

## ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

12 April 2023

His Worship the Mayor & Councillors

### **Notice of Ordinary Meeting of Bathurst Regional Council – Wednesday 19 April 2023**

I have to advise that an Ordinary Meeting of Bathurst Regional Council will be held in the Council Chambers on Wednesday 19 April 2023 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**

**BUSINESS AGENDA**  
**ORDINARY MEETING OF BATHURST REGIONAL COUNCIL**  
**TO BE HELD ON Wednesday 19 April 2023**

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## **1 PUBLIC FORUM**

### **1.1 RECORDING OF COUNCIL MEETING - PUBLIC FORUM BANNER**

Commence livestreaming of Council Meeting with Public Forum Banner.

**N.B. Ensure microphones are muted on recording during Public Forum session.**

## **2 RECORDING OF MEETINGS**

### **2.1 RECORDING OF MEETING - GENERAL MANAGER TO READ**

Commence normal recording of Council Meeting.

**N.B. Ensure microphones are not muted on laptop.**

This Council meeting is being recorded in accordance with Council's webcasting of Council meetings policy. The recording will be archived and made available for viewing at any time on Council's YouTube channel for a minimum period of 12 months. All care is taken to maintain your privacy however if you are in attendance in the public gallery you should be aware that your presence may be recorded. Your continued attendance means that you agree to being recorded and also that you will abide by the Council's adopted Code of Meeting Practice.

The Chairperson or General Manager have the discretion to interrupt the recording of any meeting at any time should it be deemed necessary. This may occur in circumstances where commentary is considered to be misleading, defamatory or inappropriate to be published or where behaviour breaches Council's adopted Code of Meeting Practice.

Councillors and Senior Staff are reminded that this meeting is being livestreamed and for the benefit of those viewing online, please ensure you use the microphone when speaking and turn it off when you are finished.

## **3 MEETING COMMENCES**

## **4 PRAYER AND ACKNOWLEDGEMENT OF COUNTRY**

Could all those who are able, please stand for the prayer and the acknowledgement.

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

4.02 I would like to acknowledge that this meeting is being held on the traditional lands of the Wiradjuri people and recognise the strength, resilience and capacity of Aboriginal people in this land.

## **5 APOLOGIES OR ATTENDANCE BY AUDIO-VISUAL LINK**

## **6 MINUTES**

### **6.1 CONFIRMATION OF MINUTES - ORDINARY MEETING OF COUNCIL - 15 MARCH 2023**

**File No: 11.00005**

#### **RECOMMENDATION:**

That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 15 March 2023 be adopted.

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#### **REPORT:**

The Minutes of the Ordinary Meeting of Bathurst Regional Council held on 15 March 2023 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. 150323 Ordinary minutes only [6.1.1 - 22 pages]

## **7 DECLARATION OF INTEREST**

### **Declaration of Interest**

To assist the Councillors and committee members in their correct consideration of business before the meeting, please give consideration to:

- a) Part 4 and Part 5 of the Council Code of Conduct, in relation to Declaration of Interest at meetings; and
- b) Councillors' Oath or Affirmation of Office, in relation to their obligations under Section 233A of the Local Government Act.

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

# GENERAL MANAGER'S REPORT

The following reports are presented for Council's consideration.

Yours faithfully



D J Sherley  
**GENERAL MANAGER**



**8.1.1 CENTRAL NSW JOINT ORGANISATION  
(CNSWJO) BOARD MEETING - 23 FEBRUARY  
2023 - FORBES**

**File No: 07.00017**

**RECOMMENDATION:**

1. That the report on the Central NSW Joint Organisation Board Meeting held on 23 February 2023 be noted.
2. Note the changes to the Charter with the following additions and changes highlighted in yellow;

*3.2 Associate Members*

.....

*The following organisations are Associate Members of the Organisation as at February 2023:*

*Central Tablelands Water County Council;  
Upper Macquarie County Council; and  
Lithgow City Council.*

*4.2 Non-Voting Representatives*

.....

*iv. the Mayor of Lithgow City Council  
v. the Chair of Upper Macquarie County Council  
the General Managers of Member Councils [and of Central Tablelands Water  
County Council, Upper Macquarie Country Council and Lithgow City Council ...*

*4.7 Chairperson and Deputy Chairperson*

.....

*Remuneration for the Chair of the Central NSW Joint Organisation is \$10,000 per annum and will increase in line with CPI and be paid quarterly in advance subsequent to Board meetings.*

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**REPORT:**

Board members were welcomed to Forbes by Mayor Phyllis Miller. She expressed her thanks for the friendship and support offered by Mayors in person and their communities during and following the recent severe flood event. The Chair, Cr Kevin Beatty, Mayor of Cabonne followed up with thanks on behalf of himself and his communities during the natural disaster.

Mr Richard Colbran, CEO NSW Rural Doctors' Network and Chair of the Ministers' Health Advisory Committee provided advice on the current state of play for health services and infrastructure. Of note in his advice was the significant reduction in Visiting Medical Officers providing in-hospital services across regional NSW. He also provided advice that metropolitan students doing their blocks of study in regional universities get travel and

rental support but students studying in rural and regional centres get no support when going to Sydney to do their metropolitan hospital blocks. The Board will progress advocacy in this regard immediately. The Board will follow-up with Mr Colbran regarding data and other advocacy support where the region can collaborate.

A presentation was also provided by Mr Sean Haylan, the recently appointed General Manager of Destination Network Central West. Members were given copies of the [Central West NSW Destination Management Plan](#).

## **Changes to the Central NSW Charter and adoption of the draft Statement of Budget and Revenue**

Any changes to the Charter of the CNSWJO must be provided to members for feedback. In summary, changes to the Charter are inclusion of two new Associate Members, Lithgow City Council and Upper Macquarie County Council and remuneration of the Chair.

At its November meeting the Board resolved to remunerate the Chair at \$10K pa.

Regarding membership, Lithgow City Council and Upper Macquarie County Council are included as Associate Members. Lithgow City Council has applied to the Minister for full membership and the Charter will be amended again once this has been proclaimed.

The following changes to the Charter are as follow where the full draft can be found at <https://www.centraljo.nsw.gov.au/charter-statement-of-strategic-regional-priorities/>

### *“3.2 Associate Members*

.....

*The following organisations are Associate Members of the Organisation as at February 2023:*

*Central Tablelands Water County Council;  
Upper Macquarie County Council; and  
Lithgow City Council.*

### *4.2 Non-Voting Representatives*

.....

*iv. the Mayor of Lithgow City Council  
v. the Chair of Upper Macquarie County Council  
the General Managers of Member Councils [and of Central Tablelands Water County Council, Upper Macquarie Country Council and Lithgow City Council ...*

### *4.7 Chairperson and Deputy Chairperson*

...

*Remuneration for the Chair of the Central NSW Joint Organisation is \$10,000 per annum and will increase in line with CPI and be paid quarterly in advance subsequent to Board meetings.”*

## **Central NSW Joint Organisation and Regional Development Australia Central West sign MOU**

The MoU between RDA Central West and Central NSW JO is the only one of its kind in Australia and was reviewed and signed once again at this meeting.

## **Draft Statement of Budget and Revenue**

CNSWJO will adopt its Statement of Budget and Revenue at its May meeting and it has been out on the website for feedback.

To remove the need for special meetings, a draft for public feedback was adopted at this Board meeting.

The budget has been developed giving consideration to:

1. The recently adopted Statement of Strategic Regional Priority [SSRP\\_SUMMARY\\_FINAL-2-PAGER\\_FINAL-2.pdf \(nsw.gov.au\)](#) (SSRP)
2. Grants;
3. Councils across the region providing feedback that they are very resource constrained as they manage the poor roads condition and other challenges;
4. Remuneration of the Chair of \$10K;
5. The IPART rate rise of 3.7%;
6. Feedback through the review of the SSRP that the region would like more opportunities for Councils and other key stakeholders to meet, direction set and collaborate; and
7. The addition of Lithgow City Council membership.

The budget calls for an increase of fees of 3.7% in line with the rate cap and servicing the Statement of Strategic Regional Priority is cut to cloth from there. This will deliver a small surplus for the year of \$2,072 with a carry over of unrestricted reserves of \$282,000.

## **Review of the CNSWJO Advocacy Plans and Governance**

To support advocacy, Joint Organisation Advocacy plans are drafted, Portfolio Mayors and Sponsoring General Managers determined.

The Statement of Strategic Regional Priority adopted in November 2022 identified 7 priorities of which three are new. Advocacy plans for each of these are either well underway or were adopted at the February Board meeting. These plans pull together the key messages for advocacy for the region in the following areas:

- Leveraging the region's successful collaboration
  - Portfolio Mayors:- Cr John Medcalf and Cr Kevin Beatty.
  - Sponsoring General Managers:- Greg Tory, Noreen Vu, Brad Byrnes, Craig Butler.
- Regional Prosperity through better infrastructure and services
  - Portfolio Mayors:- Cr Bill West.
  - Sponsoring General Managers:- Noreen Vu, Steve Loane, Paul Devery, Craig Butler, Mark Dicker.
- Advocate for better infrastructure and services in health and ageing
  - Portfolio Mayors:- Cr Phyllis Miller as Chair, Cr John Medcalf, Cr Ken Keith and Cr Maree Statham.
  - Sponsoring General Managers:- Gary Wallace, Brad Byrnes and Craig Butler.

- Telecommunications
  - Portfolio Mayors:- Cr John Medcalf as Chair and Cr Phyllis Miller.
  - Sponsoring General Managers:- Gary Wallace, Brad Byrnes and Craig Butler.
- Regional Transport and Infrastructure Planning and Prioritisation
  - Portfolio Mayors:- Cr Ken Keith.
  - Sponsoring General Managers:- Kent Boyd, Steve Loane, Gary Wallace and Paul Devery.
- Water Security and Productive Water
  - Portfolio Mayors:- Cr David Somerville, Cr Jason Hamling, Cr Craig Bembrick and Cr Robert Taylor.
  - Sponsoring General Managers:- Gavin Rhodes, Kent Boyd and Dave Waddell.
- Transition to a sustainable, secure and affordable energy future
  - Portfolio Mayors:- Cr Mark Kellam.
  - Sponsoring General Managers:- Dave Waddell, Brad Byrnes, Greg Tory and Paul Devery.

### **Transitioning Water Strategy into Integrated Planning and Reporting (IP&R) Project**

Council has been provided with advice on the Auditor General's Report on what was DPIE Water. The Departmental response to the negative report was setting up the Town Water Risk Reduction Program, there is unfortunately not much in it that drives change for the Department – rather, a lot of advice on changing local government.

This change process is captured in the Regulatory and Assurance Framework (the Framework) for local water utilities and came into effect from 1 July 2022. Included in the Framework are no less than 12 guidance notes for Councils and Counties on how they ought to do strategy for their water utilities.

Where the Framework recognised IP&R, concern has been expressed that there is a significant likelihood of the historic approach adopted by DPE Water will resurface, with its associated problems and challenges, if we do not push to have IP&R recognised.

### **Regional Submissions**

The Board has endorsed submissions for;

1. A joint response to the Environmental Impact Statement for the upgrade to the Great Western Highway between Blackheath to Little Hartley in line with current policy; and
2. The support of the Institute of Public Works Engineering Australasia submission to the Australian Energy Market Commission on Minor Energy Flow Metering.

### **Value to Members**

A snapshot of the value to members of the various activities undertaken by the JO for their members in the context of the CNSWJO Strategic Plan follows.

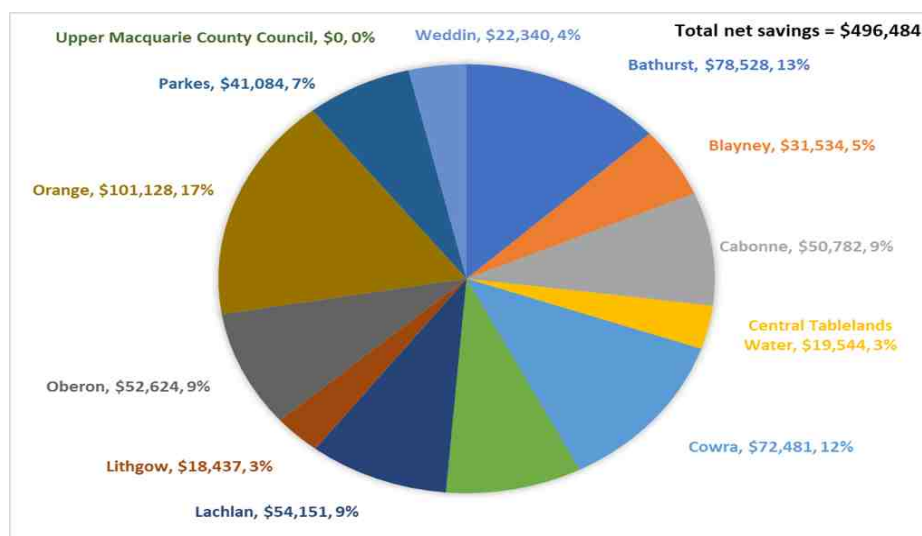
VALUE FOR MEMBERS	FY 2019/2020	FY 2020/2021	FY 2021/2022	FY 2022/2023
SUBMISSIONS	20	23	16	8
PLANS, STRATEGIES AND COLLATERAL	26	12	3	8
GRANTS SEEKING	3	3	1	\$560k
GRANT FUNDING RECEIVED	\$430k	\$713k	\$1.14m	\$2.45m
COMPLIANCE	13	9	11	13
DATA	6	3	1	14
COST SAVINGS	\$1.92m	\$2.22m	\$2.18m	\$496k
REPRESENTATION AND OPPORTUNITIES COUNCILS HAVE BEEN AFFORDED	147	159	210	68
MEDIA INCLUDING SOCIAL MEDIA	13	18	25	15
PR VALUE OF TOURISM	\$1.5m	\$2.4m	\$1.9m	tbc
MEDIA PR VALUE	35	102	101	37

## Savings

The following chart shows the savings achieved by member Councils through aggregated procurement. The chart reflects savings in the 22/23 financial year to date.

Savings net off costs of CNSWJO staff.

Regarding the cost savings methodology, it was developed in the Best Practice in Aggregated Procurement Program and is substantially more conservative than the methodologies of other aggregators.



## **FINANCIAL IMPLICATIONS:**

Funding for this item is contained within existing budgets

## **BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:**

### **Objective 4: Sustainable and balanced growth.**

Strategy 4.5 Work with partners to improve public transport, and passenger and freight transport connections to and from the 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 6.2 Work with our partners and neighbouring councils to share skills, knowledge and resources and find ways to deliver services more efficiently.

Strategy 6.3 Advocate for our 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:**

Nil

# **DIRECTOR ENVIRONMENTAL PLANNING AND BUILDING SERVICE'S REPORT**

The following reports are presented for Council's consideration.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Neil Southorn', with a small dot at the end of the signature.

Neil Southorn  
**DIRECTOR  
ENVIRONMENTAL, PLANNING AND BUILDING SERVICES**

## 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

## 8.2.2 GENERAL REPORT

**File No:** 03.00053

### RECOMMENDATION:

That the information be noted.

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### REPORT:

The following reports are provided for Council's information.

- (a) Applications approved using authority delegated to the Director Environmental Planning & Building Services during March 2023 (**Attachment 1**).
- (b) Applications refused during March 2023 (**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 March 2023 (**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: Sustainable and balanced 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. D As approved [8.2.2.1 - 1 page]
2. D As refused [8.2.2.2 - 1 page]
3. D As pending [8.2.2.3 - 3 pages]
4. Over 40 days [8.2.2.4 - 2 pages]
5. SEPP 1 [8.2.2.5 - 1 page]

**8.2.3 DEVELOPMENT APPLICATION 2022/523 – CONCEPT DA FOR REDEVELOPMENT OF TREMAIN MILL, LOT 11 DP1266801, AND LOT 12 DP1266801, 7 KEPPEL STREET BATHURST, 67 HAVANNAH STREET, BATHURST. OWNER: TRUE GREEN GROUP. APPLICANT: KARL WALLS DESIGN**

**File No: 2022/523**

**RECOMMENDATION:**

That Council:

(a) as the consent authority, grant consent pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979* to Development Application No. 2022/523, 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:

- 1) This consent does not authorise the carrying out of any development works (including demolition) on any part of the site concerned unless consent is subsequently granted to carry out development on that part of the site following a further development application in respect of that part of the site (future DA).
- 2) Pursuant to Section 4.22 of the *Environmental Planning and Assessment Act 1979*, concept approval is granted for demolition of certain existing buildings and approval of new building envelopes and proposed land uses for the site including:

Hotel accommodation

- 51 room new hotel (Keppel Street)
- 52 room new hotel (Havannah Street)
- 10 room hotel in existing concrete silos

Commercial

- Hotel reception
- Guest library
- Exhibition Space /Art Gallery
- Farmers Market
- Event and function space
- Art House Cinema
- Commercial Kitchen

Residential

- 12 x 2 bedroom terraces
- 4 x 1 bedroom mews

Car parking

- 30 hotel on-site spaces

- 16 residential on-site spaces
- 1 accessible space
- Bicycle accommodation
- EV charging station

It is anticipated that the final number of hotel rooms and uses will be further refined during the development of subsequent stages. In this regard, they are to be treated as a maximum size of development only.

- 3) The development must be in accordance with the following plans electronically stamped by Council except as otherwise provided by the conditions of this consent:

Name	Plan no.	Revision/ Issue No	Plan Date (as amended)	Prepared by
Existing Site Plan	01	-	25/11/2022	Karl Walls Design
Proposed Removal and Relocation Plan	02	-	25/11/2022	Karl Walls Design
Proposed Site Plan	03	A/2	20/02/2023	Karl Walls Design
Proposed Open Space Strategy Plan	04	A/2	20/02/2023	Karl Walls Design
Proposed Parking and Access Plan	05	A/2	20/02/2023	Karl Walls Design
Proposed Staging Plan	06	A/2	20/02/2023	Karl Walls Design
Keppel Street Elevation	07	A/2	20/02/2023	Karl Walls Design
Manilla Street Elevation	08	A/2	20/02/2023	Karl Walls Design
Havannah Street Elevation	09	A/2	20/02/2023	Karl Walls Design
Eastern Elevation	10	A/2	20/02/2023	Karl Walls Design
Proposed Ground Floor – Space Usage Plan	16	A/2	20/02/2023	Karl Walls Design
Proposed Level 1 – Space Usage Plan	17	A/2	20/02/2023	Karl Walls Design
Proposed Level 2 – Space Usage Plan	18	A/2	20/02/2023	Karl Walls Design
Proposed Level 3 – Space Usage Plan	19	A/2	20/02/2023	Karl Walls Design
Proposed Level 4 – Space Usage Plan	20	A/2	20/02/2023	Karl Walls Design
Proposed Level 5 – Space Usage Plan	21	A/2	20/02/2023	Karl Walls Design
Proposed Level 6 – Space Usage Plan	22	A/2	20/02/2023	Karl Walls Design
Proposed Level 7 – Space Usage Plan	23	A/2	20/02/2023	Karl Walls Design
Adaptive Re-use Plan	33	A/2	20/02/2023	Karl Walls Design
Traffic Impact Assessment			25/11/2022	PDC Consultants
Addendum Traffic Impact Assessment			3/03/2023	Mecone
Landscape Report			25/11/2022	ASPECT Studios
Heritage Impact Statement			28/02/2023	Weir Phillips Heritage & Planning
Addendum to the Conservation Management Plan			28/02/2023	Weir Phillips Heritage & Planning

- 4) For the purposes of this consent, the development is to be undertaken in stages, generally in accordance with the below:
- Stage 1:
    - Alterations and additions to Victoria Stores building (subject to separate development consent 2022/384) – Building “B”.
  - Stage 2:
    - Construction of hotel fronting Keppel Street
    - Restoration of Mill Building
    - Restoration of Bedwells Barn
    - Landscaping
    - Construction of on-site car park
    - Relocation of ‘Invincible’ sign.
  - Stage 3:
    - Construction of new commercial and retail building ‘Mill Works’ Building
    - Construction of new retail and commercial development – ‘Mill Works Annex’. The existing timber silos are excluded from this stage.
  - Stage 4:
    - Restoration works to the ground floor silos
    - Restoration of Building 11 for the purpose of an arthouse cinema
    - Creation of hotel accommodation within the Concrete silos
  - Stage 5:
    - Construction of Havannah Street Hotel
  - Stage 6:
    - Construction of the Mews and Manilla Street Terraces
- 5) Future Development Applications shall demonstrate that buildings do not exceed the building envelope shown in the approved plans.
- 6) The proposed development is to be delivered with a cohesive and integrated street level treatment. Ground floor uses fronting Keppel Street and Havannah Street are to be active uses.
- 7) The pedestrian spaces and ancillary through-site links are to be publicly accessible. Future Development Applications shall include detailed landscape and architectural plans for the open space areas. These areas shall include high quality landscaping and paved areas.
- 8) For the purposes of this consent, the following buildings may exceed the Height of Buildings provision under BRLEP 2014 (i.e. 12m).

Building	Maximum Height (Above Existing Ground Level)
Building ‘H’ – Keppel Street Hotel	13.5m
Building ‘J’ – The ‘Mill Works Annex’	15m
Building ‘M’ – Havannah Street Hotel	15m

It is anticipated that the final height of these building will be further refined during the development of design. In this regard they should be treated as a maximum height only.

- 9) Conditions requiring payment of developer contributions towards the provision or improvement of public amenities and services including water & sewer will be required for any future Development Applications. The amount of the development contributions shall be determined by Council in accordance with the applicable Bathurst Development Contributions Plans and Development Servicing Plan for Water Supply and Sewerage Services applied to the site at the time of lodgement for each future Development Application.
- 10) Parking is to be provided at the rates provided for under the Bathurst Regional Development Control Plan 2014 with the following exceptions:
  - a) Hotel rooms may be provided at a ratio of 0.7 spaces per room.
  - b) Car parking is not required for the purposes of:
    - i. building 'C' Mill Building;
    - ii. building 'D' Bedwells Feed Barn;
    - iii. building 'E' Building 11 (the Chapel);
    - iv. building 'F' Timber silos, and
    - v. Building 'G' Concrete silos
  - c) A Plan of Management is to be prepared during the periods where large scale events will increase occupancy rates.
  - d) Car parking may be reduced by 5% on the basis of proximity to public transport.
  - e) Car parking is not required for the purposes of ground floor retail for 'Building H' Keppel Street Hotel.
  - f) 16 spaces are to be provided on-site for the residential dwellings.
- 11) Additional on-street parking is to be provided generally in accordance with that described in the Addendum Traffic Impact Assessment prepared by Meccone dated 3 March 2023.

The final design of on-street parking will be subject to detailed design to accommodate issues such as existing infrastructure (including trees, services, driveways, verandah posts and the like), setbacks from intersections and roundabouts and the need to provide servicing areas of the accommodation (i.e. drop off and loading/unloading).

All costs associated with the implementation of on-street parking augmentation are to be borne by the development unless agreed otherwise with Council.

- 12) To the extent that there is any shortfall between the car parking rates outlined in condition 10 and the additional parking provided in condition 11, an offset strategy is to be provided. The offset strategy is to outline additional measures including:
  - a) Additional opportunities for on-street augmentation within the vicinity of the project;
  - b) Opportunities for provision of offsite car parking to accommodate additional parking;
  - c) Contributions or other arrangements under Council's adopted Section 7.11 Contributions Plan Bathurst CBD Car Parking;



- d) Additional opportunities to reduce reliance upon vehicles.
- 13) Future Development Applications shall demonstrate compliance with the requirements of Chapter 4 of the SEPP (Resilience and Hazards) 2021 and are to include a detailed contamination assessment including detailed remedial action strategy, and incorporation of any necessary remediation as part of future Development Applications.
- 14) Future Development Applications shall demonstrate that the proposed development will maintain the stability of neighbouring properties.
- 15) Any future interpretation of the site should consider Aboriginal cultural heritage with appropriate consultation with Aboriginal groups.
- 16) Prior to the relocation of the 'Invincible Flour' sign, alternative strategies for the relocation to an appropriate location within the site are to be provided to Council for consideration and approval.
- 17) Prior to any full or partial demolition of any building on site, the applicant is required to submit to Council for approval a Collections Policy detailing the heritage items and objects of significance currently stored and/or found within the site and where these items will be stored during demolition.

The Collections Policy should consider the future stages of the development and develop a preliminary plan as to how and where the items/objects will be stored across the lifespan of the planned future developments. A contingency plan should be discussed in the event that archaeology or other items/objects are discovered.

NOTE 1: Council must approve the methodology within the Collections Policy before any demolition is carried out.

- 18) Prior to the commencement of the demolition, the developer is to submit to Council an electronic copy (.pdf) of the photographic record of the site. The photographic record is to be prepared in accordance with the Photographic Recording of Sites Guidelines, copy attached, for the site for which approval has been granted.

NOTE: Council will forward a copy of the photographic record to the Bathurst District Historical Society for their records.

- 19) Any future development of the site must be guided by the following design excellence principles:
  - a) Development consent must not be granted to development to which this condition applies unless the consent authority has considered a visualisation of the proposed development in its real-world location within the NSW Spatial Services, Spatial Digital Twin developed for the central areas of the City of Bathurst 2022.
  - b) Development consent must not be granted for development to which this condition applies unless the consent authority considers that the development exhibits design excellence. In considering whether the development exhibits design excellence the consent authority must have regard to the following matters –

- i. whether a high standard of architectural design, materials and detailing appropriate to the building types and location will be achieved, particularly upper-level setbacks,
- ii. whether the form and external appearance of the development will improve the quality and amenity of the public domain,
- iii. how the development addresses the desired future character for landmark sites within the Bathurst CBD (section 10.5.4) and new infill development (section 10.4) as set out in the provisions of Chapter 10 of DCP 2014.
- iv. how the development addresses the guiding principles set out in the Council Policy “Futureproofing Our CBD – 2022 and Beyond”.

(b) notify those that made submissions; and

(c) call a division.

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## **SUMMARY:**

The subject site is known as 7 Keppel Street and 67 Havannah Street ('the site') with three (3) road frontages being Manilla Street to the north-west, Keppel Street to the south-west and Havannah Street to the south-east. The site occupies an irregularly shaped area of 7,440m<sup>2</sup>.

There are currently vehicle access points to the site from Manilla Street and Havannah Street. Historically vehicular access was also from Keppel Street.

Existing development on the site consists of a number of buildings associated with the historical flour mill that operated on the site, with the main buildings comprising timber and concrete silos, the 'mill building', a rail weighbridge and siding within a shed, the former Bedwells Feedbarn Warehouse and various sheds and warehouses. There are also recent additions including removable container buildings and an amenities block.

The development application (DA 2022/523) seeks concept consent for the redevelopment of the Tremain's Mill site, including:

- The demolition of certain existing buildings,
- The construction of a four-storey, 51 room hotel building with a maximum height of 13.5m fronting Keppel Street also containing retail uses on the ground floor;
- The construction of a 4 storey, 52 room hotel building with a maximum height of 15m fronting Havannah Street;
- The construction of 12 terrace houses to a maximum of three storeys fronting Manilla Street;
- The construction of 4 mews dwellings to a maximum of three storeys within the site;
- The construction of a commercial building to support the hotel uses on the site with a maximum height of 15m;
- Adaptive re-use of the existing concrete silos to contain a 10 room hotel;
- Adaptive re-use of the existing heritage buildings on the site to contain a mix of commercial and retail uses.

There were no concurrence requirements from agencies for the proposal and the

application is not integrated development pursuant to Section 4.46 of the *Environmental Planning and Assessment Act 1979* ('EP&A Act').

A referral to Essential Energy pursuant to *State Environmental Planning Policy (Transport and Infrastructure) 2021* ('Transport and Infrastructure SEPP') was sent and raised no objections. NSW Police were also consulted with recommended conditions of consent being provided.

Jurisdictional prerequisites to the grant of consent imposed by the following controls have been satisfied including:

- Section 4.6 of the Resilience and Hazards SEPP for consideration of whether the land is contaminated; and
- Section 2.48(2) of the Transport and Infrastructure SEPP in relation to electricity distribution poles.

The application was placed on public exhibition from 12 December 2022 to 30 January 2023, with forty-six (46) submissions being received. These submissions raised issues relating to heritage impacts, building height, streetscape, traffic impacts and carparking, impacts on adjoining development and construction impacts. These issues are considered further in this report.

The application was subject to a submissions hearing held on 8 March 2023. Councillors, those persons who lodged submissions and the developers were invited to attend.

Amended plans were received in response to the issues raised in submissions and issues identified in the assessment. The amended plans are the subject of this report.

Following a detailed assessment of the proposal, pursuant to Section 4.16(1)(b) of the *EP&A Act*, DA 2022/523 is recommended for approval with conditions.

Below is an inventory of each of the existing and proposed buildings, noting that there is some duplication of identification lettering where a new building is to replace existing in the same location.

<b>Building</b>	<b>Description</b>	<b>New/Existing</b>	<b>Proposal</b>
A – "Invincible Flour" sign	Located on the property immediately adjoining Keppel Street	Existing	Relocate to within the Keppel Street footpath.
B – Victoria Stores Building	Hotel building located on Keppel Street	Existing	Retain as boutique hotel
C – Mill Building	Existing 3 storey building located behind 'Victoria Stores' building on southern boundary	Existing	To be refurbished to be utilized as ancillary to the hotel
D – Bedwells Feed Barn Warehouse	Located in the centre of the site	Existing	To be re-purposed for commercial uses
E – 'Building 11'	Existing 2 storey building located behind the Bedwells Feed Barn Building	Existing	Restoration for the purpose of arthouse cinema
F – Timber silos	Existing 30.97m high timber silos	Existing	To be re-purposed for commercial purposes on the ground floor and the provision of a

			rooftop bar
G - Concrete Silos	Existing 21.66m high concrete silos	Existing	To be re-purposed for a 10-room boutique hotel
H – Doppio’s Café Container	Container located on Keppel Street frontage	Existing	Demolish
H – Keppel Street Hotel		New	Proposed 13.5m high boutique hotel building to contain 51 rooms
I – Fuzion Hair Container	Container located on Keppel Street frontage	Existing	Demolish
I – ‘Mill Works’ Building			Proposed 12m high building to be located in the centre of the site for ancillary hotel uses
J – Amenities Block	Recently constructed amenities building	Existing	Demolish
J – ‘Mill Works Annex’ Building		New	Proposed 12m building for commercial and retail uses
K – Mill Office	Former office building occupied by Spinifex	Existing	Demolish
K – Manilla Street Terraces		New	Proposed 12 x three storey terrace dwellings fronting Manilla Street
L – Manilla Street Shed	Metal shed fronting Manilla Street	Existing	Demolish
L – Mews Residences		New	Proposed 4 x three storey attached dwellings located in the center of the site
M – Weighbridge and siding	Metal shed over the weighbridge and siding	Existing	Demolish the metal shed. Retain the weighbridge and siding.
M- Havannah Street Hotel		New	Proposed 15m high, 3 storey boutique hotel building to contain 52 rooms
N – Bedwells Rear Warehouse	Metal warehouse	Existing	Demolish
N – Carpark		New	Proposed 46 space car park fronting Havannah Street
O – Building 16	Former BBF building fronting Havannah Street	Existing	Demolish
P - Garages	Garages fronting Manilla Street	Existing	Demolish

Note –

- The submitted plans referred to both the Doppio’s Café Container and the Keppel Street Hotel as “H”, as the proposed building effectively replaces the building to be demolished in the same position.
- The submitted plans referred to both the Fuzion Hair Container and the ‘Mill Works’ Building as “I”, as the proposed building effectively replaces the building to be demolished.

- The submitted plans referred to both the amenities block and the 'Mill Works Annex' as "J", as the proposed building effectively replaces the building to be demolished.
- The submitted plans referred to both the Mill office and the Manilla Street Terraces as "K", as the proposed building effectively replaces the building to be demolished.
- The submitted plans referred to both the Manilla Street shed and the Mews Residences as "L", as the proposed building effectively replaces the building to be demolished.
- The submitted plans referred to both the Weighbridge & Siding and the Havannah Street Hotel as "M", as the proposed building effectively replaces the building to be demolished in the same position.
- The submitted plans referred to both the Bedwells Rear Warehouse shed and the car park as "N", as the proposed building effectively replaces the building to be demolished in the same position.

## REPORT:

### Site

The site is a 7440m<sup>2</sup> property located at the lower end of Keppel Street. The area is identified as being within the Central Business District for the purposes of Council's planning controls. The property has road frontages to Havannah, Keppel and Manilla Streets.

A site plan and aerial photo is provided at **Attachment 1**.

The land contains several buildings and uses including:

- the historic Tremain's flour mill, associated silos and weighbridge;
- the Victoria Stores building which is subject to a separate development application for a hotel and commercial usage (DA 2022/384);
- the former Bedwells Feed Barn building;
- light-weight, removable container buildings containing a hairdresser and a café;
- an amenities block supporting the occasional entertainment and community uses;
- various garages associated with previous uses.
- The former Bathurst Bolts & Fasteners building fronting Havannah Street.

The site is heritage listed of local significance and located within the Bathurst Heritage Conservation Area pursuant to the *Bathurst Regional Local Environmental Plan 2014*.

The land was established as a flour mill in the 1870's, with other commercial land uses also located on the site at various times throughout the history of the site. The precinct was known as 'Milltown' due to the cluster of Mill related buildings and residences established for the workers of the mill. There have been various iterations of site layout due to fire destruction and changing needs of the milling business over time. The mill ceased operation in 1980. Since this time, there have been various commercial uses located on the site including the Bedwell's Feed Barn and various commercial and light industrial uses.

The Child Care Centre at what is now 13 Keppel Street formed part of the Tremain's Mill site until it was subdivided from the site in 2018. It no longer forms part of the development site.



Figure 1 – Aerial photo of site



Figure 2 – Photo of site looking east. Source: Mark Sullivan



Figure 3 – View of site looking north-west. Source: Mark Sullivan

The following table provides a summary of the recent Development Applications 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	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 for Retail Purposes, Associated Landscaping and Fencing				containers).
2018/227	Demolition of Various Components, Carpark, Public Plaza, Public Toilets and Mixed Use Development (Retail, Information and Education, Function Centre, Museum Storage and Restoration, Food and Drink Premises, Visitor Accommodation, Serviced Apartments)	Lot 1 DP 782323 and Lot B DP 197430, 7-11 Keppel Street	Withdrawn	--	All remaining buildings on Eastern side 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.
2021/190	Use of part of building as gymnasium	Lot 11 DP 1266801, 7 Keppel Street	Approved	24 November 2021	DA determined by Council. Development did not proceed
2022/384	9 hotel short term accommodation rooms within the Victoria Stores building	Lot 11 DP 1266801, 7 Keppel Street	Approved	26 September 2022	Victoria Stores building.

### Summary of Attachments

Attachment No.	Description
1	Aerial photo and site plan



2	Plans of development
3	Statement of Environmental Effects
4	Addendum Traffic Impact Assessment
5	Clause 4.6 Variation request
6	Addendum Conservation Management Plan
7	Heritage Impact Statement
8	Shadow Diagrams
9	Public submissions
10	Response to submissions
11	Minutes of Submission Hearing
12	Draft conditions of consent

### **Proposed development**

The application for a concept development application is made pursuant to Section 4.22 of the *Environmental Planning and Assessment Act 1979* (see below).

