



ORDINARY MEETING OF
BATHURST REGIONAL COUNCIL

13 February 2019

His Worship the Mayor & Councillors

**Notice of Ordinary Meeting of Bathurst Regional Council - Wednesday,
20 February 2019**

I have to advise that an **Ordinary Meeting** of Bathurst Regional Council will be held in the Council Chambers on Wednesday, 20 February 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.

A handwritten signature in black ink, appearing to read 'D J Sherley', is positioned above the printed name and title.

D J Sherley
GENERAL MANAGER

BUSINESS AGENDA

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

TO BE HELD ON WEDNESDAY, 20 FEBRUARY 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 - 6 FEBRUARY 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

* DIRECTOR ENVIRONMENTAL PLANNING & BUILDING SERVICES' REPORT

* DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT

* DIRECTOR ENGINEERING SERVICES' REPORT

* DIRECTOR CULTURAL & COMMUNITY SERVICES' REPORT

9. REPORTS OF OTHER COMMITTEES

* MINUTES - TRAFFIC COMMITTEE MEETING - 5 FEBRUARY 2019

10. NOTICES OF MOTION - Nil

11. RESCISSION MOTIONS - Nil

12. COUNCILLORS/ DELEGATES REPORTS - Nil

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

Recommendation: That:

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

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

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

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

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	PROPOSED TRANSFER OF AIRCRAFT HANGAR LEASED SITE, BATHURST AERODROME TO BATHURST AIRCRAFT MAINTENANCE CENTRE PTY LTD	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	RURAL LICENCE AGREEMENT - AGISTMENT ONLY - AT PART LOT 2 DP749758 AND LOT 117 DP750357 KNOWN AS 200 COLLEGE ROAD, MT	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.

	PANORAMA	
3	RURAL LICENCE AGREEMENT - CROPPING ONLY - AT LOT 1 DP1223252 KNOWN AS 71 HEREFORD STREET, KELSO.	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
4	UPCOMING AUCTION OF PROPERTY, LOTS 4,5,8 AND 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.

*** DIRECTOR ENGINEERING SERVICES' REPORT**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	TENDER FOR CONSTRUCTION OF SEWER FOR 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 - 6 FEBRUARY 2019 (11.00005)

Recommendation: That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 6 February 2019 be adopted.

Report: The Minutes of the Ordinary Meeting of Bathurst Regional Council held on 6 February 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 ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
HELD ON 6 FEBRUARY 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

K McNab – ratepayer - Mitre/Lambert/Suttor Street roundabout - asked for details of the progress in this matter. Has design been completed? Spoke to history of this matter and accident history and Council expenditure patterns. Requests works occur as soon as possible.

The Director Engineering Services noted in regard to overall design. Water issue is being resolved and land claim is not an issue. Awaiting formal advice from Crown Lands. Design now being finalised.

G Crisp – ratepayer - Customer Water Supply Business - referred to Council's policy register and complaints against General Manager. Mr Crisp spoke to his entitlements as a customer of the water fund. Noted his concerns and where on 202 occasions he has asked about money taken from the water supply trust account. Referred to sections of the Local Government Act.

B Triming – Bathurst Regional Access Committee Chair -

- congratulated staff on the footpaths installed around the Mount
- good to see the works on toilets in Administration Centre are nearly finished; thanks to all involved.
- queried why sealed footpath is going up opposite side of Hereford Street.

The Director Engineering Services advised works associated with water filling station changes.

- **DA2018/37 - Meeting at Mount Panorama** (December 2018) - spoke to concerns with disability access, feels this is a breach of the Act. Will be making approaches to the Human Rights Commission and taking this further.

C O'Rourke – ratepayer - Banking Royal Commission - spoke to the Inquiry results and movements in share prices, etc. Noted investments of Council and there is \$15 million with the NAB. Suggests Council look at where it invests the Council's money. All Councils in NSW should look at moving their money.

APOLOGIES**3 APOLOGIES**

Nil

MINUTES**4 Item 1 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 12 DECEMBER 2018 (11.00005)**

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

RESOLVED: That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 12 December 2018 be adopted.

5 Item 2 MINUTES - EXTRAORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 19 DECEMBER 2018 (11.00005)

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

RESOLVED: That the Minutes of the Extraordinary Meeting of Bathurst Regional Council held on 19 December 2018 be adopted.

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

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

RESOLVED: That the Declaration of Interest be noted.

RECEIVE AND DEAL WITH GENERAL MANAGER'S AND DIRECTORS' REPORTS**Director Environmental Planning & Building Services' Report****7 Item 1 SECTION 4.15 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (03.00053)**

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

RESOLVED: That the information be noted.

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

RESOLVED: That the information be noted.

- 9** **Item 3 BATHURST REGION COMMUNITY PARTICIPATION PLAN (20.00331)**
MOVED Cr J Rudge and **SECONDED** Cr J Jennings

RESOLVED: That Council place the draft Bathurst Region Community Participation Plan on public exhibition for a minimum of 28 days.

- 10** **Item 4 BOARDWALK – MOUNT PANORAMA – OPPORTUNITIES FOR INTERPRETATION (37.00660)**
MOVED Cr J Jennings and **SECONDED** Cr J Rudge

RESOLVED: That the information be noted.

- 11** **Item 5 NAMING OF PUBLIC ROADS – BATHURST REGIONAL AIRPORT SUBDIVISION, RAGLAN (20.00024)**
MOVED Cr B Bourke and **SECONDED** Cr I North

RESOLVED: That Council:

- (a) give notice of its intention to adopt the following names for the new roads created by the subdivision of Lot 404, DP 1241250:
- Hercules Close; and
 - Spartan Place.
- (b) direct the General Manager to undertake procedures pursuant to the requirements of the Roads Act 1993, to have the names gazetted, should no objections be received.

- 12** **Item 6 ITEM INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE (11.00005, 20.00311)**
MOVED Cr I North and **SECONDED** Cr W Aubin

RESOLVED: That the information be noted.

Director Corporate Services & Finance's Report

- 13** **Item 1 STATEMENT OF INVESTMENTS (16.00001)**
MOVED Cr B Bourke and **SECONDED** Cr J Rudge

- 19** **Item 7 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE (11.00005, 22.00185, 22.00041, 22.12383, 21.00120, 16.00044, 20.00134)**
MOVED Cr I North and **SECONDED** Cr B Bourke

RESOLVED: That the information be noted.

Director Engineering Services' Report

- 20** **Item 1 LOCAL GOVERNMENT NSW EXCELLENCE IN THE ENVIRONMENT AWARDS (12.00059, 13.00088)**
MOVED Cr B Bourke and **SECONDED** Cr W Aubin

RESOLVED: That the information be noted.

- 21** **Item 2 DESIGN OF AN EXTENSION TO THE BATHURST SKATE PARK (37.00629)**
MOVED Cr B Bourke and **SECONDED** Cr I North

RESOLVED: That Council adopt the design for the extension of the Bathurst Skate Park.

- 22** **Item 3 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE (11.00005, 36.00693, 25.00283, 37.00630)**
MOVED Cr J Rudge and **SECONDED** Cr I North

RESOLVED: That the information be noted.

Director Cultural & Community Services' Report

- 23** **Item 1 BATHURST REGION TOURISM REFERENCE GROUP - MEETING HELD 3 DECEMBER 2018 (07.00116)**
MOVED Cr J Jennings and **SECONDED** Cr J Rudge

RESOLVED: That Council:

- (a) Note the information provided in the report.
- (b) Adopt the updated Terms of Reference as outlined in the report.

- 24** **Item 2 BATHURST REGIONAL ART GALLERY AND MELBOURNE UNIVERSITY- PARTNERSHIP, RE-ORG STORAGE PROJECT (21.000002)**
MOVED Cr I North and **SECONDED** Cr J Rudge

RESOLVED: That the information be noted.

- 25** **Item 3 ARTSTATE MUSEUM ARTIST IN RESIDENCY PROGRAM, 1-4 NOVEMBER 2018 (21.00117)**
MOVED Cr M Morse and **SECONDED** Cr A Christian

RESOLVED: That the information be noted.

- 26** **Item 4 INTERNATIONAL MUSEUM SELFIE DAY, WEDNESDAY 16 JANUARY 2019 (21.00107, 21.00050, 21.00112)**
MOVED Cr I North and **SECONDED** Cr J Rudge

RESOLVED: That the information be noted.

- 27** **Item 5 REGIONAL THEATRE PARTNERSHIP - BATHURST MEMORIAL ENTERTAINMENT CENTRE (BMEC) AND AUSTRALIAN THEATRE FOR YOUNG PEOPLE (ATYP) - THE CLIMBING TREE PLAY (21.00060)**
MOVED Cr I North and **SECONDED** Cr M Morse

RESOLVED: That the information be noted.

- 28** **Item 6 THE NEIGHBOURHOOD CENTRE - MIGRANT SUPPORT SERVICE, LOSS OF FEDERAL FUNDING (09.00032)**
MOVED Cr J Jennings and **SECONDED** Cr M Morse

RESOLVED: That Council write to the Federal Member expressing concern in the reduction of funding to deliver migrant support services in the Bathurst Community, and to seek advice on alternative funding sources to reinstate the services as a matter of urgency.

REPORTS OF OTHER COMMITTEES

Policy Committee Meeting

- 29** **Item 1 MINUTES - POLICY COMMITTEE MEETING - 5 DECEMBER 2018 (07.00064)**
MOVED Cr J Rudge and **SECONDED** Cr W Aubin

RESOLVED: That the recommendations of the Policy Committee Meeting held on 5 December 2018 be adopted.

COUNCILLORS/ DELEGATES REPORTS

- 30** **Item 1 MINUTES - BATHURST REGIONAL COMMUNITY SAFETY COMMITTEE -**

29 NOVEMBER 2018 (07.00107)**MOVED** Cr J Rudgeand **SECONDED** Cr B Bourke**RESOLVED:** That the information be noted.**31 Item 2 MINUTES - AUSTRALIA DAY WORKING PARTY - 15 JANUARY 2019 (23.00033)****MOVED** Cr B Bourkeand **SECONDED** Cr A Christian**RESOLVED:** That the information be noted.**RESOLVE INTO CONFIDENTIAL COMMITTEE OF THE WHOLE TO DEAL WITH CONFIDENTIAL REPORTS****32 RESOLVE INTO CONFIDENTIAL COMMITTEE OF THE WHOLE TO DEAL WITH CONFIDENTIAL REPORTS****MOVED** Cr I Northand **SECONDED** Cr J Rudge

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

There were no representations from the public.

RESOLVED: That:

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

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

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	SECOND CIRCUIT, MOUNT PANORAMA, ABORIGINAL CULTURAL HERITAGE ASSESSMENT	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	RENEWAL OF COMMERCIAL LEASE - LOT 19 DP849271 KNOWN AS 57 SEYMOUR STREET, BATHURST	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
2	RENEWAL OF COMMERCIAL LEASE - PART LOT 1 DP774489 KNOWN AS SHOP 2, 230 HOWICK STREET, BATHURST	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
3	RENEWAL OF RURAL LICENCE AGREEMENT AT LOTS 134,137,138,144,145 DP750357 AND LOT 1 DP784476 AND LOT 100 DP1108903 KNOWN AS VALE ROAD, SOUTH BATHURST	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
4	RAILWAY INSTITUTE LEASE - FROM TRANSPORT FOR NSW	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
5	HANGAR LEASE FEES	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

* DIRECTOR ENGINEERING SERVICES' REPORT

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	TENDER FOR HYDRANT	10A (2) (d) (i) – contains commercial

	MAINTENANCE	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	KELSO COMMUNITY HUB LANDSCAPE PROJECT	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	HOWARDS BRIDGE WINBURNDALE RIVULET - EMERGENCY REPLACEMENT	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 Environmental Planning & Building Services' Report

- a** Item 1 SECOND CIRCUIT, MOUNT PANORAMA, ABORIGINAL CULTURAL HERITAGE ASSESSMENT (20.00311)
MOVED Cr I North and SECONDED Cr B Bourke

That Council:

- (a) Endorse the General Manager's action to commission consultants to complete stage 2 (Aboriginal Test Excavation) of the Aboriginal Cultural Heritage Assessment for the Second Circuit Development at Mount Panorama;
- (b) Note that a satisfactory result would not be achieved by inviting tenders for this project as Council considers this project to be one of extreme urgency;
- (c) Without calling tenders accept the Extent Heritage quotation and authorise the General Manager to commit to expenditure up to \$400,000 (inclusive of GST) in accordance with Section 55(3)(i) of the Local Government Act 1993 due to the following extenuating circumstances:
 - i. The urgency of the matter;
 - ii. The experience, cost effectiveness and quality of work exhibited by Extent Heritage in previous work done at Mount Panorama for Council;
and

- iii. The expected additional cost any other contractor would need to charge to begin a Stage 2 assessment.

