

10 April 2019

His Worship the Mayor & Councillors

**Notice of Ordinary Meeting of Bathurst Regional Council - Wednesday,
17 April 2019**

I have to advise that an **Ordinary Meeting** of Bathurst Regional Council will be held in the Council Chambers on Wednesday, 17 April 2019 commencing at 6.00 pm.

From 6.00 pm to 6.15 pm there will be an opportunity for members of the public to raise matters with Council and staff.



D J Sherley
GENERAL MANAGER

BUSINESS AGENDA

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

TO BE HELD ON WEDNESDAY, 17 APRIL 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 - 20 MARCH 2019

* MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 3 APRIL 2019

6. DECLARATION OF INTEREST

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

7. MAYORAL MINUTE - Nil

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

* DIRECTOR ENVIRONMENTAL PLANNING & BUILDING SERVICES' REPORT

* DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT

* DIRECTOR ENGINEERING SERVICES' REPORT

* DIRECTOR CULTURAL & COMMUNITY SERVICES' REPORT

9. REPORTS OF OTHER COMMITTEES

* MINUTES - POLICY COMMITTEE MEETING - 3 APRIL 2019

* MINUTES - TRAFFIC COMMITTEE MEETING - 2 APRIL 2019

10. 1 NOTICE OF MOTION - CR FRY - WATER INITIATIVES (11.00004, 32.00026, 16.00103)

Moved by Cr Fry:

That Bathurst Regional Council declare our Local Government Area (LGA) a 'Water Smart Region'

11. RESCISSION MOTIONS - Nil

12. COUNCILLORS/ DELEGATES REPORTS

- * CENTROC BOARD MEETING 28 FEBRUARY 2019 (DPI-ORANGE)
- * MINUTES - AUSTRALIA DAY WORKING PARTY - 19 FEBRUARY 2019
- * COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 13 MARCH 2019
- * COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 27 MARCH 2019
- * MINUTES - BATHURST REGIONAL COMMUNITY SAFETY COMMITTEE - 28 MARCH 2019

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

Recommendation: That:

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

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

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

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

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	RURAL LICENCE AGREEMENT - LOT 5 DP586023 AND LOT 11 DP717095 AND PART LOT 12 DP717095 KNOWN AS 117 - 131 COLLEGE ROAD, BATHURST	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

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

*** DIRECTOR ENGINEERING SERVICES' REPORT**

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

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 - 20 MARCH 2019 (11.00005)

Recommendation: That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 20 March 2019 be adopted.

Report: The Minutes of the Ordinary Meeting of Bathurst Regional Council held on 20 March 2019, are **attached**.

Financial Implications: N/A

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 6: Community leadership and collaboration Strategy 6.4

Community Engagement

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

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

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

Report: The Minutes of the Ordinary Meeting of Council following Policy held on 3 April 2019, are **attached**.

Financial Implications: N/A

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 6: Community leadership and collaboration Strategy 6.4

Community Engagement

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

MINUTES OF THE ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
HELD ON 20 MARCH 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

M Griffiths – 48 Havannah Street - noted warning and construction signs have been removed. Noted Housing Plus is the new owner and understands there is a new development proposal. Has spoken to the group about the acquisition and issues of toxin levels. Housing Plus' consultant has said the site is toxin free. Raised concerns about the site and also that access is readily available to members of the public, this is not safe. Has gone to ICAC and the Ombudsman.

Then spoke to operations structure of Housing Plus, turnover levels, grant incomes, they are a registered charity.

P Simmons – Friends of Centennial Park - spoke to recent history of the site. In favour of the Plan for the Park, have been told most efficient to do all in one go (costs \$4.4 million). Spoke about breaking the project up into parts. Request Councillors to lead on the future for the park and get project to proceed; in particular trees and watering systems.

G Burke – Bathurst Aerodrome Land Leases - DCSF Confidential Item #3 - understands a report goes to council tonight. The dispute has gone on for 6 years. Referred to what has occurred at the Aerodrome over recent years and the loss of businesses. Also noted level of service from REX and what is the future of this service. Further spoke to movement numbers at the Aerodrome. Then noted agreement for handover of Aerodrome from Federal Government. Why has council been led up the garden path about \$12 m² leasing, when valuer said \$5 m²? Feels staff are wasting money on this exercise, reputation of this Aerodrome is in tatters.

B Wood – Friends of Centennial Park - asks council to continue its commitment to the Park. Please provide funding, it is a great investment, there are a number of trees being lost. Could we do something to preserve what we have got.

C O'Rourke (Resident) – Planning of City - Member of Sustainable Australia - spoke to a number of issues.

- Junk Mail
- Dogs left on their own
- The number of green lawns around the area
- There is a lack of footpaths, often have to walk on the road, noted connectivity issues.

G Crisp – Customer Water Supply Service - noted he is an elder and is covered by those statutes in terms of 'elder abuse'. Then spoke to roles of businesses and their responsibilities in regards to this area. Then referred to strata court case he was involved with council and results of that case. Then referred to minutes of previous meeting and allegations of stolen money from the water fund. He will take up elder abuse case against council. Made further allegations concerning pecuniary interest against a councillor whose partner was an auditor.

P Dowling

Lambert / Peel Street Safety - raised concern about safety issues last time, and clarified location is not near the school, but near a stop sign.

The Director Engineering Services will investigate this matter.

Plumbing Department - thanked staff for prompt service received recently.

B Triming – Bathurst Region Access Committee (BRAC) Chair - supports comments re footpaths in new subdivisions. The developers should be putting these in. Thanked council for the upgraded toilets in the Administration Building. Then spoke to footpaths that were blocked and noted work of council to address these problems. In regards to budgets, there are 4 buildings that need attention. Can councillors look at this and allocate funds.

M Bignell – Youth Council - spoke to reports to Council from the Youth Council in tonight's business paper.

I Hancock – Bathurst Region Access Committee (BRAC) - supporting Bob Triming in his representations. Noted problems in getting into the Senior Citizens Centre, the doorway is too narrow. Could this be looked at?

K McNab – Mitre / Suttor / Lambert Streets Intersection - spoke to need for roundabout and safety issues. Noted report on compulsory acquisition in tonight's business paper for land at the Scout Hall. Requests council commence the work as soon as possible. Seeks update on service matters. Then spoke to opening up of parking on the Clancy's site and perhaps council should look at purchasing the tarred section of the site.

The Director Engineering Services advised most of lighting, Telstra design is coming to conclusion, hoping to call tenders at the end of April 2019.

D McNab – Mitre / Suttor / Lambert Streets Intersection - pleasing to see tonight's report on easements. Spoke to council's ability to complete works, why not do the works in-house, rather than use contractors?

The Director Engineering Services spoke to works required, scale of the works and service levels needed. Staffing levels are not available to do these works.

APOLOGIES

3

APOLOGIES

Nil

MINUTES

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

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

RESOLVED: That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 20 February 2019 be adopted.

DECLARATION OF INTEREST

5 **DECLARATION OF INTEREST 11.00002**

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

RESOLVED: That the following Declarations of Interest be noted.

Cr Aubin

Item #8 of the Director Corporate Services & Finance's report

Cr Morse

Item #3 of the Director Environmental, Planning & Building Services' report

Cr Rudge

Item #1 of the Director Engineering Services' report

Item #4 of the Director Corporate Services & Finance's Confidential report

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

Director Environmental Planning & Building Services' Report

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

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

RESOLVED: That the information be noted.

7 **Item 2 GENERAL REPORT (03.00053)**

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

RESOLVED: That the information be noted.

8 Item 3 DEVELOPMENT APPLICATION NO. 2018/484 – DEMOLITION OF EXISTING DWELLING AND OUTBUILDINGS AND CONSTRUCTION OF SINGLE STOREY REPLACEMENT DWELLING AND SEPARATE GARAGE AT 5 LORD STREET, BATHURST. APPLICANT: ROBYN WHITE DESIGNS. OWNER: MRS M GAAL (DA/2018/484)
MOVED Cr I North and SECONDED Cr B Bourke

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

Reason: Applicant is a close friend

RESOLVED: That Council:

- (a) as the consent authority, grant consent pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2018/484, subject to conditions able to be imposed pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979, as amended and including conditions to the effect that:
 - (i) No demolition shall occur until a Construction Certificate for the replacement building has been approved;
 - (ii) No demolition shall occur until a photographic record of the existing dwelling has been submitted to Council; and
- (b) call a division.

On being PUT to the VOTE the MOTION was CARRIED

The result of the division was:

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

Against the motion - Nil

Absent - Cr M Morse,

Abstain - Nil

9 Item 4 DEVELOPMENT APPLICATION NO. 2019/20 – DEMOLITION OF DWELLING, CONSTRUCTION OF SINGLE STOREY DWELLING AND SHED AT 298 HOWICK STREET, BATHURST. APPLICANT: INTEGRATED DESIGN GROUP. OWNER: MR RS AND MRS JE SIEDE (DA/2019/20)
MOVED Cr B Bourke and SECONDED Cr J Rudge

RESOLVED: That Council:

- (a) as the consent authority, grant consent pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2019/20, subject to conditions able to be imposed pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979; as amended and including a condition to the effect that:
 - (i) No demolition shall occur until a Construction Certificate for the

replacement building has been approved; and

- (b) call a division.

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

The result of the division was:

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

Against the motion - Nil

Absent - Nil

Abstain - Nil

10 **Item 5 MODIFICATION TO DEVELOPMENT APPLICATION 2015/196 – RECREATION FACILITY (GO KART TRACK) AT MCPHILLAMY PARK, BROCKS SKYLINE, MOUNT PANORAMA. APPLICANT AND OWNER: BATHURST REGIONAL COUNCIL (DA/2015/196)**

MOVED Cr W Aubin

and **SECONDED** Cr B Bourke

RESOLVED: That Council:

- (a) as consent authority, modify condition 3 of the Development Application 2015/196 pursuant to Section 4.55(2) of the Environmental Planning and Assessment Act 1979 to read as follows:
- (3) No work is to be undertaken within the area subject to listing #44-3-0193 and #44-3-0195 until such time as the AHIMS Register has been updated to reflect the fact that they are not Aboriginal sites or that an appropriate Aboriginal Heritage Impact Permit AHIP (if required) is granted for any works that may impact upon them; and
- (b) call a division.

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

The result of the division was:

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

Against the motion - Nil

Absent - Nil

Abstain - Nil

11 **Item 6 BATHURST REGION HERITAGE REFERENCE GROUP (20.00123)**

MOVED Cr I North

and **SECONDED** Cr B Bourke

RESOLVED: That the information be noted.

- 12** **Item 7 HERITAGE CONSERVATION AREA REVIEW 2018 (20.00129)**
MOVED Cr J Jennings and **SECONDED** Cr J Rudge

RESOLVED: That Council place the Heritage Conservation Area Review 2018 on public exhibition for 28 days.

- 13** **Item 8 ECONOMIC DEVELOPMENT END-OF-YEAR REPORT 2018 (20.00071)**
MOVED Cr M Morse and **SECONDED** Cr B Bourke

RESOLVED: That the information be noted.

- 14** **Item 9 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE (11.00005 & 20.00316)**
MOVED Cr J Jennings and **SECONDED** Cr J Rudge

RESOLVED: That the information be noted.

Director Corporate Services & Finance's Report

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

RESOLVED: That the information be noted.

- 16** **Item 2 MONTHLY REVIEW - 2018/2022 DELIVERY PLAN AND OPERATIONAL PLAN 2018-2019 (16.00155)**
MOVED Cr W Aubin and **SECONDED** Cr A Christian

RESOLVED: That the information be noted.

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

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

- 18** **Item 4 POWER OF ATTORNEY (11.00007)**
MOVED Cr B Bourke and **SECONDED** Cr J Rudge

RESOLVED: That the information be noted.

19 Item 5 FRIENDSHIP AGREEMENT WITH CIRENCESTER TOWN COUNCIL (23.00150)

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

RESOLVED: That Council:

- (a) Delegate authority to the Mayor and General Manager to execute the Friendship Agreement with Cirencester Town Council;
- (b) Send a delegation to visit Cirencester, subject to further discussion with Cirencester Town Council;
- (c) Authorise the Mayor and General manager (or their authorised delegates) to attend as Council's delegates; and
- (d) Authorise the General Manager to appoint a travel agent to commence preparations.

20 Item 6 NAMING OF RACE CONTROL BUILDING AT MOUNT PANORAMA MOTOCROSS TRACK (20.00038)

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

RESOLVED: That:

- (a) The race control building, on land leased from Council at the top of Mount Panorama, be named after Kevin McDonald OAM;
- (b) An appropriate plaque be placed at this site to acknowledge Mr McDonald's achievements in motorcycling.

21 Item 7 NAMING OF AIRPORT TERMINAL BUILDING (21.00044)

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

RESOLVED: That Council name the airport terminal at the Bathurst Airport after former Councillor Les Wardman.

22 Item 8 LOAN AGREEMENT - MEALS ON WHEELS (18.00236)

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

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

Reason: Brother in Law is on Board of Meals on Wheels

RESOLVED: That Council enter into an agreement with Bathurst Meals on Wheels Inc. to assist with financing an upgrade to electricity supply at Lot 800 DP1160678, 4 Watt Drive, Robin Hill, which land is Council owned, for a loan of \$100,000 to be repaid over 10 years at the interest rate of 4.27% reducible (half yearly instalments of \$6,195.64).

23 Item 9 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE (11.00005, 22.10284, 22.11139. 21.00147, 22.00876, 22.00654, 22.09614, 36.00689)

MOVED Cr J Rudge and **SECONDED** Cr A Christian

RESOLVED: That the information be noted.

Director Engineering Services' Report

24 Item 1 MEMORIAL WALL - BATHURST MONUMENTAL CEMETERY (09.00009)
MOVED Cr I North and **SECONDED** Cr M Morse

Cr Rudge declared a non-pecuniary (not significant) interest in this item and remained in the Chamber.

Reason: Member of Family History Group

RESOLVED: That Council approve the request from the Bathurst Family History Group to construct a memorial wall at the old monumental section of the Bathurst Cemetery.

25 Item 2 PROPOSED COMPULSORY ACQUISITION FOR EASEMENT RIGHTS - LOT 254 DP750357 - 4 SUTOR STREET, WEST BATHURST (25.00095)

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

RESOLVED: That:

- (a) Council make application to the Minister and/or Governor for the compulsory acquisition of the interest in Crown land located at Lot 254 DP750357 for the creation of an Easement for Water Supply 5 wide, and
- (b) The application follow the provisions of the Local Government Act 1993 and the Land Acquisition (Just Terms Compensation) Act 1991 and does not include mineral rights

as detailed in the Director Engineering Services' Report.

26 Item 3 EASEMENT FOR WATER SUPPLY 5 WIDE - LOT 12 DP857116 AND LOT 231 DP1177478 - LAFFING WATERS LANE, LAFFING WATERS (22.10234, 22.00677)

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

RESOLVED: It is recommended that Council:

- (a) Acquire the easement rights for the creation of an Easement for Water Supply 5 Wide for a future water main within Lot 12 DP857116 and Lot 231 DP1177478 Laffing Waters Lane, Laffing Waters.

- (b) Pay all reasonable legal costs for the proprietor of Lot 12 DP857116 and pay reasonable compensation, estimated to be less than \$10,000.

27 Item 4 HOWARDS BRIDGE WINBURNDALE RIVULET REPLACEMENT (25.00283)

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

RESOLVED: That Council resolve to call tenders for the replacement of Howards Bridge, located on the Bridle Track crossing the Winburndale Rivulet.

Director Cultural & Community Services' Report

28 Item 1 BATHURST REGIONAL YOUTH COUNCIL - FOOD & FLIX, 22 FEBRUARY 2019 (11.00020)

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

RESOLVED: That the information be noted.

29 Item 2 NSW SENIORS FESTIVAL, 13 - 24 FEBRUARY 2019 "LOVE YOUR LIFE" (07.00016)

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

RESOLVED: That the information be noted.

