



ORDINARY MEETING OF
BATHURST REGIONAL COUNCIL

20 September 2017

His Worship the Mayor & Councillors

**Notice of Ordinary Meeting of Bathurst Regional Council - Wednesday,
27 September 2017**

I have to advise that an **Ordinary Meeting** of Bathurst Regional Council will be held in the Council Chambers on Wednesday, 27 September 2017 commencing at 6.00 pm.

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

A handwritten signature in black ink, appearing to read 'D J Sherley'.

D J Sherley
GENERAL MANAGER

BUSINESS AGENDA

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

TO BE HELD ON WEDNESDAY, 27 SEPTEMBER 2017

1. 6:00 PM - MEETING COMMENCES

2. PUBLIC QUESTION TIME

3. PRAYER

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

4. APOLOGIES

5. MINUTES

* MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 16 AUGUST 2017

6. DECLARATION OF INTEREST

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

7. MAYORAL MINUTE - Nil

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

- * GENERAL MANAGER'S REPORT
- * DIRECTOR ENVIRONMENTAL PLANNING & BUILDING SERVICES' REPORT
- * DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT
- * DIRECTOR ENGINEERING SERVICES' REPORT
- * DIRECTOR CULTURAL & COMMUNITY SERVICES' REPORT

9. REPORTS OF OTHER COMMITTEES

* MINUTES - TRAFFIC COMMITTEE MEETING - 5 SEPTEMBER 2017

10. NOTICES OF MOTION - Nil

11. RESCISSION MOTIONS - Nil

12. COUNCILLORS/DELEGATES REPORTS

- * UPPER MACQUARIE COUNTY COUNCIL (UMCC)
- * MINUTES - BATHURST REGIONAL YOUTH COUNCIL - 5 SEPTEMBER 2017
- * CENTROC BOARD MEETING 10 AUGUST 2017 PARLIAMENT HOUSE CANBERRA

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

Recommendation: That:

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

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

- 1. In accordance with Section 9(2A) of the Local Government Act 1993, it is the opinion of the General Manager that the following business is of a kind as referred to in section 10A(2) of the Act and should be dealt with in a part of the meeting closed to the media and public.
- 2. In accordance with Section 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.

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

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	92 RUSSELL STREET, BATHURST	10A (2) (g) – contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

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

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	RENEWAL OF RESIDENTIAL LEASE - LOT 1 DP786946	10A (2) (d) (i) – contains commercial information of a

	KNOWN AS 159 EGLINTON ROAD, BATHURST	confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
2	RENEWAL OF RURAL LICENCE AGREEMENT PART LOT 17 IN DP1099208 KNOWN AS 1 ROCKLEY STREET, GEORGES PLAINS	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

*** DIRECTOR ENGINEERING SERVICES' REPORT**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	CONTRACT FOR CONSTRUCTION OF GABION WALL, FOOTPATH AND HANDRAIL, BICENTENNIAL PARK	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
2	TENDER FOR TREE THINNING AT SOFALA	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who

		supplied it.
3	TENDER FOR REPAIRS TO THE BATHURST COMMUNITY OPP-SHOP – 8 LIONS CLUB DRIVE KELSO	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
4	TENDER FOR STORMWATER CREEK OUTLETS, PROCTOR PARK	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
5	TENDER FOR THE RESTORATION OF NETBALL COURTS 3, 4, 5 AND 6 - JOHN MATTHEWS NETBALL COMPLEX	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
6	TENDER FOR CONSTRUCTION OF EXTENSIONS TO THE NEIGHBOURHOOD CENTRE	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

14. RESOLVE INTO OPEN COUNCIL

15. ADOPT REPORT OF THE COMMITTEE OF THE WHOLE

16. MEETING CLOSE

MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

1 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 16 AUGUST 2017 (11.00005)

Recommendation: That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 16 August 2017 be adopted.

Report: The Minutes of the Ordinary Meeting of Bathurst Regional Council held on 16 August 2017, are **attached**.

Financial Implications: N/A

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

Community Engagement

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

MINUTES OF THE ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
HELD ON 16 AUGUST 2017

MEETING COMMENCES

1 MEETING COMMENCES 6:00 PM

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

PUBLIC QUESTION TIME

2 PUBLIC QUESTION TIME

I McPherson – Chair, National Trust, Bathurst Branch

Spoke to work of Council over the term in heritage matters. There have been some great results and the last five years have seen progress. Noted the role of the Heritage Reference Group and this shows the collaboration between Council, community groups and staff. The Heritage Plan is an outstanding document. The Macquarie Heritage Medal is also a landmark concept. The Council and region values heritage. The Trust wishes to continue working with the new Council.

D McNab – Ratepayer

Congratulated Darren Sturgiss on being named as Director Engineering Services of Bathurst Regional Council. Thanked Council for repainting crossing at Suttor Street and spoke to importance of the crossing. Thanked retiring Councillors for their efforts.

K McNab – Ratepayer - Lambert/Mitre/Suttor Street intersection

Spoke to the history of the intersection. Concerned that intersection may not receive Black Spot funding, referred to resolutions of Council from the budgets. Queried when will the plans be finalised for the roundabout. Best time to build is December.

The General Manager noted no advice has been received as to the success of the Black Spot funding application from the Federal Government.

The Director Engineering Services noted design not finalised, works subject to funding.

A Taylor – Eglinton Public School - ADEPBS #12 - reservation of land for Open Space and Amendment to Eglinton Open Space and Drainage Section 94 Plan

Spoke to Eglinton School expansion. Noted options proposed in the report to Council and asked Council to agree to Option 1. Referred to future growth of Eglinton and need for available land.

S Bathgate – Bathurst Heritage Network - ADEPBS #5 - 142 Howick Street

Supports comments by Chair of National Trust. However, spoke to concerns with the proposed demolition in Howick Street. It is demolishing real heritage and replacing with fake heritage. This is the same issue as has occurred in recent meetings. We need a better way and new ideas, eg. potentially demolish unsympathetic additions and maintain the core. Suggests giving the Heritage Reference Group the challenge to come up with new ideas to resolve this dilemma. The issues are solvable.

B Manning – Ratepayer

Spoke to Councillors role and accountability on matters; how are pricings determined? Spoke to matter of property in Mitre Street and noise measurements, engineering issues and council process of purchasing. Made various allegations against council and expressed concerns about council writing letters.

The General Manager provided comments with respect to noise allegations, wall structure problems and requirement by Mrs Manning for Council to deal with her lawyers.

D Evans – Ratepayer

Congratulated the Council on the Winter Festival, it was fantastic. Then spoke to Keppel Street development, is against the proposal. Concern with traffic in narrow section of Keppel Street; privacy issues, water run-off and compliance with Council rules.

S Boshier – Bathurst Regional Youth Council

A report will be tabled concerning Y-Jam events. Spoke to success of the event and future projects to be undertaken.

J Hollis – Rail Action Bathurst

Spoke to importance of infrastructure growth. This week the Transport Minister has announced a new train will be purchased for the Bullet service, thanks to Council.

APOLOGIES**3** **APOLOGIES**

Nil

MINUTES**4** **Item 1 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 19 JULY 2017 (11.00005)**

MOVED Cr B Bourke

and **SECONDED** Cr I North

RESOLVED: That the Minutes of the Ordinary Meeting of Bathurst Regional

Council held on 19 July 2017 be adopted.

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

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

RESOLVED: That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 2 August 2017 be adopted.

DECLARATION OF INTEREST

6 DECLARATION OF INTEREST 11.00002

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

RESOLVED: That the following Declarations of Interest be noted.

Cr G Westman

Item #3 of the Acting Director Environmental, Planning & Building Services' report
Item #4 of the Acting Director Environmental, Planning & Building Services' report
Item #5 of the Acting Director Environmental, Planning & Building Services' report
Item #12 of the Acting Director Environmental, Planning & Building Services' report

Cr M Morse

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

Cr M Coote

Item #12 of the Acting Director Environmental, Planning & Building Services' report

Cr I North

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

Cr G Hanger

Item #12 of the Acting Director Environmental, Planning & Building Services' report

J Bingham (Acting Director Environmental, Planning & Building Services)

Item #12 of the Acting Director Environmental, Planning & Building Services' report
Item #2 of the Acting Director Corporate Services & Finance's Confidential report

RECEIVE AND DEAL WITH DIRECTORS' REPORTS

Director Environmental Planning & Building Services' Report

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

MOVED Cr W Aubin and **SECONDED** Cr G Westman

RESOLVED: That the information be noted.

- 8** Item 2 GENERAL REPORT (03.00053)
MOVED Cr M Coote and SECONDED Cr G Westman

RESOLVED: That the information be noted.

- 9** Item 3 DEVELOPMENT APPLICATION NO. 2017/211 – DUAL OCCUPANCY, RETAINING WALL AND DEMOLITION OF OUTBUILDING AT 10 DALY STREET, WEST BATHURST. APPLICANT:MR GREG BURKE C/- ANTHONY DAINTITH TOWN PLANNING. OWNER: MR GJ & MRS A BURKE (DA/2017/211)
MOVED Cr M Coote and SECONDED Cr M Morse

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

Reason: Vendor with employer.

RESOLVED: That Council:

- (a) as the consent authority, grant consent pursuant to section 80 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2017/211, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended;
- (b) notify those that made submissions of its decision; and
- (c) call a division.

On being PUT to the VOTE the MOTION was CARRIED

The result of the division was:

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

Against the motion - Nil

Absent - Cr G Westman,

Abstain - Nil

- 10** Item 4 DEVELOPMENT APPLICATION NO. 2017/158- TWO STOREY ADDITIONS AND ALTERATIONS TO THE DWELLING AT 131 MITRE STREET, SINGLE STOREY ADDITIONS AND ALTERATIONS TO THE DWELLING AT 276 KEPPEL STREET, THREE NEW TWO STOREY RESIDENTIAL UNITS, RETAINING WALLS, FIVE LOT SUBDIVISION, REMOVAL OF TREES, CARPORT AND DEMOLITION OF OUTBUILDINGS AT 131 MITRE STREET AND 276 KEPPEL STREET. APPLICANT: ADAM HART CONSTRUCTIONS PTY LTD. OWNER: ADAM HART CONSTRUCTIONS PTY LTD (DA/2017/158)
MOVED Cr M Coote and SECONDED Cr W Aubin

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

Reason: Applicant is a customer of employer.

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

Reason: Concerned about perceived conflict of interest given he lives near the proposed development.

RESOLVED: That Council:

- (a) support the variation to Clause 4.4.2 Side and Rear Building Line Setbacks development standards prescribed in Bathurst Regional Development Control Plan 2014;
- (b) support the variation to Clause 4.5.2(d) siting considerations development standard prescribed in Bathurst Regional Development Control Plan 2014;
- (c) support the variation to Clause 4.9 Parking, Access and Manoeuvring Areas and Clause 14.3 Car Parking development standards prescribed in Bathurst Regional Development Control Plan 2014;
- (d) support the variation to Clause 16.3 Changing of level of land (preparation to building, during or post construction) development standards prescribed in Bathurst Regional Development Control Plan 2014;
- (e) as the consent authority, grant consent pursuant to section 80 of the Environmental Planning and Assessment Act 1979 to Development Application No 2017/158 subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended, and including:
 - (i) Building work involving the use of electric or pneumatic tools or other noisy operations shall be carried out only between 7.00 am and 8.00 pm on weekdays and 8.00 am and 8.00 pm on weekends and public holidays.
 - (ii) Prior to the issue of the Construction Certificate the developer is to submit to Council a Construction Management Plan which includes (but is not limited to) the following:
 - a) Traffic management, including:
 - i) Loading, unloading area and material storage areas;
 - ii) Access to adjoining properties; and
 - iii) Parking areas (for construction workers and surrounding properties).
 - b) Noise.
 - c) Dust.
 - d) Stabilisation and monitoring of adjoining buildings.
 - e) Vibration.
 - f) Proposed methods of communication, including:
 - i) Communication with adjoining property owners;
 - ii) Communication with the general public; and
 - iii) Complaints management.
 - (iii) The privacy screens shown on the plans are to be installed prior to the issuing of an Occupation Certificate for the relative dwelling.

- (f) notify those that made submissions of its decision; and
- (g) call a division.

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

The result of the division was:

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

Against the motion - Cr W Aubin, Cr B Bourke,

Absent - Cr I North, Cr G Westman,

Abstain - Nil

- 11** **Item 5 DEVELOPMENT APPLICATION NO. 2017/228 – DEMOLITION OF EXISTING DWELLING, CONSTRUCTION OF 2 X TWO BEDROOM UNITS, 4 X THREE BEDROOM UNITS AND SIX LOT RESIDENTIAL SUBDIVISION AT 142 HOWICK STREET, BATHURST. APPLICANT: CHRISTOPHER MARPLE. OWNER: A & W NOMINEES PTY LTD (DA/2017/228)**
MOVED Cr M Coote and **SECONDED** Cr W Aubin

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

Reason: Vendor with Employer.

RESOLVED: That Council:

- (a) support the variation to Clause 4.2.2 Development Standards *Population Density in Precinct 1* prescribed in the Bathurst Regional Development Control Plan 2014;
- (b) resolve to support Development Application 2017/228 subject to satisfactory investigations relating to the historical uses on the site and the potential for contamination to have occurred;
- (c) note that subject to (b) the Development Application will be determined under delegated authority;
- (d) notify those that made submissions of its decision; and
- (e) call a division.

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

The result of the division was:

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

Against the motion - Cr G Westman,

Absent - Nil

Abstain - Nil

- 12** **Item 5.01 SUSPENSION OF STANDING ORDERS 20.00170, 20.00036**
MOVED Cr I North and **SECONDED** Cr W Aubin

That Standing Orders be suspended to allow Council to deal with Item 12 of the Acting Director Environmental Planning & Building Services report - Draft Bathurst Regional DCP 2014 Amendment - Eglinton (West) Reservation of land for Open Space and Amendment to Eglinton Open Space and Drainage Section 94 Plan.

- 13** **Item 12 DRAFT BATHURST REGIONAL DCP 2014 AMENDMENT - EGLINTON (WEST) RESERVATION OF LAND FOR OPEN SPACE AND AMENDMENT TO EGLINTON OPEN SPACE AND DRAINAGE SECTION 94 PLAN 20.00170, 20.00036**
MOVED Cr B Bourke and **SECONDED** Cr I North

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

Reason: Daughter is a teacher at Eglinton Public School and the School has lodged a submission.

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

Reason: Sister owns adjoining property.

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

Reason: Vendor with Agency/employer.

J Bingham, Acting Director Environmental Planning & Building Services declared a non-pecuniary interest in this item and left the Chamber.

Reason: Son attends Eglinton School and the School P&C have lodged submissions.

The Mayor, Cr Hanger, vacated the Chair

RESOLVED: That Cr Morse be elected to take the Chair for this item in accordance with S:369 (2) of the Local Government Act.

- 14** **Item 12 DRAFT BATHURST REGIONAL DCP 2014 AMENDMENT - EGLINTON (WEST) RESERVATION OF LAND FOR OPEN SPACE AND AMENDMENT TO EGLINTON OPEN SPACE AND DRAINAGE SECTION 94 PLAN 20.00170, 20.00036**
MOVED Cr I North and **SECONDED** Cr B Bourke

RESOLVED: That Council:

- a) not amend the Bathurst Regional DCP 2014 and Eglinton Open Space and Drainage Section 94 Plan,
- b) notify those who made submissions of its decision, and
- c) call a division.

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

The result of the division was:

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

Against the motion - Nil

Absent - Cr M Coote, Cr G Hanger, Cr G Westman,

Abstain - Nil

The Mayor, Cr Hanger, resumed the Chair

- 15 Item 5.04 RESUMPTION OF STANDING ORDERS 20.00170, 20.00036
MOVED Cr I North and SECONDED Cr W Aubin**

That Council resume Standing Orders.

- 16 Item 6 CRUDINE RIDGE WINDFARM VOLUNTARY PLANNING AGREEMENT
(20.00248)
MOVED Cr G Westman and SECONDED Cr I North**

RESOLVED: That Council endorse the Voluntary Planning Agreement for the Crudine Ridge Wind Farm and authorise the General Manager to take the necessary steps to execute the Agreement.

- 17 Item 7 BATHURST REGIONAL ABORIGINAL HERITAGE STUDY – PUBLIC
VERSION (20.00288)
MOVED Cr I North and SECONDED Cr M Morse**

RESOLVED: That Council note that the Bathurst Regional Aboriginal Heritage Study – Public Version has been received.

- 18 Item 8 KING'S PARADE INTERPRETATION SIGNAGE (18.00210)
MOVED Cr I North and SECONDED Cr G Westman**

RESOLVED: That the information be noted.

- 19 Item 9 ABORIGINAL CULTURAL ASSESSMENTS – MOUNT PANORAMA
WAHLUU (20.00311)
MOVED Cr I North and SECONDED Cr M Morse**

RESOLVED: That the information be noted.

- 20** **Item 10 EVOCITIES UPDATE (18.00208)**
MOVED Cr B Bourke and **SECONDED** Cr M Coote

RESOLVED: That the information be noted.

- 21** **Item 11 ADVERTISING SIGNS IN PUBLIC AREAS (41.00089 & 23.00045)**
MOVED Cr I North and **SECONDED** Cr W Aubin

RESOLVED: That Council:

- (a) adopt the Advertising Signs in Public Areas policy; and
- (b) notify those persons who lodged a submission.
- (c) Policy be reviewed to ensure authorisation labels are clearly visible on signs

- 22** **Item 12 DRAFT BATHURST REGIONAL DCP 2014 AMENDMENT - EGLINTON (WEST) RESERVATION OF LAND FOR OPEN SPACE AND AMENDMENT TO EGLINTON OPEN SPACE AND DRAINAGE SECTION 94 PLAN (20.00170 & 20.00036)**

This item was dealt with at Minute #14.

Director Corporate Services & Finance's Report

- 23** **Item 1 STATEMENT OF INVESTMENTS (16.00001)**
MOVED Cr B Bourke and **SECONDED** Cr W Aubin

RESOLVED: That the information be noted.

- 24** **Item 2 MONTHLY REVIEW - 2017-2021 DELIVERY PLAN AND ANNUAL OPERATIONAL PLAN 2017-2018 (16.00148)**
MOVED Cr I North and **SECONDED** Cr G Westman

RESOLVED: That the information be noted.

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

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

RESOLVED: That the completed Disclosure of Interest of Councillors and Designated Persons Returns for Councillors and relevant staff be noted.

32 **Item 10 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE (11.00005, 04.00033, 22.00350, 22.00202, 22.04305, 22.15200, 22.00697)**

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

RESOLVED: That the information be noted.

Director Engineering Services' Report

33 **Item 1 CONSENT TO CLOSURE OF UNFORMED COUNCIL ROAD - LOCATED AT GLANMIRE (25.00115)**

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

RESOLVED: That Council consent to the closure of the unformed Council road off Brewongle Lane at Glanmire as proposed by NSW Department of Industry Lands, subject to the information contained in the Director Engineering Services' report.

34 **Item 2 STREET TREES ADJACENT TO MACKILLOP COLLEGE (13.00019)**

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

RESOLVED: That Council:

- (a) undertake the removal of nineteen (19) Poplar street trees adjacent to the property of MacKillop College
- (b) replant the area with appropriate replacement tree species suitable for the narrow verge and adjacent building infrastructure, and
- (c) give consideration to allocate sufficient funding and resources within the 2018/19 Management Plan for works to proceed.

35 **Item 3 POT HOLE PATCHING MACHINE - PROPOSED PURCHASE (15.00002)**

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

RESOLVED: That the item be referred for Council's consideration to the budgetary process for the 2018/2019 financial year.

36 **Item 4 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE (11.00005, 36.00643)**

MOVED Cr M Morse and **SECONDED** Cr I North

48

RESOLVE INTO CONFIDENTIAL COMMITTEE OF THE WHOLE TO DEAL WITH CONFIDENTIAL REPORTS**MOVED** Cr M Cooteand **SECONDED** Cr G Westman

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

There were no representations from the public.

RESOLVED: That:

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

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

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	RENEWAL OF SPORTING LICENCE AGREEMENT - PART LOT 5 DP776928. LEARMONTH PARK (DORMAN PLACE, KELSO) TO THE BATHURST TOUCH ASSOCIATION INC.	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
2	RENEWAL OF SPORTING LICENCE AGREEMENT - PART LOT 72 DP755779 PARK STREET, EGLINTON - EGLINTON DISTRICT TENNIS CLUB	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
3	RESIDENTIAL LEASE AGREEMENT - LOT 127 IN DP249576 KNOWN AS 12 WHITEMAN PLACE, BATHURST.	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
4	PURCHASE OF PROPERTY, ADJACENT TO ALBENS RESERVE	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

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General Manager

Mayor

	MOUNT PANORAMA	council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
5	SALE OF RESIDUE LAND AT PART LOT 202 DP1074567, KNOWN AS 31 HAMPDEN PARK ROAD, KELSO	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
6	PANORAMA MOTEL WATER USAGE CHARGES	10A (2) (b) – contains advice concerning hardship of a resident or ratepayer, disclosure of which would not be in the public interest as it would prejudice the personal position of the individual concerned.

