

8 May 2019

His Worship the Mayor & Councillors

**Notice of Ordinary Meeting of Bathurst Regional Council - Wednesday,
15 May 2019**

I have to advise that an **Ordinary Meeting** of Bathurst Regional Council will be held in the Council Chambers on Wednesday, 15 May 2019 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.



D J Sherley
GENERAL MANAGER

BUSINESS AGENDA

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

TO BE HELD ON WEDNESDAY, 15 MAY 2019

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 - 17 APRIL 2019

6. DECLARATION OF INTEREST

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

7. MAYORAL MINUTE - Nil

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

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

9. REPORTS OF OTHER COMMITTEES

* MINUTES - POLICY COMMITTEE MEETING - 1 MAY 2019

10. NOTICES OF MOTION - Nil

11. RESCISSION MOTIONS - Nil

12. COUNCILLORS/ DELEGATES REPORTS

- * COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 10 APRIL 2019
- * MINUTES - BATHURST REGIONAL YOUTH COUNCIL - 2 APRIL 2019

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

Recommendation: That:

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

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

- 1. In accordance with Section 9(2A) of the Local Government Act 1993, it is the opinion of the General Manager that the following business is of a kind as referred to in section 10A(2) of the Act and should be dealt with in a part of the meeting closed to the media and public.
- 2. In accordance with Section 10B(1) it is considered that discussion of the matter in open meeting, would on balance, be contrary to the public interest.
- 3. In accordance with Section 10A(4) members of the public are invited to make representations to the Council as to whether the matters should or should not be dealt with in Confidential Committee.

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

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	REQUEST FOR ADVICE FROM DEPARTMENT OF INDUSTRY (CROWN LANDS) OVER FORMER BATHURST GASWORKS SITE	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	REQUEST FOR FINANCIAL ASSISTANCE	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 DESIGN AND CONSTRUCTION OF BMX CLUBHOUSE AND AMENITIES BUILDING AT THE BATHURST BICYCLE PARK	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
2	TENDER FOR CONSTRUCTION OF PEDESTRIAN WALKWAY AND ELEVATED BOARDWALK AT MOUNT PANORAMA, 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	VARIATION TO CONTRACT FOR CONSTRUCTION OF SEWER AT 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.

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 - 17 APRIL 2019 (11.00005)

Recommendation: That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 17 April 2019 be adopted.

Report: The Minutes of the Ordinary Meeting of Bathurst Regional Council held on 17 April 2019, 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.

2 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 1 MAY 2019 (11.00005)

Recommendation: That the Minutes of the Ordinary Meeting of Council following Policy held on 1 May 2019 be adopted.

Report: The Minutes of the Ordinary Meeting of Council following Policy held on 1 May 2019, are **attached**.

Financial Implications: N/A

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 6: Community leadership and collaboration Strategy 6.4

MINUTES OF THE ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
HELD ON 17 APRIL 2019

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

L Sargent - Neighbour - Re 261 Lambert Street - DA2018/103 - objecting to Development Application on behalf of self and other neighbours in Lambert and Stewart Street and expressed the following concerns:

- The two storey dwelling is close to backyard, and the overshadowing that will result
- Impact on two trees
- The two storey development is not appropriate in this heritage area of Bathurst

C O'Rourke - Ratepayer - Re 261 Lambert Street - DA2018/103 - made the following comments regarding :

- Applicant has essentially submitted the same application
- Believes that there are significant errors in application
- Doesn't meet or comply with DCP - setback - privacy - shadowing
- Open space areas are concreted

D O'Keefe - Owner of 251 Lambert Street - Re 261 Lambert Street - DA2018/103 - spoke on the following:

- Impact the Development Application will have on adjoining old trees - referenced DCP as it relates to environmental amenity protection
- Cannot keep chopping down old trees
- Development Application will require trees to be reduced, including 50% and the branches on one side
- Objects to approval of Development Application

J Kellett - Ratepayer - spoke regarding the Clinical Services Plan Report and made personal observations:

- What can Council do to ensure services meet the ongoing needs of the fastest growing regional centre? In particular in the area of health infrastructure and specialist services.

- Welcomed the review
- Prompt and proactive action required by Council and Community to participate in review

G Crisp - Ratepayer - tabled questions and made the following comments regarding water charges:

- a reliable source informed him that the General Manager claimed that Mr Crisp's objections regarding water charges over the last 13 years have cost \$2.1 million
- Want issue to be taken to court

B Trimming - Ratepayer -

- Water restriction - asked will there be a public discussion forum before altering restrictions?
- New roundabout is easier to get across

B Trimming - Chairman - Bathurst Regional Access Committee -

- Howick Street footpath now unblocked
- DA2018/52 - Conrod Straight Access Committee confirms that committee unanimously supported compromise as reached.

D McNab - Ratepayer - Mitre / Suttor / Lambert Street - asked for current status of roundabout project.

The Director Engineering Services advised water service plans received; currently being reviewed; Tenders to be called shortly.

D McNab asked about the other services

The Director Engineering Services advised no delays expected.

I Hancock - Bathurst Regional Access Committee - compliment staff on timely response to NRMA matter

K McNab - Ratepayer - Draft Code of Meeting Practice in regards to Public Forum

- 4.1 - Members will be denied 'free speech'
- 4.5 - time should be increased by one minute, not reduced or at least stay the same
- 4.1.5 - end of 'free speech' and democracy at Bathurst Regional Council

Dr L Hopes - Citizen -

- spoke in support of J Kellet
- spoke of the reduced, and ongoing reduction in specialist services in Bathurst

APOLOGIES

3 APOLOGIES

Nil

MINUTES**4 Item 1 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 20 MARCH 2019 (11.00005)**

MOVED Cr B Bourke

and **SECONDED** Cr W Aubin

RESOLVED: That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 20 March 2019 be adopted with the following amendment to the Director of Corporate Services Confidential Report Item #7: Tender for Loomla Website technical support and maintenance

amend amount of \$157,357 to \$157,375 (incl. GST).

5 Item 2 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 3 APRIL 2019 (11.00005)

MOVED Cr I North

and **SECONDED** Cr M Morse

RESOLVED: That the Minutes of the Ordinary Meeting of Council following Policy held on 3 April 2019 be adopted.

DECLARATION OF INTEREST**6 DECLARATION OF INTEREST 11.00002**

MOVED Cr B Bourke

and **SECONDED** Cr I North

RESOLVED: That the following Declarations of Interest be noted.

Cr Christian

Item #6 of the Director Corporate Services & Finance's report

Manager, Corporate Governance

Item #5 of the Director Corporate Services & Finance's 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 J Jennings and **SECONDED** Cr W Aubin

RESOLVED: That the information be noted.

- 8** **Item 2 GENERAL REPORT (03.00053)**
MOVED Cr W Aubin and **SECONDED** Cr J Rudge

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 CARPORT), CARPORT AND TWO LOT RESIDENTIAL SUBDIVISION AT 261 LAMBERT STREET, BATHURST. APPLICANT: MR B MOULDS. OWNER: MODERNIZATION PTY LTD (DA/2018/303)**
MOVED Cr M Morse and **SECONDED** Cr B Bourke

RESOLVED: That Council:

- (a) having undertaken a review of the application pursuant to Section 8.2 of the Environmental Planning and Assessment Act 1979, reaffirm its decision to refuse Development Application 2018/303 for the following reasons:
 - (i) 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.

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

The result of the division was:

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

Against the motion - Nil

Absent - Nil

Abstain - Nil

- 10** **Item 4 DEVELOPMENT APPLICATION NO. 2018/404 – SINGLE STOREY**

DWELLING WITH ATTACHED GARAGE ON LOTS 25 AND 38 DP755798 AT 690 THE BRIDLE TRACK. APPLICANT: GL & SM HILL. OWNER: MRS SM & MR GL HILL (DA/2018/404)

MOVED Cr B Bourke

and **SECONDED** Cr A Christian

RESOLVED: That Council:

- (a) support the variation to Clause 4.2B(3) development standard prescribed in the Bathurst Regional Local Environmental Plan 2014;
- (b) as the consent authority, grant consent pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2018/215, subject to conditions able to be imposed pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979, as amended; 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

11 Item 5 MODIFICATION TO DEVELOPMENT APPLICATION NO. 2018/52 – TOURIST & VISITOR ACCOMMODATION AT 453 CONROD STRAIGHT, MOUNT PANORAMA. APPLICANT: MRS J BAUMBERGER. OWNER: MRS J BAUMBERGER (DA/2018/52)

MOVED Cr I North

and **SECONDED** Cr J Rudge

RESOLVED: That Council:

- (a) as the consent authority, modify the existing consent granted to Development Application 2018/52 pursuant to Section 4.55(2) of the Environmental Planning and Assessment Act 1979 by:
 - i. Approving the amended plans;
 - ii. Waiving Conditions 1 and 3; and
- (b) call a division

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

The result of the division was:

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

Against the motion - Nil

Absent - Nil

RESOLVED: That the information be noted.

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

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

- 23** **Item 4 POWER OF ATTORNEY (11.00007)**
MOVED Cr W Aubin and **SECONDED** Cr J Rudge

RESOLVED: That the information be noted.

- 24** **Item 5 REQUEST FOR FINANCIAL ASSISTANCE - EGLINTON DISTRICT TENNIS CLUB (22.02252)**
MOVED Cr I North and **SECONDED** Cr J Rudge

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

Reason: Life Member of Eglinton Tennis Club

RESOLVED: That the interest rate of the loan to the Eglinton District Tennis Club be reset to 4.27% per annum, commencing with the repayment due on 1 April 2019.

- 25** **Item 6 REQUEST FOR FINANCIAL ASSISTANCE - WHITE RIBBON EVENT AT MOUNT PANORAMA (04.00085)**
MOVED Cr I North and **SECONDED** Cr J Rudge

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

Reason: Current serving NSW Police Officer

RESOLVED: That Council waives the costs of approximately \$2,000 associated with traffic management for the closure of Pit Straight, Mount Panorama from

Murray's Corner to Hell Corner, for the White Ribbon Day event on 22 November 2019.

- 26** **Item 7 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE (11.00005, 22.07535, 22.07536, 22.16153, 22.03772, 10.00009)**
MOVED Cr J Rudge and **SECONDED** Cr W Aubin

RESOLVED: That the information be noted.

Director Engineering Services' Report

- 27** **Item 1 WATER SECURITY (DROUGHT) (13.00031)**
MOVED Cr J Jennings and **SECONDED** Cr B Bourke

RESOLVED: That Council:

- (a) note the information in the report.
- (b) hold a Councillor Working Party to further discuss water restrictions.

- 28** **Item 2 PROPOSED ROAD OPENING AND PARTIAL CLOSURE AFFECTING LOTS 45, 57 & 58 IN DP753040 - COLO ROAD, COLO (25.00292)**
MOVED Cr B Bourke and **SECONDED** Cr W Aubin

RESOLVED: That Council approve the acquisition of land for the purposes of the Roads Act 1993, affecting Lots 45, 57 & 58 in DP753040 and the partial closure of Colo Road, Colo and classify the land as operational, as detailed in the Director Engineering Services' report.

- 29** **Item 3 PROPOSED ROAD WIDENING - LOT 52 IN DP756878 CRUDINE ROAD, CRUDINE (25.00550)**
MOVED Cr W Aubin and **SECONDED** Cr B Bourke

RESOLVED: That Council:

1. approve the proposed road widening affecting part of Lot 52 in DP756878 on the Crudine Road at Crudine, and dedicate the road to the public;
2. approve the terms proposed as detailed in the Director Engineering Services' report.

RESOLVED: That Council:

- (a) Approve, in principle, Council's participation in the Great Western Walk Implementation Committee and the development of the project as it evolves.
- (b) Nominate the Mayor and General Manager, or their delegate, as Council's representatives on the Great Western Walk Implementation Committee.

**34 Item 2 VILLAGE EVENT FUNDNG PROGRAM PROCESS (16.00163)
MOVED Cr B Bourke and SECONDED Cr J Jennings**

RESOLVED: That Council:

- (a) Endorse the Village Events Funding Program.
- (b) In year one of the Program consult with each Village to develop a Strategic Plan to guide the approach to the relevant village.
- (c) Receive a further report after the audit of Village event proposals and completion of a draft Strategic Plan during 2019 to inform the roll out of the program.

**35 Item 3 BATHURST REGION TOURISM REFERENCE GROUP - MEETING 1 APRIL 2019 (07.00116)
MOVED Cr J Rudge and SECONDED Cr A Christian**

RESOLVED: That the information be noted.

**36 Item 4 2019 INTERNATIONAL WOMEN'S DAY EVENTS (23.00026)
MOVED Cr J Rudge and SECONDED Cr M Morse**

RESOLVED: That the information be noted.

**37 Item 5 2019 HARMONY DAY EVENT - SATURDAY 23 MARCH 2019 (09.00032)
MOVED Cr B Bourke and SECONDED Cr W Aubin**

RESOLVED: That the information be noted.

MOVED Cr W Aubin

and **SECONDED** Cr J Rudge

RESOLVED: That the recommendations of the Traffic Committee Meeting held on 2 April 2019 be adopted.

NOTICES OF MOTION

42 **Item 1 NOTICE OF MOTION - CR FRY - WATER INITIATIVES (11.00004, 32.00026, 16.00103)**

MOVED Cr J Fry

and **SECONDED** Cr I North

RESOLVED: Moved by Cr Fry:

That Council discuss at the next available working party to discuss the declaration of Bathurst Regional Council Local Government Area (LGA) as a 'Water Smart Region'

43 **Item 1.01 EXTENSION OF TIME (11.00004, 32.00026, 16.00103)**

MOVED Cr B Bourke

and **SECONDED** Cr I North

RESOLVED: That an extension of time of 1 minute be granted to Cr Fry for this item in accordance with Clause 250 (3) of the Local Government (General) Regulation 2005.

COUNCILLORS/ DELEGATES REPORTS

44 **Item 1 CENTROC BOARD MEETING 28 FEBRUARY 2019 (DPI-ORANGE) (07.00017)**

MOVED Cr B Bourke

and **SECONDED** Cr A Christian

RESOLVED: That the report on the CENTROC Board meeting held on 28 February 2019 at DPI-Orange, be noted.

45 **Item 2 MINUTES - AUSTRALIA DAY WORKING PARTY - 19 FEBRUARY 2019 (23.00033)**

MOVED Cr I North

and **SECONDED** Cr A Christian

RESOLVED: That the information be noted.

