



ORDINARY MEETING OF
BATHURST REGIONAL COUNCIL

5 December 2018

His Worship the Mayor & Councillors

**Notice of Ordinary Meeting of Bathurst Regional Council - Wednesday,
12 December 2018**

I have to advise that an **Ordinary Meeting** of Bathurst Regional Council will be held in the Council Chambers on Wednesday, 12 December 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 blue 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, 12 DECEMBER 2018

1. 6:00 PM - MEETING COMMENCES

2. PUBLIC FORUM

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 NOVEMBER 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

* ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE

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

* DIRECTOR ENVIRONMENTAL PLANNING & BUILDING SERVICES' REPORT

* DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT

* DIRECTOR ENGINEERING SERVICES' REPORT

* DIRECTOR CULTURAL & COMMUNITY SERVICES' REPORT

9. REPORTS OF OTHER COMMITTEES

* MINUTES - TRAFFIC COMMITTEE MEETING - 4 DECEMBER 2018

10. NOTICES OF MOTION

Nil

11. RESCISSION MOTIONS

Nil

12. COUNCILLORS/ DELEGATES REPORTS

- * COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 14 NOVEMBER 2018
- * MINUTES - BATHURST REGIONAL YOUTH COUNCIL 13 NOVEMBER 2018
- * MINUTES - AUSTRALIA DAY WORKING PARTY - 20 NOVEMBER 2018
- * COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 28 NOVEMBER 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.

*** MAYORAL MINUTE**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	GENERAL MANAGER'S APPRAISAL	10A (2) (a) – Deals with personnel matters concerning particular individuals (other than Councillors) disclosure of which would not be in the public interest as it would reveal personal details of the individuals concerned.

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

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	STREET LIGHTING - UPGRADE TO LED LIGHTING WITH SMART CONTROLS	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 CORPORATE SERVICES & FINANCE'S REPORT**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	LAND RELEASE - LIMEKILNS ROAD, KELSO - SUNNYBRIGHT ESTATE STAGE "A" RELEASE SUBDIVISION	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.
2	RURAL LICENCE AGREEMENT - LOTS 2 & 3 IN DP786760 KNOWN AS 44 FREEMANTLE ROAD, EGLINTON.	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	RENEWAL OF TELECOMMUNICATIONS LEASE AGREEMENT - PART LOT 1 DP774489 KNOWN AS 230 HOWICK STREET - VODAFONE	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
4	PURCHASE OF PROPERTY AT LOT 2 SECTION 15 DP758840 KNOWN AS 22 ROCKLEY STREET, PERTHVILLE	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
5	ELECTRICITY PROCUREMENT	10A (2) (d) (iii) – contains commercial information of a confidential nature that would, if disclosed, reveal a trade secret.
6	INTEREST ON OUTSTANDING RATES – ASSESS 207604	10A (2) (b) – contains advice concerning hardship of a resident or ratepayer, disclosure of which would not be in the public interest as it would prejudice the personal position of the individual concerned.

*** DIRECTOR ENGINEERING SERVICES' REPORT**

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

		as it would prejudice the commercial position of the person who supplied it.
2	TENDER FOR CONSTRUCTION OF BATHURST CENTRAL BUSINESS DISTRICT CCTV - 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.
3	TENDER FOR READY MIX CONCRETE	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	PROPOSED TRANSFER OF LAND TO COUNCIL FOR A SEWER PUMPING STATION - LOT 1025 DP1245197 LIMEKILNS ROAD KELSO	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
5	TENDER FOR HIRE OF PLANT	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
6	TENDER FOR HIRE OF TRUCKS/WATERCARTS	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.
7	CONTRACT FOR CONSTRUCTION OF TAXIWAYS AND APRONS EXTENSION WORKS - BATHURST AERODROME	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.
8	TENDER FOR SUPPLY AND DELIVERY OF ROADBASE MATERIAL	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.
9	CENTROC TENDER FOR LINEMARKING	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed,

	SERVICES	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.
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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 NOVEMBER 2018 (11.00005)

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

Report: The Minutes of the Ordinary Meeting of Bathurst Regional Council held on 21 November 2018, are **attached**.

Financial Implications: N/A

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 6: Community leadership and collaboration Strategy 6.4

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 NOVEMBER 2018**

MEETING COMMENCES

1 MEETING COMMENCES 6:00 PM

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

PUBLIC FORUM

2 PUBLIC FORUM

B Trimming - resident

- Live Streaming of Council meetings - requested staff, who provide advice from sidelines, also have microphones provided.
- Water restrictions - spoke to and noted the levels vary across the State. Referred to Drought Management Plans and restrictions to limit garden watering to half an hour on "odds" and "evens" and raised consideration of one hour. Noted levels set for pools which do not add any environmental benefits and the size of fittings to fill them; suggested restriction terms that should be in place. Asked Councillors to review restrictions being put in place.

L Sargent - resident - Development Application, Lambert Street - Item #3 DEPBS - spoke to concern about the proposed development, and referred to Council's process of advertising developments. Many people feel it is a waste of time to object to developments. Referred to heritage impact statement and the content therein. Noted impact on adjoining neighbours and the incorrectness of the statements in the Heritage Impact Statement. A two storey dwelling will overshadow Ms Sargent's property and will impact on privacy. Pleased to see recommended refusal, but suggests Council needs to adopt guidelines to protect the interests of people living in the heritage city.

EXTENSION OF TIME

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

RESOLVED: That an extension of time be granted for Ms Sargent.

D O'Keefe - resident - Development Application, Lambert Street - Item #3 DEPBS - backs onto proposed building. Has concerns with the building proposed and referred to Heritage Study and information that is lacking. Noted trees shown in the study will be removed as roots will be moved which will kill the trees. Suggested mental health of residents will be impacted with trees, etc being removed; this needs to be considered. Major excavation work will occur which will impact adjoining house. Concern adjoining residents will be restricted in ability to water

gardens. If fence is destroyed and trees die, who removes them and replaces the fence? Does Council want to destroy this beautiful area, doesn't want towering buildings.

EXTENSION OF TIME

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

RESOLVED: That an extension of time be granted for Mr O'Keefe.

G Crisp - customer water supply service - suggests Councillors read the audit opinion on water statements, not in accordance with auditing standards and liability. Spoke to guidelines on water supply and documents from Council which say don't agree with the guidelines. Referred to cross subsidies and guidelines therein. Stated Council cross subsidises water usage. Has asked these questions to the Office of Local Government and he has not received an answer. Then made allegations regarding use of Trust Funds and relevant legislation.

Chris O'Rourke - resident - notification of issues by Council - has spoken on George Park matter and processes followed. Now, speaking on notification of development applications, most transparent is Sydney City Council - Bathurst is one of the least transparent along with Wagga, Armidale and Dubbo. Referred to toilet block at George Park, this was not advised to residents when it went up. Further, spoke to colour scheme of the Bushrangers building which was changed from what Heritage person advised. Requests Council change Development Control Plan notification policy.

K McNab - ratepayer - Mitre/Suttor/Lambert roundabout - spoke to progress on the roundabout and requested an update. Improvement needed for safety. Spoke to background of matter and safety issues.

The Director Engineering Services advised:

- (a) Design is continuing and council is currently seeking permission to put water through Crown Land which will reduce costs and timelines.
- (b) Liaising with service agencies as to relocation.

L Daymond - resident - Development Application, 10 Russell Street - Item#4 DEPBS - spoke to various proposals put to Council and worked with Council on the plan submitted to reduce issues such as privacy concerns. Noted retention of trees, have considered the neighbours and asks Council to approve the development.

I Pearson - ratepayer/Architect - Limekilns Road - Item#8 DEPBS - spoke to proposed development and suggested changes. Concern is that sufficient open space should be retained to allow access road to be built. Also, spoke to cycleway paths, traffic flows and recent changes proposed. Suggests defer decision.

G Cutler - Limekilns Road - Item#8 DEPBS - tabled some maps of the development and spoke to what they are trying to achieve. Have implemented what the Planning Department have suggested to get a workable outcome. There is greater open space and an important link road will be established. This is a minor adjustment to the Local Environmental Plan, the proposal has been fine tuned to get it right.

P Dowling - congratulated Council and others on the event at Mount Panorama that

occurred over the weekend. Then spoke to development application matters, when personally involved health issues do occur. Peel and Durham Street intersection needs work as it is regularly blocked. There was to be a report to Traffic Committee about putting signage on road at this intersection.

The Director Engineering Services advised Council is attempting to get matter to next Traffic Committee meeting.

APOLOGIES

3 APOLOGIES

Nil.

MINUTES

4 Item 1 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 17 OCTOBER 2018 (11.00005)

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

RESOLVED: That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 17 October 2018 be adopted.

5 Item 2 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 7 NOVEMBER 2018 (11.00005)

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

RESOLVED: That the Minutes of the Ordinary Meeting of Council following Policy held on 7 November 2018 be adopted.

DECLARATION OF INTEREST

6 DECLARATION OF INTEREST 11.00002

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

RESOLVED: That the Declaration of Interest be noted.

Cr Bourke

Item #4 of the Director Corporate Services and Finance Confidential Report

Cr Morse

Item #4 of the Director Corporate Services and Finance Confidential Report

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

Director Environmental Planning & Building Services' Report

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

RESOLVED: That the information be noted.

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

RESOLVED: That the information be noted.

- 9** **Item 3 DEVELOPMENT APPLICATION NO. 2018/303 – DEMOLITION OF EXISTING SHED, DUAL OCCUPANCY (TWO STOREY SECOND DWELLING WITH ATTACHED GARAGE), CARPORT AND TWO LOT RESIDENTIAL SUBDIVISION AT 261 LAMBERT STREET, BATHURST. APPLICANT: MR B MOULDS. OWNER: MODERNIZATION PTY LTD (DA/2018/303)**
MOVED Cr B Bourke and **SECONDED** Cr W Aubin

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. 2018/303, for the following reasons:
- (i) No on-site visitor car parking has been provided and insufficient justification has been provided for the variation to this Development Standard;
 - (ii) The development will have an adverse impact on the amenity on the adjoining properties in Stewart Street in terms of visual impact, overshadowing and privacy;
- (b) notify those that made submissions of its decision; and
- (c) call a division.

The following AMENDMENT was MOVED

- 10** **Item 3.01 DEVELOPMENT APPLICATION NO. 2018/303 – DEMOLITION OF EXISTING SHED, DUAL OCCUPANCY (TWO STOREY SECOND DWELLING WITH ATTACHED GARAGE), CARPORT AND TWO LOT RESIDENTIAL SUBDIVISION AT 261 LAMBERT STREET, BATHURST. APPLICANT: MR B MOULDS. OWNER: MODERNIZATION PTY LTD (DA/2018/303)**
MOVED Cr J Jennings and **SECONDED** Cr A Christian

That Council:

- (a) defer determination of DA 2018/303

- (b) undertake further written discussions between Council staff and the applicant seeking amended plans that reduce the impact on the amenity of the neighbours and allow additional on site parking.
- (c) call a division.

The **AMENDMENT** was **PUT** and **CARRIED**.

The **AMENDMENT** then became the **MOTION**.

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

The result of the division was:

In favour of the motion - Cr A Christian, Cr J Fry, Cr G Hanger, Cr J Jennings, Cr I North, Cr J Rudge,

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

Absent - Nil

Abstain - Nil

- 11** **Item 4 DEVELOPMENT APPLICATION NO. 2018/382 – DEMOLITION OF EXISTING GARAGE AND CONSTRUCTION OF TWO STOREY DETACHED HABITABLE ROOMS WITH ATTACHED GARAGE AT LOT B, DP157249, 10 RUSSELL STREET, GORMANS HILL APPLICANT: MR P DAYMOND OWNER: MR P DAYMOND & MRS L DAYMOND (DA/2018/382)**
MOVED Cr B Bourke and **SECONDED** Cr I North

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. 2018/382, 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) Building work involving the use of electric or pneumatic tools or other noisy operations shall be carried out only between 7.00 am and 8.00 pm on weekdays and 8.00 am and 1.00 pm on Saturdays and no work to occur on Sundays and public holidays.
- (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

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 2019-2023 MEMORANDUM OF UNDERSTANDING (18.00208)

MOVED Cr I North

and **SECONDED** Cr A Christian

RESOLVED: That Council:

- (a) continues to participate in the Evocities program until 30 June 2023; and
- (b) authorise the Mayor and General Manager to execute the Memorandum of Understanding between the Evocities for the period 2019/20 to 2022/23.

17 Item 10 GREATER CENTRAL WEST REGIONAL STATE OF ENVIRONMENT REPORT 2017-2018 (13.00004)

MOVED Cr I North

and **SECONDED** Cr J Rudge

RESOLVED: That Council:

- (a) note that the 2017 - 2018 Regional State of the Environment Report has been completed;
- (b) make electronic copies of the 2017 - 2018 Regional State of the Environment Report available on Bathurst Regional Council's Website.

18 Item 11 ITEM INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE (11.00005, 13.00089)

MOVED Cr A Christian

and **SECONDED** Cr J Rudge

RESOLVED: That the information be noted.

Director Corporate Services & Finance's Report

19 Item 1 STATEMENT OF INVESTMENTS (16.00001)

MOVED Cr B Bourke

and **SECONDED** Cr J Jennings

RESOLVED: That the information be noted.

20 Item 2 MONTHLY REVIEW - 2018/2022 DELIVERY PLAN AND OPERATIONAL

PLAN 2018-2019 (16.00155)**MOVED** Cr W Aubinand **SECONDED** Cr J Rudge**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 W Aubinand **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 I Northand **SECONDED** Cr M Morse**RESOLVED:** That the information be noted.**23 Item 5 2019 NEWTONS NATION IDF WORLD CUP (04.00122)****MOVED** Cr W Aubinand **SECONDED** Cr B Bourke**RESOLVED:** That Council:

- (a) Approve the 2019 Newton's Nation event to be held at Mount Panorama on 5-7 April 2019; and
- (b) Waive the circuit hire fee of \$11,769 for the 2019 event, to be funded from the Mt Panorama Fee Subsidy allocation.

24 Item 6 EJ-EH HOLDEN NATIONALS DISPLAY (04.00126)**MOVED** Cr B Bourkeand **SECONDED** Cr W Aubin**RESOLVED:** That Council waive the costs of approximately \$2,500 associated with the road closure of Russell Street for the EJ-EH Holden Nationals Display.**25 Item 7 REQUEST FOR FINANCIAL ASSISTANCE - THE REBELLION ON THE TURON (18.00004, 25.00280)****MOVED** Cr J Rudgeand **SECONDED** Cr J Jennings**RESOLVED:** That Council provide the additional financial assistance for the 2019 Rebellion of the Turon event of \$1,650.**26 Item 8 REQUEST FOR FINANCIAL ASSISTANCE GRIP LEADERSHIP (21.00012)****MOVED** Cr B Bourkeand **SECONDED** Cr M Morse

supply and delivery of bulk fuel.

33 Item 3 RENAMING OF BATHURST AQUATIC CENTRE (20.00038)
MOVED Cr J Rudge

That the Bathurst Aquatic Centre be renamed the John and Nina Manning Aquatic Centre - Bathurst.

The MOTION LAPSED for want of a SECONDER.