*** DIRECTOR ENGINEERING SERVICES' REPORT**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	TENDER FOR CONSTRUCTION OF 3 SOCCER FIELDS, PROCTOR PARK	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

Director Corporate Services & Finance's Report

- a** **Item 1 RENEWAL OF SPORTING LICENCE AGREEMENT - PART LOT 5 DP776928. LEARMONTH PARK (DORMAN PLACE, KELSO) TO THE BATHURST TOUCH ASSOCIATION INC. (04.00033)**
MOVED Cr B Bourke and **SECONDED** Cr M Coote

That Council approves the renewal of the sporting licence agreement for part Lot 5 in DP776928, Learmonth Park (Dorman Place, Kelso) with the Bathurst Touch Association Inc for a period of 5 years as detailed in the report.

- b** **Item 2 RENEWAL OF SPORTING LICENCE AGREEMENT - PART LOT 72 DP755779 PARK STREET, EGLINTON - EGLINTON DISTRICT TENNIS CLUB (22.00350)**
MOVED Cr I North and **SECONDED** Cr B Bourke

J Bingham, Acting Director Environmental, Planning & Building Services declared a non-pecuniary interest in this item and remained in the Chamber.

Reason: Son is a member of the Club.

That Council approves the renewal of the Sporting Licence Agreement for part Lot 72 in DP755779, Park Street, Eglinton with the Eglinton District Tennis Club for a

period of 5 years as detailed in the report.

c Item 3 RESIDENTIAL LEASE AGREEMENT - LOT 127 IN DP249576 KNOWN AS 12 WHITEMAN PLACE, BATHURST. (22.00202)

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

That Council approves entering into a residential lease agreement for Lot 127 in DP249576, at 12 Whiteman Place, Bathurst with Ms Doreen Morgan for a period of 12 months with a 12 month option (at Council's discretion) as detailed in the report.

d Item 4 PURCHASE OF PROPERTY, ADJACENT TO ALBENS RESERVE MOUNT PANORAMA (22.04305)

MOVED Cr I North and **SECONDED** Cr M Coote

That Council:

- (a) purchase the property at lot 18 DP1011780 being adjacent to Albens Reserve, Mount Panorama
- (b) delegate the authority to the General Manager to negotiate the purchase as detailed in the report
- (c) if successful, classify the land as operational under the provisions of Section 31(2) of the Local Government Act 1993.

e Item 5 SALE OF RESIDUE LAND AT PART LOT 202 DP1074567, KNOWN AS 31 HAMPDEN PARK ROAD, KELSO (22.15200)

MOVED Cr M Coote and **SECONDED** Cr I North

That Council approves the sale of residue land at part lot 202 DP1074567 known as 31 Hampden Park Road, Kelso as detailed in the report.

f Item 6 PANORAMA MOTEL WATER USAGE CHARGES (22.00697)

MOVED Cr M Coote and **SECONDED** Cr I North

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

Director Engineering Services' Report

g Item 1 TENDER FOR CONSTRUCTION OF 3 SOCCER FIELDS, PROCTOR PARK (36.00643)

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

That Council accept the tender from Renworx Pty Ltd for the project price of \$2,267,308.13 (incl. GST) subject to provisional items and variations.

GENERAL MANAGER'S REPORT

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

27 SEPTEMBER 2017

1 COUNCIL GOVERNANCE (11.00005)

Recommendation: That:

- (a) the Ordinary Meeting of Council be held at 6.00 pm on the 3rd Wednesday each month, except that the December meeting will be held on the second Wednesday in December, and the January meeting will be held on the first Wednesday in February.
- (b) an Ordinary Meeting of Council be held, if required, after the Policy Committee on the first Wednesday each month.
- (c) Council establish a Policy Committee to meet monthly at 6.00 pm on the first Wednesday of each month with the Charter as detailed in the report.
- (d) Council establish the following Section 355 Statutory Committees:
- Australia Day Working Party, Bathurst Audit & Risk Management Committee, Bathurst Community Health Committee, Bathurst Regional Youth Council, Georges Plains Floodplain Management Sunset Committee, Mount Panorama Racing Committee, Rockley Mill Museum Management Committee, SBS for Bathurst Committee, Sister City Working Party, Sofala Floodplain Management Sunset Committee,
- with charters/aims as detailed in the report.
- (e) Council establish the following Statutory Committees - other Legislation:
- Consultative Committee, Health & Safety Committee, Mount Panorama Motor Racing Advisory Committee, NSW Rural Fire Service - Chifley Bushfire Management Committee, Traffic Committee.
- with charters/aims as detailed in the report.
- (f) Council establish the following Project Advisory Working Parties:
- Bathurst Region Heritage Reference Group, Bathurst Region Natural Resource Advisory Group, Bathurst Region Tourism Reference Group, Bicycle Facilities Working Party, Councillors Meetings with Community Groups/Representatives, International Women's Day Working Group, Living Legends Working Party.
- with charters/aims as detailed in the report.
- (g) Council establish the following Consortia: Bathurst 1000 Race, Bathurst 12 Hour, Bathurst 6 Hour, with charters/aims as detailed in the report.

Report: Council must establish a governance structure for dealing with Council business. The proposed structure is consistent with the governance structure currently in place. The structure will ensure:

- Public participation.
- Better communication.
- Improved quality of information.
- Greater efficiency of Administration
- Co-ordinated approach to the future.

Council Meetings:

Commencement time and location are not directly covered in the Local Government Act 1993 or the Local Government Regulation 2005. Council is allowed to set the time and location of Ordinary Council meetings. Section 365 of the Local Government Act 1993 requires council to meet at least 10 times a year, each time in a different month.

It is recommended that Council conduct its Ordinary meetings as follows:

Ordinary meetings of Council will commence at 6.00 pm on the third Wednesday of each month, except that the December meeting will be held on the second Wednesday in December, and the January meeting will be held on the first Wednesday in February.

If a second Ordinary Meeting of Council is required this will be held two weeks before the normal Council Meeting, except in the month of January. This Council Meeting will be at 6.00 pm or immediately following the Policy Committee and will include matters considered urgent by the Mayor, Councillors or General Manager and Reports of Officers to facilitate decision making.

Council may change the time or date of any particular meeting, by resolution at a preceding meeting, without prior notice being given.

Standing Orders:

The general order of business at every Ordinary Meeting of the Council (with the exception of the Ordinary Meeting after the Policy Committee) shall be:

1. Meeting commences at 6.00 pm
2. Public Question Time (subject to maximum of 3 minutes per speaker)
3. Opening Prayer
4. Apologies
5. Confirmation of Minutes
6. Declaration of Interest
7. Mayoral Minute
8. Receive and Deal with General Manager's and Director's reports
9. Reports of Other Committees
10. Notices of Motion
11. Rescission Motions
12. Councillors/Delegates reports
13. Resolve into Confidential Committee of the Whole to deal with Confidential Reports (public submissions permitted - 1 minute per speaker, maximum of 5 minutes)
14. Resolve into Open Council
15. Adopt Report of the Committee of the Whole
16. Close

Council may, after the confirmation of the Minutes of the previous meeting, make a variation of the order of the business to accord precedence to any matter set down on the business paper for consideration.

The General Order of business at every Ordinary Meeting of Council following the Policy Committee shall be:

1. Meeting commences at 6.00 pm or immediately following the Policy Committee

2. Apologies
3. Declaration of Interest
4. Mayoral Minute
5. Receive and Deal with General Manager's and Director's Reports
6. Close

Council may enter Confidential Committee of the Whole in accordance with Section 10A (2) of the Local Government Act 1993, if required at any Ordinary Meeting following Policy.

The General Order of Business at each Policy Committee shall be:

1. Meeting commences at 6.00 pm
2. Apologies
3. Report of Previous Meeting
4. Declaration of Interest
5. Mayoral Minute (if any)
6. Receive and Deal with General Manager's and Director's Reports (if any)
7. General Business
8. Discussion Forum (to commence at 6.15 pm)
 - Development Application submissions (if any)
 - Other Topic (if any)
9. Meeting close

Council may enter Confidential Committee in accordance with Section 10A (2) of the Local Government Act 1993, if required at any Policy Committee meeting.

Delegates/Duty Delegates

Councillor Delegates/Duty Delegates provide a valuable liaison with community organisations.

Delegates and Duty Delegates will need to be appointed to the following organisations.

Delegates:

Delegates are Council representatives appointed by Council to a specific organisation or Committee. Delegates would normally attend most meetings of the committee and may or may not have voting rights.

All Saints Cathedral Chapter
 Arts OutWest
 Australian Airport Owners Association NSW Division
 Australian Local Government Association National General Assembly
 Australian Local Government National Local Roads Congress
 Australian Local Government Women's Association
 Bathurst Airport Users Group
 Bathurst Business Chamber
 Bathurst Community Climate Action Network Inc
 Bathurst Correctional Complex Community Consultative Committee
 Bathurst District Historical Society
 Bathurst District Sport & Recreation Council
 Bathurst Education Advancement Group (BEAG)
 Bathurst Liquor Accord
 Bathurst Neighbourhood Centre (BNC)
 Bathurst Regional Community Safety Committee
 Bathurst Regional Local Emergency Management Committee

Bathurst Town Square Working Party
 CENTROC
 Chifley Dam Catchment Steering Committee
 Chifley Local Area Command - Community Safety Precinct Committee
 ClubGRANTS Committee
 Country Mayors Association
 Eglinton Hall & Park Committee
 Floodplain Management Authority
 Greening Bathurst
 Joint Regional Planning Panel - Western
 NSW Inland Forum
 NSW Rural Fire Service - Bathurst Senior Management Team
 NSW Rural Fire Service - Chifley Zone Liaison Committee
 Perthville Development Group Inc (School of Arts)
 Public Libraries Association NSW
 Rail Action Bathurst
 Skillset (previously Central West Group Apprentices)
 Somerville Collection Board of Directors
 Upper Macquarie County Council
 Western Regional Access Committee

Duty Delegates:

Duty Delegates provide a community organisation with a direct Council contact on a needs basis. This enables organisations to function in their existing format with Councillors attending meetings only for Council related matters.

Accessible Living Options (previously Evans Community Options)
 Bathurst Agricultural, Horticultural & Pastoral Association Inc
 Bathurst & District Bicycle User Group (BUGS)
 Bathurst Arts Council
 Bathurst City RSL Band
 Bathurst Community Interagency Group
 Bathurst Domestic Violence Liaison Committee
 Bathurst Health Council
 Bathurst Meals on Wheels Service Inc
 Bathurst Refugee Support Group
 Bathurst Regional Access Committee (BRAC)
 Bathurst Regional Art Gallery Society (BRAGS)
 Bathurst Senior Citizens Management Committee
 Bathurst Seymour Centre Inc
 Boundary Road Nature Reserve Landcare Group
 Carillon Working Party
 Central West Heritage Network
 Central West Women's Health Centre
 Combined Pensioners & Superannuants Association
 Evans Arts Council
 Hill End & Tambaroora Progress Association
 National Trust of Australia - Bathurst Branch (& Cox's Road Steering Committee)
 NSW State Emergency Service - Bathurst Unit
 Wattle Flat Heritage Lands Trust
 Wattle Flat (Bronze Thong) Racecourse Committee
 White Rock Progress Association

Statutory Committees Section 355

Council currently has in place the following Section 355 Committees.

Australia Day Working Party
Audit & Risk Management Committee
Bathurst Community Health Committee
Bathurst Regional Youth Council
Georges Plains Floodplain Management Sunset Committee
Mount Panorama Racing Committee
Policy Committee
Rockley Mill Museum Management Committee
SBS for Bathurst Committee
Sister City Workng Party
Sofala Floodplain Management Sunset Committee

Statutory Committees Other Legislation

Council currently has in place the following other legislation committees.

Consultative Committee (staff) - (Local Government (State) Award 2010)
Health & Safety Committee (staff) - (Work Health & Safety Act 2011 and Regulations 2017)
Mount Panorama Motor Racing Advisory Committee (Mount Panorama Motor Racing Act 1989)
NSW Rural Fire Service - Chifley Bushfire Management Committee (Rural Fires Act 1997)
Traffic Committee (Road Transport (Safety & Traffic Management) Act 1999)

Project and Advisory Committees

In addition the following Project and Advisory Committees are in place.

Bathurst Region Heritage Reference Group
Bathurst Region Natural Resource Advisory Group
Bathurst Region Tourism Reference Group
Bicycle Facilities Working Party
Councillors Meeting with Community Groups/Representatives
International Women's Day Working Group
Living Legends Working Party

Consortia

Bathurst 1000 Race
Bathurst 12 Hour
Bathurst 6 Hour

It is recommended that Council confirm the establishment of the above Statutory Committees - S355, Statutory Committees Other Legislation, Project & Advisory Committees and Consortia.

CHARTERS/AIMS OF COMMITTEES/WORKING PARTIES

Charters of Statutory Committees Section 355

Australia Day Working Party

To facilitate community involvement in the celebration of Australia Day.

Bathurst Audit and Risk Management Committee

To assist the Council to discharge its responsibilities including, but not limited to:

- (a) Management and internal controls.
- (b) Monitoring the integrity of the Council's financial reporting practices and finance and accounting compliance.
- (c) Reviewing internal controls, key corporate risks and all audit related matters.

Bathurst Community Health Committee

To make representation on behalf of the community, with respect to health services provided in the Bathurst Region. This includes working in partnership with others to promote and improve the health of the community.

Bathurst Regional Youth Council

To voice the opinions and concerns of young people in the Bathurst Region to the Council, State and Commonwealth Governments and the wider community.

To work with other youth agencies to develop and promote activities for and social interaction between the young people of the Region.

To raise awareness of health, well-being and safety issues that affect the young people of the Region.

To work with other youth agencies to improve co-ordination and consultation between youth services.

To develop a sense of citizenship in the young people of the region by developing an appreciation of local, state and commonwealth government processes and through involvement in community projects.

Georges Plains Floodplain Management Sunset Committee

To assist the Council in an advisory capacity in the development of a floodplain risk management plan (and implementation strategy) for the village of Georges Plains.

Mount Panorama Racing Committee

To make recommendations to Council in connection with the management of the Mount Panorama Motor Racing Circuit.

Policy Committee

To consider development of the Community Strategic Plan (CSP) and various policies and sub-plans of the Council. Until a new Community Strategic Plan (CSP) is adopted, the Policy Committee will have regard to the Bathurst 2036 Community Strategic Plan. This is through having regard to; the four key themes in which sustainability and well-being are fostered:

- Economic prosperity
- Liveable communities
- Environmental sustainability
- Sound leadership

These themes and directions are then underpinned by the following six key principles:

- Good custodianship
- Enhancing prosperity

- Conserving our place
- Valuing diversity
- Empowering people
- Shared responsibility

To consider Development Applications which are referred by the Director Environmental, Planning & Building Services, where there are unresolved objections.

Rockley Mill Museum Management Committee

To facilitate the running and maintenance of the Rockley Mill Museum.

SBS for Bathurst Committee

Facilitate the introduction of SBS Multicultural Radio to Bathurst

Co-ordinate the use of the existing SBS TV facility at Mount Panorama for its re-transmission of SBS Radio Programme.

Sister City Working Party

- To oversee itinerary and visits of Ohkuma people.
- Assist with hosting of, funding and sponsorship.
- Explore methods of funding and sponsorship for return visits to Ohkuma.
- Examine marketing opportunities relating to the Sister City relationship.
- Develop cultural and technical exchange.
- Collect and disseminate information and ideas.
- Liaise with schools, TAFE and Charles Sturt University on exchange of students and programs.
- Identify areas of future development for the Sister City relationship.
- Develop sporting, music and cultural links.

Sofala Floodplain Management Sunset Committee

To assist the Council, in an advisory capacity, in the development of a floodplain risk management plan (and implementation strategy) for the village of Sofala.

Charters of Statutory Committees Other Legislation

Consultative Committee (Local Government (State) Award)

To facilitate a consultative approach between employer and employees in the Award Restructuring process. This is a staff committee.

To make recommendations to Council on matters considered by the Committee on Award Restructuring.

To provide a forum to consider aspects on Award Restructuring.

To provide all employees with an avenue to improve the conditions and working arrangements carried out by Council.

Health & Safety Committee (Work Health & Safety Act (2017))

To establish a forum where consultation between all parties in the workplace can assist in providing a safe workplace. This is a staff committee.

This committee is established under the Work Health and Safety Act, 2011 & Regulations 2011.

The activities include:

- Workplace inspections, reports and evaluations
- Recommending WH&S training and education
- Safety and health promotion
- Emergency procedures and evacuation drills
- Workplace surveys and audits
- Consideration of reports of incidents, accidents, injuries and illnesses.
- Identification of unsafe and unhealthy acts and conditions.
- Provision of relevant WH&S information to employees.
- Involvement in effective workplace planning, design and operation.
- Review proposed changes to work systems.

Mount Panorama Motor Racing Advisory Committee (Mount Panorama Motor Racing Act 1989)

The Committee is constituted under the Mount Panorama Motor Racing Act 1989 to carry out the functions contained therein:

- (a) To advise the Minister on the conduct of meetings for motor racing permitted by this Act
- (b) At the request of the Minister, to advise the Minister on other matters in connection with this Act.

NSW Rural Fire Service - Chifley Bushfire Management Committee (Rural Fires Act 1997)

To prepare for the rural fire district a plan of operations (which sets out procedures to be followed if a bush fire breaks out).

To prepare for the rural fire district a bush fire risk management plan (which sets out schemes for the reduction of bush fire hazards).

Traffic Committee (Road Transport (Safety & Traffic Management) Act 1999)

To act in accordance with authority delegated by the Roads & Maritime Services, NSW to:

- (a) Preserve and enhance the efficient flow of traffic, while meeting as far as practicable the demands for access, manoeuvres, parking etc.
- (b) Reduce hazards and accident potential for all road users.
- (c) Reduce any adverse impacts of traffic on the surrounding environment.

Charters of Project & Advisory Committees

Bathurst Region Heritage Reference Group

To provide a forum for constructive dialogue between the community and Council to

advance and develop heritage protection, enhancement, promotion and management in the Region.

To provide community perspective, advice and guidance to Council, in a collaborative and cooperative setting, on:

- The implementation of activities, programs and projects under the Bathurst Region Heritage Strategy
- The prioritisation of activities, programs and projects under the Bathurst Region Heritage Strategy
- Community based activities, programs and projects that are being undertaken consistent with the Bathurst Region Heritage Strategy
- Appropriate adjustments to the Bathurst Region Heritage Strategy and its implementation to ensure its vision is achieved
- The annual reporting of achievements (Council and community) and other outcomes under the Bathurst Region Heritage Strategy
- The three year major review of the Bathurst Region Heritage Strategy.

Bathurst Region Natural Resource Advisory Group

The aim of the Bathurst Region Natural Resource Advisory Group Meetings is:

- a) To provide an opportunity to receive and discuss written and verbal reports from Council on the progress of the Bathurst Vegetation Management Plan, the Bathurst Urban Waterways Management Plan and the Bathurst Biodiversity Management Plan implementation.
- b) To provide an opportunity for representatives from member groups to report on activities and projects being undertaken by their members.
- c) To formulate recommendations to Council by way of discussion and consensus.
- d) To review the list of highest ranked projects on an annual basis.

Bathurst Region Tourism Reference Group

To provide community perspective, advice and guidance to Council on:

- The prioritisation of activities, programs and projects under the Bathurst Region Destination Management Plan
- The implementation of activities, programs and projects under the Bathurst Region Destination Management Plan
- Appropriate adjustments to the Bathurst Region Destination Management Plan and its implementation to ensure its vision is achieved
- The annual reporting of achievements (Council and community) under the Bathurst Region Destination Management Plan
- The three year major review of the Bathurst Region Destination Management Plan.

Bicycle Facilities Working Party

To advise Council on priorities for funding of bicycle facilities, especially for the purposes of formulating Council's Delivery Plan and Operating Plan.

To provide advice to Council on the needs of bicycle users.

To provide a forum for discussion of bicycle issues.

To provide a co-ordinating mechanism for major bicycle events.

Councillors Meetings with Community Groups/Representatives

The key element of the Councillors Meetings with Community Groups/Representatives is to improve the quality and quantity of information available to the public and to the Council in their decision making process. The "Councillors Meetings with Community Groups/Representatives" are informal, by appointment, and on a scheduled basis to

maximise opportunities for organisations and members of the public to raise issues with Council.

In addition, the sessions also allow invitations to be extended to specific community groups and others currently not involved with Council to ensure Council has an updated, accurate and focused position on all facets of the community.

The issues to be discussed are of community interest with individual concerns, for example a ratepayer's excess water charges being a matter to be addressed at the General Manager level followed by a report to Council if required.

International Women's Day Working Group

To facilitate appropriate celebrations of International Women's Day.

Living Legends Working Party

Council as part of the 2015 Bicentenary Celebrations created the Living Legends walk. To preserve the prestige of the title, 'Bathurst Living Legend', Council determined that a number of names are to be added to the avenue of trees annually, this would generally be around six names. The new Living Legends are to be announced as part of the Proclamation Day Ceremony annually.