- 46** **Item 3 COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 13 MARCH 2019 (11.00019)**
MOVED Cr B Bourke and **SECONDED** Cr J Rudge

RESOLVED: That the information be noted.

- 47** **Item 4 COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 27 MARCH 2019 (11.00019)**
MOVED Cr W Aubin and **SECONDED** Cr A Christian

RESOLVED: That the information be noted.

- 48** **Item 5 MINUTES - BATHURST REGIONAL COMMUNITY SAFETY COMMITTEE - 28 MARCH 2019 (07.00107)**
MOVED Cr A Christian and **SECONDED** Cr M Morse

RESOLVED: That the information be noted.

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

- 49** **RESOLVE INTO CONFIDENTIAL COMMITTEE OF THE WHOLE TO DEAL WITH CONFIDENTIAL REPORTS**
MOVED Cr I North and **SECONDED** Cr A Christian

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

There were no representations from the public.

RESOLVED: That:

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

- (c) Correspondence and reports relevant to the subject business be withheld from access.

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

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	RURAL LICENCE AGREEMENT - LOT 5 DP586023 AND LOT 11 DP717095 AND PART LOT 12 DP717095 KNOWN AS 117 - 131 COLLEGE ROAD, BATHURST	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
2	SALE OF LAND AT LOT 1004 DP1129907 KNOWN AS 49 HAMPDEN PARK ROAD, KELSO	10A (2) (c) – contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. Discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it would prejudice council's position in negotiating commercial and or financial arrangements.
3	MANAGING AGENCY AGREEMENT - LOTS 4, 5, 8 & 9 DP232111 KNOWN AS 98 MOUNTAIN STRAIGHT, MT 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	EXPRESSION OF INTEREST - CONVEYANCING SERVICES 2019 - 2022	10A (2) (d) (iii) – contains commercial information of a confidential nature that would, if disclosed, reveal a trade secret.

*** DIRECTOR ENGINEERING SERVICES' REPORT**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	TENDER FOR PROPOSED EGLINTON SEWER RISING MAIN	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	12 MONTH EXTENSION - PROVISION OF LABOUR & EQUIPMENT - MOWING MAINTENANCE CONTRACT	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public

	interest as it would prejudice the commercial position of the person who supplied it.
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Director Corporate Services & Finance's Report

- a** **Item 1 RURAL LICENCE AGREEMENT - LOT 5 DP586023 AND LOT 11 DP717095 AND PART LOT 12 DP717095 KNOWN AS 117 - 131 COLLEGE ROAD, BATHURST (22.07535,22.07536)**
MOVED Cr B Bourke and **SECONDED** Cr J Fry

That Council approves entering into a rural licence agreement for Lot 5 DP586023 and Lot 11 DP717095 and part Lot 12 DP717095, known as 117 - 131 College Road, Bathurst for a period of 10 years with a 10 year option period, as detailed in the report.

- b** **Item 2 SALE OF LAND AT LOT 1004 DP1129907 KNOWN AS 49 HAMPDEN PARK ROAD, KELSO (22.16153)**
MOVED Cr B Bourke and **SECONDED** Cr A Christian

That Council approves the sale of Lot 1004 in DP1129907, 49 Hampden Park Road, Kelso as detailed in the report.

- c** **Item 3 MANAGING AGENCY AGREEMENT - LOTS 4, 5, 8 & 9 DP232111 KNOWN AS 98 MOUNTAIN STRAIGHT, MT PANORAMA (22.03772)**
MOVED Cr W Aubin and **SECONDED** Cr M Morse

That Council delegates authority to the General Manager to enter into a managing agency agreement for Lots 4, 5, 8 & 9 DP232111 known as 98 Mountain Straight, Mt Panorama as detailed in the report.

- d** **Item 4 EXPRESSION OF INTEREST - CONVEYANCING SERVICES 2019 - 2022 (10.00009)**
MOVED Cr W Aubin and **SECONDED** Cr M Morse

That Council accepts the Expression of Interest for Conveyancing Services submitted by legal representatives for a period of three (3) years commencing on 17 May 2019 and concluding on 16 May 2022 as detailed in the report.

Director Engineering Services' Report

- e** **Item 1 TENDER FOR PROPOSED EGLINTON SEWER RISING MAIN (36.00700)**
MOVED Cr I North and **SECONDED** Cr J Rudge

That Council accepts the tender of Thompsons Irrifab, for the construction of the Eglinton Sewer Rising Main in the amount of \$357,433.40 inclusive GST, subject to adjustments and provisional items.

- f** **Item 2 12 MONTH EXTENSION - PROVISION OF LABOUR & EQUIPMENT - MOWING MAINTENANCE CONTRACT (36.00585)**
MOVED Cr I North and **SECONDED** Cr M Morse

That Council extend the Glenray Industries mowing maintenance contract in accordance with the Director Engineering Services' report.

RESOLVE INTO OPEN COUNCIL

- 50** **RESOLVE INTO OPEN COUNCIL**
MOVED Cr A Christian and **SECONDED** Cr B Bourke

RESOLVED: That Council resume Open Council.

ADOPT REPORT OF THE COMMITTEE OF THE WHOLE

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

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

MEETING CLOSE

- 52** **MEETING CLOSE**

The Meeting closed at 8.25 pm.

CHAIRMAN: _____

**MINUTES OF THE ORDINARY MEETING OF COUNCIL FOLLOWING POLICY
COMMITTEE
HELD ON 1 MAY 2019**

MEETING COMMENCES

1 MEETING COMMENCES 6:49 PM

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

APOLOGIES

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

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

DECLARATION OF INTEREST

3 DECLARATION OF INTEREST 11.00002
MOVED Cr I North and **SECONDED** Cr J Jennings

RESOLVED: That the Declaration of Interest be noted.

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

Director Corporate Services & Finance's Report

4 Item 1 FREE WATER FOR VERIFIED PRIMARY PRODUCERS (16.00155)
MOVED Cr J Jennings and **SECONDED** Cr I North

RESOLVED: 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 8 September 2019.

- 5** **Item 2 DRAFT BATHURST DELIVERY PROGRAM 2019-2023 & OPERATIONAL PLAN 2019/2020 (16.00155)**
MOVED Cr W Aubin and **SECONDED** Cr J Rudge

RESOLVED: That Council place the Draft Bathurst Delivery Program 2019-2023 and Operational Plan 2019/2020 including the Revenue Policy for 2019/2020, on public exhibition and receive submissions until 4 June 2019.

MEETING CLOSE

- 6** **MEETING CLOSE**

The Meeting closed at 6.54 pm.

CHAIRMAN: _____

GENERAL MANAGER'S REPORT

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

15 MAY 2019

1 ABORIGINAL CULTURAL HERITAGE (20.00311, 23.00010, 09.00031)

Recommendation: That the information be noted.

Report: Council at its meeting held on 6 February 2019, requested a report addressing the broad range of issues Council is working through with respect to Aboriginal Cultural Heritage. Council and the community's priority, under the Bathurst 2040 Community Strategic Plan, Strategy 1.1, is to "respect, protect and promote the region's Aboriginal heritage assets".

This report outlines the matters relating to Council's key activities, programs and issues it is facing and addressing with respect to:

1. protection,
2. recognition, and
3. reconciliation.

1. PROTECTION

Cultural/Interpretation Studies

Council has undertaken a range of studies to investigate the Region's Aboriginal Cultural Heritage.

Bathurst Regional Local Government Area Aboriginal Heritage Study

In 2015, Council completed the Bathurst Regional Local Government Area Aboriginal Heritage Study. The study was undertaken by AHMS Archaeological and Heritage Management Solutions at a cost of \$51,238.

The aim of the study was to identify objects, places and archaeological sites of Aboriginal Cultural significance, record those places (if appropriate) and develop recommendations for their management and conservation.

The recommendations of the study have assisted Council in being better informed about the likelihood of Aboriginal Cultural Heritage occurring across the LGA for planning and development decisions.

The public release version of the Aboriginal Heritage Study is available at the following link: https://www.bathurst.nsw.gov.au/images/stories/heritage/Bathurst%20LGA_Heritage_Study_FINAL%20PUBLIC%20RELEASE%20JULY%202017.pdf.

Bathurst Region Aboriginal Heritage Interpretation Strategy

In 2017, Council engaged Extent Heritage to prepare an Aboriginal Heritage Interpretation Strategy and a public release version of the Aboriginal Heritage Study.

The cost of this work was \$32,340. The Aboriginal Heritage Interpretation Strategy is an extension of the Aboriginal Heritage Study and tells 6 key stories:

- How the Wambool and the Plains of Bathurst were created,
- Wahluu and the Creation of Mount Panorama,
- Windradyne,
- The Potato Paddock Massacre,

- The Bathurst War of 1824, and
- Wiradjuri – Life on the Bathurst Plains.

Finalisation of the Strategy has taken some time in terms of obtaining final comment from the local Aboriginal groups involved in the strategy process. Final consultation on the Strategy is about to commence.

Mount Panorama Boardwalk – Interpreting the Wahluu story

Council called for expressions of interest to prepare an interpretation plan for the Wahluu story as part of the Mount Panorama boardwalk project. The interpretation plan will also include motor racing history stories. Costings for this project have been received. The quotation received was higher than anticipated and Council staff are now investigating how this project can be delivered more cost effectively in-house.

Anthropological Investigations

In 2017, Council engaged Extent Heritage to undertake anthropological investigations to support Aboriginal Cultural Heritage Assessments being undertaken at Mount Panorama. The aim of the anthropological investigations is to document the beliefs of those Aboriginal people identifying as Wiradjuri, particularly with respect to Mount Panorama. The Anthropological Investigations cost \$98,560 with fees to registered Aboriginal Parties (RAPs) of \$12,240.

The total cost to date on the above cultural interpretation studies and the anthropological investigations has been \$182,138 plus \$12,240 RAP fees for the anthropological investigations.

Aboriginal Cultural Heritage Assessments

Council has undertaken a number of Aboriginal Cultural Heritage Assessment Reports (ACHARs) in relation to a number of development projects. These have included:

1. Aboriginal Survey – Kelso Urban Expansion Area (2015) – cost of \$20,812 (including RAP fees).
2. Aboriginal Cultural Heritage Assessment – Campground Mount Panorama – cost \$44,550 with RAP fees of \$16,800.
3. Aboriginal Cultural Heritage Assessment – Go Kart Track – cost \$40,012 with RAP fees of \$1,760.
4. Aboriginal Cultural Heritage Assessment – Second Circuit – stage 1 completed – cost \$58,080 with RAP fees of \$51,600.
5. Aboriginal Cultural Heritage Assessment – second circuit – stage 2 test excavation program and finalisation of the report – estimated at up to \$400,000 with RAP fees of \$66,000 (note that the RAP fees for this project have decreased from those originally estimated as a result of the Wiradjuri Elders groups not wanting to participate in the test excavation program but this has meant that professional archaeologist fees have increased, this is further discussed below).

The total cost spent to date on Aboriginal Cultural Heritage Assessment Reports, including the estimated fees to complete the second circuit ACHAR has been: \$563,454 plus \$136,160 for RAP fees.

Council is also completing a number of due diligence reports in house for projects at Mount Panorama and at other locations across the LGA.

The Mount Panorama Motorcycle Club is also going to need to complete a due diligence assessment for their proposed junior motocross track extension at the Mountain.

In respect to the findings of the ACHARs to date (excluding the second circuit ACHAR which is not yet completed), the investigations have uncovered very few new Aboriginal objects under the National Parks and Wildlife Act. The studies have identified that some Aboriginal objects listed under existing site cards have been determined not to be Aboriginal objects and this issue is discussed later in this report. At this time Council has not needed an Aboriginal Heritage Impact Permit (AHIP) to destroy an Aboriginal object for any current development proposal.

Registered Aboriginal Party Fees

Aboriginal consultation for the preparation of the various ACHARs is undertaken in accordance with the procedures set out in the State Government's guidelines "Aboriginal Cultural Heritage Consultation Requirements for Proponents ". Stage 1 of this process is notification of the project proposal and registration of interest by interested Aboriginal Parties, who then become the Registered Aboriginal Parties (RAPs) for that project. The subsequent consultation includes:

- Stage 2: Presentation of information about the proposed project.
- Stage 3: Gathering information about cultural significance.
- Stage 4: Review of the draft ACHAR.

The Code for the preparation of ACHARs states that the consultation process involves getting the views of, and information from, Aboriginal people and reporting on these. It is not to be confused with other field assessment processes involved in delivering the project. In this regard consultation in itself does not include the employment of Aboriginal people to assist in field assessment and/or site monitoring. Aboriginal people may provide services, through a contractual arrangement, to assist in gathering information about cultural significance (e.g. as part of a field survey or archaeological test excavation), but this is separate from the consultation process. The engagement of RAPs to participate in field work is usual practice to ensure that the knowledge of the RAPs is encompassed in the field assessment process. These contractual arrangements are essentially consulting fees for their time assisting with the fieldwork, and the large portion of the money is typically paid by each RAP directly to the individual fieldworkers for their time working on site.

The Registered Aboriginal Party fees paid to date for the ACHARs and the Anthropological Investigations has been \$148,400 (including the estimate for the second circuit ACHAR).

Registered Aboriginal Parties and the Test Excavation Program - Second Circuit ACHAR

Eight RAPs have registered an interest in the Second Circuit ACHAR. The RAP fees for the initial field survey to identify cultural sensitivity were \$58,080 with all of the local RAPs engaged to participate in the field survey.

The original quote for completion of the second stage of the Second Circuit ACHAR (being the test excavation program) included the engagement of 4 RAPs as part of the test excavation team. The costs associated were estimated at \$120,000. Prior to the commencement of the excavation program the Wiradjuri Elders groups indicated that they did not wish to participate as part of the field excavation team. As a consequence only the Bathurst Aboriginal Lands Council entered into a contract for 2 field officers to assist in the field assessment and the RAP costs were reduced to approximately \$66,000. An overall saving, however, was not made as it was necessary to employ additional archaeologists to make up

the required field excavation team.

Representations were made to Extent Heritage, in relation to the proposed methodology for the test excavation program for the 2nd circuit ACHAR requesting a delay to the test excavation program until the Place Declarations (both State and Federal) had been resolved, on behalf of:

- Dhuuluu-Yala Enterprises
- Wiradjuri Traditional Owners Central West Aboriginal Corporation
- Bathurst Wiradyuri and Aboriginal Community Elders

Similar representations were posted on the Wiradyuri Elders facebook page.

