



ORDINARY MEETING OF
BATHURST REGIONAL COUNCIL

14 February 2018

His Worship the Mayor & Councillors

**Notice of Ordinary Meeting of Bathurst Regional Council - Wednesday,
21 February 2018**

I have to advise that an **Ordinary Meeting** of Bathurst Regional Council will be held in the Council Chambers on Wednesday, 21 February 2018 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', is positioned above the printed name and title.

D J Sherley
GENERAL MANAGER

BUSINESS AGENDA

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

TO BE HELD ON WEDNESDAY, 21 FEBRUARY 2018

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 - 7 FEBRUARY 2018

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

* 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 - 6 FEBRUARY 2018

10. NOTICES OF MOTION - Nil

11. RESCISSION MOTIONS - Nil

12. COUNCILLORS/ DELEGATES REPORTS - Nil

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 CORPORATE SERVICES & FINANCE'S REPORT**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	PURCHASE OF PROPERTY - WILLIAM STREET, BATHURST	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
2	PURCHASE OF PROPERTY - BENTINCK STREET, BATHURST	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the

		person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
3	PURCHASE OF PROPERTY - LAFFING WATERS LANE, LAFFING WATERS.	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	TENDER FOR DEMOLITION OF HARGRAVES HOUSE	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 - 7 FEBRUARY 2018 (11.00005)

Recommendation: That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 7 February 2018 be adopted.

Report: The Minutes of the Ordinary Meeting of Bathurst Regional Council held on 7 February 2018, 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 7 FEBRUARY 2018

MEETING COMMENCES

1 MEETING COMMENCES 6:00 PM

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

PUBLIC QUESTION TIME

2 PUBLIC QUESTION TIME

K McNab - ratepayer – Intersection Mitre/Suttor/Lambert Streets

Spoke to concerns about the intersection. Queried about Black Spot funding, has it been advised of? Spoke to process for the funding application. Asks Council to get on with the construction.

L Lucano - ratepayer – Sale of Water to Regis

Asked if Council is still looking at sale of water to Regis Resources?

The General Manager noted Regis is now seeking access to water from Lithgow. The Bathurst proposal is not being progressed.

G Crisp - ratepayer

Spoke of advice to the Director Environmental, Planning & Building Services of land fenced off for construction in Bathurst and concerns expressed about illegal fencing. Noted Mr Triming also wrote about his concerns. Mr Crisp then raised further concerns about people being forced to cross the road. Noted also his concerns about advertising on fencing along Howick Street which has not been addressed and how these obstructed views of traffic along Howick Street. Made allegation of vehicle crashes at the intersection, requests signage be removed.

The Director Environmental, Planning & Building Services responded to the representations.

B Triming - Bathurst Regional Access Committee

Spoke to Peel/Howick Street Development. Noted extensive negotiations with Council have occurred on the matter. Responses have been received and further discussions on the issue are continuing with Council and the Access Committee.

APOLOGIES**3 APOLOGIES**

Nil.

MINUTES**4 Item 1 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 13 DECEMBER 2017 (11.00005)**

MOVED Cr I North

and **SECONDED** Cr J Rudge

RESOLVED: That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 13 December 2018 be adopted.

DECLARATION OF INTEREST**5 DECLARATION OF INTEREST 11.00002**

MOVED Cr I North

and **SECONDED** Cr W Aubin

RESOLVED: That the following Declarations of Interest be noted.

Cr Rudge

Item #6 of the Director Environmental, Planning & Building Services report

Manager Corporate Governance

Item #3 of the Director Engineering Services report

RECEIVE AND DEAL WITH GENERAL MANAGER'S AND DIRECTORS' REPORTS**General Manager's Report****6 Item 1 CENTROC JOINT ORGANISATIONS (07.00017 & 18.00300)**

MOVED Cr B Bourke

and **SECONDED** Cr J Fry

RESOLVED: In accordance with Part 7 of Chapter 12 of the Local Government Act, Bathurst Regional Council resolves:

1. *That the Council inform the Minister for Local Government (Minister) of the*

Council's endorsement of the Minister recommending to the Governor the establishment of a Joint Organisation (Joint Organisation) in accordance with this resolution.

2. *To approve the inclusion of the Council's area in the Joint Organisation's area.*
3. *That the Joint Organisation be established to cover the Council's area and any one or more of the following council areas:*
 - a. *Blayney Shire Council, Cabonne Council, Cowra Shire Council, Forbes Shire Council, Lachlan Shire Council, Lithgow City Council, Oberon Council, Orange City Council, Parkes Shire Council and Weddin Shire Council.*
4. *That, on the expiry of a period of 28 days from the making of this resolution, the General Manager provide the Minister:*
 - a. *with a copy of this resolution including the date on which Council made this resolution, and*
 - b. *inform the Minister that this resolution has not been rescinded,*

for the purpose of the Minister issuing a certificate under section 400P of the Act.

Director Environmental Planning & Building Services' Report

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

MOVED Cr M Morse and **SECONDED** Cr J Rudge

RESOLVED: That the information be noted.

8 Item 2 GENERAL REPORT (03.00053)

MOVED Cr B Bourke and **SECONDED** Cr W Aubin

RESOLVED: That the information be noted.

9 Item 3 DEVELOPMENT APPLICATION NO 2017/405, SHED AT 24 STATION STREET, BREWONGLE. APPLICANT: MR D BURTON. OWNER: MR D BURTON (DA2017/405)

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

RESOLVED: That Council:

- (a) support the variation to Clause 6.2.3 Setbacks – RU1 Primary Production Zone 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. 2017/405, 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) A landscape plan is submitted prior to the issuing of a Construction Certificate that effectively screens the shed from Station Street and the adjoining neighbours.
 - ii) Landscaping is to be carried out and maintained in accordance with the certified landscape plan.
 - iii) The landscaping is to be completed prior to Occupation Certificate being issued.
 - (iv) The shed is not to be used for commercial or industrial purposes or for the storage of goods associated with industrial or commercial undertakings.
- (c) notify those that made submissions of its decision; and
- (d) call a division.

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

The result of the division was:

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

Against the motion - Nil

Absent - Nil

Abstain - Nil

10

Item 4 NAMING OF PUBLIC ROADS – CAMPBELL CLOSE AND JARVIS STREET (20.00024)

MOVED Cr I North

and **SECONDED** Cr W Aubin

RESOLVED: That Council:

- (a) adopt the names Campbell Close and Jarvis Street; and
- (b) direct the Director Environmental, Planning & Building Services to undertake procedures pursuant to the requirements of the Roads Act 1993, to have the names gazetted, should no objections be received.

- 11** **Item 5 NAMING OF PUBLIC ROADS – JACKS CLOSE (20.00024)**
MOVED Cr B Bourke and **SECONDED** Cr J Jennings

RESOLVED: That Council:

- (a) adopt the name Jacks Close; and
- (b) direct the Director Environmental Planning and Building Services to undertake procedures pursuant to the requirements of the Roads Act 1993, to have the name gazetted, should no objections be received.

- 12** **Item 6 NAMING OF PUBLIC ROADS - PEATES LANE (20.00024)**
MOVED Cr I North and **SECONDED** Cr A Christian

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

Reason: Proposed the name for the road and is a direct descendant

RESOLVED: That Council:

- (a) adopt the name Peates Lane; and
- (b) direct the Director Environmental Planning and Building Services Department to undertake procedures pursuant to the requirements of the Roads Act 1993, to have the name gazetted, should no objections be received.

- 13** **Item 7 ELECTRICITY DEMAND RESPONSE PROGRAM (16.00007)**
MOVED Cr B Bourke and **SECONDED** Cr I North

RESOLVED: That Council:

- (a) Participate in the Demand Response program
- (b) Select AGL as the preferred provider for the Demand Response Program
- (c) Delegate authority to the General Manager to sign the agreement with AGL

- 14** **Item 8 ENVIRONMENTAL PLANNING AND BUILDING SERVICES -**

DEVELOPMENT ACTIVITY STATISTICS (03.00053)**MOVED** Cr J Rudge and **SECONDED** Cr I North**RESOLVED:** That the information be noted.**15 Item 9 PLANNING LEGISLATION CHANGES (02.00018)****MOVED** Cr J Rudge and **SECONDED** Cr B Bourke**RESOLVED:** That the information be noted.**16 Item 10 DECEMBER 2017 BUY LOCAL GIFT CARD RESULTS (20.00313)****MOVED** Cr I North and **SECONDED** Cr B Bourke**RESOLVED:** That the information be noted.**Director Corporate Services & Finance's Report****17 Item 1 STATEMENT OF INVESTMENTS (16.00001)****MOVED** Cr B Bourke and **SECONDED** Cr M Morse**RESOLVED:** That the information be noted.**18 Item 2 MONTHLY REVIEW - 2017/2021 DELIVERY PLAN AND OPERATIONAL PLAN 2017-2018 (16.00148)****MOVED** Cr A Christian and **SECONDED** Cr W Aubin**RESOLVED:** That the information be noted.**19 Item 3 SUNDRY SECTION 356 DONATIONS, BATHURST MEMORIAL ENTERTAINMENT CENTRE COMMUNITY USE SUBSIDY AND MOUNT PANORAMA FEE SUBSIDY (18.00004)****MOVED** Cr J Rudge and **SECONDED** Cr W Aubin**RESOLVED:** That the information be noted and any additional expenditure be voted.

- 20** **Item 4 POWER OF ATTORNEY (11.00007)**
MOVED Cr I North and **SECONDED** Cr A Christian

RESOLVED: That the information be noted.

- 21** **Item 5 2018 HI-TEC OILS BATHURST 6 HOUR EVENT (04.00097)**
MOVED Cr W Aubin and **SECONDED** Cr J Jennings

RESOLVED: That Council act in accordance with the Director of Corporate Services and Finance report and provide one three (3) day entry pass per permanent employee to attend the 2018 Hi-Tec Oils Bathurst 6 Hour held at Easter.

- 22** **Item 6 REQUEST FOR FINANCIAL ASSISTANCE - CHARLES STURT UNIVERSITY (18.00004-33/132)**
MOVED Cr I North and **SECONDED** Cr B Bourke

RESOLVED: That Council provide support of \$400 for the Commemorations Service for Nurses at All Saints Cathedral from the 2017/2018 Budget.

- 23** **Item 7 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE (11.00005, 21.00037-06, 04.00042, 2017/459, 36.00623, 18.00004-33)**
MOVED Cr I North and **SECONDED** Cr J Fry

RESOLVED: That the information be noted.

Director Engineering Services' Report

- 24** **Item 1 FLYING FOXES - MACHATTIE PARK (04.00012)**
MOVED Cr B Bourke and **SECONDED** Cr J Rudge

RESOLVED: That the information be noted.

25 **Item 2 DEREGULATION OF LICENCED AERODROME ROUTE (21.00008)**
MOVED Cr I North and **SECONDED** Cr J Jennings

RESOLVED: That the information be noted.

26 **Item 3 COUNCIL SPORTING ASSOCIATION GRANTS PROGRAM YEAR ENDING 30 JUNE 2018 (18.00279)**
MOVED Cr I North and **SECONDED** Cr A Christian

Manager Corporate Governance declared a non-pecuniary interest in this item and left the Chamber.

Reason: Member of Eglinton Tennis Club

RESOLVED: That Council approve the following sporting grants totalling \$20,000.00 for the 2017/2018 financial year as followed;

ORGANISATION	PROPOSED
GRANT	
Bathurst BMX Club	\$2,250
Bathurst City Croquet Club	\$1,000
Bathurst Pan Dragons	\$2,000
Bathurst Pony Club	\$2,250
Bathurst Netball Association	\$2,250
Bathurst Basketball Association	\$2,500
Central Tablelands Rowing Club	\$2,000
Bathurst Pistol Club	\$2,250
Bathurst Hockey Association	\$1,500
Panorama Motorcycle Club	\$2,000

27 **Item 4 PROPOSED TRANSFER OF SECTIONS OF NAPOLEON REEF ROAD FROM THE CROWN AND BOUNDARY ADJUSTMENT AT LOT 96 DP755784 AT NAPOLEON REEF (25.00273)**
MOVED Cr I North and **SECONDED** Cr J Fry

RESOLVED: That Council:

- (a) approve the transfer of 2 sections of Crown Road on Napoleon Reef Road Napoleon Reef from The Crown to Council.
- (b) following the transfer, approve the preparation and registration of a plan of subdivision for boundary adjustment of Lot 96 DP755784

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

28 Item 5 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE (22.00358)**MOVED** Cr I North and **SECONDED** Cr W Aubin**RESOLVED:** That the information be noted.**Director Cultural & Community Services' Report****29 Item 1 BATHURST REGION TOURISM REFERENCE GROUP - MEETINGS HELD 16 OCTOBER & 20 NOVEMBER 2017 (07.00116)****MOVED** Cr J Jennings and **SECONDED** Cr I North**RESOLVED:** That the information be noted.**30 Item 2 LOCAL GOVERNMENT NSW TOURISM CONFERENCE 2018 (18.00074)****MOVED** Cr B Bourke and **SECONDED** Cr I North**RESOLVED:** That Council nominate Crs Rudge and Jennings as delegates to the Local Government NSW Tourism Conference 2018 and authorise their attendance.**31 Item 3 BATHURST REGIONAL YOUTH COUNCIL - YOUTH COUNCIL REVIEW (11.00020)****MOVED** Cr B Bourke and **SECONDED** Cr I North**RESOLVED:** That the information be noted.**REPORTS OF OTHER COMMITTEES****Policy Committee Meeting****32 Item 1 MINUTES - POLICY COMMITTEE MEETING - 6 DECEMBER 2017 (07.00064)****MOVED** Cr I North and **SECONDED** Cr B Bourke**RESOLVED:** That the recommendations of the Policy Committee Meeting held on 6 December 2017 be adopted.

