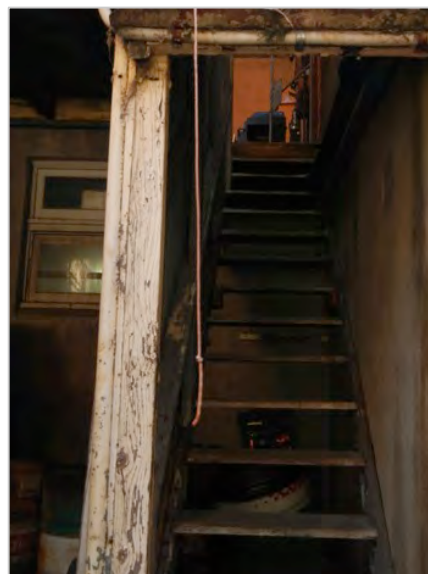


Figure 83 Victoria Stores building—stairs at the rear to access the rear apartment at the upper level (© Kasiannan, 2015)



Figure 84 Victoria Stores building—Flat 1 fireplace (© Kasiannan, 2015)



Figure 85 Victoria Stores building—Flat 2 fireplace (© Kasiannan, 2015)



Figure 86 Victoria Stores building—door and corridor behind laundromat to access upper level apartment (© Kasiannan, 2015)



Figure 87 Victoria Stores building— Flat 1 living room (© Kasiannan, 2015)



Figure 88 Victoria Stores building—Flat 1 Kitchen (© Kasiannan, 2015)

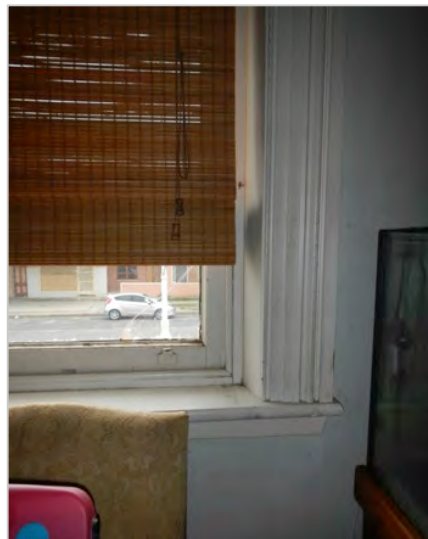


Figure 89 Victoria Stores building—Flat 1 Window detail (© Kasiannan, 2015)



Figure 90 Victoria Stores building—Flat 2 Bedroom (© Kasiannan, 2015)

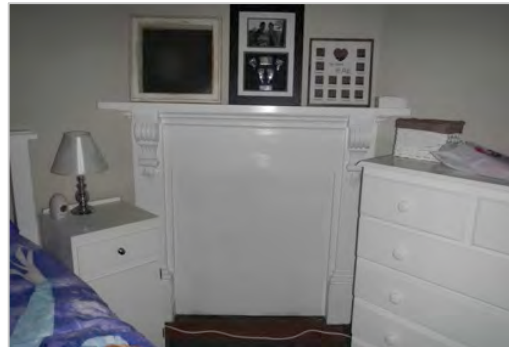


Figure 91 Victoria Stores building—Flat 2 fireplace (© Kasiannan, 2015)



Figure 92 Victoria Stores building—Flat 2 (© Kasiannan, 2015)

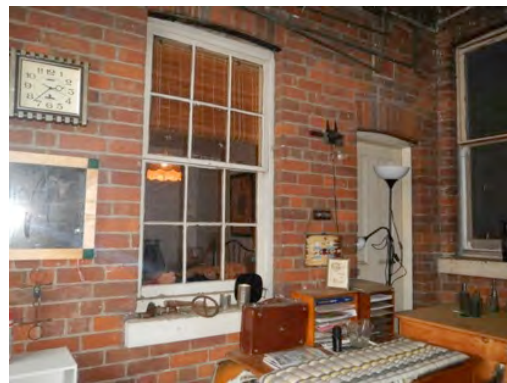


Figure 93 Victoria Stores building—Flat 2 (© Kasiannan, 2015)

3.4 LARGE SHED ADJACENT TO THE MILL BUILDING (SHEDS)—BEDWELLS FEED BARN

The Bedwells Feed Barn building is one of the oldest buildings on the site of the former Tremain Bros Flour Mills. The building is located as indicated in the figure below.

Large Shed (Bedwells Feed Barn)—Exterior

The Keppel Street study describes the building as:⁵⁷

Single storey brick faced industrial building with iron roof on timber trusses supported by undressed tree trunks used as posts and having skillion roof sections on either side (now Bedwell's Feed Barn)

The shed probably dates to 1881 when sheds are first recorded on the rate books. The original shed was much smaller than what exists on the site today. The earlier shed is of a simple rectangular plan (indicated in blue in Figure 94) with gable walls

⁵⁷ Freeman Collett et al, 1993, v3.

on either end, roofed with an iron roof. The central gable roof has a smaller skillion roof on either side. The gable wall has brick pilasters on the front. The gabled brick wall is painted, and a central entry provides access to the shed. The gable wall facing Keppel Street has a painted sign of the Bedwells business along with their logo. This wall previously had the Tremain Mill sign painted on (Figure 32, Figure 49). The front wall originally had three windows, but the central one has been blocked in latter half of the twentieth century.

The shed was added to towards the end of the twentieth century. The skillion roof has been extended on either side with ironclad walls providing additional space on the inside (refer Figure 18, Figure 27 for some earlier images of the shed). The original fabric of the shed is clearly discernible.

Large Shed (Bedwells Feed Barn)—Interior

The interior has two large spaces, one of which functions as the shop and office (to the northwest) while the southeast section is a large warehouse leading to the north-eastern section of the brick mill building. The industrial shed has a high metal roof, which allows for a large storage space. The shed has undressed tree trunks used as columns, which support an iron roof on timber trusses. The undressed tree trunks are characteristic of the bush carpentry prevalent in Australia in the late 19th and early 20th century.

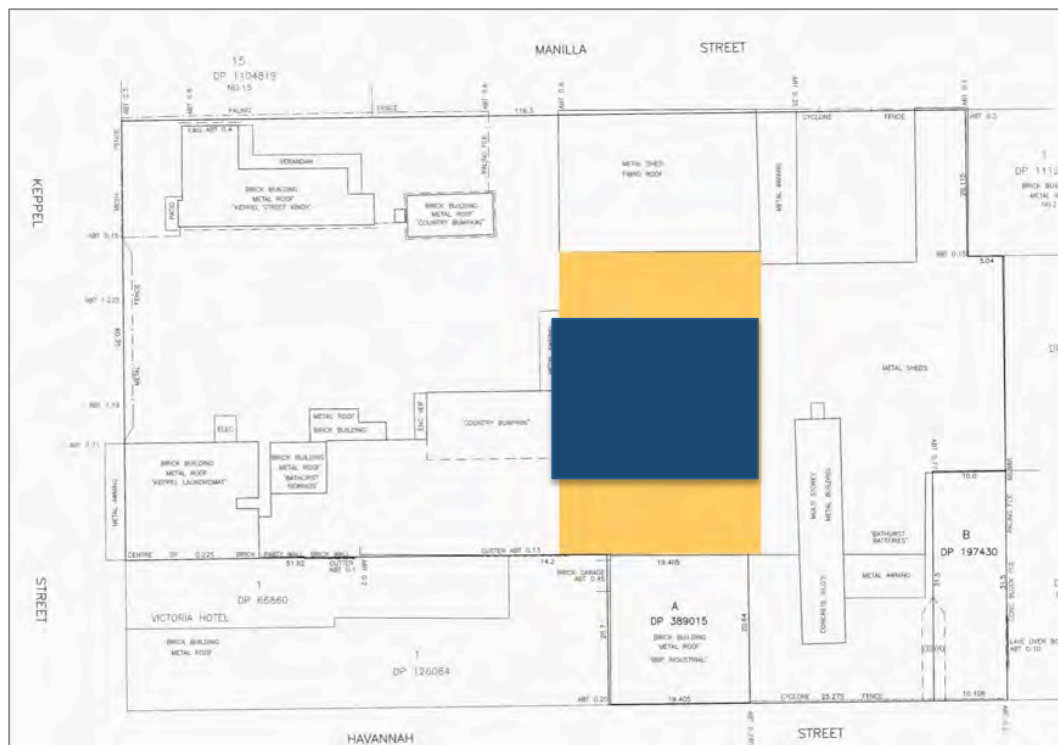


Figure 94 Location of Large shed (Bedwells Feed Barn)—Older section of the shed is indicated in blue and later additions in yellow (Survey drawing by Central West Surveying Pty Ltd dated 30 Mar 2015, annotated by S.Kasiannan)

Condition

The large shed adjacent to the mill building (Bedwells Feed Barn) is in a reasonable condition. A thorough physical investigation of the fabric is required to understand the precise condition of the building. Figure 95 to Figure 104 illustrate the large shed.



Figure 95 Bedwells Feed Barn—front façade. Note the windows on either side of the gable wall (© Kasiannan, 2015)



Figure 96 Bedwells Feed Barn interior—looking northeast (© Kasiannan, 2015)



Figure 97 Bedwells Feed Barn interior—looking towards the office (© Kasiannan, 2015)

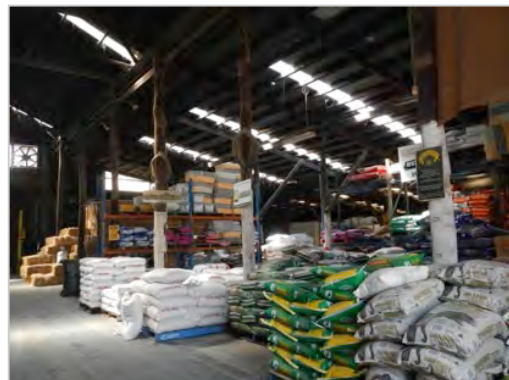


Figure 98 Bedwells Feed Barn interior (© Kasiannan, 2015)

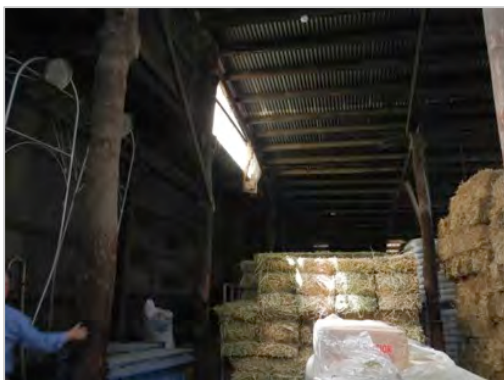


Figure 99 Bedwells Feed Barn interior—undressed tree trunk column (© Kasiannan), 2015



Figure 100 Bedwells Feed Barn interior—looking southwest (© Kasiannan, 2015)



Figure 101 Bedwells Feed Barn interior—timber truss detail (© Kasiannan, 2015)



Figure 102 Bedwells Feed Barn—roof from the top of the Silos with the mill building in the background (© Kasiannan, 2015)



Figure 103 Bedwells Feed Barn interior—undressed tree trunk column (© Kasiannan, 2015)



Figure 104 Bedwells Feed Barn interior—older section to the left and later addition to the right. The brick wall stops at the line of the undressed timber columns (© Kasiannan, 2016)

3.5 SHED ADJACENT TO RAIL WEIGHBRIDGE

This shed adjacent to the Rail weighbridge displays the characteristics of the Bedwells Feed Barn building described earlier.



Figure 105 Location of the shed adjacent to the Rail Weigh Bridge (Survey drawing by Central West Surveying Pty Ltd dated 30 Mar 2015, annotated by S.Kasiannan)

The supporting members are undressed tree trunks and it is clearly evident that this shed has existed from earlier, from the time of the Bedwells Feed Barn building or was constructed later in the same style. The shed is evident in the 1943 aerial image in (Figure 55). The shed is enclosed in iron sheets with undressed timber columns and timber truss, with an iron roof. The walls to the rail weighbridge have high double hung windows. The opening faces Manilla Street. Early views of the shed can be seen in Figure 35 to Figure 38. At present, this shed lies vacant. The following figures provide a visual survey of this shed.

Condition

The shed adjacent to the rail weighbridge is in a reasonable condition. A thorough physical investigation of the fabric is required to understand the precise condition of the building. The following figures illustrate the interiors and exterior of the shed.



Figure 106 Shed adjacent to the railway weighbridge—note the undressed timber posts (© Kasiannan, 2015)



Figure 107 Shed adjacent to the railway weighbridge—note the undressed timber posts (© Kasiannan, 2015)



Figure 108 Shed adjacent to the railway weighbridge—view towards the door facing Manilla Street (© Kasiannan, 2015)



Figure 109 Shed adjacent to the railway weighbridge—View from Manilla Street looking towards the shed and silos (© Kasiannan, 2015)

3.6 1902 BRICK MILL BUILDING—SECTION CLOSER TO THE BEDWELLS FEED BARN (NORTH-EASTERN SECTION OF THE MILL)

The Keppel Street study describes the mill building as:⁵⁸

Mill complex includes four-storey brick industrial (mill) building with an iron gable ended roof. Elevations divided into bays by attached brick piers. Top floor may be more recent than the rest. Simple, undecorated structure with small rectangular windows and double loading doors to each floor.

⁵⁸ Freeman Collett et al, 1993, v3.



Figure 110 Location of the rear section of the Brick Mill Building (in blue) at 11 Keppel Street, Bathurst (Survey drawing by Central West Surveying Pty Ltd dated 30 Mar 2015, annotated by S.Kasiannan)

Exterior

The Mill building as it stands today was constructed in 1902 after the building was destroyed in fire in 1901. Externally, the brick building is a simple industrial building with fine brickwork. Brick pilasters line the exterior of the building along with simple moulding at the roof edge of the building. The windows are segmental arches with bricks placed on edge. The 30-tonne silos were added sometime in 1934–40.

Some of the openings that faced Havannah Street have been bricked-in at a later date. A large painted sign can be seen on the south-eastern façade of the building facing Havannah Street (Figure 113). The sign reads:

Tremain Bros Pty Ltd. Victoria Roller Flour Mills.

Interior

The rear section of the mill building (north-eastern) at present is accessed from inside the Bedwells Feed Barn shed. Access is from the south-western corner of the Bedwells Shed. The last remaining roller mill on the Tremain's Flour Mill site (Figure 113) is located towards the north-eastern end.

On the inside, some other machinery is connected to the smaller 30-tonne silos. The space is divided into three levels vertically, accessed by timber steps. A tunnel links this section to the space under the main timber silos located to the north-east of the

Bedwells Feed Barn shed. Bedwells Feed Barn presently use the machinery found in this part of the mill for their purposes.

The mill complex has retained its complete grain handling equipment that was installed in the early 1900s when the rail siding and rail weighbridge were installed. This includes the equipment that conveyed the grain unloaded by road or rail to both the larger and smaller silos. The grain-handling infrastructure is in complete working order and is being used by the Bedwells Feed Barn.

Condition

The mill building is in a good condition. However, a thorough physical investigation of the fabric is required to understand the precise condition of this building.

The following images provide a visual survey record of this part of the brick building.



Figure 111 Mill building (rear section) indicated by red arrow (© Kasiannan, 2015)



Figure 112 Entry to the brick mill section from inside the Bedwells Feed Barn (© Kasiannan, 2015)



Figure 113 Mill building (rear section) indicated by red arrow. Note the painted sign—view from Havannah Street (© Kasiannan, 2015)



Figure 114 Rear section of the brick mill—view from top of the silos (© Kasiannan, 2015)



Figure 115 Access to the old brick mill section through Bedwells Feed Barn (© Kasiannan, 2015)



Figure 116 Last remaining roller mill on site (© Kasiannan, 2015)



Figure 117 Tunnel linking to the space under the larger 90-tonne timber silos ;used to convey the grains (© Kasiannan, 2015)



Figure 118 Tunnel linking to the space under the timber silos used to convey the grains (© Kasiannan, 2015)



Figure 119 Remnant machinery in the tunnel (© Kasiannan, 2015)



Figure 120 Remnant machinery in the tunnel (© Kasiannan, 2015)



Figure 121 Lower section of the smaller 30 tonne oregon silos (© Kasiannan, 2015)



Figure 122 Remnant machinery in the area below the smaller silos, now used by Bedwells Feed Barn (© Kasiannan, 2015)



Figure 123 Window on the wall facing Havannah Street (© Kasiannan, 2015)



Figure 124 Area under the smaller 30 tonne oregon silos (© Kasiannan, 2015)



Figure 125 Steps leading to the upper level to some small timber silos (© Kasiannan, 2015)

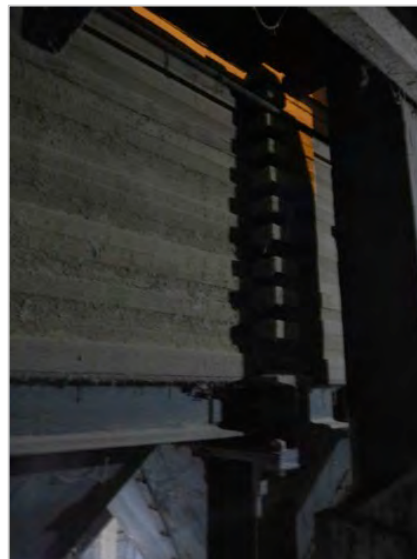


Figure 126 Side wall of the timber silo (© Kasiannan, 2015)



Figure 127 Remnant machinery used for Bedwells Feed Barn purposes (© Kasiannan, 2015)



Figure 128 Remnant machinery used for Bedwells Feed Barn purposes (© Kasiannan, 2015)

3.7 1902 BRICK MILL BUILDING—FRONT SECTION

The brick mill building was the location of the first mill and has the oldest built fabric on the Tremain Mill site.



Figure 129 Location of the Brick Mill Building at 11 Keppel Street (section in yellow is the front section and the blue is the rear section of the Mill building, Bathurst (Survey drawing by Central West Surveying Pty Ltd dated 30 Mar 2015, annotated by S.Kasiannan)

The Keppel Street study describes the building as:⁵⁹

Mill complex includes four-storey brick industrial (mill) building with an iron gable ended roof. Elevations divided into bays by attached brick piers. Top floor may be more recent than the rest. Simple, undecorated structure with small rectangular windows and double loading doors to each floor.

Exterior

The Mill building as it stands today was constructed in 1902 after the building was destroyed in fire in 1901. The main front wall of the brick mill building was retained while the rest of the mill building was upgraded and rebuilt. This wall is therefore the oldest part of the mill building and the oldest built fabric on the site. The mill has been expanded in 1957.

The 1902 photograph (Figure 27) illustrates the small shed in front of the mill building that currently houses the Country Bumpkin Restoration business. The brick walls to the southwest (entry to this shop) and northwest were constructed later as it does not appear till the 1940s photograph. The country bumpkin shop has three rooms at the ground floor level. A flight of stairs in the interior room leads to a single square room at the first floor level.

The façade of the Mill has bricks laid out in English bond (alternate rows of headers and stretchers). The openings of the building help distinguish the later 1957 additions from the early sections of the building. The 1902 openings had segmental arches with bricks placed on edge along the arch. The openings at the time of the 1957 extension are rectangular. The stairs added in 1957 have rectangular openings. The brick additions are clearly evident in the exterior photographs of the mill.

Interior

The building retains some of the original equipment and infrastructure from its time as a functioning flourmill. The basement has a number of conveyor wheels, which would have had belts running through when the mill functioned to its full capacity. The basement is now rented to a music band.

The front section of the ground floor is vacant, but the rear section retains the Dreadnought grinder and other equipment used to bring the grains down.

The front section of the first floor is used for storage and the rear section of the first floor was the purifying floor in 1902⁶⁰ and the machinery here are probably purifiers and centrifugal scalpers. This has not been verified.

⁵⁹ Freeman Collett et al, 1993, v3.

⁶⁰ Tremain Brothers Victoria Flour Mills, in *Bathurst Free Press and Mining Journal*, dated 21 March 1902.

The second floor is rented out to a private consultant and the rear section at this level is in two levels with some equipment and grain elevators in timber. These grain elevators (30-tonne) were installed when the larger timber silos (90-tonne) were installed in 1934. They are made of Oregon pine, which was used in building timber silos in the early twentieth century.

The top floor is a single room in the front part of the building, currently vacant.

The doors to the inner sections of the mill are fire proof. Some machinery was removed after the mill was sold in 1980. The Bedwells Feed Barn has been renting the Tremain's Mills for nearly three decades since the 1980s. They have painted their sign over the former sign on the northwest façade of the brick building. The former sign is evident in the photograph illustrated in (Figure 53, Figure 54). The painted sign of the Tremain's Mill is extant along the Havannah street façade.

Condition

The mill building is in a good condition. However, a thorough physical investigation of the fabric is required to understand the precise condition of this building.

The following images provide a visual survey of this part of the brick building.

Mill building—Exterior



Figure 130 Mill building—view from northwest. Note the Bedwells painted sign (© Kasiannan, 2015)



Figure 131 Mill building—view from Havannah Street. Note the Tremain Bros painted sign (© Kasiannan, 2015)



Figure 132 Mill building—view from north (© Kasiannan, 2015)



Figure 133 Mill building—view from east (© Kasiannan, 2015)



Figure 134 Mill building—view from east
(© Kasiannan, 2015)



Figure 135 Mill building from the rear of the Victoria Stores building—Difference in brickwork indicates later additions (© Kasiannan, 2015)



Figure 136 Mill building—view from the top of the Sios (© Kasiannan, 2015)



Figure 137 Mill building—base of the chimney (© Kasiannan, 2015)



Figure 138 Mill building—steps down to the basement (© Kasiannan, 2015)



Figure 139 External view of the stairs (© Kasiannan, 2015)

Mill building—Interior (basement)



Figure 140 Mill building—Basement (© Kasiannan, 2015)



Figure 141 Mill building—Basement. Note remnant machinery/equipment (© Kasiannan, 2015)

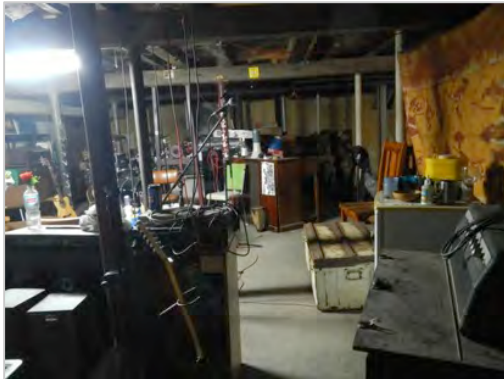


Figure 142 Mill building—Basement (© Kasiannan, 2015)



Figure 143 Mill building—Basement (© Kasiannan, 2015)

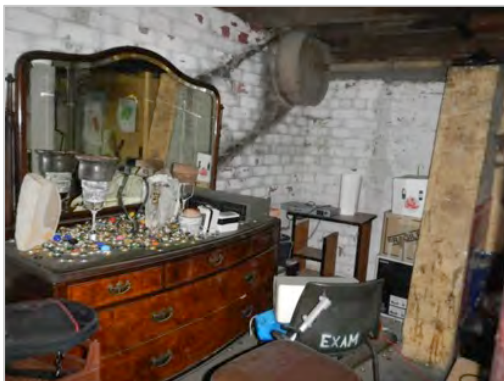


Figure 144 Mill building—Basement. Note remnant machinery/equipment (© Kasiannan, 2015)



Figure 145 Mill building—Basement (© Kasiannan, 2015)



Figure 146 Mill building—Basement. The pit would have been a space for some equipment (© Kasiannan, 2015)

Mill building—Interior (Ground floor)



Figure 147 Mill building—Front section of the ground floor—looking south (© Kasiannan, 2015)



Figure 148 Mill building—Front section of the ground floor—looking north (© Kasiannan, 2015)



Figure 149 Dreadnought grinder—ground floor (© Kasiannan, 2015)



Figure 150 Dreadnought grinder—ground floor (© Kasiannan, 2015)



Figure 151 Dreadnought grinder—ground floor (© Kasiannan, 2015)



Figure 152 Elevator to move grain between floors—ground floor (© Kasiannan, 2015)



Figure 153 Timber detailing in ceiling (© Kasiannan, 2015)



Figure 154 Steps to access upper level (© Kasiannan, 2015)



Figure 155 Mill building—ground floor (© Kasiannan, 2015)

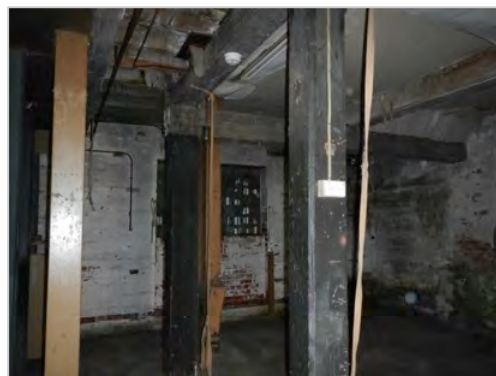


Figure 156 Mill building—ground floor (© Kasiannan, 2015)

Mill building—Interior (First floor)



Figure 157 Mill building—first floor (© Kasiannan, 2015)



Figure 158 Mill building—first floor (© Kasiannan, 2015)



Figure 159 Mill building—first floor remnant equipment (© Kasiannan, 2015)



Figure 160 Mill building—first floor remnant equipment (© Kasiannan, 2015)

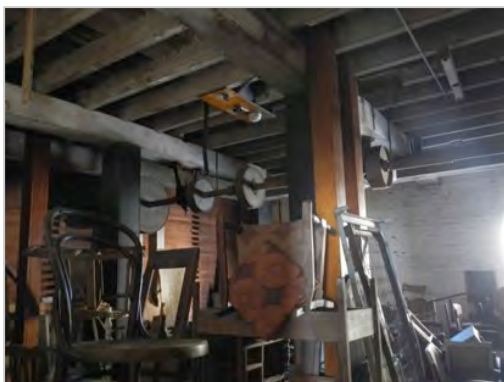


Figure 161 Mill building—first floor remnant equipment (© Kasiannan, 2015)



Figure 162 Mill building—first floor equipment in the inner section (© Kasiannan, 2015)



Figure 163 Mill building—first floor equipment in the inner section (© Kasiannan, 2015)



Figure 164 Mill building—first floor equipment in the inner section (© Kasiannan, 2015)



Figure 165 Mill building—first floor equipment in the inner section (© Kasiannan, 2015)

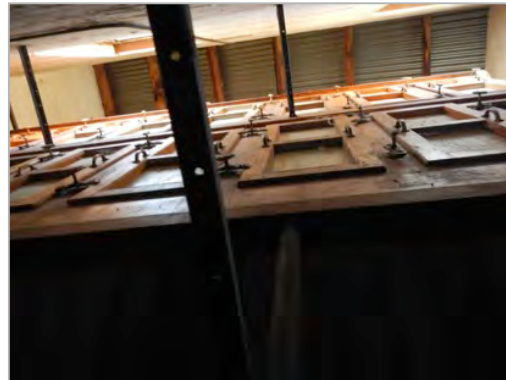


Figure 166 Mill building—first floor equipment in the inner section (© Kasiannan, 2015)



Figure 167 Mill building—first floor equipment in the inner section (© Kasiannan, 2015)

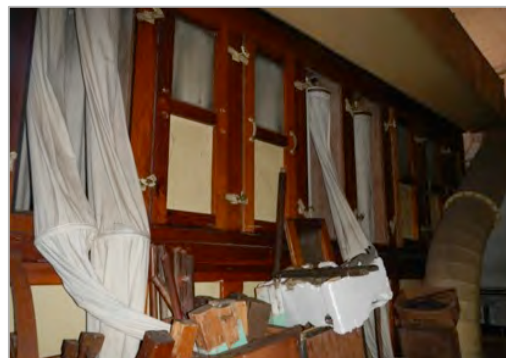


Figure 168 Mill building—first floor equipment in the inner section (© Kasiannan, 2015)



Figure 169 Mill building—first floor equipment in the inner section (© Kasiannan, 2015)



Figure 170 Mill building—first floor equipment in the inner section (© Kasiannan, 2015)



Figure 171 Mill building—first floor equipment in the inner section (© Kasiannan, 2015)



Figure 172 Mill building—first floor equipment in the inner section (© Kasiannan, 2015)

Mill building—Interior (Second floor)



Figure 173 Mill building—second floor front section (© Kasiannan, 2015)



Figure 174 Mill building—second floor door sill to the inner section (© Kasiannan, 2015)

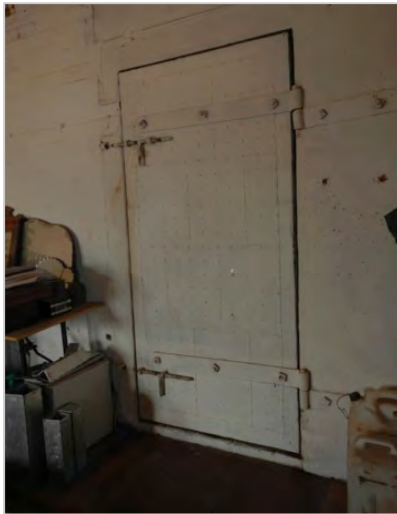


Figure 175 Mill building—second floor door to the inner section (© Kasiannan, 2015)



Figure 176 Mill building—second floor front section (© Kasiannan, 2015)



Figure 177 Mill building—second floor equipment in the inner section (© Kasiannan, 2015)



Figure 178 Mill building—second floor equipment in the inner section (© Kasiannan, 2015)



Figure 179 Mill building—second floor equipment in the inner section (© Kasiannan, 2015)



Figure 180 Mill building—second floor equipment in the inner section (© Kasiannan, 2015)



Figure 181 Mill building—second floor equipment in the inner section (© Kasiannan, 2015)



Figure 182 Mill building—second floor equipment in the inner section (© Kasiannan, 2015)



Figure 183 Mill building—second floor timber silos (© Kasiannan, 2015)



Figure 184 Mill building—second floor equipment in the inner section (© Kasiannan, 2015)



Figure 185 Mill building—second floor timber silos (© Kasiannan, 2015)



Figure 186 Mill building—second floor equipment in the inner section (© Kasiannan, 2015)



Figure 187 Mill building—second floor equipment in the inner section (© Kasiannan, 2015)

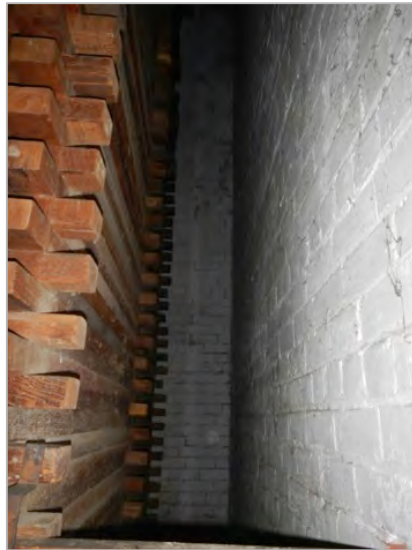


Figure 188 Mill building—second floor timber silos (© Kasiannan, 2015)

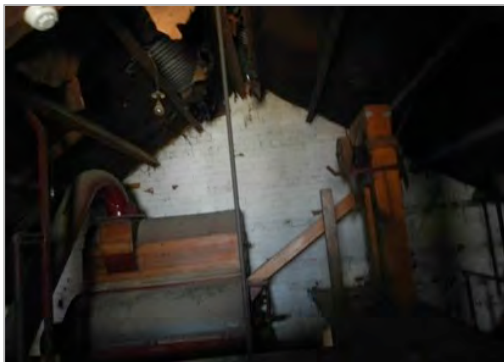


Figure 189 Mill building—second floor gable wall to the east (© Kasiannan, 2015)



Figure 190 Mill building—second floor ceiling above the timber silos (© Kasiannan, 2015)

Mill building—Interior (third floor)



Figure 191 Mill building—third floor (© Kasiannan, 2015)

Mill building—Country bumpkin shop (Interior)

Figure 192 Country bumpkin shop—interior (© Kasiannan, 2015)



Figure 193 Country bumpkin shop—interior. Note the stairs leading to the upper level (© Kasiannan, 2015)

3.8 RAILWAY WEIGH BRIDGE AND SIDING

The railway siding and a railway weighbridge were added at the time of the reconstruction of the Mill after the fires in 1901.

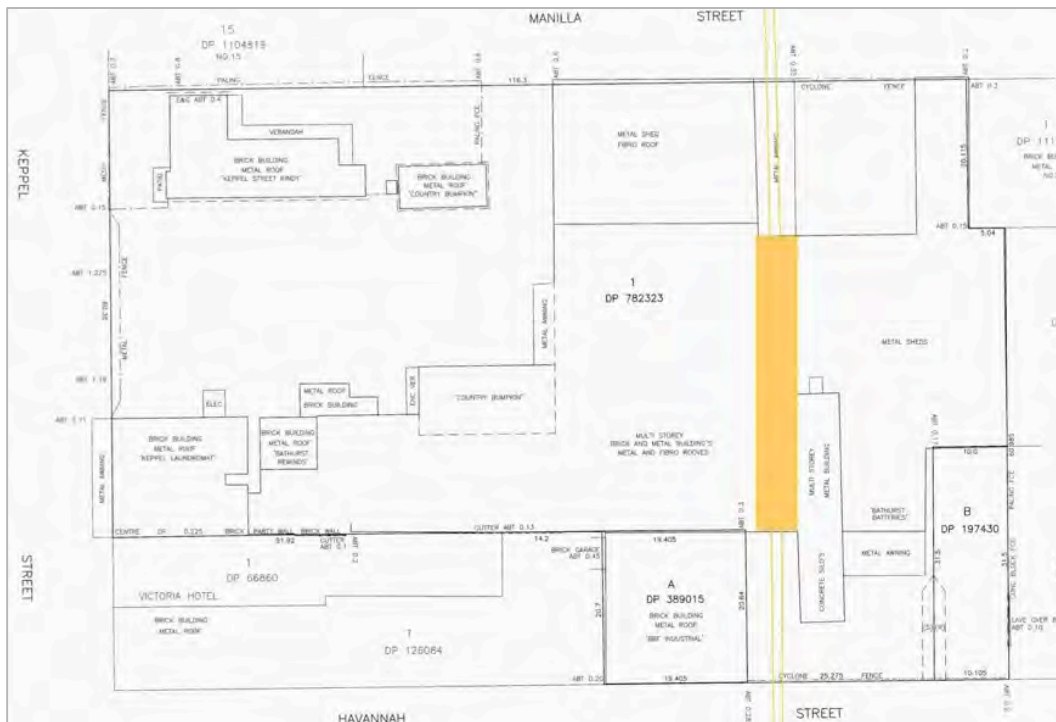


Figure 194 Location of the Railway Weigh Bridge and railway siding at 11 Keppel Street, Bathurst (Survey drawing by Central West Surveying Pty Ltd dated 30 Mar 2015, annotated by S.Kasiannan)

The weighbridge was capable of carrying 20 tonnes. A hopper was built below the ground where grain could be collected and later elevated to the various parts of the

mill for processing. The original machinery is extant in the railway weighbridge shed. In addition, there is a capstan for moving rail carriages. The existing roof appears to have been added later.

The railway siding branches from the main Bathurst railway line from across Havannah Street into the Mill. The line goes through the mill and ends in Manilla Street. The railway tracks are clearly evident within the weighbridge shed and outside the shed towards Manilla Street and are visible across Manilla Street. On the other side of the weighbridge shed towards the Bathurst railway line, the tracks are not readily visible. It is possible that the tracks have been removed at this end. Within the mill building, the rail lines have been cut and reused elsewhere in the mill (refer Figure 195 to Figure 206).

Condition

The railway siding equipment appears to be in a good condition. However, a thorough physical investigation is required to understand its precise condition.

The following images provide a visual survey of this part of the mill.



Figure 195 Hopper opening—for storing grain brought into the mill (© Kasiannan, 2015)



Figure 196 Railway siding—note the rails have been cut (© Kasiannan, 2015)



Figure 197 Railway lines outside the railway weighbridge (© Kasiannan, 2015)



Figure 198 Railway lines visible across Manilla Street (© Kasiannan, 2015)



Figure 199 Railway lines outside the railway weighbridge (© Kasiannan, 2015)



Figure 200 Railway weighbridge—brick shed for equipment (© Kasiannan, 2016)



Figure 201 Railway weighbridge equipment—scales (© Kasiannan, 2016)



Figure 202 Railway weighbridge equipment—scales (© Kasiannan, 2016)



Figure 203 Door access from the older shed adjacent (© Kasiannan, 2016)



Figure 204 Manufacturer inscription—Australasian Scale Co Pty Ltd, Makers – Sydney (© Kasiannan, 2016)



Figure 205 Door access to the Large shed adjacent—Bedwells Feed Barn shed (© Kasiannan, 2016)



Figure 206 A capstan, that helped move rail carriages. (© Kasiannan, 2016)

3.9 LARGE SHED AT THE REAR – NORTH EAST CORNER

This large shed was constructed after 1943, as it does not appear at this time (Figure 55). The shed is visible in the 1964 aerial imagery (Figure 56); therefore, it must have been constructed after 1943. A grain shed is listed in the building approvals register of the Bathurst City Council in the year 1950. It is possible that this shed is the same and was built in 1950.⁶¹

This shed is used by Bedwells for storage. Vehicular access to this shed is available from Manilla Street. This shed was also used for storage of the wheat grain when the silos became full. A pipe can be seen connecting to this shed from the silos.

The electric bag elevator acquired in the early 1900s is currently stored in this shed.

Condition

The shed appears to be in a good condition. However, a thorough physical investigation of the fabric is required to understand the precise condition of this building.

The following images provide a visual survey of this part of the mill.

⁶¹ Bathurst City Council's building approval records held at the Council Office in Bathurst.

Conservation Management Plan – Tremain's Flour Mills, Bathurst NSW

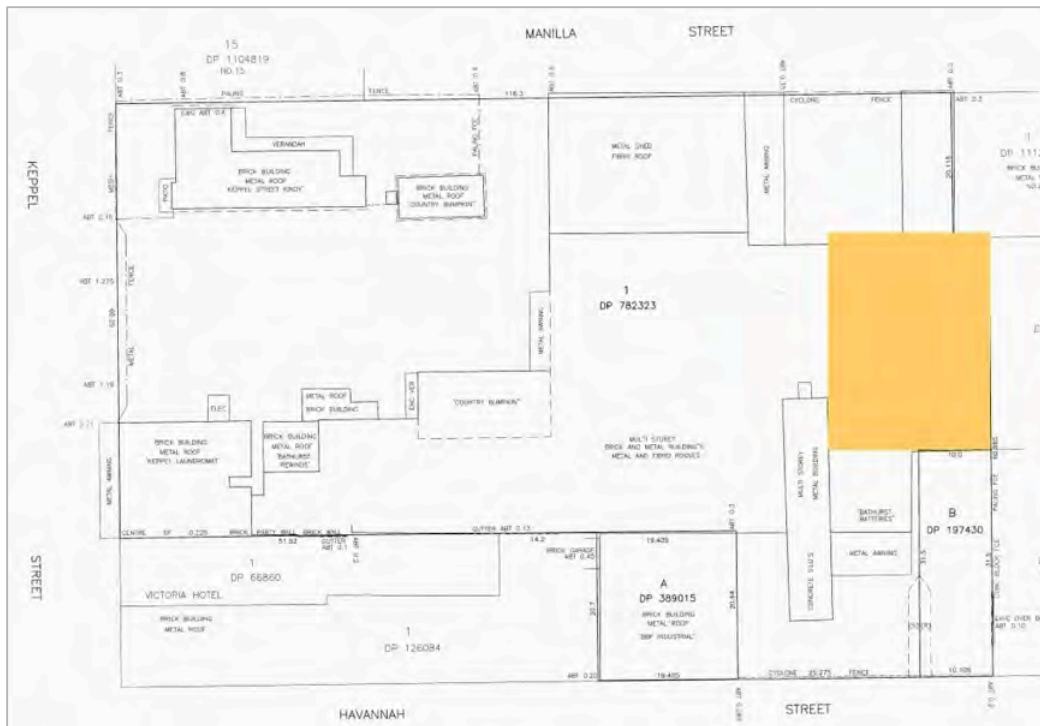


Figure 207 Location of the large shed to the rear (Survey drawing by Central West Surveying Pty Ltd dated 30 Mar 2015, annotated by S.Kasiannan)



Figure 208 Large shed to the rear (© Kasiannan, 2015)



Figure 209 Large shed to the rear (© Kasiannan, 2015)



Figure 210 Large shed to the rear—looking towards Manilla Street (© Kasiannan, 2015)



Figure 211 Large shed to the rear (© Kasiannan, 2015)



Figure 212 Large shed to the rear—remnant equipment (© Kasiannan, 2015)



Figure 213 Large shed to the rear—remnant equipment (© Kasiannan, 2015)



Figure 214 Electric bag elevator acquired in the early twentieth century is currently stored in the large shed (© Kasiannan, 2015)



Figure 215 Electric bag elevator—makers inscription (© Kasiannan, 2015)



Figure 216 Large shed to the rear—note the pipes connecting to the shed roof from the silos (© Kasiannan, 2015)



Figure 217 Large shed to the rear (indicated by red arrow)—view from Manilla Street (© Kasiannan, 2015)

3.10 TIMBER SILOS AND SPACE UNDER SILOS

The construction of a nine-bin timber silos was started in 1932. The timber silos are constructed of Oregon pine,⁶² commonly used at the time for the construction of timber silos. Another set of nine-bin silos was added in 1942, which increased the mill's capacity. These silos have a capacity of 90 tonnes in each bin.

The space under the mill consists of machinery and equipment used to elevate the grains to the silos. The stored grain is moved by means of an underground tunnel from this part of the mill to the brick building (rear section discussed in section 2.4). The process of milling the flour and various other operations are carried out in the brick building (front and the rear sections discussed in sections 2.4 and 2.5).

The mill complex has retained its complete grain handling equipment that was installed in the early 1900s when the rail siding and rail weighbridge were installed. This includes the equipment that conveyed the grain unloaded by road or rail to both the larger and smaller silos. The grain-handling infrastructure is in complete working order and is being used by the Bedwells Feed Barn.



Figure 218 Location of the timber silos (Survey drawing by Central West Surveying Pty Ltd dated 30 Mar 2015, annotated by S.Kasiannan)

Condition

The silos and the space under the silos appear to be in a good condition. However, a thorough physical investigation is required to understand the precise condition of this part of the mill.

⁶² *Tremains of Bathurst*, p12

The following images provide a visual survey of this part of the mill.



Figure 219 Steps leading up to the silos (© Kasiannan, 2015)



Figure 220 Timber silos—space and machinery under the silos (© Kasiannan, 2015)



Figure 221 Opening to the tunnel which was used to move the grains from the silos to the mill (© Kasiannan, 2015)



Figure 222 Opening to the tunnel which was used to move the grains from the silos to the mill (© Kasiannan, 2015)



Figure 223 View of the tunnel under the silos (© Kasiannan, 2015)



Figure 224 Machinery under the silos used to move the grains (© Kasiannan, 2015)



Figure 225 View from under the timber silos looking towards the concrete silos (© Kasiannan, 2015)

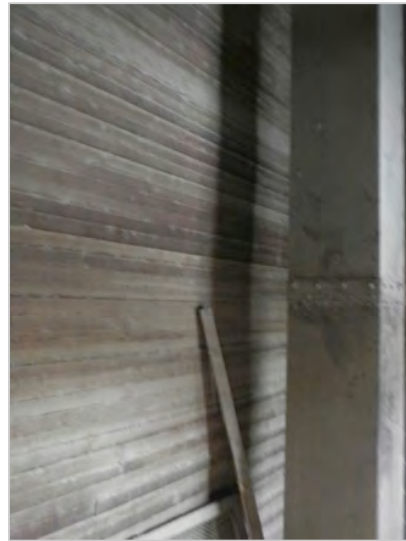


Figure 226 Side wall of the timber silos (© Kasiannan, 2015)



Figure 227 Top of the timber silos (© Kasiannan, 2015)



Figure 228 Gap between the timber silos and concrete silos—view from top (© Kasiannan, 2015)



Figure 229 View of the top of the timber silos (© Kasiannan, 2015)



Figure 230 Interior view of timber silos—note the rungs in the corner for access (© Kasiannan, 2015)

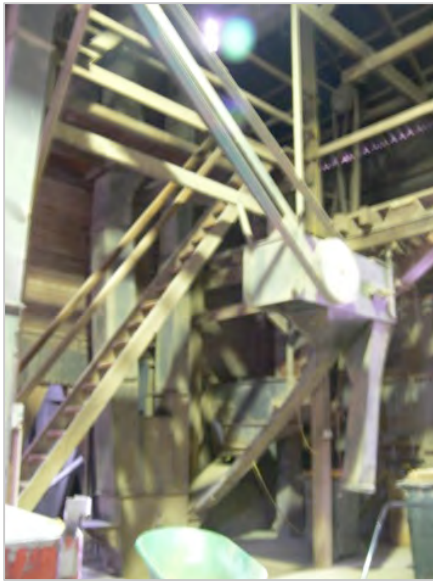


Figure 231 Steps to access the silos (© Kasiannan, 2015)



Figure 232 Closer view of the steps to access the silos (© Kasiannan, 2015)

3.11 CONCRETE SILOS

The expansion of the mill in 1953 included the construction of two concrete silos and the replacement of the steam plant with electricity. The concrete silos are around 65' in height from the ground level. The two concrete silos have inter-connecting doors at the ground level leading to the space under the timber bins. The iron roof over the timber bins is extended to cover the concrete silos. The roof over the concrete silos is made of corrugated galvanised iron. The following figure illustrates the location of the concrete silos.

Condition

The concrete silos appear to be in a good condition. However, a thorough physical investigation is required to understand the precise condition of this structure.

The following images provide a visual survey of the concrete silos.

Conservation Management Plan – Tremain's Flour Mills, Bathurst NSW



Figure 233 Location of the concrete silos (Survey drawing by Central West Surveying Pty Ltd dated 30 Mar 2015, annotated by S.Kasiannan)

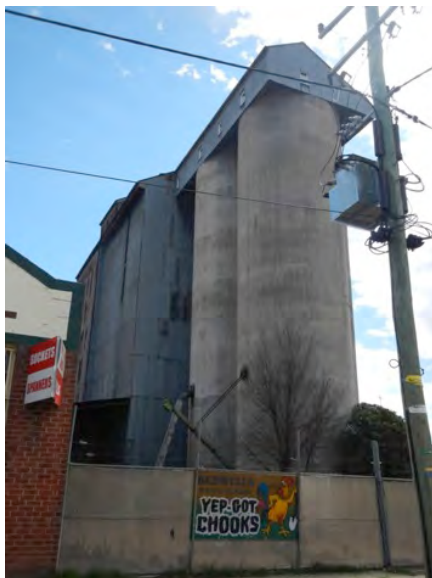


Figure 234 View of the concrete silos from Havannah Street (© Kasiannan, 2015)



Figure 235 View of the concrete silos from Havannah Street (© Kasiannan, 2015)



Figure 236 Interior view of the space under the timber silos looking towards the concrete silos (© Kasiannan, 2015)



Figure 237 Interior view of the space under the timber silos looking towards the concrete silos (© Kasiannan, 2015)



Figure 238 View of the concrete silos from below (© Kasiannan, 2015)



Figure 239 View of the concrete silos from below (© Kasiannan, 2015)



Figure 240 View of the space under the concrete silos (© Kasiannan, 2015)



Figure 241 View of the space under the concrete silos (© Kasiannan, 2015)



Figure 242 Pipes to carry the grain from the concrete silos (© Kasiannan)



Figure 243 Pipes to carry the grain from the concrete silos (© Kasiannan)

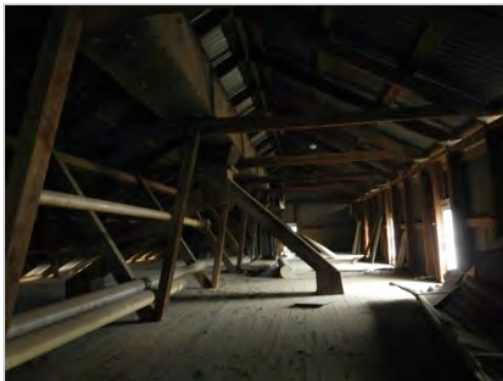


Figure 244 View of the top of the concrete silos (© Kasiannan)



Figure 245 View of the top of the concrete silos (© Kasiannan)

3.12 BBF INDUSTRIAL—BRICK BUILDING

The BBF Industrial building is built of brick with an iron roof and is located on Havannah Street. It is not clear as to when the Tremain family acquired this building, but it has been part of their property since the early 1900s. The building was referred to as the brick store room, part of the Tremain's Mill complex. The building today has two large halls, which together form the shop. The room towards the north is the older shop, which was established after 1917.⁶³ The section towards the south was constructed in 1957 as a brick extension.⁶⁴

⁶³ The 1917 sewer drawing does not indicate the brick store building (refer Figure 28).

⁶⁴ Bathurst Regional Council, building assessment records.

The older section was used as some form of cold storage as there are some traces of cork lining in the walls. While most of this lining has been removed, small sections of the cork lining are still visible on top of the walls.

A newer shed that is part of the BBF Industrial shop is located to the north of the concrete silos along Havannah Street, indicated in purple in Figure 246.

Condition

The brick building appears to be in a good condition. However, a thorough physical investigation is required to understand the precise condition of this structure.

The following images provide a visual survey of this building.

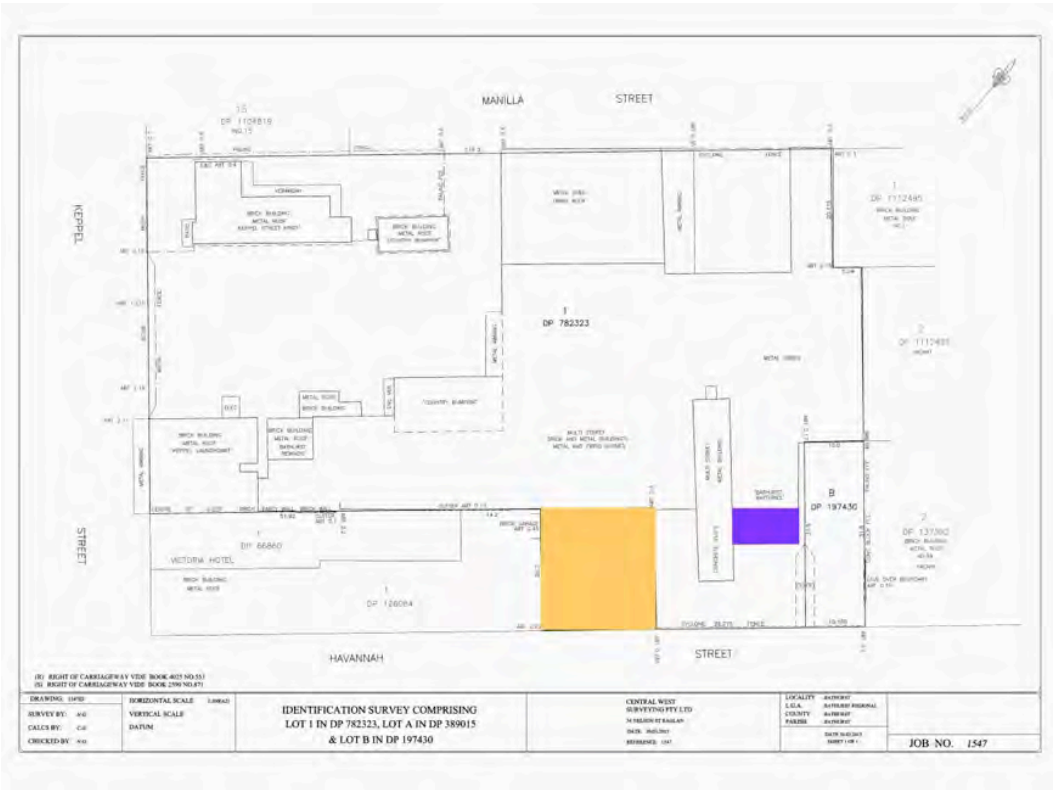


Figure 246 Location of the BBF Industrial—yellow rectangle indicates the brick building the purple indicates the newer shed, part of the business (Survey drawing by Central West Surveying Pty Ltd dated 30 Mar 2015, annotated by S. Kasiannan)



Figure 247 View of BBF Industrial from Havannah Street (© Kasiannan, 2015)



Figure 248 View of the north wall of BBF Industrial (© Kasiannan, 2015)



Figure 249 Interior view of BBF Industrial—1957 extension (© Kasiannan, 2015)



Figure 250 Older section of BBF Industrial (© Kasiannan, 2015)

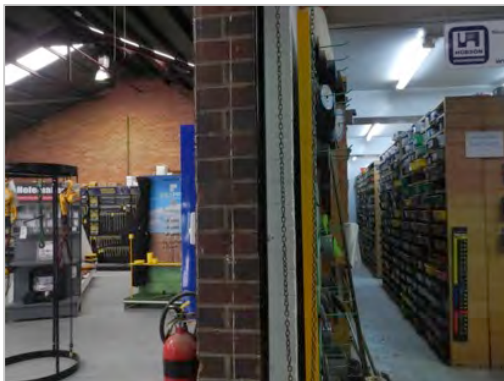


Figure 251 Dividing wall with the old and new sections of BBF Industrial (© Kasiannan, 2015)



Figure 252 Older section of BBF Industrial (© Kasiannan, 2015)



Figure 253 Cork lining used when the building was used for cold storage (© Kasiannan, 2015)



Figure 254 Cork lining used when the building was used for cold storage (© Kasiannan, 2015)



Figure 255 Interior view of the shop (© Kasiannan, 2015)



Figure 256 Newer shed to the north of the concrete silos (© Kasiannan, 2015)

3.13 BATHURST REWINDS SHED

The shed adjacent to the 1902 Mill building has existed since earlier than 1940s. However, this was a much smaller structure extended vertically sometime in 1960s (refer Figure 49 and Figure 53 for early images). The shed has a mezzanine floor and a loading dock. The building is rented by the Bathurst Rewinds business, which also occupies 5 Keppel Street.

Condition

This building appears to be in a good condition. However, a thorough physical investigation is required to understand the precise condition of this structure.

The following images provide a visual survey of this building.

Conservation Management Plan – Tremain's Flour Mills, Bathurst NSW

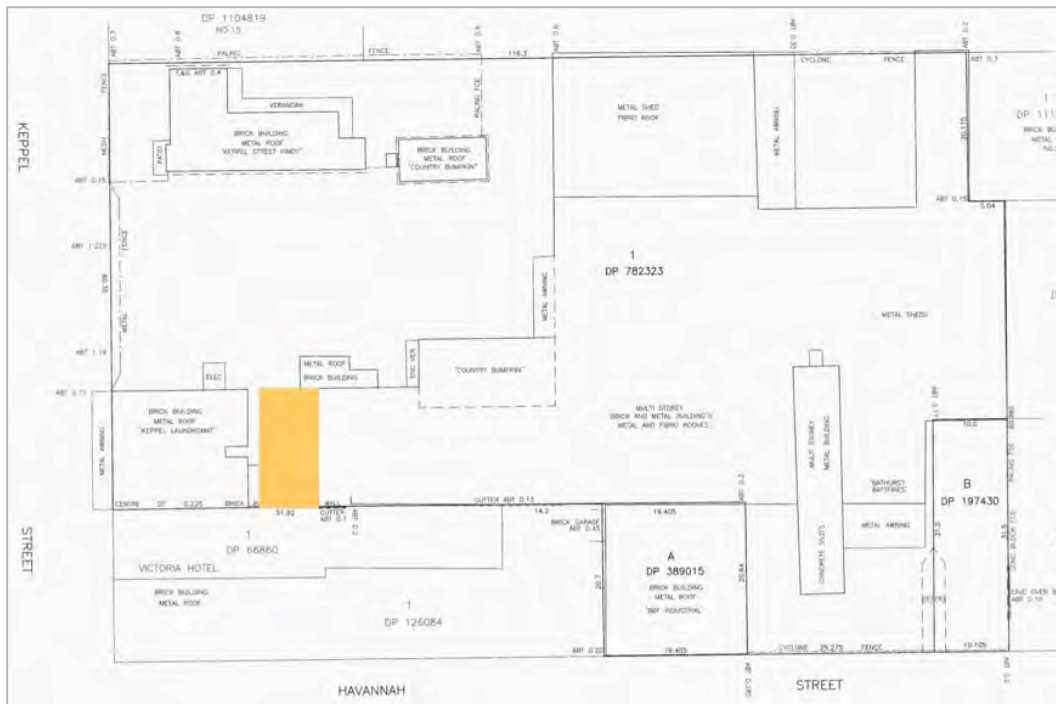


Figure 257 Location of Bathurst Rewinds (Survey drawing by Central West Surveying Pty Ltd dated 30 Mar 2015, annotated by S. Kasiannan)



Figure 258 Front view of the shop (© Kasiannan, 2015)



Figure 259 View of Bathurst Rewinds roof (© Kasiannan, 2015)



Figure 260 View of Bathurst Rewinds roof
(© Kasiannan, 2015)



Figure 261 Lane between the Bathurst Rewinds shed and the former Victoria Stores building (© Kasiannan, 2015)



Figure 262 Interior view of Bathurst Rewinds—looking towards the mezzanine (© Kasiannan, 2015)



Figure 263 Interior view of Bathurst Rewinds—looking towards the rear (© Kasiannan, 2015)

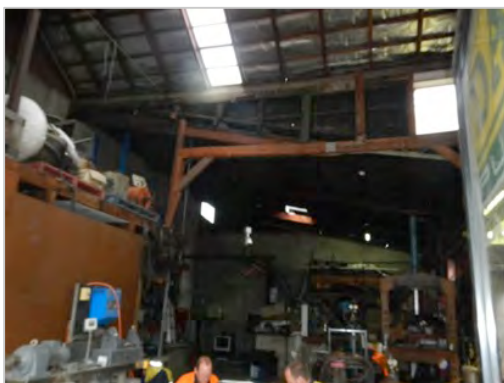


Figure 264 Interior view of Bathurst Rewinds—looking towards the loading dock (© Kasiannan, 2015)



Figure 265 Interior view of Bathurst Rewinds—looking towards the mezzanine (© Kasiannan, 2015)

3.15 KEPPEL STREET DAY CARE

The building at 13 Keppel Street is a residence that has been built in place of an earlier residence that existed on the site since the late 1800s. The building was part of the Tremain family for a number of years, served as a residence for the family and later was rented out. The building that exists today was built after 1964 as the earlier residence, is visible in the 1964 aerial photograph (Figure 56).

Condition

This building appears to be in a good condition. However, a thorough physical investigation is required to understand the precise condition of this structure.

The following images provide a visual survey of this building.

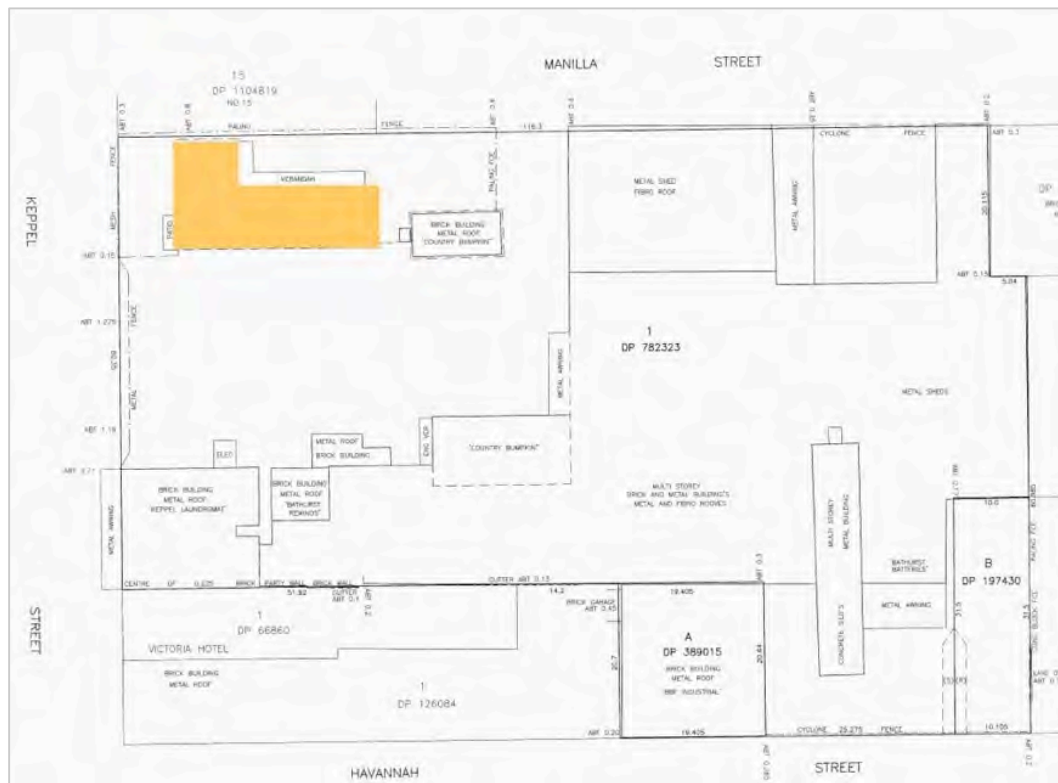


Figure 269 Location of the shed adjacent to the Rail Weigh Bridge (Survey drawing by Central West Surveying Pty Ltd dated 30 Mar 2015, annotated by S. Kasiannan)

3.14 ROAD WEIGHBRIDGE

The road weighbridge was added probably in the 1960s for road transport vehicles. It is located to the southwest of the Bedwells Feed Barn. The building is of brick with a corrugated galvanised iron roof. The date of the building is not clearly evident, but the building appears to be built in the late twentieth century.

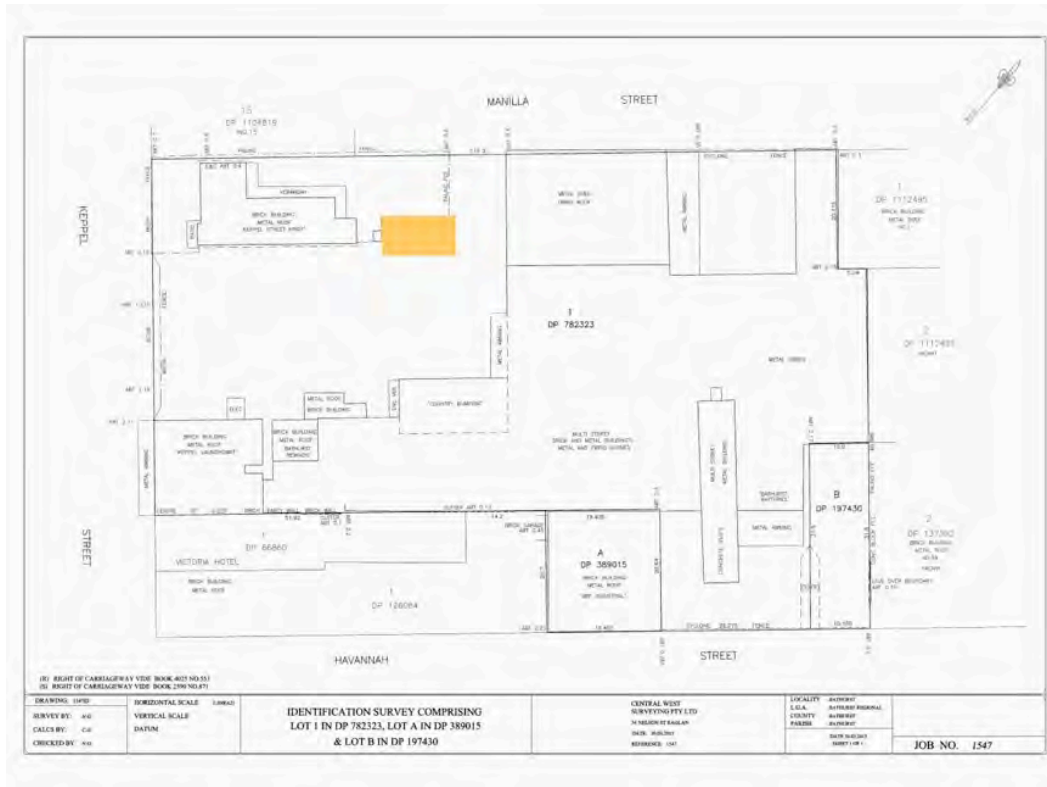


Figure 266 Location of the Road Weighbridge (Survey drawing by Central West Surveying Pty Ltd dated 30 Mar 2015, annotated by S. Kasiannan)

Condition

This building appears to be in a good condition. However, a thorough physical investigation is required to understand the precise condition of this structure.

The following images provide a visual survey of this building.



Figure 267 Road weighbridge—view from the north (© Kasiannan, 2015)



Figure 268 Road weighbridge—view from the south (© Kasiannan, 2015)



Figure 270 Keppel Street Day Care from Keppel Street with the Mill buildings in the background (© Kasiannan, 2015)



Figure 271 Closer view of the building at 13 Keppel Street (© Kasiannan, 2015)

3.16 LARGE SHED ALONG MANILLA STREET

A large shed is located along Manilla Street adjacent to the access road to the mill from Manilla Street. The shed indicated in the figure below is a large shed with iron roof, built after 1964 and before 1983 as illustrated in the 1964 and 1983 aerial imagery (Figure 56, Figure 57). This shed was built to house the automated flour bagging equipment and to provide a loading dock to the railway carriage.⁶⁵

Condition

This building appears to be in a good condition. However, a thorough physical investigation is required to understand the precise condition of this structure.

The following images provide a visual survey of this building.

⁶⁵ Anecdotal information from former mill worker by S.Birrell.

Conservation Management Plan – Tremain's Flour Mills, Bathurst NSW

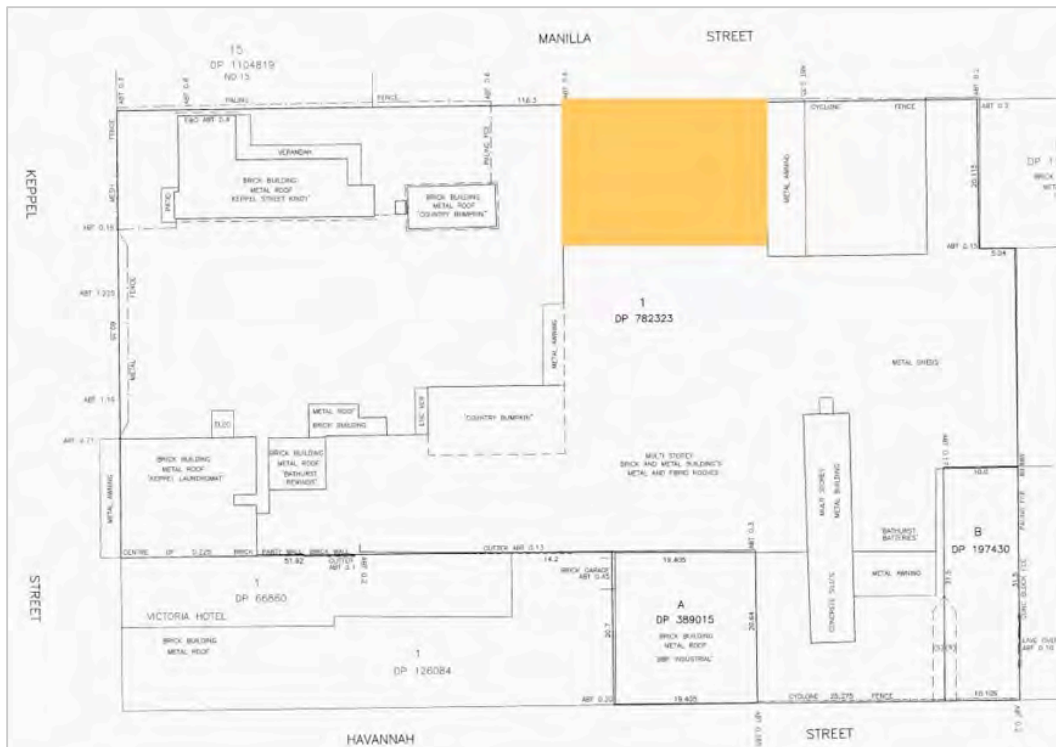


Figure 272 Location of the shed adjacent to the Rail Weigh Bridge (Survey drawing by Central West Surveying Pty Ltd dated 30 Mar 2015, annotated by S. Kasiannan)



Figure 273 Large shed along Manilla Street—exterior (© Kasiannan, 2015)





Figure 274 Large shed along Manilla Street—interior (© Kasiannan, 2015)

4.0 COMPARATIVE ANALYSIS





A number of mills in NSW have been listed as of heritage significance. Some are of state significance, listed on the NSW State Heritage Register and the rest are of local significance listed on the respective local council's local environmental plans. The following table provides a list of the various heritage-listed flourmills within NSW. The information is primarily sourced from the NSW State Heritage Register and the State Heritage Inventory. Heritage studies that are readily available have also been consulted and are cited accordingly. Unless otherwise stated, the images provided have been sourced from the NSW State Heritage Inventory.

Various flour mills from across the regional areas of New South Wales have been listed below for comparison. Some of the larger flour mills in the Sydney region have been excluded, as they are not similar to the scale of operations of the former Tremain's Flour Mills in Bathurst.

Flour Mills in NSW

Name and Location	Significance	Image
Connollys Mill Goulburn	State significant Connolly's Mill established on this is a three storied brick building which supported a rooftop tank [now demolished] for the storage of water for the milling process, sourced from the stream below. The stream was later used as a water source for the first public baths opened in Goulburn in 1893 completed to the design of E. C. Manfred. The baths considered of an inadequate size, were sold in 1906, and new baths were built in Victoria Park in 1907. The site is of high local heritage significance for its association with early industrial development and the provision of community facilities.	
Corowa Flour Mill Corowa	State significant The former Corowa Flour Mill is acknowledged as a landmark in the district. The main building is of considerable architectural and industrial significance although not the only example of such a mill still extant, it is nevertheless considered to be of state heritage significance. The building is now occupied by Corowa Whiskey and Chocolate	



Conservation Management Plan – Tremain's Flour Mills, Bathurst NSW

		
McCossin's Mill Uralla	<p>State significant</p> <p>McCossins Mill is of State significance as representing the endeavours of early settlers to determine the agricultural pursuits best suited to various part of New South Wales. While wheat and flour production ultimately failed in the area, McCossins Mill is a reminder of the trial and error approach to agriculture. McCossins Mill is also representative of the speculation in industry driven by the Gold Rush, being built to supply that market.</p>	
Millenium Flour Mill (former) Inverell	<p>Local significance</p> <p>The building dates from one of the key period of layers for the development of Inverell as a direct result of the Henderson subdivision of 1859 and in particular the boom period from 1888 to 1914 strategically located near the rail line. It is a good example of a Federation Flour Mill complex which makes a positive contribution to the streetscape.</p>	
Pardey's Flour Mill Temora	<p>The mill structure is a store building with a basement and three upper levels. The internal structure consists of timber posts, beams, floors and stairs. The elevations have extensive windows while the frontage to Polaris Street includes an attached timber office and verandah.</p> <p>The building is an important historical example of industry capitalising on the agricultural surroundings and is highly valued by the community. The structure remains a prominent visual landmark and is in sound condition having retained the original distinctive building elements and character.</p>	





Conservation Management Plan – Tremain's Flour Mills, Bathurst NSW

<p>Munro's Mill Temora</p>	<p>The building is significant as an old industrial structure and in terms of other historic buildings opposite and further to the west in this part of Peel Street.</p> <p>A simple three storey sandstock brick building with addition on NW end. The original roof was removed and replaced with sloping iron roof. Internal floors do not survive in the main building but do in the extension. Ring mark of fly wheel has scoured brick work at rear where engine house stood. Has potential for adaptive re-use, retaining facade.</p>	
<p>Gundagai Flour Mill Gundagai</p>	<p>The mill was the second to be built in the Gundagai district and is now the oldest surviving flour mill on the Murrumbidgee River. The site is significant for its association with the Hayes family, who were important in developing flour milling in NSW, and who leased and operated this mill, and numerous others in NSW.</p> <p>The mill's 20th century conversion to a rabbit freezing works reflects changes in the economic development of the region and the growth of the industry in rural NSW at that time. The surviving building fabric and surrounding site have the potential to yield information that will contribute to further understanding the mill and the industries that were conducted here, as well as of the history of Gundagai generally.</p> <p>The former mill, although much changed, retains its Victorian Georgian form, and planning and is representative of industrial buildings of the mid 19th century. It is a rare example of its type in the Gundagai Shire, although other examples survive in NSW. The former mill survives as an important historic landmark overlooking the floodplain of the Murrumbidgee River at Gundagai.</p>	

Conservation Management Plan – Tremain's Flour Mills, Bathurst NSW




<p>Young Roller Flour Mill Young</p>	<p>Young Roller Flour Mill is the last remaining co-operative flour mill in New South Wales. It is an important element of the agricultural, commercial and industrial infrastructure of Young and has been so since 1890. It has direct associations with its founders, directors and shareholders, many of whom were leading figures in the development of commerce and agriculture in Young. The mill contains early roller milling technology and has the potential to provide information on the construction and operation of small roller flour mills. It has local historical, historical association, aesthetic, social and technical/research significance, rarity and representativeness. It also has a high degree of integrity.</p>	
<p>Mill and Mill house Byrne's Mill Queenbeyan</p>	<p>State Significance</p> <p>Byrne's Mill is very significant as the sole surviving mill building in the Canberra-Queanbeyan district, at least six other mills having functioned in the area at various times. The building, together with the adjacent millhouse, is also the only substantially intact nineteenth century industrial site in Queanbeyan. The mill and millhouse are significant in demonstrating the adverse effects that the coming of rail services exerted on the majority of manufacturing industries in rural centres. The mill, owing to its massing, general design and the form of its openings, is a good example of a late nineteenth century flour mill. The two buildings form part of an important remnant nineteenth century streetscape in Collett Street, linking with another nineteenth century building, Hibernia Lodge, situated further north along the street.</p> <p>Now part of the mill building is a restaurant.</p>	

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Ben Furney Flour Mill Dubbo	One of a very small number of mills still using belt-driven machinery. Only two are known to survive in NSW.	
Cowra Steam Mill Cowra ⁶⁶	Local significance Built in 1860. Three-storey stone building. Ceased operations in 1905. Considered a landmark in the Cowra district. Adaptively re-used as a winery and function centre. An earlier architectural style, but it no longer has its support buildings and silos.	 Source: http://www.flickr.com/photos/shebalso/2144643797/
Brunton's Flour Mill Gunnedah ⁶⁷	Brunton's Flour Mill is a key landmark and it played an important role in the development of the local economy. The mill building retains a high degree of intactness and integrity, although the complex has lost some of the associated buildings. The mill building and the associated silos are common designs that are increasingly becoming rare.	 © GAO 2012
Rockley Mill Rockley ⁶⁸	Only a small number of the Victorian flour mills that served their local district survive in New South Wales in a condition that allows interpretation of the technology. Rockley Mill, built in 1862, is a very good example of one such mill where the main milling machine, boiler and three milling wheels survive together with building fabric that provides considerable potential for interpretation of the milling operations. Rockley Mill has important associations with both the Budden and Stanger families who established the mill in Rockley in 1864 and retained ownership of the mill until 1876. As a substantial and	

⁶⁶ GAO, 2012 *Former Brunton's Flour Mill—Heritage Assessment*⁶⁷ GAO, 2012 *Former Brunton's Flour Mill—Heritage Assessment*⁶⁸ Hubert Architects, 2006 *Rockley Mill—Conservation Management Plan*,

Conservation Management Plan – Tremain's Flour Mills, Bathurst NSW

	representative of Victorian Georgian design, the building is also important as one of a group of Victorian buildings on the south side of Budden Street facing Pepper's Creek that add considerably to the character of the village.	
Crago Mill Bathurst	Local significance 1906 , two-storey brick building, similar to the mill buildings at Corowa and Gunnedah. Milling ceased on the site in the 1980s. Currently an arts precinct.	 <p>© Senthilpavai Kasiannan</p>
Loneragans Mill Gulgong ⁶⁹	The mill started operations in 1913. It was built near the railway lines in Station Street. The mill was into production even during the depression. In 1944 there was a heavy loss as two storage sheds were destroyed in fire. The mill was converted to electricity in 1957. ⁷⁰	 <p>© Sandyriva⁷¹</p>
Former Haslam's Mill Molong	Local significance An aesthetically attractive and imposing addition but on the back block from the streetscape. Historically significant relic of a period when grain was gathered at each town and transported by wagon before rail. Good re adaptive reuse of a flour mill. Unusual three storied full face brick building that served formerly as a mill. It has been re adapted for overnight apartment accommodation.	

⁶⁹ GAO, 2012 *Former Brunton's Flour Mill—Heritage Assessment*

⁷⁰ Chamberlain, D. 1997, p28.

⁷¹ Image available from <http://www.viewphotos.org/australia/images-of-Gulgong-595.html>


<p>Former Flour Mill West Wyalong</p>	<p>A substantial and historically significant group of structures including the three storey brick Mill building and the chimney. Although the Mill has not operated for many years, remnant buildings remain amidst the current use as a storage depot for buses. The site is a visual landmark and adjoins the ring road.</p> <p>The mill burnt down in 1913 and it was rebuilt in 1914.</p> <p>The mill is disused and listed on Screen Central, a location guide for filming of any kind.</p>	 <p>http://screencentral.com.au/disused-flour-mill-west-wyalong/1290/</p>
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Table 1 Flour Mills in New South Wales

Table 1 above provides a comparison of some flour mills in the regional areas of New South Wales including mills in the local region.

This comparison has not revealed any flour mill closely similar to that of the Tremain's in Bathurst. The closest in comparison are the Millennium mill, Inverell; Pardey Mill, Temora; Loneragans Mill, Gulgong and Former flour mill, West Wyalong. The comparison is based on the limited information available in the heritage inventory data and internal inspections of any of these mills were not possible due to resource constraints.

These mills were all constructed towards the end of the nineteenth and upgraded and modified all through the twentieth century. A few of these mills were burnt down due to fire accidents and were rebuilt. They are all located close to the railway line and some have private sidings to transport grains and flour. All these mills are similar in capacity to the Tremain's flour mill and share a similar history of development.

The Pardey's Mill in Temora appears closest in comparison with the former Tremain's Flour Mill in Bathurst. The building stock is similar, but it is not possible to verify if there are any timber grain elevators present. The mill complex is of landmark quality similar to the Tremain's and has retained many of its original and distinctive building elements and character.

It is highly possible that there may be unlisted mills around the state that date from the late nineteenth and early twentieth century, which do not form part of this analysis. Notwithstanding this, it appears that the former Tremain's Flour Mill in

Bathurst has a mill building that is a common design for flour mills in the late nineteenth and early twentieth century in NSW, but is becoming increasingly rare as mill complexes of this period are gradually demolished or substantially altered. It is likely to be one of only a small number of flour mills of this period to retain its original grain-handling equipment and Oregon timber silos, although it has lost the bulk of its flour milling machinery, its chimney and cottage. In regard to building stock and setting, the mill appears to be a good representative example of a late nineteenth/early twentieth century flour mill in NSW and a significant example in Bathurst.

5.0 ASSESSMENT OF CULTURAL SIGNIFICANCE

The assessment of cultural heritage significance of the *Tremain's Flour Mills* follows the steps laid out in the *NSW Heritage Manual* by the NSW Heritage Office.⁷²

5.1 INTRODUCTION

The NSW heritage assessment criteria encompass the four values in the Australia ICOMOS Burra Charter, which are commonly accepted as generic values by Australian heritage agencies and professional consultants:

- historical significance;
- aesthetic significance;
- scientific significance; and
- social significance.

An item will be considered to be of heritage significance (state or local), if it meets one or more of the following *NSW heritage assessment* criteria:

- (a) An item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area);
- (b) An item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history (or the cultural or natural history of the local area);
- (c) An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area);
- (d) An item has strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural or spiritual reasons;
- (e) An item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history (or the cultural or natural history of the local area);
- (f) An item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area); and
- (g) An item is important in demonstrating the principal characteristics of a class of NSW's
 - cultural or natural places; or
 - cultural or natural environments

⁷² 2001. *Assessing heritage significance*, NSW Heritage Office, p2

(or a class of the local areas')

- cultural or natural places; or
- cultural or natural environments

The assessments against these criteria discussed below, have helped in developing the overall statement of significance.

Grading of Significance

The NSW Heritage Council recognises two rankings or thresholds of significance. These are State heritage significance and Local heritage significance. The first denotes significance to all the people of NSW and items in this category should be listed on the State Heritage Register. There is also a National ranking associated with the National Heritage List.

For complex sites, elements within the site are usually ranked for their contribution to the significance of the site as a whole using a scale from Intrusive to Exceptional. These rankings are defined as follows.⁷³

Grading	Justification
EXCEPTIONAL	Where an individual space or element is assessed to display a strong degree of correlation with the Statement of Significance for the place. Spaces, elements or fabric exhibit a high degree of intactness and quality, though minor alterations or degradation may be evident.
HIGH	Where an individual space or element is assessed to display a substantial degree of correlation with the Statement of Significance. Spaces, elements or fabric, originally of substantial quality, and which may have undergone considerable alteration or adaptation resulting in presentation which is either incomplete or ambiguous. This category also includes spaces, elements or fabric of average quality in terms of design and materials, but which exhibit a high degree of intactness.
MODERATE	Where an individual space or element is assessed to display a moderate degree of correlation with the Statement of Significance. Spaces, elements or fabric, originally of little intrinsic quality and which may have undergone alteration or degradation. Or, in addition, are of a relatively new construction and the assessment of significance is difficult or is poor quality in relation to elements of exceptional / high significance. This category also includes spaces, elements or fabric of any quality but which have undergone extensive alteration or adaptation.
LOW	Where an individual space or element is assessed to display a low degree of correlation with the Statement of Significance,

⁷³ *Assessing heritage significance*, p11

	particularly compared with other features of the item. Spaces, elements or fabric, originally of little intrinsic quality and which may have undergone alteration or degradation. This category also includes spaces, elements or fabric of any quality but which have undergone extensive alteration or adaptation to such an extent that only isolated remnants survive, resulting in a low degree of intactness and quality of presentation.
NEUTRAL	Where an individual space or element is assessed to display a minor degree of correlation with the Statement of Significance. Spaces, elements or fabric that have been assessed as possessing little or no significance.
INTRUSIVE	Where an individual space or element detracts from the appreciation of cultural significance, by adversely affecting or obscuring other significant areas, elements or items.

Table 2 Grading of heritage elements**State Historical Themes**

This approach provides a useful framework within which the cultural significance of any place can be assessed by emphasising the underlying historical influences, which have shaped the regional towns. These historical themes are used as a general frame of reference to understand the heritage significance of the mill.

Australian Theme	NSW Theme	Notes	Examples
Developing local, regional and national economies	Industry	Activities associated with the manufacture, production and distribution of goods	Factory, workshop, depot, industrial machinery, timber mill, quarry, private railway or wharf shipbuilding yard, slipway, foundry, kiln, smelter, tannery brewery, factory office
Developing local, regional and national economies	Science	Activities associated with systematic observations, experiments and processes for the explanation of observable phenomena	Laboratory, experimental equipment, text book, observatory
Developing local, regional and national economies	Transport	Activities associated with the moving of people and goods from one place to another, and systems for the provision of such movements	Railway station, highway, lane, train, carriage

Table 3 NSW Historical Themes relevant to Tremain's Flour Mill

The historical themes that are most relevant to Tremain's Flour Mill are listed with explanation above. The themes are generic and as such, a heritage item will often qualify against more than one theme.

The historical themes most relevant to the former Tremain's Flour Mill include Industry, Science and Transport.

5.2 ANALYSIS OF HERITAGE SIGNIFICANCE

Note: The heritage significance of the former Tremain's Flour Mill is analysed against the applicable heritage criteria outlined in the NSW Heritage Manual listed above. The assessment is limited to visual inspection of the mill's interiors and exteriors. Built fabric analysis, assessment of extant machinery and archaeological investigations were not carried out.

Criterion (a) Historic Significance - *An item is important in the course, or pattern, of NSW's or the cultural or natural history of the local area;*

Criterion (b) Associational Significance - *An item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history (or the cultural or natural history of the local area);*

The former Tremain's Flour Mill has strong LOCAL and potentially STATE heritage significance under these criteria.

Bathurst was Australia's first inland settlement. Wheat industry was one of Australia's main sources of economy in the early decades of European settlement. Wheat production supported the flour milling industry. Bathurst and regions supported a number of flourmills. The former Tremain's Flour Mill played an important role in Bathurst's local economy as well as that of NSW state.