Financial Implications: Governance costs are covered within existing budgets.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.8
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.7

Community Engagement

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

2 APPOINTMENT OF DELEGATES AND DUTY DELEGATES (11.00005)

Recommendation: That Council appoint Delegates and Duty Delegates and approve attendance at, and associated costs for related conferences, seminars, etc as required.

Report: Council is currently represented on the organisations as listed.

Generally, delegates attend meetings subject to arrangements put in place with the Organisation/Committee and may or may not have voting rights.

Duty Delegates are a point of contact for community groups, with Council representatives expected to attend meetings only when Council issues arise.

The Mayor is Council's delegate on the All Saints Cathedral Chapter, Australian Local Government Association National General Assembly, Australian Local Government National Local Roads Congress, Bathurst Business Chamber, Bathurst Education Advancement Group, Bathurst Town Square Working Party, Centroc, Chifley Local Area Command - Community Safety Precinct Committee, Country Mayors Association, Bathurst Regional Local Emergency Management Committee, NSW Inland Forum, Skillset, Somerville Collection Board of Directors.

Delegates (appointed during the previous term of Council)

Organisation/Committee	Meeting Frequency	Number of Delegates	Delegates	Alternate Delegates	File Number
ALL SAINTS CATHEDRAL CHAPTER	As Required	1	Mayor		18.00253
ARTS OUTWEST	Quarterly	1	vacant		18.00036
AUSTRALIAN AIRPORT OWNERS ASSOC - NSW DIVISION	Twice yearly + Conference	2	Warren Aubin, Ian North	Michael Coote	07.00002
AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION NATIONAL GENERAL ASSEMBLY	Annual Conference	1	Mayor	Deputy Mayor	18.00008
AUSTRALIAN LOCAL GOVERNMENT NATIONAL LOCAL ROADS CONGRESS	Annual Conference	1	Mayor		18.00008
AUSTRALIAN LOCAL GOVERNMENT WOMEN'S ASSOCIATION	Annual Conferences (2)	2	Monica Morse		18.00008
BATHURST AIRPORT USERS GROUP	3 times a year	2	Warren Aubin, Ian North	Michael Coote	07.00063
BATHURST BUSINESS CHAMBER	Monthly	1	Mayor	Deputy Mayor	18.00027
BATHURST COMMUNITY CLIMATE ACTION NETWORK INC	Monthly	2	Graeme Hanger	Ian North	18.00251
BATHURST CORRECTIONAL COMPLEX COMMUNITY CONSULTATIVE COMMITTEE	Quarterly	1	Bobby Bourke	Warren Aubin	07.00050
BATHURST DISTRICT HISTORICAL SOCIETY	Monthly	1	Graeme Hanger		18.00183
BATHURST DISTRICT SPORT & RECREATION	Monthly	2	Michael Coote, Greg Westman		18.00021

COUNCIL					
BATHURST EDUCATION ADVANCEMENT GROUP (BEAG)	Twice yearly	1	Mayor		18.00053
BATHURST LIQUOR ACCORD	Quarterly	1	Bobby Bourke	Ian North	07.00036
BATHURST NEIGHBOURHOOD CENTRE (BNC)	Monthly	1	Monica Morse		18.00017
BATHURST REGIONAL COMMUNITY SAFETY COMMITTEE	Quarterly	2	Ian North, Greg Westman	Warren Aubin	07.00100
BATHURST REGIONAL LOCAL EMERGENCY MANAGEMENT COMMITTEE	Quarterly	1	Mayor		07.00018
BATHURST TOWN SQUARE WORKING PARTY	as required	1	Mayor		20.00107
CENTROC	Quarterly	1	Mayor		07.00017
CHIFLEY DAM CATCHMENT STEERING COMMITTEE	Monthly	1	Greg Westman		07.00020
CHIFLEY LOCAL AREA COMMAND - COMMUNITY SAFETY PRECINCT COMMITTEE	Quarterly	1	Mayor		07.00055
CLUB GRANTS COMMITTEE	Monthly (June-Dec)	2	Gary Rush, Greg Westman	Graeme Hanger	09.00024
COUNTRY MAYORS ASSOCIATION	Bi Monthly	1	Mayor		18.00028
EGLINTON HALL & PARK COMMITTEE	Quarterly	1	Ian North	Michael Coote	18.00177
FLOODPLAIN MANAGEMENT AUTHORITY	Quarterly + Conference	2	Bobby Bourke, Ian North		07.00007
GREENING BATHURST	Monthly	2	Ian North, Gary Rush		18.00157
JOINT REGIONAL PLANNING PANEL - WESTERN (See GM report #6)	As Required	2	Mayor , David Sherley		18.00274
NSW INLAND FORUM	Quarterly	1	Mayor		18.00208
NSW RURAL FIRE SERVICE - BATHURST SENIOR MANAGEMENT TEAM	Quarterly	2	Michael Coote, Ian North		18.00233
NSW RURAL FIRE SERVICE - CHIFLEY ZONE LIAISON COMMITTEE	Quarterly	2	Michael Coote, Ian North		13.00020
PERTHVILLE DEVELOPMENT GROUP INC (School of Arts)	Monthly	1	Bobby Bourke		22.01146
PUBLIC LIBRARIES ASSOCIATION NSW	Monthly + Conferences (2), Zone meeting	2	Bobby Bourke, Greg Westman		18.00127
RAIL ACTION BATHURST	As Required	2	Ian North, Greg Westman		18.00116
SKILLSET	Monthly	1	Mayor		18.00014

(previously Central West Group Apprentices)					
SOMERVILLE COLLECTION BOARD OF DIRECTORS	Twice yearly	1	Mayor	Graeme Hanger	18.00186
UPPER MACQUARIE COUNTY COUNCIL (See GM report #5)	Monthly	2	Warren Aubin, Ian North		18.00172
WESTERN REGIONAL ACCESS COMMITTEE	Quarterly	1	Ian North		07.00062

Duty Delegates (appointed during the previous term of Council)

Organisation/Committee	Meeting Frequency	Number of Delegates	Delegates	Alternate Delegates	File Number
ACCESSIBLE LIVING OPTIONS (previously Evans Community Options)	As Required	1	Gary Rush		18.00280
BATHURST AGRICULTURAL, HORTICULTURAL & PASTORAL ASSOCIATION INC	As Required	1	Michael Coote		18.00108
BATHURST AND DISTRICT BICYCLE USER GROUP (BUGS)	As Required	1	Greg Westman	Ian North	28.00003
BATHURST ARTS COUNCIL	As Required	1	Gary Rush		18.00063
BATHURST CITY RSL BAND	As Required	1	Monica Morse		22.00556
BATHURST COMMUNITY INTERAGENCY GROUP	As Required	1	Bobby Bourke	Graeme Hanger	18.00117
BATHURST DOMESTIC VIOLENCE LIAISON COMMITTEE	As Required	1	Gary Rush		07.00109
BATHURST HEALTH COUNCIL	As Required	2	Warren Aubin, Ian North		18.00035
BATHURST MEALS ON WHEELS SERVICE INC	Bi Monthly from February	1	Graeme Hanger		18.00236
BATHURST REFUGEE SUPPORT GROUP	As Required	1	Bobby Bourke		23.00057
BATHURST REGIONAL ACCESS COMMITTEE (BRAC)	Monthly	1	Ian North		07.00031
BATHURST REGIONAL ART GALLERY SOCIETY (BRAGS)	As Required	1	Gary Rush	Greg Westman	07.00027
BATHURST SENIOR CITIZENS MANAGEMENT COMMITTEE	As Required	1	Bobby Bourke		22.00219
BATHURST SEYMOUR CENTRE INC	As Required	1	Bobby Bourke		22.00185
BOUNDARY ROAD NATURE RESERVE LANDCARE GROUP	As Required	1	Michael Coote	Graeme Hanger	04.00031
CARILLON WORKING PARTY	Monthly	1	Graeme Hanger	Ian North	04.00021
CENTRAL WEST HERITAGE NETWORK	Twice yearly	1	Monica Morse		20.00027
CENTRAL WEST WOMEN'S HEALTH CENTRE	As Required	1	Monica Morse		18.00156
COMBINED PENSIONERS & SUPERANNUANTS ASSOCIATION	As Required	1	Greg Westman		18.00116
EVANS ARTS COUNCIL	As Required	1	Graeme Hanger		18.00213
HILL END & TAMBAROORA PROGRESS ASSOCIATION	As Required	1	Monica Morse		18.00217
NATIONAL TRUST OF AUSTRALIA - BATHURST & DISTRICT BRANCH	As Required	1	Graeme Hanger	Greg Westman	18.00191

(& COX'S ROAD PROJECT COMMITTEE)					
NSW STATE EMERGENCY SERVICE - BATHURST UNIT	as required	1	Ian North	Michael Coote	18.00043
WATTLE FLAT HERITAGE LANDS TRUST	As Required	1	Warren Aubin		18.00214
WATTLE FLAT (BRONZE THONG) RACECOURSE COMMITTEE	As Required	1	Warren Aubin		23.00114
WHITE ROCK PROGRESS ASSOCIATION	As Required	1	Ian North	Bobby Bourke	28.00280

Financial Implications: Funds are contained within existing budgets.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.3
- Objective 23: To encourage a supportive and inclusive community. Strategy 23.1

Community Engagement

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

3 APPOINTMENT TO STATUTORY COMMITTEES, ADVISORY COMMITTEES AND CONSORTIA (11.00005)

Recommendation: That Council

- (a) appoint the Councillor representative(s) to Statutory Committees, Project and Advisory Committees and Consortiums
- (b) appoint citizen representatives to committees/working parties
- (c) approve attendance at meetings and conferences, including associated costs, by nominated Councillors

Report: Council may appoint or elect such committees as it considers necessary under Clause 260 of the Local Government (General) Regulation 2005. Council has the following Statutory Committees, Project and Advisory Committees and Consortium memberships.

The Mayor is, by default, the Chairperson of all Committees. Further, the Mayor is a Council delegate on Bathurst Community Health Committee, Audit & Risk Management Committee, SBS for Bathurst Committee, Mount Panorama Motor Racing Advisory Committee.

STATUTORY COMMITTEES

Section 355 LGA (Delegates appointed during the previous term of Council)

Organisation/Committee	Meeting Frequency	Number of Delegates	Delegates	Alternate Delegates	Other Members	File Number
AUSTRALIA DAY WORKING PARTY	As Required	3	Ian North, Warren Aubin, Gary Rush		Bathurst Regional Council, Community Representative	23.00033
AUDIT AND RISK MANAGEMENT COMMITTEE (See GM Report #4)	Quarterly	2	Mayor, Deputy Mayor	Greg Westman, Graeme Hanger	Bathurst Regional Council, Independent external members	07.00096,
BATHURST COMMUNITY HEALTH COMMITTEE	As Required	1	Mayor	Deputy Mayor	Bathurst Regional Council, Independent External Members	18.00035
BATHURST REGIONAL YOUTH COUNCIL	Bi Monthly	3	Warren Aubin, Michael Coote, Greg Westman		secondary school - TAFE & community youth group representatives	11.00020
GEORGES PLAINS FLOODPLAIN MANAGEMENT SUNSET COMMITTEE	As Required	1	Bobby Bourke		community representatives	07.00076
MOUNT PANORAMA RACING COMMITTEE	As Required	9	All Councillors		Bathurst Regional Council	04.00001
POLICY COMMITTEE	Monthly	9	All Councillors		Bathurst Regional Council	07.00064
ROCKLEY MILL MUSEUM MANAGEMENT COMMITTEE	As Required	1	Ian North		community representatives	07.00075
SBS FOR BATHURST	As	1	Mayor		Bathurst Regional	08.00009

COMMITTEE	Required				Council, community representatives	
SISTER CITY WORKING PARTY	Bi Monthly + Conference	4	Ian North, Bobby Bourke, Greg Westman	Monica Morse,	Bathurst Regional Council, community representatives	23.00011
SOFALA FLOODPLAIN MANAGEMENT SUNSET COMMITTEE	As Required	1	Bobby Bourke		community representatives	07.00076

Statutory Committee - Other Legislation (Delegates appointed during the previous term of Council)

Organisation/Committee	Meeting Frequency	Number of Delegates	Delegates	Alternate Delegates	Other Members	File Number
CONSULTATIVE COMMITTEE (staff) (Local Government (State) Award 2010)	Bi Monthly	0	Nil	Staff only	Staff	07.00026
HEALTH & SAFETY COMMITTEE (staff) (Work Health & Safety Act 2011 and Regulations 2017)	Bi Monthly	0	Nil	Staff only	Staff	07.00048
MOUNT PANORAMA MOTOR RACING ADVISORY COMMITTEE (Mount Panorama Motor Racing Act 1989)	As Required	1	Mayor		Confederation of Australian Motorsport, Department of Sport and Recreation, Police - Chifley Command, Resident (by invitation)	04.00001
NSW RURAL FIRE SERVICE - CHIFLEY BUSHFIRE MANAGEMENT COMMITTEE (Rural Fires Act 1997)	Twice yearly	2	Ian North, Michael Coote		Oberon Council, various state government departments	13.00020
TRAFFIC COMMITTEE (Road Transport (Safety & Traffic Management) Act 1999)	Monthly	1	Warren Aubin	Ian North	Roads & Maritime Services, State Member Representative	07.00006

Project and Advisory Committees (Delegates appointed during the previous term of Council)

Organisation/Committee	Meeting Frequency	Number of Delegates	Delegates	Alternate Delegates	Other Members	File Number
BATHURST REGION HERITAGE REFERENCE GROUP	As Required	1	Mayor	Chair – Mayor or his delegate	community representatives	20.00123
BATHURST REGION NATURAL RESOURCE ADVISORY GROUP (previously Vegetation Management Plan Working Party)	As Required	1	Gary Rush	Chair – Councillor or Council representative	community representatives	13.00001
BATHURST REGION TOURISM REFERENCE GROUP		1	Mayor	Chair – Mayor or his delegate	community representatives	07.00116
BICYCLE FACILITIES WORKING PARTY	As Required	2	Greg Westman, Ian		bicycle user group	20.00117

			North		representatives , Bathurst Regional Council	
COUNCILLORS MEETINGS WITH COMMUNITY GROUPS/ REPRESENTATIVES	monthly	9	All Councillors		by invitation	11.00019
INTERNATIONAL WOMEN'S DAY WORKING GROUP		1	Monica Morse			23.00026
LIVING LEGENDS WORKING PARTY	bi-annually	2	Mayor, Deputy Mayor		Bathurst Region Citizen of the year	20.00282

Consortia (Delegates appointed during the previous term of Council)

Organisation/Committee	Meeting Frequency	Number of Delegates	Delegates	Alternate Delegates	File Number
BATHURST 1000 RACE	As Required, includes costs	2	Ian North, Greg Westman	Michael Coote	18.00031
BATHURST 12 HOUR	six monthly, includes costs	2	Warren Aubin, Bobby Bourke	Michael Coote	04.00009
BATHURST 6 HOUR	six monthly, includes costs				

Council should note that appointment to the relevant statutory committees, project advisory committees and consortia includes approval for attendance at meetings but not attendance at annual conferences nor accommodation, unless otherwise indicated in the meeting frequency column.

Financial Implications: Funds are contained within existing budgets.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.3
- Objective 23: To encourage a supportive and inclusive community. Strategy 23.1

Community Engagement

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

4 AUDIT AND RISK MANAGEMENT COMMITTEE (ARMC) CHARTER (07.00096)

Recommendation: That Council:

- (a) Adopt the following:
- Audit & Risk Management Committee Charter
 - Internal Audit Activity Charter
 - Internal Audit Guidelines
- (b) Appoint Mr Andrew Fletcher as an independent member to the Audit & Risk Management Committee (ARMC) and Chairman.
- (c) Appoint Mr Phil Burgett as an Independent Member of the Audit & Risk Management Committee (ARMC)

Report: Bathurst Regional Council has in place an Audit & Risk Management Committee (ARMC) with the following charter:

To assist the Council to discharge its responsibilities including, but not limited to:

- (a) Management and internal controls.
- (b) Monitoring the integrity of the Council's financial reporting practices and finance and accounting compliance.
- (c) Reviewing internal controls, key corporate risks and all audit related matters.

It is proposed that the ARMC established in the Council Governance report for the new Council, continues to oversee the internal audit and risk management functions of Council.

Further, the structure of the ARMC provides for independent members to be appointed. The current independent members are Mr Andrew Fletcher (Chairman) and Mr Phil Burgett. It is recommended that they be REappointed to the Audit & Risk Management Committee. This will ensure continuity is in place, which will be of great value in the process of establishing the new council. Roles and responsibilities are detailed in the documents attached.

It is recommended that Council adopt the following documents:

- Audit & Risk Management Committee Charter - **attachment 1**
- Internal Audit Activity Charter - **attachment 2**
- Internal Audit Guidelines - **attachment 3**

Financial Implications: Costs of the ARMC are covered by existing budgets.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

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

Strategy 32.2

Community Engagement

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

5 UPPER MACQUARIE COUNTY COUNCIL DELEGATES (18.00172, 11.00005)

Recommendation: That Council appoint two delegates to the Upper Macquarie County Council.

Report: Bathurst Regional Council is entitled to appoint two members to the Upper Macquarie County Council, which is the weeds authority for the council areas of Bathurst, Blayney, Lithgow and Oberon.

Nominations

Schedule 9 of the Local Government General Regulation (2005) applies.

The nomination:

- (a) may be made without notice by any councillor of the Council
- (b) is to be in writing delivered or sent to the returning officer
- (c) is not valid unless the nominee has indicated consent to the nomination in writing

Appointment of delegates to the Upper Macquarie County Council is for the period 2017-2020 (3 years).

Election of Delegates

The Local Government (General) regulation 2005, Schedule 9, prescribes how a councillor is to be elected as a member of a county council.

If there are more than two nominees, then an election is to be held by way of preferential ballot. Note for Bathurst Regional Council, two delegates are to be appointed.

A Nomination Form is shown at **attachment 1**. Councillors are to return the form to the General Manager, or be handed to the General Manager at the commencement of the meeting.

The procedure for the election will be:

1. The General Manager will be the returning Officer
2. The General Manager will call for further nominations
3. Nominations will be closed
4. The Returning Officer will announce the names of the nominees at the Council meeting at which the election is to be held
5. If more than two nominations are received, an election will be held.
6. The election is to be conducted by preferential ballot
7. The election is to be declared at the Council meeting at which the ballot is held.

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community.

Strategy 30.7

Community Engagement

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

6 JOINT REGIONAL PLANNING PANEL - DELEGATES (18.00274)

Recommendation: That Council:

- (a) appoint its delegates to the Western Regional Planning Panel
- (b) advise the Secretariat of the Western Regional Planning Panel of these appointments.

Report: The State Government has established Joint Regional Planning Panels (JRPP) to provide independent, merit based decision making on regionally significant development. Applications for regionally significant developmentS are notified and assessed by local Council professional staff and then determined by the relevant regional panel. The Panels came into operation on 1 July 2009.

Regional Panels may also have a role in planning proposals, where the Minister for Planning has appointed the regional panel to act as the relevant planning authority (RPA) or has requested the regional panel to undertake a pre or post Gateway review. More information on the roles of the JRPP is available at www.jrpp.nsw.gov.au.

The responsibilities of Joint Regional Planning Panel members are to:

- (a) Exercise their functions in accordance with statutory requirements as set out in the EP&A Act and associated regulations.
- (b) Comply with the approved JRPP Code of Conduct (refer **attachment 1**).
- (c) Promote a sense of confidence in the JRPP as independent decision making bodies.
- (d) Establish and maintain effective working relationships with the Councils in the relevant JRPP region.
- (e) Foster a positive working relationship with other JRPP members, the Panel Secretariat and the Department of Planning.
- (f) Follow approved JRPP procedures and participate in regular reviews of procedures, to ensure efficient and effective practices are adopted.
- (g) Perform their functions with integrity, impartiality, honesty, conscientiousness, care, skill and diligence.
- (h) Participate in/chair panel meetings or hold public hearings or panel meetings in a timely, efficient and cost-effective manner while having proper regard to the issues.

Bathurst Regional Council appointed members are currently;

Cr Graeme Hanger (Mayor) and Mr David Sherley

With the election of a new Council it is appropriate to nominate two appointed members to the Joint Regional Planning Panel to represent the Council.

Financial Implications: Nil, at this stage

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.8
- Objective 29: To guide the construction and provision of new infrastructure/facilities and services and the management and upgrading of existing assets and service levels. Strategy 29.8
- Objective 33: To be and develop good leaders. Strategy 33.4

Community Engagement

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

7 DELEGATIONS REGISTER (41.00088)

Recommendation: That Council adopt the delegations register as tabled.