#### **4.22 Concept development applications**

*(cf previous s 83B)*

- (1) *For the purposes of this Act, a **concept development application** is a development application that sets out concept proposals for the development of a site, and for which detailed proposals for the site or for separate parts of the site are to be the subject of a subsequent development application or applications.*
- (2) *In the case of a staged development, the application may set out detailed proposals for the first stage of development.*
- (3) *A development application is not to be treated as a concept development application unless the applicant requests it to be treated as a concept development application.*
- (4) *If consent is granted on the determination of a concept development application, the consent does not authorise the carrying out of development on any part of the site concerned unless—*
  - (a) *consent is subsequently granted to carry out development on that part of the site following a further development application in respect of that part of the site, or*
  - (b) *the concept development application also provided the requisite details of the development on that part of the site and consent is granted for that first stage of development without the need for further consent.*

*The terms of a consent granted on the determination of a concept development application are to reflect the operation of this subsection.*

- (5) *The consent authority, when considering under section 4.15 the likely impact of the development the subject of a concept development application, need only consider the likely impact of the concept proposals (and any first stage of development included in the application) and does not need to consider the likely impact of the carrying out of development that may be the subject of subsequent development applications.*

**Note—**

*The proposals for detailed development of the site will require further consideration under section 4.15 when a subsequent development application is lodged (subject to subsection (2)).*

For the purposes of Section 4.22 of the Act the following is noted:

- The development application sets out concept proposals for the site.
- Detailed proposals for separate parts of the site will be the subject of subsequent applications.
- The development application does not include any detailed proposals for a first stage nor does it provide consent to carrying out development. Consent to undertaken works consistent with the concept will be the domain of future development applications.
- The applicant has requested that the application be treated as a concept development application.
- The current assessment need only consider the “likely impact of the concept proposal and does not need to consider the likely impact of carrying out the development that may be subject of subsequent development applications”.

This development application provides an overall concept for the redevelopment of the site to establish the spatial distribution of future development including height, setbacks and massing, potential land uses and the landscape concept for the site.

The concept seeks the in-principal approval for demolition of certain buildings within the precinct and the establishment of maximum building envelopes for future buildings. The development application does not seek consent for any architectural design, nor any construction work. The extent to which the artists impressions submitted with the application provide an overall look and fill of the concept development is noted although not final. All future development will be subject to development applications that will deal with the detailed design requirements.

The extent to which the number of accommodation rooms is achieved will be subject to final design and in that context are taken to be maximums with final numbers being dependent upon full detail assessment.

The submitted plans are provided at **Attachment 2**. The proposal is described in the accompanying Amended Statement of Environmental Effects provided at **Attachment 3**.

The concept includes demolition and relocation of buildings, a number of new buildings and uses within existing buildings and provision of parking through a mixture of on site parking and augmentation of on street parking. The development will be undertaken in stages. These elements are described below.

### ***Demolition and relocation***

The concept includes the demolition or relocation of the number of buildings on the site described below. The overall heritage significance of these buildings is discussed elsewhere.

<b>Building</b>	<b>Description</b>	<b>Proposal</b>
A – “Invincible Flour” sign	Located on the property immediately adjoining Keppel Street	Relocate to within the Keppel Street footpath.
H – Doppio’s Café Container	Container located on Keppel Street frontage	Demolish

I – Fuzion Hair Container	Container located on Keppel Street frontage	Demolish
J – Amenities Block	Recently constructed amenities building	Demolish
K – Mill Office	Former office building occupied by Spinifex	Demolish
L – Manilla Street Shed	Metal shed fronting Manilla Street	Demolish
M – Weighbridge and siding	Metal shed over the weighbridge and siding	Demolish the metal shed. Retain the weighbridge and siding.
N – Bedwells Rear Warehouse	Metal warehouse	Demolish
O – Building 16	Former BBF building fronting Havannah Street	Demolish
P - Garages	Garages fronting Manilla Street	Demolish

The buildings identified for demolition and relocation are illustrated below and shown in the proposed removal and relocation strategy included in the plans at **Attachment 2**.



## Legend

-  EXISTING STRUCTURES ON SITE TO REMAIN OR BE RELOCATED UNDER THE MASTER PLAN
-  PROPOSED BUILDINGS TO BE REMOVED
-  RELOCATED INVISIBLE SIGN
-  SITE BOUNDARY

## Existing Buildings Retained List

- A. "INVISIBLE FLOUR" SIGN TO BE RELOCATED
- B. VICTORIA STORES BUILDING
- C. THE MILL BUILDING
- D. BEDWELLS BARN FEED WAREHOUSE
- E. BUILDING 11
- F. TIMBER SILOS
- G. CONCRETE SILOS

## Proposed Building Removal List

- H. DOPPO'S SAFE CONTAINER
- I. FUSION HAIR CONTAINER
- Z. AMBITED BLOCK
- K. MILL OFFICE
- L. MANILLA STREET SHED
- M. WESH BRIDGE AND SIGN
- N. BEDWELLS REAR WAREHOUSE
- D. BUILDING 16
- P. GARAGES

## *Proposed new buildings and uses*

The proposed land uses for the site include the following:

### Hotel accommodation

- Various accommodation provisions across the site in a combination of new and adaptive re-use heritage buildings comprising:
  - o 9 room heritage hotel in existing Victoria Stores Building (previously approved DA 2022/384)
  - o 51 room new hotel (Keppel Street)
  - o 52 room new hotel (Havannah Street)
  - o 10 room hotel in existing concrete silos

### Commercial

- Range of commercial offerings across the site comprising:
  - o Hotel reception
  - o Guest library
  - o Exhibition Space /Art Gallery
  - o Farmers Market
  - o Event and function space
  - o Art House Cinema
  - o Commercial Kitchen

### Residential

- Residential fronting Manilla Street comprising:
  - o 12 x 2 bedroom terraces
  - o 4 x 1 bedroom mews

### Car parking

- 30 hotel on-site spaces
- 16 residential on-site spaces
- 1 accessible space
- Bicycle accommodation
- EV charging station

Approximately 30% of the site is proposed to be reserved for landscaping.

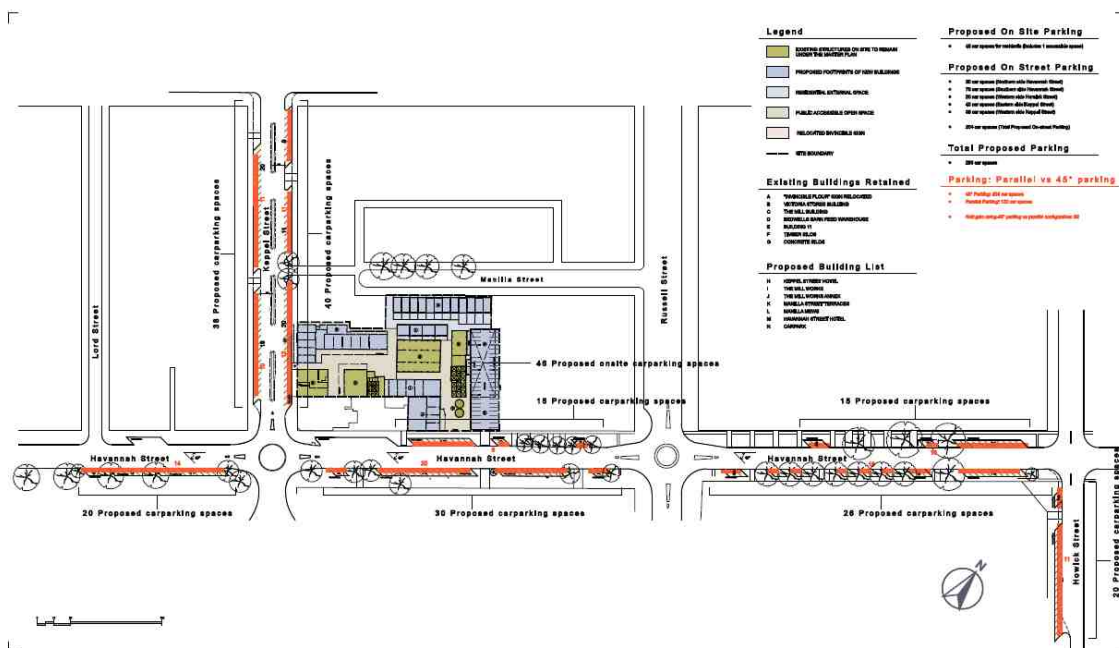
### Proposed parking arrangements

The proposal includes a limited number of off street parking spaces on site to service the development.

In the initial stage a carpark of 46 spaces will be constructed off Havannah Street. The carpark will service the early stages of the development notably the hotel accommodation. Upon the construction of the residential Terraces and Mews, 16 of those spaces will be allocated to the dwellings on the basis of 1 space per dwelling.

In the absence of additional off street parking, the applicant proposes to augment on street parking in the surrounding streets. This is to be achieved by converting existing parallel spaces into 45° angle parking. This provides an overall net increase in parking within the surrounding streets of 82 spaces. It is noted that this increase is subject to further detail designed to accommodate issues such as existing infrastructure (trees, services, driveways, verandah posts, etc.), setbacks from intersections and roundabouts and the need to provide servicing areas for the accommodation (drop off and loading/unloading areas).

The proposed location of the additional on street parking is illustrated in the diagram below and is contained in the Addendum Traffic Impact Assessment at **Attachment 4**.



## ***Staging of development***

The development is proposed to be delivered in stages, generally in accordance with the below:

- Stage 1:
  - o Alterations and additions to Victoria Stores building (subject to separate development consent 2022/384) – Building “B”.
  
- Stage 2:
  - o Construction of hotel fronting Keppel Street
  - o Restoration of Mill Building
  - o Restoration of Bedwells Barn
  - o Landscaping
  - o Construction of on-site car park
  - o Relocation of ‘Invincible’ sign.
  
- Stage 3:
  - o Construction of new commercial and retail building – ‘Mill Works Building’
  - o Construction of new retail and commercial development – ‘Mill Works Annex’.  
The existing timber silos are excluded from this stage.
  
- Stage 4:
  - o Restoration works to the ground floor silos
  - o Restoration of Building 11 for the purpose of an arthouse cinema
  - o Creation of hotel accommodation within the Concrete silos
  
- Stage 5:
  - o Construction of Havannah Street Hotel
  
- Stage 6:
  - o Construction of the Mews and Manilla Street Terraces

Proposed staging is illustrated in the diagram below and within the plans at **Attachment 2**.



**Existing Buildings Retained**

- A INVINCIBLE FLOUR SIGN RELOCATED
- B VICTORIA STORES BUILDING
- C THE MILL BUILDING
- D BEDWELL'S BARN FEED WAREHOUSE
- E BUILDING 11
- F TIMBER SILOS
- G CONCRETE SILOS

**Proposed Building List**

- H KEPPEL STREET HOTEL
- I THE MILL WORKS
- J THE MILL WORKS ANNEX
- K MANILLA STREET TERRACES
- L MANILLA Mews
- M HAWANNAH STREET HOTEL
- N CARPARK

**Legend**

- STAGE 1 - VICTORIA STORES (1F)
- STAGE 2 - KEPPEL STREET HOTEL (2F), THE MILL BUILDING (2F), BEDWELL BARN (2F), LANDSCAPING, CARPARK (2F) AND INVINCIBLE SIGN 'A'
- STAGE 3 - THE MILL WORKS BUILDING (2F) AND THE MILLS WORKS ANNEX BUILDING (2F)
- STAGE 4 - BUILDING 11 (2F), TIMBER SILOS (2F), ROOF TOP BAR AND CONCRETE SILOS (2F)
- STAGE 5 - HAWANNAH STREET HOTEL (2F)
- STAGE 6 - THE MEWS (2F) AND MANILLA STREET TERRACES (2F)

--- SITE BOUNDARY

**Summary of proposal**

Control	Proposal
Site area	7,440m <sup>2</sup>
GFA	14,495m <sup>2</sup> total.
	2,800m <sup>2</sup> Residential 11,695m <sup>2</sup> Commercial (including hotel and retail)
FSR	1.95:1
Clause 4.6 Requests	Yes – Height of Buildings
No. of dwellings	16
Max Height	15m
Landscaped area	33% of site area
Car Parking spaces	46 on-site spaces

Setbacks	1.3m to Manilla Street, 1.5m to western boundary adjacent to Keppel Street Kindy 0 setback to Keppel Street – proposed hotel building 0 setback to eastern boundary – ‘Mill Works’, 2.4m to northern boundary - Havannah St. Hotel
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## Background

The development application was lodged on 6 December 2022. A chronology of the development application since lodgment is outlined below:

Date	Event
<b>6 December 2022</b>	DA lodged
<b>12 December 2022</b>	Exhibition of the application
<b>14 December 2022</b>	DA referred to external agencies
<b>30 January 2023</b>	Submissions closed
<b>1 March 2023</b>	Councillors briefing on site
<b>8 March 2023</b>	Submissions hearing
<b>23 March 2023</b>	Amended plans and documentation lodged under Cl. 38(1) of the <i>Environmental Planning and Assessment Regulation 2021</i> ('2021 EP&A Regulation').

It is noted that following review of the public submissions and in response to issues raised during assessment, amended plans have been lodged. The principal alterations made to the plans included:

- Reduction in the height of the Keppel Street Hotel (Building “H”) from 18m to 13.5m;
- Changing the proposed use of the proposed apartment building fronting Havannah Street to a hotel building;
- Increase in the height of the Havannah Street Hotel (Building “J”) from 12m to 15m;
- Augmentation of on street parking arrangements;
- Amendments to the Clause 4.6 Variation request;
- Amendments to the Traffic Impact Assessment including additional information on parking;
- Amendments to the Heritage Impact Statement.

It is noted that there has been public discussion regarding an alternate proposal for off site parking. For the sake of clarity these do not form part of the development application.

## **STATUTORY CONSIDERATIONS**

When determining a concept development application, the consent authority must take into consideration the likely impact of the development the subject of a concept development application and need only consider the likely impact of the concept proposals (and any first stage of development included in the application) and does not need to consider the likely impact of the carrying out of development that may be the subject of subsequent development applications.

These matters are further considered below.



## Section 4.15(1)(a)(i) - Provisions of Environmental Planning Instruments

The following Environmental Planning Instruments are relevant to this application:

- [State Environmental Planning Policy \(Resilience and Hazards\) 2021.](#)
- [State Environmental Planning Policy \(Transport and Infrastructure\) 2021.](#)
- [State Environmental Planning Policy \(Planning Systems\) 2021.](#)
- [Bathurst Local Environmental Plan 2014.](#)

Note that the original proposal included a residential flat building (Building "M") in excess of 3 floors to which State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development would apply. That aspect of the development has been removed from the project in the amended plans and accordingly that SEPP is no longer relevant.

A summary of the key matters for consideration arising from these State Environmental Planning Policies are outlined and considered in more detail below.

EPI	Matters for Consideration	Comply (Y/N)
SEPP (Resilience & Hazards)	Chapter 4: Remediation of Land <ul style="list-style-type: none"> <li>• Section 4.6 - Contamination and remediation has been considered in the Contamination Report and the proposal is satisfactory subject to conditions.</li> </ul>	Y
State Environmental Planning Policy (Transport and Infrastructure) 2021	Chapter 2: Infrastructure <ul style="list-style-type: none"> <li>• Section 2.48(2) (Determination of development applications—other development) – electricity transmission - the proposal is satisfactory subject to conditions.</li> </ul>	Y
State Environmental Planning Policy (Planning Systems) 2021	Part 3.3 Regional Development <ul style="list-style-type: none"> <li>• Schedule 6 declares certain development to be “regionally significant development”.</li> <li>• Regionally significant development is to be determined by the Regional Planning Panel.</li> <li>• General development over \$30 million is declared to be regionally significant.</li> <li>• The capital investment value is \$28,215,000.</li> <li>• The development is not considered regionally significant.</li> </ul>	Y
Proposed Instruments	No proposed instruments apply to the property or the development.	Y
BRLEP 2014	• Clause 2.3 – Permissibility and zone objectives	Y
	• Clause 4.3 – Height of Buildings	N
	• Clause 4.4 – Floor Space Ratio	Y
	• Clause 4.6 – Exceptions to development standards	Y
	• Clause 5.10 – Heritage conservation	Y

	<ul style="list-style-type: none"> <li>• Clause 7.5 – Essential Services</li> </ul>	Y
	<ul style="list-style-type: none"> <li>• Clause 7.9 – Conservation incentives for heritage conservation areas</li> </ul>	Y
BRDCP 2014	<ul style="list-style-type: none"> <li>• Chapter 4 – Residential Development</li> </ul>	Y
	<ul style="list-style-type: none"> <li>• Chapter 5 – Business and Industrial Development</li> </ul>	Y
	<ul style="list-style-type: none"> <li>• Chapter 10 – Urban Design and Heritage Conservation</li> </ul>	Y
	<ul style="list-style-type: none"> <li>• Chapter 14 – Parking</li> </ul>	N
	<ul style="list-style-type: none"> <li>• Chapter 15 – Crime Prevention</li> </ul>	Y

Consideration of the relevant SEPPs is outlined below:

- [State Environmental Planning Policy \(Resilience and Hazards\) 2021](#)

#### Chapter 4: Remediation of Land

The provisions of Chapter 4 of *State Environmental Planning Policy (Resilience and Hazards) 2021* (*the Resilience and Hazards SEPP*) have been considered in the assessment of the development application. Section 4.6 of SEPP (Resilience and Hazards) requires consent authorities to consider whether the land is contaminated, and if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out.

In order to consider this, a Preliminary Site Investigation ('PSI') has been prepared for the site (*Envirowest Consulting Geotechnical site investigation report Tremain Mill Complex, 11 Keppel Street, Bathurst*), dated 3 April 2018. 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 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.

- 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 was 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 greater 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 B(a)P 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 (location of 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.

For the purposes of Council's general obligations under Clause 4.6 of SEPP (Resilience and Hazards) the following is noted:

- Council has considered whether the land is contaminated.
- The land will require further investigation as noted to determine the extent and status of fill upon demolition of buildings as noted in the preliminary investigations.
- The land is capable of being made suitable for the proposed uses as foreshadowed in the concept development application.
- This can be achieved by undertaking a detailed site investigation following demolition of the buildings on site with remediation as required.
- [State Environmental Planning Policy \(Transport and Infrastructure\) 2021](#)

#### Subdivision 2: Development likely to affect an electricity transmission or distribution network

Given the subject development will occur within 2m of an electricity distribution pole Council as the consent authority must give written notice to the electricity supply authority in which the development is to be carried out, inviting comments about potential safety risks.

Written notice was sent to Essential Energy on 14 December 2022, with a response received on 30 January 2023. No concerns were raised regarding the proposal. It is noted that future development applications concerning this site where development is proposed will be referred to Essential Energy for comment as required by the SEPP.

#### 2.11 Development with frontage to a classified road.

Havannah Street, Keppel Street and Manilla Street are not classified roads.

#### 2.122 Traffic Generating Development

Clause 2.122 Traffic Generating Development requires certain developments be referred to TfNSW for comment.

For the purposes of this provision it is noted that the development does meet any of the thresholds for referral to TfNSW.

#### Bathurst Regional Local Environmental Plan 2014

## Part 1 Preliminary

Bathurst Regional Local Environmental Plan 2014 ('the LEP') applies to the land. The aims of the LEP include:

- *to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts;*
- *to deliver growth and development in the city of Bathurst and rural localities;*
- *to enhance and protect the region's unique Aboriginal and European cultural heritage as key social and economic assets;*
- *to provide greater housing choice within the city of Bathurst through sustainable urban settlement growth that includes greater opportunities for medium density housing and the minimisation of the city's environmental footprint.*

The proposal is consistent with these aims as the proposal seeks to provide a holistic approach to activating what is a key site whilst retaining the heritage value where possible by sympathetically repurposing the existing development located on the subject land.

## Part 2 Permitted or prohibited development

The site is located within the B3 Commercial Core Zone pursuant to Clause 2.2 of the LEP.



According to the definitions in Clause 4 (contained in the Dictionary), the various components of the proposal would be considered to be:

**attached dwelling** means a building containing 3 or more dwellings, where—

- (a) each dwelling is attached to another dwelling by a common wall, and
- (b) each of the dwellings is on its own lot of land, and
- (c) none of the dwellings is located above any part of another dwelling.

**artisan food and drink industry** means a building or place the principal purpose of which is the making or manufacture of boutique, artisan or craft food or drink products only. It must also include at least one of the following—

- (a) a retail area for the sale of the products,
- (b) the preparation and serving, on a retail basis, of food and drink to people for

- consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided,
- (c) facilities for holding tastings, tours or workshops.

**hotel or motel accommodation** means a building or place (whether or not licensed premises under the [Liquor Act 2007](#)) that provides temporary or short-term accommodation on a commercial basis and that—

- (a) comprises rooms or self-contained suites, and
- (b) may provide meals to guests or the general public and facilities for the parking of guests' vehicles,  
but does not include backpackers' accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.

**retail premises** means a building or place used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials (or whether also sold by wholesale), and includes any of the following—

- (a), (b) (Repealed)
- (c) food and drink premises,
- (d) garden centres,
- (e) hardware and building supplies,
- (f) kiosks,
- (g) landscaping material supplies,
- (h) markets,
- (i) plant nurseries,
- (j) roadside stalls,
- (k) rural supplies,
- (l) shops,
- (la) specialised retail premises,
- (m) timber yards,
- (n) vehicle sales or hire premises,  
but does not include farm gate premises, highway service centres, service stations, industrial retail outlets or restricted premises.

All uses are permissible with consent in the Land Use Table in Clause 2.3:

The zone objectives (pursuant to the Land Use Table in Clause 2.3) are as follows:

- *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.*

The proposal is considered consistent with these zone objectives for the following reasons:

- The proposed redevelopment includes a number of commercial and retail uses that will serve the needs of the local and wider community, including visitors to the region.
- The site is ideally located on the edge of the Bathurst CBD and adjacent to the

railway station and other public transport options, allowing for active and public transport access for patrons of the site and surrounds to access the CBD from the wider region.

- The proposed redevelopment intends to repurpose a number of significant heritage buildings, including the landmark silos that are considered to be an integral feature to the entrance to the Bathurst township.
- To the extent that the development relies upon a variation to the height of buildings provisions of the LEP it is considered that the variation is reasonable under the circumstances of the case.

*General Controls and Development Standards (Part 2, 4, 5 and 6)*

The LEP also contains controls relating to development standards, miscellaneous provisions and local provisions. The controls relevant to the proposal are considered below. The proposal does not comply with the development standard/s in Part 4 of the LEP and accordingly, a Clause 4.6 request has been provided with the application for the exceedance of the maximum height of buildings.

<b>Control</b>	<b>Requirement</b>	<b>Proposal</b>	<b>Comply</b>
Height of buildings (CI 4.3(2))	12 metres	13.5 metres 15 metres	No. Refer to CI 4.6 request
FSR (CI 4.4(2))	2:1 (14,880m <sup>2</sup> )	1.95:1 (14,495m <sup>2</sup> )	Yes
Exception to Development Standards (CI4.6)	<ul style="list-style-type: none"> <li>• that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and</li> <li>• that there are sufficient environmental planning grounds to justify contravening the development standard</li> </ul>	Request to vary HOB development standard by 3m or 25%	Request submitted and considered below.
Heritage (CI 5.10(2))	<ul style="list-style-type: none"> <li>• Consent required for demolition</li> <li>• Consent required for altering a heritage item</li> <li>• Consent required for erecting a building</li> </ul>	Item I39 - Tremain's Mill and silos (former Victoria Mill) and Invincible Flour sign C1 – Bathurst HCA Concept consent being sought for demolition of certain buildings, alteration of key heritage buildings and erection of new buildings on the site. Heritage Impact Statement and Conservation Management Plan details potential impacts of development.	Yes
Essential	All essential services are	Essential services are	Yes



Services (CI 7.5)	available or can be made available	connected to the subject land.	
Conservation incentives for heritage conservation areas (CI 7.9)	Consent can be granted for any purpose relating to a heritage item.  Exclude heritage area from FSR and car parking calculations.	Concept DA is not reliant upon these provisions, as FSR is compliant with the standard.  The proposal relies upon the concession as it relates to the number of parking spaces on the site on the basis that it facilitates conservation of the heritage buildings. This is discussed below.	Merit approach to car parking in accordance with this clause is discussed under Chapter 13 of the DCP below.

#### Clause 4.6 Exceptions to Development Standards

##### *The Development Standard to be varied and extent of the variation*

The property is subject to Clause 4.3 Height of Buildings (HOB) repeated below:

#### **4.3 Height of buildings**

- (1) *The objectives of this clause are as follows—*
  - (a) *to establish the maximum height limit to which buildings may be erected in certain locations.*
- (2) *The height of a building on any land is not to exceed the maximum height shown for the land on the [Height of Buildings Map](#).*

The HOB map provides for a height of 12m across the B3 Commercial Core Zone.

The proposal includes a number of variations to the HOB. This includes a combination of new buildings (H, J and M) and alterations (albeit predominantly internally) to existing buildings (F, G and C). These are summarised below:

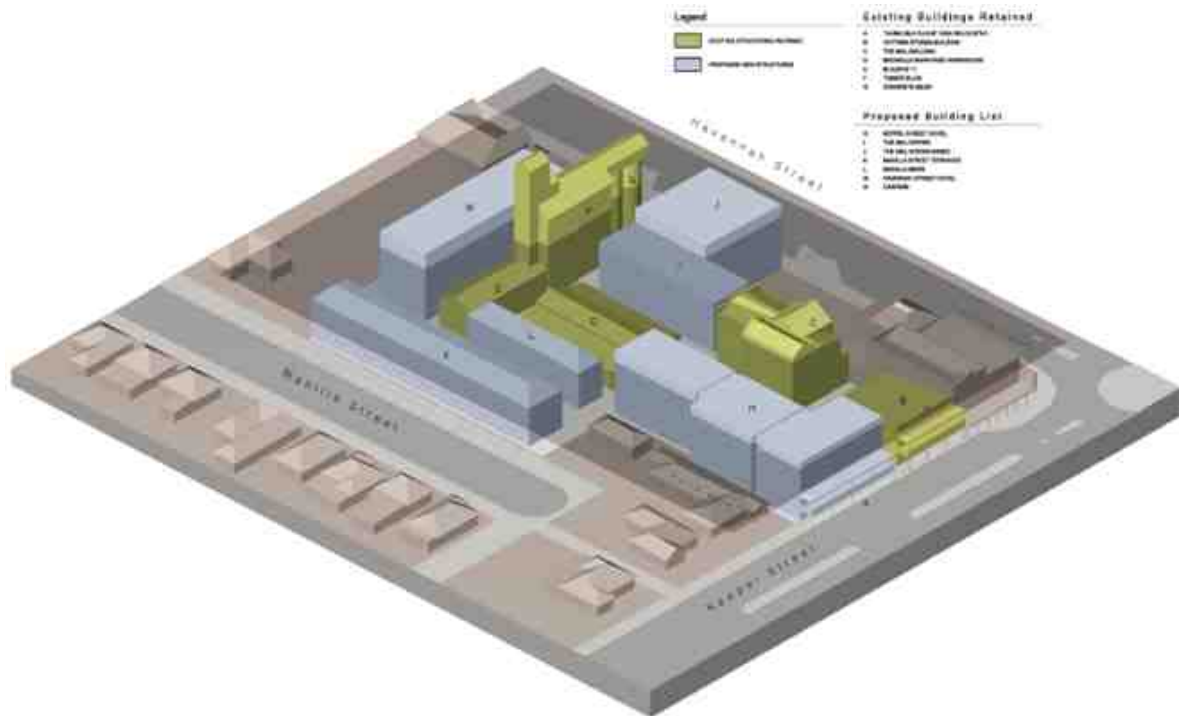
<b>Building</b>	<b>Proposed Height</b>	<b>Extent Of Variation (M)</b>	<b>Extent Of Variation (%)</b>	<b>Comments</b>
Building "H" - Keppel Street Hotel	13.5m	1.5m	12.5%	New building
Building "F" - Timber Silos	30.97m	18.97m	158.08%	Works include roof top bar. No change to overall height.
Building "G" - Concrete Silos	21.66m	9.66m	80.5%	Works predominantly located within the existing tower. No change to overall height.
Building "C" The Mill Building	14.62m	2.62m	21.83%	No change to overall height.
Building "J" The Mill Annex	15m	3m	25%	New building
Building "M" - Havannah Street	15m	3	25%	New building

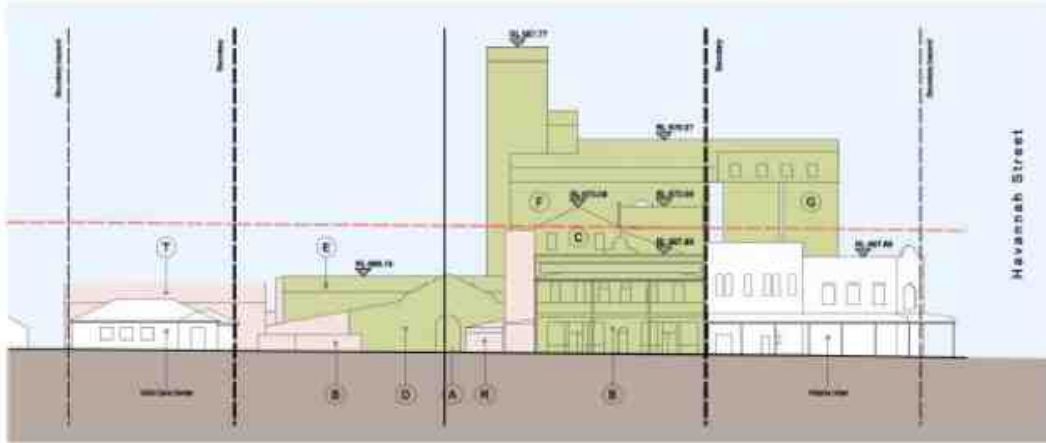


Hotel				
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The development proposes to exceed the HOB standard of 12m by 1.5m or 12.5% for the proposed hotel building fronting Keppel Street (Building “H”), and by 3m or 25% for the proposed hotel building on Havannah Street (Building “M”) and the proposed ‘Mill Works Annex’ (Building “J”).

The proposed buildings are shown in the Figures below in blue, with the proposed height exceedance shown in light blue (new exceedances) and light green (existing exceedances).





1 - Existing Conditions

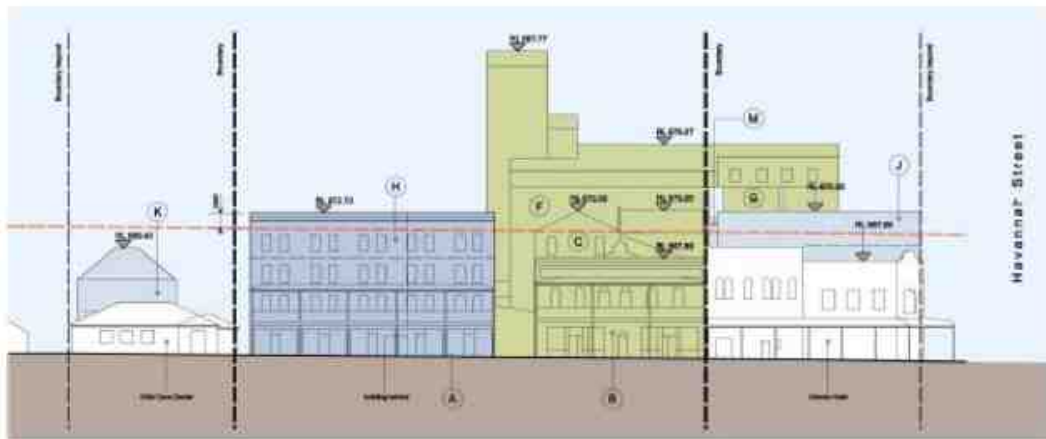


Figure 4 Keppel Street elevation (Source: Karl Walls Design)



For the purposes of the assessment, the concept development provides for overall building envelopes. The final design will be refined in future development applications.

#### **4.6 Exceptions to development standards**

Clause 4.6 provides a mechanism for variation to adopted development standards.

#### **4.6 Exceptions to development standards**

- (1) *The objectives of this clause are as follows—*
  - (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
  - (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*
- (2) *Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*
- (3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—*
  - (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
  - (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*
- (4) *Development consent must not be granted for development that contravenes a development standard unless—*
  - (a) *the consent authority is satisfied that—*
    - (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
    - (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
  - (b) *the concurrence of the Planning Secretary has been obtained.*
- (5) *In deciding whether to grant concurrence, the Planning Secretary must consider—*
  - (a) *whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
  - (b) *the public benefit of maintaining the development standard, and*
  - (c) *any other matters required to be taken into consideration by the Planning Secretary before granting concurrence.*
- (6) *Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone C2 Environmental Conservation, Zone C3 Environmental Management or Zone C4 Environmental Living if—*
  - (a) *the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or*

(b) *the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.*

**Note—**

*When this Plan was made it did not include all of these zones.*

- (7) *After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).*
- (8) *This clause does not allow development consent to be granted for development that would contravene any of the following—*
- (a) *a development standard for complying development,*
  - (b) *a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,*
  - (c) *clause 5.4,*
  - (caa) *clause 5.5,*
  - (ca) *clause 6.1, 6.2, 6.3, 7.7, 7.8 or 7.11.*

*Preconditions to be satisfied*

Clause 4.6(4) of the LEP establishes preconditions that must be satisfied before a consent authority can exercise the power to grant development consent for development that contravenes a development standard. Clause 4.6(2) provides that this permissive power to grant development consent for a development that contravenes the development standard is subject to conditions.

- The preconditions to the use of Clause 4.6 are that Council is satisfied that the applicants written request demonstrates that the development standard is “unreasonable or unnecessary in the circumstances of the case” and that there are “sufficient environmental planning grounds to justify contravening the development standard”; and
- The proposal is in the “public interest” because it is consistent with the objectives of the particular standard and the objectives of the zone.

These matters are considered below for the proposed development having regard to the applicant's written Clause 4.6 request provided at **Attachment 5**.

*Compliance with the height of buildings development standard is considered to be unreasonable and unnecessary in the circumstances of the case.*

The objective of the height of buildings development standard under Clause 4.3 is as follows:

- a. *to establish the maximum height limit to which buildings may be erected in certain locations.*

Whilst the objective itself does not provide any further guidance beyond the desire to establish maximum height limit, it is not unreasonable to suggest its aim is to achieve consistency amongst buildings within the locality, to protect and enhance the streetscape, to control amenity impacts such as overshadowing and to protect views to and from the site.

The reasons put forward by the applicant as to consistency with the objective of Clause 4.3 are repeated below:

## **Analysis of Keppel Street**

*The submitted Keppel Street analysis, prepared by Karl Walls, indicates two such locations on Keppel Street. The first location being 99 Keppel Street at the Carrington, which establishes an existing height plane well above the 12m control, and the second being 7 Keppel Street at the Tremain's Mill and Silos which also establish an existing height plane well above the 12m control.*

*Consideration of the Keppel Street analysis indicates that the height plane established by the Carrington, aligns with the height established by the Mill Building, while the existing silos establish a height plan which aligns with the RL of the Carrington, despite its location on a ground level approximately 10 metres lower than that on which the Carrington is developed.*

*The proposed variations provided within the Concept DA ensure consistency with the Mill Building and continue to remain dominated by the silos which are sited with a maximum building height of approximately 30.97m.*

*The retention of the Mill Building and Silos indicates that the height of building standard is unreasonable and unnecessary in the circumstances, with the heritage context providing more appropriate guidance for the built form outcome on this site.*

## **Design Evolution**

*The masterplan has undergone extensive analysis, evolution and enhancement with several iterations now resulting in what is considered an optimal overall project outcome to protect and enhance the significant heritage items on the site. True Green Group has carefully considered how to achieve a suitable massing across the site while not detracting from the heritage setting and providing a high-quality design outcome balancing the overall building height across the site with a considered and refined design response that prioritises heritage aspects, the desired character of the locality and provides a sympathetic relationship with the surrounding land uses.*

*The masterplan is considered a sympathetic response to the site's heritage context. The design of the new buildings along Havannah Street, including the hotel and 'Mill Works Annex' building offer a balanced outcome relative to the timber and concrete silos, and maintain a built form similar to the retained Mill Building, as depicted in the section at Figure 3.*

*The new buildings sit substantially lower than the silos, while the Havannah Street hotel is setback to ensure they do not detract from the significance of the silos, while also continuing to offer views to the silos, as viewed from Havannah Street.*

*The additional height proposed in relation to three buildings results from the applicant's decision to retain and restore all significant heritage items on this site. The GFA proposed across the precinct is below the FSR established under BRLEP 2014 and does not seek to exceed the density, bulk and scale of development established by the FSR control.*

*In order to retain the significant heritage items on the site and allow adequate curtilage and landscaping settings to each of those items, the proposed building envelopes have been designed in consideration of the heritage*

context, existing built form and to ensure a superior environmental outcome for the site and precinct, with a balanced building height when compared to retained heritage items and an unbuilt area exceeding 30% which is available for landscaping.