Council staff and Extent Heritage considered the representations made but determined that the timetable for the test excavation program would continue as planned on the basis that:

- Delay to the test excavation program beyond the conclusion of both the Aboriginal Place and the ATSIHPA processes, as requested, would entail many months delay. OEH has indicated to Council that the assessment of the Place Declaration nomination is still in the early stages and is unlikely to be determined this year (see below for more detail).
- It is critical that the archaeological test excavation is undertaken prior to completion of detailed Second Circuit development design work to ensure that any impact on key areas of archaeological sensitivity can be minimised as far as possible. This is considered to be a best practice approach to Aboriginal heritage assessment and impact mitigation – particularly in the context of the current development design planning and State Significance Development (SSD) approval timetable which is very tight for this critical project.
- Alternative approaches that would entail archaeological excavation or monitoring after detailed design work has been completed and/or as a post-approval condition of the SSD presents a very high risk that any potentially important Aboriginal archaeological sites and landforms will not be adequately identified, understood and/or protected, and would present a significant risk to Council of delays, stop work events and associated holding costs during the course of a large construction program in the event that unexpected Aboriginal sites are encountered during works. It also increases the risk of inadvertent damage to unknown or undocumented significant archaeological sites. This form of 'reactive' management is not a best practice approach to Aboriginal heritage assessment and impact mitigation.
- The Second Circuit archaeological test excavations will not be undertaken within the land that is subject to the current Section 9 ATSIHPA emergency declaration application area as provided to Council (discussed further below). Council is currently unaware of the extent of the Section 10 application, however there are no current declarations in place covering the subject land, and in any event, the archaeological test excavation is intended to provide important information about the Aboriginal heritage values of the proposed Second Circuit development area that would assist in informing current and future heritage management planning.

These groups then sought to be observers on site throughout the test excavation program (at no employment cost to Council). Council indicated that observance on site for the duration of the works would not be possible without any formal engagement as this would have meant no public liability or professional indemnity insurances would have been in place to cover their presence on the site. As no contractual engagement would be in place, this would also have meant that they would not be inducted under Extent Heritage's Safe Work Method Statement and HSE management system. Nor would the groups have formally accepted terms of engagement regarding safety and on site conduct to work under the supervision of Extent. These would have presented obvious and unacceptable risks to both

Extent Heritage and to Council.

Council then understood from these groups, by way of clarification, that what they were seeking was an Elders site visit of the second circuit lands during the excavation program.

Council and Extent Heritage then sought to facilitate an escorted site visit/s for all of the Registered Aboriginal Parties that were not participating in the field work, including the Elders and relevant Council officers, at up to two key junctures in the program, where the results of the excavation program could be shown and discussed, and all RAPs would have an opportunity to view any artefacts that had been recovered to date. Works would cease while the visit occurred, and the RAPs would be escorted during the visit, to minimise any WH&S risks. Each RAP attendee at the visits needed to accept these terms prior to agreement to facilitate the site visits.

An invitation to attend a first site visit (half way through the excavation program) was extended to all 8 RAPs on 29 March asking them to indicate their interest to attend the site visit by 4 April. Only the Bathurst Local Aboriginal Lands Council indicated that they wished to attend the site visit. A reminder email was forwarded to all RAPs again inviting them to attend the site visit and to RSVP by 4 April, two apologies were received from members of non local RAPs. Council received an enquiry from one of the local RAPs asking for information about what artefacts had been found to date, Council replied by again extending an invitation to attend the site visit. No further emails were received by Council and so the visit did not proceed as the Bathurst Local Aboriginal Lands Council are already on site as part of the field survey team and so it was deemed unnecessary to hold the site visit just for this group.

An invitation to hold a site visit at the end of the test excavation program (6 May) with all RAPs was made at the end of April prior to the program being completed. Council received only one response from the Bathurst Local Aboriginal Lands Council. So again the site visit did not proceed as the Bathurst Local Aboriginal Lands Council are already on site as part of the field survey team.

Aboriginal Heritage Information Management System (AHIMS) – Site Cards

The Office of Environment and Heritage (OEH) maintains the Aboriginal Heritage Information Management System (AHIMS) which includes:

- information about Aboriginal objects;
- information about Aboriginal Places which have been declared by the Minister for the Environment to have special significance with respect to Aboriginal culture; and
- archaeological reports.

Places and objects on the database are recorded on site cards. There are in excess of 260 places/objects recorded in Bathurst on the AHIMS. The difficulties Council is currently facing with the system include:

- Council is not being notified of new site cards registered on the database. Unless Council checks the system it would remain unaware of a new site card.
- The listing of new contemporary ceremony sites including the 2018 Alignment of Jupiter ceremonial ground at Mount Panorama and the 2015 ceremonial ground at Wambool.
- Recent OEH advice to Council that it will not delist or update a site card based on the findings of the ACHARs completed by Council.
- A site card that relates to “all natural waterways in the Bathurst Regional Council area including creeks that no longer flow, 100 metres either side of waterways, rivers, creeks, billabongs, swamps and lakes”.

Council sought advice from OEH as to the status of the contemporary ceremonial site cards and whether contemporary objects, deposits and the like resulting from contemporary ceremonies are Aboriginal objects for the purposes of the National Parks and Wildlife Act. At this time the two sites known to Council pose issues in relation to camping at Mount Panorama and the maintenance of land along the Macquarie River. Newly listed sites such as these are also very difficult to manage when Council is not made aware of their listing.

OEH has reviewed the two current contemporary site cards and have provided written advice to Council that no Aboriginal objects as defined under the National Parks and Wildlife Act are described in these two site cards. As a result of this advice Council has removed the security fencing around the Alignment of Jupiter site at the top of Mount Panorama and this area will return to its use as public open space and camping during race events.

Council will also no longer maintain the ceremonial ground at the Macquarie River as both the Wiradyuri Elders and the Local Aboriginal Lands Council have indicated to Council that they have no further interest in using this site.

Council advised the person who submitted both of the site cards relating to those contemporary ceremonial grounds of this outcome and notes that they have since indicated that some groups are still using the 2015 ceremonial ground at the Macquarie River, notwithstanding that Council's previous requirements for formal use of the site have not been met (e.g. public liability insurance cover).

OEH have advised that where any new site cards are registered relating to contemporary ceremonies, Council is able to seek clarification from OEH as to whether those sites contain Aboriginal objects as defined under the National Parks and Wildlife Act.

Council also sought further advice from OEH as to the need or otherwise for an Aboriginal Heritage Impact Permit (AHIP) Application in relation to the site cards at the top of Mount Panorama for sites listed on the AHIMS as Aboriginal objects but which the Go Kart ACHAR has identified as not being Aboriginal Objects under the National Parks and Wildlife Act.

OEH has subsequently advised Council that:

- An AHIP is not required if after undertaking due diligence no Aboriginal objects or Aboriginal Places will be harmed within the area of proposed development.
- The information contained within the ACHAR documents for the proposed Go Kart development (including consultation) and the Aboriginal site cards that were referred to OEH show no Aboriginal objects as defined under the NPW Act.

On the basis of the findings of the Go Kart ACHAR, the advice from OEH indicates that an Aboriginal Heritage Impact Permit (AHIP) is not required and the Go Kart development as approved by Council can proceed in relation to Condition 3 of the consent. In terms of updating the site cards at the top of the Mountain, OEH has now advised that this can be achieved by submitting a new site card record using the same GPS coordinates as the older record. The new site card must contain information showing why the former record is not an Aboriginal site. Whilst the old site card is not removed the AHIMS record is updated by means of the new site card. Council is seeking advice from its consultants, Extent Heritage, to submit new site cards for the locations at the top of the Mountain.

In relation to the existing site card over lands within 100m of all creeks and rivers in the LGA, OEH has advised Council that a person who exercises due diligence in determining that their actions will not harm Aboriginal objects has a defence against prosecution if they later unknowingly harm an object without an AHIP. This does not address the problem of how

such broad based applications can be accepted by OEH, without consultation with the community.

The National Parks and Wildlife Act (NPW) allows for a generic code of practice to explain what due diligence means. Carefully following this code of practice, which is adopted by the *National Parks and Wildlife Regulation 2009* made under the NPW Act, would be regarded as 'due diligence'. This code of practice can be used for all activities across all environments, including any Part 5 Activities undertaken by Council.

Thus Council works in and around waterways will need to ensure due diligence has been completed.

Complaints in relation to Council activities having an impact on Aboriginal Cultural Heritage

Council is aware of the following complaints lodged with the NSW Office of Environment and Heritage in relation to alleged Council activities having an impact on Aboriginal Cultural Heritage.

1. Alleged impact on Aboriginal Cultural Heritage by Council in relation to the Panorama Motorcycle Club – OEH advised Council on 4 October 2018, that no further investigation into the allegation was justified and that the matter had been closed and no further action would be taken.
2. Sulman and Reid Park Camp Sites – Alleged harm to an Aboriginal Scar Tree – OEH advised Council on 20 December 2017, that it would not continue its investigation as there was insufficient evidence to pursue the matter.

Complaint in relation to the Blue Stone Cottage at Mount Panorama

The Wiradjuri Traditional Owners Central West Aboriginal Corporation lodged a complaint with OEH on 4 April 2019 raising concern about the preservation and conservation of the stone cottage and garage at McPhillamy Park, Mount Panorama. The Wiradjuri Traditional Owners Central West Aboriginal Corporation claimed that the lack of care of the cottage by Council blatantly disregards the minimum standards for building maintenance for listed heritage items under the NSW Heritage Act.

OEH advised the Group that the cottage is a listed heritage item under the Environmental Planning and Assessment Act, that is, as an item of local heritage significance under the Bathurst Regional Local Environmental Plan 2014. The EPA Act does not include minimum standards for maintenance and repair of heritage items.

OEH advised the Wiradjuri Traditional Owners Central West Aboriginal Corporation that the property is not listed on the State Heritage Register under the Heritage Act, which does contain minimum maintenance standards in relation to State listed properties. The advice from OEH goes on to suggest that even if it were listed on the State Heritage Register (which is being considered as an alternative to an Aboriginal Place Declaration), it is possible that the building may be defined as ruins and as such the minimum maintenance standards under the Heritage Act would still not apply.

The Wiradyuri Elders previously requested that Council give management control of the blue stone cottage at McPhillamy Park, Mount Panorama to them. Some members of the Aboriginal community are of the belief, and assert, that the stones in the cottage and fences in McPhillamy Park were taken from burbung/bora rings which were present in the area.

The findings of the Go Kart Aboriginal Cultural Heritage Assessment Report (ACHAR)

indicate that there is currently no physical or documentary evidence to indicate that the stones used in the cottage and fence are Aboriginal Objects as defined by the National Parks and Wildlife Act 1974. Council's records indicate that a 1939 costing provided to the State Government for construction of the cottage includes a line item for 'excavation stone'. This suggests, but does not prove, that the stone was likely obtained from a quarried source. Furthermore, Professor Trigger's comments (Anthropological Investigations) that whilst there are beliefs that stones from previously existing Aboriginal stone arrangements were used in the construction of the caretaker's cottage, other information indicates the stones for the building were brought from one or more local quarries.

The ACHAR recommends that the former Caretaker's Cottage in McPhillamy Park should be retained as a listed heritage item under Schedule 5 of the Bathurst Regional Local Environmental Plan 2014. It is noted that the cottage was listed for its European heritage values.

Aboriginal Artefacts from Mount Panorama

The Western Advocate reported in an article with Wiradyuri Elder Dinawan Dyrribang on 7 December 2018, that: "Percy Gresser, in 1928, before they built the road going around there, recorded artefacts on top of that mountain; 2000 of them are in the Australian Museum in Sydney". The article implied that the 2,000 artefacts came from Mount Panorama.

Council sought advice on this matter from the Australian Museum who provided the catalogue of artefacts in their collection. The advice from the Australian Museum was that they do hold 2,000 objects donated by Gresser from the Bathurst region locality. The objects are not specifically associated with Mount Panorama as evidenced in the information on the Museum's database, and in many instances the Museum does not have information regarding their specific source.

2. RECOGNITION

Dual Naming of Mount Panorama – Wahluu

Council commenced discussions about the possible dual naming of Mt Panorama in 2011. The process was led by Council in conjunction with the Bathurst Local Aboriginal Lands Council (refer General Manager's Report #1, Policy Committee, 5 November 2014).

The dual naming process of Mount Panorama - Wahluu recognises the historical and continuing relationship between Aboriginal people and the place and is a major step forward in the recognition and protection of Aboriginal names.

The dual naming does not, however, restrict or impact on the motor sport industry or the Mount's iconic status as a motor racing venue, nor does it change the legal name of Mount Panorama.

Aboriginal Place Declaration, under the National Parks and Wildlife Act (State)

The NSW Office of Environment and Heritage (OEH) has received a nomination for the declaration of Mount Panorama (or parts thereof) as an Aboriginal Place under the National Parks and Wildlife Act.

The declaration of Aboriginal Places is a way of recognising and legally protecting Aboriginal cultural heritage. The Minister for the Environment, under section 84 of the National Parks and Wildlife Act, can declare any publicly or privately owned land in NSW as an Aboriginal

Place.

An Aboriginal Place declaration protects non-tangible cultural values (e.g. ceremonial and spiritual values) as well as areas containing tangible cultural material. Its key aim is to recognise and protect a place of special significance to Aboriginal culture.

Council met with OEH staff in relation to the nomination on 15 March 2019 following a meeting between OEH and the Bathurst Wiradyuri Elders on 14 March 2019.

It is understood, from Council's meeting with OEH, that they still have considerable assessment to complete prior to their consideration of the nomination. In this regard the use of the Mount for motor racing purposes is "business as usual" and it is understood that a determination of the nomination is not expected in 2019. It is also understood that OEH is considering whether a celebratory declaration either as an Aboriginal Place or State Heritage Listing under the NSW Heritage Act is a more appropriate approach than a declaration/listing that would control the use of land and/or warrant additional approval processes.

Council staff have reiterated to OEH:

- the importance of Mt Panorama as an international motor racing circuit and the commitments that have been made by Council and State and Federal governments towards a major second circuit development at the Mountain.
- Council's objection to any Aboriginal place declaration or State Listing under the NSW Heritage Act over any part of Mt Panorama.

Council is yet to receive advice from OEH as to the area proposed for nomination and it is understood that OEH have asked the Wiradyuri Elders to clarify and detail the area proposed for nomination.