COUNCILLORS/ DELEGATES REPORTS**33 Item 1 MINUTES - AUSTRALIA DAY WORKING PARTY - 16 JANUARY 2018 (23.00033)****MOVED** Cr A Christian and **SECONDED** Cr I North**RESOLVED:** That the information be noted.**RESOLVE INTO CONFIDENTIAL COMMITTEE OF THE WHOLE TO DEAL WITH CONFIDENTIAL REPORTS****34 RESOLVE INTO CONFIDENTIAL COMMITTEE OF THE WHOLE TO DEAL WITH CONFIDENTIAL REPORTS****MOVED** Cr I North and **SECONDED** Cr J Rudge

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	SPORTING LICENCE AGREEMENT - LOT 234 IN DP750357 KNOWN AS THE BATHURST INDOOR SPORTS STADIUM LOCATED ON VITTORIA STREET, BATHURST	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
2	REQUEST FOR FINANCIAL ASSISTANCE - 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

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

- c** Item 3 PROPOSED TRAINING FACILITY - BATHURST HARNESS RACING CLUB - COLLEGE ROAD (2017/459/001)
MOVED Cr B Bourke and SECONDED Cr J Rudge

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

- d** Item 4 REQUEST FOR FINANCIAL ASSISTANCE (36.00623)
MOVED Cr B Bourke and SECONDED Cr J Rudge

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

Crs Christian, Morse & North asked for their negative votes to be recorded.

Director Engineering Services' Report

- e** Item 1 CONSTRUCTION OF TRUNK DRAINAGE SYSTEM TO SERVICE FUTURE DEVELOPMENTS ON LIMEKILNS ROAD KELSO (22.00358)
MOVED Cr I North and SECONDED Cr W Aubin

That the information be noted.

RESOLVE INTO OPEN COUNCIL

- 35** RESOLVE INTO OPEN COUNCIL
MOVED Cr J Rudge and SECONDED Cr I North

RESOLVED: That Council resume Open Council.

ADOPT REPORT OF THE COMMITTEE OF THE WHOLE

- 36** ADOPT REPORT OF THE COMMITTEE OF THE WHOLE
MOVED Cr W Aubin and SECONDED Cr J Rudge

RESOLVED: That the Report of the Committee of the Whole, Items (a) to (e) be adopted.

MEETING CLOSE

37 **MEETING CLOSE**

The Meeting closed at 7.57 pm.

CHAIRMAN: _____

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

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

21 FEBRUARY 2018

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 approved using authority delegated to the Director Environmental Planning & Building Services during January 2018 (**attachment 1**).
- (b) Applications refused during January 2018 (**attachment 2**).
- (c) Applications under assessment as at the date of compilation of this report (**attachment 3**).
- (d) Applications pending determination for greater than 40 days as at the date of compilation of this report (**attachment 4**).
- (e) Applications with variations to development standards under State Environmental Planning Policy No. 1 or Clause 4.6 of Bathurst Regional LEP 2014 approved in January 2018 (**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. 2017/484 – THREE STOREY DWELLING WITH ATTACHED GARAGE, RETAINING WALLS, SWIMMING POOL WITH SAFETY BARRIER & PERGOLA AT 40 GOVERNORS PARADE, WINDRADYNE. APPLICANT: REGIONAL CONSTRUCTIONS PTY LTD. OWNER: REGIONAL CONSTRUCTIONS (DA/2017/484)

Recommendation: 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. 2017/484, 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 Certificate the applicant is to submit to Council for approval amended plans showing fixed louvered screens on the whole of the northern end of the first floor balcony and for at least 2 metres along the eastern side of the balcony in order to screen the direct view into the rear yard of 38 Governors Parade; and
- (b) call a division.

Report: The Site

Council has received a Development Application (DA) for the construction of a three storey dwelling with attached garage, retaining walls, swimming pool with safety barrier and pergola at 40 Governors Parade, Windradyne, described as Lot 1124, DP 1215618.

See location plan at **attachment 1** and aerial photo at **attachment 2**.

The subject site is on the corner of Governors Parade and Colville Street. The subject site is currently vacant. The adjoining property to the north contains a single storey dwelling with attached garage. The adjoining property to the east contains a single storey dwelling with attached garage.

The site has an area of 789.4m².

The site slopes from the south-east corner down to the north-west corner and there is approximately 3.5 metres fall across the site.

History of the Site

In July 2016 a Development Application was lodged for a dual occupancy and two lot subdivision on the subject site. The application was lodged with a variation to the LEP under Clause 4.6 because the minimum lot size for dual occupancies is prescribed as 850m² and the site area is 789.4m².

Council, at its Ordinary Meeting held 21 September 2016, resolved to:

- (a) not support the variation to the development standard prescribed in Clause 4.1B Minimum lot sizes for dual occupancies, multi dwelling houses and residential flat buildings of Bathurst Regional Local Environmental Plan 2014 and the variation to the development standard prescribed in Section 4.3 Minimum lot size of

Bathurst Regional DCP 2014; and

- (b) as the consent authority, refuse consent pursuant to section 80 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2016/240 for the following reason:
- (i) that it is in the public interest to maintain the integrity of the development standards in Clause 4.1B of the Bathurst Regional LEP 2014 and Section 4.3 of the Bathurst Regional DCP 2014 in relation to the minimum lot size for the erection of a dual occupancy development.

The applicant lodged an appeal in the Land and Environment Court on 24 January 2017. A court hearing was held on 10 April 2017. On 20 April 2017 the appeal was dismissed by the Land and Environment Court.

This background is provided for Council's information purposes only. It does not impact upon the consideration of this Development Application.

The proposal

The proposal involves:

- Three storey dwelling with garage in the basement level;
- Retaining walls;
- Swimming pool with safety barrier; and
- Pergola.

See plans of the proposed development at **attachment 3**.

Planning Context

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 *dwelling house* 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 for this locality indicates a maximum building height of 9 metres. The proposed building will have a maximum overall height above natural ground level of approximately 8.3 metres which therefore complies.

The submitted plans provide a representation of the height of the dwelling relative to the 9m height restriction across the site.

Clause 7.3 Airspace operations

While the subject site is within the Bathurst airport environs the proposed dwelling, with an approximate overall height of 8.3 metres, will not penetrate the Limitation or Operations Surface.

Clause 7.5 Essential services

Reticulated water, sewer, stormwater, telecommunications and electricity services are

already available to the subject site.

Bathurst Regional Development Control Plan 2014

Chapter 4 Residential Development

The following table outlines the principle development standards for dwelling houses.

Development Standard	Compliance/Comment
Section 4.3 Minimum Lot Size	
Council shall not grant consent to development for the purpose of a dwelling house unless the area of the allotment is no less than the minimum set in Clause 4.1 Minimum subdivision lot size and on the Lot Size Map (LSZ).	The Lot Size Map indicates that the minimum subdivision lot size in this locality is 550m ² . The subject site has an area of 789.4m ² and therefore a dwelling house is permissible.
Section 4.4 General Siting Considerations	
Section 4.4.2 Front Building Line Setback – Corner Allotments	
The combined distance of the 2 building line setbacks to the 2 roads is to be not less than 8 metres, provided that neither is less than 2 metres.	The proposed dwelling will have a 5.5 metre setback from Governors Parade and a 2.5 metre setback from Colville Street therefore achieving a combined total setback of 8.0 metres.
Section 4.4.2 Side and Rear Building Line Setbacks	
In accordance with National Construction Code (NCC)	The proposed dwelling will have a 1.0 metre setback from the northern boundary which exceeds the NCC prescribed minimum of 0.9 metres.
All applications for development (except single storey dwelling houses) must show the location of neighbouring buildings, neighbouring windows, balconies and outdoor living areas in relation to the proposed development.	Site plans for the proposed development identify the neighbouring dwellings to the north and east. Elevations for the proposed development identify the rear bedroom window of the neighbouring dwelling to the north.
Applications for two storey development (including 2 storey additions) are to provide an assessment of overshadowing to all adjoining properties on the winter solstice in June.	Shadow diagrams for each hour between 9.00am and 3.00pm at the winter solstice (21 June) have been submitted with the Development Application. The submitted shadow diagrams demonstrate that there will be very minimal impact on the adjoining properties to the north and east. Shadows are predominantly cast within the subject property and onto Governors Parade and Colville Street. See shadow diagrams at attachment 4 .
Section 4.8 Height of Buildings	
A building containing more than 2 floors shall not be erected on land within Zone R1 - General Residential or Zone R2 Low Density Residential. Notwithstanding the above, allowance can be made for rooms within the roof line (eg. attic rooms) or rooms/garages within a basement area generally below ground level where Council is satisfied that the privacy of adjoining properties is not adversely affected. Notwithstanding the above, allowance can be made for a building of more than 2 floors on	The site slopes from the south-east corner down to the north-west corner and there is approximately 3.5 metres fall across the site. The proposed dwelling has three floors. The basement level is predominantly below natural ground level and then two floors above natural ground level. One master bedroom window on the top floor faces towards the adjoining property to the north – 38 Governors Parade. The sill height of this window will be well above the eave height of the

<p>heavily sloping land where Council is satisfied that the dwelling height is consistent with the slope of the land and that the privacy of adjoining owners is not adversely affected.</p>	<p>dwelling at 38 Governors Parade. Further, the window is off-set from the rear bedroom window of the dwelling at 38 Governors Parade. The view from this window will be of the roof of the dwelling at 38 Governors Parade and beyond.</p> <p>The balcony on the top floor, accessed via the master bedroom, will provide a direct line of sight into the rear yard of 38 Governors Parade. It is therefore recommended that a condition be imposed requiring the installation of fixed louvered screens on the whole of the northern end of the balcony and for at least 2 metres along the eastern side of the balcony in order to screen the direct view into the rear yard of 38 Governors Parade.</p> <p>One living room window on the middle floor faces towards the adjoining property to the north – 38 Governors Parade. This window is setback 3.0 metres from the northern boundary and is level with the blank garage wall of 38 Governors Parade.</p>
<p>Section 4.9 Parking, Access and Manoeuvring Areas</p>	
<p>Single dwelling house – 1 covered car parking space</p>	<p>The proposed development includes a basement garage that will accommodate two vehicles.</p> <p>Two stacked visitor parking spaces will be available on the driveway in front of the garage.</p>

Chapter 2 Exhibition & Notification of Development Applications

In accordance with Chapter 2 *Exhibition and Notification of Development Applications* in the Bathurst Regional Development Control Plan 2014, the Development Application was notified to adjoining property owners from 8 January 2018 to 17 January 2018.

At the completion of the notification period no submissions were received.

Conclusion

Council has received a Development Application (DA) for a three storey dwelling with attached garage, retaining walls, swimming pool with safety barrier and pergola at 40 Governors Parade, Windradyne. The subject site is on the corner of Governors Parade and Colville Street. The subject site is currently vacant. The adjoining property to the north contains a single storey with attached garage. The adjoining property to the east contains a single storey dwelling with attached garage. The site slopes from the south-east corner down to the north-west corner and there is approximately 3.5 metres fall across the site. The slope of the land means that the basement floor is largely below ground level. The Development Application was notified to adjoining property owners from 8 January 2018 to 17 January 2018. At the completion of the notification period no submissions were received. Issues of privacy identified in the body of this report can be overcome by imposing appropriate conditions of consent. 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

4 DEVELOPMENT APPLICATION NO. 2017/410 - TRANSPORT TERMINAL AT 148 CERAMIC AVENUE, RAGLAN. APPLICANT: GEDS ENTERPRISES PTY LTD. OWNER: BORAL CSR BRICKS PTY LTD (DA/2017/410)

Recommendation: 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. 2017/410, 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 development is to comply at all times with the recommendations made in the Air Quality Assessment, prepared by GHD, dated December 2017.
 - (ii) The development is to comply at all times with the recommendations made in the Noise Impact Assessment, prepared by GHD, dated October 2017;
- (b) notify those that made submissions of its decision; and
- (c) call a division.

Report: The Site

Council has received a Development Application (DA) for the use of existing premises at 148 Ceramic Avenue as a transport terminal, described as Lot 1 DP 806465. Refer to location plan and aerial photo at **attachment 1**.

The site is accessed off Ceramic Avenue and is 9.823 hectares. The site is adjacent to the Bathurst Airport and Allied Timber Products to the east.

Rural-lifestyle blocks are located to the south of the site. Agricultural land is located beyond the subject site.

The site contains an existing site office and sheds remaining from the previous use.

The nearest residential dwelling is 310m from the nearest part of the property boundary of the subject site and 380m from the proposed working areas of the site.

History of the Site

The site was historically occupied by CSR Boral Bricks for many years and used for the manufacturing, storage and transporting of bricks. The large scale use of the site ceased approximately twelve (12) years ago.

The proposal

The proposal seeks consent for the use of part of the site as a transport terminal.

The transport terminal involves receipt and storage of materials, including timber, and the package of materials into shipping containers for transportation. The shipping containers containing logs are fumigated with methyl bromide through the use of a mobile fumigator. This is necessary to comply with quarantine restrictions associated with the transport and exporting of timber materials. Whilst the application is focussed on timber it does not

exclude the receipt and containerisation of other materials on the site.

The shipping containers are then loaded on trucks for distribution.

The applicant currently operates a rail freight terminal at 25 Stockland Drive. The shipping containers from the Stockland Drive site are loaded onto a chartered train and sent to Sydney approximately three to four times per week.