34 Item 3.01 RENAMING OF BATHURST AQUATIC CENTRE (20.00038)
MOVED Cr I North and **SECONDED** Cr A Christian

RESOLVED: That

- (a) the Bathurst Aquatic Centre be renamed the Manning Aquatic Centre - Bathurst
- (b) Council place an interpretative plaque at the Aquatic Centre on John and Nina Manning's contribution to the Bathurst swimming complex. The plaque to be developed in conjunction with the family.

35 Item 4 PROPOSED ROAD CLOSURE - MACHATTIE LANE BATHURST (25.00369)
MOVED Cr W Aubin and **SECONDED** Cr J Fry

RESOLVED: That Council approve the proposed closure of Machattie Lane, as detailed in the Director Engineering Services' report and upon closing classify the land as operational land for the purposes of the Local Government Act 1993.

36 Item 5 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE (11.00005, 32.00026, 36.00680, 36.00610, 36.00682)
MOVED Cr I North and **SECONDED** Cr W Aubin

RESOLVED: That the information be noted.

Director Cultural & Community Services' Report

37 Item 1 LOCAL GOVERNMENT NSW TOURISM CONFERENCE 2019 (07.00016)
MOVED Cr I North and **SECONDED** Cr J Jennings

RESOLVED: That the information be noted and Council nominate Cr Jennings as a delegate to the Conference.

GROUPS/REPRESENTATIVES - 10 OCTOBER 2018 (11.00019)**MOVED** Cr I Northand **SECONDED** Cr A Christian**RESOLVED:** That the information be noted.**RESOLVE INTO CONFIDENTIAL COMMITTEE OF THE WHOLE TO DEAL WITH CONFIDENTIAL REPORTS****44 RESOLVE INTO CONFIDENTIAL COMMITTEE OF THE WHOLE TO DEAL WITH CONFIDENTIAL REPORTS****MOVED** Cr W Aubinand **SECONDED** Cr J Rudge

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

There were no representations from the public.

RESOLVED: That:

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

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

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	INSTALLATION OF ELECTRIC VEHICLE CHARGING STATION	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**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	COMMUNITY LICENCE AGREEMENT RENEWAL - PART LOT 180 DP862410 LOCATED AT 55 SEYMOUR STREET BATHURST - THE	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

	NEIGHBOURHOOD CENTRE	prejudice the commercial position of the person who supplied it.
2	DEMOLITION AND CONSOLIDATION OF PROPERTY AT LOT A DP158048 KNOWN AS 215 DURHAM STREET, BATHURST	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
3	PROPOSED SUBDIVISION AND PURCHASE OF LAND AT PART LOT 250 DP1148187 KNOWN AS LOT 250 CONROD 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.
4	REQUEST FOR FINANCIAL ASSISTANCE - BATHURST CITY COMMUNITY CLUB	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

*** DIRECTOR ENGINEERING SERVICES' REPORT**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	CENTROC TENDER FOR SEWER REHABILITATION (PIPE RELINING) SERVICES	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	CENTROC TENDER FOR INSPECTION AND CONDITION ASSESSMENT OF GRAVITY SEWER AND STORMWATER MAINS USING CCTV	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	LANDSCAPE CONSTRUCTION OF FREEMAN PARK	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the

That Council approves the demolition and consolidation of property at Lot A DP158048 known as 215 Durham Street, Bathurst as detailed in the report

d **Item 3 PROPOSED SUBDIVISION AND PURCHASE OF LAND AT PART LOT 250 DP1148187 KNOWN AS LOT 250 CONROD STRAIGHT, MOUNT PANORAMA. (22.13734)**

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

That Council:

- (a) approve proposed subdivision and purchase the land at Part Lot 250 Conrod Straight, Mount Panorama.
- (b) delegate the authority to the General Manager to negotiate the purchase as detailed in the report
- (c) if successful, classify the land as operational under the provisions of Section 31(2) of the Local Government Act 1993.

e **Item 4 REQUEST FOR FINANCIAL ASSISTANCE - BATHURST CITY COMMUNITY CLUB (22.01429)**

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

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

Reason: Past President and Secretary of Club and present Club member.

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

Reason: The Manager of the facility was on Cr Morse's election ticket in 2017.

That Council act in accordance with the report as follows,

- (i) implement option 1.B
- (ii) implement Option 4.A (to a value of \$15,000 for water cost reduction measures)
- (iii) implement Option 5.A.

Director Engineering Services' Report

f **Item 1 CENTROC TENDER FOR SEWER REHABILITATION (PIPE RELINING) SERVICES (32.00026)**

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

That Council accept and sign a contract with Interflow for sewer rehabilitation (pipe relining) services.

- g** Item 2 CENTROC TENDER FOR INSPECTION AND CONDITION ASSESSMENT OF GRAVITY SEWER AND STORMWATER MAINS USING CCTV (32.00026)
MOVED Cr I North and SECONDED Cr A Christian

That Council accept and sign contract with Interflow for CCTV inspection works as detailed in their price schedule.

- h** Item 3 LANDSCAPE CONSTRUCTION OF FREEMAN PARK (36.00680)
MOVED Cr I North and SECONDED Cr J Rudge

That Council accept the tender of Creative Outdoors and More in the amount of \$978,476.30 (including GST), subject to adjustments and provisional sums, for the landscape construction of Freeman Park, Bathurst.

- i** Item 4 EXTENSION OF CONTRACT FOR TENDER NO. 36.00610 – SUPPLY, DELIVERY AND LAYING OF ASPHALTIC CONCRETE SURFACING (36.00610)
MOVED Cr B Bourke and SECONDED Cr I North

That Council approve the extension of Contract No. 36.00610 to Downer for a further 12 months, to 31 December 2019.

- j** Item 5 TENDER FOR CONSTRUCTION OF SCALLYWAGS CHILDCARE CENTRE EXPANSION (36.00682)
MOVED Cr B Bourke and SECONDED Cr M Morse

That Council accepts the tender of Renascent Regional Pty Ltd for the construction of Scallywags Childcare Centre Expansion in the amount of \$1,494,226.00 (GST incl.), subject to provisional items and variations.

RESOLVE INTO OPEN COUNCIL

- 45** RESOLVE INTO OPEN COUNCIL
MOVED Cr A Christian and SECONDED Cr J Rudge

RESOLVED: That Council resume Open Council.

ADOPT REPORT OF THE COMMITTEE OF THE WHOLE

- 46** ADOPT REPORT OF THE COMMITTEE OF THE WHOLE
MOVED Cr I North and SECONDED Cr W Aubin

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

MEETING CLOSE

47 **MEETING CLOSE**

The Meeting closed at 8.46 pm.

CHAIRMAN: _____

MAYORAL MINUTE

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

**1 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE
(11.00005, 35.01136)**

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 GENERAL MANAGER'S APPRAISAL (35.01136)

This report relates to the General Manager's performance review.

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

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 6: Community leadership and collaboration Strategy 6.4

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



Graeme Hanger
MAYOR OF BATHURST

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

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

12 DECEMBER 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 Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and
 - (iii) any development control plan, and
 - (iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and
 - (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),
 - (v) (Repealed)that apply to the land to which the development application relates,
- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,
- (c) the suitability of the site for the development,
- (d) any submissions made in accordance with this Act or the regulations,
- (e) the public interest.

(2) Compliance with non-discretionary development standards—development other than complying development

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

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

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

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

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

(3A) **Development control plans**

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

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

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

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

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

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

(6) **Definitions**

In this section:

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

Financial Implications: Nil

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 6: Community leadership and collaboration

Strategy 6.4

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 November 2018 (**attachment 1**).
- (b) Applications refused during November 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 November 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 Community Strategic Plan - Objectives and Strategies

- Objective 4: Enabling sustainable growth Strategy 4.6
- Objective 6: Community leadership and collaboration Strategy 6.4

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. 2018/290 – DEMOLITION OF EXISTING DWELLING, GARAGE & OUTBUILDING AND CONSTRUCTION OF CHILD CARE CENTRE AT 23 PARK STREET, EGLINTON. APPLICANT: HANNAS CHILDCARE DEVELOPMENTS. OWNER: MR O & MRS J GENC (DA/2018/290)

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. 2018/290, 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.

Report: The Site

Council has received a Development Application (DA) for the demolition of the existing dwelling, garage and outbuildings and construction of a 42 place child care centre at 23 Park Street, Eglinton, described as Lot 2, DP 38206.

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

The subject site currently contains a single storey dwelling with detached garage and numerous outbuildings.

The site has an area of 1012m².

The site adjoins the existing Eglinton Store and existing residential dwellings on the remaining 3 boundaries.

The proposal

The proposed development includes:

- Demolition of the existing single storey dwelling, separate garage and outbuildings;
- Construction of a 42 place child care centre with associated infrastructure.

The proposal includes the provision of 6 on site parking spaces.

The centre will operate from 7am to 6pm, Monday to Friday.

The plans of the proposed development are at **attachment 2**, the Noise Assessment at **attachment 3**, Statement of Environmental Effects at **attachment 4** and the Traffic and Parking Statement at **attachment 5**.

The following additional documents can be obtained from Council's Environmental Planning and Building Services Department:

- Access 2016 Indicative Compliance Report for DA Lodgement;
- BCA 2016 Indicative Compliance Report for DA Lodgement;
- BCA 2016 Section J Indicative Compliance Report for DA Lodgement

- Preliminary Geotechnical Investigation;
- Preliminary Site Investigation;
- Waste Management Plan; and
- Development Application Cost Plan Report.

Planning Context

State Environmental Planning Policy (Educational Establishments and Child Care Facilities)

Child Care Centres must comply with the requirements outlined in SEPP *Educational Establishments and Child Care Facilities* and, by virtue of Clause 23, the *Child Care Planning Guideline*.

An assessment against these Guidelines is provided at **attachment 6**. The proposal complies with the obligations provided for under the SEPP.

Bathurst Regional Local Environmental Plan 2014

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

Clause 4.3 Height of buildings

The *Height of Buildings Map* for this locality indicates a maximum overall building height of 9 metres. The proposed building will have an overall height of 5.7 metres and accordingly complies.

Clause 5.10 Heritage conservation

As the proposal includes demolition of a dwelling greater than 50 years of age, a Statement of Heritage Impact **attachment 7** was submitted. The site is not within a heritage conservation area or adjoining or adjacent to an item of Environmental Heritage. The nearest Heritage Items are the Eglinton Hall and the former church at 27 Alexander Street. Both are in excess of 250 metres from the site. The report concludes:

“The Eglinton hall and church are located at a distance that their significance and curtilage are not affected by this proposed development. There is no heritage based requirement to retain built elements on the subject site, given the lack significance.”

Bathurst Regional Development Control Plan 2014

Chapter 10 Urban Design & Heritage Conservation

As the proposal includes demolition of a dwelling greater than 50 years of age, a Statement of Heritage Impact was required which supported the demolition recommending that:

1. *Prior to demolition of the house a minor photographic archival recording of the house and site would be advisable.*
2. *Materials and elements of the building capable of recovery should be re-cycled and re-used and that this should be considered as part of the process of demolition.*
3. *Landscaping should be used to obscure the carpark.*

These matters can be incorporated into conditions of consent.

Chapter 12 Signage and Colour Schemes

Pole Sign	
Development Standards	Comment
The height of the sign must not exceed the roof height of the building to which it relates.	The proposed pole sign will have an overall height of approximately 2.2 metres and an overall panel size of 1.5m ² . The proposed signage is compliant and consistent with the residential character of the area.
The size of the sign panel must not exceed 5 square metres.	
The sign must be constructed so that it is structurally adequate to withstand the dead and live (wind) loads that may be imposed on it.	

Chapter 13 Landscaping and Greening

A detailed landscape plan has been submitted with the Development Application and is generally consistent with Council's DCP.

Chapter 14 Parking

Council's Development Control Plan requires a ratio of 1 space per 10 children. Accordingly a total of 4 car parking spaces are required. Plans for the proposed development indicate a total of 6 car parking spaces.

Chapter 16 Earthworks

Plans for the proposed development indicate masonry retaining walls of 500mm or less.

Other Matters for Consideration

Noise

A Noise Assessment prepared by Renzo Tonin & Associates has been submitted with the application. The Noise Assessment has been prepared in accordance with the Association of Australian Acoustical Consultants (AAAC) *Guideline for Child Care Centre Acoustic Assessment*.

Sensitive Receivers

As outlined in the following table, the noise assessment identifies seven noise sensitive receivers in the immediate vicinity of the subject site.

Receiver ID	Receiver Type	Address	Description
R1	Residential	25 Park Street (front yard)	Front yard receiver location of the single storey residential property directly to the west of the site. Receiver location potentially impacted by noise from car park activity.
R2	Residential	25 Park Street (rear yard)	Rear yard receiver location of the single storey residential property directly to the west of the site. Receiver location potentially impacted by noise from the outdoor play area.
R3	Residential	17 Lamont Place	Rear yard receiver location of the single storey residential property located directly to the south of

		(rear yard)	the site. Receiver location potentially impacted by noise from the outdoor play area.
R4	Residential	19 Lamont Place (rear yard)	Rear yard receiver location of the single storey residential property located directly to the south of the site. Receiver location potentially impacted by noise from the outdoor play area.
R5	Residential	21 Park Street (rear yard)	A residential rear yard receiver location of the single storey mixed use property located directly to the east of the site. Receiver location potentially impacted by noise from the outdoor play area.
R6	Commercial	21 Park Street (front yard)	A commercial front yard receiver location of the single storey mixed use property located directly to the east of the site. Receiver location potentially impacted by noise from car park activity.
R7	Residential	24 Park Street (front yard)	Front yard receiver location of the single storey residential property located across Park Street north of the site. Receiver location potentially impacted by noise from car park activity.

The following table outlines existing weekday background noise levels in the vicinity.

Location	L_{A90} Background Noise Levels		
	Day (7:00am to 6:00pm, Monday to Saturday and 8:00am to 6:00pm Sundays & Public Holidays)	Evening (6:00pm to 10:00pm, Monday to Sunday & Public Holidays)	Night (10:00pm to 7:00am, Monday to Saturday and 10:00pm to 8:00am Sundays & Public Holidays)
23 Park Street (rear yard)	35	28	23

Background levels during the evening and night periods are not relevant given the proposed hours of operation.

Noise Criteria – Operation Noise – Outdoor Area

Council has no specific guidelines governing noise from Child Care Centres. The Association of Australian Acoustical Consultants has adopted criteria within its *Guideline for Child Care Centre Acoustic Assessment*.

For outdoor areas used for more than 2 hours per day the *Guideline for Child Care Centre Acoustic Assessment* provides the following criteria for residential receivers:

The L_{Aeq, 15 min} noise level emitted from the outdoor play area shall not exceed the background noise level by more than 5dB at the assessment location.

The *Guideline for Child Care Centre Acoustic Assessment* provides the following criteria for commercial receivers:

The L_{Aeq, 15 min} noise level emitted from the Child Care Centre shall not exceed 65 dB(A) when assessed at the most affected point at or within any commercial property boundary.

Accordingly the applicable noise criteria based on the above levels for the residential and commercial receivers are as follows.

