



ORDINARY MEETING OF  
BATHURST REGIONAL COUNCIL

11 April 2018

His Worship the Mayor & Councillors

**Notice of Ordinary Meeting of Bathurst Regional Council - Wednesday,  
18 April 2018**

I have to advise that an **Ordinary Meeting** of Bathurst Regional Council will be held in the Council Chambers on Wednesday, 18 April 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'.

D J Sherley  
**GENERAL MANAGER**

# **BUSINESS AGENDA**

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

**TO BE HELD ON WEDNESDAY, 18 APRIL 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 - 21 MARCH 2018
- \* MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 4 APRIL 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 - POLICY COMMITTEE MEETING - 4 APRIL 2018
- \* MINUTES - TRAFFIC COMMITTEE MEETING - 3 APRIL 2018

**10. NOTICES OF MOTION**

**1 NOTICE OF MOTION - CR NORTH - HANGAR LEASE FEES**

\* Notice is hereby given:

That Council provide a report to Councillors reviewing the current Lease Fee Structure of the Airport Hangers. Having full regard to those tenants who have paid for the

Services that are connected to their sites.

**11. RESCISSION MOTIONS - Nil**

**12. COUNCILLORS/ DELEGATES REPORTS**

\* CENTROC BOARD MEETING 22 FEBRUARY 2018

\* MINUTES - BATHURST REGIONAL YOUTH COUNCIL - 6 MARCH 2018

\* COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 14 MARCH 2018

\* COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 28 MARCH 2018

**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	SALE OF LAND AT LOT 911 DP1110004 KNOWN AS 48 HAMPDEN PARK ROAD, KELSO	10A (2) (c) – contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council

		is conducting (or proposes to conduct) business. Discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it would prejudice council's position in negotiating commercial and or financial arrangements.
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**\* DIRECTOR ENGINEERING SERVICES' REPORT**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	TENDER FOR SPECIFICATION FOR GROUNDS MAINTENANCE OF BULK WATER SUPPLY AND WASTEWATER SITES 2018 - 2021	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	NETWASTE WASTE SERVICES CONTRACT	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
3	TENDER FOR DESIGN AND CONSTRUCTION OF NEW ANIMAL IMPOUND AND ADMINISTRATION FACILITY	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
4	CONSTRUCTION OF	10A (2) (d) (i) – contains

	INFRASTRUCTURE TO SERVICE FUTURE DEVELOPMENT - LIMEKILNS ROAD, KELSO	commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
5	CENTROC TENDER FOR SUPPLY & DELIVERY OF BITUMEN EMULSION TO CENTRAL NSW COUNCILS	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 - 21 MARCH 2018 (11.00005)**

**Recommendation:** That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 21 March 2018 be adopted.

**Report:** The Minutes of the Ordinary Meeting of Bathurst Regional Council held on 21 March 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.

## **2 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 4 APRIL 2018 (11.00005)**

**Recommendation:** That the Minutes of the Ordinary Meeting of Council following Policy Committee held on 4 April 2018 be adopted.

**Report:** The Minutes of the Ordinary Meeting of Council following Policy Committee held on 4 April 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 21 MARCH 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**

**Rev T Stuart** – resident 127 Russell Street - Items #5 and #6 DEPBS - DA 125 Russell Street

Supports refusal of DA 2018/5. In regards to DA2017/403 seeks Council conditions re access passageways, parking spaces. Noted planners comments in the report, particularly Page 38. Make the parking spaces a condition of the DA and also the Right of Carriageway. The gate is continuously locked.

**T Sorenson** – BCCAN (President) - Item #1 DES - Centennial Park

Spoke to recent presentation by Prof Lesley Hughes on climate change and what may happen to Bathurst as the climate is changed. Preserving green spaces is of great importance, Option 6 is the most viable, does not want any buildings or asphalt.

**D Morris** resident - Items #5 and #6 DEPBS - DA 125 Russell Street

Queried what will the cost to ratepayers be to enforce conditions. Would be better to refuse the development. How will Council enforce the conditions, given the owners prior track record. The coffee market is saturated. Spoke to policy meeting notes, which noted lack of attendance, this was only because Mr Newman refused to attend. Understands staff were denied access to the property by the owner. The owner's solicitor said access was not blocked to the right of way when he spoke to Council, that was a matter of fancy semantics. Requests DA's be refused.

**J Barry** resident – Item #4 DEPBS - DA 224 Lot Subdivision Freemantle Road, Eglinton

Spoke to submission made and issues such as traffic congestion, intersection - Logan/Hamilton Streets safety issues, Duramana/Freemantle Road intersection and Alexander/Wellington Street intersection concerns. Referred to S:94 (now S:7.11) DCP for the area, improvements needed at various intersections amongst other traffic matters. There needs to be a priority to mitigate the problem of ongoing development in the village. Need to schedule some works before development goes ahead.

**M Callan – Environmental Waterways Alliance - Item #5 DCSF Conservation in Action Conference**

Spoke to the Conservation in Action conference. Raised concerns of recent Western Advocate article. Conference brings leaders in environment to the town. The conference will bring \$100,000 to the City. There are broad outcomes for the City and staff.

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

Spoke to issues concerning the proposed roundabout and petitions submitted. Referred to comments from Andrew Gee who said applications for Black Spot funding have not been made by Council. Action is now required, there has only been talk. Referred to approaches made to the Deputy Prime Minister for funding and approaches to the State Government.

**The General Manager** noted that Black Spot funding application has been made for this intersection.

**V Tourle – Friends of Centennial Park (President) - Item #1 DES - Centennial Park**

The report refers to surveys undertaken which provided feedback. Spoke to petition which was signed by 2062 persons seeking park be retained as a green-space and tabled this document. The Friends fail to see a logical flow in the report produced by the consultant. Asks Council give consideration to the need to retain the park as per Option 6 and include this for community consultation, also add to Option 6 - consultation with community groups.

**M Mullen – resident Item #4 DEPBS - DA 224 Lot Subdivision Freemantle Road, Eglinton**

Spoke to traffic management issues, plan to realign the creek line, the allocation of open space. Maintaining creek line is important, do not realign. The creek line has cultural significance to the Wiradjuri and further assessment is warranted. This is one of numerous subdivisions that will go ahead in Eglinton, the development's green-space shows poor planning, the waterway needs protection. Needs cycle-ways. Referred to Orange plans for south of Orange as a good example to follow.

**B Woods – Friends of Centennial Park - Item #1 DES - Centennial Park**

Spoke to development of management plan and the process put in place. The scoping study we have is a result of this process. Many submissions have been made on this matter. People want the park to remain an open space green area, people do not want buildings. There is no evidence in the report why buildings have been proposed in a number of the options. The park is one of the oldest in continuous use in Australia, the historical trees are a heritage asset. Option 6 needs to be built in as an option.

**P Simmons – Friends of Centennial Park - Item #1 DES - Centennial Park**

Have lived near the park for 33 years. We want a park that all can be proud of and for it to be green. It should remain open, be better used and be green. Referred to 2014 survey undertaken by the Friends and the results of that survey, also noted

the 2017 survey. More use is not about libraries, gyms, etc. It is about green usable space, better play equipment, extra shade. Do people really know what is proposed in the report. The options need to be spelt out, what is proposed by the architects is not clearly spelt out. Noted some of the specifics included in a number of the options. Council needs to provide a plain English version of the proposals.

### **C Perrers – Friends of Centennial - Item #1 DES - Centennial Park**

Trees provide habitat, oxygen, shade and an association with the land. Presented stone pine seedlings to the Council and referred to the attributer of the plant and the history of the pine. There are five of these trees in the Park. Supports the preservation of Centennial Park as a green space.

### **B Trimming –BRAC Chair**

- Howick/George Street roundabout - will there be any public consultation on this?

**The Director Engineering Services** spoke to the process to be followed.

- Aldi - There is a problem with safety of the footpath, spoke to exit sign which is on the left. Can the existing coloured sign be replaced with the green signage which is now used, and also put sign on the right hand side of the exit?
- Centennial Park - agrees with Option 6. Need to retain toilets and need disability access issues addressed.
- Eglinton Development - No footpath listed for community use. This needs to be stopped, need proper pedestrian access.
- Advertising under awnings - Particularly George Street, understands there were to be no flashing signs. These are starting to occur, could this be checked please?

### **G Crisp– Ratepayer**

Spoke to non-payment of rates by a Strata Plan and asked Director about this. Spoke to his role to act on behalf of Strata Plan. Referred to General Manager about submissions he has made to Council. Also referred to complaints made to the Mayor about the General Manager. Also asked about Council taking legal action against the strata and himself for outstanding water charges.

### **P Dowling– Ratepayer**

- TAFE building - Asked about the TAFE Building and what was happening with the site.

**The General Manager** noted Public Works department have been asked to prepare quote for engineering review of the Principal's residence, maintenance of Australian Fossil & Mineral Museum ongoing. Parking revenues being implemented.

- Corner Howick and George Streets - Plantings - Asked about what is happening with this intersection and the plantings? Also spoke to other intersections, could vegetation be trimmed.

The Director Engineering Services will review plantings in these areas.

- Random Drug Testing - Spoke to testing undertaken of staff and how this occurs and who is tested.

The General Manager noted random testing occurs and this is carried out by an external contractor.

**S Pearson**– Ratepayer

Spoke to future projects of the Council, and costs thereof. Projects include; Second Circuit, Chifley Dam and Winburndale Dam, BMEC, Town Square. Need to access Council and other funding sources. Then spoke to Federal Government Regional Growth Fund which has been announced. The projects are for a minimum grant of \$10 million on a dollar for dollar basis, such that projects of \$20 million or more can be funded. Council should look at this and pick a transformational project.

**APOLOGIES**

**3** **APOLOGIES**

Nil.

**MINUTES**

**4** **Item 1 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 21 FEBRUARY 2018 (11.00005)**

**MOVED** Cr I North and **SECONDED** Cr A Christian

**RESOLVED:** That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 21 February 2018 be adopted.

**DECLARATION OF INTEREST**

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

**MOVED** Cr J Fry and **SECONDED** Cr W Aubin

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

Cr Aubin

Item #6 of the Director Corporate Services & Finances report

Cr Fry

Item #6 of the Director Corporate Services & Finances report

**RECEIVE AND DEAL WITH GENERAL MANAGER'S AND DIRECTORS' REPORTS****General Manager's Report**

- 6** **Item 1 DRAFT BATHURST 2040 COMMUNITY STRATEGIC PLAN (03.00180)**  
**MOVED** Cr W Aubin and **SECONDED** Cr J Rudge

**RESOLVED:** That in accordance with Section 402(6) Council place the Draft Bathurst 2040 Community Strategic Plan on public exhibition for a period of at least 28 days and invite the public to make submissions.

**Director Environmental Planning & Building Services' Report**

- 7** **Item 1 SECTION 4.15 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (03.00053)**  
**MOVED** Cr B Bourke and **SECONDED** Cr J Rudge

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

- 8** **Item 2 GENERAL REPORT (03.00053)**  
**MOVED** Cr M Morse and **SECONDED** Cr B Bourke

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

- 9** **Item 3 DEVELOPMENT APPLICATION NO. 2017/221 – BOUNDARY ADJUSTMENT, DUAL OCCUPANCY, RETAINING WALLS AND TWO LOT SUBDIVISION AT 1 POATE STREET, WINDRADYNE. APPLICANT: REGIONAL CONSTRUCTION PTY LTD. OWNER: REGIONAL CONSTRUCTION PTY LTD (DA/2017/221)**  
**MOVED** Cr J Fry and **SECONDED** Cr J Rudge

**RESOLVED:** That Council:

- (a) as the consent authority, grant consent pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2017/221, subject to conditions able to be imposed pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979, as amended and including conditions to the effect that:
- (i) Evidence of registration of the proposed boundary adjustment is to be submitted to Council prior to the issue of any Construction Certificates for the proposed dwellings; and
- (b) 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 DEVELOPMENT APPLICATION NO. 2017/396 – 224 LOT SUBDIVISION INCORPORATING 221 RESIDENTIAL LOTS, 1 LOT IDENTIFIED AS FUTURE SCHOOL, 1 OPEN SPACE LOT AND 1 RURAL LOT AT FREEMANTLE ROAD, EGLINTON. APPLICANT: VOERMAN AND RATSEP. OWNER: HYNASH PTY LTD (DA/2017/396)  
**MOVED** Cr J Rudge and **SECONDED** Cr J Fry

That Council:

- (a) as the consent authority, grant consent pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2017/396, subject to conditions able to be imposed pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979, as amended.
- (b) notify those that made submissions of its decision; and
- (c) call a division.

**The following AMENDMENT was MOVED.**

- 11** Item 4.01 DEVELOPMENT APPLICATION NO. 2017/396 – 224 LOT SUBDIVISION INCORPORATING 221 RESIDENTIAL LOTS, 1 LOT IDENTIFIED AS FUTURE SCHOOL, 1 OPEN SPACE LOT AND 1 RURAL LOT AT FREEMANTLE ROAD, EGLINTON. APPLICANT: VOERMAN AND RATSEP. OWNER: HYNASH PTY LTD (DA/2017/396)  
**MOVED** Cr M Morse and **SECONDED** Cr I North

That Council:

- (a) Defer DA 2017/396 and request that the applicant provide amended plans showing:
  - (i) Retention of the existing water course traversing the land including appropriate buffers in accordance with NSW Office of Water Riparian Corridor Guidelines.
- (b) Further consider the development application upon receipt of advice from the developer.
- (c) Notify those that made submissions of its decision.
- (d) Call a division.

The AMENDMENT was PUT and CARRIED.

The AMENDMENT then became the MOTION.

The MOTION was then PUT and 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

**12** **Item 5 DEVELOPMENT APPLICATION NO. 2017/403 – PARTIAL CHANGE OF USE TO OFFICE PREMISES AND SIGNAGE– 125 RUSSELL STREET. APPLICANT: BENJAMIN NEWMAN. OWNER: BMN PTY LTD (DA/2017/403) MOVED** Cr B Bourke and **SECONDED** Cr W Aubin

**RESOLVED:** That Council:

- (a) as the consent authority, refuse consent pursuant to section 4.16 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2017/403, for the following reasons:
  - (i) non-compliant access
  - (ii) Signage is not acceptable
  - (iii) the development is inconsistent with the objects of the R1 General Residential zone, notably it is incompatible with the amenity of the area.
- (b) notify those that made submissions of its decision
- (c) call a division.

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

The result of the division was:

In favour of the motion - Cr W Aubin, Cr B Bourke, Cr 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

**13** **Item 6 DEVELOPMENT APPLICATION NO. 2018/5 – PARTIAL CHANGE OF USE TO TAKEAWAY FOOD PREMISES – 125 RUSSELL STREET. APPLICANT: BENJAMIN NEWMAN. OWNER: BMN PTY (DA/2018/5) MOVED** Cr J Rudge and **SECONDED** Cr I North

**RESOLVED:** That Council:

- (a) as the consent authority, refuse consent pursuant to section 4.16 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2018/5, for the following reasons:
  - (i) The development is inconsistent with the objectives of the R1 General Residential zone notably it is incompatible with the amenity of the area.
- (b) notify those that made submissions of its decision; and
- (c) call a division.

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

**The result of the division was:**

In favour of the motion - Cr W Aubin, Cr B Bourke, Cr 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

**14** **Item 7 CAR PARKING LICENCE AGREEMENT WITH ALDI FOODS PTY LIMITED (22.01334)**

**MOVED** Cr I North

and **SECONDED** Cr J Fry

**RESOLVED:** That Council:

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

**15** **Item 8 DEED OF AGREEMENT - LANDFORCE PTY LTD TEMPORARY SEWER PUMP STATION (2010/0089)**

**MOVED** Cr I North

and **SECONDED** Cr J Jennings

**RESOLVED:** That Council

- (a) authorise the General Manager to enter into the proposed deed of agreement with Landforce Pty Ltd ; and
- (b) require a bank guarantee in keeping with its previous decision.
- (c) call a division

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



**The result of the division was:**

In favour of the motion - Cr W Aubin, Cr B Bourke, Cr 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

- 16** **Item 9 EVOCITIES UPDATE (18.00208)**  
**MOVED** Cr B Bourke and **SECONDED** Cr M Morse

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

- 17** **Item 10 BATHURST REGION HERITAGE REFERENCE GROUP (20.00123)**  
**MOVED** Cr M Morse and **SECONDED** Cr J Rudge

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

- 18** **Item 11 EDGELLS LANE BRICK PIT WETLAND (13.00086)**  
**MOVED** Cr I North and **SECONDED** Cr B Bourke

**RESOLVED:** That Council note the actions to date at the Edgells Lane Brick Pit Wetlands.

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

- 19** **Item 1 STATEMENT OF INVESTMENTS (16.00001)**  
**MOVED** Cr W Aubin and **SECONDED** Cr I North

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

- 20** **Item 2 MONTHLY REVIEW - 2017/2021 DELIVERY PLAN AND OPERATIONAL PLAN 2017-2018 (16.00148)**  
**MOVED** Cr W Aubin and **SECONDED** Cr J Jennings

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

- 21** **Item 3 SUNDRY SECTION 356 DONATIONS, BATHURST MEMORIAL ENTERTAINMENT CENTRE COMMUNITY USE SUBSIDY AND MOUNT PANORAMA FEE SUBSIDY (18.00004)**  
**MOVED** Cr I North and **SECONDED** Cr J Rudge

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

voted.