Report: To facilitate the operations of Council, the Local Government Act (1993) at S 377 provides for a General Power to delegate. The section provides that;

- (1) *A council may, by resolution, delegate to the general manager or any other person or body (not including another employee of the council) any of the functions of the council, other than the following:*
- (a) *the appointment of a general manager,*
 - (b) *the making of a rate,*
 - (c) *a determination under section 549 as to the levying of a rate,*
 - (d) *the making of a charge,*
 - (e) *the fixing of a fee,*
 - (f) *the borrowing of money,*
 - (g) *the voting of money for expenditure on its works, services or operations,*
 - (h) *the compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment),*
 - (i) *the acceptance of tenders which are required under this Act to be invited by the council,*
 - (j) *the adoption of an operational plan under section 405,*
 - (k) *the adoption of a financial statement included in an annual financial report,*
 - (l) *a decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6,*
 - (m) *the fixing of an amount or rate for the carrying out by the council of work on private land,*
 - (n) *the decision to carry out work on private land for an amount that is less than the amount or rate fixed by the council for the carrying out of any such work,*
 - (o) *the review of a determination made by the council, and not by a delegate of the council, of an application for approval or an application that may be reviewed under section 82A of the Environmental Planning and Assessment Act 1979 ,*
 - (p) *the power of the council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194,*
 - (q) *a decision under section 356 to contribute money or otherwise grant financial assistance to persons,*
 - (r) *a decision under section 234 to grant leave of absence to the holder of a civic office,*
 - (s) *the making of an application, or the giving of a notice, to the Governor or Minister,*
 - (t) *this power of delegation,*
 - (u) *any function under this or any other Act that is expressly required to be exercised by resolution of the council.*
- (1A) *Despite subsection (1), a council may delegate its functions relating to the granting of financial assistance if:*
- (a) *the financial assistance is part of a specified program, and*
 - (b) *the program is included in the councils draft operational plan for the year in which the financial assistance is proposed to be given, and*

- (c) *the programs proposed budget for that year does not exceed 5 per cent of the council's proposed income from the ordinary rates levied for that year, and*
 - (d) *the program applies uniformly to all persons within the council's area or to a significant proportion of all the persons within the council's area.*
- (2) *A council may, by resolution, sub-delegate to the general manager or any other person or body (not including another employee of the council) any function delegated to the council by the Departmental Chief Executive except as provided by the instrument of delegation to the council.*

Further, the Local Government Act (1993) at S 378 provides the power for the General Manager to delegate functions. The section provides that;

- (1) *The general manager may delegate any of the functions of the general manager, other than this power of delegation.*
- (2) *The general manager may sub-delegate a function delegated to the general manager by the council to any person or body (including another employee of the council).*
- (3) *Subsection (2) extends to a function sub-delegated to the general manager by the council under section 377 (2).*

A review of the existing Delegation Register for Bathurst Regional Council has been undertaken. It is proposed that the tabled delegations instrument be adopted by the Council, refer **attachment 1**.

Financial Implications: The Delegations Register provides the authority to authorise expenditures on behalf of the Council.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 32: To ensure Council is supported by an adequate workforce and appropriate governance procedures. Strategy 32.2
- Objective 22: To improve community safety. Strategy 22.11

Community Engagement

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

8 PURCHASING MANUAL (15.00008)

Recommendation: That Council:

- (a) adopt the Purchasing Manual
- (b) delegate authority to the General Manager to update Appendix 2 - Suppliers Exempt from Requirement to Obtain Quotations as required from time to time.

Report: Councils for many years have used a Purchasing Manual as the procedural document governing procurement processes.

It is recommended that Council:

- (a) adopt the Purchasing Manual, as shown at **attachment 1**
- (b) delegate authority to the General Manager to update Appendix 2 - Suppliers Exempt from Requirement to Obtain Quotations as required from time to time.

Financial Implications: Procurement by Council is done within existing budgets or approved tenders. The Manual provides guidelines for procurement practices.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 32: To ensure Council is supported by an adequate workforce and appropriate governance procedures. Strategy 32.2
- Objective 33: To be and develop good leaders. Strategy 33.5
- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.6

Community Engagement

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

9 CODE OF CONDUCT AND PANEL OF CONDUCT REVIEWERS (11.00024, 41.00089)

Recommendation: That Council;

1. Adopt the Council's Code of Conduct, with any reference to the Division of Local Government being amended to the Office of Local Government.
2. Adopt the Office of Local Government's Model Code of Conduct - Procedures for the Administration of the Model Code.
3. Adopt the Criteria contained in the former Bathurst Regional Council Policy - Code of Conduct: Principles & Procedures as an addendum to the Model Code of Conduct - Procedures for the Administration of the Model Code.
4. Appoint the Centroc panel of Conduct Reviewers as the Panel for the Council.

Report: The Local Government Act (1993) at s 440 requires that councils must adopt a Code of Conduct. This Code is to include any model provisions established by way of the Local Government Act and associated regulations.

The Code is applicable to Councillors, Administrators, members of staff and delegates of Council and assists in the good governance of Council.

Further, the Regulations may also prescribe a model procedure for administering the model code referred to above, as per s 440AA of the Local Government Act.

Council has in place the following policies with respect to the Code of Conduct;

- Code of Conduct (**attachment 1**)
- Code of Conduct Complaints: Principles & Procedures (**attachment 2**)
- Code of Conduct Procedures for the Administration of the Model Code (**attachment 3**)

It is recommended that Council's Code of Conduct Policy be adopted with the amendment that any reference to the Division of Local Government is amended to read Office of Local Government. This is generally based on the Office of Local Government's Model Procedures document.

It is recommended that the Office of Local Government's Model Code of Conduct - Procedures for the Administration of the Model Code be adopted by Council.

Further, it is recommended that the criteria contained in the Council Policy - Code of Conduct: Principles and Procedures be included as an addendum to the Model Code of Conduct - Procedures for the Administration of the Model Code.

The Council also is required to appoint a panel of conduct reviewers. Council can in establishing a panel, use Conduct Reviewer(s) selected from a panel established by an organisation approved by the Chief Executive of the Office of Local Government. A group of Councils is one such approved organisation.

The Centroc group of Councils has established a panel of Conduct Reviewers. It is recommended that Council appoint the Centroc panel as this Council's panel.

Financial Implications: There are no financial implications resulting from this report, at

this time.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 33: To be and develop good leaders. Strategy 33.5
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.7

Community Engagement

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

10 CODE OF MEETING PRACTICE (07.00064, 07.00065)

Recommendation: That Council:

- (a) Place the Code of Meeting Practice on public exhibition for 28 days, and
- (b) Receive a further report following the public exhibition period.

Report: Section 360 of the Local Government Act 1993 requires Council to adopt a code of meeting practice that incorporates the requirements of the Local Government (General) Regulation 2005.

360 Conduct of meetings of councils and committees

- (1) *The regulations may make provision with respect to the conduct of meetings of councils and committees of councils of which all the members are councillors.*
- (2) *A council may adopt a code of meeting practice that incorporates the regulations made for the purposes of this section and supplements those regulations with provisions that are not inconsistent with them.*
- (3) *A council and a committee of the council of which all the members are councillors must conduct its meetings in accordance with the code of meeting practice adopted by it.*

Bathurst Regional Council has an adopted Code of Meeting Practice, shown at **attachment 1** for consideration by Council.

It is recommended that the Code of Meeting Practice be placed on public exhibition for a period of 28 days in accordance with Section 361 of the Local Government Act:

361 Preparation, public notice and exhibition of draft code

- (1) *Before adopting a code of meeting practice, a council must prepare a draft code.*
- (2) *The council must give public notice of the draft code after it is prepared.*
- (3) *The period of public exhibition must not be less than 28 days.*
- (4) *The public notice must also specify a period of not less than 42 days after the date on which the draft code is placed on public exhibition during which submissions may be made to the council.*
- (5) *The council must publicly exhibit the draft code in accordance with its notice.*

A further report will be prepared for Council following the submission period to allow consideration of any public submissions prior to adoption. This is in accordance with Section 362 of the Local Government Act

362 Adoption of draft code

- (1) *After considering all submissions received by it concerning the draft code, the council may decide:*
 - (a) *to amend those provisions of its draft code that supplement the regulations made for the purposes of section 360, or*
 - (b) *to adopt the draft code as its code of meeting practice.*
- (2) *If the council decides to amend its draft code, it may publicly exhibit the amended draft in accordance with this Division or, if the council is of the opinion that the amendments are not substantial, it may adopt the amended draft code without public exhibition as its code of meeting practice.*

Financial Implications: There are no financial implications resulting from this report.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.2

- Objective 32: To ensure Council is supported by an adequate workforce and appropriate governance procedures. Strategy 32.5

Community Engagement

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

11 GOVERNANCE - PAYMENT OF EXPENSES & PROVISION OF FACILITIES FOR COUNCILLORS (11.00008, 41.00089)

Recommendation: That Council:

- (a) Place the draft Policy on the Payment of Expenses and Provision of Facilities, on public exhibition for 28 days, and
- (b) Receive a further report following the exhibition period.

Report: Section 252 of the Local Government Act 1993 requires Council to adopt a policy concerning the payment of expenses and provision of facilities to the Mayor, Deputy Mayor and other Councillors. Shown at **attachment 1** is the draft policy for consideration.

252 Payment of expenses and provision of facilities

- (1) *Within the first 12 months of each term of a council, the council must adopt a policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the mayor, the deputy mayor (if there is one) and the other councillors in relation to discharging the functions of civic office.*
- (2) *The policy may provide for fees payable under this Division to be reduced by an amount representing the private benefit to the mayor or a councillor of a facility provided by the council to the mayor or councillor.*
- (3) *A council must not pay any expenses incurred or to be incurred by, or provide any facilities to, the mayor, the deputy mayor (if there is one) or a councillor otherwise than in accordance with a policy under this section.*
- (4) *A council may from time to time amend a policy under this section.*
- (5) *A policy under this section must comply with the provisions of this Act, the regulations and any relevant guidelines issued under section 23A.*

The Local Government Amendment (Governance & Planning) Act, which was recently proclaimed as part of Phase 1 reforms has altered Section 252 such that; *Expenses and facilities policies are to be adopted by a council within 12 months of the term of a new council, instead of annually (Section 252 Local Government Act). Amendments to this policy are no longer required to be specifically notified to the Office of Local Government (Section 253 Local Government Act),* refer Office of Local Government Circular 16-30/2 September/A512827. Previously the Policy had to be reviewed annually.

In accordance with the requirements of section 253 of the Local Government Act 1993, Council is required to give public notice of its intention to adopt this policy and provide an opportunity for the public to make submissions on the draft policy.

253 Requirements before policy concerning expenses and facilities can be adopted or amended

- (1) *A council must give public notice of its intention to adopt or amend a policy for the payment of expenses or provision of facilities allowing at least 28 days for the making of public submissions.*

- (2) *Before adopting or amending the policy, the council must consider any submissions made within the time allowed for submissions and make any appropriate changes to the draft policy or amendment.*
- (3) *Despite subsections (1) and (2), a council need not give public notice of a proposed amendment to its policy for the payment of expenses or provision of facilities if the council is of the opinion that the proposed amendment is not substantial.*
- (4) *repealed.*
- (5) *A council must comply with this section when proposing to adopt a policy in accordance with section 252 (1) even if the council proposes to adopt a policy that is the same as its existing policy.*

The decision to adopt the policy on the payment of expenses and provision of facilities will be reported to an open meeting of Council.

254 Decision to be made in open meeting

The council or a council committee all the members of which are councillors must not close to the public that part of its meeting at which a policy for the payment of expenses or provision of facilities is adopted or amended, or at which any proposal concerning those matters is discussed or considered.

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

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 32: To ensure Council is supported by an adequate workforce and appropriate governance procedures. Strategy 32.5
- Objective 28: To plan for the growth of the region and the protection of the region’s environmental, economic, social and cultural assets. Strategy 28.8

Community Engagement

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

12 REGISTER OF POLITICAL DONATIONS DISCLOSURES (12.00012)

Recommendation: That Council note the register of political donation disclosures.

Report: Councils are required under s 328A of the Local Government Act (1993) to keep a register of current declarations of disclosures of political donations;

328A General manager to keep register of political donation disclosures

- (1) *The general manager is required to keep a register of copies of current declarations of disclosures of political donations lodged with the New South Wales Electoral Commission by or on behalf of councillors of the council concerned (including in their capacity as candidates for election as councillors).*
- (2) *For the purposes of this section, current declarations of disclosures of political donations are declarations lodged under Part 6 of the [Election Funding, Expenditure and Disclosures Act 1981](#) in respect of the relevant disclosure period that includes the date of the last election (other than a by-election) and all subsequent relevant disclosure periods.*

Bathurst Regional Council has a link on its website to the NSW Electoral Commission, which facilitates access to declarations of disclosures. The link satisfies the needs of s 328A of the Local Government Act and can be found at

<http://www.bathurst.nsw.gov.au/council/council/2017-council-elections.html> or
<http://www.elections.nsw.gov.au>.

The link allows access to disclosures by Councillors of Bathurst Regional Council.

Financial Implications: There are no financial implications resulting from this report.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 32: To ensure Council is supported by an adequate workforce and appropriate governance procedures. Strategy 32.2
- Objective 33: To be and develop good leaders. Strategy 33.7

Community Engagement

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

13 COMMUNITY ENGAGEMENT STRATEGY (02.00003)

Recommendation: That Council adopt the:

- (i) Community Engagement Policy
- (ii) Community Engagement Strategy.

Report: Bathurst Regional Council has in place various policies relating to communications, media and community engagement.

These policies guide the Council's interaction with its community and stakeholders and provide detail to the community on what they can expect in regards to effective and professional levels of communication.

The adoption of the policy is a commitment by Council to recognise that consultation is a valued part of strategic decision making.

It is proposed that Council adopt the following policies, at **attachment 1** to assist in the Council meeting the needs of the community:

- 1. Community Engagement Policy
- 2. Community Engagement Strategy.

Financial Implications: Funding is provided in Council budgets to facilitate engagement strategies.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 23: To encourage a supportive and inclusive community. Strategy 23.5
- Objective 33: To be and develop good leaders. Strategy 33.5

Community Engagement

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

14 SOCIAL MEDIA POLICY - STAFF (08.00021)

Recommendation: That Council note the Staff Policy: Social Media.

Report: Bathurst Regional Council has in place (adopted April 2016) a Social Media Policy, refer **attachment 1**, which had as its scope,

"This policy applies to the personal and professional use of social media by all Council staff. Elements of this policy apply to the community, their engagement and acceptable use of Council's official social media platforms."

The policy provides operational guidelines to enhance the effectiveness of Council's social media activity; to encourage positive marketing and promotion of Council activities; and minimise the potential for negative impacts to Council's reputation.

It is intended that this staff policy will apply to the new organisation. The policy was previously endorsed by the Bathurst Regional Council staff Consultative Committee in April 2016.

Financial Implications: Nil, at this stage.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 32: To ensure Council is supported by an adequate workforce and appropriate governance procedures. Strategy 32.2, 32.4
- Objective 33: To be and develop good leaders. Strategy 33.6

Community Engagement

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

Yours faithfully



D J Sherley
GENERAL MANAGER

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

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

27 SEPTEMBER 2017

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

Recommendation: That the information be noted.

Report: Section 79C of the Environmental Planning and Assessment Act 1979 is provided below to assist Council in the assessment of Development Applications.

79C Evaluation

(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 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 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and
- (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and
- (v) any coastal zone management plan (within the meaning of the [Coastal Protection Act 1979](#)),

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.

Note. See section 75P (2) (a) for circumstances in which determination of development application to be generally consistent with approved concept plan for a project under Part 3A.

(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 80

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 80 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 85A (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 2036 Community Strategic Plan - Objectives and Strategies

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

Community Engagement

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

2 GENERAL REPORT (03.00053)

Recommendation: That the information be noted.

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

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

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

Community Engagement

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

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

Recommendation: That Council:

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

Report: Council at its Ordinary Meeting of 21 June 2017 resolved to defer a decision on DA 2017/24 for further discussions with Caltex.

In response to the above resolution the applicant has provided a written response to address matters relating to noise and traffic. See **attachment 1**.

It should be noted that no changes have been made to the plans for the proposed development since Council's Ordinary Meeting of 21 June 2017.

The Site

Council has received a Development Application (DA) for the demolition of the existing service station including removal of existing fuel system and associated remediation works (Category 1), construction of a new service station and installation of a new fuel system and advertising signage at 53 Durham Street, Bathurst, described as Lot 1, Section 80A, DP 758065. A location plan is provided at **attachment 2**.

The area of the site is 1818m².

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

It is noted that there is currently an access between the subject site and the adjoining Panorama Hotel site. This longstanding access arrangement is not to Council's knowledge protected by a reciprocal right of carriageway (or any other legal protection) and therefore its closure, as proposed by this application, is a civil matter between the two property owners concerned. It is noted that since this matter was reported to Council at its meeting held 21 June 2017, concrete barriers have been installed blocking this access arrangement.

The proposal

The proposal involves:

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

See copies of the following:

- Plans of the proposed development at **attachment 3**;
- Statement of Environmental Effects at **attachment 4**;
- Remediation Action Plan at **attachment 5**;
- Noise Assessment at **attachment 6**.

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

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

Amended Plans

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

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

As a result of Council's initial review, the receipt of submissions and a discussion forum, the

applicant submitted amended plans incorporating the following amendments:

- Replacement of the proposed colorbond fence forward of the building line on the Durham Street frontage with a masonry fence;
- Removal of the large flush wall sign on the south-west elevation of the building;
- Removal of the four promo signs below the window sill on the north-west elevation of the building;
- Introduction of red brick elements to the north-west and south-west elevations of the building;
- Introduction of mosaic tile elements to the north-west and south-west elevations of the building;
- Reduction in the height of the main blade sign from 9.0 metres to 6.0 metres with a face of 12.5 square metres;
- Replacement of the promo blade sign with a price blade sign with an overall height of 2.869 metres and a face of approximately 4 square metres.

The written response from the applicant in support of the amended plans is at attachment 7. It should be noted that the plans at attachment 3 are the amended plans used for the purposes of assessment.

External Referrals

Roads & Maritime Services (RMS)

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

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

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

Planning Context

State Environmental Planning Policy No 64 – Advertising and Signage

As the proposed signage will be visible from a public place the provisions of State Environmental Planning Policy No 64 (SEPP 64) – Advertising and Signage apply. See Council's SEPP 64 assessment at attachment 8.

State Environmental Planning Policy No 55 – Remediation of Land

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

A Remediation Action Plan (RAP) (attachment 5), prepared by Parsons Brinkerhoff (dated

22 December 2016), has been submitted with the Development Application.

The RAP identifies the following remediation works:

- Collection of soil samples from the excavations for analysis for contaminants of concern after existing infrastructure has been removed;
- Removal of any impacted soils that are considered unsuitable, which are to be classified and disposed off-site to an EPA approved landfill;
- Investigation and remediation of hydrocarbon and any impacted seepage water in excavations and in services conduits; and
- Backfilling of the resulting excavations with approved clean imported VENM, ENM and/or excavated soil found to be suitable for reuse.

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

Bathurst Regional Local Environmental Plan 2014

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

Clause 4.3 Height of buildings

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

Clause 5.10 Heritage conservation

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

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

Clause 7.3 Airspace operations

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

Bathurst Regional Development Control Plan 2014

Chapter 5 Business and Industrial Development

5.2 Siting considerations

Development Standard	Proposed/Comment
<u>Front Building Line Setback</u> Must complement the existing setbacks of surrounding buildings in the vicinity and within the streetscape.	The proposed building will be setback 8.0 metres from the front (Durham Street) boundary. The setbacks in this area of Durham Street vary significantly. The front setback is not however considered significantly out of character. It is noted that the building will be forward of the adjoining Panorama Hotel which is itself set well back from Durham Street and is largely recessive in the streetscape. The Panorama Hotel is currently shielded from view by the existing service station canopy and forecourt.
<u>Side and Rear Building Line Setback</u> As specified by the National Construction Code (NCC).	Proposed side and rear setbacks are in accordance with National Construction Code (NCC).

5.3 Soil & water management

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

5.6 Parking, access and manoeuvring areas

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

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

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

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

It is noted that the further information submitted by the applicant addresses the issue surrounding the existing entrance off Durham Street and vehicles turning into the site from Charlotte Street.

5.7 Clean business and industry

Air Quality

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

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

Noise

A Noise Assessment (**attachment 6**) prepared by Muller Acoustic Consulting (dated 17 January 2017) has been submitted with the Development Application.

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

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

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

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

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

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

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

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

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

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

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

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

	Project Specific Criteria LAeq(15 min) dBA			Predicted Noise Level LAeq(15 min) dBA			Compliance
	Day	Evening	Night	Day	Evening	Night	
Residential Receiver							
R1 (Dwelling at 29 Charlotte Street)	55	49	43	49	49	38	Yes

R2 (Dwelling at 27 Charlotte Street)	55	49	43	39	39	36	Yes
M1 (Panorama Hotel - main building at 51 Durham Street)	55	49	43	41	41	34	Yes
M2 (Panorama Hotel - accommodation building at 51 Durham Street)	55	49	43	47	47	39	Yes
M3 (Panorama Hotel - accommodation building at 51 Durham Street)	55	49	43	33	33	27	Yes
M4 (Governor Macquarie Motor Inn at 19 Charlotte Street)	55	49	43	37	37	33	Yes

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

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

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

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

Street)			
M4 (Governor Macquarie Motor Inn at 19 Charlotte Street)	62	60	Yes

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

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

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

5.8 Open areas and fencing

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

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

Chapter 9 Environmental Considerations

9.5 Groundwater

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

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

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

existing fuel system.