A compliant built form could be achieved on this site, without the need to contravene the height control, but it would result in a poor environmental outcome, as it would require the demolition or alteration of significant heritage items on the site or a reduction in landscape area and the space available between the buildings.

### **Density Proposed**

The density proposed by the masterplan aligns with the density envisaged by Council when applying a floor space ratio (FSR) control to the site and wider CBD precinct. The masterplan is not considered an overdevelopment of the site with the proposed FSR of 1.95:1 being lower than the permitted control of 2:1.

The area of GFA being achieved over the 12m height control by proposed buildings is approximately 991m<sup>2</sup> or 0.14:1. The area of the building envelope identified in relation to the Havannah Street hotel building over the 12m control is 606m<sup>2</sup>, while the Keppel Street hotel has been amended resulting in no GFA above the height control. As the building envelopes are expressed as a gross building envelope, an efficiency of 75% has been applied to assume a future GFA which would be achieved within the envelopes.

Alternatives were explored during the masterplanning process which would have provided for a compliant built form in which this 991m<sup>2</sup> of GFA could have been developed within a compliant building height. However, these alternatives were found to present a negative impact to the significant heritage items and values onsite.

Opportunities to achieve a compliant FSR and height on the site were considered, including through the demolition of Bedwells Barn, or the provision of additional storeys over Bedwells Barn or the Victoria Stores buildings, but these types of external alterations were found to undermine the value of these significant heritage items and present a poor outcome for the site and Bathurst.

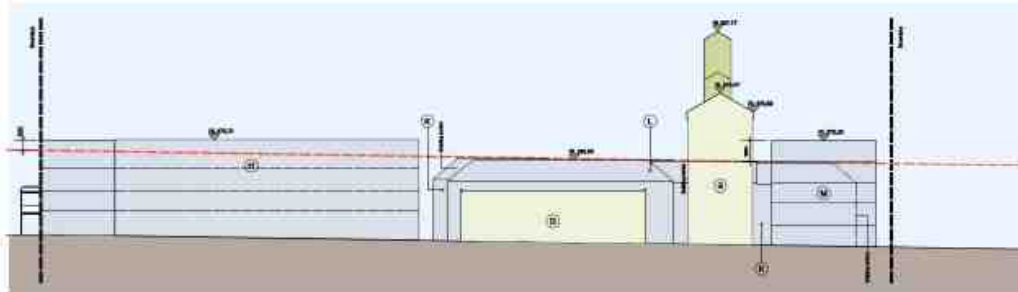
A further option to development within the height control was considered through the provision of a larger development footprint to the Havannah Street hotel building. The option was not preferred as the proposed built form would entirely obscure the view from the east, along Havannah Street, toward the concrete silos, resulting in a significant visual impact.

While offering numeric compliance, the environmental impact of such a design decision, would be far more significant through impact to significant heritage items.

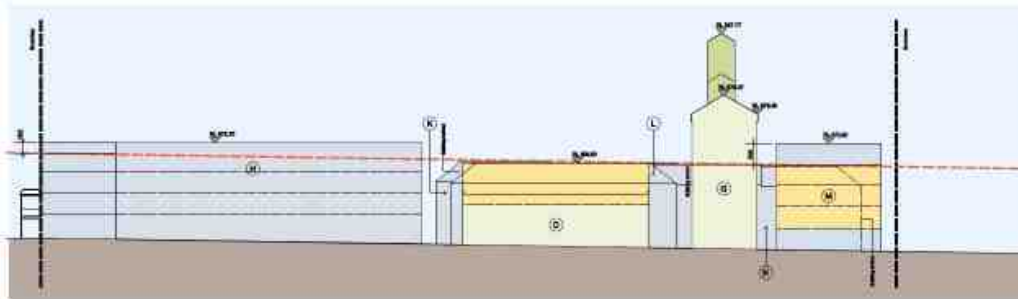
The masterplan provides a superior environmental outcome, notwithstanding some height variation in relation to three proposed buildings.

A breakdown of the GFA described above and plans indicating the location of the GFA at each level are provided and marked **Appendix 1**.

The following figures indicate the “air space” available for development under the height control, which has not been utilised to protect the heritage values of the site, while also indicating the areas which would have been able to be developed if numeric compliance with a height control were the only consideration.

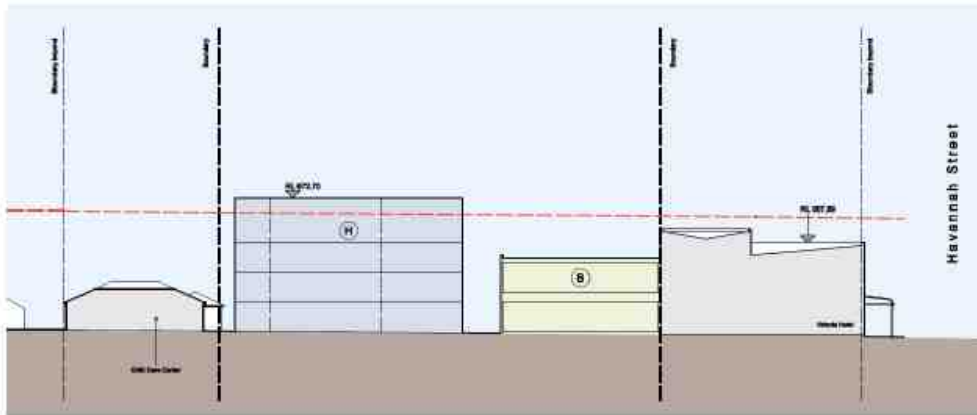


**Figure 6** Long section indicating areas not developed below height control (Source: Karl Walls Design)

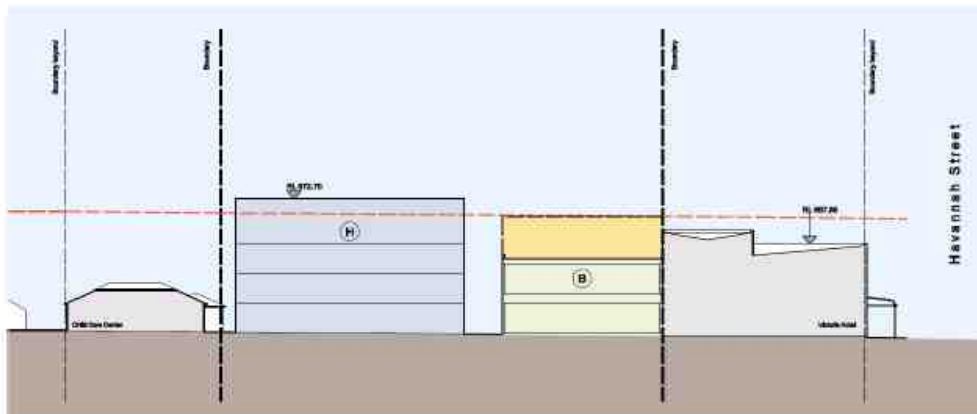


**Figure 7** Long section indicating potential floor space that could be achieved in yellow (Source: Karl Walls Design)





**Figure 8** Cross section indicating areas not developed below height control (Source: Karl Walls Design)



**Figure 9** Cross section indicating potential floor space that could be achieved in yellow (Source: Karl Walls Design)

*The proposed masterplan is considered a superior response to the site's heritage constraints, as it provides a layout and siting of buildings that is responsive to these heritage aspects.*

*We further note that the building envelopes are not an entitlement to GFA, which one is permitted to build to. Further modulation and articulation of future buildings will be provided within these envelopes that will be subject to a rigorous design assessment in future DAs.*

**Previous Proposal**

*We note the previous owner of the site submitted a Development Application that considered a redevelopment of the silos for the purpose of serviced apartments, and proposed a GFA of 1,447m<sup>2</sup> in relation to the silos.*

*While this proposal was able to achieve additional GFA within the existing built form, it was not considered as a viable opportunity for True Green as it would require the timber silos to be destroyed and windows and openings provided across the building, which would undermine the heritage significance of the site. In addition, this scheme still proposed the addition of habitable space above the 12m height control, notwithstanding the existing built form in which it would be contained.*

### **Increased Amenity**

*The evolution of the Concept DA masterplan has enabled the site to provide a superior design outcome with increased landscape and residential and visitor amenity, improved housing quality and a balanced heritage outcome. In doing so, the design process has resulted in a development that, notwithstanding the height contraventions, is carefully designed to achieve compatibility with adjoining development within the site and adjoining properties.*

*The design envisaged for each existing and proposed building with regard to those elements noted above, provide a development that offers a sensitive transition from within the site to the public domain.*

*The relationship and interface of the site to the existing Victoria Stores and The Victoria Hotel to the south is sympathetic to one another. The height contravention does not unreasonably impact on the streetscape character and amenity along Keppel Street, Havannah Street or Manilla Street with adequate setback and visual separation provided.*

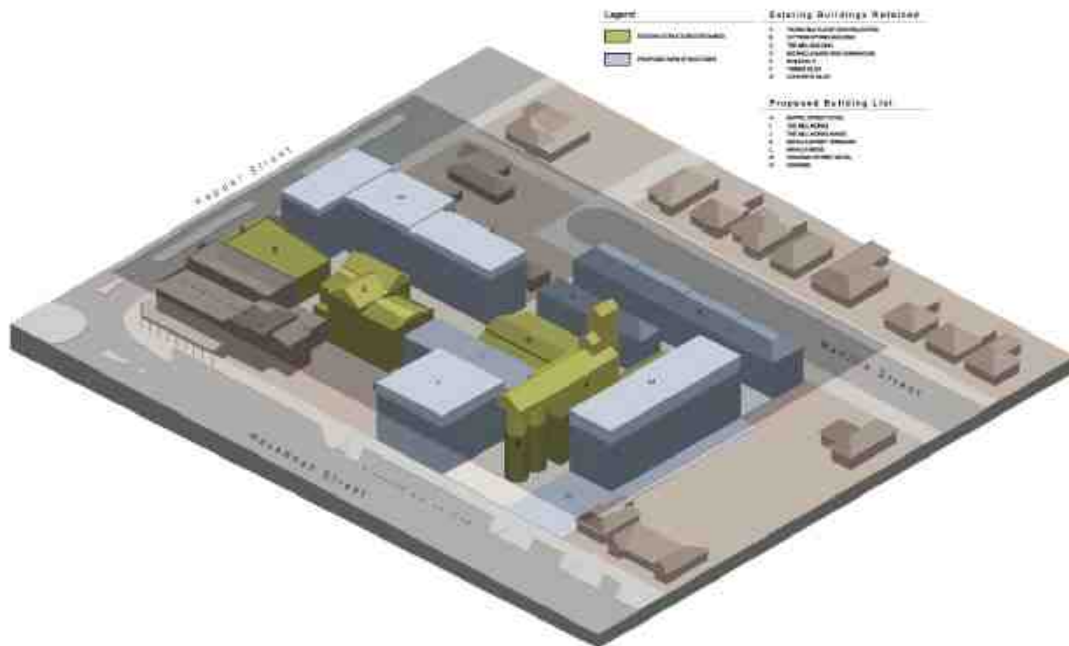
### **Development Standard**

*It is clear from a review of the LEP, that the 12m height of building control has been applied generically to the entire Bathurst CBD without consideration of existing built form or existing height of heritage items within the precinct. While the site is identified with a height of buildings control of 12m, the site already provides a height of 30.97m in relation to heritage built form.*

*Accordingly, the proposed heights within the masterplan have evolved from careful analysis and consideration of the locality, the existing heritage items and the boarder heritage conservation area in which the site is located.*

*The proposed, contravening buildings, notably the Havannah Street hotel building and 'Mill Works Annex' building (refer to **Figure 10**) will not give rise to adverse impacts on the heritage character of the area or streetscape, as they remain subservient to the existing silos which will be retained and restored as part of the masterplan.*

*The new buildings will enhance and complement the historic precinct and character of existing buildings. The proposal offers a considered response to the CBD and surrounding area and will lead to a positive contribution to the CBDs architectural landscape, while preserving the significant heritage features of the site and providing referencing points for users of the CBD.*



**Figure 10** Proposed Height Plane Analysis showing all retained buildings in yellow (Source: Karl Walls Design)

*The building envelopes will be refined through future detailed DAs so that any proposed building will ultimately be designed in accordance with relevant controls. Future detailed DAs will be supported by Site-Specific Design Guidelines, which will be developed with Council following lodgement of the Concept DA. Consistency with the above will achieve a reduction in bulk and scale from within the site and from the wider area. To further minimise the visual impact of the building height, each building will be setback to allow for reasonable amenity to be provided to adjoining sites.*

*The proposed envelopes are a generous expression of a maximum height on the site. For example, the terraces and mews dwellings are expressed as a maximum building envelope of 4 storeys. It is highly unlikely that a dwelling would be developed to this maximum.*

*The uniqueness of the site should not be discounted and should be considered on its merits in isolation from the wider precinct. The significant extent of heritage buildings being retained, account for approximately 3,085m<sup>2</sup> of GFA. Excluding these items provides for a GFA of 11,410m<sup>2</sup> or an FSR of 1.53:1, a substantial reduction from what is permitted on the site.*

*These retained heritage buildings which will be repurposed do not provide for efficient GFA, when compared to the new buildings. The retention is aimed at restoring the heritage significance and integrity of each building rather than maximising the permitted FSR on the site which would ultimately result in an inferior planning and design outcome for the site, impacting the heritage significance of the site and precinct.*

*The proposed variation will not change the established maximum height limit within the locality of the proposed development, for other future development, as it is only requesting a variation in consideration of the retention and restoration of significant heritage items on the site and the existing height of*

*those items. As such, support of a variation in this instance would not set a 'precedent' for future development, as each development application is assessed on merit and would need to demonstrate adequate justification. Therefore, despite not achieving the development standard, the proposed development does not hinder or decrease the capacity of the objective of the standard to be achieved and the maximum height limit will still be established in the locality.*

## **COMMENT**

Having regard to what are considered to be underlying objectives of the standard, being the consistency amongst buildings within the locality, to protect and enhance the streetscape, to control impacts such as overshadowing and views to and from the site, the following observations can be made.

### *Consistency amongst buildings within the locality*

#### *Building "H" Keppel Street Hotel*

- Having regard to the broader streetscape within Keppel Street the assessment notes there are pre-existing variations within the streetscape (notably the Carrington at 99 Keppel) and within the site itself.
- Immediately to the south east of the building are the Victoria Stores building and the Victoria Hotel. Collectively these building provide bulk within the streetscape albeit they are not of the same height as that proposed for Building H.
- In the context of other buildings on the site Building "H" is lower than Mill Building (14.62m), the Concrete Silos (21.66m) and the Timber Silos (30.97m) and the Victoria Stores building and Victoria Hotel by approximately 4.81m to 5m.

#### *Building "M" Havannah Street Hotel*

- Having regard to the broader streetscape within Havannah Street there is a larger variation in building heights ranging from the Victoria Hotel to the south west and the generally single residential development to the north east.
- The Victoria Hotel provides a bulk within the streetscape albeit not of the same height as that proposed for Building "M".
- The concrete silos located immediately adjoining Building "M" will break up the bulk of the building when viewed from north east.
- In the context of other buildings on the site, Building "M" is lower than the Mill Building (14.62m), the Concrete Silos (21.66m) and the Timber Silos (30.97m).

#### *Building "J" – 'Mill Works Annex'*

- Building J is located off Havannah Street and will be located generally in line with the existing Timber Silos.
- In the context of other buildings on the site Building "M" is lower than Mill Building (14.62m), the Concrete Silos (21.66m) and the Timber Silos (30.97m).

### *Impact on streetscape*

#### *Building "H" Keppel Street Hotel*

- Immediately to the south east of the building are the Victoria Stores building and the Victoria Hotel. Collectively these buildings provide bulk to the streetscape albeit not

- of the same height as that proposed for Building H.
- The massing of the proposal is considered to be suitable within the heritage context and the desired character of the site.

#### *Building “M” Havannah Street Hotel*

- The Victoria Hotel provides bulk within the streetscape albeit it is not of the same height as that proposed for Building “M”.
- The concrete silos located immediately adjoining Building “M” will break up the bulk of the building when viewed from north east.
- The massing of the proposal is considered to be suitable within the heritage context and the desired character of the site.

#### *Building “J” – ‘Mill Works Annex’*

- Building “J” is located off Havannah Street although it will be located generally in line with the existing Timber Silos.
- The massing of the proposal is considered to be suitable within the heritage context and the desired character of the site.

#### *Amenity impacts including overshadowing*

- The proponent states that the proposed landscaping has been shaped by the creation of a series of spaces that enhance the precinct’s principles as the cultural, artistic and social heart of Bathurst, while also defining a cohesive series of landscape and urban spaces that provide for a lively and vibrant precinct.
- The streetscape and pedestrian amenity along all three frontages are enhanced by the masterplan.
- Within Keppel Street, the existing heritage character defined by the building frontages, verandahs, and iconic gas streetlights and central verges, will be enhanced by new planting, street trees and retail shop frontages.
- The Havannah Street frontage will be further activated through the provision of additional on-street parking, further supporting the delivery of active frontages shaped by the retail and dining uses.
- Shadows from the Building “H” are primarily cast across Keppel Street during the early morning and later within the site.
- Shadows from Building “J” will be cast across the rear of the Victoria Hotel during the early morning period and predominantly across Havannah Street later during the day.
- Shadows from Building “M” will be primarily cast within the site. The residential properties adjoining are not impacted between 9am and 3pm at 21 June.

#### *Views to and within the site*

- The proponent states that the massing across the site, while not detracting from the heritage setting and providing a high-quality design outcome balancing the overall building height across the site with a considered and refined design response that prioritises heritage aspects, the desired character of the locality and provides a sympathetic relationship with the surrounding land uses.
- The site contains a number of buildings which are considered “iconic” in terms of their views towards the site.
- View corridors within the site will be impacted by the new development including the views into the site from Keppel Street towards the Mill Building (“C”) and former

Bedwells Barn Feed Warehouse (“D”). The construction of any new building fronting Keppel Street will impact on this view corridor and in that context the additional height will not by itself create any additional impact on views to the iconic buildings behind.

- Building “J” will impact upon views to the rear of the existing Mill Building when viewed from Havannah Street although that view is currently impacted by the existing BBF building. The view to the rear of the Mill Building across the rear of the Victoria Hotel will be retained.
- Building “M” will impact on the views to Building 11, the Timber Silos and the Concrete Silos. The Timber Silos and Concrete Silos are considered to be iconic in terms of tall buildings in Bathurst. Building “M” will sit beside the Timber Silos and screen views to it although the upper sections of the Timber Silos will remain visible.
- Building “J” may limit views towards the concrete towers from the south west.

*Whether there are sufficient environmental planning grounds to justify contravening the development standard*

The reasons put forward by the applicant as to the environmental planning grounds to justify the variation are repeated below:

*In Initial Action the Court found at [23]-[24] that:*

23. *As to the second matter required by cl 4.6(3)(b), the grounds relied on by the applicant in the written request under cl 4.6 must be “environmental planning grounds” by their nature: see Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90 at [26]. The adjectival phrase “environmental planning” is not defined, but would refer to grounds that relate to the subject matter, scope and purpose of the EPA Act, including the objects in s 1.3 of the EPA Act.*
24. *The environmental planning grounds relied on in the written request under cl 4.6 must be “sufficient”. There are two respects in which the written request needs to be “sufficient”. First, the environmental planning grounds advanced in the written request must be sufficient “to justify contravening the development standard”. The focus of cl 4.6(3)(b) is on the aspect or element of the development that contravenes the development standard, not on the development as a whole, and why that contravention is justified on environmental planning grounds.*
25. *The environmental planning grounds advanced in the written request must justify the contravention of the development standard, not simply promote the benefits of carrying out the development as a whole: see Four2Five Pty Ltd v Ashfield Council [2015] NSWCA 248 at [15]. Second, the written request must demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard so as to enable the consent authority to be satisfied under cl 4.6(4)(a)(i) that the written request has adequately addressed this matter: see Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90 at [31].*

*In this regard, it is considered that sufficient environmental planning grounds exist to justify the contravention. The environmental planning grounds are summarised as follows:*

- ***Heritage retention and conservation***

*The Concept DA aims to retain and adaptively reuse the buildings given a high and exceptional significance by the Conservation Management Plan, 2016. These buildings all demonstrate a strong relationship to the historical development of the site; are aesthetically significant and prominent within key view corridors; and contribute towards an understanding of the site as a former mill precinct. These buildings are easily convertible for the range of uses proposed with significant fabric retained.*

*The proposal has been designed, sited and managed in accordance with the supporting CMP which carefully details the conservation work required to ensure the proposed development would not adversely affect the heritage significance of the item, including its setting. As detailed below, the proposed development would not have any significant adverse effect on the amenity within the site and to the surrounding area.*

*Due to the considerable effort made to ensure the concept masterplan responds appropriately to these constraints by retaining the above buildings, it is foreseeable that the building envelopes will result in contraventions to the building height standard. Importantly, the masterplan does not intend to encroach further beyond the existing maximum building height.*

*The new buildings, including the 'Mill Works Annex' building, Keppel Street hotel, Havannah Street hotel are substantially below the existing height established by the above heritage buildings. These buildings will not detract from the heritage setting and context. The proposed new buildings will sit comfortably in the site as they will be of an appropriate massing and scale and will maintain predominant setbacks and rooflines in relation to the site. The envelopes will be further refined and articulated through subsequent detailed DAs, which will further reduce the visual bulk of the buildings. They will be well-designed with a simple aesthetic that does not detract from the more aesthetically significant retained buildings or compete with their architectural detailing.*

- **Amenity**

*The design process that has been undertaken, has led to a master planned response to the site by providing a development that will offer a high-degree of residential amenity within the site and to adjoining sites. Proposed landscaping has been shaped by the creation of a series of spaces that enhance the precinct's principles as the cultural, artistic, and social heart of Bathurst, while also defining a cohesive series of landscape and urban spaces that provide for a lively and vibrant precinct. The master plan delivers a material, planting and tree palette that creates a sense of place that is responsive and authentic to the precinct and locality.*

*The streetscape and pedestrian amenity along all three frontages is enhanced by the masterplan. The Havannah Street frontage will be further activated through the provision of additional on-street parking, further supporting the delivery of active frontages shaped by the retail and dining uses. Similarly, to Keppel Street, the existing heritage character defined by the building frontages, verandahs, and iconic gas streetlights and central verges, will be enhanced by new planting, street trees and retail shop frontages.*

*Overall, the concept proposal delivers an improved level of residential, streetscape and pedestrian amenity within and beyond the site that will provide for a benchmark development within the Bathurst CBD on a landmark site.*

*It is noted that in Initial Action, the Court clarified what items a Clause 4.6 does and does not need to satisfy. Importantly, there does not need to be a "better" planning outcome:*

87. *The second matter was in cl 4.6(3)(b). I find that the Commissioner applied the wrong test in considering this matter by requiring that the development, which contravened the height development standard, result in a "better environmental planning outcome for the site" relative to a development that complies with the height development standard (in [141] and [142] of the judgment). Clause 4.6 does not directly or indirectly establish this test. The requirement in cl 4.6(3)(b) is that there are sufficient environmental planning grounds to justify contravening the development standard, not that the development that contravenes the development standard have a better environmental planning outcome than a development that complies with the development standard.*

*There are sufficient environmental planning grounds to justify contravening the development standard.*

**Comment:**

Having regard to the matters raised by the applicant it is considered that there are sufficient environmental planning grounds to justify the variation including the following:

- The proposal facilitates the protection and enhancement of existing heritage items located on the site.
- The proposal complies with the FSR development standard controlling bulk and scale, thereby demonstrating the proposal is not considered to be an overdevelopment of the site.
- The new buildings, including the 'Mill Works Annex' building, Keppel Street hotel, Havannah Street hotel remain substantially below the existing height established by the above heritage buildings.
- The proposed new buildings have appropriate massing and scale and will maintain predominant setbacks and rooflines in relation to the site.
- The envelopes will require further refinement and articulation for subsequent development applications which will further reduce the visual bulk of the buildings.

*Whether the proposal is in the public interest*

The reasons put forward by the applicant as to the public interest and consistency with the zone objectives are repeated below:

*5.1.2 Consistency with zone objectives*

*The subject site is zoned B3 – Commercial Core pursuant to Bathurst Regional Local Environmental Plan 2014 (BRLEP 2014). The proposed mixed-use development is permissible with consent in the zone. The objectives of this zone are as follows:*



- *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.*

**Response:** *The proposed mixed-use development will provide for a wide-range of commercial, retail and residential uses that will complement the Bathurst CBD and surrounding areas, but more importantly, complement the existing heritage items and conservation area. The proposed uses will serve the needs of the local and wider community by providing additional opportunities for residents and visitors of Bathurst to engage with a broader range of services. In this regard, and notwithstanding the building height contravention, the proposed uses are considered appropriate and worthy of Council's support.*

- *To encourage appropriate employment opportunities in accessible locations.*

**Response:** *Through the provision of a wide range of complementary land uses and services, additional employment opportunities will be offered through the commercial, retail and hotel land uses. The location is readily accessible through regular bus services, the nearby Bathurst train station, while the site is located within the Bathurst CBD walking catchment. In this regard, the proposal is considered to satisfy the objective of the zone.*

- *To maximise public transport patronage and encourage walking and cycling.*

**Response:** *The proposal will promote public transport patronage, while also encourage walking and cycling. The reduction in parking spaces on the site due to the heritage constraints, also give opportunity to refocus attention on the use of alternative modes of transport beyond the private motor vehicle. While the site is accessible by car, it is equally accessible through other modes of transport, including buses, trains, walking and cycling.*

*Council's LSPS openly points to planning for the construction of an accessible footpath and cycleway network. The LSPS notes Council is actively reviewing and updating the Bathurst Community Cycling and Access Plan (2011), in order to maximise opportunities for the inclusion of on-road active transport routes.*

*In addition to the above, Bathurst is identified as one of the 16 cities under the '16 Cities Program' outlined by the State Government under the NSW Future Transport 2056 Plan, which Transport for NSW (TfNSW) has begun implementing in Bathurst with a focus on increasing public transport usage (bus services) in Bathurst. New and upgraded supporting public transport infrastructure such as bus interchanges within the CBD and at neighbourhood activity centres, bus signage and bus information and alternative ways of delivering bus services within the city.*

*The concept masterplan will complement and encourage the above investigations into an improved public transport network and services. To aid in the delivery of alternative, sustainable modes of transport in line with the above, the applicant is open to discussions with Council about delivering an electric bus service between Sydney and Bathurst.*

*The proposal will set a benchmark for the Bathurst CBD and advocate for promoting alternative modes of transport.*

- *To encourage development that confirms the role of the Bathurst central business district as the primary retail and business centre in the region.*

**Response:** *The proposal will deliver important bespoke commercial and retail uses, while also providing for a hotel development that will reinforce the integral role of the Bathurst CBD 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.*

**Response:** *As previously discussed within this submission, the proposal protects and conserves the heritage elements of the site and conservation area. All design decisions have occurred as a result of the heritage considerations on the site and the applicants desire to protect and restore all significant heritage items on the site has resulted in the proposed height variation. The proposed works will, overall, have an acceptable impact because the site will continue to be read and understood as a former mill, as demonstrated by the retention of buildings which clearly demonstrate this historic relationship, while the removal of detracting elements will enable a better understanding of their built form. The proposed works will help to facilitate the ongoing conservation of the site in the long-term. Through this retention and conservation, the proposed master plan will reinforce the Bathurst CBD as a key economic and social asset.*

- 5.3 *Clause 4.6(4)(a)(ii) – Is the proposed development in the public interest because it is consistent with the objectives of Clause 4.3 and the objectives of the B3 Commercial Core zone*

*The consent authority needs to be satisfied that the proposed development will be in the public interest if the standard is varied because it is consistent with the objectives of the standard and the objectives of the zone.*

*Preston CJ in Initial Action (Para 27) described the relevant test for this as follows:*

*“The matter in cl 4.6(4)(a)(ii), with which the consent authority or the Court on appeal must be satisfied, is not merely that the proposed development will be in the public interest but that it will be in the public interest because it is consistent with the objectives of the development standard and the objectives for development of the zone in which the development is proposed to be carried out. It is the proposed development’s consistency with the objectives of the development standard and the objectives of the zone that make the proposed development in the public interest. If the proposed development is inconsistent with either the objectives of the development standard or the objectives of the zone or both, the consent authority, or the Court on appeal, cannot be satisfied that the development will be in the public interest for the purposes of cl 4.6(4)(a)(ii).”*

*This request has demonstrated that the proposed development is consistent with the objectives of the development standard and the objectives of the zone in which the development is proposed to be carried out.*

*It is considered that the consent authority can be satisfied that the proposed development will be in the public interest if the standard is varied because it is consistent with the objectives of the standard and the objectives of the zone. The proposed concept masterplan offers a contextually sensitive response to the site and locality.*

## **Comment**

The objectives of the B3 Commercial Core zone are repeated below:

- *to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts;*
- *to deliver growth and development in the city of Bathurst and rural localities;*
- *to enhance and protect the region's unique Aboriginal and European cultural heritage as key social and economic assets;*
- *to provide greater housing choice within the city of Bathurst through sustainable urban settlement growth that includes greater opportunities for medium density housing and the minimisation of the city's environmental footprint.*

The proposal is considered consistent with these zone objectives for the following reasons:

- The proposed redevelopment includes a number of commercial and retail uses that will serve the needs of the local and wider community, including visitors to the region;
- The site is ideally located on the edge of the Bathurst CBD and adjacent to the railway station and other public transport options, allowing for active and public transport access for patrons of the site and surrounds to access the CBD from the wider region;
- The proposed redevelopment intends to repurpose a number of significant heritage buildings, including the landmark silos that are considered to be an integral feature to the entrance to the Bathurst township;
- To the extent that the development relies upon a variation to the height of buildings provisions of the LEP, it is considered that the variation is reasonable under the circumstances of the case.

### *Summary of Clause 4.6 Variation*

The applicant's written rationale adequately demonstrates compliance with the development standard is unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard.

It is considered the development is in the public interest because it is consistent with the relevant objectives of the zone and the objectives of the development standard, in accordance with Section 4.6(4)(a)(ii) of the BRLEP 2014 for the following reasons:

- The proposal facilitates the conservation of the heritage listed buildings located on the site with a coordinated response to the redevelopment of the site.
- The proposal is considered to balance providing a sympathetic response to

conserving the heritage significance of the site whilst providing the opportunity to activate the landmark site through redevelopment and placemaking.

- The proposal is a concept and will be subject to future development applications that will scrutinise the detailed design of each of the separate components of the development to ensure that the proposed built form is sympathetic and complementary to the existing site and its significance, as well as the wider locality in which it sits.
- The proposed variation to the height of buildings standard is considered to be acceptable given the circumstances of the case, as the proposed maximum height responds to the height plane established by the heritage buildings of the Mill building and the Carrington along Keppel Street.

The contravention of the development standard does not raise any matter of significance for State and Regional Environmental Planning. Council may assume the concurrence of the Director-General under the Planning Circular PS 18-003 issued in February 2018 in accordance with section 4.6(4)(b) of the Local Environmental Plan.

The proposal thereby is considered to comply with the objective of section 4.6(1)(b) and requirements of section 4.6(3)(b) of the LEP. For the reasons outlined above, there are sufficient planning grounds to justify the departure from the height of buildings development standard and it is recommended the section 4.6 exception be granted.

#### Clause 5.10 – Heritage Conservation

The property is located within the Bathurst Heritage Conservation Area and is identified as a heritage item of “local significance”.

The area identified as the heritage item includes both 7 Keppel Street and 67 Havannah Street. The heritage listing references “Tremain’s Mill and silos (former Victoria Mill) and Invincible Flour sign”. The heritage listing also includes the child care centre at 13 Keppel Street as it was previously formed part of the Mill site.

There are also a number of heritage items in the vicinity of the site including:

- Victoria Hotel at 3 Keppel Street
- “Clonlara” cottage at 15 Keppel
- “Webb’s commercial building at 23 Keppel
- Tattersals Hotel at 35 Keppel
- Loxley House
- Centennial Terraces at 36,38,40 and 42 Keppel.
- Terraces at 20, 22, 24 and 26 Keppel
- Federation House and Terrace Group at 91 -115 Havannah Street.
- Bathurst Railway Group including Bathurst Railway Station, Station Masters residence, cottage, Railway Institute, warehouse buildings and Ben Chifley Engine.

Clause 5.10 – Heritage Conservation applies to the site.

#### **5.10 Heritage conservation**

##### **Note—**

*Heritage items (if any) are listed and described in Schedule 5. Heritage conservation areas (if any) are shown on the Heritage Map as well as being described in Schedule 5.*

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

- (a) *to conserve the environmental heritage of Bathurst Regional local government area,*
  - (b) *to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
  - (c) *to conserve archaeological sites,*
  - (d) *to conserve Aboriginal objects and Aboriginal places of heritage significance.*
- (2) *Requirement for consent Development consent is required for any of the following—*
- (a) *demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)—*
    - (i) *a heritage item,*
    - (ii) *an Aboriginal object,*
    - (iii) *a building, work, relic or tree within a heritage conservation area,*
  - (b) *altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,*
  - (c) *disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,*
  - (d) *disturbing or excavating an Aboriginal place of heritage significance,*
  - (e) *erecting a building on land—*
    - (i) *on which a heritage item is located or that is within a heritage conservation area, or*
    - (ii) *on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,*
  - (f) *subdividing land—*
    - (i) *on which a heritage item is located or that is within a heritage conservation area, or*
    - (ii) *on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.*
- (3) *When consent not required However, development consent under this clause is not required if—*
- (a) *the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development—*
    - (i) *is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and*
    - (ii) *would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or*
  - (b) *the development is in a cemetery or burial ground and the proposed development—*
    - (i) *is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and*
    - (ii) *would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of*

- heritage significance, or*
- (c) *the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or*
  - (d) *the development is exempt development.*
- (4) **Effect of proposed development on heritage significance** *The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).*
- (5) **Heritage assessment** *The consent authority may, before granting consent to any development—*
- (a) *on land on which a heritage item is located, or*
  - (b) *on land that is within a heritage conservation area, or*
  - (c) *on land that is within the vicinity of land referred to in paragraph (a) or (b),*
- require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.*
- (6) **Heritage conservation management plans** *The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.*
- (7) **Archaeological sites** *The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the Heritage Act 1977 applies)—*
- (a) *notify the Heritage Council of its intention to grant consent, and*
  - (b) *take into consideration any response received from the Heritage Council within 28 days after the notice is sent.*
- (8) **Aboriginal places of heritage significance** *The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance—*
- (a) *consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and*
  - (b) *notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.*
- (9) **Demolition of nominated State heritage items** *The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item—*
- (a) *notify the Heritage Council about the application, and*
  - (b) *take into consideration any response received from the Heritage Council*

within 28 days after the notice is sent.