30 Item 3 DESTINATION BRAND IMPLEMENTATION - PROGRESS REPORT (20.00299)

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

RESOLVED: That the information be noted.

31 Item 4 BATHURST VISITOR INFORMATION CENTRE - 2019 TOYO HIGH SCHOOL VISIT (23.00025)

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

RESOLVED: That the information be noted.

32 Item 5 BATHURST REGION TOURISM REFERENCE GROUP - MEETING 4 MARCH 2019 (07.00116)

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

RESOLVED: That the information be noted.

- 33** **Item 6 ARTSTATE BATHURST 2018 - FINAL REPORT (21.00117)**
MOVED Cr M Morse and **SECONDED** Cr J Jennings

RESOLVED: That the information be noted.

REPORTS OF OTHER COMMITTEES

Policy Committee Meeting

- 34** **Item 1 MINUTES - POLICY COMMITTEE MEETING - 6 MARCH 2019 (07.00064)**
MOVED Cr B Bourke and **SECONDED** Cr W Aubin

RESOLVED: That the recommendations of the Policy Committee Meeting held on 6 March 2019 be adopted.

Traffic Committee Meeting

- 35** **Item 1 MINUTES - TRAFFIC COMMITTEE MEETING - 5 MARCH 2019 (07.00006)**
MOVED Cr W Aubin and **SECONDED** Cr J Rudge

RESOLVED: That the recommendations of the Traffic Committee Meeting held on 5 March 2019 be adopted.

COUNCILLORS/ DELEGATES REPORTS

- 36** **Item 1 COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 13 FEBRUARY 2019 (11.00019)**
MOVED Cr I North and **SECONDED** Cr J Rudge

RESOLVED: That the information be noted.

- 37** **Item 2 MINUTES - BATHURST REGIONAL YOUTH COUNCIL 12 FEBRUARY 2019 (11.00020)**
MOVED Cr W Aubin and **SECONDED** Cr A Christian

RESOLVED: That the information be noted.

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

RESOLVE INTO CONFIDENTIAL COMMITTEE OF THE WHOLE TO DEAL WITH CONFIDENTIAL REPORTS**MOVED** Cr I Northand **SECONDED** Cr M Morse

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	STEWART AND DURHAM STREET INTERSECTION TREATMENT STUDY	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	POSSIBLE PURCHASE OF PROPERTY, LOT 202 DP1200345 KNOWN AS 448 LIMEKILNS ROAD, KELSO	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
2	PURCHASE OF PROPERTY, LOT 7002 DP1019903 KNOWN AS 68 DEMPSEY STREET, PEEL	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	BATHURST AERODROME LAND LEASES	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	COMMUNITY LEASE - PART LOT 193 DP821845 KNOWN AS OLD RAGLAN SCHOOL HALL AT 58 CHRISTIE STREET, RAGLAN	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	RURAL LICENCE AGREEMENT - LOT 1 DP995205 AND LOT 1 DP1007963 KNOWN AS CORNER OF PATNA & COMMONWEALTH STREETS 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.
6	RURAL LICENCE AGREEMENT - LOT 6 DP1142438 KNOWN AS CHURCH LANE, 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.
7	TENDER FOR JOOMLA WEBSITE TECHNICAL SUPPORT AND MAINTENANCE	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
8	SPORTING LICENCE AGREEMENT - LOT 7305 DP 1153071, 48 DURHAM STREET, BATHURST KNOWN AS CARRINGTON PARK LOT 92 DP	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

820990, 42 DURHAM STREET, BATHURST KNOWN AS BATHURST SPORTSGROUND TO BATHURST PANTHERS RUGBY LEAGUE FOOTBALL CLUB	open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
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Director Environmental Planning & Building Services' Report

a **Item 1 STEWART AND DURHAM STREET INTERSECTION TREATMENT STUDY (20.00316)**

MOVED Cr B Bourke

and **SECONDED** Cr W Aubin

That Council:

- (a) adopt the Stewart Street / Durham Street Intersection Treatment Study as a Strategic Document; and
- (b) commence an amendment to the Roadworks - New Residential Subdivisions Developer Contributions Plan.

Director Corporate Services & Finance's Report

b **Item 1 POSSIBLE PURCHASE OF PROPERTY, LOT 202 DP1200345 KNOWN AS 448 LIMEKILNS ROAD, KELSO (22.10284)**

MOVED Cr W Aubin

and **SECONDED** Cr J Rudge

That Council, if successful in its negotiations:

- (a) purchase the property at Lot 202 DP1200345 known as 448 Limekilns Road, Kelso;
- (b) delegate the authority to the General Manager to negotiate the purchase as detailed in the report;
- (c) permit occupancy up to 12 months to allow for improvements to be sold off as per report;
- (d) classify the land as operational under the provisions of Section 31(2) of the Local Government Act 1993.

c **Item 2 PURCHASE OF PROPERTY, LOT 7002 DP1019903 KNOWN AS 68 DEMPSEY STREET, PEEL (22.11139)**

MOVED Cr B Bourke

and **SECONDED** Cr W Aubin

That Council:

Not purchase the property at Lot 7002 DP1019903 known as 68 Dempsey Street, Peel.

- d** **Item 3 BATHURST AERODROME LAND LEASES (21.00147)**
MOVED Cr W Aubin and **SECONDED** Cr J Jennings

That Council

- (a) note the current market rate of \$7.00 per m² (plus gst) effective 1 January 2019 for the Bathurst Aerodrome land leases that are currently under dispute as detailed within this report;
- (b) adopt the financial schedules for each disputed lease, as attached to this report, as Council's offer to resolve the disputes;
- (c) authorise the General Manager to amend and execute each respective lease upon acceptance of Council's offer;
- (d) authorise the General Manager to seek the nomination of a valuer, in accordance with clause 5.16.1, for each disputed lease where Council's offer has not been accepted, or where an appropriate negotiated resolution has not been able to be reached;
- (e) cease applying the additional commercial rate as each lease is renewed or option activated.

- e** **Item 4 COMMUNITY LEASE - PART LOT 193 DP821845 KNOWN AS OLD RAGLAN SCHOOL HALL AT 58 CHRISTIE STREET, RAGLAN (22.00876)**

Cr Rudge declared a pecuniary interest in this item and remained in the Chamber, as the item was withdrawn.

Reason: One of the applicants for the Lease

The item was WITHDRAWN.

- f** **Item 5 RURAL LICENCE AGREEMENT - LOT 1 DP995205 AND LOT 1 DP1007963 KNOWN AS CORNER OF PATNA & COMMONWEALTH STREETS BATHURST (22.00654)**
MOVED Cr W Aubin and **SECONDED** Cr J Rudge

That Council approves entering into a rural licence agreement for Lot 1 in DP 995205 and Lot 1 DP1007963, known as corner of Patna and Commonwealth Streets, Bathurst for a period of 12 months and a 12 month option period at Council's discretion, as detailed in the report and subject to Council's Land Management Guidelines and insurance requirements.

- g** Item 6 RURAL LICENCE AGREEMENT - LOT 6 DP1142438 KNOWN AS CHURCH LANE, KELSO (22.09614)
MOVED Cr I North and SECONDED Cr J Rudge

That Council approves entering into a rural licence agreement for Lot 6 DP1142438 known as Church Lane, Kelso for a period of 3 years as detailed in the report and subject to Council's Land Management Guidelines and insurance requirements.

- h** Item 7 TENDER FOR JOOMLA WEBSITE TECHNICAL SUPPORT AND MAINTENANCE (36.00689)
MOVED Cr B Bourke and SECONDED Cr J Rudge

That the tender from Dialog Information Technology be accepted in the amount of \$157,357 (incl. GST) for the provision of Joomla website technical support and maintenance for three (3) years.

- i** Item 8 SPORTING LICENCE AGREEMENT - LOT 7305 DP 1153071, 48 DURHAM STREET, BATHURST KNOWN AS CARRINGTON PARK LOT 92 DP 820990, 42 DURHAM STREET, BATHURST KNOWN AS BATHURST SPORTSGROUND TO BATHURST PANTHERS RUGBY LEAGUE FOOTBALL CLUB (04.00008)
MOVED Cr B Bourke and SECONDED Cr J Jennings

That Council approves entering into a sporting organisation lease agreement for Lot 7305 DP 1153071, 48 Durham Street, Bathurst known as Carrington Park, Lot 92 DP 820990, 42 Durham Street, Bathurst known as Bathurst Sportsground with Bathurst Panthers Rugby League Football Club for a period of 5 years as detailed in the report.

RESOLVE INTO OPEN COUNCIL

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

RESOLVED: That Council resume Open Council.

ADOPT REPORT OF THE COMMITTEE OF THE WHOLE

- 40** ADOPT REPORT OF THE COMMITTEE OF THE WHOLE
MOVED Cr B Bourke and SECONDED Cr I North

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

MEETING CLOSE

41 **MEETING CLOSE**

The Meeting closed at 8.39 pm.

CHAIRMAN: _____

**MINUTES OF THE ORDINARY MEETING OF COUNCIL FOLLOWING POLICY
COMMITTEE
HELD ON 3 APRIL 2019**

MEETING COMMENCES

1 MEETING COMMENCES 7:15 PM

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

APOLOGIES

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

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

DECLARATION OF INTEREST

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

RESOLVED: That the Declaration of Interest be noted.

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

Director Environmental Planning & Building Services' Report

**4 Item 1 BATHURST REGIONAL DEVELOPMENT CONTROL PLAN 2014
AMENDMENT – VEGETATION MANAGEMENT AND BIODIVERSITY (20.00334)**
MOVED Cr I North and **SECONDED** Cr J Jennings

RESOLVED: That Council:

(a) place the draft DCP amendment - Vegetation Management and Biodiversity on public exhibition for 28 days in accordance with the statutory requirements of the Environmental Planning and Assessment Act; and

(b) call a division.

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

The result of the division was:

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

Against the motion - Nil

Absent - Cr J Rudge,

Abstain - Nil

MEETING CLOSE

5 MEETING CLOSE

The Meeting closed at 7.22 pm.

CHAIRMAN: _____

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

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

17 APRIL 2019

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

Recommendation: That the information be noted.

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

4.15 Evaluation (cf previous s 79C)

(1) Matters for consideration—general

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

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

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

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

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

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

(3) If an environmental planning instrument or a regulation contains

non-discretionary development standards and development the subject of a development application does not comply with those standards:

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

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

(3A) **Development control plans**

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

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

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

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

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

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

(6) **Definitions**

In this section:

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

Financial Implications: Nil

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 6: Community leadership and collaboration Strategy 6.4

Community Engagement

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

2 GENERAL REPORT (03.00053)

Recommendation: That the information be noted.

Report: The following reports are provided for Council's information.

- (a) Applications approved using authority delegated to the Director Environmental Planning & Building Services during March 2019 (**attachment 1**).
- (b) Applications refused during March 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 March 2019 (**attachment 5**).
- (f) No political disclosure statements have been received in relation to any "planning applications" being considered at this meeting.

Financial Implications: Nil.

Bathurst Community Strategic Plan - Objectives and Strategies

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

Community Engagement

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

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

Recommendation: That Council:

- (a) having undertaken a review of the application pursuant to Section 8.2 of the Environmental Planning and Assessment Act 1979, change its decision and grant consent to Development Application 2018/303 for demolition of existing shed, dual occupancy (two storey second dwelling with attached carport), carport and a two lot residential subdivision at 261 Lambert Street, Bathurst, subject to conditions able to be imposed pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979, as amended; and
- (b) notify those that made submissions of its decision; and
- (c) call a division.

Report: Council has received a request to review its previous decision to refuse the abovementioned Development Application pursuant to Section 8.2 of the Environmental Planning and Assessment Act 1979.

A copy of the request for review is at **attachment 1**.

The Site

The subject site is 261 Lambert Street, Bathurst, described as Lot B, DP 161951.

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

The site currently contains a single storey semi-detached dwelling with detached shed.

The site has an area of 682.9m².

Adjoining properties contain single storey dwellings and associated outbuildings. The BP service station adjoins part of the eastern boundary of the property.

Previous consideration

This Development Application was considered by Council at its Ordinary Meeting held on 12 December 2018. At this meeting Council resolved to refuse the Development Application for the following reasons:

- (i) No on-site visitor car parking has been provided and insufficient justification has been provided for the variation to this Development Standard;
- (ii) The development will have an adverse impact on the amenity on the adjoining properties in Stewart Street in terms of visual impact, overshadowing and privacy.

The report to the 12 December 2018 Council Meeting is at **attachment 3**.

The revised proposal

In response to the initial determination by Council the applicant has prepared amended plans.

The revised proposal involves:

- Reduction in the overall size of the dwelling with the removal of one first floor bedroom;
- Increasing the ground floor side setback from 0.2 metres to 0.9 metres;
- Increasing the first floor side setback from 1.5 metres to 3.4 metres;
- Introduction of a shared visitor car parking space;
- Replacement of standard first floor windows with highlight first floor windows with privacy screens;
- Removal of an attached garage and replacement with an attached carport.

See plans of the revised proposal at **attachment 4** and revised shadow diagrams at **attachment 5**.

Notification

In accordance with Section 2.6 *Review of Determined Applications (Section 82A Application)* in the Bathurst Regional Development Control Plan 2014, the application for review was notified to those who had previously made submissions for a period of 10 days between 18 February 2019 and 28 February 2019.

New submissions

During the notification period two (2) new submissions were received. See submissions at **attachment 6**.

A Discussion Forum was convened by the Director Environmental Planning & Building Services on 18 March 2019 (see minutes of discussion forum at **attachment 7**). Issues raised in the submissions and at the Discussion Forum included:

Issue	Comment
Overshadowing	<p>Section 4.4 of the DCP provides the following:</p> <p><i>New development should not significantly affect access to sunlight of existing or likely future development on other property between 9.00am and 3.00pm, particularly living areas and usable open space. At least two hours sunlight to indoor and outdoor living areas of adjoining properties is to be maintained between 9.00am and 3.00pm on June 21.</i></p> <p>The revised proposal incorporates an increase in the first floor side setback from 1.5 metres to 3.4 metres as a result of the removal of a 5th bedroom and reconfiguration of the internal rooms. This change has resulted in reduced shadowing of the adjoining properties at 249 and 251 Stewart Street. Revised shadow diagrams have been provided in 1 hour intervals for the period 9.00am and 3.00pm on 21 June.</p> <p>It should be noted that the revised shadow diagrams have included standard 1.8 metre high fences which cast their own significant shadows onto the adjoining properties. Despite the existing boundary fences being around 1.5 metres high, the assumption of a 1.8 metre high fence is reasonable given that side and rear fences can be constructed to a height of 1.8 metres as exempt development (i.e. without development consent).</p>

251 Stewart Street

- Shadows will be cast into the rear yard of 251 Stewart Street over and above the boundary fence from 10.00am onwards on 21 June.
- At 10.00am the shadow extends less than a 1 metre beyond the shadow cast by the fence.
- At 11.00am the shadow extends approximately 1 metre beyond the shadow cast by the fence.
- At 12.00pm the shadow extends approximately 2 metres beyond the shadow cast by the fence.
- At 1.00pm the shadow extends approximately 3 metres beyond the shadow cast by the fence.
- At 2.00pm the shadow extends approximately 5 metres beyond the shadow cast by the fence.
- At 3.00pm the shadow extends approximately 9 metres beyond the shadow cast by the fence.
- While shadows will not affect the internal living areas of the dwelling they will impact on the private open space area used for passive recreation, gardening and clothes drying.

249 Stewart Street

- Shadows will be cast into the rear yard of 249 Stewart Street over and above the boundary fence from 11.00am onwards on 21 June.
- At 11.00am the shadow extends less than 1 metre beyond the shadow cast by the fence.
- At 12.00pm the shadow extends approximately 1 metre beyond the shadow cast by the fence.
- At 1.00pm the shadow extends approximately 3 metres beyond the shadow cast by the fence.
- At 2.00pm the shadow extends approximately 5 metres beyond the shadow cast by the fence.
- At 3.00pm the shadow extends approximately 9 metres beyond the shadow cast by the fence.
- While shadows will not affect the internal living areas of the dwelling they will impact on the private open space area used for passive recreation, gardening and clothes drying.