Council has requested regular updates on the assessment process and anticipates further discussions with the new State Minister for the Environment in the near future.

Heritage Protection Application under Aboriginal and Torres Strait Islander Heritage Protection (ATSIHP) Act 1984, Mount Panorama, Bathurst (Federal)

Section 9 – Emergency Declaration

Council received advice from the Federal Department of Environment and Energy on 9 January 2019 that it had received an application to protect the area known as Wahluu (south – west corner) under section 9 (emergency declaration) of the Aboriginal and Torres Strait Islander Heritage Protection (ATSIHP) Act 1984. It is understood that this application was lodged by the Wiradyuri Traditional Owners Central West Aboriginal Corporation as a direct result of Council's resolution to modify the consent for the Go Kart track at the top of Mount Panorama (refer DEPBS Report #1 Extraordinary Council Meeting, 19 December 2018).

Advice from the Department of Environment and Energy indicates that a section 9 declaration can be applied to cases where State legislation does not protect an area, objects or remains. It is understood that an assessment of an areas' Aboriginal significance under section 9 of the Act (emergency declarations) or section 10 (other declarations) may consider both tangible and intangible Aboriginal significance.

Section 9 of the Act (Emergency declarations in relation to areas) allows the Minister to make a declaration if he/she is satisfied that:

- The area is a significant Aboriginal area
- It is under serious and immediate threat of injury or desecration.

Such a declaration has effect for a period as specified in the declaration but not exceeding 30 days. The Minister may extend the declaration for a further period but not beyond the expiration of 60 days in total.

With the consent of the applicant, Council has received a copy of the section 9 application. At the time of writing this report no declaration has been made by the Federal Government.

Section 10 – Other Declarations

The Department of Environment and Energy has also advised Council that it has received a nomination for a section 10 declaration for Mount Panorama. The applicant has advised the Department that they do not want to share the section 10 application with Council. Council is therefore unaware of the land to which this application applies.

A section 10 application is similar to a section 9 application but the Minister can make the declaration for any time period specified. Before doing so the Minister must consider a report from a person nominated by him/her (and any representations attached to that report) that deals with the following matters:

- The particular significance of the area to Aboriginals
- The nature and extent of the threat of injury to, or desecration of the area
- The extent of the area that should be protected
- The prohibitions and restrictions to be made with respect to the area
- The effects the making of a declaration may have on the proprietary or pecuniary interests of persons other than Aboriginal persons
- The duration of the declaration
- The extent to which the area is or may be protected by or under a State law
- Any other matters (if any) as are prescribed.

Council would have the opportunity to comment on such a report if a section 10 application was pursued by the Department.

At the time of writing this report no consultation has been undertaken with Council on this matter or declaration made by the Federal Government.

Evans Memorial

There was some concern expressed in the community as to the appropriateness of the Aboriginal figure in the Evans Memorial. The King's Parade interpretation project, completed in 2017, sought, amongst a broader history of the Park, to explain the presence of the figure in the monument and its importance.

The sculpture incorporates a standing Evans in contemporary dress, sited on an elevation and flanked by a kneeling and naked Aboriginal man, shading his eyes, both gazing off to the horizon. Seated on either side is the figure of Agriculture, personified by a kneeling contemporarily dressed farmer with a wheat sheaf in his right hand, and the figure for Learning, a semi clad female holding a scroll in her right hand. On the opposite sides are lion heads. Evans, Blaxland, Wentworth and Lawson are named, one on each face of the monument.

The prominent presence of an Aboriginal man is a feature rarely found on public memorials of that time. The figure is not present as a guide, but as a Wiradjuri inhabitant of these lands

gazing westward with Evans sharing the view of the land beyond.

3. RECONCILIATION

Council Policy – Protocol for Relationships between the Aboriginal and Torres Strait Islander Communities and Bathurst Regional Council

The Council Policy “Protocol for Relationships between the Aboriginal and Torres Strait Islander Communities and Bathurst Regional Council” was originally adopted by Council in June 2008 and was most recently reviewed/updated in 2013. The Council policy is available on Council’s website, under Public Documents.

The Aboriginal and Torres Strait Islander protocol refers to appropriate ways of including Aboriginal and Torres Strait Islander cultural material and working with Aboriginal and Torres Strait Islander people and their communities. The policy deals with matters such as:

- What is Aboriginal and Torres Strait Islander Cultural Knowledge?
- What is Aboriginal and Torres Strait Islander Heritage?
- What are some of the characteristics of Aboriginal and Torres Strait Islander Cultural Knowledge?
- Protocol principles of:
 - respect,
 - Aboriginal and Torres Strait Islander control,
 - consultation, communication and consent,
 - interpretation, integrity and authenticity
 - secrecy and confidentiality
 - attribution and acknowledgement
 - continuing cultures
 - sharing of benefits
 - recognition and protection under the law

The protocol makes specific reference to the use of the Aboriginal and Torres Strait Islander flags (both flags are always flown in the Council Chambers and the Aboriginal Flag is flown in front of the Civic Centre building) and how Council might include either an Acknowledgement of Country (official events) or a Welcome to Country (major official events).

The protocol provides that in providing cultural services, artistic performances and ceremonies Aboriginal people are using their intellectual property. As such providers of these services are entitled to remuneration and that payment can be negotiated between the cultural service provider and Council.

Welcome to Country

Council is now keeping a register of all Acknowledgement/Welcome to Country events undertaken by a member(s) of the Aboriginal community. In 2019, five Welcome to Country’s have been supported by Council, to the date of writing this report, at the:

- Liqui-Moly Bathurst 12 Hour event performed by the Bathurst Local Aboriginal Lands Council.
- International Women’s Day event, performed by the Bathurst Local Aboriginal Lands Council.
- Bathurst Sustainable Living Expo, performed by Gloria Rogers.
- Harmony Day event, performed by Gloria Rogers.

- Panthers NRL Match, including dancers, through Steven Taylor and Tracey Crawford.
- Hi-Tec Oils, Bathurst 6 Hour, performed by the Bathurst Local Aboriginal Lands Council.

Involvement and Engagement – Cultural and Community Events

The table below highlights the involvement and engagement with Aboriginal groups in a range of cultural and community events since 2017.

Section	Date/s	Event	Detail of Involvement / Engagement / Welcome to Country
BMEC	August 2017	Saltbush performances in Annual Season	Aboriginal actors performed, local Aboriginal community attended performances, as did Aboriginal school children and engaged with cast, discounted tickets provided to Aboriginal students from Lithgow
	23 September 2017	Jimmy Little Gathering	BMEC staff members volunteered their time
	26 & 27 September 2017	Gudirr Gudirr performances in Annual Season	Aboriginal performer plus workshop (non-Wiradyuri), general public attending
	September 2017	NAIDOC week	Colleen Jerrard workshops West Bathurst (other schools went there)
	18 September 2017	NAIDOC week	Performance and formalities at BMEC, schools participate and march to BMEC
	November 2017	Inland Sea of Sound	Welcome Performance, local community
	November 2017	Inland Sea of Sound	Excelsior (non-Wiradyuri) performers, workshops held with local and non-Aboriginal participants
	July 2018	Inland Sea of Sound launch	Elder Mallyan spoke and welcomed
	17 September 2018	NAIDOC week	Performance and formalities at BMEC, schools participate and march to BMEC
	November 2018	Artstate	Welcome performance - local and Cowra and Blue Mountain Aboriginal performers
	November 30 December 1, 2018	Inland Sea of Sound	Welcome Performance – local Aboriginal performers
	30 November, 1 December 2018	Inland Sea of Sound (ISOS)	Welcome Performance and workshops, Muggera (non Wiradyuri) performers, workshops held with local and non-Aboriginal participants. Elders, who were consulted about the performance, were provided

			complimentary tickets
	November 2018	The Climbing Tree	Two Aboriginal cast members, Aboriginal community invited to performances, Aboriginal community involved in research over 3 years
	Over past 18 months	Various grant applications	Elders have provided letters of support, eg, The Climbing Tree and various projects still in development
BVIC	30 November 2018	Arranged visiting journalists to meet with Wiradyuri Elders on Wahluu prior to ISOS as a part of broad Bathurst cultural experience	Manager BVIC, Uncle Bill, Uncle Brian, Uncle Jade Flynn, Ian Redpath (Bathurst Tours) met with the group of two journalists (Caroline Gladstone, Fairfax Traveller & Diana Plater, freelance travel writer, regular contributor to Sydney Morning Herald, Canberra Times, Rex, AAP) and one PR agency representative between 9.15-10.45 in lead up to ISOS.
Library	14 February 2018	Opening of refurbished library	Aunty Gloria – Welcome to Country
Museums	26 July 2018	Warren Somerville AM – Honorary Citizen Ceremony @ AFMM	Bill Allen – Welcome to Country
	Approx 12 months ago	Video Classroom History Project	Penny worked with Paul Stafford and Bill Allen to produce a video classroom product looking at Bathurst History. This was available to Primary schools across NSW. We contracted and employed Bill Allen to develop and present this product.
	Approx 18 months ago	Rail Museum – oral history	Interview with aboriginal representatives
Bathurst Regional Art Gallery	9 February 2018	Opening of BRAG's February exhibitions and Richard Perram farewell: <i>Harrie fasher; The Last Charge & Derek Kreckler: Accident & Process.</i>	Welcome to Country: Gloria Rogers for exhibition opening
	22 May 2018	Public Art Policy Consultation	Community consultation – Bathurst Wiradyuri and Aboriginal Community Elders Group & Bathurst Lands Council
	17 July 2018	BRAG Exhibition Program & Artstate Meeting	Bathurst Wiradyuri and Aboriginal Community Elders Group – meeting to

			discuss programming
	5 September 2018	BRAG Exhibition Program Meeting	Bathurst Wiradyuri and Aboriginal Community Elders Group – meeting to discuss programming
	12 October 2018 – 9 December 2018	<i>guwiinyguliya yirgabiya ngay yuwin.gu gulbalangidyal ngunhi (they made a solitude and called it peace)</i> exhibition	Jonathan Jones and the Bathurst Wiradyuri and Aboriginal Community Elders Group exhibition
	12 October 2018	Opening of BRAG's October 2018 exhibitions: Jonathan Jones: <i>guwiinyguliya yirgabiya ngay yuwin.gu gulbalangidyal ngunhi (they made a solitude and called it peace)</i> & <i>Looking Forward-Looking Back: Contemporary Art from the East Kimberley</i>	Welcome to Country: Bathurst Wiradyuri and Aboriginal Community Elders Group
	24 October 2018	Council RAP meeting held at BRAG	Bathurst Wiradyuri and Aboriginal Community Elders Group – meeting to discuss use of Wiradjuri cloak images in BRC RAP document
	2 October 2018	Artstate Event: Wiradjuri language workshop with Jonathon Jones	Jonathan Jones & Wiradjuri and Aboriginal Community Elders Group members
	29 November 2018	BRAG Exhibition Program Meeting	Bathurst Wiradyuri and Aboriginal Community Elders Group – meeting to discuss programming
Community Services	Annually	NAIDOC Community Celebration	Usually September annually – varies dependent when community wishes to hold event.
	2017 – present	Birrang	Aboriginal Disability provider – regular hirer at Kelso Community Hub (KCH).
	September 2017 – December 2017	Orange Aboriginal Medical Service (OAMS)	Regular hirer at KCH
	2017	Disability Inclusion Action Plan consultation	OAMS & Birrang completed survey re DIAP consultation
	3 July 2017	NAIDOC Week flag raising event 2017	Welcome to Country Dancers Cost to Council for Event – approximately \$1,500
	18 December 2017	Kelso Community Hub Christmas Party	Young Mob involvement Percy Raveneau (ACLO)

		involvement
4 March 2018	All About Women Event	Welcome to Country (Aunty Gloria)
8 March 2018	International Women's Day Event 2018	Welcome to Country by Shirley Scott (arranged by Jean Fell)
17 March 2018	Harmony Day Event 2018	Welcome to Country (Aunty Gloria)
13 April 2018	Seniors Festival 2018	Bingo event held at Kelso Community Hub- (Aunty Gloria organised to do Welcome to Country but did not turn up on day)
May 2018 to present	Reconciliation Action Plan	Multiple communications with Wiradyuri Elders regarding use of Images- no permission given for any use
28 June 2018	Reconciliation Week event for Council staff	Internal event only
9 July 2018	NAIDOC Week flag raising event 2018	Welcome to Country Dancers Cost to Council for Event – approximately \$1,500
July 2018	Sallywags	Indigenous dancer and storyteller attended Sallywags sharing dreamtime stories, music and dance.
18 October 2018, 15 November 2018 & 13 December 2018	Little Sallywags & Sallywags – Yarnin' Circle - Gowrie	Gowrie (Early Childhood Education Provider) Coordinators and Educators attend Gowrie led Yarnin' Circles. A Yarnin' Circle assists staff to understand aboriginal perspectives and to embed practices into educational programs.
November 2018	Request for feedback as part of Community Safety Plan development	Wiradyuri Elders did not provide any feedback Lands Council did not provide any feedback
November 2018	Little Sallywags - Indigenous TAFE student placement	Little Sallywags hosted an Indigenous Certificate III TAFE student for a four week placement
2 November 2018	The Climbing Tree	Kelso kids, (including Aboriginal young persons) attended - complimentary tickets & meal/bus & staff accompanying to BMEC
During School Terms – ongoing.	Kelso Community Hub	Weekly after school activities and school holiday programs Young Mob involvement Percy Raveneau (Aboriginal Community Liaison Officer)- Walk in Wednesday and Breakfast program

	December 2018	Sallywags - Towri MACS	Staff from Sallywags attended Towri Christmas Party & 25 year Anniversary celebration for Aboriginal staff member.
	12 December 2018	Kelso Community Hub Christmas Party	Young Mob involvement Percy Raveneau (ACLO) involvement
	2018 – ongoing relationship	Sallywags - Towri	Towri MACS staff and children visit to Sallywags child care.
	Ongoing	Youth Network Meetings (bi-monthly)	When Aboriginal community members attend the Meetings, a Welcome to Country is completed by them.
Council Events	26 January 2017	Australia Day	Welcome to Country at Citizenship Ceremony
	26 January 2018	Australia Day	Welcome to Country at Citizenship Ceremony – did not attend, no correspondence.
	7 May 2017	Proclamation Day	Welcome by Elder
	7 May 2018	Proclamation Day	Welcome to Country – did not attend
	10 June 2017	Bathurst NRL	Welcome to Country - Cowra Dancers - Welcome by Elder
	3-4 February 2018	Bathurst 12 Hour	Wiradyuri Elders and BLALC representatives invited to attend Mayoral suite. Representatives of BLALC attending. Wiradyuri Elders did not provide feedback.
	6-7 October 2018	Bathurst 1000	Wiradyuri Elders and BLALC representatives invited to attend Mayoral suite. Representatives of BLALC attending. Wiradyuri Elders did not provide feedback.
	4 May 2018	Bathurst NRL	Welcome to Country - Cowra Dancers - Welcome by Elder
	7 – 22 July 2018	Bathurst Winter Festival	Invited to attend Ignite the Night (7 July) – Did not confirm attendance but turned up. Confirmed attendance for Brew & Bite (14 July), but did not attend

Reconciliation Action Plan

Bathurst Regional Council's inaugural Reconciliation Action Plan 2015 – 2017 was officially launched to the community on Monday 6 July 2015 at Council's NAIDOC Flag Raising ceremony.