Chapter 10 Urban Design & Heritage Conservation

10.5.4 Commercial/Industrial Development

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

Chapter 11 Outdoor Lighting

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

Chapter 12 Signage and Colour Schemes

12.2.4 Locational requirements & 12.2.5 General development standards

Blade signs

The development includes the following blade signs:

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

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

The DCP prescribes the following development standards for blade signs:

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

	<p>it is essentially a like for like replacement of the existing signage configuration on the site and that it is consistent with other signage in the locality. The variation to this development standard is not supported and a condition will therefore be imposed to request amended plans showing a compliant main blade sign (no higher than 5.5 metres) prior to the issue of any Construction Certificates.</p> <p>It should be noted that the existing pylon sign is approximately 6.8 metres high and exceeds the height of the existing building.</p>
The size of each face of the blade sign must not exceed 10 square metres.	<p>The main blade sign will have a total face area of 12.5m². The applicant seeks to vary this development standard on the basis that it is essentially a like for like replacement of the existing signage configuration on the site and that it is consistent with other signage in the locality. The variation to this development standard is not supported and a condition will therefore be imposed to request amended plans showing a compliant main blade sign (with face not exceeding 10m²) prior to the issue of any Construction Certificates.</p> <p>The separate price blade sign will have a total face area of 4.03m² which therefore complies with the DCP standard.</p>
The width of the sign must not exceed 2.4 metres.	<p>The main blade sign will be 2.2 metres wide and therefore complies with this development standard.</p> <p>The price blade sign will be 1.405 metres wide and therefore complies with this development standard.</p>
The sign must be constructed so that it is structurally adequate to withstand the dead and live (wind) loads that may be imposed on it.	Plans certified by a Structural Engineer will need to be submitted with a Construction Certificate for the proposed blade signs.

Fascia signs

The development includes the following fascia signs:

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

The DCP prescribes the following development standards for fascia signs:

Development Standard	Proposed/Comment
No illuminated signage on land zoned R1 General Residential	The development includes fascia signs on the building and canopy that will be illuminated. The variation to this development standard is considered appropriate given that the subject site is currently used as a service station, is within an established commercial precinct and has existing

	illuminated signage.
The size of the sign must not extend beyond the depth of the existing fascia.	The Caltex logo only on the south-west elevation of the canopy will extend above the fascia by approximately 0.2m. The Star Mart logo on the north-west elevation of the building will extend above the fascia by approximately 0.3m. This protrusion does not however extend above the highest point of the building and is therefore considered appropriate.

Variations to Development Control Standards

(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.

As noted above Council has a statutory obligation to be flexible in applying these provisions and allow reasonable alternative solutions that achieve the objects of the standards.

In this particular case the overall objectives have been achieved and it is considered that the variations can be supported for those reasons outlined in the tables above.

Chapter 13 Landscaping and Greening

A landscape concept plan has been submitted with the Development Application. A condition will be imposed to request a detailed landscape plan prior to the issue of any Construction Certificates.

Chapter 14 Parking

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

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

Chapter 15 Crime prevention

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

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

Submissions

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

See all submissions at **attachment 9**.

A discussion forum was convened by the Acting Director Environmental Planning and Building Services on 5 April 2017 (see minutes of discussion forum at **attachment 10**). Key issues raised in the submissions and at the discussion forum are summarised as follows:

- **Proposal to extend trade to 24 hours a day**
Comment: The existing service station, while not staffed 24 hours, is accessible 24 hours with card access to bowsters. Currently heavy vehicles move along the north-east and south-east boundaries directly adjacent to the Panorama Hotel in order to access the diesel pump. As noted above the development is able to operate during night time hours whilst still complying with the appropriate noise criteria.
- **Excessive size of proposed blade sign contrary to DCP.**
Comment: Amended plans indicate that the proposed main blade sign has been reduced from 9 metres high as originally proposed to 6 metres high and from 18m² face area to 12.5m² face area. The variation to this development standard is not supported and a condition will therefore be imposed to request amended plans showing a compliant main blade sign (5.5 metre high and with a face area of 10m²) prior to the issue of any Construction Certificates.
- **Inclusion of additional blade sign (promo sign) contrary to DCP.**
Comment: : Amended plans indicate that the proposed additional promo blade sign has been replaced with a separate price board with an overall height of 2.869 metres and a face area of 4.09m². It should be noted that the site currently has a separate price board of similar dimensions (separate and distinct from the existing main pylon sign) and therefore this variation is supported.
- **Excessive size of flush wall sign on Durham Street elevation of proposed building contrary to DCP.**
Comment: Amended plans indicate that the proposed flush wall sign on the south-west elevation of the proposed building has been removed entirely.

- **Proposal for colorbond fencing forward of building line.**
Comment: Amended plans indicate that the proposed fence forward of the building line on the south-east boundary will be masonry and not colorbond.
- **Fencing behind building line unclear.**
Comment: Amended plans indicate that the fencing behind the building line will be 2.0 metre high colorbond fencing. Some of this fencing will be screened by existing vegetation within the hotel site.
- **Noise impact on adjacent motel rooms.**
Comment: See discussion on noise above.
- **Odour impact on adjacent motel rooms.**
Comment: The new fuel system will be fitted with a Stage 1 vapour recovery system. This system will capture displaced vapour and return it to the underground fuel storage tanks or other storage facility.

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

- **Need for street trees along Durham Street.**
Comment: Council has adopted a tree planting plan for Durham Street however the plan does not include trees immediately in front of the subject site because insufficient space is available for plantings and because plantings may affect the functionality of the service station's driveways.
- **No brick elements included in proposal contrary to DCP.**
Comment: Amended plans indicate that the proposed building will have face brick elements on the north-west and south-west elevations of the proposed building. A condition will be imposed to require the submission of a detailed schedule of colours, finishes and materials prior to the issue of a Construction Certificate.
- **Loss of street exposure for Panorama Hotel.**
Comment: Views to the Panorama Hotel building are already significantly obscured by existing vegetation (within the hotel site) and by the existing service station canopy. Whilst the new development will limit the visibility into the Hotel for eastbound traffic this is not considered sufficient reason to warrant refusal or further modification to the development.
- **Overall positioning of proposed building.**
Comment: Attached to the written response from the applicant in support of the amended plans (at **attachment 7**) is an initial concept plan showing the building located along the north-east boundary of the site. As indicated by this plan, positioning the building on the north-east boundary would create traffic conflict because minimum separation distances between access points and between access points and the intersection of Durham and Charlotte Streets could not be achieved.

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

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

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

Other issues

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

Conclusion

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

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

Community Engagement

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

4 DEVELOPMENT APPLICATION NO. 2017/239 – TEN RESIDENTIAL UNITS COMPRISING 4 X 3 BEDROOM TWO STOREY UNITS, 4 X 3 BEDROOM SINGLE STOREY UNITS & 2 X 2 BEDROOM SINGLE STOREY UNITS AT 133-141 KEPPEL STREET, BATHURST. APPLICANT & OWNER: MR C SHARAH & MS D SHARAH. (DA/2017/239)

Recommendation: That Council:

- (a) support the variation to the garage door and open space width development standards prescribed in the Bathurst Regional Development Control Plan 2014;
- (b) as the consent authority, grant consent pursuant to section 80 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2017/239, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended and including conditions to the effect that:
 - i. Prior to the issue of any Construction Certificates the applicant is to submit to Council for approval amended plans showing additional windows and detailing in the front façades of Houses 2 and 3; and
 - ii. Prior to the issue of any Construction Certificates the applicant is to submit to Council for approval amended plans showing details of the proposed front fences;
- (c) notify those that made submissions of its decision; and
- (d) call a division.

Report: The Site

Council has received a Development Application (DA) for ten residential units (comprising 4 X 3 bedroom two storey units, 4 X 3 bedroom single storey units and 2 X 2 bedroom single storey units) at 133-141 Keppel Street, Bathurst, described as Lot 1, DP 794563, Lot 3, DP 758065 and Lot 4, DP 758065. A location plan is provided at **attachment 1**.

The subject site currently contains a single storey detached dwelling in the north western corner known as 141 Keppel Street. The subject site is otherwise vacant.

Jordan Creek runs parallel to the south eastern boundary before it crosses into the site in the north-east corner. This section of Jordan Creek is a fully concrete-lined channel.

The total area of the subject site is 4470.9m².

The proposal

The proposal involves:

- 4 X 3 bedroom two storey units;
- 4 X 3 bedroom single storey units; and
- 2 X 2 bedroom single storey units.

Please see the following attachments:

- Plans of the proposed development at **attachment 2**;
- Statement of Environment Effects at **attachment 3**;
- Statement of Heritage Impact at **attachment 4**;
- Residential infill form at **attachment 5**.

Previous development history

Development Application 2004/0187

In August 2003, Council received a Development Application for demolition of the four original buildings on the site. This application was refused by Bathurst City Council on 24 November 2003 for the following reasons:

1. 133 to 137 Keppel Street are significant buildings in a local context, they remain largely intact, form a building group in their own right and contribute to the streetscape. The proposed demolition will have an adverse impact on the streetscape and the Bathurst Conservation Area in general. Section 79(c)(b) of the Environmental Planning and Assessment Act 1997 as amended.
2. The proposal is contrary to the requirements of Clause 20 Bathurst Local Environmental Plan (1997), as it would have an adverse effect on heritage significance of the heritage conservation area. Section 79(c)(a) and (b) of the Environmental Planning and Assessment Act 1997 as amended;
3. Insufficient information was lodged with the Development Application to indicate what impact an infill development would have on the existing streetscape. Section 79(c)(b) of the Environmental Planning and Assessment Act 1997 as amended.

Development Application 2005/1177

In July 2005 Council received a Development Application for the retention of the front four buildings, their restoration and the construction of a new multi unit residential development behind. The application was approved by Council on 28 September 2005.

Development Application 2011/0384

In October 2011 Council received a Development Application for demolition of the four original buildings on the site.

Council at its meeting of 1 February 2012 resolved to:

- (a) *direct the Director Environmental, Planning & Building Services to approve Development Application No. 2011/0384, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended and including conditions to the effect that:*
 - i. *The bricks are to be carefully removed from the building, cleaned and securely stored offsite, protected from vandalism, stealing and weather for reuse for a future development proposal on the property.*
- (b) *call a division.*

The four buildings have since been demolished as enabled by this consent.

The applicant has confirmed that bricks salvaged from the original buildings on site will be

used in the current proposed development. The bricks will be used in the feature walls in the front façade. A condition of consent will be imposed accordingly.

Planning Context

Bathurst Regional Local Environmental Plan 2014

The subject site is zoned B3 Commercial Core under the provisions of the *Bathurst Regional Local Environmental Plan 2014*. *Multi dwelling housing* is permissible with consent in the B3 Commercial Core zone. The proposal is not inconsistent with the objectives of the zone.

Clause 4.1B Minimum lot size for dual occupancies, multi dwelling housing and residential flat buildings

The Minimum Lot Size Map indicates that the minimum lot size for multi dwelling housing in this locality is 900m². The subject site has a total area of 4470.9m² and therefore exceeds the minimum lot size.

Clause 4.3 Height of buildings

The Height of Buildings Map indicates that the maximum building height in this locality is 12 metres. Plans for the proposed development indicate a maximum overall height of approximately 7.5 metres.

Clause 5.10 Heritage conservation

The site is located within the Bathurst Heritage Conservation Area. The existing dwelling on the site (141 Keppel Street) is not individually listed as a heritage item and is being retained.

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

The application proposes the retention of the dwelling at 141 Keppel Street and the construction of ten additional residential units on the site. Three of the proposed units will be located on the Keppel Street frontage (proposed Houses 1, 2 and 3). While the units will be highly visible, their scale, articulation and height are considered appropriate for the Keppel Street streetscape. The use of modern materials in conjunction with face brick work in autumn tones is aesthetically pleasing.

Houses 1 and 2 incorporate sufficient articulation and roof form to contribute well to the scale of the street and the scale of the existing Late Victorian dwelling on the site (141 Keppel Street). Despite being two storey, the overall height of House 1 is consistent with the height of the existing Late Victorian dwelling on the site.

While materials, colours and finishes are consistent across Houses 1, 2 and 3, the design of House 3 differs greatly from that of Houses 1 and 2. The second storey element of House 3 has been designed to reflect the height and scale of the parapet of the original shop building that previously sat in this exact location. The overall height of House 3 is very similar to that of the original parapet. The hipped roof off the side of the second storey element of House 3 helps relate it back to the existing buildings on the other side of Jordan Creek. In light of this, the design of House 3 is considered appropriate and reflective of the past buildings on the site.

While detailed plans have not been submitted for the proposed front fences, basic plans

submitted with the application indicate a combination of solid face brick fencing, palisade fencing and hedging. A condition will be imposed to ensure that detailed plans of the proposed front fences are submitted prior to the issue of a Construction Certificate.

Overall the proposed development is considered to contribute positively to the Heritage Conservation Area.

Clause 7.1 Flood planning

Council's flood modelling indicates that a 1 in 100 year flood event is wholly contained within the formation of Jordan Creek adjacent to the subject site although extension of the existing concrete lining will be required. The developer proposes to increase the height of the wall of the concrete channel to create a stable interface between the proposed development and the creek and in doing so improve the capacity of the channel to accommodate flood events.

Bathurst Regional Development Control Plan 2014

Chapter 4 Residential Development

The site is contained within Precinct 1 pursuant to the *Bathurst Regional Development Control Plan 2014* (DCP). Multi dwelling housing (residential units) are permissible with consent in the precinct. The proposal complies with the objectives of the Precinct.

Compliance with the development standards for multi dwelling housing is addressed in the table below.

Development Standard	Proposed	Permissible	Compliance
Minimum lot size	900m ²	4470.9m ²	Yes
Population density	Maximum 93.5 persons per site hectare (sites >4000m ²)	76.27 persons	Yes
Height	Maximum two storey	Two storey with overall height of approximately 7.5 metres	Yes
Setback - front	Within Bathurst Heritage Conservation Area must complement existing setbacks of surrounding buildings	1.5 metres	Yes
Setback - side	In accordance with National Construction Code (NCC)	In accordance with National Construction Code (NCC)	Yes
Setback - rear	In accordance with National Construction Code (NCC)	In accordance with National Construction Code (NCC)	Yes
Car parking - resident	Minimum one covered car space per dwelling	Two covered car parking spaces are provided for each dwelling. 1 covered car parking space is provided for the existing dwelling.	Yes
Car parking - visitor	1 space for every 4 two-bedroom dwellings AND 1 space for every 2 three-bedroom	4 designated visitor parking spaces on site PLUS 1 visitor parking space available in the	Yes

	dwelling – Total 4 required	garage of each dwelling. 1 stacked visitor car parking space is available in front of the garage for the existing dwelling.	
Open space area - 2 bedroom units	30m ²	House 8 – 54m ² House 9 – 54m ²	Yes
Open space area - 3 bedroom units	40m ²	Existing dwelling – 80m ² House 1 – 61m ² House 2 – 68m ² House 3 – 45m ² House 4 – 85m ² House 5 – 85m ² House 6 – 85m ² House 7 – 85m ² House 10 – 60m ²	Yes
Open space width	Minimum 4 metres wide	Existing dwelling – Min 7m House 1 – Min 3m House 2 – Min 3m House 3 – Triangle House 4 – Min 4m House 5 – Min 4m House 6 – Min 4m House 7 – Min 4m House 8 – Min 4m House 9 – Min 4m House 10 – Min 4m	No* The developer has lodged a DCP Variation to justify the reduced open space width of Houses 1, 2 & 3 (see discussion below and DCP Variation form at attachment 6).
Garage door openings	Maximum 50% of façade (where at building line or within 1 metre of building line)	House 1 – 50%	Yes
External appearance – dual occupancies and residential units	All dual occupancy or residential unit developments that directly front a public road must be orientated toward that street by way of openings, verandah, awning and/or other similar articulation and detail.	Houses 1, 2 and 3 address Keppel Street with windows, doors, balconies and awnings.	Yes
Privacy – residential units and dual occupancy developments	Windows of habitable rooms facing side or rear boundaries are generally to be offset by at least 1.0m from the centre point of any opposite facing window.	Houses 4-10 have ground floor windows in habitable rooms facing external side and rear boundaries. These ground floor windows will be screened by fencing and landscaping and are setback between 900mm and 4000mm from the boundaries.	Yes
	Where a proposed	Houses 4-10 have	Yes

	<p>window will face directly onto adjoining <i>principle private open space</i>, the window should be screened or have obscure glazing.</p>	<p>ground floor windows in habitable rooms facing external side and rear boundaries. These ground floor windows will be screened by fencing and landscaping and are setback between 900mm and 4000mm from the boundaries.</p>	
	<p>Windows and balconies at first floor level are generally to:</p> <p>i) be screened by boundary landscaping that can be effective within 3 years, or</p> <p>ii) be screened by permanently fixed structures made of durable materials.</p>	<p>Houses 1, 2, 3 and 10 have first floor components. First floor windows of Houses 1 and 3 face the street or face their own courtyards. The balcony for House 1 faces the street. First floor windows of House 2 face the driveway or face its own courtyard. First floor windows of House 10 face Jordan Creek.</p>	Yes
	<p>Long narrow windows, high level windows or roof lights should be used to provide natural light whilst maximising privacy along walls close to neighbouring dwellings/open space.</p>	<p>Houses 4-10 have ground floor windows in habitable rooms facing external side and rear boundaries. These ground floor windows will be screened by fencing and landscaping and are setback between 900mm and 4000mm from the boundaries.</p>	Yes
<p>Overshadowing – residential units and dual occupancy developments</p>	<p>New development should not significantly affect access to sunlight of existing or likely future development on other property between 9.00am and 3.00pm, particularly living areas and usable open space. At least two hours sunlight to indoor and outdoor living areas of adjoining properties is to be maintained between 9.00am and 3.00pm on June 21.</p>	<p>Shadow diagrams submitted with the application indicate that the proposed development will not significantly affect access to sunlight of existing or likely future development on other property between 9.00am and 3.00pm. Shadows are predominantly cast within the development site.</p>	Yes

*DCP Variation in relation to open space width for Houses 1, 2, & 3

The developers reasons for requesting the DCP Variation are summarised as follows:

- Open space areas for Houses 1, 2, and 3 are long and large areas leading directly from internal living areas.
- The open space area widths for Houses 1, 2, and 3 are only slightly less than the prescribed minimum width.
- The proposed widths still provide large functional spaces that will enable the placement of outdoor furniture.
- Open space areas for Houses 1, 2, and 3 will each have good solar access, privacy and amenity for the occupants.

It is considered that the variation can be supported for these reasons.

Chapter 10 Urban Design & Heritage

Development Standard	Compliance
Residential Development	
New infill buildings must meet the requirements of section 10.4 – Infill Development of this Plan.	A Residential Infill form and photomontage of the proposed development have been submitted with the application.
Where visible from the street, roof pitches are to generally be at least 30 degrees or complement adjoining roof pitches.	Roof pitches of Houses 1, 2 and 3 where visible from the street are 30 degrees.
Where visible from the street, new windows should be vertical in proportion or have regard to traditional or historic window proportions in the street. New or replaced windows visible from the street should generally be timber.	Houses 1, 2 and 3 have vertically proportioned windows however Houses 2 and 3 also have a horizontal window each. A condition will be imposed to ensure that additional horizontal windows are added to those already shown for Houses 2 and 3 to give greater vertical proportion.
Extensions and alterations must complement the original form and scale of the existing building. The shape and proportions of the existing building should be altered as little as possible.	N/A
Where an addition is proposed to the rear of an existing building and will be visible from the street, brick parapet walls for the addition, running parallel to the side wall of the building are encouraged. Hound's tooth brickwork is encouraged within the parapet component of the wall. Skillion roofs are to be hidden behind the parapet wall and are to run across the back of the existing building wall, instead of sloping away from the wall.	N/A
Alterations are to have minimal disturbance to original walls, materials, windows, doors and verandahs.	N/A
Roof plumbing should use traditional details of fixing, flashing and elements such as guttering in half round, quad and ogee profiles.	As only a basic representation of roof plumbing has been shown on the plans for the proposed development a condition will be imposed to ensure that traditional profile gutters are used.
Verandahs and awnings are encouraged and should have regard to the scale, materials, details of construction and positioning usually employed on structures of their type.	The proposal includes balcony and awnings over windows/doors.
Good quality second hand materials and local and vernacular materials are encouraged.	N/A
Bricks are to be chosen to blend with surrounding developments. Textured or brick blends are generally not acceptable.	Recycled red bricks will be used on all face brick elements visible from the street.