The Tremain family have owned the mill since the late nineteenth century and have operated the mill for nearly a century. The family run business maintained a superior quality of flour. They updated their equipment and the building infrastructure on a regular basis and in the 1970s installed quality-checking equipment to maintain a high standard of the products. The former Tremain's Flour Mill was one of the major flourmills in Bathurst and it occupied a landmark location, part of Mill town. The mill originally known as the Victoria Mills was renamed Victoria Roller Flour Mills after modern roller mills were installed. In 1926, the business was floated as Tremain Bros Pty Ltd and it was the last flourmill to cease operations in Bathurst in 1980. The founder of the mill, William Tremain had served on the Bathurst City Council in the late nineteenth century.

The former Tremain's flour mill site has always been associated with mill buildings, residences and shops. The mill produce was sold at the shop in Victoria Stores building along Keppel Street.

The former Tremain's Mill buildings and site have direct links to the former milling company, the people and the events and provides a strong tangible link to the former Tremain's Milling establishment.

The historic and associational heritage values are embodied in the extant buildings and in the following characteristics of the site:

- Shed adjacent to the brick mill building (now the Bedwells Feed Barn) is the oldest structure on site having existed from the late 1800s, possibly from the 1880s.
- The front wall of the 1902 brick mill building (north-western) is the oldest part of the mill building that exists. This wall dates back to the 1880s when the mill was upgraded.
- The 1902 rebuilt brick mill building (with smaller 30-tonne Oregon timber silos used by the Bedwells Feed Barn)—and associated machinery remaining on site;
- Original grain handling equipment remains on site and is in working order used by the Bedwells to transport grains to the bigger and smaller silos;
- Victoria Mill Stores building along Keppel Street dating to 1884;
- Railway weigh bridge, rail lines and associated machinery dating from the early 1900s
- All the extant machinery related to the former Tremain's Flour Mill;
- French Burr stones with signage along the Keppel Street, originally from Rainham Mill;
- Oregon timber silos—both the 30-tonne and 90-tonne silos and associated machinery;
- Brick building along Havannah Street—including the traces of cork insulation
- Painted signs on the exterior of the mill building and shed, particularly the Tremain Bros Pty Ltd Victoria Roller Flour Mills painted sign along the south-eastern wall of the mill building;
- Painted sign of the former drapers in the ground floor of Victoria Stores building;
- 'Invincible Flour' sign along the footpath on the Keppel Street front;
- The physical and visual connection to mill town and Bathurst;
- The physical and visual connection between the mill and the railway precinct/railway line along Manilla Street;
- The setting of the mill complex between the three streets of Keppel, Havannah and Manilla;

Archaeological investigations that may reveal some historical significance include:

- Investigations that may reveal traces of the earlier mill operations and the original grinding stones, which are supposedly buried under the loading dock; and
- Investigations that may reveal traces of early twentieth century life of former residents at the former Victorian cottage site (present-day Keppel street day care).
- Investigations that may reveal traces of early and mid twentieth century commercial enterprises at the large store along Havannah Street (BBF Industrial)

In addition, historical associations exist with former products of the Tremain's Mill—Invincible and Fairy Dell flour

- Calico bags that were used to bag the flour, labelled as 'Invincible' and 'Fairy Dell'

Finally, a scaled model of the mill featured in the '100 years of Milling' and 'Tremains of Bathurst' published in the late 1960s.

- This model if found would have very strong associational and historical significance.

Criterion (c) Aesthetic Significance – *An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technological achievement in NSW or the local area.*

The former Tremain's Flour Mill has strong LOCAL and potentially STATE heritage significance under this criterion.

The former Tremain's Flour Mills is an important reminder of the industrial heritage and history of Bathurst and the role it had played in developing the economy of Bathurst. The buildings, along with the silos are landmark buildings marking the former Milltown at the junction of Keppel and Havannah Streets.

Since the closure of the mill in 1980s, some of the original machinery has been removed. However, all the grain handling equipment that helped move grains to the larger and smaller timber silos have been retained and are in working order currently being used by the Bedwells business. In addition, the buildings and various structures associated with the mill have been retained and there is no large-scale redevelopment or new construction in the vicinity of the mill complex. Therefore, the historic character of the site; and its setting within the street has been retained.

The aesthetic heritage values are embodied in the extant buildings and in the following characteristics of the site:

- Shed adjacent to the brick mill building (now the Bedwells Feed Barn), the oldest structure on site having existed from the late 1800s, possibly from the 1880s. This shed has undressed tree trunks as columns, which provides insight into bush architecture, practised in twentieth century Australia;
- The front wall of the 1902 brick mill building (north-western) is the oldest part of the mill building that exists.
- The 1902 rebuilt brick mill building (with smaller 30-tonne Oregon timber silos used by the Bedwells Feed Barn)—including associated machinery remaining on site. The buildings are typical mill buildings constructed of brick;
- Original grain handling equipment remains on site and is in working order used by the Bedwells to transport grains to the bigger and smaller silos;
- Victoria Mill Stores in Victorian Italianate style along Keppel Street dating to the late 1800s, expanded in 1884 along with the raised plaque inscription on the brick parapet;
- Railway weigh bridge, rail lines and associated machinery dating from the early 1900s;
- Shed adjacent to the rail weighbridge has undressed tree trunks as columns, which provide an understanding of bush architecture practised in parts of Australia;
- All the extant machinery related to the former Tremain's Flour Mill;
- French Burr stones along the Keppel Street front, originally from Rainham Mill;
- Oregon timber silos – both the 30-tonne and 90-tonne silos and associated machinery
- Painted signs on the exterior of the mill building and shed, particularly the Tremain Bros Pty Ltd Victoria Roller Flour Mills painted sign along the south-eastern wall of the mill building;
- Painted sign of the former drapers in the ground floor of Victoria Stores building;
- 'Invincible Flour' sign along the footpath on the Keppel Street front;
- The physical and visual connection to mill town and Bathurst;
- The physical and visual connection between the mill and the railway precinct/railway line along Manilla Street;
- The setting of the mill complex between the three streets of Keppel, Havannah and Manilla; and

- Views to the mill from all vantage points along Keppel Street, Manilla Street and Havannah Street.

Criterion (d) Social Significance – *An item has strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural or spiritual reasons;*

The social values of the former Tremain's Flour Mill have not been formally assessed through community consultation. However, on the 20th of September 2015, a community open day was held when contact was made with a number of former employees and other people who have connections with the former Tremain's Flour Mill. A number of stories and connections were collected by the current owner; as part of an oral history project to establish an understanding of the workings of the mill. It is beyond the scope of this CMP to compile the findings of the oral history collected on the open day and at other occasions, to provide evidences of the social values. However, it is suffice to state that the former Tremain's Flour Mill has indeed a strong LOCAL social significance for the town of Bathurst and the Mill has been a key provider of employment for over a hundred years until its closure in 1980.

In Bathurst, local community groups advocated for the protection of the mill prior to its sale in the recent years. A Facebook page titled 'Save our Silos' was created in order to run a petition campaign to protect the mill building and the silos from demolition. Following the purchase of the mill by the current owner, this Facebook page has been closed.

Therefore, it is evident that the former Tremain's Flour Mill has strong social significance at the LOCAL level.

Criterion (e) Research Potential – *An item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history (or the cultural or natural history of the local area);*

The former Tremain's Flour Mill site has the potential LOCAL heritage significance under this criterion.

The former flourmill site has the potential to add knowledge to the understanding of flour milling in NSW and Australia in the late nineteenth and twentieth centuries. The mill site retains all its grain handling equipment and provides the opportunity to understand the movement of grains within the mill to the larger timber silos and the smaller silos in the brick mill building.

Archaeological analysis may help uncover some of the French burrstones that are apparently buried under the loading dock of the mill site.

Archaeological evidence from the former cottage in the location of the present Keppel Street Day care would help to add knowledge about the life of the former residents at this cottage and life in the early twentieth century.

The research values are embodied in the following characteristics of the site:

- Potential archaeological evidence of the former cottage on the south-western corner of the site along Keppel Street (the site of the present Keppel Street day care);
- Potential archaeological evidence of the mill to reveal the French burrstones buried under the loading dock.
- The buildings, associated elements and remnant machinery and equipment would help contribute to an understanding of the flour milling processes used in the twentieth century.
- Sub-surface areas of the site that have archaeological potential may yield information relevant to an understanding of the site and wider understanding of Australia's industrial history.

Criterion (f) Rarity Value – *An item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area);*

The former Tremain's Flour Mill has considerable LOCAL significance and potentially STATE heritage significance under this criterion.

The Tremain's flour mill building appears to be that of a generic mill design common to flour mills in the nineteenth and early twentieth century in NSW, but is becoming increasingly rare as mill complexes of this period are gradually demolished and/or substantially altered. The mill complex has retained its complete grain handling equipment that was installed in the early 1900s when the rail siding and rail weighbridge were installed. This includes the equipment that would convey the grain unloaded by road or rail to both the larger and smaller silos. The equipment is in working order and is being used by the Bedwells Feed Barn.

The former Tremain's Flour Mill has been constantly upgraded all through the twentieth century. Although some of the equipment was removed prior to its sale in 1980, the buildings have retained all the timber silos and concrete silos and some machinery and equipment, which provides a small understanding as to how the mill probably functioned.

The mill complex has remained free from large-scale redevelopment unlike many of the historic flourmills that continue to operate in the state of NSW. The surrounding streets and the adjacent railway precinct have retained their historical character and this has contributed substantially to retaining the setting and character of the former Tremain's Flour Mills, which also appears to be increasingly rare for mills of this type in NSW.

The former Tremain's Flour Mills is the last of the flourmills in Bathurst and it has retained its character substantially. The rarity values are embodied in the following characteristics of the site:

- The 1902 mill building with the basement and timber silos at the upper level (including the remnant equipment);
- Shed adjacent to the brick mill building (now the Bedwells Feed Barn), with its undressed tree trunks used as columns which provide evidence of bush carpentry;
- Railway weigh bridge, rail lines and associated machinery dating from the early 1900s
- All the extant machinery related to the former Tremain's Flour Mill;
- French Burr stones along the Keppel Street front, originally from Rainham Mill;
- Oregon timber silos – both the 30-tonne and 90-tonne silos and associated machinery
- 1950s concrete silos and associated machinery
- Painted signs on the exterior of the mill building and shed, particularly the Tremain Bros Pty Ltd Victoria Roller Flour Mills painted sign along the south-eastern wall of the mill building;
- 'Invincible Flour' sign along the footpath on the Keppel Street front;
- The physical and visual connection to mill town and Bathurst;
- The physical and visual connection between the mill and the railway precinct/railway line along Manilla Street;
- The setting of the mill complex between the three streets of Keppel, Havannah and Manilla; and
- Views to the mill from all vantage points along Keppel Street and Havannah Street.

Criterion (g) Representativeness – *An item is important in demonstrating the principal characteristics of a class of NSW's cultural or natural places; or cultural or natural environments.*

With regard to building stock and setting, the mill appears to be a good representative example of a late nineteenth/early twentieth century flour mill in NSW. Although it has lost its chimney and Victorian residence along Keppel Street, it retains the key buildings necessary to demonstrate the process of flour milling in the twentieth century. It retains its relationship to the nearby railway precinct and railway line. It also retains evidence of some of the original milling equipment and the Oregon timber silos and therefore, it contributes to the value of the site under this criterion.

Integrity/ Intactness

The former Tremain's Flour Mill has lost a few of its original elements, including its chimney, Victorian cottage and some elements of the Victorian Stores building (balcony, rear section of the building at upper level and some chimneys). The mill complex has retained the core buildings of the mill, silos and the sheds, including the late nineteenth century shed and Victorian Stores building, 1902 mill building, both the 30-tonne and 90-tonne Oregon timber silos and the concrete silos in a relatively intact historic setting within the former mill town of South Bathurst. As it retains all of the original grain-handling equipment and some of its milling equipment (roller mill, dreadnought grinder) and associated infrastructure and silos, the former Tremain's Flour Mills retains a high degree of integrity and intactness that contribute to an understanding of its original function as a flour mill. In Bathurst, Tremain's Flour Mill is the only remaining mill that retains some equipment and infrastructure; Crago's, the other remaining mill does not retain any equipment or infrastructure.

5.3 STATEMENT OF SIGNIFICANCE

The former Tremain's Flour Mill has strong LOCAL and potentially STATE heritage significance.

The twentieth century flourmill provides tangible evidence of the role of the wheat industry in the economic development of Bathurst, one of Australia's old inland towns. Wheat industry played an important role in Australian economy in the late nineteenth and the early to mid twentieth century. Bathurst was one of the centres revived through the 'Milling in Transit' rail rebate scheme introduced by the NSW Railways to sustain the flour mills left behind when wheat production shifted to central northwest NSW. Tremain's Flour Mill continued milling the flour in Bathurst for over a century.

The mill buildings and the silos are a key landmark in this part of Bathurst. They are an important marker in the historical timeline of Bathurst and in establishing the

importance of wheat growing and processing through milling. In addition, they are also important to understand the role the mills played in boosting the economy of the Bathurst regional district and the NSW state. Although the mill has been constantly upgraded and the flour milling processes subject to quality control and development, the mill complex has remained free from large-scale redevelopment. The mill buildings and the immediate surroundings include the heritage-listed buildings of Victoria hotel, Railway precinct buildings along Keppel and Havannah Streets. This area forms a part of Milltown, due to the presence of mills and mill worker residences. The largely intact surroundings free from large scale modern development contributes significantly to the historic character and setting of the former Tremain's Flour Mills. The mill complex in turn contributes significantly to the Bathurst conservation area.

The earliest mill and shed buildings on the site date from the late nineteenth century, possibly as early as 1880s. The mill site has historical and associational significance due to its association with the founder, William Tremain who served on the Bathurst City Council in the late nineteenth century. The Tremain family ran the flour milling business for over a century. Tremain's trademark 'Invincible' and 'Fairy Dell' flours were very popular and the company won a number of awards for the superior quality of its flour. The mill was successful in a number of international exhibitions and agricultural shows around the country. It is one of the earliest mills in Bathurst and it was the last flour mill to cease milling operations in 1980.

The mill complex has always been associated with residences and shops. In the early days, the owners resided on the site and the mill produce was sold from the shop on premises.

The former Tremain's Flour Mill complex including the brick mill buildings, sheds and associated silos are a common design for industrial buildings of this period. The sheds with undressed timber trunks as columns, brick buildings with exposed brick and simple detailing, Victoria Stores building in a Victorian Italianate style, rail weigh bridge and siding, smaller and larger (30 and 90 tonne) Oregon timber grain elevators, concrete silos, additional sheds, and a store along Havannah Street preserve the lay-out of the former flour mill site. The raised inscription on the brick parapet of the Victoria Stores building, the painted signs on the façade of the mill building and the shed, and the 'Invincible Flour' sign along Keppel Street further contribute significantly to the character of the former Tremain's Mill complex. The mill complex, its various buildings, remnant infrastructure, equipment and silos have considerable aesthetic significance.

The Tremain's Flour Mills has considerable social significance at the LOCAL level as established through the advocacy towards its protection prior to its sale in 2015. It

is part of an important, long serving local family business in Bathurst and would potentially be of social significance due to its association with a number of its former employees and others connected with the mill.

The buildings, the lay-out, extant machinery, equipment and building details provide an insight into the functioning of the flour mill complex and helps in an understanding of the flour milling techniques and processes practised in the late nineteenth and early to mid twentieth centuries. Archaeological investigations of sub-surface remains if any, may help reveal early milling practices, residential life and commercial enterprises. The buildings, their inter-relationships, their layout and archaeology have a strong research potential. Scientific investigations of remnant equipment may help clarify some of the workings of the milling processes in the late nineteenth and twentieth centuries.

The mill buildings and the associated silos are of a generic design from the early to mid twentieth century, but these examples are becoming increasingly rare as mill complexes of this period are gradually demolished or substantially altered. Tremain's Mills is one of the few mills that retain its earliest shed and original Oregon timber silos. Some original flour milling equipment including the complete grain-handling equipment, roller mill, dreadnought grinder and rail weighbridge equipment are also present *in situ*. The Tremain's Flour Mill is probably one of the few from this period to retain some of its equipment, sheds and silos. Its rarity value is further increased due to the integrity of its setting, its relationship to the railways and surroundings, the town and the Bathurst conservation area.

The former Tremain's Flour Mill at Bathurst is the only remaining tangible evidence of the Tremain family's milling empire and Bathurst's flour mills, and it is one of the second last mills to remain in the town. The mill and its associated buildings display remarkable integrity and are considerably intact, when compared to other mills in NSW.

The former Tremain's Flour Mill is therefore of significant LOCAL heritage significance with historic, associative, aesthetic, social, rare and representative values. The property is relatively intact and has a high degree of integrity. Owing to its integrity and intactness, and the strength of its values, the property may be potentially suited for listing on the NSW State heritage register.

5.4 GRADING OF ELEMENTS



Figure 275 Grading of Significance (Survey drawing by Central West Surveying Pty Ltd dated 30 Mar 2015, annotated by S. Kasiannan)

The grading of significance illustrated in Figure 275 is based on the assessment of significance carried out in this chapter. The grading is further elaborated for the site and each building separately in the table below. These levels of grading would help identify the Conservation policies that will be presented in the last chapter. The conservation policies would establish the appropriate courses of action for the former Tremain's Flour Mill complex.

For ease of clarity, the following information is presented in same sequence of setting and buildings as set out in Chapter 3.

Setting and Curtilage

Element	Grading
Streetscape setting along Keppel Street	High – historic, aesthetic
Streetscape setting along Havannah Street	High – historic, aesthetic
Streetscape setting along Manilla Street	High - aesthetic
Views to and from the site from along Keppel Street	High – historic, aesthetic
Views to and from the site from along Havannah Street	High – historic, aesthetic
Views to and from the site from along Manilla Street	High - aesthetic
Invincible sign along Keppel Street	High - aesthetic

Site Lay-out

Element	Grading
Fence along Keppel Street and Havannah Street	Low
Original site lay-out	High – historic
Archaeological potential	High - Moderate
French Burr stones originally from Rainham Mill (movable item)	High – historic, aesthetic, research potential
Invincible sign along Keppel Street	High - aesthetic

Victoria Stores Building

Element	Grading
Building plan and layout	Moderate – historic
Keppel Street façade	High – aesthetic
Keppel Street awning	Low
Raised inscription at the brick parapet level	High – historic, aesthetic and social
Interiors – Ground floor	Moderate – aesthetic
Painted sign within shop in ground floor	High – historic, aesthetic, social
Interiors – First floor	Low, Moderate – aesthetic
North-western façade – facing the open space in front of the Mill building Ground Floor level with modifications	High– historic Moderate – aesthetic
North-western façade – facing the open space in front of the Mill building First Floor Level	High – historic, aesthetic
Interiors - Fireplaces	High – historic, aesthetic
First floor windows	High – historic, aesthetic

Large shed adjacent to the Mill Building (sheds) – Bedwells Feed Barn

Element	Grading
Building plan and layout – older section	High – historic, aesthetic
Building plan and layout – later section	Low
South-west façade	High – historic, aesthetic
Awning along south-west facade	Low
Interior – undressed timber columns, timber truss	High – historic, aesthetic, research potential
Iron roof	High – historic, aesthetic, research potential
Painted sign on south-west façade	Moderate – historic, aesthetic

Shed adjacent to rail weighbridge

Element	Grading
Building plan and layout	High – historic, aesthetic
Interior – undressed timber columns, timber truss	High – historic, aesthetic, research potential
Iron roof	High – historic, aesthetic, research potential
Façade along Manilla Street	Moderate – historic, aesthetic

1902 Brick Mill Building

Element	Grading
Building plan and layout	High – historic, aesthetic
Building façade—all sides	High – historic, aesthetic
Iron roof	High – historic, aesthetic, research potential
Tunnel leading to the space under the silos	High – historic, aesthetic, research potential
Painted sign on north-west façade	Moderate – historic, aesthetic
Painted sign on south-east façade	High – historic, aesthetic
Original grain-handling equipment the would help transfer grains to the silos	High – historic, aesthetic, research potential
30-tonne Oregon timber silos in the north-eastern section	High – historic, aesthetic, research potential
30-tonne Oregon timber silos in the second floor level on the south-eastern side	High – historic, aesthetic, research potential
Dreadnought grinder located at ground floor level on the south-eastern side	High – historic, aesthetic, research potential
Last remaining roller mill on site—located in the north-eastern section	High – historic, aesthetic, research potential
Other remnant infrastructure—including conveyor belts holes in the floor and ceilings	High – historic, aesthetic, research potential
Remnant equipment	High to Moderate
Fire proof doors	High – historic, aesthetic

Country Bumpkin shop at ground floor—south western wall (facing Keppel Street)	High – historic, aesthetic
Country Bumpkin shop interiors	Low

Railway weighbridge and siding

Element	Grading
Railway siding	High – historic, aesthetic, research potential
Railway weighbridge equipment	High – historic, aesthetic, research potential
Capstan to move rail carriages	High – historic, aesthetic, research potential
Brick structure housing the weighbridge equipment	High – historic, aesthetic
Original grain-handling equipment the would help transfer grains to the silos	High – historic, aesthetic, research potential
Iron roof	Low

Large shed at the rear – North east corner

Element	Grading
Shed building – façade, roof and openings	Low
Remnant equipment	High to low depending on each item

Timber Silos and space under Silos

Element	Grading
Building plan and layout	High – historic, aesthetic, research potential
Building façade—all sides	High – historic, aesthetic, research potential
Iron roof	High – historic, aesthetic
Tunnel leading to the north-eastern part of the brick mill building	High – historic, aesthetic, research potential
Eighteen 90-tonne Oregon timber silos	High – historic, aesthetic, research potential

in the north-eastern section	
Machinery in the Silo towers	High – historic, aesthetic, research potential
Grain-handling equipment in the space under the silos	High – historic, aesthetic, research potential

Concrete Silos and space under Silos

Element	Grading
Building plan and layout	High – historic, aesthetic
Building façade—all sides	High – historic, aesthetic
Iron roof	High – historic, aesthetic
Machinery in the Silo towers	Moderate – historic, aesthetic, research potential
Equipment in the space under the silos	Moderate – historic, aesthetic, research potential

BBF Industrial—Brick building

Element	Grading
Building plan and layout – older section	Moderate – historic, aesthetic
Building plan and layout – extension	Low – historic, aesthetic
Building façade—all sides	Low – historic, aesthetic
Iron roof	Low – historic, aesthetic
Interior – remains of cork lining when building was used as a cold storage	High – research potential

Bathurst rewinds—Shed

Element	Grading
Building plan and layout – older section	Moderate – historic
Building plan and layout – modifications	Low
Building façade—all sides	Moderate – historic

Iron roof	Low
Interiors	Moderate – historic

Road Weighbridge

Element	Grading
Building plan and layout	Low
Building façade—all sides	Low
Iron roof	Low
Interiors	Low

Keppel Street day care

Element	Grading
Building plan and layout	Low
Building façade—all sides	Low
Iron roof	Low
Interiors	Low

Large Shed, Manilla Street

Element	Grading
Building plan and layout	Low
Building façade—all sides	Low
Iron roof	Low
Interiors	Low

6.0. CONSTRAINTS, ISSUES AND OPPORTUNITIES

6.1 OBLIGATIONS ARISING FROM THE SIGNIFICANCE OF THE PLACE

Chapter 4.0 provided a comparative analysis of various flour mills in regional NSW that are similar to the former Tremain's Mill. In addition, Chapter 5.0 established the cultural significance of the former Tremain's Flour Mill complex. The established cultural significance and the graded levels of significance identified in Figure 275 necessitate a number of actions to conserve the significant values. The aspects outlined here summarise the key objectives that directly arise from the significance of the place. These objectives are re-examined in terms of the constraints relevant to the site.

- The former Tremain's Flour Mills is an item of environmental heritage significance and it should be conserved.
- The various buildings that form an integral part of the former Tremain's Flour Mills should be retained, in particular all the items that have been graded as Exceptional and High.
- The landmark status of the place and significant views to and from the site should be maintained.
- Existing boundary of the site and its existing configuration should be retained in keeping with the graded significance.
- Milling, grain-handling, weighbridge and other equipment that are significant to the flour milling process should be retained and conserved.
- Information relating to the milling processes and equipment should be recorded if the equipment would need to be removed in future.
- Sub-surface archaeology if any, should be conserved.
- The site should be interpreted to and accessible by as wide a community as practicable.

6.2 STATUTORY CONTROLS

Australian Heritage Council

The former Tremain's Flour Mill **is not** listed on the National Heritage List or the Commonwealth Heritage List, which are national inventories compiled by the Department of Environment and Heritage since 1999 of natural and cultural heritage places of national significance. The NHL includes items in private ownership and the CHL lists government-owned property.

New South Wales Heritage Council

The former Tremain's Flour Mill **is not** listed on the New South Wales State Heritage Register. Maintained by the Heritage Office, the SHR is a list of places and items of state heritage significance, which came into effect on 2 April 1999.

National Trust of Australia (New South Wales)

The former Tremain's Flour Mill **is** classified by the National Trust of Australia (NSW). This is a non-statutory listing.

Bathurst Regional Council – Local Environmental Plan (2014)

The site of the former Tremain's Flour Mills is registered on the Bathurst Regional Local Environmental Plan (2014) as:

Tremain's Mill and silos (former Victoria Mill) and Invincible Flour sign

6.3 CONSTRAINTS ARISING FROM THE AUSTRALIA ICOMOS BURRA CHARTER

The Burra Charter provides specific guidelines for the treatment of places of cultural significance. This CMP has been prepared in accordance with these principles. The Charter provides specific guidance in relation to the physical and procedural actions that should occur in relation to significant places. Following are the constraints that arise from the relevant articles of the Charter. The Charter is reproduced in full as Appendix A.

Provision should be made for the continuing security and maintenance of significant elements (article 2).

All conservation work should be cautious and involve minimum interference to the existing fabric (article 3).

Conservation of the place should consider all aspects of the cultural significance of the place (article 5).

The conservation policy will determine which uses are compatible (article 7).

Conservation requires the maintenance of an appropriate visual setting. No new construction, demolition or modification which would adversely affect the setting should be allowed (article 8).

Significant fabric should be retained in situ unless moving it is the sole means of achieving its survival (article 9).

Restoration is appropriate if there is sufficient evidence of an early state of significant fabric (article 19).

Fabric from all periods should be recognised as contributing the significance of the place (article 13).

Reconstruction is appropriate only where a place is incomplete through damage or alteration (article 20.1).

Reconstruction should be limited to the reproduction of fabric which is known from physical and/or documentary evidence (article 20.1).

The decision-making procedure and individuals responsible for policy decisions should be identified (article 29).

Appropriate direction and supervision should be maintained at all stages of the work (article 30).

A record should be kept of new evidence and future decisions (article 32.1).

Copies of all reports and records should be placed in a permanent archive and made available to the public (article 32.2)

6.4 OWNER'S/LESSEE'S REQUIREMENTS

The former Tremain's Flour Mill site and the buildings are privately owned. The flour mill operations ceased in 1980 and the buildings are rented out to a number of private businesses and individuals. The layout of the flour mill and the configuration of the various buildings are relatively intact. The policies provided in this report should guide any future alterations or additions for the various structures located on the flour mill site to ensure the conservation and maintenance of the built fabric and the context which contributes to the significance of the place.

6.5 COMPATIBLE USES

In terms of any future development planned for the former Tremain's flour mill site, a Statement of Heritage Impact will need to precede any physical modifications carried out that may affect the structures on the site, or the layout of the structures within its existing boundary. Such development may include minor alterations to the existing buildings or a changed use. In addition, if required a new building may be sympathetically designed to suit any new uses proposed for the various buildings. The probable impact of such modifications will need to be assessed by a suitably qualified heritage architect.

6.6 TRADESPEOPLE WORKING AT THE FORMER TREMAIN'S FLOUR MILL SITE

All future works undertaken at the subject site should be carried out by suitably qualified and experienced tradespeople. Reference should be made to the Heritage Office list of qualified tradespeople for each trade – refer to the Heritage Office website and the Bathurst Regional Council's website.

6.7 OTHER CONSTRAINTS AND OPPORTUNITIES

The subject site is a locally listed heritage item under Bathurst Regional Council LEP 2014 and therefore, formal development applications are required to be

lodged ahead of physical work taking place on site. This CMP will be used as a basis to assess the impact of any new proposal on the site.

7.0 DEVELOPMENT OF CONSERVATION POLICIES

7.1 DEFINITION OF TERMS

The terms *place*, *cultural significance*, *fabric*, *conservation*, *maintenance*, *preservation*, *restoration*, *adaptation* and *compatible use* used in this text are defined in the Australia ICOMOS Burra Charter.

7.2 DEFINITION OF THE PLACE

The site of the former Tremain's Flour Mill is located at 11 Keppel Street, Bathurst. The site is designated as Lot 1—DP 762323 and Lot A—DP 389015. The site is located between the streets of Keppel, Havannah and Manilla (refer to Figure 69).

The site contains a cottage, Victoria stores, brick mill building, sheds, rail and road weighbridges, timber grain elevators, concrete silos and brick store. The brick store along Havannah Street, and Victoria stores along Keppel Street have been modified. The cottage is reconstructed. The brick mill building and some of the ancillary structures are largely original constructions. Some modifications have been done to the sheds and mill building.

7.3 DEFINITION OF SIGNIFICANT FABRIC

The significant fabric of the place is defined as:

- All fabric pertaining to the functioning of the flour mill and ancillary structures used for various flour milling purposes including all the equipment and infrastructure that are integral to the mill.
- All buildings are graded and illustrated in Figure 275.

7.4 DEVELOPMENT OF GENERAL CONSERVATION POLICIES

Having regard to the above statement of significance and the constraints and opportunities, general conservation policies for the place can be developed in the areas of:

- Treatment of the fabric;
- Interpretation of the place;
- Use of the place;
- Intervention in significant fabric;
- Adaptation of significant fabric;
- Additions and new buildings and other features at the place;
- Conservation procedures at the place; and
- Adoption and review of conservation policies.

The policy statement and specific policies relating to each building follows the sequence of Chapter 3.0 are listed in the following chapter.

Treatment of Fabric

Conservation guidelines for the place should determine the extent to which significant fabric should be retained and conserved. The most significant fabric should be conserved in accordance with the principles of the Burra Charter.

While all the fabric in the place can be considered significant to some extent, not all of the fabric is of such significance to warrant conservation in accordance with the principles of the Burra Charter. Levels of preservation appropriate to such fabric might include:

- Fabric where alteration or removal is essential to maintain the continued historical use of the site;
- Fabric where alteration or removal is necessary for the conservation or interpretation of the place;
- Reconstructed fabric where alteration or removal is desirable to create more accurate reconstruction of elements of the place;
- Fabric where alteration or removal is optional; and
- Fabric where alteration or removal is desirable.

While any significant fabric remains, it should be maintained. Any fabric reconstructed in accordance with the conservation policies should also be maintained. Views to the place and from the place that are defined by fabric or contribute to the significance of the place should be maintained and either protected from change or re-established.

Interpretation of the Place

An interpretation strategy should be developed to commemorate the history and evolution of the site including changes to the curtilage and usage. Commission the services of a suitably qualified company specialising in interpretation strategies to develop a scheme and incorporate all signage and plaques at the place to display historical data. The Interpretation Strategy should include the following:

- Appropriate mechanisms for interpretation;
- Principal themes for interpretation;
- Aspects of the place of outstanding significance which should be emphasised;
- Configurations which are most appropriate for the fabric;
- Specific conservation opportunities;
- Restoration/reconstruction works essential to the understanding of the place; and
- Levels of public and specialist access.

Use of the Place

The significance of the former Tremain's Flour Mill site is embodied in its historical use as a flour mill and associated uses of a store selling the mill's products. The site and the various buildings have been used in the storage of grains and in milling the grains to produce fine and coarse flour and other by-products. The site has also been

used as a residence, offices, and stores along with a small-scale flour mill. The layout of the mill complex has remained intact after the sale of the site. The flour milling operations ceased in 1980. Although the mill and the sheds are rented out to various businesses, only some equipment is in use. It is highly unlikely that the site will be reused for its original purposes as a flour mill. Tremain's Flour Mill is highly significant as the longest-running mill in Bathurst. The various buildings, structures and equipment are of high significance due to their association with the Tremain family and for the flour milling operations. There are possibilities where these structures can be reappropriated for a different and appropriate use, provided the spaces are made suitable for the new use. Finally, in all future designs for the buildings where modifications are required, all attempts should be carried out without any compromise to the identified cultural significance (in this CMP) of the various structures, to integrate new uses and services as required for the ongoing usage of the entire site.

Intervention in Significant Fabric

Conservation guidelines should identify areas where significant fabric can be disturbed. The degree of professional involvement appropriate to any disturbance should also be identified. Appropriate levels of investigation of the fabric for conservation of the place and for scientific research should also be addressed. Refer to section 5.4 and Figure 275, which provides a list of all physical elements and grades of significance.

Adaptation of Significant Fabric

The most extensive intervention into significant fabric is likely to occur if new uses are being accommodated at the place. Depending on the level of significance of the fabric, different levels of alteration are appropriate and may include:

- Conservation in accordance with the Burra Charter;
- Partitioning of internal spaces; and
- Removal of intrusive elements identified.

Additions and New Buildings and Other Features at the Place

Guidelines should address the design of new buildings and additions. Additions should be defined in location, form, height, bulk and the effect they have on existing fabric. New buildings and features might be detrimental to the place and its setting, and should also be defined in terms of their location, form, height, bulk and their effect on views to and from the place. New elements at the place such as free standing structures, temporary structures, outdoor furniture, roads and car parks, and floodlighting may need to be addressed. The Bathurst Regional Council's LEP and DCP will provide guidelines on additions and new buildings near heritage places.

Conservation Procedures at the Place

As the place is of high cultural significance, procedures for managing change and activities should be managed by recognised conservation methodologies such as the Australia ICOMOS Burra Charter.

Adoption and Review of Conservation Guidelines

The conservation guidelines should contain recommendations about the adoption of the guidelines. Because the place will change over time, the conservation guidelines should be reviewed periodically to ensure they continue to address the significance of the place and the constraints and opportunities of the place.

Review and Adoption of this CMP

The recommended policies and actions specified in this CMP are to be reviewed by Bathurst Regional Council and after all revisions should be adopted as the guide for all future work at the place.

Impact Assessment required for all Proposed Works

Prior to undertaking work on any of the fabric identified in this plan, a Statement of Heritage Impact must be prepared in accordance with the Heritage Office's current guidelines. Any new work proposed for a building, its curtilage, or the complex in general, will need to demonstrate that it is being carried out in a manner that is respectful of the heritage significance established for the complex/ building and its setting in Section 5.3 – Statement of Significance.

Involvement of Heritage and Conservation Professionals

Conservation works undertaken in accordance with this CMP should involve experienced heritage and conservation professionals. This CMP should be reviewed at five yearly intervals or alternatively at such a time that major changes are proposed for the former Tremain's Flour Mill site.

Archaeological Assessment

Prior to any proposed future works involving excavation, an archaeological assessment is to be carried out to determine the potential discovery of artefacts and/ or relics. In the event that such discovery is plausible, a Section 167 or 140 (*Heritage Act 1977*) Excavation Permit should be obtained from the Heritage Office prior to commencing any work. An archaeological investigation would then need to be carried out.

Proposed Alterations to Fabric of High Significance

Any changes proposed to the fabric and elements identified in this report as being of 'exceptional' or 'high significance' must be minimal and must not result in a reduction of their significance. Such spaces and elements must not be demolished

and appropriate maintenance of them must be undertaken. Any new work proposed to these highly significant spaces and elements must be sympathetic to the original fabric and any modifications to such fabric is to be subject to a formal Statement of Heritage Impact in accordance with the Heritage Office guidelines. Refer to Section 5.4 and Figure 275, which provide a list of all physical elements and grades of significance.

Proposed Alterations to Fabric of Moderate Significance

Proposed changes to fabric identified in this report as being of 'moderate significance' may take place so long as it does not result in a reduction of the significance constituted in the spaces and elements identified in this report as possessing 'high significance'.

Demolition of such spaces or elements is generally permissible where appropriate. Any new work proposed to such spaces identified as possessing moderate significance should, wherever possible, be sympathetic to the original fabric and spaces. Any modification to fabric of moderate significance is to be subject to a formal Statement of Heritage Impact in accordance with the Heritage Office guidelines. Refer to Section 5.4 and Figure 275, which provide a list of all physical elements and grades of significance.

Proposed Alterations or Removal of Fabric of Low Significance

Proposed changes to fabric identified in this report as being of 'low significance' may take place so long as it does not result in a reduction of the significance constituted in the elements and spaces identified in this report as possessing 'high significance'.

Demolition of such spaces or elements is generally permissible where appropriate. Any new work proposed to such spaces that are identified as possessing low significance should, wherever possible, be sympathetic to the original fabric and spaces. Any modification to fabric of low significance is to be subject to a formal Statement of Heritage Impact in accordance with the Heritage Office guidelines. Refer to Section 5.4 and Figure 275, which provide a list of all physical elements and grades of significance.

Proposed Removal of Intrusive Fabric

Proposed changes to fabric identified in this report as being 'intrusive' may take place so long as it does not result in a reduction of the significance constituted in the elements and spaces identified in this report as possessing 'exceptional' or 'high significance'. Such intrusive spaces and elements should be removed or modified to eliminate or minimise their detrimental impact on the significance of the former Tremain's Flour Mill site. Any removal of intrusive fabric is to be subject to a formal Statement of Heritage Impact in accordance with the Heritage Office guidelines. Refer to Section 5.4 and Figure 275, which provide a list of all physical elements and grades of significance.

Statement of Heritage Impact

Any alterations proposed in relation to preparation of the place for domestic habitation is subject to undertaking a formal Statement of Heritage Impact in accordance with the Heritage Office guidelines. Any future modifications are to be carried out strictly in accordance with the conservation policies contained in this Plan. All works are to be presided over by the appointed heritage architect whose role it will be to regularly report back to the relevant authority (in advance of any works taking place within or on the building) of intended modifications to fabric identified in this CMP as being of moderate or high significance.

Tradespeople

All future works undertaken at former Tremain's Mill site should be carried out by suitably qualified and experienced tradespeople. Reference should be made to the Heritage Office list of qualified tradespeople for each trade – refer to the Heritage Office website and the Bathurst Regional Council's website as well.

8.0 CONSERVATION POLICY

8.1 POLICY STATEMENT

The former Tremain's Flour Mill, Bathurst including its remnant equipment and built fabric is recognised as an item of environmental heritage.

The buildings and equipment within the complex will be treated in accordance with the guidelines and principles established by the Burra Charter.

A permanent record will be made of the operation of the site, prior to decommissioning of any plant and equipment that is currently in use.

Opportunities will be pursued for providing public access and interpretation on site prior to closure of the operating areas of the former mill complex.

Adaptive re-use options maybe suitably considered for the future use of the buildings and their interpretation. The site and the various buildings may be appropriately adapted for a new use—Industrial, commercial or residential.

No demolition should occur until future plans for the treatment of the site are determined.

A representative set of grain-handling equipment, and some of the timber grain elevators (Oregon timber silos) should be conserved and interpreted *in situ*.

The potential sub-surface archaeological resources of the site should be conserved and any future development involving excavation should be preceded by a comprehensive analysis of archaeological sensitivity and, if necessary, archaeological excavation.

Any features that may be altered or removed should be recorded prior to such action being taken; following the guidelines for archival recording provided by the NSW Heritage Office (Office of Environment and Heritage).

The heritage significance of the site should be interpreted on site in the long term through appropriate signage, displays or other mechanisms.

Copies of historical records, contemporary records of the site and this report should be lodged in an appropriate repository and made available to the public.

8.2 IMPLEMENTATION OF CONSERVATION POLICIES

Preamble

This section of the report considers how the preceding policy can be implemented. The following sections are framed as a series of recommendations, which summarise the actions necessary to implement the conservation policies.

Responsibility

It is important that a procedure be in place that will ensure that the conclusions and recommendations of this report are fully implemented. Crucial to this process is the formal adoption of the conservation policy and statement of significance by the owners of the site and recognition of the policy direction to be followed by relevant authorities. In addition, identification of the different roles to be played by staff, contractors, purchasers or other parties is essential.

Recommendation 1

The Conservation Plan should be used as the basis for the future treatment of the former Tremain's Flour Mill complex.

Recommendation 2

A single person from the organisation ultimately owning/developing the site should be nominated by title or position to be responsible for implementation of the Conservation Management Plan.

Consultation

The Conservation Management Plan has been prepared at an early stage of the planning process for the future of the former Tremain's Flour Mill site. In order that the owners of the site can proceed with certainty, it is desirable that the plan be considered and, where appropriate, adopted by relevant parties. An important element in this process will be consultation with key stakeholders.

Recommendation 3

Consent authorities including the Bathurst Regional Council should be formally requested to endorse the statement of significance and conservation policy.

Additional investigations

In general, the research, documentation and analysis undertaken as part of this Conservation Plan has been comprehensive. However, the plan has not included detailed preparation of an assessment of archaeological sensitivity of sub-surface areas of the site. As it is expected that "relics", covered by the relevant provisions of the NSW Heritage Act, may exist around the 1902 mill building and the residence at 13 Keppel Street, it is desirable that further investigation and analysis of archaeological sensitivity if required, be undertaken.

Recommendation 4

An assessment of the archaeological sensitivity of the sub-surface areas of the site should be prepared at an early stage.

Recording

The significance assessment undertaken as part of this CMP clearly indicates that the layout of the site, remnant grain-handling equipment and infrastructure in a specified configuration, are key attributes of its significance; which will be lost,

when alternate uses are proposed to adaptively reuse the site. It is desirable that this process be recorded for posterity. In addition, it is possible that further information relevant to an understanding of the history of the site will be revealed during any demolition and redevelopment works that may occur. In accordance with best practice, it is also desirable that records about the site be lodged in a publicly accessible archive.

Recommendation 5

Prior to any works, a photographic archival record and possibly a video record should be prepared. In addition, a complete written account of the operation of the flour mill, including photographs and diagrams where appropriate, should be prepared if possible.

Recommendation 6

Provision should be made for recording of information about the history and construction of the complex revealed during any demolition works. Such records should include sketches and photographs.

Recommendation 7

Records pertaining to the site, including contemporary drawings, the video recommended above, photographs and this Conservation Plan should be lodged with the Bathurst Regional Council's library and local studies collection.

Interpretation

Innovative interpretation is desirable in the long term and reference to be made to the history of the site at the place itself.

Recommendation 8

Investigations should be pursued regarding the possibility of a public access and education program on part of site as part of its future redevelopment—of a non-production display operation.

Recommendation 9

Consideration should also be given to the possibility of a part of the site dedicated as a working museum. Specifically, discussions might be pursued with Industrial Heritage institutions such as Power House Museum or any other Flour Mill institutions.

Recommendation 10

On site signage and interpretation, drawing attention to the history of the site should be provided in the long term.

Future Use

The conservation policy for the site recognises the inevitability of the redevelopment of the flour mill site. The retention and conservation of the buildings identified as exceptional, high and moderate is a desirable objective. It is important that opportunities for maximum conservation be provided.

Recommendation 11

The grading of significance developed in this CMP should be used as a guide to decide the future use of the various buildings on the site.

Recommendation 12

The nature and extent of future development should be determined and development consent should be gained before any demolition of existing structures occurs.

Recommendation 13

The statement of cultural significance and conservation policy should be used as guidelines in considering specific decisions for the future development of the site.

Setting

In addition to the individual aesthetic qualities of the building and historic associations, retention of the mill and the silos will provide for continuation of the landmark quality of the complex and its overall contribution to the character of the Bathurst Conservation Area. In order to achieve this objective, it is important that disruptions to the setting of the place should be kept to a minimum.

Recommendation 14

The active support of relevant authorities, particularly Bathurst Regional Council should be sought to achieve retention of key views to and from the flour mill complex.

Recommendation 15

New buildings constructed as part of the site redevelopment, should be designed to respect the visual qualities of any historic buildings that are retained.

Equipment

As already established elsewhere in the report, the remnant equipment within the complex adds to its heritage significance. The conservation policy provides a number of means by which significant equipment may be retained. It is suggested that, some relevant equipment might be retained in situ. Other items may be donated to a museum, or a museum maybe created on part of the site.

Recommendation 16

No elements of equipment should be destroyed until plans for the future of all remnant equipment have been determined.

Recommendation 17

A representative selection of historic equipment and building infrastructure should be considered for in situ. Such items include:
Grain-handling equipment dating to the early 1900s
Rail weighbridge

Attachment 8.2.3.9

Conservation Management Plan – Tremain's Flour Mills, Bathurst NSW

Last remaining roller mill on site

Dreadnought grinder

A sample of the Oregon timber silos for interpretation

Any other equipment that was integral to the functioning of the flour mill

9.0 BIBLIOGRAPHY

100 years of milling, 1963

1900, Bathurst federal directory and illustrated gazetteer for 1900: containing street, alphabetical, trade & professional directory of Bathurst and its environs, together with municipal, ecclesiastical, official, agricultural and miscellaneous information, The Federal Press Agency of Australia Sydney

Assessing Heritage Significance, 2001, NSW Heritage Branch, Sydney.

Australian Bureau of Statistics available at
<http://www.abs.gov.au/ausstats/abs@.nsf/previousproducts/1301.0feature%20article212006>

Australian Town and Country Journal, dated various, NSW.

Bathurst City Council's building approval records held at the Council Office in Bathurst.

Bathurst Free Press and Mining Journal, dated various, NSW.

Bathurst Regional Council 's building approval records available at the Council Office, in Bathurst.

Bathurst Times, dated various, NSW.

Bathurst Town and Around website available at <http://www.bathurst-nsw.com/History.html> accessed 2015.

Calico Flour Bags, 2015, Bathurst Stamp, Coin, Collectables & Lapidary Club Newsletter.

Chamberlain, D.J. 1997, Greater Western Flour Mills, published by Denis Chamberlain.

Freeman Collett & Partners Pty ltd, 1993, Main Street Study—Keppel Street Precinct, Volumes 1–3, Bathurst.

Freeman's Journal, dated 7 November 1907, NSW.

GAO, 2012 Former Brunton's Flour Mill—Heritage Assessment.

GML, 1993, Edwin Davey Flour Mill Conservation Plan, Sydney.

Greaves, B. ed. 1961, The Story of Bathurst, Angus & Robertson Publishers, Sydney

Hazen, T.R, 2003, The Milling Experiences of my Life, available at
<http://www.angelfire.com/folk/molinelogist/experiences.html>

Henry Simon (Australia) Ltd, 1930, Flour Mill Machinery, Sydney.

Henry Simon Ltd, 1951, Simon in the service of milling, Manchester.

Henry Simon Ltd, not dated, Provender Milling Maize Flaking and Oat Milling Machinery.

Hickson, B, 2007, Bathurst Conservation Area Review, Bathurst Regional Council.

Kerr, J.S, 2013, The Conservation Plan, National Trust of Australia (NSW), Seventh edition.

Kilby, S, 2015, Heritage Building Report—Victoria Flour Mill, Bathurst District Historical Society, Bathurst.

Lockwood, J.F., 1945. Flour Milling, The Northern Publishing Co. Ltd, Liverpool.

Marquis-Kyle, P. & Walker, M, 2004, The Illustrated Burra Charter, Australia ICOMOS.

McLachlan, R, 2007, The New Country: A thematic history of The Bathurst Regional Council Local Government Area, Bathurst.

National Advocate, dated 19 August 1890, NSW.

New South Wales Historical Themes, 2001. NSW Heritage Branch, Sydney.

The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance, 2013.

The Sydney Mail and New South Wales Advertiser, dated various, NSW.

Thomas Robinson and Sons, not dated, The Science of Flour Milling, Rochdale.

Tremain, J & Chapple, M, 1989 The Tremain Family History, Tremain Family History Book Committee.

Tremains of Bathurst, not dated, Bathurst.

Williams, G, 2012, Flour Milling Process presentation available
<http://www.slideshare.net/gdwilliams/flour-milling-presentation-607>

APPENDIX—THE BURRA CHARTER

The Burra Charter

(The Australia ICOMOS Charter for Places of Cultural Significance)

Preamble

Considering the International Charter for the Conservation and Restoration of Monuments and Sites (Venice 1964), and the Resolutions of the 5th General Assembly of the International Council on Monuments and Sites (ICOMOS) (Moscow 1978), the Burra Charter was adopted by Australia ICOMOS (the Australian National Committee of ICOMOS) on 19 August 1979 at Burra, South Australia. Revisions were adopted on 23 February 1981, 23 April 1988 and 26 November 1999.

The Burra Charter provides guidance for the conservation and management of places of cultural significance (cultural heritage places), and is based on the knowledge and experience of Australia ICOMOS members.

Conservation is an integral part of the management of places of cultural significance and is an ongoing responsibility.

Who is the Charter for?

The Charter sets a standard of practice for those who provide advice, make decisions about, or undertake works to places of cultural significance, including owners, managers and custodians.

Using the Charter

The Charter should be read as a whole. Many articles are interdependent. Articles in the Conservation Principles section are often further developed in the Conservation Processes and Conservation Practice sections. Headings have been included for ease of reading but do not form part of the Charter.

The Charter is self-contained, but aspects of its use and application are further explained in the following Australia ICOMOS documents:

- Guidelines to the Burra Charter: Cultural Significance;

- Guidelines to the Burra Charter: Conservation Policy;
- Guidelines to the Burra Charter: Procedures for Undertaking Studies and Reports;
- Code on the Ethics of Coexistence in Conserving Significant Places.

What places does the Charter apply to?

The Charter can be applied to all types of places of cultural significance including natural, indigenous and historic places with cultural values.

The standards of other organisations may also be relevant. These include the Australian Natural Heritage Charter and the Draft Guidelines for the Protection, Management and Use of Aboriginal and Torres Strait Islander Cultural Heritage Places.

Why conserve?

Places of cultural significance enrich people's lives, often providing a deep and inspirational sense of connection to community and landscape, to the past and to lived experiences. They are historical records, that are important as tangible expressions of Australian identity and experience. Places of cultural significance reflect the diversity of our communities, telling us about who we are and the past that has formed us and the Australian landscape. They are irreplaceable and precious.

These places of cultural significance must be conserved for present and future generations.

The Burra Charter advocates a cautious approach to change: do as much as necessary to care for the place and to make it useable, but otherwise change it as little as possible so that its cultural significance is retained.

Articles

Article 1. Definitions

For the purposes of this Charter:

- 1.1 *Place* means site, area, land, landscape, building or other work, group of buildings or other works, and may include components, contents, spaces and views.
- 1.2 *Cultural significance* means aesthetic, historic, scientific, social or spiritual value for past, present or future generations.

Cultural significance is embodied in the *place* itself, its *fabric*, *setting*, *use*, *associations*, *meanings*, records, *related places* and *related objects*.

Places may have a range of values for different individuals or groups.
- 1.3 *Fabric* means all the physical material of the *place* including components, fixtures, contents, and objects.
- 1.4 *Conservation* means all the processes of looking after a *place* so as to retain its *cultural significance*.
- 1.5 *Maintenance* means the continuous protective care of the *fabric* and *setting* of a *place*, and is to be distinguished from repair. Repair involves restoration or reconstruction.
- 1.6 *Preservation* means maintaining the *fabric* of a *place* in its existing state and retarding deterioration.
- 1.7 *Restoration* means returning the existing *fabric* of a *place* to a known earlier state by removing accretions or by reassembling existing components without the introduction of new material.
- 1.8 *Reconstruction* means returning a *place* to a known earlier state and is distinguished from *restoration* by the introduction of new material into the *fabric*.
- 1.9 *Adaptation* means modifying a *place* to suit the existing use or a proposed use.
- 1.10 *Use* means the functions of a place, as well as the activities and practices that may occur at the place.
- 1.11 *Compatible* use means a use which respects the *cultural significance* of a *place*. Such a use involves no, or minimal, impact on cultural significance.
- 1.12 *Setting* means the area around a *place*, which may include the visual catchment.
- 1.13 *Related place* means a place that contributes to the *cultural significance* of another place.

Explanatory Notes

The concept of place should be broadly interpreted. The elements described in Article 1.1 may include memorials, trees, gardens, parks, places of historical events, urban areas, towns, industrial places, archaeological sites and spiritual and religious places.

The term cultural significance is synonymous with heritage significance and cultural heritage value.

Cultural significance may change as a result of the continuing history of the place.

Understanding of cultural significance may change as a result of new information.

Fabric includes building interiors and sub-surface remains, as well as excavated material.

Fabric may define spaces and these may be important elements of the significance of the place.

The distinctions referred to, for example in relation to roof gutters, are:

- maintenance — regular inspection and cleaning of gutters;
- repair involving restoration — returning of dislodged gutters;
- repair involving reconstruction — replacing decayed gutters.

It is recognised that all places and their components change over time at varying rates.

New material may include recycled material salvaged from other places. This should not be to the detriment of any place of cultural significance.

Articles

- 1.14 *Related object* means an object that contributes to the *cultural significance* of a *place* but is not at the place.
- 1.15 *Associations* mean the special connections that exist between people and a *place*.
- 1.16 *Meanings* denote what a *place* signifies, indicates, evokes or expresses.
- 1.17 *Interpretation* means all the ways of presenting the *cultural significance* of a *place*.

Conservation Principles**Article 2. Conservation and management**

- 2.1 *Places of cultural significance* should be conserved.
- 2.2 The aim of *conservation* is to retain the *cultural significance* of a *place*.
- 2.3 *Conservation* is an integral part of good management of *places of cultural significance*.
- 2.4 *Places of cultural significance* should be safeguarded and not put at risk or left in a vulnerable state.

Article 3. Cautious approach

- 3.1 *Conservation* is based on a respect for the existing *fabric, use, associations* and *meanings*. It requires a cautious approach of changing as much as necessary but as little as possible.
- 3.2 Changes to a *place* should not distort the physical or other evidence it provides, nor be based on conjecture.

Article 4. Knowledge, skills and techniques

- 4.1 *Conservation* should make use of all the knowledge, skills and disciplines which can contribute to the study and care of the *place*.
- 4.2 Traditional techniques and materials are preferred for the *conservation* of significant *fabric*. In some circumstances modern techniques and materials which offer substantial conservation benefits may be appropriate.

Explanatory Notes

Associations may include social or spiritual values and cultural responsibilities for a place.

Meanings generally relate to intangible aspects such as symbolic qualities and memories.

Interpretation may be a combination of the treatment of the fabric (e.g. maintenance, restoration, reconstruction); the use of and activities at the place; and the use of introduced explanatory material.

The traces of additions, alterations and earlier treatments to the fabric of a place are evidence of its history and uses which may be part of its significance. Conservation action should assist and not impede their understanding.

The use of modern materials and techniques must be supported by firm scientific evidence or by a body of experience.

Articles

Article 5. Values

5.1 *Conservation* of a *place* should identify and take into consideration all aspects of cultural and natural significance without unwarranted emphasis on any one value at the expense of others.

5.2 Relative degrees of *cultural significance* may lead to different *conservation* actions at a place.

Article 6. Burra Charter process

6.1 The *cultural significance* of a *place* and other issues affecting its future are best understood by a sequence of collecting and analysing information before making decisions. Understanding cultural significance comes first, then development of policy and finally management of the place in accordance with the policy.

6.2 The policy for managing a place must be *based* on an understanding of its *cultural significance*.

6.3 Policy development should also include consideration of other factors affecting the future of a *place* such as the owner's needs, resources, external constraints and its physical condition.

Article 7. Use

7.1 Where the *use* of a place is of *cultural significance* it should be retained.

7.2 A *place* should have a *compatible* use.

Article 8. Setting

Conservation requires the retention of an appropriate visual *setting* and other relationships that contribute to the *cultural significance* of the *place*.

New construction, demolition, intrusions or other changes which would adversely affect the setting or relationships are not appropriate.

Explanatory Notes

Conservation of places with natural significance is explained in the Australian Natural Heritage Charter. This Charter defines natural significance to mean the importance of ecosystems, biological diversity and geodiversity for their existence value, or for present or future generations in terms of their scientific, social, aesthetic and life-support value.

A cautious approach is needed, as understanding of cultural significance may change. This article should not be used to justify actions which do not retain cultural significance.

The Burra Charter process, or sequence of investigations, decisions and actions, is illustrated in the accompanying flowchart.

The policy should identify a use or combination of uses or constraints on uses that retain the cultural significance of the place. New use of a place should involve minimal change, to significant fabric and use; should respect associations and meanings; and where appropriate should provide for continuation of practices which contribute to the cultural significance of the place.

Aspects of the visual setting may include use, siting, bulk, form, scale, character, colour, texture and materials.

Other relationships, such as historical connections, may contribute to interpretation, appreciation, enjoyment or experience of the place.

Articles**Article 9. Location**

- 9.1 The physical location of a *place* is part of its *cultural significance*. A building, work or other component of a place should remain in its historical location. Relocation is generally unacceptable unless this is the sole practical means of ensuring its survival.
- 9.2 Some buildings, works or other components of *places* were designed to be readily removable or already have a history of relocation. Provided such buildings, works or other components do not have significant links with their present location, removal may be appropriate.
- 9.3 If any building, work or other component is moved, it should be moved to an appropriate location and given an appropriate use. Such action should not be to the detriment of any *place* of *cultural significance*.

Article 10. Contents

Contents, fixtures and objects which contribute to the *cultural significance* of a *place* should be retained at that place. Their removal is unacceptable unless it is: the sole means of ensuring their security and *preservation*; on a temporary basis for treatment or exhibition; for cultural reasons; for health and safety; or to protect the place. Such contents, fixtures and objects should be returned where circumstances permit and it is culturally appropriate.

Article 11. Related places and objects

The contribution which *related places* and *related objects* make to the *cultural significance* of the *place* should be retained.

Article 12. Participation

Conservation, interpretation and management of a *place* should provide for the participation of people for whom the place has special *associations* and *meanings*, or who have social, spiritual or other cultural responsibilities for the place.

Article 13. Co-existence of cultural values

Co-existence of cultural values should be recognised, respected and encouraged, especially in cases where they conflict.

Explanatory Notes

For some places, conflicting cultural values may affect policy development and management decisions. In this article, the term cultural values refers to those beliefs which are important to a cultural group, including but not limited to political, religious, spiritual and moral beliefs. This is broader than values associated with cultural significance.

Articles**Conservation Processes****Article 14. Conservation processes**

Conservation may, according to circumstance, include the processes of: retention or reintroduction of a *use*; retention of *associations* and *meanings*; *maintenance*, *preservation*, *restoration*, *reconstruction*, *adaptation* and *interpretation*; and will commonly include a combination of more than one of these.

Article 15. Change

- 15.1 Change may be necessary to retain *cultural significance*, but is undesirable where it reduces cultural significance. The amount of change to a *place* should be guided by the *cultural significance* of the place and its appropriate *interpretation*.
- 15.2 Changes which reduce *cultural significance* should be reversible, and be reversed when circumstances permit.
- 15.3 Demolition of significant *fabric* of a *place* is generally not acceptable. However, in some cases minor demolition may be appropriate as part of *conservation*. Removed significant fabric should be reinstated when circumstances permit.
- 15.4 The contributions of all aspects of *cultural significance* of a *place* should be respected. If a place includes *fabric*, *uses*, *associations* or *meanings* of different periods, or different aspects of cultural significance, emphasising or interpreting one period or aspect at the expense of another can only be justified when what is left out, removed or diminished is of slight cultural significance and that which is emphasised or interpreted is of much greater cultural significance.

Article 16. Maintenance

Maintenance is fundamental to *conservation* and should be undertaken where *fabric* is of *cultural significance* and its maintenance is necessary to retain that *cultural significance*.

Explanatory Notes

There may be circumstances where no action is required to achieve conservation.

When change is being considered, a range of options should be explored to seek the option which minimises the reduction of cultural significance.

Reversible changes should be considered temporary. Non-reversible change should only be used as a last resort and should not prevent future conservation action.

Articles

Article 17. Preservation

Preservation is appropriate where the existing *fabric* or its condition constitutes evidence of *cultural significance*, or where insufficient evidence is available to allow other *conservation* processes to be carried out.

Article 18. Restoration and reconstruction

Restoration and *reconstruction* should reveal culturally significant aspects of the *place*.

Article 19. Restoration

Restoration is appropriate only if there is sufficient evidence of an earlier state of the *fabric*.

Article 20. Reconstruction

20.1 *Reconstruction* is appropriate only where a *place* is incomplete through damage or alteration, and only where there is sufficient evidence to reproduce an earlier state of the *fabric*. In rare cases, reconstruction may also be appropriate as part of a use or practice that retains the *cultural significance* of the place.

20.2 *Reconstruction* should be identifiable on close inspection or through additional *interpretation*.

Article 21. Adaptation

21.1 *Adaptation* is acceptable only where the adaptation has minimal impact on the *cultural significance* of the place.

21.2 *Adaptation* should involve minimal change to significant fabric, achieved only after considering alternatives.

Article 22. New work

22.1 New work such as additions to the *place* may be acceptable where it does not distort or obscure the *cultural significance* of the place, or detract from its *interpretation* and appreciation.

22.2 New work should be readily identifiable as such.

The Burra Charter, 1999

Explanatory Notes

Preservation protects fabric without obscuring the evidence of its construction and use. The process should always be applied:

- where the evidence of the fabric is of such significance that it should not be altered;
- where insufficient investigation has been carried out to permit policy decisions to be taken in accord with Articles 26 to 28.

New work (e.g. stabilisation) may be carried out in association with preservation when its purpose is the physical protection of the fabric and when it is consistent with Article 22.

Adaptation may involve the introduction of new services, or a new use, or changes to safeguard the place.

New work may be sympathetic if its siting, bulk, form, scale, character, colour, texture and material are similar to the existing fabric, but imitation should be avoided.

Articles

Article 23. Conserving use

Continuing, modifying or reinstating a significant *use* may be appropriate and preferred forms of *conservation*.

Article 24. Retaining associations and meanings

- 24.1 Significant *associations* between people and a *place* should be respected, retained and not obscured. Opportunities for the *interpretation*, commemoration and celebration of these associations should be investigated and implemented.
- 24.2 Significant *meanings*, including spiritual values, of a *place* should be respected. Opportunities for the continuation or revival of these meanings should be investigated and implemented.

Article 25. Interpretation

The *cultural significance* of many places is not readily apparent, and should be explained by *interpretation*. Interpretation should enhance understanding and enjoyment, and be culturally appropriate.

Conservation Practice

Article 26. Applying the Burra Charter process

- 26.1 Work on a *place* should be preceded by studies to understand the place which should include analysis of physical, documentary, oral and other evidence, drawing on appropriate knowledge, skills and disciplines.
- 26.2 Written statements of *cultural significance* and policy for the *place* should be prepared, justified and accompanied by supporting evidence. The statements of significance and policy should be incorporated into a management plan for the place.
- 26.3 Groups and individuals with *associations* with a place as well as those involved in its management should be provided with opportunities to contribute to and participate in understanding the *cultural significance* of the place. Where appropriate they should also have opportunities to participate in its *conservation* and management.

Article 27. Managing change

- 27.1 The impact of proposed changes on the *cultural significance* of a *place* should be analysed with reference to the statement of significance and the policy for managing the place. It may be necessary to modify proposed changes following analysis to better retain cultural significance.
- 27.2 Existing *fabric*, *use*, *associations* and *meanings* should be adequately recorded before any changes are made to the *place*.

Explanatory Notes

These may require changes to significant fabric but they should be minimised. In some cases, continuing a significant use or practice may involve substantial new work.

For many places associations will be linked to use.

The results of studies should be up to date, regularly reviewed and revised as necessary.

Statements of significance and policy should be kept up to date by regular review and revision as necessary. The management plan may deal with other matters related to the management of the place.

Articles**Explanatory Notes****Article 28. Disturbance of fabric**

- 28.1 Disturbance of significant *fabric* for study, or to obtain evidence, should be minimised. Study of a *place* by any disturbance of the fabric, including archaeological excavation, should only be undertaken to provide data essential for decisions on the *conservation* of the place, or to obtain important evidence about to be lost or made inaccessible.
- 28.2 Investigation of a *place* which requires disturbance of the *fabric*, apart from that necessary to make decisions, may be appropriate provided that it is consistent with the policy for the place. Such investigation should be based on important research questions which have potential to substantially add to knowledge, which cannot be answered in other ways and which minimises disturbance of significant fabric.

Article 29. Responsibility for decisions

The organisations and individuals responsible for management decisions should be named and specific responsibility taken for each such decision.

Article 30. Direction, supervision and implementation

Competent direction and supervision should be maintained at all stages, and any changes should be implemented by people with appropriate knowledge and skills.

Article 31. Documenting evidence and decisions

A log of new evidence and additional decisions should be kept.

Article 32. Records

- 32.1 The records associated with the *conservation* of a *place* should be placed in a permanent archive and made publicly available, subject to requirements of security and privacy, and where this is culturally appropriate.
- 32.2 Records about the history of a *place* should be protected and made publicly available, subject to requirements of security and privacy, and where this is culturally appropriate.

Article 33. Removed fabric

Significant *fabric* which has been removed from a *place* including contents, fixtures and objects, should be catalogued, and protected in accordance with its *cultural significance*.

Where possible and culturally appropriate, removed significant fabric including contents, fixtures and objects, should be kept at the place.

Article 34. Resources

Adequate resources should be provided for conservation.

Words in italics are defined in Article 1.

The Burra Charter, 1999

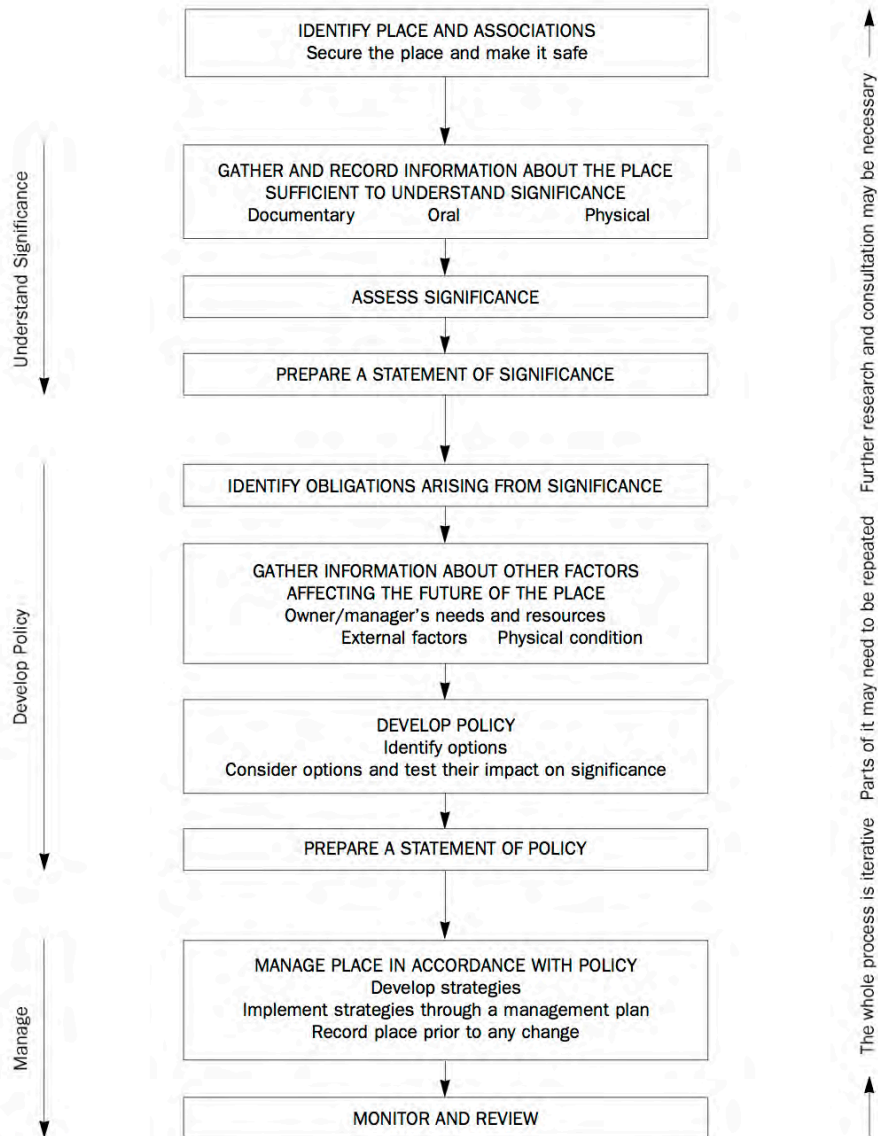
The best conservation often involves the least work and can be inexpensive.

Australia ICOMOS Inc

9

The Burra Charter Process

Sequence of investigations, decisions and actions



CPTED Assessment

Crime Prevention through Environmental Design
Issue A – 26th April 2021

Property Address: 7 Keppel Street, Bathurst NSW
Business Use: Gym

CPTED Design Principles

- **Natural Surveillance**
- **Natural Access Control**
- **Territorial Reinforcement**
- **Maintenance**
- **Target Hardening**

Natural Surveillance

- The relocated entry in the proposed walkway between Building D & Building E will enable casual surveillance from Keppel Street and from the open space within the site.
- New glazed doors are proposed at the entry to permit a view into the proposed walkway from the tenancy.
- The existing sliding doors at the rear of the tenancy will provide direct sight lines into the carpark during operating hours.
- Landscaping is limited to the Manilla Street boundary to enable uninterrupted visibility across the carparking area.

Natural Access Control

- Vehicle and pedestrian access to the site is from the existing Manilla Street entry points and the existing pedestrian access from Keppel Street.
- Entry to the tenancy is from the proposed carpark and walkway between Building D and Building E.

Territorial Reinforcement

- Reception staff are able to view persons entering the tenancy from all access points and have a view to the carpark with the existing sliding doors are open.
- Staff are to be provided with uniforms to differentiate them from members of the public.

Maintenance

- A maintenance program is to be implemented ensuring the building and its surrounds are kept clean and tidy, and any damage or graffiti is repaired in a timely manner.

Target Hardening

- All entry points are to be fitted with appropriate door locks and devices.



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25th August 2021
 General Manager
 Bathurst Regional Council
 158 Russell Street
Bathurst NSW 2795

To whom it may concern,

Development Application No 2021/190

Proposed Development:

1. Demolition of two (2) existing buildings
2. Change of Use of an existing building to a Recreation facility (Indoor Gym)
3. Partial demolition, additions and alterations to gym building
4. Installation of four (4) wall signs

Address: Lot 11 DP 1266801, 7 Keppel Street BATHURST.

With reference to Bathurst Regional Council's letter dated 30th June 2020 the following amendments and comments are made responding to each of the points raised.

Carparking, Loading/Unloading and Manoeuvring Areas

- 1a. The proposed number of car parking spaces allocated to the development thus far is 34. This is accumulated from the previous Development Applications detailed below, and the subject application for the proposed gym. With reference to DACC 02 & 03, the parking space locations are identified.

Land Use	DCP Requirement	Required	Provided	Space Location
Development Application No 2018/198	Consent Requirement	14	14	1-14
Development Application No 2020/336(Spinifex)	Consent Requirement	4	4	15 - 19
Gym – Recreation facility (indoor)	7.5 space per 100m ² of gross floor area	38	15	20 - 34
	TOTAL	56	34	22 Space deficit

As identified in point 3 of the correspondence, a Request for Variation to Development Control Plan Standard has been provided to justify the reduced number of onsite car parking spaces.

Additional to the drawings forming the subject development application, an overall site concept for car parking allocations is provided for discussion. It identifies current parking allocations and FUTURE parking allocations subject to FUTURE development applications.

1b. With reference to DACC02, a 3.0m long bicycle parking rack has been provided for the Tremains Mill complex in the landscaped area adjacent to the coffee and hairdresser tenancies. The parking rack has the capacity to hold approximately 15 bicycles.

Development	DCP Requirement	Required	Provided
Recreation facility or area (indoor)	Employee/Resident Standard - 1 per 4 employees	1	2
	Customer/Visitor/Student Standard - 1 per 200m ²	4	8
	Total	5	10

Note – Refer to One Strength Statement provided with this submission for staff details.

1c. With reference to the One Strength Statement, deliveries at the One Strength Gym in Orange are made by a courier van or similar. Should a delivery be made by a larger vehicle such as a 12.5m long service vehicle, it would only be at the time of initial setup when the proposed carpark would be empty patron vehicles. The proposed carpark provides adequate space for the truck to manoeuvre and exit from the site in a forward direction.

Delivers are anticipated to be infrequent without the need for a loading and unloading bay. As indicated from the car park survey at One Strength in Orange, the maximum number of vehicles in the carpark at any one time was found to be 14, which occurred after 5pm. As 16 car parking spaces have been provided there is capacity for a courier to park temporarily in a vacant car space for deliveries.

1d. With reference to DACC11, Austroad swept paths have been provided for both a 12.5m long service vehicle. As noted above in 1c, the 12.5m long service vehicles movements have been provided in the space allocated as the proposed car park not taking into consideration the passenger parking spaces as the carpark would not be in use by patrons at such time.

1e. With reference to pages DACC 03 & 09, in place of the required 3.0m landscaped screening area a 1800mm high articulated red face brick fence with a sympathetic heritage design has been provided to the Manilla Street boundary. The solid fence will provide both a visual and acoustic barrier between vehicle movements and adjoining residences.

The entrance to the carpark will be gated by 1800mm high spear top panels with a black powder coated finish. The proposed gates will compliment those already in place along the Keppel Street frontage.



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2. With reference to the One Strength Statement provided with this submission, it has noted that a maximum number of 3 staff members will be located onsite at any one time. With reference to 1b above, the staff number has been taken into consideration with the provision of proposed bicycle parking spaces.

3. A Request for Variation to Development Control Plan Standard has been provided with this submission to justify the reduced number of onsite car parking spaces and reduced landscaped screening area of the carpark.

Acoustic Report

Refer to the revised Acoustic report and separate response prepared by Acoustic Logic for details responding to each of the concerns raised.

Land Contamination

1. With reference to the Preliminary Contamination Report completed by Envirowest Consulting Pty Ltd, the report addresses the entire site. With reference specifically to **Page 17 Section 12.5 Recommendations for further work**, the northern western shed proposed to be demolished in the current application is discussed. As required and at the appropriate time, additional contamination testing will be carried out following demolition.

If any further information is required to ensure a speedy assessment, do not hesitate to contact me at your earliest convenience. If required, we would be happy to meet to discuss the above if deemed necessary.

Yours sincerely,

A handwritten signature in blue ink that reads 'B Moulds'.

Brett Moulds



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12 MAXWELL DRIVE, EGLINTON NSW 2795

28th October 2021
General Manager
Bathurst Regional Council
158 Russell Street
Bathurst NSW 2795

To whom it may concern,

Development Application No 2021/190

Proposed Development:

1. **Demolition of two (2) existing buildings**
2. **Change of Use of an existing building to a Recreation facility (Indoor Gym)**
3. **Partial demolition, additions and alterations to gym building**
4. **Installation of four (4) wall signs**

Address: Lot 11 DP 1266801, 7 Keppel Street BATHURST.

With reference to Bathurst Regional Council's letter dated 11th October 2021 the following comments are made responding to each of the points raised.

Acoustic Report

1. The points raised are being addressed by the Acoustic Consultant. As soon as these are received, they will be forwarded to Council for comment.

Fencing

2.
 - a) The gate is to be unlocked at the commencement of the day when the gym opens and closed each evening when the gym closes.
 - b) The gate is to be a manually operated sliding gate.
 - c) It is anticipated that the first employee arriving at the gym before opening time would unlock and open the gate.
 - d) As the gate is to be opened prior to the gym opening queuing of cars on Manilla Street is not anticipated to be an issue.
3. Please refer to the attached and completed *Request for Variation of Development Control Plan Standard Form* which has addressed Clause 5.8 of DCP 2014.

Onsite Carparking

4. It is not envisaged that group classes will be conducted in the proposed gym. If in the future a demand is displayed on this service, the appropriate approvals will be sought.

Public Submission

With reference to the letter provided dated 23rd May 2021 from J E Rooke (Owner of 25 Manilla Street, Bathurst) received during the public exhibition period, I offer the following responses;

1. Car Parking

15 on-site car parking spaces have been dedicated for the proposed gym including one accessible car parking space.

2. Noise

Please refer to Acoustic Engineer's report for details relating to noise generation. The proposed use of the premises has been scrutinized to a high level to ensure the existing amenity of the neighboring dwellings remain.

The proposed operational hours have been specified in the Development Application Submission. They include 4am - 9pm weekdays, and 6am – 4pm weekends. The proposed hours of operation will not vary from those that are approved.

3. Security

The gate into the car parking area is to be closed and locked at night preventing people from entering and leaving the site of their own accord. Any 'hoon' like behavior of gym members will see the membership terminated immediately.

There are many businesses in lower Keppel Street that have a positive contribution to the community, to associate an increased crime level due to the proposed gym is a ridiculous statement. With this in mind I also present the following statement which was provided in the original Development Application.

Since their opening in 2018, One Strength has been involved in many charities including both local and larger organizations. Their involvement includes:

- *Offering free personal training to headspace each week for almost 2 years, helping the attendee's with self-confidence.*
- *Assisting the Cancer Council to raise \$250,000 (One Strength contributing \$20,000) in the Stars of Orange Dance for Cancer.*
- *Assisting Beyond Blue*
- *Assisting The Black Dog Institute*

This has been a big part of One Strength and has greatly increased their public image. Moving forward One Strength have plans to work with more local and Australia wide organizations.

The cornerstone of One Strength has always been creating phenomenal culture among members and staff. This has created many lifelong members and has served as a



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valuable referral network that has supported the growth of One Strength. One Strength are selective with who they hire. They look for individuals with years of training experience as well as a genuine love for fitness. This is so members feel welcome and comfortable knowing that their staff are knowledgeable and can lead by example. As part of their model, they are a gym that is always staffed

4. Privacy and Lighting

Lighting in the proposed gym will only be activated during operating hours. There will be no business lighting in the direction of neighboring dwellings. It must be stated that Manilla Street is a public road, vehicle movements along this road are not the sole responsibility of the proposed gym.

5. Safety

Any children attending the existing childcare centre will be of an age where they will be accompanied by a suitable guardian. Whilst children are placed in the childcare centre they will be subject to the centres management policies. At no time will the operation of the proposed gym have any effect on either of these situations.

If any further information is required to ensure a speedy assessment, do not hesitate to contact me at your earliest convenience. If required, we would be happy to meet to discuss the above if deemed necessary.

Yours sincerely,

A handwritten signature in blue ink that reads 'B Moulds'.

Brett Moulds



ONE STRENGTH

146 Moulder Street, Orange 28

0405 082 040

Lyle@onestrength.com.au

13/07/2021

To Whom It May Concern

I would like to address a few of the below mentioned issues with our Development Application (2021/190)

Parking

With regard to the amount of parking spaces required I have attached a parking survey completed at our Orange site from the dates 05/07/2021 to 11/07/2021 to show how many cars parked we usually have onsite. The Orange site's "gym floor" is a very similar size to the proposed Bathurst site. However in Orange we still have 4 squash courts in operation and Sub lease a room to a dance school (we have no intention to have squash or a dancing school on the Bathurst site) so the numbers for car parking in Orange will be considerably higher especially in the afternoons around 4pm – 6pm.

Bicycle Parking

I have had a discussion with both Stephen Birrell and Brett Moulds about this and we have come to the agreement that we will install sufficient bicycle racking for the site behind the hairdresser in the landscaped area.

12.5m Service Vehicle

In the time we have been in the Orange location we hadn't had the need for such a vehicle as everything we have had delivered equipment wise has come via courier van, Ute or passenger vehicle. The initial setup of the Bathurst location could be done in the same way. If a larger truck was required it would only be in the initial setup of the gym before the proposed carpark would be in use and could provide the required turning space.

After the initial setup all deliveries would be from the above mentioned passenger vehicles.

Staff

One Strength staff is dependent on the time of day. An average staffing table is provided below:

Time Of Day	4am – 9am	9am – 1pm	1pm – 6pm	6pm – 9pm
Number of staff:	1	3	2	1

Warm Regards

Lyle Davis:

One Strength Car Parking Survey - Number of Cars in the Carpark (Staff Included)							
	05/07/2021	06/07/2021	07/07/2021	08/07/2021	09/07/2021	10/07/2021	11/07/2021
	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
4 - 5am	2	3	3	3	2		
5 - 6am	4	4	5	2	3		
6 - 7am	6	3	3	6	2	2	1
7 - 8am	4	3	4	4	3	3	1
8 - 9am	3	3	2	3	1	4	2
9 - 10am	5	6	6	5	4	3	3
10 - 11am	5	7	5	4	6	4	4
11 - 12am	4	3	7	5	3	4	4
12 - 1pm	2	4	5	6	4	6	4
1 - 2pm	2	4	5	3	3	5	2
2 - 3pm	4	5	6	6	5	5	1
3 - 4pm	10	12	8	8	4 4	4	1
4 - 5pm	11	13	13	10	10		
5 - 6pm	9	13	14	11	10		
6 - 7pm	9	10	12	10	6		
7 - 8pm	4	6	8	6	2		
8 - 9pm	3	5	5	2	2		



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OFFICE USE ONLY

REQUEST FOR VARIATION OF DEVELOPMENT CONTROL PLAN STANDARD

Section 1 Development Details

DA Number: 2021/190.....
Applicant: Mr L Davis.....
Development details: Proposed demolition of existing buildings and change of use to a Recreation Facility (Gym)

Section 2 Bathurst Regional Development Control Plan 2014

Clause No/s: 14 Parking, 14.3 Number of Car Parking Spaces

Section 3 Reason/s for variation

The following Development Control Plan standard requests that the required number of onsite car parking spaces for the proposed gym be reduced from 38 to 15.


With reference to the One Strength statement provided with this submission, a parking survey has been carried out. The survey covers a full week of standard trading hours which are the same as proposed in the Bathurst location. As is evident in the survey, the maximum number of cars parked on site at any one time is 14. It is also noted that the Orange premises sub lets the tenancy to both 4 squash courts and a dance school, of which both of these contribute to the numbers surveyed. As there is no intention to sub let the subject premises in Bathurst, this will allow more car parking opportunity for gym patrons.

Prior to the gym application, a total of 18 onsite car parking spaces has been provided with previous applications. 10 spaces are allocated to commercial premises that generally operate under reduced hours due to the nature of the business type, this being coffee shop/cafe. 4 spaces are dedicated to short term accommodation, and a further 4 dedicated to an office premises. Given the varied hours of all uses of the site, the existing parking would provide opportunity for overflow parking from the gym, if required.

The Tremains Mill precinct is an important asset to Bathurst and surrounding areas. The adaptive re use of the heritage structures ensures that each of the buildings will be maintained in the future for all to enjoy. For this to occur, potential uses such as the proposed gym need to be given every opportunity to utilise the spaces. The available site area for on site parking is limited to that of existing open space, and open space created by demolition of 'ad hoc' structures. Whilst flexibility in matters such as fire safety and accessibility can not be entertained, flexibility in on site parking standards can be varied if the request is justified.

With the above in mind, we request the development control plan standard be varied as detailed.....

Section 4 Applicant signature panel

Name (print names)	Signature	Date
Lyle Davis.....		27/8/21
.....

The information on this form is being collected to allow council to process your application and/or carry out its statutory obligations. All information collected will be held by Council and will only be used for the purpose for which it was collected. An individual may view their personal information and may correct any errors.

REQUEST FOR VARIATION OF DEVELOPMENT CONTROL PLAN STANDARD

Section 1	Development Details
DA Number:	2021/190.....
Applicant:	Mr L Davis.....
Development details:	Proposed demolition of existing buildings and change of use to a Recreation Facility (Gym)

Section 2	Bathurst Regional Development Control Plan 2014
Clause No/s: 5.6 Parking, Access and Manoeuvring Areas, 5.6.2 c) 3m screened setback to parking area.....	

Section 3	Reason/s for variation
<p>The following Development Control Plan standard requests that the required 3.0m screened landscape setback be removed, and in its place an 1800mm high articulated red face brick fence with a sympathetic heritage design be provided to the Manilla Street boundary in the immediate area of the proposed car park. The solid fence will provide both a visual and acoustic barrier between vehicle movements and adjoining residences, thus removing the need for a 3.0m landscaped zone.</p> <p>The entrance to the carpark will be gated by 1800mm high spear top panels with a black powder coated finish. The proposed gates will compliment those already in place along the Keppel Street frontage.</p> <p>Overall the proposed fence and gate will be inkeeping with the aesthetic character of the development. The additional 3.0 metres gained within the site allows for the inclusion of extra onsite parking spaces. Given that the available space for on site parking is limited, the variation to the clause benefits both the neighbouring residences and gym management.</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>	

Section 4	Applicant signature panel	
Name (print names)	Signature	Date
Lyle Davis.....		27/3/21
.....