The Reconciliation Action Plan is a document created to outline the development of Council's recognition and respect for the Aboriginal community. The Reconciliation Action Plan creates, develops and enhances respectful relationships between Aboriginal and Torres Strait Islanders and other Australians with a focus upon three key areas: relationships, respect and opportunities.

The Plan is currently being reviewed. A new updated plan has been prepared and will be finalised in the near future.

The Reconciliation Action Plan was initiated by Council. A summary of the achievements of the 2015-17 plan was reported to Council, DCCS #1, Ordinary Meeting, 15 February 2017. Further details on the program are awaiting finalisation of the new plan.

Cultural Awareness Training

Council has in place Cultural Awareness Training for all staff and Councillors. The training seeks to improve knowledge on understanding the local Aboriginal community, Aboriginal Australia – past and present, and the Council's and the Councillors/staff members individual role in working together.

Council recently implemented an updated course for the Cultural Awareness Training. All Councillors have completed this new course and it is anticipated that at least 85% of EFT staff will have completed the new course by June this year (note that in excess of 80% of EFT staff have completed the old course).

NAIDOC Week

Council holds a morning tea and flag raising event as part of the broader ceremonies held by the Aboriginal community to celebrate NAIDOC week each year. The local Aboriginal community hold other events during the warmer months of the year.

Memorandum of Understanding (MOU) and an Indigenous Land Use Agreement (ILUA)

The issue of developing a MOU was most recently instigated following an approach by the Bathurst Wiradyuri and Aboriginal Community Elders group in 2018.

Following consideration of this matter Council's direction was to proceed with a single MOU with all relevant local Indigenous groups.

The principle purpose of the draft MOU, as prepared by Council, is to enhance the working relationship between all parties particularly with respect to:

1. Revitalising Aboriginal Culture and Heritage
2. Sharing information
3. Identifying and understanding Aboriginal Sites
4. Supporting employment, training and well-being.

The draft MOU constitutes a statement of the mutual intentions of all parties with respect to its content and does not constitute any legally binding obligations.

The draft MOU has been formatted to include actions that all parties will undertake together, actions that Council will be responsible for and actions that the local Indigenous groups will be responsible for.

Council has received representations on behalf of:

- Bathurst Wiradyuri and Aboriginal Community Elders
- Wiradyuri Traditional Owners Central West Aboriginal Corporation
- DHUULUU-YALA Enterprises
- Gunhigal Mayiny Wiradyuri-Dyilang Enterprise

who are opposed to Council's approach for a single MOU. These groups seek an MOU specifically with local Aboriginal Traditional Owners from the Bathurst Wiradjuri area dealing with issues relating to the Traditional Owners.

Council is proceeding with a single MOU as an holistic approach, which then reduces fragmentation of understanding, cooperation and other matters between the parties involved. At the time of writing this report a final MOU had not been sent back out to the various groups as minor amendments are being made to ensure consistency between the MOU and Council's draft Community Participation Plan.

Council was also approached by the Bathurst Wiradyuri and Aboriginal Community Elders group to enter into an Indigenous Land Use Agreement (ILUA). ILUAs are voluntary agreements that:

- must be about native title matters and can be about other matters;
- are binding between a native title group or Registered Native Title Body Corporate(s) and other parties; and
- whilst registered, bind all persons holding native title in the agreement areas.

At this time Council is not pursuing an ILUA given the range of other matters currently being dealt with by Council in relation to Aboriginal Cultural Heritage matters. Further, Council believes the finalising of an MOU is an important initiating step in setting parameters for future dealings between all parties and thus should be the focus of Council's actions.

Meeting Rooms

Council made available the former Raglan Hall (and 6,500 square metres of land) as meeting and training rooms for the Bathurst Wiradyuri and Aboriginal Community Elders at a nominal rent of \$20 per annum plus outgoings. This arrangement was recently revoked as the Groups were not using the facility.

Conclusion

Council and the community's priority, under the Bathurst 2040 Community Strategic Plan, Strategy 1.1 is to "respect, protect and promote the regions Aboriginal heritage assets". As outlined in this report Council is continuing to invest in activities that seek to recognise and protect the cultural heritage of the Bathurst Region generally and Mount Panorama specifically and to also undertake ongoing reconciliatory actions.

The applications/nominations for declaration of Mount Panorama are essentially about recognition and protection of the cultural heritage values of the Mountain. Council recognises that Mount Panorama has cultural significance to the local Aboriginal community in the region and targeted consultation with Aboriginal stakeholders is continuing (e.g. the consultation that is occurring with the development of the second circuit ACHAR). It is important to note that Council led the dual naming process of Mount Panorama Wahluu. Council has not supported a specific declaration of the Mountain or a State Heritage Listing under the NSW Heritage Act on the basis of:

1. The importance of Mount Panorama as an international motor racing circuit.
2. The ongoing commitment Council continues to make to investigate and support the recognition and protection of Aboriginal Cultural Heritage values across the whole of the LGA, as outlined in this report.

Financial Implications: The total cost to date on cultural interpretation studies and the anthropological investigations has been: \$182,138 (excluding RAP fees).

- The total cost spent to date on Aboriginal Cultural Heritage Assessments, including the estimated fees to complete the second circuit ACHA has been \$563,454 (excluding RAP fees).
- The Registered Aboriginal Party fees paid to date for the ACHARs and the Anthropological Investigations has been \$148,400 (including the estimate for the second circuit ACHAR).
- The overall total costs to date has been \$893,992 (including the estimate for completion of the second circuit ACHAR).
- The costs associated with the reconciliatory actions under this report have been met within existing Council budgets.

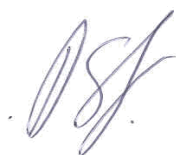
Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 1: Our sense of place and identity Strategy 1.1, 1.3
- Objective 4: Enabling sustainable growth Strategy 4.6

Community Engagement

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

Yours faithfully



D J Sherley
GENERAL MANAGER

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

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

15 MAY 2019

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)
- (b) that apply to the land to which the development application relates,
- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,
- (c) the suitability of the site for the development,
- (d) any submissions made in accordance with this Act or the regulations,
- (e) the public interest.

(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 April 2019 (**attachment 1**).
- (b) Applications refused during April 2019 (**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 April 2019 (**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. 2019/35 – DEMOLITION OF EXISTING SHED AND GARDEN SHED AND CONSTRUCTION OF A NEW SHED AT 60 COTTONWOOD DRIVE, EGLINTON. APPLICANT: MR J SMOOTHER. OWNER: MR JM SMOOTHER & MS M KNIGHT (DA/2019/35)

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. 2019/35, subject to conditions able to be imposed pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979, as amended, and including the following conditions:
- i) The shed is not to be used for commercial or industrial purposes or the storage of goods associated with industrial or commercial undertakings,
 - ii) Provision for landscaping to be provided along the northern and eastern boundaries. The vegetation is to have a mature height of at least three (3) metres. The applicant will be required to submit a landscape plan to demonstrate this is achievable prior to the issue of a Construction Certificate.
 - iii) Restriction on when externally audible equipment can be used consistent with those outlined in the EPA Neighbourhood Noise Guidelines.
 - iv) Restriction that any works must be completed within the building and the doors must be closed when audible equipment is being used;
- (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 an existing shed and garden shed, and the construction of a new shed at 60 Cottonwood Drive, Eglinton, described as Lot 44, DP 816073.

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

The site currently contains a single storey dwelling with attached carport and patio area, a shed and a garden shed.

The site has an area of 954.4m².

Adjoining properties contain single and two storey dwellings, with associated outbuildings.

The proposal

The proposed development includes:

- Demolition of the existing shed and garden shed;
- Construction of a 11m x 14m shed

The proposed shed will be 0.9m from the northern boundary (being the common boundary with 58 Hollyhock Place), 3m from the western boundary (being the boundary to Hollyhock Place), approximately 10m from the eastern boundary (being the common boundary with 62

Cottonwood Drive) and 3.8m from the existing dwelling onsite.

During the assessment process the applicant submitted amended plans to:

- reduced the overall height from 6.17m to 5.1m,
- reduce the wall height from 5m to 4m, and
- include a landscaping buffer to the northern side adjoining 58 Hollyhock Place.

The shed will be constructed of colorbond steel and includes 4 roller doors on the western elevation.

The application does not propose any commercial or industrial purposes. Conditions to this effect will be imposed on the development consent.

No works are proposed to the existing dwelling on the site.

Planning Context

Bathurst Regional Local Environmental Plan 2014

The subject site is zoned R1 General Residential under the provisions of the *Bathurst Regional Local Environmental Plan 2014*. While not specifically defined the proposed development is a structure ancillary to the dwelling on the property and is accordingly permissible with consent in the R1 General Residential zone. The proposal is consistent with the objectives of the zone.

Clause 4.3 Height of buildings

The *Height of Buildings Map* for this locality indicates a maximum overall building height of 9 metres. The proposed shed will have an overall height of 5.1m which therefore complies.

Chapter 2 - Exhibition and Notification of Development Applications

As the shed exceeds 60 square metres the Development Application was notified to the adjoining property owners from 20 February 2019 to 1 March 2019.

Following the notification period, a total of three (3) submissions were received (see submissions as **attachment 2**) on behalf of an adjoining owner and owners of properties within the surrounding area. No submissions were received from residents of Hollyhock Place.

A discussion Forum was convened by the Director Environmental, Planning and Building Services on 14 March 2019. Minutes of the discussion forum are at **attachment 3**. Key issues raised in the submissions and at the discussion forum are as follows:

- **Noise from activities carried out in the proposed shed**

Comment: The current owners have a collection of cars which are housed on the property. The intention is not to permit any commercial or industrial usage of the site (being uses that would be otherwise prohibited on the site). The EPA neighbourhood noise guidelines suggest that the following noise limits are generally acceptable in a residential area.

Noise source – from residential premises	Time restrictions when noise should not be heard in a habitable room in a
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	neighbourhood residence
Power tools and equipment (power garden tools – eg lawn mowers and leaf blowers – electric or pneumatic tools, chainsaws, circular saws, gas or air compressors and swimming pool or spa pumps)	Before 8 am and after 8 pm on Sundays and public holidays Before 7 am and after 8 pm on any other day
Motor vehicles (except when entering or leaving residential premises)	Before 8 am and after 8 pm on Sundays and public holidays Before 7 am and after 8 pm on any other day

- **Devaluing property values**

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

Following the discussion forum the majority of the issues raised in the submissions were satisfactorily dealt with.

Chapter 4 – Residential Development

Chapter 4 outlines provisions in relation to residential development inclusive of sheds.

Section 4.4.1 of the DCP outlines the general siting considerations for all residential development. The objectives outlined in Section 4.4.1 include:

- To enhance and/or maintain residential streetscape and character and to provide for landscaping in front of buildings.
- To reduce the visual dominance of garages, vehicle access, carports and parking spaces in the streetscape.

The proposal is set back 3 metres from Hollyhock Place and accordingly complies with the numerical standards for the minimum building line for corner lots being a minimum of 2 metres.

The DCP does not contain any specific provisions in relation to the overall height and size for residential sheds. That said it was recognised that the original proposal which proposed a wall height of 5 metres to the eave and an overall height of 6.17 metres was considered to be unacceptable in terms of its overall height and bulk given its location within the streetscape. The applicant has responded to this by reducing the overall height of the walls and apex of the roof to 4.0 metres and 5.1 metres respectively.

The applicant has proposed a limited amount of landscaping to the northern boundary of the shed although given that the building is 900mm off the boundary it is unlikely that it would be able to fully screen the building. Whilst the applicant has not specified the final form of the landscaping it is likely that it will have a limited muting effect as opposed to a full screening effect. In order to be effective the plant selection will need to be undertaken in recognition of the confined space. The final form of these plantings will need to be shown on a landscape plan.

As it stands the proposal, whilst located within the rear yard of the subject property, will be highly visible within the cul de sac of Hollyhock Place. It will be prominent when viewed from the residential premises around the cul de sac head, noting it is ultimately a matter of opinion as to the significance of this prominence. For the purposes of perspective, the shed opposite at 46 Cottonwood is 3.4 metres to the eave and 4.46 metres to the apex of the roof.

Conclusion

Council has received a Development Application for the demolition of an existing shed and garden shed, and the construction of a 11 metre x 14 metre shed with an overall height of 5.1 metres at 60 Cottonwood Drive, Eglinton. The proposal was notified in accordance with the Bathurst Regional Development Control Plan given the proposed garage is over 60 square metres on land within the R1 zone. The proposal is consistent with the objectives of the zone. Amended plans were submitted in response to issues raised during the assessment process. It is therefore recommended that the Development Application be granted.

Financial Implications: Nil.

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 4: Enabling sustainable growth Strategy 4.6

Community Engagement

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

4 LOCAL STRATEGIC PLANNING STATEMENT (20.00335)

Recommendation: That Council note the commencement of the preparation of the Bathurst Region Local Strategic Planning Statement.

Report: In March 2018, changes to the Environmental Planning and Assessment Act set out new requirements for Councils to prepare a Local Strategic Planning Statement (LSPS). The changes to the Act sought to refocus the NSW Planning system from its current emphasis on development assessment to a focus on strategic planning. The LSPS legally enshrines Council's strategic planning role.

The aim of the Local Strategic Planning Statement (LSPS) is to set out:

- The 20 year vision for land use in the Bathurst Region.
- The special characteristics which contribute to local identity.
- Shared community values to be maintained and enhanced.
- How growth and change will be managed into the future.