- (10) **Conservation incentives** *The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that—*
- (a) *the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and*
  - (b) *the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and*
  - (c) *the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and*
  - (d) *the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and*
  - (e) *the proposed development would not have any significant adverse effect on the amenity of the surrounding area.*

For the purposes of the Clause 5.10 the following is noted:

PROVISION	COMMENT
(1) Objectives	Complies generally with the objectives of the Clause.
(2) Requirement for consent	Proposal seeks “concept” development consent for the demolition of buildings and erection of new buildings on the site.  Subsequent applications to be submitted for assessment of the detailed design
(3) When consent is not required.	Proposal seeks “concept” development consent for the demolition of buildings and erection of new buildings on the site.
(4) Effect of proposed development on heritage significance.	It is considered that the proposed development will have an acceptable impact on the heritage significance, with the significant heritage buildings and elements being retained and conserved on site as part of the proposal, and the moveable heritage also to be considered.
(5) Heritage Assessment	The development has been supported by an Addendum Conservation Management Plan and Heritage Impact Statement. Refer <b>Attachments 6 &amp; 7</b> .
(6) Heritage conservation management plan	The development has been supported by a Conservation Management Plan
(7) Archaeological sites	The site is not identified as an archaeological site.
(8) Aboriginal places of heritage significance	The site is not an aboriginal place of heritage significance.
(9) Demolition of nominated State heritage items.	The site is not a nominated state heritage item.
(10) Conservation Incentives	The concept is not dependent on Conservation Incentives to facilitate any purpose of a building.

It is noted that there have been issues raised surrounding moveable heritage items that have been removed from the site and may remain on the site. In some cases that includes items gathered to form part of a proposed Milling Museum. A Milling Museum

does not form part of this current proposal and items the property of the Milling Museum may have been removed from the site. For the purposes of this application, it would be appropriate that an audit of the remaining moveable heritage be undertaken including an assessment of provenance and significance. This may be included as a condition of consent.

Further detailed assessment of the impact of the development on the heritage significance of the item and the heritage conservation area is discussed in the Chapter 10 of the DCP.

The proposal is considered to satisfy the requirements of Clause 5.10 as follows:

- Council has considered the effect of the proposed development on the heritage significance of the item and the conservation area in which the site is located.
- Conditions of consent will be imposed ensuring the appropriate storage and conservation of moveable heritage located on the site during the redevelopment.
- Conditions of consent will be imposed to ensure design excellence of the proposed buildings to be located on the land that is sympathetic with the existing character of the site.

#### Clause 7.9 – Conservation Incentives for Heritage Conservation Areas

The applicant seeks to rely upon Clause 7.9 *Conservation Incentives for Heritage Conservation Areas* as it relates to parking for the retained heritage buildings. Clause 7.9 is repeated below:

#### **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.*

The prerequisites to the use of Clause 7.9 are that:

- Council is satisfied that the conservation of the heritage buildings will be facilitated by the granting of consent;
- The development will be in accordance with the Heritage Impact Statement submitted as part of the application;
- The proposed development will not adversely affect the heritage significance of the buildings and setting;
- It is demonstrated that the proposed development will not have any significant adverse impact on the amenity of the surrounding area.

For the purposes of the Clause, the proposal includes adaptive reuse of those buildings which are considered of highest heritage value. In the long term, providing a sustainable use to the buildings and site will provide the best opportunity for retention of the heritage values of the site whilst facilitating conservation of the buildings.

To the extent that the proposal relies upon parking being predominantly provided off site there is the potential to impact upon the amenity of the area.

As discussed below under Chapter 14 of the Bathurst DCP, the floor space of the heritage items can appropriately be excluded from the calculation of required car parking.

#### **Section 4.15 (1)(a)(ii) - Provisions of any Proposed Instruments**

There are no proposed instruments that are relevant to the proposal.

#### **Section 4.15(1)(a)(iii) - Provisions of any Development Control Plan**

The following Development Control Plan is relevant to this application:

- *Bathurst Regional Development Control Plan 2014* ('the DCP')

<b>Chapter 4 – Residential Development</b>	
<b>Standard</b>	<b>Comment</b>
4.2 Residential density	<ul style="list-style-type: none"> <li>• The land is located within Residential Precinct 1, which is identified to provide for a mixed residential character with an emphasis on medium density housing.</li> <li>• The maximum residential density for the site is 69 persons. The proposal is for 16 dwellings. The proposed occupancy based on 16 x 2 bedroom dwellings is 35 persons</li> </ul>
4.3 Minimum lot size	<ul style="list-style-type: none"> <li>• The concept development does not propose subdivision.</li> </ul>

Chapter 4 of the DCP will apply to the residential aspects of the development being the 12 dwellings and 4 mews dwellings fronting Manilla Street.

Given the nature of the application as a concept, the remainder of the controls within this chapter are not applicable at this stage and will be assessed as part of the future development application for the detailed proposal for the residential components of the development.

## Chapter 5 – Business and Industrial

Standard	Comment
5.1 Preliminary	The DCP identifies the CBD as the primary retail precinct within the city. The subject land is located within the southern limit of the CBD.
5.5 Height of buildings – Bathurst Conservation Area – Zone B3 – Commercial Core	<p>The proposed height of three of the proposed buildings exceed the 12m maximum height: the Keppel Street hotel by 1.5m, the Havannah Street hotel by 3m and the ‘Mill Works Annex’ building also fronting Havannah Street by 3m.</p> <p>It is considered that the variation to the height control is acceptable. The proposed height will not detract from the existing streetscape. The site is located at the southern limit of the CBD, sitting at a lower elevation than the remainder of the CBD which will have the effect of appearing to be a consistent height plane. The maximum height of the proposed Keppel Street building was revised down from 18m during the application process in response to feedback from Council and the community. The proposed 13.5m of the Keppel Street Hotel is considered to be an appropriate design response to the issues raised. The proposed 15m height of the two buildings fronting Havannah Street is not considered to detract from the streetscape, as there is a significant variation in the mix of forms, heights and uses along Havannah Street. The existing silos remain the dominant feature of the skyline when travelling along Havannah Street.</p>
5.6 Parking, access and manoeuvring areas	<p>The discussion regarding the required number of car parking spaces is located under Chapter 14 below.</p> <p>The detailed design of car parking will be managed in the subsequent development applications facilitating construction on the site.</p>
5.19 Active street frontages – Keppel Street	The proposed uses are considered to activate the street frontage. The proposed ground floor uses on Keppel Street and Havannah Street are retail uses, with hotel and commercial uses being located in the middle of the site or above ground floor.

Given the nature of the application as a concept, the remainder of the controls within this chapter are not applicable at this stage and will be assessed as part of the future development application for the detailed proposal for the business components of the development.

## Chapter 9 – Environmental Considerations

It is not considered that the proposed development will have a significant detrimental environmental impact. The proposed development occurs on previously disturbed land.

## Chapter 10 – Urban Design & Heritage

### 10.2 Heritage impact

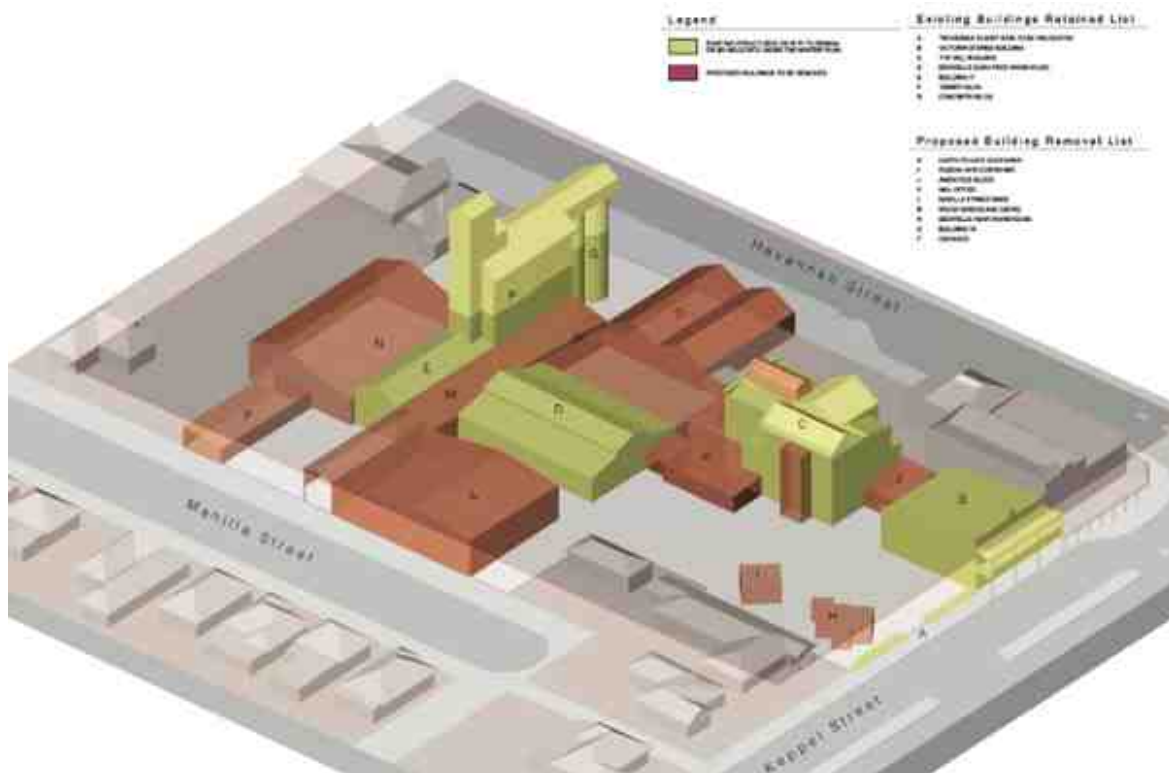
The property is located within the Bathurst Heritage Conservation Area and is identified as a heritage item of “local significance”.

The area identified as the heritage item includes both 7 Keppel Street and 67 Havannah Street. The heritage listing references “Tremain’s Mill and silos (former Victoria Mill) and Invincible Flour sign”. The heritage listing also includes the child care centre at 13 Keppel Street as it was previously formed part of the Mill site.

There are also a number of heritage items in the vicinity of the site including:

- Victoria Hotel at 3 Keppel Street





The heritage significance of the above buildings has been considered as part of the assessment of this application. Most of the buildings listed above do not form part of the heritage listing. The two containers are removable buildings that were recently added to the site and do not have heritage significance. The amenities block is also a recent addition to the site that is not considered to have heritage significance.

A Conservation Management Plan was originally completed for the site in 2016, which rated the heritage significance of the different building components located on the site. The Heritage Impact Statement submitted as part of this development application also rated the heritage significance of the buildings. The heritage significance of the buildings to be removed or relocated is summarised below:

Building	Description	Proposal	Original Significance Rating	Revised Significance Rating
A – “Invincible Flour”	Located on the property immediately adjoining Keppel Street	Relocate to within the Keppel Street footpath.	Exceptional Significance	Exceptional Significance
H – Doppio’s Café Container	Container located near on Keppel Street frontage	Demolish	N/A – added after 2016	Intrusive
I – Fuzion Hair Container	Container located on Keppel Street frontage	Demolish	N/A – added after 2016	Intrusive
J – Amenities Block	Recently constructed amenities building	Demolish	N/A – added after 2016	Intrusive
K – Mill Office	Former office building occupied by Spinifex	Demolish	Exceptional/High Significance	Low significance
L – Manilla Street Shed	Metal shed fronting Manilla Street	Demolish	Low significance	Low significance
M – Weighbridge	Metal shed over the weighbridge and siding	Demolish the metal shed.	Exceptional significance	Low significance

and siding		Retain the weighbridge and siding.		
N – Bedwells Rear Warehouse	Metal warehouse	Demolish	Low significance	Low significance
O – Building 16	Former BBF building fronting Havannah Street	Demolish	Low/moderate significance	Low/moderate significance
P - Garages	Garages fronting Manilla Street	Demolish	Intrusive	Intrusive

The removal of the buildings rated intrusive and low significance in the 2016 Conservation Management Plan is supported.

Of those remaining buildings the follow is noted:

<b>Building</b>	<b>Proposal</b>	<b>Comment</b>
A – “Invincible Flour”	<p>Relocation to the adjoining footpath in Keppel Street.</p> <p>Relocation of the sign is necessary to accommodate access into the ground floor retail components of Building “H”. This is considered necessary to provide for an active street frontage to Keppel Street.</p>	<p>The “Invincible Sign” located immediately adjoining the Keppel Street footpath is individually listed as a heritage item under the LEP.</p> <p>The trademark Invincible along with “Fairy Dell” were popular brands of flour generated from the Mill.</p> <p>The Invincible Sign contributes significantly to the character of the complex.</p> <p>The Invincible sign was installed towards the middle/end of the 20<sup>th</sup> century. Whilst it would under normal circumstances be considered to be of moderate/high significance due to its age of construction it retains an exceptional rating due to its prominence and strong identification with the Mill Precinct.</p> <p>Whilst relocation of the Invincible sign can be supported, its final location will need to be subject to further discussions. There are some concerns that the location may not be practical taking into account the width of footpaths and the need to accommodate facilities like kerb side drop off, etc.</p> <p>Similarly, the relocation would see the transfer of responsibility for future maintenance/liability to Council being within the public domain.</p> <p>Relocation can be supported in principle.</p>
K – Mill Office	Demolish	<p>The Mill Office building is attached to the northern elevation of the Mill Building and was until recently occupied by Spinifex.</p> <p>Under the current Heritage Impact Statement the building is listed as “low</p>

		<p>significance”.</p> <p>Under the previous Conservation Management Plan this building had been rated as “exceptional”.</p> <p>The Addendum to the Conservation Management Plan adopts a “low” significance as the building has been drastically modified with the replacement of openings, cladding and the removal of the original layout. In addition, its original relationship to the Mill building is no longer clearly discernible.</p> <p>The lower rating is adopted in the Heritage Impact Statement as it is “not integral toward understanding the use of the site and visually intrusive in contrast to the more significant brick building form of the Mill Building. They would also likely require substantial remedial work if retained, given the condition”.</p> <p>Demolition can be supported.</p>
M – Weighbridge and siding	<p>Demolish the metal shed.</p> <p>Retain the weighbridge and siding.</p>	<p>There are two elements to this building being the building itself and the weighbridge and siding contained within.</p> <p>The building itself is of limited significance.</p> <p>The siding and weighbridge are of exceptional significance.</p> <p>Demolition of the metal shed can be supported.</p> <p>Retention of the weighbridge and siding is supported.</p>
O – Building 16	Demolish	<p>The former BBF building is contributory as it relates to the Havannah Streetscape although it is largely concealed from view from the remainder of the site.</p> <p>The building comprises a single building constructed circa 1917.</p> <p>The significance of the building is predominantly from a streetscape perspective and its demolition should only be supported on the basis that the proposed infill makes a positive contribution to the overall streetscape.</p>

### 10.5 Development within the Bathurst and Kelso Heritage Conservation areas

Consideration of the Statement of Significance for the Bathurst Heritage Conservation Area will be required for the future detailed design components of the development.

The development standards are not applicable to the concept application. These will be considered as part of the assessment of the subsequent development applications facilitating development on the subject site.

## Chapter 11 – Outdoor Lighting

Given the nature of the application as a concept, the controls within this chapter are not applicable at this stage and will be assessed as part of the future development application for the detailed proposal for the business components of the development.

## Chapter 14 – Parking

Council's DCP adopts the following development standards in relation to parking provision.

### *Development standards*

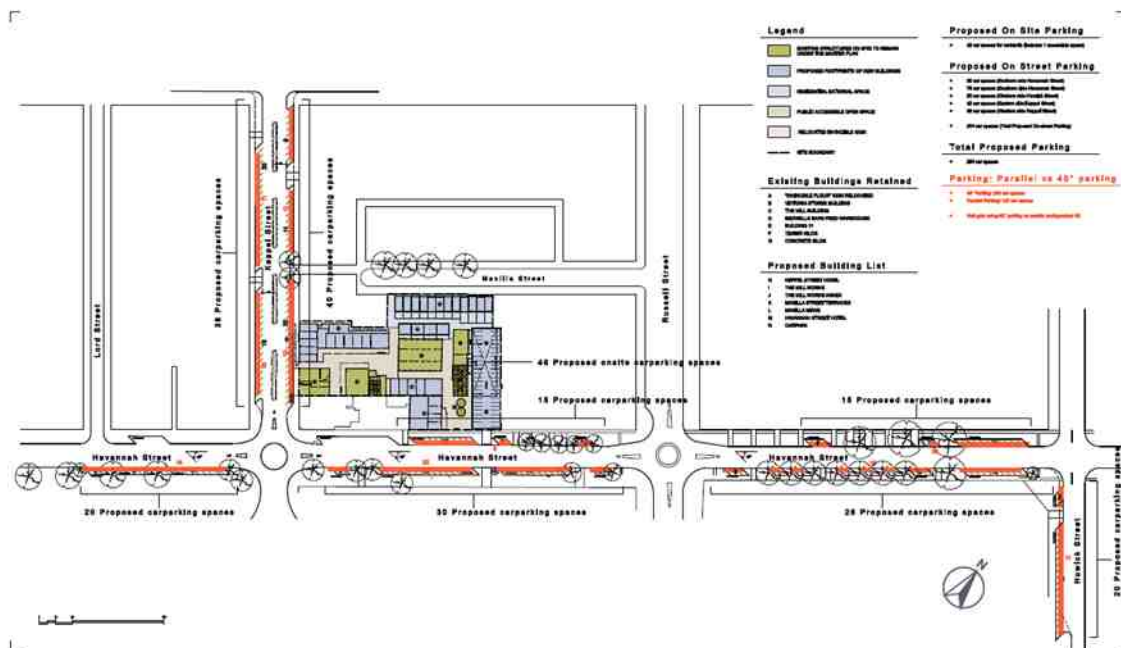
- a) *Consent will generally not be given to alter, enlarge, convert or increase the capacity of any existing buildings, to erect new buildings, or to use any land unless off-street car parking is provided in accordance with this section.*
- b) *With respect to extensions or alterations to existing buildings, 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.*

As noted previously, the proposal is based on the provision of a limited number of on site parking spaces with further off site parking being provided by converting existing parallel on street parking spaces into 45<sup>o</sup> angle parking

In the initial stage, a carpark of 46 spaces will be constructed off Havannah Street. The carpark will service the early stages of the development, notably the hotel accommodation. Upon the construction of the residential Terraces and Mews, 16 of those spaces will be allocated to the dwellings on the basis of 1 space per dwelling. The remaining 30 spaces will be used by the hotel accommodation.

In the absence of additional off street parking, the applicant proposes to augment on street parking in the surrounding streets. This is to be achieved by converting existing parallel spaces into 45<sup>o</sup> angle parking. This provides an overall net increase in parking within the surrounding streets of 82 spaces. It is noted that this increase is subject to further detailed designed to accommodate issues such as existing infrastructure (trees, services, driveways, verandah posts, etc.), setbacks from intersections and roundabouts and the need to provide servicing areas for the accommodation (i.e. drop off and

loading/unloading areas).



Whilst the proposal is a concept, actual car parking rates will be refined through the future development applications to facilitate the development; for the purpose of assessing the concept, it is necessary to establish that the infrastructure is available to support the development.

Applying the carparking rates adopted by the DCP requires the following off street parking spaces.

Use	Parking Rate	Spaces required	Spaces Provided
Hotel – 122 rooms	1/room + 1/2 employees*	128	30
Retail – 1,536m <sup>2</sup> GFA	1/35m <sup>2</sup> GFA	52	
Commercial – 3,259m <sup>2</sup> GFA	1/50m <sup>2</sup> GFA	65	
Residential – 16 dwellings	1 space per dwelling	20	16
		<b>TOTAL = 265</b>	<b>46</b>

- Assume 12 staff and therefore 6 spaces;
- Assume 4 visitor spaces for residential;
- Assumed 8 spaces for ground floor retail of Victoria Stores building

The proposal therefore has a shortfall of parking as required by the DCP of 210 spaces

The applicant has advanced a number of arguments towards reducing the number of parking spaces. These are outlined in the applicant’s Addendum Traffic Impact Assessment provided at **Attachment 4**.

These arguments include:

- Hotel occupancy rates



- Travel by modes other than private vehicles
- Heritage Incentives
- Joint use of facilities
- Time of day usage
- Peak events
- On street parking
- Staging
- Patrons within walking catchments
- Availability of parking within residential properties

#### *Hotel occupancy rates*

The current DCP provision is based upon 1 parking space per room plus 1 space per 2 employees. It therefore assumes 100% occupancy rates.

The Addendum Traffic and Parking suggests that a more appropriate approach would be to assume an occupancy rate of 70% across the 122 rooms on site. Applying this logic would see the parking requirement of the hotel usage reduced from 128 (122 rooms plus 6 staff) to 90 spaces.

As noted in the Addendum Traffic Impact Assessment, the 70% average occupancy figure is based upon data supported by Australian Bureau of Statistics and Destination NSW. The application of a concession for less than 100% occupancy rates is not new. Council previously accepted an occupancy rate figure for the serviced apartment proposal on the corner of Bentick and Howick Street, albeit by adopted a higher 85% occupancy figure on the basis of actual usage figures provided for similar type developments and the reliance upon serviced apartment type accommodation rather than hotel accommodation.

The argument as to occupancy rates can be supported in this instance as a basis for calculation of parking rates for the hotel accommodation.

#### *Travel by modes other than private vehicles*

The argument put is that a certain proportion of patrons will arrive by means other than car. Given the proximity to the Bathurst Railway that argument has some validity.

The estimate provided, based on NSW data from the National Visitor Survey by Tourism Research Australia, is that this is in the order of 4.4- 6.6%. For the purposes of the assessment, 5% is suggested.

The argument as to alternate travel modes can be supported in this instance resulting in a further 5% reduction.

#### *Heritage Incentives*

Clause 7.9 of the LEP provides for incentives as they relate to parking.

The prerequisites to the use of Clause 7.9 are that:

- Council is satisfied that the conservation of the heritage buildings will be facilitated by the granting of consent;
- A Heritage Impact Statement submitted as part of the application;
- The proposed development will not adversely affect the heritage significance of the buildings and setting;

- It is demonstrated that the proposed development will not have any significant adverse impact on the amenity of the surrounding area.

Of the remaining buildings on site the follow conclusions can be made:

<b>Building</b>	<b>Uses</b>	<b>Comment</b>	<b>Applicability of Clause</b>
"B" Victoria Stores	Ground floor retail and 9 rooms accommodation	Already has development consent to facilitate uses.  Requires limited amount of additional works	No
"C" Mill building	Ancillary to Hotel	Building is currently vacant and requires substantial amount of works to accommodate adaptive reuse.  Works will not have adverse impact on heritage significance.  For the purposes of providing parking the building does not provide any additional rooms.	Yes
"D" Bedwells Barn	Commercial	Building is currently vacant and requires substantial amount of works to accommodate adaptive reuse.  Works will not have adverse impact on heritage significance.	Yes
"E" Building 11 (The Chapel)	Commercial	Building is currently vacant and requires substantial amount of works to accommodate adaptive reuse.  Works will not have adverse impact on heritage significance.	Yes
"F" Timber Silos	Retail/Hotel/Roof top bar	Building is currently vacant and requires substantial amount of works to accommodate adaptive reuse.  Works will not have adverse impact on heritage significance.	Yes
"G" Concrete silos	Hotel	Building is currently vacant and requires substantial amount of works to accommodate adaptive reuse.  Works will not have adverse impact on heritage significance.	Yes

The overriding proviso to the use of Clause 7.9 is that in providing the incentive (in this case reduced parking) there should not be "any significant adverse impact on the amenity of the surrounding area". The capacity for the surrounding streets to accommodate overflow parking is therefore critical to ensuring that there is no adverse impact on the amenity of the surrounding area. That is not to say no impact on amenity but rather no significant adverse impact.

There are 30 on-site car parking spaces proposed to service the hotel component of the development.

Clause 7.9 can be appropriately used in this case. This exclusion results in a 40-space reduction in the required car parking rate.

#### *Joint use of facilities*

It is also important to consider the joint use of the proposed facilities of the development. It is likely that residents and hotel guests will visit the retail and food and beverage uses proposed. It is not unreasonable to consider the proposed 575m<sup>2</sup> of ground floor retail associated with the hotels be excluded from the car parking calculations.

#### *Time of day usage*

Time of day usage of the site is also a consideration in the calculation of car parking rates. The likelihood of car parking demand for all uses being generated at the same time over a 24-hour period is low, given hotel users will typically generate demand for car parking after normal business hours whilst the retail and commercial uses will generate demand during the day.

#### *Peak events*

The applicant has proposed that a Plan of Management be prepared during periods where large scale events will increase occupancy rates. This would see other potential events on site, such as markets, curtailed to reduce pressure on parking.

#### *On street parking*

The applicant has proposed to augment on street parking by converting parallel spaces to 45° parking. This provides an overall net increase in parking within the surrounding streets of 82 spaces. It is noted that this increase is subject to further detail designed to accommodate issues such as existing infrastructure (trees, services, driveways, verandah posts, etc.), setbacks from intersections and roundabouts and the need to provide servicing areas for the accommodation (drop off and loading/unloading areas).

The overall acceptance of this alternate approach to parking provision is fundamental to the acceptability of parking overall. The areas chosen for additional parking in Havannah and Howick Streets are predominantly non residential in nature.

Whilst Keppel Street has more residential properties, conversion to 45° angle parking is not dissimilar to other areas of commercial usage. In order to accommodate the works in Keppel Street it will be necessary at a minimum to remove the centre island median strips (but not the lamp standards). Alternative landscape treatments such as those undertaken surrounding the Cathedral can be incorporated into the works if required by Council.

#### *Staging*

Staging of the development can occur such that parking is brought on line commensurate with the development as it occurs.

#### *Patrons within walking catchments*

It is noted that there are a significant number of properties within walking distance. Whilst

this may reduce the overall car dependency it does not necessarily warrant an overall reduction in parking.

#### *Availability of parking within residential properties*

The applicant has undertaken an assessment of the availability of on-street car parking spaces and the current usage patterns of the existing provision of car parking within 400m of the subject land. It was noted that all but 2 residential properties on Keppel Street have existing off-street parking servicing the dwellings.

A survey of the usage of the existing on-street parking identified 40% occupancy rate across the life of survey. Given this, it is considered appropriate that some of these underutilised car parking spaces may be utilised by patrons of the development.

#### *Summary of parking*

It is concluded based on the evidence provided above that sufficient car parking can be provided to service the site. This will be further scrutinised in subsequent development applications facilitating the development on the site. Required development contributions for the upgrade and provision of on-street car parking will also be assessed in greater detail in these subsequent applications.

For the purposes of establishing parking rates for future developments the following principle should apply.

- Parking rates of 70% may be applied to hotel accommodation.
- The Heritage Incentives provisions may be applied to Buildings C(The Mill Building), D (Bedwell’s Barn), E (Building 11 – The Chapel), F (Timber Silos) and G (Concrete Silos).
- A reduction of 5% is warranted on the basis of proximity to public transport.
- A reduction to for ground retail to Building H (Keppel Street Hotel) is warranted due to co-usage.

Applying these principles to the development the following parking provisions apply.

BUILDING	LEVEL	USES	FLOOR AREA* (21/2/2023)	NO OF ROOMS	NO OF DWELLINGS	DCP REQUIREMENT	ARGUMENTS	DCP REQUIREMENT	PARKING PROVIDED	SHORTFALL
B – Victoria Stores	G	Retail	276	-	-	1 space per 35m <sup>2</sup>	Heritage Incentives Co-usage with hotel	8	0	8
	L1	Hotel	280	9	-	1 space per room	Heritage Incentives 70% occupancy rate 5% other method travel	9 6	0	9 6
C - The Mill Building	G, L1, L2, L3	Hotel (ancillary)	1242	0	-	1 per 2 employees	Heritage Incentives	6	0	6
D – Bedwells Barn	G	Commercial* - also referred to as markets and function centre	486	-	-	1 space per 50m <sup>2</sup>	Heritage Incentives	10	0	10

E – Building 11 (The Chapel)	G	Commercial *	123	-	-	1 space per 50	Heritage Incentives	3	0	3	
F – Timber Silos	G	Retail	210	-	-	1 space per 35	Heritage Incentives	6	0	6	
	L6	Hotel/Roof top bar	240	-	-	1 space per 30m <sup>2</sup>	Heritage Incentives	8	0	8	
G – Concrete Silos	G, L1, L2, L3, L4, L5	Hotel	228	10	-	1 space per room	Heritage Incentives Heritage Incentives 70% occupancy rate 5% other method travel	10 7	0	10 7	
H – Keppel Street Hotel	G, L1, L2, L3	Hotel	2486	51	-	1 space per room	Occupancy rates 70% occupancy rate 5% other method travel	51 34	0	51 34	
H – Keppel Street Retail	G	Retail	575	-	-	1 space per 35m <sup>2</sup>	Co-usage with hotel	17	0	17	
I – The Mill Works Building	G	Retail	300	-	-	1 space per 35m <sup>2</sup>	-	9	0	9	
	L1, L2, L3	Commercial	900	-	-	1 space per 50m <sup>2</sup>	-	18	0	18	
J – The Mill Works Annex	G	Retail	385	-	-	1 space per 35m <sup>2</sup>	-	11	0	11	
	L1, L2, L3, L4	Commercial *	1540	-	-	1 space per 50m <sup>2</sup>	-	31	0	31	
K – Manilla Street Terraces	G, L1, L2, L3	Dwelling	2052		12 x 2br	1 space per 2br + 1 visitor space per 4 dwellings		15	12	3	
L – The Mews	G, L1, L2, L3	Dwelling	748		4 x 1br	1 space per 2br + 1 visitor space per 4 dwellings		5	4	1	
M – Havannah Street Motel	L1, L2, L3, L4	Hotel	2424	52		1 space per room	Occupancy rates 70% occupancy rate 5% other method travel	52 35	30	22 5	
TOTAL								269 229	52 46	223 183	
Heritage Incentive Clause 7.9 of LEP	40 spaces in relation to retained heritage buildings C, D, E, F, G										183 – 40 = 143

Note: There is a slight discrepancy between Council's calculation of the car parking rate for this development and the rate calculated by the developer. This is due to the rounding of figures for different uses.

Where there is a shortfall between the number of parking spaces required under the DCP and the number of spaces provided for each component of the development, a condition will be imposed on the consent requiring the developer to provide an offset strategy. The offset strategy should outline additional measures including:

- Additional opportunities for on-street augmentation within the vicinity of the project;
- Opportunities for provision of offsite car parking to accommodate additional parking;
- Contributions or other arrangements under Council's adopted Section 7.11 Contributions Plan Bathurst CBD Car Parking;

- Additional opportunities to reduce reliance upon vehicles.

## Chapter 14 – Crime Prevention

The concept development application was referred to Bathurst Police for comment. No objections were raised; however, it was requested that all future development applications relating to the development have a CPTED assessment prepared and be referred to Bathurst Police for comment. This has been included as a condition of consent.

### Section 4.15(1)(b) - Likely Impacts of Development

The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality must be considered. In this regard, potential impacts related to the proposal have been considered in response to SEPPs, LEP and DCP controls outlined above and the Key Issues section below.

- As discussed throughout this report, this concept application does not facilitate any building or construction work. The proposed building envelopes represent maximum limits for the proposed buildings to sit within.
- Subsequent development applications containing the detailed design will be assessed and scrutinised to ensure the suitability of the proposed elements of the concept.
- Conditions imposed on the concept application to guide the future development will be applied to all forthcoming development applications

The consideration of impacts on the natural and built environments includes the following:

- Context and setting – The proposal is considered to be generally consistent with the context of the site, in that the proposed hotel, retail, commercial and residential uses are appropriate within the Bathurst CBD. The proposal retains and provides adaptive re-use of the significant buildings located on the site, thereby conserving the heritage significance of the site. The proposal will result in changes to the streetscape and approaches to the southern extent of the CBD. It is the aim of the project to ensure the new elements of the proposed development are sympathetic to the existing character and amenity of the locality and streetscape.
- The potential impacts on adjoining properties are not likely to be significant. The shadow diagrams submitted (located in **Attachment 8**) demonstrate that all surrounding properties retain solar access for a minimum of 2 hours. Construction impacts will be managed by conditions of consent to be imposed on subsequent development applications facilitating the construction work.
- Access and traffic – The proposed development is located within walking distance of the wider Bathurst CBD, and in close proximity to the Bathurst Train Station. The provision of on-street car parking does not meet the minimum requirements as calculated in accordance with the DCP requirements. Surveys and analyses have been undertaken demonstrating that there is the potential for upgrades to on-street car parking could meet the demand generated. This will be refined with a detailed response in the subsequent applications.

- Public Domain – the proposal does not adversely impact on the public domain. The existing pedestrian linkages in the locality are maintained and the proposed development will encourage pedestrian patronage to the southern extent of the CBD.
- Utilities – all utilities are available at the site.
- Heritage – As discussed above, the site contains heritage items and is located within a Heritage conservation area. The proposed development includes the adaptive re-use of the existing heritage buildings located on the site and proposes the showcase of moveable heritage within the future development. The proposed development will alter the character of the existing site, however this is considered to be an acceptable trade-off for the extent of the conservation of the site.
- Natural environment – Given the site has been previously development, the proposal will not have significant impacts on the natural environment.
- Noise vibration and construction impacts – construction and operational impacts will be managed in the subsequent development applications facilitating construction.
- Natural hazards – the site is not affected by any natural hazards.
- Social impact – The proposed development is considered to maintain the existing sense of place created by the significance of the site to the development of Bathurst. The new development will encourage interaction between the existing heritage of the site and the community. Upon completion, the development aims to showcase the history of the flour mill within the proposed commercial, hotel and retail uses open to public patronage.
- Economic impact – The proposal will result in further employment generation, providing opportunities for future businesses and increased tourism facilities which will result in economic benefits for the city.
- Cumulative impacts – The proposed development is generally consistent with the planning controls, and conditions of consent will assist in ensuring the proposed development will not result in an adverse cumulative impact.

Accordingly, it is considered that the proposal will not result in any significant adverse impacts in the locality as outlined above.

#### **Section 4.15(1)(c) - Suitability of the site**

The proposal is considered to fit within the locality, providing commercial, retail, visitor accommodation and residential uses within the CBD and in close proximity to public transport. The proposal conserves the existing heritage buildings located on the site and proposes adaptive re-use that facilitates the continued use of the buildings and invites community patronage to appreciate the history of the site with the inclusion of the moveable heritage within the redevelopment.

#### **Section 4.15(1)(d) - Public Submissions**

These submissions are considered in Section 5 of this report.

## Section 4.15(1)(e) - Public interest

The proposal is considered to be in the public interest, as it will facilitate the conservation of a significant heritage site within Bathurst, providing an opportunity to reinvigorate the old flour mill whilst retaining the significant buildings located on the site by way of adaptive reuse. The proposal intends to showcase the heritage significance of the site whilst providing additional tourism opportunities well located adjacent to public transport. Given this, the proposal is considered to provide economic and social benefits to the city and is considered to be in the public interest.

The proposal is considered to be generally consistent with the applicable planning controls, with the exception of the height of buildings development standard for which an exception has been requested and is recommended to be granted. The concept will be subject to further scrutiny in future development applications proposing the detailed design and facilitating the construction on the site, whereby potential impacts can be assessed in further detail.