Other machinery required on site includes two front end wheel loaders, one 18 tonne forklift, and 2 container handlers. The applicant anticipates there will be 400 truck movements per week.

The site requires six full time staff and three casual staff, totalling nine (9) staff required.

Refer to **attachment 2** for a plan of proposed development.

Planning Context

Environmental Planning and Assessment Act 1979 (EP&A)

The proposed development is Integrated Development pursuant to Section 91A(2) of the EP&A Act, as the fumigation of containers carrying logs requires a licence from the NSW Environment Protection Authority (EPA) under the Protection of the Environment Operations Act.

Council has received the General Terms of Approval (GTA) from the EPA. The conditions of the GTA will be included as Conditions of Consent. A copy of the GTA's are provided at **attachment 3**.

It should be noted that the EPA were provided with copies of the public submissions received during the consultation process.

The GTA's require the applicant to undertake works and monitoring inclusive of:

- Preparation (in consultation with the EPA) and implementation of an Air Quality Management Plan inclusive of key performance indicators, monitoring and management issues.
- Installation of a visual warning system to inform any airport personnel working on the airport grounds adjacent to the premises, that the containers are in the process of being ventilated.
- Establishment of a communication protocol with Council.
- Restrictions on general site operations to 7am to 10pm Monday to Friday, 8am to 5 pm Saturday and at no time on Sunday or public holidays.
- Venting of containers to be limited to between 7am and 6pm.

State Environmental Planning Policy (Infrastructure)

In accordance with Clause 104 of SEPP (Infrastructure) freight intermodal facilities and freight terminals require referral to the Roads & Maritime Services (RMS) and require the following to be taken into consideration:

- (i) any submission that the RMS provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed the RMS advises that it will not be making a submission), and

- (ii) the accessibility of the site concerned, including:
 - a. the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and
 - b. the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and
- (iii) any potential traffic safety, road congestion or parking implications of the development.

The RMS has provided advice in relation to the application. The RMS note that the existing treatments at the intersection of the Great Western Highway and Ceramic Avenue are adequate to accommodate traffic generated by the proposal and the RMS will not object to the proposal.

State Environmental Planning Policy 55 – Remediation of Land

The subject site has historically been used for industrial purposes which may have the potential for land contamination. The proposal is for the continuation of the use of the land for industrial purposes. Further investigation and/or remediation of the site is therefore not considered necessary.

Bathurst Regional Local Environmental Plan 2014

The subject site is zoned IN1 General Industrial under the provisions of the *Bathurst Regional Local Environmental Plan 2014*.

The proposal would be defined as a *freight transport facility* being:

Freight transport facility means a facility used principally for the bulk handling of goods for transport by road, rail, air or sea, including any facility for the loading and unloading of vehicles, aircraft, vessels or containers used to transport those goods and for the parking, holding, servicing or repair of those vehicles, aircraft or vessels or for the engines or carriages involved.

A freight transport facility is permissible with consent in the IN1 General Industrial zone. The proposal is consistent with the objectives of the zone.

Clause 7.3 Airspace operations

Clause 7.3 applies to land within the vicinity of Bathurst Airport. The principal parts of the Clause are as follows:

- (1) *The objectives of this clause are as follows:*
 - (a) *to provide for the effective and ongoing operation of the Bathurst Airport by ensuring that the operation of the airport is not compromised by proposed development that penetrates the Limitation or Operations Surface for that airport,*
 - (b) *to protect the community from undue risk from that operation.*
- (2) *If a development application is received and the consent authority is satisfied that the proposed development will penetrate the Limitation or Operations Surface,*

the consent authority must not grant development consent unless it has consulted with the relevant Commonwealth body about the application.

The adopted Limitation or Operations Surface Plan applies to the site and provides an overall height of operations that can be undertaken without breaching the Limitation or Operations Surface. This ranges from 4m at the northern end of the site through to in excess of 24 metres at the southern end of the site. These limitations have been illustrated graphically on the submitted plans. This analysis indicates that the proposed operations can occur without impacting on airport safety operations.

Bathurst Regional Development Control Plan 2014

Chapter 5 Business and Industrial Development

Development Standard	Proposed	Permissible	Compliance
Floor area	NA	NA	NA
Setback - front	15m	10m	YES
Setback - rear	>10m	5m	YES
Setback - side	>7m	5m	YES
Floor space ratio	NA	1:1	NA
Height	8m maximum	8m	YES
Car parking	NA	NA	NA*
Bicycle Parking	NA	NA	NA*
Accessway Width	>6m	6m	YES
12.5m vehicle manoeuvring	Yes	YES	YES
Landscaping	YES	Yes	YES
Appropriate signage	NA	Yes	NA

* There is ample location for car parking and bicycle parking on site however there are no retail sales or other reasons for members of the general public to come to the site. There are at least 19 car parking spaces on site available for use by employees.

Submissions

The development application was advertised and notified to adjoining property owners from 6 November 2017 to 5 December 2018. Following the advertising and notification period a total of four (4) submissions were received. One submission was a petition with twelve signatories. Refer to **attachment 4** for submissions.

A discussion forum was convened by the Director of Environmental, Planning & Building Services on 21 December 2017. Refer **attachment 5** for the discussion forum minutes. Issues raised in the submissions and at the discussion forum are outlined and addressed below:

- **Traffic impact**

There were concerns raised regarding the potential impact on the local traffic network and the capability of the road for large truck movements.

A Traffic Report was submitted with the DA, refer **attachment 6**. The applicant anticipates there will be 400 truck movements per week, which includes inwards and outwards movement. The travel routes are east and west along Ceramic Avenue and should have no impact on Melrose Drive or PJ Moodie Drive. Allied Timber Products adjacent to the site generates approximately 125 truck movements per week.

The Development Application was referred to NSW Roads and Maritime Services who confirmed Ceramic Road and the Great Western Highway could accommodate the traffic levels generated from the proposal. Refer **attachment 7**.

Some of the submissions raised concerns that the traffic numbers anticipated are too low and do not adequately reflect the likely traffic impact. The available figures are based upon existing traffic generation levels from existing operations being undertaken elsewhere. They therefore provide a reasonable basis for estimation of traffic generation levels.

Ceramic Avenue has a long term history of use for industrial purposes. It is recognised by the National Heavy Vehicle Regulator map as a B – double route.

The rural residential properties maintain their primary accesses to PJ Moodie Drive, Melrose Drive and internally to Lansdowne Drive. There is limited scope for conflict between the residential road users and heavy vehicle usage.

- Health impacts

The fumigation of containers for timber prior to export is a quarantine requirement. The industry currently uses Methyl Bromide which is regulated by NSW Environmental Protection Authority (EPA). Methyl bromide has historically been used at other timber handling facilities in the Bathurst LGA. The General Terms of Approval issued by the NSW EPA (refer **attachment 3**) confirm acceptable operation of the site, subject to conditions.

Fumigation of the containers is proposed to occur on the existing hardstand areas at the northern end of the site. Approximately 200 containers will be fumigated per week. The nearest affected dwelling is 310 metres from the nearest part of the site boundary and 380 metres in from the proposed working areas.

Methyl bromide is a toxic air pollutant commonly used for fumigating goods in cargo containers prior to export. It is colourless and odourless. It is used to completely fill a container to control pests such as insects, rodents or fungi. At the completion of fumigation (typically 24 hours) the containers are opened and the residue dissipates into the atmosphere.

An Air Quality Assessment was submitted with the DA documentation (refer **attachment 8**). The Air Quality Assessment uses a number of standards including the criteria in the EPA Approved Methods and the assessment criteria of workplace exposure standards for methyl bromide. The AUSPLUME plume dispersal model was used to predict off-site pollutant concentration which includes assessing meteorology.

A number of different scenarios have been modelled. The Air Quality Assessment predicts, in the worst case scenario, that the methyl bromide will exceed the Approved Methods criterion of 0.35mg/m³ at the western and northern site boundaries when 10 containers are opened close to the boundary of the airport. This scenario only impacts upon the airport and does not extend onto any other adjoining properties or the surrounding rural and rural residential properties. The Assessment recommends site specific recommendations as follows:

1. Container opening should be staggered with a three minute waiting time period between two containers being opened to reduce the instantaneous methyl bromide emissions.

2. Container Area 2 ventilation should not be undertaken during periods when:
 - a. Wind speeds are below 11km/h and wind directions are between 70 and 90 degrees (BoM compass directions – East North East and East)
 - b. Wind speeds are below 22km/h and wind directions are between 140 and 230 degrees (BoM compass directions – South East, South South East, South, South South West and South West).
 - c. Wind speeds are below 9km/h and wind directions are between 245 and 275 degrees (BoM compass directions – West South West and West).
3. Container Area 3 ventilation should not be undertaken during periods when:
 - a. Wind speeds are below 11km/h and wind directions are between 85 and 120 degrees (BoM compass directions – East North East and East)
 - b. Wind speeds are below 17km/h and wind directions are between 145 and 185 degrees (BoM compass directions – South East, South South East, South, South South West and South).
 - c. Wind speeds are below 5km/h and wind directions are between 255 and 265 degrees (BoM compass directions – West South West and West).
4. Weather data from the Bathurst Airport AWS is to be used to exclude the above mentioned periods.
5. Methyl bromide measurements at the container door once opened must show levels below 48 g/m³. If levels are recorded above 48 g/m³ then additional site specific management may be required.
6. Measurements of Methyl Bromide concentrations after 24 hours should be undertaken to establish the residual levels upon container opening to refine the site specific mitigation measures.

It should be noted the NSW EPA supports the proposal by issuing General Terms of Approval. The General Terms of Approval and subsequent licence imposes strict conditions to ensure safe operation and use of methyl bromide.

- Hours of operation

Hours of operation was raised by persons who lodged a submission and the potential impact this could have on nearby residents. The NSW EPA General Terms of Approval specified the hours of operation to be as follows:

Operational activities related to the Proposal may only be undertaken during the following hours:

General site operations (including log and container deliveries/dispatch, log and container handling operations and container fumigation);

- 7:00am to 10:00 pm, Monday to Friday;
- 8:00am to 5:00pm, Saturday; and
- at no time on Sundays or Public Holidays.

Venting of containers;

- 7:00 am to 6:00 pm.

Conclusion

The proposed development seeks consent for a transport terminal at 148 Ceramic Avenue. The proposal involves receiving freight (primarily involving logs), packing to shipping containers and fumigation of containers for distribution.

The subject site is currently unused and is appropriately zoned for the proposed use. The site is adjacent to an adjoining timber processing facility and the Bathurst Airport and is

suitable for the proposed industrial nature of the development.

The nearby rural-lifestyle allotments are not considered to be significantly impacted by traffic and truck movements, noise and chemical impact. The NSW Environmental Protection Authority granted the General Terms of Approval for the development on the basis that safe levels of emissions were to occur at the site. The NSW EPA determined it was able to issue the General Terms of Approval for the site, with appropriate conditions. Approval is therefore 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 DEVELOPMENT APPLICATION NO. 2017/445 – CONSOLIDATION OF LOTS, CONSTRUCTION OF THREE X TWO BEDROOM UNITS AND FOUR LOT RESIDENTIAL SUBDIVISION AT 216 HAVANNAH STREET, BATHURST. APPLICANT: LR CUTLER PTY LTD. OWNER: MR JW SIMONS (DA/2017/445)

Recommendation: 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. 2017/445, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended; and include conditions to the effect:
 - i) The Applicant is to arrange a Tree Protection Zone for the English Elm tree in accordance with AS4790-2009 or converse with the landholder of 34 Rocket Street for removal. The applicant is to provide to Council, in writing, the preferred method for handling the tree prior to the issue of any Construction Certificate;
- (b) notify those that made submissions of its decision; and
- (c) call a division.

Report: The Site

Council has received a Development Application (DA) for the consolidation of lots, construction of three x two bedroom units and resubdivision at 216 Havannah Street, described as Lot 8 and 9 DP 1130486. A location plan and aerial photo are provided at **attachment 1**.

The site contains one existing single storey dwelling on the southern side known as 216 Havannah. The site has a combined area of 1,471m².

The site is surrounded by residential dwellings, with the South Bathurst Convenience Store and South Bathurst Butcher on the corner of Havannah Street and Rocket Street. The site has a direct line of less than 200m from Milltown Park and 300m from Centennial Park.

History of the Site

The site contains an existing single storey dwelling. The remainder of the site is vacant and appears to have been so for many years.

A Preliminary Contamination Investigation was undertaken (3 October 2017) identifying the site is suitable for residential use.

The proposal

The proposal involves:

- Consolidation of the existing lots;
- Construction of three x two bedroom units;
- Construction of a carport for the existing dwelling; and
- A four lot residential subdivision.

See plans of proposed development at **attachment 2**.

Planning Context

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*. Residential Units and subdivision are permissible with consent in the R1 General Residential zone. The proposal is consistent with the objectives of the zone.

4.1B Minimum Lot Size for dual occupancies, multi dwelling housing and residential flat buildings

Multi dwelling housing (residential units) requires a Minimum Lot Size, as shown on the Lot Size Map, of 1,300m². The site is 1,471m² and therefore complies with the minimum lot size for multi dwelling housing in Precinct 2.

4.3 Height of buildings

The proposed development will have a maximum height of 5.1m. The Maximum Height of Buildings specified on the Height of Buildings Map is 9m and therefore the proposed development complies with the maximum height of buildings.

5.10 Heritage Conservation

The subject site is within the Bathurst Heritage Conservation Area but is not individually listed as a Heritage Item. The existing dwelling is Late Victorian (1875-1901) and has a BCAMs rating of Contributory. There are no changes proposed to the existing dwelling, other than the erection of a carport proposed on the southern side, behind the building line. The carport will not adversely impact upon the existing building.