247 Stewart Street

- 247 Stewart Street will not be impacted by shadowing on 21 June between the hours of 9.00am and 3.00pm.

Summary

Whilst the development will have some impact on the usable open space areas of 251 and 249 Stewart Street, the development as proposed complies with the numerical standards contained in Council's DCP.

Privacy/overlooking

The proposal will be located directly adjacent to the rear yards containing the private open space areas for 249 and 251 Stewart.

The windows on the first floor closest to 249 and 251 Stewart Street are in a hallway linking the three first floor bedrooms. The windows are approximately 1.5 metres above the floor level and are primarily provided for light and ventilation. Despite being highlight windows, they will be fitted with privacy screens. The three windows in the rear elevation of the first floor are for a bedroom and its ensuite.

The location of the proposal remains "behind" and above the properties in

	<p>Stewart Street and nonetheless results in an impact that the adjoining residents considered to be severe. The amended proposal has however sought to address these concerns by increasing the setback of the first floor and treating the windows along this façade.</p> <p>The proximity of the building to the boundary, the height of the building and the relative position of the Stewart Street properties “below” the subject property, means that the adjoining residents consider the impact of the development as being high. The proximity to the boundary and the relative levels of the properties means that the extent of change will be large and when viewed from the lower properties would be said to be significant. Whilst this is ultimately a subjective opinion (as the development otherwise complies), it needs to be acknowledged that the applicant has made positive steps towards addressing these concerns. Whilst it continues to be a concern to the residents, it is nonetheless consistent with the overall planning provisions adopted by Council in its planning instruments.</p>
Visual impact	While small parts of the proposed new dwelling will be visible from both Lambert Street and Stewart Street, it will be setback a minimum of 40 metres from both street frontages and will therefore not directly impact on the streetscape.
Out of character	The Bathurst Heritage Conservation area is characterised by a variety of double and single storey dwellings. The design and scale of the proposed dwelling is not inconsistent with other two storey dwellings, both old and new, in the Bathurst Heritage Conservation Area.
Impact on established trees	<p>Within the rear yard of 251 Stewart are a number of established trees located close to the common boundary. In some areas the trees overhang the common boundary.</p> <p>As previously noted, due to the proximity of the trees to the boundary fence, tree roots are likely to be damaged through excavation works during construction and there is also likelihood of some impact being caused to the future growth of the trees following the building construction, due to possible reduced sunlight in the winter. However, the revised proposal incorporates an increase in the ground floor side setback from 0.2 metres to 0.9 metres which will reduce the impact on the root system. The revised proposal also incorporates an increase in the first floor side setback from 1.5 metres to 3.4 metres which will reduce the impact of overshadowing.</p> <p>It is somewhat difficult for Council to accurately determine what the level of impact will ultimately be on the trees of the neighbouring property. Certainly it would not be unreasonable to remove those parts of the tree which overhang and extend beyond the boundary (roots etc.). This however may lead to long term impacts on the health of those trees. On such a narrow site, to achieve no impact on neighbouring trees would mean sterilising the entire site. It should also be noted that a variety of exempt developments (e.g. garages) could be undertaken in close proximity to the boundary without consent or neighbour consultation and that these would likely have the same impact on the neighbouring trees.</p>

Planning Context

The subject site is zoned R1 under the provisions of the *Bathurst Regional Local Environmental Plan 2014*. A *dual occupancy (detached)* is permissible with consent in the R1 General Residential zone. The proposal is consistent with the objectives of the zone.

Clause 4.1B Minimum lot sizes for dual occupancies, multi dwelling housing and residential flat buildings

The *Minimum Lot Size – Dual Occupancy Map* for this locality indicates a minimum lot size

of 600m². The subject site has an area of 682.9m² and therefore a dual occupancy is permissible.

Clause 4.3 Height of buildings

The *Height of Buildings Map* for this locality indicates a maximum overall building height of 9 metres. The proposed two storey dwelling will have an overall height of 6.7 metres which therefore complies.

Clause 5.10 Heritage conservation

The subject site is within the Bathurst Heritage Conservation Area. The subject site does not contain a Heritage Item.

The Bathurst Heritage Conservation area is characterised by a variety of double and single storey dwellings. The scale of the proposed dwelling is not inconsistent with other two storey dwellings, both old and new, in the Bathurst Heritage Conservation Area. The materials to be used are generally consistent with those in the locality (i.e. face brick and Colorbond).

While parts of the proposed new dwelling will be visible from both Lambert Street and Stewart Street, it will be setback a minimum of 40 metres from both street frontages and will therefore have limited direct impact on the streetscape of the respective streets.

Bathurst Regional Development Control Plan 2014

Bathurst Regional Development Control Plan 2014 – Chapter 4 Residential Development

The site is contained within Precinct 1 pursuant to the *Bathurst Regional Development Control Plan 2014* (DCP). Dual occupancies are permissible with consent in the precinct. The proposal complies with the objectives of the Precinct and the development standards for dual occupancies:

Development Standard	Proposed	Permissible	Compliance
Minimum lot size	682.9m ²	600m ²	Yes
Site Coverage	43.7%	Max. 50% coverage	Yes
Height	Two storey	Two- storey maximum	Yes
Setback - Front	N/A	Complement existing	Yes
Setback - Rear	1.1m	In accordance with NCC	Yes
Setback - Side	0.9m	In accordance with NCC	Yes
Car parking - Resident	1 per dwelling	1 per dwelling	Yes
Car parking - Visitor	1	1 per 2 dwellings	Yes
Accessway Width	3.5m	3-6m wide	Yes
Open space area - Existing dwelling (4 bed)	50.8m ²	50m ²	Yes
Open space area - Proposed dwelling (4 bed)	50m ²	50m ²	Yes
Open space width - Existing dwelling (4 bed)	Min 6.5m wide	4m wide	Yes
Open space width - Proposed dwelling (4 bed)	Min 4.0m wide	4m wide	Yes

Parking

It is noted that the applicant has amended the plans to provide for a single carport for each dwelling and 1 shared visitor space. The development now complies with the numerical standards in Council's DCP.

Conclusion

Council has received a request to review its decision to refuse Development Application 2018/303 for demolition of existing shed, dual occupancy (two storey second dwelling with attached carport), carport and a two lot residential subdivision at 261 Lambert Street, Bathurst, pursuant to Section 8.2 of the Environmental Planning and Assessment Act 1979. In response to the initial determination by Council the applicant has prepared amended plans. The amended plans aim to address the original concerns surrounding parking, privacy, amenity and overshadowing. For the reasons outlined in this report it is recommended that Council, having undertaken a review of the application pursuant to Section 8.2 of the Environmental Planning and Assessment Act 1979, change its decision and grant consent to Development Application 2018/303.

Financial Implications: Nil.

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 4: Enabling sustainable growth Strategy 4.6

Community Engagement

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

4 DEVELOPMENT APPLICATION NO. 2018/404 – SINGLE STOREY DWELLING WITH ATTACHED GARAGE ON LOTS 25 AND 38 DP755798 AT 690 THE BRIDLE TRACK. APPLICANT: GL & SM HILL. OWNER: MRS SM & MR GL HILL (DA/2018/404)

Recommendation: That Council:

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

Report: The Site

Council has received a Development Application (DA) for the erection of a single storey dwelling with attached garage on lots 25 and 38 DP 755798 being part of 690 The Bridle Track, Duramana.

Lot 25 DP755798 comprises an area of 16.19 ha.

Lot 38 DP755798 comprises an area of 80.94 ha.

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

The combined area of both lots is 97.13 ha.

The subject site is currently vacant rural land utilised for grazing and agriculture. 690 The Bridle Track also presently includes lot 1 DP744268 comprising an area of 19.6 ha on which the existing residence and out buildings are located. This additional land does not form part of this current application.

The proposal

The proposal is to erect a new single storey dwelling with attached garage on the lots combined. See plan of proposed development at **attachment 2** and Statement of Environmental Effects at **attachment 3**.

Planning Context

Bathurst Regional Local Environmental Plan 2014

The subject site is zoned RU1 Primary Production under the provisions of the *Bathurst Regional Local Environmental Plan 2014*. A dwelling is permissible with consent in the RU1 Primary Production zone. The proposal is consistent with the objectives of the zone.

Clause 4.2B Erection of dwelling houses on land in certain rural zones

Clause 4.2B applies to the erection of a dwelling house on this land

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

- (a) to minimise unplanned rural residential development,
- (b) to enable the replacement of lawfully erected dwelling houses in rural zones.

The land is zoned RU1 Primary Production and is subject to a minimum lot size of 100 ha.

The development proposes the erection of a dwelling on the combined area of lots 25 and 38 DP755798 comprising 97.13 hectares only. If Council approves the application, it will be a condition of consent these lots be consolidated.

In this case the subject land forms part of a larger compliant holding under the same ownership which already contains a dwelling house on the adjoining Lot 1. It could be argued that allowing the dwelling on part of the property is by default fragmenting a primary production holding by creating a defacto concessional lot (being Lot 1 DP744268) which contains the existing residence as a residue. The approach could be seen as being inconsistent with the intent of the BRLEP.

Notwithstanding this argument it must be acknowledged that the property comprises a number of individual lots which could be sold by the current owners. This scenario is not something Council has control over.

Council in its consideration of the application must have regard to the suitability of the land to which the application is made which in this case comprises an area of 97.13 ha where the minimum lot size is 100 ha.

The proposed development is therefore seeking consent to vary Clause 4.2B(3) of Bathurst Regional LEP 2014 to permit the dwelling development and in so doing requests a variation of the development standard in accordance with Clause 4.6 of the BRLEP.

Clause 4.6 Exceptions to development Standards

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

- (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

(2) *Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*

(3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*

- (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*

A Clause 4.6 Variation proposal has been submitted with the Development Application. The Clause 4.6 Variation can be found in the Statement of Environmental Effects at **attachment 3** and in **attachment 4**. The applicant has made the following case as to why the development standard is unreasonable or unnecessary in the circumstances of the case:

A variation to the minimum lot size for a dwelling house development in the RU1 Primary Production zone is sought for this proposal (i.e. 100ha development standard – the subject land has an area of 97 ha or 3% variation).

Following provides justification for the support of the proposed variation to the development standard.

The objectives of Clause 4.6 'Exceptions to Development Standards' are as follows:

- (a) *To provide an appropriate degree of flexibility in applying certain development standards to particular development; and*
- (b) *To achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

Clause 4.6 allows for the contravention of a development standard with approval of the consent authority.

Subclause (3) requires the consent authority to consider a written request from the applicant that demonstrates:

- a) *That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and*
- b) *That there are sufficient environmental planning grounds to justify contravening the development standard.*

Subclause (4) requires the consent authority to be satisfied that:

- i) *The applicants written request has adequately addressed the matters required to be demonstrated by subclause (3); and*
- ii) *The proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.*

What is the underlying object or purpose of the standard?

- (1) *The objectives of this clause are as follows:*
 - (a) *to minimise unplanned rural residential development,*
 - (b) *to enable the replacement of lawfully erected dwelling houses in rural zones.*

Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?

The development standard is considered unreasonable in the circumstances due to the following reasons:

- The variation is very small (only 3%).
- The development remains consistent with the objectives of the zone.
- The development is consistent with the provisions of the Bathurst Development Control Plan 2014 (there are no other non-compliances being sought).
- There will be no impact on the agricultural viability of the subject land or neighbouring lands.
- The development will not impact on surrounding land uses.
- The site of the dwelling will have negligible impact on the production capacity of the property.
- The dwelling can be sited so as to not have any negative environmental outcomes (no tree removal is necessary).

Are there sufficient environmental planning grounds to justify contravening the standard?

Following on from the points above, there are no environmental issues that would have an impact on the use of the site as a dwelling.

On the basis of the discussion in this report and the points above, there are sufficient environmental planning grounds to justify the variation to the development standard.

Will the proposed development be in the public interest because it is consistent with objectives of the particular standard and the objectives for development within the zone in which the development proposed is to be carried out?

As detailed throughout this report, the proposed dwelling can generally be shown to be consistent with the relevant objectives of the RU1 zone.

The neighbouring lands are generally used for grazing and residential purposes and it is highly unlikely that there would be any aerial spraying undertaken. No other conflict with neighbouring land uses have been identified if the site was utilised for residential purposes.

There are no known mineral resources in close proximity of the subject land.

Therefore it is considered that the proposed dwelling house will not have a negative impact on neighbouring agricultural enterprises.

Whether or not non-compliance with the development standard raises any matter of significance for State or Regional environmental planning?

The variation to the lot size for the proposed development will not raise any matter of significance for State or regional environmental planning.

The public benefit of maintaining the development standard

There is no public benefit of maintaining the development standard in this instance – the variation request is only 3%. The surrounding area is characterised by dwellings located on smaller holdings. A dwelling on the subject land will have no negative impact on any surrounding properties.

This report has determined that the variation to the planning control will result in an outcome that is acceptable on this site.

Any other matters required to be taken into consideration by the Director General before granting concurrence?

There are no other matters that are required to be taken into consideration.

Concurrence

The variation to the development standard does not require concurrence of the Department of Planning and Environment as the variation is not greater than 10%.

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

Setbacks

The proposed positioning of the dwelling in the land is compliant with the 50 metre required front rear and side setbacks.

Access, Entrances

A condition will be imposed to ensure that the proposed accesses and entrances are constructed in accordance with Council's Guidelines for Engineering Works and with Planning for Bushfire Protection.

Fencing

There is no new fencing proposed.

Driveways and property access roads

Provision of new driveway and internal access road will be conditioned to comply with suitable standards and Planning for Bushfire Protection.

Onsite Effluent Disposal

The proposed effluent disposal system for the dwelling will be wholly contained within the proposed Lot.

Water Supply Requirements

Suitable conditions will be included to ensure adequate supply for fire protection and domestic use purposes.

Building Form and Design

The proposal is compliant with the objectives requiring that the design of the building and other structures are in keeping and sympathetic to the rural character of the area.

Bathurst Regional Development Control Plan 2014 – Chapter 9 Environmental Considerations

Sensitive Land Areas – DCP Map No. 29 Land Resources		
Environmentally Sensitive Area	Identified on Subject Site?	Comment
Land Capability Class 7	NO	<i>Plans and documentation submitted with the Development</i>
Land Capability Class 8	NO	

Karst Extent	NO	<i>Application indicate that the proposed development will not result in significant disruption to sensitive land areas.</i>
Salting	NO	
Sever or Extreme Sheet or Rill Erosion	NO	
Sensitive Waterways – DCP Map No. 30 Riparian Land & Waterways		
Environmentally Sensitive Area	Identified on Subject Site?	Comment
Sensitive Waterways	NO	<i>Plans and documentation submitted with the Development Application indicate that the proposed development will not result in significant disruption to sensitive waterways.</i>
High or Moderate Biodiversity – DCP Map No. 31 Biodiversity		
Environmentally Sensitive Area	Identified on Subject Site?	Comment
DECC Estate	NO	<i>Plans and documentation submitted with the Development Application indicate that the proposed development will not result in significant disruption to areas of high or moderate biodiversity sensitivity.</i>
High Biodiversity Sensitivity	NO	
Moderate Biodiversity Sensitivity	NO	

Conclusion

Council has received a Development Application (DA) for the erection of a single storey dwelling with attached garage on lots 25 and 38 DP 755798 being part of 690 The Bridle Track Duramana.

The combined area of both lots is 97.13 ha.

The proposed development is seeking consent to vary Clause 4.2B(3) of Bathurst Regional LEP 2014 to enable the erection of a dwelling on a lot that is less than the minimum lot size.

Notwithstanding the non-compliance the development is considered acceptable for the reasons outlined within this report. Approval is therefore recommended.

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.