## Public Consultation

The proposal was notified in accordance with Council's Community Participation Plan from 16 December 2022 until 31 January 2023. The notification included the following:

- An advertisement in the local newspaper, the Western Advocate on 16 December 2022;
- Notification letters sent to 53 adjoining and adjacent properties.
- A submissions hearing was held on 8 March 2022 for those who made a submission to voice their concerns.

The Council received a total of 46 unique submissions, comprising 44 objections and 2 submissions in favour of the proposal. The issues raised in these submissions are in response to the original submission and not the amended plans. The issues are considered in the table below.

A copy of the public submissions is provided at **Attachment 9**.

The applicant has also provided a written response to the submissions provided at **Attachment 10**.

Submission Hearing minutes are provided at **Attachment 11**.

Issue	No of submissions raising the issue	Applicant Comments
<b>Building height and scale</b>  Submissions raised concern the height of hotel building is too bulky and contravenes the 12-metre height limit.	26	The height of the proposed hotel along Keppel Street has been reviewed to consider community concerns by substantially reducing the building height and removing two levels, resulting in an overall height of 13.5m, a contravention of 1.5m or 12.5%. This represents a reduction of 5.2m from the scheme as lodged. Further, the extent of variation is now limited to the parapet, which has been designed to conceal any roof plant and equipment. This amendment will result in an improved built form and streetscape outcome, while also considering the heritage



		<p>context of the site, thereby addressing community concerns in relation to the overall building height across the site relative to the 12m height control.</p> <p><b>Outcome:</b> This issue has been satisfactorily addressed through amendments to the proposal, reducing the height of the proposed hotel on Keppel Street from 18m to 13.5m.</p>
Not to scale with buildings in the precinct/2 storey character		<p>The heights of the proposed buildings are not inconsistent with the height and scale of the existing buildings on the site, including the Silos and the Mill Building. The proposed scale is considered an appropriate response the heritage context of the site and wider area.</p> <p>The Concept DA provides for building envelopes only and does not define the future buildings. The scale of each of the proposed buildings will be further refined and detailed as part of future detailed DAs.</p> <p>Articulation of the facades will further reduce any perceived bulk and scale through well-considered architectural design elements and treatments.</p> <p>The height of the proposed hotel along Keppel Street has been substantially reduced by removing two levels. In doing so, the height proposed is sympathetic to that of the existing Victoria Stores, located adjacent to the subject site and the Victoria Hotel located at the corner of Keppel and Havannah Street.</p>
Loss of sight lines/competition with silos and Mill building	11	<p>Detailed architectural design will allow for further opportunity to provide suitable sight lines to heritage elements, such as the silos, which will be retained and restored as part of the proposal. Setting this aside, the proposal has appropriately considered the heritage context of the site and the retained buildings by providing ongoing opportunity to enjoy the view of retained buildings from all street frontages, and retaining view lines to critical elements of these buildings.</p> <p>The amendment provided in relation to the hotel building will further improve sight lines from Keppel Street to the silos, with the hotel providing a maximum building height 15.07m below the existing timber silos, ensuring they will continue to provide dominance in the streetscape.</p>
Overdevelopment of the site, including impacts on the adjoining child care centre  Deficiency of open space	18	<p>Architectural modelling indicates that the terraces along Manilla Street will only overshadow the child care centre between 9am and 10am with the remainder of the day being unaffected. These shadow impacts are reflected from the unarticulated, worst case scenario building envelopes and will be subject to further refinement when the detailed architectural design is undertaken.</p> <p>To the extent the proposal will provide opportunities for overlooking into the adjoining child care centre, these are matters that can be considered as part of the detailed design process.</p> <p>The proposal has considered the heritage significance of the site and ensured the proposed buildings do not detract from the significance of the retained buildings by overdeveloping the site.</p>

		<p>The proposal provides for total site coverage of only 66.18% with the inclusion of all new buildings and retention of existing heritage buildings.</p> <p>Separation has been provided between existing and new buildings with extensive landscaping provided to ensure softening of the built form and the creation of a series of new landscaped spaces throughout the masterplan, which comprise 33.84% of the site. Noting that the envelopes will be further refined within future detailed DAs to provide articulation and opportunity for additional separation and landscaping.</p>
<p>Increase in traffic within the precinct. Traffic congestion Traffic Safety will be compromised</p>	12	<p>The future land uses will likely result in different traffic generation rates throughout the day, with many proposed users of the site taking advantage of multiple uses i.e. a hotel guest would be anticipated to also visit the food and drink or retail offerings available on site.</p> <p>The site's location in relation to local bus routes and the train station offer the opportunity to promote a modal choice within the Bathurst CBD to deliver a more sustainable and forward thinking centre, which is aligned with Council's Vision Bathurst 2040 and the futureproofing objectives contained within Futureproofing our CBD- 2022 and Beyond.</p> <p>The proposal is for a Concept DA only, and no physical development is proposed as part of this application, which seeks only to inform Council and the community of the future development outcome of the site.</p> <p>All future land uses will be the subject of separate detailed DAs before any works occur on the site.</p> <p>Future DAs will be supported by thorough and detailed traffic impact assessments and modelling that will consider potential safety impacts to pedestrians and other drivers.</p>
<p>Insufficient off-street car parking</p>	36	<p>The applicant explored numerous models for car parking on sites located close to the precinct as well as multi-storey car parking on the site. These options were presented to Council officers to outline that multi-storey car parking is not suitable for the heritage precinct and broader conservation area.</p> <p>To address concerns relating to the shortfall of off-street parking, alternate parking options have been proposed, including the extension of on-street parking on Havannah Street, as detailed within the Concept DA.</p> <p><b>Outcome:</b> This issue has been addressed partly through amendments to the proposal, removing the proposed apartment building. The carparking previously proposed to service the apartment building is available for the hotel component. Car parking will be further detailed in subsequent development applications.</p>
<p>Overshadowing</p>	13	<p>Given the orientation of the site, the only proposed built form which will provide shadow in relation to the childcare centre is the proposed Manilla Street terraces. A review of the shadow diagrams indicates that the terraces will result in minimal overshadowing of the childcare centre at 9am</p>

		(confined to the rear of the site) with the centre unaffected by the proposal for the remainder of the day. The central courtyard will continue to be provided with sufficient solar access between 9am and 12pm.
Construction Impacts	4	The proposal is for a Concept DA and does not propose any physical works. The impacts generated by construction, including the generation of dust is a matter for consideration under future detailed DAs. Appropriate mitigation measures would be implemented to ensure such impacts are minimised.
Retention of the previously supported plan for a Milling Museum on site	4	While the current proposal does not propose the Milling Museum, it will retain artefacts to be incorporated into the fabric of the development. This proposal offers the opportunity for much more significant restoration of important heritage items on the site, such as the timber silos, which will be retained and restored.
Faux heritage	5	The proposal is for a Concept DA only with approval being sought for building envelopes, not building plans. Architectural design detail will be finalised in subsequent detailed DA stages. The community will have an opportunity to respond during the exhibition of these DAs. The artistic renders accompanying this DA are indicative and conceptual in nature and do not reflect any final architectural design. Architectural design of future detailed DAs will be informed by the Heritage Impact Statement and Conservation Management Plan prepared and submitted with this DA.
Impact on property values of surrounding development	3	The impact of the development on property values is not a matter for consideration under s4.15 of the <i>Environmental Planning &amp; Assessment Act 1979</i> .

## PROPOSED CONDITIONS OF CONSENT

The concept development is recommended for approval subject to conditions of consent as provided at **Attachment 12** and repeated below.

- 1) This consent does not authorise the carrying out of any development works (including demolition) on any part of the site concerned unless consent is subsequently granted to carry out development on that part of the site following a further development application in respect of that part of the site (future DA).
- 2) Pursuant to Section 4.22 of the Environmental Planning and Assessment Act 1979, concept approval is granted for demolition of certain existing buildings and approval of new building envelopes and proposed land uses for the site including:

### Hotel accommodation

- 51 room new hotel (Keppel Street)
- 52 room new hotel (Havannah Street)
- 10 room hotel in existing concrete silos

### Commercial

- Hotel reception

- Guest library
- Exhibition Space /Art Gallery
- Farmers Market
- Event and function space
- Art House Cinema
- Commercial Kitchen

#### Residential

- 12 x 2 bedroom terraces
- 4 x 1 bedroom mews

#### Car parking

- 30 hotel on-site spaces
- 16 residential on-site spaces
- 1 accessible space
- Bicycle accommodation
- EV charging station

It is anticipated that the final number of hotel rooms and uses will be further refined during the development of subsequent stages. In this regard, they are to be treated as a maximum size of development only.

- 3) The development must be in accordance with the following plans electronically stamped by Council except as otherwise provided by the conditions of this consent:

Name	Plan	Revision/ Issue No	Plan Date (as amended)	Prepared by
Existing Site Plan	01	-	25/11/2022	Karl Walls Design
Proposed Removal and Relocation Plan	02	-	25/11/2022	Karl Walls Design
Proposed Site Plan	03	A/2	20/02/2023	Karl Walls Design
Proposed Open Space Strategy Plan	04	A/2	20/02/2023	Karl Walls Design
Proposed Parking and Access Plan	05	A/2	20/02/2023	Karl Walls Design
Proposed Staging Plan	06	A/2	20/02/2023	Karl Walls Design
Keppel Street Elevation	07	A/2	20/02/2023	Karl Walls Design
Manilla Street Elevation	08	A/2	20/02/2023	Karl Walls Design
Havannah Street Elevation	09	A/2	20/02/2023	Karl Walls Design
Eastern Elevation	10	A/2	20/02/2023	Karl Walls Design
Proposed Ground Floor – Space Usage Plan	16	A/2	20/02/2023	Karl Walls Design
Proposed Level 1 – Space Usage Plan	17	A/2	20/02/2023	Karl Walls Design
Proposed Level 2 – Space Usage Plan	18	A/2	20/02/2023	Karl Walls Design
Proposed Level 3 – Space Usage Plan	19	A/2	20/02/2023	Karl Walls Design
Proposed Level 4 – Space Usage Plan	20	A/2	20/02/2023	Karl Walls Design
Proposed Level 5 – Space Usage Plan	21	A/2	20/02/2023	Karl Walls Design

Proposed Level 6 – Space Usage Plan	22	A/2	20/02/2023	Karl Walls Design
Proposed Level 7 – Space Usage Plan	23	A/2	20/02/2023	Karl Walls Design
Adaptive Re-use Plan	33	A/2	20/02/2023	Karl Walls Design
Traffic Impact Assessment			25/11/2022	PDC Consultants
Addendum Traffic Impact Assessment			3/03/2023	Mecone
Landscape Report			25/11/2022	ASPECT Studios
Heritage Impact Statement			28/02/2023	Weir Phillips Heritage & Planning
Addendum to the Conservation Management Plan			28/02/2023	Weir Phillips Heritage & Planning

- 4) For the purposes of this consent, the development is to be undertaken in stages, generally in accordance with the below:
- Stage 1:
    - Alterations and additions to Victoria Stores building (subject to separate development consent 2022/384) – Building “B”.
  - Stage 2:
    - Construction of hotel fronting Keppel Street
    - Restoration of Mill Building
    - Restoration of Bedwells Barn
    - Landscaping
    - Construction of on-site car park
    - Relocation of ‘Invincible’ sign.
  - Stage 3:
    - Construction of new commercial and retail building ‘Mill Works’ Building
    - Construction of new retail and commercial development – ‘Mill Works Annex’. The existing timber silos are excluded from this stage.
  - Stage 4:
    - Restoration works to the ground floor silos
    - Restoration of Building 11 for the purpose of an arthouse cinema
    - Creation of hotel accommodation within the Concrete silos
  - Stage 5:
    - Construction of Havannah Street Hotel
  - Stage 6:
    - Construction of the Mews and Manilla Street Terraces
- 5) Future Development Applications shall demonstrate that buildings do not exceed the building envelope shown in the approved plans.
- 6) The proposed development is to be delivered with a cohesive and integrated street level treatment. Ground floor uses fronting Keppel Street and Havannah Street are to be active uses.

- 7) The pedestrian spaces and ancillary through-site links are to be publicly accessible. Future Development Applications shall include detailed landscape and architectural plans for the open space areas. These areas shall include high quality landscaping and paved areas.
- 8) For the purposes of this consent, the following buildings may exceed the Height of Buildings provision under BRLEP 2014 (i.e. 12m).

Building	Maximum Height (Above Existing Ground Level)
Building 'H' – Keppel Street Hotel	13.5m
Building 'J' – The 'Mill Works Annex'	15m
Building 'M' – Havannah Street Hotel	15m

It is anticipated that the final height of these building will be further refined during the development of design. In this regard they should be treated as a maximum height only.

- 9) Conditions requiring payment of developer contributions towards the provision or improvement of public amenities and services including water & sewer will be required for any future Development Applications. The amount of the development contributions shall be determined by Council in accordance with the applicable Bathurst Development Contributions Plans and Development Servicing Plan for Water Supply and Sewerage Services applied to the site at the time of lodgement for each future Development Application.
- 10) Parking is to be provided at the rates provided for under the Bathurst Regional Development Control Plan 2014 with the following exceptions:
  - a. Hotel rooms may be provided at a ratio of 0.7 spaces per room.
  - b. Car parking is not required for the purposes of:
    - i. building 'C' Mill Building;
    - ii. building 'D' Bedwells Feed Barn;
    - iii. building 'E' Building 11 (the Chapel);
    - iv. building 'F' Timber silos, and
    - v. Building 'G' Concrete silos
  - c. A Plan of Management is to be prepared during the periods where large scale events will increase occupancy rates.
  - d. Car parking may be reduced by 5% on the basis of proximity to public transport.
  - e. Car parking is not required for the purposes of ground floor retail for 'Building H' Keppel Street Hotel.
  - f. 16 spaces are to be provided on-site for the residential dwellings.
- 11) Additional on-street parking is to be provided generally in accordance with that described in the Addendum Traffic Impact Assessment prepared by Meccone dated 3 March 2023.

The final design of on-street parking will be subject to detailed design to accommodate issues such as existing infrastructure (including trees, services, driveways, verandah posts and the like), setbacks from intersections and roundabouts and the need to provide servicing areas of the accommodation (i.e. drop off and loading/unloading).

All costs associated with the implementation of on-street parking augmentation are to be borne by the development unless agreed otherwise with Council.

- 12) To the extent that there is any shortfall between the car parking rates outlined in condition 10 and the additional parking provided in condition 11, an offset strategy is to be provided. The offset strategy is to outline additional measures including:
  - a. Additional opportunities for on-street augmentation within the vicinity of the project;
  - b. Opportunities for provision of offsite car parking to accommodate additional parking;
  - c. Contributions or other arrangements under Council's adopted Section 7.11 Contributions Plan Bathurst CBD Car Parking;
  - d. Additional opportunities to reduce reliance upon vehicles.
- 13) Future Development Applications shall demonstrate compliance with the requirements of Chapter 4 of the SEPP (Resilience and Hazards) 2021 and are to include a detailed contamination assessment including detailed remedial action strategy, and incorporation of any necessary remediation as part of future Development Applications.
- 14) Future Development Applications shall demonstrate that the proposed development will maintain the stability of neighbouring properties.
- 15) Any future interpretation of the site should consider Aboriginal cultural heritage with appropriate consultation with Aboriginal groups.
- 16) Prior to the relocation of the 'Invincible Flour' sign, alternative strategies for the relocation to an appropriate location within the site are to be provided to Council for consideration and approval.
- 17) Prior to any full or partial demolition of any building on site, the applicant is required to submit to Council for approval a Collections Policy detailing the heritage items and objects of significance currently stored and/or found within the site and where these items will be stored during demolition.

The Collections Policy should consider the future stages of the development and develop a preliminary plan as to how and where the items/objects will be stored across the lifespan of the planned future developments. A contingency plan should be discussed in the event that archaeology or other items/objects are discovered.

NOTE 1: Council must approve the methodology within the Collections Policy before any demolition is carried out.

- 18) Prior to the commencement of the demolition, the developer is to submit to Council an electronic copy (.pdf) of the photographic record of the site. The photographic record is to be prepared in accordance with the Photographic Recording of Sites Guidelines, copy attached, for the site for which approval has been granted.

NOTE: Council will forward a copy of the photographic record to the Bathurst District Historical Society for their records.

- 19) Any future development of the site must be guided by the following design excellence principles:

- a) Development consent must not be granted to development to which this condition applies unless the consent authority has considered a visualisation of the proposed development in its real-world location within the NSW Spatial Services, Spatial Digital Twin developed for the central areas of the City of Bathurst 2022.
- b) Development consent must not be granted for development to which this condition applies unless the consent authority considers that the development exhibits design excellence. In considering whether the development exhibits design excellence the consent authority must have regard to the following matters –
  - i. whether a high standard of architectural design, materials and detailing appropriate to the building types and location will be achieved, particularly upper-level setbacks,
  - ii. whether the form and external appearance of the development will improve the quality and amenity of the public domain,
  - iii. how the development addresses the desired future character for landmark sites within the Bathurst CBD (section 10.5.4) and new infill development (section 10.4) as set out in the provisions of Chapter 10 of DCP 2014.
  - iv. how the development addresses the guiding principles set out in the Council Policy “Futureproofing Our CBD – 2022 and Beyond”.

## **CONCLUSION:**

This development application has been considered in accordance with the requirements of the EP&A Act and the Regulations as outlined in this report. Following assessment of the relevant planning controls and issues raised in submissions it is considered that the application can be supported. Draft conditions of consent are provided for consideration.

## **FINANCIAL IMPLICATIONS:**

N/A

## **BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:**

### **Objective 4: Sustainable and balanced 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. Aerial Photo and site plan [8.2.3.1 - 1 page]
2. Plans of development [8.2.3.2 - 11 pages]
3. Statement of Environmental Effects [8.2.3.3 - 44 pages]
4. Addendum Traffic impact assessment [8.2.3.4 - 17 pages]
5. Clause 4.6 variation request [8.2.3.5 - 30 pages]
6. Addendum to the Conservation Management Plan [8.2.3.6 - 36 pages]
7. Heritage impact statement [8.2.3.7 - 82 pages]
8. Shadow diagrams [8.2.3.8 - 7 pages]



9. Public Submissions [**8.2.3.9** - 93 pages]
10. Response to Submissions [**8.2.3.10** - 11 pages]
11. Submission Hearing Minutes 8 March 2023 [**8.2.3.11** - 4 pages]
12. Draft Conditions of Consent [**8.2.3.12** - 6 pages]

## 8.2.4 ROAD NAMING - RENAMING OF DOUGHERTYS JUNCTION ROAD TO OLD COACH ROAD

**File No: 20.00024**

### **RECOMMENDATION:**

That Council:

- a) give public notice, including individual notification to the two affected landowners in the Bathurst Local Government Area, of its intention to change the name of the subject road from Doughertys Junction Road to Old Coach Road consistent with the name recently applied by Mid Western Regional Council for the extension of the subject road in its Local Government Area; and
- b) direct the General Manager to undertake procedures pursuant to the requirements of the Roads Act 1993, to have the name gazetted, should no objections be received.

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### **REPORT:**

During the recent Pyramul/Sallys Flat bush fire a road name anomaly in the locality caused confusion when fire crews were being dispatched.

The subject road, mapped as Doughertys Junction Road, starts approximately 200 metres to the north of the intersection of Hill End Road and Sally's Flat Road in the Bathurst Region Local Government Area (LGA). The road runs generally in a northerly direction to Green Valley Creek which is the Local Government boundary between Bathurst Regional Council and Mid Western Regional Council. After crossing Green Valley Creek, the road continues on for a further 6 kilometres before it intersects with another road also known as Doughertys Junction Road. This other Doughertys Junction Road, in the Mid Western Regional LGA, connects Hill End Road to the west and Sallys Flat Road to the east.

See location plan and aerial photo at **Attachment 1** and annotated cadastral map at **Attachment 2**.

Mid Western Regional Council recently gazetted the name "Old Coach Road" for the 6 kilometres of the subject road within its LGA.

There are only two properties in the Bathurst Region LGA addressed to the subject road. It is noted that one of the property owners has previously requested a review of road name. That request was deferred pending Mid Western Regional Council undertaking consultation with the larger number of affected property owners in its LGA and gazetting the new name. Mid Western Regional Council gazetted the new name on 24 March 2023.

It is therefore recommended that Council adopt the name "Old Coach Road" for that section of the subject road in its LGA to ensure consistency with Mid Western Regional

Council's recent name gazettal.

## **FINANCIAL IMPLICATIONS:**

Nil

## **BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:**

### **Objective 4: Sustainable and balanced growth.**

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

### **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. Aerial and Location Plan [**8.2.4.1** - 2 pages]
2. Annotated cadastral map [**8.2.4.2** - 1 page]

## 8.2.5 STREETS AS SHARED SPACES ROUND 1

**File No: 16.00181**

### **RECOMMENDATION:**

That Council:

- (a) Note the outcomes of the Streets as Shared Spaces Round 1 project as summarised in this report;
  - (b) note the inclusion of assets from the Streets as Shared Spaces Round 1 project that can be made permanent to be passed into Council's asset management system for associated maintenance and operation within the relevant Council operational division;
  - (c) note that the Bathurst Regional Art Gallery will develop recommendations for the ongoing life of the public art locations or their decommissioning;
  - (d) consider the future allocation of \$65,000 to develop detailed design and cost estimates for incorporating permanent tree plantings within the CBD (Central Business District) and permanent changes to Church Street (kerb extensions, median centre island and pedestrian ramps); and
  - (e) consider a future capital project allocation to implement the findings of (c) above.
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### **REPORT:**

#### **Policy background**

In 2022 Council resolved to:

1. adopt the Bathurst Town Centre Master Plan (TCMP) as a reference document to inform future decision-making within the Bathurst CBD (July); and
2. adopt the Policy – “Futureproofing our CBD - 2022 and Beyond” (September).

The Policy - “Futureproofing Our CBD – 2022 and Beyond” aims to guide change in the public realm of the Bathurst CBD, whether owned publicly or privately.

The objective of the Policy is to establish the guiding principles to support future decision-making to ensure the public realm of the CBD responds to changing community values and economic and environmental influences over time, under the following principles.

1. *Sense of Place* - How does change engage with Bathurst Town Centre?
2. *Heritage and Streetscape* - How does change integrate with the Bathurst Town Centre and its heritage streetscapes and parklands?
3. *Landscape and environment* - How does change respond to and integrate with the

- environment and landscape of Bathurst Town Centre?
4. *Economic vitality* - How does change revitalise Bathurst Town Centre and particularly activate the streets of Bathurst Town Centre?
  5. *Connection* - How does change prioritise connectivity and walkability?
  6. *Traffic and Parking* - How does change manage disruptions to traffic and parking and enhance opportunities for public and active transport?
  7. *Climate and Resilience* - How does change respond to climate conditions and their impacts on Bathurst Town Centre?
  8. *Liveability* - How does change encourage new employees to work and new residents to live in Bathurst Town Centre?

### **Streets as Shared Spaces Round 1 (SaSS R1)**

Council received funding under the NSW Government Streets as Shared Spaces (SaSS) program to trial temporary improvements in Church St and Ribbon Gang Lane. The SaSS funding has enabled Council to trial change, particularly regarding new vegetation and shared spaces. It has proved effective in engaging with the community regarding how that change is best managed and achieved. Future CBD improvements can be considered by the Council as budgets permit.

This report reflects on the outcomes of the SaSS R1 project incorporating works in Church Street and Ribbon Gang Lane. These works were proposed as temporary interventions to gauge community opinion on various aspects of change. Some of the elements introduced could become permanent and remain in place. The council needs to consider what it wants to do with the temporary elements of the project inclusive of the budgetary requirements to retain some of those elements in place more permanently.

**Attachment 1** contains the project evaluation report submitted to the funding body, NSW Department of Planning & Environment, for Councillors' information. The summary of key objectives against outcomes from that report is provided below.

<b>Objective</b>	<b>Outcome</b>
Test key elements recommended in the draft Master Plan for the Bathurst Town Centre;	The project has generated engagement and feedback on key elements of the draft Master Plan for the Bathurst Town Centre. It has also changed how Council Staff will approach the implementation of the Master Plan.
Improve pedestrian comfort and safety by creating new shared zones giving pedestrians greater priority to and within the Bathurst Town Square block	The project has created a shared accessway though the middle of the site connecting William Street to George Street.
Enhance and expand the use of the historic King's Parade and the adjoining Church Street as the key focus of public events and celebrations, particularly for the 2021 Bathurst Winter Festival;	Pedestrians have more priority and dedicated spaces in the Carriageway of Church Street.  Removable bollards have been provided in four locations on Church Street allowing for full closure and partial closure of Church Street.
Create a new public space (parklet) in William Street at the entrance into Ribbon Gang Lane;	Two areas (parklets) of public space have been created in this area.
Illustrate to the community how trees for greening and shade can be successfully incorporated into the streets of the Bathurst CBD.	The installation of 25 street trees in pots on William, Church and George Streets has resulted in quite a lot of community engagement.

	Community feedback on the Town Centre Master Plan now shows significant support for trees in the Town Centre. Many business owners initially opposed to trees are now in support of more trees.
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An important outcome from the works was a stimulus to the economy as the funding was partially offered in response to Covid and partly as renewal for traditional centres suffering from the decline of on-site retail.

**Community Reaction**

The project was opened in a ceremony attended by The Hon. Paul Toole, Member for Bathurst, on the 28 March 2022 and has received brief but positive media coverage. The key elements of the project and the community’s reaction to them over the last twelve months are discussed below.

**Public Spaces, Public Art, and Activation**

The SaSS R1 project included the creation of a new parklet within part of Ribbon Gang Lane complemented by new public art works within the laneway, on the former Technical College building and on the Post Office building in nearby Howick Street.

The community has responded positively to the new open space, the opening of Bathurst Town Square and the new Public Art.

In the development of the Bathurst Town Centre Master Plan an engagement survey had previously surveyed the Bathurst community with the question:

*Do you support pairing major public works with a specifically Wiradjuri-focused public art program?*

The response to the Master Plan was: 48% replied completely support, 27% partially supported and 23% did not support.

The ongoing success of the opening of the Town Square is reflected in the hosting of out-of-business events in the car park of the Australian Fossil and Mineral Museum (e.g., Inland Sea of Sound & Winter Festival).

The Blue Bee Mural (located on the Post Office Building), developed in conjunction with the Wiradyuri Traditional Owners and commissioned by Bathurst Regional Art Gallery, is a significant new Public Art installation in the Town Centre. The installation was designed to allow for another replacement artwork to be commissioned when the license for this installation expires, should that be decided, noting that such a change will need to be funded and will not occur until after 2024.

The programable coloured uplighting of the former Technical College extends the existing uplighting in King’s Parade to give street frontage to these colours. This has also been well received by the community.

The archway aerial work in Ribbon Gang Lane and the co-location of the ‘Out there Bathurst’ (separate funding granted to BRAG) LED screens has had a positive impact on ongoing attendance in the space displaying changing exhibitions.

All the artwork was selected through the Public Art Committee consistent with Council's Public Art Policy. The installations (Blue Bee mural and Archways) are licensed for 24 months from installation through a commissioned artist contract with the Bathurst Regional Art Gallery.

The Bathurst community's receptiveness to replacing these works is not known, although considered likely to be favoured, when the time comes. The infrastructure (framing on the post office building and posts supporting the aerial work in Ribbon Gang Lane) were designed to allow for future public art commissions.

### Lighting and CCTV

The provision of Lighting and CCTV from William Street through to the Telstra Exchange has deterred the area from being used for antisocial behavior. Additional work in SaSS R2 will seek to further deter antisocial behavior. The community continues to support additional lighting and CCTV within the CBD.

### Church Street Crossing points, median & push-out kerbs at intersections

The changes introduced in Church St included line marking of car parking spaces, the centre median, and kerb extensions at the intersections of William and George Street. Removable bollards were also installed to enable more efficient full and partial road closure for events.

The community continues to support line marking of on-street car parking spaces within the CBD.

The centre median line marking and kerb extensions in Church Street has reduced 'car dominance' in Church Street and there has been an increase in pedestrian permeability; people cross in more locations along the length of Church Street.

An adjacent business had previously raised concerns about the operation of the Church & George Street intersection and the perception of vehicle dominance. In observing the operation of the intersection since the changes were introduced, driver hesitancy (being more aware of pedestrians) has been noted at the intersection. In some cases, drivers have been observed granting pedestrians priority. Adjacent businesses previously against the proposed works now support making these elements permanent.

The moveable bollards are supported in the community, although some adjustments to colouring and more efficient deployment of barriers and temporary signs will improve their effectiveness.

### Trees for shading and temperature moderation in CBD

SaSS Round 1 sought to trial the introduction of new street trees within Church St, Ribbon Gang Lane, and William Street in a moveable form (tree pots) at locations which did not impact existing car parking spaces. The council now needs to consider the future of the trees and whether permanent plantings should be considered. It should be noted that the trees can remain in their current pots into the near future whilst these longer-term decisions are made.

Earlier polling in relation to the insertion of street trees into the CBD during preparation of the Bathurst Town Centre Master Plan consultation asked the question:

- *Would you support reducing on-street parking to achieve any of these ideas if they*

*are replaced elsewhere?*

The response at that time was: 75% yes, 25% no.

The most often cited reasons not to support street trees are losing carparks, disruption to pavements and utilities from tree roots, and poor health of the trees. There are relevant Australian Standards to guide street tree planting. Appropriate species selection and soil volume selection can prevent mediocre performance of trees. A proposed street tree will have a known area that requires aerated soil and may damage utility services unless designed free of utilities and soil compaction. If the area has soil compaction (vehicles accommodated directly above) and/or utilities, a protective soil vault can be used.

The risks in street tree planting are known and a suitable design will overcome them, although this will attract a corresponding cost to implement. Planting street trees will also allow Council to add water detention capabilities to irrigate the trees and therefore may improve the performance of historical stormwater infrastructure in the CBD.

The (previous) NSW Department of Planning Industry and Environment has a *Street Tree Planting Design Manual, September 2021* to help Councils design their tree planting to optimise resilience, social infrastructure, hydrology, movement, and ecology outcomes for their streets.

Council plants between 3,000 and 4,000 trees annually and spends around \$600,000 annually maintaining trees. The question for the community in relation to the temporary trees installed as part of SaSS R1 is: 'plant trees here or elsewhere'?

#### Plant here or elsewhere Campaign?

The QR code campaign to vote for trees proposed five options in response to the question 'Plant here or elsewhere? The table below summarises the options available for the community to vote on and provides the raw data received and estimated corrected data based on flaws in the collection methodology identified during the survey.

<b>Option</b>	<b>Raw Data</b>	<b>Estimated Corrected Data (see below)</b>
1. Plant these trees permanently and plant more trees and vegetation in the CBD.	41%	71.5%
2. Plant these trees permanently into the ground in current or nearby locations.	7%	5%
3. Plant these trees permanently and subject to further consultation, plant more trees and vegetation in the CBD.	7%	12.5%
4. Remove tree boxes and replant trees outside of CBD	45%	9%
5. I wish to make a detailed comment.	0.23%	2%

The poll methodology was selected based on advice from the 'Your Say' hosting corporation such that it was understood that one 'device' could only register one 'vote.' Initial results reflected similar percentages to the Town Centre Master Plan poll. In the third week of polling, a flaw in the collection was noted with a pattern suggesting duplicate voting was occurring. The anonymous polling through Yoursay records the time and selection of options. It was noted that 'bursts' of sequential voting on the same option was occurring 2 seconds apart and that these 'bursts' occurred at the same time on different days.

Whilst the hosting agency is open to working with the Council to articulate the method for



'correcting' the data, an estimate has been made in the table above by Council staff. The estimated corrected data correlates with the results of the previous Town Centre Master Plan survey responses (75% for and 25% against (dependent on parking replacement)) with a percentage moving to support trees (90% for) following the trial. It is considered reasonable that Council can maintain some confidence in the estimated corrected data based on the earlier Town Centre Master Plan engagement.

Community sentiment in relation to the tree trial and the Town Centre Master Plan engagement was varied but based on the engagement results there remains confidence in recommending to Council that further investigations be undertaken to consider options for permanent tree plantings within the CBD.

### Project Element Recommendations

The table below provides a broad summary of each of the elements trialed by the SaSS R1 project and recommendations as to how Council should manage, remove and/or make permanent, elements of the project.

<b>Element</b>	<b>Status</b>	<b>Where to from here?</b>
Ribbon Gang Lane Parklet <ul style="list-style-type: none"> <li>• Seating</li> <li>• Umbrellas</li> <li>• Artificial Grass</li> <li>• Bike Racks</li> </ul>	Permanent	<ol style="list-style-type: none"> <li>1. Retain in place.</li> <li>2. Assets created to be passed into Council's asset management system for ongoing maintenance and operations.</li> </ol>
Public Art <ul style="list-style-type: none"> <li>• Billboard frame on 320 Howick Street (Post office building).</li> <li>• Artwork on 320 Howick Street (Post office building).</li> <li>• Uplighting of former Technical College</li> <li>• Poles mounting archway aerial artwork.</li> <li>• Archway aerial artwork.</li> <li>• LED screens in Technical College.</li> </ul>	Fixtures – permanent.  Art Works - temporary	Fixtures (frame and pole): <ol style="list-style-type: none"> <li>1. Retain in place.</li> <li>2. Assets created to be passed into Council's asset management system for ongoing maintenance and operations.</li> </ol> Artwork (Mural and Archway): <ol style="list-style-type: none"> <li>1. Retain in place until at least the end of 2024.</li> <li>2. Bathurst Regional Art Gallery to consider public art replacement program for Post Office building frame and Ribbon Gang Lane poles, and funding required.</li> </ol> TAFE Up-Lighting: <ol style="list-style-type: none"> <li>1. Retain it in place until TAFE site redevelopment is considered.</li> <li>2. Assets created to be passed into Council's asset management system for ongoing maintenance and operations.</li> </ol> LED Screens: <ol style="list-style-type: none"> <li>1. Retain it in place until TAFE site redevelopment is considered.</li> <li>2. Bathurst Art Gallery to continue to manage changing exhibitions.</li> </ol>
Lighting and CCTV	Permanent	<ol style="list-style-type: none"> <li>1. Retain in place.</li> <li>2. Assets created to be passed into Council's asset management system for ongoing maintenance and operations.</li> </ol>
Church Street Changes <ul style="list-style-type: none"> <li>• Creation of Centre Median</li> </ul>	Temporary  Bollards –	Line marking (parking, centre median and kerb extensions):

<ul style="list-style-type: none"> <li>• Parking line marking.</li> <li>• Designated pedestrian crossing areas free of car parks.</li> <li>• Pram ramps to King's Parade.</li> <li>• Intersection design with built-out kerbs.</li> <li>• Bollards</li> </ul>	<p>permanent.</p>	<ol style="list-style-type: none"> <li>1. Retain current treatment in place, re-line mark where possible in conjunction with other CBD line marking upgrades.</li> <li>2. Consider allocation of new funding to complete detailed design and costing of appropriate permanent treatments.</li> <li>3. Consider allocation of future funding for implementation of permanent treatments.</li> </ol> <p>Pram/pedestrian ramps:</p> <ol style="list-style-type: none"> <li>1. Retain in place.</li> <li>2. Consider allocation of new funding to complete detailed design and costing of appropriate permanent treatments.</li> <li>3. Consider allocation of future funding for implementation of permanent treatments.</li> </ol> <p>Bollards:</p> <ol style="list-style-type: none"> <li>1. Retain in place.</li> <li>2. Consider minor upgrades to improve efficiency of use and guide the implementation of bollards in other locations into the future.</li> </ol>
<p>Trees and tree pots</p>	<p>Temporary</p>	<ol style="list-style-type: none"> <li>1. Retain in place to enable consideration of future options. Extend current maintenance contract until at least June 2024 (estimated maintenance costs of \$2,000 per annum).</li> <li>2. Consider allocation of new funding to complete detailed design and costing of appropriate permanent street tree plantings in the CBD.</li> <li>3. Consider allocation of future funding for implementation of street tree plantings in CBD.</li> </ol>

## CONCLUSION:

Overall, the SaSS R1 project elements are considered a success. Learnings from implementing these works were captured in the application for SaSS R2 funding and will also inform future CBD changes.