The proposed infill development is single storey with a 25 degree roof pitch. It will be set back 7.5m at the front, similar to the existing dwelling on site. The proposed fencing is 900mm high picket fencing, sympathetic to the heritage character of the area. The proposed infill dwelling to the Havannah Street streetscape will be face brick work in strong autumn tones.

The two rear dwellings will have limited visibility to the streetscape, having no impact on the streetscape of Havannah Street.

Bathurst Regional Development Control Plan 2014

Chapter 2 Notification and Exhibition

The development application was advertised and notified to adjoining property owners from 27 November 2018 to 11 December 2018. Following the advertising and notification period a total of 1 submission was received (see submission at **attachment 3**).

A discussion forum was arranged but the person who lodged the submission could not attend. Issues raised in the submission are outlined and addressed below.

- A tree partially exists within the property of 36 Rocket Street, (Lot 1 DP 150662) and removal is not supported.

Comment

The applicant was requested to provide a survey plan to show the exact site boundary and the location of the English Elm tree (*Ulmus procera*). The survey determined the tree is actually located within 34 Rocket Street, Lot C DP 159826, refer **attachment 4**.

The tree, based on the information available to Council, is therefore located on neither the applicant nor the objectors land.

It is noted that Council has previously approved plans for redevelopment of 34 Rocket Street for residential units. Those plans, approved by Council in 2010, showed the retention of the tree.

It is acknowledged the level of cut and necessary retaining wall for the proposed development is likely to impact on the health of the tree. An assessment was made by Council's Operations Manager Parks and Senior Heritage Planner who determined that the loss of the tree would not be a significant impact on the locality. A condition of consent will be imposed that either a tree protection zone is to be established or discussions are to be held with the landholders of 34 Rocket Street to seek its removal. Should the landholders of 34 Rocket Street wish to remove the tree, Council approval is required in accordance with Council's Tree Preservation and Management Policy.

- Does not want a boundary fence between the subject site and 36 Rocket Street to include a retaining wall. It is preferred this is a separate structure to the fence.

The plans show that the masonry retaining wall, up to 800mm high, with a 1.8m high colorbond fence above the retaining wall. This will improve privacy for both Residence 2 of 216 Havannah Street and 36 Rocket Street. There are no changes to the ground level of 36 Rocket Street. Further, the retaining wall will not be visible from 36 Rocket Street. The retaining wall is required on the eastern and southern boundaries.

- Potential impact on privacy from the new fence.

The new fence will be 1.8m high colorbond fence on the rear and side boundaries. An 800mm high masonry retaining wall will be internal to this colorbond fence. The existing fence between the subject site and 36 Rocket Street is an unstable approximately 1m high timber fence. The proposed development will provide a safer and higher fence, improving privacy for 36 Rocket Street. The construction of the fence will be the responsibility of the developer for 216 Havannah Street.

Chapter 4 Residential Development

The site is contained within Precinct 2 pursuant to the *Bathurst Regional Development Control Plan 2014* (DCP). Residential Units are permissible with consent in the precinct. The proposal complies with the objectives of the Precinct and the development standards for residential units as shown in the table below:

Development Standard	Proposed	Permissible	Compliance
Minimum lot size	1,471m ²	1300m ²	YES
Density	59.82 persons	60 persons	YES
Site Coverage	48%	50% max	YES
Height	5.1m	Two- storey maximum	YES

Setback - front	7.4m	complement existing	YES
Setback - rear	1m	In accordance with BCA	YES
Setback - side	1.1m	In accordance with BCA	YES
Car parking	1 covered per dwelling	1 covered per dwelling	YES
Resident	1 per dwelling	1 per dwelling	YES
Visitor	1 space	1 space	YES
Accessway width	6m	3-6m wide	YES
Open space area	>40m ² per dwelling	30m ² per dwelling	YES
Open space width	4m/dwelling	4m wide	YES
Garage doors	0%	50% of façade or 70% of façade	YES
Battle-axe allotment(P2/P3 only)	Regular	Regular allotments only	YES
Frontage width (P2/P3 only)	24.5m	Minimum 20 metres	YES
Frequency (P2/P3 only)	NA	Corner allotment or 40m separation	NA
Floor area (secondary dwelling)	NA	60m ² or 20% of floor area of principle	NA

Chapter 16 Earthworks

The table below outlines the development's compliance with the standards for earthworks under the DCP.

	Compliance	Comment
Extent of cut and fill shown on plans	YES	<i>Yes, 800mm of cut is shown on the plans.</i>
Height and location of retaining walls shown on plans	YES	<i>Retaining walls are proposed to be up to 800mm high and constructed of masonry.</i>
Cut and fill on boundary 1 meter or less	YES	<i>No cut and fill is proposed on the boundary.</i>
Retaining walls on boundary of material other than timber	YES	<i>Retaining walls are proposed to be up to 800mm high and constructed of masonry.</i>

Conclusion

The proposed development seeks consent for the construction of 3 x 2 bedroom units, a carport to the existing dwelling, and a four lot residential subdivision.

The proposed development complies with Council's planning controls and contributes positively to housing supply within Bathurst.

The existing vacant site is identified to have an intrusive impact on the streetscape of the Heritage Conservation Area. The proposed use of face brick work, 25 degree roof pitch and consistent setback from the streetscape is acceptable. The proposed infill development is considered to relate well to the existing Late Victorian dwelling. The proposed front fencing is 900mm high picket fencing, sympathetic to the Heritage character of the area.

The proposed development will provide generous private open space and off-street car parking. The site is close to public open space and local neighbourhood shops. Approval of the development 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

6 DEVELOPMENT APPLICATION NO. 2017/394 – DOG BREEDING FACILITY AT 1557 ROCKLEY ROAD, ROCKLEY. APPLICANT: ROCKLEY VALLEY PARK PTY LTD. OWNER: GREENFIELD PROPERTY NOMINEES PTY LTD (DA/2017/394)

Recommendation: 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. 2017/394, 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) A complaints management plan is to be established, including a record for verbal and telephone complaints, investigation and relevant testing measures, timeline for action to be completed and confirmation of follow up with complainant. The record of complaints and actions is to be submitted to Council annually.
 - (ii) The vegetation screening along Rockley Road and Black Mountain Road is to be native species other than koala feed species to limit likelihood of koala interactions, and is to be extended along Black Mountain Road to provide a more effective barrier with neighbours. The screening is to be a distance of 200m (along the southern and eastern security fence) so that the facility is less visible to Black Mountain Road.
 - (iv) Noise levels at the nearest non-associated residences are not to exceed the following:

Rated Background Level	Intrusive Criteria	Daytime Noise Penalty	Evening/ Night noise penalty	Acceptable Noise Criteria Day	Acceptable Noise Criteria Evening/ Night
30dBA	35dBA	-5dBA	-10dBA	30dBA	25dBA

- (v) Management procedures to be put in place to prevent the emission of avoidable barking or other noise.
- (vi) All animals to be wholly contained within their breeding and inner yard enclosure between the hours of 6.00pm and 7.00am.
- (vii) Shade cloth, or similar (1800mm in height and a colour conducive to the landscape features) is to be erected along the security fence to reduce barking caused by external stimulus.
- (viii) Acoustic compliance monitoring of not less than 1 week duration is to occur within:
 - (i) 6 months of the facility's operation and
 - (ii) at not less than 80% of the operational capacity.

Acoustic assessment is to take place within 30 metres of the receivers residences, or if permission is not granted, within 1557 Rockley Road at the closest point to the receiver.

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

Report: The Site

Council has received a Development Application (DA) for a dog breeding facility at 1557 Rockley Road, Fosters Valley, described as Lot 2190 DP 846322. A location plan is provided at **attachment 1**.

The subject site currently contains one dwelling and associated farm infrastructure. The site is bound by Black Mountain Road to the south, Rockley Road to the west, and agricultural land to the north and east. Land to the east is heavily vegetated. The site contains a 2nd order stream that later feeds into Davy's Creek (a 3rd order stream) off site.

The site has an area 101.9ha.

The nearest non-associated dwellings are located as follows

- 1605 Rockley Road, 420 metres from the location of the proposed development;
- 1796 Rockley Road, 480 metres from the location of the proposed development.

History of the Site/Proposal (if applicable)

The site is understood to have a long history of agricultural use. It was subdivided from a larger rural holding in 1994.

The proposal

The proposal involves a dog breeding facility for capacity of 60 dogs, comprising 8 males and 52 females. The facility proposes:

- 15 kennels and associated fenced dog run;
- A building containing 20 whelping kennels and outdoor fenced space;
- 8 mating kennels and associated dog run; and
- 2 central dog socialisation areas which include shade structures and a small pool (250mm deep).
- Grooming shed;
- 1.8m high chain wire fencing;
- Refurbishment of existing shed to be used for dog hospital and quarantine room; and
- Effluent disposal system.

The Development Application has been accompanied by the following reports:

- Statement of Environmental Effects (SoEE) and plans of proposed development at **attachment 2**.
- Geotechnical Report at **attachment 3** (Amended since initial application)
- Acoustic assessment at **attachment 4** (Amended since initial application)
- Draft Plan of Management at **attachment 5**

Staffing

There is no general access by the public to the site, which will be managed by one caretaker

who will reside in the existing dwelling on site. Two employees will frequent the site each week and a veterinarian will visit the site approximately once per week.

The dog breeding facility will provide the occasional training course where there is expected to be 12 persons in attendance. Training courses are anticipated to occur 6-10 times per year with no accommodation on site.

Waste management

The site proposes an effluent disposal system for the cleaning out of kennel areas, whelping areas, and mating areas (refer to Geotechnical Report at **attachment 3**), which has been amended since the initial application. The waste water collected during the washing out of these facilities will be drained through a swale to a biocycle sewerage treatment system.

Faeces will be collected by staff and disposed of at a licenced commercial waste facility by the caretaker.

Acoustics

The applicant has provided an amended acoustic report during the assessment process, included at **attachment 4**. The amended acoustic report addresses issues surrounding the potential offensive nature of barking dogs by applying a penalty of 5dBA for daytime noise and 10dBA for night time noise taking into account intermittency and potential sleep disturbance. The amended report also corrected some references to the nearest dwellings being 1796 Rockley Road and 1605 Rockley Road.

The acoustic report adopts the Industrial Noise Policy 2000 which states that, should background noise levels be the rated background level, be determined to be less than 30dBA, then 30dBA should be used as the RBL. The usual approach to addressing intrusive noise levels would be to add 5 dB to these levels resulting in the project noise level of 35 dBA.

Consistent with the approach adopted by the Land and Environment Court for the Dunkled Pet Hotel, penalties have been applied to the development to address the character and intermittency of barking dogs. When the character penalty is applied, a sufficiently strict noise criteria of 30dBA (-5dBA penalty day time) and 25dBA (-10dBA penalty evening/night time) is set. It is noted that the Industrial Noise Policy 2000 was recently reviewed and replaced by the Noise Policy for Industry in October 2017 (ie at around the same time the Development Application was lodged). The submitted report is consistent with the 2000 Policy. Whilst some aspects of the amended report are not wholly consistent with the 2017 Policy (e.g. provision of noise modelling details, meteorological conditions, using the new RBL standard) it is noted that the 2017 Policy generally adopts a higher background level of 35 dBA as opposed to 30dBA. Notwithstanding, by using the 30dBA RBL, the consultant has provided a sufficient, and more strict, baseline for noise criteria to be established.

It is recognised that through good design of the facility and its compliance with best practice management procedures, there is a reduced likelihood of noise from barking becoming an issue. However, to be consistent with recent conditions imposed on similar developments, in light of the rural locality and to reinforce mitigation actions proposed in the acoustic report, precautionary conditions have been added. This includes monitoring of noise once operational.

If Council approves the development, a complaints handling management plan will be implemented as a condition of consent. The management plan and results will be required to be submitted to Council annually.

Planning Context

State Environmental Planning Policy 44 – Koala Habitat Protection

An assessment prepared by the applicant to satisfy the requirements of State Environmental Planning Policy 44 – Koala Habitat Protection (SEPP 44) has been submitted with the Development Application as part of the Statement of Environmental Effects. The assessment did not identify the site as a core koala habitat.

A core koala habitat is identified as *an area of land with a resident population of koalas, evidenced by attributes such as breeding females (that is, females with young) and recent sightings of and historical records of a population.*

Under this definition, whilst there are koalas in the vicinity of the development or on the property, the provisions of SEPP 44 requiring a specific Plan of Management do not apply in this instance.

Notwithstanding this, the proposed development is seeking to minimise potential impact to koala fauna by planting trees other than koala feed trees to meet landscaping requirements, installing a 1.8 metres high external fence and installing a 1.5 metres high internal fence. The Statement of Environmental Effects (SoEE) has identified that should a koala be seen within the vicinity of the animal breeding facility, WIRES will be contacted immediately for appropriate relocation. It is suggested that such relocation be required to be in the vicinity of the site.

Bathurst Regional Local Environmental Plan 2014

The subject site is zoned RU1 Primary Production under the provisions of the *Bathurst Regional Local Environmental Plan 2014*.

Zone RU1 - Primary Production

Objectives of zone

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To maintain the rural and scenic character of the land.*
- *To provide for a range of compatible land uses that are in keeping with the rural character of the locality, do not unnecessarily convert rural land resources to non-agricultural land uses, minimise impacts on the environmental qualities of the land and avoid land use conflicts.*

The proposed development is for a dog breeding facility. This use of the land is most closely characterised as an *animal boarding or training establishment* under Bathurst Region Local Environmental Plan 2014.