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

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: Council, at its Ordinary Meeting held 20 February 2019, considered a proposed modification to Development Application 2018/52 for tourist and visitor accommodation at 453 Conrod Straight, Mount Panorama, described as Lot 2, DP 1180626.

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

- i. Approval for amended plans;
- ii. 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.

- iii. 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.

The first and third point (approving the amended plans and waiving the condition regarding the water service upgrade) are acceptable and do not require further detailed consideration.

This report principally relates to whether the building should be made accessible, which is the intent of Condition 1.

Previous Consideration

At the 20 February 2019 Ordinary Meeting of Council, it was resolved:

That Council:

- (a) defer consideration of DA2018/52*
- (b) undertake a site visit of the proposed development*
- (c) call a division*

The report to the 20 February 2018 meeting is at **attachment 1**.

Subsequent to the above resolution, a site visit was undertaken with the applicant, Councillors and Senior Staff in attendance. This meeting occurred on 21 March 2019.

Further amended plans

Following Council's earlier consideration of the proposal the applicant has, separately and independent of Council, held discussions with representatives of the Bathurst Regional Access Committee (BRAC) on site. This meeting occurred on Saturday 16 March 2019. During the meeting with BRAC a number of design amendments were discussed. The proposed amendments were subsequently discussed and voted on at a BRAC meeting on Monday 18 March 2019. BRAC voted unanimously in favour of the suggested design amendments.

A copy of the letter from BRAC to the applicant will be provided to Councillors under separate cover.

The applicant submitted amended plans to Council identifying the following elements:

- Doorway widths increased to 920mm;
- Removal of the front step;
- Provision of an ambulant sanitary facility.

While not shown on the amended plans, it is noted that the applicant discussed with Councillors the intention to provide vehicle access to the proposed building inclusive of a drop-off area near the entrance. Due to the topography of the land, provision of designated accessible parking spaces in the immediate vicinity of the unit would be difficult.

The design changes incorporated into the proposal goes some way to satisfying the current condition imposed on the consent (Condition 1) but does not achieve complete compliance with the accessibility standards.

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; and*
- *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.).*

For ease of reference, the accessible requirement, the applicant's proposal and compliance is summarised in the table below.

Accessible requirement	Proposal	Compliance
<i>Continuous accessible paths from the main pedestrian entries into the site</i>	A designated drop off area is to be provided which provides access to the building at an appropriate grade.	Complies generally with the requirements of the standard.
<i>An accessible car parking space (where on-site parking is provided)</i>	No designated accessible parking space provided due to slope of the land. A designated drop off area is to be provided which provides access to the building at an appropriate grade.	Complies generally with the requirements of the standard.
<i>A continuous accessible path from the car park to the entrance</i>	A designated drop off area is to be provided which provides access to the building at an appropriate grade.	Complies generally with the requirements of the standard.
<i>An accessible entrance into the building via the principal entrance doorway</i>	The amended plans indicate that a 920mm entrance door into the property is to be provided.	The main entry door complies generally with AS1428.1 <i>Design for access and mobility General requirements for access - New building work</i> in terms of widths and circulation space. Other elements of AS 1428 such as doorway hardware, luminance contrast and signage are not provided or detailed.
<i>Access to and within at least one bedroom and associated accessible bathroom facilities</i>	The amended plans indicate a 920mm doorway is provided into the bathroom, WC and adjoining bedroom.	Whilst the door widths into the bathroom, WC and adjoining bedroom comply with AS1428.1 <i>Design for access and mobility General requirements for access - New building work</i> the solution does not achieve full compliance as noted below: <ul style="list-style-type: none"> ● Hinge and latch side clearance not provided to door into hallway for bedroom. ● Clear opening length circulation and hinge side clearance to bedroom 2 door not provided. ● Width Latch clearance not provided to Bathroom servicing bedroom 2. ● Sliding door to the proposed facility does not provide latch side clearance. ● Other elements of 1428 such as doorway hardware, luminance contrast and signage are not provided or detailed.
	The amended plans indicate that an ambulant toilet is to be provided, a 920 mm door is	What would usually be required by this standard would be a fully compliant accessible facility.

	provided into the bathroom and no shower screen/door.	What is being proposed would fall short of a fully compliant facility however does include certain elements which make it more suitable for persons with a disability.
<i>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.)</i>	Access to each part of the building is available.	Development complies with provisions.

Whilst Council acknowledges the agreement reached between the Access Committee and the applicant, it should be aware of the following:

- The Access Committee is not a statutory body and is not charged with providing advice to Council or developers as to compliance or otherwise with development standards.
- The agreement does not remove the potential for complaint to the Human Rights and Equal Opportunity Commission (HREOC) regarding the adequacy of access.
- The building does not provide a fully compliant solution.

That said, it is acknowledged that the applicant has been proactive in incorporating degrees of accessibility in the building over and above those that would normally be required in a Class 1a building. In this respect it can be said that positive steps have been taken to address the overriding public interest test that applies in this case.

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 instead that the building is to be constructed in accordance with the amended plans with the additional inclusion of a suitable driveway access to the building. Council should note that this would mean that the building will not be required to be fully accessible but has been generally “accepted” by the Access Committee; or
2. Secondly, resolve not to waive Condition 1 of the consent and therefore maintain the requirement for the building to be fully accessible.

Council staff consistently require any development to be fully compliant with access standards and are therefore not in a position to recommend other than full compliance.

Conclusion

On 22 May 2018 Council approved, under Delegated Authority, Development Application 2018/52 for “Tourist & Visitor Accommodation” at 453 Conrod Straight, Mount Panorama, described as Lot 2, DP 1180626. 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.

Council has received an application to modify Development Application 2018/52.

The applicant seeks approval for amended plans, waiver of Condition 1 of the consent and waiver of Condition 3 of the consent. For the reasoning put forward in this report and in the previous report regarding this issue, staff continue to recommend that the building be made

fully accessible, that is, not waive Condition 1, whilst acknowledging that the applicant has made some steps toward access compliance in the amended plans. Council staff support the waiving of 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.

6 BATHURST REGIONAL DEVELOPMENT CONTROL PLAN 2014 AMENDMENT (20.00328)

Recommendation: That Council:

- (a) adopt the Bathurst Regional Development Control Plan amendment as outlined in this report;
- (b) give public notice of Council's decision in accordance with the requirements of the Environmental Planning and Assessment Act;
- (c) advise all property owners of Council's decision; and
- (d) call a division.

Report: Background

At its meeting held 21 November 2018, Council resolved to prepare an amendment to the Bathurst Regional Development Control Plan (DCP) 2014. The amendment proposes:

1. Chapter 10 – Urban Design and Heritage Management

Update Chapter 10 to include provisions for the former Milltown Cemetery. This will include an amendment to the existing Map No. 35 Bathurst Early Government Settlement (1815-1840) Sensitive Lands Map Archaeological Sensitive Lands to include the Milltown Cemetery area.

2. Chapter 10 – Urban Design and Heritage Management

Update Chapter 10 to include provisions for the Wattle Flat Mining Areas as a result of the Archaeological Management Plan prepared by Bowen Heritage Management in 2017. This will include an additional map.

The amendment will indicate on the DCP maps the areas identified as archaeologically high sensitivity in relation to the former Milltown Cemetery and the Wattle Flat Mining Areas. The aim of the amendment is to identify these areas and minimise the potential for the disturbance of archeological relics possibly located on the site and/or ensure that the potential for archaeology is considered should redevelopment of land occur into the future. The DCP provisions are at **attachment 1**.

Public Exhibition

Council exhibited the DCP amendment for a period of 28 days between 21 January 2019 to 20 February 2019. Council received one submission during the exhibition period (refer to **attachment 2**).

In summary, the submission argues that the land has been used for residential purposes for decades, and to map the area now as archeologically sensitive is inappropriate and will devalue the affected properties.

As a result of that submission, Council held an internal discussion forum on 13 March 2019 and the minutes from that meeting are provided at **attachment 3**.

Whilst the matters raised in the submission are appreciated, there is the potential for archaeology to be present on all lands within the LGA. Under the Heritage Act 1977 it is an offence to disturb or destroy archaeology without the relevant permit. The aim of the DCP amendment and the archaeological sensitivity mapping in the DCP is to:

- Minimise the potential for disturbance to archaeology; and
- Ensure that archaeology is considered as part of future development proposals on those sites that Council has knowledge may contain archaeology. This knowledge now extends to the former Milltown Cemetery site and the Wattle Flat Mining Areas.

Conclusion

There are no environmental or planning grounds to prevent the DCP amendment from proceeding. It is recommended that Council adopt the amendment to the DCP.

Financial Implications: Nil.

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 1: Our sense of place and identity Strategy 1.2
- Objective 4: Enabling sustainable growth Strategy 4.6

Community Engagement

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

7 NAMING OF PUBLIC ROADS – BOLTON STREET – SUNNYBRIGHT SUBDIVISION OFF LIMEKILNS ROAD AND MARSDEN LANE, KELSO (20.00024)

Recommendation: That Council:

- (a) give notice of its intention to adopt the name Bolton Street for a new road created by the subdivision of Lot 3, DP 833295 and Lot 5, DP 847225; and
- (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: Council, at its Ordinary Meeting held 20 February 2019, resolved to adopt eleven new road names for the Sunnybright Subdivision off Limekilns Road and Marsden Lane in Kelso. Amongst those names adopted was the name Stevenson Street. The Geographic Names Board (GNB) have since rejected the name Stevenson Street because of its similarity to the road name Stephens Lane which is also in Kelso.

In light of the above it is proposed to replace the name Stevenson Street with the name **Bolton Street**. The name Bolton, like the other names adopted for the Sunnybright Subdivision, comes from a list recently given to Council of local residents who enlisted in World War 1.

A location map and aerial photo are provided at **attachment 1** and plan of subdivision at **attachment 2**.

Richard Bolton	
Regimental number	4381
Place of birth	Bathurst, New South Wales
Religion	Presbyterian
Occupation	Farrier
Address	Trunkey via Newbridge, New South Wales
Marital status	Single
Age at embarkation	21
Next of kin	Father, G Bolton, Trunkey via Newbridge, New South Wales
Enlistment date	15 December 1915
Date of enlistment from Nominal Roll	15 January 1916
Rank on enlistment	Private
Unit name	17th Battalion, 11th Reinforcement
AWM Embarkation roll number	23/34/2
Embarkation details	Unit embarked from Sydney, New South Wales, on board HMAT A71 <i>Nestor</i> on 9 April 1916
Rank from Nominal Roll	Private
Unit from Nominal Roll	17th Battalion
Fate	Returned to Australia 10 March 1918

The 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

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

8 NAMING OF PUBLIC ROADS – HYACINTH WAY & MEAGHER STREET (20.00024)

Recommendation: That Council:

- (a) give notice of its intention to adopt the name Hyacinth Way and Meagher Street for the new roads created by the subdivision of Lot 1, DP 1234553, off Westbourne Drive in the suburb of Llanarth; and
- (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 recently approved subdivision of Lot 1, DP 1234553, off Westbourne Drive in the suburb of Llanarth will see the creation of two new streets.

The developer, the Catholic Diocese of Bathurst, has nominated the names Hyacinth Way and Meagher Street for the new streets created by the subdivision.

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

Hyacinth Way

In recognition of Sister Hyacinth Quinlan.

Born of Irish immigrant parents at Clare, South Australia, on 22nd August 1850, Sr Hyacinth Quinlan was the only Australian-born member of the Josephite Sisters to arrive at The Vale in 1872.

On joining the Adelaide Sisters on 16th August 1868, Sr Hyacinth was the 33rd entrant into the new Congregation. From early religious life, Sr Hyacinth was disturbed by "spiritual troubles" but was instructed in that life by Father Woods and Mother Mary and was professed on 25th December 1869.

Bishop Quinn appointed her Sister Guardian to the Perthville Sisters in 1876. During her time in the Bathurst diocese, there are records of Sr Hyacinth's teaching at Borenore and at Evans Plains, and of her compassionate care for the people.

In 1880 Sr Hyacinth left Perthville for New Zealand where she remained till 1891 when she transferred to Tasmania where she died in 1933.

Sr Hyacinth was pivotal in sharing the spirit of Father Woods and Mother Mary with Sisters of the diocesan Josephite Congregations.

It should be noted that the name Quinlan was originally proposed however it was rejected because of the close proximity to and similarity to Quinn Court.

Meagher Street

In recognition of John Meagher.

John Meagher, Bathurst resident, storekeeper and politician, was born on 8 December 1836 at Kilrush, Clare, Ireland, son of Roger Meagher, fisherman and coastguard, and his wife Catherine, née Mahoney. He arrived in Sydney about 1863 and at St Mary's Cathedral married Mary Ann Byrne (d.1895), housekeeper, on 19 September 1864.

Aside from his business interests, Mr Meagher was active in local politics as a Protectionist. In 1896 he was a vice-president of the committee that sponsored the People's Federal Convention at Bathurst and entertained in his home many leading Federationists. Nominated to the Legislative Council in 1900, Mr Meagher proposed the building of the Temora-Wyalong railway line and was a vocal advocate of state aid for Catholic schools. He identified himself closely with the Irish Home Rule movement and frequently visited Ireland, making his last visit in 1919-20.

Mr Meagher was a devout Catholic, a daily communicant throughout his life, a generous donor to Catholic Orders and organizations, notably to the Sisters of Mercy when they were building their novitiate and establishing an orphanage at Bathurst, and to St Stanislaus' College. The "Logan Brae" mansion in Bathurst was bought in 1909 by Mr Meagher and was donated to the Sisters of Mercy for use as a formation house and teacher training facility for young Mercy novices.

In December 1903 he was appointed knight commander in the papal Order of St Gregory the Great. A 'sterling, big-hearted Irishman', he continued to champion Irish-Catholic causes through years when sectarianism was a familiar tension.

Mr Meagher died on 26 August 1920 in St Vincent's Hospital, Sydney, and was buried in the family vault in the Bathurst cemetery.

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

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

9 MOBILE BLACK SPOTS PROGRAM ROUND 4 RESULTS (20.00315)

Recommendation: That the information be noted.

Report: In recent years, Council has partnered with Regional Development Australia Central West (RDACW) and major telecommunication providers Telstra, Optus and Vodafone, to attract funding to the Bathurst Region for the development of new mobile phone towers under the Federal Government's Mobile Black Spots Program (MBSP). This involves Council providing detailed submissions to Telstra, Optus and Vodafone to inform their grant applications for the MBSP. The MBSP provides the opportunity for telecommunication providers to construct towers outside of major city areas and fringes that would not otherwise be commercially viable.

Council therefore plays a critical role in advising telecommunication providers of priority black spots and directly assists them with their funding applications.

In 2017 Council appointed telecommunications consultant Optimi Digital to complete an in-depth assessment of major black spots in the Bathurst Regional LGA. This detailed assessment was provided to the 3 major telcos to support their applications under Round 4 of the MBSP. As a direct result, 3 new Optus mobile towers will be built, at Limekilns, Sunny Corner and Rock Forrest. Additionally, Wattle Flat and Sofala will receive Telstra Small Cell Towers. Round 4 included a \$25M pool of funds to be spent nationally, of which the Bathurst Regional LGA received slightly over \$3M. The construction of this infrastructure will eliminate several priority mobile back spots.

Across the 4 Rounds of the Mobile Black Spot Program Council, in partnership with the major telecommunications providers and Federal Government, has secured 6 new mobile towers and 2 Small Cell Towers which have been listed below:

Location	Funded Infrastructure	MBSP Round	Provider	Construction
Rockley	Mobile Tower	Round 1	Telstra	Completed
Trunkey Creek	Mobile Tower	Round 1	Telstra	Completed
Napoleon Reef	Mobile Tower	Round 2	Optus	Under construction
Limekilns	Mobile Tower	Round 4	Optus	Funding announced
Sunny Corner	Mobile Tower	Round 4	Optus	Funding announced
Rock Forrest	Mobile Tower	Round 4	Optus	Funding announced
Wattle Flat	Small Cell Tower	Round 4	Telstra	Funding announced
Sofala	Small Cell Tower	Round 4	Telstra	Funding announced

Conclusion

Through the Mobile Black Spot Program conducted over a 5 year period, Council has been able to address all of the critical black spots that were identified in the initial Audit completed by Council in 2014. This represents very significant improvements in mobile/data coverage in the Bathurst Regional LGA.