Director Corporate Services & Finance's Report

- b** **Item 1 RENEWAL OF COMMERCIAL LEASE - LOT 19 DP849271 KNOWN AS 57 SEYMOUR STREET, BATHURST (22.00185)**
MOVED Cr I North and **SECONDED** Cr B Bourke

That Council approve the renewal of the commercial lease for Lot 19 in DP849271 known as 57 Seymour Street, Bathurst to the Bathurst Seymour Centre for a period of 2 years with a 2 year option period (at Council's discretion) as detailed in the report.

- c** **Item 2 RENEWAL OF COMMERCIAL LEASE - PART LOT 1 DP774489 KNOWN AS SHOP 2, 230 HOWICK STREET, BATHURST (22.00041)**
MOVED Cr B Bourke and **SECONDED** Cr J Rudge

That Council approve the renewal of the commercial lease for part Lot 1 in DP 774489, known as Shop 2, 230 Howick Street, Bathurst to Property NSW for NSW Trustee & Guardian for a period of 5 years with a 3 year option as detailed in the report.

- d** **Item 3 RENEWAL OF RURAL LICENCE AGREEMENT AT LOTS 134,137,138,144,145 DP750357 AND LOT 1 DP784476 AND LOT 100 DP1108903 KNOWN AS VALE ROAD, SOUTH BATHURST (22.12383)**
MOVED Cr B Bourke and **SECONDED** Cr J Rudge

That Council approve the renewal of the Rural licence agreement for Lots 134,137,138,144,145 DP750357 and Lot 1 DP784476 and Lot 100 DP1108903 known as Vale Road, South Bathurst, for a period of 2 years as detailed in the report and subject to Council's Land Management Guidelines and insurance requirements.

- e** **Item 4 RAILWAY INSTITUTE LEASE - FROM TRANSPORT FOR NSW (21.00120)**
MOVED Cr B Bourke and **SECONDED** Cr I North

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

- f** **Item 5 HANGAR LEASE FEES (16.00044, 20.00134)**
MOVED Cr J Fry and **SECONDED** Cr W Aubin

That Council:

- (a) Note the Current Market Rent Determination as provided by the independent

valuer dated 7 January 2019.

- (b) accept the \$5 (plus GST) per square metre rate for Lot 24 only, with the effective date of 7 January 2019.
- (c) authorise the General Manager to amend and execute the lease documentation for Lot 24 in accordance with this report.

Director Engineering Services' Report

- g** **Item 1 TENDER FOR HYDRANT MAINTENANCE (36.00693)**
MOVED Cr B Bourke and **SECONDED** Cr J Fry

That Council accept the tender from Central Tablelands Fire Services Pty Ltd, for the Maintenance of Hydrants in Bathurst for 2019-2021 in the amount of \$328,746.00 for 3 years (inclusive of GST), subject to adjustments and provisional items.

- h** **Item 2 KELSO COMMUNITY HUB LANDSCAPE PROJECT (37.00630, 09.00026)**
MOVED Cr A Christian and **SECONDED** Cr I North

That Council:

- (a) Due to extenuating circumstances, including the bespoke nature of the work, resolve that a satisfactory result would not be achieved by inviting tenders, and
- (b) Under Section 55 (3) (i) of the Local Government Act 1993, enter into contract with each of the suppliers contained in this report.
- (c) Delegate to the General Manager the authority to execute the contracts.
- (d) Utilise Developer Contributions Plan as part contribution to the completion of this project up to the value contained in this report.

- i** **Item 3 HOWARDS BRIDGE WINBURNDALE RIVULET - EMERGENCY REPLACEMENT (25.00283)**
MOVED Cr I North and **SECONDED** Cr J Rudge

That Council -

- (a) acknowledge that the contract for the replacement of the destroyed Howards Bridge was made as an emergency, and
- (b) endorse the actions of the General Manager to provide temporary bridge access to Howards Bridge located on the Bridle Track, as outlined in Director Engineering Services' Report.

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

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

20 FEBRUARY 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)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 January 2019 (**attachment 1**).
- (b) Applications refused during January 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 January 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 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)

Recommendation: 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 Condition 3; and
- (b) not support the waiver of Condition 1; and
- (c) call a division.

Report: Summary

Council has received an application to modify the consent issued for DA2018/52, Tourist and Visitor Accommodation at 453 Conrod Straight, Mount Panorama, on behalf of Mrs J Baumberger. Part of the modification application is to delete the requirement for disabled access imposed in the consent by way of a condition requiring compliance with specific parts of the National Construction Code. The application for modification does not provide detailed justification for this request, relying as a precedent on a recent decision of Council in relation to DA2018/37 also for Tourist and Visitor Accommodation, at 449 Conrod Straight, Mount Panorama on behalf of Mr A Dunshea. The decision by Council in relation to DA2018/37 (Dunshea) came after determination under delegation of DA2018/52 (Baumberger), hence the application for modification that is now to be determined.

This application is brought to Council for determination to give certainty to Council's position and policy direction. The difficulty arises because the Bathurst LEP prohibits an additional dwelling in the Mount Panorama precinct, other than for tourist and visitor accommodation with limitations on the number and duration of stay of visitors. Whilst acknowledging the decision of Council for DA2018/37 (Dunshea), Council policy has been and remains to require buildings used for tourist and visitor accommodation to be classified as Class 1(b) under the National Construction Code (or some other Class depending on the floor area or number of occupants), and not Class 1(a). This is relevant because Class 1(b) buildings require disability access under the Federal Government's Premises Standard, whereas Class 1(a) does not.

The Council Policy - Operation of Tourist and Visitor Accommodation Establishments is at **attachment 1**. In addition to describing how the buildings should be classified, the Policy also lists the standards expected for public health and fire safety, which exceed those required for a residential dwelling because they are used by visitors and tourists for (potentially) commercial purposes. The Notice of Determination for DA2018/37 (Dunshea) is silent in regard to the classification of the building, leaving that to the Certifier of a Construction Certificate. The other aspects of the Policy are expected to be complied with. Whilst there has been discussion about whether the Policy should refer to the classification of a building at all, the intent of the Policy is to expect certain building standards be met, including disability access.

If Council determines that the decision for DA2018/52 (Dunshea) should apply to all similar applications, the Policy will need review in this respect. However, there are grounds to consider the decision for DA2018/52 (Dunshea) as a justified but isolated departure from the Policy, in particular because Mr Dunshea argued that the plans for that development could not be redesigned. That argument has not been made for DA2018/37 (Baumberger) and the recommendation is that the request to delete the condition not be agreed to.

A further consideration is the obligation, which Council staff believe rests with the operator of the premises, to consider the requirements of the Disability Discrimination Act and guidelines from the Australian Human Rights Commission on the application of the Premises Standard. Further discussion of these issues is contained in the report

There are other aspects to the application for modification that relate to the floor plan and water service that are not in contention.

The Site

Council has received an application to modify existing Development Application (DA) No. 2018/52 for tourist and visitor accommodation at 453 Conrod Straight, Mount Panorama, described as Lot 2, DP 1180626.

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

Lot 2, DP 1180626 has an area of 1.688 hectares and currently contains a single storey dwelling with attached garage, separate shed and swimming pool.

History of the proposal

On 22 May 2018 Council approved, under Delegated Authority, a Development Application 2018/52 for "Tourist & Visitor Accommodation".

In essence the approval was for the construction of a detached single storey self-contained unit for tourist and visitor accommodation.

Condition 1 of the consent required the submission of amended plans demonstrating compliance with the performance requirements DP1, DP2 and FP2.1 of the National Construction Code (NCC) 2016 Volume One relating to access for persons with a disability; that is the consent requires the building should be made to be "accessible".

The proposal

The proposed modification seeks three changes to the consent as granted as follows:

- Approval for amended plans;
- Waiver of Condition 1 of the consent which reads as follows:

Prior to the issue of a Construction Certificate the applicant is to submit to Council for approval amended plans demonstrating compliance with the performance requirements DP1, DP2 and FP2.1 of the National Construction Code (NCC) 2016 Volume One.

- Waiver of Condition 3 of the consent which reads as follows:

The water service is to be of adequate size and of a design adequate to serve the development in accordance with the requirements of AS/NZS 3500 and The Plumbing Code of Australia. Any necessary upgrading of the existing service is to be at full cost

to the applicant.

NOTE 1: Application form for water is attached. This form is to be returned to Council with payment.

NOTE 2: The service will be a 25mm short service at \$1,330.00 at full cost to the applicant.

NOTE 3: The applicant is to advise Council to remove the existing service upon connection to the new service.

Condition 3 of the existing consent requires an increase in the water service size. It is typically applied where two buildings will access a single water service. Increasing the water service size ensures adequate pressure for both buildings. In this case the applicant has advised that their water supply is already boosted and will also be supplemented with a tank and pump. An upsized water service is therefore not necessary in this instance. Accordingly it is appropriate to waive this condition.

Amendments to the plans comprise the following key elements:

- Reducing the habitable floor space (living area) from 115.76m² to 107.73m²; and
- Joining the two covered outdoor areas (verandah & alfresco) and increasing the total area of the covered outdoor areas from 20m² to 35.11m².

The proposed amendments to the approved plans do not raise any significant environmental issues and it is appropriate to approve the amended plans. Amended plans of the proposed development are at attachment 3.

The proposed waiver of Condition 1 requiring the building to be accessible is the significant outstanding issue and forms the body of this report. It is noted that the modification application provides no justification/commentary on the request to waive this requirement. It is understood that the applicant relies upon the decision made by Council at its 12 December 2018 meeting regarding a similar proposal for tourist and visitor accommodation as precedent for this request.

Whilst the surrounding legislative regime remains the same, it necessarily means that the assessment repeats many of the matters previously considered by Council. It also means that the staff recommendation (in the absence of any new policy direction of the Council) remains the same.

Previous resolution for similar application

Council at its Ordinary Meeting on 12 December 2018 considered a Development Application (DA2018/37) for alterations and additions to an existing dwelling, erection of a separate detached garage and the erection of a detached two storey self-contained unit for use as tourist and visitor accommodation, at 449 Conrod Straight, Mount Panorama.

The applicants' contention was that the proposed tourist and visitor accommodation building was most appropriately considered under the NCC to be a Class 1a and accordingly should not be required to be accessible. The applicant also advised that "*redesign of the unit is not an option given the floor area and parking*".

The approach put forward by the applicant was that from an overall permissibility perspective the proposal was for tourist and visitor accommodation and not for the purposes of a dwelling house (as it cannot be, from a planning perspective). From an NCC perspective the proposal should be treated as a dwelling (notwithstanding that it could not lawfully be used as such).

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

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

At the Ordinary Meeting on 12 December 2018 it was resolved that Council:

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

Unlike DA2018/37, there is no suggestion or evidence in the case now before Council (DA2018/52) that the design of this building cannot be altered to make it accessible.

The following assessment applies to the modification of DA2018/52. Many of the matters to be assessed were considered in the report to Council for DA2018/37 and are repeated here.

Planning Context

Bathurst Regional Local Environmental Plan 2014

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

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

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To maintain the rural landscape character of the land.*
- *To provide for a range of compatible land uses, including extensive agriculture.*
- *To encourage development that enhances Mount Panorama as an international motor racing circuit.*

Tourist and visitor accommodation is permissible with consent in the RU2 zone.

It is, however, noted that *Residential Accommodation* (with the exception of dwelling houses

and secondary dwellings) are prohibited development within the zone. Residential accommodation is a parent term and is taken to include:

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

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

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

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

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

but does not include:

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

Accordingly, dual occupancy (being 2 dwellings on the land) is prohibited development. As the property currently contains an existing dwelling, Council cannot lawfully grant consent to a further dwelling on the land (with the exception of a secondary dwelling). Whilst the proposed building has the physical characteristics of a dwelling, it cannot lawfully be used as such. The size of the proposed dwelling exceeds that allowable as a secondary dwelling (i.e. 60m² or 20% of the gross floor area of the principle dwelling). Approval was therefore granted for "tourist and visitor accommodation".

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

Clause 7.6 Mount Panorama environs

- (1) The objectives of this clause are as follows:*
 - (a) to ensure development in and around the Mount Panorama Racing Circuit accounts for potential noise and other land use conflicts associated with motor racing and related events,*
 - (b) to ensure the future of Mount Panorama as an international motor racing circuit.*
- (2) This clause applies to land identified as "50 dBA" on the Mount Panorama Environs Map.*

- (3) *Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered:*
- (a) *whether the development will result in an increase in the number of dwellings or land uses identified by the consent authority as sensitive noise receivers exposed to noise and other land use conflicts from motor racing and associated events, and*
 - (b) *whether noise impacts from motor racing and associated events are mitigated by or minimised by the design, siting or construction of the development to ensure that the amenity of the development is not adversely affected.*

Comment

The site is located in close proximity to the Mount Panorama Racing Circuit and will be subject to noise during race events. The proposal for a detached single storey self-contained unit for tourist and visitor accommodation will not increase the number of permanently occupied dwellings in the locality of the motor racing circuit. The existing house is situated approximately 180 metres away from the edge of the circuit. The proposed tourist accommodation unit will be situated approximately 240 metres from the circuit.