An *animal boarding or training establishment* is defined as *a building or place used for the breeding, boarding, training, keeping or caring of animals for commercial purposes (other than for the agistment of horses), and includes any associated riding school or ancillary veterinary hospital.*

An animal boarding or training establishment is not prohibited in the RU1 Zone and is therefore permitted with consent.

The use of the land this way is not inconsistent with the objectives of the zone provided the land remains available for agricultural use, impacts on the environment are minimised and land use conflicts are avoided.

Clause 4.3 Height of Buildings

There is no maximum height of buildings specified for the subject site, however the kennels will be a maximum of 2.1 metres high, and the whelping building is a maximum of 4.5 metres high.

Clause 7.2 Bushfire Prone Land

The subject site is considered bushfire prone. Conditions can be imposed to ensure adequate firefighting water supply is available and the access is compliant with Planning for Bushfire Protection guidelines.

Bathurst Regional Development Control Plan 2014

Development Standard	Proposed	Permissible	Compliance
Setback - Front	12.25m	50m	Yes*
Setback - Side (nearest side)	75m	50m	Yes
Setback - Rear	>200m	50m	Yes
Domestic Water Supply	N/A	15,000 litres per/bedroom	N/A
Fire Fighting Water Supply	20,000 litres	20,000 litres	Yes

**The Bathurst Regional DCP 2014 does not prescribe a minimum setback for this specific land use. The DA has been assessed against the criteria for farm buildings for lots greater than 20ha. The proposal is generously set back from the rear and side boundaries. The kennels boundary fence setback of 12.25m from the front boundary is considerably less than the other setbacks but is acceptable in this instance. This is because the development can be as far as possible from Davys Creek and adequate area for vegetation screening is provided.*

- a) *The materials used must be naturally textured and coloured, sympathetic to the natural environment and must be non-reflective.*

The proposed fencing uses materials consistent with other rural fencing in the vicinity. The high fencing and kennels will be adequately screened by vegetation on Black Mountain Road and Rockley Road.

The design of the proposed whelping building is consistent with that of a rural dwelling. The whelping area has been designed to be non-reflective and sympathetic to the surrounding area and natural environment.

It is considered there will be no adverse impact of the buildings and materials proposed on the natural environment.

- b) *The bulk and scale of the building must not adversely impact on the visual amenity from neighbouring properties or the visual amenity from other significant locations in the City or the Region.*

The proposed development is not considered to create an adverse bulk and scale on the rural landscape. The proposed structures are appropriately set back from boundaries despite the front fence setback being 12.25 metres. The main structure, the whelping building, is set back generously from the front setback and presents a rural dwelling appearance, similar to surrounding rural dwellings.

- c) *The height of the building must relate to the topography of the land so that on steeper sites at least part of the roof plane is parallel to the slope and the overall building height sits below any ridgeline/s.*

The proposed kennels are 2.1 metres high. The proposed building heights are consistent with surrounding agricultural infrastructure (i.e. sheds) and other rural dwellings. The proposed infrastructure is appropriate within the topography having limited impact on the rural views from Rockley Road. This is due to the slope of the land of Rockley Road and the location of the kennels being more than 30 metres off the front boundary.

- d) *The design of the building must be in keeping with the rural character of the area.*

The proposed whelping building is considered to be in keeping with the rural area. The whelping building presents a rural dwelling appearance, with the use of colorbond roofing and façade, and a face brickwork dado wall. The proposed buildings utilise high quality design and materials creating a high standard development.

- e) *Rural structures such as outbuildings must be adequately screened with vegetation and setback from any road.*

Outbuildings including shade structures are proposed. Landscaping is proposed to screen the entire facility, along Rockley Road and Black Mountain Road. Conditions will be imposed for appropriate tree species that are suitable for the area and will not attract koalas.

Chapter 9 Environmental Considerations

Sensitive Land Areas – DCP Map No. 29 Land Resources		
Environmentally Sensitive Area	Identified on Subject Site?	Comment
Land Capability Class 7	NO	Plans and documentation submitted with the Development Application indicate that the proposed development will not result in significant disruption to sensitive land areas.
Land Capability Class 8	NO	
Karst Extent	NO	
Salting	NO	
Severe or Extreme Sheet or Rill Erosion	NO	
Sensitive Waterways – DCP Map No. 30 Riparian Land & Waterways		
Environmentally Sensitive Area	Identified on Subject Site?	Comment
Sensitive Waterways	YES*	*The development site is more than 400m from the sensitive waterway, Davys Creek. The implementation of a waste management plan and erosion and sediment control plan are considered sufficient to minimise any adverse impact

		on the sensitive waterways.
High or Moderate Biodiversity – DCP Map No. 31 Biodiversity		
Environmentally Sensitive Area	Identified on Subject Site?	Comment
DECC Estate	NO	*The locality is identified to contain areas of high biodiversity sensitivity. The proposed development site has been strategically located to be clear of the land identified as high sensitivity biodiversity. The proposal is unlikely to generate disruption to sensitive land areas.
High Biodiversity Sensitivity	Yes*	
Moderate Biodiversity Sensitivity	No	

Submissions

The Development Application was notified to adjoining property owners from 20 October 2017 to 30 October 2017. Following the notification period a total of 37 submissions were received.

The Application was put before the Policy Committee meeting on 6 December 2017. After the Policy Meeting, another 4 submissions were received (one of which was a petition with 5,190 signatories at the time), bringing a total of 41 submissions. Refer to **attachment 6** for complete list of submissions. Issues raised in the submissions and at the Policy Committee meeting included:

- Impact on waterways from runoff

Comment: The submissions included concerns regarding the potential cumulative impact of runoff from urine and uncollected faeces into Davys Creek. Davys Creek is identified as a sensitive waterway.

The development site is located a distance of more than 400 metres from Davys Creek. The substantial distance and implementation of appropriate waste, erosion and sediment control measures will result in minimal impact on the waterways. It is considered likely the prior historical use of the agricultural land as a livestock farm would also have some impact on sensitive waterways.

Submissions also describe an unnamed drainage line that should also be protected from effluent discharge. Conditions of consent can be included to address these concerns.

The dog faeces removal management plan is proposed as an appropriate approach to minimising impact on any water ways. The faeces are proposed to be collected constantly during daylight hours whilst the dogs are being socialised. The faeces will be disposed of at an appropriate waste facility.

- Appropriateness of effluent disposal to cater for development

Comment: The proposed effluent disposal system is an aerated wastewater treatment system. The Effluent Disposal Investigation provided (prepared by Calare Civil 15 September 2017) estimated the design flow for the animal breeding facility to be 400 litres per day. This includes the whelping building which will be cleaned out daily. This does not include staff toilets and kitchen facilities which has not been included.

Council requested an amended Effluent Disposal Investigation, prepared by Calare Civil

and submitted 23 January 2018. The amended Effluent Disposal Investigation increased total water consumption to 1220 litres per day. It is recommended a surface irrigation system would be capable to treat the daily water consumption via an aerated wastewater treatment system. The effluent disposal system would be inspected regularly by Council staff as part of general practise.

- Noise generation

Comment: The noise generation levels, as noted earlier in this report, were raised as a concern from surrounding landholders. The concerns relate mostly to impact on residences and adjoining agricultural activities (e.g. lambs) and the possibility that dogs barking at the facility, even at low noise levels, would initiate barking of other dogs in the locality, such as working dogs on nearby farms. It is also unclear if additional noise will be generated by the dog training activity. There were further questions arising from the noise logging as the nearby residents had not observed testing being undertaken at their property.

The amended acoustic assessment addresses several of these concerns by including character penalty of 5dBA for daytime noise and 10dBA for night time noise taking into account intermittency and potential sleep disturbance. The acoustic assessment submitted demonstrated compliance with the acceptable noise level of background noise +5dBA and -5dBA for character penalty. This approach is consistent with the Dunkeld Park Pet Hotel and is considered to provide a satisfactory noise criterion. Further, the noise assessment submitted by the applicant illustrates that because the dogs will know each other very well and be socialised daily, the facility is unlikely to generate excessive barking. Further, the setup of the facility in a circular arrangement limits random visual stimulation for the dogs that could trigger barking. A condition of consent is to be included for shade cloth to act as an additional visual barrier to prevent random visual stimulation.

The complaints handling management plan is considered an acceptable way to ensure complaints and responses are adequately recorded, should they arise.

- Treatment of animals within the facility and after purchase

Comment: Concerns were raised in submissions over the potential treatment of dogs in the facility, once rehomed after purchase, dogs not able to be rehomed, and the fate of breeding animals at the end of their breeding capability.

The proposed use of the site for a dog breeding facility is a legal use in NSW and permissible with consent in the zone. Council's obligation in assessing this application is to take into account planning concerns in accordance with its obligations under the Environmental Planning and Assessment Act. These planning considerations do not extend to many aspects associated with the regulation of the industry other than the public interest.

In that regard, the development proposes to apply best industry practice at the facility and refers to the implementation of the Pet Industry Association Standards and Guidelines for Best Practice for Breeding Establishments.

Other concerns raised by the submissions are related to ethical issues surrounding animal breeding facilities in general, and not necessarily specific elements of this proposal.

- Inadequate flora and fauna study

A submission argues that because of koala sightings in the vicinity of the development site a more detailed assessment of koala habitat should have been undertaken.

Comment: The site for the development infrastructure is fully cleared and the proposal attempts to manage the interface with koala activity by exclusion fencing and management of the site.

- The precautionary principle should lead to refusal

A submission argues that in the absence of full information (i.e. where there is uncertainty), the Council should refuse the application because the consequences of environmental impact are significant.

Comment: The applicant has described how foreseeable impacts can be mitigated. Although the precautionary principle is well established for environmental protection, development proposals dealing with or located within the natural environment are rarely completely free of uncertainty. It is the responsibility of Council, if inclined to approve the application to be satisfied foreseeable risks can be mitigated by appropriate conditions of consent. In so far as it might apply to the development, the Council is also to consider the public interest in making its determination.

Conclusion

The proposed development seeks consent for an animal breeding facility for a total of 60 adult dogs. The proposal intends to provide a high quality facility at 1557 Rockley Road, Fosters Valley.

The concerns raised by submissions related to the function of the site can be adequately mitigated. The implementation of erosion and sediment control and appropriate effluent disposal will mitigate potential for impact on sensitive waterways nearby. The noise assessment provides an acceptable level of noise generation and an appropriate complaints system can be implemented to ensure any complaints are being addressed. Separation from koalas and koala habitat has been proposed.

Council can request the annual submission of complaints and responses and the post breeding animal management plan. The annual submission of these reports will provide Council an update on the operation of the facility and review management practices.

Some of the concerns raised by submissions related to animal breeding facilities generally are not specific to this proposal and are addressed to the industry in general. Whilst unregulated dog breeding is occurring in Australia, the proposal intends to provide a high quality facility ensuring accountability within the local community. Submissions have argued however that the proposed facility is not in the public interest by failing to ensure animal welfare.

If Council is inclined to approve this application, a draft set of conditions is provided at **attachment 7**.

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 Strategy 28.8

and cultural assets.

Community Engagement

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

7 DEVELOPMENT APPLICATION NO. 2017/314 – PARTIAL DEMOLITION, ALTERATIONS AND TWO STOREY ADDITION TO DWELLING AND FRONT FENCE AT 118 MITRE STREET, BATHURST. APPLICANT: MR M & MRS C YEOMAN. OWNER: MR M & MRS C YEOMAN (DA2017/314)

Recommendation: 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. 2016/314, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended.
- (b) call a division.

Report: The Site

Council has received a Development Application (DA) for partial demolition, alterations and two storey addition to dwelling and front fence at 118 Mitre Street, described as Lot 1, DP 744886 and Lot A, DP 347292.

See location plan at **attachment 1** and aerial photo at **attachment 2**.

The site currently contains a single storey dwelling with attached garage, a separate shed and a swimming pool. The main part of the dwelling was constructed circa 1943. It is likely that the enclosed verandah and garage were slightly later additions.

As the dwelling currently straddles the boundary of two allotments a condition will be imposed to require the consolidation of the two lots prior to the issue of an Occupation Certificate.

The proposal

The proposal involves:

- Demolition of the attached garage, laundry, study and front deck;
- Construction of a two storey addition to the dwelling;
- Internal alterations;
- Increasing windows openings in enclosed verandah;
- Replacement of tiled roof with sheet metal;
- Painting of external brickwork; and
- Front fence.

See plans of proposed development at **attachment 3**.

After an initial assessment of the proposal by Council's Planning Officers and Heritage Advisor, Council wrote to the applicant to raise concerns about some elements of the proposal. These are summarised as follows:

- Preference for windows in enclosed verandah to not be increased in size;
- Preference for tiled roof to remain;
- Suggestion for inclusion of horizontal cross-bars in new windows to reflect proportions of original windows in the dwelling; and
- Preference for brickwork not to be painted.

In this letter Council's Planning Officers did however acknowledge general acceptance of the overall design of the proposed two storey addition including the mono-pitch roof design on the basis that this would minimise the height of the new development.

The applicant subsequently submitted a written response with an additional elevation plan attached. See applicant's response at **attachment 4**.

The additional elevation plan submitted with the applicant's response incorporated the following elements:

- A complete elevation of the Keppel Street side showing 1800mm high timber paling fence along the Keppel Street frontage of the site, in front of the enclosed verandah;
- A timber handrail with woven wire balustrade in front of the new windows on the Mitre Street elevation (in the existing enclosed verandah and the proposed two storey addition); and
- A complete elevation of the Keppel and Mitre Street sides showing the proposed low brick and metal front fence and associated gates.