Financial Implications: Nil.

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 2: A smart and vibrant economy Strategy 2.3

Community Engagement

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

10 RIPPER GROUP DRONE DEMONSTRATION (20.00315)

Recommendation: That the information be noted.

Report: Council is providing leadership for Bathurst to become a Smart Community of national prominence. Several Smart Community projects have been launched or are currently under development, including the CBD Wi-Fi network, CBD CCTV, electric vehicle charging hubs and smart street lighting.

Part of Council's plan to become a Smart Community includes the attraction of research and development (R & D) initiatives which will build upon the existing strong education footprint in the Bathurst Region. Council has therefore been working with The Ripper Group, a provider of training and deployment services for drones and remotely piloted aircraft systems.

Council recently partnered with The Ripper Group and Charles Sturt University to host a Drone and Unmanned Aerial Vehicle (UAV) demonstration at the CSU Engineering School, the first event of its kind in the Central West. The event successfully showcased the latest drone technology to more than 60 attendees, including organisations who are exploring the use of drones in agriculture, photography, town planning, monitoring and 3D mapping. Attendees included local businesses, schools, councils and NSW Government departments.

Conclusion

Events of this nature place Bathurst at the forefront of emerging technology and will showcase the LGA as a platform for the exploration of new research and development.

Financial Implications: Nil.

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 2: A smart and vibrant economy Strategy 2.3

Community Engagement

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

11 NSW HEALTH BATHURST COMMUNITY AND REGION INTEGRATED CLINICAL SERVICES PLAN 2019 - 2029 (18.00035)

Recommendation: The information be noted with a view to Bathurst Regional Council preparing a submission and facilitating community input to the NSW Health Bathurst Community and Region Integrated Clinical Services Plan 2019 - 2029

Report: Council's attention is drawn to the imminent preparation of the Bathurst Community and Region Clinical Services Plan 2019 - 2029 to be undertaken by NSW Health. According to information provided to Council, the plan will be designed to:

- address the health needs of the catchment population and anticipated demand for services
- articulate the role of Bathurst Health Service as a 'hub' in a network of services
- identify the priorities and directions for Bathurst Health Service into the future

The development of the Plan is important and timely. There has been growing concern about a perceived disparity in health services between Bathurst and Orange, with the State government seeming to prioritise investment into Orange as a single hub for health services in the region, resulting in a continuing need for citizens of Bathurst travelling to Orange (or Sydney) for services that might be better provided in Bathurst. At the same time, services provided in Bathurst are on occasions at capacity, with the strong population growth of Bathurst region expected to exacerbate this issue. Adequate health services are a high priority for residents and in attracting people to live in the region, and a source of economic activity in their own right. Providing state of the art medical services is more likely to attract medical professionals to Bathurst.

If more hospital beds and a wider range of services are to be provided to meet this demand, expanded facilities need to be planned. Alternative models of service delivery are likely to be considered.

Council has been advised that a Planning Advisory Group has been established and community consultation will commence in the next few months. It would be appropriate for Council to partner with NSW Health in ensuring the views of the Bathurst region community are heard, and to liaise with the relevant Agencies in much the same way that Council has worked with the education department and providers in ensuring education services are adequate to meet the future needs of the region. Further, in anticipation of growth in health services centred on the Bathurst Base Hospital, Council staff have commenced a review of planning controls in the precinct to ensure there are no planning impediments to expanded facilities, consistent with one of the objectives of the Central West and Orana Regional Plan of the NSW Government.

Councillors will be updated as further information is made available.

Financial Implications: Nil.

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 4: Enabling sustainable growth Strategy 4.3

Community Engagement

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

Yours faithfully

A handwritten signature in black ink, appearing to read 'N Southorn', followed by a period.

N Southorn
DIRECTOR
ENVIRONMENTAL, PLANNING & BUILDING SERVICES

DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

17 APRIL 2019

1 STATEMENT OF INVESTMENTS (16.00001)

Recommendation: That the information be noted.

Report: \$73,780,000 was invested at 31 March 2019 in accordance with Council's investment policies, the Minister's Investment Order dated 12 January 2011, the Local Government Act 1993 and associated regulations. All investments have been reconciled with Council's general ledger and are listed below:

	<u>Rating</u>	<u>Balance</u>	<u>Average Return</u>
<u>Short Term 1 – 365 Days</u> (comprising Commercial Bills, Term Deposits, Debentures and Certificates of Deposits):			
National Australia Bank Limited	A1+	\$13,500,000.00	2.71%
Bankwest	A1+	\$7,500,000.00	2.77%
CBA	A1+	\$4,500,000.00	2.71%
Westpac	A1+	\$1,500,000.00	2.81%
Bank of Queensland Limited	A2	\$3,000,000.00	2.68%
IMB	A2	\$1,500,000.00	2.69%
Auswide Bank	A2	\$1,500,000.00	2.72%
Maritime, Mining & Power Credit Union Ltd	ADI	<u>\$4,500,000.00</u>	<u>2.70%</u>
		\$37,500,000.00	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	2.66%
CBA Deposit Plus 1	AA-	\$1,500,000.00	2.83%
CBA Deposit Plus 2	AA-	\$1,500,000.00	3.07%
Westpac Coupon Select	AA-	\$2,000,000.00	3.01%
Westpac Coupon Select 1	AA-	\$3,000,000.00	3.13%
Westpac Coupon Select 2	AA-	\$1,500,000.00	2.95%
Westpac Coupon Select 3	AA-	\$1,500,000.00	2.75%
Maritime Mining & Power Credit Union Ltd	ADI	<u>\$1,630,000.00</u>	<u>1.70%</u>
		\$14,130,000.00	2.80%
<u>Fixed, Negotiable & Tradeable Certificates of Deposits</u>			
AMP Fixed Rate	A-	\$1,000,000.00	2.99%
Greater Bank Ltd	BBB	\$1,000,000.00	3.27%
Greater Bank Ltd	BBB	<u>\$2,000,000.00</u>	<u>3.42%</u>
		\$4,000,000.00	3.27%
<u>Floating Rate Notes</u>			
Commonwealth Bank of Aust.	AA-	\$1,000,000.00	2.96%
CBA Climate Bond	AA-	\$1,000,000.00	2.69%
Commonwealth Bank of Australia 2	AA-	\$500,000.00	2.88%
Suncorp Metway	A+	\$1,000,000.00	3.32%

Rabobank	A+	\$1,000,000.00	3.38%
AMP	A-	\$1,000,000.00	2.82%
AMP	A-	\$800,000.00	2.96%
AMP	A-	\$1,000,000.00	3.24%
AMP	A-	\$1,100,000.00	2.94%
Macquarie Bank	A	\$1,000,000.00	2.98%
Bank of Queensland 1	BBB+	\$2,000,000.00	2.91%
Bank of Queensland 2	BBB+	\$1,000,000.00	3.04%
Bendigo & Adelaide Bank 2	BBB+	\$1,000,000.00	2.77%
Bendigo & Adelaide Bank 3	BBB+	\$1,000,000.00	3.05%
Members Equity 3	BBB	\$750,000.00	3.24%
Credit Union Australia 3	BBB	\$1,000,000.00	3.68%
Newcastle Permanent	BBB	\$1,000,000.00	3.41%
Newcastle Permanent 3	BBB	<u>\$1,000,000.00</u>	<u>3.73%</u>
		\$18,150,000.00	3.11%

Total Investments **\$73,780,000.00** **2.86%**

These funds were held as follows:

Reserves Total (includes unexpended loan funds)	\$21,530,157.00
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 **\$73,780,000.00**

Total Interest Revenue to 31 March 2019 **\$1,813,878.90** **2.86%**

A Jones
Responsible Accounting Officer

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

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 6: Community leadership and collaboration Strategy 6.4

Community Engagement

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

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

Recommendation: That the information be noted.

Report: Bathurst Regional Council has the Bathurst 2040 Community Strategic Plan in place 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.

At **attachment 1** is an update of the strategies for the 2040 Community Strategic Plan.

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

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

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

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

Financial Implications: Nil.

Bathurst 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 March 2019, including a report on annual Rental Subsidies granted by Council.

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

Section 356:	\$Nil
BMEC Community use:	\$786.36
Mount Panorama:	\$Nil

Bathurst Community Strategic Plan - Objectives and Strategies

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

Community Engagement

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

4 POWER OF ATTORNEY (11.00007)

Recommendation: That the information be noted.

Report: That the General Manager's action in affixing the Power of Attorney to the following be noted.

- C Hotham - Lots 134, 137, 138, 144, 145, DP750357; Lot 1, DP784476; Lot 100, DP1108903 - Vale Road, Bathurst - Rural Licence
- C Grimmer & D Rankine - Lot 18, DP1011780 - 162 Mountain Straight, Bathurst - Lease
- Macquarie Lions Bathurst Club Inc - Lot 291, DP185073 - 8 Stanley Street, Bathurst - Licence
- Pete Graham Contracting Pty Ltd - Proposed Lot 1012, Part Lot 806, DP1169443 - Bathurst Trade Centre - Contract
- R Howard - Lot 6, DP1142438 - Church Lane, Kelso - Licence

Linen Plan Release

- Mrs CP Stait - Stage 2 - 49 lot subdivision & 1 residual lot, 180 lot residential subdivision - Lot 169, DP 1245624 - Graham Drive, Kelso
- Mr R N & Mrs P G Day - Two lot rural residential subdivision - Lot 2, DP865763 & Lot 1, DP1237564 - 171 Howards Drive, Mount Rankin
- Gico Pty Ltd - 160 lot residential subdivision - Stage 7 - 8 residential and one residual lot - Lot 611, DP 231645 - Wheatfield Drive, Kelso
- Mr R G Morris - 36 lot rural residential subdivision - Stage 2 - 3 lot rural residential and 1 residual lot subdivision - Lot 35, DP1224327 & Lot 16 DP125293 - Samuel Way, The Lagoon

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 REQUEST FOR FINANCIAL ASSISTANCE - EGLINTON DISTRICT TENNIS CLUB (22.02252)

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

Report: At Council's meeting of 20 July 2011, Council resolved to provide the Eglinton District Tennis Club (EDTC) with a \$30,000, 10 year, loan to assist with the refurbishment of two courts at the Eglinton Tennis Club complex. The effective interest rate at that time was 8.08% per annum.

The loan was drawn on 13 July 2013 with the effective interest rate at that time of 7.84% per annum being applied.

The EDTC have written to Council seeking a review of the interest rate for the remaining term of the loan.

Based on current interest rates, if Council was to issue a new loan today, the effective rate of 4.27% per annum would be applied.

The EDTC have an excellent rating in the repayment of this loan, to date and, as such, it is recommended that Council approves their request.

Financial Implications: Should Council resolve in accordance with the recommendation of this report, the interest that Council will receive from this loan will be reduced by \$2,821.97.

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

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

6 REQUEST FOR FINANCIAL ASSISTANCE - WHITE RIBBON EVENT AT MOUNT PANORAMA (04.00085)

Recommendation: That Council waives the costs of approximately \$2,000 associated with traffic management for the closure of Pit Straight, Mount Panorama from Murray's Corner to Hell Corner, for the White Ribbon Day event on 22 November 2019.

Report: Council has received a request from the NSW Police Force, Domestic Violence Liaison Division in relation to a White Ribbon Day event to be held at Mount Panorama on 22 November 2019, copy of request at **attachment 1**.

The closure will apply from approximately 10 am to 2 pm and will involve the closure of Pit Straight from Murray's Corner to Hell Corner. The estimated cost for traffic management control would be \$2,000.

The White Ribbon Campaign works to raise awareness of violence against women, encouraging men to support women's groups and raise awareness of violence against women.

Financial Implications: There is sufficient funds available within Council's Section 356 Mount Panorama Fee Waiver allocation.

Bathurst Community Strategic Plan - Objectives and Strategies

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

Community Engagement

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

**7 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE
(11.00005, 22.07535, 22.07536, 22.16153, 22.03772, 10.00009**

Recommendation: That the information be noted.

**Report: 1 RURAL LICENCE AGREEMENT - LOT 5 DP586023 AND LOT 11
DP717095 AND PART LOT 12 DP717095 KNOWN AS 117 - 131 COLLEGE ROAD,
BATHURST (22.07535,22.07536)**

This report relates to a proposal to enter into a rural licence agreement for Lot 5 DP586023 and Lot 11 DP717095 and part Lot 12 DP717095, known as 117 - 131 College Road, Bathurst for a period of 10 year with a 10 year option period.

**2 SALE OF LAND AT LOT 1004 DP1129907 KNOWN AS 49 HAMPDEN PARK ROAD,
KELSO (22.16153)**

This report relates to the proposed sale of Lot 1004 in DP1129907, 49 Hampden Park Road, Kelso.

**3 MANAGING AGENCY AGREEMENT - LOTS 4,5,8 & 9 DP232111 KNOWN AS 98
MOUNTAIN STRAIGHT, MT PANORAMA (22.03772)**

This report relates to a proposal to enter into a managing agency agreement for Lots 4,5,8 & 9 DP232111 known as 98 Mountain Straight, Mt Panorama.

4 EXPRESSION OF INTEREST - CONVEYANCING SERVICES 2019 - 2022 (10.00009)

This report relates to the Expression of Interest for Conveyancing Services submitted by legal representatives for a period of three (3) years commencing on 17 May 2019 and concluding on 16 May 2022.

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

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 6: Community leadership and collaboration Strategy 6.4

Community Engagement

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

Yours faithfully



A Jones
**DIRECTOR
CORPORATE SERVICES & FINANCE**

DIRECTOR ENGINEERING SERVICES' REPORT

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

17 APRIL 2019

1 WATER SECURITY (DROUGHT) (13.00031)

Recommendation: That Council:

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

Report: The High Level 3 water restrictions have been in effect for 4 months at the time of writing this report, with the dam being at 57.6% on 27 November 2018, and 45.5% on 26 March 2019. The weekly dam level graph at **attachment 1** shows the weekly details. This is better than the average case prediction of 35.5% without any form of restrictions being in place, as the restrictions and cooperation by irrigators have reduced demand and a number of rainfall events have added some water into the dam to boost the supply. Rainfall is expected over the remainder of Autumn, Winter and into Spring, though there is no clear guidance on how much rain is likely, or how much inflow can be anticipated.

The absence of the usual large inflows over Winter in 2018 was the first time this had been observed since dam level records were kept in the early 1970's. At **attachment 2** is a graph showing the variation in dam levels from 2015 to 2019. Council needs to continue further planning in advance for the management of worsening storage levels. These include but are not limited to details around how Council will or will not comply with the restrictions in all locations including sporting fields, implementation of an enforcement plan, developing details on how exemptions will be managed, and identification of further opportunities to reduce demand from irrigation that will necessitate further discussions with irrigators.

Regular monitoring of the dam level, water released, water used in Bathurst, rainfall, and inflows will continue. Relevant actions will take place as necessary, including updates to the NSW Department of Industry Water. It is noted that the Director Engineering Services has delegated authority to implement water restrictions, to select the level, to amend the level, and remove the restrictions without seeking a Council resolution. These restrictions can be implemented in times of drought, or other shortage of supply such as a major breakdown or loss of power. These actions are taken with due consideration of the circumstances, and are not taken lightly. The current High Level 3 water restrictions limit outdoor watering of lawns, gardens, cars, pools and other items, which are predominately used in the period around Summer. Over Winter there is little outdoor water used in Bathurst, however given the current dam level and absence of any inflow it is considered prudent to continue applying High Level 3 water restrictions through Winter until further notice.