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REQUEST FOR VARIATION OF DEVELOPMENT CONTROL PLAN STANDARD

Section 1 Development Details

DA Number: 2021/190

Applicant: Lyle Davis

Development details: Partial Demolition, additions and alterations to the gym building

Section 2 Bathurst Regional Development Control Plan 2014

Clause No/s: 5.8 Open Areas and Fencing

.....

Section 3 Reason/s for variation

The following Development Control Plan standard request for variation requests that the required 3.0m screened landscape setback be removed, and in its place an 1800mm high articulated red face brick fence with a sympathetic heritage design be provided to the Manilla Street boundary in the immediate area of the proposed car park. The solid fence will provide both a visual and acoustic barrier between vehicle movements and adjoining residences, thus removing the need for a 3.0m landscaped zone.

The entrance to the carpark will be gated by 1800mm high spear top panels with a black powder coated finish. The proposed gate will compliment those already in place along the Keppel Street frontage.

The Tremains Mill precinct is an important asset to Bathurst and surrounding areas. The adaptive re use of the heritage structures ensures that each of the buildings will be maintained in the future for all to enjoy. For this to occur, potential uses such as the proposed gym need to be given every opportunity to utilise the spaces. The available site area for on site parking is limited to that of existing open space, and open space created by demolition of 'ad hoc' structures. Whilst flexibility in matters such as fire safety and accessibility can not be entertained, flexibility in on site parking standards can be varied if the request is justified.

Overall the proposed fence and gate will be inkeeping with the aesthetic character of the development. The additional 3.0 metres gained within the site allows for the inclusion of extra onsite parking spaces. Given that the available space for on site parking is limited, the variation to the clause benefits both the neighbouring residences and gym management.

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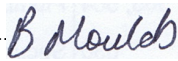
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Section 4 Applicant signature panel

Name (print names)	Signature	Date
Brett Moulds (on behalf of Lyle Davis)		28/10/21
.....

The information on this form is being collected to allow council to process your application and/or carry out its statutory obligations. All information collected will be held by Council and will only be used for the purpose for which it was collected. An individual may view their personal information and may correct any errors.

Planners comments
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Contents

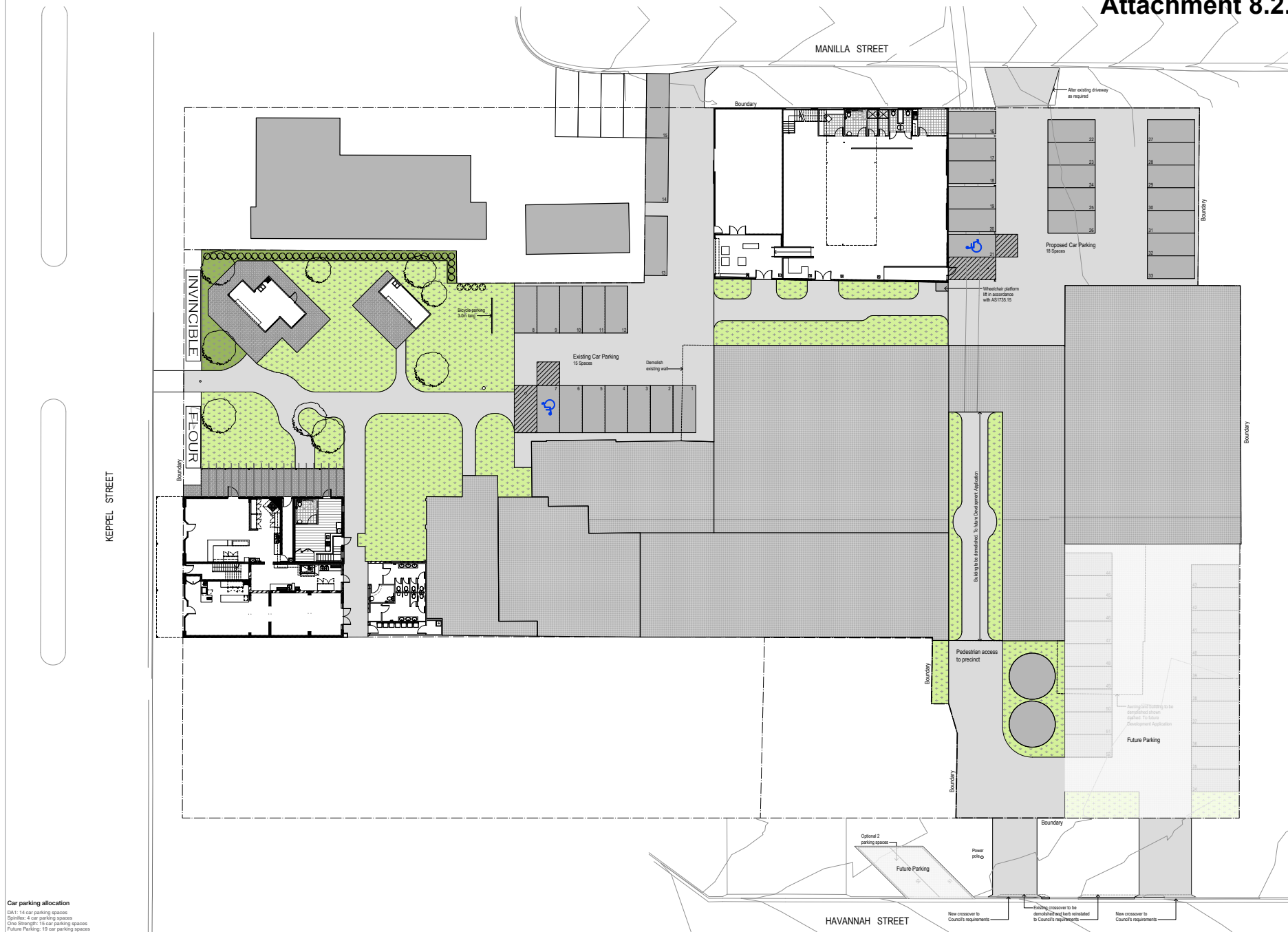
DACC 01 Cover Page
DACC 02 Ground Floor / Site Plan

Attachment 8.2.3.16

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			NOT	FOR	CONSTRUCTION	
Date	Issue	Amendment	Date	Issue	Amendment	Car Parking Concept
26/07/21	A		26/07/21	A	Issued for comment	Stephen and Glenda Birrell
30/07/21	B		30/07/21	B	Issued for comment	
25/08/21	C		25/08/21	C	Issued for comment	
27/08/21	D		27/08/21	D	Landscape	7 Keppel Street BATHURST



Car parking allocation
 DAT: 14 car parking spaces
 Symbol: 4 car parking spaces
 One Strength: 15 car parking spaces
 Future Parking: 18 car parking spaces
 Car spaces proposed: 52

NOT			FOR			CONSTRUCTION	Car Parking Concept	Ground Floor / Site Plan
Date	Issue	Amendment	Date	Issue	Amendment			
26/07/21	A	Issued for comment	26/07/21	A	Issued for comment	Stephen and Glenda Birrell 7 Keppel Street BATHURST	DACC 02	Issue: D Scale: 1:500 @ A1 Date: 27/08/21 Project: BMC151609
30/07/21	B	Issued for comment	30/07/21	B	Issued for comment			
25/08/21	C	Issued for comment	27/08/21	D	Landscaping			



MATTHEW PALAVIDIS
VICTOR FATTORETTO
MATTHEW SHIELDS

20210244.1/0508A/R0/AW

5/08/2021

A.I.R Superannuation Fund
PO Box 746
BATHURST NSW 2795

Tremain's Mill, Bathurst - Response to Council Queries

This letter has been prepared in response to a request for additional information from Bathurst Regional Council relating to the proposed gym tenancy within Tremains Mill (DA 2021/190), dated 30 June 2021. Reference is made to the submitted acoustic report (ref: 20210244.1/2304A/R1/AW, dated 23/04/2021), the *submitted acoustic report*. In response to a number of the queries raised, an updated acoustic report has been prepared for the application (ref 20210244.1/0508A/R2/AW, dated 05/08/2021), the *updated acoustic report*.

The queries from Council relating to acoustics (under the heading Acoustic Report) are reproduced within this letter, along with our responses to the matters.

Council Query

1. *The Acoustic Report states that the hours of operation will be between 6: 00am and 8.00pm, 7 days per week. However, the submitted Statement of Environmental Effects (SEE) provides 4:00am to 9: 00pm on weekdays and 6:00am to 4:00pm on weekends.*

Clarification of the proposed hours of operation must be provided in writing to Council and the Acoustic Report must be amended to reflect the noise impacts associated with the confirmed hours.

AL Response

The updated acoustic report now reflects the proposed hours of operation, being 4am – 9pm Monday to Friday, and 6am to 4pm on weekends.

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ABN 98 145 324 714
www.acousticlogic.com.au

The information in this document is the property of Acoustic Logic Pty Ltd 98 145 324 714 and shall be returned on demand. It is issued on the condition that, except with our written permission, it must not be reproduced, copied or communicated to any other party nor be used for any purpose other than that stated in particular enquiry, order or contract with which it is issued.

Council Query

2. *The Acoustic Report states that unattended noise monitoring was undertaken between 6 and 13 December 2017, on the South-Western boundary of the land fronting Keppel Street.*

Council considers that the Keppel Street noise monitoring location could be one of the noisier locations on the subject land and therefore, that the data collected may not be an accurate representation of the background noise levels at Manilla Street; which is the primary area of concern. Comment is sought from the Acoustic Engineer as to whether the data would be reflective of background noise levels at Manilla Street, particularly given the reduced traffic volumes in this location.

3. *The Acoustic Report states that attended noise monitoring was undertaken between the hours of 12:30pm and 1:30pm on 13 December 2017 at the following three locations:*

- Within Manilla Street off the Northern boundary of Lot 11 DP 1266801, in front of the existing residences at 21 and 23 Manilla Street (Lot 1 DP 770736 and Lot 1 DP 986481)*
- On the South-Western boundary of Lot 11 DP 1266801, adjacent to Keppel Street.*
- At the South- Eastern boundary of Lot 11 DP 1266801, adjacent to Havannah Street.*

However, the results of the attended noise monitoring does not appear to have been provided in the Acoustic Report. It is requested that the attended noise monitoring results be provided to Council. This information might also provide some level of confirmation of the background noise levels at Keppel Street vs. Manilla Street.

AL Response

Further detail of the attended measurements has been provided in Section 4.1.5 of the updated acoustic report. Based on the measurements undertaken during the site visit, the background noise levels along Keppel Street and Manilla Street were similar, and as such the use of the long term monitoring data to establish noise criteria at residents along Manilla Street is considered appropriate.

Additionally, the assessment noise level during the night time period (10pm – 7am, being the most noise sensitive time of use) has been set at the minimum level detailed in the NSW EPA Noise Policy for Industry.

Council Query

4. *The Acoustic Report adopts an amenity receiver category of "Rural Residential" under Tables 2.2 and 2.3 of the NSW EPA's Noise Policy for Industry (NPfI). However, the nearest sensitive residential receivers in Manilla Street are located in an area that has intermittent traffic flows and some limited commerce or industry and on land that is zoned R1 General Residential under Bathurst Regional Local Environmental Plan 2014 (LEP 2014).*

Further justification must be provided as to why the "Rural Residential" category was selected for the basis of the assessment, rather than the "Suburban Residential" category. Council notes that the noise levels in the "Rural Residential" category are lower and therefore, more stringent.

AL Response

The Noise Policy for Industry provides a number of methods to determine a relevant amenity noise level. These can be based on the land zoning, acoustic environment or measured rating background noise levels. With regard to the residents along Manilla Street, it is agreed that the 'Suburban' category could be applied based on either the land zoning or ambient environment description.

The decision to adopt the 'Rural' categorisation was based on the measured background noise levels, and in particular the night time noise level, which is less than 30dB(A). The adoption of the 'Rural' categorisation, as opposed to 'Suburban', also provides a suitably conservative assessment of noise impact given the amenity levels are lower (as acknowledged by Council).

In any case, it is the 'Intrusive' noise levels which provide the Project Noise Trigger Levels, and so adoption of alternative amenity levels would not result in differing criteria.

Council Query

5. *The Acoustic Report includes an "Early Morning" assessment period of 6:00am to 7:00am, which appears to be reflective of the hours of operation stated in the report. However, the "Night" (10:00pm to 7:00am) assessment period and sleep disturbance level methodologies outlined in the NPfl appear to have been disregarded or omitted in parts of the report.*

Further, the "Early Morning" criteria appears to differ quite significantly from the "Night" period criteria, as:

- No Project Amenity Level has been identified for the "Early Morning" period, which is inconsistent with the NPfl.*
- The Sleep Disturbance Level is higher (and therefore less stringent) for the "Early Morning" period than the "Night" period, which is inconsistent with the NPfl.*

Council would prefer that the criteria and results of the Acoustic Assessment be fully reflective of the "Night" (10:00pm to 7:00am) assessment period and sleep disturbance level methodologies outlined in the NPfl; particularly if the proposed hours of operation for the development will be extended to between 4:00am and 9:00pm.

If the report is to rely on an "Early Morning" period criteria and results, then further clarification must be provided as to how these levels were identified and justification must be provided as to why the NPfl hours have not been followed.

AL Response

Section A3 of the NPI addresses the use of 'shoulder' periods. This section specifically addresses scenarios as detailed in the submitted acoustic report, where proposed operation occurs for only a short duration of the overall period. In particular, early morning periods are identified as scenarios where it would be appropriate to adopt a 'shoulder period' noise level.

Further, Section 2.5 of the NPI (addressing the potential for sleep disturbance) identifies that one factor which should be considered when determining the impact of short term events would be *whether there are times of the day when there is a clear change in the noise environment (such as early morning shoulder periods).*

The submitted acoustic report considered an operational scenario where the early morning period was limited to between 6-7am, and so the application of a shoulder period for the assessment of both operational noise and the impact of sleep disturbance was both appropriate and in line with the assessment methodology of the NPI.

The updated acoustic report considers operation during an extended period of night time operation, being 4am – 7am. Given the extended period of operation during the night time period, it would no longer be appropriate to adopt a similar 'shoulder period' assessment. The updated acoustic report has removed reference to the shoulder period, and provided an assessment of noise during the 'night time' period instead. Recommendations (limiting of music, closing of doors) have been provided to ensure compliance with the established noise requirements.

Council Query

6. *The sleep disturbance results of the Acoustic Report are only based on noise from a slamming car door located within the onsite carpark, however, appropriate consideration has not been given towards the following likely noise sources:*

- *The playing of any music during the "Night" period.*
- *The congregation of people within the onsite carpark during the "Night" period. The report states that management controls (such as the installation of signage, conditions of membership and/or the provision of a dedicated internal or external congregation area) will be implemented onsite to ensure that this noise impact does not occur. However, Council considers that noise associated with the congregation of people must be appropriately projected within the Acoustic Report and that if the resulting noise levels are high, then appropriate physical noise attenuation measures (engineered) should be installed onsite.*
- *Car doors slamming from any cars parking within Manilla Street (i.e. not within the onsite carpark) during the "Night" period.*

AL Response

The slamming of car doors has been identified in the acoustic reports as being the loudest potential source of noise which has the potential to generate disturbance to sleep. With regard to the other sources of noise identified in the query, we note:

- Music during the night time period is addressed in the updated acoustic report, and is demonstrated as achieving the relevant noise emission requirements. Background music within the gym would generally be of a consistent level, and so transient peaks substantially above the general level are unlikely.
- The congregation of people within the carparking area is a hypothetical scenario which is not proposed as part of the application. Management controls are proposed in the acoustic report to minimise or eliminate the possibility of this occurring.
- Similarly, carparking along Manilla Street is not proposed as part of the application, and on-site carparking facilities are provided adjacent to the main entrance.

The acoustic report has assessed all proposed activities associated with the proposed gym tenancy, which have been found to meet the requirements of the NSW EPA Noise Policy for Industry.

Council Query

7. *The Acoustic Report states that a slamming car door has a "sound power level of 95dB(A) L_{max} " and that "when considering the use of the closest Northern car space to residents across Manilla Street, the predicted peak noise level is below the NPfI trigger level." However, these predicted peak levels have not been identified and the "Night" sleep disturbance criteria is identified as 52 dB(A) L_{AFmax} , which appears to be less than the sound power level of a slamming car door.*

It is requested that the predicted "Night" noise levels (at L_{Aeq} , 15min and L_{AFmax}) be detailed in the report and that further clarification/discussion of these levels be provided. As listed under Point 8, consideration should also be given towards the playing of music, congregation of people and car doors slamming within Manilla Street.

AL Response

The source sound *power* level of a car door slam is presented in the report as 95 dB(A) L_{max} . This is the total sound energy associated with the activity in question. The sound *pressure* level experienced at a receiver will be a combination of the source sound energy and any attenuation between the source and receiver. In this case, only distance attenuation between the carparking facilities and the residences is considered.

The predicted noise levels at the receiver associated with this activity are presented in the updated acoustic report. Additionally (as further discussed in response to Item 5), the 'night time' noise levels have been used as the basis of assessment, rather than the 'shoulder period' previously considered.

Section 6.2.2 of the updated acoustic report provides additional detail on the assessment of noise from the car parking facilities on site.

Please contact us should you have any further queries.

Yours faithfully,



Acoustic Logic Pty Ltd
Alex Washer



MATTHEW PALAVIDIS
VICTOR FATTORETTO
MATTHEW SHIELDS

20210244.1/0211A/R1/AW

2/11/2021

A.I.R Superannuation Fund
PO Box 746
BATHURST NSW 2795

Tremain's Mill, Bathurst - Response to Council Queries

This letter has been prepared in response to a request for additional information from Bathurst Regional Council relating to the proposed gym tenancy within Tremains Mill (DA 2021/190), dated 11 October 2021. Reference is made to the submitted acoustic report (ref 20210244.1/0508A/R2/AW, dated 05/08/2021), the *submitted acoustic report*. The queries from Council relating to acoustics (under the heading Acoustic Report) are reproduced within this letter, along with our responses to the matters.

Council Query

1. *The sleep disturbance results of the Acoustic Report are only based on noise from a slamming car door located within the onsite carpark, however, appropriate consideration has not been given towards the following likely noise sources:*

- a) *Vehicles parking within Manilla Street (i.e. not within the onsite carpark) during the "Night" period.*

Whilst it is noted that the NSW EPA Noise Policy for Industry (NPI) generally applies to noise and vehicular movements within the premises, Section 1.4 also states that Council as the consent and regulatory authority can exercise discretion in dealing with noise within its area of responsibility.

Given that the proposed development is located within an established residential area and includes a shortfall in onsite carparking, it is not considered unreasonable to request that the noise impacts associated with vehicles parking within Manilla Street as a result of the development be given appropriate consideration within the Acoustic Report.

SYDNEY
9 Sarah St
MASCOT NSW 2020
(02) 8339 8000

ABN 98 145 324 714
www.acousticlogic.com.au

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I:\Jobs\2021\20210244\20210244.1\20211102AWA_R1_Response_to_Council_Queries.docx

1

AL Response

Whilst it is still maintained that the most likely source of noise from vehicle use of the proposed gym would be within the on site car parking facilities themselves, to satisfy the request from Council an assessment of potential noise emissions from cars parked within kerbside spaces along Manilla Street is considered below.

When assessing noise from public roads, the NSW Road Noise Policy is the most appropriate guideline to consider. This document is also referenced in the NSW EPA Noise Policy for Industry, and the recommended assessment criteria related to sleep disturbance are detailed in Section 5.2.3 of the submitted acoustic report. These are summarised below:

For the research on sleep disturbance to date it can be concluded that:

- *Maximum internal noise levels below 50-55dB(A) are unlikely to awaken people from sleep.*
- *One to two noise events per night with maximum internal noise levels of 65-70dB(A) are not likely to affect health and wellbeing significantly.*

In the event a gym patron was to park their car directly in front of an existing residential dwelling along Manilla Street, the internal noise level within the residence from a car door closing (being the loudest typical event expected) would be 57 dB(A) L_{max} , assuming that the window to the residence is open. We note that this is only marginally higher than the 50-55dB(A) L_{max} range identified above and would not be perceptibly different from a strictly compliant noise level.

Further, this noise level would only be experienced at the residence directly in front of the parked car. Dwellings either adjacent or across the street would experience a noise level approximately 5dB(A) lower due to the additional distance from the source of noise. In these cases, the 50-55dB(A) L_{max} noise level would be readily achieved.

Given that the marginal exceedance of the recommended internal noise levels is only obtained by vehicles directly in front a residence, and that this would not be expected to be a frequent occurrence, the potential impact on sleep disturbance from vehicles parking along Manilla Street would be considered acceptable with reference to the NSW EPA Road Noise Policy.

Council Query

- b) *The congregation of people within the onsite carpark during the "Night" period.*

The Acoustic Report states that "...this area would only be expected to be used for patrons travelling to their car, any vocal noise would generally be of a short duration and low noise level (i.e. casual conversations during short walk to vehicles). Any noise generated from this use would not typically be expected to exceed any specific noise control requirement." However, the expected noise levels associated with this activity have not been provided nor have they been assessed against the "Night" and "sleep disturbance" assessment criteria.

Council considers that noise associated with the congregation of people must be appropriately projected within the Acoustic Report and that if the resulting noise levels are high, then appropriate physical noise attenuation measures (engineered) should be installed onsite.

AL Response

Again, whilst it is conceivable that gym patrons may talk from time to time in the associated carparking facilities, this would not be considered a significant source of noise and could be managed appropriately in any case. Nevertheless, the below assessment presents the predicted noise level from casual conversation which may occur from patron entering or exiting the gym.

Whilst we note that the Noise Policy for Industry specifically excludes noise from patrons, comparison of the 'intrusive' noise requirement (background + 5dB(A)) is reasonable when considering the potential noise impact – in this case the intrusive noise level during the night time period is 35 dB(A) $L_{eq(15min)}$.

For a casual or normal conversation, the sound power level range per patron is between 61-66 dB(A) $L_{eq(15min)}$, and it is typical to assume that there is one person talking per two patrons. Considering distance alone, in the event there were two people having a conversation within the carpark, the resulting noise level would be less than 30 dB(A) $L_{eq(15min)}$. In order to meet or exceed the 35dB(A) level during the night time period, in excess of 10 people would be required to be engaged in normal conversation continuously, which would be an unlikely occurrence.

In light of the above, physical control measures (such as barriers) would not be required to minimise noise from the operation of the carpark.

Please contact us should you have any further queries.

Yours faithfully,



Acoustic Logic Pty Ltd
Alex Washer

Fiona Duncan

From: ConveyancingTeam
Sent: Friday, 28 May 2021 4:53 PM
To: Fern-Alice Coles
Subject: Re: CNR-22090 / DA2021/190 - 7 Keppel Street, Bathurst (Lot 11 DP1266801)
Change of use, existing building to gym including demolishing some existing structures

Dear Sir/Madam,

We refer to the above matter and to your correspondence via the NSW Planning Portal seeking comment from Essential Energy in relation to the proposed development.

Strictly based on the documents submitted, Essential Energy has no comments to make as to potential safety risks arising from the proposed development.

Essential Energy makes the following general comments:

1. If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment.
2. Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with.
3. Prior to any demolition works commencing, any service line/s to the property must be disconnected.
4. The Applicant will need to engage the services of an Accredited Service Provider to ensure adequate provision of power is available in accordance with industry standards.
5. In addition, Essential Energy's records indicate there is electricity infrastructure located within the property and within close proximity of the property. Any activities within these locations must be undertaken in accordance with the latest industry guideline currently known as *ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure*. Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure.
6. Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of *Part 5E (Protection of Underground Electricity Power Lines)* of the *Electricity Supply Act 1995* (NSW).
7. Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the *Code of Practice – Work near Overhead Power Lines* and *Code of Practice – Work near Underground Assets*.

Should you require any clarification, please do not hesitate to contact us.

Regards

Fiona Duncan
Conveyancing Officer
Legal & Conveyancing
Governance & Corporate Services



T: 02 6589 8773 (Ext 88773) | conveyancingteam@essentialenergy.com.au

PO Box 5730 Port Macquarie NSW 2444 | essentialenergy.com.au

General enquiries: 13 23 91 | Supply interruptions (24hr): 13 20 80

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From: NSW Planning <planning.apps@planning.nsw.gov.au>

Sent: Wednesday, 26 May 2021 2:05 PM

To: Fiona Duncan <fiona.duncan@essentialenergy.com.au>

Cc: ConveyancingTeam <conveyancingteam@essentialenergy.com.au>

Subject: Update: NSW Government concurrence and referral request CNR-22090(BATHURST REGIONAL COUNCIL)

WARNING: Do not click links or open attachments unless you recognise the source of the email and know the contents are safe.

Online Concurrence and Referral Service

planningportal.nsw.gov.au

The NSW Government consideration of an application DA2021/190 at 7 KEPPEL STREET BATHURST 2795 has been assigned to you for assessment.

Please log into the [NSW Planning Portal](http://planningportal.nsw.gov.au) and use reference number CNR-22090 to action this request.

This email has been automatically sent through the NSW Planning Portal. Please do not reply to this message.

For more information or assistance, please visit the [NSW Planning portal](http://planningportal.nsw.gov.au) and view our [Frequently Asked Questions](#) or [Quick Reference Guides](#). Alternatively, you can call our help line on 1300 305 695.

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NSW Police Force

Development Application Review

WEBCOPS Event No: E152886302

RMS Reference No: D/2021/744797

DA Reference No: 2021/190

Council: Bathurst Regional Council

Developer/Applicant: One Strength Gym Pty Ltd

Prepared by Brett Moulds
12 Maxwell Drive Eglinton NSW 2795.

Private Certifier: Not applicable

Property address: 7 Keppel Street Bathurst NSW 2795

Proposed development/use of space: Conversion to a Gym and demolition of another building.

1. Introduction

In line with section 4.15 of the New South Wales Planning & Assessment Act 1979 and the New South Wales Planning Guidelines, the below report has been conducted on Development Application 2021/120.

2.1 Current environment

The premise forms part of the Tremain Mill site. The business is surrounded by a mix of residential and commercial enterprises and is situated a few blocks from the CBD of Bathurst. The Victoria Hotel and the Bathurst Railway Station is within a very short walk from the premise.

2.2 Proposed development

The Gym will be located within an existing building on the site and renovations will be carried out to convert the existing building into a Gym. It is not stipulated how the members will access the premises after hours and whether a fob system/swipe card system will be used to enter the premises.

The trading hours for the Gym are as follows:

Unable to determine if staff on site after normal working hours.

7 days per week 6am - 8.00pm

CPU/Bathurst

Bathurst Police Station -139 Rankin Street Bathurst NSW 2795

T 02 63328699 **W** www.police.nsw.gov.au

TTY 02 9211 3776 for the hearing and speech impaired ABN 43 408 613 180

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NSW Police Force

3. Crime risks and identified issues

Brett Moulds have included their CPTED plan and the proposed security treatment in the application. There is no reference to lighting, signage and CCTV in the application. The risk assessment has been completed based on the information received and the implementation of treatments as set out.

After conducting a Safer by Design Evaluation for this development application the crime risk rating has been identified on a sliding scale of low, moderate and high. The rating for this development is **Moderate Crime Risk**. By implementing the recommendations for lighting, CCTV and an intruder alarm system this will significantly reduce the risk rating.

4. Recommendations

Due to the nature of the development, identified crime risks and issues, NSWPF recommend the following:

1. Lighting/Surveillance/Technical – Moderate Risk

Lighting must meet the minimum Australian standard for public streets, car parks and pedestrian access. There is a proven correlation between poor lighting, fear of crime, the avoidance of public/private space and crime opportunity.

- Consider lighting from walkways to the Gym.
- Install sensor lighting or similar at all access points, including the rear of the premises.
- Ensure all lighting is vandal resistant.

By installing a lighting plan this will significantly reduce the risk for criminal activity.

Surveillance/Technical Supervision

No reference made to CCTV cameras or alarm systems in the application.

- Install CCTV cameras inside and outside the premises.
- Install intruder alarm system.

2. Territorial Reinforcement- Low Risk

Public areas that are well maintained take on semi-public spatial characteristics, in that people perceive that the space is cared for and controlled.

Access points should be clear, legible and useful. Signage is best located at or prior to junctions requiring people to make decisions. Signage has not been addressed in the application.

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Recommend:

- Signage installed to recognise Business.
- CCTV cameras in use 24 hours
- Alarm system in use 24 hours.
- Trespassers will be prosecuted.

3. Environmental Maintenance – Low Risk

Area image can impact feelings of safety and danger: Landscaping can be used to enhance the appearance of the development and assist in reducing opportunities vandalism. However, landscaping can provide concealment and entrapment areas for people involved in criminal activities. Plants that block natural sight lines lessen natural surveillance. There does not appear to be any evidence of overgrown/run down vegetation at the site.

A maintenance plan will be implemented, and this development should enhance the existing site and other activities at the site.

4. Access Control – Low Risk

Barriers help to restrict, channel and encourage the movement of people and vehicles into and out of designated areas.

Access control: Fire Plan submitted nil issues identified that would affect the application. Vehicle parking in Manilla Street. Pedestrian access from Keppel and Manilla Streets. Carparking also on site.

All entry points to be fitted with appropriate door locks.

Disclaimer

The New South Wales Police Force has a vital interest in ensuring the safety of members of the community and their property. By using the recommendations contained in this assessment, any person who does so acknowledges that:

- It is not possible to make all areas evaluated by the NSWPF entirely safe for members of the community or the security of their property.
- It is based upon the information provided to the NSWPF at the time the assessment was made.
- This assessment is a confidential document and is for use of the consent authority unless otherwise agreed.
- The contents of this assessment are not to be copied or circulated otherwise than for the purposes of the consent authority, unless otherwise agreed.

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**NSW Police Force**

The NSW Police Force hopes that by using the recommendations contained in this assessment, criminal activity will be reduced and the safety of members of the community and the security of their property will increase. However, it does not guarantee that all risks have been identified, or that the area assessed will be free from criminal activity if its recommendations are followed.

Should you have any questions in relation to the evaluation contact Senior Constable Sue Rose, Crime Prevention Officer, Chifley PD, Phone 02 63328699.

Yours sincerely,

Peter O'Brien
Superintendent
Commander Chifley PD
24/05/2021

CPU/Bathurst

Bathurst Police Station -139 Rankin Street Bathurst NSW 2795

T 02 63328699 **W** www.police.nsw.gov.au

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James Rooke
48 Stewart Street
Bathurst NSW 2795

23 May 2021

R Denyer
Manager Development Assessment
Bathurst Regional Council
Private Mail Bag 17
Bathurst NSW 2795

Dear Mr Denyer,

Development Application No 2021/190 – One Strength Pty Ltd

Thank you for your letter dated 11 May 2021 regarding the above Development Application.

My concerns relating to this particular development are listed below.

1. Car Parking

A parking area has not been taken into consideration for this proposed development or for those developments already established. A nearby coffeeshop currently displays a sign stating "that there is parking in Manilla Street". I would like to mention that Manilla Street is a residential street where families live. They should not have to compete with people stopping for a coffee or for a workout and then be unable to park outside their own home.

2. Noise

Businesses like 'One Strength Pty Ltd' open late into the night, some even operate under a 24 hours access. The noise levels that can emanate from these businesses from talking to music and even that of increased traffic levels can increase two-fold at night. This would definitely impact what is currently a quiet of residential street (not even one block in length).

3. Security

Security would become an issue as a result of increased activity from the above proposed development. There is a higher risk of injury to a child or adult from increased traffic in a quiet residential street. With the increase in people traffic through the street comes the concern that there will be an increase in crime in the area.

4. Privacy & Lighting

This also would become a problem for the families in Manilla Street with car lights and vehicle movements along with building lighting emanating into people's homes at night.

5. Safety

With a Day Care Centre close by the proposed development, it is certainly an added worry and safety concern. Small children are so unpredictable.

Thank you for allowing my input into the above proposed development. I do wish 'One Strength Pty Ltd' future success but I do stress my concerns for the residence in Manilla Street.

Yours faithfully

A handwritten signature in black ink, appearing to read 'J E Rooke', written in a cursive style.

J E Rooke
(Owner of 25 Manilla St, Bathurst)



BATHURST REGIONAL COUNCIL

Bathurst Regional Council
PMB 17
158 Russell Street
BATHURST NSW 2795
Telephone: 02 6333 6111
Fax: 02 6331 7211
Email: council@bathurst.nsw.gov.au

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Drawn By: Daniel Dwyer

Date: 28/10/2021

Projection: GDA94 / MGA zone 55

Map Scale: 1:968 @ A4

Allan Wright Walkway



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Drawn By: Daniel Dwyer

Date: 28/10/2021

Projection: GDA94 / MGA zone 55

Map Scale: 1:968 @ A4

Allan Wright Walkway

NAMING UNNAMED CREEK: NEDS CREEK

THE GENERAL MANAGER, Mr David Sherley

BATHURST REGIONAL COUNCIL

RE: NAMING UNNAMED CREEK, THE BRIDLE TRACK, DURAMANA

Dear Sir,

I am hoping you can redirect this email to the appropriate department.

My husband and I own the property "Wallum Butta" 1007 The Bridle Track. We are full time residents here and run sheep and Angus cattle.

There is a small creek running through the property, past our woolshed, crossing under the Bridle Track road and joining Stony Creek, which flows into the Macquarie River. A section of the original bridle track that winds through our property also crosses this creek. It has been known to us as "Neds Creek" since moving to this property.

I have a keen interest in local history and have researched the area, gathering oral histories and family stories from the local residents and those who have worked and visited the area. In 2019 I published a 450 page book, "Tales of the Bridle Track: Bathurst to Hill End", of which Council has a copy. With access to this information, plus information I have gained from local historians, Bathurst Historical Society, Bathurst Family History Group and Trove, I have been trying to verify the name of this creek, as I was informed it was "unnamed" on Council records.

Hearsay has it, that in the 1920s, a boundary rider, shearer and rabbit trapper named Ned frequented this area of the Bridle Track.

I have managed to confirm that a shearer worked at "Freemantle Station". He has signed his name "Ned Kelly 1925" on the lower level rafters of the shearing shed. (From the book, "Freemantle via Bathurst" by Jim Buchan 2001 ISBN: 0-646-41451-8)

This fact confirms that a shearer by the name of Ned worked in this area. In the early 1900s, many of the workers at Freemantle and Killongbutta used the Bridle Track to access Hill End, so it is quite possible he was familiar with this area.

With this information, I propose to Council that this unnamed creek be officially named "Neds Creek". It is the only creek on the Bathurst side of Monaghans Bluff that is unnamed. All the other creek crossings are named as follows:

"LUKES CREEK" named after Luke Bond, who owned 100 acres, now part of "Marawin".

“BURNT CREEK” named after a settler’s hut that was burnt down on the property “Burndown”.

UNNAMED through the property “Wallum Butta”. Proposed “NEDS CREEK”.

“BAD CREEK” crossing The Forge Road, site of the drowning of Ernest Flynn in 1935.

“STONY CREEK” crossing the Bridle Track under the Concrete Bridge at “Stony Creek Station”.

“WINBURNDAL RIVULET” at Howards Bridge.

“CUMMINGS OAKY CREEK” through Claire Browne’s property, now “Oakey Mount”.

“BLACKFELLOWS CREEK” through property “Blackfellows Creek”.

“OAKEY CREEK” previously “WICKETTS CREEK” through property “Bruinbun”. (Site of Bridle Track CLOSED ROAD 2021).

“NATIVE DOG CREEK” site of the proposed 2021 bypass around Monaghans Bluff, running from “Fingerpost” and “The Range”.

The Kelly name also has an association with the unsolved murder of Mary Ann Piper (nee Kelly) who was married to Alexander Septimus Piper. They lived on a selection near Killongbutta on the Macquarie River opposite Stony Creek, just 2 km from the unnamed creek.

I hope you agree that “NEDS CREEK” would be an appropriate name, honouring the early settlers of this area.

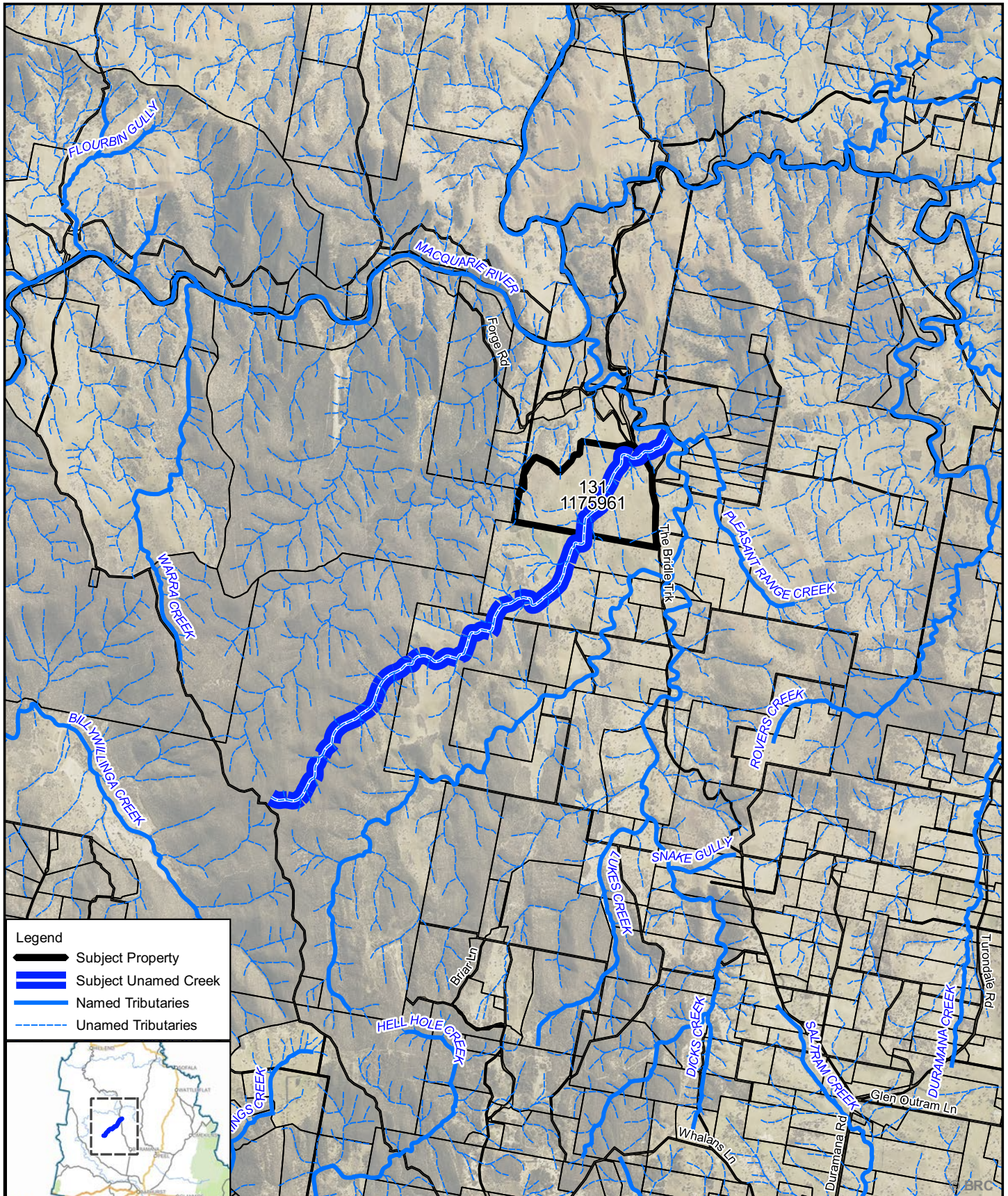
I look forward to hearing your response.

Thanking you,

Yours sincerely,

Sharon Shelton

0414 948 636



BATHURST REGIONAL COUNCIL
Bathurst Regional Council

158 Russel Street
Bathurst
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2795
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Important Notice !

This map is not a precise survey document. Accurate locations can only be determined by a survey on the ground.

Bathurst Regional Council expressly disclaims all liability for errors or omissions of any kind whatsoever, or any loss, damage or other consequence which may arise from any person relying on information comprised in this Plan.

Note: The colours on this Plan do not indicate landuse zones under the Bathurst Regional Local Environment Plan 2014.

This map was produced on the GEOCENTRIC DATUM OF AUSTRALIA 1994 (GDA94), which has superseded the Australian Geographic Datum of 1984 (AGD66/84). Heights are referenced to the Australia Height Datum (AHD) heights. For most practical purposes GDA94 coordinates and satellite derived (GPS) coordinates based on the World Geodetic Datum 1984 (WGS84) are the same.

Aerial
Photography: 2019

Contour
Interval: ...

Projection: MGA94 Zone 55

Cost: ...

Date: 21/10/2021

Drawn By: GIS Section

UNAMED CREEK

Duramana & Mount Rankin

Map Scale (A4): 1:70,000

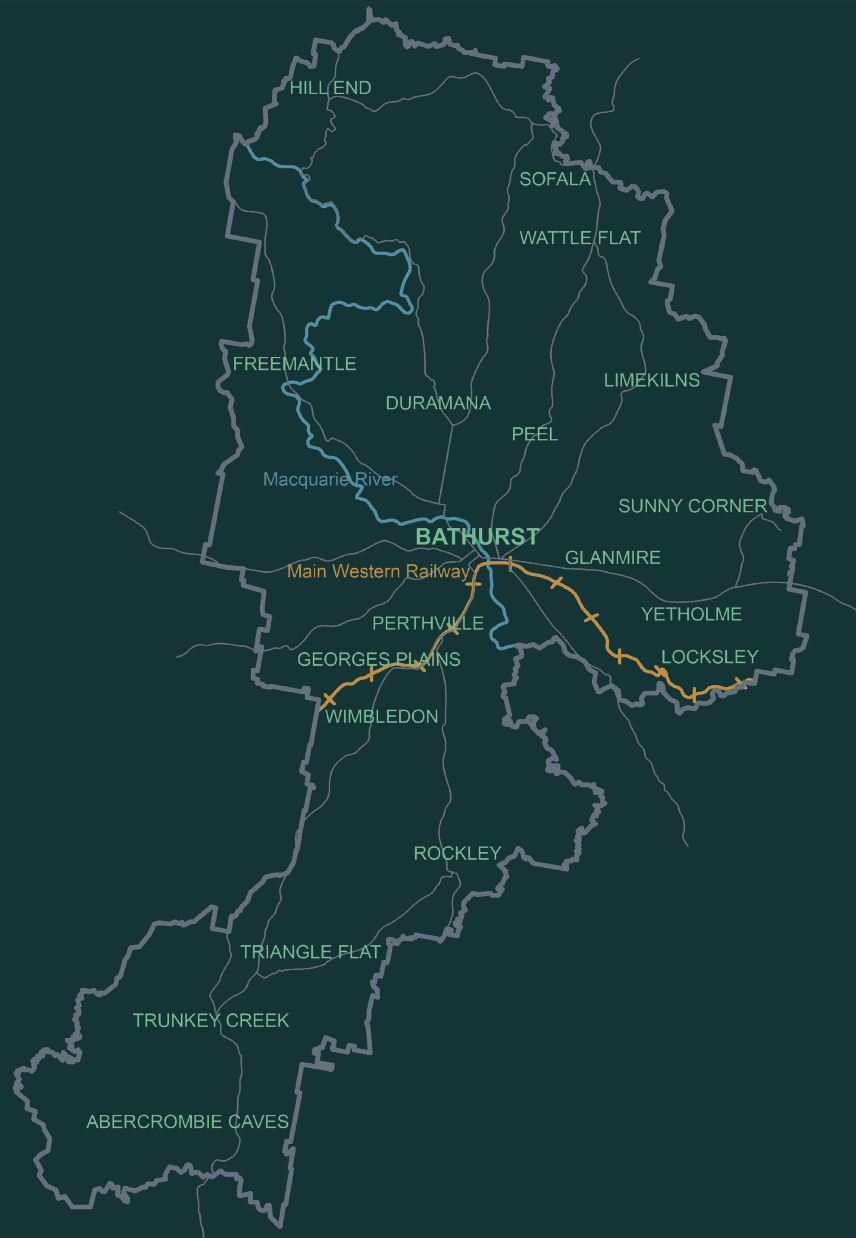


Critically Endangered Grassy Box-gum Woodland at Albens Reserve,
Mount Panorama Wahlen

State of the Environment Snapshot 2020-21



BATHURST
REGIONAL
COUNCIL



Bathurst LGA

The local community helped develop the Bathurst 2040 Community Strategic Plan which is an agreed plan to protect our values.

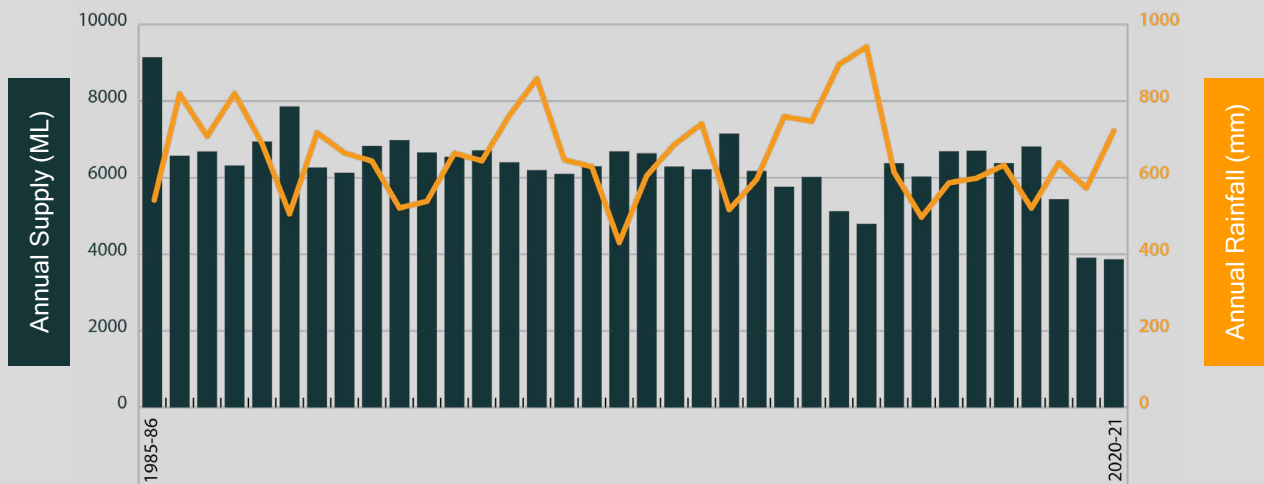
The Community Strategic Plan identifies five strategies which underpin the objective to be good environmental stewards:

- Protect and improve natural areas and ecosystems, including the Macquarie River and other waterways
- Protect the City's water supply
- Minimise the City's environmental footprint, live more sustainably and use resources more wisely
- Protect and improve the region's biodiversity
- Increase resilience to natural hazards and climate change

The 2020/21 State of the Environment Report helps us track our progress towards this objective.



Water



The 'Let's Make it Last' education campaign focused on helping residents and businesses maintain a reduction in water use during and after the drought.

Bathurst town water supply comes from Chifley Dam. At the end of the reporting period Chifley Dam was at **100%**, up from **38.7%** at June 2020.

Water use by households is strongly correlated to rainfall.

level 3

(High level) water restrictions since 28 August 2020

130

average litres per person per day

7.8%

more domestic water used than previous year

1

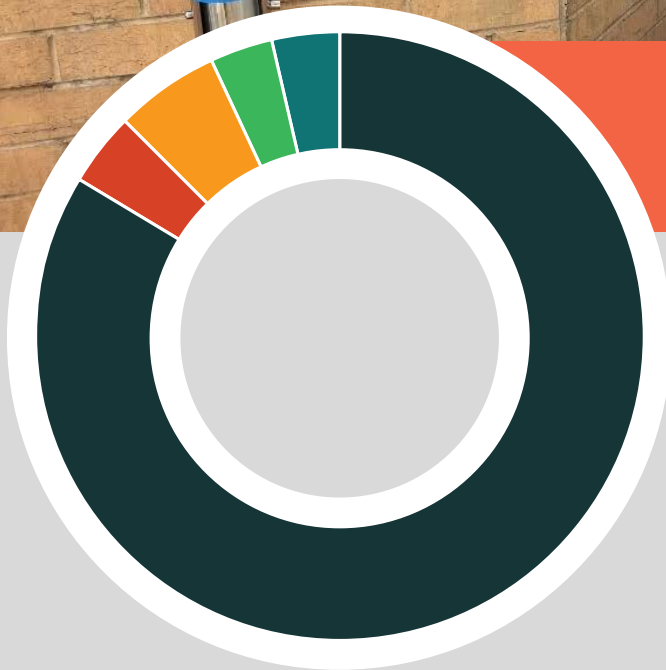
litre per person per day increase since the previous June

182

thousand litres of water used per household



Waste



- 50042 tonnes of General Waste to Landfill (Kerbside and delivered to WMC)
- 2370 tonnes of Green Waste delivered to WMC
- 2278 tonnes of Organics kerbside collection
- 1917 tonnes of material collected kerbside for recycling
- 2101 tonnes of recycled material at WMC

18 thousand cigarette butts littered in the CBD each week.

93.7% reduction after Council anti-littering campaign

1 cigarette butt can pollute up to 1,000 litres of river water

Cigarette butt littering

Littering impacts on waterways as toxins from cigarette butts and plastics enter rivers and creeks via stormwater systems.

15% of kerbside collected material and waste delivered to the Waste Management and Transfer stations was diverted from landfill

The reporting period saw an 18% increase over the previous 8 years in the amount of general waste delivered to landfill, which may be attributed to a 148% increase in development activity.

Council works with other agencies including the NSW Environment Protection Authority, Forestry Corporation and NSW Police and the local community to **monitor** activity, and to **identify** and **penalise** illegal dumpers or litterers.

Illegal dumping is a **costly issue** for Bathurst ratepayers. In **2020/21** Council Officers investigated **81 illegal dumping matters** and issued **several** penalty infringements.

15Council facilities
with Solar Panels**593.6**

kW installed

748tonnes CO₂e in
avoided greenhouse
gas emissions**42.3**kW
average system
size**6.4%**of Council's electricity
consumption derived
from its own solar

Council's Renewable Energy profile



Energy

RENEWABLE ENERGY ACTION PLAN

Adopted June 2020

- Target of 15% improved electricity efficiency 2018/19 to 2023 with a 14% improvement achieved by 2020/21
- 25% of Council operations powered by Renewable Energy by 2023 and 50% by 2025

0.93 tonnesannual carbon dioxide
(equivalent) emissions
per resident

Did you know?

0.93 tonnes is close to the carbon emissions of a 6,300km flight from Sydney to Singapore.

Total electricity use for the whole of the Bathurst Regional Council Local Government Area has been relatively stable 2013-14 to 2019-20. Business use has declined but this has been offset by increasing energy use in homes as house numbers have grown. Energy exported to the grid from small scale solar continues to increase.

Council participated in a regional electric vehicle infrastructure program to identify the best locations to install charging stations to meet the growing demand through the region. The report means that Council is project ready when grants are open as part of the \$490 million NSW Electric Vehicle Strategy. Did you know? An electric vehicle that receives its electricity from the grid, which includes coal power stations, still results in half the carbon emissions of an equivalent sized petrol car! An electric vehicle charged from green power has zero carbon emissions.

Due to ongoing efforts, energy use at Council facilities per resident is declining.

This year it was 1,464 Megajoules per resident. Council spend on electricity and gas was \$2.97 million. The 2020-21 decline can be partly attributed to reduced water pumping due to water restrictions and increased rainfall, the continued deployment of energy efficient LED Street Lights, other efficiency projects and additional solar installations.

Helpful hint:

MW = a Megawatt or one million watts, could provide enough instant power for 650 Australian homes

National energy use | COVID-19 restrictions

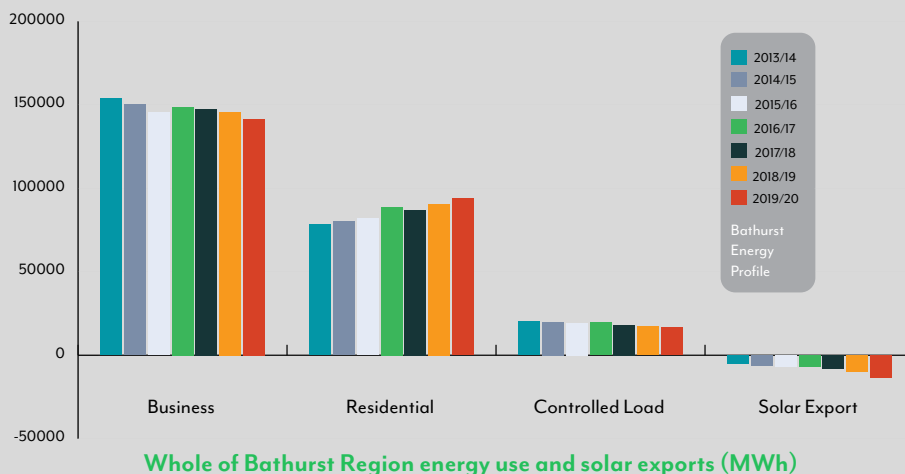
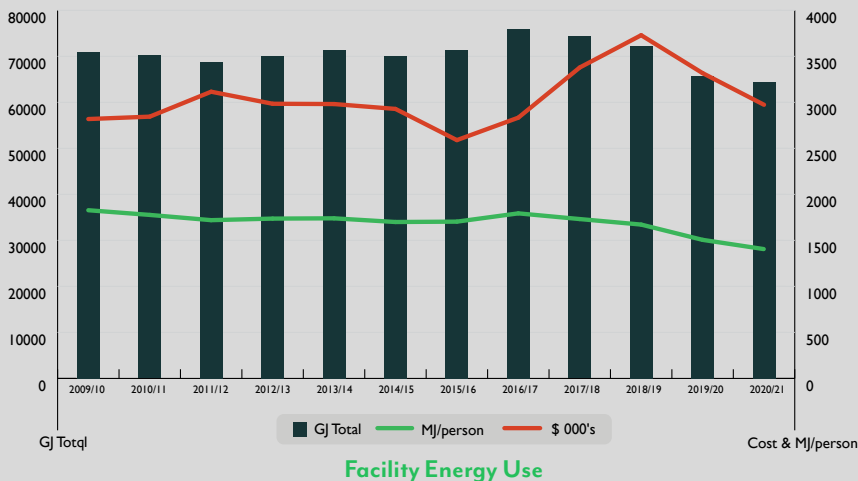
30% of Australia's electricity came from renewable sources 20-21.

Total 12-month emissions to February 2021 dropped by 7.4% before increasing by 2% at May 2021. Transport emissions were 6% lower in 2020 compared to 2019.

Large solar and wind, and rooftop solar are the only type of electricity generation achieving sustained growth as coal, gas and hydro are steady or in decline.

(The Australia Institute 2020)

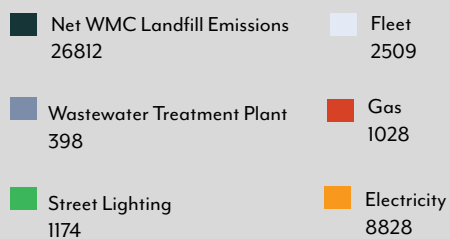
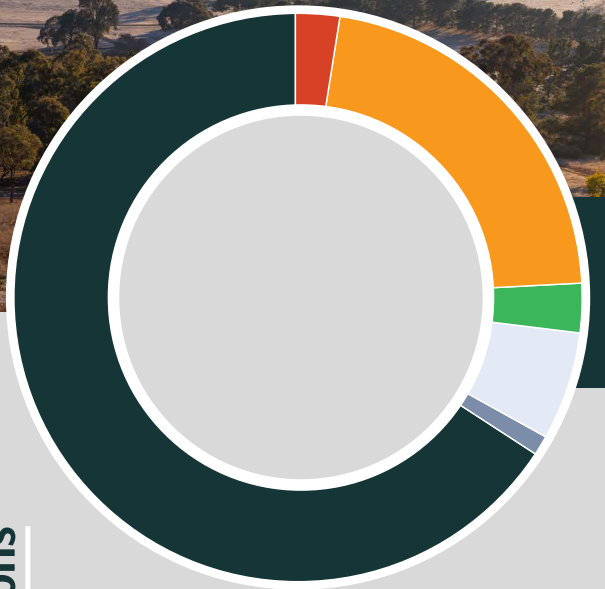
**By June 2021
5100 solar
systems =
30.8 MW
solar
installed by
the Bathurst
Community**



**Weather
conditions
(cold and hot
temperatures
and drought)
influence
energy use
of Council
operations by the
need to pump
the town water
supply and to
heat and
cool Council
facilities.**

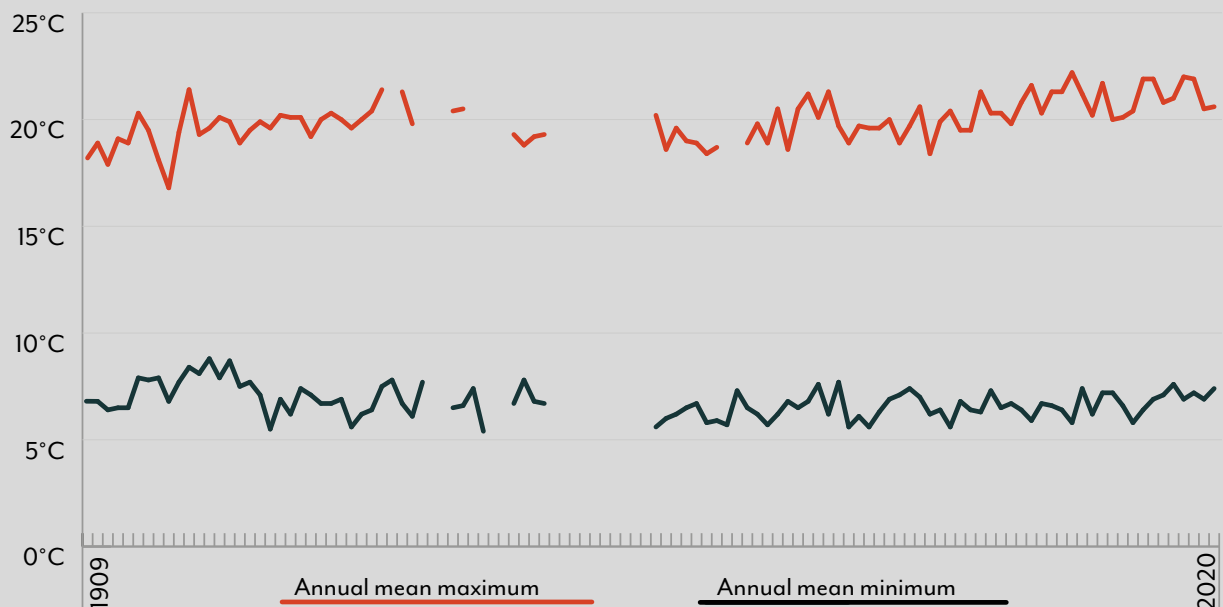
Climate

BRC Co₂ emissions



Weather is the daily temperature, wind, rain that we experience.

Climate is the trend or average over a long period of time.

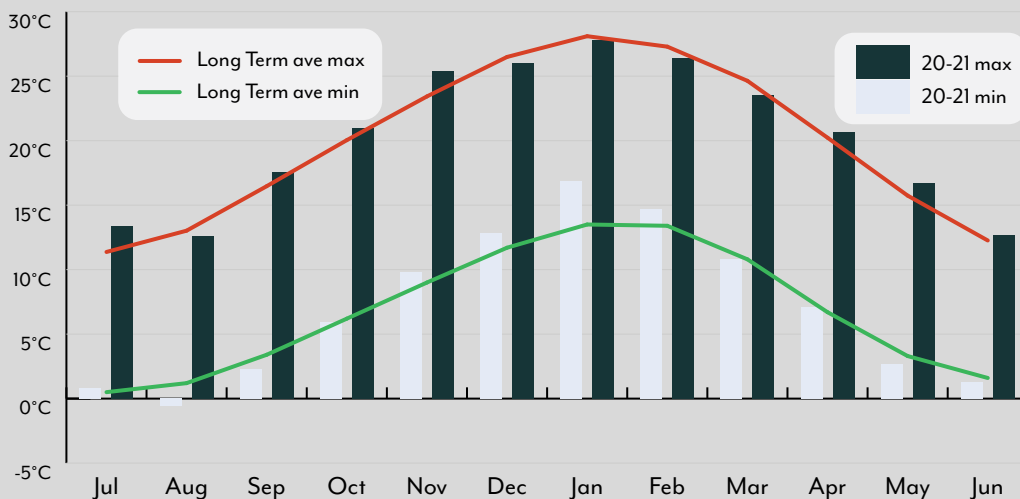


Attachment 8.2.6.1

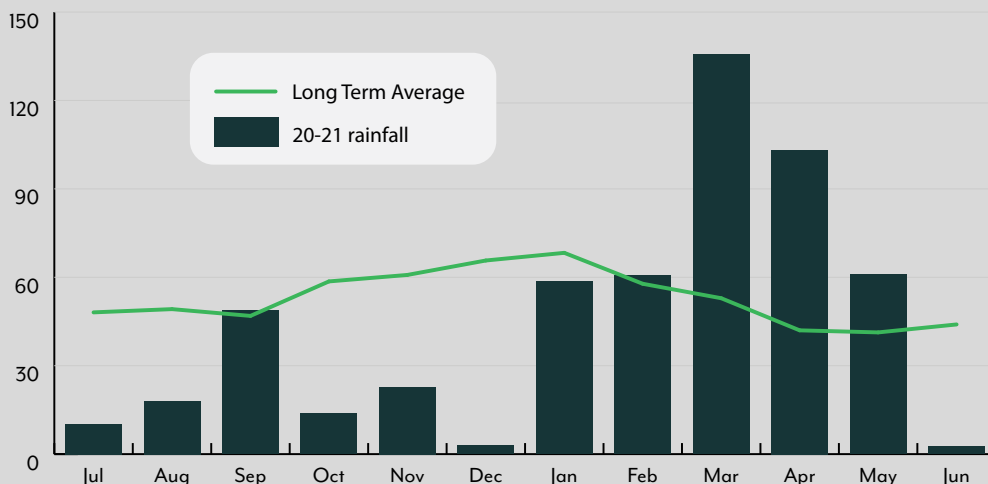
Temperatures during 2020-21, were consistent with the long-term average. July, November and May were the only months that were more than 1°C outside (above) average temperatures. Rainfall was highly variable with records between 1mm (April 2021) and 135.2mm (March 2021). The annual total rainfall was 722.7mm; 87.1mm above the long-term average.

There are large scale or global drivers of climate that influence local weather conditions. The Bureau of Meteorology and other agencies monitor changes in the El Niño–Southern Oscillation, the Indian Ocean Dipole and the Southern Annular Mode, which impact wet and dry patterns, as well as global warming which also impacts rainfall patterns, heat waves and storm intensity.

Weather



Maximum and Minimum Temperatures compared to long-term average



The long-term trend is for increasing average temperatures. Temperature data, recorded at the Bathurst Agricultural Research station since 1909, demonstrates that that annual maximum temperatures since around 1996 exceeded the previous fifty year's averages.



Biodiversity

Protecting our Waterways

The NSW Environmental Trust funded Queen Charlotte's Vale Creek Royal Rehabilitation Treatment Project, which commenced in March 2020, aims to establish native riparian vegetation along 700m of Queen Charlotte's Vale Creek by undertaking woody and herbaceous weed control, the installation of 700m wildlife friendly rural fencing, and the planting of 4000 locally occurring native trees, shrubs and grasses.

Habitat restoration

Over twenty community volunteers came together on the eve of National Threatened Species Day (7 September) to plant 72 native riparian trees along the banks of the Macquarie Wambuul River. The environmental rehabilitation project aims to increase roosting habitat for the threatened Grey-headed Flying-fox and improve riparian vegetation condition downstream of the Bathurst Wastewater Treatment Plant and the City of Bathurst.

Backyard Rangers

Council received grant funding from the Federal Government Communities Environment Program to get nest boxes installed in backyards and local parks, and record local species.

220

nest boxes, insect hotels and Backyards for Wildlife books provided to the community

630

local animal, plant and fungi species uploaded to the Backyard Ranger project on iNaturalist

500

local residents, students and Landcare members participated in the project

3000

observations recorded as a result of ongoing participation by local residents

2016–21 State of the Environment Report

A State of the Environment (SoE) Report is an important management tool which aims to provide the community and Local Council with information on the condition of the environment in the local area to assist in decision-making.

Since 2007, the Councils of the Greater Central West Region of NSW (see map) have joined to produce Regional SoE Reports as part of Council reporting requirements.

NSW legislation means that Councils are not required to produce SoE reports each year, but in the year of the Council election. However, the participating Councils have decided to continue reporting on an annual basis so that they can provide a detailed SoE report that covers trends in the intervening years.

The 2020 Council elections were postponed until 2021 due to the COVID-19 pandemic. Being the year of the Council election, this SoE report responds to the requirement in the *Local Government Act 1993* that Councils measure and report on the progress of the environmental objectives or strategies in their Community Strategic Plan (CSP).

This report lists Council's environmental strategies, identifies appropriate indicators to measure them and briefly reports on trends in these indicators since the last Council election (2016). It also discusses any major environmental impacts on the environmental strategies between 2016 and 2021.

Environmental Strategies

In the Bathurst 2040 CSP, there are five strategies under Objective 3: Environmental stewardship:

Strategy 3.1 Protect and improve our natural areas and ecosystems, including the Macquarie River and other waterways

Strategy 3.2 Protect the City's water supply

Strategy 3.3 Minimise the City's environmental footprint, live more sustainably and use resources more wisely

Strategy 3.4 Protect and improve the region's biodiversity

Strategy 3.5 Increase resilience to natural hazards and climate change

Environmental Indicators

Over 100 indicators have been identified and used to measure the state of the environment across the Greater Central West region using data compiled over the past five years. The indicators are categorised into five themes:

1. Land
2. Biodiversity
3. Water and Waterways
4. People and Communities
5. Towards Sustainability

The table below shows how Council's Environmental Strategies are measured by the Environmental Indicators detailed in the remainder of the report.

ENVIRONMENTAL STRATEGY	ENVIRONMENTAL INDICATORS
Strategy 3.1 Protect and improve our natural areas and ecosystems, including the Macquarie River and other waterways	Land, Biodiversity, Water and Waterways
Strategy 3.2 Protect the City's water supply	Land, Water and Waterways
Strategy 3.3 Minimise the City's environmental footprint, live more sustainably and use resources more wisely	People and Communities, Towards Sustainability
Strategy 3.4 Protect and improve the region's biodiversity	Biodiversity
Strategy 3.5 Increase resilience to natural hazards and climate change	Water and Waterways, Towards Sustainability

Trends/Environmental Impacts

Land There was an increase in the number of potentially contaminated sites due to ongoing monitoring. The number of land use conflict complaints to Council also rose in the last five years. With increasing urbanisation particularly around Bathurst, there was an increase in the number of development applications submitted to Council. The extent of mining increased significantly in the past five years, although the number of exploration titles declined in the past two years.

Biodiversity There was a slight increase in the extent of protected land (national park estate) in the last five years. Council improved its roadside vegetation management plan and the number of complaints it received related to clearing declined from last year. The stocking of native fish was at its highest level for four years. The number of priority weeds continued to rise across the LGA.

Water and Waterways Some indicators showed a decline in water quality in local streams possibly attributed to the drought experienced in the past five years. However, there was increased community effort to improve riparian corridors. Commercial irrigation activity rose slightly, although the amount of water used by Council to irrigate its sports fields generally fell. The

consumption of town water decreased over the past five years in concert with high levels of water restrictions.

People and Communities The number of hours of environmental volunteering fell over the past five years due to COVID-19 restrictions, although the number of environmental programs rose. The air quality was worse in 2019-20 due to the bushfires in the area. Council maintained a high level of

activity in the management of indigenous and non-indigenous heritage.

Towards Sustainability The total amount of waste sent to landfill gradually rose over the past five years, although the amount of recovered garden organics and e-waste also increased. Council's greenhouse gas emissions declined mainly due to its reduction in electricity use and uptake of renewable alternatives e.g. solar.

Land

Issue	Indicator	2016-17	2017-18	2018-19	2019-20	2020-21	Trend
Contamination	Contaminated land sites - Contaminated Land Register (number)	0	0	0	0	0	→
	Contaminated land sites - potentially contaminated sites (number)	398	500	635	642	643	↓
	Contaminated sites rehabilitated (number)	4	3	2	3	4	↑
Erosion	Erosion affected land rehabilitated (ha)	0		0		0	→
Land use planning and management	Number of development consents and building approvals	662	675	661	599	892	↓
	Landuse conflict complaints (number)	5	1	0	8	8	↓
	Loss of primary agricultural land through rezoning (ha)	29	0	0	0	0	↑
Minerals & Petroleum	Number of mining and exploration titles				163	92	↑
	Area covered by mining and exploration titles (ha)	110,000	106,000	93,955	140,000	192,000	↓

↑ improvement → no or little change ↓ worsening trend

Note - the trend is based on comparing the average of the four previous years of reporting with 2020-21

Biodiversity

Issue	Indicator	2016-17	2017-18	2018-19	2019-20	2020-21	Trend
Habitat Loss	Total area in the National Parks Estate (ha)	16,677	16,677	16,676	16,676	17,285	↑
	Total area of State Forests (ha)	12,276	12,276	12,276	12,276	12,316	→
	Total area protected in Wildlife Refuges (ha)				8,262	6,691	↓
	Area protected in conservation reserves & under voluntary conservation agreements (ha)	1,937	1,996	2,050	1,861	1,902	↓
	Extent of Traveling Stock Reserves in LGA (ha)			324	340	315	→
	Proportion of Council reserves that is bushland/remnant vegetation	45%	20%	19%	19%	0%	↓
	Habitat areas revegetated (Ha)	15	2	2	4	1	↓
	Clearing complaints (number)	1	1	2	10	9	↓
	Roadside vegetation management plan (Yes//No)	Yes	Yes	Yes	Yes	Yes	→
	Roadside vegetation rehabilitated (ha)	0	1	4	9	8	↑
Threatened Species	State Threatened species listed (number)				102	102	→
	Threatened species actions implemented (e.g. PAS, recovery plans) (number)	4	5	5	7	5	↓
	Fish restocking activities: native species (number)	77,612	22,755	38,000	7,000	46,500	↑
Priority weeds and feral animals	Fish restocking activities: non-native species (number)	67,334	26,667	20,825	28,000	35,950	↓
	Number of declared priority weeds	95	95	96	98	104	↓
	Invasive species under active management (number)	13	13	14	15	19	↑

People and Communities

Issue	Indicator	2016-17	2017-18	2018-19	2019-20	2020-21	Trend
Active community involvement	Environmental volunteers working on public open space (hours)	3,224	2,734	2,260	2,116	2,167	↓
	Number of environmental community engagement programs	12	12	12	11	13	↑
	Number of growers markets/local food retailers specialising in local food	5	5	5	6	6	↑
Community Impacts	Number of days that air pollution maximum goals for particulate matter were exceeded*	0	3	12	84	0	↑
Indigenous Heritage	Number of Indigenous sites on AHIMS register	275	300	328	341	366	↑
	Inclusion in DCPs & rural strategies (Yes/No)	Yes	Yes	Yes	Yes	Yes	→
	Extent of liaison with Indigenous communities (self-assessed from 0 = none to 3 = High)	3.0	3.0	3.0	3.0	3.0	→
	Development approvals on listed Indigenous sites (number)	1	1	1	1	1	→
	Number of Indigenous heritage management actions/responses	0	0	0	8	1	↓
Non-Indigenous Heritage	NSW Heritage Items (number)	34	34	34	34	35	↑
	Locally listed heritage items (number)	341	342	342	344	353	↑
	Actions to protect non-indigenous heritage (including management plans) (number)	6	6	8	8	8	↑
	Heritage buildings on statutory heritage lists demolished/degraded in past year (number)	0	1	0	2	0	↑
	Heritage buildings on statutory heritage lists renovated/improved in past year (number)	10	6	22	11	19	↑

Water and Waterways

Issue	Indicator	2016-17	2017-18	2018-19	2019-20	2020-21	Trend
Riparian	<i>E.coli</i> remote from wastewater treatment plants (per 100ml)	810	1,200	890	1,106	298	↑
	Riparian vegetation recovery actions (number)	10	9	8	15	18	↑
	Riparian vegetation recovery area (ha)	10	1.7	3	12	21	↑
Industrial/Agricultural Pollution	Load Based Licencing Volume (kg)	62,439	47,068	46,197	45,930	55,586	↓
	Exceedances of license discharge consent recorded (number)	0	2	2	0	1	→
	Erosion & Sediment Control complaints received by Council (number)	16	20	44	15	35	↓
Stormwater Pollution	Number of gross pollutant traps installed	7	7	7	7	7	→
	Total catchment area of GPTs (ha)	863	863	863	863	863	→
	Water pollution complaints (number)	14	20	12	17	17	↓
Town Water Quality	Number of instances drinking water guidelines not met	0	0	0	0	2	→
	Number of drinking water complaints	84	87	41	42	83	↓
Water extraction	Number of Water Supply Work Approvals from surface water sources	235			243	243	↓
	Volume of surface water permissible for extraction under licences (GL)	30			27	30	↓
	Actual volume extracted through surface water licences					5.8	→
	Number of Water Supply Work Approvals from groundwater resources	1,533			1,681	1,722	↓
	Volume of groundwater permissible for extraction under licences (GL)	2.3			1.9	2.4	↓
	Actual volume extracted through groundwater licences (GL)	0.01			0.01	0.02	→
Council water consumption	Area of irrigated Council managed parks, sportsgrounds, public open space (ha)	132	134	134	138	139	↓
	Water used by council for irrigation (including treated and untreated) (ML)	246	434	337	293	270	↑
Town water consumption	Annual metered supply (ML)	5,720	6,042	4,875	3,934	4,055	↑
	Annual consumption (Total from WTP) (ML)	6,578	6,819	5,441	3,917	3,829	↑
	Average annual household mains potable water usage (kL)	272.6	297.2	229.4	169.6	182.8	↑
	Average level of water restrictions implemented	0.0	0.0	3.0	5.0	5.0	↓
	Water conservation programs (number)	2	3	5	5	4	→

Towards Sustainability

Issue	Indicator	2016-17	2017-18	2018-19	2019-20	2020-21	Trend
Waste Generation	Total waste entombed at primary landfill (tonnes)	43,608	42,874	40,497	40,392	50,042	↓
	Total waste entombed at other landfills (exc recyclables) (tonnes)	150	150	155	155	160	↓
	Average total waste generated per person (tonnes)	1	1.00	0.94	0.93	1.14	↓
	Average cost of waste service per residential household	\$368	\$377	\$394	\$413	\$432	↓
Hazardous/Liquid Waste	DrumMuster collections (number of drums)	1,514	2,164	1,879	2,109	1,992	↑
	Household Hazardous Wastes collected (kg)	8258	5,090	15,437	2,359	29,174	↑
Reduce	Organics collected (diverted from landfill) (tonnes)	6,429	5,780	6,138	5,358	7,191	↑
	E-Waste collected (diverted from landfill) (tonnes)	8	19	29	16	33	↑
Recycle	Volume of material recycled (tonnes)	2,951	3,684	4,360	3,012	4,144	↑
	Volume of material recycled per person (kg)	70	86	101	69	94	↑
Littering and illegal dumping	Number of illegal waste disposal complaints to Council	108	129	147	135	81	↑
Engineering, Infrastructure and Civil Works	New road construction (km)	4	6	5	0.93	1	↑
	Road upgrades (km)	55	53	80	42	53	↑
Risk Management	Flood management plans/ flood mapping - increase in area covered (ha)	0	0	0	0	0	→
	Hazard reduction burns (number)	0	1	1	0	1	↓
Climate Change Mitigation	Office paper used by Council (A4 & A3 reams)	3,539	2,641	2,288	2,724	1,578	↑
	Council sustainability initiatives (number)	26	27	28	33	35	↑
	Council mitigation initiatives (number)	5	6	8	9	9	↑
Council Greenhouse Gas Emissions	Annual electricity consumption for Council controlled facilities (MWh)	15,289	15,289	14,746	13,220	11,874	↑
	Annual natural gas consumption for Council controlled facilities GJ	15,107	14,958	15,845	14,545	17,867	↓
	Annual bottled gas consumption for Council controlled facilities (L)	1,686	2,205	3,065	1,693	1,595	↑
	Total fuel consumption (KL)	857	858	876	915	970	↓
	Proportion of Council's electrical energy demand met from council-owned renewable energy infrastructure	3.0%	4.1%	4.4%	5.3%	6.6%	↑
	Council total operational greenhouse gas emissions (tCO ₂ -e/year)	38,492	29,636	30,798	35,111	22,263	↑
Community Greenhouse Gas Emissions	Small scale renewable energy uptake (kW installed)	1,071	2,176	3,837	5,165	7,289	↑
	Number of solar water heaters and heat pumps installed	19	19	10	10	13	↓



CASE STUDY: Bathurst Regional Council Renewable Energy Action Plan (Bathurst LGA)

Energy savings actions and renewable energy projects undertaken by Bathurst Regional Council have demonstrated there is a strong business case and community support for further action. Key benefits are reduced operational costs, flow on social and economic benefits as resources are redirected and enhanced environmental outcomes.

In 2020, Bathurst Regional Council adopted a Renewable Energy Action Plan which sets out Council's strategy and action plan to minimise its dependence on fossil fuel energy sources. It has a primary focus on alternatives to grid-sourced electricity, but also considers and makes recommendations about transitioning away from natural gas and liquid fossil fuels.

The plan employs an energy management hierarchy which prioritises energy efficiency actions. The plan includes an:

- Electricity efficiency target of 15% in comparison with 2018-19 electricity consumption of 15,069 MWh.

The plan also sets the following renewable electricity targets:

- Renewable Target 1 - 25% of Council's electricity consumption to be from renewable sources by 2023
- Renewable Target 2 - 50% of Council's electricity consumption to be from renewable sources by 2025

Current State and Commonwealth policy settings, uncertainty in the electricity market and rapidly evolving technology in the renewable energy and storage space make it prudent to set short- and medium-term targets which can be reviewed and raised, where appropriate, as the renewable market develops. For this reason, a mid-term review of the plan is scheduled for 2023.

The plan explores the strategic drivers for Council to increase its use of renewable energy, considers the state of the electricity market and examines the opportunities available to Council. It also details the actions which have been identified to enable Council to meet the stated energy efficiency and renewable electricity targets. The plan is being used as a working document by Council to drive operational change and increased efficiency.

The Renewable Energy Action Plan is available on the Bathurst Regional Council website
https://bit.ly/BRC_REAP.



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Bathurst Regional Council
PMB 17
Bathurst NSW 2795

	LEGIONELLA MANAGEMENT PLAN
	<i>TEMPLATE</i>
<i>I approve the use of this Standard Operating Procedure:</i> Name: _____ Position: _____ Signature: _____ Date: <u>4/11/2021</u>	

Revision Status:

The document is “CONTROLLED” only as an electronic file. Printed documents are not issued as controlled documents.

Change History

Date	Details of Changes	Version
23/07/2021	Document Created	1

LEGIONELLA MANAGEMENT PLAN

PURPOSE

The purpose of the Legionella Management Plan is to minimise the risk of transmissions of Legionellosis (Legionnaires Disease) from the built environment to susceptible hosts.

The principal goals of the Management Plan are to ensure that:

- All regulated cooling water systems and warm-water systems are registered in accordance with the Public Health Act, 2010, Public Health Regulation, 2012 and the Public Health Amendment (Legionella Control) Regulation 2018.
- All cooling water systems as defined by the Public Health Act, 2010 shall comply with legislation in respect to installation, commissioning, operation and maintenance.
- Building occupiers understand and adhere to their responsibilities of installing, operating and maintaining cooling water systems in accordance with the Public Health Act, 2010, Public Health Regulation, 2012 and the Public Health Amendment (Legionella Control) Regulation 2018.
- All cooling water towers within a cooling water system are to be issued with a Council specific Unique Identifying Number (UID)
- All cooling water systems must have a current Risk Management Plan (RMP) and be annually audited by an approved independent auditor.
- All cooling water systems may be inspected by a Council officer upon receipt of latest RMP to ensure compliance with Public Health Legislation.
- Standard operating procedures for cooling water systems is to be followed.

BACKGROUND AND RELATED LEGISLATION

Within most local government areas the built environment will contain cooling water systems and warm water systems. These systems can provide an ideal breeding ground for *Legionella* bacteria. The *Legionella* bacteria can cause a type of pneumonia (an infection of the lung), which can be fatal, known as Legionnaires' disease and/or Pontiac fever (a mild flu-like illness). The disease has an incubation period from 2 to 10 days for the symptoms to develop after inhaling the bacteria. The *Legionella* bacteria are transmitted through aerosols.

Outbreaks of Legionnaires' disease occur from time to time but are preventable. *Legionella* bacteria can grow in poorly operated and maintained cooling water systems and warm-water systems, particularly those systems which are not maintained in a clean condition and continuously treated with a biocide to control *Legionella* bacteria, algae and biofilms.

Hundreds of residents, workers and visitors may be potentially exposed to this health hazard on a daily basis if systems are not properly installed, commissioned, operated and maintained.

The Public Health Act, 2010 (the Act) and Public Health Regulation, 2012(the Regulation) and the Public Health Amendment (Legionella Control) Regulation 2018 control various water and air systems in the built environment. These systems are known as 'regulated systems' and include:

- Cooling water systems
- Hot water systems
- Humidifying systems
- Warm water systems
- Air handling systems

However, Council is only responsible for maintaining a register of warm water systems and cooling water systems. Council is responsible for the regulation of cooling water systems only.

The purpose of the Act and Regulation is to ensure occupiers of buildings comply with minimum legislative responsibilities in order to prevent or prohibit the growth of micro-organisms in these regulated systems that are liable to cause Legionnaires' disease and other diseases.

Related legislation includes:

- NSW Public Health Act, 2010
- NSW Public Health Regulation, 2012
- Public Health Amendment (Legionella Control) 2018
- AS/NZS 3666.1: 2011 Air-handling and water systems of buildings - Microbial control - Design, installation and commissioning
- AS/NZS 3666.2: 2011 Air-handling and water systems of buildings - Microbial control - Operation and maintenance
- AS/NZS 3666.3: 2011 Air-handling and water systems of buildings - Microbial control – Performance based maintenance of cooling water systems.

SCOPE

This plan applies to all buildings in the local government area utilising a cooling water system. The plan will assist Council to inform the following persons to ensure compliance with the regulatory requirements in order to minimise the potential for outbreaks of Legionnaires' disease:

- Developers
- Architects
- Building occupiers
- Council authorised officers
- Other stakeholders

DEFINITIONS

To assist in interpretation, the following definitions apply as defined by the Public Health Act, 2010 includes but is not limited to mean any of the following:

Term	Definition
Warm Water System	Being a system designed to heat and deliver water at a temperature of less than 60°C at each outlet point.
Cooling water System	Being: <ul style="list-style-type: none"> (i) a device for lowering the temperature of water or other liquid by evaporative cooling, or (ii) an evaporative condenser that incorporates a device containing a refrigerant or heat exchanger together with its associated equipment and pipe work.
Occupier	The owner of a premises (e.g. building) on which a cooling water system is located; the person entitled to occupy the premises (e.g leaseholder or tenant); or the owners corporation of premises under a strata scheme. The occupier is responsible for ensuring that their cooling water system is managed (installed, operated and maintained) in accordance with the Act and Regulation.
Duly Qualified Person (DQP)	A person who installs, operates, or maintains the cooling water system on a routine basis. This person is typically employed by a water treatment company, mechanical services company, or other industry organisation. The Regulation allows the occupier to carry out this role, if they meet the definition of DQP.

PLAN

1. Regulation of warm water systems and cooling water systems

Council will regulate water- cooling systems through a review of documentation and inspections as required. A fee in accordance with the adopted Fees and Charges Policy is applicable.

1.1 Review of cooling water systems and warm water systems.

Warm water systems are required to be registered with Council; however, the NSW Public Health Unit is responsible for the monitoring, testing and inspection on warm water units. The building occupier will be required to complete the Approved NSW Health Approved *Form 6 – Notification of installation or change in particulars* to ensure Council's register is maintained up to date and accurate.