Receiver	Address	Applicable Noise Criteria <small>L_{Aeq, 15min}</small>
R1	25 Park Street (front yard)	35 + 5 = 40
R2	25 Park Street (rear yard)	
R3	17 Lamont Place (rear yard)	
R4	19 Lamont Place (rear yard)	
R5	21 Park Street (rear yard)	
R6	21 Park Street (front yard)	65
R7	24 Park Street (front yard)	35 + 5 = 40

Noise Criteria – Operation Noise – Mechanical Plant & Car Park

The *Guideline for Child Care Centre Acoustic Assessment* provides the following criteria for residential and commercial receivers:

The $L_{Aeq, 15min}$ noise level emitted from the cumulative noise impact of children playing indoors, mechanical plant and traffic on the site shall not exceed the background noise level by more than 5 dB at the assessment location.

The applicable noise criteria are therefore the same as the table above.

Predicted Noise Levels – Outdoor Area

Based upon the assumptions made in the acoustic assessment as to the number and age of children attending the Centre and the standard 1.8 metre fence the predicted noise levels for the development are as follows:

Receiver	Address	Noise Criteria dB(A)	Predicted Noise Levels dB(A)	Compliance
R1	25 Park Street (front yard)	40	29	Yes
R2	25 Park Street (rear yard)	40	45	No, exceeded by 5dB(A)
R3	17 Lamont Place (rear yard)	40	49	No, exceeded by 9dB(A)
R4	19 Lamont Place (rear yard)	40	46	No, exceeded by 6dB(A)
R5	21 Park Street (rear yard)	40	39	Yes
R6	21 Park Street (front yard)	65	32	Yes
R7	24 Park Street (front yard)	40	26	Yes

Recommended Mitigation Measures

Based on the above, additional noise mitigation and management are required including:

- The southern (rear) boundary fenced be increased in height from 1.8 metres to 2.4 metres;
- A treated timber lapped and capped fence could be used, provided it has no gaps so that it can perform as an effective noise screen;
- Any penetrations through the fabric of the fence should be sealed air tight;
- All joints and gaps between fence panels / planks should be sealed air tight; and

- Any gaps between fences and the ground should be filled to ensure that the fence provides appropriate noise attenuation.

The Noise Assessment recommends the following operational mitigation measures:

- The number of children in the outdoor play area at any one time should be limited to the following:
 - 12 x 0-2 years old and 10 x 2-3 years old: or
 - 10 x 3-5 years old
- Signs should be erected at appropriate, prominent locations, to advise the following:
 - that staff and parents converse at a very low volume;
 - that parents not call out to their children when delivering or collecting their children; and
 - that gates not be slammed.
- Children who are loudly crying outdoors should be comforted by staff and if the child continues to cry loudly then they should be taken inside.
- No music should be played in any outdoor areas at any time.

Based on these measures, the following predicted noise levels are expected.

Receiver	Address	Noise Criteria dB(A)	Predicted Noise Levels dB(A)	Compliance
R1	25 Park Street (front yard)	40	24	Yes
R2	25 Park Street (rear yard)	40	40	Yes
R3	17 Lamont Place (rear yard)	40	40	Yes
R4	19 Lamont Place (rear yard)	40	39	Yes
R5	21 Park Street (rear yard)	40	35	Yes
R6	21 Park Street (front yard)	65	28	Yes
R7	24 Park Street (front yard)	40	23	Yes

Traffic

The RMS *Guide to Traffic Generating Developments* provides peak hour vehicle movement generation rates for a long day care centre as summarised in the following table:

Centre Type	Vehicle trips per child		
	7.00-9.00am	2.30-4.00pm	4.00-6.00pm
Long day care	0.8	0.3	0.7

The following table outlines the estimated traffic generation for the proposed 42 place long day care centre:

Centre Type	AM Peak	PM Peak
42 place long day care centre	42 x 0.8 = 34	42 x 0.7 = 29.4
TOTAL	34	29

The Traffic and Parking Statement submitted with the application prepared by Traffic

Solution Pty Ltd provides:

- The access driveway proposed to serve the development is suitably located and will provide very good sight distance in both directions along Park Street.
- The proposed development satisfies the related geometric design specifications contained in the Australian Standards for off street parking and vehicular access.
- The off-street parking provided in the proposed development exceeds the requirements specified by Council's Development Control Plan.
- The proposal has a potential increase in estimated peak hour traffic flows in the order of 37 and 29 vehicle trips in the morning and evening peak hours respectively, which will not have a noticeable or detrimental effect upon Park Street or the surrounding road network.

Public Notification

The Development Application was notified to adjoining property owners from 22 August 2018 to 31 August 2018. Following the notification period one submission was received from the owners of the Eglinton Shop (see submissions at **attachment 8**).

A Discussion Forum was convened on 24 September 2018 (see minutes of Discussion Forum at **attachment 9**). It should be noted that adjoining owners who lodged the submission were invited to the Discussion Forum but did not attend.

As the applicant was not able to directly discuss the issues with the adjoining owners, they have provided a response to the issues raised (see **attachment 10**).

Issues raised in the submissions included:

- Limited availability of on-street and off-street car parking and therefore the potential impact on access to the adjoining General Store.

Comment: Council's adopted standard in relation to on site parking is 1 space per 10 children. In this instance the development complies. That said, there is the potential for additional parking in the area as a result of employees (requiring long stay) and relatively high turn over but short frequency for parents drop off and pick up. The applicant has included a draft Management Plan (**attachment 10**) which provides some broad principles governing parking.

Ultimately, for this particular location, it would be beyond the powers of Council to control where employees and parents would park in the event that the carpark is full. Courtesy at least would suggest that the adjoining shop parking not be used by parents however this would be beyond the scope of Council to control. Otherwise, the area is characterised by low levels of on street parking currently and there is adequate parking in Park Street to accommodate any overflow.

- Neighbours should not be burdened by cost of installing/maintaining boundary fence.

Comment: As the external fencing is required to satisfy the recommendations in the acoustic assessment it will be provided at full cost to the developer. This fact is acknowledged in the additional information provided by the developer.

Conclusion

Council has received a Development Application (DA) for demolition of the existing dwelling, garage and outbuildings and the construction of a child care centre at 23 Park Street,

Eglinton, described as Lot 2, DP 38206.

The proposal is generally compatible with the neighbourhood. Issues raised by the adjoining owners have been addressed by the applicant.

Issues surrounding noise can be appropriately mitigated. The application warrants approval.

Financial Implications: Nil.

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 1: Our sense of place and identity Strategy 1.1, 1.2
- Objective 4: Enabling sustainable growth Strategy 4.1, 4.3
- Objective 5: Community health, safety and well being Strategy 5.5
- Objective 6: Community leadership and collaboration Strategy 6.4, 6.5

Community Engagement

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

4 DEVELOPMENT APPLICATION NO. 2018/37 – ALTERATIONS AND ADDITIONS TO EXISTING DWELLING, ERECTION OF A SEPARATE DETACHED GARAGE AND THE ERECTION OF A DETACHED TWO STOREY SELF-CONTAINED UNIT FOR USE AS TOURIST AND VISITOR ACCOMMODATION AT 449 CONROD STRAIGHT, MOUNT PANORAMA. APPLICANT: ANDREW DUNSHEA. OWNER: MRS G L DUNSHEA (2018/37)

Recommendation: That Council:

- (a) as the consent authority, refuse to grant consent pursuant to Section 4.16 (1)(b) of the Environmental Planning and Assessment Act 1979 as amended to Development Application No. 2018/37, for the following reasons;
- i. The proposal is not in the public interest as it does not provide sufficient access for persons with a disability;
 - ii. Approval of the application would set an undesirable precedent for future applications where Council is of the opinion that access to tourist and visitor accommodation is warranted given the nature of the activity; and
- (b) call a division.

Report: The Site

Council has received a Development Application (DA) for alterations and additions to an existing dwelling, erection of a separate detached garage and the erection of a detached two storey self-contained unit for use as tourist and visitor accommodation, at 449 Conrod Straight, Mount Panorama, described as Lot 1 DP 1179272.

Lot 1 DP 1179272 comprises an area of 5,969 square metres and contains the existing dwelling and associated infrastructure.

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

The proposal

The proposal is for:

- alterations and additions to the existing dwelling, and
- the erection of a separate detached garage, and
- the erection of a detached two storey self-contained unit for use as tourist and visitor accommodation.

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

Planning Context

Bathurst Regional Local Environmental Plan 2014

The subject site is zoned RU2 Rural Landscape under the provisions of the *Bathurst Regional Local Environmental Plan 2014*.

The proposal is generally consistent with the objectives of the zone being:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To maintain the rural landscape character of the land.*

- To provide for a range of compatible land uses, including extensive agriculture.
- To encourage development that enhances Mount Panorama as an international motor racing circuit.

Dwelling houses (as it relates to the dwelling extension) and tourist and visitor accommodation are both permissible with consent in the RU2 zone.

It is, however, noted that *Residential Accommodation* (with the exception of dwelling houses and secondary dwellings) are prohibited development within the zone. Residential accommodation is a parent term and is taken to include:

a building or place used predominantly as a place of residence, and includes any of the following:

- (a) attached dwellings,
- (b) boarding houses,
- (c) dual occupancies,
- (d) dwelling houses,
- (e) group homes,
- (f) hostels,
- (g) multi dwelling housing,
- (h) residential flat buildings,
- (i) rural workers' dwellings,
- (j) secondary dwellings,
- (k) semi-detached dwellings,
- (l) seniors housing,
- (m) shop top housing,

but does not include tourist and visitor accommodation or caravan parks.

Tourist and visitor accommodation means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes any of the following:

- (a) backpackers' accommodation,
- (b) bed and breakfast accommodation,
- (c) farm stay accommodation,
- (d) hotel or motel accommodation,
- (e) serviced apartments,

but does not include:

- (f) camping grounds, or
- (g) caravan parks, or
- (h) eco-tourist facilities.

Accordingly, dual occupancies (being 2 dwellings on the land) are prohibited development. As the property currently contains an existing dwelling, Council cannot lawfully grant consent to a further dwelling on the land (with the exception of a secondary dwelling). Whilst the proposed separate building has the physical characteristics of a dwelling, it cannot lawfully be used as such. The size of the proposed dwelling exceeds that allowable as a secondary dwelling.

The Mount Panorama precinct is subject to a number of special provisions which are addressed below.

7.6 Mount Panorama environs

(1) The objectives of this clause are as follows:

- (a) to ensure development in and around the Mount Panorama Racing Circuit accounts for potential noise and other land use conflicts associated with motor

consecutive or not) in any calendar year. Although difficult to enforce, the imposition of this requirement is necessary to ensure that the proposed tourist and visitor accommodation is not used for more permanent occupation or as a dwelling.

Access via on site circulation will be achieved without the need for new or additional vehicle entry points onto Conrod Straight.

7.8 Mount Panorama commercial motor race hosting

- (1) Despite any other provisions of this Plan, development for the purpose of commercial motor race hosting is prohibited, except within Zone SP3 Tourist.
- (2) In this clause, commercial motor race hosting means the use of land to provide viewing areas for motor racing for a fee or reward to 13 or more persons. It may or may not include provision for accommodation, food or drink.

Comment

Restriction on the site being used for commercial motor racing hosting would be imposed as a condition of consent.

Bathurst Regional Development Control Plan 2014 – Chapter 6 Rural and Rural Lifestyle Development

Development Standard	Proposed	Permissible	Compliance
Setback – Side (nearest side)	7.3 for garage 9.1 for proposed unit 6 for existing dwelling	20m	NO*
Setback – Rear	896 mm for garage 5.7m for residence	20m	NO*

The proposed garage and tourist and visitor accommodation developments are closer to the boundaries than the required setbacks of 20 metres. The existing dwelling already encroaches on the permissible boundary setbacks and the proposed alteration and additions add to this encroachment.

It is considered that Council could support the departures from the boundary setback development standard as the primary dwelling already encroaches into the setback areas and other dwellings in the locality do not conform to the 20 metre setback. The subject land, being a battle axe block, exhibits general consistency with the setbacks in the locality.

Requirement for building to be accessible

The significant issue to be addressed for this application is whether the proposed tourist and visitor accommodation component should be made accessible, that is, accessible for persons with a disability.

Currently the proposal makes no provision for access for persons with a disability.

Typically access for persons with disability is taken to be:

- *Continuous accessible paths from the main pedestrian entries into the site*
- *An accessible car parking space (where on-site parking is provided)*
- *A continuous accessible path from the car park to the entrance*

- An accessible entrance into the building via the principal entrance doorway
- Access to and within at least one bedroom and associated accessible bathroom facilities
- Access to at least one of each type of common room/facility (e.g. kitchen, laundry, lounge, dining room, gym, swimming pool, patio area, games room, etc.)

Council's historical approach to access to tourist and visitor accommodation

Council's assessment processes typically involve a broader consideration of the use of the building and accordingly the potential provisions of the National Construction Code (NCC) and Premises Standards classifications and provisions.

The NCC does not expressly provide landuse definitions nor does it necessarily correlate with the definitions contained in Council's LEP.

Broadly there are 2 classifications of relevance under the NCC, being:

Class 1 — one or more buildings, which in association constitute—

(a) **Class 1a** — a single dwelling being—

- (i) a detached house; or
- (ii) one of a group of two or more attached dwellings, each being a building, separated by a *fire-resisting* wall, including a row house, terrace house, town house or villa unit; or

(b) **Class 1b** —

- (i) a boarding house, guest house, hostel or the like—
 - (A) with a total area of all floors not exceeding 300 m² measured over the enclosing walls of the Class 1b building; and
 - (B) in which not more than 12 persons would ordinarily be resident; or
- (ii) 4 or more single dwellings located on one allotment and used for short-term holiday accommodation,

which are not located above or below another dwelling or another Class of building other than a private garage.

The NCC provides the following explanatory note:

Class 1b buildings used for short-term holiday accommodation include cabins in caravan parks, tourist parks, farm stay, holiday resorts and similar tourist accommodation. This accommodation itself is typically rented out on a commercial basis for short periods and generally does not require the signing of a lease agreement. Short-term accommodation can also be provided in a boarding house, guest house, hostel, bed and breakfast accommodation or the like.

Council's traditional approach to the assessment and determination of similar applications has been to consider them as Class 1b buildings pursuant to the NCC. The net effect of this classification of the building is that disabled access to the tourist and visitor accommodation is required. Access is not required where the building is classified as a dwelling or Class 1a.

The applicants' contention is that the building is most appropriately considered under the NCC to be a Class 1a and accordingly is not required to be accessible. The applicant in this case has also advised that "redesign of the unit is not an option given the floor area and parking"

The applicants opinions are contained in the information provided at **attachment 3**.

The approach being put forward is that from an overall permissibility perspective the

proposal is for tourist and visitor accommodation and not for the purposes of a dwelling house (as it cannot be, from a planning perspective). From an NCC perspective the proposal is to be treated as a dwelling (notwithstanding that it could not lawfully be used as such).

The Applicant contends that the proposed unit, although intended to be utilised as a short term rental accommodation is not a Class 1b building but is a Class 1a detached dwelling.

In other words, the applicant argues that whilst the use of the land as a dwelling is prohibited, which is not in dispute, the building must be classified as a dwelling under the NCC and this means disabled access cannot be required.

Accepting the applicant's premise does not, however, take into account whether it remains desirable from a planning perspective to provide access to buildings providing this type of service. Certainly that is the position Council has taken in the past although the means of achieving this goal differs.