It should be noted that the next level of restrictions are Extreme, and combine the existing Drought Management Plan Level 4 and Level 5 restrictions that are triggered at 25% and 22% water level respectively, or only 3% apart. As there have been periods where the dam has dropped consistently 2% per week, the use of separate Level 4 and Level 5 restrictions is not practical noting lead times for communication with the public.

The Extreme restrictions require in part:

- that there be NO watering of lawns
- that garden watering be limited to bucket or watering can, and only on Wednesday and Sunday from 6pm to 9pm
- that car washing at home is not permitted
- that pools, garden features and child pools not be filled or topped up

Further details are provided at **attachment 3**.

Council records indicate that since construction was completed in the 1950's, the lowest level seen in Chifley Dam was in May 1980 at about 18% of the current (raised) dam, and the lowest level seen since the dam was raised is 41% in June 2003. Level 6 Critical restrictions commence at 15%, and at that time one of the two outlet pipes ceases to be able to operate as the water level is too low. The Drought Management Plan identifies that the last 10% is dead volume which cannot be accessed. The second outlet pipe theoretically ceases to operate at 5%, however Council cannot confirm at what level the release of water is no longer possible.

Council will continue to identify, prepare and implement as many actions as possible to ensure the water supply lasts for as long as possible.

A further Councillor Working Party will be held later this year to discuss future directions regarding water restrictions, prior to calling of expressions of interest for the review of Council's current Drought Management Plan.

Financial Implications: Nil at this time.

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 3: Environmental stewardship Strategy 3.2, 3.3
- Objective 6: Community leadership and collaboration Strategy 6.6

Community Engagement

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

2 PROPOSED ROAD OPENING AND PARTIAL CLOSURE AFFECTING LOTS 45, 57 & 58 IN DP753040 - COLO ROAD, COLO (25.00292)

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

Report: Council in partnership with Forestry Corporation of NSW and Infrastructure NSW has recently completed an upgrade to Colo Road, Colo, to provide a suitable standard of road for heavy vehicle movements. It was identified during the design phase of the project that the physical road alignment does not consistently align with the 'paper' road alignment.

To rectify this situation it is proposed to survey the physical road alignment and adopt existing roadside fencing as the boundary for the road reserve. The area to be surveyed is between points A and B as shown in **attachment 1**. Following completion of the survey, it will be necessary to close sections of the 'paper' road and acquire land for the purposes of the Roads Act 1993.

Preliminary discussions have been held with the owners of Lots 45, 57 & 58 in DP753040 that will be affected by the proposal. For the acquisition to be completed it is recommended that Council approve the following.

That Council:

1. Approve the acquisition of land for the purposes of the Roads Act 1993 and the partial closure of Colo Road.
2. Classify the acquired land and road closure land as operational under Section 31(2) of the LGA 1993.
3. Compensate landowners for land lost, pursuant to the requirements of the Land Acquisition (Just Terms Compensation) Act 1991.
4. Pay the landowner's reasonable legal costs and bank fees.

Financial Implications: The cost of acquiring the land including survey, legal and compensation costs is estimated at \$30,000 and will be funded from the unsealed rural roads capital works budget.

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 4: Enabling sustainable growth Strategy 4.2

Community Engagement

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

3 PROPOSED ROAD WIDENING - LOT 52 IN DP756878 CRUDINE ROAD, CRUDINE (25.00550)

Recommendation: That Council:

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

Report:

Whilst planning maintenance work to the Crudine Road at Crudine it was identified that Council has an opportunity to straighten a section of the road to improve driver safety. In acquiring the land necessary to straighten the road, Council will have the added benefit of having access to road base material suitable for future road works in the area.

attachment 1 indicates part of Lot 52 in DP756878, an area of approximately 5,500m² in size that will need to be acquired for road widening purposes.

The landowner has been approached regarding the proposal and has provided consent to proceed with the acquisition, subject to Council's approval of the following terms.

That Council:

1. Will engage a registered surveyor to undertake a formal survey and prepare a suitable plan for registration at NSW Land Registry Services.
2. Negotiate a compensation agreement with the landowner for land lost, pursuant to the Land Acquisition (Just Terms Compensation) Act 1991.
3. Arrange for fencing along the new property boundary similar to existing fencing.
4. Pay the landowner's reasonable legal costs and bank fees.

Financial Implications: The cost of acquiring the land including survey, legal and compensation costs is estimated at \$20,000.00 and will be funded from the Rural Roads budget.

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 4: Enabling sustainable growth Strategy 4.2

Community Engagement

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

4 PROPOSED ROAD WIDENING - LOT 3 DP252350 THE BRIDLE TRACK, BRUINBUN (25.00283)

Recommendation: That Council:

1. Proceed with the compulsory acquisition of land described as part of Lot 4 in DP252350 on The Bridle Track at Bruinbun for the purpose of road widening in accordance with the provisions of the Roads Act 1993 and the Land Acquisition (Just Terms Compensation) Act 1991; and
2. Make application to the Minister and/or Governor for approval to acquire part of Lot 4 in DP252350 by compulsory process under section 177(1) of the Roads Act 1993.

as detailed in the Director Engineering Services' report.

Report: Council would be aware of the proposal to reinstate alternative 4 wheel drive access to Hill End via The Bridle Track by realigning the road around Monaghan's Bluff, a section of road that was closed in August 2010 due to a rock fall.

A preliminary design for the realignment has been undertaken and for the proposal to proceed, the acquisition of land will be required. **Attachment 1** shows 3 separate properties that will be affected by the proposal. Lot 3 in DP252350 (orange shading) is the subject of this report. Lot 15 in DP755761 (green shading) and Lot 4 in DP252350 (blue shading) will be the subject of a separate report.

The owner of Lot 3 in DP252350 passed away in December 2016 intestate (without a Will). After liaising with the legal firm acting on behalf of the Estate for a period exceeding 6 months, it is clear that settlement of the estate is not imminent and the only feasible option to acquire the land is by compulsory process. It is recommended that Council:

1. Engage a registered surveyor to undertake a formal survey and prepare a plan of acquisition for registration at NSW Land Registry Services.
2. Make application to the Minister and/or Governor for approval to acquire part of Lot 4 in DP252350 by compulsory process under section 177(1) of the Roads Act 1993.
3. Arrange for fencing along the newly acquired property boundary similar to existing fencing
4. Pay all legal and valuation costs and bank fees if applicable.

Financial Implications: The cost of acquiring the land including survey, fencing, legal and compensation costs is estimated at \$30,000. A \$2,000,000 grant has been provided by the State Government to assist with funding the proposed works.

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 4: Enabling sustainable growth Strategy 4.2

Community Engagement

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

5 PROPOSED ROAD WIDENING - LOT 15 DP755761 AND LOT 4 DP252350 THE BRIDLE TRACK, BRUINBUN (25.00283)

Recommendation: That Council:

1. Approve the acquisition of land for the purposes of the Roads Act 1993 affecting Lot 15 in DP755761 and Lot 4 in DP252350 on The Bridle Track at Bruinbun; and
2. Approve the terms proposed as detailed in the Director Engineering Services' report.

Report: Council would be aware of the proposal to reinstate alternative 4 wheel drive access to Hill End via The Bridle Track by realigning the road around Monaghan's Bluff, a section of road that was closed in August 2010 due to a rock fall.

A preliminary design for the realignment has been undertaken and for the proposal to proceed, the acquisition of land will be required. **Attachment 1** shows 3 separate properties that will be affected by the proposal. Lot 15 in DP755761 (green shading) and Lot 4 in DP252350 (blue shading) are the subject of this report. Lot 3 in DP252350 (orange shading) will be the subject of a separate report.

The owners of Lots 4 and 15 have been approached regarding the proposal and have provided their written consent to proceed with the acquisition, subject to Council's approval of the following terms.

That Council:

1. Will engage a registered surveyor to undertake a formal survey and prepare a suitable plan for registration at NSW Land Registry Services.
2. Negotiate compensation by agreement with the landowner for land lost, pursuant to the provisions in the Land Acquisition (Just Terms Compensation) Act 1991.
3. Arrange for fencing along the new property boundary similar to existing fencing.
4. Pay the landowner's reasonable legal costs and bank fees.

Financial Implications: The cost of acquiring the land including survey, fencing, legal and compensation costs is estimated at \$50,000. A \$2,000,000 grant has been provided by the State Government to assist with funding the proposed works.

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 4: Enabling sustainable growth Strategy 4.2

Community Engagement

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

**6 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE
(11.00005, 36.00700 & 36.00585)**

Recommendation: That the information be noted.

Report: 1 TENDER FOR PROPOSED EGLINTON SEWER RISING MAIN (36.00700)

This report considers the proposed tender for the construction of the Eglinton Sewer Rising Main.

**2 12 MONTH EXTENSION - PROVISION OF LABOUR & EQUIPMENT - MOWING
MAINTENANCE CONTRACT (36.00585)**

This report considers a proposal for a 12 month extension of the mowing maintenance contract.

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

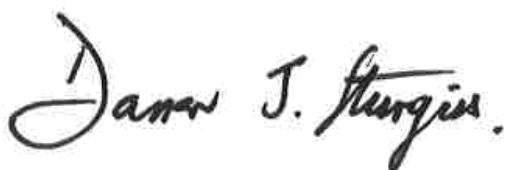
Bathurst Community Strategic Plan - Objectives and Strategies

- 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

17 APRIL 2019

1 GREAT WESTERN WALK (GWW) (20.00020)

Recommendation: That Council:

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

Report: Council has been requested to participate on the Great Western Walk Implementation Committee (GWWIC). The role of this committee will be to implement the development of the proposed walking track in a timely manner. The first meeting of this Committee was held on Thursday 21 February 2019 in the Lithgow City Council Chambers. Stakeholders from Department of Premier and Cabinet, Lithgow City Council, Oberon Council, Blue Mountains City Council, NSW National Parks and Wildlife Service, Crown Lands also attended the meeting. The next meeting of the GWWIC will be held in May 2019.

Background

The Great Western Walk (GWW) is a 160 km route that runs from Emu Plains on the Nepean River to the Flag Staff at Bathurst on the banks of the Macquarie largely following the line of Australia's first inland road built by William Cox and a convict team in 1814-15 and that this route traverses the lands of the Darug, Gundungurra and Wiradjuri nations and their ancient Dreaming tracks with a history of at least 22,000 years.

The route offers a rich experience of cultural and natural heritage including of the Greater Blue Mountains World Heritage Area with the 70 kilometre stretch in the Blue Mountains passing through the Blue Mountains in close proximity to town centres and transport thereby offering great potential for healthy and mind expanding recreation and tourism that will bring considerable economic benefits.

The GWWIC is currently seeking input and approvals from the Gundungurra, Darug and Wiradjuri elders on the Great Western Walk project. The Committee is also engaging with other levels of government to seek support for the proposal.

Benefit

The proposed iconic tourism project is likely to bring considerable economic and cultural benefits to the five Local Government Areas it will traverse and beyond.

Conclusion

An appropriately developed, branded and delivered iconic walk across the Blue Mountains to the Bathurst Region has the potential to support key directions in the Community Strategic Plan, the Bathurst Region Destination Management Plan, Destination Country and Outback NSW Destination Management Plan 2018-2020, and to enhance the natural and cultural tourism product of the Bathurst Region.

The GWW has the potential to be such an iconic walk, and the GWWIC has acknowledged that further work is required to mature the proposition, in particular in relation to Aboriginal community engagement, key approvals, occupation of land, permissibility, asset management and branding.

Further reports will be provided to Council as the project progresses.

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 1.1
- Objective 2: A smart and vibrant economy Strategy 2.6

Community Engagement

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

2 VILLAGE EVENT FUNDNG PROGRAM PROCESS (16.00163)

Recommendation: That Council:

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

Report: At Council's Policy Committee meeting held 6 June 2018, a request was made to investigate a funding program for village events (Minute 23, Item 18).

A report was provided to Council on 15 August 2018 (DCCS Report #4, copy of report at **attachment 1**) for consideration with the following resolution:

That Council:

- (a) *Support, in principle, the establishment of the Village Event Funding Program.*
- (b) *Receive a further report on the process for the proposed Village Event Funding Program.*
- (c) *Refer funding for the Village Event Funding Program of \$40,000 per annum to the 2019/2020 draft budget for consideration.*

Objective

The overall objective of a Village Event Funding Program will be to assist, build and grow local events and aid in creating a robust and sustainable events and tourism industry and improved visitor experiences which leads to repeat visitation and economic development.

There are a number of ways in which Council could distribute and administer the distribution of a Village Event Funding Program and these are outlined below:

The fund could:

- Support the establishment of a strategic plan which would guide the appropriate tactical distribution of funds to support the development of proven flagship events as drivers of tourism in each village (eg, The End Festival, Hill End, Rebellion on the Turon, Sofala).
- Support the establishment of new events.
- Support the marketing of emerging events which will contribute to an improved visitor experience, grow the profile of the village and encourage visitation.
- Be reviewed every three (3) years.

The Village Event Fund could act as an 'incubation fund' where not-for-profit entities who run events can apply for funding assistance during the emerging and growth stages of the local event activation. Council will determine the program funding allocation and include in the annual budget process.

For the purpose of the Village Event Fund, a not-for-profit entity is an organisation that does

not operate for profit or direct/indirect gains of its individual members, but with the primary purpose of providing services to the community.

Certain criteria will need to be met including:

- All events receiving funding under the Village Event Fund will be asked to complete a survey following the event.
- The event positively promotes the Local Government Area (LGA) and has the potential to contribute to the social, cultural and economic well-being of the LGA.
- Budget/Outline of income and expenses is provided.
- The organising committee has a sound governance structure and appointed roles.

Next Steps

It is proposed, in the first year of the program, that Council engage a suitably qualified consultant to work with each Village to assist the Village in developing a sustainable business model for each event.

Financial Implications: Should Council approve the establishment of a Village Event Funding Program, an amount of \$40,000 will need to be allocated in the 2019/2020 draft budget for consideration. Grant funding, such as the Drought Communities funding or other grants, could be considered for this project.

Bathurst Community Strategic Plan - Objectives and Strategies

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

Community Engagement

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|----------|---|
| • Inform | To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions. |
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3 BATHURST REGION TOURISM REFERENCE GROUP - MEETING 1 APRIL 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 BVIC on 1 April 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 1 April 2019:

- Frequency of TRG Meetings was discussed and a consensus agreed to reduce the number of regular scheduled meetings to 4 annually, being March, June, September and December. The Terms of Reference indicated a minimum of 3 meetings be held annually. The TRG will continue to communicate between meetings by Drop Box, emails and extra-ordinary meetings, as necessary.
- New Bathurst Region Destination Management Plan development process.
- Local Government NSW Tourism Conference, current tourism trends.
- Successful Australian Visitor Information Centres (AVIC) & Australian Tourism Accreditation Program (ATAP) Accreditation inspections at Bathurst Visitor's Information Centre.
- Launch of Autumn Colours Program.
- PR Activity and media engagement.
- Reports from Tourism Industry sectors.

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
- Objective 2: A smart and vibrant economy Strategy 2.1
- 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 2019 INTERNATIONAL WOMEN'S DAY EVENTS (23.00026)

Recommendation: That the information be noted.

Report: International Women's Day is celebrated across the globe on 8 March annually. In Bathurst each year Council leads celebrations to acknowledge and celebrate achievements of women locally, regionally and internationally. The international Theme for 2019 was: #Balanceforbetter.

The International Women's Day banner was displayed across William Street in celebration of the event.

In 2019, Bathurst Regional Council held two events to celebrate International Women's Day. These events were promoted through social media, Council's website, Council News, local radio and newspaper. Promotional posters and corflute signs were also displayed throughout the city.

Balance with Bubbles – Friday 8 March 2019

International Women's Day was celebrated with a free event *Balance with Bubbles*, held in Machattie Park (opposite Begonia House) from 5pm – 7pm. The event provided women with an opportunity to relax and enjoy share platters with a glass of bubbles (alcoholic or non-alcoholic), while listening to music from two young local musicians in the beautiful surroundings of Machattie Park. The event was a celebration of women and the importance of balance in everyday life.