Cooling water systems are required to be registered with Council; the building occupier will be required to provide the annual audit report using NSW Health Approved *Form 2 – Audit Report* for all cooling water systems to ensure compliance. If any details change in between audit times Council must be notified using NSW Health Approved *Form 6 –Notification of installation or change in particulars* to ensure Council's register is maintained up to date and accurate.

1.2 Inspection of cooling water systems

In addition to reviewing annual audits, cooling water systems may be inspected at the discretion of Council after an updated Risk Management Plan completed on NSW Health Approved Form - 1 *Risk Management Plan (RMP)* has been received by Council. When conducting the inspection, Council's authorised officer should:

- Make an appointment with the appropriate person responsible for the regulated system, or in the case of an emergency, present themselves at reception, advise that they are at the premises to conduct an inspection and request to speak to an appropriate person.
- Conduct the inspection at a reasonable time.
- Provide proof of identity when requested.
- Adhere to any occupational health and safety requirements applicable whilst in attendance.
- Record all non-compliances.
- Provide a written report on all outcomes from the inspection.
- Answer any questions relating to the report or other related matters.
- Be courteous and fair throughout the inspection.
- Exercise discretion when required in all of the above matters.

1.3 Re-inspection

Council may undertake a re inspection (where required) to enforce compliance with legislation. A re-inspection will be undertaken for all non-compliances where the risk is considered greater than low and the non-compliance cannot be immediately rectified. A re-Inspection fee will be applied.

1.4 Verbal warnings

Council's Authorised Officers may issue verbal warnings for non-compliances where the risk of the non-compliance is considered low or can be immediately rectified.

1.5 Written warnings

Council may issue a written warning (letter) for non-compliances where the risk of the non-compliance is considered low, is the first offence and not an immediate risk to public health.

1.6 Improvement Notice

Council may issue an improvement notice for non-compliance with the Public Health Act 2010, Public Health Regulation 2012, where non-compliance/s present a medium to high risk or where a warning has previously been issued.

1.7 Penalty Notice

Council may issue a penalty notice where a business fails to rectify non-compliances or where the risk of non-compliance is considered medium to high.

1.8 Prohibition Order

A prohibition order may be issued on a business failing to comply with Public Health Act 2010, Public Health Regulation 2012, where continued operation of a business, use of specific rooms or equipment presents a serious risk to public health.

2. Council's responsibilities and requirements

2.1 Register and provide a Unique Identifying Number

Council must maintain a register of all warm-water systems and cooling water systems throughout the local government area.

All cooling water towers within a cooling water system must have a Unique Identifying Number displayed on each tower. This number is issued by a Council Officer and must contain Councils NSW Health appointed Council acronym. For example, **BRC-0001- 01**

2.2 Inspections

Environmental Health Officers are authorised under the NSW Public Health Act to undertake inspections of cooling water systems and take action where a system does not comply with applicable legislation.

2.3 Reporting

A local government authority must on request make its register available for inspection without charge by the Secretary, a public health officer or an officer of the Ministry of Health authorised by the Secretary.

2.4 Receipt of a Notification of Reportable Test Results

Occupiers must notify Council within 24 hours of receiving a reportable test result using NSW Health Approved Form 4 – *Notification of reportable test result*. Upon receiving a notification Council will liaise with the NSW Public Health Unit as to what steps they have taken and what if any steps Council needs to take. A copy of the submitted form will be placed on file.

3. Responsibilities and requirements for building occupiers

The responsibility for a cooling water system varies according to the circumstances. Generally, the prime responsibility for a regulated system rests with the occupier of the premises where the cooling water system is located.

3.1 Occupier

The occupier of the part of premises (operation area) on which the cooling water system is situated is responsible for the proper installation, commissioning operation and maintenance of the regulated system in accordance with the Act and Regulations.

The occupier is also required to register the cooling water system and provide a certificate of completion of a Risk Management Plan to the local authority. The building manager, if engaged by the occupier, is the agent of the occupier and the occupier still bears the legal responsibility for the cooling water system.

3.2 Installation

A cooling water system must be installed and commissioned in accordance with AS/NZ 3666.1:2011. If a cooling water system is not installed as required, then both the installer and the occupier of that part of the building where the system is installed (whether the occupier is the owner or not) are both guilty of an offence.

The occupier must be given both an operation manual and a maintenance manual for the system by the installer, each of which must comply with the requirements for such manuals set out in AS/NZS 3666.2:2011. The operating manual should depict the water treatment process and include:

- Physical details (drawing)
- Operating procedures
- Shut down procedures
- Emergency contact details
- Contractor contact details
- Decontamination procedures

Manuals should be periodically reviewed by site owners/occupiers to incorporate amended legislation, standards, codes and industry practices. Manuals shall be kept onsite adjacent to the cooling water systems or in a clearly identified location in proximity to the installation. A person in charge of the facility must be familiar with the location of these manuals.

3.3 Operation

Cooling water systems must be operated in accordance with AS/NZS 3666.2:2011. A cooling water system must be equipped with a disinfection procedure that is in operation at all times and that is designed to control microbial growth so that:

- (a) The level of Legionella in the system is less than 10 colony-forming units per millilitre (cfu/mL) , and
- (b) The heterotrophic colony count (HCC) in the system is less than 100,000 colony-forming units per millilitre(cfu/mL)
- (c) There must be safe and easy access to a cooling water system for the purpose of the cleaning, inspection and maintenance of the system.

3.4 Notification of reportable results

The occupier of premises on which a cooling water system is installed must ensure that any reportable test results are provided, in the approved form 4, to the local government authority for the area no later than 24 hours after they are received by the occupier.

Reportable test results mean the results of a laboratory test of a cooling water system carried out that show either of the following:

- (a) The number of colony-forming units for *Legionella* is greater than or equal to 1,000 colony-forming units per millilitre,
- (b) The heterotrophic colony count is greater than or equal to 5,000,000 colony-forming units per millilitre.

The Occupier may put in place contractual agreements allowing the duly qualified person or laboratory to notify the local government authority of a reportable test result on their behalf.

3.4 Maintenance

The Public Health Regulation 2012, *Part 2 Legionella Control*, outlines the required Australian Standards for the maintenance of regulated systems. These are:

- Warm water systems
 - (a) Must be operated and maintained as required by AS/NZS 3666.2:2011, and
 - (b) There must be a safe and easy access to a warm-water system for the purpose of the cleaning, inspection and maintenance.
 - (c) Maintenance carried out on a warm-water system must comply with the document entitled *Water-Requirements for the provision of cold and heated water* published by the Ministry of Health.
- Cooling water systems
 - (a) Must be maintained in accordance with AS/NZS 3666.3:2011, and
 - (b) A cooling water system must be maintained in accordance with the control strategies set out in Table 3.1 (for legionella) and Table 3.2 (for heterotrophic micro-organisms) of that standards, and
 - (c) The risk assessments for a cooling water system that are required must be conducted in accordance with subdivision 3 of the Public Health Amendment (Legionella Control) Regulation 2018.

If the occupier fails to ensure that the cooling water system is operated and maintained properly then the occupier is guilty of an offence.

3.5 Records

The occupier of premises on which a cooling water system is installed must ensure that each of the required documents is either:

- (a) Kept on the premises, and made available for inspection on request by an authorised officer, or
- (b) Kept electronically, and made available for inspection, on request by an authorised officer, within 4 hours of the request.

Required documents, in relation to a cooling water system, means each of the following:

- (a) The documentation of the risk assessment
- (b) The notice of the risk assessment
- (c) The documentation of each audit of compliance with the risk assessment that was carried out in the last 60 months
- (d) The notice provided of each such audit of compliance
- (e) The reports of each monthly testing and inspections carried out in the last 60 months
- (f) The operating and maintenance for the system
- (g) All records of the maintenance and service of the system.

If the occupier fails to ensure that the cooling water system is operated and maintained properly then the occupier is guilty of an offence.

3.6 Registration

Under legislation, the occupier of the part of the premises where a cooling water system or warm water system is installed must notify the local Council of the following particulars:

- The address and telephone number of the premises on which the system is installed
- The name and contact details of the occupier of the premise (including residential address, e-mail address and home, business and mobile telephone numbers)
- The Australian Business Number (ABN) or Australian Company Number (ACN) if any, of the occupier of the premise
- The type of system

These particulars must be notified to the Council within one month after the person becomes the owner or occupier of the premise or if there is an alteration of the above details.

4. Disease management and outbreak responses

NSW Health and its Public Health Unit are responsible for coordinating a case investigation and outbreak response under the relevant notifiable disease protocols. Notification is affected by medical practitioners and laboratories to the Director General of NSW Health.

Council Officers should notify the local Public Health Unit:

- Upon receipt of a notification of reportable test results. Council will liaise with the NSW Public Health Unit as to what steps they have taken and what if any steps Council needs to take.
- Multiple failures occur or when a cooling water tower has been unregistered and/or has incomplete/outdated maintenance records; or
- If a member of the public notifies Council of a health concern regarding Legionnaire's disease.

5. Fees and charges

In accordance with section 608(3) of the Local Government Act 1993, Council is able to recover costs of inspecting cooling water systems. A fee for these inspections can be adopted by Council each year and any applicable fees can be listed in Council's Revenue Policy for that year.

6. Training, appointment, and competency of Authorised Officers

6.1 Appointment of Authorised Officers

An Authorised Officer is a person appointed under the Public Health Act.

6.2 Powers of Authorised Officers

For the purposes of this Act, an authorised officer may, at any reasonable time, do any one or more of the following:

- Enter the premises at any reasonable time in order to find out whether or not a system on the premises is a regulated system
- Inspect and test any system on the premises
- Investigate whether or not the prescribed operating requirements, and the prescribed maintenance requirements, have been complied with in relation to any regulated system on the premises
- Require the production of, and inspect, any records required by the regulations to be kept in relation to the operation and maintenance of any regulated system on the premises.

6.3 Competency and training of Authorised Officers

Environmental Health Officers have a key role in auditing premises and assisting NSW Health in outbreak investigations during which local knowledge is essential.

Council will support the attendance of relevant officers at training courses, as they become available.

Workplace Health and Safety applies in all situations involving the inspections of cooling water towers, all officers shall be provided with appropriate PPE (eye protection, P2 rated respirator and gloves) to safely conduct inspections.

7. Further information and support

Bathurst Regional Council Environmental Health Section can be contacted on 6333 6111 to answer any questions regarding Legionella control.

Further information and guidance on public health matters is available from NSW Health through its local Public Health Unit on 1300 066 055. Further information and guidance is also provided on the Legionella control webpage: <https://www.health.nsw.gov.au/environment/legionellacontrol/Pages/default.aspx>

The following NSW Health link contains factsheets which summarise the new requirements for occupiers of cooling water systems: <https://www.health.nsw.gov.au/environment/legionellacontrol/Pages/factsheets.aspx>

POLICY:	TREE PRESERVATION AND MANAGEMENT POLICY
DATE ADOPTED:	Director Environmental Planning & Building Services Meeting Report #1 Council 16 December 2013 Minute Book No. 11690-11691
ORIGINAL ADOPTION:	
FILE REFERENCE:	20.00143
OBJECTIVE:	To protect, preserve, manage and enhance the environmental amenity, special landscape characteristics and the ecological values of trees within Heritage Conservation areas of the Bathurst Regional Local Government Area (LGA).

1. OBJECTIVES OF THE POLICY

The objectives of this Policy are to:

- To define Council's responsibilities and requirements with respect to the protection, retention and enhancement of trees covered by this Policy.
- Protect trees within Heritage Conservation areas of the Bathurst Regional Local Government Area as identified in Schedule 5 of the Bathurst Regional Local Environmental Plan (LEP) 2014.
- Identify trees that may be pruned or removed without a Tree Permit.
- Protect and enhance native vegetation, habitat for native fauna and biodiversity within the Bathurst region.
- Conserve trees of ecological, heritage, aesthetic, cultural and local significance.
- Detail requirements for the submission of sufficient and relevant information by applicants, and rights of appeal against Council's decisions.

2. DEFINITIONS

The following definitions apply to the Tree Preservation and Management Policy:

Arboriculture means cultivating and managing trees as individuals and in small groups for amenity purposes.

Arborist means a qualified person who has attained a minimum of a Certificate (**Level 3**) of Arboriculture or equivalent qualification, based upon the Australian Qualification Framework, and is specifically employed to prune and remove trees.

Authorised Officer means a Council Officer responsible for assessing and administering Tree Preservation Permits, or the Manager Recreation.

Bushfire hazard reduction work has the same meaning as in the Rural Fires Act 1997.

Consulting Arborist means a qualified Arborist who has attained a Diploma (**Level 5**) of Arboriculture or equivalent qualification, based upon the Australian Qualification Framework.

Crown means that part of any single tree containing the branches, leaves, flowers and fruit that is the entire area of the foliage supported by the branches.

Dead tree means any tree that is no longer capable of performing any one of the following processes:

- a) Photosynthesis;
- b) Take up of water through the root system;
- c) Hold moisture in its cells; or
- d) Produce new shoots.

Destroy means any activity leading to the death, disfigurement or mutilation of a tree.

Dripline means a line formed around the outer perimeter of the crown.

Exempt tree means a tree (excluding a tree within the curtilage of a Heritage Item) which is any of the following:

- a) The following table provides a list of trees which are exempt:

Exempt Tree List	
Botanical name	Common name
Eucalyptus nicholii	Narrow Leaved Black Peppermint
Acacia Spp	Wattles
xCupressocyparis leylandii	Leylandii Pines (all varieties)
Salix Spp	Willow
Ligustrum lucidum	Privet
Robinia pseudoacacia	Robinia
Gleditsia triacanthus	Locust
Populus Spp	Poplars

- b) A noxious weed under the Noxious Weeds Act 1993.
- c) A dead tree.

Habitat tree means any tree which is a nectar feeding tree, roost and nest tree or a hollow-bearing tree which is suitable for nesting birds, arboreal marsupials (possums), micro-bats or which support the growth of locally indigenous epiphytic plants such as orchids.

Height means the distance measured vertically between the horizontal plane of the lowest point of the base of the tree which is immediately above ground and the horizontal plane of the uppermost point of the tree.

Injury means damage to a tree and includes:

- a) lopping and topping;

- b) poisoning, including applying herbicides and other plant toxic chemicals to a tree or spilling of oil, petroleum, paint, cement, mortar etc. onto the root zone or parts of the tree;
- c) cutting, tearing, breaking or snapping of branches and roots that is not carried out in accordance with accepted arboricultural practices or is done for invalid reasons, including vandalism;
- d) ring-barking, scarring the bark when operating machinery, fixing objects by nails, staples or wire or fastening materials that circle and significantly restrict the normal vascular function of the trunks or branches;
- e) damaging a tree's root zone by compaction or excavation, asphyxiation including unauthorised land filling or stockpiling of materials around the tree trunk;
- f) underscrubbing, unless carried out by hand tools such as brushcutters and the like.

Noxious weed means a plant declared noxious under the Noxious Weeds Act 1993.

Prescribed tree means any woody plant which is:

- a) greater than nine (9) metres in height; or
- b) has a stem diameter of one (1) metre or more at a height of one (1) metre from the ground; or
- c) has a branch spread of fifteen (15) metres or more; or
- d) is not an exempt tree.

and to which clause 5.9 of the Bathurst Regional Local Environmental Plan 2014 applies.

Private land means any land in private ownership by individuals or companies but excludes land owned or in the care, control or management of Council, a Crown Authority, government department or statutory authority.

Pruning means the removal of any branch or root, dead or alive, from a tree which conforms to the pruning types defined within the Australian Standard AS4373 Pruning of Amenity Trees. The pruning types are: dead wooding, crown thinning, selective pruning, formative pruning, reduction pruning, crown lifting, remedial pruning and line clearance, but excludes lopping or topping.

Remnant tree or vegetation means a native tree or any stand of native vegetation which remains in the landscape after removal of the majority of the native vegetation in the locality.

Remove means to cut down, take away or transplant a tree from its place of origin.

Tree means a woody perennial plant, typically having a single stem or trunk growing to a considerable height and bearing lateral branches at some distance from the ground.

3. APPROVALS

~~Clause 5.9 of the Bathurst Regional Local Environmental Plan 2014~~ Section 13.2.3 of the Bathurst Regional Development Control Plan 2014 states that a person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree to which section 13.2 of the Bathurst Regional Development Control Plan 2014 applies, without development consent or a permit being granted by Council.

Any work where root severance or grade changes within the root zone of a prescribed tree is likely, then an application for a Tree Permit must also be submitted.

In accordance with section 13.2 of the Bathurst Regional Development Control Plan 2014, the Tree Preservation and Management Policy covers the following sites/locations:

- a) all heritage items as listed under schedule 5 of the Bathurst Regional Local Environmental Plan 2014, and
- b) all Heritage Conservation areas ~~within-listed under Schedule 5 of the Bathurst Regional Local Government Area, being: Environmental Plan 2014.~~
 - ~~Bathurst Heritage Conservation Area~~
 - ~~Evans Plains Heritage Conservation Area~~
 - ~~Hill End Heritage Conservation Area~~
 - ~~Kelso Heritage Conservation Area~~
 - ~~Peel Heritage Conservation Area~~
 - ~~Perthville Heritage Conservation Area~~
 - ~~Rockley Heritage Conservation Area~~
 - ~~Sofala Heritage Conservation Area~~
 - ~~Trunkey Creek Heritage Conservation Area~~
 - ~~Wattle Flat Heritage Conservation Area~~
 - ~~West Bathurst Heritage Conservation Area~~

Outside the identified Heritage Conservation areas, a tree permit is not required to remove, lop or prune a tree.

Three processes have been established to deal with the assessment and determination of applications for the removal, lopping and pruning of trees:

- a) Prescribed Tree Permit Application; or
- b) Exempt Tree Notification Form; or
- c) Development consent as part of a development application.

4. PRESCRIBED TREE PERMIT APPLICATION

A prescribed tree permit application **must** be lodged with Council to ringbark, cut down, top, lop, remove, injure or wilfully destroy any **prescribed tree** located in a heritage conservation area (not a listed Heritage Item).

A Prescribed Tree Permit Application Form, signed by the owner of the land where the tree is located and any other relevant property owner(s), is to be lodged with Council prior to the removal of the prescribed tree.

Note 1: A copy of your drainage diagram may be obtained from Council and used as the site plan for your prescribed tree permit application.

Note 2: Where a property forms part of a Strata Plan under the Strata Schemes (Freehold Development) Act 1973, or the Strata Schemes (Leasehold Development) Act 1986, or a Community Title Scheme (under the Community Land Development Act 1989), the written consent of the Body Corporate and their common seal is required. This authorises the lodgement of the application for the specific type of works to be undertaken.

Note 3: Where a tree is growing on a common property boundary the ownership will need to be determined by the relevant parties, for example by survey.

Note 4: Removal of the tree is not permitted until a permit or Development Application has been issued by Council.

5. EXEMPT TREE NOTIFICATION FORM

An exempt tree notification form is to be lodged with Council to remove, lop, top or cut down an **exempt tree** that:

- a) is greater than nine (9) metres in height; or
- b) has a stem circumference of one (1) metre or more at a height of one (1) metre from the ground; or
- c) has a branch spread of fifteen (15) metres or more.

Note 1: A copy of your drainage diagram may be obtained from Council and used as the site plan for your prescribed tree permit application or exempt tree notification form.

Note 2: Where a property forms part of a Strata Plan under the Strata Schemes (Freehold Development) Act 1973, or the Strata Schemes (Leasehold Development) Act 1986, or a Community Title Scheme (under the Community Land Development Act 1989), the written consent of the Body Corporate and their common seal is required. This authorises the lodgement of the application for the specific type of works to be undertaken.

Note 3: Where a tree is growing on a common property boundary the ownership will need to be determined by the relevant parties, for example by survey.

Note 4: Removal of the tree is permitted upon lodgement of the Exempt Tree Notification Form with Council. A permit is not issued by Council for exempt trees.

Note 5: It is the property owners' responsibility to:

- a) ensure that the species of tree that is to be removed is the species identified in the definition of an exempt tree.
- b) seek the advice of a qualified arborist or horticulturalist to confirm the species, and
- c) provide evidence of the species by photograph attached to the document; "Exempt Tree Notification Application" form, prior to the removal of the tree.

6. DEVELOPMENT CONSENT

An application for the removal of a **prescribed tree** may be lodged concurrently with a development application. A Development Application is also required for the removal of **any tree (prescribed or exempt)** within the curtilage of a Heritage Item listed on either Schedule 5 of the Bathurst Regional LEP 2014 or the State Heritage Register.

Accompanying a Development Application, the following information is required:

- a) A site plan of the site showing the location of the tree(s) to be removed or pruned, include location of any building(s).
- b) An Arborist's report, where in the opinion of Council, such a report is warranted.
- c) A Statement of Heritage Impact, where in the opinion of Council, the tree's removal is likely to have a significant impact on the Heritage Item or the Heritage Conservation Area.

NOTE: Removal of the tree is not permitted until the Notice of Determination for the Development Application has been issued by Council.

7. EXCLUSIONS

The following list defines works that do not require a Prescribed Tree Permit, an Exempt Tree Notification or development consent for their removal, lopping or pruning:

- a) Tree(s) that are less than nine (9) metres in height, have a trunk circumference of less than one (1) metre when measured at a height of one (1) metre from the ground and has a branch spread of fifteen (15) metres or less.
- b) Any works to a Prescribed Tree carried out by, or on behalf of, Bathurst Regional Council.
- c) Prescribed Tree(s) that require pruning in accordance with the provisions of Section 48 of the Electricity Supply Act 1995 and the Electricity Supply (General) Regulation 2001. This exclusion does not apply to tree trunks, only to branches up to 50mm in diameter and within 1 metre of private service lines.
- d) Where bushfire hazard reduction work is undertaken as authorised by the NSW Rural Fire Service under the Rural Fires Act 1997.
- e) Any works to make safe a Prescribed Tree where there is an immediate threat of injury to persons or damage to property provided that contact has been made with Council's Authorised Officer and verbal approval has been provided, or to comply with a direction from an Emergency Service directive. Evidence must be provided by an Arborist at the earliest possible time following the elimination of the threat.
Note: This does not negate the need for an application to be submitted at the earliest opportunity upon the elimination of the threat of injury or damage.
- f) The pruning and deadwood removal of a prescribed tree that is undertaken in accordance with AS4373 Pruning of Amenity Trees, and undertaken for the purpose of preserving the tree structure, health and amenity.

8. ADDITIONAL INFORMATION REQUIREMENTS

Council may require additional supporting information (at the applicant's cost) for a Prescribed Tree Permit Application or for a Development Application, which may include, but not be limited to, the following:

- (a) Arborist's report;
- (b) Tree survey;
- (c) Flora and fauna impact assessment;
- (d) Geotechnical or structural engineer's report;
- (e) Plumber's report;
- (f) Details of proposed root barriers;
- (g) Medical certificate from a clinical immunologist/allergy specialist in cases where the removal or pruning of a tree is requested due to quality of life health issues (e.g. allergies);
- (h) Survey of property boundary to determine ownership of the tree(s);
- (i) Statement of Heritage Impact.

Sewerage pipe damage - Any roots causing damage to a pipe must be retrieved and identified, and documented evidence offered relative to the specific identification of the culprit tree from where the roots originated. In cases where a tree has caused damage to a sewer, the application must include written evidence from a licensed plumber stating the extent of the problem. This is necessary given that damage to a sewer is often unidentifiable from the natural ground surface level.

Structural damage by roots (heave, matrix suction) – any roots causing structural damage to a driveway, foundation, slab etc. must have supporting evidence provided relative to the identification of the culprit tree responsible for the damage. Evidence may include, but not be

limited to, root mapping (ground penetrating radar, air spade), or laboratory root identification (microscopy, DNA).

9. INSTALLATION OF SOLAR PHOTO VOLTAIC PANELS & HOT WATER SYSTEMS

Where a Prescribed Tree Permit Application or Development Application is lodged requesting removal or pruning of tree(s) for the installation of solar PV panels or solar hot water systems, Council will require a preliminary assessment from the installers outlining the extent that the tree(s) will impact upon the PV panels, taking into account summer and winter sun elevations.

Further evidence in the form of shadow diagrams prepared by an architect/draftsman who is unrelated to the installation process may be required.

Council will then make an assessment of the tree(s) taking into consideration the health, structure, and significance of the tree(s) e.g. outstanding specimen tree, locally significant species.

If the tree(s) are considered to be of local or regional significance to the area by Council's arborist, an alternative location for the installation of solar panels may need to be investigated.

If the tree(s) are considered to be healthy and structurally sound but of little significance to the local amenity and environment, Council may allow the removal of the tree(s) upon receipt of documentation that the solar panels have been installed. The significance of a tree should be determined by lodging a Prescribed Tree Permit or Development Application prior to the installation of any solar PV panels or solar hot water system.

10. ARBORIST REPORTS

An arborist report may be required in the following circumstances to support a Prescribed Tree Permit application or Development Application:

- (a) Any proposed removal of trees considered by Council to be locally significant species.
- (b) Any proposed removal of trees or vegetation which constitutes a threatened flora species, endangered population, endangered ecological community under the Threatened Species Conservation Act 1995 or the Environment Protection and Biodiversity Conservation Act 1999; or
- (c) Where, in the opinion of Council, the proposed works may result in adverse impacts upon the scenic environmental quality or amenity of the locality; or
- (d) Where a Development Application under the Environmental Planning and Assessment Act 1979 involves more than five (5) trees and/or other vegetation or where proposed works may impact upon a neighbouring tree or trees located outside of the area proposed for works.

An arborist report is to be prepared by an arborist and contain the following information in accordance with AS 4373 Pruning of trees and AS4970 Protection of trees on development sites:

- a) Name, address, telephone number, qualifications and experience of the arborist carrying out the inspection and reporting.
- b) Who the report was prepared for, the date of the report, property address and the aims of the report.
- c) Methods and/or techniques used in the inspection.
- d) A scaled plan accurately showing:

- i) Location of trees on the subject site and any adjoining trees which may be affected by the development. Trees identified on this plan should be numbered. Any arborist report provided for the purpose of supporting a development application must include a tree plan (site plan) which has been drawn by a registered surveyor.
- ii) Lot boundaries, dimensions and north point
- iii) Proposed development including services, driveways and any alteration to existing levels and drainage.
- e) For each tree to be injured, a table showing:
 - i) The number of the tree as indicated in the plan.
 - ii) Tree name, botanical and common name.
 - iii) Age class.
 - iv) Height.
 - v) Trunk diameter at one (1) metre above ground level.
 - vi) Crown spread.
 - vii) Health and condition, and estimated useful life expectancy.
 - viii) Photograph of the tree.
 - ix) A recognised tree rating system such as SRIV, TREE-AZ or SULE.
- f) A discussion of other relevant information, including details of tree hollows for wildlife, tree structure/weaknesses, root form and distribution, pests and diseases and tree hazard assessment.
- g) Proposed replacement plantings, landscaping and soil remediation.
- h) Tree protection measures and a post-construction tree maintenance program which can be used as conditions, should the application be approved.

A consulting arborist report is required to be provided to Council in the following circumstances:

- (a) To support an appeal of the determination or the conditions imposed on a Prescribed Tree Permit application or
- (b) A request for a review of a determination of a Development Application made in accordance with section 82A of the Environmental Planning and Assessment Act 1979.

A consulting arborist report is to be prepared by a consulting arborist and contain the following information in accordance with AS 4373 Pruning of trees and AS4970 Protection of trees on development sites:

The consulting arborist report is to be in the following format:

- a) Name, address, telephone number, qualifications and experience of the arborist carrying out the inspection and reporting.
- b) Who the report was prepared for, the date of the report, property address and the aims of the report.
- c) Methods and/or techniques used in the inspection.
- d) A scaled plan accurately showing:
 - i) Location of trees on the subject site and any adjoining trees which may be affected by the development. Trees identified on this plan should be numbered. Any consulting arborist report provided for the purpose of supporting a development application must include a tree plan (site plan) which has been drawn by a registered surveyor.
 - ii) Lot boundaries, dimensions and north point.
 - iii) Proposed development including services, driveways and any alteration to existing levels and drainage.

- iv) The Tree Protection Zone and Structural Root Zone as determined by the consulting arborist.
- e) For each tree to be injured, a table showing:
 - i) The number of the tree as indicated in the plan.
 - ii) Tree name, botanical and common name.
 - iii) Age class.
 - iv) Height.
 - v) Trunk diameter at one (1) metre above ground level.
 - vi) Crown spread.
 - vii) Health and condition, and estimated useful life expectancy.
 - viii) Photograph of the tree.
 - ix) A recognised tree rating system such as SRIV, TREE-AZ or SULE.
- f) A discussion of other relevant information, including details of tree hollows for wildlife, tree structure/weaknesses, root form and distribution, pests and diseases and tree hazard assessment.
- g) Proposed replacement plantings, landscaping and soil remediation.
- h) Tree protection measures and a post-construction tree maintenance program which can be used as conditions, should the application be approved.
- i) Sources of information referred to in the report.
- j) Any other relevant matters.

NOTE:

With respect of either an arborist report or a consulting arborist report, any tree or part of a tree recommended for removal which contains a hollow that is likely to house arboreal wildlife (such as possums, sugar gliders, etc.) or is likely to be a potential nesting site for birds, will require an experienced wildlife handler (for example, a member of the Native Animal Network Association or WIRES) to be present at the time of pruning/removal to re-accommodate any displaced wildlife. Nesting boxes are recommended to be installed within the closest retained trees for any animals removed. At least one nest box is recommended for installation for each hollow removed that has been considered to have accommodated wildlife (irrespective of whether the hollow had an animal in it at the time of removal/assessment).

A letter signed by the wildlife handler is required by Council after the removal/pruning exercise as confirmation that the handler was present at the time of removal/pruning.

11. PROCESSING OF APPLICATIONS

A prescribed tree permit application will generally be processed within twenty-one (21) working days from the date of receipt of the application form together with all supporting documentation, including the application fee. The application fee will be determined in accordance with Council's adopted fees and charges.

A written permit will be provided for all approved prescribed tree permit applications authorising the scope and nature of permitted works. In the case of an application being refused the reasons for refusal will be detailed in a letter to the applicant.

For each tree that is granted approval for removal, a minimum of one (1) replacement tree will be required to be planted within the property, unless Council's authorised officer determines otherwise.

12. ASSESSMENT CRITERIA USED TO DETERMINE APPLICATIONS

Council may take into consideration any or all of the following criteria when assessing an application for the removal of a prescribed tree:

- (a) Potential life of the tree – whether the tree is senescing or declining.
- (b) Whether the tree is causing structural damage to a building, structure, pipe or sewer.
Note: A report may be required by a suitably qualified and experienced consultant where the damage is not visually evident.
- (c) Whether the tree is severely stressed, diseased or is suffering insect damage and without the opportunity for mitigation.
- (d) Whether the growth habit or mature size of a tree is undesirable in a given situation (e.g. power lines, root interference with service, infrastructure or building).
- (e) Whether the tree shows poor form, shape and/or vigour typical to the species.
- (f) Where the branches are dangerous and overhanging a building or an adjoining property. In this case, the assessing Council officer will determine the amount of pruning permitted to address any public nuisance issue.
- (g) Whether the tree species is appropriate in terms of its proximity to dwellings, adjoining dwellings or other buildings.
- (h) Whether the clearing or removal of the tree or other vegetation has the potential to directly or indirectly affect a threatened species, population, ecological community or their habitats (Threatened Species Conservation Act 1995).
- (i) Whether the tree species is of regional significance (i.e. identified regionally as a rare species due to heavily cleared or under-represented vegetation community).
- (j) Whether the tree is of local significance and is considered relatively rare or has limited distribution or is a critical indigenous species.
- (k) Whether the removal of the tree(s) will pose any adverse impact upon the amenity or scenic environmental quality of the locality.
- (l) Whether the removal of the tree(s) is necessary as part of any bushfire hazard reduction work under the Rural Fires Act 1997.
- (m) Whether the removal of the tree(s) involves a habitat tree (e.g. nesting tree or roosting tree) for any threatened fauna species.
- (n) Whether the removal of the tree(s) will cause any potential adverse slope instability or geotechnical impacts upon the site or the locality.
- (o) Whether the removal of the tree (s) is part of an endangered population, endangered ecological community or is critical habitat for any threatened fauna species.
- (p) Whether the applicant has provided a medical certificate from a clinical immunologist/allergy specialist which states that the pruning or removal of a tree is necessary for maintaining quality of life.
- (q) Whether any previous condition of development consent required the retention of the tree(s).

13. REASONS NOT CONSIDERED AS JUSTIFICATION FOR TREE WORK

These are common requests for tree removal/works which generally provide insufficient reason for a permit or approval to be issued:

- (a) Shedding of flowers, leaves, bark, twigs, fruit, and sap causing nuisance.
- (b) Animals (insect, bird, bat, possum etc.) that inhabit trees causing nuisance.
- (c) To enhance amenity views.
- (d) Damage to underground services (such as sewer lines, water services and the like), where there are alternatives to mitigate and retain the tree.
- (e) Construction of fences.
- (f) Minor heave (lifting) of paths, paving, fences and minor structures where mitigation is not appropriate.
- (g) Tree does not suit the existing or proposed landscape.
- (h) Unsubstantiated fear of tree failure.

- (i) Tree removal for fire hazard reduction, where the property is not within a bushfire prone area as defined by the Rural Bush Fire Service.
- (j) Tree is considered to be too large or high.
- (k) Pruning to reduce height.
- (l) To increase solar access unless sufficient evidence is provided.
- (m) To allow for a proposed development.

NOTE:

For trees that would be affected under a Development Application Process, tree removal or other work requests that have been presented and documented as part the development application will be considered within the development assessment process. For trees that require works / removal due to a Development Application approval, but the tree (s) have not been specifically assessed in the DA, the Development approval will not be regarded as a valid reason for removal / works to trees under a prescribed tree permit application.

14. APPROVAL VALIDITY PERIOD

A prescribed tree permit is valid for five (5) years from the issue date.

15. RIGHTS OF APPEAL AGAINST A COUNCIL DECISION

An applicant who is dissatisfied with Council's decision has a right to appeal the decision of the prescribed tree permit or the conditions imposed on the prescribed tree permit.

An application to appeal the decision of Council or the conditions imposed on a permit must be lodged within 3 months of the determination and supported by a consulting arborist's report prepared in accordance with this Policy.

Additional information is to be provided by an expert in the relevant field, for example, a consulting arborist or structural engineer.

An appeal will be reviewed by another qualified Council assessment officer and may be determined either under delegated authority or may be reported to Council for its determination.

16. COMPLIANCE AND MONITORING

A prescribed tree permit or development consent may be monitored by Council for compliance with the tree permit issued.

Any works carried out without approval or not in accordance with a prescribed tree permit or development consent will be dealt with in accordance with relevant legislation. This may result in a Penalty Infringement Notice or legal action through either the Local Court or the Land and Environment Court against all parties involved in any breach of Bathurst Regional Local Environmental Plan 2014 or conditions of approval.

17. REQUESTS FOR WORK / REMOVAL OF TREES ON COUNCIL OWNED OR MANAGED LAND

Correspondence may be sent by adjoining property owners or occupants requesting that Council carry out the pruning or removal of a tree(s) within any public reserve, road reserve (street trees) or other property owned or managed by Council. Verbal requests may also be made directly with Council's Engineering Department for registration in Council's Customer Request Management System.

All requests for pruning or removal of trees or other vegetation within Council owned or managed land will be forwarded to Council's Recreation Section for assessment.

The result of the assessment will determine whether approval will be granted for the pruning or removal of the subject tree(s) and this will be based upon the assessment criteria contained in this Policy. Requests for tree work which are not deemed appropriate for action are outlined within this Plan. All approved works will be carried out as and when resources permit.

18. THREATENED SPECIES CONSERVATION ACT 1995

Any action such as clearing or removal of trees or other vegetation has the potential to directly or indirectly affect a threatened species, population, ecological community or their habitat. Therefore, an assessment may be required pursuant to Part 5A of the Environmental Planning and Assessment Act 1979 or Part 6 of the Threatened Species Conservation Act 1995.

The clearing or removal of any threatened flora species, endangered population, endangered ecological community or critical habitat under the Threatened Species Conservation Act 1995 requires separate approval from the Office of Environment and Heritage.

19. ENVIRONMENTAL PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999

The clearing or removal of remnant trees or other native vegetation which is listed as a "matter of national significance" under the Environment Protection and Biodiversity Conservation Act 1999 requires the separate approval from the Commonwealth Minister for the Environment.

20. TREE DISPUTES ARISING BETWEEN NEIGHBOURS

It is not the role of Council to intervene in neighbourhood disputes regarding trees. Conflicts may be resolved through legal avenues. The Trees (Disputes Between Neighbours) Act 2006 allows tree disputes to be heard by the NSW Land and Environment Court in certain circumstances. You should seek your own independent legal advice in relation to this matter.

POLICY:	CONTROL OF OPEN BURNING
DATE ADOPTED:	Director Environmental, Planning & Building Services Report #1 Policy 3 September 2014 Council 17 September 2014 Minute Book No. 11854 & 11855
ORIGINAL ADOPTION:	Director Environmental, Planning & Building Services Report #1 Policy 1 April 2009 Council 15 April 2009 Minute Book No. 10645
FILE REFERENCE:	13.00030
OBJECTIVE:	To establish guidelines for the safe burning on private land with minimal health and environmental impact.

1. BACKGROUND

The Protection of the Environment Operations (POEO) (Clean Air) Regulation (~~2021~~2002) allows Councils to approve open burning of material in certain instances and in certain areas. The POEO (Clean Air) Regulation (~~2021~~2002) s 6E states that:

- (2) A person must not burn any vegetation:
 - (a) in the open, or
 - (b) in an incinerator,
 in a local government area specified in Part 2 of Schedule 18 except in accordance with an approval.
- (3) A person must not burn anything (other than vegetation):
 - (a) in the open, or
 - (b) in an incinerator,
 in a local government area specified in Part 3 of Schedule 18 except in accordance with an approval.

Bathurst Regional Council is listed in Schedule 8 of the Protection of the Environment Operations (Clean Air) Regulation (~~2021~~2002) Part 2: Areas in which burning of vegetation is prohibited except with approval; and, Part 3: Areas in which all burning (other than vegetation) is prohibited except with approval or in relation to certain domestic waste.

2. AIM

The aim of this policy is to ensure the protection of the public health and the environment.

Further, this policy aims to reduce actions that may impact upon the quality of air and/or increase the risk of wildfire.

NOTE: This document outlines the procedure to gain **approval** to conduct a burn outside the declared Fire Danger Period. During the Declared Fire Danger Period a **permit** to burn is required from the NSW Rural Fire Service. To determine if the activity you are proposing is

exempt from the Council approval process, see Section 7. Burning activity where approval is not required.

3. LAND TO WHICH THIS POLICY APPLIES

This policy applies to all land within the Bathurst Regional Council Local Government Area.

4. BENEFITS

The indiscriminate burning of waste in the open can increase the levels of fine particulate material in the air which can impact upon community health. The main health effects of fine particulate material include:

- Increased frequency of asthma attacks
- Increased activity restrictions due to adverse lung reactions
- Increased potential for severe respiratory distress and heart attacks
- Increased mortality due to heart disease and respiratory illness.

In conjunction with these human health issues, there are also environmental concerns associated with open burning including:

- Reduced ground vegetation cover
- Increased soil erosion
- Reduced water quality
- Increase risk of fire spread
- Pollution or contamination from burning prohibited items-

This policy aims to reduce the health and environmental impacts associated with open burning. Some materials such as general domestic waste, tyres, paint and treated timber will need to be disposed of appropriately which will further reduce health and environmental risks.

5. BURNING ACTIVITIES FOR WHICH APPROVAL IS REQUIRED

The following information outlines the type of burning for which this policy applies. Other burning activities may require a separate approval from the Rural Fire Service.

- a) General burning for which Council approval is required:

The open burning of dry and dead vegetation that is not easily disposed of at Council Waste Management Facilities. This includes piled timber, fallen trees, limbs, stumps and logs. A fire for recreational activities, piled timber created as part of Asset Protection Zone maintenance, weed control or clearing activities and storm blown trees are included in this category. A Permit to Burn must be obtained from the Rural Fire Service during the Fire Danger Period (usually 1 ~~October~~ to 31 March)

- b) Notification to the Rural Fire Service is required:

Before burning for any purpose (except for a fire for cooking or recreational purposes), notice must be provided to all adjoining landowners/occupiers as well as the Rural Fire Service 24 hours prior to burning.

- c) Burning which is classed as prohibited.

The burning of domestic, business, building, industrial and hazardous waste is classed as a prohibited activity and may have adverse impact upon the community and the environment. This type of material is not to be burnt unless through a licensed incinerator and must be disposed of through the appropriate waste facility.

6. BURNING ACTIVITY WHERE AN APPROVAL IS NOT REQUIRED

Open burning is allowed only on land greater than 2 hectares (20,000m²) and on land zoned ~~4a, 4b, 4e~~ RU1, RU4 and ~~4f-E4~~ under the ~~interim~~ Bathurst Regional Council Local Environment Plan 2014.

Open burning is permitted only during the Approved Open Burning Period (generally April – September) and under the following circumstances:

1. A fire conducted as part of an allowable activity as defined by Schedule 5A of the Local Land Services Act 2013 and in accordance with the self-assessable codes managed by Local Land Services ~~a routine agricultural management activity (eg: burning stubble, orchard prunings, diseased crops, weeds or pest animal habitats, pasture for regenerative purposes or any other legitimate agricultural activity). See 12. Glossary for a full definition of this activity.~~
 2. The disposal of certain types of dry and dead vegetation
 3. An easily controlled fire for cooking or barbecuing, with the fire area covering 1m x 1m or less
 4. To conduct an easily controlled fire for recreational purposes (eg: camping, scouting, and picnicking), excluding bonfires, with the fire area covering 1m x 1m or less
 5. To conduct training in methods of fire fighting by an authorised person
 6. In a licensed incinerator meeting the requirements of the Environment Protection Authority
 7. To carry out bush fire hazard reduction work under and in accordance with the Rural Fires Act (1997)
- NB. You may also need an environmental approval, if:**
- You are modifying native vegetation
 - The activity could threaten endangered species and or result in air or water pollution and or soil erosion
8. To destroy, by burning, of any prohibited plant or drug under the Drug Misuse and Trafficking Act (1985)
 9. To burn an animal that has died or is suspected to have died of a disease proclaimed under the Biosecurity Act 2015 ~~Stock Diseases Act (1923) or the Exotic Diseases of Animals Act (1991).~~

Note: A permit may be available for other rural and recreational zones subject to approval from the Rural Fire Service and Bathurst Regional Council. During the Fire Danger Period and on days of Total Fire Ban and / or Extreme and Catastrophic Fire Danger all burning activities are suspended.

7. RESTRICTED MATERIALS

The following materials must not be burnt at any time within the Bathurst Regional Council area and must be disposed of or recycled in the appropriate manner at a licensed waste facility:

- General or domestic waste
- Furniture
- Pallets
- Grass clippings
- Tyres

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- Timber waste produced from a business activity
- Coated wires
- Paint containers and residues
- Solvent containers and residues
- Timber treated with copper chromium arsenate (CCA) or pentachlorophenol (PCP)
- Any material that may cause an explosion

8. APPROVAL CONDITIONS

Those wishing to conduct an open burn for non-agricultural purposes must first ~~apply by filling out the Open Burn Application Form available from the Council office~~ contact Council's Environmental, Planning and Building Services Department. In most cases an assessment can be conducted over the telephone. In some cases, Bathurst Regional Council officers will be required to conduct a site assessment of ~~all~~ non-agriculturally related burning activities. Once approved, the landowner will receive in writing the Approval to Burn designating a period of up to twenty-one (21) during which the burn may occur.

All non-agricultural burning may be approved subject to the following conditions:

1. The activity must comply with the Section 7 above: Burning Activity Where an Approval is Not Required.
2. The burning activity must not be dangerous or present a risk to any building or land.
- ~~3.~~ 3. Only dry and dead vegetation which grew on the premises may be burnt on the premises.
- ~~4.~~ 4. Must be greater than 100m away from other residences, businesses or schools
- ~~3-5.~~ 3-5. Must be greater than 10m from the property boundary
- ~~4-6.~~ 4-6. The material to be burnt is greater than five (5) metres from a designated watercourse or water body. Where this is not possible, appropriate erosion control and revegetation measures should be implemented as part of the activity.
- ~~5-7.~~ 5-7. Only vegetation which cannot be easily disposed of through Council's Waste Management Centre may be burnt.
- ~~6-8.~~ 6-8. The fire must be attended by a competent person for the duration of the activity and have sufficient fire-fighting resources on-hand to safely maintain the fire.
- ~~7-9.~~ 7-9. ~~For tree waste, All~~ combustible material must be removed at least two (2) metre radius of the material to be burnt.
- ~~8-10.~~ 8-10. Burning should only take place when weather conditions are calm and predicted to remain so.
- ~~9-11.~~ 9-11. The burning does not cause nuisance conditions or a smoke hazard outside the property of the burn.
- ~~10-12.~~ 10-12. Land owners / managers must notify the Rural Fire Service, Bathurst Regional Council and adjoining neighbours at least 24 hours prior to lighting.
- ~~11-13.~~ 11-13. Land owners / managers must obtain written approval from Bathurst Regional Council at least ~~two (2) weeks~~ 24 hours prior to burning.
- ~~12-14.~~ 12-14. The provisions of the Protection of the Environment Operations (Clean Air) Regulation (~~2021~~ 2002) must be fully complied with.
- ~~13-15.~~ 13-15. The provisions of the Rural Fires Act (1997) must be fully complied with.
 - a. For burning outside the nominated Open Burning Period, written approval permit must be gained from the Rural Fire Service.
 - b. Even with written approval, fires must not be lit on declared days of Total Fire Ban and / or Severe, Extreme or Catastrophic Fire Risk.

9. FEES

It is deemed unnecessary to implement an application fee as part of this policy.

10. IMPROVEMENT POLICY

~~Council seeks feedback from the public on ways to improve the policy and make it easier to understand. Please address your comments in writing to:~~

~~The General Manager~~

Bathurst Regional Council
Private Mail Bag 17

BATHURST NSW 2795

14.10. GLOSSARY

Allowable Activities: activities defined by Schedule 5A of the Local Land Services Act 2013 and subject to assessment through self-assessable codes. Such activities are regulated by Local Land Services and residents should always seek advice from Local Land Services prior to clearing of vegetation.

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Approval to Burn: An approval granted by Council as per the Protection of the Environment Operations (Clean Air) Regulation (20212002). Generally granted outside the designated Fire Danger Period.

Approved Open Burning Period: generally from April through to September but may be restricted or extended depending upon current environmental conditions. To confirm this period, contact the Rural Fire Service on 1800 679 737.

Asset Protection Zone (APZ): The APZ is listed in the Rural Fires Service Planning for Bushfire Protection 20192006 guide (Dictionary, p72). It is described as the "area surrounding a development managed to reduce the bush fire hazard to an acceptable level". The APZ is only relevant to new Council Development Applications. For Hazard Reduction Burning, a permit to burn is required through the Rural Fire Service.

Designated watercourse / water body: includes any river, creek, stream, drain, drainage reserve, stormwater drain, brook, rivulet, dam, lake, pond, channel, gutter, billabong, oxbow lake or any other area, wet or dry, that contains or is likely to contain or receive or pass rainwater, floodwater or any other water.

Dry and dead vegetation: is defined as vegetation that does not have any living tissue or foliage present, i.e. does not contain any green leafy or woody material.

Easily disposed vegetation: includes material that by their size and nature can be transported to Council's Waste Management Centre. This includes grass clippings, small loads of tree waste and chipped tree waste.

Severe, Extreme and Catastrophic Fire Danger: is caused by a combination of dry vegetation and hot, dry, windy weather and is monitored and declared by the NSW Rural Fire Service.

General or domestic waste: includes any waste produced through normal activities. This includes but is not limited to plastics, metals, paper and paper products, food and food wrapping (including plastic, paper and metal), chemicals and chemical containers, aerosol cans, electrical items, household appliances, computers and computer accessories, and any other waste item associated with domestic, business and industry activities.

Material that may cause an explosion: includes any material that by its contents or construction may result in an explosion when heat or flame is applied. For example, ammunition, aerosol cans, petroleum, paint, solvent and chemical containers and sealed food items.

Open burning: the act of burning material in the open air, outside of a purposefully built area such as an internal domestic fire place or stove.

Permit to Burn: A permit granting permission to burn by the Rural Fire Service as per the Rural Fires Act (1997) and applicable to the Fire Danger Period.

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3Service No.

~~Routine Agriculture Management Activity~~ includes

- ~~(i) the burning of vegetation for the purposes of clearing* (other than for construction), or~~
- ~~(ii) the burning of stubble, orchard prunings, diseased crops, weeds or pest animal habitats on farms, or~~

~~(iii) — the burning of pasture for regenerative purposes, or
*Other permits may be required through the appropriate authority in respect to the burning for clearing.~~

Total Fire Ban Day: a day/s when fires are likely to escape and be difficult to contain. These days are declared by the Rural Fire Service. More information can be gained by calling the RFS on 1800 679 737 or going to www.rfs.nsw.gov.au.

POLICY:	DANGEROUS AND MENACING DOGS
DATE ADOPTED:	Director Environmental, Planning & Building Services Report # 3 Policy 7 June 2017 Council 21 June 2017 Minute Book No. 12531
ORIGINAL ADOPTION:	Director Environmental, Planning & Building Services Report # 3 Policy 7 June 2017 Council 21 June 2017 Minute Book No. 12531
FILE REFERENCE:	02.00006 This policy describes how Council will assess the appropriate regulatory response regarding an alleged dog attack.

1. BACKGROUND

Attack or harassment by dogs can have serious public safety consequences. Councils are required to promptly investigate incidents and settle complaints. Its purpose is to ensure the consistent and accurate application of relevant legislation.

2. APPLICATION

This policy applies to the investigation of an alleged dog attack or dog displaying unreasonable aggression in the Bathurst Regional Council local government area.

3. LEGISLATIVE FRAMEWORK AND GUIDELINES

The Companion Animals Act 1998 (the Act) and associated regulation provide the legislative framework for the management of dogs and cats in NSW. The Division of Local Government has issued the "*Guidelines for the Exercise of Functions under the Companion Animals Act* ([November 20132015](#))" (guideline) and this policy must be considered in conjunction with these guidelines. As is stated in the guideline section 9.5.1 : "Authorized officers have discretion in the application of dangerous and menacing dog declaration provisions to suit the individual circumstances of incidents to which they are responding. The dominant factor is public interest and the safety of the community".

Further, Council has adopted an Enforcement Policy which must be given consideration in any enforcement action.

4. ASSESSMENT MATRIX

The assessment matrix which is located at Appendix 1 must be completed by the Authorised Officer investigating an alleged dog attack or dog displaying unreasonable aggression. The Authorised Officer must seek endorsement of the completed risk

assessment matrix from a supervisor. The risk assessment matrix must be recorded on the appropriate file in Council's records system.

The risk assessment matrix must be completed based on an unbiased assessment by the Authorised Officer of the available evidence.

The Authorised Officer must then prepare a brief of evidence for review by the Manager Environment (or other senior staff) which includes the completed risk assessment matrix.

Approval to proceed with any regulatory action must be sought from the Director Environmental Planning and Building Services in writing.

5. CONSIDERATION OF REPRESENTATIONS IN RESPONSE TO A NOTICE OF INTENTION TO DECLARE A DOG TO BE DANGEROUS OR A NOTICE OF INTENTION TO DECLARE A DOG TO BE MENACING

The Act requires that Authorised Officers consider all representations made by the owner within 7 days of the issue of a notice of intention.

Representations must be considered by a panel of staff with a demonstrated understanding of the Act and whom have not been directly involved in the investigation. Typically this should include the Director Environmental, Planning & Building Services, a Manager from the Environmental, Planning & Building Services Department and an [unbiased staff member-Ranger](#).

The Act requires that Council notify the owner within 7 days of making a decision on whether or not to declare the dog dangerous or menacing.

6. REVOCATION OF A DANGEROUS OR MENACING DOG DECLARATION

The Act allows an owner to make an application to Council to revoke a dangerous or menacing dog declaration but not until at least 12 months have passed since the declaration was issued.

An owner may apply to the Local Court to revoke a Dangerous Dog declaration. ~~A but a menacing dog declaration is not~~ can only be the subject to of an appeal in local or district court, but an appeal may be lodged in to the Supreme Court.

APPENDIX 1 – RISK ASSESSMENT MATRIX



Civic Centre:
158 Russell Street
Correspondence:
Private Mail Bag 17
BATHURST NSW 2795

Telephone 02 6333 6111
Facsimile 02 6331 7211
council@bathurst.nsw.gov.au
www.bathurst.nsw.gov.au

OFFICE USE ONLY

DOG ATTACK (HUMAN) RISK ASSESSMENT

Section 34 Companion Animals Act 1998

File No: 05.00004 and

CCS No:

Section 1 Owner/dog details

Owners Name: Dogs Name:

Address:

Contact Nos: Mobile: Work: Home:

CRITERIA	Control		Provocation		Actions of Dog		History		Degree of Injury	
	Forced exit/entry to get to victim	5	No Provocation	3	Mauling/ Multiple Bite	4	Previously declared Menacing/Dangerous	5	Fatality	10
	Straying	4	Instinct/Natural Prey drive	2	Bite (Puncture)	3	Previous reports of aggression	2	Grievous Bodily Harm	8
	Legally Off Leash	3	Provoked	1	Bite (No Puncture)	2	Previous reports of straying	1	Serious Injury	6
	On Leash	2	Unknown	0	Circle or Rush with No Contact	1	No Previous History	0	Injury	4
	On Dog's Property	1							Minor Injury	2
	On Dog's Property - Trespassing	0							No Injury	0
Criteria Score										
Multiplier	1		2			3		4		5
Total										

NOTE: This table is a guide to assist in the decision making process

Assessment Score	Risk Level	Action to be considered unless mitigating circumstances exist
> 65	Unacceptable	Declare the dog dangerous and seek destruction order
40 – 64	High	Declare the dog as a dangerous dog
20 – 40	Medium	Declare the dog as a menacing dog
< 20	Low	Nuisance Dog declaration

TOTAL ASSESSMENT SCORE

The information on this form is being collected to allow Council to process your application and/or carry out its statutory obligations. All information collected will be held by Council and will only be used for the purpose for which it was collected. An individual may view their personal information and may correct any errors.

Ref: 08.00016/605

Issue Date: 9 May 2018

Review Date: As required

Page 1 of 1

OFFICE USE ONLY

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Facsimile 02 6331 7211
council@bathurst.nsw.gov.au
www.bathurst.nsw.gov.au

Civic Centre:
158 Russell Street
Correspondence:
Private Mail Bag 17
BATHURST NSW 2795



DOG ATTACK (ANIMAL) RISK ASSESSMENT

Section 34 Companion Animals Act 1998

CCS No: File No: 05.00004 and

Section 1 Owner/dog details

Owners Name: Dogs Name:

Address:

Contact Nos: Mobile: Work: Home:

CRITERIA	Control		Provocation		Actions of Dog		History		Degree of Injury	
	Forced exit/entry to get to victim	5	No Provocation	3	Mauling/ Multiple Bite	4	Previously declared Menacing/Dangerous	5	Multiple Fatalities or Serious Injuries	6
	Straying	4	Instinct/Natural Prey drive	2	Bite (Puncture)	3	Previous reports of aggression	2	Fatality	4
	Legally Off Leash	3	Provoked	1	Bite (No Puncture)	2	Previous reports of straying	1	Serious Injury Veterinary Overnight	3
	On Leash	2	Unknown	0	Circle or Rush with No Contact	1	No Previous History	0	Injury Veterinary Treatment	2
	On Dog's Property	1							Injury Other Treatment	1
	On Dog's Property - Trespassing	0							No Injury	0
Criteria Score										
Multiplier	1		2		3		4		5	
Total										

NOTE: This table is a guide to assist in the decision making process

TOTAL ASSESSMENT SCORE		Assessment Score	Risk Level	Action to be considered unless mitigating circumstances exist
		> 65	Unacceptable	Declare the dog as a dangerous dog and seek destruction order
		45 – 64	High	Declare the dog as a dangerous dog
		20 – 44	Medium	Declare the dog as a menacing dog
		< 20	Low	Nuisance Dog declaration

The information on this form is being collected to allow Council to process your application and/or carry out its statutory obligations. All information collected will be held by Council and will only be used for the purpose for which it was collected. An individual may view their personal information and may correct any errors.

Ref: 08.00016/604 Issue Date: 9 May 2018 Review Date: As required Page 1 of 1

Comments:		Date
Officer Name:		Signature:
Comments:		Date
Team Leader Name:		Signature:
Comments:		Date
Manager Name:		Signature:

Term

Definition

Forcible Exiting	Dog escapes from property, whether that is by jumping over, digging under, or pushing through the property
Wandering	Dog is out of its property with no responsible person around
Legally Off Leash	Dog is in an off leash area with the owner present
On Leash	Dog is on a leash with owner
On Dog's Property	Dog is on its own property
No Provocation	No factors present or identified that may have caused/led to the attack
Instinct/Natural Prey Drive	Factors present that could be considered as instinctive (e.g. chasing a cat, chicken)
Provoked	Factors present or identified that may have caused/led to the attack
Unknown provocation	Not able to be identified/no witnesses to the incident
Mauling or Repeat Lunging	Multiple Puncture wounds/ripping and tearing. Also loss of tissue
Bite (Puncture)	Single bite (in most cases) with puncture wounds
Bite (No Puncture)	Single bite (in most cases) with no puncture wounds
Circle/Rush/No Contact	Dog may not have bitten or may have tried but no contact was made.
Declared Dangerous/Menacing/Restricted Dog	Dog is a Dangerous/Menacing/Restricted Dog at the time of the incident
History of Attacks (Bite)	Council records contain previously reported attacks but not declared
History of Complaints (Major)	Council records contain a large number of previously reported complaints but not attacks (e.g. wandering)
History of Complaints (Minor)	Council records contain a small amount of previously reported complaints of a minor nature (e.g. barking)
No History	No previously reported complaints for the dog
(Human) Fatality	Death of a human
(Human) GBH**	Grievous Bodily Harm
(Human) Actual Bodily Harm* - Admitted to Hospital	Actual Bodily Harm with a stay in hospital
(Human) Actual Bodily Harm* - Medical Treatment	Actual Bodily Harm with Doctor's certificate regarding injuries
(Human) Injury - Medical Treatment	Injuries but no Doctor's certificate or no Doctor seen
(Human) Injury - First Aid Treatment	Injuries with first aid treatment (e.g. bandaids)
(Human) No Treatment	Minor injuries with no treatment
(Human) No Injury	No injury received
(Animal) Fatality	Death of an animal
(Animal) Serious Injury - Vet Treatment Overnight	Serious injury to an animal with Vet certificate, overnight stay required
(Animal) Serious Injury - Vet Treatment	Serious injury to an animal with Vet certificate but overnight stay not required
(Animal) Injury - No Treatment	Injury to animal but no vet treatment
(Animal) No Injury	No injury received

Legal Definitions

*Actual Bodily Harm	any hurt or injury calculated to interfere with the health or comfort of the victim, but such hurt or injury need to be permanent but more than merely transient and trifling: <i>R v Donovan [1934] 2 KB 498 at 509</i>
**Grievous Bodily Harm	Crimes Act 1990 s4 includes: (a) the destruction (other than in the course of a medical procedure) of the foetus of a pregnant woman, whether or not the woman suffers any other harm, and (b) any permanent or serious disfiguring of the person, and (c) any grievous bodily disease (in which case a reference to the infliction of grievous bodily harm includes a reference to causing a person to contract a grievous bodily disease).

POLICY:	STREET VENDING AND ROADSIDE STALLS – OPERATION DURING FULL TRACK CLOSURE MOTOR RACING EVENTS
DATE ADOPTED:	Director Environmental, Planning & Building Services Report #1 Policy 5 June 2019 Council 17 July 2019 Minute Book No. 12991
ORIGINAL ADOPTION:	Director Environmental, Planning & Building Services Report #1 Policy 5 June 2019 Council 17 July 2019 Minute Book No. 12991
FILE REFERENCE:	10.00004
OBJECTIVE:	To provide guidelines for Street Vending and Roadside Stall operations during full track closure motor racing events

AIM

The aim of this policy is to provide guidelines for Council and vendors for the sale of items from the street and roadside during the major race events at Mount Panorama

BACKGROUND

Council accepts that the sale of firewood and other items is a long-established practice in Bathurst during the major motor sport race events. This is a safety risk. It also can adversely impact on the visual image of the city to visitors during these events.

This policy is intended to facilitate the safe and effective sale of firewood and other products through street vending and roadside stalls during these major events.

This policy will be trialled for a period of twelve months

DEFINITIONS

There are two forms in which the sale of goods may take. These are as a roadside stall or as street vending. These are defined as follows:

“Road side stall” means a building or place (not exceeding 20 square metres in floor space or area) where only primary products produced on the property on which the building or place is situated are exposed or offered for sale or sold by retail.

Note: A building larger than 20 square metres in floor space would be defined as a shop.

“Street vending” mean the setting up or use within the road reserve of any box, stall, stand, barrow or stationary vehicle, other than a road side stall for the purpose of the sale of any goods or for the benefit of any commercial enterprise.

GUIDELINES

This policy establishes guidelines for street vending and road side stalls to ensure proper standards are met and to ensure that these activities are conducted lawfully.

The guidelines are:

1. Road side stalls and street vending are always to comply with the above definitions
2. The activities are to be confined to the approved locations set out in this policy
3. Not more than one temporary sign is to be used. Such a sign may be double sided and it must not exceed dimensions of 900mm x 600 mm. Any sign that is placed on the site must be wholly within the site and not affect sight distances of vehicles moving near the site. All signage and its location must be approved by Council as part of the application process for the operation
4. Any vehicle using the site must be able to be accommodated wholly within the subject site.
5. Failure to comply with any aspect of this policy may result in the termination of approval.

CRITERIA FOR APPROVALS

Where street vending/roadside stall retailing is intended to take place during full track closure race events at Mount Panorama, Council is prepared to consider approving applications that meet this policy.

PASSING TRAFFIC

Street vending and roadside stall activities catering for passing traffic must either:

- (a) operate at an existing Council approved Commercial Premises; or
- (b) be located within Alan Morse Park, Durham Street, Bathurst within an area designated by Council; and
- (c) not operate during hours of darkness.

ROADSIDE STALL APPROVALS

In order to carry out roadside stall operation during full track closure race events at Mount Panorama, approval is required under the Environmental Planning and Assessment Act 1979.

Operators of roadside stalls will therefore need to lodge a Development Application with Council outlining what will be offered for sale, the proposed time of operations and details of any signage.

Roadside stall vendors will be required to hold Public Liability Insurance to the value of twenty (20) million dollars with Bathurst Regional Council listed as an interested party.

The proposed roadside stall operations may only be carried out upon receipt of an approval from Council outlining the conditions of approval for the activity.

STREET VENDING APPROVALS

In order to carry out street vending, approval is required under the Local Government Act 1993.

To obtain approval a Section 68 application needs to be lodged with Council outlining details of what will be offered for sale, the proposed time of operations and details of any signage.

Street vendors will be required to hold Public Liability Insurance to the value of twenty (20) million dollars with Bathurst Regional Council listed as an interested party.

The proposed street vending operations may only be carried out upon receipt of an approval from Council outlining the conditions of approval for the activity.

APPROVED LOCATIONS

All street vending/roadside stall operations are to take place at either Alan Morse Park or at an existing Council approved Commercial Premises. Street vending or roadside stall operation at any other location will not be approved.

COUNCIL APPROVED COMMERCIAL PREMISES

If selling is to be done from an existing Council approved commercial premises (such as a service station), no approval is required from Council providing a number of exemption criteria are met. This includes;

1. The proposal must not take up any carparking within the site.
2. The proposal must not impact upon any vehicular manoeuvring areas or hinder vehicular ingress or egress to the site.
3. The site must be able to accommodate all traffic utilising the vending facility.
4. Only one advertising sign is permitted per vending facility and it must be placed wholly within the site upon which the activity is being carried out. The sign must not be placed in the road reserve or in a place that will affect sight distances of vehicles using the site.

BATHURST REGIONAL COUNCIL INVESTMENT PERFORMANCE

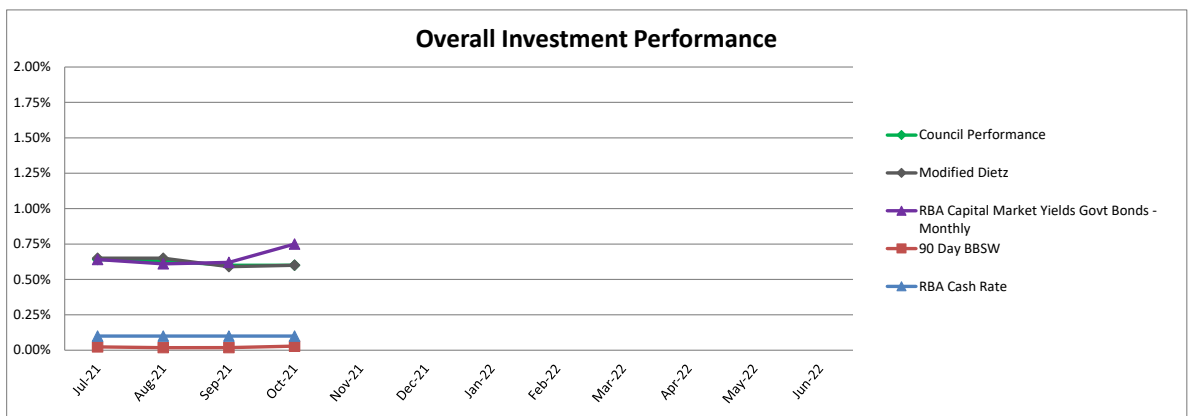
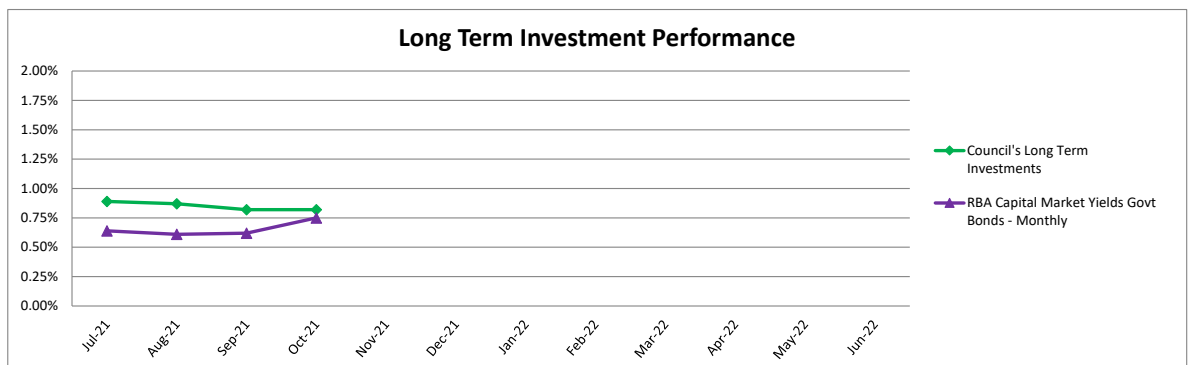
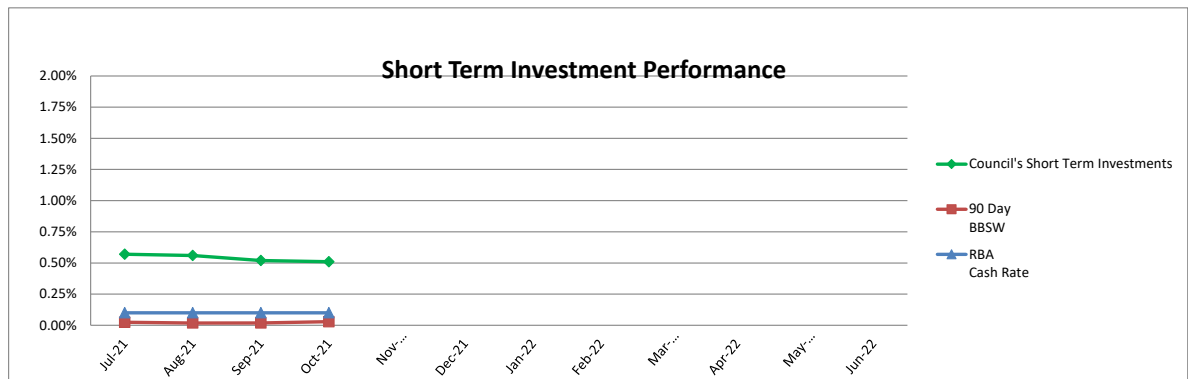
Investment Policy Benchmarks

Benchmark 1 - The performance of the portfolio shall be against the industry standard 90 Day Bank Bill Index or the official RBA Cash Rate

Council's current year to date performance compared to the two benchmarks is shown below. Council has outperformed both benchmarks.

Reserve Bank of Australia - Cash Rate	0.10%
AFMA - 90 Day Bank Bill Swap Rate (BBSW) Avg Mid	0.029%
RBA Capital Market Yields Govt Bonds - Monthly	0.75%
Modified Dietz Calculation	0.60%

	Short Term			Long Term		Overall Performance	
	RBA Cash Rate	90 Day BBSW	Council's Short Term Investments	RBA Capital Market Yields Govt Bonds - Monthly	Council's Long Term Investments	Modified Dietz Calculation	Council Performance
Jul-21	0.10%	0.024%	0.57%	0.64%	0.89%	0.65%	0.64%
Aug-21	0.10%	0.018%	0.56%	0.61%	0.87%	0.65%	0.63%
Sep-21	0.10%	0.019%	0.52%	0.62%	0.82%	0.59%	0.60%
Oct-21	0.10%	0.029%	0.51%	0.75%	0.82%	0.60%	0.60%
Nov-21							
Dec-21							
Jan-22							
Feb-22							
Mar-22							
Apr-22							
May-22							
Jun-22							



**BATHURST REGIONAL COUNCIL
INVESTMENT PERFORMANCE**
2a - Overall Portfolio Credit Framework

To control the credit quality on the entire portfolio, the following credit framework limits the percentage of the portfolio exposed to any particular credit rating. AMP was recently downgraded from A- to BBB+ on the 27 Aug 2019. Council will reinvest into a complying rated institution at the maturity of these investments.

Short Term	Ratings	Maximum Holding %	Actual Holding %	
	A-1+	100	44%	Complies
	A-1	100	0%	Complies
	A-2	40	45%	Does not comply
	A-3 or unrated	Note*	11%	Complies
			100%	
Long Term				
	AAA	100	0%	Complies
	AA+ AA AA- A+ A	100	83%	Complies
	A-	40	0%	Complies
	BBB+ BBB	20	12%	Complies
	BBB- & unrated	Note *	5%	Complies
			100%	

*Note: For reasons of practicality the number of these investments should be kept to a minimum.

2b - Institutional Credit Framework

To limit single entity exposure each individual institution will be limited by their credit rating. AMP was recently downgraded from A- to BBB+ on the 27 Aug 2019. Council will reinvest into a complying rated institution at the maturity of these investments.

	Ratings	Maximum Holding %	Actual Holding %	
CBA	AA-	40	10%	Complies
National Australia Bank Limited	AA-	40	27%	Complies
Westpac	AA-	40	8%	Complies
HSBC	AA-	30	2%	Complies
Macquarie Bank Limited	A+	30	3%	Complies
UBS AG Australia	A+	30	1%	Complies
Suncorp Metway Ltd	A+	30	2%	Complies
Sumitomo Mitsui Banking Corp	A	30	1%	Complies
AMP	BBB+	5	6%	Does not comply
Bank of Queensland Limited	BBB+	5	15%	Does not comply
Bendigo & Adelaide Bank Ltd	BBB+	5	1%	Complies
Newcastle Permanent	BBB	5	1%	Complies
Members Equity Bank	BBB	5	11%	Does not comply
Auswide Bank	BBB	5	2%	Complies
Maritime Mining & Power Credit Union	ADI	Note*	10%	Complies
			100%	

*Note: For reasons of practicality the number of these investments should be kept to a minimum.

*Credit rating to Auswide Bank issued by Fitch Ratings, equivalent Rating by S & P shown

2c - Maturity Profile

The Investment Portfolio is to be invested within the following maturity constraints, Council has successfully met this criteria.

	Term Deposit	FRTD	TCD	FRN	Min %	Max %	Actual %	
Within one year	52,500,000	6,000,000	0	4,000,000	40	100	69%	Complies
One to three years	10,500,000	1,230,000	0	2,700,000	0	60	16%	Complies
Three to Five Years	3,000,000	1,500,000	0	7,300,000	0	30	13%	Complies
Over Five Years	0	0	0	1,500,000	0	15	2%	Complies
	66,000,000	8,730,000	0	15,500,000			100%	

Recommendation: That the report be noted.

Responsible Accounting Officer

.....
Aaron Jones
Director Corporate Services & Finance

.....
Prepared By Lesley Guy

2-Nov-21

.....
Reviewed By Tony Burgoyne

2021/22 Annual Operational Plan

Bathurst 2040 Community Strategic Plan

As at 31st October 2021

Council's Vision:

Bathurst: A vibrant and innovative region that values our heritage, culture, diversity and strong economy.

As a community it is important to have a plan that outlines what we want and need as a community now and as the region grows. The NSW Government also requires all councils to have such a plan. The Bathurst 2040 Community Strategic Plan (CSP) is the highest level forward planning document of Bathurst Regional Council. It identifies the community's priorities and guides the direction for the Bathurst region over the next 20 years.

Six key objectives have been established in the CSP:

1. Our Sense of place and identity
2. A smart and vibrant economy
3. Environmental stewardship
4. Enabling sustainable growth
5. Community health, safety and well-being
6. Community leadership and collaboration

These objectives are supported by strategies, shown below, aimed at identifying the importance of each objective.

As a 20 year plan, the CSP is not able to be wholly implemented in one term of Council. The Delivery Program represents actions that the Council expects to achieve during the current term of election for the Council, typically four years. This Annual Operational Plan identifies the individual activities and projects that will be completed within the current financial year of the Delivery Program.

OBJECTIVE 1: Our sense of place and identity

- 1.1 Respect, protect and promote the region's Aboriginal heritage assets
- 1.2 Protect, enhance and promote the region's European heritage assets and character
- 1.3 Enhance the cultural vitality of the region
- 1.4 Protect and improve the region's landscapes, views, vistas and open space
- 1.5 Promote good design in the built environment

OBJECTIVE 3: Environmental stewardship

- 3.1 Protect and improve our natural areas and ecosystems, including the Macquarie River and other waterways
- 3.2 Protect the City's water supply
- 3.3 Minimise the City's environmental footprint, live more sustainably and use resources more wisely
- 3.4 Protect and improve the region's biodiversity
- 3.5 Increase resilience to natural hazards and climate change

OBJECTIVE 5: Community health, safety and well being

- 5.1 Provide opportunities for our community to be healthy and active
- 5.2 Help make the Bathurst CBD, neighbourhoods and the region's villages attractive and full of life
- 5.3 Help build resilient, inclusive communities
- 5.4 Make our public places safe and welcoming
- 5.5 Plan and respond to demographic changes in the community

Bathurst 2040 Community Strategic Plan

OBJECTIVE 2: A smart and vibrant economy

- 2.1 Support local business and industry
- 2.2 Grow local employment, investment and attract new businesses by nurturing and supporting entrepreneurs, partnerships and local skill development
- 2.3 Develop Bathurst as a Smart City
- 2.4 Support agriculture, local manufacturing, food production and education as significant contributors to the region's economy
- 2.5 Support Mount Panorama as a premier motor sport and event precinct
- 2.6 Promote our City and Villages as a tourist destination

OBJECTIVE 4: Enabling sustainable growth

- 4.1 Facilitate development in the region that considers the current and future needs of our community
- 4.2 Provide safe and efficient road, cycleway and pathway networks to improve accessibility
- 4.3 Ensure services, facilities and infrastructure meet the changing needs of our region
- 4.4 Provide parking to meet the needs of the City
- 4.5 Work with partners to improve public transport, and passenger and freight transport connections to and from the region
- 4.6 Plan for, assess and regulate development activity

OBJECTIVE 6: Community leadership and collaboration

- 6.1 Communicate and engage with the community, government and business groups on important matters affecting the Bathurst Region
- 6.2 Work with our partners and neighbouring councils to share skills, knowledge and resources and find ways to deliver services more efficiently
- 6.3 Advocate for our community
- 6.4 Meet legislative and compliance requirements
- 6.5 Be open and fair in our decisions and our dealings with people
- 6.6 Manage our money and our assets to be sustainable now and into the future
- 6.7 Invest in our people
- 6.8 Implement opportunities for organisational improvement

Attachment 8.3.2.1

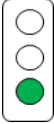

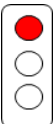
On the following pages, each of Council's principal activities is shown along with their four year Delivery Program actions and the Annual Operational Plan tasks that will be undertaken. These actions and tasks are linked back to the Bathurst 2040 CSP to show the community how its needs and wants are being delivered.

The table below is a guide to reading the Delivery Program and Annual Operational Plan.

Bathurst 2040 Objective reference	Deliverable Actions over the next 4 years	Operational Plan – this year's Projects / Tasks	Tracking our Progress	Responsible Officer
From the Objectives shown on Page 2	What actions will be delivered to achieve the objective	What specific projects will be undertaken this year to address the 4 year actions	Measurable KPI How we will know when we have achieved our plans	Position Title – Director, Manager, Team Leader

The Performance Measures in this Plan have been rated by the responsible Directors as to their status of completion.




Below is a summary of the Status of all Performance Measures:

<p>In progress – tracking as expected</p>  <p>150 / 169 89 %</p>	<p>Needs Attention</p>  <p>19 / 169 11 %</p>	<p>Urgent Attention</p>  <p>0 / 169 0 %</p>
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Engineering Services



The key to developing a sound foundation for growth and prosperity of the Bathurst Region is by ensuring infrastructure needs are keeping pace with demand. The Engineering Services Department has the responsibility to ensure the current needs of the community are met and the capacity exists to cater for future growth. A clean and safe water supply, a quality local road network, and environmentally responsible waste management systems are all high priorities for engineering the future of the Bathurst Region.

Asset Management




Bathurst 2040 Objective reference	Deliverable Actions over the next 4 years	Operational Plan – 2021/2022 Projects / Tasks	Tracking our Progress	Responsible Officer	Action Year to Date	Status
4.1 4.2 5.1	Improve pedestrian access within the urban area.	Completion of additional concrete footpaths/cycleways in accordance with the Bathurst Regional Community Access and Cycling Plan 2011.	500 lineal metres of footpath and/or cycleway completed.	Manager Works	Bart Street Lewins to Busby 166m Stanley St George to Rankin 200m Rankin St Stanley to Morriset 200m Browning St William to George Park 50m Charlaffe St 40m Graham Dve to Mendel Dve 300m complete Piper St – Havannah to Seymour 200m complete Lambert St – Stewart to Rankin 50m complete Rocket St – Stewart to Rankin complete Halfpenny Drive – 200m Gilmour to Newell complete	
		Monitor condition of footpaths.	100% of urban footpath inspected		Level 1 (CBD) – 100% as at 26/10/20 Level 2 – 100% as at 23/7/20	
4.1 4.5	Maintain and improve the existing road infrastructure consistently throughout the network.	Improvement of road infrastructure to upgrade sub-standard sections of the sealed network.	Reconstruction and reseding works as per Council's 2021/2022 capital works and routine maintenance programs. Completion of 2021/2022 Roads to Recovery Program.		The Bridle Track Widen and seal 500m approach to Howards Bridge – Complete Limekins Rd Reconstruct, widen and seal 2km – Complete Limekins Rd Stage II Reconstruct, widen and seal 2km – Complete 2km rehabilitate widen and seal on Freemantle Rd – Complete 1km rehabilitate widen and seal Rockley Rd – Complete	




Bathurst 2040 Objective reference	Deliverable Actions over the next 4 years	Operational Plan – 2021/2022 Projects / Tasks	Tracking our Progress	Responsible Officer	Action Year to Date	Status																
					1.5km Freemantle Rd Stage II complete 2.2km Bridle Track rehabilitate, widen and seal – Complete 4km Turondale Rd widen and seal 3km complete																	
		Renewal of gravel road surface throughout the network.		Manager Works	In progress/ongoing	<div><div></div><div></div><div></div></div>																
		Undertake maintenance program in accordance with allocated budget.	Greater than 90% of the urban road network remains at condition index 3 or above.	Manager Works	Complete (last assessment 2019, next assessment due 2023) <table><tr><td></td><td>Percentage</td><td>Condition Rating</td></tr><tr><td>Excellent</td><td>35.0</td><td>1</td></tr><tr><td>Good</td><td>38.9</td><td>2</td></tr><tr><td>Fair</td><td>22.1</td><td>3</td></tr><tr><td>Poor</td><td>3.9</td><td>4</td></tr><tr><td>Bad</td><td>0.1</td><td>5</td></tr></table> <div><div>96%</div><div>4%</div></div>		Percentage	Condition Rating	Excellent	35.0	1	Good	38.9	2	Fair	22.1	3	Poor	3.9	4	Bad	0.1
	Percentage	Condition Rating																				
Excellent	35.0	1																				
Good	38.9	2																				
Fair	22.1	3																				
Poor	3.9	4																				
Bad	0.1	5																				
4.1 4.3	Protection of urban areas on the Bathurst Floodplain	Completion of flood mitigation works as outlined in the Georges Plains Flood Management Plan.	Substantial Completion of Design and Environmental Assessment	Manager Technical Services	Funding Grant application through NSW Government Floodplain Management Program in 2020/21 unsuccessful. Further application has been made in 2021/22 program, decision pending.	<div><div></div><div></div><div></div></div>																




Mount Panorama



Bathurst 2040 Objective reference	Deliverable Actions over the next 4 years	Operational Plan – 2021/2022 Projects / Tasks	Tracking our Progress	Responsible Officer	Action Year to Date	Status
6.4 6.5 6.8 2.5	Increase profile of Mount Panorama as the premier motor racing venue in Australia.	Construction of optic fibre communications loop	Installation of Optic fibre network to Mount Panorama Circuit as per 2021/2022 Capital Works Plan	Director Engineering Services	Current budget allocation will complete 1,700m of conduit. This will complete 5,640m of installation, leaving approx. 1,000m of conduit to be installed from future budgets.	
		Development of the second circuit	Development Consent obtained.	Director Engineering Services	Masterplan Complete. Preliminary Design Complete Aboriginal Cultural Heritage Assessment completed. Draft Environmental Impact Assessment completed, has been submitted to NSW Planning for adequacy review prior to lodgement. Community Consultation completed for EIS drafting. Detailed design to be completed Sep 21. Ready for lodgement with EIS to NSW Planning.	


Water, Sewer and Waste

Bathurst 2040 Objective reference	Deliverable Actions over the next 4 years	Operational Plan – 2021/2022 Projects / Tasks	Tracking our Progress	Responsible Officer	Action Year to Date	Status
3.2 3.3 3.5 4.3 6.2 6.6	Maintain and upgrade existing water and sewer infrastructure to meet the needs of all stakeholders into the future.	Operate, maintain, repair and upgrade Water Filtration Plant.	Achieve the Australian Drinking Water Standards 90% of the time.	Manager Water and Waste	Water Filtration Plant daily operations are ongoing, with maintenance and repairs conducted as required. The treatment processes are constantly monitored through a SCADA system and reviewed daily by staff. To 31 October 2021, 906 tests were undertaken (through NSW Health Laboratory plus Council monitoring for fluoride) there was 98.3% compliance with Australian Drinking Water Guidelines.	
		Operate, maintain, repair and upgrade water distribution system.	Customer complaints regarding flow and pressure are kept below 52 p.a.		Water distribution system operations are ongoing, with monitoring, maintenance and repairs conducted as required. The water main in Mountain Straight, Mount Panorama has now been re-laid. Significant reservoir improvements have been completed, with further work planned, to continue to improve the integrity of the drinking water system around Bathurst. To 31 October 2021, complaints regarding flow and pressure were 3 for the 2021/22 year.	
			100% of complaints investigated, actioned, and resolved.	Manager Water and Waste	Complaints regarding discoloured water are investigated, actioned, and resolved as soon as possible. Complaints regarding discoloured water for period 1 July 2021 to 31 October 2021 were 2.	



