

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

9 September 2020

His Worship the Mayor & Councillors

Notice of Ordinary Meeting of Bathurst Regional Council – Wednesday 16 September 2020

I have to advise that an Ordinary Meeting of Bathurst Regional Council will be held in the Council Chambers on Wednesday 16 September 2020 commencing at 6:00 pm.

D J Sherley GENERAL MANAGER

MINUTES OF THE ORDINARY MEETING OF BATHURST REGIONAL COUNCIL HELD ON Wednesday 16 September 2020

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1 RECORDING OF MEETINGS

2 MEETING COMMENCES

MINUTE

Meeting commenced at 6.00pm.

Present: Cr W Aubin, Cr B Bourke, Cr A Christian, Cr J Fry, Cr G Hanger, Cr M Morse, Cr I North, Cr J Rudge

3 PRAYER AND ACKNOWLEDGEMENT OF COUNTRY

4 APOLOGIES

MINUTE

MOVED: Cr I North SECONDED: Cr J Fry

RESOLVED: That the apology of Cr J Jennings be accepted and leave of absence granted.

5 MINUTES

5.1 CONFIRMATION OF MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL HELD 19 August 2020

File No: 11.00005

RECOMMENDATION:

That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 19 August 2020 be adopted.

REPORT:

The Minutes of the Ordinary Meeting of Bathurst Regional Council held on 19 August 2020 are **<u>attached</u>**.

FINANCIAL IMPLICATIONS:

Nil

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

Objective 6: Community leadership and collaboration.

Strategy 6.4 Meet legislative and compliance requirements.

COMMUNITY ENGAGEMENT:

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

ATTACHMENTS:

1. Confirmation of Minutes - Ordinary Meeting 19 August 2020 [5.1.1 - 24 pages]

File No: 11.00005

MINUTE

RESOLUTION NUMBER: ORD2020-262

MOVED: Cr I North SECONDED: Cr W Aubin

RESOLVED:

That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 19 August 2020 be adopted.

6 DECLARATION OF INTEREST

MINUTE

RESOLUTION NUMBER: ORD2020-225

MOVED: Cr W Aubin SECONDED: Cr I North

RESOLVED: That the Declaration of Interest be noted.

Cr Fry declared a non-pecuniary interest in item 8.2.3 of the DEPBS Report.

Cr Fry declared a non-pecuniary interest in item 11.1 of the agenda.

Cr Fry declared a non-pecuniary interest in item 11.2 of the agenda.

Cr Morse declared a non-pecuniary interest in item 13.1.4 of the DCSF Confidential Report.

7 MAYORAL MINUTE

7.1 COVID-19 BUSINESS AND COMMUNITY -STIMULUS MEASURES

File No: 14.00764, 16.00179

RECOMMENDATION:

- 1. Notes the actions taken to date.
- 2. Waive the Parks & Gardens Active Spaces Community Groups User Fees for 2020/21 as follows:

Rec		Job						
Code		Number	\$					
010	Playing Fields & Parks – Leases	1233.110.120						
Charge fees for the use of playing fields by sporting bodies to recoup 20% of								
maintenance costs.								
	Bathurst Archers		282.00					
	Bathurst BMX Club		2,000.00					
	Bathurst Cycle Club		2,000.00					
	Bathurst Mountain Bikes		1,006.00					
	Bathurst Cricket Association		19,629.00					
	Bathurst Croquet Club		282.00					
	Bathurst Miniature Railway		282.00					
	Bathurst Pistol Club		282.00					
	Bathurst Pony Club		1,289.00					
	Bathurst Swimming Club		282.00					
	Bathurst Touch Football		6,038.00					
	Bathurst Triathlon Club		282.00					
	Denison Dog Club		282.00					
	Eglinton Tennis Club		282.00					
	Macquarie View Tennis Club		282.00					
			Total = \$34,500					

- 3. Provide the Bathurst District Sport and Recreational Council (BDS&RC) with \$10,000 to assist affiliated sporting bodies to cover costs incurred due to COVID-19. Further, that Council delegates to the BDS&RC be delegated the authority to approve any proposed methodology/allocations for COVID-19 expenditure payments.
- 4. Provide Arts OutWest with \$10,000 to be utilised in assisting the organisation to achieve its Mission.
- 5. Adopt the budget variations as detailed within this report.

SUMMARY:

Council has received three Mayoral Minutes; 15 April 2020, 20 May 2020 and 17 June 2020, which provided an initial review of the impacts of COVID-19 on Council's operations. The reports also provided proposed actions by Council to ease the burden on local businesses and the community to help sustain the local economy and community organisations.

This report progresses Council's response and provides updated advice on Council's services to the community. The measures have been developed having regard to;

- Not putting the Council into an unsustainable situation,
- Maintaining service levels, where practicable, to the community,
- Maintaining permanent staff employment, and
- Providing assistance to businesses in the region.

The pressures on the Council, Businesses and the Community due to the impact of COVID-19 are certainly significant.

The format of this Mayoral minute is as follows;

- 1.0 Stimulus Actions Approved to Date.
- 2.0 Council Services.
- 3.0 Federal/State Stimulus Packages.
- 4.0 Community Groups/ Sporting Groups Support
- 4.1 Community Organisations Long Term Loans
- 4.2 Village Event Development Fund (VEDF)
- 4.3 Community Group Licences
- 4.4 Parks & Gardens Active Spaces Community Groups User Fees
- 4.5 BMEC Membership
- 4.6 Bathurst District Sport and Recreation Council Annual Capital Program & Operational Support
- 4.7 Creative Economy
- 5.0 Business Support and Economic Stimulus
- 5.1 Fees and Charges Businesses
- 5.2 Procurement Policy Local Business Weighting/Preference
- 5.3 Economic Recovery Business Groups Focus Meeting
- 5.3.1 Land Availability
- 5.3.2 Shop Vacancy Rates
- 5.3.3 Support for Shopping Locally
- 5.3.4 Business Support Training/ Education Sessions and Workshops
- 5.3.5 Events Economic and Social Stimulus
- 5.3.6 Economic Stimulus Measures
- 5.3.7 Promotion of City and Enhancement of CBD
- 5.4 Local Media Support
- 5.5 Payment of Council Rates Cases of Hardship & Interest Waiver
- 6.0 Rent/Lease Income Council Owned Facilities

7.0 Impacts on Council's Budget due to the COVID-19 pandemic.

Why does Council get involved in economic development and assisting local jobs and businesses?

Council's Community Plan – Bathurst 2040 includes a number of objectives and strategies, which were developed through community consultation. These include;

A Smart and Vibrant Economy Support local business and industry
Community Leadership and Collaboration Communicate and engage with the community, government and business groups on important matters affecting the Bathurst region.

Council's Community research survey 2018 listed a number of service areas and their importance for Council including;

Service Area 4: A Prosperous and Vibrant Region

When residents were asked to rate the importance of the relevant criteria, the following results were obtained,

Importance – overall

Extremely High	Supporting local jobs and businesses
Very High	Economic development
High	Industrial development

Importance Mean Scores by Key Demographics

	Overall	Male	Female	18 - 34	35 - 49	59 - 64	65+
Industrial	4.09	4.17	4.02	3.78 ↓	4.14	4.30 ↑	4.26
development							
Economic	4.36	4.43	4.29	4.27	4.39	4.44	4.36
development							
Supporting local							
jobs and	4.77	4.70↓	4.85 ↑	4.74	4.80	4.82	4.74
businesses							

	Ratepayer	Non-	Rural	Urban	< 20	>20
		ratepayer			years	years
Industrial development	4.11	3.99	4.17	4.07	4.01	4.13
Economic development	4.37	4.33	4.38	4.35	4.36	4.36
Supporting local jobs and businesses	4.80	4.66	4.75	4.78	4.70	4.81

Scale: 1 = not at all important, 5 = very important

$\uparrow \downarrow$ = A significantly higher/ lower level of importance (by group)

	Not at all	Not very	Somewhat	Important	Very	Base
	important	important	important		important	
Industrial	3%	7%	17%	23%	50%	402
development						
Economic	1%	2%	14%	28%	56%	402
development						
Supporting local						
jobs and	0%	1%	3%	15%	82%	402
businesses						

Detailed Overall Response for Importance

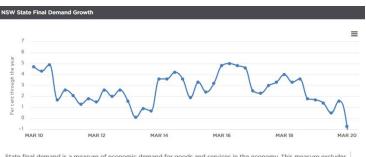
Economic Impacts COVID-19 Pandemic

Limited information is available to review LGA level impact. The Mayoral Minute 20 May 2020 noted that the most impacted sectors of the Australian economy were;

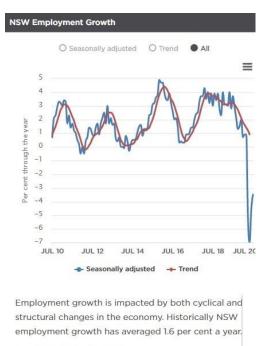
- 1. Food and Beverage Services,
- 2. Professional, Scientific and Technical Services,
- 3. Retail,
- 4. Education, and
- 5. Air Transport.

Recent data released by the NSW Treasurer advises;

- New South Wales' economy is forecast to contract by as much as 10% in the second half of the 2019/20 financial year.
- Unemployment forecast to rise to 7 ³/₄% in the second half of the 2019/20 financial year.
- The flow-on effect on key revenue streams is expected to result in around \$20 billion of lost revenue for the NSW Government over the next five-year period.
- During April 2020, 220,000 people lost their jobs in the State, with that figure tipped to rise to 275,000 by the end of the June 2020 Quarter.







Source: ABS 6202.0 (monthly)

Whilst many businesses have been negatively impacted by the COVID-19 pandemic, it is interesting to note DA Statistics for the last year. There has been no discernible reduction in approvals as of yet due to COVID-19.

First six months of this year: 1 January 2020 - 30 June 2020

- 331 applications lodged (232 DA, 99 CDC)
- Value of new applications = \$98,101,542.00
- No, applications determined = 278
- Average approval time 35 days

For the same period last year: 1 January to 30 June 2019

- 305 applications lodged (215 DA, 90 CDC)
- Value of new applications \$65,910,866
- No. applications determined = 288
- Average approval time 31 days

For the full financial year now completed: 1 July 2019 – 30 June 2020

- 699 applications lodged (471 DA, 228 CDC)
- Value of new applications = \$202,266,288
- No. applications determined = 587
- Average approval time 31 days

The data applies to DA's and CDC's only, construction may be delayed from approval date, which is valid for 5 years.

Further, Council recently released Sunnybright 1B – Land release, at a ballot in August 2020. Twenty-one (21) of the thirty nine lots were sold on the day (53% of lots)

REPORT:

1. <u>Stimulus Actions Approved to Date</u>

Prior Mayoral Minutes have resulted in the following measures/actions. Financial impacts are dealt with further in Section 7.0.

a. Fee and Charges Review

Detail	Action	Mayoral Minute	20/21 Value \$\$	19/20 Value \$\$
User fees and Charges Outdoor	Waiver 1/3/2020 –	15.04.20	14,224	9,233
Dining Fees	31/12/2020.			
Health Inspection Fees – Food/ General	√	15.04.20	28,243	18,333
Health Inspection Fees – Skin/ Hairdressing	~	15.04.20	1,500	1,500
Health Inspection Fees – Bed and Breakfast	✓	15.04.20	1,000	833
Health Inspection Fees – Temporary/ Mobile Food Outlets	✓	15.04.20	750	333
Health Inspection Food Act – Admin Fee	Waiver 1/7/2020 – 31/12/2020.	15.04.20	21,567	-
Trade Waste Inspection Charges – Sewer	Waiver 1/3/2020 – 31/12/2020.	15.04.20	19,859	12,668
Tourism Partnership Program Fees	Waiver 1/7/2020 – 30/6/2021.	15.04.20	60,000	-
Section 7:11 (Formerly S:94 Contributions)	Deferral of payment 1/7/2020 – 30/6/21. Waiving of Admin Fee of \$400 for deferred payments.	15.04.20	34,900	-
Development Application Fee (BRC Charges only)	Reduction of 50% in fee for 2020/21.	15.04.20	98,075	-
Other Miscellaneous Fees – DA, S:68 & Subdivision	Reduction of 50% in fee for 2020/21.	15.04.20	89,700	-
User Fee for id economic modelling	Waiver 1/7/2020 – 30/6/2021.	17.06.20	1,500	-
User Fees and Charges Footpath Obstructions Licence Fees	Waiver 1/7/2020 – 30/6/2021.	17.06.20	10,270	-
		TOTAL	381,588	42,900

(b) Community and Sporting Groups Support

Detail	Action		20/21 Value \$\$	19/20 Value \$\$
Parks & Gardens Active Spaces	Waive 2020 fees.	15.04.20	-	53,819
User Fees (select groups)				
Community Organisations Long	Repayments 2020/21	20.05.20	19,379	_
Term Loans	deferred.			
	Interest charges			
	2020/21 waived.			

Village Events development Fund	Funding of \$40,000 included in 2020/21 budget.	20.05.20	_	-
Hospitality Business (Outdoor Dining)	Encouraging use, where suitable, by businesses of Council footpaths.	20.05.20	_	-
Community & Sporting Group Licenses (Leases)	Waiver of 2020/21 License Fees.	20.05.20	14,463	-
Childcare Service Provision	Implementation of Government imposed protocols.	Cost Recovery	213,335 <213,335>	-
Library fines	Waiver 1/7/2020 – 31/12/2020.	20.05.20	5,232	-
BMEC Membership Fees for existing 2020 Members	Waiver of 2021 fees.	17.06.20	5,920	-
BDS&RC Sporting Grants 2020/21 for Capital Works	Approval to use \$20K grant for operational expenditure.	17.06.20	_	_
		TOTAL	44,994	53,819

(c) Other Items

Detail	Action	Mayoral Minute	20/21 Value \$\$	19/20 Value \$\$
Procurement Policy – Local Business Weighting to 10%	Amendment to 30/6/2021.	15.04.20	-	_
Payment of Council Rates	Cases of hardship will be dealt with on a case by case basis. Interest charge on overdue rates and charges set to 0% for 1/6/2020 – 31/12/2020.	20.05.20	109,333	_
Assistance Bathurst Business Chamber	One-off payment of \$18,000.	20.05.20	-	18,000
Local Media Support	Annual media usage profile maintained 2020/21.Value around \$140,000p.a.	20.05.20	_	_
Water from Standpipes reduced pricing levels	Reduction of 50% to \$2.50/kL to 31/12/2020.	20.05.20	11,004	-
Rent/ Lease Tenancies – Relief (Commercial and Residential – 50% provision)	Dealt with on a case by case basis, general position of deferral adopted.	_	301,136	-
Rent/Lease Tenancies Commercial	Freeze on rent increases under Federal Code of Conduct (Commercial) mandatory.	_	32,550	_

"Doors Open" Marketing Campaign	Campaign implemented 2020/21.	17.06.20	20,000	-
Jobs Expo Program	Enhanced program for 2020/21 to assist recovery employment market.	17.06.20	10,000	_
Biz Month	Enhanced program to include business education component.	17.06.20	10,000	_
Formal Business Attraction Program	Implement enhanced business attraction program to increase local investment/jobs.	17.06.20	50,000	-
Upstairs Start Up Hub	Funding assistance to maintain viability of program.	17.06.20	_	10,000
Buy Local Gift Card Program	Increased funding to stimulate local economy.	17.06.20	-	10,000
VFR Marketing Campaign (Tourism)	Enhanced campaign to attract visitation to the area.	17.06.20	10,000	_
		TOTAL	554,023	38,000

2. <u>Council Services</u>

Council is working to maintain as many services as practicable, with a number of these being provided in altered formats. The BVIC is an example of this, where campaigns such as "Take a Moment" and expansion of e-commerce are occurring. Facilities are generally all open to the community.

The work locations of staff continue to be reviewed and as a risk management approach, offices have been established at the following sites to allow for separation of staff and to best ensure continuity of service provision. At this time, there are 17 staff members Working From Home (WFH), the maximum number during the COVID-19 pandemic was 35.

The current status of Bathurst Regional Council facilities is as follows;

Location/ Facility	Status
Art Gallery	Closed from 23 March – Reopened 9 June 2020.
Library	Closed from 23 March. Call and Collect service put in place 4 May 2020 – Reopened 9 June 2020.
Bathurst Memorial Entertainment Centre	Closed from 23 March – Reopened limited services 5 August 2020.
Visitor Information Centre	Closed from 24 March – Reopened 3 June 2020.
Manning Aquatic Centre Bathurst	Closed from 23 March – Reopened 20 June 2020.
Chifley Home	Closed from 23 March.
Dog Pound	Remains open by appointment only.
Parks	Remain open, with appropriate social distancing.

Crematorium/Cemetery	Remains open, with appropriate social distancin and with restricted numbers of attendees.			
Community Halls	Those managed by Council closed from 23 March 2020, opening dates occurred from 13/6/2020 where practicable.			
Scallywags Child Care Centre	Remains open, with appropriate social distancing.			
Kelso Community Hub	NSW Health continuing to use for their clinics. Other BRC and third-party services are returning to facility, 16 June 2020.			
Family Day Care	Remains open, with appropriate social distancing. Administration is operating out of Bathurst Regional Council's Children's Services Building.			
Bathurst Rail Museum	Closed from 23 March – Reopened 5 June 2020.			
National Motor Racing Museum	Closed from 23 March – Reopened 3 June 2020.			
Fossil and Mineral Museum	Closed from 23 March – Reopened 4 June 2020.			
Aerodrome	Remains open, with appropriate social distancing. Regional Express airlines (REX) has operated in a reduced/ limited capacity since April 2020.			
Depot	Remains open, with appropriate social distancing. Public access restricted.			
Civic Centre	Remains open, with appropriate social distancing. Some staff relocated to other Council facilities for risk mitigation.			
Mount Panorama	Remains open, with appropriate social distancing. A proportion of BRC staff from other work areas have relocated to the Pit Complex for risk mitigation, no public access. Staff to relocate to other locations September 2020 due to Car Races setup.			
Wastewater Treatment Works	Remains open, with appropriate social distancing. No public access.			
Water Filtration Plant	Remains open, with appropriate social distancing. No public access.			
Workshop	Remains open, with appropriate social distancing. Public access restricted.			
Waste Management Centre	Remains open, with appropriate social distancing. Kerbside waste, recycling, and food and waste services continue as per normal operations.			
Begonia House and Fernery	Closed from 31 March.			

3. Federal/ State Stimulus Packages

The Federal and State Governments have announced extensive stimulus packages to assist the nation during the COVID-19 pandemic. The main ones relevant to Local Government services include;

• Relief for Commercial Tenants – Code of Conduct (Federal)

Program is a Federal initiative which puts in place a rent reduction regime on Council with no financial funding for Councils who have commercial tenants in Council buildings.

- Childcare Funding (Federal) This program put in place a no charge regime on Council for those utilising childcare services, whilst providing no funding for Council, as Councils were ruled ineligible for the Federal Government JobKeeper program
- Childcare Support (State) This program was introduced by the State Government to offset the Federal Childcare funding program. BRC obtained \$213,335, which offset the costs incurred by Council.
- Cleaning of Public Buildings (State \$250 million)
 Council has not been able to access any reduction in costs through this program.
- Showground maintenance and improvement (State \$25 million) Council does not operate the Showground in Bathurst. Applications were made for Sofala and Trunkey Creek showgrounds. Both applications were unsuccessful in the first round of funding.
- Job Retention Allowance (State \$112.5 million)
 State equivalent for local government of the JobKeeper program. Council at this time is not eligible for funding.
- Emergency Services Levy Relief (State \$32.76 million) This is a rebate on a State imposed charge that has increased 49.8% in the last two years. The subsidy is a one-off, Council is eligible for this. An offset of \$26,228 will be received against the 2020/21 budget allowance.
- Access to T-Corp Loans (State \$250 million) Council is eligible for this program. Council has not utilised this facility at this time, having regard to ensuring council does not go into an unsustainable financial position and also that commercial borrowings e.g., banks have been at cheaper interest rates.
- Residential Tenancies Support (State) This is a State program initiative which puts in place a rent reduction regime on Council with no financial funding (land tax relief) for Councils who have residential tenants in Council buildings.
- Pound Grants (State \$500,000) Council is eligible for this program and has received \$4,000
- Local Roads and Community Infrastructure Program (Federal \$500 million) Council is eligible for this program and has received \$1,248,599.
- FAG Assistance Grants early payment (Federal \$1.3 billion) Council has received early payment of FAGs payment into the 2019/20 financial year.
- NSW Small Business Month Grant Council is eligible for this program and has received \$2,000.

4. Community Groups/ Sporting Groups Support

An extensive array of assistance has been developed for Community and Sporting groups these are;

1. Community Organisation's – Long Term Loans

As part of working with community groups in developing facilities for the Bathurst Region, Council's Donations Policy: Section 356, contains provisions for Council to be able to make: Loans to Service Clubs, Sporting Clubs and Non-Profit Organisation. The guidelines include inter alia; 1. The council may lend money to any Service Club, Sporting Club or Non-Profit Organisation, which is not conducted for private profit, which has its purpose, the provision of one or more of the following:

- community services and facilities
- public health services and facilities
- cultural, educational and information services and facilities
- sporting, recreational and entertainment services and facilities
- environment conservation, protection and improvement services and facilities
- waste removal, treatment and disposal services and facilities
- pest eradication and control services and facilities
- public transport services and facilities
- storm water drainage and flood prevention, protection and mitigation services and facilities
- fire prevention, protection and mitigation services and facilities
- land and property development
- housing
- industry development and assistance
- tourism development and assistance

Currently the following Long-Term Debtors are in place.

Organisation	Balance Loan Schedule @ 30.6.20 (anticipated)
75's Soccer Club	\$40,397.03
Carillon Theatrical Society	\$66,805.50
AFL Bushrangers	\$83,644.27
Pistol Club	\$955.69
Eglinton District Tennis	\$12,108.92
Bathurst Clay Target Club	\$6,566.68
Bathurst Harness Racing Club	\$16,416.66
Bathurst Bike Park Inc	\$91,761.89
Bathurst Hockey	\$62,651.84
TOTAL	\$381,308.48

Council has approved that repayments on these loans, be deferred for the year 2020/21 and any interest charges for the year 2020/21 be waived. The effect is to add basically a year onto the loan schedules without penalty to assist in cash flows. The Organisations if they so wish, can make the 2020/21 instalments but no interest will be charged for 2020/21. Interest charges will recommence 1 July 2021, the estimated value of the interest charges to be waived (with no repayments made) is \$19,379 – 2020/21.

2. Village Event Development Fund (VEDF)

The Village Event Development Fund (VEDF) was introduced by Council in 2019/2020 and provided financial support to events in Rockley, Sofala and Wattle Flat while successful applications for funding from Hill End and Peel were unfortunately unable to proceed due to imposition of COVID-19 restrictions. This program has been maintained for 2020/21.

Given the uncertainty surrounding the hosting of large gatherings and events, this \$40,000 Fund can be reallocated, if needed, in 2020/21 to provide additional economic stimulus to the villages of the Bathurst region in the form of activities and expenditures

that will benefit small businesses and local communities. Activities may include advertising, online capacity building and training, public relations activity and marketing, the VEDF will be reviewed later in the year.

3. Community Group Licences

DCSF Confidential report #3, 20 May 2020, included a detailed listing of Council's current rent portfolio. An assessment of the possible impacts on Council's rental portfolio, having regard to Federal and State initiatives is listed in the following table;

LEASE TYPE	NUMBER	CURRENT ANNUAL RENTAL CHARGE (\$)	POTENTIAL RENTAL IMPACT TO 2020/21
Residential	7	440	25,860
Commercial Leases	43	1,160,820	580,412
Aerodrome	30	122,604	61,307
Community Group Licences	13	4,462	2,182
Rural Licences	24	75,278	38,488
Sporting Group/	21	10,001	5,158
Club Licences			
TOTAL	142	1,476,605	713,407

Council has generally deferred (not waived) rent where the conditions specified by the Federal & State Governments apply, noting that each request for relief will be dealt with on a case by case basis.

Lease/ rent/ licence fees for the following sporting/community groups have been waived for 2020/21.

Community Group Licences

Estimated licence fee waived \$4,462 for 2020/21.

	Comments	Property
W189	Bathurst Stamp, Coin, Collectables &	Park Street, Eglinton
	Lapidary	
W199	Bathurst Miniature Railway	261 Durham Street, Bathurst
W204	Evans Art Council	7 Lee Street, Kelso
W220	Bathurst District Historical Society (The	47 Mitre Street, West Bathurst
	Annex)	
W224	Bathurst District Historical Society	16 Stanley Street, Bathurst
W238	Licence – Machattie Park Cottage	William Street, Bathurst
W284	St Johns Ambulance Volunteers	58 Christie Street, Raglan
W6877	Macquarie Lions Club of Bathurst	8 Stanley Street, Bathurst
W212	Meals on Wheels	4 Watt Drive, Robin Hill
W2921	The Junction	357 College Road, Orton Park
W1709	Lions Club of Bathurst	6 Short Street, West Bathurst
GL1233	Central Tablelands Woodcraft Inc.	Lot 5 Sydney Road, Kelso
GL1233	Bathurst City & RSL Band Association.	Lot 2 Bradwardine Road, Windradyne
Sporting	Group/ Club Licences	· · ·

Estimated Licence fee waived \$10,001 for 2020/21.

Property

W196	Eglinton Tennis Club	Park Street, Eglinton
W231	Bathurst Light Car Club (Quarry Site)	Lot 2 College Road, Mt Panorama
W1708	Bathurst Greyhounds	Lot 23 Upfold Street, Gorman's Hill
W2775	Bathurst Triathlon Club	8 Stanley Street, Bathurst
W2776	Bathurst Amateur Swimming Club	8 Stanley Street, Bathurst
W3767	Bathurst Bushrangers ARFC	189A Browning Street, Bathurst
W4458	Bathurst Touch Football Association	Lot 5 Sydney Road, Kelso
W4459	Bathurst Rugby Club Inc	67 Hereford Street, Kelso
W4574	Bathurst Netball Association	261 Durham Street, Bathurst
W5046	Bathurst Harness Racing Club	169 College Road, South Bathurst
W5071	Bathurst Hockey Association	Lot 5 Sydney Road, Kelso
W5099	Rugby Union Cricket Club	Lot 7013 Vittoria Street, West
		Bathurst
W5572	Bathurst City Croquet Club	32 William Street, Bathurst
W5573	Macquarie View Tennis Club	Lot 108 Esrom Street, West Bathurst
W5574	Bathurst & District Bridge Club	47 Mitre Street, West Bathurst
W6055	Bathurst Archers Inc	Lot 283 Boundary Road, Mitchell
W6389	Bathurst Pigeon Club	Lot 7310 Mid Western highway, Robin
		Hill
W6391	Bathurst Clay Target Club	Lot 40 Boundary Road, Mt Panorama
W6392	Bathurst Rifle Club	Lot 40 Boundary Road, Mt Panorama
W7544	St Patricks Rugby League Club	19 Hereford Street, Kelso
GL1233	Bathurst Panthers RLFC	48 Durham Street, Bathurst

4. Parks & Gardens Active Spaces Community Groups – User Fees

Council has many parks and gardens (active spaces) for which various community groups contribute to operating costs. These volunteer groups are extremely important to the fabric of the community, and the conduct of sport and associated tournaments is a fundamental facet in the Bathurst tourism economy.

Council in Mayoral Minute 15 April 2020 waived the fees generally for winter sports with a future review to occur for summer sports such as; touch football and District Cricket. Below is a table of Councils schedule of charges for 2020/21, noting those that have been waived already in calendar year 2020, totaling \$53,819. (Marked in green)

Rec		Job	GST	2019/2020	2020/2021	Pricing
Code		Number		\$	\$	Category
010	Playing Fields & Parks –	1233.110.120				
	Leases					
Charge costs.	e fees for the use of playing	fields by sportin	g bodie	es to recoup	20% of main	tenance
	Bathurst Archers		Y	268.00	<mark>282.00</mark>	2
	Bathurst Australian Rules		Y	1,057.00	1,110.00	2
	Football Club					
	(Bushrangers)					
	Bathurst Giants AFL		Y	1,057.00	1,110.00	2
	Bathurst BMX Club		Y	2,000.00	<mark>2,000.00</mark>	2
	Bathurst Cycle Club		Y	2,000.00	<mark>2,000.00</mark>	2
	Bathurst Mountain Bikes		Y	1,006.00	<mark>1,006.00</mark>	2
	Bathurst Cricket		Y	18,694.00	<mark>19,629.00</mark>	2
	Association					
	Bathurst Croquet Club		Y	268.00	<mark>282.00</mark>	2
	Bathurst District Soccer		Y	14,198.00	14,908.00	2

Bathurst Hockey Association	Y	<mark>5,495.00</mark>	5,770.00	2
Bathurst Miniature Railway	Y	268.00	<mark>282.00</mark>	2
Bathurst Netball Association	Y	<mark>3,837.00</mark>	4,029.00	2
Bathurst Pistol Club	Y	268.00	<mark>282.00</mark>	2
Bathurst Pony Club	Y	1,227.00	<mark>1,289.00</mark>	2
Bathurst Rugby Union Club	Y	7,507.00	7,883.00	2
Bathurst Swimming Club	Y	268.00	<mark>282.00</mark>	2
Bathurst Touch Football	Y	5,750.00	<mark>6,038.00</mark>	2
Bathurst Triathlon Club	Y	268.00	<mark>282.00</mark>	2
Denison Dog Club	Y	268.00	<mark>282.00</mark>	2
Eglinton Tennis Club	Y	268.00	<mark>282.00</mark>	2
Macquarie View Tennis Club	Y	268.00	<mark>282.00</mark>	2
Panthers Rugby League Club	Y	10,334.00	10,851.00	2
St Patrick's Rugby League Club	Y	10,334.00	10,851.00	2

It is <u>recommended</u> that the maintenance fees be waived for the following groups for the period 2020/21;

- Bathurst Archers
- Bathurst BMX Club
- Bathurst Cycle Club
- Bathurst Mountain Bikes
- Bathurst Cricket Association
- Bathurst Croquet Club
- Bathurst Miniature Railway
- Bathurst Pistol Club
- Bathurst Pony Club
- Bathurst Swimming Club
- Bathurst Touch Football
- Bathurst Triathlon Club
- Denison Dog Club
- Eglinton Tennis Club
- Macquarie View Tennis Club

The waiver will result in a loss of income to Council of \$34,500 in the year 2020/21. (Yellow)

5. **BMEC Membership**

The COVID-19 pandemic continues to have a significant impact on the Bathurst Memorial Entertainment Centre. In 2019/20 there were 148 BMEC members who paid \$40 to receive membership benefits in the 2020 calendar year. Due to COVID-19 there has been virtually no opportunity to make use of these entitlements and this impact will continue further into the year.

Memberships for 2020 were rolled over to 2021, effectively waiving the membership fees for existing members in 2021. The Budget impact of this position will be a loss of income of \$5,902 in 2020/21.

6. Bathurst District Sport and Recreation Council – Annual Capital Program and Operational Support

Council has provided a number of initiatives to support sporting groups as part of the response to the COVID-19 pandemic, these include;

- Waiving of Parks and Gardens Active Spaces User Fees for certain groups, refer Mayoral Minute 15/04/2020, estimated cost \$53,819, (2019/20)
- Deferral of principal repayments on L.T Loans and waiver of interest charges 2020/21, refer Mayoral Minute 20 May 2020, estimated cost of interest waiver \$15,397 for sporting groups.
- Sporting Group licence (Lease) Fees, waiver of 2020/21 License Fees, refer Mayoral Minute 20 May 2020, estimated cost \$10,001.
- Waiver of Health Inspection Fees Food/ General & Temporary/ Mobile Food Outlets, refer Mayoral Minute 15 April 2020, estimated cost \$577.

Council also advised the BDS&RC that they were able to allocate the Council funds for 2020/21 to member organisations to assist in payment of operational expenditures if they so choose. To ensure probity in this process, any proposed methodology/ allocation must be approved in writing by Council's delegates to the BDS&RC, currently these are Cr Christian and Cr North. (Mayoral Minute 17.06.2020)

The Bathurst District Sport and Recreation Council is a body set up to encourage, promote and develop sport and recreation within the Bathurst District, it also co-ordinates, encourages, assists and supports sporting and recreation activities of various affiliated clubs, organisations and individuals.

This Mayoral Minute (refer section 4.4) also proposes that an expansion of the waiver of Parks and Gardens Active Spaces – User Fees be approved by Council. This will cost an estimated \$34,500 for the 2020/21 financial year.

The assistance provided and proposed in this Mayoral Minute to support sporting groups during the COVID-19 pandemic is estimated now to be in excess of \$120,000.

Feedback has also been received from Councillors through the BDS&RC, that groups are incurring high costs in complying with COVID-Safe plans e.g. Cleaning costs. Council has provided a high level of support to date; however it is considered appropriate to provide some extra funding to ensure the ongoing operations of these groups. It is <u>recommended</u> that Council allocate \$10,000 to the BDS&RC for allocation out to their members to assist with COVID-19 costs incurred. To ensure probity in the process, any proposed methodology/allocation must be approved in writing by Council's delegates to the BDS&RC, currently these are Cr Christian & Cr North.

7. Creative Economy

One of the areas hardest hit by the COVID-19 Pandemic has been the creative economy. A recent study in the USA – *Lost Art: Measuring COVID-19's devastating impact on America's creative economy* (August 2020) noted the following;

- Estimated job losses of 2.3 million (creative occupations),
- Represents loss of 20% of all creative occupations,

• Loss of \$74 billion in average monthly earnings.

Similar major impacts are occurring in Australia. Support is being provided through programs such as;

- BRAG has been focused on delivering exhibitions that engage local artists and/or have regional relevance. To support this commitment, BRAG has cancelled the presentation of two incoming touring exhibitions in order to make space in the program for regional projects in development.
- Engagement of local musicians for the Winter Festival and BizMonth programs.
- BMEC is introducing "two shows in one booking option" for hirers. BMEC will offer theatre venue hirers the opportunity to have two show times this will allow for more people to see the shows and offer the hirer an opportunity to recoup costs via ticket sales across two shows, (extra labour will be charged to the hirer).
- BRAG will change the way a proportion of the 2020/21 acquisitions budget (\$31K) is used, to commission four regional artists to create new work for inclusion in an innovative project titled CEL: The Artist as an Animator.
- BRAG will offer a Hill End Artist in Residency position, to a local artist at no charge in the first half of 2021.

Councillors recently had a presentation from Tracey Callinan of Arts OutWest concerning COVID-19 impacts and the support program they have introduced.

This is an innovative recovery project and the group certainly have an understanding of the impacts occurring in the creative industry. Arts Out West's mission is;

"Promote, facilitate, educate and advocate for arts and cultural development for communities of the NSW Central West.

To assist in the recovery of this industry it is <u>recommended</u> that Council provide \$10,000 in funding to Arts OutWest to assist it in achieving its mission. This proposal to assist an industry supporting group, is commensurate with recent funding approvals such as; Bathurst Chamber of Commerce \$18,000 (Mayoral Minute 20.05.20), Upstairs Start Up Hub \$10,000 (Mayoral Minute 17.02.20), Active Space Sporting Groups \$53,819 (Mayoral Minute 15.04.20)

5. Business Support and Economic Stimulus

An array of Council fees/charges have been waived as part of Council's response to the COVID-19 pandemic. These are detailed in Section 1 of this Mayoral Minute, for the year 2020/21 the fees waived are estimated to be around \$390K (2020/21). **5.1 Fees and Charges – Businesses**

The type of fees/charges waived or reduced include;

- Outdoor Dining Fees,
- Health & Food Inspection Fees,
- Health Inspection Fees Skin/Hairdressing,
- Health Inspection Food Administration Fee,
- Development Application Fees.

5.2 Procurement Policy – Local Business Weighting/Preference

Council currently has in place a local procurement policy weighting of 5% as follows, refer <u>https://www.bathurst.nsw.gov.au/images/stories/council/public_docs/BRC_Purchasing_Manual_Sept2017.pdf;</u>

4.4. Preference to Local Suppliers Subject to Trade Practices and National Competition Policy requirements, where appropriate, a preference of 5% on product cost may be given to Bathurst Region based suppliers for satisfactory goods of identical properties to those offered by suppliers based outside the Bathurst Region. Where it is intended to use this clause, it must be clearly notified to all prospective suppliers prior to the closing date for receiving quotations or tenders.

The local procurement policy has been amended to 10% preference, until 30 June 2021 having regard to the existing constraints in the purchasing policy and fit for purpose of the product/service being provided.

3. Economic Recovery – Business Groups Focus Meeting

Focus group meetings with industry representatives have commenced so as to obtain feedback/ suggestions on possible responses to the COVID-19 pandemic.

The main matters raised so far have included;

- i. Land Availability
- ii. Shop Vacancy Rates
- iii. Support for Shopping Locally
- iv. Business Support Training/ Education Sessions/ Workshops
- v. Events Economic and Social Stimulus
- vi. Economic Stimulus Measures
- vii. Promotion of the City and enhancement of CBD

5.3.1 Land Availability

The importance of having land available as the economy turns around has been raised. There are a number of developers in town, of which Council is one. Council is working to ensure an adequate supply exists, particularly for industries either growing within Bathurst or relocating here. Processes such as the Local Strategic Planning statement (LSPS) assist in this. The following table gives indicative timelines and lots currently in Council's land development plans.

DESCRIPTION	LAND TYPE	INDICATIVE TIME
Sunnybright 1A: 34 Lots available	Residential	Now available
Sunnybright 1B: 39 Lots	✓	Ballot August 2020. 21 Lots
		were sold.
Windy 1100: 200 Lots	✓	2020/21
Sunnybright 2: 125 Lots	✓	2022/23
Eglinton (Radio Towers): 100 Lots	✓	2023/24
Kelso Industrial Hampden Park: 9 Lots	Industrial	Now available
Kelso Industrial Hampden Park: 33	✓	2020/21
Lots		
Toronto Street Industrial Estate: 8 Lots	✓	2022/23
Bathurst Trade Centre: 11 Lots	Commercial	2021/22

*Timelines are subject to change having regard to supply and demand.

5.3.2 Shop Vacancy Rates

In November 2019 the Economic Development section of Council undertook a CBD count of businesses, to determine the retail makeup of the CBD. The purpose of the count was to provide a benchmark for future analysis of the business mix in the CBD. The benchmark has also been useful in assessing the impact of the COVID-19 pandemic on businesses in Bathurst, by utilising CBD results as a template.

Comparing the data obtained from last November's count, each CBD property was revisited in April/May 2020 and classified as follows;

1. Business open

2. Business temporarily closed due to COVID-19, until Government

regulations permit or the owners deem it profitable to reopen

3. Business has permanently closed (i.e; has not relocated – whether due to COVID-19 or another reason)

9

2

50

4. The original business has closed but a new business has opened

5. Business has relocated out of the CBD

6. A once empty shop has had a new business move in

7. The shop was empty pre COVID-19 and remains empty

The shop count identified 509 retail CBD shops. The break-up is as follows:

- 1. Business open 276
- 2. Business temporarily closed168
- 3. Business permanently closed
- 4. Original Business closed but new store 1
- 5. Store has relocated out of the CBD 3
- 6. New business in formerly empty shop
- 7. Empty stores (Pre COVID-19)

Total 509

The CBD occupancy rate remains above 90% if temporary closures due to COVID-19 are included. It is expected that with restrictions being slowly relaxed, many of the fashion stores that have temporarily closed will reopen in the near term. Chain stores such as the Accent Group, Lovisa and Brand Collective have announced that they will reopen stores. This will assist the two major shopping centres (Armada and Bathurst City Centre) as chain stores are heavily represented in their tenancy. Some stores that were closed as a result of COVID-19, have already re opened since the latest survey was conducted.

Council is providing support through reduced fees/ charges, buy local campaigns and the provision of assistance through the Economic Development section and other Council departments.

It is intended to update the count by the end of the year to provide a profile over 12 months of businesses in the CBD.

5.3.3 Support for Shopping Locally

Bathurst Regional Council launched the Bathurst Buy Local Gift Card in 2015. The initiative encourages residents to shop locally and demonstrates Council's strong support for small businesses with the cards only able to be spent at participating stores in Bathurst.

During COVID-19, Council has utilised the Gift Card program to support local businesses through various competitions. This includes a competition run over a 10-week period with

a \$200 Gift Card to be won each week for those who shop in participating stores there were over 3,200 entries. The BVIC and Events teams have also run Gift Card promotions.

Due to the number of programs promoting the Gift Cards, Council has seen a small increase in the number of local shops wanting to participate in the program. As of September 2020, there were 134 participating stores. The total amount of money loaded on the cards since the program started has now surpassed \$600,000 as of August 2020.

The campaign to 'shop locally' was supported through the April Mayoral Minute, where the Local Procurement policy was altered to reflect a Local Business weighting of 10% to 30 June 2021.

In addition to the 'Buy Local' initiative, the "Doors Open" campaign has been launched during the recovery period to get people out and shopping again and visiting the Bathurst region. The campaign includes; social media, print media, entrance billboards, radio, TV and street flag campaigns. The campaign has also promoted the Gift card program extensively.

DoorsOpen has received attention from the 'Go Local First' national campaign led by the Council of Small Business Organisations Australia (COSBOA). Council was directly contacted by the Ambassador of the Go Local First campaign, to gather information about DoorsOpen and the reasons for its success. Since contacting Council, the Go Local First campaign has utilised content from DoorsOpen such as the "Love My Local", which is a great credit to Council's Campaign.

These programs link with initiatives from groups such as the Bathurst Business Chamber's – Keep it Local Bathurst campaign.

Council is currently investigating a 'Pop-up Shop' initiative in partnership with Renew Australia, a not-for-profit organisation behind the successful Renew Newcastle and Renew Adelaide programs. Council intends on activating vacant shop fronts in the CBD by placing local artwork and cultural pop-ups in them to improve the visual appeal of the CBD and increase foot traffic.



5.3.4 Business Support Training/ Education Sessions and workshops

A Business Focus group raised the need to assist businesses with relevant training/ workshops to meet the new "norms" such as increased e-commerce, networking skills etc. Council through the Tourism and Economic Development sections can act as a facilitator in this regard, further actions include;

- Biz Month Conduct of workshops e.g. core marketing and social media skills, staff and financial management, developing new business relationships.
- Business Leaders lunch.

The provision of \$18,000 in funding to the Bathurst Business Chamber (May Mayoral Minute) will also allow the Chamber to conduct education/ training programs if they so wish. Further, Council has received \$2,000 under the NSW Small Business Month funding program. This will fund a seminar on the importance of content for local businesses. Business owners will learn how to identify their market and tailor content on social media platforms.

BizMonth takes place during September to celebrate and support the Bathurst Region's local businesses. This year the program is focusing on assisting businesses to recover and adapt to the new business landscape, with a particular focus on resilience and transformation. During BizMonth there will be approximately 15 different business events including business education workshops, the successful BizMonth Lunch, Crazy Day and Virtual Business Awards.

BizMonth is led by Bathurst Regional Council with the support of the Bathurst Business Chamber, Rotary Club, Western Advocate, Upstairs Start-Up hub, Bathurst City Life and 2BS.

BizMonth provides events that showcase the latest ideas, technology and best practice to the business community and to reinforce the importance of small businesses in the Bathurst economy.

Council also (Mayoral Minute 17 June 2020) resolved to provide funding to the Upstairs Start Up hub to encourage the emergence of new businesses and creation of new jobs. An amount of \$10,000 was provided.

5.3.5 Events – Economic and Social Stimulus

Events were discussed as they are a very successful tool for generating visitation leading to economic and community (social) development.

The Events team continue to work on presenting a range of modified events to facilitate community wellbeing and economic activity. The modified Winter Festival was well received, in particular the Drive-In Cinema at Mount Panorama, the light show and the performance of local musicians in various commercial enterprises throughout the CBD.

The Events team are closely working with the BVIC to generate awareness and stimulus activities. Campaigns such as; staycation (holiday at home), development of an online store to tie into the 'Support Local' campaign and media promotions will assist.

Council has continued to attract programmes such as; Sydney Weekender, 18/19 August 2020, to promote the region and generate economic stimulus.

5.3.6 Economic Stimulus Measures

Council has implemented a suite of stimulus measures to assist in the response to the COVID-19 pandemic, including for the recovery phase. For greater detail on these measures, reference should be made to;

- Mayoral Minute Ordinary Meeting 15 April 2020
- Mayoral Minute Ordinary Meeting 20 May 2020

• Mayoral Minute – Ordinary Meeting 17 June 2020 And this report.

5.3.7 Promotion of City and Enhancement of CBD

The promotion of the City is generally covered in other sections of this report. In terms of enhancement, these discussions revolved around facets such as; signage, car parking, CBD presentation, public art etc.

In regard to these items, the issue of signage is generally covered by Council's DCP's. Council regularly reassesses the content of these instruments and this is an ongoing process.

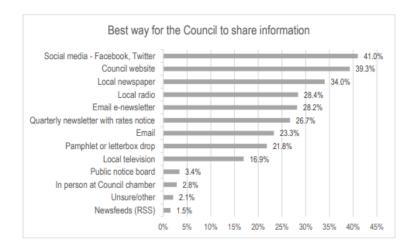
Currently Council is undertaking a CBD Masterplan process, which will facilitate discussions on how the area operates, including car parking, and how the precinct is presented. This is a great opportunity to develop strategies for the future of the CBD, including public art opportunities. The Council has not made any decision on the CBD masterplan. At this time feedback is still being sought before a draft plan can be prepared. When the draft plan is available, further community consultation will occur before any final document is adopted by Council.

To facilitate public art, Council recently put in place a public art policy and an expert panel to provide advice to Council on its implementation. Funding for implementation is now being sought. This is a great opportunity to further develop the character of the CBD.

4. Local Media Support

The Mayoral Minute 20.05.2020 drew Councillor's attention to recent cutbacks in the Media industry. This includes the advice by Australia Community Media (ACM) on 14 April 2020, where they were closing down four press facilities, and the suspension of production of the printed version of a number of non-daily newspapers. ACM have maintained the printing of their daily papers such as the Western Advocate at this time.

Local media is an important 'glue' for the fabric of any community. For many, the local press is their primary source of information. Council's 2016 Community survey results show the importance of local newspapers and radio.



The OLG recently provided circular "20 - 12 - Modification of statutory requirements in response to the COVID-19 pandemic." The circular provides details of Regulations made under section 747B of the Local Government Act 1993 to temporarily modify the application of the Act in response to the COVID-19 pandemic. The advice includes;

• "In addition to these temporary measures, in response to the closure of some local newspapers and to assist Council's to reduce their costs, the Local Government (General) Regulation 2005 (the Regulation) has been amended to remove requirements for newspaper advertising. This amendment is not temporary and will continue to apply after the COVID-19 pandemic passes."

The advice from the OLG goes on further to state;

Removal of newspaper advertising requirements under the Regulation

- To alleviate the red tape burden on Councils to reduce their costs, amendments have also been made to the Regulation to remove remaining requirements for notices to be published in newspapers.
- Council's are now instead required to publish notices on their websites and in such other manner that they consider necessary to bring it to the notice of the local community or other interested persons.

With local print media, Council's current annual spend is around;

	2019	YTD 2020
Western Advocate	\$139,601	\$127,740
Bathurst City Life	\$49,300	\$55,173

The amended legislation provides Council with the opportunity to secure budget savings of around \$140,000 p.a., noting that some print media such as promotions will continue to occur. This opportunity needs to be considered having regard to;

- Desire to ensure the community has a 'local media' presence.
- Maintaining local businesses and jobs.
- Role local press plays in the fabric of our community.
- Role local press plays in promoting Council's events program and other initiatives.

With the current COVID-19 situation, the Council has resolved to maintain Council's current media practices. This is seen as an economic stimulus package of around \$140,000 for 2020/21. A review of Council's media usage will be presented to Council in 2021 for further consideration.

5.5 Payment of Council Rates – Cases of Hardship & Interest Waiver

Council rates and charges have continued to be levied by the Council; these are required to be levied under the Local Government Act (1993). Council is currently dealing with cases of hardship <u>due to</u> the COVID-19 pandemic on an individual case by case basis, with Council working with ratepayers and businesses to establish repayment plans.

Overdue rates and charges potentially attracted an interest rate charge of 7.5% p.a. from 1 July 2020. With the greater provision of information on the pandemic and the expected timelines before a re-opening of the economy occurred, Council resolved in the Mayoral Minute 20 May 2020 to set the rate of interest that accrues on rates and charges that remain unpaid after they become due and payable at 0% for the period 1 June 2020 to 31 December 2020.

Thereafter, the rate of interest set will accrue at the rate specified by the Minister on any rates and charges that remain unpaid after they become due and payable, refer to Section 566 of the Local Government Act (1993).

Where rates and charges were already overdue as at 28 February 2020, prior to the COVID-19 pandemic, and debt recovery action/ proceedings had commenced, these will generally continue.

The setting of the interest charge at 0% will impact Council cash flows and will be closely monitored. As at 7 September 2020 rate income received since the beginning of March is around \$7.952 million behind last year's receipting levels. The gap has been exacerbated by the State Government's determination that rates normally due 31 August 2020 have been extended to 30 September 2020. Council's outstanding rates, annual charges, interest and extra charges outstanding ratio, as a percentage of total collectables was 6.3% as at 30/6/2019 and 6.49% as at 30/6/2020.

It is anticipated based on prior years interest charges that foregone revenue for the period 1/7/2020 - 31/12/2020 would be \$109,333. This adopted position, provides support to businesses and the community in cashflows and expenditures during this pandemic.

6. Rent/ Lease Income – Council Owned Facilities

The State and Federal governments have both implemented policy positions with respect to the charging of rents and leases. The following is an overview of the current situation,

Commercial Tenancies

On 7 April 2020, the Australian Government released the "National Cabinet Mandatory Code of Conduct – SME Commercial leasing Principles During COVID-19", (the Code), with a commencement date of 3 April 2020.

The purpose of this Code "... is to impose a set of good faith leasing principles for application to commercial tenancies (including retail, office and industrial) between landlords and tenants." The Code applies to all tenancies that are suffering financial stress or hardship as a result of the COVID-19 pandemic as defined by their eligibility for the Commonwealth Government's JobKeeper program, with an annual turnover of up to \$50 million.

Hence, SME tenants who are eligible for, and in receipt of, the Federal Government's JobKeeper payment are automatically considered to be in financial distress under this Code.

One of the overarching principles of the Code "... is to share, in a proportionate, measured manner, the financial risk and cashflow ... whilst seeking to appropriately balance the interests of tenants and landlords."

For commercial tenants who are eligible for relief under this Code, landlords must:

- i. Not terminate leases due to non-payment of rent during the COVID-19 pandemic period or a reasonable subsequent recovery period;
- ii. Offer tenants reductions in rent payable in the form of deferrals or waivers of up to 100% of the amount ordinarily payable, on a case-by-case basis. Note that rental waivers must be no less than 50%.
- iii. Amortise rental deferrals over the balance of the lease term and for a period of no less than 24 months, whichever is the greater, unless otherwise agreed by the parties. No repayment should commence until the earlier of the COVID-19 pandemic ending (as defined by the Australian Government) or the existing lease expiring and taking into account a reasonable subsequent recovery period.
- iv. Not apply any fees, charges or interest with respect to any rent deferred or waived as per above.
- v. Agree to apply a freeze on rent increases for the duration of the COVID-19 pandemic and a subsequent recovery period.

In addition to the above, landlords are also encouraged to provide tenants with an opportunity to extend their lease for an equivalent period of the rent waiver and/or deferral as applied.

In relation to providing an off-setting relief to landlords, the NSW Government has announced that Commercial landlords will be offered a land tax concession of up to 25% if they pass on the savings to tenants through a rent reduction. However, as local government is exempt from land tax, Council is unable to access this off-setting relief. Further, Council has not been made aware of any other avenues where an off-setting relief could be accessed.

It is estimated that the freeze on rent increases (generally CPI) will cost this Council \$32,550 for the 2020/21 year based on a CPI figure of 2.5%.

Residential Tenancies

On 15 April 2020, the NSW Government introduced new measures applicable to residential tenancies, through the "Residential Tenancies Amendment (COVID-19) Regulation 2020.

The measures include an interim 60 day stop on landlords issuing termination notices or applying for NSW Civil and Administrative Tribunal eviction orders due to rental arrears, where tenants are financially disadvantaged by COVID-19. Landlords are also required to negotiate a rent reduction with tenants in good faith in the first instance.

Under this Regulation, a household is impacted by the COVID-19 pandemic if:

- i. One or more rent-paying members of a household have lost employment or income (or has a reduction in work hours or income) due to the impact of the COVID-19 pandemic; or
- ii. One or more of the rent-paying members of a household have had to stop working or reduce work hours due to illness with COVID-19, or other member of the household's illness with COVID-19 career responsibilities for household or family members; and
- iii. The above factors result in a household income (inclusive of any government assistance) reduced by 25% or more.

In relation to providing an off-setting relief to landlords, the NSW Government announced that residential landlords would be eligible for a land tax waiver or rebate of up to 25% if they pass on the savings to tenants in financial distress. However, as local government is exempt from land tax, Council is unable to access this off-setting relief. Further, Council has not been made aware of any other avenues where an off-setting relief could be accessed.

DCSF Confidential report #3, 20 May 2020, provided a detailed listing of Council's current rent portfolio. An assessment of the possible impacts on Council's rental portfolio, having regard to Federal and State initiatives is detailed in the following table;

LEASE TYPE	NUMBER	CURRENT ANNUAL RENTAL CHARGE (\$)	POTENTIAL RENTAL IMPACT TO 2020/21
Residential	7	440	25,860
Commercial Leases	43	1,160,820	580,412
Aerodrome	30	122,604	61,307
Community Group Licences	13	4,462	2,182
Rural Licences	24	75,278	38,488
Sporting Group/	21	10,001	5,158
Club Licences			
TOTAL	142	1,476,605	713,407

Council has generally deferred (not waive) rent where the conditions specified by the Federal & State Governments apply, noting that each request for relief will be dealt with on a case by case basis.

7. Impacts on Council Budgets due to COVID-19 Pandemic

An initial review of direct impacts on Council's budget for 2020/21 has been undertaken and is detailed in the table below.

Financial Impacts of Covid-19 Pandemic			
Description	2020/2021 Saving / (Cost)	2019/2020 Saving / (Cost)	Comments
Engineering Services			
Bathurst 6hr - Net Loss of Income		(135,000)	Event cancelled

Bathurst 1000 - Net loss	(1,291,088)		
Bathurst 12hr - Net loss	(239,969)		
Challenge Bathurst - Net loss	(66,261)		
Aerodrome - REX - Loss of Head	(00,201)		
Tax	(220,400)	(66,000)	
		(00,000)	
Rent Increase Freeze (Aerodrome)	(5,417)		
Community & Sporting Group -			
Leases / Licences	(2,365)		
Interest on Overdue Water	(00.460)		
Charges Foregone Reduction in Standpipe Water	(23,163)		
Sales Price	(11.004)		
Interest on Overdue Sewer	(11,004)		
Charges Foregone	(18,165)		
		(40,000)	
Trade Waste Annual Fees	(19,859)	(12,688)	
Interest on Overdue Waste	(11.000)		
Charges Foregone	(11,803)		
Parks & Gardens Active Spaces - Community Groups		(52 040)	
		(53,819)	
Direct Covid Costs			
			Due to need to comply with
			social distancing
- Additional Plant / Vehicle			requirements for outdoor
Rentals		(105,000)	staff
- Additional Cleaning Materials		(4,000)	
		, , , , , , , , , , , , , , , , , , ,	Whilst social distancing
			controls / actions
- Special Paid Leave		(29,100)	implemented.
- Covid Operational Costs	(840,000)		
Sub-Total Engineering Services	(2,749,494)	(405,607)	
Corporate Services & Financial			
<u>Services</u>			
Event - Proclomation Day		7 161	Event cancelled
Events - Cancellation Savings -		7,101	
Establishment / Set-Up Costs etc		248,420	
Sister City			
		8,000	
Living Legends		5,000	
Community Group Loans - Interest	(10.070)		
Forgone	(19,379)		
Community & Sporting Group -	(40,000)		
Leases / Licences	(12,098)		
Rent Increase Freeze (Property)	(39,102)		
Provision for Rent Waivers due to			
Fed/State Code	(301,136)		
	r		
Interest on Overdue Rates Foregone	(56,202)	(16,150)	

Local Print Media		(23,333)	
Direct Covid Costs			
- IT Set-Up - Post Office Building		(35,000)	
- IT & Other Set-Up - Mt Panorama			
Site Activation		(12,000)	
- IT & Other Set-Up - Lee Street Site Activation		(10,000)	
- Increase Cleaning Costs			
(Civic/Mt Pan/Lee St/P.Off)		(126,000)	
- IT Terminal Services -			
Extra Licences		(500)	
- Legal advice		(2,700)	
- Post Office Rental Foregone			
(Third Floor)	(206,182)		
Sub Total Corporate Seriyeas 8			
Sub-Total Corporate Serivces & Finance	(634,099)	42,898	
Community & Cultural Services			
BMEC - Hire / Profit		(85,000)	Facility closed
BMEC - Season Shows		81,000	Facility closed
BMEC - Staff (Casuals)		17,000	Facility closed
BMEC - Electricity & Gas			Facility closed
BMEC - Stock Written Off			Perishable stock w/off
Museums - Loss of Ticket Sales &		(420)	
Retail		(120,000)	Facility closed
Library - Book Sales to Community of Secondhand Books	(523)		Program cancelled
Library - Fines Foregone	(5,232)	(10,000)	
Gallery - Retail	(0,202)	(10,000)	Facility closed
BVIC - Retail			Facility closed
BVIC - Japanese Students	(25,500)		Facility closed
•			
BVIC - Online Booking	(2,551)		Facility closed
BVIC - Ticket Sales		(20,000)	Facility closed
BVIC - Heritage Trades Trail / Autumn Colours	(22,000)	20,000	Event cancelled
BVIC - Staff (W/End Casuals)		20,000	Facility closed
BVIC - Tourism Partnership			•
Program	(60,000)		
BVIC - Local Promotion	(10,000)		
Kelso Community Hub Rent	(10,000)	(6,000)	Groups have ceased use
		(47.000)	Net cost due to "Free
FDC - Parent Levy		(47,000)	Childcare" mandate
NMRM - Loss of Income	(180,000)		

Sub-Total Community & Cultural			
Services	(315,806)	(200,420)	
Environmental Planning 8			
Environmental, Planning & Building Services			
Sustainable Living Expo		10,000	Event cancelled
Public swimming pools and spa			
pools monitoring		1,500	
Pillars of Bathurst		5,000	Event cancelled
Parking Fines		(45,000)	
Food / General Inspection Fees	(28,243)	(18,333)	
Food Act Administration Fee	(21,567)		
Skin / Hairdressing Inspection	(4,500)	(4,500)	
Fees	(1,500)	(1,500)	
Bed & Breakfast Inspections Temporary / Mobile Food Outlet	(1,000)	(833)	
Inspections	(750)	(333)	
Footpath Rental Fees	(14,224)	(9,233)	
Footpath			
Obstruction Licence Fees	(10,270)		
DA Fees	(260,471)		
Sec 68 Approvals & Fees	(9,875)		
Sec 7.11 Deferral - Admin Fee	(34,900)		
Doors Open Promotion	(20,000)		
Business Attraction Program	(50,000)		
Jobs Expo	(10,000)		
BizMonth	(10,000)		
Bathurst Business Chamber		(18,000)	
Various Economic Activities		(62,498)	
Buy Local Gift Card Program		(10,000)	
Upstairs Start Up Hub		(10,000)	
Sub-Total Environmental,			
Planning & Building Services	(472,800)	(159,230)	
Total Bathurst Regional Council	(4,172,199)	(722,359)	

FINANCIAL IMPLICATIONS:

The report indicates costs; direct and stimulus measures for 2020/21 as;

Gross Cost for 2020/21	\$3,450,129
Stimulus Measures 2020/21	\$722,070

TOTAL \$4,172,199

To assist in funding the COVID-19 costs as indicated in this report, budget reductions/ savings totaling \$2,106,489 have been identified. The major variations proposed are identified in the following table:

Variation	Reduction/Savings
Wambool Road – Rural Unsealed	\$300,000
Building Maintenance – Former TAFE Building	\$180,000
Tarana Road – Rural Sealed	\$150,000
John Matthews Tennis Centre – Replace Court	\$74,037
Entry to Bathurst Signage	\$50,000
Jobs Expo	\$44,900
Rural Road Sealed – Bridge Maintenance	\$30,000
Diesel Fuel Tax Credits	\$30,000
Post Office Building Electricity Charges	\$30,000
Rural Road Unsealed – Bridge Maintenance	\$29,000
Scallywags COVID-19 Grant	\$26,000
Rural Road Unsealed Traffic Facilities	\$25,900
Street Lighting – General Maintenance	\$25,000
Heritage Studies & Interpretation	\$25,000
Transfer to Heritage Asset Reserve	\$20,000
BMEC – Airconditioning Upgrade	\$20,000
BMEC – Theatre Fly Lines	\$20,000
Workshop Minor Plant Purchases	\$20,000
Internal Audit – Professional Services	\$20,000
Evocities	\$20,000
Deferred Recruitment of Long-Term Vacant Positions	\$573,920
Other budget reductions/savings <\$20,000	\$392,732
TOTAL	\$2,106,489

As we progress further through the COVID-19 pandemic, more details will be provided to Council, much of this is dependent on government directions and the easing of social distancing rules.

The estimated cost of the 2019/20 COVID-19 costs and stimulus measures was \$722,359.

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

Objective 2: A smart and Vibrant economy.

Strategy 2.1: Support local business and industry.

Objective 5: Community health, safety and well being.

Strategy 5.3: Help build resilient, inclusive communities.

Objective 6: Community leadership and collaboration.

Strategy 6.1 Communicate and engage with the community, government and business groups on important matters affecting the Bathurst region.

Strategy 6.4 Meet legislative and compliance requirements.

Strategy 6.6 Manage our money and our assets to be sustainable now and into the future.

COMMUNITY ENGAGEMENT:

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

ATTACHMENTS:

Nil

MINUTE

RESOLUTION NUMBER: ORD2020-226

MOVED: Cr B Bourke

RESOLVED:

That Council;

Notes the actions taken to date.

Waive the Parks & Gardens Active Spaces Community Groups User Fees for 2020/21 as follows:

Rec		Job	
Code		Number	\$
010	Playing Fields & Parks – Leases	1233.110.120	
	ees for the use of playing fields by sporti	ing bodies to reco	oup 20% of
maintena	nce costs.		
	Bathurst Archers		282.00
	Bathurst BMX Club		2,000.00
	Bathurst Cycle Club		2,000.00
	Bathurst Mountain Bikes		1,006.00
	Bathurst Cricket Association		19,629.00
	Bathurst Croquet Club		282.00
	Bathurst Miniature Railway		282.00
	Bathurst Pistol Club		282.00
	Bathurst Pony Club		1,289.00
	Bathurst Swimming Club		282.00
	Bathurst Touch Football		6,038.00
	Bathurst Triathlon Club		282.00
	Denison Dog Club		282.00
	Eglinton Tennis Club		282.00
	Macquarie View Tennis Club		282.00
			Total = \$34,500

Provide the Bathurst District Sport and Recreational Council (BDS&RC) with \$10,000 to assist affiliated sporting bodies to cover costs incurred due to COVID-19. Further,

that Council delegates to the BDS&RC be delegated the authority to approve any proposed methodology/allocations for COVID-19 expenditure payments.

Provide Arts OutWest with \$10,000 to be utilised in assisting the organisation to achieve its Mission.

Adopt the budget variations as detailed within this report.

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

GENERAL MANAGER'S REPORT

The following reports are presented for Council's consideration.

Yours faithfully

D J Sherley GENERAL MANAGER

8.1.1 DISCLOSURES BY COUNCILLORS AND DESIGNATED PERSONS RETURNS

File No: 11.00002

RECOMMENDATION:

That the completed Disclosure of Interest of Councillors and Designated Persons Returns for Councillors and relevant staff be noted for the period ending 30 June 2020.

REPORT:

In accordance with the provisions of Section 450(A) of the Local Government Act, the Disclosure of Interest for Councillors and Designated Persons Returns for Councillors and relevant staff will be tabled at the meeting.

FINANCIAL IMPLICATIONS:

Nil

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

Objective 6: Community leadership and collaboration.

Strategy 6.4 Meet legislative and compliance requirements.

COMMUNITY ENGAGEMENT:

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

ATTACHMENTS:

Nil

File No: 11.00002

MINUTE

RESOLUTION NUMBER: ORD2020-227

MOVED: Cr | North SECONDED: Cr A Christian

RESOLVED:

That the completed Disclosure of Interest of Councillors and Designated Persons Returns for Councillors and relevant staff be noted for the period ending 30 June 2020.

8.1.2 Election of Deputy Mayor

File No: 12.00004

RECOMMENDATION:

That the information be noted.

REPORT:

Section 230(1) of the Local Government Act 1993 provides that: "a Mayor elected by the Councillors holds the office of Mayor for two years, subject to this Act."

Council at its meeting on 18 September 2019, elected Cr Bourke as Mayor. With the next Local Government elections now scheduled for September 2021, the State Government has advised that those Mayors elected in 2019 for one year will now hold the position till September 2020, accordingly an election for the position of Mayor will <u>not</u> occur, refer OLG - Circular 20-29 at <u>attachment 1</u>.

There is no prescribed term for the position of Deputy Mayor. The person may be elected for the Mayoral term or a shorter term [S: 231(2)]. It is up to Council to consider whether to set the term of office of the Deputy Mayor. Council at its meeting on 18 September 2019 set a term of one year. With the next Local Government election set for September 2021, the election for this year will be for a one-year term.

Accordingly, Council will need to hold elections for the Deputy Mayor position this year.

The Local Government (General) Regulation 2005, Schedule 7, prescribes how a Mayor and Deputy Mayor are elected.

A nomination form is at <u>attachment 2</u> for Councillors and may be returned to the General Manager or handed to the General Manager at the commencement of the Council meeting.

Election Procedure

The procedure for the Election will be:

- 1. The General Manager will be the Returning Officer.
- 2. The General Manager will call for further nominations.
- 3. Nominations will be closed.
- 4. The Returning Officer will announce the names of the nominees at the Council meeting of which the election is to be held.
- 5. If more than one nomination is received, an election will be held.
- 6. Council will be asked to resolve the form of election, if required, i.e., ordinary ballot, preferential ballot or open voting.
- 7. The election is to be held at the Council meeting at which the Council resolves on the method of voting.

Nominations

The following process for nomination applies, as per Clause 2 of Schedule 7:

2 Nomination

- (1) A Councillor may be nominated without notice for election as mayor or deputy mayor.
- (2) The nomination is to be made in writing by 2 or more Councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.
- (3) The nomination is to be delivered or sent to the returning officer.
- (4) The returning officer is to announce the names of the nominees at the Council Meeting at which the election is to be held.

FINANCIAL IMPLICATIONS:

Nil

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

Objective 6: Community leadership and collaboration.

- Strategy 6.1 Communicate and engage with the community, government and business groups on important matters affecting the Bathurst region.
- Strategy 6.4 Meet legislative and compliance requirements.

COMMUNITY ENGAGEMENT:

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

ATTACHMENTS:

- 1. Attachment 1 OLG Circular to Councils 20-29 [8.1.2.1 2 pages]
- 2. Attachment 2 Nomination Form Deputy Mayor 2020-21 [8.1.2.2 1 page]

MINUTE

One nomination for the position of Deputy Mayor was received for Cr North.

There being only one nomination, Cr North was declared elected as Deputy Mayor for the period to September 2021.

DIRECTOR ENVIRONMENTAL PLANNING AND BUILDING SERVICE'S REPORT

The following reports are presented for Council's consideration.

Yours faithfully

Neil Southorn DIRECTOR ENVIRONMENTAL, PLANNING AND BUILDING SERVICES

8.2.1 SECTION 4.15 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

File No: 03.00053

RECOMMENDATION:

That the information be noted.

REPORT:

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

4.15 Evaluation (cf previous s 79C)

- (1) **Matters for consideration—general** In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application—
 - (a) the provisions of—
 - (i) any environmental planning instrument, and
 - (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and
 - (iii) any development control plan, and
 - (iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and
 - (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),
 - (v) (Repealed)
 - that apply to the land to which the development application relates,
 - (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,
 - (c) the suitability of the site for the development,
 - (d) any submissions made in accordance with this Act or the regulations,
 - (e) the public interest.
- (2) **Compliance with non-discretionary development standards—development other than complying development** If an environmental planning instrument or a regulation contains non-discretionary development standards and development, not being complying development, the subject of a development application complies with those standards, the consent authority—
 - (a) is not entitled to take those standards into further consideration in determining the development application, and

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

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

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

COMMUNITY ENGAGEMENT:

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

ATTACHMENTS:

Nil

MINUTE

RESOLUTION NUMBER: ORD2020-229

MOVED: Cr W Aubin SECONDED: Cr A Christian

RESOLVED:

That the information be noted

8.2.2 GENERAL REPORT

File No: 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 August 2020 (<u>attachment 1</u>).
- (b) Applications refused during August 2020 (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 (<u>attachment 4</u>).
- (e) Applications with variations to development standards under Clause 4.6 of Bathurst Regional LEP 2014 approved in August 2020 (<u>attachment 5</u>).
- (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 Plan for, assess and regulate development activity.
- **Objective 6:** Community leadership and collaboration.
- Strategy 6.4 Meet legislative and compliance requirements.

COMMUNITY ENGAGEMENT:

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

ATTACHMENTS:

- 1. DAs approved [**8.2.2.1** 2 pages]
- 2. DAs refused [8.2.2.2 1 page]
- 3. DAs pending [8.2.2.3 3 pages]
- 4. Applications over 40 days [8.2.2.4 2 pages]
- 5. Variations [8.2.2.5 1 page]

MINUTE

RESOLUTION NUMBER: ORD2020-230

MOVED: Cr W Aubin SECONDED: Cr I North

RESOLVED:

That the information be noted.

8.2.3 MODIFICATION OF DA 2019/367 - DEMOLITION OF COMMERCIAL BUILDING AND PART DWELLING, CONSTRUCTION OF FOOD AND DRINK PREMISES WITH DRIVE-THROUGH, CHANGE FROM DWELLING TO OFFICE - 103 & 105 STEWART STREET BATHURST. APPLICANT: MCDUCK. OWNER: GULLIFER

File No: 2019/367

RECOMMENDATION:

That Council:

- (a) support the variation to Clause 12.2.4(a) "Advertising Signage Locational Requirements" of *Bathurst Regional Development Control Plan 2014*.
- (b) oppose the variation to Clause 12.2.5(c) "Advertising Signage General Development Standards" of *Bathurst Regional Development Control Plan 2014.*
- (c) oppose the proposed modifications to Condition Nos. 2, 30 and 31.
- (d) as the consent authority, grant consent pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979 to the Modification of Development Consent Application No. 2019/367, by:
 - 1. **Altering** Condition No. 6 to read as follows:

Further consideration is to be given to the selection of materials for the construction of acoustic barriers and this is to be determined by the Applicant's acoustic engineer and approved by Council, prior to the issue of the Construction Certificate.

2. **Altering** Condition No. 9 to read as follows:

Prior to the issue of the Construction Certificate, evidence shall be submitted to Council of the lodgement of plans with NSW Lands Registry Services to consolidate Lot 1 in DP 737574 and Lot 5 in DP 1086710 into one parcel. Evidence of consolidation of the land is to be provided to Council from NSW Land Registry Services demonstrating that the consolidation has been registered prior to any Occupation Certificate.

3. Altering Condition No. 55 to read as follows:

The concrete footpath adjoining the property is to be removed and replaced for all redundant and new driveways. Any damaged or misaligned sections of footpath are to be removed and replaced. New footpaths are to be 1.2 metres wide and 100 mm thick and constructed in accordance with Bathurst Regional Council's Guidelines for Engineering Works.

NOTE 1: Any pavement damaged during construction is to be replaced at the full cost of the landowner(s).

4. Altering Condition No. 85 to read as follows:

Prior to the issue of any Occupation Certificate, a sign must be installed in a prominent position at the entrance of the drive-through lane, which states the following:

"Poorly tuned or malfunctioning cars will be reported to the NSW Environment Protection Authority (EPA)".

5. **Deleting** Condition No. 109, which states:

Sign Nos. S06 must not be illuminated.

6. **Altering** Condition No. 119 to read as follows:

If odour management measures are found to be insufficient by Council, Council reserves the right to require that an investigation be undertaken by a suitably qualified air quality consultant appointed by the Applicant to identify odour causes, at the expense of the landowner(s). Any recommendations made by the air quality consultant to reduce odour impacts must be implemented at the landowner(s) expense.

7. Altering Condition No. 126 to read as follows:

Offensive odours, as defined by the *Protection of the Environment Operations Act 1997*, from the premises must not be detectable at the nearest sensitive land uses.

8. Adding Condition No. 145 to read as follows:

The upward light ratio and maximum average illuminance of Sign No. S06 must comply with the requirements of Australian Standard AS4282:2019 *"Control of the obtrusive effects of outdoor lighting"*. All relevant mitigation measures (including the use of a dimmer, shields and baffles) must be appropriately installed prior to the issue of any Occupation Certificate.

NOTE: The applicable Environmental Zone is A2 (Low district brightness) under Australian Standard AS4282:2019.

(e) call a division.

REPORT:

Modification Request

An application has been lodged requesting Modification of Development Consent No. 2019/367 has been submitted to Council by McDuck Properties Pty Ltd for the proposed Taco Bell development on the corner of Stewart and Howick Streets.

The application seeks to:

Delete the following conditions:

- Proposed Sign No. S02 (5.06 (w) x 0.695 (h)) has not been approved as part of this application. However, a duplicate of Sign No. S03 (3.64m (w) x 0.5m (h)) is permitted to be installed on the South-Western Elevation in replacement of proposed Sign No. S02.
- 55. The construction of a concrete footpath 1.5 metres wide and 100 mm thick and for the full frontage of the subject land to the public road in accordance with Bathurst Regional Council's Guidelines for Engineering Works.
- 85. Prior to the issue of any Occupation Certificate, a sign must be installed in a prominent position at the entrance of the drive-through lane, which states the following:

"Engines must be switched-off when waiting. Any vehicle not adhering to the request of the Store Manager to switch engine off may be refused service.

Poorly tuned or malfunctioning cars will be reported to the NSW Environment Protection Authority (EPA)".

109. Sign Nos. S06 must not be illuminated.

Amend the following conditions to read:

- 6. Further consideration is to be given to the selection of materials for the construction of acoustic barriers and this is to be determined **by the Applicant's acoustic engineer and approved** by Council prior to the issue of the Construction Certificate.
- 9. Prior to the issue of any the Construction Certificate, evidence shall be submitted to Council of the lodgement of plans with the Department of Lands and Property Information to consolidate Lot 1 in DP 737574 and Lot 5 in DP 1086710 into one parcel. must be consolidated into one. The applicant is toprovide documentary evidence to Council from NSW Land Registry Servicesdemonstrating that the consolidation has been registered.
- 30. If the work involved in the approved development:
 - a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - b) building involves the enclosure of a public place,

a hoarding or fence must be erected between the work and the public place.

If necessary, an awning is to be erected, sufficient to prevent any substance, from or in connection with the work, falling into the public place. Further the work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

NOTE 1: If the approved development requires the erection of temporary scaffolding, fencing or hoardings on the road or the footpath adjacent to the site, the applicant is to obtain further approval under the Local Government Act 1993 and/or the Roads Act 1993 from Council before work commences.

NOTE 2: Any such scaffolding, fencing, hoardings or awnings are to be removed when the work has been completed.

NOTE 3: Any external lighting required by this condition is to be designed and positioned so that at no time will any light be cast upon any adjoining property.

- 31. **Portable** toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be:
 - a) a standard flushing toilet connected to a public sewer, or
 - b) if that is not practicable, an accredited sewage management facility approved by the Council, or
 - c) if that is not practicable, any other sewage management facility approved by the Council.

NOTE 1: The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced.

- 119. If odour management measures are found to be insufficient **by Council**, Council reserves the right to require that an investigation be undertaken by a suitably qualified air quality consultant **appointed by the Applicant** to identify odour causes, at the expense of the landowner(s). Any recommendations made by the air quality consultant to reduce odour impacts must be implemented at the landowner(s) expense.
- 126. Offensive odours, **as defined by the Protection of the Environment Operations Act 1997,** from the premises must not be detectable at the nearest sensitive land uses.

A copy of the letter requesting modification and supporting information is provided in **<u>attachments 1 to 5</u>**.

Note that the applicant has also sought via separate modification application reconsideration of the access arrangements in Howick Street. That modification is to be dealt with independently on this modification. The access arrangements do not form any part of this request nor is it appropriate that it be considered as part of this request.

Previous Applications

Original Development Consent (No. 2019/367)

The original Development Application (No. 2019/367) was considered at the Ordinary Meeting of Council held on 17 June 2020 where it was resolved that the application be approved, subject to a number of conditions.

Development Consent was granted for:

- 1. Demolition of existing commercial building.
- 2. Partial demolition of existing dwelling house.
- 3. Change of use of dwelling house to office premises.
- 4. Construction of food and drink premises (including drive-through facilities).
- 5. Construction of carpark.
- 6. Construction of retaining walls.

- 7. Construction of acoustic fence.
- 8. Installation of signage on land.

Summary of Attachments

Attachment No.	Description
1	Letter from Applicant Outlining Request for Modification
2	Supporting Information from Air Quality/Odour Consultant
3	Supporting Information from Acoustic Consultant
4	Supporting Information from Electrical/Lighting Consultant
5	AMENDED Supporting Information from Electrical/Lighting Consultant
6	Approved Architectural Plans
7	Approved Landscaping Plans
8	Original Development Consent No. 2019/367

First Modification of Development Consent Application (No. 2019/367)

A separate Modification of Development Consent Application (No. 2019/367) relating to access arrangements was considered at the Ordinary Meeting of Council held on 19 August 2020 where it was resolved that the application be refused. However, a Notice of Rescission of Motion against that decision has since been lodged. That application remains under Council's consideration and has no bearing on this application.

Section 4.55 – Environmental Planning and Assessment Act 1979

In accordance with Section 4.55 of the *Environmental Planning and Assessment Act* 1979 (EP&A Act 1979), Council must consider the following matters in determining whether to grant consent to a modification involving minimal environmental impact:

4.55 Modification of consents—generally

- (1A) **Modifications involving minimal environmental impact** A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if—
 - (a) it is satisfied that the proposed modification is of minimal environmental impact, and
 - (b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and
 - (c) it has notified the application in accordance with—
 - (i) the regulations, if the regulations so require, or
 - a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and
 - (d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.

(3) In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.

Extent of Environmental Impact

The extent of environmental impact of each proposed modification to the conditions of consent is discussed below.

Deletion of Condition No. 2: Signage

The original proposal included two Signs (Nos. S02 and S06) on the South-Western Elevation of the food and drink building, as shown in **Figure 1** and described in the table below.

Sign No.	Signage Area	SW Elevation Area	Sign Coverage	Complies
S06	2.2m ²	90.4m ²	2.4%	Yes.
S02	3.5m ²		3.9%	Yes.
Total	5.7m ²		6.3%	No.

Condition No. 2 relates to the size and scale of the worded "Taco Bell" wall sign (No. 02) located on the South-Western elevation of the building fronting Howick Street.



Figure 1 – Proposed Signage on South-Western Elevation – Nos. S02 & S06 (Left to Right)

The condition as imposed does however permit signage on this part of the building albeit smaller than proposed by the applicant. The alternate signage being the same as that proposed on the eastern elevation (sign S03 located above the entry to the building)

Proposed Modification		
Applicant's Request Existing Condition		Existing Condition
That Condition No. 2 be deleted.	2.	Proposed Sign No. S02 ($\overline{5.06}$ (w) x 0.695 (h)) has not been approved as part of this application. However, a duplicate of Sign No. S03 ($\overline{3.64m}$ (w) x 0.5m (h)) is permitted to be installed on the South-Western Elevation in replacement of

	proposed Sign No. S02.	
Discussion		
Applicant's Reasoning for Proposed Change	Council Comment	
Applicant's Reasoning for Proposed Change Proposed Sign No. S02 (which is a slightly larger version of Sign No. S03) is not illuminated and will not create adverse visual impacts on the surrounding Heritage Conservation Area. The sign is located on the south-western elevation which is set back 23.14 metres from the Howick Street boundary (see Figure 1) and screened from view from the north west by the existing dwelling at #301 Howick Street thus restricting any potential impacts to the south west only. There is only one dwelling opposite the subject site on the corner of Stewart Street and Howick Street which presents to the main road and not to the side street. The side elevation has a standard paling fence and screen vegetation and long road boundary (see Figure 2).	Council Comment Together, the two proposed signs located on the South-Western Elevation do not comply with Clause 12.2.5(c) of Bathurst Regional Development Control Plan 2014 (DCP 2014), which requires that: • Signs not visually dominate the area of building walls. • No more than 5% of the front and return elevations of a building (particularly where visible to a public place) be covered by signage. • The total number of signs no detract from the overall aesthetic character of the building. It is considered that the significant size and scale of proposed Sign No. S02 (5.06 metres in length, almost half of the length of the SW elevation) was not appropriate for this smaller and less articulated secondary elevation and that it visually dominated the area of the building wall. Accordingly, to ensure that a smaller and more appropriately scaled sign is installed in this location, Condition No. 2 was implemented. The landscaping proposed along the South-Western boundary of the land primarily includes shrubs and ground covers with a maturity height ranging from 0.4m to 1m. Some taller shrubs (up to 1-2m high) and one Golden Rain Tree (up to 8m) have been proposed in the Southern corner. It is considered that the landscaping will not provide any significant screening of Sign No. S02 (which will sit approximately 4.6m above ground level), particularly from the residential setting in Howick Street.	
Therefore, the impacts from the propose signage on the streetscape a minimal.	Whilst it is noted that currently only one dwelling (being 314 Howick Street) will be located directly opposite of the development, it is considered that Sign No. S02 will also be visible from 322 and 324 Howick Street (see Figure 2 below).	



Figure 2 – Location of Landscaping and Food and Drink Premises in Relation to Neighbouring Dwelling Houses in Howick Street

To reduce the visual dominance of Sign No. S02 on the South-Western elevation and the residential streetscape (particularly of Howick Street) and ensure that a more appropriately sized and scaled sign is installed, it is recommended that Condition No. 2 be maintained in its current form.

Alteration to Condition No. 6: Acoustic Fencing / Barriers

Condition No. 6 relates to the type of acoustic material that should be used for the construction of all acoustic barriers.

Pro	posed Modification
Applicant's Request	Existing Condition
That the condition be altered to read as follows:	 Further consideration is to be given to the selection of materials for the construction of acoustic barriers and this is to be determined by
 Further consideration is to be given to the selection of materials for the construction of acoustic barriers and this is to be determined by the Applicant's acoustic engineer and approved by Council prior to the issue of the Construction Certificate. 	Council prior to the issue of a Construction Certificate.

Discussion	
Applicant's Reasoning for Proposed Change	Council Comment
The purpose of the additional wording	The original Environmental Noise Assessment Report
is to ensure that the assessment of	(prepared by Day Design Pty Ltd, Ref. No. 6861-2.1R,
suitable materials is made by the	Rev. A, dated 1 May 2020) suggested that the fence

Applicant's acoustic engineer, who has intimate knowledge of the site, and then subsequently approved by the Council.	"may be constructed from any solid material such as Colourbond sheet, lapped and capped timber, masonry, fibre cement, glass or any combination of these materials."
	However, Council's Environmental Officer had cast doubt as to whether or not colourbond would be an optimum acoustically opaque material for the construction of the proposed 2.1-metre-high acoustic fence or the ground floor plant area enclosure.
	Accordingly, Condition No. 6 was implemented to ensure that further consideration was given towards the suitability of Acoustic materials, prior to the issue of any Construction Certificate.
	It would be expected that the applicant's Acoustic Engineer would specify the type of Acoustic barrier material that should be used to reduce noise impacts associated with the development within the range of materials provided. Council should ultimately approve the type of material that will be used.
	The proposed amendment is acceptable.

It is recommended that Condition No. 6 be modified to read:

6. Further consideration is to be given to the selection of materials for the construction of acoustic barriers and this is to be determined by the Applicant's acoustic engineer and approved by Council prior to the issue of the Construction Certificate.

Alteration to Condition No. 9: Consolidation

Condition No. 9 relates to the timing of the consolidation of the two existing allotments into one and level of evidence required to demonstrate that this has been completed.

Pro	posed Modification
Applicant's Request	Existing Condition
That the condition be amended to read as follows:	 Prior to the issue of any Construction Certificate, Lot 1 DP 737574 and Lot 5 DP 1086710 must be consolidated into one. The applicant is to provide
9. Prior to the issue of any the Construction Certificate, evidence shall be submitted to Council of the lodgement of plans with the Department of Lands and Property Information to consolidate Lot 1 in DP 737574 and Lot 5 in DP 1086710 into one parcel. must- be consolidated into one. The- applicant is to provide- documentary evidence to Council from NSW Land Registry- Services demonstrating that the- consolidation has been- registered.	documentary evidence to Council from NSW Land Registry Services demonstrating that the consolidation has been registered.

(Emphasis added).	

Discussion	
Applicant's Reasoning for Proposed Change	Council Comment
The purpose for the change in the wording of Condition #9 is such that the issuing of the Construction Certificate can proceed without being unnecessarily	The consolidation of both lots will resolve issues in relation to fire safety and also ensure that all carparking required as part of the food and drink premises and office premises remains on the same allotment of land as the relevant buildings (i.e. preventing the necessary carparking spaces from being sold separately from the office premises).
delayed by the registration process with the Department of Lands and property information.	On occasion, the NSW Lands Registry Services will requisition a new Plan of Subdivision where it contains errors (e.g. has not been compliantly prepared, drawn, written, signed, paid for etc.). There is therefore a risk that the consolidation will not ultimately be registered however that risk is low. The appointed certifiers for the project will however need to make determinations as to the risk associated with the applicant approach. It is therefore suggested that the applicant's approach be adopted with the additional proviso that evidence of consolidation being provided prior to any Occupation Certificates being issued.

To ensure that the intent of the condition is appropriately fulfilled, it is recommended that Condition No. 9 be modified with the additional proviso that evidence of consolidation being provided prior to any Occupation Certificates being issued.

9. Prior to the issue of the Construction Certificate, evidence shall be submitted to Council of the lodgement of plans with NSW Lands Registry Services to consolidate Lot 1 in DP 737574 and Lot 5 in DP 1086710 into one parcel. Evidence of consolidation of the land is to be provided to Council from NSW Land Registry Services demonstrating that the consolidation has been registered prior to any Occupation Certificate.

Alteration to Condition No. 30: Lighting During Construction

Condition No. 30 relates to the provision of lighting for construction works required in a public place.

Pro	posed Modification
Applicant's Request	Existing Condition
That the condition be amended to read as follows:	30. If the work involved in the approved development:
30. If the work involved in the approved development:a) is likely to cause pedestrian or vehicular traffic in a	 a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or b) building involves the enclosure of a public place,
public place to be obstructed or rendered inconvenient, or	a hoarding or fence must be erected between the work and the public place.

 b) building involves the enclosure of a public place, a hoarding or fence must be erected between the work and the public place. 	If necessary, an awning is to be erected, sufficient to prevent any substance, from or in connection with the work, falling into the public place. Further the work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
If necessary, an awning is to be erected, sufficient to prevent any substance, from or in connection with the work, falling into the public place. Further the work site must be kept lit between sunset and sunrise if it is likely to be- hazardous to persons in the- public place. NOTE 1: If the approved development requires the erection of temporary scaffolding, fencing or hoardings on the road or the footpath adjacent to the site, the applicant is to obtain further approval under the Local Government Act 1993 and/or the Roads Act 1993 from Council before work commences. NOTE 2: Any such scaffolding, fencing, hoardings or awnings are to be removed when the work has been completed. NOTE 3: Any external lighting required by this condition is to be designed and positioned so that at no time will any light be cast upon any adjoining property.	NOTE 1: If the approved development requires the erection of temporary scaffolding, fencing or hoardings on the road or the footpath adjacent to the site, the applicant is to obtain further approval under the Local Government Act 1993 and/or the Roads Act 1993 from Council before work commences. NOTE 2: Any such scaffolding, fencing, hoardings or awnings are to be removed when the work has been completed. NOTE 3: Any external lighting required by this condition is to be designed and positioned so that at no time will any light be cast upon any adjoining property.

Discussion			
Applicant's Reasoning for Proposed Change	Council Comment		
The purpose for the deletion of the wording is to avoid unnecessary adverse lighting impacts on adjoining neighbours. The provision of secure hoardings, fences and awnings are	The intention of Condition No. 30 is to ensure that suitable safety measures (including hoardings, fencing, awnings) are put in place, if work involved in the development:		
considered sufficient to make safe these areas without the need for intrusive lighting.	 Is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient. 		
	Involves the enclosure of a public space.		
	This means that barriers could be required to be installed in public spaces (such as footpaths, roads etc.) throughout the construction period (as necessary) to prevent public injury, inconvenience or otherwise. Accordingly, it is considered a requirement that the		

(nd the pe co on us Ac wit ex de be lig	bork site be kept lit between sunset and sunrise boting that this could include natural sunlight during e day, or artificial lighting during overcast and night wriods etc.) for the purposes of public safety and nvenience, outweighs any temporary minor impacts neighbours that might be caused as a result of the e of artificial lighting during construction works. Iditionally, the developer would be required to comply th "Note 3" of the condition which states that "Any ternal lighting required by this condition is to be esigned and positioned so that at no time will any light e cast upon any adjoining property". The provision of hting to a construction site is not considered nnecessary".
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The provision of temporary controlled lighting during construction works is considered a necessary safety measure and it is recommended that Condition No. 30 be maintained in its current form.

Alteration to Condition No. 31: Construction Toilets

Condition No. 31 relates to the provision of onsite toilet facilities for construction workers.

Proposed Modification			
Applicant's Request	Existing Condition		
That the condition be amended to read as follows:	31. Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being		
 31. Portable toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be: a) a standard flushing toilet connected to a public sewer, or b) if that is not practicable, an accredited sewage management facility approved by the Council, or c) if that is not practicable, any other sewage management facility approved by the Council. NOTE 1: The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced. (Emphasis added). 	 the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be: a) a standard flushing toilet connected to a public sewer, or b) if that is not practicable, an accredited sewage management facility approved by the Council, or c) if that is not practicable, any other sewage management facility approved by the Council. NOTE 1: The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced.		

Discussion		
Applicant's Reasoning for Proposed Change	Council Comment	
The purpose of the change in wording is to clarify the type toilet facilities that are permitted.	It is not uncommon for portable toilets to be utilised on construction sites. The term "toilet facilities" could incorporate both permanent or portable toilets. No change to Condition No. 30 is considered necessary and it is recommended that it be maintained in its current form.	

It is recommended that Condition No. 31 be maintained in its current form.

Deletion of Condition No. 55: Footpaths

Condition No. 55 relates to the construction of a 1.5-metre-wide footpath around the frontage of the proposed development.

Proposed Modification			
Applicant's Request	Existing Condition		
That the condition be deleted.	55. The construction of a concrete footpath 1.5 metres wide and 100 mm thick and for the full frontage of the subject land to the public road in accordance with Bathurst Regional Council's Guidelines for Engineering Works.		

Discussion		
Applicant's Reasoning for Proposed Change	Council Comment	
It is the applicant's view that the existing 1200mm footpath is in good condition and does not warrant	1.5-metre-wide footpaths are reflective of the standards in Council's adopted Engineering Guidelines.	
removal and replacement with new footpath paving simply to increase the width by an additional 300mm.	An inspection of the footpaths adjoining the development has identified:	
The adjoining footpaths are 1200mm in width and increasing the footpaths adjacent to the site would be anomalous with the connecting network. There is little or no prospect of connecting footpaths being widened to 1500mm in foreseeable future.	 There are wide sections of redundant access driveways located in the Stewart Street and Howick Street road reserves that will need to be removed and replaced with footpath (including any access driveways that will be made redundant as a result of the proposed development) (see Figure 3). There are a few points in the Stewart Street frontage where the existing footpath has become misaligned and cracked. The damaged sections of footpath will need to be replaced to provide safe transit of pedestrian traffic along the footpath adjoining the proposed development. 	
	These areas should be replaced given the removal of the redundant driveways and the increase in pedestrian traffic associated with the proposal.	
	The existing footpaths are primarily 1200mm wide. Any replacement sections of footpath can be constructed to 1200mm wide to match the existing.	



Figure 3 – Location of Existing and Proposed Redundant Access Driveways Alongside Subject Land – Howick Street and Stewart Street

It is recommended that Condition No. 55 be amended to read:

55. The concrete footpath adjoining the property is to be removed and replaced for all redundant and new driveways. Any damaged or misaligned sections of footpath are to be removed and replaced. New footpaths are to be 1.2 metres wide and 100 mm thick and constructed in accordance with Bathurst Regional Council's Guidelines for Engineering Works.

NOTE 1: Any pavement damaged during construction is to be replaced at the full cost of the landowner(s).

Deletion of Condition No. 85: Switching Off Engines

Condition No. 85 relates to the switching-off of engines in the drive-through in order to reduce odour emissions and air quality impacts on surrounding residences.

Proposed Modification				
Applicant's Request	Existing Condition			
That the condition be deleted.	85. Prior to the issue of any Occupation Certificate, a sign must be installed in a prominent position at the entrance of the drive-through lane, which states the following:			
	"Engines must be switched-off when waiting. Any vehicle not adhering to the request of the Store Manager to switch engine off may be refused service.			

	Poorly tuned or malfunctioning cars will be reported to
	the NSW Environment Protection Authority (EPA)".
	Discussion
Applicant's Reasoning for Proposed Change	Council Comment
The appended advice from Todorovski Air Sciences confirms that switching off car engines whilst waiting at the drive-thru lane will	The original Odour Assessment Report (prepared by Todoroski, dated 21 April 2020) identified exhaust emissions from patron's cars as a potential source of odour emission from the development, and stated the following:
have no appreciable impact on odour emissions and will	Original Odour Assessment Report – 21 April 2020
avoid noise impacts from vehicles restarting engines. Further, the appended advice from Day Design (Acoustic Engineers) confirms that the constant level of noise from engines at idle is considered to have less potential for annoyance than a short period of silence followed by a drastic spike in level from an engine start-up.	Car exhaust emissions associated with using the drive- thru would be transient in nature as the cars travel along the drive-thru and would only emit emissions over a short period considering the length with the vehicles remaining warm. These emissions would be highest when there are the most number of cars with running engines, i.e. during peak periods. It is noted that the site is subject to significant car emissions from Stewart Street which is a main road that links the Great Western Highway and the Mitchell Highway. The emissions associated with cars in the Drive Thru will be a small fraction of the emissions from existing traffic experienced at the site.
nom an engine start-up.	in consideration of the design and the small number of vehicles that can be present at any time with running engines, there is low potential for any unacceptable level of adverse impact on nearby sensitive receptors. The only situation with scope for brief adverse impact would be a case of one or more poorly tuned or malfunctioning cars to be present with a running engine under still wind conditions. Whilst there is a relatively low likelihood of this occurring, any potential adverse impacts from this source can be managed with the following suggested controls:
	 A sign saying "Please switch engine off when waiting" (or similar words to that effect). Any vehicle not adhering to the request of the Store Manager to switch engine off may be refused service; and, Should any poorly tuned or malfunctioning car be identified in the drive thru, the Store Manager will report the vehicle to the NSW EPA.
	Accordingly, Condition No. 85 was adapted from the recommendations of the Applicant's Odour Assessment Report.
	Reviewed air quality/odour advice from Todoroski (dated 28 July 2020) has been submitted to Council with this Modification of Development Consent Application, which states the following in relation to Condition No. 85:
	Reviewed Air Quality/Odour Advice – 28 July 2020
	The Odour Assessment – Proposed Taco Bell

Receptor LocationCalculated Leq, 15min Cumulative Noise LevelEnvironmental NoiseCondition
The calculated cumulative noise level from each scenario at each receptor location is similar between each scenario. When vehicle engines are switched off, the elevated noise level of the following engine start-up's occurring over 1-2 seconds, while significantly higher, is offset by the periods of engine silence. As such, the average noise level over a 15 minute noise assessment period (adhering to Condition 85) is similar to vehicle engines constantly running (with a lower noise level) over 15 minutes.
2020 On average, the noise level of a passenger vehicle engine starting is approximately 10-13 dB above the noise level from an Engine at idle, which is significantly higher. However, the elevated noise level during engine start-up is only maintained for 1-2 seconds in total before dropping sharply to the noise level while at idle.
Reviewed environmental noise advice from Day Design Pty Ltd (dated 7 August 2020) has been submitted to Council with this Modification of Development Consent Application, which "investigate[s] the acoustic implications of a steady flow of vehicles within the drive-thru in comparison with the engines-off scenario, as specified in Condition 85, over a 15 minute noise assessment period." The advice determined that: Reviewed Environmental Noise Advice – 7 August
 On occasions where one or more poorly tuned or malfunctioning cars are present in the drive-thru with the engines running under still wind conditions, it is possible that this may lead to a brief adverse impact. It is not recommended that every car using the drive-thru be required to switch their engine off. Restarting vehicles (turning engines off/on) results in a spike of air emissions generated which is greater than the emissions associated with the vehicle when it is idling. Leaving vehicles idling is preferred over continually restarting cars numerous times when vehicles are transient through the drive-thru. Requiring all cars to switch the engine off when waiting in the drive-thru will result in more air emissions overall compared to vehicles remaining idling and is not recommended. The comments provided in the reviewed advice contradict previous recommendations made by Todoroski in their original Odour Assessment Report.
Restaurant, Bathurst (Todoroski Air Sciences, 2020) identifies air emissions from patron's vehicles using the drive-thru to have a low potential for any unacceptable level of adverse impact on nearby sensitive receptors and would only be a small fraction of the existing vehicle emissions from Stewart Street.

	Assessment Report	85
R1 – 301	35 dBA	35 dBA
Howick Street		
R2 – 101	34 dBA	34 dBA
Stewart Street		
R3 – 110-112	38 dBA	38 dBA
Stewart Street		
R4 – 314	38 dBA	38 dBA
Howick Street		
 occurring, short te start up, has more general populatio L_{eq} noise level. In light of the reviewed ad noise and odour impacts, engines within the drive-th impact on the amenity of twould the impacts of idling Noise generated from in the drive-through is surrounding residents Odour emissions from have a low impact on 	it is considered that the surrough is likely to cause m the surrounding residentia g vehicles, for the followin the frequent engine starts likely to cause more anno- than the steady noise of in vehicles are generally pro- sensitive receptors, with the ly tuned or malfunctioning	g. an engine vance for the at the same in relation to witching-off of nore overall at area, than g reasons: s of vehicles byance for dling cars. edicted to he exception
• The air and odour emi are greater than a veh	ssions produced from an icle that is idling.	engine restart

It is recommended that Condition No. 85 be amended to read:

85. Prior to the issue of any Occupation Certificate, a sign must be installed in a prominent position at the entrance of the drive-through lane, which states the following:

"Poorly tuned or malfunctioning cars will be reported to the NSW Environment Protection Authority (EPA)".

Whilst this condition would not guarantee any immediate noise and odour relief from poorly tuned or malfunctioning vehicles in the drive-through, it could deter any such vehicles from using the drive-through facilities.

Deletion of Condition No. 109: Illumination of Signage

Condition No. 109 prohibits the illumination of two wall "Bell Logo" signs located on the South-Western and South-Eastern elevations of the building, fronting Howick Street and Stewart Street respectively (see **Figure 1** and **Figure 4**).



Figure 4 – Proposed Signage on South-Eastern Elevation – Nos. S06 & S03 (Left to Right)

Proposed Modification			
Applicant's Request	Existing Condition		
That the condition be deleted.	109. Sign Nos. S06 must not be illuminated.		
	C	iscussion	
Applicant's Reasoning for Proposed Change		Counc	il Comment
The appended advice from LoFi confirms that the illumination of the 2 x Sign Nos. S06 will not result in light spillage on neighbouring properties.	Clause 12.2.4(a) of DCP 2014 states that illuminated signs must not be permitted on land zoned R1 General Residential, however, nine (9) out of the fourteen (14) original signs were proposed to be illuminated. Seven (7) of these signs were approved for illumination restricted to the approved hours of operation, and included:		
		n Approved for Illumination	Reason
	No.	Description	1
	S01	Double-sided Pylon Sign	The site currently contains two illuminated Pylon Signs which will be removed as a result of the development. Other commercial development located within the R1 General Residential zone along Stewart Street (such as "Stewart Street Vets" and "Bathurst Heritage Motor Inn" contain one illuminated Pylon Sign. The proposed sign will identify the business location and advertises the premises to passing traffic, particularly during night hours.
	S07	Single Electronic Menu Sign	Identifies goods available. Necessary for night-time
	S08	Double Electronic Menu	operation of the drive-

	Side	
S09	Double-sided Directional Sign "Entry"	
S10	Double-sided Directional Sign "Exit"	Necessary for the safe and smooth flow of traffic through and around the site,
S11	Double-sided Directional Sign "Drive-through"	particularly during night hours.
S12	Double-sided Directional Sign "No Entry"	
Total	Seven (7)	
(Sign No illumina	er, the two (2) propos o. S06) (see Figure ted for the following	
or o	perational function for r seven (7) approve	o not serve any necessary safety or the development, unlike the d illuminated signs discussed
resid and unne illum amo	dential area and the signage (particularly ecessary) will ultima ination for road use	ated within an established accumulation of outdoor lighting y any that is considered tely increase the level of rs in Stewart Street and the currently experienced by the properties.
Gen	eral Residential und	t permitted on land zoned R1 ler Clause 12.2.4(a) of DCP cated within a commercial zone.
and	5 5	e for branding purposes only eved during daytime hours if
will s loca	serve the function of	d Pylon Sign (No. S01) alone alerting passing traffic of the drink premises, particularly
(No.	S02 and S03 "Tacc	all Business Identification Signs Bell") are floodlit which will also me branding of the site.
6 me subs land	etres above ground stantially screened b	e proposed to sit approximately level and will not be by any of the proposed particularly from Howick Street
dated 2 this Mod	8 August 2020) has dification of Develop	on Report (prepared by Lo-Fi, been submitted to Council with ment Consent Application for Logo" signs (Sign No. S06 on

the SE and SW elevations). The report modelled the proposed signs for compliance with Australian Standard (AS) 4282:2019 and identified that:
• The signs will comply with the Maximum Vertical Illuminance Levels (LUX), Maximum Luminous Intensities (per luminaire) and Maximum Threshold Increment allowable for non-curfew periods (between 6:00am and 11:00pm) in Environmental Zone A2 (where the illuminated surface is viewed against a black background, sea or sky) under AS4282.
• A dimmer will be installed to ensure that the signs comply with the Maximum Average Illuminance allowable in Environmental Zone A2 under AS4282:2019, being 150 cd/m ² . It is considered that an additional condition of consent should be implemented to ensure that the dimmer is installed.
• The signs would be switched-off outside of the approved hours of operation in accordance with existing Condition No. 107 and therefore, the maximum levels for curfew period (11:00pm to 6:00am) are not applicable.
• The upward light ratio will comply with the requirements of AS4282, subject to the installation of mitigation measures, including a shield/baffle installed along the top of the illuminated signage in accordance with Clause 3.3.5.7(c) of AS4282. It is considered that an additional condition of consent should be implemented to ensure that appropriate mitigation measures are installed.
The cumulative impact of all proposed lighting and signage will ultimately increase the level of illumination for road users in Stewart Street and the amount of light spillage currently experienced by the surrounding residential properties. The applicant has demonstrated that Sign No. S06 (on both the South-Eastern and South-Western elevations) will generally comply with AS4282.

The applicant has demonstrated that Sign No. S06 (on both the South-Eastern and South-Western elevations) will generally comply with AS4282 and it is considered that the deletion of Condition No. 109 could be supported.

It should be noted that if approved for illumination, Sign No. S06 would also become subject to compliance with the following existing conditions of consent:

80. All exterior lighting associated with the development shall be located in accordance with the approved "Electrical Services Plan" (prepared by BD Architecture Interiors, dated 23 April 2020, Rev. B) and designed and installed so that no obtrusive light will be cast onto any adjoining property or in an upward manner.

NOTE 1: Compliance with Australian Standard AS4282 "Control of the Obtrusive Effects of Outdoor Lighting" will satisfy this condition.

81. All external lighting must have fully shielded fittings to reduce light spill onto neighbouring properties.

Because it is proposed for this sign to be illuminated, it is necessary to include an additional condition of consent relating to how the illumination is to be controlled. Condition 145 is recommended to be included, as follows:

145. The upward light ratio and maximum average illuminance of Sign No. S06 must comply with the requirements of Australian Standard AS4282:2019 *"Control of the obtrusive effects of outdoor lighting"*. All relevant mitigation measures (including the use of a dimmer, shields and baffles) must be appropriately installed prior to the issue of any Occupation Certificate.

NOTE: The applicable Environmental Zone is A2 (Low district brightness) under Australian Standard AS4282:2019.

Alteration to Condition No. 119: Odour Management

Condition No. 119 requires that additional air quality investigations be undertaken in any circumstance where existing onsite odour management measures are found to be insufficient.

Proposed Modification		
Applicant's Request	Existing Condition	
That the condition be amended to read as follows:	119. If odour management measures are found to be insufficient, Council reserves the right to require that an investigation be undertaken by a suitably	
119. If odour management measures are found to be insufficient by Council , Council reserves the right to require that an investigation be undertaken by a suitably qualified air quality consultant appointed by the Applicant to identify odour causes, at the expense of the landowner(s). Any recommendations made by the air quality consultant to reduce odour impacts must be implemented at the landowner(s) expense.	qualified air quality consultant to identify odour causes, at the expense of the landowner(s). Any recommendations made by the air quality consultant to reduce odour impacts must be implemented at the landowner(s) expense.	
(Emphasis added).		

Discussion		
Applicant's Reasoning for Proposed Change	Council Comment	
The purpose of the wording change is to more precisely qualify who determines what is "insufficient" in terms of odour management and who undertakes the investigation on behalf of the Applicant.	It would be expected that Council would determine when odour management measures are found to be insufficient and the landowner(s)/applicant would appoint an Air Quality Consultant at their own cost.	

Recommendation

It is recommended that Condition No. 119 be amended to read:

119. If odour management measures are found to be insufficient by Council, Council reserves the right to require that an investigation be undertaken by a suitably qualified air quality consultant appointed by the Applicant to identify odour causes, at the expense of the landowner(s). Any recommendations made by the air quality consultant to reduce odour impacts must be implemented at the landowner(s) expense.

Alteration to Condition No. 126: Offensive Odours

Condition No. 126 requires that offensive odours from the development not be detected at nearby residences.

Proposed Modification		
Applicant's Request	Existing Condition	
That the condition be amended to read as follows:	126. Offensive odours from the premises must not be detectable at the nearest sensitive land uses.	
126. Offensive odours, as defined by the Protection of the Environment Operations Act 1997, from the premises must not be detectable at the nearest sensitive land uses.		
(Emphasis added).		

Discussion	
Applicant's Reasoning for Proposed Change	Council Comment
The purpose of the wording change is to more precisely define under the Protection of the Environment	The definition of "offensive odour" under the <i>Protection of the Environment Operations Act 1997</i> (POEO Act), is provided below:
Operations Act 1997 what is "offensive" in terms of odours.	<i>Protection of the Environment Operations Act 1997</i>
	 offensive odour means an odour— (a) that, by reason of its strength, nature, duration, character or quality, or the time at which it is emitted, or any other circumstances— (i) is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted, or (ii) interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted, or (b) that is of a strength, nature, duration, character or quality prescribed by the regulations or that is emitted at a time, or in other circumstances, prescribed by the regulations.

No concerns are raised in relation to the clarification provided through reference to the POEO Act.

It is recommended that the change to Condition No. 126 be adopted as proposed by the applicant.

Substantially the Same Development

In accordance with Section 4.55(1A)(b) of the EP&A Act, Council can be satisfied that the proposed modified development is substantially the same development as the development for which the consent was originally granted.

Public Consultation

Clause 3.14.8 of *Bathurst Regional Community Participation Plan 2019*, states the following in relation to the notification of modifications involving minimal environmental impact:

What is the minimum exhibition period?

ii. Modifications involving minimal environmental impact.

Applications will generally not be notified.

However if, in the opinion of Council, the proposed modification has the potential to increase the impact of the development on adjoining or nearby land or development, the application will be notified for a period of 10 days in accordance with this CPP.

It is considered that subject to the recommendations made throughout this report, the proposed modification will not result in any increase in the impact of the development on adjoining or nearby land or development. The relevant impacts were present during the assessment of the original application, which was placed on public exhibition.

Accordingly, the proposed modification was not notified to surrounding landowners.

State Environmental Planning Policies (SEPPs)

State Environmental Planning Policy No. 64 – Advertising and Signage

The proposed modification seeks the deletion of Condition Nos. 2 and 109 which relate to signage. Subject to the recommendations previously discussed, it is considered that the development will satisfy the objectives and Schedule 1 of SEPP No. 64 – Advertising and Signage.

No significant concerns were raised by Transport for NSW (TfNSW) in relation to the impacts of signage and illumination on road safety under the original Development Application, subject to conditions which are not proposed to change.

Bathurst Local Environmental Plan 2014

<u>Zone</u>

The land is zoned R1 General Residential under *Bathurst Regional Local Environmental Plan 2014* (LEP 2014), in which the development of a food and drink premises and office premises is permissible with consent.

Objectives

The proposed modification will not result in any additional inconsistencies with the objectives of LEP 2014. The assessment of the original Development Application concluded that the development is possibly inconsistent with the following objectives of the zone:

- "Provide facilities or services to meet the day to day needs of residents".
- "Enable commercial development that is compatible with the amenity of the area".

The proposed modification will not increase the compatibility of the commercial development with the amenity of the surrounding residential area and will not provide facilities or services necessary for the day to day needs of immediate residents.

Clause 7.10 Signage

The proposed modification seeks the deletion of Condition Nos. 2 and 109 which relate to the size of a wall building identification sign (No. S02) and the illumination of two wall "Bell Logo" signs (No. S06).

The two signs will be used in association with the approved food and drink premises, which is a permissible use of the land. As previously discussed, it is recommended that Condition No. 2 of the Development Consent be retained in its current form to ensure that the dimensions and overall size of proposed Sign No. S02 are not larger than would reasonably be required to inform the public.

Bathurst Development Control Plan 2014

Chapter 5 – Business and industrial development

The proposed modification will not result in any additional non-compliance with Chapter 5 of DCP 2014.

Chapter 10 – Urban design and heritage conservation

The land is located within the Bathurst Heritage Conservation Area. However, the conditions in question were not implemented in direct response to concerns relating to the conservation of the area. Therefore, the proposed modification is not expected to result in any inconsistencies with Chapter 10 of DCP 2014.

Chapter 11 – Outdoor lighting

The Lighting Impact Information Report (prepared by Lo-Fi, dated 28 August 2020) submitted with the Modification of Development Consent Application demonstrates that proposed Sign No. S06 will generally comply with the requirements of AS4282:2019 "Control of the Obtrusive Effects of Outdoor Lighting", subject to an additional condition requiring that mitigation measures be installed along the top of the sign in accordance with Clause 3.3.5.7(c) of AS4282.

Chapter 12 – Signage and colour schemes

As previously discussed, Condition Nos. 2 and 109 were implemented in response to noncompliances of proposed Sign Nos. S02 and S06 with Clauses 12.2.5(c) and 12.2.4(a) respectively. The proposed deletion of these conditions would see a continued noncompliance.

CONCLUSION:

Council has received an application to modify Development Consent No. 2019/367 granted on 7 July 2020, for the demolition of an existing commercial building, partial demolition of an existing dwelling house, change of use of an existing dwelling house to an office premises, construction of a food and drink premises (including drive-through facilities), construction of a carpark, retaining walls and acoustic fence and installation of signage.

The proposed modifications to Condition Nos. 6, 9, 30, 31, 55, 119 and 126 are minor and primarily seek to clarify the responsibilities of relevant parties in relation to the development and compliance with conditions of consent and will not result in any adverse additional environmental impact, subject to recommendations of this report.

The proposed deletion of Condition No. 2 would mean that the large "Taco Bell" Wall Sign (Sign No. S02) could be installed on the South-Western Elevation, which is non-compliant with the requirements of Clause 12.2.5(c) of DCP 2014. It is recommended that the deletion of Condition No. 2 not be supported as Sign No. S02: would visually dominate the area of the building wall, detract from the overall aesthetic character of the building and residential streetscape and is not significantly screened by landscaping (particularly from residential properties located on the opposite side of Howick Street). The existing condition allows for Sign No. S02 to be replaced with the smaller "Taco Bell" Wall Sign (No. S03), which is considered to be an appropriate alternative.

Condition No. 85 relates to the installation of signage onsite requiring that engines be switched-off when waiting in the drive-through lane. This condition was adopted in accordance with the recommendations of the original Odour Assessment Report. However, reviewed advice from the applicant's Acoustic Consultant and Air Quality/Odour Consultant has demonstrated that the noise and odour generated from the continuous restarting of engines in the drive-through would be likely to place more of an impact on the amenity of surrounding residences, than the idling of vehicles (including the occasional poorly tuned or malfunctioning car) within the drive-through. Accordingly, it is recommended that Condition No. 85 be amended to remove the requirement for engines to be switched off.

Condition No. 109 prohibited the two wall "Bell Logo" signs (No. S06) from being illuminated, as: they serve no necessary safety or operational function for the development, the cumulative impact of lighting from the site is expected to impact surrounding residences, illuminated signs are not permitted on land zoned R1 General Residential under Clause 12.2.4(a) of DCP 2014, the proposed Pylon Sign (No. S01) has been approved for illumination and will serve the function of alerting passing traffic of the location of the food and drink premises and the sign will sit 6 metres above ground level and will not be significantly screened by landscaping. However, a Lighting Impact Information Report has demonstrated that the Sign No. S06 will generally comply with Australian Standard AS4282:2019 *"Control of the Obtrusive Effects of Outdoor Lighting"*, subject to light mitigation measures being installed. Accordingly, it is considered that the proposed deletion of Condition No. 109 could be supported. The level of illumination in Stewart Street and the surrounding residential area will ultimately increase as a result of the development, regardless of the effect of Condition No. 109.

FINANCIAL IMPLICATIONS:

N/A

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

Objective 1: Our sense of place and identity.

- Strategy 1.4 Protect and improve the region's landscapes, views, vistas and open space.
- Strategy 1.5 Promote good design in the built environment.

Objective 4: Enabling sustainable growth.

Strategy 4.6 Plan for, assess and regulate development activity.

COMMUNITY ENGAGEMENT:

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

ATTACHMENTS:

- 1. Letter from Applicant Outlining Request for Modification [8.2.3.1 6 pages]
- 2. Supporting Information from Air Quality- Odour Consultant [8.2.3.2 2 pages]
- 3. Supporting Information from Acoustic Consultant [8.2.3.3 3 pages]
- 4. Supporting Information from Electrical Lighting Consultant [8.2.3.4 4 pages]
- 5. AMENDED Supporting Information from Electrical Lighting Consultant [8.2.3.5 5 pages]
- 6. Approved Architectural Plans [8.2.3.6 13 pages]
- 7. Approved Landscaping plans [8.2.3.7 2 pages]
- 8. Original Development Consent No. 2019-367 [8.2.3.8 42 pages]

MINUTE

Cr Fry declared Non-Pecuniary non-significant interest in this item and remained in the chamber.

Reason: A cousin of the Councillor owns a property in Stewart Street opposite the proposed development.

RESOLUTION NUMBER: ORD2020-231

MOVED: Cr A Christian SECONDED: Cr I North

RESOLVED:

That Council:

- (a) support the variation to Clause 12.2.4(a) "Advertising Signage Locational Requirements" of *Bathurst Regional Development Control Plan 2014*.
- (b) oppose the variation to Clause 12.2.5(c) "Advertising Signage General Development Standards" of *Bathurst Regional Development Control Plan 2014.*
- (c) oppose the proposed modifications to Condition Nos. 2, 30 and 31.

- (d) as the consent authority, grant consent pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979* to the Modification of Development Consent Application No. 2019/367, by:
 - 1. **Altering** Condition No. 6 to read as follows:

Further consideration is to be given to the selection of materials for the construction of acoustic barriers and this is to be determined by the Applicant's acoustic engineer and approved by Council, prior to the issue of the Construction Certificate.

2. Altering Condition No. 9 to read as follows:

Prior to the issue of the Construction Certificate, evidence shall be submitted to Council of the lodgement of plans with NSW Lands Registry Services to consolidate Lot 1 in DP 737574 and Lot 5 in DP 1086710 into one parcel. Evidence of consolidation of the land is to be provided to Council from NSW Land Registry Services demonstrating that the consolidation has been registered prior to any Occupation Certificate.

3. **Altering** Condition No. 55 to read as follows:

The concrete footpath adjoining the property is to be removed and replaced for all redundant and new driveways. Any damaged or misaligned sections of footpath are to be removed and replaced. New footpaths are to be 1.2 metres wide and 100 mm thick and constructed in accordance with Bathurst Regional Council's Guidelines for Engineering Works.

NOTE 1: Any pavement damaged during construction is to be replaced at the full cost of the landowner(s).

4. **Altering** Condition No. 85 to read as follows:

Prior to the issue of any Occupation Certificate, a sign must be installed in a prominent position at the entrance of the drive-through lane, which states the following:

"Poorly tuned or malfunctioning cars may be reported to the NSW Environment Protection Authority (EPA)".

5. **Deleting** Condition No. 109, which states:

Sign Nos. S06 must not be illuminated.

6. **Altering** Condition No. 119 to read as follows:

If odour management measures are found to be insufficient by Council, Council reserves the right to require that an investigation be undertaken by a suitably qualified air quality consultant appointed by the Applicant to identify odour causes, at the expense of the landowner(s). Any recommendations made by the air quality consultant to reduce odour impacts must be implemented at the landowner(s) expense.

7. **Altering** Condition No. 126 to read as follows:

Offensive odours, as defined by the *Protection of the Environment Operations Act 1997*, from the premises must not be detectable at the nearest sensitive land uses.

8. Adding Condition No. 145 to read as follows:

The upward light ratio and maximum average illuminance of Sign No. S06 must comply with the requirements of Australian Standard AS4282:2019 *"Control of the obtrusive effects of outdoor lighting"*. All relevant mitigation measures (including the use of a dimmer, shields and baffles) must be appropriately installed prior to the issue of any Occupation Certificate.

NOTE: The applicable Environmental Zone is A2 (Low district brightness) under Australian Standard AS4282:2019.

(e) call a division.

On being **<u>PUT</u>** to the **<u>VOTE</u>** the **<u>MOTION</u>** was <u>**CARRIED**</u>

The result of the division was:

<u>In favour of the motion</u> - Cr W Aubin, Cr B Bourke, Cr A Christian, Cr G Hanger, Cr M Morse , Cr I North, Cr J Rudge <u>Against the Motion</u> - Cr J Fry <u>Absent</u> - Cr J Jennings <u>Abstain</u> - Nil

8.2.4 DEVELOPMENT APPLICATION 2020/183 -PROPOSED SHED - 78 GILMOUR STREET KELSO. APPLICANT & OWNER: MR J SMITH

File No: 2020/183

RECOMMENDATION:

That Council:

- (a) support the variation to Clause 6.2 "Siting" of *Bathurst Regional Development Control 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. 2020/183, subject to conditions able to be imposed pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979, as amended, including but not limited to:
 - 1. The development shall be carried out in accordance with the approved plans (including any alterations or additions marked by Council), unless as otherwise amended by the conditions of this Development Consent.
 - 2. The external materials on the building (including walls and roof) are to be a uniform colour. The colour of the building is to be lighter and the following colours are recommended from the colourbond range or equivalent:
 - a) Surfmist; or
 - b) Evening Haze; or
 - c) Shale Grey.
 - 3. The cladding on the walls and roof of the proposed building is to be of traditional corrugated profile.
 - 4. The applicant is to submit to Council, for endorsement, a Landscape Plan prepared in accordance with Chapter 13 of the *Bathurst Regional Development Control Plan 2014*, prior to the issue of any Construction Certificate.

The landscaping must screen the shed from Gilmour Street and Lot 61 DP 816507 (72 Gilmour Street). The vegetation is to be fast growing, evergreen and a mature planting.

Council is to certify that the Landscape Plan is in accordance with *Bathurst Regional Development Control Plan 2014*, prior to the issue of any Construction Certificate.

5. During the carrying out of the proposed works, if any archaeological remains are discovered, the developer is to stop works immediately and notify the Heritage Division, NSW Office of Environment & Heritage. Any such find is to be dealt with appropriately and in accordance with the Heritage Act 1977, recorded, and details given to Council prior to the continuing of works.

NOTE 1: A Section 140 Permit will need to be obtained to disturb archaeological relics. This permit is to be obtained from the Department of Premier & Cabinet (Heritage), prior to the disturbance of the archaeological relics.

 Erosion and sediment control measures are to be established prior to commencement of construction and maintained to prevent silt and sediment escaping the site or producing erosion. This work must be carried out and maintained in accordance with the Landcom Soils and Construction Volume 1 – "The Blue Book" OR the International Erosion Control Association Requirements.

NOTE 1: All erosion and sediment control measures must be in place prior to earthworks commencing and implemented for the duration of the construction. Copies of the above guidelines are available from Council's Environmental, Planning & Building Services Department.

- 7. The shed is not to be used for residential purposes without Council's consent.
- 8. The shed is not to be used for commercial or industrial purposes or the storage of goods associated with commercial or industrial undertakings.

(c) call a division.

REPORT:

Site

78 Gilmour Street (Lot 1 DP 195566) is located on the corner of Gilmour Street and Church Lane, Kelso. The property currently contains a single-storey dwelling house, various small sheds and one shipping container.

The property has an area of approximately 3035m².

The land is relatively flat and contains scattered vegetation/landscaping.

To the rear of the property is the Council levee.

A location plan and aerial image are provided in **<u>attachment 1</u>**.

Proposed Development

The proposed development includes the construction of a 300m² shed, which comprises of four vehicle/machinery storage bays and a bathroom.

The shed is to be $20m \times 15m$ orientated across the allotment. The shed is 3.6m to the eaves and 5.643m to the apex of the roof.

The shed is to be located 7m from Church Lane, 30m from Gilmour Street and 4.017m from the common boundary with 72 Gilmour Street.

The applicant has advised that the shed is intended to be used for private storage purposes, including the storage of vehicles and other materials associated with the use of the property. The shed is not to be used for commercial or industrial purposes. The proposed use of the shed is described in <u>attachment 2</u>.

Existing Shipping Containers on the Property

The submitted plans indicate that one of two existing shipping containers located on Lot 1 DP 195566 will be relocated. The container has since been removed from the property. The container located closest to 72 Gilmour Street is to remain.

The containers were exempt development under the provisions of *Bathurst Regional Local Environmental Plan 2014* at the time that they were installed on the property.

There have recently been alterations to the exempt development criteria as they relate to sheds and containers. Any new container or alternative location of a container would need to comply with the exempt development criteria, separate consent sought or removed from the site.

Amended Plans

It is noted that during the assessment process the applicant submitted amended plans which increased the roof pitch from the original 11° proposed to 15°. This increases the finished height of the shed from 5.058m to 5.643m at the apex of the roof.

The Elevation Plans have been amended in Red to reflect the proposed changes. Conditions of consent will be implemented to ensure that the development is carried out in accordance with the approved plans and Council's amendments.

Summary of Attachments

Attachment No.	Documentation	
1	Location Plan and Aerial Image.	
2	Description of the Use of the Proposed Shed	
3	AMENDED Plans of Proposed Development	
4	Email from Applicant Amending Roof Pitch from 15° to 11°	
5	Request for Variation of Development Control Plan Standard	
6	Public Submission Received in Relation to Proposed Development	
7	Applicant's Response to Public Submission Received	
8	Map of Land Use Zones on and Surrounding Lot 1 DP 195566	

See the relevant plans and documentation in the following attachments:

State Environmental Planning Policies

There are no State Environmental Planning Policies relevant to the proposed development.

Bathurst Local Environmental Plan 2014

<u>Zone</u>

The land is zoned RU4 Primary Production Small Lots under *Bathurst Regional Local Environmental Plan 2014* (LEP 2014).

Permissibility

The proposed development of a shed is permissible with consent on land zoned RU4 Primary Production Small Lots under LEP 2014.

Given the applicant's advice it is considered that the proposal is ancillary to the use of the land as a dwelling.

It is noted that uses such as depots, transport depots, and truck depots (as defined below) are prohibited uses in the RU4 Primary Production Small Lots.

depot means a building or place used for the storage (but not sale or hire) of plant, machinery or other goods (that support the operations of an existing undertaking) when not required for use, but does not include a farm building.

transport depot means a building or place used for the parking or servicing of motor powered or motor drawn vehicles used in connection with a business, industry, shop or passenger or freight transport undertaking.

truck depot means a building or place used for the servicing and parking of trucks, earthmoving machinery and the like.

Conditions restricting the use of the land can be imposed on any consent.

Objectives

The proposed development will generally comply with the objectives of the zone, as discussed in the following table:

Zone Objective	Comment
To enable sustainable primary industry and other compatible land uses.	The proposed shed will be used for vehicle, machinery and general storage ancillary to the current use of the property. The proposal is compatible with the surrounding primary production land uses.
To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.	The proposed shed will have a neutral effect on diversity and employment opportunities in relation to primary industry enterprises.
To minimise conflict between land uses within this zone and land uses within adjoining zones.	The proposed shed is not expected to place any adverse impact on land uses within neighbouring zones, subject to conditions recommended throughout this report.
	Lot 1 DP 195566 adjoins land zoned RE1 Public Recreation to the West (owned by Council) and land zoned R1 General Residential to the East on the opposite side of Gilmour Street (see <u>attachment 8</u>).
To maintain the rural and scenic character of the land.	The design, scale and character of the proposed shed is consistent with the rural and scenic character of the surrounding primary production land uses.

	The shed will be located generally "behind" the existing dwelling on the property. The shed will be large however that needs to be placed in the context of the rural zoning of the property.
To provide opportunities for intensive plant agriculture.	The proposed shed will have minimal impact on opportunities for intensive plant agriculture in the surrounding area.
To conserve high quality agricultural land by ensuring that it is not unnecessarily converted to non- agricultural land uses and that any lot created is capable of sustaining a range of agricultural land uses.	The proposed shed has no impact on the agricultural use of the land. The development does not involve the creation of any new lots.
To encourage development that protects, enhances and manages the riparian environment.	The proposed shed will be located more than 80 metres from Raglan Creek and is not expected to place any adverse impact on the riparian environment.

Special Provisions

Clause 5.10 – Heritage Conservation

The land is not identified as a Local or State Heritage Item and is not located within any Heritage Conservation Area.

The property does however directly adjoin 72 Gilmour Street which forms part of a Heritage Item known as "Holy Trinity Church Group (including Anglican Church, Rectory, Pioneer's Cemetery & School Hall) (I157)" (see **Figure 5**):

Lot and DP	Property Address	Location
Lot 61 DP 816507	72 Gilmour Street Kelso	Containing the former School Hall. Directly adjoining to the South.
Lot 1 DP 1114413	81 Gilmour Street Kelso	Containing the Rectory and Cemetery. Adjacent to the East, on the opposite side of Gilmour Street.
Lot 1 DP 650680	75 Gilmour Street Kelso	Containing the Anglican Church. Adjacent to the East, on the opposite side of Gilmour Street.



Figure 5 – Lot 1 DP 195566 – Adjoins a State Heritage Item known as "Holy Trinity Church Group (including Anglican Church, Rectory, Pioneer's Cemetery & School Hall) (I157)" – Located to the South and East

The Church, Rectory and Cemetery are listed on the State Heritage Register. The State Heritage Register listing does <u>not</u> extend to the School Hall located at 72 Gilmour Street.

Clause 5.10(4) "Heritage Conservation" applies to developments that are either heritage items or located within the Heritage Conservation Area and requires consideration of the effect on the heritage significance of the item or area.

(4) **Effect of proposed development on heritage significance** The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

In this case, the subject land (being 78 Gilmour Street) is not a heritage item nor is it located in a Heritage Conservation Area.

Clause 5.10(5) enables Council to require the applicant to prepare a heritage management document (in this case that would be a Heritage Impact Statement) to assess the extent that a proposal may affect the heritage significance of the heritage item.

- (5) **Heritage assessment** The consent authority may, before granting consent to any development—
 - (a) on land on which a heritage item is located, or
 - (b) on land that is within a heritage conservation area, or
 - (c) on land that is within the vicinity of land referred to in paragraph (a) or (b),

require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

In this case the applicant has not provided (nor have they been requested to) a Heritage Impact Statement. This is further discussed below under Chapter 10 of *Bathurst Regional Development Control Plan 2014* (DCP 2014).

Clause 7.1 – Flood Planning

The land is identified as "Flood Planning Area" on the Flood Planning Map under LEP 2014. However, the land is protected by the Gilmour Street Flood Levee.

Therefore, the proposed development will comply with the requirements of Clause 7.1 of LEP 2014, as it:

- is compatible with the flood hazard of the land.
- will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affection of other development or properties.
- is located within proximity to existing flood mitigation measures that manage risk to life from flood.
- will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of riverbanks or watercourses.
- is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.

Clause 7.3 – Airspace Operations

The proposed development will not impede the Limitation or Operations Surface of the Bathurst Airport and complies with the requirements of Clause 7.3 of LEP 2014.

Obstacle Limitation Surface	Proposed Maximum Height Level	Complies
790-810 AHD	Approx. 657.643 AHD.	Yes.

Clause 7.5 – Essential Services

The existing dwelling located on the land retains connections to electricity, Council's water

supply, sewerage and stormwater reticulation networks. The existing vehicular access is considered to be suitable for the proposed development although works will be required in terms of sealing the entrance. The proposed shed will be suitably serviced in accordance with Clause 7.5 of LEP 2014.

Bathurst Development Control Plan 2014

Chapter 6 - Rural and rural lifestyle development

The proposed development generally complies with the requirements of Chapter 6 of *Bathurst Regional Development Control Plan 2014* (DCP 2014), with the exception of Clause 6.2 which states:

6.2 SITING

6.2.1 Objectives

- a) To prevent conflict between residential activities and primary industry.
- b) To ensure that development will not significantly adversely affect the use of adjoining land.
- c) To ensure that building sites do not impact on existing drainage patterns and water supplies.
- d) To protect the environmental qualities of the land.

6.2.3 Setbacks – Zones RU1 – Primary Production, RU2 – Rural Landscape and RU4 – Primary Production Small Lots Development Standards

a) Council must only grant consent to development listed in the table below where the front, side and rear setbacks comply with the standards outlined in the table below.

<u>Note:</u> For the purposes of the table below adjoining land includes land that would otherwise adjoin a property boundary except for the fact that a road or river is located along that property boundary. In these circumstances the setback requirement can be reduced by the width of the road or river.

Development Type	Front, Side and Rear Setback
Farm buildings	20m for lots less than 20ha.

The proposed setbacks of the development (as outlined below) do not comply with the minimum setback specified by Clause 6.2 of DCP 2014.

Lot Boundary	Setback Distance	Complies
North-Western (Secondary Setback – Church Lane)	7.0m plus 14.m road	Yes
North-Eastern (Primary Setback – Gilmour Street)	30.0m	Yes
South-Eastern (Adjoining 72 Gilmour Street)	4.047m	No
South-Western (Rear)	40.0m	Yes

The applicant has submitted a *Request for Variation of Development Control Plan Standard* (refer to <u>Attachment 5</u>) relating to boundary setbacks, noting:

- the width of the land.
- the need to accommodate access from Church Lane.
- the location of a sewer main through the land.
- that the "narrow" side of the shed adjoins 72 Gilmour Street.

The land has an area of only 3035m² and has a width of approximately 29.76 metres. Compliance with the provisions of Clause 6.2.3 would require the development to be located 20 metres off the shared boundary with 72 Gilmour Street and approximately 6 metres off the boundary with Church Lane (itself being 14 metres wide to achieve the total 20 metres).

Given the width of the lot, any farm buildings would need to be less than 4 metres wide to achieve the required setbacks of 20 metres from each of the side boundaries.

However, the proposal is considered to be consistent with the objectives of Clause 6.2 of DCP 2014 and the setback variation is considered acceptable for reasons outlined below.

• Existing Setbacks of Dwelling House

The proposed shed will be located behind the primary setback of the existing dwelling house from Gilmour Street and will be in alignment with the secondary setback of the existing dwelling house from Church Lane. Therefore, the proposed development is not expected to have any adverse impact on the adjoining streetscapes.

• Existing Setbacks of Other Outbuildings and Proposed Setback of Shed in Relation to Neighbouring Property (Lot 61 DP 816507, 72 Gilmour Street).

The proposed shed will retain a larger setback from the South-Eastern boundary than the existing sheds and shipping container located on the land (see **Figure 6**). There are no immediately adjoining buildings located on the neighbouring property (Lot 61 DP 816507, 72 Gilmour Street) that might be adversely impacted by the development. The neighbouring dwelling house will be located approximately 35 metres from the proposed shed.

The shed will directly adjoin neighbouring open space/rural land. However, no windows or openings have been proposed on the South-Eastern Elevation of the shed and the primary private open space of the neighbouring development is fenced-off around the existing dwelling house (see **Figure 6**). Accordingly, the shed will not result in any privacy conflicts or overshadowing on neighbouring private open space.

• Landscape Screening.

Conditions of consent will be implemented to ensure that suitable landscaping is established to screen the shed from Gilmour Street and the neighbouring property (Lot 61 DP 816507, 72 Gilmour Street).

• Proposed Location and Orientation of Shed.

The orientation of the shed as currently proposed is considered to be appropriate to reduce the visual impacts of the proposal on the neighbouring property/State Heritage Item (Lot 61 DP 816507, 72 Gilmour Street) and the streetscape of Church Lane. For instance, if the proposed shed were to be rotated to increase setbacks from the North-Western and South-Eastern boundaries, the broad 20-metre-long colourbond walls would likely place more of a visual impact on the neighbouring property and streetscape, than the shorter 15-metre-long walls as currently proposed.

There are no significant environmental features located on 78 Gilmour which might be impacted by the development. The location and orientation of the proposed shed is appropriate to reduce its exposure to Raglan Creek located on neighbouring land to the West.

• Agricultural Operations.

There are no significant agricultural activities being undertaken on neighbouring land that might be impacted by the proposed development.



Figure 6 – Site Context Plan – Location of Proposed Shed in Relation to Existing Dwelling House, Surrounding Developments and Raglan Creek

The proposed development will generally comply with all remaining requirements of Chapter 6 of DCP 2014, subject to conditions.

Development Standard	Permissible	Proposed	Complies
Building Design and Form	Materials must be naturally textured and coloured, sympathetic to the natural environment and must be non- reflective.	Conditions of consent will be implemented to ensure that the external cladding of the shed is provided in lighter colours to ensure that it blends with the surrounding environment.	Yes, subject to conditions.
	Bulk and scale of must not adversely impact on the visual amenity from neighbouring properties or the visual amenity from other significant locations in the City or the Region.	The land is low-lying and located within a floodplain.	Yes, subject to conditions.
	Height of the building must relate to the topography of the land so that on steeper sites at least part of the roof plane is parallel to the slope and the	The design of the shed is in keeping with the small lot rural character of the area.	Yes.

overall building height sits below any ridgeline/s.		
Design must be in keeping with the rural character of the area.	Conditions of consent will be implemented to ensure that adequate landscaping is established to screen the development from adjoining roads and surrounding development.	Yes.
Rural structures such as outbuildings must be adequately screened with vegetation and setback from any road (refer to section 6.2.4).		Yes, subject to conditions.

<u>Chapter 9 – Environmental considerations</u>

The proposed development generally complies with the requirements of Chapter 9 of DCP 2014. The proposed development is not expected to result in any adverse environmental impacts, subject to conditions of consent. The land is protected by existing flood mitigation infrastructure and does not require the removal of any existing trees located on the land.

Chapter 10 – Urban design and heritage conservation

Under Clause 5.10(5) Heritage Assessment, Council may require a Heritage Impact Statement to be lodged with a Development Application. Those circumstances include properties "nearby to a heritage item" where Council is of the opinion that the proposal may impact upon the significance of that building or site or its streetscape or setting.

In this case the applicant has not been requested to provide a Heritage Impact Statement noting that the proposal itself would not directly impact on the significance of 72 Gilmour and the impacts are limited to the matters relating to streetscape and views to and from 72 Gilmour which can be readily assessed on the basis of the plans provided.

The heritage significance of 72 Gilmour Street is considered in the Outline Conservation Management Plan prepared for the Holy Trinity Anglican Church group in 2005. It is noted that the CMP itself was primarily aimed at the assets of the Church at that time. The CMP, whilst providing broad information as to 72 Gilmour Street, was not intended to be a detailed CMP for the site.

Impact on Significance of 72 Gilmour Street

The following observations can be made from the Conservation Management Plan:

- A school for the parish had been established by 1826 by Rev Hassall.
- The CMP refers to the location of the 1826 school house being "uncertain but is likely to have been close to the Glebe and further research may confirm that it was on the site of the later brick school built in the 1840's".
- Plans included in the CMP indicate that 78 Gilmour did not form part of school site or the surrounding Trinity Group land grants dating back to the early-mid 1800's.
- Although the school was apparently the first church facility operating in Kelso, the available title papers suggest that the land was not formally transferred to the

Trustees of the Clergy and School Estates until the 1840's.

- Church records indicate the use of the building as a school until 1871 when Kelso Public School opened there until 1880. Kelso Public School then moved to other premises on Gilmour Street.
- The Parish Hall is described as being constructed mid-19th Century initially as a school and later used as the Parish Hall. It is a single storey brick building of domestic scale and appears to have been altered and extended.
- 72 Gilmour Street was sold by the Church in 1996.

Further details of 72 Gilmour Street are available on the NSW Heritage Register inclusive of the following:

Statement of	An early school building which is an important element in the Holy Trinity		
Significance	Church Group.		
Description	Physical description:	A single storey colonial Georgian building of rendered brick under a hipped iron roof. Full width verandah to front supported by timber posts. 12 paned double hung high gothic sash windows. Skillion roofed section at rear. Painted brickwork.	
_	Physical condition and/or	Fair.	
	Archaeological potential:		
	Date condition updated:	24 Apr 07	
	Current use:	Residential	
	Former use:	Former school and rectory	
	local school and rectory to the Espy Keane from 1827. It wa	y Trinity Church was once the home of a small e first Church of England Rector, the Rev John s recorded as being in poor condition by 1840, he present Blacket designed rectory was built on	
History	One teacher recorded as being in charge of the school from 1857 to 1864 was Edward Hinder. Hinder was born in Calcutta and educated as a draftsman. He then retrained as a teacher. His first posting was Wilberforce. His son born there later married Sarah, granddaughter to Richard Mills of the King William Inn at Kelso.		
	denominational School. In 18	ct enabled this school to become a 71 the master was Mr. Apsey, who soon after left ssor was Richard Callow. The school moved out erted to church purposes.	

Impact on Streetscape

The development site is located within the view corridors of the Holy Trinity Church Group and within close proximity to the former School House at 72 Gilmour Street.

The proposed shed is a large structure that is 15m wide x 20m long (total floor area of $300m^2$). The height of the shed is 5.643m to the ridge.

There is a small shed already located on the subject land as well as an existing shipping container located between the proposed shed and 72 Gilmour Street, which will remain.

The proposed shed will be located within the view corridor of 72 Gilmour Street although the location of the shed means that it will not impact on the views to 72 Gilmour Street when viewed from Gilmour Street The shed will impact on the views to 72 Gilmour Street when viewed from Church Lane although these are views across 78 Gilmour Street. Any significant development to the rear of 78 Gilmour will impact on those views.

Impact on the Setting

72 Gilmour Street does not contain any significant landscaping or features near the boundary to the property.

The shed will certainly be visible from 72 Gilmour Street and there are opportunities to minimize that impact given the setbacks off the common boundary. These issues are as much about the visual impact of the development as opposed to being directly linked to the heritage status of 72 Gilmour Street.

It is important that the colour of the shed is one uniform colour and that it is a light colour such as surface mist, shale grey or evening haze. The one colour for the external finishing of the shed will make the shed blend into the landscape and the lighter colours chosen would be sympathetic to the landscape.

Landscaping is required to be established around the building to assist in screening and obstruct views to the building.

A condition should be imposed to ensure that the profile of the external cladding on the shed is of a traditional corrugated profile.

Accordingly, the following are recommended as conditions should consent be granted:

- 1. The external materials on the building (including walls and roof) are to be a uniform colour. The colour of the building is to be lighter and the following colours are recommended from the colourbond range or equivalent:
 - a) Surfmist; or
 - b) Evening Haze; or
 - c) Shale Grey.
- 2. During the carrying out of the proposed works, if any archaeological remains are discovered, the developer is to stop works immediately and notify the Heritage Division, NSW Office of Environment & Heritage. Any such find is to be dealt with appropriately and in accordance with the Heritage Act 1977, recorded, and details given to Council prior to the continuing of works.

NOTE 1: A Section 140 Permit will need to be obtained to disturb archaeological relics. This permit is to be obtained from the Department of Premier & Cabinet (Heritage), prior to the disturbance of the archaeological relics.

- 3. The cladding on the walls and roof of the proposed building is to be of traditional corrugated profile.
- 4. The applicant is to submit to Council, for endorsement, a landscape plan prepared in accordance with Chapter 13 of the *Bathurst Regional Development Control Plan 2014*, prior to the issue of any Construction Certificate.

The landscaping must screen the shed from Gilmour Street and Lot 61 DP 816507 (72 Gilmour Street Bathurst NSW 2795). The vegetation is to be fast growing, evergreen and a mature planting.

Council is to certify that the Landscape Plan is in accordance with Bathurst Regional

Development Control Plan 2014, prior to the issue of any Construction Certificate.

Views

The Land and Environment Court has well established planning principles in respect of the assessment of impacts of development on views. These principles are established in Tenacity Consulting v Warringah Council (2004(NSWLEC 140 ("Tenacity").

Tenacity established the following assessment principles for consent authorities:

- 1. The first step is the assessment of views.
- 2. The second step is to consider from what part of the property the views are obtained.
- 3. The third step is to assess the extent of the impact.
- 4. The fourth step is to assess the reasonableness of the proposal that is causing the impact.

Assessment of Views

The views from 72 Gilmour Street are broadly to the north (across 78 Gilmour), to the west across the floodplain towards the City and Mt Panorama and the south across Learmonth Park.

What part of the property the views are obtained

Given the open nature of the property, views from 72 Gilmour Street are available from the majority of the property.

As noted in 'Tenacity' "the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries". Further "the expectation to retain side views....is often unrealistic"..

Assessing the extent of the impact

The proposed shed will impact on views from the property to the north. These would be across the side boundary with 78 Gilmour Street. Views to the west and south will be unaffected by the proposal.

Reasonableness of the proposal

The proposal is for a large outbuilding located on land which is zoned RU4 Primary Production. The proposal is not necessarily out of context given the underlying zoning.

Reductions in roof pitch would have a minor improvement on the overall impact on views from 72 Gilmour Street.

Relocation of the building to elsewhere on the site would similarly have a minor impact on overall views from 72 Gilmour Street. Other locations may in fact increase the impact.

A smaller shed would similarly reduce the impact however the point to which that becomes reasonable or unreasonable would be a matter of individual opinion.

Chapter 11 – Outdoor lighting

The proposed development does not include any significant outdoor lighting and is not

expected to impact the night sky or surrounding properties as a result of light spillage.

Chapter 13 – Landscaping and greening

Conditions of consent will be implemented to ensure that the required Landscaping Plan is prepared in accordance with Chapter 13 of DCP 2014

Chapter 14 – Parking

The proposed shed will contribute to the amount of covered carparking available onsite. No additional car parking is required for the existing rural residential use of the land.

Chapter 16 – Earthworks

No significant earthworks are required for the proposed development. Conditions of consent will be implemented to ensure that suitable erosion and sedimentation controls are installed, prior to the commencement of any works.

Public Consultation

Exhibition Period

The application was notified to directly adjoining landowners for a period of ten (10) days between 19 June 2020 and 29 June 2020 in accordance with *Bathurst Regional Community Participation Plan 2019*, as it was identified that the proposal had the potential to impact on the heritage significance of the adjoining State Heritage Item.

No public submissions were received during the original neighbour notification period, however, one (1) public submission was received in relation to re-notification of the amended plans (see **<u>attachment 6</u>**).

Discussion Meeting

Due to circumstances surrounding COVID-19, Council made the decision to cease group meetings. In the absence of a Discussion Meeting between Council staff, the applicant and the person that made a public submission, a copy of the written submission received was referred to the applicant to provide a written response to Council. A copy of the Applicant's written response to submissions is provided in **attachment 7**.

Issues

Issues raised in the **public submission** are outlined below:

 One of the two existing shipping containers is proposed to remain in its current location.

Comment: The second smaller container has since been removed.

- The proposed shed is overscaled and will be located too close to the South-Eastern boundary of the subject land.
- The proposed development is an industrialisation of the area, as it includes commercial sheds and shipping containers.

Comment: The applicants intentions as to the use of the property have been clarified and do not include commercial or industrial purposes.

- The proposed industrial development will be close to an important historical building which flies in the face of the intent of the current zoning of "market gardens" and the heritage curtilage of the adjacent properties (Holy Trinity Church and the Parish Hall).
- If the proposed development is approved in its current state, it would indicate that Council cares very little for heritage, the existing zoning controls and neighbouring concerns.
- The industrial buildings should be repositioned away from the 1840 Parish Hall in order to minimise their visual intrusion.

The key comments provided by the **applicant** in **response** to the public submission are outlined below:

• The land is zoned RU4 Primary Production Small Lots. Under this zoning the development of a 300m2 farm building is generally exempt from requiring development consent. However, due to the location of the existing sewer pipe this was not viable.

Comment: The reference to exempt development refers to farm buildings "used for the purposes of an agricultural activity". Recent amendments to the exempt development criteria have altered the provisions relating to the size of farm buildings. The current maximum gross floor area of 300 sqm applies to lots greater than 4ha. Allotments less than 4 ha (as is the case here) would be limited to 100 sqm as exempt development.

- The proposed development was originally discussed with the neighbouring landowner and no concerns were outlined.
- Only one change was made to the original plan, including an increase in the roof pitch from 11° to 15°. The additional height of the shed will be in keeping with surrounding buildings and will be in sympathy with the adjacent heritage buildings.

The slight increase in height of the shed will not result in any adverse overshadowing of neighbouring properties

CONCLUSION:

The proposed development of a shed is permissible with consent on land zoned RU4 Primary Production Small Lots under LEP 2014. The proposed development is consistent with the objectives of the zone.

Subject to conditions of consent (particularly relating to landscaping and the colour of the building), it is considered that the proposed development will not place any adverse impact on the adjoining State Heritage Item, known as "Holy Trinity Church Group (including Anglican Church, Rectory, Pioneer's Cemetery & School Hall) (I157)".

The proposal is not inconsistent with any relevant published Commonwealth, State or Local government policy, plan, guideline, study or strategy.

It is recommended that Council grant consent to the proposed development.

FINANCIAL IMPLICATIONS:

Nil

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

- **Objective 1:** Our sense of place and identity.
- Strategy 1.2 Protect, enhance and promote the region's European heritage assets and character.
- Strategy 1.4 Protect and improve the region's landscapes, views, vistas and open space.
- **Objective 4:** Enabling sustainable growth.
- Strategy 4.6 Plan for, assess and regulate development activity.
- **Objective 6:** Community leadership and collaboration.
- Strategy 6.1 Communicate and engage with the community, government and business groups on important matters affecting the Bathurst region.
- Strategy 6.4 Meet legislative and compliance requirements.

COMMUNITY ENGAGEMENT:

02 **Consult** - to obtain public feedback on alternatives and/or decisions

ATTACHMENTS:

- 1. Location Plan and Aerial Image [8.2.4.1 2 pages]
- 2. Description of the Use of the Proposed Shed [8.2.4.2 2 pages]
- 3. AMENDED Plans of Proposed Development [8.2.4.3 7 pages]
- 4. Email from Applicant Amending Roof Pitch from 15 Degrees to 11 Degrees [8.2.4.4 - 1 page]
- 5. Request for Variation of Development Control Plan Standard [8.2.4.5 2 pages]
- 6. Public Submission Received in Relation to the Proposed Development [8.2.4.6 2 pages]
- 7. Applicant's Response to Public Submission Received [8.2.4.7 2 pages]
- 8. Map of Land Use Zones On and Surrounding Lot 1 DP 195566 [8.2.4.8 1 page]

MINUTE

The following motion was moved.

MOVED: Cr I North SECONDED: Cr W Aubin

That Council:

- (a) support the variation to Clause 6.2 "Siting" of *Bathurst Regional Development Control 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. 2020/183, subject to conditions able to be imposed pursuant to Section 4.17 of the *Environmental Planning and Assessment Act 1979*, as amended, including but not limited to:
 - 1. The development shall be carried out in accordance with the approved plans (including any alterations or additions marked by Council), unless as otherwise amended by the conditions of this Development Consent.
 - 2. The external materials on the building (including walls and roof) are to be a uniform colour. The colour of the building is to be lighter and the following colours are recommended from the colourbond range or equivalent:
 - a) Surfmist; or
 - b) Evening Haze; or
 - c) Shale Grey.
 - 3. The cladding on the walls and roof of the proposed building is to be of traditional corrugated profile.
 - 4. The applicant is to submit to Council, for endorsement, a Landscape Plan prepared in accordance with Chapter 13 of the *Bathurst Regional Development Control Plan 2014*, prior to the issue of any Construction Certificate.

The landscaping must screen the shed from Gilmour Street and Lot 61 DP 816507 (72 Gilmour Street). The vegetation is to be fast growing, evergreen and a mature planting.

Council is to certify that the Landscape Plan is in accordance with *Bathurst Regional Development Control Plan 2014*, prior to the issue of any Construction Certificate.

5. During the carrying out of the proposed works, if any archaeological remains are discovered, the developer is to stop works immediately and notify the Heritage Division, NSW Office of Environment & Heritage. Any such find is to be dealt with appropriately and in accordance with the Heritage Act 1977, recorded, and details given to Council prior to the continuing of works.

NOTE 1: A Section 140 Permit will need to be obtained to disturb archaeological relics. This permit is to be obtained from the Department of Premier & Cabinet (Heritage), prior to the disturbance of the archaeological relics.

 Erosion and sediment control measures are to be established prior to commencement of construction and maintained to prevent silt and sediment escaping the site or producing erosion. This work must be carried out and maintained in accordance with the Landcom Soils and Construction Volume 1
 – "The Blue Book" OR the International Erosion Control Association Requirements.

NOTE 1: All erosion and sediment control measures must be in place prior to earthworks commencing and implemented for the duration of the construction. Copies of the above guidelines are available from Council's Environmental, Planning & Building Services Department.

- 7. The shed is not to be used for residential purposes without Council's consent.
- 8. The shed is not to be used for commercial or industrial purposes or the storage of goods associated with commercial or industrial undertaking.
- 9. That the owner be asked to consider removal of the container currently on the property.
- 10. Call a division

The following AMENDMENT was MOVED

MOVED: Cr G Hanger SECONDED: Cr J Fry

RESOLVED: That Council;

- 1. That consideration of D.A 2020/183 be deferred,
- 2. Call a division

On being **PUT** to the **VOTE** the **AMENDMENT** was **LOST**

The result of the division was:

<u>In favour of the motion</u> - Cr J Fry, Cr G Hanger, Cr J Rudge <u>Against the Motion</u> - Cr W Aubin, Cr B Bourke, Cr A Christian, Cr M Morse , Cr I North <u>Absent</u> - Cr J Jennings <u>Abstain</u> - Nil

The following AMENDMENT was MOVED

MOVED: Cr M Morse SECONDED: Cr G Hanger

That Council:

- (a) support the variation to Clause 6.2 "Siting" of *Bathurst Regional Development Control 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. 2020/183, subject to conditions able to be imposed pursuant to Section 4.17 of the *Environmental Planning and Assessment Act 1979*, as amended, including but not limited to:

- 1. The development shall be carried out in accordance with the approved plans (including any alterations or additions marked by Council), unless as otherwise amended by the conditions of this Development Consent.
- 2. The external materials on the building (including walls and roof) are to be a uniform colour. The colour of the building is to be lighter and the following colours are recommended from the colourbond range or equivalent:
 - a) Surfmist; or
 - b) Evening Haze; or
 - c) Shale Grey.
- 3. The cladding on the walls and roof of the proposed building is to be of traditional corrugated profile.
- 4. The applicant is to submit to Council, for endorsement, a Landscape Plan prepared in accordance with Chapter 13 of the *Bathurst Regional Development Control Plan 2014*, prior to the issue of any Construction Certificate.

The landscaping must screen the shed from Gilmour Street and Lot 61 DP 816507 (72 Gilmour Street). The vegetation is to be fast growing, evergreen and a mature planting.

Council is to certify that the Landscape Plan is in accordance with *Bathurst Regional Development Control Plan 2014*, prior to the issue of any Construction Certificate.

5. During the carrying out of the proposed works, if any archaeological remains are discovered, the developer is to stop works immediately and notify the Heritage Division, NSW Office of Environment & Heritage. Any such find is to be dealt with appropriately and in accordance with the Heritage Act 1977, recorded, and details given to Council prior to the continuing of works.

NOTE 1: A Section 140 Permit will need to be obtained to disturb archaeological relics. This permit is to be obtained from the Department of Premier & Cabinet (Heritage), prior to the disturbance of the archaeological relics.

 Erosion and sediment control measures are to be established prior to commencement of construction and maintained to prevent silt and sediment escaping the site or producing erosion. This work must be carried out and maintained in accordance with the Landcom Soils and Construction Volume 1 – "The Blue Book" OR the International Erosion Control Association Requirements.

NOTE 1: All erosion and sediment control measures must be in place prior to earthworks commencing and implemented for the duration of the construction. Copies of the above guidelines are available from Council's Environmental, Planning & Building Services Department.

- 7. The shed is not to be used for residential purposes.
- 8. Call a division

On being **<u>PUT</u>** to the **<u>VOTE</u>** the **<u>AMENDMENT</u>** was <u>**LOST**</u>

The result of the division was:

<u>In favour of the motion</u> - Cr M Morse, <u>Against the Motion</u> - Cr W Aubin, Cr B Bourke, Cr A Christian, Cr J Fry, Cr G Hanger, , Cr I North, Cr Jacqui Rudge <u>Absent</u> - Cr J Jennings <u>Abstain</u> - Nil

The original **MOTION** was then put.

MOVED: Cr I North SECONDED: Cr W Aubin

That Council:

- (a) support the variation to Clause 6.2 "Siting" of *Bathurst Regional Development Control 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. 2020/183, subject to conditions able to be imposed pursuant to Section 4.17 of the *Environmental Planning and Assessment Act 1979*, as amended, including but not limited to:
 - 1. The development shall be carried out in accordance with the approved plans (including any alterations or additions marked by Council), unless as otherwise amended by the conditions of this Development Consent.
 - 2. The external materials on the building (including walls and roof) are to be a uniform colour. The colour of the building is to be lighter and the following colours are recommended from the colourbond range or equivalent:
 - a) Surfmist; or
 - b) Evening Haze; or
 - c) Shale Grey.
 - 3. The cladding on the walls and roof of the proposed building is to be of traditional corrugated profile.
 - 4. The applicant is to submit to Council, for endorsement, a Landscape Plan prepared in accordance with Chapter 13 of the *Bathurst Regional Development Control Plan 2014*, prior to the issue of any Construction Certificate.

The landscaping must screen the shed from Gilmour Street and Lot 61 DP 816507 (72 Gilmour Street). The vegetation is to be fast growing, evergreen and a mature planting.

Council is to certify that the Landscape Plan is in accordance with *Bathurst Regional Development Control Plan 2014*, prior to the issue of any Construction Certificate.

5. During the carrying out of the proposed works, if any archaeological remains are discovered, the developer is to stop works immediately and notify the

Heritage Division, NSW Office of Environment & Heritage. Any such find is to be dealt with appropriately and in accordance with the Heritage Act 1977, recorded, and details given to Council prior to the continuing of works.

NOTE 1: A Section 140 Permit will need to be obtained to disturb archaeological relics. This permit is to be obtained from the Department of Premier & Cabinet (Heritage), prior to the disturbance of the archaeological relics.

 Erosion and sediment control measures are to be established prior to commencement of construction and maintained to prevent silt and sediment escaping the site or producing erosion. This work must be carried out and maintained in accordance with the Landcom Soils and Construction Volume 1 – "The Blue Book" OR the International Erosion Control Association Requirements.

NOTE 1: All erosion and sediment control measures must be in place prior to earthworks commencing and implemented for the duration of the construction. Copies of the above guidelines are available from Council's Environmental, Planning & Building Services Department.

- 7. The shed is not to be used for residential purposes without Council's consent.
- 8. The shed is not to be used for commercial or industrial purposes or the storage of goods associated with commercial or industrial undertaking.
- 9. That the owner be asked to consider removal of the container currently on the property.
- 10. Call a division

On being PUT to the VOTE the MOTION was CARRIED

The result of the division was:

<u>In favour of the motion</u> - Cr W Aubin, Cr B Bourke, Cr A Christian, Cr I North, <u>Against the Motion</u> - Cr J Fry, Cr G Hanger, Cr M Morse, Cr Jacqui Rudge <u>Absent</u> - Cr J Jennings <u>Abstain</u> - Nil

The Mayor Cr B Bourke used his casting vote to vote in favour on the motion.

8.2.5 MODIFICATION OF DA 2018/367 – DEMOLITION AND RECONSTRUCTION OF EXISTING DWELLING WITH NEW ADDITIONS, SECONDARY DWELLING, GARAGE, POOL AT 277 HOWICK STREET, BATHURST. APPLICANT: MR D & MRS R BEDWELL. OWNER: MR D & MRS R BEDWELL

File No: 2018/367

RECOMMENDATION:

That Council:

- (a) as the consent authority, grant consent pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979 to the modification to Development Application No. 2018/367, 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) the existing chimney is to be retained, or if necessary, be reconstructed to its original design using the original bricks.
- (b) call a division.

REPORT:

The Site

Council has received a Section 4.55(2) Modification Application to Development Application 2018/367.

The current approval is for:

- 1. Alterations and additions to dwelling
- 2. Secondary dwelling
- 3. Garage
- 4. Inground swimming pool, safety barrier and retractable shade structure
- 5. Demolition of studio and garage
- 6. Removal of trees
- 7. Front, side and rear fences

The subject site is 277 Howick Street, Bathurst, described as Lot 1, DP 195409.

A location plan and aerial photo are provided at **attachment 1**.

Photos of the front façade pre and post commencement of demolition are at attachment 2.

The following is noted:

- The approved demolition of the original studio and garage has occurred;
- The approved tree removal has occurred;
- The approved garage has been constructed;
- The approved secondary dwelling has been constructed;
- The approved partial demolition of the existing dwelling has commenced.

A modification of the original application has been required and is reported to Council for determination because of the need to demolish the existing front façade of the dwelling, which was previously to be retained. The modification also proposes a number of minor alterations to the proposal.

Summary of attachments

Attachment No.	Description	
1	Location plan and aerial photo	
2	Photos of front façade pre and post commencement of demolition	
3	Plans of proposed development	
4	Statement of Environmental Effects	
5	Statement of Heritage Impact	
6	Structural Engineer's Inspection Report	
7	Photographic record of front façade/verandah	

History of the Proposal

On 19 November 2018 Council approved Development Application 2018/367 which comprised:

- 1. Alterations and additions to dwelling
- 2. Secondary dwelling
- 3. Garage
- 4. Inground swimming pool and safety barrier
- 5. Demolition of studio and garage
- 6. Removal of trees

On 3 May 2019 Council approved a Modification to Development Application 2018/367. The modified proposal comprised:

- 1. Alterations and additions to dwelling
- 2. Secondary dwelling
- 3. Garage
- 4. Inground swimming pool, safety barrier and retractable shade structure
- 5. Demolition of studio and garage
- 6. Removal of trees
- 7. Front, side and rear fences

Specifically, the 2019 Modification involved:

- Inclusion of 2100mm high painted modular fibre cement fences on the north east boundary and rear section of north west and south east boundaries.
- Inclusion of front boundary gates within the previously approved front boundary fence.
- Inclusion of a retractable shade structure over pool.
- Minor alterations to the entrance and driveway.

• The addition of windows to the garage.

The current proposal

Under the original proposal and under the modified proposal, approved in 2019, the existing dwelling was only being partially demolished. The front façade of the existing dwelling was to be retained and integrated with new rear additions.

The current modification application seeks consent for:

- The complete demolition of the existing front façade and the reconstruction of it to match the existing;
- A reduction in the footprint size of the rear addition that accommodates the kitchen, dining and lounge areas;
- An increased rear building setback from the south-east boundary; and
- An increase in the size of the proposed WC and the inclusion of a window in that WC.

The other matters raised in points 2-7 above remain unchanged under the current proposal.

See plans of proposed development at <u>attachment 3</u>, Statement of Environmental Effects at <u>attachment 4</u>, Statement of Heritage Impact at <u>attachment 5</u>, Structural Engineer's Inspection Report at <u>attachment 6</u>, and photographic record of front façade/verandah at <u>attachment 7</u>.

Planning Context

Bathurst Regional Local Environmental Plan 2014

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

Clause 5.10 Heritage Conservation

The subject site is within the Bathurst Heritage Conservation Area but not listed as an individual Heritage Item. See discussion below under Chapter 10 of the DCP.

Bathurst Regional Development Control Plan 2014

Chapter 10 Urban Design & Heritage Conservation

Consent for complete demolition of the existing dwelling (the remaining front façade) is now sought because it has been discovered that the front façade of the dwelling has significant structural damage and its retention (as originally planned) would be cost prohibitive. The front façade will be reconstructed to its original design using original materials (including windows and shutters) where possible. The existing chimney is now the only element of the existing dwelling proposed to be retained.

A Structural Engineers Inspection Report and Statement of Heritage Impact have been submitted in support of the proposed modification.

Structural Assessment

An inspection by the Consultant Structural Engineer identified the following issues with the front façade of the dwelling:

- Dry rot in wall framing timber and cladding of the front wall.
- Rotation of front wall and verandah balustrade/posts due to footing settlement.
- Severe cracking of verandah balustrade masonry.
- Cracked verandah slab.
- Asbestos is present on part of the front façade and would need to be removed in any construction work.

The structural damage to the front façade has been attributed to extreme seasonal conditions (both wet and dry seasons). The Structural Engineers Inspection Report notes the following causes:

- Moisture damage to building structure and fabric due to leaking window sill and general weathering; and
- Cracking of masonry and general movement/rotation due to typical reactive clay movement, made worse by discharge of roof water to foundation and extreme seasonal conditions.

The existing chimney is now the only element of the existing dwelling proposed to be retained.

The Structural Engineer's Inspection Report is at attachment 6.

Statement of Heritage Impact

A detailed Statement of Heritage Impact has been prepared in accordance with Section 10.3.3 of the Bathurst Regional Development Control Plan 2014 (See Statement of Heritage Impact at <u>attachment 5</u>).

Original circa 1890s construction

The original cottage on the site was constructed circa 1890. The original cottage was a simple four room building with timber framed weatherboard clad walls and sheet metal roofing.

The original front façade comprised a gabled end left side return with finial and a simple right side verandah under which where a single door and a single window.

The form of the 1890s façade disappeared entirely when the 1950s additions and alterations occurred. The front façade was completely remodeled, the roof structure was completely changed, and new additions were built on either side of the original cottage.

Major additions and alterations – 1950s

As mentioned above major additions and alterations where undertaken in the 1950s which included:

• Removal of the front gable and verandah and re-pitching of the entire roof to a hipped style;

- New additions were built on either side of the original cottage and behind it the addition on the left side of the front façade was an enclosed skillion verandah and the addition on the right side was a bedroom under the main hipped roof;
- The remodeled building was divided into two self-contained dwellings under one roof;
- It is believed that the original weatherboards above window sill level were removed and were replaced with fibro sheeting and those boards that were removed were then used on the additions.

The approved DA sought to retain the 1950s front façade of the dwelling and rebuild and add to the rear of the dwelling. However, following the commencement of works it has been found that the front façade of the dwelling is in very poor condition and its retention, as originally planned by the applicant and approved by Council, is not financially viable. The proposed modification to rebuild the 1950s front façade using as much of the original 1950s fabric as possible is supported in this instance and therefore the application is recommended for approval.

Public Notification

In accordance with the Community Participation Plan 2019 the Development Application was notified to adjoining property owners for a period of 14 days from 10 August 2020 to 24 August 2020. No submissions were received during the notification period.

CONCLUSION:

Council has received a Section 4.55(2) Modification Application to Development Application 2018/367. Under the original proposal and under the altered proposal, approved by way of a Modification in 2019, the existing dwelling was only being partially demolished. It was the original intention to retain the 1950s front façade of the dwelling and rebuild and add to the rear of the dwelling. Following the commencement of works it has been found that the front façade of the dwelling is in very poor condition and its retention, as originally planned by the applicant and approved by Council, is not financially viable. The proposal to rebuild the 1950s front façade using as much of the original 1950s fabric as possible is supported in this instance and therefor the application is recommended for approval.

FINANCIAL IMPLICATIONS:

Nil

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

Objective 4: Enabling sustainable growth.

Strategy 4.6 Plan for, assess and regulate development activity.

COMMUNITY ENGAGEMENT:

02 Consult - to obtain public feedback on alternatives and/or decisions

ATTACHMENTS:

- 1. Location plan and aerial image [8.2.5.1 2 pages]
- 2. Pre & Post Demolition Photos [8.2.5.2 2 pages]
- 3. Plans of proposed development [8.2.5.3 5 pages]
- 4. Statement of Environmental Effects [8.2.5.4 29 pages]
- 5. Statement of Heritage Impact [8.2.5.5 76 pages]
- 6. Structural engineers inspection report [8.2.5.6 3 pages]
- 7. Photographic record of front facade [8.2.5.7 7 pages]

MINUTE

RESOLUTION NUMBER: ORD2020-233

MOVED: Cr I North SECONDED: Cr J Fry

RESOLVED:

That Council:

- (a) as the consent authority, grant consent pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979 to the modification to Development Application No. 2018/367, 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) the existing chimney is to be retained, or if necessary, be reconstructed to its original design using the original bricks.
- (b) call a division.

On being **<u>PUT</u>** to the **<u>VOTE</u>** the **<u>MOTION</u>** was <u>**CARRIED**</u>

The result of the division was:

<u>In favour of the motion</u> - Cr W Aubin, Cr B Bourke, Cr A Christian, Cr J Fry, Cr G Hanger, Cr M Morse, Cr I North, Cr J Rudge <u>Against the Motion</u> - nil <u>Absent</u> - Cr J Jennings <u>Abstain</u> - Nil

8.2.6 DEVELOPMENT APPLICATION 2019/361 -DEMOLITION OF 2 EXISTING DWELLINGS, 4 LOT RESIDENTIAL SUBDIVISION, BOUNDARY ADJUSTMENT, ERECTION OF 2 NEW EXHIBITION HOMES, 78 & 82 SYDNEY RD & 15 BOYD ST KELSO; OWNER: MR J MASSIH; APPLICANT: RAWSON COMMUNITIES

File No: 2019/361

RECOMMENDATION:

That Council

- (a) as the consent authority, grant consent pursuant to Section 4.16 of the *Environmental Planning and Assessment Act* 1979 to Development Application No. 2019/361, subject to conditions able to be imposed pursuant to Section 4.17 of the *Environmental Planning and Assessment Act* 1979, as amended, including but not limited to:
 - (i) Prior to the commencement of demolition, the developer is to submit to Council two (2) separate electronic copies of a photographic record, one for Council's records and one for the Bathurst & District Historical Society. The photographic record is to be prepared in accordance with the guidelines for the photographic recording of sites for which approval has been granted for the works.