Council has an obligation to consider the social impact and the public interest of a proposal under Section 4.15(1) (b) and (e) of the Act. There remains a strong argument that requiring buildings which are available to members of the public to rent on a commercial basis should be accessible. It is perfectly reasonable to consider the exclusion of persons with a disability from accessing accommodation of this kind as a relevant matter for consideration.

Reliance upon the building classification alone under the NCC to determine the provisions for disabled access would result in disabled access being required only where there is development for four or more single dwellings located on one allotment. (NCC Part 1.3 Classification - cl1.3.2 b (ii)).

Such reliance will have the consequence of denying this form of tourist accommodation to persons in need of provisions for disabled access.

It is recommended that Council consider denial of such opportunity as unreasonable.

Application of the Premises Standards and the Disability Discrimination Act

It is also important to note the interplay between the classification of buildings under the NCC and the Federal Governments *Disability (Access to Premises - buildings) Standards 2010* (the Premises Standards).

The *Disability (Access to Premises - buildings) Standards 2010* (the Premises Standards) commenced on 1 May 2011. Any application for a building approval for a new building or upgrade of an existing building after that date triggers the Premises Standards.

The Australian Human Rights Commission has issued Guidelines on the application of the Premises Standards to assist in their implementation.

The purpose of the Premises Standards (and corresponding changes to the Building Code of Australia and state and territory building law) is:

- to ensure that dignified, equitable, cost-effective and reasonably achievable access to buildings, and facilities and services within buildings, is provided for people with disability, and
- to give certainty to building certifiers, developers and managers that if the Standards are complied with they cannot be subject to a successful complaint under the Disability Discrimination Act (DDA) in relation to those matters covered by the Premises

Standards.

The Premises Standards apply to the construction of new buildings and new parts of existing buildings. Unlike the Building Code of Australia (BCA), the Premises Standards also apply to a specified path of travel in an existing building (the 'affected part') and require a mandatory upgrade where that part does not comply with the Premises Standards.

The Premises Standards do not apply to Class 1a buildings.

For the Standards to apply, a building must first be within the definition of being a Class 1b building, and then must meet the further characteristics of a *specified Class 1b building*.

All Class 1b buildings that are new buildings are required to meet the disability access provisions of the BCA whether or not the building also meets the definition of *specified Class 1b building* under the Premises Standards.

In this instance adoption of a Class 1a classification under the NCC also has the effect of avoiding the obligations under the Premises Standards.

The operators may nonetheless still have an obligation to provide access to the premises under the Disability Discrimination Act independently of the Premises Standards.

The Australian Human Rights Commission provides the following summary of these rights.

A person with a disability has a right to obtain goods and use services and facilities in the same way as people without a disability. This includes goods, services and facilities from:

- *Shops and department stores*
- *Cafes, restaurants, pubs*
- *Theatres and other places of entertainment*
- *Banks, credit unions, building societies*
- *Lawyers and legal services*
- *Sports and social clubs*
- *Swimming pools*
- *Public transport*
- *Travel agents*
- *Dentists, doctors, and hospitals*
- *Hairdressers and beauty salons*
- *Government-run services.*

What is expected?

The Disability Discrimination Act (D.D.A.) makes it against the law for providers of goods, services and facilities to discriminate against a person because of his or her disability.

This means that providers of goods, services and facilities cannot:

- *Refuse to provide a person with a disability with goods, services and facilities. For example, a person cannot be refused service in a restaurant because he or she has a guide dog. A person cannot be refused hospital treatment because he or she is HIV positive.*
- *Provide goods, services and facilities on less favourable terms and conditions. For example, charging a person with a disability a higher kilometre rate for a taxi because he or she uses a wheelchair or not providing a TTY line for deaf people to contact emergency services.*
- *Provide the goods, services and facilities in an unfair manner. For example, making insulting remarks while serving a person with a disability or serving a*

*person with a disability after everyone else has been served.
It also means that a person with a disability has a right to enter the premises of providers of goods, services and facilities if people without a disability can do so. Like other areas of the D.D.A. a defence of "unjustifiable hardship" may be available in some circumstances.*

Whilst a person may take offence to Council granting approval to a development that discriminates against them, Council's protection would be provided by compliance with the Environmental Planning & Assessment Act and the NCC.

The principle at stake is whether Council is unreasonable in requiring disability access for tourist and visitor accommodation, in keeping with contemporary community expectations, even if not mandated by the NCC.

Options available to Council

Council broadly has two options available to it:

1. Firstly, it could grant consent to the application as lodged, noting that this would mean that the building is not accessible. Council should also be aware that there are other applications which are facing the same issue. This decision would serve as a precedent for others: or
2. Secondly, seek to require the building to be accessible.

If the latter option is chosen then Council needs to be mindful of the applicant's advice that the *"redesign of the unit is not an option given the floor area and parking"*. Accepting this means that Council would not simply be able to impose a condition requiring the building to be made accessible as any redesign would likely result in a development which is very different to what is proposed. The consequence is that the application should be refused and this is the course of action that is recommended.

It remains an option to Council to separate the tourist and visitor accommodation from the application, as access considerations only apply to this part, and approve that part of the application that relates to the alterations and additions to the primary dwelling and garage. The applicant was afforded this option to enable a point approval to be made under delegation, which was declined. Should Council be inclined this way, an alternative resolution along the following lines is available.

That Council:

- (a) *as the consent authority, provide a partial consent pursuant to Section 4.16 (4)(b) of the Environmental Planning and Assessment Act 1979 as amended to Development Application No. 2018/37, for the additions and alterations to the existing dwelling and the erection of a separate detached garage only, subject to conditions able to be imposed pursuant to Section 4.17 of the Environmental Planning and Assessment Act, as amended;*
- (b) *support the variation to the boundary setback development standards prescribed in the Bathurst Regional Development Control Plan 2014; and*
- (c) *call a division*

If Council accepts the applicant's position and is inclined to approve the application, a further alternative resolution is available as follows:

That Council

- (a) as the consent authority, approve Development Application No. 2018/37 and grant consent pursuant to Section 4.16(1)(a) of the Environmental Planning and Assessment Act 1979, as amended, subject to conditions able to be imposed pursuant to Section 4.17 of the Environmental Planning and Assessment Act, as amended and including conditions to the effect that:
- (1) The property is not to be used for commercial motor race hosting. Commercial motor race hosting means the use of land to provide viewing areas for motor racing for fee or reward for 13 or more persons. This may or may not include the provision of accommodation, food or drink;
 - (2) The proposed tourist and visitor accommodation must not be used as a dwelling or by the same person or persons for more than 42 days (whether consecutive or not) in any calendar year;
- (b) support with the variation to the boundary setback development standards prescribed in the Bathurst Regional Development Control Plan 2014; and
- (c) call a division.

Conclusion

Council has received a Development Application for alterations and additions to an existing dwelling, erection of a separate detached garage and the erection of a detached two storey self-contained unit for use as tourist and visitor accommodation, at 449 Conrod Straight, Mount Panorama, described as Lot 1 DP 1179272.

The application as lodged is generally supportable with the exception that it does not provide access for persons with a disability. The applicant's position, put in strong terms, is that access is neither required nor possible to achieve.

Council needs to determine whether the overriding public interest suggests that new buildings which are providing a public interface should be accessible notwithstanding the classification under the NCC. There is a strong body of thought that it should. The test Councillors are asked to consider is whether this is reasonable in this case.

Financial Implications: Nil.

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 4: Enabling sustainable growth Strategy 4.3, 4.6
- Objective 6: Community leadership and collaboration Strategy 6.4

Community Engagement

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

5 DEVELOPMENT APPLICATION NO. 2018/303 – DEMOLITION OF EXISTING SHED, DUAL OCCUPANCY (TWO STOREY SECOND DWELLING WITH ATTACHED GARAGE), CARPORT AND TWO LOT RESIDENTIAL SUBDIVISION AT 261 LAMBERT STREET, BATHURST. APPLICANT: MR B MOULDS. OWNER: MODERNIZATION PTY LTD (DA/2018/303)

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. 2018/303, for the following reasons:
 - (i) No on-site visitor car parking has been provided and insufficient justification has been provided for the variation to this Development Standard;
 - (ii) The development will have an adverse impact on the amenity on the adjoining properties in Stewart Street in terms of visual impact, overshadowing and privacy;
- (b) notify those that made submissions of its decision; and
- (c) call a division.

Report: This matter was brought before Council at the meeting of 21 November 2018, where Council resolved as follows:

- (a) *defer determination of DA 2018/303*
- (b) *undertake further written discussions between Council staff and the applicant seeking amended plans that reduce the impact on the amenity of the neighbours and allow additional on site parking.*
- (c) *call a division.*

The applicant has advised Council that the property owner wishes to proceed with the application as currently proposed.

Consequently, the matter is again brought before Council with no change to the recommendation of Council staff. The full report to the 21 November meeting of Council is at **attachment 1**.

The applicant has also suggested the owner may revise the submission should Council accept the recommendation and refuse the current application. Whilst this does not remove uncertainty, it is within the rights of the applicant to do so - should Council refuse the application, the applicant has the option of a formal review of the determination by Council with or without amended plans. The applicant also has recourse to the Land and Environment Court to appeal any decision of Council, where the right to submit amended plans also exists if the applicant believes that might persuade the Court to approve the application.

Financial Implications: Nil.

Bathurst Community Strategic Plan - Objectives and Strategies



Objective 4: Enabling sustainable growth

Strategy 4.1, 4.6

- Objective 6: Community leadership and collaboration

Strategy 6.4, 6.5

Community Engagement

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

6 REQUEST TO VARY GUIDELINES FOR ENGINEERING WORKS FOR ACCESS TO RURAL SUBDIVISION APPROVED BY OBERON COUNCIL, 3397 O'CONNELL ROAD, O'CONNELL (20.00099)

Recommendation: That Council reaffirm its position of 21 June 2017 in relation to public road access and construction standard to service the subdivision of Lot 3 DP 1228411, 3397 O'Connell Road, Lagoon, Oberon Shire Council application 10.2015.86.1

Report: Background

Oberon Shire Council (OSC) granted consent to V Hennessey on 15 March 2016 for a 10 lot rural subdivision of the property "Macquarie", described as Lot 2 DP 576703. Whilst the bulk of the land is within the OSC area, the primary access to nine of the lots is from O'Connell Road within Bathurst Regional Council (BRC) area. A plan of the subdivision is at **attachment 1**.

The access to the land, which is over Lot 10 DP 1074856, has been and remains privately owned by Mr and Mrs Hennessey. From O'Connell Road, the access road reaches the Fish River at the boundary between the two Council areas, a length of approximately 550m. Before approving the subdivision, OSC referred the application to BRC, which resulted in a request to OSC to include a condition of consent requiring the access road to become a public road and constructed to a public road standard, including a bitumen seal. This request was in keeping with BRC policy as published in the BRC Guidelines for Engineering Works. The policy requires roads in subdivisions of more than 3 lots to be public roads. The BRC policy is consistent with OSC policy and OSC included the condition in its approval. Various negotiations between the applicant, BRC and OSC before and after the granting of consent resulted in some modifications to the position of BRC, including the acceptance of an additional (fourth) lot to be serviced by a right of carriageway over the access land, a reduction in the required width of road reserve to match the existing allotment width, and termination of the public road before the bridge over the Fish River (i.e. at the boundary of the Bathurst Local Government Area). The consent has been acted upon with some lots registered and sold under an interim arrangement pending the construction of the public access road.

BRC subsequently received notice from OSC that an application to modify the consent had been received requesting the access road be retained as a private road. This was reported to BRC on 21 June 2017 (**attachment 2**). BRC resolved to preserve the requirement that the road be a public road. OSC is still to make its determination on the application.

A number of discussions were held between BRC staff and Mr and Mrs Hennessey, culminating in correspondence from Mr and Mrs Hennessey criticising the 21 June 2017 report to BRC and the attitude and performance of staff (**attachment 3**). An updated letter containing additional material is at **attachment 4**. The response of Council is at **attachment 5**, rejecting a number of matters raised but advising that the matter will again be reported to BRC should a formal request from OSC be received. This is appropriate protocol given OSC is the consent authority.

During the intervening time, correspondence was received from the Office of Environment and Heritage (OEH) (**attachment 6**) supporting the position of Mr and Mrs Hennessey based on the heritage significance of the Macquarie homestead complex of buildings. The interim response to OEH from BRC is at **attachment 7**.

A formal request to review Council's position was received from OSC on 19 November 2018 and is included, with its various attachments, at **attachment 8**.

Consultation has not occurred with the persons making submissions relating to the 21 June 2017 report, although they have been notified the matter is being reported again to this meeting.

Report

The principle at stake is whether there is sufficient justification to delete a long standing and widely deployed policy position of BRC to require the access road to be a public road. Council staff are expected to apply Council policy unless Council resolves otherwise.

It is therefore beholden on the applicant to justify a departure from policy rather than the Council staff to justify why it should be retained.

The reasons to not depart from policy cited in the 21 June 2017 report to Council have been challenged by Mr and Mrs Hennessey, as illustrated in **attachments 3 and 4**. This has resulted in a review of issues raised then and since, summarised as follows.

1. *Whether maintenance of a private road will be adequate and practical*

Should the road become a private road, formal arrangements will need to be put in place to ensure the road is maintained by an entity other than Council. Whilst such arrangements are possible and are in place in some other subdivisions, it is also the case that disputes between landowners and the maintenance entity do arise, with landowners expecting Council to intervene. A poorly maintained access road will increase risks to safety during emergencies, resulting in suggestions Council has some form of duty of care to maintain private roads even if there is no legal liability.

Should the road become a public road, BRC policy requires the road to be bitumen sealed, in large part to lessen routine maintenance operations. Further, there is no certainty of the pavement strength and drainage capability of the existing road, matters which underpin road longevity and maintenance requirements.

2. *Dust generation affecting a nearby dwelling if the road is unsealed*

This issue was raised by an adjoining property owner in submissions to OSC, which were forwarded to BRC. The amount and frequency of dust is related to the number of vehicle movements, including those of heavy vehicles. Whilst some anecdotal evidence has been provided by the proponents indicating the amount of heavy vehicle traffic in particular is less than in the past, it remains a legitimate matter for consideration which would be minimised by the road becoming bitumen sealed as required by BRC policy. Comments by the proponents regarding the condition of the neighbouring property are irrelevant to this consideration.

3. *The amount of traffic generated by the subdivision, including heavy vehicles*

Unless a formal traffic study is available, Council policy is to use RMS guidelines to estimate the amount of domestic traffic generated by a subdivision, which is 9 vehicle movements per day per dwelling.

The proponents suggest that the amount of traffic generated by the subdivision and using the access road is inconsequential compared to the current and expected increase in traffic using O'Connell Road. Whilst this is of some interest, it does not influence the amount of traffic on the subject access road and its design standard, other than the design of the intersection of the access road with O'Connell Road, which is a matter for the RMS.

The amount of heavy vehicle traffic expected to use the access road has also been challenged. No data is available but the access road will receive heavy vehicles during construction of the subdivision, construction of dwellings on the new lots and as a result of agricultural activity on the land after subdivision, regardless of the amount of heavy vehicle traffic the road may have experienced in the past.

4. *Periodic inundation from floods*

The proponents argue that alternate access is available during floods and therefore flood inundation need not be a reason to require the access to be a public road. The availability of access during floods is an entirely appropriate matter for consideration by BRC and was raised in one of the submissions to OSC. BRC has conceded that should there be a public road, it would terminate at the BRC side of the Fish River but it will be the advice of BRC to OSC that alternative legal and practical access must be required.