Project elements that can remain permanently are recommended to be retained.

Project elements that are temporary and broadly supported by the community are recommended to be retained in the short term in their current state including:

- Church Street line marking (parking, centre median and kerb extensions)
- Pram/pedestrian ramps
- Street trees in pots.

It is recommended that the Council consider identifying initial funding to complete detailed design and costings to make these changes permanent, with an estimated budget of approximately \$65,000. More significant funding would then need to be identified for the implementation of the preferred permanent treatments.

## **FINANCIAL IMPLICATIONS:**

SaSS Round 1 was fully funded under the NSW Government's Streets as Shared Spaces program.

Permanent assets identified in this report will require ongoing asset management within Council's operational budgets. Consideration needs to be given to ensuring existing budgets can adequately maintain these assets into the future. Funding will also be required to support an evolving public art program.

Future budgets need to be identified to enable the completion of detailed design options and costings to make the temporary treatments permanent, with an estimated budget of \$65,000. More significant funding would then need to be identified for the implementation of the preferred permanent treatments.

Maintenance contracts for the retention of street trees in pots in the short term can be funded from 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.
- Strategy 1.5 Promote good design in the built environment.

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

- Strategy 5.2 Help make Bathurst CBD, neighborhood's, 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 6.6 Manage our money and our assets to be sustainable now and into the future.

## **COMMUNITY ENGAGEMENT:**

03 **Involve** - to work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered

## **ATTACHMENTS:**

1. Evaluation Report [8.2.5.1 - 19 pages]

## **8.2.6 RECOGNITION AND SUPPORT TO CELEBRATE THE BATHURST REGION'S HERITAGE AND HISTORY**

**File No: 20.00123**

### **RECOMMENDATION:**

That Council establish the Dr Robin McLachlan Heritage Award as outlined in this report.

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### **REPORT:**

A review of Council's recognition and support programs to celebrate the heritage and history of the Bathurst Region has been undertaken.

Under the Bathurst Region Heritage Plan, Council currently has in place a range of programs to support and recognise the community to maintain, conserve, research, promote and interpret the regions heritage and history including:

1. Bathurst Heritage Advisory Service – providing free advice to property owners, developers and designers to discuss maintenance, conservation and development options.
2. Bathurst Region Local Heritage Fund – small community grants program to support maintenance and conservation of the region's built heritage.
3. Bathurst Region Interpretation fund – small community grants program to support interpretation, promotion and research projects, including preparation of conservation management plans.
4. Bathurst CBD Main Street Improvement Fund – small community grants program to support improvements to the city's main streets.
5. Bathurst Macquarie Medal Heritage Project/Scholarship – grants program to support built conservation works, promotion, interpretation and learning support.

Programs (1) to (4) continue to operate very effectively and remain the backbone of Council's strategy to support ongoing maintenance and promotion of the region's heritage. The number of applications received for the Interpretation Fund have dropped in the last 2 grant periods. Council staff are currently organising an Interpretation Workshop with community members to support the funding program and community activity in interpretation. The Workshop is scheduled to be held in May.

A revised model is proposed with respect to (5) above to better support new significant heritage interpretation projects and recognise those within our community who have made a significant or long-term contribution to the region's heritage and history.

In this regard it is proposed that a replacement Heritage Award be established that:

1. Celebrates a worthy recipient who has made a long-term contribution that supports research, promotion and/or interpretation of the history of the Bathurst Region; or
2. Supports new projects that undertake significant research, promotion, and/or interpretation of the history of the Bathurst Region where funding support might be

required to ensure the project reaches fruition (beyond that offered by Council's existing Interpretation Fund).

Such projects are generally undertaken by individuals/community groups for not-for-profit reasons, noting that Council's other heritage assistance programs ((1), (2) and (4) above) support conservation and maintenance of the region's built heritage.

With the passing of Dr Robin McLachlan OAM in October 2022, it is recommended that the award be named in his honour, as the Dr Robin McLachlan Heritage Award. Dr Robin McLachlan OAM made significant public history contributions to the Bathurst Region and for many years worked very closely with Council on a range of history and interpretation projects. Contact has been made with Dr McLachlan's family who are very much delighted that his memory and contribution in Bathurst might be recognised in this way.

Council staff have also consulted with the Bathurst Branch of the National Trust who have supported the proposal.

It is proposed that the Dr Robin McLachlan Heritage Award be awarded only when a worthy recipient or new recipient project is identified (similar to the Ron Camplin Award) rather than being an annual award.

The Dr Robin McLachlan Heritage Award would be awarded by Council to either:

1. Recognise an individual or community group for their long-term contribution towards the research, promotion and/or interpretation of the history of the Bathurst Region (note this would not encompass any monetary reward – it would be a recognition award only); **OR**
2. A new recipient project that supports new significant research, promotion and/or interpretation of the history of the Bathurst Region for which the project is worthy of funding support from Council.

Council's funding support would be directed toward specific project costs only, where the award related to a new project (stream 2 above). The level of support for new project recipients, at any given time, need not be limited to a specific amount but be considered on a case-by-case merit basis dependent on the size and contribution that a project might offer and the available funding within the reserve. Note that a reserve/fund can be established within existing budgets.

It is not proposed to offer any monetary reward to a long-term contributor (stream 1 above), noting that long term contributors are likely to have received support through Council's other heritage assistance programs.

The Dr Robin McLachlan Heritage Award would replace the Bathurst Macquarie Medal Heritage Project/Scholarship in Council's suite of programs to support the community to maintain, conserve, research, promote and interpret the regions heritage and history.

## **FINANCIAL IMPLICATIONS:**

The new award program can be operated within existing budgets.

## **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 Indigenous heritage assets.
- Strategy 1.2      Protect, enhance and promote the region's Non-Indigenous heritage assets and character.
- Strategy 1.3      Enhance the cultural vitality of the 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.

## **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

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

The following reports are presented for Council's consideration.

Yours faithfully

A handwritten signature in black ink, appearing to read 'A Jones', enclosed within a large, hand-drawn oval.

A Jones  
**DIRECTOR  
CORPORATE SERVICES AND FINANCE**

### 8.3.1

## STATEMENT OF INVESTMENTS

**File No: 16.00001**

### RECOMMENDATION:

That the information be noted.

### REPORT:

\$103,850,000 was invested at 31<sup>st</sup> March 2023 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>
<b>Short Term 1 – 365 Days</b> (comprising Commercial Bills, Term Deposits, Debentures and Certificates of Deposits):			
National Australia Bank Limited	A-1+	16,500,000	0.75%
CBA	A-1+	33,000,000	3.60%
Suncorp	A-1	18,000,000	3.23%
AMP	A2	4,500,000	2.07%
Bank of Queensland Limited	A2	4,500,000	2.69%
Bendigo & Adelaide	A2	3,000,000	3.69%
Members Equity Bank	A2	1,500,000	2.07%
Maritime, Mining & Power Credit Union Ltd	ADI	1,500,000	3.85%
		<b>82,500,000</b>	<b>2.80%</b>
<b>Long Term &gt; 365 Days</b> (comprising Commercial Bills, Term Deposits, Debentures and Bonds):			
<b>Floating Rate Term Deposits</b>			
Westpac Coupon Select 2 (6/9/2027)	AA-	1,500,000	4.50%
Westpac Fixed Term deposit (10/6/2026)	AA-	1,500,000	1.25%
Westpac Green Tailored Deposit (15/11/2023)	AA-	1,500,000	1.20%
Maritime Mining & Power Credit Union Limited	ADI	350,000	1.45%
		<b>4,850,000</b>	<b>2.25%</b>
<b>Floating Rate Notes</b>			
CBA Green (23/12/2026)	AA-	1,500,000	4.11%
Commonwealth Bank of Aust 2 (16/08/2023)	AA-	500,000	4.40%
National Australia Bank (19/6/2024)	AA-	700,000	5.56%
National Australia Bank 1 (24/8/2026)	AA-	1,200,000	3.92%
National Australia Bank 2 (30/5/2025)	AA-	1,000,000	4.46%
HSBC Sydney (27/9/2024)	AA-	1,500,000	4.53%
HSBC Sydney 1 (3/3/2023)	AA-	1,500,000	4.68%
Westpac (20/5/2027)	AA-	1,000,000	4.52%
Macquarie Bank (9/12/2025)	A+	1,500,000	4.12%



UBS AG Australian (31/7/2025)	A+	650,000	4.25%
Suncorp Metway Ltd (24/02/2026)	A+	500,000	3.96%
Suncorp Metway Ltd (15/09/2026)	A+	1,550,000	4.14%
Suncorp Metway Ltd (22/8/2025)	A+	500,000	4.45%
Sumitomo Mitsui Banking Corp (5/06/2025)	A	1,000,000	4.78%
Auswide Bank (17/3/26)	BBB+	1,000,000	5.19%
Bendigo & Adelaide Ltd 4 (02/12/2025)	BBB+	900,000	4.14%
		<b>16,500,000</b>	<b>4.42%</b>
<b>Total Investments</b>		<b>\$103,850,000</b>	<b>3.03%</b>

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

Reserves Total (includes unexpended loan funds)	56,031,759
Grants held for specific purposes	1,198,308
Section 7.11 Funds held for specific purposes	46,619,933
Unrestricted Investments	0
<b>Total Investments</b>	<b>103,850,000</b>
<b>Total Interest Revenue to 31 March 2023</b>	<b>1,936,552.38</b> <b>3.03%</b>

**A Jones**  
Responsible Accounting Officer

**FINANCIAL IMPLICATIONS:**

There are no financial implications resulting from this report.

**BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:**

**Objective 6: Community leadership and collaboration.**

- Strategy 6.4      Meet legislative and compliance requirements.
- 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.    31 March 2023 Investments [8.3.1.1 - 2 pages]

### 8.3.2

## MONTHLY REVIEW - 2022/2026 DELIVERY PLAN AND OPERATIONAL PLAN 2022/2023

**File No:** 16.00187

### RECOMMENDATION:

That the information be noted.

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### REPORT:

Bathurst Regional Council has in place the Our Region Our Future 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 15 June 2022. 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/plans-policies/community-strategic-plan](http://www.bathurst.nsw.gov.au/council/plans-policies/community-strategic-plan). A listing of the Objectives and Strategies from the Community Strategic Plan can be found within the Plan commencing from page 18.

At **attachment 1** is an update of Council's progress towards achieving the Strategies and Objectives for the 2022-2026 Delivery Plan and the Annual Operational Plan 2022-2023. 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. Operational Plan Review Mar 2023 [8.3.2.1 - 72 pages]

### **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.

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#### **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 March 2023 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:	\$ 14,404.16**
BMEC Community use:	\$ 0.00
Mount Panorama:	\$ 0.00

\*\* The above amount includes donations already committed but not yet paid. After allowing for the committed donations the remaining balance is \$10,168.31.

#### **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. 356 Council Report Mar 2023 [8.3.3.1 - 3 pages]

### 8.3.4 POWER OF ATTORNEY

**File No:** 11.00007

#### **RECOMMENDATION:**

That the information be noted.

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#### **REPORT:**

The General Manager's action in affixing the Power of Attorney to the following be noted.

<b>Purchaser</b>	<b>Address</b>	<b>Lot &amp; DP</b>	<b>Agreement Type</b>
K & M Bestwick	200 College Road	Part Lot 2 DP749758	Tenancy agreement
Bathurst Netball Association	John Matthews Complex	Part Lot 100 DP1255393	Licence agreement
Australian Unity	1/55 Seymour Street	Part Lot 180 DP862410	Lease
Central West Womens Health	7 Lee Street	Part Lot 101 DP1204847	Licence
Rebecca Howard	Lot 6 Church Lane	Lot 6 DP1142438	Rural Licence

#### **Linen Plan Release**

<b>Applicant</b>	<b>Subdivision Type</b>	<b>Lot &amp; DP</b>	<b>Address</b>
Lenehan Nominees Pty Ltd	34 lot residential subdivision, 1 residual lot and road construction	Lot 134 & 136 DP1189576	98 Ophir Road, Abercrombie
Mr T & MRs B D Anderson	Two lot subdivision	Lot 13 DP755779 & Lot 2 DP251613	357 Mount Rankin Rd, Mount Rankin
Mr R W Board	Three lot residential subdivision – Stage 2	Lot 2 DP1227449 & Lot 12 DP1278864	29 & 49 Logan Street, Eglinton
Ms K G Burns	Two lot subdivision and eight lot consolidation	Lot 2 DP776864, Lot 1 DP241091, Lot 2-6 Sec 25 DP758517, Lot 10	1 High Street, Hill End

		Sec 27 DP758517	
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**General Items**

Nil

**FINANCIAL IMPLICATIONS:**

N/A

**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

### 8.3.5 TRAFFIC MANAGEMENT AND PEDESTRIAN WORKS TEMPORARY DELEGATION TO COUNCILS

**File No:** 41.00088-11, 18.00121-06

#### RECOMMENDATION:

That pursuant to Section 377 of the Local Government Act, Council delegate the functions of Local Traffic Management to the General Manager as outlined in the report.

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#### REPORT:

Council received notification in March 2023 ([attachment 1](#)) that Transport for NSW has issued a temporary delegation of its powers under the Roads Act 1993, and an authorisation under the Road Transport Act 2013, to facilitate more efficient and localised decision making for minor pedestrian and streetscape improvements. The changes give Councils an alternative approval pathway that is in addition to the existing Local Traffic Committee.

Subject to the conditions set out in the new delegation ([attachment 2](#)), councils will be able to design and implement the following:

- Works to enable alfresco dining on a road (where there is no change to the number of continuous travel lanes)
- Continuous footpaths
- Converting existing pedestrian (zebra) crossings to raised pedestrian ('wombat') crossings
- Mid-block treatments to manage vehicle speed including road humps, road cushions, chicanes and slow points
- Pedestrian crossings
- Pedestrian refuges
- No Stopping controls at intersections
- Kerb buildouts to reduce intersection crossing distance or manage vehicle speed (where there is no change to the number of continuous travel lanes)
- Kerb modifications for footpath improvements or tree planting (where there is no change to the number of continuous travel lanes)
- Associated changes to kerbside parking necessary to implement the proposal and to offset any parking impacts.

Novel designs and works are excluded under the delegation. Any novel works, where there are no TfNSW standards, technical directions or Austroads guidance available, will be subject to the main delegation, and will require referral to Council's Traffic Committee.

After exercising the temporary delegation, Council must provide TfNSW and NSW Police with a description of the pedestrian work, a copy of the as-built design plans and a copy of

the road safety audit if they have established a new pedestrian crossing. These are to be submitted to TfNSW to allow the delegation to be evaluated. A copy should be sent to the existing Police member of your Local Traffic Committee.

It is recommended that pursuant to Section 377 of the Local Government Act the temporary delegations for Local Traffic Management be delegated to the General Manager.

## **FINANCIAL IMPLICATIONS:**

Nil

## **BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:**

### **Objective 2: A smart and vibrant economy.**

Strategy 2.1 Support local business and industry.

Strategy 2.6 Promote our City and Villages as a tourist destination.

### **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. Attachment 1 - Bathurst Regional Council - Streamlining Local Traffic Management Redacted [8.3.5.1 - 1 page]
2. Attachment 2 - Instrument of Delegation and Authorisation Temporary Delegation to Councils [8.3.5.2 - 3 pages]

### 8.3.6 COUNCIL-RELATED DEVELOPMENT APPLICATION CONFLICT OF INTEREST POLICY

**File No: 02.00018**

#### **RECOMMENDATION:**

That Council adopt the draft Council-related Development Application Conflict of Interest Policy as outlined in the report.

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#### **REPORT:**

Councils are development regulators. But they also can be the developer, landowner or hold a commercial interest in the land they regulate. Where councils have this dual role, an inherent conflict can arise between their interests in the development and their duty as regulator.

Identifying these conflicts of interest early and finding ways to address them is crucial to good governance and allows councils to strengthen their relationship with communities and build and enhance trust.

The State Government made amendments to the *Environmental Planning and Assessment Regulation 2021* to address conflicts of interest in council related development. Namely, councils must adopt and have a policy that specifies how conflicts of interest in connection with council-related development applications will be handled. The policy must comply with the requirements of the Guidelines (section 66A).

#### **Public exhibition**

The draft Policy was placed on public exhibition for a period of 28 days from 20 February 2023 to 20 March 2023. Council staff undertook an internal review of the draft Policy whilst it was on public exhibition and identified one (1) matter to be clarified in the final Policy. No submissions were received from the public during the exhibition period.

#### **Post-Exhibition Amendments**

As a result of the internal review two (2) changes are proposed to the Policy as exhibited.

1. It was identified that the NSW Planning Portal was unable to display the Proposed Management Approach as outlined in the model Policy. Section 4(a)(ii)(e) of the draft Policy has been amended to clarify that the Proposed Management Approach will be uploaded to Council's DA Tracking website rather than the NSW Planning Portal.
2. It was also noted on review that the Model Policy template did not reflect the adopted definition of ***Council-related development application*** that is contained in the Environmental Planning and Assessment Amendment (Conflict of Interest) Regulation 2022. As a result, it is proposed to amend the definition so that the definition contained in the Policy matches that contained in the Legislation.



As the proposed amendments to the Policy do not fundamentally alter the intent of the Policy, and maintains the transparency of the process, it is considered that re-exhibition of the Policy is not warranted.

A copy of the updated Policy for Council's Consideration is provided as **attachment 1**.

## **FINANCIAL IMPLICATIONS:**

Nil

## **BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:**

### **Objective 4: Sustainable and balanced growth.**

Strategy 4.6 Plan for, assess and regulate development activity.

### **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 6.8 Implement opportunities for organisational improvement.

## **COMMUNITY ENGAGEMENT:**

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

## **ATTACHMENTS:**

1. Attachment 1 - Policy - Council Developments Conflict of Interest v 1 [8.3.6.1 - 3 pages]

### 8.3.7 DRAFT 2023-2027 DELIVERY PROGRAM AND 2023/2024 OPERATIONAL PLAN

**File No:** 16.00192

#### RECOMMENDATION:

That Council

- a. place the Draft Bathurst Delivery Program 2023-2027 and Operational Plan 2023/2024, the Revenue Policy including the Fees and Charges for 2023/2024, on public exhibition and receive submissions until 19 May 2023,
- b. resolve to fix the annual fee paid to Councillors to the maximum determination made by the Remuneration Tribunal for the category Regional Centre,
- c. resolve that Councillors be paid superannuation at the prevailing rate, and
- d. note the organisation structure as detailed in the report.

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#### REPORT:

Councils in NSW are required to plan and report in line with the Integrated Planning and Reporting Framework (IP&R). The overarching document is the Community Strategic Plan, which is to be reviewed and adopted within 9 months of the election of Council. Council adopted the "Our Region Our Future" Bathurst Regional Community Strategic Plan on 15 June 2022. The Community Strategic Plan, whilst reflecting the aspirations of the whole of the community, ultimately sets the priorities for Council projects and programs, which in turn provides direction for Council's long term financial planning and annual budgets.

The IP&R Guidelines require Council to develop a four year and one year subset of that plan, called the Delivery Program and Operational Plan respectively. The Draft Bathurst Delivery Program 2023-2027 and Operational Plan 2023/2024, shown at **attachment 1**, has been prepared to detail how Council will deliver the objectives identified through the community engagement process. The Detailed Budget for 2023/2024 is shown at **attachment 2**. The draft plan includes the Revenue Policy for 2023/2024 shown at **attachment 3** and has made provision for the continuation of existing services provided by Bathurst Regional Council.

The Local Government Act 1993 requires that the plans are exhibited for a period of at least 28 days during which submissions may be made by the public; the public submission period will run from 20 April 2023 to 19 May 2023. Adoption of the final plan will occur during June 2023 after consideration of all submissions received.

### Assumptions

The following assumptions have been incorporated in the plan:

Consumer Price Index Anticipated for 2023/2024	3.8%
Rate Increases General purpose rate increased by including a growth factor of 0.1%	3.8%
Water rates and charges increased by	8.0%
Sewerage rates and charges increased by	4.0%
Domestic waste charges at reasonable cost, all other waste	4.0%
Salaries and Wages Includes award increases, regrades, and wage increases	3.75%
Superannuation	11.0%
This increases to	11.5% from 1 July 2024, and 12.0% from 1 July 2025.

Council currently has 30 (2022/2023: 30) staff in the Local Government Superannuation Scheme Retirement Fund. Employees choose to contribute between 1 and 9 percent of their salary. The fund then requires Council to match the staff elected contributions multiplied by a factor of 1.9 times plus a “basic benefit” of 2.5% of salary. Council is also required to contribute \$180,473 (2022/2023: \$166,167) per annum surcharge due to losses incurred by the Superannuation Fund during the global financial crisis.

### Revenue Policy

Council fees and charges have generally been increased by 4.0%. This reflects Council's increased costs, particularly wage increases and utility costs. Some fees have been restructured to better meet market pricing and to recognise Council's marginal return on investment. Statutory charges are set by the State Government and therefore increase only when advised by the Office of Local Government or other Government Departments.

### GST

GST has been included in Council fees and charges (Revenue Policy) where Council has received legislative determination.

### Best Practice Water and Sewerage Charges

Council complies with the NSW Government's Best Practice Water and Sewerage Pricing Principles.

Best practice water supply pricing requires:

- Water usage charge per kilolitre based on the long-term cost of the supply
- Residential water usage charges set to recover at least 75% of residential revenue
- An access charge relative to a customer's capacity requirements – based on the size of the meter connected to Council's network.

Council has increased water usage charges by 8% to recoup operating losses incurred during recent drought periods, and to deter higher usage after relaxing water restrictions in early 2023. With several long-running projects to help sustain future water supplies during drought periods, Council's water reserves have been severely reduced and this increase will help operations return to a surplus.

Best practice sewerage pricing requires:

- A uniform annual sewerage bill for residential customers.
- For non-residential customers:
  - an appropriate sewer usage charge is required for the estimated volume discharged to the sewerage system; and
  - an access charge reflective of the customer's peak load on the system.

Council has the option to adopt either of two methods in relation to sewer access charges. The first method is the sewer discharge factor method based on the size of the water meter supplying the property, consistent with the water supply pricing system, which Council has adopted. Council has been charging its ratepayers using this method since 2004 as the preferred charge for access to the sewer system. The second method is the Equivalent Tenement method (ET method) which uses a nominal size of water meter to arrive at a charge for access to the sewer system. Council does not use this method.

### Functions and Services

Council has the following guiding principles established in the Local Government Act:

“8A Guiding principles for councils

(1) Exercise of functions generally

The following general principles apply to the exercise of functions by councils—

- (a) Councils should provide strong and effective representation, leadership, planning and decision-making.
- (b) Councils should carry out functions in a way that provides the best possible value for residents and ratepayers.
- (c) Councils should plan strategically, using the integrated planning and reporting framework, for the provision of effective and efficient services and regulation to meet the diverse needs of the local community.
- (d) Councils should apply the integrated planning and reporting framework in carrying out their functions so as to achieve desired outcomes and continuous improvements.
- (e) Councils should work co-operatively with other councils and the State government to achieve desired outcomes for the local community.
- (f) Councils should manage lands and other assets so that current and future local community needs can be met in an affordable way.
- (g) Councils should work with others to secure appropriate services for local community needs.
- (h) Councils should act fairly, ethically and without bias in the interests of the local community.
- (i) Councils should be responsible employers and provide a consultative and supportive working environment for staff.

(2) Decision-making

The following principles apply to decision-making by councils (subject to any other applicable law)—

- (a) Councils should recognise diverse local community needs and interests.
- (b) Councils should consider social justice principles.
- (c) Councils should consider the long term and cumulative effects of actions on future generations.
- (d) Councils should consider the principles of ecologically sustainable development.
- (e) Council decision-making should be transparent and decision-makers are to be accountable for decisions and omissions.

(3) Community participation

Councils should actively engage with their local communities, through the use of the integrated planning and reporting framework and other measures.

### Our Region Our Future Community Strategic Plan

The Vision and Objectives of Bathurst Regional Council are contained in Council 's CSP and are as follows:

## Council's Vision

A vibrant and innovative region that values our heritage, culture, diversity and strong economy.

## Objectives

The following objectives and strategies have been developed to help achieve Council 's vision:

### **Objective 1. We value OUR SENSE OF PLACE AND IDENTITY**

- Strategy 1.1 Respect, protect and promote the region's Indigenous heritage assets
- Strategy 1.2 Protect, enhance and promote the region's Non-Indigenous 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 2. We aspire to have A SMART AND VIBRANT ECONOMY**

- Strategy 2.1 Support local business and industry
- Strategy 2.2 Grow local employment, investment and attract new businesses and skills by nurturing and supporting entrepreneurs, partnerships and local skill development
- Strategy 2.3 Develop Bathurst as a Smart City
- Strategy 2.4 Promote our City and Villages as an attractive place to live
- Strategy 2.5 Support Mount Panorama Wahluu as a premier motor sport and event precinct
- Strategy 2.6 Promote our City and Villages as a tourist destination

### **Objective 3. Strengthen ENVIRONMENTAL STEWARDSHIP**

- Strategy 3.1 Protect and improve our natural areas and ecosystems, including the Macquarie River - Wambuul and other waterways
- Strategy 3.2 Improve water security
- 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

### **Objective 4. We encourage SUSTAINABLE AND BALANCED GROWTH**

- Strategy 4.1 Facilitate development in the region that considers the current and future needs of our community
- Strategy 4.2 Provide safe and efficient road, cycleway and pathway networks to improve accessibility
- 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 4.5 Work with partners to improve public transport, and passenger and freight transport connections to and from the region
- Strategy 4.6 Plan for, assess and regulate development activity

### **Objective 5. We foster 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
- Strategy 5.3 Help build resilient, inclusive communities

- Strategy 5.4 Make our public places safe and welcoming  
Strategy 5.5 Plan and respond to demographic changes in the community

**Objective 6. We advocate for 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 6.2 Work with our partners and neighbouring councils to share skills, knowledge and resources and find ways to deliver services more efficiently  
Strategy 6.3 Advocate for our community  
Strategy 6.4 Meet legislative and compliance requirements  
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  
Strategy 6.7 Invest in our people  
Strategy 6.8 Implement opportunities for organisational improvement  
Strategy 6.9 Progressive Local Leadership

These directions were developed through the community engagement process as detailed in the Our Region Our Future CSP.

Summary

As Councillors are aware, this budget has been prepared having regard to tight financial circumstances. Factors such as

- Rate pegging
- Cost shifting
- Take-up of additional services
- Imposition of tasks on councils with no corresponding revenue,

have continued to place extra pressures on the budget.

The budget process is becoming more difficult every year as the effects of large cost increases outside Council's control are having a detrimental effect on Council's ability to operate within its confined income levels. The budget has a small surplus as follows:

	2023/2024
<b>Income Statement - Consolidated Funds</b>	
<b>Revenue:</b>	
Rates & Annual Charges	-\$54,806,741
User Charges & Fees	-\$30,086,761
Other Revenues	-\$2,905,849
Grants & Contributions provided for Operating Purposes	-\$12,374,868
Grants & Contributions provided for Capital Purposes	-\$25,305,671
Interest & Investment Revenue	-\$1,676,714
Other Income	-\$2,528,118
<b>Other income:</b>	
Net gains from the disposal of assets	-\$16,722,341
Fair value increment on investment properties	-\$352,117
<b>Total Income from Continuing Operations</b>	<b>-\$146,759,180</b>
<b>Expenses from Continuing Operations</b>	
Employee Benefits & On-Costs	\$34,376,250
Materials & Contracts	\$48,911,899
Borrowing Costs	\$1,535,527
Depreciation, Amortisation & Impairment	\$36,228,087
Other Expenses	\$2,442,028
<b>Total Expenses from Continuing Operations</b>	<b>\$123,493,791</b>
<b>Operating Result from Continuing Operations</b>	<b>-\$23,265,389</b>
<b>Operating Result before Capital Grants</b>	<b>\$2,040,282</b>
<b>Funding Statement</b>	
<b>Sources Of Funds</b>	
Transfers from Reserves	-\$43,578,226
Transfer from Section 7.11	-\$9,244,452
Loan Funds Received	-\$6,950,000
Plant & Equipment (Income from Disposal)	-\$1,331,000
Add Back Depreciation Budget	-\$36,159,538
Add Back Carrying Value of Real Estate Sold	-\$10,653,659
Add Back S7.11 & S64 Income Received	\$3,633,176
	<b>-\$104,283,699</b>
<b>Application of Funds</b>	
<b>Asset Purchases:</b>	
Capital Works	\$55,037,207
Real Estate	\$21,500,000
<b>Reserves:</b>	
Transfers to reserves	\$45,710,949
<b>Loans:</b>	
Principal Repayment	\$5,290,653
<b>Internal transactions:</b>	
Income	-\$36,451,694
Expenditure	\$36,451,694
	<b>\$127,538,809</b>
<b>Net Funding Result</b>	<b>\$23,255,110</b>
<b>Change in Council's Working Capital</b>	<b>-\$10,279</b>

The budget covers the directions of Council and the community as set in the Our Region Our Future CSP. As Council is every year required to provide additional services, provide and maintain additional infrastructure and is restricted in its ability to increase its income (due to ratepegging imposed by the NSW State Government) Council is constantly looking for potential savings across all areas. Some areas Council has considered

include:

- Efficiency savings in energy and other areas (Council has installed solar energy generating systems on Council owned facilities and LED street lighting)
- Different styles of service provision to reduce costs
- Options to increase revenue

### Major Projects

	Budget 2024	Budget 2025	Budget 2026	Budget 2027
<b>Roads, Bridges &amp; Footpaths</b>				
<i>Funding Key: TfNSW = Transport for NSW, RTR = Roads to Recovery, FAG = Financial Assistance Grant</i>				
Urban Roads Sealed maintenance	2,556,276	2,620,182	2,685,689	2,752,822
TfNSW Ordered Works	1,776,751	1,818,200	1,860,100	1,903,000
Rural Roads Sealed maintenance	828,896	848,297	868,139	888,432
Rural Roads Unsealed maintenance	826,829	847,499	868,682	890,401
TfNSW Road Maint RMCC - MR54 - Bathurst-Ilford Rd	424,412	440,174	456,424	473,365
Regional Road Grant to be allocated	400,000	400,000	400,000	400,000
Rural Roads - Unsealed - Bathampton Road	400,000	-	-	-
RTR - RC Sealed Prince St, Perthville - Church to Queen St	400,000	-	-	-
RTR - RC Rural Sealed Rockley Rd (21 - 24km)	400,000	-	-	-
TfNSW Road Maint RMCC - SH5 - Great Western Highway	363,990	378,088	392,715	407,790
Stormwater Drainage - Pymonts Lane Causeway	358,750	-	-	-
FAG Road Construction - Urban Sealed Howick St - William to George	350,000	-	-	-
Cycleway Construction - Hereford St to Ranken Bridge Stage 1	303,600	-	-	-
Urban Roads Unsealed maintenance	303,264	310,848	318,620	326,582
FAG Rural Roads Unsealed - Gravel Resheeting	250,000	250,000	250,000	250,000
Paved Footpath / Cycleway maintenance	250,000	250,000	250,000	250,000
RTR - Rural Unsealed Hen & Chicken Lane	248,559	-	-	-
Stormwater Drainage Maintenance	211,383	216,668	222,084	227,636
Urban Sealed Road - Wellington Street Eglinton	200,000	-	-	-
RTR - Rural Unsealed	200,000	-	-	-
FAG Road Construction- Rural Sealed - Lagoon Lane	185,117	-	-	-
Kerb & Guttering (K&G) - Gormans Hill Road	150,000	-	-	-
Rural Road Sealed - Minor Improvements	133,494	137,099	140,800	144,602
Regional Road MR390 maintenance (Blayney–Hobbys Yards Rd)	115,500	115,500	115,500	115,500
Flood Mitigation - Levee General Maintenance	114,500	117,362	120,297	123,305
TfNSW Road Maint RMCC - MR253 - Oberon Rd	101,521	104,336	107,198	110,106
Road Construction - AC Reconstruction	100,000	100,000	400,000	1,280,000
Major Pavement Rehab (Various locations)	100,000	100,000	100,000	620,000
FAG Rural Roads Sealed - Minor Improvements	100,000	250,000	250,000	250,000
Road Construction - Footway Renewals	100,000	100,000	100,000	100,000
Rural Roads Unsealed - Major Heavy Patching	100,000	-	100,000	-
FAG - Urban Sealed Rose St - Vine to Prospect	100,000	-	-	-
FAG - Urban Sealed Mitre St - Lambert to Hill	100,000	-	-	-



	Budget 2024	Budget 2025	Budget 2026	Budget 2027
TfNSW Road Maint RMCC - SH7 - Mitchell Highway	77,800	80,900	84,100	87,600
Regional Road MR216 maintenance (Hill End-Sofala Rd)	72,500	72,500	72,500	72,500
K & G maintenance - as per Asset Mgt Plan	69,163	70,754	72,381	74,046
Urban Roads Sealed Traffic Facilities	56,900	56,900	56,900	56,900
Strategic Access Plan - Footpaths View St - No 29 to GWH	50,000	-	-	-
Rural Roads - Unsealed - Limekilns Road (26 - 28km)	-	400,000	-	-
Urban Sealed Road Construction - Hereford Street Rehabilitation	-	400,000	-	-
Stormwater Drainage - O`Regan`s Rd Box Culvert	-	367,718	-	-
FAG Road Construction- Rural Sealed - Freemantle Road	-	363,571	-	-
FAG Road Construction - Rural Unsealed Wambool Road	-	350,000	-	-
RTR - Rural Unsealed	-	348,559	2,000,000	2,000,000
Cycleway Construction - Eglinton Rd - Bradwardine to Westbourne Drive	-	303,600	-	-
RTR - Rural Sealed - O`Regan`s Road	-	300,000	-	-
RTR - Rural Sealed - Limekilns Road	-	300,000	-	-
RTR - Rural Unsealed - Evans Plains	-	300,000	-	-
Strategic Access Plan - as per Asset Mgt Plan	-	150,000	150,000	-
K&G - Bradwardine Road	-	75,000	-	-
K&G - Lloyds Road	-	75,000	-	-
Rural Roads - Unsealed - Freemantle Road	-	-	400,000	-
Stormwater Drainage - Charleton Road- Peppers Ck causeway	-	-	376,911	-
RTR - Rural Unsealed - Wambool Road	-	-	348,559	-
Cycleway Construction - Sawpit Creek - Munro to Ophir Road	-	-	303,600	-
Carpark Construction - George Street Carpark Rehabilitation	-	-	300,000	-
RTR - Rural Sealed - Rockley Road	-	-	300,000	-
RTR - Rural Sealed - Tarana Road	-	-	300,000	-
RTR - Rural Unsealed - Whalan`s Lane	-	-	300,000	-
FAG Road Construction - Rural Unsealed Wambool Road	-	-	250,000	-
FAG Road Construction- Rural Sealed - Duramana Road (1-2km)	-	-	200,000	-
FAG Road Construction- Rural Sealed - Bridle Track	-	-	196,337	-
K&G - Urban missing links - various	-	-	150,000	-
Rural Unsealed Gravel Re -Sheeting	-	-	-	1,000,000
RTR - Rural Sealed - Freemantle Road - 21-23 km	-	-	-	450,000
FAG Road Construction - Urban Sealed Hampden Park Road - Littlebourne to Lee St	-	-	-	429,988
Rural Roads - RC Unsealed Limekilns Rd 37 to 38km	-	-	-	400,000
Stormwater Drainage	-	-	-	386,334
FAG Road Construction - Rural UnsealedBridle Track Road 2-4km	-	-	-	350,000
RTR - Rural Unsealed - Mt Rankin 3-5.5km	-	-	-	348,559
Cycleway Construction	-	-	-	303,600
RTR - Rural Unsealed - Lagoon Road 24-26Km	-	-	-	300,000
RTR - Rural Sealed - Rockley Road 22-23km	-	-	-	150,000
K&G - Replacement Alexander St West Bathurst	-	-	-	150,000