- 22** **Item 4 POWER OF ATTORNEY (11.00007)**  
**MOVED** Cr J Rudge and **SECONDED** Cr J Fry

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

- 23** **Item 5 REQUEST FOR FINANCIAL ASSISTANCE - CONSERVATION IN ACTION CONFERENCE 2018 (18.00004-33/134)**  
**MOVED** Cr M Morse and **SECONDED** Cr I North

**RESOLVED:** That Council provide \$5,000 in sponsorship for the Conservation in Action Conference to be held the Bathurst Memorial Entertainment Centre on 16 and 17 May 2018, with the sponsorship being funded from BMEC Community Use Donations.

- 24** **Item 6 REQUEST FOR FINANCIAL ASSISTANCE - BATHURST ROTARY YOUTH DRIVER AWARENESS PROGRAM (28.00002-09/151)**  
**MOVED** Cr B Bourke and **SECONDED** Cr I North

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

**Reason: Provides alternative driver training services.**

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

**Reason: Employee of Skillset who are funding the RYDA program.**

That Council support the additional request for funding for the Bathurst Rotary Youth Driver Awareness Program.

- 25** **Item 6.01 REQUEST FOR FINANCIAL ASSISTANCE - BATHURST ROTARY YOUTH DRIVER AWARENESS PROGRAM (28.00002-09/151)**

**Cr Jennings FORESHADOWED the following AMENDMENT which was ruled by the Chair as a direct negative.**

That Council:

- (a) not support the additional request for funding for Bathurst Rotary Youth Driver Awareness Program.
- (b) Request a report back to Council advising of options for Council's long-term

support (3 or more years) of the RYDA program, starting this year, by way of agreement between Council and Rotary East, noting Skillset sponsorship now exists.

The following AMENDMENT was MOVED.

**26 Item 6.02 REQUEST FOR FINANCIAL ASSISTANCE - BATHURST ROTARY YOUTH DRIVER AWARENESS PROGRAM (28.00002-09/151)**

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

That Council:

- (a) note the sponsorship proposed from Skillset for the RYDA event
- (b) Request a report back to Council advising of options for Council's long-term support (3 or more years) of the RYDA program, starting this year, by way of agreement between Council and Rotary East, noting Skillset sponsorship now exists.

The AMENDMENT was PUT and CARRIED.

The AMENDMENT then became the MOTION.

The MOTION was then PUT and CARRIED.

**27 Item 7 REQUEST FOR FINANCIAL ASSISTANCE - COUNTRY WOMEN'S ASSOCIATION OF NSW - SPONSORSHIP OF SCHOOLS' PUBLIC SPEAKING COMPETITION 2018 (18.00158/069)**

**MOVED** Cr I North and **SECONDED** Cr J Rudge

**RESOLVED:** That Council sponsor the 2018 Country Women's Association of NSW Schools Public Speaking Competition by providing an amount of \$300 to assist with the contest, with the amount to be funded from the Section 356 General Donations allocation.

**28 Item 8 REQUEST FOR FINANCIAL ASSISTANCE - DONATION TO COVER PROPOSED DEVELOPMENT APPLICATION FEES FOR WORKS AT BATHURST WAR MEMORIAL CARILLON (04.00021-09/154)**

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

**RESOLVED:** That Council waive the Development Application fee, estimated to be \$285, in relation to works at the Bathurst War Memorial Carillon, with funding to be provided from Council's Section 356 General Donations allocation.

**29 Item 9 REQUEST FOR FINANCIAL ASSISTANCE - ADDITIONAL SPONSORSHIP OF THE 150TH ROYAL BATHURST SHOW (18.00108-03/108)**

**MOVED** Cr J Rudge and **SECONDED** Cr I North

**RESOLVED:** That Council provide the additional support of \$10,000 (GST inclusive) to the Bathurst AH&P Association for their 150th Agricultural Show commemorations, with funding to be provided from Council's Section 356 General Donation allocation.

**30** **Item 10 PROPOSED SUBDIVISION OF LAND AT PART LOT 1007 DP1168702 KNOWN AS KELSO INDUSTRIAL PARK, KELSO (22.14394)**  
**MOVED** Cr W Aubin and **SECONDED** Cr I North

**RESOLVED:** That Council provide in principle support for the subdivision of part Lot 1007 in DP1168702, known as Kelso Industrial Park residue land.

**31** **Item 11 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE (11.00005, 22.05258, 22.04305, 22.02195)**  
**MOVED** Cr I North and **SECONDED** Cr J Rudge

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

#### **Director Engineering Services' Report**

**32** **Item 1 SCOPING STUDY FOR FUTURE USE OPTIONS - CENTENNIAL PARK (37.00546)**  
**MOVED** Cr M Morse and **SECONDED** Cr W Aubin

**RESOLVED:** That:

- (a) Council place the Centennial Park Scoping Study Report for Future Use Options on public exhibition for a period of 28 days, and
- (b) following the public exhibition period, a further report be presented to Council to adopt the Scoping Study Report and to decide on a preferred future use option.

**33** **Item 2 PARTICIPATION IN A REGIONAL PROCUREMENT PROCESS FOR THE CONDITION ASSESSMENT OF GRAVITY SEWER MAINS USING CCTV (32.00026)**  
**MOVED** Cr I North and **SECONDED** Cr J Rudge

**RESOLVED:** That Council:

- (a) agree to participate in a regional contract for the Condition Assessment of Gravity Sewer Mains Using CCTV, and
- (b) advise Centroc of its decision.

**34 Item 3 PARTICIPATION IN A REGIONAL PROCUREMENT PROCESS FOR SEWER REHABILITATION (PIPE RELINING) (32.00026)**

**MOVED** Cr B Bourke and **SECONDED** Cr J Rudge

**RESOLVED:** That Council:

- (a) agree to participate in a regional contract for sewer rehabilitation (pipe relining),
- (b) advise Centroc of its decision.

**35 Item 4 ECOLOGICAL BURNS - HILLVIEW ESTATE RESERVE & BROOKE MOORE RESERVE (04.00050, 04.00141)**

**MOVED** Cr J Rudge and **SECONDED** Cr W Aubin

**RESOLVED:** That Council approve ecological burns as an ongoing environmental vegetation management tool at Hillview Estate Reserve and Brooke Moore Reserve.

**36 Item 5 ITEM INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE (11.00005 & 36.00653)**

**MOVED** Cr I North and **SECONDED** Cr J Rudge

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

**Director Cultural & Community Services' Report**

**37 Item 1 2017/2018 BATHURST CCTV FUNDING PROGRAM - ROUND 2 (16.00145)**

**MOVED** Cr I North and **SECONDED** Cr J Jennings

**RESOLVED:** That Council:

- (a) Provide \$6,000 under the 2017/2018 Bathurst CCTV Funding Program as follows;

<b>Business</b>	<b>Amount of Funding</b>
Pizza Hut Bathurst	\$500 which is the maximum amount approved for funding.
Bathurst Recycling	\$500 which is the maximum amount approved for funding.
Canham Pest Management Services	\$500 which is the maximum amount approved for funding.
Bathurst Specialist Services	\$500 which is the maximum amount approved for funding.
Miles & Son Jewellery Studio	\$500 which is the maximum amount approved for funding.
Steel and Co Law &	\$500 which is the maximum amount approved for funding.

Conveyancing	
Aussie Home Loans	\$500 which is the maximum amount approved for funding.
Bathurst Chiropractic	\$500 which is the maximum amount approved for funding.
Beaumont Tiles	\$500 which is the maximum amount approved for funding.
Central Tablelands Woodcraft	\$500 which is the maximum amount approved for funding.
Heath Murphy Carpet Laying	\$500 which is the maximum amount approved for funding.
The Courtyard Spa and Massage	\$500 which is the maximum amount approved for funding.
Wimbledon Road, Wimbledon	Not approved for funding

- (b) Provide an additional \$1,500 to fully fund the above businesses to procure CCTV at their premises, to be funded from Council's Equity

**38 Item 2 COMMUNITY SAFETY COMMITTEE DELEGATES (07.00107, 11.00005)**  
**MOVED** Cr I North and **SECONDED** Cr J Jennings

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

**39 Item 3 BATHURST REGION TOURISM REFERENCE GROUP - MEETING HELD 5 FEBRUARY 2018 (07.00116)**  
**MOVED** Cr J Rudge and **SECONDED** Cr B Bourke

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

**40 Item 4 COMMUNITY SAFETY COMMITTEE - COMMUNITY SAFETY PLAN (07.00107)**  
**MOVED** Cr A Christian and **SECONDED** Cr B Bourke

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

**41 Item 5 THE NEIGHBOURHOOD CENTRE, BATHURST - OPENING OF REFURBISHMENTS (22.00653)**  
**MOVED** Cr M Morse and **SECONDED** Cr B Bourke

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



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

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

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

**MOVED** Cr J Rudge

and **SECONDED** Cr I North

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	RESIDENTIAL LEASE AGREEMENT - PART LOT 2 DP749753 KNOWN AS 200 COLLEGE ROAD, BATHURST.	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
2	RESIDENTIAL LEASE AGREEMENT - LOT 18 DP1011780 KNOWN AS 162 MOUNTAIN STRAIGHT, MOUNT PANORAMA	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
3	PROPOSED SUBDIVISION AND PURCHASE OF LAND AT LOT 12 DP1159190 KNOWN AS 51	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



GORMANS HILL ROAD, BATHURST	person who supplied it.
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**\* DIRECTOR ENGINEERING SERVICES' REPORT**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	TENDER FOR CONSTRUCTION OF CIVIL WORKS - SUNBRIGHT RESIDENTIAL ESTATE - STAGE 1	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 CULTURAL & COMMUNITY SERVICES' REPORT**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	TENDER FOR BATHURST RAIL MUSEUM CONTENT DESIGN, FABRICATION AND INSTALLATION	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

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

**a Item 1 RESIDENTIAL LEASE AGREEMENT - PART LOT 2 DP749753 KNOWN AS 200 COLLEGE ROAD, BATHURST. (22.05258)**

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

**That** Council approves entering into a residential lease agreement for Part Lot 2 in DP749758 known as 200 College Road, Bathurst for a period of 12 months with a 12 month option (at Council's discretion) as detailed in the report.

**b Item 2 RESIDENTIAL LEASE AGREEMENT - LOT 18 DP1011780 KNOWN AS 162 MOUNTAIN STRAIGHT, MOUNT PANORAMA (22.04305)**

**MOVED** Cr I North and **SECONDED** Cr J Fry

**That** Council approves entering into a residential lease agreement for Lot 18 in DP1011780 known as 162 Mountain Straight, Mount Panorama for a period of 12 months with a 12 month option (at Council's discretion) as detailed in the report.

**c Item 3 PROPOSED SUBDIVISION AND PURCHASE OF LAND AT LOT 12 DP1159190 KNOWN AS 51 GORMANS HILL ROAD, BATHURST (22.02195)**

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

**That** Council:

- (a) agree to purchase the proposed land at Lot 12 DP1159190 known as 51 Gormans Hill Road, Bathurst.
- (b) pay all costs associated with the subdivision and registration of the new parcel of land.
- (c) delegate the authority to the General Manager to negotiate the purchase as detailed in the report.
- (d) if successful in purchasing the land, classify the land as operational under the provisions of Section 31(2) of the Local Government Act 1993.

#### **Director Engineering Services' Report**

- d** **Item 1 TENDER FOR CONSTRUCTION OF CIVIL WORKS - SUNBRIGHT RESIDENTIAL ESTATE - STAGE 1 (36.00653)**  
**MOVED** Cr I North and **SECONDED** Cr A Christian

That Council accepts the tender of Hynash Constructions Pty Ltd, for the Construction of Civil Works Sunbright Residential Estate-Stage 1 in the amount of \$6,739,916.00 (incl. GST) subject to adjustments and provisional items.

#### **Director Cultural & Community Services' Report**

- e** **Item 1 TENDER FOR BATHURST RAIL MUSEUM CONTENT DESIGN, FABRICATION AND INSTALLATION (36.00663)**  
**MOVED** Cr B Bourke and **SECONDED** Cr I North

That Council accepts the tender from Freeman Ryan Design to the amount of \$1,099,395.00 (GST incl.), subject to provisional items and variations.

#### **RESOLVE INTO OPEN COUNCIL**

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

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

#### **ADOPT REPORT OF THE COMMITTEE OF THE WHOLE**

- 50** **ADOPT REPORT OF THE COMMITTEE OF THE WHOLE**  
**MOVED** Cr J Rudge and **SECONDED** Cr B Bourke

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

**MEETING CLOSE**

**51**      **MEETING CLOSE**

The Meeting closed at 9.08 pm.

**CHAIRMAN:** \_\_\_\_\_

**MINUTES OF THE ORDINARY MEETING OF COUNCIL FOLLOWING POLICY  
COMMITTEE  
HELD ON 4 APRIL 2018**

**MEETING COMMENCES**

**1 MEETING COMMENCES 7:39 PM**

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

**APOLOGIES**

**2 APOLOGIES**

**MOVED** Cr A Christian and **SECONDED** Cr M Morse

**RESOLVED:** That the apology from Cr Rudge be accepted and leave of absence granted.

**DECLARATION OF INTEREST**

**3 DECLARATION OF INTEREST 11.00002**

**MOVED** Cr W Aubin and **SECONDED** Cr J Jennings

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

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

**Director Engineering Services' Report**

**4 Item 1 MACHATTIE PARK FLYING-FOX UPDATE (04.00012)**

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

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

**5 Item 2 ITEM INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE (11.00005 & 36.00662)**

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

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

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

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

**MOVED** Cr I North

and **SECONDED** Cr W Aubin

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

**There were no representations from the public.**

**RESOLVED:** That:

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

**\* DIRECTOR ENGINEERING SERVICES' REPORT**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	TENDER FOR REFURBISHMENT OF PIT STRAIGHT WALKWAY BRIDGE	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**

**a Item 1 TENDER FOR REFURBISHMENT OF PIT STRAIGHT WALKWAY BRIDGE (36.00662)**

**MOVED** Cr W Aubin

and **SECONDED** Cr B Bourke

That Council:

- (a) decline to accept any of the tenders for the proposed contract
- (b) invite, in accordance with clause 167, fresh tenders based on different specifications.

**RESOLVE INTO OPEN COUNCIL**

**7** **RESOLVE INTO OPEN COUNCIL**  
**MOVED** Cr I North and **SECONDED** Cr B Bourke

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

**ADOPT REPORT OF THE COMMITTEE OF THE WHOLE**

**8** **ADOPT REPORT OF THE COMMITTEE OF THE WHOLE**  
**MOVED** Cr W Aubin and **SECONDED** Cr A Christian

**RESOLVED:** That the Report of the Committee of the Whole, Item (a) be adopted.

**MEETING CLOSE**

**9** **MEETING CLOSE**

The Meeting closed at 8 pm.

**CHAIRMAN:** \_\_\_\_\_

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

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

18 APRIL 2018

## **1 SECTION 4.15 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (03.00053)**

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

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

### **4.15 Evaluation (cf previous s 79C)**

#### **(1) Matters for consideration—general**

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

- (a) the provisions of:
  - (i) any environmental planning instrument, and
  - (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and
  - (iii) any development control plan, and
  - (iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and
  - (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and
  - (v) any coastal zone management plan (within the meaning of the [Coastal Protection Act 1979](#) ),
- (b) 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 4.16 is limited accordingly.

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

Note.

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

**(3A) Development control plans**

If a development control plan contains provisions that relate to the development that is the subject of a development application, the consent authority:

- (a) if those provisions set standards with respect to an aspect of the development and the development application complies with those standards—is not to require more onerous standards with respect to that aspect of the development, and
- (b) if those provisions set standards with respect to an aspect of the development and the development application does not comply with those standards—is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development, and
- (c) may consider those provisions only in connection with the assessment of that development application.

In this subsection, standards include performance criteria.

**(4) Consent where an accreditation is in force**

A consent authority must not refuse to grant consent to development on the ground that any building product or system relating to the development does not comply with a requirement of the Building Code of Australia if the building product or system is accredited in respect of that requirement in accordance with the regulations.

- (5) A consent authority and an employee of a consent authority do not incur any liability as a consequence of acting in accordance with subsection (4).

**(6) Definitions**

In this section:

- (a) reference to development extends to include a reference to the building, work, use or land proposed to be erected, carried out, undertaken or subdivided, respectively, pursuant to the grant of consent to a development application, and
- (b) non-discretionary development standards means development standards that are identified in an environmental planning instrument or a regulation as non-discretionary development standards.

**Financial Implications:** Nil

## **Bathurst 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 March 2018 (**attachment 1**).
- (b) Applications refused during March 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 March 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. 2018/34 – SHED AT 21 HAMILTON STREET, EGLINTON. APPLICANT: MR A BLAKLEY. OWNER: MR A BLAKLEY (DA/2018/34)**

**Recommendation:** That Council:

- (a) as the consent authority, grant consent pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2018/34, subject to conditions able to be imposed pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979, as amended, and a condition to the effect that:
  - i) The shed is not to be used for commercial or industrial purposes or the storage of goods associated with industrial or commercial undertakings;
- (b) notify those that made submissions of its decision; and
- (c) call a division.