5. *Potential trespass onto private land if the access was to become a public road*

The proponents have raised concern that a public road would exacerbate trespass onto private property. It is not clear how the incidence of trespass will be controlled regardless of whether the road is a private or public road.

6. *Requirements of the Rural Fire Service (RFS)*

The RFS Planning for Bushfire Protection guidelines specifically list dedication of a road rather than a Right of Way as an Acceptable Solution when determining the standard of road access to a subdivision of more than three dwellings.

It is acknowledged that an Alternative Solution could be considered but it should be informed by a suitably qualified person and should not be considered lightly. To deem a lesser construction standard than that required of a public road as an Alternative Solution increases the risk of liability in the event of RFS (or any other emergency service) being unable to attend in an emergency. It will be BRC advice to OSC that such a risk is unacceptable.

7. *Impact on the heritage significance of the Macquarie homestead group of buildings*

Correspondence from OEH (**attachment 6**) indicates support for the access road to remain a gravel road, in keeping with the heritage significance of the homestead group of buildings, particularly as it is in the process of becoming listed as State significant. The BRC interim response (**attachment 7**) provides information that it appears OEH was not aware of (that the matter is the jurisdiction of OSC; the access road in question is a significant distance from the heritage buildings) but promises to bring their correspondence to the attention of BRC as part of any future report. The BRC interim response also refers to the Heritage Impact Assessment and Conservation Management Plan for the premises submitted as part of the development application to OSC. These describe alternative low visual impact road seal materials if a road near the homestead group is to be sealed, which is a matter for OSC.

Regardless, the Fish River and therefore the nearest point of the access road the subject of this report is approximately one kilometre from the homestead group of buildings, well outside the curtilage of the heritage buildings, and will have little impact on the heritage significance of the building complex.

8. *Concurrence of the owners of lots already sold*

Some of the lots in the subdivision have been sold on the basis of there being public road access to O'Connell Road. Correspondence from the owner of Lot 3 to OSC casts doubt on their acceptance of something other than a public road. If BRC is inclined to accept the road being a private road, it is recommended that this be conditional on all affected land owners certifying their concurrence with the change.

9. *Operations of the adjoining aggregate, screenings and crushing*

Mr and Mrs Hennessey have raised concerns about future operations of an approved aggregate, screenings and crushing facility on land adjoining the access road, such that making the access a public road will allow many more heavy vehicle movements on the access road, disrupting its use by residents of the subdivision. Whilst there are gateways into the works area from the access road, presumably by mutual agreement with the owner of Macquarie at some previous time, there is a formed entrance directly off O'Connell Road and it is this latter entrance that features in the consent for the plant. Expansion of the facility would be expected to use the existing approved access off O'Connell Road. If an application to vary this arrangement was submitted after and if the road becomes a public road, it would need to be assessed in the usual way.

Conclusion

Previous revision of the required design standard indicates a preparedness to align BRC policy with site specific circumstances. Personal criticism of a person making a submission and of Council staff in forming the previous advice to Council is unwarranted.

Because the position of BRC is sufficiently well established in publicly available policy, the question must be asked: if BRC engineering standards, the safety of residents using the access road, the passage of emergency vehicles or the heritage significance of the Macquarie homestead group of buildings are at risk of compromise, that is, if public road access across land within the BRC area to the subdivision is so problematic, why was the subdivision designed and approved dependent on this access?

Although it remains open for Council to determine otherwise, there remains ample grounds to require the access road to this subdivision to become a public road with bitumen seal in accordance with Council policy.

Financial Implications: Nil.

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 4: Enabling sustainable growth Strategy 4.3
- Objective 6: Community leadership and collaboration Strategy 6.4, 6.5

Community Engagement

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

7 BATHURST – EMERGING INNOVATION PRECINCT STATUS (20.00315)

Recommendation: That the information be noted.

Report: The NSW Innovation and Productivity Council (IPC) recently released a research report titled “NSW Innovation Precincts: Lessons from International experience” (**attachment 1**) which identifies Bathurst as one of the seven emerging innovation precincts in NSW. This report places Bathurst amongst Wagga Wagga, Wollongong, Macquarie Park (Sydney), Ultimo (Sydney), Newcastle and Armidale which is a significant achievement as Bathurst journeys towards becoming a Smart City. Specifically, Bathurst has been recognised in the report as an emerging “Digital Technology” precinct. This status will facilitate national recognition as a centre of innovation and will encourage investment and economic growth.

The IPC was established by the NSW Government to advise them on priorities for innovation-led economic development and productivity. IPC members are leaders from industry and higher education sectors. A key aim is to support innovation in business, government and the education and research sectors in order to stimulate productivity for the broader NSW economy. The IPC recognises the need for innovation precincts to be locally led and driven, including by state and local governments.

The report identifies that an Innovation Precinct has the potential to provide significant benefits to the NSW economy. These place-based concentrations of businesses, knowledge-intensive institutions and entrepreneurs are an important component of the innovation economy, helping to attract talent, and building on the opportunities of their sectors and locations. Successful innovation precincts make a significant contribution to the economy and are more resilient to economic downturns. The clustering of industries in innovation precincts facilitates collaboration, knowledge flows and knowledge spillovers between industry, researchers and entrepreneurs, which plays a critical role in increased levels of innovation, particularly for new ventures.

Bathurst being recognised as an Innovation Precinct is a very important step towards Council's goal of becoming a Smart City. This achievement is due to the combined efforts of Council, local business investment, Charles Sturt University and funding support from state and federal governments in the Bathurst region (for example, the grant received under the Federal Smart Cities and Suburbs Program).

The report recognises the following activities which have led to Innovation Precinct status:

- Bathurst emerging as a centre of innovation for the local communications and digital technology industries, with CenWest Innovate (Charles Sturt University) providing business accelerator training support.
- The presence of 60 educational providers and strong community and business involvement in innovation.
- The creation of the industry-led Gunther's Lane (Reliance Bank), an experimental technology hub that includes everything from robotics to the latest in gaming software to inspire local innovations.
- The 'Upstairs' business incubator providing locals and students access to a shared workspace, mentoring, training, and the opportunity to pitch their new business ideas.

Council is currently developing Bathurst's very first Smart City Plan, and has recognised the regions potential to become a national leader in Smart City development. In 2019 Council and its industry partners will roll out a number of Smart City initiatives including a CBD Free Wi-Fi network, CCTV, additional electric vehicle charging stations and smart-enabled LED

street lighting.

Conclusion:

Due to the efforts of Council, local business investment, Charles Sturt University and state and federal government, Bathurst has been recognised as one of the seven emerging innovation precinct in the NSW Innovation and Productivity Council's report "NSW Innovation Precincts: Lessons from International experience". This report recognises the significant steps that Bathurst has made towards becoming a Smart City and places the region amongst such prominent innovation areas as Sydney, Newcastle and Wollongong.

Council is currently leading the push for Bathurst to become a Smart City of national significance, with many projects to be launched in 2019.

Financial Implications: Nil.

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 2: A smart and vibrant economy Strategy 2.3

Community Engagement

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

**8 ITEM INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE
(11.00005, 28.00014)**

Recommendation: That the information be noted.

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

**1 STREET LIGHTING - UPGRADE TO LED LIGHTING WITH SMART CONTROLS
(28.00014)**

The report considers a contractual arrangement with Essential Energy in relation to street lighting.

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

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 6: Community leadership and collaboration Strategy 6.4

Community Engagement

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

Yours faithfully



N Southorn
DIRECTOR
ENVIRONMENTAL, PLANNING & BUILDING SERVICES

DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

12 DECEMBER 2018

1 STATEMENT OF INVESTMENTS (16.00001)

Recommendation: That the information be noted.

Report: \$82,480,000 was invested at 30 November 2018 in accordance with Council's investment policies, the Minister's Investment Order dated 12 January 2011, the Local Government Act 1993 and associated regulations. All investments have been reconciled with Council's general ledger and are listed below:

	<u>Rating</u>	<u>Balance</u>	<u>Average Return</u>
<u>Short Term 1 – 365 Days</u> (comprising Commercial Bills, Term Deposits, Debentures and Certificates of Deposits):			
National Australia Bank Limited	A1+	\$9,000,000.00	2.68%
Bankwest	A1+	\$16,500,000.00	2.78%
CBA	A1+	\$7,500,000.00	2.70%
Westpac	A1+	\$1,500,000.00	2.81%
Bank of Queensland Limited	A2	\$1,500,000.00	2.63%
Bendigo & Adelaide	A2	\$1,500,000.00	2.80%
IMB	A2	\$1,500,000.00	2.67%
Auswide Bank	A2	\$1,500,000.00	2.70%
Maritime, Mining & Power Credit Union Ltd	ADI	\$4,500,000.00	2.68%
		\$45,000,000.00	2.73%
<u>Long Term > 365 Days</u> (comprising Commercial Bills, Term Deposits, Debentures and Bonds):			
<u>Floating Rate Term Deposits</u>			
CBA Deposit Plus	AA-	\$1,500,000.00	2.73%
CBA Deposit Plus 1	AA-	\$1,500,000.00	2.90%
CBA Deposit Plus 2	AA-	\$1,500,000.00	3.02%
Westpac Coupon Select	AA-	\$2,000,000.00	2.96%
Westpac Coupon Select 1	AA-	\$3,000,000.00	3.00%
Westpac Coupon Select 2	AA-	\$1,500,000.00	2.95%
Westpac Coupon Select 3	AA-	\$1,500,000.00	2.75%
Maritime Mining & Power Credit Union Ltd	ADI	<u>\$1,830,000.00</u>	<u>1.70%</u>
		\$14,330,000.00	2.76%
<u>Fixed, Negotiable & Tradeable Certificates of Deposits</u>			
AMP Fixed Rate	A	\$1,000,000.00	2.99%
Greater Bank Ltd	BBB	\$1,000,000.00	3.35%
Greater Bank Ltd	BBB	<u>\$2,000,000.00</u>	<u>3.50%</u>
		\$4,000,000.00	3.34%
<u>Floating Rate Notes</u>			
Commonwealth Bank of Aust.	AA-	\$1,000,000.00	2.83%
CBA Climate Bond	AA-	\$1,000,000.00	3.03%
Commonwealth Bank of Australia 2	AA-	\$500,000.00	2.87%

Suncorp Metway	A+	\$1,000,000.00	3.18%
Rabobank	A+	\$1,000,000.00	3.45%
AMP	A	\$1,000,000.00	3.16%
AMP	A	\$800,000.00	3.16%
AMP	A	\$1,000,000.00	3.29%
AMP	A	\$1,100,000.00	3.01%
Macquarie Bank	A	\$1,000,000.00	3.05%
Bank of Queensland 1	BBB+	\$2,000,000.00	3.04%
Bank of Queensland 2	BBB+	\$1,000,000.00	3.01%
Bendigo & Adelaide Bank 2	BBB+	\$1,000,000.00	2.85%
Bendigo & Adelaide Bank 3	BBB+	\$1,000,000.00	3.04%
Members Equity 3	BBB	\$750,000.00	3.19%
Credit Union Australia 3	BBB	\$1,000,000.00	3.70%
Newcastle Permanent	BBB	\$1,000,000.00	3.28%
Newcastle Permanent 2	BBB	\$1,000,000.00	3.54%
Newcastle Permanent 3	BBB	\$1,000,000.00	3.57%
		\$19,150,000.00	3.17%

Total Investments **\$82,480,000.00** **2.86%**

These funds were held as follows:

Reserves Total (includes unexpended loan funds)	\$30,230,157.00
Grants held for specific purposes	\$11,072,220.00
Section 7.11 Funds held for specific purposes	\$40,713,723.00
Unrestricted Investments	\$ 463,900.00

Total Investments **\$82,480,000.00**

Total Interest Revenue to 30 November 2018 **\$1,047,622.63** **2.86%**

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 Community Strategic Plan - Objectives and Strategies

- Objective 6: Community leadership and collaboration Strategy 6.4

Community Engagement

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

2 MONTHLY REVIEW - 2018/2022 DELIVERY PLAN AND OPERATIONAL PLAN 2018-2019 (16.00155)

Recommendation: That the information be noted.

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

At **attachment 1** is an update of Council's progress towards achieving the Strategies and Objectives for the 2018-2022 Delivery Plan and the Annual Operational Plan 2018-2019.

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

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

Financial Implications: Nil.

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 6: Community leadership and collaboration Strategy 6.4

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 30 November 2018, including a report on annual Rental Subsidies granted by Council.

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

Section 356:	\$ Nil
BMEC Community use:	\$ Nil
Mount Panorama:	\$12,245.23

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 5: Community health, safety and well being Strategy 5.3
- Objective 6: Community leadership and collaboration Strategy 6.5

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.

- oOH! Media Pty Ltd - 29 Sydney Road, Kelso -Lot 2, DP1186691 - Licence

Linen Plan Release

- Mr G E. Cutler, Pretty Heights Pty Ltd & Lara (NSW) Pty Ltd - Stage 1:9 lot release & residual of 106 lot residential subdivision - Lot 1, DP1233661 - 240 Limekilns Road, Kelso
- Eodo Pty Ltd - Stage 2:9 residential & 1 residual lots of 56 lot residential subdivision - Lot 1021, DP1233843 - 186 Limekilns Road, Kelso
- RC & DI McCarthy - Stage 1:2 lot release & residual of 24 lot large lot residential subdivision & new roads - Lot 14, DP1050220 - 3991 O'Connell Road, Kelso

Financial Implications: Nil.

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 6: Community leadership and collaboration Strategy 6.4

Community Engagement

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

5 FREE WATER FOR VERIFIED PRIMARY PRODUCERS (16.00155)

Recommendation: That Council provides free water for verified primary producers until Ben Chifley Dam reaches 40% or lower; the drought declaration for the Bathurst Local Government Area has been removed; or 5 May 2019.

Report: Council previously resolved, on 5 September 2018, to provide free water for verified primary producers on the following basis:

"The scheme will cease in the event of any of the following:

- (a) When Ben Chifley Dam reaches a capacity of 40% or lower;
- (b) Drought declaration is lifted for the Bathurst Regional Council area; or
- (c) Four months from the commencement of the scheme."