Clause 7.7 Mount Panorama tourist and visitor accommodation and eco-tourist facilities

- (1) *The objective of this clause is to regulate tourist and visitor accommodation and eco-tourist facilities in Zone RU2 Rural Landscape.*
- (2) *Development consent must not be granted for development for the purpose of tourist and visitor accommodation or eco-tourist facilities in Zone RU2 Rural Landscape unless the consent authority is satisfied that:*
 - (a) *if the land on which the development is to be located already contains a lawful dwelling house—the development will be erected within 50 metres of the dwelling house, and*
 - (b) *the development will be erected at least 40 metres away from the boundary with the Mount Panorama racing circuit, and*
 - (c) *each accommodation unit provided within the development will not have a gross floor area of more than 120 square metres, and*
 - (d) *the development will not be used by the same person for more than 42 days (whether consecutive or not) in any calendar year, and*
 - (e) *the development will not result in the construction of any additional vehicular access point to the land.*

Comment

The proposed unit will be situated approximately 25 metres from the primary dwelling and some 240 metres from the edge of the circuit.

The proposed unit has a gross floor area of approximately 115m².

Condition 32 of the consent provides that:

The proposed building must not be used as a dwelling by the same person for more than 42 days (whether consecutive or not) in any calendar year.

The applicant is not seeking to alter Condition 32.

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

Clause 7.8 Mount Panorama commercial motor race hosting

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

Comment

Condition 33 of the consent provides that:

The property is not to be used for commercial motor race hosting meaning the use of land to provide viewing areas for motors racing for a fee or reward for 13 or more persons. This may or may not include the provision of accommodation, food or drink.

The applicant is not seeking to alter Condition 33.

Requirement for building to be accessible

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

Currently the proposal makes no provision for access for persons with a disability, hence the imposition of Condition 1 on the original consent.

Typically access for persons with disability is taken to be:

- *Continuous accessible paths from the main pedestrian entries into the site*
- *An accessible car parking space (where on-site parking is provided)*
- *A continuous accessible path from the car park to the entrance*
- *An accessible entrance into the building via the principal entrance doorway*
- *Access to and within at least one bedroom and associated accessible bathroom facilities*
- *Access to at least one of each type of common room/facility (e.g. kitchen, laundry, lounge, dining room, gym, swimming pool, patio area, games room, etc.)*

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

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

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

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

- Class 1** — *one or more buildings, which in association constitute—*
- (a) **Class 1a** — *a single dwelling being—*

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

(b) Class 1b —

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

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

The NCC provides the following explanatory note:

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

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

Application of the Premises Standards and the Disability Discrimination Act

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

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

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

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

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

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

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

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

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

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

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

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

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

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

What is expected?

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

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

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

It also means that a person with a disability has a right to enter the premises of providers of goods, services and facilities if people without a disability can do so.

Like other areas of the D.D.A. a defence of "unjustifiable hardship" may be available in some circumstances.

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

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

Options available to Council

In regard to the current modification Council has two options available to it:

1. Firstly, it could resolve to waive Condition 1 of the consent, noting that this would mean that the building will not be accessible (this would ensure consistency with Council's previous resolution in relation to DA2018/37, outlined above): or
2. Secondly, resolve not to waive Condition 1 of the consent and therefore maintain the requirement for the building to be accessible (this would be consistent with Council policy but inconsistent with Council's previous resolution outlined above).

Council's existing policy – Operation of Tourist and Visitor Accommodation Establishments

Council should also be aware that on 19 February 2014 it adopted the *Operation of Tourist and Visitor Accommodation Establishments Policy* which provides for the overall regulation of tourist and visitor accommodation. The Policy deals with a number of issues including approval pathways, public health requirements and fire safety, and also contains references to the requirement for the buildings to be accessible. The Policy is contained in attachment 1.

Council's existing Operation of Tourist and Visitor Accommodation Establishments Policy provides the following:

The conversion of a dwelling house to a Tourist and Visitor Accommodation establishment represents a change of classification under the Building Code of Australia (BCA) from Class 1a to Class 1b or Class 3. (refer to Part A3 of the Building Code of Australia)

*A **Class 1b** building has been defined as "a boarding house, guest house, hostel or the like with a total floor area not exceeding 300 m² and in which not more than twelve (12) persons would ordinarily be resident, which is not located above or below another class of building other than a private garage".*

*In the event of the floor area exceeding 300 m² or the building accommodating more than twelve (12) persons the classification of the premises may change to **Class 3** under the BCA. This may require additional fire safety measures and compliance with disabled access provisions.*

Should Council resolve to waive Condition 1 of the consent and not require the building to be accessible it would be appropriate for it to initiate a broader policy review of its requirements for making buildings accessible. This would avoid the current ad hoc situation. A broader

policy issue arises from this application and the previous application outlined above.

Conclusion

Council has received an application to modify existing Development Application (DA) No. 2018/52 for tourist and visitor accommodation at 453 Conrod Straight, Mount Panorama, described as Lot 2, DP 1180626. On 22 May 2018 Council approved, under Delegated Authority, a Development Application 2018/52 for "Tourist & Visitor Accommodation". Condition 1 of the consent required the submission of amended plans demonstrating that the building is "accessible" pursuant to the National Construction Code (NCC) 2016 Volume One. The applicant seeks approval for amended plans, waiver Condition 1 of the consent and waiver of Condition 3 of the consent. For the reasons outlined in this report it is recommended that Council not waive Condition 1 but approve the amended plans and waive Condition 3.

Financial Implications: Nil.

Bathurst Community Strategic Plan - Objectives and Strategies

- 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.

4 DEVELOPMENT APPLICATION NO. 2018/290 – DEMOLITION OF EXISTING DWELLING, GARAGE & OUTBUILDING AND CONSTRUCTION OF CHILD CARE CENTRE AT 23 PARK STREET, EGLINTON. APPLICANT: HANNAS CHILDCARE DEVELOPMENTS. OWNER: MR O & MRS J GENC (DA/2018/290)

Recommendation: That Council:

- (a) as the consent authority, grant consent pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2018/290, subject to conditions able to be imposed pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979, as amended;
- (b) notify those that made submissions of its decision; and
- (c) call a division.

Report: Council at its meeting held 12 December 2018 considered a report in relation to a proposed child care centre at 23 Park Street, Eglinton. The proposal involves the demolition of an existing dwelling and the construction of a 42 place child care centre with associated infrastructure.

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

Council subsequently resolved to:

- (a) *Defer consideration of DA 2018/290, for further discussion with the proponent on traffic, parking and noise issues.*
- (b) *notify those that made submissions of its decision; and*
- (c) *call a division.*

See the previous Council report and attachments at **attachment 2**. The decision of Council to defer the determination was as a result of concerns raised over traffic and parking.

A late submission was presented to the Council meeting on 12 December 2018 and is provided at **attachment 3**.

The application remains the same as that previously considered by Council. The applicant's Traffic Engineers, Traffic Solutions Pty Ltd, have prepared a response to the concerns raised at the meeting on 12 December 2018 meeting. See Traffic Engineer's response at **attachment 4**.

Following consideration of this additional information, the assessment and recommendations remain the same.

The Traffic Engineers have addressed the following issues in its response:

- Availability of on-street car parking;
- Application of Council's DCP Standard in the past; and
- Existing and proposed traffic levels in Park Street.

Availability of on-street car parking

The Traffic Engineers have undertaken a survey of available on street parking in Park Street within “easy walking distance” of the centre. In this case that includes parking within 100 metres of the centre.

The assessment was undertaken over a one day period (18 December 2018) during peak hours being 7.45am – 9.30am and 2.30pm – 4.30pm. These times coincide with the peak drop off and pick up times for child care centres and overlaps with the start and finish times of Eglinton Public School.

The Traffic Engineers assessment notes the following:

- There are approximately 46 available on street car parking spaces in this area of Park Street (22 on southern and 24 on the northern side).
- The maximum number of cars parked at any one time during the morning survey period was 9 at 9.30am (4 on northern side and 5 on southern side).
- The maximum number of cars parked at any one time during the afternoon survey period was 9 at 4.15pm (4 on northern side and 5 on southern side).
- There were at least 37 car parking spaces available on street within 100 metres of the proposed centre in the morning and afternoon peak times.
- The on-street car parking survey results indicate that ample on street car parking is available in close proximity to the proposed centre to cater for any overflow parking that may occur.

Application of Council's DCP Standard in the past

The Bathurst Regional Development Control Plan 2014 (DCP) prescribes a car park ratio of “1 space per 10 children with an additional dedicated drop off/pick up point ” for child care centres.

The proposed child care centre will have a maximum capacity of 42 children and plans for the proposed development indicate a total of 7 car parking spaces. The development standard adopted by Council through the DCP has been complied with and in this case exceeded. In this case the additional dedicated drop off/pick up points are incorporated into the car parking spaces as opposed to a “kiss and ride” or porte cochere arrangement. This is consistent with the requirement to sign children in and out of child care centres and therefore the need to park properly and leave the vehicle.

The current car park ratio for child care centres was adopted most recently by Council on 16 December 2013 and incorporated into the 2014 DCP. Prior to that Council had adopted a similar standard under its 2011 DCP. The standard itself has been in existence for some time and has served as the basis for considering similar applications.

Since its adoption, Council has applied this car park ratio to the following developments approved in the past 5 years:

- Expansion to existing centre (Scallywags) – William Street, Bathurst (capacity 60 children, 15 car parking spaces provided).
- New Centre at Westpoint Shopping Centre – Wark Parade, Windradyne (capacity 105 children, 11 car parking spaces provided).
- New Centre at Gateway Enterprise Park – Ingersole Drive, Kelso (capacity 103 children, 24 car parking spaces provided).
- New Centre at Paddys Subdivision – Jacks Close (Gilmour Street), Kelso (capacity 129 children, 14 car parking spaces provided).
- Expansion to existing centre (SDN Childrens Services) – Hamilton Street, South

- Bathurst (capacity 52 children, 20 car parking spaces provided).
- New Centre at Bathurst Trade Centre – Watt Drive, Robin Hill (capacity 72 children, 10 car parking spaces provided).

The RMS *Guide to Traffic Generating Developments* recommends parking ratios of one space for every four children in attendance. The Guide further notes that consideration could be given to reducing the parking required if convenient and safe on street parking is available (e.g. indented parking bays), provided that the use of such parking does not adversely affect the amenity of the adjacent area.

For the purposes of assessing the Development Application the standard adopted under Council’s DCP should be applied to the development. The DCP represents the Council adopted standard for parking provision for these types of development and is the document Council is required to consider under Section 4.15 of the Act.

Existing and proposed traffic levels in Park Street

The applicant's Traffic Engineers have undertaken a survey of existing traffic levels in Park Street.

The assessment identified the weekday peak to be between 8.30am to 9.30am and 3.15pm to 4.15pm.

These times coincide with the peak drop off and pick up times for child care centres and overlaps with the start and finish times of Eglinton Public School.

The recorded peak hour flows in Park Street passing the proposed centre site are as follows:

Direction of traffic along Park Street	AM Peak Hour (8.30-9.30)	PM Peak Hour (3.15 – 4.15)
Eastbound	42	73
Westbound	81	63
Total	123	136

In accordance with standard procedures, the development is anticipated to generate a further 34 traffic movements in the am peak and 29 in the pm peak, one movement is defined as a vehicle arrival and departure combined.

After undertaking traffic flow surveys along Park Street the Traffic Engineers note the following:

- The RMS ‘*Guide to Traffic Generating Developments, Section 4 – Interpretation of Traffic Impacts*’ provides the operating level of service of urban roads based upon peak flows per direction.
- Park Street, with a peak hour directional flow of up to 81 vehicles travelling westbound in the morning hour, is currently operating at a very good level of service ‘A’ and the potential additional 34 vehicle trips generated by the child care centre will not alter this operational level of service.
- Level of service ‘A’ is a condition of free flow in which individual drivers are virtually unaffected by the presence of others in the traffic stream. Freedom to select desired speeds and to manoeuvre within the traffic stream is extremely high, and the general level of comfort and convenience provided is excellent.
- The RMS ‘*Guide to Traffic Generating Developments, Section 4 – Interpretation of Traffic Impacts*’ provides a guide to the Environmental Capacity of residential streets.

This guide suggests a desirable environmental capacity of 200 vehicles per hour and a maximum environmental capacity 300 vehicles per hour for local roads.