This is to include full set of measured drawings (floor plan and elevation) including schedule of external materials for the dwelling known as 78 Sydney Road.

(ii) During the carrying out of the proposed works, if any archaeological remains are discovered, the developer is to stop works immediately and notify the Heritage Division, NSW Office of Environment & Heritage. Any such find is to be dealt with appropriately and in accordance with the Heritage Act 1977, recorded, and details given to Council prior to the continuing of works.

NOTE 1: A Section 140 Permit will need to be obtained to disturb archaeological relics. This permit is to be obtained from the Department of Premier & Cabinet (Heritage), prior to the disturbance of the archaeological relics.

- (iii) Demolition is not to commence until a Construction Certificate has been issued for the proposed infill replacement dwelling.
- (iv) Any materials suitable for reuse should be recovered and recycled wherever possible. A schedule of materials to be salvaged is to be provided to Council for approval prior to the commencement of demolition.

SUMMARY:

An application was lodged by Rawson Communities, seeking consent for the demolition of two existing dwellings, a four lot subdivision, boundary adjustment and erection of two single storey dwellings with attached garages to be used as exhibition homes on Lot 22 DP777084, and Lots 11, 12 and 13 DP1186691, being 78-82 Sydney Road Kelso.

REPORT:

Site

78 – 82 Sydney Road and 15 Boyd Street comprises a combination of dwellings and vacant land which fronts Sydney Road and connects with Boyd Street, Kelso.

78 Sydney Road (Lot 11 DP1186691) is 774.8 sqm with frontage to Sydney Road. The property contains an existing dwelling.

82 Sydney Road (Lot 13 DP1186691) is 767.8 sqm with frontage to Sydney Road. The property contains an existing dwelling.

Between 78 and 82 is an allotment (Lot 12 DP1186691) which is 155.7 sqm which provides access to the 2 houses and to the land at the rear.

15 Boyd (Lot 22 DP777084) is a large battleaxe lot with access to Boyd Street. The lot is 2067 sqm and is vacant.

A location plan and aerial image are provided at attachment 1.

Proposed Development

The Development Application seeks consent for:

- the demolition of the two existing dwellings at 78 and 82 Sydney Road,
- a four lot subdivision, and
- erection of two single storey dwellings with attached garages to be used as exhibition homes.

The application is supported by a Statement of Environmental Effects prepared by Anthony Daintith Town Planning <u>attachment 2</u>, a Statement of Heritage Impact prepared by High Ground Consulting <u>attachment 3</u> and plans for the proposed subdivision and dwelling construction <u>attachment 4</u>.

Bathurst Local Environmental Plan 2014

Zone

The land is zoned R1 General Residential under Bathurst Regional Local Environmental Plan 2014.

Permissibility

The subdivision of the land is permissible with consent.

The demolition is permissible with consent.

The proposed dwellings are permissible with consent. The fact that they are to be used as display homes does not alter this.

The proposed development will generally comply with the objectives of the zone.

Special Provisions

Clause 5.10 – Heritage Conservation

The land is not located in a Heritage Conservation Area nor is it identified as a Heritage Item.

Clause 5.10(4) Heritage Conservation provides an obligation on Council to consider the impact of certain developments on heritage significance. That obligation is however limited to either heritage items or land located within the heritage conservation area neither of which apply in this case.

(4) **Effect of proposed development on heritage significance** The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

The dwelling to be demolished located at 82 Sydney Road is of no heritage significance.

The dwelling to be demolished at 78 Sydney Road is however acknowledged to have some heritage significance. In this regard the applicant has prepared a Heritage Impact Statement for the proposal in accordance with Clause 5.10(5).

Council's observations of 78 Sydney Road are that:

- It is representative of an Indian Bungalow style and is a rarity in Bathurst.
- No similar properties are known in the region, making this site a rare example and therefore important.
- The building is a rare example of a reinforced concrete bungalow, whose original fabric and footprint is easy to read.
- The building is very unusual and is even pioneering for this style of building in the 1920's, especially within the Bathurst area.
- The comparative analysis states it is one of at least 17 of the examples of reinforced concrete bungalows; looking at the other examples provided it is 1 out of 4 of this style of building.
- The significance of the building has been underestimated and the building is an exceptional example, not a moderate representation, of this type of building.
- The building was considered to be in a reasonably good condition evident from the photographs supplied.

- The building is considered to have heritage value given its rarity, intactness and contribution to the streetscape.
- The preferred option would be appropriately adapted to be used for the purposes of offices as part of the development.

Following discussions with the applicant, a revised Statement of Heritage Impact (<u>attachment 3</u>) and a Building and Timber Pest Inspection Report (<u>attachment 5</u>) has been prepared and provided to Council.

The applicant's Heritage Impact Statement makes the following observations:

- The building appears to have been constructed circa 1910-1916 with later additions.
- The presentation and integrity of the building have been partly compromised by alteration to the interior and replacement of doors and windows.
- The bungalow has some historical significance as an element of the early 20th century development of Kelso.
- The original bungalow is a simple example of an Edwardian era Indian bungalow demonstrating arts and crafts style influences.
- The building has a moderate degree of integrity.

The submitted Building and Timber Pest report does not provide any information in relation to essential or desirable works nor costs although it does note significant works are required.

The opportunities to retain the dwelling and/or convert it into an alternate use such as a site office have not been pursued by the applicant. The applicant's advice in this regard being:

Upon receiving Council's advice to consider an adaptive reuse of the building, Rawson looked into options of retaining the building, and found we could not maximise the entirety of the site to display the 2 selected homes that we feel will attract new home buyers in the Bathurst market. Also, because of the position of the building, retaining it would also cause further complexities in providing ample onsite parking facilities for our visiting customers. Furthermore, as we are not in the business of home renovations, there would be no use to exhibit a restored and readapted building as this is not our business model.'

Whilst it is acknowledged that the building is of some significance from a heritage perspective the absence of listing as a heritage item or in the Heritage Conservation Area makes its retention difficult to justify. The building itself is not of such significance that it would warrant listing as a heritage item and therefore protection.

Consequently, demolition of 78 Sydney Road could be supported but should be subject to the following conditions:

 Prior to the commencement of demolition, the developer is to submit to Council two (2) separate electronic copies of a photographic record, one for Council's records and one for the Bathurst & District Historical Society. The photographic record is to be prepared in accordance with the guidelines for the photographic recording of sites for which approval has been granted for the works.

This is to include full set of measured drawings (floor plan and elevation) including schedule of external materials for the dwelling known as 78 Sydney Road.

2. During the carrying out of the proposed works, if any archaeological remains are discovered, the developer is to stop works immediately and notify the Heritage Division, NSW Office of Environment & Heritage. Any such find is to be dealt with appropriately and in accordance with the Heritage Act 1977, recorded, and details given to Council prior to the continuing of works.

NOTE 1: A Section 140 Permit will need to be obtained to disturb archaeological relics. This permit is to be obtained from the Department of Premier & Cabinet (Heritage), prior to the disturbance of the archaeological relics.

- 3. Demolition is not to commence until a Construction Certificate has been issued for the proposed infill replacement dwelling.
- 4. Any materials suitable for reuse should be recovered and recycled wherever possible. A schedule of materials to be salvaged is to be provided to Council for approval prior to the commencement of demolition.

Previous consents relating to the property

It is noted that there have previously been two development approvals for the site in 2005 and 2007 which provided consent to the demolition of the dwelling located at 78 Sydney Road.

- DA2005/1235 was for the demolition of the two existing dwellings and the construction of 7 x 2 bedroom and 5 x 3 bedroom units– Approved by Council resolution 15 March 2006, subject to conditions.
- DA2007/0145 was for the demolition of the two existing dwellings, consolidation of four lots and the construction of a 28 unit motel and managers residence Approved under delegation 28 October 2006, subject to conditions.

Public Consultation

In accordance with the criteria in Part 3 of the Bathurst Regional Community Participation Plan 2019 - Development Applications, the application was notified to adjoining property owners between 24 July and 3 August 2020. During this time no public submissions were received.

As the proposal involved demolition of a building of some significance it was referred to the local branch of the National Trust for comment. A submission has been received from the Trust (refer to **attachment 6**) which notes the following:

- Whilst Sydney Road properties are not listed on the Trust Register, No.80 Sydney Road does contribute in particular to the built form in Bathurst.
- The building is at least probably more than 50 years old and therefore needs special attention.
- The house is of an unusual design and adds interest to this section of Bathurst's heritage streetscape.
- The National Trust therefore is opposed to the proposal for the demolition of this building.
- Within the proposed development the applicant should be required to retain the building for adaptive re-use, either as a site office or other use. As a builder, Rawson Homes could model how to undertake adaptive re-use and thereby exhibit

its credentials for such work.

Bathurst Development Control Plan 2014

Chapter 3 Subdivision of land

The proposals complies generally with the Chapter 3 of the DCP relating to the subdivision of land.

It is of note that the access to the rear to vacant lots is via a battleaxe handle to Boyd Street. The access handle is 3.6 metres wide and also provides access to the rear of 15A Boyd Street. The access will therefore cater for 3 properties being 15A Boyd and the 2 vacant lots. The access handle width is consistent with the requirements of Part 3.4.2 of the DCP which would require an access width of 3-4 metres.

The vacant lots would only be developable as single dwellings. Higher density uses such as dual occupancies and residential units are precluded from occurring on battle axe lots under Chapter 4 of the DCP.

CONCLUSION:

Council has received a Development Application seeking consent for the demolition of two existing dwellings, a four lot subdivision, boundary adjustment and erection of two single storey dwellings with attached garages to be used as exhibition homes.

The dwelling at 78 Sydney Road is of some heritage significance however it is not afforded any heritage protection. Demolition is supported subject to conditions.

FINANCIAL IMPLICATIONS:

Nil.

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

- **Objective 1:** Our sense of place and identity.
- Strategy 1.4 Protect and improve the region's landscapes, views, vistas and open space.
- Strategy 1.5 Promote good design in the built environment.
- **Objective 4:** Enabling sustainable growth.
- Strategy 4.1 Facilitate development in the region that considers the current and future needs of our community.
- Strategy 4.6 Plan for, assess and regulate development activity.
- **Objective 6:** Community leadership and collaboration.
- Strategy 6.4 Meet legislative and compliance requirements.

COMMUNITY ENGAGEMENT:

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

ATTACHMENTS:

- 1. Location plan and aerial image [8.2.6.1 1 page]
- 2. Statement of Environmental Effects [8.2.6.2 36 pages]
- 3. Revised Statement of Heritage Impact [8.2.6.3 25 pages]
- 4. Plans of proposed development [8.2.6.4 18 pages]
- 5. Building and Timber Pest Inspection [8.2.6.5 29 pages]
- 6. National Trust submission [8.2.6.6 2 pages]

MINUTE

RESOLUTION NUMBER: ORD2020-234

MOVED: Cr I North SECONDED: Cr W Aubin

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. 2019/361, subject to conditions able to be imposed pursuant to Section 4.17 of the *Environmental Planning and Assessment Act* 1979, as amended, including but not limited to:
 - (i) Prior to the commencement of demolition, the developer is to submit to Council two (2) separate electronic copies of a photographic record, one for Council's records and one for the Bathurst & District Historical Society. The photographic record is to be prepared in accordance with the guidelines for the photographic recording of sites for which approval has been granted for the works.

This is to include full set of measured drawings (floor plan and elevation) inclu ding schedule of external materials for the dwelling known as 78 Sydney Road

(ii) During the carrying out of the proposed works, if any archaeological remains are discovered, the developer is to stop works immediately and notify the Heritage Division, NSW Office of Environment & Heritage. Any such find is to be dealt with appropriately and in accordance with the Heritage Act 1977, recorded, and details given to Council prior to the continuing of works.

NOTE 1: A Section 140 Permit will need to be obtained to disturb archaeological relics. This permit is to be obtained from the Department of Premier & Cabinet (Heritage), prior to the disturbance of the archaeological relics.

(iii) Demolition is not to commence until a Construction Certificate has been is sued for the proposed infill replacement dwelling.

- (iv) Any materials suitable for reuse should be recovered and recycled wherev er possible. A schedule of materials to be salvaged is to be provided to Co uncil for approval prior to the commencement of demolition.
- (b) call a division.

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

The result of the division was:

<u>In favour of the motion</u> - Cr W Aubin, Cr B Bourke, Cr A Christian, Cr J Fry, Cr G Hanger, Cr M Morse, Cr I North, Cr J Rudge <u>Against the Motion</u> - nil <u>Absent</u> - Cr J Jennings <u>Abstain</u> - Nil

8.2.7 DEVELOPMENT APPLICATION 2020/95 -ADDITIONS AND ALTERATIONS TO OXFORD HOTEL, 166-170 WILLIAM STREET BATHURST; OWNER: LION MAJESTIC PTY LTD; APPLICANT:GROUP ARCHITECTS PTY LTD

File No: 2020/95

RECOMMENDATION:

That Council:

- (a) as consent authority, grant consent pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979 to Development Application 2020/95, subject to conditions able to be imposed pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979, as amended including but not limited to the following:
 - 1. The provision of at least 53 car parking spaces on the subject land in a manner that is in accordance with Australian Standard AS2890.1 Parking Facilities and Council's Development Control Plan.
 - 2. The carpark is to be permanently line marked in accordance with Bathurst Regional Council's Guidelines for Engineering Works.
 - 3. All parking spaces are to be available for the use of patrons whilst ever the premises are operating. In this regard all materials stored in the carparking area are to be removed from the site.
 - 4. The payment to Council of a contribution in accordance with Council's Section 94 Plan "Bathurst CBD Car Parking" for any shortfall in parking. For the purposes of this condition, the required number of spaces is 65 and the shortfall of spaces is 12.
- (b) call a division.

SUMMARY:

An application has been lodged by Group Architects Pty Ltd, seeking consent to undertake alterations and additions to existing commercial Licenced premises (Oxford Hotel) on part Lot 18, DP 11376943, being 170 William Street Bathurst.

The proposal is generally acceptable in planning terms except for the provision of off street parking, which is considered in this report. It is recommended the shortfall of spaces be offset by a monetary contribution to Council.

REPORT:

An application has been lodged by Group Architects Pty Ltd, seeking consent to undertake alterations and additions to existing commercial licenced premises (Oxford Hotel) on part of 170 William Street Bathurst.

Site

170 William Street (Lot 18, DP 11376943) is located on the corner of William and Piper Streets, Bathurst.

The property contains the 2 storey hotel (Oxford Hotel) and the adjoining Cobb and Co Cellars bottle shop. A central carpark is located between and shared by the 2 uses.

The carpark currently is capable of accommodating approximately 56 spaces although not all spaces are marked nor are they available due to it being used to store various goods.

A location plan and aerial image are provided at attachment 1.

Proposed Development

The Development Application seeks to make alterations and additions to the existing two storey licensed premise being the Oxford Hotel, 170 William Street Bathurst.

Proposed plans for the proposal are at attachment 2.

The application is supported by a Statement of Environmental Effects (<u>attachment 3</u>) prepared by Group Architects Pty Ltd which describes the proposal as involving:

Ground Floor:

- Enclosure of part of the existing beer garden to extend the dining area.
- Raising the level of the beer garden to the level of the original hotel.
- Upgrading of the existing nightclub for use as a sports lounge including a new kitchen/servery and adjusted floor levels.
- New acoustic screen wall between lounge bar and sports bar.
- New children's playground.
- New entry to the sports bar from Piper Street.
- New entry from William Street including new metal palisade fence.
- General upgrade of finishes and fittings.

First Floor:

- Enclosure of existing balcony off function room.
- New outdoor terrace and pitched roof over ground floor dining area.
- Upper level of children's playground.

There will be no change to existing hours of operation.

Part of the proposal includes the provision of a new playground area and entry from the existing carpark. This extends the building footprint into the existing parking area, removing approximately 9 of the existing onsite parking spaces. The site plan provided in the application indicates that there is potential for 56 onsite parking spaces (not 59 as indicated in the supporting documentation).

Bathurst Local Environmental Plan 2014

<u>Zone</u>

The proposed development is permissible with consent in the B3 Commercial Core zone

Permissibility

Pubs are a permissible use in the B3 Commercial Core zone.

The proposed development is consistent with the objectives of the zone being:

- To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.
- To encourage appropriate employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To encourage development that confirms the role of the Bathurst central business district as the primary retail and business centre in the region.
- To protect and conserve the historic and scenic quality of the Bathurst central business district as a key economic and social asset.

Clause 5.10 – Heritage Conservation

The land is identified as a Local Heritage Item and is in the Heritage Conservation Area. The property is also listed by the National Trust.

Clause 5.10(4) applies to the proposal and requires consideration of the effect on the heritage significance of the item.

(4) **Effect of proposed development on heritage significance.** The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

The application has been supported by a Heritage Impact Statement which has been reviewed and provides an adequate assessment of the impact of the proposal.

Overall, the proposal is not considered to have a negative effect on the heritage significance of the heritage item or the heritage conservation area.

Public Consultation

The proposal is "advertised development" under Bathurst Regional Community Participation Plan 2019 - Development Applications.

The application was advertised and notified between 14th and 28th April 2020. Due to the potential to impact on an area beyond the immediate neighbours additional properties were notified including those in Piper Street between William and Bentinck. In response to advertising and notification no public submissions were received.

The National Trust were notified of the proposal and no representations were received. The application was also referred to the NSW Police (CPTED) and no response was received.

Bathurst Development Control Plan 2014

Chapter 14 Parking

Chapter 14.3 of the Bathurst Regional Development Control Plan 2014 provides the following development standards for car parking:

- a) Consent will generally not be given to alter, enlarge, convert or increase the capacity of any existing buildings, to erect new buildings, or to use any land unless off-street car parking is provided in accordance with this section.
- b) With respect to extensions or alterations to existing buildings, the off-street car parking requirement will be calculated on the additional or altered floor space provided.
- c) All car parking spaces, ramps, aisles and driveways, shall be provided in accordance with the Guidelines issued by the Roads and Maritime Service.
- d) Council reserves the right to determine off-street car parking requirements for any development in the light of representations made to the Council by relevant traffic committees/authorities.
- e) Car parking required to be provided on-site in accordance with this Plan is to be freely available to the users of the building which it serves.
- f) Disability parking spaces, if required, are determined by the National Construction Code (see section D3.5) and are to be provided in accordance with that Code.

Contributions in lieu

- a) Council may consider a cash contribution, in lieu of on-site parking provision where:
 - *i)* as many car parking spaces as possible have been provided on-site, and
 - *ii) the subject land is located within the area subject to Council's relevant Section 94 Plan for car parking spaces, and*
 - *iii)* the subject land is located in an area where, in the opinion of Council, public car parking under the Section 94 Plan can be provided within reasonable proximity to the development.

The table to Section 14.3 provides the minimum standard for the number of carparking spaces as follows:

Small bars	Outside CBD	Within a	Inside CBD
Pubs	1 space per 10m2	neighbourhood	1 space per 30m2
Nightclubs	of licensed floor	centre	of licensed floor
Registered club	area	(DCP Map No. 6)	area.
Note: see also restaurant		1 space per 35m2	
and cafes and cafes and		of licensed floor	
hotel/motel		area.	
accommodation where			
applicable			

For the purposes of assessment, the applicable standard is therefore 1 space per 30 sqm of licensed floor area.

Historically the provision of parking has been an issue for previous proposals involving the property.

Previous applications

In 2004 a Development Application was lodged for alterations and additions to the Hotel.

The Council's adopted parking rate of the time required in excess of 200 spaces. That parking rate has since been changed to the current figure in the DCP.

Under that application, the applicant proposed 62 onsite spaces. A traffic/parking study provided by the applicant with the application estimated that 72 spaces would be required for the Hotel proposal. The applicant also proposed alterations to driveway laybacks in William and Piper Street that provided an additional 5 on street spaces.

In addition to the 72 spaces required for the Hotel, Council required an additional 15 onsite spaces for the conversion of the Berry's Tyre Building into a bottle shop. In total 87 onsite carparking spaces were required for the combined operations.

The deficit under the application was therefore 20 spaces, i.e. 87 less the 5 additional on street parking creating 82 spaces, with 62 spaces being provided on site.

The matter was ultimately reported to the Council Administrator of the time for determination with a recommendation for refusal on the following basis:

- 1. The proposal does not make provision for sufficient on-site vehicular parking. Reliance on on-street parking to meet some of the parking demands generated by the development is inequitable.
- 2. The proposal may create a precedent for reliance on on-street parking as an alternative to on-site parking. As such, the cumulative impacts of the proposal are unacceptable.

The application was supported and approved by the Administrator on the following basis:

- 62 spaces being provided on site
- A contribution being paid under Council's adopted Section 94 Plan "Central Car Parking Strategies" of \$33,378 based on a deficit of 5 spaces at a contribution rate of \$6,675.60 per space.

A number of matters to note from that consideration and since:

- There was a shortfall between the parking required (72) as estimated by the applicant and actual provision (62) provided in the 2004 consent.
- Only part of that deficit (5 of the 10) was compensated for by contribution under the Section 94 Plan.
- The applicant paid the Section 94 contributions under the 2004 consent.
- The 62 spaces required under the current consent are not currently being provided (currently there would possibly be 56 spaces on site not all of which are available due to materials being stored on the site)
- The parking rates applicable for this type of development have changed since the 2004 proposal from 1 space per 3.7 sqm of bar area, plus 1 car space per 5.6 sqm of lounge and dining room area, plus 1 space per three bedrooms, to 1 space per 30 sqm of licensed floor area.
- The current DCP rate of 1 per 30 sqm is slightly less than that adopted in the 2004 parking study of 1 space per 26 sqm (i.e. 1861.9 sqm by 72 spaces)
- The Section 94 Plan "Central Car Parking Strategies" has since been repealed and replaced by the Section 94 Plan "CBD Car Parking".
- The current contribution rate for parking under the Section 94 Plan "CBD Car

Parking" is \$18,961.40 per space representing a significant increase in the rates per space since 2004.

The proposal

Based on the current proposal the respective floor areas are as follows:

	Existing Gross Floor Area	Proposed Ground Floor Area
	(sqm)	(sqm)
Ground Floor	823.2	980.8
First Floor	607.6	607.6
Bottle Shop	431.1	431.1
TOTAL	1861.9	2088.8
Parking required based on 1		69.6 say 70 spaces
space per 30 sqm		

In accordance with the Bathurst Regional Development Control Plan the required onsite parking provisions at 1 space per 30m² of licenced floor area is 70.

The applicant's current site plan indicates 56 spaces being provided on site together with alterations in traffic flows in front of the bottle shop. Those spaces (4) provided in front of the bottle shop are not functional in that they would require users to reverse out onto William Street in order to turn around or to multi point turn on Council's footpath. The current arrangement in this area provides for 5 spaces. The reality is therefore more likely to be 53 spaces provided. This figure itself is conditional upon line marking of the parking spaces and the removal of the materials currently stored on the site.

The shortfall is spaces is therefore 17 spaces based on 70 spaces less the 53 provided. Given Council's historical acceptance of Section 94 contributions for 5 spaces, the deficit becomes 12 spaces.

Council's options are therefore as follows:

- 1. It could refuse the Development Application for the alterations based on the shortfall in parking; or
- 2. It could impose a condition of consent requiring a contribution under its Section 94 Plan Bathurst CBD Car Parking. The current contribution is \$227,536.80, i.e. 12 spaces at \$18,961.40.

Matters to consider in determining the application are the following:

- Parking provision is already less than that required in the 2004 consent.
- Parking provision is less than the applicants own 2004 demand assessment for parking.
- The increase in floor area is not insubstantial being in the order of some 226 sqm.
- There is potential for this shortfall to fall to the surrounding streets which include the predominantly residential streets in Piper Street (between William and Bentinck) and William Street (between Piper and Lambert).
- Whilst the Section 94 Plan enables a contribution, that funding is not tied to a specific project or location beyond a "future multi level carpark, or new ground level carpark in the CBD".
- Any future carpark may not be readily accessible by patrons of the venue. In accordance with the DCP, contributions are appropriate where public parking can be provided within *reasonable proximity to the development*.

If approval is to be granted it would be conditional upon

- 1. A contribution being paid towards the shortfall in spaces, i.e. 12 spaces.
- 2. The existing carpark being formalized in terms of line marking.
- 3. All parking spaces being available at all times and accordingly all materials currently stored in the carpark are to be removed.

As Council has historically accepted contributions from the site the latter option is recommended.

CONCLUSION:

Council has received a Development Application for alterations and additions to the Oxford Hotel.

Based on the current DCP provisions for parking there is a shortfall in parking.

Council has the option of imposing a condition under its Section 94 Plan for the shortfall as it is has done so previously for the site.

FINANCIAL IMPLICATIONS:

Nil at this stage.

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

Objective 1: Our sense of place and identity.

- Strategy 1.5 Promote good design in the built environment.
- **Objective 4:** Enabling sustainable growth.
- Strategy 4.1 Facilitate development in the region that considers the current and future needs of our community.
- Strategy 4.3 Ensure services, facilities and infrastructure meet the changing needs of our region.
- Strategy 4.4 Provide parking to meet the needs of the City.
- Strategy 4.6 Plan for, assess and regulate development activity.

Objective 6: Community leadership and collaboration.

Strategy 6.4 Meet legislative and compliance requirements.

COMMUNITY ENGAGEMENT:

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

ATTACHMENTS:

- 1. Location plan and aerial image [8.2.7.1 1 page]
- 2. Plans [8.2.7.2 6 pages]
- 3. Statement of Environmental Effects [8.2.7.3 10 pages]

MINUTE

RESOLUTION NUMBER: ORD2020-235

MOVED: Cr W Aubin SECONDED: Cr G Hanger

RESOLVED:

That Council:

- (a) That Council defer determination of DA 2020/95 pending submission of a parking study that demonstrates adequate parking can be provided on the premises.
- (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 M Morse, Cr I North, Cr J Rudge <u>Against the Motion</u> - nil <u>Absent</u> - Cr J Jennings <u>Abstain</u> - Nil

8.2.8 DEVELOPMENT APPLICATION 2020/220 - SHED AT 6 IRONBARK CLOSE, KELSO. APPLICANT: T MOORE. OWNER: S BUCKLEY AND T MOORE

File No: 2020/220

RECOMMENDATION:

That Council:

- (a) as the consent authority, grant consent pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2020/143, 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) The shed is not to be used for commercial or industrial purposes
 - (ii) The shed is not to be used for human occupation under any circumstances
- (b) notify those that made submissions of its decision; and
- (c) call a division.

REPORT:

The Site

Council has received a Development Application (DA) for the construction of a shed with a bathroom, sink and benches at 6 Ironbark Close, Kelso, described as Lot 1225, DP 1065891.

A location plan and aerial photo are provided at attachment 1.

The subject site has a dwelling, patio cover and retaining walls. Adjoining and surrounding properties contain completed dwellings and sheds and swimming pools.

The rear of the site has been cut in below the pre-existing ground levels, the retaining wall being up to 1.4m high on the rear boundary. The net result is that the current ground level is lower than the surrounding properties, notably 17 Jarrah Court.

The site has an area of 1134m².

The proposal

The proposal involves the construction of a shed with attached awning. The shed is not regular in shape but is 9 metres long by 13 metres wide at its sides and 5.14 metres high

above the excavated ground level. The shed includes a toilet and sink. This creates a total area of 92 sqm (64sqm internal and 28 sqm under the awning).

Plans of the proposed development are at attachment 2.

The proposed shed will be 1.56 metres from the common boundary with 17 Jarrah Court and 2.9 metres from the common boundary with 8 Ironbark Close.

During the assessment process the applicant submitted amended plans which sought to:

- reduce the overall height of the building from 6.79m to 5.14m.
- increase the overall size of the shed from 7m by 9m to 9m by 13m.
- alter the shape of the building.
- include an open section of 4 metres long by 7 metres wide.

The application does not propose commercial or habitable use of the shed. Conditions to this effect will be imposed on the development.

Planning Context

Bathurst Regional Local Environmental Plan 2014

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

Clause 4.3 Height of buildings

The Height of Buildings Map indicated that the maximum building height for the subject property is 9 metres. The proposed shed will have an overall height of 5.14 metres. The development therefore complies with Clause 4.3 Height of buildings.

Bathurst Regional Development Control Plan 2014

Clause 4.4 – General Siting Considerations

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

- To enhance and/or maintain residential streetscape and character and to provide for landscaping in front of buildings.
- To provide access and fire protection, to maximise solar access and privacy, to minimise possible adverse impacts on adjoining properties, and to facilitate flexible site planning.
- To reduce the visual dominance of garages, vehicle access, carports and parking spaces in streetscape.

The DCP does not contain any specific provisions in relation to the overall height (beyond the general height of buildings limitations, i.e. 9m) and size for residential sheds.

For comparative purposes sheds of up to 60 square metres may be considered exempt development (i.e. development not requiring a development application) with maximum height of 4.5 metres (the proposal is 5.14 metres) and a maximum wall height of 3.3 metres (the proposal being 4 metres).

Setbacks from boundaries are in accordance with the provisions of Chapter 4 as noted below.

Development Standard	Permissible	Proposed	Complies
Front building line setback	Minimum distance of 6m,	N/A as behind existing dwelling	Yes
Side setback	As per National Construction Code (NCC)	2.895 metres	Yes
Rear setback	As per NCC	1.560 metres	Yes

There is currently a dwelling, patio cover and retaining walls and fencing on the site. The existing retaining wall approved by Council in 2019 is approximately 1.4 metres high at the highest point, stepping down to 0.8 metres high. The retaining wall therefore reduces the ground level of the property in this area and accordingly lowers the overall height of the shed when viewed from the adjoining properties.

The proposal will be most visible when viewed from 17 Jarrah Court being the property to the rear of the site. The proposal will also be visible from Ironbark Close via the site access and other properties in the area noting it is ultimately a matter of opinion as to the significance of this visual prominence.

Public Notification

In accordance with the Community Participation Plan 2019 the Development Application was notified to adjoining property owners from 17 July 2020 to 27 July 2020. Following the advertising and notification period a total of two submissions were received (see submissions at <u>attachment 3</u>).

During the notification period amended plans were submitted. The amended plans were forwarded to the neighbours that had already lodged submissions. Further submissions were received which are provided at **attachment 4**.

The applicant has also provided a written response to the submissions (refer to **attachment 5**). The response notes that:

- The shed will only be 1.9 metres above the adjoining fence given the reduced height of the building and the retaining wall.
- The shed is to be used for storage of caravans, camping gear and storage.
- Other large sheds and carports are in the locality.

The response also includes an assessment of the views from 17 Jarrah Court.

<u>Views</u>

The Land and Environment Court has well established planning principles in respect of the assessment of impacts of development on views. These principles are established in Tenacity Consulting v Warringah Council (2004 (NSWLEC 140 ('Tenacity').

'Tenacity' established the following assessment principles for consent authorities:

- 1. The first step is the assessment of views.
- 2. The second step is to consider from what part of the property the views are obtained.

- 3. The third step is to assess the extent of the impact.
- 4. The fourth step is to assess the reasonableness of the proposal that is causing the impact.

Assessment of views

The views from 17 Jarrah Court are broadly to the west (across 6 Ironbark) and to the south and west across the floodplain towards the City and Mt Panorama.

What part of the property the views are obtained

The property views from 17 Jarrah are available from the rear of the property inclusive of the living areas of the property and the outdoor living areas.

As noted in 'Tenacity' "the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries". Further "the expectation to retain side views....is often unrealistic".

The views from the Jarrah Court properties are across the rear boundary of the properties as opposed to the side boundaries.

Assessing the extent of the impact

The proposed shed will impact on part of those views to the west. These would be across the rear boundary with 6 Ironbark. Views to the south will be unaffected by the proposal.

Reasonableness of the proposal

The proposal is for a large outbuilding located on land which is zoned R1 General Residential.

Reductions in wall height would reduce the overall impact on views from 17 Jarrah Court although to a certain extent that overall impact is already offset by the fact that the building has been cut in.

Relocation of the building to elsewhere on the site would similarly have a minor impact on overall views from 72 Gilmour Street.

A smaller shed would similarly reduce the impact however the point to which that becomes reasonable or unreasonable would be a matter of individual opinion.

CONCLUSION:

Council has received a Development Application for the construction of a shed with an overall height of 5.14 metres at 6 Ironbark Close, Kelso. The proposal was notified in accordance with Community Participation Plan 2019 given the shed is over 60 square metres on land within the R1 zone. The proposal is not inconsistent with the objectives of the zone and the relevant development control standards. It is therefore recommended the Development Application be approved.

FINANCIAL IMPLICATIONS:

N/A

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

Objective 4: Enabling sustainable growth.

Strategy 4.6 Plan for, assess and regulate development activity.

COMMUNITY ENGAGEMENT:

02 Consult - to obtain public feedback on alternatives and/or decisions

ATTACHMENTS:

- 1. Location plan and aerial image [8.2.8.1 2 pages]
- 2. Plans of proposed development [8.2.8.2 4 pages]
- 3. Submissions [8.2.8.3 6 pages]
- 4. Additional submissions [8.2.8.4 11 pages]
- 5. Applicants response to submissions [8.2.8.5 3 pages]

MINUTE

RESOLUTION NUMBER: ORD2020-236

MOVED: Cr I North SECONDED: Cr W Aubin

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. 2020/143, 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) The shed is not to be used for commercial or industrial purposes
 - (ii) The shed is not to be used for human occupation under any circumstances
- (b) notify those that made submissions of its decision; and
- (c) call a division.

On being **<u>PUT</u>** to the **<u>VOTE</u>** the **<u>MOTION</u>** was <u>**CARRIED**</u>

The result of the division was:

<u>In favour of the motion</u> - Cr W Aubin, Cr B Bourke, Cr A Christian, Cr J Fry, Cr G Hanger, Cr I North <u>Against the Motion</u> - Cr M Morse, Cr J Rudge <u>Absent</u> - Cr J Jennings <u>Abstain</u> - Nil

8.2.9 DOORS OPEN! CAMPAIGN UPDATE

File No: 20.00071

RECOMMENDATION:

That the information be noted

REPORT

The DoorsOpen! business stimulus initiative commenced in early May 2020.

The campaign demonstrates Council's support for local businesses and its commitment to promoting the continued and often altered operation of these businesses.

The DoorsOpen! Campaign has been designed to move through different stages as the business restrictions were eased by the Federal Government and businesses started to reopen.

The first stage was launched on May 21 with the aim to build awareness by the residents of Bathurst that local businesses were reopening, some full time however many with limited opening hours to test their market. A new web address www.doorsopenbathurst.com.au was created and linked to Economic Development's www.doorsopenbathurst.com.au was created and linked to Economic Development's www.bathurstbusinesshub.com.au website.

A business directory was created on the The DoorsOpen!Bathurst website to allow local businesses to advertise to existing and potential clients with links directly to their business website or Facebook pages. Other information such as opening and closing times were also included. As at 31 August 2020, **289** local businesses have registered in the free business directory.

A DoorsOpen!Bathurst door decal was produced with businesses encouraged to place on their shop front and to post a picture to the Business Hub Facebook page which was shared to the 2,100+ page followers. This online campaign was complemented with a print, radio and television campaign, all featuring the prominent blue DoorsOpen! Logo. The entrance billboards for Bathurst were also updated with DoorsOpen! Banners.

The second stage included six competitions with prizes ranging from TV, radio and print advertising slots, business coaching and professional photography shoots for online content.

The competitions were designed so that maximum online interaction by business and clients was achieved. Any business that was mentioned in the Facebook comments was given one entry to the draw.

During this stage, the advertising campaign was expanded to include 88 street flags raised on the CBD heritage street lamps, a banner raised across William Street adjacent to the Civic Centre, 15 banners for Haymarket Reserve, 4 billboards on the various

highway approaches to Bathurst and a rear window decal on the Mayor's car.

An interim report highlighting the major achievements is provided at <u>attachment 1</u>. A full report will be presented once the campaign concludes.

To date, the campaign has reached more than 120,000 people online.

DoorsOpen has received attention from the 'Go Local First' national campaign led by the Council of Small Business Organisations Australia (COSBOA). Council was directly contacted by Pru Goward, Ambassador of the Go Local First campaign, to gather information about DoorsOpen and the reasons for its success. Pru Goward is the former NSW Minister for Family and Community Services and has held a number of other portfolio's in her political career. Since contacting Council, the Go Local First campaign has duplicated content from DoorsOpen such as the "Love My Local" concept, which is a great credit to Council's campaign.

CONCLUSION:

To date the DoorOpen! Campaign has been highly successful in raising awareness of supporting local businesses. Positive feedback continues to be received from businesses and consumers alike.

The campaign has reached more than 120,000 people online, with the brand also promoted via radio, TV, print, website, entrance billboards, street flags, banners, new online business directory and numerous successful support local competitions.

DoorsOpen has received attention from the national 'Go Local First' campaign. After contacting Council directly, this national campaign has duplicated content from DoorsOpen such as the "Love My Local" concept. This is a great credit to Council's campaign demonstrating that we are leading the way for Buy Local campaigns on a national level.

FINANCIAL IMPLICATIONS:

Funding for this item is contained within existing budgets

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

Objective 2: A smart and vibrant economy.

Strategy 2.1 Support local business and industry.

COMMUNITY ENGAGEMENT:

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

ATTACHMENTS:

1. DoorsOpen Campaign summary [8.2.9.1 - 3 pages]

MINUTE

RESOLUTION NUMBER: ORD2020-237

MOVED: Cr I North SECONDED: Cr W Aubin

RESOLVED:

That the information be noted

DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT

The following reports are presented for Council's consideration.

Yours faithfully

A Jones DIRECTOR CORPORATE SERVICES AND FINANCE

8.3.1 STATEMENT OF INVESTMENTS

File No: 16.00001

RECOMMENDATION:

That the information be noted.

REPORT:

\$70,930,000 was invested at 31 August 2020 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>	Balance	<u>Average</u> <u>Return</u>
<u>Short Term 1 – 365 Days</u> (comprising Commercial Bills, Term Deposits, Debentures and Certificates of Deposits):			
National Australia Bank Limited Maquarie Bank Limited AMP Bank of Queensland Limited IMB Auswide Bank Members Equity Bank Maritime, Mining & Power Credit Union	A1+ A-1 A2 A2 A2 A2 A2 A2 ADI	\$18,500,000.00 \$3,000,000.00 \$1,500,000.00 \$5,000,000.00 \$1,500,000.00 \$3,000,000.00 \$3,000,000.00 \$7,500,000.00	1.08% 1.39% 1.28% 1.15% 0.95% 1.64% 1.24% <u>1.44%</u>
Ltd Long Term > 365 Days (comprising Commercial Bills, Term Depos		\$43,000,000.00	<u>1.44 %</u> 1.23%
Floating Rate Term Deposits			
CBA Deposit Plus CBA Deposit Plus 1 CBA Deposit Plus 2 Westpac Coupon Select Westpac Coupon Select 1 Westpac Coupon Select 2 Westpac Green Tailored Deposit Maritime Mining & Power Credit Union Ltd	AA- AA- AA- AA- AA- AA- AA- ADI	\$1,500,000.00 \$1,500,000.00 \$1,500,000.00 \$2,000,000.00 \$3,000,000.00 \$1,500,000.00 \$1,500,000.00 \$1,230,000.00	0.90% 1.05% 1.18% 1.12% 1.35% 1.10% 0.87% <u>0.35%</u>
-	-	\$13,730,000.00	1.05%
Fixed, Negotiable & Tradeable Certificates of Deposits AMP Fixed Rate	BBB+	\$1,000,000.00	2.99%

_		\$1,000,000.00	2.99%
Floating Rate Notes			
CBA Climate Bond	AA-	\$1,000,000.00	1.02%
Commonwealth Bank of Australia 2	AA-	\$500,000.00	1.03%
National Australia Bank	AA-	\$700,000.00	1.03%
HSBC Sydney	AA-	\$1,500,000.00	0.93%
Suncorp Metway	A+	\$1,000,000.00	1.35%
Rabobank	A+	\$1,000,000.00	1.60%
Macquarie Bank	A	\$1,000,000.00	0.85%
UBS AG Australian	A+	\$650,000.00	0.97%
Sumitomo Mitsui Banking Corp	A	\$1,000.000.00	1.25%
AMP	BBB+	\$1,000,000.00	1.15%
AMP	BBB+	\$1,000,000.00	1.46%
AMP	BBB+	\$1,100,000.00	1.18%
Members Equity 3	BBB	\$750,000.00	1.35%
Newcastle Permanent 3	BBB	<u>\$1,000,000.00</u>	<u>1.75%</u>
		\$13,200,000.00	1.21%
Total Investments		<u>\$70,930,000.00</u>	<u>1.21%</u>
These funds were held as follows:			
Reserves Total (includes unexpended	d loan funds)	\$27,967,500.00	
Grants held for specific purposes	,	\$4,707,279.00	
Section 7.11 Funds held for specific p	ourposes	\$43,131,795.00	
Unrestricted Investments		\$-4,876,574.00	
Total Investments		<u>\$70,930,000.00</u>	
Total Interest Revenue to 31 Augus	<u>st 2020</u>	<u>\$145,183.42</u>	<u>1.21%</u>
A lense			

A Jones Responsible Accounting Officer

FINANCIAL IMPLICATIONS:

N/A

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

Objective 6: Community leadership and collaboration.

Strategy 6.4 Meet legislative and compliance requirements.

COMMUNITY ENGAGEMENT:

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

ATTACHMENTS:

1. Investments 2020-08-31 pre-accrual [8.3.1.1 - 2 pages]

MINUTE

RESOLUTION NUMBER: ORD2020-238

MOVED: Cr J Fry SECONDED: Cr W Aubin

RESOLVED:

That the information be noted.

8.3.2 MONTHLY REVIEW - 2020/2024 DELIVERY PLAN AND OPERATIONAL PLAN 2020/2021

File No: 16.00167

RECOMMENDATION:

That the information be noted.

REPORT:

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

At <u>attachment 1</u> is an update of Council's progress towards achieving the Strategies and Objectives for the 2020/2024 Delivery Plan and the Annual Operational Plan 2020-2021.

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 Meet legislative and compliance requirements.

COMMUNITY ENGAGEMENT:

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

ATTACHMENTS:

1. OP August 2020 [8.3.2.1 - 50 pages]

MINUTE

RESOLUTION NUMBER: ORD2020-239

MOVED: Cr M Morse SECONDED: Cr W Aubin

RESOLVED:

That the information be noted.

8.3.3 SUNDRY SECTION 356 DONATIONS, BATHURST MEMORIAL ENTERTAINMENT CENTRE COMMUNITY USE SUBSIDY AND MOUNT PANORAMA FEE SUBSIDY

File No: 18.00004

RECOMMENDATION:

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

REPORT:

At <u>attachment 1</u> 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 August 2020 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:	\$ 19,957.00 **
BMEC Community use:	\$ 6,818.50
Mount Panorama:	\$ 28,381.00

** The above amount includes donations already committed but not yet paid. After allowing for the committed donations the remaining balance is nil.

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

Objective 5: Community health, safety and well being.

- Strategy 5.3 Help build resilient, inclusive communities.
- **Objective 6:** Community leadership and collaboration.

Strategy 6.5 Be open and fair in our decisions and our dealings with people.

COMMUNITY ENGAGEMENT:

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

ATTACHMENTS:

1. 356 Council Report August 2020 [8.3.3.1 - 2 pages]

MINUTE

RESOLUTION NUMBER: ORD2020-240

MOVED: Cr A Christian SECONDED: Cr I North

RESOLVED:

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

8.3.4 POWER OF ATTORNEY

File No: 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.

- N Schryver Stephens Lane Lot 221 DP1147157 Rural Lease
- Aarina Developments 16 Wallace Way Lot 72 DP1253021 Sales Contract
- TM & HJL Beckers 48 Sunbright Road Lot 28 DP1253021 Sales Contract
- Emmobi Pty Ltd 3/38 William Street Lot 19 DP 1054053 Commercial Lease
- A Uwagbale 15 Bolton Street Lot 55 DP 1253021 Sales Contact
- S & D Owens Ben Chifley Dam Pt Lot 2 DP224846, Pt Lot 10 & 11 DP224864
 Rural Lease
- N Butland 14 Lockwood Rise Lot 115 DP 1253021 Sales Contract
- K E Fazldad & BLD Livingston 26 Bolton Street Lot 50 DP 1253021 Sales Contract
- PA Grima 21 Bolton Street Lot 52 DP 1253021 Sales Contract
- A Beckers 44 Sunbright Rd Lot 26 DP 1253021 Sales Contract
- J Hawken & S McMillan 58 Sunbright Rd Lot 33 DP 1253021 Sales Contract

General Items

• Nil

Linen Plan Release

• Nil

FINANCIAL IMPLICATIONS:

Nil

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

Objective 4: Enabling sustainable growth.

Strategy 4.6 Plan for, assess and regulate development activity.

COMMUNITY ENGAGEMENT:

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

ATTACHMENTS:

Nil

MINUTE

RESOLUTION NUMBER: ORD2020-241

MOVED: Cr W Aubin SECONDED: Cr J Fry

RESOLVED:

That the information be noted.

8.3.5 REQUEST FOR REFUND OF APPLICATION FEES -DEVELOPMENT APPLICATION NO. 2020/245 -RETAINING WALL AT LOT 239, DP 750357, 417 CONROD STRAIGHT, MOUNT PANORAMA

File No: 2020/245

RECOMMENDATION:

That Council not approve the Bathurst Light Car Club's request for refund of development application fees for DA 2020/245.

REPORT:

Council has received a Development Application and Construction Certificate Application for a retaining wall to replace an existing retaining wall at the Bathurst Light Car Club, described as Lot 239, DP 750357, 417 Conrod Straight, Mount Panorama.

The Development Application and Construction Certificate have been assessed and determined in accordance with Council's usual practices.

Accompanying the applications is a request from the Light Car Club to refund the total fee of \$515.15 (see letter requesting refund provided at **<u>attachment 1</u>**). The total project cost is \$30,040.

The total fee comprised of the following components:

Type of fee	Fee
Development Application	\$130.00
Construction Certificate	\$191.15
Long Service Fee*	\$105.00
Inspection Fee	\$89.00
Total	\$515.15

It is to be noted that the Long Service Fee is collected by Council on behalf of the NSW Long Service Corporation and is not retained by Council. The Council fee component is \$410.15.

Council should also note that its fees have already been discounted for part of the application fee by 50% in accordance with its adopted Covid 19 stimulus package.

Council's existing Section 356 Donations policy is to waive or refund Development Application fees for community groups where the development is on Council land. In this case the land is privately owned and accordingly the Policy does not apply.

FINANCIAL IMPLICATIONS:

Should Council resolve in accordance with the recommendation of this report, then there are no financial implications arising from this report. However, should Council wish to

refund the application fees, less the long service fee (ie: total \$410.15), funding would be provided by Council's S356 Donations allocation.

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

- **Objective 4:** Enabling sustainable growth.
- Strategy 4.6 Plan for, assess and regulate development activity.
- **Objective 6:** Community leadership and collaboration.
- Strategy 6.4 Meet legislative and compliance requirements.

COMMUNITY ENGAGEMENT:

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

ATTACHMENTS:

1. Refund request from Bathurst Light Car Club [8.3.5.1 - 2 pages]

MINUTE

RESOLUTION NUMBER: ORD2020-242

MOVED: Cr J Fry SECONDED: Cr W Aubin

RESOLVED:

That Council not approve the Bathurst Light Car Club's request for refund of development application fees for DA 2020/245.

8.3.6 COVID-19 PROTOCOLS FOR SPORTING EVENTS (NON-COUNCIL)

File No: 14.00764

RECOMMENDATION:

That the information be noted.

REPORT:

After a recent sporting event, (not a Council run event), in Bathurst, the Mayor requested that a report be prepared on current protocols in place. The following details the current practices in place.

- **Event Type:** Event held on Bathurst Regional Council Property, where Bathurst Regional Council is not the holder or organiser of the event.
- **Process:** 1. Council is not the approval authority; accordingly, Council does not determine if the event will go ahead.
 - 2. Where Council is notified of an event, the group are encouraged to contact NSW Health and ensure that Public Health Orders (PHO's) are followed. Including having regard to the Chief Health Officials updated advice for the Community Sport and Recreation Sector.
 - 3. Council requests the relevant sporting body ensures a COVID Safe Plan is in place. Council does not approve the plan.
 - 4. Council requests the relevant sporting body to consider liaising with their State body. This is subject to the Event type e.g. State/Regional titles.
 - 5. Depending on the nature of the event, the sporting body is reminded that the Police are the regulatory authority for COVID procedure breaches.
 - 6. Sporting groups are to ensure appropriate insurances are in place.

FINANCIAL IMPLICATIONS:

There are no financial implications resulting from this report.

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

Objective 5: Community health, safety and well being.

Strategy 5.1 Provide opportunities for our community to be healthy and active.

Objective 6: Community leadership and collaboration.

Strategy 6.4 Meet legislative and compliance requirements.

COMMUNITY ENGAGEMENT:

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

ATTACHMENTS:

Nil

MINUTE

RESOLUTION NUMBER: ORD2020-243

MOVED: Cr I North SECONDED: Cr A Christian

RESOLVED: That the information be noted.

8.3.7 UPDATE DELEGATIONS REGISTER

File No: 41.00088

RECOMMENDATION:

That Council adopt the updated delegations register.

FINANCIAL IMPLICATIONS:

The Delegations Register provides the authority to authorise expenditures on behalf of Council.

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

Objective 6: Community leadership and collaboration.

- Strategy 6.4 Meet legislative and compliance requirements.
- Strategy 6.6 Manage our money and our assets to be sustainable now and into the future.

COMMUNITY ENGAGEMENT:

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

ATTACHMENTS:

1. Delegations Register September 2020 [8.3.7.1 - 19 pages]

MINUTE

RESOLUTION NUMBER: ORD2020-244

MOVED: Cr W Aubin SECONDED: Cr I North

RESOLVED:

That Council adopt the updated delegations register.

8.3.8 CODE OF CONDUCT

File No: 11.00024

RECOMMENDATION:

That Council:

- (a) Adopt the new Model Code of Conduct and Procedures.
- (b) Adopt the Procedures for the Administration of the Code of Conduct
- (c) Increase the current cap on the value of gifts from \$50 to \$100.
- (d) Adopt the additional Council Criteria contained in Addendum A of the previous Council adopted version of the Procedures for the Administration of the Code of Conduct as an addendum to the new Procedures for the Administration of the Code of Conduct.

REPORT:

The Office of Local Government has introduced a new Model Code of Conduct for Local Councils in NSW which has become effective immediately.

Office of Local Government Circular 20-32 Amendments to the Model Code of Conduct for Local Councils in NSW and Procedures provides an outline of the changes.

The Key features of the amended code framework include:

Amendments to the Procedures:

- Consistent with the Supreme Court's decision, councils have the following options when taking disciplinary action against councillors for breaches of their codes of conduct under the new Procedures:
 - that a councillor be formally censured for the breach under section 440G of the *Local Government Act 1993* (the Act), or
 - that a councillor be formally censured for a breach under section 440G and the matter referred to OLG for further disciplinary action under the misconduct provisions of the Act.
- The process for censuring councillors for breaches of the code of conduct has been significantly strengthened to ensure councillors are made publicly accountable to their electors for their conduct. When censuring councillors, councils are required to specify in their resolution the grounds on which the councillor is being censured by disclosing the investigator's findings and determination and any other grounds that the council considers may be relevant or appropriate.

- Councillors may seek to avoid public censure for breaches of the code of conduct by voluntarily agreeing to undergo training or counselling, to apologise for their conduct or to give undertakings not to repeat their conduct before the investigator finalises their report to the council. Investigators can finalise their investigations without a report to the council where they consider these to be an appropriate outcome to the matter they are investigating. However, it will remain open to investigators to finalise their report and to recommend censure where they consider this is appropriate and warranted.
- The process for referral by councils of code of conduct breaches by councillors to OLG for further disciplinary action under the misconduct provisions of the Act has been streamlined. Investigators are required to consult with OLG before recommending the referral of matters to ensure the conduct in question is sufficiently serious to warrant disciplinary action for misconduct and that there is sufficient evidence of the breach to allow OLG to take further disciplinary action.
- Other amendments have been made to the Procedures to:
 - allow panels of conduct reviewers to be appointed without a resolution of the council, and
 - allow the referral of investigators' reports to OLG for action under the misconduct provisions of the Act where the council will not have a quorum to deal with the matter.

Amendments to the Model Code of Conduct

- The Model Code of Conduct has been amended to:
 - remove as a breach, failure to comply with a council resolution requiring action in relation to a code of conduct breach (because it is now redundant)
 - update the language used to describe the various heads of discrimination in clause 3.6 to reflect more contemporary standards
 - include in the definition of council committee and council committee members, members of audit, risk and improvement committees (ARICs) in anticipation of the commencement of the requirement for all councils to appoint an ARIC following the next local government elections.
- Amendments have also been made to the gifts and benefits provisions of the Model Code of Conduct in response to feedback from some councils. The amendments:
 - lift the \$50 cap on the value of gifts that may be accepted to \$100
 - clarify that items with a value of \$10 or less are not "gifts or benefits" for the purposes of the Model Code of Conduct and do not need to be disclosed
 - clarify that benefits and facilities provided by councils (as opposed to third parties) to staff and councillors are not "gifts or benefits" for the purposes of the Model Code of Conduct, and
 - remove the cap on the value of meals and refreshments that may be accepted by council officials in conjunction with the performance of their official duties.

• Councils are not obliged to amend their codes of conduct to lift the cap on the value of gifts that may be accepted if they do not wish to. It is open to councils to retain the existing \$50 cap or to impose another cap that is lower than \$100.

The model Code of Conduct is provided at <u>attachment 1</u> and the Model Procedures for the Administration of the Code of Conduct are provided at <u>attachment 2</u>.

Council also previously adopted a principles and procedures document (refer **<u>attachment</u>**<u>**3**</u>) developed by its Code of Conduct Committee and added this to the Model Procedures for the Administration of the Code of Conduct. It is recommended that Council again adopt these Principles and Procedures as Addendum A to the Model Procedures.

It is recommended that Council:

- (a) Adopt the new Model Code of Conduct and Procedures.
- (b) Adopt the Model Procedures for the Administration of the Code of Conduct
- (c) Increase the current cap on the value of gifts from \$50 to \$100.
- (d) Adopt the additional Council Criteria contained in Addendum A of the previous Council adopted version of the Procedures for the Administration of the Code of Conduct as an addendum to the new Procedures for the Administration of the Code of Conduct.

FINANCIAL IMPLICATIONS:

Nil

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

Objective 6: Community leadership and collaboration.

Strategy 6.4 Meet legislative and compliance requirements.

COMMUNITY ENGAGEMENT:

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

ATTACHMENTS:

- 1. Model Code of Conduct for Local Councils in NSW update [8.3.8.1 47 pages]
- 2. Procedures for the Administration of the Model Code of [8.3.8.2 35 pages]
- 3. Addendum A to Procedures [8.3.8.3 3 pages]

MINUTE

RESOLUTION NUMBER: ORD2020-245

MOVED: Cr A Christian SECONDED: Cr I North

RESOLVED:

That Council:

- (a) Adopt the new Model Code of Conduct and Procedures.
- (b) Adopt the Procedures for the Administration of the Code of Conduct
- (c) Increase the current cap on the value of gifts from \$50 to \$100.
- (d) Adopt the additional Council Criteria contained in Addendum A of the previous Council adopted version of the Procedures for the Administration of the Code of Conduct as an addendum to the new Procedures for the Administration of the Code of Conduct.

8.3.9 STATEMENT BY COUNCIL ON FINANCIAL REPORTS

File No: 16.00137, 41.00089

RECOMMENDATION:

That Council:

- (a) refer the draft Financial Statements to Council's auditors, Audit Office of NSW, for audit;
- (b) sign the Certificates with respect to the General Purpose Financial Statements and the Special Purpose Financial Statements for the year ended 30 June 2020;
- (c) adopt the Accounting Policies shown in the financial reports.

REPORT:

Council is required, under section 413 (1) of the Local Government Act 1993, to prepare financial reports for each year, and refer them for audit.

For Council's information the draft Financial Reports for the year ended 30 June 2020 are provided as the General Purpose Financial Statements (<u>attachment 1</u>) and Special Purpose Financial Statements (<u>attachment 2</u>). Note that the draft Financial Reports may be subject to change during the audit process.

Pursuant to Section 413 (2)(c) Council is required to make a statement in the approved form (<u>attachment 3</u> and <u>attachment 4</u>) in respect of its General Purpose Financial Statements and Special Purpose Financial Statements.

Each year, Council determines its significant Accounting Policies to be incorporated into the Financial Statements. Those policies deal with how the Council implements the International Financial Reporting Standards (IFRS), the Australian Accounting Standards (AAS), the Local Government Code of Accounting Practice (the Code) and the specific principles, bases, conventions, rules and practices that are applied in preparing and presenting the Financial Statements. The accounting policies are included in the Financial Statements for Council's adoption.

Following completion of the audit the Financial Statements will be placed on public exhibition prior to the formal presentation to Council.

FINANCIAL IMPLICATIONS:

Nil

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

Objective 6: Community leadership and collaboration.

Strategy 6.1 Communicate and engage with the community, government and business groups on important matters affecting the Bathurst region.

COMMUNITY ENGAGEMENT:

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

ATTACHMENTS:

- 1. Attachment 1 General Purpose Financial Statements [8.3.9.1 87 pages]
- 2. Attachment 2 Special Purpose Financial Statements Draft [8.3.9.2 13 pages]
- 3. Attachment 3 GPFS Councillors Statement [8.3.9.3 1 page]
- 4. Attachment 4 SPFS Councillors Statement [8.3.9.4 1 page]

MINUTE

RESOLUTION NUMBER: ORD2020-246

MOVED: Cr M Morse SECONDED: Cr G Hanger

RESOLVED:

That Council:

- (a) refer the draft Financial Statements to Council's auditors, Audit Office of NSW, for audit;
- (b) sign the Certificates with respect to the General Purpose Financial Statements and the Special Purpose Financial Statements for the year ended 30 June 2020;
- (c) adopt the Accounting Policies shown in the financial reports.

8.3.10 REQUEST FOR FINANCIAL ASSISTANCE -BATHURST DISTRICT CRICKET ASSOCIATION

File No: 18.00104

RECOMMENDATION:

That

- (a) The 2020/2021 Parks and Gardens Active Spaces Community Groups User Fees for the Bathurst District Cricket Association be waived; and
- (b) The Bathurst District Cricket Association be invited to make a further application for years two to five of their proposals once their cost reduction measures have been quantified and realised.

REPORT:

Councillors would recall from a previous Councillors Meeting with Community Groups meeting that representatives from the Bathurst District Cricket Association Inc. presented a revised fee structure for their annual playing fields user fees to Councillors for their consideration.

In brief, the Association has proposed the following fee structure for Council's consideration:

- Year 1 No fees paid
- Year 2 25% fees paid
- Year 3 50% fees paid
- Year 4 75% fees paid
- Year 5 fees paid in full

A detailed copy of the Association's proposal, excluding their profit and loss schedule, is provide at <u>attachment 1</u>. The Association's profit and loss schedule, together with a copy of their most recent audited financial statements have been provided to Councillors under a separate confidential cover.

Putting aside the implications of COVID-19, Council's adopted Revenue Policy establishes the fees for the use of playing fields by sporting bodies at an amount that recoups 20% of the maintenance costs. The current 2020/2021 fee applicable to this Association is \$19,629.00.

A review of the financial position of the Association has been undertaken by Council staff with one area of concern being noted. This area being that, based on the financial information and reports as provided, that there was insufficient information to determine whether the Association would have the capability to meet the increase in annual fees as outlined in their proposal.

A subsequent meeting was then held with a representative of the Association to discuss this matter. At this meeting Council was advised that the Association had already introduced some recurrent cost reduction measures, and these reductions, together with other savings in Year Zero will provide adequate funds to cover the fee increases as proposed. Should Council resolve to support the Association's proposal, Council would require the Association to submit annual audited financial reports so that their financial position can be monitored.

Having regards to the high investment that Council has made in the development of these playing surfaces, together with Council's annual maintenance expectations of these facilities, a request of this nature would not ordinarily be supported. However, due to the ongoing COVID-19 pandemic, Council may consider providing some relief equivalent to that already provided to some other sporting groups.

Councillors would recall from the "COVID-19 Business and Community – Stimulus Measures" Mayoral Minute meeting 15 April 2020, that Council resolved, in part, to waive the Parks and Gardens Active Spaces Community Groups User Fees for a number of winter sporting associations. Accordingly, as the COVID-19 pandemic is continuing <u>it is recommended</u> that:

- (a) The 2020/2021 Parks and Gardens Active Spaces Community Groups User Fees for the Bathurst District Cricket Association be waived; and
- (b) The Bathurst District Cricket Association be invited to make a further application for years two to five of their proposal once their cost reduction measures have been quantified and realised.

FINANCIAL IMPLICATIONS:

Should Council resolve in accordance with the recommendations of this report, Council will incur a reduction in parks user charges of \$19,629 for the 2020/2021 financial year.

Should Council resolve to accept the Association's proposal as presented, assuming a CPI of 2%, Council would incur a reduction in income of \$50,064 over the first four years of the proposal.

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

Objective 1: Our sense of place and identity.

Strategy 1.4 Protect and improve the region's landscapes, views, vistas and open space.

COMMUNITY ENGAGEMENT:

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

ATTACHMENTS:

1. Attachment 1 - Bathurst District Cricket Association proposal [8.3.10.1 - 4 pages]

MINUTE

RESOLUTION NUMBER: ORD2020-247

MOVED: Cr I North SECONDED: Cr A Christian

RESOLVED:

That

- (a) Council note that the 2020/2021 Parks and Gardens Active Spaces Community Groups User Fees for the Bathurst District Cricket Association has been waived, refer to Mayoral Minute 16.09.2020; and
- (b) The Bathurst District Cricket Association be invited to make a further application for years two to five of their proposals once their cost reduction measures have been quantified and realised.

8.3.11 REQUEST FOR FINANCIAL ASSISTANCE -EARLYSTART KELSO PRESCHOOL AND FAMILY CENTRE

File No: 18.00004

RECOMMENDATION:

That Council does not approve the request for financial assistance from the West Bathurst Preschool for their EarlyStart Kelso Preschool and Family Centre project.

REPORT:

Council is in receipt of a request from the Director of West Bathurst Preschool seeking Council to make a financial contribution to their EarlyStart Kelso Preschool and Family Centre which is being constructed within the Charles Sturt University precinct.

In brief, the Preschool is seeking Council to contribute \$33,000 "... to the successful completion of the sandpit and shade sails in the outdoor learning environment". A copy of the Preschool's request, together with associated supporting information is provided at **attachment 1**.

The Preschool's website identifies the West Bathurst Preschool Inc. as ".... A not for profit community based organisation ... (that) is licensed and funded by the NSW Department of Education and Communities". The Preschool also note in their application that they have secured a \$750,000 grant from the State Government for this new facility.

Historically, Council has not contributed to the construction of non-Council operated child care/preschool facilities. It should also be noted that, at the recent works undertaken at Scallywags, the scope of works were aligned to the available and confirmed funding for the project.

The provision of preschool services is an open and competitive market, with approximately four preschool facilities operating within the Bathurst Local Government Area. Noting that Council is also a provider in this competitive market.

Should Council resolve to support this request, it would create an unsustainable precedent which will more than likely lead to similar requests from other preschool facilities as they embark on new constructions or renovations. Accordingly, <u>it is recommended</u> that Council does not approve the request for financial assistance from the West Bathurst Preschool for their EarlyStart Kelso Preschool and Family Centre project.

FINANCIAL IMPLICATIONS:

Should Council resolve in accordance with the recommendation of this report then there are no financial implications arising from this report. Should Council wish to provide financial assistance, either in part or in full, then a further request will need to be presented for Council's consideration as there are insignificant funds in Council's S356 Donations allocation.

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

Objective 6: Community leadership and collaboration.

Strategy 6.3 Advocate for our community.

COMMUNITY ENGAGEMENT:

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

ATTACHMENTS:

1. Attachment 1 - Early Start Kelso Preschool [8.3.11.1 - 7 pages]

MINUTE

RESOLUTION NUMBER: ORD2020-248

MOVED: Cr I North SECONDED: Cr J Fry

RESOLVED:

That Council make available a \$25,000 loan to the Early Start Kelso Preschool and Family Centre over a 5 year period, in accordance with Council's Donations - Section 356 Policy.

DIRECTOR ENGINEERING SERVICE'S REPORT

The following reports are presented for Council's consideration.

Yours faithfully

ana J. Sturges.

Darren Sturgiss DIRECTOR ENGINEERING SERVICES

8.4.1 WATER SECURITY UPDATE

File No: 32.00017

RECOMMENDATION:

That the information be noted.

REPORT:

The previous report to Council regarding water security was at Council's ordinary meeting of 19 August 2020. A compilation of the various water security related Council reports is available from: <u>https://www.bathurst.nsw.gov.au/water-restrictions-council.html#article-id-3338</u>

Current storage in Chifley Dam, Council's main water supply storage is 93.6% as at 3 September 2020. At this time last year storage was 45.4%.

Water Demand

Water demand on the Town Water Supply continues to average 8.8ML/day. This is an excellent result from the Bathurst community. Residential consumption for the last month has averaged 123L/person/day, which is well below the 2014 Drought Management Plan expectations of 219 L/p/d for Level 3, and 183L/p/d for Level 4; this consumption is well below Level 5 (159) and is just below Level 6 (129) requirements.

Due to significant increase in the storage level of Chifley Dam to 93.6%, Council has relaxed water restrictions to Level 3 – High, effective from 28 August 2020. Summary of current restrictions are as follows:-

- Watering of lawns and/or gardens is permitted before 10am or after 4pm, using odds and evens system, for a maximum of 60mins total per permitted day.
- Hoses with a trigger nozzle, buckets, watering cans and irrigation systems and microsprays can all be used.
- Topping up of existing pools permitted, for maximum 15min per day.
- Filling of new pools allowable with permission from Council.
- Carwashing is allowed at home on the lawn, using a bucket and trigger nozzle on a hose before 10am or after 4pm; or at registered car washes at any time.
- Topping up of garden features, bird baths and temporary children's pools is permitted.

<u>Compliance</u>

The media and information campaign continues to provide details regarding the current water restrictions that apply, with full details available on the Council website. Enforcement and compliance measures remain in place, with the appointment of a full time Water Inspector supported by administration staff who take all calls through the water hotline, and the water restrictions email. To the end of August 2020, 1 new complaint was raised with Council and is being actioned, bringing the overall total to 358. New cases (2) required a courtesy letter to be sent, bringing the total to 216 and this resulted in changes and compliance. There were no caution letters sent, no further penalty infringement notice (fine) issued, keeping those totals to 15 and 4 respectively. In some cases, complaints appeared to have been vexatious, as no evidence of non-compliance could be found on inspection of the relevant property.

As at the end of August 2020, there had been 149 pool top up permits issued in total, 344 residential exemptions approved with conditions in total, and a total of 106 business exemptions approved with conditions.

Chifley Dam weekly updates

Each Tuesday afternoon Council's website is updated with the latest statistics and figures relating to Chifley Dam, and the Bathurst Water Supply. Details are available here: www.bathurst.nsw.gov.au/chifleydam

The three key graphs included at <u>attachment 1</u> show the monthly Chifley Dam volume in percent, from 11 November 2002 to 1 September 2020, the yearly comparison of Chifley Dam from 2015 to 2020, and the estimated residential water usage in litres per person per day, along with the anticipated demand forecast in the 2014 Drought Management Plan. Again, current level of Chifley Dam is 93.6%; Winburndale Dam is 79.7%.

Environmental flows only continue to be released from Chifley Dam, with Bathurst Town water supply for the last 26 weeks being sourced from the Fish River.

Short Term Water Supply Improvements

Council has recently received an additional \$10M from the NSW State Government to progress the Winburndale Dam pipeline augmentation. This brings the total funding from the NSW State Government for critical water projects to \$22M including \$2M for design and investigation and \$20M for capital works.

Council is preparing its application for authorisation for the Water Harvesting Project, responding to requirements from the NSW Government and has supplied initial documentation to the NSW Government for review. Council staff have met with staff from the NSW State Government Departments involved. Following the provision of additional data in the draft environmental assessment, a second public information consultation session will be carried out.

Given recent pleasing rainfall, the Zero flow Day Zero water supply estimate has extended to at least 2022. Council has nearly finalised assessment of a more cost-effective route for the water harvesting pipeline along the Macquarie River Levee.

Council had also proposed that the Winburndale Dam Pipeline Augmentation project to be listed on the relevant Schedules of the Water Supply (Critical Needs) Act 2019. There is clear justification as to the project need in this regard.

At this stage the detailed design for both projects are continuing, the environmental assessment is being completed and will be provided to the NSW State Government as soon as possible. It is expected that the full environmental assessment documentation will be provided to the NSW Government in October 2020. At this stage all assessment is complete except a portion of the route that is subject to aboriginal cultural heritage assessment.

Application to the Natural Resource Access Regulator had been made for approval for

reduction in environmental flows from Winburndale Dam, to extend the remaining storage in circumstances of critical water shortages in Bathurst. The NSW State Government has requested further information and Council is working with the Regulator to resolve the matter.

In relation to irrigation allocation, Council had advised the NSW Government that it was of the view, given the critical water shortage that the 2020/21 water year allocation for irrigation from the Macquarie, Campbell's and Fish Rivers serving the Bathurst City Water Supply ought be zero. This submission was made in early April, prior to recent rainfall. The NSW government has advised temporary 20% allocation for irrigators for the 2020/21 year. A review is to be carried out by the Natural Resource Access Regulator in September 2020 regarding this position.

Work Completed to Date

Council has engaged a contractor to carry out strengthening works to Winburndale Dam. Cost of this project is approximately \$9.7M, with \$2.225M provided by the NSW Government's Safe and Secure Water Program. Work on this has commenced, with to date approximately \$5.5M expended. Work will be completed in 2020/2021.

Councillors would also be aware of the \$2M provided by the State Government to investigate short term water supply needs, including: -

- (a) Stormwater harvesting
- (b) Winburndale pipeline improvement works
- (c) Groundwater / bore investigation

The above activities involve up to 16 individual consultancies which are being managed by Council for this investigation work, with the bulk of the \$2M committed. It is expected that this funding will be largely expended by late 2020.

More detailed progress of work is shown as below:-

WATER INFRASTRUCTURE PROJECTS – PROGRESS		
Project	Status	
Project Legal Framework		
Legal assessment of suitability of Water Supply (Critical Needs) Act 2019.	Completed	
Listing of Water Harvesting project on Water Supply (Critical Needs) Act 2019	Completed	
Listing of Winburndale Dam pipeline augmentation project on Water Supply (Critical Needs) Act 2019	Underway. Finalisation of Environmental assessment required as part of submission	
Legal Assessment of procurement process, subsequently resolved Ordinary Council Meeting, 11 December 2019.	Completed	
Water Harvesting		
Preliminary Yield Analysis	Complete	
Detailed Yield Analysis	Complete	
Project management framework including legal advice for preparation of GC21 Design and Construct Contract	Complete	

Option 1 Route Analysis – Through Levee		
Survey	Complete	
Design	Complete	
Costing	Complete	
Geotechnical Investigation	Complete	
Environmental Assessment	Complete	
	Complete	
Option 2 Pouto Analysis Through public road notwork		
Option 2 Route Analysis - Through public road network	Complete	
Survey / Design Geotechnical Investigation	Complete	
	Complete	
Aboriginal Cultural Heritage Assessment	Complete	
European Cultural Assessment	Complete	
Crown Road Licence Agreement for formalization of	Complete	
Easements		
Permission from TfNSW for Great Western Highway underbore	Commenced	
Permission from John Holland Rail for Great Western Railway underbore	Commenced	
Environmental Assessment	Completed	
Electrical Assessment	Commenced	
<u> Option 3 Route Analysis – Underbore Macquarie River</u>		
Survey / Design	100% complete	
Geotechnical Investigation	100% complete	
Aboriginal Cultural Heritage Assessment	Commenced, ACHA required	
Abonginal outdrai Hontage Absobbinent	for portion of route. Due	
	Diligence Report Completed.	
	Diligence Report Completed.	
	Discussions with DPIE	
	regarding shortened ACHA	
	process utilising Critical	
	Needs legislation.	
European Cultural Assessment	Completed	
Permission from TfNSW for Great Western Highway, for	Commenced	
trenching under bridge.	Commenced	
Permission from John Holland Rail for Great Western	Commenced	
Railway underbore	Commenced	
Technical Assessment of route by Public Woks Advisory	Completed	
Environmental Assessment	Completed	
Costing	Preliminary costing	
Costing	completed.	
	completed.	
	Detailed costing completed	
Stormwater Ponds – Next to Proctor Park - Stage 1b		
Design	Complete	
Geotechical Investigation	Complete	
Aboriginal Cultural Heritage Assessment	Complete	
Flood Impact Assessment	Substantially completed	
Costing	On hold	
Winburndale Dam Pipeline Augmentation		

Feasability Assessment	Completed
Route Assessment	Completed
Pipeline Sizing	Completed
Electrical Needs Assessment	Completed
Legal opinion regarding existing easement access	Completed
Survey and Design	Commenced
Environmental Assessment	
Discussions with affected landowner along route	80% complete Commenced
)	
Costing	To commence following
	design completion
Winburndale Dam Water into Water Filtration Plan	
using existing pipeline	
Water Chemistry Analysis	Completed
Compliance / Risk assessment with Australian Drinking	Completed
Water Guidelines	
Design for inlet works	Completed
Construction of inlet works	Completed
Commissioning / testing / monitoring of water quality	Completed
Water Filtration Plant Mixing Lagoon – To provide	
balance tank prior to inlet into Water Filtration Plant	
Water Quality / Risk Assessment	Completed
Survey and Design	Completed
Costing	Competed
Irrigation Allocations	
Discussions with Local Irrigators regarding Council's	Completed
request to NSW State Government for Section 324	
instrument to restrict allocations for 2019/2020 water year	
Provision of detailed assessment to NSW State	Completed
Government requesting irrigation restriction for 2019/2020	
water year, to 20% allocation	
Request to NSW Government requesting consideration of	Completed
0% allocation for irrigation allocation for 2020/2021 water	
year	
State Government announcement that water allocation for	Completed.
local irrigators to be set at 20% for 2020/21 water year.	
Chifley Dam Environmental Release	
Environmental Assessment for reduction in Environmental	Completed
release submitted to NSW Government	
Booroolong Frog Survey to Campbells River	Completed
Investigation for additional River Gauging (Level) Stations	Commenced
to Campbells and Fish River, to assist environmental	
monitoring	
Preparation of additional detail regarding environmental	Commenced
release conditions	
Winburndale Dam Environmental Release	
Application for reduction in Environmental release	Completed
submitted to NSW Government	

Groundwater Assessment	
Desktop investigation of groundwater sources	Completed
Seismic testing of most beneficial areas identified n	Completed
desktop investigation	
Collation of licenced bores within Bathurst LGA	Completed
Water quality testing of water sourced from sample of	Completed
existing bores	
Drilling of investigative boreholes	Completed

FINANCIAL IMPLICATIONS:

N/A

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

Objective 3: Environmental stewardship.

Strategy 3.2 Protect the City's water supply.

COMMUNITY ENGAGEMENT:

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

ATTACHMENTS:

1. Attachment 1 September Council [8.4.1.1 - 3 pages]

MINUTE

RESOLUTION NUMBER: ORD2020-249

MOVED: Cr W Aubin SECONDED: Cr A Christian

RESOLVED:

That the information be noted.

DIRECTOR CULTURAL AND COMMUNITY SERVICE'S REPORT

The following reports are presented for Council's consideration.

Yours faithfully

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A Cattermole DIRECTOR CULTURAL AND COMMUNITY SERVICE'S

8.5.1 BATHURST RAIL MUSEUM - SIX MONTH UPDATE

File No: 21.00120

RECOMMENDATION:

That the information be noted.

REPORT:

Bathurst Rail Museum (BRM) opened in February 2020 as the fourth Council operated museum within *museums Bathurst*. This museum tells the important story of Rail for Bathurst and broader NSW through the stories of everyday people. The world class museum is a culmination of five-and-a-half years' work to bring the project to fruition.

Designed by local architects Integrated Design Group (IDG) and built by Tablelands Builders this project is an outstanding example of what can be achieved by a regional Council using local expertise. The project has been identified as a best practice example of adaptive reuse of an historic building within the Rail precinct providing a focal point for the revitalisation of this area.

The project was funded by local, State and Federal Government.

The development of the Bathurst Rail Museum in the State heritage listed Bathurst Railway Institute building presented challenges. To ensure the preservation of this historic building Council with the help of IDG have navigated through the many layers of heritage approvals and unforeseen conditions required through the Office of Environment and Heritage (OEH). This process resulted in delays and unexpected costs but has ultimately created a beautiful and functional museum and community space.

Following the opening on Saturday 22 February 2020 Council services were faced significant challenges posed by the COVID-19 Global Pandemic with the closure of all museums to the public on Monday 23 March 2020. During the closure period staff worked behind the scenes on a range of activities to ensure the museums and their objects were protected and ready for reopening.

On Friday 5 June 2020 the Bathurst Rail Museum opened to the public with a COVIDSafe Plan in place. Since that time, the Museum has seen almost 12,000 visitors, which has exceeded the initial business plan projection. Particularly popular is Kids Central, which has proven a favourite for the younger visitor and their families who have taken advantage of the museums annual membership and who return to the space regularly.

The retail side of the business is also exceeding projections with many of the unique branded merchandise selling well.

Leo Kelly Award

On 6 August 2020 Council was awarded the Leo Kelly OAM Arts and Culture Award,

Division B for the Bathurst Rail Museum. This is the second year in a row that Council has won this award receiving it for the RE-ORG Bathurst project in 2019.

The judges commented that "This project is an adaptive re-use of an historic building which has shown innovation to provide a different point of view for residents and visitors. It is likely that most councils will have buildings and land that have a history or potential to tell a history if such innovation was replicated."

The Bathurst Rail Museum project is recognised as an exemplar across Local Government.

Applications for the 2020 Australian MAGNA (Museums and Galleries Association) and the M&GNSW Imagine Awards have also been submitted for the Bathurst Rail Museum, with award winners announced later in the year.

FINANCIAL IMPLICATIONS:

There are no financial implications resulting from this report.

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

Objective 1: Our sense of place and identity.

Strategy 1.3 Enhance the cultural vitality of the region.

Objective 2: A smart and vibrant economy.

Strategy 2.6 Promote our City and Villages as a tourist destination.

COMMUNITY ENGAGEMENT:

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

ATTACHMENTS:

Nil

MINUTE

RESOLUTION NUMBER: ORD2020-250

MOVED: Cr | North SECONDED: Cr A Christian

RESOLVED:

That the information be noted.

8.5.2 REVIEW OF FAMILY DAY CARE EDUCATOR ADVANCES POLICY

File No: 11.00008, 41.00089

RECOMMENDATION:

That Council adopt the updated Family Day Care Educator Advances Policy, as outlined in the report.

REPORT:

The current Family Day Care Scheme – Carer Advances Policy is due for review. The Policy was last updated and adopted by Council on 5 December 2012, a copy of the Policy provided at <u>attachment 1</u>.

Initially, the Carer Advance was developed to assist with purchasing computers and software to assist with administration processes and setup costs for prospective Educators. The Policy has been updated to reflect the update of terminology from Carers to Educators, in line with changes to Legislation.

The advance is extended to cover any requirements that assist Family Day Care Educators to meet the requirement of National Quality Standards, which enhances service delivery.

The updated Policy is provided at **<u>attachment 2</u>**.

It is recommended that Council adopt the updated Family Day Care Educator Advances Policy.

FINANCIAL IMPLICATIONS:

Funding for this item is contained within existing budgets

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

Objective 2: A smart and vibrant economy.

Strategy 2.4 Support agriculture, local manufacturing, food production and education as significant contributors to the region's economy

Objective 6: Community leadership and collaboration.

Strategy 6.4 Meet legislative and compliance requirements.

COMMUNITY ENGAGEMENT:

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

ATTACHMENTS:

- 1. Policy Family Day Care Educator Advances [8.5.2.1 1 page]
- 2. Updated Family Day Care Educator Advances Polic [6PT3] [8.5.2.2 1 page]

MINUTE

RESOLUTION NUMBER: ORD2020-251

MOVED: Cr I North SECONDED: Cr W Aubin

RESOLVED:

That Council adopt the updated Family Day Care Educator Advances Policy, as outlined in the report.

8.5.3 DESTINATION BRAND IMPLEMENTATION AND DESTINATION MANAGEMENT PLAN -QUARTERLY REPORT

File No: 20.00299

RECOMMENDATION:

That the information be noted.

REPORT:

Council, at its meeting held 13 December 2017, resolved to receive quarterly destination brand strategy implementation progress reports, outlining the performance monitoring data as described in the report. Implementation of the strategy is the responsibility of the Bathurst Visitor Information Centre acting as the Destination Management Organisation for the Bathurst region.

The following information is provided as an update on the implementation of the Destination Brand Strategy as at September 2020.

Destination Brand Implementation	Action
Destination Website	The Visit Bathurst destination website underwent a major upgrade and redesign to improve accessibility and increase end-user experience. It is performing consistently with a comparison of site usage in the current financial year against the corresponding period in the previous year being: USERS = 13,709 (-33%) PAGEVIEWS = 54,814 (+13%) BOUNCE RATE = 51% (-27%) - a good result A new online retail component utilizing the 'Shopify' platform was launched on the website in August 2020.
Online Booking Platform	The new booking engine has been particularly effective in assisting smaller operators and events to increase sales. However, sales in 2020 have been negatively impacted by the drought and closure of Chifley Dam Cabins, the December/January bushfires and by the downturn due to the COVID-19 outbreak. Gross sales of \$2,995 generated 20/21 YTD with BVIC commission of \$149.75.
Curated Online Content	BVIC is responsible for ongoing content creation with an overarching content strategy completed. A number of new promotional videos of the Bathurst region have been created during the last quarter including development of the 'Ben at Home' series for Chifley Home. A collaborative project has commenced between BVIC and the Bathurst Region

	Vignerons Association (BRVA) to produce high resolution content for future campaign use.
Marketing Plan	A three-year marketing plan was adopted and implemented as at September 2018 allowing prioritisation and tracking of actions. This plan was reviewed and prioritised as a part of planning for the 2020/21 Operating Plan. Priority Actions 1.2, 1.3, 1.4, 1.5, 1.6, 1.7, 2.1, 2.2, 2.3, 2.4, 2.5, 2.6, 2.7, 2.8, 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.7, 4.2, 4.3, 4.4, 4.5, 4.6, 4.7, 5.1, 5.2, 5.3 and 5.5 are either completed or implemented and ongoing representing 91% of total identified actions. A new Plan is currently being prepared by BVIC.
Signage	The re-skinning of four highway billboards (located on Mitchell Highway, Orange Road, Blayney Road and Marangaroo) with the 'Doors Open' business campaign has been completed.
Touring Trails App	There have been 6,516 uses of the Bathurst Step Beyond app to date. Additional content is being written for incorporation of this technology into proposed Mount Panorama Boardwalk interpretation.
Brand Awareness Campaign	Consumer eDMs (electronic direct mail) continue to provide a monthly newsletter to 4000+ subscribers. A new digital campaign entitled #WeWantYouBack was developed and implemented in collaboration with nine other LGAs of the CNSWJO. Bathurst has also been accepted as a partner of Destination NSW to showcase heritage attractions in the "Now's the time to Love NSW" to commence in September 2020. BVIC has also developed, in partnership with Economic Development, the "Greatest Staycation" campaign intended to support local business and promote locals experiencing their own region as tourists.
BVIC	A new design for the rear counter and display area has been received and quotes are being sought for construction. YTD retail sales through BVIC had increased 10.2% over previous year prior to the necessary closure of BVIC on 25 March. 20/21 YTD retail of \$11,010 is 1% above 2019/20 result. \$1,589 of sales have now been made from 'The Cotswolds Store'.
Public Relations	Over the past three months PR activity has been focused upon on the #WeWantYouBack campaign and on inspiring future travel. The region has been featured in 'Interiors Addict', Blue Mountains Life, Go55 and the September edition of Mindfood. Bathurst also hosted visits from the Weekend Australian and Outback Magazine journalists and from Sydney Weekender for content to appear over Spring 2020.
Visitor Guide/Destination Planner	The 2020 Bathurst region Destination Planner is distributed locally to businesses as well as nationally through the network of accredited visitor information centres (AVIC). 25,000 copies were printed, with the publication also available online as a

	flipbook or a PDF download. Work has commenced on design for the 2021 Planner with all to again be written by staff of the Bathurst Visitor Information Centre, and all imagery also sourced and selected by BVIC. Advertising for local businesses has also opened for the 2021 Planner. A new publication showcasing the region's villages was also written and designed in house, and printed in August 2020, currently being distributed.
Destination Management Plan	The Destination Management Plan 2019-2024 was adopted by Council at its December 2019 meeting and is being implemented according to the priorities identified in the strategic action plan.

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 1.1 Respect, protect and promote the region's Aboriginal heritage assets.
- Strategy 1.2 Protect, enhance and promote the region's European heritage assets and character.
- Strategy 1.3 Enhance the cultural vitality of the region.
- **Objective 2:** A smart and vibrant economy.
- Strategy 2.1 Support local business and industry.
- Strategy 2.2 Grow local employment, investment and attract new businesses by nurturing and supporting entrepreneurs, partnerships and local skill development.
- Strategy 2.3 Develop Bathurst as a Smart City.
- Strategy 2.5 Support Mount Panorama as a premier motor sport and event precinct.
- Strategy 2.6 Promote our City and Villages as a tourist destination.
- Objective 4: Enabling sustainable growth.
- Strategy 4.3 Ensure services, facilities and infrastructure meet the changing needs of our region.
- Objective 5: Community health, safety and well being.
- Strategy 5.2 Help make the Bathurst CBD, neighbourhoods and the region's villages attractive and full of life.
- Strategy 5.4 Make our public places safe and welcoming.

Objective 6: Community leadership and collaboration.

Strategy 6.1 Communicate and engage with the community, government and business groups on important matters affecting the Bathurst region.

COMMUNITY ENGAGEMENT:

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

ATTACHMENTS:

Nil

MINUTE

RESOLUTION NUMBER: ORD2020-252

MOVED: Cr W Aubin SECONDED: Cr G Hanger

RESOLVED:

That the information be noted.

9 REPORTS OF OTHER COMMITTEES

9.1 TRAFFIC COMMITTEE REPORT - 1 SEPTEMBER 2020

File No: 07.00006

RECOMMENDATION:

That the recommendations of the Traffic Committee Meeting of Bathurst Regional Council held on 1 September 2020 be adopted.

REPORT:

The Minutes of the Traffic Committee Meeting of Bathurst Regional Council held on 1 September 2020 are <u>attached.</u>

FINANCIAL IMPLICATIONS:

Nil

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

Objective 6: Community leadership and collaboration.

Strategy 6.4 Meet legislative and compliance requirements.

COMMUNITY ENGAGEMENT:

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

ATTACHMENTS:

1. Traffic Committee Meeting 1 September 2020 Minutes [9.1.1 - 3 pages]

MINUTE

RESOLUTION NUMBER: ORD2020-253

MOVED: Cr W Aubin SECONDED: Cr M Morse

RESOLVED:

That the recommendations of the Traffic Committee Meeting of Bathurst Regional Council held on 1 September 2020 be adopted.

10 NOTICES OF MOTION

10.1 Local Health District and Bathurst Health Service

File No: 18.00035-04

RECOMMENDATION:

That Council:

- (a) Commend the Local Health District and Bathurst Health Service for its response to the covid19 pandemic;
- (b) Acknowledge the professionalism and dedication of the workforce of the Bathurst Health Service;
- (c) Encourage the Local Health District to finalise its infrastructure planning, integrate that planning with the planning of other agencies, including Council, and private sector entities;
- (d) Request the NSW Government prepare and publish a long term capital works plan for health infrastructure for the region;
- (e) Commence urgent discussions with the Local Health District and NSW Government over a three hub referral network model that elevates Bathurst to the same status as Orange and Dubbo within the Local Health District framework;
- (f) Commence discussions with Lithgow City Council on its preferred local health district model;
- (g) Urge the Local Health District to abandon its proposed emergency orthopaedic service in favour of one that leads to a full time permanent orthopaedic service in Bathurst and prioritises Bathurst based staff to work within the community of Bathurst; and
- (h) Request that the Local Health District guarantee the continuity of services at Daffodil Cottage and for mental health for the community of Bathurst.

FINANCIAL IMPLICATIONS:

N/A

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

Objective 6: Community leadership and collaboration.

Objective 4: Enabling sustainable growth.

Objective 4: Enabling sustainable growth.

Strategy 4.3 Ensure services, facilities and infrastructure meet the changing needs of our region.

Objective 6: Community leadership and collaboration.

- Strategy 6.1 Communicate and engage with the community, government and business groups on important matters affecting the Bathurst region.
- Strategy 6.3 Advocate for our community.

COMMUNITY ENGAGEMENT:

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

ATTACHMENTS:

Nil

MINUTE

RESOLUTION NUMBER: ORD2020-254

MOVED: Cr W Aubin SECONDED: Cr I North

RESOLVED:

That Council:

- (a) Commend the Local Health District and Bathurst Health Service for its response to the covid19 pandemic;
- (b) Acknowledge the professionalism and dedication of the workforce of the Bathurst Health Service;
- (c) Encourage the Local Health District to finalise its infrastructure planning, integrate that planning with the planning of other agencies, including Council, and private sector entities;
- (d) Request the NSW Government prepare and publish a long term capital works plan for health infrastructure for the region;
- (e) Commence urgent discussions with the Local Health District and NSW Government over a three hub referral network model that elevates Bathurst to the same status as Orange and Dubbo within the Local Health District framework;
- (f) Commence discussions with Lithgow City Council on its preferred local health district model;
- (g) Urge the Local Health District to abandon its proposed emergency orthopaedic service in favour of one that leads to a full time permanent orthopaedic service in Bathurst and prioritises Bathurst based staff to work within the community of Bathurst; and
- (h) Request that the Local Health District guarantee the continuity of services at Daffodil

Cottage and for mental health for the community of Bathurst.

MOVED: Cr A Christian SECONDED: Cr I North

RESOLVED:

That Council grant an extension of time to Cr Aubin.

11 **RESCISSION MOTIONS**

11.1 NOTICE OF RESCISSION OF MOTION

File No: 2019/367-05/019

RECOMMENDATION:

For Council's consideration.

REPORT:

We the undersigned hereby give Notice of Rescission of the following motion from the Ordinary Council Meeting held 19 August 2020 Item No 7.2.8:

Modification Development Application 2019/367 - Demolition and Construction of Fast Food Restaurant (Taco Bell) at 103 and 105 Stewart Street, Bathurst. Applicant: McDuck Properties. Owner: JB Gullifer.

Resolved:

That Council:

- (a) not support the application for modification of Development Consent No 2019/367 to delete condition No 5 relating to access onto Howick Street and,
- (b) as the consent authority, refuse consent pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979 to the modification of Development Application No 2019/367, for the following reason:
- The development has the potential to impact on the safety, efficiency and effective and ongoing operation and function of the intersection of Howick and Stewart Streets.
- (c) call a division

Dated: 20 August 2020

Signed: Cr Alex Christian Mayor Bobby Bourke Cr Monica Morse

Singed rescission motion attached

FINANCIAL IMPLICATIONS:

N/A

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

Objective 1: Our sense of place and identity.

Strategy 1.5 Promote good design in the built environment.

COMMUNITY ENGAGEMENT:

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

ATTACHMENTS:

1. Attachment. Notice of Resciss Irs Christian, Bourke & Morse [11.1.1 - 1 page]

Cr J Fry declared a Non- Pecuniary, non- significant interest in this item and remained in the chamber.

Reason: A cousin of the Councillor owns a property in Stewart Street opposite the proposed development.

MINUTE

RESOLUTION NUMBER: ORD2020-255

MOVED: Cr A Christian SECONDED: Cr M Morse

RESOLVED:

That Council: rescind the following motion from the Ordinary Council Meeting held 19 August 2020 Item 7.2.8

That Council:

- (a) not support the application for modification of Development Consent No 2019/367 to delete condition No 5 relating to access onto Howick Street and,
- (b) as the consent authority, refuse consent pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979 to the modification of Development Application No 2019/367, for the following reason:
 - The development has the potential to impact on the safety, efficiency and effective and ongoing operation and function of the intersection of Howick and Stewart Streets.
- (c) call a division

On being **<u>PUT</u>** to the **<u>VOTE</u>** the **<u>MOTION</u>** was **<u>CARRIED</u>**

The result of the division was:

<u>In favour of the motion</u> - Cr B Bourke, Cr A Christian, Cr M Morse , Cr I North <u>Against the Motion</u> - Cr W Aubin, Cr J Fry, Cr G Hanger, Cr J Rudge <u>Absent</u> - Cr J Jennings <u>Abstain</u> - Nil

The Mayor Cr B Bourke used his casting vote to vote in favour of the motion.

11.2 THIS ITEM WILL BE WITHDRAWN IF THE RESCISSION MOTION IS LOST. MODIFICATION DEVELOPMENT APPLICATION 2019/367 – DEMOLITION AND CONSTRUCTION OF FAST FOOD RESTAURANT (TACO BELL) AT 103 & 105 STEWART ST. APPLICANT: McDUCK PROPERTIES . OWNER JB GULLIFER

File No: 2019/367

RECOMMENDATION:

That Council:

- (a) not support the application for modification of Development Consent No 2019/367 to delete condition No 5 relating to access onto Howick Street and,
- (b) as the consent authority, refuse consent pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979 to the modification of Development Application No. 2019/367, for the following reason:
 - The development has the potential to impact on the safety, efficiency and effective and ongoing operation and function of the intersection of Howick and Stewart Streets.
- (c) call a division.

REPORT:

An application for modification has been lodged by McDuck Properties seeking the deletion of condition 5 relating to the Howick Street access for DA2019/367 (Taco Bell).

A copy of the request for modification and supporting information from the applicant's traffic engineer is provided at **<u>attachment 1</u>**.

The Development Application was considered by Council at its meeting held 17 June 2020. Council determined to approve the application subject to "the access on Howick is to be designed, constructed and used for entry only. All vehicles exiting the site must do so from Stewart Street only".

Consistent with Council's resolution, development consent was issued with Condition 5 as follows:

5. The access on Howick Street is to be designed and constructed and used for entry only. All vehicles exiting the site must do so from Stewart Street only.

There are no other modifications currently being sought.

The effect of deletion of the condition would be to return the traffic movements to those as proposed in the application considered by Council; i.e. ingress and egress to the site on Howick Street and egress only onto Stewart Street.

The plans provided at **<u>attachment 2</u>** include illustration of ingress and egress arrangements.

SEPP (Infrastructure)

As the property has frontage to a classified road, Council must consider Clause 101 of SEPP (Infrastructure).

101 Development with frontage to classified road

- (1) The objectives of this clause are—
 - (a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and
 - (b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.
- (2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—
 - (a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and
 - (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—
 - *(i) the design of the vehicular access to the land, or*
 - (ii) the emission of smoke or dust from the development, or
 - (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and
 - (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.

Accordingly Council has obligations to:

- ensure that the development does not compromise the effective and ongoing operation and function of classified roads (Stewart Street); and
- be satisfied the safety, efficiency and ongoing operation of Stewart Street will not be adversely affected by the development as a result of the nature, volume or frequency of vehicles using the classified road to gain access to the land

In terms of the second point, Council's consent is contingent upon it being satisfied that safety, efficiency and ongoing operation of Stewart Street and in this case the intersection with Howick Street will not be adversely affected.

TfNSW advice

The TfNSW (formerly the RMS) originally provided advice to Council on the Development Application. That advice is at <u>attachment 3</u>.

Whilst the TfNSW did not require the alterations as outlined in condition 5, it did however provide the following comments relevant to the issue:

- The current provision for right turn movement via Howick Street onto Stewart Street with an intensification of traffic movements resulting from this proposal, particularly during peak hours may have potential road safety impacts. Making a right turn across a number of travel lanes in Stewart Street from Howick Street is currently allowable, however by way of intensifying this traffic movements as a result of this proposal in conjunction with a relatively high traffic background flow during peak hours has potential road safety outcomes.
- In this regard, the consent authority should be satisfied that the intensification of traffic movements resulting from this proposal will not cause a road safety risk by drivers crossing a number of traffic lanes particularly during peak times of travel. Other such manoeuvres have been negated along various intersections along Stewart Street, it is assumed to provide road safety benefit in preventing this right turn movement.
- This is further evidenced via TfNSW crash data along Stewart Street which indicated such cross traffic movements have caused road safety issues and subsequently required treatments or measures to negate or address this vehicle movement.

Traffic Generation

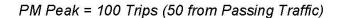
The original Traffic Impact Assessment is at attachment 4.

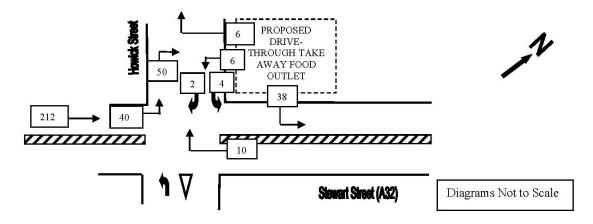
The traffic generation expected by the development during the PM peak is estimated to be 100 vehicles, i.e. 50 vehicles in and 50 vehicles out (refer to Part 4.2 of the Traffic Impact Assessment).

Of those vehicles exiting the site within the PM peak it is estimated that 38 will use the Stewart Street exit and 12 will use the Howick Street exit.

Of those 12 using the Howick Street exit, 6 are estimated to turn right and head west on Howick Street. The remaining 6 would turn left to the intersection of Howick and Stewart, of which 4 are assumed to turn left onto Stewart Street and 2 are assumed to turn right.

These estimates are illustrated in the following diagram.





There is no data provided in the Traffic Impact Assessment as to the traffic levels in

Howick Street nor the current turning movements from Howick Street. The relative impact of the additional movements attributable to the site (6 in the PM peak) is therefore difficult to quantify.

Part 5.1.2 of the Traffic Impact Assessment makes the following observations in relation to "potential right turn conflicts" relative to the issue at hand.

- Motorists undertaking right turns into Howick Street from Stewart Street will be able to do so from a dedicated right turn with good sight distances along Stewart Street that enables drivers to see approaching traffic and judge safe gaps. The existing right turn storage bay on the Great Western Highway can easily accommodate the small volume of additional right turn movements that the proposed development is likely to generate. The signalised intersection of Stewart Street and Keppel approximately 450 metres west of Stewart Street provides regular gaps in the eastbound traffic flows along Stewart Street past Howick Street, minimising delays for vehicles turning right into Howick Street.
- Motorists undertaking right turns out of the proposed development into Howick Street will be able to do so with good sight distance to the right along Howick Street that enables drivers to see approaching traffic and judge gaps. Traffic turning left or right into Howick from Stewart would generally be doing so at relatively low speeds and drivers would have enough time to observe vehicles exiting the Howick Street driveway.
- Motorists turning right into Stewart Street from Howick Street will have enough sight distances to see approaching traffic and judge safe gaps. The signalised intersections of Stewart Street/Keppel also Stewart Street/Durham Street, approximately 450 metres west of Howick Street and 200 metres east Howick Street respectively, provides regular gaps in the eastbound and westbound traffic flows along Stewart Street past Howick Street, minimising delays for vehicles turning right into Howick Street. Local patrons wishing to travel further west along the Great Western Highway may wish to travel along Peel Street to access the signalised intersection with Keppel Street in peak periods.

Matters raised in the request

The applicants request and supporting documentation is provided within attachment 1.

Issue	Comment
Proper consideration by Council	As noted above the impact of the traffic on the operation of the intersection of Howick and Stewart is clearly a matter to which Council in determining the application must have regard under SEPP(Infrastructure).
	The fact that Council's position was not recommended by staff or the TfNSW falls well short of the applicant's comment that Council "gave no real consideration to the advice of its own professional officers or Transport for NSW (TfNSW)".
	The safety aspects of the development and the potential impacts of additional traffic on the operation of the intersection were raised in both the public submissions and the TfNSW response.

	Condition 5 of the consent represents Council's position having given the matter proper and genuine consideration.
	The applicant is well within their rights to disagree with the conclusion however the inference is rejected.
	Ultimately Council in its consideration of an issue is not bound to accept the recommendations of staff.
Impact on patrons from the west and north west	It is noted that patrons wishing to exit onto Howick (estimated to be 12 during the PM peak) will have to instead exit the site onto Stewart under condition 5 of the consent.
	Whilst this will reduce the "convenience" for those wishing to exit via Howick Street, Council is bound to consider those matters outlined in SEPP (Infrastucture).
	The effective and ongoing operation and function of the classified roads and the safety, efficiency and ongoing operation of the classified road would prevail over the inconvenience caused by additional travel distances by patrons.
Impact on internal queuing and congestion on site	The impact that all 50 vehicles exiting via Stewart Street may or may not have on the internal movements has not been quantified.
	As noted in the original assessment the drive through component of the development has been provided with queue lengths consistent with the RMS Guidelines.
Additional traffic directed towards intersection of Stewart and Durham.	The data provided in the Traffic Impact Assessment would suggest that this would be an additional 12 vehicles over the course of an hour during the PM peak at the intersection of Stewart and Durham.
Other site arrangements and service stations	It is noted that other sites have different arrangements however direct comparison is of limited value to the current issue.
Additional parking demand in Howick Street	Whilst it is always difficult to predict driver behavior, and there may be additional parking demand in Howick Street as a consequence of the limitation on egress from the site, the development is provided with a compliant number of on-site parking spaces for patrons. Drivers will need to make a personal decision as to whether they use the convenience of the on-site parking or park and walk.

Other issues

Additional traffic exiting into Howick Street does have the potential to impact the amenity of the residential area being those properties in Howick Street. Whilst the number of vehicles predicted to exit the site to Howick Street and travel west is limited, it is nonetheless an impact on these residential properties which is reduced by the effect of condition 5.

The overall traffic generation figures used in the Traffic Impact Assessment predicted for the PM peak are based on assumptions about patronage. As noted in the Traffic Impact Assessment, "Taco Bell operation advised that their outlets are less well known and not as established in Australia as either McDonalds or KFC outlets, and are therefore likely to generate traffic generation rates less than KFC. It is assumed that the traffic generation

from the proposed development is more likely to be less than 80% of the traffic generation rates for KFC outlets which they also operate." It would not be an unreasonable assumption that having vehicles attempting to exit onto Howick Street has the potential to impact on the functionality of the entrance with potential flow on effects into Howick Street and the intersection beyond. For example, having multiple vehicles waiting to turn right out of the site has the potential to block vehicles from fully entering the site. Given these uncertainties, Council has taken a precautionary approach to the issue which is not unreasonable under the circumstances.

CONCLUSION:

Council has received an application to modify the consent granted by it to the Taco Bell proposal on the intersection of Howick and Stewart Streets. The modification deletion of a condition of consent that there be no egress from the site onto Howick Street.

The requirements of SEPP (Infrastructure) provide an obligation on Council to consider the impact of the development on the surrounding round network and in particular the classified road (Stewart Street).

The initial consultation with the RMS raised the issue of the impact of additional traffic on the safety of the intersection of Howick and Stewart Streets. The condition as imposed represents a considered and reasonable response to that issue. It is ultimately a matter for the Council to consider if any of the issues raised by the applicant would change that response.

FINANCIAL IMPLICATIONS:

Nil

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

- **Objective 4:** Enabling sustainable growth.
- Strategy 4.6 Plan for, assess and regulate development activity.
- **Objective 6:** Community leadership and collaboration.

Strategy 6.4 Meet legislative and compliance requirements.

COMMUNITY ENGAGEMENT:

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

ATTACHMENTS:

- 1. Modification request [11.2.1 5 pages]
- 2. Approved plans [**11.2.2** 13 pages]
- 3. Original RMS advice [11.2.3 4 pages]
- 4. Original Traffic Impact Advice [11.2.4 30 pages]

Cr J Fry declared a Non - Pecuniary non-significant interest in this item and remained in the chamber.

Reason: A cousin of the Councillor owns a property in Stewart Street opposite the proposed development.

MINUTE

RESOLUTION NUMBER: ORD2020-256

MOVED: Cr A Christian SECONDED: Cr I North

RESOLVED:

That Council:

- (a) support the application for modification of Development Consent No 2019/367 to delete condition No 5 relating to access onto Howick Street and,
- (b) as the consent authority, grant consent pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979 to the modification of Development Application No. 2019/367,
 - The development has the potential to impact on the safety, efficiency and effective and ongoing operation and function of the intersection of Howick and Stewart Streets.
- (c) call a division.

On being **<u>PUT</u>** to the **<u>VOTE</u>** the **<u>MOTION</u>** was **<u>CARRIED</u>**

The result of the division was:

<u>In favour of the motion</u> - Cr B Bourke, Cr A Christian, Cr M Morse , Cr I North <u>Against the Motion</u> - Cr W Aubin, Cr J Fry, Cr G Hanger, Cr J Rudge <u>Absent</u> - Cr J Jennings <u>Abstain</u> - Nil

The Mayor Cr B Bourke used his casting vote to vote in favour of the motion

12 COUNCILLORS / DELEGATES REPORTS

12.1 MINUTES - BATHURST COMMUNITY SAFETY COMMITTEE

File No: 07.00107

RECOMMENDATION:

That the information be noted.

REPORT:

The Bathurst Regional Community Safety Committee considered the following items at their meeting held on Thursday 30 July 2020:

- Crime Prevention Grant application
- Fraud Campaign update
- Steal from Motor Vehicle Campaign update

The Minutes of the Bathurst Regional Community Safety Committee held on Thursday 30 July 2020 are <u>attached.</u>

FINANCIAL IMPLICATIONS:

There are no financial implications resulting from this report.

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

Objective 4: Enabling sustainable growth.

Strategy 4.1 Facilitate development in the region that considers the current and future needs of our community.

Objective 5: Community health, safety and well being.

- Strategy 5.1 Provide opportunities for our community to be healthy and active.
- Strategy 5.4 Make our public places safe and welcoming.
- **Objective 6:** Community leadership and collaboration.
- Strategy 6.1 Communicate and engage with the community, government and business groups on important matters affecting the Bathurst region.

COMMUNITY ENGAGEMENT:

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

ATTACHMENTS:

1. Minutes 30 7 20 [**12.1.1** - 3 pages]

MINUTE

RESOLUTION NUMBER: ORD2020-257

MOVED: Cr I North SECONDED: Cr W Aubin

RESOLVED:

That the information be noted.

12.2 MINUTES - BATHURST REGIONAL YOUTH COUNCIL -28 JULY 2020

File No: 11.00020

RECOMMENDATION:

That the information be noted.

REPORT:

The Youth Council considered a number of items at their meeting held on Tuesday 28 July 2020, including the following:

- International Youth Day 12 August 2020
- RUOK? Day Project
- Recruitment for 2020/2021 Youth Council

The Minutes of the Youth Council Meeting held on Tuesday 28 July 2020 are attached.

FINANCIAL IMPLICATIONS:

There are no financial implications resulting from this report.

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

- **Objective 4:** Enabling sustainable growth.
- Strategy 4.1 Facilitate development in the region that considers the current and future needs of our community.
- **Objective 5:** Community health, safety and well being.
- Strategy 5.1 Provide opportunities for our community to be healthy and active.
- Strategy 5.4 Make our public places safe and welcoming.
- **Objective 6:** Community leadership and collaboration.
- Strategy 6.1 Communicate and engage with the community, government and business groups on important matters affecting the Bathurst region.

COMMUNITY ENGAGEMENT:

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

ATTACHMENTS:

1. 28 July 2020 [**12.2.1** - 2 pages]

MINUTE

RESOLUTION NUMBER: ORD2020-258

MOVED: Cr M Morse SECONDED: Cr W Aubin

RESOLVED: That the information be noted.

12.3 COUNCILLORS MEETINGS WITH COMMUNITY GROUPS/WORKING PARTIES HELD 12 AUGUST 2020

File No: 11.00019

RECOMMENDATION:

That the information be noted.

REPORT:

Present: Councillors Bourke, Aubin, Fry, Hanger, Jennings, Morse, North, Rudge

Apologies: Councillor Chrstian

<u>1.</u> Health Precinct Plan

A working Party was held to update Councillors on the development of the Health Precinct Plan. Anthony Colwell, Senior Project Associate at Destravis gave a presentation on the Health Precinct Plan.

2. Western NSW Local Health District

Mark Spittall and Scott McLachlan from Western NSW Local Health District attended the meeting via video link.

They tendered an apology from Cathy Marshall.

Health Precinct Planning has been positive for the relationship with council and good for the community.

Reviewed service for the community of Bathurst and surrounding areas.

Commitee to deliver a health precinct plan for the district.

Discussions are positive with council. Thanked council for the ongoing regular dialogue and the coordinated approach to the community.

Impact of Covid:

- 10 20 cases per day in NSW has been the norm for about 5 weeks
- 30,000 tests per day
- 2 active cases in district
- Currently in a real period of review of health services in Bathurst
- Using technology to provide services to patients
- Trying to deliver services to the home to restrict patient exposure to covid etc.,
- Trying to allow people to stay away from hospital unless they absolutely need to

How do we return service to normal?

- Continuing to adapt ways of providing services
- More operating lists happening across the district
- Expect 6 -9 months to bring waiting lists back into line
- Orthopaedics currently doing more surgeries in Bathurst than ever before

Going to see impact of covid across the world for next 9 - 12 months (could be 18 months)

3. Arts Out West

Tracey Callinan from Arts Out West attended the meeting

Matters raised include:-

- One of 14 Regional Arts Developments Organisations (Arts Out West was first one)
- All 3 levels of government provide funding to Arts Out West
- 3 strategic areas of focus in addition to core work (providing assistance to people in arts, promoting arts etc.,) and many partnerships
- Aboriginal Arts Development, Arts and Health and Cultural Tourism are core focus areas
- Tabled Annual report and document on last year's performance

Response to Covid

- Arts has been decimated by Covid
- Many artists don't qualify for job seeker and other government funding
- Arts Out West ran a micro grants program (\$300 to \$1000) 20 grants 7 to Bathurst to help artists survive
- Cultural Tourism have created a website (<u>www.centralnsw.com</u>). Have mapped all cultural tourism assets, eg galleries, museums, hand made product areas. Targets visitors as well as people in our own area so they are aware of what is in the area

FINANCIAL IMPLICATIONS:

N/A

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

Objective 4: Enabling sustainable growth.

- Strategy 4.3 Ensure services, facilities and infrastructure meet the changing needs of our region.
- **Objective 6:** Community leadership and collaboration.
- Strategy 6.1 Communicate and engage with the community, government and business groups on important matters affecting the Bathurst region.

COMMUNITY ENGAGEMENT:

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

ATTACHMENTS:

Nil

MINUTE

RESOLUTION NUMBER: ORD2020-259

MOVED: Cr I North SECONDED: Cr W Aubin

RESOLVED:

That the information be noted.

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

13.0 RESOLVE INTO CONFIDENTIAL COMMITTEE OF THE WHOLE

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.

13.0.2 Cease Recording of Council Meeting

Livestreaming of the Council Meeting must now be changed to reflect that Council is currently in Closed Committee of the Whole and will return to the Ordinary Meeting at its conclusion.

MINUTE

RESOLUTION NUMBER:

MOVED: Cr | North SECONDED: Cr A Christian

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

There were no representation 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.

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.

13.1 DIRECTOR CORPORATE SERVICES AND FINANCE'S REPORT

13.1.1 PROPOSED NEW COMMERCIAL LEASE AT PART LOT 193 DP821845 KNOWN AS OLD RAGLAN SCHOOL HALL AT 58 **CHRISTIE STREET, RAGLAN**

Reason: 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.

This item relates to the proposed new commercial least at part Lot 193 in DP821845 known as Old Raglan School Hall at 58 Christie Street.

MINUTE

RESOLUTION NUMBER: CONF2020-66

MOVED: Cr I North SECONDED: Cr W Aubin

RESOLVED:

That Council approves entering into a new commercial lease agreement for part Lot 193 in DP821845, known as Old Raglan School Hall at 58 Christie Street, as detailed in the report.

13.1.2 VARIATION TO BATHURST 1000 MOTOR RACING EVENT AGREEMENT DUE TO COVID-19

Reason: 10A (2) (c) Contains commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business, and Commercial information of a confidential nature that would, if disclosed, (i) prejudice the commercial position of the person who supplied it, (ii) confer a commercial advantage on a competitor of the Council.

This item relates to the request from Supercars Australia to waive the track hire fee for the 2020 Bathurst 1000 event.

MINUTE

RESOLUTION NUMBER: CONF2020-67

MOVED: Cr I North SECONDED: Cr W Aubin

RESOLVED:

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

13.1.3 REQUEST FOR FINANCIAL ASSISTANCE - BATHURST TENNIS CENTRE

Reason: 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.

This item relates to the proposal to waive rent for the Bathurst Tennis Club.

MINUTE

RESOLUTION NUMBER: CONF2020-68

MOVED: Cr I North SECONDED: Cr G Hanger

RESOLVED:

That Council:

- (a) approve a 100% rent waiver for the month of April 2020; and
- (b) approve a 50% rent waiver commencing from the month of May 2020, and for each subsequent month that Mr & Mrs Mitton remain eligible as defined by the National Cabinet Mandatory Code of Conduct – SME Commercial Leasing Principles Code; and
- (c) reassesses this decision at the end of December 2020.

13.1.4 CATHOLIC DIOCESE OF BATHURST - FOOTPATH SURROUNDING THE CATHEDRAL OF ST MICHAEL & ST JOHN

Reason: 10A (2) (d) (ii) Contains commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the council. 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 Council.

This item relates to discussions with the Catholic Diocese concerning the requirement to restore footpaths outside the Cathedral in William and Keppel Streets.

Cr M Morse declared non - pecuniary significant interest and left the chamber.

Reason: Cr Morse is a committee member of the Cathedral Restoration Committee.

MINUTE

RESOLUTION NUMBER: CONF2020-69

MOVED: Cr G Hanger SECONDED: Cr J Rudge

RESOLVED:

That Council act in accordance with Option 6 as detailed in the report, with Council staff to undertake the work.

13.2 DIRECTOR ENGINEERING SERVICE'S REPORT

13.2.1 TENDER FOR REGIONAL COLLECTION & DISPOSAL OF USED MOTOR OIL – NETWASTE TENDER

Reason: 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.

This item relates to the proposal with NetWaste to engage a contractor for the collection and disposal of used motor oil.

MINUTE

RESOLUTION NUMBER: CONF2020-70

MOVED: Cr A Christian SECONDED: Cr I North

RESOLVED:

That Council act in accordance with the Director Engineering Services' report.

13.2.2 PROPOSED ROAD WIDENING AND LAND ACQUISITION AFFECTING LOT 2 IN DP1170456, LOT 104 IN DP1208454 AND LOT 126 IN DP750394 - OPHIR ROAD, DUNKELD

Reason: 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.

This item relates to the proposal for road widening and land acquisition for the replacement of the Ophir Road bridge crossing of Evans Plains Creek at Dunkeld.

MINUTE

RESOLUTION NUMBER: CONF2020-71

MOVED: Cr G Hanger SECONDED: Cr I North

RESOLVED:

That Council:

(a) approve the proposed road widening affecting Lot 2 in DP1170456, Lot 104 in DP1208454 and Lot 126 in DP750394 at Ophir Road, Dunkeld and dedicate the

road to the public.

 (b) approve the terms proposed as detailed in the Director Engineering Services' report

13.2.3 EXPRESSION OF INTEREST – THE JUNKTION REUSE AND RECOVERY CENTRE LOCATED ON LOT 20 DP 1119593, KNOWN AS 357 COLLEGE RD ORTON PARK

Reason: 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.

This item relates to the proposal to enter into a new lease agreement.

MINUTE

RESOLUTION NUMBER: CONF2020-72

MOVED: Cr G Hanger SECONDED: Cr W Aubin

RESOLVED:

That Council enters into a new Lease agreement with Hope Bathurst Incorporated, trading as Hope Care The Junktion (Hope Care), for a period of five (5) years with the option for an extension for a further five (5) years as detailed in the report.

13.2.4 TENDER FOR STORMWATER DRAINAGE PIPES

Reason: 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.

This item relates to the proposed tender for the supply and delivery of concrete stormwater drainage pipes.

MINUTE

RESOLUTION NUMBER: CONF2020-73

MOVED: Cr I North SECONDED: Cr W Aubin

RESOLVED:

That Council accept the tender from Holcim Australia Pty Ltd for supply of stormwater drainage pipes, headwalls and lintels, to 31 December 2022.

14 RESOLVE INTO OPEN COUNCIL

MINUTE

RESOLUTION NUMBER: ORD2020-260

MOVED: Cr J Rudge SECONDED: Cr I North

RESOLVED: That Council resume open Council.

15 ADOPT REPORT OF THE COMMITTEE OF THE WHOLE

MOVED: Cr I North SECONDED: Cr A Christian

RESOLVED:

That the Report of the Committee of the Whole, resolution numbers Conf2020-66 to Conf2020-73 be adopted.

16 MEETING CLOSE

MINUTE

The Meeting closed at 9:25.

CHAIR:

Ordinary Meeting of Council Agenda - 16 September 2020 Attachments

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MINUTES OF THE ORDINARY MEETING OF BATHURST REGIONAL COUNCIL HELD ON WEDNESDAY 19 AUGUST 2020

1 RECORDING OF MEETINGS

2 MEETING COMMENCES

MINUTE

Meeting commenced at 6.00pm.

<u>Present</u>: 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

3 PRAYER AND ACKNOWLEDGEMENT OF COUNTRY

4 APOLOGIES

MINUTE

MOVED: Cr I North SECONDED: Cr G Hanger

RESOLVED: That the apology of Cr Aubin for the late arrival to the meeting be accepted.

Nil

5 MINUTES

5.1 CONFIRMATION OF MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL HELD 15 JULY 2020

File No: 11.00005

MINUTE

RESOLUTION NUMBER: ORD2020-222

MOVED: Cr I North SECONDED: Cr J Fry

RESOLVED:

That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 15 July 2020 be adopted.

6 DECLARATION OF INTEREST

Declaration of Interest

MINUTE

RESOLUTION NUMBER: ORD2020-186

MOVED: Cr I North SECONDED: Cr M Morse

RESOLVED: That the Declaration of Interest be noted.

Cr. Hanger declared a non-pecuniary interest in item 9 of the DCSF Report.

Cr. Fry declared a non-pecuniary interest in item 8 of the DEPBS Report.

Cr. Rudge declared a non-pecuniary interest in 5 of the DCSF Report.

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

7.1.1 LOCAL GOVERNMENT NSW ANNUAL CONFERENCE 2020 (LOVEDALE, HUNTER VALLEY)

File No: 18.00289-02

MINUTE

RESOLUTION NUMBER: ORD2020-187

MOVED: Cr A Christian SECONDED: Cr I North

RESOLVED:

That Council:

- 1. Nominate as its delegates the Mayor, Cr Fry and Cr Jennings, for the Local Government NSW Annual Conference 2020.
- 2. Delegate the authority to the Mayor and the General Manager to nominate substitute delegates for:
 - i. Motions
 - ii. Board Elections

7.2.1 SECTION 4.15 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

File No: 03.00053

MINUTE

RESOLUTION NUMBER: ORD2020-188

MOVED: Cr J Rudge SECONDED: Cr I North

RESOLVED: That the information be noted.

7.2.2 GENERAL REPORT

- File No: 03.00053
- MINUTE

RESOLUTION NUMBER: ORD2020-189

MOVED: Cr J Jennings SECONDED: Cr A Christian

RESOLVED:

That the information be noted.

7.2.3 MODIFICATION - DEVELOPMENT APPLICATION 2019/133 - DEMOLITION OF EXISTING DWELLINGS AND ASSOCIATED INFRASTRUCTURE AND CONSTRUCTION OF 38 RESIDENTIAL UNITS, 48 HAVANNAH STREET BATHURST, APPLICANT: HOUSING PLUS. OWNER: HOUSING PLUS

File No: 2019/133

MINUTE

RESOLUTION NUMBER: ORD2020-191

MOVED: Cr I North SECONDED: Cr J Fry

RESOLVED: That Council:

MINUTES - Ordinary Meeting of Council Agenda - 19 August 2020

- (a) not support the application for modification of Development Consent No 2019/133 to delete condition No 22 relating to the payment of Section 7.11 developer contributions.
- (b) as the consent authority, refuse consent pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979 to the modification of Development Application No. 2018/207, for the following reasons:
 - The adopted Contribution Plan applies to the land.
 - The development is development to which the Contribution Plan applies.
 - The Contribution Plan establishes a nexus between the development type and the provision of community facilities and services.
 - Residents of the development will require access to the facilities and services proposed under the Plan.
 - The proposal is not a Works In Kind arrangement as contemplated in the Contribution Plan.
- (c) call a division.

On being PUT to the VOTE the MOTION was CARRIED

The result of the division was:

<u>In favour of the motion</u> - 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 <u>Against the Motion</u> - nil <u>Absent</u> - nil <u>Abstain</u> - Nil 7.2.4 DA2020/9 - DEMOLITION OF EXISTING MAINTENANCE DEPOT, CONSTRUCTION OF REPLACEMENT MAINTENANCE DEPOT AND WASH BAY AND INSTALLATION OF ROOF MOUNTED SOLAR SYSTEM -LOT 92 DP 820990 - 42 DURHAM STREET BATHURST NSW 2795

File No: 2020/9

MINUTE

RESOLUTION NUMBER: ORD2020-192

MOVED: Cr G Hanger SECONDED: Cr J Rudge

RESOLVED:

That Council:

- (a) support Development Application No. 2020/9 pending further negotiation with Essential Energy;
- (b) note that subject to these negotiations the Development Application will be determined under delegated authority;
- (c) notify those that made a submission and NSW Department of Planning, Industry and Environment Crown Lands of its decision; and
- (d) call a division.

On being **<u>PUT</u>** to the **<u>VOTE</u>** the <u>**MOTION**</u> was <u>**CARRIED**</u>

The result of the division was:

<u>In favour of the motion</u> - 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 <u>Against the Motion</u> - nil <u>Absent</u> - nil <u>Abstain</u> - Nil

7.2.5 DEVELOPMENT APPLICATION NO. 2020/107 – RURAL DWELLING AND CLAUSE 4.6 VARIATION TO MINIMUM LOT SIZE AT LOT 15, DP 700460, TARANA ROAD, BREWONGLE. APPLICANT: MR P & MRS V HENNESSY. OWNER: MR P & MRS V HENNESSY

File No: 2020/107

MINUTE

RESOLUTION NUMBER: ORD2020-193

MOVED: Cr J Jennings SECONDED: Cr J Rudge

RESOLVED:

That Council:

- support in principle the variation to the development standard prescribed in Clause
 4.2B *Erection of dwelling houses on land in certain rural zones* of the Bathurst
 Regional LEP for Lot 15 DP 700460;
- (b) refer the proposal to the Department of Planning Industry and Environment seeking concurrence of the Secretary to a variation of the development standard pursuant to clause 4.6 of the LEP;
- (c) defer determination of Development Application 2020/107 until a decision of the Department has been received. If concurrence is granted, determine the application by way of approval with conditions under delegation. If concurrence is not provided, the application be determined by way of refusal under delegation; and
- (d) call a division.

On being **<u>PUT</u>** to the **<u>VOTE</u>** the **<u>MOTION</u>** was **<u>CARRIED</u>**

The result of the division was:

<u>In favour of the motion</u> - 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 <u>Against the Motion</u> - nil <u>Absent</u> - nil <u>Abstain</u> - Nil

7.2.6 DEVELOPMENT APPLICATION NO. 2020/143 – SHED AT 25 MEAGHER STREET, LLANARTH. APPLICANT: MR C WARRY. OWNER: MR C WARRY & MRS M WARRY

File No: 2020/143

MINUTE

RESOLUTION NUMBER: ORD2020-194

MOVED: Cr M Morse SECONDED: Cr J Rudge

RESOLVED:

That Council:

- (a) As the consent authority, refuse consent pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2020/143 for the following reasons:
 - i) The proposed shed will have an adverse impact on the streetscape due to its size and location.
- (b) Advise the applicant that any shed or shipping container would not be considered as exempt development under Bathurst Regional Local Environmental Plan 2014 until such time as the building lines are established on the site by way of approval of the main dwelling on the property.
- (c) Advise the applicant that the shed may be reconsidered (via new Development Application or by a Review under Division 8.2 of the Act) when approval is granted for a dwelling on the property.
- (d) Notify those that made submissions of its decision; and
- (e) Call a division.

On being <u>PUT</u> to the <u>VOTE</u> the <u>MOTION</u> was <u>CARRIED</u>

The result of the division was:

<u>In favour of the motion</u> - 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 <u>Against the Motion</u> - nil <u>Absent</u> - nil Abstain - Nil 7.2.7 DEVELOPMENT APPLICATION NO. 2020/127 – NINE TWO-STOREY RESIDENTIAL UNITS, FRONT FENCES, TREE REMOVAL AND NINE LOT STRATA SUBDIVISION AT 20 GRIFFIN STREET, MITCHELL. APPLICANT: NEMCO DESIGN PTY LTD. OWNER: BOULANGERIE MENAI PTY LTD

File No: 2020/127

MINUTE

RESOLUTION NUMBER: ORD2020-195

MOVED: Cr I North SECONDED: Cr W Aubin

RESOLVED:

That Council:

- (a) Not support the variation to the variation to the residential density prescribed in the Bathurst Regional Development Control Plan 2014;
- (b) Request that the applicant submit amended plans with a compliant density and reduced overshadowing;
- (c) The matter be further considered by Council upon receipt of updated plans from the applicant;
- (d) Notify those that made submissions of its decision;
- (d) call a division.

On being **<u>PUT</u>** to the **<u>VOTE</u>** the **<u>MOTION</u>** was **<u>CARRIED</u>**

The result of the division was:

<u>In favour of the motion</u> - 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 <u>Against the Motion</u> - nil <u>Absent</u> - nil <u>Abstain</u> - Nil 7.2.8 MODIFICATION DEVELOPMENT APPLICATION 2019/367 – DEMOLITION AND CONSTRUCTION OF FAST FOOD RESTAURANT (TACO BELL) AT 103 & 105 STEWART STREET, BATHURST. APPLICANT: McDUCK PROPERTIES . OWNER JB GULLIFER

File No: 2019/367

Cr Fry declared Non- Pecuniary interest in this item and remained in the chamber.

Reason: A cousin of the Councillor owns a property opposite the proposal.

MINUTE

RESOLUTION NUMBER: ORD2020-215

MOVED: Cr A Christian SECONDED: Cr I North

That Council:

- (a) Grant consent pursuant to Section 4.16 of the Environmental Planning and assessment Act 1979 to the modification of Development Application No 2019/367 to delete condition No 5 relating to access onto Howick Street.
- (b) Call a division

On being **<u>PUT</u>** to the **<u>VOTE</u>** the **<u>MOTION</u>** was <u>**LOST**</u>

The result of the division was:

<u>In favour of the motion</u> - Cr B Bourke, Cr A Christian, Cr M Morse , Cr I North <u>Against the Motion</u> - Cr W Aubin, Cr J Fry, Cr G Hanger, Cr J Jennings, Cr J Rudge <u>Absent</u> - nil Abstain - Nil

RESOLUTION NUMBER: ORD2020-215

MOVED: Cr W Aubin SECONDED: Cr J Rudge

RESOLVED:

That Council:

- (a) not support the application for modification of Development Consent No 2019/367 to delete condition No 5 relating to access onto Howick Street and,
- (b) as the consent authority, refuse consent pursuant to Section 4.16 of the

Environmental Planning and Assessment Act 1979 to the modification of Development Application No. 2019/367, for the following reason:

- The development has the potential to impact on the safety, efficiency and effective and ongoing operation and function of the intersection of Howick and Stewart Streets.
- (c) call a division.

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

The result of the division was:

<u>In favour of the motion</u> - Cr W Aubin, Cr J Fry, Cr G Hanger, Cr J Jennings, Cr J Rudge <u>Against the Motion</u> - Cr B Bourke, Cr A Christian, Cr M Morse , Cr I North <u>Absent</u> - nil <u>Abstain</u> - Nil

7.2.9 DA2019/140 – REQUEST FOR WORKS IN KIND ARRANGEMENT - 17 LOT RESIDENTIAL SUBDIVISION – LIMEKILNS ROAD, KELSO. OWNER: Mrs E H & MR G E CUTLER; APPLICANT: Mrs E H & MR G E CUTLER.

File No: 2019/140

MINUTE

RESOLUTION NUMBER: ORD2020-197

MOVED: Cr I North SECONDED: Cr J Rudge

RESOLVED:

That Council:

- (a) enter into a works in kind arrangement with the developers of Lot 2, 3 and 4 in DP1233661to construct a roundabout at the intersection of Limekilns Road and Lawrence Drive.
- (b) waive the contributions payable under Condition 3 of the consent equivalent to \$56,732.00.
- (c) contribute up to \$892,193.00 towards the construction costs from the Section 94 Plan for New Residential Subdivisions.
- (d) notify the developer of its decision; and
- (e) call a division

On being <u>PUT</u> to the <u>VOTE</u> the <u>MOTION</u> was <u>CARRIED</u>

The result of the division was:

<u>In favour of the motion</u> - 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 <u>Against the Motion</u> - nil <u>Absent</u> - nil <u>Abstain</u> - Nil

7.2.10 BATHURST REGIONAL URBAN RELEASE AREA – KELSO CERTIFICATION

File No: 20.00143

MINUTE

RESOLUTION NUMBER: ORD2020-198

MOVED: Cr J Rudge SECONDED: Cr J Jennings

RESOLVED:

That Council:

- (a) note that an unrestricted certification has been received from the NSW Department of Planning, Industry and Environment for the Kelso Urban Release Area; and
- (b) call a division.

On being **<u>PUT</u>** to the **<u>VOTE</u>** the **<u>MOTION</u>** was <u>**CARRIED**</u>

The result of the division was:

<u>In favour of the motion</u> - 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 <u>Against the Motion</u> - nil <u>Absent</u> - nil <u>Abstain</u> - Nil

7.2.11 STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES) 2008 - MANOR HOUSES

File No: 02.00018

MINUTE

RESOLUTION NUMBER: ORD2020-199

MOVED: Cr J Jennings SECONDED: Cr W Aubin

RESOLVED:

That the information be noted.

7.2.12 BUY LOCAL GIFT CARD COVID-19 COMPETITION

File No: 20.00313

MINUTE

RESOLUTION NUMBER: ORD2020-200

MOVED: Cr J Jennings SECONDED: Cr I North

RESOLVED:

That the information be noted.

7.3.1 STATEMENT OF INVESTMENTS

File No: 16.00001

MINUTE

RESOLUTION NUMBER: ORD2020-201

MOVED: Cr G Hanger SECONDED: Cr J Rudge

RESOLVED: That the information be noted.

7.3.2 MONTHLY REVIEW - 2020/2024 DELIVERY PLAN AND OPERATIONAL PLAN 2020/2021

File No: 16.00167

MINUTE

RESOLUTION NUMBER: ORD2020-202

MOVED: Cr J Jennings SECONDED: Cr J Rudge

RESOLVED:

That the information be noted.

MINUTES - Ordinary Meeting of Council Agenda - 19 August 2020

7.3.3 SUNDRY SECTION 356 DONATIONS, BATHURST MEMORIAL ENTERTAINMENT CENTRE COMMUNITY USE SUBSIDY AND MOUNT PANORAMA FEE SUBSIDY

File No: 18.00004

MINUTE

RESOLUTION NUMBER: ORD2020-203

MOVED: Cr W Aubin SECONDED: Cr J Rudge

RESOLVED:

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

7.3.4 POWER OF ATTORNEY

File No: 11.00007

MINUTE

RESOLUTION NUMBER: ORD2020-204

MOVED: Cr A Christian SECONDED: Cr I North

RESOLVED: That the information be noted.

7.3.5 REQUEST FOR FINANCIAL ASSISTANCE - THIS IS MY BRAVE AUSTRALIA

File No: 18.00195

Cr Rudge declared non-pecuniary interest in this item and remained in the Chamber.

Reason: Cr Rudge will be speaking at the Event hosted by This is My Brave Australia.

MINUTE

RESOLUTION NUMBER: ORD2020-205

MOVED: Cr J Jennings SECONDED: Cr M Morse

MINUTES - Ordinary Meeting of Council Agenda - 19 August 2020

RESOLVED:

That Council waive BMEC hire fees (not including ticketing and catering) for the This is My Brave Australia event at the BMEC, up to a value of \$3,181.50

7.3.6 BATHURST WINTER FESTIVAL 2020

File No: 23.00152

MINUTE

RESOLUTION NUMBER: ORD2020-206

MOVED: Cr I North SECONDED: Cr G Hanger

RESOLVED:

That the information be noted.

7.3.7 REQUEST FOR FINANCIAL ASSISTANCE -PACKARD RALLY

File No: 23.00015-09

MINUTE

RESOLUTION NUMBER: ORD2020-207

MOVED: Cr M Morse SECONDED: Cr J Rudge

That Council:

i. Hosts a Mayoral Welcome Reception at the National Motor Racing Museum for the participants at the 19th National Packcard Rally, Bathurst.

On being **<u>PUT</u>** to the **<u>VOTE</u>** the <u>**MOTION**</u> was <u>**LOST**</u>

MOVED: Cr I North SECONDED: Cr J Jennings

RESOLVED:

That Council:

- i. Hosts a Mayoral Welcome Reception at the National Motor Racing Museum for the participants at the 19th National Packcard Rally, Bathurst.
- ii. Waives the charges associated with the closure of Russell Street for their Car Show Day.

On being <u>PUT</u> to the <u>VOTE</u> the <u>MOTION</u> was <u>CARRIED</u>

MINUTES - Ordinary Meeting of Council Agenda - 19 August 2020

7.3.8 ACQUISITION OF PART LOT 404 DP1241250, PJ MOODIE DRIVE, RAGLAN

File No: 21.00079

MINUTE

RESOLUTION NUMBER: ORD2020-208

MOVED: Cr I North SECONDED: Cr J Rudge

RESOLVED:

That Council:

- i. Accepts the offer from Transport for NSW to acquire Part Lot 404 DP1241250, PJ Moodie Drive, Raglan for the purchase price of \$107,250.00 inclusive of GST in full satisfaction of all claims arising from the subject acquisition pursuant to the provisions of Section 55 of the Land Acquisition (Just Terms Compensation) Act 1999 as detailed within this report; and
- ii. Delegate the authority to the General Manager to execute the contracts and associated documents relevant to this transfer.

7.3.9 REQUEST FOR FINANCIAL ASSISTANCE - MOUNT PANORAMA PUNISH

File No: 23.00026-21

Cr Hanger declared non-pecuniary interest in this item and left the Chamber.

Reason: Daughter is an Event Organiser for the Mount Panorama Punish.

MINUTE

RESOLUTION NUMBER: ORD2020-209

MOVED: Cr A Christian SECONDED: Cr W Aubin

RESOLVED:

That Council:

- (i) Support the hosting of the Mount Panorama Punish and promote the event through the regular Council media channels; and
- (ii) Waive the Mt Panorama hire charges associated with the event

7.3.10 REQUEST FOR FINANCIAL ASSISTANCE -HOUSING PLUS DA2019/133

File No: 2019/133-09

MINUTE

RESOLUTION NUMBER: ORD2020-210

MOVED: Cr J Fry SECONDED: Cr J Rudge

RESOLVED:

That Council does not approve the request for financial assistance from Housing Plus for the development costs associated with DA2019/133.

7.4.1 WATER SECURITY UPDATE

File No: 32.00017

MINUTE

RESOLUTION NUMBER: ORD2020-211

MOVED: Cr A Christian SECONDED: Cr I North

RESOLVED:

That the information be noted.

7.4.2 ROADSIDE WEED CONTROL PROGRAM -UPPER MACQUARIE COUNTY COUNCIL

File No: 18.00172-17

MINUTE

RESOLUTION NUMBER: ORD2020-212

MOVED: Cr I North SECONDED: Cr J Fry

RESOLVED:

That Council:-

a) engage the Upper Macquarie County Council (UMCC) for Roadside Weed Management for roads in Bathurst Regional Council control b) agree to the request of UMCC to vary Council's Roadside Vegetation Management Plan, for the purposes of the roadside weed control program only.

7.4.3 PARTICIPATION IN A REGIONAL CONTRACT FOR THE SUPPLY AND DELIVERY OF ROAD SIGNS

File No: 07.00017-29

MINUTE

RESOLUTION NUMBER: ORD2020-213

MOVED: Cr J Rudge SECONDED: Cr G Hanger

RESOLVED:

That Council agree to participate in a regional contract for the supply and delivery of road signs and to provide CNSWJO with advice accordingly.

7.5.1 ARTS OUTWEST 2019 ANNUAL REPORT

File No: 18.00036

MINUTE

RESOLUTION NUMBER: ORD2020-214

MOVED: Cr M Morse SECONDED: Cr I North

RESOLVED:

That Council note the Arts OutWest Annual Report for 2019.

7.5.2 JULY 2020 - SCHOOL HOLIDAY ACTIVITY

File No: 21.00039, 21.00060, 21.00041, 21.00054, 21.00144

MINUTE

RESOLUTION NUMBER: ORD2020-216

MOVED: Cr J Jennings SECONDED: Cr M Morse

RESOLVED:

That the information be noted.

MINUTES - Ordinary Meeting of Council Agenda - 19 August 2020

8 REPORTS OF OTHER COMMITTEES

8.1 TRAFFIC COMMITTEE REPORT - 7 July 2020

File No: 07.00006

MINUTE

RESOLUTION NUMBER: ORD2020-217

MOVED: Cr W Aubin SECONDED: Cr J Rudge

RESOLVED:

That the recommendations of the Traffic Committee Meeting of Bathurst Regional Council held on 7 July 2020 be adopted.

8.2 TRAFFIC COMMITTEE REPORT - 4 August 2020

File No: 07.00006

MINUTE

RESOLUTION NUMBER: ORD2020-218

MOVED: Cr I North SECONDED: Cr J Rudge

RESOLVED:

That the recommendations of the Traffic Committee Meeting of Bathurst Regional Council held on 4 August 2020 be adopted.

9 NOTICES OF MOTION

10RESCISSION MOTIONS

11COUNCILLORS / DELEGATES REPORTS

11.1 COUNCILLORS MEETING WITH COMMUNITY GROUPS/WORKING PARTIES HELD 12 JULY 2020

File No: 11.00019

MINUTE

RESOLUTION NUMBER: ORD2020-219

MOVED: Cr I North SECONDED: Cr J Jennings

RESOLVED: That the information be noted.

12RESOLVE INTO CONFIDENTIAL COMMITTEE OF THE WHOLE TO DEAL WITH CONFIDENTIAL REPORTS

12.0 RESOLVE INTO CONFIDENTIAL COMMITTEE OF THE WHOLE

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.

MINUTE

MOVED: Cr I North SECONDED: Cr J Fry

12.1 DIRECTOR ENVIRONMENTAL PLANNING AND BUILDING SERVICE'S REPORT

12.1.1 PROPOSED HEADS OF AGREEMENT FOR PART LOT 23 DP1169512 KNOWN AS 366 PANORAMA AVENUE, BATHURST

Reason: 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.

This item relates to the proposal to enter into the Heads of Agreement in relation to a commercial lease agreement for part Lot 23 DP1169512 known as 366 Panorama Avenue, Bathurst

MINUTE

RESOLUTION NUMBER: CONF2020-58

MOVED: Cr J Jennings SECONDED: Cr M Morse

RESOLVED:

That Council enter the Heads of Agreement proposed by Leading Edge Data Centre Pty Ltd in relation to a commercial lease agreement for part Lot 23 DP1169512 known as 366 Panorama Avenue, Bathurst as detailed in the report.

12.2 DIRECTOR CORPORATE SERVICES AND FINANCE'S REPORT

12.2.1 SUNNYBRIGHT ESTATE STAGE A RELEASE HOUSEKEEPING

Reason: 10A (2) (c) Contains commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business, and Commercial information of a confidential nature that would, if disclosed, (i) prejudice the commercial position of the person who supplied it, (ii) confer a commercial advantage on a competitor of the Council.

This item relates to the consideration of the sale price of Lot 66 DP1253021 known as 4 Wallace Way, Kelso.

MINUTE

RESOLUTION NUMBER: CONF2020-59

MOVED: Cr W Aubin SECONDED: Cr I North

RESOLVED:

That Council adopt the price reduction for Lot 66 DP1253021 known as 4 Wallace Way, KELSO as detailed in the report.

12.2.2 RENEWAL OF COMMERCIAL LEASE AGREEMENT AGR-13339 WITH JOHN HOLLAND FOR PART LOT 3815 DP1101839 AND PART LOT 3814 DP1101839 KNOWN AS RFS PERTHVILLE SHED

Reason: 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.

This item relates to the proposal to renew the commercial lease agreement AGR-13339 with John Holland for part Lot 3815 DP1101839 and part Lot 3814 DP1101839 located in Perthville Village, which is the site of the Rural Fire Service Perthville Brigade station.

MINUTE

RESOLUTION NUMBER: CONF2020-60

MOVED: Cr J Jennings SECONDED: Cr I North

RESOLVED:

That Council approve the renewal of the commercial lease agreement AGR-13339 with John Holland for part Lot 3815 DP1101839 and part Lot 3814 DP1101839 located in Perthville Village, which is the site of the Rural Fire Service Perthville Brigade station, as detailed in the report.

12.2.3 VARIATION TO BATHURST INTERNATIONAL MOTOR RACING EVENT AGREEMENT DUE TO COVID-19

Reason: 10A (2) (c) Contains commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business, and Commercial information of a confidential nature that would, if disclosed, (i) prejudice the commercial position of the person who supplied it, (ii) confer a commercial advantage on a competitor of the Council.

This item relates to the proposal to vary the Bathurst International motor racing evcent Agreement as detailed within this report.

MINUTE

RESOLUTION NUMBER: CONF2020-61

MOVED: Cr I North SECONDED: Cr W Aubin

RESOLVED:

That Council:

- i) Vary the Bathurst International Agreement as detailed within this report; and
- ii) Delegate authority to the General Manager to execute relevant documents to bring the variation to effect.

12.3 DIRECTOR ENGINEERING SERVICE'S REPORT

12.3.1 PROPOSED EASEMENT FOR WATER SUPPLY AFFECTING LOTS 11, 12 & 13 IN DP1089380 BATHURST AND LOTS 2, 3 & 4 IN DP6444 KELSO

Reason: 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.

This item relates to the proposal to approve the proposed easement.

MINUTE

RESOLUTION NUMBER: CONF2020-62

MOVED: Cr W Aubin SECONDED: Cr J Rudge

RESOLVED:

- (a) approve the proposed Easement for Water Supply 3 wide on Lots 11, 12 and 13 in DP1089380 at Bathurst and Lots 2, 3 and 4 in DP6444 at Kelso.
- (b) approve the terms proposed as detailed in the Director Engineering Services' report.

12.3.2 CONTRACT FOR CONSTRUCTION OF STAGE 2 OF PERTHVILLE FLOOD MITIGATION WORKS (36.00715)

Reason: 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.

This item relates to the proposal to accept a variation to Contract 36.00715.

MINUTE

RESOLUTION NUMBER: CONF2020-63

MOVED: Cr I North SECONDED: Cr M Morse

RESOLVED:

That Council accepts the variation to Contract 36.00715 in the amount of \$418,705.24 (Ex. GST) subject to provisional items and variations.

12.3.3 WINBURNDALE DAM OPERATING CONDITIONS

Reason: 10A (2) (g) Contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege

This item relates to the update on the operation of Winburndale Dam.

MINUTE

RESOLUTION NUMBER: CONF2020-64

MOVED: Cr G Hanger SECONDED: Cr W Aubin

RESOLVED:

That the update on the operation of Winburndale Dam information be noted.

13RESOLVE INTO OPEN COUNCIL

MINUTE

RESOLUTION NUMBER: ORD2020-220

MOVED: Cr J Rudge SECONDED: Cr J Jennings

RESOLVED: That Council resume open Council.

14ADOPT REPORT OF THE COMMITTEE OF THE WHOLE

MINUTE

RESOLUTION NUMBER: ORD2020-221

MOVED: Cr I North SECONDED: Cr A Christian

RESOLVED:

That the Report of the Committee of the Whole, resolution numbers Conf2020-58 to Conf2020-64 be adopted.

15MEETING CLOSE

MINUTE

The Meeting closed at 9.05.

CHAIR:

MINUTES - Ordinary Meeting of Council Agenda - 19 August 2020



Circular to Councils

Circular Details	20-29 / 4 August 2020 / A713425
Previous Circular	20-25 The date of the next ordinary local government elections
	is 4 September 2021
	20-28 Rules on attendance at council and committee meetings
	during the COVID-19 pandemic as of 1 July 2020
Who should read this	Councillors / General Managers / Governance staff
Contact	Council Governance Team/ 02 4428 4100/ <u>olg@olg.nsw.gov.au</u>
Action required	Council to Implement

September 2020 mayoral elections

What's new or changing

- Councils that elected mayors in September 2018 must have mayoral elections in September 2020 when the 2-year term of the current mayor expires. The mayor elected in September 2020 will hold their office until ordinary elections are held on 4 September 2021.
- Councils must also hold an election for deputy mayor if the deputy mayor's term has expired and county councils must elect a chairperson.

What this will mean for your council

- Schedule 7 of the *Local Government (General) Regulation 2005* prescribes three methods of election of mayors:
 - o open ballot (eg a show of hands)
 - o ordinary ballot, or
 - o preferential ballot.
- Open ballots can be undertaken remotely where a council is conducting its meetings by audio visual link.
- Ordinary and preferential ballots are secret ballots and councillors will need to attend the meeting in person if the election is to be by way of an ordinary or preferential ballot.

Key points

- In deciding which method to use for the mayoral election, councils should consider the personal circumstances of their councillors to ensure that all councillors can participate in the mayoral election.
- Councillors may attend council meetings in person under the *Public Health* (COVID-19 Restrictions on Gathering and Movement) Order (No 4) 2020 for the purposes of participating in a mayoral election and staff may attend for the purposes of conducting the election.
- Councils should observe appropriate social distancing when conducting mayoral elections and take any other steps necessary to minimise the risk of infection by the COVID-19 virus and to ensure the health and safety of all attendees.

Office of Local Government 5 O'Keefe Avenue NOWRA NSW 2541 Locked Bag 3015 NOWRA NSW 2541 T 02 4428 4100 F 02 4428 4199 TTY 02 4428 4209 E olg@olg.nsw.gov.au **w** www.olg.nsw.gov.au **ABN** 20 770 707 468

Where to go for further information

- The Office of Local Government has issued a fact sheet on conducting mayoral elections which is available at https://www.olg.nsw.gov.au/councils/councillors/mayoral-elections/.
- For further information please contact the Council Governance Team on 02 4428 4100 or by email at olg@olg.nsw.gov.au.

Tim Hurst Deputy Secretary Local Government, Planning and Policy

Office of Local Government 5 O'Keefe Avenue NOWRA NSW 2541 Locked Bag 3015 NOWRA NSW 2541 T 02 4428 4100 F 02 4428 4199 TTY 02 4428 4209 E olg@olg.nsw.gov.au **W** www.olg.nsw.gov.au **ABN** 20 770 707 468

Bathurst Regional Council							
NOMINATION FORM							
ELECTION OF DEPUTY MAYOR							
<i>Note</i> : This nomination is to be made by two or more Councillors, (one of whom may be the nominee) and is not valid unless the nominee has indicated consent, in writing, to nomination.							
This nomination is to be delivered or sent to the General Manager.							
We, the undersigned Councillors, nominate:							
as a candidate for the Office of Deputy Mayor, for the period 2020/2021 (one year).							
DATE:							
I: (Insert name of person proposed for nomination)							
hereby consent to such nomination.							
-							
SIGNED:							
DATE:							

DA's Approved

Attachment 8.2.2.1

BATHURST

LIVE

		= = / / = / = /				LIVE
		7:21:18AM				Date
Туре	Year	No.		Description	Address	Determine
10	2019	352	\$1,380,000	Seven(7) group homes within five(5) separate buildings, five (5) carpo	10 Collins Close KELSO	11/08/2020
10	2020	45	\$580,000	Change of use to transitional group home and business premises	61 Boyd Street KELSO	25/08/2020
10	2020	136	\$7,800	Shed with attached carport	163 Upper Turon Road SOFALA	5/08/2020
10	2020	153		Dual occupancy (second dwelling) and two lot residential subdivision	37 George Street BATHURST	20/08/2020
10	2019	236	\$87 378	MOD - Additions to dwelling	302 Howick Street BATHURST	7/08/2020
10	2013	207		Glass enclosure of existing patio	11 McGillan Drive KELSO	17/08/2020
10	2020	208		Dual Occupancy and two lot subdivision	12 Lockwood Rise KELSO	20/08/2020
10	2020	213		Retaining wall	11 Dovey Drive KELSO	19/08/2020
10	2020	213		Carport	10 Lister Crescent KELSO	11/08/2020
18	2020	105		Single storey dwelling and attached garage	7 Lyon Close KELSO	25/08/2020
10	2020	221			3832 Sofala Road WATTLE FLAT	13/08/2020
				Alterations to & use of transportable building as a dwelling & carport		
10	2020	223	. ,	Glass enclosed room	16 Vine Street SOUTH BATHURST	13/08/2020
10	2020	226		Single storey dwelling with attached garage	191 Blue Ridge Drive KELSO	26/08/2020
10	2020	228	. ,	Alterations and additions to an dwelling	28 The Bridle Track DURAMANA	26/08/2020
18	2020	113	\$364,926	Construction of asingle storey dwelling with attached garage	38 Meagher Street LLANARTH	4/08/2020
10	2016	131	\$2,000,000	Change of use, new residential units, additions and alterations	136 Peel Street BATHURST	18/08/2020
10	2020	230	\$104,000	Construction of truck shed	2 Toronto Street KELSO	5/08/2020
10	2020	233	\$17,835	Retaining wall and earth works	5 Driscoll Close KELSO	13/08/2020
10	2020	237		Construction of a garage	10 Cain Drive KELSO	3/08/2020
10	2020	238		Additions to dwelling	201 Hartwood Avenue ROBIN HILL	17/08/2020
10	2020	239		Internal fitout and commercial signage	5 Watt Drive ROBIN HILL	6/08/2020
10	2016	392		Additions and alterations to dwelling and pool pump building	353 Laffing Waters Lane LAFFING WATERS	4/08/2020
10	2020	241	\$9 200	Alterations to dwelling	59 Hamilton Street EGLINTON	26/08/2020
10	2020	242		Additions and alterations to dwelling, install	246 Eleven Mile Drive EGLINTON	24/08/2020
				septic, pool		
10	2020	243		Single storey dwelling with attached garage	36 Queen Street PERTHVILLE	19/08/2020
10	2019	58	\$495,000	MOD - Dual occupancy and two lot residential subdivision	49 Emerald Drive KELSO	7/08/2020
10	2020	245	\$30,040	Retaining wall	417 Conrod Straight MOUNT PANORAMA	13/08/2020
10	2020	247	\$49,800	In ground swimming pool and safety barrier	483 Ryans Road ROCKLEY MOUNT	3/08/2020
10	2020	249	\$185,000	Dual Occupancy (2nd dwelling) and 2 lot subdivision	33 Stewart Street BATHURST	19/08/2020
10	2020	250	\$17,000	Shed	19 Nelson Street RAGLAN	4/08/2020
10	2020	252	\$35,000	Additions to existing shed	42 Claremont Drive WHITE ROCK	12/08/2020
10	2020	254	\$13,000	Detached habitable room	14 Oakes Street BATHURST	17/08/2020
10	2020	255	\$19,200	Construction of a shed	13 Apsley Street PERTHVILLE	26/08/2020
10	2020	256	\$16,500	Enclose existing alfresco and convert to a habitable room	23 Cox Lane EGLINTON	3/08/2020
18	2020	124	\$150.000	Installation of a fitout to commercial premise	210 Howick Street BATHURST	10/08/2020
10	2020	257		Retaining wall	5 Dovey Drive KELSO	4/08/2020
10	2020	261		Illuminated business signage	1 Wark Parade WINDRADYNE	11/08/2020
18	2020	125		Single storey dwelling and attached garage	28 Meagher Street LLANARTH	4/08/2020
18	2020	126		Construction of a single storey dwelling with	14 Bolton Street KELSO	4/08/2020
10	2020	264	\$152,000	attached garage Construction of dwelling additions and	41 Houses Lane THE ROCKS	26/08/2020
10	2020	267	\$10,000	alterations Aboveground swimming pool and safety	23 Silver Street SUNNY CORNER	24/08/2020
40	2044	044	¢0 000 000	barrier	105 Stanloy Street DATLUIDOT	11/00/0000
10	2014	314		MODIFICATION - Seniors Living - New	105 Stanley Street BATHURST	11/08/2020
10	2020	271		Fitout of food premises and wall and fascia signage	96-98 William Street BATHURST	28/08/2020
10	2020	272		Construction of a shed	5 Delaware Crescent ROBIN HILL	14/08/2020
18	2020	130	\$388,200	Single storey dwelling with attached garage	44 Duramana Road EGLINTON	11/08/2020
10	2020	277	\$14,000	Construction of cabana	3 Leo Grant Drive KELSO	14/08/2020
18	2020	133	\$396,939	Single storey dwelling with attached garage	26 Wallace Way KELSO	19/08/2020
18	2020	134	\$9,500	Aboveground swimming pool and fence	71 Mendel Drive KELSO	20/08/2020

Authority

Page 1 of

DA's Approved

Attachment 8.2.2.1

BATHURST

LIVE

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Туре	Year	No.	Value Description	Address	Determine
18	2020	135	\$25,000 Inground swimming pool and fence	31 Evernden Lane ROCKLEY MOUNT	21/08/2020
18	2020	136	\$525,000 Construction of a single storey dwelling with attached garage	32 Carrol Avenue EGLINTON	24/08/2020
18	2020	137	\$25,000 Construction of an inground swimming pool and fence	11 Kemp Street EGLINTON	20/08/2020
18	2020	138	\$259,449 Single storey dwelling with attached garage	16 Bonnor Street KELSO	25/08/2020
18	2020	139	\$323,947 Single storey dwelling with attached garage	8 Driscoll Close KELSO	24/08/2020

Authority

DA's Refused

Attachment 8.2.2.2

BATHURST S REGIONAL COUNCIL LIVE

1/08/2020 - 31/08/2020

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					Date					
Туре	Year	No.	Value Description	Address	Determine					
10	2020	143	\$20,000 Shed	25 Meagher Street LLANARTH	28/08/2020					
10	2019	133	\$8,500,000 38 Housing development, demolish 2 houses	19 Durham Street BATHURST	28/08/2020					

DA's Pending

Attachment 8.2.2.3

BATHURST LIVE

уре	Year	No.	Value	Description	Address
18	2007	249		Installation of an Inground Swimming Pool and Safety	29 Prince Street PERTHVILLE
				Fence	
10	2017	214	\$75,000	Internal office addition to existing hangar	PJ Moodie Drive RAGLAN
10	2018	395	\$0	204 lot residential subdivision	Colville Street WINDRADYNE
18	2019	11	\$292,000	Single storey dwelling with attached garage	31 Darling Street EGLINTON
10	2017	142	\$0	MOD Internal and external alterations to existing	205 Howick Street BATHURST
				commercial building	
10	2019	146	\$0	10 Lot industrial subdivision	Havannah Street BATHURST
18	2019	96	\$850,909	Alterations to commercial building	39 William Street BATHURST
18	2019	137	\$329,000	Single storey dwelling and attached secondary dwelling	13 Wallace Way KELSO
18	2019	141	\$55,980	In ground swimming pool	194 Gestingthorpe Road PERTHVII
18	2019	149	\$46,379	Inground swimming pool with safety barrier	18 McGillan Drive KELSO
18	2019	151	\$4,260	Garage conversion to a habitable space and pergola	194 Gestingthorpe Road PERTHVII
18	2019	152	\$16,480	cabana	194 Gestingthorpe Road PERTHVII
18	2019	153	\$56,791	Inground fibreglass swimming pool and safety barrier	29 Coolabah Close KELSO
18	2019	160	\$80,000	Commercial - Fitout of shop (barber shop)	210 Howick Street BATHURST
10	2019	328	\$50,000	Additions and alterations to church	36A Bant Street BATHURST
18	2019	165	\$290,000	single storey dwelling with attached garage	14 Burlington Rise KELSO
10	2019	361	\$815,000	Demolition, Subdivision & two single storey dwellings	15 Boyd Street KELSO
10	2020	9	\$0	Demolition of existing workshop and construction of new	42 Durham Street BATHURST
				workshop	
10	2020	31	\$420,000	Bakery and cafe and two lot subdivision	369 Stewart Street MITCHELL
10	2020	32	\$1,700,000	Motel and two lot commercial subdivision	369 Stewart Street MITCHELL
10	2020	60	\$8,000,000	Motel, garden centre, storage/warehouse and 3 lot	61 Sydney Road RAGLAN
				subdivision	
10	2020	87	\$4,900,000	Caltex highway service station and restuarant	214 Sydney Road KELSO
10	2020	92	\$2,815,000	New service station, fast food outlet and 3 lot subdivision	5350 Great Western Highway RAGI
10	2020	95		Additions and alterations to an existing hotel	170 William Street BATHURST
10	2020	103	\$700,000	Demolition of existing dwelling house and commercial	113 Durham Street BATHURST
				building	
10	2020	107	\$375,000	Rural dwelling	Tarana Road BREWONGLE
10	2020	110	\$0	38 lot industrial subdivision with new roads	4040 O'Connell Road KELSO
10	2020	111	\$450,000	Multiple dwellings - three and four lot residential subdivision	121 William Street BATHURST
10	2020	117		Additions and alterations to dwelling	37 Reef Street HILL END
10	2018	198	\$0	MOD - Alterations and additions to commercial building	7 Keppel Street BATHURST
10	2017	111		25 Lot Subdivision	3991 O'Connell Road KELSO
10	2017	111	\$0	Subdivision - Residential	3991 O'Connell Road KELSO
10	2020	126		Alterations to dwelling - replace window	31 Havannah Street BATHURST
10	2020	127	\$1,500,000	Nine two storey units	20 Griffin Street MITCHELL
10	2020	133		8 lot consolidation and two lot subdivision	1 High Street HILL END
18	2020	66	\$402,500	Proposed principal and attached secondary dwelling	49 Sunbright Road KELSO
10	2020	146	. ,	Reclamation project - sunny corner mine	83 Dark Corner Road SUNNY COR
10	2020	154		Shop 3 - fitout of existing unit for use as motor dealership	11 Corporation Avenue ROBIN HIL
10	2020	156		Shop 1 - fitout of existing unit for use as cafe	11 Corporation Avenue ROBIN HIL
10	2020	167		Alterations and additions to existing commercial premises	250 Stewart Street BATHURST
10	2020	172		Use of existing conversion of shed to dwelling and	3821 Limekilns Road WATTLE FLA
-	-'	-	, .,	additions	- ·
10	2018	341	\$0	Construction of safety fence and amendment to pylon sign	16 Ingersole Drive KELSO
10	2020	180		198 lot residential subdivision and new roads	Limekilns Road KELSO
10	2020	183		Construction of colorbond shed	78 Gilmour Street KELSO
10	2020	186	. ,	Single storey dwelling and alterations to existing outbuilding	280 Redbank Road TRIANGLE FLA
10	2020	187		Construction of an industrial building	26 Bradwardine Road ROBIN HILL
10	2020	189		Use of existing premise as function centre	3249 O'Connell Road BREWONGL
10	2020	190		Three lot rural subdivision	1078 Lachlan Road CALOOLA
10	2020	190		Industrial warehouse shed	35 Vale Road SOUTH BATHURST
10	2020	193 194		Demolition of part Dudley Hotel and construct carpark	250 Stewart Street BATHURST
10	2020	194 199		Use of existing alterations to unit development	4 Keppel Street BATHURST
10	2020 2020	199 200		Use of existing alterations to unit development Use of existing alterations - internal timber staircase	
				-	4 Keppel Street BATHURST
10	2020	201		use of existing atlerations to unit development	4 Keppel Street BATHURST
10	2020	202		Use of existing masonary fence	2A Keppel Street BATHURST
10	2020	204	\$550,000	Change of use to existing shearers quarters to rural	289 Lachlan Road ROCKLEY
	2020	211	\$5 000	workers dwelling Retaining wall	6 Gell Place ABERCROMBIE
10					

AGENDA - Ordinary Meeting of Council Agenda - 16 September 2020 Attachments

DA's Pending

Attachment 8.2.2.3

BATHURST REGIONAL COUNCIL

LIVE

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Туре	Year	No.	Value	Description	Address
10	2020	212		Two storey dwelling with attached garage	7 Cain Drive KELSO
10	2020	212		Installation of two light towers in existing recreation area	189A Browning Street BATHURST
10	2020	220	\$19,800		6 Ironbark Close KELSO
10	2020	220		5	36 Durham Street BATHURST
				Additions and alterations to dwelling and partial demolition	
10	2020	227		Garage additions to detached habitable area	246 Eleven Mile Drive EGLINTON
10	2018	77	\$70,000	MOD - Part demolition, additions & alterations to two storey	103 Havannah Street BATHURST
10	0000	000	\$450,000	dwelling	
10	2020	229		Demolish existing shed and construct tennis clubhouse	Alexander Street EGLINTON
10	2020	231		Second rural transportable dwelling	13 Paling Yards Road WATTLE FLAT
10	2020	234		Single storey dwelling	2210 Turondale Road TURONDALE
10	2020	235		Change of use from nursing home to offices	50 Busby Street SOUTH BATHURST
10	2020	236		Additions and alterations to existing dwelling	123 Rankin Street BATHURST
10	2020	240		Additions to existing dwelling	125 Keppel Street BATHURST
10	2020	244		Alterations and additions to existing dwelling	5 Reef Street HILL END
10	2020	246		Two storey rural dwelling	3782 Limekilns Road WATTLE FLAT
10	2015	171		MOD - Eleven lot residential subdivision and roads	38 Gilmour Street KELSO
10	2020	248		Additions / alterations to existing dwelling	317 Lambert Street BATHURST
10	2020	251		Two lot residential subdivision	19 Nelson Street RAGLAN
10	2020	253		Dual occupancy and two lot residential subdivision	64 Wentworth Drive KELSO
10	2019	367	\$0	Commercial - Demolition and Shop - New (Flat Attached)	105 Stewart Street BATHURST
10	2018	367	\$600,000	MOD Separate Dwelling - Additions and Swimming Pool	277 Howick Street BATHURST
				and Garage/Shed	
10	2020	258	\$0	Three lot residential subdivision	68 Osborne Avenue WEST BATHURST
10	2020	260	\$130,000	Hangar	167 Freemantle Road EGLINTON
10	2020	263	\$65,000	Additions to existing industrial shed	14 Wembley Place KELSO
10	2020	265	\$50,000	Construction of a carport	16 Adrienne Street RAGLAN
10	2020	266	\$0	46 lot residential subdivision including one open space	67 Emerald Drive KELSO
10	2020	268	\$200,000	Installation of water reticulation system	67 Emerald Drive KELSO
10	2020	269	\$420,000	Dual Occupancy (second dwelling) and two lot residential	2 Nile Street RAGLAN
				subdivision	
10	2020	270		Two storey dwelling with attached garage	16 Gell Place ABERCROMBIE
10	2020	273	\$16,000	Carport	20 Amber Close KELSO
10	2020	274	\$28,000		7 Campbell Close LLANARTH
10	2020	275		Construction of a shed	27 James Barnet Drive KELSO
10	2020	276	\$15,000		25 Nile Street RAGLAN
10	2020	278		Additions to rural dwelling	860 Freemantle Road BILLYWILLINGA
10	2019	367	\$0	1. Demolitin of all buildings at 105 Stewart 2. Partial	105 Stewart Street BATHURST
				demolition of	
10		279	\$0	Change of use from garage to habitable room	8 Alexander Street EGLINTON
10	2020	280	\$0	Demolition of existing dwelling and construction of new	145 Havannah Street BATHURST
				dwelling	
10	2020	282		Two Lot residential subdivision	35 Parer Road ABERCROMBIE
10	2020	283		Shed and earthworks	6 Eugenie Street RAGLAN
10	2020	284		Dual occupancy and two lot residential subdivision	18 Miriyan Drive KELSO
10	2020	285		Installation of a prefabricated amenities building	55 Sydney Road KELSO
10	2020	286	\$0	Two lot residential subdivision and two lot strata	313 Lambert Street BATHURST
10		007	*-	subdivision	
10	2020	287		Retaining wall	2 Newlands Crescent KELSO
10	2020	288		Additions / alterations to exisitng dwelling	10 Nelson Street RAGLAN
10	2020	289		Alterations and additions to industrial building	17 Upfold Street GORMANS HILL
10	2020	290		Enclose existing patio to habitable room	3 Lockyer Place LLANARTH
10	2020	179		Dual Occupancy - New and Subdivision - Residential	40 Sunbright Road KELSO
10	2020	292		Double storey dwelling with attached garage	4 Dovey Drive KELSO
10	2020	293		Single storey dwelling and attached garage	7 Lewins Street SOUTH BATHURST
10	2020	294		Additions and alterations to a commercial building	225 Howick Street BATHURST
10	2020	295		Shed with attached carport	3 Mulley Close WINDRADYNE
10	2020	296		Alterations to existing commercial premises	107 George Street BATHURST
10	2020	297		Additions and alterations to existing dwelling	16 Morrisset Street BATHURST
10	2020	298	\$38,000		13 Leo Grant Drive KELSO
10	2020	299		Four lot rural subdivision	4985 Great Western Highway GLANMIRE
10	2020	300		Construction of a shed	64 Arabella Place ROBIN HILL
10	2020	301		Construction of a shed	226 Rankin Street BATHURST
10	2020	302	\$14,500	Construction of a retaining wall	99 Graham Drive KELSO

Page 2 of

Authority

DA's Pending

Attachment 8.2.2.3

BATHURST S REGIONAL COUNCIL

Printed: 3/09/2020 12:23:33PM Value Description Туре Year Address No 2020 140 \$349,839 Single storey dwelling with attached garage 5 Driscoll Close KELSO 18 2020 10 303 \$480,000 Rural single storey dwelling and alter sewage management 18 Arcadia Place MEADOW FLAT system 10 2020 304 \$18,000 Separate Dwelling - Additions 161 Russell Street BATHURST 18 2020 142 \$278,000 Single storey dwelling and attached garage 42 Sunbright Road KELSO 10 2020 305 103 Durham Street BATHURST \$1,800,000 Demolition and part demolish of dwellings, construct 2 storey motel 2020 306 \$45,000 Commercial internal alterations to existing two storey 265 Durham Street WEST BATHURST 10 premises 62 Ashworth Drive KELSO 10 2020 307 \$7,590 Additions and alteration to existing dwelling \$350,360 Single storey dwelling and atached garage 2020 22 Bolton Street KELSO 18 144 10 2020 308 \$33,500 Construction of a garage 45 Windemere Road ROBIN HILL 10 2020 309 \$45,000 Retaining wall 7 Nancarrow Place KELSO \$258,000 Single storey dwelling with attached garage 17 Bolton Street KELSO 18 2020 145 2019 387 \$820,000 Modification to single storey dwelling 11 Peard Close EGLINTON 10 10 2017 283 \$40,000 MOD Farm Shed - Rural Outbuilding and Commercial 3249 O'Connell Road BREWONGLE

Applications Over 40 Days

Attachment 8.2.2.4

BATHURST

LIVE

Арр Туре	Year	No	Description	Address	Application Date	Days Open	Stop Days	Reason
10	2017	111	25 Lot Subdivision	3991 O'Connell Road KELSO	23/04/2020	131		Under assessment
10	2017	111	Subdivision - Residential	3991 O'Connell Road KELSO	24/04/2020	130		Under assessment
10	2017	142	MOD Internal and external alterations to existing	205 Howick Street BATHURST	28/02/2019	551	531	Amended documentation requested
10	2017	214	Internal office addition to existing hangar	PJ Moodie Drive RAGLAN	16/06/2017	1,173	1,127	Additional information requested
10	2018	77	MOD - Part demolition, additions & alterations to two	103 Havannah Street BATHURST	13/07/2020	50		Amended plans requested
10	2018	198	MOD - Alterations and additions to commercial building	7 Keppel Street BATHURST	17/04/2020	137	125	Awaiting additional information
10	2018	341	Construction of safety fence and amendment to pylon sign	16 Ingersole Drive KELSO	4/06/2020	89		Awaiting advice from applicant
10	2018	395	204 lot residential subdivision	Colville Street WINDRADYNE	18/10/2018	684	655	Awaiting concurrence
10	2019	146	10 Lot industrial subdivision	Havannah Street BATHURST	14/05/2019	476	36	Additional information requested
10	2019	328	Additions and alterations to church	36A Bant Street BATHURST	18/10/2019	319	301	Additional information requested
10	2019	361	Demolition, Subdivision & two single storey dwellings	15 Boyd Street KELSO	19/11/2019	287	257	Under assessment
10	2020	9	Demolition of existing workshop and construction of new	42 Durham Street BATHURST	15/01/2020	230		Additional information requested
10	2020	31	Bakery and cafe and two lot subdivision	369 Stewart Street MITCHELL	4/02/2020	210	166	Additional information requested
10	2020	32	Motel and two lot commercial subdivision	369 Stewart Street MITCHELL	4/02/2020	210	166	Additional information requested
10	2020	60	Motel, garden centre, storage/warehouse and 3 lot	61 Sydney Road RAGLAN	26/02/2020	188	147	Awaiting information from applicant
10	2020	87	Caltex highway service station and restuarant	214 Sydney Road KELSO	17/03/2020	168		Under assessment
10	2020	92	New service station, fast food outlet and 3 lot subdivision	5350 Great Western Highway RAGLAN	18/03/2020	167	151	Additional information requested
10	2020	95	Additions and alterations to an existing hotel	170 William Street BATHURST	20/03/2020	165		Report to September Council Meeting
10	2020	103	Demolition of existing dwelling house and commercial building	113 Durham Street BATHURST	31/03/2020	154	132	Waiting on RMS comments
10	2020	107	Rural dwelling	Tarana Road BREWONGLE	2/04/2020	152		With DPIE for concurrence
10	2020	110	38 lot industrial subdivision with new roads	4040 O'Connell Road KELSO	2/04/2020	152	81	Additional information requested
10	2020	111	Multiple dwellings - three and four lot residential subdivision	121 William Street BATHURST	7/04/2020	147	124	Under assessment
10	2020	117	Additions and alterations to dwelling	37 Reef Street HILL END	15/04/2020	139		Additional information required
10	2020	126	Alterations to dwelling - replace window	31 Havannah Street BATHURST	24/04/2020	130	118	Awaiting additional plans for heritage
10	2020	127	Nine two storey units	20 Griffin Street MITCHELL	27/04/2020	127	64	Amended plans requested
10	2020	133	8 lot consolidation and two lot subdivision	1 High Street HILL END	4/05/2020	120	79	Awaiting additional information
10	2020	146	Reclamation project - sunny corner mine	83 Dark Corner Road SUNNY CORNER	13/05/2020	111	104	Applicant to respond to notification

Attachment 8.2.2.4

10	2020	154	Shop 3 - fitout of existing unit for use as motor dealership	11 Corporation Avenue ROBIN HILL	19/05/2020	105		Under assessment
10	2020	156	Shop 1 - fitout of existing unit for use as cafe	11 Corporation Avenue ROBIN HILL	19/05/2020	105		Under assessment
10	2020	167	Alterations and additions to existing commercial premises	250 Stewart Street BATHURST	27/05/2020	97		Awaiting additional information
10	2020	169	Construction of farm shed	1588 Trunkey Road GEORGES PLAINS	1/06/2020	92	81	Under assessment
10	2020	172	Use of existing conversion of shed to dwelling and additions	3821 Limekilns Road WATTLE FLAT	2/06/2020	91		Under assessment
10	2020	180	198 lot residential subdivision and new roads	Limekilns Road KELSO	5/06/2020	88		Awaiting additional Information
10	2020	183	Construction of colorbond shed	78 Gilmour Street KELSO	9/06/2020	84		Report to September Council Meeting
10	2020	186	Single storey dwelling and alterations to existing	280 Redbank Road TRIANGLE FLAT	10/06/2020	83	70	Additional information requested
10	2020	187	Construction of an industrial building	26 Bradwardine Road ROBIN HILL	10/06/2020	83		Under assessment
10	2020	189	Use of existing premise as function centre	3249 O'Connell Road BREWONGLE	10/06/2020	83	73	Awaiting additional information
10	2020	190	Three lot rural subdivision	1078 Lachlan Road CALOOLA	12/06/2020	81		Additional information requested
10	2020	193	Industrial warehouse shed	35 Vale Road SOUTH BATHURST	17/06/2020	76		Under assessment
10	2020	194	Demolition of part Dudley Hotel and construct carpark	250 Stewart Street BATHURST	17/06/2020	76		Awaiting additonal information
10	2020	199	Use of existing alterations to unit development	4 Keppel Street BATHURST	24/06/2020	69		Waiting on additional information
10	2020	200	Use of existing alterations - internal timber staircase	4 Keppel Street BATHURST	24/06/2020	69		Waiting on additional information
10	2020	201	Use of existing atlerations to unit development	4 Keppel Street BATHURST	24/06/2020	69		Waiting on additional information
10	2020	202	Use of existing masonary fence	2A Keppel Street BATHURST	24/06/2020	69		Waiting on additional information
10	2020	204	Change of use to existing shearers quarters to rural	289 Lachlan Road ROCKLEY	26/06/2020	67	45	Additional information requested
10	2020	211	Retaining wall	6 Gell Place ABERCROMBIE	3/07/2020	60		Under assessment
10	2020	212	Two storey dwelling with attached garage	7 Cain Drive KELSO	3/07/2020	60		Under assessment
10	2020	217	Installation of two light towers in existing recreation area	189A Browning Street BATHURST	6/07/2020	57		Under assessment
10	2020	220	Garage	6 Ironbark Close KELSO	8/07/2020	55		Report to September Council meeting
10	2020	224	Additions and alterations to dwelling and partial demolition	36 Durham Street BATHURST	10/07/2020	53		Awaiting amended plans
10	2020	227	Garage additions to detached habitable area	246 Eleven Mile Drive EGLINTON	13/07/2020	50		Under assessment
10	2020	229	Demolish existing shed and construct tennis clubhouse	Alexander Street EGLINTON	13/07/2020	50	14	Under assessment
10	2020	231	Second rural transportable dwelling	13 Paling Yards Road WATTLE FLAT	15/07/2020	48	45	Under assessment
10	2020	234	Single storey dwelling	2210 Turondale Road TURONDALE	15/07/2020	48	45	Awaiting additional information
10	2020	235	Change of use from nursing home to offices	50 Busby Street SOUTH BATHURST	16/07/2020	47		Awaiting amended plans
10	2020	236	Additions and alterations to existing dwelling	123 Rankin Street BATHURST	16/07/2020	47		Under assessment
10	2020	240	Additions to existing dwelling	125 Keppel Street BATHURST	21/07/2020	42		Under assessment

Page 2 of 2

DA's Approved Under SEPP 1

Attachment 8.2.2.5

BATHURST

1/8/2020 - 31/8/2020

Council DA	Lot	DP	Street No	Street Name	Suburb	Postcode	Category	Environmental Planning Instrumen	t Zoning Of Land	Development Standard To Be Varied	Justification Of Variation	Extent Of Variation	Concurring Authority	Date Determined
2020/226	23	1250006	191	Blue Ridge Drive	Kelso	2795	Residential	Bathurst Regional Local Environmental Plan 2014	Residential	Clause 43 Height of Buildings	Minor variation consistent with adjoining property	0.6m or 10%	Council	26/08/2020

Authority

Page 1 of 1



WALES & ASSOCIATES PTY. LTD.