The scheme will therefore expire on 5 January 2019 and this Council meeting is the last before that date. As the area is still drought declared, see the map below, it is recommended that the scheme remain in place past the expiry date and the following conditions be adopted:

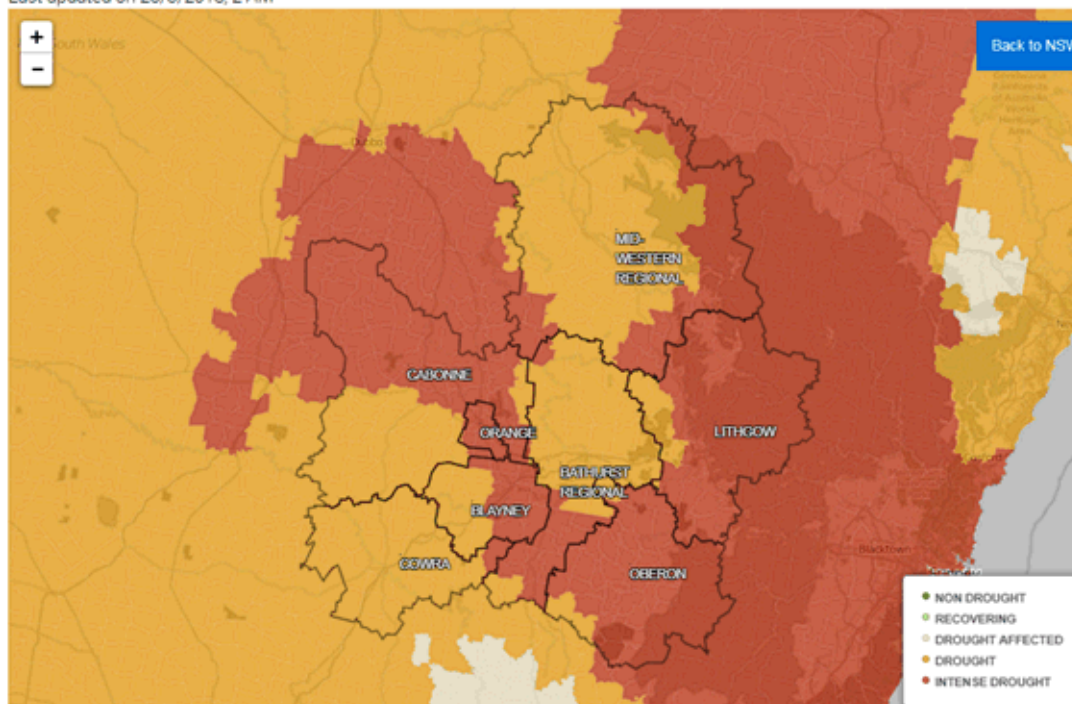
The scheme will cease in the event of any of the following:

- (a) When Ben Chifley Dam reaches a capacity of 40% or lower;
- (b) Drought declaration is removed for the Bathurst Regional Council area; or
- (c) 5 May 2019.

As at the date of this report, 302 kilolitres of free water has been accessed under this scheme representing a minimal loss of income of \$755. There are currently 9 people who have registered, however, very few of them have actually utilised their full allowable quota.

As at 23 August 2018, the drought statistics for the Central Tablelands showed "Intense Drought" at 50.1% and "Drought" at 49.9%, shown in the map below from the Department of Primary Industries.

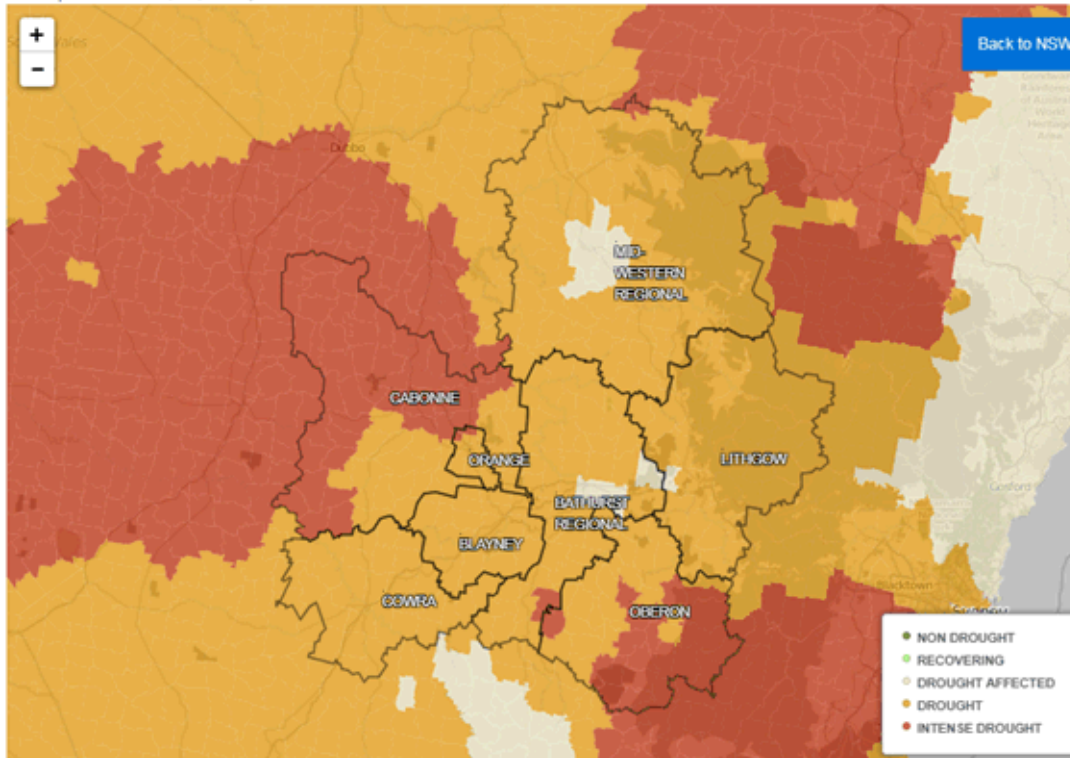
Last updated on 23/8/2018, 2 AM



With the small amounts of rain received, the situation has slightly improved; as at 29

November the Central Tablelands has "Intense Drought" at 19.5%, "Drought" 77.4% and "Drought Affected" at 3.1%. The whole area however, still remains drought declared.

Last updated on 29/11/2018, 12 AM



The scheme's guidelines are:

- An application form must be submitted (available on the website or at the Civic Centre).
- The applicant must produce proof of Bathurst LGA residency/ownership of a farmland rate parcel of land, eg drivers licence, Council staff can look up the rates record.
- The applicant must provide a Property Identification Code from Local Land Services.
- The free water allocation will be limited to 20 Kilolitres of water per week per rate notice (non-accruing), to be reviewed regularly and adjusted if necessary based on Ben Chifley Dam levels.
- The water must be used for stock and domestic purposes only, and not be on sold to a third party.
- Council is not responsible for cartage nor the quality of the water once it has been dispensed from the standpipe and users of this service are solely responsible for cleanliness of containers/tanks filled from filling stations.
- Council will monitor usage and reserves the right to cancel access to filling stations if conditions of use are not complied with.
- The scheme will cease in the event of any of the following:
 - (a) When Ben Chifley Dam reaches a capacity of 40% or lower;
 - (b) Drought declaration is removed for the Bathurst Regional Council area; or
 - (c) 5 May 2019.

Financial Implications: The financial implications of this scheme are very difficult to estimate. Council has approximately 1,450 properties rated as farmland, however, the take-up rate and length of time until the drought declaration is lifted are completely unknown factors. As noted, the current foregone income is minimal at \$755.

However, bulk water sales were estimated at \$31,500 for the 2018/2019 year and, due to the ongoing conditions, have already reached \$24,752 after five months, noting that the price per kilolitre is still at half-price (\$2.50 per kilolitre).

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 2: A smart and vibrant economy Strategy 2.1
- Objective 5: Community health, safety and well being Strategy 5.3

Community Engagement

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

6 2019 HI-TEC OILS BATHURST 6 HOUR EVENT (04.00097)

Recommendation: That Council act in accordance with the Director of Corporate Services and Finance report and provide one three (3) day entry pass per permanent employee to attend the 2019 Hi-Tec Oils Bathurst 6 Hour held at Easter.

Report: Council in 2008 introduced a system where each permanent member of staff received a three day pass to the 12 Hour Event which is held in February each year. During late 2015, the ownership structure of the 12 Hour Event changed in that Yeehah Events sold their share of the event to Supercars Australia Pty Ltd. This event has now reached maturity where the event can support itself without Council injecting additional funds by providing tickets to staff members.

Council has also in recent years, in conjunction with Yeehah Events, run the Bathurst Motor Festival, and in 2016, 2017 and 2018 the Bathurst 6 Hour, held at Easter.

At the 2017 Bathurst 6 Hour Event, an entrance charge occurred to cover the costs of upgrading the event. To assist the event in attracting spectators, Council is requested to continue the provision of a three day entry pass to permanent employees to attend the Bathurst 6 Hour at Easter in 2019 (19-21 April 2019). The cost of a 3 day General Admission pass is \$40.

For the information of Councillors, the following number of tickets have previously been supplied:

Bathurst 12 Hour

2012	220
2013	225
2014	216
2015	239

Bathurst 6 Hour

2016	196
2017	117
2018	102

Financial Implications: The cost of ticketing can be financed from the profit received from the operation of this event.

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 2: A smart and vibrant economy Strategy 2.5, 2.6

Community Engagement

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

7 REQUEST FOR FINANCIAL ASSISTANCE - LIFELINE CENTRAL WEST (18.00195)

Recommendation: That Council refer consideration of a funding allocation of \$15,000 per annum for three (3) years for Lifeline Central West to the 2019/2020 Operational Plan process.

Report: Council has received a request from Lifeline Central West Inc. (refer **attachment 1**) asking for Council to consider re-establishing Lifeline Central West on Council's annual donations list similar to Dubbo Regional Council. The organisation is requesting \$15,000 per annum, which is the recently approved contribution from Dubbo Regional Council.

It should be noted Lifeline will not be holding the Soar, Ride and Shine event in the future. Lifeline has advised that the recurring financial support would be used to support Lifeline Central West's ongoing work in the community of Bathurst and the Central West.

Council contributed previously to the Soar, Ride and Shine event:

2016 - in-kind support, up to \$10,000;
2017 - \$10,000 in-kind support and \$300 cash award for the best car displayed; and
2018 - up to \$10,000 in kind support + \$7,500 for traffic management.

It is recommended that Council refer consideration of a funding allocation of \$15,000 per annum for three (3) years for Lifeline Central West to the 2019/2020 Operational Plan (budget) process.

Financial Implications: Should Council support the recommendation, then there are no financial implications to the 2018/2019 budget. However, consideration of an allocation of \$15,000 would be considered for future budget allocations.

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 2: A smart and vibrant economy Strategy 2.1
- Objective 5: Community health, safety and well being Strategy 5.3

Community Engagement

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

8 REQUEST FOR FINANCIAL ASSISTANCE - EGLINTON COUNTRY FAIR (18.00004)

Recommendation: That Council purchase a Gold Sponsorship Package, valued at \$500, for the Eglinton Country Fair to be held on Saturday, 23 February 2019.

Report: Council has received a request from the Eglinton Country Fair Committee at **attachment 1** for Council to become a sponsor of the Eglinton Country Fair to be held on Saturday, 23 February 2019. The Eglinton Public School has been hosting the popular annual country fair for over 50 years and the fair is the main fundraiser for the School. The annual fair is one of the most popular outings in Bathurst and attracts thousands of visitors who come to enjoy great foods, rides, entertainment and stalls.

Sponsorship packages range from Gold (\$500), Silver (\$250) and Bronze (\$100) with various sponsor benefits. Gold sponsors are also welcome to host a display stand on the day.

It is recommended that Council purchase a Gold Sponsorship package at a cost of \$500.

Financial Implications: Should Council resolve to support this request, then a budget transfer of \$500 from Council's Section 356 - Mount Panorama Fee Waiver allocation would be required to fund this request.

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 2: A smart and vibrant economy Strategy 2.1

Community Engagement

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

**9 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE
(11.00005, plus file number for each item)**

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 LAND RELEASE - LIMEKILNS ROAD, KELSO - SUNNYBRIGHT ESTATE STAGE
"A" RELEASE SUBDIVISION (20.00329)**

This report relates to the proposed land release at Limekilns Road, Kelso.

**2 RURAL LICENCE AGREEMENT - LOTS 2 & 3 IN DP786760 KNOWN AS 44
FREEMANTLE ROAD, EGLINTON (22.02055)**

This report relates to the proposal to enter into a rural licence agreement for Lots 2 & 3 in DP786760 known as 44 Freemantle Road, Eglinton for a period of 12 (twelve) months with a 12 (twelve) month option period at Council's discretion.

**3 RENEWAL OF TELECOMMUNICATIONS LEASE AGREEMENT - PART LOT 1
DP774489 KNOWN AS 230 HOWICK STREET - VODAFONE (22.00041)**

This report relates to the proposed renewal of the Telecommunications lease agreement for part Lot 1 in DP774489 known as 230 Howick Street, Bathurst with Vodafone for a period of 5 years with an additional 3 consecutive leases being 5 years as detailed in the report.

**4 PURCHASE OF PROPERTY AT LOT 2 SECTION 15 DP758840 KNOWN AS 22
ROCKLEY STREET, PERTHVILLE (22.13109)**

This report relates to the proposed purchase of property at Lot 2 Section 15 DP758840 known as 22 Rockley Street, Perthville.

5 ELECTRICITY PROCUREMENT (16.00007)

This report relates to the electricity procurement tender being co-ordinated through CENTROC.

6 INTEREST ON OUTSTANDING RATES - ASSESSMENT 207604 (22.00771)

This report relates to a request to write-off of interest on rates and charges for assessment 207604.

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

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 6: Community leadership and collaboration Strategy 6.4

Community Engagement

- Inform To provide the public with balanced

and objective information to help them understand the problem, alternatives opportunities and/or solutions.

Yours faithfully

A handwritten signature in black ink, appearing to read "A Jones", written over a large, hand-drawn oval shape.

A Jones
DIRECTOR
CORPORATE SERVICES & FINANCE

DIRECTOR ENGINEERING SERVICES' REPORT

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

12 DECEMBER 2018

1 COUNCIL SPORTING ASSOCIATION GRANTS PROGRAM YEAR ENDING JUNE 2019 (18.00279)

Recommendation: That Council approve the following sporting grants totalling \$16,990 for the 2018/2019 financial year, in accordance with the recommendations contained within the Director Engineering Services' Report;

ORGANISATION	PROPOSED GRANT
Eglinton District Tennis Club	\$4,400
Bathurst City Amateur Swimming Club	\$3,490
Bathurst Carillon Tennis Club	\$4,800
Bathurst Giants ARFC	\$1,800
Bathurst BMX Club	\$2,500

Report: Council would be aware this grant scheme has been developed to assist local sporting organisations in undertaking specific works or purchasing equipment for the advancement of sport in the Bathurst Region. A total of \$20,000.00 is allocated annually to fund this program, with sporting organisations that are affiliated with the Bathurst District Sport and Recreation Council being eligible to apply.

Notices for Council's 2018/19 Sporting grant program were advertised in the Western Advocate in August and September 2018, as well as on Council's Website. In addition, the Bathurst Sport and Recreation Council were also advised during the advertising period.

At the close of advertising, a total of six (6) applications from local sporting groups were received with a total combined amount requested of \$21,190.00. Applications received were submitted by the following organisations:

Eglinton District Tennis Club
Bathurst Panthers Squash Club Inc
Bathurst City Amateur Swimming Club
Bathurst Carillon Tennis Club
Bathurst Giants ARFC
Bathurst BMX Club

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

The Bathurst Panthers Squash Club Inc has applied for a grant of \$4,200 to undertake line marking and painting to one of the squash courts. It is considered that Council's sporting grants are generally provided to those sporting organisations that are wishing to provide upgrades and facility improvement works to Council owned or managed community facilities. As the Bathurst Panthers Squash courts are located within a commercial facility it is recommended that Council not approve the request for grant assistance in this instance.