- Existing peak hour volumes are 123 vehicles in the morning peak and 136 vehicles in the evening peak.
- The survey results reveal that the existing traffic flows along Park Street are well below the RMS suggested desirable Environmental Capacity volume and that the potential additional 34 vehicles in the morning and 29 vehicles in the evening peak hour traffic flows estimated for the proposed development will not cause this value to be exceeded.

Whilst the proposal will add additional traffic during the AM and PM peak in Park Street it nonetheless remains well within the environmental capacity of the road and has no significant impact on the level of service, which remains at the highest level.

Noise

The applicant has not provided any additional information in relation to noise. The existing acoustic report demonstrates that with mitigation the development complies with the appropriate standards, which in this case is the Association of Australian Acoustical Consultants (AAAC) *Guideline for Child Care Centre Acoustic Assessment*.

The Noise Assessment recommends the following physical noise mitigation measures:

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

The Noise Assessment recommends the following operational mitigation measures:

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

The applicant has provided a draft Plan of Management (**attachment 5**) which reinforces the management of noise in order to achieve the required noise levels.

Plans of Management represent a legitimate mechanism for achieving desired noise outcomes having been accepted through various Land and Environment Court (LEC) decisions.

The LEC has adopted the following Planning Principals governing the use of Plans of Management.

In considering whether a Management Plan is appropriate for a particular use and situation, the following questions should be considered:

1. *Do the requirements in the Management Plan relate to the proposed use and complement any conditions of approval?*
2. *Do the requirements in the Management Plan require people to act in a manner that would be unlikely or unreasonable in the circumstances of the case?*
3. *Can the source of any breaches of the Management Plan be readily identified to allow for any enforcement action?*
4. *Do the requirements in the Management Plan require absolute compliance to achieve an acceptable outcome?*
5. *Can the people the subject of the Management Plan be reasonably expected to know of its requirements?*
6. *Is the Management Plan incorporated in the conditions of consent, and to be enforced as a condition of consent??*
7. *Does the Management Plan contain complaint management procedures?*
8. *Is there a procedure for updating and changing the Management Plan, including the advertising of any changes?*

The Plan of Management can be incorporated into the final conditions of consent. In this case it is considered acceptable.

Conclusion

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

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

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

Financial Implications: Nil.

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 4: Enabling sustainable growth Strategy 4.6

Community Engagement

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

5 BATHURST GOVERNMENT SETTLEMENT – THE PUBLICATION OF A HISTORY (18.00004)

Recommendation: That Council:

- (a) allocate \$27,000 in the 2019/20 Management Plan for the publication of a history of the Bathurst Government Settlement; and
- (b) note that it is anticipated that the funding will be recouped from the sale of the book.

Report: Council has been approached by Dr Robin McLachlan seeking assistance from Council in publishing a detailed history of the Bathurst Government Settlement area.

Council would be aware of Dr Robin McLachlan's long-standing interest in the history of Bathurst and particularly the establishment of the settlement of Bathurst in 1815. Dr McLachlan was the researcher and author of:

1. The New Country, A Thematic History of the Bathurst Regional Council Local Government Area.

This history was prepared to accompany the preparation of the Bathurst Region Heritage Study in 2007. The thematic history provided historical information and detailed analysis of the Bathurst region based on the 38 historical themes provided by the NSW Heritage Office. Thirty eight individual themed histories were prepared as part of the report and were collectively indexed by theme to enable cross referencing. The study provides a general understanding of the role of a particular theme in the historical development of the local government area with references to places and sites of heritage significance.

2. A Delightful Spot, A brief History of the Government Settlement at Bathurst NSW (1815-1840)

This history was prepared to accompany the preparation of the Government Settlement at Bathurst, NSW (1815-1840) Archaeological Management Plan.

3. From Flag Staff to Town Square, A guide to the Bathurst Government Settlement Heritage Trail

This illustrated guidebook was prepared by Dr McLachlan to support the Delightful Spot trail (signage text also written by Dr McLachlan) that Council installed in 2015 as an interpretative trail of the Bathurst Government Settlement area. The guidebook was CSU's bicentenary gift to Bathurst.

Since 2015, Dr McLachlan has continued with his research on the Bathurst Government Settlement area finding new sources of information and gaining a fuller understanding of the site's historical significance. Dr McLachlan now intends to write a detailed history of the Bathurst Government Settlement area, and it is considered that there is no one better qualified to write this history.

Dr McLachlan's proposal is to rewrite the A Delightful Spot, A Brief History of the Government Settlement at Bathurst NSW (1815-1840) into an expanded illustrated history for a more general audience. It is proposed that the project be completed in time to be launched at the 2020 Proclamation Day.

Dr McLachlan has approached Council to consider assistance in funding the design, editing and printing of the book. Dr McLachlan will cover his own expenses in researching and writing the book and the indexing costs. Dr McLachlan also proposes a series of community engagements whilst he researches and writes the book to bring the Bathurst Government Settlement area back into public focus and foster anticipation of the book's publication and sales.

The total amount requested will be up to \$27,000 which would allow for a print run of 500 copies.

It is anticipated that Council's outlay of \$27,000 will be recouped in book sales and once that outlay is recouped Council would enter into a 50:50 profit sharing arrangement with Dr McLachlan for any subsequent sales. This is a similar arrangement that Council entered into with Graham Lupp with the Building Bathurst book. Council's outlay for the Building Bathurst book has now been recouped.

Conclusion

Council has been approached by Dr Robin McLachlan for assistance in publishing a detailed and expanded illustrated history of the Bathurst Government Settlement (1815-1840). There is no one more qualified to complete this work given Dr McLachlan's research and writings to date. The book will be an important addition to the written history of Bathurst. It is anticipated that Council's contribution of \$27,000 will be recouped in book sales.

Financial Implications: It is proposed that Council include \$27,000 into the 2019/20 Management Plan to support the publication of the book noting that it is anticipated that these monies will be recouped through book sales.

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 1: Our sense of place and identity Strategy 1.2, 1.3

Community Engagement

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

6 NAMING OF PUBLIC ROADS – SUBDIVISION OF LOT 1 DP 1215901, HAMILTON STREET, EGLINTON (20.00024)

Recommendation: That Council:

- (a) give notice of its intention to adopt the following name for the new road created by the subdivision of Lot 1, DP 1215901 as Peard Close.
- (b) direct the General Manager to undertake procedures pursuant to the requirements of the Roads Act 1993, to have the name gazetted, should no objections be received.

Report: A Development Application was lodged and approved by Council for an eight (8) lot subdivision of land within the Village of Eglinton. One single road will be constructed off Hamilton Street (near its intersection with Eleven Mile Drive. The purpose of this report is to name that road.

See location map at **attachment 1** and plan of subdivision at **attachment 2**.

Peard Close

Mrs Angela Peard was an active member of the Eglinton community. Mrs Peard was involved in the Eglinton War Memorial Hall Management committee, Bathurst District Historical Society and the former Progress Association, amongst many other groups. Mrs Peard wrote and compiled “Eglinton Voices”, an in depth book that details the history of Eglinton. The book was reprinted in 2016 after further information and research allowed for a greater understanding of the history of Eglinton. Mrs Peard passed away in 2016.

The proposed name complies with Bathurst Regional Council's *Guidelines for the Naming of Roads*.

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

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 1: Our sense of place and identity Strategy 1.2
- Objective 4: Enabling sustainable growth Strategy 4.1, 4.2, 4.3, 4.6
- Objective 6: Community leadership and collaboration Strategy 6.4, 6.5

Community Engagement

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

7 NAMING OF PUBLIC ROADS – SUNBRIGHT SUBDIVISION OFF LIMEKILNS ROAD AND MARSDEN LANE, KELSO (20.24)

Recommendation: That Council:

- (a) give notice of its intention to adopt the following names for the new roads created by the subdivision of Lot 3, DP 833295 and Lot 5, DP 847225:
- Driscoll Close
 - Fulton Court
 - Hartigan Street
 - Kellett Close
 - Kirkland Road
 - Lawrence Drive
 - Lockwood Rise
 - Percival Place
 - Stevenson Street
 - Sunbright Road
 - Wallace Way
- (b) direct the General Manager to undertake procedures pursuant to the requirements of the Roads Act 1993, to have the name gazetted, should no objections be received.

Report: Stage 1 of the Sunbright subdivision off Limekilns Road and Marsden Lane is well underway and a Development Application for Stage 2 of the subdivision will be lodged with Council in the near future.

Stages 1 and 2 will result in the creation of 11 new roads.

See location map at **attachment 1** and plan of subdivision at **attachment 2**.

Sunbright Road

The name “Sunbright” acknowledges the name of the orchard that operated on the subject site until recently.

In addition to the subject site, Sunbright Pty Ltd (established in 1943) owned and/or leased orchards at Yetholme, Dunkeld and Kelso. Sunbright Pty Ltd grew varieties of apples, pears and stonefruits. Sunbright Pty Ltd fruit was exported to the UK, the USA, Asia and the Middle East. Many fruit growing industry improvements/technologies were introduced to the Bathurst area by Sunbright Pty Ltd.

It is noteworthy that a landscape painting of Sunbright Orchard, by Reg Campbell, can be found in the Trevitt Pavilion at the Bathurst Showground.

The name “Sunbright” was nominated by Mr Ken Reedy.

The remaining names have been selected from a list, recently given to Council, of local residents who enlisted in World War 1. As this list contained names only, further information on each name has been obtained from the following sources:

Discovering Anzacs	https://discoveringanzacs.naa.gov.au/
Australian War Memorial	https://www.awm.gov.au/
UNSW AIF Project	https://www.aif.adfa.edu.au/index.html

All of the following people were born in Bathurst or surrounding villages.

Driscoll Close

Roy Thomas Driscoll	
Regimental number	871
Place of birth	Bathurst, New South Wales
Religion	Roman Catholic
Occupation	Labourer
Address	122 George Street, Bathurst, New south Wales
Marital status	Single
Age at embarkation	28
Next of kin	Fatherm Cornelius Driscoll, 122 George Street, Bathurst, New South Wales
Enlistment date	31 March 1915
Rank on enlistment	Private
Unit name	24th Battalion, D Company
AWM Embarkation roll number	23/41/1
Embarkation details	Unit embarked from Melbourne, Victoria, on board HMAT A14 <i>Euripides</i> on 10 May 1915
Regimental number from Nominal Roll	4565
Rank from Nominal Roll	Sapper
Unit from Nominal Roll	8th Field Company Engineers
Fate	Effective abroad (still overseas)

Fulton Court

Thomas Alfred Fulton	
Regimental number	2665
Place of birth	Rockley, New South Wales
Religion	Roman Catholic
Occupation	Labourer
Address	Triangle Flat via Rockley, New South Wales
Marital status	Single
Age at embarkation	21
Next of kin	Father, Henry Fulton, Triangle Flat via Rockley, New South Wales
Enlistment date	9 February 1916
Rank on enlistment	Private
Unit name	53 Battalion, 6th Reinforcement
AWM Embarkation roll number	23/70/4
Embarkation details	Unit embarked from Sydney, New South Wales, on board HMAT A40 <i>Ceramic</i> on 7 October 1916
Rank from Nominal Roll	Private
Unit from Nominal Roll	53rd Battalion
Fate	Returned to Australia 16 July 1917

Hartigan Street

Gordon Keith Hartigan	
Regimental number	2371

Place of birth	Bathurst, New South Wales
Religion	Roman Catholic
Occupation	Blacksmith's striker
Address	Stanway Avenue, Springwood, New South Wales
Marital status	Single
Age at embarkation	20
Next of kin	Father, Edward Hartigan, Stanway Avenue, Springwood, New South Wales
Enlistment date	24 May 1915
Rank on enlistment	Private
Unit name	1st Battalion, 7th Reinforcement
AWM Embarkation roll number	23/18/2
Embarkation details	Unit embarked from Sydney, New South Wales, on board HMAT <i>A67 Orsova</i> on July 14 1915
Rank from Nominal Roll	Private
Unit from Nominal Roll	1st Battalion
Fate	Returned to Australia 2 January 1919
Discharge date	21-Jun-19
Other details	War service: Egypt, Gallipoli, Western Front. Medals: 1914-15 Star, British War Medal, Victory Medal
Date of death	28 October 1964
Age at death	71
Place of burial	Blayney Cemetery, New South Wales