Balance with Bubbles featured guest speaker Dr Georgina Learmonth. Dr Learmonth is an Anaesthetic Registrar at Bathurst Base Hospital. Dr Learmonth spoke about the objectives of International Women's Day, gender balance and the importance of balance in everyday life. Dr Learmonth also made reference to her own life pathways and the value of strong, supportive women.

An information table that contained pamphlets and fact sheets about services available for women in the Bathurst region was also displayed.

Approximately 170 people attended Balance with Bubbles, making it one of the most successful International Women's Day events in recent times. Anecdotally, many people in attendance had not previously attended an International Women's Day event.

All About Women – Sunday 10 March 2019

All About Women event was held at Bathurst Memorial Entertainment Centre on Sunday 10 March 2019 from 1pm – 5.30pm. This event was a livestreaming of three sessions from *All About Women* from Sydney Opera House. 106 people attended this event. All three sessions were free to attend.

Session 1 – *#MeToo, Year Two*, featuring Emily Steel, Sohaila Abdulali, Tina Tchen, this session was hosted by Lenore Taylor

Session 2 – Feminism in the Arab world, featuring Aya Chebbi, Dima Matta and Randa Abdel Fattah. This session was hosted by Sarah Saleh.

Session 3 – leading while female, featuring Julia Banks, Julie Bishop, Linda Burney and Sarah Hanson-Young. This session was hosted by Jacqueline Maley.

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 5.1, 5.3, 5.5

Community Engagement

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

5 2019 HARMONY DAY EVENT - SATURDAY 23 MARCH 2019 (09.00032)

Recommendation: That the information be noted.

Report: Bathurst Regional Council coordinated a free community event at the Bathurst Library/Art Gallery forecourt on Saturday 23 March 2019, from 10am to 12noon to celebrate Harmony Day. The event featured food, coffee, live acts and entertainment, with a key theme that “Everyone Belongs”.

Over 350 people from a range of cultural backgrounds celebrated the rich diversity of cultures in the Bathurst Region and the importance of inclusiveness, respect and acceptance.

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

The community was entertained by Varis Punjab De Canberra, Bathurst Drumming Group, Filipiniana Friends Group of Bathurst, Promenade Dance School, Bagpipes, Madison Pincott and Olive Watch.

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 5.1, 5.3, 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.

6 BATHURST PUBLIC ART POLICY (11.00038)

Recommendation: That Council:

- (a) Note the submissions received during the public exhibition period.
- (b) Provide a letter to the groups and individuals who provided a submission thanking them for their contribution to the Bathurst Public Art Policy.
- (c) Adopt the Bathurst Public Art Policy with change to Clause 4.3.v. as noted in this report.
- (d) Select a Councillor delegate to be a member of the Public Art Program Committee

Report: At the ordinary meeting of Council held on 12 December 2018, Council resolved that the Bathurst Public Art Policy be placed on public exhibition for 28 days. A copy of the draft Bathurst Public Art Policy document was provided at the meeting held 12 December 2018, Director Cultural & Community Services Report #2.

The draft plan was placed on public exhibition from Thursday 13 December 2018 until Thursday 21 February 2019. The draft plan was made available to members of the public at the following locations during this period encouraging review and comment:

- Council's YourSay Bathurst website;
- Council's Civic Centre (ground floor and first floor);
- Bathurst Library;
- Council's Cultural Facilities (Art Gallery, BMEC, Australian Fossil & Mineral Museum, Chifley Home & Education Centre, National Motor Racing Museum)

Advertisements were placed in the Council notices section and classified section of the Western Advocate on each Saturday during this period. The draft plan was also provided to those who participated in the consultation process.

As at the closing date for submissions, 8 responses had been received from individuals and organisations from the Bathurst region. All respondents were highly supportive of the document and its vision to develop a Public Art Policy which will invigorate the region and provide a platform for the realisation of the key strategies of the Bathurst Cultural Vision 2036. Respondents praised the Bathurst Regional Council for its initiative.

A summary of the submissions is provided at **attachment 1** for Council's consideration. Many of the submissions contained useful information regarding the implementation of actions. All submissions included positive comments, and the information and ideas contained in the submissions will guide future endeavours.

Examples of some comments received are provided below:

- **Sandy Bathgate, Bathurst Heritage Network** - "Together with The Cultural Plan, we believe new spirit can be injected into Bathurst's public spaces to great effect, and to the advancement of tourism, and of social enrichment."
- **Pauline Barker, Convenor, Bathurst Town Square Group** - "Bathurst Regional Council is to be congratulated on creating a policy to develop further a vibrant and stimulating visual environment and an ongoing community conversation."
- **Julia Blackwood, Member, Bathurst Regional Art Gallery Society Committee** - "It is to be hoped that funds will be contributed on an annual basis to enable the aims outlined

in this draft policy to be realised.”

- **Ingrid Pearson** - “I applaud Council for developing this Draft Public Art Policy and agree with the 3 Strategies outlined.”

An item of concern was raised by two respondents in relation to sign-off authority for non-Council public art (Clause 4.3.v.). On review, it is recommended that this clause be amended to read: Non-Council public art proposals – Director Cultural & Community Services / Art Gallery Director.

To assist in the implementation of the Policy, the formation of a Public Art Technical Review Panel (PATRP) and a Public Art Program Committee (PAPC) will be undertaken.

The PATRP is made up of relevant staff from across Council to assess public risk and safety measures associated with creating assets in the public realm.

The PAPC is tasked with ensuring the right conceptual and aesthetic decisions are made in relation to Council initiated projects. Membership will include BRAG, a Councillor and augmented with local art and built environment professional expertise. They would only meet when there is a relevant project to deliver. An expression of interest program will follow.

Financial Implications: Should the Bathurst Public Art Policy be adopted, this Policy will guide future budget and resource allocation.

Bathurst Community Strategic Plan - Objectives and Strategies

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|---|----------------------------------|
| ● Objective 1: Our sense of place and identity | Strategy 1.1, 1.2, 1.3, 1.4, 1.5 |
| ● Objective 2: A smart and vibrant economy | Strategy 2.1, 2.3, 2.6 |
| ● Objective 4: Enabling sustainable growth | Strategy 4.1, 4.3 |
| ● Objective 6: Community leadership and collaboration | Strategy 6.6 |

Community Engagement

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| ● Inform | To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions. |
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7 DRAFT BATHURST COMMUNITY SAFETY PLAN 2019 - 2023 (20.00179)

Recommendation:

That Council:

- (a) Endorse the placement of the draft Bathurst Community Safety Plan 2019 - 2023 on public exhibition for the statutory 28 day period and receive submissions until Thursday 16 May 2019.
- (b) Prepare a further report following the conclusion of the public exhibition period, in preparation to adopt the Bathurst Community Safety Plan 2019 - 2023.

Report:

This is the third Bathurst Community Safety Plan completed by Council and follows on from the Bathurst Community Safety Plans of 2011- 2014 and 2015 - 2019. The Bathurst Community Safety Plan 2019-2023 has been developed through consultation and in partnership with the broader Bathurst community. The Plan seeks to enable a co-ordinated community approach to developing community safety through strategically implemented crime prevention programs.

Bathurst Regional Council, as part of its community planning process, has resolved to take the lead agency role in the development of the Bathurst Community Safety Plan 2019-2023. The plan has been developed, and will be implemented and reviewed, in partnership with the broader community, key agencies and groups that operated within it.

There is no legislative requirements for councils to prepare a Community Safety/Crime Prevention Plan. However, in order to be invited to apply for funding through the NSW Department of Justice, these plans are mandatory. As such, Council in developing the plan has followed the stages identified in the NSW Department of Justice Guidelines for Developing a Crime Prevention Strategy.

Custody of the Plan will rest with Bathurst Regional Council until such time as it expires (ie 2023) or is revoked. Council will continue to negotiate with its partners on the Bathurst Community Safety Committee whose role it is to oversee and implement the plan, together with reviewing and reporting on the actions contained in the plan on an annual basis.

Council is required to place the draft document on public exhibition for 28 days during which public submissions may be lodged. A copy of the Draft Community Safety plan is provided at **attachment 1**.

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

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 5: Community health, safety and well being Strategy 5.3, 5.4, 5.5
- Objective 6: Community leadership and collaboration Strategy 6.3, 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



Alan Cattermole
DIRECTOR
CULTURAL & COMMUNITY SERVICES

POLICY COMMITTEE MEETING

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

1 MINUTES - POLICY COMMITTEE MEETING - 3 APRIL 2019 (07.00064)

Recommendation: That the recommendations of the Policy Committee Meeting held on 3 April 2019 be adopted.

Report: The Minutes of the Policy Committee Meeting held on 3 April 2019, are **attached**.

Financial Implications: N/A

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 6: Community leadership and collaboration Strategy 6.4

Community Engagement

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

MINUTES OF THE POLICY COMMITTEE
HELD ON 3 APRIL 2019

MEETING COMMENCES

1 MEETING COMMENCES 6:00 PM

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

APOLOGIES

2 APOLOGIES
MOVED Cr I North

and **SECONDED** Cr W Aubin

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

REPORT OF PREVIOUS MEETING

3 Item 1 MINUTES - POLICY COMMITTEE MEETING - 6 MARCH 2019 (07.00064)
MOVED Cr W Aubin and **SECONDED** Cr M Morse

RESOLVED: That the Minutes of the Policy Committee Meeting held on 6 March 2019 be adopted.

DECLARATION OF INTEREST

4 DECLARATION OF INTEREST 11.00002
MOVED Cr I North

and **SECONDED** Cr W Aubin

RESOLVED: That the Declaration of Interest be noted.

GENERAL BUSINESS

5 GASWORKS SITE (22.00052)

Cr Bourke - enquired as to the status of this site.

The General Manager noted conversations that are currently being held.

6 **Item 2 POPULARLY ELECTED MAYOR (12.00005)**

Cr Bourke - asked where the survey is at on this proposal?

The General Manager advised survey completed, results are being collected.

7 **Item 3 PIGEON PROGRAM (14.00627)**

Cr Bourke - queried where scheduled program is at.

The Director of Environmental, Planning and Development Services will review the program and advise Council of status.

8 **Item 4 PIGEON PROGRAM - ELECTRIC TAPE (14.00627)**

Cr Jennings - enquired as to where investigations are at, will we be looking at using this method.

9 **Item 5 FEDERAL FUNDS - DROUGHT RELIEF (16.00171)**

Cr Jennings - spoke to \$1 million grant, recently approved. Does money have to be spent in this calendar year? Possible funding options; villages, water efficiencies etc.

The General Manager advised it is understood funds must be spent by 31 December 2019

10 **Item 6 DAYLIGHT SAVING - WATER RESTRICTIONS (32.00017)**

Cr Jennings - asked if there would be any changes to restrictions with the finish of daylight saving?

The General Manager advised restrictions will remain under the existing time restraints.

11 **Item 7 STREET LIBRARIES AND LIBRARY SERVICES (21.00054)**

Cr Jennings - spoke to expansion of services eg seed, cooking utensils, toy library

facilities.

12 **Item 8 FORGOTTEN PARKS (04.00034)**

Cr Jennings - requests a Working Party on the forgotten parks of Bathurst and proposed upgradings. Then spoke to College Road Park Petition received and the last Policy Meeting where this was raised in Council. Also noted Council's Parks Works Budget which caters for upgrades. Requests the irrigation, trees, basketball hoop and line-marking proposed works, be undertaken for College Road for a cost estimate of \$12,000 to \$13,000.

Further, requests Council look at a staging process for the Centennial Park works.

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

General Business resumed at 6.36 pm following the conclusion of the Discussion Forum

13 **Item 9 PARKS AND GARDENS (04.00034)**

Cr Aubin - agrees with proposal of Cr Jennings and requests a Working Party be held as soon as practical on the balance of the funds of around \$38,000. Need to look also at scheduled works for Centennial Park.

14 **Item 10 BUS INTERCHANGE (25.00006)**

Cr Aubin - asked if this matter has been considered by Council?

The General Manager spoke to history of Interchange that was built in Howick Street.

15 **Item 11 LEP - CBD HEIGHT LIMIT (20.00143)**

Cr Aubin - asked is there a limit of 12 metres? What height is the Courthouse building? Then spoke to the urban sprawl and the need for medium density CBD area, this will assist in affordability.

The Director of Environmental, Planning and Development spoke to controls in place in LEP and DCP's and recently the Housing Study being undertaken.

16 **Item 12 BUS INTERCHANGE (25.00006)**

Cr Morse - spoke to position of bus company and the non-use of the interchange space.

17 **Item 13 FLOODING ELEVEN MILE DRIVE (25.00029)**

Cr Morse - matter raised by ratepayer - who is responsible for removing the Bulrushes?

The General Manager advised that if private property, it is the owner's responsibility and it is an issue under State Government controls.

18 **Item 14 FOOTBALL - CAR PARKING ON ROAD VERGES (18.00296)**

Cr Morse - advised has received concerns from people in Howick Street about cars parking on verges and that they weren't advised of the event. Can we please do this for future events?

19 **Item 15 PARKS AND GARDENS (04.00034)**

Cr Morse - stated that at Centennial Park all they want is water. The costs are ridiculous. Spoke to College Road proposal, feels unfair.

20 **Item 16 POPULARLY ELECTED MAYOR (12.00005)**

Cr Morse - stated not happy with wording of the survey. The main issue was the preamble, which did not mention that a popularly elected Mayor is elected for four (4) years.

21 **Item 17 DROUGHT - MEALS ON WHEELS IMPACTS (13.00031)**

Cr Morse - Meals on Wheels are impacted by the drought, as have nutritional requirements that must be met. Product costs are going up, some assistance is needed. Perhaps drought relief fund may assist?

22 **Item 18 ETERNAL FLAME (04.00021)**

This is page 4 of Minutes of the Policy Committee held on 3 April 2019

Cr Morse - advised that the new sculpture will be opened on Anzac Day.

23 **Item 19 SOLAR FARM (13.00061)**

Cr Fry - advised that Albury Council now has a solar farm and have combined it with the methane generator at the tip. Can we use our methane? We need to do a study for a solar farm. Albury's was built by private developers.

The Acting Director of Engineering Services advised that the agreement for methane at Waste Management Centre (WMC) is still in place. Spoke to economic viability issues.

24 **Item 20 DROUGHT FUNDS (16.00171)**

Cr Fry - suggests; conduct workshops on native regeneration projects (do it with Upper Macquarie County Council), update storm water management plan.

25 **Item 21 TRAFFIC STUDY (28.00017)**

Cr Fry - asked will the Traffic Study look at a third crossing of the river? Should look at acquisition of land.

Acting Director of Engineering Services advised that it is understood that the study will include this.

26 **Item 22 CENTENNIAL PARK (04.00047)**

Cr Fry - requested, should look at storm water harvesting and also if Rocket and Bentinck intersection would be able to be used.

27 **Item 23 ELEVEN MILE DRIVE (25.00029)**

Cr Christian - Asked, can we contact the relevant authorities with respect to flood issues?

28 **Item 24 MARSDEN LANE PEDESTRIAN CROSSING (25.00124)**

Cr Christian - representations have been received about need for crossing. Can this be investigated, there is a problem near Holy Family School?

29 **Item 25 BLISTERS AT KEPPEL AND WILLIAM STREETS (25.00039) (25.00002)**

Cr Christian - asked, are these Council's responsibility? Could they be tidied up?

30 **Item 26 AUSTRALIA DAY COMMITTEE (23.00033)**

Cr Christian - advised that the recent meeting was very productive. Spoke to suggestions made and asks that the Councillors hold a Working Party to discuss.

31 **Item 27 COLLEGE ROAD (25.00126)**

Cr Christian - stated, happy with Cr Jennings proposal, but Council needs to look at Centennial Park and the scope of works. This is a decision for Councillors to make.