The LSPS shows how Council's vision will give effect to the Central West and Orana Regional Plan and seeks to summarise planning priorities identified through State, Regional and Local strategic planning work. The LSPS will be the key resource to understand how strategic and statutory plans will be implemented at the local level. It will inform the local statutory plans (the Local Environmental Plan) and development controls and how the Local Environmental Plan (LEP) and Development Control Plan (DCP) will evolve over time.

The LSPS and its 20 year vision for land use will give effect to the Regional Plan and Council's Community Strategic Plan by:

- Identifying community priorities and special characteristics that contribute to local identity
- Using engagement to determine how strategic land use policy goals are physically expressed.
- Describing how goals will be delivered, and how growth and change will be managed, monitored and reported.
- Inform LEP/DCP changes and the new strategic planning work that needs to be undertaken to inform change.
- Assessing future land use, infrastructure and service requirements.

The LSPS actions will then link to Council's Integrated Planning and Reporting Framework to inform the Community Strategic Plan, the Delivery Plan and the Operational Plan.

Council is required to have a LSPS in place by 1 July 2020. Council's planning staff have commenced this project.

The preparation of the Plan will be informed by, and will subsequently inform:

- the Central West and Orana Regional Plan
- Bathurst 2040 Community Strategic Plan
- the adopted land use and planning studies of the Bathurst Region including, for example, the Bathurst Region Urban Strategy, the Bathurst Region Rural Strategy, Bathurst 2036 Housing Strategy, the Bathurst CBD and Bulky Goods Business Development Strategy, and the open space strategy (currently being prepared).
- Other Council adopted plans and strategies including, for example, the Cultural Vision, the Destination Management Plan, and the Economic Development Strategy.

The development of the LSPS will include the following key steps:

- Gap analysis and summary of where we are now (currently underway).
- LEP health check against the priorities of the Central West and Orana Regional Plan (currently underway).
- Engagement with the community in terms of their land use vision for the Region.
- Development of a draft LSPS.
- Public Exhibition of the draft LSPS.
- Adoption of the LSPS by Council.
- Endorsement of the LSPS by Department of Planning.

Opportunities will be identified to consolidate the engagement process for the LSPS with the visioning for the next Community Strategic Plan (due in 2021) and other current projects and plans being prepared by Council.

Financial Implications: The LSPS will be prepared in-house by Council staff within existing budgets.

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 4: Enabling sustainable growth Strategy 4.1, 4.6
- Objective 6: Community leadership and collaboration Strategy 6.1, 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.

5 LAFFING WATERS DEVELOPMENT MASTER PLAN (20.00303)

Recommendation: The Council:

- (a) adopt the Laffing Waters Master Plan and place it on public exhibition for 28 days to provide feedback to be considered in the preparation of the subsequent Planning Proposal;
- (b) prepare a Planning Proposal following the NSW Department of Planning and Environment Guidelines to amend the Bathurst Regional Local Environmental Plan 2014 as outlined in this report;
- (c) commence an amendment to the Bathurst Regional Development Control Plan 2014 as outlined in this report;
- (d) commence an amendment to the Bathurst Regional Open Space Developer Contributions Plan as outlined in this report;
- (e) investigate amendments to Developer Contributions Plans for other types of infrastructure such as roads;
- (f) forward the Planning Proposal to the NSW Department of Planning and Environment requesting a Gateway Determination;
- (g) accept any delegations from the Department of Planning and Environment relating to this Planning Proposal;
- (h) place the draft Local Environmental Plan, Development Control Plan and Developer Contributions Plan Amendments on public exhibition in accordance with the statutory requirements of the Environmental Planning and Assessment Act; and
- (i) call a division.

Report: Council engaged Tract Consultants Pty Ltd, to prepare a Master Plan for the Laffing Waters residential development precinct and associated neighbourhood centre. Laffing Waters is a crucial urban release and growth area for the City of Bathurst. The Master Plan included the current urban zoned land (R1 General Residential, RE1 Public Recreation and B1 Neighbourhood Centre) and did not consider a wider rezoning of additional rural land for urban purposes.

The subject area is approximately 360 hectares and is an identified urban release area. The land includes a Council development site off Laffing Waters Lane and other privately owned land. Council's current planning is for a mix of residential, commercial and community uses (including a school) incorporated into the precinct. A locality plan is provided at **attachment 1**.

The Bathurst 2036 Housing Strategy guides the future housing growth of Bathurst. During the visioning process for the housing strategy, the community expressed their support for planned growth and higher living densities near neighbourhood centres while retaining the existing neighbourhood amenity and feel.

The Housing Strategy also identified the need to use the available residential vacant land stocks better to reduce the urban sprawl of a growing city through the integration of several methods, from smaller lot sizes and medium density housing to requiring a minimum density

per hectare of land at the time of subdivision.

The Laffing Waters Development Master Plan will assist Council to be a leader in the future development of land and showcase the opportunities available to other landowners for the development of their property with high quality residential and neighbourhood business development.

A copy of the draft Master Plan is provided at **attachment 2**.

The list below outlines the main features of the Master Plan.

1. Anticipated Lot Density

The Master Plan has identified a mix of lot sizes, with smaller lots generally located in the area close to the Neighbourhood Activity Centre (NAC) with larger lots in the outer band. Average lot sizes range from 450sqm (12 dwellings per hectare) to 940sqm (8 lots per hectare), with the smaller lots located closer to the NAC. An amendment to the Bathurst Regional Local Environmental Plan and Development Control Plan is required to deliver the range of housing envisaged. The Master Plan anticipates a shift away from the current practice of uncontrolled dual occupancy developments. Council will also prepare Design Guides to encourage best practice development of smaller lots.

2. Neighbourhood Activity Centre (NAC)

A site of 5 hectares is allocated for the NAC and associated uses. The NAC has been designed with the capacity for a 3500sqm supermarket with other speciality shops co-located. In addition to the supermarket and speciality shops, the NAC has the ability for additional community facilities to be co-located. The location and future development of the site is supported by the Bathurst CBD & Bulky Goods Business Development Strategy (2011). An amendment to the Bathurst Regional Local Environmental Plan and Development Control Plan is required to appropriately locate the B1 Neighbourhood Centre zone.

3. School

Council is committed to reserving a site for a future school, although the Department of Education has advised that further school sites are not required. A 3ha site has been identified and reserved adjacent to the NAC. The consultants have suggested the co-location of a school, recreation areas and the NAC as being the best use of the site and reflect the current practices of master planned communities. An amendment to the Bathurst Regional Local Environmental Plan and Development Control Plan is required to appropriately locate and zone the school site.

4. Recreation

A 9ha district open space site has been identified and located adjacent to the school site. Nine hectares is considered to be an appropriate size given the expected population of the Laffing Waters precinct and is similar in size to Cubis Park at Eglinton.

It is also important to note that other local open space areas identified in Council's current planning instruments have been redistributed to reflect an optimum subdivision pattern. An amendment to the Local Environmental Plan and Development Control Plan will be required to reflect the redistribution of the open space and designate the

district open space.

5. Realignment of Laffing Waters Lane

The Master Plan has identified the realignment of Laffing Waters Lane to improve access to the NAC and provide benefits to the open space network.

6. Drainage

The engineering calculations have identified a need for additional stormwater detention within the subdivision. The stormwater design has identified open swales in the upper catchment, as well as a number of detention basins in critical locations.

Public exhibition of the Laffing Waters Master Plan

It is proposed that Council adopt the Laffing Waters Master Plan and place it on public exhibition as it relates to Council land. The exhibition period will allow the local community to comment on the Master Plan to better inform the preparation of amendments to the planning instruments (LEP and DCP and Developer Contributions Plan). The amendments to the Local Environmental Plan, Development Control Plan and contributions plans will then be further exhibited.

Amendments to the Bathurst Regional Planning Instruments

1. *Bathurst Regional LEP 2014*

Changes to the Bathurst Regional LEP are required for both Council's land and the privately owned land to give effect to the Laffing Waters Master Plan. There are several alterations needed including:

- a) Relocation, reconfiguration and enlargement of the Laffing Waters Neighbourhood Activity Centre B1 zone
- b) Introduction of the R3 Medium Density zone, including appropriate changes to the height of buildings, lot size and land zoning maps.
- c) Reconfiguration of the RE1 Public Recreation zone reflecting the Laffing Waters Master Plan
- d) Appropriate use of the SP2 Infrastructure zone for:
 - i. The proposed school site
 - ii. Drainage lines
 - iii. Proposed realignment of Laffing Waters Lane
 - iv. The proposed alignment of Ecrates Place
- e) Amendments to the Minimum lot size Dual Occupancy and Multi-Dwelling housing, the height of buildings and land zoning maps as it applies to the R1 General Residential zone.
- f) Minor, inconsequential amendments to other maps.
- g) Introduce controls to manage the implementation of the State Government's Low Rise Medium Density Housing code.

2. *Bathurst Regional Development Control Plan 2014*

Changes to the Bathurst Regional DCP are required. It is proposed to amend the DCP by:

- a) Amending Map No 4 – Kelso, and introducing a new DCP map to reflect the zoning changes as a result of the draft Laffing Waters Master Plan.

- b) Prepare relevant development controls and other maps to guide the development of residential, commercial and community land.

3. *Bathurst Regional Open Space Developer Contributions Plan*

An amendment to the Open Space Developer Contributions Plan is required to reflect the amount of open space required as a result of the Master Plan. Council has also received a revised valuation for the purchase of open space in all areas of Bathurst under this Plan. The Plan will also be amended to reflect the revised value attributed to the open space to all open space areas in Bathurst.

4. *Roadworks- New Residential Subdivisions Developer Contributions Plan*

An amendment to the Roadwork – New Residential Subdivision Developer Contributions Plan is required to reflect the proposed road network identified in the Master Plan.

Public exhibition of the Planning Instrument Amendments

The proposed amendments to the Planning Instruments will require public exhibition and this will not occur until Council has received authorisation from the NSW Department of Planning and Environment.

Conclusion

Council engaged the services of Tract Consultants Pty Ltd to develop a Master Plan for the Laffing Waters growth precinct. To fully implement the outcomes of the Master Plan, amendments to several planning instruments are required. Adoption of the Master Plan is recommended, followed by its exhibition to inform the preparation of a Planning Proposal to implement the Master Plan.

Financial Implications: The preparation of the Master Plan was funded in the 2018/19 Management Plan.

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 1: Our sense of place and identity Strategy 1.4, 1.5
- Objective 3: Environmental stewardship Strategy 3.3
- Objective 4: Enabling sustainable growth Strategy 4.2, 4.6
- Objective 6: Community leadership and collaboration Strategy 6.1

Community Engagement

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

6 ALEC LAMBERTON MASTER PLAN COMMUNITY CONSULTATION (20.00330)

Recommendation: That Council:

- (a) adopt the Alec Lamberton Field Master Plan Community Consultation report; and
- (b) note that the preparation of a landscape plan will now be commissioned.

Report: Council allocated money within the 2018/19 budget to prepare a master plan for the Alec Lamberton field. As part of the first stage, Council engaged the services of Western Research Institute (WRI) to consult with the local community for the Alec Lamberton Field. WRI was tasked to undertake a community consultation process and produce a report that synthesises the preferred vision and future use of the Alec Lamberton field.

As part of the project, WRI were given the submissions that Council had previously received about the site, particularly in relation to earlier proposals for a Go-Kart track and a proposal for an industrial rezoning and reclassification. An extract of the draft Bathurst 2040 Open Space Strategy was also used to inform the discussion. Preliminary comments relating to Alec Lamberton Park, from the draft Open Space Strategy, are:

“...that its desirable roles are for sport, informal and active recreation, natural vegetation enhancements, as well as a "gateway" to Kelso/Bathurst from Oberon and beyond. We suggest:

- 1) *Focusing on the provision of a multi-user rectangular sports field, a half size junior field for club and community use*
- 2) *Upgrading the clubhouse and amenities building to allow for sporting use and program/ meeting space for sports groups or other users*
- 3) *Adding additional active recreation elements such as an outdoor fitness space/ gym*
- 4) *Incorporate informal recreation elements with some shaded seats and tables, and provision of water*
- 5) *Consider opportunities for enhancing natural vegetation and landscape corridor linkage to the vegetated corridor to the east*
- 6) *Include cycle/ active transport links to the Great Western Highway.”*

As part of the community consultation report, WRI undertook the following consultation activities:

- Four focus groups with key community stakeholders – 37 attendees.
- Soccer club representatives were interviewed as they could not attend the focus groups.
- An online survey of the community – 27 responses.
- Interview with the Chifley Local Area Command.

Some of the key findings of the consultation included common themes of parkland, general exercise (walking, cycling, exercising), or general recreation. The community's vision for Alec Lamberton field was *'A green space needs to be retained, in a flexible way, in case the growth of the city means it could be used again for sports fields'*. There was little support for the use of the site for a commercial recreation business, such as indoor rock climbing, roller derby or similar, even though the current zoning of the land (RE1 Public Recreation) permits these uses with consent.

A copy of the consultation report has been provided as **attachment 1**.

The WRI consultation report has identified the community's vision for the future use of Alec Lamberton Field. It is appropriate that Council now adopt the consultation report. A landscape plan and design is then required to implement the community's vision.

Funds were allocated in the 2018/19 management plan to cover both the consultation and the landscape plan. It is expected that the landscape plan will be commissioned in the immediate future.

Financial Implications: Funds have been provided in the 2018/9 Management Plan for Alec Lamberton Field planning.

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 1: Our sense of place and identity Strategy 1.4
- Objective 4: Enabling sustainable growth Strategy 4.3
- Objective 6: Community leadership and collaboration Strategy 6.1

Community Engagement

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

**7 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE
(11.00005 & 22.00052)**

Recommendation: That the information be noted.

**Report: 1. REQUEST FOR ADVICE FROM DEPARTMENT OF INDUSTRY (CROWN
LANDS) OVER FORMER BATHURST GASWORKS SITE**

This report relates to consideration of Council's options in relation to the future ownership of the Former Gasworks site.

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

15 MAY 2019

1 STATEMENT OF INVESTMENTS (16.00001)

Recommendation: That the information be noted.