Any building services are to be integrated into the design of the roof so that they do not negatively impact on the existing streetscape.	Building services for Houses 1, 2, and 3 can be located behind on rear rooflines away from the front façade.
Garages and parking areas should generally be located behind the building line. Council may give consideration to locating one roller door (panel design) visible from the street frontage but only where it is located a minimum 1 metre behind the front building line.	House 1 will have two garage doors at the building line. The developer has lodged a DCP Variation to justify the proposal to have two garage doors facing the street for House 1 (see discussion below and DCP Variation form at attachment 7).
<u>DCP Variation in relation to two garage doors for House 1</u>	
The developers reasons for requesting the DCP Variation are summarised as follows:	
<ul style="list-style-type: none"> • The DCP makes provision for one garage door per dwelling facing the street. In this case, with three dwellings, there could be three garage doors facing the street. The garages for Houses 2 and 3 have been located at the rear. • As House 1 is a three-bedroom dwelling a double garage is required. • Rather than have one large garage door for House 1, there are two separate doors. • The balcony overhang and fin wall will minimise the prominence of one of the garage doors and delineate it from the other door. • The garage doors are setback behind the furthestmost point of the building. • The garage doors will be panel-lift not Colorbond. • Building materials have been broken up and varied to minimise the prominence of the garage doors. • Brickwork around the garages references the original shop. • The new garage for the existing dwelling at 141 Keppel Street is setback significantly behind the building line. 	
It is considered that the variation can be supported for these reasons.	
Garages and Outbuildings	
Garages and outbuildings are to complement the design and character of the main buildings on the site and other garages/outbuildings within the street.	N/A
Where visible from the street, roof pitches are to generally be at least 30 degrees or complement adjoining roof pitches.	N/A
Any steel sheeting is to be of a traditional corrugated profile and is to be galvanized iron, zincalume, or pre-coloured metal sheet (provided the colour is sympathetic to the historic character of the area).	N/A
Front Fences	
Fencing material is to be brick, timber and/or wire. Pre-coloured metal sheet fencing is not permitted in front of the building line or where it is visible from the street.	While detailed plans have not been submitted for the proposed front fences, basic plans submitted with the application indicate a combination of solid face brick fencing, palisade fencing and hedging. A condition will be imposed to ensure that detailed plans of the proposed front fences are submitted prior to the issue of a Construction Certificate. As a variation in materials is proposed by the developer, a variation of heights exceeding 900mm is considered appropriate particularly where a solid face brick fence is required for privacy and noise attenuation in front of Houses 2 and 3.
Fence heights are to generally be in accordance with the following: Solid masonry – 900mm Open or partially transparent (picket or palisade) – 1200mm panels & 1500mm posts Side & rear fences in front of the building line – 1800mm	
Council may give consideration to a solid fence exceeding the heights shown above where: i) it can be shown that the fence is required to reduce street noise to a residence, and ii) sufficient decorative detail has been	

incorporated within the fence design to minimise its impact of the streetscape.	
Front fences are to follow the front boundary and be of a design that is appropriate to the style and architectural period of the building.	

Variation to Development Control Plan Standards

Please note Section 79C(3A) of the Environmental Planning and Assessment Act 1979, as amended, that reads as follows:

(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.

It is noted that the applicant proposes a variation to two development standards adopted in Council's DCP being:

- variation to the width of open space of Houses 1, 2 and 3, and
- the double garage door for House 1.

As noted above Council has a statutory obligation to be flexible in applying these provisions and allow reasonable alternative solutions that achieve the objects of the standards.

In this particular case the overall objectives have been achieved and it is considered that the variations can be supported for those reasons outlined in the tables above.

Other matters

Bathurst Urban Waterways Management Plan

The Urban Waterways Management Plan 2010 (UWMP 2010) describes the subject section of Jordan Creek as follows:

Private land tenure. Water flows through underground concrete culvert or in open concrete channels at potentially high velocities. Open channels are a safety issue in some areas. Open concrete channels fringed by a corridor of exotic trees and shrubs. High loading of litter and plant debris, also sediment moving through the system. Open channel either shaded by vegetation and buildings or exposed to full sunlight. Algae and some water plants growing in cracks and where sediment has built up behind a barrier.

For this section of Jordan Creek the UWMP recommends that deep open channels in public access areas be fenced off. While the subject site is not a public access area, the developer proposes to increase the height of the wall of the concrete channel to create a stable interface between the proposed development and the creek and then install an appropriate fence along the top of the wall.

Stormwater from roofed and paved areas will be collected in a piped system that will ultimately be discharged into Jordan Creek. Detailed design of the stormwater system and the proposed channel improvements will be considered by Council as part of a civil works construction certificate.

Submissions

As the proposal is for *multi dwelling housing* the application was exhibited in accordance with Section 2.2 *Exhibited Development* in the Bathurst Regional Development Control Plan 2014. In accordance with Section 2.2, the application was advertised in the Western Advocate and notified to directly adjoining property owners for a period of 14 days.

Following the advertising and notification period a total of two submissions were received – one from the National Trust and one from the Bathurst Heritage Network (see submissions at **attachment 8**).

A Discussion Forum was convened by the Acting Director Environmental Planning & Building Services on 8 August 2017 (see minutes of discussion forum at **attachment 9**). Issues raised in the submissions and at the Discussion Forum are summarised in the following table.

Issue	Comment
The height of the proposed buildings is inappropriate for the streetscape. The development should incorporate buildings that are single storey only at the front.	House 1 has been designed to complement the roof design and roof height of the adjoining dwelling (141 Keppel Street). House 3 has been designed to represent the high square parapet of the original shop building in the same location.
The use of bricks salvaged from the site has not been confirmed, the type of bond and mortar has not been confirmed.	The applicant has confirmed that bricks salvaged from the original buildings on site will be used in the proposed development. The bricks will be used in the feature walls in the front façade.
The proposed roof designs do not complement the Keppel Street streetscape.	House 1 has been designed to complement the roof design and roof height of the adjoining dwelling (141 Keppel Street).
The proposed window sizes and proportions do not complement the Keppel Street streetscape.	Houses 1, 2 and 3 have vertically proportioned windows that generally reflect traditional window orientation and proportion. While Houses 2 and 3 also have a horizontal windows a condition will be imposed to ensure that additional horizontal windows are added to those already shown for Houses 2 and 3 to give greater vertical proportion.
The proposed façade materials and colour scheme do not complement the Keppel Street streetscape.	Keppel Street is characterised by a variety of external materials including rendered masonry, face brick work, painted brickwork, weatherboard and sheet metal. The proposed external materials, in particular the face brickwork, are consistent with the existing materials already found in the immediate area

	around the site.
The inclusion of multiple garage doors in the street frontage is inappropriate. The colour of the garage doors gives them prominence rather than making them blend into the streetscape.	See discussion in relation to garage doors above under "Bathurst Regional Development Control Plan 2014 – Chapter 10 Urban Design & Heritage".
The significant setback of the proposed garage for the existing dwelling would suggest a future plan for a carport in front of it and this should be prevented from occurring.	Council would not object to the provision of an appropriately designed carport in front of the proposed garage for the existing dwelling. The provision of a carport in front of a garage is often the most effective way of reducing the prominence of a garage and its door.
The Heritage Impact Statement (HIS) submitted with the application is inadequate.	It is ultimately a matter for the Council to determine the application as lodged based on the information before it.
There is no assessment of the environmental impacts of the development on the adjacent creek.	The developer proposes to increase the height of the wall of the concrete channel to create a stable interface between the proposed development and the creek and in doing so improve the capacity of the channel to accommodate flood events. Stormwater from roofed and paved areas will be collected in a piped system that will ultimately be discharged into Jordan Creek. Detailed design for stormwater infrastructure will be submitted as part of a Civil Works Construction Certificate.
Council has failed to notify all affected neighbours.	As the proposal is for <i>multi dwelling housing</i> the application was exhibited in accordance with Section 2.2 <i>Exhibited Development</i> in the Bathurst Regional Development Control Plan 2014. In accordance with Section 2.2, the application was advertised in the Western Advocate and notified to directly adjoining property owners for a period of 14 days. It should be noted that Section 2.2 does not make provision for wider notification of an exhibited development.
The applicant has not made a written request to justify departure from the DCP standards.	The applicant has submitted <i>Request for variation of Development Control Plan Standard</i> forms for the inclusion of multiple garage doors in the front elevation and for the reduced open space widths.

Please see the applicant's response to the submissions and Discussion Forum at **attachment 10**.

Conclusion

Council has received a Development Application (DA) for ten residential units (comprising 4 X 3 bedroom two storey units, 4 X 3 bedroom single storey units and 2 x 2 bedroom single storey units) at 133-141 Keppel Street, Bathurst. The subject site currently contains a single storey detached dwelling in the north western corner known as 141 Keppel Street which will be retained. The subject site is otherwise vacant. As the proposal is for *multi dwelling housing* the application was exhibited in accordance with Section 2.2 *Exhibited Development* in the Bathurst Regional Development Control Plan 2014. In accordance with Section 2.2, the application was advertised in the Western Advocate and notified to directly adjoining property owners for a period of 14 days. Following the advertising and notification period a total of two submissions were received. Issues raised in the submissions and at the subsequent Discussion Forum have been addressed in this report. Approval of the

application is recommended.

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

Community Engagement

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

5 BATHURST REGIONAL DEVELOPMENT CONTROL PLAN 2014 AMENDMENT - HILL END ARCHAEOLOGY (20.00296)

Recommendation: That Council:

- (a) adopt the Bathurst Regional Development Control Plan amendment - Hill End Archaeology as outlined in this report;
- (b) give public notice of Council's decision in accordance with the requirements of the Environmental Planning and Assessment Act;
- (c) advise all property owners of Council's decision; and
- (d) call a division.

Report: Background

Council recently engaged the services of Andrew Long and Associates to prepare an Archaeological Management Plan (AMP) for the privately owned lands in the village of Hill End. The aim of the study was to identify and assess the relative likelihood and significance of archaeological resources on privately owned land at Hill End.

At its meeting held 1 February 2017 Council resolved to prepare an amendment to the Bathurst Regional Development Control Plan (DCP) 2014 to update the DCP Map 22 - Hill End Archaeology to include the archaeological sensitivity on the relevant properties, based on the information contained in the AMP.

Public Exhibition

Council exhibited the DCP amendment for a period of 28 days between 17 July 2017 to 14 August 2017. Council received no submissions during that exhibition period.

Conclusion

There are no environmental or planning grounds to prevent the DCP amendment from proceeding. It is recommended that Council adopt the amendment to the DCP (see **attachment 1**).

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 11: To protect the region's unique heritage and history. To protect a unique identity. Strategy 11.1
- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.5
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.2

Community Engagement

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

6 BATHURST REGION HERITAGE REFERENCE GROUP (20.00123)

Recommendation: That the information be noted.

Report: The Bathurst Region Heritage Reference Group has been established since 2014 as a response to achieving the objectives and actions of the adopted Heritage Plan (currently the 2017-2020 Bathurst Region Heritage Plan). The role of the Group is to:

- provide a forum for constructive dialogue between community groups and Council to advance and develop heritage protection, enhancement, promotion and management in the Bathurst Region.
- provide community perspective, advice and guidance to Council in a collaborative and cooperative setting on the implementation and prioritisation of activities, programs and projects under the 2017-2020 Heritage Plan.

A copy of the adopted charter can be found at **attachment 1**.

The Bathurst Region Heritage Reference Group meets on a quarterly basis and all Councillors are invited to attend. The most recent meeting was held on 7 August 2017 and the minutes of that group's meeting are provided at **attachment 2**. The group will meet next in November 2017.

The 2017-2020 Bathurst Region Heritage Plan was adopted by Council on 19 July 2017. A copy of that Plan can be found at **attachment 3**. The aim of the Plan is to continue to guide heritage management within the Bathurst region by setting the Strategic Priorities and Actions required to protect, enhance and promote our heritage over the next 3 years.

With respect to the implementation of the 2017-2020 Bathurst Region Heritage Plan, the following highlights Council's recent achievements:

- Finalisation of the 2016/17 Bathurst Region Local Heritage Fund, with 51 projects completed under the fund with an estimated total value of works of \$355,015. The 2017/18 fund is currently underway.
- Finalisation of the 2016/17 Bathurst Region Conservation and Interpretation Fund, with 10 conservation and interpretation projects completed and \$16,255 in funding offered. The 2017/18 fund is currently underway.
- Finalisation of the 2016/17 Bathurst CBD Main Street Fund with 12 projects completed with Council offering \$33,015 to business owners and tenants in the Bathurst CBD for main street improvement works. The 2017/18 fund is currently underway.
- Council's Heritage Advisory Service continues to be a well-received program with 137 site inspections undertaken in the 2016/17 financial year, an increase from the previous financial year.
- Gazettal of an amendment to Bathurst Regional LEP 2014 to list an additional 10 places as heritage items that included natural landscapes as recommended by the Bathurst Region Heritage Study 2007.
- Council's funding application for King's Parade Interpretation was successful under the OEH 'Heritage Near Me' program with \$20,000 being offered.
- Completion of the Main Street Study Review providing statement of significance and building recommendations for all buildings in the Bathurst CBD. In addition the Main Street study inventories have been linked to Council's GIS and to Council's Development Control Plan.
- Near completion of a Surveyors Theme Heritage Trail in the Bathurst CBD.
- DA fees are waived for the repainting of buildings, reinstatement of verandahs and appropriate signage in the Bathurst CBD. Section 68 fees such as erection of scaffolding

- or footpath closures associated with these works are also waived.
- Seminar held in Bathurst on 20/9/2016 with local business owners and owners of buildings in the Bathurst CBD highlighting the importance of appropriate signage and colour schemes and its benefit to not only the business but the heritage conservation area.
- Manage and promote the Bathurst Macquarie Heritage Medal and assist the National Trust Local Heritage Awards.

Financial Implications: Administrative costs of the meetings are met within Council's existing budgets.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 11: To protect the region's unique heritage and history. To protect a unique identity. Strategy 11.1
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.3, 30.5, 30.6

Community Engagement

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

7 CAR PARKING LICENCE AGREEMENT WITH ALDI STORES LIMITED (22.01334)

Recommendation: That Council:

- (a) agree to enter into a Car Parking License Agreement with ALDI Stores (A Limited Partnership) for a period of two (2) years; and
- (b) delegate authority to the General Manager to sign the agreement on behalf of Bathurst Regional Council.

Report: Council has received a request from ALDI Stores (ALDI) to undertake monitoring and enforcement of parking restrictions in the car park of the Bathurst ALDI Store.

This monitoring can be undertaken based on a “free parking agreement” under s.650 of the *Local Government Act 1993*.

An agreement has been prepared which includes the following conditions:

1. ALDI licences Bathurst Regional Council to use the car park as a free car parking area.
2. The licence fee payable by BRC is \$1.00 per annum.
3. Parking in the ALDI car park is limited to two hours.
4. Monitoring will be undertaken on an as required/as agreed basis, that is, Council Parking Rangers are not required to spend a set number of hours monitoring each month.
5. Council will receive the income from any Penalty Infringement Notices (PINs) issued.
6. The agreement is for a period of two years, with an option to renew for a further two years.
7. The agreement allows ALDI to terminate the Agreement following 3 months after commencement of the agreement, but no later than 4 months. After this period either party can give six months’ notice to terminate the agreement.
8. ALDI are responsible for the installation and maintenance of all appropriate signage, and maintenance of the car park.

These conditions are consistent with those that are in operation with other shopping centres.

It is recommended that Council enter into the agreement with ALDI Stores for a period of two years.

A copy of the agreement is provided at **attachment 1**.

Financial Implications: If Council resolves to enter into the agreement, ALDI Stores will be required to pay the cost of preparing the agreement by Council’s solicitor.

Council would receive income from any PINs issued in the car park. Council would also be required to pay a licence fee of \$1.00 per annum to use the car park as a free parking area.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 3: To protect a vibrant CBD and support and grow retail diversity. Strategy 3.5

Community Engagement

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

**8 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE
(11.00005, 34.00093)**

Recommendation: That the information be noted.

Report: The following items have been included in the confidential section of the business paper for Council's consideration:

1. 92 RUSSELL STREET, BATHURST

This report considers legal issues in relation to a development approval at 92 Russell Street, Bathurst.

Financial Implications: There are no financial implications resulting from this report.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

Community Engagement

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

Yours faithfully



J Bingham
**ACTING DIRECTOR
ENVIRONMENTAL, PLANNING & BUILDING SERVICES**

DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

27 SEPTEMBER 2017

1 STATEMENT OF INVESTMENTS (16.00001)

Recommendation: That the information be noted.

Report: \$87,000,000 was invested at 31 August 2017 in accordance with Council's investment policies, the Minister's Investment Order dated 12 January 2011, the Local Government Act 1993 and associated regulations. All investments have been reconciled with Council's general ledger and are listed below:

	<u>Rating</u>	<u>Balance</u>	<u>Average Return</u>
<u>Short Term 1 – 365 Days</u> (comprising Commercial Bills, Term Deposits, Debentures and Certificates of Deposits):			
National Australia Bank Limited	A1+	\$7,000,000.00	2.55%
Bankwest	A1+	\$3,000,000.00	2.59%
Bank of Queensland Limited	A2	\$16,500,000.00	2.64%
Bendigo and Adelaide Bank Limited	A2	\$3,000,000.00	2.63%
Newcastle Permanent	A2	\$2,500,000.00	2.54%
Maritime, Mining & Power Credit Union Ltd	A2	\$4,500,000.00	2.70%
People's Choice Credit Union	A2	\$6,000,000.00	2.70%
IMB	A2	\$4,500,000.00	2.63%
G & C Mutual Bank Limited	A3	\$1,500,000.00	2.70%
Railways Credit Union Limited	ADI	<u>\$2,000,000.00</u>	<u>2.70%</u>
		\$50,500,000.00	2.63%
<u>Long Term > 365 Days</u> (comprising Commercial Bills, Term Deposits, Debentures and Bonds):			
<u>Floating Rate Term Deposits</u>			
CBA Deposit Plus	AA-	\$1,500,000.00	2.52%
CBA Deposit Plus 1	AA-	\$1,500,000.00	2.68%
CBA Deposit Plus 2	AA-	\$1,500,000.00	2.78%
WBC Coupon Select	AA-	\$2,000,000.00	2.72%
WBC Coupon Select 1	AA-	\$3,000,000.00	3.00%
Maritime Mining & Power Credit Union Ltd	ADI	<u>\$2,200,000.00</u>	<u>1.70%</u>
		\$11,700,000.00	2.58%
<u>Fixed, Negotiable & Tradeable Certificates of Deposits</u>			
Greater Bank Ltd	BBB	\$1,000,000.00	3.11%
Greater Bank Ltd	BBB	<u>\$2,000,000.00</u>	<u>3.26%</u>
		\$3,000,000.00	3.21%
<u>Floating Rate Notes</u>			
Commonwealth Bank of Aust.	AA-	\$1,000,000.00	2.60%
CBA Climate Bond	AA-	\$1,000,000.00	2.63%
Suncorp Metway	A+	\$1,000,000.00	2.95%
Rabobank	A+	\$1,000,000.00	3.23%
AMP	A	\$1,000,000.00	2.76%

AMP	A	\$800,000.00	2.82%
AMP	A	\$1,000,000.00	3.07%
Macquarie Bank	A	\$1,000,000.00	2.83%
Bank of Queensland	BBB+	\$1,000,000.00	2.72%
Bank of Queensland 1	BBB+	\$2,000,000.00	2.82%
Bank of Queensland 2	BBB+	\$1,000,000.00	2.76%
Bendigo & Adelaide Bank 2	BBB+	\$1,000,000.00	2.65%
Bendigo & Adelaide Bank 3	BBB+	\$1,000,000.00	2.79%
Police Bank Ltd 1	BBB	\$1,000,000.00	2.76%
Police Bank Ltd 2	BBB	\$1,000,000.00	2.79%
Credit Union Australia 2	BBB	\$1,000,000.00	2.92%
Credit Union Australia 3	BBB	\$1,000,000.00	3.40%
Newcastle Permanent	BBB	\$1,000,000.00	3.06%
Newcastle Permanent 2	BBB	\$1,000,000.00	3.32%
Newcastle Permanent 3	BBB	\$1,000,000.00	3.34%
Members Equity Bank 2	BBB	<u>\$1,000,000.00</u>	<u>2.70%</u>
		\$21,800,000.00	2.90%

Total Investments **\$87,000,000.00** **2.71%**

These funds were held as follows:

Reserves Total (includes unexpended loan funds)	\$50,916,372.00
Grants held for specific purposes	\$2,773,031.00
Section 94 Funds held for specific purposes	\$32,931,328.00
Unrestricted Investments – All Funds	\$379,269.00

Total Investments **\$87,000,000.00**

Total Interest Revenue to 31 August 2017 **\$394,733.59** **2.71%**

A Jones
Responsible Accounting Officer

Financial Implications: **Attachment 1** shows Council's year to date performance against the benchmarks contained in Council's Investment Policy. Council has outperformed each of the benchmarks required and complied with the Ministers Investment Order.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.6

Community Engagement

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

2 MONTHLY REVIEW - 2017/2021 DELIVERY PLAN AND OPERATIONAL PLAN 2017-2018 (16.00148)

Recommendation: That the information be noted.

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

At **attachment 1** is an update of Council's progress towards achieving the Strategies and Objectives for the 2017-2021 Delivery Plan and the Annual Operational Plan 2017-2018.

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

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

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

Community Engagement

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

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

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

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

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

Section 356:	\$17,912.36
BMEC Community use:	\$ 7,437.45
Mount Panorama:	\$34,017.00

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.6
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.5

Community Engagement

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

4 POWER OF ATTORNEY (11.00007)

Recommendation: That the information be noted.