Urban & Environmental Design Partners ACN. No: 075 903 669 ABN: 80 075 903 669

> Ref: #037/2020 11th August 2020

Fern-Alice Finn Senior Assessment Planner Bathurst Regional Council Private Mail Bag 17 **BATHURST** 2795

Dear Ms Finn,

DA/2019/367/1 – Proposed Takeaway Food and Drink Premises #103-105 Stewart Street at Bathurst S4.55(1A) APPLICATION – AMENDMENTS TO CONSENT

I refer to the above development consent dated the 17th June 2020 and the approved plans. This office acts for the applicant in this matter, McDuck Properties Pty Limited.

This office has now had the opportunity to review the consent conditions including the condition relating to the Howick Street ingress/egress.

As a result of this review, this office has been instructed to seek amendments to the consent in relation to the following conditions:-

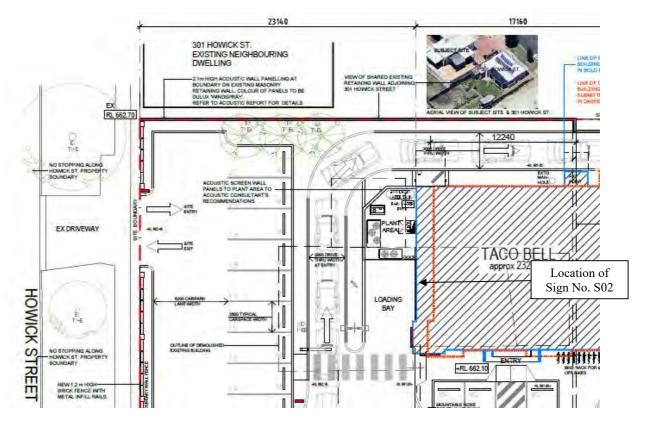
- (i) Condition #2 Proposed Sign S02;
- (ii) Condition #6 Acoustic barriers;
- (iii) Condition #9 Lot Consolidation;
- (iv) Condition #30 Lighting or work site;
- (v) Condition #31 Toilet Facilities;
- (vi) Condition #55 Footpath Construction;
- (vii) Condition #85 Engines switched off;
- (viii) Condition #109 Sign Nos. S06;
- (ix) Condition #119 Odour management; and
- (x) Condition #126 Offensive odours

With regards to <u>Condition #2</u> (Proposed Sign No. S02), deletion of the condition is sought.

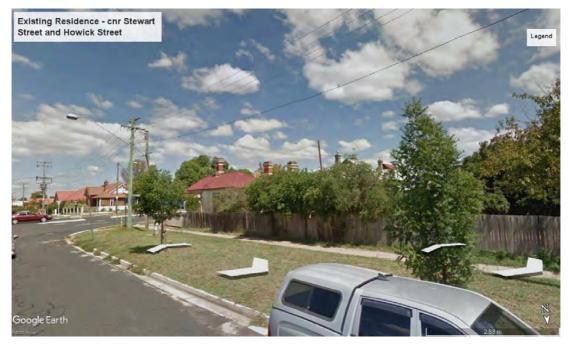
Proposed Sign No. S02 (which is a slightly larger version of Sign No. S03) is not illuminated and will not create adverse visual impacts on the surrounding Heritage Conservation Area. The sign is located on the south-western elevation which is set back 23.14 metres from the Howick Street boundary (see **Figure 1**) and screened from view from the north west by the existing dwelling at #301 Howick Street thus restricting any potential impacts to the south west only. There is only one dwelling opposite the subject site on the corner of Stewart Street and Howick Street which presents to the main road and not to the side street. The side elevation has a standard paling fence and screen vegetation and long road boundary (see **Figure 2**). Therefore, the impacts from the propose signage on the streetscape a minimal.

Postal Address: P.O. Box 150 Ettalong Beach 2257 Telephone: (02) 4343 1141 Facsimile: (02) 4344 5372 Email: matthew@walesassociates.com.au

2.



<u>Figure 1</u> Location of Sign No. S02 in relation to Howick Street boundary



<u>Figure 2</u> Street View – existing dwelling on the corner of Howick Street and Stewart Street

In relation to <u>Condition #6</u> (Acoustic Fences), a variation to the wording is sought such the words "*the Applicant's acoustic engineer and approved*" are inserted such the condition reads:-

"Further consideration is to be given to the selection of materials for the construction of acoustic barriers and this is to be determined by **the Applicant's acoustic engineer and approved** by Council prior to the issue of the Construction Certificate".

The purpose of the additional wording is to ensure that the assessment of suitable materials is made by the Applicant's acoustic engineer, who has intimate knowledge of the site, and then subsequently approved by the Council.

With regards to <u>Condition #9</u> (Consolidation), a variation to the wording is sought such that it reads:-

"Prior to the issue of the Construction Certificate, evidence shall be submitted to Council of the lodgement of plans with the Department of Lands and Property Information to consolidate Lot 1 in DP737574 and Lot 5 in DP1086710 into one parcel".

The purpose for the change in the wording of Condition #9 is such that the issuing of the Construction Certificate can proceed without being unnecessarily delayed by the registration process with the Department of Lands and property information.

In relation to <u>Condition #30</u> (site lighting), a variation is sought such that the words "*Further the work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place*" are deleted.

The purpose for the deletion of the wording is to avoid unnecessary adverse lighting impacts on adjoining neighbours. The provision of secure hoardings, fences and awnings are considered sufficient to make safe these areas without the need for intrusive lighting.

With regards to <u>Condition #31</u> (toilet facilities), a variation to the wording is sought such that the word "*Portable*" is added in front of the "*Toilet facilities*".

The purpose of the change in wording is to clarify the type toilet facilities that are permitted.

In relation to Condition #55 (footpaths), deletion of the condition is sought.

It is the applicant's view that the existing 1200mm footpath is in good condition and does not warrant removal and replacement with new footpath paving simply to increase the width by an additional 300mm.

Further, the adjoining footpaths are 1200mm in width and increasing the footpaths adjacent to the site would be anomalous with the connecting network. There is little or no prospect of connecting footpaths being widened to 1500mm in foreseeable future.

With regards to Condition #85 (vehicle engines), deletion of the condition is sought.

The appended advice from Todorovski Air Sciences confirms that switching off car engines whilst waiting at the drive-thru lane will have no appreciable impact on odour emissions and will avoid noise impacts from vehicles restarting engines.

S4.55(1A) Application to Modify Consent

Further, the appended advice from Day Design (Acoustic Engineers) confirms that the constant level of noise from engines at idle is considered to have less potential for annoyance than a short period of silence followed by a drastic spike in level from an engine start-up.

In relation to Condition #109 (Sign Nos S06), deletion of the condition is sought.

The appended advice from LoFi confirms that the illumination of the 2 x Sign Nos. S06 will not result in light spillage on neighbouring properties.

With regards to <u>Condition #119</u> (odour management), a variation to the wording is sought by inserting the words "by Council" after "insufficient" and "appointed by the Applicant" after "air quality consultant" such that the condition reads:-

"If odour management measures are found to be insufficient **by Council**, Council reserves the right to require that an investigation be undertaken by a suitably qualified air quality consultant **appointed by the Applicant** to identify odour causes, at the expense of the landowner(s). Any recommendations made by the air quality consultant to reduce odour impacts must be implemented at the landowner(s) expense".

The purpose of the wording change is to more precisely qualify who determines what is *"insufficient"* in terms of odour management and who undertakes the investigation of behalf of the Applicant.

With regards to <u>Condition #126</u> (offensive odours), a variation to the wording is sought by adding "*as defined by the Protection of the Environment Operations Act 1997*" such that the condition reads:-

"Offensive odours, as defined by the Protection of the Environment Operations Act 1997, from the premises must not be detectable at the nearest sensitive land uses.

The purpose of the wording change is to more precisely define under the Protection of the Environment Operations Act 1997 what is "*offensive*" in terms of odours.

Consequently, this office has been instructed to lodge the appended s4.55(1A) application to vary the consent as described above.

Section 4.55(1A) of the Environmental Planning & Assessment Act (1979) states:-

(1A) Modifications involving minimal environmental impact

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:-

- *(a) it is satisfied that the proposed modification is of minimal environmental impact, and*
- (b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and

- (c) it has notified the application in accordance with:
 - (i) the regulations, if the regulations so require, or
 - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and
- (d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.

It is considered that the amendments to the consent meet the requirements of s4.55(1A) in the following ways:-

Environmental Impact

The proposed modification is of minimal environmental impact in that:-

- (i) the amendment to <u>Condition #2</u> (Proposed Sign No. S02) will have no appreciable impact on visual amenity within the Heritage Conservation Area;
- (ii) the amendment to <u>Condition #6</u> (acoustic barriers) has no material environmental impact and simply qualifies who undertakes the materials selection;
- (iii) the amendment to <u>Condition #9</u> (Consolidation) has no material environmental impact;
- (iv) the deletion of <u>Condition #30</u> (site lighting) will reduce environmental impacts in that it will lessen the likelihood of adverse impacts from light spillage;
- (v) the amendment to <u>Condition #31</u> (toilet facilities) has no material impact as it simply qualifies the type of toilet facilities to be used;
- (vi) the deletion of <u>Condition #55</u> (footpaths) will reduce environmental impacts in that it will decrease the amount of unnecessary construction, retain existing good quality footpath infrastructure and save resources;
- (vii) the deletion of <u>Condition #85</u> (vehicle engines) will have no appreciable impact on odour emissions and will avoid noise impacts from vehicles restarting engines (see attached advice from Todorovski Air Sciences and Day Design);
- (viii) the deletion of <u>Condition #109</u> (Sign Nos. S06) and subsequent illumination of Sign Nos S06 will not result in light spillage on neighbouring properties (see attached advice from LoFi);
- (ix) the amendment to <u>Condition #119</u> (odour management) will have no material impact as it simply seeks qualify who determines what is "*insufficient*" in terms of odour management; and
- (x) the amendment to <u>Condition #126</u> (offensive odours) will have no material impact as it simply seeks to define what is "offensive" in terms of odours under the provisions of the Protection of the Environment Operations Act 1997

Substantially the Same Development

The proposal is substantially the same development as the development for which consent was originally granted. That is, the modified development is "essentially and materially" the same as the approved development.

Your early consideration of the attached s4.55(1A) application would be appreciated.

S4.55(1A) Application to Modify Consent

Attachment 8.2.3.1

6.

I trust the attached information is satisfactory and will enable Council to approve the *Application to Modify Development Consent*.

Yours faithfully,

Matthew Macis -

Matthew Wales Director

Attachment 8.2.3.2



28 July 2020

Hector Abbott McDuck Properties P/L Via email: <u>h-abbott@iinet.net.au</u>

RE: Response to Air Quality Conditions for Proposed Taco Bell Restaurant, Bathurst

Dear Hector,

Todoroski Air Sciences have reviewed selected air quality conditions as part of Development Application No 2019/367 for the proposed Taco Bell Restaurant at 105 Stewart Street Bathurst New South Wales (NSW).

Each air quality condition reviewed is shown in grey italics and is followed by our response.

Condition 85. Prior to the issue of any Occupation Certificate, a sign must be installed in a prominent position at the entrance of the drive-through land, which states the following:

"Engines must be switched-off when waiting. Any vehicle not adhering to the request of the Store Manager to switch engine off may be refused service.

Poorly tuned or malfunctioning cars will be reported to the NSW Environment Protection Authority (EPA)"

The Odour Assessment – Proposed Taco Bell Restaurant, Bathurst (**Todoroski Air Sciences, 2020**) identifies air emissions from patron's vehicles using the drive-thru to have a low potential for any unacceptable level of adverse impact on nearby sensitive receptors and would only be a small fraction of the existing vehicle emissions from Stewart Street.

On occasions where one or more poorly tuned or malfunctioning cars are present in the drive-thru with the engines running under still wind conditions, it is possible that this may lead to a brief adverse impact.

It is not recommended that every car using the drive-thru be required to switch their engine off. Restarting vehicles (turning engines off/on) results in a spike of air emissions generated which is greater than the emissions associated with the vehicle when it is idling. Leaving vehicles idling is preferred over continually restarting cars numerous times when vehicles are transient through the drive-thru. Requiring all cars to switch the engine off when waiting in the drive-thru will result in more air emissions overall compared to vehicles remaining idling and is not recommended.

Condition 119. If odour management measures are found to be insufficient, Council reserves the right to require that an investigation be undertaken by a suitability qualified air quality consultant to identify odour causes, at

19091015A2_TacoBell_Bathurst_AQ_ReviewofConditions_200728_2.docx

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AGENDA - Ordinary Meeting of Council Agenda - 16 September 2020 Attachments

2

the expense of the landowner(s). Any recommendations made by the air quality consultant to reduce odour impacts must be implemented at the landowner(s) expense.

The condition does not provide enough clarity regarding how the odour management measures will be determined as "insufficient" and how that determination is made. It is recommended that if offensive odour is detected beyond the boundary because the odour management measures implemented by the operator and that these measures are unable to manage the odour generated, then an investigation should be undertaken. The words "by Council" should be inserted after the word "insufficient".

Condition 126. Offensive odours from the premises must not be detectable at the nearest sensitive land uses.

To clarify, the definition of an offensive odour is as per the Protection of the Environment Operations Act 1997 as:

an odour:

(a) that, by reason of its strength, nature, duration, character or quality, or the time at which it is emitted, or any other circumstances:

(i) is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted, or

(ii) interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted, or

(b) that is of a strength, nature, duration, character or quality prescribed by the regulations or that is emitted at a time, or in other circumstances, prescribed by the regulations.

Please feel free to contact us if you would like to clarify any aspect of this letter.

Yours faithfully, Todoroski Air Sciences

Philip Henschke

References

Todoroski Air Sciences (2020)

"Odour Assessment – Proposed Taco Bell Restaurant, Bathurst", prepared by Todoroski Air Sciences, April 2020.

19091015A2_TacoBell_Bathurst_AQ_ReviewofConditions_200728_2.docx

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AGENDA - Ordinary Meeting of Council Agenda - 16 September 2020 Attachments



SUITE 17, 808 FOREST ROAD, PEAKHURST 2210 ABN 73 107 291 494 P. 02 9046 3800 ACOUSTICS@DAYDESIGN.COM.AU WWW.DAYDESIGN.COM.AU

McDuck Properties 300 Rainbow Street Coogee NSW 2034

7 August, 2020 Refer: 6864-2.1L

Attn: Mr Hector Abbott Telephone: 0401 255 506

Email: h-abbott@tig.com.au

Dear Sir,

APPROVED TACO BELL RESTAURANT

DRIVE-THRU OPERATIONS

103 & 105 STEWART STREET, BATHURST, NSW

We understand that Bathurst Council has recently granted approval for Development Application 2019/367 to construct a new Taco Bell restaurant at 103 – 105 Stewart Street, Bathurst, NSW.

On 7 July 2020, Bathurst Regional Council issued a Notice of Determination to the applicant which included Consent Conditions for the development. In relation to the management of odour impacts from the drive-thru area, Consent Condition 85 states the following;

"85. Prior to the issue of any Occupation Certificate, a sign must be installed in a prominent position at the entrance of the drive-thru lane, which states the following:

Engines must be switched-off when waiting. Any vehicle not adhering to the request of the Store Manager to switch engine off may be refused service. Poorly tuned or malfunctioning cars will be reported to the NSW Environment Protection Authority (EPA)"

Day Design prepared an Environmental Noise Assessment (ENA) report (N o 6861-2.1R Rev A, dated 1 May 2020) which assessed the cumulative noise levels from the general operation of the restaurant, which included noise emission from vehicles in the drive-thru queue. For the purposes of noise assessment, a worst case noise scenario was assumed with a steady flow of traffic moving through the drive-thru within any given 15 minute period with engines constantly running throughout. This is in conflict with the requirements specified in Condition 85 above.

We have subsequently investigated the acoustic implications of a steady flow of vehicles within the drive-thru in comparison with the engines-off scenario, as specified in Condition 85, over a 15 minute noise assessment period.

AIRCRAFT, ROAD TRAFFIC AND TRAIN NOISE CONTROL
 ARCHITECTURAL ACOUSTICS • INDUSTRIAL NOISE AND VIBRATION CONTROL
 ENVIRONMENTAL NOISE IMPACT INVESTIGATION AND CONTROL
 OCCUPATIONAL NOISE INVESTIGATION • QUIET PRODUCT DEVELOPMENT



DRIVE-THRU OPERATIONS – TACO BELL	
103 & 105 STEWART STREET, BATHURST, NSW	

Page 2 of 3

Day Design has previously measured the noise levels from passenger vehicles starting up, at idle and on-road travelling at various speeds. On average, the noise level of a passenger vehicle engine starting is approximately 10-13 dB above the noise level from an engine at idle, which is significantly higher. However, the elevated noise level during engine start-up is only maintained for 1-2 seconds in total before dropping sharply to the noise level while at idle.

The cumulative level of noise emission from the drive-thru queue adhering to Condition 85 has been modelled and shown in comparison with the cumulative noise emission from a steady state flow of vehicles (as shown in Section 7 of the ENA).

Residential Receptor Location	Calculated L _{eq, 15 min} Cumulative Noise Level - ENA	Calculated L _{eq, 15 min} Cumulative Noise Level - Condition 85
'R1' – 301 Howick St	35 dBA	35 dBA
'R2' – 101 Stewart St	34 dBA	34 dBA
'R3' – 112 Stewart St	38 dBA	38 dBA
'R4' – 314 Howick St	38 dBA	38 dBA

Table 1Calculated Leq, 15 minute Noise Levels at Receptor Locations

It can be seen that the calculated cumulative noise level from each scenario at each receptor location is similar between each scenario. When vehicle engines are switched off, the elevated noise level of the following engine start-up's occurring over 1-2 seconds, while significantly higher, is offset by the periods of engine silence. As such, the average noise level over a 15 minute noise assessment period (adhering to Condition 85) is similar to vehicle engines constantly running (with a lower noise level) over 15 minutes.

While there is no significant difference in overall L_{eq} noise levels averaged over 15 minutes, it should be noted that periods of silence followed by randomly occurring, short term increases in noise, e.g. an engine starting up, has more potential to cause annoyance for the general population than steady state noise at the same L_{eq} noise level.

As such, it is our opinion that the implementation of Condition 85 for the management of the drive-thru queue may have a detrimental impact on the acoustic amenity of the surrounding neighbourhood, particularly 'R1' and 'R2' which are the nearest residential premises to the drive-thru driveway.



DRIVE-THRU OPERATIONS – TACO BELL 103 & 105 STEWART STREET, BATHURST, NSW

Page 3 of 3

We trust this information is satisfactory.

Alexander Mendoza, MDesSc (Audio and Acoustics), MAAS

Acoustic Consultant

for and on behalf of Day Design Pty Ltd

AAAC MEMBERSHIP

Day Design Pty Ltd is a member company of the Association of Australasian Acoustical Consultants, and the work herein reported has been performed in accordance with the terms of membership.







Attachment 8.2.3.4

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ABN: 391 657 20276 | www.thisislofi.com | info@thisislofi.com

Project:	Taco Bell Bathurst
Date:	2020.08.10
Project Reference:	LO-FI 19124
То:	Wales and Associates
Attn:	Matthew Wales
Email:	matthew@walesassociates.com.au

1. Council Condition

This report has been prepared in response to condition no. 109 in the Development Application no. 2019/367, which states that:

• Sign Nos. S06 must not be illuminated.

REASON: To reduce the degree of light spillage on neighbouring properties. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

2. Sign S06 Details

There are two illuminated signs S06 located on the tower section of the Taco Bell store in Bathurst. Details as follows:

- On the Southern façade the sign is located at approximately 6 metres from the ground level and is approximately 19.1 metres from the site boundary. The sign has an area = 3m2.
- On the Western façade the sign is located at approximately 6 metres above the ground level and is approximately 24.77 metres from the site boundary. The sign has an area = 3m2.

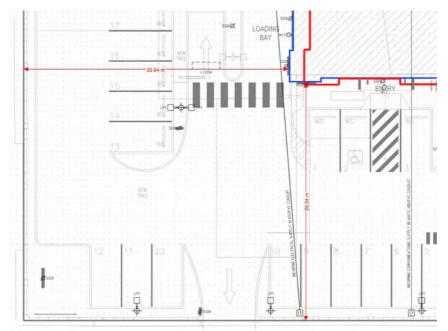


Image 1: Part site plan showing distances between sign S06 and the site boundary

LO-FI 19124 - TB BATHURST - ELECTRICAL - REPORT - 2020.08.10

ABN: 391 657 20276 | www.thisislofi.com | info@thisislofi.com

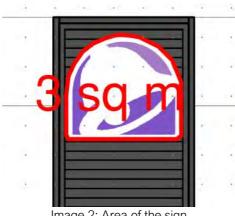


Image 2: Area of the sign

3. Light Technical Parameters – AS4282: Obtrusive Lighting

Environmental Zone	Max Vertical III	uminance LUX	Description
	Pre-curfew	Post-curfew	
AO	0	0	Intrinsically dark, no road lighting
A1	2	0.1	Dark, uninhabited rural areas, no road lighting
A2	5	1	Low district brightness, sparsely inhabited rural and semi-rural areas
A3	10	2	Medium district brightness, suburban areas in towns and cities
A4	25	5	High district brightness, town and city centres, commercial areas, and residential abutting commercial areas

Table 1: Light Technical Parameters from AS/4282

At the site boundary the maximum vertical illuminance LUX that is permissible post curfew is 2 LUX as per the light technical parameters in AS4282 based on an A3 classification.

4. Candela to LUX Calculation

1-ti

The illuminance at the site boundary can be calculated using the illuminated signs average brightness, with the assumption that the sign at the boundary is a point source with an average, using the Candela to LUX formula, which is:

- Luminance = Candela / Distance^2
- $Ev (LUX) = Iv (cd) / d^2$



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Sign 1: Southern Façade

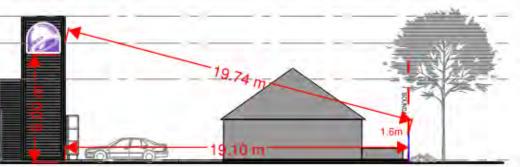


Image 3: Southern Façade measurements (shown in Western Façade elevation)

- Height of sign above ground level: 6.5m to the centre of the sign
- Distance to boundary = 19.10m
- Average surface brightness = 250 cd/m2
- Sign area = 3m2
- Average candela = 250*3 = 750 cd
- Inverse square law = cd/d2 = 750/365 = 2.05 lux
- Measured at 1.6m above ground level = Cos(13) x 2.05 = 1.99 lux
- Result = pass

Sign 2: Western Façade



Image 3: Western Façade measurements (shown in Southern Façade elevation)

- Height of sign above ground level: 6m to the centre of the sign
- Distance to boundary = 24.77m
- Average surface brightness = 250 cd/m2
- Sign area = 3m2
- Average candela = 250*3 = 750 cd
- Inverse square law = cd/d2 = 750/614 = 1.22 lux
- Measured at 1.6m above ground level = Cos(13) x 1.22 = 1.116 lux
- Result = pass

5. Conclusion

The proposed illuminated signs type S06 located on the Southern and Western sides of the tower of the proposed Taco Bell store in Bathurst will not have an adverse impact on nearby residential dwellings in relation to light spillage.

LO-FI 19124 - TB BATHURST - ELECTRICAL - REPORT - 2020.08.10



ABN: 391 657 20276 | www.thisislofi.com | info@thisislofi.com

The proposed signs are located more than 20 metres from the site boundary, and an additional 30 metres to the front of the nearest residential houses on both Stewart Street and Howick Street.

The vertical illumination has been calculated at the site boundary for both signs and the results demonstrate that these levels comply the light technical parameters of AS4282 and as such with Council condition 109

Note: all illuminated signage shall be switched off outside of trading hours.

SIGNED:

Greg Dunk Design Director

LO-FI greg@thisislofi.com | www.thisislofi.com | +61 415 361 46 From: Matthew Wales <matthew@walesassociates.com.au>
Sent: Friday, 28 August 2020 4:01 PM
To: Fern-Alice Finn <Fern-Alice.Finn@bathurst.nsw.gov.au>
Cc: 'Hector Abbott' <h-abbott@iinet.net.au>; 'Greg Dunk' <greg@thisislofi.com>; Neil Southorn
<neil.southorn@bathurst.nsw.gov.au>
Subject: Stewart Street Bathurst - Lighting Assessment 28.08.20 (1)

ADDITIONAL INFORMATION

Fern....please see below and attached from Lo-Fi. I trust this assists in your assessment. Regards Matthew

Matthew Wales		
Director		
Phone:	+61 2 4343 1141	
Fax:	+61 2 4344 5372	
Mobile:	0415 634 232	
Email:	matthew@walesassociates.com.au	
Postal Address:	P.O.Box 150	
	Ettalong Beach NSW 2257 Australia	



WALES & ASSOCIATES PTY. LTD.

Urban & Environmental Design Partners

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From: Greg Dunk [mailto:greg@thisislofi.com]
Sent: Friday, 28 August 2020 12:54 PM
To: Matthew Wales <<u>matthew@walesassociates.com.au</u>>
Cc: Greg Dunk <<u>greg@thisislofi.com</u>>; Hector Abbott <<u>h-abbott@iinet.net.au</u>>
Subject: Re: Stewart Street Bathurst - Lighting Assessment 28.08.20 (1)

Hi Matthew,

We've revised the report to address the comments from Council, as we have now modelled this in lighting software AGI32 - see attached. The results show compliance with the relevant requirements of AS 4282. In relation to upward was light, a baffle / shield will need to be incorporated along the top of the signage.

Please review and let me know if you have any questions or comments.

Regards,

Greg Dunk Design Director

LO-FI greg@thisislofi.com | +61 415 361 469 | thisislofi.com

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ABN: 391 657 20276 | www.thisislofi.com | info@thisislofi.com

Project:	Taco Bell Bathurst
Date:	2020.08.28
Project Reference:	LO-FI 19124
То:	Wales and Associates
Attn:	Matthew Wales
Email:	matthew@walesassociates.com.au

1. Council Condition

This report has been prepared in response to condition no. 109 in the Development Application no. 2019/367, which states that:

• Sign Nos. S06 must not be illuminated.

REASON: To reduce the degree of light spillage on neighbouring properties. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

2. Sign S06 Details

There are two illuminated signs S06 located on the tower section of the Taco Bell store in Bathurst. Details as follows:

- On the Southern façade the sign is located at approximately 6 metres from the ground level and is approximately 19.1 metres from the site boundary. The sign has an area = 3m2.
- On the Western façade the sign is located at approximately 6 metres above the ground level and is approximately 24.77 metres from the site boundary. The sign has an area = 3m2.

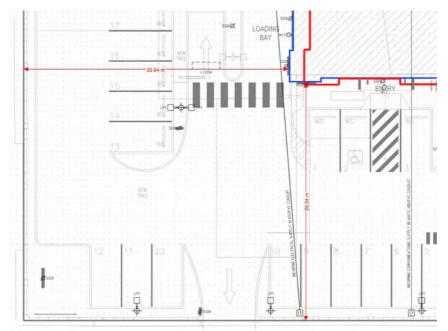


Image 1: Part site plan showing distances between sign S06 and the site boundary

LO-FI 19124 - TB BATHURST - ELECTRICAL - REPORT - 2020.08.28

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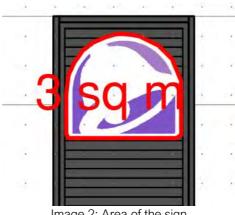


Image 2: Area of the sign

Light Technical Parameters – AS4282-2019 - Obtrusive Lighting 3.

Environmental Zone	Max Vertical II	uminance LUX	Description
	Pre-curfew	Post-curfew	
A0	0	0	Intrinsically dark, no road lighting
A1	2	0.1	Dark, uninhabited rural areas, no road lighting
A2	5	1	Low district brightness, sparsely inhabited rural and semi-rural areas
A3	10	2	Medium district brightness, suburban areas in towns and cities
A4	25	5	High district brightness, town and city centres, commercial areas, and residential abutting commercial areas

Table 1: Light Technical Parameters from AS/4282

At the site boundary the maximum vertical illuminance LUX that is permissible pre-curfew is 5 LUX as per the light technical parameters in AS4282 based on an A2 classification.

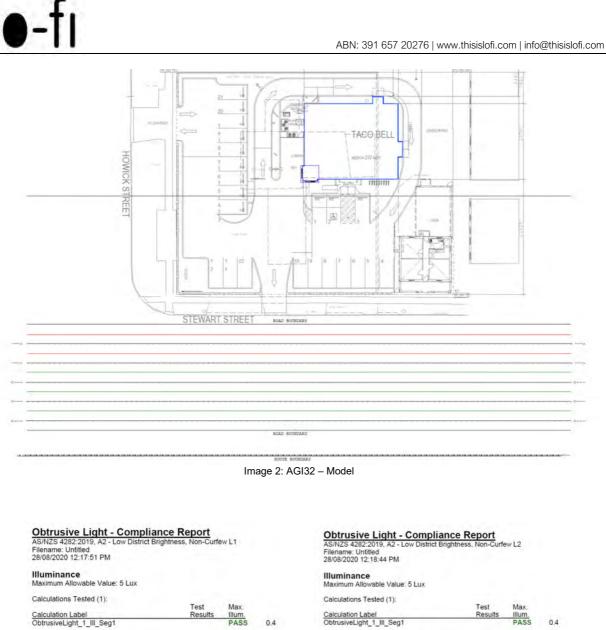
AS 4282 Assessment 4

The proposed illuminated signage S06 located on the tower has been assessed against AS 4282-2019 Control of the Obtrusive Effects of Outdoor Lighting.

The proposed illuminated signage will be on during trading hours only after dusk and switched on via a PE cell sensor. As the latest trading hour for the store is on Friday and Saturday at 11pm, only the pre-curfew spill lighting limits have been assessed. Note: AS 4282 defines the post curfew period to be between 1ppm and 6am daily.

AGI32 lighting calculation software has been used to model the effect of the light spill from the proposed illuminated sign S06. The calculation included Luminous Intensity and Threshold Increment. The summary is provided here:

LO-FI 19124 - TB BATHURST - ELECTRICAL - REPORT - 2020.08.28



Luminous Intensity (Cd) At Vertical Planes Maximum Allowable Value: 7500 Cd

Calculations	Tested (1):	

 Calculation Label
 Test Results

 ObtrusiveLight_1_Cd_Seg1
 PASS

 Threshold Increment (TI)
 Maximum Allowable Value; 20 %

 Calculations Tested (5);
 Calculations Tested (5);

Calculation Label	Adaptation Luminance	
ObtrusiveLight TI 1	0.2	PASS
ObtrusiveLight TI 2	0.2	PASS
ObtrusiveLight TI 3	0.2	PASS
ObtrusiveLight TI 4	0.2	PASS
ObtrusiveLight_TI_5	0.2	PASS
Inc	Describe Day surfaced	

Image 3: AGI32 – Results Pre-curfew 1

Maximum Allowable Value: 5 Lux		
Calculations Tested (1):		
Calculation Label	Test Results	Max. Illum.
ObtrusiveLight_1_III_Seg1		PASS
Luminous Intensity (Cd) At Vertic. Maximum Allowable Value: 12500 Cd	al Planes	
Calculations Tested (1):	Test	
Calculation Label	Results	
ObtrusiveLight_1_Cd_Seg1	PASS	
Threshold Increment (TI) Maximum Allowable Value: 20 %		
Calculations Tested (5):		
Calculation Label	Adaptation Luminance	
ObtrusiveLight_TI_1	0.2	PASS
ObtrusiveLight_TI_2	0.2	PASS
ObtrusiveLight_TI_3 ObtrusiveLight_TI_4	0.2	PASS



For upward waste light this shall be mitigated by incorporating a shield / baffle that shall be installed along the top of the illuminated signage as per Clause 3.3.5.7 part (c).



ABN: 391 657 20276 | www.thisislofi.com | info@thisislofi.com

5. Conclusion

The proposed illuminated signs type S06 located on the Southern and Western sides of the tower of the proposed Taco Bell store in Bathurst will not have an adverse impact on nearby residential dwellings in relation to light spillage.

The proposed signs are located more than 20 metres from the site boundary, and an additional 30 metres to the front of the nearest residential houses on both Stewart Street and Howick Street.

The vertical illumination has been calculated at the site boundary for both signs as well as the threshold increment for each lane and in each direction. The results demonstrate that the proposed illuminated signage complies with the light technical parameters of AS4282 and as such with Council condition 109

The signage will incorporate upward was light mitigation via a shield/baffle installed along the top of the signage.

Note: all illuminated signage shall be switched off outside of trading hours.

SIGNED:

Greg Dunk Design Director

LO-FI greg@thisislofi.com | www.thisislofi.com | +61 415 361 46



TACO BELL BATHURST 103-105 STEWART STREET, BATHURST, NSW 2795

DRAWING LIST

DA00	COVER PAGE & LOCATION PLAN
DA01	EXISTING SITE & DEMOLITION PLAN
DA02	PROPOSED SITE PLAN
DA03	SITE TRAFFIC PLAN
DA04	PROPOSED FLOOR PLAN
DA05	PROPOSED EXTERNAL ELEVATIONS
DA06	PROPOSED BOUNDARY ELEVATIONS
DA07	SECTIONS
DA08	SIGNAGE PLAN
DA09	SIGNAGE DETAILS
DA10	EXISTING BUILDING
DA11	SHADOW DIAGRAMS
DA12	BOUNDARY CROSS SECTION



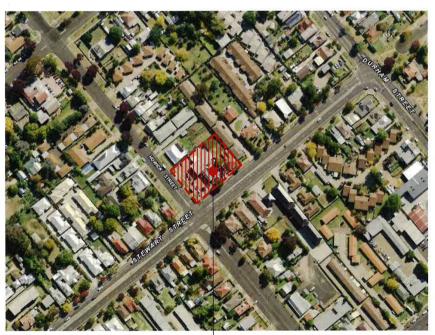


ARCHITECTURE

NOMINATED ARCHITECT: MAURICE BEBALDO NSW Reg 6354 VIC Reg 4884

Suite 14, Level 3 22-36 Mountain Street Ultimo NSW 2007 1 02 9281 6177 bdat.com.au





SITE LOCATION

LOT 1-5, DP 737574 & DP 1086710 103-105 STEWART STREET BATHURST, NSW 2795





EXISTING SITE CONDITIONS

NOTE: WORK TO COMPLY WITH AS 4674 2004 CONSTRUCTION & FITOUT OF FOOD PREMISES

DA ISSUE project TACO BELL BATHURST 103-105 STEWART STREET BATHURST, ISW 2785

COVER PAGE & LOCATION PLAN

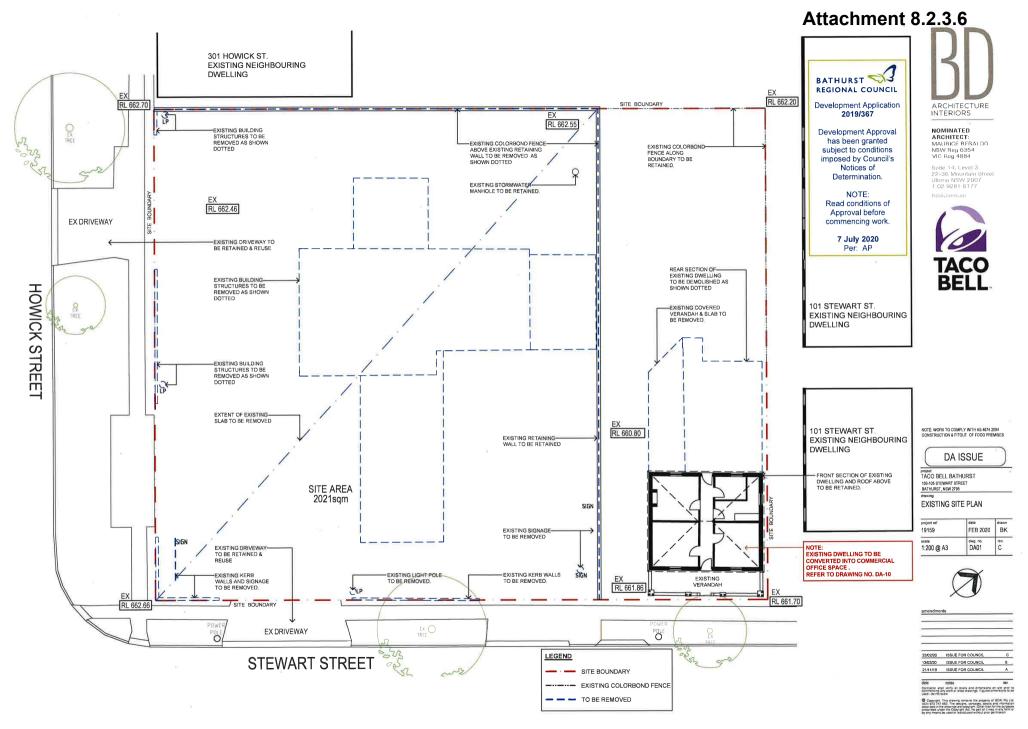


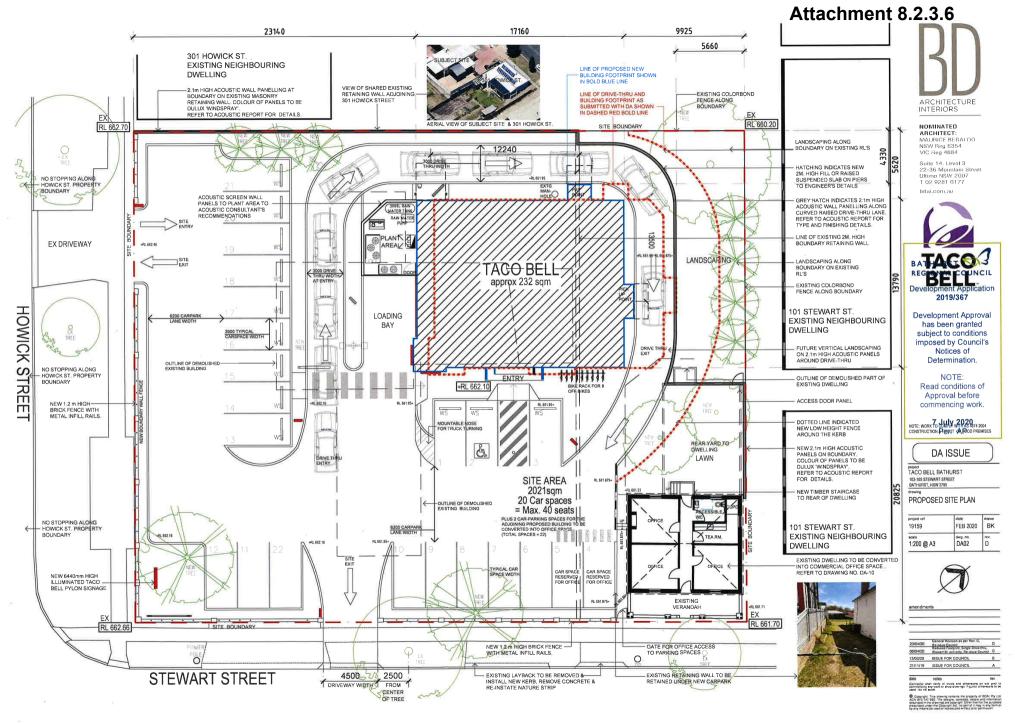


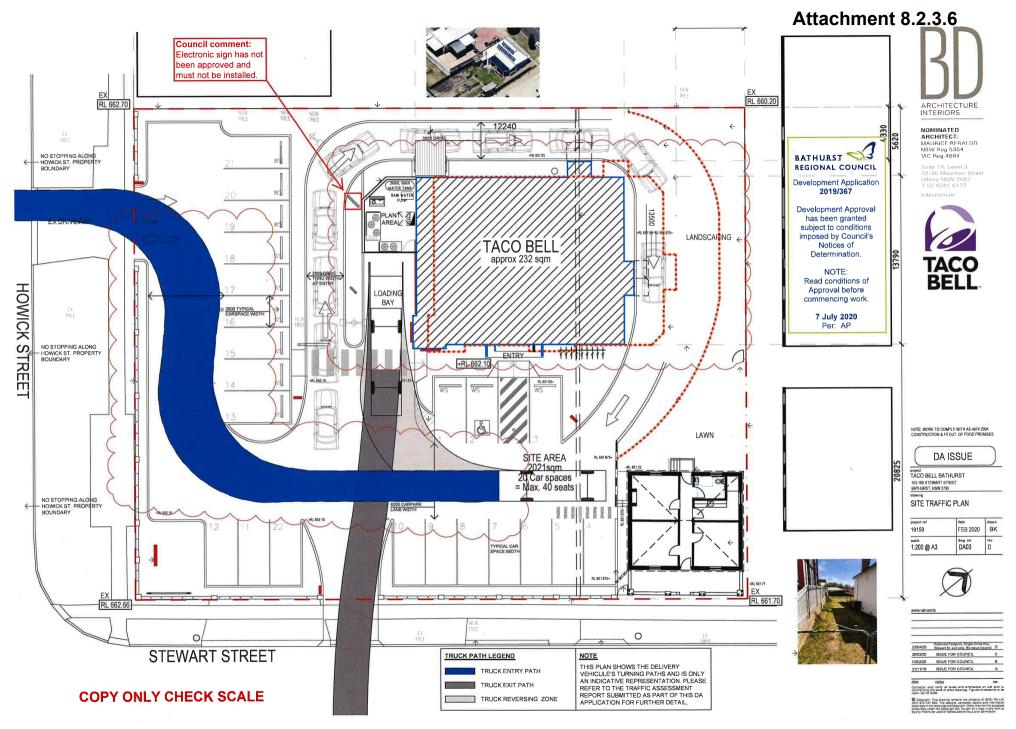
amendments

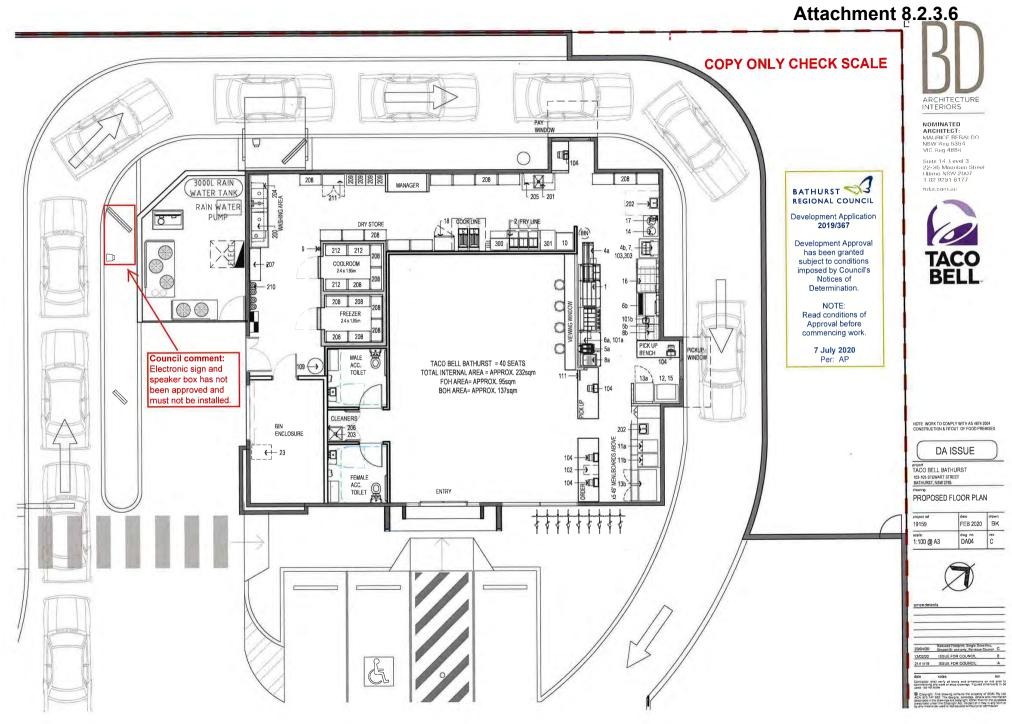
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13/02/20	ISSUE FOR COUNCIL	8
21/11/19	ISSUE FOR COUNCIL	A
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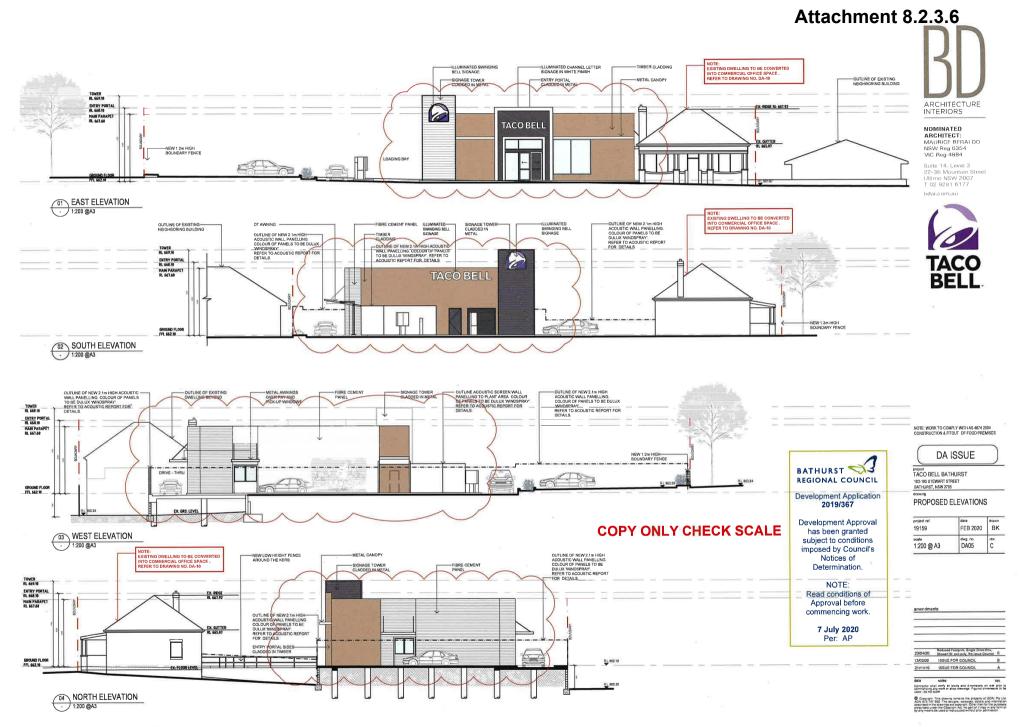
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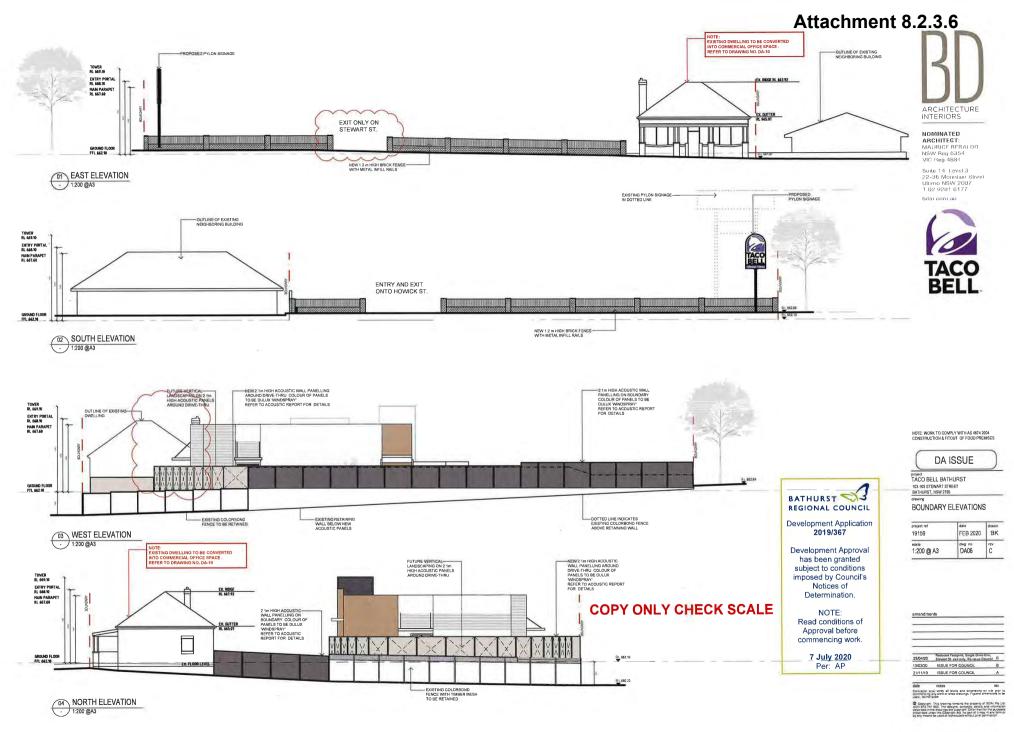








69 of 759







NOMINATED ARCHITECT: MAURICE BERALDO NSW Reg 6354 VIC Reg 4884

Suite 14 Level 3 22-36 Mountain Street Ultimo NSW 2007 1 02 9281 6177



NOTE WORK TO COMPLY WITH AS 4674 2004 CONSTRUCTION & FITOUT OF FOOD PREMISES

DA ISSUE TACO BELL BATHURST 103-105 STEWART STREET BATHURST, NSW 2795 drawing SECTIONS

REGIONAL COUNCIL

Development Application 2019/367

Development Approval has been granted subject to conditions

imposed by Council's Notices of Determination. NOTE: Read conditions of Approval before commencing work.

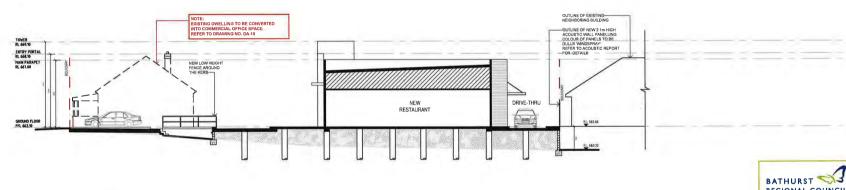
> 7 July 2020 Per: AP

project ref 19159	FEB 2020	drawn BK
acale 1:200 @ A3	dwg no DA07	C



OUTLINE OF EXISTING OUTLINE OF NEW 2 IM HIGH-ACOUSTIC WALL PANELLING COLOUR OF PANELS TO BE DULUX WINDSPRAY REFER TO ACOUSTIC REPORT FOR DETAILS -EXISTING NEIGHBOURING TOWNHOUSE AT 101 STEWART ST NEW 1 2m HIGH NEW RESTAURANT DRIVE-THRU 100 FLOOR DUSTING TOWNHOUSES A -EX BOUNDARY FENCE

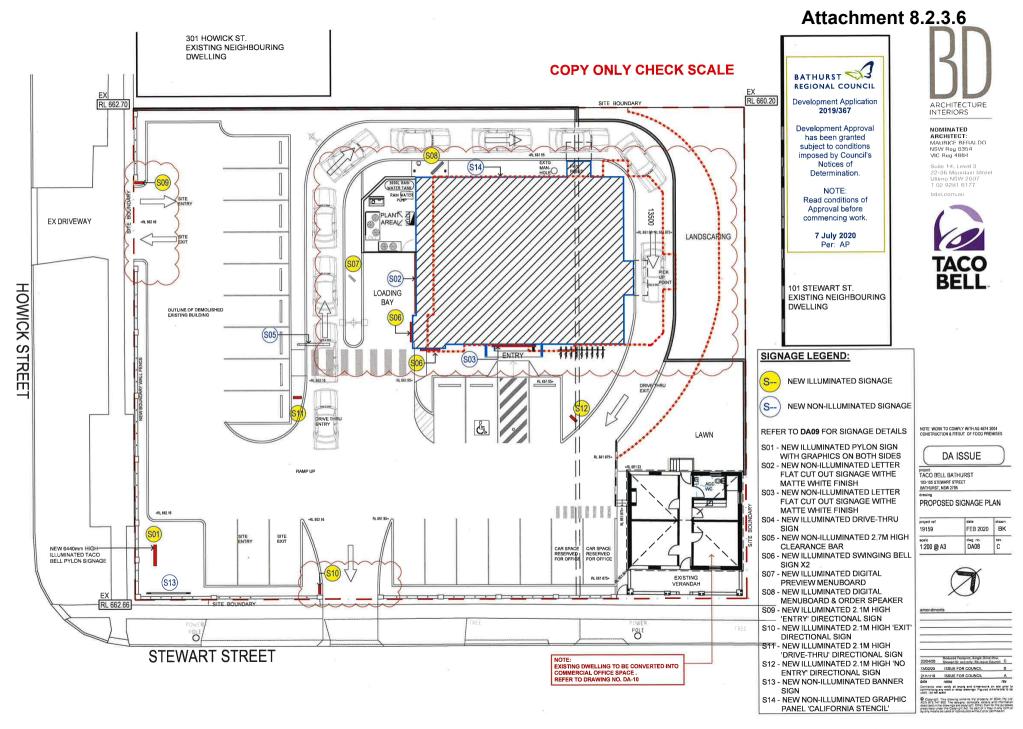
OT LONG SECTION 1:200 @A3

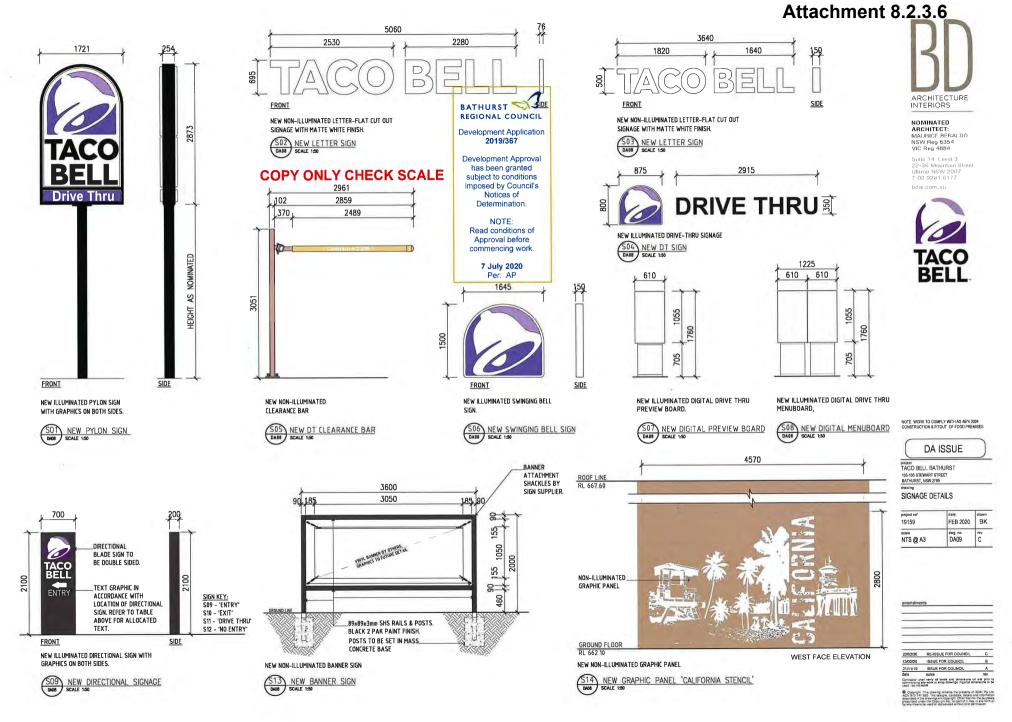


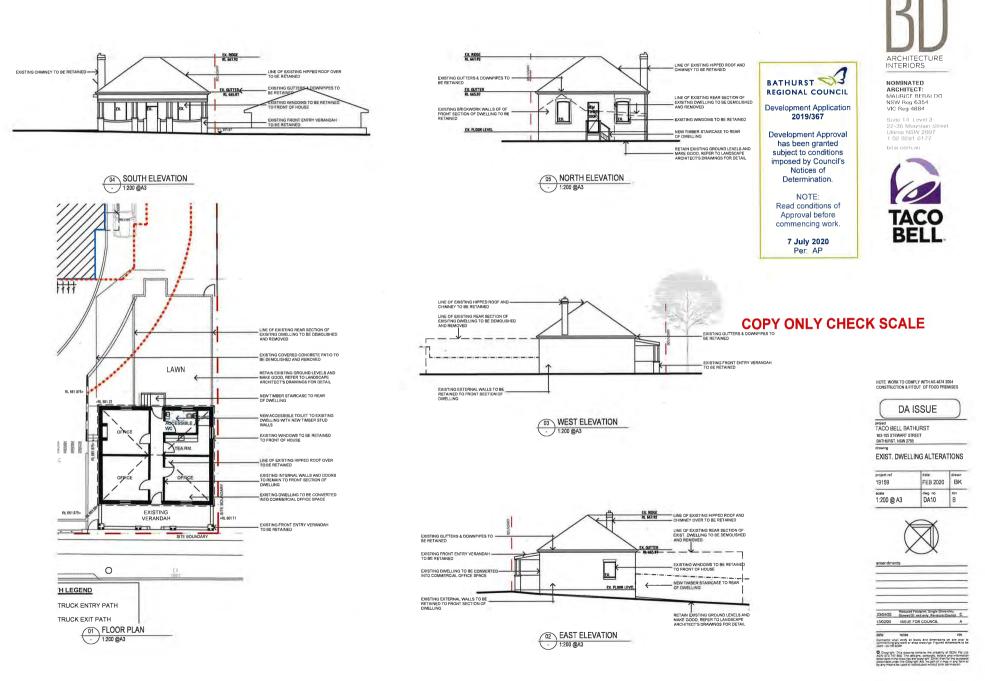
02 CROSS-SECTION - / 1:200 @A3

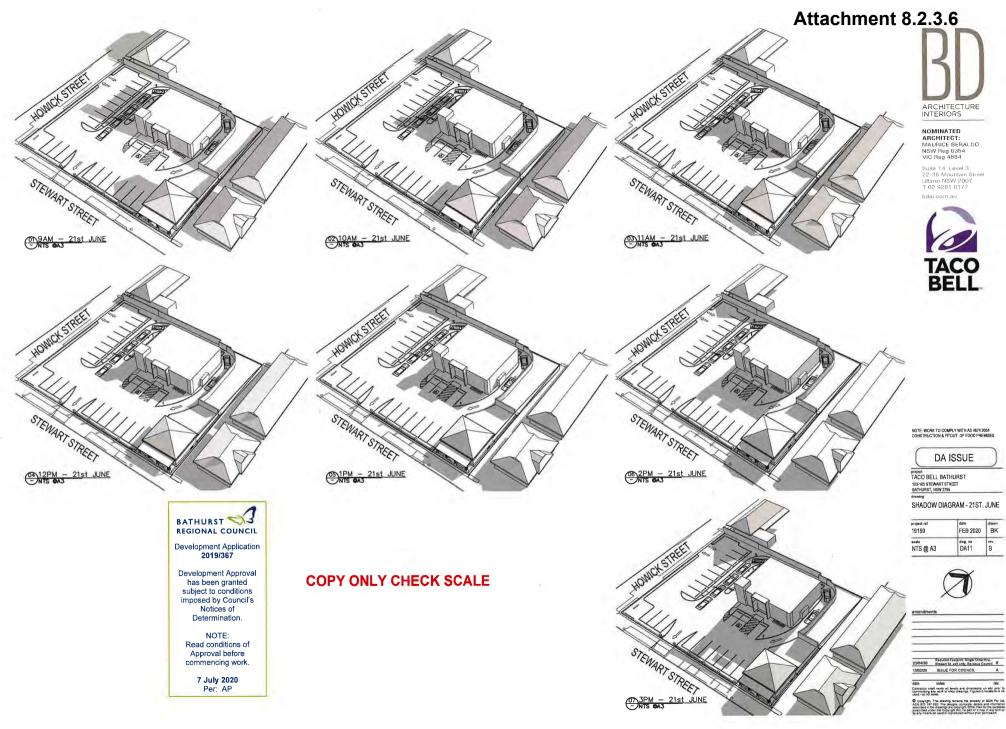
COPY ONLY CHECK SCALE

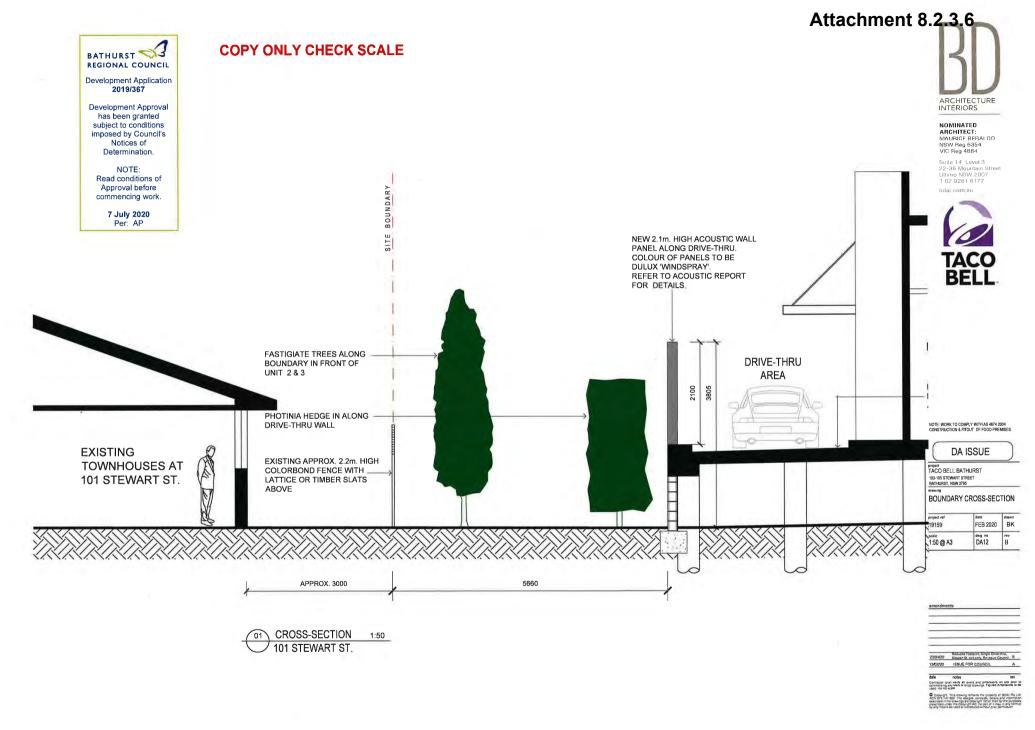
AGENDA - Ordinary Meeting of Council Agenda - 16 September 2020 Attachments

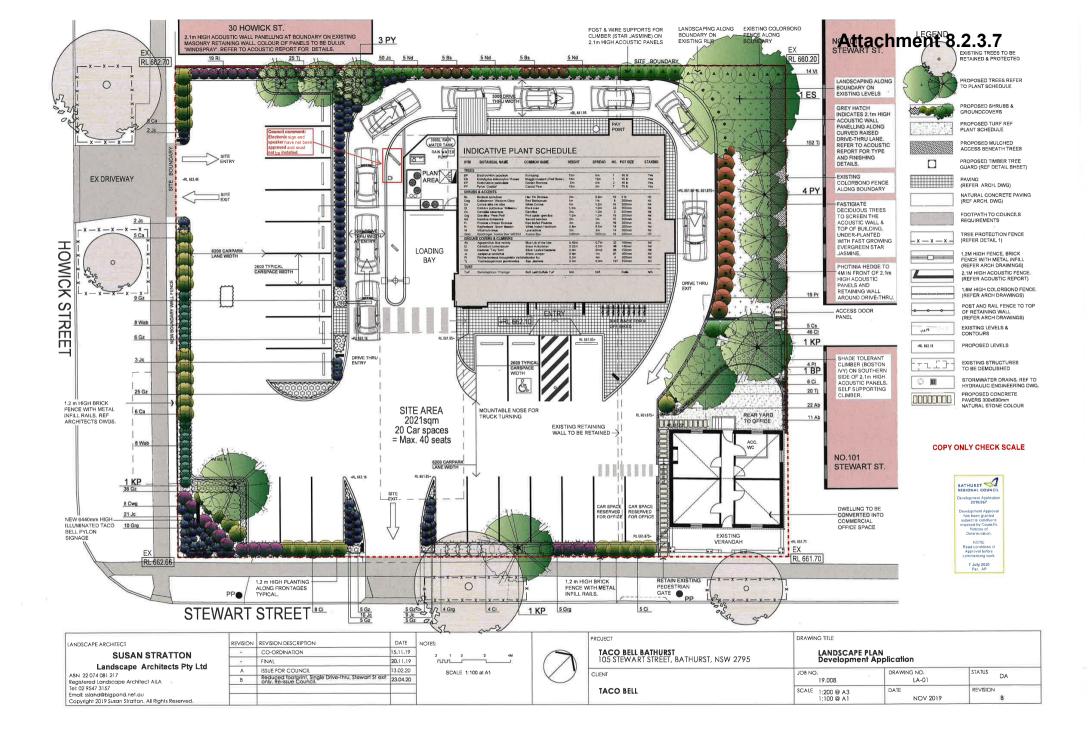


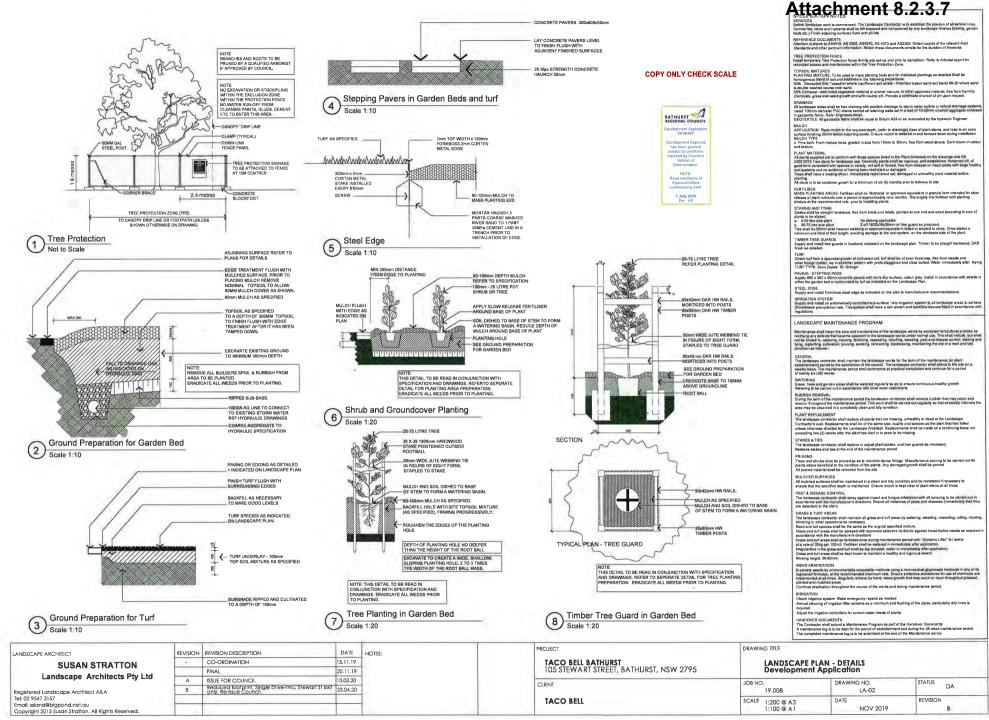














Civic Centre 158 Russell Street Private Mail Bag 17 Bathurst NSW 2795 Telephone 02 6333 6111 Facsimile 02 6331 7211 council@bathurst.nsw.gov.au www.bathurst.nsw.gov.au

7 July 2020

NOTICE TO APPLICANT OF DETERMINATION OF A DEVELOPMENT APPLICATION

Mr H Abbott McDuck Properties Pty Ltd 300 Rainbow Street COOGEE NSW 2034

being the applicant in respect of Development Application No 2019/367.

Pursuant to section 4.16 of the Environmental Planning and Assessment Act 1979, as amended, notice is hereby given of the determination by Council of Development Application No 2019/367, relating to the land described as follows:

LOT: 5 DP: 1086710, LOT: 1 DP: 737574, 105 STEWART STREET BATHURST, 103 STEWART STREET BATHURST

The Development Application has been determined by GRANTING consent to the following development:

- 1. DEMOLITION OF EXISTING COMMERCIAL BUILDING
- 2. PARTIAL DEMOLITION OF EXISTING DWELLING HOUSE
- 3. CHANGE OF USE OF DWELLING HOUSE TO OFFICE PREMISES
- 4. CONSTRUCTION OF FOOD AND DRINK PREMISES (INCLUDING DRIVE-THROUGH FACILITIES)
- 5. CONSTRUCTION OF CAR PARK
- 6. CONSTRUCTION OF RETAINING WALLS
- 7. CONSTRUCTION OF ACOUSTIC FENCE
- 8. INSTALLATION OF SIGNAGE ON LAND

Building Code of Australia building classification N/A.

IMPORTANT NOTICE TO APPLICANT

If this consent relates to a subdivision or to the erection of a building, one of the conditions listed below will require you to obtain a construction certificate prior to carrying out any work. <u>YOU MUST NOT COMMENCE WORK UNTIL YOU HAVE RECEIVED</u> <u>THE CONSTRUCTION CERTIFICATE</u>, even if you made an application for a construction certificate at the same time as you lodged this development application. The Development Consent may contain conditions that need to be satisfied prior to issuing of any Construction Certificates.

This consent is issued subject to the following conditions and reasons:

Reference: FFIN:AP:DA/2019/367 Enquiries: Ms E Finn 02 6333 6215 BAT house Rouse of wellow house Narrice Frences Loosan trition of foreand drink premises (in DOCX

AGENDA - Ordinary Meeting of Council Agenda - 16 September 2020 Attachments

GENERAL

2

1. Development Consent has not been granted for the installation of the proposed Freestanding Banner Sign (No. S13). The sign must not be installed on the land.

REASON: To reduce the visual impacts of the development on the Heritage Conservation Area. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

Proposed Sign No. S02 (5.06 (w) x 0.695 (h)) has not been approved as part of this application. However, a duplicate of Sign No. S03 (3.64m (w) x 0.5m (h)) is permitted to be installed on the South-Western Elevation in replacement of proposed Sign No. S02.

REASON: To reduce the visual impacts of the development on the surrounding Heritage Conservation Area and streetscape. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

3. Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property must be complied with.

REASON: To ensure the development does not impact on electricity infrastructure. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

4. The sale of liquor from the food and drink premises is not permitted.

REASON: To reduce the impacts of the development on the amenity of the surrounding residential area. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

5. The access on Howick Street is to be designed, constructed and used for entry only. All vehicles exiting the site must do so from Stewart Street only.

REASON: To reduce the traffic impacts of the development on Howick Street. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

6. Further consideration is to be given to the selection of materials for the construction of acoustic barriers and this is to be determined by Council prior to the issue of a Construction Certificate.

3

REASON: To ensure that the material used for the construction of the acoustic fence is appropriate for noise reduction. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

7. All documentation must be reviewed at Construction Certificate stage to ensure that all acoustic recommendations have been satisfactorily incorporated into the design of the site, prior to the issue of any Construction Certificate.

REASON: To ensure that all proposed noise mitigation measures are appropriately implemented. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

8. The brickwork used on the brick boundary fence is to be face brick work in strong autumn tones. The infill rails are to be of a colour that is consistent with that used on the metal cladding of the building. The details of the brickwork and infill rails are to be provided to Council for approval prior to the issue of any Construction Certificate.

REASON: To reduce the visual impacts of the development on the Bathurst Heritage Conservation Area. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

9. Prior to the issue of any Construction Certificate, Lot 1 DP 737574 and Lot 5 DP 1086710 must be consolidated into one. The applicant is to provide documentary evidence to Council from NSW Land Registry Services demonstrating that the consolidation has been registered.

REASON: To prevent fire safety conflicts and ensure that all carparking associated with the development remains on the same allotment of land as the relevant buildings. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

10. Any development involving non-friable asbestos removal work (of an area of more than 10 square metres) or friable asbestos removal work must be undertaken by a person who carries on a business of such removal work in accordance with a licence under Part 8.10 of the Work Health and Safety Regulation 2017.

The applicant/owner having the benefit of the Complying Development Certificate or Development Application must provide Bathurst Regional Council with a copy of a signed contract with such a person before any development pursuant to the consent commences.

Any such contract must indicate whether any non-friable asbestos material or Friable asbestos material will be removed, and if so, must specify the landfill site (that may lawfully receive asbestos) to which the non-friable asbestos material or friable asbestos material is to be delivered.

4

All asbestos sheeting or asbestos waste must be taken to a landfill that can lawfully receive this waste. Transporters of asbestos waste must now use WasteLocate to provide information to the Environment Protection Authority (EPA) regarding the movement of any load over 100kg of asbestos waste, or 10 square metres or more of asbestos sheeting within NSW.

Persons paying for an asbestos removal service (e.g. from a household or construction site) should request the WasteLocate consignment number from the transporter. Load tracking can be completed at <u>https://wastelocate.epa.nsw.gov.au/</u>. Undelivered loads are to be reported to the EPA.

Generators and owners of waste have a legal obligation under Section 143 of the Protection of the Environment Operations Act 1997 to ensure the waste is transported to and disposed of at a facility that can lawfully be used as waste facility for that waste.

REASON: So that the development complies with the requirements of Section 143 of the Protection of the Environment Operations Act 1997, Clause 136E of the Environmental Planning and Assessment Regulation 2000, Section 4.17 of the Environmental Planning and Assessment Act 1979, as amended.

11. The developer is to apply to Council for a Certificate of Compliance pursuant to Section 305 of the Water Management Act, 2000 (application form <u>attached</u>).

The developer will have to contribute the sum of \$32,064.96 water headworks plus \$58,716.90 sewer headworks and also enter into an additional works agreement before the Certificate of Compliance will be issued.

All monetary conditions are reviewed annually and may change as of 1 July each year.

NOTE 1: The developer should apply for a certificate as a matter of urgency because the Construction Certificate cannot be issued until a certificate has been issued by Council and all monetary conditions have been satisfied.

REASON: Because it is in the public interest that Council maintain the ability to provide adequate water and sewer reticulation services. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

12. The payment to Council of:

a) \$327.00 for the inspection of plumbing and drainage work.

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 b) \$646.00 for the issuing of access levels and inspection by Council or \$300.00 for the approval of a supplied design and inspection by Council.

This must be paid at the time of lodgement of any Construction Certificate.

All monetary conditions are reviewed annually, and may change as of 1 July each year.

REASON: Because it is in the public interest that such fees be paid in accordance with Council's Management Plan. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

13. The applicant is to submit one (1) hard copy and one (1) electronic copy of engineering plans, specifications and calculations in relation to drain roofed and paved areas, collection and conveyance of surface runoff, pave and linemark, replacement of redundant kerb layback and splayed footway crossing.

Further, the works are to comply with Bathurst Regional Council's Guidelines for Engineering Works.

REASON: Because it is in the public interest that the design of that (those) aspect(s) of the development comply with Council's Engineering Guidelines. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

14. The food premises fitout is to be constructed in strict accordance with Australian Standard AS4674-2004 – Design, construction and fitout of food premises.

NOTE 1: Detailed plans and specifications of food premises are to be submitted detailing the construction method of floors, walls and ceilings in all areas. The finishes to walls, floors and ceilings are to be included. The plan is also to include the location of items such as appliances, equipment and wash hand basin.

REASON: To aid in the storage, preparation and display of food that is safe to be consumed by the public. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

15. Prior to the commencement of demolition, the developer is to submit to Council two (2) separate electronic copies of a photographic record of the structures located on Lot 1 DP 737574 (103 Stewart Street Bathurst NSW 2795), one for Council's records and one for the Bathurst & District Historical Society. The photographic record is to be prepared in accordance with the guidelines for the photographic recording of sites for which approval has been granted for the works.

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REASON: To ensure that an adequate record of the building is kept. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

16. The applicant is to obtain a CONSTRUCTION CERTIFICATE pursuant to Section 6.4 of the Environmental Planning and Assessment Act 1979, as amended from either Council or an accredited certifying authority certifying that the proposed works are in accordance with the Building Code of Australia PRIOR to any works commencing.

NOTE 1: No building, engineering, excavation work or food premises fitout is to be carried out in relation to this development until the necessary Construction Certificate has been obtained.

NOTE 2: YOU MUST NOT COMMENCE WORK UNTIL YOU HAVE RECEIVED THE CONSTRUCTION CERTIFICATE, even if you made an application for a Construction Certificate at the same time as you lodged this development application.

NOTE 3: It is the responsibility of the applicant to ensure that the development complies with the provision of the Building Code of Australia in the case of building work and the applicable Council Engineering Standards in the case of subdivision works. This may entail alterations to the proposal so that it complies with these standards.

REASON: So that the design of the proposed work may be assessed in detail before construction commences and because it is in the public interest that the development comply with the appropriate construction standards. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

17. Any proposed site filling is to be Virgin Excavated Natural Material as defined in Division 2 Section 50 of the Protection of the Environment Operations Act (1997), or Excavated Natural Material as defined in Excavated Natural Materials Order (2014) under the Protection of the Environment (Waste) Regulation (2014) and is free from organic matter and compacted in horizontal layers not more than 250mm thick to 95% of the standard maximum dry density of the soil. All such works are to comply with Bathurst Regional Council's Guideline for Engineering Works.

NOTE 1: Soil density tests from a NATA registered laboratory and conducted in accordance with Australian Standard AS:1289, will be required prior to the issue of any Construction Certificate for the erection of a building or the issue of a Subdivision Certificate.

REASON: To ensure that any fill is correctly placed and compacted and to ensure that was material is not used for the filling of land. Section 4.15 of the Environmental Planning and Assessment Act 1979, and as amended.

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18. The proposed restaurant is over Council's sewer main. That section of the main affected by the zone of influence is to be inspected, using CCTV, at the applicant's cost and the tape supplied to Council for review, in accordance with Bathurst Regional Council's Guidelines for Engineering Works.

Where permissible, sewer reticulation mains of up to 225 mm may be built over provided the following conditions are met:

- a) If the sewer main is in an acceptable condition, as determined by Council, Council may allow the main to remain in position. If the main is in an unacceptable condition, then Council will require that the main be replaced with a material of Council's nomination.
- b) No building loads are to be imposed on the sewer main. This will require the use of concrete reinforced piers, designed and certified by a structural engineer. Where loads upon the sewer main are unavoidable, Council may require that the main be concrete encased in accordance with Council's standard drawing number EN 7902.

The works are to be in accordance with Bathurst Regional Council's Guidelines for Engineering Works and Bathurst Regional Council's standard drawing EN7902 and must be inspected by Council at the time specified in Column 2.

COLUMN 1	COLUMN 2
Pre-pouring	When all steelwork and formwork has been put in place and prior to pouring of concrete.
During pouring	During the pouring of the concrete.

(For encasement and construction of piers)

NOTE 1: All work is to be at full cost to the applicant.

REASON: To minimise any potential damage to Council's main from the load bearing nature of the building and to ensure that settlement will not affect the structural integrity of the building. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

19. Prior to the issuing of any Construction Certificate, the owner is to sign Council's standard indemnity with respect to building over, or within the minimum clearance from, Council's sewer main.

NOTE 1: Indemnity forms are available from the Council's Environmental, Planning & Building Services Department.

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REASON: Because it is in the public interest for Council to be indemnified against any costs or liabilities associated with the building being sited over or within the minimum distance of Council's sewer main. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

20. 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 <u>attached</u>. This form is to be returned to Council with payment.

NOTE 2: The applicant is to advise Council to remove the redundant water services to the properties.

REASON: So that the development will have an adequate water service having regard to the character of the development. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

- 21. Prior to the issue of the construction certificate the developer is to submit to Council for approval a staged Soil and Water Management Plan, approved for implementation by a Certified Professional in Erosion and Sediment Control and which includes (but is not limited to) the following:
 - a) Assessment including:
 - i. Constraints analysis
 - ii. Erosion Hazard Assessment
 - iii. RUSLE Calculation and Soil Loss Class identification
 - iv. Sediment Basin Test
 - v. Identification of Sediment Type
 - b) Erosion controls including:
 - i. Access limitations
 - ii. Staging and ordering of works
 - iii. Exclusion zones
 - iv. Stockpile location and management
 - v. Access and road locations
 - vi. Dust management
 - vii. Site office
 - viii. Water diversion
 - ix. Velocity dissipator including outlet velocity in m/s
 - c) Sediment controls including
 - i. Diversion drains and sediment basins, including calculations (to determine dimensions, storage zones, settling zones, flow rates etc)* and appropriate discharge points and controls. Type C sediment basins are not to be used.
 - ii. Sediment fences
 - iii. Stabilised access points

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- d) Maintenance instructions:
 - i. Record keeping, inspection regimes and checklists
 - ii. Flocculation and/or discharge treatments that meet 50mg/L total suspended solids at neutral pH.
 - iii. Cleaning and maintenance measures
 - iv. Waste management
- e) Stabilisation instructions
 - i. C-factor[^] or percentage ground cover requirements for works and post-construction
 - ii. Stabilisation for diversion drains and discharge points
 - iii. Topsoil recovery and replacement
 - iv. Staged site stabilisation
- f) Standard design drawings as per the Landcom Soils and Construction Volume 1 – "The Blue Book" <u>OR</u> the International Erosion Control Association requirements
- g) Site plan/s detailing the above.
- * For sites where disturbance is likely to be less than six months, the 75th percentile storm depth is to be used. For sites where disturbance is likely to be more than six months, the 80th percentile storm depth is to be used. If the discharge location is deemed to be <u>sensitive</u> <u>locations</u> (i.e. residential land, waterway, offsite water course) the 80th percentile storm depth is to be used. For land that is to be disturbed for more than six months AND discharges to sensitive locations, the 85th percentile storm depth is to be used.
- As a minimum, progressive stabilisation of site is to achieve a Cfactor of 0.10 or about 60% ground cover within 20 days and a Cfactor of 0.05 or about 70% within 2 months/at completion of works.

NOTE 1: All erosion and sediment control measures must be in place prior to earthworks commencing and implemented for the duration of construction.

REASON: To ensure the impact of the work on the environment in terms of soil erosion and sedimentation is minimised. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

22. Prior to the commencement of construction, arrangements, satisfactory to Essential Energy and the relevant telecommunications authority for the provision of electrical power and telephone lines respectively, to fully serve the development, are to be made.

REASON: So that electrical power and telephone lines are available, it being necessary that these utilities serve the development. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

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- 23. Prior to any demolition the developer is to complete and submit to Council for approval a completed Council Waste Management Plan (<u>enclosed</u>). The Plan shall include, but not be limited to, the following:
 - The types of waste to be handled;
 - Volume of each waste;
 - Management and storage of waste:
 - Method of waste disposal;
 - Method of waste transport; and
 - Disposal location.

REASON: To ensure that the waste is transported to, and disposed of at, a facility that can lawfully receive the specific type of waste involved. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

24. Upon completion of demolition work and prior to disposal for all material to be disposed of offsite, the developer is to complete and submit to Council a Report showing that a Waste Classification has been completed in accordance with NSW EPA Waste Classification Guidelines Part 1: Classifying waste.

REASON: To ensure that the waste is transported to, and disposed of at, a facility that can lawfully receive the specific type of waste involved. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

PRIOR TO ANY WORK ON SITE

25. Prior to any demolition works occurring, any service line/s to the properties must be disconnected.

NOTE: Refer Essential Energy's Contestable Works team for requirements via email contestableworks@essentialenergy.com.au.

REASON: To prevent the development from impacting on electricity infrastructure. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

26. Prior to carrying out any works, a "Dial Before You Dig" enquiry must be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the *Electricity Supply Act* 1995 (NSW).

REASON: To ensure the development does not impact on underground infrastructure. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

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27. Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines and Code of Practice – Work near Underground Assets.

REASON: To ensure the development is carried out in a safe manner. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

28. The approved Landscaping Plan (prepared by Susan Stratton Landscape Architects Pty Ltd, dated 23 April 2020, Rev. B) indicates that four (4) Capital Pear ("Pyrus 'Capital'") Trees will be established on the site to reduce the visual impact of the proposed 2.1-metre-high acoustic fence. However, these trees are deciduous and will not serve their purpose during winter months.

Prior to the commencement of any works, an amended Landscaping Plan must be submitted to Council for endorsement, which includes alternate treatments to this area to replace the originally proposed Capital Pear ("Pyrus 'Capital'") trees. The plantings and/or structures must:

- a) Have a similar maturity height and spread to the originally proposed Capital Pear ("Pyrus 'Capital"") Trees.
- b) Serve the purpose of screening the visual impact of the proposed 2.1metre-high acoustic fence and 2-metre-high retaining walls.
- c) Be of a species suitable to the Bathurst Regional Climate.
- d) Be consistent with the requirements of Chapter 13 of Bathurst Regional Development Control Plan 2014 (LEP 2014).

REASON: To ensure the appropriate landscaping is established on site. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

29. If a vehicular crossing over the footway is to be constructed, access levels are to be obtained from Council's Engineering Department. The vehicular crossing is to be constructed in accordance with Bathurst Regional Council's Guidelines for Engineering Works. Further the applicant is to obtain a Compliance Certificate pursuant to Section 109C of the Environmental Planning and Assessment Act 1979, as amended PRIOR TO THE CONSTRUCTION of the footway crossing from Council or an accredited certifying authority certifying that the works have been completed in accordance with Bathurst Regional Council's Guidelines for Engineering Works and that the levels are in accordance with those issued.

NOTE 1: If other hard standing, dust free and weather proof surfaces are proposed instead of concrete, written approval is to be obtained from Council that the proposed alternative is acceptable.

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REASON: Because this work is necessary to enable adequate means of vehicular access to the proposed development. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

- 30. If the work involved in the approved development:
 - a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - b) building involves the enclosure of a public place,

a hoarding or fence must be erected between the work and the public place.

If necessary, an awning is to be erected, sufficient to prevent any substance, from or in connection with the work, falling into the public place. Further the work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

NOTE 1: If the approved development requires the erection of temporary scaffolding, fencing or hoardings on the road or the footpath adjacent to the site, the applicant is to obtain further approval under the Local Government Act 1993 and/or the Roads Act 1993 from Council before work commences.

NOTE 2: Any such scaffolding, fencing, hoardings or awnings are to be removed when the work has been completed.

NOTE 3: Any external lighting required by this condition is to be designed and positioned so that at no time will any light be cast upon any adjoining property.

REASON: Because it is in the public interest that adequate safety measures are provided. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

- 31. Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be:
 - a) a standard flushing toilet connected to a public sewer, or
 - b) if that is not practicable, an accredited sewage management facility approved by the Council, or
 - c) if that is not practicable, any other sewage management facility approved by the Council.

NOTE 1: The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced.

REASON: To provide adequate sanitary facilities during the construction phase. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

32. Prior to the commencement of plumbing and drainage works the responsible plumbing contractor is to submit to Council a "Notice of Works" under the Plumbing and Drainage Act 2011.

REASON: To ensure that the plumbing and drainage works is in accordance with the Plumbing and Drainage Act 2011. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

33. During and after construction, minimum distances from powerlines are to be maintained.

REASON: So that safe clearances are maintained from electrical powerlines, and because of representations to this effect from Essential Energy. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

DURING CONSTRUCTION

34. The proposed retaining walls are to be constructed from concrete, brick/block or steel or a combination of these materials. Timber retaining walls are not permitted along or adjacent to boundaries.

REASON: To ensure the development complies with the requirements of *Bathurst Regional Development Control Plan 2014*. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

35. The approved directional signs must be appropriately located entirely within the boundaries of the land and so as not to impede sight lines of traffic (including any pedestrian pathways) within or when passing, entering or departing the site.

REASON: To reduce the impacts of the development on traffic safety. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

36. Site accesses are to be adequately lit in accordance with AS/NZS 1158 and the approved "Electrical Services Plan" (prepared by BD Architecture Interiors, Rev A, dated 23 April 2020).

REASON: To reduce the impact of the development on traffic safety. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

37. Light is to be directed downwards, not upwards, to illuminate the target area.

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REASON: To reduce the degree of light spillage from the development onto surrounding property. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

38. The Pylon Sign (No. 1) must be installed so that it is structurally adequate to withstand the dead and live (wind) loads that may be imposed on it.

REASON: To ensure the development complies with the requirements of *Bathurst Regional Development Control Plan 2014.* Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

39. Acoustic fences must be constructed along the North-West and North-East boundaries of the drive-through to a minimum height of 2.1 metres above Finished Ground Level, as shown on the approved Site Plan (prepared by Architecture Interiors, dated 23 April 2020, Rev D).

REASON: To reduce the noise impacts of the development on the surrounding residential area. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

40. Boundary fences must be constructed along the South-West and South-East boundaries of the site. This fencing must include an acoustic barrier constructed to a minimum height of 600mm above the subject site ground floor slab height, as shown on the approved Site Plan (prepared by Architecture Interiors, dated 23 April 2020, Rev D).

REASON: To reduce the noise impacts of the development on the surrounding residential area. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

41. The North-West and South-West sides of the ground floor plant area enclosure must be constructed from an acoustically opaque material, to a height of either 1.8 metres above ground floor slab height or at least 600mm above the tallest item of plant (whichever is the greater). The South-East side may be constructed to the architect's specification and is not required to be acoustically rated.

REASON: To reduce the noise impacts of the development on the surrounding residential area. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

42. A kitchen ventilation extraction system equipped with filtration equipment to manage air emissions must be installed with ventilation hoods positioned above the main cooking points in the kitchen. Odour emissions from cooking must be captured and dispersed into the ambient air via an exhaust point positioned at rooftop level, so as not to impact the surrounding environment.

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REASON: To reduce the odour impacts of the development on the surrounding residential area. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

43. All landscaping, planting and fencing located near electrical infrastructure must comply with the latest industry guideline currently known as *ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure.*

REASON: To prevent the development from impacting on electricity infrastructure. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

44. Essential Energy's records indicate there is electricity infrastructure located within the properties and close proximity to the properties. Any activities within these locations must be undertaken in accordance with *ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure*. Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure.

REASON: To prevent the development from impacting on electricity infrastructure. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

45. Should any existing boundary fencing need to be removed during construction works, temporary construction fencing with mesh wrap must be installed around the boundary of the property. The mesh wrap must be of a colour and consistency that reduces privacy conflicts (overlooking) between neighbouring residences.

NOTE 1: All construction works must be undertaken entirely within the boundaries of the property.

NOTE 2: Matters relating to the removal, installation and cost of permanent boundary fencing must be negotiated between landowners.

REASON: To reduce privacy conflicts between the development and neighbouring properties. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

46. The existing sewer connection point may be located under the proposed restaurant. This sewer connection is to be removed entirely from Council's sewer main and a new sewer connection point must be installed clear of the proposed restaurant building alignment.

REASON: Because that utility is required to serve the development. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

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47. The construction of a 6 metre wide layback in the existing kerb and gutter, adjacent to the proposed footway crossing to comply with Bathurst Regional Council's Guidelines for Engineering Works.

REASON: Because this work is necessary to enable adequate means of vehicular access to the proposed development. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

- 48. Prior to the issue of the Construction Certificate the developer is to submit to Council a Construction Management Plan which includes (but is not limited to) the following:
 - a) Traffic management, including:
 - i) Loading, unloading area and material storage areas;
 - ii) Access to adjoining properties; and
 - iii) Parking areas (for construction workers and surrounding properties).
 - b) Noise.
 - c) Soil and water management
 - d) Waste management
 - e) Stabilisation and monitoring of adjoining buildings.
 - f) Vibration.
 - g) Proposed methods of communication, including:
 - i) Communication with adjoining property owners;
 - ii) Communication with the general public; and
 - iii) Complaints management.

REASON: to ensure that the impact of demolition and construction to adjoining and surrounding properties is considered and appropriately mitigated. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

49. The Builder must at all times maintain, on the job, a legible copy of the plan and specification approved with the Construction Certificate.

REASON: Because it is in the public interest that a copy of the construction certificate plans are available. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

50. Any alterations or additions marked by Council on the approved plans and/or the specifications shall be carried into effect.

REASON: Because it is in the public interest that work is carried out in accordance with the approved plans. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended .

51. Building work involving the use of electric or pneumatic tools or other noisy operations shall be carried out only between 7.00 am and 8.00 pm on weekdays and 8.00 am and 8.00 pm on weekends and public holidays.

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REASON: So that building works do not have adverse effect on the amenity of the area. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

52. All building rubbish and debris, including that which can be wind-blown, shall be contained on site in a suitable and covered container at all times prior to disposal at Council's Waste Management Centre or other facility that can lawfully be used as a waste facility for that type of waste. The container shall be erected on the building site prior to work commencing.

Materials and sheds or machinery to be used in association with the construction of the building shall not be stored or stacked on Council's footpath, nature strip, reserve or roadway without Council approval.

NOTE 1: No building rubbish or debris shall be placed or be permitted to be placed on any adjoining public reserve, footway, road or private land without Council approval.

REASON: To ensure that the building site and adjoining public places are maintained in a clean and tidy condition so as not to interfere with the amenity of the area. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

53. Erosion and sediment control measures are to be established prior to commencement of construction and maintained to prevent silt and sediment escaping the site or producing erosion. This work must be carried out and maintained in accordance with an approved Soil and Water Management Plan.

NOTE 1: All erosion and sediment control measures must be in place prior to earthworks commencing and implemented for the duration of the construction. Copies of the above guidelines are available from Council's Environmental, Planning & Building Services Department.

REASON: To ensure the impact of the work on the environment in terms of soil erosion and sedimentation is minimised. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

54. The demolition is to be carried out in accordance with the provisions of Australian Standard AS2601-2001: The Demolition of Structures.

REASON: Because it is in the public interest that the demolition be carried out in a safe manner and that the utilities be protected from damage. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

55. The construction of a concrete footpath 1.5 metres wide and 100 mm thick and for the full frontage of the subject land to the public road in accordance with Bathurst Regional Council's Guidelines for Engineering Works.

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REASON: To increase the capacity of the road system by increasing the capacity of the footway in order to cater for pedestrian traffic generated by the development. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

56. All roofed and paved areas are to be drained and the water from those areas and from any other drainage conveyed to the gutter in Stewart Street, in accordance with AS/NZS 3500.

Storm water disposal drains shall be connected to all roof gutter down pipes within 14 days of installation of the down pipes and/or the construction of hard standing areas, as may be appropriate, to discharge roofwater to the approved method of disposal.

Where kerb and gutter is constructed, an approved PVC or galvanised steel kerb adaptor (either roll over kerb adaptor or upright kerb adaptor) shall be installed in the kerb.

NOTE 1: 'Pump-out' stormwater drainage systems are not acceptable.

REASON: Because the character of the development is such that storm water run off will be increased and must be safely conveyed to the storm water drainage system. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

57. The ground surrounding the building shall be graded and drained to ensure that all surface and seepage water is diverted clear of buildings on the site and clear of adjoining properties. Permanent surface or subsoil drains or a combination of both shall be provided to all excavated areas, hard standing areas and depressions. The invert of such drains shall be a minimum of 200 mm below the finished floor level and shall have a minimum grade of 1:100 to the approved storm water disposal location. This work shall be carried out within 14 days of the installation of the roof gutter down pipes.

REASON: A drainage system for the disposal of stormwater must convey the water to an appropriate outfall, avoid the entry of water into a building, avoid water damaging the building and avoid the likelihood of damage or nuisance to any other property. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

58. All earthworks, filling, building, driveways or other works, are to be designed and constructed (including stormwater drainage if necessary) so that at no time will any ponding of stormwater occur on adjoining land as a result of this development.

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REASON: To prevent the proposed development having a detrimental effect on the developments existing on the adjoining lands. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

59. All stormwater runoff from the proposed development is to be collected on site and conveyed to legal point of discharge in a manner consistent with AS 3500 and Bathurst Regional Council's Guidelines for Engineering Works.

REASON: To provide for the drainage of storm water and minimise the risk of flood damage to adjoining properties. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

60. The applicant is to arrange an inspection of the development works by Council's Engineering Department at the following stages of the development. This condition applies notwithstanding any private certification of the engineering works.

COLUMN 1	COLUMN 2
Road construction	 Following site regrading, and prior to installation of footway services; Excavation and trimming of subgrade; After compaction of subbase; After compaction of base, and prior to sealing; Establishment of line and level for kerb and gutter placement; Subsoil Drainage; Road pavement surfacing; Pavement test results (compaction, strength).
Drainage	 After laying of pipes and prior to backfill; Pits after rendering openings and installation of step irons.
 Concrete footway After placing of formwork and reinforcement, and prior to concrete placement; 	
Erosion and sediment control	Prior to the installation of erosion measures.
All development and/or subdivision works	Practical completion.

REASON: Because it is in the public interest that Council inspect the work at these stages of development. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

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61. During the carrying out of the proposed works, if any archaeological remains are discovered, the developer is to stop works immediately and notify the Heritage Division, NSW Office of Environment & Heritage. Any such find is to be dealt with appropriately and in accordance with the Heritage Act 1977, recorded, and details given to Council prior to the continuing of works.

NOTE 1: A Section 140 Permit will need to be obtained to disturb archaeological relics. This permit is to be obtained from the Department of Premier & Cabinet (Heritage), prior to the disturbance of the archaeological relics.

REASON: To record and preserve historic details of previous uses of the site. Section 4.15 of the Environmental Planning and Assessment Act 1979.

62. No demolition shall cause damage to, or adversely affect, the structural integrity of a building or those portions that are to be retained (clause 1.7.3.1 – AS2601-2001). The applicant is to ensure that when undertaking the proposed partial demolition every precaution is taken to protect the structural integrity of the remaining walls and roof. This may necessitate the removal of materials by hand, particularly where materials are bonded in or 'toothed' in (such as brickwork) or have a shared foundation or shared timber plate.

The use of heavy machinery is strongly discouraged because of the damage it can cause to the subject building and surrounding buildings. Heavy machinery must not be used within three metres of those portions that are to be retained.

NOTE: A description of the method of demolition proposed to be used and the type of equipment proposed for implementing those methods is to be lodged with Council prior to the commencement of work.

REASON: To ensure that those components of the existing building being retained remain structurally sound. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

- 63. Compliance with the following requirements of Transport for NSW (TfNSW):
 - a) Construction of the Stewart Street driveway may be subject to the developer and TfNSW entering into a Works Authorisation Deed (WAD) for the developer to undertake private financing and construction of any works along Stewart Street. The WAD is to be entered into prior to the commencement of demolition works.

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- b) A detailed design is to be submitted by the proponent to TfNSW and council for approval for the concrete layback driveway prior to construction. The driveway is to be designed to provide good sight lines between pedestrians and motorists, match road levels and not interfere with drainage.
- c) Prior to the issuance of an Occupation Certificate, redundant kerb layback crossing accessed along Stewart Street servicing the land are to be removed and replaced with kerb and gutter to match existing kerb and gutter.
- d) All signage including any proposed internally lit signs shall be contained within private property and designed to meet the objectives in accordance with Transport Corridor Outdoor Advertising and Signage Guidelines (Department of Planning & Environment, 2017).
- e) Landscaping, signage and fencing are not to impede the sight lines of traffic within or when passing, entering or departing the site. Safe Intersection Sight Distance (SISD) requirements outlined in Austroads Guide to Road Design Part 4A is to be provided in both directions at the intersection of the driveway and Stewart Street.
- f) The current arrangement of parallel parking along the boundary of 103-105 Stewart Street is to be replaced by 'No Stopping' signage (R5-400) along the length of the property boundary by the proponent prior to occupation of the premises. Relevant and timely communication to adjoining land owners impacted as a result of this change should be managed by the consent authority.
- g) All demolition works are to be undertaken within the bounds of the site only.
- Prior to the commencement of construction works, the proponent is to contact TfNSW Field Traffic Manager on 1300 656 371 to determine if a Road Occupancy Licence (ROL) is required. In the event that an ROL is required, the proponent is to obtain the ROL prior to works commencing within three (3) metres of the travel lanes in Stewart Street.

REASON: Because of representations to that effect made by that body (those bodies). Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

- 64. If any unidentified material not previously identified as part of an investigation are uncovered during the development, then all works shall stop immediately in that area and Council be contacted. Works are not to recommence until approval has been received from Council. Depending upon the nature and the significance of the material, further assessment may be required before further work can continue in that area. Unexpected finds include but are not limited to:
 - a) Suspected contamination in the form of ash, staining, discolouration, odours, underground petroleum storage systems or suspected asbestos containing material; or

- b) Suspected Aboriginal relics in the form of tools, artwork, bones etc; or
- c) Suspected non-Aboriginal heritage relics not previously identified.

REASON: To ensure that the impact of the proposed development on identified and potentially threatened species is minimal or negligible. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

65. The building is to be designed and constructed so that all floor levels have sufficient height to enable the house drainage line to fall at a permissible grade to the connection to Council's sewer main, and the earthworks on the site are to be such that there is the required minimum cover over the house drainage line, all in accordance with AS/NZS 3500 and the Plumbing Code of Australia.

REASON: To ensure that the design, siting and height of the building is such that the house drainage operates correctly and because it is in the public interest to comply with the Local Government (Approvals) Regulation, 1999 made under the Local Government Act, 1993. Section 4.12 of the Environmental Planning and Assessment Act 1979, as amended.

66. The existing house drainage pipelines for 103 Stewart Street are to be relaid clear of the proposed restaurant alignment.

REASON: To ensure the house sewerage drainage is accessible at all times for maintenance purposes. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

67. All redundant plumbing and drainage is to be capped off in accordance with AS/NZS 3500 and the Plumbing Code of Australia.

Further, the works are to be inspected by Council's Plumbing and Drainage Inspectors before the capped off works have been concealed.

REASON: To protect the plumbing and drainage systems and to prevent unhealthy conditions on site. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

68. The plumbing and drainage must be inspected by Council at the times specified in Column 2.

COLUMN 1	COLUMN 2
Internal house drainage	When all internal plumbing work is
	installed and prior to concealment.
External house drainage	When all external plumbing work is
	installed and prior to concealment.
Stack work	When all work is installed and prior to
	concealment.

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COLUMN 1	COLUMN 2
Final	Prior to occupation of the building.

REASON: Because it is in the public interest that plumbing work is certifying as complying with AS/NZS 3500 and The Plumbing Code of Australia. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

69. All plumbing and drainage work shall be carried out by a licensed plumber and drainer and to the requirements of AS/NZS 3500 and the Plumbing Code of Australia.

REASON: To ensure that all plumbing and drainage work is carried out in accordance with the requirements of the Local Government (Approvals) Regulation, 1999. Section 4.12 of the Environmental Planning and Assessment Act 1979, as amended.

70. The applicant is to install cross connection control and/or back flow prevention devices throughout the water supply system, all in accordance with AS/NZS 3500 and the Plumbing Code of Australia.

REASON: To prevent harmful contamination of the public water supply (and because the type of business proposed will increase the risk of such contamination). Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

71. All plumbing and drainage work shall be carried out by a licensed plumber and drainer and to the requirements of AS/NZS 3500 and the Plumbing Code of Australia.

NOTE 1: It will be necessary to install a temperature control device (eg tempering valve) to ensure that hot water to all personal hygiene fixtures is delivered at a temperature not exceeding 50°C.

REASON: To ensure that all plumbing and drainage work is carried out in accordance with the requirements of the Local Government (Approvals) Regulation, 1999. Section 4.12 of the Environmental Planning and Assessment Act 1979, as amended.

72. Pre-treatment equipment must be installed to treat liquid trade waste before it can be discharged to Council's sewer system.

REASON: To prevent damage to the Bathurst Sewage Treatment System and subsequent pollution of the Macquarie River and comply with the Local Government (General) Regulation 2005 and Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

73. The developer is to relocate, if necessary, at the developer's cost any utility services.

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> REASON: Because the circumstances are such that the services be relocated. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

- 74. The following infrastructure is to be designed and constructed in accordance with Bathurst Regional Council's Guidelines for Engineering Works:
 - a) A 6 metre wide reinforced concrete vehicular crossing over the footway adjacent to the proposed ingress point from <u>Howick Street</u> including splays measuring 500mm to the street and 1000mm perpendicular to the street and along both sides of the crossing.
 - b) A 4.5 metre wide reinforced concrete vehicular crossing over the footway adjacent to the proposed egress point onto <u>Stewart Street</u> including splays measuring 500mm to the street and 1000mm perpendicular to the street and along both sides of the crossing.

Further, the applicant is to obtain a Compliance Certificate pursuant to Section 6.4 of the Environmental Planning and Assessment Act 1979, as amended at the completion of construction of the footway crossing from Council or an accredited certifying authority certifying that the works have been completed in accordance with Bathurst Regional Council's Guidelines for Engineering Works and that the levels are in accordance with those issued by Council.

NOTE 1: If other hard standing, dust free and weather proof surfaces are proposed instead of concrete, written approval is to be obtained from Council that the proposed alternative is acceptable.

NOTE 2: The existing driveway in Howick Street is to be reconstructed to comply with the requirements of AS2890.2 commercial vehicle facilities.

REASON: Because this work is necessary to enable adequate means of vehicular access to the proposed development. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

75. The redundant kerb layback in Howick Street and Stewart Street is to be replaced with conventional barrier kerbing, and Council's footway rehabilitated, in accordance with Bathurst Regional Council's Guidelines for Engineering Works.

REASON: To minimise vehicular access to the public roadway and to increase the capacity of the roadway for conveying storm water drainage runoff. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

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76. The development is to be conducted, and the site managed, in such a manner that sediment is not tracked onto the public road or discharged to the environment via stormwater or site runoff.

REASON: so that the development does not impact upon the environment by the movement of sediment into local waterways. Section 4.15 of the Environmental Planning and Assessment Act 1979.

77. The development shall be carried out in accordance with the approved plans, unless modified by the conditions of this consent.

REASON: Because it is in the public interest that work is carried out in accordance with the approved plans. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

PRIOR TO OCCUPATION/SUBDIVISION CERTIFICATE

78. The proponent is to install "No Stopping" signage (R5-400) along the length of the property boundary on both the North Eastern and South Western sides of Howick Street, prior to the issue of any Occupation Certificate.

REASON: To reduce the impact of the development on traffic safety and flows. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

79. Car parking spaces No. 4 and 5 must be dedicated for use in association with the approved Office Premises only. Prior to the issue of any Occupation Certificate, line marking and sign posting must be installed which dedicates the use of these spaces to the Office Premises. An example of appropriate wording includes: "Reserved for Office Use".

NOTE: Council would also be open to the consideration of other suitable alternative measures which achieve the intent of this condition, such as the installation of "Automatic Rising Bollards" within the two spaces.

REASON: To ensure that sufficient onsite car parking is provided and maintained for the office premises. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

80. All exterior lighting associated with the development shall be located in accordance with the approved "Electrical Services Plan" (prepared by BD Architecture Interiors, dated 23 April 2020, Rev. B) and designed and installed so that no obtrusive light will be cast onto any adjoining property or in an upward manner.

NOTE 1: Compliance with Australian Standard AS4282 "Control of the Obtrusive Effects of Outdoor Lighting" will satisfy this condition.

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REASON: To reduce the degree of light spillage from the development onto neighbouring properties. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

81. All external lighting must have fully shielded fittings to reduce light spill onto neighbouring properties.

REASON: To reduce the degree of light spillage from the development onto neighbouring properties. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

82. Prior to the issue of any Occupation Certificate, a sign must be installed in a prominent position at the entrance of the drive-through lane, which states the following (or to a similar effect):

"Please respect our neighbours. Car stereos must be reduced to a reasonable volume. Any vehicle not adhering to the request of the Store Manager to reduce the volume of their stereo may be refused service."

REASON: To reduce the noise impacts of the development on the surrounding residential area. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

83. An inspection of the site must be conducted prior to the issue of any Occupation Certificate to ensure that all acoustic recommendations have been satisfactorily installed and implemented on site.

REASON: To ensure that all proposed noise mitigation measures are appropriately implemented. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

- 84. Prior to the issue of any Occupation Certificate, an Odour Management Plan must be prepared and submitted to Council which includes (but is not limited to) the following:
 - a) A Schedule of Staff Responsibilities in relation to odour control and management practices (as listed in this Development Consent and the Odour Assessment Report prepared by Todoroski Air Sciences, dated 12 February 2020) and the timing at which individual tasks are required to be carried out (see below example).

Odour Issue	Odour Management Task	Timing	Responsibility
E.g. Cooking odour.	Maintenance and cleaning of kitchen ventilation extraction system.	Once a month.	Restaurant Manager.

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E.g. Waste.	Collection of indoor and outdoor waste from garbage bins and disposal into large lidded waste collection bin to be stored in	Once an hour.	Waiting Staff.
	the Bin Enclosure Area.		

- b) Regular inspections by Taco Bell staff for odour at the development site and surrounding environment.
- c) Any incident or complaint regarding odour be recorded as per the standard Taco Bell complaints handling procedure and investigations to be undertaken to identify wherever possible the specific cause, and corrective action to be implemented where possible to prevent similar incidents from occurring in the future.

REASON: To reduce the odour impacts of the development on the surrounding residential area. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

85. Prior to the issue of any Occupation Certificate, a sign must be installed in a prominent position at the entrance of the drive-through lane, which states the following:

"Engines must be switched-off when waiting. Any vehicle not adhering to the request of the Store Manager to switch engine off may be refused service.

Poorly tuned or malfunctioning cars will be reported to the NSW Environment Protection Authority (EPA)".

REASON: To reduce the odour impacts of the development on the surrounding residential area. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

86. Satisfactory arrangements must be made with Essential Energy for the provision of power with respect to the proposed development. It is the Applicant's responsibility to make the appropriate application with Essential Energy for the supply of electricity to the subdivision, which may include the payment of fees and contributions.

REASON: To ensure the development retains suitable connections to electricity services. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

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87: A building number shall be displayed in a position clearly visible from the street in letters having a height of not less than 75 mm (3 inches). The number must be in a contrasting colour to the background on which it is placed. The correct building number is stated on the Notice of Determination.

REASON: Because it is in the public interest that the building/property be easily identifiable. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

88. The applicant is to submit to Council one set of electronic files in both Portable Document Format (.pdf) and in CAD Drawing (.dwg) format (MGA co-ordinates and AHD levels, with each of the services on a separate layer eg separate out water, sewer, storm water to their own layers) and one set of paper copies of the works as executed plans for the drain roofed and paved areas and collection and conveyance of surface runoff at a scale of 1:500 on an A1 sheet.

Each sheet is to include a bar scale or scales adjacent to the title block showing the scale (the works as executed plan is to be scaled at 1:500) and each sheet is to be properly signed and dated by the person responsible for the carrying out of those works. Further, the works are to comply with Bathurst Regional Council's Guidelines for Engineering Works.

REASON: So that Council may ensure that the construction is in accordance with Council's requirements, and so that a permanent record of the design as constructed may be held by Council, to assist in future maintenance, or for the information of the emergency services. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

- 89. The owner shall submit to Council a final Fire Safety Certificate stating that each essential fire safety measure specified in the current Fire Safety Schedule for the building to which the certificate relates:
 - a) has been assessed by a properly qualified person; and
 - b) was found, when it was assessed, to be capable of performing to a standard not less than that required by the current fire safety schedule for the building.

Further, the assessment is to be carried out within a period of three months of the date on which the final Fire Safety Certificate was issued. The owner of the building shall forward a copy of the certificate to the Fire and Rescue NSW and shall prominently display a copy in the building.

NOTE 1: A final Fire Safety Certificate must be provided before a final Occupation Certificate can be issued for the building and must be provided if a Fire Safety Order is made in relation to the building premises.

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> REASON: So that the development complies with the requirements imposed under clause 153 of the Environmental Planning and Assessment Regulation 2000, as amended. Section 4.17 of the Environmental Planning and Assessment Act 1979, as amended.

90. Landscaping is to be carried out and maintained in perpetuity in accordance with the certified landscape plan. Modification to the certified landscape plan shall only be after receiving written approval from Council.

NOTE 1: The landscaping is to be completed prior to the occupation of the building and maintained in perpetuity.

REASON: To ensure that adequate landscaping is provided and maintained on the subject land to ensure the maintenance of amenity. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

91. All landscaping areas are to be separated from adjoining driveways, manoeuvring areas and parking areas to prevent damage by vehicles in accordance with Chapter 13 of the Bathurst Regional Development Control Plan 2014.

REASON: To ensure that the landscaping is not damaged by vehicles driving onto the landscaped areas Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

92. Prior to the issue of any Occupation Certificate the responsible plumbing contractor is to submit to Council a copy of the Certificate of Compliance issued for the works.

REASON: To ensure that the plumbing and drainage works is in accordance with the Plumbing and Drainage Act 2011. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

93. The erection of signs that clearly indicate to the drivers of vehicles, both on and off the subject land, the driveway by which they are to enter or leave the subject land.

REASON: So that the entrance and exit function in the proper manner and to minimise the likelihood of accidents occurring. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

94. Trade waste material is not to be discharged into Council's sewerage system and/or stormwater system, without first obtaining written approval from Council under Section 68 of the *Local Government Act* 1993.

The completed approval must be obtained prior to the occupation of the building(s).

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The conditions of the approval are to be complied with in all respects.

REASON: To prevent damage to the Bathurst Sewage Treatment System and subsequent pollution of the Macquarie River and comply with the Local Government (General) Regulation 2005 and Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

95. Upon completion of demolition work the developer is to submit to Council a finalised Waste Management Plan and proof of appropriate waste disposal at a licensed facility.

REASON: To ensure that the waste is transported to, and disposed of at, a facility that can lawfully receive the specific type of waste involved. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

96. The applicant is to obtain an Occupation Certificate pursuant to Section 6.4 of the Environmental Planning and Assessment Act 1979, from either Council or an accredited certifying authority prior to occupation of the building.

NOTE 1: The issuing of an Occupation Certificate does not necessarily indicate that all conditions of development consent have been complied with. The applicant is still responsible for ensuring that all conditions of development consent have been complied with.

REASON: Because it is in the public interest that an Occupation Certificate be issued prior to occupation of the building. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

USE OF THE SITE

97. A report from a suitably qualified landscape architect must be submitted to Council 2 years after the issue of the Occupation Certificate that certifies that the landscaping implemented under the Landscape Plan has been adequately retained and maintained. Where vegetation has died or been significantly damaged, it is to be replaced.

REASON: To ensure that all landscaping is effective and appropriately retained and maintained. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

98. Seating for no more than forty (40) persons is to be provided inside the approved food and drink premises. No outdoor seating is permitted.

REASON: To ensure that sufficient onsite car parking is provided in accordance with *Bathurst Regional Development Control Plan 2014*. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

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99. All vehicles servicing the subject site must be no larger than 8.8 metres in length.

REASON: To ensure that service vehicles can safely enter and exit the site. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

100. The vehicular access to be located over the South-Eastern boundary of the land must be used for egress (left turn) only onto Stewart Street.

REASON: To reduce the impacts of the development on traffic flows and safety. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

101. All activities involving the loading and unloading of goods must be carried out on site within the dedicated areas.

REASON: To reduce the impacts of the development on traffic flows and safety. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

102. In the interest of pedestrian safety in the car park and noise impacts on the surrounding residential area, all deliveries made to the development must be made between the hours of 7:00am and 6:00pm but outside of restaurant peak hours.

REASON: To reduce noise impacts on the surrounding residential area and ensure ongoing pedestrian safety both within and around the development site. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

103. All vehicular movements to and from the site must be undertaken in a forward direction only.

REASON: To reduce the impacts of the development on traffic flows and safety. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

104. Pedestrian access to the approved Office Premises is to be maintained at all times from dedicated car parking spaces No. 4 and 5 and the accessible car parking space (No. 2).

REASON: To ensure that the onsite car parking required for the office premises is retained. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

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105. All building façade lighting must aim downwards.

REASON: To reduce the degree of light spillage from the development onto neighbouring properties. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

106. Up-lighting of advertising signage is not permitted.

REASON: To reduce the degree of light spillage from the development onto neighbouring properties. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

107. All external lighting, including that associated with signage, must be switched off outside of the approved operating hours, which are as follows:

Sundays to Thursdays	10:00am to 10:00pm
Fridays to Saturdays	10:00am to 11:00pm

REASON: To reduce the degree of light spillage on neighbouring properties. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

- 108. The Electronic Menu Sign (Nos. S07 and S08) must conform to the following requirements:
 - a) The time taken to change the display must not be greater than 1 second.
 - b) The display must be completely static from its first appearance to the commencement of a change to another display.
 - c) The level of illumination must adjust according to ambient light levels.
 - d) The signs must not contain any scrolling messages (i.e. displayed text or graphics which moves up, down or across the screen so that a line of text or graphics appears at one edge of the screen for each line that moves off the opposite edge).
 - e) Changes in display on the proposed electronic signage must not be distracting or cause nuisance.

REASON: To ensure the development complies with the requirements of *Bathurst Regional Development Control Plan 2014*. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

109. Sign Nos. S06 must not be illuminated.

REASON: To reduce the degree of light spillage on neighbouring properties. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

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110. Any music played in association with the development must be restricted to the hours of 10:00am to 10:00pm inside the premises on any given day.

REASON: To reduce the noise impacts of the development on the surrounding residential area. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

111. The total sound power level of plant installed within the ground floor plant area must be no greater than L_{eq} 75 Dba.

REASON: To reduce the noise impacts of the development on the surrounding residential area. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

112. The total sound power level of all rooftop plant must not exceed Leq 76 dBA.

REASON: To reduce the noise impacts of the development on the surrounding residential area. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

113. The sound power level of the speaker box in the drive-through area must not exceed Leq 72 dBA and L_{max} 84 dBA.

REASON: To reduce the noise impacts of the development on the surrounding residential area. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

114. Noise measurements must be conducted after a period of 3 months of operation in order to certify that noise emissions from the site are in accordance with the established noise criteria. Any findings of these noise measurements must be resolved and implemented on site.

REASON: To ensure that all proposed noise mitigation measures are implemented. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

115. Should any exceedance of the established noise criteria be measured at any of the residential receptor locations during noise compliance measurements, further noise control recommendations must be made to reduce the residual noise level to meet the noise criteria. Further noise compliance measurements must then be conducted to ensure noise criteria are achieved at all residential receptor locations.

REASON: To reduce the noise impacts of the development on the surrounding residential area. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

116. The kitchen ventilation extraction system must be regularly maintained and cleaned by staff.

REASON: To reduce the odour impacts of the development on the surrounding residential area. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

117. Regular inspection must be conducted by staff to identify odour sources at the site and in the surrounding environment.

REASON: To reduce the odour impacts of the development on the surrounding residential area. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

118. Any incidents and complaints relating to odour must be recorded by staff and an investigation must be undertaken to identify the cause of the odour.

Corrective action must be implemented where possible to prevent similar incidents from reoccurring.

REASON: To reduce the odour impacts of the development on the surrounding residential area. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

119. If odour management measures are found to be insufficient, Council reserves the right to require that an investigation be undertaken by a suitably qualified air quality consultant to identify odour causes, at the expense of the landowner(s). Any recommendations made by the air quality consultant to reduce odour impacts must be implemented at the landowner(s) expense.

REASON: To reduce the odour impacts of the development on the surrounding residential area. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

120. Following 3 months post-commissioning of the operations, an odour verification report must be prepared by a suitably qualified air quality consultant at the expense of the landowner(s) to verify the performance of the odour control measures. The findings of the odour verification report must be provided to Council and any recommendations made in the report must be implemented at the expense of the landowner(s).

REASON: To ensure that the proposed odour mitigation measures are appropriately implements to reduce impacts on the surrounding residential area. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

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121. All waste materials must be stored in a sealed/enclosed waste collection bin in the designated Bin Enclosure area.

REASON: To control waste material and reduce odour impacts on the surrounding residential area. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

122. Waste materials must be disposed of from the site at a minimum of once per week, or more regularly at various times depending on capacity.

REASON: To control waste material and reduce odour impacts on the surrounding residential area. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

123. The designated Bin Enclosure area and other waste storage facilities on site (such as fixed rubbish bins) must be regularly cleaned and maintained.

REASON: To control waste material and reduce the odour impacts of the development. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

124. All plant must be operated and maintained in a proper and efficient manner which does not cause air pollution, in accordance with Sections 124 and 125 of the *Protection of the Environment Operations Act* 1997.

REASON: To control and limit odour impacts on the surrounding residential area. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

125. All materials must be handled in a proper and efficient manner which does not cause air pollution, in accordance with Section 126 of the *Protection of the Environment Operation Act* 1997.

REASON: To control and limit the odour impacts of the development on the surrounding residential area. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

126. Offensive odours from the premises must not be detectable at the nearest sensitive land uses.

REASON: To limit odour impacts on the surrounding residential area. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

127. The particulate filtration system installed (for example, a filter or grit arrestor in the cooking ventilation system) must be maintained in efficient working order at all times.

REASON: To reduce the odour impact of the development on the surrounding residential area. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

128. The ventilation system used for collection of emissions (such as a fume hood) must be maintained in efficient working order at all times. Material accumulated on the inside of the hood and ductwork (such as fats from cooking) must be checked and removed periodically.

REASON: To reduce the odour impacts of the development on the surrounding residential area. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

129. Grease traps installed in the cooking systems must be maintained in efficient working order at all times.

REASON: To reduce the odour impacts of the development on the surrounding residential area. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

130. Waste materials, including grease or fats removed from the grease trap system (if in place) must be packaged and labelled in the correct fashion, removed from the site and transported to an approved disposal site.

REASON: To reduce the odour impacts of the development on the surrounding residential area. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

131. Fixed and lidded garbage bins must be provided within the food and drink premises and throughout the carpark for public use. Garbage bins must not be allowed to overflow and must be regularly maintained and emptied into a suitably covered waste collection container, which must be located within the designated "Bin Enclosure Area".

REASON: To control waste material and reduce odour impacts on the surrounding residential area. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

132. The approved/certified landscape plan is to be implemented and landscaping maintained for the life of the development.

REASON: To ensure that all landscaping is appropriately established and continually maintained. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

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133. The development is to be conducted in a manner that will not interfere with the amenity of the locality by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil, by causing interference to television or radio reception or otherwise.

REASON: So that the development does not reduce the amenity of the area. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

134. The premises are to be maintained in a clean and tidy condition at all times.

REASON: So that the development does not reduce the amenity of the area. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

135. The development shall only be conducted:

- a) on Sundays to Thursdays inclusive between the hours of 10:00am and 10:00pm.
- b) On Fridays to Saturdays inclusive between the hours of 10:00am to 11:00pm.

REASON: To restrict impacts on the amenity of the surrounding residential area. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

136. Access to any sewer manholes on the subject land is not to be obstructed in any way.

NOTE 1: Any alteration to the existing manhole/s or adjustments in height to the existing manhole/s are to be at the applicant's cost.

REASON: Because access is required to manholes at all times. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

137. The installation of exterior lighting to all vehicular manoeuvring and parking areas. The exterior lighting shall be designed and installed so that no obtrusive light will be cast onto any adjoining property.

NOTE 1: Compliance with Australian Standard AS4282 "Control of the Obtrusive Effects of Outdoor Lighting" will satisfy this condition.

REASON: To provide opportunities for natural surveillance and reduce the likelihood of crime on the subject land. Section 4.15 of the Environmental Planning and Assessment Act 1979.

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138. The provision of at least seven (7) designated bicycle parking spaces on the subject land within the approved location and in accordance with Council's Development Control Plan.

REASON: To adequately provide for the parking of bicycles within the development. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

139. The owner shall submit to Council and Fire & Rescue New South Wales an Annual Fire Safety Statement, each 12 months after the final Fire Safety Certificate was issued. The Statement shall be on the prescribed form and can be accessed on the website of NSW Planning & Environment (www.planning.nsw.gov.au).

REASON: Because it is in the public interest that the development provides an Annual Fire Safety Statement. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

PRESCRIBED CONDITIONS

The following conditions are known as "Prescribed Conditions" and are required to be imposed as part of any development consent whether or not they are relevant to the development approved under this consent. Please do not hesitate to contact staff in Council's Planning and Development Department who will be happy to advise you as to whether or not the conditions are relevant.

140. All building work must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant Construction Certificate or complying development certificate was made).

REASON: So that the development complies with the requirements imposed under Clause 98 of the Environmental Planning and Assessment Regulations 2000, as amended. Section 4.17(11) of the Environmental Planning and Assessment Act 1979, as amended.

141. Building work (within the meaning of the Home Building Act 1989) must not be carried out unless the principal certifying authority for the development:

- a) in the case of work done by a licensee under the Act:
 - i) has been informed in writing of the licensee's name and contractor license number, and
 - ii) is satisfied that the licensee has complied with the requirements of Part 6 of that Act, OR

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- b) in the case of work to be done by any other person:
 - i) has been informed in writing of the person's name and ownerbuilder permit number, or
 - has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in section 29 of the Act,

and is given appropriate information and declarations under paragraphs a) and b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either a) or b).

NOTE 1: A certificate issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that the person is the holder of an insurance policy is sufficient evidence to satisfy this condition.

REASON: So that the development complies with the requirements of clause 98 of the Environmental Planning and Assessment Act Regulations 2000. Section 4.17(11) of the Environmental Planning and Assessment Act 1979, as amended.

- 142. For development that involves any building work, subdivision work or demolition works:
 - a) A sign must be erected in a prominent position:
 - i) showing the name, address and telephone number of the principal certifying authority for the work, and
 - ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - iii) stating that unauthorised entry to the work site is prohibited.
 - b) Any such sign is to be maintained while the work is being carried out, but must be removed when the work has been completed.
 - c) This condition does not apply in relation to work that is carried out inside an existing building that does not affect the external walls of the building.
 - d) This condition does not apply in relation to Crown building work that is certified, in accordance with section 109R of the Act, to comply with the technical provisions of the State's building laws.

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REASON: Because it is in the public interest that the persons responsible for the site can be contacted. Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

143. The commitments listed in any relevant BASIX Certificate for this development are to be fulfilled in accordance with the BASIX Certificate Report, Development Consent and the approved plans and specifications.

REASON: So that the development complies with the requirements imposed under Clause 97A of the Environmental Planning and Assessment Regulations 2000, as amended. Section 4.17(11) of the Environmental Planning and Assessment Act 1979, as amended.

- 144. If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - a) protect and support the building, structure or work from possible damage from the excavation; and
 - b) where necessary, underpin the building, structure or work to prevent any such damage.

The condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

REASON: Because it is in the public interest that all building elements are able to withstand the combination of loads and other actions to which it may be subjected. Section 4.15(1) & (e) of the Environmental Planning and Assessment Act 1979, as amended.

Endorsement date of determination and operative date:

7 July 2020

NOTES:

- 1. **Lapsing of consent**. Unless a shorter period is specified in this notice, this consent will lapse if the development is not physically commenced within five years of the date endorsed on this notice.
- 2. **Right of Review**: If you are dissatisfied with this determination, section 8.2 of the Environmental Planning and Assessment Act 1979, as amended, gives you the right to request the Council to review its determination. Such a request must be accompanied by the fee prescribed in Council's Revenue Policy.

The review must be undertaken within 6 months of the date endorsed on this notice.

3. **Right of appeal**: If you are dissatisfied with this determination, section 8.7 of the Environmental Planning and Assessment Act 1979, as amended, gives you the right of appeal to the Land and Environment Court.

The appeal must be lodged within 6 months of the date endorsed on this notice.

- 4. See <u>attached</u> sheet for explanatory notes.
- 5. All monetary conditions are reviewed annually, and may change as of 1 July each year.

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Neil Southorn DIRECTOR ENVIRONMENTAL, PLANNING & BUILDING SERVICES

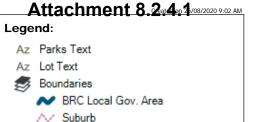


Civic Centre 158 Russell Street BATHURST NSW 2795 Telephone 02 6333 6111 Facsimile 02 6331 7211 council@bathurst.nsw.gov.au www.bathurst.nsw.gov.au www.bathurstregion.com.au Correspondence to: Private Mail Bag 17 BATHURST NSW 2795

DETERMINATION OF A DEVELOPMENT APPLICATION EXPLANATORY NOTES

- 1. Should further explanation of the terms or conditions of the approval be required, please contact Council's Environmental, Planning & Building Services Department.
- 2. Unless otherwise stated in a particular condition, it is the developer's responsibility to obtain any additional permits, approvals, consents, easements, or permission to enter necessary for the satisfaction of any conditions or for the completion of any works to be carried out in connection with the development.
- 3. Application for modification of this consent must be made on the prescribed form and be accompanied by the prescribed fee.
- 4. If amended building plans are submitted they must be accompanied by the fee set out in Council's Revenue Policy.





1:450 @ A4 Map Scale:

Surrounding Area

s Imagery (Latest) Bathurst 30 May 2020 NearMap Bathurst Region Sep 2019 15cm

Road Corridor (Constructed)

Named Watercourse ✓ Unamed Watercourse

Council Road Constructed

Crown Road Constructed Private Road

AZ Unofficial Crown Road

Water Corridor

✓ Watercourse

∧ Property ∧ Lots

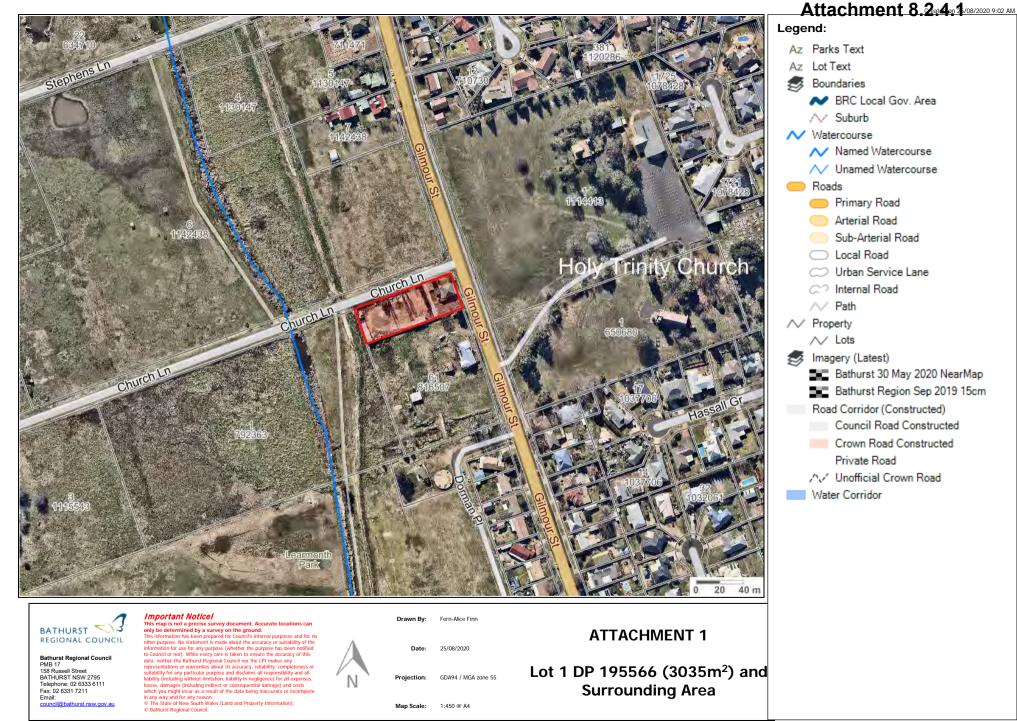
AGENDA - Ordinary Meeting of Council Agenda - 16 September 2020 Attachments

in any way and for any reason. © The State of New South Wales (Land and Property Information),

Bathurst Regional Counci

Email:

council@bathurst.nsw.gov.au



AGENDA - Ordinary Meeting of Council Agenda - 16 September 2020 Attachments

Jason Smith 78 Gilmour street Kelso NSW 2795

Bathurst Regional Council 158 Russell Street Bathurst NSW 2795

Attn: Fern-Alice Finn

Re: DA 2020/183 – Shed 78 Gilmour Street, Kelso

Dear Fern-Alice,

I write in reference to my Development Application as referred to above. In this letter I am outlining my plans for the above property including prefacing why I purchased the property.

I recently purchased 78 Gilmour Street due to my desire to live close to town, but yet on a semi-rural property as I was moving from White Rock. Prior to purchasing the property, I conducted due diligence through BRC to determine if a shed could be constructed. The property was purchased on this premise.

As the property is zoned as RU4 I was informed that a shed with an area of 300 square meters and 10 meters high can be erected with an exemption.

The reason a DA is lodged is because the shed is proposed to be constructed over the house sewer. Due to the unusual shape of the allotment (i.e. quite narrow and fairly long), the shape of the land restricts the use of land and the location of the sewer also impacts this, hence requiring a DA.

With my keen interest in house renovation and gardening, and my hobbies, the shed will primarily be used to serve the existing residential purpose of the land. I also intend to improve the rear yard, and hope to be able to improve the self-sustainability of the property. The building of the shed will facilitate safe and neat storage of renovation and landscaping/gardening materials needed to improve the residence, thus allowing for the rear yard to tidied and redesigned to allow for promoting its intended purpose of small rural allotment. My plans include the creation a chicken hutch, and possibly a small nursery of animals for the enjoyment of my daughter (including a family dog, a hand-reared lamb, and perhaps a small horse or pony). Unfortunately, the existing single fibro garage is very small, not weather-proof and inadequate for my use. Longer term, it will also impinge of plans to improve and landscape the house yard, and may need to be demolished.

In the long term I also intend on replacing the boundary fence all round and plant trees to form a green barrier. I would also like to restore and extend the house in keeping with the original designs of its heritage period.

Please find answers to your questions, as per your recent request, below:

1/9/2020

1. What types of activities will be carried out within the shed and how often?

The shed will be used for personal use and hobbies, parking of personal vehicles, motor bikes, caravan, boat, and historic vehicles (and associated trailers). A work-supplied vehicle will also be parked in the shed on most days. The shed will also supplement safe and secure household storage, as the existing single fibro garage is very small and not secure. Accordingly, the proposed shed will be accessed daily.

2. Will the shed be used for, or in association with, any commercial, industrial or agricultural purpose?

The shed is not planned to be used for commercial, industrial or agricultural uses.

3. What types of vehicles, machinery, trailers, plant (etc.) will be stored within the shed, and for what purpose are these goods normally used?

The shed will be used for personal use and hobbies, parking of personal vehicles, motor bikes, caravan, boat, and historic vehicles (and associated trailers). A work-supplied vehicle will also be parked in the shed on most days.

4. Is the use of the shed intended to serve the existing residential purpose of the land and what relationship will it have to that purpose?

As previously outlined, with my keen interest in house renovation and gardening, and my hobbies, the shed will primarily be used to serve the existing residential purpose of the land. I also intend to improve the rear yard, and hope to be able to improve the self-sustainability of the property. The building of the shed will facilitate safe and neat storage of renovation and landscaping/gardening materials needed to improve the residence, thus allowing for the rear yard to tidied and redesigned to allow for promoting its intended purpose of small rural allotment.

5. What area of the land will be used in association with the proposed shed (including internal and external)?

As the allotment is about 3000 sq. metres, the proposed shed internal dimensions represent approximately 10% of the total area. A driveway and access area will consume another 5% of total area.

6. Will any other people or employees be visiting the site to collect plant, machinery or goods?

Business machinery and plant are stored off site at secure premises, so no others will be entering on a regular basis.

7. Will any materials or goods associated with any business be stored at the premises?

Likewise, all business materials and goods are stored on the job site or at the secure site, Any materials are for private use and/or for hobbies.

I look forward to hearing from you soon.

Yours Sincerely

Jason Smith

Attachment 8.2.4.3



<u>Client:</u> JASON SMITH

Job Description: PROPOSED NEW SHED Lot 1 (DP 195566) 78 GILMOUR STREET, KELSO, NSW. 2795.

Contents:			
DACC	01	COVER PAGE	
DACC	02	SITE/ROOF PLAN	
DACC	03	GROUND FLOOR PLAN	
DACC	04	SPECIFICATION	

AFTING

DR

SCHUMACHER

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SUBJECT SITE: Lot 1 (DP 195566) 78 GILMOUR STREET, KELSO, NSW. 2795.



COVER PAGE

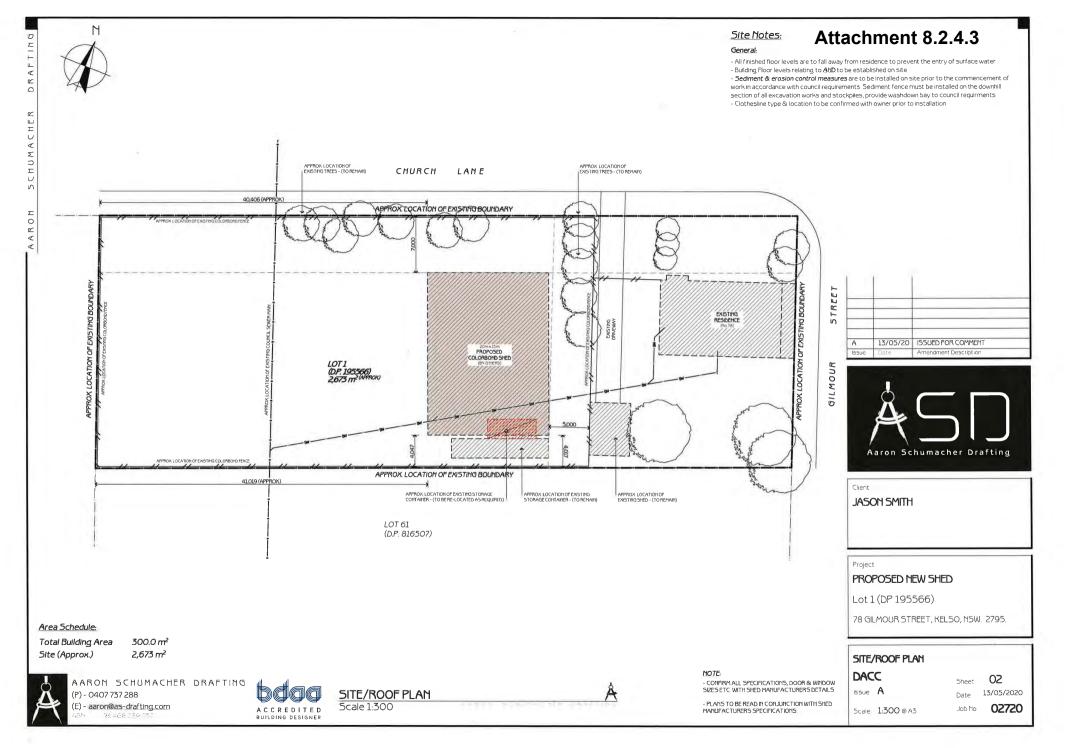


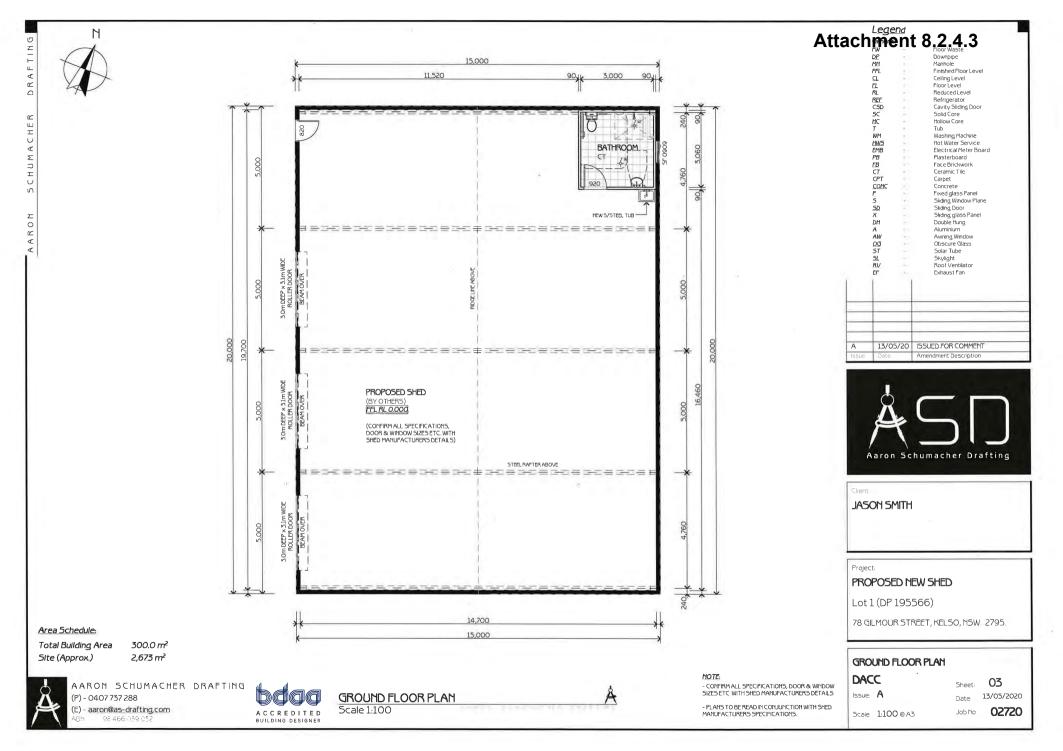
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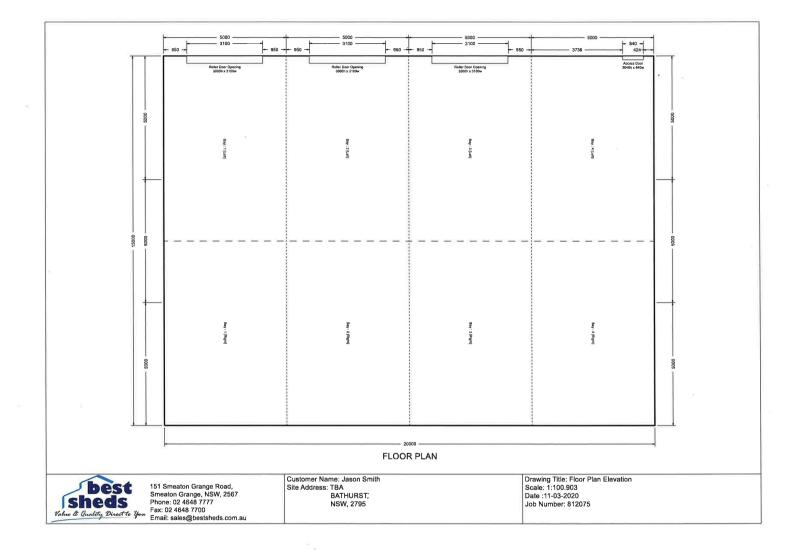


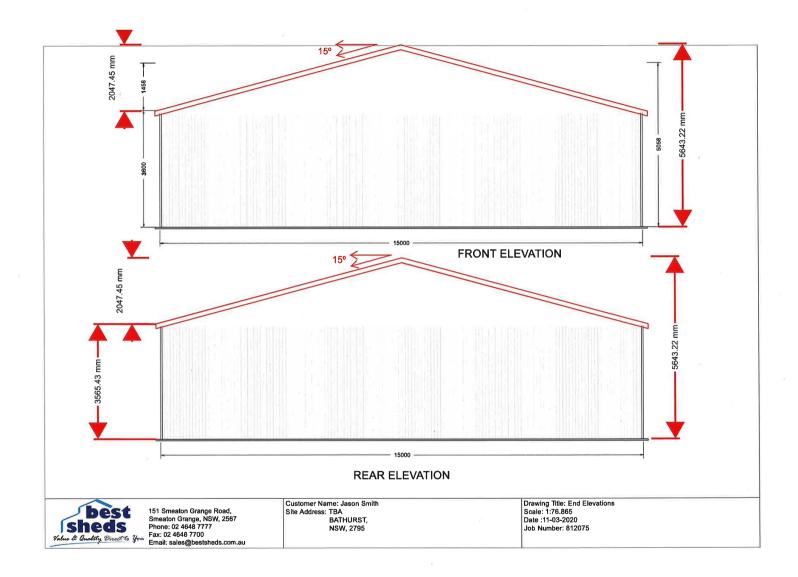
A C C R E D I T E D BUILDING DESIGNER

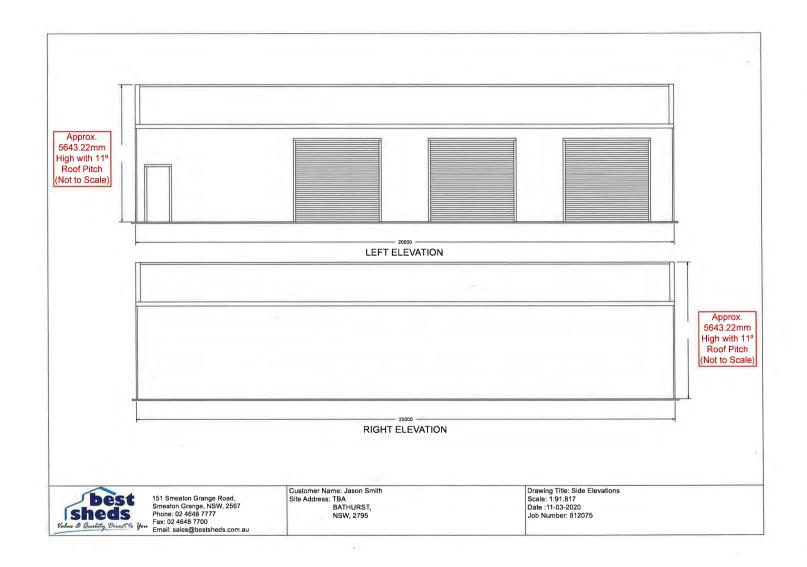
AGENDA - Ordinary Meeting of Council Agenda - 16 September 2020 Attachments













NOTE:

- CONFIRM ALL SPECIFICATIONS, DOOR & WINDOW

SIZES ETC. WITH SHED MANUFACTURERS DETAILS

- PLANS TO BE READ IN CONJUNCTION WITH SHED

(P) - 0407 737 288

(E) - aaron@as-drafting.com

AARON SCHUMACHER DRAFTING

MANUFACTURERS SPECIFICATIONS

Specification Notes General.

Drawings prepared from information supplied by the owner and/or builder All dimensions are in millimetres & shall be verified on site DO NOT SCALE FROM DRAWING - If in dout ask All dimensions & all floor levels provided are to be confirmed prior to construction It is the responsibility of the builder to verify documents as to their accuracy and suitability These plans are to be read in conjunction with Engineer's details BCA refers to the Building Code of Australia - Volume 2, Housing Provisions

Statutory Regulrements:

All work to be carried out in accordance with the BCA, conditions imposed by the local uthority and the commitments outlined in the relevant BASIX Certificate The builder is to comply with the requirements of all legally constituted authorities having urisdiction over the building works and the provisions of the Home Building ACT Prior to the commencement of building work, the builder shall provide temporary toilet acilities for the use of subcontractors. Where the local authority requires the temporary loilet to be connected to sewer mains, the additional cost shall be borne by the owner On completion the builder shall remove the amenity,

BCA Regulrements: All earthworks shall be in accordance with the engineer's details and Part 31.1 of BCA All excavations and underfloor fill shall be in accordance with the engineer's details ind Part 322 of BCA Primary building elements are to be protected from subterranean termites in accordance th Part 314 of BCA Provide adequate cross ventilation to space under suspended ground floors in ccordance with Part 3.4.1 of BCA Sub Floor access to be provided as indicated on plan Stormwater drainage shall be carried out in accordance with Part 313 of BCA All timber framework shall comply with Part 343 of BCA or A51684 Roof trusses shall be designed in accordance with A51220, and erected, fixed and braced accordance with manufacturer's instructions Strip and sheet flooring shall be installed in accordance with A51684 All metal fittings used in structural timber joints and bracing must have corrosion protection Steel framing shall be in accordance with manufacturer's recommendation and Part 3.4.2 of BCA Concrete slab & footings to be designed in accordance with AS2870. All structural elements are to be designed by a practicing structural engineer All roof cladding shall comply with Part 351 of BCA and be installed in accordance with anufacturer's recommendations Gutters and downpipes shall be in accordance with Part 353 of BCA Sarking shall comply with Part 3524 of BCA Flashings shall comply with Part 3323 of BCA Clay brickwork shall comply with Part 33 of BCA, A5/NZ54455, A5/NZ54456 & A53700 Concrete blockwork shall be constructed in accordance with Part 33 of BCA Autoclaved aerated concrete products shall be installed in accordance with nanufacturer's product specification Damp proof courses shall comply with Part 3357 of BCA Cavity ventilation must be provided in accordance with Part 3356 of BCA Mortar shall comply with Part 3353 of BCA and joint tolerances shall be in accordance with A53700. Masonry accessories shall comply with Part 3.3.3 of BCA Appropriate ties shall be rovided to articulated masonry joints Lintels used to support brickwork over wall openings shall comply with Part 33.3 of CA and protected from corrosion in accordance Part 3.3.5.12 of BCA Engaged piers in single leaf masonry walls shall be constructed in accordance with Table 9.2 Pier spacings for one way spanning walls, of Australian Standard A54773.1-2010 Masonry in small buildings. Refer to the table extract below for details. Internal wet areas and balconies over habitable rooms to be waterproofed in accordance with Part 3.8.1 of BCA. Wet area wall lining is to be fixed in accordance with manufacturer's ecommendations. All timber doors and door sets shall be manufactured in accordance with A52688 & A52689 unless listed otherwise in schedule of works Windows and doors shall be manufactured and installed in accordance with AS2047. All glazing shall comply with Part 36 of BCA Where a pliable building membrane is installed in an external wall it must be installed in accordance with Part 3872 of the BCA & Comply with A5/NZ 4200.1 An exhaust system installed in a Kitchen, bathroom, Sanitary compartment or Laundry must comply with the minimum low rates as specified in Part 3875(a) of the BCA & Be discharged in accordance with Part 3873(b) of the BCA. Ventilation of roof spaces must be in Accordance with Part 3874 of the BCA Stair and ramp construction shall be in accordance with Part 3.91 of BCA Slip-Resistance treatment to stair treads, ramps & landings shall be in accordance with Part 3.91.4 of BCA Balustrades & Handralls shall be in accordance with Part 392 of BCA Protection of openable windows shall be in accordance with Part 3.9.26 of BCA All plumbing shall comply with the requirements of the relevant supply authority and A55000, and be carried out by a licensed plumber All gas installations shall comply with the requirements of the relevant supply authority and e carried out by a licensed gas fitter Provide and install hard wired interconnected smoke alarms in accordance with A53286 and Part 375 of BCA Installation of wall and floor tiles shall be in accordance with A539581 Building is to be sealed to the requirements of Part 3,12,3 of BCA, including chimneys, flues, pof lights, external windows and doors, exhaust fans, roof, walls and floors Services are to be installed to the requirements of NSW Part 3.12.5 of BCA, including of water supply, insulation of services, central heating water piping and heating and ooling ductwork Mechanical ventilation is to be installed in accordance with Part 385 of BCA Inward swinging WC doors are to be fitted with lift off hinges to comply with Part 5833 BCA if indicated on plans

Fireplace, Chimney & Flue Construction to be in accordance with Part 3107 of BCA

Attachment 8.2.4.3

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Issue A 04 Sheet 13/05/2020 Date

SPECIFICATION

DACC

JOB NO 02720

AGENDA - Ordinary Meeting of Council Agenda - 16 September 2020 Attachments

ACCREDITED

BUILDING DESIGNER

-----Original Message-----From: jsmwcontracting@gmail.com <jsmwcontracting@gmail.com> Sent: Tuesday, 21 July 2020 12:16 PM To: Fern-Alice Finn <Fern-Alice.Finn@bathurst.nsw.gov.au> Subject: 78 Gilmour Street

Hi Fern

We spoke last week about the shed I have a DA in with you and that the roof is going to change from a 11 degree angle to 15 degree

The overall size and position Is the same, this is due to a different shed manufacturer

Jason Smith 78 Gilmour street 0435850772

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Click here to report this message as spam:

https://aus01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fconsole.mailguard.com.au%2Fras%2F1YA6L5 ATjx%2F7ep1ZTFr30DOi75e2ZbBct%2F2.9&data=02%7C01%7C%7C3985e0ada4484e0d64e808d82d1c03ce %7C4277144fcec04429b0853805e1ddacdf%7C1%7C0%7C637308945637116987&sdata=EBMORr4oSVjVnNd apYSq0ErTJtrl3e0O5V2mZR3UPHk%3D&reserved=0

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Civic Centre: 158 Russell Street Correspondence: Private Mail Bag 17 BATHURST NSW 2795 Telephone 02 6333 6111 Facsimile 02 6331 7211 <u>council@bathurst.nsw.gov.au</u> www.bathurst.nsw.gov.au

OFFICE USE ONLY

REQUEST FOR VARIATION OF DEVELOPMENT CONTROL PLAN STANDARD

Section 1	Development Details
DA Number:	DA2020/183
Applicant:	Jason Smith
Development det	ails: Construction of a colorbond shed

Section 2 Bathurst Regional Development Control Plan 2014

Clause No/s: A variation to Clause 6.2 "Siting" of Bathurst Regional Development Control Plan 2014

.....

Section 3 Reason/s for variation

I am requesting a variation to Clause 6.2 "Siting" of Bathurst Regional Development Control Plan 2014

As the property allotment is only 31 metres wide but quite long (approximatly 100m) and the proposed shed is 20m wide I am requesting a variation so as I can constuct the colorbond shed aproximately 4m off the boundrary on the southern side of the property to allow 7 metres on the nothern side for an entrance, facilitating a safe and easy access off Church Lane.

There is also a council sewer main running through the property and this also limits the use of the rear of the property on the western side . The shed is positioned on the property as to optimise the area used and also cause as little interferance to the surrounding neighbours. The proposed postitioning also limits the size impact of the shed, by running it parellel to the existing house, and placing it as close to the gate as possible, also limiting the visual impact to both Gilmour Street and Church Lane.

If the shed was turned 90 degrees on the property (to comply with set backs in the Control plan) the shed still would not fit the narrow block and there would be a 20m wall facing the neighbour on the southern side, creating much more impact to their rural outlook.

Section 4 Applicant signature panel		
Name (print names)	Signature	Date
Name (print names) Jason Smith	ahit.	02/09/2020
	~	

The information on this form is being collected to allow council to process your application and/or carry out its statutory obligations. All information collected will be held by Council and will only be used for the purpose for which it was collected. An individual may view their personal information and may correct any errors.

Ref:08.00016/054

Issue Date: 1 July 2013

2013 Review Date: As required

Planners comments

 From: Philipl Mand <philipmanaccom@gmail.com>
Sent: Friday, 14 August 2020 5:14 AM
To: Fern-Alice Finn <Fern-Alice.Finn@bathurst.nsw.gov.au>
Subject: Re: Development Application 78 Gilmour St Kelso [SEC=UNOFFICIAL]

HI Fern-Alice,

Thanks for forwarding these plans, I strongly object to the proposed layout as the container is to remain in it's current position, plus this overscaled building is too close to the boundary. The neighbour has said that he will move the container, and on the plans it states it is too remain. This proposed industrialisation (with commercial sheds and containers) be positioned so close to an important historical building flies in the face of the intent of the current zoning of Market gardens, and the Heritage Curtilage of the adjacent properties. (Holy Trinity Church and the Old Parish Hall)

If Bathurst Council allow this overscaled, development to be approved in it's current state, it would indicate to all, that council care very little for heritage, existing zoning controls and neighbours concerns.

The owner of this property need to re-position these industrial style buildings away from the 1840 Old Parish Hall, so their visual intrusion is minimised.

Kind regards

Philip Mandalidis

On Wed, Aug 12, 2020 at 8:54 AM Fern-Alice Finn <<u>Fern-Alice.Finn@bathurst.nsw.gov.au</u>> wrote:

Hi Philip

Please see attached the amended plans for the proposed shed. It should be noted that the roof pitch has been changed from 11 degrees to 15 degrees since the application was originally notified to neighbouring landowners in June.

Thanks,

Fern-Alice Finn

Development Control Planner Bathurst Regional Council 158 Russell Street Bathurst 2795 P: 02 6333 6215 W: www.bathurst.nsw.gov.au





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1

From: PhilipI Mand <philipmanaccom@gmail.com>
Sent: Tuesday, 11 August 2020 2:53 PM
To: Fern-Alice Finn <Fern-Alice.Finn@bathurst.nsw.gov.au>
Subject: Development Application 78 Gilmour St Kelso

Hi Fern,

I am the immediate neighbour to 78 Gilmour St Kelso. My neighbour approached me about his plans to build a shed in his yard. I have yet to see any plans for this proposed sheds. Could you kindly forward me these plans for comment.

Kind Regards

Philip Mandalidis

0452 611 075

I have attached an image of my residence, Old Parish Hall built in 1840, in some people's view an important historical Bathurst Building.



From:Fern-Alice FinnSent:Tuesday, 25 August 2020 10:33 AMTo:CouncilSubject:Response to Public Submission [SEC=UNOFFICIAL]

Please register to DA2020/183.

Fern-Alice Finn

Development Control Planner Bathurst Regional Council 158 Russell Street Bathurst 2795 P: 02 6333 6215 W: www.bathurst.nsw.gov.au





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From: jsmwcontracting@gmail.com <jsmwcontracting@gmail.com>
Sent: Monday, 24 August 2020 9:56 AM
To: Louise Windsor <Louise.Windsor@bathurst.nsw.gov.au>
Cc: Fern-Alice Finn <Fern-Alice.Finn@bathurst.nsw.gov.au>
Subject: Re: Copy of submission email [SEC=UNOFFICIAL]

Hi Louise and Fern-Alice,

Thank you for emailing the objection.

As the Zoning is RU4 I had the opportunity to lodge an exemption form for a shed 300 square meters and 10meters high without a DA, however due to the location of the existing sewer pipe this was not viable.

In early discussions, I spoke with my neighbour Philip over the fence, indicating my proposal and between us came to an agreement upon which I lodged the plans. At no stage did he mention any of the concerns outlined in your attachment.

The only change I have made to the original plan (for which there were no objections by council) is an increase in pitch from 11 degrees to 15 degrees. A decision was made to increase the pitch as the extra height is in keeping with surrounding buildings, specifically in sympathy with adjacent heritage buildings. Additionally the slight change to the roof incline has minimal impact and the shadow cast does not in any way impinge on adjoining properties.

I trust you will appreciate the consideration I have put into this application.

Please do not hesitate to contact me with any questions you may have.

Thanks for your consideration.