Bathurst 2040 Objective reference	Deliverable Actions over the next 4 years	Operational Plan – 2021/2022 Projects / Tasks	Tracking our Progress	Responsible Officer	Status
		Review, update and adhere to Drinking Water Management System (DWMS).	Australian Drinking Water Guidelines & DWMS compliance reported 6 monthly.	Manager Water and Waste	 <p>A Drinking Water Management System (DWMS) document has been completed and is in effect. Details on addressing the actions to ensure continuous improvement are being documented.</p> <p>An internal review of the Drinking Water Management System's Critical Control Points (CCPs) is undertaken weekly and monthly. Continuous external monitoring of CCPs is undertaken externally by D2K Information Pty Ltd. CCP performance for the current financial year to 31 July 2021 averaged 98.9%.</p>
		Winburndale Dam Flood Security Upgrade	Project is constructed and commissioned	Manager Water and Waste	 <p>Work on this Tendered item is progressing with work on the dam crest drilling underway and is over 73.8% complete as at the end of September 2021.</p> <p>A second project scope change request has been lodged, with a negative response being received and this is being followed up. Additional correspondence has been sent to DPIE.</p> <p>The project scope, cost & timeframe have all been extended as significantly different foundation rock was encountered (than was found during geotechnical investigations) along the dam toe once onsite work commenced.</p>
		Stormwater Harvesting Project Stage 1	Project is constructed and commissioned	Manager Water and Waste	 <p>Survey, design reports and approvals are being progressed for this project, tenders have been advertised and are currently open to selected contractors who are pricing the proposed works.</p> <p>Tenders closed 27 July 2021, and assessment continues.</p>

Bathurst 2040 Objective reference	Deliverable Actions over the next 4 years	Operational Plan – 2021/2022 Projects / Tasks	Tracking our Progress	Responsible Officer	Action Year to Date	Status
		Review and update existing Best Practice Guidelines plans as required.	Best Practice Guidelines compliance reported quarterly.	Manager Water and Waste	There are no new Best Practice Guidelines introduced since the 2007 Best Practice Guidelines. Compliance remains at 100%.	
		Continue implementation of Trade Waste Policy.	Maintain approvals at over 90% of active businesses	Manager Water and Waste	Trade Waste Policy is current, has been approved by NSW Office of Water, and adopted by Council. As at 31 October 2021 there were 335 approvals in place, with 360 active businesses (93%). The recently released 2021 Liquid Trade Waste Management Guidelines from DPIE are being reviewed for changes.	
		Monitor and action developments from State Government regarding changes in the Best Practice Guidelines	Review Guidelines monthly, then action as required.	Manager Water and Waste	The existing level of compliance with the Best Practice Guidelines is 100% for both Water and Sewer. The review of further initiatives will be commenced, once DPIE advises the outcomes of their proposed review of the guidelines. As at the end of October 2021 DPIE is yet to release their issues paper and monitoring of this continues.	

Bathurst 2040 Objective reference	Deliverable Actions over the next 4 years	Operational Plan – 2021/2022 Projects / Tasks	Tracking our Progress	Responsible Officer	Action Year to Date	Status
		Prepare reports and studies for Winburndale Dam and Chifley Dam to achieve compliance with Dams Safety NSW regulatory requirements.	Compliance with Dams Safety NSW requirements reported 6 monthly.	Manager Water and Waste	<p>For both Chifley and Winburndale, a Dam Safety Emergency Plan is in place.</p> <p>Chifley Dam is safe to withstand a 1 in 1,000,000-year flood event.</p> <p>A surveillance inspection of Chifley Dam was undertaken in September 2020. Winburndale Dam surveillance inspections are on hold for the next 12 months during the construction period.</p> <p>Winburndale Dam is not yet safe to withstand a 1 in 100,000-year flood event, however detailed design is complete, the tender has been awarded and construction has commenced and is well advanced to significantly improve the dam safety.</p> <p>Grant funding was sought through the NSW Safe and Secure Water Program. Council has been successful in procuring \$2.225 million towards this project under the Program.</p> <p>A tender was awarded at the 3 July 2019 Council Meeting to EODO for Winburndale Dam Safety Upgrade. Work is currently over 73.8% complete for the project.</p>	
		Work with CNSWJO on Water Utilities Alliance goals	Meeting attended. Relevant projects supported. Goals delivered.	Manager Water and Waste	<p>Work is continuing, through meetings and projects. Alliance Business Plan has been developed and adopted. Bi-monthly meetings attended online, with other projects and correspondence dealt with as required.</p>	

Bathurst 2040 Objective reference	Deliverable Actions over the next 4 years	Operational Plan – 2021/2022 Projects / Tasks	Tracking our Progress	Responsible Officer	Action Year to Date	Status
		Operate, maintain, repair and upgrade Waste Water Treatment Works to comply with licence conditions.	Achieve over 90 % compliance with EPA licence conditions.	Manager Water and Waste	<p>Wastewater Treatment Works operations are ongoing, with maintenance and repairs conducted as required.</p> <p>A new biosolids contract commenced on 01 October 2021 and to date 692 tonnes of biosolids have been delivered to site.</p> <p>Investigations are completed into the condition of the incoming delivery mains at the WWTW.</p> <p>Nighttime work has commenced to reline the major incoming sewer carrier mains and is approximately 75% complete.</p> <p>A trial to limit discharge odours from Sewer Pump Station no 2 will commence in November 2021</p> <p>Plans for minor upgrades are underway. Daily and weekly sampling and monitoring of the plant's performance are continuing, with internal and external testing performed.</p> <p>Ongoing testing of wastewater discharged to the Macquarie River as per EPA Licence 1647 for the period commencing 1 April each year continues. For the licence year commencing on 1 April 2021, 210 tests were completed, and 98.4% compliance achieved.</p> <p>3 staff at the WWTW have successfully completed their Certificate 3 in Waste Water treatment.</p>	

Bathurst 2040 Objective reference	Deliverable Actions over the next 4 years	Operational Plan – 2021/2022 Projects / Tasks	Tracking our Progress	Responsible Officer	Action Year to Date	Status
		Continue program of sewer main CCTV inspection, and lining if warranted	Mains where blockages or overflows occur are inspected	Manager Water and Waste	Identification of appropriate locations for CCTV is ongoing through customer issues, staff advice and development proposals. Any issues found are scheduled for repair or replacement as required. Council has commenced a program of sewer manhole inspection and to date 40 manholes have been identified for repair and upgrade.	
		Identify, plan and undertake water and sewer construction works.	Complete capital works program	Manager Water and Waste	Liaison with Technical Services staff to obtain advice on road projects and / or developments is continuing. The aim is to ensure water and sewer services are relocated prior to RMS or BRC projects commencing.	
1.4 3.3 4.3 6.2 6.6	Maintain and upgrade existing waste infrastructure to meet stakeholder requirements.	Replace waste collection vehicles on a 4-yearly cycle.	One waste collection vehicle replaced	Manager Water and Waste	The waste collection vehicle fleet is up to date.	
		Review Waste Management Centre filling plans to ensure the optimum long-term strategy is delivered, and to enable future planning timelines to be developed.	Survey and monitor the remaining air space of the landfill annually. Air space reduction minimised.	Manager Water and Waste	A stormwater management audit of the WMC has been conducted by EPA staff. A review has been conducted by an independent consultant. The final report has been received and recommendations are being put into effect. Aerial survey was completed on 19 April 2021 which is done annually to monitor actual fill and the final fill plan.	
2.2 3.3 6.1 6.2 6.6	Reduce waste to landfill.	Work with NetWaste on waste projects and opportunities, for greater diversion from landfill and increased efficiencies.	Meeting attended. Relevant projects supported and delivered.	Manager Water and Waste	Several ongoing projects are supported, with bi-monthly meetings attended online. New projects or opportunities are assessed as they arise.	

Bathurst 2040 Objective reference	Deliverable Actions over the next 4 years	Operational Plan – 2021/2022 Projects / Tasks	Tracking our Progress	Responsible Officer	Action Year to Date	Status
					Almost all options available to Bathurst Regional Council through NetWaste are supported. Examples include recycling of waste tyres, mattresses, Household Chemical Cleanout, Waste 2 Art and collection and recycling of scrap metal. Recycling and organics collection service started in April 2016. The contract is proceeding well. A textile recycling trial has been conducted. The Garage Sale Trail 2020 was a success with over 55 households participating, with entries open for the 2021 Garage Sale Trail, now over 2 weekends in November.	
		Council to continue education and promotion of appropriate WasteWise behaviours regarding green waste and recycling. Promote recycling to maximise diversion from landfill.	10 recycling promotion and education programs run. Monitor combined diversion and report 6 monthly.	Manager Water and Waste	For 2021/22 to the end of September 2021, food and garden tonnage is 980 and recycling is 511 giving a total of 1,491 tonnes. 21,272 tonnes of food and garden waste have been sent for composting in the first 66 months (April 2016 to September 2021). Combined with recycling, totals show a diversion from landfill of over 33,967 tonnes, or over 33.9 million kilograms over this time. Sustainability is one focus area where education works are continuing, and the recycling contract education strategies are also underway.	
		Identify, assess and implement appropriate diversion opportunities.	Opportunities reviewed to determine cost/benefit and reported 6 monthly.	Manager Water and Waste	Council participates in 8 NetWaste Regional collection contracts being used - motor oil, wood/timber processing, landfill environmental monitoring, regional waste services, tyres, household chemical cleanout, and mattress	

Bathurst 2040 Objective reference	Deliverable Actions over the next 4 years	Operational Plan – 2021/2022 Projects / Tasks	Tracking our Progress	Responsible Officer	Action Year to Date	Status
					recycling. Scrap metal and E-waste recycling is continuing with a separate Council arrangement.	

Recreation



Bathurst 2040 Objective reference	Deliverable Actions over the next 4 years	Operational Plan – 2021/2022 Projects / Tasks	Tracking our Progress	Responsible Officer	Action Year to Date	Status
1.4 5.1 5.5	Plan for increasing population and aging population in the provision of suitable recreational projects	Construct additional facilities as determined in budget.	Construction of 5 & 6 th sports fields at Hereford Street	Manager Technical Services	Field construction contract awarded. On site works have commenced. Bulk earthworks in progress. Anticipate new turf laid on completed field by January 2022.	
		Update sporting venues, including associated infrastructure.	Replacement of synthetic turf surface to 2 courts – John Matthews Tennis Centre	Manager Recreation	Budget reallocated to Macquarie View Tennis club-house due to the need for essential repairs. Scope of works and specifications being finalised. Anticipate quotations being sought by end November 2021.	
		Update parks including associated infrastructure.	Reconstruction of the playing field – Bathurst Sportsground		Field construction contract awarded. On site works have commenced. Bulk earthworks in progress. Anticipate new turf laid on completed field by January 2022.	
1.4 5.5	Maintain existing and future recreational areas.	Maintain existing levels of service to all parks, reserves, open space areas and other recreational facilities	Construct stage 1 of Centennial Park Masterplan	Manager Recreation	Tenders closed 26 October and will be considered by Council at its November meeting.	
			Maintenance activities undertaken to all recreation Assets in accordance with adopted maintenance service levels in the Asset Management Plan.	Manager Recreation	Ongoing as part of adopted maintenance service levels and funding provisions of the current Council Operational Plan.	
1.4 5.5	Continue environmental programs identified within the Bathurst Vegetation Management Plan	To ensure that appropriate Environmental Management Plans for the Bathurst Region are current, relevant and provide long term strategies for the Region	Arrange for 11 Tree Planting and volunteer engagement activities.	Manager Recreation	Community and volunteer tree planting proposed to commence in August 2021 has been postponed due to Covid restrictions and Bathurst Lockdown orders.	

			Complete the revegetation component of the Queen Charlotte's Vale Creek Grant Project	Manager Recreation	Revegetation site protection fencing complete. Stage 1 of woody weed control commenced in December 2020. Plant supply contract awarded. Anticipate planting to commence in March 2022 – has been delayed due to drought conditions and hold up of site access due to Stormwater harvesting project. Expect completion of all on-site works under this grant by April 2022, as per funding agreement. Works also to include a 12 month maintenance program which will expire March 2023.	<div> <div></div> <div></div> <div></div> </div>
			Develop a Vegetation Plan Of Management for Brooke Moore Woodland Reserve	Manager Recreation	Draft plan developed and presented to Council in August 2021. Plan placed on public exhibition and closed September 2021. Council adopted the Vegetation Plan at its October Ordinary Meeting 2021. Project complete	





Looking after its staff and ensuring open and transparent government is the main priority at Bathurst Regional Council. Council employs approximately 378 full time equivalent staff in 20 locations and attracting and keeping good people is our priority. For the fourth time in succession, in the bi-annual Employee Opinion Survey, Council rated above the Australian Local Government Industry Standard for employee satisfaction.

Human Resources

Bathurst 2040 Objective reference	Deliverable Actions over the next 4 years	Operational Plan – 2021/2022 Projects / Tasks	Tracking our Progress	Responsible Officer	Action Year to Date	Status
6.1 6.2	Establish and build on effective networks with other councils to identify areas for operational improvements and efficiencies.	Participate in cross-functional teams with CNSWJO and LGNSW HR network to identify opportunities for efficiencies and best practice.	Participation of HR Team members in relevant HR meetings and networking opportunities working with relevant committees and sub-committees to ensure developing & implementing HR best practice.	Manager Human Resources	Council HR continues to regularly meet with other Councils within the NSW JO area as part of quarterly HR Group meetings, to discuss current HR issues and exchange ideas for improved service delivery. In addition we also regularly meet now with the WHS and Training Development groups. HR meetings with "Evo-city" council HR are also ongoing as all Councils of similar size to BRC. Quarterly meetings facilitated by LGNSW are also attended by HR staff.	
1.1 5.3 6.4 6.7 6.8	Ensure all staff complete induction training, ongoing compliance updates and professional development.	Continue building on improvements made to the staff induction program, onboarding and performance areas. Develop and implement Training & Development policy and supporting plan.	Training & Development Policy and plan implemented. Management KPI implemented for staff compliance training.	Manager Human Resources	The new staff induction program has now been implemented with a focus on providing all new staff with a positive and informative (and compliant) start to their time with Council. In addition, an improved recruitment and onboarding process has also recently been developed & implemented. Computer terminals have been set up at the Depot training area to further improve training opportunities for our outdoor staff and maximise use of our e-learning platform. This should support all staff to complete their required compliance training during their probation period with an aim to have most staff completed within their first month of employment	

Bathurst 2040 Objective reference	Deliverable Actions over the next 4 years	Operational Plan – 2021/2022 Projects / Tasks	Tracking our Progress	Responsible Officer	Action Year to Date	Status
					Work to develop the Employee Engagement Program and Workforce strategy has commenced.	
6.2 6.4 6.7 6.8	Provide a range of education and training opportunities for Council's workforce.	Implement targeted position to support education & training of BRC staff. Develop and implement BRC Training policy and plan. Implement plan.	Training & Development now centrally co-ordinated across Council. Training & Development policy and plan implemented.	Manager Human Resources	HR have commenced working to further improve and streamline the Performance Appraisal process for 2021 based on feedback from 2020 process. Improvements in relation to education & training have been implemented as part of this process, including dedicated resource to support co-ordination of staff training & development. The BRC Training Plan has also now been developed and adopted. The BRC Workforce strategy and supporting plan has been drafted.	
6.7 6.8	Develop and implement programs and initiatives to foster a strong leadership culture.	Review current framework that underpins leadership capability and identify areas for improvement. Focus on improvement of Employee Engagement Programs and supporting training.	Management to leadership training arranged for all Managers. Employee Engagement policy drafted. Training & Development policy and plan implemented.	Manager Human Resources	A full review of this area has now commenced with plans to develop an Employee Engagement Program covering all aspects of the employee lifecycle and focus on career development and succession planning. The Employee Engagement policy has now been approved through Dept. Heads. Further improvements will continue to be implemented as part of the revised Performance strategy across all staff levels. Targeted Senior & Middle Management training has commenced with stage 1 of this training completed and first round coaching sessions have been held.	





Governance


Bathurst 2040 Objective reference	Deliverable Actions over the next 4 years	Operational Plan – 2021/2022 Projects / Tasks	Tracking our Progress	Responsible Officer	Action Year to Date	Status
6.4 6.5 6.8	Ensure Council policies reflect community needs and organisational requirements.	Regular review of Council's policies (Policy Manual).	Individual Policies reviewed for relevance and compliance with statutory requirements	Manager Corporate Governance	All Council policies are undergoing review. Policies are then forwarded to Council meetings for adoption. Program continuing.	
6.4 6.5	Implementation of the Government Information Public Access Act (GIPA Act)	Provision of Contract Register on Council's website.	Register updated monthly.	Manager Corporate Governance	Online Contract Register is available. We continue to review opportunities for improvement.	
		Action requests for information under GIPA Act.	Information requests (formal and informal) actioned in accordance with statutory guidelines.	Manager Corporate Governance	1 application received in July 2021. Application has been processed. 1 application received in August 2021. Application has been processed. 1 application received in September 2021. Application has been processed. Nil applications received in October 2021.	
4.3 6.4	Ensure Council's continuity of operations.	Review of Disaster Recovery Plan and Business Continuity Plan.	Plan reviews completed	Manager Corporate Governance	Information Services Disaster Recovery Plan scheduled to be tested on 21 August 2021 has been deferred for testing once again. A suitable date for testing has been delayed due to covid-19 restrictions. Testing has been deferred to a later date yet to be set.	

Information Services

Bathurst 2040 Objective reference	Deliverable Actions over the next 4 years	Operational Plan – 2021/2022 Projects / Tasks	Tracking our Progress	Responsible Officer	Action Year to Date	Status
2.3 2.5 6.8	Improve long-term viability and availability of electronic data for both the current and long term.	Perform Penetration testing to ensure the security of BRC Data	Engage suitably qualified third party to perform penetration testing on the BRC Network	Manager Information Services	Penetration testing will be performed in Calendar year 2021. This testing will include external and internal penetration testing.	
		Implement Multi Factor Authentication for all staff that require external access to BRC data and systems.	Multi Factor authentication purchased, configured and deployed to staff.	Manager Information Services	Multi Factor authentication has been deployed to approx. Two thirds of users. Licensing has been purchased for the remainder and will be implemented in calendar year 2021.	
		Implement a regimen of Cyber Security training for all staff at BRC.	Cyber Security training purchased, and training program implemented.	Manager Information Services	Training has been purchased and a schedule has been developed. Training will now continue on a rolling basis.	
		Implement regular backup to cloud based data repository to defend BRC against ransom ware attack.	Cloud storage for backups implemented and regular backups instigated.	Manager Information Services	An immutable storage device has been purchased and configured. Backups to this device have begun	
		Develop and implement Cyber Security Framework and ancillary documents to guide BRC's cyber security program	Cyber Security Framework developed and approved by the General Manager	Manager Information Services	Cyber security framework and documents have been developed and are in draft. These documents will be sent to Cyber Security NSW for review. It is intended to have the framework completed and implemented by June 30 2022.	
		Implement cloud based VOIP telephone system.	Phone system installed and functioning.	Manager Information Services	The new VOIP phone system has been pushed to fiscal year 21-22 due to resource limitations and COVID-19.	
		Perform Disaster Recover testing at BRC's DR site.	Tests performed and results reported to General Manager.	Manager Information Services	Full DR testing is being rescheduled due to COVID-19 lock down and other factors. After testing a report will be written detailing the results obtained.	
2.2 2.3 2.6 5.2	Support the Smart Cities project.	Implement Stage 3 of CBD CCTV	System installed and functioning.	Manager Information Services	Stage 3 of the CBD CCTV system has been installed and is operational.	



Finance

Bathurst 2040 Objective reference	Deliverable Actions over the next 4 years	Operational Plan – 2021/2022 Projects / Tasks	Tracking our Progress	Responsible Officer	Action Year to Date	Status
6.1 6.6	Ensure Council's long term financial sustainability.	Review need for special variation in rate income.	Long Term Financial Plan complete and adopted by Council. Special Rate Variation considered by Council.	Manager Financial Services	Long Term Financial Plan completed for 2021/22. Council did not apply for a special rate variation for 2021/22 Operating/Delivery Plan.	
		Improve Council's cash flows.	Rates and Charges Outstanding Ratio less than 10%.	Manager Financial Services	As per 2020/21 Financial Statements achieved 6.29% (2019/20 6.49%). (2018/19 6.22%). (2017/18 6.17%). (2016/17 5.68%). (2015/16 5.85%).	
		Ensure Council's level of debt is manageable.	Debt service cover ratio greater than 2%.	Manager Financial Services	As per 2020/21 Financial Statements achieved 1.71% (2019/20 1.06%). (2018/19 2.17%). (2017/18 3.66%). (2016/17 4.12%). (2015/16 3.95%).	
		Maximise invested funds within prudential guidelines.	Outperform monthly 90 day bank bill swap rate.	Manager Financial Services	At 31 st October 2021 current year average: • Investment earnings – 0.60% (2020/21 average 0.79%) • 90 day Bank Bill Swap Rate – 0.029%	



Events	Bathurst 2040 Objective reference	Deliverable Actions over the next 4 years	Operational Plan – 2021/2022 Projects / Tasks	Tracking our Progress	Responsible Officer	Action Year to Date	Status
1.3 2.1 2.2 2.5 2.6 5.2 5.3 6.3	Coordinate and deliver events to enhance the cultural life of residents and promote the Bathurst Region	Deliver events including New Years Eve, Australia Day, Bathurst Cycling Classic, NRL game, Bathurst 1000 off track events.	90% or more of residents attend an event.	Manager Events	July	<ul style="list-style-type: none"> Successfully delivered the Bathurst winter festival with the out door ice rink, illuminations, food and wine events, music, entertainment, business engagement, rides and community spirit. The festival presented many challenges with major construction works for the Court House changing the illumination locations and layout of the whole festival. One day one of the festival, the NSW Government put Sydney into lockdown due to Covid 19 threats and introduced new restrictions. These restrictions reduced capacity on the ice rink and the over all number of people in one space. Despite these challenges, the festival was still a success and the community was able to embrace the festival. The illumination location footprint was spread wide over Bathurst to ensure social distancing was maintained. The theme for this year was People & Place with illuminations featuring stories and talents of local Bathurst people through art, music, photography and movement. Food and wine nights still went ahead as part of the festival, with reduced capacity and a more local focus. The festival footprint was reduced to cater for smaller crowds. Entertainment moved to showcase the locals with outside of region musicians and entertainment unable to attend. Overall, the festival was a local success for community, businesses and residents 	
					August	<ul style="list-style-type: none"> Wrap up of the Bathurst Winter festival. Which includes settlements, debriefs with wide variety of stakeholders, surveys, future planning and thanking those who were involved. Planning underway for car racing events; Bathurst 1000 off track events, challenge Bathurst, Bathurst International – working with the ever-changing dates and restrictions Planning underway for NYE – working with multi layered approach, pending restrictions 	

				<ul style="list-style-type: none"> Planning for school holiday activities with change of date of Bathurst 1000. This includes chalk art and the popular scavenger hunt from 2020 Reporting on previous events for the GM – NRL, Cycling Classic and Winter festival Award submission for 2019 Winter festival Updating the event Manual <p>September</p> <ul style="list-style-type: none"> Planning for Love your Local campaign. This includes promoting local business, providing activities for children, engaging the local community. Event manual complete Planning undertaken for car races Bx1000 off track events. Working with community groups to deliver on events not run by council. <p>October</p> <ul style="list-style-type: none"> Planning undertaken for car races Bx1000 off track events, Challenge Bathurst, and Bathurst 6 hour Planning underway for NYE and Australia Day Delivered on love your local campaign during covid lockdown. 338 Businesses listed. 2,000 craft activity booklets posted. Community engagement on social media – reach 19,341 people Planning for Bathurst Winter Festival – 3 year Tenders for Ice rink and Illuminations Finalist for NSW Tourism Awards – Bathurst Winter Festival Re-structured BRC Event website.
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Property

Bathurst 2040 Objective reference	Deliverable Actions over the next 4 years	Operational Plan – 2021/2022 Projects / Tasks	Tracking our Progress	Responsible Officer	Action Year to Date	Status
1.5 6.4 6.5 6.8	Manage development of new residential and commercial land releases to ensure appropriate level of supply.	Complete development of land in accordance with Council plans.	Provision of land to meet demands	Property Management Coordinator	Sunnybright Stage 'A' and 'B' had all lots sold as of 31 March 2021. Sunnybright Stage 'C' registered in July 2021. Ballot draw 17/9/21. Kelso Industrial Park has 0 lots available at end of August 2021. Stage 11 of Bathurst Trade Centre sold. Kelso Industrial Park grant funding (Drought Relief) – DA lodged, plans on hold due to CoVid19.	
2.1 4.1 6.4	Ensure best available return on investment on Council properties.	Review of Council's Property Portfolio	Lease Register updated.	Property Management Coordinator	Return on Investment document being created and due October 2021.	

Corporate Communications



Bathurst 2040 Objective reference	Deliverable Actions over the next 4 years	Operational Plan – this year's Projects / Tasks	Tracking our Progress	Responsible Officer	Action Year to Date	Status
6.1	Communicate and engage with the community	Bathurst Regional Council Community Survey.	Overall satisfaction rating > 70%	Manager Corporate Communications	2021 Community Survey completed. Survey result found that 75% of the community is somewhat satisfied or higher (ie satisfied or very satisfied) with Council.	
		Ensure community consultation occurs	All consultation projects included on the "Your Say" platform Followers on social media > 13,000 BRC Website visits > 40,000		As at 31 October 2021: 100% consultation projects on Your Say Bathurst (Irrigation portal, Lodging planning applications online, Bathurst town centre master plan, Streets as Shared spaces, Safala Village Plan, Rockley Village Plan, Peel Village Plan, Financial Assistance COVID-19 Stimulus measures, go-kart track development, Pillars of Bathurst, Expressions of Interest former TAFE precinct, Bathurst Region Heritage Plan 2021-2025, Our Region Our Future, Operation of tourist and visitor accommodation establishments policy Social media followers: July: 14,953 August: 15,189 September: 15,374 BRC Facebook Page: 13,692 BRC Twitter Page: 1,752 October Total: 15,444 (sum of FB & Twitter) Website visits July: 63,941 August: 39,391 September: 43,506 Bathurst Regional Council: 23,130 Mount Panorama: 16,050 Art Gallery: 2,558 Museums: 2081	

					BMEC: 2,053 Cobb & Co: 685 Hill End Art: 481 Bathurst Cycling Classic: 447 Bathurst Childcare: 309 Winter Festival: 227 October total: 48,021 Numbers are down substantially for Council Museums, Gallery, BMEC as a result of COVID restrictions	
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Cultural & Community Services


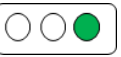



Bathurst Regional Council supports a vibrant culture and community. Lifestyle in the Bathurst Region is enriched by providing a diverse range of cultural facilities and programs and by promoting cultural diversity. Community well-being is promoted through social planning, community development and ensuring access to community services.







Community Services


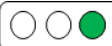
Bathurst 2040 Objective reference	Deliverable Actions over the next 4 years	Operational Plan – 2021/2022 Projects / Tasks	Tracking our Progress	Responsible Officer	Action Year to Date	Status
5.1 5.2 5.3 5.5	Work in partnership with key stakeholders to develop administer and deliver community planning that reflects the strengths and needs of specific sectors and the community as a whole.	Undertake the actions identified in the Bathurst Community Safety Plan in partnership with the Bathurst Regional Community Safety Committee	Provide administrative support to four (4) meetings of the Bathurst Regional Community Safety Committee. Relevant campaigns /projects developed and implemented as per actions identified in the Bathurst Community Safety Plan.	Manager Community Services	No Community Safety Meetings were held in October 2021. YTD two (2) Community Safety Committee meetings held. Development of a fraud campaign and mobility scooter safety campaign continued in October 2021. Zero (0) campaigns/projects were implemented during October 2021. YTD zero (0) campaigns undertaken in accordance with the Bathurst Community Safety Plan.	
6.3		Implementation of the strategies and actions identified in the Disability Inclusion Action Plan (DIAP) that address each of the four focus areas of the plan 2017-2021.	Monthly review to determine the number of actions in progress or complete. Relevant Community Services initiatives/projects developed and implemented as per actions identified in the Disability Inclusion Action Plan (DIAP).		Review of actions and strategies listed in the Disability Inclusion Action Plan (DIAP). 22 of 50 actions in progress (44%) 11 of 50 actions complete (22%) 17 of 50 actions incomplete (34%) While COVID-19 has had an impact on the DIAP with 12 out of the 50 actions affected (24%), many actions are "ongoing" and remain a priority for Council. Planning for International Day of People with Disability continued in October 2021. Planning of the Ability not Disability campaign continued in October 2021. Research and drafting of second DIAP continued in October 2021.	

Bathurst 2040 Objective reference	Deliverable Actions over the next 4 years	Operational Plan – 2021/2022 Projects / Tasks	Tracking our Progress	Responsible Officer	Action Year to Date	Status
		Adopt Positive Ageing Strategy and implement strategies and actions identified in the Strategy	Research and draft second DIAP 2022-2026			
			Draft Positive Ageing Strategy adopted by Council for public exhibition.	Manager Community Services	The Draft Positive Ageing Strategy was adopted by Council and placed on public exhibition in July 2021.	
			Final Positive Ageing Strategy adopted by Council, following public exhibition	Manager Community Services		
			Monthly review to determine the number of actions in progress or complete.	Manager Community Services	Monthly review of actions was completed in October 2021. YTD twenty (20) of fifty-nine (59) actions are in progress (33%).	
		Collaborate with key stakeholders to develop and deliver programs/ activities to meet the needs of the Indigenous community.	Relevant Community Services initiatives/projects developed and implemented as per actions identified in the Positive Ageing Strategy.	Manager Community Services	Creating Connections, a program aiming to combat social isolation in older people, was postponed in August 2021 due to COVID-19. The program will run in 2022 as part of the Seniors Festival. Research and development for campaign around safe mobility scooter use continued in October 2021.	
			Deliver two (2) community development projects	Manager Community Services	No community development projects completed in October 2021. YTD one (1) community development project has been delivered.	
			Research and draft Bathurst Regional Council's Aboriginal Commitment Strategy	Manager Community Services	Research continued and drafting commenced for Bathurst Regional Council's Aboriginal Commitment Strategy in October 2021.	

Bathurst 2040 Objective reference	Deliverable Actions over the next 4 years	Operational Plan – 2021/2022 Projects / Tasks	Tracking our Progress	Responsible Officer	Action Year to Date	Status
5.1 4.3 1.3 5.4 6.2 6.3	The provision of the Kelso Community Hub as a safe community hub and venue for outreach service provision that meet the needs of the community.	Encourage and facilitate the use of Kelso Community Hub to meet community needs	Facilitate two (2) collaborative projects with key stakeholders at the Kelso community Hub. Information distributed regarding hire of Kelso Community Hub to meet the needs of community. Provide two (2) Kelso Community Hub update reports to Council.	Manager Community Services	Two (2) collaborative projects were facilitated during October 2021. NSW Health and Orange Aboriginal Medical Service returned for the second vaccination hub. Aspen Medical provided an additional vaccination clinic in October. YTD one (2) collaborative projects facilitated. Information was distributed to two (2) organisations in October 2021. YTD four (4) organisations distributed with information. Zero (0) Kelso Community Hub update reports provided to Council during October 2021. YTD zero (0) update reports provided to Council.	
5.1 5.3 1.3 6.2 6.3 6.7	Value and support opportunities for young people to understand the processes of Local Government and be involved in relevant projects.	Value and support opportunities for young people to understand the processes of Local Government and be involved in relevant projects.	Facilitation of six (6) Bathurst Regional Youth Council meetings, including attendance numbers Undertake and/or participate in six (6) initiatives, activities, programs and events.	Manager Community Services Manager Community Services	One (1) Youth Council Main Meeting held October 2021, with 14 Youth Councillors in attendance. YTD two (2) Youth Council meeting held with 14 Youth Councillors in attendance One (1) initiative was implemented in October 2021. A community awareness initiative, COVID Competition has run through October. Keeping Positive during COVID encouraged young people to show case their talents through a creative arts competition. YTD two (2) activities undertaken.	 

Bathurst 2040 Objective reference	Deliverable Actions over the next 4 years	Operational Plan – 2021/2022 Projects / Tasks	Tracking our Progress	Responsible Officer	Action Year to Date	Status
5.1 5.2 5.3 5.4	Provision of high quality child care facilities to cater for children aged 0-12 years in the Bathurst Community	Update policies and procedures to ensure alignment with: 1. Education and Care Services National Quality Standards. 2. Education and Care Services National Regulations and Law	50% of policies reviewed	Manager Community Services	FDC Registration of Educators policy reviewed to align with changes to Educators updated registration contract. YTD 17.5% Policies reviewed.	
			Develop and Maintain current Service Self-Assessment Tool	Manager Community Services	Review commenced in October 2021 for FDC. Review of FDC Self-Assessment tool commenced during October 2021 with completion to occur in November YTD one (1) review has commenced/occurred.	
6.3 6.4 6.7	The provision of Council's Children Services, setting a benchmark for education and care in the Bathurst LGA	Undertake actions identified in the Children's Services Strategic Plan 2021-2023	Undertake one (1) peer review of Educational programs in long day care services	Manager Community Services	No peer review completed during October 2021 YTD zero (0) peer reviews undertaken	
			Facilitate one (1) survey for Family Day Care (FDC) and Long Day Care (LDC) families for review of service delivery.	Manager Community Services	Zero (0) surveys completed during October 2021. YTD zero (0) surveys undertaken for Long Day Care, 1 (one) survey undertaken for Family Day Care.	
			Provide one (1) Children's Services update report to Council	Manager Community Services	No reports submitted to Council in October 2021. YTD one (1) report submitted to Council.	

Bathurst 2040 Objective reference	Deliverable Actions over the next 4 years	Operational Plan – 2021/2022 Projects / Tasks	Tracking our Progress	Responsible Officer	Action Year to Date	Status
		Increase occupancy rates within Children's Services	85% occupancy rate for long day care	Manager Community Services	Occupancy rate for October 2021 is 96% with limited placements in Preschool Program. YTD current occupancy rate at 96%	
			30% increase of Family Day Care Educators	Manager Community Services	Zero (0) Educators recruited during October 2021. YTD a 17.5% increase in Educator numbers has occurred.	
			20% increase in daily usage of family day care	Manager Community Services	In October 2021 the average daily attendance remained at 70 children per day. YTD 5.4% increase in average daily attendances has occurred.	
	Promotion of Children's Services.	Build community awareness of services offered by Children's Services section	Deliver two (2) family information evenings for Children's Services	Manager Community Services	No information evenings delivered in October 2021. Under COVID conditions. YTD zero (0) information evenings held.	
			Facilitate two (2) marketing mechanisms	Manager Community Services	No marketing mechanisms were undertaken during October 2021 due to current Covid conditions within the Bathurst community. YTD one (1) marketing mechanism implemented.	
			Facilitate one (1) marketing mechanism relating to the Preschool Program	Manager Community Services	One (1) marketing mechanism facilitated during October 2021 relating to the Preschool Program. Information packs sent to families of children entering Preschool in 2022. YTD one (1) marketing measure undertaken.	

Bathurst 2040 Objective reference	Deliverable Actions over the next 4 years	Operational Plan – 2021/2022 Projects / Tasks	Tracking our Progress	Responsible Officer	Action Year to Date	Status
	Connect and collaborate with Children's Services networks locally and regionally to ensure services provision reflects strengths and needs of the sector.	Complete one (1) education and care needs analysis	Facilitate one (1) industry forum	Manager Community Services	No facilitation of an industry forum occurred during October 2021. This is in light of COVID conditions. YTD zero (0) industry forums undertaken.	
			Facilitate one (1) local survey	Manager Community Services	No surveys completed in October 2021. YTD zero (0) survey undertaken	

Bathurst Library

Bathurst 2040 Objective reference	Deliverable Actions over the next 4 years	Operational Plan – 2021/2022 Projects / Tasks	Tracking our Progress	Responsible Officer	Action Year to Date	Status
4.3	Develop a strategic approach to planning the next-practice library	Review the Mobile Library Service	Report to Council by June 2022	Manager Library Services	Mobile and Home Library review commenced.	
5.3	Maintain and improve community participation in the Library Services	Maintain and improve membership base	Membership is 28% or more of total population	Manager Library Services	To date, the total active membership of Bathurst Library is 11,171 = 26% of Bathurst population. Excluding non-2795 members, membership is 10,442 = 24% of Bathurst population. Reciprocal/Temporary (non-2795 postcode) membership is 729.	
		Maintain and improve visitations	Yearly visitations are 84,000 or more (monthly average: 7,000)	Manager Library Services	YTD: 15,554 people visited the library. October: 641 people visited the library.	
		Maintain and improve program and event delivery	Deliver 200 or more programs / events per year (monthly average: 16.6)	Manager Library Services	Events planned for July, August, September and October have been postponed or cancelled due to COVID-19 related restrictions. Library closed Sunday 15 August and reopened on Monday 18 October to people with Australian Government proof of full vaccination. YTD: 34 Programs delivered. October: 6 Programs delivered.	
		Maintain and improve attendance at programs and events	4,800 attendees or more to programs / events per year (monthly average: 400)	Manager Library Services	YTD: 383 attendees October: 76 attendees	




Bathurst 2040 Objective reference	Deliverable Actions over the next 4 years	Operational Plan – 2021/2022 Projects / Tasks	Tracking our Progress	Responsible Officer		Status
5.3	Maintain and improve access to information and life-long learning		Loans exceed 240,000 per year (monthly average: 20,000)	Manager Library Services	YTD: 55,493 items borrowed October: 9,842 items borrowed (6,236 electronically)	
		Improve online information	Audit Bathurst newspaper collections for digitisation needs by June 2022.	Manager Library Services	Recording of Bathurst newspapers digitised on Trove and Bathurst Library physical microform ongoing.	
			Provide at least 20 technology sessions/workshops for adults yearly	Manager Library Services	YTD: Seven (7) digital literacy programs delivered October: Discover More Technology Workshop: Facebook delivered Thursday 28 October Tech assistance is also provided over the phone.	
			Curate and promote the new Book Club kit collection (minimum 50 titles) by June 2022	Manager Library Services	Thirty-six (36) titles processed and catalogued to date.	
			Launch and promote four (4) online reading challenges by June 2022	Manager Library Services	YTD: 4 challenges launched and promoted October: Summer Reading Club challenge development in progress. Community wide challenge under investigation.	
		Promote Wiradjuri and Aboriginal Collection content: 1 promotion per month	Promote Wiradjuri and Aboriginal Collection content: one (1) promotion per month	Manager Library Services	October Discover More Wiradjuri History Facebook post, posted 4 October 2021.	
6.1	Communicate and engage with the community	Growth in followers on the library social media platforms	More than 2,900 Facebook likes and more than 930 Twitter followers	Manager Library Services	Facebook: 3,045 Twitter: 934	

Bathurst 2040 Objective reference	Deliverable Actions over the next 4 years	Operational Plan – 2021/2022 Projects / Tasks	Tracking our Progress	Responsible Officer	Action Year to Date	Status
		Monitor community satisfaction with Library Services, Programs and Collections	Analyse and report on Library Community Survey by December 2021	Manager Library Services	Report to Council and Survey Summary drafted. To go to November Council meeting.	<div> <input type="radio"/> <input type="radio"/> <input checked="" type="radio"/> </div>
6.2	Maintain and create partnerships with local organisations and neighbouring councils	Foster relationships with local schools and day care centres	Deliver at least two (2) new activities to local schools and two (2) new activities to day care centres by June 2022	Manager Library Services	October: No activity.	<div> <input type="radio"/> <input type="radio"/> <input checked="" type="radio"/> </div>

Bathurst Regional Art Gallery


Bathurst 2040 Objective reference	Deliverable Actions over the next 4 years	Operational Plan – 2021/2022 Projects / Tasks	Tracking our Progress	Responsible Officer	Action Year to Date	Status
1.3	Provide a focus on the visual arts for the community by providing education and public programs that challenge thinking and stimulate creativity, and promote cultural vitality in the region through the development and care of the permanent collection, temporary exhibitions and research facilities.	Increase community participation and engagement through public programs and events	Minimum eight (8) public / education programs delivered per exhibition slot.	Art Gallery Director	YTD: 12 Programs: 142 participants October Public/Education programs: 2 Total participation: 88	
		Increase student and teacher engagement through education programs and outreach	5% increase in school engagement on 2020/2021.		October: No activity	
			Staging of four (4) regional artist projects with at least 3,250 attendees Commission four (4) new works by regional artists.	Art Gallery Director	YTD: Three (3) regional artist projects: Attendance: 1127 1. JULY: Chester Nealie: Etched in Fire. Attendance July: 1077 2. AUGUST/ SEPTEMBER/OCT: Karin Smith & Colin Fenn (Foyer Space). COMMISSIONS:	
		Develop community access to and understanding of contemporary indigenous art.	Stage two (2) exhibitions of contemporary Aboriginal art.	Art Gallery Director	YTD: Three (3) exhibitions of contemporary Aboriginal art. Attendance: 450 October: Myall Creek and Beyond; Karla Dickens: Mother's Little Helpers; Paddy Fordham Wainburunga: Recent Acquisitions EOI finalised	
		Develop First Nations led program for 2024.		Art Gallery Director		
		Develop community access to the permanent collection.	Gallery Store conversion project 'grant ready'.	Art Gallery Director	August: RTAF application submitted Sept: BRAG Art Store Collection Project # 2: hanging racks removed for relocation to CWCF	

Bathurst 2040 Objective reference	Deliverable Actions over the next 4 years	Operational Plan – 2021/2022 Projects / Tasks	Tracking our Progress	Action Year to Date	Status
		Develop community access to the permanent collection through exhibition, research, loans, and touring exhibitions	Staging two (2) permanent collection exhibitions with at least 3,000 attendees combined	August: RTAF Grant submitted September: BRAG Art Store pack completed	
				YTD: 100% complete	
6.1 2.6	Communicate and engage with the community	Increase community engagement on social media platforms.	Increase followers across social media platforms by 5% on 2020/2021 figures.	YTD: 7,530. Target: 7,660. October: 7,530	
5.2	Promote cultural activity in the Bathurst CBD, neighbourhoods and the region's villages through the development of inclusive and accessible satellite programs and events, and the promotion of Hill End as a significant site of contemporary and historic Australian art and culture.	Develop community understanding of the achievements of the Hill End Artists in Residence (AIR) Program.	EOI for Hill End AIR leases complete.	October: No activity	
		Develop Community understanding of the Hill End Artists in Residence (AIR) Program	Staging of at least three (3) Hill End Artists in Residence exhibitions with at least 4,000 attendees combined	YTD: project postponed due to COVID-19 residency carry-overs from 2020 October: postponed due to Covid lockdown	



Bathurst 2040 Objective reference	Deliverable Actions over the next 4 years	Operational Plan – 2021/2022 Projects / Tasks	Tracking our Progress	Responsible Officer	Action Year to Date	Status
		Ensure ongoing sustainability of the Hill End AIR cottage leases	Expression of interest for NPWS leases (Haefligers and Murrays) submitted.	Art Gallery Director	October: EOI postponed by NPWS to 2022	
		Develop activities within the Public Art Policy as resources permit.	Develop and deliver three (3) programs for <i>Out There Bathurst</i> platforms.	Art Gallery Director	YTD: Three (3) public art programs delivered July: Banha Belong September: 2021/22 Out There Bathurst Schedule developed October: Step into Spring, Youth Programs	
	1.3 6.6	Increase in revenue generated from gallery retail outlet and programs	5% increase in revenue	Art Gallery Director	YTD 2021-2022: \$9289.85; 61% decrease October: Closed due to COVID from 15 August	


Bathurst Memorial Entertainment Centre


Bathurst 2040 Objective reference	Deliverable Actions over the next 4 years	Operational Plan – 2021/2022 Projects / Tasks	Tracking our Progress	Responsible Officer	Action Year to Date	Status
4.1 1.1 1.2 5.3 6.2	Implement a strategic approach to planning the next-practice Performing Arts Centre	Consultant to develop framework, provide timeline, and produce interim solution	Timeline and interim solution provided by April Framework provided by April	Manager BMEC	Interim solution and Framework both finalised and provided on 12 July.	
5.2 5.3	Maintain and improve community participation in BMEC services and activities	Maintain and improve average number of tickets purchased per Member	Average of at least five (5) tickets per Member	Manager BMEC	YTD 9.7 average Tickets Purchased per Member. Actual purchases for the financial year will decrease as refunds have been required due to COVID-19 cancellations or postponements. YTD 151 current members were rolled over from 2020 into 2021 year and 83 members have had their 2021 show bookings reserved. YTD 9,725 – Visitors, (total number of people through the venue). Of these 943 are attributed to the mass Vaccination clinic in October. YTD 59 – number of events at BMEC (including meetings)	
		Maintain and improve venue attendance	Attendances exceed 55,000			
			Deliver approximately 14 Season and other events, seven (7) associated workshops and a Local Stages Program including LEAP program, local writers' and readers' festival and other performing arts development	Manager BMEC	17 Events are programmed in the 2021 Annual Season which is a calendar year program. To date eight of these have been delivered with six so far cancelled or postponed due to COVID-19 18 events were programmed in the 2020 Annual Season. Two (2) were delivered and 16 cancelled due to COVID-19. There were no Season events in October as the venue was mainly closed. October workshops: <ul style="list-style-type: none"> 1 Compareo workshop 1 Youth drama workshop 1 Fast Cars drumming workshop 	
		Maintain and improve attendance at programs and events	5,200 attendees or more to Season shows and 4,000 at associated and Local Stages projects per year	Manager BMEC	YTD 1,325 attendees at Season events.	


Objective reference	Deliverable Actions over the next 4 years	Operational Plan – 2021/2022 Projects / Tasks	Tracking our Progress	Responsible Officer	Action Year to Date	Status
1.1 1.2 5.3	Communicate and engage with the community	Growth in community engagement	At least one (1) intrinsic impact study per year. 2% growth in social media followers over 2020/2021	Manager BMEC	YTD 22% growth in facebook followers from 4 July 2020 BMEC currently has: <ul style="list-style-type: none"> • 4,129 facebook followers • 504 Twitter Followers • 1,081 Instagram followers 	

Museums

Bathurst 2040 Objective reference	Deliverable Actions over the next 4 years	Operational Plan – 2021/2022 Projects / Tasks	Tracking our Progress	Responsible Officer	Action Year to Date	Status
2.6 1.1 1.2 1.3 6.6	An increase in total visitor numbers to the Bathurst Regional Council managed museums of 8% over 4 years	An increase of 8% total visitors from 2017/2018 numbers to: <ul style="list-style-type: none"> • Australian Fossil and Mineral Museum • National Motor Racing Museum • Chifley Home and Education Centre • Bathurst Rail Museum 	Total increase of 8% in visitor numbers	Manager Museums	Total number of visitors to museums in October 2021 was 592 which is a 93% decrease from October 2017 numbers of 9,060. Note: Museums closed to public on Sunday 15 August in compliance with NSW Public Health Order. Australian Fossil & Mineral Museum (reopened 21/10/21) 118 which is a 94% decrease from October 2017 visitor numbers of 2,321. National Motor Racing Museum (reopened 20/10/21) 161 which is a 97% decrease from October 2017 visitor numbers of 6,623. Bathurst Rail Museum (reopened 22/10/21) 313 visitors for October 2021 Chifley Home & Education Centre (remains closed due to COVID-19) Zero (0) which is a 100% decrease from October 2017 visitor numbers of 116. Year to date (YTD) total visitors to Council Museums is 6,070, which is an 74% decrease from 23,537 YTD 2017.	
2.6 1.1 1.2 1.3 6.6	An increase in the total educational/schools engagement with the Bathurst Regional Council managed museums of 8% over 4 years	An increase of 8% in total education/ school engagement from 2017/2018 numbers to: <ul style="list-style-type: none"> • Australian Fossil and Mineral Museum • National Motor Racing Museum • Chifley Home and Education Centre • Bathurst Rail Museum 	Total increase of 8% in education/ school engagement	Manager Museums	The number of education/school engagement across the Museums in October 2021 was zero (0) which is a 100% decrease from October 2017 numbers of 657. Note: Museums closed to public on Sunday 15 August in compliance with NSW Public Health Order.	






Bathurst 2040 Objective reference	Deliverable Actions over the next 4 years	Operational Plan – 2021/2022 Projects / Tasks	Tracking our Progress	Responsible Officer	Action Year to Date	Status
					<p>Australian Fossil & Mineral Museum (reopened 21/10/21) Zero (0) education visitors which is a 100% decrease of October 2017 visitor numbers of 506.</p> <p>National Motor Racing Museum (reopened 20/10/21) Zero (0) educational visitors which is a 100% decrease of October 2017 visitor numbers of 136.</p> <p>Bathurst Rail Museum (reopened 22/10/21) Zero (0) educational visitors in October 2021.</p> <p>Chifley Home & Education Centre (remains closed due to COVID-19) Zero (0) which is a 100% decrease of October 2017 visitor numbers of 15.</p> <p>Year to date (YTD) total education/school visitors to Council Museums is 4,408, which is an 82% increase from 2,420 YTD 2017. (This increase was due to online education program at AFMM)</p>	
2.6 1.1 1.2 1.3 6.6	The provision of a range of public programs, exhibitions and community events at the Bathurst Regional Council managed museums	Undertake exhibitions, public programs and community events across the Bathurst Regional Council managed museums	Minimum six (6) exhibitions, five (5) public programs and two (2) community events	Manager Museums	<p>YTD seven (7) exhibitions YTD zero (0) Community Event YTD three (3) Public Programs</p> <p>In October 2021 the following has occurred:</p> <p>Note: Museums closed to public on Sunday 15 August in compliance with NSW Public Health Order.</p> <p>Exhibitions Australian Fossil and Mineral Museum (reopened 21/10/21)</p> <ul style="list-style-type: none">Chapman Collection - ongoing <p>National Motor Racing Museum (reopened 20/10/21)</p>	


Bathurst 2040 Objective reference	Deliverable Actions over the next 4 years	Operational Plan – 2021/2022 Projects / Tasks	Tracking our Progress	Responsible Officer	Action Year to Date	Status
					<ul style="list-style-type: none"> Chaz Mostert Crash Exhibit - upgraded and installed <p>Bathurst Rail Museum (reopened 22/10/21)</p> <ul style="list-style-type: none"> Local Stories cabinet - Michael Burrell story ongoing <p>Chifley Home and Education Centre</p> <ul style="list-style-type: none"> New Online exhibition - CSU Art Education students – 'Isolated Connections' – ongoing <p><u>Community Events</u> - Nil due to COVID</p> <p><u>Public programs</u> - Nil due to COVID</p>	
2.6 1.1 1.2 1.3 6.6	An overall increase in revenue generated from museum retail outlets and venue hire across the Bathurst Regional Council managed museums	<p>An increase of 8% gross total revenue from 2017/2018 numbers for:</p> <ul style="list-style-type: none"> Australian Fossil and Mineral Museum National Motor Racing Museum Chifley Home and Education Centre Bathurst Rail Museum 	Total increase of 8% in revenue	Manager Museums	<p>Total retail and venue hire gross income across the Museums in October 2021 was \$5,178 which is a 91% decrease on October 2017 income of \$61,875.</p> <p>Note: Museums closed to public on Sunday 15 August in compliance with NSW Public Health Order.</p> <p>In October 2021 the following retail and venue hire gross revenue was achieved:</p> <p>Australian Fossil & Mineral Museum (reopened 21/10/21)</p> <p>\$1,139 which is a 89% decrease on October 2017 income of \$11,335.</p> <p>National Motor Racing Museum (reopened 20/10/21)</p> <p>\$3,102 which is a 93% decrease on October 2017 income of \$50,388.</p> <p>Bathurst Rail Museum (reopened 22/10/21)</p> <p>\$937 for October 2021.</p> <p>Chifley Home and Education Centre:</p> <p>Remains closed due to COVID-19.</p> <p>\$0 which is a 100% decrease on October 2017 income of \$152.</p>	

Bathurst 2040 Objective reference	Deliverable Actions over the next 4 years	Operational Plan – 2021/2022 Projects / Tasks	Tracking our Progress	Responsible Officer	Action Year to Date	Status
1.1 1.2 1.3 6.6	Central Tablelands Collection Facility	Complete construction of Central Tablelands Collection Facility and commence operations.	Complete construction and commence operations.	Manager Museums	<p>In October 2021 the following occurred</p> <ul style="list-style-type: none"> • Structural Steel frame with roof and wall purlins were completed. • Internal and external sheet installation commenced • Commence art racking structure 	

Tourism

Bathurst 2040 Objective reference	Deliverable Actions over the next 4 years	Operational Plan – 2021/2022 Projects / Tasks	Tracking our Progress	Responsible Officer	Action Year to Date	Status
2.1 6.1	Grow the number and engagement of businesses associated with the Visitor Economy	Work with local operators in the provision of visitor services and destination experiences	Ten (10) new packages, products or experiences developed	Manager Tourism & Visitor Services	YTD one (1) new product developed. Bathurst 'Lockdown Love' packages – local products sold online through September/October 2021 Autumn Colours 2022 program – meeting held 19 October to consider new tours and activities	
		Grow Regional Tourism Partnership program	Number of tourism partners increased by 10%		74 paid tourism partners as of 30 September 2021. Full year target of 206. Campaign targeting new businesses ongoing.	
			Advertising revenue increased 10%	Manager Tourism & Visitor Services	Advertising prospectus completed and sent to all partners. 14 Ads booked to 31 October	
			One (1) new tour product added and promoted	Manager Tourism & Visitor Services	1. Wiradjuri Tour, meeting held with Elders 28 July 2021. 2. Hill End Tour, narration recording completed and final edit underway October 2021 3. St Joseph's Perthville, seeking joint funding.	
2.6	Provide visitors and prospective visitors to the area with quality information and services.	Increase volume of online tour, event and accommodation bookings	Increase of 10% total bookings through online portal	Manager Tourism & Visitor Services	YTD 18.4% decrease against 2020/2021 figures to total \$5,176 October 2021 - \$40 in sales. Chifley Dam Cabins remained closed.	
		Develop annual Destination Planner	2022 Destination Planner published	Manager Tourism & Visitor Services	Design work underway – first draft proof received in October.	
		Develop new Bathurst region villages touring itineraries and inter-region itineraries based on shared thematic elements	Six (6) new itineraries created and published on website/available at BVIC.	Manager Tourism & Visitor Services	YTD four (4) new itineraries with Geo tourism/outdoors themes published on website in July 2021 and new promotional itinerary developed for Media PR kits distributed October 2021.	

Bathurst 2040 Objective reference	Deliverable Actions over the next 4 years	Operational Plan – 2021/2022 Projects / Tasks	Tracking our Progress	Responsible Officer		Status
		Increase local range of retail products and souvenirs at BVIC and develop e-commerce facility	Retail sales at BVIC increase by 10% over previous year	Manager Tourism & Visitor Services	YTD 55.6% decrease to \$7926 October - \$2,014 gross retail revenue being 80.7% decrease against October 2021. Result significantly affected by COVID19 lockdown with BVIC closed to 14 October and no travel from Sydney. E-commerce products generated \$163.50 revenue	
2.6	Effectively promote and market the Bathurst Region as a key destination	Implement new 2021-2023 marketing plan	30% of actions completed or underway	Manager Tourism & Visitor Services	New plan adopted by Council at February meeting. 23 of 39 action items (59%) completed or underway as of 31 October	
		Implement online content strategy	Destination website page views increase 15% Total social media following (includes Facebook, Instagram and Twitter) increase 20%	Manager Tourism & Visitor Services	Pageviews: YTD 28% decrease on 2020/2021 (No travel from Greater Sydney due to COVID 19 lock down) To 31 October 2021, 97,845 total pageviews. Total Users increases 42.3% over same period driven by single page searches for COVID19 information. Social Media: YTD of 4.1% total social media increase to total 20,026 followers	
		Work with industry and specialist agencies as required to generate brand building earned media coverage through public relations activity	120 media articles generated (across all platforms).	Manager Tourism & Visitor Services	Specialist PR Agency and BVIC collaborated to create media articles in Ella's List, SMH, Holidays with Kids. Journalist hosted October 2021 – Rob McFarland. Media kits - 'Open Summer' Bathurst gift boxes designed at BVIC and distributed to 28 journalists, outlets and influencers October 2021 Three (7) media articles generated in October, 25 YTD	
2.6	Increase total number of visitors and overnight stays in the Bathurst region	Promote Bathurst region to niche and specialist markets as identified in Destination Management Plan and 2021 Marketing Plan	Overnight visitors increase by 5% Average length of stay increases by 5%	Manager Tourism & Visitor Services	Annual Tourism Research Australia figures released October 2020 (most recent) Overnight visitor nights increased by 6.1%	

Bathurst 2040 Objective reference	Deliverable Actions over the next 4 years	Operational Plan – 2021/2022 Projects / Tasks	Tracking our Progress	Responsible Officer	Action Year to Date	Status
			Measurement based on Tourism Research Australia annual data		Average length of stay steady at average three nights New 'Localis' analytics platform at 31 October shows forward accommodation bookings from 1 November to Easter weekend 2022 are 62% higher than at same period in 2020	
		Promote BVIC as essential step off point for Bathurst region.	Annual visitation to BVIC increases 3%	Manager Tourism & Visitor Services	YTD visitation decrease of 83.3% on 2020/2021. October 2021 - visitation of 686. BVIC closed to 14 October and no Sydney visitation for entire month. COVID-19 lock down, Greater Sydney YTD and all NSW from 15 August - 11 October.	



Destination Management



Bathurst 2040 Objective reference	Deliverable Actions over the next 4 years	Operational Plan – 2021/2022 Projects / Tasks	Tracking our Progress	Responsible Officer	Action Year to Date	Status
2.6	Utilise the Destination Management Plan as a basis for marketing, promotion and tourism development	Implement the Strategic priorities of the 2019 DMP	35% of actions completed or underway	Manager Tourism & Visitor Services	YTD 36.5% or 38 of the 104 priority actions completed or underway as of 31 October 2021.	
2.6	Support the Tourism Reference Group, which consists of a cross section of the industry	Implement the Industry Engagement Strategy	Hold at least: four (4) targeted meetings with industry four (4) industry capacity building workshops	Manager Tourism & Visitor Services	YTD one (1) industry meetings held Meeting held with Bathurst Region Vignerons Association (BRVA) 19 July No meetings in October	
2.6	Connect with industry	Continue monthly industry eDM Host industry gatherings Increase engagement with industry website	Minimum of 12 eDMs issued. Hold at least four (4) industry networking events. Pageviews increase 20%	Manager Tourism & Visitor Services	eDMs Issued: YTD 8 October - two (2) Industry Events: YTD No industry events held Pageviews: 146 pageviews in October 2021, 382 YTD	
2.6	Set and measure benchmarks	Publish annual market intelligence report to strengthen knowledge and guide investment. Establish accommodation benchmarking in the Bathurst LGA	Market intelligence report produced. More than ten (10) accommodation operators contribute data to accommodation monitoring	Manager Tourism & Visitor Services	Working with Location analytics company 'Localis' on providing data sets and on building industry friendly dashboard. Initial discussions held with key stakeholders. Report being drafted. Partnership with UWS – research mentoring to tourism students and collaborative survey completed. Use of Localis platform COMPLETES this objective with data drawn from 36 properties available to Council.	




Environmental, Planning & Building Services

Council will manage growth and development in alignment with Council's and the NSW Government's planning instruments and controls, and continue forward planning through reviews of the Housing Strategy, Open Space Strategy and Transport and Parking Strategy. Adoption of a new Economic Development Strategy will identify opportunities for continued growth, mindful of Council's obligations to environmental stewardship, heritage conservation and good urban design.


Environmental

Bathurst 2040 Objective reference	Deliverable Actions over the next 4 years	Operational Plan – 2021/2022 Projects / Tasks	Tracking our Progress	Responsible Officer	Action Year to Date	Status
6.4 5.2 5.4	Meet Council's responsibilities under the Companion Animals Act 1998 by continuing to provide community programs relating to responsible pet ownership	Complete Responsible Pet Ownership community programs Maintain and enhance areas for off-leash recreation for dogs	Two Community desexing programs conducted Pet Education event held Educational radio interviews conducted weekly Educational social media posts conducted monthly Maintain Kefford Street Off Leash areas fortnightly	Team Leader Regulatory Services	The first community desexing program has been scheduled to commence on 1 November 2021. Pet Day was held on 9 July 2021 in conjunction with Bathurst Winter Festival activities. The online event was popular with the local community. Weekly radio interviews were undertaken in October 2021. Two Facebook posts were made in October 2021. Off leash areas maintained by contractors when necessary. Spraying of bindii and other nuisance weeds was undertaken in October. 95.00% of customer requests responded to within adopted corporate standards for the period 1 July to 31 October 2021. 73 customer requests were investigated during the month of October 2021. 100% of customer requests responded to out of hours	
6.4 5.4	Meet Council's responsibilities under the Companion Animals Act 1998 and Impounding Act 1993 by promptly responding to customer requests and implementing enforcement action for breaches	Investigate animal related complaints, including matters reported after hours Undertake regulatory action consistent with Council's Enforcement Policy for identified breaches	95% of customer requests responded to within adopted corporate standards 100% response to customer requests reported out of hours	Team Leader Regulatory Services		



6.4	Meet Council's responsibilities under the Prevention of Cruelty to Animals Act 1979 and the Impounding Act 1993 in the operation of the Small and Large Animal Impounding Facilities	Operate Small Animal Pound at Vale Road site	Implement social media program to promote rehoming of impounded dogs and cats Increase the % of impounded dogs returned to owner or sold or released to welfare organisation Increase the % of impounded cats returned to owner or sold or released to welfare organisation	Team Leader Regulatory Services	One adoption posts was made during October 2021. No "feel good furiday" posts were made in October 2021. 87.0% of dogs were returned to owner, sold or released to welfare organisations in the period between 1 July and 31 October 2021. 72.23% of cats were returned to owner, sold or released to welfare organisations in the period between 1 July and 31 October 2021.	
6.4 4.4 5.2 5.4	Meet Council's responsibilities under the Road Rules 2014 and Fines Act 1996	New Small Animal Impounding Facility construction completed	Construction 50% complete by 31 December 2021		Contractor undertook earthworks and other preparatory activities in October 2021. Rain has caused several weeks in delays to the construction program.	
6.4 5.2	Meet Council's contractual obligations under the Local Government Act 1993 in monitoring and enforcing parking regulations in off street car parks	Monitor and enforce parking regulations on public roads Implement a community education program regarding the Australian Road Rules	Daily monitoring undertaken Educational social media posts conducted monthly		Infrequent monitoring undertaken, with limited staff availability. (the traffic light should be orange) One educational post made in October 2021.	
3.1 3.2 3.3 3.4 6.4 1.4	Meet Council's responsibilities under the Protection of the Environment Operations Act	Investigate customer requests and pollution incidents Undertake regulatory action consistent with Council's Enforcement Policy for identified breaches	100% compliance with contractual obligations 95% of customer requests responded to within adopted corporate standards		Infrequent monitoring of car parks undertaken during October 2021 due to limited staff resources. (the traffic light should be orange) 98.10% of customer requests responded to within adopted corporate standards for the period 1 July to 31 October 2021. 28 customer requests were registered with Council in the month of October 2021.	
		Undertake educational programs to enhance community knowledge	Monthly posts on the @sustainablebathurst Facebook page	Manager Environment	Posts in October focused on Living with Less Workshops and the commencement of the Bush Fire Danger Period.	

3.3 3.5 6.1	Communicate sustainability messages via a range of on-line and traditional media sources. Conduct sustainability education programs	Weekly posts on the @sustainablebathurst Facebook page Conduct Sustainable Living Expo in March 2022 Implement the River Connections program targeting primary school aged students by December 2021	Manager Environment	Posts in October focused on the Bathurst Backyard Bird Count and guided bird walk at Mount Panorama. Applications for Council's Sustainable Schools Grant program were awarded in September 2021. A review of the 2021 SLE event commenced in July 2021. The 2022 event has been cancelled as there is no longer funding available. The milestone report for the pilot phase of the River Connections project was submitted to the NSW Environmental Trust in July 2021. Expressions of interest were sought from schools for the 2022 program in October 2021.	
3.1 3.2 6.4	Conduct inspections and issue approvals for existing onsite sewage management systems without approvals or requiring renewal	Increase the number of onsite sewage management systems with a current approval to operate	Manager Environment	Inspection program is ongoing with a focus on high risk systems and systems where the ownership is changing due to sale of the property. 37 approvals to operate have been issued for the period 1 July 2021 to 30 September 2021.	
3.1 3.4 3.5 1.4	Implement the Urban Waterways Management Plan Implement the Biodiversity Management Plan Implement the Pest Bird Management Plan Implement the Roadside Vegetation Management Plan	Implement a priority project identified in the Urban Waterways Management Plan. Implement a priority project identified in the Biodiversity Management Plan. Implement a priority project identified in the Pest Bird Management Plan Implement a priority project in the Roadside Vegetation Management Plan	Manager Environment	Planning is underway for UWMP projects in Spring 2021. The Backyard Bird Count in association with Birdlife Australia was completed in October 2021. The count contributes to Council's understanding of bird populations and is relevant to both biodiversity and pest bird management. The 2021 program was the most successful to date, with 20,000 birds sighted across the week. Pigeon removal works are scheduled for Spring 2021. Installation of signage ordered for high conservation value sections of roadway identified in the RVMP is scheduled for November 2021.	

3.5 3.3 6.6	Implement energy efficiency and renewable energy projects at Council facilities	Implement the Renewable Energy Action Plan	Implement a priority project identified in the Renewable Energy Action Plan	Energy Strategy Officer	<p>The installation of a 44kW solar array at the Waste Management Centre which was scheduled for July 2021 has been delayed due to Covid-19. It is due to commence in mid-November 2021.</p> <p>Contract was awarded in October 2020 for the installation of a 40kW solar array and 25kW battery storage system at the Bathurst Rail Museum. The NSW Heritage Office refused Council's s60 permit application on aesthetic grounds, and an appeal is currently underway. Installation of 24kW of the array was completed in June 2021.</p> <p>12 development applications were assigned for environmental assessment in October 2021.</p> <p>Advice provided during October 2021 for various Council activities and their implications under the Biodiversity Conservation Act.</p> <p>A new web-based enquiry process was developed in August 2020 which will streamline the enquiry and application process for vegetation removal. 28 enquiries were processed by 30 June 2021.</p> <p>Advice provided on a regular basis. Staff have participated in technical training in contaminated land management during April and May 2021.</p>	
3.1 3.4 6.4 1.4 4.6	Meet Council's obligations under SEPP55 and related planning policies	<p>Ensure the assessment of development applications meets all of the requirements of the Biodiversity Conservation Act 2016, Fisheries Management Act 1994, Vegetation SEPP and Koala SEPP</p> <p>Ensure that Council activities are compliant with the requirements of the Biodiversity Conservation Act 2016</p> <p>Ensure the assessment of development applications meets all of the requirements of SEPP55 and Council's Contaminated Land Policy</p>	<p>Number of development applications assessed and professional advice provided.</p> <p>Council policies and plans are reviewed and updated where required to ensure consistency with current legislation</p> <p>Assess vegetation removal applications in urban zones in accordance with the vegetation SEPP in Council's DCP.</p> <p>Professional advice provided including pre-DA advice on contaminated land matters</p>	Manager Environment	<p>12 development applications were assigned for environmental assessment in October 2021.</p> <p>Advice provided during October 2021 for various Council activities and their implications under the Biodiversity Conservation Act.</p> <p>A new web-based enquiry process was developed in August 2020 which will streamline the enquiry and application process for vegetation removal. 28 enquiries were processed by 30 June 2021.</p> <p>Advice provided on a regular basis. Staff have participated in technical training in contaminated land management during April and May 2021.</p>	
2.3 3.3 5.2		Implement the Electric Vehicle Transition Plan	Implement a priority project identified in the Electric Vehicle Transition plan	Manager Environment	<p>Procurement of the first hybrid vehicles for the passenger fleet commenced in July 2021, however the quotes received did not include any hybrid vehicles.</p> <p>The first full electric vehicle for the fleet was ordered by Council in October 2021.</p> <p>Investigation of options to procure an electric vehicle for garbage collection continued in September 2021. Options for possible hydrogen powered vehicles are also being investigated.</p>	

3.3 3.5 6.4 3.1	Monitor the operational footprint of Council's operations and report on trends identified. Measure and collate the trends in environmental condition across the Local Government Area	Collate data and prepare reports on Environmental data on an annual basis	Manager Environment	Trends in Council's operational footprint included in the monthly report prepared for internal review, with annual data included in the State of Environment (SOE) reporting. The Regional and BRC SOE reports were finalised in October 2021 and will be presented to Council in November 2021.	
6.4 5.4	Conduct a program of inspections of food premises including home-based food premises to ensure compliance with regulations	Conduct an inspection of all high and medium risk food premises by June 2022 Implement a risk based inspection program for home-based food premises Prepare and distribute educational material on food safety three times annually 95% of customer requests responded to within adopted corporate standards	Manager Environment	Food inspection program ongoing during October 2021, with fewer than average inspections due to Covid-19 restrictions on trade of some businesses. The Annual Food Regulation Report was submitted to the NSW Food Authority in mid-July 2021. 100% of customer requests responded to within adopted corporate standards for the period 1 July to 31 October 2021. Two customer requests were registered with Council during October 2021.	
6.4 5.4	Conduct a program of inspections of skin penetration premises, public swimming and spa pools and cooling towers	Conduct an inspection of all skin penetration premises Conduct an inspection of all public swimming pools and spa pools Implement the activities identified as Council's role in Legionella management and the inspection of cooling towers 95% of customer requests responded to within adopted corporate standards	Manager Environment	Skin penetration premises were not inspected during October 2021 as businesses were returning operations with the lessening of Covid-19 restrictions. Public swimming pool inspections will recommence in Spring 2021. Legionella Management Plan was finalised in September 2021. Liaison with operators of cooling towers continued in October 2021. 100% responded to within adopted corporate standards between 1 July 2021 and 31 October 2021. One customer request was registered with Council during October 2021	

Planning

Bathurst 2040 Objective reference	Deliverable Actions over the next 4 years	Operational Plan – 2021/2022 Projects / Tasks	Tracking our Progress	Responsible Officer	Action Year to Date	Status
1.5 2.1 3.3 4.6 5.5 6.4	Prepare relevant planning proposals to ensure Council's planning controls remain relevant and up to date.	Prepare draft LEP and DCP amendments	Planning proposals referred to NSW Department of Planning & Environment for gazettal	Manager Strategic Planning	<ol style="list-style-type: none"> LEP Amendment: Moveable and Monumental Heritage. Gazetted LEP and DCP Amendment: Laffing Waters Master Plan. Gateway Determination received. Finalising documentation for public exhibition. LEP and DCP Amendment: Heritage Conservation Area Review. Adopted by Council to be referred to DPIE for gazettal. Schedule 5 update Heritage Planning Proposal – 50 items being researched for listing. Planning Proposal being prepared. Community Participation Plan Amendment – to update notification procedures for new development adjacent to rural heritage items – adopted by Council. DCP amendment – Update Section 9.6 Flooding – adopted by Council. DCP Amendment – Gorman's Hill – include lands at Gorman's Hill in Residential density precinct 1 adopted by Council. Mount Haven map amendment under section 3.22 – lodged with DPIE. Awaiting gazettal. 	
1.5 2.1 3.3 4.6 5.5 6.4	Investigate relevant land use and planning issues of the Bathurst Region.	Prepare studies and plans.	Draft studies/plans are well underway by 30 June 2022	Manager Strategic Planning	<ol style="list-style-type: none"> Hereford Street Corridor investigations – Presented to Council at October meeting. CBD Car parking surveys – data from two surveys received and being analysed. Bathurst Region Community Strategic Plan – surveys of Councillors and Managers underway. Community survey and Yoursay Project page launched. Bathurst Region Active Transport Strategy – Consultants appointed to 	




					undertake community consultation in November. 5. Bathurst Streets as Shared Spaces – works underway. Consultation with stakeholders continuing. Some delays due to COVID-19. SaSS stage 2 funding application being developed. 6. Village Plans – visioning consultation for Sofala, Rockley and Peel completed and draft plans being prepared. 7. Bathurst Town Centre Master Plan – "What Bathurst Said Report" presented to Council and placed on Yoursay Web page.. 8. EOI for former TAFE site – EOI documentation released on 28 September. EOI closes 15 February 2022.		
4.1 4.6 6.4	Review and update Council's section 7.11 plans.	Review existing or prepare new s7.11 Plans	Draft plans considered and adopted by Council	Manager Strategic Planning	1. Investigations underway to determine if stormwater plan should be moved to section 64 of LGA 1993.		
1.1 1.2 1.5 4.6 5.5	Implement the Bathurst Regional Heritage Plan.	Provide a Heritage Advisory Service.	Number of site visits undertaken by the heritage advisory service.	Manager Strategic Planning	1. 2021/22 site visits to date: 13 (Due to COVID -19 some site visits are occurring on-line/virtually or only with staff attending). 2. Review of guidelines for preparation of Statement of Heritage Impact completed and being placed on Council's website. 3. Preparation of guidelines for the preparation of heritage interpretation strategies completed and being placed on Council's website. 4. Heritage Assessment advice provided for 68 development applications to date.		
	Provide heritage incentive funding programs to protect, maintain, enhance and promote the regions heritage assets.	Value of works generated from Council's incentive funds.			1. Bathurst Region Local heritage fund – Applications for funding under the 2021/22 program assessed. Funding offers distributed to 46 projects. Projects underway. 2. Bathurst Region Conservation and Interpretation Fund – Applications for funding under the 2021/22 program assessed. Funding offers distributed to 11 projects. Projects underway.		

					Bathurst CBD Main Street Improvement Fund – Applications for funding under the 2021/22 program assessed. Funding offers distributed to 19 projects. Projects underway.	<div><div></div><div></div><div></div></div>
			New interpretative/ promotional information made available.	Manager Strategic Planning	1. Mount Panorama Wailuu Boardwalk – Contractors design completed and manufacture of Stage 1 signage underway. 2. Pillars of Bathurst project: Nominations for new Pillars in 2022 closed 25 October 2021. 26 nominations received.	<div><div></div><div></div><div></div></div>
		Studies/plans considered and adopted by Council. Number of local heritage items included in the Local Environmental Plan.	Manager Strategic Planning	1. Bathurst Region Heritage Plan 2021-25: adopted by Council. 2. Former Ambulance Station Conservation Management Plan – completed and presented to Council. 3. Condition Assessment and Maintenance Plan for the Street and Park Lamp Standards – NSW Heritage grant accepted. Quotations being called.		<div><div></div><div></div><div></div></div>

Development Assessment

Bathurst 2040 Objective reference	Deliverable Actions over the next 4 years	Operational Plan – 2021/2022 Projects / Tasks	Tracking our Progress	Responsible Officer	Action Year to Date				Status
1.5 4.1 4.6 6.4	Ensure the assessment of development and other applications, in accordance with planning instruments, development control plans and policies, occurs within appropriate timeframes.	To be at or below the state average for determination times of development applications	Comparative data provided as part of annual Local Development Performance Management (LDPM) to DPIE	Manager Development Assessment	NSW State Average 2018-19	Bathurst Regional Council Oct 2021	Bathurst Regional Council year to date average		
					91	51.58	56.54		
					Average gross days taken to determine a DA				
					49	37.98	45.53		
		To be at or below the state average of determination times for complying development	Comparative data provided as part of annual Local Development Performance Management (LDPM) to DPIE	Manager Development Assessment	NSW State Average 2018-19	Bathurst Regional Council Oct 2021	Bathurst Regional Council year to date average		
					16	7.27	6.37		
					Average days taken to determine a CDC				

Economic Development

CSP 2040 Objective Reference	Deliverable Actions over the next 4 years	Operational Plan – 2021/2022 Projects / Tasks	Tracking our Progress	Responsible Officer	Action Year to Date	Status
2.1 2.2 2.3 2.4 2.6 4.1 4.5 5.5 6.3	Implementation of the Economic Development Strategy 2018-2022 and associated actions.	Nurture economic infrastructure development by supporting the development of the aerodrome, industrial precincts and telecommunications.	Seek funding for economic infrastructure projects.	Manager Economic Development	<ul style="list-style-type: none"> - Aerodrome promotional prospectus completed. New website copy complete for airport. - DA approved for Stage 1 of Kelso Industrial Estate expansion (\$4.8M Drought Stimulus Fund) - Aerodrome scope finalised with grant authority (Growing Local Economies Fund \$2.9M). - Lease signed for Leading Edge data centre - Early stages of Funding proposal for better NBN connection for Raglan and parts of Kelso underway. 	
		Market-leading promotional campaigns to increase residential relocations and a sense of place.	Continued support for joint regional relocation campaigns. All 4 entrance billboards and welcome signs updated/maintained as required. Lifestyle promotional content created/updated, including the Bathurst Region website / Bathurst Business Hub.		<ul style="list-style-type: none"> - Contributed to Move to More Campaign. - Listed Bathurst and villages on Pointer Remote. - New Resident Guide underway. - Reinstated process for responding to Evo City enquiries. - Funding to change over billboards not available this financial year. - New Live section being developed for Bathurst Business Hub. 	
		Support local businesses and start-ups through engagement, support and economic programs.	12 eNewsletters issued. Cluster Strategy developed and cluster groups activated. Run BizMonth, Buy Local Gift Cards and Business engagement programs. Bathurst Business Hub website updated/maintained.	Manager Economic Development	<ul style="list-style-type: none"> - All eNewsletters sent to date - Cluster Strategy complete. - Events/engagements around cluster groups planned. - BizMonth postponed to February. Details organised. - Secured regular spot in Business Chamber Board meeting. - Representation at all Business Chamber events to date. - All Upstairs Startup hub board meetings attended to date. 	

			Attendance at 75% of Business Chamber After-Hours events. Representation at all "Upstairs Start-up Hub" board meetings. Promote resources to businesses including the ID websites and Spendmapp.			
	Grow local employment, investment and attract new businesses	Organise the Bathurst Careers Expo with minimum 40 stalls and 1,500 attendees. Minimum of 60 new local jobs promoted each month via EVO Cities. Develop relocation proposals, relocation materials and support the relocation of new businesses.	Manager Economic Development		<ul style="list-style-type: none">- 214 jobs posted on Evojobs in first month of financial year.- Bathurst Careers Expo postponed to 15th February 2022.- Ongoing support for the relocation of numerous businesses, particular interest from manufacturing and IT businesses.- Invest Bathurst campaign being developed including social media/TVC ad, new brochure and updated website.	<div><div></div><div></div><div></div></div>
	Develop Bathurst into a Smart Community of national significance. Support innovative practices from industry.	Monthly Project Group meetings held. Seek funding and roll out Smart Community priority projects. Promote Bathurst as a Smart Community.	Manager Economic Development		<ul style="list-style-type: none">- Monthly meetings held to date.- Discussions ongoing with various IT software development firms to be based in Bathurst.- Smart benches installed in three of the four locations.- Investigations into various new Smart projects- Discussions with Spatial Services on creating digital twin for the Bathurst TC.- Review NRL, Cycling Classic and Winter Festival using Spendmapp and Localis data.	<div><div></div><div></div><div></div></div>

Bathurst Regional Council

Budget review for the quarter ended - 30 September 2021

The Quarterly Budget Review Statement (QBRs) is the mechanism whereby councillors and the community are informed of Council's financial position at the end of each quarter, allowing Council's progress and performance against the annual budget to be monitored.

Council's Responsible Accounting Officer is required to prepare and submit a Quarterly Budget Review Statement (QBRs) to the governing body of council in accordance with clause 203(1) of The Local Government (General) Regulation 2005.

The Local Government Code of Accounting Practice and Financial Reporting requires the QBRs to contain the following components:

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1. Statement by Responsible Accounting Officer on Council's Financial Position	2
2. Recommended Budget Variations	3-4
3. Budget Review Income & Expenditure Statement (Consolidated)	5
4. Budget Review Capital Budget	6
5. Budget Review Cash and Investment Position	7
6. Budget Review Key Performance Indicators	8
7. Budget Review Contractors and Other Expenses	
Part A - Contractors List	9
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8. Budget Review by Department in Funding Format	
Engineering Services Department	12
Corporate Services & Finance Department	13
Cultural & Community Services Department	14
Environmental, Planning & Building Services Department	15

In accordance with Council's charter at section 8 of the Act, Councillors need to have regard for long term and cumulative effects of their decisions, so it is therefore important to understand the impacts of any significant changes that are proposed, including anything that will impact Council's ability to achieve our objectives and goals.

Bathurst Regional Council

Budget review for the quarter ended - 30 September 2021

1. Statement by Responsible Accounting Officer on Council's Financial Position

The following statement is made in accordance with Clause 203(2) of the Local Government (General) Regulations 2005.

It is my opinion that the Quarterly Budget Review Statement for Bathurst Regional Council for the quarter ended 30/09/2021 indicates that Council's projected financial position at 30/06/2022 will be satisfactory at year end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.

Signed: _____
Aaron Jones
Responsible Accounting Officer

Date: ____ / ____ / ____

2. Recommended Budget Variations

Council has the opportunity to review and approve variances to the original budget for the year in the QBRS. Any changes to the budget must be approved by Council and councillors need to be aware by resolving to accept this QBRS they are approving the proposed changes.

The following budget variations are recommended:

Income	\$
Decrease Income - COVID - as approved in previous Council Meetings ¹	(557,131)
Increase Income - S7.11 contribution - Marsden Estate trunk mains	2,100,000
Increase Income - Contribution - RMS Urban sealed roads	666,075
Increase Income - Transfer from Reserve - Sewer inlet pipe	600,000
Increase Income - Grant - FAG Caloola Road	400,000
Increase Income - Contribution - RMS Rural sealed roads	226,525
Increase Income - Transfer from Reserve - Chifley Home	97,500
Decrease Income - Internal Contribution - Chifley Home	(50,000)
Increase Income - Internal Contribution - NMRM	25,000
Increase Income - Internal Contribution - Bathurst Rail Museum	25,000
Increase Income - Grant - LRCI	44,242
Increase Income - Grant - Tourism	35,000
Decrease Income - Grant - LRCI Sportsground canteen upgrade	(26,267)
Decrease Income - User Fees - Scallywags	23,057
Increase Income - Grant - Scallywags	(23,057)
Increase Income - Contribution - Chifley Home	20,000
Decrease Income - Grant - LRCI Street lighting Denison Bridge	(14,701)
Increase Income - Grant - Strategic Planning Street Light and Park Lamps condition assessment	10,000
Decrease Income - User Fees - Family Day Care	(9,367)
Increase Income - Transfer from Reserve - Family Day Care	9,367
Increase Income - Grant - Environment Alliance Small Grants Program	5,000
Decrease Income - Various < \$5,000	(3,273)
	3,602,970
Expenditure	\$
Decrease Expenditure - COVID - as approved in previous Council Meetings ¹	(698,598)
Increase Expenditure - COVID - as approved in previous Council Meetings ¹	141,467
Increase Expenditure - Water Mains - Marsden Estate trunk mains	2,100,000
Increase Expenditure - Sewer Treatment Works - reline inlet pipe	600,000
Increase Expenditure - Urban Sealed Roads - Havannah St rehabilitation	538,450
Increase Expenditure - Rural Roads - FAG - Caloola Rd	400,000
Increase Expenditure - Rural Sealed Roads - Ophir Rd	226,525
Increase Expenditure - Buildings - Chifley Home conservation and interpretation	167,500
Increase Expenditure - Urban Sealed Roads - Morrisset St roundabout	127,625
Increase Expenditure - Corporate Communications - Consultants for web-site redesign	52,752
Decrease Expenditure - Corporate Communications - advertising	(52,752)
Increase Expenditure - Land & Buildings - former TAFE adaptive reuse costs	50,000
Increase Expenditure - Recreation - Feasibility Study Athletics Track	50,000
Decrease Expenditure - Recreation - Transfer to Reserve	(50,000)
Decrease Expenditure - Land & Buildings - former TAFE building maintenance	(50,000)
Decrease Expenditure - Chifley - Transfer to Reserve	(50,000)
Increase Expenditure - Bathurst Rail Museum - Transfer to Reserve	25,000
Increase Expenditure - NMRM - Transfer to Reserve	25,000
Decrease Expenditure - Chifley - Employee costs	(50,000)
Increase Expenditure - Land & Buildings - LRCI grant	44,242
Increase Expenditure - Tourism - Tourism Recovery Marketing Grant	35,000
Increase Expenditure - Strategic Planning - Street Light and Park Lamps condition assessment	30,000
Decrease Expenditure - Buildings - Sportsground canteen upgrade	(26,267)
Decrease Expenditure - Strategic Planning - Transfer to Reserve	(20,000)
Decrease Expenditure - Solid Waste - waste site maintenance	(15,000)
Increase Expenditure - Litter Control - general maintenance	15,000
Decrease Expenditure - Structures - Street lighting Denison Bridge	(14,701)
Increase Expenditure - Environment - Alliance Small Grants Program	10,000
Decrease Expenditure - Environment project expenditure	(5,000)
Increase Expenditure - Various < \$5,000	7,000
Decrease Expenditure - Various < \$5,000	(10,273)
	3,602,970
Total	0

NOTE - 1 - additional costs and/or lost income due to the ongoing COVID-19 pandemic have been identified by Council in Item 8.3.8 of Council Meeting of 15/09/2021. This forecast predicts a net cost to Council for 2021/22 of \$524,000. As at 30/09/2021, \$524,000 of savings have been identified to offset this net loss. Further costs and savings are to be identified in the next quarter if required. As these COVID costs/savings have been detailed and approved by Council, the individual increases & decreases to income & expenditure have been summarised above.