Report: \$71,280,000 was invested at 30 April 2019 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+	\$13,500,000.00	2.71%
Bankwest	A1+	\$4,500,000.00	2.76%
CBA	A1+	\$4,500,000.00	2.71%
Westpac	A1+	\$1,500,000.00	2.81%
Bank of Queensland Limited	A2	\$3,000,000.00	2.68%
Bendigo & Adelaide	A2	\$1,500,000.00	2.77%
IMB	A2	\$1,500,000.00	2.68%
Auswide Bank	A2	\$1,500,000.00	2.73%
Maritime, Mining & Power Credit Union Ltd	ADI	<u>\$4,500,000.00</u>	<u>2.70%</u>
		\$36,000,000.00	2.72%
<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	2.66%
CBA Deposit Plus 1	AA-	\$1,500,000.00	2.83%
CBA Deposit Plus 2	AA-	\$1,500,000.00	3.07%
Westpac Coupon Select	AA-	\$2,000,000.00	3.01%
Westpac Coupon Select 1	AA-	\$3,000,000.00	3.13%
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>\$1,630,000.00</u>	<u>1.70%</u>
		\$14,130,000.00	2.80%
<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	3.27%
Greater Bank Ltd	BBB	<u>\$2,000,000.00</u>	<u>3.42%</u>
		\$4,000,000.00	3.27%
<u>Floating Rate Notes</u>			
Commonwealth Bank of Aust.	AA-	\$1,000,000.00	2.58%
CBA Climate Bond	AA-	\$1,000,000.00	2.69%
Commonwealth Bank of Australia 2	AA-	\$500,000.00	2.88%

Suncorp Metway	A+	\$1,000,000.00	2.94%
Rabobank	A+	\$1,000,000.00	3.38%
AMP	A-	\$1,000,000.00	2.82%
AMP	A-	\$800,000.00	2.96%
AMP	A-	\$1,000,000.00	3.24%
AMP	A-	\$1,100,000.00	2.94%
Macquarie Bank	A	\$1,000,000.00	2.98%
Bank of Queensland 1	BBB+	\$2,000,000.00	2.91%
Bank of Queensland 2	BBB+	\$1,000,000.00	3.04%
Bendigo & Adelaide Bank 2	BBB+	\$1,000,000.00	2.77%
Bendigo & Adelaide Bank 3	BBB+	\$1,000,000.00	3.05%
Members Equity 3	BBB	\$750,000.00	3.24%
Newcastle Permanent	BBB	\$1,000,000.00	3.07%
Newcastle Permanent 3	BBB	<u>\$1,000,000.00</u>	<u>3.33%</u>
		\$17,150,000.00	2.98%

Total Investments **\$71,280,000.00** **2.83%**

These funds were held as follows:

Reserves Total (includes unexpended loan funds)	\$19,030,157.00
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 **\$71,280,000.00**

Total Interest Revenue to 30 April 2019 **\$1,979,541.69** **2.83%**

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 April 2019, 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:	\$7,592.72
Mount Panorama:	\$ Nil

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.

- Nil

Linen Plan Release

- Mr D & Mrs N Druitt - 4 Lot large residential subdivision - Stage 1: 2 lots released - Lot 221, DP 124805 - 426 Mount Rankin Road, Mount Rankin
- Bathurst Regional Council - 153 Lot residential subdivision - Stage 1: 98 residential lots and 1 residual - Lot 3, DP 833295 & Lot 5, DP 847225 - 197 Limekilns Road & Marsden Lane, Kelso
- Gico Pty Ltd - 106 Lot residential subdivision - Stage 8: 12 residential lots & 1 residual lot - Lot 709, DP 1250242 - Wheatfield Drive, Kelso
- Gico Pty Ltd - 106 Lot residential subdivision - Stage 9: 9 residential lots and 1 residual lot - Lot 813, Proposed Lot 1252639A - Wheatfield Drive, Kelso
- Gico Pty Ltd - 106 Lot residential subdivision - Stage 10: 8 lot residential - Lot 909, Proposed Lot 1252640 -Wheatfield Drive, 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 CODE OF CONDUCT (11.00024, 41.00089)

Recommendation: That Council;

1. Adopt the Code of Conduct
2. Adopt the Procedures for the Administration of the Code of Conduct
3. Adopt the additional Council Criteria contained in Addendum A of the previous Council adopted version of the Procedures for the Administration of the Code of Conduct - as an addendum to the new Procedures for the Administration of the Code of Conduct.

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

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

Further, the Regulations may also prescribe a model procedure for administering the model code referred to above, as per Sec 440AA of the Local Government Act. Circular 18-44 from the Office of Local Government advised that a new Model Code of Conduct for Local Councils in NSW and Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW have been prescribed under the Local Government Act 1993. Councils must adopt the new Code and Procedures by 14 June 2019.

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

- Code of Conduct
- Code of Conduct Procedures for the Administration of the Model Code

Council also added some additional criteria to the Procedures for Administration of the Code of Conduct at Addendum A (refer **attachment 1**). These criteria were established to provide clarification and assistance when dealing with the Code of Conduct Procedures.

These will be removed from the Policy Manual and replaced by the new Code of Conduct (refer **attachment 2**) and Procedures for the Administration of the Code of Conduct (refer **attachment 3**).

It is recommended that Council;

1. Adopt the Code of Conduct
2. Adopt the Procedures for the Administration of the Code of Conduct
3. Adopt the additional Council Criteria contained in Addendum A of the previous Council adopted version of the Procedures for the Administration of the Model Code - as an addendum to the new Procedures for the Administration of the Code of Conduct.

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, 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.

**6 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE
(11.00005, 33,00830, 18.00004)**

Recommendation: That the information be noted.

Report: **REQUEST FOR FINANCIAL ASSISTANCE (25.0007, 33.00830, 18.00004)**

This report relates to a request for financial assistance due to loss of trade.

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 Jones
DIRECTOR
CORPORATE SERVICES & FINANCE

DIRECTOR ENGINEERING SERVICES' REPORT

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

15 MAY 2019

1 TALS INSTITUTE FUNDING APPLICATION - LETTER OF SUPPORT (13.00031)

Recommendation: For Council's consideration.

Report: Councillor Fry has requested a letter of support from Council with regard to a funding application to be made to the Federal Government by the The Australian Landscape Science (TALS) Institute.

The main objectives of the program are water saving, soil rehydration, improvements to biodiversity and farm productivity increases. The two particular projects as identified for Bathurst include restoration of Chifley Dam catchment and improvements to the Bathurst brick pits, located adjacent to Raglan Creek. Please refer to **attachment 1** for details of the proposal.

The original proposal included effluent reuse from the Bathurst Waste Water Treatment Plant to provide a consistent water source for the brick pit proposal. Due to previous consideration by Council of effluent reuse, this has been removed from the proposal.

Council staff do not have significant concerns with the proposal, on the basis that development consent is obtained if required; all necessary approvals from either State or Federal Government agencies are obtained prior to any work commencing, and that Council does not administer the program.

Financial Implications: Nil cost to Council.

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 3: Environmental stewardship Strategy 3.2, 3.3

Community Engagement

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

**2 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE
(11.00005, 36.00703, 36.00704, 36.00698)**

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 DESIGN AND CONSTRUCTION OF BMX CLUBHOUSE AND
AMENITIES BUILDING AT THE BATHURST BICYCLE PARK (36.00703)**

This report considers the proposed tender for the Design and Construction of BMX Clubhouse and Amenities Building at the Bathurst Bicycle Park.

**2 TENDER FOR CONSTRUCTION OF PEDESTRIAN WALKWAY AND ELEVATED
BOARDWALK AT MOUNT PANORAMA, BATHURST (36.00704)**

This report considers the proposed tender for the Construction of Pedestrian Walkway and Elevated Boardwalk at Mount Panorama, Bathurst.

**3 VARIATION TO CONTRACT FOR CONSTRUCTION OF SEWER AT BATHURST
AERODROME (36.00698)**

This report considers the proposed variation to contract for Construction of Sewer at Bathurst Aerodrome.

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

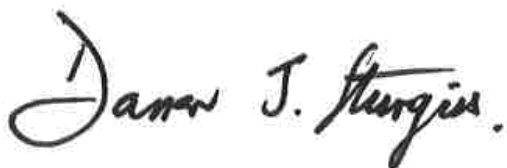
Bathurst Community Strategic Plan - Objectives and Strategies

- 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

15 MAY 2019

1 VISIT OF SEIRITSU HIGH SCHOOL, 18-25 MARCH 2019 (21.00041)

Recommendation: That the information be noted.

Report: Students from Seiritsu High School in Tokyo, Japan, visited Bathurst from 18-25 March 2019 on a cultural exchange visit.

Activities and home hosting arrangements were coordinated by staff of the Bathurst Visitor Information Centre (BVIC). It is the role of BVIC staff to liaise with the Japanese Tour Agency and to source and confirm all host families, including provision of specialised information relating to each student and arrangement of all payments. BVIC also organises and books all student activities and travel arrangements during their Bathurst stay, and prepares the welcome packs and information for host families as well as for visiting teachers and tour leaders.

Groups from Seiritsu High School have been visiting Bathurst since 1996, with 52 students, 2 guides and 2 teachers visiting and requiring billeting amongst host families in 2019. 26 families took part in home hosting of students for this visit.

Whilst in Bathurst the students participated in organised school activities at the Bathurst High and Kelso High campuses of Denison College and Scots All Saints College, as well as visits to Yarrabin Ranch and the Bathurst Goldfields. A group also spent a day in Cowra with transport for the group provided by Mount Panorama Coaches and Bathurst One Day Tours.

Feedback from the visiting students and from host families was extremely positive and again emphasised the importance of this ongoing cultural exchange program. The visit injected over \$60,000 into the local economy, including payments made through the school to participating host families..

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 2.1, 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.

2 ARTS OUTWEST MEMORANDUM OF UNDERSTANDING 2018-2022 (18.00036)

Recommendation: That Council:

- (a) Sign the Memorandum of Understanding with Arts OutWest 2018-2022.
- (b) Continue to support Arts OutWest in providing the financial contribution as outlined in the report.

Report: Council has received a request from Arts OutWest, to renew the Memorandum of Understanding (MOU) initially signed in 2002 with 17 Councils.

This new MOU, as shown at **attachment 1**, follows on from the previous MOU and requires approval by Council.

Council, in its Annual Operational Plan, provides funds to assist in the operations of Arts OutWest. Arts OutWest promotes, educates, facilitates and advocates for arts and cultural development for the communities of Central West NSW.

The formula used to calculate the rate is consistent for every LGA who contributes to Arts OutWest.

Arts OutWest delivers a high quality Arts program and it is recommended that Council, continue the financial contribution.

Financial Implications: Council has provided \$25,500 in the Annual Operating Plan 2018/2019 for Community Arts and this contribution is made directly to Arts OutWest.

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 2.1, 2.6
- Objective 5: Community health, safety and well being Strategy 5.2
- Objective 6: Community leadership and collaboration Strategy 6.1, 6.2, 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.

3 NSW YOUTH WEEK - 10 - 18 APRIL 2019 (11.00020)

Recommendation: That the information be noted.

Report: NSW Youth Week was held from 10 April – 18 April 2018.

Youth Week celebrates the positive contributions young people aged 12-25 years make to our communities. Youth Week is the largest celebration of young people in Australia. Thousands of young people aged 12-25 from across Australia are involved each year.

This year Bathurst celebrated Youth Week with the following five events:

Event: YJAM in the Park

Venue: Machattie Park, Keppel Street

Date & Time: Friday 5 April 2019, 6pm-10pm

YJAM in the Park was held in Machattie Park and featured eight performances from young local musicians. YJAM is a music project that celebrates the musical talents of young people in the Bathurst Region. Free hot drinks were available to all attendees, and food was available for purchase throughout the night. .

Event: Fanfiction Writing Workshop

Venue: Bathurst Library, Keppel Street

Date & Time: Monday 15 April 2019, 2pm – 3.30pm

This workshop allowed participants to explore the world of fanfiction and create their own stories. It featured characters from a particular TV series, movie or book. This workshop was for young people 12-17 years.

Event: Augmented Reality (AR) Escape Room Challenge

Venue: Bathurst Library, Keppel Street

Date & Times: Wednesday 17 April 2019, 2pm-3.30pm and Thursday 18 April 2019, 10:30am-11:30am, 12pm-1pm, 2pm-3pm, 3:30pm-4:30pm

Creation of the Escape Room was carried out on Day 1. Day 2 featured multiple sessions where small groups of young people attempted to 'escape' the room. This program was designed for young people 12-17 years.

Event: Bluntside Youth Week Clinic

Venue: Bathurst Skate Park, Lions Club Drive

Date & Time: Thursday 18 April 2019, 1pm-5pm

Ricky from Bluntside Sk8 Park Tours led workshops for skateboards, BMX and scooters.

Event: Veritas House BBQ Bonanza

Venue: Veritas House, 106-108 Russell Street

Date & Time: Tuesday 16 April 2019, 12pm-2pm

This free event featured a BBQ, arts corner, activities, sports corner, performances from young local musicians, games and prizes.

In total the five Youth Week events attracted over 160 people.

Financial Implications: The event was funded through a NSW Youth Week Grant and funds allocated in Council's budget to support Youth Week.

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.

4 KELSO COMMUNITY HUB - MAY 2019 UPDATE (09.00026)

Recommendation: That the information be noted.

Report: Capital Works

The Kelso Community Hub was successful in obtaining a grant of \$50,000 under the NSW Government Social Housing Community Improvement Fund to assist with the upgrade of the outdoor recreation space.

This upgrade will emphasise natural landscaping, featuring sandstone, timber, a yarning circle, paths, play equipment and breakaway opportunities. The space will provide therapeutic, health and well-being benefits. It will allow a connection between creative play and learning. Services utilising the facility will have access to a range of various outdoor elements which can be used to further support clients.

Construction commenced in January 2019 and the project is anticipated to be completed in June 2019.

The Kelso Community Hub was also successful in obtaining a grant of \$150,000 under the Stronger Country Communities Fund. This grant will allow the following works to be carried out:

- Construction of additional storage in the existing building – completed September 2018.
- Refurbishment of the existing kitchen – construction was carried out in early 2019 and is now complete.
- Construction of an additional multipurpose room – construction is expected to commence in June 2019.

Councillors will be invited to inspect and launch these new assets.

Services and programs operating:

As a result of capital works, usage of the Kelso Community Hub by external services has been minimal throughout the early part of 2019.

Several external services recommenced their programs at Kelso Community Hub in May 2019, following completion of the kitchen refurbishment. External services currently delivering programs from Kelso Community Hub include Galloping Gumnuts, C3 Church, Young Life, Relationships Australia, Hope Church, NSW Health and Birrang Enterprise.