Regards,

Jason Smith

On 20 Aug 2020, at 10:30 am, Louise Windsor <Louise.Windsor@bathurst.nsw.gov.au> wrote:

Hi Jason,

Please find copy of submission attached: (apologies for not sending it earlier)

Regards, Louise

Louise Windsor

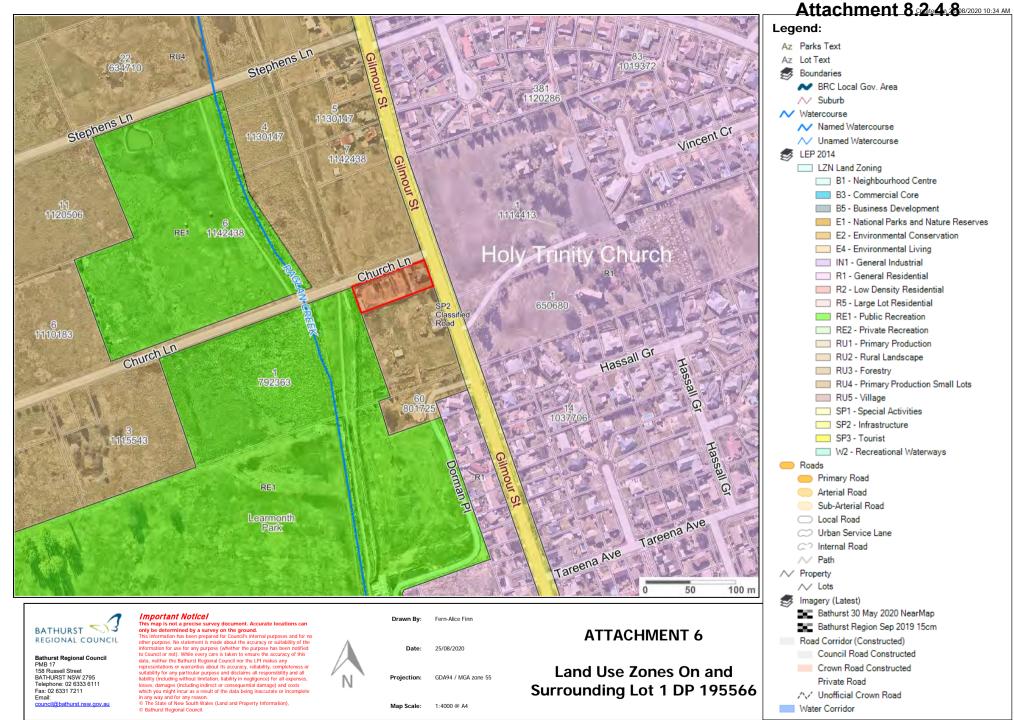
Secretary (JS) Bathurst Regional Council 158 Russell Street Bathurst 2795 P: 02 6333 6211 W: www.bathurst.nsw.gov.au <mime-attachment.jpg>

<mime-attachment.png>

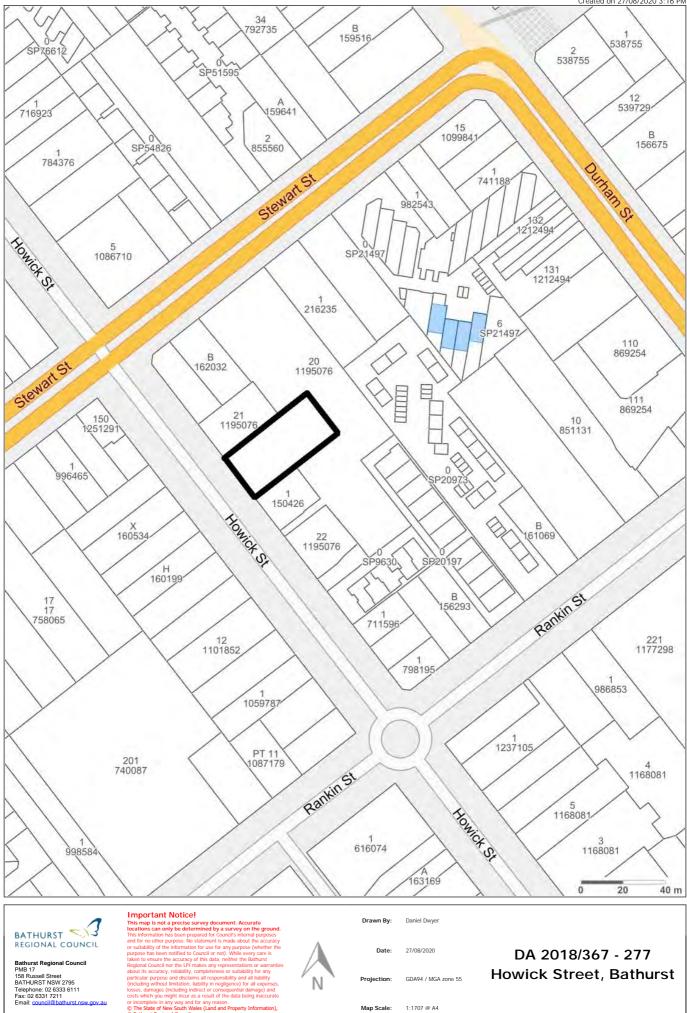
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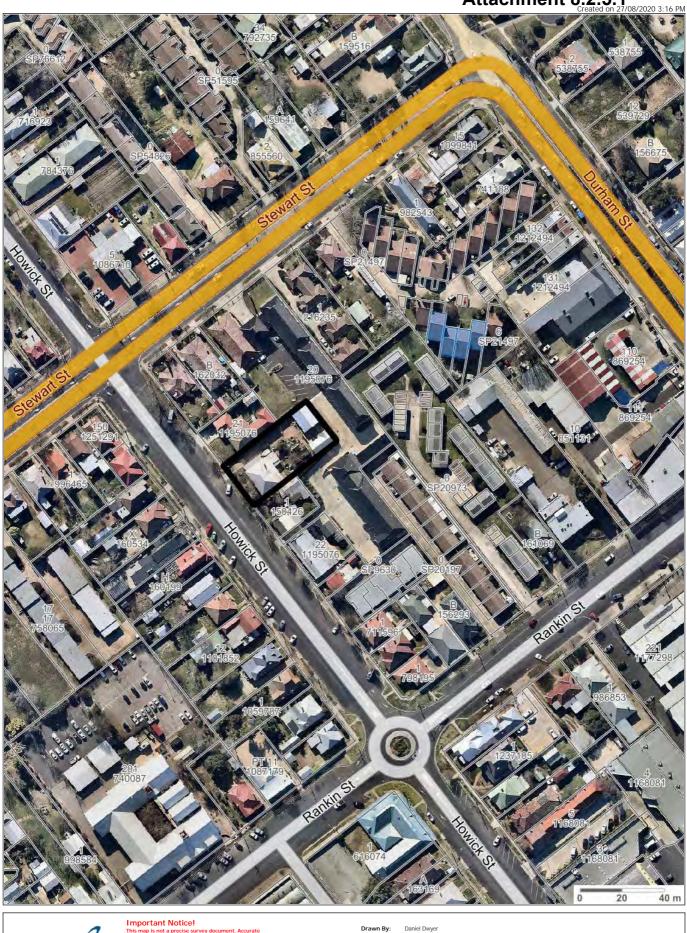
<Mandalidis, Philip. Objection~ is too close to the boundary.PDF>

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AGENDA - Ordinary Meeting of Council Agenda - 16 September 2020 Attachments







27/08/2020 Date

Proje

Map Scale:

GDA94 / MGA zone 55

1:1707 @ A4

DA 2018/367 - 277 Howick Street, Bathurst



Front façade of 277 Howick Street prior to the commencement of works.



Front façade of 277 Howick Street prior to the commencement of works.



Current state of front façade of 277 Howick Street



Current state of front façade of 277 Howick Street

SECTION 4.55 APPLICATION - DA 2018 / 367

NEW RESIDENCE

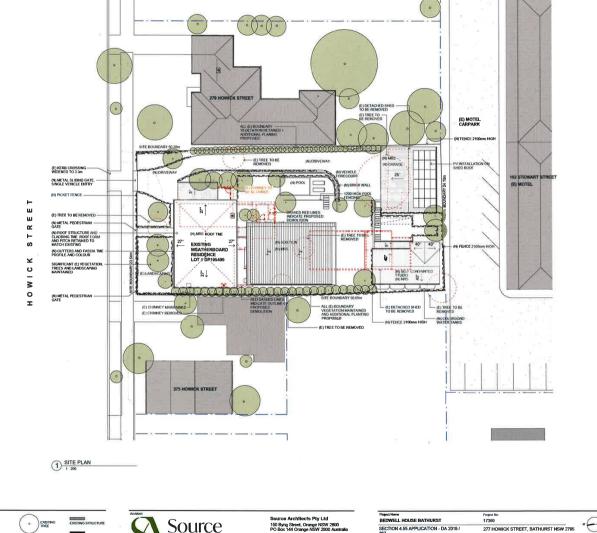
BEDWELL HOUSE BATHURST

277 HOWICK STREET, BATHURST NSW 2795

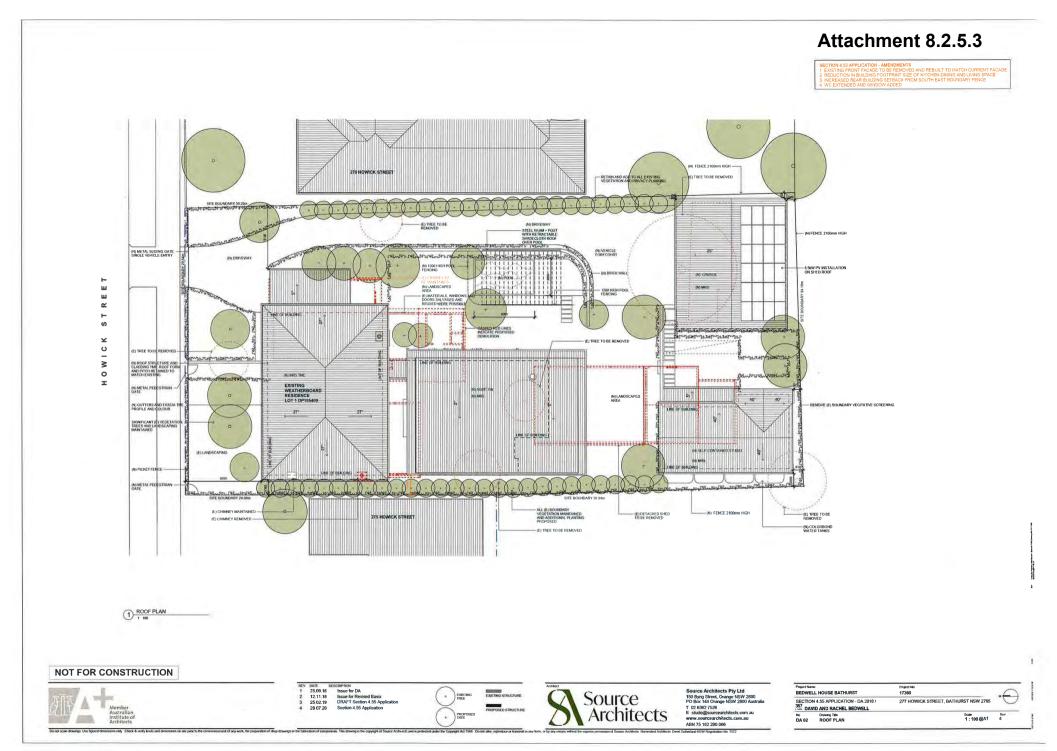
DRAWING SCHEDULE

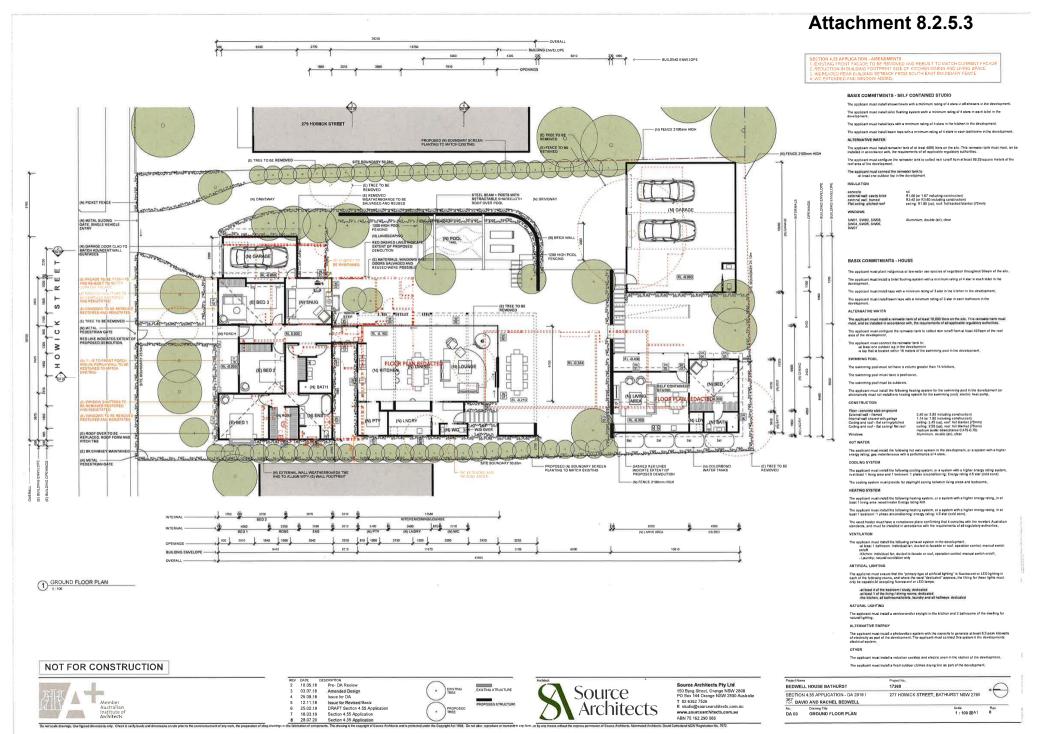
DRAWI	Ng No.	DRAWING NAME	REV	
DA 01		COVER / SITE PLAN	7	
DA 02		ROOF PLAN	4	
DA 03		GROUND FLOOR PLAN	8	
DA 04		ELEVATIONS	7	
DA 05		SECTIONS	6	

ION 4.55 APPLICATION - AMENDMENTS ISTING FRONT FACADE TO BE REMOVED AND REBUILT TO MATCH CURRENT FACADE DUCTION IN BUILDING FOOTPRINT SYZE OF KITCHEN DINING AND LIVING SPACE REASED REAR BUILDING SETBACK FROM SOUTH EAST BOUNDARY FENCE

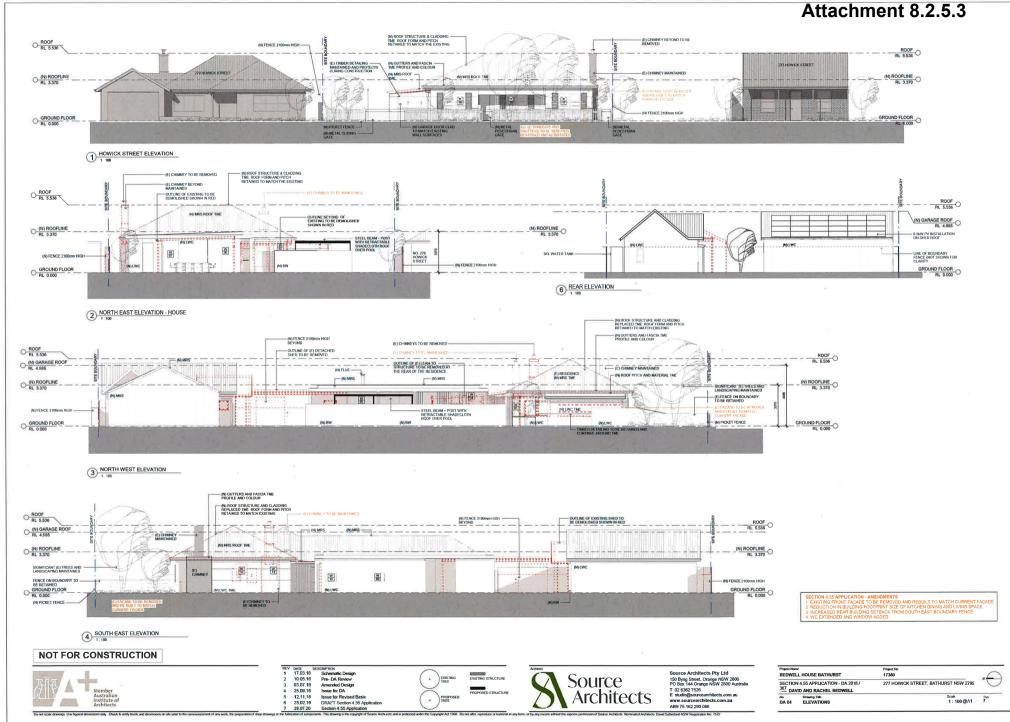


	REVICIDATE DESCRIPTION 1 17.03.18 Schematic Design 2 10.05.18 Pre-DA Review	EXISTING EXISTING STRUCTURE		Source Architects Pty Ltd 150 Byng Street, Orange NSW 2800	Project Name BEDWELL HOUSE BATHURST	Project No. 17360
A Member	3 03.07.18 Amended Design 4 25.09.18 Issue for DA	TREE PROPOSED STRUCTURE	Source	PO Box 144 Orange NSW 2800 Australia T 02 6362 7526	SECTION 4.55 APPLICATION - DA 2018 /	277 HOWICK STREET, BATHURST NSW 2795
Australian Institute of Architects	5 12.11.18 Issue for Revised Basix 6 25.02.19 DRAFT Section 4.55 Application 7 28.07.20 Section 4.55 Application	+ PROPOSED TREE	Architects	E studio@sourcearchitects.com.au www.sourcearchitects.com.au ABN 75 182 290 086	No. Drawing Title DA 01 COVER / SITE PLAN	Scale Rav 1:200@A1 7

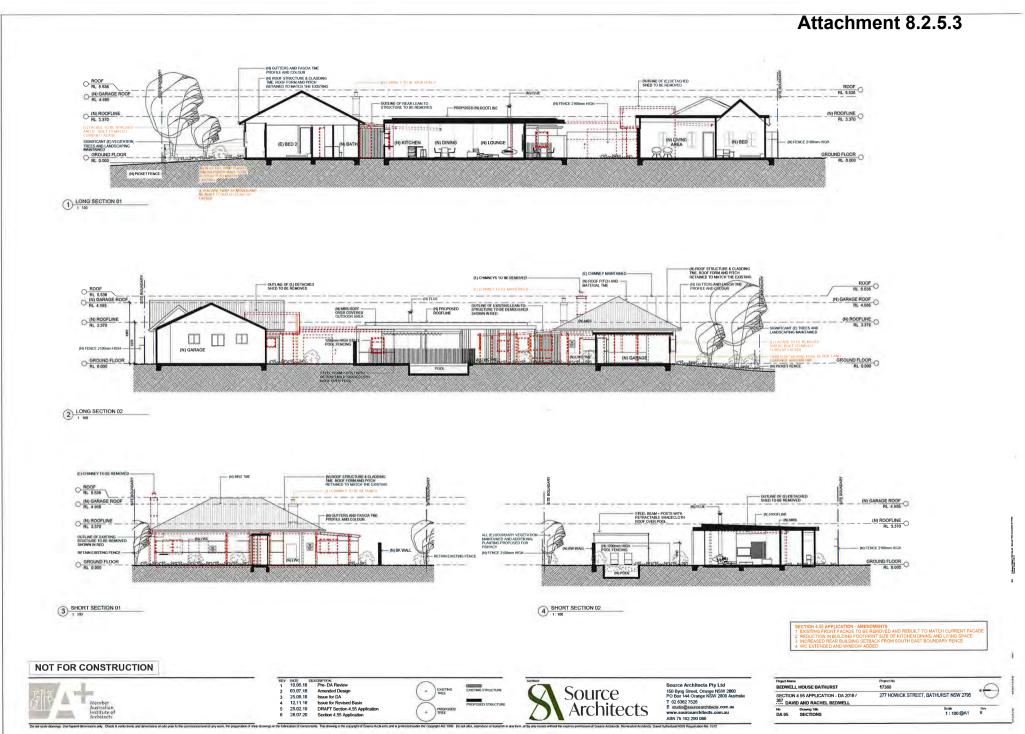




AGENDA - Ordinary Meeting of Council Agenda - 16 September 2020 Attachments



AGENDA - Ordinary Meeting of Council Agenda - 16 September 2020 Attachments



STATEMENT OF ENVIRONMENTAL EFFECTS

SECTION 4.55 APPLICATION DA 2018/367

For NEW RESIDENCE

277 Howick Street, Bathurst, NSW, 2795 Lot 1 | DP 195409

Prepared By



REVISION C

For David & Rachel Bedwell

Source Architects Pty Ltd PO BOX 144 Orange NSW www.sourcearchitects.com.au

NSW NOMINATED ARCHITECT | DAVID SUTHERLAND | 7572

277 HOWICK STREET, BATHURST | 17360 SECTION 4.55 - STATEMENT OF ENVIRONMENTAL EFFECTS



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1 INTRODUCTION

Source Architects Pty Ltd have been engaged by David and Rachel Bedwell to prepare architectural plans and a Statement of Environmental Effects (SoEE) as part of a Section 4.55 Application to modify Development Application DA (2018/367) for a new residence at 277 Howick Street, Bathurst, NSW 2795.

This report addresses the relevant matters for consideration under the section 76C of the Environmental Planning and Assessment Act (the 'EPA')

2 CONSULTATION

Prior to approval of DA 2018/367, this development proposal had been discussed formally and informally with Bathurst Council on several occasions to discuss proposal for retention of the streetscape elements of the existing residence. Our contact for these discussions was Lucie Clifton, with input received from Councils Heritage Advisor, Barbara Hickson. We acknowledge the assistance provided by Councils Planning Staff in the preparation of the design strategy employed in this DA.

3 SITE DESCRIPTION

The subject site is described as Lot 1 in DP 195409 and is referred to as 277 Howick Street, Bathurst.

The site has an area of 1218.53 sq.m and is zoned R1 (General Residential). Development on the site consists of a single storey dwelling with shed and self contained studio at the rear.

The property is bounded on the northwest and southeast sides by single storey residences and to the northeast and the rear part of the southeastern boundary by the Bathurst Heritage Motor Inn.

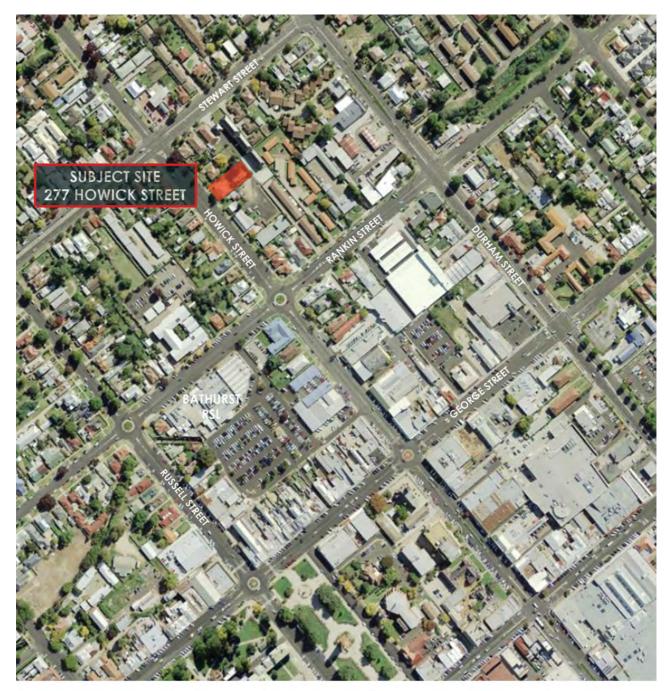


Figure 1 – Streetscape Image. 277 Howick Street Outlined (Source: Source Architects NTS)

The site slopes gently from the western corner (at Howick Street) to the east most corner, with a fall of only some 400mm across the site.

While the site is within a General Conservation Area as identified in the Bathurst Regional Local Environment Plan (LEP) 2014, the subject residence is not a heritage item in Schedule 5 of the LEP and is not adjacent to, or opposite a listed heritage item.



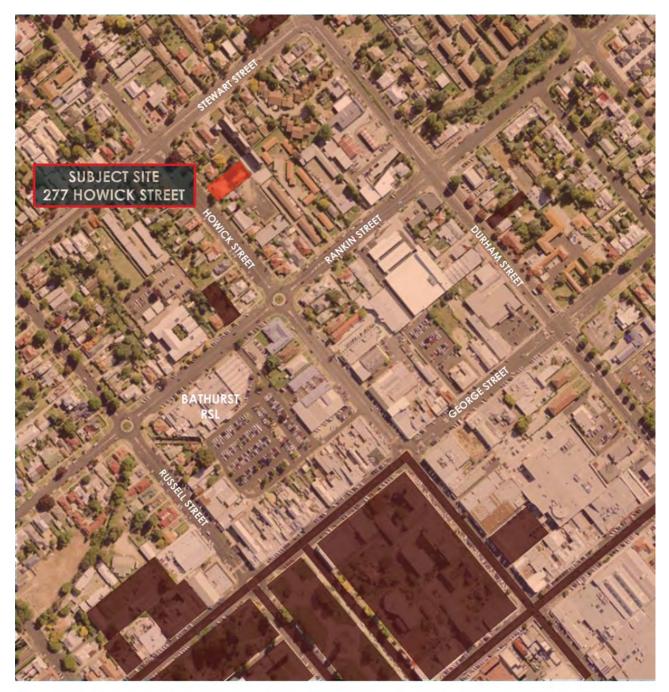




SUBJECT SITE 277 HOWICK STREET, BATHURST

Figure 2 - Location of Subject Site (Source: Six Maps, Markup by Source Architects NTS)





SUBJECT SITE 277 HOWICK STREET, BATHURST BATHURST REGIONAL COUNCIL LEP 2014 HERITAGE CONSERVATION AREA

BATHURST REGIONAL COUNCIL LEP 2014 HERITAGE ITEM

Figure 3 – Subject Site in relation to Conservation Area and Heritage Items (Source: Six Maps, Markup by Source Architects NTS)





SUBJECT SITE 277 HOWICK STREET BATHURST

Figure 4 – Subject Site in relation to Neighboring Properties (Source: Six Maps, Markup by Source Architects NTS)



The subject property is a rectangular shaped block with driveway access from Howick Street. The property shares boundaries with 3 properties as follows:

No. 279 Howick Street

Located to the immediate north west of the subject site, 279 Howick Street is home to a freestanding brick and tile bungalow. The residence has been extended at the rear in recent years. The house sits close to the boundary with the subject site with a minimal setback and a number of windows that overlook the subject site. The house on 279 Howick is also raised some 700mm which further exacerbates this issue. Some existing screen planting and the proposed fence will mitigate overlooking, providing sufficient degree of privacy between the 2 properties.

No. 273 Howick Street

Located to the immediate south east of the subject site, 273 Howick Street is home to a freestanding single level house and corrugated iron outbuildings. The house is some distance from the subject site, sitting along its south eastern boundary with 271 Howick. The outbuildings are of low scale and do not impact on the privacy of 277 Howick Street.

No. 102 Stewart Street (Bathurst Heritage Motor Inn)

The land owned and occupied by the Bathurst Heritage Motor Inn abuts 3 boundaries of the subject property being the north east (rear), the rear part of the north west boundary, and the rear part of the south east boundary. The buildings on site are 2 level brick and tile structures with external walkways used to access motel rooms. Patron parking is provided at ground level immediately adjacent the boundary with the subject site.

Despite a generous setback from the shared boundary, due to the height and walkway configuration of the buildings on the Heritage Motor Inn site, there are significant privacy issues due to Motel patrons and staff on upper levels being able to be look directly into the subject site. Vegetation on site is not able to mitigate these privacy issues. However, the proposed fences will decrease visibility into the subject site from the patron parking.





Figure 5 – 277 Howick Street – View of subject house from street (Source: Source Architects)



Figure 6 – 277 Howick Street – View of subject house from street - East Side (Source: Source Architects)





Figure 7 – 277 Howick Street – View of subject house from street - West Side (Source: Source Architects)



Figure 8 – 277 Howick Street – View of east side of existing house (Source: Source Architects)





Figure 9 – 277 Howick Street – East side of rear sheds with Heritage Motor Inn beyond (Source: Source Architects)



Figure 10 – 277 Howick Street – Back Shed and tree to be removed with Heritage Motor Inn Beyond (Source: Source Architects)



4 PROPOSAL

This proposal involves Section 4.55 Modifications to the approved Development Application DA 2018/367 for alterations and additions to the existing house as outlined following:

Existing front façade to be removed and rebuilt to match current façade.

Reduction in building footprint size of Kitchen, Dining and Living Spaces. Increased rear building setback from south east boundary fence.



5 PLANNING CONSIDERATION

Section 76C of EPA states the following (our emphasis added):

(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 <u>draft environmental planning instrument</u> that is or has been placed on public exhibition and details of which have been notified to the consent authority, and
 - (iii) any development control plan, and
 - (iv) any <u>matters prescribed by the regulations</u> that apply to the land to which the development application relates,
- (b) the <u>likely impacts of the development</u>, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,
- (c) the suitability of the site of the development,
- (d) any submissions made in accordance with this Act or the regulations,
- (e) the public interest.

These key matters in considering this development application have been taken into account in the preparation of this proposal as set out below.

5.1 Environmental Planning Instruments

The subject property is zoned R1 (General Residential). The proposed work is permissible with consent. The following LEP clauses from Bathurst Regional Local Environmental Plan 2014 is applicable to the development.

Mapping

The subject Site is identified on the LEP Maps as follows:

Land Zoning Map	Land Zoned R1 - General Residential
Heritage Map	Not a Heritage Item. Within a Conservation Area
Maximum Floor Space Ratio	Not identified on Floor Space Ration Map
Drinking Water Catchment Map	Not within Drinking Water Catchment Map
Flood Planning Map	Not within Flood Planning Area
Maximum Building height	9m Maximum
Minimum Lot Size (Dual Occupancy)	600sq.m (Not applicable to proposal)
Minimum Lot Size (Multi Dwelling)	900sq.m (Not applicable to proposal)
Minimum Lot Size	550sq.m (Not applicable to proposal)



Ref.	Summary of Performance Indicators/Controls	Compliance
Part 2 Clause 6	Zone R1(General Residential) Development is permissible with consent	
	 Objectives of zone The objectives of the zone are as follows: To provide for the housing needs of the community. To provide for a variety of hosing types and densities. To enable other land uses that provide facilities or services to meet the day to day needs of residents. To provide housing choice and affordability by enabling opportunities for medium density forms of housing in locations and at densities that complement the surrounding residential environment. To protect and conserve the historic significance and scenic quality of the urban villages of Eglinton, Raglan and Perthville To enable commercial development that is compatible with the amenity of the area and does not prejudice the status and viability of the Bathurst central business district as the retail, commercial and administrative centre of Bathurst 	Development is permissible with consent. Development consent is being sought
4.3 Height of Buildings	 (1) The objectives of this clause are as follows: (a) to establish the maximum height limit to which buildings may be erected in certain locations. (2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map. 	The Maximum Height of Building for the site is 9m. The approved dwelling as per DA 2018/367 does not exceed the building height limit. The proposed modifications do not alter the building height. COMPLIANT

Bathurst Regional Local Environmental Plan 2014



5.10 Heritage Conservation	(1) The objectives of this clause are as follows:	
	(a) to conserve the environmental heritage of Bathurst Regional local government area,	The proposal does not seek to alter the environmental heritage of Bathurst. Bathurst Council has always maintained that the front façade is to be retained as part of the construction. Unfortunately, as a result of the extreme seasonal conditions the façade has suffered considerable damage and is now in a state of requiring complete repair. This modification seeks approval for the removal and reconstruction of façade to match the current façade. The chimney will be preserved.
	(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,	The subject property falls within a General Heritage Conservation Area but will not adversely affect the significance of the area, identified items, fabrics, settings or views.
		As a result of the extreme seasonal conditions the façade has suffered considerable damage and is now in a state of requiring complete repair. This modification seeks approval for the removal and reconstruction of façade to match the current façade. The chimney will be preserved.
		The approved proposed extension sits almost wholly under the eaves line of the existing house, is not generally visible from the street and uses traditional materials compatible with the Heritage Conservation Area
	(c) to conserve archaeological sites,	The subject site is not an archaeological site.
	(d) to conserve Aboriginal objects and Aboriginal places of heritage significance.	The subject site has no identified Aboriginal objects and is not an identified Aboriginal place of heritage significance.
	(2) Requirement for consent	
	Development consent is required for any of the following:	
	(a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):	
	(i) a heritage item,	The subject residence is not a heritage item.
	(ii) an Aboriginal object,	N/A
	(iii) a building, work, relic or tree within a heritage conservation area,	
	(b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item	



that is specified in Schedule 5 in relation to the item,	
(c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,	This proposal has minimal excavation works only and the site is not a known archaeological site. N/A.
(d) disturbing or excavating an Aboriginal place of heritage significance,	This proposal has minimal excavation works and is not an identified Aboriginal place of heritage significance.
(e) erecting a building on land:	Consent is being sought
(i) on which a heritage item is located or that is within a heritage conservation area, or	N/A.
(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,	N/A.
(f) subdividing land:	N/A.
(i) on which a heritage item is located or that is within a heritage conservation area, or	N/A.
(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.	N/A.
(3) When Consent is Not Required	Consent is required and is being sought
 (4) Effect of proposed development on heritage significance The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6). 	As identified in the SoHI submitted as part of Development Application DA 2018/367, the subject building is a contributory item only, in that its individual significance is not high but rather its contribution to the broader Heritage Conservation Area and the streetscape is acknowledged. It is proposed that a CMP or other such document is not required or warranted for a building of this standing
 (5) Heritage Assessment The consent authority may, before granting consent to any development: (a) on land on which a heritage item is located, or (b) on land that is within a heritage conservation area, or (c) on land that is within the vicinity of land referred to in paragraph (a) or (b), 	A Statement of Heritage Impact has been prepared and submitted as part of Development Application DA 2018/367



require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

COMPLIANT



5.2 Bathurst Regional Development Control Plan 2014

The clauses within this plan that relate to this proposal are as follows:

Ref.	Summary of Performance Indicators/Controls	Compliance
4 RESIDENTIAL	DEVELOPMENT	
4.4 General Siting Considerations	4.4.1 Objectives a. To enhance and/or maintain residential streetscape and character and to	The front facade of the existing house will be removed and reconstructed to match the
	provide for landscaping in front of buildings	current facade. Landscaping and a front fence has been previously approved to ensure the character of the proposal fits within the existing character of the street.
	b. To provide access and fire protection, to maximise solar access and privacy, to minimise possible adverse impacts on adjoining properties, and to facilitate flexible site planning.	The position of the house is suitable for the site, with adequate setbacks on the south eastern boundary and generous setbacks to the north west boundary for generous access to north light.
	c. To reduce the visual dominance of garages, vehicle access, carports and parking spaces in the streetscape.	COMPLIANT
	4.4.2 Development Standards <u>General</u> a. Where cut and/or fill in excess of 1 metre is proposed, a cross section plan is to be provided demonstrating compliance with AS 2890 with respect to the driveway and the cut and fill provisions outlined in Chapter 16 of this DCP	Cut and fill greater than 1.0m is not proposed. Refer to the Architectural Drawings included as part of this Section 4.55 Application.
		COMPLIANT
	Front Building Line Setback a. Any part of the building must comply with the building line setbacks specified below.	The front setback remains as existing with the removal and reconstruction of the front façade to match the current façade. The existing front setback is in line with adjacent
	Within the Bathurst Conservation Area: Must complement the existing setbacks of surrounding buildings in the vicinity and within the streetscape. Visibility must be maintained on corner allotments.	residences.
	Side and Rear Building Line Setbacks a. Any part of the building must comply with the building line setbacks specified below.	
	Single Storey: In line with NCC, 10m Continuous Maximum	



	Two Storey: 1.5m, 10m Continuous Maximum	The existing setbacks of the residence are greater than those stipulated by the NCC. The existing house has a minimum setback of 1.5m
	b. Notwithstanding the table above, where Council is of the opinion that such a setback will:	
	i) significantly overshadow neighbouring properties and/or,	
	ii) adversely impact upon the privacy of neighbouring properties, then such a setback must be increased to the extent necessary to reduce the overshadowing or maintain the privacy of adjoining owners	
	c) All applications for development (except single storey dwelling houses) must show the location of neighbouring buildings, neighbouring windows, balconies and outdoor living areas in relation to the proposed development.	
	d) Applications for two storey development (including 2 storey additions) are to provide an assessment of overshadowing to all adjoining properties on the winter solstice in June.	
		COMPLIANT
4.8	4.8.1 Objective	COMPLIANT
4.8 Height of Buildings	a. To ensure that new housing development is	COMPLIANT There is not change to the building height.
Height of		
Height of Buildings 4.9	 a. To ensure that new housing development is built at a height compatible with existing residential development in the city. 4.8.2 Development Standards The Height of Buildings Map under clause 4.3 Height of Buildings of the LEP limits the height of buildings within the R1- General Residential and R2 Low Density Residential Zones to 9m, except in those circumstances 	There is not change to the building height. There will be no detrimental additional overshadowing of the neighboring properties due to the proposed works and no privacy impacts.
Height of Buildings	 a. To ensure that new housing development is built at a height compatible with existing residential development in the city. 4.8.2 Development Standards The Height of Buildings Map under clause 4.3 Height of Buildings of the LEP limits the height of buildings within the R1- General Residential and R2 Low Density Residential Zones to 9m, except in those circumstances outlined in (d) below. 	There is not change to the building height. There will be no detrimental additional overshadowing of the neighboring properties due to the proposed works and no privacy impacts.
Height of Buildings 4.9 Parking, Access and Manoeuvre	 a. To ensure that new housing development is built at a height compatible with existing residential development in the city. 4.8.2 Development Standards The Height of Buildings Map under clause 4.3 Height of Buildings of the LEP limits the height of buildings within the R1- General Residential and R2 Low Density Residential Zones to 9m, except in those circumstances outlined in (d) below. 4.9.1 Objective a. To provide for the safe and sufficient provision of car and bicycle parking on-site to meet the parking demands generated by	There is not change to the building height. There will be no detrimental additional overshadowing of the neighboring properties due to the proposed works and no privacy impacts. COMPLIANT
Height of Buildings 4.9 Parking, Access and Manoeuvre	 a. To ensure that new housing development is built at a height compatible with existing residential development in the city. 4.8.2 Development Standards The Height of Buildings Map under clause 4.3 Height of Buildings of the LEP limits the height of buildings within the R1- General Residential and R2 Low Density Residential Zones to 9m, except in those circumstances outlined in (d) below. 4.9.1 Objective a. To provide for the safe and sufficient provision of car and bicycle parking on-site to meet the parking demands generated by residents and visitors of the development. b. To ensure that safe and functional vehicular access is provided within new	There is not change to the building height. There will be no detrimental additional overshadowing of the neighboring properties due to the proposed works and no privacy impacts. COMPLIANT N/A



	Granny Flat – 1 Additional parking space	N/A
	b. Parking spaces shall not form part of the vehicle manoeuvring areas.	N/A
	c. All car parking areas are to be at or behind the building line. Any visitor parking (other than stack parking) should be adequately screened by landscaping to reduce the effect of the development on the streetscape.	N/A
	d. Parking spaces must be sited as close as possible to the dwelling they are going to serve.	N/A
	e. Parking spaces must comply with the minimum sizes outlined in the Australian Standard and Schedule 2 of this Plan.	N/A
	f. Visitor's parking spaces must be clearly designated and readily accessible	N/A
	g. Within a heritage conservation area, roller doors should generally not be visible from the road. Where this is not possible, Council may consider accepting a roller door facing the street if it is located behind the front building line and is of a panelled design.	N/A
	h. Parking areas are to be paved, and where required, line marked.	N/A
	i. Where an allotment of land immediately adjoins a classified road, access to the land must be in accordance with any criteria specified by the NSW Roads and Maritime Service	N/A COMPLIANT
4.10 Services	4.10.1 Objectives	
and Facilities	a. To ensure that all essential services and facilities are provided to new developments	
	4.10.2 Development Standards <u>Electricity and Telephone Services</u> a. Underground electricity and telephone services are to be provided to new developments to the satisfaction of the electricity authority and an appropriate telecommunications authority respectively. Where required by Council, street lighting is also to be provided/upgraded to the satisfaction of the electricity authority.	Electricity and telephone services are already connected to the existing house. If needed, these existing connections will be upgraded. The proposal will not alter this.
	<u>Water & Sewer</u>	



	a.All new development shall be connected to	Water & Sewer services are already
	Council's reticulated water and sewer systems. Consideration should be given to any likely future subdivision of the development as separate services will be required for each allotment created under a conventional subdivision	connected to the existing house. The proposal will not alter this.
	Roof and Surface Water Disposal a. All roofed and paved areas shall be drained to the street, piped drainage system, or other approved drainage system to the satisfaction of Council.	
	b. All storm water drainage lines are to be discharged to a legal point of discharge.	All storm water drainage lines will be discharged legally. The proposal will not alter this.
	c. Pump-out storm water drainage systems are not permitted as the sole method for storm water disposal.	A storm water pump out system is not proposed. Adequate drainage to the street is possible for all areas of the development. The proposal will not alter this.
	d. Developments with more than 50% impervious site area are to submit detailed engineering design plans of the proposed storm water drainage layout, including locations of grade inlet pits, size of pipes and modelling results for certain storm events.	N/A. Impervious area is less that 50% on the site. The proposal will not alter this.
	e. At no time, during or after construction, is any ponding of storm water to occur on adjoining land as a result of the new development.	COMPLIANT
4.11 Soil and Water Management	4.11.1 Objectives a. To achieve a standard of control that results in minimal impact on both on-site and off-site soil resources and surface water quality	
	4.10.2 Development Standards a. For developments with a disturbance area of less than 2500m2, development must comply with Council's Erosion and Sediment Control Guidelines for Building and Work Sites.	The amount of area required to be disturbed to realize the proposed work is significantly less than 2500sq.m. The proposal will not alter this.
10 URBAN DES	GIGN & HERITAGE CONSERVATION	
10.2 Heritage Impact	10.2.1 Objectives To ensure adequate information is submitted with a Development Application (DA) to determine the heritage impact of development by means of either a:	

Attachment 8.2.5.4



•Conservation Management Plan (CMP)	A Statement of Heritage Impact has been prepared and provided as part of this
•Statement of Heritage Impact (SoHI)	Development Application DA 2018/367
	COMPLIANT
10.2.2 Conservation Management Plan	
When is a CMP Required? A CMP may be required to accompany an application for a development associated with a building:	
a. Listed on the State Heritage Register, (SHR), under the Heritage Act 1977.	The site is not on the SHR
 b. Listed on Schedule 5 - Heritage Items of the LEP, where: i) The proposal consists of a major redevelopment involving land which contains a heritage item. ii) The proposal will significantly impact upon the Statement of Significance of a heritage item. iii) The proposal will impact upon the curtilage and/or elevations of a heritage item. iv) The proposal will significantly materially affect a heritage item. 	The site is not identified in Schedule 5 of the LEP
c)Where development is proposed under Clause 5.10(10) Conservation Incentives and/or Clause 7.9 Conservation Incentives Heritage Conservation Areas of the LEP.	The development is not seeking Conservation Incentives CMP NOT REQUIRED
10.2.3 Statement of Heritage Impact	
Under Clause 5.10(5) Heritage Assessment of the LEP, Council may require a Statement of Heritage Impact (SoHI) to be lodged with a Development Application	A Statement of Heritage Impact has been prepared and provided as part of the Development Application DA 2018/367
What is a Statement Heritage Impact? A SoHI is a document that contains: a) A statement demonstrating the heritage significance of a heritage item, or a place or site within a heritage conservation area.	
b) An assessment of the impact that the proposed development will have on that significance.	
c) Proposals for measures to minimise that impact.	
The process aims to assist identify the significant heritage matters that need to be addressed and inform the design of the development proposal. The preparation of the statement should be an integral part of the design stage in the development of a site, not completed	



	ofter a design has been settled upon	
	after a design has been settled upon.	
	When is a SoHI Required?	
	A SoHI is required for changes proposed to:	
	a) a heritage item listed on the Local Environmental Plan (LEP);	
	b) places located within a heritage conservation area;	
	c) places nearby to a heritage item or older buildings in a heritage conservation area;	
	d) unlisted properties that are over 50 years of age and considered to be of heritage significance; or	
	e) demolish a building which contributes to the heritage significance of the Bathurst Region, where Council is of the opinion that the proposal may impact upon the significance of that building or site or its streetscape or setting. The SoHI will be required to assess the extent to which the carrying out of the proposal would affect the heritage significance of the property concerned.	REFER TO SOHI PROVIDED AS PART OF THE DA 2018/367
10.3	10.3.2 Objectives	
Demolition of Buildings	a) To ensure that the structural integrity and social history of a building are considered in determining a DA for the demolition of a building.	
	b) To ensure the heritage significance and heritage contribution of a building are considered in determining a Development Application for the demolition of a building.	
	10.3.3 Statement of Heritage Impact A Development Application proposing the demolition of a building which, in the opinion of Council, contributes to the heritage significance of the Bathurst Region must be accompanied by a Statement of Heritage Impact (SoHI), refer section 10.2.3 of this Plan.	
	A SoHI involving the demolition of a building which contributes to the heritage significance of the Bathurst Region must be prepared in accordance with section 10.2.3 of this Plan and specifically include the	This modification seeks approval for the removal and reconstruction of the existing front façade of the dwelling to match the current façade.
	following components:	As per DA 2018/367 the front façade was to be retained as part of the proposed works. Since DA 2018/367 approval the façade has suffered structurally as a result of the extreme seasonal conditions throughout 2019 and 2020. The wall foundations and brickwork is significantly cracked and the timber windows are showing signs of rot. The walls require

Attachment 8.2.5.4



		asbestos removal. Given this, the front façade requires more restoration then initially thought.
		As such, this modification seeks approval for the carefully removal of the front façade and the restoration and reconstruction of the façade as existing.
		Refer to Structural Engineers letter dated 23 rd January 2020 for support of demolition.
	a) Structural Engineers Assessment – the preparation of a structural assessment to determine the structural soundness of the building and an estimated schedule of costs to render the building structurally safe.	A Structural Engineers Assessment by Calare Civil dated 23 January 2020 determines the structural soundness of the building.
	b) Historical assessment – a thorough research of historical material to identify the heritage significance of the subject building and its site	REFER TO SOHI PROVIDED AS PART OF THE DA 2018/367
	 c)An examination of development options that includes as a minimum: i) Retaining the contributory building(s) into the development of the site (no demolition); 	This option has been explored and is now deemed not viable as a result of the damage caused by extreme seasonal conditions. This modification seeks approval for the removal and reconstruction of the existing front façade of the dwelling.
	 ii) Retaining key elements of the contributory building(s) into the development of the site (partial demolition); 	As above.
	 iii) Full demolition of the contributory building(s), if proposed. The SoHI must clearly demonstrate why retention or partial demolition is not viable solutions if full demolition is proposed. 	This modification seeks approval for the removal and reconstruction of the existing front façade of the dwelling.
	d) An infill development form where demolition and a new infill building to the street is proposed. The SoHI is to include a thorough assessment as to how the replacement building is of such quality and design that it will fit into the streetscape and its setting within the heritage conservation area.	COMPLIANT
10.5	10.5.1 Objectives	
10.5 Development within the Bathurst and Kelso	10.5.1 Objectives a) To ensure new development is designed to respect the heritage character of the area or streetscape.	The proposal seeks to respect the existing heritage character of the area.
Heritage Conservation Areas	 b) To ensure new development enhances and complements the historic precinct and special character of existing buildings. 	The reconstruction of the front façade to match the existing enhances and complements the character of the area.
	10.5.3 Residential Development	
	<u>Building Design</u> Development Standards a) New infill buildings must meet the	



requirements of section 10.4 – Infill Development of this Plan.	
b) Where visible from the street, roof pitches are to generally be at least 30 degrees or complement adjoining roof pitches.	No change to approved roof pitches.
c)Where visible from the street, new windows should be vertical in proportion or have regard to traditional or historic window proportions in the street. New or replaced windows visible from the street should generally be timber.	Windows within the front façade will be refurbished and restored in the reconstructed front façade.
d) Extensions and alterations must complement the original form and scale of the existing building. The shape and proportions of the existing building should be altered as little as possible.	The existing shape and form of the original building as view from the street will be restored and reconstructed as existing.
e) Where an addition is proposed to the rear of an existing building and will be visible from the street, brick parapet walls for the addition, running parallel to the side wall of the building are encouraged. Hound's tooth brickwork is encouraged within the parapet component of the wall. Skillion roofs are to be hidden behind the parapet wall and are to run across the back of the existing building wall, instead of sloping away from the wall.	
f) Alterations are to have minimal disturbance to original walls, materials, windows, doors and verandahs.	This modification seeks approval for the removal and reconstruction of the existing front façade of the dwelling. Where possible, as much of the original fabric will be kept for restoration and reuse in the reconstruction of the front façade.
g) Roof plumbing should use traditional details of fixing, flashing and elements such as guttering in half round, quad and ogee profiles.	The reconstructed front façade will reinstate plumbing as existing.
h) Verandahs and awnings are encouraged and should have regard to the scale, materials, details of construction and positioning usually employed on structures of their type.	The front verandah will be reconstructed to match the existing.
i) Good quality second hand materials and local and vernacular materials are encouraged.	Where required, salvaged or second hand materials will be used.
j) Bricks are to be chosen to blend with surrounding developments. Textured or brick blends are generally not acceptable.	
k) Any building services are to be integrated into the design of the roof so that they do not negatively impact on the existing streetscape.	All building services will be concealed from view from the primary streetscape.
Garages and Outbuildings Development	



r		
	<u>Standards</u>	
	a) Garages and parking areas should generally be located behind the building line. Council may give consideration to locating one roller door (panel design) visible from the street frontage but only where it is located a minimum 1 metre behind the front building line.	N/A
	b) Garages and outbuildings are to complement the design and character of the main buildings on the site and other garages/outbuildings within the street.	N/A
	c) Where visible from the street, roof pitches are to generally be at least 30 degrees or complement adjoining roof pitches.	N/A
	d)Any steel sheeting is to be of a traditional corrugated profile and is to be galvanized iron, zincalume, or pre-coloured metal sheet (provided the colour is sympathetic to the historic character of the area).	
	Front Fences Development Standards a) Fencing material is to be brick, timber and/or wire. Pre-coloured metal sheet fencing is not permitted in front of the building line or where it is visible from the street.	No change to previously approved front gate and fence.
	b) Fence heights are to generally be in accordance with the following table.	
	Solid Masonry 900mm Max high Open (eg palisade or picket fence) – 1.2m Max (Posts to 1.5m) Side/Rear – 1.8m Max	
	c) Council may give consideration to a solid fence exceeding the heights shown in the table above where:	
	i) it can be shown that the fence is required to reduce street noise to a residence, and	
	ii) sufficient decorative detail has been incorporated within the fence design to minimise its impact of the streetscape.	
	d) Front fences are to follow the front boundary and be of a design that is appropriate to the style and architectural period of the building. The table below provides some guidance on the type of fence that may be suitable.	
	Federation, Victorian and Georgian: Timber and metal pickets palisade and Victorian wire, brick walls within featured panels and piers	
	<u>Utility Services</u> Development Standards	



13 LANDSCA	 a) Utility services should generally not be visible from the street. Exemption may be granted to solar collection panels. b) Rainwater tanks should be of an appropriate scale. If a plastic or coloured tank is proposed the colour is to be sympathetic to the area. Multiple rain water tanks rather than larger tanks are preferred APE AND GREENING 	Utilities are not visible from Howick Street as utilities are located at the rear of the property.
13.2 Removal of Trees	which Clause 5.9 Preservation of trees or Vegetation and Clause 5.10 Heritage Conservation of the LEP apply. Council's LEP and DCP provide the legislative tools for the protection of trees within Heritage Conservation Areas or Heritage Items within the Bathurst region 13.2.1 Land/Trees to which this Section applies	
	This section applies to the following lands: a) Any land within a Heritage Conservation Area identified by Schedule 5 –Environmental Heritage of the LEP.	The site is located within the Bathurst Heritage Conservation Area
	b) Any land identified as a Heritage Item by Schedule 5 – Environmental Heritage of the LEP.	N/A
	This section applies to trees located on lands identified above to which the Bathurst Regional Council Tree Preservation and Management Policy applies.	
	13.2.2 Objectives The objectives of the protection, preservation and management of trees or vegetation forms are to:	N/A
	a) Protect trees and other vegetation within the Heritage Conservation Areas contained within the Bathurst Regional LGA or on land which contains a Heritage Item.	N/A
	b) Protect and enhance native vegetation, habitat for native fauna and biodiversity.	N/A
	c) Conserve trees and other vegetation of ecological, heritage, aesthetic and cultural significance.	N/A
	d) Define Council's responsibilities and requirements with respect to the protection, retention and enhancement of trees and native vegetation.	N/A
	e) Ensure that consideration is given to trees and native vegetation in planning, designing and constructing development.	N/A
	f) Identify trees and other vegetation that may	



be pruned or removed without a permit or development consent.	N/A
13.2.3 Development standards	N/A
a) A person must not ringbark, cut down, remove, or wilfully destroy any tree referred to in section 13.2.1 above without first making application to Council on the prescribed Application form or under a development application in accordance with Council's Tree Preservation and Management Policy	



6 CONCLUSION

The report demonstrates that the proposed Section 4.55 Modifications at 277 Howick Street, presents no significant environmental impacts and complies with the letter and spirit of the relevant planning controls.

Accordingly, Council's favorable consideration of the proposal is requested.



APPENDIX 1 - REDUCED ARCHITECTURAL PLANS (SOURCE ARCHITECTS)

STATEMENT OF HERITAGE IMPACT

SECTION 4.55 APPLICATION DA 2018/367

For **277 HOWICK STREET, BATHURST** Lot 1 | DP 195409

Prepared By



REVISION B

For David & Rachel Bedwell

Source Architects Pty Ltd PO BOX 144 Orange NSW www.sourcearchitects.com.au

NSW NOMINATED ARCHITECT | DAVID SUTHERLAND | 7572

Attachment 8.2.5.5



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1 EXECUTIVE SUMMARY

The extant house at 277 Howick Street, constructed c.1890, has been assessed by Source Architects as having cultural significance to the local community.

The House and its setting are not heritage listed under the Bathurst Regional Council's LEP 2014, however it is assessed as being of historic value through association with use since c1890 by the local population. The built fabric however is in only a partially intact condition with significant structural faults. Changes to the planning and fabric have been carried out to the House since its initial construction which detracts from its intactness and value.

A number of heritage management options have been canvassed, including the retention of the front façade. As a result of extreme seasonal conditions, the front façade and side returns are now in poor condition and a Section 4.55 Modification to DA consent 2018 / 367 seeks consent for the careful removal and reconstruction of the front façade as currently existing. This will allow for the continue contribution to the Howick Streetscape. The brick Chimney will be retained.

Prior to this occurring, we further recommend that:

• An archival recording be carried out in accordance with standards established by Planning NSW and the NSW Heritage Office

• Salvageable components be identified for removal, retention and where possible, re-use in any new structure on the site



2 INTRODUCTION

2.1 Background

This Statement of Heritage Impact was commissioned David and Rachel Bedwell and is intended to accompany a development application for demolition of the existing residence at 277 Howick Street Bathurst, and construction of a new residence. 277 Howick Street is not listed as a heritage item in Schedule 5 of the Bathurst Regional Local Environment Plan (LEP) 2014, and is not adjacent or near any heritage listed items. The property is however within the Central Bathurst Conservation Area.

2.2 Methodology and Terminology

The assessment has been prepared in accordance with guidelines of the Australia ICOMOS Burra Charter and in recognition of the guidelines for the preparation of heritage assessments included in the NSW Heritage Manual, published by the NSW Heritage Office. Historical research relating to the site was compiled from the following sources: Bathurst and District Historical Society, Land and Property Information and Barnes / Bedwell Family Archives. (Refer to Appendix 3 & 4 for copies of BDHS Report and 1952 DA to Bathurst Council)

2.3 Author

This document, on site investigations, and photographic analysis was prepared by David Sutherland, Director of Source Architects.

The current owner of the site, Mr David Bedwell provided extensive research materials regarding the built and social history of the site and buildings and his significant contribution to this document is acknowledged.

2.4 Requirements for a Heritage Impact Statement

Bathurst Regional LEP and DCP 2014

Section 5.10, subclause (4) of the LEP 2014 requires Council to consider the effect of the proposed development on the heritage significance of the item or area:

(4) Effect of proposed development on heritage significance The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned.

Section 10.2.3 of the Bathurst Regional Development Control Plan (DCP) 2014 requires a Heritage Impact Statement to be prepared as part of the Statement of Environmental Effects for development applications affecting heritage items:

Subclause (4) sets out the requirements, which the Heritage Impact Statement must address. This report has been prepared to address the specific requirements in accordance with subclause (2) of the DCP:

A SoHI is required for changes proposed to:

a) a heritage item listed on the Local Environmental Plan (LEP);

b) places located within a heritage conservation area;

c) places nearby to a heritage item or older buildings in a heritage conservation area;

d) unlisted properties that are over 50 years of age and considered to be of heritage significance; or

e) demolish a building which contributes to the heritage significance of the Bathurst Region,

where Council is of the opinion that the proposal may impact upon the significance of that building or site or its streetscape or setting.

The SoHI will be required to assess the extent to which the carrying out of the proposal would affect the heritage significance of the property concerned.



The Heritage Impact Statement is to include:

(DCP Section 10.2.3)

a) A statement demonstrating the heritage significance of a heritage item, or a place or site within a heritage conservation area.

b) An assessment of the impact that the proposed development will have on that significance.

c) Proposals for measures to minimise that impact.

(DCP Section 10.3)

a) Structural Engineers Assessment – the preparation of a structural assessment to determine the structural soundness of the building and an estimated schedule of costs to render the building structurally safe

b) Historical assessment – a thorough research of historical material to identify the heritage significance of the subject building and its site

- c) An examination of development options that includes as a minimum:
 - i) Retaining the contributory building(s) into the development of the site (no demolition);
 ii) Retaining key elements of the contributory building(s) into the development of the site (partial demolition);
 - iii) Full demolition of the contributory building(s), if proposed. The SoHI must clearly demonstrate why retention or partial demolition is not viable solutions if full demolition is proposed.

Section 10.3 of the Bathurst Regional Development Control Plan (DCP) 2014 has been considered as partial demolition of the structure is proposed.

This report has been prepared in accordance with Section 5.10 of the LEP 2014 and Section 10.2.3 and Section 10.3 of the Bathurst Regional DCP 2014.

2.5 Report Structure

The scope of this Report is in two parts:

Part A: Assessment of Significance

This section establishes suitable criteria for assessing the significance of the place and its component parts, including analysis of the documentary and physical evidence relating to the history of the place, the stages of evolution of the building and site and its associations with local people. This section includes a statement of cultural significance identifying the major elements of heritage value being: the setting, the House itself, and the streetscape.

Part B: Heritage Impact Statement

The second section of the Heritage Report examines the impact of the environment on the partial demolition of the house. In preparing this statement, we have examined:

- Requirements for retention or removal of items of cultural significance.
- Options for retention, adaptive re-use or conservation of the item
- Future management of the place.



3 PART A - ASSESSMENT OF SIGNIFICANCE

3.1 Site Location

The subject property is located on the north eastern side of Howick Street, Bathurst. Development on the site consists of a single storey timber house, with original sections dating from C1890, and a number of low scale metal sheds at the rear of the house. The rear of the property is sparsely planted with one large tree at the northern corner of the site and three other smaller trees. The front of the property has 2 large trees and a series of small trees and low level planting.

The property is bounded on the northwest and southeast sides by single storey residences and to the northeast and the rear part of the southeastern boundary by the Bathurst Heritage Motor Inn.

The subject property is identified as Lot 1 in DP 195409.

3.2 Heritage Listings

The Subject Site is not listed as a heritage item in Schedule 5 of the Bathurst Regional Local Environment Plan (LEP) 2014, and is not adjacent or near any heritage listed items. The property is within the Central Bathurst Conservation Area

3.3 Planning Instruments

Bathurst Regional Council is the consent authority for works or development to 277 Howick Street, Bathurst.

The Council must fulfil its obligations to observe the relevant local and state planning instruments.

The two local planning instruments that apply are

• Bathurst Regional Local Environmental Plan (LEP) 2014 (statutory)

Bathurst Regional Development Control Plan (DCP) 2014

3.4 Site Survey and Investigation

Surveys of the site were undertaken by our study team on 21st July 2017. A Structural Engineering report has been prepared by Garth Dean of Calare Civil and is referenced as part of this report.

3.5 Below-ground Investigations

No below ground investigations have been carried out, nor have industrial archaeological or sub-base level investigations of potential sub-surface remains been prepared.

3.6 Previous Heritage Authority Input and Planning Issues

Discussions have been carried out with representatives of Bathurst Regional Council during September 2017 and February 2018.

3.7 Heritage Assessment

The report provides an assessment of the heritage significance of 277 Howick Street and its setting. It also involved the preparation of a brief statement of significance for the site and comment on the relationship of any proposed work.

This assessment does not include the preparation of a full Conservation Management Plan and is based on inventory data and information available from Bathurst Regional Council and David & Rachel Bedwell, the owners of the property. The provided information was found to be adequate in enabling a Statement of Heritage Impact to be prepared.



4 HISTORIC OUTLINE

4.1 Bathurst

The Bathurst region was inhabited by the Wiradjuri people over 40,000 years ago. The Wiradjuri people are the people of the three rivers - The Wambool (Macquarie), the Calare (Lachlan) and the Murrumbidgee. The Bathurst Wiradjuri are the most easterly grouping of the Wiradjuri nation. Today there are many clans/nations whom have relocated here and actively contribute to the economic, social, cultural and political life of the region.

Bathurst was proclaimed by European settlers in May 1815. It is the oldest European settlement within the Australian continent. The flag staff that proclaimed the town and surrounding land for colonial interests was the first gazetted point west of the Blue Mountains in the whole of Australia. The Bathurst area was important to the early pastoral settlement of the inland as it saw the transformation of society from convict settlement to a nation of free men and women. The settlement of Bathurst by the Europeans has been integral to the development of Australia from a small coastal colony to a continental country.

The Bathurst city and the region's rural villages have significant historic claim with a history rich in early settlement, mining and pastoralism. Large manufacturing facilities, together with education, health, retail, government agencies and agriculture have all shaped and will continue to shape the history of the people and places of the region.

The Bathurst Regional local government area has 330 listed heritage items and 10 heritage conservation areas and 994 places throughout the region that have been identified as having some level of heritage significance. The heritage assets of the Bathurst region include items of natural and cultural heritage and each contributes to the unique history of the region. The variety of the region's cultural landscape illustrates how places have evolved to reflect the values and the needs of its inhabitants.¹

4.2 277 Howick Street

The subject property is located on the north eastern side of Howick Street, Bathurst. Development on the site consists of a single story timber residence with original sections dating from C1890 and a number of low scale metal sheds at the rear of the house. The rear of the property is sparsely planted with one large tree at the northern corner of the site and three other smaller trees. The front of the property has 2 large trees and a series of small trees and low-level planting.

Its extant form and detailing, although altered over time shows evidence of construction c. 1890 although its exact date of construction and the name of the architect (if any) is unknown. Research and the documentation sourced suggests that the original part of the current house at 277 Howick was built in c1890, possibly evolving from an earlier carpenter's shop.

4.2.1 The Site and Context

The property is bounded on the northwest and southeast sides by single storey residences and to the northeast and the rear part of the southeastern boundary by the Bathurst Heritage Motor Inn.

The subject property is identified as Lot 1 in DP 195409 and has an area of 1218.5sq.m. Its northwest and southeast (long) boundaries measure 50.29m and the northeast and Howick Street boundaries measure 24.23m

The Howick Street streetscape is not dominated by any one era of building types but is populated by a range of housing styles (from terraced houses, units, to freestanding houses), and ages. Many of the properties on this subject block of Howick Street have been subject to unsympathetic modification or extension, and other homes demolished and replaced with single level townhouse development.

A row of terraced houses on the northeastern side of Howick and a row of freestanding houses on the southwest side of Howick (nearest to Rankin) generally retain their original configuration and appearance.

¹ Bathurst Region Heritage Strategy (2014-2017) Bathurst Regional Council



4.2.2 View Study

The main view of the subject property is from Howick Street. The views are generally filtered through trees within the front setback of the property. The primary trees in the front setback are deciduous and so views of the property are less restricted during winter, but the vegetation cover in summer months is relatively dense.

Views of the sides of the property are restricted by boundary fencing (more pronounced on the southeastern boundary) and vegetation. The chimney on the southeastern façade is relatively prominent, rising above the boundary fence and vegetation. Views of the northwestern side façade are more prominent given the limited vegetation and large setback from the northwestern boundary.

View of the rear of the property are now available from the upper level balconies of the Bathurst Heritage Motor Inn but were not historically available.

Views of the metal sheds at the rear of the property are not available from Howick Street



Figure 01 – View of House from Howick Street (Source: Source Architects)

Attachment 8.2.5.5

277 Howick Street, Bathurst | 17360 STATEMENT OF HERITAGE IMPACT





Figure 02 – View of House from Howick Street (Source: Source Architects)



Figure 03 – View of House from Howick Street (Source: Source Architects)

4.2.3 Original House c1890

Prior to the construction of the house in c1890, ownership of the site was held by no fewer than 8 parties. There is no documented evidence of structures on the site prior to the purchase of the land by Charles Stacey and William Thomas. Stacy and Thomas (Stacys' Step Son) were carpenters and joiners who are known to be responsible for the construction of the School of Arts building at Rockley.

The Builder and Designer of the original house is presumed to be Charles Stacey and/or William Thomas

There are no drawings or plans of the original building however a photo of the exterior from 1910 (following) indicates the general external form and appearance of the house.





Figure 04 - View from Bathurst Courthouse to the NNW - C1890-1920 (Source: TBC)



Figure 05 - Zoomed Zone of Figure 04 (Source:



The original 4 room cottage was a typical timber framed weatherboard worker's cottage with a gable (with finial) and verandah front. The house sits on a foundation of two courses of sandstock bricks that bear directly onto the ground. Two bedrooms were at the front of the cottage either side of the entry hall, with a living/dining room to the NW leading to a kitchen under a skillion roof. Each of these rooms had a fireplace. Possibly contemporary with the house, but certainly by the 1920's, the skillion roofed kitchen, laundry/bath had been mostly integrated into the building.

The current owners of the property provided access to elements of the original house that had been removed from the house (and stored on site) including the finial and an original window which features an arched head. It is believed the front Howick Street façade would have incorporated arched windows of the same design, located as per the current windows.

Based on the original house's front bedroom arched window frames and finial along with historical photos, we can provide an indication of what the original house would have looked like.

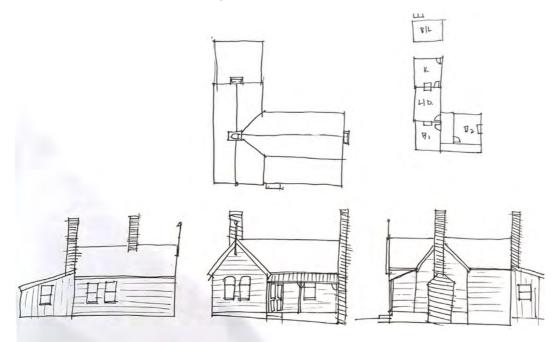


Figure 06 – Sketch of exterior of House c1890

The exterior of the house was likely completely clad with an atypically large profile weatherboard that still exists on the base of the external walls. As part of the 1952/3 renovation (discussed below) it is clear that the boards have been replaced above window sill level with (asbestos) fibro sheeting with the salvaged boards used on the base of walls on the additions.

The original cottage had 3 chimneys and 4 fireplaces (one in each room) with the fireplaces in the Kitchen and Living spaces sharing a chimney. Only the shared Kitchen / Living Chimney remains in the current house.

There is no documentary evidence of outbuildings on the site, and given the materials used in their construction it is expected that the current outbuildings likely post-date the 1953 additions.

4.2.4 Post 1910 Alterations and Additions

A minor extension of the c1890 house was undertaken sometime between 1910 and 1952 where a lean-to section of roof was added at the rear of the house that incorporated a Linen Cupboard, Bedroom and Small Bathroom. This addition appears to have been completely removed as part of the 1952/3 alterations and additions.



4.2.5 1952/3 Alterations and Additions

The house was significantly remodeled and extended in 1952/3, basically creating two small houses under one roof with a connecting doorway between the two. This work kept a core part of the existing floorplan, but completely altered the style and most of the original features of the original house.

As part of the work, the original roof was removed and the roof re-pitched to remove the gable and front verandah. The current roof form does not include any features of the original roof form or structure. Enclosed skillion roofed verandahs were added to the north west and north east sides of the house and new space also added to the south east side of the house that now houses a bedroom, bathroom and kitchen. The work on the NE side of the house is on generally the same footprint as the Post 1910 additions discussed above

Two of the three original chimneys were removed as part of the work, with evidence of the location of the former fireplaces and chimneys evident in wall and ceiling linings of the 2 original front bedrooms. The third fireplace was altered and a new contemporary brick chimney installed above the new roof line

The exterior of the house was likely completely clad with an atypically large profile weatherboard that still exists on the base of the external walls. As part of the 1952/3 renovation (discussed below) it is clear that the boards have been replaced above window sill level with (asbestos) fibro sheeting with the salvaged boards used on the base of walls on the additions.

Finally, all existing windows were removed and replaced, generally with wider dual double hung window units with horizontal glazing bars.

The interiors of the original spaces were also heavily modified, with fireplaces, chimneys and hearths removed and holes infilled with Masonite or asbestos wall sheeting and floorboards. Original beaded internal lining boards were cut to fit new windows and doors and the bathroom modernized. The majority of the new internal lining is Masonite or asbestos sheet lining. Refer to figures 11, 12 and 13 following for details of 1952/3 modifications to interiors.

Two new fireplaces and chimneys were added to the South Eastern side of the new addition to serve the new bedroom and kitchen



Figure 07 – New Living / Dining / Kitchen space under construction 1952/3 (Source: Bedwell Family Archives)



The following provides a summary of the rooms remaining from the original house. Note that all other areas of the house are ostensibly mid 1950's with timber frame, masonite / asbestos wall lining.



Figure 08 – Plan of Current House showing year of construction (Source: Bedwell Family Archives)



Figure 09 – View of SE Side of Additions c1953



Figure 10 - View of Howick Street Façade c1965



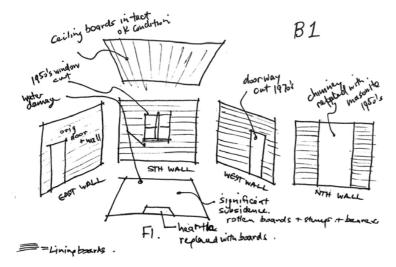


Figure 11 – Sketch of 1952/3 Interior Modifications to Bedroom 1

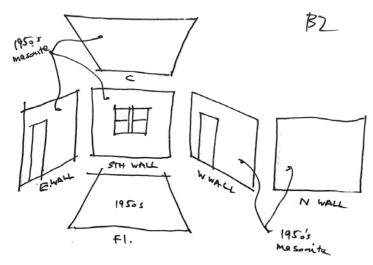


Figure 12 – Sketch of 1952/3 Interior Modifications to Bedroom 2

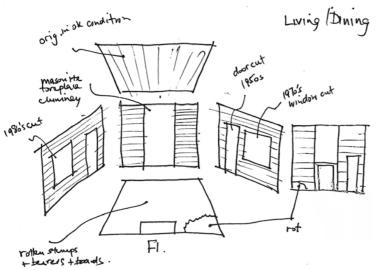


Figure 13 – Sketch of 1952/3 Interior Modifications to Living / Dining Room



4.2.6 2014 Oil Leak

In 2014, heating oil from an oil heater leaked onto the living/dining room floor and subsequently seeped into the soil under the house. Whilst all efforts have been made to remove the oil from the built fabric, the soil is contaminated and the fumes emanating from the soil have made the living / dining room and the kitchen unsuitable for habitation. The spaces remain in use for storage but the spaces are no longer functioning parts of the house.

Rectification of the issue will require removal of the contaminated soil from below the house which would require demolition of the existing floor structure and floor boards.



4.3 Summary of Development and Condition of Site

4.3.1 Development Chronology

Date	Source	Building	Occupant	Owner
Pre 1840	1	Land only	-	Land grant to Sir George Gipps
26/8/1840	1	Land only	-	WR Davidson
5/3/1841	1	Land only	-	William Fowler
9/7/1854	1	Land only	-	Kennet Price
10/1/1855	1	Land only	-	Charles Carey Forbes
19/7/1871	1	Land only	-	Cornelius James Johnson
30/5/1873	1	Land only	-	Edward Shanahan
20/12/1877	1	Land only	-	Thomas Smith
1879	1	Land only	-	Michael McDonnell
1880	2	Land only	-	Mrs A McDonnell
28/3/1881	1	Land only	-	City Bank
1883	2	Land only	-	Mrs A McDonnell
1884	2	Workshop	W Stacey	Mrs A McDonnell
1885	2	Carpenter Workshop	W Stacey	Mrs A McDonnell
1886	2	Carpenter Workshop	W Stacey	Mrs A McDonnell
1887	2	Workshop & Office	C Stacey	Mrs A McDonnell
1888	2	House (3 Room) & Workshop	C Stacey & Son	Mrs A McDonnell
1889	2	Workshop and House	W Stacey & Son	Mrs A McDonnell
1890	2	House (4 Room) & Workshop	Stacey & Son	Mrs A McDonnell
1891	2	House and Workshop	Stacey & Son	Mrs A McDonnell
1892	2	House and Workshop	C Stacey & Son	Mrs A McDonnell
1893	2	House and Workshop	C Stacey & Son	Mrs A McDonnell
1893-4	1	-	-	Charles Stacey
1894	2	House	C Stacey	Mrs A McDonnell
1895	2	House and Workshop	Stacey & Thomas	Stacey and Thomas
1896	1	-	-	WWebb (mortgage default)
1896/7	2	House	W Thomas	WWebb
1898/1901	2	House	W Thomas	Stacey and Thomas
1902/03	2	House	W Thomas	Stacey and Son
1904/05	2	House	W Thomas	W Thomas
1906/07	2	House	W Thomas	W Thomas
1908/10	2	House	W Thomas	W Thomas
1911/16	2	House	W Thomas	W Thomas
21/5/1917	1	10036	W momas	William Boyd
1917/19	2	House	-	William Boyd
1920/22	2	House	-	Martha Pearce
1923/25	2	House 4 rooms	-	Martha Pearce
28/10/1925	1		-	Martha Pearce
1926/28	2	- WB&Iron 3 Rms. K.B&L	-	Martha Pearce
1920/28	2	WB&Iron 3 Rms. K.B&L	-	Martha Pearce
		-		
7/12/1936 3/1942	1	-	-	Maurice & Olive Godfrey
	1	-		Cecil H Barnes
12/1944	1	M/D kon Extensions		Ethel Barnes
1953	3	WB Iron. Extensions		Ethel Barnes
1990				Cecil J Barnes
2012				Beryl Barnes
2015				David and Rachel Bedwell

Table 01

<u>Sources</u>

1. Original Titles

2. Bathurst District Historical Society Building Research Report. From Council Rates and/or Valuation Books

3. Development Application. Personal Collection



4.3.2 Summary of Alterations - External

The original house has been subject to much change since its construction, c.1890. These changes include:

- Complete removal / re-configuration of the roof form and structure
- Replacement of all Windows and Doors
- Removal of all Chimneys (and construction of 3 new chimneys)
- Significant additions to the NW, NE and SE sides of the house
- Removal and re-use of the large format weatherboard cladding
- Complete re-presentation of the Howick Street Façade of the house

4.3.3 Summary of Alterations - Internal

- Significant additions
- Refurbishment of bathroom and kitchen c1952/3
- Removal of fireplaces and chimneys with contemporary infill to walls and ceilings
- Partial removal of beaded lining boards and replacement with masonite / asbestos sheeting
- Replacement of all windows and external doors

4.3.4 Building Condition - External

The original c.1890 and c1952 built fabric remains in run-down condition and is in need of extensive work to bring it up to contemporary standards. The following outlines the condition of the exterior of the building and works needed to be undertaken. (This should be read in conjunction with the Structural Engineering Report)

- Fitting of ant caps to piers and brick footings throughout
- Excavation under existing floors or raising of whole house to provide adequate clearance below floor structure
- · Re-levelling the floor structure via use of new isolated brick piers
- · Renewing structural timber damage in floors and walls
- · Renewing rotted and ant damaged timber work in floors and walls
- Renewing of roofing, gutters and flashings
- Removal and replacement of the interior and exterior asbestos cement cladding and lining
- Repainting of all previously painted surfaces.
- Renewing/ upgrading of all Stormwater Services

4.3.5 Building Condition - Interior

The original c.1890 and c1952 built fabric remains in run-down condition and is in need of extensive work to bring it up to contemporary standards. The following outlines the condition of the interior of the building and works needed to be undertaken. (This should be read in conjunction with the Structural Engineering Report)

- · Removal and replacement of the interior asbestos cement lining
- Repairs to window trim and frames
- Renewal of damaged wall linings
- Repairs to flooring where they are out of level.
- · Renewing rotted and ant damaged timber work in floors and walls

4.3.6 Structural Condition

Generally, Calare Civil have identified that the existing house is in a poor state of repair and requires significant work to repair damaged structural members, cladding and linings and to provide the required ground clearance under the floor structure.

In Calare Civils' latest report dated 23rd January 2020 it is noted that the most recent inspection on the 22nd January 2020 revealed the following:

- Dry rot in wall framing timber and cladding of the front wall.
- Rotation of front wall and verandah balustrade/posts due to footing settlement.
- Severe cracking of verandah balustrade masonry.
- Cracked verandah slab.
- Asbestos is present on part of the front façade and would need to be removed in any construction work.



The damage noted above is due to the following:

- Moisture damage to building structure and fabric due to leaking window sill and general weathering.
 Cracking of masonry and general movement/rotation due to typical reactive clay movement, made
- worse by discharge of roof water to foundation and extreme seasonal conditions.

As a result of the findings in January 2020 it is Calare Civils' recommendation that the front façade is demolished and re-built with the chimney to be preserved.



4.4 Photos



Figure 14 – Howick Street Frontage (Source Architects)



Figure 15 – Howick Street Frontage (Source Architects)



Figure 16 - NW Side of House (Source Architects)



Figure 17 – Rear of House (Source Architects)



Figure 18 - Existing Outbuildings (Source Architects)



Figure 19 – Existing Outbuildings (Source Architects)

Attachment 8.2.5.5

277 Howick Street, Bathurst | 17360 STATEMENT OF HERITAGE IMPACT





Figure 20 – Front Bedroom (NW Side) (Source Architects)



Figure 21 – Front Bedroom (SE Side) (Source Architects)



Figure 22 - NW Enclosed Verandah (Source Architects)



Figure 23 - Original Living / Dining (Source Architects)



Figure 24 – Original Kitchen (Source Architects)



Figure 25 – 1952/3 Front Bedroom (Source Architects)



4.5 Association with notable people or events

The following people have been associated with the building and land. The persons and/or their associations are not considered to be notable and there are no significant events associated with the building and land.

Person	Association / Notes	
Sir George Gipps	Original land grant	
WR Davidson	Owner ~ 1 year	
William Fowler	Owner ~ 13 years	
Kennet Price	Owner ~ 1 year. Gentleman	
Charles Carey Forbes	Owner ~ 16 years. Storekeeper.	
Cornelius James Johnson	Owner ~ 2 years. Shoemaker.	
Edward Shanahan	Owner ~ 2 years. Wheelwright	
Thomas Smith	Owner ~ 2 years.	
Michael & Anne McDonnell	Owners ~ 14 years. Publican at Inn at corner Howick and Rankin St and his wife	
Charles Stacey & William Thomas	Tenant ~ 10 years. Owners ~ 19 years. Carpenter and Joiners. Contracted to build	
W Webb	Mortgage default after Stacey's death	
William Boyd	Owner ~ 2 years. Undertaker	
Martha Pearce	Owner ~ 16 years. Widow	
Maurice & Olive Godfrey	Owner ~ 6 years.	
Cecil H Barnes and Ethel Barnes	H Barnes and Ethel Barnes Owners ~ 40 years. Railway labourer d1944. Widow d1982	
Cecil J Barnes and Beryl Barnes	Owners ~ 33 years. Railway engine driver d2012.	
David and Rachel Bedwell	Owners ~ 4 years. David is Grandson of the above.	



5 PART B - ASSESSMEMT OF HERITAGE IMPACT

The assessment of heritage impacts has been undertaken in reference to the model questions given in the NSW Heritage Office's publication *Statements of Heritage Impacts* which includes a series of model questions that address several possible components of change to heritage places.

Model Questions	
Demolition of a building or structure	\checkmark
Minor partial demolition	×
Major partial demolition	×
Change of use	×
Minor additions	×
Major additions	×
New development adjacent to a heritage item	×
Subdivision	×
Repainting	×
Re-roofing/re-cladding	×
New services	×
Fire upgrading	×
New landscape works and features	×
Tree removal or replacement	×
New signage	×

5.1 Model Questions – Demolition of a Building or Structure

The following model questions are relevant to the assessment of the proposal. These questions are drawn from the NSW Heritage Office's publication Statements of Heritage Impacts

Q. Have all options for retention and adaptive re-use been explored?

Given the dilapidated condition of the front façade walls, verandah, slab and footings the front façade requires substantial reconstruction to be structurally sound and an acceptable standard.

As per Structural Engineers Letter dated 23rd January 2020, it is noted that any attempt to maintain the building façade would be cost prohibitive and the demolition and re-build of the façade is the preferred solution. The chimney will be retained and as much as possible the existing fabric of the front façade will be retained, restored and reused in the reconstruction of the façade.

Q. Can all of the significant elements of the heritage item be kept and any new development be located elsewhere on the site?

DA 2018 / 367 has been approved for the demolition of the rear of the property with the retention of the front façade, returns and chimney. The proposal seeks to modify DA 2018 / 367 for consent to demolish and reconstruct the front façade and side returns based on the Structural Engineering Report dated 23rd January 2020.

Q. Is demolition essential at this time or can it be postponed in case future circumstances make its retention and conservation more feasible?

As per Structural Engineers Letter dated 23rd January 2020, it is noted that any attempt to maintain the building façade would be cost prohibitive and the demolition and re-build of the façade is the preferred solution. The chimney will be retained and as much as possible the existing fabric of the front façade will be retained, restored and reused in the reconstruction of the façade.



Q. Has the advice of a heritage consultant been sought? Have the consultant's recommendations been implemented? If not, why not?

Advice from a heritage consultant has not been sought. It was not deemed necessary at the commencement of this Development Application.



5.2 Local Environmental Plan (LEP)	
5.10 Heritage conservation Heritage items (if any) are listed and described in Schedule 5. Heritage conservation areas (if any) are shown on the Heritage Map as well as being described in Schedule 5.	The site is not listed in Schedule 5 of the LEP but is within the Central Bathurst Conservation Area.
(1) Objectives The objectives of this clause are as follows:	
(a) to conserve the environmental heritage of Bathurst Regional local government area,	
(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,	
(c) to conserve archaeological sites,	
(d) to conserve Aboriginal objects and Aboriginal places of heritage significance.	
 (2) Requirement for consent Development consent is required for any of the following: (a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance): (i) a heritage item, 	Consent is being sought
(ii) an Aboriginal object,	
(iii) a building, work, relic or tree within a heritage conservation area,	
(b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,	
(c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,	
 (d) disturbing or excavating an Aboriginal place of heritage significance, 	
(e) erecting a building on land:(i) on which a heritage item is located or that is within a heritage conservation area, or	
(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,	
(f) subdividing land:(i) on which a heritage item is located or that is within a heritage conservation area, or	



(ii) on which an Aboriginal object is located or	
that is within an Aboriginal place of heritage significance	
(4) Effect of proposed development on heritage significance The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).	
 (5) Heritage assessment The consent authority may, before granting consent to any development: (a) on land on which a heritage item is located, or 	
(b) on land that is within a heritage conservation area, or	
(c) on land that is within the vicinity of land referred to in paragraph (a) or (b),	
require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.	A Statement of Heritage Impact (This Document) is included as part of the Development Application
(6) Heritage conservation management plans The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.	The preparation of a Conservation Management Plan is not required or warranted given the low level of significance of the property.
(7) Archaeological sites The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the Heritage Act 1977 applies):	The subject site is not an Archeological Site
(a) notify the Heritage Council of its intention to grant consent, and	
(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.	



(8) Aboriginal places of heritage significance The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of	The subject site is not an Aboriginal Place of Heritage Significance
heritage significance: (a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration	
of a heritage impact statement), and	
(b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent	
(9) Demolition of nominated State heritage items	The proposal does not seek the demolition of a State Heritage
The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item: (a) notify the Heritage Council about the application, and	Listed Item
(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent	
(10) Conservation incentives The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that:	N/A
(a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and	
(b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and	
(c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and	
(d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and	
(e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.	



The site is not listed in Schedule 5 of the LEP but is within the Central Bathurst Conservation Area.
A Statement of Heritage Impact (This Document) is included as part of the Development Application. The document has been prepared in accordance in accordance with the guidelines of the Australia ICOMOS Burra Charter and in recognition of the guidelines for the preparation of heritage assessments included in the NSW Heritage Manual, published by the NSW Heritage Office.



When is a Statement of Heritage Impact	
Required?	
A SoHI is required for changes proposed to: a) a heritage item listed on the Local	A Statement of Heritage Impact (This Document) is included as part of the Development Application. The document has been prepared in accordance in accordance with the
Environmental Plan (LEP);	guidelines of the Australia ICOMOS Burra Charter and in recognition of the guidelines for the preparation of heritage
b) places located within a heritage conservation area;	assessments included in the NSW Heritage Manual, published by the NSW Heritage Office.
c) places nearby to a heritage item or older buildings in a heritage conservation area;	
d) unlisted properties that are over 50 years of age and considered to be of heritage significance; or	
e) demolish a building which contributes to the heritage significance of the Bathurst Region, where Council is of the opinion that the proposal may impact upon the significance of that building or site or its streetscape or setting. The SoHI will be required to assess the extent to which the carrying out of the proposal would affect the heritage significance of the property concerned.	
What needs to be included in a Statement of	
Heritage Impact? By 'impact' the report covers any effect that may alter the historic significance of a place. It can be a visual or physical effect. It can be a small or large effect. Having an 'impact' does not mean that such a proposal cannot proceed. The description of the impact enables council staff to determine whether the impact is acceptable and/or has been sufficiently mitigated.	A Statement of Heritage Impact (This Document) is included as part of the Development Application. The document has been prepared in accordance in accordance with the guidelines of the Australia ICOMOS Burra Charter and in recognition of the guidelines for the preparation of heritage assessments included in the NSW Heritage Manual, published by the NSW Heritage Office.
In the assessment of impact the statement must demonstrate that alternatives have been considered and why there were discounted. Both positive and negative impacts must be described as well as the steps that have been taken to minimise the negative impacts. The statement must demonstrate why the development as proposed is the only viable solution and explain why other alternatives are not appropriate.	
 10.3 DEMOLITION OF BUILDINGS 10.3.1 Land to which this Section applies This section applies to buildings that are: a) within a heritage conservation area, b) listed as a heritage item under the LEP, c) included in the Bathurst Region Heritage Study, or d) over 50 years of age for which demolition is not exempt development. 	A Statement of Heritage Impact (This Document) is included as part of the Development Application. The document has been prepared in accordance in accordance with the guidelines of the Australia ICOMOS Burra Charter and in recognition of the guidelines for the preparation of heritage assessments included in the NSW Heritage Manual, published by the NSW Heritage Office.



 10.3.2 Objectives a) To ensure that the structural integrity and social history of a building are considered in determining a DA for the demolition of a building. b) To ensure the heritage significance and heritage contribution of a building are considered in determining a Development Application for the demolition of a building 	
10.3.4 Bathurst Conservation Area Management Strategy	
Development Standard a) Council must determine (where not already completed) and consider the Bathurst Conservation Area Management Strategy (BCAMS) rating of a building in any proposal for demolition of a building facing a street within the Bathurst Heritage Conservation Area.	
Explanation The principle objective of BCAMS is to provide clear and concise information on the overall value of every building to a streetscape within the Bathurst Heritage Conservation Area. The rating ranges from 10, being the most significant buildings, down to 0, being the least significant buildings. The rating is based on the buildings integrity, its streetscape rating and its heritage significance. The rating system is summarised in the table below.	
CATEGORY RATING Integrity Substantially intact Altered sympathetically Altered unsympathetically - reversible Altered unsympathetically – non-reversible Building is intrusive under streetscape rating	CATEGORY RATING Integrity c1890 House - Altered unsympathetically – non-reversible c1952/3 Additions - Substantially intact
Streetscape Rating Contributory Neutral Intrusive	Streetscape Rating Contributory
Heritage Significance Historically significant in a regional context Historically significant in a local context Significant in a local context Not significant	Heritage Significance Significant in a local context



6 ASSESSMENT OF PROPOSED ALTERTIONS AND ADDITIONS

The proposed removal and reconstruction of the front façade is considered appropriate given the Structural Engineering Report dated 23rd January 2020. The proposed modification to DA 2018 / 367 will still contribute to the Howick Streetscape and the Heritage Conservation Area more broadly.

The proposed work will be carefully undertaken with reuse of existing façade material where possible and the reconstruction of the front façade to match the existing form. The chimney will be preserved.

We consider the proposed approach appropriate and commend it to the Council.



7 RECOMMENDATIONS

A number of heritage management options have been canvassed and, after due consideration, it is recommended that:

- 1. The front façade and immediate side walls to be removed and reconstructed using existing materials were possible to match the existing facade.
- 2. Chimney is to be preserved.
- 3. Salvageable components be retained by the owner for re-use on site. This includes salvaging the large format timber weatherboards that should be salvaged where possible and re-used on the reconstruction of the front building façade.



APPENDIX 1 – ARCHITECTURAL DRAWINGS

SECTION 4.55 APPLICATION - DA 2018 / 367

NEW RESIDENCE

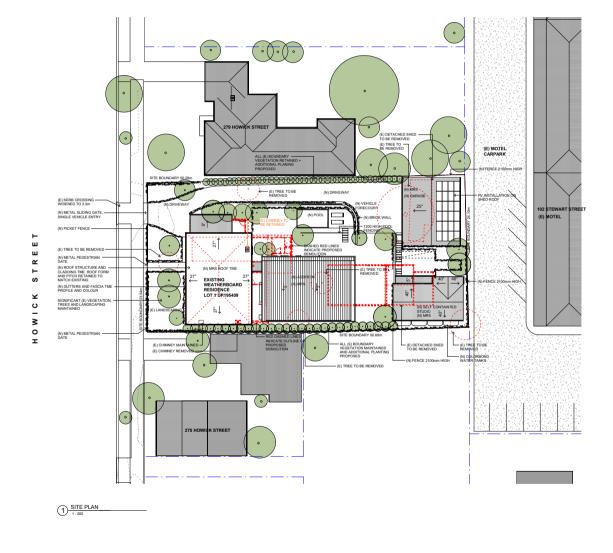
BEDWELL HOUSE BATHURST

277 HOWICK STREET, BATHURST NSW 2795

DRAWING SCHEDULE

DRAWING NO.	DRAWING NAME	REV
		NL V
DA 01	COVER / SITE PLAN	7
DA 02	ROOF PLAN	4
DA 03	GROUND FLOOR PLAN	8
DA 04	ELEVATIONS	7
DA 05	SECTIONS	6

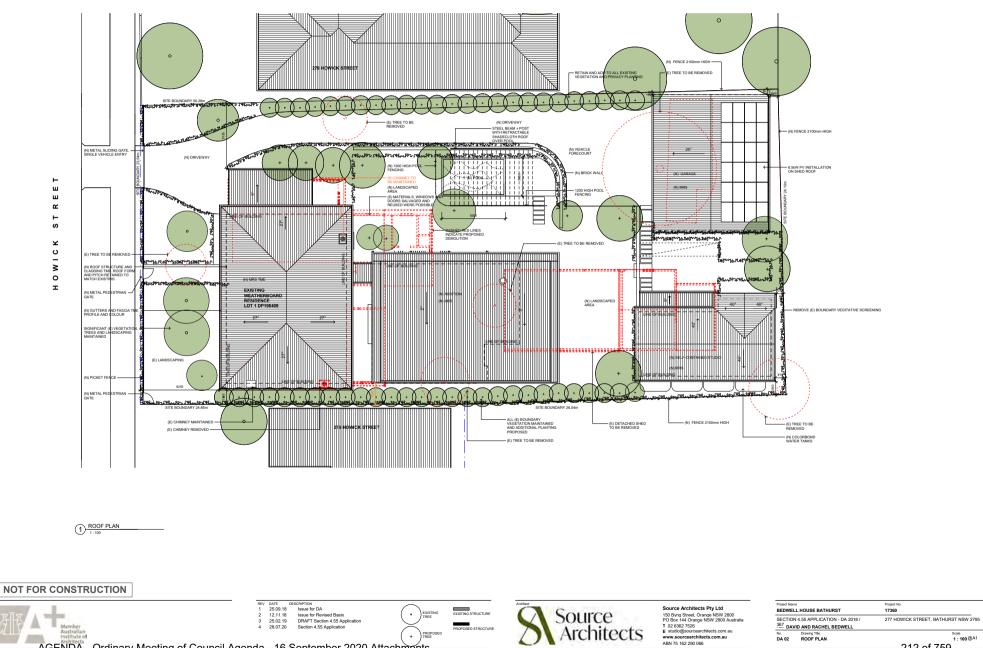




NOT FOR CONSTRUCTION



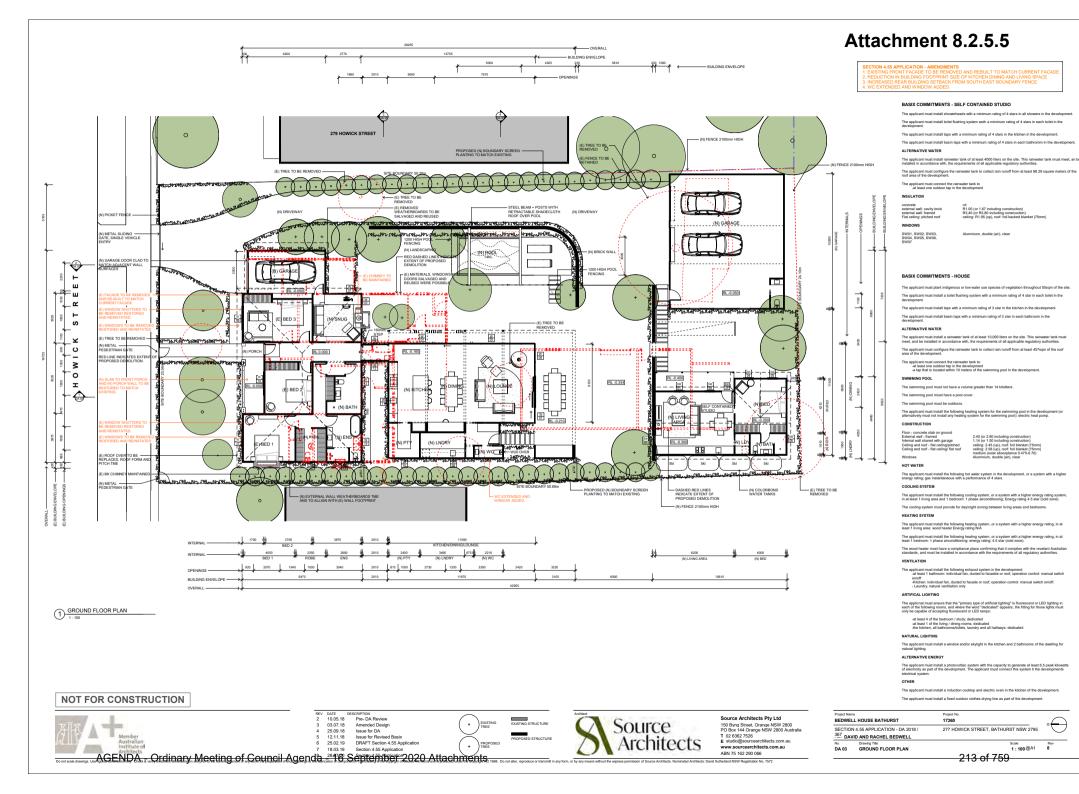
SECTOR 4.55 APPLICATION - AMENDMENTS 1. EXISTING FRONT FACADE TO BE REMOVED AND REBULT TO MATCH CURRENT FACADE 2. EXECUTION IN BUILDING FOOTPAINT SIZE OF KITCHEN DINING AND LIVING SPACE 2. INCREASED REAR BUILDING SETBACK RROM SOUTH EAST BOUNDARY FENCE



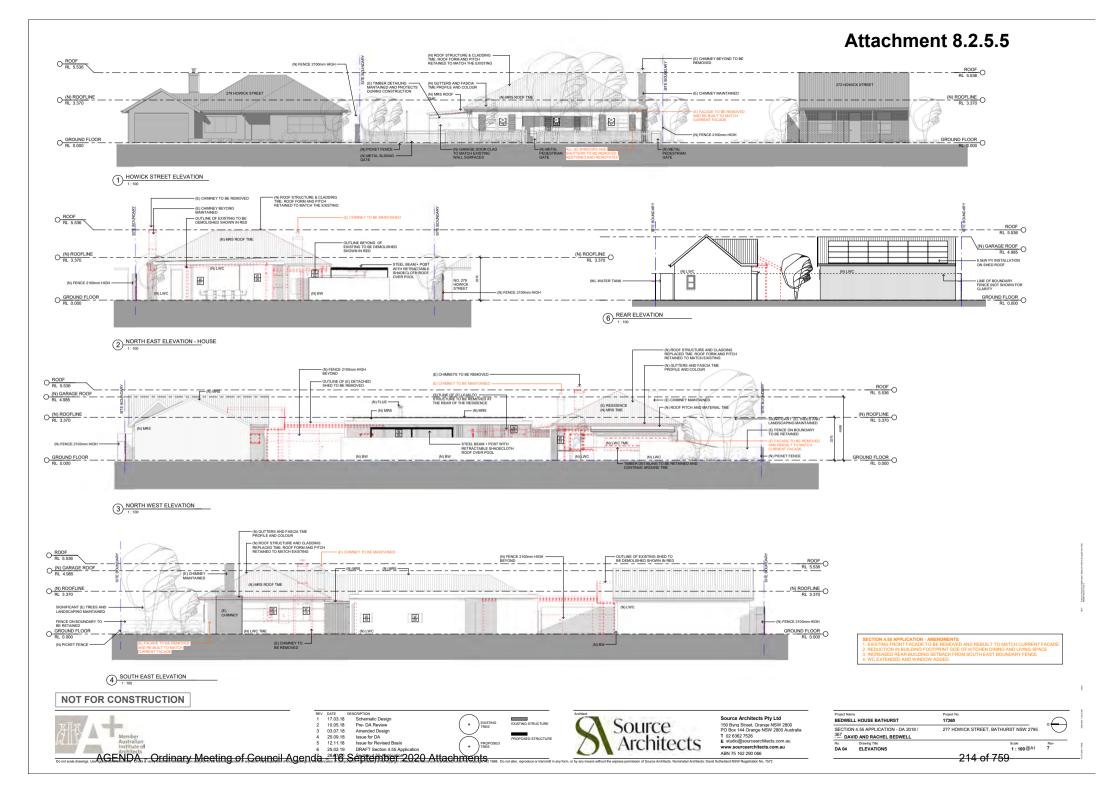
Scale Rev 1:100@A1 4 212 of 759

AGENDA - Ordinary Meeting of Council Agenda - 16 September 2020 Attachments

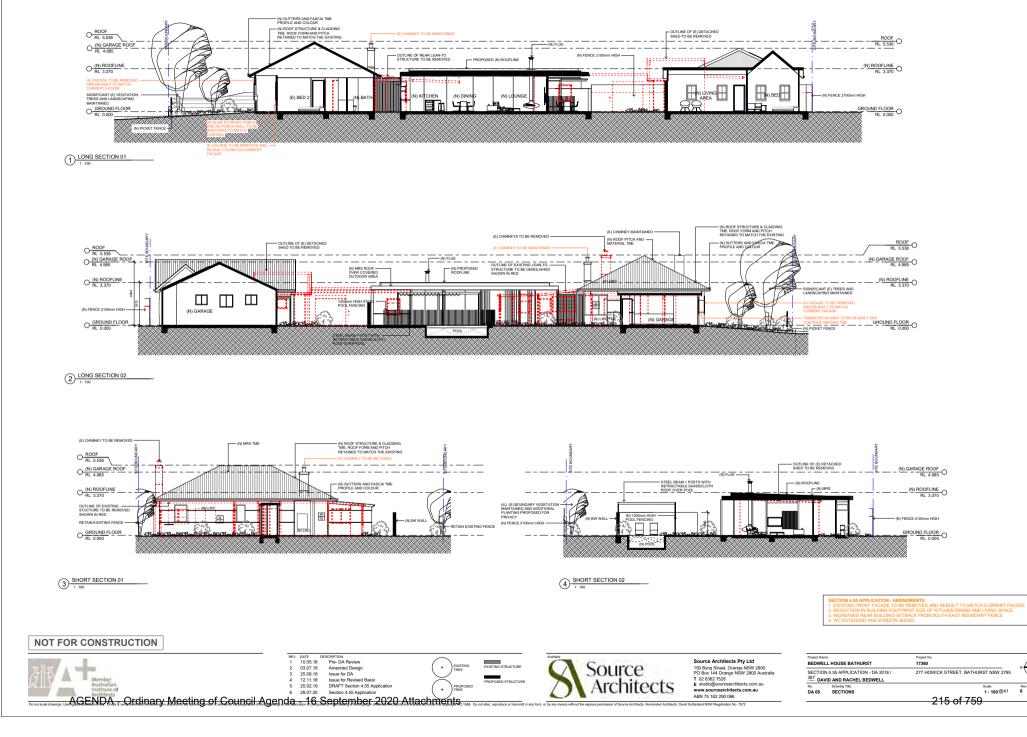
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APPENDIX 2 – STRUCTURAL ENGINEERING REPORT



20170526 23 January, 2020

David Bedwell 277 Howick Street BATHURST NSW 2795

Dear David

RE: 277 HOWICK STREET, BATHURST

At your request and further to our inspection and report dated 9th May 2017, we have carried out an additional inspection of the front wall and verandah. We understand it is proposed to maintain the front façade of the building whilst demolishing the remainder of the dwelling and re-constructing in functional and sympathetic style.

Inspection

Our inspection of 22nd January 2020 revealed the following:

- Dry rot in wall framing timber and cladding of the front wall.
- Rotation of front wall and verandah balustrade/posts due to footing settlement.
- Severe cracking of verandah balustrade masonry.
- Cracked verandah slab.
- Asbestos is present on part of the front façade and would need to be removed in any construction work.





Calare Civil Pty Ltd

ABN 41 050 057 933 170 Rankin Street Bathurst NSW 2795

 Tel:
 02 6332 3343

 Fax:
 02 6331 8210

 Email:
 bathurst@calare-civil.com.au

 Web:
 www.calare-civil.com.au



Diagnostic

The damage noted above is due to the following:

- Moisture damage to building structure and fabric due to leaking window sill and general weathering.
- Cracking of masonry and general movement/rotation due to typical reactive clay movement, made worse by discharge of roof water to foundation and extreme seasonal conditions.

Opinion

Due to the significant damage noted above, we consider any attempt to maintain the building façade to be cost prohibitive, and therefore demolition and re-build to be a preferred solution. We note that the chimney is in sound condition and may be preserved in any new works.

We trust that this information is satisfactory and should you have any further queries please do not hesitate to contact the undersigned.

Yours faithfully, CALARE CIVIL PTY LTD

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Garth Dean BE. GDSTT FIEAust CPEng NER APEC Engineer IntPE (Aus) RBP (Vic.)



APPENDIX 3 – BATHURST & DISTRICT HISTORICAL SOCIETY PROPERTY REPORT

·	<i>D</i> I		Attachmen	t 8.2.5.5
	<u>Bathur</u>	st District Histo	<u>rical Society</u>	
		RESEARC		
	والمركز والمتحد المتحد المتحاد المتحاد والمراجل والمتحاد المراجع المالية والمتحال المتحد والمحاد المراج	cil's Rates ar		
		BUILDING at ;	1	T
Year	Building.	Owner.	Occupier.	1.C. Value.
	WB + (1000 3 Rm3 K.B. F.L. Section 18 pt 2/3/4 79'6" × 165' <u>82'6"</u> 85 × 164'6" rear	Martha Pearce H/D.		£550
1926/ 28	as above	as above		£520
1923/ /25	WB 4 Rooms etc 79'6"x 165'	Martha Pearce Widow		JA25
1920/ 22	House	William Boyd Builder Piper Streat. Martha Pearce Widow		J400
1917/19	House	W. Nicholas Thomas Carpenter Portland. William Boyd Undertaker Piper St.		£400
1911/16	House.	W.N. Thomas Builder	Owner	£ 400
1908/10	House.	William N. Thomas Carpenter		£400

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· · · · · · · · _ · / /	· · · · · · · · · · · · · · · · · · ·	· · · · · · · ·	Attachment	8.2.5.5
year	Building.	Owner.	Occupier.	ANNUAL VALUE
1906/07	House 4	William N. Thomas		£23.10
1904/05	House 4	William Thomas	Owner	£23.10
1902/03	House.	Stacy. & Son	William Thomas	£ 23.10
1898 /1901	House 4	Stacy & Thomas	Wm. Thomas	£23
1896/97	House	W. Webb	W. Thomas	£26
1895	Shop& House	Stacey & Thomas	Owners	£31.10
1894	House 4.	Anne McDonald	Charles Stacey	£33.10
1893	House & Shop 4	Anne McDannell	Chailes Stacey & Son	£39
1892	as above	Mrs Anne McDonald	Charles Stacey &r Sons	£ 39
1891	House & Shop	Mrs McDonald	Stacey & Sons	£ 39
1890	4 + Workshop	Mrs A. McDonald	Stacey & Son	£'39
1889	Shop & House	as above	W, Stacey & Son	£ 39
1888	WB House 3 + workshops	Mrs A. M ^c Donald Sydney	C, Stacey & Son	7.39
1887	Carpenter's Shop and office 2 R I	Mary McDonald	C. Stacey	£18
1886	Shop 8 . 9	as above	Wm, Stacey	£ 15.10
1885	Carpenter's Shop	Mrs Me Donald	W. Stacey	Z11
1884	W Board Work Shop	as above	W. Stacey	£"
1883	Land	Mrs M. M ^c Donald	Mrs M. McDonald	Ĭ2
1000		Ann	- 1	7 -
1880	Land (fenced)	Ann Mrs Mary, Mc Donnell	unoccupied	£2
ز بن بن مربع البر و من المربع المربع مي معامل البروي و من معامل البروي و م مربع بين مربع البروي من مربع المربع مي معامل البروي و من معامل البروي و من معامل البروي و من معامل البروي و من			- T	

PAGE No. 2.

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COMMENT.

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This house is built on land which was owned, from c. 1880 to 1894, by a Mrs. Mc Donald or Mc Donnell. I am unable to identify this lady with absolute certainty however I believe that she was Anne Mc Donnell. Her husband, John Mc Donnell, was the publican at an inn on the corner of Howick and Rankin Streets. After his death in 1879 Mrs Mc Donnell took over the inn until 1881 after which time it was not licensed.

The assessment (rates) book for 1880 shows that Mrs Ann Mc Donnell owned some fanced land in Howick Street located on Section 18 (that is on the north-east side of Howick Street). This land had an annual (rental) value of f_2 and in that year was "unoccupied". The entry in the assessment book for 1884 shows that by then a weatherboard workshop had been enected on the site and that the occupant (lessee) of the workshop was "W. Stacey".

The description of the property in the various assessment books probably indicates the gradual evolvement of a workshop into a four-room cattage rather than describing two separate buildings.

PAGE No. 3,

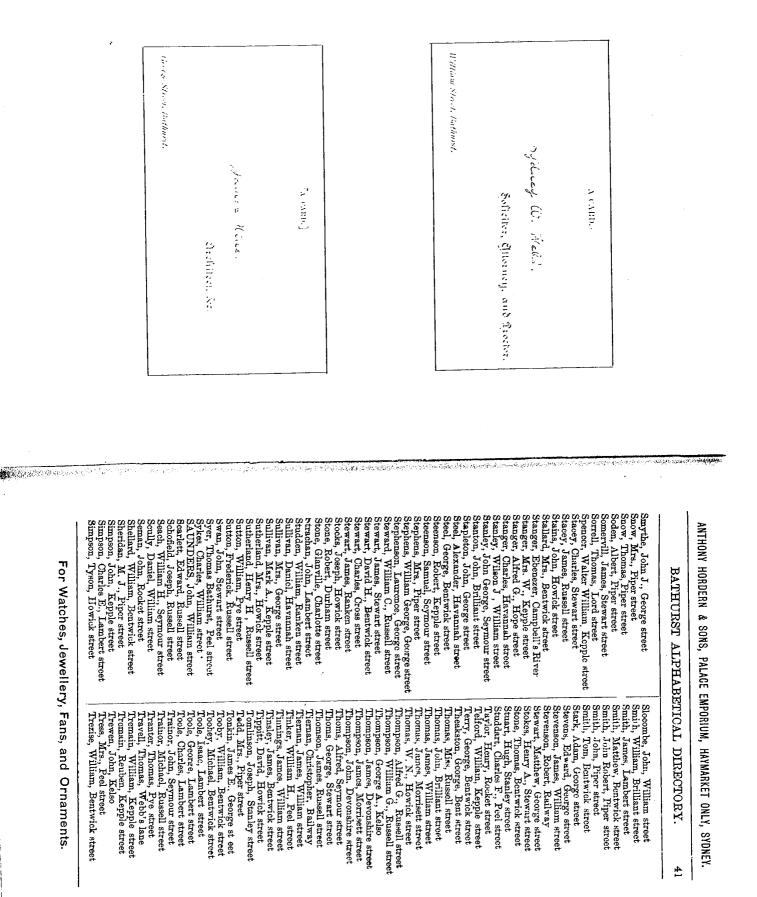
Charles Stacy and his step-son, William Nicholas Thomas, were carpenters and joiners who traded as builders and contractors under the name C. Stacy and Son(s). It is probable that Mr. Thomas was sometimes called by his step-fathers name and that the entries "W. Stacey" in the assessment books should more correctly be either W. Thomas or C. Stacy.

In 1890 Stacy and Son were the contractors who built the School of Arts at Rockley. I have no knowledge of their other buildings. I enclose copies of the obituarys of Charles Stacy and William Thomas whose family grave is in the C. of E. portion of Bathurst cemetery about 16 yards south - east of the Rutherford vault.

Stacy and Thomas are first listed as owners of the house in 1895 and later, sometime in the period 1917-1919, Mr. Thomas sold it to William Boyd, an undertaker and suilder, of Piper Street. Mr. Boyd sold it to Martha Pearce, a widow, in March 1922. Mrs Pearce bought the anea at the rear of the house allotment from Mr. Boyd in November 1925. This area was not included in the allotment owned by Stacy and Thomas in 1906.

PAGE No. 4

Mrs. Pearce owned the property until December 1937 when she sold it to Maurice John Godfrey and his wife for £ 500. In March 1942 Cecil Howard Barnes bought it from Mr. & Mrs. Godfrey for 1\$50. Enclosures. 1. Page 41, Bathurst and Western District Directory, 1886-7. Advert. Bathurst Free Press July 14, 1892. 2, Obituary Charles Stacy National Advocate April 8, 1909. Letter-Head W.N. Thomas 4. B.C.C. Inward Correspondence, No. 332. Obituary W.N. Thomas 5, and the second sec Western Times August 14, 1939. Transfer Boyd to Pearce March 13, 1922 6. Transfor Boyd to Pearce November 4, 1925 7, Transfer Pearce to Gradfrey December 16, 1937 8. Transfer Godfrey to Barnes March 25, 1942. 9. Research. June, 1998 WH Lighe PAGE No. 5.



For Watches, Jewellery, Fans, and Ornaments.

Attachment 8.2.5.5 **BIRECTORY** Zathurst, Qrange, Zubbo, Zlayney, Wellington & Molong, TOURIST'S GUIDE AND GAZETTEER, COMPILED BY ALEX. MIDDLETON & FRANCIS BERESFORD MANING J. VIRTUF & COMPANY, PUBLISHERS. P. (fornall, printer, "TIMES" office, redfern St., redfern. Classified Trade and Professional Directory ALPHABETICAL DIRECTORY Bathurst aud Pesteun Bistuict BATHURST, ORANGE, AND DUBBO. 1.886-7, CONTAINING -AND-Bathurst : ALSO, FOR FOR 1886.



Mr Deakin's Position.

In his great speech, delivered last night in Sydney, Mr Deakin's criticism of the Labor Prime Minister's policy Was marked by cardor and sympathy. Unlike Mr Joseph Cook, Mr Doakin is not afraid to show his appreciation of the good points of policy of a riva! party. He congratulated the Federal Government on its well proportioned achemo of Australian defunce, but lamented the fact that in the presons state of the Commonwealth finances, it was little more than word pictures. A naval defence scheme was pre-

pared by the Deakin Government in 1906, and military proposals, which Mr Fisher has somewhat elaborated, were drawn up in 1907.

Mr Deakin pointed out that Protection was the settled policy of this country, and that M1-Fisher-should bave given consideration to the practical and live question of Pre-ferential Trade, an 'Empire building policy that should strenuously be pur sued.

In social and industrial legislation more, not less, was expected from the Labor Prime Minister.

Mr Deakin thought more attention should have been paid to the great questions of Immigration and the settlement of the Northorn Territory. Australia, the outpost of the while race, calls imperatively for population, both for defence and for development. The proposed graduated land-tax is meant primarily to break up the big estates, and open land for estilement On the haval question Mr. Deakin

states that he thought the Common. weith should follow the example of New Zealand, and present Great Britain with a Dreadnought.

Throughout Mr. Deakin's address

Some Good Shooting

BATHURST'S CONQUERORS DEFEATED

On Satuiday a match look place al On Satuiday a match look place al 500 and 600 yards, between the Yeak Hull team which defated the Bathurt Civilians a few werks ago and a team chosen from the rest of the club. H. Mi'com pat up a double possible. Scores :--livet- of club : H. McLean, 33 35-70, J. Hotchins, 31, 33-67, C. J. Morris (captain), 32, 33-65, -i-McLeay, 32, 32-66, J. Hotchins, 31, 33-67, C. J. Morris (captain), 32, 33-65, -i-McLeay, 32, 32-67, G. M. W. T. Parker, 27, 31-63, H. Schmidt, 30, 22-55, 0, I., Martin, 32, 25-57, G. M. W. Gowan, 31, 23-64, totals, 313, 302-615, ream that shot against Bathurt; W. Garlick, 31, 92-66, C. Mørey, 31, 52-63, C. M. Barret, 32, 31-63, M. Bryan, 33, 29-62, P. D. Stewart, 29, 32-61, R. A. Burns, 27, 33-60, D. W. Hutchins, 32, 25--69, G. Chartes, 30, 29-59, A, E. Mill-gate, 30, 28-58, J. C. Olivet, 26, 28-51, total 301, 502-603.

FOOTBALL.

ORANGE: Wednesday ORANLE, Wednesslay At the annual meeting of the Oracec Waratal Feotball Club, who were the premiers of last season, winning the T. G. Dalton, Cup, the balance sheet showed a treadt balance of 66 148. The following others were, elected := Patren, Mr T. G. Palton, J. P., pre . i.s.t. Mr C. T. Fleming : "Arepresidente, <u>Messre R. J. Edyce</u>, J. Thomas, J. J. Dalton, G. Seymour, J. M. Allman, Dr. Watt, W. B. Rdye, J. Hives, F. Haynes, Rev. A. J. Rolfe, P. Walker, M. F. Dalton, and J. Murphy : secretary id treasurer, Mr. H. Murphy. heard that the 1-P LIAINIS NEGLECT character, but he LAINIS NEGLECT took an interest in took as the saw hard is control of the Royal Com in his power 1. The applicant exhibition creating a healthic difference of this code as their work advertising was block of this took up their work advertising was highly to personal abus he interests o a manu

of persons labus the the proper stuff the There was a groat and ha might say the were not afraid of suffering because of

on this question b

Ministers. He concluded by expressing the hope that Bathurst would recurs a ne-license triumph at the next election.

Personal----

		Attack	amont 8 2 5 5
TO ATTERTION FLAINTE	tin to visit. Bathurst every few weeks, and	they got in that speces were Attack that appended to the people. One thing wanting in the federal policy was the thore needed at a The week	HIGHUDAZUDADA HIGHA
		that appealed to the property federal policy	thind to construct Mitching children about
31 William Street, Bathurst.	sight needing correctly adapted glasses. All	was the thing needed & s. d. The weak	inhibit course investories such of the
31 William Street, Batburat, CANNOT BE EXOELLED FOR	may be consulted on all cases of determs eyes, sight, needing correctly adapted glasses. All sufferers from any eye troubles should consult- this well known and reliable firm. One of the	was the thing needed to solve the state of the second seco	imbibed several quarterns each of the 525 BC, and agreed that the man on
ACCOMMOATION	principals personally visits Bathorat".	inance question While Mr. Fisher did not set down amounts for necessary works, be	the lind must "anty up' and protect
LEANLINESS,	principalis personality	Lasting tel millioes for defence and convents	his own.
COMFORT	Valedictory Social	I plated millions more, Mr. Plence's Deleases	
CONVENIENCE,	Valeulolofy Coolar	$1 \supset 16\pi$ where $0 = 0 = 0$	18. Messagos waved his arms fran
With a Moderate Tariff	MR. AND MRS. HULME FARE	there was no recentle to meet it. For the year 1909-10 the Commonwealth would	-tiesliy; calling apathy disloyalty, and drauk each time the glasses were
	WELLED		charged, never missing once,
OLIOTS OF ONE QUALITY ONLY		Connectible to cole inv relinra (rom too Pt -)	(0. Descure talle of and talleof and
IQUOIS THE BEST	The McChodist community of Bathurst		19. Porcus talked, and talked, and
	last night showed the high esteem and	ago jungiche, so that the pentions scheme	talked, to keep the small gathering
CAB, SOCIABLE, PICNIC (DRAG,	Ine Mcthonist community of partners last night showed the high esteem and respect in which they hold Rev. J. Hulme	could not be maniful in Nira money would	together.
Always on Premises.	and Mrs. Hume by attending in the	and universal taining and more	20, They all imbibed 525 BC, and
TEL. 150.	to accord thein a valedictory social-on the	thefefers should be provided for - naval	though_Porcus_was_much_poorer_in
	to accord them a valedictory social-on the occasion of their departure for Ashtickl.	dofenco	wine, he was richer by soveral pieces of
MRS. S. KELLY		Until Australian are numerous enough	silver;
PROPRIETRESS	that Mr. Holmo had always been a true	as a white race to occupy the whole of our coasts (said Mr. Deakin) it would be unsafe	X.Y.Z.
TROTRIPICIOS	friend and a loyal and generous colleague, and as chairman of the Bathurst district, he	for Austrolia to be apart from the British	· · · · · · · · · · · · · · · · · · ·
	the land of the business of the USUAL	navy. Having	To Let, Furnished
• · · · · ·	with marked ability They had ballogy to f	price is too gieN SATISFACTION	IU LUIS FULINSINU
		ience, Australi	SUPERIOR Brick Cottage, 6 rooms, every convenience, good position. Particulars,
			convenience, good position. Particulars,
· · · · ·	honor of Methodism in the Bathurst district, while in Mas. Huline they had	Britain Prolon London, Wednoiday, Britain Prolon and ' says that Austria's wonth must dard ' says that Austria's	F. GLASSON & CO., Agents.
	recognised an able help meet to her husband.	reality of federaund cures Droradouguts	DANCING
		Empire: and toth great satisfaction(in	DANCINC
	(A ppause.) The remarks of Mr. Wheen were supple- mented by Messra, G. S. White, E. Wil- linna, J. N. Makepence, E. T. Webb, G. Whalan, and T. Smith, dividend by Wr	stand boside thans declars what British	A TEN MITT FATENCE A SECTOR
	mented by Messre, G. S. White, E. Wil-	came nious are doing for the	MISS MULLAMPY'S CLASSES are now formed and will commence : Juveniles.
	linms, J. N. Makepence, E. F. Webb, G.	Austria and Hung arv	Wednesday afternoon, 15th April ; Adults,
		Mr Hulme aGermany.	Thursday evening, 16th instant.
MUMUUN	Hulmo and the last which the distinct	contrainty.	
National	would sustain because of his departure.		
Advocate	would sostain because of his departure. Reference was made to the good work	Speaking at	MUNICIPALITY OF BATHURST
AIMANAA	which be had done amougst the children, and Mr. Wobb said that not only did he	Rev. J. Hubbe FIONAL SAFETY	
I ARI IVI VALICIA	and Mr. Wobb said that not only did he	said that as a core .	BIOTICE is hereby given that Fees in ad-
THUN COMPANY	succeed in reducing the debt on the church by several hundreds of pounds but that he	minister had alHALLENGEABLE soke, ho was alHALLENGEABLE rever needed to NAVY?	OTICE is hereby given that Fees in ad- vance for Saultary Service for the quarter
	had also been responsible for many improve-	stoke, ho was al NAVY	ending 30th June, 1909, viz., 3/9 per pan, must be paid at the Town Hall on or before the
	I mental AIP. ALCON BUDGED UPD DEDUCTION	rever needed to TAN I	be paid at the Town Hall on or before the
	Hulmo had been here three years, people in	he tookap, No	21st instant, after which date the charge whi
· · · · ·	bigh positions had made statements that	end uticity escharge NY CONDON, Wednesday	be 5/3 per pan. D. F. W. VENESS.
· · · · · · · · · · · · · · · · · · ·	They would hant him out of the lown, but,	had dealt bravel mars, MP, spoaking	Town Hall, Town Clerk.
the second se	far from them succeeding, he had remained in Bathurst ever since, and but for the law	end utterly each mars, MP, sposking had dealt bravel mars, MP, sposking principles, and bLiberal Club, said the	7th April, 1:00.
	l of the church, which would not allow 1000.	as a church, had 'acures that emerged	· · · · · · · · · · · · · · · · · · ·
lustralia for Australians	to remain more than five years, he would	him e were first, the deter-	
iustialia ini mustialians	the hore still (Andause)	Mr. Hulme, Smet with in all classes	
	Mr. Hulme feetingly responded on behalf	that certainly he he navy unchallenged the papers bearing to goable ; and secondly	a second that we want to be a second of the second of the
	Las binigelf and Mist. Hulme, and Conclusion	considered to goable ; and secondly	FUNERAL
THUREDAY, APRIL 8,1903	by expressing the wish that God would bless the people of Bathurst, who, he added,	interest. And pontancous recognition people wrote, Usne at stake.	Recomposition and .
THURCONT, ATTIC 0,000	he would never forget.	people wrote, tisne at stake.	THE filends of the late Mr. Charles Stacy
	During the evening the Chutch Lada	that they argued, nobt's programme was	(Builder), are respectfully invited to
	Brigade gave a drift; and vocat solos were	that they argued, about's programme was in-tancer, used about's programme was allusion: But he are the national safely, any notice of that that by April. 1912;	attent his function Mr. W. N. Thomas, 97-
Mr Deakin's Position	contributed by Misses Gertie Gow, Scho-	any potici of that that hy April 1912.	Howick Street, to-merrow (Friday) afternoon
	Jenkins, and Ada Ward, tonecomparaments	Now that the subject about	and a solution of the character of the grant of the concrete the
In his great speech, delivered last	by Mr. Horace Lascoe. Refreshments also	Now Cost the subig tahcad.	W.S. HODGE, Undertaker,
light in Sydney, Mr Deakin's criticism	were provided. Farlier in the work Mrs. Hulme was	in a certain big no	Tel. 42. 67 Keppel St., Bathurst.
I the Labor Prime Minister's policy	Earlier in the week Mrs. Hulme was entertained by the Ladies' Church Aid		
I the Liber Frine alliance's policy	Society, and presented with a suver not	he had no hindr. EXHIBITIONS	FUNERAL
vas marked by candor and sympathy.	l water kettle and a silver leapon.	character, but he have	- LUCORDINTIA Glanda of Mar and Mar
Unlike Mr Joseph Cook, Mr Doakin	L. Mr and Mrs. Hulme leave for Astronom	character, but he i TAIN'S NEGLECT	PASCOE-The friends of Mr. and Mrs. James Pascoe, of Burraga, are respect
s not afraid to show his appreciation	by the mid day train to day, and are, acon,	took an interest in	fully invited to attend the funeral of their late
f the good points of policy of a rivel	Mr Hulme's successor, is expected to arrive	when he saw had LONDON, Wednesday,	dearly beloved son, Sidney, to move from the
party. He congratulated the Federal	later in the afternoon.	chainly from using of the Dourt of	dearly beloved son, Sidney, to move from the Oxford Hotel, William and Piper Streets, at 2.30 o'clock, this Thursday alternoon, for the
Covernment on its well proportioned	One Coord Chaoting	in his power to the angle of the koyal Com- in his power to the anglional exhibitions creating a healthic train's neglect of this nobler teeling in (fram's neglect of this	2.30 o'clock, this Thursday alternoon, for the
chemo of Australian defonce, but	Some Good Shooting	erenting a nentral and the s neglect of this	Church of England Cemetury, Bathutst.
		I HOMET ISCHOR PLUE - THE STORE OF CITIES	w nurth linderlaker
amented the fact that in the presens tate of the Commonwealth finances,	BATHURST'S CONQUERORS	took up their work advertising was highly of personst abus ' he interests o a many	Tel. 116, 182 Piper Street.

bope our Presilent, who is a good citizen. I-will not allow hims if be used by this little clique of whispircia who are always hing-ing after him. Sinke them off. R. L., they PersonalAs OLD COMMITTEE MANThe 12 years old son of Mr util Mrs
Bathmer District Health cols place yesterday of Mr.
Charles Stace in his N7th year. Deceased,
who arrived in the State in his 18d, when dresseled in
Bathmert over 30 years, and was highly
respected by a wide circle of friends.FORCUS AND THE DIBEADNOUGHT
FUND.The
to 'me. Robinos.State in the State in 18d, when the resided in
Rathmert over 30 years, and was highly
respected by a wide circle of friends.Sum. - I see our deas old friend Porcus get.
To 'me. Robinos.June 1900No. 1 few years ago Mr. Stacy followed the
mercupation of a builder. The threat mer with them the string of piattules the
attermoon for the Church of Kingland portion
of the Bathmert cemetery.Sum. - I see our deas old friend. Prov. str., may I
to 'me few years ago Mr. Stacy followed the
mercupation of a builder. The threat mer with them the string of piattules the
mark why dues Porcus nuclear build in the string of piattules the
mark why dues Porcus one for the Church of Kingland portion
to the Mulgee circuit, was farewelled of
Millibore, members of all draon initiation
being preteat to express their apporticiation
to the Mulgee circuit, was farewelled of
to the Mulgee circuit, was farewelled of
to the Mulgee circuit, was farewelled of
to the Millibore, members of all draon initiation
being preteat to express their apporticiation
to the Millibore, members of all draon initiation
to the Millibore, weather action and hear hear of the their apport leave of
to the Millibore, weather action and the string of
to the Millibore, weather action and the string of Yours, etc., AN OLD COMMITTEE MAN are a-bad lot .---

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19**7** - 187 ji de sievelik White Memorandum. From W. N. THOMAS, 190 (LATE C. STACY & SON), BUILDER & CONTRACTOR, 277 HOWICK STREET. Funcil HOUSE REPAIRS IN ALL BRANCHES IN TOWN OR COUNTRY. JOINERY MADE TO ORDER. FURNITURE MADE AND REPAIRED. 1 aur ease find enclosed two Vostar <`` 200 Rindly place ai Rindley send me si "Credit-Isha made ier Condenie mi N ru Hom 1 TED 27- 5- 14 The SALARD O cinery Veen

INC OF WEI was stumped d, "Ah, but fe."

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no fatal two years, (U.S.) ng bealing the istles, and explained ons were make the actoty-first

₹S: . 18 WAS BO Says Dr. **ilmington** "Nagging husbands vday worheart 20 wife after e an im-

sent out tarm. Re this type) make a stock unwhich he jont. So - 8níd.) et ng that's at, worn i, and a the boas ld bloke

(Baldry).

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Bathurst, and Misses Katle and Tine, also of Bathurst. One brother, Mr., Chris. Curtin, of Bathurst, and Six slaters, Mrs. Do Belle Ball, Mrs. El-phick, Mrs. Cruikshank, of Sydney, and Mrs. Bayliss, Mrs. Burko and and Mrs. Bayliss, Mrs. Burke and Mrs. Horton, of Bathurst, also sur-vive, as well as two grandchildren, frene and "Buddy" Burke, of Bathurst. The Very Rev. Father Dunne, Adm., who was assisted by Father Connaughton, officiated at the chapel

and graveside. Pall-bearers were Messrs, Briggs, Boyd, Muldoon and Rogers, all fel-low members of the H.A.C.B. Society.

A large number of wreaths were placed on the grave. Messrs. MacDonald and Moloney had charge of the funeral arrange-

ments.

MR. EDWIN HODGES

(From Our Representative) PARKIES, Sunday.....The death oc-curred at his, home in Victoria-street. Parkes, yesterday afternoon of Mr. Edwin Hodges, a well-known resident of the Parkes district, at the age of 86 years, The deceased, who had been alling for some time, formerly lived in Keppel-street, Bathurst, where he was well-known, Fiftyseven years ago he took up land at Baldry, and in 1916 bought the pro-perty known as "Hazelwood," on Back Trundle-road, near Parkes. The late Mr. Hödges retired 17 years ago and came to live in Parkes. The Ago and tank to her in Parkes, the funeral took place this afternoon, and was one of the largest seen in Parkes for some time. Burial was made in the Church of England por-tion of the Parkes tion of the Parkes cemetery, the Rev. W. J. Conran officiating at a short service in St. George's Church of England, and also at the graveside. Decensed is survived by his widow, becaused is survived by his widow, who is seriously ill, and daughters fethel (Mrs. W. Hando, Peak Hill), Sis (Mrs. W. Aubrey, Peak Hill), Mary (Mrs. A. Aubrey, Peak Hill), Mary (Mrs. A. Woodhouse, Sydney), Alice (Mrs. A. McLoan, Parkes), May (Mrs. George Coram, Parkes), Hilda (Mrs. R. Paddison, Forbes), and sons, Messes, Ern and Walter Hodges (Parkes), and Claude Hodges (Baldry).

MRS. ELIZABETH CHILCOTT

The death occurred suddenly at Evans' Phins on Saturday morning of Mrs. Elizabeth Chilcott, at the age of 65 years. The deceased was living with her daughter and son-in-law, Mr. and Mrs. Roy Sweet-nam. Her husband predeceased her hy about four years. The funeral moved from Messrs. Cam Reed and Son's funeral parlors yesterday af-ternoon to the Presbyterian portion of the Bathurst cemetery, where inof the Bathurst cemetery, where in-terment was made. The Rev. Mr. terment was made. The Rev. Mr Cranston officiated at the graveside The chief mourners were deceased's daughter and son-in-law.

MRS. ELIZABETH SANDRY

The funeral of Mrs. Elizabeth Sandry,...of -- Dunkeld,--- moved -- from-- her residence on Saturday afternoon to the Methodist portion of the Bathurst cemetery, where burial Was made. The casket was carried to and from the hearse by deceased's son and grandsons. Burial ' wat made alongside the remains of her husband, who predeceased her by many years. The chief modrners husband, who predecenses her by many years. The chief modmers were decensed's sons, daughters-in-law, daughters, sons-in-law and grandchildren. The Rev. J. Thom-

IN MEMORIAM

CLARKE .-- In memory of our mother, who departed this life on August 14, 1938. From Memory's page we'll never blot Three little words, "forget me not." BB'S

Transferring Part of Common To Blayney Club

(From Our Representative) BLAYNEY, Sunday.

American residents.

with China.

der arms

the city.

lief

A rigid curfew has been imposed in the International Settlement on

the eve of the Japanese celebrations of the end of the second year of war

heen closed down and an additional

200 international volunteers are un-

WHEATGROWERS MUST

BE HELPED

Federal Responsibility,

Says Heffron '

He would not oppose any State legislation, but * he held

strongly that this should be the

responsibility of the Common-

wealth Government, said Mr. R. J. Heffron, leader of the New

Labor Party to-night, comment-ing upon the proposed wheat re-

but it is utterly wrong that the Commonwealth should attempt to pass on to the States the task of finding the money to assist in a

national crisis, because the position

in the wheat industry is nothing less than that," said Mr. Heffron.

LIQUOR REFORM

EABINET TO EXAMINE

- LEGISLATION

SYDNEY Sunday, Immediate reform of liquor control will be undertaken by the new State Government and an examination of the Liquor Act will be made at once for that purpose, Probable out-come will be a reforendum on the question of extended drink-ing hours and other suggested alterations,

alterations.

SYDNEY Sunday.

"Wheatgrowers must be

SYDNEY, Sunday.

helped

The Japanese are also taking precautions in the occupied areas around

All places of amusement

A poll taken in D. Riding of Lynd-hurst Shire Council, regarding application being made for transfer-ence of about 150 acres of the Blayney Common to the Blayney Golf Club, for public recreation, resulted in a decision in favor of application being made. Votes lodged totalled being made. Votes lodged totalled 228-140 for and 88 against. There were no informal votes. The ma-jority in favor whs 52.

son conducted the service at the graveside. Many beautiful floral tributes were received. Messrs. Cam Recd and Son conducted the funeral.

MR. W. N. THOMAS

The death took place on Saturday morning at Paddington of Mr. W. N. Thomas, a former well-known resi-dent of Bathurst. Born at Kerley Kew, Cornwell, England, on June 24 1852, deceased left for New Zealand with his parents in 1854 on a aniling ship "Gipsy," along with oth-er carly settlers. A grant of 100 acress of land was ready on their arrival, but news spread of the gold fever which was at its peak in numfever which was at its peak in num-erous localities. So the Thomas fam-ily decided to take another ship across to Australia. Later they travelled across country to Sofaia, on the Turon River. Mr. Thomas had said it was interesting to hear the numerous subscience value to all the numerous episodes related to all the various positions on that water course, with its various water races. "I have often heard it said, that at Wattle Flat, five miles distant, there were 10,000 Chinese, who wended their way to Sofala with their shoulder sticks, and baskets, one after the other, and when the first arrived at Sofain, the last was at Wattle Flat," he once remarked. His father died in 1866. Years later his moth-er married Mr. Charles Stacy who, being a skilled carpenter and jonier, taught his stopson the trade. 20 years they moved to Bathurst and went into partnership as C. Stacy and Son, builders and joiners, afterations, Cabinet's attitude towards the Li-quor Act has changed since the re-cent crials and reluctance to inter-fere with present conditions has largely disappeared. This is partly because the new Premier, Mr. Mair, is said to be in favor of reform, while the Minister of Justice, Mr. Martin, who admini-sters the act, will gladly sponsor amendments. in Howick-street, from 1876 to 1905, when Mr. Stacy retired. He died on April 7, 1909, aged 87 years. The name was changed to W. N. Thomas, late Stacy and Son, until October, 1911-a period of 35 years. Mr. Thomas later moved to Portland for a period of 26 years, finally going to Sydney to livo with his eldest daughter, Miss May Thomas, Al-though his eyesight was failing him, he would seek the news of the world's affairs, and was ready to ex-A full report on the Act, with suggested amendments, will be made by the Minister of Justice. press an opinion on such matters. His health was good until July 16, when he took bad during his daily walk. His youngest son Ern was constantly beside him. Deepest sympathy will go out to him and Miss May ly beside him. Thomas, whose kindness and devotion to her father will never be forgotten. He is survived by three sons and two daughters. Will, Alf, May, Flo and Ern, 18 grandchildren and two great-grandchildren. His wife pre-deceased him. Mr. and Mrs. E. Thomas, Miss Yvonne Thomas and Mrs. Stafford Thomas, and Mr. J. Creigan, all of Sydney, and relatives of the deceased, arrived in Bathurst yesterthe day to attend the funeral, which will take place this afternoon on the artival of the cortege from Sydney. After a short service at All Saints' Cathedral Interment will be made in the Church of England portion of the Bathurst cemetery.

" SEE THE BATHURST VIEW WARE IN SHELLEY CHINA AT WEBB'S

In front of a Japan Attach mena 8 2555K UP MALE fice at West Hongkew, in the Bri-tish defence sector, injuired nino Chinese. A cordon was placed around the area to prevent the com-ing or going of scores of British and American residents

have

A single woman, aged 80, a resident of Attunga, near Tamworth, has been arrested on a charge of having murdered a male infant, the body of which was found in a sugarbug, under a onlyert on the More Oreek road, about four miles from

Tamworth, on August 5. The bag, which was tied round the neck with a piece of blue mater-ial, part of the belt of a woman's frock, was found by two children who were searching for bottles. It contained the body of a newly-bouw mells in form which is a newly-

born male infant, and doctors stated that death was due to strangulation and head injuries.

ANOTHER BLACK-OUT. IN ENGLAND

Practice In Every Branch Of Civilian Defence . ..

N 921

LONDON, Saturday. Arrangements are being made for another big black-out early in Sep-tember, after the holiday senson. several schemes, embracing smaller areas have already been drawn up. Some of the tests will begin early in the evening, a Practice of every branch of civilian defence will be given. given.

WHOLESALE EVICTIONS POSSIBLE

Factories To Replace Homes

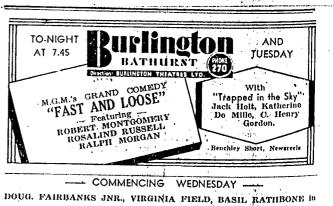
SYDNEY, Sunday, Fifteen thousand residents of Woolloomeoloo will be evicted from their homes within the next two years if projected plans for the in-dustrial development of the district are carried out. "The prospect facing the people is one of the greates concern," said the secretary of the King Residen-tial Area Committee, Mr. Justice Flynn. "In the absence of any re-housing scheme in Sydney and with high reuts everywhere, where are these thousands of people to go when they are turned out into the street?"

The committee is organising a petition calling upon the City Coun-cil to declarb Woolloomooloo a resi-dential area, and urging the need for a proper rehousing scheme.

TRY WEBB'S FOR TRAVEL GOODS

...... made will include an increase

made will include an increase in the number of licenses, especially in the country, granting of lounge licenses to hotels, and facilities for obtaining drink with meals. Apart from these, obvious prob-lems, there are many minor anoma-lies in the Act which need cleaning up. There will be a strong move in A Cabinet for a referendum on the left question of extended hours. Other suggestions that will be up.



"THE SUN NEVER SETS" PACKED WITH ADVENTURE, DRAMA AND ROMANCE Western Times August 14, 1939.

STATE TAR

Addendum to house report on 277 Howick Street. Re query about original ownership of land. The copy of Section 18 from the Map of the Town of Bathurst shows the nominal first divisions of the land. The names on the map are those of the original parchasers, from the Crown, of the pontions STEWART ST .. JL. C.W. Spence loem J.L. Spence C. K. WR Roenc Darid W.R. Davilson Hoskin C.W. oeme RANKIN ST. 25,6.1998.

232 of 759

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AGENDA - Ordinary Meeting of Council Agenda - 16 September 2020 Attachments

233 of 759

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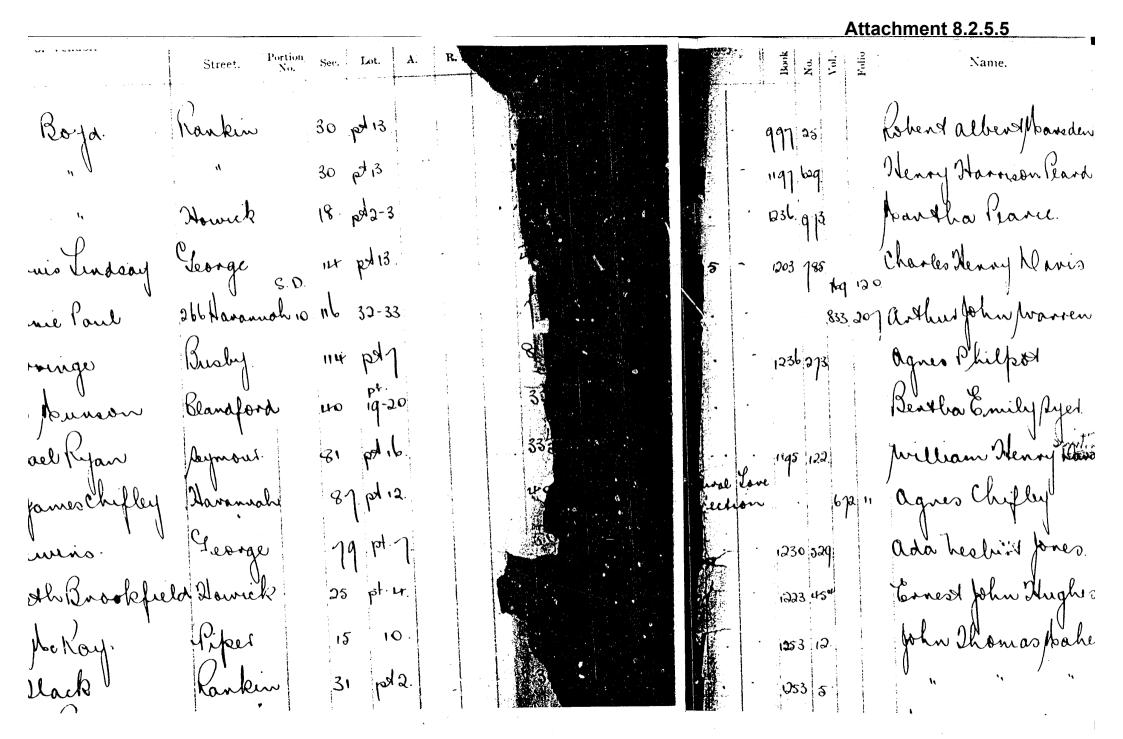
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237 of 759



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277 Howick Street, Bathurst | 17360 STATEMENT OF HERITAGE IMPACT



APPENDIX 4 – 1952 DEVELOPMENT APPLICATION

Town Hall,

BATHURST. 29th August, 1952.

Mrs E. Barnes,

277 Howick Street,

BATHURST.

ear Sir,

I beg to inform you that your application to erect a <u>new rooms & 2 verandahs</u>_____at _277 Howick______ Street, n behalf of _____Self_____as per Plan and pecification, has been approved by this Council, provided that all he requirements of Ordinance No.71 under the Local Government Act, pplicable to the case are carried into effect.

Kindly call at the Building Inspector's Office as soon as onvenient and collect your copy of plans and specifications.

Yours faithfully Kituce Jarrish.

TOWN CLERK. PR

ermit No. _92/52_

Town Hall,

BATHURST. 29th August, 1952.

Mrs E. Barnes,

_277 Howick Street,

BATHURST .

Dear Sir,

I beg to inform you that your application to erect a <u>3 new rooms & 2 verandahs</u>____at _277_Howick_____Street, on behalf of _____Self_____as per Plan and Specification, has been approved by this Council, provided that all the requirements of Ordinance No.71 under the Local Government Act, applicable to the case are carried into effect.

Kindly call at the Building Inspector's Office as soon as convenient and collect your copy of plans and specifications.

Yours faithfully K. M. Sarres M. TOWN CLERK. MA

Permit No. _92/52_

Town Hall,

BATHURST, 29th August, 1952.

Mrs E. Barnes,

277 Howick Street, BATHURST.

ear Sir,

I beg to inform you that your application to erect a <u>new rooms & 2 verandahs</u>____at _277 Howick______ Street, n behalf of _____Self_____as per Plan and pecification, has been approved by this Council, provided that all he requirements of Ordinance No.71 under the Local Government Act, pplicable to the case are carried into effect.

Kindly call at the Building Inspector's Office as soon as onvenient and collect your copy of plans and specifications.

Yours faithfully K. M. Jarresh. TOWN CLERK. PR

'ermit No. _92/52_

SPECIFICATION OF WORK TO BE DONE AND MATERIALS TO BE USED IN THE ERECTION OF ADDITIONS AND ALTERATIONS OF A RESIDENCE IN HOWICK STREET FOR MRS. E. BARNES. HEREUNDER CALLED THE OWNER/BUILDER.

GENERALLY

PROVIDE

means the supply and complete building in of such materials, fittings etc.

REGS & NOTICES

The owner/builder is to comply with N.S.W. building ordinance No. 71. and/or any amendments thereto: The requirements of Legally Constituted Authorities for Local Gov. and/or services.

The owner/builder is to give all notices, obtain all permits and pay all fees required by such Authorities.

LABOUR AND MATERIALS

SETTING OUT

Owner/builder is to provide all labour, materials, fittings and plant required to erect and complete the structure.

The building is to be set out and maintained in accordance with the drawings.

Figured dimensions to be taken in preference to scale. BUT

MATERIALS

Generally to be sound and free of defects. Bound picort to be

CONCRETE BLOCKS

To be composed of :-

7 parts of river gravel and 1 part of std. Portland 27 AUG 1958

-1-

To be one part fresh cement to 3 parts clean sand.

EXCAVATOR

GENERAL

MORTAR

Clear site and grub all stumps and roots for a distance of 4'-0" outside the building.

Excavate trenches to level bottoms to not less than 12" below the surface of the ground.

CONCRETOR

CONCRETE FOOTINGS Concrete to consist of : 4 parts 12" gauge blue metal; 2 parts clean sand; 1 part fresh cement - of Australia Ltd. specification - laid 12" thick under walls.

Reinforcement to be $(3 \times \frac{3}{8}"$ Diam) rods top and bottom spaced equally and wired to spacing rods of $\frac{1}{4}"$ drain at 4'-0" centres.

All reinforcement to be continuous and lapped (12"0) where joined.

BRICK LAYER

CONCRETE To be laid in level courses and accurately bonded: beds and joints not to exceed $\frac{1}{4}$ " thickness. Keep all perpends.

DAMP COURSE Build in 2 lb. lead damp proof course as shown in section and lapped 6" where joined.

> Build in under sills 2 lbs lead D.P.C. and 3 lb lead over heads of all openings.

DRAINER

-2-

GENERAL

FLASHING

Lay 4" glazed E.W. pipe to take all rain water from the roof. Take the drain in 2 seperate lines to empty into gutter in Howick Street.

CARPENTER & JOINER

Timber for carpenters work to be cypress pine for floors and for the remainder cypress pine or hardwood of the best quality procurable.

Timber for joiners work to be oregon or maple unless otherwise specified. All exposed timbers to have wrought surfaces.

All timbers to be free of cracks, knots, splits or shakes.

All joints to be accurately cut and doubles spiked with 3" nails.

Timbers used to be of the following sizes:-

Wall plates	4" x 3"
Ceiling joists	4" x 2" @ 1'-6" centres
Rafters	4" x 2" @ 31-0" "
Battens	3" x 1 ¹ / ₂ " @ 3'-0" "
Ridge	7" x 2"
Hip Rafters	7" x 1"
Jack Rafters	4" x 2"
Collar Ties	4" x 2" to every alternate
	pair of rafters.
Gutter Board	7" x 1"
Fascia "	7" x 1"
Ceiling Battens	$1'' \times 1\frac{1}{2}'' @ 15'' centres.$

Door frames out of 5" x 3" H.W.D. solid rebated with heads splay cut to blocks and secured to jambs with 16 gauge hoop iron straps let 1'-6" into courses. 3 straps each side and 2 nails per straps. Storm mould to be of 1" standard quadrant section moulding.

WINDOWS

TIMBER

Box frame type to have:outside linings &" thick heads out of 4" x 3" stiles out of 4" x 2" H.W.P. housed 3/8" to head let into sill.

-3-

SILLS

To be of 7" x 3" tallow wood twice sunk weathered and twice ploughed on underside. Fix parting bead let into head and stiles $\frac{1}{4}$ " deep.

SASHES

To be double hung on "Unique" spiral sash balance: 2 balances per sash.

Sashes to be oregon $3\frac{1}{2}$ " x $2\frac{1}{2}$ " x $1\frac{1}{2}$ " thick with horns to each sash: fit $\frac{7}{8}$ " sash bars as indicated.

WINDOW BOARDS window openings - fit to sills with 3" mould under projection returned at ends.

PLUMBER

GENERALLY

Corrugated galvanised iron roofing to be 26 gauge gal. iron. All sheets branded - provide 12 corrugation side lap and at least 7" end laps.

Fix with $1\frac{3}{4}$ " gal. cup head screws and lead washers to every alternate corrugation at ends of sheets and every 4th corrugation intermediately.

Cover all hips and ridges with 18" wide stock capping of similar gauge and material to the roof: lapped and secured with gal. screws and lead washers.

R.W.P. and guttering to be of 24 gauge. Fit 5" quadrant eaves gutter with 4" x 3" down pipe and connect to drain previously specified.

PLASTERER

-4-

GENERALLY

Thoroughly wet all blocks immediately before plastering is commenced.

RENDERING

Generally to be mixed only as required and to be used within $\frac{1}{2}$ hour after being mixed.

Render to be composed of:-3 parts of clean sand 1 part of Aust. standard Portland cement (from bags of unbroken seals) 6 of hydrated bag lime to be reduced in a bucket and well larried in.

VENTILATORS Fit 4 Terra Cotta ventilators to wall l course below floor level and placed in pairs on opposite wall, arranged to give cross ventilation, finish render against the edge of the vents with a $\frac{1}{2}$ " radius round.

> Vents to be of plain grid set flush with external plaster surface.

CEILINGS

GENERALLY

Ceiling to be battened with $l" \ge l_2!"$ battens spaced at not more than 15" centres to centres covered with fibrous plaster sheeting clouted to battens all joints to be well trowelled.

Fix a cornice to ceiling with a 4" quadrant plaster moulding scribed at corners.

WALLS INTERNAL

All walls to be fibro plaster internally except bathroom which will be tileux..

WALLS EXTERNAL

External walls to be weather boards up to sill height (3') and all above sill height to be fibro cement with cover moulds.

-5-

PAINTER

Sashes, doors, frames and weather boarding to be painted with lead based oil paint.

Apply one coat of primer consisting of red and white lead and raw linseed oil to all dressed surfaces of doors, windows sashes and frames. All other visible external woodwork to be similarly primed.

All visible external woodwork to receive 2 coats of lead and oil paint in addition to primer.

INTERNAL WOODWORK

EXTERNAL

WOODWORK

GENERALLY

PRIME

After priming all internal woodwork one coat of undercoat and finish with a cream enamel. All walls and ceilings to be given two coats of Mural Tone (white)& (cream) as directed.

Paint to be best quality materials of approved standard brands of ready mixed paints.

GUTTERING ETC.

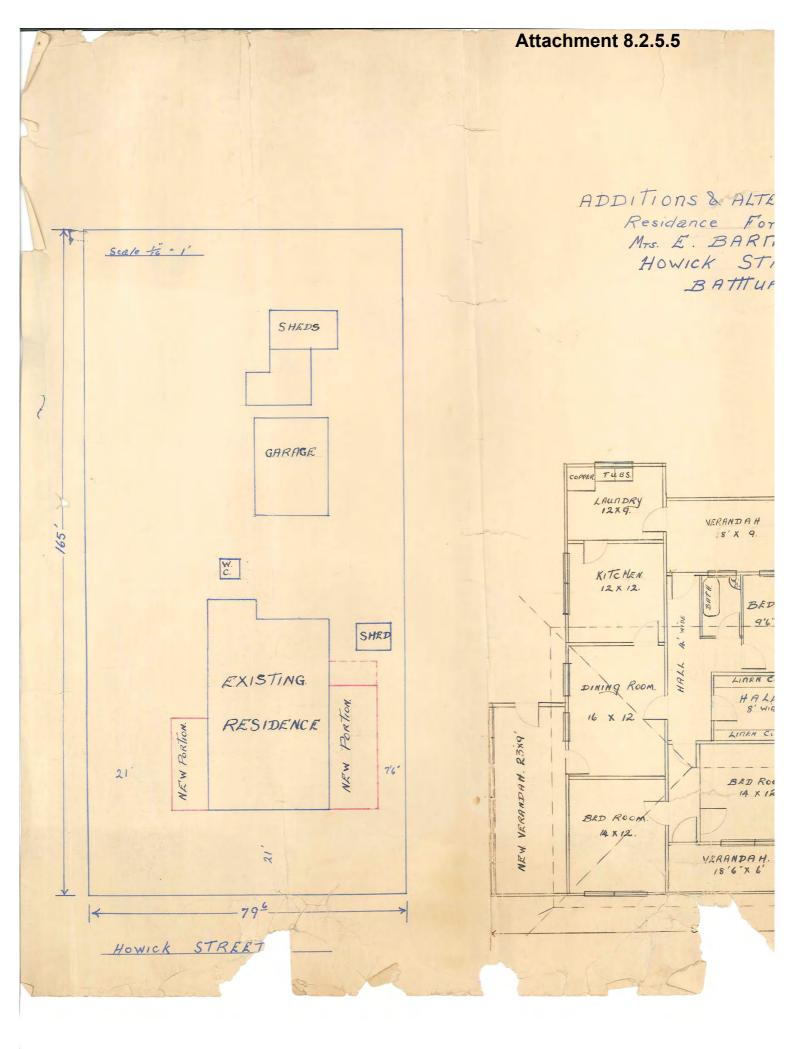
Guttering and downpipe to receive 1 coat of metallic or oil paint.

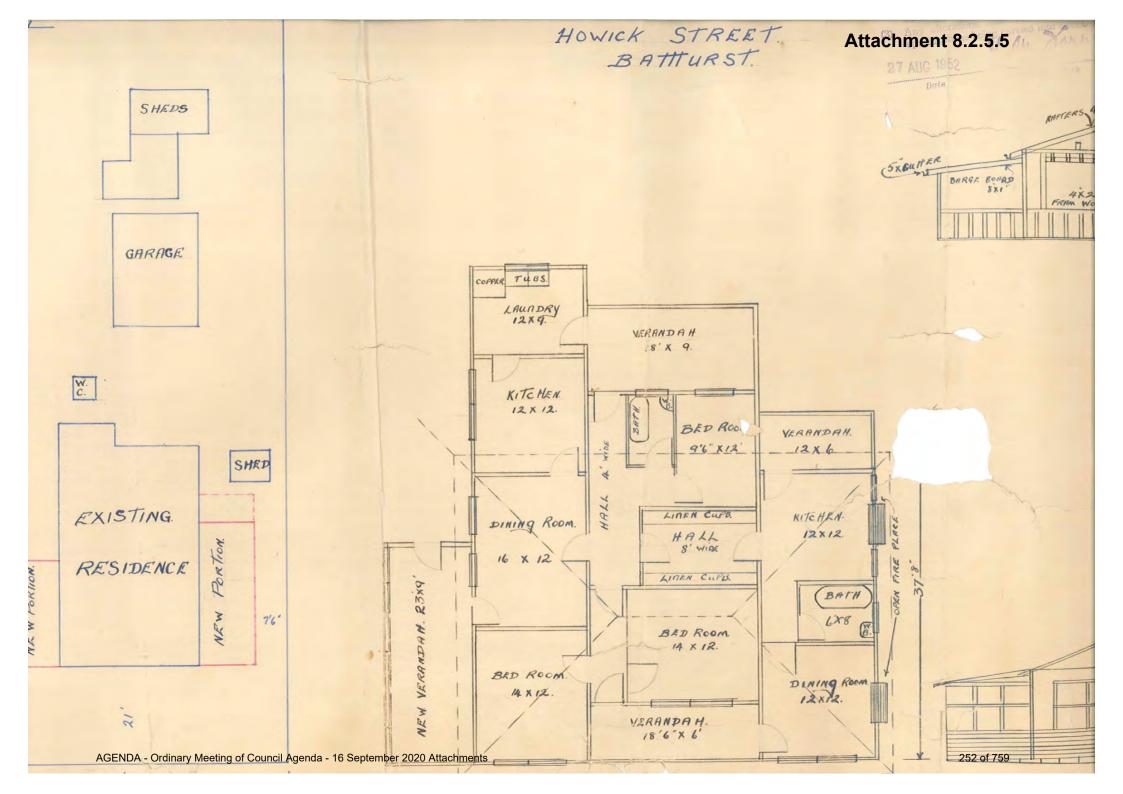
IRONMONGERY

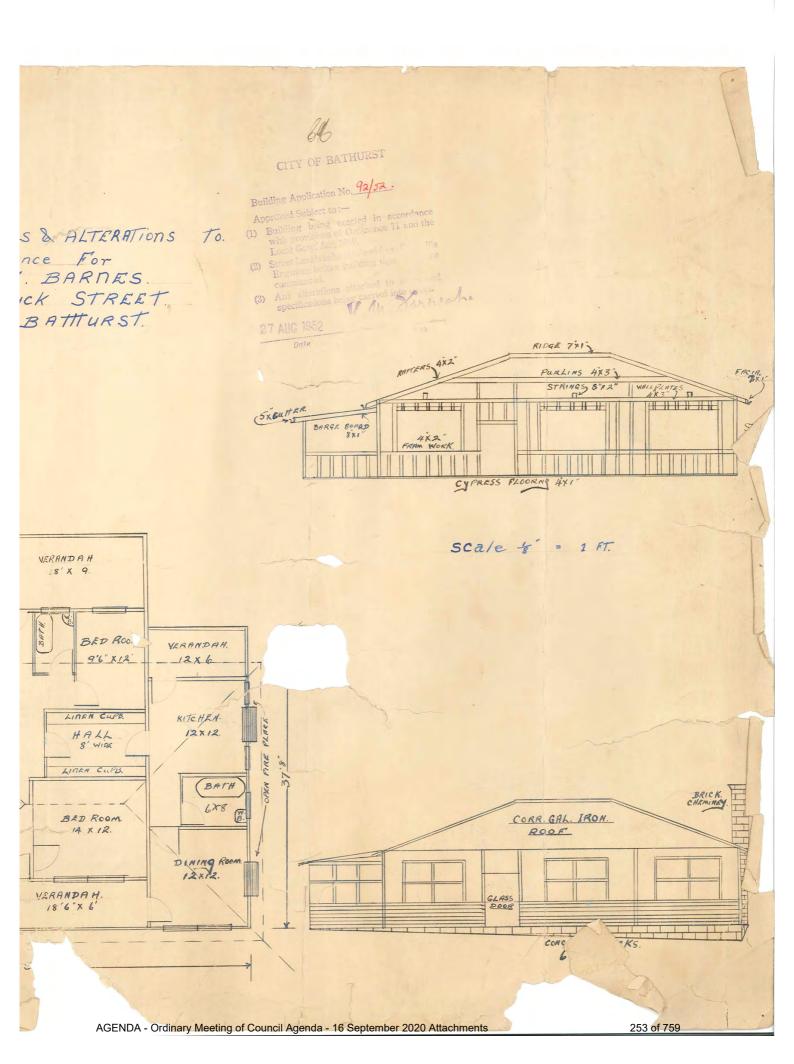
92/52 The owner/builder is to provide all necessary hinges, locks all doors and window fasteners etc.

All existing roofing iron to be reused where possible. Use all new guttering Succincations beins W. M. Jann. and downpiping.

-6-









20170526 23 January, 2020

David Bedwell 277 Howick Street BATHURST NSW 2795

Dear David

RE: 277 HOWICK STREET, BATHURST

At your request and further to our inspection and report dated 9th May 2017, we have carried out an additional inspection of the front wall and verandah. We understand it is proposed to maintain the front façade of the building whilst demolishing the remainder of the dwelling and re-constructing in functional and sympathetic style.

Inspection

Our inspection of 22nd January 2020 revealed the following:

- Dry rot in wall framing timber and cladding of the front wall.
- Rotation of front wall and verandah balustrade/posts due to footing settlement.
- Severe cracking of verandah balustrade masonry.
- Cracked verandah slab.
- Asbestos is present on part of the front façade and would need to be removed in any construction work.





Calare Civil Pty Ltd

ABN 41 050 057 933 170 Rankin Street Bathurst NSW 2795

 Tel:
 02 6332 3343

 Fax:
 02 6331 8210

 Email:
 bathurst@calare-civil.com.au

 Web:
 www.calare-civil.com.au



Diagnostic

The damage noted above is due to the following:

- Moisture damage to building structure and fabric due to leaking window sill and general weathering.
- Cracking of masonry and general movement/rotation due to typical reactive clay movement, made worse by discharge of roof water to foundation and extreme seasonal conditions.

Opinion

Due to the significant damage noted above, we consider any attempt to maintain the building façade to be cost prohibitive, and therefore demolition and re-build to be a preferred solution. We note that the chimney is in sound condition and may be preserved in any new works.

We trust that this information is satisfactory and should you have any further queries please do not hesitate to contact the undersigned.

Yours faithfully, CALARE CIVIL PTY LTD

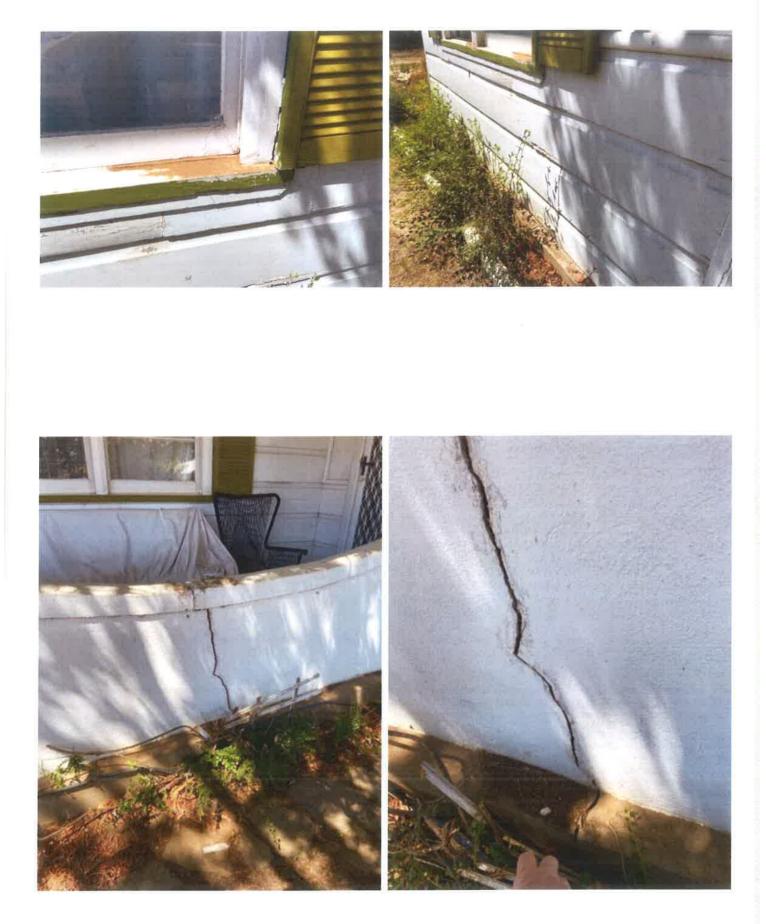
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Garth Dean BE. GDSTT FIEAust CPEng NER APEC Engineer IntPE (Aus) RBP (Vic.)

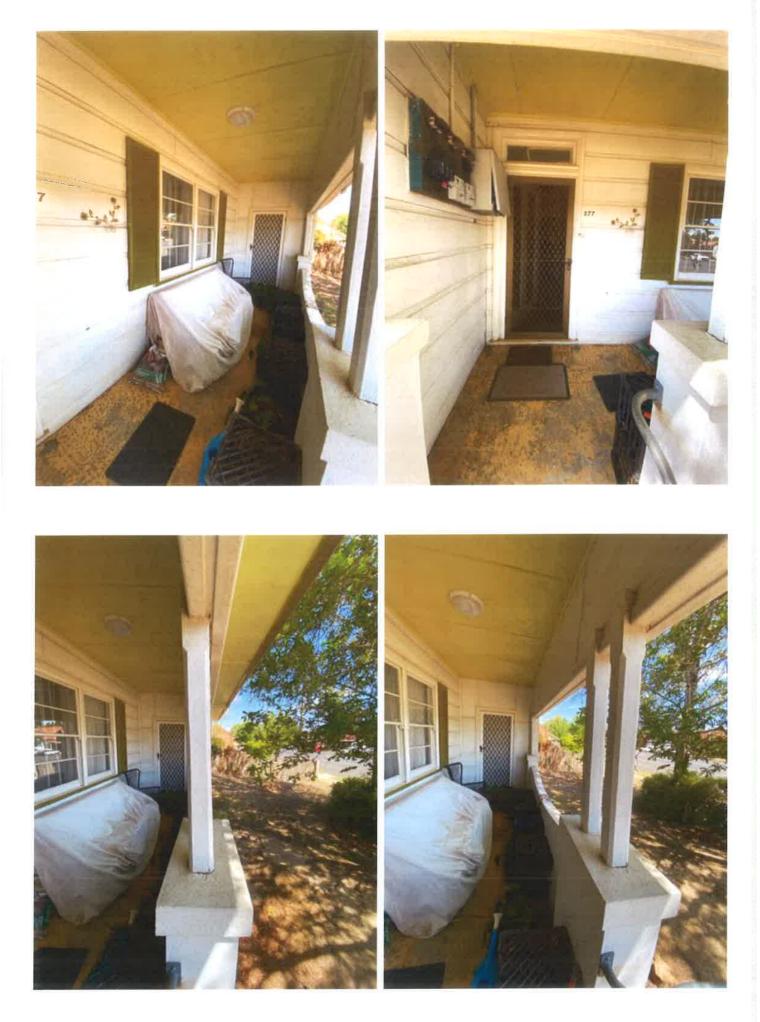


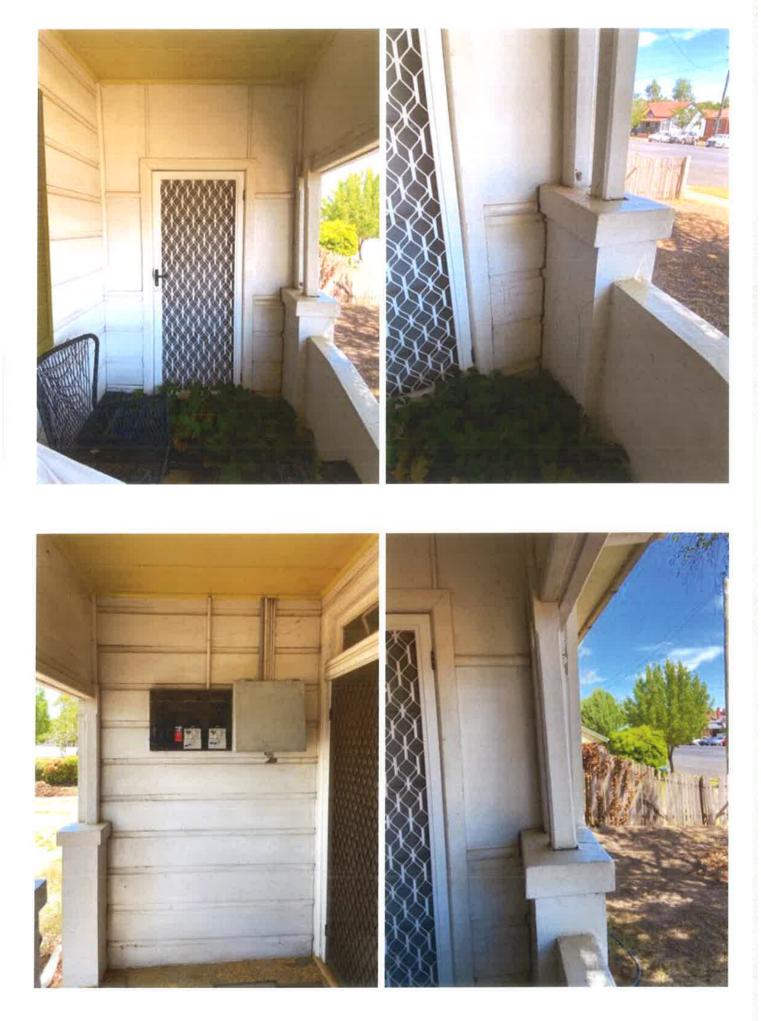


















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STATEMENT OF ENVIRONMENTAL EFFECTS



PROPOSAL: Demolition, Subdivision (4 lots) and Construction of two dwellings (exhibition homes)

ADDRESS: 78-82 Sydney Road and 15 Boyd Street, Kelso

DATE: 18 November 2019



PROPOSAL: Demolition, Subdivision (4 lots) & 2 dwellings (exhibition homes)

CLIENT: Rawson Communities.