The above variations are referred to in the 'Budget Review Income & Expenditure Statement (Consolidated)', 'Budget Review Capital Budget' and 'Budget Review Cash and Investment Position' as recommended changes for Council. The anticipated effect of these variations is displayed in the projected year end results.

Bathurst Regional Council

Budget review for the quarter ended - 30 September 2021

3. Budget Review Income & Expenditure Statement (Consolidated)

	Original Budget 2021/2022	Carry Forwards	Approved Changes Council Minutes COVID ¹	September Review	December Review	Revised Budget 2021/2022	Recommended Changes for Council	Projected Year End Result	Actual YTD
\$'000									
Income from Continuing Operations									
Revenue:									
Rates & Annual Charges	51,370					51,370		51,370	27,475
User Charges & Fees	29,685		(322)			29,363	(32)	29,331	5,368
Interest & Investments Revenue	1,178					1,178		1,178	64
Other Revenue	5,033		(230)			4,803		4,803	1,412
Grants & Contributions provided for Operating Purposes	12,571	1,019	(5)			13,585	102	13,687	2,461
Grants & Contributions provided for Capital Purposes	20,077	58,585				78,662	1,283	79,945	1,511
Other Income:									
Net gains from the disposal of assets	18,366	242				18,608		18,608	3,731
Rental Income	-					-		-	-
Total Income from Continuing Operations	138,281	59,845	(557)	-	-	197,569	1,353	198,922	42,022
Expenses from Continuing Operations									
Employee Benefits & On-Costs	32,344	60	(44)			32,359	(60)	32,299	9,971
Borrowing Costs	1,095					1,095		1,095	319
Materials & Contractors	34,616	3,633	(346)			37,903	162	38,065	8,015
Depreciation & Amortisation	26,785					26,785		26,785	6,696
Other Expenses	12,700	85	(117)			12,668	12	12,680	4,172
Total Expenses from Continuing Operations	107,540	3,778	(507)	-	-	110,811	114	110,925	29,174
Net Operating Result from Continuing Operations	30,741	56,067	(50)	-	-	86,758	1,239	87,997	12,848
Net Operating Result Before Grants & Contributions Provided for Capital Purposes	10,664	(2,517)	(50)	-	-	8,096	(44)	8,052	11,337

NOTE - 1 - additional costs and/or lost income due to the ongoing COVID-19 pandemic have been identified by Council in Item 8.3.8 of Council Meeting of 15/09/2021. This forecast predicts a net cost to Council for 2021/22 of \$524,000. As at 30/09/2021, \$524,000 of savings have been identified to offset this net loss. Further costs and savings are to be identified in the next quarter if required. As these COVID costs/savings have been detailed and approved by Council, the individual increases & decreases to income & expenditure have been summarised above.

Notes:

Original budget +/- approved budget changes in previous quarters = Revised Budget
 Revised Budget +/- recommended changes this quarter = Projected Year End Result

Interest on unexpended loans is not calculated until the end of financial year, as it is assumed that all loan funds will be used in the period in which they are taken out.

Salaries and wages capital oncost is not calculated until the end of financial year.

This section forms part of Bathurst Regional Council's Quarterly Budget Review Statement for the quarter ending 30/09/2021 and should be read in conjunction with the other sections in the QBRs. Recommended changes in this section are listed in section 2. Recommended Budget Variations.

Bathurst Regional Council

Budget review for the quarter ended - 30 September 2021

4. Budget Review Capital Budget

	Original Budget	Carry	Approved Changes			Revised Budget	Recommended Changes	Projected Year End	Actual YTD
\$'000	2021/2022	Forwards	Council Minutes COVID ¹	September Review	December Review	2021/2022	for Council	Result	
Capital Expenditure									
Plant & Equipment	3,405	1,139				4,543		4,543	1,689
Office Equipment	35	34				69		69	55
Furniture & Fittings						-		-	
Land	150					150		150	-
Land Under Roads						-		-	-
Land Improvements	1,150	1,379				2,529	(2)	2,527	109
Buildings	3,961	8,081	(50)			11,992	141	12,133	1,803
Structures	5,012	621				5,633	(15)	5,618	735
Roads, Bridges, Footpaths	10,157	57,299				67,456	1,292	68,748	1,706
Bulk Earthworks	85					85		85	65
Stormwater	1,305	268				1,573		1,573	841
Water Supply	7,613	3,873				11,486	2,100	13,586	3,690
Sewerage Network	3,273	639				3,913	600	4,513	635
Other Assets	295					295		295	177
Investment Property						-		-	
Real Estate	15,170					15,170		15,170	42
Total Capital Expenditure	51,612	73,332	(50)	-	-	124,894	4,116	129,010	11,546
Funded by									
Loans	4,060					4,060		4,060	-
Asset Sales	861	242				1,103		1,103	83
Reserves - Internal	9,070	2,425				11,496	698	12,193	1,116
Reserves - External	5,337	5,492				10,829	2,100	12,929	29
Reserves - Loans		6,479				6,479		6,479	172
Grants & Contributions	11,501	58,825				70,327	1,268	71,595	1,641
Recurrent revenue	20,783	(132)	(50)			20,601	50	20,651	8,506
Other	-			-	-	-	-	-	-
Total	51,612	73,332	(50)	-	-	124,894	4,116	129,010	11,546

Note:

Loans are not drawn down until close to the end of the financial year, in anticipation that interest rates will fall.

Salaries and wages capital oncost is not calculated until the end of financial year.

Original budget +/- approved budget changes in previous quarters = Revised Budget
 Revised Budget +/- recommended changes this quarter = Projected Year End Result

NOTE - 1 - additional costs and/or lost income due to the ongoing COVID-19 pandemic have been identified by Council in Item 8.3.8 of Council Meeting of 15/09/2021. This forecast predicts a net cost to Council for 2021/22 of \$524,000. As at 30/09/2021, \$524,000 of savings have been identified to offset this net loss. Further costs and savings are to be identified in the next quarter if required. As these COVID costs/savings have been detailed and approved by Council, the individual increases & decreases to income & expenditure have been summarised above.

This section forms part of Bathurst Regional Council's Quarterly Budget Review Statement for the quarter ending 30/09/2021 and should be read in conjunction with the other sections in the QBRs. Recommended changes in this section are listed in section 2 of the QBRs Recommended Budget Variations.

Bathurst Regional Council

Budget review for the quarter ended - 30 September 2021

5. Budget Review Cash and Investments Position

	Original Budget 2021/2022	Carry Forwards	Approved Changes Council Minutes COVID ¹	September Review	December Review	Revised Budget 2021/2022	Recommended Changes for Council	Projected Year End Result	Actual YTD
\$'000									
External Restrictions - Included in Liabilities									
Specific Purpose Unexpended Loans - General Fund (1)	-					-		-	2,315
Specific Purpose Unexpended Loans - Water Fund (1)	-					-		-	-
External Restrictions - Included in Liabilities	-	-	-	-	-	-	-	-	2,315
External Restrictions									
<u>General Fund</u>									
Developer Contributions - General (2)	14,147	(1,560)				12,587		12,587	16,077
Specific Purpose Unexpended Grants (3)	1,099	(310)				789	(9)	779	1,081
<u>Water Fund</u>									
Developer Contributions - Water (2)	6,788					6,788	(2,100)	4,688	9,631
Specific Purpose Unexpended Grants - Water (3)	7					7		7	7
Water Supplies - Reserves (4)	653					653		653	5,548
<u>Sewer Funds</u>									
Developer Contributions - Sewer (2)	20,016					20,016		20,016	20,164
Specific Purpose Unexpended Grants - Sewer (3)	-					-		-	-
Sewerage Services - Reserves (4)	16,116					16,116	(600)	15,516	21,945
<u>Domestic Waste Management</u>									
Specific Purpose Unexpended Grants - Waste (3)	3					3		3	3
Domestic Waste Management - Reserves (4)	1,797	(53)				1,744		1,744	1,853
External Restrictions	60,625	(1,923)	-	-	-	58,702	(2,709)	55,993	76,309
Total Externally Restricted	60,625	(1,923)	-	-	-	58,702	(2,709)	55,993	78,625
Internal Restrictions - Waste Services									
Waste Services - Reserves	617	(43)				574	-	574	2,109
Waste Services - Internal Restrictions	16,922	(111)				16,812	-	16,812	14,843
Internal Restrictions - Waste Services	17,539	(153)	-	-	-	17,386	-	17,386	16,952
Internal Restrictions - Ordinary Services									
Corporate Services & Finance	11,277	(69)				11,208	(20)	11,188	420
Cultural & Community Services	922					922	(98)	824	440
Engineering Services	1,128	(335)				793	(50)	743	384
Environmental, Planning & Building Services	8	(8)				(1)		(1)	-
Internal Restrictions - Ordinary Services	13,334	(412)	-	-	-	12,922	(168)	12,755	1,245
Total Internally Restricted	30,873	(565)	-	-	-	30,308	(168)	30,141	18,197
Total Restricted	91,498	(2,488)	-	-	-	89,010	(2,877)	86,133	96,821
Total Cash and Investments	91,571	(2,488)	-	-	-	89,083	(2,877)	86,206	96,907
Available Cash	73	-	-	-	-	73	-	73	85

Investments

All funds have been invested in accordance with Council's investment policies, the Minister's Order dated 12th January 2011, the Local Government Act 1993, and associated regulations.

Cash

This Cash at Bank amount has been reconciled to Council's physical Bank Statements. The date of completion of this bank reconciliation is 30/09/2021. "Cash" includes cash and funds held in Cash on Call accounts.

Reconciliation of Cash & Investments

The below reconciliation displays how the above mentioned funds are held and invested:

Cash	3,677
Short Term -Term Deposits	69,000
Long Term -Term Deposits	8,730
Floating Rate Notes	15,500
Total Cash and Investments	96,907

Notes:

The **Available Cash** position excludes restricted funds. External restrictions are funds that must be spent for a specific purpose and cannot be used by council for general operations. Internal restrictions are funds that council has determined will be used for a specific future purpose.

- (1) Loans money must be applied for the purpose for which the loans were raised.
- (2) Development contributions which are not yet expended for the provision of services and amenities in accordance with contribution plans.
- (3) Grants which are not yet expended for the purpose for which the grants were obtained.
- (4) Water, Sewer & Domestic Waste Management are externally restricted assets and must be applied for the purpose for which they were raised.

Original budget +/- approved budget changes in previous quarters = Revised Budget
 Revised Budget +/- recommended changes this quarter = Projected Year End Result

This section forms part of Bathurst Regional Council's Quarterly Budget Review Statement for the quarter ending 30/09/2021 and should be read in conjunction with the other sections in the QBRs. Recommended changes in this section are listed in section 2 of the QBRs Recommended Budget Variations.

Bathurst Regional Council

Budget review for the quarter ended - 30 September 2021

6. Budget Review Key Performance Indicators

	September		December		March		June		Prior Years		
	Amounts	Indicator	Amounts	Indicator	Amounts	Indicator	Amounts	Indicator	2021	2020	2019
1. Building & Infrastructure Renewal Ratio											
Asset Renewal [Building & Infrastructure]	2,481	37.05%							46.85%	75.58%	56.70%
Depreciation, Amortisation & Impairment (Building & Infrastructure Assets)	6,696										

This section is still under development, with more KPI ratio's to be added.

Notes:

Capitalisation of Interest on unexpended loans is not calculated until the end of financial year, as it is assumed that all loan funds will be used in the period in which they are taken out.

This section forms part of Bathurst Regional Council's Quarterly Budget Review Statement for the quarter ending 30/09/2021 and should be read in conjunction with the other sections in the QBRS. Recommended changes in this section are listed in section 2 of the QBRS Recommended Budget Variations.

Bathurst Regional Council

Budget review for the quarter ended - 30 September 2021

7. Budget Review Contractors and Other Expenses Part A - Contractors Listing

Order		Contract details		Amount	Total Amount	Explanation
Date	Number	Company		\$	\$	(If not Budgeted)
2/07/2021	162419	Belgravia Health & Leisure Group	Monthly Fee For July 2021 - June 2022	729,074.04	729,074.04	
2/07/2021	162420	Glenray Industries Ltd	1St Yr Mowing Maintenance Contract 36,00752	285,215.04	285,215.04	
7/07/2021	162595	Shumack Engineering (NSW) Pty Ltd	Installation Of Box Culverts And Associated Works	123,500.00	123,500.00	
8/07/2021	162674	Downer EDI Works Pty Ltd	Stabilise Turndale Rd Pavement 9.7 To 10.7 Km	72,291.84	72,291.84	
9/07/2021	162693	Jardine Lloyd Thompson Pty Ltd	Annual Artworks Insurance Renewal	52,492.46	52,492.46	
9/07/2021	162701	J R Richards & Sons	Recycling Contract Monthly Payments	2,640,000.00		
12/07/2021	162768	Interflow Pty Ltd	Organics/Green Waste Contract Monthly Payments	2,640,000.00	5,280,000.00	
19/07/2021	163020	Upper Macquarie County Council	Bathurst Side Inlet Pipes Relining At WWTP	636,000.00	636,000.00	
			Additional Contribution To UMCC Roadside Weed Treatment	64,865.90		
			Base Contribution To UMCC Weed Biosecurity For 2022	264,036.30	328,902.20	
20/07/2021	163089	Essential Energy	Monthly SLUOS Capital And Maintenance Charges July	360,000.00	360,000.00	
3/08/2021	163524	Central NSW Joint Organisation	2021/22 WRAS Fees Central Nsw Joint Organisation	2,854.50		
			2021/22 Central Nsw Joint Organisation Membership	149,198.50	152,053.00	
3/08/2021	163551	Downer EDI Works Pty Ltd	Renew Road Surface With 70Mm Ac On Piper St	181,746.40	181,746.40	
4/08/2021	163579	NSW Public Works Advisory	Variation Request For Contract Administration, Winburndale Dam	324,828.25	324,828.25	
6/08/2021	163746	Nowra Chemicals	Chemical supplies WFP	326,793.00	326,793.00	
9/08/2021	163766	Data#3 Limited	Computer Software	108,877.25	108,877.25	
10/08/2021	163828	Department Of Planning Industry & Environment	2021/2022 Valuation Fees	153,466.50	153,466.50	
17/08/2021	164108	Premise NSW Pty Ltd	Undertake Bathurst Stormwater Harvesting Monitoring	50,688.00	50,688.00	
19/08/2021	164172	Omega Chemicals	Chemical supplies WFP	60,775.00	60,775.00	
20/08/2021	164251	Department Of Planning Industry & Environment	Companion Animal Fees For 2021/22	50,000.00	50,000.00	
27/08/2021	164423	Australian Laboratory Services	Analysis water samples	96,022.08	96,022.08	
31/08/2021	164515	Downer EDI Works Pty Ltd	Resurface Piper St Between William And George Sts	315,163.39	315,163.39	
6/09/2021	164682	StateCover Mutual Limited	Statecover Workers Compensation Premium - Deposit	443,550.53	443,550.53	
22/09/2021	165194	Bathurst Meals on Wheels	Stronger Country Communities Fund Grant - Payment	96,827.00	96,827.00	
24/09/2021	165287	Data#3 Limited	Acrobat Pro Dc, Creative Cloud, Adobe Sign	76,391.96	76,391.96	
24/09/2021	165297	Mott Macdonald Australia Pty Ltd	Gis Update And Field Monitoring Plan For Water Module	86,830.00	86,830.00	
27/09/2021	165361	Vinidex Pty Ltd	Dn300, Dn250 & Dn150 Dicl Pipes And Fittings	470,000.00	470,000.00	
28/09/2021	165391	Hewitt Holdings Bathurst Pty Ltd	Trench, Bed, Install And Back Fill The Trunk Water	1,338,865.00	1,338,865.00	
				12,200,353	12,200,353	

Notes:

1. Minimum reporting level is 1% of estimated income from continuing operations or \$50,000, whichever is the lesser.
2. Contractors to be listed are those entered into during the quarter.
3. Contracts for employment are not required to be included.
4. Where a contract for a service etc. was not included in the budget, an explanation is to be given.
5. Above amounts are GST inclusive (where applicable).

This section forms part of Bathurst Regional Council's Quarterly Budget Review Statement for the quarter ending 30/09/2021 and should be read in conjunction with the other sections in the QBRs.

Bathurst Regional Council

Budget review for the quarter ended - 30 September 2021

7. Budget Review Contractors and Other Expenses

Part B - Consultancy and Legal Expenses

Expense	Budgeted \$	Expenditure YTD \$
Consultancies	2,698,478	530,998
Engineering	2,062,321	216,667
Water Drought Management		55,493
Drinking Water Management System		40,769
Llanarth Open Space landscaping design		34,427
Water Best Practice Guidelines Maintenance		28,930
Winburndale Dam operating		22,043
Go Kart Track		13,661
Mt Panorama Second Track Design		7,853
Carrington Park Grandstand extension		6,544
Community Lands - Plans of Management		2,286
Other minor consultancies costs (Pool of cost under \$5,000)		4,660
Corporate Services and Finance	310,439	136,184
HR Consultants		61,200
Councillor Code of Conduct complaints		22,562
Events business case and reviews		18,506
Community Survey		8,500
IT Consultants		7,480
Land/Building purchases		7,072
HR Employee Assistance Program		7,065
GM performance review		3,000
Other minor consultancies costs (Pool of cost under \$5,000)		800
Cultural & Community Services	15,718	12,797
ALO Projects		10,000
Other minor consultancies costs (Pool of cost under \$5,000)		2,797
Development and Environmental Services	310,000	165,350
Bathurst Animal Rehoming Centre		58,945
Heritage Advisory Grant		26,873
Streets as Shared Spaces		19,244
State of Environment Reports		15,570
Hereford Street Duplication Investigations		13,640
BizMonth		7,625
Heritage Studies & Urban Design		5,815
Other minor consultancies costs (Pool of cost under \$5,000)		17,638

Explanation - Actual YTD expenditure for the year is in line with Budget.

Bathurst Regional Council

Budget review for the quarter ended - 30 September 2021

7. Budget Review Contractors and Other Expenses

Part B - Consultancy and Legal Expenses

Expense	Budgeted \$	Expenditure YTD \$
External Legal Fees	340,115	163,338
Engineering	106,506	87,521
Drought Management		60,305
Go Kart Track		18,400
Property Acquisition for Roads		8,615
Other minor legal costs (Pool of cost under \$5,000)		200
Corporate Services and Finance	200,500	65,802
Debt collection services		20,296
Former TAFE - adaptive re-use		19,760
Aboriginal claims		9,091
Former Ambulance Station		5,718
Regis Resources pipeline		5,000
Legal costs - Code of Conduct complaints		3,060
Land Development		2,421
Corporate Services - General Legal Expenses		455
Cultural & Community Services	17,109	-
Development and Environmental Services	16,000	10,015
Technology Park		6,015
Legal costs - DA		4,000

Explanation - Actual expenditure for the year is in line with Budget.

Notes:

Definition of consultant:

A consultant is a person or organisation engaged under contract on a temporary basis to provide recommendations or high level specialist or professional advice to assist decision-making by management. Generally it is the advisory nature of the work that differentiates a consultant from other contractors.

This section forms part of Bathurst Regional Council's Quarterly Budget Review Statement for the quarter ending 30/09/2021 and should be read in conjunction with the other sections in the QBRS.

Bathurst Regional Council

Budget review for the quarter ended - 30 September 2021

8. Budget Review by Department in Funding Format

	2021/22 Original Budget	2021/22 Revised Budget	Sep YTD Actuals
Engineering			
Engineering Works			
Income	(15,839,424)	(26,277,937)	(2,045,036)
Expenditure	21,113,192	31,551,705	4,460,943
Engineering Works	5,273,768	5,273,768	2,415,907
Recreation			
Income	(7,562,285)	(14,752,783)	(248,970)
Expenditure	15,304,601	22,495,099	2,292,323
Recreation	7,742,316	7,742,316	2,043,352
Technical Services			
Income	(4,436,186)	(4,684,444)	(85,369)
Expenditure	5,503,871	5,672,129	535,007
Technical Services	1,067,685	987,685	449,637
Water			
Income	(24,823,531)	(31,090,073)	(5,127,195)
Expenditure	24,279,932	30,546,474	4,469,783
Water	(543,599)	(543,599)	(657,412)
Wastewater			
Income	(20,796,795)	(22,448,183)	(4,183,612)
Expenditure	20,274,902	21,926,290	3,531,645
Wastewater	(521,893)	(521,893)	(651,967)
Waste Management			
Income	(15,992,588)	(16,263,575)	(3,560,712)
Expenditure	15,992,588	16,263,575	3,562,942
Waste Management	0	0	2,230
Engineering Office			
Income	(2,926,294)	(3,072,088)	(751,050)
Expenditure	4,864,265	5,010,059	1,167,823
Engineering Office	1,937,971	1,937,971	416,773
Mount Panorama			
Income	(4,150,280)	(50,700,665)	(153,645)
Expenditure	4,284,343	50,834,728	597,256
Mount Panorama	134,063	134,063	443,611
Total Engineering	15,090,311	15,010,311	4,462,131

Notes:

1. Section 8 is in funding format, which includes capital expenditure & all sources of funds.
2. Section 8 does not include depreciation expense.
3. Section 8 includes internal transactions.

Bathurst Regional Council

Budget review for the quarter ended - 30 September 2021

8. Budget Review by Department in Funding Format

	2021/22 Original Budget	2021/22 Revised Budget	Sep YTD Actuals
Corporate Services and Finance			
Governance			
Income	(386,650)	(386,650)	(2,605)
Expenditure	1,790,080	1,775,080	695,933
Governance	1,403,430	1,388,430	693,329
Administration			
Income	(11,750,877)	(11,843,307)	(3,067,012)
Expenditure	17,957,185	18,138,328	4,877,328
Administration	6,206,308	6,295,021	1,810,316
Contribution to Other Organisations			
Income	(492,504)	(492,504)	(25,610)
Expenditure	2,064,882	2,064,882	660,536
Contribution to Other Organisations	1,572,378	1,572,378	634,926
Land & Buildings			
Income	(40,504,302)	(40,876,573)	(3,743,681)
Expenditure	40,037,643	40,409,914	748,501
Land & Buildings	(466,659)	(466,659)	(2,995,179)
Funding Operations			
Income	(38,080,659)	(38,080,659)	(8,475,416)
Expenditure	3,917,820	3,917,820	206,988
Funding Operations	(34,162,839)	(34,162,839)	(8,268,428)
Total Corporate Services and Finance	(25,447,382)	(25,373,669)	(8,125,036)

Notes:

1. Section 8 is in funding format, which includes capital expenditure & all sources of funds.
2. Section 8 does not include depreciation expense.
3. Section 8 includes internal transactions.

Bathurst Regional Council

Budget review for the quarter ended - 30 September 2021

8. Budget Review by Department in Funding Format

	2021/22 Original Budget	2021/22 Revised Budget	Sep YTD Actuals
Cultural & Community Services			
Community & Children Services			
Income	(3,076,206)	(3,098,304)	(808,168)
Expenditure	3,243,382	3,265,480	703,826
Community & Children Services	167,176	167,176	(104,343)
Cultural & Community Services Office			
Income	(126,000)	(129,800)	(31,500)
Expenditure	1,156,225	1,155,025	272,664
Cultural & Community Services Office	1,030,225	1,025,225	241,164
Library Services			
Income	(200,695)	(221,786)	(9,037)
Expenditure	1,825,139	1,846,230	474,814
Library Services	1,624,444	1,624,444	465,776
Tourism			
Income	(295,352)	(330,352)	(58,687)
Expenditure	1,265,729	1,250,729	191,667
Tourism	970,377	920,377	132,980
Art Galleries			
Income	(314,690)	(403,107)	(41,288)
Expenditure	1,205,395	1,293,883	204,687
Art Galleries	890,705	890,776	163,399
Entertainment Centres			
Income	(1,194,045)	(1,083,328)	(53,446)
Expenditure	2,198,028	2,117,311	344,848
Entertainment Centres	1,003,983	1,033,983	291,403
Museums			
Income	(2,760,277)	(5,339,238)	(779,841)
Expenditure	3,977,728	6,643,905	1,108,361
Museums	1,217,451	1,304,667	328,520
Total Cultural & Community Services	6,904,361	6,966,648	1,518,899

Notes:

1. Section 8 is in funding format, which includes capital expenditure & all sources of funds.
2. Section 8 does not include depreciation expense.
3. Section 8 includes internal transactions.

Bathurst Regional Council

Budget review for the quarter ended - 30 September 2021

8. Budget Review by Department in Funding Format

	2021/22 Original Budget	2021/22 Revised Budget	Sep YTD Actuals
Development and Environmental Services			
Environmental Services			
Income	(2,158,416)	(6,497,195)	(646,385)
Expenditure	2,939,660	7,317,439	818,088
Environmental Services	781,244	820,244	171,703
Planning Services			
Income	(227,000)	(1,008,819)	(269,863)
Expenditure	1,843,733	2,590,552	618,081
Planning Services	1,616,733	1,581,733	348,218
Building Services			
Income	(1,568,072)	(1,568,072)	(354,828)
Expenditure	2,007,431	2,007,431	413,891
Building Services	439,359	439,359	59,063
Economic Development			
Income	(59,652)	(62,937)	0
Expenditure	662,231	605,516	141,177
Economic Development	602,579	542,579	141,177
Total Development and Environmental Services	3,439,915	3,383,915	720,161
Grand Total	(12,795)	(12,795)	(1,423,845)

Notes:

1. Section 8 is in funding format, which includes capital expenditure & all sources of funds.
2. Section 8 does not include depreciation expense.
3. Section 8 includes internal transactions.

Attachment 8.3.3.1

2021-2022 Section 356 Donations
Report as at 31 October 2021

Details	Reference	Date	Standard Annual Donations	Specific Donations	Mt Pan Fee Waived	BMEC Donations	Sundry Donations	TOTAL
			\$	\$	\$	\$	\$	\$
Annual Budget			85,067.00	20,800.00	35,000.00	60,000.00	20,000.00	220,867.00
Spent to date:								
Country Women's Association of NSW - Central Western Group (CWA)	Operation Plan	27/07/2021		-300.00				-300.00
Perthville Development Group Inc	Operation Plan	27/07/2021		-1,000.00				-1,000.00
Bathurst Edgell Jog	Operation Plan	27/07/2021		-5,000.00				-5,000.00
Bathurst Remembers / AVAMS / Communications and Resources Project	Operation Plan	27/07/2021		-4,000.00				-4,000.00
WRAS Annual Subscription/donation	Operation Plan	27/07/2021	-2,595.00					-2,595.00
Bathurst AH&P Association	Operation Plan	28/07/2021	-8,244.00					-8,244.00
Monkey Hill UHF Repeater	Operation Plan	30/07/2021	-1,000.00					-1,000.00
Lions Club of Bathurst Inc	Operation Plan	30/07/2021	-2,000.00					-2,000.00
Lifeline Central West	Operation Plan	30/07/2021		-2,500.00				-2,500.00
Bathurst Gardener's Club Inc	Operation Plan	30/07/2021		-500.00				-500.00
BMEC - CPSA Monthly Meetings - 1st July	Operation Plan	30/07/2021				-898.64		-898.64
Bathurst District Historical Society (BDHS) - VJ Day	Operation Plan	31/07/2021		-3,000.00				-3,000.00
Sofala & District AH&P Association	Operation Plan	31/07/2021	-350.00					-350.00
Bathurst Junior Sports Awards	Operation Plan	31/07/2021	-5,000.00					-5,000.00
The Neighbourhood Centre (formerly BINC)	Operation Plan	1/08/2021	-900.00					-900.00
Sofala Progress Association	Operation Plan	13/08/2021	-720.00					-720.00
Central Tablelands Rowing Club Inc	18/08/21 Item 8.2.7	31/08/2021					-5,000.00	-5,000.00
Central Tablelands Woodcraft Inc	Operation Plan	16/09/2021		-500.00				-500.00
Evans Art Council	Operation Plan	27/09/2021	-3,000.00					-3,000.00
Bathurst Edgell Jog	Refund - event cancelled	29/09/2021		5,000.00				5,000.00
Bathurst City Colts Water Account	Operation Plan	6/10/2021	-3,205.38					-3,205.38
Bathurst City & RSL Band Association Inc	Operation Plan	14/10/2021	-5,000.00					-5,000.00
Bathurst City Bowling Club	Operation Plan	14/10/2021		-1,000.00				-1,000.00
Bathurst Gardener's Club Inc	Operation Plan	19/10/2021		-500.00				-500.00
Amount Spent			-32,014.38	-13,300.00	0.00	-898.64	-5,000.00	-51,213.02
Available Balance before commitments			53,052.62	7,500.00	35,000.00	59,101.36	15,000.00	169,653.98
Committed:								
Macquarie Philharmonia - Platinum Donation	Operation Plan		-2,000.00					-2,000.00
Bathurst City Colts Water Account	Operation Plan		-3,828.62					-3,828.62
CSU Foundation Trust (Gordon Bullock Scholarship)	Operation Plan		-3,000.00					-3,000.00
CSU Foundation Trust	Operation Plan		-5,000.00					-5,000.00
Bathurst District Sport & Rec (BDRSC) grants	Operation Plan		-20,000.00					-20,000.00
Mitchell Conservatorium - BMEC Concerts	Operation Plan					-7,000.00		-7,000.00
BMEC - Bathurst Eisteddfod Sep 2021	Operation Plan					-30,000.00		-30,000.00
BMEC - Bathurst Youth Council	Operation Plan					-2,000.00		-2,000.00
BMEC - CPSA Monthly Meetings	Operation Plan					-10,101.36		-10,101.36
Russell St Road Closures	Operation Plan		-10,000.00					-10,000.00
Western Sydney University Medical Scholarship	Operation Plan		-7,500.00					-7,500.00
Bathurst Seymour Centre Inc	Operation Plan			-2,500.00				-2,500.00
Bathurst Street & Custom Motorcycle Show	19/05/21 Item 08.02.6						0.00	0.00
Amount Committed			-51,328.62	-2,500.00	0.00	-49,101.36	0.00	-102,929.98
Adjustment between Funds								
Available Balance			1,724.00	5,000.00	35,000.00	10,000.00	15,000.00	66,724.00

Summary Remaining Budget	\$
Standard Annual Donations	1,724.00
Specified Donations	5,000.00
Mt Pan Fee Waived	35,000.00
BMEC Donations	10,000.00
Sundry Donations	15,000.00
Total Remaining	66,724.00

Summary	\$
Total Budget	220,867.00
Less: Amount Spent	-51,213.02
Less: Amount Committed	-102,929.98
Total Remaining	66,724.00

Market Rental Subsidies for 2021/22

NAME OF TENANT	LOCATION	Current Rent PA	Estimated Market Rent	BRC Rental Subsidy
Mitchell Conservatorium	Machattie Park Cottage	561.00	17,140.00	16,579.00
Central Tablelands Woodcraft Inc	Learmonth Park	588.00	15,950.00	15,362.00
Community Opportunity Shop Inc	8 Lions Club Drive	1,122.00	21,266.00	20,144.00
Community Opportunity Shop Inc	Veggie Patch Church Lane	1.00	15,950.00	15,949.00
Air Services Australia	Aerodrome - Communication	1.00	19,139.00	19,138.00
Taxi Cabs of Bathurst Co-operative Society Ltd	Communication tower	1,308.00	19,139.00	17,831.00
Master Communications & Electronics Pty Ltd	Communication tower	4,547.00	19,139.00	14,592.00
Bathurst City & RSL Band Association	Walmer Park	233.00	21,266.00	21,033.00
Bathurst Lions Club Inc	Short St	1.10	15,950.00	15,948.90
Evans Arts Council Inc	Lee Street	500.00	5,317.00	4,817.00
Bathurst District Historical Society Inc	Mitre Street	1.00	10,634.00	10,633.00
Bathurst District Historical Society Inc	16 Stanley Street	1.00	10,634.00	10,633.00
Bathurst Meals on Wheels Inc	4 Watt Drive	1.00	53,163.00	53,162.00
Department of Defence (Air Cadets)	Aerodrome - Lot 25	90.91	13,648.00	13,557.09
Department of Defence (Air Cadets)	Aerodrome - Lot 36	90.91	39,425.00	39,334.09
			288,713.08	

POLICY:	INDUSTRIES – ESTABLISHMENT OF NEW INDUSTRIES IN BATHURST
DATE ADOPTED:	Director Corporate Services Report #1 Policy 1 December 2004 Council 8 December 2004 Minute Book No. 9416 (former BCC Policy)
ORIGINAL ADOPTION:	
FILE REFERENCE:	20.00003
OBJECTIVE:	To assist in the processing of Development Applications involving job creation within the City

That Council adhere to its policy in dealing with development applications wherein priority is given to any development application involving any industry or development which will result in the creation of jobs within the area.

POLICY:	STAFF – DESIGNATED PERSONS DISCLOSING INTERESTS
DATE ADOPTED:	Director Corporate Services & Finance's Report #1 Policy 6 July 2016 Council 20 July 2016 Minute Book No 12315 Director Corporate Services & Finance's Report #1 Policy 4 November 2015 Council 18 November 2015 Minute Book No. 12153
ORIGINAL ADOPTION:	Director Corporate Services Report #1 Policy 1 December 2004, Council 8 December 2004 Minute Book No. 9416 (former BCC Policy)
FILE REFERENCE:	11.00002
OBJECTIVE:	To nominate designated persons who must submit written returns of interest in accordance with Council's Adopted Code of Conduct

Section 440 and section 440AAA of the Local Government Act 1993 require Councils to adopt a model code of conduct applicable to councillors, members of staff of councils and delegates of council.

Section 180 of the Local Government (General) Regulation 2021 prescribes the model code of conduct to be adopted by Councils.

Part 4 of Council's Adopted Code of Conduct requires "designated persons" to prepare and submit written returns of interest.

In accordance with clause 4.8 of the Adopted Code of Conduct the following persons are "designated persons":

General Manager
Director Corporate Services & Finance
Director Engineering Services
Director Cultural & Community Services
Director Environmental, Planning & Building Services
Manager Corporate Governance
Manager Corporate Communications
Manager Human Resources
Manager Financial Services

Manager Information Services
Purchasing Compliance Officer
Property Management Coordinator
Manager Works
Manager Technical Services
Manager Water & Waste
Manager Recreation
Manager Development Assessment
Manager Strategic Planning
Manager Environment
Manager Community Services
Manager Museums Unit
Manager Library Services
Art Gallery Director
Manager Bathurst Memorial Entertainment Centre
Manager Tourism and Visitors Services
Museum Coordinator National Motor Racing Museum
Manager Economic Development

POLICY:	GOVERNANCE – PAYMENT OF EXPENSES AND PROVISION OF FACILITIES FOR COUNCILLORS
DATE ADOPTED:	Director Corporate Services & Finance Report #1 Policy 4 September 2019 Council 16 October 2019 Minute Book No. 13040 Director Corporate Services & Finance Report #1 Policy 3 July 2019 Council 17 July 2019 Minute Book No. 12999
ORIGINAL ADOPTION:	Director Corporate Services & Finance Report #1 Policy 1 December 2004 Council 8 December 2004 Minute Book No. 9416
FILE REFERENCE:	11.00008
OBJECTIVE:	Provide guidelines for payment of expenses and provision of facilities for all Councillors in accordance with section 252 of the Local Government Act 1993

1. PURPOSE

This policy identifies the expenses that will be paid and the facilities that will be provided to the Mayor, Deputy Mayor and Councillors in relation to discharging the functions of civic office.

If an Administrator is appointed for Bathurst Regional Council, this policy will apply to the Administrator in the same manner as the Mayor.

2. OBJECTIVE

- To ensure that no Councillors suffer hardship by reason of meeting their civic responsibilities as an elected person.
- To adequately reimburse Councillors for expenses incurred in the performance of their duties, including expenses incurred in becoming adequately informed on subjects relevant to their civic duties.

3. STATEMENT OF PRINCIPLES

The Councillors are the elected governing body of the City of Bathurst. To assist them to discharge their civic, statutory and policy making functions, they are entitled to be provided with the range of necessary facilities and to be reimbursed the expenses specified in this policy.

Recognising the special role of the Mayor, this policy allows for the payment of some additional expenses and the provision of some additional facilities in performing the role.

Claims for facilities and expenses not included in the policy will not be approved.

Where replacement equipment or facilities is required, Council's policy on plant and asset replacement will be followed. Equipment and facilities will be compatible with and of the same standard as other Council equipment and facilities.

Council's facilities and services, as detailed in this Policy, are available to Councillors while carrying out the functions of civic office. These facilities and services are not available for use by members of a Councillor's family, unless the use is directly related to attendance at a civic function or to another aspect of the Councillor's civic duties.

4. LEGISLATIVE REQUIREMENTS

The Local Government Act 1993 (Chapter 9, Part 2, Division 5) provides:

248 Fixing and payment of annual fees for Councillors

- (1) A council must pay each councillor an annual fee.
- (2) A council may fix the annual fee and, if it does so, it must fix the annual fee in accordance with the appropriate determination of the Remuneration Tribunal.
- (3) The annual fee so fixed must be the same for each councillor.
- (4) A council that does not fix the annual fee must pay the appropriate minimum fee determined by the Remuneration Tribunal.

248A Annual fees or other remuneration not to be paid during period of suspension

A council must not at any time pay any fee or other remuneration, to which a councillor would otherwise be entitled as the holder of a civic office, in respect of any period during which:

- (a) the councillor is suspended from civic office under this Act, or
- (b) the councillor's right to be paid any fee or other remuneration, or expense, is suspended under this Act,

unless another provision of this Act specifically authorises payment to be made, or specifically permits a person to authorise payment to be made, when the suspension is terminated.

249 Fixing and payment of annual fees for the Mayor

- (1) A council must pay the mayor an annual fee.
- (2) The annual fee must be paid in addition to the fee paid to the mayor as a councillor.
- (3) A council may fix the annual fee and, if it does so, it must fix the annual fee in accordance with the appropriate determination of the Remuneration Tribunal.
- (4) A council that does not fix the annual fee must pay the appropriate minimum fee determined by the Remuneration Tribunal.
- (5) A council may pay the deputy mayor (if there is one) a fee determined by the council for such time as the deputy mayor acts in the office of the mayor. The amount of the fee so paid must be deducted from the mayor's annual fee.

250 At what intervals are fees to be paid?

Fees payable under this Division by a council are payable monthly in arrears for each month (or part of a month) for which the councillor holds office.

251 What is the consequence of paying fees?

- (1) A person is not, for the purposes of any Act, taken to be an employee of a council and is not disqualified from holding civic office merely because the person is paid a fee under this Division.
- (2) A fee paid under this Division does not constitute salary for the purposes of any Act.

252 Payment of expenses and provision of facilities

- (1) Within the first 12 months of each term of a council, the council must adopt a policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the mayor, the deputy mayor (if there is one) and the other councillors in relation to discharging the functions of civic office.
- (2) The policy may provide for fees payable under this Division to be reduced by an amount representing the private benefit to the mayor or a councillor of a facility provided by the council to the mayor or councillor.
- (3) A council must not pay any expenses incurred or to be incurred by, or provide any facilities to, the mayor, the deputy mayor (if there is one) or a councillor otherwise than in accordance with a policy under this section.
- (4) A council may from time to time amend a policy under this section.
- (5) A policy under this section must comply with the provisions of this Act, the regulations and any relevant guidelines issued under section 23A.

253 Requirements before policy concerning expenses and facilities can be adopted or amended

- (1) A council must give public notice of its intention to adopt or amend a policy for the payment of expenses or provision of facilities allowing at least 28 days for the making of public submissions.
- (2) Before adopting or amending the policy, the council must consider any submissions made within the time allowed for submissions and make any appropriate changes to the draft policy or amendment.
- (3) Despite subsections (1) and (2), a council need not give public notice of a proposed amendment to its policy for the payment of expenses or provision of facilities if the council is of the opinion that the proposed amendment is not substantial.
- (4) (Repealed)
- (5) A council must comply with this section when proposing to adopt a policy each year in accordance with section 252 (1) even if the council proposes to adopt a policy that is the same as its existing policy.

254 Decision to be made in open meeting

The council or a council committee all the members of which are councillors must not close to the public that part of its meeting at which a policy for the payment of expenses or

provision of facilities is adopted or at which any proposal concerning those matters is discussed or considered.

254A Circumstances in which annual fees may be withheld

- (1) Despite this Division, a council may resolve that an annual fee will not be paid to councillor or that a councillor will be paid a reduced annual fee determined by the council:
 - (a) for any period of not more than 3 months for which the councillor is absent, with or without leave, from an ordinary meeting or ordinary meetings of the council, or
 - (b) in any other circumstances prescribed by the regulations.
- (2) Despite this Division, if a councillor is absent, with or without leave of the council, from ordinary meetings of the council for any period of more than 3 months, the council must not pay any annual fee, or part of an annual fee, to that councillor that relates to the period of absence that is in excess of 3 months.

The Local Government (General) Regulation 2021 provides:

404 Circumstances in which Councillors' annual fees may be reduced or not paid

For the purposes of Section 254(A) of the Act, the prescribed circumstance for the non-payment or reduction of a councillor's annual fee is the circumstance where both of the following conditions are satisfied:

- (a) The payment of the annual fee adversely affects the councillor's entitlement to a pension, benefit or allowance under any legislation of the Commonwealth, a Territory or a State (including NSW),
- (b) The councillor agrees to a non-payment or reduction.

5. REPORTING REQUIREMENTS

Section 428 of the Local Government Act, 1993 imposes a requirement on Councils to prepare an annual report as to its achievements in implementing its delivery program and the effectiveness of the principal activities undertaken in achieving the objectives at which those principal activities are directed.

Regulation 217(1)(a1) of the Local Government (General) Regulation 2021 requires a council to include, in its annual report the total cost during the year of the payment of the expenses of, and the provision of facilities to, councillors in relation to their civic functions.

6. OTHER GOVERNMENT POLICY PROVISIONS

This policy has been developed in accordance with the following policies and documents provided by various government departments.

- Office of Local Government Guidelines for Payment of Expenses and Provision of Facilities to Mayors and Councillors
- Office of Local Government Circulars (issued from time to time)
- Office of Local Government Model Code of Conduct
- Council's Adopted Code of Conduct
- Various ICAC Publications

7. ANNUAL FEE

An annual fee will be paid to each Councillor in twelve instalments (monthly in arrears). In addition to this, the Mayor will be paid an annual fee in twelve instalments (monthly in arrears). The amount to be paid will be as determined by the Local Government Remuneration Tribunal and adopted in Council's Management Plan for that year. Councillors will be entitled to Superannuation payments from 1 July 2022 at the equivalent amount provided for, under the Commonwealth superannuation legislation. The payment will need to be made into a complying superannuation fund which will be nominated by the Councillor.

8. ACCESS AND USE OF FACILITIES/EQUIPMENT

Councillors will be provided with access and use of the following:

- (i) A room suitably furnished for use by all Councillors;
- (ii) Access to a motor vehicle if available, or alternative arrangement (eg hire car), for the purposes of attending official functions or meetings outside the Council area (see also Clause 15);
- (iii) Use of Council photocopiers, telephones, computers, (and associated equipment) and fax machine in the course of the Councillor undertaking official business.

(iv) Access to Council Operated Facilities

To assist Councillors to understand the operations of and to promote the various facilities to the community, Council will provide each Councillor with:

- (a) annual admission (for the use of the Councillor only) to the following Council operated facilities:
 - Australian Fossil and Mineral Museum
 - National Motor Racing Museum
 - Chifley Home and Education Centre
 - Rail Museum
- (b) two adult tickets (for the use of the Councillor and their spouse/partner) to each of the Theatre Season performances at the Bathurst Memorial Entertainment Centre.

(v) Access to Motor Sport Events

To assist Councillors to promote Bathurst and network with dignitaries, Council will provide four (4) tickets per Councillor to attend all days of each motor racing event (including attendance at Mayoral functions) that requires full track closure at Mount Panorama.

At some events, Councillors may be provided with access to a reserved parking allocation for one vehicle per Councillor.

In addition to those facilities/equipment listed above, the Mayor will be provided with the use of:

- (vi) An office suitably furnished;
- (vii) Mayoral robes and chains;
- (viii) A corporate credit card to meet expenses connected with the entertainment of guests of the city;
- (ix) A “Rex” card to allow the Mayor access to the Rex lounge at the airport for the conduct of meetings and whilst waiting between meetings and flights (a card will also be provided to the Deputy Mayor for official use).

9. PROVISION OF EQUIPMENT

Each Councillor will be provided with the following:

- (i) Business cards.
- (ii) Councillor letterhead.
- (iii) A name badge.
- (iv) Stationery, office supplies and other consumables.
- (v) Provision of car parking sticker for parking in designated/authorised parking areas.
- (vi) A corporate credit card to meet expenses as authorized in carrying out the Councillor's role.
- (vii) Each Councillor will be provided with the following for Council use:
 - A computer, e.g. i-Pad or Laptop and associated equipment (printer etc.)
 - Access to the internet.
 - Facsimile transmission device (Fax) (including installation at the principal place of residence).
 - A document shredder.

NB: All rental, call and stationery costs incurred in the course of Council activities will be met by Council.

- (viii) Councillors will have the following options in relation to telephone calls made in the course of Council business:
 - a. Council will reimburse Councillors for the cost of official mobile and landline calls made in the course of Council business up to a limit of \$100 per month. Claims for reimbursement of calls must be made on the appropriate expenditure claim form.
 - or**
 - b. Council will provide Councillors with a mobile phone for Council business, limited to an amount of \$100 per month.

In addition to the equipment listed above the Mayor will be provided with the following:

- (ix) A mobile phone with rental and all charges to be met by Council;

- (x) A motor vehicle (including private use) on the basis that all costs are met by the Council. NOTE – that during periods of “leave of absence” of the Mayor the vehicle will be made available to the Deputy Mayor under the same terms and conditions.
- (xi) A permanently allocated parking space.

Note: A person’s re-election to the Council is considered a personal interest. Official Council material such as letterhead, publications, websites, email, as well as council services and forms must not be used for any such personal interests.

9.1 Acquisition and Return of Council Equipment and Facilities by Councillors

All equipment provided to the Mayor, Deputy Mayor or a Councillor to assist them to carry out their official duties remains the property of Council and is to be returned to Council upon the Mayor or the Councillor ceasing to hold office.

A Councillor may at the cessation of their duties request to purchase the equipment provided to them for their official duties or part thereof. Any items offered for sale to a Councillor under this clause will be offered on the basis that they are valued at a fair market price or the current written down value, whichever is the greater.

9.2 Private Benefit

Councillors should not generally use Council equipment for their own personal benefit. However, it is acknowledged that incidental use of Council equipment for private benefit may occur. Such incidental use will not be subject to repayment.

Where more substantial use of Council equipment occurs Council will seek reimbursement at a rate determined by the

- a) Mayor/Deputy Mayor and the General Manager or
- b) the Council,

depending upon the circumstances.

10. ADMINISTRATIVE SUPPORT

Councillors will be provided with secretarial support in relation to official correspondence.

11. TRAINING

Councillors will be provided with training to enhance their ability to carry out their civic responsibilities. An allowance is made in the annual budget for provision of training to Councillors. The type of training attended would normally be approved by the Council but may, in some circumstances, be approved by the Mayor.

12. INSURANCE

Council will provide appropriate insurance for Councillors including insurance against personal injury whether fatal or not, arising out of, or in the course of carrying out duties, or the performance by such Councillor at functions in his/her capacity as a member of Council.

Council will provide the following Insurance cover for Councillors undertaking official Council business:

- Public Liability
- Councillors and Officers
- Personal Accident
- Travel Insurance (where approved) for interstate and overseas travel on Council business

13. SUSTENANCE/MEALS

Councillors are entitled to the provision of a meal and/or refreshments in conjunction with the Committee/Council meeting or at any official ceremony authorised by Council or the Mayor, or in carrying out their Councillor's responsibilities including meetings with residents, ratepayers or guests of the city.

14. LEGAL

In the event that indemnity is not granted under the existing Councillors and Officers liability policy in relation to:

- (a) any enquiry, investigation or hearing into the conduct of a Councillor:
 - (i) by the Independent Commission Against Corruption;
 - (ii) by the Office of the Ombudsman;
 - (iii) by the Administrative Decisions Tribunal;
 - (iv) by the Office of Local Government, Department of Premier and Cabinet
 - (v) by the NSW Police Force;
 - (vi) by the Director of Public Prosecutions;
 - (viii) by Council's Conduct Review Committee/Reviewer
 - (ix) by the Local Government Pecuniary Interest Tribunal; or
 - (ix) pursuant to FOI legislation;
 - (x) pursuant to Privacy and Personal Information Protection legislation
- (b) legal proceedings against a Councillor:

Council shall reimburse such Councillor on a solicitor/client basis for all legal and associated expenses properly and reasonably incurred having regard to the nature of the enquiry, investigation, hearing or proceedings, provided that:

- (i) the enquiry, investigation, hearing or proceedings relate to conduct arising out of or in connection with a Councillor's performance of his or her civic duty or the exercise of his or her functions as a Councillor;
- (ii) the enquiry, investigation, hearing or proceedings have been finalised and have resulted in a finding, in the opinion of the Council, substantially favourable to the Councillor;
- (iii) the amount of any such reimbursement shall be limited to the amount of moneys that are not otherwise recoverable by a Councillor on any other basis;
- (iv) the Council authorises the reimbursement by resolution.

Note: Council cannot pay any legal expenses for

- (a) legal proceedings initiated by a councillor
- (b) a councillor seeking legal advice in respect of possible defamation

15. EXPENSES

- (a) Council will reimburse claims for expenses for actual costs incurred by Councillors in relation to discharging the functions of civic office.

The fundraising activities of political parties, including political fundraising events, are considered to be personal interests. Council will not pay expenses or provide facilities to councillors in relation to supporting and/or attending such activities and events.

- (b) In relation to discharging the functions of civic office, the following facilities will be provided:
 - Mayoral Office.
 - Councillors' meeting room.
 - Provision of a meal/refreshments in conjunction with the Committee/Council meeting.
- (c) Where a Councillor provides his/her own motor vehicle for transport in relation to discharging the functions of civic office, reimbursement of costs will be made on either:
 - (i) a per kilometre basis at the rates specified under Clause 4 of the Local Government (State) Award, or
 - (ii) based on the presentation of a fuel docket/receipt.
- (d) Where travel is by air, Council will pay the cost of an economy class ticket.
- (e) Costs of vehicle hire, taxi fares and/or public transport which are reasonably incurred while attending conferences will be reimbursed by the Council.
- (f) Council will reimburse the cost of parking fees (upon the provision of an appropriate receipt) and the cost of any road tolls paid while on Council business.

In regard to "functions of Civic Office", the following guide is provided:

Travel expenses relate to travel that is on Council business (this can be within NSW or interstate, where approved), including:

- to and from Council meetings;
- to and from Committee meetings, Working Parties etc of which the Councillor is a member;
- to and from meetings of external bodies to which the Councillor is an approved delegate;
- inspections within the area of the Council where such inspections have been arranged by a resolution of Council, or by Mayoral approval;

- to and from the periodical conferences, training courses and seminars of Local Government related organisations at which attendance has been approved by a resolution of Council or by Mayoral approval;
- to and from public meetings where such meetings have been arranged by a resolution of Council or by Mayoral approval.

NB: For the purposes of this Policy, travel within the ACT is regarded as travel within NSW.

Payment is subject to:

- the travel being undertaken expediently and by the shortest practicable route;
- claims must be made within three (3) months of incurring the expense;
- wherever possible and appropriate, a Council vehicle will be made available for use by a Councillor travelling outside the Bathurst Regional Council boundary on Council approved business.

N.B. The driver of the vehicle (whether a Council vehicle or private vehicle) will be personally responsible for all traffic or parking fines incurred while travelling on Council business. Under no circumstances will Council reimburse costs associated with traffic or parking infringement fines.

A copy of the "Claim for Reimbursement of Expenses" form is at Appendix A.

15.1 Payment of expenses for spouses, partners and accompanying persons

Council will pay the cost of attendance of a spouse, partner or accompanying person at an official function of the Council (which includes BMEC Theatre Season performances) or other official functions that are of a formal and ceremonial nature. Examples would include Citizenship ceremonies, civic receptions/functions and charitable functions for charities supported by the Council.

Council will also pay for any reasonable expenses incurred for a spouse, partner or accompanying person of the Mayor, or of a Councillor when they are representing the Mayor, when they are called upon to attend an official function of Council or, carry out an official ceremonial duty while accompanying the Mayor (or the Mayor's representative) outside the Council's area, but within the State of New South Wales. Reasonable expenses would include the cost of the ticket and meal etc.

In all other instances any costs incurred as a result of the attendance by a spouse, partner or accompanying person shall be met by the respective Councillor.

15.2 Payment in Advance:

The Council will normally pay all costs associated with attendance by a Councillor on official Council business at a conference, seminar or function in advance. Where this is not appropriate or possible:

- a cash allowance or cheque equivalent thereto will be paid to the attendee in advance;
- An allowance for estimated "out-of-pocket" expenses may be paid to an attendee in advance upon request.

Payment via either of these methods will require the provision of a reconciliation statement, verification of expenses and the refund of any unexpended amount being submitted within ten (10) days of the close of the conference, seminar or function.

N.B. Councillors are provided with a credit card to minimise the requirement for payments in advance.

15.3 Childcare

Council will reimburse Councillors for the cost of child care services incurred while on authorised Council business. The amount of reimbursement will be the actual cost incurred, with a maximum of \$25 per hour applying.

15.4 Dependent Care Related Expenses

Council will reimburse Councillors for the reasonable cost of child/dependent care services (including care of elderly, disabled and/or sick immediate family members of Councillors) incurred while attending Council meetings, Committee meetings, workshops, briefing sessions and other meetings relating to Council's operations.

Councillors will be reimbursed for expenses associated with child/dependent care paid to providers other than immediate family, spouse or partner up to 1 hour before and after such meetings (based on advertised commencement time) subject to the prescribed form being completed and/or the production of appropriate documentation/receipts.

15.5 Councillor Care Related Expenses

Council will give consideration to the payment of other related expenses associated with the special requirements of Councillors such as disability and access needs, including reasonable transportation provisions for those unable or unwilling to drive a vehicle, to allow them to perform their normal civic duties and responsibilities. Costs could include accommodation, meals and travel expenses for carers, accompanying a Councillor where required.

16. CORPORATE CREDIT CARD

Councillors will, upon request, be given a Corporate Credit Card with a limit of \$1,000.

17. PROVISION OF COUNCIL UNIFORM

Councillors are to be provided with a Council uniform. The initial purchase will be subsidised to a maximum of \$800.00 and thereafter an annual allowance for maintenance of a maximum \$200.00 per annum.

A councillor who is re-elected for a new term of office shall, during the first year of that term, be entitled to an allowance of up to a maximum of \$400 and thereafter the annual maintenance amount will apply.

Where Councillors are required to wear personal protective equipment (PPE), this will be provided up to a maximum of \$500 in any one term of Council.

18. CODE OF CONDUCT

Councillors should be aware that where actions are taken in Breach of the Code of Conduct, the failure to comply with the Code of Conduct may be evidence of a lack of good faith which may lead to a denial of payment under the Policy.

Further, Chapter 13, Part 5 of the Local Government Act allows the Office of Local Government to surcharge Councillors to recover any deficiency or loss to Council arising from actions involving misconduct. Councillors should be aware that where actions are taken in breach of the Code of Conduct, the failure to comply with the Code of Conduct may be evidence of misconduct which may lead to personal liability pursuant to the surcharge provision of the Local Government Act in connection with such actions.

19. CONFERENCES

In this part **Conference** means conferences, seminars, congresses, forums, workshops, courses, meetings, deputations, information and training sessions, events, etc. held within Australia, related to the industry of local government.

19.1 Who May Attend Conferences

Councillors may be nominated to attend conferences by:

- the Council, by resolution duly taken;
- the Mayor, acting within his/her delegated authority.

In addition the Mayor may nominate a substitute Councillor in his or her absence to attend functions within and outside the Council area on those occasions where the Mayor is unable to be in attendance.

19.2 What Conferences May be Attended

The conferences to which this policy applies shall generally be confined to:-

- Local Government NSW (LGNSW) and Australian Local Government Association(ALGA) Conferences.
- Special “one-off” conferences called or sponsored by the LGNSW and/or ALGA on important issues.
- Annual conferences of the major Professions in Local Government.
- Australian Sister Cities Conferences.
- Regional Organisation of Councils Conferences.
- Conferences, which further training and development efforts of the Council and of Councillors, or which relate to or impact upon the Council’s functions.
- Any Meetings or Conferences of organisations or bodies on which a Councillor of the Council may be elected, or appointed to be, a delegate or member of the Council or the LGNSW.

Other conferences that may be attended would include those listed in the report provided to Council (from time to time) adopting the delegates/duty delegates.

19.3 Registration

The Council will pay all normal registration costs which are charged by organisers, including the costs of related official luncheons, dinners and tours which are relevant to the interests of the Council or assist Councillors to discharge the functions of their civic office.

19.4 Expenses Incurred

Payment or reimbursement of expenses incurred or to be incurred shall be subject to the requirements that:

- (a) travel expenses relate to travel that is on Council business;
- (b) the travel being undertaken with all due expedition, and by the shortest practicable route;
- (c) only reasonable amounts are claimed or accepted towards necessary out-of-pocket expenses;
- (d) out-of-pocket expenses for which amounts are claimed relate only to the verified costs of refreshments, meals, travel, registration fees, accommodation, stationery and the like;
- (e) any time occupied or travel incurred in other than Council business is not included in the calculation of expenses to be paid; and
- (f) the claim is made not later than three (3) months after the expenses were incurred, and upon copies of all relevant dockets, receipts and the like being attached to a written claim for payment/reimbursement.

19.5 Categories of Payment or Reimbursement

The categories of payment or reimbursement are as follows:

- (a) Travel

See Clause 15 of this policy

- (b) Accommodation

Reasonable accommodation costs (including meals), including the night before and/or after the conference where this is necessary, will be met by the Council.

- (c) Out-of-Pocket Expenses

Reasonable out-of-pocket or incidental expenses will be reimbursed for costs associated with attending the conference, including entertainment, but excluding expenses of a normal private nature. Incidental expenses are taken to include items such as:

- (i) hotel/motel charges other than accommodation;
- (ii) telephone, facsimile and wi-fi costs;
- (iii) refreshments/meals not included in the Registration fee;
- (iv) any optional activity in a Conference program;
- (v) taxi fares;
- (vi) parking fees.

19.6 Payment of Conference expenses

Councillors, from time to time, may find it necessary to pay day-to-day expenses out of their own pocket. Councillors must then submit a claim (on the claim form attached to this policy) for reimbursement of those expenses in accordance with this policy. Payment of incidental expenses will be limited to a maximum of \$100 per day.

The General Manager reserves the right to decline the reimbursement of any expenses he/she considers to be inappropriate or unreasonable and refer them for further consideration in accordance with the dispute procedures listed in this policy.

19.7 Spouse/Partner

Where the attendee is accompanied by his or her spouse/partner the attendee will pay for any cost supplement involved in the accommodation. All costs for the spouse/partner (including travel and meals) are to be borne by the attendee.

Council will pay for the attendance by a spouse or partner of an attendee at the Local Government NSW Conference. Payment of expenses in these instances will be limited to the cost of registration at the conference and the cost of the official conference dinner.

19.8 Reimbursement of Expenses

All claims for reimbursement of actual expenses incurred by a Councillor in the course of their official duties are to be made under the following conditions:-

- provision of appropriate tax invoices, receipts;
- submission of claim on the Council claim form provided at Annexure A;
- all claims being submitted within 3 months of the expenditure being incurred (except as otherwise specified in this policy);
- completion of a statutory declaration.

20. OVERSEAS TRAVEL

Council will pay the same expenses as detailed above (for conferences) for Councillors travelling overseas on Council business provided Council resolves that such travel be undertaken. Any proposal for overseas travel must be considered at an Open Council Meeting through a report from the General Manager or other appropriate staff member.

Reports are to indicate:

- Who is to take part in the travel;
- The objectives for undertaking the trip, including an explanation of the benefits that will accrue to the community/Council from taking the trip;
- The duration of the trip and general details of travel arrangements;
- The approximate cost of the trip, including accommodation and other expenses payable.

If the trip is to be sponsored by private enterprise, ICAC guidelines and reporting structures shall be followed.

For overseas travel, a daily meal and an incidental expenses allowance will be paid to each authorised attendee in accordance with the appropriate Australian Taxation Office Determination, provided that such expenses are subject to a period of stay not exceeding

the period for the conference or authorised business plus one day each way for travelling. Any such payment will be considered as a Payment in Advance and dealt with in accordance with the requirements of clause 15.2 Payment in Advance of this policy.

Where possible proposals for overseas travel by Councillors and staff on Council business should be included in the annual management plan to ensure community awareness.

21. DISPUTE RESOLUTION - PAYMENT OF EXPENSE CLAIMS

Approval for expenses claimed as a result of attendance at a conference, seminar or function for which there is no formal Council resolution to attend will normally be made jointly by the General Manager and the Mayor (or if the claim is made by the Mayor, the General Manager and the Deputy Mayor or another Councillor). In the event of a dispute as to the payment of expenses claimed by a Councillor the General Manager will prepare a report for consideration at the ordinary monthly Council meeting and the report will be provided as part of the business paper for the meeting. The Council's decision will be final.

Appendix A

Civic Centre
158 Russell Street
BATHURST NSW 2795

Telephone 02 6333 6111
Facsimile 02 6331 7211
council@bathurst.nsw.gov.au
www.bathurst.nsw.gov.au
www.bathurstregion.com.au

Correspondence to:
Private Mail Bag 17
BATHURST NSW 2795

MEMBER FOR COUNCIL CLAIM FOR REIMBURSEMENT OF EXPENSES

NAME OF CLAIMANT:

ADDRESS:

In accordance with the provisions of Clause 252 of the Local Government Act, 1993, I hereby claim the amount set out hereunder for expenses for conveyance by private car and subsistence in traveling:

MOTOR VEHICLE USAGE CLAIM:

DATE	Meeting / Purpose / Location	KM Travelled	Vehicle Engine Capacity	Amount \$
TOTAL				\$

EXPENSES INCURRED:

DATE	Meeting / Purpose / Location	Amount \$
TOTAL		\$

Signature: _____ Date: / /

Please note, these expenses claimed will be paid directly into your nominated bank account.

PLEASE ATTACH ALL TAX INVOICES FOR REIMBURSEMENT

These expenses have been verified by me and reimbursement is authorised.

Signature: _____ Date: / /

GENERAL MANAGER

OFFICE USE ONLY	Creditor No: _____
Motor Vehicle Usage Claim \$.	03020.0330.0619
Expenses \$.	
TOTAL \$ _____	

The information on this form is being collected to allow Council to process your application and/or carry out its statutory obligations. All information collected will be held by Council and will only be used for the purpose for which it was collected. An individual may view their personal information and may correct any errors.

END OF TERM REPORT 2020/2021



BATHURST 2040 COMMUNITY STRATEGIC PLAN - END OF TERM REPORT

In 2009 the NSW State Government introduced Integrated Planning and Reporting reforms for Local Government. Included in these changes was the need for Councils to adopt long term Community Strategic Plans.

The Community Strategic Plan is the highest- level plan a Council must prepare. It identifies the community's main priorities for the future and includes strategies to achieve these goals.

After extensive public consultation, Bathurst Regional Council developed and adopted its 2036 Community Strategic Plan in February 2012. Council extensively reviewed and updated its Plan to develop its Bathurst 2040 Community Strategic Plan which was adopted by Council in May 2018. The Bathurst 2040 Community Plan provides the blue- print for what the community hopes to achieve in the next two decades.

The Plan has been built on six key themes to provide for an engaging, prosperous, and sustainable future for our community:

- Our sense of place and identity
- A smart and vibrant economy
- Environmental stewardship
- Enabling sustainable growth
- Community health, safety, and wellbeing
- Community leadership and collaboration

Under the Integrated Planning and Reporting framework, Council is required to reflect and report on its progress towards the delivery of the key strategic objectives of the Community Plan. This Report evaluates the achievements and advances made in each of the six key strategies identified within the Bathurst 2040 Community Strategic Plan. This Plan covers the period from September 2017 to date.

Objective I: Our sense of place and identity

No.	Strategies
I . 1	Respect, protect and promote the Region's Aboriginal Heritage Assets
I . 2	Protect, enhance and promote the region's European heritage assets and character
I . 3	Enhance the cultural vitality of the region
I . 4	Protect and improve the region's landscapes, vistas and open space
I . 5	Promote good design in the built environment

What is Council going to do?

I.1. Respect, protect and promote the region's Aboriginal heritage assets

Council will continue to carry out Aboriginal cultural heritage assessments to inform local land use strategies and to identify appropriate management recommendations to protect Aboriginal heritage sites and places. Council will also continue to prepare, review and update heritage studies in consultation with the wider community to recognise and conserve heritage sites and places and include appropriate local planning controls.

Council, in conjunction with local Aboriginal community groups, will finalise and implement the Aboriginal Heritage Interpretation Strategy currently being prepared and continue conversations with the key Aboriginal community groups of the region.

I.2 Protect, enhance and promote the region's European heritage assets and character

Council will review and implement its heritage plan to ensure heritage is given priority in Council decisions. Council will ensure policies used to manage growth give high priority to the region's heritage. We will continue to support the owners of local heritage items, and help find ways to maintain and use their land while still protecting their heritage asset. We will prepare, review and update heritage studies in consultation with the community to recognise and conserve heritage assets, and include appropriate local planning controls. We will continue to showcase the heritage experience of the Bathurst regional, capture and record places and stories, and foster community reflection and engagement. We will develop a new Railway Museum and a Regional Collections Facility. Council will value the past as a social, tourism, cultural and economic asset.

I.3 Enhance the cultural vitality of the region

Council will continue to support and resource a diverse range of cultural facilities to deliver vibrant, relevant to engaging arts and cultural programs to the region. We will also continue to run and encourage events that showcase the different cultures of Bathurst and the skills of our community. Council will encourage the development of arts and cultural programs, festivals and events across the region. Council will support its artist in residence program, Heritage Trail and collaborate with Regional Arts NSW, Arts Outwest and Museums & Galleries of NSW to provide enhanced cultural facilities and events for the region. The construction of Bathurst railway Museum and Regional Collections facility are priorities of Council of Council.

Council will pursue the appropriate adaptive reuse of the former TAFE site as a priority to ensure the Bathurst Town Square remains as the heart of the City.

1.4 Protect and improve the region's landscapes, views, vistas and open space

Council will manage urban growth to protect views to and from the region's important landscapes. We will work with partners to improve the connectivity between open spaces areas and improve riparian corridors and remnant vegetation.

Council will continue the implementation and enhancement of the Urban Waterways Management Plan.

Council will continue vegetation and revegetation activities to improve overall catchment health and connectivity of native vegetation.

Council will protect the region's floodplain from inappropriate urban development and manage the important views to the Macquarie River Floodplain.

Council will continue to maintain and enhance its open space and other public spaces for the enjoyment of all ages and abilities.

1.5 Promote good design in the built environment

Council will develop urban design guidelines, in partnership with the NSW Department of Planning and Environment and the NSW Government Architects, to provide clarity on what good design means for the Bathurst Region and outlines processes for achieving this. It creates a clear approach to ensure we get the good design that will deliver the architecture, public places and environments we want to inhabit now and those we make for the future. It articulates the means and methods to value and improve our built environment and public domain, so that we can be proud of our cities, towns and public places and environments we want to inhabit now and those we make for the future. It articulates the means and methods to value and improve our built environment and public domain so that we can be proud of our cities, towns and public places.

Council will continue to review its design guidelines for new buildings in the historic areas of the City to ensure our place retains its character.

Council will seek to provide services to the community to guide better building design that enhances the characteristics of Bathurst and its Villages, is sustainable, accessible and enables us to age in place.

Evaluation

Heritage conservation and education

Measure 1- Number of local heritage items

During its term in office, Council increased the number of properties as an item of heritage significance in its planning instruments from 341 to 353 heritage listed items.

Measure 2 Number of Council's heritage advisor's site visits

Council continued to provide its heritage advisory service to the community about heritage properties within the Bathurst region through site visits as follows:

	2017/18	2018/19	2019/20	2020/21
Total Site Visits	129	134	139	125

Measure 3 –Value of works generated from Council's heritage incentive funds

During its term, Council operated heritage incentive funding programs to encourage building maintenance and heritage promotion and interpretation. The value of works generated from Council's heritage incentive funds, Conservation and interpretation fund and Bathurst CBD main street improvement fund was as follows:

Bathurst Region Local Heritage Fund – Statistics						
Year	Applications Received		Heritage Fund	No. of Projects	Projects Completed	
	No.	Value	budget	offered funding	No.	Value
2017/18	79	\$606,656.78	\$60,500	77	49	\$398,442
2018/19	67	\$640,518.00	\$60,500	59	44	\$410,935
2019/20	67	\$686,032.17	\$60,500	59	46	\$502,583
2020/21	88	\$691,891.12	\$60,500	72	47	\$535,055
TOTAL	301	\$ 2,625,097	\$242,000	267	186	\$1,847,015

NB Council's heritage fund budget included Council and NSW Heritage Branch contributions. From year to year, any unspent funds were rolled over into the next year. The rollover amount is not shown in this table.

Conservation and Interpretation Fund Summary					
Year	No.Applications Received	No.Applications Offered Funding	No.Applications Competed	Funding Granted	Total Value
2017/18	12	12	9	\$16,215	\$80,626
2018/19	11	11	10	\$18,000	\$68,140
2019/20	17	15	11	\$20,450	\$105,938
2020/21	15	11	10	\$20,000	\$95,420
Total	55	49	40	\$74,665	\$350,124

Bathurst CBD Main Street Improvement Fund – Summary					
Year	No.Applications Received	No.Applications Offered Funding	No.Applications Competed	Funding Granted	Total Value of Projects
2017/18	19	19	10	\$27,000	\$290,077
2018/19	18	15	5	\$15,300	\$53,610
2019/20	19	17	9	\$21,300	\$110,440
2020/21	23	12	8	\$17,000	\$172,951
Total	79	63	32	\$80,600	\$627,078

Measure 4 - Number of visitors to Council's museums

The development and growth of museums operated during this term of Council culminated in the opening of the Bathurst Rail Museum and the launch of "Museums Bathurst" branding in February 2020. The Bathurst Rail Museum joined the Australian Fossil and Mineral Museum, National Motor Racing Museum and Chifley Home and Education Centre in providing world class attractions for locals and visitors to our community.

NSW COVID-19 restrictions resulted in closure of the museums from March to June 2020. Following this, visitor numbers increased substantially, reflecting the trend of travelers exploring the regions in lieu of overseas travel.

Council continued to be a leader in region NSW in the support and management of museums. Funding was secured and construction begun on the Central Tablelands Collections Facility that will house Council's valuable collections as well as providing opportunities for other collections and education opportunities. This facility will be completed in early 2022.

For this term of office, Council's target was a 2% increase in the number of visitors for each financial year, from the 2017/2018 financial year.

The numbers of visitors to Council's museums are set out in the table below:

MUSEUM	2017/2018 Visitor numbers	2018/2019 Visitor numbers Target 2% increase	2019/2020 Visitor numbers Target 4% increase Museums closed (COVID) early March to early June 2020	2020/2021 Visitor numbers Target 6% increase
AFMM	23,706	22,636 5% decrease on 2017/2018 visitors	18,952 20% decrease on 2017/2018 visitors	35,718 50% increase on 2017/2018 visitors
NRMA	32,338	34,010 5% increase on 2017/2018 visitors	27,041 16% decrease on 2017/2018 visitors	37,257 15% increase on 2017/2018 visitors
BRM	NA	NA	5,657 opened 22 Feb 2020	40,696
CHEC	1,448	1,414 2% decrease on 2017/2018 visitors	539 62% decrease on 2017/2018 visitors Closed early March 2020 - remains closed	Nil 100% decrease on 2017/2018 visitors Remains closed
TOTAL	57,492	57,787 .5% increase	52,189 9% decrease	113,671 97% increase

Cultural facility satisfaction

Measure 1 - % of residents satisfied with Council's cultural facilities

Bathurst Regional Council commissioned Jetty Research to conduct its 2021 Community Satisfaction Survey. The Survey was conducted in May 2021. Below, and throughout this report, Council makes references to results gleaned from the Community Survey.

The 2021 Community Survey measured mean satisfaction with Council's cultural facilities as: (NB Scores are measured out of 5 and a mean score of 3 or above suggests satisfaction outweighs dissatisfaction).

Bathurst Rail Museum 4.27

Australian Fossil & Mineral Museum 4.17

National Motor Racing Museum 4.13

Bathurst Memorial Entertainment Centre 3.99

Bathurst Regional Art Gallery 3.98

Chifley Home & Education Centre 3.83

Strategy 1.1 Respect, protect and promote the Region's Aboriginal Heritage Assets

At its meeting on 18 September 2019, Council resolved to acknowledge the recommendations of the Bathurst Regional Aboriginal Heritage Interpretation Strategy. The purpose of the strategy is to identify and elaborate key Aboriginal heritage themes, stories, and interpretation opportunities across the Bathurst Regional LGA and, in doing so, seek to achieve a consistent and interconnected narrative of stories and themes across the region. The interpretation strategy is informed by information, stories and values articulated by Aboriginal community traditional owners, Elders and knowledge holders during consultation and cultural values engagement work undertaken as part of the Bathurst Region Aboriginal Heritage Study and Aboriginal Cultural Heritage Assessment Reports and associated anthropological studies undertaken as part of the assessment of the Mt Panorama (Wahluu) precinct.

The strategy included the Mt Panorama (Wahluu) Boardwalk which was constructed during Council's term in office. The boardwalk is the ideal location to tell the story of Wahluu and the creation of the mountain and provide information more broadly about the key themes associated with Aboriginal cultural values, heritage, and history of the region. Other locations identified by the strategy include the park at the corner of Rankin and Stanley streets, overlooking the Macquarie River, Rankens Bridge Reserve, Haymarket Reserve, the Flagstaff and Proclamation Cairn and the Sir Joseph Banks Nature Reserve.

Included by the Council in the 2020/2021 budget was the funding to employ a new position, an Aboriginal Liaison Officer with the new officer commencing in the role in February 2021. The objectives of the role are to deliver strategies, projects, and capacity building programs, assist the Council to develop, implement and evaluate strategies and initiatives that address the needs of the whole Aboriginal community in Bathurst and facilitate awareness, understanding and positive relationships between Council and the local Aboriginal community. Activities undertaken by Council included National Close the Gap Day, Seniors Festival Aboriginal Care Packages, Kelso Community Hub Mural Project, National Sorry Day, National Reconciliation Week and NAIDOC Week.

Objective 2: A Smart and vibrant economy

No.	Strategies
2.1	Support local business and industry
2.2	Grow local employment, investment and attract new business by nurturing and supporting entrepreneurs, partnerships and local skills developments
2.3	Develop Bathurst as a Smart City
2.4	Support agriculture, local manufacturing, food productions and education as significant contributors to the region's economy.
2.5	Support Mount Panorama as a premier motor sport and event precinct.
2.6	Promote our City and Villages as a tourist destination

What is Council going to do?

2.1. Support local business and industry

Council will support the growth of local businesses through working closely with key industry stakeholders, the Bathurst Business Chamber and other levels of government. We will collaborate with education providers to support and enhance the skills of our business professionals. We will also work with the region's village communities to implement activation strategies, Council's economic development strategy, Government programs and the regional economic development strategy.

Council will also host leading business experts to share their knowledge, create and informed business community through the continued provision of economic development strategy, government program and the regional economic development strategy. Council will also host leading business experts to share their knowledge create an informed business community through the continued provision of economic resources, and grown the comprehensive suite of our business development programs inclusive of workshops, the jobs Expo and Buy Local initiatives.

2.2 Grown local employment, investment and attract new businesses by nurturing and supporting entrepreneurs, partnerships and local skill development

We will support entrepreneurs to launch new businesses by partnering with key industry stakeholders. We will continue to build infrastructure and expand industrial precincts making the region attractive for investment including the Bathurst aerodrome and industrial parks. Council will attract new businesses by developing a structured, targeted and resourced business relocation program that fills existing product and service gaps, and we will use our key assets, such as the aerodrome, Mount Panorama, educational establishments and tourism, to create employment. We will promote local employment through the Jobs Expo and the Evojobs portal. We will engage with our youth to reduce the youth unemployment rate and increase their workforce participation.

2.3 Develop Bathurst as a Smart City

Council will develop and implement a Smart Cities Plan and include smart city concepts into new Village Activation Plans. The Smart City Plan will consider infrastructure such as a free Wi-Fi network, energy efficient LED street lighting with smart controls and a cost-effective CCTV network within the CBD and the like. We will inspire the development of innovative businesses through the provision of analytics and marketing tools and support pioneering practices from local industry. Council will investigate emerging smart technologies including smart parking to ensure Bathurst is a leader as a destination hub for the growing electric vehicle industry. We will actively seek alternative funding streams to support local Smart City projects.

2.4 Support agriculture, local manufacturing, food production and education as significant contributors to the region's economy

Council will promote and protect the region's primary resources and minimise the fragmentation of agricultural lands and protect highly valued lands from inappropriate urban development. We will encourage collaboration between local farms, food manufacturers, grocers and restaurants. Council will continue to support and promote Bathurst as a Centre of Education and recognise the contribution of the Education Sector to the local economy.

We will revive the manufacturing cluster to facilitate bulk purchasing and improve supply chains, we will work without partners to attract advanced and specialised manufacturing businesses to the region.

Council will encourage investment in transport networks to facilitate freight efficiencies and access to ports. Council will maintain and ensure it has up to date and appropriate planning controls in place to protect the region's primary production lands.

2.5 Support Mount Panorama as a premier motor sport and event precinct

Council's goal within the Mount Panorama precinct is to foster a strong and diverse economy, acting as an advocate, facilitator, coordinator and service provider to lead and enable continued economic prosperity, infrastructure, innovation, investment, job generation and new motor sport business development. Key to achieving this goal is working in partnership with motor sport industry stakeholders and these relationships will help continue to strengthen Bathurst's economy and the region's economic prosperity into the future. Delivering a second motor racing circuit and associated infrastructure at Mount Panorama is a high priority project for Council as well as ensuring the Mount, its facilities and race events can respond to changing technologies and energy innovations.

2.6 Promote out City and Villages as a tourist destination

Council will collaborate with its tourism partners and reference group members to develop a sustainable and cohesive tourism industry for the region. Council will continue to invest in tourism products, museums, cultural facilities and infrastructure that will enhance the visitor experience in the region including the construction and development of the Bathurst Rail Museum to add to the cultural infrastructure within the region. Council will finalise the Bathurst Visitor Information Centre Strategic Plan. Council will commence a project to enhance the region's villages as a tourist destination. Council will continue to build on its successful community events, such as the Winter Festival, the Inland Sea of Sound Festival and the Heritage Trades Trail, contributing to the visitor economy. Council will continue to attract regional level sporting competitions, conferences and similar activities as an opportunity to showcase the Bathurst region as a premier tourism destination. Council will foster and provide support to emerging local tourism industry sectors and markets and relevant agencies.

Evaluation

Unemployment rate

Measure 1 - 3.3% unemployment for the Bathurst Region

During its term, Council actively worked to grow and attract local business, encourage start-ups, investment, skills development and local participation in the workforce to maintain the unemployment rates below the Regional NSW and NSW State averages.

The unemployment rate for the Bathurst region has remained consistently below the New South Wales state average over the past year. The most recent data (March 2021) shows the unemployment rate for the Bathurst region falling to 3.3%, well below the unemployment rate for Regional NSW of 5.9% and NSW as a whole of 5.7%. As of March 2021, the unemployment rate across the Bathurst region was close to the pre-pandemic level of 2.8% in December 2019.

Gross Regional Product

Measure 1 – Growth of Gross Regional Product

Gross Regional Product (GRP) is the primary indicator of the growth or decline of the local economy. The average annual growth rate for GRP across the Bathurst region has averaged 1.4% over the past 10 years. The GRP over the year to June 2020 (latest available data) was \$2.43 billion or an increase of 1.1% since June 2019 which was below the long-term trend. The key driver behind this below trend growth was the COVID-19 shutdown, which occurred at the end of March 2020 and continued to impact until post the end of the financial year. This 1.1% positive growth rate was significantly higher than Regional NSW as a whole, where GRP fell 1.0% over the same period, with New South Wales as a whole falling -0.6%.

Visitation Numbers

Measure 1- Total visitors to the Bathurst Region

Tourism Research Australia calculates visitor numbers across the Bathurst region. Council's aim during its term was to maintain or increase visitor numbers to the Bathurst region through Council's promotion of Bathurst's destination brand.

The below figures from Tourism Research Australia to December 2019 (latest available data) show total visitor numbers for the Bathurst region.

2016 913,000
2017 902,000
2018 955,000
2019 1,028,000

Measure 2- Total number of visitor nights

Council's aim during its term was to maintain or increase visitor nights spent in Bathurst through Council's promotion of Bathurst's destination brand.

The below figures from Tourism Research Australia to December 2019 (latest available data) show total visitor nights spent in the Bathurst region.

2016 929,000
2017 980,000
2018 1,240,000
2019 1,316,000

Measure 3 - % satisfaction with the Visitor Information Centre

The 2021 Community Survey measured mean satisfaction with Council's facilities as: (NB Scores are measured out of 5 and a mean score of 3 or above suggests satisfaction outweighs dissatisfaction).

Bathurst Visitor Information Centre: 4.09

Objective 3: Environmental Stewardship

No.	Strategies
3.1	Protect and improve our natural areas and ecosystems, including the Macquarie River and other water ways.
3.2	Protect the City's water supply.
3.3	Minimise the City's environmental footprint, live more sustainably and use resources more wisely.
3.4	Protect and improve the region's biodiversity.
3.5	Increase resilience to natural hazards to climate change

What is Council going to do?

Strategy 3.1 Protect and improve our natural areas and ecosystems, including the Macquarie River and other waterways

Council maintains a complex system of stormwater drains which carry stormwater from our streets to the Macquarie River, Raglan Creek, Hawthornden Creek, Sawpit Creek and Jordan Creek. We will update the relevant stormwater developer contribution plans to reflect current industry practices and aim to improve the removal of litter and sediment from stormwater before it reaches our waterways. Council will also maintain its stormwater assets, to ensure they function effectively in the long term. Managing the impacts from stormwater on natural systems is important. Council will implement rehabilitation projects which enhance the water quality and habitat value of our rivers and creeks. Council will plan new release areas to provide adequate protection and access opportunities along natural creeks and waterways.

Strategy 3.2 Protect the City's water supply

Council will adopt an integrated approach to water cycle management across the region that considers climate change, water security, sustainable demand and growth, and the natural environment. Planning for the effects of a changing climate on water availability and use for the environment, settlements, communities and industry is an important action of Council. Council will investigate alternative methods of water delivery to the water filtration plant. Council will also continue to maintain the raw water supply from Winburndale Dam. Council will promote waterwise practices to our community. Council will develop education programs for septic tank system owners and work with our community to improve the proportion of compliant systems. Council will continue to advocate to maintain control and ownership of the City's water supply.

Strategy 3.3 Minimise the City's environmental footprint, live more sustainably and use resources more wisely

Council's three bin system has significantly reduced the amount of waste being received at the City's landfill. Currently 21% of waste collected or delivered to the Waste Management Centre is diverted through recycling and composting activities. Council will also investigate other opportunities to increase the amount of waste diverted away from landfill. Council will continue to support the installation of energy saving options in its assets and offset its energy use through renewable energy projects. Education of our community through delivery of leading sustainability programs is an important undertaking of Council. Programs such as the Sustainable Living Expo, Waterwise, Wastewise and various school programs aim to increase the amount of waste diverted from landfill. Council will continue to roll out cycleway and footpath construction throughout the City. Council will lobby for increased access to intra and inter city public transport, and work with partners to install electric vehicle charge stations. Council will finalise and implement its Housing Strategy which aims to manage population growth and the impacts of urban sprawl.