In the 2017/18 financial year, Council awarded the Bathurst BMX Club a grant for \$2,250 to install a public address system at the BMX facility located at the Bathurst Bike Park. Part of the conditions of Council's Sports grant requires organisations to provide Council with a Project Completion Report within one year of receiving the sports grant as proof that grant funds have been spent appropriately. It is recommended that this year's grant request by the Bathurst BMX Club of \$2,500 be provided, subject to Council receiving an appropriate

completion report in order to acquit last year's grant funding requirement.

It is therefore recommended that Council approve the following sporting grants for the 2018/2019 financial year totalling \$16,990, subject to compliance with Bathurst BMX Club's previous grant conditions.

Sporting group	Project description	Amount requested from applicants	BDSRC proposed grant amount	RECOMMENDED GRANT AMOUNT
Eglinton District Tennis Club	Purchase of Tennis Nets and Ball Machine	\$4,400	\$4,100	\$4,400
Bathurst Panthers Squash Club	Painting and Linemarking to Court 2	\$4,200	\$3,900	\$0
Bathurst City Amateur	TV, Swim Mirrors, Swim Coach Communicator & Phlex Edge Tracking Device	\$3,490	\$3,200	\$3,490
Bathurst Carillon Tennis Club	Purchase 4 3 x 3 printed portable marquees	\$4,800	\$4,500	\$4,800
Bathurst Giants ARFC	Purchase a Giant Refrigerator	\$1,800	\$1,800	\$1,800
Bathurst BMX Club	Finish Line Trestle	\$2,500	\$2,500	\$2,500
TOTALS		\$21,190	\$20,000	\$16,990

Financial Implications: Council has included \$20,000.00 in its 2018/2019 Management Plan for the Sporting Grants Program.

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 4: Enabling sustainable growth Strategy 4.1, 4.3
- Objective 5: Community health, safety and well being Strategy 5.1, 5.2
- Objective 6: Community leadership and collaboration Strategy 6.7

Community Engagement

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

2 SCOPING STUDY - DEVELOPMENT OF AN ENTRANCE STATEMENT SYDNEY ROAD BATHURST (37.00555)

Recommendation: That:

- (a) the information be noted and,
- (b) a working party be held to discuss possible entrance statement options to be further investigated, as well as future funding provision.

Report: Council has commissioned a consultant to undertake a scoping study to develop a number of options for an entrance statement within Council land adjacent to Sydney Road, Bathurst. The specific site that the consultant was required to review is a block of land on the Kelso side adjacent to the Evans Bridge, as shown at **attachment 1**.

The aims and process of the scoping study were as follows:

Aim of Commission

The aim of the commission was to provide Council with options on the types of entrance features that could be constructed that would create an appropriate statement as vehicles enter into the Bathurst City Heritage Conservation area. The Consultant was also required to provide order of cost estimates for each of the options proposed.

Scope Of Works

The works required a written compilation, with supporting maps and graphics, providing recommendations and options for a Bathurst entrance feature statement. The study was to involve:

- A site assessment of the property
- Consultation with various interest groups, including the heritage, information, tourism, youth groups and the general public
- The provision of concept drawings of 3 possible entrance statements, with one of these options to involve a water feature
- Provision of cost estimates for each of the options provided
- Development of a final report
- The concept options to be developed were to be given consideration of:
 - o The heritage significance of Bathurst
 - o Uniqueness of the Bathurst environment
 - o Rural setting of the City
 - o Sporting nature of the City
 - o Tourism and Destination Management Plan
 - o Business that make Bathurst the Regional Centre
 - o Mount Panorama
 - o Bathurst as a centre for education
 - o Bathurst Branding Report

Final Report

The consultants have completed the scoping study and have developed four (4) entrance statement concepts that were provided to Councillors at a working Party Meeting held on 14 November 2018. In addition, the Consultancy team of Dsb Landscape Architects have also developed a landscape design concept of the entire land parcel identified within the brief. The final report from Dsb Landscape Architects is provided at **attachment 2**, and covers the four entrance statement concepts, the concept landscape design of the site and the cost estimates for each of the statement options. The report also provides information on the community consultation process that was undertaken, which steered the various statement

option themes that have been developed.

It should be noted that the works that have been undertaken are conceptual only and no recommendation has been provided on any preferred option. The Scoping study was arranged to provide Council with a number of scenarios, based on the community feedback on theme options, as well as anticipated costs that would be expected to install an entrance statement to assist in future budgeting considerations.

Should Council wish to proceed with any of the concept options provided in the report, including the landscape beautification of the site, further in depth investigations and construction designs will need to be undertaken to ensure that required services are able to be installed at this site and that all legislative requirements in respect to RMS roads and flood plain restrictions etc can be met.

Recommendation

It is recommended that further discussions be held via a working party meeting early in the new year to discuss a preferred entrance statement option, if any, which would be appropriate for the area leading up to the Evans Bridge on Sydney Road. Council may opt for alternative scenarios to be considered that still represent and capture Bathurst's unique heritage, cultural, tourism and sporting identity.

Financial Implications: The cost for the provision of landscaping works to the site identified with the final scoping study report is estimated at \$2.24M. This estimate does not include the provision of services to the site such as water, power and sewer.

Estimated costs for the various entrance statement concept features as detailed within the final scoping study report range between \$253,000 and \$357,500 depending upon the selected option.

In addition to the above anticipated construction costs, additional costs would also need to be budgeted to complete detailed design and tender documentation in order to enable the construction of a chosen entrance statement and the overall landscape of the site. Costs are estimated at \$125,000 for a detailed design of the site landscape works and approximately \$39,000 is estimated for a detailed design of an appropriate entrance statement.

No funding has been provided for in Council's 2018/19 Operational Plan to carry out any of the scoping study options. The Scoping Study only provides anticipated costs that would need to be considered in future budgets, should council wish to proceed with the development of an entrance statement at the approach into the CBD.

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 1: Our sense of place and identity Strategy 1.2, 1.3, 1.4
- Objective 2: A smart and vibrant economy Strategy 2.6

Community Engagement

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

3 REQUEST FOR ACCESS FOR ROADSIDE TESTING BY FORTESCUE METALS – TRUNKEY CREEK AREA (20.00237)

Recommendation: That Council approve the use of Council roads in accordance with the conditions outlined in the Director Engineering Services report.

Report: Council has been requested by Fortescue Metals Group Pty Ltd for access to roadside areas within the Trunkey Creek area for the purposes of non-destructive gravity testing for potential mining exploration. Refer to **attachment 1** for area subject to the exploration request. **Attachment 2** provides detail of the testing method proposed.

A majority of the roads within the exploration area are in Crown ownership, accordingly, Fortescue Metals Group have been advised that consent for access is to be obtained from NSW Department of Primary Industries – Crown Lands.

However, a number of roads within this area are Council roads. Since the request is for low impact, non-destructive testing, it is recommended that the testing be permitted on the basis that:

- (a) Appropriate controls be put in place to provide protection of roadside vegetation, noting that activities are planned in areas of Medium and High conservation areas as identified in Council's **Roadside Vegetation Management Plan 2018**. Documentation outlining controls to be used are to be submitted to Council, for approval, prior to testing being carried out.
- (b) Requirements of Work Health and Safety Act 2011 is followed, including provision of traffic control.

It is noted that a copy of a \$20M Public Liability Insurance Policy has been provided to Council

It is noted that Fortescue Metals Group, as part of their application and at Council's request, have nominated to donate \$1,000 to the Trunkey Creek Progress Association, to be expended on a public project within Trunkey Creek.

Financial Implications: \$1,000 is to be donated to the Trunkey Creek Progress Association.

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 2: A smart and vibrant economy Strategy 2.1, 2.2
- Objective 3: Environmental stewardship Strategy 3.1

Community Engagement

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

**4 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE
(11.00005, 36.00687, 36.00690, 36.00688, 2017/205, 36.00683, 36.00685,
36.00616, 36.00686, 07.00017)**

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 STORMWATER DRAINAGE PIPES (36.00687)

This report considers the tender for the supply of stormwater drainage pipes, headwalls and lintels, from 1 January 2019 to 31 December 2020.

**2 TENDER FOR CONSTRUCTION OF BATHURST CENTRAL BUSINESS DISTRICT
CCTV - STAGE 1 (36.00690)**

This report considers the tender for the construction of Bathurst Central Business District CCTV – Stage 1.

3 TENDER FOR READY MIX CONCRETE (36.00688)

This report considers the tender for ready mix concrete from 1 January 2019 to 31 December 2020.

**4 PROPOSED TRANSFER OF LAND TO COUNCIL FOR A SEWER PUMPING STATION
- LOT 1025 DP1245197 LIMEKILNS ROAD KELSO (2017/205)**

This report considers the transfer of land to Council for a Sewer Pump Station.

5 TENDER FOR HIRE OF PLANT (36.00683)

This report considers the tender for the casual Hire of Plant for 2019 and 2020.

6 TENDER FOR HIRE OF TRUCKS/WATERCARTS (36.00685)

This report considers the tender for the casual Hire of Trucks/Watercarts for 2019 and 2020.

**7 CONTRACT FOR CONSTRUCTION OF TAXIWAYS AND APRONS EXTENSION
WORKS - BATHURST AERODROME (36.00616)**

This report considers the variation to contract 36.00616 for construction of taxiways and aprons extension works at the Bathurst Aerodrome.

8 TENDER FOR SUPPLY AND DELIVERY OF ROADBASE MATERIAL (36.00686)

This report considers the tender for the supply and delivery of roadbase material for 2019 and 2020.

9 CENTROC TENDER FOR LINEMARKING SERVICES (07.00017)

This report considers the CENTROC tender for linemarking services.

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

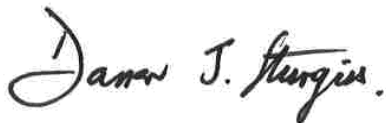
Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 6: Community leadership and collaboration Strategy 6.4

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

12 DECEMBER 2018

1 BATHURST REGIONAL YOUTH COUNCIL - 'HOW TO ADULT' WORKSHOPS, 2 AND 9 NOVEMBER 2018 (11.00020)

Recommendation: That the information be noted.

Report: On 2 November and 9 November 2018, Bathurst Regional Youth Council in conjunction with TAFE NSW hosted a series of 'How to Adult' Workshops. Local high school students from Years 10 and 11 were invited to participate in the full day event, with Bathurst High School, St Stanislaus' College and MacKillop College taking up the offer.

The workshops included:

How to love your car

This workshop involved demonstrations on how to change a tyre and perform general vehicle maintenance checks. There were also tips on what to look for when buying a car, as well as what is involved in registering and insuring a vehicle.

How to master basic cooking and laundry

In this hands-on workshop, students learnt how to master a basic stir fry. They were also given some tips for making low-cost, simple meals. The workshop concluded with students learning essential laundry skills.

How to build resilience

This interactive resilience workshop explored team work, positive mental health, taking feedback, decision making and goal setting.

How to budget

This workshop involved students learning the key elements of successful budgeting.

How to kick start your career

In this workshop, students learnt what they need to do to successfully attend a job interview. There were also tips for writing resumes and cover letters.

At the conclusion of each workshop, students were given an information sheet relating to the content covered.

The collaboration between Bathurst Regional Youth Council and TAFE NSW was a great success, with many students expressing their appreciation for being given the opportunity to learn such a diverse range of valuable practical skills.

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

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 4: Enabling sustainable growth Strategy 4.1
- Objective 5: Community health, safety and well being Strategy 5.1, 5.2, 5.3, 5.5
- Objective 6: Community leadership and collaboration Strategy 6.1, 6.2, 6.3, 6.5, 6.7, 6.8

Community Engagement

- Inform

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

2 DRAFT BATHURST PUBLIC ART POLICY (11.00038)

Recommendation: That Council:

- (a) Endorse the placement of the draft Bathurst Public Art Policy on public exhibition for 28 days and receive submissions.
- (b) If no submission/s are received during the public exhibition period, adopt the Bathurst Public Art Policy.
- (c) If submission/s received during public exhibition, prepare a further report to Council.

Report: The Public Art Policy for the Bathurst Region has been developed through considerable community consultation with the objective to:

Provide for the development and delivery of a strategically planned and innovative public art program for the Bathurst Region based on contemporary creative thinking and best practice implementation models.

Council recognises that public art includes a wide range of arts activities in the public realm from community cultural development activities, place making projects, and stand-alone artworks, to artworks integrated with buildings, infrastructure, landscape or urban developments. Public art can reflect a diverse range of styles and practices from the traditional forms such as memorials, monuments, sculptures or murals and also functional objects such as fountains, street furniture, lighting and paving. It may be both permanent and/or temporary, including installations and performances, billboard art, sound installations, video or laser projections, text, and street art.

Public art will be an important contributor to a holistic place making approach across the Bathurst Region. Permanent public art can contribute to developing local identity through the expression of local narratives, providing sculptural elements that can become cognitive place markers, and through interactive artworks that encourage community participation.

In Council's context the Bathurst Public Art Policy is an important mechanism through which Council can deliver on the key strategies of the Cultural Vision 2036:

Creative Places: A Place of Culture & Creativity

Public art can make an important contribution to the 'sense of place' and identity of the city and of public spaces across the whole of the Bathurst Region through: celebrating the heritage, events, people and diversity of the area, and communicating community values.

Creative Programs: Telling Bathurst Stories

Public art will be commissioned to contribute to the expression of the history and cultural values of a people and place, including significant Aboriginal, European and migrant stories.

Creative People: Developing a Creative Milieu

Public art will provide a mechanism to encourage creativity, innovation and capacity building within the Bathurst arts community.

To achieve the development of a dynamic and viable Public Art Program for the Bathurst Region, Council sees its role as not only as: a 'Provider', making it happen; a 'Partner', helping to happen; but also, as a 'Supporter', letting it happen.

PROVIDER – Council initiated public art including independently commissioned artwork,

public art integrated into civic infrastructure, and development of public art platform infrastructure.

PARTNER – Actively encourage third party initiated public art including private sector property development and community initiated public art.

SUPPORTER - Develop strategies that encourage Artist/Community initiated public art initiatives

Delivery of the Bathurst Public Art Policy will occur in three stages: Establishment (1-3 years) will focus on a temporary program of Public Art activity in key public locations; Consolidation (3-5 years) will expand to cover both commissioned independent public artwork and consolidate the integration of artwork into the Council's Capital Works program; and the Ongoing (five years plus) will establish public art as a core Council business.

This will be achieved through the delivery of strategies grouped in the following outcome areas:

Public Art Program / Project Development:

- delivery of a program of temporary and ephemeral art
- facilitation of artist initiated art projects in the public realm

Public Art and Infrastructure:

- creation of platforms for the public display of temporary and ephemeral art
- integration of public art into capital works programs
- integration of public art into private sector developments

Public Art Resources and Management

- ensure a rigorous conceptual review process through the establishment of a Public Art Program Committee, including industry Councillors and staff.
- ensure a rigorous technical review process through the establishment of a Public Art Technical Review Panel.
- ensure professional management of Council's Public Art through the development of an Asset Register and maintenance guidelines to ensure the works are maintained at an acceptable standard.

Council is committed to delivering well-planned, conceptually relevant and high quality public artwork and as such will implement a robust governance structure to oversee the identification of opportunities, approval of proposals and final artworks. In addition to the Public Art Program Committee and Technical Review Panel, a 5 tier approval process will be implemented with sign-off commensurate with the significance of projects. For example, the commissioning of permanent individual artworks \$50,000 and over will require Council endorsement.