Planning Context

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*. Dwellings, and therefore dwelling additions and alterations, are 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 for this locality indicates a maximum building height of 9 metres. The proposed two storey addition will have an overall height of approximately 7 metres which therefore complies.

Clause 5.10 Heritage conservation

The subject site is within the Bathurst Heritage Conservation Area but is not an individually listed Heritage Item. The proposal was referred to Council's Heritage Advisor for comment. See discussion in relation to Heritage Advisor's comments below under "Development Control Plan".

Clause 7.3 Airspace operations

While the subject site is within the Bathurst airport environs, the proposed building with an overall height of approximately 7 metres will not penetrate the Limitation or Operations Surface.

Bathurst Regional Development Control Plan 2014

Chapter 10 – Urban Design and Heritage Conservation

As the subject site is within the Bathurst Heritage Conservation Area the proposal was referred to Council's Heritage Advisor for comment.

The table below outlines the initial concerns of Council's Heritage Advisor in relation to the proposed development.

Please see applicant's response to these concerns at [attachment 4](#).

Concern	Comment
<p>The existing window openings in the Keppel Street and Mitre Street elevations of the enclosed verandah be retained rather than being increased to much larger openings.</p>	<p>The applicant has provided an additional elevation indicating a 1800mm high timber paling fence along the Keppel Street frontage of the site. This fence will screen the proposed larger window openings on the Keppel Street elevation.</p> <p>It is noted that the existing windows in the enclosed verandah are already of a different design and proportion to those in the original dwelling.</p> <p>The additional plan submitted (1702-DA07) includes a handrail and balustrade in front of the window in the Mitre Street elevation of the enclosed verandah. These elements give the enlarged window opening proportional representation to the original windows in the dwelling. This amendment has been included to reasonably address this concern.</p>
<p>The tiled roof on the existing dwelling be retained (and the tiles replaced with new ones if necessary). It is however considered appropriate to use Colorbond for the skillion roof of the two storey addition.</p>	<p>The existing roof is in poor condition and is reaching the end of its lifespan.</p> <p>The use of one roof material across the whole dwelling will unify the old and new construction.</p> <p>Colorbond roofing is common in the immediate surrounds.</p>
<p>The windows in the Mitre Street elevation of the proposed two storey addition include horizontal cross-bars or similar to reflect the proportions of the original windows in the existing dwelling.</p>	<p>The additional plan submitted (1702-DA07) includes a handrail and balustrade in front of the windows in the Mitre Street elevation of the proposed two storey addition. These elements give the new windows proportional representation to the original windows in the dwelling. This amendment has been included to reasonably address this concern.</p>
<p>The brickwork on the existing dwelling not be painted. It is however considered appropriate to paint or render the two storey addition in a warm tone that will complement the brickwork.</p>	<p>Painting the brickwork will unify the old and new construction.</p> <p>Painting the brickwork rather than rendering the brickwork will ensure that the textured effect of the brick, the mortar joints and the soldier course is maintained.</p> <p>Painted brickwork is common in the immediate surrounds.</p> <p>Despite being painted in the same colour, the old and new construction will be distinguishable with obvious variations in window design, roof design and height.</p>

Council's Heritage Advisor had also previously requested that the mono-pitch roof on the

proposed two storey addition be changed to a pitched hip or gable roof to be more sympathetic to the original dwelling. It was however agreed in a meeting between the applicants and Council's Planning Officers that a pitched hip or gable roof would make the proposed two storey addition considerably higher and therefore visually intrusive and more likely to overshadow the neighbouring property.

Council's Heritage Advisor raised no objection to the other components of the proposed development – being the partial demolition, the front fence and the internal alterations.

It is noted that the design of the proposed front fence (low brick wall with metal rail) reflects the design of fences from the 1940's and 1950's (being the period of construction of the original dwelling) and is therefore considered appropriate.

Overshadowing

A shadow diagram for 21 June (the winter solstice) has been submitted with the application. The shadow diagram demonstrates that the proposed addition will not cast a greater shadow than the shadow already cast by the existing trees between 118 Mitre Street and 268 Keppel Street. Should the trees be removed the private open space of the neighbouring dwelling would achieve a minimum of 2 hours of sunlight at the winter solstice.

Public Notification

In accordance with Chapter 2 *Exhibition and Notification of Development Applications* in the Bathurst Regional Development Control Plan 2014, the Development Application was notified to adjoining property owners from 31 August 2017 to 11 September 2017.

At the completion of the notification period no submissions were received.

Conclusion

Council has received a Development Application (DA) for partial demolition, alterations and two storey addition to dwelling and front fence at 118 Mitre Street. After an initial assessment of the proposal by Council's Planning Officers and Heritage Advisor, Council wrote to the applicant to raise concerns about some elements of the proposal. The applicants subsequently responded and provided an additional plan. It is considered that the application, in its current form, can be supported for the reasons outlined in the applicant's response and in the assessment within this report.

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

8 REQUEST FOR WORKS IN KIND ARRANGEMENT AND SUBSEQUENT REDUCTION OF CONTRIBUTIONS PAID UNDER SECTION 94 CONTRIBUTIONS PLAN – JORDAN CREEK STORMWATER DRAINAGE MANAGEMENT (DA/2017/239)

Recommendation: That Council:

- (a) accept the works in kind arrangement "in principle" for the upgrading of Jordan Creek as required by Development Application No. 2017/239 in lieu of Section 94 Contributions for Jordan Creek Stormwater Management; subject to satisfactory contractual arrangements
- (b) contribute \$60,262.90 towards the upgrading of Jordan Creek;
- (c) deem the contribution required by condition 6 of Development Application No. 2017/239 estimated to be \$41,858.10 will be satisfied by the works in kind arrangement; and
- (d) call a division.

Report: Council at its meeting held 27 September 2017 resolved to approve Development Application No. 2017/239 for the construction of ten residential units (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.

A location plan and aerial photo are provided at **attachment 1**.

The site is subject to Council's Section 94 Contribution Plan - Jordan Creek Stormwater Drainage Management. The Section 94 Contribution Plan requires developments within the catchment to make financial contributions towards the upgrading of Jordan Creek.

Consistent with the Plan, the development consent is subject to a condition requiring a monetary contribution of \$41,858.10 (based on 3771m² of impervious area at \$11.10 per square metre).

The Section 94 Plan identifies the construction of an open concrete lined channel between Russell and Keppel Streets. The aim of the channel is to accommodate the 1 in 100 year flood event plus appropriate freeboard. The current channel, whilst it is concrete lined, does not provide the required level of protection. Accordingly it requires raising, on the development side, to provide this protection.

The applicants have provided a quote of \$102,121.00 for the construction of the raised retaining wall, refer **attachment 2**. The quote was reviewed by Council's Engineering Section who considered it reasonable given the scope of works.

Council has received a written request from Mr C and Ms D Sarah, the owners of the land which has the benefit of the consent to accept the works in kind in lieu of Section 94 Contributions for Raglan Creek Stormwater Management. The remaining \$60,262.90 is proposed to be funded by Council from the funds available in the S94 reserve, to support the required works.

Works in kind arrangements are permitted under the Section 94 Plan.

Financial Implications: Council's financial contribution will be \$60,262.90 from funds already collected from Section 94 Plan – Jordan Creek Stormwater Drainage Management. The fund currently has a balance of \$673,439.50.

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 28.2

Community Engagement

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

9 SMART CITY PROJECT (20.00315)

Recommendation: That the report be noted.

Report: A Smart City is an urban development vision to integrate Information and Communication Technology (ICT) and the Internet of Things (IoT) technology in a secure fashion to provide technology based services to the public and manage a city's assets. Council is currently scoping the development of a Smart City Plan which will guide Bathurst to become a more productive, accessible, liveable city that attracts talent, encourages innovation, creates jobs and integrates emerging technologies into everyday life. Council has established an internal Smart Cities Project Group to guide the development of Bathurst into a Smart City.

Both the State and Federal Government have dedicated significant resources and funding to encourage the emergence of smart cities and Council has been heavily involved in this process. Council also recently joined ASCA (Australian Smart Communities Association), one of the leading national associations in Smart City development.

Bathurst is well positioned to become a national leader in Smart City development and with the combined efforts of Council and the community, a number of significant milestones have already been achieved:

- \$152,500 grant from the Federal Government to roll out a CBD Free Wi-Fi Network
- \$100,000 digital media prize in the Ooh! Media Smart Cities competition
- Founding contributor to the development of the Upstairs Start-Up Hub to launch new small businesses
- lobbying for successful NBN rollout
- Installation of a Tesla Supercharger
- Australia's first experiential Technology Hub, Gunthers Lane

Council has also commenced additional smart city projects such as smart controls for CBD street lighting and CCTV network scoping.

The development of Bathurst into a Smart City has numerous benefits, including:

- Increased business investment and relocations
- Increased residential relocation and visitation
- Cost saving energy efficiencies
- The emergence of innovative local businesses and new products
- New skills for local business professionals
- Analytics that provide Council with real time and accurate data to inform planning decisions

Due to the efforts of Council and the community, Bathurst is well on the way to becoming a national leader in Smart City development.

Conclusion

Bathurst is well positioned to become a national leader in Smart City development. A number of Smart City projects have already been completed with many more in development.

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

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 5: To facilitate and foster partnerships, networks and infrastructure to support and attract knowledge, innovation and research. Strategy 5.1, 5.3

Community Engagement

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

10 COUNCIL APPOINTMENT AS AN ENFORCEMENT AGENCY UNDER THE FOOD ACT 2003 (14.00002)

Recommendation: That the report be noted.

Report: Bathurst Regional Council's appointment as a category B enforcement agency under the Food Act 2003 will commence on 1 July 2018. This will replace the existing appointment which commenced in 2008. The new appointment is consistent with the previous appointment of Council, however, an update to the original appointment was deemed necessary to:

1. Check relevance, as appointments were originally issued nearly a decade ago (2008).
2. Address recommendations made in the NSW Auditor-General's 2016 performance audit report Monitoring Food Safety Practices in Retail Food Businesses, to clarify council roles and responsibilities and to complete development of risk-based inspection guidelines.
3. Specifically appoint amalgamated councils.
4. Recognise and clarify councils' role in regulating the evolving retail food sector (e.g. small scale retail from domestic kitchens, farmers markets and websites marketing home made food to the public).

There are no changes to the daily activities carried out by Council officers or Council's ability to recover costs associated with food inspections. Support by the NSW Food Authority will be maintained at existing levels.

Bathurst Regional Council employs two full time Environmental Health Officers (EHO's) who spend at least 50 percent of their time on food regulation activities. There are approximately 360 registered food businesses in the Local Government area. Further, Councils EHO's inspect a large number of mobile and temporary food premises each year. For example, during the recent Bathurst 12 hour event, inspections were conducted of 27 temporary food outlets. The balance of duties includes inspections of skin penetration premises (hairdressers, beauty therapists, tattoo parlours and acupuncturists), existing onsite sewage management systems and provision of specialist technical advice on Development Applications.

The instrument of appointment has been updated to clarify the following:

- Confirm that councils must carry out retail food business inspections
- Recognise the status of the existing mandatory protocols
- Require authorised officers to maintain a current knowledge of guidelines
- Encourage councils to make authorised officers available for training and networking.

The main change is that Council is now responsible for "home based" food businesses. Previously the NSW Food Authority were the responsible entity. There are approximately 15 to 20 home based businesses listed in the Local Government Area. Environmental Health Officers currently do an initial inspection of the home based business prior to granting an approval. All current home based businesses are classified as low risk and as such council are not obliged to carry out ongoing inspections. Unless Council approves home based businesses which are classified as medium or high risk this provision should not change.

The NSW Food Authority has previously indicated ongoing training and networking of Authorised Officers was important and now this has been included in the instrument of appointment. It is hoped by encouraging more training and networking opportunities the aim of the authority is to have a more consistent approach and outcomes across all Local

Government Areas in NSW.

Financial Implications: Minimal. Council's revenue policy includes fees for inspections of food premises, including home based businesses.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 3: To protect a vibrant CBD and support and grow retail diversity. Strategy 3.2
- Objective 22: To improve community safety. Strategy 22.11
- 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



N Southorn
DIRECTOR
ENVIRONMENTAL, PLANNING & BUILDING SERVICES

DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

21 FEBRUARY 2018

1 STATEMENT OF INVESTMENTS (16.00001)

Recommendation: That the information be noted.