Kellett Close

Adelaide Maud Kellett	
Religion	Church of England
Occupation	Nurse
Address	c/o Nurse Tremaine Kellett, Sydney Hospital, Sydney, New South Wales
Marital Status	Single
Age at embarkation	41
Next of kin	Sister, Nurse Tremaine Kellet, Sydney Hospital, Sydney, New South Wales
Enlistment date	21 September 1914
Date of enlistment from Nominal Roll	20 October 1914
Rank on enlistment	Nursing Sister
Unit name	Australian General Hospital 2, Nursing Service
AWM Embarkation Roll number	22/66/1
Embarkation details	Unit embarked from Sydney, New South Wales, on board Transport <i>A55 Kyarra</i> on 28 November 1914
Rank from Nominal Roll	Matron
Unit from Nominal Roll	Australian Army Nursing Service
Recommendations (Medals & Awards)	Mention in Despatches. Awarded, and promulgated, 'London Gazette' No. 31448 (11 July 1919); 'Commonwealth Gazette' No. 124 (30 October 1919).
Fate	Returned to Australia 28 August 1919
Medals	RRC, 1st Class, Source: 'Commonwealth Gazette' No. 116 Date: 25 July 1917. KBE. Source 'Commonwelath Gazette' No. 113 Date: 6 October 1919.
Other details	Medals: RRC, KBE, 1914-15 Star, British War Medal, Victory Medal

Kirkland Road

William Duncan Kirkland	
Date of birth	8 March 1891
Place of birth	Bathurst, New South Wales
Religion	Presbyterian
Occupation	Medical practioner
Address	Lithgow, New South Wales
Marital status	Single
Age at embarkation	25
Next of kin	Mother, Mrs N Kirkland, Main Street, Lithgow, New South Wales
Previous military service	7th Australian Army Medical Corps
Enlistment date	19 May 1916
Rank on enlistment	Captain
Unit name	Medical Officers
Embarkation details	Unit embarked from Melbourne, Victoria, on board HMAT A73 <i>Commonwealth</i> on 19 September 1916
Rank from Nominal Roll	Major
Unit from Nominal Roll	Australian Army Medical Corps
Promotions	Captain, Unit: MED. Promotion date: 19 May 1916
Fate	Killed in action 22 July 1917
Age at death from cemetery records	26
Place of burial	Reninghelst New Military Cemetery (Plot III, Row D, Grave 15), Belgium
Panel number, Roll of Honour, Australian War Memorial	183
Micellaneous information from cemetery records	Parents: Hugh and Duncania Kirkland
Medals	Military Cross 'For conspicuous gallantry and devotion to duty. During hostile shelling two ammunition casualties. He immediately went to the assistance of the wounded, and, regardless of heavy shell fire and numerous explosions, dressed their wounds. He has at all times set a fine example'. Source 'Commonwealth Gazette' No. 169 Date: 4 October 1917.
Other details	War service: Western Front. Medals: Military Cross, British War Medal, Victory Medal

Lawrence Drive

Mildred Ellen Lawrence	
Place of birth	Cow Flat, New South Wales
Religion	Salvation Army
Occupation	Nurse
Address	Coolamon, New South Wales
Marital status	Single
Age at embarkation	32
Next of kin	Mother, Mrs M A Woodcock, Narrandera, New South Wales
Enlistment date	13 July 1917
Date of enlistment from Nominal Roll	20 July 1917
Rank on enlistment	Staff nurse
Embarkation details	Unit embarked from Melbourne, Victoria, on board RMS <i>Somali</i> on 20 June 1917
Rank from Nominal Roll	Staff Nurse

Unit from Nominal Roll	Australian Army Nursing Service
Fate	Returned to Australia 6 September 1919

Lockwood Rise

Charles Walter Lockwood	
Regimental number	2156
Place of birth	Wimbledon, New South Wales
Religion	Church of England
Occupation	Labourer
Address	Childers, Queensland
Marital status	Married
Age at embarkation	30
Next of kin	Wife, Mrs Alice Lockwood, Childers Queensland
Enlistment date	23 February 1916
Place of enlistment	Brisbane, Queensland
Rank on enlistment	Private
Unit name	4th Pioneer Battalion, Reinforcement 3
AWM Embarkation Roll number	14/16/3
Embarkation details	Unit embarked from Brisbane, Queensland, on board HMAT A46 <i>Clan Macgillivray</i> on 1 May 1916
Rank from Nominal Roll	Private
Unit from Nominal Roll	4th Pioneer Battalion
Fate	Returned to Australia 15 June 1919
Miscellaneous details	True name: Walter Charles Lockwood

Percival Place

Frederick Thomas Percival	
Regimental number	2968
Place of birth	Bathurst, New South Wales
Religion	Roman Catholic
Occupation	Machinist and solderer
Address	Putney via Ryde, New South Wales
Marital status	Single
Age at embarkation	30
Next of kin	Mother, Mrs Clara Percival, 38 Smith Street, Rozelle, New South Wales
Enlistment date	7 June 1916
Rank on enlistment	Private
Unit name	53rd Battalion, 7th Reinforcement
AWM Embarkation Roll number	23/70/4
Embarkation details	Unit embarked from Sydney, New South Wales, on board HMAT A11 <i>Ascanius</i> on 25 October 1916
Regimental number from Nominal Roll	2968A
Rank from Nominal Roll	Private
Unit from Nominal Roll	20th Battalion
Fate	Returned to Australia 9 December 1918

Stevenson Street

Edward Lancelot Stevenson	
Regimental number	353
Place of birth	Rockley, New South Wales
School	Public School, New South Wales
Religion	Church of England
Occupation	Labourer
Address	Elimeek, Drillham, Queensland
Marital status	Single
Age at embarkation	26
Next of kin	Father Mr J C Stevenson, Elimeek, Drillham, Queensland
Enlistment date	31 August 1914
Rank on enlistment	Private
Unit name	9th Battalion, C Company
AWM Embarkation Roll number	23/26/1
Embarkation details	Unit embarked from Brisbane, Queensland, on board Transport A5 <i>S.S Omrah</i> on 24 September 1914
Rank from Nominal Roll	Private
Unit from Nominal Roll	9th Battalion
Other details from Roll of Honour Circular	He was wounded at Gallipoli and died at Cairo
Fate	Died of wounds 9 May 1915
Place of death or wounding	Gallipoli, Turkey
Age at death	29
Age at death from cemetery records	29
Place of burial	Cairo War Memorial Cemetery (Row B, Grave No. 234), Egypt

Wallace Way

Thomas Clarence Wallace	
Regimental number	91472
Place of birth	Bathurst, New South Wales
Date of birth	5 November 1897
Occupation	Linotype operator
Address	30 Morrisset Street, Bathurst, New South Wales
Marital status	Single
Age at embarkation	21
Next of kin	Father, Walter Kingston Wallage, 30 Morrisset Street, Bathurst, New South Wales
Enlistment date	22 November 1918
Place of enlistment	Sydney, New South Wales
Rank on enlistment	Private
Unit name	Sea Transport (Samoan Relief Expedition)
Embarkation details	Unit embarked from Sydney, New South Wales, on board HMAS <i>Encounter</i> on 24 November 1918
Fate	Returned to Australia 16 February 1919

The proposed names comply with Bathurst Regional Council's *Guidelines for the Naming of Roads* .

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

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 1: Our sense of place and identity Strategy 1.2
- Objective 4: Enabling sustainable growth Strategy 4.1, 4.2, 4.3, 4.6
- 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.

8 DROUGHT ECONOMIC STIMULUS PROJECTS 2018 (20.00313)

Recommendation: That the information be noted.

Report: Bathurst Regional Council launched a number of initiatives in 2018 to stimulate spending within the Bathurst Regional economy during the drought.

Drought Buster Campaign and Bathurst Buy Local Gift Card

As an extension to the highly successful Buy Local Gift Card program, Council introduced Bathurst Drought Buster Cards to further support local businesses during the drought. The Drought Buster Cards operated in an identical way to the existing Buy Local Cards, however purchasing this version of the card would allow the purchaser to enter a weekly prize draw and also a major prize. The Drought Buster Cards were also accompanied with an online marketing campaign to spread awareness of the importance of spending locally, especially in times of drought.

Council also increased its marketing effort generally for the Bathurst Buy Local Gift Card. Launched in 2015, the Gift Card encourages residents to shop locally and demonstrates Council's support for local business, economic prosperity and jobs growth. Currently there are 135 local businesses participating in the program. The Buy Local Gift Cards can only be spent in Bathurst at participating stores.

The total funds spent in Bathurst through the Gift Card program have now exceeded \$390,000. In the lead up to Christmas in 2018, there was an increase in the number of cards purchased:

December 2018

- **450** cards purchased
- **\$30,790** loaded on the cards

The total number of cards purchased in the program to date is **6,099** to the value of **\$391,924**. Of this amount, **\$297,371** has been spent, directly contributing to the Bathurst economy.

Upstairs Start-up Hub

In 2018 Council played a very active role in the continued development and success of the Upstairs Start-up Hub. Upstairs is a co-working space that offers new entrepreneurs the chance to access mentors, training, and the opportunity to pitch their new business ideas. Council is a Founding Partner of Upstairs, and is actively involved in its promotion and growth. Due to the effort of Council and its partners, Upstairs now supports 18 start-up businesses that are already starting to employ staff and contribute directly to the Bathurst economy.

Bathurst Business Chamber MOU and Cluster Groups

In 2018 Council also strengthened its business community engagement through the signing of a Memorandum of Understanding with the Bathurst Business Chamber. The MOU recommends new joint projects and establishes clear areas of responsibility.

Additionally, Council commenced plans to develop multiple new Industry Cluster Groups that will facilitate collaboration between local businesses, especially in terms of bulk purchasing,

supply chain partnerships and much more. To support the establishment and operation of the Cluster Groups, Council has applied for funding under the Federal Government's Building Better Regions Fund (Community Investments Stream) and expects a response in early 2019.

Conclusion

Bathurst Regional Council launched a number of initiatives in 2018 to stimulate spending during the drought. This included the successful Drought Buster Campaign, increased Buy Local Gift Card marketing, continued growth of the Upstairs Start-up Hub and various business community engagement projects.

Council continues efforts to attract new businesses to Bathurst and organised a very successful Jobs Expo and BizMonth. These projects will be detailed in the forthcoming Economic Development End-of-Year Report 2018 which will be provided to Councillors in the near future.

Financial Implications: Nil.

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 2: A smart and vibrant economy Strategy 2.1

Community Engagement

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

Yours faithfully



N Southorn
DIRECTOR
ENVIRONMENTAL, PLANNING & BUILDING SERVICES

DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

20 FEBRUARY 2019

1 STATEMENT OF INVESTMENTS (16.00001)

Recommendation: That the information be noted.

Report: \$77,780,000 was invested at 31 January 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+	\$12,000,000.00	2.71%
Bankwest	A1+	\$9,000,000.00	2.78%
CBA	A1+	\$6,000,000.00	2.70%
Westpac	A1+	\$1,500,000.00	2.81%
Bank of Queensland Limited	A2	\$3,000,000.00	2.66%
Bendigo & Adelaide	A2	\$1,500,000.00	2.80%
IMB	A2	\$1,500,000.00	2.69%
Auswide Bank	A2	\$1,500,000.00	2.71%
Maritime, Mining & Power Credit Union Ltd	ADI	<u>\$4,500,000.00</u>	<u>2.69%</u>
		\$40,500,000.00	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	2.79%
CBA Deposit Plus 1	AA-	\$1,500,000.00	2.91%
CBA Deposit Plus 2	AA-	\$1,500,000.00	3.02%
Westpac Coupon Select	AA-	\$2,000,000.00	2.96%
Westpac Coupon Select 1	AA-	\$3,000,000.00	3.00%
Westpac Coupon Select 2	AA-	\$1,500,000.00	2.95%
Westpac Coupon Select 3	AA-	\$1,500,000.00	2.75%
Maritime Mining & Power Credit Union Ltd	ADI	<u>\$1,630,000.00</u>	<u>1.70%</u>
		\$14,130,000.00	2.78%
<u>Fixed, Negotiable & Tradeable Certificates of Deposits</u>			
AMP Fixed Rate	A	\$1,000,000.00	2.99%
Greater Bank Ltd	BBB	\$1,000,000.00	3.35%
Greater Bank Ltd	BBB	<u>\$2,000,000.00</u>	<u>3.50%</u>
		\$4,000,000.00	3.34%
<u>Floating Rate Notes</u>			
Commonwealth Bank of Aust.	AA-	\$1,000,000.00	2.96%
CBA Climate Bond	AA-	\$1,000,000.00	3.01%
Commonwealth Bank of Australia 2	AA-	\$500,000.00	2.87%