**Report:** The Site

Council has received a Development Application (DA) for the construction of a shed at 21 Hamilton Street, Eglinton, described as Lot 33, DP 549552. A location plan and aerial photo are at **attachment 1**.

The site currently contains a single storey detached dwelling, and an 8 metre x 5.6 metre garage which is to be demolished.

The proposal

The proposal is for the demolition of the existing garage and construction of a new 15 metre x 9 metre shed. The shed will have an overall height of 3 metres to the eave and 4.206 metres to the apex of the roof.

Plans of the proposed development are at **attachment 2**.

The proposed shed will be located 4.25 metres from the northern boundary (being the common boundary with 11 Dinger Close), 0.8 metres from the northern boundary (being the common boundary with 23 Hamilton Street) and 4.5 metres from the southern boundary (being the common boundary with 19 Hamilton Street).

The shed will be constructed of colorbond steel and includes 2 roller doors on the eastern elevation.

No significant changes in ground levels are proposed.

The application does not propose any commercial or industrial use of the shed. A condition to this effect should be imposed on the development consent.

It is noted that during the assessment process the applicant provided amended plans which relocated the shed to increase its distance from the common boundary with 11 Dinger Close from 3 metres to 4.25 metres.

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*. While not specifically defined, the proposed development is a structure ancillary to the dwelling on the property and is accordingly 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 identifies a maximum overall building height of 9 metres. The proposed shed will have an overall height of 4.206 metres at the apex of the roof and is therefore significantly less than the prescribed maximum height.

It should be noted that under Bathurst Regional Local Environment Plan 2014 Council would allow sheds up to a maximum overall height of 4.5 metres without consent. The height of the proposed shed is less than what is permitted if it was otherwise exempt development.

## *Bathurst Regional Development Control Plan 2014*

### Chapter 2 Exhibition and Notification of Development Applications

As the proposal is for a shed with an area in excess of 60 square metres in the R1 General Residential zone, the proposal was notified to adjoining property owners between 19 February 2018 and 28 February 2018. During the notification period one (1) submission was received from the owners of the adjoining property at 11 Dinger Close, Eglinton (ie directly to the rear of the property). See submission at **attachment 3**.

A Discussion Forum was arranged but the objectors were unable to attend.

Issues raised in the submission are outlined below.

#### **1. Impact on views**

**Comment:** The rear section/ backyard of the existing dwelling at 11 Dinger Close enjoys partial views to the hills to the east. That view is impeded to a significant extent by the existing garage, dwelling and trees on 21 Hamilton Street. In the opinion of Council staff, the proposed garage, although larger than the existing garage, will not have a significant additional impact on views currently experienced from 11 Dinger Close.

Council's DCP does not contain any numerical standards in relation to the protection or sharing of views.

The Land and Environment Court has established a number of principles in relation to view sharing. These principles are considered below, with a staff comment relevant to this application.

#### ***Principles of view sharing: the impact on neighbours***

(Reference: Roseth SC, Tenacity Consulting v Waringah [2004], NSWLEC 140)

25 *The notion of view sharing is invoked when a property enjoys existing views and a proposed development would share that view by taking some of it away for its own enjoyment. (Taking it all away cannot be called view*

sharing, although it may, in some circumstances, be quite reasonable.) To decide whether or not view sharing is reasonable, I have adopted a four-step assessment.

- 26 *The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (eg. of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, eg. a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.*

**Comment:** The views that may be potentially affected are views of land with no icons although partial views to the distant mountains in Bathurst would be considered to be valuable.

- 27 *The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.*

**Comment:** In this case the views are to the rear of the property, however, the broader views are already restricted by virtue of the existing development occurring on the adjoining property. Due to the relatively flat topography there are no significant opportunities for view sharing and all single storey development will have some impact on the adjoining properties.

- 28 *The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.*

**Comment:** 11 Dinger shares approximately 2/3 of its boundary with 21 Hamilton. The shed itself (15m long) would comprise approximately 50% of the total rear boundary of 11 Dinger (30m). Approximately 8 metres of that 15 metres is already obstructed by the existing garage on the site.

- 29 *The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the*

*view sharing reasonable.*

**Comment:** The proposed shed is permissible and meets the requirements of the DCP. There are no reasonable grounds to refuse the development based on its non compliance with the DCP.

## 2. Devaluing property values

**Comment:** Property values are not a planning consideration as they are not a matter prescribed by Section 4.16 of the Environmental Planning and Assessment Act 1979.

## 3. Overshadowing

**Comment:** The proposed shed is located 4.25 metres off the common boundary with 11 Dinger Close. Given that the shed has a height of 4.206 metres and is located 4.25 metres off the boundary, any over shadowing that may occur will be minimal. The private open space of the adjoining property will continue to receive at least two (2) hours of sunlight on the 21 June which complies with Councils requirements.

## Conclusion

Council has received an application for a 15 metre x 9 metre shed with an overall height of 4.206 metres at 21 Hamilton Street, Eglinton. The proposal was notified in accordance with the Bathurst Regional Development Control Plan 2014 because the proposed garage is over 60 square metres on land within the R1 General Residential zone. During the notification period one submission was received. Issues raised in the submission have been addressed in this report. Approval is recommended.

**Financial Implications:** Nil.

## **Bathurst 2036 Community Strategic Plan - Objectives and Strategies**

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

## **Community Engagement**

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

**4 DEVELOPMENT APPLICATION NO. 2016/329 – CONCRETE CRUSHING FACILITY AT 145 GORMANS HILL ROAD. APPLICANT: BARNSON. OWNER: MR GE & MRS DE HIBBERSON (DA/2016/329)**

**Recommendation:** That Council:

- (a) as the consent authority, refuse consent pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2016/329, for the following reason:
  - 1. The Development Application is designated development pursuant to the Environmental Planning and Assessment Regulations 2000 and must be accompanied by an Environmental Impact Statement in accordance with Section 4.12(8) of the Environmental Planning and Assessment Act;
- (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 Concrete Crushing Facility at 145 Gormans Hill Road, described as Lot 24 DP 830868.

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

The eastern boundary of the site is bound by the Macquarie River.

There are a number of rural residential properties adjoining the southern and western boundary of the site.

A quarry (previously operated by Council but not currently operational) is located to the north.

There is currently a Development Application lodged by the landowner for an extension of the quarry to the north of the site. This Development Application is currently under consideration and will be determined by the Joint Regional Planning Panel.

**History of the Site**

The site currently contains a quarry (extractive industry) that has operated under the provisions of continued use rights under the Environmental Planning and Assessment Act 1979. This quarry is at the limit of its continued use rights (i.e. area and volume able to be extracted). If extraction is to continue on site another Development Application would be required to be lodged.

The disturbed area of the quarry is approximately 3.5 Ha.

The owners of the property have, over an extended period of time, stockpiled concrete and construction waste on the site without consent. This process has, to Council's knowledge, ceased with the current application seeking to regularise the process. This does not impact upon Council's consideration of the current development application.

In terms of what consideration should be given to the existing unlawful use occurring on site,



the generally acceptable principle is that *“although an applicant for consent should derive no advantage, direct or indirect, from the unlawful use, I do not think that it should be an impediment to the consideration of his application on its planning merits. If on the merits a planning consent should be given, it is desirable in the public interest that it should be given irrespective of the past conduct of the applicant. It is desirable that the position should be regularised leaving the past unlawful conduct to be punished by penal sanctions.”* (Kouflidis v City of Salisbury).

### The proposal

The description of the proposed development identified in the Statement of Environmental Effects ("SEE") lodged with the Development Application identifies that:

1. Concrete would be brought to the site from other offsite projects that the Developer/Hibbo Hire Earthworks Solutions is working on.
2. Upon arrival concrete will be stockpiled and sorted.
3. Sift buckets will be used to remove soil prior to crushing and screening.
4. Soil would be resold as clean fill and removed offsite.
5. Concrete will be crushed, screened and deposited into stockpiles.
6. The material would be loaded onto trucks and removed from the site. Any metal reinforcement encountered during crushing is to be removed, placed into a scrap steel bin and to be recycled.

The Statement of Environmental Effects for the proposed development is at **attachment 2**.

### Planning Context

#### *Bathurst Regional Local Environmental Plan 2014*

The subject site is zoned RU4 Primary Production Small Lots under the provisions of the *Bathurst Regional Local Environmental Plan 2014*.

The proposed use is characterised as a Resource Recovery Facility and is defined in the LEP as follows:-

*resource recovery facility means a building or place used for the recovery of resources from waste, including works or activities such as separating and sorting, processing or treating the waste, composting, temporary storage, transfer or sale of recovered resources, energy generation from gases and water treatment, but not including re-manufacture or disposal of the material by landfill or incineration.*

Resource recovery facilities are a type of *waste or resource management facility* defined in the Bathurst Regional LEP 2014.

Waste or resource management facilities, inclusive of resource recovery facilities, are prohibited in the RU4 zone.

#### *State Environmental Planning Policy (Infrastructure) 2007*

State Environmental Planning Policy (Infrastructure) 2007 applies to the land. In the event of an inconsistency between the SEPP (Infrastructure) and Bathurst Regional LEP 2014, Clause 8(1) of the Infrastructure SEPP provides that the provisions of the SEPP prevail.

Clause 121(3) SEPP (Infrastructure) provides that *"development for the purpose of the recycling of construction and demolition material, or the disposal of virgin excavated*

*natural material (as defined by the Protection of the Environment Operations Act 1997) or clean fill may be carried out by any person with consent on land on which development for the purpose of industries, extractive industries or mining may be carried out with consent under any environmental planning instrument".*

Extractive industries are a permissible use in the RU4 Primary Production Small Lots Zone . Accordingly the provisions of Clause 121 (3) SEPP (Infrastructure) make the development for the purpose of the recycling of construction and demolition material permissible with consent on the subject land.

The proposed development is therefore permissible with consent under the provisions of SEPP (Infrastructure).

### Designated Development

The Development Application, as lodged by the applicant, has not been lodged as "designated development" under Schedule 3 of the EPA Regulations. Where the development does constitute designated development, it needs to be accompanied by an Environmental Impact Statement. Whether or not the development constitutes designated development was raised in a number of public submissions.

There are two issues surrounding designated development to be resolved, namely:

1. whether the use is considered to be "crushing, grinding or separating works" or "waste management facilities or works"; and
2. whether the development meets any of the locational criteria for designated development.

As part of the assessment process, Council sought legal advice as to whether the development is properly considered to be designated development on both of these aspects. That advice is provided at **attachment 3** and summarised below:

Under Schedule 3 of the EPA Regulations, the development might be considered as designated development under two criteria:

1. Clause 16 - Crushing, grinding or separating works; and
2. Clause 32- Waste management facilities or works.

For the purposes of determining if the criteria are relevant, the following definitions apply:

*"Crushing, grinding or separating works, being works that process materials (such as sand, gravel, rock or minerals) or materials for recycling or reuse (such as slag, road base, concrete, bricks, tiles, bituminous material, metal or timber) by crushing, grinding or separating into different sizes. "*

*"Waste management facilities or works that store, treat, purify or dispose of waste or sort, process, recycle, recover, use or reuse material from waste"*

In both cases the clause does not apply to developments specifically referred to elsewhere in the Schedule. That is a *crushing, grinding or separating works* cannot also be a *waste management facility* and vice versa.

Having characterised the use of the land for the purposes of establishing the permissibility in the zone, it is necessary to then turn to the appropriate classification of the development under Schedule 3.

Applying the decision in *Residents Against Improper Development Inc v Chase Property Investments Pty Ltd* (2006) 149 LOERA 360, it is necessary to refer to Schedule 3 to classify the development in terms of the nature of the operation. When focusing upon the nature of the operation, it is most specifically identified as crushing, grinding or separating works as described in Clause 16 in Schedule 3.

Accordingly, the operation is captured under Clause 16 as *crushing, grinding or separating works* and therefore excluded from Clause 32 waste management facilities or works.

### **Crushing, grinding or separating works as designated development**

It is then necessary to determine if the development is captured as designated development by reference to the particulars of the operation identified.

Whether the operation is captured under Clause 16 as crushing, grinding or separating works as designated development is determined by the following criteria:

- a) *having an intended processing capacity of more than 150 tonnes per day or 30,000 tonnes per year, or*
- b) *located:*
  - i) *within 40 metres of a natural waterbody or wetland, or*
  - ii) *within 250 metres of a residential zone or dwelling not associated with the development.*

The capacity is not described in the Development Application but is said not to exceed 150 tonnes per day or 30,000 tonnes per year [SEE paragraphs 5.2.2.1 and 5.5.2.1], thereby keeping the capacity below the threshold for designated development.

The measurement for the distance from waterbodies is set out in Clause 47 of Schedule 3 to the Regulation as follows:

The distance from a waterbody is to be measured as the shortest distance between:

- a) *the top of the high bank, if present, or*
- b) *if no high bank is present, then:*
  - i) *the mean high water mark in tidal waters, or*
  - ii) *the mean water level in non-tidal waters, and the boundary of the development site.*

The measurement for the distance from dwellings is set out in Clause 41 of Schedule 3 of the Regulations as follows:

*The distance from a dwelling is to be measured as the shortest distance between the edge of the dwelling and the boundary of any development or works to which the development application applies.*

Paragraph 5.2.2 of the SEE describes:

*The development site is located more than 40 metres from the top of the bank of the Macquarie River and is located more than 250 metres from any dwellings not associated with the development. In this regard, the proposed development is not designated development.*

For the purposes of measuring these distances the applicant has measured from the

principal storage and crushing areas only and excluded the access into the property. This position is consistent with the advice of the Department of Planning who has previously advised that the access roads should be excluded for the purposes of measuring distances to dwellings from extractive industries.

However, for the reasons outlined below the development has been determined by Council officers as being Designated Development due to its proximity to a dwelling not associated with the development.

Part 5 of the Schedule provides that, for dwellings, distances are to be measured "*as the shortest distance between the edge of the dwelling and the boundary of any development or works to which the Development Application applies*".

The terms "*development*" and "*works*" have no defined meaning in Part 4 of Schedule 3 and are therefore given the same meaning as in the Environmental Planning and Assessment Act.

Development is defined in Section 1.4 of the EPA Act to include the carrying out of a work and the use of land as well as the erection of a building. The construction and use of the access road for the purpose of receiving concrete for recycling and for then removing the sorted and sized product is undoubtedly development. The Development Application applies to the access road because without the access road the recycling facility could not be delivered to the public road system. The access road exists, however consent to use it for the purpose proposed is an essential prerequisite to the operation of the recycling facility and is therefore development within the meaning of the EPA Act.

It is not possible to characterise the use of the access road as anything other than part of the use for which the consent is sought (*Chamwell Pty Ltd v Strathfield Council* (2007)).

When some component of the Application falls within the description of designated development, the Development Application as a whole is for designated development (*Residents Against Improper Development Inc Chase Property Investments Pty Ltd*) (2006) 149 LOERA 360). The measurement is taken not between the dwelling and the designated development but between the dwelling and the boundary of any development to which the Application applies. That necessarily includes the access road even though, illogically, an access road bears no part of the crushing, grinding or separating works for applying the distance calculation in the first place.

The access road is located within 250 metres of the dwelling to the south of the subject development.

The development is therefore considered to be captured as designated development under Clause 16 crushing, grinding or separating works having regard to its proximity to a dwelling not associated with the development.

Given the advice of the Department of Planning to exclude the access road was contrary to the Council's own legal advice, Council sought further legal advice. This additional advice concludes that the Department's advice cannot be supported (refer **attachment 4**).

Section 4.12 (formerly S78A(8)) provides that a DA for designated development must be accompanied by an environmental impact statement if the application is "in respect of designated development". The DA in question was not accompanied by an EIS.

It is noted that the applicant has been provided with copies of Council's legal advice and requested to withdraw the Development Application. The applicant has not withdrawn the

application or provided contrary advice.

### Public Notification

The Development Application was advertised and notified to adjoining property owners from 26 September 2016 to 27 October 2016. Following the advertising and notification period a total of 6 submissions were received (see submissions at **attachment 5**). A request for additional information was also received from the Environment Protection Authority (see **attachment 6**).

### Conclusion

A Development Application has been lodged for a concrete crushing facility, which for the purpose of permissibility is defined as a "resource recovery facility". The proposed development is permissible on the land under the State Environmental Planning Policy (Infrastructure).

The operations proposed would be classified under Schedule 3 to the Environmental Planning and Assessment Regulation as "crushing, grinding or separating works".

As the proposed development (the internal access road) is within 250 metres of a dwelling that is not associated with the development, it is Designated Development.

The application has been lodged without an Environmental Impact Statement as required by the Environmental Planning and Assessment Act 1979. Accordingly the application must be refused.

**Financial Implications:** Nil.

### **Bathurst 2036 Community Strategic Plan - Objectives and Strategies**

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

### **Community Engagement**

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

## **5 BATHURST REGION HERITAGE REFERENCE GROUP (20.00123)**

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

**Report:** Council, at its meeting held 21 February 2018, requested a report on the Bathurst Region Heritage Reference Group.

Council resolved to establish a Heritage Reference Group at its meeting held 21 May 2014.

At its meeting held 20 August 2014, Council adopted a preliminary Charter for the Heritage Reference Group but also sought feedback from the Reference Group as part of its first meeting. A final Charter was adopted on 19 November 2014 (see **attachment 1**).