Breakfast Club, Walk-In Wednesday and school holiday activities, facilitated by Kelso Community Hub staff, have continued throughout the construction phase.

The Hub is currently operating five days per week, with services and programs continuing to have a positive impact on the community

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 5: Community health, safety and well being Strategy 5.1, 5.2, 5.3, 5.4, 5.5

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 REGIONAL ART GALLERY 'HOME' EDUCATION PROGRAM (21.00002)

Recommendation: That the information be noted.

Report: HOME is a regional outreach education program that delivers sustained educational content and experiences introducing local Aboriginal art practice to primary school teachers, students and their wider communities in regional NSW.

The *HOME: Gunhigal Ngurambang Wiradyuri Mayiny (Plains Country Wiradyuri People)* program has been developed as a partnership between Bathurst Regional Art Gallery (BRAG), The Arts Unit of the Department of Education (DET), the Art Gallery of NSW AGNSW), and local Aboriginal community leaders.

HOME connects professional Aboriginal artists with local regional galleries to explore cultural practice and art, create new work and share knowledge with local communities. It offers a professional exchange that revitalises awareness, understanding and appreciation of the rich and diverse Aboriginal culture in regional NSW.

This is the first time that the HOME program has been delivered in the Central West of NSW. Response to the program has been substantial, with twelve primary schools from the Central West participating including: Wallerawang Public School, Spring Hill Public School, Clergate Public School, Mullion Creek School, Cumnock Public School, O'Connell Public School, Mulyan Public School, Canobolas Public School, Stuart Town Public School, Hargraves Public School, Ilford Public School, and Neville Public School.

This multi-faceted program involves learning and professional development opportunities for teachers, students, regional gallery staff and local artists through:

- an in-service professional development day for teachers at BRAG
- the delivery of a bespoke visual arts program for Stage 3 - 4 students over three school terms
- in-class virtual learning events facilitated by the AGNSW
- student excursions to BRAG with art-making workshops facilitated by local Wiradjuri artist Aleisha Lonsdale
- the exhibition of student works at BRAG in September/October.

A total of 14 teachers and teacher's aids attended the in-service training at BRAG, with 300 students scheduled to attend the HOME student workshops at BRAG in May.

Financial Implications: This project is jointly funded by The Arts Unit of the Department of Education (DET) and the Art Gallery of NSW (a subsidy of \$500 is provided to each participating school). Presenters fees for the student HOME workshops at BRAG are contained within BRAG's existing operating budget.

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 1: Our sense of place and identity Strategy 1.3
- Objective 5: Community health, safety and well being Strategy 5.3
- Objective 6: Community leadership and collaboration Strategy 6.2

Community Engagement

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

7 AUSTRALIAN FOSSIL AND MINERAL MUSEUM, FAMILY DAY, SATURDAY 13 APRIL 2019 (21.00107)

Recommendation:

That the information be noted.

Report:

The Australian Fossil and Mineral Museum held the annual Family Day on Saturday 13 April 2019. The main attractions were Taronga Zoo 'Zoo Mobile' and Dr Anne Kerle with an ecology display.

Taronga Zoo staff brought snakes, lizards, frogs, phasmids, an echidna and a baby possum. Dr Kerle displayed skulls and scats – challenging visitors to identify the animals the samples belonged to. Stereo microscopes were set up for children and adults to explore a variety of insects, eggs and wasp nests.

Other activities included a dress up corner, dinosaur jousting, story time and chalk drawings.

Surveys were conducted for the AFMM Strategic Plan and children were encouraged to draw their vision for the Museum. The resulting artworks were scanned and displayed on rotation on the large screen in the Mineral Gallery throughout the day.

Media leading up to the event included newspaper coverage in both the Western Advocate and the Western Times. Radio interviews promoted the event and Facebook successfully distributed the information.

The entry fee was \$5 per person. Attendance reached 923 people in total. Attendance at the Family Day (Mammoth Day) on Sunday 29 April 2018 was 352, with total income of \$1,495.

Total income for Family Day (Zoo Day) 2019 was \$5,051, which includes Gift Shop sales and entry fees. Overall, Zoo Day was a very successful public program for the Australian Fossil and Mineral Museum.

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
- Objective 2: A smart and vibrant economy Strategy 2.6
- Objective 5: Community health, safety and well being Strategy 5.2

Community Engagement

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

Yours faithfully



Alan Cattermole
DIRECTOR
CULTURAL & COMMUNITY SERVICES

POLICY COMMITTEE MEETING

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

1 MINUTES - POLICY COMMITTEE MEETING - 1 MAY 2019 (07.00064)

Recommendation: That the recommendations of the Policy Committee Meeting held on 1 May 2019 be adopted.

Report: The Minutes of the Policy Committee Meeting held on 1 May 2019, 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 POLICY COMMITTEE
HELD ON 1 MAY 2019

MEETING COMMENCES

1 MEETING COMMENCES 6:00 PM

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

APOLOGIES

2 APOLOGIES
MOVED Cr I North

and **SECONDED** Cr W Aubin

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

REPORT OF PREVIOUS MEETING

3 Item 1 MINUTES - POLICY COMMITTEE MEETING - 3 APRIL 2019 (07.00064)
MOVED Cr I North and **SECONDED** Cr A Christian

RESOLVED: That the Minutes of the Policy Committee Meeting held on 3 April 2019 be adopted.

DECLARATION OF INTEREST

4 DECLARATION OF INTEREST 11.00002
MOVED Cr I North

and **SECONDED** Cr J Rudge

RESOLVED: That the Declaration of Interest be noted.

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

Director Corporate Services & Finance's Report

5 Item 1 REPORT OF AUDIT AND RISK MANAGEMENT COMMITTEE - 27 MARCH 2019 (07.00096)
MOVED Cr J Rudge and **SECONDED** Cr W Aubin

RESOLVED: That the recommendations of the Audit & Risk Management Committee Meeting held on 27 March 2019 be adopted.

GENERAL BUSINESS

6 Item 1 CCTV FUNDING (16.00145)

Cr North - Great to receive the funds from the Federal Government

7 Item 2 RAGLAN VILLAGE MEETING - HIGHWAY UPGRADE & ROAD STUDY (25.00018, 20.00090)

Cr North - asked where is the Roads & Maritime Services (RMS) study up to? Also referred to parking review to be undertaken.

Director Engineering Services advised that RMS and Bathurst Regional Council are currently working on the study, basic modelling has occurred and the consultant is looking at various scenarios. A Draft report is expected in a number of months. This study is separate to the parking study.

Director Environmental Planning & Building Services advised that when the traffic model is received, this will inform analysis of parking.

8 Item 3 WINTER FESTIVAL 23.00152

Cr North - spoke to link in with Keppel Street and the issue of temporary liquor licences.

Director Corporate Services & Finance advised that the community is seeking restrictions to be lifted, they haven't yet spoken to Police, Council understands.

9 Item 4 VILLAGE MEETINGS - SUNNY CORNER (20.00177)

Cr North - spoke to concerns of residents about services from the Lithgow area.

General Manager advised correspondence had been sent to Lithgow Council.

10 Item 5 DROUGHT FUNDING (16.00171)

Cr North - asked where is this funding process at, as timelines are tight?

General Manager advised recommendations were being collated and will be referred to the relevant Government Department and then back to Council.

11 **Item 6 COUNCIL MEETING WITH A. BLAND & SKILLSET (37.00632)**

Cr North - asked where has this opportunity for a meeting with the Councillors got to?

General Manager advised awaiting a response from Mr Bland, with respect to timing.

12 **Item 7 ROCKLEY ANZAC DAY (23.00076)**

Cr North - advised that one of the flag poles was not working. Could we look at this, including putting up a program to check these before events occur?

Cr Morse - noted concerns also extend to suitable seating as well, in the area.

13 **Item 8 MITRE / SUTTOR / LAMBERT STREETS ROUNDABOUT (25.00095)**

Cr Christian - asked for an update.

Director Engineering Services advised that final design was received yesterday and hope to have tenders out within two weeks.

14 **Item 9 MARSDEN LANE PEDESTRIAN CROSSING (25.00124)**

Cr Christian - asked how long will process of review occur?

Director Engineering Services advised this will be referred to June meeting of the Traffic Committee. Last time the matter was referred to the Committee, no action was approved.

15 **Item 10 STREET SIGNS (AROUND KELSO) (28.00007)**

Cr Christian - advised that there are green signs which are hard to read. Why did we go from blue signs?

Director Engineering Services spoke to style guides and prior history.

16 Item 11 HOWICK & GEORGE STREETS ROUNDABOUT SIGNAGE (25.00007)

Cr Christian - asked when will signage be put in and also questioned timeline for plantings.

Director Engineering Services advised signage has been ordered, Plantings will be incorporated into scheduled planting / maintenance programs.

17 Item 12 PEDESTIAN CROSSING - DUGGANS PUB (25.00007)

Cr Christian - asked what was the timeline for installation?

Director Engineering Services advise that it is due late in this financial year.

18 Item 13 CCTV (20.00320)

Cr Christian - Fantastic news on the grant received.

19 Item 14 WASTE REDUCTION INITIATIVE - WESTERN ADVOCATE (14.00003)

Cr Fry - asked if Councillors could get a Council (Electronic) subscription to the Western Advocate?

Director Corporate Services & Finance advised that this is a matter for Councillors to include in the Councillors Expenses Policy.

20 Item 15 WATER SUPPLY TO VILLAGES (13.00020)

Cr Fry - There is a need for emergency water supplies in villages, what can Council do? Do we provide?

Director Engineering Services advised that the Rural Fire Service (RFS) often has bulk supply facilities in place, otherwise this is a matter for Council to budget. If RFS want more, they would normally go through their Head Office to include in their annual budgets.

21 Item 16 MONSANTO / BEYER COURT CASE (02.00010)

Cr Fry - spoke to recent weed spray court case re payout. Do we test for chemicals like, glycophosphates or pesticides in our water supplies? Risk concerns were raised.

Director Engineering Services advised Bathurst Regional Council tests according to National Standards.

22 Item 17 MCPHILLAMY LAND GIFTED TO COUNCIL (04.00024)

Cr Fry - asked were there conditions on the gifting of this land in the 1930s?

General Manager advised matter would need to be researched.

23 Item 18 OPHIR ROAD, PERTHVILLE, ELEVEN MILE DRIVE (25.00040, 25.00028, 25.00029)

Cr Morse - Roadsides need to be repaired and asked are their funds to fix these?

Director Engineering Services spoke to budget allocations, road standards etc.

24 Item 19 GARBAGE BINS IN TOWN (14.00052)

Cr Morse - advised some of the large bins no longer exist. Are these being phased out?

Director Engineering Services advised where large bins are damaged, generally will be phased out for wheelie bins.

25 Item 20 BATHURST HEALTH SERVICES (18.00234)

Cr Aubin - advised that recently, approaches have been made to Councillors about the level of service. Then spoke to his recent experience at Bathurst Hospital and concerns about the treatment that occurred. There really needs to be a review of health services in Bathurst with the State Government. Council needs to meet with the local member and health service representatives.

26 **Item 21 TOURIST ATTRACTIONS (20.00020)**

Cr Jennings - asked, could Bathurst partner with Dubbo on our top three tourist attractions?

Director Cultural & Community Services advised Council will assess this proposal.

27 **Item 22 FORGOTTEN PARKS (04.00034)**

Cr Jennings - enquired when is the working party scheduled?

General Manager advised next Wednesday evening.

28 **Item 23 BATHURST ASSISTANCE GRANTS (18.00004)**

Cr Rudge - spoke to various grants available from Council eg Heritage Grants, and projects successfully undertaken such as cemetery data collation.

29 **Item 24 WATER MATTERS (32.00017)**

Cr Rudge - noted water restrictions in place, responses received from residents and disregarding of restrictions. The dam is currently at 43.1%. Noted the level of drought in the Central West per DPI statistics. Public raising issues such as; infrastructure needs, restrictions, raising dam wall, irrigators, when restrictions were applied and other matters.

Director Engineering Services spoke of various issues such as: population growth since 2008, Bathurst Regional Council's use of water has not grown, change in residential land block sizes, costs and difficulties in raising the dam wall (spillway etc), smart meters and monitoring, water restrictions and timing, water wise messaging, irrigator operations, Winburndale Dam operations, Drought Management Plan.

30 **Item 25 DENISON BRIDGE LIGHTS (40.00003)**

Cr Rudge - advised, have had requests for lights from walkers.

Director Engineering Services advised quotes have been sought, the matter is still under investigation.

MEETING CLOSE

31 **MEETING CLOSE**

The Meeting closed at 6.49 pm.

CHAIRMAN: _____

COUNCILLORS/ DELEGATES REPORTS

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

15 MAY 2019

1 COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 10 APRIL 2019 (11.00019)

Recommendation: That the information be noted.

Report: **Present:** Councillors Hanger (Chair), Aubin (6.15 pm), Bourke (6.15), Fry, Jennings, Morse, North

Apologies: Clr Rudge, Clr Christian and Martin Rogers, Chief Executive Officer, NSW Taxi Council

1. NSW TAXI COUNCIL (11.00019)

Nick Abraham, Deputy Chief Executive Officer, Dean Shadbolt and Paul Shanahan from Bathurst Taxis.

Discussion included:

Obstacles:

- Transport Landscape has changed with Point to Point, Transport (Taxis & Hire Vehicles) Bill and Regulation

Two Categories:

- Taxi Service provider - Rank and Hail service
- Booking Service Provider (no Taxi Plate)

Traditional Taxis Networks will be both a Taxi Service Provider (TSP) and a Booking Service Provider (BSP)

Passenger Market:

- 1% Taxis and Uber, 14% Public Transport, 85% in personal cars (non paid)

Three Pillars of Focus:

- (i) Equity to licence owners (compensation for loss of equity experienced by taxi plate owners).
- (ii) Proactive Compliance - enforcement of Point to Point Regulation for everyone. Industry Innovation - new means to compete in market.
- (iii) Taxi Licence Values - Sydney Metro average value has dropped approximately 80%.

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 6.1

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 - 2 APRIL 2019 (11.00020)

Recommendation: That the information be noted.

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

- YJAM in the Park
- NSW Youth Week 2019
- Participation at recent community events
- Youth Councillor involvement in recruitment for 2019/2020 Youth Council

A copy of the Minutes is 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. |
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