Report: \$86,250,000 was invested at 31 January, 2018 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+	\$9,000,000.00	2.54%
Bankwest	A1+	\$3,000,000.00	2.52%
CBA	A1+	\$1,500,000.00	2.54%
Bank of Queensland Limited	A2	\$17,000,000.00	2.46%
Maritime, Mining & Power Credit Union Ltd	A2	\$4,500,000.00	2.70%
People's Choice Credit Union	A2	\$6,000,000.00	2.66%
IMB	A2	\$1,500,000.00	2.61%
G & C Mutual Bank Limited	A3	\$1,500,000.00	2.67%
Auswide Bank	A3	\$3,500,000.00	2.70%
Railways Credit Union Limited	ADI	<u>\$2,000,000.00</u>	<u>2.72%</u>
		\$49,500,000.00	2.57%
<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	2.56%
CBA Deposit Plus 1	AA-	\$1,500,000.00	2.70%
CBA Deposit Plus 2	AA-	\$1,500,000.00	2.79%
WBC Coupon Select	AA-	\$2,000,000.00	2.73%
WBC Coupon Select 1	AA-	\$3,000,000.00	3.00%
WBC Coupon Select 2	AA-	\$1,500,000.00	2.95%
Maritime Mining & Power Credit Union Ltd	ADI	<u>\$2,200,000.00</u>	<u>1.70%</u>
		\$13,200,000.00	2.63%
<u>Fixed, Negotiable & Tradeable Certificates of Deposits</u>			
Greater Bank Ltd	BBB	\$1,000,000.00	3.13%
Greater Bank Ltd	BBB	<u>\$2,000,000.00</u>	<u>3.29%</u>
		\$3,000,000.00	3.24%
<u>Floating Rate Notes</u>			
Commonwealth Bank of Aust.	AA-	\$1,000,000.00	2.70%
CBA Climate Bond	AA-	\$1,000,000.00	2.72%
Suncorp Metway	A+	\$1,000,000.00	3.05%
Rabobank	A+	\$1,000,000.00	3.25%
AMP	A	\$1,000,000.00	2.85%
AMP	A	\$800,000.00	2.86%

AMP	A	\$1,000,000.00	3.08%
Macquarie Bank	A	\$1,000,000.00	2.85%
Bank of Queensland	BBB+	\$1,000,000.00	2.76%
Bank of Queensland 1	BBB+	\$2,000,000.00	2.90%
Bank of Queensland 2	BBB+	\$1,000,000.00	2.77%
Bendigo & Adelaide Bank 2	BBB+	\$1,000,000.00	2.71%
Bendigo & Adelaide Bank 3	BBB+	\$1,000,000.00	2.82%
Members Equity 3	BBB	\$750,000.00	2.96%
Police Bank Ltd 1	BBB	\$1,000,000.00	2.85%
Police Bank Ltd 2	BBB	\$1,000,000.00	2.81%
Credit Union Australia 3	BBB	\$1,000,000.00	3.39%
Newcastle Permanent	BBB	\$1,000,000.00	3.16%
Newcastle Permanent 2	BBB	\$1,000,000.00	3.40%
Newcastle Permanent 3	BBB	\$1,000,000.00	3.44%
		\$20,550,000.00	2.96%

Total Investments **\$86,250,000.00** **2.69%**

These funds were held as follows:

Reserves Total (includes unexpended loan funds)	\$49,916,372.00
Grants held for specific purposes	\$2,773,031.00
Section 94 Funds held for specific purposes	\$32,931,328.00
Unrestricted Investments	\$629,269.00

Total Investments **\$86,250,000.00**

Total Interest Revenue to 31 January 2018 **\$1,381,241.56** **2.69%**

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 2017/2021 DELIVERY PLAN REVIEW AND QUARTERLY REVIEW STATEMENT 2017/2018 (16.00148)

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

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 the strategies for the 2036 Community Strategic Plan.

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

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

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

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

Financial Implications: Nil.

Bathurst 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 January 2018.

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:	\$Nil
BMEC Community use:	\$ 3,378.28
Mount Panorama:	\$25,595.63

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.

- J Cox - 25 Fraser Drive, Eglinton - Lot 47, DP 1226661 - Transfer

Linen Plan Release

- Bathurst Regional Council - Stage 1:1 Lot release and residue of 17 Lot commercial subdivision - Lot 304, DP 1187714 - P J Moodie Drive, Raglan

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 REQUEST FOR FINANCIAL ASSISTANCE - CANCER COUNCIL "STARS OF BATHURST DANCE FOR CANCER" (18.00004-32/214)

Recommendation: That Council waive the ticket fee associated with ticket sales for the "Stars of Bathurst Dance for Cancer" charity event to be held on Friday, 18 May 2018, with an approximate cost of \$1,000 to be funded from BMEC Section 356 Donations.

Report: Council has received a request from Cancer Council NSW for a charity event called Stars of Bathurst Dance for Cancer. The event will be held at the Bathurst Memorial Entertainment Centre on Friday, 18 May 2018, see request at **attachment 1**.

The organisers are seeking financial assistance from Council through the waiving of ticket fees and the waiving of room hire charges.

Council previously supported this event in 2017, by covering the \$793.50 ticket fee.

Council has been advised by the organisers they expect an attendance of 300 guests and hope to again raise considerable funds for cancer research, support, prevention and advocacy. Council operates a ticketing system whereby the commission on the cost of providing the tickets ranges between \$1 and \$2 depending upon the price of the tickets.

It is recommended that Council waive the ticket fee commission associated with ticket sales as a donation to this organisation, with an approximate cost of no more than \$1,000. This donation to be funded from BMEC Section 356 donations vote.

Financial Implications: This request could be funded through Council's Section 356 Donations BMEC which currently has a balance of \$3,378.28.

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

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, 22.06911, 22.06307, 22.16073)**

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 PURCHASE OF PROPERTY - WILLIAM STREET, BATHURST (22.06911)

This report relates to the possible purchase of property in 38 William Street, Bathurst.

2 PURCHASE OF PROPERTY - BENTINCK STREET, BATHURST (22.06307)

This report relates to the possible purchase of property in Bentinck Street, Bathurst.

**3 PURCHASE OF PROPERTY - LAFFING WATERS LANE, LAFFING WATERS.
(22.16073)**

This report relates to the possible purchase of property in Laffing Waters Lane, Laffing Waters.

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

21 FEBRUARY 2018

1 CSU ENGINEERING CADET PROGRAM (18.00051)

Recommendation: That the information be noted.

Report: Due to skills shortages across regional areas, Council had previously experienced difficulties attracting and retaining civil engineers with suitable qualifications and experience. To overcome this difficulty, Council implemented a successful engineering cadet program, whereby recent high school graduates were recruited and trained in-house.

The program included cadets obtaining qualifications relevant to the role via distance education, with Council agreeing to fund a three-year Bachelor of Engineering Technology degree. Council also offered the extension of this to complete a four-year Bachelor of Engineering degree. Given these studies were undertaken part-time as correspondence courses while cadets worked full-time, they resulted in six and eight year cadet programs for the relevant studies to be completed, during which time these employees would provide engineering survey, design and project management services to Council.

Since the commencement of this program in 2009, seven cadets have been enrolled in this program, with several graduating to then commence more senior roles within Council, in which they are still employed.

A key issue with training engineers in house has been the means of ensuring educational requirements are met. The requirements of long-distance study, including travel to and from campus locations as far away as Queensland for intensive courses, has made it difficult for cadets to balance work and study. For some time, Council held discussions with Charles Sturt University (CSU) regarding the establishment of an engineering faculty on campus in Bathurst, as Council regarded this as a preferable alternative to distance study.

In 2014, CSU announced that from 2016, a degree in engineering would be offered on campus. A key difference between the proposed CSU program and many engineering courses offered elsewhere was the focus on engineering industry practice for cadets during their studies. Starting from the second year of studies, cadets commence full-time employment in the industry with a number of industry partners, and continue working in the engineering field for the rest of their degree. These take the form of internships, whereby they commence as a junior cadet engineer, then progress as they grow in competency and undertake further placements over several years. Cadets are rotated through different industry partners, so that they gain wider experience within the civil engineering discipline.

Bathurst Regional Council entered into a Memorandum Of Understanding (MOU) to support the program in its initial stages, including taking a junior cadet in the first year, and an additional cadet each year for the next two years. This had the necessary impact of halting any further intake of cadets into Council's pre-existing in-house cadet program.

In 2017, Council received its first CSU cadet. This cadet has been involved in substantial survey, design and drafting work, and has continued to develop engineering skills and competencies relevant to Council's requirements. Council is now preparing to commence a second-year placement, along with an additional first-year cadet.

Given the success of this program to date, and the additional benefit to Council from the contributions of our current cadet, it is anticipated this will further improve the output of Council with respect to survey, design and project management.

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 1: To attract employment, generate investment and attract new economic development opportunities. Strategy 1.9
- Objective 5: To facilitate and foster partnerships, networks and infrastructure to support and attract knowledge, innovation and research. Strategy 5.1
- Objective 26: To encourage and support the provision of a range of opportunities for life long education across the Bathurst community. Strategy 26.4

Community Engagement

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

2 WATER AND WASTE INFRASTRUCTURE AUGMENTATION UPDATE (32.00013)

Recommendation: That the information be noted.

Report: The area of Bathurst east of the Macquarie River continues to undergo significant growth with approximately 4,000 lots to be developed over the next 30 years. To date Council has had one water connection to the east of Bathurst. This dependency on one source of supply carries a significant risk in the event of catastrophic failure given the remote and inaccessible location of a significant section of the single supply east of the Macquarie River.

In order to reduce the risk and increase redundancy Council is installing a secondary supply to the eastern side of the Macquarie River. The new main will connect existing delivery mains in Durham Street to Hereford Street mains via the low level bridge. While this secondary supply will not double the volume of water supply it will provide a backup supply and provide options in the event of major water main failure.

All investigation, survey, design and construction has been undertaken by Bathurst Regional Council staff and the project is now 90% complete.

Financial Implications: The project has been funded from existing capital works 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 6.3
- 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

Community Engagement

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

3 ITEM INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE (11.00005 & 36.00659)

Recommendation: That the information be noted.

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

1 TENDER FOR DEMOLITION OF HARGRAVES HOUSE - (36.00659)

This report considers the tender for the demolition of Hargraves House, at 20 Leena Street, Bathurst.

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

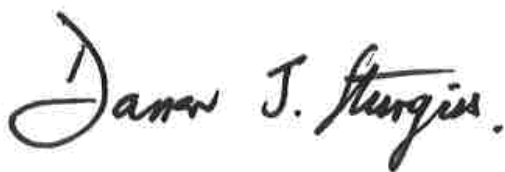
Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- 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



Darren Sturgiss
**DIRECTOR
ENGINEERING SERVICES**

DIRECTOR CULTURAL & COMMUNITY SERVICES' REPORT

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

21 FEBRUARY 2018

1 BATHURST REGION TOURISM REFERENCE GROUP - MEETING HELD 18 DECEMBER 2017 (07.00116)

Recommendation: That the information be noted.

Report: Included in the Destination Management Plan, adopted by Council on 20 May 2015, the establishment of a Tourism Reference Group has been undertaken, with the membership of the Group endorsed by Council on 9 December 2015.

The role of the Group is to provide strategic advice, review plans and provide recommendations to Council for the implementation of the Destination Management Plan.

The twentieth meeting of the Bathurst Region Tourism Reference Group was held on 18 December 2017. The Minutes of the Group's Meeting are provided at **attachment 1.**

Councillors should note that the Minutes of each meeting of the Tourism Reference Group are formally adopted at the next meeting. Due to Council not convening a meeting during the month of January 2018, this is the first available opportunity to present to Councillors.

At the meeting held on 18 December 2017, the group noted the following updates:

- **Campaign measurement** – Discussion regarding information on the type of metrics that would be applied to the measurement of marketing campaigns, examples given.
- **Heritage Network** - Discussion regarding the need for improved product development in the region and the availability of assistance from the Heritage Network personnel.
- **Signage** – Discussion regarding the Bathurst Signage Strategy, will be implemented after the Bathurst Region Destination Brand has been finalised in the new year.
- **50th Anniversary Abercrombie House** – 2018 will mark the 50th anniversary of Abercrombie House, commemorating it as the first private home to be open to the public. There will be appropriate events and celebrations to acknowledge this milestone.
- **Interpretive signage Kings Parade** - Discussion regarding the new signs in the bus stop and the precinct of Kings Parade and recommended all to experience these.
- **Public Art Policy Development** – Public Art Policy to be developed during March – April 2018.
- **Monthly Band Nights** – BMEC will host Friday night live music gigs on a monthly basis from February 2018. There will be a focus on local talent, with food and bar service available. The events are pitched at the 22 – 35 year old market and the inaugural gig will feature local duo Smith and Jones.
- **Artstate 2018** – Discussion regarding the Artstate 2018 (4 day arts festival) to be held in Bathurst during November 2018.

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

- Objective 11: To protect the region's unique heritage and history. To protect a unique identity.

Strategy 11.6

Community Engagement

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

2 SUMMER SCHOOL HOLIDAY ACTIVITIES (21.00039, 21.00054, 21.00060, 21.00106)

Recommendation: That the information be noted.

Report: The Australian Fossil and Mineral Museum, Bathurst Memorial Entertainment Centre, Vacation Care, Kelso Community Hub and Bathurst Regional Art Gallery are recognised as consistently offering high quality programs during school holidays.

The Council Summer School Holiday activities for 2017/2018 were well attended with over 1,200 children attending a wide variety of activities as outlined below:

There are a range of community and commercial providers, which also advertised programs this year; PCYC and the Super Summer Slam (free Christian based programs at the Showgrounds) have consistently programmed over the last few years, which adds to the diversity of school holiday activity offerings for families in Bathurst.

Other community run programs that operated during this period were:

Golf clinics -various dates and times during this period
Cricket Coaching Clinics with Shane Watson (8 to 12 January)
Enticing Icing Cake Decorating operated kid's workshops (22 to 25 January)
Stockland Shopping centre hosted kids zones activities
Bathurst City Centre - hosted several appearances of Paw Patrol (15 to 25 January)
Bunnings held various workshops and DIY sessions throughout the whole holiday period.

Australian Fossil and Mineral Museum

During January 2018 the Australian Fossil and Mineral Museum programmed *Unearthed Week*, a week of themed daily demonstrations, floortalks or activities occurring throughout the museum from 15-19 January 2018. The program themes included *Mineral Monday*, *T.rex Tuesday*, *Museum Selfie Day* on Wednesday, *Dynamic Earth Thursday* and *Fossil Friday*. Total children participating in these events (including Selfie Day) was 465.