Strategy 3.4 Protect and improve the region's biodiversity

Council will continue the implementation of the Biodiversity Management Plan, Urban Waterways Management Plan and Roadside Vegetation Management Plan. Council will also petition relevant Government agencies to protect the region's biodiversity and support the strengthening of statewide controls. Council will assess applications for development and take into consideration the need to protect biodiversity and minimise habitat fragmentation. Council will encourage the enhancement and management of the region's biodiversity on public and private land. Council will seek opportunities to work with community partners to enhance our biodiversity assets.

Strategy 3.5 Increase resilience to natural hazards and climate change

Council will protect its infrastructure from natural disasters and will also consider potential risk from natural disasters, particularly fire and flood, when assessing proposed development. We will work with and support emergency services, particularly through our role as part of the Local Emergency Management Committee, to help them plan for and respond to emergencies. Council will incorporate the best available hazard information in Planning Instruments. Council will, wherever possible, locate developments away from areas of known high biodiversity value; areas with high risk of bushfire or flooding; contaminated land; and designated waterways. Council will commence updating flood studies, floodplain risk management plans, continue the construction of flood levee banks and the flood acquisition program. Council has also committed to a number of actions to understand and then reduce our impact on climate change, both as an organisation and as a City.

Evaluation

Household water consumption

Measure 1 - Annual household water consumption

Through its education programs, Council aimed to achieve a decreasing trend for water usage during its term of office. Council also aimed to be below the NSW State inland median usage for water, which in the 2015/2016 financial year was 248,000 litres per household.

Council's term was heavily impacted by harsh climactic conditions which saw the Bathurst region affected by one of its worst droughts during the financial years 2018/2019 and 2019/2020.

Through implementation of demand targets from the 2014 Drought Management Plan, Council was able to maintain resident water usage (litres per household) below this level. For the 2019/2020 financial year, median water usage was 44,000 litres per household, well below the NSW median household usage of 156,000.00.

Greenhouse gas emissions

Measure 1 - The amount of CO₂ emissions from Council facilities per resident

Council aimed to have a declining trend in greenhouse emissions from Council facilities from the 2016/2017 financial year, when total Council greenhouse gas emissions were 1.06 tonnes per resident. Efforts to reduce Council's total greenhouse emissions through installation of renewable energy and the methane flare at the Bathurst Waste Management Centre all contributed to reducing our environmental footprint.

Council's term was heavily impacted by harsh climactic conditions which saw the Bathurst region affected by one of its worst droughts during the financial years 2017/2018, 2018/2019 and 2019/2020.

The table for greenhouse emissions from all Council facilities per resident is set out below:

2017/2018 1.077 t CO₂ per resident

2018/2019 1.019 t CO₂ per resident

2019/2020 1.111 t CO₂ per resident

2020/2021 not yet available - Dependent on methane flare data from WMC, fleet fuel data and other items.

Diversion of waste from landfill

Measure 1 - Total tonnes of green waste, recycling and general waste collected

Council aimed for a declining trend during its term for total volume of waste being received at landfill through investing in community education around waste resources. In the 2016/2017 financial year, the Bathurst landfill received 41,608 tonnes of general waste with 6,429 tonnes of green waste and 4,498 tonnes of recycling diverted to composting and recycling facilities (21%).

The table for green waste, recycling and general waste collected is set out below:

1st year results	April 16/March 17	Each day
Food/Garden (kg)	3,862,460	10,582
Recycling (kg)	2,654,283	7,272
Overall (kg)	6,516,743	17,854
Overall (T)	6,517	17.9

2nd year results	April 17/March 18	Each day
Food/Garden (kg)	3,541,860	9,704
Recycling (kg)	2,615,071	7,165
Overall (kg)	6,156,931	16,868
Overall (T)	6,157	16.9

To the end of March 2019

3rd year results	April 18/March 19	Each day
Food/Garden (kg)	3,853,930	10,559
Recycling (kg)	2,311,968	6,334
Overall (kg)	6,165,898	16,893
Overall (T)	6,166	16.9

General waste to landfill 2019/2020 40,547 tonnes. Recycling 4,929 tonnes (inc glass, plastic, cans, batteries, scrap metal, oil, cardboard and paper Green waste diverted: 5,358 tonnes)

Measure 2 - Total items collected via Container Deposit Scheme

The NSW Return and Earn container deposit scheme commenced on 1 December 2017. The table for waste diverted to the container deposit scheme is set out below:

2020/21 701.35* tonnes (*data for period from 1 July 2020 to 31 December 2020, other data not yet available)

2019/20 1337.7 tonnes

2018/19 1093.42 tonnes

2017/18 306.57# tonnes (#scheme commenced on 1 December 2017)

Alternative energy sources

Measure 1 - Total electricity consumption at Council facilities per resident

Council aimed throughout its term to continue efforts to increase energy efficiency gains and reduce overall electricity consumption.

Electricity consumption is highly dependent on seasonal climactic conditions. Council's term was heavily impacted by harsh climactic conditions which saw the Bathurst region affected by one of its worst droughts during the financial years 2017/2018, 2018/2019 and 2019/2020.

The table for total Council electricity consumption per resident is set out below:

2020/21 278kWh* (estimated for Q4 20/21 as data will not be available until August 2021)

2019/20 312kWh

2018/19 349kWh

2017/18 373kWh

Measure 2 - % of Council electricity derived from renewable sources

Council also aimed to continue efforts to increase reliance on renewable energy sources and increase the percentage of Council electricity derived from renewable sources. Electricity consumption is highly dependent on seasonal climactic conditions. Council's term was heavily impacted by harsh climactic conditions which saw the Bathurst region affected by one of its worst droughts during the financial years 2017/2018, 2018/2019 and 2019/2020.

The table for total Council electricity derived from renewable sources per resident is set out below:

2020/21 6.4%* (*estimated for Q4 20/21 as data will not be available until August 2021)

2019/20 5.3%

2018/19 4.2%

2017/18 4.1%

Protecting our waterways

Measure 1 - Catchment area covered by gross pollutant traps

Throughout its term, Council worked towards maintaining or increasing the area of catchment covered by grass pollutant traps.

In the 2016/2017 financial year, 862ha of catchment was filtered by gross pollutant traps. That figure was maintained by Council, with 863ha of catchment was filtered by gross pollutant traps in the financial year 2020/2021.

2020/2021 863 ha

Measure 2 - Riparian condition in urban catchments

Last assessed in 2018 (previous assessments 2009 and 2014).

Sawpit Creek: degraded to poor (trend = improving)

Jordan Creek: degraded to poor (trend = improving)

Hawthorden Creek: poor (trend = stable)

Saltram Creek: poor (trend = stable)

Raglan Creek: degraded to poor (trend = improving)

Queen Charlottes Vale Creek: degraded to poor (trend = improving).

Notes: condition assessment categories are highly degraded, degraded, poor, good or very good.

Objective 4: Enabling sustainable growth

No.	Strategies
4.1	Facilitate development in the region that considers the current and future needs of our community
4.2	Provide safe and efficient road, cycleway and pathway networks to improve accessibility
4.3	Ensure services, facilities and infrastructure meet the changing needs of our region
4.4	Provide parking to meet the needs of the City
4.5	Work with partners to improve public transport, and passenger and freight transport connections to and from the region
4.6	Plan for, assess and regulate development activity

What is Council going to do?

4.1. Facilitate development in the region that considers the current and future needs of our community

Council will update its long-term strategies and infrastructure plans to ensure that they remain contemporary and that adequate land is zoned, serviced and available to cater for the anticipated growth. Council will work with developers to improve the utilisation of our land resources more effectively. In planning for growth, Council will protect the region's environmental and heritage assets. Council will ensure that essential infrastructure and services will be available to support the future development of the City. Council will work with stakeholders to ensure they are making a fair contribution towards the provision of infrastructure and community facilities. Council will ensure that the region's cultural and community assets remain vibrant and relevant to the changing needs of our community.

Council will continue its land development activities to facilitate residential, industrial and business development in our region.

4.2 Provide safe and efficient road, cycleway and pathway networks to improve accessibility

Council will commence the development of an integrated transport plan for the City, including the linkages to and from the CBD. Master planning new suburbs to ensure integrated private and public transport networks are provided, is important for Council. Council will continue the construction and maintenance of an accessible footpath and cycleway network, roads and bridges within the region. Council will work with developers to ensure they are making a fair contribution towards the provision of infrastructure. Council will continue working with the State Government in relation to the implementation of the 2056 NSW Transport Plan. We will also work with road users to keep our local road network safe for everyone.

4.3 Ensure services, facilities and infrastructure meet the changing needs of our region

Detailed infrastructure planning should be undertaken for new urban release areas, establishing whether land can be feasibly and cost-effectively serviced. For newer suburbs we must plan the right location for parks, sportsgrounds, cultural assets, community facilities and they should be designed and located to use the land most efficiently and limit environmental impacts. For other areas we may need to enhance Council assets so that they can be used by more people or in a different way. Council will work with developers to be sure they are making a fair contribution to local infrastructure and facilities, and advocate and encourage other service providers to cater for population growth. We will also make sure that other levels of government are aware of our community's needs when they are making decisions about services, facilities and infrastructure in our region.

4.4 Provide parking to meet the needs of the City

Council will, as part of the integrated transport plan identified in Strategy 4.2 above, consider the ongoing need and demand for car parking assets. Council will continue to undertake regular parking patrols of the CBD to ensure that there is sufficient turnover of both on and off street parking and that available parking is being used fairly by all in our community. Annual parking counts contribute to Council's ongoing knowledge of how parking utilisation changes over time.

Through Council's Traffic Committee, alterations to on street car parking will be considered on a citywide basis. Council will continue to apply parking policies through its Planning Instruments to ensure that new development provides adequate parking on site to reduce pressure on existing parking. Council will continue to work with developers to ensure they are making a fair contribution towards the future provisions of car parking.

4.5 Work with partners to improve public transport, and passenger and freight transport connections to and from the region

Council will work with the Government to implement the 2056 NSW Transport Plan, particularly transport links to Sydney. Council will continue to advocate to the Government for the timely provision of transport infrastructure and services that support our growing population. This includes road and rail, freight and passenger transport. Council will continue infrastructure investment at the Bathurst Airport, cementing its role as a regional transport hub. Council will work with partners to identify, advocate, coordinate and prioritise local and regional road projects that will strengthen the regional freight network, regional intermodal and cargo handling facilities, catering for increased freight volumes. Council will reconsider the viability of identified bypasses to improve freight efficiency, reduce travel times and costs and improve safety for road users. Council will work hard to ensure any future bypass corridors are safeguarded in local planning. Council will make sure public transport providers are aware of our community's needs and respond to technological advances in transport options.

4.6 Plan for, assess and regulate development activity

Council will continue to review and develop new standards and guidelines to control development and ensure a healthy built environment. We will enhance the quality of neighbourhoods by integrating recreational walking and cycling networks. It will be important to reflect local built form, heritage and character in new housing developments. Council needs to ensure that its planning instruments and advice we give to developers respond to this changing environment by managing the interface of the old and new development.

Council will encourage masterplanning of new urban release areas as well as key development sites. We will develop programs to improve the design and sustainability of all new developments.

Council will develop a Community Participation Plan to guide the way the community can participate in development and planning decisions.

Evaluation

Development application determination timeframe

Measure 1 - Development application net determination time

During its term, Council collected data about its processing times of development applications with the aim to remain at or below the NSW State average. The table for Council's average net determination times is set out below. The data for the comparison NSW State average has been obtained from the most recently published Office of Local Government Local Development Performance Monitoring Data.

	2017/18	2018/19	2019/20	2020/21	State Average 2018/19
Development Application – Net Time	38 days	40 days	42 days	44 days	49

Measure 2 - Complying development gross determination time

Council also collected data about its processing times for complying development certificates with the aim to remain at or below the NSW State average. The table for Council's average net determination times is set out below. The data for the comparison NSW State average has been obtained from the most recently published Office of Local Government Local Development Performance Monitoring Data.

	2017/18	2018/19	2019/20	2020/21	State Average 2018/19
Complying Development – gross time	4 days	4 days	3 days	4 days	16 days

Resident satisfaction

Measure 1 - The % of residents that agree that Council plans for the future

The 2021 Community Survey measured mean satisfaction with Council's facilities as: (NB Scores are measured out of 5 and a mean score of 3 or above suggests satisfaction outweighs dissatisfaction).

Planning & development 2.87

Long term planning for the region: 2.81

The 2021 Community Survey measured community attitudes to a series of statements, using a scale from 1 -5, with 1 being little agreement and 5 being strong agreement.

Council plans well to help secure the community's long term future: 3.03

New developments are helping to preserve an attractive urban landscape and protect heritage: 3.13

Measure 2 - The % of residents that are satisfied with the provision of parking

The 2021 Community Survey measured mean satisfaction with Council's facilities as: (NB Scores are measured out of 5 and a mean score of 3 or above suggests satisfaction outweighs dissatisfaction).

Availability of timed parking: 3.08

Availability of all day parking: 2.34

Objective 5: Community, health safety and well being

No.	Strategies
5.1	Provide opportunities for our community to be healthy and active
5.2	Help make the Bathurst CBD, neighbourhoods and the region's villages attractive and full of life
5.3	Help build resilient, inclusive communities
5.4	Make our public places safe and welcoming
5.5	Plan and respond to demographic changes in the community

What is Council going to do?

5.1 Provide opportunities for our community to be healthy and active

Council does not provide direct health care services, however our parks, sportsfields, playgrounds, pathways and cycleways all provide opportunities for our community to be active and improve their physical health. Our community buildings, library, cultural facilities and other public facilities give people a place to meet and connect with others in their area or with similar interests, which also helps promote good mental health. Council will facilitate community access to recreational and sporting services and facilities that meet needs and support health, well-being and an active lifestyle. Council will also support increased community participation in physically active, fit and social lifestyles, including provision of supporting infrastructure such as official sports facilities. Council will provide ongoing support to the Kelso Community Hub to facilitate health care services to the community. Council will also advocate for health care services required by our community and monitor the social wellbeing of our community.

5.2 Help make the Bathurst CBD, neighbourhoods and the region's villages attractive and full of life

Local residents often know better than anyone what they need to improve their local area or solve problems that are affecting their day to day lives. Council will work directly with local communities and stakeholders to understand the issues that affect them day to day and see what we can do to help. We will develop coordinated solutions, and help give those communities the skills they need to continue. Local community members have the biggest role to play – talking with Council and telling us not only what affects them and what they think is needed, but also helping us understand if what we're doing is working. The implementation of the Destination Management Plan will assist tourism operators capitalise on visitors to the Bathurst region.

A major revision of the region's Village Plans will ensure each Village and surrounding rural settlement areas are supported by appropriate infrastructure and services.

5.3 Help build resilient, inclusive communities

Council will support community organisations providing direct services or support to the different groups in our community – including young people, older people, children, people with disability, 'at risk' members of our community and people from other cultures. We will also provide services ourselves, particularly through our library, museums, children's services and community centres, and run events and festivals that provide people with a chance to meet and strengthen social connections. Council will implement community development initiatives that address the needs of the community. Council will also facilitate programs that use the contribution, strengths and skills of the community to build social networks, connections and cohesion. Council will provide ongoing support to the Kelso Community Hub, Bathurst Regional Youth Council and the Community Safety Committee.

5.4 Make our public places safe and welcoming

Council will continue to maintain all the public areas in the City – cleaning, collecting litter and maintaining lights, seating, bins and other public infrastructure. We have set ourselves high standards and we will work to meet them, and improve where we can. When we design changes in our public areas, we will be aware of the needs of all members of our community, including those with different abilities or from different cultures.

Council will continue to review and implement the Community Safety Plan, undertake crime risk assessments in partnership with NSW Police and support the Community Safety Committee.

Council will help to enhance the appearance of the buildings within the Bathurst CBD through the CBD Main Street Improvement Fund. Council will seek to improve the place management of precincts and villages to create safe and functional spaces for all of our community.

5.5 Plan and respond to demographic changes in the community

Council will cultivate a welcoming, safe, cohesive and supportive community that takes pride in its cultural diversity. Council will support community organisations providing direct services or support to different demographic groups within our community, particularly the aged, vulnerable and newly arrived to the region. We will develop strategies that address social issues such as affordable housing, migrant support and ageing populations. Council will play an important advocacy role to ensure community and/or public transport is available to support an ageing population as well as the establishment of activities and programs for the aged and people with a disability throughout the region. Council will review demographic trends to ensure its plans and policies remain relevant to a changing demographic environment. Council will also review its plans and policies to ensure that there are no barriers to the implementation of programs.

Evaluation

Gaps in community facilities

Measure 1 - The % of residents identifying a gap in community or cultural services and facilities

The 2021 Community Survey measured community attitudes to a series of statements, using a scale from 1 -5, with 1 being little agreement and 5 being strong agreement.

There is a need for more cultural and artistic activities and expression: 3.42

There is a good range of opportunities for cultural and artistic activities and expression: 3.65

Public places

Measure 1 - % satisfaction of appearance of the Bathurst region

The 2021 Community Survey measured mean satisfaction with Council's facilities as: (NB Scores are measured out of 5 and a mean score of 3 or above suggests satisfaction outweighs dissatisfaction).

The appearance of the Bathurst region: 3.90

Measure 2 - % satisfaction of the Bathurst CBD appearance

The 2021 Community Survey measured mean satisfaction with Council's facilities as: (NB Scores are measured out of 5 and a mean score of 3 or above suggests satisfaction outweighs dissatisfaction).

The appearance of the Bathurst CBD: 3.60

Measure 3 - The % satisfaction of the recreation areas along the Macquarie River

The 2021 Community Survey measured mean satisfaction with Council's facilities as: (NB Scores are measured out of 5 and a mean score of 3 or above suggests satisfaction outweighs dissatisfaction).

Recreational areas along Macquarie River: 3.72

Recreation facilities

Measure 1 - The % satisfaction of sporting fields and amenities

The 2021 Community Survey measured mean satisfaction with Council's facilities as: (NB Scores are measured out of 5 and a mean score of 3 or above suggests satisfaction outweighs dissatisfaction).

Ovals and sportsgrounds: 4.17

Measure 2 - The % satisfaction of local footpaths and cycleways

The 2021 Community Survey measured mean satisfaction with Council's facilities as: (NB Scores are measured out of 5 and a mean score of 3 or above suggests satisfaction outweighs dissatisfaction).

Provision of bikes paths & footpaths: 3.14

Objective 6: Community leadership and collaboration

No.	Strategies
6.1	Communicate and engage with the community, government and business groups on important matters affecting the Bathurst region
6.2	Work with our partners and neighbouring councils to share skills, knowledge and resources and find ways to deliver services more efficiently
6.3	Advocate for our community
6.4	Meet legislative and compliance requirements
6.5	Be open and fair in our decisions and our dealings with people
6.6	Manage our money and our assets to be sustainable now and into the future
6.7	Invest in our people
6.8	Implement opportunities for organisational improvement

What is Council going to do?

6.1 Communicate and engage with the community, government and business groups on important matters affecting the Bathurst region

Different people in our community look for information in different ways. We will focus on making sure there are different ways for people to find out what they want to know, either by themselves or by contacting us, and making sure it is accessible for our community. We will provide a variety of ways for people to have input into decisions around the future of community assets and developments that may impact on them.

Council will balance the use of appropriate new technologies for engagement with our communities and promotion of Council's activities, including on-line engagement and social networking with traditional engagement methods. Council will enable information to be available to different sections of our community, whilst meeting its legislative obligations.

Council will build a new, more effective website and transition its digital content to meet Web Content Accessibility Guidelines 2.0.

Council will prepare a new community participation plan to guide engagement about planning matters.

6.2 Work with our partners and neighbouring councils to share skills, knowledge and resources and find ways to deliver services more efficiently

We will look for opportunities to share skills, knowledge and resources between alliance partners, focusing on finding ways to deliver services more efficiently. We will continue regional collaboration to enhance cross border co-operation, recognise growth opportunities and to foster consistency and better use of resources. We will encourage regional connections, collaborations and strategic partnerships including contributing to, and actively participating in, relevant regional joint organisations.

We will also foster positive relationships with all tiers of government and peak bodies to ensure a thorough understanding of the challenges and local requirements of the Bathurst region.

6.3 Advocate for our community

Council will advocate on behalf of our communities to achieve the objectives and strategies of this Plan in those areas not directly resourced by or under the control of Council. Council will support its community, where appropriate in their applications for new and enhanced services from both Government and private organisations. Council will also initiate applications for the provision of essential support services for our community such as community health initiatives. Council will actively participate in State Government policy reforms and make submissions on behalf of our region. Council will also advocate for the improvement of mobile phone reception and access to appropriate National Broadband Network technologies, especially for rural communities.

6.4 Meet legislative and compliance requirements

When Council is performing activities as part of its operations, Council will comply with its legislative requirements and seek the input from specialist government departments or professionals to ensure that the activity is being managed in an appropriate way.

Council will continue to undertake regular inspections of food shops, tattooists, and beauty therapists to be sure they're taking the right steps to protect the health of their customers. Council will continue to inspect septic systems within the rural areas to ensure they are working efficiently. Council will respond to community requests to undertake enforcement activities with respect to companion animals, parking and new developments because the community expects people to follow Council's rules, regulations and the laws of the land.

Council will also ensure its governance procedures met all legislative requirements.

6.5 Be open and fair in our decisions and our dealings with people

We will follow all the rules and standards that apply and make all decisions openly and fair. We will treat our customers with respect and keep our processes simple. Council will strive to meet and exceed its customer service charter. Council's leadership will be provided with a strong governance and management framework that promotes transparent and informed decision making. We will consider any impact of our actions.

6.6 Manage our money and our assets to be sustainable now and into the future

We will consider the long term impact of our actions, particularly when we plan to maintain, build or upgrade assets or undertake significant investment. We will look for ways to be less dependent on rates, building financial strength that is not a burden on the community. We will explore opportunities to obtain alternative income streams, supplementing Council rates and user fees and charges. Council will continue investing in renewable energy options to reduce the ongoing running costs of essential infrastructure.

We will continue to look for ways to improve the way we work, through technology, process improvements, skilled staff and fair cost recovery.

Council will have regard to best value during the procurement process. Council will attempt to obtain the best possible value for the supply of goods and services.

6.7 Invest in our people

We will prioritise staff health and well-being, treat our staff fairly and with respect, providing equal opportunities to everyone for training and promotion. We will foster safe, productive and professional workspaces, enabling Council staff to source, manage and maintain services to the community. We will give our staff the tools they need to do their jobs well, and stay safe while they're at work. We will value our staff and the contribution they make to delivering services to our communities, building a culture that encourages everyone to give their best at work each day. Council will adapt its workforce as required to support the changing needs of the organisation and the delivery of services and facilities to our community. We will also plan and prepare for future contemporary local government workforce structures.

Council needs to ensure that it has the right workforce skills and size to deliver services and facilities to our community.

6.8 Implement opportunities for organisational improvement

Council will identify and implement opportunities to achieve best practice in the delivery and operation of Council services and programs. Council will have ongoing conversations with its communities about their changing needs in the way we deliver services to them. Council will partner with other tiers of Government and other stakeholders to deliver services to our community identified in the NSW Digital Government Strategy.

Evaluation

Engaged and informed community

Measure 1 - The number of followers on Council's social media platforms

In this term of Council, the number of followers on Council's two key corporate social media accounts – the BRC Facebook and BRC Twitter accounts has grown substantially. Facebook is a key communication channel for Council to engage with members of the community and beyond. It supplements our other communication channels. Council also operates a number of other social media accounts for its facilities and museums and these platforms have also show good growth in followers in this timeframe.

Council continues to increase its use of social media channels to reach a broad section of the community and provides links to media announcements, Council activities, events and projects. This increasing use of social media to connect with the community alongside traditional media activity is in response to community feedback from the 2016 Community Survey which found that it was a preferred mechanism for hearing from Council.

Measure 2 - Number of users on Council's other digital platforms

Council's websites provides the community with access to Council information 24/7. Council has a target of 40,000 visits per month to its top 10 websites, which provides an indication of the number of community members accessing information across a range of Council facilities and events. Our aim is to provide information to the community in a range of formats, the websites being one of them.

Council reports monthly on visits to its top 10 websites – these include the BRC corporate page, Mount Panorama, BMEC, BRAG, BVIC, Museums Bathurst (which replaces individual pages for the AFMM, NMRM, Chifley Home, and also includes the new Rail Museum) and events pages including the Bathurst Winter Festival, Bathurst NRL, Bathurst Cycling Classic . Other pages to make the top 10 at different times of year include Children's Services, the Hill End Artists in Residence Program and the Cobb & Co page.

Year end	Facebook	Twitter	Total
June 2018	5,738	1,465	7,203
June 2019	7,666	1,574	9,240
June 2020	9,843	1,632	11,475
June 2021	13,076	1,709	14,785
Year end		Top 10 websites Yearly total visits	Top 10 websites Average monthly visits
June 2018		646,447	53,871
June 2019		564,889	53,871
June 2020		716,420	56,540
June 2021		738,174	61,515

Among the measures Council asks residents if Council provides opportunities for residents to participate in planning and to have a say about the region's future. This aligns with Council's objective to communicate and engage with the community on important matters

Measure 3 - The % of residents who feel Council provides opportunities for residents to participate in planning and to have a say about the region's future

The 2021 Community Survey measured mean satisfaction with Council's facilities as: (NB Scores are measured out of 5 and a mean score of 3 or above suggests satisfaction outweighs dissatisfaction).

Opportunity to participate in Council decision making: 2.5

Council utilises the YourSay Bathurst platform to provide information and seek feedback from the community. The online platform works in conjunction with Council's other feedback mechanisms such as contact with Councillors and written submissions lodged directly with Council.

Since the platform was introduced in July 2016 there has been more than 96,000 visitors to the site.

YourSay participation	2017-18	2018-19	2019-20	2020-21
Engaged	1,708	1,355	899	712
Informed	5,092	5,700	5,075	5,332
Aware	9,185	14,167	12,697	13,994

Engaged participants have submitted responses via a survey or feedback form, asked questions or contributed ideas.

Informed participants have watched videos, downloaded documents.

Aware visitors have visited at least one page of a project.

Measure 4 - The % of residents who feel Council understands the community's needs and expectations

The 2021 Community survey asks residents about their overall quality of life in the Bathurst Region, a reflection of Council meeting their needs and expectations.

The survey found that 78% of respondents said their quality of life was excellent or very good. Mean quality of life was 5.08 (on a 1 – 6 scale).

The 2021 Community Survey measured community attitudes to a series of statements, using a scale from 1 -5, with 1 being little agreement and 5 being strong agreement.

Living in the Bathurst region gives you a sense of living in a community: 4.04.

Council performs well and delivers value for money

Measure 1 - The % of residents who feel Council delivers value for money when delivering services to the community

The 2021 Community Survey measured overall community satisfaction with Council which found that 75% of the community were somewhat satisfied or higher (this captured the responses of somewhat satisfied, satisfied and very satisfied).

Measure 2 - The % of residents who are satisfied with the overall performance of Council as a professional organisation

The 2021 Community Survey measured Community Satisfaction with Council with attitudinal statements, where 1 is the worst score and 5 is the best.

Council's performance as a professional organisation: 3.20.



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Bathurst District Sport & Recreation Council

President: Wendy Hastings

Secretary: Cheryl Wright (0447 057 400)

Treasurer: Peter Cole

Email: bathurstsportscouncil@hotmail.com

Life Members: J Alexander (Dec.), N Bagley,
J Darke (Dec), P Cole, P Haysom, C Wright, C Mitford

ABN: 44 199 074 830

Please address all
Correspondence to:

The Secretary
PO Box 602
Bathurst NSW 2795

19 October 2021

Mr Mark Kimbel
Manager Recreation
Bathurst Regional Council
Russell Street,
Bathurst. 2795.

Dear Mr Kimbel,

I am writing on behalf of the Executive of Bathurst District Sport & Recreation Council in relation to the annual BDSRC sports grants.

When the Executive met to discuss the current applications, it was clear that there were some issues to be addressed.

1. The application from Bathurst BMX was considered to be ineligible, as it was for major capital works, and hence should not come under the BDSRC budget;
2. The two applications from Bushrangers AFL club were considered to be ineligible because they were consumables and classed as operational items.

All of the other applications were deemed appropriate and warranted awarding of a grant, as outlined in the table below. As you can see, not all of the money has been allocated.

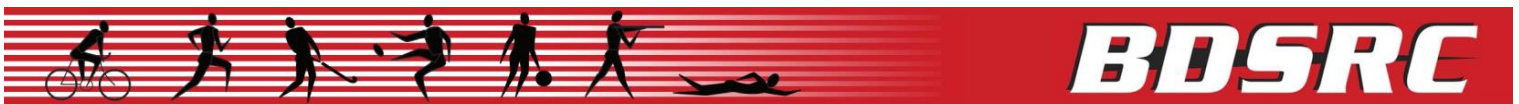
The Executive is requesting permission to extend the closing date of the applications. The Executive felt that the disruption to the sporting & administrative calendar for clubs made it difficult for some organisations to make their submissions. We are aware of sporting associations that were unable to complete their applications by the September closing date. Issues such as access tradespeople to gain appropriate quotes for anticipated projects and clubs being unable to meet due to lockdowns associated with Covid-19, impacted on the application process. In addition, the Bathurst District Sports & Recreation Council was also unable to meet over a two month period due to Covid lockdowns which also limited the contact with a range of Clubs and communication regarding the grant funding.

Given that the grants are not announced until March 2022, we feel that in the circumstances, a two-month extension could be considered, to enable other organisations to submit applications. We request that this extension be granted in 2021 only, due to the exceptional situation that has occurred this year and would recommend that the process return to usual timeline in subsequent years.

Thank you, in anticipation of a favourable response,

Dr Wendy Hastings
President BDSRC

Supported by:
BATHURST
REGIONAL COUNCIL



Bathurst District Sport & Recreation Council

President: Wendy Hastings

Secretary: Cheryle Wright (0447 057 400)

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Correspondence to:

The Secretary
PO Box 602
Bathurst NSW 2795

	PROJECT	ESTIMATED	FUNDS SOUGHT	CONTRIB	GRANT RECOMMENDED
BMX	Resurfacing track	41,102.60	40,000.00	1,102.60	NIL
BUSHRANGERS	Canteen Point of Sale (POS) system	938.00	738.00	200.00	NIL
BUSHRANGERS	Laptop	749.00	600.00	150.00	NIL
BATHURST HOCKEY ASSN	LED lights	9880.00	4880.00	5,000.00	4,880.00
PANORAMA MOTORCYCLE	Building improvements	2500.00	2500.00	NIL	2,500.00
BATHURST RIFLE CLUB	Electronic target	1700.00	1200.00	500.00	1,200.00
BATHURST CYCLE CLUB	Disable access stairs	15,000.00	3,000.00	12,000.00	3,000.00
SUB TOTAL			52,918.00		11,580.00
TOTAL FUNDS AVAILABLE					20,000.00

Supported by:
BATHURST
REGIONAL COUNCIL



BDSRC



Bathurst Tournament Water Ski Club

Ben Chifley Dam, The Lagoon NSW 2795

November 2021

Formal Recommendation to Bathurst Regional Council

EVENT: Bathurst Tournament Water Ski Club Slalom Course

DATE: On Demand in Warmer Months

LOCATION: Ben Chifley Dam, The Lagoon NSW 2795

ORGANISER: Bathurst Tournament Water Ski Club

04/11/2021

Bathurst Tournament Water Ski Club
Ben Chifley Dam
The Lagoon, NSW 2795

bathursttournamentwaterskiclub@gmail.com

Councillors
Bathurst Regional Council
158 Russell Street
Bathurst, NSW 2795

Recommendation: That Bathurst Regional Council provide a letter of support to Bathurst Tournament Water Ski Club for their Aquatic Licence Application to NSW Roads and Maritime Service to set up a Water Ski Slalom Course at the proposed site on the Campbells River at Ben Chifley Dam. The Course is to initially be on a 12 month trial basis for the 2021/2022 season and for club members only, with feedback discussions to be held with landowners prior to use in the subsequent 2022/2023 season.

Introduction

Water skiing has been a favourite past time in Australian for generations. It is a great family and community sport and currently Bathurst has a strong recreational Water Skiing community with Ben Chifley Dam being well utilised by skiers throughout the summer months.

What Bathurst doesn't have is a pathway for water skiers wanting to improve their skills and compete against skiers further afield. The Bathurst Tournament Water Ski Club was formed to provide that outlet, and to develop and grow the sport of Water Skiing in the Bathurst area for present and future generations.

BTWSC is currently seeking to gain support and permission from the appropriate authorities to put a Water Ski Slalom course at Ben Chifley Dam for training during the Water Ski season which is typically the warmer months of the year.

Background

Slalom Water Skiing is the primary discipline of Tournament Water Skiing. Slalom Water Skiing involves Water Skiers Skiing around 6 buoys in a slalom course at set speeds and rope lengths. When the skier successfully navigates the course, the boat gets faster to a point, after which the rope then gets shorter.

The slalom course is made up of a rope mainline and PVC arms that submerge approximately 2 meters below the water line. The mainline has anchors at each end securing the course in place. Buoys connect to the PVC arms and float on the surface indicating the path for the boat to travel and the course in which the skier must navigate. The slalom course is not invasive and when the course is not in use, the area can be easily used by other waterway users. Refer Appendix 2 for diagrams and pictures regarding the slalom course.

An aquatic licence issued by the NSW RMS is required to install and use a slalom course in NSW public waterways. As part of that application, the applicant is required to obtain all relevant stakeholder support and feedback

Proposal

The slalom course is not permanent infrastructure however it takes up to 4 hours to install correctly and 4 hours to pack up. It is for this reason, the BTWSC propose for the slalom course to be installed at the beginning of the season and removed at the end of the season for convenience and ease of access. This would be approximately October 1st but no earlier than September 15th through to March 31st or no later than April 15th.

The proposed site is in the Campbells River portion of Ben Chifley Dam, in an area rarely used by other waterway users. The site is 6.2km from the boat ramp, 2.3km up-river from the start of the 8-knot zone and in a straight section of the river that is approximately 700m long. The actual slalom course itself is only 370m long however you require 700m of waterway in total to allow the boat to get to the correct speed before it enters the course. The proposed part of the waterway is straight and protected from other boat washes and wind so most suitable for slalom skiing and skier safety. Refer Appendix 1 for maps outlining the proposed site.

Whilst this part of the waterway is rarely used, BTWSC is not seeking exclusive use of this part of the waterway. The slalom course is 23m wide and the width of the dam at the proposed site is approximately 100m (115m when full) meaning there is ample room for skiers to use the course while other waterway users pass safely, or for Slalom Skiing to stop while other waterway users pass safely as needed.

The goal of BTWSC is to have as minimal effect on other waterway users as possible and therefore feel this site would be most suitable given –

- The proposed site is as far away from the main area of the lake as practical (6.2km from the main area) as to not impede with the majority of other waterway users.
- The proposed site is only approximately 3 ¼ % of the total Ben Chifley Dam surface area meaning minimal impact on other waterway users.
- We are not seeking exclusive use of the proposed site and the slalom course has a footprint of only ½ % of the total dam surface area and when not in use, it is easily navigated through or around.
- The proposed site is only a 700m long area of the approximate 5.2km long 8 Knot zone and is only 11% of the 8 Knot zone surface area leaving a large amount of useable 8 Knot area for slower waterway users.
- BTWSC members are committed to traveling to and from the proposed site at the posted speed limits to maintain safety and minimise the effect on other waterway users.

Aquatic Licence Application

The proposed site is in the 8 Knot zone of Ben Chifley Dam. 8 Knots is approximately 15kmph and the maximum speed that a Tournament Water Ski Boat travels through the slalom course is 58kmph.

Therefore, in addition to requesting the installation and use of the slalom course at the proposed site, the aquatic licence application will also be requesting to amend the current Boating Management Plan for the approximate 700m portion of the dam to allow the Tournament Water SkiBoats to travel the required speed. Refer stakeholder engagement with RMS in following section.

Stakeholder Engagement

The BTWSC have engaged the key stakeholders and waterway users at Ben Chifley Dam. We have contacted the relevant stakeholder representatives and sent written requests for formal feedback and support via email. We have received the following corresponding feedback. Refer also to Appendix 11 containing letters issued to the stakeholders and their emailed responses of feedback and support.

- Bathurst Dragon Boat Club – We spoke with President Rosemary Carroll and formal support has been provided by email from Rosemary. Rosemary said they typically don't use the proposed area of the waterway and their only concern would be boat ramp congestion. We advised we would be happy to direct members to the alternate boat ramp away from Dragon Boat activities.
- Bathurst RSL Fishing Club – We spoke with President Peter Wright and formal support has been provided via email from Peter. Peter saw no issue in BTWSC using the proposed area of the waterway and said there is 'plenty of water for everyone' and their club would be fine with the application.
- Bathurst Rowing Club – We spoke with President Laurence Outim and informal verbal support has been provided by Laurence. Laurence didn't see any issue on face value as they generally turn boats around at the second island (start of the 8 Knot Zone) and they typically don't use the proposed area of the waterway. Laurence said that their club was meeting for the AGM soon (delayed due to COVID) and would raise the matter there and provide formal feedback/support in due course.
- Water NSW – Advised Ben Chifley Dam was not in their jurisdiction.
- 571 Garthowen Lane Tannas Mount – This is the property closest to the proposed site and is owned Michael & Belinda Peterson. We spoke to Michael who declined his support for the course for reasons related to noise and waterway use. We advised waterway use would be within RMS waterway rules, would be sporadic and not likely for long continuous periods. We also advised that the boats are accredited Tournament Water Ski Tow Boats which are designed for quiet and efficient operation, and we had sound tests supporting this. And we advised no over transom or race boats to be used. We have since met with Michael & Belinda as well as Mayor North and Director of Engineering Darren Sturgiss with the outcome to propose a trial basis to council for their consideration.

We have also had initial discussions with the NSW Roads & Maritime Service regarding the aquatic licence. We spoke with Regional Waterway Officer Mike Baldwin and Local Waterway Officer Steve Cribb. Both RMS Waterway Officers stated they were unsure exactly why that area of Ben Chifley Dam was restricted to 8 Knots. They also advised there were precedents in other NSW Waterways for slalom courses in controlled speed zones and that the Boating Management Plan could be amended if the aquatic licence application were approved.

AWWF Affiliation & Insurance

BTWSC is currently affiliated with the Australian Water Ski and Wakeboard Federation (AWWF) as a new club under an introductory arrangement and has the support of the AWWF for its aquatic licence application, refer Appendix's 8 & 10. Upon our successful application, the BTWSC will upgrade its affiliation with the AWWF from introductory to a full registration.

AWWF affiliation ensures that the club can compete in sanctioned tournaments, receive coaching and administrative support and most importantly, as a fully registered member the BTWSC is covered under the AWWF liability Insurance, refer Appendix 9. Additionally, each boat owner is to carry their own property and liability insurance and BTWSC do not require support from BRC regarding insurance.

Ski boats and skiers who are not members of the BTWSC would not be permitted to use the course as they would not be covered under the AWWF insurance policy.

Community Benefits & Precedents

BTWSC see this as an excellent opportunity to utilise an underutilised Bathurst resource. We are in the fortunate position in Bathurst where a stretch of water (the proposed site) already exists that is ideal for slalom skiing. Other communities such as Moree are not as fortunate and spent tens of thousands of dollars to create man made tournament ski lakes.

Benefits

Water skiing is a community and family sport that participants are usually involved in for their entire lives. Water Skiing is for all ages and successful Water Skiing communities generally bring with it positive economic effects through Water Ski retailers, boat sales and repair businesses and people coming to the area to train. This is evident in Forbes where the town has a strong Water Ski community. Bathurst would be the only town in the Central Tablelands and Central West of NSW with a Tournament Water Ski Club and a Water Ski slalom course.

Precedents

It is also important to note that the BTWSC is not asking the BRC to support something without precedence. The long standing Myuna Bay Ski Club currently operates in controlled speed zones at Cockle Creek and at Dora Creek near Lake Macquarie NSW with RMS approval and there are slalom courses in regional public waterways at Columbo Creek Urana NSW and Lake Centenary Temora NSW. There are also Barefoot Ski Clubs operating safely in smaller waterways than the proposed site at Ben Chifley Dam at Forbes NSW and Goulburn NSW.

Perceived Issues & Mitigants

Noise

The boats used are Tournament Water Ski Tow Boats which are designed for quiet and efficient operation. Engines are covered, exhausts output is muffled, and exhaust expelled at the water line to minimise noise. Over transom engine boats, racing boats or 'Old School' ski boats are not used. Included in Appendix 3 is a picture of a Tournament Water Ski Tow Boat Transom illustrating the exhaust type which contributes the low noise output.

The BTWSC have completed noise tests at Ben Chifley Dam. The tests were completed in September 2021 with a Tournament Water Ski Tow Boat in good weather conditions with a wind speed of 3.6 – 7.2kmph according to meteorological website yr.no.

Simulating the closest residence to the proposed site, the result of the noise tests showed that at 100m back from the shoreline, the Tournament Water Ski Tow Boat had a noise of an average 55dB with the boat at 58kmph and 50m offshore. This is between the noise of a quiet office and a normal conversation. It is noted that the closest house to the proposed site is 110m from the shoreline. It is also 180m at the closest point of the boat path and 780m at the furthest point. Refer below link to video of test and Decibel Chart of Common Sounds in Appendix 4.

BTWSC Noise Test - 100m From Shoreline. Boat 58kmph & 50m Offshore - 55dB

<https://www.youtube.com/watch?v=rN5ysDYqirU>

A register of boats that meet the Tournament Water Ski Tow Boat standards will be maintained by BTWSC. Racing boats or 'Old School' ski boats would not be used as noise from these boats would be expected to be in the range of 85dB - 95dB. This is similar to the noise of heavy traffic, a noisy restaurant, a welder or a sander. Refer to Decibel Chart of Common Sounds in Appendix 4.

Precedents also exist where waterways are used for Tournament and Barefoot Water Skiing and there are properties within similar proximity to the proposed site such as Columbo Creek, NSW, Forbes NSW, Goulburn NSW, Cockle Creek NSW, Murray River Bundalong Vic, and Lake Boga Vic. In these cases, Water Ski Clubs cohabitate with their stakeholders and the waterways are used without issue.

A study completed for the ACT Water Ski Association Monitoring the Environmental Outcomes of a slalom water ski trial on Lake Burley Griffin showed that Noise levels measured during the trial were reported to be comparable with the allowable limits for the lake's surrounds, refer Appendix 12.

Boat Wash

The boats used are Tournament Water Ski Tow Boats which are designed for minimal wake to improve skier experience when crossing the wake as they progress through the slalom course. The boats optimal speed range is between 35-58kmph where the boat projects the smallest wake, and the wake actually increases in size when the boat travels at 15kmph (8 Knots). Included in Appendix 3 is a picture of a Tournament Water Ski Tow Boat wake at 58kmph illustrating the minimal wake output.

The BTWSC have completed wave tests at Ben Chifley Dam. The tests were completed on the same day and under the same conditions as the noise tests. The result of the wave tests showed that the Tournament Water Ski Tow Boat had a wave of 12cm with the boat at 58kmph and 50m offshore. Refer below link to video of the test.

BTWSC Wave Test - Boat 58kmph & 50m Offshore - 12cm

<https://www.youtube.com/watch?v=fMYktSkdTN4>

The result of the wave tests also showed that the Tournament Water Ski Tow Boat had a wave of 20cm with the boat at 15kmph (8 Knots) and 50m offshore. Refer below link to video of test. This test confirms the waves are larger at the current posted speed limit of 15kmph (8 Knots).

BTWSC Wave Test - Boat 15kmph & 50m Offshore - 20cm

<https://www.youtube.com/watch?v=ivMWyTPXE0>

The study completed for the ACT Water Ski Association Monitoring the Environmental Outcomes of a slalom water ski trial on Lake Burley Griffin showed that 'wind induced' silt disturbance and turbidity were found to be higher than that resulting from the boat activity. Tests conducted during the trial also showed that wave height was generally comparable with other craft operating on the lake, refer Appendix 12.

Safety

The Tournament Water Ski Tow Boats are always operated per RMS guidelines and are manned by a driver (forward facing) who is focused on safely manoeuvring the boat through the course, and an observer (backward facing) who is focused on the skier. The driver and the observer communicate with each other regarding any safety concerns such as any obstacles in the course including other waterway users. Should this occur, the boat can stop quickly and safely until risks have passed.

Operational procedure when slalom skiing is for the boat to travel at a straight line thru the slalom course and to drop the skier at each end and stop the boat. The boat driver then idles the boat around the skier slowly, lines up the course and starts off again for another pass. There are no power turns as not to send boat rollers through the waterway. Importantly, the driver does not start again unless the course is clear of obstacles and other waterway users. A pass takes 20 – 30 seconds and the skier rests for approximately 45 – 60 seconds at each end, giving the driver an observer ample time to assess safety before re-starting.

The BTWSC has completed an Aquatic Activity Operational Plan & Risk Assessment document outlining the details of the activity to occur (Slalom Water Skiing) and potential risks and mitigants. The risks and mitigants are summarised in the Risk Register & Proposed Controls Table and this document is found in Appendix 5.

Environmental

No environmental risks exist that aren't already common practice at Ben Chifley Dam through recreational Water Skiing. BTWSC are committed to maintaining the highest environmental protection practices and ensuring no contaminations are introduced to the waterway. These practices include boats not being fuelled whilst on the waterway, ensuring boats are operated to minimise boat wash and monitoring the waterway for wildlife activity.

The BTWSC has completed an Aquatic Activity Operational Plan & Risk Assessment document outlining the details of the activity to occur (Slalom Water Skiing) and potential risks and mitigants. The risks and mitigants are summarised in the Risk Register & Proposed Controls Table and this document is found in Appendix 5.

The study completed for the ACT Water Ski Association Monitoring the Environmental Outcomes of a slalom water ski trial on Lake Burley Griffin showed that most of the parameters monitored registered negligible or unnoticeable effects on the lake environment. It also showed that Water skiing may bring some benefits to the lake, providing mixing and some oxygenation to the stagnant water body. Refer Appendix 12.

Conclusion

The ask of the Bathurst Regional Council from the BTWSC is to support our application to the RMS for an Aquatic Licence to set up a slalom course at the proposed site. We note that BTWSC intends to run as a self-sufficient community club and is not asking BRC for funding or support in any other form.

BTWSC are a community club, made up of community members, seeking permission to share a public waterway for an acceptable use, in a manner which is safe and respectful, and with minimal impact on other water way users and stakeholders.

We welcome anyone who wants to learn or improve in Water Skiing to our club including beginners and skiers new to the slalom course. Please consider our request and provide a letter confirming your support to accompany our aquatic licence application to the NSW RMS.

For your review we also have included the following documents in the Appendix-

- Appendix 1 Proposed Site Maps
- Appendix 2 Slalom Course Details
- Appendix 3 Tournament Water Ski Tow Boat
- Appendix 4 Decibel Chart of Common Sounds
- Appendix 5 BTWSC Operational and Risk Management Plan (maps of the proposed site and slalom course pics left out due to document size)
- Appendix 6 Certificate of Incorporation
- Appendix 7 2021 AGM Minutes
- Appendix 8 AWWF Certificate of Affiliation
- Appendix 9 AWWF Membership Information
- Appendix 10 AWWF Support Letter
- Appendix 11 Stakeholder Letters and Feedback/Support (maps of the proposed site and slalom course pics left out due to document size)
- Appendix 12 Environmental Monitoring Outcomes, Water Ski Trial, Lake Burley Griffin, 2006

Thank you for your input and consideration. Do not hesitate to call or email me or any of the other committee members listed below if you have any questions or anything that I can assist with.

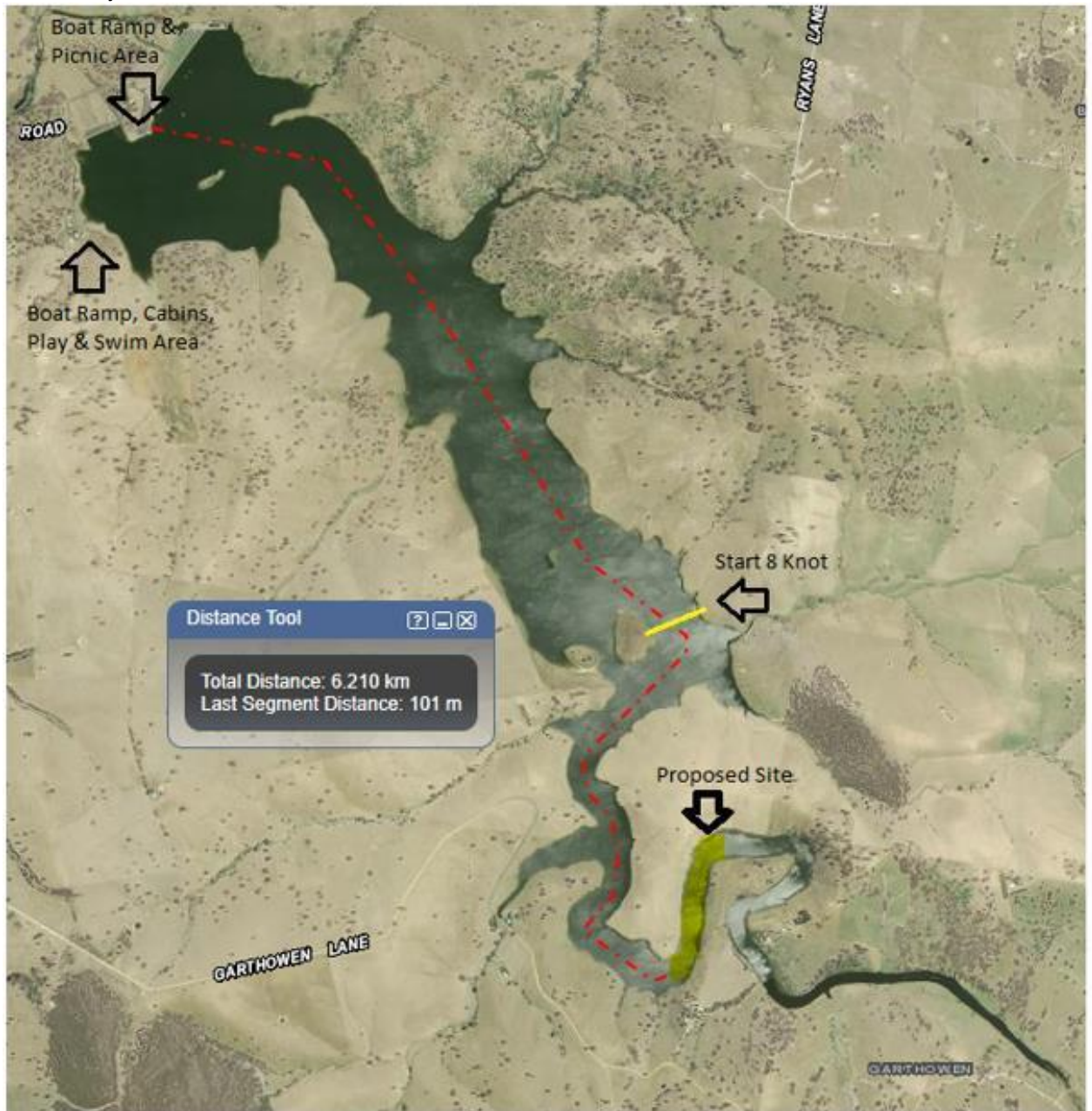
Peter Butler
BTWSC President
0419 421 145

Bathurst Tournament Water Ski Club Committee

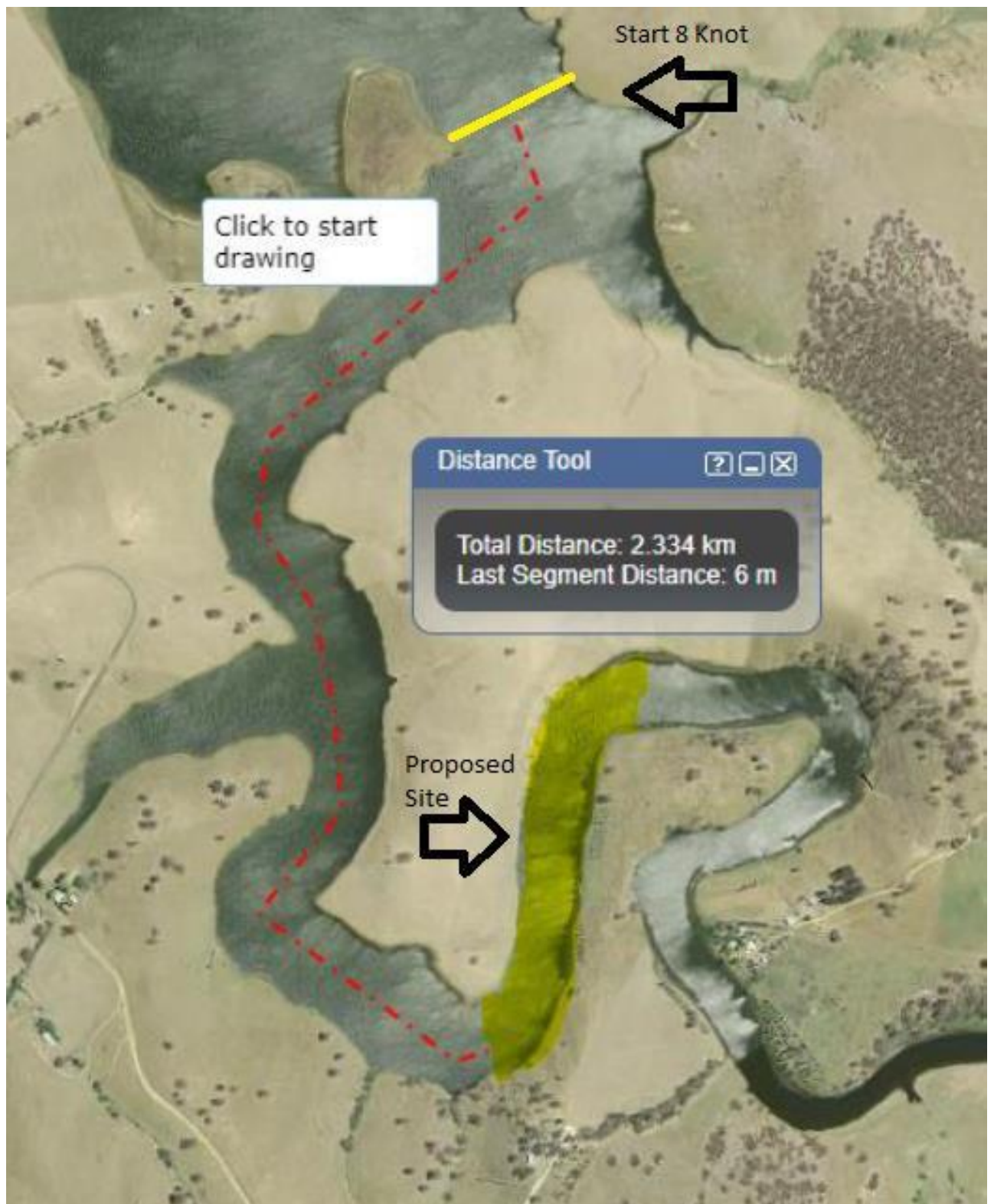
President	Peter Butler	0419 421 145
Vice President & Safety Officer	Rob Cox	0412 986 667
Treasurer	Gavin McCabe	0439 454 288
Secretary	David Clyburn	0422 058 217

APPENDIX 1 – PROPOSED SITE MAPS

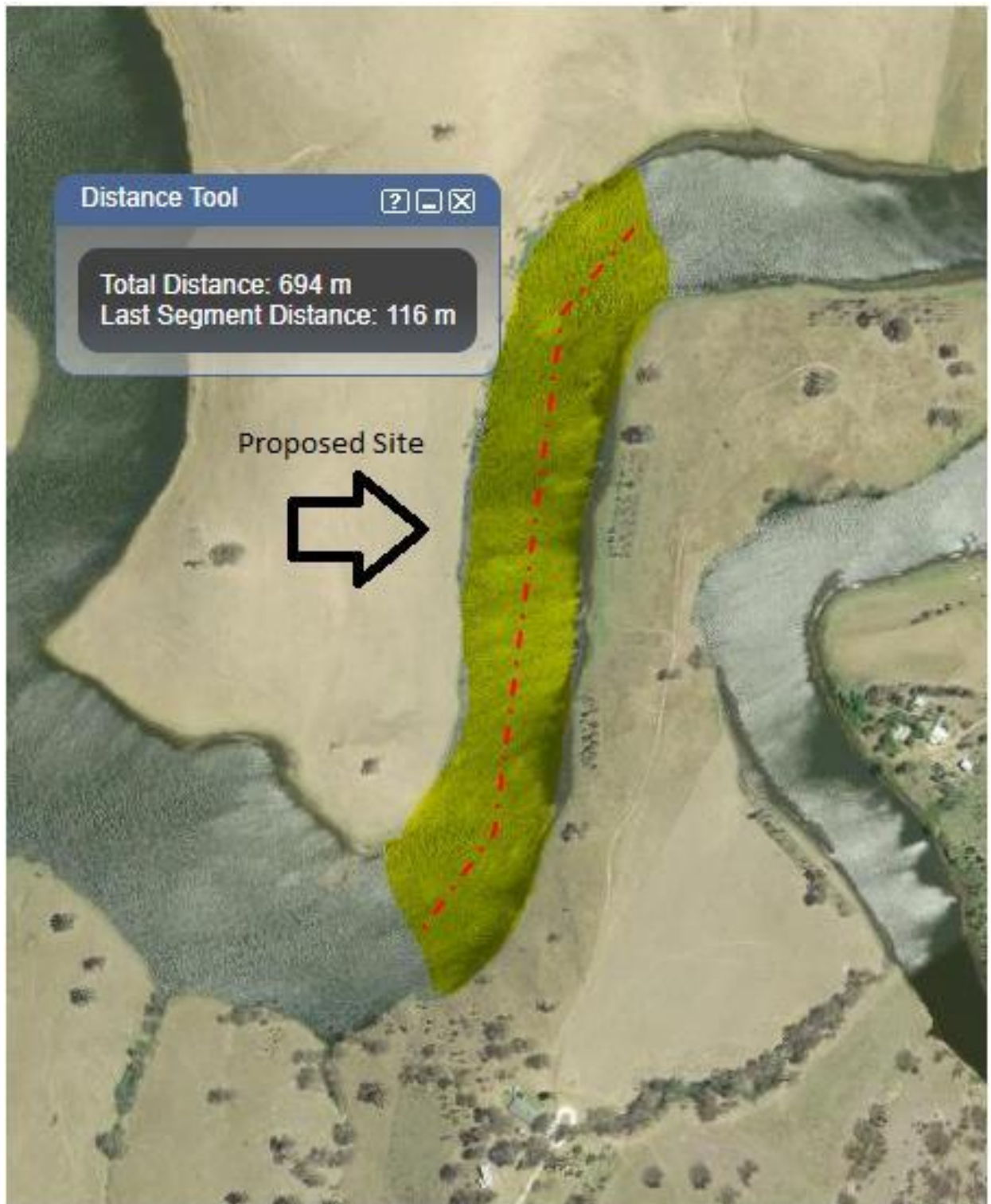
Ben Chifley Dam



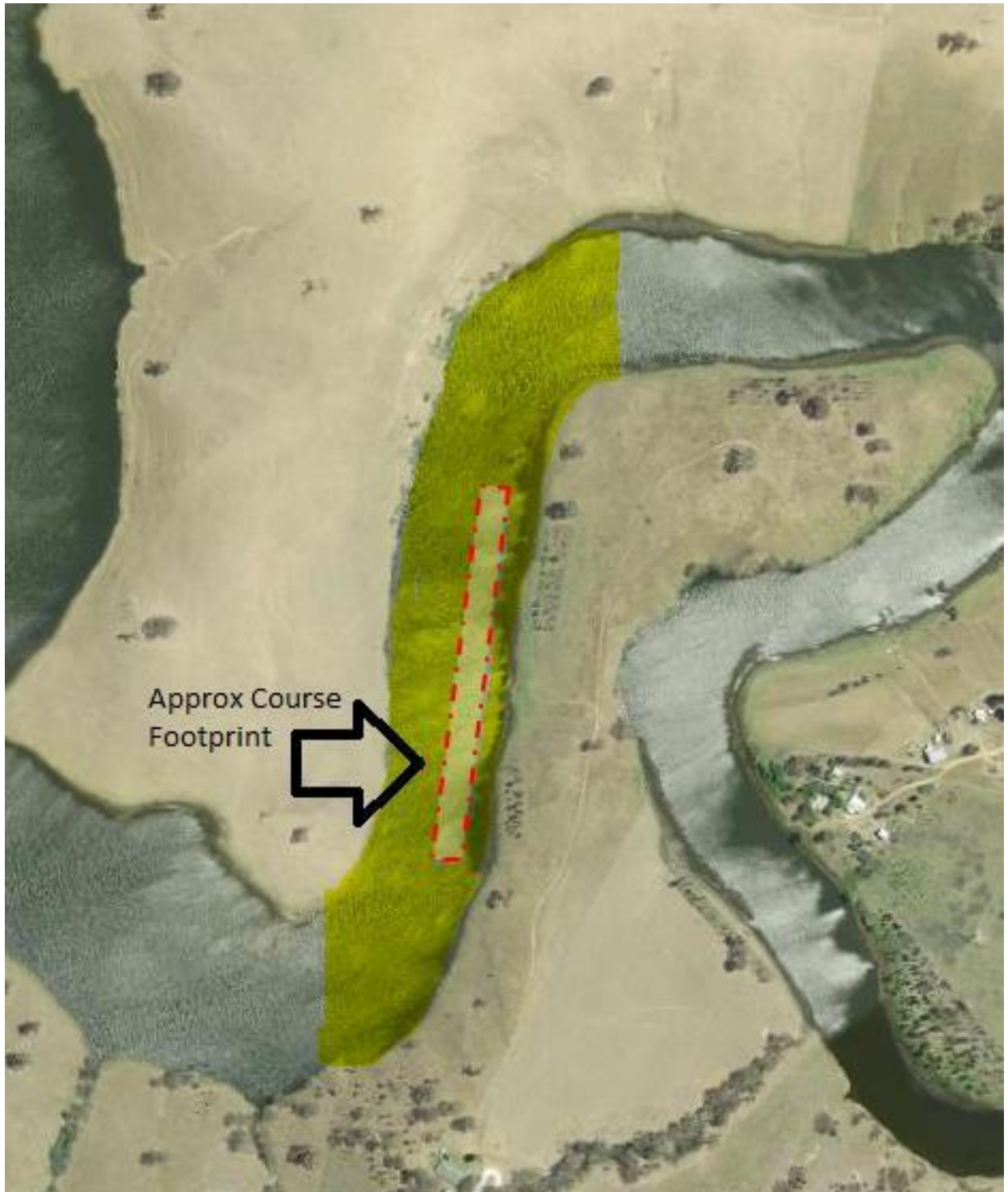
8 Knot Zone



Proposed Site

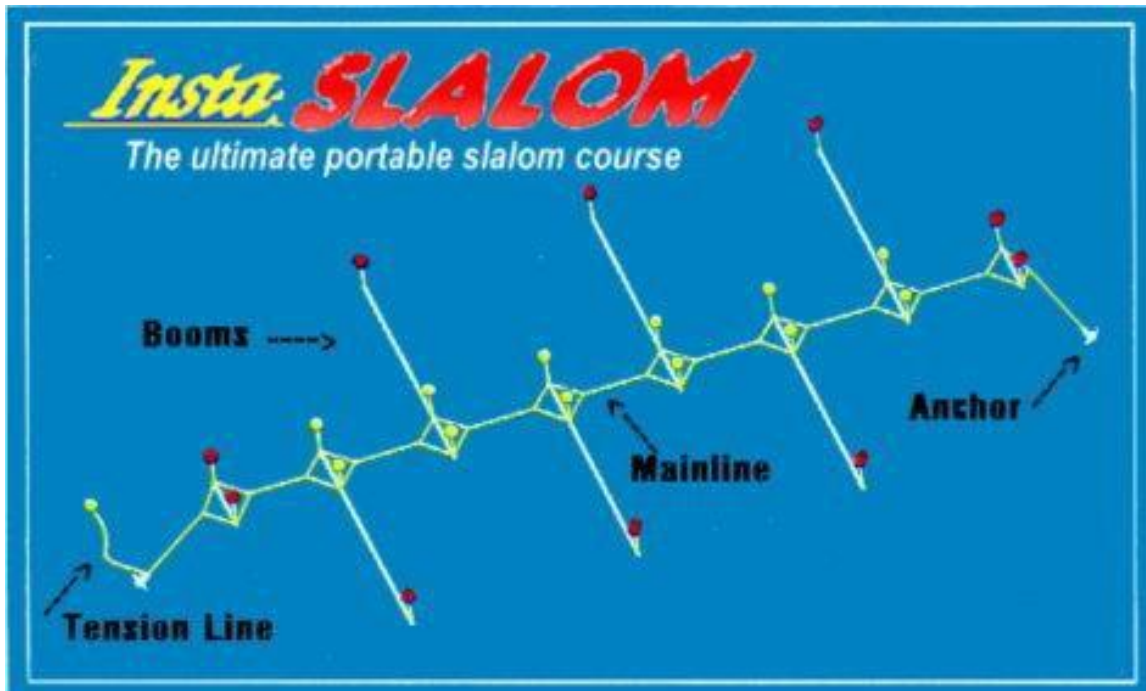


Course Footprint



APPENDIX 2 – SLALOM COURSE DETAILS

Slalom Course Diagram



Stored Slalom Course



Installed Slalom Course



Slalom Course in Use



Slalom Skiers in the Course



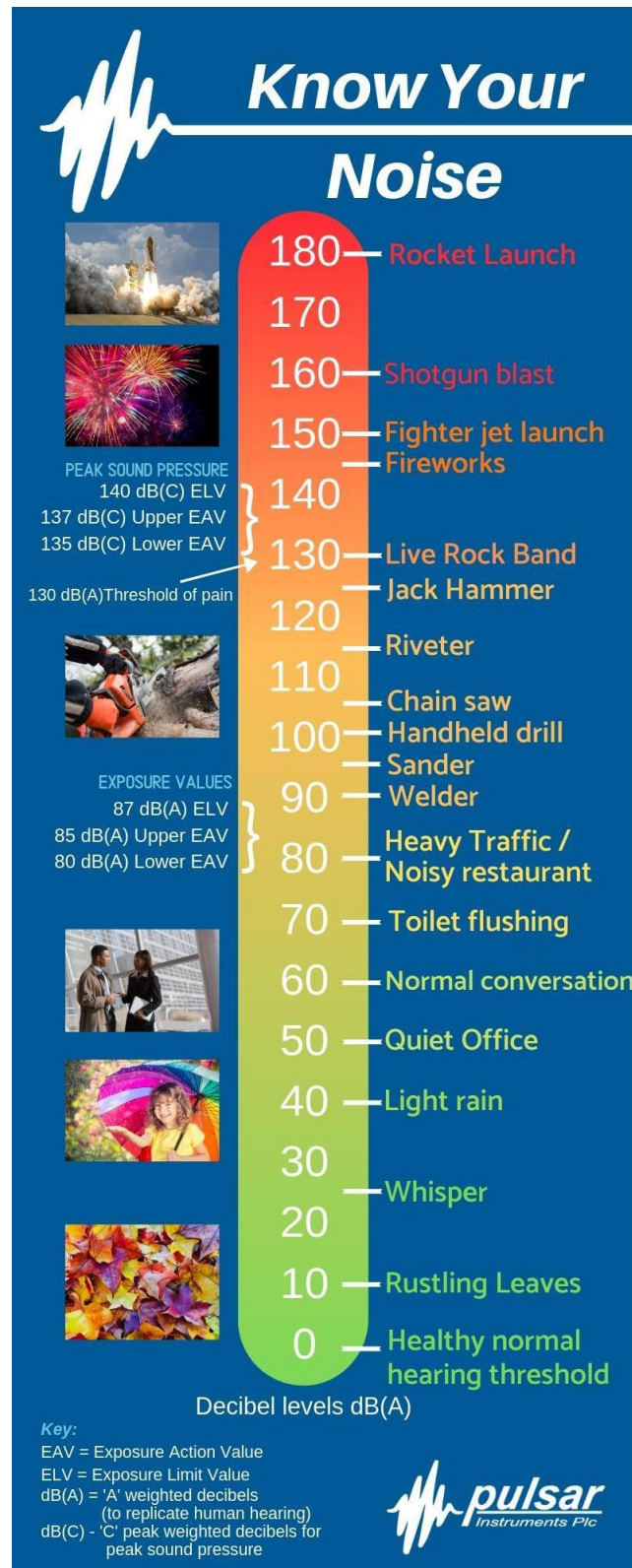
APPENDIX 3 – TOURNAMENT WATER SKI TOW BOAT

Tournament Water Ski Tow Boat Transom – Exhaust Output



Tournament Water Ski Tow Boat Wake – 58kmph



APPENDIX 4 - DECIBEL CHART OF COMMON SOUNDS



Bathurst Tournament Water Ski Club

Ben Chifley Dam, The Lagoon NSW 2795

August 2021

Aquatic Activity Operational Plan & Risk Assessment

EVENT: Bathurst Tournament Water Ski Club Slalom Course

DATE: On Demand in Warmer Months

LOCATION: Ben Chifley Dam, The Lagoon NSW 2795

ORGANISER: Bathurst Tournament Water Ski Club

PART ONE: OPERATIONAL PLAN**INTRODUCTION**

Bathurst has a strong water ski community made up of mainly recreational skiers who typically utilise the main basin of Ben Chifley Dam. The most common discipline of Tournament Water Skiing is slalom skiing and there are not currently options near Bathurst for skiers who are seeking to improve in the sport and compete against other skiers. The closest active Tournament Water Ski Club is the Sydney Water Ski Club on the Georges River in Sydney. The closest active regional club is at Lake Centenary Temora. There is also Barefoot Water Ski Clubs at Forbes NSW and Goulburn NSW. The goal of the Bathurst Tournament Waterski Club is to develop and grow water skiing in the Bathurst area for present and future generations.

To achieve this goal, the club is seeking to have an aquatic license approved that will allow us to have open speed for a 700 – 800 metre section of the Campbells River in the 8-knot zone on Ben Chifley Dam, refer attached map in Annexure 1. In this area the BTWSC is seeking to install a slalom course that would stay in the water over the warmer months and be removed starting in Autumn.

The proposed site is in the Campbells River of Ben Chifley Dam. The site is 6.2km from the boat ramp, 2.3km from the start of the 8 Knot zone and in a straight section of the river that is approximately 700m long. The actual slalom course itself is only 370m long however you require 700m of waterway total to allow the boat to get to the correct speed before it enters the course. The proposed part of the waterway is straight and protected from other boat washes and wind so the most suitable site for slalom skiing and the safety of skiers.

Our goal is to have as minimal effect as possible on other waterway users and therefore feel this site would be most suitable given it is as far away from the main area of the lake as possible as to not impede with the majority of other waterway users.

BTWSC is not seeking exclusive use of this part of the waterway. The slalom course is 23m wide and the width of the dam at the proposed site is approximately 100m (115m when dam is full) meaning there is ample room for skiers to use the course while other waterway users pass safely as needed.

The boats used by BTWSC are accredited Tournament Water Ski Tow Boats which are designed for quiet and efficient operation. Engines are covered, exhausts noise is muffled, and exhaust expelled at the water line to minimise noise. Over transom engine boats or racing boats are not suitable and are not to be used.

Operational procedure is for skiing to be in straight lines thru the slalom course and to drop the skier at each end and stopping the boat. The boat driver then idles the boat around the skier slowly, lines up the course and starts off again for another pass. There are no power turns as not to send boat rollers through the waterway and a pass takes around 30 seconds.

EVENT SCHEDULE

Our proposal is that the slalom course would be left in the water during the warmer months, say between October 1st and March 31st but not earlier than September 15th or later than April 15th. The course would be removed outside of these dates. We are seeking to have the availability to ski 7 days per week with practice sessions to be conducted during daylight hours in accordance with RMS maritime rules.

EVENT COORDINATION/MANAGEMENT

President	Peter Butler	0419 421 145
Vice President & Safety Officer	Rob Cox	0412 986 667
Treasurer	Gavin McCabe	0439 454 288
Secretary	David Clyburn	0422 058 217

A licensed driver is in operation of the boat at all times when the course is being utilized,. An observer is present in the boat per RMS maritime rules.

QUALIFICATIONS

The officeholders of BTWSC have been involved in the sport of Water Skiing either recreationally or in competition for the majority of their lives, both here and abroad.

The committee is elected by the club members and when possible, are chosen to align with professional qualifications from the workplace.

The following members have first aid qualifications: David Clyburn, Peter Butler, Rob Cox

All persons undertaking boat driving hold current RMS Boat License and are briefed on site specific requirements such as shallow water, obstacles, pre-activity assessment and acknowledgement of the actions required when vessels wish to transit the area.

All boat drivers and skiers are members of the governing body of Tournament Waterskiing, the Australian Waterski and Wakeboard Federation.

The slalom course is professionally manufactured by American Slalom Course manufacturer Insta-Slalom - <https://www.insta-slalom.com/home.php>

Normal boating rules apply to all vessels operating within the waterway.

PROCEDURES AND STANDARDS

As per Australian Waterski & Wakeboard Federation procedures found at www.awwf.com.au/

Also refer BTWSC Slalom Course Rules and Guidelines in Annexure 2.

BRIEFINGS

The BTWSC has adopted the [Model Constitution](#) per the NSW Dept of Fair Trading. The Model Constitution outlines that the committee must meet at least 3 times in each period of 12 months. This is deemed appropriate by the committee to cover general operational briefing requirements for current and new members with the options to hold additional meetings or special general meetings as needed.

Meetings are typically where safety briefs are conducted, investigation reports tabled, procedures nominated, revised and tabled along with other such reports as financial. Prior to a skiing on the proposed site (refer Annexures 1 & 3) the club committee will conduct a briefing for all participants covering safety, site requirements and RMS rules (refer Annexure 2).

SAFETY CRAFT, EQUIPMENT AND OTHER REQUIREMENTS

During regular training sessions, only one craft is in use on the water at any one instance. The boat is an accredited tournament waterski tow boat. The craft is equipped with all safety equipment as required by NSW RMS. Communication is conducted by mobile phone.

INFRASTRUCTURE

There is currently no proposed infrastructure to be set up on the foreshore. Any infrastructure (minimal) would be temporary in nature to provide shade cover and seating for skiers waiting to use this course. This would be in the form of a pop-up cabana or fold out chairs and removed immediately after use.

The slalom course is not permanent infrastructure however it takes approximately 4 hours to install correctly and 4 hours to pack up. In this plan, the BTWSC propose for the slalom course to be installed at the beginning of the season and removed at the end of the season for convenience and ease of access for training.

The slalom course is made up of a rope mainline and PVC arms that submerge approximately 2 meters below the water line. The mainline has anchors at each end securing the course in place. Buoys connect to the PVC arms and float on the surface indicating the path for the boat to travel and also the course in which

Attachment 8.4.2.1

the skier must navigate (or the buoys in which the skier must ski around). Also refer to pictures in Annexure 3.

The slalom course is not invasive and when the course is not in use, the area can be easily used by other waterway users.

FIRST AID AND EMERGENCY SERVICES

The following members have first aid qualifications: David Clyburn, Peter Butler, Rob Cox

The boats are equipped with first aid kits and its condition should be assessed at reasonable intervals, prior to using the course. In the event that medical support is needed, it will be directed to either of the boat ramps indicated in the maps in Annexure 1 as evacuation/mustering points.

Relevant emergency services that will not be present but that may be called upon where necessary would be sourced via the 000 service.

Also refer Annexure 4 for BTWSC Emergency Procedure Action Plan.

SECURITY

Security arrangements for this event are not applicable.

COMMUNICATIONS

Communication methods to be used by BTWSC organisers are mobile phone and the contact details of the Committee is as follows -

President	Peter Butler	0419 421 145
Vice President & Safety Officer	Rob Cox	0412 986 667
Treasurer	Gavin McCabe	0439 454 288
Secretary	David Clyburn	0422 058 217

Other waterway users and the general public can also contact the club via the club general email address bathursttournamentwaterskiclub@gmail.com. It is the intention of the club to also be accessible via social media when operational.

INCIDENT REPORTING AND MANAGEMENT

In the event of an incident, witnesses are required to write a brief description of the incident they observed. Incidents are to be reported using the template found in Annexure 4. Reports are to be received by the primary Safety Point of Contact –

Vice President & Safety Officer	Rob Cox	0412 986 667
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The Safety Officer is notified and collects the brief documented observations and verbally interviews the protagonists and the witnesses. A report is written, referencing all relevant Acts, Regulations, Codes of Practice and Waterway guidance documents. The report is tabled to the committee and actions apportioned. Should a reportable incident occur it is the responsibility of the Club President and the Club Safety Officer to inform the appropriate authority and to attend any such interview as is deemed necessary.

Whilst unlikely, where two or more incidents occur simultaneously or the primary Point of Contact is unavailable, reports are to be received by the secondary Safety Point of Contact –

President	Peter Butler	0419 421 145
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CONTINGENCIES

Inclement weather and windy weather not conducive to slalom skiing would typically see training not occur and no contingencies are required for re-location, re-scheduling or cancellation of the slalom course. Office bearers would advise members to exercise caution when considering if the weather conditions are suitable for use of the course in regard to boater and skier safety.

PREVIOUS INCIDENTS

BTWSC do not have a history of previous incidents. Slalom skiing is a relatively safe sport and similar to other sports, most common slalom skiing incidents are soft tissue injuries due to athlete sprains and strains. Skiers are to complete the appropriate warm-up exercises to reduce/avoid chances of injury.

DEBRIEF

The committee must meet at least 3 times in each period of 12 months. Meetings are typically where safety briefs are conducted, and investigation reports tabled. At these meetings the committee and its members can discuss and record any improvements related to operational risk to be made in future.

PART 2: RISK MANAGEMENT

Risk management is to be conducted in accordance with the principles outlined in AS/NZS ISO 31000:2009 (Risk Management: Principles and Guidelines), which stipulates that risk management should:

- create value
- be an integral part of organisational processes
- be part of decision making
- explicitly address uncertainty and assumptions
- be systematic and structured
- be based on the best available information
- be tailorable
- take into account human factors
- be transparent and inclusive
- be dynamic, iterative and responsive to change
- be capable of continual improvement and enhancement

Risks are managed through the use of a risk register that identifies the risks involved in an activity and the key controls which need to be put in place before the activity is undertaken to reduce those risks to an acceptable level. The aim is to reduce all Residual Risks to either a Medium or Low rating before holding the event. Organisers should be aware that during the event these Residual Risks ratings mean:

Medium – constant vigilance is provided by event officials and staff across these risk areas

Low – these risk areas are monitored by event officials and staff

Where any Residual Risks are rated as Extreme or High, further consideration of controls is required, or alternatively it may be better not to hold the event in its proposed form.

A template and step-by-step process for completing a risk register appears on the following pages. The completed risk register will be assessed by TfNSW Maritime staff during the Aquatic Licence assessment process. Where required, TfNSW Maritime staff will be made available to assist organisers in preparing a risk register, and to help determine what controls are best suited for the key risks.

RISK CONTROLS AND COMMENTS

Provide more detail on how the key/highest risks will be controlled, both before and during the event. Further general or specific comments regarding risks can also be provided here.

BATHURST TOURNAMENT WATER SKI CLUB SLALOM COURSE – RISK REGISTER AND PROPOSED CONTROLS

Inherent risk (What can happen if no controls are put in place)	Likelihood	Consequence	Inherent Risk level	Controls to be implemented (Provide brief descriptions here, add more detail for the higher risks either in the main text or attach as a separate table)	Residual Risk level (after controls are in place)	Person(s) responsible	Brief Comments (e.g. monitoring methods)
<i>Injured Skier</i>	<i>Rare</i>	<i>Moderate</i>	<i>Low</i>	<i>Ensure all boat drivers and observers are aware of the first aid equipment and emergency response.</i>	<i>Low</i>	<i>Captain/Boat Driver and Observer</i>	<i>Ensure first aid kit is present and complete before skiing.</i>
<i>Other Craft on Course</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Skiing to cease until other vessels have cleared the course.</i>	<i>Low</i>	<i>Captain/Boat Driver</i>	<i>Sweep of course before skiing commences.</i>
<i>Collision with object</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Sweep of course and remove any hazards.</i>	<i>Low</i>	<i>Captain/Boat Drive</i>	<i>Update competitors of any hazards</i>
<i>Vessel capsize</i>	<i>Rare</i>	<i>Major</i>	<i>Medium</i>	<i>Assess environmental and waterway conditions regularly.</i>	<i>Low</i>	<i>Captain/Boat Driver</i>	<i>Provide weather updates. Avoid skiing in adverse conditions</i>
<i>Unwanted encounter with wildlife</i>	<i>Rare</i>	<i>Moderate</i>	<i>Low</i>	<i>Monitor for animal activity</i>	<i>Low</i>	<i>Captain/Boat Driver, Observer, skier</i>	<i>Maintain lookout.</i>
<i>Fire on vessel</i>	<i>Rare</i>	<i>Major</i>	<i>Medium</i>	<i>Ensure fire extinguishers and procedures current. Utilise blowers in boats.</i>	<i>Low</i>	<i>Captain/Boat Driver</i>	<i>Inspect prior to training.</i>

Attachment 8.4.2.1

<i>Petrol and Oil Spillage</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Boats are not to be fuelled whilst on water.</i>	<i>Low</i>	<i>Captain/Boat Driver, Observer,</i>	<i>Fuel boats prior to launching.</i>
<i>Noise</i>	<i>Unlikely</i>	<i>Minor</i>	<i>Low</i>	<i>Over transom engine boats not to be used.</i>	<i>Low</i>	<i>Captain/Boat Driver, Observer,</i>	<i>Committee to monitor boats used in course</i>
<i>Environmental Damage</i>	<i>Unlikely</i>	<i>Minor</i>	<i>Low</i>	<i>Driving in accordance with club rules only. Minimise boat wash.</i>	<i>Low</i>	<i>Captain/Boat Driver, Observer,</i>	<i>Driver to be aware of BTWSC rules and drive accordingly.</i>

Attachment 8.4.2.1

Step 1: Identify all inherent risks, recording each on a separate line in column 1 of the risk register.

Step 2: For each identified risk, assess the qualitative measures of likelihood and record this in column 2.

LEVEL	DESCRIPTOR	LIKELIHOOD
A	Almost certain	Is expected to occur during this event
B	Likely	Will probably occur during this event
C	Possible	Might occur at some time (perhaps every 2-3 years)
D	Unlikely	Could occur at some time (perhaps every 4-10 years)
E	Rare	May occur only in exceptional circumstances (in more than 10 years)

Step 3: For each risk or hazard, if it was to occur, assess the qualitative measures of consequence or impact and record this in column 3. You should develop your own definition of the most likely consequence relative to your business or as an individual. The table below contains examples as a guide.

LEVEL	DESCRIPTOR	MOST LIKELY CONSEQUENCE IF THE RISK OCCURRED
5	Catastrophic	One or more fatalities, or multiple significant injuries with extended hospitalisation, or widespread inconvenience to the public over protracted period, or likely to appear as front page media reports, or cost of damage over \$1M, or significant unrecoverable damage to the environment
4	Major	Significant injuries (requiring hospital treatment), or major inconvenience to the public, or definitely appear in media, or cost of damage \$100K - \$1M, or environmental impact that is unconfined and requires long term recovery/residual damage
3	Moderate	One significant injury (requiring hospital treatment), or moderate inconvenience to the public, or would probably appear in media, or cost of damage \$10K - \$100K, or environmental impact that is confined with medium term recovery
2	Minor	Small number of minor injuries requiring first aid treatment, or some inconvenience to the public, or may appear in media, or cost of damage \$1K - \$10K, or environmental impact locally confined with short term recovery
1	Insignificant	One injury requiring first aid treatment, or cost of damage up to \$1K, or environmental impact locally confined and promptly reversible

Step 4: Determine the risk level using the Probability Matrix and record this in column 4.