Anthony Daintith Town Planning Pty Ltd ABN 46 121 454 153 ACN 121 454 153

Contact: 145 Keppel Street, Bathurst

- 293 Dalton Street, Orange
 - M: PO Box 1975, Orange NSW 2800
 - T: 02 63624523
 - E: <u>mail@adtp.com.au</u>

QUALITY ASSURANCE

This document has been prepared, checked and released in accordance with the Quality Control Standards established by Anthony Daintith Town Planning.

Version	Date	Description	Ву
1.0	18 November 2019	Draft	AD
2.0	18 November 2018	Approved	AD

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This document has been authorised by

Anthony Daintith (Principal) Date: 18 November 2019



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Proposal: Demolition, Subdivision (4 lots) & 2 dwelling houses (Exhibition Homes) 78-82 Sydney Road and 15 Boyd Street, Kelso

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Proposal: Demolition, Subdivision (4 lots) & 2 dwelling houses (Exhibition Homes) 78-82 Sydney Road and 15 Boyd Street, Kelso



1 BACKGROUND

1.1 INTRODUCTION

Rawson Communities has engaged Anthony Daintith Town Planning (ADTP) to prepare a Statement of Environmental Effects (SOEE) to support a Development Application to Bathurst Regional Council, for the demolition of existing buildings, a proposed four (4) lot Torrens Title subdivision and construction of two (2) dwellings to be used as exhibition homes.

The purpose of this document is to:

- Describe the existing environment;
- Outline the proposed development;
- Consider relevant statutory matters; and
- Make conclusions and recommendations for Councils consideration.

The development application consists of the following components:

- Completed DA form;
- Statement of Environmental Effects;
- Preliminary engineering plans;
- Subdivision Plan;
- Heritage Report; and
- Site and Building Plans.

1.2 APPLICANT AND OWNER

The applicant is Rawson Communities, C/- Anthony Daintith Town Planning.

The registered owner is Joe Massih.

The owner has provided his written consent to the lodgement of the Development Application.

Proposal: Demolition, Subdivision (4 lots) & 2 dwelling houses (Exhibition Homes) 78-82 Sydney Road and 15 Boyd Street, Kelso

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2 SUBJECT LAND

2.1 LOCATION AND TITLE

The subject land is identified as 78-82 Sydney Road and 15 Boyd Street, Kelso. Refer to **Figures 1 & 2** which depicts the site within the locality.

The area of the subject land is 3,765.55m².

The land title description is:

Table 1: Land Title Details

Lot	Deposited Plan
22	777084
11	1186691
12	1186691
13	1186691

2.2 GENERAL SITE DESCRIPTION

Topography

The site slopes from the north down to the south.

Vegetation

The site is generally cleared of vegetation.

<u>Waterways</u>

There are no water courses traversing the site.

<u>Buildings</u>

The site contains two dwellings on the Sydney Road frontage (the rear of the site off Boyd Street is cleared).

The existing dwelling at 78 Sydney Road is described as an Indian bungalow constructed circa 1910-1916. It has a central entry porch, which extends on both sides to form a sleeping porch.

Photos 1-4 provide a visual representation of the property.

Proposal: Demolition, Subdivision (4 lots) & 2 dwelling houses (Exhibition Homes) 78-82 Sydney Road and 15 Boyd Street, Kelso

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Proposal: Demolition, Subdivision (4 lots) & 2 dwelling houses (Exhibition Homes) 78-82 Sydney Road and 15 Boyd Street, Kelso

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Proposal: Demolition, Subdivision (4 lots) & 2 dwelling houses (Exhibition Homes) 78-82 Sydney Road and 15 Boyd Street, Kelso Page 7 of 36 V2.0

Attachment 8.2.6.2





Photo 2: Dwelling - 82 Sydney Road



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Attachment 8.2.6.2



Photo 3: Rear of the site



Photo 4: Access off Boyd Street



Proposal: Demolition, Subdivision (4 lots) & 2 dwelling houses (Exhibition Homes) 78-82 Sydney Road and 15 Boyd Street, Kelso

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3 PROPOSAL

The proposal includes the following components:

- Demolition of existing buildings
- Subdivision (4) lots
- Construction of 2 dwellings on the proposed lots off Sydney Road to be used as "exhibition homes" for Rawson Homes and Thrive Homes.

Demolition

It is proposed to demolish the two existing dwellings and associated outbuildings to facilitate the redevelopment of the subject land.

<u>Subdivision</u>

The proposal seeks development consent to subdivide the subject land into four (4) lots. The proposed lots are shown in **Table 2** below.

Table 2: Proposed Lots

Lot Number	Area (m²)
1	1406.55
2	652.57
3	857.48m2 and 760.6m2 excl access handle
4	848.13m2 and 750.77m2 excl access handle

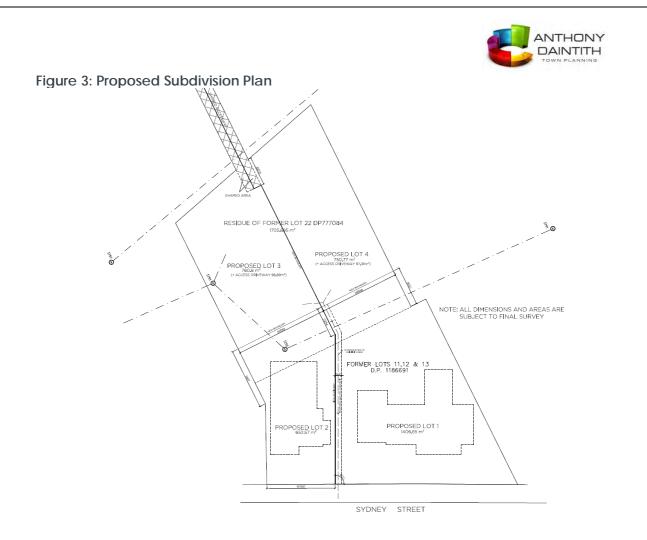
All lots have been created for the purposes of future residential development.

Each lot will have reticulated town water & sewerage, electricity and telephone services.

Appropriate easements (if required) will be put on the final plan of subdivision prepared by the surveyor. Refer to the subdivision plans for greater detail.

Proposal: Demolition, Subdivision (4 lots) & 2 dwelling houses (Exhibition Homes) 78-82 Sydney Road and 15 Boyd Street, Kelso

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Proposal: Demolition, Subdivision (4 lots) & 2 dwelling houses (Exhibition Homes) 78-82 Sydney Road and 15 Boyd Street, Kelso

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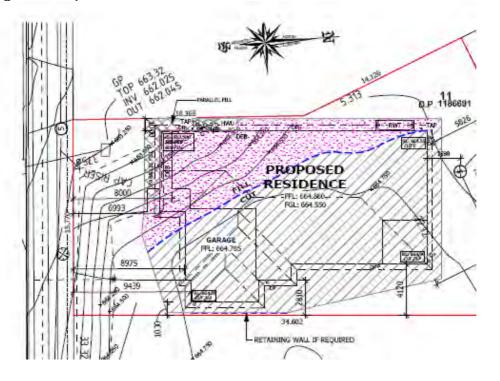


Dwelling Houses (Exhibition Homes)

It is proposed to construct two (2) dwelling houses that will be used as exhibition homes for Rawson Homes and Thrive Homes on proposed Lots 1 & 2.



Figure 5: Proposed Site Plan - New Lot 2



Proposal: Demolition, Subdivision (4 lots) & 2 dwelling houses (Exhibition Homes) 78-82 Sydney Road and 15 Boyd Street, Kelso Page 12 of 36 V2.0



The proposed exhibition home on Lot 1 will have 4 bedrooms, 2 bathrooms, combined living, kitchen and family/dining room. The garage initially will be utilised as a Colours Studio/Sales Office before reverting back to as garage.

The proposed exhibition home on Lot 2 will have 4 bedrooms, 2 bathrooms, combined kitchen, dining and family room (separate lounge room). The garage initially will be utilised as a Sales Office before reverting back to as garage.

The proposed exhibition home, sales office and signage is intended to operate from the site for the purpose of displaying housing stock in Bathurst and Kelso.

It is envisaged that the display home will remain for five (5) years. Following expiry of this time period, the dwelling will revert back to purely residential purposes with the signage removed. In detail, the proposed development consists of the following works:

Land Use

- Residential display home that includes a sales office and identification signage.
- Hours of operation are 10:00am to 4:00pm (7 days a week).
- 1-2 full time sales people on site at all times.
- Sales office for the display of information and non-fixed office furniture within the reverted garage area of the dwelling with the remaining sections of the house to be available as a display home.

<u>Site works – Dwelling construction, sales office and display home identification</u> <u>signage</u>

- Construction of a single storey dwellings (2) with the garage reverted to a sales office.
- Demolition of existing dwellings to construct the dwellings.
- Landscape treatment and fencing.
- Signage at street level of a low intensification in order to identify the sales office and promotional elements.

<u>Signage</u>

• It is proposed to install two (2) blade signs for business identification and dwelling description. The signage will have a perspex finish.

Proposal: Demolition, Subdivision (4 lots) & 2 dwelling houses (Exhibition Homes) 78-82 Sydney Road and 15 Boyd Street, Kelso



Figure 6: Proposed Signage (Rawson Homes)

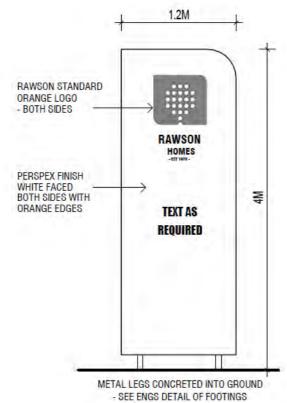
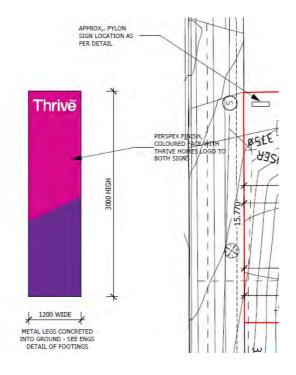


Figure 7: Proposed Signage (Thrive Homes)



Proposal: Demolition, Subdivision (4 lots) & 2 dwelling houses (Exhibition Homes) 78-82 Sydney Road and 15 Boyd Street, Kelso

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4 TOWN PLANNING CONSIDERATIONS

Pursuant to Section 4.15 (formerly Section 79C) of the Environmental Planning and Assessment Act 1979, the following matters must be taken into consideration when assessing a development application:

4.15 Evaluation (cf previous s 79C)

Matters for consideration—general

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

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

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.

Proposal: Demolition, Subdivision (4 lots) & 2 dwelling houses (Exhibition Homes) 78-82 Sydney Road and 15 Boyd Street, Kelso

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(a)(i) The provisions of any environmental planning instrument

LOCAL ENVIRONMENTAL PLANS

BATHURST REGIONAL LOCAL ENVIRONMENTAL PLAN 2014

Applicable LEP Clauses

Zone R1 General Residential

1 Objectives of zone

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To provide housing choice and affordability by enabling opportunities for medium density forms of housing in locations and at densities that complement the surrounding residential environment.
- To protect and conserve the historic significance and scenic quality of the urban villages of Eglinton, Raglan and Perthville.
- To enable commercial development that is compatible with the amenity of the area and does not prejudice the status and viability of the Bathurst central business district as the retail, commercial and administrative centre of Bathurst.

2 Permitted without consent

Environmental protection works; Extensive agriculture; Home-based child care; Home businesses; Home occupations; Roads

3 Permitted with consent

Attached dwellings; Boarding houses; Child care centres; Community facilities; Dwelling houses; Food and drink premises; Garden centres; Group homes; Home industries; Hostels; Kiosks; Markets; Multi dwelling housing; Neighbourhood shops; Places of public worship; Plant nurseries; Residential flat buildings; Respite day care centres; Roadside stalls; Semi-detached dwellings; Seniors housing; Shop top housing; Waste or resource transfer stations; Any other development not specified in item 2 or 4

4 Prohibited

Air transport facilities; Amusement centres; Boat building and repair facilities; Correctional centres; Crematoria; Depots; Electricity generating works; Extractive industries; Forestry; Freight transport facilities; Heavy industrial storage establishments; Home occupations (sex services); Industrial training facilities; Industries; Intensive livestock agriculture; Open cut mining; Restricted premises; Retail premises; Rural industries; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste or resource management facilities; Wholesale supplies

Proposal: Demolition, Subdivision (4 lots) & 2 dwelling houses (Exhibition Homes) 78-82 Sydney Road and 15 Boyd Street, Kelso Page 16 of 36 V2.0



Comment

The subject land is zoned R1 General Residential under the provisions of the Bathurst Regional Local Environment Plan 2014.

The proposed demolition, subdivision, dwellings (exhibition homes) are permissible subject to the consent of Council via the lodgement of a Development Application.

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

Exhibition homes are permissible subject to the lodgement of a development application.

exhibition home means a dwelling built for the purposes of the public exhibition and marketing of new dwellings, whether or not it is intended to be sold as a private dwelling after its use for those purposes is completed, and includes any associated sales or home finance office or place used for displays.

Proposal: Demolition, Subdivision (4 lots) & 2 dwelling houses (Exhibition Homes) 78-82 Sydney Road and 15 Boyd Street, Kelso



There are no anticipated detrimental impacts on the environment anticipated as a result of the proposed development.

It is considered that the measures proposed within this report will ensure that any impact is within acceptable limits.

It is considered that there is negligible impact on the scenic, landscape or urban character of the area. The majority of the site has been vacant land for a significant period of time.

With the imposition of appropriate conditions of consent, it is considered that the potential impacts will be within acceptable limits.

2.7 Demolition requires development consent

The demolition of a building or work may be carried out only with development consent.

Note.

If the demolition of a building or work is identified in an applicable environmental planning instrument, such as this Plan or State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, as exempt development, the Act enables it to be carried out without development consent.

<u>Comment</u>

Approval is sought for the proposed demolition of the existing buildings (two dwellings and outbuildings). Also refer to the heritage report relating to the demolition of the existing dwelling at No. 78 Sydney Road.

- 4.1 Minimum subdivision lot size
- (1) The objectives of this clause are as follows:
 - (a) to protect and enhance the production capacity of rural lands, by maintaining farm sizes and the status of productive lands,
 - (b) to ensure residential lots are of a suitable shape and size to provide a building envelope, private open space and suitable building setbacks for acoustic and visual privacy,
 - (c) to control the subdivision of land shown on the Lot Size Map for the purposes of a dwelling house,
 - (d) to ensure that lot sizes are consistent with the desired settlement density and intensities for different localities and reinforce the predominant subdivision pattern of the area,
 - (e) to ensure a secure water supply is available to land in Zone RU4 Primary Production Small Lots to enable the cultivation of land by irrigation.
- (2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.

Proposal: Demolition, Subdivision (4 lots) & 2 dwelling houses (Exhibition Homes) 78-82 Sydney Road and 15 Boyd Street, Kelso

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- (3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.
- (3A) Despite subclause (3), development consent must not be granted to the subdivision of land in Zone RU4 Primary Production Small Lots unless the consent authority is satisfied that a suitable and secure water supply is, or will be, available for irrigation to each resulting lot to enable the cultivation of the land.
- (3B) Despite subclause (3), the size of any lot resulting from the subdivision of land identified as "Area 1" on the Lot Size Map must not be less than 4,000 square metres if:
 - (a) reticulated water and sewerage will be connected to each resulting lot immediately following the subdivision, and
 - (b) the land is not within the 50dBA Noise Contour shown on the Mount Panorama Environs Map.
- (3C) Despite subclause (3), the size of any lot resulting from the subdivision of an existing holding identified as "Area 1" on the Lot Size Map must not be less than 4,000 square metres if:
 - (a) reticulated water and sewerage will not be connected to each resulting lot immediately following the subdivision, and
 - (b) not more than 1 lot is created for every 1.5 hectares of the existing holding.
- (3D) A lot created under subclause (3C) may not be further subdivided.
- (3E) Despite subclause (3), the size of any lot resulting from the subdivision of land identified as "Area 2" on the Lot Size Map must not be less than 6,000 square metres if reticulated water and sewerage will be connected to each resulting lot immediately following the subdivision.
- (3F) Despite subclause (3), a battle-axe lot resulting from the subdivision of the following land must not be less than:
 - (a) if the land is in Zone R1 General Residential—750 square metres, or
 - (b) if the land is in Zone R1 General Residential and in the village of Eglinton, Perthville or Raglan—900 square metres, or
 - (c) if the land is in Zone R2 Low Density Residential—750 square metres.
- (3G) For the purpose of calculating the size of a battle-axe lot under subclause (3F), the area of the access handle is excluded.
- (3H) In this clause existing holding means the area of a lot as it was on 2 September 1988.
- (4) This clause does not apply in relation to the subdivision of individual lots in a strata plan or community title scheme.

Proposal: Demolition, Subdivision (4 lots) & 2 dwelling houses (Exhibition Homes) 78-82 Sydney Road and 15 Boyd Street, Kelso



Comments

The MLS is 550m² (750m² for battle-axe lots). Each lot is compliant.

STATE ENVIRONMENTAL PLANNING POLICYS

STATE ENVIRONMENTAL PLANNING POLICY NO 55-REMEDIATION OF LAND

Council must consider Clause 7 of the SEPP when determining a Development Application:

- 7 Contamination and remediation to be considered in determining development application
- (1) A consent authority must not consent to the carrying out of any development on land unless:
 - (a) it has considered whether the land is contaminated, and
 - (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and

Proposal: Demolition, Subdivision (4 lots) & 2 dwelling houses (Exhibition Homes) 78-82 Sydney Road and 15 Boyd Street, Kelso

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(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

<u>Comment</u>

The potential for contamination appears minimal. In terms of potential soil contamination, the subject land has been evaluated for:

- Evidence of previous mining activity;
- Evidence of existing and previous dip sites and other associated infrastructure;
- Evidence of orcharding or any other horticultural activities; and
- Vegetative and other features which could indicate possible soil contamination.

Accordingly, it is recommended that a detailed investigation is not necessary or warranted in this instance.

STATE ENVIRONMENTAL PLANNING POLICY 64 - ADVERTISING AND SIGNAGE

State Environmental Planning Policy No 64 – Advertising and Signage (SEPP 64) applies to the proposed development. The provisions of SEPP 64 provide that Council, as consent authority, cannot grant development consent unless it is satisfied that proposed signage is consistent with the aims of SEPP 64 and meets the assessment criteria in Schedule 1 of the SEPP.

Clause 13 of SEPP 64 provides that an "advertisement" should be consistent with the objectives of, and the criteria in Schedule 1, of the SEPP. **Table 1** below outlines the consistency of the proposed sign with these objectives, and **Table 2** considers the proposed sign having regard to the criteria in Schedule 1 (even though it technically doesn't apply to business identification signs).

It is considered that the signage is best defined as a business identification sign under Clause 4 definitions:

business identification sign means a sign:

- (a) that indicates:
 - (i) the name of the person, and
 - (ii) the business carried on by the person,
 - at the premises or place at which the sign is displayed, and
- (b) that may include the address of the premises or place and a logo or other symbol that identifies the business,

Proposal: Demolition, Subdivision (4 lots) & 2 dwelling houses (Exhibition Homes) 78-82 Sydney Road and 15 Boyd Street, Kelso

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but that does not include any advertising relating to a person who does not carry on business at the premises or place.

Table 3: SEPP 64 Objectives

Table 3: SEPP 64 Objectives	
Objective	Consistency
Compatible with the desired amenity and visual character of an area	The signs will only exist whilst the dwelling houses remains as an exhibition home (5 years).
	In light of the scale of the development, the proposed signage is considered discreet and not overpowering.
	The quality of the signage proposed will set a high standard for other exhibition home developments in Bathurst/Kelso.
Provides effective communication in suitable locations	Only one sign per dwelling is proposed in front of the exhibition homes.
Is of high quality design and finish	The proposed signs will be of a high quality and finish, which is in line with the overall intention for the business (Rawson and Thrive Homes).

Table 4: Assessment of SEPP 64 Schedule 1 Criteria

Table 4: Assessment of SEPP 64 Schedule 1	
Objective	Consistency
CHARACTER OF THE AREA	
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposed signage is detailed at Section 3 of the Statement of Environmental Effects and depicted on the development plans.
	The proposed signage will be compatible with the character of the surrounding locality as it:
	 The sign will be temporary (5 years) Is of a suitable size, neat and will not result in visual clutter (one size is proposed that is very clear in its content); and Does not result in any adverse impacts to adjoining properties.
	It is considered that the proposal will have a positive visual impact by modernising the exhibition home.
	There is no particular theme for outdoor advertising identified in the surrounding area or locality. The proposal involves the

Proposal: Demolition, Subdivision (4 lots) & 2 dwelling houses (Exhibition Homes) 78-82 Sydney Road and 15 Boyd Street, Kelso

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	placement of signage that is considered consistent with surrounding area.
SPECIAL AREAS	
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or	There are no special areas identified in the locality of the subject land. There are no heritage items in the vicinity of the proposed sign.
residential areas?	The signage has been designed to be sympathetic to the area through the scale, dimensions and colour schemes proposed (and blending in to the proposed exhibition homes).
VIEWS AND VISTAS	
Does the proposal obscure or compromise important views?	The proposed signage will not obscure or compromise any important views or sightlines (the sign has been designed to blend into the proposed exhibition homes).
Does the proposal dominate the skyline and reduce the quality of vistas?	The proposed signage will not dominate the skyline or reduce the quality of any vistas.
STREETSCAPE, SETTING OR LANDSCAPE	
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	Yes. The signage will be situated in front of the proposed exhibition homes and have been designed not to dominate the street frontage.
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The improvements to the streetscape are beneficial and will not degrade from the general appearance of the area.
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The signage is not proposing to replace any existing signage.
Does the proposal screen unsightliness?	There is no unsightliness to screen.
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	There are no protrusions proposed.
Does the proposal require ongoing vegetation management?	No. The signage will be managed as part of the exhibition home management (which will obviously be maintained to a high standard to attract customers to the site).
SITE AND BUILDING	
Is the proposal compatible with the scale, proportion and other characteristics of the	The proposed signage has a consistent and complementary presentation for the

Proposal: Demolition, Subdivision (4 lots) & 2 dwelling houses (Exhibition Homes) 78-82 Sydney Road and 15 Boyd Street, Kelso

Attachment 8.2.6.2

ANTHONY

	DAINTITH TOWN PLANNING
site or building, or both, on which the proposed signage is to be located?	proposed exhibition home. The signage is of a consistent scale and proportion to the site.
Does the proposal respect important features of the site or building, or both?	
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	
ASSOCIATED DEVICES AND LOGOS WITH ADVERTISEMENTS AND ADVERTISING STRUCTURES	
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	The signage includes the logo of the Rawson Homes and Thrive Homes and Thrive Homes so that it is easily recognisable.
ILLUMINATION	
Would illumination result in unacceptable glare?	No illumination is proposed.
Would illumination affect safety for pedestrians, vehicles or aircraft?	
Would illumination detract from the amenity of any residence or other form of accommodation?	
Can the intensity of the illumination be adjusted, if necessary?	
Is the illumination subject to a curfew?	
SAFETY	
Would the proposal reduce the safety for any public road?	The signage is proposed to be blended into the exhibition home as viewed from the street. No negative impact is expected on public road safety.
Would the proposal reduce the safety for pedestrians or bicyclists?	No impact expected.
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	No sight lines have been identified that would be affected.
obsequing signalines north public alreas?	The proposed signage is not considered to reduce the safety of any public road.

Proposal: Demolition, Subdivision (4 lots) & 2 dwelling houses (Exhibition Homes) 78-82 Sydney Road and 15 Boyd Street, Kelso



The proposed signage is considered consistent with other signage within the area and will assist promoting the Rawson Homes and Thrive Homes Exhibition Homes. The proposed signage is therefore considered consistent with the aims of SEPP 64.

(a)(ii) Any draft environmental planning instrument

There are no draft environmental planning instruments applicable to the subject land.

(a)(iii) Any development control plan

BATHURST DEVELOPMENT CONTROL PLAN 2014

		0
Clause	Heading	Comment
3.1	Preliminary	
3.2	Minimum lot size	The proposal meets the minimum lot size requirements.
3.3	Subdivision Requirements: All zones	
3.3.1	Electricity and telephone services	Underground electricity and telephone services will be provided to the subdivision to the satisfaction of Essential Energy and Telstra. There is no need for additional street lighting in front of the subject land. Documentary evidence will be provided prior to issue of the Subdivision Certificate that appropriate arrangements have been made with respect to the above.
3.3.2	Road	It is proposed to construct the driveway crossings in accordance with Councils requirements.
3.3.3	Drainage	Stormwater drainage to be directed to the street system. The land slopes towards Sydney Road. Appropriate easements to be put on the plan. A concept engineering plan has been prepared and submitted with the development application to provide details of the proposed servicing of the development.
3.3.4	Reticulated water and sewer	Each lot will be connected to reticulated water and sewer to Council requirements. Detailed engineering plans will be provided with the Construction Certificate application for the subdivision works. A concept engineering plan has been prepared and submitted with the development application to provide details of the proposed servicing of the development.
3.3.5	Rural Water Supply	Not applicable
3.3.6	Soil and Water Management	The subdivision will comply with the requirements of the document: Managing Urban Stormwater: Soils and Construction 2004, produced by Landcom.

Table 5: DCP Analysis - Subdivision

Proposal: Demolition, Subdivision (4 lots) & 2 dwelling houses (Exhibition Homes) 78-82 Sydney Road and 15 Boyd Street, Kelso Page 25 of 36 V2.0



		TOWN PLANNING
3.3.7	Natural environment	No tree removal required as part of the subdivision. There are no existing dams on the site of the subdivision. There are no environmental sensitive land features on the site (e.g. rocky outcrops, steep slopes, ridge or hill tops). There will be the requirement for cut and fill across the site to facilitate the construction of the buildings.
3.3.8	Landscaping	Landscaping is proposed at the front of the site as shown on the landscaping plans.
3.3.9	Land contamination	Refer to SEPP 55 comments.
3.3.10	Access via Crown Roads	Not applicable.
3.4	Subdivision Requirements: Zone R1 – General Residential and R2 – Low Density Residential	
3.4.1	Objectives	Not applicable
3.4.2	Allotment Dimensions	Not applicable
3.4.3	Road works	Not applicable
3.4.4	Subdivision of dual occupancy, multi dwelling houses, residential flat buildings and shop top housing	Not applicable.
3.4.5	Subdivision of land in the village of Eglinton	Not applicable
3.4.6	Subdivision of the land in Kelso	This is essentially an infill subdivision development of existing lots.
3.5	Subdivision requirements: rural and rural lifestyle developments	Not applicable
3.6	Subdivision requirements: Rural Village Development	Not applicable
3.7	Subdivision Requirements – Heritage Conservation Areas and Heritage Items	Not applicable
4.1	Preliminary	Applies to this proposed development.
4.2	Residential Density	There are no density requirements for single dwellings.
4.3	Minimum Lot Size	The 2 proposed dwellings are on lots at least 550m2 in area.
4.4	General Siting Considerations – All residential development	The cut and fill will be minimal. The front setback is proposed to be 8m which is complementary to surrounding development. Side and rear setbacks – compliant. There are no windows located on the proposed dwellings that will create a visual privacy issue. No overshadowing has been identified as a result of the development.

Proposal: Demolition, Subdivision (4 lots) & 2 dwelling houses (Exhibition Homes) 78-82 Sydney Road and 15 Boyd Street, Kelso



		TOWN PLANNING
		There is an existing concrete footpath along Sydney Road. It is proposed to construct new accesses as shown on the development plans (these will be delayed to following completion of the exhibition homes).
4.5	Siting considerations – Residential Units – Precinct 2	Not applicable.
4.6	Siting Considerations – Dual Occupancy – Precinct 2 & 3	Not applicable.
4.7	Private Open Space and Landscaping	Not applicable – only applies to residential units and dual occupancy developments.
4.8	Height of Buildings	All dwellings are single storey.
4.9	Parking, Access and Manoeuvring Areas	It is proposed to provide a 5 space car park at the rear of the site during the duration of the Exhibition Homes on the site. Vehicles will be able to enter and leave the site in a forward direction. This temporary arrangement will be decommissioned
		at the conclusion of the exhibition homes and the new driveways to the dwellings will be constructed.
4.10	Services and facilities	It is considered that a fire hydrant will not be required.
		Each dwelling will be provided with electricity and telephone services along with reticulated water and sewer.
		All stormwater (roof and surface) will be directed back to the street system.
		There is an existing concrete footpath along Sydney Road.
		Clothes drying area will be provided.
4.11	Soil and Water Management	Erosion and sediment control measures will be installed prior to the construction works.
9.2	Land Resources	No issues with respect to steep slopes, soil salinity, and removal of native vegetation, permanent inundation and rock outcrops have been identified on the site.
9.3	Riparian Land and Waterways	There are no watercourses on the site.
9.4	Biodiversity	There is no identified threatened species or critical habitat on the subject land.
9.5	Groundwater	It is considered that the proposed development on the site will not have an adverse impact on groundwater.
9.6	Flooding	The land is not flood liable.
9.7	Bushfire Prone Land	Not applicable.
9.8	Flora and Fauna Surveys	Not considered necessary for this development on extensively disturbed and developed lands.

Proposal: Demolition, Subdivision (4 lots) & 2 dwelling houses (Exhibition Homes) 78-82 Sydney Road and 15 Boyd Street, Kelso Page **27** of **36 V2.0**



9.9	Sustainable Design and Efficiency	Building Energy	BASIX Certificates have been provided for each dwelling house.
12	Signage and Schemes	Colour	Refer to SEPP 64 comments.
14	Car parking		It is proposed to provide a 5 space car park at the rear of the site during the duration of the Exhibition Homes on the site. Vehicles will be able to enter and leave the site in a forward direction. This temporary arrangement will be decommissioned at the conclusion of the exhibition homes and the new driveways to the dwellings will be constructed.

(a)(iiia) Any Planning Agreements

There are no known planning agreements affecting the property.

(a)(iv) Any matters prescribed by the regulations:

Government Coastal Policy

Not applicable to Bathurst LGA.

Building Demolition

It is proposed to demolish the existing buildings on the site. All demolition works to be undertaken in accordance with the provisions of Australian Standard AS 2601—1991: The Demolition of Structures, published by Standards Australia.

Upgrading of Buildings

Not applicable.

Fire Safety

Not applicable.

Temporary Structures

Not applicable to this proposal.

Deferred Commencement Consent

Not applicable to this proposal.

Modification or Surrender of Development Consent or Existing Use

Proposal: Demolition, Subdivision (4 lots) & 2 dwelling houses (Exhibition Homes) 78-82 Sydney Road and 15 Boyd Street, Kelso

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Not applicable.

Ancillary Development

Not applicable to this proposal.

BASIX

A BASIX Certificate is provided for each dwelling.

(b) The likely impacts of the development:

CONTEXT AND SETTING

The surrounding area is generally characterised residential development.

The proposal is considered compatible with the surrounding area and will have minimal impact in regards to:

- Impacts on adjacent properties and land uses; and
- Interruptions of important views and vistas.

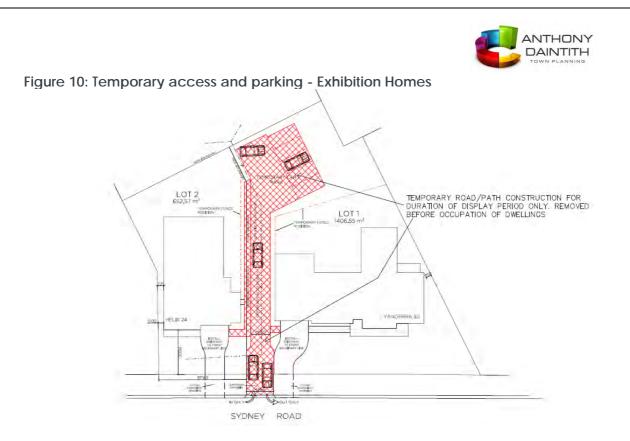
The proposal is within the context of the locality and Council's current planning provisions.

ACCESS AND TRANSPORT

It is proposed to construct a new access onto Sydney Road to provide access to a rear temporary car parking area (5 car spaces) for the exhibition homes in accordance with Councils standard specification. This access, driveway and carpark will be removed at the conclusion of the exhibition homes (revert back to single dwellings) and new driveways will be constructed as shown on the plan below.

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It is considered that the existing road system is more than adequate to cater for the modest additional traffic generation from the proposed development without the need for any upgrading works.

Access to the site will be left in and left out due to the median strip on Sydney Road.

Access to proposed Lots 3 and 4 will be off Boyd Street (battle-axe lots with reciprocal right of carriageways).

PUBLIC DOMAIN

It is considered that the development will have a negligible impact on the public domain in terms of:

- Public recreational opportunities in the locality;
- Amount, location, design, use and management of public spaces in and around the development; and
- Pedestrian linkages and access between the development and public areas.

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UTILITIES & SERVICES

Refer to the Concept Engineering Services plan for greater detail.

<u>Electricity</u>

It is proposed to connect electricity to each proposed lot and dwellings on Lots 1 and 2.

<u>Telephone</u>

It is proposed to connect telephone to each proposed lot and dwellings on Lots 1 and 2.

Water

It is proposed to connect reticulated water to each proposed lot and dwellings on Lots 1 and 2.

Sewerage

It is proposed to connect reticulated sewer to each proposed lot and dwellings on Lots 1 and 2.

<u>Stormwater</u>

Will be directed to the street system.

HERITAGE

There are no listed heritage items on the subject land nor is the subject land located in a Heritage Conservation Area. Regardless, a Heritage Assessment has been undertaken by High Ground Consulting.

The following extracts are taken from the Heritage Assessment:

The Indian bungalow located at 78 Sydney Road is typical of its type. It has a central entry porch, which extends on both sides to form a sleeping porch. The current house appears to be the product of at least three stages of construction:

- 1. Hip-roofed bungalow constructed circa 1910-1916. This contained a reception room, two bedrooms, a dining room, kitchen and bathroom.
- 2. Two skillion-roofed wing extensions at the rear of the original bungalow, possibly in the 1920s. The western wing possibly contained a kitchen and laundry, and the eastern wing an additional bedroom. A separate outhouse was constructed at the side of the western wing.
- 3. Closure of courtyard between the two wing extensions and erection of a noncompliant kitchen circa 1970s-1980s.

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The significance of the bungalow is summarised as follows:

The bungalow is a simple example of an Edwardian era Indian Bungalow demonstrating some arts and crafts style influences. It also has some historical significance as an element of the early 20th century development of Kelso. It is also representative of the adaptation of a particular building design to meet the requirements of the Australian environment, and to reflect particular design trends. The place has same local historic and aesthetic significance, representativeness and a moderate degree of integrity.

The report recommends that the following record of the building be made prior to demolition:

- 1. Plans and elevations of the existing building
- 2. Photographic record of the existing building

This record should be made on archivally stable materials and stored with Councils records of the property.

FLORA AND FAUNA

No vegetation removal is necessary. Landscape plans have been prepared and included with this proposal.

The land is not considered a critical habitat nor is there any threatened species on the subject land.

ENERGY

BASIX certificates have been provided for both dwellings.

NOISE AND VIBRATION

Due to the nature of the proposal and location along a very busy road, a noise impact assessment is not considered necessary.

NATURAL HAZARDS

It is considered that the land is not affected by bushfire, flood, subsidence or any other known hazard.

SOILS

It is considered that the development will have a negligible impact on soil conservation.

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There are no known soil qualities (erodibility, permeability, expansion/contraction, fertility/productivity, salinity, acidity) that have had any impact on the design of the subdivision.

The subject land is not known for any instability such as subsidence, slip and mass movement.

POTENTIAL CONTAMINATION

See comments under SEPP 55 – Remediation of Land.

SAFETY, SECURITY & CRIME PREVENTION

No specific safety or security measures are proposed to be implemented as part of the proposed subdivision and exhibition homes.

SOCIAL & ECONOMIC IMPACTS IN THE LOCALITY

The likely social and economic impacts of the subdivision and exhibition homes are positive. The proposal will provide exhibition homes for people within the general Bathurst area to assist in the planning and development of the own homes.

SITING AND DESIGN

The proposed development will be compatible with the envisaged surrounding development and is considered consistent with the residential/mixed use location.

The site of the dwellings will provide generous boundary setbacks, particularly to the rear boundary. This distance is compatible with future surrounding development and will contribute to the spatial separation and openness between buildings. With respect to external appearance, the design of the proposed dwellings are not inconsistent with other residential buildings within the locality and will improve the area.

CONSTRUCTION

Any construction work will be undertaken in accordance with the Councils engineering guidelines and Councils conditions of consent.

Construction impacts are not anticipated to have an adverse impact on the locality. Works would occur during daytime hours, thus not impacting on the local amenity. The site would have temporary containment fencing erected and signage to warn and exclude the public from entering the site during the construction phase.

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Erosion and sedimentation control measures would be developed and implemented during construction to minimise any erosion and sedimentation at the site. All disturbed areas rehabilitated as soon as practical

All waste generated during construction would be taken and disposed of at Council's Waste Disposal Facility.

All construction machinery would be fitted with appropriate muffling devices to limit noise generation during construction. The construction period would be for a limited period, and thus any impacts would be limited to that time frame.

CUMULATIVE IMPACTS

It is considered there will be no negative cumulative impacts as a result of the proposed subdivision and exhibition homes.

(c) Suitability of the site for the development

Does the proposal fit in the locality?

- There are no constraints posed by surrounding subdivision to render the proposal prohibitive;
- The proposal is complimentary to the surrounding land use pattern and zoning;
- It is considered that the proposal will not create any unmanageable access or transport concerns in the locality;
- No impact on public spaces will eventuate as a result of the proposal proceeding;
- No upgrading to services is required (are all readily available for connection);
- There are no issues in relation to air quality and microclimate; and
- There are no identified surrounding hazardous land uses or activities.

Are the site attributes conducive to development?

It is considered that the site is conducive to the subdivision based on the following:

- The site is not affected by any known natural hazards;
- There are no significant heritage considerations (refer to Heritage Report);
- There is no known soil characteristics that would render the proposal prohibitive; and

Proposal: Demolition, Subdivision (4 lots) & 2 dwelling houses (Exhibition Homes) 78-82 Sydney Road and 15 Boyd Street, Kelso Page 34 of 36 V2.0



• There are no known flora and fauna considerations that will have an impact on the proposal.

(d) Any submissions

The application may be notified to adjoining neighbours for comment.

(e) The public interest

The proposed development is considered to be only of minor interest to the wider public due to the relatively localised nature of potential impacts. It is believed that by the imposition of appropriate conditions of consent and the safeguards discussed in this report, potential impacts would be modest.

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5. CONCLUSION

This report includes an analysis of the existing environment, details of the proposed development and consideration of applicable statutory requirements.

Based upon the investigations of the proposal it can be concluded that:

- The impacts upon or by surrounding development will not be altered significantly as a result of the subdivision proceeding;
- The topography of the site can accommodate the proposal;
- There will be additional traffic generated via the creation of the new lots and exhibition homes, but this can be accommodated by the road system without upgrading;
- Utilities and services are available for extension to serve each proposed lot and exhibition home; and
- The proposal is generally consistent with the objectives and provisions of Councils relevant planning documents.

The proposal is considered to be acceptable in terms of Section 4.15 of the *Environmental Planning and Assessment Act* 1979 (as amended) and potential impacts are expected to be minor.

Accordingly, it is recommended that the Development Application be approved subject to appropriate standard conditions.

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Statement of Heritage Impact for Demolition of Indian bungalow



Date: 21 February 2020

Address and property description: Lot 11 DP 1186691 78 Sydney Road

Prepared by:

Kelso NSW 2795

Ray Christison High Ground Consulting PO Box 3020 Bowenfels NSW 2790 0419 438609 **For:** Rawson Homes Pty Ltd & Thrive Homes Pty Ltd Statement of Heritage Impact for Demolition of Indian bungalow

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Statement of Heritage Impact for Demolition of Indian bungalow

1. Introduction

1.1 Outline of tasks required to be undertaken in brief

Rawson Homes Pty Ltd and Thrive Homes Pty Ltd are considering the purchase of Lot 11 DP 1186691 for the purpose of developing a display home complex. Plans for this block require the demolition of an existing bungalow. Bathurst Regional Council have advised that, although the bungalow is not listed on the LEP heritage Schedule, it may have some cultural heritage significance.

Ray Christison of High Ground Consulting has been engaged to prepare an assessment of Significance and Statement of Heritage Impact to assist with decision making. This assessment included inspection of the building, and a street survey of Bathurst and Kelso to identify buildings of similar construction and style.

1.2 Definition of study area

The study area is located at 78 Sydney Road, Kelso. The property is identified as Lot 11 DP 1186691.



Figure 1.1: Aerial view of Lot 11 DP 1186691 showing property boundaries.

1.3 Methodology

This study has been undertaken in consultation with Melany Quintal of Rawson Communities.

The process has been guided by:

- NSW Heritage Manual, 1999
- The Burra Charter, 1999
- Assessing Heritage Significance, 2000
- Statements of Heritage Impact

Ray Christison, High Ground Consulting 21.2.2020

The Bathurst Historical Society were approached for assistance with research of the property as they hold comprehensive records of most places within the former City of Bathurst. The Historical Society advised that they do not hold any property records relating to Kelso, which was in the former Evans Shire. Review of a copy of the former Evans Shire Heritage Study held in Bathurst Regional Library confirmed that the property had not previously been the subject of a heritage assessment.

1.4 Identification of authors

This report was written by Ray Christison MPHA BA (Hons.), heritage consultant of High Ground Consulting, Lithgow. Jennifer Christison assisted with site recording and assessment.

1.5 Limitations of study

Historical research has been limited to publicly available records.

2. Documentary evidence

During the time allowed for the preparation of this report we have been unable to locate specific information about the history of the bungalow located at Sydney Road Kelso. The following sections provide a brief overview of the development of Kelso and an introduction to the Indian Bungalow in Australia.

2.1 The development of Kelso

Kelso developed during the early 19th century as a satellite of the government settlement at Bathurst. The place was apparently named for the Scottish town of Kelso, which was located close to the birthplace of Lady Anna Brisbane, wife of Governor Brisbane. Theo Barker noted that, during the early 19th century:

... it either languished or had periods of very slow growth. Part of the reason for this was the way the towns were classified. In the formative period of urban Australia development there were only two kinds – government towns which were built on crown land, or private towns that began on freehold land through the enterprise of local citizens. The villages that grew quickly were those that had an asset that attracted large numbers of people, such as a major river crossing, fertile soil or some valuable product. Kelso was on a river crossing where travellers concentrated and it had valuable land, but it was too close the Bathurst to offer serious competition, especially when government institutions such as gaols, court houses, barracks and post offices were located in the official town.¹

William Coates, who was granted a block of 60 acres on the Western Road by Governor Macquarie, was one of the earliest landowners in Bathurst. His block, known as Coates Farm, appears to have included the land which is the subject of this study.²

By 1851 Kelso had a population of 339, which was just over 10% of the population of Bathurst. At this time Kelso was principally a residential locality "... that depended on Bathurst for many services". The gold rushes of the 1850s had little impact on the village and its population remained quite steady during the 1850s.³

Early brickmaking in Bathurst was largely undertaken along the banks of the Macquarie River, and particularly on the river flats at Kelso. An account of a flood that occurred in 1844 indicates that brickmaking was common along the river flats of Kelso in the early nineteenth century. The Sydney Morning Herald noted that: "Much damage has been done by the flood ... several huts that had been erected by brickmakers; and others near the river have been destroyed, and a large quantity of fire-wood that had been collected for burning bricks swept away".⁴

During the 1850s William Morgan established a brickworks "near the river at Kelso". William Robinson was making bricks in the same area by 1855. Operations such as Morgan's and Robinson's must have been working the river clays identified by Gemmell. By the 1860s a number of brickmakers were operating at Kelso. These included John and George Bliss, Robert Dawson, Patrick Driscoll, Johnathon Freeson, Edward and George Horner, Samuel Morgan, and James and John Robinson.⁵

¹ Sloman, C., 1994. The History of Bathurst 1815-1915. p.7

² New South Wales Government Gazette 16.8.1832 (Issue No.24) p.240 [Online]

³ Barker, T., A History of Bathurst Volume 1 Early Settlement to 1862 pp.61,167,182-184, 212-213

⁴ "Bathurst" in Sydney Morning Herald 22 October 1844 p.3

⁵ Bathurst District Historical Society. Dawning of a Township by Denis Chamberlain pp.99, 118; Kelso Village Book 1 by Alan Rae p.66

Ray Christison, High Ground Consulting 23 February 2020

Development of the village received a fillip in the 1870s as the Main Western Railway was constructed towards Bathurst, delays in building a bridge across the Macquarie River floodplain meant that, for a time, Kelso was the western terminus of the line. As construction proceeded westwards Kelso railway station settled down to becoming a trucking yard for stock and loading point for agricultural produce.

During 1939 there were some moves towards decentralisation of industry to Kelso. It was announced in October 1939 that "a two-storey building has been leased by private interests at Kelso near Bathurst for conversion into a factory for manufacturing frocks and millinery. At the same time, it was understood that "an oversea firm was also inquiring as to which was the most suitable town in the central west for the establishment of a canning factory for fruit and vegetables".⁶

During 1972 the Commonwealth Government announced that it had chosen Bathurst and Orange as the first inland growth centre in New South Wales. This was soundly supported by the New South Wales Government who began purchasing land in Kelso to construct residences for government employees relocated to the Bathurst area. During 1977 blocks near 78 Sydney Road were designated as part of the growth centre and adjacent land was subsequently acquired for Public Service Housing. During the subsequent decades various government agencies and private industries relocated to Bathurst. This resulted in ongoing residential developed north of the Great Western Highway at Kelso.⁷

2.2 The Indian Bungalow in Australia

The early 20th century saw Australia adopt new housing designs, including an enthusiastic embrace of bungalow styles developed in other parts of the world. The word bungalow is derived "from the Hindi *bangla*, meaning (house) in the style of Bengal". British colonialists in India adopted local styles of building to assist in managing the heat. During the 19th century the standard British Indian bungalow developed a fairly standard design with a "simple pyramid-hipped roof form plus verandah". This style was adopted into the Australian colonies quite early, and eventually became the Federation bungalow of the early 20th century. The Indian Bungalow also developed as a sub-style of the popular Californian Bungalow.

Butler described the 1920s form of the Indian Bungalow in Australia as having the following characteristics:

- High hipped roof
- Central entry porch
- Columns reflecting the style of English tea planters' bungalows in India or Ceylon.

Bungalows constructed in the early years of the 20th century also featured a revolution in home design. The traditional hallways and passages were done away with and rooms flowed between one another.

Australia saw another design innovation with the introduction of sleeping porches or sleepouts. "Along with the desire for fresh air, exposure to sunshine, and simple surroundings, a phenomenon synchronous with the early bungalow era was the penchant for 'sleeping out'. Large numbers of Australians slept outdoors, particularly during the heat

⁷ "Bathurst-Orange as growth centre" in Canberra Times 4.10.1972 p.9 [Online]; Parish of Kelso Charting Map

Ray Christison, High Ground Consulting 23 February 2020 6

⁶ "Decentralisation Plans" in Sydney Morning Herald 23.10.1939 p.5 [Online]

of summer. The sleeping porch was designed to accommodate this trend. It was generally designed as a verandah with low walls to hide sleepers from view.⁸

⁸ Butler, G., 1997. The Californian Bungalow in Australia. pp.6-7,18-19

3. Description

The Indian bungalow located at 78 Sydney Road is typical of its type. It has a central entry porch, which extends on both sides to form a sleeping porch. The current house appears to be the product of at least three stages of construction:

- 1. Hip-roofed bungalow constructed circa 1910-1916. This contained a reception room, two bedrooms, a dining room, kitchen and bathroom.
- 2. Two skillion-roofed wing extensions at the rear of the original bungalow, possibly in the 1920s. The western wing possibly contained a kitchen and laundry, and the eastern wing an additional bedroom. A separate outhouse was constructed at the side of the western wing.
- 3. Closure of courtyard between the two wing extensions and erection of a noncompliant kitchen circa 1970s-1980s.

The combined entry and sleeping porch is under the main hip roof. The hipped roof section is supported by six concrete columns and privacy is provided by a concrete balustrade. The bungalow was constructed in mass concrete. The lower sections of outside walls are finished in a smooth render marked to appear like stone blockwork, while the upper sections are finished in pebbledash render. Cappings, columns and all wall openings are defined by smooth rendered framing. There is some evidence of deterioration in the render and concrete at various points.

The presentation and integrity of the building have been partly compromised by alteration interiors, and replacement of doors and windows.



The principal elements of the are described pictorially in the following sections.

Plate 3.1: General view of the front of the bungalow. The front skillion-roofed section appears to be the original dwelling. Style and materials suggest that this section was constructed between 1910 & 1916.

3.1: Hip-roofed bungalow c.1911

The original six-roomed bungalow with entry/sleeping is located entirely under the hipped roof.



Plate 3.2: The central entry porch showing semi-circular front steps, columns and front door with sidelights. Note the simple rendered bracketing around the doorway. The panelled ceiling is lined with plaster sheets. This suggests a construction date prior to 1917, the year of commencement of manufacture of fibrolite sheeting in Australia.



Plates 3.3 & 3.4: The western & eastern sleeping porches. The concrete floor of the porch areas is in fair to poor condition. Note new aluminium windows on either side of the living room. The doors do not appear to be original.



Plate 3.5: The western wall of the bungalow. The original dwelling is on the right.

Plate 3.6: Detail of the western wall showing the delineation between the wall of the original bungalow and the extension wings. The finish and detail of the original section (right) are much finer than the extension (left). This is obvious in the texture of the pebbledash. The lower walls of the original bungalow were finished in faux blockwork.





Plate 3.7: The eastern side of the bungalow. The original section is on the left and extensions on the right.



Plate 3.8: View south from the rear wall of the original bungalow, through the dining room to the reception/living room. The current owner as installed fixed benched seating and coffee tables inside both rooms.

Statement of Heritage Impact – Indian Bungalow 78 Sydney Road Kelso 2795



Plate 3.9: Original fireplace inside the former dining room. The style of this fireplace is reminiscent of the dining room fireplace in the 1913 Delprat's Cottage, Mayfield (Newcastle).



Plate 3.10: Covered fireplace inside what may have been the original kitchen.

3.2: 1920s wing extensions

The 1920s extensions included two wings extending towards the north from the back wall of the original bungalow. They were joined by a covered courtyard. Original northern windows were modified for this extension. The kitchen window was enclosed, and a doorway was opened in bathroom wall into the new kitchen, which was located on the western side of the building. The finish of external walls were rendered to reflect the style of the original bungalow but reflect a much poorer finish. The extensions also have casement windows.



Plate 3.11: The rear of the house viewed from the north. The 1920s wing extensions are on the left and right.



Plate 3.12: Rendered outhouse on the western side of the 1920s kitchen extension. This was built in two sections.

3.3: Non-compliant kitchen c1970s-1980s

During the 1970s or 1980s the northern courtyard was enclosed and extended to create a new kitchen. This alteration has a poor quality and seems to reflect an opportunistic attempt to create additional domestic space. The external walls of this kitchen can be seen in Plates 3.7 and 3.11.



Plate 3.13: Area created by enclosure of the northern courtyard in the late 20th century. The original back door of the bungalow is in the centre and doorways to 1920s wing extensions on each side.

4. Comparative analysis

On 19 February 2020 a street survey was conducted in Bathurst and Kelso to identify the following:

- Dwellings constructed in mass concrete with faux blockwork below the window line and pebbledash render above.
- Indian Bungalows constructed in the early decades of the 20th century.

Buildings recorded in this survey are briefly described in the following table. Streets are listed in alphabetical order by locality

Type of dwelling	Address	Photograph
Edwardian Bungalow	225 Bentick Street, Bathurst	
Edwardian Bungalow	257 Bentick Street, Bathurst	
Californian Bungalow	12 Brilliant Street, Bathurst	
Edwardian Bungalow	123 Morrisset Street, Bathurst	

Type of dwelling	Address	Photograph
Indian Bungalow. This is a modified form of the Indian Bungalow with a transverse gable roof replacing the traditional hipped roof.	12 Piper Street, Bathurst	
Edwardian Bungalow featuring some characteristics of the Indian Bungalow.	35 Piper Street, Bathurst	
Californian Bungalow.	202 Rankin Street, Bathurst	
Californian Bungalow. This building appears to have been heavily modified.	204 Rankin Street, Bathurst	
Californian Bungalow.	217 Rankin Street, Bathurst	

Statement of Heritage Impact – Indian Bungalow 78 Sydney Road Kelso 2795

Type of dwelling	Address	Photograph
Californian Bungalow	65 Seymour Street, Bathurst	
Californian Bungalow	67 Seymour Street, Bathurst	
Californian Bungalow. According to the owner this dwelling was constructed in 1915.	143 Seymour Street, Bathurst	
Californian Bungalow	12 Seymour Street, Bathurst	

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Kelso						
Type of dwelling	Address	Photograph				
Bungalow. This building has been modified almost beyond recognition.	19 Boyd Street, Kelso					
Indian Bungalow.	21 Boyd Street, Kelso					
Indian Bungalow.	26 Boyd Street, Kelso					
Indian Bungalow	78 Sydney Road, Kelso					
Bungalow	132 Sydney Road, Kelso					

4.1 Discussion

The street survey was focused on identifying early 20th century bungalows constructed in mass concrete. It identified 17 dwellings constructed with this material. Twelve were located in Bathurst and five in Kelso. Most of those in Bathurst were located within the Bathurst/West Bathurst Heritage Conservation Area (C1), in sections of the town that saw much building activity in the early 20th century. None of the buildings recorded in Kelso are within the Kelso Heritage Conservation Area (C4).

It is interesting to note the remarks of Mayor-elect Alderman E.A. Wright on the subject of building in 1914: "We are experimenting in Bathurst now ... in all classes of building - brick, concrete, concrete block, and reinforced cement and steel, while weatherboard buildings are confined to the outskirts of the city. More buildings have been erected in South Bathurst than in any part."⁹

Reinforced concrete was a considered response the havoc created by Bathurst's reactive clay soils and it is interesting to note that reinforced concrete was considered by many to be an ideal material for use in Bathurst. The problem of the town's highly reactive clay soils was eloquently summed up by the Right Reverend Dr. Norton, Roman Catholic Bishop of Bathurst, when opening the reconstructed St Mary's School in 1935. St Mary's in William Street, which had been built in reinforced concrete around the core of a brick gentleman's residence originally constructed in 1865. Norton stated: "... you must remember that Bathurst stands on a great bed of clay ... we wanted to avoid, if we could, the constant heart-breaking and costly process of continually repairing a building cracked by this heaving. ... Time will tell whether we or the clay have won."¹⁰

One of the buildings surveyed, located at 30 Piper Street, Bathurst, was not photographed as it had been extensively modified and a second storey had been added. Additional cottages finished in the same materials, but featuring Victorian era styling, were not recorded. All had similar external wall finish with most presenting faux stonework and all with pebbledash render. Smooth render finishes around window and door openings were typical of these buildings.

In addition to the 17 bungalows identified in this survey we have noted at least three such dwellings on pastoral properties fronting Turondale Road at Peel and Turondale. All are double-fronted bungalows similar to the building recorded at 173 Morrisset Street, Bathurst.

Given the uniformity in finishes of the buildings recorded it appears that a singular builder or building company may specialised in the construction of reinforced concrete homes in the Bathurst district during the first decades of the 20th century. This group appears to be well represented within the Bathurst/West Bathurst Heritage Conservation Area.

Four of the recorded reinforced concrete buildings were identified as Indian Bungalows:

- 12 Piper Street, Bathurst,
- 21 Boyd Street, Kelso,
- 26 Boyd Street, Kelso,
- 78 Sydney Road, Kelso.

It is interesting that three of the four are located quite close to each other in Kelso.

Ray Christison, High Ground Consulting 23 February 2020

⁹ "Building where Bathurst isn't booming. Mayor elect tells why." in The Bathurst Times 13.2.1914 p.2

¹⁰ Christison, R., 2002. St Mary's Primary School Building, Bathurst. Assessment of Significance. pp. 11-14

The bungalows located at 12 Piper Street and 21 Boyd Street have small porticos and sleepouts, whereas 26 Boyd Street and 78 Sydney Road feature larger wraparound sleepouts. 26 Boyd Street and 12 Piper Street show strong arts and crafts influences.

Conclusion

The Indian Bungalow located at 78 Sydney Road, Kelso is one of at least 17 reinforced concrete bungalows constructed in the Bathurst district. It is also one of four Indian Bungalows recorded within Kelso and Bathurst, and one of three in Kelso.

5. Assessment of Cultural Significance

This section includes assessments of the cultural heritage significance of each of the features covered by this report. Cultural heritage significance has been assessed using the guidelines prepared by the Heritage Branch, Office of Environment and Heritage and articulated in the publication Assessing Heritage Significance. The criteria applied to assessing cultural heritage significance are listed below.

The NSW heritage assessment criteria encompass the four values in the Australia ICOMOS Burra Charter, which are commonly accepted as generic values by Australian heritage agencies and professional consultants:

- historical significance
- aesthetic significance
- scientific significance
- social significance

The values are expressed as criteria in a more detailed form than this to:

- maintain consistency with the criteria of other Australian heritage agencies;
- minimise ambiguity during the assessment process; and
- avoid the legal misinterpretation of the completed assessments of listed items.

They are based on the criteria used by the Australian Heritage Commission for the assessment of potential items for the Register of the National Estate and are in line with the standard criteria adopted by other state heritage agencies.

State significance means significance to the people of NSW. Local significance means significance within the local government area. Some items of local significance may have values that extend beyond the local government area or need a wider contextual consideration. Where this is the case these values should be included in the statement of heritage significance.

Criterion (a)	An item is important in the course, or pattern, of NSW's cultural or natural history (or						
	the cultural or natural history of the local area).						
Criterion (b)	An item has strong or special association with the life or works of a person, or group of						
	persons, of importance in NSW's cultural or natural history (or the cultural or natural						
	history of the local area).						
Criterion (c)	An item is important in demonstrating aesthetic characteristics and/or a high degree of						
	creative or technical achievement in NSW (or the local area).						
Criterion (d)	An item has a strong or special association with a particular community or cultural						
	group in NSW (or the local area) for social, cultural or spiritual reasons.						
Criterion (e)	An item has potential to yield information that will contribute to an understanding of						
	NSW's cultural or natural history (or the cultural or natural history of the local area).						
Criterion (f)	An item possesses uncommon, rare or endangered aspects of NSW's cultural or natural						
	history (or the cultural or natural history of the local area).						
Criterion (g)	An item is important in demonstrating the principal characteristics of a class of NSW's						
	Cultural or natural places; or						
	Cultural or natural environments						
	(or a class of the local area's						
	Cultural or natural places; or						
	Cultural or natural environments.)						

NSW Heritage Assessment Criteria

Ray Christison, High Ground Consulting 23 February 2020

Gradings of Sigr	iradings of Significance							
Grading	Justification	Status						
Exceptional	Rare or outstanding item of local or State significance. High degree of intactness. Item can be interpreted relatively easily.	Fulfils criteria for local or State listing.						
High	High degree of original fabric. Demonstrates a key element of the item's significance. Alterations do not detract from significance.	Fulfils criteria for local or State listing.						
Moderate	Altered or modified elements. Elements with little heritage value, but which will contribute to the overall significance of the item.	Fulfils criteria for local or State listing.						
LittleAlterations detract from significance. Difficult to interpret.		Does not fulfil criteria for local or State listing.						
Intrusive	Damaging to the item's heritage significance.	Does not fulfil criteria for local or State listing.						

5.1 Cultural Heritage Significance

NSW Heritage	Significance	Reasons	
Assessment			
Criterion			
Historical	Local	The bungalow has some historical significance as an element of the early	
significance		20 th century development of Kelso.	
Criterion (a)			
Historical	-	-	
association			
significance			
Criterion (b)			
Aesthetic	Local	The original bungalow is a simple example of an Edwardian era Indian	
significance		Bungalow demonstrating some arts and crafts style influences.	
Criterion (c)			
Social	-	-	
significance			
Criterion (d)			
Technical/	-	-	
Research			
significance			
Criterion (e)			
Rarity	Local	The bungalow is one of four reinforced concrete Edwardian bungalows	
Criterion (f)		recorded in the City of Bathurst and one of three recorded in Kelso. It is	
		relatively rare but not the only example of its kind.	
Representat-	Local	The building is representative of the adaptation of a particular building	
iveness		design to meet the requirements of the Australian environment, and to	
Criterion (g)		reflect particular design trends.	
Integrity	The building has a moderate degree of integrity.		
Criterion (h)			

5.1.1 Summary Statement of Significance

The significance of the bungalow is summarised as follows:

Ray Christison, High Ground Consulting 23 February 2020

The bungalow is a simple example of an Edwardian era Indian Bungalow demonstrating some arts and crafts style influences. It also has some historical significance as an element of the early 20th century development of Kelso. It is one of four such bungalows recorded in the City of Bathurst and is representative of the adaptation of a particular building design to meet the requirements of the Australian environment, and to reflect particular design trends. The place has same local historic and aesthetic significance, rarity, representativeness and a moderate degree of integrity.

5.2 Gradings of significance

The grading of significance of each element of the place has been assessed in accordance with its integrity, interpretations of its function within the site, and its relationship with other features. Gradings of significance have been assessed using NSW Heritage Office criteria contained in the NSW Heritage Manual Update Assessing Heritage Significance. According to this publication; 'Different components of a place make a different relative contribution to its heritage value. Loss of integrity or condition may diminish significance'¹¹.

Indian Bungalow	Grading of Significance				
	Excep- tional	High	Moderate	Little	Intrusive
Hip-roofed bungalow c.1911					
Concrete structure & finishings			х		
Chimney & fireplaces			х		
Fireplace infill					Х
Hipped roof structure & cladding			х		
Guttering & downpipes				Х	
Plaster panel ceilings				Х	
Entry & sleeping porch concrete floor & steps				х	
Internal cypress floors & floor structure			х		
Fixed seating benches & tables					X
Windows & doors				Х	
Bathroom fittings					х
Plumbing services					х
Electrical services & fittings					х
1920s wing extensions	.		•		l
Concrete structure & finishings			x		
Skillion roof structure & cladding			х		
Guttering & downpipes				Х	
Cypress floors & floor structure			х		
Wall tiling (former kitchen)				Х	
High waisted doors			x		
Outhouse extension				Х	
Electrical services & fittings				Х	

Gradings of significance reflect the relative contribution of an item or its components to the significance of the whole.

Ray Christison, High Ground Consulting 23 February 2020

¹¹ NSW Heritage Office, 2001. Assessing heritage significance. p.11

Х

Х

Х

Х

Х

Indian Bungalow	Gradin				
	Excep- tional	High	Moderate	Little	Intrusive
Plumbing services & fittings					Х
Non-compliant kitchen c1970s- 1980s					
Timber wall structure & cladding					Х
Windows					Х

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Roof structure & cladding

Kitchen fittings

Timber floor & floor structure

Plumbing services & fittings

Electrical services & fittings

6. Proposed works

It is proposed to demolish the bungalow to permit redevelopment Lots 11, 12 and 13 DP 1186691, and Lot 22 DP 777084 for establishment of a display home complex. It is recommended that the following record of the building be made prior to demolition:

- 1. Plans and elevations of the existing building,
- 2. Photographic record of the existing building.

This record should be made on archivally stable materials and stored with Council records of the property.

The following questions from the NSW Heritage Council guideline Statements of Heritage Impact relating to demolition are considered below:

- Have all options for retention and adaptive re-use been explored? The redevelopment proposal requires use of the entire property for new buildings, public access, pathways and off-street parking. The proponent has considered adaptive reuse of the bungalow as an office but this has proven impractical. The proponent considered it impossible to adapt the property to its proposed uses without demolition of all existing structures.
- Is demolition essential at this time or can it be postponed in case future circumstances make its retention and conservation more feasible?
 It is not feasible for the proponent to consider retention of the building at this time. The proposed development is not viable unless existing structures are demolished.
- Has the advice of a heritage consultant been sought? Have the consultant's recommendations been implemented? If not, why not? Heritage consultant Ray Christison of High Ground Consulting was engaged to prepare a Statement of Significance and Statement of Heritage Impact for the bungalow. Ray's recommendations are included in this report.

6.1 The following aspects of the proposal respect or enhance the heritage significance of the item for the following reasons:

The assessed cultural heritage significance of the Indian Bungalow is based based on its historical and aesthetic significance as:

- 1. An an element of the early 20th century development of Kelso;
- 2. A simple, but not unique, example of an Edwardian era Indian Bungalow demonstrating some arts and crafts style influences.

The proposed works will destroy the physical expression of the assessed significance. The proposed creation of a record of the building prior to demolition will retain aspects of its significance in archival form.

6.2 The following aspects of the proposal could detrimentally impact on heritage significance. The reasons are explained as well as the measures to be taken to minimise impacts:

The proposed works will result in loss of historic fabric. As indicated in Section 6.1 this will

be mitigated by development of an archival record.

6.3 The following sympathetic solutions have been considered and discounted for the following reasons:

An alternate solution would require retention of the entire building or significant elements of the building. The proponent requires the entire site for development of a new complex with public access and off-street parking requirements. Retention of the building in its current location will compromise these plans to the extent that it would negate their commercial viability.

A building constructed of different materials could possibly be relocated within the site or to another location. It is not considered feasible to relocate a mass concrete structure such as the Indian Bungalow.

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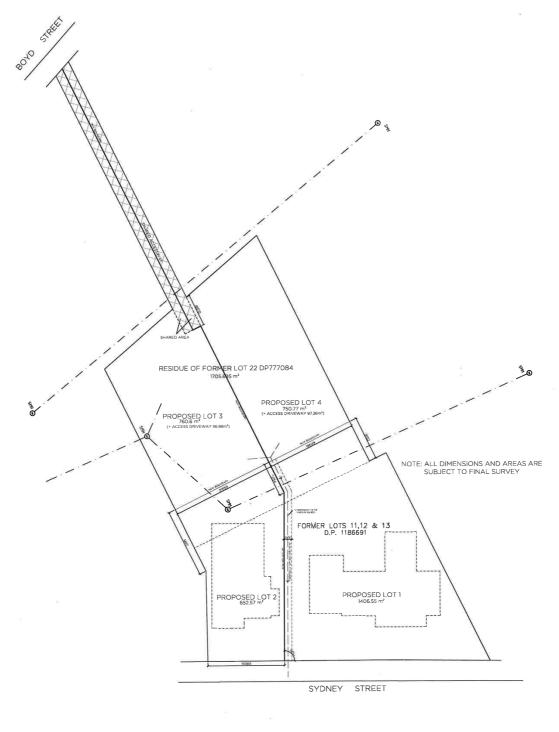
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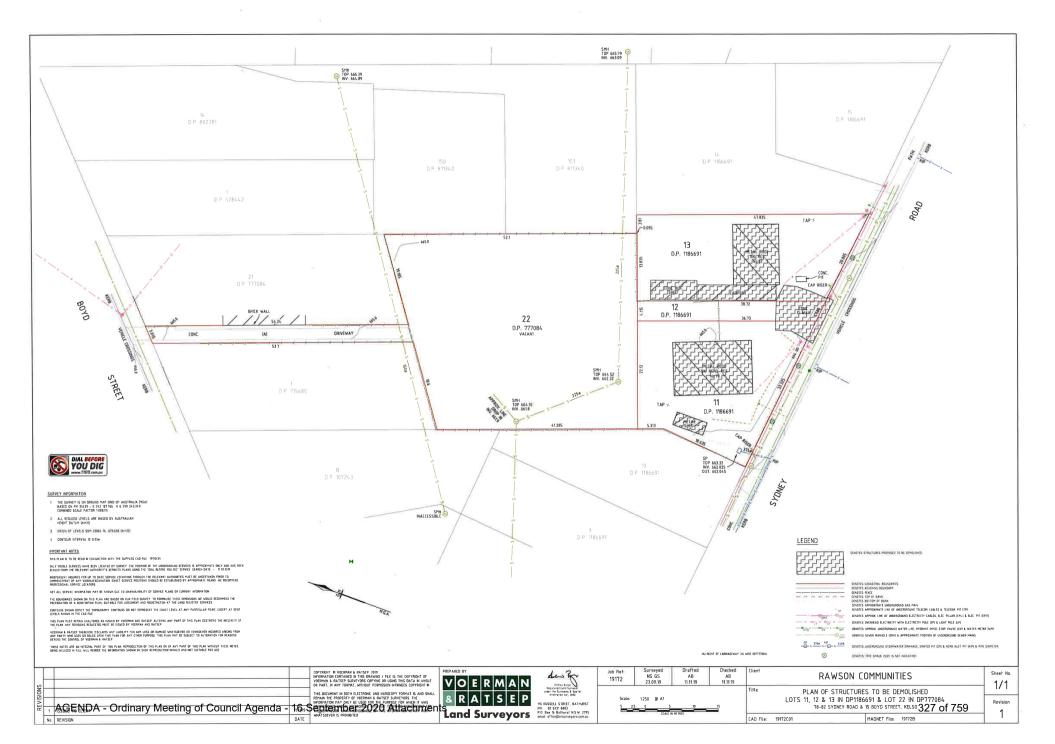
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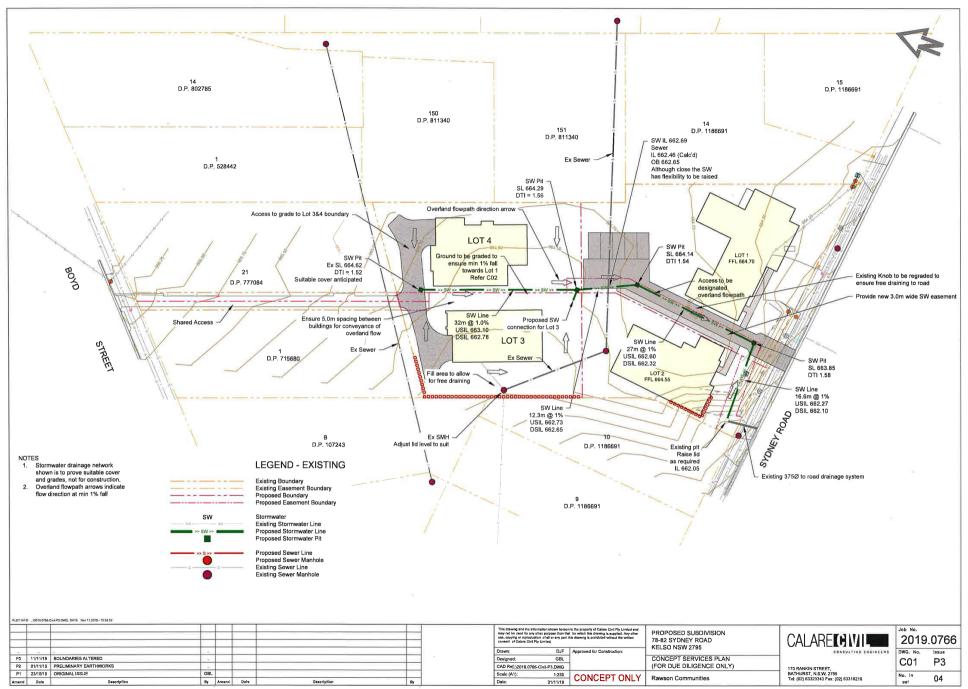
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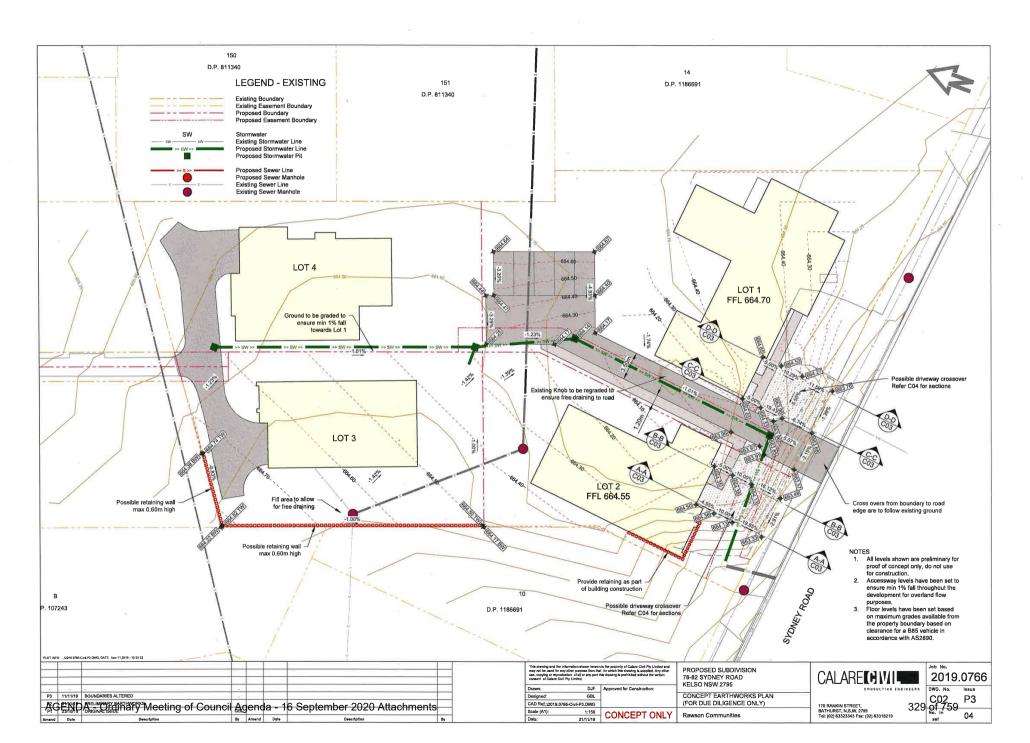


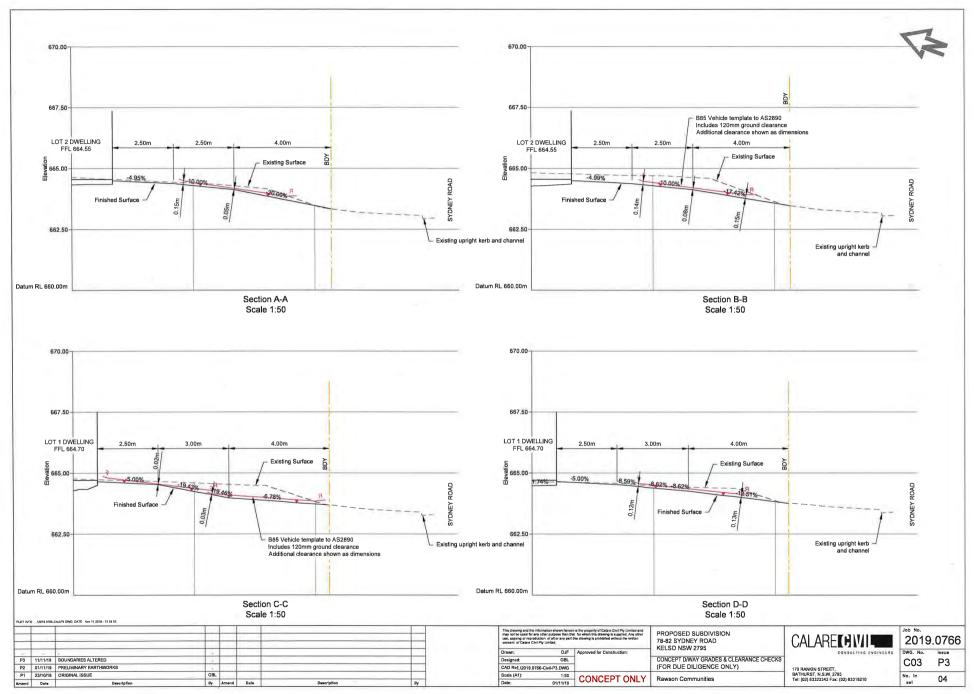
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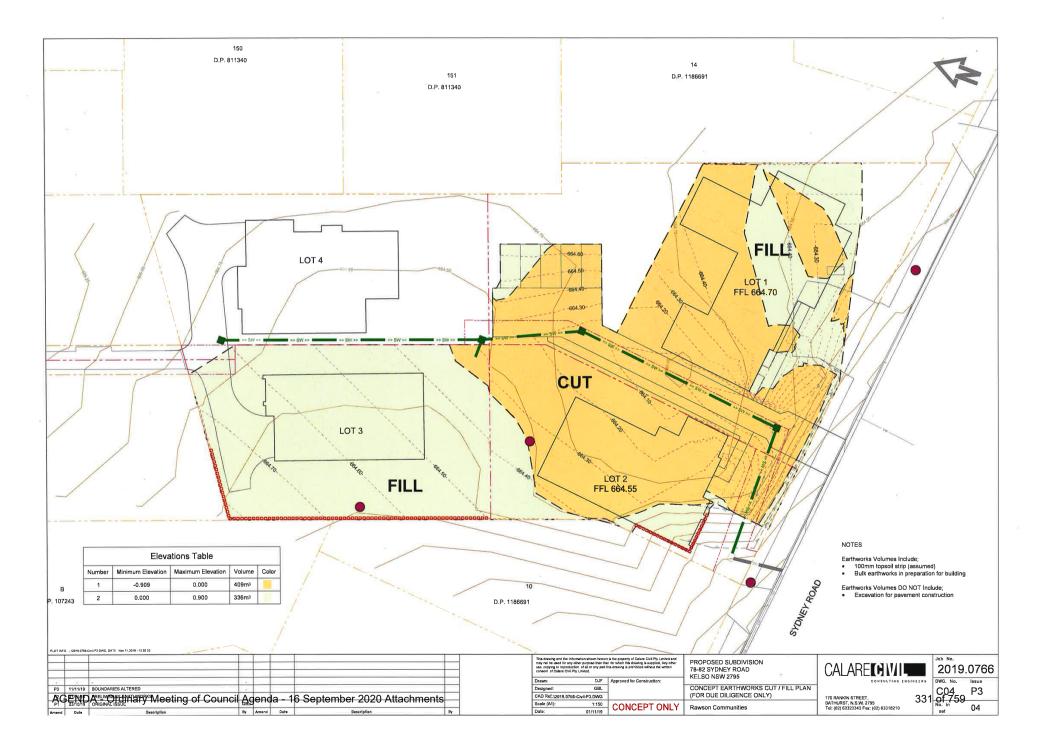
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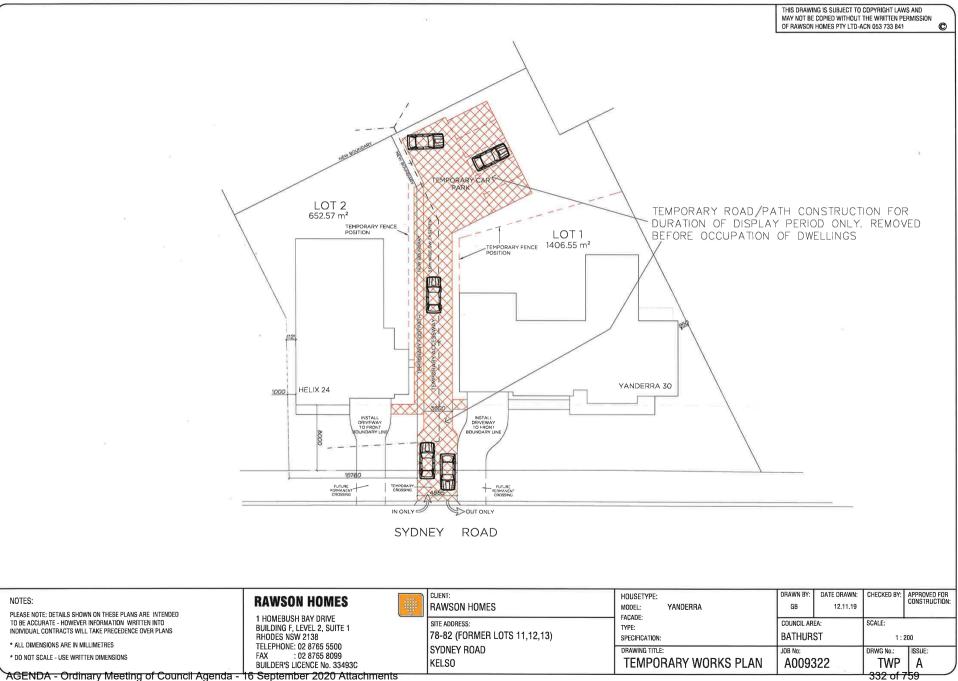




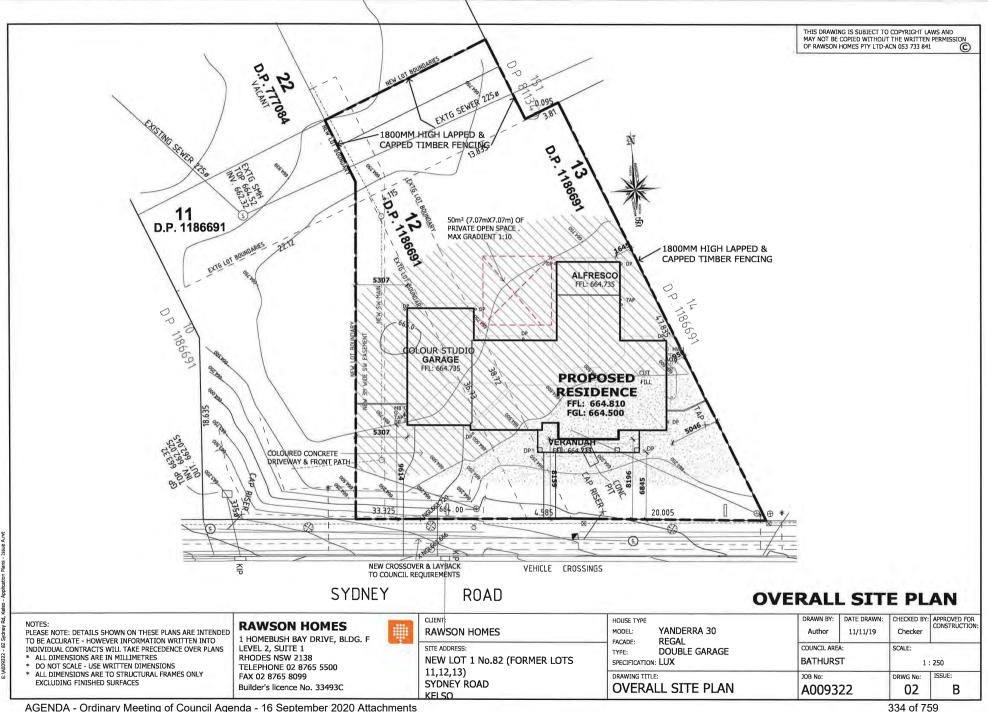


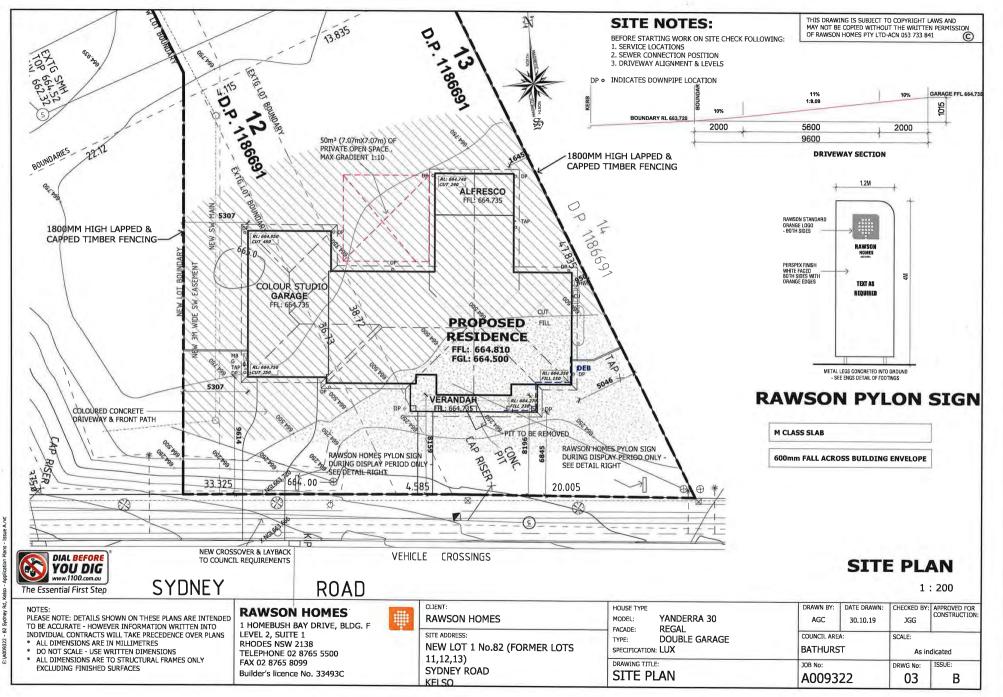


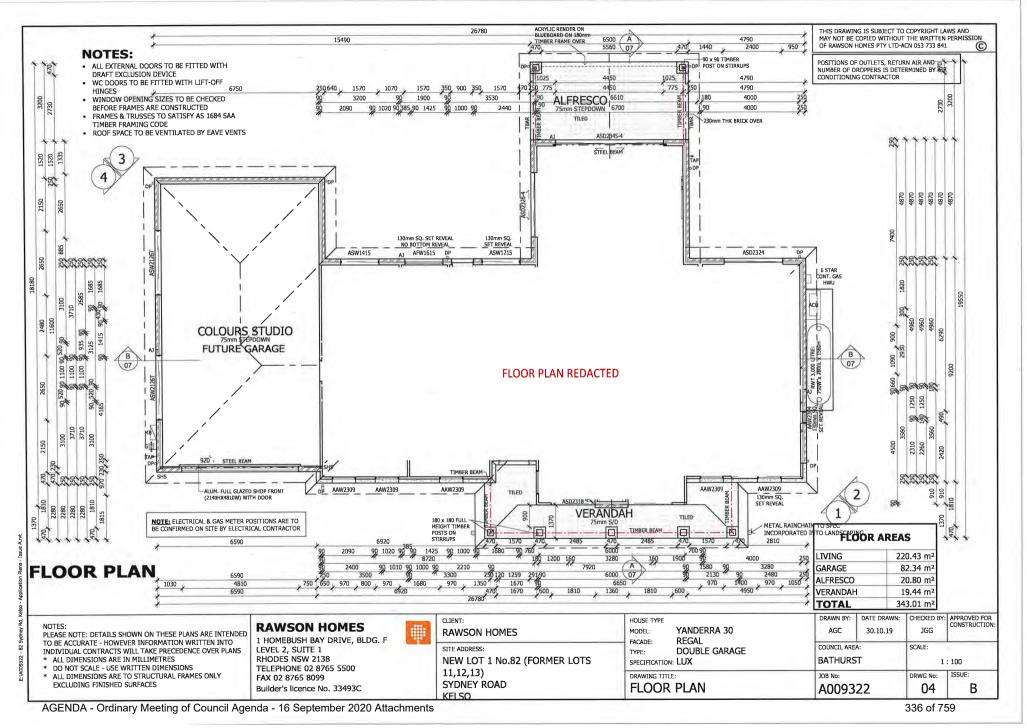


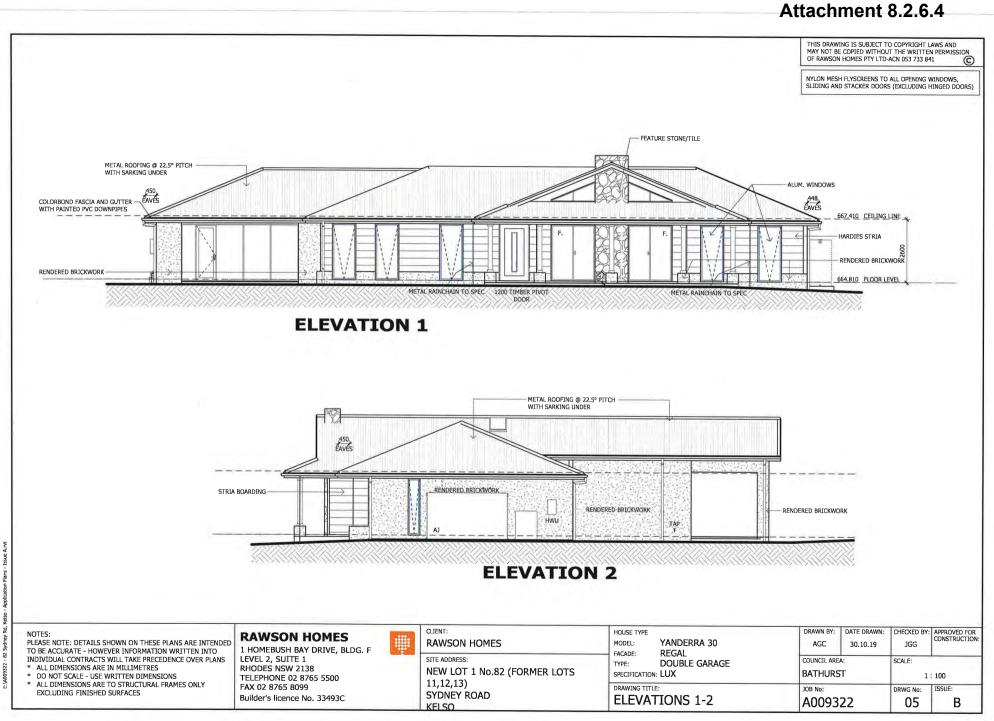


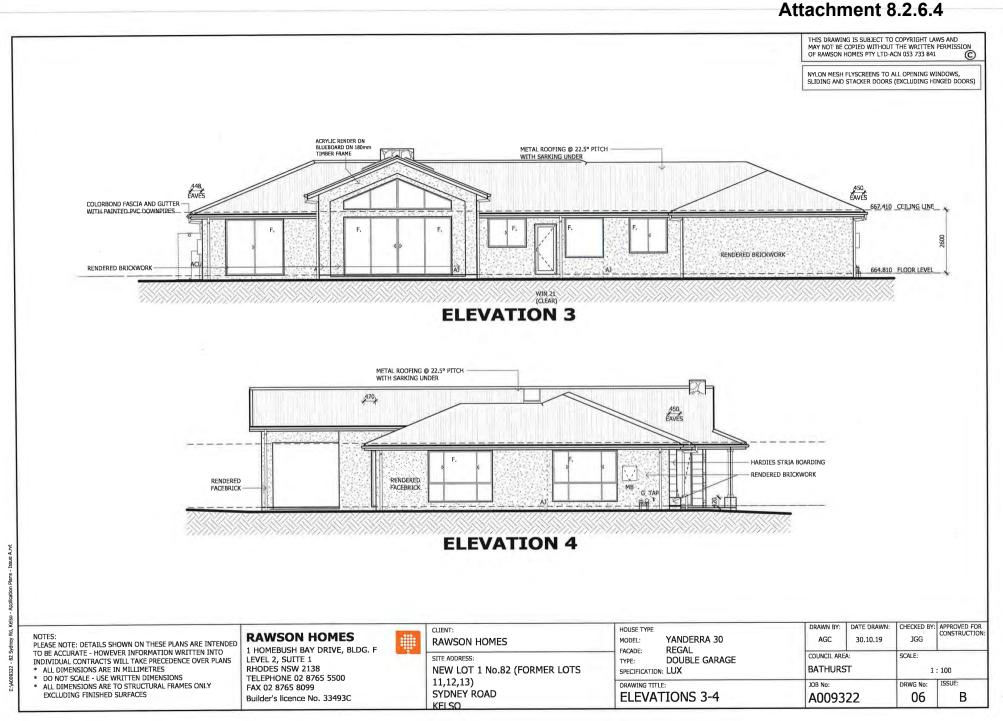
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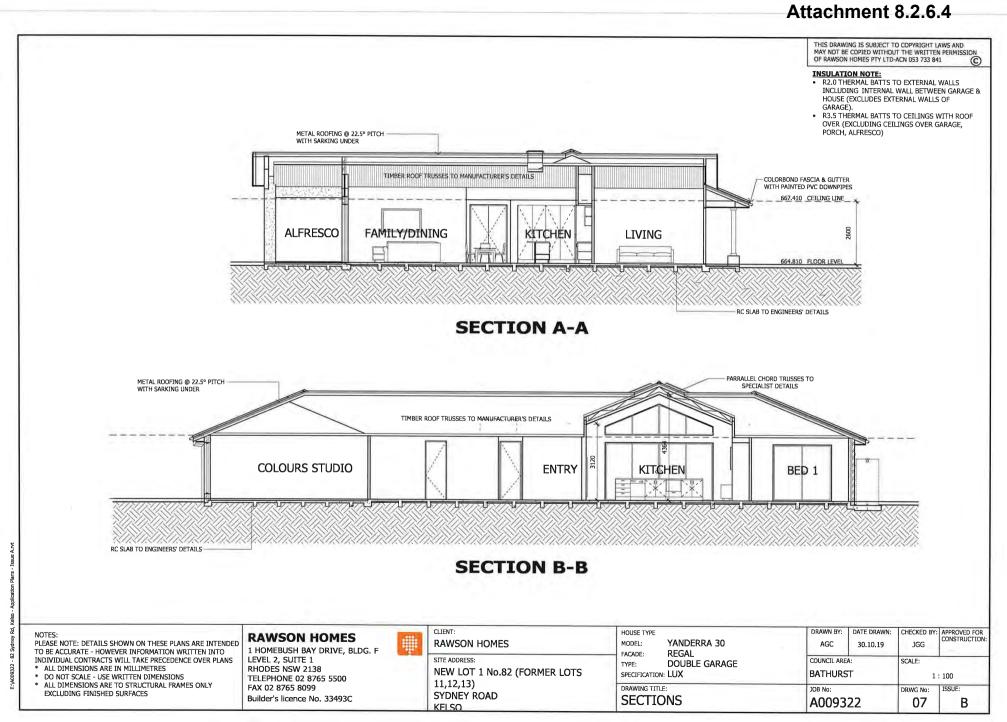


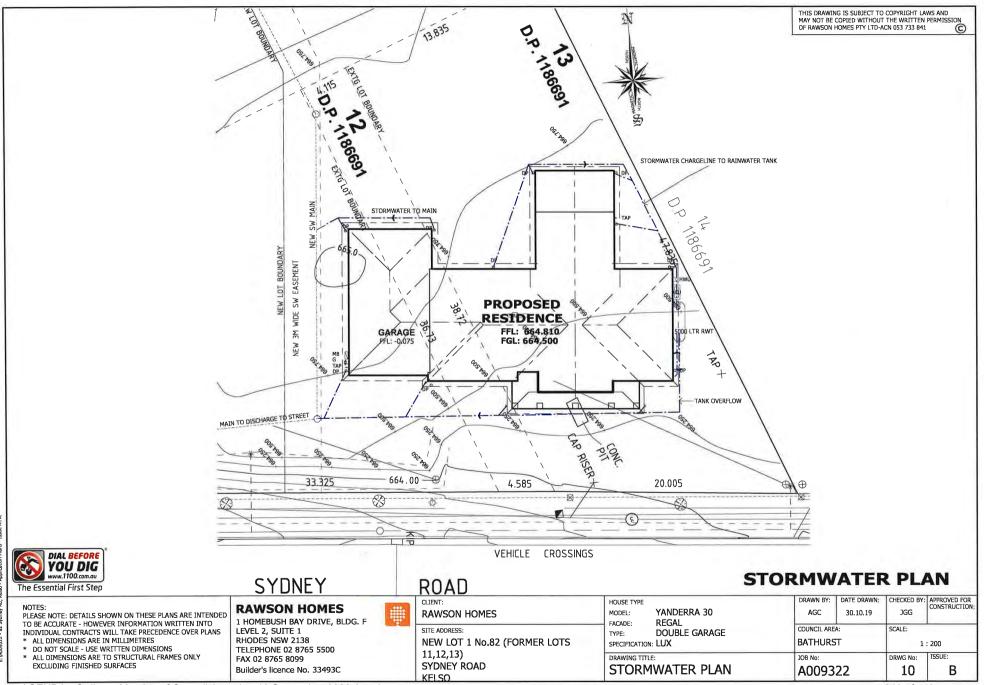






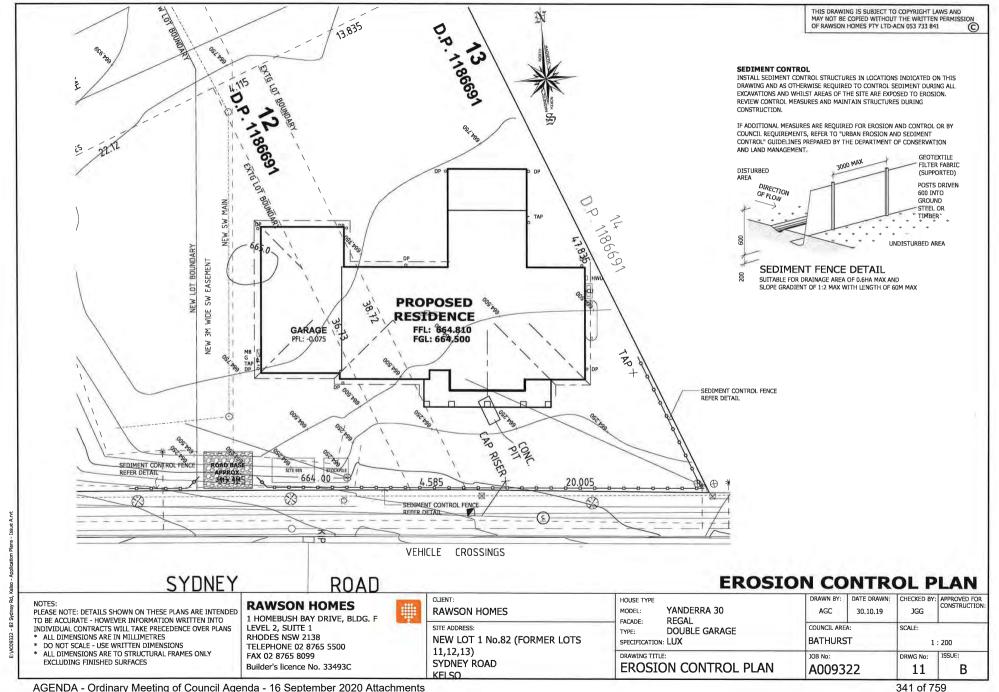




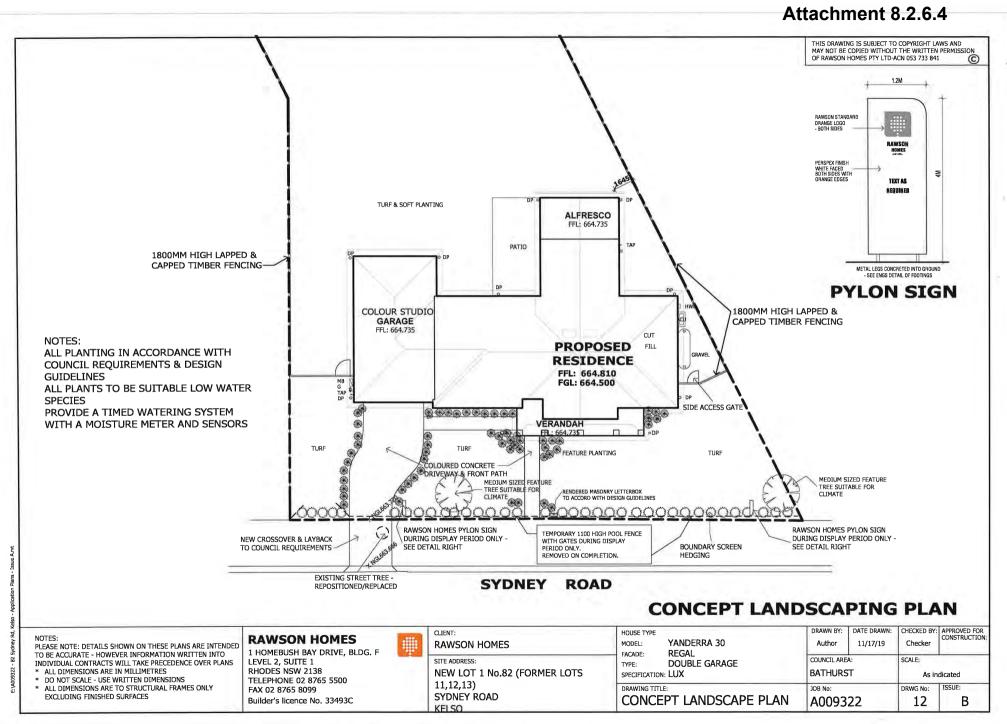


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FRONT VIEW

View 1







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Acacia Pre Purchase Pest & Building Inspections 168 Piper Street Bathurst NSW 2795 6334 2255 (B) 6332 4405 (F) ABN 79 618 807 300

This booklet contains Building & Timber Pest Inspection Report for

78 Sydney Road Kelso NSW



Prepared by: Acacia Pre Purchase Inspections Pty Ltd 168 Piper Street BATHURST Ph. 6334 2255 Report Number 12028

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Service

As requested and agreed with the Client, the inspection carried out by the Building Consultant and Timber Pest Detection Consultant is a Pre-Purchase Standard Property & Timber Pest Report comprising a Property Report and a Timber Pest Report.

"Client" means the person or persons, for whom the Report was carried out or their Principal (i.e. the person or persons for whom the report is being obtained).

"Building Consultant" means a person, business or company who is qualified and experienced to undertake a prepurchase inspection in accordance with Australian Standard AS 4349.1-2007 'Inspection of Buildings. Part 1: Pre-Purchase Inspections – Residential Buildings'. The consultant must also meet any Government licensing requirement, where applicable.

"Timber Pest Detection Consultant" means a person who meets the minimum recommended competency standard set out in Australian Standard AS 4349.3 Inspections of Buildings. Part 3: Timber Pest Inspection Reports.

This Pre-Purchase Standard Property & Timber Pest Report was produced for the exclusive use of the Client. The consultant, their company or firm is not liable for any reliance placed on this report by any third party.

Examples of common faults found in some houses – may or may not be mentioned in this report

Some cracks in brickwork - Settlement cracking in brickwork ranges from superficial to failure. Slight or superficial cracking is that cracking that is hairline to 5mm across. This type of cracking is common and unless active is not cause for concern. Moderate cracking is 5mm to 10mm and again is common but less so. This cracking should be monitored for additional movement. Severe cracking is any cracking that is greater than 10mm or one side of the crack is moving in a different plane. At this level the brickwork should be inspected by a structural engineer and a cause determined for the failure and a remedy offered. You can monitor any crack by gluing a small section of thin glass across the crack (with a glue like Araldite) as the glass is brittle any movement will fracture the glass thus allowing the rate of movement to be determined.

Insufficient surface area – Vents Blocked or covered - Termites and wet rot will be more likely when damp conditions exist in the sub floor area. A good starting point is the Building Code of Australia (BCA) which states that new homes should have 7600 square millimetres (76mm by 100mm) of surface area or open ventilation for every 1 meter of external wall. If unable to achieve this then mechanical ventilation should be considered. If existing vents are covered, they should be cleaned and or opened up.

Weep holes blocked or covered - The weep holes are placed in brickwork by the builder to allow any moisture to escape. If blocked by paving, garden beds, rubbish, etc., then termites can gain undetected access to the building.

Rubbish or Debris in the sub floor area - When the sub floor space is used to store items, the problems caused can be the masking of piers and external walls. This will make it harder if not impossible to adequately check for termites and a ready source of food for termites or other pests.

Ant caps not fitted to all piers or foundations - Not having ant caps fitted to all piers and foundations does not increase the risk of termite attack. It does make it harder to spot any termite attack when the home owner is doing regular termite inspections.

Gutters, down pipes or metal valleys with leaf litter present - If leaf litter is present in these, it is not possible to tell if rust has started to corrode these stormwater components.

Rusted roof sheets - Rust (corrosion) when visible in roof sheets will reduce the life span of these roof components (or stormwater components). It is not possible to tell the extent of the damage. It may be superficial, or, it may be almost holed and about to leak. The corrosion may also be present between any laps or joins in the sheets. This corrosion will be hidden by the sheets themselves.

Droop or sag in ceiling sheets - This is seen mainly in cottages less than twenty fives years old. It is caused by insufficient glue of mechanical fixings used to hold the ceiling sheets in place, or occasionally when a leak has occurred in the roof material. Often the sheets can be glued back into place with good results.

Loose mortar to hip or main ridges - As the home owner relies on the roof being able to stop water from entering the dwelling, broken or loose mortar will provide a path for water to enter the dwelling. Often the sarking (building paper) under the tiles forms a secondary level of protection. Minor cracking to the mortar is commonly seen.

Lime Mortar – Fretting - In older cottages (those built before the second world war) often used lime based mortar to bind the bricks together. Over time this mortar erodes. This can allow the bricks to sag or in extreme cases fall out. The repairs can be expensive and time consuming. Generally if a cement based mortar is used for the repairs it will stop any further erosion.

Some undulations in roofs - Undulations in trussed roofs are normally caused by either the top wall plate not being flat (bumps or depressions in the slab or timber shrinkage) or by the trusses not being installed carefully. In pitched roofs it can be either of the before mentioned, or sagging in the timbers over time, in adjoining flats with a brick firewall between adjacent flats. Often the tile battens will rest on the brick wall. When the timber frame shrinks a localised bump can be seen from outside the dwelling. This type is the worst sort as the bump can put the tiles out of alignment, allowing rain to enter the building.

RCD/ELCB - Either of these devices, if fitted, will protect the occupant from electric shock. Older homes do not have to have them fitted but any new works do.

Complete Access to sub floor and roof void - Please note: If complete inspection was not possible, timber pest activity and/or damage may exist in these areas. The condition of any water supply or drainage lines would also be hidden.

Was the dwelling furnished - If the dwelling was furnished on the day of the inspection then inspector was not have been able to obtain access to the areas behind the furnishings.

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Was a durable termite notice installed in the meter box - In new dwellings a notice should be installed by the builder indicating what preventative measures were taken to protect the building from termite attack. This notice should include the date of installation (important as some treatments have a finite life) when, if needed, retreatment and any action required by the owner. In older dwellings if any pest treatment has taken place a notice should be in the meter box to state the type of chemical used and the life expectancy of the treatment.

Showers and wet areas - In inspecting the wet area flashings we use both visual observations, and measurements with a moisture meter, the absence of dampness around the wet areas however does not automatically mean the enclosure is sound and leak free. If the property is vacant and/or the shower is not in use it is impossible to determine whether the wet areas are serviceable. The owners will occasionally stop using the showers if they are aware of a leak. It is not possible to give a definitive opinion on the serviceability of the wet areas therefore you should be aware that this area may be disguising a problem. Once the shower is being used it may begin to leak.

Flyscreens - Are not commented on or covered by this report.

Creosote – is a highly toxic surface treatment. Creosote is not approved for use in residential construction. Creosote is a serious health hazard. No inspection for creosote was carried out at the property and no report on the presence or absence of creosote is provided. Concealed chemical contamination and termite damage may exist. We strongly recommend its removal and further invasive investigation (AS4349.3-1.1).

Asbestos material may have been used in this dwelling, no comment is made regarding its type, location or even if any material containing asbestos is present, the owner should if any concerns are held about any asbestos issues, contact a licensed Asbestos removal company to ascertain the presence or otherwise of this material.

Smoke Alarms – Smoke alarms are required to be fitted to residential dwellings in NSW, if fitted they were not tested during the inspection, they should however be inspected by the purchaser on settlement and regularly thereafter, they are an electronic device and may fail at any time.

Insulation – Whilst insulation is mentioned in the report it isn't inspected, it may not be installed over the whole ceiling area, it maybe poorly installed. Insulation impedes the inspection of roof / ceiling timbers and is mentioned as an impediment to the visual inspection only. If you are concerned about the type, extent or condition of the insulation, please ask for clarification from the writer, vendor or your agent.

Rising / Falling Damp -

A: Where any damp readings are recorded to an internal masonry wall of a furnished property & rising damp is suspected, it is highly probable that other walls may also be damp effected. Where walls were not inspected because of access restrictions including furniture & or stored goods, further investigation is STRONGLY recommended before purchase.

B: Where timber framed walls have recorded moisture readings to wall linings, causes can include but are not limited to pest attack, high sub floor humidity, falling damp & or lateral moisture penetration from adjacent rooms & or external areas. Where walls were not inspected because of access restrictions including furniture & or stored goods, it is probable that other wall linings may also be damp & or pest effected. Further investigation is STRONGLY recommended before purchase.

C: As with all defects mentioned in this report and or with general wear and tear, the cost of repairs to damp affected walls and the extent of any damage may not be known until an invasive inspection is carried out and the areas requiring repair/s are quoted on by a suitably qualified person.

Comments on Cost/s of Repairs

Whilst still a licensed builder, I have not built professionally since 1999. In that time the GST has come in and costs have most likely doubled or tripled. To give you any idea of the cost of repairs would be doing you a disservice, you can ONLY know the cost of repairs by getting a quote from a suitably qualified and interested person, asking a builder to give you an idea may also not be helpful to you in your negotiations with the vendor. Similarly, some defects may be cheaper to repair the whole item, like, say,(ridge capping's while others my not. leaking showers can be repaired without renewing the whole shower recess). Defects like rising damp can be problematic as the level of damp can not only rise and fall but can also be hidden by furniture or stored items. Since the CSIRO developed simple, easy to apply systems the costs of repairs to damp affected walls has dropped, again unless you are doing the repairs yourself, the cost to repair rising damp can only be known once written quotes are obtained and a through inspection of all the walls is undertaken. The walls will need to be inspected regularly for some months to determine the extent of any rising damp.

Property report

PURPOSE OF INSPECTION The purpose of this inspection is to provide advice to the Client regarding the condition of the Building & Site at the time of inspection.

SCOPE OF INSPECTION This Report only covers or deals with any evidence of: Structural Damage; Conditions Conducive to Structural Damage; any Major Defect in the condition of Secondary Elements and Finishing Elements; collective (but not individual) Minor Defects; and any Serious Safety Hazard discernible at the time of inspection. The inspection is limited to the Readily Accessible Areas of the Building & Site and is based on a visual examination of surface work (excluding furniture and stored items), and the carrying out of Tests.

"Structural Damage" means a significant impairment to the integrity of the whole or part of the Structure falling into one or more of the following categories:

- (a) Structural Cracking and Movement major (full depth) cracking forming in Primary Elements resulting from differential movement between or within the elements of construction, such as foundations, footings, floors, walls and roofs.
- (b) Deformation an abnormal change of shape of Primary Elements resulting from the application of load(s).
- (c) Dampness the presence of moisture within the building, which is causing consequential damage to Primary Elements.
- (d) Structural Timber Pest Damage structural failure, i.e. an obvious weak spot, deformation or even collapse of timber Primary Elements resulting from attack by one or more of the following wood destroying agents: chemical delignification; fungal decay; wood borers; and termites.

"Structure" means the loadbearing part of the building, comprising the Primary Elements.

"Primary Elements" means those parts of the building providing the basic loadbearing capacity to the Structure, such as foundations, footings, floor framing, loadbearing walls, beams or columns. The term 'Primary Elements' also includes other structural building elements including: those that provide a level of personal protection such as handrails; floor-to-floor access such as stairways; and the structural flooring of the building such as floorboards.

"Conditions Conducive to Structural Damage" means noticeable building deficiencies or environmental factors that may contribute to the occurrence of Structural Damage.

"Major Defect" means defect of significant magnitude where rectification has to be carried out in order to avoid unsafe conditions, loss of utility or further deterioration of the property.

"Secondary Elements" means those parts of the building not providing loadbearing capacity to the Structure, or those non-essential elements which, in the main, perform a completion role around openings in Primary Elements and the building in general such as non-loadbearing walls, partitions, wall linings, ceilings, chimneys, flashings, windows, glazing or doors.

"Finishing Elements" means the fixtures, fittings and finishes applied or affixed to Primary Elements and Secondary Elements such as baths, water closets, vanity basins, kitchen cupboards, door furniture, window hardware, render, floor and wall tiles, trim or paint. The term 'Finishing Elements' does not include furniture or soft floor coverings such as carpet and lino.

"Minor Defect" means defect other than a Major Defect.

"Serious Safety Hazard" means any item that may constitute an immediate or imminent risk to life, health or property. Occupational, health and safety or any other consequence of these hazards has not been assessed.

"Tests" means where appropriate the carrying out of tests using the following procedures and instruments:

- (a) Dampness Tests additional attention to the visual examination was given to those accessible areas which the consultant's experience has shown to be particularly susceptible to damp problems. Instrument testing using electronic moisture detecting meter of those areas and other visible accessible elements of construction showing evidence of dampness was performed.
- (b) Physical Tests the following physical actions undertaken by the consultant: opening and shutting of doors, windows and draws; operation of taps; water testing of shower recesses; and the tapping of tiles and wall plaster . Note: If the water supply to the dwelling is turned off or disconnected it will not be turned on or re-connected by the inspector.

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ACCEPTANCE CRITERIA The building was compared with a building that was constructed in accordance with the generally accepted practice at the time of construction and which has been maintained such that there has been no significant loss of strength and serviceability.

Unless noted in "Special Conditions or Instructions", the Report assumes that the existing use of the building will continue.

This Report only records the observations and conclusions of the Consultant about the readily observable state of the property at the time of inspection. The Report therefore cannot deal with:

- (a) possible concealment of defects, including but not limited to, defects concealed by lack of accessibility, obstructions such as furniture, wall linings and floor coverings, or by applied finishes such as render and paint; and
- (b) undetectable or latent defects, including but not limited to, defects that may not be apparent at the time of inspection due to seasonal changes, recent or prevailing weather conditions, and whether or not services have been used some time prior to the inspection being carried out.

These matters outlined above in (a) & (b) are excluded from consideration in this Report.

If the Client has any doubt about the purpose, scope and acceptance criteria on which the Report was based please discuss your concerns with the Consultant on receipt of the Report.

The Client acknowledges that, unless stated otherwise, the Client as a matter of urgency should implement any recommendation or advice given in this Report.

LIMITATIONS

The Client acknowledges:

- 1. 'Visual only' inspections are not recommended. A visual only inspection may be of limited use to the Client. In addition to a visual inspection, to thoroughly inspect the Readily Accessible Areas of the property requires the Consultant to carry out whenever necessary appropriate Tests.
- 2. This Report does not include the inspection and assessment of items or matters outside the scope of the requested inspection and report. Other items or matters may be the subject of a Special-Purpose Inspection Report, which is adequately specified (see Exclusions below).
- 3. This Report does not include the inspection and assessment of items or matters that do not fall within the Consultant's direct expertise.
- 4. The inspection only covered the Readily Accessible Areas of the property. The inspection did not include areas, which were inaccessible, not readily accessible or obstructed at the time of inspection. Obstructions are defined as any condition or physical limitation which inhibits or prevents inspection and may include but are not limited to roofing, fixed ceilings, wall linings, floor coverings, fixtures, fittings, furniture, clothes, stored articles/materials, thermal insulation, sarking, pipe/duct work, builder's debris, vegetation, pavements or earth.
- 5. Australian Standard AS4349.0-2007 *Inspection of Buildings, Part 0: General Requirements* recognises that a property report is not a warranty or an insurance policy against problems developing with the building in the future.
- 6. This Report was produced for the use of the Client. The Consultant is not liable for any reliance placed on this report by any third party.

EXCLUSIONS

The Client acknowledges that this Report does not cover or deal with:

- (i) any individual Minor Defect;
- (ii) solving or providing costs for any rectification or repair work;
- (iii) the structural design or adequacy of any element of construction;
- (iv) detection of wood destroying insects such as termites and wood borers;
- (v) the operation of fireplaces and chimneys;
- (vi) any services including building, engineering (electronic), fire and smoke detection ,sewerage or drainage or mechanical;
- (vii) lighting or energy efficiency;
- (viii) any swimming pools and associated pool equipment or spa baths and spa equipment or the like;
- (ix) any appliances such as dishwashers, insinkerators, ovens, stoves and ducted vacuum systems;
- (x) a review of occupational, health or safety issues such as asbestos content, the provision of safety glass or the use of lead based paints;
- (xi) a review of environmental or health or biological risks such as toxic mould;
- (xii) whether the building complies with the provisions of any building Act, code, regulation(s) or by-laws;
- (xiii) whether the ground on which the building rests has been filled, is liable to subside, swell or shrink, is subject to landslip or tidal inundation, or if it is flood prone; ; and
- (xiv) in the case of strata and company title properties, the inspection of common property areas or strata/company records.

Any of the above matters may be the subject of a special-purpose inspection report, which is adequately specified and undertaken by an appropriately qualified inspector.

Timber pest report

PURPOSE The purpose of this inspection is to assist the Client to identify and understand any Timber Pest issues observed at the time of inspection.

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SCOPE OF INSPECTION This Report only deals with the detection or non detection of Timber Pest Attack and Conditions Conducive to Timber Pest Attack discernable at the time of inspection. The inspection was limited to the Readily Accessible Areas of the Building & Site and was based on a visual examination of surface work (excluding furniture and stored items), and the carrying out of Tests.

"Timber Pest Attack" means Timber Pest Activity and/or Timber Pest Damage.

"Timber Pest Activity" means telltale signs associated with 'active' (live) and/or 'inactive' (absence of live) Timber Pests at the time of inspection.

"Timber Pest Damage" means noticeable impairments to the integrity of timber and other susceptible materials resulting from attack by Timber Pests.

"Conditions Conducive to Timber Pest Attack" means noticeable building deficiencies or environmental factors that may contribute to the presence of Timber Pests.

"Timber Pests" means one or more of the following wood destroying agents which attack timber in service and affect its structural properties:

- (a) Chemical Delignification the breakdown of timber through chemical action.
- (b) Fungal Decay the microbiological degradation of timber caused by soft rot fungi and decay fungi, but does not include mould, which is a type of fungus that does not structurally damage wood.
- (c) Wood Borers wood destroying insects belonging to the order 'Coleoptera' which commonly attack seasoned timber.
- (d) Termites wood destroying insects belonging to the order 'Isoptera' which commonly attack seasoned timber.

"Tests" means additional attention to the visual examination was given to those accessible areas which the consultant's experience has shown to be particularly susceptible to attack by Timber Pests. Instrument Testing of those areas and other visible accessible timbers/materials/areas showing evidence of attack was performed.

"Instrument Testing" means where appropriate the carrying out of Tests using the following techniques and instruments:

- (a) electronic moisture detecting meter an instrument used for assessing the moisture content of building elements;
- (b) stethoscope an instrument used to hear sounds made by termites within building elements;
- (c) probing a technique where timber and other materials/areas are penetrated with a sharp instrument (e.g. bradawl or pocket knife), but does not include probing of decorative timbers or finishes, or the drilling of timber and trees; and
- (d) sounding a technique where timber is tapped with a solid object.

"Subterranean Termite Management Proposal" A written proposal in accordance with Australian Standard AS 3660.2 to treat a known subterranean termite infestation and/or manage the risk of concealed subterranean termite access to buildings and structures.

ACCEPTANCE CRITERIA Unless noted in "Special Conditions or Instructions", the building being inspected was compared with a similar building. To the Consultant's knowledge the similar building used for comparison was constructed in accordance with generally accepted timber pest management practices and has since been maintained during all its life not to attract or support timber pest infestation.

Unless noted in "Special Conditions or Instructions", this Report assumes that the existing use of the building will continue.

This Report only records the observations and conclusions of the Consultant about the readily observable state of the property at the time of inspection. This Report therefore cannot deal with:

- (a) possible concealment of defects, including but not limited to, defects concealed by lack of accessibility, obstructions such as furniture, wall linings and floor coverings, or by applied finishes such as render and paint; and
- (b) undetectable or latent defects, including but not limited to, defects that may not be apparent at the time of inspection due to seasonal changes, recent or prevailing weather conditions, and whether or not services have been used some time prior to the inspection being carried out.

These matters outlined above in (a) & (b) are excluded from consideration in this Report.

If the Client has any doubt about the purpose, scope and acceptance criteria on which this Report was based please discuss your concerns with the Consultant on receipt of this Report.

The Client acknowledges that, unless stated otherwise, the Client as a matter of urgency should implement any recommendation or advice given in this Report.

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LIMITATIONS

The Client acknowledges:

- 1. 'Visual only' inspections are not recommended. The Consultant does not warrant that a 'visual only' inspection completely complies with Australian Standard AS 4349.3 "Inspections of Buildings. Part 3: Timber Pest Inspections", and may be of limited use to the Client. In addition to a visual inspection, AS 4349.3 recognises to better assess timber pest activity and damage requires the consultant to carry out when ever necessary appropriate tests with instruments.
- 2. This Report does not include the inspection and assessment of matters outside the scope of the requested inspection and report.
- 3. The inspection only covered the Readily Accessible Areas of the Building and Site. The inspection did not include areas which were inaccessible, not readily accessible or obstructed at the time of inspection. Obstructions are defined as any condition or physical limitation which inhibits or prevents inspection and may include but are not limited to roofing, fixed ceilings, wall linings, floor coverings, fixtures, fittings, furniture, clothes, stored articles/materials, thermal insulation, sarking, pipe/duct work, builder's debris, vegetation, pavements or earth.
- 4. The detection of drywood termites may be extremely difficult due to the small size of the colonies. No warranty of absence of these termites is given.
- 5. European House Borer (*Hylotrupes bajulus*) attack is difficult to detect in the early stages of infestation as the galleries of boring larvae rarely break through the affected timber surface. No warranty of absence of these borers is given. Regular inspections including the carrying out of appropriate tests are required to help monitor susceptible timbers.
- 6. This is not a structural damage report. Neither is this a warranty as to the absence of Timber Pest Attack.
- 7. If the inspection was limited to any particular type(s) of timber pest (e.g. subterranean termites), then this would be the subject of a Special-Purpose Inspection Report, which is adequately specified.
- 8. This Report does not cover or deal with environmental risk assessment or biological risks not associated with Timber Pests (e.g. toxic mould) or occupational, health or safety issues. Such advice may be the subject of a Special-Purpose Inspection Report which is adequately specified and must be undertaken by an appropriately qualified inspector. The choice of such inspector is a matter for the Client.
- 9. This Report has been produced for the use of the Client. The Consultant or their firm or company are not liable for any reliance placed on this report by any third party.

EXCLUSIONS

The Client acknowledges that:

- 1. This Report does not deal with any timber pest preventative or treatment measures, or provide costs for the control, rectification or prevention of attack by timber pests. However, this additional information or advice may be the subject of a timber pest management proposal which is adequately specified.
- 2. THIS IS A VISUAL INSPECTION ONLY In accordance with the requirements of AS 4349.3 Inspection of buildings (Part 3: Timber pest inspections). Visual inspection was limited to those areas and sections of the property to which reasonable access was both available and permitted on the date of Inspection. Inspection has been made in the areas where infestation is most likely to occur. The inspection <u>DID</u> <u>NOT</u> include breaking apart, dismantling, removing or moving objects including, but not limited to, foliage, mouldings, roof insulation/sisalation, floor or wall coverings, sidings, ceilings, floors, furnishings, appliances or personal possessions. The inspector cannot see inside walls, between floors, inside skillion roofing, inside the eaves, behind stored goods in cupboards, in other areas that are concealed or obstructed. The inspector <u>DID NOT</u> dig, gouge, force or perform any other invasive procedures. An invasive inspection will not be performed unless a separate contract is entered into. In an occupied property it must be understood that furnishings or household items may be concealing evidence of Timber Pests which may only be revealed when the items are moved or removed.

Special conditions or instructions

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The following apply: See page 19

The parties	
Name of Client:	Rawsn Communities
Name of Principal (if applicable):	(Melany Quintal)
Address of Client:	PO Box 3099 Rhodes NSW 2138
Client's email or telephone number:	0422 575 370
Consultant's name: Consultant's licence number	Edward Pinder
(if applicable):	
Company name:	ACACIA PRE PURCHASE INSPECTIONS Pty Ltd
Company address and postcode:	168 Piper St Bathurst NSW 2795
Company email:	appinsw@outlook.com
Company telephone number:	6334 2255
Company fax number:	
Pre-engagement inspection agreement number (if applicable):	

Section A Results of inspection - summary

This Summary is not the Report. The following Report MUST be read in full in conjunction with this Summary. If there is a discrepancy between the information provided in this Summary and that contained within the body of the Report, the information in the body of the Report shall override this Summary.

Property report - summary

The residence is a detached house and was built approximately 75 years ago. The property appears to have been constructed to a reasonable standard for the period using workmanship and materials of a reasonable quality and has since been poorly maintained.

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In respect of significant items:

Evidence of structural damage was observed - see Section D1-D4.

Evidence of conditions conducive to structural damage was observed - see Section D5-D11.

Evidence of major defects in the non-structural elements of construction was observed - see Section D12.

Evidence of minor defects was observed

Evidence of serious safety hazards was not observed.

Following the inspection of surface work in the readily accessible areas of the property, the overall condition of the building relative to the average condition of similar buildings of approximately the same age that have been reasonably well maintained was considered: Below Average Condition. See also Section E "Conclusion".

However, due to the level of accessibility for inspection including the presence of obstructions, the overall degree of risk of undetected structural damage and conditions conducive to structural damage was considered: High. See Section C for details.

A further inspection is strongly recommended of those areas that were not readily accessible and of inaccessible or obstructed areas once access has been provided or the obstruction removed. This will involve a separate visit to the site, permission from the owner of the property and additional cost.

In respect of any defect or significant item identified in this Report, a further detailed investigation by a competent person is strongly recommended to determine the cause, method and extent of any remedial work required, and associated costs.

Unless stated otherwise, any recommendation or advice given in this Report should be implemented as a matter of urgency.

For further information including advice on the implementation of a preventative maintenance program see Section G "Important Note".

Timber pest report - summary

In respect of significant items:

Evidence of active (live) termites was not found.

Evidence of termite activity (including workings) and/or damage was not found.

Evidence of a possible previous termite management program was not found.

The next inspection to help detect any future termite attack is recommended in 6 months.

Evidence of chemical delignification damage was not found.

Evidence of fungal decay activity and/or damage was not found.

Evidence of wood borer activity and/or damage was not found.

Evidence of conditions conducive to timber pest attack was found. See Items E9 - E13.

Due to the level of accessibility for inspection including the presence of obstructions, the overall degree of risk of undetected timber pest attack and conditions conducive to timber pest attack was considered High - see Section C.

A further inspection is strongly recommended of those areas that were not readily accessible and of inaccessible or obstructed areas once access has been provided or the obstruction removed. This will involve a separate visit to the site, permission from the owner of the property and additional cost.

Unless stated otherwise, any recommendation or advice given in this Report should be implemented as a matter of urgency. For further information including advice on how to help protect against financial loss due to timber pest attack see Section G.

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Section B General

General description of the property

The records of the appropriate local authority should be checked to determine or confirm:

- whether the ground on which the building rests has been filled, is liable to subside, is subject to landslip or tidal inundation, or if it is flood prone;
- the status of the property and services (e.g. compliance of the building with the provisions of any building Act, code, regulation or by-laws); and
- whether council has issued a building certificate or other notice for the dwelling.

Where appropriate, legal advice (e.g. from a solicitor) should be sought to explain title and ownership matters and to deal with matters concerning easements, covenants, restrictions, zoning certificates and all other law-related matters.

Detached house. Residential building type: Number of storeys: Single storey. Building age (approx): 75 years. Approximate year when the property Not Known was extended (if applicable): Siting of the building: Towards the front of a large block. Gradient: The land is relatively flat. Site drainage: The site appears to be poorly drained. Access: Easy pedestrian and vehicular access. Main utility services: Water Electricity Gas Occupied and fully furnished. Occupancy status: Orientation (to establish the way the The Street property was viewed): Note. For the purpose of this report the façade of the building contains the main entrance door. Prevailing weather conditions at the Dry. Rain had fallen heavily over the previous 24 hours time of inspection: Other:

Main building – floor construction: Part suspended timber framed and slab-on-ground. Main building – wall construction: Concrete block. - some timber framing at rear Main building – roof construction: Timber framed. Other (timber) building elements: Not applicable. Other: Free standing garage at the front of the dwelling, the garage is serviceable but is past economic repair. Overall standard of construction: Acceptable. Overall quality of workmanship Acceptable. and materials: Level of maintenance: Poorly maintained.

Incomplete construction

Primary method of construction

The term 'incomplete construction' means where the original construction and any alterations or additions to the building are not complete in the work synonymous with construction (but does not include building services).

No evidence of incomplete construction was found.



Unless noted in "Special Conditions or Instructions", the inspection only covered the Readily Accessible Areas of the Building & Site.

"Readily Accessible Areas" means areas which can be easily and safely inspected without injury to person or property, are up to 3.6 metres above ground or floor levels, in roof spaces where the minimum area of accessibility is not less than 600 mm high by 600 mm wide and subfloor spaces where the minimum area of accessibility is not less than 400 mm high by 600 mm wide, providing the spaces or areas permit entry. The term 'readily accessible' also includes:

- (a) accessible subfloor areas on a sloping site where the minimum clearance is not less than 150 mm high, provided that the areas is not more than 2 metres from a point with conforming clearance (i.e. 400 mm high by 600 mm wide); and
- (b) areas at the eaves of accessible roof spaces that are within the consultant's unobstructed line of sight and within arm's length from a point with conforming clearance (i.e. 600 mm high by 600 mm wide).

"Building & Site" means the inspection of the nominated residence together with relevant features including any car accommodation, detached laundry, ablution facilities and garden sheds, retaining walls more than 700 mm high, paths and driveways, steps, fencing, earth, embankments, surface water drainage and stormwater run-off within 30 m of the building, but within the property boundaries.

For the Timber Pest Report, the term "Building & Site" is extended to include the main building (or main buildings in the case of a building complex) and all timber structures (such as outbuildings, landscaping, retaining walls, fences, bridges, trees, tree stumps and timber embedded in soil) and the land within the property boundaries up to a distance of 50 metres from the main building(s).

In the case of strata and company title properties, the inspection is limited to the interior and immediate exterior of the nominated residence and does not include inspection of common property.

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The inspection did not include areas, which were inaccessible, not readily accessible or obstructed at the time of inspection. Areas, which are not normally accessible, were not inspected and include - but not limited to - the interior of a flat roof or beneath a suspended floor filled with earth. Obstructions are defined as any condition or physical limitation which inhibits or prevents inspection and may include – but are not limited to – roofing, fixed ceilings, wall linings, floor coverings, fixtures, fittings, furniture, clothes, stored articles/materials, thermal insulation, sarking, pipe/duct work, builder's debris, vegetation, pavements or earth.

Areas inspected

The inspection covered the Readily Accessible Areas of the property .

Areas not inspected

The inspection did not include areas, which were inaccessible, not readily accessible or obstructed at the time of inspection. The Consultant did not move or remove any obstructions which may be concealing evidence of defects such as timber pest attack. Areas, which are not normally accessible, were not inspected. Evidence of defects in obstructed or concealed areas may only be revealed when the items are moved or removed or access has been provided.

Strata or company title properties	
Not applicable.	
Obstructions	
Normal household items.	

Inaccessible areas

There was no inspection of the subfloor void - no manhole fitted, whilst a manhole maybe fitted into one or more of the floors, given the dwelling is very low set it is unlikley that any real access to the subfloor void is available.

Undetected defect risk assessment

Due to the level of accessibility for inspection including the presence of obstructions, the overall degree of risk of undetected defects such as timber pest attack and conditions conducive was considered:

High.

A further inspection is strongly recommended of areas that were not readily accessible, and of inaccessible or obstructed areas once access has been provided or the obstruction removed. This may require the moving, lifting or removal of obstructions such as floor coverings, furniture, stored items foliage and insulation. In some instances, it may also require the removal of ceiling and wall linings, and the cutting of traps and access holes. For further advice consult the person who carried out this report.

Leaking Shower Assessment

Showers in this residence,	Shower One: Main Bathroom Shower Two: Not Applicable Shower Three: Not Applicable
Staining to subfloor timbers,	(where applicable) Shower One: Not Applicable Shower Two: Not Applicable Shower Three: Not Applicable
Subfloor timbers damaged, (where applicable) Shower One: Not applicable Shower Two: Not Applicable Shower Three: Not Applicable
Visible staining or damage to	o ceiling below shower, (Where applicable) Shower One: Not Applicable Shower Two: Not Applicable Shower Three: Not Applicable
Previous repairs to shower b	ase, (Where applicable) Shower One: No Shower Two: Not Applicable Shower Three: Not Applicable
Mastic applied to floor / wall	tile joint, (often used as a method of hiding leaks) Shower One: No Shower Two: Not Applicable Shower Three: Not Applicable
Shower cold water taps run t	to test for leaks, (approx' 10 minutes) Shower One: No Shower Two: Not Applicable Shower Three: Not Applicable
Elevated moisture levels not	ed in walls adjacent to shower, Shower One: No Shower Two: Not Applicable Shower Three: Not Applicable
Shower appears to be in use	e (if dwelling is occupied), (soap / shampoo in reco Shower One: Yes Shower Two: Not Applicable Shower Three: Not Applicable

The shower/s in this dwelling appear to be sound and do not appear to be leaking. It is impossible to determine if the vendors are aware the shower has leaked or is leaking and have taken steps to hide or conceal any leaks. Products are on the market that can be painted onto tiles to disguise leaks. The purchaser should arrange for further tests of the shower to be undertaken when in possession of the dwelling, until then the shower/s should be viewed as most likely to be leaking. If determined to be leaking then costs will be incurred to repair both the shower/s and any hidden damage.

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recess)

Section D Significant items – property report

The following items were reported on in accordance with the Scope of Inspection.

Structural damage

Evidence of any significant impairment to the integrity of the whole or part of the structure falling into one or more of the following categories:

D1 Structural cracking and movement

The following evidence was found:

Several small cracks were seen to the dwelling, one large crack will require underpinning to the foundations to stabilise the slab and brickwork.

D2 Deformation

No evidence was found.

D3 Dampness

The following evidence was found:

Elevated levels of rising dmap were found in all walls around the bathroom, given the age of the dwelling, the water supply lines are likely to be galvanised pipe, these pipes could be leaking due to rust, the wall/s will need to be opened to confirm this and to replace the pipes.

Important Note. The presence of dampness is not always consistent as the prevailing and recent weather conditions at the time an inspection is carried out may affect the detection of damp problems. The absence of any dampness at the time of inspection does not necessarily mean the building will not experience some damp problems in other weather conditions. Likewise whether or not services have been used for some time prior to an inspection being carried out will affect the detection of dampness. Accordingly, to fully detect and assess a damp problem may require the monitoring of the building over a period of time.

D4 Structural timber pest damage

No evidence was found.

Important Note. In all parts of mainland Australia, termites are a known problem to timber in service. Therefore, it is recommended that a timber pest inspection and report be carried out in accordance with the Report Systems Australia handbook Timber Pest Detection Reports.

Conditions conducive to structural damage

Evidence of noticeable building deficiencies or environmental factors that may contribute to the occurrence of structural damage:

D5 Defective plumbing and flashing

No evidence was found.

Important Note, In regard to plumbing or electrical services, we are not plumbers or electricians and any comment made is not that of a qualified plumber or electrician. We recommend that a qualified contractor be engaged to make comment on any matter/s dealing with the plumbing or electrical services.

D6 Defective or bridged damp-proof course

The following evidence was found:

The DPC could not be seen, given the dwellings age it is unlikely that a damp proof course has been fitted.

D7 Shoddy work

The following evidence was found:

The kitchen windows are of an inferior design that are not flashed and will leak.

D8 Tree roots

No evidence was found.

D9 Corrosion

The following evidence was found:

The roof sheeting is showing visible and extensive rusting, the roof will need to be replaced.

D10 Lack of adequate subfloor ventilation

Not applicable due to construction design.

D11 Other conditions conducive to structural damage

The following evidence was found:

None of the downpipes are fitted as rain water is dumped next to the dwelling this could cause the foundations to fail.

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Major defects in secondary and finishing elements

Evidence of any major defect in the condition of the non-structural elements of construction:

D12 Major defects in secondary and finishing elements

The following evidence was found: The poor condition of the windows generally could lead to water leaking into the dwelling, this could damage the structure of the dwelling.

Minor defects

The report describes the overall extent of any minor defects and imperfections:

D13 Minor defects

There are many Minor Defects. Normal ongoing property maintenance must be carried out.

Serious safety hazards

Evidence of any item or matter (within the Consultant's expertise) that may constitute a present or imminent serious safety hazard:

D14 Serious safety hazards

No evidence was found.

Important Note. As a matter of course, in the interests of safety and serviceability, an inspection and assessment of the electrical and plumbing/gas installations should be carried out by a suitably qualified person.

Note, mould was seen throughout the dwelling, this will need to be professionally removed, " traditional " cleaning methods employed by non-specialist companies do not work and will cause illness in the occupants.

The dwelling is showing decay in just about every system, given the amount of work required, it is my opinion that the dwelling is past economic repair , some of the major items requiring repair or replacement are;

Underpinning parts to the dwelling to stabilise structural cracking,

Replacement of defective windows and wet rot damaged windows,

Replacement of the damaged front verandahs,

Provision for a damp proof course to be installed,

The roof sheeting over the kitchen and some rear rooms is at to low a pitch, this should be replaced with a metal profile suitable for a low pitch,

Installation of a new roof, connection of the roof run-off into a stormwater system,

About 30% of the internal render requires replacement as it is damaged or loose, this figure may increase once work starts,

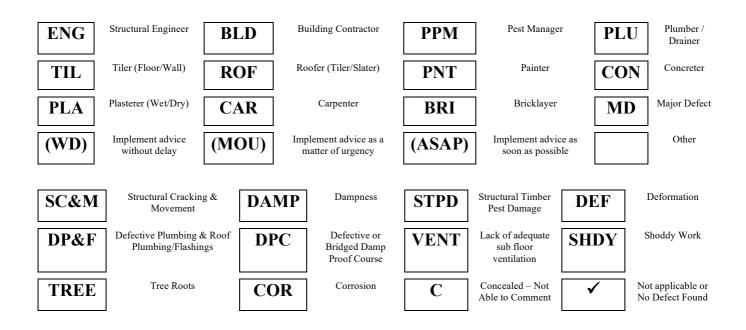
Page 19 of 29

New DPC to internal bathroom walls, new water supply lines to the bathroom, this will likely lead to a new bathroom needing to be fitted,

The concrete floor fitted into the rear room should be removed or a DPC should be fitted to the internal walls.

As a guide only I estimate the cost of these works to be between \$325000.00 and \$375000.00, the true cost will only be known when quotes are obtained.

Recommendation Codes Trades or specialist services recommended for further advice or defect rectification or repair work, these codes may be interpreted by using the following codes:



	Footings and foundations	С	
	Isolated piers and load-bearing walls	-	
es	Stumps and posts		
Spaces	Floor framing	-	
Subfloor	Underside of flooring		
Sub	Underside of suspended slabs		
	Subfloor ventilation	-	
	Plumbing and drainage		
	Other		

Area	Primary Elements and Associated Components	Code	Comments	Expert Advice
	Slab edges, footings and foundations	С		
	Load-bearing walls	✓		
	Horizontal structural members (e.g. beams)			-
Exterior	Vertical structural members (e.g. columns)			
Ex	Stairways	Fair		_
	Balconies, verandahs, patios and decks	Fair	Damage to linings and the floor slab	
	Plumbing, drainage, roofing and flashings	Poor	Downpipes are not fitted – could cause foundation to fail and increase the risk of termite attack	
	Damp-proof course	DPC	Not visible	
	Other			
	Flooring	Poor	The concrete floor to the rear room should be Removed	-
	Slab floors	Poor	See above, underpinning works are required To stabilise the floors	
	Stairways			
rior	Load-bearing walls	~		-
Interior	Horizontal structural members (e.g. beams)			
	Vertical structural members (e.g. columns)			
	Surfaces below upper floor wet areas			
	Other			
	Roof framing	~	Good where visible	
seo	Party walls			
Roof Spaces	Roof lining and around penetrations	~	Good where visible	
Roc	Plumbing	~	Good where visible	-
	Other			

Significant Defects in the Condition of the Non-Structural Elements of Construction

Was evidence of any Significant Defect (i.e. a matter, in view of the age and type of the building being inspected, requires substantial repairs or urgent attention and rectification) in the general condition of Secondary Elements and Finishing Elements observed, or revealed an/or confirmed under test conditions?

SD Significant Detect - Not Applicable of Not C Able to Comment	SD	Significant Defect		Not Applicable or No Defect Found	С	Concealed – Not Able to Comment		Other
---	----	--------------------	--	--------------------------------------	---	------------------------------------	--	-------

Area	Finishing Elements/Components	Code	Comments	Expert Advice
	External wall finishes	Fair	Some cracking evident	
	Damp-proof course/flashing	DPC	See previous	-
	Windows and window elements	~		-
	Door steps	✓		_
	Slab floor finishes	\checkmark		_
aces)	Paintwork	Poor	Most paintwork is in poor condition and should be repainted as soon as possible	-
of sp:	Chimneys			
and ro	External joinery and garage doors	Poor	Extensive wet rot damage	-
floor :	Roofing and roofing elements	Cor	Visible rust to the roof sheeting – replacement Is required	-
dus g	Rainwater goods	Poor	Downpipes not fitted	
guibu	Eaves lining	✓		
External (including subfloor and roof spaces)	Roof insulation and sarking		Yellow batt type insulation fitted	_
Exter	Termite shields	С		-
	Small retaining walls (i.e. non-structural)			-
	Paths and paving	\checkmark		_
	Driveways	✓		-
	Steps, stairs and handrails	✓		-
	Fences	✓		_
	Site drainage	Poor	Stormwater is not drained away form the dwelling	-
	Other			_

Significant Defects in the Condition of Secondary and Finishing Elements Report (cont.)

Area	Secondary & Finishing Elements/Components	Code	Comments	Expert Advice
	Ceilings and cornices	✓	Some Repairs required	_
	Internal wall finishes	Poor	Some Repairs required	
	Floor finishes	✓		_
	Floor coverings	✓		
	Paintwork	Fair	Some Repairs required	_
	Windows and window elements	Poor	Non opening windows fitted – inferior design Are not water-proof	
	Doors and door elements	✓		_
	Fly screens	✓		_
nal	Architraves and skirtings	✓	Some Repairs required	_
Internal	Fireplaces and chimneys			
	Kitchen joinery and finishes	✓		_
	Kitchen wall and floor finishes	✓		_
	Kitchen sink and taps	✓		_
	Bathroom floor and wall finishes	Fair		_
	Bathroom fittings, taps and sanitary fixtures	Fair		
	Laundry wall and floor finishes	Fair		_
	Laundry wash tub and taps	Fair		_

Section E Significant items - timber pest report

The following items were reported on in accordance with the Scope of Inspection.

Timber pest attack

Evidence of timber pest activity and/or timber pest damage:

E1 Active (live) termites

No evidence was found.

Important Note. As a delay may exist between the time of an attack and the appearance of telltale signs associated with an attack, it is possible that termite activity and damage exists though not discernible at the time of inspection.

E2 Subterranean termite management proposal

A proposal is recommended.

E3 Termite workings and/or damage

No evidence was found.

E4 Previous termite management program

No sign or notice of any pervious treatment was seen. Note, the visible framing timbers in this dwelling are Cypress pine, this is a naturally termite resistant timber.

E5 Frequency of future inspections

The next inspection to help detect termite attack is recommended in 6 months.

Important Note. Australian Standard AS 3660 recognises that regular inspections will not prevent termite attack, but may help in the detection of termite activity. Early detection will allow remedial treatment to be commenced sooner and damage to be minimised.

E6 Chemical delignification

No evidence was found.

E7 Fungal decay

No evidence was found.

E8 Wood borers

No evidence was found.

Conditions conducive to timber pest attack

Evidence of noticeable building deficiencies or environmental factors that may contribute to the presence of timber pests:

E9 Lack of adequate subfloor ventilation Not applicable due to construction design. E10 The presence of excessive moisture No evidence was found. E11Bridging or breaching of termite barriers and inspection zones No evidence was found. E12 Untreated or non-durable timber used in a hazardous environment No evidence was found. E13 Other conditions conducive to timber pest attack The following evidence was found: The insulation fitted in the roof void makes early detection of termite attack difficult.

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Property report

In the opinion of this Consultant:

The incidence of Structural Damage in this property in comparison to the average condition of similar buildings of approximately the same age that have been reasonably well maintained was considered: Above Average.

The incidence of Conditions Conducive to Structural Damage in this property in comparison to the average condition of similar buildings of approximately the same age that have been reasonably well maintained was considered: Above Average.

The incidence of Major Defects in Secondary Elements and Finishing Elements in this property in comparison to the average condition of similar buildings of approximately the same age that have been reasonably well maintained was considered: Above Average.

The incidence of Minor Defects in this property in comparison to the average condition of similar buildings of approximately the same age that have been reasonably well maintained was considered: Above Average.

In conclusion, following the inspection of surface work in the readily accessible areas of the property, the overall condition of the building relative to the average condition of similar buildings of approximately the same age that have been reasonably well maintained was considered: Below Average Condition.

Timber pest report

The following Timber Pest remediation actions are recommended:

- 1. No treatment of Timber Pest Attack is required.
- 2. In addition to this Report a Subterranean Termite Management Proposal to help manage the risk of future subterranean termite access to buildings and structures is recommended see Item E2.
- 3. Yes, as detailed in Section Eremoval of Conditions Conducive to Timber Pest Attack is necessary.
- 4. The next inspection is recommended in 6 months.

Your attention is drawn to the advice contained in the Terms & Conditions of this Report including any special conditions or instructions that need to be considered in relation to this Report.

Section G Important notes

Property report – Important note

Australian Standard AS4349.0-2007 *Inspection of Buildings, Part 0: General Requirements* recognises that a property report is not a warranty or an insurance policy against problems developing with the building in the future. Accordingly, a preventative maintenance program should be implemented for the property which includes systematic inspections, detection and prevention of incipient failure. Please contact the Consultant who carried out this inspection for further advice.

Timber pest report - risk management options

To help protect against financial loss, it is essential that the building owner immediately control or rectify any evidence of destructive timber pest activity or damage identified in this Report. The Client should further investigate any high risk area where access was not gained. It is strongly advised that appropriate steps be taken to remove, rectify or monitor any evidence of conditions conducive to timber pest attack.

To help minimise the risk of any future loss, the Client should consider whether the following options to further protect their investment against timber pest infestation are appropriate for their circumstances:

Undertake thorough regular inspections at intervals not exceeding twelve months or more frequent inspections where the risk of timber pest attack is high or the building type is susceptible to attack. To further reduce the risk of subterranean termite attack, implement a management program in accordance with Australian Standard AS 3660. This may include the installation of a monitoring and/or baiting system, or chemical and/or physical barrier. However, AS 3660 stresses that subterranean termites can bridge or breach barrier systems and inspection zones and that thorough regular inspections of the building are necessary.

If the Client has any queries or concerns regarding this Report, or the Client requires further information on a risk management program, please do not hesitate to contact the person who carried out this Inspection.

Section H Additional comments

Section I Annexures to this report

If the Client has any queries or concerns regarding this Report, or the Client requires further information on a risk management program, please do not hesitate to contact the person who carried out this Report.

Ownership of this report is held by Acacia Pre Purchase Inspections Pty Ltd until payment is made in full, this report can and will be cancelled if payment in full is not paid within the normal trading terms of the Company.

<u>CERTIFICATION</u> – This document certifies that the property described in this Report has been inspected by the Timber Pest Detection Consultant in accordance with the level of service requested by the Client and the Terms and Conditions set out in Clause A.1 of this Report, and in accordance with the current edition of the Report Systems Australia (RSA) Handbook *Timber Pest Detection Reports* 'Uniform Inspection Guidelines for Timber Pest Detection Consultants'.

COMPANY NAME (where applicable): Acacia Pre Purchase Inspections Pty Ltd ABN 79 618 807 300

NAME OF CONSULTANT: Edward John Pinder

ADDRESS: 168 Piper St Bathurst NSW

SW POST CODE: 2795 FAX: 6332 4405 MOBILI

MOBILE: 6334 2255

AUTHORISED SIGNATORY:

PHONE: 6334 2255

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_ DATE OF ISSUE: 5 March, 2020

Page 29 of 29

From:lain McPherson <mcwhite2795@gmail.com>Sent:Wednesday, 12 August 2020 4:02 PMTo:Wayne McDonald; CouncilSubject:Fwd: FW: Re DA2019/361 78-82 Sydney Road

Wayne,

I am forwarding the National Trust submission re DA 78-82 Sydney Road from a different email in the hope that you receive it this time.

Could you please advise by return email that you have received this message.

Thank you

lain McPherson

From: lain McPherson & Fran White <<u>franceswhite@activ8.net.au</u>>
Sent: Monday, 10 August 2020 6:25 PM
To: 'Wayne McDonald' <<u>wayne.mcdonald@bathurst.nsw.gov.au</u>>
Subject: Re DA2019/361 78-82 Sydney Road

National Trust of Australia (NSW)

Bathurst and District Branch,

Dear Wayne,

Thank you for the opportunity to comment on this DA.

Whilst SydneymRthe properties are not listed on the Trust Register ,we do recognise the contribution of No.80 Sydney Road in particular to the built form in Bathurst.

The building is at least probably more than 50 years old and therefore needs special attention. The house is of an unusual design and adds interest to this section of Bathurst's heritage streetscape.

The National Trust therefore is opposed to the proposal for the demolition of this building.

Within the proposed development the applicant should be required to retain the building for adaptive re-use, either as a site office or other use. As a builder, Rawson Homes could model how to undertake adaptive re-use and thereby exhibit its credentials for such work.

We would be pleased to further discuss our submission if such an opportunity presents.

Yours sincerely,

lain McPherson

Chairperson

Report this message as spam

2

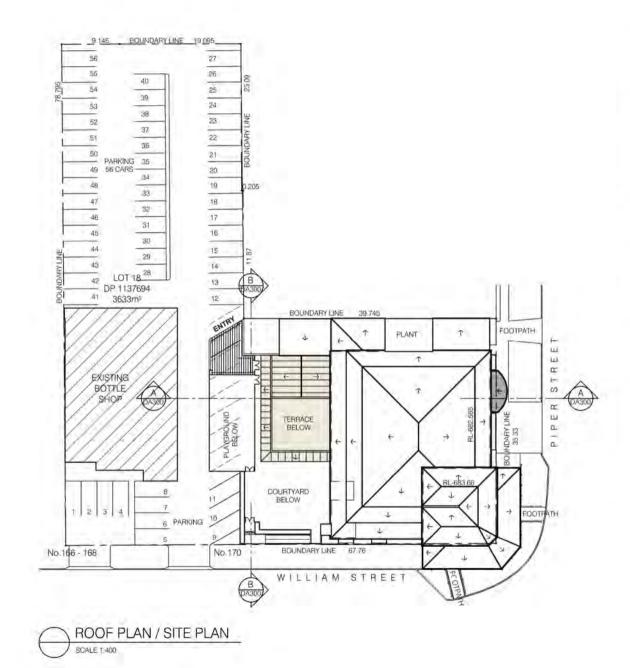
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1	Important Notice!		Drawn By:	Wayne McDonald
BATHURST 🔨 3 REGIONAL COUNCIL	This map is not a precise survey document. Accurate locations can only be determined by a survey on the ground. This information has been prepared for Cound's internal purposes and for no other purpose. No statement is made about the accuracy or suitability of the information for use for any purpose (whether the survey of the survey of the survey of the information for use for any purpose (whether the survey of the survey of th		Date:	24/08/2020
Bathurst Regional Council PMB 17 158 Russell Street BATHURST NSW 2795 Telephone: 02 6333 6111	the purpose has been notified to Council or not). While every care is taken to ensure the accuracy of this data, neither the Bathurst Regional Council nor the UP makes any representations or warrantice about its accuracy, reliability, completeness or subability for any particular purpose and disclaims all responsibility and all liability (notuding without limitation, liability in negligence) for all copenses, losses,	N	Projection:	GDA94 / MGA zone 55
Telephone: 02 6333 6111 Fax: 02 6331 7211 Email: council@bathurst.nsw.gov.au	damages (including indirect or consequential damage) and costs which you might incur as a result of the data being inaccurate or incomplete in any way and for any reason. © The State of New South Wales (Land and Property Information), © Bathurst Regional Council.		Map Scale:	1:500 @ A4

AGENDA - Ordinary Meeting of Council Agenda - 16 September 2020 Attachments





GFA CALCULATIONS

SITE AREA

GFA

EXISTING BOTTLE SHOP - 431 1m² EXISTING GROUND FLOOR - 823.2m² EXISTING FIRST FLOOR - 607.6m²

EXISTING TOTAL	- 1881,9mF
----------------	------------

PROPOSED GROUND FLOOR - 980,8m PROPOSED FIRST FLOOR - 676,9ml

PROPOSED TOTAL - 2088,8m

FSR

EXISTING PROPOSED

-0.57 1 (57.4%)

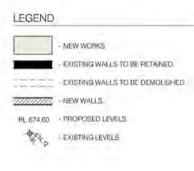
-0.51 1 (51.2%)

3633.0m

LICENSED AREA CALCULATIONS

PROPOSED GROUND FLOOR - 990.6m PROPOSED FIRST FLOOR - 555.3m

PROPOSED TOTAL - 1545.9m



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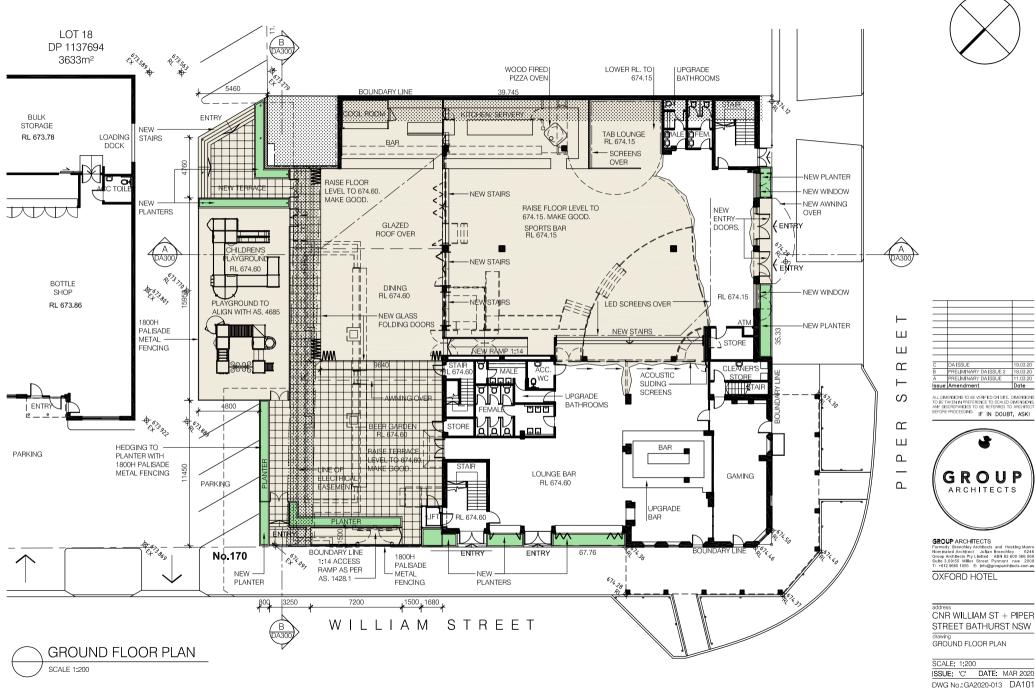


GROUP ARCHITECTS Found to accord to accord and accord to accord t

CNR WILLIAM ST + PIPER STREET BATHURST NSW

ROOF PLAN / SITE PLAN

SCALE: 1:400 ISSUE: C: DATE: MAR 2020 DWG No.: GA2020-013 DA100 376 of 759



377 of 759

Attachment 8.2.7.2





		-
C	DA ISSUE	19.03.20
B	PRELIMINARY DA ISSUE 2	18.03.20
A	PRELIMINARY DA ISSUE	11.03.20
	Amendment	Date

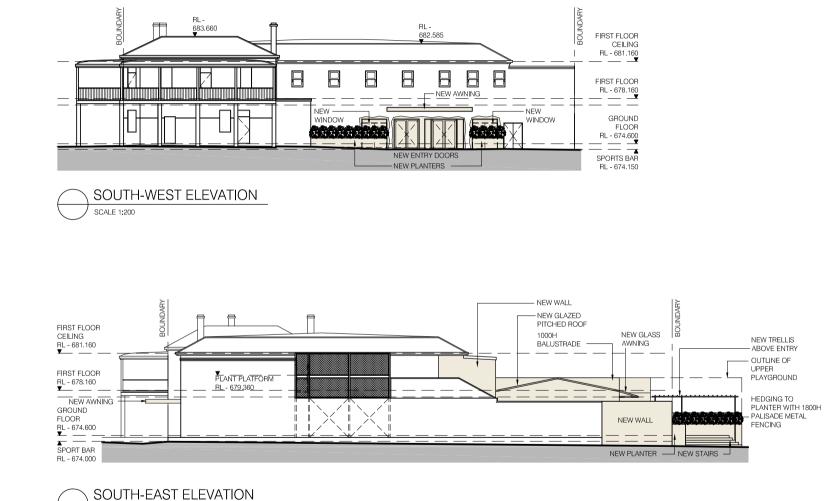
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GROUP ARCHITECTS Formerly Brenchley Architects and Hosking Munro Mominated Architect Julian Brenchley 8246 8246 States 10.0/65 Miller Street Pyrmont naw 2009 T: +1612 defo 105 E: Infoguayarchitects.com.au OXFORD HOTEL

address CNR WILLIAM ST + PIPER STREET BATHURST NSW drawing FIRST FLOOR PLAN

SCALE: 1:200 ISSUE: 'C' DATE: MAR 2020 DWG No.:GA2020-013 DA102



GROUP ARCHITECTS Formerly Brenchley Architects and Hosking Murror Nominated Architect Julian Brenchley 6246 Group Architects Pty Lindler ABN 82 600 366 069 Suite 3.09/55 Miller Street Pyrmont nsw 2009 T: 612 9606 1055 E: info@grouparchitects.com.au OXFORD HOTEL

STREET BATHURST NSW drawing SOUTH-WEST + SOUTH-EAST ELEVATIONS
SOUTH-WEST + SOUTH-EAST ELEVATIONS
SCALE: 1:200
ISSUE: C DATE: MAR 2020
DWG No.: GA2020-013 DA201

SCALE 1:200

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Issue Amendment

 C
 DA ISSUE
 19.03.20

 B
 PRELIMINARY DA ISSUE 2
 18.03.20

 A
 PRELIMINARY DA ISSUE
 11.03.20

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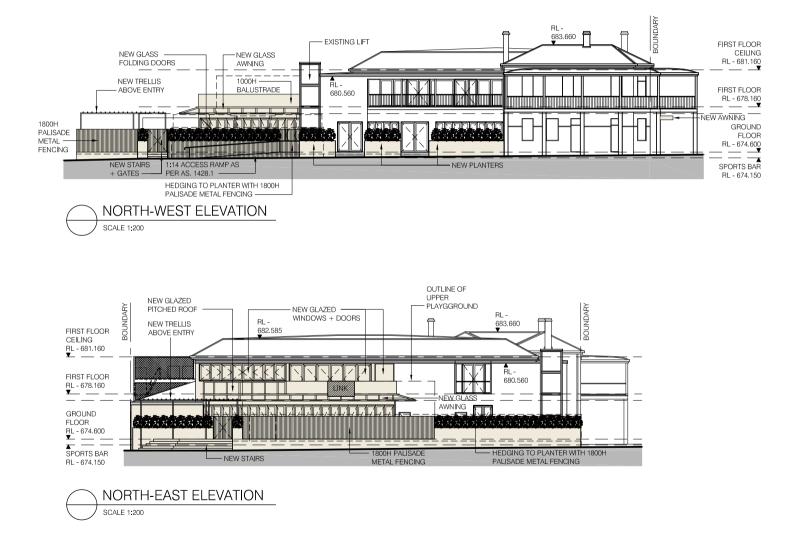
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GROUP

ARCHITECTS

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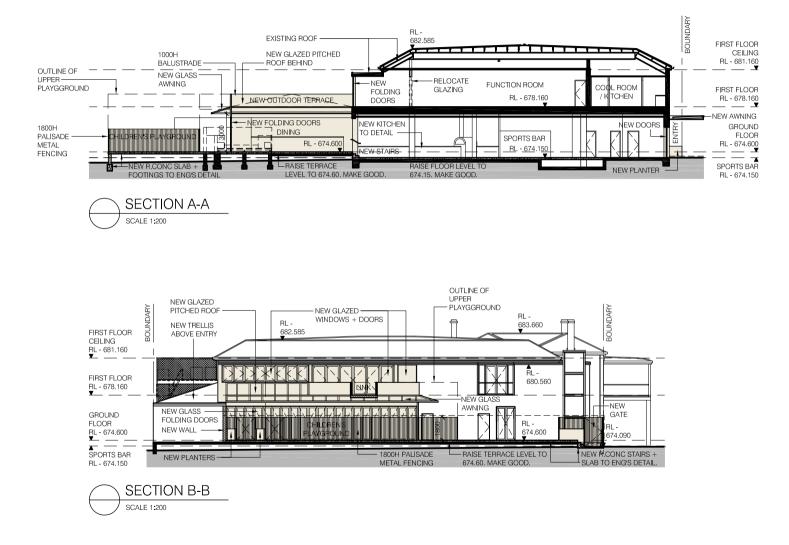


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SROUP ARCHITESTS Formerly Branchley Architects and Heaking Monro Group Architects Bry Linted A 848 22 003 686 069 Sulte 3.00/55 Miller Street Pyrmont new 2009 T: +1872 9860 155 E: Info@grouparchitects.com.au

address
CNR WILLIAM ST + PIPER
STREET BATHURST NSW
drawing
NORTH-WEST + NORTH-EAST
ELEVATIONS
SCALE: 1:200
SSUE: C DATE: MAR 2020
DWG No.: GA2020-013 DA200
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Issue	Amendment	Date	
A	PRELIMINARY DA ISSUE	11.03.20	
В	PRELIMINARY DA ISSUE 2	18.03.20	
С	DA ISSUE	19.03.20	
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GROUP ARCHITECTS Formerly Branchley Architects and Heaking Manno Forup Architects Plu Inited A SN 82 P00 366 66 Sulte 3.00/55 Miller Street Pyrmont new 2009 T: +182 960 155 E: Info@gruparchitects.com.au OXFORD HOTEL

address CNR WILLIAM ST + PIPER STREET BATHURST NSW

drawing SECTIONS A-A + B-B

SCALE: 1:200 ISSUE: 'C' DATE: MAR 2020 DWG No.:GA2020-013 DA300

STATEMENT OF ENVIRONMENTAL EFFECTS

PROPOSED ALTERATIONS + ADDITIONS TO OXFORD HOTEL

170 WILLIAM STREET BATHURST NSW 2795

Prepared for Lion Majestic Pty Ltd

Prepared by Group Architects Pty LtdArchitects and Landscape Designers3.09/55 Miller Street Pyrmont NSW 2009T: 9660 1055 E: info@grouparchitects.com.au

Job No. GA2020-013 March 2020 Amended 20 June 2020 Amended 10 July 2020

1. Introduction

This Statement of Environmental Effects forms part of a Development Application submission for the construction of alterations and additions to a two level hotel known as the Oxford Hotel on the corner of William and Piper Streets Bathurst.

The site is zoned B3 Commercial Core under the Bathurst Regional Local Environmental Plan 2014.

The proposal is to enhance the existing uses of the site as a hotel.

The statement has been prepared in accordance with the Environmental Planning and Assessment Act, 1997 and accompanying regulations. It provides details of the development site and a detailed description of the proposed development.

1

2. The Site

2.1 Site Details

The subject site is rectangular in shape with street frontages to William and Piper Streets.

The real property description is Lot 18 in DP 1137694. It has frontages of 67.76m to William Street and 35.33m to Piper Street and a site area of 3633m².

Currently on the site is a two storey brick hotel with street verandah which is listed under Schedule 5 of Bathurst Regional Local Environmental Plan 2014 (item No. I81) as a heritage item. It is located in Bathurst Conservation Area (C1).

The building was the subject of major renovations completed in 2007 under DA 2004/0626.

At the front and rear of the site is a paved car park which can provide for 59 car spaces with access from William Street.

The hotel consists of the following:

Ground Floor

- Public and lounge bar areas
- Entertainment lounge
- Gaming lounge
- Toilets
- Access stairs
- Outdoor garden lounge with raised covered deck
- A separate bottle shop with bulk storage
- Paved car park area

First Floor

- Function + dining room
- Cocktail bar
- Offices
- Kitchen
- Toilets
- Verandah over street
- Access stairs
- Verandahs to front and sides
- Plant

The site is generally level with a slight fall to the rear and the eastern side.

Pedestrian access is available on both street frontages to the main bar area and the outdoor courtyard on

the William Street frontage.

2

Attachment 8.2.7.3

2.2 Locality

The general locality to the north east and south east is commercial/business. William Street is a main thoroughfare which forms part of the general central business district which includes office, retail and service industries.

Piper Street is characterised by lower scale development often with residential buildings which have been converted to commercial uses.

Opposite the site in William Street are residential terraces which are also heritage listed but located in the business zone and the Catholic cathedral and school.

Diagonally opposite is the Panthers Leagues Club also in a business zone.

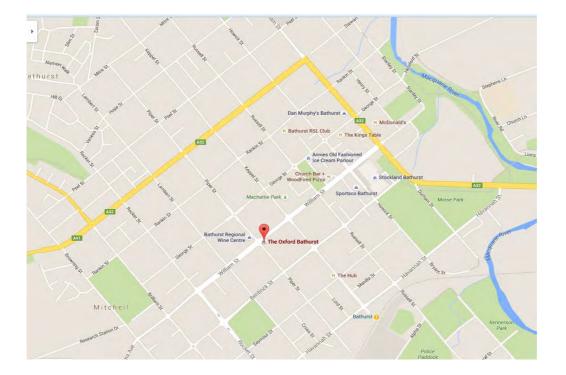
Opposite the site in Piper Street is a motel and general residential areas.

The site is located on the western edge of the business district.

2.3 Zoning

The site is zoned B3 Commercial Core under the Bathurst Regional Local Environmental Plan 2014 and is part of a larger B3 zone.

The existing and proposed uses are permissible within the zone.



3

3. Development Proposal

3.1 General

The proposal is for the construction of alterations and additions to the hotel building.

It is as illustrated on the plans GA2020-013/DA100 - 102, 200, 201 + 300 which form part of this application.

The development involves:

Ground Floor:

- Enclosure of part of the existing beer garden to extend the dining area.
- Raising the level of the beer garden to the level of the original hotel.
- Upgrading of the existing nightclub for use as a sports lounge including a new kitchen/servery and adjusted floor levels.
- New acoustic screen wall between lounge bar and sports bar.
- New children's playground
- New entry to the sports bar from Piper Street.
- New entry from William Street including new metal palisade fence.
- General upgrade of finishes and fittings

First Floor:

- Enclosure of existing balcony off function room.
- New outdoor terrace and pitched roof over ground floor dining area.
- Upper level of children's playground.

There will be no change to existing hours of operation.

⁴

4. Development Controls and Compliance Checklist

The following table summarises the compliance of the proposed development with the relevant provisions of the Bathurst Regional Local Environmental Plan 2014 and Bathurst Regional Development Control Plan 2014 - Business Development.