	Budget 2024	Budget 2025	Budget 2026	Budget 2027
Strategic Access Plan - Footpath Brilliant St (George Park) Furness to Rankin	-	-	-	50,000
Strategic Access Plan - Footpath	-	-	-	50,000
<b>Engineering - Technical Services</b>				
Aerodrome - Terminal Upgrade	4,000,000	-	-	-
Aerodrome - as per Asset Mgt Plan	-	1,000,000	1,000,000	1,000,000
Flood Prone Properties	150,000	150,000	150,000	150,000
Mt Panorama - Debris Fencing	100,000	100,000	100,000	100,000
Mt Panorama - Fauna Fencing	50,000	50,000	50,000	50,000
Mt Panorama - McPhillamy Park CMP / Masterplan	50,000	-	-	-
<b>Recreation</b>				
Carrington Park - Grandstand extension	9,750,000	-	-	-
Adventure Playground - Stage 2	3,000,000	500,000	-	-
Centennial Park Upgrade - Trf to Reserve	250,000	250,000	250,000	250,000
Hereford Street Fields - Construction of Carpark	240,000	-	-	-
Vegetation Management Plan (VMP)	210,125	215,379	220,763	226,281
Playground Equipment	112,522	115,335	118,218	121,174
Sydney Road Highway Maintenance	89,303	91,535	93,825	96,171
John Matthews Complex - Synthetic Tennis Court resurface	75,000	76,875	78,797	80,767
Street Tree Planting (DA)	79,000	81,054	87,355	89,364
Basalt Park (Ashworth Estate) Playground Embellishment	-	400,000	-	-
<b>Water, Sewerage &amp; Waste</b>				
Sewer Mains - Gilmour Street Sewer duplication	4,900,000	-	-	-
Sewer Treatment Works -Sludge Handling (Maintenance)	948,861	975,072	1,002,026	1,029,747
Sewer Treatment Works - Dissolved Air Flotation System	900,000	-	-	-
Sewer Mains - Relining	800,000	-	-	-
Sewer Network - Public Amenities Block	617,289	640,437	664,453	689,370
Sewer Treatment Works - Concrete for large lagoon, back of Plant	600,000	-	-	-
Sewer Treatment Works - Operating Expenses	573,635	590,343	607,557	625,292
Sewer Treatment Works - Aerator Replacement	446,627	186,828	191,125	195,521
Sewer Mains - Rehabilitation Program	403,376	414,268	425,452	436,940
Sewer Treatment Works - Belt Presses	400,000	-	-	-
Sewer Network - Brian Booth Recreation Ground Perthville	350,000	-	-	-
Sewer Network - Brookmoore Oval Amenities Building Upgrade	350,000	-	-	-
Sewer Treatment Works - Inlet Work Embankment Protection	300,000	-	-	-
Sewer - Modelling	300,000	-	-	-
Sewer Treatment Works - Testing	269,315	276,940	284,845	292,937
Sewer - Sewer MH assessment and repair	250,000	-	-	-
Sewer Treatment Works - Ground Works	209,117	215,184	221,434	227,869
Sewer Mains - Road Reinstatement	203,300	208,000	212,800	217,700
Sewer Mains - Maintenance	179,000	184,208	189,548	195,026
Sewer Pump Stations - Replace Pumps	177,993	182,798	187,734	192,803
Sewer Pump Stations - Replace Aged Switchboards	177,993	182,798	187,734	192,803

	Budget 2024	Budget 2025	Budget 2026	Budget 2027
Sewer Mains - Clear Block Etc	151,600	156,135	160,075	164,110
Sewer Treatment Works - Replacement blower inlet works	150,000	-	-	-
Sewer Network - IWCM Implementation - Sewer	133,494	137,099	140,800	144,602
Sewer Mains - Repairs	127,202	131,248	135,418	139,716
Sewer Treatment Works - Inlet works pump replacement	114,282	116,911	119,600	122,350
Sewer Pump Stations - Pump Station Odour Control	111,245	114,249	117,334	120,502
Sewer Mains - Replace Aged Switchboards	101,958	104,303	106,702	109,156
Sewer - Sewer serviceability assessment of new developments	100,000	-	-	-
Sewer - Pump Stations Repairs	87,800	90,000	92,300	94,600
Sewer Treatment Works - Energy Metering / Monitoring	83,434	85,687	88,000	90,376
Sewer Treatment Works - UV Lamp replacement	76,188	77,940	79,733	81,567
Sewer Treatment Works - Odour Control	63,900	65,400	67,000	68,700
Sewer Treatment Works - Liquid Aluminum	61,700	63,200	64,800	66,400
Sewer Mains - Condition Monitoring	59,660	61,212	62,803	64,436
Sewer Treatment Works - Replace Switchboards	57,141	58,455	59,800	61,175
Sewerage Pump Stations - Hereford St, Proposed SPS	-	4,500,000	-	-
Sewerage Pump Stations - SPS02 Gilmour St Offline storage upgrade	-	-	4,600,000	-
Waste Management Centre (WMC) - Landfill Lids	600,000	-	-	-
WMC - Rebuild Dams	600,000	-	-	-
WMC Roadworks upgrade	250,000	250,000	500,000	500,000
WMC - Weighbridge Building Upgrade	250,000	-	-	-
Domestic Waste - Public Place Bins (Various)	250,000	-	-	-
Waste - Sofala Transfer Station Operating	246,709	255,137	263,926	272,975
Waste - Sunny Corner Transfer Station Operating	187,054	193,810	200,800	208,026
Waste - Disposal of Mattresses	170,000	174,250	178,606	183,071
WMC - Waste Office Toilet upgrade	150,000	-	-	-
Waste - Rockley Transfer Station Operating	139,417	143,881	148,489	153,347
Waste - Trunkey Transfer Station Operating	131,000	135,493	140,120	144,883
Waste Collection - Projects	83,000	86,113	89,342	92,692
WMC - Gas Infrastructure Maintenance (Wells & Flares)	80,000	82,000	84,050	86,151
Waste Collection Purchase Mobile Bins	52,000	52,000	52,000	52,000
WMC - Upgrade of Landfill Transfer Station	-	600,000	-	-
WMC - Machinery Shed	-	400,000	-	-
Waste Management documentation upgrade	-	52,900	-	55,500
Water - Winburndale Pipeline Augmentation Water Mains/Pipes	4,100,000	-	-	-
Water - Bathurst Stormwater Harvesting Water Mains	2,725,000	-	-	-
Water Treatment Works - Chemicals	775,804	795,199	815,080	835,456
Water Supply Mains Maintenance	724,854	749,560	775,043	801,215
Water - Drinking Water Management System	620,000	635,500	651,389	667,673
Water Filtration Plant (WFP) - Refurbish Pump	553,696	44,701	45,729	46,781
Water Network - Water Balance and Pressure Management in the Network	500,000	-	-	-

	Budget 2024	Budget 2025	Budget 2026	Budget 2027
Water Filtration Plant - HV Switch gear upgrade	500,000	-	-	-
Water Fund Road Works	500,000	-	-	-
Water Filtration Plant (WFP) - Refurbish Chemical Dosing System	469,047	19,485	19,933	20,392
Water Supply Services Repairs	463,644	478,331	493,366	508,762
Water Supply Main Repairs	397,100	409,300	421,700	434,700
Water Meters Replacement	312,325	12,608	12,898	13,195
Water Filtration Plant - Front of Building Rapid Mix Channel works to stabilise	270,000	-	-	-
Water - Chifley Dam Maintenance	256,200	262,605	269,170	275,899
Water Reservoirs - Res 04 Suttor St leak repair	250,000	-	-	-
Water Filtration Plant - Staff Amenities	250,000	-	-	-
Water Filtration Plant (WFP) - Switchboards	223,864	65,332	66,835	68,372
Water - Chifley Dam Operating	194,500	199,363	204,347	209,455
Water - Aquatic Centre Special Maintenance	175,300	179,683	184,175	188,779
Water - Best Practice Guidelines Maintenance	160,000	164,000	168,100	172,302
Water - Winburndale Dam Main Repairs	127,300	131,000	134,800	138,700
Water Filtration Plant - Building frontage slippage - new Stairwell	120,000	-	-	-
Water Supply Water Hydrant Maintenance	109,800	113,300	116,800	120,400
Water Meter Services	107,282	110,055	112,900	115,821
Water Filtration Plant - Epoxy tank chambers on all three tanks - flocculator chamber and main sedimentation chamber	104,000	104,000	104,000	104,000
Water - IWCM Implementation	100,000	102,500	105,062	107,689
Water - Water Serviceability Assessment of new Developments	100,000	-	-	-
Water - Modelling	100,000	-	-	-
Water Supply - Sewer Maintenance	92,800	96,300	99,900	103,800
Water - Implementation of Water Supply Management Plan	88,513	90,548	92,631	94,762
Water Mains - Mt Panorama Improvements	88,513	90,548	92,631	94,762
Water - Winburndale Dam Operating	83,500	85,588	87,727	89,920
Water Meters New Installations	76,059	78,911	81,870	84,941
Water Meters Services - 20mm	68,345	69,917	71,525	73,171
Water Mains - Pressure Reduction and Flow Monitoring	59,382	60,748	62,145	63,574
Water Meters Services - 25mm	56,020	57,310	58,628	59,977
Water Replace Aged Mains	50,000	51,250	52,531	53,845
Water Winburndale Pipeline Renewal	50,000	51,228	52,485	53,774
Water - Long Term Water Security Plan - Raising Chifley Dam Wall	50,000	50,000	50,000	50,000
Water Capital Works - new capital	-	2,000,000	2,000,000	2,000,000
Water Filtration Plant - Rapid sand filters - sand and nozzle replacement with internal epoxy protective coating	-	100,000	100,000	100,000
Water - Reservoir Replacement McPhillamy Park	-	-	-	4,000,000
<b>Administration</b>				
Land Development Windy 1100	19,000,000	-	-	-
Land Development - Trade Centre (West) Master Plan	100,000	-	-	-
<b>Cultural &amp; Community</b>				

	Budget 2024	Budget 2025	Budget 2026	Budget 2027
Library Book Purchases	167,571	170,922	174,343	177,828
Library Software Licences	69,000	70,380	71,788	73,223
Art Gallery - remedial roof & box gutter repairs	50,000	-	-	-
Tourism Building -Internal Fit-out	-	-	50,000	-
<b>Environmental, Planning &amp; Building</b>				
Local Heritage Fund Grant	60,500	60,500	60,500	60,500
iD Profile Subscription	58,038	59,489	60,976	62,501
Brick Pits Wetlands	50,019	51,269	52,550	53,864
Bathurst CBD Main Street Improvement Fund	50,000	50,000	50,000	50,000

### Assets

Council has Asset Management Plans for all of its asset types. These Plans have several aims including reducing the asset backlog (the difference between the current estimated condition of the asset and the preferred condition level), identifying short term maintenance with a view to minimising long term maintenance costs and identifying potential for assets to be improved.

Council is also looking, where possible, to gain increased returns from its assets e.g. hire fees.

### Asset Maintenance Backlog

The current infrastructure asset maintenance backlog identified by Council 's asset plans includes:

<u>Asset Class</u>	<u>Current Backlog</u>
Aerodrome	\$1,024,000
Bridges	\$7,560,000
Buildings	\$2,918,000
Drainage	\$2,952,000
Footpaths	\$1,025,000
Parks and Recreation	\$1,771,000
Sealed roads	\$62,648,000
Un-sealed roads	\$2,822,000
Sewer	\$30,535,000
Water	\$20,589,000
Other Structures	\$2,185,000
<u>Total</u>	<u>\$136,029,000</u>

Asset Management Plans are available on Council's website. The magnitude of the backlog shown above remains a concern to Council, which may look to an increase in the rate peg in future years. A special rate variation needs to be considered in budget deliberations for the 2024/2025 year. Any such decision will be subject to future discussions with the community regarding service levels and a review of Council's operations over the ensuing future.

### Rate Pegging

As noted earlier, Council has prepared its estimates based on the rate pegging limit , set

by IPART of 3.8%. Commercial organisations are not restricted by rate pegging legislation and are subject to market rate increases.

General Purpose Rates & Charges	3.8%
Water Rates & Charges	8.0%
Sewer Rate & Charges	4.0%
Waste Charges	4.0%
Domestic Waste Collection	Reasonable Cost Method

Council should be mindful of the continual squeeze on the Council in its ability to raise revenue through rates as compared to pricing policies of State Government and commercial organisations.

Consideration needs to be given to increasing general rates above the "pegged" limit or the reduction of current service levels into the future.

### Service Levels

Council's services to the community will generally remain constant through 2023/2024. However, Councillors will generally be mindful that as further work is taken on it will become increasingly difficult for the required service levels to be met.

Council's budget is framed around not increasing the general rate above the approved rate pegging limit and secondly, the requirement to have nil or limited impact on the service levels currently provided to the community.

Councillors should also be aware that Council is continually being requested to increase service levels in rural areas and at present there is no corresponding rate increase available to offset these increased costs.

### Section 356 Donations

ORGANISATION	\$
Bathurst AH & P Association	8,244
Monkey Hill UHF Repeater Association Inc	1,000
Bathurst Sports Awards (2BS)	5,000
Macquarie Philharmonia Inc.	2,000
Sofala & District A&HP	350
Sofala Progress Association	2,000
The Neighbourhood Centre (formerly BINIC)	900
Bathurst City Colts Sporting Club Inc.	7,390
Bathurst City & RSL Band Association Inc.	5,000
Evans Art Council Inc.	3,000
Lions Club of Bathurst Inc	2,000
CSU Foundation - Gordon Bullock Scholarship	3,000
CSU Foundation - Other Scholarship	5,000
Bathurst District Sport & Recreation Council (BDSRC) Sporting Association Grants	20,000
Western Region Academy of Sport Inc. (WRAS)	2,713
Western Sydney University	10,000
Mt Panorama Fees Waived	30,000
BMEC - Mitchell Conservatorium	7,000
BMEC - Eisteddfod	30,000
BMEC Community Use Subsidy	9,000
BMEC Youth Council	2,000

BMEC Combined Pensioners & Superannuants	11,000
Russell Street road closures	10,000
The Friends of the Bathurst War Memorial Carillon Inc	2,000
Bathurst Edgell Jog Committee Inc	1,000
Bathurst Refugee Support Group Inc. (BRSG)	500
Country Women's Association of NSW - Central Western Group (CWA)	300
Vivability Limited	1,000
Bathurst Lapidary and Collectors Club Inc	2,050
Bathurst Country Music Club Inc	500
Bathurst Remembers t/a Communications and Resources Project (CARP) Inc.	1,000
Carillon Theatrical Society	1,000
headspace Bathurst	1,500
Rockley and District Community Association Inc	1,000
Sydney International Piano Competition	1,000
Bathurst Senior Citizens Association	500
Napoleon Reef Landcare Inc	1,000
Mitchell Conservatorium - Carols by Candlelight	1,000
The Rotary Club of Bathurst	5,000
Bathurst Gardener's Club Inc	500
Miscellaneous	23,988
<b>Total</b>	<b>221,435</b>

Other community support included in the Budget:

Boundary Road Nature Corridor	13,658
Main Street Improvement Fund	50,000
Local Heritage Fund	60,500
Village Improvement Program	20,000
Village Events Program	40,000
Disability Access Fund	15,000
Arts Out West contribution	28,599
CBD CCTV program	10,000
Indigenous Groups 1824 commemoration	50000
<b>Total</b>	<b>231,364</b>

Forecast Market Rental Subsidies

Note: These are forecast only as lease renewals are subject to market forces

<b>NAME OF TENANT</b>	<b>LOCATION</b>	<b>Estima ted Rent PA</b>	<b>Estima ted Market Rent</b>	<b>Rental Subsidy \$</b>
Mitchell Conservatorium	Machattie Park Cottage	589	18,008	17,419
Central Tablelands Woodcraft Inc	Learmonth Park	618	16,758	16,140
Community Opportunity Shop Inc	8 Lions Club Drive	1,179	22,343	21,164
Community Opportunity Shop Inc	Veggie Patch Church Lane	1	16,758	16,757
Air Services Australia	Aerodrome - Communication	1	20,107	20,106
Taxi Cabs of Bathurst Co-operative Society Ltd	Communication tower	1,375	20,107	18,732

Master Communications & Electronics Pty Ltd	Communication tower	4,778	20,107	15,329
Bathurst City & RSL Band Association	Walmer Park	245	22,343	22,098
Bathurst Lions Club Inc	Short St	1	16,758	16,757
Evans Arts Council Inc	Lee Street	500	5,586	5,086
Bathurst District Historical Society Inc	Mitre Street	1	11,173	11,172
Bathurst District Historical Society Inc	16 Stanley Street	500	11,173	10,673
Bathurst Meals on Wheels Inc	4 Watt Drive	1	55,845	55,844
Department of Defence (Air Cadets)	Aerodrome - Lot 25	91	14,339	14,248
Department of Defence (Air Cadets)	Aerodrome - Lot 36	91	41,412	41,321
				302,846

In total, Council will be providing more than \$812,000 to outside organisations beyond its own Operational requirements.

#### Mayor and Councillor Remuneration

The Local Government Remuneration Tribunal is required to make a determination by no later than 1 May each year and make a report to the Minister within 7 days of making that determination. The Report is to be published in the Government Gazette and also laid before each House of Parliament. The determination for this year has not yet been received but an increase based on the increase received last year has been allowed for.

In accordance with Section 241 of the Act, it's recommended that Council will fix the annual fee paid to Councillors to the maximum determination made by the Remuneration Tribunal for the category Regional Centre.

#### Organisation Structure

The organisation structure is based on:

- Facilitating an organisation structure that will meet the current and future needs of Council and the community;
- Ensuring stability and certainty within the organisation;
- Delivering an efficient, sustainable ongoing structure;
- Providing improved outcomes for the citizens of the area ensuring properly delivered services.

The existing organisation structure has been reviewed during the planning process and consists of the General Manager and the following Department structure:

- Corporate Services & Finance
- Engineering Services
- Environmental, Planning & Building Services
- Cultural & Community Services

The organisation structure and associated functions are as follows:

Each of the Departments has a Director appointed who is "senior staff" in accordance with Section 332 of the Local Government Act.

#### Director Corporate Services & Finance

Payroll, Administration, Governance, Stores/Purchasing, Information Services, Geographic Information System, Records, Human Resources, Risk Management/Insurance, Rates, Creditors/debtors, Business Papers, Government Information (Public Access), Public Interest Disclosures, Work, Health & Safety, Internal Audit, Annual Report, Delivery & Operational Plan, Financial Management, Committee Secretariat, Switchboard, Customer Request Management System, Customer Service, State Emergency Service, Rural Fire Service, Emergency Management, Marketing,



Property Development & Management, Mount Panorama Business/Conferencing & Events, Sister City, Corporate Communications.

#### Director Engineering Services

Water, Sewer, Waste & Recycling Collection, Waste Management Centre, Parks & Gardens, Manning Aquatic Centre, Depot, Plant (Workshop), Floodplain Management, Mount Panorama Operations, Maintenance (roads, bridges, kerb & guttering), Construction (roads, bridges), Contract Management, Design Works, Disaster Planning & Response, Aerodrome, Asset Management, Project Management, Forward Planning: Environment, Recreation & Infrastructure, Rural Works, Indoor Sports Stadium, Tennis Courts, Netball Courts, Bathurst Bike Park, Traffic Management, Buildings Maintenance, Subdivision Design & Construction, Vegetation Management Plan, Cemeteries, Drainage/Stormwater, Private Works.

#### Director Environmental, Planning & Building Services

Land Use Planning, Environmental Planning, Building Control, Health, Pollution Control, Development Control & Applications, Parking Rangers, Stock Impounding, Heritage & Conservation, Regulatory Functions, Animal Control, Companion Animals, Food/Health Inspections, State of Environment, Septic Tanks, Strategic Planning, Subdivision Planning, Section 94 Contributions, Plumbing & Drainage, Environmental Management, Contamination, Economic Development, Sustainability.

#### Director Cultural & Community Services

Art Gallery, Library, Chifley Home and Education Centre, Australian Fossil & Mineral Museum - home of the Somerville Collection, Bathurst Memorial Entertainment Centre, Scallywags Childcare, Family Day Care, Vacation Care, Community Services, Cultural Planning, Access and Inclusion, Community Social and Strategic Planning, Community Development, Historical Society, Youth Council, Community Safety, Community Facilities, Community Halls / Groups: Eglinton, Raglan & Perthville, Community Organisations: Rockley, Hill End, Sofala, Eglinton, Wattle Flat, Trunkey Creek, The Neighbourhood Centre, Home & Community Care Centre & Kelso Community Hub, Club Grants, Community Interagencies, Senior Citizens Centre, National Motor Racing Museum, Bathurst Rail Museum, Tourism, Destination Management, Central Tablelands Collection Facility.

## **FINANCIAL IMPLICATIONS:**

Nil at this stage.

## **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. |
| Strategy 6.4 | Meet legislative and compliance requirements.   |
| Strategy 6.6 | Manage our money and our assets to be sustainable now and into the future.  |
| Strategy 6.8 | Implement opportunities for organisational improvement.   |

## **COMMUNITY ENGAGEMENT:**

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

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

## **ATTACHMENTS:**

1. Draft DP 2023-2027 and OP 2023-2024 [**8.3.7.1** - 52 pages]
2. Draft 2024 Detailed Budget Public [**8.3.7.2** - 87 pages]
3. Draft Revenue Policy 6.4.2023 [**8.3.7.3** - 85 pages]

### 8.3.8 REVIEW OF MOUNT PANORAMA RESIDENTS' ACCESS POLICY

**File No: 18.00150**

#### **RECOMMENDATION:**

That Council:

1. Adopt the draft Mount Panorama Motor Racing Circuit - Resident Access – Full Track Hire Policy, with the following amendments:
  - (a) Clause 6 be amended to prescribe that the track closures for Associated Event days shall not occur before 8:00 am and must be re-opened by no later than 5:30 pm, with a minimum of a one (1) hour lunch break for each Associated Event day;
  - (b) All references to “promoters” and “circuit hirers” be replaced with “event organisers”; and
  - (c) Clause 2 be amended to include a notation identifying Bathurst Regional Council as the promoter as designated by the Act.
2. Notify those who made a submission of Council’s decision.

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#### **REPORT:**

Council, at its Ordinary Meeting held 15 February 2023, resolved:

*“That Council place the draft Mount Panorama Motor Racing Circuit – Resident Access - Full Track Hire Policy on the public display for 28 days and receive submissions”.*

The Draft Policy was placed on public exhibition from 20 February 2023 to 20 March 2023 inclusive. In addition to advertisements being placed in the Western Advocate, letters were sent to the following advising them of the Draft Policy, and inviting them to make a submission:

- All Mount Panorama Residents
- Chairperson of the Mount Panorama Residents Group;
- State Member for Bathurst;
- State Member for Tourism and Sport;
- Supercars Australia;
- Australian Racing Group;
- Challenge Bathurst;
- NSW Office of Sport
- Motorsport Australia
- Australian Auto Sport Alliance;
- Rydges Mount Panorama;

- Panorama Motor Cycle Club;
- Bathurst Light Car Club;
- Autofest Series Australia; and
- Co-ordinator of the Mount Panorama Users Group

A copy of the Draft Policy, as exhibited is provided at **attachment 1**.

During the exhibition period, Council received five (5) submissions. A copy of each submission as received is provided as an attachment to this report, and discussed separately as follows:

**Submission #1 – Mr Greg Evans – Director Accelerate Events Pty Ltd – Attachment #2)** – Mr Evans is the organiser of the Challenge Bathurst event

The substantive matters raised by this submission are:

- (i) Supports the retention of the general principle of “Race Track Closure Times” as prescribed by clause 5 of the Draft Policy;
- (ii) Seeking the Challenge Bathurst event to be assigned four (4) Associated Event days to operate on hours less than those prescribed by clause 6 of the Draft Policy;
- (iii) Suggests the renaming of “Associated Events” (clause 6) to “Associated Days” and proposes that Associated Days operate on reduced hours, being 8:00am to 5:30pm, and that the total event days for each of the five full-track closure events be capped at no more than eight days, per event; and
- (iv) Suggests a minor change by replacing all references to promoters and circuit hirers, with “Event Organisers”.

In response to the matters raised by this submission:

- (i) Noted;
- (ii) The Draft Policy does not propose to place a limit on the maximum number of days for the Associated Events per year. This then affords Council with the flexibility to allow additional Associated Events, as appropriate when opportunities arise. Accordingly, the request to amend the Draft Policy to specifically provide the Challenge Bathurst Event with four (4) Associated Event days is not supported.
- (iii) The renaming of Associated Events to Associated Days is inconsistent with the terminology used by the Motor Sports Events Act 2022 (NSW) and associated Regulations, and therefore is not supported.

The proposal to require that Associated Event days operated on reduced hours, may be able to be accommodated. The Draft Policy is currently proposing the track closure hours for Associated Event days being between 7:00 am and 6:00 pm, with a minimum one (1) hour lunch break. A review of the 2022 Track Schedule has shown that the earliest closure for an Associated Event day during this schedule was 8:00 am, and the latest re-opening was 5:40 pm. Accordingly, a change to the hours of Associated Event days could be easily accommodated with minimal impact on the existing events. Accordingly, it is recommended to amend part of Clause 6 of the Draft Policy that relates to the hours of operation for Associated Event days to read:

*“For associated events requiring full closure of the Race Track, the closure of the Race Track shall not occur before 8:00 am and must be re-opened by no later than 5:30 pm for resident access, and a minimum of a one (1) hour lunch break must be provided for each day of the event for Resident access which includes both opening and closing of the Race Track”.*

With regards to the suggestion to set a maximum number of total event days to eight, the Draft Policy does not propose to set a maximum number of days for each event. This affords Council to have the flexibility to set the total event days, as appropriate, with each event organiser. Whilst it is unlikely that each event would take up their maximum day allocation, some could, which would make event scheduling in the later part of the calendar year difficult. This would also increase the duration which residents would need to use their secondary access. Accordingly, the suggestion to amend the Draft Policy to set a maximum number of days per event is not supported.

- (iv) The suggestion to replace all reference in the Draft Policy to “promoters and circuit hirers” to “event organisers” is supported.

Councillors may recall from the report that was presented to the 15 February 2023 Ordinary Meeting that consideration was given to including a notation in the Draft Policy, consistent with the Act, identifying Council as the Promoter as defined by the Act. At this meeting it was agreed to not include this notation so as to avoid any confusion or misunderstanding due to the use of the term “promoter” in the existing Policy.

However, by making the changes as suggested, the risk of confusion or misunderstanding is minimised. Accordingly, it is recommended that the Draft Policy be updated to:

- (a) Replace all references to promoters and circuit hirers with “event organisers”; and
- (b) Update the Background section of the Draft Policy to include a notation that identifies Council as the promoter as designated by the Act.

### **Submission #2 – Mr Andrew Dunshea (Attachment # 3)**

Mr Dunshea is a resident at Mount Panorama.

The substantive matters raised by this submission are:

- (i) Recognition of the Residents’ Group in the Policy;
- (ii) Reduction in the operation hours of Associated Event days to 9:00 am to 4:00 pm, and a restriction of the total number of Associated Event days to six (6) per year with hours to allow the school bus to operate and routine work day access for residents to occur;
- (iii) The Draft Policy should include Council as the promoters as designated by the Act; and
- (iv) The numbers of tickets and vehicle passes for the residents should be increased.

In response to the matters raised by this submission:

- (i) In previous versions of this Policy, the definition of a resident committee was included and was identified as a point of contact for Council. This was an efficient way of communicating with the residents. However, at the request of some of the residents, this definition was removed from the Policy as not all residents were members of the residents committee.

During the COVID Pandemic, resident meetings were held with “representatives” of the residents, and as noted in the submission, this has led to a more structured and respectful engagement at these meetings.

Council has received advice from one resident advising that not all residents are members of this committee. Accordingly, it is proposed to not include this definition in the Draft Policy.

- (ii) The current adopted Policy provided the operational hours of Associated Event days (formerly NMRE) as being 7:00 am to 6:00 pm, with a morning, lunch and afternoon break contained therein. Other than the removal of the morning and afternoon breaks, the exhibited Draft Policy did not propose any further changes to these hours.

However, as noted in submission #1, a reduction in these hours is able to be accommodated with little disruption to the existing events. A further reduction to the hours proposed by this submission, being 9:00 am to 4:00 pm would impact on all existing Associated Event days, and is therefore not supported.

As noted in the response to submission #1, the Draft Policy does not propose to place a limit on the maximum number of days for the Associated Events per year. For the reasons mentioned earlier, the request to cap the number of these days is not supported.

With regards to the school bus access, and routine workday access for the resident, this access remains available via the secondary access that has been established by Council.

- (iii) This matter has been addressed by the change recommended arising from submission #1.
- (iv) This matter was addressed in the report presented to Council’s Ordinary Meeting held on 15 February 2023, and is repeated below for Councillors’ information.

The Draft Policy is not proposing to increase the number of general admission tickets provided for each event as part of the resident ticket allocation.

The current adopted Policy prescribes that for ticketed events, each resident is to be provided with thirteen (13) general admission tickets. The allocation of this amount is set by Section 7.8 of the Bathurst Regional Local Environmental Plan 2014. Therefore, the allocation provided in the Draft Policy is not able to exceed this amount.

The current adopted Policy provides for an allocation of ten (10) vehicles passes as part of the resident pass allocation. The current adopted Policy does allow for the provision of additional passes upon request. In most situations, reasonable

requests for additional passes have been able to be accommodated, or alternative access arrangements have been able to be made. As the current Policy works, it is proposed to not amend the Draft Policy for this matter.

### **Submission #3 – Dr Nigel Swan (Attachment #4)**

Dr Swan is a resident at Mount Panorama.

The substantive matters raised by this submission are:

- (i) The absence of the Draft Policy prescribing the provision of a risk assessment document;
- (ii) The omission of the Draft Policy prescribing the maximum number of event and associated event days; and
- (iii) Seeking the operational hours of events and associated events that occur on weekdays to be restricted to 9:00 am to 4:00 pm, however, expresses their acceptance of extended weekend operational hours.

In response to the matters raised by this submission:

- (i) As the Draft Policy is in relation to the facilitation of access for the residents during full-track closure events, the inclusion of a requirement to produce this document as part of this Draft Policy is beyond the scope of this Draft Policy. Accordingly, the request for its inclusion in the Draft Policy is not supported.

For the information of Councillors, all full-track closure events at Mount Panorama operate under a permit issued by Motorsport Australia, and a permit issued by the NSW Office of Sport. The application for these permits require the submission of safety plans, and risk assessments, that responds to the safety of those who participate in each and those who attend the event (including residents).

- (ii) This matter has already been addressed in a previous submission.
- (iii) The matter of reducing the operational hours has already been addressed in a previous submission, however this submission introduces an opportunity to differentiate the operational hours between weekdays and weekends.

A review of the 2022 track schedule identifies that all of the 26 full-track closure days, 16 of these were on a weekday. Although some of these weekdays (2) were public holidays. Similarly, there is a different split between weekdays and weekends, for each event. For example, the Bathurst 12 Hour commences on a Friday, whereas the Bathurst 1000 commences on a Thursday.

It is considered that introducing differential hours into the Draft Policy will further complicate the Draft Policy, and make it difficult to administer, accordingly its inclusion into the Draft Policy is not supported. However, the author of this suggestion is to be commended, as this is not something that has previously been presented to Council for consideration.

It appears the motivation of this suggestion is to use the circuit as the access way to and from the residences during these times. As noted earlier in this report, all residences have access to a secondary access, and as such, access is already available at these times.

#### **Submission #4 – Mr Phillip and Mrs Lynette Burgett (Attachment #5).**

Mr and Mrs Burgett are residents at Mount Panorama.

The substantive matters raised by this submission are:

- (i) Seeking the establishment of a maximum numbers of Associated Event days per year to be included in the Draft Policy;
- (ii) Ensuring that all secondary/alternate access routes through neighbouring properties have been secured by a registered easement;
- (iii) Continuation of a works program to improve the secondary/alternate access network;
- (iv) Seeking the reinstatement of the track closure times as contained in the 2008 Policy;
- (v) Suggesting a review of the purpose, scheduling and frequency of resident meetings be undertaken;
- (vi) Updating of Clause 9 to be consistent with the notice period as provided by Clause 4;
- (vii) Seeking the inclusion of “paddock passes” in the Resident ticket allocations;
- (viii) Seeking the establishment of priority access arrangements for residents; and
- (ix) Requesting more detailed guidance on the protocols that should be followed when emergency services are required to attend a residence.

In response to the matters raised by this submission;

- (i) This matter has already been addressed earlier in this report;
- (ii) As noted in the Draft Policy, all residences, except one, have access to secondary/alternate access routes. The residence that does not have a secondary access is owned by Council, and as such, Council is able to administer its occupation.

Of the remaining residences, in all but one instance, the secondary/alternate access corridors are secured across Council owned or controlled land or by a right-of-carriageway established over privately owned land.

There is one instance where a resident’s secondary access crosses a privately owned neighbouring property without a legal agreement in place. This access is currently being provided by an informal agreement with the adjoining owner. In the event that the informal agreement is terminated, Council has the ability to construct an alternate access across one of its land holdings to facilitate this access.

- (iii) The Draft Policy includes that Council is to have an ongoing maintenance and improvement program of the secondary/alternative access routes.



- (iv) This matter has already been addressed earlier in this report.

For the information of Councillors, the 2008 Resident Access Policy established the track closure times of:

- 7:30 am to 5:30 pm for motor race event days;
- 8:30 am to 5:30 pm for non-motor race event days;
- The provision for breaks during each event day is the same as contained in the current adopted Policy.

- (v) The Draft Policy included a minor amendment which broadened the focus of resident meetings to facilitate discussion on other matters in addition to matters specific to events.

With a structured agenda, the amendment included in the Draft Policy should encourage a more constructive discussion with residents.

Whilst not stipulated in the Draft Policy, it is intended to include the resident meetings into Council's Village Meeting cycle.

- (vi) An administrative amendment was made, and included in the exhibited Draft Policy, to ensure the consistency of notification periods throughout the document.

- (vii) As access to the paddock area does not improve or provide residents with access to their respective residences, the request for this to be included in the Draft Policy is not supported.

The provision of paddock passes should be left to the discretion of the event organiser.

- (viii) Clause 9 was updated, and included in the exhibited Draft Policy, to improve the identification of resident vehicles which should assist with the facilitation of priority access for residents.

- (ix) For each event, all residences are provided with an information pack, which in part, details the emergency procedures that are relevant to that event. In all situations, in cases of an emergency, residents are advised to call triple zero.

The Draft Policy contains a separate clause for Emergency Contact Procedures (refer Clause 10). Whilst this clause is largely redundant, as the need for this information is prescribed elsewhere in the Draft Policy, the retention of this clause emphasises the importance and need for the provision of emergency contacts.

#### **Submission #5 – Mr Mark Cordato (Attachment #6)**

Mr Cordato is a resident at Mount Panorama.