Likelihood	Consequences				
	Insignificant 1	Minor 2	Moderate 3	Major 4	Catastrophic 5
A (almost certain)	Medium risk	Medium risk	High risk	Extreme risk	Extreme risk
B (likely)	Low risk	Medium risk	High risk	Extreme risk	Extreme risk
C (possible)	Low risk	Low risk	Medium risk	High risk	Extreme risk
D (unlikely)	Low risk	Low risk	Medium risk	High risk	High risk
E (rare)	Low risk	Low risk	Low risk	Medium risk	High risk

KEY:

Extreme risk	Attention required before applying for licence
High risk	Attention needed, preferably before applying for licence, certainly before event
Medium risk	Requires constant vigilance during event
Low risk	Requires monitoring during event

Step 5: Determine the appropriate controls that may be put in place to mitigate each identified risk, recording these in column 5.

Step 6: Re-assess the risk level for each identified risk taking in to account the specified controls, recording the results in column 6.

Step 7: Record the person(s) responsible for implementing and monitoring each control measure and any relevant comments or notes in columns 7 and 8.

ANNEXURES

ANNEXURE 1 – MAPS

Chifley Dam

8 Knot Zone

Proposed Site

ANNEXURE 2 – SLALOM COURSE RULES AND GUIDELINES

Slalom Course Rules

1. For use by Bathurst Tournament Water Ski Club members. Enquiries to be made via email: bathursttournamentwaterskiclub@gmail.com or 0422 058 217
2. Only 1 boat to use the slalom course at any time
3. When there is more than 1 boat wanting to use the course, a boat-by-boat rotation applies after each 'set', unless otherwise agreed by all waiting parties.
4. A skier is allowed a 'set' of no more than 6 passes, 3 falls or 15 minutes, whichever comes first
5. A 'pass' is one ride through the course in one direction. If the skier falls in the course, start the skier in the same direction to complete the pass.
6. The set should commence from the southern end.
7. The slalom course is here to promote and encourage slalom skiing. All skiers using the slalom course must be riding on a slalom ski (beginners can use 2 skis). All other types of skiing in the slalom course are prohibited. No tubes, wakeboarding, knee-boarding, barefooting, air chair etc.
8. All boats towing skiers must have an observer who is either 12 years of age or older and a holder of an RMS junior license or 16 years of age and older.
9. All skiers must wear an approved buoyancy jacket.
10. All boat drivers must be licensed and comply with the Marine Act and adhere to the Maritime Safety Regulations at all times. Refer to RMS website <https://www.nsw.gov.au/topics/waterways-safety-and-rules>
11. All power boats must be registered and carry the required safety equipment.

Skiing and driving in the slalom course - Guidelines

1. Wake enhanced boats and jet skis (PWC) are prohibited due to the likely damage they may cause.
2. Only one boat is allowed on the course at any time. It is requested that any boat waiting for their turn operate in a wakeless manner to not interfere with the safety of those on the course. If another boat enters the course, the first boat on the course must stop until the hazard clears and is no longer present. If possible, approach the boat at fault and politely explain the correct use of the course.
3. The ski boat must stay between the boat guides when towing a skier. If the driver is unable to maintain a straight path through the course or this is your first attempt at driving the course, please seek guidance from the BTWSC. The slalom course can be easily damaged, creating a safety hazard for your skier as well as other riders in your boat. Skiing on an incomplete or damaged course may result in injury to your skiers or damage to your boat.
4. If a skier falls in the course, immediately decelerate, and wait for the boat to stop, turn slowly then idle wakeless back to your skier ensuring that the handle or boat propeller does not get caught on a buoy.
5. If the course is damaged in any way, all skiing in the course must cease until the course is repaired. Contact the BTWSC if damage occurs, buoys are missing, or you observe unsafe/inappropriate use – bathursttournamentwaterskiclub@gmail.com
6. Your cooperation will ensure that everyone can safely enjoy the challenge of skiing the slalom course.

ANNEXURE 3 – SLALOM COURSE

Approximate Course Footprint

Slalom Course Diagram

Stored Slalom Course

Installed Slalom Course

Slalom Course in Use

Slalom Skiers in the Course

ANNEXURE 4 - BTWSC EMERGENCY PROCEDURE ACTION PLAN

1. Check Danger, Response, Send for Help, Airway, Breathing, Circulation, Defibrillation (DRS ABCD - refer following page for instructions)
2. If patient is unconscious or complaining of head, neck or back pain, assume that there could be a spinal injury and take care not to twist or bend the spine.
3. If injured person is unconscious, or has suspected head or spinal injuries, CALL 000.
4. If in doubt, CALL 000 dispatcher and ask for advice.

For any injury or accident, write down answers to the questions below. This is important for treatment, and for insurance purposes.

Date	Time
Patient Name	
What has happened (describe the accident)	
What injuries are evident?	
What is the condition of the patient?	
Treatment given	
Name	Signature

DRS ABCD

DANGER.

Ensure the area is safe for yourself, others and the patient

RESPONSE.

Check for response – ask name – squeeze shoulders

YES? Make comfortable. Monitor response

NO? SEND FOR HELP

Get into water and support the injured person if needed.

Gently turn injured person onto their back and support with the mouth/nose out of the water if needed.

SEND FOR HELP

With a mobile phone, dial 000.

Ask for ambulance.

Identify yourself and answer their questions using the responses above.

Give directions to the lake as follows:

- Chifley Dam Boat Ramp at the end of Chifley Dam Road, The Lagoon NSW 2795
- Coordinates - 33°33'48.7"S 149°38'01.2"E

AIRWAY

Open mouth – if foreign material present, place in recovery position, clear airway with fingers

BREATHING

Check for normal breathing – look, listen, feel

YES? Place in recovery position, monitor breathing

NO? If possible, commence CPR in the water. If not, possible, move to the shore or boat platform.

CPR

Start CPR – 30 chest compressions: 2 breaths

Continue CPR until help arrives or patient recovers

DEFIBRILLATION - Apply defibrillator if available and follow voice prompts



Certificate of Incorporation as an Association

This is to certify

BATHURST TOURNAMENT WATER SKI CLUB INCORPORATED

is registered as an incorporated association in New South Wales
under the *Associations Incorporation Act 2009*

Registration Number **INC2100971**

Date of Incorporation **25 August 2021**

Issued by NSW Fair Trading on 25 August 2021.

Rose Webb
Fair Trading Commissioner
NSW Fair Trading

MINUTES

2021 Bathurst Tournament Water Ski Club AGM

Wednesday 11th August 2021

Attendees:

David Clyburn, Peter Butler, Gavin McCabe, Rob Cox, Glenn Scrimshaw, Justin Sutherland

Apologies:

Meeting opened: 5.00pm

Chaired by David Clyburn

Motion: Motion by David Clyburn to form and incorporate the Bathurst Tournament Water Ski Club with the goal of BTWSC to develop and grow the sport of Water Skiing in the Bathurst area for present and future generations.

Moved: Peter Butler **Seconded:** Gavin McCabe

Motion carried all in favour.

Election

An association must establish a committee to manage its affairs. The committee must include 3 or more members. All committee members must be over 18 years of age and at least 3 of whom reside in Australia. Chair notes that election is required to fill committee roles.

BTWSC Executive Election

Call for nominations for the President's position

Peter Butler; nominated by Rob Cox

Peter Butler accepted nomination

Second by Gavin McCabe

All in favour

Peter Butler is declared the President for 2021

Call for nominations for the first Vice President's position

Rob Cox; nominated by Peter Butler

Rob Cox accepted nomination

Second by David Clyburn

All in favour

Rob Cox is declared the Vice President for 2021

Call for nominations for the Treasurer position

Gavin McCabe; nominated by Rob Cox

Gavin McCabe accepted nomination

Second by Peter Butler

All in favour

Gavin McCabe is declared the Treasurer for 2021

Call for nominations for the Secretary position

David Clyburn; nominated by Rob Cox

David Clyburn accepted nomination

Second by Glenn Scrimshaw

All in favour

David Clyburn is declared the Secretary for 2021

Constitution

Motion: The constitution of an incorporated association is a contract between the association and its members, who agree to adhere to the provisions outlined in the constitution. Every incorporated association must have a constitution. This can be the Model constitution ([Model Constitution](#)) or the association's own constitution, which is recorded in the public register of incorporated associations, maintained by NSW Fair Trading. The constitution must address each of the matters referred to in Schedule 1 of the Associations Incorporation Act 2009 (the Act).

The Model constitution covers all matters outlined in Schedule 1 of the Act, as well as a number of additional matters. Before adopting the Model constitution, each association must consider whether it will be suitable for the association because once adopted, it is binding to both the association and members.

Motion to adopt the Model Constitution by David Clyburn

Moved: Rob Cox **Seconded:** Glenn Scrimshaw

Motion carried all in favour.

Aquatic Licence

Motion: To grow the sport of slalom water skiing in the area, access to a course that stays in the water for the entire ski season is imperative. This will provide current and future skiers with a consistent area to train and improve while the club generates interest in the sport and grows its member base.

A proposed site is in the 8 Knot zone on the Campbells River at Ben Chifley Dam, approximately 2.5km past the start of the 8 Knot zone. The proposed part of the waterway is as far away from the amenities and the main area of the dam as possible as to not interfere or impact with other waterway users. The proposed part of the waterway is also straight and protected from other boat washes and wind so most suitable for slalom skiing. Approval from RMS by way of an aquatic licence and support/input from key stakeholders is required.

Motion by David Clyburn for BTWSC to seek support and permission from the appropriate authorities to put a water ski slalom course at Ben Chifley Dam for training during the summer ski seasons.

Moved: Peter Butler **Seconded:** Gavin McCabe

Motion carried all in favour.

Affiliation

Motion: To support the BTWSC and provide appropriate insurances, affiliation with the Australian Waterski and Wakeboard Federation (AWWF) is best practice for Water Ski clubs. Affiliation with the AWWF means the club will benefit from access to insurance, coaching, tournaments, and accreditation. AWWF offers either a General Club Package for an annual fee, or a Premium Package where each members pays an individual membership fee to AWWF.

Motion by David Clyburn for BTWSC to affiliate with the AWWF via the option most suitable and economical to the club.

Moved: Rob Cox **Seconded:** Glenn Scrimshaw

Motion carried all in favour.

Meeting closed at 6:30pm

Appendix 8 - AWWF Certificate of Affiliation



WAWA Club Affiliation

This is to certify that the

Bathurst Tournament **Water Ski Club Inc.**

is an affiliated Club under the 2021-22 WAWA Introductory package.

Paul Hobbs
President

Leeza Wray
Chief Executive Officer



Australian Government
Australian Sports Commission



WAWA Club Affiliation Packages

Introductory Package

This is a new affiliation package designed for the WAWA to support your club with a myriad of benefits. It is designed as a starter pack to introduce your club to the WAWA. Annual fee of \$150 will be charged.

The pack will include the following:

Registered on the WAWA website.

Contact details on website.

Access to accredited waterski coaches.

Come & Try day support.

Access to ski schools/clinics.

Coaching accreditation courses.

Regular newsletter to keep you informed on waterski matters.

Links to the Australian Sports Commission

Boat insurance option for WAWA members

Support in dealing with Maritime and Waterway groups.

Protection of your waterways for waterskiing.

Access to competition calendars.

for State and National programs.

Full range of Insurance options to suit

Premium

This package is free to clubs whose members are all full members of the WAWA. It includes a comprehensive insurance package covering public liability, association insurance along with personal accident and travel insurance for each member.

This package includes all aspects of the Introductory package.

General Club

This is the ideal package for the social ski club who wish to have insurance for club activities and events. This is similar to the Premium package but all members of your club will not be required to be a full member of the WAWA. As a result an annual fee of \$3000 will be charged.

This package will include all aspects of the Introductory package.

For further information please contact the WAWA office on 08 9361 1005 or via the website <http://www.awwf.com.au/>

October 2017



19th September 2021

To Whom It May Concern

This is to certify that the Bathurst Tournament Water Ski Club is directly affiliated with the Australian Waterski and Wakeboard Federation (AWWF), trading as Waterski and Wakeboard Australia (WAWA).

WAWA is the governing body of Water Skiing in Australia and covers the six key disciplines of Barefoot, Wakeboard, Disabled, Show Skiing, Cable Wakeboard and Tournament skiing with strong ties to Ski Racing. We represent over 5000 competitors from a total social skier base of over 1.3 million.

Waterski and Wakeboard Australia fully supports the Bathurst Tournament Water Ski Club in its' application to install a water ski slalom course in the Ben Chifley Dam at Campbells River.

Should you require any further information or clarification, please do not hesitate to contact me.

Yours sincerely

Leeza Wray
Chief Executive Officer
Australian Waterski and Wakeboard Federation



Australian Government
Australian Sports Commission

Australian Waterski and Wakeboard
Federation Inc.

PO Box 457
Forrestfield WA 6100

Tel: +61 8 9361 1005

ABN 83 058 843 468 (Inc in ACT)

- The governing body for water skiing and wakeboarding in Australia
- Member of the International Water Ski & Wakeboard Federation
- Member of the Australian Olympic Committee

20/08/2021

Bathurst Tournament Water Ski Club
Ben Chifley Dam
The Lagoon, NSW 2795
bathursttournamentwaterskiclub@gmail.com

Rosemary Carroll
Bathurst Pan Dragons Inc.
Bathurst Dragon Boat Club
Ben Chifley Dam,
The Lagoon, NSW 2795

Dear Rosemary,

I am writing as a member of the newly formed Bathurst Tournament Water Ski Club (registration pending). Bathurst has a strong Water Ski community, and much like your club, the goal of BTWSC is to develop and grow our sport in the Bathurst area for present and future generations.

BTWSC is currently seeking to gain support and permission from the appropriate authorities to put a Water Ski slalom course at Ben Chifley Dam for training during the Water Ski season which is typically the warmer months of the year. We are writing to make you aware of our impending application and to also seek your support as a stakeholder and waterway user at Ben Chifley Dam.

For a brief overview, Slalom Water Skiing involves skiing around a series of fixed buoys that are set to an international standard width and distance. The slalom course is not permanent infrastructure however it requires licencing by the RMS and takes approximately 2 hours to install correctly and 2 hours to pack up. The BTWSC therefore propose for the slalom course to be installed at the beginning of the season and removed at the end of the season for convenience and ease of access for training.

The slalom course is made up of a rope mainline and PVC arms that submerge approximately 2 meters below the water line. The mainline has anchors at each end securing the course in place. Buoys connect to the PVC arms and float on the surface indicating the path for the boat to travel and the course in which the skier must navigate. The slalom course is not invasive and when the course is not in use, the area can be easily used by other waterway users.

The proposed site is in the Campbells River portion of Ben Chifley Dam. The site is 6.2km from the boat ramp, 2.3km up-river from the start of the 8 Knot zone and in a straight section of the river that is approximately 700m long. The actual slalom course itself is only 370m long however you require 700m of waterway in total to allow the boat to get to the correct speed (max 58 kmph) before it enters the course. The proposed part of the waterway is straight and protected from other boat washes and wind so most suitable for slalom skiing and safety of the skier. I have attached maps outlining the proposed site as well as diagrams and pictures regarding the slalom course.

BTWSC is not seeking exclusive use of this part of the waterway. The slalom course is 25m wide and the width of the dam at the proposed site is approximately 100m meaning there is ample room for skiers to use the course while other waterway users pass safely as needed.

Our goal is to have as minimal effect as possible on other waterway users and therefore feel this site would be most suitable given –

- The proposed site is as far away from the main area of the lake as possible as to not impede with the majority of waterway users.

- The proposed site applies to only a 700m long area of the approximate 5.2km long 8 Knot zone when the course is being used. This decreases to only a 370m long area (est. course footprint) when the course is not being used leaving a large amount of 8 Knot waterway for other users.
- BTWSC members are committed to traveling to and from the proposed site at the posted speed limits to maintain safety and minimise the effect on other waterway users.

It is our intention to cohabitate safely and to not impede or impact other waterway users in anyway. Please consider our position and provide your support and comments in writing to bathursttournamentwaterskiclub@gmail.com

Thank you for your input and consideration. Do not hesitate to call or email me or any of the other committee members listed below if you have any questions or anything that I can assist with.

David Clyburn
BTWSC
0422 058 217

Bathurst Tournament Water Ski Club Committee

President	Peter Butler	0419 421 145
Vice President & Safety Officer	Rob Cox	0412 986 667
Treasurer	Gavin McCabe	0439 454 288
Secretary	David Clyburn	0422 058 217

From: [Bathurst Pan Dragons](#)
To: bathursttournamentwaterskiclub@gmail.com
Subject: Re: Bathurst Tournament Water Ski Club
Date: Tuesday, 7 September 2021 8:22:35 AM

Dear David,

Thank you for sending Bathurst Pan Dragons the proposed details about the water ski slalom course at Chifley Dam. Our committee has looked at the proposal, and would like to thank your club for giving us the opportunity to view your future project. As a dam user it should not impact us, but it might mean that the boat ramp area could be busier in the summer months. We wish your club all the best and look forward to seeing you on the water.

Kind regards,

Rosemary Carroll
President.

On Fri, Aug 20, 2021 at 3:34 PM <bathursttournamentwaterskiclub@gmail.com> wrote:

Hi Rosemary,

Thank you for your time on the phone today, it was nice to talk to you.

I have attached a letter outlining the intention of the BTWSC to lodge an aquatic licence application for a slalom course at Ben Chifley Dam and also requesting the support/feedback of Bathurst Pan Dragon Boat Club as a stakeholder and waterway user at Ben Chifley Dam.

Please review the letter and do not hesitate to call or email if you have any questions or if there is anything I can assist with.

Thank you again for your time and consideration.

Regards,

David Clyburn

Bathurst Tournament Water Ski Club

0422 058 217



Virus-free. www.avg.com

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Bathurst Pan Dragons Inc.

Affiliated with Dragon Boats NSW

pandragons.website@gmail.com

www.bathurstpandragons.org

27/08/2021

Bathurst Tournament Water Ski Club
Ben Chifley Dam
The Lagoon, NSW 2795

bathursttournamentwaterskiclub@gmail.com

Peter Wright
Bathurst RSL Fishing Club Inc.
Bathurst RSL
114 Rankin Street
Bathurst, NSW 2795

Dear Peter,

I am writing as a member of the newly formed Bathurst Tournament Water Ski Club. Bathurst has a strong Water Ski community, and much like your club, the goal of BTWSC is to develop and grow our sport in the Bathurst area for present and future generations.

BTWSC is currently seeking to gain support and permission from the appropriate authorities to put a Water Ski slalom course at Ben Chifley Dam for training during the Water Ski season which is typically the warmer months of the year. We are writing to make you aware of our impending application and to also seek your support as a stakeholder and waterway user at Ben Chifley Dam.

For a brief overview, Slalom Water Skiing involves skiing around a series of fixed buoys that are set to an international standard width and distance. The slalom course is not permanent infrastructure however it requires licencing by the RMS and takes approximately 2 hours to install correctly and 2 hours to pack up. The BTWSC therefore propose for the slalom course to be installed at the beginning of the season and removed at the end of the season for convenience and ease of access for training.

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The proposed site is in the Campbells River portion of Ben Chifley Dam. The site is 6.2km from the boat ramp, 2.3km up-river from the start of the 8-knot zone and in a straight section of the river that is approximately 700m long. The actual slalom course itself is only 370m long however you require 700m of waterway in total to allow the boat to get to the correct speed (max 58 kmph) before it enters the course. The proposed part of the waterway is straight and protected from other boat washes and wind so most suitable for slalom skiing and safety of the skier. I have attached maps outlining the proposed site as well as diagrams and pictures regarding the slalom course.

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- The proposed site is as far away from the main area of the lake as possible as to not impede with the majority of waterway users.

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- BTWSC members are committed to traveling to and from the proposed site at the posted speed limits to maintain safety and minimise the effect on other waterway users.

It is our intention to cohabitate safely and to not impede or impact other waterway users in anyway. Please consider our position and provide your support and comments in writing to bathursttournamentwaterskiclub@gmail.com

Thank you for your input and consideration. Do not hesitate to call or email me or any of the other committee members listed below if you have any questions or anything that I can assist with.

David Clyburn
BTWSC
0422 058 217

Bathurst Tournament Water Ski Club Committee

President	Peter Butler	0419 421 145
Vice President & Safety Officer	Rob Cox	0412 986 667
Treasurer	Gavin McCabe	0439 454 288
Secretary	David Clyburn	0422 058 217

From: [Maria Warner](#)
To: bathursttournamentwaterskiclub@gmail.com
Subject: Support letter
Date: Sunday, 5 September 2021 8:38:36 PM

To whom it may concern

The Bathurst RSL Fishing Club supports the proposal of the Bathurst tournament water ski club for Ben Chifley Dam

Kind regards

Peter Wright

President of Bathurst RSL Fishing Club

Sent from my iPhone

20/08/2021

Bathurst Tournament Water Ski Club
Ben Chifley Dam
The Lagoon, NSW 2795

bathursttournamentwaterskiclub@gmail.com

Laurence Outim
Central Tablelands Rowing Club Inc.
Bathurst Rowing Club
Ben Chifley Dam,
The Lagoon, NSW 2795

Dear Laurence,

I am writing as a member of the newly formed Bathurst Tournament Water Ski Club (registration pending). Bathurst has a strong Water Ski community, and much like your club, the goal of BTWSC is to develop and grow our sport in the Bathurst area for present and future generations.

BTWSC is currently seeking to gain support and permission from the appropriate authorities to put a Water Ski slalom course at Ben Chifley Dam for training during the Water Ski season which is typically the warmer months of the year. We are writing to make you aware of our impending application and to also seek your support as a stakeholder and waterway user at Ben Chifley Dam.

For a brief overview, Slalom Water Skiing involves skiing around a series of fixed buoys that are set to an international standard width and distance. The slalom course is not permanent infrastructure however it requires licencing by the RMS and takes approximately 2 hours to install correctly and 2 hours to pack up. The BTWSC therefore propose for the slalom course to be installed at the beginning of the season and removed at the end of the season for convenience and ease of access for training.

The slalom course is made up of a rope mainline and PVC arms that submerge approximately 2 meters below the water line. The mainline has anchors at each end securing the course in place. Buoys connect to the PVC arms and float on the surface indicating the path for the boat to travel and the course in which the skier must navigate. The slalom course is not invasive and when the course is not in use, the area can be easily used by other waterway users.

The proposed site is in the Campbells River portion of Ben Chifley Dam. The site is 6.2km from the boat ramp, 2.3km up-river from the start of the 8-knot zone and in a straight section of the river that is approximately 700m long. The actual slalom course itself is only 370m long however you require 700m of waterway in total to allow the boat to get to the correct speed (max 58 kmph) before it enters the course. The proposed part of the waterway is straight and protected from other boat washes and wind so most suitable for slalom skiing and safety of the skier. I have attached maps outlining the proposed site as well as diagrams and pictures regarding the slalom course.

BTWSC is not seeking exclusive use of this part of the waterway. The slalom course is 25m wide and the width of the dam at the proposed site is approximately 100m meaning there is ample room for skiers to use the course while other waterway users pass safely as needed.

Our goal is to have as minimal effect as possible on other waterway users and therefore feel this site would be most suitable given –

- The proposed site is as far away from the main area of the lake as possible as to not impede with the majority of waterway users.

- The proposed site applies to only a 700m long area of the approximate 5.2km long 8 knot zone when the course is being used. This decreases to only a 370m long area (est. course footprint) when the course is not being used leaving a large amount of 8 knot waterway for other users.
- BTWSC members are committed to traveling to and from the proposed site at the posted speed limits to maintain safety and minimise the effect on other waterway users.

It is our intention to cohabitate safely and to not impede or impact other waterway users in anyway. Please consider our position and provide your support and comments in writing to bathursttournamentwaterskiclub@gmail.com

Thank you for your input and consideration. Do not hesitate to call or email me or any of the other committee members listed below if you have any questions or anything that I can assist with.

David Clyburn
BTWSC
0422 058 217

Bathurst Tournament Water Ski Club Committee

President	Peter Butler	0419 421 145
Vice President & Safety Officer	Rob Cox	0412 986 667
Treasurer	Gavin McCabe	0439 454 288
Secretary	David Clyburn	0422 058 217

20/08/2021

Bathurst Tournament Water Ski Club
Ben Chifley Dam
The Lagoon, NSW 2795

bathursttournamentwaterskiclub@gmail.com

Michael & Belinda Peterson
571 Garthowen Lane
Tannas Mount, NSW 2795

Dear Michael & Belinda,

I am writing as a member of the newly formed Bathurst Tournament Water Ski Club (registration pending). Bathurst has a strong Water Ski community, and the goal of BTWSC is to develop and grow our sport in the Bathurst area for present and future generations. We welcome everyone who wants to learn or improve in Water Skiing to our club including beginners and skiers new to the slalom course.

BTWSC is currently seeking to gain support and permission from the appropriate authorities to put a Water Ski slalom course at Ben Chifley Dam for training during the Water Ski season which is typically the warmer months of the year. We are writing to make you aware of our impending application and to also seek your support as a stakeholder at Ben Chifley Dam.

For a brief overview, Slalom Water Skiing involves skiing around a series of fixed buoys that are set to an international standard width and distance. The slalom course is not permanent infrastructure however it requires licencing by the RMS and takes approximately 2 hours to install correctly and 2 hours to pack up. The BTWSC therefore propose for the slalom course to be installed at the beginning of the season and removed at the end of the season for convenience and ease of access for training.

The slalom course is made up of a rope mainline and PVC arms that submerge approximately 2 meters below the water line. The mainline has anchors at each end securing the course in place. Buoys connect to the PVC arms and float on the surface indicating the path for the boat to travel and the course in which the skier must navigate. The slalom course is not invasive and when the course is not in use, the area can be easily used by other waterway users.

The proposed site is in the Campbells River portion of Ben Chifley Dam. The site is 6.2km from the boat ramp, 2.3km up-river from the start of the 8-knot zone and in a straight section of the river that is approximately 700m long. The actual slalom course itself is only 370m long however you require 700m of waterway in total to allow the boat to get to the correct speed (max 58 kmph) before it enters the course. The proposed part of the waterway is straight and protected from other boat washes and wind so most suitable for slalom skiing and safety of the skier. I have attached maps outlining the proposed site as well as diagrams and pictures regarding the slalom course.

BTWSC is not seeking exclusive use of this part of the waterway. The slalom course is 25m wide and the width of the dam at the proposed site is approximately 100m meaning there is ample room for skiers to use the course while other waterway users pass safely as needed.

Our goal is to have as minimal effect as possible on other waterway stakeholders therefore feel this site would be most suitable given –

- The proposed site is as far away from the main area of the lake as possible as to not impede with the majority of waterway users.

- The proposed site applies to only a 700m long area of the approximate 5.2km long 8 knot zone when the course is being used. This decreases to only a 370m long area (est. course footprint) when the course is not being used leaving a large amount of 8 knot waterway for other users.
- BTWSC members are committed to traveling to and from the proposed site at the posted speed limits to maintain safety and minimise the effect on other waterway users.
- The boats used are accredited Tournament Water Ski Tow Boats which are designed for quiet and efficient operation. Engines are covered, exhausts noise is muffled, and exhaust expelled at the water line to minimise noise. Over transom engine boats or racing boats are not used.

It is our intention to cohabitate safely and to not impede or impact other waterway stakeholders in anyway. Please consider our position and provide your support and comments in writing to bathursttournamentwaterskiclub@gmail.com

Thank you for your input and consideration. Do not hesitate to call or email me or any of the other committee members listed below if you have any questions or anything that I can assist with.

David Clyburn
BTWSC
0422 058 217

Bathurst Tournament Water Ski Club Committee

President	Peter Butler	0419 421 145
Vice President & Safety Officer	Rob Cox	0412 986 667
Treasurer	Gavin McCabe	0439 454 288
Secretary	David Clyburn	0422 058 217

From: [Michael Peterson](#)
To: bathursttournamentwaterskiclub@gmail.com
Cc: [Belinda Peterson](#)
Subject: FW: Bathurst Tournament Water Ski Club
Date: Tuesday, 5 October 2021 10:05:24 AM
Attachments: [Stakeholder Letter - 571 Garthowen Lane.pdf](#)

Hi David,

I am writing to respond to your letter outlining plans to establish a slalom course at Ben Chifley Dam. As the landholder who will be impacted the most by this proposal given the location of proposed course I am voicing my disapproval of proposed course for the following reasons –

I am strongly opposed to the course being installed for the entire season (who sets the season timeframe?), I don't think one organization should be able to control one section of the river for any length of time given it is a public space.

I am assuming your club will use the course most weekends during summer which is when most people use the dam so most weekends other users will not be able to use this section of dam. Further to this point, I disagree with your statement that other users could still pass safely during slalom practice, the dam will not always be 100m wide and this statement does not allow for a margin of error when people are using the course.

I also believe there will be significant noise pollution during use of the course as pulling skiers out of the water and traveling at significant speeds makes the engine work harder and louder.

As a compromise, perhaps the club could nominate a weekend each month where they set up and use the course, this would give other users the opportunity to make other arrangements that particular weekend or avoid the area altogether.

Regards

Michael Peterson
571 Garthowen Road, Tannas Mount. 2795
0428 230812

From: Belinda Peterson <bingig@outlook.com>
Sent: Friday, 1 October 2021 2:33 PM
To: Michael Peterson <michael@petatok.com.au>
Subject: FW: Bathurst Tournament Water Ski Club

Belinda

Belinda Peterson

571 Garthowen Rd, Tannas Mount. NSW 2795

M: 0427 459 096

E: bingig@outlook.com

From: bathursttournamentwaterskiclub@gmail.com
<bathursttournamentwaterskiclub@gmail.com>

Sent: Friday, 1 October 2021 10:46 AM

To: bingig@bigpond.com

Subject: FW: Bathurst Tournament Water Ski Club

Hi Michael,

I hope you are well. Sorry to keep bothering you.

Just quickly emailing the letter again outlining the intention of the BTWSC to apply for an aquatic licence to have a slalom course at Ben Chifley Dam and also requesting the support/feedback of stakeholders at Ben Chifley Dam.

Please review the letter and do not hesitate to call or email if you have any questions or if there is anything I can assist with.

Thank you again for your time and consideration.

Regards,

David Clyburn

Bathurst Tournament Water Ski Club

0422 058 217

From: bathursttournamentwaterskiclub@gmail.com
<bathursttournamentwaterskiclub@gmail.com>

Sent: Wednesday, 25 August 2021 3:30 PM

To: bingig@bigpond.com

Subject: Bathurst Tournament Water Ski Club

Hi Michael,

Thank you for your time on the phone today, it was nice to talk to you.

I have attached a letter outlining the intention of the BTWSC to lodge an aquatic licence application for a slalom course at Ben Chifley Dam and also requesting the support/feedback of stakeholders at Ben Chifley Dam.

Please review the letter and do not hesitate to call or email if you have any questions or if there is anything I can assist with.

Thank you again for your time and consideration.

Regards,

David Clyburn
Bathurst Tournament Water Ski Club
0422 058 217



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Environmental Monitoring Outcomes

Water Ski Trial

East Basin, Lake Burley Griffin

June 2006



Abbreviations and Units

ACTWSA	ACT Water Sri Association
ADFA	Australian Defence Force Academy
km/h	kilometres per hour
L	litre
M	million
m	metre
mg/L	milligrams per litre
mm	millimetre
NCA	National Capital Authority
NTU	Nephelometric turbidity unit
NZS	Noise Zone Standard
ug/L	micrograms per litre
US EPA	US Environmental Protection Agency
\$	dollar

Study Team

Dr Laso Nagy, Atech Group
Professor Bill Maher, University of Canberra
Ms Marion Burgess, Civil & Mechanical Engineering UNSW
Mr Mark Jekabsons, Wildlife Research and Monitoring Unit - Environment ACT
Mr Steve Hure, Ecowise Environmental Pty Ltd
T Sri Tharan, National Capital Authority

Acknowledgement

The study team would like to acknowledge the contribution and advice provided by Mr Bob Neil, Mr Daniel Walters, Mr Steve Thomas, and Mr Mark Lintermans of Environment ACT and thank the staff of Ecowise Environment for assisting in this review.

General

The National Capital Authority (NCA) is responsible for the management of Lake Burley Griffin. The lake and its foreshore plays a symbolic role in the National Capital and provides a recreational experience in the heart of the national area.

The management of the lake aims to achieve a fair balance between preserving an ornamental venue of national significance and providing a range of recreational opportunities.

The use of power boats is generally restricted but special provisions are available to allow water skiing on Lake Burley Griffin. In the past, two power boat events per year have been conducted. The NCA's current Recreational Policy came into effect in October 2005. It allows for more recreational use of the lake, including power boat events, subject to a set of approval criteria.

Water Skiing in Canberra

Water skiing has increased in popularity in the ACT mostly through the efforts of the ACT Water Ski Association (ACTWSA). Both social and competitive skiers use a dedicated water skiing area at Molonglo Reach.

As the popularity of this sport has grown, difficulties have arisen in accommodating both social and competitive skiers at Molonglo Reach. Concerns have been raised over boat movements, major variations in skill levels and safety issues. This situation has led ACTWSA to look for alternative sites on Lake Burley Griffin.

Training Venue – East Basin Site

In March 2005, ACTWSA submitted a proposal to the NCA to conduct water ski training on Lake Burley Griffin through the newly established Lake User's Forum.

In this proposal, a site in West Lake near Black Mountain was suggested but there was a potential for conflict with established lake users in this area. Consequently, a second site was chosen in East Basin (the north-west area). This site is further away from noise sensitive areas and closer to Kings Avenue Bridge, where potential noise created by a water ski boat could be dampened by regular traffic noise.

This assessment report is based on that site.

During the consideration of the ACTWSA proposal, the NCA consulted a wide range of lake users, stakeholders and ACT Government agencies including Environment ACT. The NCA also consulted with a group of experts in aquatic ecosystems. Their initial assessment of the East Basin environment indicated the trial would not have a major negative impact.

Water Ski trial

In October 2005, the NCA approved the trial of a water ski training area on East Basin for a period of four months commencing 1 November 2005. The trial was confined to a 370 metre buoyed course with only one boat approved to use it, under the management of the ACTWSA. This boat was specially designed to produce a low wake and was powered by an inboard motor.

Operating times were also restricted to allow for an examination of the impact on the lake, its surroundings, and other lake users. The boat operated for a maximum of four hours per day on weekdays and up to two weekend days per month. The boat did not operate before 8.30am. Refuelling on the lake or shore was not allowed.

During the trial, the NCA continued to consult with the key stakeholders.

Environmental Monitoring

The environmental parameters monitored were:

- the emission and wake of the boat used
- noise impact
- water pollution – hydrocarbon, silt disturbance, turbidity, bank erosion, wave height
- impact on wild life (in particular the Jerrabomberra Wetlands)
- general impact on land use

Assessments of relevant literature and comments from key stakeholders were also reviewed.

Activity Log Sheet

At the NCA's request, the ACTWSA maintained an Activity Log Sheet containing details of the skiing dates, times and any potential issues. No significant issues were recorded in the log.

Environmental Monitoring Outcomes

Noise Impact

Prior to the trials noise measurements were taken in areas considered to be the most exposed locations (the Boathouse Restaurant, Kingston Foreshore and the National Carillon). All monitored noise levels were comparable to the applicable noise zone standards of Environment ACT.

Attended noise monitoring was undertaken at specific locations during the trials. At the Kingston Foreshore noise from the distant ACTWSA boat could not be heard. At the National Carillon the background traffic noise from Kings Avenue Bridge masked any noise from the operation of the boat. At the ACT Hospice the Boathouse Restaurant acted as a shield and the noise level was below the applicable noise level for that area.

The trial water skiing site was selected to be away from noise sensitive areas and the noise monitoring indicated the appropriateness of this site.

Water pollution

Hydrocarbons: The boat used has a four stroke inboard engine, which produces emission levels well within the US EPA standard. This engine has less impact on the environment than a two stroke engine, with less fuel and exhaust being released into the water. All testing supported this, with no significant increase in hydrocarbons in the training area during the trial. Good engine maintenance and management should ensure similar future results.

Silt disturbance: East Basin is relatively shallow, averaging a depth of 2.5 metres. It is often affected by natural events such as wind and hydrological activities (floods), which can contribute to silt disturbance.

One indication of silt disturbance is the level of suspended solids. The benchmark reading of suspended solids for East Basin is 40mg/L. During a test run on a calm day, the suspended solids were reported to be about 10mg/L. This suggests that natural silt disturbance could be considerably higher than boat induced disturbance.

Tests conducted at East Basin during the trial indicated no statistically significant increase in suspended solids and metal concentrations in the water column.

Turbidity: This is a clouding of the water with sediments which could be re-suspended by the boat's motion. These sediments may stay in the water column for an extended period depending on the depth of the water and the type of sediment involved. Turbidity also reduces the amount of sunlight passing through the water. East Basin is a relatively turbid part of the lake due to frequent wind re-suspension of bottom sediments.

Tests during the water ski trial indicated a minor increase in turbidity from about 13 to 14 NTU. This difference is not considered significant. The benchmark level for this site is 60 NTU.

Bank erosion, wave height: Only small sections of the water ski trial site contain lake walls, which are already subject to considerable natural impact. The average water depth of the site is comparable with the recommendations of the International Water Ski Federation.

Wave height is influenced by boat size, speed, hull shape and depth of water. Waves created by the boat's wake could impact on non-powered craft such as rowing boats and canoes.

Tests conducted during the trial showed that wave height was generally comparable with other craft operating on the lake.

Birds and wildlife: A large number of aquatic birds and wildlife live and breed in Lake Burley Griffin. It is an important freshwater ecosystem with a high level of biodiversity, especially in the Jerrabomberra Wetlands. Any water skiing activities on the lake need to be compatible with the existing aquatic life.

Jerrabomberra Wetlands (located between the Molonglo River and Jerrabomberra Creek, at the eastern end of East Basin) is a prime waterbird habitat. It also contains fish and animal species, including platypus. These wetlands are located about 500m from the trial water ski training area.

Bird activity in the Jerrabomberra Wetlands was monitored by Environment ACT during the trial. The resulting report stated there was some bird movement during the trial but commented it was impossible to assess whether this was natural or due to disturbance from the power boat.

The report also stated two cormorants arrived in East Basin from the wetlands area and proceeded to dive for food whilst water skiing was taking place. Other birds were flushed or sighted as observers walked through the wetlands. Their presence disturbed the birds more than the power boat activity.

Land use

Safe access: During the trial parking for members of ACTWSA was located at Grevillea Park. The launching ramp there was used to access the lake. This ramp can be accessed by a vehicle with a boat trailer.

Grevillea Park is used by tourist operators, joggers, walkers, Boathouse customers, canoeists, windsurfers and others.

Therefore appropriate signage may be required to maintain safe access to these areas whilst the training facility is in use.

East Basin Stakeholders: There are a number of established or planned residential and commercial areas around the shoreline of East Basin. These include ADFA and the Boathouse Restaurant on the northern shore and the Kingston Foreshore development on the southern shore. Testing completed at Kingston Foreshore indicated noise levels from the trial were not a concern.

Benefits from water skiing on aquatic environment

In certain situations, East Basin has been subject to summer algal blooms. Warnings alerting lake users of blue-green algae have been issued in the past.

It is thought water activities such as skiing are beneficial to a lake as this mixes and oxygenates the water.

Conclusions

The four month water ski trial provided a better understanding of the nature of this activity, including its interaction with the lake's environment and surrounds. Monitoring also helped judge many of the perceived risks of this sport.

During the trial a range of environmental parameters were monitored. A review of the nominated ski boat was conducted. Noise impacts, silt disturbance, turbidity, bank erosion and the impact on wild life were also reviewed. All monitoring and assessments were undertaken by external consultants.

Potential conflicts with other lake users were discussed through consultation. The timing of the trial was agreed in consultation with other primary users of East Basin and it appears that the trial posed no conflicts with other lake users.

Noise levels measured during the trial were reported to be comparable with the allowable limits for the lake's surrounds. Emission levels during the trial met an International Standard. Wind induced silt disturbance and turbidity were found to be higher than that resulting from the boat activity. No particular concerns were raised from the bird monitoring conducted by Environment ACT.

Water skiing may also bring some benefits to the lake, providing mixing and some oxygenation to the stagnant water body.

The trial showed that most of the parameters monitored registered negligible or unnoticeable effects on the lake environment.

Taking into account the results listed above, it is recommended that controlled water ski activity can be accommodated in East Basin but under strictly supervised conditions and with continued monitoring of potential environmental and general impacts.

Bibliography

A Guide to Understanding and Addressing Environmental Issues – International Water Ski Federation – Environmental Handbook for Towed Water Sports.

Proposal for Augmentation of Water Skiing Facilities in the ACT (February 1991)

Tournament Water Skiing Training Facility Trial –Lake Burley Griffin Users Forum Submission (February 2005)

National Capital Authority (2004). Lake Burley Griffin Recreational Policy 2005. Australian Government.

ACT Parks and Conservation Service (1998a). The Lake Burley Griffin sediment study – interim report.

ACT Parks and Conservation Service (1998b). The Lake Burley Griffin catchment protection scheme – a review.

Joint Government Technical Committee (1974). Mine Waste Pollution of the Molonglo River. Final Report on Remedial Measures. Australian Government Publishing Service, Canberra.

Joint Government Technical Committee (1978). Mine Waste Pollution of the Molonglo River. Australian Government Publishing Service, Canberra.

National Capital Authority (2004). Lake Burley Griffin Water Quality Management Plan. Australian Government.

ACT Water Ski Training Facility in East Basin, Lake Burley Griffin. A proposal submitted by ACT Water Ski Association to Lake User Group, March 2005.

Noise Impact Assessment - Waterskiing Trial on East Basin, Lake Burley Griffin, March 2006. Marion Burgess, Acoustics & Vibration Unit, Aerospace, Civil & Mechanical Engineering, University of New South Wales at Australian Defence Force Academy.

Water quality monitoring and assessment, Water Ski Trial on East Basin, Lake Burley Griffin 2005-06, Ecowise Environmental Ltd, March 2006.

Bird monitoring, Water Ski Trial on East Basin, Lake Burley Griffin 2005-06, Wildlife Research and Monitoring, Environment ACT.

Lake Burley Griffin Recreation Policy 2005, National Capital Authority.

Darren Sturgiss

Subject: FW: Att: Mayor North & Darren Sturgiss - Engineering Department [SEC=UNOFFICIAL]
Attachments: Objections to BTWSC proposal November 2021.docx

OldPM: FW: Att: Mayor North & Darren Sturgiss - Engineering Department [SEC=UNOFFICIAL]

From: Belinda Peterson <bingig@outlook.com>
Sent: Wednesday, 3 November 2021 8:46 AM
To: Council <council@bathurst.nsw.gov.au>
Subject: Att: Mayor North & Darren Sturgiss - Engineering Department

CAUTION: This email originated from outside BRC. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Ian & Darren,
Thank you for organising the consultation meeting yesterday between the Bathurst Tournament Water Ski Club (BTWSC), the Council and Landowners.
Subsequent to that meeting Michael and I still strongly object to this particular location of the slalom course and the semi-permanent nature of the slalom course because of the adverse effect on other water craft stakeholders that may not necessarily have been canvassed by the BTWSC and the effect on ourselves.

At the meeting we agreed to the suggestion of a trial period of the slalom course on the river in front of our home. Upon further reflection, we rescind that decision but would support a trial period in a different location. We find it difficult to comprehend that the BTWSC are unwilling to consider an alternative location.

As we understand the situation, the BTWSC are asking the Council to support their proposal to the Department of Transport for an Aquatic Licence for their activities. An Aquatic Licence is for TEMPORARY events. The BTWSC clearly want an on-going semi-permanent arrangement in this peaceful and tranquil part of the Campbell's River so how does that apply?

I attach a document detailing our position & objections to this request by the BTWSC for Councils' approval to take their submission to the Department of Transport.

Yours sincerely

Belinda & Michael

Belinda Peterson

571 Garthowen Rd, Tannas Mount. NSW 2795

M: 0427 459 096

E: bingig@outlook.com

OBJECTIONS FROM MICHAEL & BELINDA PETERSON TO THE PROPOSAL BY THE BATHURST TOURNAMENT WATER SKIING CLUB (BTWSC) TO PUT A SEMI PERMANENT SLALOM WATER SKI COURSE ON CAMPBELLS RIVER.

DATE: 2 NOVEMBER 2021

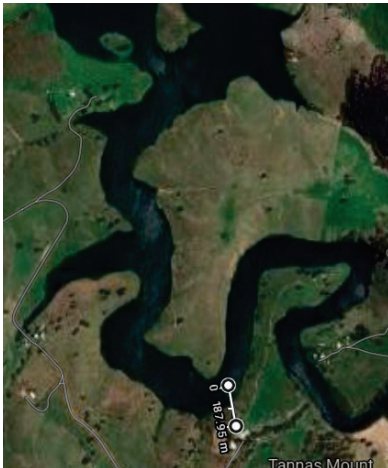
BACKGROUND

Our home address is 571 Garthowen Rd, Tannas Mount, approximately 30km SSE of Bathurst CBD. The drive to get here is through The Lagoon, past Ben Chifley Dam.



The reason we bought our 100 acre lifestyle block at 571 Garthowen Rd, Tannas Mount was because of the peace & tranquility of the environment, the pristine environment and the water views overlooking the Campbells River which flows into Ben Chifley Dam.

The proposed site of the semi-permanent slalom course is directly in front of our residence with one end of the course within 140m of our home. The reason the BTWSC chose this site for their semi-permanent slalom course is because it is protected from the prevailing westerly winds giving the “glass” water conditions.



OBJECTIONS:

The BTWSC presented various facts and opinions at a Consultation Meeting on Tuesday 2nd November, 2021 between BTWSC, Landowners & Council, that we still have objections to.

1. The BTWSC cited precedents for slalom courses being approved in slow knot zones in NSW & ACT. We neglected to ask them if any of these approvals included areas that had a residence within 100 m of the course that would be directly affected by this change in use of the waterway?
2. The BTWSC need an Aquatic Licence from Service NSW to run their club. This licence is for temporary events. The BTWSC proposal is for on-going, semi-permanent use of this stretch of waterway.
3. The BTWSC presented a noise level test at Ben Chifley Dam that was taken at the other end of the Dam to our place.
 - a. The BTWSC assured us that the Tournament Boats are baffled to reduce noise pollution. The noise output was 5 Db (?). Due to the semi-permanent nature of their proposal, the course will be left in the water for anyone to use at any time. We believe (as did everyone else at the consultation meeting) other watercraft such as normal ski boats, wake boats & jet ski users will be attracted to use the slalom course. These craft will not have noise baffles on their exhausts and will not be a member of the BTWSC. "The typical, older two-stroke, 68 horsepower engine, operating under normal water skiing conditions produces a range between 60 to 70 dBAs.¹ They will not be operating under the guidelines of the BTWSC.
 - b. The existing use of this stretch of waterway is one of peacefulness & tranquility – this will not be the case if there is a semi-permanent slalom course here and/or other ski tournament activities
4. The Ski Club have spoken to other Clubs that use the waterways here such as the Fishing Club and have said that they have no objections. We have lived here for 12 years and it is our opinion that there are other stakeholders who use this particular stretch of the river that do not belong to the Clubs they have canvassed.

¹ International Water Ski Federation, Environmental Handbook for Towed Water Sports

- a. There are boats that “potter” around because this area is protected from winds who would not be able to use this waterway as they do now. We have anecdotal evidence that they object to this proposal
- b. There are rowing clubs that use this area, particularly in January, for training purposes. These are school rowing clubs that search for the “glass water conditions” for training purposes. They would not be able to use this water at the same time as the BTWSC.
- c. There are kayakers who use this stretch of river who would be at risk from the BTWSC activities
- d. Fishing boats that hang here in certain areas for fishing – would not be able to do this while the BTWSC are using it
- e. There are small sailing craft that use this area from time to time - a use that is definitely not compatible with BTWSC activities
- f. The BTWSC are using measurements of width of waterway and assuring us that other water users are able to pass safely when the Dam and River are 100% full. The majority of the time this stretch of river is less than 100m wide.
- g. The BTWSC used existing ski clubs such as the one in Forbes NSW as inspiration and as a precedent for their presentation yesterday. The future number of boats and people using this facility – and their greater impact on this location - is of great concern to us. Using the Forbes Barefoot Ski Club as a guide, in 2018 –
“Both tournament entries and coaching clinic registrations are growing about 25 per cent each year, organiser Jim Cronin said after a big weekend on the Lake Forbes ski dam.”²
- h. That same year the Forbes Barefoot Ski Club held a tournament that had 67 entrants.
- i. The BTWSC said in the meeting they’ve had massive interest from the community. Just like any Club, they want to be successful and grow their membership. The BTWSC can give no assurances about their future plans for the number of boats allowed on their course at the one time, and the demands they would put on the physical environment. Here is a photo of the Forbes Ski Club spectators from the tournament mentioned above.³



² Forbes Advocate: February 27, 2018

³ Forbes Barefoot Waterski Club Facebook page January 2019

5. We never really discussed environmental damage of these activities (BTWSC & other power boats attracted to the fixed nature of the slalom course) on the riparian corridors on waterfront land⁴ - refer Department of Primary Industries Office of Water: Controlled Activities on Waterfront Land.
 - a. shoreline degradation & turbidity of water
 - b. Environmental risks associated with chemical & fuel spills during regular engine emissions and refuelling
6. The river area is used as a bird refuge for water birds such as black swan, magpie geese, many species of ducks, cormorants, gulls, pelicans, teals & herons.⁵ When there is power boat activity on the dam, the water birds move down to the river for refuge. Increased power boat activity on the river section as power boats travel to and from the upriver location of the BTWSC course would further disturb the bird population & be detrimental to bird life.

SUMMARY:

The existing use of this particular spot in the Campbells River 8-knot slow-go zone area of the river by non-power-boat users – fishing, kayaking, rowing, sailing, pottering will be adversely affected by allowing the positioning of a semi-permanent slalom course.

Our own personal right to maintain our peaceful & tranquil location – the purpose of making our home here - will also be at high risk from these activities if this particular position is used.

COMPROMISE:

There may be another location in the Dam and River precinct that would be more suited to a co-existence of powered & non-powered water boat users, existing residents and the BTWSC – an area of water that is wider for a longer period of time that allows safe passage of various classes of water vehicle and one that does not impose noise pollution on existing residents.

⁴ Department of Primary Industries: Office of Water, Controlled Activities on Waterfront Land July 2012

⁵ Birdwatching in the Bathurst Regions & Surrounds: Bathurst Visitor Information Centre, 2019

2021 Library Customer Satisfaction Survey Results

The library ran its biennial customer satisfaction survey from 25 June to 19 July 2021. The survey was available online and hard copies were made available in the library. We received a total of 73 responses. This report analyses the results of the survey and compares results to the 2019 survey where it is relevant.

Overall Satisfaction

95.6% of respondents rate the library facilities and services as being Very Good (79.4%) or Good (16.2%). This is a significant increase from 2019 where 88% of respondents were Highly Satisfied (59.2%) or Satisfied (28.8%).

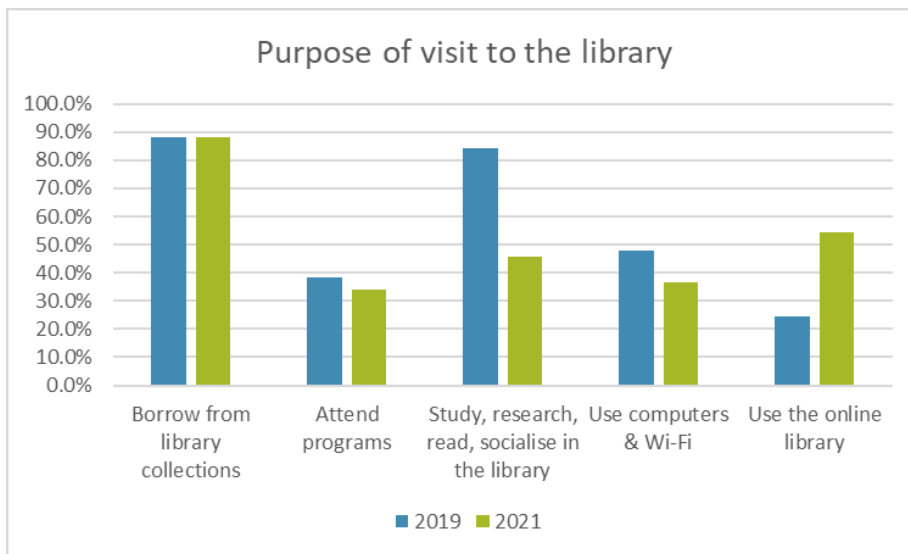


Purpose of visit to the library

People continue to come to the library predominantly to borrow library items (88.2%). The last 2 years has seen a spike in the use of the eLibrary and this is reflected in the 2021 survey where 54.4% of respondents indicated that they use the online library, compared to 24.4% in the 2019 survey.

The programs offered by the library continue to be attended by a core of library members.

The COVID-19 pandemic has had an impact on the way people use the library with less people using the library space as a community lounge room to research, study, read and socialise and switching to using the online library instead.



Rating services

We asked respondents to rate library facilities, services, collections, and programs. All services received a high satisfaction score.

	Good/Very Good
Customer Service.....	91%
Collections	89.4%
Computers and Printers.....	96.6%
Online Services.....	88.3%
Facilities	96.9%
Programs	90.7%
Internet and Wi-Fi	97.1%
Opening Hours	85%

What do people borrow?

Adult Fiction, Adult Non-Fiction, DVDs, and eBooks are the items most borrowed.

96.9% of respondents rated the material they borrowed as Good/Very Good (94.1% in 2019).

Questions and Comments

We asked open questions:

- What (if anything) would make the library and its services better?
- What (if anything) would make the library collections better?
- Is there anything else you would like to tell us about your library and its services?

We received several responses and comments. A sample is presented in the table below. All comments and responses received are taken on board by the library team and actions developed where possible.

Library Space
Having a quiet room for mothers' groups and craft groups etc to conduct their activities in so those who come to the library to study or just relax and read can do so without noise disturbance (or a room where those who want to study/work/read in peace can go if groups are out in the common area)
I find it an excellent space
I love the library. I suffer from anxiety and it's my safe place.
Perhaps a separate room or rooms for children's story time, as I believe the library should be a quiet place, although I do like hearing the children singing!
Opening Hours
Would love if the library stayed open longer on weekends
Would love the library to open before 10am
It's a good library but I would like it if it was open longer
Opening at 9am instead of 10am would also make a huge difference for many people who access the library and its services
Programs
Perhaps there could be some programs in early afternoons for senior customers
Writing Club
More STEM after school activities please
A book club where we could hear about new books in the library and talk about/ recommend books we've read.
Programs for tweenagers and teenagers
Social activities for young adults (20-35years)
Technology
More technology assistance for Seniors
More selective access to the microfilm reader computer. I often find people using it for things other than the reader.
More space to charge devices in the library
Customer Service
Outstanding staff and services delivered that meet any requirements I may require.
Thanks for a friendly service
The staff of the library are what makes it such a pleasure to visit. They are always very helpful and friendly and go beyond just 'doing their job'. Their knowledge of the library is excellent.
Collections
Wider variety of eBooks
More books, particularly nonfiction
A bigger range of non- fiction books.
More LGBT content would be appreciated, as well as more graphic novels
More books
Always a need for more books
More of the same. There is an excellent mix in the library collections and up to date with publications, so continuing and expanding that would be good.

Services
The services provided are excellent.
I am a new resident and very impressed by the fact the library is open 7 days; the staff are lovely; the books are regularly updated; the range is vast
I think the library and its services are excellent the way they are, and I hope the Council continues to finance it, as it provides so much to the community
Extend loan time to 8 weeks.
Cannot think of anything that would improve the current level of excellent service
I am wholly satisfied with our library. I think it excellent.
We are very fortunate to have such a good local library
I am always impressed by how many people are using the library whenever I go in. It is such a great resource in many ways that the Council provides to the community. Long may it continue
As a new resident arriving in COVID times I look forward to availing myself of all the great events and programs on offer once life returns to normal. It appears to me that Bathurst Library is a proactive and dynamic community facility.

**MINUTES OF THE TRAFFIC COMMITTEE MEETING
HELD ON Tuesday 2 November 2021**

1. MEETING COMMENCES

MINUTE

Meeting commenced at 2.02 pm - Microsoft Teams Meeting.

Members: Cllr Warren Aubin (Chair-BRC), Ms Jackie Barry (Transport for NSW), Mr David Veness (MP Representative)

Present: Mr Bernard Drum (Manager Technical Services) Mr Myles Lawrence (Civil Investigation Team Leader) Mr Paul Kendrick (Traffic and Design Engineer)

2. APOLOGIES

MINUTE

RESOLVED: That the apology of SGT Ryan Baird (NSW Police), be accepted and leave of absence granted.

3. REPORT OF PREVIOUS MEETING

3.1. Report of Previous Meeting - 5 October 2021

File No: 07.00006

MINUTE

RESOLVED:

That the Minutes of the Traffic Committee held on 5 October 2021 be adopted.

4. DECLARATION OF INTEREST

Declaration of Interest

MINUTE

RESOLVED: That the Declaration of Interest be noted - Nil

5. RECEIVE AND DEAL WITH DIRECTOR'S REPORTS

**5.1.1. MINUTES OF THE TRAFFIC COMMITTEE MEETINGS
HELD 7 SEPTEMBER AND 5 OCTOBER 2021**

File No: 07.00006

MINUTE

RESOLVED:

That the information be noted and necessary actions be taken.

**5.1.2. BATHURST'S BIGGEST EXPO AND
CHRISTMAS MARKETS - CHANGE OF DATE**

File No: 23.00026

MINUTE

RESOLVED:

That the change of date to Saturday 11 December and Sunday 12 December 2021 for the previously approved Bathurst Biggest Expo be approved, subject to conditions as detailed in the Director Engineering Services' report.

**5.1.3. ROCKABILLY CAFE EVENT 'DREAMS DO
COME TRUE - ADAMS DAY' CHANGE OF DATE**

File No: 23.00026-22

MINUTE

RESOLVED:

That the Change of date to Sunday 12 December 2021 for the previously approved Rockabilly Café Fundraiser – 'Dreams Do Come True Adams Day 2021' be approved, subject to conditions as detailed in the Director Engineering Services' report.

**5.1.4. BATHURST WALLABIES TRIATHLON CLUB SERIES -
ADDITIONAL EVENT 2021/2022**

File No: 23.00026-22/021

MINUTE

RESOLVED:

That the change of date for the 17 October 2021 event of the Triathlon Club Series for the previously approved Bathurst Wallabies Triathlon Club 2021/2022 series to be held

Sunday 20 March 2022 be approved, subject to conditions as detailed in the Director Engineering Services' report.

6. TRAFFIC REGISTER

6.1. TRAFFIC REGISTER

File No: 07.00006

MINUTE

RESOLVED:

That the information be noted.

8. MEETING CLOSE

MINUTE

The Meeting closed at 2.12 pm.

UPPER MACQUARIE COUNTY COUNCIL

Appendix 3.1 – End Of Term Report

UPPER MACQUARIE COUNTY COUNCIL

END OF TERM REPORT

[Note: This is the end of term report required to be produced and incorporated into the Council's statutory annual report and submitted on or before the final Ordinary Council Meeting in a County Council's term. The relevant Council Term for the purposes of this report is October 2017 to November 2021]

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SUMMARY

A new Business Activity Strategic Plan was developed in mid 2018 following an earlier organisational and business review by the Council. The new plan incorporated a fresh, weed biosecurity focussed, strategic direction for the Council business with two broad goals guiding the way forward, as follows:

1. Raise the County Council's governance systems, policies, and processes to contemporary local government standards consistent with requirements of the Local Government Act 1993 NSW. The outcome sought here was to become a competent and sustainable County Council in its capacity as a local council entity, and the mechanisms involved engaging a permanent General Manager and focussing the governing body on the legislatures intended purposes for the organisation.
2. Properly reinvent County Council's operations as a local weeds control authority within the context of the (then) new and largely un-tested Biosecurity Act 2015 NSW. The outcome sought here was primarily to get more weeds controlled sooner, with various mechanisms being applied to ensure landholders were informed and thereafter (if required) compelled to meet their weed biosecurity duties in relation to their landholdings.

Overall, the Council's staff and governing body worked cooperatively and to a high standard in implementing the Business Activity Strategic Plan and meeting the legislative duties and obligations imposed on it by a suite of relevant NSW State legislation. The result has been that Upper Macquarie County Council has moved from being a laggard in weed biosecurity effectiveness to a leading weed biosecurity agency.

There are two matters addressed herein as required by the Act. They are being (a) what outcomes were realised for the community – because of the County Council's business activities; and (b) what benefits were gained by the County Council from the County Council's business activities.

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OUTCOMES FOR THE COMMUNITY^a

The community benefits from the County Council activities when the weed biosecurity risk at various levels (individual landholdings, local areas, and regions) is reduced and/ or does not deteriorate further. The relative value for the community of improved weed control, is derived through better agricultural productivity, improved standards of living for rural communities, and protection of sensitive natural environments.

In this context the following demonstrable outcomes have been achieved during the reporting period.

- A. Overall close to ¼ of all property (332,000 ha) in the Councils 1,300,000-hectare *area of operations* was inspected over the last three years with only ~11% of these (35,000ha) found at last inspection to be of high weed biosecurity risk while ~89% of these (298,000 ha) were considered at last inspection to be of low weed biosecurity risk.
- B. More than 5,370 on-site property inspections were undertaken by authorised officers. This involved over 4,130 *initial inspections* of new properties and more than 1,240 *re-inspections* to follow-up on landholder progress in undertaking weed control for properties issued with weed control notices, directions, or penalties.
- C. Landholders from a total of 257 properties extending for 6,160 ha took the opportunity to participate in the Councils seasonal aerial weed treatment programs and through that program have weeds on their properties controlled through an effective and flexible technique.
- D. Government land management agencies responsible for public roadside management, took the opportunity to join a Council managed annual roadsides program treating priority weeds in 231 roads considered to be primary linear weed invasion pathways. The program treated no less than 2,500 kms of such pathways equivalent to over 5,000 ha of land.
- E. Landholders took advantage of access to purchasing herbicides for weed control through the Council of a quantity sufficient to control on average up to 7,000 hectares of weed infestation (*depending on weed species, delivery method and herbicide type*).

^a Outcomes are based on weed biosecurity operational data for the period July 1st 2018 to 30th June 2021.

UPPER MACQUARIE COUNTY COUNCIL

BENEFITS FOR THE COUNTY COUNCIL^β

The Council entity benefits when its administrative and operational effectiveness and efficiency are raised to a level where the quality of its weed biosecurity activities result in meaningful outcomes for the community. In this context the following demonstrable benefits have been achieved during the reporting period.

Overall, the key benefit is the creation of a comprehensive and sustainable operating framework within which the Council and its staff can effectively and efficiently pursue their core business of improving weed biosecurity outcomes for the regional community. The framework was built upon some pre-existing foundations that were upgraded and re-orientated as required, and made it much better, as follows:

1. During the term some 13 new or updated **policy documents** were created, and others were incrementally brought up to date and extended to meet contemporary compliance standards. Key Policies developed included those pertaining to Risk Management, Financial Management, and Procurement. This compares to the previous term that carried forward a scant collection of policies.
2. During the term some 21 new or revised key documents were put in place. Key Documents developed included those pertaining to Business Activity strategy; Weed Biosecurity inspection and strategy; Legislative Risk; and Governance codes of practice. The range of previous critical key **business strategy documents** were redesigned and re-oriented to suit the changing operating environment required through the making of new biosecurity legislation and ongoing amendments to local government legislation.
3. The **information and communication technology** system now provides a strong business-grade foundation for further incremental enhancement in line with changing business requirements. Council now has a secure, flexible, and well managed ICT system that meets contemporary performance standards required of local government agencies in NSW following adaptive redesign and incremental updating.

^β Benefits for the County Council relate to activities undertaken from October 2017 to October 2021.

UPPER MACQUARIE COUNTY COUNCIL

4. Council now has a sound and sustainable **strategic financial position** strategic budget position, provided ongoing financial discipline is duly exercised. The constituent local councils agreed to increase their recurrent funding contributions – recognising the potential for the County Council to achieve a lot as a robust going concern. This was rather than allowing the deteriorating financial position to cause an eventual wind-up the business.
5. The **reputation of Council** has substantially been restored. This has been incrementally achieved by way of the Council's growing record of success from having an exemplary weed biosecurity risk management system and on-ground action which combined are providing confirmation that (now) the County Council is the lead local weed biosecurity control authority in NSW. Previously the County Council was known for 'not getting enough weeds controlled' and this perception had pervaded the commentary of both private landholders, stakeholder groups, and government landholder agencies. Essentially there were valid and serious stakeholder concerns in the previous term about the lack of consistent follow-through and an obvious lack of commitment to proper enforcement practices.

UPPER MACQUARIE COUNTY COUNCIL

Appendix 4.1 – Delivery Program Report

PRINCIPAL ACTIVITY PROGRESS
REPORT

END OF YEAR 2020.2021



This report is the report required under the provisions of section 404 (5) of the
Local Government Act 1993 NSW

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Vision for Weed Biosecurity:

Upper Macquarie County Council will strive to ensure that Weed Biosecurity Risk is not a significant factor limiting:

- Agricultural productivity;
- The quality of the rural environment and;
- The prosperity of rural communities in the NSW central tablelands.

Mission associated with Weed Biosecurity:

The mission for the Upper Macquarie County Council is to, the best of its ability and within the limits of its resources, make sure all private and public landholders manage their properties to reach and maintain a sustainably low level of weed biosecurity risk.

The mission is shared with all those agencies striving to reduce biosecurity risks across the country, throughout the regions and locally with the constituent councils, landholders and the whole community living within the Upper Macquarie district.

Principal Activities:

The County Council is constituted as a single-purpose local weed control authority and is regulated by the relevant provisions of the Local Government Act 1993 NSW and the Biosecurity Act 2015 NSW.

Accordingly, the County Council business has been structured to have four (4) areas of principal program activity areas. The first two are core business and the latter two are discretionary business. These principal activity programs are as follows:

- Weed Biosecurity Compliance Program
- Business Management Program
- Landholder Support Program
- Roadsides Weed Control program

Introduction

This report addresses the requirement pursuant to Section 404 (5) of the Local Government Act to prepare a full-year progress report relating to the delivery program. It takes into account the *Integrated Planning and Reporting Guidelines for Local Government in NSW* established in accordance with Section 406 of the Local Government Act (1993),

The report addresses the Council's achievements and the effectiveness of its principal activities in achieving business objectives set out in its Business Activity Strategic Plan (BASP).

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SUMMARY

WEED BIOSECURITY RISK inspections (and re-inspections) were undertaken by the County Council in relation to 1,558 landholdings of both private and public land, involving 194,000 ha of property and 2,480 kms of linear pathways. 708 inspections found properties with high weed biosecurity risk levels.

The County Council achieved actual on-the-ground treatment of weed infestations by various landholders covering approximately 146,000 ha of land infested by priority weeds. This was done using force [through control notices, directions, and penalties] (11,000 ha), encouragement [through notices to inspect] (124,000 ha) and facilitation [through roadsides, aerial, and herbicide sales] (10,650 ha).

There is significant evidence emerging that the Council's efforts to continuously innovate, adapt and apply initiative in biosecurity decision-making and problem solving is progressively improving the effectiveness and relevance of the Council as a local weed control authority. In this regard the Council is becoming a clear leader in the weed biosecurity industry.

Recently Council gave the 1st and only known LCA given *General Biosecurity Direction* in NSW was issued for property owned by public-agency landholders, AND the only known LCA to give *Individual Biosecurity Directions* to a Government Agency (Transport for NSW) – after they failed to meet Weed Control Notice requirements.

The Council has also developed a strong and credible working relationship with key public roadside landholders in the district, through a formal MOU agreement negotiated by the County Council, with all four constituent councils and NSW Forestry Corporation, securing ongoing commitment to and standard arrangements for the annual public roadsides weed control program. This agreement greatly enhancing the ability of the Council to effectively coordinate strategic weed biosecurity risk management.

Productivity has improved significantly in terms of effectiveness, efficiency, and quality. This is evidenced by (a) improved abilities in detecting weed biosecurity risks; (b) a unique ability in demonstrating actual weed biosecurity risk reduction in both a register and mapping format; and (c) putting the systems and processes in place to successfully apply legal enforcement tools that are supported by necessary evidence and due process. (d) For the third year in a row, the County Council's recurrent and capital operations generated better-than-budget in *retained earnings* at year-end (due mainly to selling value-add services) and met the key relevant OLG financial performance benchmarks. (e) Favourable feedback was received from farmers groups and public and agencies about the increasing effectiveness and professionalism of the County Council's weed biosecurity enforcement activity,

Council staff worked closely with NSW DPI and central tablelands LLS, and other local control authorities where appropriate to share knowledge and experience and keep up to date with contemporary weed biosecurity issues. There has also been close operational liaison with NSW Forestry Corporation, NSW Crown Lands, Transport for NSW and all Local Councils – guiding and assisting with enhanced weed biosecurity activities.

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PRINCIPAL ACTIVITY 1: Weed Biosecurity Compliance Program

BASP OBJECTIVES:

- WEED BIOSECURITY RISK DETECTION AND MONITORING (1)
- WEED BIOSECURITY RISK REDUCTION (2)
- INNOVATION AND QUALITY (7)
- BIOSECURITY ADVICE & INFORMATION (8)
- WEED BIOSECURITY ENFORCEMENT (9)
- AN EXEMPLARY BIOSECURITY WORKFORCE (10)
- MEASURING WEED BIOSECURITY ACTIVITY AND OUTCOMES (11)

REPORT ON PERFORMANCE AND ACHIEVEMENTS

- The **NUMBER of PROPERTY INSPECTIONS** undertaken for the year was 1,558 comprised of 1,053 initial inspections and 505 re-inspections.
- The **AREA of LAND INSPECTED** was 194,000 ha.
- The **NUMBER of BIOSECURITY DIRECTIONS & DIRECTION EXTENSIONS GIVEN** was 114 UP from the previous year as
- The **NUMBER of PENALTY INFRINGEMENT NOTICES ISSUED** was 25 UP from the previous year and bringing the total to 42.
- The **'HIGH WEED RISK' DETECTION RATE** was 45 % of all inspections undertaken.
- ✓ Council implemented a robust landholdings inspection regime across the county district to identify and rank weed biosecurity risks and encourage the landholder or occupier to both understand and adequately meet their weed biosecurity duty.
- ✓ Council achieved a reduced overall level of weed biosecurity risk in the county district through an appropriate mix of cooperative compliance and enforced compliance measures. The **LEVEL of FORCED WEED RISK REDUCTION** during the period was 219 Properties covering 14,000 ha.
- ✓ During the reporting period there was a focus on inspecting properties that were expected to be in areas of higher rather than lower weed biosecurity risk and to progress the re-inspection process in a more-timely manner than in the past – where landholders were that appeared either tardy or otherwise recalcitrant in their approach to weed control.
- ✓ Ongoing efforts by the Council to have landholders fulfil their legal duty to control weed biosecurity risks on their land is progressively producing more significant results. The **NUMBER of LANDHOLDERS GIVEN BIOSECURITY ADVICE** was 708 where each landholder with a high weed biosecurity risk is provided with information.
- ✓ The NSW Department of Primary Industries and the Central Tablelands Local Lands Service provided weed biosecurity support (research, publications, expertise etc) to the Council relating to local weed biosecurity matters. The Council used information and material created by NSW DPI and LLS to help promote greater cooperative compliance with biosecurity duties.

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PRINCIPAL ACTIVITY 2: Business Management Program

BASP OBJECTIVES:

- WEED BIOSECURITY RECORDS & AUDITS (4)
- WEED BIOSECURITY STATUTORY REPORTING (5)
- SUSTAINABLE RESOURCING OF THE PRINCIPAL BUSINESS ACTIVITY (6)
- INNOVATION AND QUALITY (7)
- BIOSECURITY ADVICE & INFORMATION (8)
- WEED BIOSECURITY ENFORCEMENT (9)
- AN EXEMPLARY BIOSECURITY WORKFORCE (10)
- MEASURING WEED BIOSECURITY ACTIVITY AND OUTCOMES (11)
- SUPPORT GOOD ORGANISATIONAL GOVERNANCE (12)

REPORT ON PERFORMANCE AND ACHIEVEMENTS

- INDUSTRY LEADING BIOSECURITY COMPLIANCE AND ENFORCEMENT system.
- ANNUAL OPERATIONS contained within BUDGET.
- STATUTORY REPORTING REQUIREMENTS completed on schedule.
- UPGRADED ICT SYSTEM to contemporary business grade security requirements.
- ✓ The Council was FIRST IN NSW TO SUBMIT its 2019/2020 ANNUAL FINANCIAL STATEMENTS and receive an 'UNQUALIFIED' Audit Office finding.
- ✓ The Council commenced the new 5-year NSW WEED ACTION PROGRAM with recurrent grant funding, through the NSW Department of Primary Industry and Local Land Services for a further five-year term that commenced on July 1, 2020.
- ✓ The PUBLIC INTEREST DISCLOSURE reports were made to the Ombudsman. There were no actual Public Interest Disclosures in the report.
- ✓ The GOVERNMENT INFORMATION PUBLIC ACCESS (GIPA) reports were made to the Information & Privacy Commissioner as required. There were no GIPA requests received during the reporting period.
- ✓ The Council's Annual Report, Audited Statements of Account and Auditors Reports, GST Returns, Financial Data Returns, and annual Code of Conduct report to the Office of Local Government were all submitted in a timely manner.
- ✓ The 10-YEAR FINANCIAL PLAN that forms part of the Council's Business Activity Strategic Plan was updated to reflect new and changing financial conditions.
- ✓ QUARTERLY BUDGET REVIEW STATEMENTS and regular Investment Reports were presented in a timely manner to the Council for information and review.
- ✓ Council continued to update and maintain all relevant designated open access information was available to the public as per the Government Information (Public Access) Act (2009) throughout the period.
- ✓ Council has been routinely provided with frank and fearless advice by management, council business has been properly transacted, decisions of the council are implemented in a timely manner, and council meetings are conducted in an orderly manner.

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PRINCIPAL ACTIVITY 3: Landholder Support Program

BASP OBJECTIVES:

- WEED BIOSECURITY RISK REDUCTION (2)
- WEED BIOSECURITY RISK TREATMENT PROGRAMS (3)
- INNOVATION AND QUALITY (7)
- BIOSECURITY ADVICE & INFORMATION (8)
- AN EXEMPLARY BIOSECURITY WORKFORCE (10)
- MEASURING WEED BIOSECURITY ACTIVITY AND OUTCOMES (11)

REPORT ON PERFORMANCE AND ACHIEVEMENTS

- The NUMBER of PROPERTIES in the AERIAL PROGRAM for the year was 109.
- The AREA of PROPERTIES TREATED for weed infestation was ~ 3,300 hectares.
- The AREA of WEED INFESTATION TREATABLE from HERBICIDES PROVIDED ~ 4,500 hectares.
- ✓ The Council delivered the landholder support program is a discretionary program that involves the Council developing, implementing, co-ordinating and reviewing weed control activity in support of landowners or occupiers seeking practical Council support in tackling weed biosecurity matters.
- ✓ While weed treatment is always the responsibility of the landholder and not otherwise, for strategic purposes the Council has chosen at its discretion, to assist with and undertake selected weed invasion control work on land where prohibited weed and/ or priority weed matter was involved.
- ✓ The program assisted many landholders in dealing with prohibited matter, controlling new incursions, and tackling weed biosecurity matters within difficult terrain and along high risk weed invasion pathways.
- ✓ There were two large scale aerial weed control programs delivered in 2020/2021 by the County Council. This was up from only one in the previous two years and involved a total of 109 landholdings and 3,300 hectares of weed infested lands being treated.
- ✓ The Council's landholder support program involving herbicide supply to landholders increased by 3 times in 2020/2021 (compared to 2019/2020) equivalent to treating up to 4,500 ha of weed infestation.
- ✓ NSW Crown Lands secured a State Grant of \$50k weed control on crown reserves, with County Council assistance. The County Council then delivered the program on the government agency's behalf.
- ✓ The County Council worked with Central tablelands LLS on the NSW Government's 'Living on the Edge' weed control project by assessing properties and supplying subsidised herbicides for qualifying landholders.

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PRINCIPAL ACTIVITY 4: Roadside Weed Biosecurity Control Program

BASP OBJECTIVES:

- WEED BIOSECURITY RISK REDUCTION (2)
- WEED BIOSECURITY RISK TREATMENT PROGRAMS (3)
- INNOVATION AND QUALITY (7)
- BIOSECURITY ADVICE & INFORMATION (8)
- AN EXEMPLARY BIOSECURITY WORKFORCE (10)
- MEASURING WEED BIOSECURITY ACTIVITY AND OUTCOMES (11)

REPORT ON PERFORMANCE AND ACHIEVEMENTS

- The NUMBER of ROADS INSPECTED for the year was 114.
- The LENGTH of ROADSIDES TREATED for weed infestation was ~ 1,034 kilometres.
- The AREA of ROADSIDES TREATED for weed infestation was ~ 2,068 hectares.
- ✓ This program was planned and coordinated by the Council with 66% of the cost paid by program participants. The program participants are the four constituent local councils and the NSW Forestry Corporation, as they are all the public authorities that are legally the 'owners' or 'occupiers' of the public roads throughout the area of operations and as such have the weed biosecurity duty for roadsides.
- ✓ The roadsides weed control program responds to the road-related findings that arise from inspections and assessment work undertaken in the weed biosecurity compliance program. Roadsides treated under this program were in the local Council areas of Bathurst, Blayney, Lithgow, and Oberon.
- ✓ This was the third year of a three-year program for constituent councils to permanently increase their voluntary contributions to progressively fully fund the roadside weed control program on a recurrent basis. The councils have agreed to increase their annual voluntary contributions progressively over three years from 2019/2020 to the combined recurrent amount of \$150,000.
- ✓ The annual roadsides weed treatment programs was successfully delivered during the year – accounting for roadside weed control treatment across 114 roads extending for 1,034 kms equivalent to 2,068 ha.
- ✓ During the reporting period new formal arrangement for planning, funding and delivery of an annual roadsides weed control program was put in place and agreed through a Memorandum of Understanding signed by all program participants. This arrangement was assisted by the Council issuing a General Biosecurity Direction requiring that appropriate plans and be in place and resources allocated on a recurrent basis. This approach allows for economies of scale cost benefits and the prioritisation of target roads using the local control authorities weed biosecurity expertise.
- ✓ The Council assisted one of its constituent councils secure commonwealth funding for the undertaking of additional roadsides weed control work post-drought. The Council then coordinated the delivery of the additional work involved.

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**MINUTES OF BATHURST REGIONAL YOUTH COUNCIL MEETING HELD
ON TUESDAY 12 OCTOBER 2021**

PRESENT: Ashley Maalouf, Caitlin McLean, Chelsea Muller, Chloe Tayler, Ella Kay, Esther Wong, George Eliades, Harvey Lew, Jeffrey Knox, Justin Laver, Loukia Robson, Stella Hall, Tom Rodenhuis, Caitlin Morris.

IN ATTENDANCE: Emma Smith (Youth Development & Community Events Officer), Bronwyn Starkey (Community Development Team Leader), Angela Sinclair (minute-taking).

1. APOLOGIES: Nil

2. ACKNOWLEDGEMENT OF COUNTRY: Bronwyn Starkey provided an Acknowledgement of Country

3. ADOPTION OF PREVIOUS MINUTES:

RESOLVED that the minutes of the meeting held 10 August 2021 be accepted.

Moved: Ashley Maalouf

Seconded: Bronwyn Starkey

Carried.

4. GUEST SPEAKER – AMANDA MARKS (COUNCIL’S ACTING MANAGER EVENTS)

Amanda not available to attend this meeting. Amanda to be invited to attend a working party meeting or the next regular meeting. Suggestion for Youth Councillors to make some notes/questions ahead of her attendance.

5. FEEDBACK FROM COMPLETED PROJECTS

Keeping Positive During Covid Competition – competition has commenced well with some entries received to date. Promotion information has been sent to all the Schools for inclusion in Newsletters to promote the initiative.

Youth Councillor Surveys – Surveys discussing ideas and initiatives were circulated to the Youth Councillors to ensure all Councillors have input into projects.

R U Ok? Day – promotion was well received, despite Covid lockdown restrictions.

6. YOUTH COUNCIL PROJECT PLANNING

- **Chalk Day** – Youth Councillors have discussed this suggested activity via their group chat. During October join community to raise awareness of mental health issues via drawings/artwork/words drawn in chalk on driveways or pathways. This can be completed individually or as a group. Photos taken and shared on social media via a hashtag. The information about this promotion has been provided by Oberon Youth Council. Youth Councillors to set a date or a week and organise one group post. This initiative can also be shared with Oberon Youth Council.
- **McGrath Foundation** – Pink up Bathurst, promotion could be held to promote the McGrath Foundation. As the promotion of Breast Cancer Awareness month occurs during October each year, there isn't enough time to organise.
- Discussion held that Youth Council will not complete **Elf in the Shop** this year.

MINUTES OF BATHURST REGIONAL YOUTH COUNCIL MEETING HELD ON TUESDAY 12 OCTOBER 2021

- **Christmas Initiative** – Christmas Tree, community Christmas decorations can be made to place on the tree, information or event to handmade decorations could be held. Ideally a large 12-foot tree could be purchased for this and displayed prominently in central Bathurst or at the Library/Art Gallery building. Council staff to seek information from the Events Team to ascertain if they have a spare tree or have suggestions.
- **Council Christmas Tree** – contact to be made with Council Events Team to discuss the possibility to work with them and utilise the tree that is displayed in Kings Parade to include community decorations.
- **Christmas Hampers discussion**
 - Youth Council to hold a raffle to fundraise for Christmas Hampers.
 - Local businesses to be canvassed to seek donations for the raffle. Businesses will need to be approached, as soon as possible to organise the raffle and prizes.
 - Arrangements to be organised with regards to where and when to sell the raffle tickets.
 - The funds raised would be utilised to purchase Christmas Hampers.
 - Hampers to be distributed to vulnerable families/youth. The targeted recipients to be chosen via Veritas House, Leo Lions Club (Youth Lions Club), 7th Day Adventist outreach works and headspace Youth Reference Group. When number of hampers are known, each group can suggest a number of recipients.
- **Kelso Community Hub Christmas Party – 10 December 2021** – Event is under development, community groups, activities and refreshments; to be held from approximately 2pm into the early evening. Youth Council can assist with naming the event and attending to assist on the day. A Christmas Tree could be displayed at this party and decorations could be made and hung during the event. Hampers could also be utilised as Lucky Door Prizes or distributed at this event.
- **Youth Week 2022 Plan – Suggestions:** Trivia Night Event, Games Night Event (as proposed last year by the previous Youth Deputy Mayor), Fitness for Fun, food vans in the park, youth music event/competition, colour run, movie in the park, join the local Park Run. Further discussion and development of ideas to occur.

7. SOCIAL MEDIA PLAN

- **Social Media Plan** – display of spreadsheet, topics, add content, preparing ahead. Add in ideas, dates, suggestions for events.
- **Working Party Meetings** to discuss scheduling of posts and items for inclusion.
- Spreadsheet to be circulated to Youth Councillors to update/add ideas.
- Remembrance Day – 11 November 2021 – social media can be planned.

8. GENERAL BUSINESS

Youth Council T-shirts and hoodies will be ordered shortly. Youth Councillors need to go to Prestige Embroidery, Russell Street (resumed business hours 8.30am – 5pm) to advise sizing requirements, so they can be ordered.

Youth Councillor Name Badges have been received. Arrangements for collection to be organised.

Professional Youth Council Photos can now be arranged, with the easing of Covid restrictions.

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Youth Council Logo – Council is aiming to re-create a new-look Youth Council logo that would be used for printed and electronic branding. Youth Councillors are asked to forward ideas to include in a design brief for professional design work to be created.

Donation at the end of the current Youth Council term – if funding is available at the end of the Youth Council Term, a suggestion for a bench to be purchased and incorporated into one of the local parks; donated by the Youth Council and including a plaque acknowledging Youth Council's donation.

Office of Sport – The Office of Sport has contacted Council for assistance with the use of Active Kids Vouchers. The Office of Sport is seeking input/data about promotion from local youth as to the promotion of the availability of the vouchers to assist with cost of accessing local sport. – some youth not utilising, gather some data about promotion and use of vouchers, want to talk to Youth Councillors. To assist providing feedback, staff member from Office of Sport to be invited to attend the next working party meeting.

9. NEXT MEETING – TUESDAY 7 DECEMBER 2021

10. MEETING CLOSE

There being no further business, the meeting closed at 12.50pm.