Bathurst Regional LEP 2014

Part 2. Land Use Table

	Zone B3 Commercial Core	Comment
1.	Objectives of Zone	
	• To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community	
	 To encourage appropriate employment opportunities in accessible locations 	The hotel already provides employment opportunities
	 To maximise public transport patronage and encourage walking and cycling 	Existing opportunities for access remain
	• To encourage development that confirms the role of the Bathurst Central Business District as the primary retail and business centre in the region	It supports an already important and prominent business in the Central Business District
	• To protect and conserve the historic and scenic quality of the Bathurst Central Business District as a key economic and social asset	The proposal enhances the facilities to the existing hotel
3.	Permitted with consent	Hotels are allowable with consent in the zone
Part 4	Principal Development Standards	

4.3 Height of Buildings

Allowable 12m. The proposal will not increase the height of the existing buildings - Complies

- 4.4 Floor Space Ratio
 - Existing buildings GFA
 - o Hotel
 - Ground floor 823.2m²
 - First floor 607.6m²

Bottle shop 431.1m²

Total 1861.9m²

- Proposed GFA
 - o Ground Floor 980.8m²
 - o First Floor 676.9m²
 - o Bottle shop 431.1m²
 - Proposed total 2088.8m²
- Site area 3633m²
- FSR 0.575:1

5

- Allowable 2:1 Complies
- Statement of Environmental Effects Oxford Hotel 170 William Street Bathurst
 Prepared by Group Architects Pty Ltd Architects + Landscape Designers
 3.09/55 Miller Street Pyrmont 2009 T 9660 1055 E info@grouparchitects.com.au
 March 2020 Amended 30 June 2020 Amended 10 July 2020

- Part 5. Miscellaneous Provisions
- 5.10 Heritage Conservation Refer separate Statement of Heritage Impact
- Part 7. Additional Local Provisions
- 7.1 Flood Planning

The site is not located in a Flood Planning Area.

7.10 Signage

No additional signage is proposed as part of this application.

Bathurst Regional DCP 2014

Chapter 5 Business and Industrial Development

- 5.1 Preliminary
 - 5.1.1 Applies to Zone B3 Commercial Core
- 5.2 Siting Considerations
 - 5.2.1 Objectives

The proposal will fit the existing streetscape

5.2.2 Development Standards

Building Setbacks

The street front setbacks complement the existing building setbacks and comply with the

NCC.

6

5.3 Soil + Water Management

The proposal will not involve major site disturbance. The area of the proposed works is already impervious. All stormwater will be collected in the existing stormwater lines.

5.5 Height of Buildings - Bathurst Conservation Area - Zone B3 Commercial Core

The height limit is 12m. The proposal complies as there will be no height increase.

- 5.6 Parking, Access and Manoeuvring Areas
 - 5.6.2 Development Standards

Refer to Section 14

Currently on site is provision for 59 car spaces. Access is available directly from William Street.

There will be a minor reduction in car spaces on site however it is considered that there are sufficient on-street parking spaces available. The general concept is to discourage patrons from driving to the premises.

The proposed works will not impact on the street access points.

There will be no impact on existing loading and unloading facilities.

5.7 Clean Business and Industry

There will be no impacts on drainage or stormwater quality. The proposal does not involve additional trade waste. It will not impact on air quality.

5.8 Open Areas and Fencing

The existing high brick fencing to William Street and the car park will be removed and replaced by an 1800h metal palisade fence to the beer garden and children's playground. It will include planters. This will provide limited vision to the areas and activate the spaces when viewed from the street.

It will ensure security is retained.

Chapter 10 Urban Design and Heritage Conservation

Refer separate Statement of Heritage Impact

Chapter 13 Landscaping and Greening

No trees are proposed to be removed.

No landscape plan is required for land zoned B3.

Planters are proposed to the new fence line.

Chapter 14 Parking

Number of car parking spaces

Pubs - inside the CBD - 1 space for 30m² of licensed floor area.

Licensed floor area we have taken to be the areas available to patrons and staff generally. This excludes

bars, kitchens, offices, storage areas, stairs, plant and service areas, outdoor spaces and toilets.

The proposed licensed area is 1545.9m²

Based on 30m² per space - required 52 cars

Bottle Shop (retail) - 350m²

Based on 35m² per space - required 10 cars

Total 62 cars

Provided on site 56 cars.

There will be a shortfall of 6 car spaces.

Chapter 15 Crime Prevention

Refer separate Plan of Management and Security Management Plan

15.5.4 Crime Prevention through environmental design

- (a) Surveillance
 - All entry points and internal spaces excepting toilets are covered by CCTV with monitoring screens located in the office.
- Statement of Environmental Effects Oxford Hotel 170 William Street Bathurst Prepared by Group Architects Pty Ltd Architects + Landscape Designers 3.09/55 Miller Street Pyrmont 2009 T 9660 1055 E info@grouparchitects.com.au March 2020 Amended 30 June 2020 Amended 10 July 2020

- The main entry points to the hotel are from the street and are well illuminated.
- The proposed gaming lounge will have CCTV installed. All entries will be well illuminated.
- Staff will monitor the gaming room at all times from within the room.
- (b) Access Controls
 - All areas not available to the public will be locked. Staff only will have access.
 - All egress points and access to the street and car park are readily identifiable.
- (c) Territorial Reinforcement

The site is not public space.

- (d) Activity and Space Management
 - The car park will have CCTV. It will be well illuminated and checked by staff regularly patrolling all outdoor areas.
 - Any vandalism or damage will be made safe and rectified as soon as practicable.
- (e) Areas Requiring Additional Consideration

Main entry points and the streets around the site could be more susceptible to crime. These will have CCTV and staff monitoring them at all times the premises is in operation.

(f) Conclusion

The hotel is an established use in the locality. The security measures are well established and will be extended to cover the new areas.

It is not considered that the proposal will have any adverse impacts on crime.

8

5. Summary

This proposal is for alterations and additions to the existing Oxford Hotel which is a listed heritage building. Great care has been taken to not impact on the main heritage features which are predominantly the corner building and in particular the street verandah.

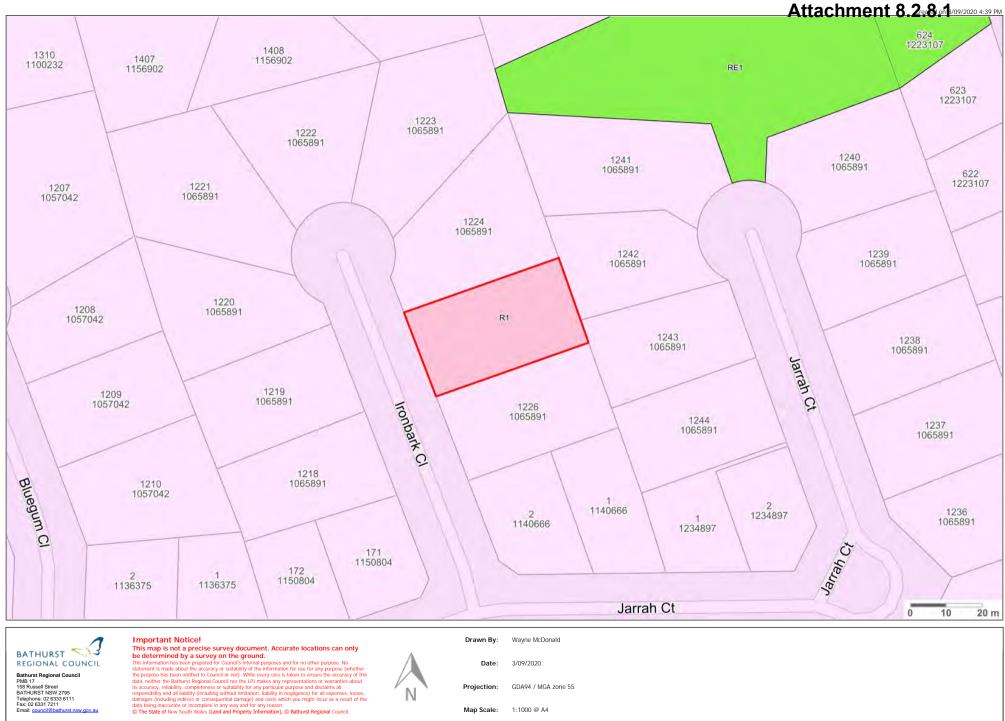
The additions have been set back from the street frontage. Materials and finishes generally are simple to the use requirement and will not impact on the heritage streetscape.

The proposed uses are purpose built to provide additional facilities for patrons.

These facilities are currently available in the existing hotel but are under-utilised due to limited space.

The proposal, we submit, has been designed to not impact on the heritage characteristics, and as such is considered to have no detrimental environmental effects.

9

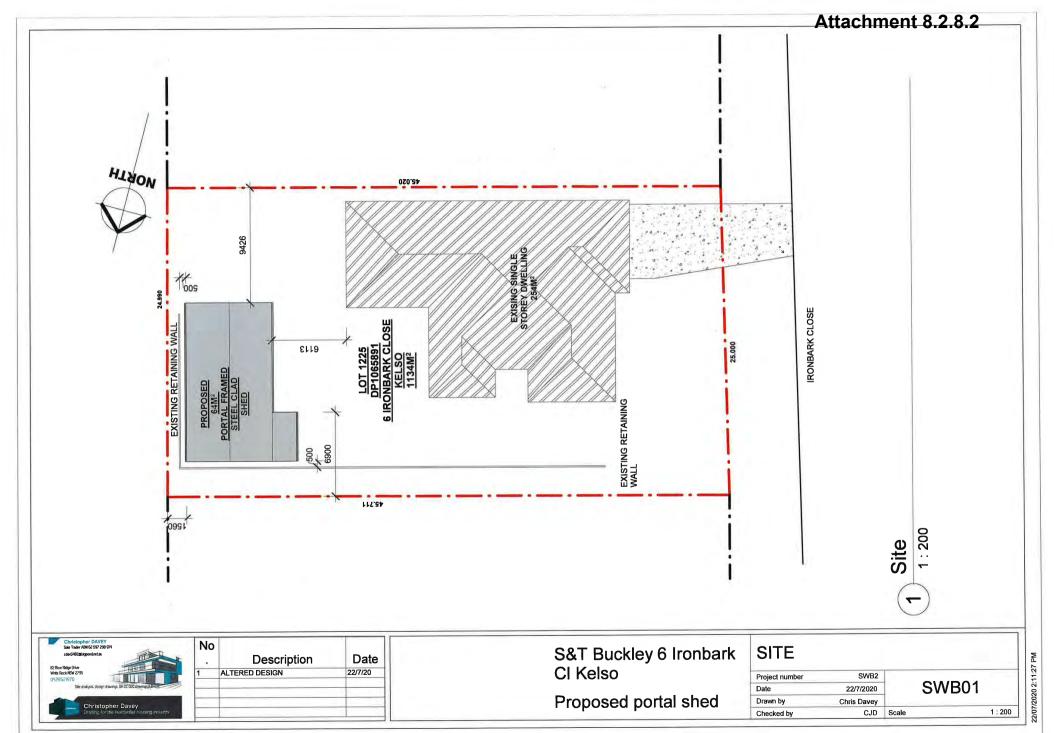


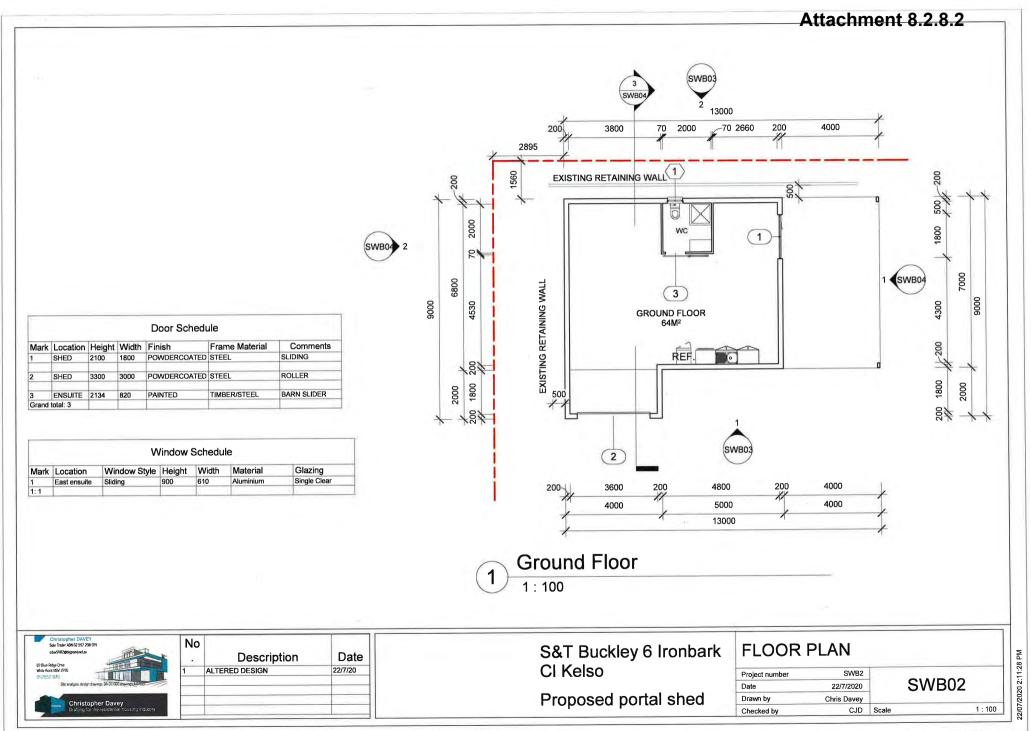
Attachment 8.2 - 8 - 1 - 109/2020 4:40 PM



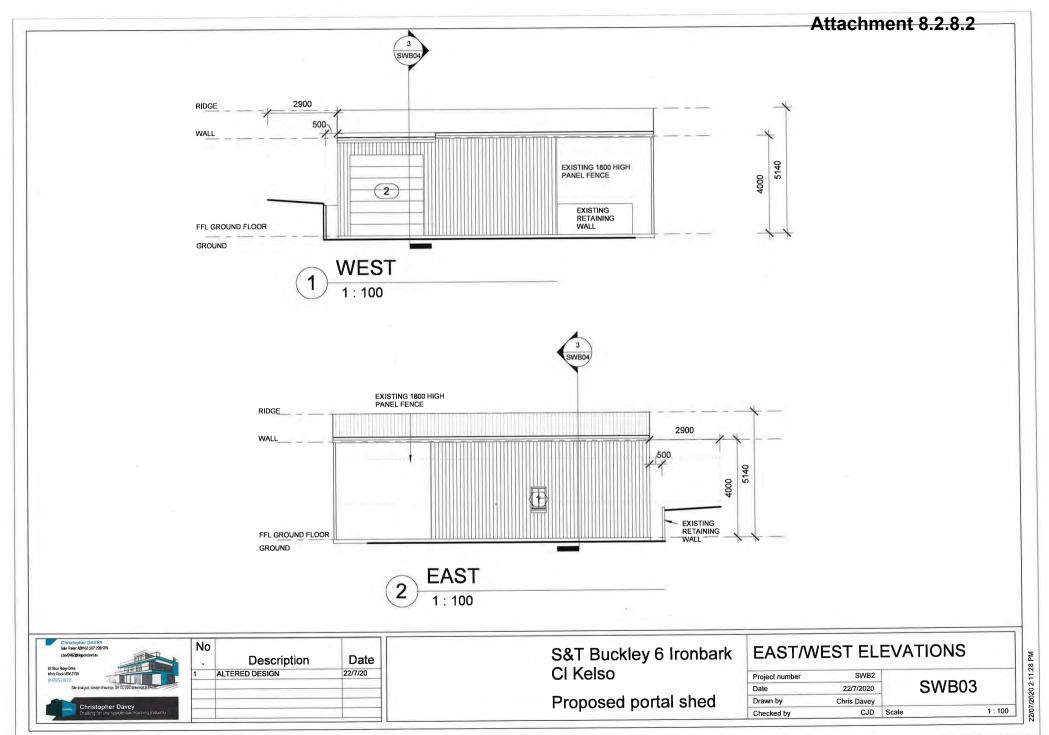
-1	Important Notice! This map is not a precise survey document. Accurate locations can only		Drawn By:	Wayne McDonald
BATHURST REGIONAL COUNCIL Bathurst Regional Council PMB 17 158 Russell Street BATHURST NSW 2795	be determined by a survey on the ground. This information has been prepared for Counci's internal purposes and for no other purpose. No statement is made about the accuracy or suitability of the information for use for any purpose (whether the purpose has been notified to Council or not). While every care is taken to ensure the accuracy of this data, neither the Bathurst Regional Council nor the LPI makes any representations or warranties about its accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and all liability (including without limitation, liability in negligned) for all expenses, losses, damages (including indirect or consequential damage) and costs which you might incur as a result of the data being inaccurate or incomplete in any way and for any reason. © The State of New South Wales (Land and Property Information), © Bathurst Regional Council.	N	Date:	3/09/2020
			Projection:	GDA94 / MGA zone 55
Telephone: 02 6333 6111 Fax: 02 6331 7211 Email: <u>council@bathurst.nsw.gov.au</u>			Map Scale:	1:1000 @ A4

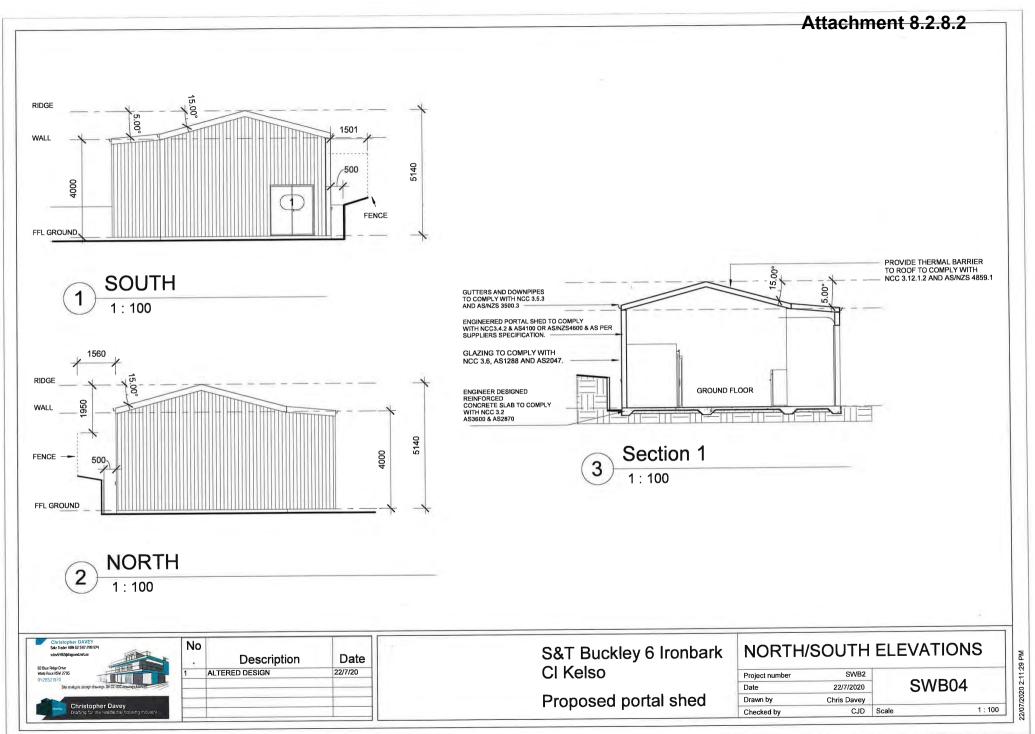
AGENDA - Ordinary Meeting of Council Agenda - 16 September 2020 Attachments





AGENDA - Ordinary Meeting of Council Agenda - 16 September 2020 Attachments





15 July 2020

16 JUL 2020

REF 2020 220 007

7

To Bathurst Regional Council

Dear Mr R Denyer,

4

We wish to lodge a submission against the proposed Development Application No 2020/220 BATHURST REGIONAL COUNCIL

Proposed Development: Garage

Premises: Lot 1225 DP: 1065891 6 Ironbark Close, Kelso

Name of applicant: Mrs TM Moore

- 1. The proposed garage will be 9m along our back fence and approximately 4m higher than the top of our back fence which will be obstructing views from our property.
- 2. The garage will not be keeping in line with the streetscape of the area as the size will be overpowering of the surrounding environment.
- 3. The hight will be creating loss of sun/overshadowing to our property as it is only 10m from the back wall of our house.
- 4. Not to mention the visual impact of looking at a wall of corrugated iron resulting in the loss of enjoyment from our property.
- 5. Privacy is of a concern as the height of the shed could lead to further development within the garage with a second floor being built looking into our property.
- 6. The actual use of the garage, will it be used for work purposes as it is of an industrial size leading to excess noise.
- 7. Where will the storm water be collected?
- 8. This garage would have a great impact in selling our property.

This proposed shed is of industrial size in a residential area and the application should not be approved.

We have spoken with and invited Mrs Moore and Mr Buckley into our property to look at the impact that the size of the garage will have upon our property and our lifestyles. As to date this offer has not been taken up.

(Please see supporting photos taken from our entertaining area, which is attached to our house, and is 10m from the proposed garage.)

For all of the above reason We wish to lodge a submission <u>against</u> the proposed Development Application No 2020/220.

Regards

DEPES

Michael & Louise Hall

17 Jarrah Court

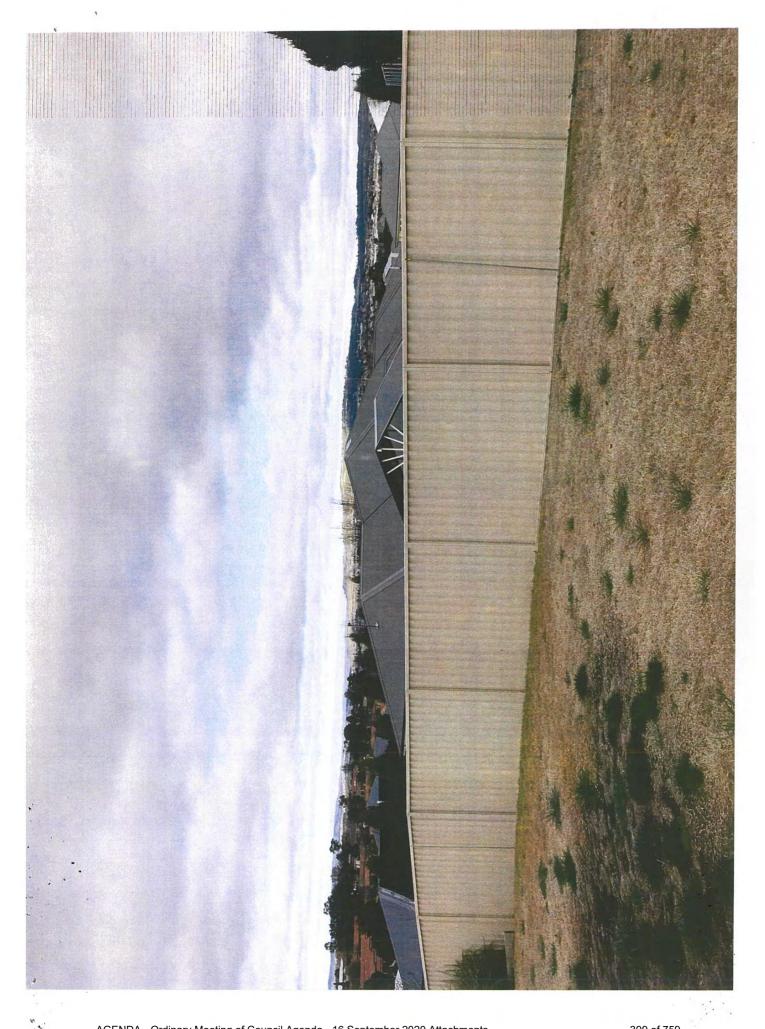
Kelso NSW 2795 0428289901

Millall



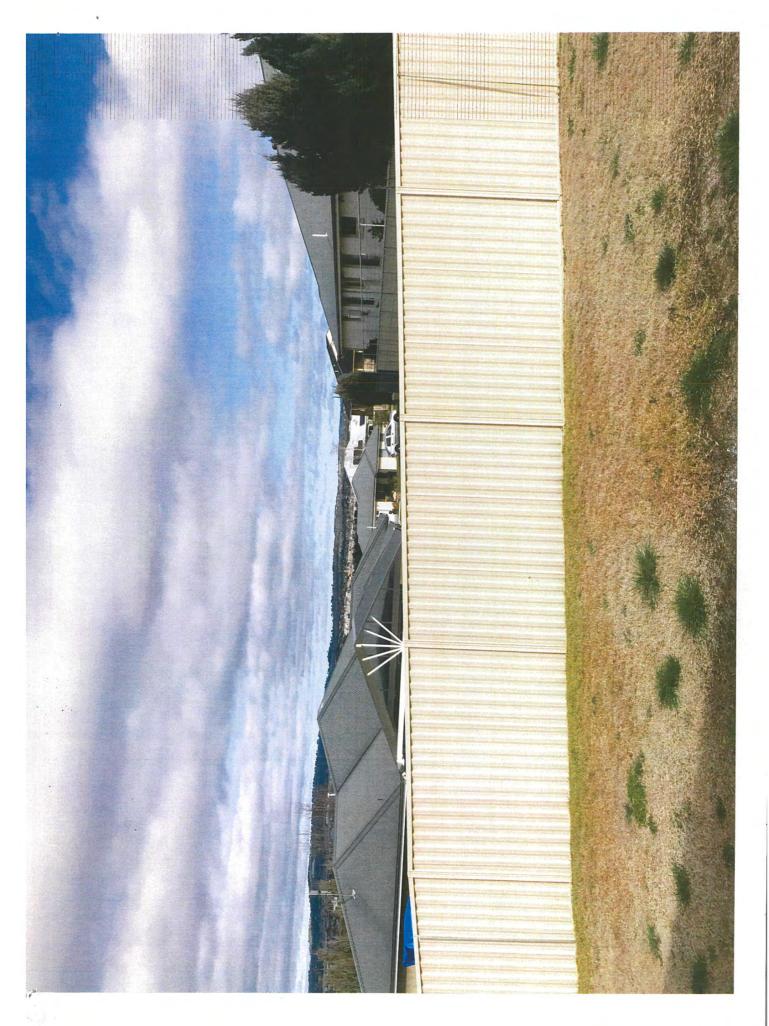
BATHURST REGIONAL COUNCIL

AGENDA - Ordinary Meeting of Council Agenda - 16 September 2020 Attachments









15/7/2020

RECEIVED

16 JUL 2020

BATHLING, REDROMME COUNCIL

To Bathurst Regional Council

Dear Mr R Denyer,

We wish to lodge a submission against the proposed Development Application No 2020/220

Proposed Development: Garage

Premises: Lot 1225 DP: 1065891 6 Ironbark Close, Kelso

Name of applicant: Mrs TM Moore

- 1. Not keeping in line with the streetscape of the area. The view from our property will be unpleasant looking at that size of a shed in a residential area.
- 2. Privacy : as the height of the shed could lead to further development within the garage if a second floor was built they would be looking into our property.
- 3. Use of the shed could lead to a major noise issue.

This proposed shed is of an industrial size in a residential area, this application should not be approved.

For these reasons we wish to lodge a submission against the proposed Development Application No 2020/220.

Regards

DEPAS

Mr G & Mrs T Larkin Owner of 15 & 13 Jarrah Court Kelso NSW 2796 0417687235

G.M. M.

403 of 759

3

BATHURST REGIONAL COUNCIL 16 JUL 2020

REF 2020 220 008

From:Geoffrey PressSent:Wednesday, 29 July 2020 9:00 AMTo:Group Records StaffSubject:FW: Proposed new garage plans 6 Ironbark [SEC=UNOFFICIAL]

Please attach to DA 2020/220 - 6 Ironbark Close, Kelso

Thanks

Geoffrey Press Snr Environmental Health & Building Surveyor Bathurst Regional Council 158 Russell Street Bathurst 2795 P: 02 6333 6280 W: www.bathurst.nsw.gov.au





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From: Mick & Louise <mick.louise@bigpond.com>
Sent: Wednesday, 29 July 2020 7:36 AM
To: Geoffrey Press <Geoffrey.Press@bathurst.nsw.gov.au>
Subject: Proposed new garage plans 6 Ironbark

Hi Geoff, going of the new design we are still greatly impacted from the garage as you can see. The applicants we're invited after the first application, to come over to our place and and see on what height would impact us but as yet they haven't made any contact.

Please put this correspondence on record. Regards Michael Hall

Attachment 8.2.8.4



Sent from my iPad

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https://aus01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fconsole.mailguard.com.au%2Fras%2F1YDjXt 7dUM%2F3Up3998VLpSng1fQHoSq0w%2F0&data=02%7C01%7C%7C4393eac056574b20dbbe08d8333e3b45% 7C4277144fcec04429b0853805e1ddacdf%7C1%7C0%7C637315689672552140&sdata=ELUgn5y51bZx4Jl9uZZ6 NKovu%2BuevDvwSN2Axqfmv2g%3D&reserved=0

2

2020/220/014

From:Kaitlin CollinsSent:Thursday, 30 July 2020 10:39 AMTo:CouncilCc:Neil Southorn; Kylie DenyerSubject:FW: DA 2020/220 6 Ironbark Close Kelso [SEC=UNOFFICIAL]

Please register to 2020/220 and assign to DEPBS for information.

Kaitlin Collins

Acting Assistant to the Mayor Bathurst Regional Council 158 Russell Street Bathurst 2795 P: 02 6333 6205 W: www.bathurst.nsw.gov.au





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From: Mick & Louise <mick.louise@bigpond.com>

Sent: Thursday, 30 July 2020 9:49 AM

To: Bobby Bourke <Bobby.Bourke@bathurst.nsw.gov.au>; Warren Aubin

<Warren.Aubin@bathurstregionalcouncil.onmicrosoft.com>; Alex Christian <alex.christian@bathurst.nsw.gov.au>; Graeme Hanger <Graeme.Hanger@bathurst.nsw.gov.au>; John Fry <John.Fry@bathurst.nsw.gov.au>; Jess Jennings <Jess.Jennings@bathurst.nsw.gov.au>; Monica Morse OAM <Monica.Morse@bathurst.nsw.gov.au>; Ian North <Ian.North@bathurstregionalcouncil.onmicrosoft.com>; Jacqui Rudge

<Jacqui.Rudge@bathurstregionalcouncil.onmicrosoft.com>

Subject: DA 2020/220 6 Ironbark Close Kelso

Dear Councillor

We are writing to you seeking your support in NOT allowing this proposed garage to be built. We have attached 2 photos to this email, 1 showing the beautiful views that we have from our entertaining area at the back of our house and 1 with what the proposed garage would have impacted upon us.

We have bought and built in the residential area of Bathurst with beautiful views of the area, allowing such garages/ sheds to be built in residential areas impacts on the environment and our enjoyment of our property.

We have invited the applicants to come over to our property to see the impacts of a shed/garage of this size would have on our lifestyle and property value but they have not made any contact with us.

We do agree that a shed can be built in there yard only one that doesn't impact on our views of the City of Bathurst or impacts our lifestyle. If a garage was to be built in line with the rear roofline of there house this would be

Attachment 8.2.8.4

agreeable and the garage would still be around 3.4m in height. We have had a real estate agent look at the proposed shed size and location and he has told us that if we were to try and sell in today's market we could expect to lose between \$30k to \$50k on our property if the garage/shed was to be built. We hope that you can support us in Not allowing this garage/ shed to be built.

Kind regards Michael & Louise Hall 17 Jarrah Court Kelso NSW 2795



Attachment 8.2.8.4



We hope that you can support our views and NOT permit this garage/shed to be built.

Sent from my iPad

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From:Geoffrey PressSent:Monday, 3 August 2020 8:34 AMTo:Group Records StaffSubject:FW: DA 2020/220 - 6 Ironbark Close - Garage [SEC=UNOFFICIAL]

Please register on DA 2020/220.

Thanks

Geoffrey Press

Snr Environmental Health & Building Surveyor Bathurst Regional Council 158 Russell Street Bathurst 2795 P: 02 6333 6280 W: <u>www.bathurst.nsw.gov.au</u>





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From: Geoff Larkin <g.larkin@bigpond.com>
Sent: Friday, 31 July 2020 5:14 PM
To: Geoffrey Press <Geoffrey.Press@bathurst.nsw.gov.au>
Subject: Re: DA 2020/220 - 6 Ironbark Close - Garage [SEC=OFFICIAL]

Hi Geoff, yes I still disagree with the height of the garage as it still would not be in with the street scape of the area. Regards Geoff Larkin 0408382462

Sent from my iPad

On 28 Jul 2020, at 5:09 pm, Geoffrey Press <<u>Geoffrey.Press@bathurst.nsw.gov.au</u>> wrote:

Hi Geoff / Terri

The applicant has submitted amended plans for this application and you are invited to view these plans and advise if you wish to proceed with your original submission by 4pm, 31 July 2020.

Please give me a call if you have any questions.

Regards

Geoffrey Press Snr Environmental Health & Building Surveyor Bathurst Regional Council 158 Russell Street Bathurst 2795 P: 02 6333 6280 W: www.bathurst.nsw.gov.au <mime-attachment.jpg>

<mime-attachment.png>

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<Amended DA plans for construct~5891, 6 Ironbark Close, Kelso.pdf>

Report this message as spam

2

Attachment 8.2.8.4 2020/220/021

From:Kaitlin CollinsSent:Tuesday, 25 August 2020 1:11 PMTo:CouncilCc:Neil Southorn; David SherleySubject:FW: Development Application No 2020/220 6 Ironbark Close Kelso NSW 2795
[SEC=UNOFFICIAL]

Please register to 2020/220.

Dave & Neil, FYI

Kaitlin Collins

Acting Assistant to the Mayor Bathurst Regional Council 158 Russell Street Bathurst 2795 P: 02 6333 6205 W: www.bathurst.nsw.gov.au





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From: Michael Hall <mick.louise1996@gmail.com>

Sent: Tuesday, 25 August 2020 12:26 PM

To: Bobby Bourke <Bobby.Bourke@bathurst.nsw.gov.au>; Warren Aubin

<Warren.Aubin@bathurstregionalcouncil.onmicrosoft.com>; Alex Christian <alex.christian@bathurst.nsw.gov.au>; John Fry <John.Fry@bathurst.nsw.gov.au>; Graeme Hanger <Graeme.Hanger@bathurst.nsw.gov.au>; Jess Jennings <Jess.Jennings@bathurst.nsw.gov.au>; Monica Morse OAM <Monica.Morse@bathurst.nsw.gov.au>; Ian North <Ian.North@bathurstregionalcouncil.onmicrosoft.com>; Jacqui Rudge

<Jacqui.Rudge@bathurstregionalcouncil.onmicrosoft.com>

Subject: Development Application No 2020/220 6 Ironbark Close Kelso NSW 2795

Dear councillor, We are writing to you again regarding the above proposed shed/garage as I have been told that it is being prepared to go to you to make a decision on in the September Council meeting.

As mentioned in our previous email to you, we hope that you vote against such as shed Being built in a residential area. The size of the shed will impact on the value of our property some -\$30 to \$50K, lose of views to our city and shadowing to our property and the overall enjoyment of our property.

We are not against the applicants building a shed/garage only one that doesn't impact on our lives. Please see attached below photos

1. Our current views

- 2. With the proposed shed being built and what we would see.
- 3. With a shed height that we could live with.





AGENDA - Ordinary Meeting of Council Agenda - 16 September 2020 Attachments

Attachment 8.2.8.4



Attachment 8.2.8.4

We believe that the last photo shows an acceptable height for a shed and is still over 3m tall and the applicants could still dig there yard out lower and have a 4+ metre shed as the proposed shed is on a built up pad in there back yard.

We hope that we have put forward a case in which you can support us by not allowing such a shed/ garage to be built in residential areas. Sheds/ garages of this size should be built on land that doesn't impact on others.

We have invited the applicants over to talk and see the impacts this building would have upon us on July 14 but they haven't made any contact with us to date.

If you would like to do an inspection from our property please don't hesitate in contacting us.

Kind regards Michael & Louise Hall 17 Jarrah Court Kelso NSW 2795 0428289901 Michael 0419447318 Louise Sent from my iPad

--

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https://aus01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fconsole.mailguard.com.au%2Fras%2F1YOw9 OhpZd%2F2cLzf41lfHauKg26iodiro%2F0.4&data=02%7C01%7C%7Cff402694916642cac94f08d8489e3ab0%7C42 77144fcec04429b0853805e1ddacdf%7C1%7C0%7C637339191761657542&sdata=yCtsmCi4mOf90ZEoIFR8gKo MeCW9Ba5WCwKnIFaZ6AE%3D&reserved=0 From:Geoffrey PressSent:Monday, 17 August 2020 11:06 AMTo:CouncilSubject:FW: DA2020/220 [SEC=UNOFFICIAL]Attachments:img032.jpg; DA 2020-220.pdf

Please register on DA 2020/220 - Thanks

Geoffrey Press

Snr Environmental Health & Building Surveyor Bathurst Regional Council 158 Russell Street Bathurst 2795 P: 02 6333 6280 W: www.bathurst.nsw.gov.au





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From: Tanya-Lee Buckley <tanyaleemary@gmail.com> Sent: Friday, 14 August 2020 11:55 AM To: Geoffrey Press <Geoffrey.Press@bathurst.nsw.gov.au> Subject: DA2020/220

Good morning Geoffrey.

I am responding to the objection of our shed for council meeting. Attached is the signed letter from myself and the building designer.

Thank you for your time Tanya-Lee Moore

Report this message as spam

To Geoffrey PRESS

I refer to my DA 2020/220 - Garage/shed at 6 ironbark close, Kelso

In consideration of our neighbours we decided to reduce our ground level and with council approved plans for the retaining wall, we have lowered the rear of the property and therefore lowering the overall height of the shed by over 1500mm as not to impose dramatically on the neighbours,

In doing this we have incurred costs in excess of \$15000.00.

After my first application that was met with some concerns from our neighbours and multiple reasons for the rejection of our shed to be erected, my husband and I looked at the reasons for their disapproval and therefore amended the plans by further lowering the overall height of the shed.

- Privacy (our neighbours house at 8 Iron bark close) is much higher than our proposed shed.
- Our shed will only be 1.9 mts above our adjoining fence
- The use of the garage, our intention of the proposed shed is to store our caravan, and associated camping gear/ storage
- Streetscape, the shed will be kept in conjunction with the other dwellings in the area/ street, eg 8 Ironbark close where a Large carport has been approved by council and erected on the north side of the house close to the street, there is a number of sheds within the street and the immediate vicinity of our house that are of much larger design and construction then our proposal, with google maps you can see quite clearly a few that stand out for eg. Tweed parade, Bluegum Cl and Ironbark Cl and Marsden lane.

Our proposal is compliant with all council guidelines and engineering designs.

We can't find any evidence or council regulation to support this DA to be rejected so ask that the approval of this development be approved.

Kind regards

Tanya Lee MOORE

SMoore

IMAGE A

Attachment 8.2.8.5 INFORMATION TO SUPPORT THE APPLICANTS.

Proposed portal shed

S&T Buckley 6

Ironbark Cl Kelso



THIS IMAGE @ REAR FENCE OF THE LOT DEPICTS THE CURRENT ASPECT SHOWING IT IS PREDOMINANTLY THE APPLICANTS ROOF AND YARD WHICH OBSTRUCTS THE HORIZON. AS CAN BE SEEN THE APPLICANT HAS NO PRIVACY FROM ANY NEIGHBOUR.

IMAGE B



THIS IMAGE @ PROPOSED SOUTH EAST CORNER OF THE DEVELOPMENT FENCE HEIGHT DEPICTS THAT THERE WILL BE UNINTERUPTED VIEW FROM THE REAR NEIGHBOURS LOT. AN APPROXIMATE RANGE SHOWN IN THE AERIAL VISUAL SOUTH.

IMAGE C



THIS IMAGE WAS TAKEN AT THE HEIGHT OF THE APPLICANT @ 1.8M FROM THE SOUTH EAST CORNER OF THE DEVELOPMENT AND INDICATES THAT AN AVERAGE HEIGHT PERSON CANNOT SEE INTO ANY NEIGHBOURING YARD. IT WAS ASCERTAINED THAT A PERSON OVER 2M IN HEIGHT MAY BE ABLE TO LOOK OVER THE SENDA - Ordinary Meeting of Council Agenda - 16 September 2020 Attachments

THE PROPOSED DEVELOPMENT WAS INITIALLY OBJECTED TO BY NEIGHBOURS DUE TO ITS HEIGHT, OBSTRUCTING VIEWS, SHADING NEIGHBOURS PROPERTIES, NOT WITHIN THE EXISTING STREETSCAPE, NOISE AND PRIVACY CONCERNS. THE APPLICANTS HAD THE DESIGN AMMENDED IN AN ENDEAVOUR TO APPEASE THE NEIGHBOURS. I WAS ADVISED THAT THIS HAS ALSO BEEN REJECTED.

IN SUPPORT OF THE APPLICANTS I HAVE PREPARED THE DISPLAYED IMAGERY. THIS INDICATES THAT THE DEVELOPMENT APPLICATION NOW BEFORE COUNCIL DISPLAYS THAT THERE IS NO IMPACT ON PRIVACY FOR THE OBJECTORS. INFACT PRIVACY IS SOMEWHAT ACHIEVED FOR THE APPLICANTS. IMAGE A. THE DEVELOPMENT WILL ONLY IMPACT ON THE WESTERLY ASPECT WHICH IS PREDOMINANTLY ALREADY A ROOF OF THE APPLICANTS HOME, A NEIGHBOURING HOME WHICH IS FAR HIGHER THAN THE PROPOSAL AND A SMALL AREA OF THE HORIZON. IMAGE B AS SHOWN IN THE SOUTHERLY VIEW THE DEVELOPMENT DOESN'T IMPACT THIS VIEW. OVERSHADOWING IS DEPICTED IN THE AERIAL IMAGE AND SHOWS THAT BETWEEN 10AM AND 4PM @ WINTER SOLSTICE THE DEVELOPMENT SIGNIFICANTLY OVERSHADOWS THE APPLICANTS YARD AND NO NEIGHBOURING PROPERTIES. ON SITE INSPECTION I HAVE SEEN THE STREETSCAPE OF THE AREA AND WOULD DESCRIBE IT AS RESIDENTIAL HOMES WITH DETATCHED SHEDS. THIS IS WHAT THE APPLICANTS ARE PROPOSING. THERE WAS ALSO AN OBJECTION TO NOISE BUT I WAS ADVISED THAT THIS DEVELOPMENT IS NOT FOR ANY INDUSTRIAL TYPE OF ACTIVITY JUST PRINCIPALLY STORAGE OF AN OFF-ROAD CARAVAN REQUIRING A 3.5M HIGH OPENING, GENERAL STORAGE AND AN OUTDOOR COOKING AREA SEPARATE FROM THE EXISTING DWELLING. IF OFFENSIVE NOISE IS HEARD FOR ANY PERSON THEY HAVE THE ABILITY TO UTILISE THE NOISE CONTROL ACT TO PREVENT THIS. IMAGE C SHOWS THERE IS NO IMPACT ON PRIVACY BY THE DEVELOPMENT, ONLY AN INCREASED DEGREE OF PRIVACY FOR THE APPLICANTS.

IN FURTHER SUPPORT OF THE DEVELOPMENT IT IS ALLOWABLE AS PER PLANNING CONTROLS. LAND ZONING IS R1 GENERAL RESIDENTIAL. HEIGHT OF BUILDINGS PERMITTED IS 9M. THE DEVELOPMENT IS A PORTAL SHED, NON -REFLECTIVE CLADDING UNDER 9M HIGH WHICH IS THE STANDARD ON MANY RESIDENTIAL LOTS IN BATHURST.

B & C

CHRISTOPHER DAVEY BUILDING DESIGNER 14/08/2020.

I AM A QUALIFIED BUILDING DESIGNER HOLDING THE DIPLOMA OF BUILDING DESIGN.

APPROXIMATE ASPECT DEPICTED IN IMAGE B



aerial 1:1



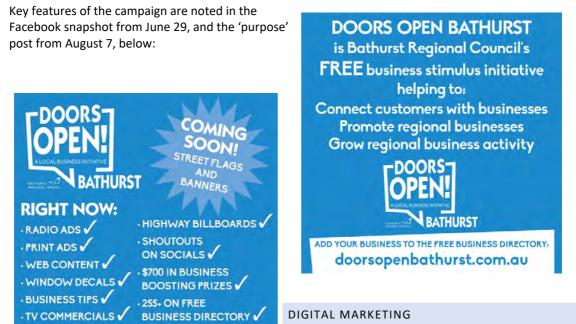
Project numb	er SWB2			č
Date	22/7/2020	SW	/B06	
Drawn by	Chris Davey	••••	200	
Checked by	4 ^{id} 7 of	759 ^{cale}	1:1	014 4
	417.01	100		



Love Local | Support Local | Shop Local

The DoorsOpen business stimulus initiative commenced in early May 2020, with a media release announcing its aims and early activities, including filming for a TV ad, print ads and social media posts.

The campaign demonstrated Council's support for regional businesses and its commitment to promoting the continued and often altered operations of these businesses.



doorsopenbathurst.com.au

IORT	
U	Facebook – the majority of the online marketing is driven through the Bathurst Business Hub Facebook

page.

	Cumulative Total Page Reach	Fans (Page Likes)	Page Impressions	Page Engagement Rate	Post Likes	Page Video Views
May	36,428	1,913	52, 326	3.33%	299	33
June	35,547	2,023	55,623	4.93%	376	3,187
July	92, 835	2,176	121,504	3.96%	593	13,145

Source: Facebook Insights

Attachment 8.2.9.1

The TVC 30sec video was promoted to regional audience to build campaign awareness



BATHURST BUSINESS HUB WEB SITE

Bathurst Business Hub website was modified to embed the DoorsOpen!Bathurst campaign. The site recently underwent a review and update, which was extended for DoorsOpen in May. This upgrade included the development of a business directory listing, new blog/news pages to showcase local business owner's insights and business tips.

Business Listing:

May: 160 businesses (drawn from Buy Local Gift Card businesses and documents compiled by 2BS and Bathurst Visitor Information Centre and Bathurst Regional Council Events)

June: 255 businesses

July: 276 businesses

August: 289 businesses

PRINT

Print advertising was designed and run in Western Advocate and Bathurst City Life. WA has been particularly generous with ongoing free applications of the DoorsOpen artwork in print and online.



	DOORS OPEENSE LOCAL BUSINESS INITIATIVE BATHURST BATHURST	EAT-IN Doors are open on le Shop in sto orr Shop Loc	ISTORE TAKE AWAY TAKE AWAY Cocal businesses - let re or online, eat-in, grab make the most of delive al Support Local Loc o find out who's open ar	takeaway ry. ve Local
--	---	--	--	-----------------------------

RADIO

30 second radio ad 12th June – 23rd July, promoting the key message of shop support love LOCAL BUSINESSES and directing to web address doorsopenbathurst.com.au. The ad also advises that the DoorsOpen! initiative is courtesy of Bathurst Regional Council.

TV COMMERCIAL

30 second television commercial showing 8 local businesses opening doors. Key message reiterated – shop support love LOCAL BUSINESSES. Aired on WINTV and PRIME7 . 27/6/20 - 1/8/20.

2 x 15 second television commercials aired on WINTV and PRIME7: 1/8 – 31/8/20.

Attachment 8.2.9.1

FLAGS, BANNERS, BILLBOARDS

88 x street flags raised on heritage standard lamps

- 1 x William Street banner raised
- 15 Haymarket Reserve banners ordered
- 4 Highway billboards carrying campaign artwork





BATHURST BUSINESS CHAMBER

Promotion of the campaign via webinar invitation, digital ad in enewsletter and support on social media (LinkedIn, Facebook and Instagram)

OTHER

Council website home page banner

Email signatures (server - all Council outgoing emails)

E-newsletter inclusion - articles and digital ads in Bathurst Business Hub's e-newsletter

Mayor's car - rear window art decal promoting campaign

Decals – 200 decals printed for distribution to local businesses

SUMMARY

As at August 31:

- 289 regional businesses listed in the free business directory
- Six local businesses have been paid to supply services associated with the prize packages:
- Four regional media providers have been paid to provide advertising services and they have contributed well in excess of that in additional, free advertising/distribution of the campaign work.

Investment Policy Benchmarks

Benchmark 1 - The performance of the portfolio shall be against the industry standard 90 Day Bank Bill Index or the official RBA Cash Rate

Council's current year to date performance compared to the two benchmarks is shown below. Council has outperformed both benchmarks.

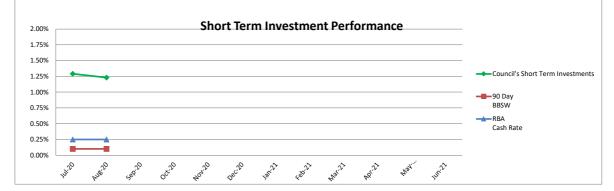
Reserve Bank of Australia - Cash Rate
AFMA - 90 Day Bank Bill Swap Rate (BBSW) Avg Mid
RBA Capital Market Yields Govt Bonds - Monthly

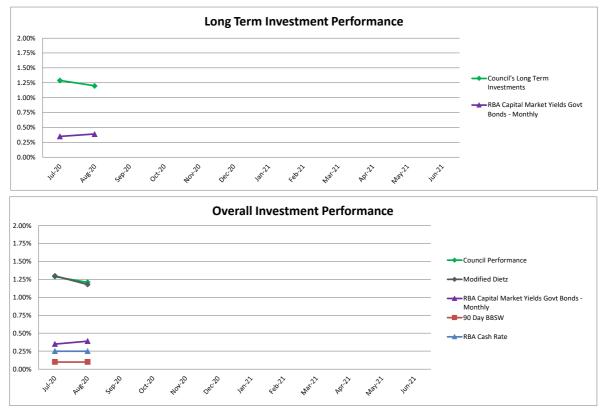
Modified Dietz Calculation

0.25% 0.10% 0.39%

1.18%

	Short	Term		Long Term		Overall Pe	rformance
				RBA Capital			
				Market Yields	Council's		
	RBA	90 Day	Council's Short	Govt Bonds -	Long Term	Modified Dietz	Council
	Cash Rate	BBSW	Term Investments	Monthly	Investments	Calculation	Performance
Jul-20	0.25%	0.10%	1.29%	0.35%	1.29%	1.30%	1.29%
Aug-20		0.10%	1.23%	0.39%	1.20%	1.18%	1.21%
Sep-20							
Oct-20							
Nov-20							
Dec-20							
Jan-21							
Feb-21							
Mar-21							
Apr-21							
May-21							
Jun-21							





BATHURST REGIONAL COUNCIL INVESTMENT PERFORMANCE

2a - Overall Portfolio Credit Framework

To control the credit quality on the entire portfolio, the following credit framework limits the percentage of the portfolio exposed to any particular credit rating. AMP was recently downgraded from A- to BBB+ on the 27 Aug 2019. Council will reinvest into a complying rated institution at the maturity of these investments.

Short Term	Ratings	Maximum Holding %	Actual Holding %	
	A-1+	100	43%	Complies
	A-1	100	7%	Complies
	A-2	40	33%	Complies
	A-3 or unrated	Note*	17%	Complies
			100%	
Long Term				
	AAA	100	0%	Complies
	AA+ AA AA- A+ A	100	75%	Complies
	A-	40	0%	Complies
	BBB+ BBB	20	21%	Does not comply
	BBB- & unrated	Note *	4%	Complies
			100%]

*Note: For reasons of practicality the number of these investments should be kept to a minimum.

2b - Institutional Credit Framework

To limit single entity exposure each individual institution will be limited by their credit rating. AMP was recently downgraded from A- to BBB+ on the 27 Aug 2019. Council will reinvest into a complying rated institution at the maturity of these investments.

	Ratings	Maximum Holding %	Actual Holding %	
CBA	AA-	40	8%	Complies
National Australia Bank Limited	AA-	40	27%	Complies
Westpac	AA-	40	11%	Complies
HSBC	AA-	30	2%	Complies
Macquarie Bank Limited	A+	30	6%	Complies
Suncorp Metway	A+	30	1%	Complies
Rabobank	A+	30	1%	Complies
UBS AG Australia	A+	30	1%	Complies
Sumitomo Mitsui Banking Corp	А	30	1%	Complies
AMP	BBB+	5	8%	Does not comply
Bank of Queensland Limited	BBB+	5	7%	Does not comply
Bendigo & Adelaide	BBB+	5	1%	Complies
IMB	BBB	5	2%	Complies
Newcastle Permanent	BBB	5	2%	Complies
Members Equity Bank	BBB	5	5%	Complies
Greater Building Society	BBB	5	0%	Complies
Credit Union Australia	BBB	5	0%	Complies
Auswide Bank	BBB	5	4%	Complies
Railways Credit Union Limited	ADI	Note*	0%	Complies
Maritime Mining & Power Credit Union	ADI	Note*	13%	Complies
*Note: For reasons of practicality the number of these investme	ents should be kept to a mini	mum.	100%	J

*Credit rating to Auswide Bank issued by Fitch Ratings, equivalent Rating by S & P shown

2c - Maturity Profile

The Investment Portfolio is to be invested within the following maturity constraints, Council has successfully met this criteria.

	Term Deposit	FRTD	TCD	FRN	Min %	Max %	Actual %	
Within one year	41,500,000	8,000,000	1,000,000	3,750,000	40	100	77%	Complies
One to three years	1,500,000	4,500,000	0	5,600,000	0	60	16%	Complies
Three to Five Years	0	1,230,000	0	2,850,000	0	30	6%	Complies
Over Five Years	0	0	0	1,000,000	0	15	1%	Complies
	12 000 000	12 - 20 000	1 000 000	12 200 000			1000	_
	43,000,000	13,730,000	1,000,000	13,200,000			100%)

Recommendation: That the report be noted.

Responsible Accounting Officer

Aaron Jones Director Corporate Services & Finance

Prepared By Lesley Guy

9-Sep-20

Reviewed By Tony Burgoyne

2020/21 Annual Operational Plan

Bathurst 2040 Community Strategic Plan

As at 31st August 2020

Council's Vision:

Bathurst: A vibrant and innovative region that values our heritage, culture, diversity and strong economy.

As a community it is important to have a plan that outlines what we want and need as a community now and as the region grows. The NSW Government also requires all councils to have such a plan. The Bathurst 2040 Community Strategic Plan (CSP) is the highest level forward planning document of Bathurst Regional Council. It identifies the community's priorities and guides the direction for the Bathurst region over the next 20 years.

Six key objectives have been established in the CSP:

- 1. Our Sense of place and identity
- 2. A smart and vibrant economy
- 3. Environmental stewardship
- 4. Enabling sustainable growth
- 5. Community health, safety and well-being
- 6. Community leadership and collaboration

These objectives are supported by strategies, shown below, aimed at identifying the importance of each objective.

As a 20 year plan, the CSP is not able to be wholly implemented in one term of Council. The Delivery Program represents actions that the Council expects to achieve during the current term of election for the Council, typically four years. This <u>Annual Operational Plan</u> identifies the individual activities and projects that will be completed within the current financial year of the Delivery Program.

Attachment 8.3.2.1

OBJECTIVE 1: Our sense of place and identity

1.1 Respect, protect and promote the region's Aboriginal heritage assets

1.2 Protect, enhance and promote the region's European heritage assets and character

1.3 Enhance the cultural vitality of the region

1.4 Protect and improve the region's landscapes, views, vistas and open space

1.5 Promote good design in the built environment

OBJECTIVE 3: Environmental stewardship

3.1 Protect and improve our natural areas and ecosystems, including the Macquarie River and other waterways

3.2 Protect the City's water supply

3.3 Minimise the City's environmental footprint, live more sustainably and use resources more wisely

3.4 Protect and improve the region's biodiversity

3.5 Increase resilience to natural hazards and climate change

OBJECTIVE 5: Community health, safety and well being

5.1 Provide opportunities for our community to be healthy and active

5.2 Help make the Bathurst CBD, neighbourhoods and the region's villages attractive and full of life

5.3 Help build resilient, inclusive communities

5.4 Make our public places safe and welcoming

5.5 Plan and respond to demographic changes in the community

Bathurst 2040 Community Strategic Plan

OBJECTIVE 2: A smart and vibrant economy

2.1 Support local business and industry

2.2 Grow local employment, investment and attract new businesses by nurturing and supporting entrepreneurs, partnerships and local skill development

2.3 Develop Bathurst as a Smart City

2.4 Support agriculture, local manufacturing, food production and education as significant contributors to the region's economy

2.5 Support Mount Panorama as a premier motor sport and event precinct

2.6 Promote our City and Villages as a tourist destination

OBJECTIVE 4: Enabling sustainable growth

4.1 Facilitate development in the region that considers the current and future needs of our community

4.2 Provide safe and efficient road, cycleway and pathway networks to improve accessibility

4.3 Ensure services, facilities and infrastructure meet the changing needs of our region

4.4 Provide parking to meet the needs of the City

4.5 Work with partners to improve public transport, and passenger and freight transport connections to and from the region

4.6 Plan for, assess and regulate development activity

OBJECTIVE 6: Community leadership and collaboration

6.1 Communicate and engage with the community, government and business groups on important matters affecting the Bathurst Region

6.2 Work with our partners and neighbouring councils to share skills, knowledge and resources and find ways to deliver services more efficiently

6.3 Advocate for our community

6.4 Meet legislative and compliance requirements

6.5 Be open and fair in our decisions and our dealings with people

6.6 Manage our money and our assets to be sustainable now and into the future

6.7 Invest in our people

6.8 Implement opportunities for organisational improvement

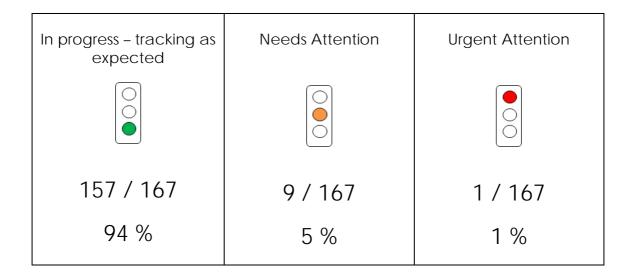
On the following pages, each of Council's principal activities is shown along with their four year Delivery Program actions and the Annual Operational Plan tasks that will be undertaken. These actions and tasks are linked back to the Bathurst 2040 CSP to show the community how its needs and wants are being delivered.

The table below is a guide to reading the Delivery Program and Annual Operational Plan.

Bathurst 2040 Objective reference	Deliverable Actions over the next 4 years	Operational Plan – this year's Projects / Tasks	Tracking our Progress	Responsible Officer
From the Objectives shown on Page 2	What actions will be delivered to achieve the objective	What specific projects will be undertaken this year to address the 4 year actions	Measurable KPI - How we will know when we have achieved our plans	Position Title – Director, Manager, Team Leader

The Performance Measures in this Plan have been rated by the responsible Directors as to their status of completion.

Below is a summary of the Status of all Performance Measures:



The key to developing a sound foundation for growth and prosperity of the Bathurst Region is by ensuring infrastructure needs are keeping pace with demand. The Engineering Services Department has the responsibility to ensure the current needs of the community are met and the capacity exists to cater for future growth. A clean and safe water supply, a quality local road network, and environmentally responsible waste management systems are all high priorities for engineering the future of the Bathurst Region.

Asset Management

Status	$\bigcirc \bigcirc \bigcirc \bigcirc \bigcirc$	00•	$\bigcirc \bigcirc \bullet$	00•
Action Year to Date	Bant Street Lewins to Busby 166m Stanley St George to Rankin 50m	Level 1 (CBD) – 62% as at 23/7/20 Level 2 – 100% as at 23/7/20	The Bridle Track Widen and seal 500m approach to Howards Bridge – Complete Limekilns Rd Reconstruct, widen and seal 2km - Complete	
Responsible Officer	Manager Works	Manager Works	Morks	Manager Works
Tracking our Progress	500 lineal metres of footpath and/or cycleway completed.	100% of urban footpath inspected	Reconstruction and resealing works as per Council's 2020/2021 capital works and routine maintenance programs. Completion of 2020/2021 Roads to Recovery Program.	Completion of 2020/2021 Unsealed Roads Gravel Resheeting program.
Operational Plan - this year's Projects / Tasks	Completion of additional concrete footpaths/cycleways in accordance with the Bathurst Regional Community Access and Cycling Plan 2011.	Monitor condition of footpaths.	Improvement of road infrastructure to upgrade sub-standard sections of the sealed network.	Renewal of gravel road surface throughout the network.
Deliverable Actions over the next 4 years	Improve pedestrian access within the urban area.		Maintain and improve the existing road infrastructure consistently throughout the network.	
Bathurst 2040 Objective reference	4.1 4.2 5.1		4.1 .5	

athurst 2040 Objective reference	Bathurst 2040 Deliverable Actions over Objective the next reference 4 years	Operational Plan – this year's Projects / Tasks	Tracking our Progress	Responsible Officer	Action Year to Date	Status
		Undertake maintenance program in accordance with allocated budget.	Greater than 90% of the Managurban road network remains Works at condition index 3 or above.	Manager Works		00•
4.1 4.3	Protection of urban areas on the Bathurst Floodplain	Protection of urban areas Completion of flood mitigation on the Bathurst Floodplain works as outlined in the Georges Plains Flood Management Plan.	Substantial Completion of Design and Environmental Assessment	Manager Technical Services		00•

	Status	$\bigcirc \bigcirc \bigcirc \bigcirc$	$\bigcirc \bigcirc \blacklozenge$
	Action Year to Date	In progress.	Masterplan Complete. Preliminary Design Complete Aboriginal Cultural Heritages Assessment completed. Environmental Impact Assessment commenced. Community Consultation commenced.
	Responsible Officer	Director Engineering Services	Director Engineering Services
	Tracking our Progress	Installation of Optic fibre network to Mount Panorama Circuit as per 2020/2021 Capital Works Plan	Development Consent obtained.
	Operational Plan – this year's Projects / Tasks	Construction of optic fibre communications loop	Development of the second circuit
Mount Panorama	Deliverable Actions over the next 4 years	Increase profile of Mount Panorama as the premier motor racing venue in Australia.	
Mount P	Bathurst 2040 Objective reference	6.4 6.5 6.8 2.5	

Status	$\bigcirc \bigcirc \bigcirc \bigcirc$		
Action Year to Date	Water Filtration Plant daily operations are ongoing, with maintenance and repairs conducted as required. The treatment processes are constantly monitored through a SCADA system and reviewed daily by staff. To the 2 September 2020, 435 tests were undertaken and there was 97% compliance with Australian	Water distribution system operations are ongoing, with monitoring, maintenance and repairs conducted as required. New water mains continue to be laid in Piper Street between William Street and George Street to replace aged mains that have required increased maintenance in recent years. Significant reservoir improvements have been completed, with further work planned, to continue to improve the integrity of the drinking water system around Bathurst. Complaints regarding flow and pressure to end of August is 0 (financial year to date 0). Work has commenced and is now complete on	relaying/adjusting water mains at Suttor and Mitre Street Roundabout.
Responsible Officer	Manager Water and Waste	Manager Water and Waste	
Tracking our Progress	Achieve the Australian Drinking Water Standards 90% of the time.	Customer complaints regarding flow and pressure are kept below 52 p.a.	
Operational Plan this year's Projects / Tasks	Operate, maintain, repair and upgrade Water Filtration Plant.	Operate, maintain, repair and upgrade water distribution system.	
Deliverable Actions over the next 4 years	Maintain and upgrade existing water and sewer infrastructure to meet the needs of all stakeholders into the future.		
Bathurst 2040 Objective reference	3.2 3.3 4.3 6.2 6.6		

Water, Sewer and Waste

Status	$\bigcirc \bigcirc \blacklozenge$	$\bigcirc \bigcirc \blacklozenge$	$\bigcirc \bigcirc \bigcirc \bigcirc \bigcirc$	$\bigcirc \bigcirc \bigcirc \bigcirc$
Action Year to Date	Complaints regarding discoloured water are actioned within the required timeframe. 90% of customer calls are responded to within 4 hours. Complaints regarding discoloured water up to 2 September is 5 (financial year to date 5).	A Drinking Water Management System (DWMS) document has been completed and is in effect. Details on addressing the actions to ensure continuous improvement are being documented. A weekly internal review takes place, along with an external check of our water quality results through the NSW Health laboratory. Financial year to date 97% compliance.	Work in progress and is currently 53% complete.	As advised previously by Council Report survey, design and approvals are being progressed for this project.
Responsible Officer	Manager Water and Waste	Manager Water and Waste	Manager Water and Waste	Manager Water and Waste
Tracking our Progress	Respond to 90% of complaints within 4 hours.	Australian Drinking Water Guidelines & DWMS compliance, published on website weekly.	Project is constructed and commissioned	Project is constructed and commissioned
Operational Plan this year's Projects / Tasks	Respond effectively to discoloured water complaints	Review, update and adhere to Drinking Water Management System (DWMS).	Winburndale Dam Flood Security Upgrade	Stormwater Harvesting Project Stage 1
Deliverable Actions over the next 4 years				
Bathurst 2040 Objective reference				

Status	$\bigcirc \bigcirc \bigcirc \bigcirc \bigcirc$	$\bigcirc \bigcirc \bigcirc \bigcirc$	$\bigcirc \bigcirc \blacklozenge$
Action Year to Date	There are no new Best Practice Guidelines introduced since the 2007 Best Practice Guidelines. Compliance remains at 100%.	Trade Waste Policy is current, has been approved by NSW Office of Water, and adopted by Council. As at the 2 September 2020 there are 323 approvals in place, with 346 active businesses (93%).	The existing level of compliance with the Best Practice Guidelines is 100% for both Water and Sewer. The review of further initiatives will be commenced, once DPI Water advises the outcomes of their proposed review of the guidelines. As at the 2 September 2020 DPI Water is yet to release their issues paper and monitoring of this continues.
Responsible Officer	Manager Water and Waste	Manager Water and Waste	Manager Water and Waste
Tracking our Progress	Best Practice Guidelines compliance reported quarterly.	Maintain approvals at over 90% of active businesses	Review Guidelines monthly, then action as required.
Operational Plan this year's Projects / Tasks	Review and update existing Best Practice Guidelines plans as required.	Continue implementation of Trade Waste Policy.	Monitor and action developments from State Government regarding changes in the Best Practice Guidelines
Deliverable Actions over the next 4 years			
Bathurst 2040 Objective reference			

Status		$\bigcirc \bigcirc $
Action Year to Date	For both Chifley and Winburndale, a Dam Safety Emergency Plan is in place, and has been updated. Chifley Dam is safe to withstand a 1 in 1,000,000 year flood event. A surveillance inspection of Chifley Dam was undertaken in August 2019. Winburndale Dam surveillance inspections are on hold for the next 12 months during the construction period. Winburndale Dam is not safe to withstand a 1 in 100,000 year flood event, however detailed design is complete, the tender has been awarded and construction has commenced to improve the dam safety. Grant funding was sought through the NSW Safe and Secure Water Program. Council has been successful in procuring \$2.225 million towards this project under the Program. A tender was awarded at the 3 July 2019 Council Meeting to EODO for Winburndale Dam Safety Upgrade. Work is currently 53% complete.	Work is continuing, through meetings and projects. Alliance Business Plan has been developed and adopted. Bi-monthly meetings attended, with other projects and correspondence dealt with as required.
Responsible Officer	Manager Water and Waste	Manager Water and Waste
Tracking our Progress	Compliance with NSW Dam Safety Committee requirements, reported quarterly.	Meeting attended. Relevant projects supported. Goals delivered.
Operational Plan this year's Projects / Tasks	Prepare reports and studies for Winburndale Dam and Chifley Dam to achieve compliance with NSW Dams Safety Committee regulatory requirements.	Work with CENTROC on Water Utilities Alliance goals
Deliverable Actions over the next 4 years		
Bathurst 2040 Objective reference		

Status	$\bigcirc \bigcirc \bullet]$
Action Year to Date	Waste Water Treatment Works operations are ongoing, with maintenance and repairs conducted as required. Plans for minor upgrades are underway. Daily and weekly sampling and monitoring of the plant's performance are continuing, with internal and external testing performed. Ongoing testing of waste water discharged to the Macquarie River as per EPA Licence 1647 for the test period commencing 1 April for the licence period to date 119 tests have been completed and 99% compliance achieved
Responsible Officer	Manager Water and Waste
Tracking our Progress	Achieve over 90 % compliance with EPA licence conditions.
Operational Plan this year's Projects / Tasks	Operate, maintain, repair and upgrade Waste Water Treatment Works to comply with licence conditions.
Deliverable Actions over the next 4 years	
Bathurst 2040 Objective reference	

Status	$\bigcirc \bigcirc \bullet]$	$\bigcirc \bigcirc \bullet]$	$\bigcirc \bigcirc \bigcirc \bigcirc \bigcirc$	$\bigcirc \bigcirc \bullet]$	
Action Year to Date	Identification of appropriate locations for CCTV is ongoing through customer issues, staff advice and development proposals. Any issues found are scheduled for repair or replacement as required. Financial year to date 0m sewer main inspected and relined.	Liaison with Technical Services staff to obtain advice on road projects and / or developments is continuing. The aim is to ensure water and sewer services are relocated prior to RMS or BRC projects commencing, such as roundabouts (Mitre/Suttor Street roundabout being the latest project).	The waste collection vehicle fleet is up to date.	A stormwater management audit of the WMC has been conducted by EPA staff. A review has been conducted by an independent consultant. The final report has been received and recommendations are being put into effect. Planning is underway to conduct a future aerial survey, which is done annually to monitor actual fill and the final fill plan.	Several ongoing projects are supported, with bi- monthly meetings attended. New projects or opportunities are assessed as they arise.
Responsible Officer	Manager Water and Waste	Manager Water and Waste	Manager Water and Waste	Manager Water and Waste	Manager Water and Waste
Tracking our Progress	Mains where blockages or overflows occur are inspected	Complete capital works program	One waste collection vehicle replaced	Survey and monitor the remaining air space of the landfill annually. Air space reduction minimised.	Meeting attended. Relevant projects supported and delivered.
Operational Plan this year's Projects / Tasks	Continue program of sewer main CCTV inspection, and lining if warranted	Identify, plan and undertake water and sewer construction works.	Replace waste collection vehicles on a 4 yearly cycle.	Review Waste Management Centre filling plans to ensure the optimum long-term strategy is delivered, and to enable future planning timelines to be developed.	Work with NetWaste on waste projects and opportunities, for greater diversion from landfill and increased efficiencies.
Deliverable Actions over the next 4 years			Maintain and upgrade existing waste infrastructure to meet stakeholder requirements.		Reduce waste to landfill.
Bathurst 2040 Objective reference			1.4 3.3 6.2	0 0	2.2 3.3 6.2 6.6

Attachment 8.3.2.1

Status		$\bigcirc \bigcirc \blacklozenge$		$\bigcirc \bigcirc \blacklozenge$
Action Year to Date	All options available to Bathurst Regional Council through NetWaste are supported. Examples include recycling of waste tyres, mattresses, Household Chemical Cleanout, Waste 2 Art and collection and recycling of scrap metal. Recycling and organics collection service started in April 2016. The contract is proceeding well.	The roll out of promotional information and education will continue throughout 2019/20. For 2020/21 to the end of July 2020, food and garden tonnage is 248 and recycling is 183 giving a total of 432 tonnes. 15, 719 tonnes of food and garden waste have been sent for composting in the first 52 months (April 2016 to July 2020).	Combined with recycling totals show a diversion from landfill of over 26,082 tonnes, or 26.1 million kilograms over this time. WasteWise education works are continuing, and the recycling contract education strategies are also underway.	Council participates in all 9 NetWaste Regional collection contracts being used - motor oil, scrap metal, E-waste, wood/timber processing, landfill environmental monitoring, regional waste services, tyres, household chemical cleanout, and mattress recycling new contract commencing.
Responsible Officer		Manager Water and Waste		Manager Water and Waste
Tracking our Progress		10 recycling promotion and education programs run. Combined diversion target is 5,000 tonnes.		Opportunities reviewed to determine cost/benefit and reported quarterly.
Operational Plan this year's Projects / Tasks		Council to continue education and promotion of appropriate WasteWise behaviours regarding green waste and recycling. Promote recycling to maximise diversion from landfill.		Identify, assess and implement appropriate diversion opportunities.
Deliverable Actions over the next 4 years				
Bathurst 2040 Objective reference				

Page 7

Status	$\bigcirc \bigcirc \blacklozenge$	$\bigcirc \bigcirc \bullet$	$\bigcirc \bigcirc \bullet$	$\bigcirc \bigcirc \bullet$	$\bigcirc \bigcirc \bullet$	$\bigcirc \bigcirc \bullet$
Action Year to Date	Design complete. DA approved, awaiting CC approval. Anticipate calling tenders in September 2020.	Design works currently in progress. Anticipate calling quotations in January 2021.	Design works in progress. Anticipate calling quotations in October for commencement of on-site works in January 2021.	Ongoing as part of adopted maintenance service levels and funding provisions of the current Council Operational Plan.	First community planting day is scheduled to commence in September 2020.	Revegetation site protection fencing complete. Stage 1 of woody weed control to commence in October. Plant supply contract awarded. Anticipate planting to commence in March 2021.
Responsible Officer	Manager Technical Services	Manager Recreation	Manager Recreation	Manager Recreation	Manager Recreation	Manager Recreation
Tracking our Progress	New amenity building, including flood zone mounding for additional sports fields 5 & 6 Hereford Street	Upgrade Walmer Park inc lighting and external amenities	Replacement of synthetic turf surface to International Courts – John Matthews Tennis Centre	Maintenance activities undertaken to all recreation Assets in accordance with adopted maintenance service levels in the Asset Management Plan.	Arrange for 11 Tree Planting and volunteer engagement activities.	Complete the revegetation component of the Queen Charlotte's Vale Creek Grant Project
Operational Plan - this year's Projects / Tasks	Construct additional facilities as determined in budget.	Update sporting venues, including associated infrastructure.		Maintain existing levels of service to all parks, reserves, open space areas and other recreational facilities	To ensure that appropriate Environmental Management Plans for the Bathurst Region are current, relevant and provide long term strategies for the Region	
Deliverable Actions over the next 4 years	Plan for increasing population and aging population in the provision of suitable recreational projects			Maintain existing and future recreational areas.	Continue environmental programs identified within the Bathurst Vegetation Management Plan	
Bathurst 2040 Objective reference	1.4 5.1 5.5			1.4 5.5 5.5	1.4 5.1 5.5	

Recreation

time equivalent staff in 20 locations and attracting and keeping good people is our priority. For the fourth time in succession, in the bi-annual Employee Opinion Looking after its staff and ensuring open and transparent government is the main priority at Bathurst Regional Council. Council employs approximately 378 full Survey, Council rated above the Australian Local Government Industry Standard for employee satisfaction.

Human Resources

Status	$\bigcirc \bigcirc \bullet$	
Action Year to Date	Council HR continues to regularly meet with other Councils within the NSW JO area as part of quarterly HR Group meetings, to discuss current HR issues and exchange ideas for improved service delivery. In addition we also regular meet now with the WHS and Training Development groups. HR meetings with "Evo-city" council HR are also ongoing as all Council of similar size to BRC.	The new staff induction program has now been implemented with a focus on providing all new staff with a positive and informative (and compliant) start to their time with Council. In addition an improved recruitment and onboarding process has also recently been implemented. Computer terminals have been set up at the Depot training area to further improve training opportunities for our outdoor staff and maximise use of our e- learning platform. This should support all staff to complete their required compliance training during their probation period with an aim to have
Responsible Officer	Manager Human Resources	Manager Human Resources
Tracking our Progress	BRC HR Team members participate in CNSWJO HR meetings work with relevant committees and sub-committees to ensure developing & implementing HR best practice. Focus for next 12 months is in the areas of Training & Performance Management systems.	Improve the use of on- line generic style training required for compliance. Review and improve staff induction process to better meet new starter need and allow a targeted approach depending on main area employed. Implement new Recruitment & Onboarding system to streamline this process.
Operational Plan – this year's Projects / Tasks	Regularly participate in cross- functional teams with CNSWJO and identify opportunities for efficiencies.	Review & improve staff induction program and identify opportunities to streamline into HRIS onboarding and performance areas.
Deliverable Actions over the next 4 years	Establish and build on effective networks with other councils to identify areas for operational improvements and efficiencies.	Ensure all staff complete induction training, ongoing compliance updates and professional development.
Bathurst 2040 Objective reference	4.5 6.1 6.2	1.1 6.4 6.7

Bathurst 2040 Objective	Deliverable Actions over the next	Operational Plan – this vear's	Tracking our Progress	Responsible Officer	Action Year to Date	Status
reference	4 years	Projects / Tasks		2		
					most staff completed within their first	
					month of employment	
					Changes to the post recruitment through	
					to end of probation have also now been	
					turther streamlined.	
6.2	Provide a range of	Identify areas across Council to	Implement targeted	Manager	The COVID-19 Performance Appraisal	
6.7	education and training	target education and training to	position to support	Human	Process for 2019/2020 has been rolled out) (
6.8	opportunities for Council's	support the achievement of the KPI's	education & training of	Resources	and now completed in all areas. Letters	C
	workforce.	in the Workforce Plan	BRC staff. Ensure		finalising this process will be set mid-	
			Education and training		September 2020.	
			programs align to KPI's		Improvements in relation to education &	
			contained in Council's		training are now being implemented as	
			Workforce Plan.		part of this process, including dedicated	
					resource to support co-ordination of staff	
					training & development.	
6.7	Develop and implement	Review current framework that	Review of current	Manager	A full review of this area has now	
6.8	programs and initiatives to	underpins leadership capability and	systems that underpin	Human	commenced with plans to development)(
	foster a strong leadership	identify areas for improvement.	the employee life cycle	Resources	an Employee Engagement Program	
	culture.	Focus on improvement of Employee	at BRC completed.		covering all aspects of the employee	С
		Engagement Programs and	Plans to implement		lifecycle and focus on career)
		supporting training.	required improvements		development and succession planning.	
			being developed with		Further improvements will continue to be	
			aim to implement next		implemented as part of the revised	
			12 months.		Performance strategy across all staff	
					levels.	

Deliverabl th 4	Deliverable Actions over the next 4 years	Operational Plan – this year's Projects / Tasks	Tracking our Progress	Responsible Officer	Action Year to Date	Status
Ensure Counc reflect comm and organisat requirements.	Ensure Council policies reflect community needs and organisational requirements.	Regular review of Council's policies (Policy Manual).	Individual Policies reviewed for relevance and compliance with statution	Manager Corporate Governance	All Council policies are undergoing review. First policies went to Council' July meeting. Program continuing.	00•
			requirements)
Impleme Governr Public A Act)	Implementation of the Government Information Public Access Act (GIPA Act)	Provision of Contract Register on Council's website.	Register updated monthly.	Manager Corporate Governance	New register to be developed during 2020/2021	$\bigcirc \bigcirc \blacklozenge$
		Action requests for information under GIPA Act.	Information requests (formal and informal) actioned in accordance with statutory guidelines.	Manager Corporate Governance	Nil applications received during July. Applications outstanding from 2019/2020 - 1 completed during month, 1 still outstanding.	$\bigcirc \bigcirc \bigcirc \bigcirc$
Ensure (continu	Ensure Council's continuity of operations.	Review of Disaster Recovery Plan and Business Continuity Plan.	Plan reviews completed	Manager Corporate Governance	Nothing due at the present time.	$\bigcirc \bigcirc $

Status	00•	00•	00•	00•	00•	$\bigcirc \bigcirc \bullet$
Action Year to Date	Project has been established with a view to having the solution implemented before June 30 2021.	Software has been installed and configured. Monitoring has begun. Reports are being sent to the manager Corporate governance. Project is complete.	Server & SAN infrastructure has been purchased and installed. Configuration has begun with a view to migrating off current hardware by December 2020.	Currently in the planning stages of developing the tender document with a view to having the tender out by end of February 2021.	Sharepoint migrations have begun. It is intended to have all migrations complete by end February 2021.	All works have been completed including delivery and installation of screens and new PC to the police station. System is being used by the police.
Responsible Officer	Manager Information Services	Manager Information Services	Manager Information Services	Manager Information Services	Manager Information Services	Manager Information Services
Tracking our Progress	Process implemented and tested.	Software installed and tested.	Server and SAN hardware installed and tested and implemented.	Phone system installed and functioning	All data migrated and removed from SAN storage.	System installed and functioning.
Operational Plan – this year's Projects / Tasks	Review Backup Strategy with a view to allowing auto fail over to DR site.	Install Software to monitor the movement of Tax File numbers within and without the organisation	Refresh Server & SAN infrastructure at the Civic Centre and also at Council's DR site (Library)	Implement cloud based VOIP telephone system.	Migrate file server data to SharePoint.	Complete Stage2 of CBD CCTV
Deliverable Actions over the next 4 years	Improve long-term viability and availability of electronic data for both the current and long term.					Support the Smart Cities project.
Bathurst 2040 Objective reference	2.3 2.5 6.8					2.2 2.3 2.6 5.2

Status	$\bigcirc \bigcirc \bullet$
Action Year to Date	 Successfully organised and executed the Bathurst Winter Festival in a Covid Safe environment. Reimaged parts of the event and attendees. The illuminations ran with new locations and were pitched as an 'in car' experience. Brighten Up Bathurst saw homes across the region display lights and winter themed decorations. A drive-in cinema was held at Mount Panorama which was in place of the ice rink. More than 1,500 tickets were sold. 28% of tickets to the drive in were sold outside 2795 which alone brought in approx.550,000 economic benefit to the region. A focus was on business benefit in multiple business benefit to the region.
Responsible Officer	Events Manager
Tracking our Progress	90% or more of residents attend an event.
Operational Plan – this year's Projects / Tasks	Deliver events including New Years Eve, Australia Day, Bathurst Cycling Classic, NRL game, Bathurst 1000 off track events.
Deliverable Actions over the next 4 years	Coordinate and deliver events to enhance the cultural life of residents and promote the Bathurst Region
Bathurst 2040 Objective reference	2 2 2 2 2 2 1 3 2 3 3 2 5 6 7 1 3 3 3 3 2 6 7 1 3

Status	$\bigcirc \bigcirc \bigcirc$		00		00		$\bigcirc \bigcirc \bullet$
Action Year to Date	Long Term Financial Plan completed for 2020/21.	Council did not apply for a special rate variation for 2020/21 Operating/Delivery Plan.	As per 2018/19 Financial Statements achieved 6.30%	(2017/18 6.17%). (2016/17 5.68%). (2015/16 5.85%). (2014/15 6.63%).	As per 2018/19 Financial Statements achieved 2.17%	(2017/18 3.66%). (2016/17 4.12%). (2015/16 3.95%). (2014/15 4.10%).	At 31st August 2020 current year average: •Investment earnings – 1.21% (2019/20 average 1.58%) •90 day Bank Bill Swap Rate – 0.10%
Responsible Officer	Manager Financial Services		Manager Financial Services		Manager Financial Services		Manager Financial Services
Tracking our Progress	Long Term Financial Plan complete and adopted by Council.	Special Rate Variation considered by Council.	Rates and Charges Outstanding Ratio less than 10%.		Debt service ratio less than 10%.		Outperform monthly 90 day bank bill swap rate.
Operational Plan – this year's Projects / Tasks	Review need for special variation in rate income.		Improve Council's cash flows.		Ensure Council's level of debt is manageable.		Maximise invested funds within prudential guidelines.
Deliverable Actions over the next 4 years	Ensure Council's long term financial sustainability.						
Bathurst 2040 Objective reference	6.1 6.6						

Attachment 8.3.2.1

Bathurst 2040 Objective reference	Deliverable Actions over the next 4 years	Operational Plan – this year's Projects / Tasks	Tracking our Progress	Responsible Officer	Action Year to Date	Status
	Manage development of new residential land releases to ensure appropriate level of supply.	Complete development of residential land in accordance with Council plans.	Release of Sunnybright Stage 2.	Property Manager	Sunnybright Stage 'A' has 80 out of 95 lots SOLD as of 31 August 2020. Sunnybright Stage 'B' has 25 out of 39 lots SOLD as of 31 August 2020.	$\bigcirc \bigcirc \bullet$
	Manage development of new commercial and industrial land releases as required to meet the needs of new businesses.	Development in Bathurst Trade Centre and Kelso Industrial Park as required.	Provision of land to meet demands.	Property Manager	Stage 11 of Bathurst Trade Centre is in planning stage. DA to be lodged by end of 2020. Kelso Industrial Park grant funding (Drought Relief) – DA lodged, plans on hold due to CoVid19.	$\bigcirc \bigcirc \bullet]$

Property

Corporate Communications

Status	$\bigcirc \bigcirc \bullet$
Action Year to Date	Report completed and submitted to Council. 90% of residents are at least somewhat satisfied with the performance of Council. (96% are at least somewhat satisfied with the courteousness of staff, 91% are at least somewhat satisfied with the helpfulness of staff; 93% are at least somewhat satisfied with the knowledge of staff & 84% are at least somewhat satisfied with the responsiveness of staff).
Responsible Officer	Manager Corporate Communications
Tracking our Progress	Overall satisfaction rating > 70%
Operational Plan – this year's Projects / Tasks	Bathurst Regional Council Community Survey.
Bathurst 2040 Deliverable Actions over Objective the next reference 4 years	Communicate and engage with the community
Bathurst 2040 Objective reference	6.1

$\bigcirc \bigcirc \blacklozenge$			
As at 31 July 2020: 100% consultation projects on Your Say Bathurst (Bathurst Winter Festival feedback, Bathurst Town Centre Master Plan, Mitre Suttor Lambert St roundabout, Tourism feedback, COVID-19 stimulus measures, Bathurst Rail Museum, Irrigators Portal)	Social media followers: BRC Facebook Page: July: 9,941 BRC Twitter Page: July: 1,642 July Total: 11,583 (sum of FB & Twitter)	Website visits BRC: 26,728 Bathurst Winter Festival: 22,108 Mount Panorama: 8,732 Museums Bathurst, 5,762 Bathurst Art: 2,121 BMEC: 1,058 Cobb & CO: 827 Hill End Art: 622 Bathurst Cycling Festival: 299 Bathurst Child Care: 250	July total: 68,607
Manager Corporate Communications			
All consultation projects included on the "Your Say" platform Followers on social media > 11,000 BRC Website visits > 40,000			
Ensure community consultation occurs			

Cultural & Community Services

Bathurst Regional Council supports a vibrant culture and community. Lifestyle in the Bathurst Region is enriched by providing a diverse range of cultural facilities and programs and by promoting cultural diversity. Community well-being is promoted through social planning, community development and ensuring access to community services.

Community Services

Status	00				C						00	
Action Year to Date	No Community Safety Committee meetings held in August 2020.	YTD one (1) Community Safety Committee meeting held.	"Don't Be Next" Campaign targeting steal from motor vehicle offences continued in August 2020.	YTD one (1) campaign undertaken in accordance with the Bathurst Community Safety Plan.	Review of actions and strategies listed in the	Disability Inclusion Action Plan undertaken. YTD 21 of 50 actions in progress (42%)	YTD 11 actions complete (22%)	While COVID-19 has had an impact on the DIAP with 21 out of the 50 actions affected (42%), many actions are "ongoing" and	remained a priority for Council.	Research and drafting of second DIAP did not commence in August 2020.	Consultation drafted and internal working group formed in August 2020.	Consultation launched 25 August 2020.
Responsible Officer	Manager Community Services				Manager	Community Services					Manager Community	261 VICES
Tracking our Progress	Provide administrative support to 4 meetings of the Bathurst Reminnel	Community Safety Committee.	Relevant campaigns /projects developed and implemented as per actions identified in the	Bathurst Community Safety Plan.	Undertake monthly	review to determine number of actions in	progress or complete.		Research and draft second DIAP 2022-2025		First draft completed by 30 June 2021	
Operational Plan – this year's Projects / Tasks	Undertake the actions identified in the Bathurst Community Safety Plan in partnership with the Bathurst Regional	Community Safety Committee			Implementation of the strategies and	actions identified in the Disability Inclusion Action Plan (DIAP) that	address each of the four focus areas of the plan 2017-2021.				Research and Draft Positive Ageing Strategy	
Deliverable Actions over the next 4 years	Work in partnership with key stakeholders to develop administer and	deliver community planning that reflects the strengths and needs	of specific sectors and the community as a whole.									
Bathurst 2040 Objective reference	5.1 5.2 5.3	5.5					6.3		6.3			

Status	$\bigcirc \bigcirc \bullet$		
Action Year to Date	No Kelso Community Hub stakeholder meetings were held during August 2020. YTD zero (0) stakeholder meetings have been held. No Kelso Community Hub update reports provided to Council during August 2020. YTD zero (0) update reports provided to Council.	Contact made with one (1) service during August 2020: headspace Bathurst YTD five (5) services have been proactively contacted to meet identified needs. Breakfast Program did not operate during August 2020 due to COVID-19. YTD zero (0) days Breakfast Program has operated due to COVID-19. No school holiday activities held during	August 2020. YTD zero (0) school holiday activities undertaken due to COVID-19. No Youth Council meetings were held in August 2020. YTD one (1) Youth Council meeting has been held, with a total of 10 participants. Two (2) Youth Council initiatives were undertaken in August 2020: social media video filmed and posted for International Youth Day and social media video filmed to promote recruitment of 2020/2021 Youth Council. YTD two (2) initiatives have been undertaken with 12 participants.
Responsible Officer	Manager Community Services	Manager Community Services Manager Services Manager	Community Services Community Services Manager Community Services
Tracking our Progress	Facilitate 2 meetings with Kelso Community Hub stakeholders. Provide 2 Kelso Community Hub update reports to Council.	Gaps in service provision identified and proactive contact made with appropriate services to meet these identified gaps at the Hub. Deliver the breakfast program 3 days per week during school terms Source three external	services to deliver school holiday activities each school holiday period Facilitation of 6 Bathurst Regional Youth Council meetings, including attendance numbers Undertake at least 6 youth initiatives, activities, programs and events including attendance numbers.
Operational Plan – this year's Projects / Tasks	Continue to provide ongoing review of service delivery for future direction of Kelso Community Hub.	Encourage and facilitate the use of the Kelso Community Hub by outside services, organisations and businesses to meet the needs of the community. Develop and provide programs and activities that meet the identified needs of the community	Value and support opportunities for young people to understand the processes of Local Government and be involved in relevant projects.
Deliverable Actions over the next 4 years	The provision of the Kelso Community Hub as a safe community hub and venue for outreach service provision that meet the needs of the community.		Value and support opportunities for young people to understand the processes of Local Government and be involved in relevant projects.
Bathurst 2040 Objective reference	5.1 4.3 5.4 6.2 6.3		5.1 5.3 6.3 6.7

Status	$\bigcirc \bigcirc \bullet]$	$\bigcirc \bigcirc \bullet]$	$\bigcirc \bigcirc \bigcirc \bigcirc$	$\bigcirc \bigcirc \bullet]$	00●	00•	00•	00•
Action Year to Date	Two (2) Policies reviewed YTD for both Long Day Care and Family Day Care to align with current COVID conditions. 'Managing Children's Illness Policy' and "Infectious Diseases Policy'. YTD two (2) Policies reviewed.	Self-Assessment Tool completed for Scallywags to align with Service OIP review – tool passed to staff for consultation. YTD review of OIP has occurred, to assist in planning to complete self-assessment tool.	YTD no survey completed for Family Day Care.	YTD two (2) family surveys sent to Scallywags families regarding care needs for 2021 and StoryPark App usage	YTD no report submitted to Council	YTD current occupancy rate at 93%	YTD seven (7) new families have registered with the service in the month of August. Enquiries have come through looking for child care in general and the registration of a new Educator in the Eglinton area.	YTD no annual promotional initiative has taken place.
Responsible Officer	Manager Community Services	Manager Community Services	Manager Community Services	Manager Community Services	Manager Community Services	Manager Community Services	Manager Community Services	Manager Community Services
Tracking our Progress	25% of policies reviewed.	Develop Quality Improvement Plans (QIP) aligning with Self- Assessment Tools	Facilitate 1 survey for Family Day Care (FDC) for review of service delivery.	Facilitate 1 survey for Long Day Care (LDC) for review of service delivery.	Provide 1 Children's Services update report to Council	75% occupancy rate for long day care	10% increase on 2019/2020 occupancy rate in Family Day Care	Undertake one annual promotional initiative for the section.
Operational Plan – this year's Projects / Tasks	Update policies and procedures to ensure alignment with: 1. Education and Care Services National Quality Standards. 2. Education and Care Services National Regulations and Law		Ongoing review of service delivery for future growth of occupancy rates of all services.			Maintain occupancy rates within Children's Services	Build profile of Family Day Care (FDC) Scheme in the Bathurst Community	Build community awareness of services offered by Children Services section
Deliverable Actions over the next 4 years	Provision of high quality child care facilities to cater for children aged 0-12 years in the Bathurst Community		The provision of Council's Children Services, setting a benchmark for education and care in the Bathurst LGA					Promotion of Children's Services.
Bathurst 2040 Objective reference	5.1 5.2 5.4	6.3 6.7						

Status	$\bigcirc \bigcirc \bullet$	$\bigcirc \bigcirc \bullet$	$\bigcirc \bigcirc \bullet]$	$\bigcirc \bigcirc \bullet$
Action Year to Date	YTD three (3) marketing mechanisms undertaken - Children's Services Facebook page presented video on 1 year of operation of Children's Services. Through Facebook a promotion of an individual educator's environment has been used to promote current vacancies in Family Day Carte.	Transition to School Information packs sent to families of 3.4 and Preschool children, collaboration with local schools currently occurring	YTD one (1) attendance undertaken by Children's Services. (online due to COVID) Scallywags Staff training calendar commenced due to COVID forums being placed online. YTD 1 forum has been attended. YTD no attendance to industry forum for month of August for FDC.	YTD no attendance at a Regional event.
Responsible Officer	Manager Community Services	Manager Community Services	Manager Community Services	Manager Community Services
Iracking our Progress	Facilitate 3 marketing mechanisms	Facilitate 1 marketing mechanism relating to transition to school programs	Facilitate 1 industry, local community forum	Attendance/participation of 1 regional relevant forum
Operational Plan – this year's Projects / Tasks			Provide community awareness activities relevant to Councils Children's Services	
Deliverable Actions over the next 4 years			Connect and collaborate with Children's Services networks locally and regionally to ensure service provision reflects strengths and needs of the sector	
Bathurst 2040 Objective reference				

Status	00•		000	000	$\bigcirc \bigcirc \bigcirc$	000
Action Year to Date	No action to date.	To date, the total active membership of Bathurst Library is 12,572 = 29% of Bathurst population. Excluding non-2795 members, membership is 11,788 = 27% of Bathurst population. Reciprocal/Temporary (non-2795 postcode) membership is 784.	YTD: 23,240 people visited the library. August: 6,519 people visited the library.	YTD 25 Programs delivered. August: 12 Programs delivered.	Most programs are delivered online. Children's programs are delivered via Facebook. We cannot get attendance data from these events are they are changeable. 34 people attended the Isobelle Carmody online on 20 August. 16 people attended Nick Fueller in-person talk on 13 August (COVID-19 max. of 20).	YTD: 36,310 items borrowed August: 19,410 items borrowed
Responsible Officer	Manager Library Services	Manager Library Services	Manager Library Services	Manager Library Services	Manager Library Services	Manager Library Services
Tracking our Progress	Report to Council by June 2021	Membership is 30% or more of total population	Yearly visitations are 140,000 or more (monthly average: 11,666)	Deliver 240 or more programs / events per year (monthly average: 20)	7,800 attendees or more to programs / events per year (monthly average: 650)	Loans exceed 240,000 per year (monthly average: 20,000)
Operational Plan – this year's Projects / Tasks	Review Library against avallable benchmarks	Maintain and improve membership base	Maintain and improve visitations	Maintain and improve program and event delivery	Maintain and improve attendance at programs and events	Maintain and increase circulation of all library material
Deliverable Actions over the next 4 years	Develop a strategic approach to planning the next-practice library	Maintain and improve community participation in the Library Services				Maintain and improve access to information and life-long learning
Bathurst 2040 Objective reference	4.3	5.3				5.3

Attachment 8.3.2.1

AGENDA - Ordinary Meeting of Council Agenda - 16 September 2020 Attachments

Bathurst Library

Status	00•	000		00•	00•	00•	00•	$\bigcirc \bigcirc \bullet$
Action Year to Date	In communication with the National Library about the project.	Tech Assist sessions are currently suspended due to COVID-19.	YID 1,171 Public PC bookings. YID 1,662 Wi-Fi logons. August 656 Public PC bookings. August 1,243 Wi-Fi logons. Note: From 9 June 2020, to ensure appropriate physical distancing, only six (6) public PCs are available.	Research in progress.	Research in progress.	Facebook: 2,726 Twitter: 919	Work to commence in April 2021.	Planning in progress.
Responsible Officer	Manager Library Services	Manager Library Services	Manager Library Services	Manager Library Services	Manager Library Services	Manager Library Services	Manager Library Services	Manager Library Services
Tracking our Progress	500 digitised Local Studies images are available on Trove by June 2021.	Provide at least 200 tech sessions for adults yearly	15,600 Public PC bookings or more per year (monthly average: 1,300) and 78,000 WI-Fi logons or more per year (monthly average: 6,500).	Launch + demonstration workshop is held by June 2021	Create and publish a list of relevant research resources by June 2021	More than 2,250 Facebook likes and more than 900 Twitter followers	Launch Library Community Survey in June 2021	Deliver at least two (2) activities
Operational Plan – this year's Projects / Tasks	Improve online information	Improve adult digital literacy skills	Improve community access to technology	Launch Readers Online portal	Honour Wiradjuri History	Growth in followers on the library social media platforms	Monitor community satisfaction with Library Services, Programs and Collections	Further the partnership with the Kelso Community Hub
Deliverable Actions over the next 4 years						Communicate and engage with the community		Maintain and create partnerships with local organisations and neighbouring councils
Bathurst 2040 Objective reference						6.1		6.2

Status				$\bigcirc \bigcirc \bullet$
Action Year to Date	 August - Sunday 11 October 2020 Tony Costa Artist Talk (20 participants) Pictures of You (51 participants) Young Archies (150 participants) Online: Saturday Studio Sets 	August: Teacher professional development program in development. School engagement: regional engagement with 12 regional schools for Young Archies Competition, with 150 entries.	 Stephen Hogan: Imagine (Foyer Space) Pictures of You community exhibition (51 participants) ART CENTRAL replaced with ART COLLECT (COVID-19 adaptive programming) 	August: No activity
Responsible Officer	Art Gallery Director	Art Gallery Director	Art Gallery Director	Art Gallery Director
Tracking our Progress	At least six public programs / events / education programs delivered per exhibition slot with participation over 350	5% increase in school engagement on 2019/20 Develop Teacher Professional Development Program.	Staging of 4 regional artist projects with at least 3,250 attendees Launch AR+ Central program	Production of 3 online resources / catalogues.
Operational Plan this year's Projects / Tasks	Increase community participation and engagement through public programs and events events	Increase student and teacher engagement through education programs and outreach	Provide opportunities for the professional development of regionally based artists through exhibition.	
Deliverable Actions over the next 4 years	Provide a focus on the visual arts for the community by providing education and public programs that challenge thinking and stimulate creativity and promote cultural vitality in the region through the development and care of the permanent collection, temporary exhibitions and research facilities.			
Bathurst 2040 Objective reference	1.3			

Bathurst Regional Art Gallery

Status	$\bigcirc \bigcirc \blacklozenge$	00•	$\bigcirc \bigcirc \bullet]$		$\bigcirc \bigcirc \blacklozenge$	00			$\bigcirc \bigcirc igodom$
Action Year to Date	August: exhibition development in process (Groom, Birrunga)	 ART+COLLECT Hill End Highlights (July): Visitation 1,355 ART+COLLECT Celebration of Colour (July) Visitation: 824 	July: 980 works from BRAG collection digitised, condition reported and updated in database July: KEmu training undertaken by Collections Manager	August: no activity or updates	July: draft plans drawn August: consultation with Paul Connor (architect) undertaken	August: 2229	August: 550	August 31: 3020 = 2.86%	ART+COLLECT Hill End Highlights (July): Visitation 1,355 August: no activity
Responsible Officer	Art Gallery Director	Art Gallery Director	Art Gallery Director		Art Gallery Director	Art Gallery Director			Art Gallery Director
Tracking our Progress	Staging of 2 exhibitions.	staging of 2 permanent collection exhibitions.	Improve database access through transition to KEmU 100% completion by July 2021.		Develop timeline and budget for Gallery Store conversion	Increase BRAG Instagram followers to 2,500	Increase Hill End AIR Instagram followers to 500	Increase BRAG Facebook likes by 5%	Staging of 3 Hill End Artists in Residency exhibitions with at least 3,250 attendees.
Operational Plan this year's Projects / Tasks	Develop community access to and understanding of contemporary indigenous art through exhibition and tour development.	Develop community access to the permanent collection through exhibition, research, loans and touring exhibitions on an as needs basis.				Increase community engagement on social media platforms.			Develop community understanding of the achievements of the Hill End Artists in Residency Program through exhibition and partnerships.
Deliverable Actions over the next 4 years						Communicate and engage with the community			Promote cultural activity in the Bathurst CBD, neighbourhoods and the region's villages through the development of inclusive and accessible satellite programs and events, and the
Bathurst 2040 Objective reference						6.1 2.6			5.2

Status		$\bigcirc \bigcirc \blacklozenge$	$\bigcirc \bigcirc \blacklozenge$	$\bigcirc \bigcirc \blacklozenge$	$\bigcirc \bigcirc \blacklozenge$	$\bigcirc \bigcirc \blacklozenge$	$\bigcirc \bigcirc \bullet$	$\bigcirc \bigcirc \bullet$
Action Year to Date		August: in development	July: Margaret Olley Trust: \$7,500 August: Drought Fund (\$40,000 Murrays Cottage, \$40,000 Haefligers Cottage)	BRAG commissioned Turn by local artists Sonny Day & Biddy Maroney for the 2020 Winter Festival Illuminations program (July 2020). No activity in August	BRAG commissioned local artists Sonny Day & Biddy Maroney to produce an original work, Turn, for the 2020 Winter Festival illuminations program (July 2020) No activity in August	August: in development	Completed in July.	August: 2019-2020: \$2,783.35; 2020-2021: \$5,162.65. 85.5% increase YTD total (July-Aug): 2019-2020: \$7169.90; 2020- 2021: \$9,912.25. 46.9% increase
Responsible Officer		Art Gallery Director	Art Gallery Director	Art Gallery Director	Art Gallery Director	Art Gallery Director	Art Gallery Director	Art Gallery Director
Tracking our Progress		Develop residency partnership: National Art School	source funding for cottage refurbishment projects	Develop and deliver one community participatory public art project	Delivery of 2 off-site programs / events with at least 1,000 participants	Develop Public Art Policy Asset Register	Develop Public Art Policy Artists Register	5% increase in revenue
Operational Plan this year's Projects / Tasks				Broaden access and inclusion to the Gallery's exhibition program through off-site and public art projects		Implement relevant activities within the Public Art Policy as resources permit		An increase on 2019/20 total revenue generated from gallery retail and sales
Deliverable Actions over the next 4 years	promotion of Hill End as a significant site of contemporary and historic Australian art and culture.							Increase in revenue generated from gallery retail outlet and programs
Bathurst 2040 Objective reference								1.3 6.6

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Action Year to Date	Timelines and arrangements reviewed due to COVID-19, other influencing factors and budget considerations.	YTD 9.7 average Tickets Purchased by Member: however actual purchases for the financial year will decrease as refunds have been required due to COVID-19 cancellations or postponements. YTD 148 current members The BMEC Annual Season is a calendar year program. Current plans will have 2021 season on sale in November 2020. Depending on COVID- 19 effects.	 In August 2020: 72 people attended Nancys Fancy Party which has a cast of 4 local artists. 70 young people have attended weekly drama workshop Eisteddfod began on 22 August. Tickets sold to sessions: 1649 Total number of people though venue in August (numbers of competitors in Eisteddfod has not been provided by committee as yet): 2,367 	In August Local Stages presented Nancy's Fancy Party by local artists and drama workshops for young people
Responsible Officer	Manager BMEC	Manager BMEC	Manager BMEC	Manager BMEC
Tracking our Progress	Timeline and interim solution provided by July. Framework provided by August	Average of at least 5 tickets per Member	Attendances exceed 55,000	Deliver approximately 14 Season and other events, 7 associated workshops and a Local Stages Program including LEAP program, local writers and other performing arts development
Operational Plan – this year's Projects / Tasks	Consultant to develop framework, provide timeline, and produce interim solution	Maintain and improve average number of tickets purchased per Member	Maintain and improve venue attendance	Maintain and improve program and event delivery
Deliverable Actions over the next 4 years	Implement a strategic approach to planning the next-practice Performing Arts Centre	Maintain and improve community participation in BMEC services and activities		
Bathurst 2040 Objective reference	4.1 1.1 5.3 6.2	ດັ ເດັ ເດັ		

Bathurst Memorial Entertainment Centre

Status	$\bigcirc \bigcirc \blacklozenge$	
Action Year to Date	Season shows cancelled due to COVID-19	 BMEC is currently participating in a national Australia Council Survey to gauge the impact on audiences of COVID-19. YTD 11.75% growth in facebook followers from 2 August 2019. BMEC currently has: 3,385 Facebook followers 514 Twitter Followers 991 Instagram followers
Responsible Officer	Manager BMEC	Manager BMEC
Tracking our Progress	5,200 attendees or more to Season shows and 4,000 at associated and Local Stages projects per year	At least one intrinsic impact study per year. 2% growth in social media followers over 2019/2020
Operational Plan – this year's Projects / Tasks	Maintain and improve attendance at programs and events	Growth in community engagement
Deliverable Actions over the next 4 years		Communicate and engage with the community
Bathurst 2040 Objective reference		5.7.7 .0.2 .0.7

Status		
Action Year to Date	Total number of visitors to museums in August 2020 was 6,196 which is a 75% increase from August 2017 numbers of 3,525 (noting new museum open during this period). YTD 19,721 visitors to museums. Australian Fossil & Mineral Museum 1,545 which is a 35% increase from August 2017 visitor numbers of 1139. National Motor Racing Museum 1,771 which is an 12% decrease from August 2017 visitor numbers of 2019. Bathurst Rail Museum 2,880 in August 2020. * note Rail Museum opened February 2020. Chifley Home & Education Centre (remains Consed due to COVID-19) 0 which is a decrease from August 2017 visitor numbers of 39.	The number of education/school engagement across the Museums in August 2020 was 0 which is a decrease on August 2017 numbers of 737. *Note education programs and tour groups remain suspended under COVID-19. YTD zero (0) education/school engagement across the Museums. Australian Fossil & Mineral Museum 0 which is a decrease on August 2017 visitor numbers of 345. National Motor Racing Museum 0 which is a decrease on August 2017 visitor numbers of 137. Bathurst Rail Museum 0 in July 2020. Chifley Home & Education Centre (remains closed due to COVID-19)
Responsible Officer	Manager Museums	Manager Museums
Tracking our Progress	Total increase of 6% in visitor numbers	Total increase of 6% in education/school engagement
Operational Plan – this year's Projects / Tasks	An increase of 6% total visitors from 2017/18 numbers to: • Australian Fossil and Mineral Museum • National Motor Racing Museum • Chifley Home and Education • Centre • Bathurst Rail Museum	An increase of 6% in total education/schools engagement from 2017/18 numbers to: • Australian Fossil and Mineral Museum • National Motor Racing Museum • Chifley Home and Education • Centre • Bathurst Rail Museum
Deliverable Actions over the next 4 years	An increase in total visitor numbers to the Bathurst Regional Council managed museums of 8% over 4 years	An increase in the total educational/schools engagement with the Bathurst Regional Council managed museums of 8% over 4 years
Bathurst 2040 Objective reference	2.6 1.1 1.3 6.6 6.6	2.6 1.1 6.6 6.6

AGENDA - Ordinary Meeting of Council Agenda - 16 September 2020 Attachments

Museums

Status		000							00•)		
Action Year to Date	0 which is the same as August 2017 visitor numbers of 0.	YTD five (5) exhibitions YTD zero (0) Community Events YTD zero (0) Public Programs In August 2020 the following has occurred:	<u>Exhibitions</u> Australian Fossil and Mineral Museum Chapman Collection.	National Motor Racing Museum 1973 Holden Torana XU-1, 1985 Ford Mustang GT, 1990 Ford Siera and 2001 Ford Falcon Supercar received on loan for upcoming Dick Johnson Special Exhibition.	Chifley Home and Education Centre Nil – closed due to COVID-19	Bathurst Rail Museum The Cole Family Local Stories cabinet ongoing.	<u>Community Events</u> Nii – suspended due to COVID-19	Public programs Nil – suspended due to COVID-19	Total retail and venue hire gross income across the Museums in August 2020 was \$37,325.15 which is a 58% increase on August 2017 income of \$23,610.	YTD \$106,071 total retail and venue hire gross income across the Museums, which is a 85% increase.	In August 2020 the following retail and venue hire gross revenue was achieved:	Australian Fossil & Mineral Museum \$11,019.80 which is a 100% increase on August 2017 income of \$5,483.51
Responsible Officer		Manager Museums							Manager Museums			
Tracking our Progress		Minimum six exhibitions, five public programs and two community events							Total increase of 6% in revenue			
Operational Plan – this year's Projects / Tasks		Undertake exhibitions, public programs and community events across the Bathurst Regional Council managed museums							An increase of 6% total revenue from 2017/18 numbers to: • Australian Fossil and Mineral Museum	 National word reacing museum Chiftey Home and Education Centre Bathurst Rail Museum 		
Deliverable Actions over the next 4 years		The provision of a range of public programs, exhibitions and community events at the Bathurst Regional Council							An overall increase in revenue generated from museum retail outlets and venue hire across the	barriats regional council managed museums		
Bathurst 2040 Objective reference		2.6 1.1 1.2 1.3 6.6							2.6 1.1 1.2 1.3	0		

Status				00	
Action Year to Date	National Motor Racing Museum \$18,650.90 which is a 3% increase on August 2017 income of \$18,093.92 Chifley Home and Education Centre: Remains closed due to COVID-19.	\$0 which is a decrease on August 2017 income of \$34.	Bathurst Rail Museum \$7654.45 in August 2020.	In August 2020 the following occurred:	 Negotiations with preferred contractor ongoing Negotiating with other groups as partners ongoing Working with builders towards final price
Responsible Officer				Manager Museums	
Tracking our Progress				Commence construction and	object preparation for move
Operational Plan – this year's Projects / Tasks				Commence construction of Central Tablelands Facility including	preparation of BRC objects for move into the facility
Deliverable Actions over the next 4 years				Central Tablelands Collection Facility	
Bathurst 2040 Objective reference				1.1 1.2	1.3 6.6

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Action Year to Date	In August five (5) New experience packages developed for 'Greatest Staycation' campaign YTD two (7) experiences developed.	149 tourism partners as at 31 August 2020. Partnership fees waived for 2020/2021. Campaign targeting new businesses underway.	New advertising prospectus completed and distributed with September deadline.	Preliminary meeting in July - development of Wiradjuri Tour Draft script commenced August.	August - \$5,047 of bookings made. YTD 21.7% increase against 2019.	Graphic designer appointed and work underway on new Planner.	No new itineraries created in August 2020.	August - \$4,379 net retail revenue. YTD 1% increase
Responsible Officer	Manager Tourism & Visitor Services	Manager Tourism & Visitor Services	Manager Tourism & Visitor Services	Manager Tourism & Visitor Services	Manager Tourism & Visitor Services	Manager Tourism & Visitor Services	Manager Tourism & Visitor Services	Manager Tourism & Visitor Services
Tracking our Progress	10 new packages, products or experiences developed	Number of tourism partners increased by 10%	Advertising revenue increased 10%	2 new tour products added	Increase of 20% bookings through online portal	2021 Destination Planner published	6 new itineraries created and published on website/available at BVIC	Retail sales at BVIC increase by 10% over previous year
Operational Plan – this year's Projects / Tasks	Work with local operators in the provision of visitor services	Grow Regional Tourism Partnership program	Increase stakeholder advertising in Destination Planner	Develop new engaging content for Bathurst Step Beyond App	Increase volume of online bookings	Develop annual Destination Planner	Develop new Bathurst region villages touring itineraries	Create focused local range of retail products and souvenirs at BVIC
Deliverable Actions over the next 4 years	Grow the number and engagement of businesses associated with the Visitor Economy			Provide visitors and prospective visitors to the area with quality information and services.				

Bathurst 2040 Objective reference 2.1 6.1

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Action Year to Date	New draft plan commenced.	Pageviews of 54,814 are 13% increase on 2019/2020 YTD No metrics available for industry website page visits. YTD of 5.2% to 16,403 Total social media increase	No event held in August 2020	YTD No updated statistics available. Tourism Research Australia data pending.	July school holiday visitation increased by 16.8%. YTD visitation of 6,378 decrease of 16.5% on 2019/20.
Responsible Officer	Manager Tourism & Visitor Services	Manager Tourism & Visitor Services	Manager Tourism & Visitor Services	Manager Tourism & Visitor Services	Manager Tourism & Visitor Services
Tracking our Progress	Plan completed & adopted by Council	Destination website page views increase 15% Industry website page visits increase 20% Total social media following increase 20%	Material produced and distributed at Welcome Wagon events	Overnight visitors increase by 5% Average length of stay increases by 7.5%	Annual visitation to BVIC increases 3%
Operational Plan – this year's Projects / Tasks	Develop new 2020-2022 marketing plan	Implement online content strategy	Develop and produce new resident information for Mayoral Welcome Wagon	Promote Bathurst region to niche and specialist markets as identified in Destination Management Plan and Brand strategy	Promote BVIC as essential step off point for Bathurst region.
Deliverable Actions over the next 4 years	Effectively promote and market the Bathurst Region as a key destination	·	·	Increase total number of visitors and overnight stays in the Bathurst region	
Bathurst 2040 Objective reference	2.6			2.6	

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Bathurst 2040 Objective reference	Deliverable Actions over the next 4 years	Operational Plan – this year's Projects / Tasks	Tracking our Progress	Responsible Officer	Action Year to Date	Status
2.6	Utilise the Destination Management Plan as a basis for marketing, promotion and tourism development	Implement the Strategic priorities of the 2019 DMP	25% of actions completed or underway	Manager Tourism & Visitor Services	23 priority actions representing 22.1% completed or underway as at 31 August 2020.	$\bigcirc \bigcirc \bullet$
2.6	Support the Tourism Reference Group, which consists of a cross section of the industry	Improved collaboration between industry groups and Council.	Hold at least 4 meetings with industry	Manager Tourism & Visitor Services	No meetings held in August 2020	$\bigcirc \bigcirc \bullet$
2.6	Connect with industry	Continue monthly industry eDM Host minimum of 4 industry gatherings Increase engagement with industry website	Minimum of 12 eDMs issued Minimum of 4 events held Pageviews increase 25%	Manager Tourism & Visitor Services	August three (3) eDMs issued YTD five (5) eDMs issued. No Industry events in August 2020 No metrics yet available for this site	$\bigcirc \bigcirc \bullet]$
2.6	Set and measure benchmarks	Publish annual market intelligence report to strengthen knowledge and guide investment.	Report produced	Manager Tourism & Visitor Services	Strategy for producing report accepted at July meeting of Council.	$\bigcirc \bigcirc \bullet$

Envíronmental, Planníng & Buíldíng Servíces

Development Strategy will identify opportunities for continued growth, mindful of Council's obligations to environmental stewardship, heritage conservation and Council will manage growth and development in alignment with Council's and the NSW Government's planning instruments and controls, and continue forward planning through reviews of the Housing Strategy, Open Space Strategy and Transport and Parking Strategy. Adoption of a new Economic good urban design

Environmental

Status	$\bigcirc \bigcirc \blacklozenge$	$\bigcirc \bigcirc \bullet$
Action Year to Date	Weekly radio interviews undertaken in August 2020. Maintenance of off-leash areas regularly undertaken during August 2020.	100% of customer requests responded to within adopted corporate standards 100% of customer requests responded to out of hours
Responsible Officer	Team Leader Regulatory Services	Team Leader Regulatory Services
Tracking our Progress	Two Community desexing programs conducted Pet Education event held Educational radio interviews conducted weekly Educational social media posts conducted monthly Maintain Kefford Street Off Leash areas fortnightly	95% of customer requests responded to within adopted corporate standards 100% response to customer requests reported out of hours
Operational Plan – this year's Projects / Tasks	Complete Responsible Pet Ownership community programs Maintain and enhance areas for off-leash recreation for dogs	Investigate animal related complaints, including matters reported after hours Undertake regulatory action consistent with Council's Enforcement Policy for identified breaches
Deliverable Actions over the next 4 years	Meet Council's responsibilities under the Companion Animals Act 1998 by continuing to provide community programs relating to responsible pet ownership	Meet Council's responsibilities under the Companion Animals Act 1993 by promptly responding to customer requests and implementing enforcement action for breaches
Bathurst 2040 Objective reference	6.4 5.2 4	6.4 5.4

Deliverable Actions over the next 4 years	Meet Council's responsibilities under the Prevention of Cruelty to Animals Act 1979 and the Impounding Act 1993 in the operation of the Small and Large Animal Impounding Facilities	Meet Council's responsibilities under the Road Rules 2014 and Fine: Act 1996	Meet Council's contractual obligations
Bathurst 2040 Objective reference	6. 6	6.4 4.4 5.2 4.2	6.4 5.2
	DA - Ordinary Meeting of Council Agenda - 16 September 2020 Atta	achments	<u> </u>

Status	$\bigcirc \bigcirc \blacklozenge$	$\bigcirc \bigcirc \bigcirc \bigcirc \bigcirc$	$\bigcirc \bigcirc \blacklozenge$	$\bigcirc \bigcirc \blacklozenge$
Action Year to Date	Adoption posts were regularly made during August 2020. Promotion of pets available for adoption is ongoing. OLG database has been unavailable since May 2020 so rehoming figures unavailable at present.	Design for DA complete. Statement of Environmental Effects almost complete. Acoustic assessment finalised.	Daily monitoring undertaken, with an educational approach in place due to COVID-19	Regular monitoring of car parks undertaken during August.
Responsible Officer	Team Leader Regulatory Services	Manager Environment	Team Leader Regulatory Services	Team Leader Regulatory Services
Tracking our Progress	Implement social media program to promote rehoming of impounded dogs and cats Increase the % of impounded dogs returned to owner or sold or released to welfare organisation Increase the % of impounded cats returned to owner or sold or released to welfare organisation	Construction 50% completed by 1 April 2021	Daily monitoring undertaken Educational social media posts conducted monthly	100% compliance with contractual obligations
Operational Plan - this year's Projects / Tasks	Operate Small Animal Pound at Vale Road site	New Small Animal Impounding Facility construction commenced	Monitor and enforce parking regulations on public roads Implement a community education program regarding the Australian Road Rules	Monitor and enforce parking regulations in off street car parks in accordance with contractual obligations
Deliverable Actions over the next 4 years	Meet Council's responsibilities under the Prevention of Cruelty to Animals Act 1979 and the Impounding Act 1993 in the operation of the Small and Large Animal Impounding Facilities		Meet Council's responsibilities under the Road Rules 2014 and Fines Act 1996	Meet Council's contractual obligations under the Local Government Act 1993 in monitoring and enforcing parking regulations in off street car parks
Bathurst 2040 Objective reference	4.8		6.4 4.4 5.2 5.4	6.4 5.2

Status	$\bigcirc \bigcirc \bigcirc$	00•	$\bigcirc \bigcirc \bigcirc \bigcirc \bigcirc$		$\bigcirc \bigcirc \bigcirc \bigcirc$	$\bigcirc \bigcirc \bullet$	
Action Year to Date	97% of customer requests responded to within adopted corporate standards	Posts in August focused on changes to water restrictions and waste initiatives.	Regular posts throughout the month focusing on Backyard Ranger program and rehabilitation projects Implementation of the "Get Grubby" schools	education program ongoing, with 23 schools signed up for the program. Bookings made for Enviromentors program for primary schools. Delivery has been delayed until term 1 2021 to meet the needs of schools.	Inspection program is ongoing but a significantly reduced frequency do to Covid-19 restrictions.	Planning underway for UWMP projects for this year, with a focus on works in Hawthornden Creek. Planning underway for BMP projects for this year. Nest box program currently underway to increase available habitat for Native birds within the urban areas. A myna hird tranoing	within the urban areas. A myra big rapping research program also commenced in July.
Responsible Officer	Manager Environment	Manager Environment	Manager Environment		Manager Environment	Manager Environment	
Tracking our Progress	95% of customer requests responded to within adopted corporate standards	Monthly posts on the @sustainablebathurst Facebook page	Weekly posts on the @sustainablebathurst Facebook page Conduct Sustainable Living	Expo in March 2021 Conduct a sustainability education program targeting primary school aged students by December 2020	Increase the number of onsite sewage management systems with a current approval to operate	Implement a priority project identified in the Urban Waterways Management Plan. Implement a priority project identified in the Biodiversity Management Plan.	
Operational Plan – this year's Projects / Tasks	Investigate customer requests and pollution incidents Undertake regulatory action consistent with Council's Enforcement Policy for identified breaches	Undertake educational programs to enhance community knowledge	Communicate sustainability messages via a range of on-line and traditional media sources Conduct sustainability education programs		Conduct inspections and issue approvals for existing onsite sewage management systems without approvals or requiring renewal	Implement the Urban Waterways Management Plan Implement the Biodiversity Management Plan Implement the Pest Bird Management Plan	ואמוומפטיויטווי ומיי
Deliverable Actions over the next 4 years	Meet Council's responsibilities under the Protection of the Environment Operations Act		Continue to improve the community's awareness and capacity regarding environmental sustainability		Implement Council's Onsite Sewage Management Strategy and meet Council's obligations under the Local Government Act 1993	Meet Council's obligations under the Local Government Act 1993 and community expectations to manage, restore, enhance and conserve the natural environment	
Bathurst 2040 Objective reference	3.1 3.2 3.4 6.4 1.4		3.3 3.5 6.1		3.1 3.2 6.4	3.1 3.5 1.4	

Status		$\bigcirc \bigcirc \blacklozenge$	$\bigcirc \bigcirc \blacklozenge$	$\bigcirc \bigcirc \bullet$
Action Year to Date	Planning underway for RVMP projects for this year.	The installation of a 90kWh solar array at the Bathurst Memorial Entertainment Centre was complete in July 2020.	18 development applications were assigned for assessment in August 2020. Advice provided during August 2020 for various Council activities and their implications under the Blodiversity Conservation Act. A new web based application process was developed in August 2020 which will streamline the enquiry and application process for vegetation removal. Advice provided on a regular basis/	The final draft of Council's Electric Vehicle transition plan was received in July 2020 and is currently under review.
Responsible Officer		Manager Environment	Manager Environment	Manager Environment
Tracking our Progress	Implement a priority project identified in the Pest Bird Management Plan Implement a priority project in the Roadside Vegetation Management Plan	Implement a priority project identified in the Renewable Energy Action Plan	Number of development applications assessed and professional advice provided. Council policies and plans are reviewed and updated where required to ensure consistency with current legislation Assess vegetation removal applications in urban zones in accordance with the vegetation SEPP in Council's DCP. Professional advice provided including pre-DA advice on contaminated land matters	Implement a priority project to meet NSW plan targets
Operational Plan – this year's Projects / Tasks	Implement the Roadside Vegetation Management Plan	Implement the Renewable Energy Action Plan	Ensure the assessment of development applications meets all of the requirements of the Biodiversity Conservation Act 2016, Fisheries Management Act 1994, Vegetation SEPP and Koala SEPP Ensure that Council activities are compliant with the requirements of the Biodiversity Conservation Act 2016 Ensure the assessment of development applications meets all of the requirements of SEPP55 and Council's Contaminated Land Policy	Establish the Bathurst Region as an EV charging destination
Deliverable Actions over the next 4 years		Implement energy efficiency and renewable energy projects at Council facilities	Meet Council's obligations under the Biodiversity Conservation Act 2016, Fisheries Management Act 1994 and Water Management Act 2000 Meet Council's obligations under SEPP55 and related planning policies	Contribute to the development of Bathurst as a Smart City
Bathurst 2040 Objective reference		3.57 6.6 .6	3.1 6.4 1.6 6.5	2.3 3.3 5.2

ns over Operational Plan this year's Projects / Tasks	tory Monitor footprint footprint and repo Measure in enviro across th Area	Conduct a program of inspections of food premises including home-based food premises to ensure compliant with regulations	Conduct a program of he inspections of skin penetratio premises, public swimming ar spa pools and cooling towers
Deliverable Actions over the next 4 years	Meet Council's statutory reporting obligations under the Local Government Act 1993	Meet Council's obligations in the Food Regulation Partnership and the Food Act 2003	Meet Council's obligations under the Public Health Act 2010 and associated regulations
Bathurst 2040 Objective reference	3.3 6.4 3.1	5.4	6.4 5.4

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Status	$\bigcirc \bigcirc \bigcirc \bigcirc$	$\bigcirc \bigcirc \blacklozenge$	$\bigcirc \bigcirc \blacklozenge$
Action Year to Date	Data collation was completed for the 2019/20 SOE report in July 2020. Preparation of the Regional SOE and Bathurst SOE commenced.	Food inspection program ongoing during August 2020. Council is receiving a high volume of requests to operate home based businesses at present. Council's educational materials are focused on advice on complying with Public Health Order no3. 100% of customer requests were responded to within adopted corporate standards.	Skin penetration premises and public swimming pools were not inspected during August 2020. NSW Health is conducting inspections of skin penetration premises at present to ensure compliance with Public Health Order no 3. Llaison with operators of cooling towers continued in August 2020. One customer request was registered with Council during August 2020 but is yet to be finalised.
Responsible Officer	Manager Environment	Manager Environment	Manager Environment
Tracking our Progress	Collate data and prepare reports on Environmental data on an annual basis	Conduct an inspection of all high and medium risk food premises by June 2021 Implement a risk based inspection program for home-based food premises Prepare and distribute educational material on food safety three times annually 95% of customer requests responded to within adopted corporate standards	Conduct an inspection of all skin penetration premises Conduct an inspection of all public swimming pools and spa pools Implement the activities identified as Council's role in Legionella management and the inspection of cooling towers 95% of customer requests responded to within adopted corporate standards
Operational Plan – this year's Projects / Tasks	Monitor the operational footprint of Council's operations and report on trends identified. Measure and collate the trends in environmental condition across the Local Government Area	Conduct a program of inspections of food premises including home-based food premises to ensure compliance with regulations	Conduct a program of inspections of skin penetration premises, public swimming and spa pools and cooling towers
Deliverable Actions over the next 4 years	Meet Council's statutory reporting obligations under the Local Government Act 1993	Meet Council's obligations in the Food Regulation Partnership and the Food Act 2003	Meet Council's obligations under the Public Health Act 2010 and associated regulations
nurst 2040 ojective ference	333 645 314 317	6.4 5.4	5.4 5.4

Status	$\bigcirc \bigcirc \blacklozenge$	$\bigcirc \bigcirc \bullet$	00•	$\bigcirc \bigcirc \bullet$
Action Year to Date	 LEP Amendment: Moveable and Monumental Heritage. Gateway determination received. On public exhibition until 14 September 2020. LEP Amendment: Open Space. Gateway determination received. On public exhibition until 14 September 2020. LEP and DCP Amendment: Laffing Waters Master Plan. Planning Proposal being prepared. LEP and DCP Amendment: Heritage Conservation Area Review. Planning Proposal being prepared. 	 Bathurst Town Centre Master Plan. Stage 2 consultation underway. Draft Master Plan being prepared. Health and Knowledge Precinct Master Plan. Draft Master Plan being prepared. Village Plans. Preliminary investigations and research underway. Project has recommenced following staff 	 Update Stormwater Drainage Contribution Plan - modelling being finalised. 	 2020/21 site visits to date: 15 (Due to COVID -19 some site visits are occurring on-line/virtually). Review of guidelines for preparation of Statement of Heritage Impact commenced. Preparation of guidelines for the preparation of heritage interpretation strategies underway.
Responsible Officer	Manager Strategic Planning	Manager Strategic Planning	Manager Strategic Planning	Manager Strategic Planning
Tracking our Progress	Planning proposals referred to NSW Department of Planning & Environment for gazettal	Draft studies/plans are well underway by 30 June 2021	Draft plans considered and adopted by Council	Number of site visits undertaken by the heritage advisory service.
Operational Plan - this year's Projects / Tasks	Prepare draft LEP and DCP amendments	Prepare studies and plans.	Review existing or prepare new s7.11 Plans	Provide a Heritage Advisory Service.
Deliverable Actions over the next 4 years	Prepare relevant planning proposals to ensure Council's planning controls remain relevant and up to date.	Investigate relevant land use and planning issues of the Bathurst Region.	Review and update Council's section 7.11 plans.	Implement the Bathurst Regional Heritage Plan.
Bathurst 2040 Objective reference	1.5 2.1 5.5 6.4	1.5 2.1 5.5 6.4	4.1 4.6 6.4	1.1 1.5 5.5 5.5

Planning

 Bathurst Region Local heritage fund - Applications for funding under the 2020/21 program assessed. Funding offers distributed to 72 projects. Projects underway. Bathurst Region Conservation and Interpretation Fund - Applications for funding under the 2020/21 program assessed. Funding offers distributed to 11 projects. Projects underway. Bathurst CBD Main Street Improvement Fund - Applications for funding under the 2020/21 program assessed. Funding offers distributed to 12 projects. Projects underway. 	 Mount Panorama (Wahluu Boardwalk) text for signage at lookout and along the walk being prepared. 	 Bathurst Region Heritage Plan review - consultation with heritage reference group underway.
Manager Strategic Planning	Manager Strategic Planning	Manager Strategic Planning
Value of works generated from Council's incentive funds.	New interpretative/ promotional information made available.	Studies/plans considered and adopted by Council. Number of local heritage items included in the Local Environmental Plan.
Provide heritage incentive funding programs to protect, maintain, enhance and promote the regions heritage assets.	Prepare and implement projects for the interpretation and display of cultural heritage and history information.	Prepare research/studies into the region's heritage values

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Bathurst 2040 Objective reference	Deliverable Actions over the next 4 years	Operational Plan – this year's Projects / Tasks	Tracking our Progress	Responsible Officer		Action Year to Date	to Date		Status
1.5 4.1 4.6	Ensure the assessment of development and other applications, in	Process all development applications within statutory time frames set out in the Environmental	To be at or below the state average for determination	Manager Development Assessment		NSW State Average	Bathurst Regional Council	Bathurst Regional Council	00
6.4	accordance with planning instruments,	Planning and Assessment Act 1979	times of development			2017-18	August 2020	year to date average	
	development control plans and policies, occurs within appropriate timeframes.		applications		Average gross days taken to determine a DA Average nett days taken to	84 47	42.78 35.93	48.46 39.77	
			To be at or below the state average of determination times for complying development	Manager Development Assessment		NSW State Average 2017-18	Bathurst Regional Council August 2020	Bathurst Regional Council year to date average	$\bigcirc \bigcirc \bigcirc \bigcirc$
				L	Average days taken to determine a CDC	15	8.15	4.75	

Status	$\bigcirc \bigcirc \bullet$	$\bigcirc \bigcirc \blacklozenge$		$\bigcirc \bigcirc \bigcirc \bigcirc$
Action Year to Date	- Reviewing Federal Regional Connectivity Program	- 4 entrance billboards updated with Doors Open branding		 All eNewsletters sent to date Cluster Strategy business consultations finished BizMonth planning underway Representation at all virtual Business All Upstairs Startup hub board meetings attended to date
Responsible Officer	Manager Economic Development	Manager Economic Development		Manager Economic Development
Tracking our Progress	Seek funding for economic infrastructure projects.	Continued support for joint regional relocation campaigns. All 4 entrance billboards and welcome signs updated/maintained as required.	Lifestyle promotional content created/updated. including the Bathurst Region website	12 eNewsletters issued. Cluster Strategy developed and cluster groups activated. Run BizMonth, Buy Local Gift Cards and Business Leaders Lunch programs. Bathurst Business Hub website updated/maintained. Attendance at 75% of Business Chamber After-Hours events. Representation at all "Upstairs start-up Hub" board meetings. Promote resources to businesses including the ID websites and Spendmapp
Operational Plan - this year's Projects / Tasks	Nurture economic infrastructure development by supporting the development of the aerodrome, industrial precincts and telecommunications.	Market-leading promotional campaigns to increase residential relocations and a sense of place.		Support local businesses and start-ups through engagement, support and economic programs.
Deliverable Actions over the next 4 years	Implementation of the Economic Development Strategy 2018-2022 and associated actions.			
CSP 2040 Objective Reference	2:1 2:2 2:4 2:6	4.1 6.3 6.3		

Economic Development

$\bigcirc \bigcirc \bigcirc$			$\bigcirc ($				
- 126 jobs posted on Evojobs to date				 Monthly meetings held to date Discussions ongoing with various IT software development firms to be based in Bathurst 			
Manager Economic Development			Manager Economic	Development			
Organise the Bathurst Jobs Expo with minimum 40 stalls and 1,500 attendees.	Minimum of 60 new local jobs promoted each month	Develop relocation proposals, relocation materials and support the relocation of new businesses.	Monthly Project Group meetings held.	Seek funding and roll out Smart Community priority	projects.	Promote Bathurst as a Smart Community through marketing campaigns and speaking at events.	
Grow local employment, investment and attract new businesses			Develop Bathurst into a Smart Community of national	signilicance.	Support innovative practices from industry.		

2020-2021 Section 356 Donations Report as at 31 August 2020

Standard Specific Mt Pan Fee BMEC Sundry Details Reference Date Annual τοται Donations Waived Donations Donations Donations \$ \$ \$ \$ \$ \$ Annual Budget 80,325.00 42,270.00 35,000.00 69,000.00 20,000.00 246,595.00 Spent to date: WRAS Annual Subscription/donation Operation Plan 29/07/2020 -2,518.00 -2,518.00 Sofala Progress Association Operation Plan 14/08/2020 -2,500.00 -2,500.00 Bathurst Refugee Support Group Inc (BRSG) Operation Plan 14/08/2020 -2.000.00 -2,000.00 Operation Plan 14/08/2020 -2.500.00 -2.500.00 Bathurst Seymour Centre Inc Bathurst Mens Shed Incorporated 14/08/2020 -1,000.00 Operation Plan -1.000.00 Lifeline Central West Operation Plan 26/08/2020 -5,000.00 -5,000.00 Bathurst Remembers / AVAMS / Communications Operation Plan 26/08/2020 -4.000.00 -4.000.00 and Resources Project Monkey Hill UHF Repeater Operation Plan 26/08/2020 -1,000.00 -1,000.00 Amount Spent -6,018.00 -14,500.00 0.00 0.00 0.00 -20,518.00 Available Balance before commitments 74,307.00 27.770.00 35.000.00 69,000.00 20,000.00 226,077.00 Committed: Bathurst AH&P Association Operation Plan -8,244.00 -8,244.00 Bathurst Junior Sports Awards (2BS) Operation Plan -5,000.00 -5,000.00 Macquarie Philharmonia - Platinum Donation Operation Plan -2,000.00 -2,000.00 Sofala & District AH&P Association Operation Plan -350.00 -350.00 The Neighbourhood Centre (formerly BINC) Operation Plan -900.00 -900.00 Bathurst City Colts Water Account Operation Plan -6,856.00 -6,856.00 Bathurst City & RSL Band Association Inc Operation Plan -5,000.00 -5.000.00 Evans Art Council Operation Plan -3,000.00 -3,000.00 CSU Foundation Trust (Gordon Bullock -3.000.00 -3 000 00 Operation Plan Scholarship) CSU Foundation Trust Operation Plan -5.000.00 -5,000.00 Bathurst District Sport & Rec (BDRSC) grants Operation Plan -20,000.00 -20,000.00 Mitchell Conservatorium - BMEC Concerts Operation Plan -7,000.00 -7,000.00 BMEC - Bathurst Eisteddfod Sep 2020 Operation Plan -30,000.00 -30,000.00 BMEC - Bathurst Youth Council Operation Plan -2,000.00 -2,000.00 BMEC - CPSA Monthly Meetings -11,000.00 Operation Plan -11,000.00 Russell St Road Closures Operation Plan -7,500.00 -7,500.00 Bathurst Street & Custom Motorcycle Show Operation Plan -13,970.00 -13,970.00 Bathurst Remembers WW2 Exhibition 2020 DCS&F 19/06/19 Item 11 -7,000.00 -7,000.00 Australasian Mining History Association HK HT HG Holden Nationals Event -2,000.00 DCS&F 21/08/19 Item 6 -2,000.00 -5,000.00 DCS&F 18/09/19 Item 9 Western Sydney University Medical Scholarship GM 18/09/19 Item 4 -5.000.00 -5,000.00 Operation Plan -5,000.00 -5,000.00 Bathurst Edgell Jog Lions Club of Bathurst Inc Operation Plan -2,000.00 -2,000.00 Operation Plan -500.00 Bathurst Gardener's Club Inc -500.00 Community Opportunity Shop Inc Operation Plan -800.00 -800.00 -1,000.00 Bathurst City Mens Bowling Club - Carillon Fours Operation Plan -1.000.00 Central Tablelands Woodcraft Inc -500.00 -500.00 Operation Plan Central West Women's Health Centre Inc . Operation Plan -2,000.00 -2,000.00 Bathurst Stamp, Coin, Collectables and Lapidary Operation Plan -1.500.00 -1.500.00 Club Inc -500.00 Eglinton Public School P & C Country Fair Committe Operation Plan -500.00 This is My Brave Australia Inc 19/08/20 Item 7.3.5 -3.181.50 -3,181.50 Packard Automobile Club of Australia Inc -2.500.00 -2.500.00 19/08/20 Item 7.3.7 Mount Panorama Punish 19/08/20 Item 7.3.9 -1,619.00 -1.619.00 Amount Committed -74,350.00 -27,770.00 -6,619.00 -62,181.50 0.00 -170,920.50 Adjustment between Funds 43.00 -43.00 Available Balance 0.00 0.00 28.381.00 6,818.50 19.957.00 55,156.50

Summary Remaining Budget	\$		
Standard Annual Donations	0.00		
Specified Donations	0.00	Summary	\$
Mt Pan Fee Waived	28,381.00	Total Budget	246,595.00
BMEC Donations	6,818.50	Less: Amount Spent	-20,518.00
Sundry Donations	19,957.00	Less: Amount Committed	-170,920.50
Total Remaining	55,156.50	Total Remaining	55,156.50

NAME OF TENANT	LOCATION	Current Rent PA	Estimated Market Rent	BRC Rental Subsidy
Mitchell Conservatorium	Machattie Park Cott	550.00	16,804.00	16,254.00
Central Tablelands Woodcraft Inc	Learmonth Park	576.07	15,637.00	15,060.93
Community Opportunity Shop Inc	8 Lions Club Drive	1,100.00	20,849.00	19,749.00
Community Opportunity Shop Inc	Veggie Patch Churc	1.00	15,637.00	15,636.00
Air Services Australia	Aerodrome - Comm	1.00	18,764.00	18,763.00
Taxi Cabs of Bathurst Co-operative Society Ltd	Communication tow 1,282.78	1,282.78	18,764.00	17,481.22
Master Communications & Electronics Pty Ltd	Communication tow 4,458.10	4,458.10	18,764.00	14,305.90
Bathurst City & RSL Band Association	Walmer Park	228.20	20,849.00	20,620.80
Bathurst Lions Club Inc	Short St	1.10	15,637.00	15,635.90
Evans Arts Council Inc	Lee Street	500.00	5,213.00	4,713.00
Bathurst District Historical Society Inc	Mitre Street	1.00	10,425.00	10,424.00
Bathurst District Historical Society Inc	16 Stanley Street	1.00	10,425.00	10,424.00
Bathurst Meals on Wheels Inc	4 Watt Drive	1.00	52,121.00	52,120.00
Department of Defence (Air Cadets)	Aerodrome - Lot 25	90.91	13,380.00	13,289.09
Department of Defence (Air Cadets)	Aerodrome - Lot 36	90.91	38,652.00	38,561.09
				283,037.93

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BATHURST LIGHT CAR CLUB LTD 417 CONROD STRAIGHT MOUNT PANORAMA BATHURST NSW 2795

P.O. Box 444 Bathurst NSW 2795 Email: secretary@blcc.com.au www.blcc.com.au

Mr D Shirley General Manager Bathurst Regional Council Civic Centre Bathurst NSW 2795

Request : Consideration for refund of DA Charges

Dear Sir

I was informed today at council that sporting clubs are normally exempt form paying charges relative to Development Application submissions however due to fact that BLCC actually own the club property that this would not be the case in relation to our matter.

Accordingly, due to the fact, that we are a very old "not for profit " club which has been in operation since inception in 1953 and contributed to the development of Motorsport and The Motor Racing Museum on Mt Panorama I write seeking a reimbursement of the fee paid please. The club is managed by volunteers and has no paid employees thereby eliminating us from access to many Grant Schemes available to assist clubs in these trying times.

The sum in question is \$410-15 paid this day upon lodgement of the DA to erect s replacement retaining wall on club grounds. The intended wall subject to approval does not impact on any neighbours or the terrain of the circuit.

Forward for your favourable consideration, approval and

PO BOX 444 BATHURST NSW 2795 ACN 000 161 133 ABN 66 000 161 133 -2-

July 30, 2020

subsequent advice in due course will be appreciated.

Yours faithfully,

Michael K Tuckey JP President Bathurst Light Car Club Mob +61408659862 Email president@blcc.com.au 22nd July 2020

Delegations Register



DELEGATIONS REGISTER

Delegations Register

MAYOR

Pursuant to the Local Government Act and Regulations, and any expressed policy or direction of Council, that Council in accordance with the provisions of Section 377 of the Local Government Act 1993 and every other enabling statutory power, delegates to the person who occupies the position of Mayor, to perform on behalf of Council the following powers, authorities, duties or functions.

1. Council Seal

Authorise the Mayor to be the necessary witness to documents requiring Council's seal.

2. Media Relations

To make media statements or releases on behalf of Council.

3. Policy Making

To exercise in cases of necessity, the policy-making functions of the governing body of the Council between meetings of the Council.

4. Correspondence

To sign correspondence on behalf of the Council.

5. Urgent Works

To authorise any work which is deemed urgent at a cost not exceeding \$5,000 provided that such expenditure is reported to the council at its next Ordinary Meeting.

6. Complaints Against the General Manager

The Mayor shall have the power to investigate substantive written complaints against the General Manager and shall, if warranted, report to the next Ordinary Meeting of Council.

7. Attendance at Conference, Seminars and functions by Councillors

The Mayor may authorise a Councillor to attend a conference, seminar or function within and outside the Council area. (Conference means conferences, seminars, congresses, forums, workshops, courses, meetings, deputations, information and training sessions events, etc, held within Australia, related to the industry of local government - See Policy Manual : Governance - Payment of Expenses and

Provision of Facilities for Councillors.

8. Day-to-Day Oversight and Liaison with the General Manager

The Mayor shall be responsible for the day-to-day oversight and liaison with the General Manager including, but not limited to:

- . approving leave.
- . approving expenses incurred.
- . managing complaints about the General Manager.

DEPUTY MAYOR

1. Council Seal

Authorise the Deputy Mayor to be the necessary witness to documents requiring Council's seal.

2. In the absence of the Mayor

In the absence of the Mayor and subject to compliance with the requirements of the Local Government Act 1993, and any expressed policy or direction of the Council, the Council pursuant to the provisions of Section 377 of the Act, and every other enabling statutory power, delegates to the person who occupies the position of Deputy Mayor to exercise and perform on behalf of the Council the powers, authorities, duties and functions of the Mayor including the powers, authorities, duties and functions which the council has delegated by this Instrument to the Mayor.

LOCAL TRAFFIC COMMITTEE

Pursuant to the delegation of powers from the Roads and Maritime Services, the authority for regulation of traffic and traffic control signs on public roads. This authority is limited to the powers, authorities, duties and functions that are specified in the Roads and Maritime Services Instrument of Delegation to Council, from the Roads and Maritime Services.

AUDIT AND RISK MANAGEMENT COMMITTEE

The Audit & Risk Management Committee is granted delegated authority by Council to carry out its duties and responsibilities as defined in this charter. The Audit & Risk Management Committee has delegated authority to approve investigations into any matters within its scope of responsibility.

- Resolve any disagreements between management and the auditor regarding financial reporting (subject to confidentiality considerations).
- Pre-approve all auditing and non-audit services
- After due consultation with the General Manager, retain independent counsel, accountants, or others to advise the committee or assist in the conduct of an investigation.

- Meet with Council management, external auditors, or outside counsel, as necessary.
- Bathurst Regional Council acknowledges that professional independence and objectivity are key attributes of an efficient and effective Audit & Risk Management Committee. The Bathurst Regional Council and the General Manager are therefore committed to uphold and guarantee the professional independence and objectivity of the Audit & Risk Management Committee.

CENTROC

To authorise CENTROC to call tenders for the supply of goods and services to Bathurst Regional Council. (Council still has the final decision on whether the tender is accepted.)

NSW RURAL FIRE SERVICE

That Council delegate to the Manager, Chifley Zone, NSW Rural Fire Service the authority to approve payments and expenditure up to \$1,000.

GENERAL MANAGER

The General Manager's powers to act on behalf of Council are given through power of attorney, his/her employment contract and delegations made by Council pursuant to Section 377 of the Local Government Act (1993).

Power of Attorney

Council has appointed its General Manager as its Attorney to act for the Council to execute instruments resulting from resolutions of meetings from time to time by Council.

The General Manager of the Council for the time being and from time to time holding such office to be the Attorney of the Council for and in the name of and on behalf of the Council to sign any document which the Council would be required to sign for the purpose listed in the schedule.

The Schedule

- Agreement for the sale or purchase of any land or other form of property
- The transfer of any land
- The acceptance of the transfer of any land
- The mortgage or other form of security of or over any property
- Loan Agreement documents
- The acceptance of any mortgage or other form of security
- The release of any mortgage or other form of security whether registered or unregistered (including any withdrawal of caveat or vacation of causes, writs and orders)
- Any plan of subdivision of land in which the Council has an interest including plan accepting a dedication of land for any purpose
- Any instrument creating easements over land or releasing varying or modifying any such easement
- The consent to the subdivision of land which is subject to a mortgage or other form of security in favour of the Council
- Consent to the grant of any easement and/or covenant affecting land which is the subject of a mortgage or other form of security in favour of the Council

- The lease of any land or other property
- Consent to the assignment of the lease of any property
- Surrender of the lease of any property
- Guarantees and indemnities by the Council
- Agreements for the provision of services by the Council
- Joint Venture agreements
- Licences for the use of any property or to permit any activity
- Deposit of money with any financial institution
- Granting and accepting options in respect of the acquisition or sale of any property whether real or personal or corporeal or incorporeal
- To create or release vary or modify any restriction or covenant affecting land

Contracts

The General Manager, Director Corporate Services & Finance, Director Engineering Services, Director Cultural & Community Services, Director Environmental Planning & Building Services, are employed under contracts that are performance based.

The legislative requirements for Council to have a contract with the General Manager results in delegations being included under schedule B of the contract of employment as well as by resolution under the Local Government Act 1993.

Australian Fossil & Mineral Museum (Home of the Somerville Collection)

Pursuant to an agreement between the Somerville Collection Board of Directors and the Council, the authority to:

- (a) oversee and carry out its day to day management and administration of the Australian Fossil & Mineral Museum
- (b) appoint a Company Secretary on a needs basis for the Somerville Collection, subject to the appointment being ratified at a subsequent meeting of the Somerville Collection Board.

Delegation

Pursuant to the provisions of the Local Government Act 1993, and any expressed policy or direction of Council, that Council in accordance with the provisions of Section 377 of the Local Government Act, 1993 and every other enabling statutory power, delegates to its General Manager authority to exercise and to perform on behalf of the Council, all necessary powers, authorities, duties and functions, including but not limited to:

Corporate and Executive Powers

- 1. To carry on the regular services and operations of the Council within the sums voted by the Council for expenditure thereon and in accordance with any resolution of Council. To control and direct the staff of the Council.
- 2. To carry on the regular services, functions and operations of the Council in accordance with Local Government Act 1993, and other Legislation, Regulations and or policies of the Council.
- 3. To authorise any action necessary to comply with any policy or code of Council, any statutory requirements of the Local Government Act or Ordinance or any

other law, rule or regulation affecting Council.

- 4. To obtain legal advice from Council's Solicitors or Counsel where necessary.
- 5. To institute, conduct and defend legal proceedings with respect to Council's activities in all Courts, and instruct and engage Council's Solicitors and Counsel where necessary.
- 6. Be authorised to respond to notices in respect of such applications to the Licensing Court of NSW for Liquor licences for functions.
- 7. Authorise action to be taken in connection with any complaints or requests received.
- 8. Provide interpretation, counsel and advice on applicable Statutes, and Council's existing and proposed policies; and on statutory limitations during the deliberative and decision making process and provide to the Mayor, individual Councillors and senior staff, a common source of statutory and policy interpretation.
- 9. To affix the seal of Council to a document.
- 10. To prepare and lodge applications for grants provided such action is consistent with Council's Delivery and Operational Plan or Council Policy.
- 11. To authorise any works which is deemed urgent, provided that such expenditure is reported to the Council at its next Ordinary meeting, where funds have not been voted by Council.
- 12. Control communications internally and externally.
- 13. Rearrange and reorganise staff in all departments.
- 14. Sign legal contracts where Council has approved the making of that Contract.
- 15. Internal and external projection and promotion of Council's mantle of dignity, together with its image of efficiency and effectiveness.
- 16. To approve/refuse public access to Council books or documents which are required to be produced for any legal proceedings.
- 17. Be authorised to perform all necessary activities, to serve any notices or orders, undertake inspections, issue or refuse license and permits, to exercise the power of entry, to appoint appropriate staff as an authorised officer, authorised person, authorised Council employee, or impounding officer as the case may be, to exercise the functions of those positions under the relevant acts and associated regulations and to implement the provisions as relating to the operation of Council of the relevant Acts and associated regulations, including but not limited to:
 - Biodiversity Conservation Act 2016
 - Biosecurity Act 2015
 - Boarding Houses Act 2012
 - Building and Development Certifiers Act 2018

- Community Land Development Act 1989
- Companion Animals Act 1998
- Conveyancing Act 1919
- Crown Land Management Act 2016
- Dividing Fences Act 1991
- Environmental Planning and Assessment Act 1979 as amended
- Fire and Rescue Act 1989
- Food Act 2003 and Regulations
- Government Information (Public Access) Act 2009
- Health Records & Information Privacy Act 2002
- Heritage Act 1977
- Impounding Act 1993 as amended
- Independent Commission Against Corruption Act 1988
- Interpretation Act 1987
- Land Acquisition (Just Terms Compensation) Act 1991
- Library Act 1939
- Local Government Act 1993 as amended plus regulations
- Local Land Services Act 2013
- Motor Vehicle Sports (Public Safety) Act 1985 as amended plus regulations
- Mount Panorama Motor Racing Act 1989 plus regulations
- Native Title Act 1994 as amended
- Ombudsman Act 1974
- Plumbing & Drainage Act 2011 plus Regulation
- Privacy & Personal Information Protection Act 1998
- Property and Stock Agents Act 2002 plus regulations
- Protection of Environment Operations Act 1997 as amended
- Public Health Act 2010 and Regulations made thereunder
- Public Interest Disclosures Act (1994)
- Real Property Act 1900 plus regulations
- Recreation Vehicles Act 1983 as amended
- Road Transport Act 2013
- Roads Act 1993 as amended
- Rural Fires Act 1997 as amended
- State Emergency and Rescue Management Act 1989
- State Emergency Service Act 1989
- Strata Schemes Development Act 2015
- Swimming Pools Act 1992 as amended
- Transport Administration Act 1988
- Unclaimed Money Act 1995
- Waste Avoidance & Resource Recovery Act 2001
- Water Management Act 2000
- Work Health and Safety Act 2011

Corporate Services/Administration

- 101 To determine the matters which are to be included in the business papers, subject to the inclusion of the following items whenever they arise:
 - (a) Reports on matters that cannot be determined under delegated authority;
 - (b) Reports required to be submitted under any Act or Ordinance;
 - (c) Reference to any deputations which the Council has agreed to receive;
 - (d) Matters requiring a determination of Policy;
 - (e) Reports directed by Council to be submitted;
 - (f) Matters essential for the Council's information;
 - (g) Matters requiring a vote;
 - (h) Matters or decisions of a potentially contentious nature, or involving a significant variation of Council's policy or standard practice relating to Development Applications.
- 102 Have charge of the records of Council, except as otherwise specifically provided, and be responsible for the recording, filing and safe keeping of such records.
- 103 Keep accurate, permanent records of all properties purchased, leased or sold by, or in the possession of Council.
- 104 Sign contracts for the sale and purchase price of land where Council has approved the sale or purchase price.
- 105 Authority to terminate any lease or rental agreement on any Council owned property where the terms of the lease have been breached, and accounts fall into arrears.
- 106 Sign all applications addressed to the Registrar General to record the Council as the registered owner of resumed land.
- 107 Authority to establish, maintain, alter or terminate leaseback agreements with employees.
- 108 To approve payment of expenses for elected members.
- 109 Authorise such employees time off for fighting fires within the boundaries of the Council area without loss of pay if properly called out by the Fire Brigade or the Rural Fire Service, where employees of the Council are members of the Voluntary Fire Brigade or Volunteer Rural Fire Service Brigades.
- 110 Review Council's exposure to risk on a continuing basis and effect any changes by way of insurance, retention or transfer to protect Council's interest.
- 111 To determine levels of public liability insurance required in accordance with Council's adopted policy.
- 112 The authority to exercise and perform on behalf of Council, all powers, authorities, duties, functions and matters in relation to Asset Management Initiatives applying to:

- (a) Public roads;
- (b) Footpaths;
- (c) Carparks;
- (d) Parks, reserves, recreational facilities, gardens and cemeteries;
- (e) Solid Waste Disposal Depot;
- (f) Council owned and managed public buildings and facilities;
- (g) Floodplain Management.
- 113 Be authorised to offer a reward for information leading to the conviction of people found vandalising Council property, and further that Council, without exception, takes all legal steps available to it to prosecute people found vandalising Council property.
- 114 Authority to exercise and perform on behalf of Council all functions, powers, authorities, duties and matters contained in Council's asset management program.
- 115 Authority to appoint alcohol and drug testing officers.
- 116 To adopt on behalf of council the Publication Guide required under Section 20 of the Government Information (Public Access) Act 2009.
- 117. To appoint a representative of Council as the Chairperson to the Local Emergency Management Committee in accordance with Section 28 of the State Emergency & Rescue Management Act (1989) as amended.
- 118 To appoint a Disclosures Coordinator for the purpose of the Public Interest Disclosures Act (1994)

Finance

- 201 To authorise the payment of salaries and wages of the staff of the Council.
- 202 To authorise the purchase of goods, works and services and to obtain tenders for items over \$150,000.
- 203 To keep accounts of the Council and present to audit in accordance with the requirements made by or under the Local Government Act 1993 and regulations.
- 204 Determine the categorisation of each parcel of rateable land in accordance with Section 514 of the Local Government Act 1993.
- 205 Authorise financial transactions (excluding investments) on behalf of Council.
- 206
- 207 To authorise the investment of surplus Council funds and sign such application and redemption documents as may be required.
- 208 To determine applications for reductions of rental charges for Council facilities in accordance with Council's policy.
- 209 To determine applications for pensioner rate reduction in accordance with the provisions of Section 575 of the Local Government Act 1993.

- 210 To take action at any time for recovery of unpaid rates and any other amounts owing to Council.
- 211 To order restriction or disconnection of premises if excess water accounts are not paid.
- 212 To approve applications for extension of time to pay accounts.
- 213 To lay information, issue summonses, swear statements and affidavits for enforcing default judgements and institute any other legal and approved procedure necessary for the recovery of outstanding amounts and debts owing to the Council.
- 214 To determine assistance to ratepayers experiencing genuine and substantial hardship.
- 215 To allow unpaid rates to accumulate and be paid from the estate of such aged pensioners, where such a request has been made, or from the sale of the house provided that in such cases no Council rate rebate shall be granted.
- 216 To certify that prices and computations on invoices/payments have been checked and are correct, and as far as able to be ascertained, are fair and reasonable and are in accordance with any quotation/contract under which the goods/services were supplied.
- 217 To determine the amount of bond required to be lodged by developers as surety for completion of works under Council's control.
- 218 To write-off rates or debts which are determined not financially viable to recover to a limit in any one case not exceeding \$5,000.
- 219 To authorize goodwill payments for Public Liability/Public Indemnity claims up to \$2,000.
- 220 To sign Section 603 Certificates on behalf of Council.
- 221 To authorise the release of any bond or bank guarantee where the required works or services have been completed in accordance with approvals granted by Council.
- 222 To authorise the disposal of surplus materials and goods.
- 223 To sign as the responsible accounting officer the statement of financial position with respect to Budget Review Statements in accordance with the Regulation.
- 224 To authorise Council participation in tenders called by CENTROC on behalf of the participating councils.
- 225 To authorise the purchase of goods, works and services from Local Government Procurement in accordance with funds voted by Council and Council's Purchasing Manual.
- 226 To sign certificates under Section 54 of the Local Government Act 1993 in relation to the classification of public land.

Engineering

- 301 To organise and allocate the priority of all construction and maintenance works, subject to any direction of the Council.
- 302 To determine applications for the use of (approve subject to conditions, or refuse) public roads for :
 - (a) walk-a-thons, motor car trials, charitable collections or other like events;
 - (b) recruiting or similar purposes or for public health or other purposes on behalf of the Army, Navy or Air Force or other organisations to utilise part of a road or land owned by or under the control of the Council.
- 303 Be authorised to issue permits for holding of street stalls, processions on roads; holding of meetings in public places; and use of roads during building operations and standing of vehicles in restricted parking areas for any specific purposes and any other Act regulating functions under the control of the Council.
- 304 To provide temporary grandstands at Carrington Park for crowds anticipated to be in excess of 5,000 people, funded from Carrington Park Vote, subject to the provision of substantiated material by the promoters.
- 305 (i) To sign and issue approval of designs for subdivision plans and construction certificates.
 - (ii) To sign survey requests/amendments to the Land Titles Office.
 - (iii) To sign property identification reports.
 - (iv) To sign survey plans.
- 306 To order the removal of obstructions placed illegally on road reserves, footpaths and public places.
- 307 To close the Ben Chifley Dam to specified users.
- 308 To close roads, or parts thereof, temporarily for repairs or construction.
- 309 To issue/refuse compliance and construction certificates in relation to subdivisions and engineering works.
- 310 Determine the extent and design of works associated with subdivisions and other development applications in accordance with Council Policies and Codes and to determine whether such works have been completed to a satisfactory standard.
- 311 To write to affected landowners seeking an indication on whether they wish the construction of concrete footpaving to be done, upon receipt of such requests for such work and then arrange a report to Council.
- 312 Grant approval for helicopter touchdowns on Public Reserves in a manner and at a time under such conditions as may be appropriate.

As at March 2018

- 313 Authorise the private planting of trees and /or shrubs on footpaths.
- 314 To sign permits authorising maintenance or removal of trees under Council's Tree Preservation Policy and Council's Tree Preservation Order.
- 315 To remove dangerous trees on public works' construction sites under the control of the Council, where such removal is necessary, to allow work to proceed immediately.
- 316 To carry out private works and authorise the hire of Council plant subject to satisfactory arrangements being made for the payment of such works.
- 317 (i) To purchase new light vehicles and dispose of existing vehicles where the standard of the vehicle remains the same;
 - (ii) To have the discretion to dispose of vehicles at other than 50,000km;
 - (iii) Obtain trade prices when replacing vehicles; and
 - (iv) To have the discretion to dispose of vehicle by either auction or trade-in.
- 318 To authorise the release of Council plant and other resources to assist fire fighting, emergency work, and assist the Local Emergency Management Committee in emergency work.
- 319 (i) To hire Council plant and equipment or to make it available to community groups in accordance with Council's Section 356 policy.
 - (ii) To approve annual, standard parking and camping requests that occur each year from the Bathurst AH&P Association Inc.
- 320 Authorise the carrying out of water supply extensions up to 225m per tenement.
- 321 Authorise the carrying out of sewer extensions up to 75 m per tenement.
- 322 To determine the conditions of use of parks, gardens, reserves and other public places under Council's control.
- 323 To enter into Pipeline Agreements with the Rail Infrastructure Corporation.
- 324 To implement water restrictions in accordance with Council policy.

Planning & Development

- 401 To determine Development Applications, Complying Development Certificates, and Construction Certificates.
- 402 To determine the fast tracking of Development Applications.
- 403 To issue or refuse to issue compliance, construction, subdivision and occupation certificates under Part 4A.
- 404 To defend appeals against failure or refusal to issue Part 4A certificates.

As at March 2018

- 405 To give notice of intention to serve orders and issue orders, and modify or revoke orders pursuant to the Local Government Act, Environmental Planning and Assessment Act, Food Act, Companion Animals Act.
- 406 To review determinations of development applications made by other staff under delegated authority.
- 407 To issue or refuse to issue a complying development certificate.
- 408 To modify or refuse to modify a complying development certificate.
- 409 To vary or extend the lapsing period of a consent in accordance with Sections 95 and 95A.
- 410 To approve or refuse applications to modify development consents, being consents originally determined under delegated authority.
- 411 To defend appeals made pursuant to Division 8 of Part 2 of the Environmental, Planning & Assessment Act (EP&A).
- 412 To refer for comment Development Applications within the Conservation Areas to the National Trust, where deemed appropriate.
- 413 That Council delegate to the General Manager the powers, authorities, duties and functions delegated to Council by "Instrument of Delegation" dated 9 August 1995 by the Director General of the Department of Local Government, pursuant to Section 745 of the Local Government Act 1993, as amended in respect to Section 82(3) of that Act in relation to modification of the provisions of Clauses 51 or 52 of the Local Government (General) Regulation 2005.
- 414 To ensure that premises used for the preparation, storage and/or sale of food are maintained.
- 415 To commence legal proceedings pursuant to the Environmental Planning and Assessment Act 1979, the Local Government Act 1993 and the Protection of the Environment Operations Act 1997.
- 416 This item is intentionally left blank.
- 417 To approve of a flue terminating at a location not complying with the provisions of the policy if satisfied that compliance with the policy is not practicable, and that the proposed alternative is satisfactory.
- 418 Sign applications on behalf of Council as applicant and/or owner for works previously approved by Council to be undertaken by Council or on Council's behalf.
- 419 To sign Section 149 and Section 149A Certificates.
- 420 To sign and issue Section 121ZP and Section 735A Certificates on behalf of Council.
- 421 To exercise all of the powers of Council in respect of:

As at March 2018

- (a) Applications for all those matters listed in Part A of the Table contained in Section 68 of the Local Government Act 1993.
- (b) The variation of building lines made under Council's Approvals Policy.
- (c) The variation of Restrictive Covenants created pursuant to Section 88B of the Conveyancing Act 1919, as amended, provided that the subject of the variation complies with the relevant planning instrument.
- (d) Applications for those matters contained in Items 5 and 6 of Part B of the table contained in Section 68 of the Local Government Act 1993.
- (e) Applications for all those matters listed in Part C of the table contained in Section 68 of the Local Government Act 1993.
- (f) Applications for those matters contained in Items 3, 4, 5 and 6 of Part D of the table contained in Section 68 of the Local Government Act 1993.
- (g) Applications for all those matters listed in Part E of the table contained in Section 68 of the Local Government Act 1993.
- (h) Applications for all those matters listed in Part F of the table contained in Section 68 of the Local Government Act 1993.
- 422 Determine applications for the creation of temporary construction zones on public roads restricting public parking in such zones.
- 423 To take any action considered necessary under the Mount Panorama Policy.
- 424 To administer the policy in relation to advertising on light standards.
- 425 To commence the preparation of a draft Local Environmental Plan under Section 54(1) of the Environmental Planning and Assessment Act 1979 as amended:
 - (a) Preparation and exhibition of Environmental Studies and Local Environmental Plans in accordance with Sections 56-64 and 66-67 of the Act.
 - (b) To exercise any delegation conferred upon him/her from time-to-time by the Director General of the Department of Planning under Section 65 and/or 69 of the Act.
- 426 To prepare a draft Development Control Plan in accordance with Section 72 of the Environmental Planning & Assessment Act 1979 and in accordance with the appropriate Regulations, but not including Clause 24(1) of the Regulations, and exhibit, but not to adopt or amend, Town Planning Codes, Guidelines and Policies.
- 427 Development Applications
 - (a) To make any decision or to take any actions required of or open to Council to take in accordance with Part IV "Environmental Planning Control" of the Environmental Planning and Assessment Act 1979 as amended, but not including the power:

As at March 2018

- (1) To determine any Development Application in respect of a designated development as defined in Section 4;
- (2) To determine any Development Application in relation to which a negative submission has been received and where the matters raised in that submission have not been resolved; or,
- (3) To revoke or modify a Development Consent (not being at the applicant's request) in accordance with Section 103;
- (b) To call meetings of the Departmental Discussion Forum in relation to any Development Application or Compliance Certificate.
- (c) To call meetings of the Council Discussion Forum in relation to any Development Application or Compliance Certificate.
- 428 To assume the concurrence of the Director General of the Department of Planning for variations of development standards in accordance with State Environmental Planning Policy 1 and Department of Environment and Planning Circular 117.
- 429 To authorise the release of subdivision certificates by signing the required documents, where the Council Seal or Power of Attorney is not required.
- 430 To refund unexpended Development Application fees on actual costs basis.
- 431 To commission an independent structural assessment of a building for which a Development Application has been made for demolition where, in assessing the development, the building is found to be of heritage significance.
- 432 To authorise the refund of fees in total or in part in respect of applications either refused by Council or withdrawn by the applicant under the provisions of Section 88 of the Local Government Act 1993.
- 433 To carry out rabbit eradication on roadsides in conjunction with the Local Land Services.
- 434 To impound stock pursuant to Section 2 of the Act.
- 435 To implement the delegations from the NSW Heritage Office in respect of issuing approvals under Section 60 of the Heritage Act 1977 and the making of orders.
- 436 Pursuant to Section 381(3) of the Local Government Act 1993 approve the NSW Food Authority's delegation to the General Manager to provide written approval for dispensations and alternative methods of compliance in regard to the Food Standards Code's Standard 3.2.2 (clauses 15 and 17) and Standard 3.2.3 (clauses 10 and 14).
- 437 Pursuant to Section 109E(3) of the Food Act 2003, and conditional upon approval from the NSW Food Authority approve the General Manager to sub-delegate the power to provide written approvals for dispensations and alternative methods of compliance in regard to the Food Standards Code's Standard 3.2.2 (clause 15 and 17) and standard 3.2.3 (clauses 10 and 14) to the Director Environmental, Planning and Building Services.

As at March 2018

- 438 Authority to make recommendations in relation to applications for accreditation of Council building surveyors under the Building Professionals Act 2005.
- 439 To undertake the powers, authorities, duties and functions delegated to Council by "Instrument of Delegation" dated 8 November 2012 by the Acting Commissioner for Fair Trading pursuant to Section 21 of the Plumbing and Drainage Act 2011.
 - (a) to monitor compliance with the Plumbing and Drainage Act (s19(a))
 - (b) to ensure that any plumbing and drainage work carried out does not threaten public health or safety (s19(b))
 - (c) to undertake any other functions conferred or imposed on the plumbing regulator by the Plumbing and Drainage Act (s19(c)) other than:
 - receiving notices of work and other documentation required to be submitted to the plumbing regulator concerning proposed alternative solutions (s9(3) of the Plumbing and Drainage Act and Clause 10 of the Plumbing and Drainage Regulation)
 - authorising fittings for use in plumbing and drainage work (s20)
 - initiating criminal proceedings as provided for in Part 5 of the Plumbing and Drainage Act.
- 440 To undertake the following plan-making functions delegated by the Minister
 - (a) to make and determine not to make an LEP under section 59(2), and (3) of the EP&A Act
 - (b) to defer inclusion of certain matters in an LEP under section 59(3) and
 - (c) to identify which matters must be considered and which stages of the planmaking process must be carried out again prior to resubmission (section 59(4)) if the council defers the proposal or if a matter is deferred from the LEP
- 441 to enter into agreements with members of the public for certification works as defined under the Building Professionals Act 2005.
- 442 to transfer properties between categories of notification of land on a Section 149 Certificate as outlined in the Bathurst Regional Council Contaminated Land Policy in accordance with the outcomes of appropriate geotechnical investigations.
- 443 That Council delegate to the General Manager the powers, authorities, duties and functions delegated to Council by "Instrument of Delegation" dated 14 February 2019 by the Chief Executive of Roads and Maritime Services pursuant to Section 125 (3) of the Roads Act 1993 in relation to the approval of Footway Restaurants.