The Heritage Reference Group discussed the Charter again at its meeting held 7 November 2016, and recommended some changes to it. Council adopted an amended Charter, which is the Charter under which the Group currently operates (see **attachment 2**), at its meeting held 14 December 2016.

The current Charter is similar to the original but does formalise the participation of the Rockley Mill and Stable Museum and Bathurst Heritage Matters in the Group meetings. It was also changed to include all Progress Associations so that all village or settlement locations were not inadvertently excluded.

More recently, in accordance with the new Heritage Plan, Council staff have encouraged members of the Tourism Reference Group and the Natural Resources Reference Group to participate in Group meetings. This was sought under the Heritage Plan to encourage communication across these three reference Groups.

The Heritage Reference Group meets four (4) times a year. The Agenda usually includes consideration of:

- Reports from Council, including an update report on the ongoing implementation of the Heritage Plan.
- Reports from each community group, generally updating those in attendance on items of interest being undertaken by each group represented in the Heritage Reference Group.
- General Business items.

All Councillors are invited to attend meetings.

Council staff regularly email group members between meeting dates with information that might be of interest (eg grant opportunities, heritage events).

**Financial Implications:** The Heritage Reference Group meetings and associated administration tasks are completed within existing budgets.

### **Bathurst 2036 Community Strategic Plan - Objectives and Strategies**

- Objective 11: To protect the region's unique heritage and history. To protect a unique identity. Strategy 11.1
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.2, 30.5, 30.6

## **Community Engagement**

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

## **6 BATHURST REGIONAL URBAN RELEASE AREA – KELSO CERTIFICATION (20.00143)**

**Recommendation:** That Council:

- (a) note that certification has been received from the NSW Department of Planning and Environment for the Kelso Urban Release Area until 30 June 2020; and
- (b) call a division.

**Report:** Upon gazettal of the Bathurst Regional LEP in November 2014, Council was required to seek certification from the NSW Government for the identified Urban Release Areas (URAs) on whether a contribution was required from new development for the provision of State Public Infrastructure.

Council received notification on 22 May 2015 that the Director General of the Department of Planning and Environment had certified the urban release areas of:

- Zone B5 Service Business land at Sydney Road and the Service Trade Centre; and
- The additional Zone R5 large lot residential land at Mount Rankin, The Lagoon, Trunkey Creek and Warabindi Orchard.

For these areas listed above, for which certification has been received, no contribution was required for State Public Infrastructure.

The Kelso Urban Release Area later received certification, however was time limited up to 30 June 2018. No contribution was required for State Public Infrastructure.

Council received notification on 1 March 2018 that the Director General of the Department of Planning and Environment has recertified the urban release area for Kelso with no contribution required for State Public Infrastructure (see **attachment 1**) until 30 June 2020. The Kelso Urban Release Area is identified in **attachment 2**.

It is disappointing to note that the certification again remains time limited and is only valid until 30 June 2020. Council's previous experience with other areas where certification has been received is that the certification has not been time limited. Council staff understand that the time limit has been placed on the certification because the Department of Planning and Environment are apprehensive at issuing certification for an indefinite period when infrastructure needs or the planning circumstance may change in the future.

It should also be noted that the process to receive recertification for the Kelso Urban Release Area took approximately 6 months. Council staff will therefore seek further recertification for the period post 30 June 2020 commencing in mid 2019 to avoid ongoing delays into the future.

**Conclusion:**

Council has received notification from the NSW Department of Planning and Environment that the Director General has recertified the urban release area for Kelso and maintained that no contribution is required for State Public Infrastructure. The certification only remains valid until 30 June 2020. Council will need to seek further certification for the Kelso Urban Release Area after 30 June 2020. Council staff will commence the recertification process in mid 2019.



**Financial Implications:** Nil.

**Bathurst 2036 Community Strategic Plan - Objectives and Strategies**

- Objective 24: To provide and support the provision of accessible, affordable and well planned transport systems. Strategy 24.1
- Objective 28: To plan for the growth of the region and the protection of the region’s environmental, economic, social and cultural assets. Strategy 28.2
- 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 29.4
- Objective 33: To be and develop good leaders. Strategy 33.4

**Community Engagement**

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

## **7 FORWARD PLANNING FOR ROAD INFRASTRUCTURE (20.00277)**

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

**Report:** Councillors, at the March 2018 Ordinary Council meeting, requested a report be presented relating to the forward planning for road infrastructure. The following information provides a summary of the planning undertaken to date, or currently underway, as well as future challenges.

### Kelso

Council's Strategic Planning Section in 2011 commissioned the Kelso Traffic Study. The study identified a suite of infrastructure that is, or will be, required to support the ongoing growth of the Kelso Expansion Area. The study also identified a broad timeframe, (ie short, medium or long) for the provision of the infrastructure.

Council incorporated the recommendations of the Kelso Traffic Study into the Roadworks - New Residential Subdivision Section 94 Development Contributions Plan. The Section 94 Plan collects funds when land is subdivided, or intensified with dual occupancies or residential units, to contribute towards the cost of providing the required infrastructure. It should be noted that some aspects of the Kelso Traffic Study have not been adopted by Council, particularly the realignment of Gilmour Street.

The Section 94 Plan identifies a number of projects for the Kelso catchment including:

- Duplication of Hereford Street between Gilmour Street and the low level bridge;
- Widening of George Street between Stanley Street and Durham Street;
- Signalising of Marsden Lane/ Gilmour Street / Hereford Street intersection;
- Several local roundabouts or intersection treatments;
- Duplication of the low level bridge.

### Windradyne / Llanarth / Eglinton

Council, since the mid-1990's, has identified a number of required road upgrades to cater for the continued growth of the city towards the west. The infrastructure requirements are contained in the Roadworks - New Residential Subdivision Section 94 Development Contributions Plan. There have been some recent refinements, however, the plan has largely remained unchanged since its adoption in 2005.

The Section 94 Plan identifies a number of projects including:

- Duplication of Durham Street and Eglinton Road from Stewart Street to Rankens Bridge.
- Duplication of Bradwardine Road between Eglinton Road and Mitchell Highway.
- Construction (4 lanes) of Ophir Road from Rankens Bridge to Ophir Road.
- A number of intersection treatments along Eglinton Road, Bradwardine Road and within Eglinton village.

Council's Engineering Department have included the following projects within the current and draft 2018/19 budget:

- Design for Rankin/Durham Street intersection
- Works for Howick/George Street intersection
- Works for Suttor/Mitre/Lambert Street intersection
- Works to Eglinton Road and Westbourne Drive intersection

- Design the signals at the Marsden Lane/ Gilmour Street / Hereford Street intersection, and
- Design of turning lanes, within Hereford Street, into the rugby union and rugby league fields.

#### Stewart Street and Durham Street intersection

Council is nearing completion of a project to investigate options to improve the capacity of the Durham Street and Stewart Street intersection, particularly as the City continues to grow at Eglinton and Windradyne/Llanarth. The appointed consultants have undertaken traffic counts of the intersection and have identified possible works required to increase the capacity of the intersection. The RMS is an important stakeholder in this project, and Council staff have been liaising with the RMS as part of this project. Once the study has been finalised, it will be presented to Council for its consideration.

#### Eleven Mile Drive – Alternative Kelso access

Alternative access to Kelso can be achieved via Eleven Mile Drive and Eglinton when the Hereford Street low level bridge is inundated. The road crossing at Saltram Creek is to some degree not affected by flooding, however, will be inundated during 1:10 and above ARI flood events.

The Bathurst Region Urban Strategy identifies land to the north of Eleven Mile Drive as a possible location for the longer term expansion of the City. If this location is the preferred location, significant upgrades to Eleven Mile Drive will be required. Upgrades to Eleven Mile Drive have been identified in the draft Bathurst 2040 Community Strategic Plan.

#### Section 94 Plans generally (now referred to as Section 7.11 under recent updates to the EPA Act)

The collection of funds under a Section 94 Contributions Fund are to be expended on specific projects identified within the Plan. The Plan requires Council to identify a nexus relating to the demand for the infrastructure and the development. It is important to note that Section 94 funds cannot be expended to cover the cost of the maintenance of the road.

Council's Section 94 Plans allow for a Works In Kind arrangement where infrastructure identified within the Plan can be constructed by a developer and in lieu of or paid from the Section 94 Plan.

#### Future planning challenges

##### *Roads and Maritime Services - Bathurst Network Strategy*

The RMS recently met with the General Manager, the Director Engineering Services and Director Environmental, Planning & Building Services in relation to the preparation of a study that they are about to commence for Bathurst, Orange and Dubbo. The Bathurst Network Strategy aims to:

- Identify the key current and future challenges that impact the function and performance of the road network including transport demand, road safety, future land use development impacts and opportunities, and impacts from flooding.
- Provide a strategy to manage the road network over the next 20 years.
- Provide a strategic planning framework within which potential projects can be planned for and developed.
- Provide an evidence base for Bathurst Regional Council to seek funding for upgrades

- on- the strategic local government network, with justification on how various links fit onto the overall road network provided through the strategy.
- Provide RMS and Bathurst Regional Council with a shared understanding of the strategic transport network and identify priorities for future investment opportunities.

The RMS identified that the project is to commence in the coming months and take approximately 12 to 18 months to complete.

#### *Bathurst Integrated Transport Plan*

The draft 2018/19 budget includes funds to undertake an integrated transport plan for the City of Bathurst. This plan would follow on from the work that is proposed to be completed by the RMS. Specifically it would consider the traffic, cycling, pedestrian, parking and public transport needs between the suburbs of the City and the CBD and to other activity centres within the City.

#### *Alternative flood free route from Kelso*

The Kelso Traffic Study did not make any specific recommendations about whether the duplication of the Hereford Street low level bridge should be flood free or not. The RMS as part of their review of the draft study recommended that the Hereford Street low level bridge should be made flood free.

The existing Hereford Street low level bridge has been constructed to cater for a rainfall event of up to 1:5 ARI. The construction of the Raglan Creek overland diversion channel has assisted in maintaining access along Hereford Street during large rainfall events. The current Roadworks - New Residential Subdivision Section 94 Plan allows for the duplication of the low level bridge identified as part of the Kelso Traffic Study.

The draft Bathurst 2040 Community Strategic Plan identifies the need for the construction of a flood free crossing to service Kelso within the infrastructure works program. Further consideration of this idea is required if the City expands to the north of Eleven Mile Drive.

#### *Future growth of the City*

The Bathurst Urban Strategy 2007 identified that land to the north of Eleven Mile Drive between Sofala Road and Eglinton and land to the West of Sawpit Creek may be suitable for the long term residential growth of the City. To support the growth of the City, a range of infrastructure will be required. For example the construction of a further river crossing, capable of withstanding a 1:100 ARI flood event may be required, linking Eleven Mile Drive and Eglinton Road. The route, cost and timing of the bridge construction would need to be the subject of further studies. It is likely that this scenario would require a significant investment from Council and other tiers of Government and would be a long term (20+ year) solution. It should also be noted that this option is also likely to require significant upgrades to the Durham / Stewart Street intersection and Durham Street / Eglinton Road.

#### Conclusion

Council has in place a Section 94 Plan for future road and intersection works to cater for the City's growth to the east (Kelso) and west (Windradyne, Llanarth, Abercrombie and Eglinton). Council will need to commission the relevant works as growth occurs and funding is collected. This may require works to be undertaken prior to all Section 94 funds being collected as was the case with the Hereford Street upgrade some years ago.

Council needs to consider longer term road infrastructure investigations including:

- The need for another river crossing should the City expand to the north, and
- Upgrades to critical intersections such as Durham / Stewart Street.

Council and the RMS are about to embark on more detailed investigations in relation to traffic and transport issues to address the longer term growth of the City.

**Financial Implications:** Council is currently collecting Section 94 funds under the Roadworks – New Residential Subdivisions Plan. No funding has been allocated for the future infrastructure planning should the city expand to the north.

### **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 28.1, 28.2
- 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 29.2, 29.4

### **Community Engagement**

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

## **8 ROADSIDE VEGETATION MANAGEMENT PLAN (13.00088)**

**Recommendation:** That Council adopt the Roadside Vegetation Management Plan incorporating the changes made in response to submissions received during the public exhibition period.

**Report:** In 2017 Council engaged NGH Environmental to develop a comprehensive Roadside Vegetation Management Plan (RVMP) for the Bathurst Regional Local Government Area (LGA). The RVMP replaces and builds upon the 2007 Roadside Vegetation Management Guidelines and is based upon assessment of the conservation value of all roadside vegetation undertaken by NGH Environmental between 2013 and 2016.

The purpose of the RVMP is to promote good management of roadside vegetation particularly in relation to environmental values. The RVMP defines the strategic framework and management principles which will guide actions within the road reserves to achieve good management.

Specifically, the goals of the Roadside Vegetation Management Plan are to:

- Improve the management of Roadside Vegetation in the Bathurst Region LGA;
- Better integrate roadside environmental management with Council planning mechanisms including the Community Strategic Plan and Delivery Plan;
- Protect and enhance the environmental values of roadside vegetation under Council care and control;
- Identify priority management actions to enhance the environmental values of the roadside reserves;
- Provide strategies to improve community awareness of roadside environmental values and compliance with relevant legislation and Council policies.

Liaison with community interest groups, individuals and key stakeholders was a key component of the development of the draft RVMP. During August 2017, NGH Environmental invited input from a range of organisations and agencies and received feedback from:

- Upper Macquarie County Council
- Central West Council's Environment and Waterway Alliance
- Napoleon Reef Landcare Group
- Roads and Maritime Services
- NSW Office of Environment and Heritage
- NSW Roadside Environment Committee

Council's Works Section (in Council's Engineering Department) was also consulted as part of the development of the plan.

As resolved by Council on the 13 December 2017, the draft RVMP was placed on public exhibition for a period of six weeks. During this time four submissions were received. These were from NSW Office of Environment and Heritage, NSW Roadside Environment Committee, Greening Bathurst and one individual. The written submissions are provided as **attachment 1** and Council's tabulated response to the matters raised in each submission are provided as **attachment 2**. Feedback was also sought and received from the Engineering Services Department during the public exhibition period. Minor modifications have been made to the document as a result of the consultation undertaken and the submissions received.

The final version of the RVMP is provided as **attachment 3**.

The reassessment of roadside vegetation and the preparation of the RVMP fulfil a number of recommended actions of the Bathurst Biodiversity Management Plan including:

- Action AO1 - Undertake a comprehensive roadside survey of high and medium conservation roadside vegetation and identify threats, including to provide prioritised recommendations and guidelines for roadside management in specific areas.
- Action AO4 - Develop biodiversity plan/s of management for the protection, enhancement and linkage of native vegetation along rural roads.

**Financial Implications:** The preparation of the Bathurst Regional Council Roadside Vegetation Management Plan was funded from existing allocations. Funding of recommended actions of the RVMP will in some instances be funded from existing allocations. Other recommendations will require funding to be sourced through grants and/or alternate external funding sources.

### **Bathurst 2036 Community Strategic Plan - Objectives and Strategies**

- Objective 9: To protect and enhance the region's landscapes, views, vistas, open spaces and the Macquarie River. Strategy 9.7
- Objective 10: To protect and enhance the region's biodiversity. Strategy 10.2, 10.4, 10.7, 10.10

### **Community Engagement**

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

## **9 SUSTAINABLE LIVING EXPO 2018 (23.00124)**

**Recommendation:** That Council note the success of the 2018 Sustainable Living Expo.

**Report:** In 2008, Council ran the first Sustainable Living Expo (the Expo) in conjunction with the Australia Day celebrations at the Macquarie River. It was a relatively small event and from these beginnings the Expo has grown and matured. In 2011 the Expo moved to a March date and to a new venue at the showgrounds, in partnership with the Bathurst Farmers Markets. The change in venue has proven to be beneficial to both the Farmers Markets and the Expo, boosting the number of visitors to both parts of the event.

In recent years the Environment Section has partnered with the Water and Waste Section to build the profile and depth of the Expo.

### **Sticks and Wombat**

The 2018 Expo had the theme of Sustainable Design and explored the ideas around making homes more comfortable and cheaper to run. Council engaged 'Sticks and Wombat' from Channel 9's 'The Block' to help explore these ideas through their visit to Bathurst.

Sticks and Wombat arrived on Friday 23 March 2018 and were immediately put to work making a series of three short films that will discuss and show the benefits of undertaking routine maintenance of heritage homes. The Environment and Strategic Planning Sections worked together to formulate the short videos, which were filmed at the Headmasters Cottage in Howick Street. This site illustrates some of the issues related to maintenance of heritage infrastructure. These will be posted to social media in the coming months to assist Council in promoting its heritage programs.

Sticks and Wombat were then taken to Mount Panorama where Sticks took a ride in the National Motor Racing Museum's Monaro around the Mount, whilst Wombat decided that sustainability was the way forward and rode his mountain bike around the track.

Sticks and Wombat were also given a tour of the Flannery Centre by Skillset staff to look at the sustainable elements of the building, and had an interesting discussion about the increasing demand for sustainable housing in the residential market.

### **Junkyard Beats**

Junkyard Beats had a similarly busy schedule for the three days of their visit to Bathurst. A large performance for 200 year 4, 5 and 6 students from schools across the Bathurst region was held on the morning of Thursday 22 March 2018. A series of three workshops were held on Thursday 22 and Friday 23 March 2018, attended by 150 students from a variety of schools.