32 **Item 28 PARKS AND GARDENS (04.00034)**

Cr North - stated, good to see this item raised tonight. Council has responsibilities to undertake works. Also need to do study of all our buildings to comply with disability requirements.

33 **Item 29 DISABILITY LOGO (07.00031)**

Cr North - asked where has this matter gone with the international logo?

The Director of Environmental, Building and Development Services advised that the international logo is mandatory, additional signage can go in to complement, if Council should so determine.

34 **Item 30 CCTV (36.00690)**

Cr North - asked where is the roll out at?

The Director of Cultural and Community Services advised that it is still on track to go live at the end of May. Under-boring is occurring.

35 **Item 31 RIFLE CLUB (18.00077) (20.00278)**

Cr North - spoke to issues of concern with respect to the second circuit.

The Mayor advised that a meeting was recently held to discuss matters of concern.

36 **Item 32 MITRE / SUTTON / LAMBERT STREET ROUNDABOUT (25.00095) (37.00593)**

Cr North - asked where is this at?

The Acting Director of Engineering Services advised Geolyse has nearly finished the design, tenders to be called in the near future.

37 **Item 33 ALGAE AT DAM (32.00005) (13.00012)**

Cr North - spoke to representations from Mr T Jones on this matter.

The Acting Director of Engineering Services advised that a testing regime is in place, and this is in accordance with national standards.

38 **Item 34 SPORT & RECREATION COUNCIL (18.00021)**

Cr North - asked when people are put on the Sports Honour Board, can we do a Mayoral Welcome?

39 **Item 35 UMCC - DROUGHT NEEDS (18.00172)**

Cr North - advised that in current dry conditions, the aerial spray program has stopped. When the drought breaks, weeds will be a problem, so might need a drought assistance program, possibly Federal Government Drought Grant could be used?

40 **Item 36 FLOW METERS IN RIVER (31.00010)**

Cr North - suggest perhaps additional meters could be put into the river, via the Federal Government Drought Grant.

41 **Item 37 WINTER FESTIVAL - KEPPEL STREET (23.00152)**

Cr North - noted that Council is working with Keppel Street owners. Could a report come back to Councillors?

42 **Item 38 ROADS AT ROCKLEY (25.00575)**

Cr North - tabled a letter of concern from a resident for Council's attention.

43 **Item 39 URBAN SPRAWL (20.00143)**

Cr North - noted concerns being raised, need to review in next LEP.

DISCUSSION FORUM OTHER

44 **Item 1 DRAFT COMMUNITY PARTICIPATION PLAN (20.00331)**

Discussion included:

Ingrid Pearson - Ratepayer

- Spoke to Section 3.3 and queried why social media was not included.
- Section 3.10 queried process of determining who will be notified.
- Section 3.14.1(c) Demolition of heritage items, need clarification of what is a 'minor' matter, need guidelines developed.
- Section 3.14.4.4 Privacy matters, overshadowing and notification concerns re exempt development.
- Does Council require notification to itself?

S Bathgate - Bathurst Heritage Network Representative

- Thanked Councillors for work they do in the community.
- Advise Bathurst Heritage Network have made a submission.
- Spoke to issue of notification and the principle involved - should be anyone affected be notified. Rules are very much the same and these are old, notification has been a very vexed matter. Need a more consultative approach and involve the community
- People across a pathway or laneway from a development should be notified. Council should also look at notification of owners of strata properties in the process.
- Where a site is a landmark site, particularly in the CBD these should be exhibited, examples include: St Stephen's Church.

EXTENSION OF TIME

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

RESOLVED: That an extension of time be granted for S Bathgate

C O'Rourke - Ratepayer

- Supports Mr Bathgate's comments and has put in a written submission.
- Spoke to consultation processes currently in place re issues of being representative of the community.
- Referred to last community survey results received. Then referred to planning process results for Eglinton.
- Suggested Council establish a citizens jury to deliver recommendations to Council on big issues of concern. They are used by a number of authorities.

EXTENSION OF TIME

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

RESOLVED: That an extension of time be granted for C O'Rourke

B Trimming - Ratepayer

- Spoke to the increase in community participation. Some speakers have received extension of time, yet new Code of Meeting Practice is reducing time people can speak to four (4) minutes and also people will only be able to speak on the Agenda, that is wrong. The Code of Meeting Practice is in conflict with Council's Community Participation Plan.

General Business resumed.

MEETING CLOSE

45 MEETING CLOSE

The Meeting closed at 7.20 pm.

CHAIRMAN: _____

TRAFFIC COMMITTEE MEETING

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

1 MINUTES - TRAFFIC COMMITTEE MEETING - 2 APRIL 2019 (07.00006)

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

Report: The Minutes of the Traffic Committee Meeting held on 2 April 2019, are **attached**.

Financial Implications: N/A

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 6: Community leadership and collaboration Strategy 6.4

Community Engagement

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

MINUTES OF THE TRAFFIC COMMITTEE
HELD ON 2 APRIL 2019

MEETING COMMENCES

1 MEETING COMMENCES 2:00 PM

Members: Ms Jackie Barry (Roads & Maritime Services), Senior Constable Jason Marks (NSW Police), Mr David Veness (MP Representative) and Councillor Warren Aubin (BRC).

Present: Mr Bernard Drum (Manager Technical Services) and Mr Andrew Cutts (Tablelands Area Road Safety Officer).

APOLOGIES

2 APOLOGIES

Nil.

REPORT OF PREVIOUS MEETING

3 Item 1 MINUTES - TRAFFIC COMMITTEE MEETING - 5 MARCH 2019 (07.00006)

That the Minutes of the Traffic Committee Meeting held on 5 March 2019 be adopted.

DECLARATION OF INTEREST

4 DECLARATION OF INTEREST 11.00002

That the Declaration of Interest be noted.

RECEIVE AND DEAL WITH DIRECTORS' REPORTS

Director Engineering Services' Report

5 Item 1 MINUTES OF THE TRAFFIC COMMITTEE MEETING HELD 5 MARCH 2019 (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 2019 WINTER FESTIVAL (23.00152)**

That the 2019 Winter Festival to be held in the Bathurst CBD from 6-21 July 2019 be classified as a Class 2 event, and the traffic management for this event be endorsed subject to conditions as detailed in the Director Engineering Services' report.

8 **Item 4 RELOCATION OF DISABLED PARKING - 225 GEORGE STREET BATHURST (25.00039-05/154)**

That Council approve the relocation of a disabled parking space from outside 213 George Street to 225 George Street, subject to the conditions as noted in the Director Engineering Services' report.

9 **Item 5 CAMP QUALITY – MOTOCYC 2019 EVENT (23.00026-20/004)**

That this report not be considered by the Traffic Committee.

10 **Item 6 BATHURST EDGELL JOG 2019 (23.00130)**

That the Bathurst Edgell Jog to be held on Sunday 22 September 2019 be classified as a Class 2 event and the traffic management for this event be endorsed subject to conditions as detailed in the Director Engineering Services' report.

11 **Item 7 SUPERCHEAP AUTO BATHURST 1000 TRAFFIC MANAGEMENT PLAN (04.00001-42)**

That Council adopt the following zones and restrictions as part of the Traffic Management Plan for the 2019 Supercheap Auto Bathurst 1000, as noted in the report.

12 **Item 8 TEMPORARY BUS ZONES FOR THE 2019 SUPERCHEAP AUTO BATHURST 1000 (28.00022-02)**

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

13 **Item 9 2019 SUPERCHEAP AUTO BATHURST 1000 OFF-TRACK EVENT ROAD CLOSURES AND TEMPORARY NO PARKING (04.00073-08)**

That Council approve the staging of the 2019 Supercheap Auto Bathurst 1000 off-track events as follows:

- (a) Parade and B-Double Permit routes;
- (b) Super Wednesday;

(c) Saturday Street Fair.

All events are to be classified as Class 2 events and approved subject to conditions as detailed in the Director Engineering Services' Report.

14 **Item 10 NO PARKING SIGNS FOR ELECTRIC VEHICLE CHARGING STATIONS (25.00089)**

That Council:

- (a) Note the information.
- (b) Approve the installation of No Parking signs.

TRAFFIC REGISTER

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

That the information be noted.

MEETING CLOSE

16 **MEETING CLOSE**

The Meeting closed at 2.27pm

NOTICES OF MOTION

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

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

Recommendation: Moved by Cr Fry:

That Bathurst Regional Council declare our Local Government Area (LGA) a 'Water Smart Region'

Report: Notice is hereby given:

That Bathurst Regional Council declare our Local Government Area (LGA) a 'Water Smart Region'

Financial Implications: Nil

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 3: Environmental stewardship Strategy 3.1, 3.2
- Objective 6: Community leadership and collaboration Strategy 6.2

Community Engagement

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

COUNCILLORS/ DELEGATES REPORTS

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

17 APRIL 2019

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

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

Report: The Board meeting of CENTROC and Central NSW Joint Organisation was held on Thursday 28 February 2019 at GATE (Global Ag-Tech Ecosystem) Department of Primary Industries, Orange.

The Board heard a presentation from Ms Carolynne James, the GATE Project Leader & Manager, Investment and Business Development Unit, Department of Primary Industries on this initiative. The Board was updated on the Orange Life Sciences Precinct by Mr Mark Burdack, Director of Corporate Services, Orange City Council.

The implementation timeline for the Joint Organisation is on track for the actions required by the Office of Local Government. Prior to the Board meeting, a Strategic workshop took place providing direction on progressing transition. A special meeting of the Joint Organisation Board will be called via a phone hook-up to approve both the Statement of Strategic Regional Priority and the Central NSW Joint Organisation Strategic Plan.

Progress has been made on the Code of Meeting Practice for the CENTROC NSW Joint Organisation and feedback from the Office of Local Government will form a report to the next meeting.

The Board met with the Member for Calare, Assistant Minister to the Deputy Prime Minister, The Hon Andrew Gee MP, who addressed the Board regarding drought issues, and the Minister for Agriculture and Water Resources, Minister Assisting the Prime Minister for Drought Preparation and Response, The Hon David Littleproud.

Transport Infrastructure - The CENTROC Board continues advocating for a safe swift link between Central NSW and Western Sydney. At the recent meeting in January with Penrith City Council there was agreement for an "alliance of the willing" in support, to be developed. It will include case study material from industry.

Through the Transport Technical Group, advocacy is to be made to RMS regarding the REPAIR grant program for a 4 year approved program. The Group has also considered the development of a Freight Study for Central NSW by CSIRO, and will seek appropriate funding accordingly.

Water Infrastructure - The CWUA will investigate the potential for a regional application to stream 2 of the revised Safe and Secure program. This is for funding to procure consulting services to update CWUA member Councils' Integrated Water Cycle Management (IWCM) strategies.

Health - The Central NSW JO Board resolved for Local Government NSW to be approached to take carriage of regional health workforce challenges for NSW, requesting a one day forum shining a light on challenges for regional communities regarding health workforce. This approach includes that a review of the publication Advice to the National Rural Health Commissioner on the development of the National Rural Generalist Pathway be undertaken and the potential of leveraging the Beyond the Range website to support the attraction and retention of health workforce be proffered.

Regional Development - A draft Memorandum of Understanding with Regional Development Australia Central West was presented which the Board approved that it be adopted and signed.

Planning - An update on the Priority Projects of the Central West and Orana Regional Plan from NSW Government Planning and Environment was provided.

Advocacy for better timelines on LEPs and the planning "backlog" for the region will be undertaken.

Tourism - WRI will be engaged to develop a Central NSW Joint Organisation Tourism Tool to assess the real value tourism offers to a local community, particularly for smaller local government areas.

The project will be over a two year period; any specific data will attract a further fee. Council contributions would come from the funding in the Central NSW Tourism budget at \$15,000 pa for two years and a maximum of \$3,000 from each LGA per annum. Funding will also be sought through Destination Network Country and Outback to reduce the cost to LGA's.

Operational - The Central NSW JO Board approved a Memorandum of Understanding with Local Government Procurement (LGP) and will be seeking to co-design improvements to aggregated procurement with LGP in a best practice framework. Local Government Procurement (LGP) has now concluded the FY17/18 Rebate Scheme having returned participants in excess of \$1.1 million. The Board was updated on the \$10.9 million in savings that CENTROC has assisted members since 2009.

In the coming weeks a proforma report on the Southern Lights Project will be prepared. Southern Lights is a plan to provide 41 Local Government areas in southern NSW, stretching from Bega to Broken Hill with smart enabled LED street lights and low to medium bandwidth communications technology. The coverage represents almost half of the 83 LGAs serviced by Essential Energy. This enabling infrastructure will provide better, safer, cheaper lighting and connectivity that will act as a catalyst for participating Councils and others to invest in smart community technologies; technologies that will increase efficiencies and improve service delivery.

Financial - The CENTROC Board noted the anticipated full year profit of \$48,452 at 30 June 2019 against a budgeted profit of \$12,059.

Financial Implications: Council's involvement in CENTROC and Central NSW Joint Organisation is provided for within existing budget allocations.

Bathurst Community Strategic Plan - Objectives and Strategies

- | | |
|---|--------------|
| ● Objective 4: Enabling sustainable growth | Strategy 4.5 |
| ● Objective 6: Community leadership and collaboration | Strategy 6.1 |
| ● Objective 6: Community leadership and collaboration | Strategy 6.2 |
| ● Objective 6: Community leadership and collaboration | Strategy 6.3 |

Community Engagement

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

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

Recommendation: That the information be noted.

Report: The minutes of the Australia Day Working Party held on 19 February 2019 are shown at **attachment 1**.

Financial Implications: N/A

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 6: Community leadership and collaboration Strategy 6.1

Community Engagement

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

3 COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 13 MARCH 2019 (11.00019)

Recommendation: That the information be noted.

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

Apologies: Nil

1. LIFELINE CENTRAL WEST (18.00004)

Stephanie Robinson, Chief Executive Officer, met with Council to discuss the current activities of Lifeline

Discussion included:

- spoke to the high cost of training/retraining volunteers
- Lifeline Central West receive approximately 2,000 calls per month
- Lifeline is a Registered Training Organisation (RTO)
- Lifeline has historically relied on donations/grants, which is not sustainable
- Lifeline have worked with Blayney & Oberon Councils in delivering mental health checks
- "One Day Gatekeeper" training - prevention of rural suicide - trialling in Dubbo
- working with the O'Connell community in delivering "gatekeeper" training
- One goal is to make our communities suicide safer
- Desire/need to have Councils on board for the program to have an impact in the community

Financial Implications: Nil.

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 4: Enabling sustainable growth Strategy 4.3
- Objective 6: Community leadership and collaboration Strategy 6.1, 6.2, 6.3

Community Engagement

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

4 COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 27 MARCH 2019 (11.00019)

Recommendation: That the information be noted.

Report: **Present:** Councillors Hanger (Chair), Aubin (6.05 pm), Christian, Fry, Jennings, Morse, North, Rudge

Apologies: Councillor Bourke

1. AH&P ASSOCIATION - ROYAL BATHURST SHOW (18.00108)

Brett Kenworthy, Secretary, Colin McPhee, Vice President
Sam Faraway, Apology

- spoke of assistance provided by Council to Association
- spoke of Council sponsorship of Supreme Exhibits and Community Stage
- seeking continuation of sponsorship program
- plans - get back to more of its agricultural origins
- adapting to requirements for new things whilst retaining agricultural aspect

Financial Implications: Nil.

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 4: Enabling sustainable growth Strategy 4.3
- Objective 6: Community leadership and collaboration Strategy 6.1

Community Engagement

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

5 MINUTES - BATHURST REGIONAL COMMUNITY SAFETY COMMITTEE - 28 MARCH 2019 (07.00107)

Recommendation: That the information be noted.

Report: The Bathurst Regional Community Safety Committee considered the following item at the March Meeting, including the following:

- Review of Draft Bathurst Community Safety Plan 2019 – 2023.

The minutes are provided at **attachment 1**

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

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 2: A smart and vibrant economy Strategy 2.3
- Objective 4: Enabling sustainable growth Strategy 4.1
- 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.