As at March 2018

Introduction and Protocols – Delegations Instrument

Introduction

Pursuant to Section 377 of the Local Government Act Council, in performing its functions can either exercise these directly or by delegation to other groups. As part of the overall running of the Council, Council delegates a number of tasks to the General Manager to ensure the efficient day to day management of Council.

Additionally, in accordance with Section 378 of the Act the General Manager may delegate any of the functions of the General Manager, other than this power of delegation.

When are revisions required?

Section 380 of the Local Government Act states that the Register of Delegations is required to be reviewed during the first 12 months of each term of office. Additionally, it is Council policy that a review of delegations occurs every 12 months. However, there will be times when the delegations register will require revision. These are listed as follows:

- When the powers granted to the General Manager are changed for any reason; such as
 - By resolution of Council, or
 - Amendment to an Act of Parliament;
- When the General Manager determines that a new delegation needs to be made or an existing delegation amended;
- When a staff member with delegations resigns and someone new is appointed to the position. Note name change only;
- When a position or (department) undergoes a name change, or has its responsibilities revised.

Responsibility for making revisions

- The General Manager is the only person who can authorise a revision of a delegation;
- Any changed delegation must be in writing and under the General Manager's signature;
- The responsibility for amending delegations in the circumstances indicated are as follows:

Circumstance

When the powers granted to the General Manager is changed for any reason.

When the General Manager determines that a new delegation needs to be made or an existing delegation amended.

When a staff member with delegations resigns and someone new is recruited. Note name only.

When a position or department undergoes a name change or has its responsibilities revised.

Responsible person

 Director Corporate Services & Finance
 Director Corporate Services & Finance

> Director Corporate Services & Finance

Director (relevant department)

Process for Revising a Delegation

• A delegation can only be changed when the General Manager signs the Instrument of Delegation.

The Schedule of Delegation should be prepared in the following format:

Act/Reference	Function	Authority/Limitation
The Act which empowers the	Brief description of the power,	Details of the authority and any
General Manager	duty or authority being	limitations on this authority that
	delegated	need to be spelt out.

Once authorised by the General Manager, the Manager Corporate Governance will then:

- 1. Log the instrument and the delegation into the physical Register of Delegations.
- 2. Issue the revised approved delegation in accordance with the distribution list.

Changing People or Positions

When a person or position name changes, but there are no changes in the delegated responsibilities, the General Manager or Director's signature on the letter of appointment is sufficient to trigger the change.

When the delegated responsibilities change with the person or position, it is the responsibility of the Director to ensure that the process of revising a delegation is adhered to and that the Manager Corporate Governance is advised to amend the control delegation register and issue an update.

Correspondence

- Any officer given authorised delegation to sign correspondence must forward a copy to the file.
- Standard letters must be in the manual of standard procedures.

The Model Code of Conduct for Local Councils in NSW

2020

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PART 1 INTRODUCTION

This *Model Code of Conduct for Local Councils in NSW* ("the Model Code of Conduct") is made under section 440 of the *Local Government Act 1993* ("LGA") and the *Local Government (General) Regulation 2005* ("the Regulation").

The Model Code of Conduct sets the minimum standards of conduct for council officials. It is prescribed by regulation to assist council officials to:

- understand and comply with the standards of conduct that are expected of them
- enable them to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and diligence (section 439)
- act in a way that enhances public confidence in local government.

Section 440 of the LGA requires every council (including county councils) and joint organisation to adopt a code of conduct that incorporates the provisions of the Model Code of Conduct. A council's or joint organisation's adopted code of conduct may also include provisions that supplement the Model Code of Conduct and that extend its application to persons that are not "council officials" for the purposes of the Model Code of Conduct (eg volunteers, contractors and members of wholly advisory committees).

A council's or joint organisation's adopted code of conduct has no effect to the extent that it is inconsistent with the Model Code of Conduct. However, a council's or joint organisation's adopted code of conduct may prescribe requirements that are more onerous than those prescribed in the Model Code of Conduct.

Councillors, administrators, members of staff of councils, delegates of councils, (including members of council committees that are delegates of a council) and any other person a council's adopted code of conduct applies to, must comply with the applicable provisions of their council's code of conduct. It is the personal responsibility of council officials to comply with the standards in the code and to regularly review their personal circumstances and conduct with this in mind.

Failure by a councillor to comply with the standards of conduct prescribed under this code constitutes misconduct for the purposes of the LGA. The LGA provides for a range of penalties that may be imposed on councillors for misconduct, including suspension or disqualification from civic office. A councillor who has been suspended on three or more occasions for misconduct is automatically disqualified from holding civic office for five years.

Failure by a member of staff to comply with a council's code of conduct may give rise to disciplinary action.

Note: References in the Model Code of Conduct to councils are also to be taken as references to county councils and joint organisations.

Note: In adopting the Model Code of Conduct, joint organisations should adapt it to substitute the terms "board" for "council", "chairperson" for "mayor", "voting representative" for "councillor" and "executive officer" for "general manager".

Note: In adopting the Model Code of Conduct, county councils should adapt it to substitute the term "chairperson" for "mayor" and "member" for "councillor".

PART 2 DEFINITIONS

In this code the following terms have the following meanings:

administrator	an administrator of a council appointed under the LGA other than an administrator appointed under section 66
committee	see the definition of "council committee"
complaint	a code of conduct complaint made for the purposes of clauses 4.1 and 4.2 of the Procedures.
conduct	includes acts and omissions
council	includes county councils and joint organisations
council committee	a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to and the council's audit, risk and improvement committee
council committee member	a person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee, and a person other than a councillor who is a member of the council's audit, risk and improvement committee
council official	includes councillors, members of staff of a council, administrators, council committee members, delegates of council and, for the purposes of clause 4.16, council advisers
councillor	any person elected or appointed to civic office, including the mayor and includes members and chairpersons of county councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations
delegate of council	a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated
designated person	a person referred to in clause 4.8
election campaign	includes council, state and federal election campaigns

environmental planning instrument	has the same meaning as it has in the <i>Environmental Planning and Assessment Act 1979</i>
general manager	includes the executive officer of a joint organisation
joint organisation	a joint organisation established under section 400O of the LGA
LGA	Local Government Act 1993
local planning panel	a local planning panel constituted under the <i>Environmental</i> <i>Planning and Assessment Act 1979</i>
mayor	includes the chairperson of a county council or a joint organisation
members of staff of a council	includes members of staff of county councils and joint organisations
the Office	Office of Local Government
personal information	information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion
the Procedures	the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW prescribed under the Regulation
the Regulation	the Local Government (General) Regulation 2005
voting representative	a voting representative of the board of a joint organisation
wholly advisory committee	a council committee that the council has not delegated any functions to

PART 3 GENERAL CONDUCT OBLIGATIONS

General conduct

- 3.1 You must not conduct yourself in a manner that:
 - a) is likely to bring the council or other council officials into disrepute
 - b) is contrary to statutory requirements or the council's administrative requirements or policies
 - c) is improper or unethical
 - d) is an abuse of power
 - e) causes, comprises or involves intimidation or verbal abuse
 - f) involves the misuse of your position to obtain a private benefit
 - g) constitutes harassment or bullying behaviour under this code, or is unlawfully discriminatory.
- 3.2 You must act lawfully and honestly, and exercise a reasonable degree of care and diligence in carrying out your functions under the LGA or any other Act. *(section 439).*

Fairness and equity

- 3.3 You must consider issues consistently, promptly and fairly. You must deal with matters in accordance with established procedures, in a non-discriminatory manner.
- 3.4 You must take all relevant facts known to you, or that you should be reasonably aware of, into consideration and have regard to the particular merits of each case. You must not take irrelevant matters or circumstances into consideration when making decisions.
- 3.5 An act or omission in good faith, whether or not it involves error, will not constitute a breach of clauses 3.3 or 3.4.

Harassment and discrimination

- 3.6 You must not harass or unlawfully discriminate against others, or support others who harass or unlawfully discriminate against others, on the grounds of age, disability, race (including colour, national or ethnic origin or immigrant status), sex, pregnancy, marital or relationship status, family responsibilities or breastfeeding, sexual orientation, gender identity or intersex status or political, religious or other affiliation.
- 3.7 For the purposes of this code, "harassment" is any form of behaviour towards a person that:
 - a) is not wanted by the person
 - b) offends, humiliates or intimidates the person, and
 - c) creates a hostile environment.

Bullying

- 3.8 You must not engage in bullying behaviour towards others.
- 3.9 For the purposes of this code, "bullying behaviour" is any behaviour in which:
 - a) a person or a group of people repeatedly behaves unreasonably towards another person or a group of persons, and
 - b) the behaviour creates a risk to health and safety.
- 3.10 Bullying behaviour may involve, but is not limited to, any of the following types of behaviour:
 - a) aggressive, threatening or intimidating conduct
 - b) belittling or humiliating comments
 - c) spreading malicious rumours
 - d) teasing, practical jokes or 'initiation ceremonies'
 - e) exclusion from work-related events
 - f) unreasonable work expectations, including too much or too little work, or work below or beyond a worker's skill level
 - g) displaying offensive material
 - h) pressure to behave in an inappropriate manner.
- 3.11 Reasonable management action carried out in a reasonable manner does not constitute bullying behaviour for the purposes of this code. Examples of reasonable management action may include, but are not limited to:
 - a) performance management processes
 - b) disciplinary action for misconduct
 - c) informing a worker about unsatisfactory work performance or inappropriate work behaviour
 - d) directing a worker to perform duties in keeping with their job
 - e) maintaining reasonable workplace goals and standards
 - f) legitimately exercising a regulatory function
 - g) legitimately implementing a council policy or administrative processes.

Work health and safety

- 3.12 All council officials, including councillors, owe statutory duties under the *Work Health and Safety Act 2011* (WHS Act). You must comply with your duties under the WHS Act and your responsibilities under any policies or procedures adopted by the council to ensure workplace health and safety. Specifically, you must:
 - a) take reasonable care for your own health and safety
 - b) take reasonable care that your acts or omissions do not adversely affect the health and safety of other persons
 - c) comply, so far as you are reasonably able, with any reasonable instruction that is given to ensure compliance with the WHS Act and any policies or procedures adopted by the council to ensure workplace health and safety
 - d) cooperate with any reasonable policy or procedure of the council relating to workplace health or safety that has been notified to council staff
 - e) report accidents, incidents, near misses, to the general manager or such other staff member nominated by the general manager, and take part in any incident investigations

 so far as is reasonably practicable, consult, co-operate and coordinate with all others who have a duty under the WHS Act in relation to the same matter.

Land use planning, development assessment and other regulatory functions

- 3.13 You must ensure that land use planning, development assessment and other regulatory decisions are properly made, and that all parties are dealt with fairly. You must avoid any occasion for suspicion of improper conduct in the exercise of land use planning, development assessment and other regulatory functions.
- 3.14 In exercising land use planning, development assessment and other regulatory functions, you must ensure that no action, statement or communication between yourself and others conveys any suggestion of willingness to improperly provide concessions or preferential or unduly unfavourable treatment.

Binding caucus votes

- 3.15 You must not participate in binding caucus votes in relation to matters to be considered at a council or committee meeting.
- 3.16 For the purposes of clause 3.15, a binding caucus vote is a process whereby a group of councillors are compelled by a threat of disciplinary or other adverse action to comply with a predetermined position on a matter before the council or committee, irrespective of the personal views of individual members of the group on the merits of the matter before the council or committee.
- 3.17 Clause 3.15 does not prohibit councillors from discussing a matter before the council or committee prior to considering the matter in question at a council or committee meeting, or from voluntarily holding a shared view with other councillors on the merits of a matter.
- 3.18 Clause 3.15 does not apply to a decision to elect the mayor or deputy mayor, or to nominate a person to be a member of a council committee or a representative of the council on an external body.

Obligations in relation to meetings

- 3.19 You must comply with rulings by the chair at council and committee meetings or other proceedings of the council unless a motion dissenting from the ruling is passed.
- 3.20 You must not engage in bullying behaviour (as defined under this Part) towards the chair, other council officials or any members of the public present during council or committee meetings or other proceedings of the council (such as, but not limited to, workshops and briefing sessions).
- 3.21 You must not engage in conduct that disrupts council or committee meetings or other proceedings of the council (such as, but not limited to, workshops and briefing sessions), or that would otherwise be inconsistent with the orderly conduct of meetings.

- 3.22 If you are a councillor, you must not engage in any acts of disorder or other conduct that is intended to prevent the proper or effective functioning of the council, or of a committee of the council. Without limiting this clause, you must not:
 - a) leave a meeting of the council or a committee for the purposes of depriving the meeting of a quorum, or
 - b) submit a rescission motion with respect to a decision for the purposes of voting against it to prevent another councillor from submitting a rescission motion with respect to the same decision, or
 - c) deliberately seek to impede the consideration of business at a meeting.

PART 4 PECUNIARY INTERESTS

What is a pecuniary interest?

- 4.1 A pecuniary interest is an interest that you have in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to you or a person referred to in clause 4.3.
- 4.2 You will not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision you might make in relation to the matter, or if the interest is of a kind specified in clause 4.6.
- 4.3 For the purposes of this Part, you will have a pecuniary interest in a matter if the pecuniary interest is:
 - (a) your interest, or
 - (b) the interest of your spouse or de facto partner, your relative, or your partner or employer, or
 - (c) a company or other body of which you, or your nominee, partner or employer, is a shareholder or member.
- 4.4 For the purposes of clause 4.3:
 - (a) Your "relative" is any of the following:
 - i) your parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
 - ii) your spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
 - iii) the spouse or de facto partner of a person referred to in paragraphs (i) and (ii).
 - (b) "de facto partner" has the same meaning as defined in section 21C of the *Interpretation Act 1987*.
- 4.5 You will not have a pecuniary interest in relation to a person referred to in subclauses 4.3(b) or (c):
 - (a) if you are unaware of the relevant pecuniary interest of your spouse, de facto partner, relative, partner, employer or company or other body, or
 - (b) just because the person is a member of, or is employed by, a council or a statutory body, or is employed by the Crown, or
 - (c) just because the person is a member of, or a delegate of a council to, a company or other body that has a pecuniary interest in the matter, so long as the person has no beneficial interest in any shares of the company or body.

What interests do not have to be disclosed?

- 4.6 You do not have to disclose the following interests for the purposes of this Part:
 - (a) your interest as an elector
 - (b) your interest as a ratepayer or person liable to pay a charge
 - (c) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is

offered to the public generally, or to a section of the public that includes persons who are not subject to this code

- (d) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to your relative by the council in the same manner and subject to the same conditions as apply to persons who are not subject to this code
- (e) an interest you have as a member of a club or other organisation or association, unless the interest is as the holder of an office in the club or organisation (whether remunerated or not)
- (f) if you are a council committee member, an interest you have as a person chosen to represent the community, or as a member of a nonprofit organisation or other community or special interest group, if you have been appointed to represent the organisation or group on the council committee
- (g) an interest you have relating to a contract, proposed contract or other matter, if the interest arises only because of a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company
- (h) an interest you have arising from the proposed making by the council of an agreement between the council and a corporation, association or partnership, being a corporation, association or partnership that has more than 25 members, if the interest arises because your relative is a shareholder (but not a director) of the corporation, or is a member (but not a member of the committee) of the association, or is a partner of the partnership
- (i) an interest you have arising from the making by the council of a contract or agreement with your relative for, or in relation to, any of the following, but only if the proposed contract or agreement is similar in terms and conditions to such contracts and agreements as have been made, or as are proposed to be made, by the council in respect of similar matters with other residents of the area:
 - i) the performance by the council at the expense of your relative of any work or service in connection with roads or sanitation
 - ii) security for damage to footpaths or roads
 - iii) any other service to be rendered, or act to be done, by the council by or under any Act conferring functions on the council, or by or under any contract
- (j) an interest relating to the payment of fees to councillors (including the mayor and deputy mayor)
- (k) an interest relating to the payment of expenses and the provision of facilities to councillors (including the mayor and deputy mayor) in accordance with a policy under section 252 of the LGA,
- an interest relating to an election to the office of mayor arising from the fact that a fee for the following 12 months has been determined for the office of mayor
- (m)an interest of a person arising from the passing for payment of a regular account for the wages or salary of an employee who is a relative of the person

- (n) an interest arising from being covered by, or a proposal to be covered by, indemnity insurance as a councillor or a council committee member
- (o) an interest arising from the appointment of a councillor to a body as a representative or delegate of the council, whether or not a fee or other recompense is payable to the representative or delegate.
- 4.7 For the purposes of clause 4.6, "relative" has the same meaning as in clause 4.4, but includes your spouse or de facto partner.

What disclosures must be made by a designated person?

- 4.8 Designated persons include:
 - (a) the general manager
 - (b) other senior staff of the council for the purposes of section 332 of the LGA
 - (c) a person (other than a member of the senior staff of the council) who is a member of staff of the council or a delegate of the council and who holds a position identified by the council as the position of a designated person because it involves the exercise of functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the person's duty as a member of staff or delegate and the person's private interest
 - (d) a person (other than a member of the senior staff of the council) who is a member of a committee of the council identified by the council as a committee whose members are designated persons because the functions of the committee involve the exercise of the council's functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the member's duty as a member of the committee and the member's private interest.
- 4.9 A designated person:
 - (a) must prepare and submit written returns of interests in accordance with clauses 4.21, and
 - (b) must disclose pecuniary interests in accordance with clause 4.10.
- 4.10 A designated person must disclose in writing to the general manager (or if the person is the general manager, to the council) the nature of any pecuniary interest the person has in any council matter with which the person is dealing as soon as practicable after becoming aware of the interest.
- 4.11 Clause 4.10 does not require a designated person who is a member of staff of the council to disclose a pecuniary interest if the interest relates only to the person's salary as a member of staff, or to their other conditions of employment.
- 4.12 The general manager must, on receiving a disclosure from a designated person, deal with the matter to which the disclosure relates or refer it to another person to deal with.

4.13 A disclosure by the general manager must, as soon as practicable after the disclosure is made, be laid on the table at a meeting of the council and the council must deal with the matter to which the disclosure relates or refer it to another person to deal with.

What disclosures must be made by council staff other than designated persons?

- 4.14 A member of staff of council, other than a designated person, must disclose in writing to their manager or the general manager the nature of any pecuniary interest they have in a matter they are dealing with as soon as practicable after becoming aware of the interest.
- 4.15 The staff member's manager or the general manager must, on receiving a disclosure under clause 4.14, deal with the matter to which the disclosure relates or refer it to another person to deal with.

What disclosures must be made by council advisers?

- 4.16 A person who, at the request or with the consent of the council or a council committee, gives advice on any matter at any meeting of the council or committee, must disclose the nature of any pecuniary interest the person has in the matter to the meeting at the time the advice is given. The person is not required to disclose the person's interest as an adviser.
- 4.17 A person does not breach clause 4.16 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.

What disclosures must be made by a council committee member?

- 4.18 A council committee member must disclose pecuniary interests in accordance with clause 4.28 and comply with clause 4.29.
- 4.19 For the purposes of clause 4.18, a "council committee member" includes a member of staff of council who is a member of the committee.

What disclosures must be made by a councillor?

- 4.20 A councillor:
 - (a) must prepare and submit written returns of interests in accordance with clause 4.21, and
 - (b) must disclose pecuniary interests in accordance with clause 4.28 and comply with clause 4.29 where it is applicable.

Disclosure of interests in written returns

- 4.21 A councillor or designated person must make and lodge with the general manager a return in the form set out in schedule 2 to this code, disclosing the councillor's or designated person's interests as specified in schedule 1 to this code within 3 months after:
 - (a) becoming a councillor or designated person, and
 - (b) 30 June of each year, and
 - (c) the councillor or designated person becoming aware of an interest they are required to disclose under schedule 1 that has not been previously disclosed in a return lodged under paragraphs (a) or (b).

- 4.22 A person need not make and lodge a return under clause 4.21, paragraphs (a) and (b) if:
 - (a) they made and lodged a return under that clause in the preceding 3 months, or
 - (b) they have ceased to be a councillor or designated person in the preceding 3 months.
- 4.23 A person must not make and lodge a return that the person knows or ought reasonably to know is false or misleading in a material particular.
- 4.24 The general manager must keep a register of returns required to be made and lodged with the general manager.
- 4.25 Returns required to be lodged with the general manager under clause 4.21(a) and (b) must be tabled at the first meeting of the council after the last day the return is required to be lodged.
- 4.26 Returns required to be lodged with the general manager under clause 4.21(c) must be tabled at the next council meeting after the return is lodged.
- 4.27 Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2009* and any guidelines issued by the Information Commissioner.

Disclosure of pecuniary interests at meetings

- 4.28 A councillor or a council committee member who has a pecuniary interest in any matter with which the council is concerned, and who is present at a meeting of the council or committee at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.
- 4.29 The councillor or council committee member must not be present at, or in sight of, the meeting of the council or committee:
 - (a) at any time during which the matter is being considered or discussed by the council or committee, or
 - (b) at any time during which the council or committee is voting on any question in relation to the matter.
- 4.30 In the case of a meeting of a board of a joint organisation, a voting representative is taken to be present at the meeting for the purposes of clauses 4.28 and 4.29 where they participate in the meeting by telephone or other electronic means.
- 4.31 A disclosure made at a meeting of a council or council committee must be recorded in the minutes of the meeting.
- 4.32 A general notice may be given to the general manager in writing by a councillor or a council committee member to the effect that the councillor or council

committee member, or the councillor's or council committee member's spouse, de facto partner or relative, is:

- (a) a member of, or in the employment of, a specified company or other body, or
- (b) a partner of, or in the employment of, a specified person.

Such a notice is, unless and until the notice is withdrawn or until the end of the term of the council in which it is given (whichever is the sooner), sufficient disclosure of the councillor's or council committee member's interest in a matter relating to the specified company, body or person that may be the subject of consideration by the council or council committee after the date of the notice.

- 4.33 A councillor or a council committee member is not prevented from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because the councillor or council committee member has an interest in the matter of a kind referred to in clause 4.6.
- 4.34 A person does not breach clauses 4.28 or 4.29 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.
- 4.35 Despite clause 4.29, a councillor who has a pecuniary interest in a matter may participate in a decision to delegate consideration of the matter in question to another body or person.
- 4.36 Clause 4.29 does not apply to a councillor who has a pecuniary interest in a matter that is being considered at a meeting if:

(a) the matter is a proposal relating to:

- (i) the making of a principal environmental planning instrument applying to the whole or a significant portion of the council's area, or
- (ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the council's area, and
- (b) the pecuniary interest arises only because of an interest of the councillor in the councillor's principal place of residence or an interest of another person (whose interests are relevant under clause 4.3) in that person's principal place of residence, and
- (c) the councillor made a special disclosure under clause 4.37 in relation to the interest before the commencement of the meeting.
- 4.37 A special disclosure of a pecuniary interest made for the purposes of clause 4.36(c) must:
 - (a) be in the form set out in schedule 3 of this code and contain the information required by that form, and
 - (b) be laid on the table at a meeting of the council as soon as practicable after the disclosure is made, and the information contained in the special disclosure is to be recorded in the minutes of the meeting.

- 4.38 The Minister for Local Government may, conditionally or unconditionally, allow a councillor or a council committee member who has a pecuniary interest in a matter with which the council is concerned to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:
 - (a) that the number of councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
 - (b) that it is in the interests of the electors for the area to do so.
- 4.39 A councillor or a council committee member with a pecuniary interest in a matter who is permitted to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter under clause 4.38, must still disclose the interest they have in the matter in accordance with clause 4.28.

PART 5 NON-PECUNIARY CONFLICTS OF INTEREST

What is a non-pecuniary conflict of interest?

- 5.1 Non-pecuniary interests are private or personal interests a council official has that do not amount to a pecuniary interest as defined in clause 4.1 of this code. These commonly arise out of family or personal relationships, or out of involvement in sporting, social, religious or other cultural groups and associations, and may include an interest of a financial nature.
- 5.2 A non-pecuniary conflict of interest exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your official functions in relation to a matter.
- 5.3 The personal or political views of a council official do not constitute a private interest for the purposes of clause 5.2.
- 5.4 Non-pecuniary conflicts of interest must be identified and appropriately managed to uphold community confidence in the probity of council decision-making. The onus is on you to identify any non-pecuniary conflict of interest you may have in matters that you deal with, to disclose the interest fully and in writing, and to take appropriate action to manage the conflict in accordance with this code.
- 5.5 When considering whether or not you have a non-pecuniary conflict of interest in a matter you are dealing with, it is always important to think about how others would view your situation.

Managing non-pecuniary conflicts of interest

- 5.6 Where you have a non-pecuniary conflict of interest in a matter for the purposes of clause 5.2, you must disclose the relevant private interest you have in relation to the matter fully and in writing as soon as practicable after becoming aware of the non-pecuniary conflict of interest and on each occasion on which the non-pecuniary conflict of interest arises in relation to the matter. In the case of members of council staff other than the general manager, such a disclosure is to be made to the staff member's manager. In the case of the general manager, such a disclosure is to be made to the matter to the matter to the matter.
- 5.7 If a disclosure is made at a council or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes on each occasion on which the non-pecuniary conflict of interest arises. This disclosure constitutes disclosure in writing for the purposes of clause 5.6.
- 5.8 How you manage a non-pecuniary conflict of interest will depend on whether or not it is significant.
- 5.9 As a general rule, a non-pecuniary conflict of interest will be significant where it does not involve a pecuniary interest for the purposes of clause 4.1, but it involves:
 - a) a relationship between a council official and another person who is affected by a decision or a matter under consideration that is particularly

close, such as a current or former spouse or de facto partner, a relative for the purposes of clause 4.4 or another person from the council official's extended family that the council official has a close personal relationship with, or another person living in the same household

- b) other relationships with persons who are affected by a decision or a matter under consideration that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship.
- c) an affiliation between the council official and an organisation (such as a sporting body, club, religious, cultural or charitable organisation, corporation or association) that is affected by a decision or a matter under consideration that is particularly strong. The strength of a council official's affiliation with an organisation is to be determined by the extent to which they actively participate in the management, administration or other activities of the organisation.
- d) membership, as the council's representative, of the board or management committee of an organisation that is affected by a decision or a matter under consideration, in circumstances where the interests of the council and the organisation are potentially in conflict in relation to the particular matter
- e) a financial interest (other than an interest of a type referred to in clause 4.6) that is not a pecuniary interest for the purposes of clause 4.1
- f) the conferral or loss of a personal benefit other than one conferred or lost as a member of the community or a broader class of people affected by a decision.
- 5.10 Significant non-pecuniary conflicts of interest must be managed in one of two ways:
 - a) by not participating in consideration of, or decision making in relation to, the matter in which you have the significant non-pecuniary conflict of interest and the matter being allocated to another person for consideration or determination, or
 - b) if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a council or committee meeting, by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29.
- 5.11 If you determine that you have a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest you must also explain in writing why you consider that the non-pecuniary conflict of interest is not significant and does not require further action in the circumstances.
- 5.12 If you are a member of staff of council other than the general manager, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of your manager. In the case of the general manager, the decision on which option should be taken

to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of the mayor.

- 5.13 Despite clause 5.10(b), a councillor who has a significant non-pecuniary conflict of interest in a matter, may participate in a decision to delegate consideration of the matter in question to another body or person.
- 5.14 Council committee members are not required to declare and manage a nonpecuniary conflict of interest in accordance with the requirements of this Part where it arises from an interest they have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if they have been appointed to represent the organisation or group on the council committee.

Political donations

- 5.15 Councillors should be aware that matters before council or committee meetings involving their political donors may also give rise to a non-pecuniary conflict of interest.
- 5.16 Where you are a councillor and have received or knowingly benefitted from a reportable political donation:
 - a) made by a major political donor in the previous four years, and
 - b) the major political donor has a matter before council,

you must declare a non-pecuniary conflict of interest in the matter, disclose the nature of the interest, and manage the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29. A disclosure made under this clause must be recorded in the minutes of the meeting.

- 5.17 For the purposes of this Part:
 - a) a "reportable political donation" has the same meaning as it has in section 6 of the *Electoral Funding Act 2018*
 - b) "major political donor" has the same meaning as it has in the *Electoral Funding Act 2018.*
- 5.18 Councillors should note that political donations that are not a "reportable political donation", or political donations to a registered political party or group by which a councillor is endorsed, may still give rise to a non-pecuniary conflict of interest. Councillors should determine whether or not such conflicts are significant for the purposes of clause 5.9 and take the appropriate action to manage them.
- 5.19 Despite clause 5.16, a councillor who has received or knowingly benefitted from a reportable political donation of the kind referred to in that clause, may participate in a decision to delegate consideration of the matter in question to another body or person.

Loss of quorum as a result of compliance with this Part

5.20 A councillor who would otherwise be precluded from participating in the consideration of a matter under this Part because they have a non-pecuniary

conflict of interest in the matter is permitted to participate in consideration of the matter if:

- a) the matter is a proposal relating to:
 - i) the making of a principal environmental planning instrument applying to the whole or a significant portion of the council's area, or
 - ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the council's area, and
- b) the non-pecuniary conflict of interest arises only because of an interest that a person has in that person's principal place of residence, and
- c) the councillor discloses the interest they have in the matter that would otherwise have precluded their participation in consideration of the matter under this Part in accordance with clause 5.6.
- 5.21 The Minister for Local Government may, conditionally or unconditionally, allow a councillor or a council committee member who is precluded under this Part from participating in the consideration of a matter to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:
 - a) that the number of councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
 - b) that it is in the interests of the electors for the area to do so.
- 5.22 Where the Minister exempts a councillor or committee member from complying with a requirement under this Part under clause 5.21, the councillor or committee member must still disclose any interests they have in the matter the exemption applies to, in accordance with clause 5.6.

Other business or employment

- 5.23 The general manager must not engage, for remuneration, in private employment, contract work or other business outside the service of the council without the approval of the council.
- 5.24 A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the council that relates to the business of the council or that might conflict with the staff member's council duties unless they have notified the general manager in writing of the employment, work or business and the general manager has given their written approval for the staff member to engage in the employment, work or business.
- 5.25 The general manager may at any time prohibit a member of staff from engaging, for remuneration, in private employment, contract work or other business outside the service of the council that relates to the business of the council, or that might conflict with the staff member's council duties.
- 5.26 A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the council if prohibited from doing so.

- 5.27 Members of staff must ensure that any outside employment, work or business they engage in will not:
 - a) conflict with their official duties
 - b) involve using confidential information or council resources obtained through their work with the council including where private use is permitted
 - c) require them to work while on council duty
 - d) discredit or disadvantage the council
 - e) pose, due to fatigue, a risk to their health or safety, or to the health and safety of their co-workers.

Personal dealings with council

- 5.28 You may have reason to deal with your council in your personal capacity (for example, as a ratepayer, recipient of a council service or applicant for a development consent granted by council). You must not expect or request preferential treatment in relation to any matter in which you have a private interest because of your position. You must avoid any action that could lead members of the public to believe that you are seeking preferential treatment.
- 5.29 You must undertake any personal dealings you have with the council in a manner that is consistent with the way other members of the community deal with the council. You must also ensure that you disclose and appropriately manage any conflict of interest you may have in any matter in accordance with the requirements of this code.

PART 6 PERSONAL BENEFIT

- 6.1 For the purposes of this Part, a gift or a benefit is something offered to or received by a council official or someone personally associated with them for their personal use and enjoyment.
- 6.2 A reference to a gift or benefit in this Part does not include:
 - a) items with a value of \$10 or less
 - b) a political donation for the purposes of the Electoral Funding Act 2018
 - c) a gift provided to the council as part of a cultural exchange or sister-city relationship that is not converted for the personal use or enjoyment of any individual council official or someone personally associated with them
 - d) a benefit or facility provided by the council to an employee or councillor
 - e) attendance by a council official at a work-related event or function for the purposes of performing their official duties, or
 - f) free or subsidised meals, beverages or refreshments provided to council officials in conjunction with the performance of their official duties such as, but not limited to:
 - i) the discussion of official business
 - ii) work-related events such as council-sponsored or community events, training, education sessions or workshops
 - iii) conferences
 - iv) council functions or events
 - v) social functions organised by groups, such as council committees and community organisations.

Gifts and benefits

- 6.3 You must avoid situations that would give rise to the appearance that a person or body is attempting to secure favourable treatment from you or from the council, through the provision of gifts, benefits or hospitality of any kind to you or someone personally associated with you.
- 6.4 A gift or benefit is deemed to have been accepted by you for the purposes of this Part, where it is received by you or someone personally associated with you.

How are offers of gifts and benefits to be dealt with?

- 6.5 You must not:
 - a) seek or accept a bribe or other improper inducement
 - b) seek gifts or benefits of any kind
 - c) accept any gift or benefit that may create a sense of obligation on your part, or may be perceived to be intended or likely to influence you in carrying out your public duty
 - d) subject to clause 6.7, accept any gift or benefit of more than token value as defined by clause 6.9

- e) accept an offer of cash or a cash-like gift as defined by clause 6.13, regardless of the amount
- f) participate in competitions for prizes where eligibility is based on the council being in or entering into a customer–supplier relationship with the competition organiser
- g) personally benefit from reward points programs when purchasing on behalf of the council.
- 6.6 Where you receive a gift or benefit of any value other than one referred to in clause 6.2, you must disclose this promptly to your manager or the general manager in writing. The recipient, manager, or general manager must ensure that, at a minimum, the following details are recorded in the council's gift register:
 - a) the nature of the gift or benefit
 - b) the estimated monetary value of the gift or benefit
 - c) the name of the person who provided the gift or benefit, and
 - d) the date on which the gift or benefit was received.
- 6.7 Where you receive a gift or benefit of more than token value that cannot reasonably be refused or returned, the gift or benefit must be surrendered to the council, unless the nature of the gift or benefit makes this impractical.

Gifts and benefits of token value

- 6.8 You may accept gifts and benefits of token value. Gifts and benefits of token value are one or more gifts or benefits received from a person or organisation over a 12-month period that, when aggregated, do not exceed a value of \$100. They include, but are not limited to:
 - a) invitations to and attendance at local social, cultural or sporting events with a ticket value that does not exceed \$100
 - b) gifts of alcohol that do not exceed a value of \$100
 - c) ties, scarves, coasters, tie pins, diaries, chocolates or flowers or the like
 - d) prizes or awards that do not exceed \$100 in value.

Gifts and benefits of more than token value

- 6.9 Gifts or benefits that exceed \$100 in value are gifts or benefits of more than token value for the purposes of clause 6.5(d) and, subject to clause 6.7, must not be accepted.
- 6.10 Gifts and benefits of more than token value include, but are not limited to, tickets to major sporting events (such as international matches or matches in national sporting codes) with a ticket value that exceeds \$100, corporate hospitality at a corporate facility at major sporting events, free or discounted products or services for personal use provided on terms that are not available to the general public or a broad class of persons, the use of holiday homes, artworks, free or discounted travel.
- 6.11 Where you have accepted a gift or benefit of token value from a person or organisation, you must not accept a further gift or benefit from the same person or organisation or another person associated with that person or organisation within a single 12-month period where the value of the gift, added to the value of earlier gifts received from the same person or organisation, or a person

associated with that person or organisation, during the same 12-month period would exceed \$100 in value.

6.12 For the purposes of this Part, the value of a gift or benefit is the monetary value of the gift or benefit inclusive of GST.

"Cash-like gifts"

6.13 For the purposes of clause 6.5(e), "cash-like gifts" include, but are not limited to, gift vouchers, credit cards, debit cards with credit on them, prepayments such as phone or internet credit, lottery tickets, memberships or entitlements to discounts that are not available to the general public or a broad class of persons.

Improper and undue influence

- 6.14 You must not use your position to influence other council officials in the performance of their official functions to obtain a private benefit for yourself or for somebody else. A councillor will not be in breach of this clause where they seek to influence other council officials through the proper exercise of their role as prescribed under the LGA.
- 6.15 You must not take advantage (or seek to take advantage) of your status or position with council, or of functions you perform for council, in order to obtain a private benefit for yourself or for any other person or body.

PART 7 RELATIONSHIPS BETWEEN COUNCIL OFFICIALS

Obligations of councillors and administrators

- 7.1 Each council is a body politic. The councillors or administrator/s are the governing body of the council. Under section 223 of the LGA, the role of the governing body of the council includes the development and endorsement of the strategic plans, programs, strategies and policies of the council, including those relating to workforce policy, and to keep the performance of the council under review.
- 7.2 Councillors or administrators must not:
 - a) direct council staff other than by giving appropriate direction to the general manager by way of council or committee resolution, or by the mayor or administrator exercising their functions under section 226 of the LGA
 - b) in any public or private forum, direct or influence, or attempt to direct or influence, any other member of the staff of the council or a delegate of the council in the exercise of the functions of the staff member or delegate
 - c) contact a member of the staff of the council on council-related business unless in accordance with the policy and procedures governing the interaction of councillors and council staff that have been authorised by the council and the general manager
 - d) contact or issue instructions to any of the council's contractors, including the council's legal advisers, unless by the mayor or administrator exercising their functions under section 226 of the LGA.
- 7.3 Despite clause 7.2, councillors may contact the council's external auditor or the chair of the council's audit risk and improvement committee to provide information reasonably necessary for the external auditor or the audit, risk and improvement committee to effectively perform their functions.

Obligations of staff

- 7.4 Under section 335 of the LGA, the role of the general manager includes conducting the day-to-day management of the council in accordance with the strategic plans, programs, strategies and policies of the council, implementing without undue delay, lawful decisions of the council and ensuring that the mayor and other councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their official functions.
- 7.5 Members of staff of council must:
 - a) give their attention to the business of the council while on duty
 - b) ensure that their work is carried out ethically, efficiently, economically and effectively
 - c) carry out reasonable and lawful directions given by any person having authority to give such directions
 - d) give effect to the lawful decisions, policies and procedures of the council, whether or not the staff member agrees with or approves of them

e) ensure that any participation in political activities outside the service of the council does not interfere with the performance of their official duties.

Inappropriate interactions

- 7.6 You must not engage in any of the following inappropriate interactions:
 - a) councillors and administrators approaching staff and staff organisations to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
 - b) council staff approaching councillors and administrators to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
 - c) subject to clause 8.6, council staff refusing to give information that is available to other councillors to a particular councillor
 - d) councillors and administrators who have lodged an application with the council, discussing the matter with council staff in staff-only areas of the council
 - e) councillors and administrators approaching members of local planning panels or discussing any application that is either before the panel or that will come before the panel at some future time, except during a panel meeting where the application forms part of the agenda and the councillor or administrator has a right to be heard by the panel at the meeting
 - f) councillors and administrators being overbearing or threatening to council staff
 - g) council staff being overbearing or threatening to councillors or administrators
 - h) councillors and administrators making personal attacks on council staff or engaging in conduct towards staff that would be contrary to the general conduct provisions in Part 3 of this code in public forums including social media
 - i) councillors and administrators directing or pressuring council staff in the performance of their work, or recommendations they should make
 - j) council staff providing ad hoc advice to councillors and administrators without recording or documenting the interaction as they would if the advice was provided to a member of the community
 - k) council staff meeting with applicants or objectors alone AND outside office hours to discuss planning applications or proposals
 - councillors attending on-site inspection meetings with lawyers and/or consultants engaged by the council associated with current or proposed legal proceedings unless permitted to do so by the council's general manager or, in the case of the mayor or administrator, unless they are exercising their functions under section 226 of the LGA.

PART 8 ACCESS TO INFORMATION AND COUNCIL RESOURCES

Councillor and administrator access to information

- 8.1 The general manager is responsible for ensuring that councillors and administrators can access information necessary for the performance of their official functions. The general manager and public officer are also responsible for ensuring that members of the public can access publicly available council information under the *Government Information (Public Access) Act 2009* (the GIPA Act).
- 8.2 The general manager must provide councillors and administrators with the information necessary to effectively discharge their official functions.
- 8.3 Members of staff of council must provide full and timely information to councillors and administrators sufficient to enable them to exercise their official functions and in accordance with council procedures.
- 8.4 Members of staff of council who provide any information to a particular councillor in the performance of their official functions must also make it available to any other councillor who requests it and in accordance with council procedures.
- 8.5 Councillors and administrators who have a private interest only in council information have the same rights of access as any member of the public.
- 8.6 Despite clause 8.4, councillors and administrators who are precluded from participating in the consideration of a matter under this code because they have a conflict of interest in the matter, are not entitled to request access to council information in relation to the matter unless the information is otherwise available to members of the public, or the council has determined to make the information available under the GIPA Act.

Councillors and administrators to properly examine and consider information

8.7 Councillors and administrators must ensure that they comply with their duty under section 439 of the LGA to act honestly and exercise a reasonable degree of care and diligence by properly examining and considering all the information provided to them relating to matters that they are required to make a decision on.

Refusal of access to information

8.8 Where the general manager or public officer determine to refuse access to information requested by a councillor or administrator, they must act reasonably. In reaching this decision they must take into account whether or not the information requested is necessary for the councillor or administrator to perform their official functions (see clause 8.2) and whether they have disclosed a conflict of interest in the matter the information relates to that would preclude their participation in consideration of the matter (see clause 8.6). The general manager or public officer must state the reasons for the decision if access is refused.

Use of certain council information

- 8.9 In regard to information obtained in your capacity as a council official, you must:
 - a) subject to clause 8.14, only access council information needed for council business
 - b) not use that council information for private purposes
 - c) not seek or obtain, either directly or indirectly, any financial benefit or other improper advantage for yourself, or any other person or body, from any information to which you have access by virtue of your office or position with council
 - d) only release council information in accordance with established council policies and procedures and in compliance with relevant legislation.

Use and security of confidential information

- 8.10 You must maintain the integrity and security of confidential information in your possession, or for which you are responsible.
- 8.11 In addition to your general obligations relating to the use of council information, you must:
 - a) only access confidential information that you have been authorised to access and only do so for the purposes of exercising your official functions
 - b) protect confidential information
 - c) only release confidential information if you have authority to do so
 - d) only use confidential information for the purpose for which it is intended to be used
 - e) not use confidential information gained through your official position for the purpose of securing a private benefit for yourself or for any other person
 - f) not use confidential information with the intention to cause harm or detriment to the council or any other person or body
 - g) not disclose any confidential information discussed during a confidential session of a council or committee meeting or any other confidential forum (such as, but not limited to, workshops or briefing sessions).

Personal information

- 8.12 When dealing with personal information you must comply with:
 - a) the Privacy and Personal Information Protection Act 1998
 - b) the Health Records and Information Privacy Act 2002
 - c) the Information Protection Principles and Health Privacy Principles
 - d) the council's privacy management plan
 - e) the Privacy Code of Practice for Local Government

Use of council resources

8.13 You must use council resources ethically, effectively, efficiently and carefully in exercising your official functions, and must not use them for private purposes, except when supplied as part of a contract of employment (but not for private business purposes), unless this use is lawfully authorised and proper payment is made where appropriate.

- 8.14 Union delegates and consultative committee members may have reasonable access to council resources and information for the purposes of carrying out their industrial responsibilities, including but not limited to:
 - a) the representation of members with respect to disciplinary matters
 - b) the representation of employees with respect to grievances and disputes
 - c) functions associated with the role of the local consultative committee.
- 8.15 You must be scrupulous in your use of council property, including intellectual property, official services, facilities, technology and electronic devices and must not permit their misuse by any other person or body.
- 8.16 You must avoid any action or situation that could create the appearance that council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.
- 8.17 You must not use council resources (including council staff), property or facilities for the purpose of assisting your election campaign or the election campaigns of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.
- 8.18 You must not use the council letterhead, council crests, council email or social media or other information that could give the appearance it is official council material:
 - a) for the purpose of assisting your election campaign or the election campaign of others, or
 - b) for other non-official purposes.
- 8.19 You must not convert any property of the council to your own use unless properly authorised.

Internet access

8.20 You must not use council's computer resources or mobile or other devices to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature, or that could otherwise lead to criminal penalty or civil liability and/or damage the council's reputation.

Council record keeping

- 8.21 You must comply with the requirements of the *State Records Act 1998* and the council's records management policy.
- 8.22 All information created, sent and received in your official capacity is a council record and must be managed in accordance with the requirements of the *State Records Act 1998* and the council's approved records management policies and practices.
- 8.23 All information stored in either soft or hard copy on council supplied resources (including technology devices and email accounts) is deemed to be related to the business of the council and will be treated as council records, regardless of

whether the original intention was to create the information for personal purposes.

8.24 You must not destroy, alter, or dispose of council information or records, unless authorised to do so. If you need to alter or dispose of council information or records, you must do so in consultation with the council's records manager and comply with the requirements of the *State Records Act 1998*.

Councillor access to council buildings

- 8.25 Councillors and administrators are entitled to have access to the council chamber, committee room, mayor's office (subject to availability), councillors' rooms, and public areas of council's buildings during normal business hours and for meetings. Councillors and administrators needing access to these facilities at other times must obtain authority from the general manager.
- 8.26 Councillors and administrators must not enter staff-only areas of council buildings without the approval of the general manager (or their delegate) or as provided for in the procedures governing the interaction of councillors and council staff.
- 8.27 Councillors and administrators must ensure that when they are within a staff only area they refrain from conduct that could be perceived to improperly influence council staff decisions.

PART 9 MAINTAINING THE INTEGRITY OF THIS CODE

Complaints made for an improper purpose

- 9.1 You must not make or threaten to make a complaint or cause a complaint to be made alleging a breach of this code for an improper purpose.
- 9.2 For the purposes of clause 9.1, a complaint is made for an improper purpose where it is trivial, frivolous, vexatious or not made in good faith, or where it otherwise lacks merit and has been made substantially for one or more of the following purposes:
 - a) to bully, intimidate or harass another council official
 - b) to damage another council official's reputation
 - c) to obtain a political advantage
 - d) to influence a council official in the exercise of their official functions or to prevent or disrupt the exercise of those functions
 - e) to influence the council in the exercise of its functions or to prevent or disrupt the exercise of those functions
 - f) to avoid disciplinary action under the Procedures
 - g) to take reprisal action against a person for making a complaint alleging a breach of this code
 - h) to take reprisal action against a person for exercising a function prescribed under the Procedures
 - i) to prevent or disrupt the effective administration of this code under the Procedures.

Detrimental action

- 9.3 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for a complaint they have made alleging a breach of this code.
- 9.4 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for any function they have exercised under the Procedures.
- 9.5 For the purposes of clauses 9.3 and 9.4, a detrimental action is an action causing, comprising or involving any of the following:
 - a) injury, damage or loss
 - b) intimidation or harassment
 - c) discrimination, disadvantage or adverse treatment in relation to employment
 - d) dismissal from, or prejudice in, employment
 - e) disciplinary proceedings.

Compliance with requirements under the Procedures

- 9.6 You must not engage in conduct that is calculated to impede or disrupt the consideration of a matter under the Procedures.
- 9.7 You must comply with a reasonable and lawful request made by a person exercising a function under the Procedures. A failure to make a written or oral

submission invited under the Procedures will not constitute a breach of this clause.

9.8 You must comply with a practice ruling made by the Office under the Procedures.

Disclosure of information about the consideration of a matter under the Procedures

- 9.9 All allegations of breaches of this code must be dealt with under and in accordance with the Procedures.
- 9.10 You must not allege breaches of this code other than by way of a complaint made or initiated under the Procedures.
- 9.11 You must not make allegations about, or disclose information about, suspected breaches of this code at council, committee or other meetings, whether open to the public or not, or in any other forum, whether public or not.
- 9.12 You must not disclose information about a complaint you have made alleging a breach of this code or any other matter being considered under the Procedures except for the purposes of seeking legal advice, unless the disclosure is otherwise permitted under the Procedures.
- 9.13 Nothing under this Part prevents a person from making a public interest disclosure to an appropriate public authority or investigative authority under the *Public Interest Disclosures Act 1994*.

Complaints alleging a breach of this Part

- 9.14 Complaints alleging a breach of this Part by a councillor, the general manager or an administrator are to be managed by the Office. This clause does not prevent the Office from referring an alleged breach of this Part back to the council for consideration in accordance with the Procedures.
- 9.15 Complaints alleging a breach of this Part by other council officials are to be managed by the general manager in accordance with the Procedures.

SCHEDULE 1: DISCLOSURES OF INTERESTS AND OTHER MATTERS IN WRITTEN RETURNS SUBMITTED UNDER CLAUSE 4.21

Part 1: Preliminary

Definitions

1. For the purposes of the schedules to this code, the following definitions apply:

address means:

- a) in relation to a person other than a corporation, the last residential or business address of the person known to the councillor or designated person disclosing the address, or
- b) in relation to a corporation, the address of the registered office of the corporation in New South Wales or, if there is no such office, the address of the principal office of the corporation in the place where it is registered, or
- c) in relation to any real property, the street address of the property.

de facto partner has the same meaning as defined in section 21C of the *Interpretation Act 1987*.

disposition of property means a conveyance, transfer, assignment, settlement, delivery, payment or other alienation of property, including the following:

- a) the allotment of shares in a company
- b) the creation of a trust in respect of property
- c) the grant or creation of a lease, mortgage, charge, easement, licence, power, partnership or interest in respect of property
- d) the release, discharge, surrender, forfeiture or abandonment, at law or in equity, of a debt, contract or chose in action, or of an interest in respect of property
- e) the exercise by a person of a general power of appointment over property in favour of another person
- f) a transaction entered into by a person who intends by the transaction to diminish, directly or indirectly, the value of the person's own property and to increase the value of the property of another person.

gift means a disposition of property made otherwise than by will (whether or not by instrument in writing) without consideration, or with inadequate consideration, in money or money's worth passing from the person to whom the disposition was made to the person who made the disposition, but does not include a financial or other contribution to travel.

interest means:

a) in relation to property, an estate, interest, right or power, at law or in equity, in or over the property, or

b) in relation to a corporation, a relevant interest (within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth) in securities issued or made available by the corporation.

listed company means a company that is listed within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth.

occupation includes trade, profession and vocation.

professional or business association means an incorporated or unincorporated body or organisation having as one of its objects or activities the promotion of the economic interests of its members in any occupation.

property includes money.

return date means:

- a) in the case of a return made under clause 4.21(a), the date on which a person became a councillor or designated person
- b) in the case of a return made under clause 4.21(b), 30 June of the year in which the return is made
- c) in the case of a return made under clause 4.21(c), the date on which the councillor or designated person became aware of the interest to be disclosed.

relative includes any of the following:

- a) a person's spouse or de facto partner
- b) a person's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
- c) a person's spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
- d) the spouse or de factor partner of a person referred to in paragraphs (b) and (c).

travel includes accommodation incidental to a journey.

Matters relating to the interests that must be included in returns

- 2. Interests etc. outside New South Wales: A reference in this schedule or in schedule 2 to a disclosure concerning a corporation or other thing includes any reference to a disclosure concerning a corporation registered, or other thing arising or received, outside New South Wales.
- 3. *References to interests in real property:* A reference in this schedule or in schedule 2 to real property in which a councillor or designated person has an interest includes a reference to any real property situated in Australia in which the councillor or designated person has an interest.
- 4. *Gifts, loans etc. from related corporations:* For the purposes of this schedule and schedule 2, gifts or contributions to travel given, loans made, or goods

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or services supplied, to a councillor or designated person by two or more corporations that are related to each other for the purposes of section 50 of the *Corporations Act 2001* of the Commonwealth are all given, made or supplied by a single corporation.

Part 2: Pecuniary interests to be disclosed in returns

Real property

- 5. A person making a return under clause 4.21 of this code must disclose:
 - a) the street address of each parcel of real property in which they had an interest on the return date, and
 - b) the street address of each parcel of real property in which they had an interest in the period since 30 June of the previous financial year, and
 - c) the nature of the interest.
- 6. An interest in a parcel of real property need not be disclosed in a return if the person making the return had the interest only:
 - a) as executor of the will, or administrator of the estate, of a deceased person and not as a beneficiary under the will or intestacy, or
 - b) as a trustee, if the interest was acquired in the ordinary course of an occupation not related to their duties as the holder of a position required to make a return.
- 7. An interest in a parcel of real property need not be disclosed in a return if the person ceased to hold the interest prior to becoming a councillor or designated person.
- 8. For the purposes of clause 5 of this schedule, "interest" includes an option to purchase.

<u>Gifts</u>

- 9. A person making a return under clause 4.21 of this code must disclose:
 - a) a description of each gift received in the period since 30 June of the previous financial year, and
 - b) the name and address of the donor of each of the gifts.
- 10. A gift need not be included in a return if:
 - a) it did not exceed \$500, unless it was among gifts totalling more than \$500 made by the same person during a period of 12 months or less, or
 - b) it was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
 - c) the donor was a relative of the donee, or
 - d) subject to paragraph (a), it was received prior to the person becoming a councillor or designated person.
- 11. For the purposes of clause 10 of this schedule, the amount of a gift other than money is an amount equal to the value of the property given.

Contributions to travel

12. A person making a return under clause 4.21 of this code must disclose:

- a) the name and address of each person who made any financial or other contribution to the expenses of any travel undertaken by the person in the period since 30 June of the previous financial year, and
- b) the dates on which the travel was undertaken, and

- c) the names of the states and territories, and of the overseas countries, in which the travel was undertaken.
- 13. A financial or other contribution to any travel need not be disclosed under this clause if it:
 - a) was made from public funds (including a contribution arising from travel on free passes issued under an Act or from travel in government or council vehicles), or
 - b) was made by a relative of the traveller, or
 - c) was made in the ordinary course of an occupation of the traveller that is not related to their functions as the holder of a position requiring the making of a return, or
 - d) did not exceed \$250, unless it was among gifts totalling more than \$250 made by the same person during a 12-month period or less, or
 - e) was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
 - f) was made by a political party of which the traveller was a member and the travel was undertaken for the purpose of political activity of the party in New South Wales, or to enable the traveller to represent the party within Australia, or
 - g) subject to paragraph (d) it was received prior to the person becoming a councillor or designated person.
- 14. For the purposes of clause 13 of this schedule, the amount of a contribution (other than a financial contribution) is an amount equal to the value of the contribution.

Interests and positions in corporations

- 15. A person making a return under clause 4.21 of this code must disclose:
 - a) the name and address of each corporation in which they had an interest or held a position (whether remunerated or not) on the return date, and
 - b) the name and address of each corporation in which they had an interest or held a position in the period since 30 June of the previous financial year, and
 - c) the nature of the interest, or the position held, in each of the corporations, and
 - d) a description of the principal objects (if any) of each of the corporations, except in the case of a listed company.
- 16. An interest in, or a position held in, a corporation need not be disclosed if the corporation is:
 - a) formed for the purpose of providing recreation or amusement, or for promoting commerce, industry, art, science, religion or charity, or for any other community purpose, and
 - b) required to apply its profits or other income in promoting its objects, and
 - c) prohibited from paying any dividend to its members.
- 17. An interest in a corporation need not be disclosed if the interest is a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company.

18. An interest or a position in a corporation need not be disclosed if the person ceased to hold the interest or position prior to becoming a councillor or designated person.

Interests as a property developer or a close associate of a property developer

- 19. A person making a return under clause 4.21 of this code must disclose whether they were a property developer, or a close associate of a corporation that, or an individual who, is a property developer, on the return date.
- 20. For the purposes of clause 19 of this schedule:

close associate, in relation to a corporation or an individual, has the same meaning as it has in section 53 of the *Electoral Funding Act 2018*.

property developer has the same meaning as it has in Division 7 of Part 3 of the *Electoral Funding Act 2018*.

Positions in trade unions and professional or business associations

- 21. A person making a return under clause 4.21 of the code must disclose:
 - a) the name of each trade union, and of each professional or business association, in which they held any position (whether remunerated or not) on the return date, and
 - b) the name of each trade union, and of each professional or business association, in which they have held any position (whether remunerated or not) in the period since 30 June of the previous financial year, and
 - c) a description of the position held in each of the unions and associations.
- 22. A position held in a trade union or a professional or business association need not be disclosed if the person ceased to hold the position prior to becoming a councillor or designated person.

Dispositions of real property

- 23.A person making a return under clause 4.21 of this code must disclose particulars of each disposition of real property by the person (including the street address of the affected property) in the period since 30 June of the previous financial year, under which they wholly or partly retained the use and benefit of the property or the right to re-acquire the property.
- 24. A person making a return under clause 4.21 of this code must disclose particulars of each disposition of real property to another person (including the street address of the affected property) in the period since 30 June of the previous financial year, that is made under arrangements with, but is not made by, the person making the return, being a disposition under which the person making the return obtained wholly or partly the use of the property.
- 25. A disposition of real property need not be disclosed if it was made prior to a person becoming a councillor or designated person.

Sources of income

26. A person making a return under clause 4.21 of this code must disclose:

- a) each source of income that the person reasonably expects to receive in the period commencing on the first day after the return date and ending on the following 30 June, and
- b) each source of income received by the person in the period since 30 June of the previous financial year.
- 27. A reference in clause 26 of this schedule to each source of income received, or reasonably expected to be received, by a person is a reference to:
 - a) in relation to income from an occupation of the person:
 - (i) a description of the occupation, and
 - (ii) if the person is employed or the holder of an office, the name and address of their employer, or a description of the office, and
 - (iii) if the person has entered into a partnership with other persons, the name (if any) under which the partnership is conducted, or
 - b) in relation to income from a trust, the name and address of the settlor and the trustee, or
 - c) in relation to any other income, a description sufficient to identify the person from whom, or the circumstances in which, the income was, or is reasonably expected to be, received.
- 28. The source of any income need not be disclosed by a person in a return if the amount of the income received, or reasonably expected to be received, by the person from that source did not exceed \$500, or is not reasonably expected to exceed \$500, as the case may be.
- 29. The source of any income received by the person that they ceased to receive prior to becoming a councillor or designated person need not be disclosed.
- 30. A fee paid to a councillor or to the mayor or deputy mayor under sections 248 or 249 of the LGA need not be disclosed.

Debts

- 31. A person making a return under clause 4.21 of this code must disclose the name and address of each person to whom the person was liable to pay any debt:
 - a) on the return date, and
 - b) at any time in the period since 30 June of the previous financial year.
- 32. A liability to pay a debt must be disclosed by a person in a return made under clause 4.21 whether or not the amount, or any part of the amount, to be paid was due and payable on the return date or at any time in the period since 30 June of the previous financial year, as the case may be.
- 33. A liability to pay a debt need not be disclosed by a person in a return if:
 - a) the amount to be paid did not exceed \$500 on the return date or in the period since 30 June of the previous financial year, as the case may be, unless:

- the debt was one of two or more debts that the person was liable to pay to one person on the return date, or at any time in the period since 30 June of the previous financial year, as the case may be, and
- (ii) the amounts to be paid exceeded, in the aggregate, \$500, or
- b) the person was liable to pay the debt to a relative, or
- c) in the case of a debt arising from a loan of money the person was liable to pay the debt to an authorised deposit-taking institution or other person whose ordinary business includes the lending of money, and the loan was made in the ordinary course of business of the lender, or
- d) in the case of a debt arising from the supply of goods or services:
 - the goods or services were supplied in the period of 12 months immediately preceding the return date, or were supplied in the period since 30 June of the previous financial year, as the case may be, or
 - (ii) the goods or services were supplied in the ordinary course of any occupation of the person that is not related to their duties as the holder of a position required to make a return, or
- e) subject to paragraph (a), the debt was discharged prior to the person becoming a councillor or designated person.

Discretionary disclosures

34. A person may voluntarily disclose in a return any interest, benefit, advantage or liability, whether pecuniary or not, that is not required to be disclosed under another provision of this Schedule.

SCHEDULE 2: FORM OF WRITTEN RETURN OF INTERESTS SUBMITTED UNDER CLAUSE 4.21

'Disclosures by councillors and designated persons' return

- 1. The pecuniary interests and other matters to be disclosed in this return are prescribed by Schedule 1 of the *Model Code of Conduct for Local Councils in NSW* (the Model Code of Conduct).
- 2. If this is the first return you have been required to lodge with the general manager after becoming a councillor or designated person, do not complete Parts C, D and I of the return. All other parts of the return should be completed with appropriate information based on your circumstances at the return date, that is, the date on which you became a councillor or designated person.
- 3. If you have previously lodged a return with the general manager and you are completing this return for the purposes of disclosing a new interest that was not disclosed in the last return you lodged with the general manager, you must complete all parts of the return with appropriate information for the period from 30 June of the previous financial year or the date on which you became a councillor or designated person, (whichever is the later date), to the return date which is the date you became aware of the new interest to be disclosed in your updated return.
- 4. If you have previously lodged a return with the general manager and are submitting a new return for the new financial year, you must complete all parts of the return with appropriate information for the 12-month period commencing on 30 June of the previous year to 30 June this year.
- 5. This form must be completed using block letters or typed.
- 6. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.
- 7. If there are no pecuniary interests or other matters of the kind required to be disclosed under a heading in this form, the word "NIL" is to be placed in an appropriate space under that heading.

Important information

This information is being collected for the purpose of complying with clause 4.21 of the Model Code of Conduct.

You must not lodge a return that you know or ought reasonably to know is false or misleading in a material particular (see clause 4.23 of the Model Code of Conduct). Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the council, the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal. The information collected on this form will be kept by the general manager in a register of returns. The general manager is required to table all returns at a council meeting.

Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2009* and any guidelines issued by the Information Commissioner.

You have an obligation to keep the information contained in this return up to date. If you become aware of a new interest that must be disclosed in this return, or an interest that you have previously failed to disclose, you must submit an updated return within three months of becoming aware of the previously undisclosed interest.

<u>Disclosure of pecuniary interests and other matters</u> by [full name of councillor or designated person]

as at [*return date*]

in respect of the period from [date] to [date]

[councillor's or designated person's signature] [date]

A. Real Property

Street address of each parcel of real property in which I Nature of had an interest at the return date/at any time since 30 interest June

B. Sources of income

1 Sources of income I reasonably expect to receive from an occupation in the period commencing on the first day after the return date and ending on the following 30 June

Sources of income I received from an occupation at any time since 30 June

Description of occupation Name and address of employer or description office held (if applicable	
--	--

2 Sources of income I reasonably expect to receive from a trust in the period commencing on the first day after the return date and ending on the following 30 June

Sources of income I received from a trust since 30 June

Name and address of settlor

Name and address of trustee

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3 Sources of other income I reasonably expect to receive in the period commencing on the first day after the return date and ending on the following 30 June

Sources of other income I received at any time since 30 June [Include description sufficient to identify the person from whom, or the circumstances in which, that income was received]

C. Gifts

Description of each gift I received at any Name and address of donor time since 30 June

D. Contributions to travel		
Name and address of each person who made any financial or other contributior to any travel undertaken by me at any time since 30 June	undertaken	Name of States, Territories of the Commonwealth and overseas countries in which travel was undertaken

E. Interests and positions in corporations		
Name and address of each Nature of corporation in which I had an interest (if interest or held a position at any) the return date/at any time since 30 June	Description o position (if any)	f Description of principal objects (if any) of corporation (except in case of listed company)

F. Were you a property developer or a close associate of a property developer on the return date? (Y/N)

G. Positions in trade unions and professional or business associationsName of each trade union and each
professional or business association in
which I held any position (whether
remunerated or not) at the return date/at
any time since 30 JuneDescription of position
professional or business association in
business association in
which I held any position (whether
remunerated or not) at the return date/at

H. Debts

Name and address of each person to whom I was liable to pay any debt at the return date/at any time since 30 June

I. Dispositions of property

1 Particulars of each disposition of real property by me (including the street address of the affected property) at any time since 30 June as a result of which I retained, either wholly or in part, the use and benefit of the property or the right to re-acquire the property at a later time

2 Particulars of each disposition of property to a person by any other person under arrangements made by me (including the street address of the affected property), being dispositions made at any time since 30 June, as a result of which I obtained, either wholly or in part, the use and benefit of the property

J. Discretionary disclosures

SCHEDULE 3: FORM OF SPECIAL DISCLOSURE OF PECUNIARY INTEREST SUBMITTED UNDER CLAUSE 4.37

- 1. This form must be completed using block letters or typed.
- 2. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.

Important information

This information is being collected for the purpose of making a special disclosure of pecuniary interests under clause 4.36(c) of the *Model Code of Conduct for Local Councils in NSW* (the Model Code of Conduct).

The special disclosure must relate only to a pecuniary interest that a councillor has in the councillor's principal place of residence, or an interest another person (whose interests are relevant under clause 4.3 of the Model Code of Conduct) has in that person's principal place of residence.

Clause 4.3 of the Model Code of Conduct states that you will have a pecuniary interest in a matter because of the pecuniary interest of your spouse or your de facto partner or your relative or because your business partner or employer has a pecuniary interest. You will also have a pecuniary interest in a matter because you, your nominee, your business partner or your employer is a member of a company or other body that has a pecuniary interest in the matter.

"Relative" is defined by clause 4.4 of the Model Code of Conduct as meaning your, your spouse's or your de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child and the spouse or de facto partner of any of those persons.

You must not make a special disclosure that you know or ought reasonably to know is false or misleading in a material particular. Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

This form must be completed by you before the commencement of the council or council committee meeting at which the special disclosure is being made. The completed form must be tabled at the meeting. Everyone is entitled to inspect it. The special disclosure must be recorded in the minutes of the meeting.

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Special disclosure of pecuniary interests by [full name of councillor]

in the matter of [insert name of environmental planning instrument]

which is to be considered at a meeting of the [name of council or council committee (as the case requires)]

to be held on the day of 20.

Pecuniary interest	
Address of the affected principal place of residence of the councillor or an associated person, company or body (the identified land)	
Relationship of identified land to the councillor [<i>Tick or cross one box.</i>]	 The councillor has an interest in the land (e.g. is the owner or has another interest arising out of a mortgage, lease, trust, option or contract, or otherwise). An associated person of the councillor has an interest in the land. An associated company or body of the councillor has an interest in the land.
Matter giving rise to pecuniary inter	est ¹
Nature of the land that is subject to a change in zone/planning control by the proposed LEP (the subject land) ² [Tick or cross one box]	 The identified land. Land that adjoins or is adjacent to or is in proximity to the identified land.
Current zone/planning control [Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]	

¹ Clause 4.1 of the Model Code of Conduct provides that a pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter, or if the interest is of a kind specified in clause 4.6 of the Model Code of Conduct.

² A pecuniary interest may arise by way of a change of permissible use of land adjoining, adjacent to or in proximity to land in which a councillor or a person, company or body referred to in clause 4.3 of the Model Code of Conduct has a proprietary interest.

Proposed change of zone/planning control	
[Insert name of proposed LEP and	
identify proposed change of	
zone/planning control applying to	
the subject land	
Effect of proposed change of	
zone/planning control on councillor	
or associated person	
[Insert one of the following:	
"Appreciable financial gain" or	
"Appreciable financial loss"]	

[If more than one pecuniary interest is to be declared, reprint the above box and fill in for each additional interest.]

Councillor's signature

Date

[This form is to be retained by the council's general manager and included in full in the minutes of the meeting]

Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW

2020

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PART 1 INTRODUCTION

These procedures ("the Model Code Procedures") are prescribed for the administration of the *Model Code of Conduct for Local Councils in NSW* ("the Model Code of Conduct").

The Model Code of Conduct is made under section 440 of the *Local Government Act 1993* ("the LGA") and the *Local Government (General) Regulation 2005* ("the Regulation"). Section 440 of the LGA requires every council (including county councils) and joint organisation to adopt a code of conduct that incorporates the provisions of the Model Code of Conduct.

The Model Code Procedures are made under section 440AA of the LGA and the Regulation. Section 440AA of the LGA requires every council (including county councils) and joint organisation to adopt procedures for the administration of their code of conduct that incorporate the provisions of the Model Code Procedures.

In adopting procedures for the administration of their adopted codes of conduct, councils and joint organisations may supplement the Model Code Procedures. However, provisions that are not consistent with those prescribed under the Model Code Procedures will have no effect.

Note: References in these procedures to councils are also to be taken as references to county councils and joint organisations.

Note: In adopting the Model Code Procedures, joint organisations should adapt them to substitute the terms "board" for "council", "chairperson" for "mayor", "voting representative" for "councillor" and "executive officer" for "general manager".

Note: In adopting the Model Code Procedures, county councils should adapt them to substitute the term "chairperson" for "mayor" and "member" for "councillor".

Note: Parts 6, 7, 8 and 11 of these procedures apply only to the management of code of conduct complaints about councillors (including the mayor) or the general manager.

PART 2 DEFINITIONS

In these procedures the following terms have the following meanings:

administrator	an administrator of a council appointed under the LGA other than an administrator appointed under section 66
code of conduct	a code of conduct adopted under section 440 of the LGA

- code of conduct complaint a complaint that is a code of conduct complaint for the purposes of clauses 4.1 and 4.2 of these procedures
- complainant a person who makes a code of conduct complaint
- complainant councillor a councillor who makes a code of conduct complaint
- complaints coordinator a person appointed by the general manager under these procedures as a complaints coordinator
- conduct reviewer a person appointed under these procedures to review allegations of breaches of the code of conduct by councillors or the general manager
- council includes county councils and joint organisations
- council committee a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to and the council's audit, risk and improvement committee
- council committee member of staff of a council who is a member of a council committee other than a wholly advisory committee, and a person other than a councillor who is a member of the council's audit, risk and improvement committee
- councillor any person elected or appointed to civic office, including the mayor, and includes members and chairpersons of county councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations
- council official any councillor, member of staff of council, administrator, council committee member, delegate of council and, for the purposes of clause 4.16 of the Model Code of Conduct, council adviser

delegate of council	a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated
external agency	a state government agency such as, but not limited to, the Office, the ICAC, the NSW Ombudsman or the police
general manager	includes the executive officer of a joint organisation
ICAC	the Independent Commission Against Corruption
joint organisation	a joint organisation established under section 400O of the LGA
LGA	the Local Government Act 1993
mayor	includes the chairperson of a county council or a joint organisation
members of staff of a council	includes members of staff of county councils and joint organisations
the Office	the Office of Local Government
investigator	a conduct reviewer
the Regulation	the Local Government (General) Regulation 2005
respondent	a person whose conduct is the subject of investigation by a conduct reviewer under these procedures
wholly advisory committee	a council committee that the council has not delegated any functions to

PART 3 ADMINISTRATIVE FRAMEWORK

The establishment of a panel of conduct reviewers

3.1 The council must establish a panel of conduct reviewers.

- 3.2 The council may enter into an arrangement with one or more other councils to share a panel of conduct reviewers including through a joint organisation or another regional body associated with the councils.
- 3.3 The panel of conduct reviewers is to be established following a public expression of interest process.
- 3.4 An expression of interest for members of the council's panel of conduct reviewers must, at a minimum, be advertised locally and in the Sydney metropolitan area.
- 3.5 To be eligible to be a conduct reviewer, a person must, at a minimum, meet the following requirements:
 - a) an understanding of local government, and
 - b) knowledge of investigative processes including but not limited to procedural fairness requirements and the requirements of the *Public Interest Disclosures Act 1994*, and
 - c) knowledge and experience of one or more of the following:
 - i) investigations
 - ii) law
 - iii) public administration
 - iv) public sector ethics
 - v) alternative dispute resolution, and
 - d) meet the eligibility requirements for membership of a panel of conduct reviewers under clause 3.6.
- 3.6 A person is not eligible to be a conduct reviewer if they are:
 - a) a councillor, or
 - b) a nominee for election as a councillor, or
 - c) an administrator, or
 - d) an employee of a council, or
 - e) a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or
 - f) a nominee for election as a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or
 - g) a person who has a conviction for an indictable offence that is not an expired conviction.
- 3.7 A person is not precluded from being a member of the council's panel of conduct reviewers if they are a member of another council's panel of conduct reviewers.
- 3.8 An incorporated or other entity may be appointed to a council's panel of conduct reviewers where the council is satisfied that all the persons who will be undertaking the functions of a conduct reviewer on behalf of the entity meet the selection and eligibility criteria prescribed under this Part.
- 3.9 A panel of conduct reviewers established under this Part is to have a term of up to four years.

- 3.10 The council may terminate the panel of conduct reviewers at any time. Where a panel of conduct reviewers has been terminated, conduct reviewers who were members of the panel may continue to deal with any matter referred to them under these procedures prior to the termination of the panel until they have finalised their consideration of the matter.
- 3.11 When the term of the panel of conduct reviewers concludes or is terminated, the council must establish a new panel of conduct reviewers in accordance with the requirements of this Part.
- 3.12 A person who was a member of a previous panel of conduct reviewers established by the council may be a member of subsequent panels of conduct reviewers established by the council if they continue to meet the selection and eligibility criteria for membership of the panel.

The appointment of an internal ombudsman to a panel of conduct reviewers

- 3.13 Despite clause 3.6(d), an employee of a council who is the nominated internal ombudsman of one or more councils may be appointed to a council's panel of conduct reviewers with the Office's consent.
- 3.14 To be appointed to a council's panel of conduct reviewers, an internal ombudsman must meet the qualification requirements for conduct reviewers prescribed under clause 3.5 as modified by the operation of clause 3.13.
- 3.15 An internal ombudsman appointed to a council's panel of conduct reviewers may also exercise the functions of the council's complaints coordinator. For the purposes of clause 6.1, an internal ombudsman who is a council's complaints coordinator and has been appointed to the council's panel of conduct reviewers, may either undertake a preliminary assessment and investigation of a matter referred to them under clauses 5.26 or 5.33 or refer the matter to another conduct reviewer in accordance with clause 6.2.
- 3.16 Clause 6.4(c) does not apply to an internal ombudsman appointed to a council's panel of conduct reviewers.

The appointment of complaints coordinators

- 3.17 The general manager must appoint a member of staff of the council or another person (such as, but not limited to, a member of staff of another council or a member of staff of a joint organisation or other regional body associated with the council), to act as a complaints coordinator. Where the complaints coordinator is a member of staff of the council, the complaints coordinator should be a senior and suitably qualified member of staff.
- 3.18 The general manager may appoint other members of staff of the council or other persons (such as, but not limited to, members of staff of another

council or members of staff of a joint organisation or other regional body associated with the council), to act as alternates to the complaints coordinator.

- 3.19 The general manager must not undertake the role of complaints coordinator.
- 3.20 The person appointed as complaints coordinator or alternate complaints coordinator must also be a nominated disclosures coordinator appointed for the purpose of receiving and managing reports of wrongdoing under the *Public Interest Disclosures Act 1994*.
- 3.21 The role of the complaints coordinator is to:
 - a) coordinate the management of complaints made under the council's code of conduct
 - b) liaise with and provide administrative support to a conduct reviewer
 - c) liaise with the Office, and
 - d) arrange the annual reporting of code of conduct complaints statistics.

PART 4 HOW MAY CODE OF CONDUCT COMPLAINTS BE MADE?

What is a code of conduct complaint?

- 4.1 For the purpose of these procedures, a code of conduct complaint is a complaint that shows or tends to show conduct on the part of a council official in connection with their role as a council official or the exercise of their functions as a council official that would constitute a breach of the standards of conduct prescribed under the council's code of conduct if proven.
- 4.2 The following are not "code of conduct complaints" for the purposes of these procedures:
 - a) complaints about the standard or level of service provided by the council or a council official
 - b) complaints that relate solely to the merits of a decision made by the council or a council official or the exercise of a discretion by the council or a council official
 - c) complaints about the policies or procedures of the council
 - d) complaints about the conduct of a council official arising from the exercise of their functions in good faith, whether or not involving error, that would not otherwise constitute a breach of the standards of conduct prescribed under the council's code of conduct.
- 4.3 Only code of conduct complaints are to be dealt with under these procedures. Complaints that do not satisfy the definition of a code of

conduct complaint are to be dealt with under the council's routine complaints management processes.

When must a code of conduct complaint be made?

- 4.4 A code of conduct complaint must be made within 3 months of the alleged conduct occurring or within three months of the complainant becoming aware of the alleged conduct.
- 4.5 A complaint made after 3 months may only be accepted if the general manager or their delegate, or, in the case of a complaint about the general manager, the mayor or their delegate, is satisfied that the allegations are serious and compelling grounds exist for the matter to be dealt with under the code of conduct.

How may a code of conduct complaint about a council official other than the general manager be made?

- 4.6 All code of conduct complaints other than those relating to the general manager are to be made to the general manager in writing. This clause does not operate to prevent a person from making a complaint to an external agency.
- 4.7 Where a code of conduct complaint about a council official other than the general manager cannot be made in writing, the complaint must be confirmed with the complainant in writing as soon as possible after the receipt of the complaint.
- 4.8 In making a code of conduct complaint about a council official other than the general manager, the complainant may nominate whether they want the complaint to be resolved by mediation or by other alternative means.
- 4.9 The general manager or their delegate, or, where the complaint is referred to a conduct reviewer, the conduct reviewer, must consider the complainant's preferences in deciding how to deal with the complaint.
- 4.10 Notwithstanding clauses 4.6 and 4.7, where the general manager becomes aware of a possible breach of the council's code of conduct, they may initiate the process for the consideration of the matter under these procedures without a written complaint.

How may a code of conduct complaint about the general manager be made?

4.11 Code of conduct complaints about the general manager are to be made to the mayor in writing. This clause does not operate to prevent a person from making a complaint about the general manager to an external agency.

- 4.12 Where a code of conduct complaint about the general manager cannot be made in writing, the complaint must be confirmed with the complainant in writing as soon as possible after the receipt of the complaint.
- 4.13 In making a code of conduct complaint about the general manager, the complainant may nominate whether they want the complaint to be resolved by mediation or by other alternative means.
- 4.14 The mayor or their delegate, or, where the complaint is referred to a conduct reviewer, the conduct reviewer, must consider the complainant's preferences in deciding how to deal with the complaint.
- 4.15 Notwithstanding clauses 4.11 and 4.12, where the mayor becomes aware of a possible breach of the council's code of conduct by the general manager, they may initiate the process for the consideration of the matter under these procedures without a written complaint.

PART 5 HOW ARE CODE OF CONDUCT COMPLAINTS TO BE MANAGED?

Delegation by general managers and mayors of their functions under this Part

5.1 A general manager or mayor may delegate their functions under this Part to a member of staff of the council or to a person or persons external to the council other than an external agency. References in this Part to the general manager or mayor are also to be taken to be references to their delegates.

Consideration of complaints by general managers and mayors

5.2 In exercising their functions under this Part, general managers and mayors may consider the complaint assessment criteria prescribed under clause 6.31.

What complaints may be declined at the outset?

- 5.3 Without limiting any other provision in these procedures, the general manager or, in the case of a complaint about the general manager, the mayor, may decline to deal with a complaint under these procedures where they are satisfied that the complaint:
 - a) is not a code of conduct complaint, or
 - b) subject to clause 4.5, is not made within 3 months of the alleged conduct occurring or the complainant becoming aware of the alleged conduct, or
 - c) is trivial, frivolous, vexatious or not made in good faith, or
 - d) relates to a matter the substance of which has previously been considered and addressed by the council and does not warrant further action, or

e) is not made in a way that would allow the alleged conduct and any alleged breaches of the council's code of conduct to be readily identified.

How are code of conduct complaints about staff (other than the general manager) to be dealt with?

- 5.4 The general manager is responsible for the management of code of conduct complaints about members of staff of council (other than complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct) and for determining the outcome of such complaints.
- 5.5 The general manager must refer code of conduct complaints about members of staff of council alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct to the Office.
- 5.6 The general manager may decide to take no action in relation to a code of conduct complaint about a member of staff of council other than one requiring referral to the Office under clause 5.5 where they consider that no action is warranted in relation to the complaint.
- 5.7 Where the general manager decides to take no action in relation to a code of conduct complaint about a member of staff of council, the general manager must give the complainant reasons in writing for their decision and this shall finalise the consideration of the matter under these procedures.
- 5.8 Code of conduct complaints about members of staff of council must be managed in accordance with the relevant industrial instrument or employment contract and make provision for procedural fairness including the right of an employee to be represented by their union.
- 5.9 Sanctions for breaches of the code of conduct by staff depend on the severity, scale and importance of the breach and must be determined in accordance with any relevant industrial instruments or contracts.

How are code of conduct complaints about delegates of council, council advisers and council committee members to be dealt with?

- 5.10 The general manager is responsible for the management of code of conduct complaints about delegates of council and council committee members (other than complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct) and for determining the outcome of such complaints.
- 5.11 The general manager must refer code of conduct complaints about council advisers, delegates of council and council committee members alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct to the Office.

- 5.12 The general manager may decide to take no action in relation to a code of conduct complaint about a delegate of council or a council committee member other than one requiring referral to the Office under clause 5.11 where they consider that no action is warranted in relation to the complaint.
- 5.13 Where the general manager decides to take no action in relation to a code of conduct complaint about a delegate of council or a council committee member, the general manager must give the complainant reasons in writing for their decision and this shall finalise the consideration of the matter under these procedures.
- 5.14 Where the general manager considers it to be practicable and appropriate to do so, the general manager may seek to resolve code of conduct complaints about delegates of council or council committee members, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 5.15 Where the general manager resolves a code of conduct complaint under clause 5.14 to the general manager's satisfaction, the general manager must notify the complainant in writing of the steps taken to resolve the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.16 Sanctions for breaches of the code of conduct by delegates of council and/or council committee members depend on the severity, scale and importance of the breach and may include one or more of the following:
 - a) censure
 - b) requiring the person to apologise to any person or organisation adversely affected by the breach in such a time and form specified by the general manager
 - c) prosecution for any breach of the law
 - d) removing or restricting the person's delegation
 - e) removing the person from membership of the relevant council committee.
- 5.17 Prior to imposing a sanction against a delegate of council or a council committee member under clause 5.16, the general manager or any person making enquiries on behalf of the general manager must comply with the requirements of procedural fairness. In particular:
 - a) the substance of the allegation (including the relevant provision/s of the council's code of conduct that the alleged conduct is in breach of) must be put to the person who is the subject of the allegation, and

- b) the person must be given an opportunity to respond to the allegation, and
- c) the general manager must consider the person's response in deciding whether to impose a sanction under clause 5.16.

How are code of conduct complaints about administrators to be dealt with?

- 5.18 The general manager must refer all code of conduct complaints about administrators to the Office for its consideration.
- 5.19 The general manager must notify the complainant of the referral of their complaint in writing.

How are code of conduct complaints about councillors to be dealt with?

- 5.20 The general manager must refer the following code of conduct complaints about councillors to the Office:
 - a) complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct
 - b) complaints alleging a failure to comply with a requirement under the code of conduct to disclose and appropriately manage conflicts of interest arising from political donations (see section 328B of the LGA)
 - c) complaints alleging a breach of the provisions relating to the maintenance of the integrity of the code of conduct contained in Part 9 of the code of conduct
 - d) complaints that are the subject of a special complaints management arrangement with the Office under clause 5.49.
- 5.21 Where the general manager refers a complaint to the Office under clause 5.20, the general manager must notify the complainant of the referral in writing.
- 5.22 The general manager may decide to take no action in relation to a code of conduct complaint about a councillor, other than one requiring referral to the Office under clause 5.20, where they consider that no action is warranted in relation to the complaint.
- 5.23 Where the general manager decides to take no action in relation to a code of conduct complaint about a councillor, the general manager must give the complainant reasons in writing for their decision within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.24 Where the general manager considers it to be practicable and appropriate to do so, the general manager may seek to resolve code of conduct complaints about councillors, other than those requiring referral to the Office under clause 5.20, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the

offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.

- 5.25 Where the general manager resolves a code of conduct complaint under clause 5.24 to the general manager's satisfaction, the general manager must notify the complainant in writing of the steps taken to resolve the complaint within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.26 The general manager must refer all code of conduct complaints about councillors, other than those referred to the Office under clause 5.20 or finalised under clause 5.23 or resolved under clause 5.24, to the complaints coordinator.

How are code of conduct complaints about the general manager to be dealt with?

- 5.27 The mayor must refer the following code of conduct complaints about the general manager to the Office:
 - a) complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct
 - b) complaints alleging a breach of the provisions relating to the maintenance of the integrity of the code of conduct contained in Part 9 of the code of conduct
 - c) complaints that are the subject of a special complaints management arrangement with the Office under clause 5.49.
- 5.28 Where the mayor refers a complaint to the Office under clause 5.27, the mayor must notify the complainant of the referral in writing.
- 5.29 The mayor may decide to take no action in relation to a code of conduct complaint about the general manager, other than one requiring referral to the Office under clause 5.27, where they consider that no action is warranted in relation to the complaint.
- 5.30 Where the mayor decides to take no action in relation to a code of conduct complaint about the general manager, the mayor must give the complainant reasons in writing for their decision within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.31 Where the mayor considers it to be practicable and appropriate to do so, the mayor may seek to resolve code of conduct complaints about the general manager, other than those requiring referral to the Office under clause 5.27, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to

be taken as a determination that there has been a breach of the council's code of conduct.

- 5.32 Where the mayor resolves a code of conduct complaint under clause 5.31 to the mayor's satisfaction, the mayor must notify the complainant in writing of the steps taken to resolve the complaint within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.33 The mayor must refer all code of conduct complaints about the general manager, other than those referred to the Office under clause 5.27 or finalised under clause 5.30 or resolved under clause 5.31, to the complaints coordinator.

How are complaints about both the general manager and the mayor to be dealt with?

- 5.34 Where the general manager or mayor receives a code of conduct complaint that alleges a breach of the code of conduct by both the general manager and the mayor, the general manager or mayor must either:
 - a) delegate their functions under this part with respect to the complaint to a member of staff of the council other than the general manager where the allegation is not serious, or to a person external to the council, or
 - b) refer the matter to the complaints coordinator under clause 5.26 and clause 5.33.

Referral of code of conduct complaints to external agencies

- 5.35 The general manager, mayor or a conduct reviewer may, at any time, refer a code of conduct complaint to an external agency for its consideration, where they consider such a referral is warranted.
- 5.36 The general manager, mayor or a conduct reviewer must report to the ICAC any matter that they suspect on reasonable grounds concerns or may concern corrupt conduct.
- 5.37 Where the general manager, mayor or conduct reviewer refers a complaint to an external agency under clause 5.35, they must notify the complainant of the referral in writing unless they form the view, on the advice of the relevant agency, that it would not be appropriate for them to do so.
- 5.38 Referral of a matter to an external agency shall finalise consideration of the matter under these procedures unless the council is subsequently advised otherwise by the referral agency.

Disclosure of the identity of complainants

- 5.39 In dealing with matters under these procedures, information that identifies or tends to identify complainants is not to be disclosed unless:
 - a) the complainant consents in writing to the disclosure, or
 - b) it is generally known that the complainant has made the complaint as a result of the complainant having voluntarily identified themselves as the person who made the complaint, or
 - c) it is essential, having regard to procedural fairness requirements, that the identifying information be disclosed, or
 - d) a conduct reviewer is of the opinion that disclosure of the information is necessary to investigate the matter effectively, or
 - e) it is otherwise in the public interest to do so.
- 5.40 Clause 5.39 does not apply to code of conduct complaints made by councillors about other councillors or the general manager.
- 5.41 Where a councillor makes a code of conduct complaint about another councillor or the general manager, and the complainant councillor considers that compelling grounds exist that would warrant information that identifies or tends to identify them as the complainant not to be disclosed, they may request in writing that such information not be disclosed.
- 5.42 A request made by a complainant councillor under clause 5.41 must be made at the time they make a code of conduct complaint and must state the grounds upon which the request is made.
- 5.43 The general manager or mayor, and where the matter is referred to a conduct reviewer, the conduct reviewer, must consider a request made under clause 5.41 before disclosing information that identifies or tends to identify the complainant councillor, but they are not obliged to comply with the request.
- 5.44 Where a complainant councillor makes a request under clause 5.41, the general manager or mayor or, where the matter is referred to a conduct reviewer, the conduct reviewer, shall notify the councillor in writing of their intention to disclose information that identifies or tends to identify them prior to disclosing the information.

Code of conduct complaints made as public interest disclosures

5.45 These procedures do not override the provisions of the *Public Interest Disclosures Act 1994.* Code of conduct complaints that are made as public interest disclosures under that Act are to be managed in accordance with the requirements of that Act, the council's internal reporting policy, and any guidelines issued by the NSW Ombudsman that relate to the management of public interest disclosures.

- 5.46 Where a councillor makes a code of conduct complaint about another councillor or the general manager as a public interest disclosure, before the matter may be dealt with under these procedures, the complainant councillor must consent in writing to the disclosure of their identity as the complainant.
- 5.47 Where a complainant councillor declines to consent to the disclosure of their identity as the complainant under clause 5.46, the general manager or the mayor must refer the complaint to the Office for consideration. Such a referral must be made under section 26 of the *Public Interest Disclosures Act 1994*.

Special complaints management arrangements

- 5.48 The general manager may request in writing that the Office enter into a special complaints management arrangement with the council in relation to code of conduct complaints made by or about a person or persons.
- 5.49 Where the Office receives a request under clause 5.48, it may agree to enter into a special complaints management arrangement if it is satisfied that the number or nature of code of conduct complaints made by or about a person or persons has:
 - a) imposed an undue and disproportionate cost burden on the council's administration of its code of conduct, or
 - b) impeded or disrupted the effective administration by the council of its code of conduct, or
 - c) impeded or disrupted the effective functioning of the council.
- 5.50 A special complaints management arrangement must be in writing and must specify the following:
 - a) the code of conduct complaints the arrangement relates to, and
 - b) the period that the arrangement will be in force.
- 5.51 The Office may, by notice in writing, amend or terminate a special complaints management arrangement at any time.
- 5.52 While a special complaints management arrangement is in force, an officer of the Office (the assessing OLG officer) must undertake the preliminary assessment of the code of conduct complaints specified in the arrangement in accordance with the requirements of Part 6 of these procedures.
- 5.53 Where, following a preliminary assessment, the assessing OLG officer determines that a code of conduct complaint warrants investigation by a conduct reviewer, the assessing OLG officer shall notify the complaints coordinator in writing of their determination and the reasons for their determination. The complaints coordinator must comply with the recommendation of the assessing OLG officer.

- 5.54 Prior to the expiry of a special complaints management arrangement, the Office may, at the request of the general manager, review the arrangement to determine whether it should be renewed or amended.
- 5.55 A special complaints management arrangement shall expire on the date specified in the arrangement unless renewed under clause 5.54.

PART 6 PRELIMINARY ASSESSMENT OF CODE OF CONDUCT COMPLAINTS ABOUT COUNCILLORS OR THE GENERAL MANAGER BY CONDUCT REVIEWERS

Referral of code of conduct complaints about councillors or the general manager to conduct reviewers

- 6.1 The complaints coordinator must refer all code of conduct complaints about councillors or the general manager that have not been referred to an external agency or declined or resolved by the general manager, mayor or their delegate and that have been referred to them under clauses 5.26 or 5.33, to a conduct reviewer within 21 days of receipt of the complaint by the general manager or the mayor.
- 6.2 For the purposes of clause 6.1, the complaints coordinator will refer a complaint to a conduct reviewer selected from:
 - a) a panel of conduct reviewers established by the council, or
 - b) a panel of conduct reviewers established by an organisation approved by the Office.
- 6.3 In selecting a suitable conduct reviewer, the complaints coordinator may have regard to the qualifications and experience of members of the panel of conduct reviewers. Where the conduct reviewer is an incorporated or other entity, the complaints coordinator must also ensure that the person assigned to receive the referral on behalf of the entity meets the selection and eligibility criteria for conduct reviewers prescribed under Part 3 of these procedures.
- 6.4 A conduct reviewer must not accept the referral of a code of conduct complaint where:
 - a) they have a conflict of interest in relation to the matter referred to them, or
 - b) a reasonable apprehension of bias arises in relation to their consideration of the matter, or
 - c) they or their employer has entered into one or more contracts with the council (other than contracts relating to the exercise of their functions as a conduct reviewer) in the 2 years preceding the referral, and they or their employer have received or expect to receive payments under the contract or contracts of a value that, when aggregated, exceeds \$100,000, or

- d) at the time of the referral, they or their employer are the council's legal service provider or are a member of a panel of legal service providers appointed by the council.
- 6.5 For the purposes of clause 6.4(a), a conduct reviewer will have a conflict of interest in a matter where a reasonable and informed person would perceive that they could be influenced by a private interest when carrying out their public duty (see clause 5.2 of the Model Code of Conduct).
- 6.6 For the purposes of clause 6.4(b), a reasonable apprehension of bias arises where a fair-minded observer might reasonably apprehend that the conduct reviewer might not bring an impartial and unprejudiced mind to the matter referred to the conduct reviewer.
- 6.7 Where the complaints coordinator refers a matter to a conduct reviewer, they will provide the conduct reviewer with a copy of the code of conduct complaint and any other information relevant to the matter held by the council, including any information about previous proven breaches and any information that would indicate that the alleged conduct forms part of an ongoing pattern of behaviour.
- 6.8 The complaints coordinator must notify the complainant in writing that the matter has been referred to a conduct reviewer, and advise which conduct reviewer the matter has been referred to.
- 6.9 Conduct reviewers must comply with these procedures in their consideration of matters that have been referred to them and exercise their functions in a diligent and timely manner.
- 6.10 The complaints coordinator may at any time terminate the referral of a matter to a conduct reviewer and refer the matter to another conduct reviewer where the complaints coordinator is satisfied that the conduct reviewer has failed to:
 - a) comply with these procedures in their consideration of the matter, or
 - b) comply with a lawful and reasonable request by the complaints coordinator, or
 - c) exercise their functions in a timely or satisfactory manner.
- 6.11 Where the complaints coordinator terminates a referral to a conduct reviewer under clause 6.10, they must notify the complainant and any other affected person in writing of their decision and the reasons for it and advise them which conduct reviewer the matter has been referred to instead.

Preliminary assessment of code of conduct complaints about councillors or the general manager by a conduct reviewer

- 6.12 The conduct reviewer is to undertake a preliminary assessment of a complaint referred to them by the complaints coordinator for the purposes of determining how the complaint is to be managed.
- 6.13 The conduct reviewer may determine to do one or more of the following in relation to a complaint referred to them by the complaints coordinator:
 - a) to take no action
 - b) to resolve the complaint by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
 - c) to refer the matter back to the general manager or, in the case of a complaint about the general manager, the mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
 - d) to refer the matter to an external agency
 - e) to investigate the matter.
- 6.14 In determining how to deal with a matter under clause 6.13, the conduct reviewer must have regard to the complaint assessment criteria prescribed under clause 6.31.
- 6.15 The conduct reviewer may make such enquiries the conduct reviewer considers to be reasonably necessary to determine what options to exercise under clause 6.13.
- 6.16 The conduct reviewer may request the complaints coordinator to provide such additional information the conduct reviewer considers to be reasonably necessary to determine what options to exercise in relation to the matter under clause 6.13. The complaints coordinator will, as far as is reasonably practicable, supply any information requested by the conduct reviewer.
- 6.17 The conduct reviewer must refer to the Office any complaints referred to them that should have been referred to the Office under clauses 5.20 and 5.27.
- 6.18 The conduct reviewer must determine to take no action on a complaint that is not a code of conduct complaint for the purposes of these procedures.
- 6.19 The resolution of a code of conduct complaint under clause 6.13, paragraphs (b) or (c) is not to be taken as a determination that there has been a breach of the council's code of conduct.

- 6.20 Where the conduct reviewer completes their preliminary assessment of a complaint by determining to exercise an option under clause 6.13, paragraphs (a), (b) or (c), they must provide the complainant with written notice of their determination and provide reasons for it, and this will finalise consideration of the matter under these procedures.
- 6.21 Where the conduct reviewer refers a complaint to an external agency, they must notify the complainant of the referral in writing unless they form the view, on the advice of the relevant agency, that it would not be appropriate for them to do so.
- 6.22 The conduct reviewer may only determine to investigate a matter where they are satisfied as to the following:
 - a) that the complaint is a code of conduct complaint for the purposes of these procedures, and
 - b) that the alleged conduct is sufficiently serious to warrant the formal censure of a councillor under section 440G of the LGA or disciplinary action against the general manager under their contract of employment if it were to be proven, and
 - c) that the matter is one that could not or should not be resolved by alternative means.
- 6.23 In determining whether a matter is sufficiently serious to warrant formal censure of a councillor under section 440G of the LGA or disciplinary action against the general manager under their contract of employment, the conduct reviewer is to consider the following:
 - a) the harm or cost that the alleged conduct has caused to any affected individuals and/or the council
 - b) the likely impact of the alleged conduct on the reputation of the council and public confidence in it
 - c) whether the alleged conduct was deliberate or undertaken with reckless intent or negligence
 - d) any previous proven breaches by the person whose alleged conduct is the subject of the complaint and/or whether the alleged conduct forms part of an ongoing pattern of behaviour.
- 6.24 The conduct reviewer must complete their preliminary assessment of the complaint within 28 days of referral of the matter to them by the complaints coordinator and notify the complaints coordinator in writing of the outcome of their assessment.
- 6.25 The conduct reviewer is not obliged to give prior notice to or to consult with any person before making a determination in relation to their preliminary assessment of a complaint, except as may be specifically required under these procedures.

Referral back to the general manager or mayor for resolution

6.26 Where the conduct reviewer determines to refer a matter back to the general manager or to the mayor to be resolved by alternative and

appropriate means, they must write to the general manager or, in the case of a complaint about the general manager, to the mayor, recommending the means by which the complaint may be resolved.

- 6.27 The conduct reviewer must consult with the general manager or mayor prior to referring a matter back to them under clause 6.13(c).
- 6.28 The general manager or mayor may decline to accept the conduct reviewer's recommendation. In such cases, the conduct reviewer may determine to deal with the complaint by other means under clause 6.13.
- 6.29 Where the conduct reviewer refers a matter back to the general manager or mayor under clause 6.13(c), the general manager or, in the case of a complaint about the general manager, the mayor, is responsible for implementing or overseeing the implementation of the conduct reviewer's recommendation.
- 6.30 Where the conduct reviewer refers a matter back to the general manager or mayor under clause 6.13(c), the general manager, or, in the case of a complaint about the general manager, the mayor, must advise the complainant in writing of the steps taken to implement the conduct reviewer's recommendation once these steps have been completed.

Complaints assessment criteria

- 6.31 In undertaking the preliminary assessment of a complaint, the conduct reviewer must have regard to the following considerations:
 - a) whether the complaint is a code of conduct complaint for the purpose of these procedures
 - b) whether the complaint has been made in a timely manner in accordance with clause 4.4, and if not, whether the allegations are sufficiently serious for compelling grounds to exist for the matter to be dealt with under the council's code of conduct
 - c) whether the complaint is trivial, frivolous, vexatious or not made in good faith
 - d) whether the complaint discloses prima facie evidence of conduct that, if proven, would constitute a breach of the code of conduct
 - e) whether the complaint raises issues that would be more appropriately dealt with by an external agency
 - f) whether there is or was an alternative and satisfactory means of redress available in relation to the conduct complained of
 - g) whether the complaint is one that can be resolved by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
 - h) whether the issue/s giving rise to the complaint have previously been addressed or resolved
 - i) any previous proven breaches of the council's code of conduct
 - j) whether the conduct complained of forms part of an ongoing pattern of behaviour

- k) whether there were mitigating circumstances giving rise to the conduct complained of
- I) the seriousness of the alleged conduct (having regard to the criteria specified in clause 6.23)
- m) the significance of the conduct or the impact of the conduct for the council
- n) how much time has passed since the alleged conduct occurred
- o) such other considerations that the conduct reviewer considers may be relevant to the assessment of the complaint.

PART 7 INVESTIGATIONS OF CODE OF CONDUCT COMPLAINTS ABOUT COUNCILLORS OR THE GENERAL MANAGER

What matters may a conduct reviewer investigate?

- 7.1 A conduct reviewer (hereafter referred to as an "investigator") may investigate a code of conduct complaint that has been referred to them by the complaints coordinator and any matters related to or arising from that complaint.
- 7.2 Where an investigator identifies further separate possible breaches of the code of conduct that are not related to or do not arise from the code of conduct complaint that has been referred to them, they are to report the matters separately in writing to the general manager, or, in the case of alleged conduct on the part of the general manager, to the mayor.
- 7.3 The general manager or the mayor or their delegate is to deal with a matter reported to them by an investigator under clause 7.2 as if it were a new code of conduct complaint in accordance with these procedures.

How are investigations to be commenced?

- 7.4 The investigator must at the outset of their investigation provide a written notice of investigation to the respondent. The notice of investigation must:
 - a) disclose the substance of the allegations against the respondent, and
 - b) advise of the relevant provisions of the code of conduct that apply to the alleged conduct, and
 - c) advise of the process to be followed in investigating the matter, and
 - d) advise the respondent of the requirement to maintain confidentiality, and
 - e) invite the respondent to make a written submission in relation to the matter within a period of not less than 14 days specified by the investigator in the notice, and
 - f) provide the respondent the opportunity to address the investigator on the matter within such reasonable time specified in the notice.

- 7.5 The respondent may, within 7 days of receipt of the notice of investigation, request in writing that the investigator provide them with such further information they consider necessary to assist them to identify the substance of the allegation against them. An investigator will only be obliged to provide such information that the investigator considers reasonably necessary for the respondent to identify the substance of the allegation against them.
- 7.6 An investigator may at any time prior to issuing a draft report, issue an amended notice of investigation to the respondent in relation to the matter referred to them.
- 7.7 Where an investigator issues an amended notice of investigation, they must provide the respondent with a further opportunity to make a written submission in response to the amended notice of investigation within a period of not less than 14 days specified by the investigator in the amended notice.
- 7.8 The investigator must also, at the outset of their investigation, provide written notice of the investigation to the complainant, the complaints coordinator and the general manager, or in the case of a complaint about the general manager, to the complainant, the complaints coordinator and the mayor. The notice must:
 - a) advise them of the matter the investigator is investigating, and
 - b) in the case of the notice to the complainant, advise them of the requirement to maintain confidentiality, and
 - c) invite the complainant to make a written submission in relation to the matter within a period of not less than 14 days specified by the investigator in the notice.

Written and oral submissions

- 7.9 Where the respondent or the complainant fails to make a written submission in relation to the matter within the period specified by the investigator in their notice of investigation or amended notice of investigation, the investigator may proceed to prepare their draft report without receiving such submissions.
- 7.10 The investigator may accept written submissions received outside the period specified in the notice of investigation or amended notice of investigation.
- 7.11 Prior to preparing a draft report, the investigator must give the respondent an opportunity to address the investigator on the matter being investigated. The respondent may do so in person or by telephone or other electronic means.
- 7.12 Where the respondent fails to accept the opportunity to address the investigator within the period specified by the investigator in the notice of

investigation, the investigator may proceed to prepare a draft report without hearing from the respondent.

- 7.13 Where the respondent accepts the opportunity to address the investigator in person, they may have a support person or legal adviser in attendance. The support person or legal adviser will act in an advisory or support role to the respondent only. They must not speak on behalf of the respondent or otherwise interfere with or disrupt proceedings.
- 7.14 The investigator must consider all written and oral submissions made to them in relation to the matter.

How are investigations to be conducted?

- 7.15 Investigations are to be undertaken without undue delay.
- 7.16 Investigations are to be undertaken in the absence of the public and in confidence.
- 7.17 Investigators must make any such enquiries that may be reasonably necessary to establish the facts of the matter.
- 7.18 Investigators may seek such advice or expert guidance that may be reasonably necessary to assist them with their investigation or the conduct of their investigation.
- 7.19 An investigator may request that the complaints coordinator provide such further information that the investigator considers may be reasonably necessary for them to establish the facts of the matter. The complaints coordinator will, as far as is reasonably practicable, provide the information requested by the investigator.

Referral or resolution of a matter after the commencement of an investigation

- 7.20 At any time after an investigator has issued a notice of investigation and before they have issued their final report, an investigator may determine to:
 - a) resolve the matter by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour, or
 - b) refer the matter to the general manager, or, in the case of a complaint about the general manager, to the mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour, or
 - c) refer the matter to an external agency.

- 7.21 Where an investigator determines to exercise any of the options under clause 7.20 after the commencement of an investigation, they must do so in accordance with the requirements of Part 6 of these procedures relating to the exercise of these options at the preliminary assessment stage.
- 7.22 The resolution of a code of conduct complaint under clause 7.20, paragraphs (a) or (b) is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 7.23 Where an investigator determines to exercise any of the options under clause 7.20 after the commencement of an investigation, they may by written notice to the respondent, the complainant, the complaints coordinator and the general manager, or in the case of a complaint about the general manager, to the respondent, the complainant, the complaints coordinator and the mayor, discontinue their investigation of the matter.
- 7.24 Where the investigator discontinues their investigation of a matter under clause 7.23, this shall finalise the consideration of the matter under these procedures.
- 7.25 An investigator is not obliged to give prior notice to or to consult with any person before making a determination to exercise any of the options under clause 7.20 or to discontinue their investigation except as may be specifically required under these procedures.

Draft investigation reports

- 7.26 When an investigator has completed their enquiries and considered any written or oral submissions made to them in relation to a matter, they must prepare a draft of their proposed report.
- 7.27 The investigator must provide their draft report to the respondent and invite them to make a written submission in relation to it within a period of not less than 14 days specified by the investigator.
- 7.28 Where the investigator proposes to make adverse comment about any other person (an affected person) in their report, they must also provide the affected person with relevant extracts of their draft report containing such comment and invite the affected person to make a written submission in relation to it within a period of not less than 14 days specified by the investigator.
- 7.29 The investigator must consider written submissions received in relation to the draft report prior to finalising their report in relation to the matter.
- 7.30 The investigator may, after consideration of all written submissions received in relation to their draft report, make further enquiries into the matter. If, as a result of making further enquiries, the investigator makes any material change to their proposed report that makes new adverse comment about the respondent or an affected person, they must provide

the respondent or affected person as the case may be with a further opportunity to make a written submission in relation to the new adverse comment.

- 7.31 Where the respondent or an affected person fails to make a written submission in relation to the draft report within the period specified by the investigator, the investigator may proceed to prepare and issue their final report without receiving such submissions.
- 7.32 The investigator may accept written submissions in relation to the draft report received outside the period specified by the investigator at any time prior to issuing their final report.

Final investigation reports

- 7.33 Where an investigator issues a notice of investigation, they must prepare a final report in relation to the matter unless the investigation is discontinued under clause 7.23.
- 7.34 An investigator must not prepare a final report in relation to the matter at any time before they have finalised their consideration of the matter in accordance with the requirements of these procedures.
- 7.35 The investigator's final report must:
 - a) make findings of fact in relation to the matter investigated, and,
 - b) make a determination that the conduct investigated either,
 - i. constitutes a breach of the code of conduct, or
 - ii. does not constitute a breach of the code of conduct, and
 - c) provide reasons for the determination.
- 7.36 At a minimum, the investigator's final report must contain the following information:
 - a) a description of the allegations against the respondent
 - b) the relevant provisions of the code of conduct that apply to the alleged conduct investigated
 - c) a statement of reasons as to why the matter warranted investigation (having regard to the criteria specified in clause 6.23)
 - d) a statement of reasons as to why the matter was one that could not or should not be resolved by alternative means
 - e) a description of any attempts made to resolve the matter by use of alternative means
 - f) the steps taken to investigate the matter
 - g) the facts of the matter
 - h) the investigator's findings in relation to the facts of the matter and the reasons for those findings
 - i) the investigator's determination and the reasons for that determination
 - j) any recommendations.

- 7.37 Where the investigator determines that the conduct investigated constitutes a breach of the code of conduct, the investigator may recommend:
 - a) in the case of a breach by the general manager, that disciplinary action be taken under the general manager's contract of employment for the breach, or
 - b) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the LGA, or
 - c) in the case of a breach by a councillor, that the council resolves as follows:
 - i. that the councillor be formally censured for the breach under section 440G of the LGA, and
 - ii. that the matter be referred to the Office for further action under the misconduct provisions of the LGA.
- 7.38 Where the investigator proposes to make a recommendation under clause 7.37(c), the investigator must first consult with the Office on their proposed findings, determination and recommendation prior to finalising their report, and must take any comments by the Office into consideration when finalising their report.
- 7.39 Where the investigator has determined that there has been a breach of the code of conduct, the investigator may, in addition to making a recommendation under clause 7.37, recommend that the council revise any of its policies, practices or procedures.
- 7.40 Where the investigator determines that the conduct investigated does not constitute a breach of the code of conduct, the investigator may recommend:
 - a) that the council revise any of its policies, practices or procedures
 - b) that a person or persons undertake any training or other education.
- 7.41 The investigator must provide a copy of their report to the complaints coordinator and the respondent.
- 7.42 At the time the investigator provides a copy of their report to the complaints coordinator and the respondent, the investigator must provide the complainant with a written statement containing the following information:
 - a) the investigator's findings in relation to the facts of the matter and the reasons for those findings
 - b) the investigator's determination and the reasons for that determination
 - c) any recommendations, and
 - d) such other additional information that the investigator considers may be relevant.

- 7.43 Where the investigator has determined that there has not been a breach of the code of conduct, the complaints coordinator must provide a copy of the investigator's report to the general manager or, where the report relates to the general manager's conduct, to the mayor, and this will finalise consideration of the matter under these procedures.
- 7.44 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation under clause 7.37, the complaints coordinator must, where practicable, arrange for the investigator's report to be reported to the next ordinary council meeting for the council's consideration, unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case the report must be reported to the first ordinary council meeting following the election.
- 7.45 Where it is apparent to the complaints coordinator that the council will not be able to form a quorum to consider the investigator's report, the complaints coordinator must refer the investigator's report to the Office for its consideration instead of reporting it to the council under clause 7.44.

Consideration of the final investigation report by council

- 7.46 The role of the council in relation to a final investigation report is to impose a sanction if the investigator has determined that there has been a breach of the code of conduct and has made a recommendation in their final report under clause 7.37.
- 7.47 The council is to close its meeting to the public to consider the final investigation report in cases where it is permitted to do so under section 10A of the LGA.
- 7.48 Where the complainant is a councillor, they must absent themselves from the meeting and take no part in any discussion or voting on the matter. The complainant councillor may absent themselves without making any disclosure of interest in relation to the matter unless otherwise required to do so under the code of conduct.
- 7.49 Prior to imposing a sanction, the council must provide the respondent with an opportunity to make a submission to the council. A submission may be made orally or in writing. The respondent is to confine their submission to addressing the investigator's recommendation.
- 7.50 Once the respondent has made their submission they must absent themselves from the meeting and, where they are a councillor, take no part in any discussion or voting on the matter.
- 7.51 The council must not invite submissions from other persons for the purpose of seeking to rehear evidence previously considered by the investigator.

- 7.52 Prior to imposing a sanction, the council may by resolution:
 - a) request that the investigator make additional enquiries and/or provide additional information to it in a supplementary report, or
 - b) seek an opinion from the Office in relation to the report.
- 7.53 The council may, by resolution, defer further consideration of the matter pending the receipt of a supplementary report from the investigator or an opinion from the Office.
- 7.54 The investigator may make additional enquiries for the purpose of preparing a supplementary report.
- 7.55 Where the investigator prepares a supplementary report, they must provide copies to the complaints coordinator who shall provide a copy each to the council and the respondent.
- 7.56 The investigator is not obliged to notify or consult with any person prior to submitting the supplementary report to the complaints coordinator.
- 7.57 The council is only required to provide the respondent a further opportunity to make an oral or written submission on a supplementary report if the supplementary report contains new information that is adverse to them.
- 7.58 A council may by resolution impose one of the following sanctions on a respondent:
 - a) in the case of a breach by the general manager, that disciplinary action be taken under the general manager's contract of employment for the breach, or
 - b) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the LGA, or
 - c) in the case of a breach by a councillor:
 - i. that the councillor be formally censured for the breach under section 440G of the LGA, and
 - ii. that the matter be referred to the Office for further action under the misconduct provisions of the LGA.
- 7.59 Where the council censures a councillor under section 440G of the LGA, the council must specify in the censure resolution the grounds on which it is satisfied that the councillor should be censured by disclosing in the resolution, the investigator's findings and determination and/or such other grounds that the council considers may be relevant or appropriate.
- 7.60 The council is not obliged to adopt the investigator's recommendation. Where the council proposes not to adopt the investigator's recommendation, the council must resolve not to adopt the recommendation and state in its resolution the reasons for its decision.

7.61 Where the council resolves not to adopt the investigator's recommendation, the complaints coordinator must notify the Office of the council's decision and the reasons for it.

PART 8 OVERSIGHT AND RIGHTS OF REVIEW

The Office's powers of review

- 8.1 The Office may, at any time, whether or not in response to a request, review the consideration of a matter under a council's code of conduct where it is concerned that a person has failed to comply with a requirement prescribed under these procedures or has misinterpreted or misapplied the standards of conduct prescribed under the code of conduct in their consideration of a matter.
- 8.2 The Office may direct any person, including the council, to defer taking further action in relation to a matter under consideration under the council's code of conduct pending the completion of its review. Any person the subject of a direction must comply with the direction.
- 8.3 Where the Office undertakes a review of a matter under clause 8.1, it will notify the complaints coordinator and any other affected persons, of the outcome of the review.

Complaints about conduct reviewers

- 8.4 The general manager or their delegate must refer code of conduct complaints about conduct reviewers to the Office for its consideration.
- 8.5 The general manager must notify the complainant of the referral of their complaint about the conduct reviewer in writing.
- 8.6 The general manager must implement any recommendation made by the Office as a result of its consideration of a complaint about a conduct reviewer.

Practice rulings

- 8.7 Where a respondent and an investigator are in dispute over a requirement under these procedures, either person may make a request in writing to the Office to make a ruling on a question of procedure (a practice ruling).
- 8.8 Where the Office receives a request in writing for a practice ruling, the Office may provide notice in writing of its ruling and the reasons for it to the person who requested it and to the investigator, where that person is different.
- 8.9 Where the Office makes a practice ruling, all parties must comply with it.

8.10 The Office may decline to make a practice ruling. Where the Office declines to make a practice ruling, it will provide notice in writing of its decision and the reasons for it to the person who requested it and to the investigator, where that person is different.

Review of decisions to impose sanctions

- 8.11 A person who is the subject of a sanction imposed under Part 7 of these procedures other than one imposed under clause 7.58, paragraph (c), may, within 28 days of the sanction being imposed, seek a review of the investigator's determination and recommendation by the Office.
- 8.12 A review under clause 8.11 may be sought on the following grounds:
 - a) that the investigator has failed to comply with a requirement under these procedures, or
 - b) that the investigator has misinterpreted or misapplied the standards of conduct prescribed under the code of conduct, or
 - c) that in imposing its sanction, the council has failed to comply with a requirement under these procedures.
- 8.13 A request for a review made under clause 8.11 must be made in writing and must specify the grounds upon which the person believes the investigator or the council has erred.
- 8.14 The Office may decline to conduct a review, in cases where the grounds upon which the review is sought are not sufficiently specified.
- 8.15 The Office may undertake a review of a matter without receiving a request under clause 8.11.
- 8.16 The Office will undertake a review of the matter on the papers. However, the Office may request that the complaints coordinator provide such further information that the Office considers reasonably necessary for it to review the matter. The complaints coordinator must, as far as is reasonably practicable, provide the information requested by the Office.
- 8.17 Where a person requests a review under clause 8.11, the Office may direct the council to defer any action to implement a sanction. The council must comply with a direction to defer action by the Office.
- 8.18 The Office must notify the person who requested the review and the complaints coordinator of the outcome of the Office's review in writing and the reasons for its decision. In doing so, the Office may comment on any other matters the Office considers to be relevant.
- 8.19 Where the Office considers that the investigator or the council has erred, the Office may recommend that a decision to impose a sanction under these procedures be reviewed. Where the Office recommends that the decision to impose a sanction be reviewed:

- a) the complaints coordinator must, where practicable, arrange for the Office's determination to be tabled at the next ordinary council meeting unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case it must be tabled at the first ordinary council meeting following the election, and
- b) the council must:
 - i. review its decision to impose the sanction, and
 - ii. consider the Office's recommendation in doing so, and
 - iii. resolve to either rescind or reaffirm its previous resolution in relation to the matter.
- 8.20 Where, having reviewed its previous decision in relation to a matter under clause 8.19(b), the council resolves to reaffirm its previous decision, the council must state in its resolution its reasons for doing so.

PART 9 PROCEDURAL IRREGULARITIES

- 9.1 A failure to comply with these procedures does not, on its own, constitute a breach of the code of conduct, except as may be otherwise specifically provided under the code of conduct.
- 9.2 A failure to comply with these procedures will not render a decision made in relation to a matter invalid where:
 - a) the non-compliance is isolated and/or minor in nature, or
 - b) reasonable steps are taken to correct the non-compliance, or
 - c) reasonable steps are taken to address the consequences of the non-compliance.

PART 10 PRACTICE DIRECTIONS

- 10.1 The Office may at any time issue a practice direction in relation to the application of these procedures.
- 10.2 The Office will issue practice directions in writing, by circular to all councils.
- 10.3 All persons performing a function prescribed under these procedures must consider the Office's practice directions when performing the function.

PART 11 REPORTING STATISTICS ON CODE OF CONDUCT COMPLAINTS ABOUT COUNCILLORS AND THE GENERAL MANAGER

- 11.1 The complaints coordinator must arrange for the following statistics to be reported to the council within 3 months of the end of September of each year:
 - a) the total number of code of conduct complaints made about councillors and the general manager under the code of conduct in the year to September (the reporting period)
 - b) the number of code of conduct complaints referred to a conduct reviewer during the reporting period
 - c) the number of code of conduct complaints finalised by a conduct reviewer at the preliminary assessment stage during the reporting period and the outcome of those complaints
 - d) the number of code of conduct complaints investigated by a conduct reviewer during the reporting period
 - e) without identifying particular matters, the outcome of investigations completed under these procedures during the reporting period
 - f) the number of matters reviewed by the Office during the reporting period and, without identifying particular matters, the outcome of the reviews, and
 - g) the total cost of dealing with code of conduct complaints made about councillors and the general manager during the reporting period, including staff costs.
- 11.2 The council is to provide the Office with a report containing the statistics referred to in clause 11.1 within 3 months of the end of September of each year.

PART 12 CONFIDENTIALITY

- 12.1 Information about code of conduct complaints and the management and investigation of code of conduct complaints is to be treated as confidential and is not to be publicly disclosed except as may be otherwise specifically required or permitted under these procedures.
- 12.2 Where a complainant publicly discloses information on one or more occasions about a code of conduct complaint they have made or purported to make, the general manager or their delegate may, with the consent of the Office, determine that the complainant is to receive no further information about their complaint and any future code of conduct complaint they make or purport to make.
- 12.3 Prior to seeking the Office's consent under clause 12.2, the general manager or their delegate must give the complainant written notice of their intention to seek the Office's consent, invite them to make a written submission within a period of not less than 14 days specified by the

general manager or their delegate, and consider any submission made by them.

- 12.4 In giving its consent under clause 12.2, the Office must consider any submission made by the complainant to the general manager or their delegate.
- 12.5 The general manager or their delegate must give written notice of a determination made under clause 12.2 to:
 - a) the complainant
 - b) the complaints coordinator
 - c) the Office, and
 - d) any other person the general manager or their delegate considers should be notified of the determination.
- 12.6 Any requirement under these procedures that a complainant is to be provided with information about a code of conduct complaint that they have made or purported to make, will not apply to a complainant the subject of a determination made by the general manager or their delegate under clause 12.2.
- 12.7 Clause 12.6 does not override any entitlement a person may have to access to council information under the *Government Information (Public Access) Act 2009* or to receive information under the *Public Interest Disclosures Act 1994* in relation to a complaint they have made.

Addendum A

Council adopted the following criteria to provide clarification and assistance when dealing with the Code of Conduct Procedures.

Criteria 1

Any approach to the defining of access rights of people to the Code of Conduct - Reporting of Breaches, Complaint Handling Procedures and Sanctions process, must begin with the understanding that:

(a) criticism and complaints are a legitimate and necessary part of the relationship between Councils and their customers or communities, and may be dynamic forces for improvement within Councils, and,

(b) nobody, no matter how much time and effort is taken up in responding to his or her complaints or concerns, should be unconditionally deprived of the right to have those concerns addressed.

As Councils also have an obligation to use resources efficiently and effectively, at some point it may be necessary and reasonable for the Council to decide to limit the nature or scope of its responses to difficult complainants. However, these situations should be the exception rather than the rule.

Criteria 2

Any allegations that the Code of Conduct Committee is unlawfully constituted because it does not give notice of its meetings and permit Councillors who are not members of the Committee to attend in breach of the Local Government Act have no foundation in law and will not be acted upon (refer BRC's General Manager's Ordinary Report No 6, 15 March 2006).

Criteria 3

A complaint that deals with the same subject matter as a previous complaint that has been dealt with under the Code of Conduct process, and does not provide substantive new information shall not be reconsidered (Refer BRC's Code of Conduct Committee: Report No 3, 19 April 2006 and No 1, 21 June 2006).

Criteria 4

It is not a matter for the Code of Conduct to stifle debate, even if it is robust debate. Debate in the Chamber is a matter for control at the meeting. (Refer BRC's Code of Conduct Committee Report No 3, 19 April 2006).

Criteria 5

Matters outside the jurisdiction of the Council will not be investigated.

Criteria 6

There will sometimes be occasions where a complaint which might otherwise justify investigations should not or cannot be pursued eg: where issues raised in the complaint occurred a long time ago (in such cases it may be difficult to

track witnesses and/or documents, recollections of events will be limited and evidence unavailable as a result of the passage of time).

Consideration of such factors can be taken into account when considering complaints.

Criteria 7

Complaints that do not raise substantive issues but are a vehicle of abuse of Councillors, members of staff and delegates, will not be referred to the Code of Conduct Committee.

Criteria 8

Where a person's behaviour becomes so unreasonable the Code of Conduct process will have regard to the following behavioural triggers.

It is important to note that the mere fact that a complainant is persistent, makes demands or may be angry does not mean that their conduct is unreasonable. "Unreasonableness" needs the conduct to go beyond the norm of situational stress that many complaints experience (Refer also Criteria 1).

1. Unreasonable Persistence:

•persisting with a complaint even though it has been comprehensively considered by an agency, and all avenues of review have been exhausted.
•reframing a complaint in an attempt to get it taken up again.

•showing an inability to accept the final decision.

•insisting that a particular solution is the correct one in the face of valid contrary or alternative arguments.

•persisting in interpreting the law or policy in a way that is not in accordance with generally accepted or expert views on the issue and insisting that action be taken accordingly.

•persisting in wanting to know where to go next, when it has been explained that there is nowhere else to go.

•demanding a review because it is available, but not arguing a case for a review.

•making an issue out of anything.

•getting gratification from the process of regular contact with the case officer, possibly including inventing unnecessary reasons for having such contact.

2. Unreasonable Demands:

•insisting on outcomes that are unattainable.

•insisting on a "moral" outcome, eg justice in the community interest, when really a personal interest is at stake.

•demanding an apology or compensation when no reasonable basis for expecting such outcomes exists.

•wanting revenge, retribution.

•wanting what is not possible or appropriate, eg copies of sensitive documents, names and contact details of staff, other complainants or whistleblowers.

•issuing instructions and making demands about how a complaint should be handled.

•providing supporting details that are extraordinarily detailed when such detail is not relevant to the complaint.

•making unreasonable resource demands, out of proportion to the seriousness of issue.

•wanting regular and lengthy phone contact where this is not warranted. •showing reactions or demand for action that are out of proportion to the significance of the issue.

•moving the goal posts - changing the desired outcome.

•shopping for a sympathetic ear in the agency - demanding to talk to a supervisor or the Manager personally.

•placing the agency on an extensive email copy list and expecting responses to these emails.

•consistently creating complexity where there is none.

•presenting as overly needy or dependent (eg wanting to transfer responsibility for their well-being to the complaint handler or agency).

3. Unreasonable lack of co-operation:

•presenting a large quantity of information which is not organised, sorted, classified, summarised, where the complainant is clearly capable of doing this.

•presenting information in dribs and drabs - refusing to present all information at the outset.

•refusing to define issues of complaints "the attached (usually a large quantity of information) speaks for itself" - where the complainant is clearly capable of doing this.

•focusing on principles rather than substantive issues.

•changing the complaint and raising new issues while the complaint is in the process of being considered.

•displaying unhelpful behaviour, eg withholding information, being dishonest, misquoting others, swamping the agency with documents.

4. Unreasonable arguments:

•holding irrational beliefs, eg seeing cause and effect links where there are clearly none.

holding what is clearly a conspiracy theory unsupported by any evidence.
interpreting facts in a clearly irrational/unreasonable way and insisting this interpretation is the correct one.

•insisting on the importance of an issue that is clearly trivial. •arguing the clearly bizarre.

5. Unreasonable behaviour:

•displaying confronting behaviour, eg rudeness, aggression, threats or harassment.

•sending rude, confronting or threatening letters.

•making threats of self harm.

•making threats of harm to others.

•displaying manipulative behaviour (overly ingratiating, tears or veiled threats).



Bathurst Regional Council

GENERAL PURPOSE FINANCIAL STATEMENTS for the year ended 30 June 2020

A vibrant regional centre that enjoys a rural lifestyle A Region full of community spirit and shared prosperity.



Bathurst Regional Council

Financial Statements 2020

General Purpose Financial Statements

for the year ended 30 June 2020

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Overview

Bathurst Regional Council is constituted under the Local Government Act 1993 (NSW) and has its principal place of business at: 158 Russell Street Bathurst NSW 2795

Council's guiding principles are detailed in Chapter 3 of the LGA and includes:

- principles applying to the exercise of functions generally by council,
- principles to be applied when making decisions,
- principles of community participation,
- · principles of sound financial management, and
- principles for strategic planning relating to the development of an integrated planning and reporting framework.

A description of the nature of Council's operations and its principal activities are provided in Note 2(b).

Through the use of the internet, we have ensured that our reporting is timely, complete and available at minimum cost. All press releases, financial statements and other information are publicly available on our website www.bathurst.nsw.gov.au.

Bathurst Regional Council

General Purpose Financial Statements

for the year ended 30 June 2020

Understanding Council's Financial Statements

Introduction

Each year, individual Local Governments across NSW are required to present a set of audited financial statements to their council and community.

What you will find in the Statements

The financial statements set out the financial performance, financial position and cash flows of Council for the financial year ended 30 June 2020.

The format of the financial statements is standard across all NSW Councils and complies with both the accounting and reporting requirements of Australian Accounting Standards and requirements as set down by the Office of Local Government.

About the Councillor/Management Statement

The financial statements must be certified by senior staff as 'presenting fairly' the Council's financial results for the year and are required to be adopted by Council – ensuring both responsibility for and ownership of the financial statements.

About the Primary Financial Statements

The financial statements incorporate five "primary" financial statements:

1. The Income Statement

Summarises Council's financial performance for the year, listing all income and expenses. This statement also displays Council's original adopted budget to provide a comparison between what was projected and what actually occurred.

2. The Statement of Comprehensive Income

Primarily records changes in the fair value of Council's Infrastructure, property, plant and equipment.

3. The Statement of Financial Position

A 30 June snapshot of Council's financial position indicating its assets, liabilities and "net wealth".

4. The Statement of Changes in Equity

The overall change for the year (in dollars) of Council's "net wealth".

5. The Statement of Cash Flows

Indicates where Council's cash came from and where it was spent. This statement also displays Council's original adopted budget to provide a comparison between what was projected and what actually occurred.

About the Notes to the Financial Statements

The Notes to the Financial Statements provide greater detail and additional information on the five primary financial statements.

About the Auditor's Reports

Council's financial statements are required to be audited by the NSW Audit Office.

In NSW the auditor provides 2 audit reports:

- 1. an opinion on whether the financial statements present fairly the Council's financial performance and position, and
- 2. their observations on the conduct of the audit, including commentary on the Council's financial performance and financial position.

Who uses the Financial Statements?

The financial statements are publicly available documents and must be presented at a Council meeting between seven days and five weeks after the date of the audit report.

The public can make submissions to Council up to seven days subsequent to the public presentation of the financial statements.

Council is required to forward an audited set of financial statements to the Office of Local Government.

Bathurst Regional Council

Financial Statements 2020

General Purpose Financial Statements

for the year ended 30 June 2020

Statement by Councillors and Management made pursuant to Section 413(2)(c) of the Local Government Act 1993 (NSW) (as amended)

The attached General Purpose Financial Statements have been prepared in accordance with:

- the Local Government Act 1993 (NSW) (as amended) and the regulations made thereunder,
- the Australian Accounting Standards and other pronouncements of the Australian Accounting Standards Board
- the Local Government Code of Accounting Practice and Financial Reporting.

To the best of our knowledge and belief, these statements:

- · present fairly the Council's operating result and financial position for the year
- accord with Council's accounting and other records.

We are not aware of any matter that would render these statements false or misleading in any way.

Signed in accordance with a resolution of Council made on 16 September 2020.

Robert Bourke Mayor 16 September 2020 Ian North Deputy Mayor 16 September 2020

David Sherley General Manager 16 September 2020 Aaron Jones Responsible Accounting Officer 16 September 2020

Bathurst Regional Council

Financial Statements 2020

Income Statement

for the year ended 30 June 2020

Original unaudited budget			Actual	Actua
2020	\$ '000	Notes	2020	2019
	Income from continuing operations			
46,920	Rates and annual charges	3a	46,848	44,35
29,285	User charges and fees	3b	21,963	24,30
4,616	Other revenues	3c	4,935	4,96
12,486	Grants and contributions provided for operating purposes	3d,3e	13,456	12,12
63,588	Grants and contributions provided for capital purposes	3d,3e	16,794	23,25
2.880	Interest and investment income	4	1.679	2,56
20,716	Net gains from the disposal of assets	6	6,347	1,67
_	Fair value increment on investment properties	11	_	23
180,491	Total income from continuing operations		112,022	113,48
	Francisco francisco di constitucione			· · ·
	Expenses from continuing operations			
30,361	Employee benefits and on-costs	5a	34,534	32,82
1,404	Borrowing costs	5b	1,352	1,31
36,333	Materials and contracts	5c	36,267	30,55
25,810	Depreciation and amortisation	5d	25,411	25,85
11,023	Other expenses	5e	10,726	11,33
	Fair value decrement on investment properties	11	47	
104,931	Total expenses from continuing operations		108,337	101,88
75,560	Operating result from continuing operations		3,685	11,60
75,560	Net operating result for the year		3,685	11,60
75,560	Net operating result attributable to council		3.685	11,60
, 0,000			0,000	,00
11,972	Net operating result for the year before grants and contr provided for capital purposes	ibutions	(13,109)	(11,65

The Council has not restated comparatives when initially applying AASB 1058 *Income of Not-for-Profit Entities*, AASB 15 *Revenue from Contracts with Customers* and AASB 16 *Leases*. The comparative information has been prepared under AASB 111 *Construction Contracts*, AASB 118 *Revenue*, AASB 1004 *Contributions*, AASB 117 *Leases* and related Accounting Interpretations.

The above Income Statement should be read in conjunction with the accompanying notes.

Bathurst Regional Council

Financial Statements 2020

Statement of Comprehensive Income

for the year ended 30 June 2020

\$ '000	Notes	2020	2019
Net operating result for the year (as per Income Statement)		3,685	11,601
Other comprehensive income:			
Amounts which will not be reclassified subsequently to the operating result			
Gain (loss) on revaluation of IPP&E	10(a)	98,586	5,798
Total items which will not be reclassified subsequently to the operating result		98,586	5,798
Total other comprehensive income for the year		98,586	5,798
Total comprehensive income for the year		102,271	17,399
Total comprehensive income attributable to Council		102,271	17,399

The Council has not restated comparatives when initially applying AASB 1058 *Income of Not-for-Profit Entities*, AASB 15 *Revenue from Contracts with Customers* and AASB 16 *Leases*. The comparative information has been prepared under AASB 111 *Construction Contracts*, AASB 118 *Revenue*, AASB 1004 *Contributions*, AASB 117 *Leases* and related Accounting Interpretations.

The above Statement of Comprehensive Income should be read in conjunction with the accompanying notes.



Bathurst Regional Council

Financial Statements 2020

Statement of Financial Position

as at 30 June 2020

\$ '000	Notes	2020	2019
ASSETS			
Current assets			
Cash and cash equivalents	7(a)	3,197	6,768
Investments	7(b)	60,480	53,500
Receivables	8	11,105	9,318
Inventories	9a	7,568	8,088
Contract assets	12a	1,184	_
Other	9b	589	913
Total current assets		84,123	78,587
Non-current assets			
Investments	7(b)	13,300	25,680
Receivables	8	512	538
Inventories	9a	11,453	11,545
Infrastructure, property, plant and equipment	10(a)	1,410,806	1,298,870
Investment property	11	15,521	15,567
Right of use assets	13a	632	
Total non-current assets		1,452,224	1,352,200
Total assets		1,536,347	1,430,787
LIABILITIES			
Current liabilities			
Payables	14	9,523	7,874
Income received in advance	14	-	1,529
Contract liabilities	12b	3,814	-
Lease liabilities	13b	182	-
Borrowings	14	5,423	5,323
Provisions	15	13,030	11,569
Total current liabilities		31,972	26,295
Non-current liabilities			
Payables	14	1,081	1,038
Lease liabilities	13b	453	-
Borrowings	14	32,356	31,184
Provisions	15	1,715	1,624
Total non-current liabilities		35,605	33,846
Total liabilities		67,577	60,141
Net assets		1,468,770	1,370,646
EQUITY			
Accumulated surplus	16	690,285	690,747
Revaluation reserves	16	778,485	679,899
Council equity interest		1,468,770	1,370,646
		i	
Total equity		1,468,770	1,370,646

The Council has not restated comparatives when initially applying AASB 1058 *Income of Not-for-Profit Entities*, AASB 15 *Revenue from Contracts with Customers* and AASB 16 *Leases*. The comparative information has been prepared under AASB 111 *Construction Contracts*, AASB 118 *Revenue*, AASB 1004 *Contributions*, AASB 117 *Leases* and related Accounting Interpretations.

The above Statement of Financial Position should be read in conjunction with the accompanying notes.

Financial Statements 2020

Bathurst Regional Council

Statement of Changes in Equity

for the year ended 30 June 2020

			as at 30/06/20			as at 30/06/19	
			IPP&E			IPP&E	
		Accumulated	revaluation	Total	Accumulated	revaluation	Total
\$ '000	Notes	surplus	reserve	equity	surplus	reserve	equity
Opening balance		690,747	679,899	1,370,646	679,146	674,101	1,353,247
Changes due to AASB 1058 and AASB 15 adoption	16	(4,147)		(4,147)	-	_	_
Changes due to AASB 16 adoption	16			· -	-	-	-
Net operating result for the year		3,685	_	3,685	11,601	_	11,601
Restated net operating result for the period		3,685	-	3,685	11,601	-	11,601
Other comprehensive income							
– Gain (loss) on revaluation of IPP&E	10(a)	-	98,586	98,586	_	5,798	5,798
Other comprehensive income			98,586	98,586		5,798	5,798
Total comprehensive income		3,685	98,586	102,271	11,601	5,798	17,399
Equity – balance at end of the reporting period		690,285	778,485	1,468,770	690,747	679,899	1,370,646

The Council has not restated comparatives when initially applying AASB 1058 Income of Not-for-Profit Entities, AASB 15 Revenue from Contracts with Customers and AASB 16 Leases. The comparative information has been prepared under AASB 111 Construction Contracts, AASB 118 Revenue, AASB 1004 Contributions, AASB 117 Leases and related Accounting Interpretations.

The above Statement of Changes in Equity should be read in conjunction with the accompanying notes.

Bathurst Regional Council

Statement of Cash Flows

for the year ended 30 June 2020

Original unaudited budget			Actual	Actua
2020	\$ '000	Notes	2020	2019
	Cash flows from operating activities			
	Receipts:			
46,719	Rates and annual charges		48,200	44,19
29,272	User charges and fees		22,277	26,21
2,880	Investment and interest revenue received		1,715	2,72
76,074	Grants and contributions		26,129	28,87
_	Bonds, deposits and retention amounts received		-	97
4,392	Other		7,528	12,04
	Payments:			
(30,145)	Employee benefits and on-costs		(33,047)	(31,864
(36,128)	Materials and contracts		(39,136)	(34,654
(1,404)	Borrowing costs		(1,342)	(1,275
_	Bonds, deposits and retention amounts refunded		(309)	
(11,000)	Other		(14,928)	(16,149
	Net cash provided (or used in) operating	17b		
80,660	activities		17,087	31,07
	Cash flows from investing activities			
	Cash flows from investing activities Receipts:			
	Sale of investment securities		53,500	174.00
 20,715	Sale of real estate assets		53,500 8,489	174,00 1,34
20,715	Sale of infrastructure, property, plant and equipment		600	1,04
_	Deferred debtors receipts		46	6
	Payments:		40	0
_	Purchase of investment securities		(48,100)	(169,300
_	Purchase of investment property		(10,100)	(362
(95,248)	Purchase of infrastructure, property, plant and equipment		(35,099)	(42,345
(4,000)	Purchase of real estate assets		(1,089)	(5,889
(78,533)	Net cash provided (or used in) investing activities	5	(21,654)	(41,398
(10,000)			(21,001)	(11,000
	Cash flows from financing activities			
	Receipts:			
6,650	Proceeds from borrowings and advances		6,650	9,96
	Payments:			
(5,189)	Repayment of borrowings and advances		(5,378)	(4,949
	Lease liabilities (principal repayments)		(276)	
1,461	Net cash flow provided (used in) financing activiti	ies	996	5,01
3,588	Net increase/(decrease) in cash and cash equivale	ents	(3,571)	(5,309
877	Plus: cash and cash equivalents – beginning of year	17a	6,768	12,07
4,465	Cash and cash equivalents – end of the year	17a	3,197	6,76
1,400				0,700
86,500	plus: Investments on hand – end of year	7(b)	73,780	79,18
90,965	Total cash, cash equivalents and investments	-	76,977	85,948
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The Council has not restated comparatives when initially applying AASB 1058 *Income of Not-for-Profit Entities*, AASB 15 *Revenue from Contracts with Customers* and AASB 16 *Leases*. The comparative information has been prepared under AASB 111 *Construction Contracts*, AASB 118 *Revenue*, AASB 1004 *Contributions*, AASB 117 *Leases* and related Accounting Interpretations.

The above Statement of Cash Flows should be read in conjunction with the accompanying notes.

Bathurst Regional Council

Notes to the Financial Statements

for the year ended 30 June 2020

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Bathurst Regional Council

Financial Statements 2020

Notes to the Financial Statements

for the year ended 30 June 2020

Note 1. Basis of preparation

These financial statements were authorised for issue by Council on dd MMMM yyyy. Council has the power to amend and reissue these financial statements in cases where critical information is received from public submissions or where the OLG directs Council to amend the financial statements.

The principal accounting policies adopted in the preparation of these consolidated financial statements are set out below.

These policies have been consistently applied to all the years presented, unless otherwise stated.

These general purpose financial statements have been prepared in accordance with Australian Accounting Standards and Australian Accounting Interpretations, the *Local Government Act 1993 (NSW)* and Regulations, and the Local Government Code of Accounting Practice and Financial Reporting.

Council is a not for-profit entity.

The financial statements are presented in Australian dollars and are rounded to the nearest thousand dollars.

(a) Historical cost convention

These financial statements have been prepared under the historical cost convention, as modified by the revaluation of certain financial assets and liabilities and certain classes of infrastructure, property, plant and equipment and investment property.

(b) Significant accounting estimates and judgements

The preparation of financial statements requires the use of certain critical accounting estimates. It also requires management to exercise its judgement in the process of applying the Council's accounting policies.

Estimates and judgements are continually evaluated and are based on historical experience and other factors, including expectations of future events that may have a financial impact on the Council and that are believed to be reasonable under the circumstances.

Critical accounting estimates and assumptions

Council makes estimates and assumptions concerning the future.

The resulting accounting estimates will, by definition, seldom equal the related actual results.

The estimates and assumptions that have a significant risk of causing a material adjustment to the carrying amounts of assets and liabilities within the next financial year include:

(i) estimated fair values of investment properties – refer Note 10

- (ii) estimated fair values of infrastructure, property, plant and equipment refer Note 9
- (iii) estimated tip remediation provisions refer Note 12

(iv) employee benefit provisions – refer Note 12.

Significant judgements in applying the council's accounting policies

(i) Impairment of receivables

Council has made a significant judgement about the impairment of a number of its receivables - refer Note 7.

Monies and other assets received by Council

(a) The Consolidated Fund

In accordance with the provisions of Section 409(1) of the Local Government Act 1993 (NSW), all money and property received by Council is held in the Council's Consolidated Fund unless it is required to be held in the Council's Trust Fund.

Cash and other assets of the following entities have been included as part of the Consolidated Fund:

- General purpose operations
- Water service

continued on next page ...

Bathurst Regional Council

Notes to the Financial Statements

for the year ended 30 June 2020

Note 1. Basis of preparation (continued)

Sewerage service

(b) The Trust Fund

In accordance with the provisions of Section 411 of the *Local Government Act 1993 (NSW)* (as amended), a separate and distinct Trust Fund is maintained to account for all money and property received by the council in trust which must be applied only for the purposes of, or in accordance with, the trusts relating to those monies.

Trust monies and property subject to Council's control have been included in these reports.

A separate statement of monies held in the Trust Fund is available for inspection at the council office by any person free of charge

Goods and Services Tax (GST)

Revenues, expenses and assets are recognised net of the amount of associated GST, unless the GST incurred is not recoverable from the taxation authority. In this case it is recognised as part of the cost of acquisition of the asset or as part of the expense.

Receivables and payables are stated inclusive of the amount of GST receivable or payable. The net amount of GST recoverable from, or payable to the taxation authority is included with other receivables or payables in the Statement of Financial Position.

Cash flows are presented on a gross basis. The GST components of cash flows arising from investing or financing activities that are recoverable from, or payable to, the taxation authority are presented as operating cash flows.

Volunteer services

Council relies on some volunteer services in the operation of various Museums. The volunteer services, whislt helping the facilities, would not be purchased if not voluntarily provided and the value of those services cannnot be reliably measured.

New accounting standards and interpretations issued not yet effective

New accounting standards and interpretations issued but not yet effective

Certain new accounting standards and interpretations have been published that are not mandatory for 30 June 2019 reporting periods (and which have not been early adopted by Council).

Council's assessment of these new standards and interpretations (where they have been deemed as having a material impact on Council's future financial performance, financial positon and cash flows) are set out below:

AASB 16 Leases

AASB 16 will result (for YE 19/20 and beyond) in almost all operating leases being recognised on the balance sheet by Council (alongside existing finance leases) with the distinction between operating and finance leases removed.

Under the new standard, a financial liability (ie. a lease liability) and an asset (ie. a right to use the leased item) will be recognised for nearly all arrangements where Council commits itself to paying a rental fee for the use of a specific asset.

The only exceptions are short-term and low-value leases which are exempt from the accounting (but not disclosure) requirements of AASB 16 - Leases. Council currently only has approximately \$6,000 in low-value leases and to simplify collection of datas Council has included these in other remaining lease committees.

Council staff have reviewed all of Council's leasing arrangements over the last 12 months taking into consideration the new lease accounting rules in AASB 16 (applicable from 1/7/19).

AASB 16 will (on the whole) affect Council's accounting for existing operating lease agreements that are in place as at 30/6/19.

At the end of this reporting period, Council has non-cancellable operating lease commitments of \$547,420 - refer Note 16c.

Of these commitments, approximately \$84,119 relate to short-term leases and \$0 to low value leases.

Bathurst Regional Council

Notes to the Financial Statements

for the year ended 30 June 2020

Note 1. Basis of preparation (continued)

Both these lease types and amounts will continue to be accounted for as they currently are (being expensed on a straightline basis within the Income Statement).

For the remaining operating lease commitments of \$463,301, Council anticipates it will recognise lease liabilities (on its balance sheet) of \$450,885 (after adjustments for prepayments and accrued lease payments recognised as at 30 June 2019) and also recognise complimentary right-of-use assets (on its balance sheet) totaling \$450,885 on 1 July 2019.

From a financial position standpoint, as a result of recognising the above lease liabilities and right-of-use assets, Council's net assets (as at 1 July 2019) will be approximately \$0 lower while net current assets will be \$370,183 lower due to the presentation of a portion of the lease liability as a current liability.

From a financial performance standpoint, Council expects that net operating result will decrease by approximately \$16,094 for the 19/20 financial year as a result of adopting the standard.

Operating cash flows will increase and financing cash flows decrease by approximately \$354,089 as repayment of the principal portion of the lease liabilities will be classified as cash flows from financing activities.

Council's activities as a lessor are not material and hence Council does not expect any significant impact on the financial statements. However, some additional disclosures will be required from next year.

AASB 15 Revenue from Contracts with Customers and associated amending standards.

AASB15 introduces a five-step process for revenue recognition, with the core principle of the new standard being for entities to recognise revenue to depict the transfer of goods or services to customers in amounts that reflect the consideration (that is, payment) to which the entity expects to be entitled in exchange for those goods or services.

Accounting policy changes will arise in the timing of revenue recognition, treatment of contracts costs and contracts which contain a financing element.

Councils should assess each revenue stream but particular impact is expected for grant income and rates which are paid before the commencement of the rating period.

The changes in revenue recognition requirements in AASB15 may cause changes to the timing and amount of revenue recorded in the financial statements as well as additional disclosures.

Adoption of this standard will result in \$164,918 previously recognised in the 2018/2019 financial year as grant income to be recognised as income in the 2019/2020 financial year.

AASB 1058 Income of NFP Entities

AASB 1058 supersedes all the income recognition requirements relating to councils, previously in AASB 1004 Contributions.

Under AASB 1058 the future timing of income recognition will depend on whether the transaction gives rise to a liability or other performance obligation (a promise to transfer a good or service) related to an asset (such as cash or another asset) received by an entity.

AASB 1058 also applies when a council receives volunteer services or enters into other transactions in which the consideration to acquire an asset is significantly less than the fair value of the asset, and where the council's objective is principally to enable the asset to further the council's objectives.

Upon initial recognition of the asset, this standard requires council to consider whether any other financial statement elements (called 'related amounts') should be recognised in accordance with the applicable accounting standard, such as:

(a) contributions by owners
(b) revenue, or a contract liability arising from a contract with a customer
(c) a lease liability
(d) a financial instrument, or
(e) a provision.

If the transaction is a transfer of a financial asset to enable council to acquire or construct a recognisable non-financial asset to be controlled by council (i.e. an in-substance acquisition of a non-financial asset), the council recognises a liability for the

continued on next page ...

Bathurst Regional Council

Notes to the Financial Statements

for the year ended 30 June 2020

Note 1. Basis of preparation (continued)

excess of the fair value of the transfer over any related amounts recognised. Council will then recognise income as it satisfies its obligations under the transfer similarly to income recognition in relation to performance obligations under AASB 15.

If the transaction does not enable council to acquire or construct a recognisable non-financial asset to be controlled by council, then any excess of the initial carrying amount of the recognised asset over the related amounts is recognised as income.

Adoption of this standard will result in approximately \$7 million previously recognised in the 2018/2019 financial year as grant income to be recognised as income in the 2019/2020 financial year.

AASB 2018-8 Amendments to Australian Accounting Standards - Right-of-Use Assets of Not-for-Profit Entities

This Standard provides a temporary option for not-for-profit entities to not apply the fair value initial measurement requirements for right-of-use assets arising under leases with significantly below market terms and conditions, principally to enable the entity to further its objectives (for example, concessionary or peppercorn leases).

The Standard requires an entity that elects to apply the option (i.e. measures a class or classes of such right-of-use assets at cost rather than fair value) to include additional disclosures in the financial statements to ensure users understand the effects on the financial position, financial performance and cash flows of the entity arising from these leases

As per a NSW Office of Local Government recommendation, Council has elected to measure right-of-use assets (under a concessionary or peppercorn lease) at cost. The standard requires additional disclosures be provided in relation to below market-value leases measured at cost.

Council has identified approximately \$55,000 of right-of-use land and building assets arising under leases with significantly below market terms and conditions, with lease periods of up to 58 years remaining. These right-of-use leases include land and buildings for Rural Fire Service stations, water and sewer pipes, levee banks and cultural facilities. While it is expected these leases will continue indefinitely, none of these leases have a material impact on Council.

Apart from those standards listed above, there are no other released standards (with future effective dates) that are expected to have a material impact on Council.

Council has not elected to apply any pronouncements before their operative date in these financial statements.

New accounting standards adopted during the year

During the year, Council adopted all standards which were mandatorily effective for the first time at 30 June 2019.

Those newly adopted standards which had an impact on reported position, performance and/or disclosures have been discussed in Note 13.

Bathurst Regional Council

Notes to the Financial Statements

for the year ended 30 June 2020

Note 2(a). Council functions/activities - financial information

Income from ng operations 2019 233 463 691		openses from operations 2019 4,073		result from operations 2019 (3,840)	in in continuing 2020	ts included come from operations 2019	Carrying amo 2020	unt of assets 2019
463	,	,	(3,475)	(3.840)	0.007			
463	,	,	(3,475)	(3.840)	0.007			
	,	,		10.0407	6,607	-	68	83
691		14,303	(13,824)	(13,840)	943	_	85,988	56,131
	2,102	2,000	(1,247)	(1,309)	280	280	7,901	7,378
12,404	10,264	9,673	1,570	2,731	843	275	174,280	184,753
5,417	2,802	4,362	59	1,055	2,353	2,295	11,309	11,649
159	5,088	3,328	(4,616)	(3,169)	120	120	5,215	5,305
17,206	14,558	12,992	1,263	4,214	1,603	_	277,167	267,182
15,636	8,938	8,591	5,707	7,045	100	_	191,591	185,507
10,804	19,528	16,587	(9,066)	(5,783)	3,666	4,796	218,695	212,578
934	1,185	1,272	(170)	(338)	_	_	221	222
12,044	18,821	19,086	(11,109)	(7,042)	3,489	3,650	563,912	484,696
4,622	5,787	5,618	4,117	(996)	536	415	_	15,303
32,873		_	34,476	32,873	_	5,410	_	_
113,486	108,337	101,885	3,685	11,601	20,540	17,241	1,536,347	1,430,787
	159 17,206 15,636 10,804 934 12,044 4,622 32,873	159 5,088 17,206 14,558 15,636 8,938 10,804 19,528 934 1,185 12,044 18,821 4,622 5,787 32,873 -	159 5,088 3,328 17,206 14,558 12,992 15,636 8,938 8,591 10,804 19,528 16,587 934 1,185 1,272 12,044 18,821 19,086 4,622 5,787 5,618 32,873 – –	$\begin{array}{c ccccccccccccccccccccccccccccccccccc$	$\begin{array}{c ccccccccccccccccccccccccccccccccccc$	$ \begin{array}{c ccccccccccccccccccccccccccccccccccc$	$ \begin{array}{c ccccccccccccccccccccccccccccccccccc$	$ \begin{array}{c ccccccccccccccccccccccccccccccccccc$

Bathurst Regional Council

Financial Statements 2020

Notes to the Financial Statements

for the year ended 30 June 2020

Note 2(b). Council functions/activities - component descriptions

Details relating to the Council's functions/activities as reported in Note 2(a) are as follows:

Governance

Includes costs relating to Council's role as a component of democratic government, including elections, members' fees and expenses, subscriptions to local authority associations, meetings of Council and policy-making committees, public disclosure (e.g. GIPA), and legislative compliance.

Administration

Includes corporate support and other support services, engineering works, and any Council policy

Public order and safety

Includes Council's fire and emergency services levy, fire protection, emergency services, enforcement of regulations and animal control.

Environment

Includes noxious plants and insect/vermin control; other environmental protection; solid waste management, including domestic waste; other waste management; other sanitation; and garbage, street cleaning, drainage and stormwater management.

Community services and education

Includes administration and education; social protection (welfare); migrant, Aboriginal and other community services and administration (excluding accommodation – as it is covered under 'housing and community amenities'); youth services; aged and disabled persons services; children's' services, including family day care; child care; and other family and children services.

Housing and community amenities

Includes public cemeteries; public conveniences; street lighting; town planning; other community amenities, including housing development and accommodation for families and children, aged persons, disabled persons, migrants and Indigenous persons.

Water supplies

Includes maintenance and operation of dams, water filtration plant, reservoirs and the reticulation of the water supply.

Sewerage services

Includes maintenance and operation of the sewerage network of pipes, pump stations and treatment works.

Recreation and culture

Includes public libraries; museums; art galleries; community centres and halls, including public halls and performing arts venues; sporting grounds and venues; swimming pools; parks; gardens; lakes; and other sporting, recreational and cultural services.

Mining, manufacturing and construction

Includes building control, quarries and pits.

Transport and communication

Urban local, urban regional, includes sealed and unsealed roads, bridges, footpaths, parking areas, and aerodromes.

Economic affairs

Includes camping areas and caravan parks; tourism and area promotion; industrial development promotion; sale yards and markets; real estate development; commercial nurseries; and other business undertakings.

Bathurst Regional Council

Financial Statements 2020

Notes to the Financial Statements

for the year ended 30 June 2020

Note 3. Revenue from continuing operations

\$ '000	AASB	2020	2019
(a) Rates and annual charges			
Ordinary rates			
Residential	1058 (1)	19,031	18,058
Farmland	1058 (1)	2,117	2,069
Mining	1058 (1)	11	10
Business	1058 (1)	5,781	5,537
Less: pensioner rebates (mandatory)	1058 (1)	(654)	(654)
Rates levied to ratepayers		26,286	25,020
Pensioner rate subsidies received	1058 (1)	360	360
Total ordinary rates		26,646	25,380
Annual charges			
(pursuant to s.496, s.496A, s.496B, s.501 & s.611)			
Domestic waste management services	1058 (2)	6,106	5,756
Water supply services	1058 (2)	3,332	3,235
Sewerage services	1058 (2)	10,188	9,440
Waste management services (non-domestic)	1058 (2)	876	839
Section 611 charges	1058 (2)	42	46
Less: pensioner rebates (mandatory)	1058 (2)	(417)	(417)
Less: pensioner rebates (Council policy)	1058 (2)	(154)	(153)
Annual charges levied		19,973	18,746
Pensioner subsidies received:			
– Water	1058 (2)	111	111
– Sewerage	1058 (2)	108	108
– Domestic waste management	1058 (2)	10	10
Total annual charges		20,202	18,975
TOTAL RATES AND ANNUAL CHARGES		46,848	44,355

The **AASB** notation (above) identifies the revenue recognition pattern for material items of Council revenue:

15 (1) indicates income recognised under AASB 15 "at a point in time",

15 (2) indicates income recognised under AASB 15 "over time",

1058 (1) indicates income recognised under AASB 1058 "at a point in time", while

1058 (2) indicates income recognised under AASB 1058 "over time".

Council has used 2016 year valuations provided by the NSW Valuer General in calculating its rates.

Accounting policy for rates and charges

Rates and annual charges are recognised as revenue when the Council obtains control over the assets comprising these receipts which is the beginning of the rating period to which they relate.

Prepaid rates are recognised as a financial liability until the beginning of the rating period.

Pensioner rebates relate to reductions in rates and certain annual charges for eligible pensioners' place of residence in the local government council area that are not subsidised by the NSW Government.

Pensioner rate subsidies are received from the NSW Government to provide a contribution towards the pensioner rebates and are in substance a rates payment.

2019 accounting policy

Control over assets acquired from rates and annual charges is obtained at the commencement of the rating year as it is an enforceable debt linked to the rateable property or, where earlier, upon receipt of the rates.

Financial Statements 2020

Notes to the Financial Statements

for the year ended 30 June 2020

Note 3. Revenue from continuing operations (continued)

\$ '000	AASB	2020	2019
(b) User charges and fees			
Specific user charges			
(per s.502 - specific 'actual use' charges)			
Water supply services	15 (2)	8,685	10,480
Sewerage services	15 (2)	1,581	1,636
Waste management services (non-domestic)	15 (2)	3,050	3,165
Total specific user charges		13,316	15,281
Other user charges and fees			
(i) Fees and charges – statutory and regulatory functions (per s.608)			
Planning and building regulation	15 (1)	1,271	1,239
Private works – section 67	15 (2)	99	101
Section 603 certificates	15 (1)	90	87
Total fees and charges – statutory/regulatory		1,460	1,427
(ii) Ease and charges			
(ii) Fees and charges – other (incl. general user charges (per s.608)) Aerodrome		0.40	004
	15 (1)	313	301
Advertising	15 (2)	253	99
Art gallery Cemeteries	15 (1)	5	11
Child care	15 (1)	9	9
	15 (1)	593	780
Chifley home Entertainment centre	15 (1)	6	8
	15 (1)	467	606
Library and art gallery	15 (1)	23	29
Mount panorama National motor racing museum	15 (1)	2,275	2,521
Tourism	15 (1)	284 649	352 859
RMS (formerly RTA) charges (state roads not controlled by Council)	15 (1)		
	15 (2)	1,052	1,129
Sewerage Water	15 (2)	929	559
Other	15 (1)	199	253
Total fees and charges – other	15 (1)	130	84
rotariees and charges - other		7,187	7,600
TOTAL USER CHARGES AND FEES		21,963	24,308
			,

The **AASB** notation (above) identifies the revenue recognition pattern for material items of Council revenue:

15 (1) indicates income recognised under AASB 15 "at a point in time",

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1058 (2) indicates income recognised under AASB 1058 "over time".

Accounting policy for user charges and fees

Revenue arising from user charges and fees is recognised when or as the performance obligation is completed and the customer receives the benefit of the goods / services being provided.

The performance obligation relates to the specific services which are provided to the customers and generally the payment terms are within 30 days of the provision of the service or in some cases such as caravan parks, the customer is required to pay on arrival. There is no material obligation for Council in relation to refunds or returns.

Where an upfront fee is charged such as membership fees for the leisure centre the fee is recognised on a straight-line basis over the expected life of the membership.

Notes to the Financial Statements

for the year ended 30 June 2020

Note 3. Revenue from continuing operations (continued)

Licences granted by Council are all either short-term or low value and all revenue from licences is recognised at the time that the licence is granted rather than the term of the licence.

2019 accounting policy

User charges and fees are recognised as revenue when the service has been provided.

\$ '000	AASB	2020	2019
(c) Other revenues			
Rental income – investment property	15 (2)	819	956
Rental income – other council properties (2019 only)	15 (1)	1,114	1,209
Fines	1058 (1)	46	57
Fines – parking	1058 (1)	398	320
Legal fees recovery – rates and charges (extra charges)	1058 (2)	1	-
Legal fees recovery – other	1058 (2)	-	9
Commissions and agency fees	1058 (1)	282	83
Diesel rebate	1058 (1)	161	363
Insurance claims recoveries	1058 (1)	56	8
Recycling income (non-domestic)	15 (1)	122	111
Insurance rebates	1058 (1)	185	190
Mount panorama	15 (1)	772	863
Recovery of Lehman Brothers investment	1058 (1)	4	33
Other	1058 (1)	577	361
Sales – miscellaneous	15 (1)	398	398
TOTAL OTHER REVENUE		4,935	4,961

The AASB notation (above) identifies the revenue recognition pattern for material items of Council revenue:

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1058 (1) indicates income recognised under AASB 1058 "at a point in time", while

1058 (2) indicates income recognised under AASB 1058 "over time".

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Bathurst Regional Council

Financial Statements 2020

Notes to the Financial Statements

for the year ended 30 June 2020

Note 3. Revenue from continuing operations (continued)

Accounting policy for other revenue

Where the revenue relates to a contract with customer, the revenue is recognised when or as the performance obligation is completed and the customer receives the benefit of the goods / services being provided.

Where the revenue relates to a contract which is not enforceable or does not contain sufficiently specific performance obligations then revenue is recognised when an unconditional right to a receivable arises or the cash is received, which is earlier.

2019 accounting policy:

Council recognises revenue when the amount of revenue can be reliably measured, it is probable that future economic benefits will flow to the Council and specific criteria have been met for each of the Council's activities as described below. Council bases its estimates on historical results, taking into consideration the type of customer, the type of transaction and the specifics of each arrangement.

Parking fees and fines are recognised as revenue when the service has been provided, or when the penalty has been applied, whichever occurs first.

Rental income is accounted for on a straight-line basis over the lease term.

Miscellaneous sales are recognised when physical possession has transferred to the customer which is deemed to be the point of transfer of risks and rewards.

Other income is recorded when the payment is due, the value of the payment is notified, or the payment is received, whichever occurs first.

\$ '000	AASB	Operating 2020	Operating 2019	Capital 2020	Capital 2019
(d) Grants					
General purpose (untied)					
Financial assistance	1058 (1)	3,207	3,143	_	_
Payment in advance - future year allocation		-, -	-, -		
Financial assistance	1058 (1)	3,399	3,259	_	_
Total general purpose		6,606	6,402	_	_
Specific purpose					
Water supplies	15 (2)	76	-	1,527	_
Sewerage services	15 (2)	_	_	100	-
Bushfire and emergency services	1058 (1)	280	280	_	-
Community care	1058 (1)	2,326	2,295	34	130
Community centres	15 (2)	_	_	51	50
Economic development	1058 (2)	125	54	178	59
Environmental programs	1058 (2)	33	214	_	2
Heritage and cultural	1058 (1)	496	332	1,279	1,040
LIRS subsidy	1058 (1)	41	50	_	-
Recreation and culture	15 (2)	93	69	1,673	977
Storm/flood damage	15 (2)	_	_	810	-
Street lighting	1058 (1)	108	108	_	-
Transport (roads to recovery)	1058 (2)	1,873	900	_	-
Transport (other roads and bridges funding)	15 (2)	68	75	658	36
Mount Panorama	15 (2)	-	-	937	2,500
Strategic planning	1058 (1)	12	11	_	-
Transport (cycleways)	15 (2)	-	-	197	-
Transport (aerodrome)	15 (2)	_	-	652	1,598
Waste management	1058 (1)	_	59	_	-
Other	15 (2)	5	-	302	-

Notes to the Financial Statements

for the year ended 30 June 2020

Note 3. Revenue from continuing operations (continued)

\$ '000	AASB	Operating 2020	Operating 2019	Capital 2020	Capital 2019
Total specific purpose		5,536	4,447	8,398	6,392
Total grants		12,142	10,849	8,398	6,392
Grant revenue is attributable to:					
 Commonwealth funding 		10,734	8,515	2,579	879
- State funding		1,387	2,185	5,709	5,511
– Other funding		21	149	110	2
		12,142	10,849	8,398	6,392

The AASB notation (above) identifies the revenue recognition pattern for material items of Council revenue:

15 (1) indicates income recognised under AASB 15 "at a point in time",

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1058 (1) indicates income recognised under AASB 1058 "at a point in time", while

1058 (2) indicates income recognised under AASB 1058 "over time".

Financial Statements 2020

Notes to the Financial Statements

for the year ended 30 June 2020

Note 3. Revenue from continuing operations (continued)

\$ '000	Notes	AASB	Operating 2020	Operating 2019	Capital 2020	Capital 2019
(e) Contributions						
Developer contributions:						
(s7.4 & s7.11 - EP&A Act, s64 of the LC	έΑ):					
Cash contributions S 7.11 – contributions towards						
amenities/services		1058 (1)	_	_	2,166	5,020
S 64 – water supply contributions		1058 (1)	_	_	786	2,169
S 64 – sewerage service contributions		1058 (1)	_	_	827	2,095
Total developer contributions – cash		1050 (1)			3,779	9,284
·						
Non-cash contributions						
S 7.11 – contributions towards amenities/services		45 (4)				40
Total developer contributions		15 (1)				42
non-cash				-	-	42
Total developer contributions	25		<u> </u>	_	3,779	9,326
Other contributions:						
Cash contributions						
Bushfire services		1058 (2)	66		_	_
Community services		15 (1)	-	_	2	_
Heritage/cultural		1058 (1)	107	3	_	_
Other councils – joint works/services		1058 (2)	178	169	_	_
Recreation and culture		15 (2)	_	_	60	249
RMS contributions (regional roads, block						
grant)		1058 (2)	913	1,080	80	-
Sewerage (excl. section 64 contributions)	×	1058 (1)	_	-	_	3
Other		1058 (1)	50	25	79	-
Art gallery		15 (2)			35	16
Total other contributions – cash			1,314	1,277	256	268
Non-cash contributions						
Dedications – subdivisions (other than by						
s7.11)		15 (1)	-	-	3,952	7,130
Heritage/cultural		15 (1)	-	-	409	138
Recreation and culture		15 (1)				
Total other contributions – non-cash					4,361	7,268
Total other contributions			1,314	1,277	4,617	7,536
Total contributions			1,314	1,277	8,396	16,862
TOTAL CRANTS AND						
TOTAL GRANTS AND			40.450	10,400	10 704	00.054
CONTRIBUTIONS			13,456	12,126	16,794	23,254

The AASB notation (above) identifies the revenue recognition pattern for material items of Council revenue:

15 (1) indicates income recognised under AASB 15 "at a point in time",

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1058 (1) indicates income recognised under AASB 1058 "at a point in time", while

1058 (2) indicates income recognised under AASB 1058 "over time".

Notes to the Financial Statements

for the year ended 30 June 2020

Note 3. Revenue from continuing operations (continued)

Accounting policy for grants and contributions

Accounting policy from 1 July 2019

Grant income under AASB 15

Where grant income arises from an agreement which is enforceable and contains sufficiently specific performance obligations then the revenue are recognised when control of each performance obligations is satisfied.

The performance obligations are varied based on the agreement but include [provide details of performance obligations within AASB 15 grants e.g. events, vaccinations]. Payment terms vary depending on the terms of the grant, cash is received upfront for some grants and on the achievement of certain payment milestones for others.

Each performance obligation is considered to ensure that the revenue recognition reflects the transfer of control and within grant agreements there may be some performance obligations where control transfers at a point in time and others which have continuous transfer of control over the life of the contract.

Where control is transferred over time, generally the input methods being either costs or time incurred are deemed to be the most appropriate methods to reflect the transfer of benefit.

Grant income

Assets arising from grants in the scope of AASB 1058 is recognised at the assets fair value when the asset is received. Councils considers whether there are any related liability or equity items associated with the asset which are recognised in accordance with the relevant accounting standard.

Once the assets and liabilities have been recognised then income is recognised for any remaining asset value at the time that the asset is received

Capital grants

Capital grants received to enable Council to acquire or construct an item of infrastructure, property, plant and equipment to identified specifications which will be under Council's control and which is enforceable are recognised as revenue as and when the obligation to construct or purchase is completed.

For construction projects, this is generally as the construction progresses in accordance with costs incurred since this is deemed to be the most appropriate measure of the completeness of the construction project as there is no profit margin.

For acquisitions of assets, the revenue is recognised when the asset is acquired and controlled by the Council.

Contributions

Council has obligations to provide facilities from contribution revenues levied on developers under the provisions of sections 7.4, 7.11 and 7.12 of the *Environmental Planning and Assessment Act* 1979.

While Council generally incorporates these amounts as part of a Development Consents Order, such developer contributions are only recognised as income upon receipt by Council, due to the possibility that individual development consents may not be acted upon by the applicant and, accordingly, would not be payable to Council.

Developer contributions may only be expended for the purposes for which the contributions were required, but the Council may apply contributions according to the priorities established in work schedules

Accounting policy prior to 1 July 2019

Control over grants and contributions is normally obtained upon their receipt (or acquittal) and revenue is recognised at this time and is valued at the fair value of the granted or contributed asset at the date of transfer.

Where grants or contributions recognised as revenues during the financial year were obtained on condition that they be expended in a particular manner, or used over a particular period, and those conditions were un-discharged at reporting date, the unused grant or contribution is disclosed below.