The workshops and performances for school students were well received and both students and teachers were keen to follow up on their Junkyard Orchestra experiences and learn about waste.

### **Sustainable Living Expo**

At the Expo, on Saturday 24 March 2018, Sticks and Wombat gave two presentations to large audiences about sustainable house design and their experiences on 'The Block'. They also spent the time in between their presentations talking to fans about their experiences and having their photos taken.



Sticks and Wombat were excellent speakers at the Expo and went out of their way to engage with patrons.

Junkyard Beats were incredibly popular with their high energy percussion shows and really had the crowd moving along. Ever popular, the Shoalhaven Zoo 'Zoo to You' show had the audience learning about the lives of native wildlife and how they avoid trouble.

Council had a strong and diverse presence at the Expo. The Water and Waste Section stand was featured with the new Council Keep Cups for sale and the ever popular mini recycling bins on offer. Key messages regarding waste avoidance and appropriate recycling and waste disposal were delivered by the staff.

Council's Strategic Planning section undertook consultation with Expo patrons on the draft Community Strategic Plan. The Museums Unit had a really interesting presence talking about the art of conserving items for museums but also around the home, and helped build the message of reuse and restore. The Visitor Information Centre was also there promoting a variety of events coming up around Bathurst including the Heritage Trades Trail and the Autumn Colours program. The Environment Section was on hand to answer questions about sustainable house design and many other environmental themes. Backyards for Wildlife booklets were a popular item for sale, along with nestboxes for local hollow dwelling species.

Overall this year's Expo was a great success and it is estimated that approximately 3,600 people attended the Expo and Farmers Markets. Council staff will undertake a review of the Expo and incorporate the lessons learnt from this event to ensure that the Expo continues to improve each year. For example, some difficulty was experienced in engaging with local builders on sustainable design which will be reviewed for future events.

**Financial Implications:** The funding of the Expo is undertaken jointly by the Environment Section and the Water and Waste through existing budgets. Over recent years, costs associated with the Expo have grown and a formal review of the event and its budget will occur.

### **Bathurst 2036 Community Strategic Plan - Objectives and Strategies**

- Objective 8: To promote sustainable and energy efficient growth. Strategy 8.1, 8.2, 8.9
- Objective 13: To minimise the City's environmental footprint. Strategy 13.3, 13.5
- Objective 16: To encourage sustainable waste management practices, incorporating opportunities for energy generation. Strategy 16.6
- 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 30.4

## **Community Engagement**

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

## **10 EASY TO DO BUSINESS – SERVICE NSW (20.00071)**

**Recommendation:** That Council:

- (a) delegate authority to the General Manager to enter into a contract with Service NSW for the Easy to do Business initiative; and
- (b) delegate authority to the Mayor and General Manager to execute any necessary documents under the Common Seal of Council.

**Report:** The Small Business Commissioner and Services NSW have developed the “Easy to do Business” program. This free program provides a number of benefits for Councils:

- Increased productivity with ‘decision ready’ applications and reduced transaction costs,
- Effective tools to help boost our local economy, enabling more jobs in the region, and
- Assisting Council to deliver on its economic development priorities.

The initiative will provide a customer, who wishes to set up cafés, restaurants or a small bar, with a single point of contact within Service NSW who will help them navigate all the required approvals to operate the business, for example registering the business, obtaining an ABN, and required Council approvals.

Those looking to start up a café, restaurant or small bar can benefit from Council being involved in Easy to do Business through:

- A unique digital profile that can help fast track the approval process across local, state and federal government
- Receiving step by step guidance through the application process
- Support of a dedicated Business Concierge who can answer questions, liaise with Council, and review applications to ensure they are ‘decision ready’
- Knowing upfront the time, fees and effort involved.

The intention of the program is to build awareness of specialist advisory services, ensure Council staff can direct enquiries to these and provide applicants with the skills to be better informed and researched prior to lodging any applications.

The program is focused on the café, small bar and restaurant sector at present, however the intention is to expand to other designated subsectors of the business economy in the future.

For Council, the process is to endorse the recommendations and then inform Service NSW that this has occurred. Following this, the Easy to do Business Council/Agency Lead personnel will make a presentation to key Council staff to provide them with the information and skills for “Operational Readiness”. Once Council staff are prepared, there will be an official launch and announcement of the program.

**Conclusion:**

By Council supporting this initiative, the local business community and potential business investors can have confidence that Council is supportive of small business and is actively trying to reduce the costs associated with small business start-up. It is recommended that Council delegates authority to the General Manager to enter into a contract with Service NSW for the Easy to do Business initiative.

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

## **Bathurst 2036 Community Strategic Plan - Objectives and Strategies**

- Objective 1: To attract employment, generate investment and attract new economic development opportunities. Strategy 1.2, 1.3

### **Community Engagement**

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

## **11 DRAFT BATHURST REGION ECONOMIC DEVELOPMENT STRATEGY 2018– 2022 (20.00071)**

**Recommendation:** That Council place the Draft Bathurst Region Economic Development Strategy 2018 – 2022 on public exhibition for a period of 28 days and invite the public to make submissions.

**Report:** With the expiry of Council's Economic Development Strategy 2011-2016, Council began the process of developing the new Strategy in late 2016. The Bathurst Region Economic Development Strategy 2018-2022 will present a guiding framework by which the Council, in partnership with industry and the community, can take a coordinated approach to retaining and growing the existing economic base of the region, as well as attracting new investment.

The Economic Development Strategy 2018-2022 is the third iteration of the Strategy for the Bathurst region. The vision of the draft Strategy is for Bathurst to become:

“A pioneering, adaptable economic hub that celebrates the regions rich diversity, culture, skills and history, yet nourishes innovative, nimble industries and professionals of the future.”

The objectives of the new Strategy have been based on “Economic Enablers” that were identified through Council business development programs, key stakeholder engagement and community consultation. The objectives are as follows:

1. Nurture economic and cultural infrastructure development
2. Planning processes that protect and grow a vibrant region
3. Market-leading promotional campaigns and events
4. Support local business growth, partnerships and skill development
5. Grow local employment, investment and attract new businesses
6. Develop Bathurst into a Smart City

The Western Research Institute (WRI) was engaged to undertake a range of community engagement and research activities to assist Council's strategy development. The outputs of these activities have provided Council with a strong understanding of the current strategic forces impacting economic development in the region, a thorough understanding of community feedback on the priorities and actions needed to develop the local economy, and a number of actions that were utilised in the Economic Development Strategy 2018 – 2022 including:

- A socioeconomic profile of the Bathurst Region.
- A review of strategic documentation developed by Council and other stakeholder organisations that have a bearing on the future economic development of the region.
- Four community engagement forums consisting of approximately 100 participants.
- A short survey, developed to gather feedback from the Bathurst business community and the wider community. Approximately 45 survey responses were received.
- An analysis of the information gathered from community engagement with input from relevant strategic documentation.

The NSW Department of Premier and Cabinet (DPC) have commenced the development of Regional Economic Development Strategies (REDS), with the DPC assigning each LGA to one of 33 predetermined regions. Bathurst Regional Council will therefore complete a REDS in partnership with Oberon Council in coming months. The draft Bathurst Economic Development Strategy 2018-2022 will strongly inform the development of the REDS with

Oberon.

The Draft Economic Development Strategy 2018-2022 is provided at **attachment 1**.

**Conclusion:**

The draft Bathurst Region Economic Development Strategy 2018-2022 has been developed incorporating the conversations, comments, suggestions and feedback that have taken place over the past 18 months. It identifies and responds to the community's economic vision and priorities for the future.

It is recommended that Council place the Draft Economic Development Strategy 2018-2022 on public exhibition for a period of 28 days to enable final community input before Council considers its adoption.

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

**Bathurst 2036 Community Strategic Plan - Objectives and Strategies**

- Objective 1: To attract employment, generate investment and attract new economic development opportunities. Strategy 1.1

**Community Engagement**

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

Yours faithfully



N Southorn  
**DIRECTOR**  
**ENVIRONMENTAL, PLANNING & BUILDING SERVICES**

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

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

18 APRIL 2018

## **1 STATEMENT OF INVESTMENTS (16.00001)**

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

**Report:** \$82,880,000 was invested at 31 March 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:

	<b><u>Rating</u></b>	<b><u>Balance</u></b>	<b><u>Average Return</u></b>
<b><u>Short Term 1 – 365 Days</u></b> <b>(comprising Commercial Bills, Term Deposits, Debentures and Certificates of Deposits):</b>			
National Australia Bank Limited	A1+	\$9,000,000.00	2.54%
Bankwest	A1+	\$1,500,000.00	2.50%
CBA	A1+	\$1,500,000.00	2.54%
Bank of Queensland Limited	A2	\$15,500,000.00	2.31%
Maritime, Mining & Power Credit Union Ltd	A2	\$4,500,000.00	2.69%
People's Choice Credit Union	A2	\$6,000,000.00	2.65%
IMB	A2	\$1,500,000.00	2.60%
G & C Mutual Bank Limited	A3	\$1,500,000.00	2.66%
Auswide Bank	A3	\$3,500,000.00	2.70%
Railways Credit Union Limited	ADI	<u>\$2,000,000.00</u>	<u>2.72%</u>
		<b>\$46,500,000.00</b>	<b>2.52%</b>
<b><u>Long Term &gt; 365 Days</u></b> <b>(comprising Commercial Bills, Term Deposits, Debentures and Bonds):</b>			
<b><u>Floating Rate Term Deposits</u></b>			
CBA Deposit Plus	AA-	\$1,500,000.00	2.72%
CBA Deposit Plus 1	AA-	\$1,500,000.00	2.77%
CBA Deposit Plus 2	AA-	\$1,500,000.00	2.84%
WBC Coupon Select	AA-	\$2,000,000.00	2.78%
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>\$1,830,000.00</u>	<u>1.70%</u>
		<b>\$12,830,000.00</b>	<b>2.70%</b>
<b><u>Fixed, Negotiable &amp; Tradeable Certificates of Deposits</u></b>			
Greater Bank Ltd	BBB	\$1,000,000.00	3.14%
Greater Bank Ltd	BBB	<u>\$2,000,000.00</u>	<u>3.29%</u>
		<b>\$3,000,000.00</b>	<b>3.24%</b>
<b><u>Floating Rate Notes</u></b>			
Commonwealth Bank of Aust.	AA-	\$1,000,000.00	2.70%
CBA Climate Bond	AA-	\$1,000,000.00	2.95%
Suncorp Metway	A+	\$1,000,000.00	3.05%
Rabobank	A+	\$1,000,000.00	3.32%



AMP	A	\$1,000,000.00	3.08%
AMP	A	\$800,000.00	3.02%
AMP	A	\$1,000,000.00	3.13%
Macquarie Bank	A	\$1,000,000.00	2.92%
Bank of Queensland	BBB+	\$1,000,000.00	2.92%
Bank of Queensland 1	BBB+	\$2,000,000.00	3.10%
Bank of Queensland 2	BBB+	\$1,000,000.00	2.84%
Bendigo & Adelaide Bank 2	BBB+	\$1,000,000.00	2.90%
Bendigo & Adelaide Bank 3	BBB+	\$1,000,000.00	2.87%
Members Equity 3	BBB	\$750,000.00	3.01%
Police Bank Ltd 1	BBB	\$1,000,000.00	3.08%
Police Bank Ltd 2	BBB	\$1,000,000.00	2.86%
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	3.59%
Newcastle Permanent 3	BBB	\$1,000,000.00	3.44%
		<b>\$20,550,000.00</b>	<b>3.07%</b>

**Total Investments** **\$82,880,000.00** **2.71%**

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

Reserves Total (includes unexpended loan funds)	\$46,916,372.00
Grants held for specific purposes	\$2,773,031.00
Section 7.11 Funds held for specific purposes	\$32,931,328.00
Unrestricted Investments	\$259,269.00

**Total Investments** **\$82,880,000.00**

**Total Interest Revenue to 31 March 2018** **\$1,737,942.49** **2.71%**

**A Jones**  
**Responsible Accounting Officer**

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

**Bathurst 2036 Community Strategic Plan - Objectives and Strategies**

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

**Community Engagement**

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

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

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

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

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

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

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

**Financial Implications:** Nil.

### **Bathurst 2036 Community Strategic Plan - Objectives and Strategies**

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

### **Community Engagement**

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

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

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

**Report:** At **attachment 1** is a list of Sundry Section 356 Donations, Bathurst Memorial Entertainment Centre Community Use Subsidies and Mount Panorama Fee Subsidies granted by Council for the period ending 31 March 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:	\$Nil
Mount Panorama:	\$12,140

#### **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.

- Nil

#### **Linen Plan Release**

- Landforce Management & Construction Pty Ltd - Stage 1: 9 lot release of 17 lot residential subdivision - Lot 11, DP: 778516 - 129 Ophir Road, Llanarth

**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 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE  
(11.00005, 22.11007)**

**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 SALE OF LAND AT LOT 911 DP1110004 KNOWN AS 48 HAMPDEN PARK ROAD,  
KELSO (22.11007)**

This report relates to the proposed sale of industrial land, Lot 911 DP1110004, known as 48 Hampden Park Road, Kelso

**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

18 APRIL 2018

## **1 PROPOSED ADDITION TO THE RESERVE PURPOSE FOR RESERVE 86313 AT MOUNT PANORAMA (04.00098)**

**Recommendation:** That Council approve the addition of 'Public Recreation' to the reserve purpose for Reserve 86313 at Mount Panorama.

**Report:** Council is considering making permanent the 'BATHURST' sign below the existing 'MOUNT PANORAMA' sign that is painted across the top of Mount Panorama as depicted in the attached aerial photograph (**attachment 1**). The materials used and size of lettering will be consistent with the existing Mount Panorama sign.

The sign will cross lot 128 in DP1139748, owned by Bathurst Regional Council; lot 251 DP1148187, owned by the Crown and an unconstructed Council road between lots 128 and 251.

As lot 251 is owned by the Crown, enquiries were made of the Department of Industry (DOI) – Lands to ascertain whether owners consent for the proposal would be granted. Upon checking details of the land it was found that lot 251 is located within a reserve where the purpose is for the 'Preservation of Native Flora'.

In considering whether consent will be granted for a proposed development the DOI – Lands determines whether the development fits with the reserve purpose. DOI – Lands have indicated that it does not and strongly recommends that Council make application to modify the reserve purpose to include the addition to purpose of 'Public Recreation'.

It is therefore recommended that Council approve a change to the reserve purpose for Reserve 86313, covering Lot 251 in DP1148187 and Lots 3-5 in DP254943 to include the addition of 'Public Recreation'.

Following approval, Council will make application to DOI – Lands requesting the addition to the reserve purpose and concurrently write to DOI – Lands seeking owners consent for the development proposal to proceed.

**Financial Implications:** The cost of the application is estimated to be less than \$100.

### **Bathurst 2036 Community Strategic Plan - Objectives and Strategies**

- Objective 1: To attract employment, generate investment and attract new economic development opportunities. Strategy 1.6
- 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.

## **2 EXTINGUISHMENT OF 2M WIDE EASEMENT FOR UNDERGROUND POWERLINES ON LOT 14 DP1226661 - LEW AVENUE EGLINTON (22.15959)**

**Recommendation:** That Council resolve to extinguish a 2 metre wide easement for underground powerlines on Lot 14, DP1226661 at Lew Avenue Eglinton.

**Report:** When the Eglinton 100 residential subdivision was first developed, a requirement for the construction of power to the subdivision included an easement for underground powerlines on the western boundary of Lot 14, DP1226661. The easement is referenced as 'E' on DP1226661 at **attachment 1**. The intention of this easement was to secure a route for electricity until after the first stage of Peregrine Estate was completed, which included establishing underground electricity in the road reserve of Lew Avenue.

Now that the subdivision has been completed, there is no need for an easement for power on Lot 14. Essential Energy, being the electricity supply authority, were contacted to seek their agreement in principle to extinguish the easement. They have provided written consent to proceed as shown in their letter to Council at **attachment 2**.

It is therefore recommended that Council approve the formal release of the easement for underground powerlines on Lot 14, DP1226661 at Lew Avenue Eglinton.

**Financial Implications:** The estimated cost to prepare and submit the legal documentation is \$2000.

### **Bathurst 2036 Community Strategic Plan - Objectives and Strategies**

- Objective 6: To support infrastructure development necessary to enhance Bathurst's life-style and industry development. Strategy 6.1
- 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 29.1

### **Community Engagement**

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



### **3 DESIGN FOR PERTHVILLE VILLAGE SQUARE (37.00562)**

**Recommendation:** That:

- (a) place the Perthville Village Square Concept Design on public exhibition for 28 days, and
- (b) if no submissions altering the Concept Design are received, adopt the Perthville Village Square Concept Design.

**Report:** Councillors would be aware that consultants Group GSA have been awarded a consultancy to provide a design for the development of an open space site within the residential area of the Perthville Village, known as the Perthville Village Square. The site is currently vacant open space, with the exception of old multi use asphalt tennis / basketball courts and netball practice rings.