The substantive matters raised by this submission are:

- (i) The two resident meetings have not been held;
- (ii) Autofest has breached recommended EPA levels;
- (iii) Previous requests for safety drills have been ignored;

- (iv) Reinstatement of the lunchtime resident access period;
- (v) Provision of safety reports to residents;
- (vi) Alteration of track closure times to those requested by the residents;
- (vii) The disclosure of the financial benefit of the Associated Events to residents;
- (viii) Suggests that the change requiring occupants of a resident accredited vehicle to carry entry tickets is unacceptable; and
- (ix) Suggests that the allocation of 13 tickets per event was acceptable when there was two events, however, now that there are five events, this allocation is inadequate.

In response to the matters raised by this submission:

- (i) Prior to the COVID-19 Pandemic, residents meetings were held in the week leading up to the Bathurst 12-Hour and Bathurst 1000 events respectively. During the pandemic resident meetings were held with “representatives” of the residents, and held approximately two months before each of those events. As time through the pandemic progressed meetings were only held if there was a substantial change proposed to these events that were likely to have an impact on the residents. As a result, no further meetings have been held.

As noted earlier in this report, it is intended to recommence these meetings.

- (ii) The Autofest event is not a full-track closure event, and therefore is outside the scope of the Draft Policy.
- (iii) Council has no record for requests to undertake safety drills. Despite this, the need for such drills to be undertaken are not considered necessary due to the level of pre-event planning and engagement of all relevant emergency service agencies for each event. Accordingly, the inclusion of the need for drills to be undertaken in the Draft Policy is not supported.
- (iv) As noted earlier in this report, the Draft Policy has not removed the lunch time resident access period. As noted in this submission, by agreement with the residents, the lunchtime resident access period was removed as a trial for one event. As a trade-off, the track closures, for the days where the lunchtime break were removed, were delayed by an equivalent amount of time. Hence the combined resident access times remained unchanged.

Following the trial, a meeting with the representatives of the residents was held, where it was confirmed that the residents did not support the trial. Accordingly, the lunchtime access periods were, and remain, reinstated.

- (v) The provision of safety reports for events are outside the scope of the Draft Policy and therefore the request for this to be included in the Draft Policy is not supported.
- (vi) Whilst this submission is silent on the author’s preferred track closure times, this matter has already been addressed by this report.
- (vii) The financial agreements for each event is outside the scope of the Draft Policy and therefore the request for this to be included in the Draft Policy is not supported.

Further, it should be noted that as each contract for the events held at Mount Panorama are commercial-in-confidence, the details of each contract are not able to be released.

- (viii) The requirement for passengers travelling in a resident accredited vehicle to hold an entry ticket has not changed as a result of this Draft Policy. This requirement existed in the current, and previous iterations, of this Policy.

As mentioned in the report presented to Council's February Ordinary Meeting, the request that passengers of a resident accredited vehicle not be required to hold an entry ticket, in principle, is supported. However, due to the absence of a direct designated and secured access to each residence, this request is not able to be accommodated.

Under the current access routes, passengers travelling in an accredited resident vehicle are able to alight from the vehicle after they have passed through the security/ticket entry checkpoint and then enter the event precinct. Until a solution that prevents this from being able to occur is implemented, passengers will require tickets.

Accordingly the request to amend the Draft Policy for this matter is not supported.

- (ix) The matter of the number of tickets provided for each event has already been addressed in the report.

## **CONCLUSION**

The Draft Mount Panorama Motor Racing Circuit-Resident Access – Full Track Hire Policy, was placed on public exhibition, and during the exhibition period five (5) submissions were received.

After considering the matters raised in each of the submissions, it is the recommendation of this report that the Draft Policy be adopted, with the follow amendments:

- (a) Clause 6 be amended to prescribe that the track closures for Associated Event days shall not occur before 8:00 am and must be re-opened by no later than 5:30 pm, with a minimum of a one (1) hour lunch break for each Associated Event day;
- (b) All references to “promoters” and “circuit hirers” be replaced with “event organisers”; and
- (c) Clause 2 be amended to include a notation identifying Bathurst Regional Council as the promoter as designated by the Act.

A copy of the amended Draft Policy is provided at **attachment 7**.

## **FINANCIAL IMPLICATIONS:**

Nil

## **BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:**

### **Objective 2: A smart and vibrant economy.**

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

## **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. 1 Draft Policy as exhibited [8.3.8.1 - 6 pages]
2. 2 Accelerate Events Pty Ltd [8.3.8.2 - 2 pages]
3. 3 Mr Andrew Dunshea [8.3.8.3 - 2 pages]
4. 4 Dr Nigel Swan [8.3.8.4 - 1 page]
5. 5 P & L Burgett [8.3.8.5 - 4 pages]
6. 6 Mr Mark Cordato [8.3.8.6 - 1 page]
7. 7 Amended Draft Policy [8.3.8.7 - 6 pages]

### **8.3.9 WAIVING OF HIRE FEES - KELSO COMMUNITY HUB - WATTLE TREE HOUSE**

**File No: 18.00004**

#### **RECOMMENDATION:**

That Council:

- (a) Waive the fees of \$170 (GST incl) for the use of the Kelso Community Hub by Wattle Tree House for the event held on 5 April 2023.
  - (b) Fund fee waiver from Council's Section 356 allocation.
- 

#### **REPORT:**

Council has received a request from Wattle Tree House at **attachment 1** for a waiving of the fees associated with a booking for the Hall at the Kelso Community Hub for an Easter event for their clients and children on Wednesday, 5 April 2023

The following charges would apply:

5 x \$34 per hour (Community, Casual rate for Hall/Kitchen) = \$170 (GST inc).

9am – 3pm (6 hours required, exact times to be confirmed), first hour of hire is free – charge is for 5 hours.

An additional email was received advising that the group is a not-for-profit organisation and hoping Council could donate the hall and kitchen so they can put that money into eggs and food for the clients.

The Wattle Tree House service is being delivered by the Orange Local Aboriginal Land Council as part of the Bathurst Homelessness and Housing Support Service for Adults and Families and provide a worthwhile service at the Kelso Community Hub.

#### **FINANCIAL IMPLICATIONS:**

Should Council resolve in accordance with the recommendations of this report, sufficient funding is available from Council's Section 356 General Donations allocation.

#### **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

### 8.3.10 REQUEST FOR WAIVER OF BMEC FEES - EVANS ARTS COUNCIL ART SHOW

**File No: 21.00012**

#### **RECOMMENDATION:**

That Evans Arts Council's request for an additional waiver of BMEC charges not be approved.

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#### **REPORT:**

Council has received a request from representatives of the Evans Arts Council, seeking Council to provide an additional waiver, or full waiver, of the BMEC hire charges associated with the Evans Arts Council's Art Show that is scheduled to occur in August 2023 at BMEC. A copy of their request, as submitted, is provided at **attachment 1**.

The Evans Arts Council have obtained a quotation for their event from BMEC which amounted to \$2,571.15, which can be broken-up as follows:

Room Hire <sup>1</sup>	\$1,382.40
Furniture & Equipment Hire	49.00
BMEC Staff	1,139.75
	<b>\$2,571.15</b>

Note 1: In accordance with Council's adopted Revenue Policy, a 20% Community Discount has already been applied to the BMEC Room Hire charges.

As noted in their correspondence, the Art Show has previously been held at the Bathurst RSL Club. Through the RSL Club, the Evans Arts Council were able to secure funding through the ClubsGrants Program for an amount equivalent to the RSL's venue hire charges, hence the venue was available at no charge. Due to planned renovations, the RSL have advised the Evans Arts Council that they are not able to host the Art Show for the next few years.

Under the provisions of Council's Section 356 Donations Policy, the Evans Arts Council were requested to provide the following information:

- A copy of their latest financial statements;
- A copy of the event budget for the Art Show; and
- Details of how Council's contribution (if approved) would be acknowledged.

A copy of the response received from the Evans Arts Council has been provided to Councillors under a separate confidential cover.

From an acknowledgement perspective, the Evans Arts Council are proposing to include Council's logo on the event's promotional flyer, entry forms, program and certificates.

As Council's BMEC Community Discount has already been provided, it is recommended that the Evans Art Council's request for an additional, or full, waiver not be approved.

### **FINANCIAL IMPLICATIONS:**

There are no financial implications arising from the recommendations of this report.

Should Council resolve to provide an additional, or full, waiver of the room hire, there is sufficient funds available from Council's 2023/2024 Section 356 BMEC Community Use allocation.

### **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:**

1. 1 Evans Arts Council request [8.3.10.1 - 1 page]



### 8.3.11 ST PATS RLFC SPORTING LICENCE

**File No:** 04.00146

#### **RECOMMENDATION:**

That Council approves the renewal of the Sporting Licence Agreement for part Lot 1 DP194761 and part Lot 104 DP1073272, known as Jack Arrow Rugby League Complex, for a period of five (5) years as detailed in the report.

---

#### **REPORT:**

The existing Sporting Licence Agreement for part Lot 1 DP194761 and part Lot 104 DP1073272, known as Jack Arrow Rugby League Complex, expired on 28 March 2023. A map of the location is shown at [attachment 1](#).

The current licensee, St Pats Rugby League Football Club Inc has confirmed with Council's Property Section that they wish to renew the agreement for a further five (5) years.

The new licence fee will be a fixed rate of \$700.00 per annum (GST inclusive). The fixed rate is in lieu of annual CPI increases, allowing the club to budget and plan for future events.

The proposed new terms and conditions are:

Commencement date	29 March 2023
Expiration date	28 March 2028
Licence term	Five (5) years
Option period	Nil
Licence fee	\$700.00 per annum (GST inclusive)
Outgoings	100% electricity, telephone, water, sewer, and annual sporting field fees as per Council's Revenue Policy
Insurance requirements	Public Liability Insurance cover to the amount recommended by Council's insurance provider for the term of the licence (twenty million dollars {\$20m} as of 1 January 2022)

An in-house licence agreement will be prepared at nil cost to St Pats Rugby League Football Club Inc.

It is recommended that Council approves entering into a sporting licence agreement for part Lot 1 DP194761 and part Lot 104 DP1073272, known as Jack Arrow Rugby League Complex with St Pats Rugby League Football Club Inc for a period of five (5) years with a licence fee of \$700.00 per annum (GST inclusive) as detailed in the report.

## **FINANCIAL IMPLICATIONS:**

If the recommendation is adopted Council will receive \$700.00 per annum (GST inclusive) for five (5) years.

## **BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:**

### **Objective 4: Sustainable and balanced 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 5.1        Provide opportunities for our community to be healthy and active.

### **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.

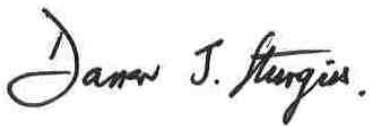
## **ATTACHMENTS:**

1. St Pats RLFC map [8.3.11.1 - 1 page]

# **DIRECTOR ENGINEERING SERVICES' REPORT**

The following reports are presented for Council's consideration.

Yours faithfully

A handwritten signature in black ink that reads "Darren J. Sturgiss." The signature is written in a cursive style with a large initial 'D'.

Darren Sturgiss  
**DIRECTOR  
ENGINEERING SERVICES**

## 8.4.1 WATER SUPPLY UPDATE

**File No:** 32.00017

### **RECOMMENDATION:**

That the information be noted.

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### **REPORT:**

Council at its Ordinary Meeting held 16 March 2022 requested a monthly report regarding storage levels within Council's water supply dams.

As at Tuesday 4 April 2023, Chifley Dam was at 100.1%, with 30,141ML in storage. Refer to **attachment 1** for a graph of Chifley Dam storage levels. Chifley Dam has been at capacity or overflowing for more than 30 months.

Water release from Chifley Dam outlet pipework is currently 4.35ML/day.

Winburndale Dam was at 62.1% on Tuesday 4 April 2023. The level is 3.16m below the crest level and there is 1,056ML in storage.

The Winburndale Dam water level has been held artificially low to enable the dam wall strengthening project to be carried out in a safe manner noting that work is taking place at the base of the downstream face of the dam. This allows for a buffer should a rain event occur that would otherwise cause the dam to overtop, thus placing personnel and equipment at risk.

In Bathurst, the estimated residential water usage varies from week to week but remains below the target for Level 4 water restrictions. Over the last 4 weeks, the average estimated residential water usage is 14.5ML/d. Refer to **attachment 2** for details of consumption.

### **FINANCIAL IMPLICATIONS:**

Nil

### **BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:**

#### **Objective 3: Environmental stewardship.**

Strategy 3.2 Develop Bathurst as a Smart City.

Strategy 3.3 Minimise the City's environmental footprint, live more sustainably and use resources more wisely.

#### **Objective 4: Sustainable and balanced growth.**

Strategy 4.3 Ensure services, facilities and infrastructure meet the changing needs of our 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. Chifley Dam monthly storage graph [8.4.1.1 - 1 page]
2. Estimated residential water usage graph [8.4.1.2 - 1 page]

# **DIRECTOR CULTURAL AND COMMUNITY SERVICES' REPORT**

The following reports are presented for Council's consideration.

Yours faithfully

A handwritten signature in black ink, appearing to read 'A Cattermole', with a stylized flourish at the end.

A Cattermole  
**DIRECTOR  
CULTURAL AND COMMUNITY SERVICE'S**

## 8.5.1 2022/2023 BATHURST CCTV FUNDING PROGRAM - ROUND 2

**File No:** 16.00145

### RECOMMENDATION:

That Council provides \$1,000.00 under the Bathurst CCTV Funding Program 2022/2023, Round 2, as follows:

<b>Business/Organisation</b>	<b>Amount of Funding</b>
Veritas House	\$500 which is the maximum amount approved for funding.
Eglinton General Store	\$500 which is the maximum amount approved for funding.

### REPORT:

Council has allocated \$10,000 in its 2022/2023 Annual Operating Plan up to a maximum amount of \$500 on a dollar-for-dollar basis for businesses who address the criteria under the Bathurst CCTV Funding Program 2022/2023.

During the first round of funding \$699.00 was allocated to 2 businesses, with \$9,301.00 being available for distribution under Round 2.

Council coordinates the program with the applications assessed by the CCTV Funding Assessment Group with their recommendations provided to Council for consideration.

The CCTV Funding Assessment Group includes representatives from the following organisations:

- (a) Councillor Delegate
- (b) Police Representative
- (c) Bathurst Business Chamber Representative
- (d) Council Staff Delegate

The applications were required to meet the following criteria:

1. Specifications, quality and source of equipment.
2. Surveillance equipment registered with Bathurst Police.
3. Completion of installation within 90 days of approval.
4. Information supporting and addressing the need for CCTV in the business location.
5. Potential for coverage of the public space adjacent to the premises.

Applications for the program for this second round, were received up to Friday 17 March 2023. The Assessment Group assessed the applications against the criteria and made the following recommendations to Council.

The Assessment Group recommends that Council:

Provides \$1,000.00 under the Bathurst CCTV Funding Program, 2022/2023, Round 2, to provide assistance to the following applicants:

<b>Business/Organisation</b>	<b>Amount of Funding</b>
Veritas House	\$500 which is the maximum amount approved for funding.
Eglinton General Store	\$500 which is the maximum amount approved for funding.

#### CCTV Funding Program Summary to Date

This is the eighth year of this program. To date, 93 businesses have been approved for funding under this program, 10 businesses failed to complete and were withdrawn from the Program. 76 businesses have completed the process and installed CCTV under the Program, with 5 businesses requesting withdrawal. 2 businesses from 2023/2024 Round 1, remain incomplete, to date. If Council adopts the recommendation from the Assessment Group, as above, the accrued total will be 95 businesses approved for funding.

Council has provided \$10,000 in the Annual Operating Plan for Bathurst CCTV Funding Program 2022/2023. A balance of funding remains unallocated following the rounds of applications and it is proposed to be utilised for other community safety initiatives, as arising.

#### **FINANCIAL IMPLICATIONS:**

There is sufficient funding within the annual allocation to fund these two applications.

#### **BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:**

##### **Objective 2: A smart and vibrant economy.**

Strategy 2.1 Support local business and industry.

##### **Objective 5: Community health, safety and well being.**

Strategy 5.4 Make our public places safe and welcoming.

#### **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



## 8.5.2

## KELSO COMMUNITY HUB UPDATE - JANUARY - MARCH 2023

**File No:** 09.00026

### RECOMMENDATION:

That the information be noted.

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### REPORT:

The following information provides an update on services and programs operating from Kelso Community Hub from January to March 2023.

Kelso Community Hub continues to be available for hire seven days per week.

The following external services are currently utilising the Hub to deliver programs on a regular basis:

<b>Organisation Name</b>	<b>Booking regularity</b>	<b>Average Numbers</b>
NSW Health Child & Family Health Clinic	Weekly	Average 8 – 10 clients per week.
NSW Health Child and Adolescent Mental Health Service (CAMHS)	Weekly	Average of 28 participants on a weekly basis. Program growing steadily. Largest group was 51 participants. From 14 March 2023, booking includes the hall and 1 x consultation room.
NSW Health Sexual Health Clinic	Fortnightly	Average of 14 clients for the quarter.
The Benevolent Society	Weekly from 27 February to 27 March 2023.	Figures not available.
Generocity Church	Monthly – food hampers	Average 15 – 30 families serviced
Bathurst Library Van visit	Monthly	5 regular participants
JobLink Plus	Fortnightly	60 clients serviced during the quarter.
Birribee Housing	3 days per fortnight, newly established booking	1 client

Creative Community Concepts – outdoor sporting activities	Weekly for Term I, 2023	2 sessions held 5 & 4 participants each week. No participants had Active Kids vouchers and the program was cancelled for the rest of the term.
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A number of casual, temporary programs have been provided at the Hub, including:

Organisation Name	Average Numbers
Barnardo's Australia – family mentoring (one on one)	Sibling family time 11 participants held on 1 day.
Mobility Engineering – Child Restraint installation training	Figures not available.
Bathurst Local Aboriginal Land Council – Child Restraint Session, with 3 Police Officers in attendance & Transport NSW	12 participants for the child restraint session. 20 bike safety helmets given to participants and community members.

Council's Marang Connections Program (grant funded by Resilience NSW) held the following events at Kelso Community Hub:

- Music Video Production – 18, 20 & 25 January 2023 (18 participants)
- Aboriginal Dance Session – Saturday 11 March 2023 (50 participants)

## FINANCIAL IMPLICATIONS:

There are no financial implications resulting from this report.

## 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 5: Community health, safety and well being.

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

Strategy 5.3 Help build resilient, inclusive communities.

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

### Objective 6: Community leadership and collaboration.

Strategy 6.3 Advocate for our community.

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:**

Nil

## 8.5.3 DRAFT COMMUNITY SAFETY PLAN 2023 - 2028

**File No:** 07.00107

### **RECOMMENDATION:**

That Council:

- (a) Endorse the placement of the Draft Bathurst Community Safety Plan 2023 – 2028 on public exhibition for the statutory 28-day period.
  - (b) Prepare a further report following the conclusion of the public exhibition period, in preparation to adopt the Bathurst Community Safety Plan 2023 – 2028.
- 

### **REPORT:**

The Bathurst Community Safety Plan 2023 – 2028 aims to support the development of a healthy, socially cohesive and safe community. The Bathurst Community Safety Plan 2023 – 2028 is Bathurst's fourth Community Safety Plan.

The Plan encompasses three priority areas;

- Safe homes and neighbourhoods
- Safe and respectful relationships
- Safer city

There are strategies and performance measures under each of the priority areas.

The process undertaken to develop the Bathurst Community Safety Plan 2023 – 2028 included;

- Online survey – Your Say Bathurst
- Stakeholder Focus Group
- Development of a Crime Profile
- Research of crime prevention approaches
- Development of objectives and strategies
- Drafting of the Plan

The Plan has been developed in partnership with the Bathurst Regional Community Safety Committee.

The Plan is consistent with the guidelines provided by the NSW Department of Communities and Justice for the development of community safety plans. The endorsement of a community safety plan by the NSW Department of Communities and Justice enables a local Council to apply for grant funding to support the implementation of crime prevention strategies. There is no legislative requirement for councils to prepare community safety plans.

A copy of the Draft Bathurst Community Safety Plan 2023 – 2028 is provided at **attachment 1**.

## **CONCLUSION:**

Council will place the draft document on public exhibition for 28 days during which public submissions may be lodged. Council will use a diverse range of methods to advertise the plan.

At the conclusion of the public exhibition period any community feedback will be considered prior to submitting the final Bathurst Community Safety Plan 2023 - 2028 for Council adoption.

## **FINANCIAL IMPLICATIONS:**

Funding for this item is contained within existing budgets.

## **BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:**

### **Objective 4: Sustainable and balanced growth.**

- Strategy 4.1 Facilitate development in the region that considers the current and future needs of our community.
- Strategy 4.2 Provide safe and efficient road, cycleway and pathway networks to improve accessibility.
- 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.
- Strategy 5.3 Help build resilient, inclusive communities.
- Strategy 5.4 Make our public places safe and welcoming.
- Strategy 5.5 Plan and respond to demographic changes in the community.

### **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 6.3 Advocate for our 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. Community Safety Plan \_19 April 2023 [8.5.3.1 - 41 pages]

## 8.5.4 POSITIVE AGEING STRATEGY 2021 – 2026 STATUS REPORT

**File No:** 09.00057

### **RECOMMENDATION:**

That the information be noted.

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### **REPORT:**

In 2021, 24.7% of Bathurst's population was aged 60 years and older. Council adopted the Positive Ageing Strategy 2021 – 2026 at its meeting held 18 August 2021 to enable Council to cater for an ageing population.

The Strategy encompasses four key areas;

- Living in an age friendly environment
- Participating in inclusive communities
- Staying safe, active and healthy
- Being resilient and informed

To support the implementation of the Positive Ageing Strategy 2021 – 2026, the Bathurst Regional Positive Ageing Committee was established. The first meeting of the Committee was held in March 2023, which was delayed due to Covid-19 and associated staff vacancies. The Committee included representatives from;

- NSW Health
- Catholic Healthcare
- Bathurst Seymour Centre
- Combined Pensioners and Superannuants Association
- Bathurst Senior Citizens Centre
- Bathurst Community Transport
- The Neighbourhood Centre
- Bathurst Business Chamber
- Manning Aquatic Centre.

A number of projects have been rolled out to address the actions within the Positive Ageing Strategy 2021 – 2026 since its adoption. This report provides an update on the implementation of the Strategy.

#### **Living in an age friendly environment**

- Information about retirement villages and residential aged care facilities provided on Council's website
- New development planning proposals support greater diversity of housing choice and connectivity for older people

- Streets as Shared Spaces program working to improve access to accessible parking spaces
- New footpaths were constructed in Laffing Waters, West Bathurst and adjacent to the netball courts and PCYC. Continued repair and improvements carried out on existing footpaths
- Council's Parking Strategy is regularly reviewed by the Traffic Committee following advice from residents and users. Reviews are undertaken 3-4 times per year
- Master Plan for Bathurst CBD completed and placed on public exhibition. This includes plans for seating and shade within the CBD
- Social Futures engaged to conduct Access at a Glance accessibility audits on Council facilities and events including Bathurst Memorial Entertainment Centre, Bathurst Regional Art Gallery, Bathurst Rail Museum, Bathurst Library, Kelso Community Hub, Bathurst Visitor Information Centre and the Bathurst Winter Festival.

### **Participating in inclusive communities**

- Annual support of the NSW Seniors Festival. In 2023, 31 free or low cost events were held for seniors including tours of the Central Tablelands Collections Facility and Chifley Home and Education Centre, Bowls, exercise classes, an afternoon at The Seymour Centre, scenic drives to Hassan's Walls and Milthorpe, The Everly Brothers and Buddy Holly Tribute Show, fraud presentation by NSW Police Fraud Squad, a memory morning to enjoy, Computer Coffee Club launch, aqua aerobics, outdoor games, morning tea in Miss Trail's Garden and New Horizons Open Day. The 2023 Seniors Festival program is provided at **attachment 1**
- Administration support provided to the Bathurst Senior Festival Organising Committee
- Intergenerational activities hosted by Children's Services, Bathurst Regional Art Gallery, Bathurst Library and Bathurst Rail Museum
- Dementia Action Week 2022 campaign included partnering with The Neighbourhood Centre to host a morning tea and promote profiles and information developed to raise awareness of dementia in the Bathurst LGA
- Council provided financial support to D'Caf, a social and support group for people living with dementia and their carers, during Dementia Action Week
- Council customer service staff attended training by Dementia Australia
- Dementia customer service training session provided to local service providers and businesses
- Dementia Friendly Community presentation by Dementia Australia during Seniors Festival 2023
- Bathurst LGA promoted in senior travel publications
- Senior's concessions offered through Council's cultural facilities

### **Staying safe, active and healthy**

- Council adopted the NSW Government 'Everyone Can Play' design principles for all future upgrades of parks and reserves. These guidelines incorporate design considerations for accessibility as well as appropriate infrastructure to enhance and support older people and people living with disability
- Mobility scooter safety, fraud and safe neighbourhood campaigns developed by the Bathurst Regional Community Safety Committee with a focus on older people
- Council consulted with Bathurst Regional Access Committee and Social Futures regarding accessibility of Machattie Park and Kings Parade

- Volunteering opportunities are available through the Museums unit and roles offered as required
- HR workplan addresses employment systems and processes to ensure there is no age discrimination.

### **Being resilient and informed**

- Council delivered 'Creating Connections', a program which aimed to reduce loneliness and promote social opportunities for older people following COVID-19. The program included a range of free activities including chair yoga, bowls, art and craft, woodworking, healthy cooking and stretch classes. Participants were also provided with vouchers to assist them continue accessing programs. The Creating Connections program is provided at **attachment 2**
- Council's Community Development Officer trained in developing Easy English documents
- Council's Disability Inclusion Action Plan (DIAP) 2022 – 2027 provided in an Easy English format
- Strategic review of Council's website conducted to improve website accessibility
- Accessible Guide to Bathurst updated and new interactive map of accessible facilities added
- Computers for beginners' course, Discover Tech session, Tech Savvy Seniors workshop, tech talk session, 1:1 tech help and Computer Coffee Club programs held at Bathurst Library
- Information presented to new residents at Welcome Wagon events
- Older people service directory provided on Council's website

### **Next priorities of the Positive Ageing Strategy 2021 – 2026**

- Active Seniors Week to be held in May 2023 with an aim to promote the health and wellbeing benefits of keeping active. Active Seniors Week will include free exercise classes, exercise demonstration videos on Council's website and social media, Walk and Talk event with Bathurst Regional Youth Council and a printed booklet with tips and exercises to implement at home
- Development of a resource to support ageing in place including useful contact and information
- Investigate opportunities for marked parking spaces, drop off and pick up locations in the CBD
- Campaign promoting the safe use of roads, with an emphasis on older pedestrians, older drivers and mobility aid users
- Community events including Seniors Festival 2024 and Dementia Action Week 2023
- Development of a series of dementia fact sheets including 'What is Dementia', "Customer Service for People Living with Dementia" and "Accessible Toilet Design"

### **FINANCIAL IMPLICATIONS:**

Funding for this item is contained within existing budgets.



## **BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:**

### **Objective 2: A smart and vibrant economy.**

Strategy 2.4 Promote our City and Villages as an attractive place to live.

### **Objective 4: Sustainable and balanced growth.**

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

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

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 4.5 Work with partners to improve public transport, and passenger and freight transport connections to and from the 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.

Strategy 5.3 Help build resilient, inclusive communities.

Strategy 5.4 Make our public places safe and welcoming.

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

### **Objective 6: Community leadership and collaboration.**

Strategy 6.3 Advocate for our community.

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. 106838 BRC Seniors Festival 2022 Program Books 8 pp A 5 for WEB [8.5.4.1 - 8 pages]
2. 1099409 BR C- Creating Connections Booklet Opt 2 062421-v 2 (1) [8.5.4.2 - 8 pages]

## 8.5.5 BATHURST REGIONAL ART GALLERY - ARCHIE 100: A CENTURY OF THE ARCHIBALD PRIZE EXHIBITION, THURSDAY 26 JANUARY 2023 TO 26 MARCH 2023

**File No:** 21.00002

### RECOMMENDATION:

That the information be noted.

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### REPORT:

Bathurst Regional Art Gallery (BRAG) hosted the landmark exhibition Archie 100: A Century of the Archibald Prize from Thursday 26 January to Sunday 26 March 2023.

Touring from the Art Gallery of NSW (AGNSW), the exhibition celebrates the 100th birthday of Australia's oldest and most-loved portrait awards, the Archibald Prize. The exhibition included a multifaceted selection of Archibald portraits from 1921 to 2021, drawn from the AGNSW collection and from libraries, galleries and museums and private collections across Australia and New Zealand.

Attracting 11,579 visitors, the Archie 100 has drawn the largest number of visitors to a single exhibition ever held at the gallery since its establishment in 1969. 23 public programs were developed to support the exhibition comprising artist and author talks, the Art of Wine, an LGBTQI Night at the Archies, Life Drawing workshops, Saturday Tours, and Sunday Sketch sessions attracted 746 participants. A busy education program attracted 801 students from 12 schools across the region, as well as an additional 258 people participating in tours for a range of community groups.

63.3 % of visitors to the exhibition were from the 2795 postcode, 9.3% visited from Greater Sydney, 16.4% visited from regional NSW, 4.6% from other Australian states and territories, and .08% of attendees were international visitors.

Digital broadcast of Archie 100 posts, videos, and events across BRAG's Instagram, Youtube, and Facebook channels reached 10,360 accounts, and had 13,492 views & interactions.

Visitors were impressed that an exhibition of such calibre could be shown in a regional centre, with many repeat visitors. Responses gathered from a QR code comments form include:

- *"Fabulous and staff were also important."*
- *"Wonderful, thank you for bringing such talent to Bathurst."*
- *"Outstanding exhibition and thank you for continuing to bring world class art to the region. We relocated from 2223 last year and we haven't looked back!"*

Sponsor partner Paul Crennan Legal supported the development of marketing material, including a billboard at the entrance to Bathurst. Additional publicity support was provided by the Bathurst Visitor Information Centre who worked with HUMANKIND Public Relations to promote the exhibition to metropolitan and regional markets. Widespread newspaper

and radio coverage accompanied the exhibition, including coverage on Radio National and ABC Local.

In a coup for the Bathurst region, BRAG was the exclusive touring venue in NSW to host this exhibition. Touring to one venue per State and Territory, other venues include major art museums such as the Art Gallery of South Australia, Adelaide; the National Portrait Gallery, Canberra; the Art Gallery of the Northern Territory, Darwin; and the Queen Victoria Museum & Art Gallery, Launceston.

BRAG extended its operating hours to a seven-day operation with increased opening hours on weekends to ensure maximum visitation and cultural tourism generation.

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

Strategy 2.6 Promote our City and Villages as a tourist destination.

### **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 5.3 Help build resilient, inclusive communities.

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

### **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:**

Nil

## **9 REPORTS OF OTHER COMMITTEES**

## 9.1 TRAFFIC COMMITTEE REPORT - 4 APRIL 2023

**File No:** 07.00006

### **RECOMMENDATION:**

That the recommendations of the Traffic Committee Meeting of Bathurst Regional Council held on 4 April 2023 be adopted.

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### **REPORT:**

The Minutes of the Traffic Committee Meeting of Bathurst Regional Council held on 4 April 2023 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. Traffic Committee Meeting Minutes 4 April 2023 [9.1.1 - 4 pages]

## 10 NOTICES OF MOTION

### 10.1 COUNCILLOR AUBIN - ADDITION TO PRAYER AND ACKNOWLEDGEMENT OF COUNTRY

**File No:** 11.00051, 11.00004

#### **RECOMMENDATION:**

That Council amend the code of meeting practice to include the following affirmation when undertaking the Prayer and acknowledgement of Country.

“To honour all who have served and continue to serve in the defence of our country.”

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The following Notice of Motion was submitted by Councillor Aubin

#### **MOTION:**

That Council amend the code of meeting practice to include the following affirmation when undertaking the Prayer and acknowledgement of Country.

“To honour all who have served and continue to serve in the defence of our country.”

#### **ATTACHMENTS:**

Nil

## 11 COUNCILLORS / DELEGATES REPORTS

### 11.1 MINUTES - BATHURST REGIONAL YOUTH COUNCIL - 21 MARCH 2023

**File No:** 11.00020

#### **RECOMMENDATION:**

That the information be noted.

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#### **REPORT:**

Bathurst Regional Youth Council considered a number of items at their meeting held on Tuesday 21 March 2023, including the following:

- Planning for Youth Week 2023 – Sports Day, 21 April 2023
- Launch of new Youth Council logo
- Teen Mental Health First Aid

The Minutes of Bathurst Regional Youth Council held on Tuesday 21 March 2023 are attached.

#### **FINANCIAL IMPLICATIONS:**

There are no financial implications resulting from this report.

#### **BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:**

##### **Objective 4: Sustainable and balanced 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 21 March 2023 [11.1.1 - 2 pages]

## 11.2 MINUTES - BATHURST REGIONAL COMMUNITY SAFETY COMMITTEE - 23 MARCH 2023

File No: 07.00107

### RECOMMENDATION:

That the information be noted.

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### REPORT:

The Bathurst Regional Community Safety Committee considered the following items at their meeting held on Thursday 23 March 2023.

- Draft Community Safety Plan 2023 – 2028.
- 2023 Project Planning: Malicious Damage and Anti-social Behaviour.
- Updated Crime Statistics for the Local Government Area.

The Minutes of the Bathurst Regional Community Safety Committee held on Thursday 23 March 2023 are **attached**.

### FINANCIAL IMPLICATIONS:

There are no financial implications resulting from this report.

### BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

#### Objective 4: Sustainable and balanced 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.

Strategy 6.3 Advocate for our 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. Minutes 23 March 2023 [11.2.1 - 5 pages]



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

### **12.0 RESOLVE INTO CONFIDENTIAL COMMITTEE OF THE WHOLE**

#### 12.0.1 Resolve into Confidential Committee of the Whole

**Recommendation:**

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.**

That:

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

In accordance with the Local Government Act 1993 and the Local Government (General) Regulation 2021:

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.

#### 12.0.2 Cease Recording of Council Meeting

Livestreaming of the Council Meeting must now be changed to reflect that Council is currently in Closed Committee of the Whole and will return to the Ordinary Meeting at its conclusion.

**N.B. Mute microphones on laptop for entire Closed Committee Meeting.**

## 12.1 DIRECTOR CORPORATE SERVICES AND FINANCE'S REPORT

### 12.1.1 COMMUNITY LICENCE AGREEMENT - LOT 6 DP 608111, KNOWN AS 8 LIONS DRIVE, 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 for Council to enter into a community licence agreement for Lot 6 DP608111.

### 12.1.2 CHALLENGE BATHURST 2023

**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 commercial agreement for the operation of the annual Challenge Bathurst event.

## 12.2 DIRECTOR ENGINEERING SERVICES' REPORT

### 12.2.1 TENDER 36.00808 - DESIGN, CONSTRUCTION & MAINTENANCE OF BIOGAS COLLECTION SYSTEM AT BATHURST WASTE MANAGEMENT CENTRE

**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 for the Design, Construction, Maintenance of a Biogas Collection System at Bathurst Waste Management Centre.

### **12.2.2 TENDER 36.00809 - RECONSTRUCTION OF CULVERT ACROSS KELLOSHIEL CREEK ON FREEMANTLE ROAD**

**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 accept a tender for the reconstruction of culvert across Kellosiel Creek on Freemantle Road.

## **13 RESOLVE INTO OPEN COUNCIL**

## **14 ADOPT REPORT OF THE COMMITTEE OF THE WHOLE**

### **14.0.1 RESUME NORMAL RECORDING OF COUNCIL MEETING**

Normal livestreaming of Council should be resumed.

**N.B. Ensure microphones are not muted.**

## **15 MEETING CLOSE**