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

- Downer EDI Pty Ltd - 23 Zagreb Street - Lot 300, DP 1099537 - Lease
- Trustees of the Roman Catholic Church for the Diocese of Bathurst - Westbourne Drive - Part Lot 824, DP 1185390 - Transfer
- Secure Parking Pty Ltd - 112 Bentinck Street - Lot 1, DP 1076086 - Lease
- Muldoon/Thompson - 162 Mountain Straight - Lot 18, DP 1011780 - Contract
- SJ & C Smith Pty Ltd - 20 Fraser Drive - Lot 39, DP 1226661 - Transfer
- Optus Networks Pty Ltd - 230 Howick Street - Lot 1, DP 774489 - Variance

Linen Plan Release

- Gico Pty Ltd - 11 lot residential subdivision - Lot 37, DP 1229612, Emerald Drive, Kelso

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

Community Engagement

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

5 STATEMENT BY COUNCIL ON FINANCIAL REPORTS (16.00137, 41.00089)

Recommendation: That Council:

- (a) refer the draft Financial Statements to Council's auditors, Audit Office of NSW, for audit;
- (b) sign the Certificates with respect to the General Purpose Financial Statements and the Special Purpose Financial Statements for the year ended 30 June 2017;
- (c) adopt the Accounting Policies shown in the financial reports.

Report: Council is required, under section 413 (1) of the Local Government Act 1993, to prepare financial reports for each year, and refer them for audit. For Council's information the draft Financial Reports for the year ended 30 June 2017 are provided as the General Purpose Financial Statements (**attachment 1**) and Special Purpose Financial Statements (**attachment 2**). Note that the draft Financial Reports may be subject to change during the audit process.

Pursuant to Section 413 (2)(c) Council is required to make a statement in the approved form (**attachment 3** and **attachment 4**) in respect of its General Purpose Financial Statements and Special Purpose Financial Statements.

Each year, Council determines its significant Accounting Policies to be incorporated as Note 1 to the Financial Statements. Those policies deal with how the Council implements the International Financial Reporting Standards (IFRS), the Australian Accounting Standards (AASB), the Local Government Code of Accounting Practice (the Code) and the specific principles, bases, conventions, rules and practices that are applied in preparing and presenting the Financial Statements. The accounting policies are included in the Financial Statements for Council's adoption.

Following completion of the audit the Financial Statements will be placed on public exhibition prior to the formal presentation to Council.

Financial Implications: Nil

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.8
- Objective 33: To be and develop good leaders. Strategy 33.6

Community Engagement

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

**6 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE
(11.00005, 22.12696, 22.10657)**

Recommendation: That the information be noted.

Report: The following items have been included in the confidential section of the business paper for Council's consideration:

1 RENEWAL OF RESIDENTIAL LEASE - LOT 1 DP786946 KNOWN AS 159 EGLINTON ROAD, BATHURST (22.12696)

This report relates to a proposal to renew a Residential Lease at Lot 1 DP786946 known as 159 Eglinton Road, Bathurst for a period of 12 months.

2 RENEWAL OF RURAL LICENCE AGREEMENT PART LOT 17 IN DP1099208 KNOWN AS 1 ROCKLEY STREET, GEORGES PLAINS (22.10657)

This report relates to a proposal to renew a Rural Licence Agreement for Part Lot 17 in DP1099208 known as 1 Rockley Street, Georges Plains for a period of 12 months.

Financial Implications: There are no financial implications resulting from this report.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

Community Engagement

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

Yours faithfully



A Jones
**DIRECTOR
CORPORATE SERVICES & FINANCE**

DIRECTOR ENGINEERING SERVICES' REPORT

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

27 SEPTEMBER 2017

1 PROPOSED ACQUISITION OF LAND FOR ROAD PURPOSES - HOBYS YARDS ROAD TRUNKEY CREEK (25.00506 & 22.16181)

Recommendation: That Council:

- (a) Approve the preparation of a Plan of Subdivision for the acquisition of land for road purposes;
- (b) Approve the acquisition of land, and classify the acquired land as Operational Land under the provisions of section 31(2) of the Local Government Act 1993;

subject to the information contained in the Director Engineering Services' report.

Report: Council has been in contact with the owner of property at Lot 61 DP753040 at Trunkey Creek (the landowner) which land adjoins the T intersection at Hobbys Yards Road and Colo Road at Trunkey Creek. Forestry NSW has asked Council to consider redesigning this intersection to improve safety for large vehicles travelling to and from the pine forest at the end of Colo Road. Hobbys Yards Road is classified as a Regional Road.

Council has obtained in principle approval from the landowner.

Following is an outline of the terms proposed. All steps will be undertaken in consultation with the landowner.

- 1 Council will arrange for the road works to occur.
- 2 An identification survey will be undertaken by a registered surveyor to peg out the proposed new boundary between the road and the landowner's property. At present the section of land sought for redesign of the road is estimated to be 150-300 m² in area.
- 3 The surveyor will prepare and register a plan of acquisition of land for road purposes at Land and Property Information.
- 4 Council will be responsible for survey fees; replacement of fencing damaged during construction works, and the landowner's reasonable legal fees.
- 5 No compensation moneys are to be paid for the land acquired.

A site plan depicting the area to be acquired is contained in **attachment 1**.

It is recommended that Council approve the preparation of a plan of subdivision to acquire the land for road purposes and undertake the works required at the intersection with funding to occur at the rate of 50:50 between Roads and Maritime Services and Council. The land acquired is to be classified as Operational Land.

Financial Implications: The cost of plan preparation for acquisition of land for dedication as road; survey; and legal fees for both parties is estimated to be \$8,000. This is to be funded from existing budgets.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 6: To support infrastructure development necessary to enhance Bathurst's life-style and industry development. Strategy 6.1

Community Engagement

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

2 PROPOSED CREATION OF FURTHER EASEMENT FOR SERVICES OVER PART OF LOT 101 DP1231601 186 LIMEKILNS ROAD KELSO (2017/205)

Recommendation: That Council:

- (a) approve the creation of a further easement for services to be installed on part of Lot 101 DP1231601 located at 186 Limekilns Road Kelso; and
- (b) authorise the General Manager to sign Easement Plan documentation as Council's representative

subject to the information contained in the Director Engineering Services' report.

Report: Council will recall that at its meeting held 19 July 2017 a report was presented for the creation of easements for services over particular sections of Council owned land at Lot 101 DP1231601 located at 186 Limekilns Road Kelso. At that meeting Council resolved to:

- (a) approve the creation of easements for services to be installed on part of Lot 101 DP1231601 located at 186 Limekilns Road Kelso; and
- (b) authorise the General Manager to sign Easement Plan documentation as Council's representative.

The report to the Council Meeting held 19 July 2017 is contained in **attachment 1**.

Further Request for Easement for Services

Council has received a further request from the owner/developer of Lot 102 DP1231601 to run underground services within a 2 metre wide section of Council's open space fronting Limekilns Road, as depicted in the plan at **attachment 2**.

The request for this easement relates to underground power, that will service Council's street lighting as well as the developer's future residential subdivision.

The easement would be created once the work is completed, and Council has been informed that the services may not end up running the entire length of the Lot frontage of Limekilns Road.

The final location of the easement is subject to a formal survey being undertaken. The formal survey plan will be submitted to Council for approval and consent in due course.

In the interim, Council's technical staff have reviewed and approved the easement outlined in the draft plan provided.

All costs in connection with the creation of the easement will be paid by the developer.

It is recommended that Council:

- (a) provide approval for the creation of a further easement for services to be installed on the land owned by Council at Lot 101 DP1231601 Limekilns Road Kelso; and
- (b) authorise the General Manager to endorse the easement plan documentation as Council's representative in due course.

Financial Implications: All costs in connection with the creation of the easement are payable by the applicant.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 6: To support infrastructure development necessary to enhance Bathurst's life-style and industry development. Strategy 6.1

Community Engagement

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

**3 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE
(11.00005 plus 36.00603, 36.00646, 36.00647, 36.00614, 36.00648, and 36.00645**

Recommendation: That the information be noted.

Report: The following items have been included in the confidential section of the business paper for Council's consideration:

**1 TENDER FOR CONSTRUCTION OF GABION WALL, FOOTPATH AND HANDRAIL,
BICENTENNIAL PARK (36.00603)**

This report considers the tender for the design and construction of a gabion retaining wall, footpath and handrail along the Macquarie River at Bicentennial Park, Bathurst.

2 TENDER FOR TREE THINNING AT SOFALA (36.00646)

This report considers the tender for the removal of a quantity of River Oaks (Casuarina Cunninghamia) in the immediate upstream vicinity of the Crossley Bridge

**3 TENDER FOR REPAIRS TO THE BATHURST COMMUNITY OPP-SHOP – 8 LIONS
CLUB DRIVE KELSO (36.00647)**

The report considers the tender for repairs to the Community Opp-Shop - 8 Lions Club Drive, Kelso.

4 TENDER FOR STORMWATER CREEK OUTLETS, PROCTOR PARK (36.00614)

The report considers the tender for construction of two stormwater outlets including a gabion retaining wall into Queen Charlottes Vale Creek at Proctor Park Sporting Complex.

**5 TENDER FOR THE RESTORATION OF NETBALL COURTS 3, 4, 5 AND 6 - JOHN
MATTHEWS NETBALL COMPLEX (36.00648)**

The report considers the tender for the restoration of four netball courts at the John Matthews Netball Complex, Bathurst.

**6 TENDER FOR CONSTRUCTION OF EXTENSIONS TO THE NEIGHBOURHOOD
CENTRE (36.00645)**

The report considers the tender for modifications to the facility involving the construction of a 50 metre square extension to the back of the existing waiting area including provision of services, painting, floor covering and internal fit out including fixtures.

Financial Implications: There are no financial implications resulting from this report.

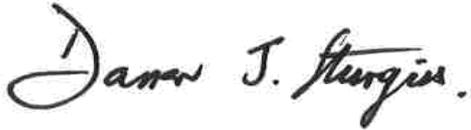
Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

Community Engagement

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

Yours faithfully

A handwritten signature in black ink that reads "Darren J. Sturgiss." The signature is written in a cursive style with a period at the end.

Darren Sturgiss
DIRECTOR
ENGINEERING SERVICES

DIRECTOR CULTURAL & COMMUNITY SERVICES' REPORT

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

27 SEPTEMBER 2017

1 2017/2018 BATHURST CCTV FUNDING PROGRAM (16.00145)

Recommendation: That Council:

- (a) Provide \$500 to each of the businesses below, being the maximum amount under the 2017/2018 Bathurst CCTV Funding Program, totalling \$5,500:
- Central Commercial Printers
 - FinAdvice Financial Planning
 - Ristretto Bathurst
 - Begg Family Superannuation Fund (Kathy Rowan Speech Pathology premises)
 - Bathurst Mazda
 - Vine & Tap
 - Edinboro' Castle Hotel
 - Cobb & Co Cellars
 - Venue Café
 - Royal Society Café
 - Kinira Holding Pty Ltd
- (b) Reopen the application process to offer the program to further businesses in a second round closing Friday 16 February 2018.

Report: Council has allocated \$10,000 in its 2017/2018 Delivery Plan and Annual Operating Plan up to a maximum amount of \$500 on a dollar for dollar basis for businesses who address the criteria under the 2017/2018 Bathurst CCTV Funding Program.

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.

The CCTV Funding Program for the CBD Premises Assessment Group included representatives from the following organisations:

- (a) Bathurst Regional Council - Councillor Delegate
- (b) Police Representative
- (c) Bathurst Business Chamber Representative
- (d) Council Staff Delegate

Applications were received up to Friday 18 August 2017. The Assessment Group met Tuesday 29 August 2017 to assess the applications against the criteria and make recommendations to Council.

The Assessment Group have recommended that Council provide \$5,500 under the 2017/2018 Bathurst CCTV Funding Program to provide assistance to the following applicants:

(a)	Central Commercial Printers	\$500 which is the maximum amount approved for funding
(b)	FinAdvice Financial Planning	\$500 which is the maximum amount approved for funding
(c)	Ristretto Bathurst	\$500 which is the maximum amount approved for funding
(d)	Begg Family Superannuation Trust	\$500 which is the maximum amount approved for funding
(e)	Bathurst Mazda	\$500 which is the maximum amount approved for funding
(f)	Vine & Tap	\$500 which is the maximum amount approved for funding
(g)	Edinboro' Castle Hotel	\$500 which is the maximum amount approved for funding.
(h)	Cobb & Co Cellars	\$500 which is the maximum amount approved for funding
(i)	Venue Café	\$500 which is the maximum amount approved for funding
(j)	Royal Society Café	\$500 which is the maximum amount approved for funding
(k)	Kinira Holding Pty Ltd	\$500 which is the maximum amount approved for funding

The panel has recommended a second round of applications be received by Council with a closing date of Friday 16 February 2018. Further advertising of the program will occur at the appropriate times.

Since the inception of the Bathurst CCTV Funding Program at the Ordinary Meeting of Council held 16 September 2015, a total of 37 businesses, located in the Bathurst Regional Council Local Government Area, have been approved to install CCTV at their premises under the criteria, totalling \$17,467.00. A list of businesses and funding approved is provided at **attachment 1**. A map indicating the locations of the CCTV installations, under Council's program, is provided at **attachment 2**.

Financial Implications: Council has provided \$10,000 in the Annual Operating Plan 2017/2018 for Bathurst CCTV Funding Program. A balance of \$4,500 remains available following this round of applications.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 19: To improve equity of access to all members of the community in public and private domains. Strategy 19.2, 19.3, 19.4

Community Engagement

- Collaborate To partner with the public in each aspect of decision making including the development of alternatives and identification of the preferred solution.

2 KELSO COMMUNITY HUB - ABORIGINAL CHILDREN'S DAY, WEDNESDAY 9 AUGUST 2017 (09.00025)

Recommendation: That the information be noted.

Report: Background

National Aboriginal and Torres Strait Islander Children's Day was celebrated in Bathurst at Kelso Community Hub on Wednesday 9 August 2017. The Day is a time for Aboriginal and Torres Strait Islander families to celebrate the strengths and culture of their children. The day is an opportunity for all Australians to show their support for Aboriginal children, as well as learn about the crucial impact that community, culture and family play in the life of every Aboriginal and Torres Strait Islander child.

Children's Day is held in the month of August each year and is coordinated by the Secretariat of National Aboriginal and Islander Child Care (SNAICC) – National Voice for our Children. Children's Day was first observed in 1988.

The theme for Children's Day 2017 was *Value Our Rights, Respect Our Culture, Bring Us Home*. This year, Children's Day recognised the 20th anniversary of the Bringing Them Home Report and the many benefits children experience when they are raised with strong connections to family and culture.

In Bathurst, the day was collaboratively organised by a number of local community agencies including: Department of Health, Dotpoint Family Mentoring (Centacare Bathurst), Department of Education, Relationships Australia and Galloping Gumnuts playgroup with support from Country Rugby League, FACs, Barnardos (Orange) and Bathurst Young Mob.

The Bathurst Aboriginal and Torres Strait Islander Children's Day event gives children and their parents/carers and the wider community an opportunity to participate in a range of activities that celebrate Aboriginal and Torres Strait Islander culture. The day included a BBQ lunch, art and craft, storytime, traditional aboriginal games, aboriginal dance performance games and prizes. The day was successful with approximately 150 people in attendance.

Council's Support

Council, through the Kelso Community Hub, supported the day by working in partnership with the local services, assisting with promotion and, on the day, by providing the Kelso Community Hub as the venue for the event.

Financial Implications: Nil. The event occurred during normal operating hours of the Child & Family Health Clinic (Department of Health) and Galloping Gumnuts playgroup.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 20: To provide a range of cultural facilities, programs, activities and events and to support and enhance cultural and social activities across the community. Strategy 20.3
- Objective 21: To support the provision of community services and facilities to meet the needs of specific Strategy 21.1

community sectors and the community as a whole.

- Objective 23: To encourage a supportive and inclusive community. Strategy 23.5
- Objective 25: To support the provision of high quality medical care that meets the needs of the Bathurst community. Strategy 25.1
- Objective 26: To encourage and support the provision of a range of opportunities for life long education across the Bathurst community. Strategy 26.1

Community Engagement

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

3 OHKUMA WINGS OF HOPE TOUR 2017 (21.)

Recommendation: That the information be noted.

Report: As a part of the ongoing sister-city relationship with Ohkuma, Japan, Bathurst welcomed 15 students and 2 delegates, Mr Masahide Furukawa Vice-Principal of Ohkuma Junior High School and Mr Hiroshi Takeuchi from Ohkuma Town Council Education Department in July/August 2017. The delegation was accompanied by two guides, one Sydney based and the other from Japan. 2017 marks 26 years of the relationship between Bathurst and Ohkuma.

The visiting group was greeted by the Mayor, Cr Graeme Hanger OAM, on Saturday 29 July 2017 at the National Motor Racing Museum where the students were introduced to the host families organised by Bathurst High School. An official welcome to Bathurst was subsequently held on Monday 31 July at Council Chambers which included Councillors, host families, students, Sister City Working Party members and Council staff.

The Bathurst Visitor Information Centre (BVIC) organised and coordinated a series of activities for the students with tourism industry partners, including horse riding at Yarrabin Holiday Ranch and gold panning at Bathurst Goldfields. Students also visited Denison College - Bathurst High Campus, Denison College -Kelso High Campus and All Saint's College, Bathurst.

The delegates, along with members of the Sister City Working Party, were escorted by BVIC staff on a tour of Mayfield Gardens, an historic town tour of Bathurst and to social functions on 31 July and 2 August 2017.

The group departed for Sydney on Thursday 3 August 2017. BVIC subsequently received extremely positive written feedback from the organising tour company in which it was reported that students and delegates spoke highly of their experience and of the strength of the sister city relationship and of its importance to Ohkuma.

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

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 4: To market Bathurst as a great place to live, work, study, invest and play. Strategy 4.1, 4.6
- Objective 20: To provide a range of cultural facilities, programs, activities and events and to support and enhance cultural and social activities across the community. Strategy 20.6

Community Engagement

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

4 NATIONAL MOTOR RACING MUSEUM - FATHER'S DAY EVENT - SUNDAY 3 SEPTEMBER 2017 (21.00005)

Recommendation: That the information be noted.

Report: This year the National Motor Racing Museum held its second Father's Day event on Sunday 3 September 2017.

The event included free entry for fathers on the day and free sausage sizzle kindly manned by The Panorama Motor Cycle Club, who also brought along their bikes for a display in the car park. Coffee and Ice Cream vans also provided catering on the day.

As an added attraction for this year's event the museum offered a ride around the Mount Panorama circuit for \$10 per person in one of the vintage race cars. The cars included:

- 1968 Holden Monaro
- 1967 Ford XR GT
- 1963 Ford Cortina GT
- 1966 Mini Cooper 'S'

Trike Adventures from Dubbo also provided rides on the day.

An estimated total of 600 people attended the event with just under 500 entries to the museum. This demonstrated an increase from last year's event with 400 people. The day attracted locals and visitors from further afield including Orange, the Blue Mountains and Western Sydney.

The event generated \$5,500 income on the day up from \$4,098 in 2016. The car rides which were largely prepaid generated \$2,710. Money made through the car rides will be set aside for the purchase of another replica car that will be used for such events.

Information collected on the day indicated that individuals found out about the event through facebook, radio and local newspapers. A further 39 people signed up for the Museum's e-newsletter on the day.

Lucky door prizes and an incentive for visitors to purchase something for the shop for their dads was also introduced this year. All purchases over \$50.00 went into a draw for a prize. This was won by a local resident who brought the family along for the day with the son and father going for a ride in the Monaro and the daughter and mother going for a ride on the Trike. The family also spent time going through the museum and provided positive feedback stating they had "a fantastic day".

Father's Day at the National Motor Racing Museum is directly linked to Action 7.2 in the 2015 Destination Management Plan (DMP) 'Think like a visitor: Increase the level of development of sustainable product that delivers the Bathurst (Region) destination experience'.

The activity leverages the opportunity to harness the lucrative VFR (Visiting Friends & Relatives) market segment which is identified in the DMP as a primary target market. This segment currently counts for 42% of the total annual visitors to the region.

Financial Implications: There are no financial implications resulting from this report.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 20: To provide a range of cultural facilities, programs, activities and events and to support and enhance cultural and social activities across the community. Strategy 20.1
- Objective 23: To encourage a supportive and inclusive community. Strategy 23.3

Community Engagement

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

5 BATHURST LIBRARY - CHILDREN'S BOOK WEEK 2017 (21.00029)

Recommendation: That the information be noted.

Report: Children's Book Week celebrations at Bathurst Library were held Monday 21 to Fri 25 August, and included the awards ceremony for the library reading program, Booklink.

Booklink is a reading program for any junior borrowers, ages 1-17yrs, where participants borrow and record the books they have read from the Bathurst library, as well as their school library.

This year the ceremony was held in the BMEC City Hall on Monday 21 August. There were approximately 170 people in attendance including Councillors and sponsors of the program; Kathryn Bancroft Owner/Manager of Books Plus, and Helen Woods President of the CWA.

There were 128 participants in the program this year, with 24,440 books read overall.