As part of their brief, Group GSA have been required to undertake an extensive community consultation process to gain the thoughts, ideas and suggestions from various stakeholders, user groups and the general community. The community consultation process has involved meetings with key interest groups such as the Perthville Development Group and the Perthville Primary School. A letter drop to all Perthville residents was undertaken and a public forum was held at the Perthville Hall. In addition, a public survey was undertaken and notices were given in the local media, radio and Council internet requesting community input into development ideas for the site.

Group GSA have completed the consultation process, reviewed the site and have now developed a concept plan for the Perthville Village Square site. The Concept Report, and the Community Consultation Report, are provided to Councillors at **attachment 1** and **attachment 2**.

The major elements proposed for the site include the reconstruction of the existing tennis / basketball courts, creation of open irrigated community green, path network, nature play / play equipment, picnic facilities including shelters and BBQ, a public amenities building, fitness stations and the incorporation of natural and exotic vegetation / tree mix. It is estimated that the cost for the overall development of the Perthville Village Square site would be in the order of \$2.6M.

#### **Recommendation**

It is recommended that Council endorse the concept design plan prepared by Group GSA and place the plan on public exhibition for 28 days to seek community comment on the proposed design concept that has been developed.

It is further recommended that, subject to any significant amendments or concerns following the public exhibition process, Group GSA finalise the design by developing detailed construction plans and specification documents for tender purposes. The development of the park would then be a matter for future Delivery/Operational Plan funding provisions.

**Financial Implications:** The cost of the consultancy for the design of the Perthville Village Square site has been provided for within Council's current Delivery/Operational Plan.

Funding to develop the site in accordance with the approved design, estimated to be in the order of \$2.6M, would be subject to future budgetary deliberations.

## **Bathurst 2036 Community Strategic Plan - Objectives and Strategies**

- 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 29.1
- Objective 21: To support the provision of community services and facilities to meet the needs of specific community sectors and the community as a whole. Strategy 21.4
- Objective 23: To encourage a supportive and inclusive community. Strategy 23.3

## **Community Engagement**

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

**4 PROPOSED EXTINGUISHMENT OF 5.03M WIDE EASEMENT FOR WATER SUPPLY PIPELINE CROSSING LOT 1 DP1233661 AND LOT 1021 DP1233843, AND CREATION OF 3M WIDE EASEMENT FOR WATER SUPPLY PIPELINE ON LOT 1 DP1233661 - 186 AND 240 LIMEKILNS ROAD KELSO (2017/205 & 2017/243)**

**Recommendation:** That Council resolve to:

- (a) Approve the release/extinguishment of an easement for a water supply pipeline 5.03m wide crossing Lot 1 within DP1233661 and Lot 1021 within DP1233843.
- (b) Approve the creation of an easement for a water supply pipeline 3.0m wide in the north-eastern corner of Lot 1 DP1233661, Limekilns Road Kelso.

**Report:** Development Applications 2017/205 and 2017/243 were approved in July 2017 and August 2017 respectively. Each development is for a residential subdivision located adjacent to each other on the Limekilns Road at Kelso. A condition of each development application was to relocate the water pipeline from within Lot 1, DP1233661 and Lot 1021, DP1233843 to the road reserve (Limekilns Road) and connect the new pipeline into the existing pipeline at the extremities of the development.

A further condition of each development application is for the developer to arrange the release of the easement over the lots where the pipeline is to be removed and the creation of a new easement for the new pipeline within Lot 1, DP1233661. Refer to **attachment 1** showing a sketch of the proposal.

The developer's solicitor has provided Council with survey plans showing the proposed changes to the water pipeline alignment and also provided documentation for execution by Council in order to release/extinguish/create the easements referred to above.

It is recommended that Council approve the following:

- (a) Release/extinguish an existing 5.03m wide easement for a water supply pipeline traversing Lot 1, DP1233661 and Lot 1021, DP1233843.
- (b) Create a 3.0m wide easement for a water supply pipeline on Lot 1, DP1233661.

**Financial Implications:** Nil - The developer will be meeting all costs associated with the easement extinguishment and creation

**Bathurst 2036 Community Strategic Plan - Objectives and Strategies**

- Objective 6: To support infrastructure development necessary to enhance Bathurst's life-style and industry development. Strategy 6.1 6.6
- 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 29.1
- Objective 31: To maintain local public ownership of water and sewer assets. Strategy 31.1

## **Community Engagement**

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

## **5 INTERSECTION OF MITRE/SUTTOR/LAMBERT STREETS - FUNDING ARRANGEMENTS (25.00095)**

**Recommendation:** That Council construct a roundabout at the intersection of Mitre/Suttor/Lambert Streets, estimated to cost \$1.7 million, to be funded as follows:

- (a) \$950,000 as provided in the 2017/18 Annual Operational Plan;
- (b) \$600,000 from Section 7.11 funds; and
- (c) \$150,000 from the 2018/19 budget.

**Report:** Council will be aware of the previous report to the Ordinary Meeting of Council held 14 April 2017 regarding traffic issues at the intersection of Mitre, Suttor and Lambert Streets, Bathurst.

In that report, it was noted that, based on initial concept plans, construction of a roundabout at this intersection was estimated to cost approximately \$1,700,000. This was calculated based on an estimated \$700,000 in utility service adjustments, \$250,000 in car parking modifications and \$750,000 in intersection upgrade works.

It was also noted that while the \$750,000 relating to intersection upgrade works could be eligible for application under the Federal Black Spot Funding Program, there was a strong likelihood this project would be unsuccessful, due to the low benefit cost ratio associated with these works. The report identified that should this project not be successful, funding would need to be allocated from an alternative source.

Council resolved through the 2017/18 budget process to allocate the necessary funding for utility service adjustments and car parking upgrades, with the outstanding amount allocated to capital grants for intersection construction, to be obtained through application to the Federal Government's Black Spot Funding Program.

In July 2017, Council submitted an application to the 2018/19 round of the Federal Black Spot Funding Program. This sought \$750,000 in funding for intersection upgrade works, as no other part of the total project costs could be claimed as directly related to these works.

In late March 2018, Council was advised by the Federal Government that its application for funding under the 2018/19 Federal Black Spot Funding Program was not successful. To date Council has not received feedback on this application, but it is likely it was unsuccessful due to the low benefit-cost ratio (BCR) calculated for this project, which indicated that the high capital expenditure required to upgrade this intersection would achieve limited direct safety improvement. This is reflected in the low crash history at this intersection by comparison to other intersections across the state.

As noted previously by senior staff during public question time at Council meetings, Council will consider alternative funding arrangements for this intersection should a Black Spot application be unsuccessful. Council therefore has a budgetary shortfall for this project of \$750,000.

It is noted that approximately \$600,000 is available in developer contributions for upgrade works at this intersection. Were this to be used to fund these works, this would leave a remaining shortfall of \$150,000, to be submitted to the 2018/19 budgetary process.

**Financial Implications:** If Council intends on proceeding with this project, then provision

of additional funding will be required in Council's Delivery/Operational Plan, of \$150,000 in 2018/19 budget plus \$600,000 from Section 7.11 funds. .

### **Bathurst 2036 Community Strategic Plan - Objectives and Strategies**

- Objective 24: To provide and support the provision of accessible, affordable and well planned transport systems. Strategy 24.2

### **Community Engagement**

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

## **6 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE (11.00005, 36.00655, 36.00527, 36.00664)**

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

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

### **1 TENDER FOR SPECIFICATION FOR GROUNDS MAINTENANCE OF BULK WATER SUPPLY AND WASTEWATER SITES 2018 - 2021 (36.00655)**

This report considers the tender for the grounds maintenance of bulk water supply and wastewater sites (32 sites) from 2018 - 2021.

### **2 TENDER FOR NETWASTE WASTE SERVICES (36.00527)**

This report considers the tender for Netwaste waste collection services.

### **3 TENDER FOR DESIGN AND CONSTRUCTION OF NEW ANIMAL IMPOUND AND ADMINISTRATION FACILITY (36.00664)**

This report considers the tender for design and construction of a new animal impound and administration facility.

### **4 CONSTRUCTION OF INFRASTRUCTURE TO SERVICE FUTURE DEVELOPMENT - LIMEKILNS ROAD, KELSO (22.00358)**

This report considers the construction of sewer, stormwater, drainage and road infrastructure to service future development on Limekilns Road, Kelso.

### **5 CENTROC TENDER FOR SUPPLY & DELIVERY OF BITUMEN EMULSION TO CENTRAL NSW COUNCILS (07.00017)**

This report considers the Centroc tender for supply and delivery of bitumen emulsion to central NSW Councils.

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

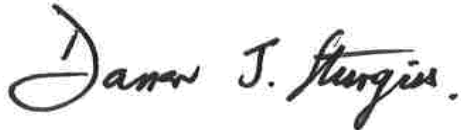
### **Bathurst 2036 Community Strategic Plan - Objectives and Strategies**

- 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

18 APRIL 2018

## **1 2018 INTERNATIONAL WOMEN'S DAY EVENTS (23.00026)**

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

**Report:** International Women's Day is celebrated across the globe on 8 March annually. In Bathurst each year Council leads celebrations to acknowledge and celebrate achievements of women locally, regionally and internationally. The international Theme for 2018 was: #PressforProgress, to focus on gender equity issues.

For the first year a banner was displayed across William Street, to celebrate International Women's Day. The banner will be displayed annually for future International Women's Day celebrations.

In 2018, Bathurst Regional Council held two events to celebrate International Women's Day.

### **All About Women – Sunday 4 March 2018**

All About Women event was a collaborative event hosted by Community Services and Bathurst Memorial Entertainment Centre staff on Sunday 4 March 2018 from 11.00am – 5.30pm. Charles Sturt University provided sponsorship of this event. This event was ticketed at a cost of \$7 per person, which included a light lunch. Over 60 people attended this event.

The keynote speaker was Ms Jenny Roberts, CSU Deputy Vice-Chancellor (Students).

Ms Toni Thomas from the Voice, Interests and Education of Women (VIEW) Club provided an overview of the VIEW Club's interest in working towards the improvement for live outcomes of disadvantaged children and young people.

A group panel discussion was held focussing on current issues facing women from all walks of life in 2018. The panel included the following women: Gwen Wilton (VIEW Club), Kate Smith (academic and theatrical performer), Kim Kelly (local internationally acclaimed author) and Michelle McRobert (local entrepreneur/small business owner)

A Warming to Country was provided by Auntie Gloria Rogers, a local Wiradjuri Elder and strong matriarch of the local Aboriginal Community.

Local musicians Smith and Jones were the Masters of Ceremony for the event and provided entertainment during the lunch break.

Live streaming of the All About Women event from the Sydney Opera House occurred from 1.00pm – 5.30pm.

### **International Women's Day Morning Tea – Thursday 8 March 2018**

International Women's Day was celebrated with a free drop-in Morning Tea from 10.00am – 12noon, at The Neighbourhood Centre, Bathurst. The recent refurbishment of the Neighbourhood Centre, offered the community an opportunity to visit the new meeting space. A gathering of approximately 60 people attended during the morning to acknowledge the day. Federal Member for Calare, the Hon Andrew Gee, was in attendance.

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

## **Bathurst 2036 Community Strategic Plan - Objectives and Strategies**

- Objective 23: To encourage a supportive and inclusive community. Strategy 23.3, 23.5, 23.6, 23.8

### **Community Engagement**

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

## **2 2018 HARMONY DAY EVENT - SATURDAY 17 MARCH 2018 (09.00032)**

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

**Report:** Bathurst Regional Council coordinated a free community event at the Bathurst Library/Art Gallery forecourt on Saturday 17 March 2018, from 10am to 12noon to celebrate Harmony Day. The event featured food, coffee, live acts and entertainment, with a key theme that “Everyone Belongs”.

Over 500 people, from a range of cultural backgrounds, celebrated the rich diversity of cultures in the Bathurst Region and the importance of inclusiveness, respect and acceptance.

A Warming to Country was provided by Aunty Gloria Rogers, a local Wiradjuri Elder.

The community was entertained by the Bathurst Drumming Group, Sounds Live Choir, Filipiniana Friends Group, Irish Dancers, Wagganah Dance Groups, Bagpipes, Emily Geerkens and Lily Morgillo.

**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, 20.3
- Objective 23: To encourage a supportive and inclusive community. Strategy 23.1, 23.3, 23.5, 23.6

### **Community Engagement**

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

### **3 COMMUNITY SAFETY COMMITTEE - COMMUNITY SAFETY PLAN - REVISED TERMS OF REFERENCE (07.00107)**

**Recommendation:** That Council endorse the revised Terms of Reference for the Community Safety Committee.

**Report:** The current Community Safety Plan 2015 – 2019, adopted by Council on Wednesday 10 December 2014 (DCCS Report #4), is nearing conclusion. As advised at the Ordinary Council Meeting held Wednesday 21 March 2018 (DCCS Report #4), the development of the new Community Safety Plan will occur during 2018.

As part of the development of the new Community Safety Plan, a review of the Terms of Reference and stakeholder membership is taking place, to ensure relevant issues are addressed in the new Community Safety Plan.

The current Committee has reviewed and workshopped the changes.

The revised Community Safety Committee Terms of Reference, for Council's consideration and endorsement, are provided at **attachment 1**.

Amendments to the Terms of Reference include:

- **Minutes of Community Safety Committee Meetings** – Minutes from each Meeting will be reported to the next Ordinary Council Meeting. This process did not occur previously. This has been introduced to improve communication between the Committee and the community.
- **Attendance at meetings** – when a member is unable to attend a meeting, an alternate delegate is to attend. This was not a requirement previously, however, it has been introduced to ensure organisations continue to be represented at Committee Meetings.
- **Liaison with the media** – all media matters will now be co-ordinated by Council rather than the Chair. This change is to align with Council protocol.
- **Membership** – suggested member organisations have been included to reflect key stakeholders identified in the Community Safety Plan. Individual members will hold positions for two year terms. New members will be recruited after the expiry of each two year term. Previously the names of member organisations represented on the committee were not included and there was no reference to terms of membership. These changes have been made with the aim of broadening the range of stakeholders represented on the committee. To increase accountability, members will be required to sign that they have read and understood Council's Code of Conduct.
- **Member organisations** – recommendation to limit member organisations to one representative, with the exception of the Police and Councillors. Previously there has been no limit on the number of individual members from one organisation on the committee. This provision will allow a more balanced Committee to be achieved.

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

#### **Bathurst 2036 Community Strategic Plan - Objectives and Strategies**

- Objective 22: To improve community safety. Strategy 22.1, 22.2

## **Community Engagement**

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

#### **4 BATHURST REGION TOURISM REFERENCE GROUP - MEETING HELD 5 MARCH 2018 (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 (TRG) 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 Bathurst Region Tourism Reference Group met on 5 March 2018. 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.

At the meeting held on 5 March 2018, the group noted the following updates:

- Public Relations - 4 submissions were received and assessed 2 March 2018 with Res Publica recommended for appointment.
- Image library additional to the 2 day shoot week commencing 9 April 2018, TRG members are asked to make suggestions as to their "Top 5" images to be added to the library. A template will be distributed so members can provide suggested images, locations, talent and connection to brand pillars.
- Website – editorial content. The brief for the creation of website editorial was advertised from 20 February 2018 and will be assessed 15 March 2018. The successful agency will begin work immediately to dovetail with the build of the new website.
- Signage - mock ups for the design and content of 4 highway billboards to be undertaken.
- Bathurst Region - Heritage Reference Group (BRHRG). The meeting of the group on 19 February 2018 was attended by TRG members Fran White and Christopher Morgan, and the Destination Development Manager.
- Bathurst Heritage Trades Trail 2018 - The status of funding application to the Office of Environment and Heritage for \$25,000 is yet to be formally received.
- Destination NSW Incubator Fund 2018 - \$20,000 application approved.
- Destination NSW – meeting to discuss opportunities for collaboration was attended in Sydney 27 February 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.



## **5 BATHURST LIBRARY - REFURBISHMENT AND EVALUATION (21.00054)**

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

**Report:** The Bathurst Library was closed for refurbishment from 18 December 2017 and 28 January 2018, and reopened on Monday 29 January 2018. The total cost of the project was \$600,000, consisting of \$200,000 Public Library Infrastructure Grant from the State Library of NSW, \$250,000 contribution from Council with a further \$150,000 Section 94 contribution from Council.

The refurbishment included:

- New carpet
- Updated electrical and data connections and fixtures
- LED lighting
- New shelving
- New furniture
- New service desk
- New floor layout creating spaces conducive to foster research and connection
- New technology to encourage technology use, education and exploration: new PCs, touch screen technology, laptop bars with charging stations
- Bathurst history showcased in a dedicated Local Studies space featuring recognition of Charles Bean.

The Mayor and the NSW Member for Bathurst, Hon Paul Toole, officially opened the refurbished library on Tuesday 30 January 2018. The Library also held a special event celebrating the new space on Wednesday 14 February 2018 (Library Lovers Day) with the Mayor, the NSW State Librarian, Hon Professor John Vallance, members of the Library Council, local dignitaries and the grand-daughter of CEW Bean, Anne Carroll, in attendance.

Weekend hours have been adjusted with the library now being opened Saturday and Sunday 10am to 3pm as it was noted that Saturday visits reduced after 3pm while the existing Sunday hours were very busy. Hours Monday to Friday remain the same 10am to 6pm.

### **Visitation Pattern**

Since reopening and until Sunday 25 March 2018, the refurbished Bathurst Library has attracted over 43,000 visits. Visitation patterns are similar to pre-refurbishment data. However, it is noted that patrons are staying in the new space for longer periods of time. Library staff have also noticed a higher number of young adults frequenting and staying in the library.