Bathurst Memorial Entertainment Centre

BMEC January school holiday activity involved 15 young people aged 13-17 years who attended a drama/music workshop 17-20 January. This workshop program was well received by parents and young people. This workshop was run by local theatre-maker Nel Kentish & local musician, Phil McDowell. This was part of the Local Emerging Artists Program supported by Bathurst RSL Club. Further funding will be required to continue this program.

Bathurst Library

As Bathurst Library was closed during the December/January School Holiday period for refurbishment, no activities were held.

Bathurst Regional Art Gallery

BRAG programmed four workshops over four days (16 – 19 January) which coincided with the Museum Selfie Day on Wednesday 17 January. These workshops carried themes from the exhibition *James Capper: Mark Maker* and *[un]packed: works from the permanent collection*. The workshops were designed and delivered by Fiona Howle and Joyette

Swaine, BRAG's long standing presenters and Council's Audience Engagement Officer. Joyette presented *Still Life Drawing* on Tuesday 16 January for 11 children. Fiona presented *3D Robots and Wire Portrait Sculptures* on Wednesday 17 January for 15 children and Thursday 18 January respectively. Council's Audience Engagement Officer presented *DIY Drawing Machines* with help from Chris May who donated his time through his Employer's Community Service Program on Friday 19 January for 16 children.

BRAG had a booking capacity of 68 places for these workshops and filled 63 places, making a 92% occupancy rate for the program. This is a higher occupancy rate than most of the school holiday programs run by BRAG. There were no library summer holiday programs and no BRAG workshops offered during the previous school break (Sept-Oct 2017) due to changes in staff, which may explain the spike in numbers.

An outline of activities and numbers are listed in the table below:

Date	Activity	Attendance
Tuesday 16 January 2018	Still Life Drawing	11
Wednesday 17 January 2018	3D Robots	SOLD OUT 18
Thursday 18 January 2018	Wire Sculptures	SOLD OUT 18
Friday 19 January 2018	DIY Drawing machines	SOLD OUT 16

In addition to the standard school holiday program BRAG also had *make*. A children's activity exhibition space open to families over the whole school holiday period to create 3D shapes or design their own bunting flag to stick on the gallery walls. Inspired by the geometric works of Andrew Christofides from the permanent collection, this space was hugely successful, with many comments such as "It is so nice to sit here, in the cool with an activity for the kids to keep them occupied". There were 288 bunting flags produced over the 45 days the activity room was open.

Local media The Western Advocate, Bathurst City Life, 2BS Gold and B-Rock radio followed the Gallery's holiday activities and circulated stories throughout the program period. All activities were advertised on the Gallery website, Council website and social media pages.

Kelso Community Hub

Kelso Community Hub hosted a Christmas party on Monday 18 December 2017. Activities included: laser tag, gymnastics, football workshop, colour run, disco and party food including: barbecue, snacks, cakes and treats. Attendance for the event was 320.

Walk in Wednesday was held three times with 37 attending.

A Movie afternoon, including snacks, was held Monday 29 January 2018 with 9 persons attending.

A total of 361 persons attended activities held at Kelso Community Hub during the School Holiday period.

Vacation Care

The December/January Vacation Care program operated from Monday 18 December 2017 to 25 January 2018.

During this holiday period, a large range of holiday activities for children were available to families, including International Museum Selfie Day. The program averaged 18 children per day for the five week period.

The program had a focus on upcycling and engaging in our community. Upcycling day saw the Western Advocate come and feature a story in the local newspaper. The educators and children were asked to save bottles, cans and shopping bags - these items were transformed into new pencil cases, library bags and pen holders.

The program participated in International Museum Selfie day. The children visited the Australian Fossil and Mineral Museum, Chifley House and the National Motor Racing Museum. The children also enjoyed a BBQ lunch at the top of Mount Panorama (McPhillamy Park) before returning to the Lee Street facility.

The children celebrated two cultural events during the program - Australia Day - Green and Gold day; a sausage sizzle, BBQ lunch, damper and lamingtons for afternoon tea were included in the program. Chinese New Year - the year of the dog. The children made chinese lanterns, dragon spirits and fortune cookies before visiting a local chinese restaurant for lunch.

The children attended Metro Cinemas on 2 occasions and Annies Ice Cream. A range of in-house activities such as wet and wild water fun day, 3D artconstruction, making dream catchers on PJ Day and numerous sporting activities.

The service continues to support children with additional needs. The Service receives government Inclusion Support Funding to assist in the employment of an additional staff member to meet the requirements of additional needs of children and their families.

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

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 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 MUSEUMS - INTERNATIONAL MUSEUM SELFIE DAY, WEDNESDAY 17 JANUARY 2018 (21.00107, 21.00050, 21.00112)

Recommendation: That the information be noted.

Report: Bathurst Regional Council's Museums took part in International Museum Selfie Day, for the second time on Wednesday 17 January 2018. With 1,800 individual museum visits occurring on the day, the event achieved an 80% increase over last year's visitation.

Selfie Day was established in 2014 to raise awareness of and to encourage visitors to actively engage in their local museums by taking creative selfies and posting them on various social media platforms including Facebook, Instagram and Snapchat.

Free entry was provided to the Australian Fossil and Mineral Museum, National Motor Racing Museum, Chifley Home and Education Centre and the Bathurst and District Historical Society Museum for those participating in International Museum Selfie Day. This year, the Bathurst Regional Art Gallery also participated in the public program for the first time. A social media campaign was developed that included a short film and static ads to promote the event. The total reach of this campaign was over 30,000, with 32 shares of the promotional video on social media.

The Bathurst community embraced the event with 72% of those surveyed stating that they visited more than one museum on the day. As a public awareness campaign it was effective in cross-promoting the strength of the Bathurst cultural services.

Attendance at the Museums

Venue	Museum Selfie Day 2018	Museum Selfie Day 2017
Australian Fossil and Mineral Museum	708	500
National Motor Racing Museum	677	319
Chifley Home	122	150
Bathurst District Historical Society	148	N/A
Bathurst Regional Art Gallery	138	N/A

The event was held to encourage local residents to engage with Bathurst Regional Council's Museums and encourage repeat visitation. Traditionally, the youth demographic have the lowest Museum attendance percentage, and this program was designed to target this group. A survey of 319 individuals was conducted at each of the venues to evaluate the success of the day based on these goals.

Findings included:

- The survey data indicated that the number attending from the 13 to 18 demographic was 10% and the 19 to 30 demographic was 21%, which was a similar outcome to 2017 Selfie Day visitation. Average visitor age range from surveys conducted during other times of the year reflected 4% and 13% respectively.
- 72% of individuals that attended on the day were locals compared to 3% - 15% local average attendance across the Museums. The local visitation at Chifley Home was over 90%.
- 59% of individuals that attended had never been to the Museums before. This statistic was as high as 87% first time visitors for Chifley Home and 75% for the

Historical Society Museum.

- 94% of visitors responded that they were there for International Museum Selfie Day, and over 90% indicated they did not attend the event before.
- Individuals found out about the day through social media (45%), Internet (7%) word of mouth (15%), from other Museums and BVIC (6%), newspaper/radio/TV(19%) and signage (8%)
- Retail income on Selfie Day 2018 at both the National Motor Racing Museum and the Australian Fossil and Mineral Museum was more than 100% higher than the previous year.

Visitor comment:

Thank you so much we had such a fun day and really enjoyed seeing the museums. We were visiting relatives. We have a house in Bathurst and are planning to come back to live in September which we are really looking forward to. We look forward to coming back to Bathurst and being part of such a great community.

Conclusions drawn from the survey, comments on the day as well as social media posts demonstrated the success in engaging the local community with the museums. Locals were enthusiastic about the cultural services on offer in Bathurst. It is hoped that through this and similar events into the future that there will be an increase in visitor numbers across the museums through the visiting friends and relative (VFR) market.

Statistics compiled for International Museums Selfie Day are provided at **attachment 1.**

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

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, 20.2
- Objective 4: To market Bathurst as a great place to live, work, study, invest and play. Strategy 4.1

Community Engagement

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

4 THE END FESTIVAL 2018, HILL END - REQUEST FOR FINANCIAL SUPPORT (23.00026)

Recommendation: That Council provide \$10,000 contribution towards The End Festival 2018, to be funded from Council's advertising and promotions budget.

Report: Council has received a proposal from the Office of Environment & Heritage, NSW, National Parks and Wildlife Service (NPWS) for financial support of The End Festival 2018 to be staged at Hill End Historic Site from 20 – 22 April 2018. This event promotes Hill End as a festival destination within the Bathurst Local Government Area (LGA). Correspondence from NPWS, including the 2018 Partnership Proposal is provided at **attachment 1**.

In 2017 Council provided \$5,000 in financial support and additional media support. NPWS propose that a financial contribution, in 2018 from Council, of \$10,000. The increase recognises the growth and success of the festival in its first two years. The \$10,000 from Council will pay for local art installation, increased prizes for the talent quest and fees for local musicians. In essence the program content and marketing reach forms the basis of the partnership in 2018.

The additional funds that Council would contribute will pay for additional programming and marketing reach to extend what can be achieved with the current NPWS allocated budget. The more content that is included, the more marketable the event is and the more visitors it will attract to the region.

This contribution will fund the following program content from individuals or groups from the Bathurst LGA:

- Installation or site-specific artwork from local artists.
- Sponsoring prizes in the 'Digging for Gold' talent quest.
- Fee payment to local musicians on the outdoor stage.

Marketing support would include using Council owned media and community networks to promote the event as well as paid advertising. This may include:

- Promoted Facebook posts
- Advertising in local print and television networks.

2017 End Festival Results

NPWS results show that the 2017 event resulted in expenditure between \$1.2million and \$2.4million (refer 2018 Partnership Proposal). A survey was conducted with 150 respondents, during and post event, to evaluate customer satisfaction and establish a profile of the visitors to the event. The results give a clear indicator of the economic benefits that the two-night, two-day event brings for Hill End and for the wider Central West region.

Survey Results

Visitation:

- 37% of visitors from Sydney
- 22% first visit to Hill End.
- 57% indicated it was the main reason for their visit to the Central West.

Spend and stay in region:

Estimated 13,000 nights spent in Central West region.

- 17% spent 1 night in the area.
- 35% spent 2 nights in the area.
- 17% spent 3 nights in the area.
- 20% spent 5 nights or more.
- Spend in region could have generated up to \$2.5 million (based on National Visitor Survey method)

The 2017 event attracted over 6,000 people to the village over the weekend and was deemed a highly successful event. This is an increase of 1,000 people (20%) on the 2016 event. Such increased visitation and exposure brings significant economic and promotional benefits to the region.

A summary of The End Festival in 2017 is provided at **attachment 2** (Director Cultural & Community Services report #4 to Council 16 July 2017).

Financial Implications: The \$10,000 contribution can be funded from Council's advertising and promotions budget.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 23: To encourage a supportive and inclusive community. Strategy 23.3
- 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.

Yours faithfully



Alan Cattermole
**DIRECTOR
CULTURAL & COMMUNITY SERVICES**

TRAFFIC COMMITTEE MEETING

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

1 MINUTES - TRAFFIC COMMITTEE MEETING - 6 FEBRUARY 2018 (07.00006)

Recommendation: That the recommendations of the Traffic Committee Meeting held on 6 February 2018 be adopted.

Report: The Minutes of the Traffic Committee Meeting held on 6 February 2018, 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 6 FEBRUARY 2018

MEETING COMMENCES

1 MEETING COMMENCES 2:00 PM

Members: Sergeant Peter Foran (Bathurst Police), Ms Jackie Barry (Roads and Maritime Services Representative), Mr David Veness (MP Representative)

Present: Mr Bernard Drum (Manager Technical Services), Mr Myles Lawrence (Civil Design & Project Engineer), Mr Paul Kendrick (Traffic and Design Engineer), Mr Mark Fenlon (Regulatory Services BRC) and Elish Pankhurst (RMS).

APOLOGIES

2 APOLOGIES

That the apology of Councillor Warren Aubin (Bathurst Regional Council) be accepted.

REPORT OF PREVIOUS MEETING

3 Item 1 MINUTES - TRAFFIC COMMITTEE MEETING - 5 DECEMBER 2017 (07.00006)

RESOLVED: That the Minutes of the Traffic Committee Meeting held on 5 December 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 5 DECEMBER 2017 (07.00006)

That the information be noted and necessary actions be taken.

6 Item 2 TEMPORARY BUS ZONES FOR THE 2018 LIQUI-MOLY 12 HOUR (28.00022-02)

That Council approve proposed temporary bus zones and extension of existing bus zone times for the 2018 Liqui-Moly 12 Hour, subject to conditions as detailed in the Director Engineering Services' report.

7 Item 3 ONE-WAY SIGNAGE IN BARKLY STREET SOFALA (25.00571)

That Council remove 'One-Way' Signage in Barkly Street, Sofala.

8 Item 4 BATHURST HALF MARATHON EVENT 2018 (23.00110)

That Council classify the Bathurst Half Marathon and 10 km Run to be staged on Sunday 29 April 2018 as a Class 2 event, and approve the traffic management for the event subject to conditions detailed in the Director Engineering Services' report.

9 Item 5 THE 2018 ROYAL BATHURST SHOW (18.00108)

That Council endorse the Traffic Management Plan for the 2018 Royal Bathurst Show to be held Friday 13 April to Sunday 15 April 2018. The event is to be classified as a Class 1 event and approved subject to the conditions detailed in the Director Engineering Services' report.

TRAFFIC REGISTER

10 Item 1 TRAFFIC REGISTER (07.00006)

That the information be noted.

MEETING CLOSE

11 MEETING CLOSE

The Meeting closed at 2.41pm.