Four schools also benefitted from the program, for the amount of books read per school category, each winning a \$100 Books Plus gift voucher for their school libraries. The winning schools and categories were:

- Rural School: O'Connell Public
- Preschool: Elizabeth Chifley Memorial Preschool
- Primary School: Bathurst Public
- High School: The Scots School

Celebrations for Children's Book Week continued on Wednesday 23, Thursday 24, and Friday 25 August, with 11 special 'Gruffalo' themed storytime sessions. The Library in conjunction with Books Plus brought author Julia Donaldson's book character, the Gruffalo, to Bathurst especially for Book Week.

The sessions included Gruffalo stories, and other stories written by Julia Donaldson, as well as some shortlisted and winning stories from the Children's Book Council of Australia. Included throughout the sessions were also songs, rhymes, and a meet and greet with the Gruffalo. There were 5 sessions open to the public and 6 sessions pre-booked by preschools and infants schools. Overall there were a total of 1,350 in attendance throughout the 3 days.

As well as these special storytime sessions; there was also a 'Letter to Gruffalo' competition running for participating children, with prizes donated by Books Plus. The Mayor, Councillor Graeme Hanger OAM, and Jenny Barry of Books Plus handed out the prizes during the Thursday afternoon public session.

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

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 23: To encourage a supportive and inclusive community. Strategy 23.2
- Objective 27: To encourage youth engagement, participation and achievement across all areas of the Bathurst community. Strategy 27.9

- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community.

Strategy 30.2

Community Engagement

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

6 2017/2018 RURAL VILLAGE IMPROVEMENT PROGRAM (16.00104)

Recommendation: That Council distribute the 2017/2018 Rural Village Improvement Program funding as follows:

	APPLICANT ORGANISATION	PROJECT SUMMARY	AMOUNT
1	Hill End & District Volunteer Bushfire Brigade	Purchase of Automatic External Defibrillator (AED)	\$2,629.75
2	Rockley & District Community Association	Remedial plumbing works for the western end of the Rockley School of Arts Hall	\$2,850
3	Sofala and District Agricultural & Horticultural Show Society Inc	New bunting to highlight different sections of the show, replacing current 30 year old bunting.	\$1,425
4	Sofala Progress Association Inc	Noticeboard to advise visitors/community of village activities and events with balance of funds to purchase items for Soldiers Walk.	\$1,425
5	Sunny Corner & District Progress Association Inc	Installation of new gas stove, purchase of microwave and security screen door for Sunny Corner Community Hall.	\$2,098
6	Trunkey Creek Progress Association	Purchase of ride-on mower to be kept and utilised by Progress Association only.	\$2,850
7	Wattle Flat Heritage Lands Trust	Solitary Mine Site projects: <ul style="list-style-type: none"> • Picnic shelter roofing • 2 x flat pack picnic settings 	\$1,425
8	Wattle Flat Progress Association	Purchase portable heavy duty marquee/s for use at Bronze Thong and other community events.	\$1,425
9	Yetholme Progress Association	Construction and installation of new Yetholme Community Hall sign to replace 40 year old timber sign.	\$2,850
	TOTAL AMOUNT		\$18,977.75

Report: An amount of \$20,000 has been provided for in the 2017/2018 Annual Operating Plan and Budget for the Rural Village Improvement Program.

Bathurst Regional Council instituted a Rural Village Improvement Program in 2005/2006 to facilitate the long term viability of the villages in the Bathurst Regional Council area. The program is based on the premise of horizontal equity – “the provision of public facilities each of a similar grade” to villages across the local government area.

Since the program’s introduction, Council has made contributions to the villages of Hill End, Rockley, Sofala, Trunkey Creek, Wattle Flat, Sunny Corner and Yetholme in improving the infrastructure available to their residents. Over \$1,000,000 has been provided through this program during the last twelve years.

Each village association is invited to provide submissions for funding for Council's consideration.

Council provided the following exclusions for the use of this funding:

- Insurance payments
- Operational costs of the organisation (ie utilities)
- Food and beverages

Upon approval of the project and proof of expenditure a reimbursement of costs is provided to each group. An acquittal form was introduced as part of the 2010/2011 process requiring all grant recipients to detail their projects and expenditure.

The \$20,000 was equitably split between villages with each village eligible to receive \$2,850.

If a particular village had more than one organisation previously engaged in this process this amount was further split to provide funding. For example, as Sofala has two community organisations who have received funding in prior years, each group has been allocated \$1,425.

The current programs allocation in accordance with Bathurst Regional Council's 2017/2018 Annual Operating Plan and Budget is \$20,000.

The table below summarises the applications received from the Village community organisations for the 2017/2018 program:

	APPLICANT ORGANISATION	PROJECT SUMMARY	AMOUNT
1	Hill End & District Volunteer Bushfire Brigade	Purchase of Automatic External Defibrillator (AED)	\$2,629.75
2	Rockley & District Community Association	Remedial plumbing works for the western end of the Rockley School of Arts Hall	\$2,850
3	Sofala and District Agricultural & Horticultural Show Society Inc	New bunting to highlight different sections of the show, replacing current 30 year old bunting.	\$1,425
4	Sofala Progress Association Inc	Noticeboard to advise visitors/community of village activities and events with balance of funds to purchase items for Soldiers Walk.	\$1,425
5	Sunny Corner & District Progress Association Inc	Installation of new gas stove, purchase of microwave and security screen door for Sunny Corner Community Hall.	\$2,098
6	Trunkey Creek Progress Association	Purchase of ride-on mower to be kept and utilised by Progress Association only.	\$2,850
7	Wattle Flat Heritage Lands Trust	Solitary Mine Site projects: <ul style="list-style-type: none"> ● Picnic shelter roofing ● 2 x flat pack picnic settings 	\$1,425
8	Wattle Flat Progress Association	Purchase portable heavy duty marquee/s for use at Bronze Thong and other community events.	\$1,425
9	Yetholme Progress Association	Construction and installation of new Yetholme Community Hall sign to replace 40 year old timber sign.	\$2,850
	TOTAL AMOUNT		\$18,977.75

The Village Improvement Program, whilst an infrastructure program, has also built invaluable social capital and capacity in each village that is essential in maintaining a quality of life to attract residents and visitors alike. The level of pride and satisfaction that members of the community displayed is admirable. It is abundantly clear the residents in these villages are committed to ensuring they maintain a high level of social interaction and in doing so have developed an acute sense of place.

Council's return in regards to the social capacity, pride and respect this program has generated in each village far outstrips the dollar amount allocated over the life of the program.

Financial Implications: An amount of \$20,000 has been provided for in the 2017/2018 Annual Operating Plan and Budget for the Rural Village Improvement Program.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 6: To support infrastructure development necessary to enhance Bathurst's life-style and industry development. Strategy 6.3
- Objective 17: To encourage living, vibrant and growing villages and rural settlements. Strategy 17.3

Community Engagement

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

Yours faithfully



Alan Cattermole
DIRECTOR
CULTURAL & COMMUNITY SERVICES

TRAFFIC COMMITTEE MEETING

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

**1 MINUTES - TRAFFIC COMMITTEE MEETING - 5 SEPTEMBER 2017
(07.00006)**

Recommendation: That the recommendations of the Traffic Committee Meeting held on 5 September 2017 be adopted.

Report: The Minutes of the Traffic Committee Meeting held on 5 September 2017, are **attached.**

Financial Implications: N/A

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.5

Community Engagement

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

MINUTES OF THE TRAFFIC COMMITTEE
HELD ON 5 SEPTEMBER 2017

MEETING COMMENCES

1 MEETING COMMENCES 2:00 PM

Members: Mr David Veness (Local Members Office Representative), Acting Sergeant Jason Marks (Bathurst Police), Ms Jackie Barry (Roads and Maritime Services Representative), Cr Warren Aubin (Bathurst Regional Council)

Non-Members notified: Mr Paul Kendrick (Traffic and Design Engineer), Mr Bernard Drum (Acting Manager Technical Services), Iris Dorsett (Tablelands Area Road Safety Officer)

APOLOGIES

2 APOLOGIES

Nil

REPORT OF PREVIOUS MEETING

3 Item 1 MINUTES - TRAFFIC COMMITTEE MEETING - 1 AUGUST 2017 (07.00006)

That the Minutes of the Traffic Committee Meeting held on 1 August 2017 be adopted.

DECLARATION OF INTEREST

4 DECLARATION OF INTEREST 11.00002

That the Declaration of Interest be noted.

RECEIVE AND DEAL WITH DIRECTORS' REPORTS

Director Engineering Services' Report

5 Item 1 MINUTES OF THE TRAFFIC COMMITTEE MEETING HELD 1 AUGUST 2017 (07.00006)

That the information be noted and necessary actions be taken.

6 Item 2 MONTHLY REPORT FOR LOCAL GOVERNMENT ROAD SAFETY PROGRAM (28.00002)

This is page 1 of Minutes of the Traffic Committee held on 5 September 2017

That the information be noted.

**7 Item 3 DISABLED PARKING - 191 RUSSELL STREET, BATHURST
(25.00039-05/154)**

That Council approve the installation of a disabled parking space in front of 191 Russell Street, Bathurst.

**8 Item 4 BUS ZONE IN BATHURST REGIONAL COUNCIL'S ELIZABETH STREET
CAR PARK (04.00097-16)**

That Council approve the installation of a time-specific bus zone within Council's Elizabeth Street Car Park, subject to conditions as detailed in the Director Engineering Services' Report.

**9 Item 5 TRAFFIC CONGESTION ASSOCIATED WITH DAN MURPHY'S LIQUOR
STORE, BATHURST (22.02657)**

That Council install Entry and Exit signage and linemarking at the driveways to Dan Murphy's car park, in accordance with the Director Engineering Services' Report.

10 Item 6 MOUNT PANORAMA PUNISH (23.00026)

That Council endorse the Traffic Management Plan for the Mount Panorama Punish event at Mount Panorama Motor Racing Circuit on Sunday 26 November 2017. The event is to be classified as Class 2 and approved subject to the conditions detailed in the Director Engineering Services' Report.

11 Item 7 LATE REPORT (22.00053-09)

MOTION was **MOVED** by Ms Jackie Barry and **SECONDED** by Mr David Veness

That the Committee accept and deal with the Late Report on the traffic management for the Australian Long Track Masters to be staged on Saturday 11 November 2017 at the Bathurst Showground, at the Traffic Committee Meeting on Tuesday 5 September 2017.

12 Item 7 THE AUSTRALIAN LONG TRACK MASTERS (22.00053-09)

That Council endorse the traffic management for the Australian Long Track Masters to be staged on Saturday 11 November 2017 at the Bathurst Showground, as a Class 2 event, subject to conditions as detailed in the Director Engineering Services' report.

TRAFFIC REGISTER

13 **Item 1 TRAFFIC REGISTER (07.00006)**

That the information be noted.

MEETING CLOSE

14 **MEETING CLOSE**

The Meeting closed at 2.34pm.

COUNCILLORS/DELEGATES REPORTS

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

27 SEPTEMBER 2017

1 UPPER MACQUARIE COUNTY COUNCIL (UMCC) (18.00172)

Recommendation: That Council note the Delegates Report on the Upper Macquarie County Council meeting held on 4 August 2017.

Report: The most recent meeting of the Upper Macquarie County Council was held on Friday 4 August 2017 at the Council offices in Kelso. A number of matters were reported on and considered at the meeting. Included amongst these were:

1. Tenders Aerial Spraying Program – ‘Spring’ 2017

The Upper Macquarie Country Council has been carrying out aerial spraying programs for at least the last 15 years. Following the successful Autumn spraying program a Spring 2017 program is to be conducted. In the Autumn program almost 2,000 hectares were sprayed, targeting serrated tussock and blackberry. The Spring program focusses mainly on serrated tussock.

Aerial spraying tenders were called on Saturday 24th June 2017 and closed Wednesday 19th July 2017. The tender provided for the whole program of the works and includes:

- Provision of plant, labour and materials (excluding herbicide, anti-drift agent and water)
- The contractors carry out the works under the Contract, between the hours of 6.00 am and 6.00 pm, Monday to Sunday, and excluding public holidays.

Based on 2,250HA of land being sprayed a tender of \$168,000 GST inclusive was accepted from Commercial Helicopters. Commercial Helicopters has been performing the aerial spraying with Upper Macquarie Country Council for over 15 years and Council has been satisfied with its services.

Subject to weather the program is expected to commence in September 2017.

2. Inspections at Wattle Flat

Wattle Flat has been an area that has long had problems with weeds, due to location and land type with large sections of poor agricultural land, resulting in lower investment placed on controlling weeds infestations. Land ownership within Wattle Flat has been a factor with a high number of life style properties as well as a high number of absentee land owners.

On 12 May 2017, Upper Macquarie County Council sent Notice of Intent to inspect letters to residents of Wattle Flat with inspections commencing later that month. A total of 176 property inspections took place over the period.

There were a large number of properties that only had light infestations and on most of these properties there was evidence of weed control work being carried out. Council is planning to re-inspect these properties again in 12 months.

There are 45 properties that have larger or heavy infestations that are receiving property inspection reports requiring weed control work to be carried out within a suitable time frame.

There are 6 main properties of concern that have heavy or large infestations. 5 out of the 6 properties of concern will be receiving letters to contact Council seeking advice on the level of infestations on their property and their management plan for the control of these infestations. The 6th property has only just recently changed ownership.

3. **Alternative Governance Models for UMCC**

The Council considered a report in relation to alternative governance models for the UMCC and resolved to hold a workshop with councillors to consider the matter in further depth. The workshop is to be held as soon as possible after the appointment of delegates to the County Council following the September elections.

4. **Inspections (3 June to 21 July 2017)**

During the period 324 inspections of properties and roads took place. These included:

LGA	No. of Inspections
Bathurst	172
Blayney	11
Lithgow	63
Oberon	78

In addition to the Council meeting a number of other noteworthy matters arose since the previous meeting;

5. **Biosecurity Act 2015**

The *Biosecurity Act 2015* is now in effect. The new Act replaces ten existing Acts, including the Noxious Weeds Act 1993, and makes substantial changes to four other Acts. The Act is considered to be an enabling piece of legislation that includes numerous tools and powers that can be used regardless of what the biosecurity risk is, whether it is known or newly emerging, or where the risk is occurring. The Act supports a national approach to biosecurity and provides consistency with legislation in other jurisdictions, enabling more effective management, enforcement and compliance activities.

6. **Central Tablelands Regional Weed Management Plan**

The Central Tablelands Local Land Services Board, has developed and adopted the Management Plan. The Plan gives direction for how weeds within the region are to be managed and outlines how government, industry and the community will share responsibility and work together to identify, minimise, respond to, and manage weeds. It relates to all lands and waters in the Central Tablelands Local Land Services region of NSW. Importantly however the Plan will be providing direction for Local Control Authorities for the application of the new Biosecurity Act.

The Plan focuses on managing weeds that impact:

- animal and plant industries, including agriculture, horticulture, forestry, aquaculture and recreational and commercial fishing in freshwater systems
- ecological communities and biodiversity, including natural urban and peri-urban environments
- human health, livelihood, lifestyle, cultural values, recreation and landscape amenity
- infrastructure and service industries, including energy, transport and water supplies.

The plan defines what “shared responsibility” means for the region’s communities and stakeholders, and how they might work together to identify, minimise, respond to and manage high risk weeds at a landscape scale, both now and into the future.

The *Biosecurity Act 2015* is tenure neutral, as it applies equally to all land in the region, whether public or private.

A regional weed prioritisation process has been identified with management categories of:

Prevention; Eradication; Containment; and Asset Protection.

7. NSW Government Innovation Fund

Council has been successful in its application under the NSW Government's Innovation Fund Round Two for Remotely Piloted Aircraft (Drones) for Weed Inspections and Biosecurity Threats with an estimated project cost of \$51,700 a Council contribution of \$17,200 and grant of \$34,500.

8. Community Events

Oberon Garden Club – a Council Weeds Officer gave a presentation at the Oberon Garden Club. The presentation was well received with 28 people in attendance and 8 weed samples were brought in for identification and discussion on how to control as well as many questions raised in relation to their own weed management experiences. Of those that attended most lived on rural acreage with several living in town.

Upcoming community events include; Blayney Farmers' Market, 20 August; Burruga Show, 27 August; Tarana Farmers' Market in November; and Oberon Farmers' Market.

It has been very pleasing the number of events that Council has been getting invited to.

Financial Implications: There are no financial implications at this time.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 9: To protect and enhance the region's landscapes, views, vistas, open spaces and the Macquarie River. Strategy 9.4
- Objective 10: To protect and enhance the region's biodiversity. Strategy 10.6
- Objective 33: To be and develop good leaders. Strategy 33.5

Community Engagement

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

2 MINUTES - BATHURST REGIONAL YOUTH COUNCIL - 5 SEPTEMBER 2017 (11.00020)

Recommendation: That the information be noted.

Report: The Youth Council considered a number of items at their bi-monthly meeting, including the following:

- Discussions around collaborating with PCYC to host a Bathurst Ninja Warrior competition for young people
- Initial discussions around hosting a summer youth event at the Bathurst Aquatic Centre
- Discussions around running a raffle, to raise money for a local youth charity or organization
- A brainstorming session around events to be held as part of Youth Week 2018

A copy of the minutes from the meeting has been provided. Please see **attachment 1**.

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

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 23: To encourage a supportive and inclusive community. Strategy 23.3, 23.6
- Objective 27: To encourage youth engagement, participation and achievement across all areas of the Bathurst community. Strategy 27.1, 27.3, 27.4, 27.5, 27.6, 27.9
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.2, 30.5
- Objective 33: To be and develop good leaders. Strategy 33.2, 33.3

Community Engagement

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

3 CENTROC BOARD MEETING 10 AUGUST 2017 PARLIAMENT HOUSE CANBERRA (07.00017)

Recommendation: That the report on the CENTROC Board meeting held 10 August 2017 at Parliament House, Canberra, be noted.

Report: The Centroc Board meeting was held at Parliament House Canberra 10 August 2017.

Member for Riverina, the Hon Michael McCormack, Minister for Small Business and his office staff assisted with organising the meeting in Parliament House. The Board thanked Minister McCormack for his support.

The Board were fortunate to have the Deputy Prime Minister, and the following Ministers address the Board.

Ministers that addressed the Board

- The Hon Barnaby Joyce, Deputy Prime Minister
Minister for Agriculture and Water Resources
- The Hon Greg Hunt, Member for Flinders
Minister for Sport and Minister for Health
- The Hon Ken Wyatt, Member for Hasluck
Minister for Aged Care and Minister for Indigenous Health
- The Hon Dr David Gillespie, Member for Lyne
Assistant Minister for Health
- The Hon Darren Chester, Member for Gippsland
Minister for Infrastructure and Transport
- The Hon Simon Birmingham, Senator for SA
Minister for Education and Training
- The Hon Josh Frydenberg, Member for Kooyong
Minister for the Environment and Energy
- The Hon Michael McCormack, Member for Riverina
Minister for Small Business
- The Hon Angus Taylor, Member for Hume
Assistant Minister for Cities and Digital Transformation
- Mark Coulton, Member for Parkes
- Andrew Gee, Member for Calare

CENTROC Board Meeting - Key decisions and Reports

Transport Infrastructure – The issue of the Bells Line connectivity from Central NSW to Sydney was raised with the majority of Ministers throughout the day with encouragement from Mayors across the region to continue progressing this initiative.

A meeting for all interested Mayors to discuss further progress will be called as soon as possible.

Water Security - Advice received from the Deputy Prime Minister, the Hon Barnaby Joyce, prompted an urgent meeting to be held with Minister Niall Blair to provide feedback on the status of Federal water infrastructure funding in the context of the Lachlan Valley Water Security Investigations.

Health – The Board resolved to reiterate its support for the Murray Darling Medical School, and to undertake further advocacy work with the Member for Calare, Mr Andrew Gee.

Regional Development – Discussion was held around the Economic Development Plans based on Functional Economic Regions rolling out across the region. The Board will be seeking further follow up with Department of Premier & Cabinet (DPC) regarding the purpose and optimisation of this work by the State, given funding will be contingent on this State led initiative.

Planning – Support for the Regional Plan (Central West and Orana Regional Plan) was noted. A significant amount of programming will occur in Central NSW as a result.

Advocacy will be ramped up in support of the Inland Code for planning recognising that not one size fits all especially considering planning, outside of metropolitan Sydney. Representatives will be meeting to discuss options for a regional body politic under the Local Government Act given the Joint Organisation legislation is not being progressed by the State.

Tourism – Members were encouraged to attend the next Tourism Managers Group meeting 6 September. A meeting with Andrew Gee will be arranged to discuss ways the region can support Tourism Data.

Operational – A high level business case was provided for a combined LED with Smart Controls project across four neighbouring ROCS, called 'Southern Lights' the Board adopted this document. The Board also approved the next steps in researching this opportunity.

Financial – The Board anticipates a full year profit after 2016/2017 reserves of \$18,843 against a budgeted loss of \$697.

Cr Bill West Mayor of Cowra will act in the role of the Chair while Cr Medcalf is overseas.

Financial Implications: Council's involvement in CENTROC is provided for within existing budget allocations.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 1: To attract employment, generate investment and attract new economic development opportunities. Strategy 1.1

Community Engagement

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