Suncorp Metway	A+	\$1,000,000.00	3.32%
Rabobank	A+	\$1,000,000.00	3.47%
AMP	A	\$1,000,000.00	3.14%
AMP	A	\$800,000.00	3.09%
AMP	A	\$1,000,000.00	3.29%
AMP	A	\$1,100,000.00	3.07%
Macquarie Bank	A	\$1,000,000.00	3.06%
Bank of Queensland 1	BBB+	\$2,000,000.00	3.18%
Bank of Queensland 2	BBB+	\$1,000,000.00	3.01%
Bendigo & Adelaide Bank 2	BBB+	\$1,000,000.00	2.95%
Bendigo & Adelaide Bank 3	BBB+	\$1,000,000.00	3.04%
Members Equity 3	BBB	\$750,000.00	3.19%
Credit Union Australia 3	BBB	\$1,000,000.00	3.68%
Newcastle Permanent	BBB	\$1,000,000.00	3.41%
Newcastle Permanent 2	BBB	\$1,000,000.00	3.68%
Newcastle Permanent 3	BBB	\$1,000,000.00	3.73%
		\$19,150,000.00	3.23%

Total Investments **\$77,780,000.00** **2.89%**

These funds were held as follows:

Reserves Total (includes unexpended loan funds)	\$25,530,157.00
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 **\$77,780,000.00**

Total Interest Revenue to 31 January 2019 **\$1,457,951.43** **2.89%**

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 31 January 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:	\$0
BMEC Community use:	\$0
Mount Panorama:	\$0

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 William Lawson - Road widening - Lots 16 & 17, DP 1047248 and Lot 160, DP 750357 - 107 Hen and Chicken Lane, Perthville

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 PROVISION OF ELECTION SERVICES - 2016 LOCAL GOVERNMENT ELECTIONS (12.00010-08)

Recommendation: That the Bathurst Regional Council ("the Council") resolves:

- (a) pursuant to s. 296(2) and (3) of the *Local Government Act 1993* (NSW) ("the Act") that an election arrangement be entered into by contract for the Electoral Commissioner to administer all elections of the Council.
- (b) pursuant to s. 296(2) and (3) of the Act, as applied and modified by s. 18, that a council poll arrangement be entered into by contract for the Electoral Commissioner to administer all council polls of the Council
- (c) pursuant to s. 296(2) and (3) of the Act, as applied and modified by s. 18, that a constitutional referendum arrangement be entered into by contract for the Electoral Commissioner to administer all constitutional referenda of the Council.

Report: Councillors would be aware that there will a general local government election in September 2020.

In 2013 Council received advice from the Office of Local Government in relation to "Amendments to Section 296 of the Local Government Act 1993 Relating to the conduct of Elections".

Section 296 of the Local Government Act 1993 now reads:-

296 How elections are to be administered

(1) *Elections for the purposes of this Chapter are to be administered by the general manager of the council concerned, except as provided by this section.*

Note. *Section 18 provides that certain provisions of this Act (relating to the conduct of elections) apply to council polls and constitutional referendums, with such modifications as may be necessary, in the same way as they apply to elections.*

(2) *A council can enter into an arrangement (an election arrangement) with the Electoral Commissioner, by contract or otherwise, for the Electoral Commissioner to administer elections of the council as provided by this section. If such an arrangement is entered into, the Electoral Commissioner is to administer elections of the council in accordance with the arrangement.*

(3) *An election arrangement for the Electoral Commissioner to administer all elections of a council can be entered into if:*

(a) *the council resolves at least 18 months before the next ordinary election of councillors that such an arrangement is to be entered into, and*

(b) *the arrangement is entered into no later than 15 months before the next ordinary election of councillors.*

- (4) *An election arrangement for the Electoral Commissioner to administer a particular election of a council (other than an ordinary election of councillors) can be entered into at any time if the council has resolved that an election arrangement for the election is to be entered into.*
- (5) *An election arrangement for the Electoral Commissioner to administer an ordinary election of councillors can be entered into less than 15 months before the election if:*
 - (a) *the council has resolved that an election arrangement for the election is to be entered into, and*
 - (b) *the Electoral Commissioner is satisfied that there are exceptional circumstances that make it necessary or desirable for the election to be administered by the Electoral Commissioner.*
- (6) *An election arrangement for the Electoral Commissioner to administer all elections of a council can be terminated by the council or the Electoral Commissioner at any time after the next ordinary election of councillors (by giving written notice of termination). If the arrangement is not terminated by either party after an ordinary election of councillors, the arrangement is automatically terminated 18 months before the next ordinary election of councillors.*
- (7) *The Electoral Commissioner is to administer the first election for an area after its constitution. Expenses incurred by the Electoral Commissioner (including the remuneration of election officials) in connection with such an election are to be met by the council and are recoverable from the council as a debt owed to the Electoral Commissioner.*
- (8) *This section does not apply to an election of the mayor or a deputy mayor by councillors.*

The effect of these changes is that it provides councils with some flexibility in how they conduct their elections. Council is under the new changes able to enter into a contract with either the NSW Electoral Commission or another body to conduct its election. The NSW Electoral Commission has conducted the Bathurst Regional Council elections since Council was no longer able to conduct them itself. The cost of the 2017 election was \$259,076. The NSW State Government announced on the weekend that it was going to ask IPART to undertake a review of the costs of conducting local government elections. The deadline for Council to resolve to appoint the Electoral Commission has been put back but it is recommended that Council make the decision now as only the overall cost is likely to be affected.

Prior to the 2017 Council elections Centroc completed a tender process on behalf of a group of councils. Centroc received one complying tender for the provision of election services for 2016 (Bathurst Regional Council was a Council subject to amalgamation and the local government election for Bathurst was delayed, eventually occurring in 2017.) Council resolved: *That Council advise CENTROC that it will not participate in the regional procurement of elections tender for a provider of election services.* Instead, Council opted to use the NSW Electoral Commission as they were cheaper and Council had used them on several previous occasions.

Section 55 of the Local Government 1993 relating to the need for Council to undertake a tender process for contracts in excess of \$150,000 states at sub section (3) (p)

(3) This section does not apply to the following contracts:

- (p) a contract or arrangement between a council and the Electoral Commissioner for the Electoral Commissioner to administer the council's elections, council polls and constitutional referendums.

There would be insufficient time for the Council to run a tender process given the 11 March 2019 deadline for a resolution to employ the Electoral Commission.

It is therefore recommended that Council resolve to utilise the services of the NSW Electoral Commission for the conduct of the 2016 local government election.

In order for Council to utilise the services of the NSW Electoral Commission Council must resolve to enter into an agreement with the NSW Electoral Commission at least 18 months prior to the 2020 election (ie by 11 March 2019). The NSW Electoral Commission, in 2016, provided a model resolution for councils to use in order to ensure that a council electing to use their services is properly covered for all election possibilities such as an election, poll or referendum. The same advice still applies to the 2020 election. It is therefore recommended that council make the following resolution:

That the Bathurst Regional Council ("the Council") resolves:

- (a) pursuant to s. 296(2) and (3) of the *Local Government Act 1993* (NSW) ("the Act") that an election arrangement be entered into by contract for the Electoral Commissioner to administer all elections of the Council.
- (b) pursuant to s. 296(2) and (3) of the Act, as applied and modified by s. 18, that a council poll arrangement be entered into by contract for the Electoral Commissioner to administer all council polls of the Council
- (c) pursuant to s. 296(2) and (3) of the Act, as applied and modified by s. 18, that a constitutional referendum arrangement be entered into by contract for the Electoral Commissioner to administer all constitutional referenda of the Council. .

The NSW Electoral Commission, in 2016, also provided the following advice in relation to the above resolution and this is also still relevant for the upcoming election.

- Where Council intends to engage the NSWEC to conduct the Council's September 2016 ordinary election, the model resolution for the all elections contract should be used
- The all elections contract covers the ordinary election, any poll or referendum that might be held with the ordinary election, and any subsequent by-election poll or referendum that may occur during the term of the contract (4 years).
- Any time after the 2016 ordinary election, either Council or the NSWEC can terminate an all elections contract by giving 4 weeks written notice to the other party.
- If the all elections contract isn't terminated beforehand, it automatically expires 18 months prior to the 2024 ordinary elections i.e. March 2023.
- Should Council wish to engage the NSWEC to conduct a by-election, poll or referendum BEFORE the 2020 ordinary election, a separate resolution must be passed by the Council. In this case, the model resolution for the particular election contract should be used (see wording 'Model council resolutions re s.296 (4) LG Act - Particular Election, Poll or Referendum' below)
- The model resolutions have been carefully drafted to ensure they conform with the legislative framework. There is no need to add any additional wording because they may either be ineffective, or will render the resolutions unworkable.

Financial Implications: There are no financial implications resulting from this report for the current financial year. Council is still waiting to receive the estimate of costs for the 2020 election from the Electoral Commission (2017 election cost was \$259,076). Allowance will be made in the 2020/2021 budget for the cost of holding the election.

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, 21.00009, 22.05258, 22.16095, 22.03772)**

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 PROPOSED TRANSFER OF AIRCRAFT HANGAR LEASED SITE, BATHURST
AERODROME TO BATHURST AIRCRAFT MAINTENANCE CENTRE PTY LTD (21.00009)**

This report relates to the proposed transfer of an aircraft hangar leased site at Lot 9 DP873722 from PIET Superannuation Fund (also known as Smart Air Pty Ltd) to Bathurst Aircraft Maintenance Centre Pty Ltd at the Bathurst Aerodrome

**2 RURAL LICENCE AGREEMENT - AGISTMENT ONLY - AT PART LOT 2 DP749758
AND LOT 117 DP750357 KNOWN AS 200 COLLEGE ROAD, MT PANORAMA (22.05258)**

This report relates to the proposal to enter into a rural licence agreement for part Lot 2 DP749758 and Lot 117 DP750357 known as 200 College Road, Mt Panorama for a period of 3 (three) years.

**3 RURAL LICENCE AGREEMENT - CROPPING ONLY - AT LOT 1 DP1223252 KNOWN
AS 71 HEREFORD STREET, KELSO. (22.16095)**

This report relates to the proposal to enter into a rural licence agreement, Cropping only for Lot 1 DP1223252 known as 71 Hereford Street, Kelso for a period of 3 (three) years.

**4 UPCOMING AUCTION OF PROPERTY, LOTS 4,5,8 AND 9 DP232111 KNOWN AS 98
MOUNTAIN STRAIGHT, MT PANORAMA (22.03772)**

This report relates to the upcoming auction of Lots 4,5,8 and 9 DP232111 known as 98 Mountain Straight, Mt Panorama.

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

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 6: Community leadership and collaboration Strategy 6.4

Community Engagement

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

Yours faithfully

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

A Jones
DIRECTOR
CORPORATE SERVICES & FINANCE

DIRECTOR ENGINEERING SERVICES' REPORT

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

20 FEBRUARY 2019

1 LANDSCAPE DESIGN - CENTENNIAL PARK (37.00619)

Recommendation: That Council adopt the landscape design for Centennial Park, Bathurst.

Report: Council would be aware that in February 2017 it commissioned a consultant to undertake a scoping study to develop a number of options for the future use / development of the historic Centennial Park site. The Scoping Study Project was completed by a local consultancy firm, Integrated Design Group.

At its Ordinary Meeting of 16 May 2018, Council resolved to:-

- (a) adopt the scoping study report on the future use options for Centennial Park, Bathurst.
- (b) choose a design utilising concepts taken from Options 1 and 6 of the land use scenarios presented. The design will incorporate the following elements, which have been the main priorities and desires expressed throughout the community consultation period
 - design to maintain existing openness of Centennial Park.
 - provision of more trees.
 - incorporation of an irrigation system throughout the park, including lawn areas.
 - barbecue/shade/seating.
 - upgrade of playground elements.
 - retention of at least 1 junior cricket area.
 - provision of other active elements such as fitness stations.
 - formalisation of path network from gravel to a more durable hard surface treatment.
 - lighting improvements.
- (c) provide funding within the 2018/2019 Management Plan to develop a detailed design of Council's preferred enhancement scenario.
- (d) provide funding within future Management Plans to undertake the beautification upgrade of Centennial Park.

On 6 August 2018, a consultancy was awarded to dsb Landscape Architects for the landscape design of Centennial Park. Their brief was to provide a design that incorporated the requirements and outcomes of the Scoping Study Report and the extensive community consultation that has occurred to date.

Following review of the Scoping Study Report and the completion of a site survey of Centennial Park, dsb Landscape Architects produced a draft landscape design of Centennial Park, which was presented to Councillors at a Working Party Meeting held 14 November 2018. The draft landscape design that is presented to Council for adoption is shown at **attachment 1**. The draft Centennial Park Landscape Design was then made available for public comment, with direct written contact to the community interest groups, including the Friends of Centennial Park. A community survey was also instigated, via Bathurst Your Say, which was open from 18 December 2018 to 14 January 2019, seeking comment on the proposed plan.

Upon review of the community feedback of the design, it considered that on the whole, the

proposed landscape plan contains all of the views and ideas that Council had adopted within the Scoping Study Report and meets the expectations from the community. Out of 327 people that visited the Your Say site and 52 submissions, the overall consensus was positive for the design that is now proposed for Council's adoption. A copy of the Community feedback results is provided at **attachment 2**.