### **Collection Usage**

The overall collection usage, since the library refurbishment, shows a similar pattern with pre-refurbishment usage and library members continue to make Bathurst Library one of the busiest libraries in NSW. Bathurst Library rates number 21 out of 101 NSW public libraries in the amount of material circulated per capita and number 5 out of 101 for circulation per staff member (Public Library Statistics 2015-2016).

Analysis of current circulation shows that the new layout and refreshed collections have encouraged the use of adult collections. Where 5.5% of the Adult Non-Fiction collection was

out on loan in February 2016 and February 2017, 12.5% of the collection was borrowed in February 2018. Adult Fiction also shows an improvement (15-16% in February 2016-2017 on loan to 26% in February 2018).

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

### **Bathurst 2036 Community Strategic Plan - Objectives and Strategies**

- Objective 11: To protect the region's unique heritage and history. To protect a unique identity. Strategy 11.5, 11.10
- 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, 20.3, 20.4
- Objective 21: To support the provision of community services and facilities to meet the needs of specific community sectors and the community as a whole. Strategy 21.3
- Objective 26: To encourage and support the provision of a range of opportunities for life long education across the Bathurst community. Strategy 26.1
- 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 29.4, 29.7

### **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**

**POLICY COMMITTEE MEETING**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

## **1 MINUTES - POLICY COMMITTEE MEETING - 4 APRIL 2018 (07.00064)**

**Recommendation:** That the recommendations of the Policy Committee Meeting held on 4 April 2018 be adopted.

**Report:** The Minutes of the Policy Committee Meeting held on 4 April 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 POLICY COMMITTEE**  
**HELD ON 4 APRIL 2018**

**MEETING COMMENCES**

**1 MEETING COMMENCES 6:00 PM**

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

**APOLOGIES**

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

**RESOLVED:** That the apology from Cr Rudge be accepted and leave of absence granted.

**REPORT OF PREVIOUS MEETING**

**3 Item 1 MINUTES - POLICY COMMITTEE MEETING - 7 MARCH 2018 (07.00064)**  
**MOVED** Cr I North and **SECONDED** Cr W Aubin

**RESOLVED:** That the Minutes of the Policy Committee Meeting held on 7 March 2018 be adopted.

**DECLARATION OF INTEREST**

**4 DECLARATION OF INTEREST 11.00002**  
**MOVED** Cr I North and **SECONDED** Cr W Aubin

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

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

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

**5 Item 1 NAMING OF COUNCIL FACILITIES (20.00038)**  
**MOVED** Cr I North and **SECONDED** Cr J Jennings

**RESOLVED:** That:

(a) The number 2 field at Ann Ashwood Park be named as the John Maynard Field;

- (b) The newly constructed rugby league facility on Hereford Street be named as the Jack Arrow Sporting Complex; and
- (c) The clubhouse and grandstand area at the new rugby league facility on Hereford Street be named as the Dawson Holden Clubhouse.

## **GENERAL BUSINESS**

### **6 SHOWGROUND NIGHT MARKETS - TRAFFIC CONTROL (23.00026)**

**Cr North** - spoke to traffic control at Showground Night Markets. There was no fencing on Kendall Avenue, what happened? If procedures were not followed could we contact the Showground owners? Raised concerns of traffic control using drop off zones.

**The Director Engineering Services** advised no formal notification made to Council, so no referral to RMS of the Event.

### **7 Item 2 HOPE STREET, BATHURST HIGH SCHOOL (25.00058)**

**Cr North** - advised Road needs repair. Could this be looked at please?

### **8 Item 3 LIVE STREAMING OF COUNCIL MEETINGS (11.00005)**

**Cr North** - nothing has come back to Council following previous requests on this matter.

**The General Manager** noted there is a current review of the Code of Meeting Practice by the Office of Local Government and that this is addressing this matter.

### **9 Item 4 TREES AT PERTHVILLE PUBLIC SCHOOL 36.00624**

**Cr North** - Understands trees are being removed from the park.

**The Director Engineering Services** advised that kerb and guttering and stormwater drainage works are occurring and the trees are in the drainage reserve and need to be removed.

### **10 Item 5 LEARMONTH PARK HOCKEY FIELD #2 - ISSUE WITH SURFACE (36.00652)**

**Cr North** - Asked what works are occurring and time frame to have finished?

**The Director Engineering Services** advised discussions are being held with the contractor to finalise works as soon as possible to ensure field is ready for scheduled tournament.

**11**      **Item 6 POLICE PADDOCK, PROCTOR PARK (36.00643)**

**Cr North** - Asked are the works on track for May usage?

**The Director Engineering Services** advised fields are still expected to be ready for May usage.

**12**      **Item 7 TENNIS CLUBHOUSE (04.00013)**

**Cr North** - Good to see money approved by State Government under Stronger Country Communities Fund Round 1. What is timing for works? Spoke to accessibility issues.

**The Director Engineering Services** advised Tenders will be called this Saturday. Building will be required to meet accessibility requirements.

**13**      **Item 8 LIMEKILNS ROAD WORKS (25.00066)**

**Cr North** - noted recent letter about safety concerns, understands significant funds have been spent in recent years.

**The General Manager** noted that in last 10-12 years \$2.4 million in capital works expended and over \$500,000 in maintenance.

**14**      **Item 9 CARDIOLOGY BUILDING AND PEEL/HOWICK STREET DEVELOPMENT MATTERS (2017/46, 2016/131)**

**Cr North** - How are these matters going?

**The Director Environmental, Planning & Building Services** advised a meeting being organised with owner of Bathurst Cardiology. Further noted, he understands some works are occurring at the Peel/Howick Street development to put in interim footpath access.

**15      Item 10 CLOSURE OF ALAN MORSE PARK TOILETS WHEN FENCING PUT UP AT KENDALL AVENUE FOR EVENTS (23.00026, 04.00045)**

**Cr North** - with these toilets closed, can we look at signage to advise people of nearest public toilets.

**The Director Engineering Services** advised Council is speaking to RMS about access and will also look at possibility of putting up signage in the area.

**Meeting was suspended at 6.15 pm for the commencement of the Discussion Forum**

**General Business resumed at 6.45 pm following the conclusion of the Discussion Forum**

**16      Item 11 CITY BEAUTIFICATION**

**Cr Christian** - Spoke to concerns down Stewart Street and Sydney Road. Can we contact RMS asking why islands have gaps and planting problems?

**The Director Engineering Services** noted this request.

**17      Item 12 PARKS & GARDENS (23.00012)**

**Cr Christian** - congratulated staff on fantastic parks and gardens.

**18      Item 13 RUSSELL/HOWICK STREET INTERSECTIONS WITH GEORGE STREET (25.00011, 25.00006, 25.00007)**

**Cr Christian** - asked if bushes could be cut back in these areas, as it is causing problems.

**19      Item 14 MITRE/SUTTOR/LAMBERT STREET INTERSECTION (25.00095, 37.00593)**

**Cr Christian** - what is timing of this work. Could we ensure there are crossings in any design.

**The Director Engineering Services** advised a report will come to the next Council meeting.



**20**      **Item 15 SHOPPING TROLLEYS IN CBD (28.00006)**

**Cr Christian** - This is unacceptable, action needs to be taken by large shops. Aldi has locks and there are no problems with their trolleys. Requests a report on impounding of trolleys over recent years. Also could we contact the companies to take action.

**21**      **Item 16 COUNCILLOR DRUG TESTING (19.00089)**

**Cr Christian** - asked why are staff being tested and not Councillors? Could a Policy be put in place?

**22**      **Item 17 BLACK SPOT FUNDING (25.00095)**

**Cr Christian** - noted local federal member has expressed concerns at the application by Council for the Mitre/Suttor/Lambert Street funding.

**The Director Engineering Services & General Manager** advised a letter has been sent to RMS seeking feedback and further discussions have been held with the local member.

**23**      **Item 18 RECYCLING MATERIALS (14.00007)**

**Cr Fry** - Could we do an assessment of value of recycling materials that are collected by Council. Spoke also to where construction waste is dumped. Would like a report of where we are at in this area.

**24**      **Item 19 COUNCILLOR DRUG TESTING (19.00089)**

**Cr Fry** - noted many persons are tested at their current work places already.

**25**      **Item 20 CLIMATE CHANGE (04.00105)**

**Cr Fry** - With temperatures being the way they are, could we expand the period the Olympic pool is opened. Could we look at solar heating.

**The Director Engineering Services** advised the matter is being reviewed at this time.

**26**      **Item 21 SECOND CIRCUIT, MOUNT PANORAMA (20.00278)**

**Cr Fry** - are we incorporating environmental factors into the requirements for the circuit including; water sustainable urban design, solar energy, electro voltaic options. Also Go-Kart location could be included in the Second Circuit precinct.

**The Director Engineering Services** spoke to design requirement which will have water sustainable urban design, can look at renewable energies.

**27**      **Item 22 BOLLARD, WILLIAM STREET (25.00002)**

**Cr Morse** - People have thanked Council for the installation, has improved safety.

**28**      **Item 23 AUSTRALIA WIDE COACHES - DROP OFF ZONE (28.00009)**

**Cr Morse** - The drop-off at Bathurst Visitors Information Centre is not acceptable. Council has met with Australia Wide Coaches and infrastructure has been put into McDonald's car park, yet the company is not using this location and is staying with Bathurst Visitor Information Centre use. Can we put more pressure onto the company.

**29**      **Item 24 SMALL DOG OFF LEASH AREA (22.01232)**

**Cr Morse** - Asked are there any plans to upgrade the small dog off leash area.

**The Director Engineering Services** advised there are plans to put in seats, will review water needs.

**30**      **Item 25 CIRENCESTER RELATIONSHIP (23.00150)**

**Cr Morse** - spoke to progression of the relationship and report being prepared by Simon King. Requests matter be referred to the Sister City Working Party for future development.

**The General Manager** noted future working party is being scheduled for Councillors to discuss overall Sister City strategy.

**31**      **Item 26 SHOPPING TROLLEYS IN CBD (28.00006)**

**Cr Aubin** - Much of this is to do with lazy people. Who sets policy for trolley retrieval and the fine? Can we review this and have a report to Council.

**32**      **Item 27 COLES CAR PARK (25.00332)**

**Cr Jennings** - Asked who is responsible for pot holes near Hungry Jack's. If not Council, could we write to them.

**The Director Engineering Services** advised the entry and exit roads are the responsibility of the building owners. Council has previously written to the owner regarding this matter.

**33**      **Item 28 WEB CAM, MOUNT PANORAMA - PROMOTION (08.00005)**

**Cr Jennings** - Could we look at this for Mount Panorama. Nurburgring has web Cam/stream and it works. Spoke to facebook links, web pages etc. Existing cameras, can these be used for web cam? This could be for fun runs, car races, Inland Sea of Sound, etc.

**The Director Corporate Services & Finance** spoke to cameras in place, rights to broadcasts for race events. Will review.

**34**      **Item 29 PUBLIC STREET ART (11.00038)**

**Cr Jennings** - Council is now developing a public art policy. Could walkway from Bathurst Neighbourhood Centre carpark to Keppel Street be considered in this process for wall art?

**35**      **Item 30 SPORTS AUDIT (10.00001)**

**Cr Jennings** - Asked did we get any benefit from this?

**The Director Corporate Services & Finance** spoke to audit by Sports Marketing Australia and noted Junior Football Sports event, and Masters Swimming Championship event were recently held as part of this relationship.

**36**      **Item 31 CIRENCESTER RELATIONSHIP (23.00150)**

**Cr Jennings** - Encourages development of a relationship. If this occurs, could we look at putting in live streaming facilities in bars/cafes to connect the two communities?

**37**      **Item 32 LOCAL GOVERNMENT NSW TOURISM CONFERENCE (18.00074)**

**Cr Jennings** - Spoke to attendance at recent conference. Key messages: conferences/functions and international markets are strong growth areas. Queried if our assets are on the Destination NSW registry list.

**The Director Cultural & Community Services** noted we are represented on the site and Council is actively pursuing this market.

**Cr Jennings** - the night time economy has growth potential, we should look at opportunities to increase the night time economy.

Brand Orange group has now morphed to represent three Councils and industry. With the new Destination NSW areas, we should look at how our tourism sector is structured.

Elvis Festival - can we look at a dedicated bus being made available from Bathurst to Parkes, also could we get one of the trains to Parkes to have a stopover in Bathurst. Perhaps an Elvis driver revival could be set up at Morse Park.

**38**      **Item 33 TOILET TOURISM (04.00035)**

**Cr Jennings** - Toilet upgrades boost tourism. Could we look at not only maintaining our toilets, but upgrade them. This was an item spoken about at the Tourism Conference. There are awards given in this area.

**39**      **Item 34 DISABLED PARKING (28.00006)**

**Cr Bourke** - noted this was a matter Cr Rudge wished to raise. Spoke to disabled parking not being relocated when services relocate. Is a regular assessment occurring of disabled parking space locations?

**The Director Engineering Services** spoke to Barrett & Smith parking requirements. Noted reviews through Traffic Committee.

**40**      **Item 35 ALCOHOL FREE ZONE (20.00126)**

**Cr Bourke** - Cr Rudge also queried Alcohol Free Zones, are they for both sides of

the road outside the RSL Club? Could this be looked at?

**The Director Cultural & Community Services** advised the placement of signs will be reviewed.

**41**      **Item 36 DEVELOPMENT, VINE STREET (2017/448)**

**Cr Bourke** - when will this come to Council.

**The Director Environmental, Planning & Building Services** advised a meeting date has not been set as the application is still being reviewed.

**42**      **Item 37 PUBLICLY ELECTED MAYOR (12.00005)**

**Cr Bourke** - This matter has previously been discussed. Council needs to make a decision on this.

**43**      **Item 38 RIVERBANK WALKWAY (26.00603, 04.00017)**

**Cr Bourke** - Congratulations to all on this project, this is a big improvement. Would like to see sandy bank kept as this is a high use area, keep weeds out. Need to talk to relevant authorities.

**44**      **Item 39 HEREFORD STREET LIGHTING AND ROAD CONNECTION, KELSO (25.00035, 28.00014)**

**Cr Bourke** - Need more lighting in this area. There needs to be another road connecting Kelso.

**45**      **Item 40 MACHATTIE PARK - FLYING FOXES (04.00012)**

**Cr Bourke** - Good to see grant money received. Could a report be prepared on damage caused to the trees and the park.

**46**      **Item 41 SHOPPING TROLLEYS (28.00006)**

Cr Bourke - Supports action being taken in this matter.

The meeting closed at 7.38 pm

## **DISCUSSION FORUM - DEVELOPMENT APPLICATION SUBMISSIONS**

**47**      **Item 1 DEVELOPMENT APPLICATION NO. 2017/448 – FIVE X TWO BEDROOM SELF CONTAINED UNITS AT 17 VINE STREET, SOUTH BATHURST. APPLICANT: HOUSING PLUS. OWNER: TRUSTEES ROMAN CATHOLIC CHURCH DIOCESE OF BATHURST (DA/2017/448)**

Discussion included:

**G Sharwood – 15 Vine Street**

Concerned at proposal's impact on bedroom, also location of driveway. Need a 1.8m fence in this area if development goes ahead. Concern excavation will cause damage to their building, who is responsible? Not right place for the development as it is a small site. Requests Council come and look at the site, if trees are removed, there will be no privacy.

**F Pearce – 19 Vine Street**

Spoke to his submission. Issues include what is the facility being used for? Plans are incorrect, type of facilities to be installed, retaining wall heights, setbacks, need for double brick walls, traffic issues, excavation required, asbestos in building, vibration damage to housing, noise problems from air conditioning and dust problems.

**T Hesse – 15 Thomas Close**

This is a high density development, is the area being rezoned? What is capacity of each unit? This could mean 20 persons. What is capacity of people who will be housed there, are they high risk? Expressed concern with proximity to schools. Housing Plus is a business, so is the area being rezoned business? Who will be responsible for cracking of houses from vibration of the landfill packing? Who is responsible for keeping development under control?

**L Hart – 28 Vine Street**

Spoke to submission made. Bulk is excessive for a low density area. There will be increased traffic volumes. Development will mean greater light pollution. Noted possible noise impacts from building. Unable to see who will be staying in the facility. Object to the development.

**A Marshall – speaking on behalf of residents at 17 Thomas Close**

What guarantee is there that more people will not be put into the development than is proposed? Concern at noise pollution from air conditioner. The entertainment

area will cause noise and light pollution. Who will cover damage from excavation to adjoining houses? If a problem occurs with resident at night who is responsible? Who is the contact? Problems with; asbestos removal, height of proposed fence. Roof is to be colorbond, yet covenant is tiles.

**B Trimming – Chair, Bathurst Regional Access Committee**

The report from Saunders & Staniforth is unbelievable and unrealistic. It contradicts itself and the Bathurst Community Transport Group knew nothing about this proposal and cannot pick up from this location. Raised other access issues that were inadequately addressed; scooter access, kerb and guttering, footpath problems. Needs footpaths and better accessibility planning.

**J Cantelo – Housing Plus Director**

Housing Plus is an NDIS accommodation provider. The NDIS is a fund to address needs in the community of people with a disability. The development promotes choice, independence and privacy for people with high physical support needs.