To enable the implementation of the Bathurst Public Art Policy, a Public Art Framework will be developed following the adoption of the Policy.

Council is also committed to developing a Public Art Policy, which delivers on the Cultural Vision 2036 goal of developing a "strategic approach to the creative activation of Bathurst's public spaces and places" and believes that the Bathurst Public Art Policy will help to progress the development of a 'premier inland centre of culture and creativity' (Outcome 2.2.1 of Bathurst Region a Cultural Vision 2036).

Exhibition Process

The draft Bathurst Public Art Policy will be made available at the following locations during the 28 day public exhibition period:

- Council's website
- Bathurst Library
- Council's Civic Centre (Ground Floor and First Floor)
- Council's Cultural Facilities (Art Gallery, BMEC, Australian Fossil & Mineral Museum, Chifley Home & Education Centre)
- Copies will be provided to those who participated in the consultation process (mail out)

A notice will be placed in the Council Notices in the Western Advocate Newspaper, to further advise of the public display of the document.

At the conclusion of the public exhibition period any community feedback will be considered prior to submitting the final Bathurst Public Art Policy for Council adoption.

Implementation

A copy of the draft Bathurst Public Art Policy is at **attachment 1**.

Financial Implications: Funding for this item is contained within existing budgets. Ongoing implementation of public art will be included in the draft 2019/2020 Budget for consideration by Council.

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 1: Our sense of place and identity Strategy 1.3
- Objective 2: A smart and vibrant economy Strategy 2.6

Community Engagement

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

3 BATHURST REGIONAL ART GALLERY - AWARD WIN AT 2018 MUSEUMS & GALLERIES NSW IMAGINE AWARDS (21.0002)

Recommendation: That the information be noted.

Report: The Museums and Galleries NSW IMAGInE awards promote and strengthen the NSW museum and gallery sector. They honour best-practice exhibitions, education programs, outreach projects, collection management projects, and individual achievements.

This year's coveted Exhibition Projects – Galleries (3 to 10 paid staff) category received 22 nominations from galleries in metropolitan Sydney and across the State. In a highly competitive field, *The Unflinching Gaze: Photo Media and the Male Figure* stood out for its curatorial rigour, innovative content, international focus, public and education programs, and audience development.

The Unflinching Gaze surveyed how the male figure has been depicted using photographic & digital media over the last 140 years. A partnership project with the Leslie-Lohman Museum of Gay & Lesbian Art, NY, the exhibition sought to deliver a groundbreaking exhibition in regional NSW; reach out to the LGBTIQ+ community; and attract new audiences.

The project had significant outcomes, raising awareness of LGBTIQ+ issues in regional NSW, forging links between BRAG and community groups, developing new partnerships, and increasing BRAG's profile nationally and internationally.

The Unflinching Gaze: Photo Media and the Male Figure was curated by Richard Perram OAM, previous BRAG Director, and recipient of the 2017 Museums & Galleries of NSW IMAGInE Awards Individual Achievement award.

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

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 1: Our sense of place and identity Strategy 1.3
- Objective 2: A smart and vibrant economy Strategy 2.6

Community Engagement

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

4 BATHURST DESTINATION BRAND STRATEGY IMPLEMENTATION - PROGRESS REPORT (20.00299)

Recommendation: That the information be noted.

Report: Council, at its meeting held 13 December 2017, (DCCS Report #2) resolved to receive quarterly destination brand strategy implementation progress reports, outlining the performance monitoring data as described in the report.

The following information is provided as an update on the implementation of the Bathurst Destination Brand as at December 2018:

Destination Brand Implementation	Action
Destination Website	The new Visit Bathurst destination website is performing to expectations with a comparison of the first three months of the new site against the corresponding period in the previous year being: USERS: 13,356 (+28.2%) PAGEVIEWS: 47,479 (+79.7%) AVERAGE SESSION DURATION: 2.24 (+68.7%) BOUNCE RATE (percentage of visitors who navigate away from site after viewing only one page): 51.89% (-17.69%) These figures demonstrate that more visitors are utilising the site and that they are staying longer and viewing more pages.
Online Booking Platform	The new booking engine has been completed and successfully integrated into the website. Event tickets are also now sold online. Sales of \$29,492 generated year to date.
Curated Online Content	Curated content for the website was prepared by a specialist agency. BVIC has now taken over ongoing content creation with an overarching content strategy to be completed by early 2019.
Graphic Design of Branded Collateral	All primary elements identified in the Brand style guide have been created by a local graphic designer, with a range of collateral. In partnership with Ballinger's Trucks a branded B-Double trailer canopy has been designed and fabricated to provide ongoing highway exposure with the trailer displayed at Inland Sea of Sound and to feature at the New Years' 'Party in the Park'.
Development of Marketing Plan	A three year marketing plan was adopted and implemented as at September 2018 allowing prioritisation and tracking of actions
Signage	The re-branding of four highway billboards (located on Mitchell Highway, Orange Road, Blayney Road and Marangaroo) will be undertaken in the next quarter of the 2018/2019 financial year.
Touring Trail App	Three Touring apps have been completed. Craig Lowndes has provided the narration of the Mount Panorama driving tour, Mayfield Garden's narration has been delivered by celebrity gardener Graham Ross, and

	Grant Denyer has narrated the Town Square Tour. Work has begun on the addition of a tour of Machattie Park to be added in Autumn 2019, narrator to be confirmed.
Brand Awareness Campaign	A specialist digital marketing agency will deliver an online campaign over Summer 2018/2019 concurrently with a TV campaign on WIN over the Central West. These campaigns will drive website traffic and create a consumer database derived from specific target markets for ongoing promotions throughout 2019.
Public Relations	A specialist tourism PR agency continues to focus on media relations, a series of targeted media famils and the distribution of media releases promoting Bathurst as a short break destination. All PR reports have been uploaded to the councillor portal. A media event was held in Sydney on 17 October with 11 journalists attending leading to four subsequently visiting Bathurst with a fifth scheduled for March 2019 and coverage of the event in Travel Daily, the peak tourism industry online publication. PR activity continues to provide strong media results for the region, with the following results for the past three months: Total number of clippings: 9 Total circulation: 6,424,021 Total PR Value: \$239,442
Visitor Guide	The 2019 Bathurst region visitor guide is in production. An advertising prospectus has been distributed to local businesses and printing will occur in mid-late December.
Destination Management Plan	The objectives and actions of the Bathurst Region DMP have been reviewed by BVIC staff and the Tourism Reference Group ahead of a proposed revision and update of the plan in 2019 in line with the original five year schedule.

Further reports will be provided quarterly to Council on the implementation of the Bathurst Destination Brand.

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

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 1: Our sense of place and identity Strategy 1.2, 1.3
- Objective 2: A smart and vibrant economy Strategy 2.1, 2.6

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 MEMORIAL ENTERTAINMENT CENTRE - 2018 SEASON REVIEW, 2019 SEASON LAUNCH AND 20 YEAR CELEBRATIONS (20.00060)

Recommendation: That the information be noted.

Report: The Bathurst Memorial Entertainment Centre (BMEC) 2019 Annual Season was announced at the Season Launch held on Monday 19 November 2018. The launch was attended by principal sponsors, Councillors and approximately two hundred and fifty BMEC patrons.

20 Year Celebrations

In the first week of March 2019, BMEC will celebrate 20 years since the building was renovated to become the building we know today. Next year it will also be 54 years since the core of the building was created. The core includes the stage, proscenium and backstage area. In 2019 the past will be celebrated with a special BMEC Band Night on Tuesday 5 March 2019 in the City Hall to recall some of the incredible performing arts experiences shared over the past 20 years. As the 21st Annual Season is launched Council recognised 20 years of sponsorship of Reliance Bank as the initial and only principal sponsor of the season of shows. More details will be available in the new year.

2019 Annual Season

The 2019 Annual Season will feature 18 cultural experiences, including; one fully locally produced, world premiere, contemporary production; one concert with an internationally acclaimed artist returning to her hometown of Bathurst; two international productions; works from diverse cultural backgrounds and one production, which will be performed beyond the walls of the venue.

The full program can be obtained from BMEC or viewed on BMEC website:
www.bmec.com.au

In 2019 there are eight shows with matinee performances offering a special discount for pensioners.

The launch was followed by a reception in City Hall, with refreshments provided with generous sponsorship of Bathurst RSL Club.

2018 Annual Season Review

The 2018 Annual Season was well received by audiences, with a total of 6,791 patrons attending the 18 shows. The community enjoyed a wide spectrum of cultural experiences; from drama (including Shakespeare), music (including opera), and physical theatre. Children's theatre performances, in particular, were well attended and enjoyed by children and young people. Roald Dahl's George's Marvellous Medicine (Wednesday 11 April 2018), held over three performances, attracted an attendance of 1,485, with 18 schools attending and Yo Diddle Diddle, (Thursday 21 May and Friday 1 June 2018), held over three performances, attracted an attendance of 827. Madame Butterfly included a local Children's Chorus, giving the children a special performance opportunity.

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

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 1: Our sense of place and identity

Strategy 1.3

Community Engagement

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

6 BATHURST VISITOR INFORMATION CENTRE - NSW TOURISM AWARDS 2019 (21.00041)

Recommendation: That the information be noted.

Report: The 29th Annual NSW Tourism Awards acknowledge and celebrate tourism excellence and recognises and rewards those businesses that demonstrate significant achievements throughout the year. Applicants can progress through entry at regional level to the state finals. The Award recipients across the 27 categories were announced at a gala function at Luna Park on Thursday 22 November 2018 attended by over 600 guests. 71 award winners were announced from 125 State finalists, from an initial 249 regional and state entrants.

The Bathurst Visitor Information Centre (BVIC) entered in the category of 'Visitor Information Services' with the award submission prepared by BVIC staff. BVIC was successful at winning the Silver Award in the Destination Network Country & Outback Awards announced on 27 July 2018. A revised submission was subsequently prepared and entered in the State awards, with BVIC being awarded a Highly Commended in this category.

The Tourism Awards are evaluated and scored by a panel of judges recognised for their experience and expertise in the tourism industry with the results audited by Price Waterhouse Cooper. To become a finalist is not automatic but requires satisfying an established high standard of scoring. Equally, awards are only presented to entrants who have exceeded the required scores. The award of 'Highly Commended' recognises an entrant whose score exceeded these requirements and was only presented in two of the 27 categories.

The official feedback report provided to BVIC following the Awards process stated:

This submission is an example of an organisation operating at a high level and bringing huge value to their community, the region and to tourism at all levels.

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

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 1: Our sense of place and identity Strategy 1.2, 1.3
- Objective 2: A smart and vibrant economy Strategy 2.1, 2.6

Community Engagement

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

Yours faithfully



Alan Cattermole
DIRECTOR
CULTURAL & COMMUNITY SERVICES

TRAFFIC COMMITTEE MEETING

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

1 MINUTES - TRAFFIC COMMITTEE MEETING - 4 DECEMBER 2018 (07.00006)

Recommendation: That the recommendations of the Traffic Committee Meeting held on 4 December 2018 be adopted.

Report: The Minutes of the Traffic Committee Meeting held on 4 December 2018, are **attached.**

Financial Implications: N/A

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 6: Community leadership and collaboration Strategy 6.4

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 4 DECEMBER 2018

MEETING COMMENCES

1 MEETING COMMENCES 2:00 PM

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

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

APOLOGIES

2 APOLOGIES

That the apology of Councillor Warren Aubin be accepted.

REPORT OF PREVIOUS MEETING

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

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

DECLARATION OF INTEREST

4 DECLARATION OF INTEREST 11.00002

That the Declaration of Interest be noted.

RECEIVE AND DEAL WITH DIRECTORS' REPORTS

Director Engineering Services' Report

5 Item 1 MINUTES OF THE TRAFFIC COMMITTEE MEETING HELD 6 NOVEMBER 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)

That the information be noted.

COUNCILLORS/ DELEGATES REPORTS

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

12 DECEMBER 2018

1 COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 14 NOVEMBER 2018 (11.00019)

Recommendation: That the information be noted.

Report: Present: Councillors Hanger (Chair), Christian, Fry, Jennings, Morse, North

Apologies: Councillors Aubin, Bourke, Rudge

1. BATHURST HISTORICAL SOCIETY (22.01429)

Samantha Friend, President met with Council to discuss the history of the Society and Museum, current activities, and future plans.

Discussion included:

- The Society was established in 1947.
- Spoke of purpose, structure and objectives.
- Spoke to Museum content.
- A current project being undertaken is to sort photographs and catalogue each item in the collection.
- The 2000 Olympic cauldron is probably the youngest item currently on display.
- The Museum and shop attract approximately 8,000 visitors per year.
- The Museum is open six days per week.
- Two thirds of the collection is now catalogued.
- In 2016 participated in a standards review program which led to the development of a strategic plan.
- Established a Friendship arrangement with the Grimwade Centre in Melbourne.
- Planning for 2019 Heritage Trades Trail well underway.
- The Society is appreciative of the support and assistance that is provided by Council.

Financial Implications: Nil.

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 2: A smart and vibrant economy Strategy 2.5
- Objective 4: Enabling sustainable growth Strategy 4.3
- Objective 6: Community leadership and collaboration Strategy 6.1

Community Engagement

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

2 MINUTES - BATHURST REGIONAL YOUTH COUNCIL 13 NOVEMBER 2018 (11.00020)

Recommendation: That the information be noted.

Report: The Youth Council considered a number of items at the meeting, held Tuesday 13 November 2018 and included the following items:

- Debrief of “How to Adult” workshops, which were held 2 November and 9 November 2018
- Food & Flix Outdoor Cinema Event – being held 23 November 2018
- Youth Week 2019
- Mental health awareness initiative

The minutes from the meeting are provided at **attachment 1**.

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

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 4: Enabling sustainable growth Strategy 4.1
- Objective 5: Community health, safety and well being Strategy 5.1, 5.2, 5.3, 5.5
- Objective 6: Community leadership and collaboration Strategy 6.1, 6.2, 6.3, 6.5, 6.7, 6.8

Community Engagement

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

3 MINUTES - AUSTRALIA DAY WORKING PARTY - 20 NOVEMBER 2018 (23.00033)

Recommendation: That the information be noted.

Report: The minutes of the Australia Day Working Party held on 20 November 2018 are shown at **attachment 1**.

Financial Implications: N/A

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 6: Community leadership and collaboration Strategy 6.1, 6.4

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 NOVEMBER 2018 (11.00019)

Recommendation: That the information be noted.

Report: **Present:** Councillors Hanger (Chair), Fry, Jennings, North, Rudge

Apologies: Councillors Aubin, Bourke, Christian, Morse.

1. BATHURST EDGELL JOG COMMITTEE (23.00130)

Representative from the Bathurst Edgell Jog Committee met with Council to discuss the 2018 Edgell Jog and plans for the 2019 event.

Discussion included:

- Thanked Council for support for last 3 years. Funding was used for Traffic Management
- 787 competitors took part in 2018, committee had hoped for 1,000
- Additional funding/sponsorship was sought from local businesses, so the event made a profit
- Requested \$7,500 funding for the 2019 event for Traffic Management, a reduction from \$13,000.

Financial Implications: Nil.

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 4: Enabling sustainable growth Strategy 4.2
- Objective 5: Community health, safety and well being Strategy 5.1
- Objective 6: Community leadership and collaboration Strategy 6.1

Community Engagement

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