In response to some of the comments that have been provided against selected elements of the proposed plan, or concerns raised by some respondents, a list addressing these concerns has been provided at **attachment 3**. In essence, most of these concerns will be addressed within the proposed design, however there are some requests or comments that are not proposed to be addressed as they are either in opposition to general consensus of many others or are outside of the adopted Scoping Study Brief.

The plan presented to Council is anticipated to cost in the vicinity of \$4.4M to construct. A more accurate and complete project cost estimate will be compiled upon finalisation of the technical design plans and drawings, and this will be used for the setting of sufficient budget funding in order to construct the works in future management plans. For information, the proposed landscape design will include the following elements:-

- New children's playground area.
- Designated picnic area with double BBQ and shade shelters near the playground.
- Formal off street car park.
- Small number of fitness equipment along secondary path.
- The keeping and formalisation of the major access paths that cross the park.
- Central gazebo to enhance the historical nature of this park.
- Additional seating.
- Retention of 1 x small open oval area for active recreation needs of the community, including junior cricket needs.
- Additional mixed native and exotic tree planting, including the installation of an avenue planting along the formal paths.
- The keeping of existing trees, except for a few trees that have been assessed as being in a dangerous condition.
- Full irrigation to the whole park.
- Heritage style LED park lighting for security purposes.

Upon adoption of the Centennial Park Landscape Design, Council's landscape consultants will commence the development of the technical design drawings and a specification document in readiness to be placed out to Tender for the park's construction. The timing of the landscape upgrade of Centennial Park will depend upon the provision of sufficient funding for future construction purposes.

It is recommended that Council adopt the concept landscape design of Centennial Park and proceed to the development of full design construction drawings.

Financial Implications: The cost of the consultancy for the Landscape Design of Centennial Park is provided for within the existing 2018/19 Management Plan. The anticipated construction cost of the proposed design is likely to be in the vicinity of \$4.4M. Council will need to provide sufficient funding for the landscape development of Centennial Park in future Operational Plans.

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 4: Enabling sustainable growth Strategy 4.1, 4.3
- Objective 5: Community health, safety and well being Strategy 5.1

Community Engagement

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

2 VEGETATION MANAGEMENT PLAN (37.00563)

Recommendation: That Council adopt the Vegetation Management Plan

Report: As resolved by Council on 19 September 2018, the draft Vegetation Management Plan (VMP) was placed on public exhibition for a period of six weeks. During this time, Council received eight written submissions on the draft report. These were from NSW Office of Environment and Heritage, Bathurst Community Climate Action Network, Peel Native Flora and Fauna Management Committee, Greening Bathurst, and four individuals.

The written submissions are provided at **attachment 1** and Council's tabulated response to the matters raised in each submission are provided as **attachment 2**. Minor modifications have been made to the document as a result of the consultation undertaken and the submissions received. The final version of the draft VMP update is provided at **attachment 3**

Council engaged environmental consults Molino Stewart to review and update the original Vegetation Management Plan 2003 (VMP). The objectives of the updated VMP are to:

- Provide a working tool for Council to manage vegetation resources and plan for the future;
- Provide the foundation and set the direction for developing specific vegetation management actions or work plans by Council, key stakeholders and the community; and
- Strengthen the cultural and environmental values of native and exotic vegetation within the Bathurst Regional LGA including its rural villages, through coordinated and sustainable vegetation management and planning.

The original VMP has been updated to encompass all the changes since the original plan was adopted, including the amalgamation with Evans Shire Council, inclusion of additional properties under the care and control of Bathurst Regional Council, new suburban areas and the completion of a number of the recommended actions of the original VMP. To accommodate for these changes, and to create an appropriate transition between the rural, village and urban landscapes, the following vegetation themes have been incorporated within the VMP – Significant Landscapes, Native Remnant Vegetation, Waterways, Streetscapes, Parks and Public Reserves, Gateways, and Wetlands and Floodplains.

As part of the VMP update preparation, ecologists carried out field inspections of approximately 130 Council managed parks and reserves across the region. The conservation value and threats to the vegetation across these properties was assessed to inform management measures.

Significant community consultation was also undertaken to gain an understanding of community values, ideas and concerns regarding vegetation management. Consultation included an online survey on Council's "Your Say" website, Councillor workshop, a public discussion forum, meetings with the Bathurst Region Natural Resource Advisory Group and letters sent to key stakeholders and organisations including rural village representative groups.

The original Bathurst VMP has served as a landmark and comprehensive plan that has been well utilised for both daily environmental management activities as well as long term planning. Through the use of the VMP, Council has achieved significant environment enhancements within the Bathurst City area which have been recognised by several Local Government NSW Excellence in the Environment Awards and Catchment Management

Awards. Council has also used the VMP recommendations to develop grant applications and has successfully won over \$600,000 in additional funding to implement vegetation management projects over the last 10 years.

It is envisaged that the VMP update will continue to be an effective and usable working tool as it has been developed in the same format as the original VMP, includes best practice principles, learnings from previous projects, and builds upon the success of the original plan. The VMP update now encompasses the entire Bathurst region and provides guidance and recommendations to manage the vegetation within these rural areas. For the new VMP update to succeed, it imperative that Council continue to allocate recurrent funding to ensure that the aims and objectives of the VMP are achieved and that the specific actions are carried out.

Financial Implications: The update to the Vegetation Management Plan has been funded within the 2018/19 Management Plan. Council currently provides \$250K annually within the annual operating plan to implement the recommended actions and processes within the VMP.

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 1: Our sense of place and identity Strategy 1.3, 1.4
- Objective 3: Environmental stewardship Strategy 3.1, 3.3, 3.4, 3.5

Community Engagement

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

3 ITEM INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE (11.00005 & 36.00698)

Recommendation: That the information be noted.

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

1 TENDER FOR CONSTRUCTION OF SEWER FOR BATHURST AERODROME (36.00698)

This report considers the tender for construction of a new sewer network to service Bathurst Aerodrome.

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

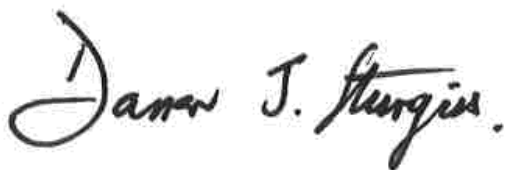
Bathurst Community Strategic Plan - Objectives and Strategies

- 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

20 FEBRUARY 2019

1 2018/2019 BATHURST CCTV FUNDING PROGRAM - ROUND 2 (16.00145)

Recommendation: That Council:

- (a) Provide \$2,000 under the 2018/2019 Bathurst CCTV Funding Program, Round 2 as follows;

Business	Amount of Funding
Perthville School of Arts Hall	\$500 which is the maximum amount approved for funding.
HNS Canvas Pty Ltd	\$500 which is the maximum amount approved for funding.
The Church Block Eglinton	\$500 which is the maximum amount approved for funding.
Preilbua Thai Massage	\$500 which is the maximum amount approved for funding.

- (b) Utilise the residual \$5,562.27 of funds remaining following the above dispersment, as part of the current Stage 1 of the Central Business District (CBD) Closed Circuit Television (CCTV) project.

Report: Council has allocated \$10,000 in its 2018/2019 Annual Operating Plan up to a maximum amount of \$500 on a dollar for dollar basis for businesses who address the criteria under the 2018/2019 Bathurst CCTV Funding Program.

The applications were required to meet the following criteria:

1. Specifications, quality and source of equipment.
2. Surveillance equipment registered with Bathurst Police.
3. Completion of installation within 90 days of approval.
4. Information supporting and addressing the need for CCTV in the business location.
5. Potential for coverage of the public space adjacent to the premises.

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

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

Applications for Round 2 of program for this financial year, were received up to Friday 18 January 2019. The Assessment Group assessed the applications against the criteria and made the following recommendations to Council.

The Assessment Group recommended that Council provide \$2,000 under the 2018/2019 Bathurst CCTV Funding Program, Round 2, to provide assistance to the following applicants:

Item	Business	Amount of Funding
(a)	Perthville School of Arts Hall	\$500 which is the maximum amount approved for funding.
(b)	HNS Canvas Pty Ltd	\$500 which is the maximum amount approved for funding.
(c)	The Church Block	\$500 which is the maximum amount approved for funding.
(d)	Preilbua Thai Massage	\$500 which is the maximum amount approved for funding.

CCTV Funding Program Summary to date

This is the fourth year of this program. To date, 65 businesses have been approved for funding under this program, 10 businesses failed to complete and were withdrawn from the Program. 52 businesses have completed the process and installed CCTV under the Program, with 3 businesses from 2018/2019 Round 1, yet to finalise. If Council adopts the recommendation from the Assessment Group, the accrued total will be 59 businesses.

Financial Implications: Council has provided \$10,000 in the Annual Operating Plan 2018/2019 for Bathurst CCTV Funding Program. A balance of \$5,562.27 remains unallocated following this round of applications.

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 5: Community health, safety and well being Strategy 5.4

Community Engagement

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

2 SUMMER SCHOOL HOLIDAY ACTIVITIES 2019 (21.00106, 21.00039, 21.00054, 21.0060, 09.00026)

Recommendation: That the information be noted.

Report: The Australian Fossil and Mineral Museum (AFMM), Bathurst Memorial Entertainment Centre (BMEC), Bathurst Library, Bathurst Regional Art Gallery (BRAG) and Kelso Community Hub (KCH) have consistently offered high quality programs during school holiday periods.

Council's Summer School Holiday activities for 2019 were well attended with 814 children attending the wide variety of activities as outlined below:

Australian Fossil and Mineral Museum

During the Summer School Holiday period the AFMM participated in Museum Selfie Day on Wednesday 16 January 2019. This is the third year for Museum Selfie Day, which included free entry into the Museum and a selfie competition. It has shown to be a popular summer school holiday event for families. Attendance was 600 people.

Bathurst Memorial Entertainment Centre

The Local Stages Program conducted a two-day drama workshop for ages 5 - 12 years at BMEC. Nel Kentish and Alex Vidler conducted this workshop, which was well received.

Date	Program Name	Attendance
Mon 7 Jan & Tues 8 Jan	Pick & Play Grab a costume & create a character with a short performance on Tues 8 Jan at 3.30pm	22
	Total Attendance	22

Bathurst Library

The Library Summer School holiday program included seven activities for children 3 to 17 years old. Two of the craft activities were conducted by Library staff and three by local tutor Fiona Howle. These creativity sessions were complemented by a Children's Yoga practice led by local yoga teacher Emma Livissianis. This program booked out very early on.

Overall feedback from participants was positive and those who attended the activities enjoyed themselves.

Date	Program Name	Attendance
Tue 15 Jan	Mosaic Frames	19
Thu 17 Jan	Twigged	10
Mon 21 Jan	Milk Bottle Monsters	15
Tue 22 Jan	Children's Yoga	15
Wed 23 Jan	Animal Sticks	8
Thu 24 Jan	Pop-Up Cards	20
	Total Attendance	87

Bathurst Regional Art Gallery

BRAG programmed six workshops over six days (15 - 24 January) during the 2019 Summer school holidays. These workshops were themed to coincide with the current exhibition at the gallery, *Curiouser & Curiouser*.

Presenters were Fiona Howle, Zoe Newman and Ana Freeman. Attendance for the program was as follows:

Date	Activity	Attendance
Tue 15 Jan	Rockface	8
Wed 16 Jan	Wacky Wall Works	6
Fri 18 Jan	Curious Creatures	10
Tue 22 Jan	Pom Pom Animals	24
Wed 23 Jan	Balloon Bouquets	14
Thu 24 Jan	Absurd Art Making	8
	Total Attendance	70

Kelso Community Hub

Kelso Community Hub held a varied School Holiday Program that was well attended. The Kelso Community Hub continues to increase activity participation rates.

Date	Program Name	Attendance
Tue 15 Jan	Drop in activities	5
Wed 16 Jan	Tenpin Bowling	10
Tue 22 Jan	Bathurst Aqua Park Excursion	6
Wed 23 Jan	Bathurst Goldfields Excursion	14
Total	Total Attendance	35

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 5: Community health, safety and well being Strategy 5.2
- Objective 6: Community leadership and collaboration Strategy 6.7

Community Engagement

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

3 BATHURST REGION TOURISM REFERENCE GROUP - MEETING HELD 4 FEBRUARY 2019 (07.00116)

Recommendation: That the information be noted.

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

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

The Bathurst Region Tourism Reference Group met at the Bathurst Visitor Information Centre (BVIC) on 4 February 2019. The minutes of the Group's Meeting are provided at **attachment 1.**

Councillors should note that the Minutes of each meeting of the Tourism Reference Group are formally adopted at the next meeting.