**S Kay – Housing Plus Assets Capital Works Manager**

Revolutionary development for people with disabilities. Spoke to access issues. The SEPP standards are exceeded. This is not a social housing development. Any behaviour issues will be dealt with. Spoke to noise concerns, street scape issues, nature of clients. Construction issues are covered by insurance of builder, asbestos will be removed as statutorily required, dust matters will be addressed in accordance with required standards.

**R Thompson – 79 Rose Street**

Development Department advised that this would only be approved under state laws, not Council codes. There are no footpaths. What Policing will Council have in place to ensure it is a place not for low socio-economic persons?

**L Carney – 30 Vine Street**

Concern at noise, type of people living there. This is a small community and wish to stay that way. The people who live there, have the right to choose how they live. Do not want high density living.

**MEETING CLOSE**

**48 MEETING CLOSE**

The Meeting closed at 7.38 pm.

**CHAIRMAN:**

**TRAFFIC COMMITTEE MEETING**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL



## **1 MINUTES - TRAFFIC COMMITTEE MEETING - 3 APRIL 2018 (07.00006)**

**Recommendation:** That the recommendations of the Traffic Committee Meeting held on 3 April 2018 be adopted.

**Report:** The Minutes of the Traffic Committee Meeting held on 3 April 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 3 APRIL 2018**

**MEETING COMMENCES**

**1 MEETING COMMENCES 2:00 PM**

**Members:** Ms Jackie Barry (Roads and Maritime Services), Mr David Veness (MP Representative), Councillor Warren Aubin (BRC)

**Present:** Mr Bernard Drum (Manager Technical Services), Mr Myles Lawrence (Civil Design & Project Engineer), Mr Paul Kendrick (Traffic & Design Engineer), Mr Andrew Cutts (Tablelands Area Road Safety Officer)

**Observer:** Mr Richard Drugger (Roads & Maritime Services)

**APOLOGIES**

**2 APOLOGIES**

That the apology of Sergeant Peter Foran (Bathurst Police) be accepted.

**REPORT OF PREVIOUS MEETING**

**3 Item 1 MINUTES - TRAFFIC COMMITTEE MEETING - 6 MARCH 2018 (07.00006)**

That the Minutes of the Traffic Committee Meeting held on 6 March 2018 be adopted.

**DECLARATION OF INTEREST**

**4 DECLARATION OF INTEREST 11.00002**

No Declarations of Interest.

**RECEIVE AND DEAL WITH DIRECTORS' REPORTS**

**Director Engineering Services' Report**

**5 Item 1 MINUTES OF THE TRAFFIC COMMITTEE MEETING HELD 6 MARCH 2018 (07.00006)**

That the information be noted and necessary actions be taken.

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

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This is page 1 of Minutes of the Traffic Committee held on 3 April 2018

That the information be noted.

**7** **Item 3 THE END FESTIVAL - HILL END (23.00026-20/122)**

That Council endorse the traffic management for The End Festival event to be held at Hill End Historic Site from Friday 20 April to Sunday 22 April 2018 as a Class 2 event, subject to conditions as detailed in the Director Engineering Services' report.

**8** **Item 4 RANKIN STREET ENTRY/EXIT – BATHURST POLICE STATION (28.00009-06/081)**

That Council install "Keep Clear" pavement marking in front of the Rankin Street entry/exit to the Bathurst Police Station, for a trial period of 3 months.

**9** **Item 5 SUSTAINABLE LIVING EXPO (23.00124)**

That Council endorse the Traffic Management Plan for the staging of the Sustainable Living Expo, in conjunction with Bathurst Farmers Markets at the Bathurst Showground on Saturday 24 March. The event is to be classified as Class 2 and approved subject to the conditions as detailed in the Director Engineering Services' Report.

**10** **Item 6 REMOVE “NO STOPPING” RESTRICTION OUTSIDE 90-98 DURHAM STREET (25.00036-06)**

That the “No Stopping” zone outside 90-98 Durham Street be removed.

**11** **Item 7 BATHURST HALF MARATHON EVENT DATE CHANGE (23.00026)**

That Council approve the change of date for the Bathurst Half Marathon from Sunday 29 April 2018 to Sunday 6 May 2018.

**12** **Item 8 THE 2018 BATHURST WINTER FESTIVAL (23.00152)**

That Council endorse the traffic management for the staging of The 2018 Bathurst Winter Festival to be held in Kings Parade – Russell Street from 7 to 22 July 2018. The event is to be classified as a Class 2 event, subject to conditions as detailed in the Director Engineering Services' report.

**13** **Item 9 SUPERCHEAP AUTO BATHURST 1000 TRAFFIC MANAGEMENT PLAN (04.00001-42)**

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This is page 2 of Minutes of the Traffic Committee held on 3 April 2018

That Council adopt the following zones and restrictions as part of the Traffic Management Plan for the 2018 Supercheap Auto Bathurst 1000, as noted in the Director Engineering Services' report.

**14**      **Item 10 TEMPORARY BUS ZONES FOR THE 2018 SUPERCHEAP AUTO BATHURST 1000 (28.00022-02)**

That Council approve the proposed temporary bus zones and extension of existing bus zone times subject to conditions as detailed in the Director Engineering Services' report.

**15**      **Item 11 2018 SUPERCHEAP AUTO BATHURST 1000 - OFF TRACK EVENT ROAD CLOSURES, TEMPORARY NO PARKING (04.00073-08)**

That Council approve the staging of the 2018 Supercheap Auto Bathurst 1000 off-track events as follows:-

- (a) Parade and B-Double Permit routes;
- (b) Super Wednesday;
- (c) Saturday Street Fair.

All events are to be classified as Class 2 events and approved subject to conditions as detailed in the Director Engineering Services' Report.

**TRAFFIC REGISTER**

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

That the information be noted.

**MEETING CLOSE**

**17**      **MEETING CLOSE**

The Meeting closed at 2.25pm.

**NOTICES OF MOTION**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

## **1 NOTICE OF MOTION - CR NORTH - HANGAR LEASE FEES (11.00004, 16.00044)**

**Recommendation:** Moved by Cr North:

That Council provide a report to Councillors reviewing the current Lease Fee Structure of the Airport Hangers. Having full regard to those tenants who have paid for the Services that are connected to their sites.

**Report:** Notice is hereby given:

That Council provide a report to Councillors reviewing the current Lease Fee Structure of the Airport Hangers. Having full regard to those tenants who have paid for the Services that are connected to their sites.

**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 28.1
- 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

### **Community Engagement**

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

## COUNCILLORS/ DELEGATES REPORTS

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

18 APRIL 2018

## **1 CENTROC BOARD MEETING 22 FEBRUARY 2018 (07.00017)**

**Recommendation:** That the report on the Centroc Board Meeting held 22 February 2018 in Condobolin be noted.

**Report:** The Centroc Board meeting was held at Condobolin on 22 February 2018. The following report is for Council's information.

The Board heard from Mr Gary Worboys, Deputy Commissioner Regional NSW Field Operations, NSW Police who provided advice on the restructure of policing including more front-line officers. Councils can expect more contact with their local police who will be taking a more proactive approach in Central NSW communities.

Also in attendance was Ms Jennie White of the Department of Premier and Cabinet Infrastructure Coordination Unit.

**Transport Infrastructure** – The Centroc Board continues to advocate regarding the need for a safe swift link between Central NSW and Western Sydney. This was flagged in a recent meeting with the Deputy Premier and Minister for Roads, in Orange.

The Deputy Premier gave the region the opportunity to provide advice on the suggested changes to the Future Transport 2056 documents and the Minister is interested in getting an agreement on costings with discussion on a potential working party.

In December Centroc met with Penrith, Hawkesbury, and Blue Mountains Councils, whilst at the LGNSW conference in Sydney. All parties agreed to continue to collaborate. This was followed up by a joint meeting with the Minister for Roads in Sydney.

Discussions were held on the TfNSW Draft Freight and Ports Plan.

Noteworthy is that Centroc was successful in 100% funding of \$1.1m for 145 bridge assessments for members Councils across the region under the Fixing Country Roads Program.

**Water Infrastructure** – A confidential briefing from CTW on the Lithgow to Kings Plains Water Transfer Pipeline Concept was noted by the Board and a review will be undertaken to include this document in Centroc advocacy. The review will include, engagement with Centroc Councils particularly Lithgow, Oberon, Bathurst and Blayney, engagement with Regis; and inclusion of other linkage options for example a direct link to Lake Rowlands; a position is to be developed on a terminal storage high in the catchment for advocacy purposes.

Advocacy continues with DPI-Water for engagement in the review of the best practice framework, including the design of the process. This is to ensure an optimal fit-for-purpose process that engages Local Water Utilities in delivering the best possible outcomes. To this end, Mr Michael Blackmore, Director, Water and Sewerage Regulation met with the CWUA Executive and attended the CWUA Meeting in Cowra on 13 December.

Verbal advice is that DPI-Water continues to implement their structural reform with more recruitment underway including the appointment of Mr Sascha Moege formerly LGNSW to the role of Manager, Policy, Planning and Performance Reporting.

**Regional Development** – The Regional Leadership Executive has created a sub-committee for Regional Development. This sub-committee met for the first time on Thursday 28



September 2017. While early days, it is suggested that there would be greater benefit to members if the Central West and Orana Regions were administered separately given their distinct differences and that Central NSW has been identified by Infrastructure Australia as one of the top 7 regions for Gross Regional Product in 2031.

**Planning** – The implementation of the Department of Planning Regional Plan for this region is on track. This involves the Joint Organisations working with other State agencies under the auspices of the Department of Planning on a variety of projects to benefit our communities. These include delivering freight network advice, improvements to the planning system to facilitate tourism and a food and fibre strategy for Central NSW.

**Tourism** – The Tourism Manager employed by Centroc for the regional program has resigned. Given the JO reform period, it is not intended to replace the position until the new JO structure is underway. The Centroc Regional Tourism Group have given consideration to this challenge and suggested the region continue to deliver the current program using any unexpended funds on a strategic approach to product and marketing. Some members have agreed to provide additional support to specific initiatives. Fortnightly phone hook-ups are underway to best embed the current campaigns which are progressing well.

It was also noted that all members enjoy remote status under the Building Better Regions fund for the recent Centroc funding application as a result of Lachlan being a Centroc member. If successful this means the region will be able to triple its marketing budget.

**Operational** – Where the administration of the national award winning online training program and 22 regional contracts continues to deliver substantial savings to members, work in the energy space is ramping up. A strategic workshop with Essential Energy and the participating ROCs was held to build a shared understanding of the current streetlighting situation and to discuss the next steps in the Southern Lights Project. The workshop was attended by Centroc and Bathurst Regional Council, along with Graham Mawer and Paul Gowans from Next Energy as the Project Consultants, and representatives from other participating ROCs to the south.

Next Energy have been asked by the ROCs participating in the Southern Lights Project to provide a proposal for the next step in the project which will include:

- LED accelerated replacements
- Accelerated replacement funding
- LEDs and smart controls
- NSW Public Lighting Code
- AER 2019-2024 Pricing Review.

The Board resolved to have this fully funded by Centroc from reserves dedicated for energy management.

**Financial** – The Board anticipates a profit of \$29,039 at 30 June 2018 against a budgeted profit of \$842.

**Financial Implications:** Council's involvement in Centroc is provided for within existing budget allocations.

### **Bathurst 2036 Community Strategic Plan - Objectives and Strategies**

- Objective 1: To attract employment, generate investment and attract new economic development opportunities. Strategy 1.1

## **Community Engagement**

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

## **2 MINUTES - BATHURST REGIONAL YOUTH COUNCIL - 6 MARCH 2018 (11.00020)**

**Recommendation:** That Council:

- (a) Note the information; and
- (b) Adopt the membership of the Bathurst Regional Youth Council 2018, including Saskia-Jayne Handley as Youth Mayor and Gabrielle Boshier as Youth Deputy Mayor.

**Report:** The first 2018 Youth Council meeting was held on Tuesday 6 March 2018. Election of Youth Mayor and Youth Deputy Mayor was carried out with the following result:

- Saskia-Jayne Handley – Youth Mayor
- Gabrielle Boshier – Youth Deputy Mayor

New leaders will be elected when recruitment for the 2018/2019 Youth Council is carried out in May 2018.

The Youth Council also considered a number of items at their meeting, including the following:

- Review of the Bathurst Regional Youth Council, with changes to be implemented from May 2018.
- Planning for Youth Week 2018.

A copy of the minutes from the meeting is provided at **attachment 1**.

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

### **Bathurst 2036 Community Strategic Plan - Objectives and Strategies**

- Objective 23: To encourage a supportive and inclusive community. Strategy 23.3, 23.6
- Objective 27: To encourage youth engagement, participation and achievement across all areas of the Bathurst community. Strategy 27.1, 27.3, 27.4, 27.5, 27.6, 27.9
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.2, 30.5
- Objective 33: To be and develop good leaders. Strategy 33.2, 33.3

### **Community Engagement**

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

### **3 COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 14 MARCH 2018 (11.00019)**

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

**Report:** **Present:** Councillors Hanger (Chair), Aubin (6.20 pm), Bourke, Fry, Jennings, Morse, North, Rudge.

**Apologies:** Cr Christian

#### **1. ENVIRONMENT & WATERWAYS ALLIANCE (13.00043)**

Mick Callan, Project Support Officer, Environment & Waterways Alliance gave a presentation regarding the operations of the Alliance.

Discussion included:

- Alliance of 18 Councils across the Central West
- Funded by Councils and Local Land Services
- one aim is to get Government and community contributing to the protection and enhancement of the environment and waterways
- aim to provide skills and resources to Councils and staff
- spoke of projects undertaken, e.g. Howick Street Litter capture, habitat projects for Superb Parrots
- Conservation in Action Conference to be held in May 2018 at Bathurst Memorial Entertainment Centre.

#### **2. BATHURST REGIONAL ART GALLERY SOCIETY (BRAGS) (07.00027)**

Representatives from BRAGS - Julia Blackwood, Kate Smith, Max Wilson and Julian Woods met with Council to give an update on the activities and achievements of BRAGS.

Discussion included:

- gave a slide show of some of the pieces/acquisitions housed in the permanent collection, funded or partially funded by BRAGS
- The Society was formed in 1969
- first touring exhibition was undertaken in 1970
- aim to foster, promote, develop and support the Art Gallery
- to date BRAGS has raised over \$240,000
- will celebrate 50 years of support in 2019

- appreciate the involvement of council and council staff in supporting BRAGS
- 25,000 people visited the Gallery last year
- currently have a membership of 300, extended invitation to all present to join BRAGS.

**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 28.5
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.6
- Objective 20: To provide a range of cultural facilities, programs, activities and events and to support and enhance cultural and social activities across the community. Strategy 20.2

**Community Engagement**

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

#### **4 COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 28 MARCH 2018 (11.00019)**

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

**Report:** **Present:** Councillors Hanger (Chair), Bourke, Jennings (5.43 pm), Morse, North.

**Apologies:** Councillors Aubin, Christian, Fry, Rudge

##### **1. FIRE & RESCUE NSW (18.00233)**

Acting Superintendent Steve Evans and Senior Fire Fighter Timothy Goodlet from Fire & Rescue NSW - Regional West 2 met with Council to give an update on their activities.

Discussion included:

- Two types of fire fighters - Permanent and Retained
- Three brigades/Stations in Bathurst - Bathurst Permanent, Bathurst Retained and Kelso Retained.
- utilisation of the services/resources of the Rural Fire Service
- Fire education programs - school children to the elderly
- "Fire Safety Section" can comment on new large building designs
- Council sometimes refer DA's to Fire & Rescue for comment
- One Bathurst fire district, five Rural Fire Services districts
- connecting "kids play" with the library
- "Number in your Street program" - Bathurst Urban Guttering - seeking Council to run and fund a program.

##### **2. BATHURST EDGELL JOG COMMITTEE (23.00130)**

Representatives from Bathurst Edgell Jog Committee met with Council to discuss financial support for the Bathurst Edgell Jog.

Discussion included:

- thanked Council for financial support for previous years.
- Traffic Management costs have increased over the years - 30 staff required
- actual cost approximately \$17,000 before discounts
- seeking Council to provide three years of assistance by paying the traffic control bill for those years.

- Looking at cost saving opportunities - reluctant to increase entrants fees.
- September 2018 will be 43rd year of event
- start time will be 9.30 am
- 14% of participants from outside Bathurst
- \$5,500 donated to service clubs
- travel prize no longer donated
- shoe tracker initiative cost saved approximately 20 volunteers
- looking for alternative sponsors

### **3. BATHURST CHILD AND FAMILY NETWORK (18.00309)**

Representatives from Bathurst Child & Family Network - Annette Myers, Kim Donnell and Leigh Cowdroy, met with Council to provide an update on their services.

Discussion included:

- operating as a network for many years - operate as a collaborative network
- extended appreciation to Council for their support through the resolution passed by Council in 2016
- Auslan signs installed at Bicentennial Park & Adventure Playground through Council support.
- issues in built environment and child play spaces
- seeking to establish a "Children's Choice" award as part of the annual Business Awards

**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 28.5
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.6
- Objective 20: To provide a range of cultural facilities, programs, activities and events and to support and enhance cultural and social activities across the community. Strategy 20.2

## **Community Engagement**

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