The following items were discussed at the Meeting held on Monday 4 February 2019:

- Status of 2015 DMP Actions and necessity of preparing new Plan in 2019
- Tourism Sector issues
- 2019 Bathurst Region Destination Planner
- Future group direction

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 1.2, 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 |

Community Engagement

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

4 BATHURST REGION DESTINATION MANAGEMENT PLAN - REVIEW PROCESS (20.00299)

Recommendation: That Council:

- (a) Note the new NSW Statewide Destination Plan 2019.
- (b) Note the completed priorities and actions of the Bathurst Region Destination Management Plan 2015.
- (c) Commence, during 2019, the development of a new Bathurst Region Destination Management Plan including industry, community and Councillor engagement.
- (d) Hold a Councillor Working Party to discuss Council priorities and receive input into the new Bathurst Region Destination Management Plan.

Report: The Bathurst Region Destination Management Plan (DMP) was completed in January 2015 and adopted by Council in June 2015. The DMP set out recommendations and an activities program to guide tourism over a five year period.

A review of the recommended actions in late 2018 shows that all six priorities have been achieved with over 80% of all sub-actions either complete or in progress. A copy of this review is provided at **attachment 1**. At its meeting of 4 February 2019, the Tourism Reference Group recommended the development of a new Destination Management Plan. Consequently, Council tourism staff will be preparing a new DMP in 2019.

The NSW Government has now provided a Statewide Destination Management Plan (February 2019). Previously the State Government changed the system of partitioning of the State into tourism networks in 2016, with Bathurst now in the much larger "Destination Country and Outback" network. This area has also adopted a new Destination Management Plan 2018-2020 (Council 18 July 2018, DCCS Report #3). These two new Destination Management Plans make Council's current DMP further out of date.

A copy of the Statewide Destination Management Plan can be found on the Destination NSW website.

To be successful in seeking funding, it is essential that the DMP make reference to, and is consistent with, the Network and State Destination Management Plan priorities. A new Bathurst Region Destination Management Plan will ensure the strategic linkage.

Sound Destination Management will foster a viable, vibrant and progressive tourism business sector and drive growth in a regional visitor economy including generating income sources to manage and maintain cultural and natural heritage assets of a region. The State and Federal Governments have both identified a well-developed Destination Management Plan as a critical requirement for accessing future investment. The plan must be a shared statement of intent, capturing the agreed needs of industry so as to assure the government that any investment is used on projects that support this need.

The new DMP will identify the current State and projected trends for NSW regional tourism and clearly articulate a vision for Bathurst region tourism with identified, agreed and measurable actions and outcomes to achieve this vision.

Initial work on the development of a new plan is to commence immediately with major industry, community and Councillor consultation to occur in May 2019 with the objective of a

completed plan to be placed on public exhibition in September 2019.

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

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 1: Our sense of place and identity Strategy 1.2, 1.3
- Objective 2: A smart and vibrant economy Strategy 2.1, 2.6
- Objective 5: Community health, safety and well being Strategy 5.2
- 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.

5 CENTRAL TABLELANDS COLLECTION FACILITY (21.00150)

Recommendation: That Council:

- (a) Undertake the project to construct the Collections Facility as outlined in the report.
- (b) Utilise the grant, provided under the Create NSW Regional Cultural Fund, of \$2,300,000 for the project
- (c) Delegate to the General Manager the authority to execute the contracts.
- (d) Utilise Developer Contributions as part contribution to the completion of this project up to the value contained in this report.
- (e) Note the remaining \$66,990, required for the project, will be included in the 2019/2020 budget.

Report: Council has been successful in receiving funding from the NSW Government for \$2.3million, of a \$4.6million project, to undertake the construction of the Central Tablelands Collection Facility.

The project requires \$2.3 million contribution by Council. Funds are allocated and available in the section 7.11 Bathurst Community Facilities Plan to an amount of \$2,233,010. The remaining \$66,990 will be included in the upcoming 2019/2020 budget.

Background

The Central Tablelands Collection Facility project has been identified in Council's strategic documents for the last 14 years, reflecting Council's commitment to ensuring this unique heritage and history is preserved for future generations, including

1. Bathurst 2040 Community Strategic Plan – Key Infrastructure (page 81) – Archive & collection storage
2. Bathurst 2036 Community Strategic Plan – Key Infrastructure (page 118) – Archives collection storage facility.
3. Bathurst Region: A Cultural Vision (2017) – Goal 1.2.1 *“To establish a climate-controlled centralised Collections Management and Storage Facility that would meet the storage needs of Council and other regional non-Council Collection organisations/businesses.”*
4. Bathurst Region Heritage Plan 2017-2020 – the project aligns with the vision *“Respecting our past, valuing our stories, shaping our future”*, particularly the objective *“To manage, protect and enhance our heritage buildings, streetscapes, vistas, natural environments and objects.”*
5. Bathurst Region Destination Plan (2015) – the project aligns through the identification of heritage and history as a Key Asset *“Throughout the city and region are heritage listed architecture and historical places and landscapes.”*
6. Bathurst Region Economic Development Strategy 2018-2022 - the project aligns with the vision for 2022 *“A pioneering, adaptable economic hub that celebrates the region’s rich diversity, culture, skills and history, yet nourishes innovative, nimble industries and professionals of the future.”* The facility is specifically identified in Action 1.5.

The Project

The Central Tablelands Collection Facility will involve the construction of a purpose built, large scale repository and learning facility. The facility will:

- accommodate valuable and fragile collections, archives and other significant cultural items currently held under the custodial care of Bathurst Regional Council.
- cater for collections from smaller regional volunteer run museums, historical societies, collection groups, education facilities and private collectors across the region
- ensure the protection of a diverse range of objects
- enhance Bathurst Regional Council's existing cultural industry partnerships with the University of Melbourne's Grimwade Centre for Cultural Materials Conservation, Museums & Galleries NSW Digitisation Project and outreach programs and The Australian Museum through the Somerville Collection.
- provide much needed storage along with collection management services including cataloguing, preventative and material conservation treatment, curatorial inspection of collections, digitisation, virtual classroom and on-site learning facilities.

Key Outcomes

The key outcomes of the project are:

1. The protection of Council's and broader community collections for future generations.
2. The release of current storage spaces in existing cultural facilities with potential for them to be used for other purposes including public spaces.
3. Provide skills to Council staff, volunteers, students and community members in industry standard practices in collection management.
4. Provide assurance to private collectors who gift or loan works to Council that objects will be stored and cared for professionally.
5. The creation of a regional hub that will facilitate partnerships with creative industry providers for outreach programs.
6. The provision of a range of opportunities for the broader community to gain access to collections.

Location

The proposed location for the facility has been identified as part of Lot 268 DP820952 Leena Street, copy of plan indicating the location is provided at **attachment 1**. This land is owned by Council, is zoned appropriately and provides an ideal location for the construction of the facility.

Financial Implications: This project is anticipated to cost approximately \$4,600,000 (including GST), subject to adjustments and provisional sums. \$2,300,000 of this funding has been provided as a grant under Round 2 - Create NSW Regional Cultural Fund. The project requires \$2,300,000 contribution by Council. There are funds allocated and available in the Section 7.11 Bathurst Community Facilities Plan to an amount of \$2,233,010. The remaining \$66,990 will be included in the upcoming 2019/2020 budget.

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 1: Our sense of place and identity Strategy 1.1, 1.2, 1.3, 1.5
- Objective 2: A smart and vibrant economy Strategy 2.1, 2.2

Community Engagement

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

Yours faithfully



Alan Cattermole
DIRECTOR
CULTURAL & COMMUNITY SERVICES

TRAFFIC COMMITTEE MEETING

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

1 MINUTES - TRAFFIC COMMITTEE MEETING - 5 FEBRUARY 2019 (07.00006)

Recommendation: That the recommendations of the Traffic Committee Meeting held on 5 February 2019 be adopted.

Report: The Minutes of the Traffic Committee Meeting held on 5 February 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 TRAFFIC COMMITTEE
HELD ON 5 FEBRUARY 2019

MEETING COMMENCES

1 MEETING COMMENCES 2:00 PM

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

Present: Mr Bernard Drum (Manager Technical Services), Mr Myles Lawrence (Civil Design & Project Engineer) & Mr Paul Kendrick (Traffic & Design Engineer).

APOLOGIES

2 APOLOGIES

That the apology of Councillor Warren Aubin be accepted.

REPORT OF PREVIOUS MEETING

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

That the Minutes of the Traffic Committee Meeting held on 4 December 2018 be adopted.

DECLARATION OF INTEREST

4 DECLARATION OF INTEREST 11.00002

That the Declaration of Interest be noted.

RECEIVE AND DEAL WITH DIRECTORS' REPORTS

Director Engineering Services' Report

5 Item 1 MINUTES OF THE TRAFFIC COMMITTEE MEETING HELD 4 DECEMBER 2018 (07.00006)

That the information be noted and necessary actions be taken.

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

That the information be noted.

7 Item 3 DENISON HIGH SCHOOL BATHURST CAMPUS SCHOOL DROP OFF/PICK UP ZONE (28.00006-13/243)

That Council approve the revision of time restrictions to the Drop off/Pick up zone on Hope Street outside Denison College Bathurst High Campus, subject to conditions as detailed in the Director Engineering Services' report.

8 Item 4 BATHURST PUBLIC SCHOOL LINE MARKING (25.00007)

That Council:

(a) Install edge lines

1 On George Street between and approximately 50m past both the Rocket Street and Lambert Street intersections;

2 Extending from George Street approximately 50m into both Rocket Street and Lambert Street in both directions.

(b) Install centre lines on George Street between and approximately 50m past both the Rocket Street and Lambert Street intersections.

9 Item 5 BATHURST CYCLING CLUB ROAD RACING AND TRAINING EVENTS

This is page 2 of Minutes of the Traffic Committee held on 5 February 2019

2019 (18.00022-05)

That inclusion of an additional route to access the new Bathurst Cycling Orton Park Clubhouse via Vale Road, be classified as a Class 2 event, and the traffic management for the event be endorsed, subject to conditions as detailed in the Director Engineering Services' report.

10 **Item 6 LIQUI-MOLY 12 HOUR EVENT MOUNT PANORAMA - TRAFFIC MANAGEMENT PLAN (04.00097)**

That

- (a) The Track To Town to be held on Thursday 31 January 2019 as part of the Liqui-Moly Bathurst 12 Hour be classified as a Class 2 event and the traffic management for this event be endorsed subject to conditions, and
- (b) Council approve the proposed temporary bus zones and extension of existing bus zone times

as detailed in the Director Engineering Services' report.

11 **Item 7 ANZAC DAY SERVICES 2019 (23.00076)**

That

- (a) The Bathurst central business district 2019 Anzac Day Service and March
- (b) The Rockley Commemorative Service road closure and Anzac Day March
- (c) The Memorial Cairn Service with temporary speed restriction of 40km/h on Limekilns Road, Forest Grove

to be held on Wednesday 25 April 2019 be classified as a Class 2 event subject to conditions as detailed in the Director Engineering Services' Report.

12 **Item 8 LINE MARKING AT INTERSECTION OF PRESS COURT AND WENTWORTH DRIVE KELSO (25.000245)**

That Council approve line marking at the intersection of Press Court and Wentworth Drive Kelso, as detailed in the Director Engineering Services' report.

13 **Item 9 BARRIER LINES FOR THE INTERSECTION OF HOBSON CLOSE WITH HAMILTON STREET EGLINTON (25.00578)**

That Council approve the placement of barrier lines on Hobson Close at its intersection with Hamilton Street at Eglinton.

14 **Item 10 NO STOPPING SIGNS – ACROSS 18 AND 20 HUGHES STREET KELSO (25.00152/025)**

That Council approve the placement of “No Stopping – Mon to Fri 8.00am–9.30am & 2.30pm-4.00pm” signs, across and between the driveways of 18 and 20 Hughes Street Kelso.

15 **Item 11 LATE REPORT - BATHURST CYCLING CLASSIC CHANGES (23.00128) MOVED** D Veness (MP Representative) and **SECONDED** P Foran (Police)

That the Committee accept and deal with the Late Report regarding Bathurst Cycling Classic Changes at the traffic committee meeting on 5 February 2019.

16 **Item 12 LATE REPORT - BATHURST CYCLING CLASSIC CHANGES (23.00128)**

That the modified events forming the 2019 Bathurst Cycling Classic to be held 16 & 17 March 2019 be classified as:

- (a) the B2B - Class 1
- (b) the Criterium and Hill Climb - Class 2,

and the traffic management for the events be endorsed, subject to conditions as detailed in the Director Engineering Services' report.

TRAFFIC REGISTER

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

That the information be noted.

MEETING CLOSE

18 **MEETING CLOSE**

The Meeting closed at 2.35 pm.