Bathurst Regional Council

Notes to the Financial Statements

for the year ended 30 June 2020

Note 3. Revenue from continuing operations (continued)

A liability is recognised in respect of revenue that is reciprocal in nature to the extent that the requisite service has not been provided at reporting date.

\$ '000	2020	2019
(f) Unspent grants and contributions – external restrictions		
Certain grants and contributions are obtained by Council on condition that they be spent in a specified manner due to externally imposed restrictions.		
Less: operating grants received in a previous reporting period now spent and		
recognised as income	-	_
Capital grants		
Unexpended at the close of the previous reporting period	4,945	10,172
Add: capital grants recognised as income in the current period but not yet spent (2019 only)	10,860	1,860
Less: capital grants recognised in a previous reporting period now spent (2019 only)	(6,959)	(7,087)
Less: capital grants received in a previous reporting period now spent and		
recognised as income	(3,746)	-
Unexpended and held as externally restricted assets (capital grants)	5,100	4,945
Contributions		
Unexpended at the close of the previous reporting period	45,624	40,714
Add: contributions recognised as income in the current period but not yet spent	3,865	9,710
Less: contributions recognised in a previous reporting period now spent	(6,358)	(4,800)
Unexpended and held as externally restricted assets (contributions)	43,131	45,624

Note 4. Interest and investment income

\$ '000	2020	2019
Interest on financial assets measured at amortised cost		
– Overdue rates and annual charges (incl. special purpose rates)	177	194
– Cash and investments	1,502	2,374
Finance income on the net investment in the lease	-	2,014
Total Interest and investment income	1,679	2,568
Interest revenue is attributable to:		
Unrestricted investments/financial assets:		
Overdue rates and annual charges (general fund)	177	194
General Council cash and investments	1,162	1,600
Restricted investments/funds – external:	-,	.,
Development contributions		
- Section 7.11	31	142
- Section 64	55	192
Water fund operations	45	144
Sewerage fund operations	107	274
Domestic waste management operations	102	22
Total interest and investment revenue	1,679	2,568

Bathurst Regional Council

Financial Statements 2020

Notes to the Financial Statements

for the year ended 30 June 2020

Note 4. Interest and investment income (continued)

Accounting policy for interest and investment revenue Interest income is recognised using the effective interest rate at the date that interest is earned.

Dividends are recognised as income in profit or loss unless the dividend clearly represents a recovery of part of the cost of the investment.

Financial Statements 2020

Notes to the Financial Statements

for the year ended 30 June 2020

Note 5. Expenses from continuing operations

\$ '000	2020	2019
(a) Employee benefits and on-costs		
Salaries and wages	23,924	23,099
Travel expenses	556	617
Employee leave entitlements (ELE)	5,297	4,780
Superannuation	3,067	2,969
Workers' compensation insurance	1,203	878
Fringe benefit tax (FBT)	180	187
Payroll tax	238	293
Training costs (other than salaries and wages)	199	212
Protective clothing	1	5
Other	100	76
Total employee costs	34,765	33,116
Less: capitalised costs	(231)	(288)
TOTAL EMPLOYEE COSTS EXPENSED	34,534	32,828
Number of 'full-time equivalent' employees (FTE) at year end	393	375

Accounting policy for employee benefits and on-costs

Employee benefit expenses are recorded when the service has been provided by the employee.

Retirement benefit obligations

All employees of the Council are entitled to benefits on retirement, disability or death. Council contributes to various defined benefit plans and defined contribution plans on behalf of its employees.

Superannuation plans

Contributions to defined contribution plans are recognised as an expense as they become payable. Prepaid contributions are recognised as an asset to the extent that a cash refund or a reduction in the future payments is available.

Council participates in a defined benefit plan under the Local Government Superannuation Scheme, however, sufficient information to account for the plan as a defined benefit is not available and therefore Council accounts for its obligations to defined benefit plans on the same basis as its obligations to defined contribution plans, i.e. as an expense when it becomes payable – refer to Note 17 for more information.

\$ '000	Notes	2020	2019
(b) Borrowing costs			
(i) Interest bearing liability costs			
Interest on leases		17	_
Interest on loans		1,319	1,286
Total interest bearing liability costs		1,336	1,286
Total interest bearing liability costs expensed		1,336	1,286
(ii) Other borrowing costs			
Discount adjustments relating to movements in provisions (other than ELE)			
- Remediation liabilities	15	16	29
Total other borrowing costs		16	29
TOTAL BORROWING COSTS EXPENSED		1,352	1,315

Bathurst Regional Council

Financial Statements 2020

Notes to the Financial Statements

for the year ended 30 June 2020

Note 5. Expenses from continuing operations (continued)

Accounting policy for borrowing costs

Borrowing costs incurred for the construction of any qualifying asset are capitalised during the period of time that is required to complete and prepare the asset for its intended use or sale. Other borrowing costs are expensed as incurred.

Financial Statements 2020

Notes to the Financial Statements

for the year ended 30 June 2020

Note 5. Expenses from continuing operations (continued)

\$ '000	2020	2019
(c) Materials and contracts		
Raw materials and consumables	31,379	26,414
Contractor and consultancy costs	2,555	1,843
Auditors remuneration ²	164	181
Legal expenses:		
Expenses from short-term leases (2020 only)	88	_
Expenses from leases of low value assets (2020 only)	84	-
Expenses from Peppercorn leases (2020 only)	-	_
 Legal expenses: planning and development 	2	14
 Legal expenses: debt recovery 	58	102
– Legal expenses: other	471	210
Variable lease expense relating to usage (2020 only)	99	-
Operating leases expense (2019 only):		
 Operating lease rentals: minimum lease payments ¹ 	_	620
Recycling services	1,367	1,167
Total materials and contracts	36,267	30,551
TOTAL MATERIALS AND CONTRACTS	36,267	30,551

Accounting policy for materials and contracts

Expenses are recorded on an accruals basis as the council receives the goods or services.

Operating leases (2019 only)

Leases in which a significant portion of the risks and rewards of ownership are not transferred to Council as lessee are classified as operating leases. Payments made under operating leases (net of any incentives received from the lessor) are charged to the income statement on a straight-line basis over the period of the lease.

1. Operating lease payments are attributable to:

Computers & associated peripherals	89	617
Other	(89)	3
	-	620

2. Auditor remuneration

During the year, the following fees were incurred for services provided by the auditor of Council, related practices and non-related audit firms **Auditors of the Council - NSW Auditor-General:**

 (i) Audit and other assurance services Audit and review of financial statements Remuneration for audit and other assurance services 	77	74
Total Auditor-General remuneration	77	74
Non NSW Auditor-General audit firms		
(i) Audit and other assurance services		
Audit and review of financial statements	1	_
Remuneration for audit and other assurance services	1	_
(ii) Non-assurance services		
Internal audit	86	107
Remuneration for non-assurance services	86	107

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AGENDA - Ordinary Meeting of Council Agenda - 16 September 2020 Attachments

Financial Statements 2020

Bathurst Regional Council

Notes to the Financial Statements for the year ended 30 June 2020

Note 5. Expenses from continuing operations (continued)

\$ '000	2020	2019
Total remuneration of non NSW Auditor-General audit firms	87_	107
Total Auditor remuneration	164	181

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Notes to the Financial Statements

for the year ended 30 June 2020

Note 5. Expenses from continuing operations (continued)

\$ '000	Notes	2020	2019
(d) Depreciation, amortisation and impairment of			
non-financial assets			
Depreciation and amortisation			
Plant and equipment		2,529	2,588
Office equipment		251	282
Furniture and fittings		162	99
Land improvements (depreciable)		458	451
Infrastructure:	11		
– Buildings		1,449	1,671
 Buildings – Leasehold Improvements 		21	2
– Other structures		814	823
– Roads		8,614	9,562
– Bridges		422	422
- Footpaths		194	190
– Stormwater drainage		1,785	1,732
 Water supply network 		4,256	4,221
– Sewerage network		3,279	3,225
– Swimming pools		415	145
Right of use assets	13	279	_
Other assets:			
– Other	÷	463	420
Reinstatement, rehabilitation and restoration assets:			
– Tip assets	11,15	20	21
Total depreciation and amortisation costs		25,411	25,854
TOTAL DEPRECIATION, AMORTISATION AND			
IMPAIRMENT FOR NON-FINANCIAL ASSETS		05 444	
INFAILWLINT FOR NON-FINANOIAL ASSETS		25,411	25,854

Accounting policy for depreciation, amortisation and impairment expenses of non-financial assets

Depreciation and amortisation

Depreciation and amortisation are calculated using the straight line method to allocate their cost, net of their residual values, over their estimated useful lives. Useful lives are included in Note 9 for IPPE assets.

Impairment of non-financial assets

Other assets are tested for impairment whenever events or changes in circumstances indicate that the carrying amount may not be recoverable. An impairment loss is recognised for the amount by which the asset's carrying amount exceeds its recoverable amount. The recoverable amount is the higher of an asset's fair value less costs to sell and value in use.

For the purposes of assessing impairment, assets are grouped at the lowest levels for which there are separately identifiable cash inflows that are largely independent of the cash inflows from other assets or groups of assets (cash-generating units). Non-financial assets that suffered an impairment are reviewed for possible reversal of the impairment at each reporting date.

Impairment losses for revalued assets are firstly offset against the amount in the revaluation surplus for the class of asset, with only the excess to be recognised in the Income Statement.

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Financial Statements 2020

Notes to the Financial Statements

for the year ended 30 June 2020

Note 5. Expenses from continuing operations (continued)

 (e) Other expenses Advertising Training costs (other than salaries and wages) Travel expenses Bad and doubtful debts Bank charges Cleaning Contributions/levies to other levels of government NSW fire brigade levy NSW rural fire service levy Waste levy EPA payment for Sewerage Treatment Councillor expenses – mayoral fee Councillor expenses – councillors' fees Councillors' expenses (incl. mayor) – other (excluding fees above) Donations, contributions and assistance Donations, contributions and assistance 		
Training costs (other than salaries and wages) Travel expenses Bad and doubtful debts Bank charges Cleaning Contributions/levies to other levels of government – NSW fire brigade levy – NSW rural fire service levy – Waste levy – EPA payment for Sewerage Treatment Councillor expenses – mayoral fee Councillor expenses – councillors' fees Councillors' expenses (incl. mayor) – other (excluding fees above) Donations, contributions and assistance to other organisations (Section 356) – Donations, contributions and assistance		
Travel expenses Bad and doubtful debts Bank charges Cleaning Contributions/levies to other levels of government – NSW fire brigade levy – NSW rural fire service levy – Waste levy – EPA payment for Sewerage Treatment Councillor expenses – mayoral fee Councillor expenses – councillors' fees Councillors' expenses (incl. mayor) – other (excluding fees above) Donations, contributions and assistance to other organisations (Section 356) – Donations, contributions and assistance	807	1,288
Bad and doubtful debts Bank charges Cleaning Contributions/levies to other levels of government – NSW fire brigade levy – NSW rural fire service levy – Waste levy – EPA payment for Sewerage Treatment Councillor expenses – mayoral fee Councillor expenses – councillors' fees Councillors' expenses (incl. mayor) – other (excluding fees above) Donations, contributions and assistance to other organisations (Section 356) – Donations, contributions and assistance	_	_
Bank charges Cleaning Contributions/levies to other levels of government – NSW fire brigade levy – NSW rural fire service levy – Waste levy – EPA payment for Sewerage Treatment Councillor expenses – mayoral fee Councillor expenses – councillors' fees Councillors' expenses (incl. mayor) – other (excluding fees above) Donations, contributions and assistance to other organisations (Section 356) – Donations, contributions and assistance	_	_
Cleaning Contributions/levies to other levels of government – NSW fire brigade levy – NSW rural fire service levy – Waste levy – EPA payment for Sewerage Treatment Councillor expenses – mayoral fee Councillor expenses – councillors' fees Councillors' expenses (incl. mayor) – other (excluding fees above) Donations, contributions and assistance to other organisations (Section 356) – Donations, contributions and assistance	84	17
Contributions/levies to other levels of government - NSW fire brigade levy - NSW rural fire service levy - Waste levy - EPA payment for Sewerage Treatment Councillor expenses – mayoral fee Councillor expenses – councillors' fees Councillors' expenses (incl. mayor) – other (excluding fees above) Donations, contributions and assistance to other organisations (Section 356) - Donations, contributions and assistance	144	142
 NSW fire brigade levy NSW rural fire service levy Waste levy EPA payment for Sewerage Treatment Councillor expenses – mayoral fee Councillor expenses – councillors' fees Councillors' expenses (incl. mayor) – other (excluding fees above) Donations, contributions and assistance to other organisations (Section 356) – Donations, contributions and assistance 	515	580
 NSW rural fire service levy Waste levy EPA payment for Sewerage Treatment Councillor expenses – mayoral fee Councillor expenses – councillors' fees Councillors' expenses (incl. mayor) – other (excluding fees above) Donations, contributions and assistance to other organisations (Section 356) – Donations, contributions and assistance 		
 Waste levy EPA payment for Sewerage Treatment Councillor expenses – mayoral fee Councillor expenses – councillors' fees Councillors' expenses (incl. mayor) – other (excluding fees above) Donations, contributions and assistance to other organisations (Section 356) – Donations, contributions and assistance 	392	404
 EPA payment for Sewerage Treatment Councillor expenses – mayoral fee Councillor expenses – councillors' fees Councillors' expenses (incl. mayor) – other (excluding fees above) Donations, contributions and assistance to other organisations (Section 356) – Donations, contributions and assistance 	426	381
Councillor expenses – mayoral fee Councillor expenses – councillors' fees Councillors' expenses (incl. mayor) – other (excluding fees above) Donations, contributions and assistance to other organisations (Section 356) – Donations, contributions and assistance	59	58
Councillor expenses – councillors' fees Councillors' expenses (incl. mayor) – other (excluding fees above) Donations, contributions and assistance to other organisations (Section 356) – Donations, contributions and assistance	19	37
Councillors' expenses (incl. mayor) – other (excluding fees above) Donations, contributions and assistance to other organisations (Section 356) – Donations, contributions and assistance	44	43
Donations, contributions and assistance to other organisations (Section 356) – Donations, contributions and assistance	183	178
- Donations, contributions and assistance	48	38
	243	267
 Footpath and gutter maintenance 	115	106
- Somerville collection	192	111
Electricity and heating	2,363	2,596
Fire control expenses	5	2
Insurance	1,365	1,235
Office expenses (including computer expenses)	58	42
Postage	143	169
Printing and stationery	193	235
Street lighting	1,030	1,435
Subscriptions and publications	1,300	974
Telephone and communications	591	597
Upper Macquarie County Council (Noxious Weeds)	249	223
Valuation fees	158	179
TOTAL OTHER EXPENSES	10,726	11,337

Accounting policy for other expenses Other expenses are recorded on an accruals basis as the Council receives the goods or services.

Notes to the Financial Statements

for the year ended 30 June 2020

Note 6. Gain or loss from disposal of assets

\$ '000	Notes	2020	2019
Property (excl. investment property)			
Proceeds from disposal – property		325	_
Less: carrying amount of property assets sold/written off	_	(687)	(370)
Net gain/(loss) on disposal	_	(362)	(370)
Plant and equipment	10(a)		
Proceeds from disposal – plant and equipment		275	1,082
Less: carrying amount of plant and equipment assets sold/written off	_	(291)	(296)
Net gain/(loss) on disposal	_	(16)	786
Infrastructure	10(a)		
Proceeds from disposal – infrastructure		_	5
Net gain/(loss) on disposal			5
Real estate assets held for sale	9		
Proceeds from disposal – real estate assets		8,489	1,342
Less: carrying amount of real estate assets sold/written off		(1,764)	(88)
Net gain/(loss) on disposal	-	6,725	1,254
Investments	7(b)		
Proceeds from disposal/redemptions/maturities – investments		53,500	87,000
Less: carrying amount of investments sold/redeemed/matured		(53,500)	(87,000)
Net gain/(loss) on disposal	_		
NET GAIN/(LOSS) ON DISPOSAL OF ASSETS	_	6,347	1,675

Accounting policy for disposal of assets

Gains and losses on disposals are determined by comparing proceeds with carrying amount. These are included in the Income Statement.

The gain or loss on sale of an asset is determined when control of the asset has irrevocably passed to the buyer and the asset is de-recognised.

Note 7(a). Cash and cash equivalents

\$ '000	2020	2019
Cash and cash equivalents		
Cash on hand and at bank	3,197	6,768
Total cash and cash equivalents	3,197	6,768

Accounting policy for cash and cash equivalents

For Statement of Cash Flow presentation purposes, cash and cash equivalents include: cash on hand; deposits held at call with financial institutions; other short-term, highly liquid investments with original maturities of three months or less that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value; and bank overdrafts. Bank overdrafts are shown within borrowings in current liabilities on the Statement of Financial Position.

Bathurst Regional Council

Notes to the Financial Statements

for the year ended 30 June 2020

Note 7(b). Investments

	2020	2020	2019	2019
\$ '000	Current	Non-current	Current	Non-current
Investments				
'Financial assets at amortised cost' / 'held to maturity' (2018)	60,480	13,300	53,500	25,680
Total Investments	60,480	13,300	53,500	25,680
TOTAL CASH ASSETS, CASH				
EQUIVALENTS AND INVESTMENTS	63,677	13,300	60,268	25,680
Financial assets at amortised cost				
Long term deposits	53,730	4,500	46,500	12,630
NCD's, FRN's (with maturities > 3 months)	6,750	8,800	7,000	13,050
Total	60,480	13,300	53,500	25,680

Accounting policy for investments

Financial instruments are recognised initially on the date that the Council becomes party to the contractual provisions of the instrument.

On initial recognition, all financial instruments are measured at fair value plus transaction costs (except for instruments measured at fair value through profit or loss where transaction costs are expensed as incurred).

Financial assets

All recognised financial assets are subsequently measured in their entirety at either amortised cost or fair value, depending on the classification of the financial assets.

Classification

On initial recognition, Council classifies its financial assets into the following categories - those measured at:

- · amortised cost
- fair value through profit and loss (FVTPL)
- fair value through other comprehensive income equity instrument (FVOCI-equity)

Financial assets are not reclassified subsequent to their initial recognition.

Amortised cost

Assets measured at amortised cost are financial assets where:

- · the business model is to hold assets to collect contractual cash flows, and
- the contractual terms give rise on specified dates to cash flows that are solely payments of principal and interest on the principal amount outstanding.

Council's financial assets measured at amortised cost comprise trade and other receivables, term deposits and cash and cash equivalents in the Statement of Financial Position.

Subsequent to initial recognition, these assets are carried at amortised cost using the effective interest rate method less provision for impairment.

Interest income, impairment and gains or loss on de-recognition are recognised in profit or loss.

Fair value through other comprehensive income - equity instruments

Council has a number of strategic investments in entities over which they do not have significant influence nor control. Council has made an irrevocable election to classify these equity investments as fair value through other comprehensive income as they are not held for trading purposes.

These investments are carried at fair value with changes in fair value recognised in other comprehensive income (financial asset reserve). On disposal any balance in the financial asset reserve is transferred to accumulated surplus and is not reclassified to profit or loss.

Other net gains and losses excluding dividends are recognised in Other Comprehensive Income Statement.

Bathurst Regional Council

Financial Statements 2020

Notes to the Financial Statements

for the year ended 30 June 2020

Note 7(b). Investments (continued)

Financial assets through profit or loss

All financial assets not classified as measured at amortised cost or fair value through other comprehensive income as described above are measured at fair value through profit or loss.

Net gains or losses, including any interest or dividend income, are recognised in profit or loss.

Council's financial assets measured at fair value through profit or loss comprise investments in FRNs and NCDs in the Statement of Financial Position.

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Bathurst Regional Council

Notes to the Financial Statements

for the year ended 30 June 2020

Note 7(c). Restricted cash, cash equivalents and investments

	2020	2020	2019	2019
\$ '000	Current	Non-current	Current	Non-current
Total cash, cash equivalents and investments	63,677	13,300	60,268	25,680
attributable to:				
External restrictions	62,505	13,300	60,267	25,680
Internal restrictions	1,123	_	-	_
Unrestricted	49	_	1	-
	63,677	13,300	60,268	25,680

\$ '000	2020	2019
Details of restrictions		
External restrictions – included in liabilities		
Specific purpose unexpended grants – general fund (2020 only)	1,701	-
Specific purpose unexpended grants – sewer fund (2020 only)		_
Specific purpose unexpended grants – water fund (2020 only)	7	-
Specific purpose unexpended loans – water	2,999	6,476
External restrictions – included in liabilities	4,707	6,476
External restrictions – other		
Developer contributions – general	15,727	19,888
Developer contributions – water fund	8,470	7,667
Developer contributions – sewer fund	18,934	18,069
Specific purpose unexpended grants (recognised as revenue) – general fund	_	4,905
Specific purpose unexpended grants (recognised as revenue) – water fund	-	7
Specific purpose unexpended grants (recognised as revenue) – sewer fund	-	33
Water supplies	8,712	12,581
Sewerage services	17,451	15,253
Domestic waste management	1,804	1,068
External restrictions – other	71,098	79,471
Total external restrictions	75,805	85,947
Internal restrictions		
Employees leave entitlement	138	_
Carry over works	29	_
Cultural and community services	494	-
Environmental	13	-
Plant and vehicle replacement	198	-
Waste employee leave entitlements	251	_
Total internal restrictions	1,123	-
TOTAL RESTRICTIONS	76,928	85,947

Bathurst Regional Council

Financial Statements 2020

Notes to the Financial Statements

for the year ended 30 June 2020

Note 8. Receivables

¢ 1000	2020 Current	2020	2019 Current	2019
\$ '000	Current	Non-current	Current	Non-current
Purpose				
Rates and annual charges	2,089	169	1,797	157
Interest and extra charges	987	_	989	-
User charges and fees	2,713	_	3,568	-
Accrued revenues				
 Interest on investments 	222	-	256	-
 Other income accruals 	620	-	328	-
Net investment in finance lease	_	-	_	-
Deferred debtors	38	343	46	381
Government grants and subsidies	167	-	733	-
Net GST receivable	1,083		436	-
Sundry debtors	3,320	=	1,223	-
Total	11,239	512	9,376	538
Less: provision of impairment				
User charges and fees	(81)		(32)	_
Other debtors	(53)		(26)	_
Total provision for impairment –			(20)	
receivables	(134)		(58)	_
			· · · ·	
TOTAL NET RECEIVABLES	11,105	512	9,318	538
Externally restricted receivables				
Water supply				
– Specific purpose grants			3	
 Rates and availability charges 		-	173	44
- Other	2,629	41	3,237	44
Sewerage services	2,029	41	5,257	_
 Specific purpose grants 	_	_	3	_
 Rates and availability charges 			572	33
– Other	1,005	37	379	
Total external restrictions	3,634	78	4,367	77
	0,00+	10	4,007	
Unrestricted receivables	7,471	434	4,951	461
TOTAL NET RECEIVABLES	11,105	512	9,318	538
				000
\$ '000			2020	2019
Movement in provision for impairment				
Balance at the beginning of the year (calculate	ed in accordance with	AASB 139)	58	43
+ new provisions recognised during the year			160	32
- amounts already provided for and written of Balance at the end of the year	f this year		(84)	(17)

Notes to the Financial Statements

for the year ended 30 June 2020

Note 8. Receivables (continued)

Accounting policy for receivables

Recognition and measurement

Receivables are included in current assets, except for those with maturities greater than 12 months after the reporting date which are classified as non-current assets.

Receivables are recognised initially at fair value and subsequently measured at amortised cost using the effective interest method, less provision for impairment. Receivables are generally due for settlement within 30 days.

Cash flows relating to short-term receivables are not discounted if the effect of discounting is immaterial.

Impairment

Impairment of financial assets measured at amortised cost is recognised on an expected credit loss (ECL) basis.

When determining whether the credit risk of a financial asset has increased significantly since initial recognition, and when estimating ECL, the Council considers reasonable and supportable information that is relevant and available without undue cost or effort. This includes both quantitative and qualitative information and analysis based on Council's historical experience and informed credit assessment, and including forward-looking information.

When considering the ECL for rates debtors, Council takes into account that unpaid rates represent a charge against the rateable property that will be recovered when the property is next sold. For non-rates debtors, Council uses the presumption that an asset which is more than 30 days past due has seen a significant increase in credit risk.

The Council uses the presentation that a financial asset is in default when:

- the other party is unlikely to pay its credit obligations to the Council in full, without recourse by the Council to actions such as realising security (if any is held) or
- the financial assets (for non-rates debtors) are more than 90 days past due.

Credit losses are measured as the present value of the difference between the cash flows due to the entity in accordance with the contract, and the cash flows expected to be received. This is applied using a probability weighted approach.

On initial recognition of the asset, an estimate of the expected credit losses for the next 12 months is recognised. Where the asset has experienced significant increase in credit risk then the lifetime losses are estimated and recognised.

Council uses the simplified approach for trade receivables where the expected lifetime credit losses are recognised on day 1.

There has been no change in the estimation techniques or significant assumptions made during the current reporting period.

The Council writes off a trade receivable when there is information indicating that the debtor is in severe financial difficulty and there is no realistic prospect of recovery, e.g. when the debtor has been placed under liquidation or has entered into bankruptcy proceedings, or when the receivables are over 1 years past due, whichever occurs first.

None of the receivables that have been written off are subject to enforcement activity.

Where the Council renegotiates the terms of receivables due from certain customers, the new expected cash flows are discounted at the original effective interest rate and any resulting difference to the carrying value is recognised in profit or loss.

Rates and annual charges outstanding are secured against the property.

Bathurst Regional Council

Financial Statements 2020

Notes to the Financial Statements for the year ended 30 June 2020

Note 9. Inventories and other assets

\$ '000	2020 Current	2020 Non-current	2019 Current	2019 Non-current
(a) Inventories				
(i) Inventories at cost				
Real estate for resale	6,654	11,453	7,237	11,545
Stores and materials	604	-	614	-
Trading stock	310		237	
Total inventories at cost	7,568	11,453	8,088	11,545
TOTAL INVENTORIES	7,568	11,453	8,088	11,545
(b) Other assets				
Prepayments	589		913	
TOTAL OTHER ASSETS	589		913	
			315	
Externally restricted assets				
\$ '000	2020 Current	2020 Non-current	2019 Current	2019 Non-current
<u>\$ 000</u>	Guirreint	Non-current	Guitein	Non-current
Water				
Prepayments	22		44	
Total water	22		44	
Sewerage				
Prepayments	_	_	4	_
Total sewerage			4	
C C				
Total externally restricted assets	22	_	48	_
Total internally restricted assets	_	_	_	_
Total unrestricted assets	8,135	11,453	8,953	11,545
TOTAL INVENTORIES AND OTHER ASSETS	8,157	11,453	9,001	11,545
		,		,010

Notes to the Financial Statements

for the year ended 30 June 2020

Note 9. Inventories and other assets (continued)

(i) Other disclosures

\$ '000 No	2020 tes Current	2020 Non-current	2019 Current	2019 Non-current
(a) Details for real estate development				
Residential	5,707	2,683	6,276	2,382
Industrial/commercial	947	8,770	961	9,163
Total real estate for resale	6,654	11,453	7,237	11,545
(Valued at the lower of cost and net realisable value) Represented by:				
Acquisition costs	5,806	11,212	4,971	11,545
Development costs	848	241	2,266	-
Total costs	6,654	11,453	7,237	11,545
Total real estate for resale	6,654	11,453	7,237	11,545
Movements:				
Real estate assets at beginning of the year	7,237	11,545	3,507	9,474
 Purchases and other costs 	848	241	2,266	3,623
– WDV of sales (expense)	6 (1,764)	- 1	(88)	-
- Transfer between current/non-current	333	(333)	1,552	(1,552)
Total real estate for resale	6,654	11,453	7,237	11,545

Accounting policy for inventories and other assets

Raw materials and stores, work in progress and finished goods

Raw materials and stores, work in progress and finished goods are stated at the lower of cost and net realisable value. Costs are assigned to individual items of inventory on the basis of weighted average costs. Costs of purchased inventory are determined after deducting rebates and discounts. Net realisable value is the estimated selling price in the ordinary course of business less the estimated costs of completion and the estimated costs necessary to make the sale.

Land held for resale/capitalisation of borrowing costs

Land held for resale is stated at the lower of cost and net realisable value. Cost is assigned by specific identification and includes the cost of acquisition, and development and borrowing costs during development. When development is completed, borrowing costs and other holding charges are expensed as incurred.

Borrowing costs included in the cost of land held for resale are those costs that would have been avoided if the expenditure on the acquisition and development of the land had not been made. Borrowing costs incurred while active development is interrupted for extended periods are recognised as expenses.

Notes to the Financial Statements

for the year ended 30 June 2020

Note 10(a). Infrastructure, property, plant and equipment

		as at 30/06/19			Asset	movements durir	g the reporting perio	bd			as at 30/06/20	
\$ '000	Gross carrying amount	Accumulated depreciation	Net carrying amount	Additions renewals 1	Additions new assets	Carrying value of disposals	Depreciation Adji expense	ustments and transfers	Revaluation increments to equity (ARR)	Gross carrying amount	Accumulated depreciation	Net carrying amount
Plant and equipment	27,667	(15,623)	12,044	3,007	17	(291)	(2,529)	-	-	28,516	(16,268)	12,248
Office equipment	2,339	(1,464)	875	455	143	-	(251)	-	-	2,937	(1,715)	1,222
Furniture and fittings Land:	2,067	(1,155)	912	-	14		(162)		-	2,081	(1,317)	764
 Operational land 	102,940	-	102,940	_	707	(300)		-		103,347	_	103,347
 Community land 	17,542	-	17,542	_	_	-				17,542	_	17,542
 Land under roads (post 30/6/08) 	1,488	-	1,488	_	(241)		-	_	_	1,247	_	1,247
Land improvements – depreciable Infrastructure:	24,345	(4,988)	19,357	320	928		(458)	-	-	25,594	(5,447)	20,147
– Buildings	187,470	(55,792)	131,678	1,121	771	(387)	(1,449)	(2,020)	-	186,474	(56,760)	129,714
– Buildings – leasehold												
improvements	2,029	(2)	2,027		3,296	-	(21)	-	-	5,325	(23)	5,302
 Other structures 	24,841	(7,760)	17,081	1,733	2,625		(814)	-	-	29,202	(8,577)	20,625
– Roads	458,715	(170,724)	287,991	2,645	67,434,098		(8,614)	-	32,890	498,347	(179,337)	319,010
– Bridges	38,485	(16,849)	21,636	356			(422)	-	33,686	72,527	(17,271)	55,256
– Footpaths	15,748	(5,581)	10,167	172	687	_	(194)	-	1,675	18,282	(5,775)	12,507
 Bulk earthworks 												
(non-depreciable)	129,069	-	129,069	1,438	397	-	-	-	9,595	140,499	-	140,499
 Stormwater drainage 	169,748	(43,514)	126,234	311	2,639	-	(1,785)	-	17,252	193,586	(48,935)	144,651
 Water supply network 	354,932	(125,966)	228,966	7,804	1,365	-	(4,256)	-	2,130	367,468	(131,459)	236,009
 Sewerage network 	229,142	(81,345)	147,797	484	1,701	-	(3,279)	-	1,358	233,488	(85,427)	148,061
 Swimming pools Other assets: 	13,836	(1,646)	12,190	-	89	-	(415)	2,020	_	15,945	(2,061)	13,884
- Other	40,603	(13,079)	27,524	202	176	-	(463)	-	-	40,978	(13,539)	27,439
Reinstatement, rehabilitation and restoration assets (refer Note 12):												
– Tip assets	1,434	(82)	1,352	_	_	_	(20)	_	_	1,434	(102)	1,332
Total Infrastructure, property, plant and equipment	1,844,440	(545,570)	1,298,870	20,048	67,449,412	(978)	(25,132)	_	98,586	1,984,819	(574,013)	1,410,806

(1) Renewals are defined as the replacement of existing assets (as opposed to the acquisition of new assets).

Notes to the Financial Statements

for the year ended 30 June 2020

Note 10(a). Infrastructure, property, plant and equipment (continued)

		as at 30/06/18			Asset moveme	ents during the re	porting period			as at 30/06/19	
			Net					Revaluation			Net
	Gross carrying	Accumulated	carrying	Additions	Additions new	Carrying value	Depreciation	increments to	Gross carrying	Accumulated	carrying
\$ '000	amount	depreciation	amount	renewals 1	assets	of disposals	expense	equity (ARR)	amount	depreciation	amount
Plant and equipment	26,676	(15,839)	10,837	4,076	15	(296)	(2,588)	_	27,667	(15,623)	12,044
Office equipment	2,004	(1,225)	779	142	236	((282)	_	2,339	(1,464)	875
Furniture and fittings	1,758	(1,064)	694	114	203		(99)	_	2,067	(1,155)	912
Land:	1,100	(1,001)	001		200		(00)		2,001	(1,100)	012
- Operational land	100,589	_	100,589	_	2,351	_	-		102,940	_	102,940
– Community land	17,542	_	17,542	_		_			17,542	_	17,542
 Land under roads (post 	,		,						,		*
30/6/08)	690	_	690	_	798		-	-	1,488	_	1,488
Land improvements –											
depreciable	23,475	(4,537)	18,938		870		(451)	-	24,345	(4,988)	19,357
Infrastructure:											
– Buildings – non-specialised	180,613	(51,112)	129,501	1,378	2,840	(370)	(1,671)	-	187,470	(55,792)	131,678
– Buildings – specialised	194	-	194		1,835		(2)	-	2,029	(2)	2,027
 Other structures 	22,383	(6,936)	15,447	1,207	1,250	-	(823)	-	24,841	(7,760)	17,081
– Roads	443,672	(161,162)	282,510	5,087	9,956	-	(9,562)	-	458,715	(170,724)	287,991
– Bridges	38,485	(16,427)	22,058			-	(422)	-	38,485	(16,849)	21,636
– Footpaths	15,378	(5,391)	9,987		370	-	(190)	-	15,748	(5,581)	10,167
– Bulk earthworks											
(non-depreciable)	125,091	-	125,091	2,276	1,702	-	-	-	129,069	-	129,069
 Stormwater drainage 	165,884	(41,781)	124,103	588	3,275	-	(1,732)	-	169,748	(43,514)	126,234
 Water supply network 	345,161	(119,762)	225,399	1,481	2,769	-	(4,221)	3,538	354,932	(125,966)	228,966
 Sewerage network 	221,191	(76,840)	144,351	453	3,958	-	(3,225)	2,260	229,142	(81,345)	147,797
 Swimming pools 	13,836	(1,501)	12,335	-	-	-	(145)	-	13,836	(1,646)	12,190
Other assets:											
– Other	40,178	(12,659)	27,519	53	372	-	(420)	-	40,603	(13,079)	27,524
Reinstatement, rehabilitation and restoration assets (refer Note 12):											
– Tip assets	1,434	(61)	1,373	_	_	_	(21)	_	1,434	(82)	1,352
Total Infrastructure, property, plant and equipment	1,786,234	(516,297)	1,269,937	16,855	32,800	(666)	(25,854)	5,798	1,844,440	(545,570)	1,298,870

(1) Renewals are defined as the replacement of existing assets (as opposed to the acquisition of new assets).

Bathurst Regional Council

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Notes to the Financial Statements

for the year ended 30 June 2020

Note 10(a). Infrastructure, property, plant and equipment (continued)

Accounting policy for infrastructure, property, plant and equipment

Infrastructure, property, plant and equipment are held at fair value. Independent valuations are performed at least every five years, however the carrying amount of assets is assessed at each reporting date to confirm that it is not materially different from current fair value.

Water and sewerage network assets are indexed at each reporting period in accordance with the Rates Reference Manual issued by Crown Lands and Water (CLAW).

Increases in the carrying amounts arising on revaluation are credited to the revaluation reserve. To the extent that the increase reverses a decrease previously recognising profit or loss relating to that asset class, the increase is first recognised as profit or loss. Decreases that reverse previous increases of assets in the same class are first charged against revaluation reserves directly in equity to the extent of the remaining reserve attributable to the class; all other decreases are charged to the Income Statement.

Subsequent costs are included in the asset's carrying amount or recognised as a separate asset, as appropriate, only when it is probable that future economic benefits associated with the item will flow to Council and the cost of the item can be measured reliably. All other repairs and maintenance are charged to the Income Statement during the financial period in which they are incurred.

Land is not depreciated. Depreciation on other assets is calculated using the straight-line method to allocate their cost, net of their residual values, over their estimated useful lives as follows:

Plant and equipment Office equipment Office furniture Computer equipment Vehicles Heavy plant/road making equipment	Years 5 to 10 10 to 20 4 5 to 8 5 to 8	Other equipment Playground equipment Benches, seats etc. Buildings Buildings: masonry	Years 5 to 15 10 to 20 50 to 100
Other plant and equipment	5 to 15	Buildings: other	20 to 40
Water and sewer assets Dams and reservoirs Bores Reticulation pipes: PVC Reticulation pipes: other Pumps and telemetry	80 to 100 20 to 40 70 to 80 25 to 75 15 to 20	Stormwater assets Drains Culverts Flood control structures	80 to 100 50 to 80 80 to 100
Transportation assets		Other infrastructure assets	
Sealed roads: surface Sealed roads: structure Unsealed roads Bridge: concrete Bridge: other Road pavements Kerb, gutter and footpaths	20 50 100 50 60 80	Bulk earthworks Swimming pools Unsealed roads Other open space/recreational assets Other infrastructure	20 50 20 20 20

The assets' residual values and useful lives are reviewed, and adjusted if appropriate, at each reporting date.

Gains and losses on disposals are determined by comparing proceeds with carrying amount. These are included in the Income Statement.

Land under roads

Land under roads is land under roadways and road reserves including land under footpaths, nature strips and median strips.

Council has elected not to recognise land under roads acquired before 1 July 2008 in accordance with AASB 1051 Land Under Roads.

Land under roads acquired after 1 July 2008 is recognised in accordance with AASB 116 Property, Plant and Equipment.

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Bathurst Regional Council

Notes to the Financial Statements

for the year ended 30 June 2020

Note 10(a). Infrastructure, property, plant and equipment (continued)

Crown reserves

Crown reserves under Council's care and control are recognised as assets of the council. While ownership of the reserves remains with the Crown, Council retains operational control of the reserves and is responsible for their maintenance and use in accordance with the specific purposes to which the reserves are dedicated.

Improvements on Crown reserves are also recorded as assets, while maintenance costs incurred by Council and revenues relating to the reserves are recognised within Council's Income Statement.

Rural Fire Service assets

Under Section 119 of the *Rural Fire Services Act 1997 (NSW)*, "all firefighting equipment purchased or constructed wholly or from money to the credit of the Fund is to be vested in the council of the area for or on behalf of which the firefighting equipment has been purchased or constructed".

Until such time as discussions on this matter have concluded and the legislation changed, Council will recognise rural fire service assets including land, buildings, plant and vehicles.

Note 10(b). Externally restricted infrastructure, property, plant and equipment

		as at 30/06/20		as at 30/06/19			
\$ '000	Gross carrying amount	Accumulated depn. and impairment	Net carrying amount	Gross carrying amount	Accumulated depn. and impairment	Net carrying amount	
Water supply							
Plant and equipment	1,792	1.359	433	1,759	1,313	446	
Office equipment	70	60	10	70	40	30	
Land					10	00	
– Operational land	4,524		4,524	4,679	_	4,679	
– Community land	165	_	165	165	_	165	
– Improvements – depreciable	1,265	221	1.044	1,076	202	874	
Buildings	14,227	2,662	11,565	11,926	574	11,352	
Other structures	480	159	321	480	142	338	
Infrastructure	367,468	131,459	236,009	354,932	125,966	228,966	
Total water supply	389,991	135,920	254,071	375,087	128,237	246,850	
Sewerage services							
Plant and equipment	1,001	662	339	998	579	419	
Land							
– Operational land	1,597	_	1,597	1,597	_	1,597	
– Improvements – depreciable	161	79	82	161	74	87	
Buildings	3,880	152	3,728	3,103	124	2,979	
Other structures	374	85	289	374	76	298	
Infrastructure	233,488	85,427	148,061	229,142	81,345	147,797	
Total sewerage services	240,501	86,405	154,096	235,375	82,198	153,177	
Domestic waste management							
Plant and equipment	1,649	672	977	1,619	674	945	
Other assets	1,094	798	296	1,054	741	313	
Total DWM	2,743	1,470	1,273	2,673	1,415	1,258	
TOTAL RESTRICTED							
IPP&E	633,235	223,795	409,440	613,135	211,850	401,285	

Notes to the Financial Statements

for the year ended 30 June 2020

Note 11. Investment properties

	2020	2019
Owned investment property		
Investment property on hand at fair value	15,521	15,567
Total owned investment property	15,521	15,567
(a) Reconciliation – owned investment property		
Reconciliation of annual movement:		
Opening balance	15,567	14,966
- Acquisitions	1	362
 Net gain/(loss) from fair value adjustments 	(47)	239
CLOSING BALANCE – OWNED INVESTMENT PROPERTY	15,521	15,567

(b) Valuation basis (2019 only)

The basis of valuation of investment properties is fair value, being the amounts for which the properties could be exchanged between willing parties in arms length transaction, based on current prices in an active market for similar properties in the same location and condition and subject to similar leases.

The 2018 revaluations were based on independent assessments made by: Liquid Pacific. Each year between full revaluations the fair values are indexed by the Consumer Price Index to reflect general market movements. The 2019 year's fair value adjustment is an indexed movement.

(c) Contractual obligations at reporting date (2019 only)

Refer to Note 18 for disclosures relating to any capital and service obligations that have been contracted.

\$ '000	2020	2019
(d) Leasing arrangements – Council as lessor (2019 only)		
The investment properties are leased to tenants under long-term operating leases with rentals payable monthly.		
Future minimum lease payments receivable under non-cancellable investment property operating leases not recognised in the financial statements are receivable as follows:		
Within 1 year	815	720
Later than 1 year but less than 5 years	2,265	2,079
Later than 5 years	275	534
Total minimum lease payments receivable	3,355	3,333
(e) Investment property income and expenditure – summary (2019 only)		
Rental income from investment property:		
– Minimum lease payments	819	956
Direct operating expenses on investment property:		
- that generated rental income	-	(326)
Net revenue contribution from investment property	819	630
plus:		
Fair value movement for year	(47)	239
Total income attributable to investment property	772	869

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Bathurst Regional Council

Notes to the Financial Statements

for the year ended 30 June 2020

Note 11. Investment properties (continued)

Accounting policy for investment property

Investment property, principally comprising freehold office buildings, is held for long-term rental yields and is not occupied by the Council. Changes in fair values are recorded in the Income Statement as a separate line item.

Properties that are under construction for future use as investment properties are regarded as investment property. These are also carried at fair value unless the fair value cannot yet be reliably determined. Where that is the case, the property will be accounted for at cost until either the fair value becomes reliably determinable or construction is complete.

Note 12. Contract assets and liabilities

\$ '000		2020 Current	2020 Non-current
(a) Contract assets			
Other		1,184	_
Total Contract assets		1,184	_
	X	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	
(i) Externally restricted assets			
Externally restricted assets Water		216	
Sewer		67	_
Other (enter details)		_	_
Total externally restricted assets		283	_
Internally restricted assets			
Other (enter details)		_	-
Other (enter details)			_
Total internally restricted assets		-	-
Total restricted assets		283	-
Total unrestricted assets		901	-
Total contract assets		1,184	_
		2020	2020
\$ '000	Notes	Current	Non-current
(b) Contract liabilities			
Grants and contributions received in advance:			
Unexpended capital grants (to construct Council controlled assets)	(i)	3,599	-
Unexpended operating grants (received prior to performance obligation being satisified)	(ii)	127	
	(11)	121	-
Unexpended capital contributions (to construct Council controlled assets) Unexpended operating contributions (received prior to performance	(i)	_	-
obligation being satisified)	(ii)	13	_
Total grants received in advance		3,739	_

User fees and charges received in advance:

Notes to the Financial Statements

for the year ended 30 June 2020

Note 12. Contract assets and liabilities (continued)

		2020	2020
\$ '000	Notes	Current	Non-current
Upfront fees – leisure centre	(iii)	_	_
Other		75	-
Total user fees and charges received in advance	_	75	_
Total contract liabilities	_	3,814	

Notes

(i) Council has received funding to construct assets including sporting facilities, bridges, library and other infrastructure. The funds received are under an enforceable contract which require Council to construct an identified asset which will be under Council's control on completion. The revenue is recognised as Council constructs the asset and the contract liability reflects the funding received which cannot yet be recognised as revenue. The revenue is expected to be recognised in the next 12 months.

(ii) The contract liability relates to grants received prior to the revenue recognition criteria in AASB 15 being satisfied since the performance obligations are ongoing.

	2020	2020
\$ '000	Current	Non-current
(i) Contract liabilities relating to restricted assets		
Externally restricted assets		
Water	-	-
Sewer	-	-
Unspent grants held as contract liabilities (excl. Water & Sewer)	1,708	-
Other (enter details)	-	-
Contract liabilities relating to externally restricted assets	1,708	_
Internally restricted assets		
Other (enter details)	-	-
Other (enter details)		_
Contract liabilities relating to internally restricted assets	-	-
Total contract liabilities relating to restricted assets	1,708	_
Total contract liabilities relating to unrestricted assets	2,106	-
Total contract liabilities	3,814	-
\$ '000		2020

(ii) Revenue recognised (during the financial year) from opening contract liability balances

Grants and contributions received in advance: Capital grants (to construct Council controlled assets) Operating grants (received prior to performance obligation being satisfied) Capital contributions (to construct Council controlled assets) Operating contributions (received prior to performance obligation being satisfied)	- - -
User Fees and Charges received in advance: Upfront fees – leisure centre Total Revenue recognised during the financial year that was included in the contract liability balance at the beginning of the period	
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Notes to the Financial Statements

for the year ended 30 June 2020

Note 12. Contract assets and liabilities (continued)

Significant changes in contract assets and liabilities

The contract liabilities have arisen on adoption of AASB 15 and AASB 1058. Previously income received in advance was recognised for reciprocal contracts. The increase in a contract liability is primarily due to grants in the scope of AASB 15 and capital grants received by Council to acquire or construct assets which will be under Council's control. Previously, revenue was recognised on receipt of the funds.

Accounting policy for contract assets and liabilities

Where the amounts billed to customers are based on the achievement of various milestones established in the contract, the amounts recognised as revenue in a given period do not necessarily coincide with the amounts billed to or certified by the customer.

When a performance obligation is satisfied by transferring a promised good or service to the customer before the customer pays consideration or before the payment is due, Council presents the work in progress as a contract asset, unless the rights to that amount of consideration are unconditional, in which case Council recognises a receivable.

When an amount of consideration is received from a customer / fund provider prior to Council transferring a good or service to the customer, Council presents the funds which exceed revenue recognised as a contract liability.

Note 13. Leases

The Council has applied AASB 16 using the modified retrospective (cumulative catch-up) method and therefore the comparative information has not been restated and continues to be reported under AASB 117 and related Interpretations.

(i) Council as a lessee

Council has leases over a range of assets including land and buildings, machinery and IT equipment. Information relating to the leases in place and associated balances and transactions is provided below.

Buildings

Council leases land for their operational purposes; the leases are generally between 1 and 100 years and some of them include a renewal option to allow Council to renew for up to twice the noncancellable lease term at their discretion.

The building leases contains an annual pricing mechanism based on either fixed increases or CPI movements at each anniversary of the lease inception.

Office and IT equipment

Leases for office and IT equipment are generally for low value assets, except for significant items such as photocopiers. The leases are for between 1 and 3 years with no renewal option, the payments are fixed, however some of the leases include variable payments based on usage.

Extension options

Council includes options in the building leases to provide flexibility and certainty to Council operations and reduce costs of moving premises; and the extension options are at Council's discretion.

At commencement date and each subsequent reporting date, Council assesses where it is reasonably certain that the extension options will be exercised.

\$ '000	Plant & Equipment	Ready to use	Total
(a) Right of use assets			
Opening balance at 30 June 2019	455	-	455
Adoption of AASB 16 at 1 July 2019 – first time lease recognition	-	-	-
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Notes to the Financial Statements

for the year ended 30 June 2020

Note 13. Leases (continued)

\$ '000	Plant & Equipment	Ready to use	Total
Adoption of AASB 16 at 1 July 2019 – transfer of IPP&E from Note			
11(a)	-	-	-
Additions to right-of-use assets	487	-	487
Adjustments to right-of-use assets due to re-measurement of lease liability			
Depreciation charge	(279)	_	(279)
Impairment of right-of-use assets	(213)	_	(213)
Other movement	(31)	_	(31)
RIGHT OF USE ASSETS	632		632
		2020	2020
\$ '000		Current	Non-current
(b) Lease liabilities			
Lease liabilities		182	453
TOTAL LEASE LIABILITIES		182	453

(i) The maturity analysis

The maturity analysis of lease liabilities based on contractual undiscounted cash flows is shown in the table below:

					Total per Statement of Financial
\$ '000	< 1 year	1 – 5 years	> 5 years	Total	Position
Cash flows	182	453	-	635	635

\$ '000	2020

(c) Income Statement

The amounts recognised in the Income Statement relating to leases where Council is a lessee are shown below:

Interest on lease liabilities	17
Variable lease payments based on usage not included in the measurement of lease liabilities	99
Income from sub-leasing right of use assets	_
Depreciation of right of use assets	279
Impairment of right of use assets	_
Expenses relating to short-term leases	176
Expenses relating to low-value leases	84
Expenses relating to Peppercorn leases	_
Other	
	655

(d) Statement of Cash Flows

Notes to the Financial Statements

for the year ended 30 June 2020

Note 13. Leases (continued)

\$ '000	2020
Total cash outflow for leases	550
	550

Leases at significantly below market value – concessionary / peppercorn leases

Council has identified right of use leases of approximately \$53,000 of land and building assets arising under leases with significantly below market terms & conditions.

Market values for these assets are very difficult to reliably estimate due to the nature of the asset (underground pipes and land within railway corridors), so Council has measured these assets at cost.

Lease periods range from 1 year remaining, up to 58 years remaining. While it is expected these leases will continue indefinately, none of these leases have a material impact on Council's operations.

Accounting policy

Accounting policies under AASB 16 – applicable from 1 July 2019

At inception of a contract, Council assesses whether a lease exists – i.e. does the contract convey the right to control the use of an identified asset for a period of time in exchange for consideration?

Council has elected not to separate non-lease components from lease components for any class of asset and has accounted for payments as a single component.

At the lease commencement, Council recognises a right-of-use asset and associated lease liability for the lease term. The lease term includes extension periods where Council believes it is reasonably certain that the option will be exercised.

The right-of-use asset is measured using the cost model where cost on initial recognition comprises: the lease liability, initial direct costs, prepaid lease payments, estimated cost of removal and restoration, less any lease incentives. The right-of-use is depreciated over the lease term on a straight-line basis and assessed for impairment in accordance with the impairment of asset accounting policy.

The lease liability is initially recognised at the present value of the remaining lease payments at the commencement of the lease. The discount rate is the rate implicit in the lease, however where this cannot be readily determined then the Council's incremental borrowing rate for a similar term with similar security is used.

Subsequent to initial recognition, the lease liability is measured at amortised cost using the effective interest rate method. The lease liability is re-measured when there is a lease modification, or change in estimate of the lease term or index upon which the lease payments are based (e.g. CPI).

Where the lease liability is re-measured, the right-of-use asset is adjusted to reflect the re-measurement.

Exceptions to lease accounting

Council has applied the exceptions to lease accounting for both short-term leases (i.e. leases with a term of less than or equal to 12 months) and leases of low-value assets. Council recognises the payments associated with these leases as an expense on a straight-line basis over the lease term.

Leases at significantly below market value / concessionary leases

Council has elected to measure the right of use asset arising from the concessionary leases at cost which is based on the associated lease liability at initial recognition.

Accounting policy under AASB 117 and associated Accounting Interpretations (2019 only) Refer to Note 5c and Note 16.

(ii) Council as a lessor

(e) Operating leases

Bathurst Regional Council

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Notes to the Financial Statements

for the year ended 30 June 2020

Note 13. Leases (continued)

Council leases out a number of properties and /or plant and equipment to community groups; these leases have been classified as operating leases for financial reporting purposes and the assets are included as investment property (refer note 12) and/or IPP&E (refer in this note part (v) below) in the Statement of Financial Position.

The amounts recognised in the Income Statement relating to operating leases where Council is a lessor are shown below:

\$ '000	2020
(i) Operating lease income	
Investment properties	
Lease income (excluding variable lease payments not dependent on an index or rate)	_
Lease income relating to variable lease payments not dependent on an index or a rate	_
Other lease income	
External plant and equipment hire	_
Room/Facility Hire	_
Leaseback fees - council vehicles	_
Other	_
Total income relating to operating leases	_
(ii) Operating lease expenses	
Investment menerties	
Investment properties	050
Direct operating expenses that generated rental income	350
Direct operating expenses that did not generate rental income Other leased assets	-
Other leased assets	
Total expenses relating to operating leases	350
(iii) Repairs and maintenance: investment property	
Contractual obligations for future repairs and maintenance	_
Other	
Total repairs and maintenance: investment property	_
(iv) Maturity analysis of contractual lease income	
Maturity analysis of future lease income receivable showing the undiscounted lease	
payments to be received after reporting date for operating leases:	
-	

< 1 year	815
1–2 years	834
2–3 years	633
3–4 years	549
4–5 years	248
> 5 years	275
Total undiscounted contractual lease income receivable	3,354

Note 14. Payables and borrowings

	2020	2020	2019	2019
\$ '000	Current	Non-current	Current	Non-current

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Notes to the Financial Statements

for the year ended 30 June 2020

Note 14. Payables and borrowings (continued)

	2020	2020	2019	2019
\$ '000	Current	Non-current	Current	Non-current
Payables				
Goods and services – operating expenditure	4,709	_	4,218	-
Accrued expenses:				
– Borrowings	28	_	33	-
 Other expenditure accruals 	843	_	984	-
Security bonds, deposits and retentions	2,287	1,081	2,639	1,038
Prepaid rates	1,656			
Total payables	9,523	1,081	7,874	1,038
Income received in advance (2019 o	nly)			
Payments received in advance	-	_	1,529	-
Total income received in advance			1,529	_
Borrowings				
Loans – secured ¹	5,423	32,356	5,323	31,184
Total borrowings	5,423	32,356	5,323	31,184
TOTAL PAYABLES AND				
BORROWINGS	14,946	33,437	14,726	32,222

Loans are secured over the general rating income of Council.
 Disclosures on liability interest rate risk exposures, fair value disclosures and security can be found in Note 18.

	2020	2020	2019	2019
\$ '000	Current	Non-current	Current	Non-current
(a) Payables and borrowings relating to restricted assets				
Externally restricted assets				
Water	626	5,905	430	6,102
Sewer	38	_	135	-
Payables and borrowings relating to externally restricted assets	664	5,905	565	6,102
Total payables and borrowings relating to restricted assets	664	5,905	565	6,102
Total payables and borrowings relating to unrestricted assets	14,282	27,532	14,161	26,120
TOTAL PAYABLES AND BORROWINGS	14,946	33,437	14,726	32,222

Bathurst Regional Council

Notes to the Financial Statements

for the year ended 30 June 2020

Note 14. Payables and borrowings (continued)

(b) Changes in liabilities arising from financing activities

	as at 30/06/19		Non-cash changes			as at 30/06/20	
\$ '000	Opening Balance	Cash flows	Acquisition	Fair value changes	Acquisition due to change in accounting policy	Other non-cash movement	Closing balance
Loans – secured Lease liabilities	36,507	1,272 635	-	-	-		37,779 635
TOTAL	36,507	1,907		_	_		38,414

	as at 30/06/18		Non-	-cash change:	s	as at 30/06/19
\$ '000	Opening Balance	Cash flows	Acquisition	Fair value changes	Other non-cash movement	Closing balance
Loans – secured	31,496	5,011			_	36,507
TOTAL	31,496	5,011		_	-	36,507

\$ '000			2020	2019
		_		

(c) Financing arrangements

(i) Unrestricted access was available at balance date to the following

lines of credit:		
Bank overdraft facilities 1	650	650
Credit cards/purchase cards	115	115
Total financing arrangements	765	765
Undrawn facilities as at balance date:		
 Bank overdraft facilities 	1,300	650
– Credit cards/purchase cards	115	115
Total undrawn financing arrangements	1,415	765

Additional financing arrangements information

Breaches and defaults

During the current and prior year, there were no defaults or breaches on any of the loans.

(1) The bank overdraft facility may be drawn at any time and may be terminated by the bank without notice.

Accounting policy for payables and borrowings

Council measures all financial liabilities initially at fair value less transaction costs, subsequently financial liabilities are measured at amortised cost using the effective interest rate method.

The financial liabilities of the Council comprise trade payables, bank and other loans and finance lease liabilities.

Payables

These amounts represent liabilities for goods and services provided to the council prior to the end of financial year that are unpaid. The amounts are unsecured and are usually paid within 30 days of recognition.

Borrowings

Borrowings are initially recognised at fair value, net of transaction costs incurred. Borrowings are subsequently measured at amortised cost. Any difference between the proceeds (net of transaction costs) and the redemption amount is recognised in the Income Statement over the period of the borrowings using the effective-interest method. Fees paid on the establishment of loan facilities are recognised as transaction costs of the loan to the extent that it is probable that some or all of the facility

Bathurst Regional Council

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Notes to the Financial Statements

for the year ended 30 June 2020

Note 14. Payables and borrowings (continued)

will be drawn down. In this case, the fee is deferred until the drawdown occurs. To the extent that there is no evidence that it is probable that some or all of the facility will be drawn down, the fee is capitalised as a prepayment for liquidity services and amortised over the period of the facility to which it relates.

Borrowings are removed from the Statement of Financial Position when the obligation specified in the contract is discharged, cancelled or expired. The difference between the carrying amount of a financial liability that has been extinguished or transferred to another party and the consideration paid, including any non-cash assets transferred or liabilities assumed, is recognised in other income or finance cost.

Borrowings are classified as current liabilities unless Council has an unconditional right to defer settlement of the liability for at least 12 months after the reporting date.

Note 15. Provisions

	2020	2020	2019	2019
\$ '000	Current	Non-current	Current	Non-current
Provisions				
Employee benefits				
Annual leave	3,438	-	3,043	-
Long service leave	9,495	171	8,389	107
Sub-total – aggregate employee benefits	12,933	171	11,432	107
Asset remediation/restoration:				
Asset remediation/restoration (future works)	4	1,544	16	1,517
Sub-total – asset remediation/restoration	4	1,544	16	1,517
Other provisions				
Other	93	_	121	_
Sub-total – other provisions	93		121	_
TOTAL PROVISIONS	13,030	1,715	11,569	1,624

(a) Provisions relating to restricted assets

Externally restricted assets				
Water	793	11	757	6
Sewer	542	4	504	8
Provisions relating to externally restricted assets	1,335	15	1,261	14
Total provisions relating to restricted assets	1,335	15	1,261	14
Total provisions relating to unrestricted assets	11,695	1,700	10,308	1,610
TOTAL PROVISIONS	13,030	1,715	11,569	1,624

\$ '000	2020	2019

(b) Current provisions not anticipated to be settled within the next twelve months

Bathurst Regional Council

Notes to the Financial Statements

for the year ended 30 June 2020

Note 15. Provisions (continued)

\$ '000	2020	2019
The following provisions, even though classified as current, are not expected to be settled in the next 12 months.		
Provisions – employees benefits	9,647	8,477
	9,647	8,477

Nature and purpose of non-employee benefit provisions

Asset remediation

Council has a legal/public obligation to make, restore, rehabilitate and reinstate the council tip and quarry.

Accounting policy for provisions

Provisions are recognised when Council has a present legal or constructive obligation as a result of past events, it is probable that an outflow of resources will be required to settle the obligation, and the amount has been reliably estimated.

Where there are a number of similar obligations, the likelihood that an outflow will be required in settlement is determined by considering the class of obligations as a whole. A provision is recognised even if the likelihood of an outflow with respect to any one item included in the same class of obligations may be small.

Provisions are measured at the present value of management's best estimate of the expenditure required to settle the present obligation at the reporting date. The discount rate used to determine the present value reflects current market assessments of the time value of money and the risks specific to the liability. The increase in the provision due to the passage of time is recognised as interest expense.

Employee benefits

Short-term obligations

Liabilities for wages and salaries (including non-monetary benefits, annual leave and accumulating sick leave expected to be wholly settled within 12 months after the end of the period in which the employees render the related service) are recognised in respect of employees' services up to the end of the reporting period and are measured at the amounts expected to be paid when the liabilities are settled. The liability for annual leave and accumulating sick leave is recognised in the provision for employee benefits. All other short-term employee benefit obligations are presented as payables.

Other long-term employee benefit obligations

The liability for long-service leave and annual leave that is not expected to be wholly settled within 12 months after the end of the period in which the employees render the related service is recognised in the provision for employee benefits and measured as the present value of expected future payments to be made in respect of services provided by employees up to the end of the reporting period using the projected unit credit method. Consideration is given to expected future wage and salary levels, experience of employee departures, and periods of service. Expected future payments are discounted using market yields at the end of the reporting period on national government bonds with terms to maturity and currency that match, as closely as possible, the estimated future cash outflows.

On-costs

The employee benefit provisions include the aggregate on-cost liabilities that will arise when payment of current employee benefits is made in future periods. These amounts include superannuation, payroll tax and workers compensation expenses which will be payable upon the future payment of certain leave liabilities which employees are entitled to at the reporting period.

The obligations are presented as current liabilities in the Statement of Financial Position if the Council does not have an unconditional right to defer settlement for at least 12 months after the reporting date, regardless of when the actual settlement is expected to occur.

Provisions for close-down and restoration, and environmental clean-up costs - tips and quarries

Restoration

Close-down and restoration costs include the dismantling and demolition of infrastructure, and the removal of residual materials and remediation of disturbed areas. Estimated close-down and restoration costs are provided for in the accounting period when the obligation arising from the related disturbance occurs, whether this occurs during the development or during the operation phase, based on the net present value of estimated future costs.

Provisions for close-down and restoration costs do not include any additional obligations which are expected to arise from future disturbance. The costs are estimated on the basis of a closure plan. The cost estimates are calculated annually during

Bathurst Regional Council

Notes to the Financial Statements

for the year ended 30 June 2020

Note 15. Provisions (continued)

the life of the operation to reflect known developments, e.g. updated cost estimates and revisions to the estimated lives of operations, and are subject to formal review at regular intervals.

Rehabilitation

Where rehabilitation is conducted systematically over the life of the operation, rather than at the time of closure, provision is made for the estimated outstanding continuous rehabilitation work at each reporting date, and the cost is charged to the Income Statement.

Provision is made for the estimated present value of the costs of environmental clean-up obligations outstanding at the reporting date. These costs are charged to the Income Statement. Movements in the environmental clean-up provisions are presented as an operating cost, except for the unwinding of the discount which is shown as a borrowing cost.

Remediation procedures generally commence soon after the time the damage, remediation process, and estimated remediation costs become known, but may continue for many years depending on the nature of the disturbance and the remediation techniques.

Other movements in the provisions for close-down and restoration costs, including those resulting from new disturbance, updated cost estimates, changes to the estimated lives of operations, and revisions to discount rates, are capitalised within property, plant and equipment. These costs are then depreciated over the lives of the assets to which they relate.

Close-down and restoration costs are a normal consequence of tip and quarry operations, and the majority of close-down and restoration expenditure is incurred at the end of the life of the operations. Although the ultimate cost to be incurred is uncertain, Council estimates the respective costs based on feasibility and engineering studies using current restoration standards and techniques.



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Notes to the Financial Statements

for the year ended 30 June 2020

Note 16. Accumulated surplus, revaluation reserves, changes in accounting policies, changes in accounting estimates and errors

Nature and purpose of reserves

Infrastructure, property, plant and equipment revaluation reserve

The infrastructure, property, plant and equipment revaluation reserve is used to record increments / decrements of non-current asset values due to their revaluation.

(ii) AASB 15 and AASB 1058

The following approach has been applied on transition to AASB 15 and AASB 1058:

- Council has not adopted the completed contract expedient and therefore has not excluded revenue which was fully
 recognised in previous years in accordance with the former accounting standards and pronouncements
- Council has retrospectively restated contracts for modifications that occurred before 1 July 2019 unless such contract modification were minor.

Council is required to outline the nature of any changes in accounting policies resulting from the adoption of AASB 15 and AASB 1058.

Transfer of control to a customer – over time or at a point in time

AASB 15 has specific criteria regarding whether control is transferred over time or at a point in time. The entity has reviewed its contracts and concluded that the criteria for recognition over time is not met in some circumstances. In such cases, revenue and related production costs will be recognised at the delivery of each separate performance obligation instead of over the contract using a single margin.

Principal v agent

Prior to adoption of AASB 15, the Council had assessed that they were a principal in transactions where another party was involved in providing the goods or services including pass-through grants.

Under AASB 15, the indicators of a principal have changed and there are now a number of performance obligations within grant agreements where the Council is acting as an agent since the only obligation is to transfer the funds to a third party. The result is that Council can only recognise the "commission" to which they are entitled rather than the gross revenue and expenses. There is no change to reported profit.

Licences

Council has reviewed the licences it grants and considers that all licences are either short-term or low value and elects to recognise all revenue from licences up-front rather than spreading them over the life of the licence.

Prepaid rates

Under AASB 1004, rates were recorded as revenue at the earliest of receipt of the funds from the ratepayer and the beginning of the rating period. Under AASB 1058, prepaid rates are recognised as a financial liability until the beginning of the rating period.

Grants – operating

Under AASB 1004, most grant income was recognised as revenue on receipt. Under AASB 15, where an agreement is enforceable and contains sufficiently specific performance obligations, the revenue is either recognised over time as the work is performed, or recognised at the point in time that the control of the services passes to the customer.

Grants – capital

Under AASB 1004, most grant monies were recorded as revenue on receipt. Under AASB 1058, where Council has received assets (including cash) to acquire or construct a non-financial asset, the asset is to be controlled by Council and the contract is enforceable, then the asset is recognised as a contract liability on receipt and recorded as revenue as the performance obligation to acquire or construct the asset is completed.

Changes in presentation

In addition to the above changes in accounting policies, the Council has also amended the presentation of certain items to align them with the requirements of AASB 15 and AASB 1058:

Bathurst Regional Council

Notes to the Financial Statements

for the year ended 30 June 2020

Note 16. Accumulated surplus, revaluation reserves, changes in accounting policies, changes in accounting estimates and errors (continued)

Comparison of financial statement line items under AASB 15 compared to previous standards for the current year

The following tables show the impact of adopting AASB 15 and AASB 1058 on the Council's financial statements for the year ended 30 June 2020.

Statement of Financial Position

	Carrying amount per				
\$ '000	Statement of Financial Position under AASB 15 and AASB 1058	Reclassific- ation	Remeasur- ement	Carrying amount under previous revenue standards	Notes
·					
Current assets					
Cash and cash equivalents	3,197		-	3,197	
Investments	60,480		-	60,480	
Receivables	11,105	-	_	11,105	
nventories	7,568	-	-	7,568	
Contract assets Other	1,184	(1,184)	-	-	
Total current assets	589			589	
I Olar Current assels	84,123	(1,184)		82,939	
Current liabilities					
Payables	9,523	_	_	9,523	
Contract liabilities	3,814	(3,814)	_		
_ease liabilities	182	(182)	_	_	
Borrowings	5,423	· · ·	_	5,423	
Provisions	13,030	_	_	13,030	
Total current liabilities	31,972	(3,996)	_	27,976	
Non-current assets					
nvestments	13,300	-	_	13,300	
Receivables	512	-	_	512	
nventories	11,453	-	-	11,453	
nfrastructure, property, plant and equipment	1,410,806			1,410,806	
nvestment property	1,410,806	-	_	1,410,806	
Right of use assets	632	(632)	_	10,021	
Total non-current assets	1,452,224	(632)		1,451,592	
	1,402,224	(002)		1,401,002	
Non-current liabilities					
Payables	1,081	-	-	1,081	
_ease liabilities	453	(453)	-	-	
Borrowings	32,356	_	_	32,356	
Provisions	1,715			1,715	
Total Non-current liabilities	35,605	(453)		35,152	
Net assets	1,468,770	2,633		1,471,403	

Notes to the Financial Statements

for the year ended 30 June 2020

Note 16. Accumulated surplus, revaluation reserves, changes in accounting policies, changes in accounting estimates and errors (continued)

\$ '000	Carrying amount per Statement of Financial Position under AASB 15 and AASB 1058	Reclassific- ation	Remeasur- ement	Carrying amount under previous revenue standards	Notes
Equity					
Accumulated surplus	690,285	2,633		692,918	
Revaluation reserves	778,485	2,035	_	778,485	
Total Equity	1,468,770	2,633		1,471,403	
		2,000		1,111,100	
Income Statement					
\$ '000	Income Statement and comprehen- sive income under AASB 15 and AASB 1058	Reclassific- ation	Remeasur- ement	Income Statement and comprehen- sive income under previous revenue standards	Notes
Income from continuing operations					
Rates and annual charges	46,848		—	46,848	
User charges and fees Other revenues	21,963		_	21,963	
Grants and contributions provided for	4,935	_	-	4,935	
operating purposes	13,456	_	_	13,456	
Grants and contributions provided for				-,	
capital purposes	16,794	-	_	16,794	
Interest and investment income	1,679	-	-	1,679	
Net gains from the disposal of assets	6,347			6,347	
Total Income from continuing	440.000			440.000	
operations	112,022			112,022	
Expenses from continuing operations					
Employee benefits and on-costs	34,534	_	_	34,534	
Borrowing costs	1,352	_	_	1,352	
Materials and contracts	36,267	-	_	36,267	
Depreciation and amortisation	25,411	-	_	25,411	
Other expenses	10,726	-	_	10,726	
Fair value decrement on investment					
properties	47			47	
Total Expenses from continuing operations	108,337			108,337	
operatione	100,337			100,007	
Total Operating result from continuing operations	3,685			3,685	
Net operating result for the year	3,685			3,685	
Total comprehensive income	102,271	-	-	102,271	

Adjustments to the current year figures for the year ended 30 June 2020

Notes to the Financial Statements

for the year ended 30 June 2020

Note 16. Accumulated surplus, revaluation reserves, changes in accounting policies, changes in accounting estimates and errors (continued)

Statement of Financial Position

	Original	Impact	Restated
	Balance	Increase/	Balance
\$ '000	1 July, 2019	(decrease)	1 July, 2019
Contract assets	_	_	-
Total assets		_	-
Contract liabilities	_	4,147	4,147
Total liabilities		4,147	4,147
Accumulated surplus	_	(4,147)	(4,147)
Total equity	-	(4,147)	(4,147)

(iii) AASB 16 Leases

Council as a lessee

Under AASB 117, Council assessed whether leases were operating or finance leases, based on its assessment of whether the significant risks and rewards of ownership had been transferred to Council or remained with the lessor. Under AASB 16, there is no differentiation between finance and operating leases for the lessee and therefore all leases which meet the definition of a lease are recognised on the statement of financial position (except for short-term leases and leases of low-value assets).

Council has used the exception to lease accounting for short-term leases and leases of low-value assets, and the lease expense relating to these leases is recognised in the Income Statement on a straight- line basis.

Practical expedients used on transition

AASB 16 includes a number of practical expedients which can be used on transition. Council has used the following expedients:

- Contracts which had previously been assessed as not containing leases under AASB 117 were not re-assessed on transition to AASB 16.
- Lease liabilities have been discounted using the Council's incremental borrowing rate at 1 July 2019.
- Right-of-use assets at 1 July 2019 have been measured at an amount equal to the lease liability adjustment by the any
 prepaid or accrued lease payments.
- A single discount rate was applied to all leases with similar characteristics.
- The right-of-use asset was adjusted by the existing onerous lease provision (where relevant) at 30 June 2019 rather than perform impairment testing of the right-of-use asset.
- Excluded leases with an expiry date prior to 30 June 2020 from the Statement of Financial Position, and lease expenses for these leases have been recorded on a straight-line basis over the remaining term.
- Used hindsight when determining the lease term if the contract contains options to extend or terminate the lease.

Financial statement impact of adoption of AASB 16

Council has recognised right-of-use assets and lease liabilities of \$455,286 at 1 July 2019 for leases previously classified as operating leases, or leases that are significantly below market value which were previously off balance sheet.

The weighted average lessee's incremental borrowing rate applied to lease liabilities at 1 July 2019 was 2.25%.

\$ '000	Balance at 1 July 2019

Operating lease commitments at 30 June 2019 per Council financial statements

Reconciliation of lease liabilities recognised on adoption of AASB 16 Leases

Operating lease commitments discounted using the incremental borrowing rate at 1 July 2019

Bathurst Regional Council

Notes to the Financial Statements

for the year ended 30 June 2020

Note 16. Accumulated surplus, revaluation reserves, changes in accounting policies, changes in accounting estimates and errors (continued)

\$ '000	Balance at 1 July 2019
Add:	
Contracts not accounted for as operating lease commitments last year	_
Finance lease liabilities	_
Extension options reasonably certain to be exercised not included in the commitments note	_
Variable lease payments linked to an index	_
Other	_
Less:	
Short-term leases included in commitments note	_
Leases for low-value assets included in commitments note	_
Other	_
Lease liabilities recognised at 1 July 2019	

Council as a lessor

For the arrangements where Council is a lessor, there are no significant accounting policy changes on adoption of AASB 16 except for sub-leases, which have now been classified in relation to the right-of-use asset under the head lease rather than the underlying asset.

Adjustments to the current year figures for the year ended 30 June 2020

Statement of Financial Position

\$ '000	Original Balance 1 July, 2019	Impact Increase/ (decrease)	Restated Balance 1 July, 2019
Rights-of-use assets Total assets			
Payables – accrued interest on leases (30/6/2019) Leases Total liabilities			
Accumulated surplus Total equity			_

Note 17. Statement of cash flow information

\$ '000	Notes	2020	2019
(a) Reconciliation of cash and cash equivalents			
Total cash and cash equivalents per Statement of Financial Position	7(a)	3,197	6,768
Balance as per the Statement of Cash Flows		3,197	6,768

(b) Reconciliation of net operating result to cash provided from operating activities

Net operating result from Income Statement	3,685	11,601
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Notes to the Financial Statements

for the year ended 30 June 2020

Note 17. Statement of cash flow information (continued)

\$ '000	2020	2019
Adjust for non-cash items:		
Depreciation and amortisation	25,411	25,854
Net losses/(gains) on disposal of assets	(6,347)	(1,675)
Non-cash capital grants and contributions	(4,361)	(7,310)
Adoption of AASB 15/1058	(4,147)	_
Losses/(gains) recognised on fair value re-measurements through the P&L:		
 Investment property 	47	(239)
Unwinding of discount rates on reinstatement provisions	15	30
+/- Movement in operating assets and liabilities and other cash items:		
Decrease/(increase) in receivables	(1,883)	1,197
Increase/(decrease) in provision for impairment of receivables	76	15
Decrease/(increase) in inventories	(63)	(1)
Decrease/(increase) in other current assets	324	(96)
Decrease/(increase) in contract assets	(1,184)	_
Increase/(decrease) in payables	491	(1,048)
Increase/(decrease) in accrued interest payable	(5)	10
Increase/(decrease) in other accrued expenses payable	(141)	314
Increase/(decrease) in other liabilities	(182)	1,266
Increase/(decrease) in contract liabilities	3,814	-
Increase/(decrease) in provision for employee benefits	1,565	1,143
Increase/(decrease) in other provisions	(28)	17
Net cash provided from/(used in) operating activities		
from the Statement of Cash Flows	17,087	31,078
(c) Non-cash investing and financing activities		

Other dedications	4,361	7,310
Total non-cash investing and financing activities	4,361	7,310

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Bathurst Regional Council

Notes to the Financial Statements

for the year ended 30 June 2020

Note 18. Interests in other entities

(a) Controlled entities (subsidiaries) - being entities and operations controlled by Council

Council's consolidated financial statements incorporate the assets, liabilities and results of the following subsidiaries in accordance with AASB 10 and the accounting policy described below.

Council's consolidated financial statements also include controlled entities with ownership interest of 50% or less.

Name of Operation/Entity	Principal activity
The Somerville Collection I to	Australian Fossil and Mineral Museum 224 Howick Street Bathurst

Interests in Subsidiary \$ '000	Ownership 2020	Ownership 2019	Voting rights 2020	Voting rights 2019
Council's interest in Subsidiary	0%	0%	20%	20%
Non-controlling interest in Subsidiary	100%	100%	80%	80%

The nature and extent of significant restrictions relating to the Subsidiary

The specimen collection is owned by the Australian Museum Trust.

The fixtures and fittings are owned by The Somerville Collection Limited, a company limited by guarantee.

The nature of risks associated with Council's interests in the Subsidiary

Council controls the day to day operations of the museum including the receipt of its income, payment of its expenses and employment of staff, including the liability for the leave entitlements of those staff.

Council has resolved, to support the operations of the museum to a maximum subsidy of \$250,000 each year into the future.

Other disclosures

Although Council's voting rights are only 20% and it owns none of the assets, because of the support of the day to day operations, Council considers that it has control over the operations.

Reporting dates of Subsidiary

The Somerville Collection balance date is 30 June.

Summarised financial information for the Subsidiary

\$ '000	2020	2019
Summarised statement of comprehensive income		
Revenue	432	372
Expenses	(432)	(372)
Profit for the period		_
Total comprehensive income		
Summarised statement of financial position		
Current assets	120	108
Non-current assets	186	209
Total assets	306	317
Current liabilities	6	6
Total liabilities	6	6
Net assets	300	311

continued on next page ...

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Notes to the Financial Statements

for the year ended 30 June 2020

Note 18. Interests in other entities (continued)

\$ '000	2020	2019
Summarised statement of cash flows		
Cash flows from operating activities	2	19
Net increase (decrease) in cash and cash equivalents	2	19

Accounting policy for subsidiaries

Subsidiaries are all entities (including structured entities) over which the Council has control. Control is established when the Council is exposed to, or has rights to variable returns from its involvement with the entity and has the ability to affect those returns through its power to direct the relevant activities of the entity.

These consolidated financial statements include the financial position and performance of controlled entities from the date on which control is obtained until the date that control is lost. Intragroup assets, liabilities, equity, income, expenses and cash flows relating to transactions between entities in the consolidated entity have been eliminated in full for the purpose of these financial statements. Appropriate adjustments have been made to a controlled entity's financial position, performance and cash flows where the accounting policies used by that entity were different from those adopted by the consolidated entity. All controlled entities have a June financial year end.

(b) Joint arrangements

(i) County Councils

County Councils as joint ventures

Council is a member of the Upper Macquarie County Council, a body corporate established under the Local Government Act 1993 (NSW) to control weeds. Council is one of 4 constituent members and does not control the County Council. Accordingly, the County Council has not been consolidated in the financial statements.

Accounting policy for joint arrangements

The council has determined that it has only joint operations.

Council is only one of several Councils involved in the Joint Operation. The assets and liabilities of the joint operations are immaterial to Council's operations and are therefore not included in these Financial Statements.

Bathurst Regional Council

Financial Statements 2020

Notes to the Financial Statements

for the year ended 30 June 2020

Note 19. Commitments

(a) Capital commitments (exclusive of GST) Capital expenditure committed for at the reporting date but not recognised in the financial statements as liabilities: Property, plant and equipment Buildings - Plant and equipment - Roads 2,384 Sewer - Structures - Vater 4,141 Land - Other - Total commitments 7,970 Within the next year 7,970 Total commitments 7,970 Sources for funding of capital commitments: - Unrestricted general funds 650 45 Future grants and contributions 2,283 1,976 Section 7.11 and 64 funds/reserves 233 3,199 Unexpended grants 1,402 2,447 Externally restricted reserves 404 1,017 Unexpended loans 2,998 458 Total sources of funding 7,970 9,142	\$ '000	2020	2019
recognised in the financial statements as liabilities: Property, plant and equipment - 3,294 Plant and equipment - 409 Roads 2,384 - Sewer - 2,257 Stormwater Drainage 848 398 Structures 597 - Water 4,141 2,099 Land - 540 Other - 145 Total commitments 7,970 9,142 Within the next year 7,970 9,142 Total payable 7,970 9,142 Sources for funding of capital commitments: 2,283 1,976 Section 7.11 and 64 funds/reserves 233 3,199 Unexpended grants 1,402 2,447 Externally restricted reserves 404 1,017 Unexpended loans 2,998 458	(a) Capital commitments (exclusive of GST)		
Buildings - 3,294 Plant and equipment - 409 Roads 2,384 - Sewer - 2,257 Stormwater Drainage 848 398 Structures 597 - Water 4,141 2,099 Land - 540 Other - 145 Total commitments 7,970 9,142 These expenditures are payable as follows: - 145 Within the next year 7,970 9,142 Total payable 7,970 9,142 Sources for funding of capital commitments: - - Unrestricted general funds 650 45 Future grants and contributions 2,283 1,976 Section 7.11 and 64 funds/reserves 233 3,199 Unexpended grants 1,402 2,447 Externally restricted reserves 404 1,017 Unexpended loans 2,998 458			
Plant and equipment - 409 Roads 2,384 - Sewer - 2,257 Stormwater Drainage 848 398 Structures 597 - Water 4,141 2,099 Land - 540 Other - 145 Total commitments 7,970 9,142 These expenditures are payable as follows: - 145 Within the next year 7,970 9,142 Total payable 7,970 9,142 Sources for funding of capital commitments: - - Unrestricted general funds 650 45 Future grants and contributions 2,283 1,976 Section 7.11 and 64 funds/reserves 233 3,199 Unexpended grants 1,402 2,447 Externally restricted reserves 404 1,017 Unexpended loans 2,998 458	Property, plant and equipment		
Roads 2,384 - Sewer - 2,257 Stormwater Drainage 848 398 Structures 597 - Water 4,141 2,099 Land - 540 Other - 145 Total commitments 7,970 9,142 These expenditures are payable as follows: 7,970 9,142 Within the next year 7,970 9,142 Total payable 7,970 9,142 Sources for funding of capital commitments: 7,970 9,142 Unrestricted general funds 650 45 Future grants and contributions 2,283 1,976 Section 7.11 and 64 funds/reserves 233 3,199 Unexpended grants 1,402 2,447 Externally restricted reserves 404 1,017 Unexpended loans 2,998 458	Buildings	_	3,294
Sewer – 2,257 Stormwater Drainage 848 398 Structures 597 – Water 4,141 2,099 Land – 540 Other – 145 Total commitments 7,970 9,142 These expenditures are payable as follows: 7,970 Within the next year 7,970 9,142 Total payable 7,970 9,142 Sources for funding of capital commitments: Unrestricted general funds 650 45 Future grants and contributions 2,283 1,976 Section 7.11 and 64 funds/reserves 233 3,199 Unexpended grants 1,402 2,447 Externally restricted reserves 404 1,017 Unexpended loans 2,998 458	Plant and equipment	_	409
Stormwater Drainage 848 398 Stormwater Drainage 848 398 Structures 597 - Water 4,141 2,099 Land - 540 Other - 145 Total commitments 7,970 9,142 These expenditures are payable as follows: - 145 Within the next year 7,970 9,142 Total payable 7,970 9,142 Sources for funding of capital commitments: - - Unrestricted general funds 650 45 Future grants and contributions 2,283 1,976 Section 7.11 and 64 funds/reserves 233 3,199 Unexpended grants 1,402 2,447 Externally restricted reserves 404 1,017 Unexpended loans 2,998 458	Roads	2,384	_
Structures 597 - Water 4,141 2,099 Land - 540 Other - 145 Total commitments 7,970 9,142 These expenditures are payable as follows: 7,970 9,142 Within the next year 7,970 9,142 Total payable 7,970 9,142 Sources for funding of capital commitments: 7,970 9,142 Unrestricted general funds 650 45 Future grants and contributions 2,283 1,976 Section 7.11 and 64 funds/reserves 233 3,199 Unexpended grants 1,402 2,447 Externally restricted reserves 404 1,017 Unexpended loans 2,998 458	Sewer	_	2,257
Water 4,141 2,099 Land - 540 Other - 145 Total commitments 7,970 9,142 These expenditures are payable as follows: 7,970 9,142 Within the next year 7,970 9,142 Total payable 7,970 9,142 Sources for funding of capital commitments: 7,970 9,142 Unrestricted general funds 650 45 Future grants and contributions 2,283 1,976 Section 7.11 and 64 funds/reserves 233 3,199 Unexpended grants 1,402 2,447 Externally restricted reserves 404 1,017 Unexpended loans 2,998 458	Stormwater Drainage	848	398
Land-540Other-145Total commitments7,9709,142These expenditures are payable as follows:-145Within the next year7,9709,142Total payable7,9709,142Sources for funding of capital commitments:Unrestricted general funds65045Future grants and contributions2,2831,976Section 7.11 and 64 funds/reserves2333,199Unexpended grants1,4022,447Externally restricted reserves4041,017Unexpended loans2,998458	Structures	597	_
Other	Water	4,141	2,099
Total commitments7,9709,142These expenditures are payable as follows:7,9709,142Within the next year7,9709,142Total payable7,9709,142Sources for funding of capital commitments:7,9709,142Unrestricted general funds65045Future grants and contributions2,2831,976Section 7.11 and 64 funds/reserves2333,199Unexpended grants1,4022,447Externally restricted reserves4041,017Unexpended loans2,998458	Land		540
These expenditures are payable as follows:Within the next yearTotal payableSources for funding of capital commitments:Unrestricted general funds650Future grants and contributions2,2831,4022,2831,4022,447Externally restricted reserves4041,017Unexpended loans2,998458	Other		145
Within the next year7,9709,142Total payable7,9709,142Sources for funding of capital commitments:7,9709,142Unrestricted general funds65045Future grants and contributions2,2831,976Section 7.11 and 64 funds/reserves2333,199Unexpended grants1,4022,447Externally restricted reserves4041,017Unexpended loans2,998458	Total commitments	7,970	9,142
Within the next year7,9709,142Total payable7,9709,142Sources for funding of capital commitments:7,9709,142Unrestricted general funds65045Future grants and contributions2,2831,976Section 7.11 and 64 funds/reserves2333,199Unexpended grants1,4022,447Externally restricted reserves4041,017Unexpended loans2,998458	These expenditures are payable as follows:		
Total payable7,9709,142Sources for funding of capital commitments:Unrestricted general funds65045Future grants and contributions2,2831,976Section 7.11 and 64 funds/reserves2333,199Unexpended grants1,4022,447Externally restricted reserves4041,017Unexpended loans2,998458		7.070	0 1 4 2
Sources for funding of capital commitments:Unrestricted general funds65045Future grants and contributions2,2831,976Section 7.11 and 64 funds/reserves2333,199Unexpended grants1,4022,447Externally restricted reserves4041,017Unexpended loans2,998458			
Unrestricted general funds65045Future grants and contributions2,2831,976Section 7.11 and 64 funds/reserves2333,199Unexpended grants1,4022,447Externally restricted reserves4041,017Unexpended loans2,998458	Total payable	7,970	9,142
Future grants and contributions2,2831,976Section 7.11 and 64 funds/reserves2333,199Unexpended grants1,4022,447Externally restricted reserves4041,017Unexpended loans2,998458	Sources for funding of capital commitments:		
Section 7.11 and 64 funds/reserves2333,199Unexpended grants1,4022,447Externally restricted reserves4041,017Unexpended loans2,998458	Unrestricted general funds	650	45
Unexpended grants1,4022,447Externally restricted reserves4041,017Unexpended loans2,998458	Future grants and contributions	2,283	1,976
Externally restricted reserves4041,017Unexpended loans2,998458	Section 7.11 and 64 funds/reserves	233	3,199
Unexpended loans 2,998 458	Unexpended grants	1,402	2,447
	Externally restricted reserves	404	1,017
Total sources of funding 7,970 9,142	Unexpended loans	2,998	458
	Total sources of funding	7,970	9,142

(b) Non-cancellable operating lease commitments (2019 only)

a. Commitments under non-cancellable operating leases at the reporting date, but not recognised as liabilities are payable:

Within the next year	_	370
Later than one year and not later than 5 years	_	148
Later than 5 years		29
Total non-cancellable operating lease commitments	-	547

b. Non-cancellable operating leases include the following assets:

Refer to Note 15 for information relating to leases for 2020. Computer equipment and associated software Photocopiers Contingent rentals may be payable depending on the condition of items or usage during the lease term. Land and buildings.

Conditions relating to finance and operating leases:

- Finance agreements other than for land and buildings are secured against the leased asset.

- No lease agreements impose any financial restrictions on Council regarding future debt etc.

Notes to the Financial Statements

for the year ended 30 June 2020

Note 20. Contingencies

The following assets and liabilities do not qualify for recognition in the Statement of Financial Position, but their knowledge and disclosure is considered relevant to the users of Council's financial report.

LIABILITIES NOT RECOGNISED

1. Guarantees

(i) Defined benefit superannuation contribution plans

Council is party to an Industry Defined Benefit Plan under the Local Government Superannuation Scheme, named The Local Government Superannuation Scheme – Pool B (the Scheme) which is a defined benefit plan that has been deemed to be a 'multi-employer fund' for purposes of AASB119 Employee Benefits for the following reasons:

- Assets are not segregated within the sub-group according to the employees of each sponsoring employer.

- The contribution rates have been the same for all sponsoring employers. That is, contribution rates have not varied for each sponsoring employer according to the experience relating to the employees of that sponsoring employer.

- Benefits for employees of all sponsoring employers are determined according to the same formulae and without regard to the sponsoring employer.

- The same actuarial assumptions are currently used in respect of the employees of each sponsoring employer.

Given the factors above, each sponsoring employer is exposed to the actuarial risks associated with current and former employees of other sponsoring employers, and hence shares in the associated gains and losses (to the extent that they are not borne by members).

Description of the funding arrangements.

Pooled employers are required to pay standard employer contributions and additional lump sum contributions to the fund.

The standard employer contributions were determined using the new entrant rate method under which a contribution rate sufficient to fund the total benefits over the working life-time of a typical new entrant is calculated. The current standard employer contribution rates are:

Division B	1.9 times employee contributions; Nil for 180 Point Members*
Division C	2.5% salaries
Division D	1.64 times employee contributions

 For 180 Point Members, Employers are required to contribute 7% of salaries to these members' accumulation accounts, which are paid in addition to members' defined benefits.

The additional lump sum contribution for each Pooled Employer is a share of the total additional contributions of \$40 million per annum from 1 July 2019 for 3 years to 30 June 2021, apportioned according to each employer's share of the accrued liabilities as at 30 June 2018. These additional lump sum contributions are used to fund the deficit of assets to accrued liabilities as at 30 June 2018.

The adequacy of contributions is assessed at each triennial actuarial investigation and monitored annually between triennials.

Description of the extent to which Council can be liable to the plan for other Council's obligations under the terms and conditions of the multi-employer plan

As stated above, each sponsoring employer (Council) is exposed to the actuarial risks associated with current and former employees of other sponsoring employers and hence shares in the associated gains and losses.

However, there is no relief under the Fund's trust deed for employers to walk away from their defined benefit obligations. Under limited circumstances, an employer may withdraw from the plan when there are no active members, on full payment of outstanding additional contributions. There is no provision for allocation of any surplus which may be present at the date of withdrawal of the Council.

There are no specific provisions under the Fund's trust deed dealing with deficits or surplus on wind-up.

Financial Statements 2020

Notes to the Financial Statements

for the year ended 30 June 2020

Note 20. Contingencies (continued)

The amount of Council employer contributions to the defined benefit section of the Local Government Superannuation Scheme and recognised as an expense for the year ending 30 June 2020 was \$649,848.37. The last valuation of the Scheme was performed by Mr Richard Boyfield, FIAA on 31/12/2018, and covers the period ended 30 June 2018.

Council's expected contribution to the plan for the next annual reporting period is \$650,708.72.

The estimated employer reserves financial position for the Pooled Employers at 30 June 2020 is:

Employer reserves only *	\$millions	Asset Coverage
Assets	1,695.2	
Past Service Liabilities	1,773.2	95.6%
Vested Benefits	1,757.5	96.5%

* excluding member accounts and reserves in both assets and liabilities.

The share of this deficit that is broadly attributed to Council is estimated to be in the order of 0.83% as at 30 June 2020.

Council's share of that deficiency cannot be accurately calculated as the Scheme is a mutual arrangement where assets and liabilities are pooled together for all member councils. For this reason, no liability for the deficiency has been recognised in Council's accounts. Council has a possible obligation that may arise should the Scheme require immediate payment to correct the deficiency.

The key economic long term assumptions used to calculate the present value of accrued benefits are:

Salary inflation * 3.5% per annum Increase in CPI 2.5% per annum	Investment return	5.75% per annum
Increase in CPI 2.5% per annum	Salary inflation *	3.5% per annum
	Increase in CPI	2.5% per annum

* Plus promotional increases

The contribution requirements may vary from the current rates if the overall sub-group experience is not in line with the actuarial assumptions in determining the funding program; however, any adjustment to the funding program would be the same for all sponsoring employers in the Pooled Employers group.

(ii) Statewide Limited

Council is a member of Statewide Mutual, a mutual pool scheme providing liability insurance to local government.

Membership includes the potential to share in either the net assets or liabilities of the fund depending on its past performance. Council's share of the net assets or liabilities reflects Council's contributions to the pool and the result of insurance claims within each of the fund years.

The future realisation and finalisation of claims incurred but not reported to 30/6 this year may result in future liabilities or benefits as a result of past events that Council will be required to fund or share in respectively.

(iii) StateCover Limited

Council is a member of StateCover Mutual Limited and holds a partly paid share in the entity.

StateCover is a company providing workers compensation insurance cover to the NSW local government industry and specifically Council.

Council has a contingent liability to contribute further equity in the event of the erosion of the company's capital base as a result of the company's past performance and/or claims experience or as a result of any increased prudential requirements from APRA.

These future equity contributions would be required to maintain the company's minimum level of net assets in accordance with its licence requirements.

Bathurst Regional Council

Notes to the Financial Statements

for the year ended 30 June 2020

Note 20. Contingencies (continued)

(iv) Other guarantees

Council had 2 bank guarantees at 30 June 2020 held by the Commonwealth Bank.

- 1. Rental bond for the premises used as the Bathurst Rail Museum for \$50,000
- 2. Bond for electrical work to be completed at the Sunnybright Estate subdivision for \$306,528

2. Other liabilities

(i) Third party claims

The Council is involved from time to time in various claims incidental to the ordinary course of business including claims for damages relating to its services.

Council believes that it is appropriately covered for all claims through its insurance coverage and does not expect any material liabilities to eventuate.

(ii) Potential land acquisitions due to planning restrictions imposed by Council

Council has classified a number of privately owned land parcels as local open space or bushland.

As a result, where notified in writing by the various owners, Council will be required to purchase these land parcels.

At reporting date, reliable estimates as to the value of any potential liability (and subsequent land asset) from such potential acquisitions has not been possible.

(iii) Somerville collection

The Council is a member of a company Limited by Guarantee called the Somerville Collection.

The company was established to manage & maintain the Somerville Collection (made up of fossils, minerals and other features) which are exhibited in Bathurst at the Australian Fossil and Mineral Museum. The Company is a non profit entity. In the event that the Company is wound up, Council's liability is limited to a maximum of \$100.

ASSETS NOT RECOGNISED

(i) Land under roads

As permitted under AASB 1051, Council has elected not to bring to account land under roads that it owned or controlled up to and including 30/6/2008.

(ii) Infringement notices/fines

Fines and penalty income, the result of Council issuing infringement notices is followed up and collected by the Infringement Processing Bureau.

Council's revenue recognition policy for such income is to account for it as revenue on receipt.

Accordingly, at year end, there is a potential asset due to Council representing issued but unpaid infringement notices.

Due to the limited information available on the status, value and duration of outstanding notices, Council is unable to determine the value of outstanding income.

Notes to the Financial Statements

for the year ended 30 June 2020

Note 21. Financial risk management

Risk management

Council's activities expose it to a variety of financial risks including (1) price risk, (2) credit risk, (3) liquidity risk and (4) interest rate risk.

The Council's overall risk management program focuses on the unpredictability of financial markets and seeks to minimise potential adverse effects on the financial performance of the Council. Council does not engage in transactions expressed in foreign currencies and is therefore not subject to foreign currency risk.

Financial risk management is carried out by Council's finance section under policies approved by the Council. The fair value of Council's financial assets and financial liabilities approximates their carrying amount.

\$ '000	Carrying value	Carrying value	Fair value	Fair value
	2020	2019	2020	2019
Lease liabilities	635	_	-	_

(a) Market risk – price risk and interest rate risk

Council holds investments to maturity and therfore price and interets rate risk are minimal. The impact on result for the year and equity of a reasonably possible movement in the price of investments held and interest rates would be immaterial. The reasonably possible movements were determined based on historical movements and economic conditions in place at the reporting date.

(b) Credit risk

Council's major receivables comprise (i) rates and annual charges and (ii) user charges and fees. Council manages the credit risk associated with these receivables by monitoring outstanding debt and employing stringent debt recovery procedures.

The credit risk for liquid funds and other short-term financial assets is considered negligible, since the counterparties are reputable banks with high quality external credit ratings.

There are no significant concentrations of credit risk, whether through exposure to individual customers, specific industry sectors and/or regions.

Council makes suitable provision for doubtful receivables as required and carries out credit checks on most non-rate debtors. There are no material receivables that have been subjected to a re-negotiation of repayment terms.

Credit risk profile

Receivables - rates and annual charges

Credit risk on rates and annual charges is minimised by the ability of Council to secure a charge over the land relating to the debts – that is, the land can be sold to recover the debt. Council is also able to charge interest on overdue rates and annual charges at higher than market rates which further encourages the payment of debt.

\$ '000	Not yet overdue	< 1 year overdue	1 - 2 years overdue	2 - 5 years overdue	> 5 years overdue	Total
2020						
Gross carrying amount	2,258	_	_	-	_	2,258
2019						
Gross carrying amount	-	604	818	407	125	1,954

Receivables - non-rates and annual charges

Council applies the simplified approach for non-rates and annual charges debtors to provide for expected credit losses prescribed by AASB 9, which permits the use of the lifetime expected loss provision. To measure the expected credit losses, non-rates and annual charges debtors have been grouped based on shared credit risk characteristics and the days past due.

Bathurst Regional Council

Notes to the Financial Statements

for the year ended 30 June 2020

Note 21. Financial risk management (continued)

The loss allowance provision as at 30 June 2020 is determined as follows. The expected credit losses incorporate forward-looking information.

	Not yet	0 - 30 days	31 - 60 days	61 - 90 days	> 91 days	
\$ '000	overdue	overdue	overdue	overdue	overdue	Total
2020						
Gross carrying amount	9,493	-	-	-	_	9,493
2019						
Gross carrying amount	6,752	921	92	76	119	7,960
Expected loss rate (%)	0.00%	0.00%	0.00%	0.00%	49.00%	0.73%
ECL provision	-	-	-	-	58	58

(c) Liquidity risk

Payables, lease liabilities and borrowings are both subject to liquidity risk – the risk that insufficient funds may be on hand to meet payment obligations as and when they fall due.

Council manages this risk by monitoring its cash flow requirements and liquidity levels and maintaining an adequate cash buffer.

Payment terms can (in extenuating circumstances) also be extended and overdraft facilities utilised as required.

Borrowings are also subject to interest rate risk – the risk that movements in interest rates could adversely affect funding costs and debt servicing requirements. Council manages this risk through diversification of borrowing types, maturities and interest rate structures. The finance team regularly reviews interest rate movements to determine if it would be advantageous to refinance or renegotiate part or all of the loan portfolio.

The timing of cash flows presented in the table below to settle financial liabilities reflects the earliest contractual settlement dates. The timing of expected outflows is not expected to be materially different from contracted cashflows.

The amounts disclosed in the table are the undiscounted contracted cash flows for non-lease liabilities and therefore the balances in the table may not equal the balances in the Statement of Financial Position due to the effect of discounting.

\$ '000	Weighted average interest rate	Subject to no maturity	≤1 Year	payable in: 1 - 5 Years	> 5 Years	Total cash outflows	Actual carrying values
2020							
Trade/other payables	0.00%	3,368	_	_	_	3,368	8,948
Loans and advances	0.00%	-	-	-	-		37,779
Total financial liabilities		3,368				3,368	46,727
2019							
Trade/other payables	0.00%	3,677	5,235	_	_	8,912	8,912
Loans and advances	3.75%	-	6,605	18,595	16,982	42,182	36,507
Total financial liabilities		3,677	11,840	18,595	16,982	51,094	45,419

Detail here any breaches to loan agreements which have occurred during the reporting year.

Bathurst Regional Council

Notes to the Financial Statements

for the year ended 30 June 2020

Note 22. Material budget variations

Council's original financial budget for 19/20 was adopted by the Council on 19/06/2019 and is unaudited.

While the Income Statement included in this General Purpose Financial Statements must disclose the original budget adopted by Council, the Local Government Act 1993 requires Council to review its financial budget on a quarterly basis, so that it is able to manage the various variations between actuals versus budget that invariably occur throughout the year.

This note sets out the details of **material variations** between Council's original budget and its actual results for the year as per the Income Statement – even though such variations may have been adjusted for during each quarterly budget review.

Material variations represent those variances between the original budget figure and the actual result that amount to **10%** or more.

Variation Key: F = Favourable budget variation, U = Unfavourable budget variation.

	2020	2020	2020)	
\$ '000	Budget	Actual	Varian	се	
REVENUES					
User charges and fees Continuing drought and extreme water restrictions saw inc budget. User charges and fees generally were down on b initial COVID-19 lockdown.					
Capital grants and contributions Council's budget for this item included \$45 million of exped didn't eventuate.	63,588 cted grant funds	16,794 for the Mount Pa	(46,794) anorama Second	(74)% Track which	U
Net gains from disposal of assets Continuing slow sales of Council's land development resid	20,716 lential blocks ke	6,347 pt this income ite	(14,369) em under budget.	(69)%	U
EXPENSES					
Employee benefits and on-costs Council changed its focus to maintenance jobs rather than operating statement instead of construction of new assets		34,534 which meant wag	(4,173) es expense was d	(14)% lirected to th	U ne
Materials and contracts	36,333	36,267	66	0%	F
Fair value decrement on investment property	-	47	(47)	00	U
STATEMENT OF CASH FLOWS					
Cash flows from operating activities A combination of the above variances such as the reduction Mount Panorama funding make up the majority of this bud		17,087 rges and the inat	(63,573) bility to secure \$45	(79)% 5 million in	U
Cash flows from investing activities The continuing slow vacant land market and reduction in c Track, have contributed to this variance.	(78,533) apital works, ind	(21,654) cluding work on t	56,879 he Mount Panora	(72)% ma Second	F

Bathurst Regional Council

Financial Statements 2020

Notes to the Financial Statements

for the year ended 30 June 2020

Note 23. Fair Value Measurement

The Council measures the following asset and liability classes at fair value on a recurring basis:

- Infrastructure, property, plant and equipment

- Investment property

The fair value of assets and liabilities must be estimated in accordance with various accounting standards for either recognition and measurement requirements or for disclosure purposes.

AASB 13 Fair Value Measurement requires all assets and liabilities measured at fair value to be assigned to a 'level' in the fair value hierarchy as follows:

Level 1: Unadjusted quoted prices in active markets for identical assets or liabilities that the entity can access at the measurement date.

Level 2: Inputs other than quoted prices included within level 1 that are observable for the asset or liability, either directly or indirectly.

Level 3: Inputs for the asset or liability that are not based on observable market data (unobservable inputs).

(1) Assets and liabilities that have been measured and recognised at fair values

V'

		Fair val	ue measureme	ent hierarchy	
2020	Date of latest valuation	Level 1 Quoted prices in active mkts	Level 2 Significant observable inputs	Level 3 Significant unobserv- able inputs	Total

Notes to the Financial Statements

for the year ended 30 June 2020

Note 23. Fair Value Measurement (continued)

		Fair va	lue measureme	ent hierarchy	
2019	Date of latest valuation	Level 1 Quoted prices in active mkts	Level 2 Significant observable inputs	Level 3 Significant unobserv- able inputs	Total
Recurring fair value measurements					
Investment property					
230 Howick Street, Bathurst	30/06/19	_	15,567	_	15,567
Total investment property		-	15,567	-	15,567
Infrastructure, property, plant and equipment					
Plant and equipment	30/06/19	_	-	12,044	12,044
Office equipment	30/06/19	_	-	875	875
Furniture and fittings	30/06/19	_		912	912
Operational land	30/06/18	_	-	102,940	102,940
Community land	30/06/16	_	-	17,542	17,542
Land under roads (post 30/6/08)	30/06/18		-	1,488	1,488
Land improvements – depreciable	30/06/18			19,357	19,357
Buildings	30/06/18		-	131,678	131,678
Leasehold Improvements	30/06/18		-	2,027	2,027
Other structures	30/06/16			17,081	17,081
Roads	30/06/15	-	-	287,991	287,991
Bridges	30/06/15			21,636	21,636
Footpaths	30/06/15		- T	10,167	10,167
Bulk earthworks (non-depreciable)	30/06/15		_	129,069	129,069
Stormwater drainage	30/06/15		-	126,234	126,234
Water supply network	30/06/19		-	228,966	228,966
Sewerage network	30/06/19		-	147,797	147,797
Swimming pools	30/06/18	-	-	12,190	12,190
Other assets	30/06/19	-	-	27,524	27,524
Tip	30/06/19	_		1,352	1,352
Total infrastructure, property, plant and equipment		_	_	1,298,870	1,298,870

Note that capital WIP is not included above since it is carried at cost.

(2) Transfers between level 1 and level 2 fair value hierarchies

The following transfers occurred between level 1 and level 2 fair value hierarchies during the year:

During the year, there were no transfers between level 1 and level 2 fair value hierarchies for recurring fair value measurements.

(3) Valuation techniques used to derive level 2 and level 3 fair values

Where Council is unable to derive fair valuations using quoted market prices of identical assets (ie. level 1 inputs) Council instead utilises a spread of both observable inputs (level 2 inputs) and unobservable inputs (level 3 inputs).

The fair valuation techniques Council has employed while utilising level 2 and level 3 inputs are as follows:

Investment property

The investment property at 230 Howick Street, Bathurst was valued by Liquid Pacific Pty Ltd, registered valuers, in June 2018. The 2019 fair value includes an indexation using the Consumer Price Index, as shown in Note11.

Infrastructure, property, plant and equipment (IPP&E)

Land and Buildings

Bathurst Regional Council

Financial Statements 2020

Notes to the Financial Statements

for the year ended 30 June 2020

Note 23. Fair Value Measurement (continued)

The buildings asset class includes any 'enclosable' roofed structure (4 walls), otherwise assets are classified as Other Structures. Land is classified as either operational or community by Council when acquired. Operational land includes those parcels that are used or earmarked for future use in Council's operations. Community land typically includes road and drainage reserves and open space areas.

Community land is valued at the current valuation provided by the Valuer General of NSW in 2016 and does not have an active market. As such, these assets were classified as having been valued using level 3 valuation inputs.

Operational land and buildings were valued by Liquid Pacific Pty Ltd, Registered Valuers, in June 2018 using the cost approach. The approach estimated the replacement cost for each building by componentising the buildings into significant parts with different useful lives and taking into account a range of factors. While buildings were physically inspected and the unit rates based on square metres could be supported from market evidence (Level 2) other inputs (such as estimates of residual value and pattern of consumption) required extensive professional judgement and impacted significantly on the final determination of fair value. As such, these assets were classified as having been valued using Level 3 valuation inputs.

During the financial year Council completed the construction of a number of buildings. While the costs were current and the impact of depreciation was negligible, buildings have been classified as Level 3 as they were immaterial in relation to the overall value of this asset class. There has been no change to the valuation process during the reporting period.

Other Structures

This asset class includes any non-enclosable roofed or non-roofed structure (fewer than 4 walls).

Other Structures were revalued in 2016 using the cost approach. This was derived via a number of methods, depending on the information available (historical cost, actual quotes/tenders, published component rates). Due to the highly varied nature of this asset class, only very small subsets of assets can be valued using the same basis. Consequently a high degree of professional judgement is required in establishing replacement cost and this asset class is classified as Level 3. There has been no change to the valuation process during the reporting period.

Roads

This asset class comprises the Road Carriageway, Guardrails, Kerb and Gutter, Signs and Traffic facilities.

The road carriageway is defined as the trafficable portion of a road, between but not including the kerb and gutter or other roadside drainage. The 'Cost Approach' using Level 3 inputs was used to value the road carriageway and other road infrastructure.

Roads were revalued by Council staff on during this year with final values for 30 June 2020. Valuations for the road carriageway, comprising surface, pavement and formation earthworks were based on calculations carried out by the Assets Team, utilising internal cost rates and the detailed asset information residing in Council's Asset Management System - "Confirm". Other Road Infrastructure was valued the same way.

The cost approach was utilised and while the unit rates based on square metres, linear metres or similar could be supported from market evidence (Level 2) other inputs (such as estimates pattern of consumption, asset condition and useful life) required extensive professional judgement and impacted significantly on the final determination of fair value. Additionally due to limitations in the historical records of very long lived assets there is some uncertainty regarding the actual design, specifications and dimensions of some assets. Consequently a high degree of professional judgement is required in establishing replacement cost and this asset class is classified as Level 3. There has been no change to the valuation process during the reporting period.

Bridges

Bridges were valued in 2020 by Bridge Knowledge using the cost approach and also included a condition assessment. The approach estimated the replace for each bridge in its entirety; deck, approaches, railings and abutments.

All bridges were physically inspected and an assessment made of the component condition. Unit rates based on deck areas could be supported from market evidence (level 2) however other inputs (pattern of consumption, site-specific technical design issues) require extensive professional judgement and impact on the final determination of fair value. Consequently a high degree of professional judgement is required in establishing replacement cost and this asset class is classified as Level 3. No change has been made to the valuation process during the reporting period.

Footpaths

Bathurst Regional Council

Financial Statements 2020

Notes to the Financial Statements

for the year ended 30 June 2020

Note 23. Fair Value Measurement (continued)

Footpaths were revalued by Council Staff on 30 June 2020 using the cost approach using internal unit cost inputs (Level 3). Footpaths are inspected on either an annual or semi-annul basis for defects and condition and the results are included in the asset register (Confirm) system. There has been no change to the valuation process during the reporting period.

Parking areas

Parking areas are valued and assessed on the same basis as roads.

Bus Shelters

Bus Shelters are valued and assessed on the same basis as Other Structures.

Aerodrome

This comprises the infrastructure assets that form the aerodrome. Equivalent asset classes have been valued using the same conditions and parameters as described above (runway surface, pavement and earthworks as for roads; parking areas, other structures and drainage like for like). Revalued by Council staff on 30 June 2020. Substantial professional judgement has been required to undertake this work and this class is therefore classified as Level 3. No change has been made to the valuation process during the reporting period.

Water Supply network

Assets within this class comprise the infrastructure to supply a reticulated potable drinking water service to Bathurst and adjoining suburbs/villages. There is also a small non-potable service at Hillview Estate Napoleon Reef and a raw-water supply from Winburndale Dam used for irrigation of parks and playing fields in town.

In Bathurst, there is the Filtration Plant, Pump Stations, Reservoirs and reticulation pipe network. A revaluation was made as at 30 June 2017; the reticulation network valued on the basis outlined in the DPI NSW Reference Rates Manual and all other assets were revalued as part of a CENTROC-wide contract with Australis Valuers. While this provides some degree of observability, a substantial amount of professional judgement is required due to limitations in the historical records of very long lived assets as there is some uncertainty regarding the actual design, specifications and dimensions of some assets. Consequently a high degree of professional judgement is required in establishing replacement cost and this asset class is classified as Level 3. Apart from the use of a different external valuer, there has been no change to the valuation process during the reporting period.

Sewerage network

Assets within this class comprise the infrastructure to supply a reticulated waste water (sewerage) service to Bathurst and adjoining suburbs/villages. This is the Reticulation Pipe Network, Pump Stations and Treatment Plant. A revaluation was made as at 30 June 2017; the reticulation network valued on the basis outlined in the DPI NSW Reference Rates Manual and all other assets were revalued as part of a CENTROC-wide contract with Australis Valuers. While this provides some degree of observability, a substantial amount of professional judgement is required due to limitations in the historical records of very long lived assets as there is some uncertainty regarding the actual design, specifications and dimensions of some assets. Consequently a high degree of professional judgement is required in establishing replacement cost and this asset class is classified as Level 3. Apart from the use of a different external valuer, there has been no change to the valuation process during the reporting period.

Stormwater Drainage

Assets within this class comprise pits, pipes, open channels, headwalls and various types of water quality devices.

Drainage assets were revalued by Council staff on 30 June 2020. The 'Cost Approach' estimated the replacement cost for each asset by componentising the assets into significant parts with different useful lives and taking into account a range of factors.

While the unit rates based on linear metres of certain diameter pipes and prices per pit or similar could be supported from market evidence (Level 2) other inputs (such as estimates of pattern of consumption, asset condition and useful life) required extensive professional judgement and impacted significantly on the final determination of fair value.

Additionally due to limitations in the historical records of very long lived assets there is uncertainty regarding the actual design, specifications and dimensions of some assets. Consequently a high degree of professional judgement is required in

Bathurst Regional Council

Notes to the Financial Statements

for the year ended 30 June 2020

Note 23. Fair Value Measurement (continued)

establishing replacement cost and this asset class is classified as Level 3. There has been no change to the valuation process during the reporting period.

(4) Fair value measurements using significant unobservable inputs (level 3)

a. The following tables present the changes in level 3 fair value asset classes.

	Investment	Land and	Infrastructure		
	property	buildings	assets (level	Other assets	
\$ '000	(level 2)	(level 3)	3)	(level 3)	Total
2019					
Opening balance	14,966	282,901	945,834	41,202	1,284,903
Purchases (GBV)	362	12,529	31,915	5,211	50,017
Disposals (WDV)	_	(370)		(296)	(666)
Depreciation and impairment	_	(2,947)	(19,497)	(3,410)	(25,854)
FV gains – other comprehensive					
income	-	-	5,798		5,798
FV gains – Income Statement 1	239			_	239
Closing balance	15,567	292,113	964,050	42,707	1,314,437
2020					
Opening balance	15,567	292,113	964,050	42,707	1,314,437
Closing balance	15,567	292,113	964,050	42,707	1,314,437

(1) FV gains recognised in the Income Statement relating to assets still on hand at year end total

Bathurst Regional Council

Notes to the Financial Statements

for the year ended 30 June 2020

Note 23. Fair Value Measurement (continued)

b. Significant unobservable valuation inputs used (for level 3 asset classes) and their relationship to fair value.

The following table summarises the quantitative information relating to the significant unobservable inputs used in deriving the various level 3 asset class fair values.

\$ '000	Fair value (30/6/20)	Valuation technique/s	Unobservable inputs
Investment properties			
230 Howick Street, Bathurst	_	Independent Market Valuation by a registered valuer	Land value, land area
Infrastructure, property	, plant and e	equipment	
Land & Buildings	-	Independent Market Valuation by a Registered Valuer	Land value, land area
Infrastructure	-	Internal Valuation	Based on actual costs and indexed where required. Estimation of remaining asset lives where infrastructure is below ground.
Other Assets	-	Internal Valuation and Independent Market Valuation where available	Based on actual costs and indexed where required.

c. The valuation process for level 3 fair value measurements

For the period ending 30/6/2018 Operational Land and Buildings were revalued by Liquid Pacific Pty Ltd, Registered Valuers.

(5) Highest and best use

All of Council's non-financial assets are considered as being utilised for their highest and best use.

Financial Statements 2020

Bathurst Regional Council

Notes to the Financial Statements

for the year ended 30 June 2020

Note 24. Related party disclosures

Key management personnel

Key management personnel (KMP) of the council are those persons having the authority and responsibility for planning, directing and controlling the activities of the council, directly or indirectly.

The aggregate amount of KMP compensation included in the Income Statement is:

2020	2019		
4.000	4 475		
1,782	1,638		
	~		
	2020 1,666 116 1,782	1,666 1,475 116 163	1,666 1,475 116 163

Bathurst Regional Council

Notes to the Financial Statements

for the year ended 30 June 2020

Note 25. Statement of developer contributions

Under the *Environmental Planning and Assessment Act 1979*, Council has significant obligations to provide Section 7.11 (contributions towards provision or improvement of amenities or services) infrastructure in new release areas.

It is possible that the funds contributed may be less than the cost of this infrastructure, requiring Council to borrow or use general revenue to fund the difference.

Summary of contributions and levies

	as at 30/06/19						as at 30/0	6/20
	Opening	Contributions received during the Cash		Interest earned	Expenditure during	Internal borrowing	Held as restricted	Cumulative internal borrowings
\$ '000	Balance	Cash	Non-cash	in year	year	(to)/from	asset	due/(payable)
Drainage	4,905	168	_	10	(64)	-	5,019	_
Roads	756	38		1	(504)	304	595	_
Traffic facilities	3	-	<i></i>	-	_	-	3	-
Parking	188	-			_	-	188	-
Open space	1,390	185		2	(556)	_	1,021	-
Community facilities	7,291	1,048		9	(4,484)	-	3,864	_
S7.11 contributions – under a plan	14,533	1,439		22	(5,608)	304	10,690	-
Total S7.11 and S7.12 revenue under plans	14,533	1,439	_	22	(5,608)	304	10,690	_
S7.11 not under plans	5,355	727	-	9	(750)	(304)	5,037	-
S64 contributions	25,736	1,613	-	55	_		27,404	-
Total contributions	45,624	3,779	_	86	(6,358)	_	43,131	_

S7.11 Contributions - under a

plan

CONTRIBUTION PLAN – Jordan Creek

Stormwater Drainage Management							
Drainage	552	12	-	1	(8)	 557	
Total	552	12	_	1	(8)	 557	_

Notes to the Financial Statements

for the year ended 30 June 2020

Note 25. Statement of developer contributions (continued)

	as at 30/06/19						as at 30/0	6/20
		Contributions						Cumulative
	Onening	received during the	e year	Interest earned	Expenditure during	Internal borrowing	Held as restricted	internal borrowings
\$ '000	Opening Balance	Cash	Non-cash	in year	year	(to)/from	asset	due/(payable)
CONTRIBUTION PLAN – Ragian Creek								
Stormwater Drainage								
Drainage	2,805	81	_	6	(8)		2,884	_
Total	2,805	81	-	6	(8)		2,884	
CONTRIBUTION PLAN – Sawpit Creek Drainage								
Drainage	668	47	_	1	(8)	_	708	-
Total	668	47	-	1	(8)		708	_
CONTRIBUTION PLAN – Reconstruct Hereford Street								
Roads	132	38		_	(474)	304	-	-
Total	132	38		_	(474)	304	_	_
CONTRIBUTION PLAN – Central Carparking Strategies								
Parking	188		_	_	_		188	
Total	188	-	-	-	-		188	
CONTRIBUTION PLAN – Community Facilities and Services Bathurst								
Community facilities	7,291	1,048	_	9	(4,484)	_	3,864	-
Total	7,291	1,048	_	9	(4,484)	_	3,864	_
CONTRIBUTION PLAN – Robin Hill Drainag	e							
Drainage	465	_	_	1	(8)	_	458	_
Total	465		_	1	(8)		458	

Notes to the Financial Statements

for the year ended 30 June 2020

Note 25. Statement of developer contributions (continued)

	as at 30/06/19						as at 30/0	6/20
_		Contribution received during th		Interest	Expenditure	Internal	Held as	Cumulative internal
\$ '000	Opening Balance	Cash	Non-cash	earned in year	during year	borrowing (to)/from	restricted asset	borrowings due/(payable)
CONTRIBUTION PLAN – Eglinton Open Space & Drainage								
Drainage	415	28	-	1	(32)	-	412	-
Open space	469	32	_	1	(37)	_	465	-
Total	884	60		2	(69)	_	877	_
CONTRIBUTION PLAN – Bathurst Regional Open Space								
Open space	921	153	-	1	(519)		556	
Total	921	153		1	(519)		556	_
CONTRIBUTION PLAN – Roadworks – New Residential Subdivisions (Area 4 Kelso)								
Roads	624			1	(30)		595	
Total	624			1	(30)		595	_
CONTRIBUTION PLAN - Bathurst Regional Traffic Generating Development								
Traffic facilities	3	-	-	-	_		3	
Total	3	_	_	_	_		3	
S7.11 Contributions – not under a plan								
CONTRIBUTIONS NOT UNDER A PLAN								
Roads	4,815	700	_	8	(707)	(304)	4,512	_
Other	540	27	_	1	(43)	(525	-
Total	5,355	727	_	9	(750)	(304)	5,037	_

Financial Statements 2020

Notes to the Financial Statements

for the year ended 30 June 2020

Note 26. Result by fund

\$ '000	General ¹ 2020	Water 2020	Sewer 2020
Income Statement by fund			
Income from continuing operations			
Rates and annual charges	33,483	3,255	10,110
User charges and fees	9,421	9,942	2,600
Interest and investment revenue	1,402	100	177
Other revenues	4,877	33	25
Grants and contributions provided for operating purposes	13,161	187	108
Grants and contributions provided for capital purposes	11,382	3,507	1,905
Net gains from disposal of assets	6,288	54	5
Total income from continuing operations	80,014	17,078	14,930
Expenses from continuing operations			
Employee benefits and on-costs	27,362	3,757	3,415
Borrowing costs	1,125	227	_
Materials and contracts	21,865	9,831	4,571
Depreciation and amortisation	17,517	4,475	3,419
Other expenses	9,099	873	754
Fair value decrement on investment property	47		
Total expenses from continuing operations	77,015	19,163	12,159
Operating result from continuing operations	2,999	(2,085)	2,771
Net operating result for the year	2,999	(2,085)	2,771
Net operating result attributable to each council fund	2,999	(2,085)	2,771
Net operating result for the year before grants and contributions provided for capital purposes	(8,383)	(5,592)	866

NB. All amounts disclosed above are gross - that is, they include internal charges and recoveries made between the funds.

(1) General fund refers to all of Council's activities except for its water and sewer activities which are listed separately.

Financial Statements 2020

Notes to the Financial Statements

for the year ended 30 June 2020

Note 26. Result by fund (continued)

\$ '000	General ¹ 2020	Water 2020	Sewer 2020
Statement of Financial Position by fund			
ASSETS			
Current assets			
Cash and cash equivalents	(25,972)	11,718	17,451
Investments	60,480	_	-
Receivables	7,471	2,629	1,005
Inventories	7,568	-	-
Contract assets	901	216	67
Other	567	22	-
Total current assets	51,015	14,585	18,523
Non-current assets			
nvestments	(14,104)	8,470	18,934
Receivables	434	41	37
nventories	11,453		-
Infrastructure, property, plant and equipment	1,002,639	254,071	154,096
nvestment property	15,521	-	-
Right of use assets	631		1
Total non-current assets	1,016,574	262,582	173,068
TOTAL ASSETS	1,067,589	277,167	191,591
LIABILITIES			
Current liabilities			
Payables	9,114	371	38
Contract liabilities	3,814	-	-
Lease liabilities	182	-	-
Borrowings	5,168	255	-
Provisions	11,695	793	542
Total current liabilities	29,973	1,419	580
Non-current liabilities			
Payables	1,081	-	-
_ease liabilities	451	-	2
Borrowings	26,451	5,905	-
Provisions	1,700	11	4
Total non-current liabilities	29,683	5,916	6
TOTAL LIABILITIES	59,656	7,335	586
Net assets	1,007,933	269,832	191,005
EQUITY			
Accumulated surplus	455,217	141,322	93,746
Revaluation reserves	552,716	128,510	97,259
Council equity interest	1,007,933	269,832	191,005
Total equity	1,007,933	269,832	191,005
	.,007,000	200,002	101,000

NB. All amounts disclosed above are gross – that is, they include internal charges and recoveries made between the funds. Assets and liabilities shown in the water and sewer columns are restricted for use for these activities.

(1) General fund refers to all of Council's activities except for its water and sewer activities which are listed separately.

Financial Statements 2020

Notes to the Financial Statements

for the year ended 30 June 2020

Note 27(a). Statement of performance measures - consolidated results

	Amounts	Indicator	Prior p	Benchmark	
\$ '000	2020	2020	2019	2018	
1. Operating performance ratio Total continuing operating revenue excluding capital grants and contributions less operating expenses ^{1,2} Total continuing operating revenue excluding capital grants and contributions ¹	<u>(19,409)</u> 88,881	(21.84)%	(15.36)%	(6.92)%	>0.00%
2. Own source operating revenue ratio Total continuing operating revenue excluding all grants and contributions ¹ Total continuing operating revenue ¹	75,425 105,675	71.37%	68.29%	69.30%	>60.00%
3. Unrestricted current ratio Current assets less all external restrictions Current liabilities less specific purpose liabilities	<u>17,679</u> 18,618	0.95x	0.87x	1.14x	>1.50x
 4. Debt service cover ratio Operating result before capital excluding interest and depreciation/impairment/amortisation ¹ Principal repayments (Statement of Cash Flows) plus borrowing costs (Income Statement) 	7,354 7,009	1.05x	2.17x	3.66x	>2.00x
5. Rates, annual charges, interest and extra charges outstanding percentage Rates, annual and extra charges outstanding Rates, annual and extra charges collectible	<u>3,245</u> 49,969	6.49%	6.22%	6.17%	<10.00%
6. Cash expense cover ratio Current year's cash and cash equivalents plus all term deposits Monthly payments from cash flow of operating and financing activities	<u>61,427</u> 7,868	7.81 mths	8.90 mths	10.47 mths	>3.00 mths

(1) Excludes fair value increments on investment properties, reversal of revaluation decrements, reversal of impairment losses on receivables, net gain on sale of assets and net share of interests in joint ventures and associates using the equity method and includes pensioner rate subsidies

(2) Excludes impairment/revaluation decrements of IPPE, fair value decrements on investment properties, net loss on disposal of assets and net loss on share of interests in joint ventures and associates using the equity method

Notes to the Financial Statements

for the year ended 30 June 2020

Note 27(b). Statement of performance measures – by fund

\$ '000	General Ir 2020	dicators ³ 2019	Water In 2020	dicators 2019	Sewer In 2020	dicators 2019	Benchmark
1. Operating performance ratio Total continuing operating revenue excluding capital grants and contributions less operating expenses ^{1,2} Total continuing operating revenue excluding capital grants and contributions ¹	(23.57)%	(21.59)%	(41.21)%	(7.25)%	6.65%	5.51%	>0.00%
2. Own source operating revenue ratio Total continuing operating revenue excluding capital grants and contributions ¹ Total continuing operating revenue ¹	66.68%	63.48%	78.37%	82.10%	86.52%	75.40%	>60.00%
3. Unrestricted current ratio Current assets less all external restrictions Current liabilities less specific purpose liabilities	0.95x	0.87x	10.28x	18.97x	31.94x	25.37x	>1.50x
4. Debt service cover ratio Operating result before capital excluding interest and depreciation/impairment/amortisation 1 Principal repayments (Statement of Cash Flows) plus borrowing costs (Income Statement)	0.60x	1.04x	(4.41)x	9.89x	œ	ø	>2.00x
5. Rates, annual charges, interest and extra charges outstanding percentage Rates, annual and extra charges outstanding Rates, annual and extra charges collectible	8.87%	6.09%	0.00%	6.89%	0.00%	6.49%	<10.00%
6. Cash expense cover ratio Current year's cash and cash equivalents plus all term deposits Payments from cash flow of operating and financing activities	4.10 mths	1.01 mths	Ø	26.92 mths	ø	49.14 mths	>3.00 mths

(1) - (2) Refer to Notes at Note 24a above.

(3) General fund refers to all of Council's activites except for its water and sewer activities which are listed separately.

Bathurst Regional Council

Financial Statements 2020

Notes to the Financial Statements for the year ended 30 June 2020

Note 28. Council information and contact details

Principal place of business: 158 Russell Street BATHURST NSW 2795

Contact details

Mailing Address: Private Mail Bag 17 BATHURST NSW 2795

Telephone: 02 6333 6111 **Facsimile:** 02 6331 7211

Officers

General Manager David Sherley

Responsible Accounting Officer Aaron Jones

Public Officer Aaron Jones

Auditors Auditor General of NSW 15/1 Margaret St, Sydney NSW 2000

Other information

ABN: 42 173 522 302

Opening hours: General Office, Departments and Cashiers 8.30am to 4.45pm weekdays

Internet:www.bathurst.nsw.gov.auEmail:council@bathurst.nsw.gov.au

Elected members Mayor Robert Bourke

Councillors Warren Aubin Alex Christian John Fry Graeme Hanger Jess Jennings Monica Morse Ian North Jacqueline Rudge

Bathurst Regional Council

Financial Statements 2020

General Purpose Financial Statements for the year ended 30 June 2020



Bathurst Regional Council

Financial Statements 2020

General Purpose Financial Statements for the year ended 30 June 2020





SPECIAL PURPOSE FINANCIAL STATEMENTS for the year ended 30 June 2020

A vibrant regional centre that enjoys a rural lifestyle A Region full of community spirit and shared prosperity.



Special Purpose Financial Statements

for the year ended 30 June 2020

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Background

- i. These Special Purpose Financial Statements have been prepared for the use by both Council and the Office of Local Government in fulfilling their requirements under National Competition Policy.
- ii. The principle of competitive neutrality is based on the concept of a 'level playing field' between persons/entities competing in a market place, particularly between private and public sector competitors.

Essentially, the principle is that government businesses, whether Commonwealth, state or local, should operate without net competitive advantages over other businesses as a result of their public ownership.

iii. For Council, the principle of competitive neutrality and public reporting applies only to declared business activities.

These include (a) those activities classified by the Australian Bureau of Statistics as business activities being water supply, sewerage services, abattoirs, gas production and reticulation, and (b) those activities with a turnover of more than \$2 million that Council has formally declared as a business activity (defined as Category 1 activities.

iv. In preparing these financial statements for Council's self-classified Category 1 businesses and ABS-defined activities, councils must (a) adopt a corporatisation model and (b) apply full cost attribution including tax-equivalent regime payments and debt guarantee fees (where the business benefits from Council's borrowing position by comparison with commercial rates).

Bathurst Regional Council

Special Purpose Financial Statements 2020

Special Purpose Financial Statements

for the year ended 30 June 2020

Statement by Councillors and Management made pursuant to the Local Government Code of Accounting Practice and Financial Reporting

The attached Special Purpose Financial Statements have been prepared in accordance with:

- the NSW Government Policy Statement 'Application of National Competition Policy to Local Government',
- the Division of Local Government Guidelines 'Pricing and Costing for Council Businesses A Guide to Competitive Neutrality',
- the Local Government Code of Accounting Practice and Financial Reporting,
- the NSW Office of Water Best-Practice Management of Water and Sewerage Guidelines.

To the best of our knowledge and belief, these statements:

- present fairly the operating result and financial position for each of Council's declared business activities for the year, and
- accord with Council's accounting and other records.
- present overhead reallocation charges to the water and sewerage businesses as fair and reasonable.

We are not aware of any matter that would render these statements false or misleading in any way.

Signed in accordance with a resolution of Council made on 16 September 2020.



David Sherley General Manager 16 September 2020 Ian North Deputy Mayor 16 September 2020

Aaron Jones

Responsible Accounting Officer 16 September 2020

Income Statement – Water Supply Business Activity

for the year ended 30 June 2020

\$ '000	2020	2019
Income from continuing operations		
Access charges	3,255	3,149
User charges	9,769	11,710
Fees	173	206
Interest	100	144
Grants and contributions provided for non-capital purposes	187	111
Profit from the sale of assets	54	_
Other income	33	63
Total income from continuing operations	13,571	15,383
Expenses from continuing operations		
Employee benefits and on-costs	3,757	3,458
Borrowing costs	227	177
Materials and contracts	9,831	7,123
Depreciation, amortisation and impairment	4,475	4,585
Calculated taxation equivalents	94	103
Debt guarantee fee (if applicable)	17	14
Other expenses	873	1,156
Total expenses from continuing operations	19,274	16,616
Surplus (deficit) from continuing operations before capital amounts	(5,703)	(1,233)
Grants and contributions provided for capital purposes	3,507	3,218
Surplus (deficit) from continuing operations after capital amounts	(2,196)	1,985
Surplus (deficit) from all operations before tax	(2,196)	1,985
SURPLUS (DEFICIT) AFTER TAX	(2,196)	1,985
Plus accumulated surplus Plus adjustments for amounts unpaid:	143,407	141,305
 Taxation equivalent payments 	94	103
– Debt guarantee fees	17	14
Closing accumulated surplus	141,322	143,407
Return on capital %	(2.2)%	(0.4)%
Subsidy from Council	7,712	4,314
Calculation of dividend payable:		
Surplus (deficit) after tax	(2,196)	1,985
Less: capital grants and contributions (excluding developer contributions)	(3,507)	(3,218)
Surplus for dividend calculation purposes	(0,007)	
	_	_
Potential dividend calculated from surplus	-	-

Income Statement – Sewerage Business Activity

for the year ended 30 June 2020

Income from continuing operations		
Access charges	10,110	9,322
User charges	1,630	1,735
Liquid trade waste charges	812	420
Fees	158	180
Interest	177	274
Grants and contributions provided for non-capital purposes	108	108
Profit from the sale of assets	5	52
Other income	25	26
Total income from continuing operations	13,025	12,117
Expenses from continuing operations		
Employee benefits and on-costs	3,415	3,359
Materials and contracts	4,571	3,989
Depreciation, amortisation and impairment	3,419	3,353
Calculated taxation equivalents	16	18
Other expenses	754	798
Total expenses from continuing operations	12,175	11,517
Surplus (deficit) from continuing operations before capital amounts	850	600
Grants and contributions provided for capital purposes	1,905	3,810
Surplus (deficit) from continuing operations after capital amounts	2,755	4,410
Surplus (deficit) from all operations before tax	2,755	4,410
Less: corporate taxation equivalent (27.5%) [based on result before capital]	(234)	(165)
SURPLUS (DEFICIT) AFTER TAX	2,521	4,245
Plus accumulated surplus Plus adjustments for amounts unpaid:	90,975	86,547
 Taxation equivalent payments 	16	18
 Corporate taxation equivalent 	234	165
Closing accumulated surplus	93,746	90,975
Return on capital %	0.6%	0.4%
Subsidy from Council	506	1,422
Calculation of dividend payable:		
Surplus (deficit) after tax	2,521	4,245
Less: capital grants and contributions (excluding developer contributions)	(1,905)	(3,810)
Surplus for dividend calculation purposes	616	435

Bathurst Regional Council

Special Purpose Financial Statements 2020

Income Statement – Waste

for the year ended 30 June 2020

\$ '000	2020 Category 1	2019 Category 1
Income from continuing operations		
Access charges	6,988	6,596
Fees	6,600	6,869
Interest	138	138
Grants and contributions provided for non-capital purposes	10	69
Profit from the sale of assets	-	16
Other income	(2)	10
Total income from continuing operations	13,734	13,698
Expenses from continuing operations		
Employee benefits and on-costs	3,001	2,982
Borrowing costs	16	29
Materials and contracts	6,624	6,141
Depreciation, amortisation and impairment	575	577
Loss on sale of assets	86	77
Calculated taxation equivalents	122	127
Other expenses	21	9
Total expenses from continuing operations	10,445	9,942
Surplus (deficit) from continuing operations before capital amounts	3,289	3,756
Surplus (deficit) from continuing operations after capital amounts	3,289	3,756
Surplus (deficit) from all operations before tax	3,289	3,756
Less: corporate taxation equivalent (27.5%) [based on result before capital]	(904)	(1,033)
SURPLUS (DEFICIT) AFTER TAX	2,385	2,723
Plus accumulated surplus Plus adjustments for amounts unpaid:	33,776	29,893
 Taxation equivalent payments 	122	127
 Corporate taxation equivalent 	904	1,033
Closing accumulated surplus	37,187	33,776
Return on capital %	24.6%	28.6%

Statement of Financial Position – Water Supply Business Activity

as at 30 June 2020

\$ '000	2020	2019
ASSETS		
Current assets		
Contract assets	216	-
Cash and cash equivalents	11,718	19,064
Receivables	2,629	3,413
Other	22	44
Total current assets	14,585	22,521
Non-current assets		
Investments	8,470	7,667
Receivables	41	44
Infrastructure, property, plant and equipment	254,071	246,850
Total non-current assets	262,582	254,561
TOTAL ASSETS	277,167	277,082
LIABILITIES		
Current liabilities		
Payables	371	185
Borrowings	255	245
Provisions	793	757
Total current liabilities	1,419	1,187
Non-current liabilities		
Borrowings	5,905	6,102
Provisions	11	6
Total non-current liabilities	5,916	6,108
TOTAL LIABILITIES	7,335	7,295
NET ASSETS	269,832	269,787
EQUITY		
Accumulated surplus	141,322	143,407
Revaluation reserves	128,510	126,380
TOTAL EQUITY	269,832	269,787

Statement of Financial Position – Sewerage Business Activity

as at 30 June 2020

\$ '000	2020	2019
ASSETS		
Current assets		
Contract assets	67	_
Cash and cash equivalents	17,451	15,286
Receivables	1,005	954
Other	_	4
Total current assets	18,523	16,244
Non-current assets		
Right of use assets	1	-
Investments	18,934	18,069
Receivables	37	33
Infrastructure, property, plant and equipment	154,096	153,177
Total non-current assets	173,068	171,279
TOTAL ASSETS	191,591	187,523
LIABILITIES Current liabilities Payables	38	135
Provisions	542	504
Total current liabilities	580	639
Non-current liabilities		000
Lease liabilities	2	-
Provisions	4	8
Total non-current liabilities	6	8
TOTAL LIABILITIES	586	647
NET ASSETS	191,005	186,876
EQUITY		
Accumulated surplus	93,746	90,975
Revaluation reserves	97,259	95,901
TOTAL EQUITY	191,005	186,876
		,

Special Purpose Financial Statements 2020

Bathurst Regional Council

Statement of Financial Position – Waste

as at 30 June 2020

\$ '000	2020 Category 1	2019 Category 1
ASSETS		
Current assets		
Cash and cash equivalents	32,019	28,429
Receivables	1,096	818
Other	11	3
Total current assets	33,126	29,250
Non-current assets		
Receivables	173	215
Infrastructure, property, plant and equipment	13,422	13,230
Total non-current assets	13,595	13,445
TOTAL ASSETS	46,721	42,695
LIABILITIES Current liabilities		
Payables	27	11
Provisions	563	512
Total current liabilities	590	523
Non-current liabilities		
Provisions	1,549	1,518
Total non-current liabilities	1,549	1,518
TOTAL LIABILITIES	2,139	2,041
NET ASSETS	44,582	40,654
EQUITY		
Accumulated surplus	37,187	33,776
Revaluation reserves	7,395	6,878

Notes to the Special Purpose Financial Statements

for the year ended 30 June 2020

Note 1. Significant Accounting Policies

A statement summarising the supplemental accounting policies adopted in the preparation of the Special Purpose Financial Statements (SPFS) for National Competition Policy (NCP) reporting purposes follows.

These financial statements are SPFS prepared for use by Council and the Office of Local Government. For the purposes of these statements, the Council is a non-reporting not-for-profit entity.

The figures presented in these Special Purpose Financial Statements have been prepared in accordance with the recognition and measurement criteria of relevant Australian Accounting Standards, other authoritative pronouncements of the Australian Accounting Interpretations.

The disclosures in these Special Purpose Financial Statements have been prepared in accordance with the Local Government Act 2093 (NSW), the *Local Government (General) Regulation 2005*, and the Local Government Code of Accounting Practice and Financial Reporting.

The statements are prepared on an accruals basis. They are based on historic costs and do not take into account changing money values or, except where specifically stated, current values of non-current assets. Certain taxes and other costs, appropriately described, have been imputed for the purposes of the National Competition Policy.

The Statement of Financial Position includes notional assets/liabilities receivable from/payable to Council's general fund. These balances reflect a notional intra-entity funding arrangement with the declared business activities.

National Competition Policy

Council has adopted the principle of 'competitive neutrality' in its business activities as part of the National Competition Policy which is being applied throughout Australia at all levels of government.

The framework for its application is set out in the June 1996 NSW government policy statement titled 'Application of National Competition Policy to Local Government'.

The *Pricing and Costing for Council Businesses, A Guide to Competitive Neutrality* issued by the Office of Local Government in July 1997 has also been adopted.

The pricing and costing guidelines outline the process for identifying and allocating costs to activities and provide a standard for disclosure requirements.

These disclosures are reflected in Council's pricing and/or financial reporting systems and include taxation equivalents, Council subsidies, return on investments (rate of return), and dividends paid.

Declared business activities

In accordance with *Pricing and Costing for Council Businesses – A Guide to Competitive Neutrality,* Council has declared that the following are to be considered as business activities:

Category 1

(where gross operating turnover is over \$2 million)

a. Bathurst Regional Council Water Supplies

Council's water supply activities (established as separate Special Rate Funds) servicing the region of Bathurst

b. Bathurst Regional Council Sewerage Service

Council's sewerage reticulation & treatment activities (established as a Special Rate Fund) servicing the region of Bathurst

c. Bathurst Regional Council Waste Services

Council's domestic waste service & solid waste depot activities servicing the region of Bathurst

Special Purpose Financial Statements 2020

Notes to the Special Purpose Financial Statements

for the year ended 30 June 2020

Note 1. Significant Accounting Policies (continued)

Category 2

(where gross operating turnover is less than $2\ million$

Council has no Category 2 businesses.

Monetary amounts

Amounts shown in the financial statements are in Australian dollars and rounded to the nearest one thousand dollars.

(i) Taxation equivalent charges

Council is liable to pay various taxes and financial duties. Where this is the case, they are disclosed as a cost of operations just like all other costs.

However, where Council does not pay some taxes which are generally paid by private sector businesses, such as income tax, these equivalent tax payments have been applied to all Council-nominated business activities and are reflected in Special Purpose Finanncial Statements.

For the purposes of disclosing comparative information relevant to the private sector equivalent, the following taxation equivalents have been applied to all Council-nominated business activities (this does not include Council's non-business activities):

Notional rate applied (%)

Corporate income tax rate - 27.5%

<u>Land tax</u> – the first \$692,000 of combined land values attracts **0%**. For the combined land values in excess of \$692,001 up to 4,231,000 the rate is **1.6% + \$100**. For the remaining combined land value that exceeds \$4,231,000 a premium marginal rate of **2.0%** applies.

Payroll tax - 5.45% on the value of taxable salaries and wages in excess of \$850,000.

Income tax

An income tax equivalent has been applied on the profits of the business activities.

Whilst income tax is not a specific cost for the purpose of pricing a good or service, it needs to be taken into account in terms of assessing the rate of return required on capital invested.

Accordingly, the return on capital invested is set at a pre-tax level - gain/(loss) from ordinary activities before capital amounts, as would be applied by a private sector competitor. That is, it should include a provision equivalent to the corporate income tax rate, currently 27.5%.

Income tax is only applied where a gain/ (loss) from ordinary activities before capital amounts has been achieved.

Since the taxation equivalent is notional – that is, it is payable to Council as the 'owner' of business operations - it represents an internal payment and has no effect on the operations of the Council. Accordingly, there is no need for disclosure of internal charges in the SPFS.

The rate applied of 27.5% is the equivalent company tax rate prevalent at reporting date. No adjustments have been made for variations that have occurred during the year.

Local government rates and charges

A calculation of the equivalent rates and charges payable on all category 1 businesses has been applied to all land assets owned or exclusively used by the business activity.

continued on next page ...

Bathurst Regional Council

Notes to the Special Purpose Financial Statements

for the year ended 30 June 2020

Note 1. Significant Accounting Policies (continued)

Loan and debt guarantee fees

The debt guarantee fee is designed to ensure that council business activities face 'true' commercial borrowing costs in line with private sector competitors.

In order to calculate a debt guarantee fee, Council has determined what the differential borrowing rate would have been between the commercial rate and Council's borrowing rate for its business activities.

(ii) Subsidies

Government policy requires that subsidies provided to customers, and the funding of those subsidies, must be explicitly disclosed.

Subsidies occur when Council provides services on a less-than-cost-recovery basis. This option is exercised on a range of services in order for Council to meet its community service obligations.

Accordingly, 'subsidies disclosed' (in relation to National Competition Policy) represents the difference between revenue generated from 'rate of return' pricing and revenue generated from prices set by Council in any given financial year.

The overall effect of subsidies is contained within the Income Statement of each reported business activity.

(iii) Return on investments (rate of return)

The NCP policy statement requires that councils with Category 1 businesses 'would be expected to generate a return on capital funds employed that is comparable to rates of return for private businesses operating in a similar field'.

Such funds are subsequently available for meeting commitments or financing future investment strategies.

The actual rate of return achieved by each business activity is disclosed at the foot of each respective Income Statement.

The rate of return is calculated as follows:

Operating result before capital income + interest expense

Written down value of I,PP&E as at 30 June

As a minimum, business activities should generate a return equal to the Commonwealth 10 year bond rate which is 0.88% at 30/6/20.

(iv) Dividends

Council is not required to pay dividends to either itself (as owner of a range of businesses) or to any external entities.

Special Purpose Financial Statements 2020

Bathurst Regional Council

Special Purpose Financial Statements for the year ended 30 June 2020



Bathurst Regional Council

Financial Statements 2020

General Purpose Financial Statements

for the year ended 30 June 2020

Statement by Councillors and Management made pursuant to Section 413(2)(c) of the Local Government Act 1993 (NSW) (as amended)

The attached General Purpose Financial Statements have been prepared in accordance with:

- the Local Government Act 1993 (NSW) (as amended) and the regulations made thereunder,
- the Australian Accounting Standards and other pronouncements of the Australian Accounting Standards Board
- the Local Government Code of Accounting Practice and Financial Reporting.

To the best of our knowledge and belief, these statements:

- · present fairly the Council's operating result and financial position for the year
- accord with Council's accounting and other records.

We are not aware of any matter that would render these statements false or misleading in any way.

Signed in accordance with a resolution of Council made on 16 September 2020.

Robert Bourke Mayor 16 September 2020 Ian North Deputy Mayor 16 September 2020

David Sherley General Manager 16 September 2020 Aaron Jones Responsible Accounting Officer 16 September 2020

Bathurst Regional Council

Special Purpose Financial Statements 2020

Special Purpose Financial Statements

for the year ended 30 June 2020

Statement by Councillors and Management made pursuant to the Local Government Code of Accounting Practice and Financial Reporting

The attached Special Purpose Financial Statements have been prepared in accordance with:

- the NSW Government Policy Statement 'Application of National Competition Policy to Local Government',
- the Division of Local Government Guidelines 'Pricing and Costing for Council Businesses A Guide to Competitive Neutrality',
- the Local Government Code of Accounting Practice and Financial Reporting,
- the NSW Office of Water Best-Practice Management of Water and Sewerage Guidelines.

To the best of our knowledge and belief, these statements:

- present fairly the operating result and financial position for each of Council's declared business activities for the year, and
- accord with Council's accounting and other records.
- present overhead reallocation charges to the water and sewerage businesses as fair and reasonable.

We are not aware of any matter that would render these statements false or misleading in any way.

Signed in accordance with a resolution of Council made on 16 September 2020.

Robert Bourke Mayor 16 September 2020

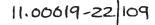
lan North Deputy Mayor

16 September 2020

David Sherley General Manager 16 September 2020

Aaron Jones

Responsible Accounting Officer 16 September 2020





PO BOX 352 Bathurst NSW 2795

ABN: 17 395 203 119 INC: Y2270340

Proposal for Bathurst Regional Council

Overview

The Bathurst District Cricket Association (BDCA) has run the senior cricket competitions since 1906 and has done this with great success and with much pride, the BDCA has risen to be the major influence in Mitchell Cricket Council and is also regarded as one of the powerhouses in Western Zone Cricket.

The Bathurst Opens men's side has proven its record on the field with performances within Mitchell Council that has never been obtained before with last year claiming an eighth straight Presidents Cup title eclipsing Mudgee's six straight in the late 90's early 2000's. We have also forged a strong name in Western Zone by competing with the former major contenders in Parkes and Dubbo.

Bathurst, while producing a strong team has produced a plethora of young talent that started their carers in 1st Grade and have moved to bigger centres in the last 5 years and are making names for themselves in Sydney and Canberra. The major name who started off in Presidents Cup then worked her way to first grade and now plays at Penrith, also making the Women's Big Bash League Thunder side and named as captain for the NSW Breakers is Lisa Griffith. Other young players that now call Sydney Clubs home are Ben Trevor-Jones, Max Hope, Callum Hotham, Ryan Peacock and Tom Galvin. Three players form St Pats Old Boys team from last season have moved on as well with Tanvir Singh and Ben Mitchell heading to Sydney and Nic Broes moving to Weston Creek in ACT.

The BDCA in recent years along the with Bathurst Regional Council were able to bring different cricket carnivals to town and the response from Cricket NSW was in high praise for the way we ran these events and hence we have been able to secure the Country Colts State Titles that will bring all 8 zones from around the State to Bathurst in December, along with the Western Zone Colts Championship in November. This again will highlight how successful Bathurst is in running major sporting events.

The BDCA over the last 2 years has bought into its annual presentation night a Role of Honour and Hall of Fame rewarding players that have excelled in playing cricket in Bathurst for a number of years and also to those who have contributed to the successful running of the association.

Unfortunately, over the last 3 seasons with the reduction in numbers of people playing cricket due to personal circumstances and the changing world around us the BDCA has run



PO BOX 352 Bathurst NSW 2795

ABN: 17 395 203 119 INC: Y2270340

into some issues to meet its financial obligations in running a successful association to keep the cost of playing cricket to its members at a minimum.

Since 2016/17 season the BDCA has lost 8 teams from its competition resulting only 24 teams competing tin the 2018/19 season. This reduces the amount of fees the association collects. There has been an increase in Council fees every season due to the CPI increase that is put onto the association. As discussed with council we understand the amount charged to the BDCA is only 20% of the actual cost of preparing the grounds for the cricket season and are fully aware that you can't compare different sports fees compared to the cost to prepare fields for a cricket fixture. The work Bathurst Regional Council has done with re-establishing the wicket decks at Morse and George Park has been greatly received by the cricket community however this will become an additional financial cost to the BDCA due to increase size of the wickets our current wet weather covers do not fit any more so new covers will need to be purchased.

Cricket is a completely different run association compared to many others like Football, Hockey. Netball and Tennis as we don't have a home venue where the opportunity to raise extra revenue through Canteens, raffles etc due to the fact that we need 10 to 12 different grounds around the area to play our sport and not have one central location.

As President I have been personally responsible for keeping the association running over the last 7 seasons and have done so with pride and enthusiasm but to keep it running I have also contributed over \$6500 of my own money to ensure the long and respected history of the BDCA is continued. This was done by my choice and at no point have I asked for this money back. Money has been paid to cover the running of the association by paying council fees, administration expenses and insurance costs.

The 2018/19 was probably the hardest in the 7 years I have been in charge due to losing another first grade side then the pressure from the clubs in making the season work. It was difficult also due to the work that was done on George Park 2 the previous season and then been used for AFL meant cricket lost 2 turf wickets for the start of the season. Morse 1 out with renovations and lost the first 6 weeks for George 2.

Proposal

The proposal that the BDCA is asking of Bathurst Regional Council is that over the next 5 years we can calculate the fee structure as below and help work towards creating a balance in where the BDCA are able to be financially stable with both assets and funds for the future,



PO BOX 352 Bathurst NSW 2795		ABN: 17 395 203 119 INC: Y2270340
Year 1	No Fees Paid	
Year 2	25% Fees Paid	
Year 3	50% Fees Paid	
Year 4	75% Fees Paid	
Year 5	Full Fees Paid	

<u>Outcome</u>

The BDCA has tried to keep the cost of playing cricket to a minimum for all the clubs in the association however it realising to sustain a successful plan this is not achievable and therefore has started the task of redeveloping the fee structure from now to ensure costs are met.

The BDCA has outlaid over the last 5 seasons considerable amount of money on covers and transportation to move these covers. The size and ease of movement of these covers in hindsight has become a huge Occupational Health and Safety risk to all involved in moving these covers. The association in endeavouring to look for a better solution to help reduce the risk of unnecessary injury.

With the assistance of the proposal put to Bathurst Regional Council the BDCA will be able to ensure that the storage facilities the BDCA currently have at Sportsground which are too small need to be improved. Also, with this assistance the BDCA will be able to improve and increase its current assets to help provide for its members including new wet weather covers, hessian and mobile infrastructure.

Conclusion

The BDCA acknowledge the support and work that Bathurst Regional Council has done for many years in supporting the cricket community in Bathurst. By working together, we can ensure the BDCA are back on track.

I would like to thank all Councillors and Senior Members of Bathurst Regional Council for taking the time to hear the BDCA request and hope between both organisations we can come to an agreement that will see both parties happy and also to be able to continue to work together to ensure Bathurst is leading the way with cricket in the Western Zone area.



PO BOX 352 <u>Bathurst NSW 2795</u> Kind Regards

ABN: 17 395 203 119 INC: Y2270340

Campbell Graham

President

BDCA



PRESCHOOL

12 August 2020

General Manager Bathurst Regional Council 158 Russell Street PMB 17 Bathurst NSW 2795

Dear General Manager

Re: Co-contribution to the EarlyStart project

We are writing to formally seek your financial support for the EarlyStart Kelso Preschool and Family Centre ('EarlyStart' or 'EarlyStart Preschool') to be located on the CSU Bathurst campus. EarlyStart relocated from its licensed premises at the Bathurst Regional Council building in Lee Street Kelso due to other Council project commitments at the end of 2018.

We applied for, and successfully secured, a \$750,000 grant from the NSW Department of Education to build a new preschool to house our existing service. We negotiated a Crown Land Lease with Charles Sturt University and are about to begin construction works for a facility to accommodate the EarlyStart Preschool. The Department of Education, the Minister for Regional Transport and Roads, Paul Toole and the Minister for Education, Sarah Mitchell are champions of our service, recognise the value of what we provide and recognise the demand for high quality preschool education in Bathurst.

Since the closure of our service at the end of 2018, we have been accommodating and supporting as many EarlyStart families and children at our partner venue, West Bathurst Preschool. Although our endeavours have been somewhat successful, a stand-alone facility is required. We have received many waiting list enquiries and referrals that we have been unable to support, due to the limits on one facility.

For the reasons contained herein, EarlyStart Preschool is an excellent asset to the Bathurst community. The benefits of preschool in terms of the ability of children to achieve at primary school are widely accepted. However, early childhood education is often

inaccessible for some families (see Rosier and McDonald, 2011). EarlyStart began in 2009 with the aim of addressing this reality for children and families living on the margins.

EarlyStart is unique in Bathurst as it offers access to a high-quality preschool program alongside access to integrated community services to support marginalised children and families in the Bathurst area. The services offered at EarlyStart include:

- Low-cost and high-quality early childhood education to children aged 3-5 years;
- Access to parenting programs provided by trained staff;
- Case Management including service coordination and referral; and
- Access to appropriate nursing and allied health service providers.

EarlyStart aims to enhance community connections for children and families, in order to provide a sense of empowerment, belonging and social cohesion. We also aim to provide a link between the home and educational opportunities, where children who would not otherwise engage in early childhood programs in their years prior to commencing school, are able to make a more meaningful and successful transition to formal schooling. We have been running as a licenced service since 2009 and as a pilot program based out of West Bathurst Preschool since 2008. EarlyStart will physically be in the Bathurst CBD but transport is provided to pick up and return children from their homes all over Bathurst.

The primary criteria for enrolment at EarlyStart are that the family is disadvantaged, socially and economically, and that the children are vulnerable and at risk due to factors such as:

- Parent/ carer with a mental illness
- Parent/ carer with a drug or alcohol dependency
- Parent/ carer with a disability/chronic illness
- Parent/ carer serving a prison term/in custody
- Parent/ carer experiencing chronic unemployment
- Domestic violence
- Newly arrived immigrants/refugees

The main barriers to families wanting to access an early childhood service are affordability and accessibility. The EarlyStart program is low cost to families, with fees at \$10.00/ day. Transport is provided to any family that does not have access to a vehicle, ensuring all children access to a high-quality early childhood service. Any child on any day requiring transport will be able to attend preschool, negating the accessibility barrier encountered by many families.

West Bathurst Preschool sought parent feedback on the EarlyStart program. Some of the comments received included:

"I'm amazed at his development and am very proud. He has learnt problem solving such as puzzles and post it box, developed social skills and even made friends, and is improving in language greatly. As he is developing these skills it has helped in our day to day routines."

"The program has helped us a lot."

"It has helped with her language and getting her ready for school."

"I see a real need for programs such as this."

"I notice his social skills have improved."

There is a groundswell of support from families, the Department of Education, allied agencies and Elders for the work of EarlyStart. This project will expand an innovative early childhood educational program that is in high demand. It will double the number of places available to children from low-income families or who identify with the Aboriginal and/or Torres Strait Islander community in a high quality and culturally safe educational setting that will enjoy a long-term footprint in a purpose-built centre.

The project will provide a place to develop and implement parenting programs in conjunction with local agencies such as Bathurst Family Support, Women's Health Centre and Bathurst Early Learning Support. This will help strengthen families and address health, hygiene, behaviour, relationships, finance and other matters. Specialised case management will be available within the service to assist families to access appropriate support services.

We strive to provide a cultural safe and appropriate educational setting for Aboriginal children and our success is reflected in the high numbers of Aboriginal and Torres Strait Islander children enrolled in our programs. EarlyStart Kelso Preschool and Family Centre enrolled on average 35% Aboriginal and Torres Strait Islander children, with enrolments of 50% Aboriginal and Torres Strait Islander children in the past three years.

We enjoy excellent relationships with a variety of key stakeholders. EarlyStart has established links with organisations such as NSW Community Health, Wattle Tree House and the NSW Department of Communities and Justice. These partnerships ensure that children are supported with all areas of their development as well as assisting to support the family's access to relevant agencies.

EarlyStart has established connections with Aboriginal organisations such as Ngroo and Better Living and through these connections several projects that promote the enrolment of Aboriginal children have been implemented. We are currently building a closer relationship with the Bathurst Wiradjuri and Aboriginal Community Elders to work collaboratively on curriculum, staff training, and cultural mentoring for children.

The CSU site will enable us to grow the culturally safe and appropriate educational setting that we know the service will offer. We will be the only organisation that inhabits the

purpose-built centre and that will foster closer relationships with children and families, with allied agencies and with Aboriginal leaders and educators in our community.

The EarlyStart project in conjunction with Covid-19 has stretched the financial resources of West Bathurst Preschool Inc. Whilst we are able to meet our financial obligations, some cost saving measures have had to be implemented. The landscaping is an area that we are using as a cost saving devise and contingency. When we encounter unexpected costs, for example, the sewer, water and storm water levy being charged by Council (\$25,227.20), the landscape budget must be reduced. The scope of landscaping currently, is fencing, turf and some soft plantings.

We have engaged a landscape designer as part of the design process, and we look forward to completing all the concepts (see attached landscaping design and Quantity Surveyor (QS) costing) as funds become available to our organisation.

EarlyStart has been a demonstrated valuable service within the Bathurst community for a decade and will continue again once our facility is complete. To assist us to this end, we are requesting that Bathurst Regional Council consider co-contributing to the successful completion of the facility. Our landscaping budget has been reduced to \$45,000. The total concept landscaping plan is estimated to cost \$148,563 (see attached schedule of Costs by QS). From our \$45,000 budget, \$33,025 will be spent on fencing the outdoor perimeter to ensure the wellbeing and safety of the children attending the service. As landscaping funds are limited, our organisation will work to complete the minimum requirements as per National Regulations so that the service can open and begin operations.

The outdoor learning environment to the children that access our service is fundamental to their learning and development. A stimulating, engaging and challenging outdoor learning environment allows children to develop gross motor skills, learn social skills such as cooperating with peers, turn taking and negotiation skills. Most importantly, a safe and secure outdoor environment allows children to run, tumble and to experience nature and fresh air. Many children from vulnerable backgrounds live in high-density housing and have little access to green space areas. Families with low incomes also have limited resources for recreation and activities. These two things culminate in children having limited experiences, often impeding their learning and development.

Our organisation, along with the children and families have identified the sandpit being a priority landscaping project (please see attached landscape design and QS costing for details). The cost of the sandpit and a shade sail installed above the sandpit is \$33,000 (includes perimeter retaining walls and balustrade required due to sloping site). A sandpit in the outdoor learning environment assists children with pre numeracy concepts, fine and gross motor development as well as social skills such as turn taking, cooperating and communicating with peers and educators. To complete this landscaping project our organisation is requesting that Bathurst Regional Council consider co-contributing \$33,000 to the successful completion of the sandpit and shade sails in the outdoor learning environment.

Council's co-contribution will be favourably recognised on signage and communication materials and the long-term benefits to children will be immeasurable. We look forward to

your consideration and thank you in advance for a successful co-contribution to the EarlyStart project.

If you have any questions, please do not hesitate to contact me.

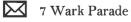
Yours sincerely

Dunine

Vanessa Miller

Director

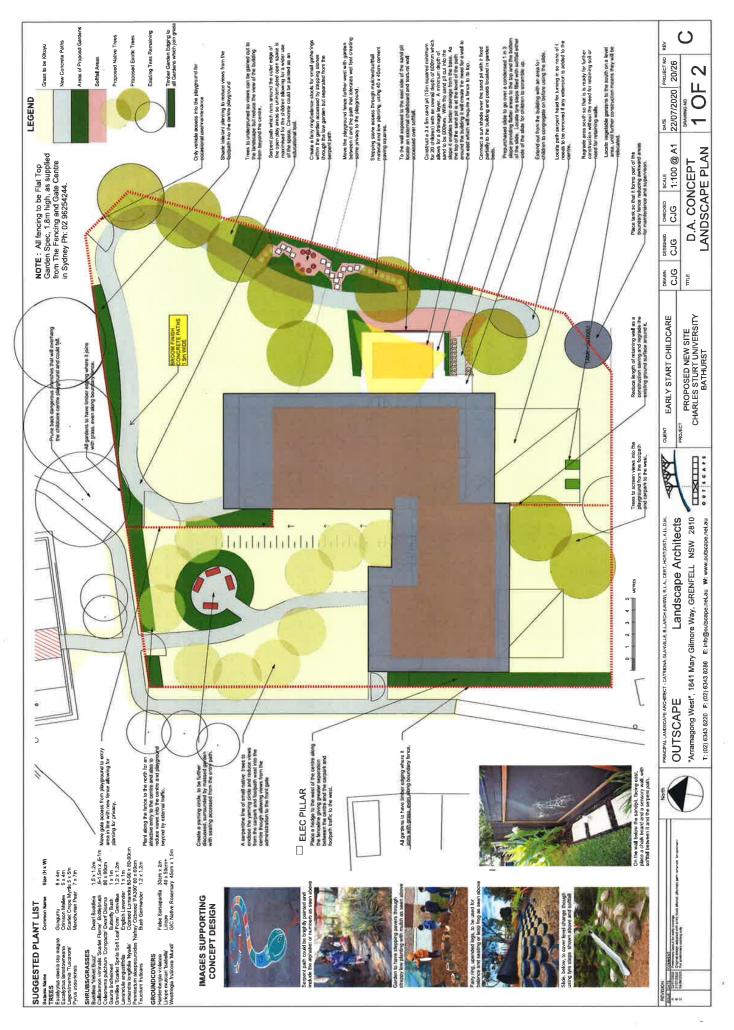
West Bathurst Preschool



Windradyne NSW 2795

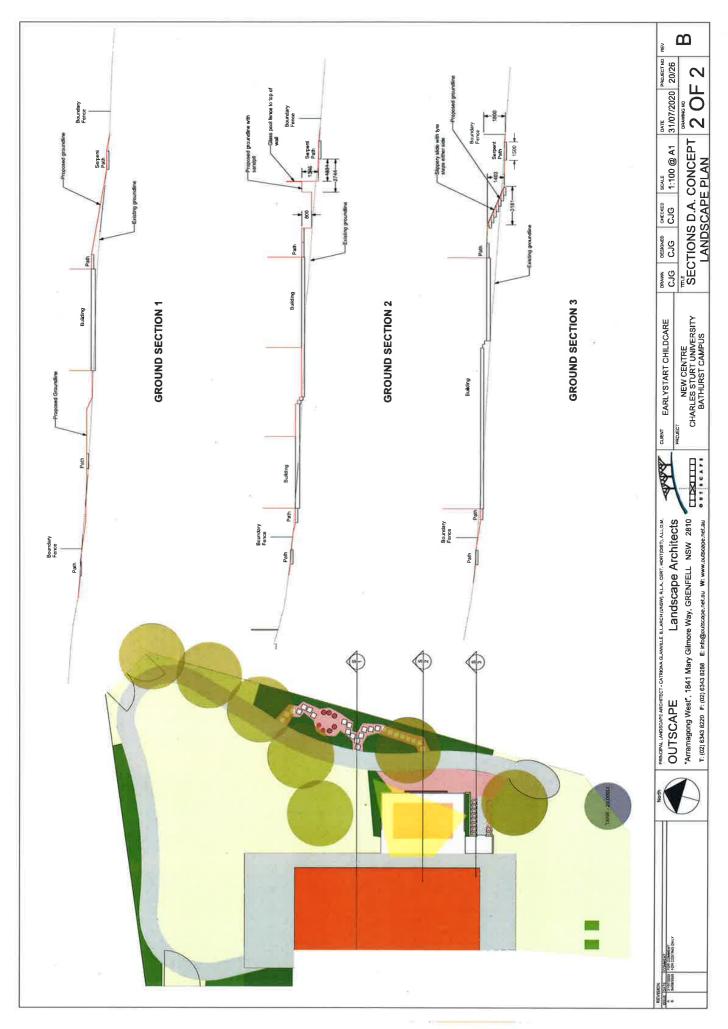
director@westbathurstpreschool.nsw.edu.au

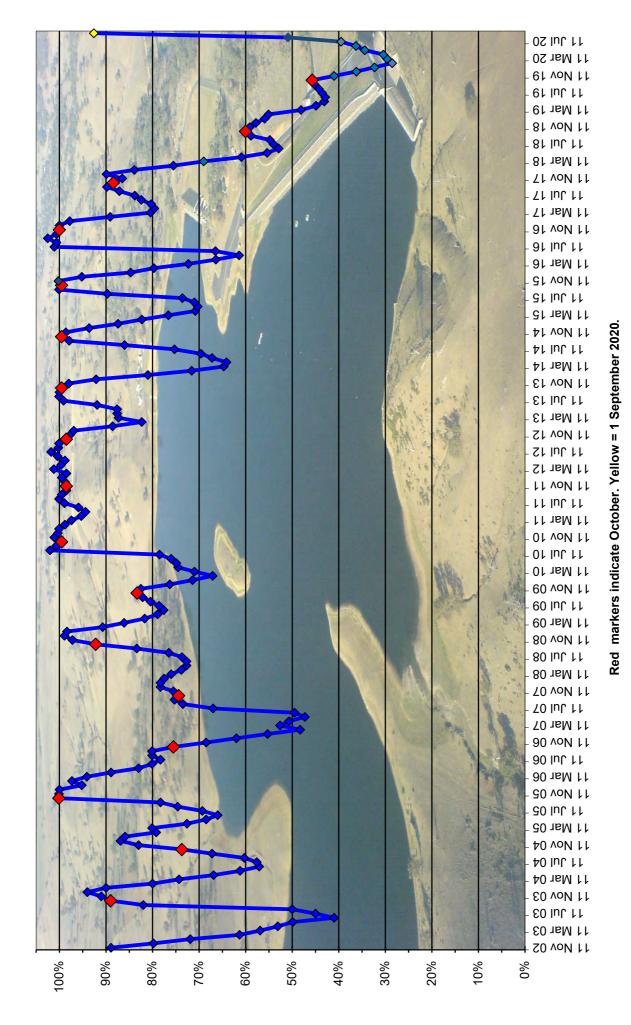
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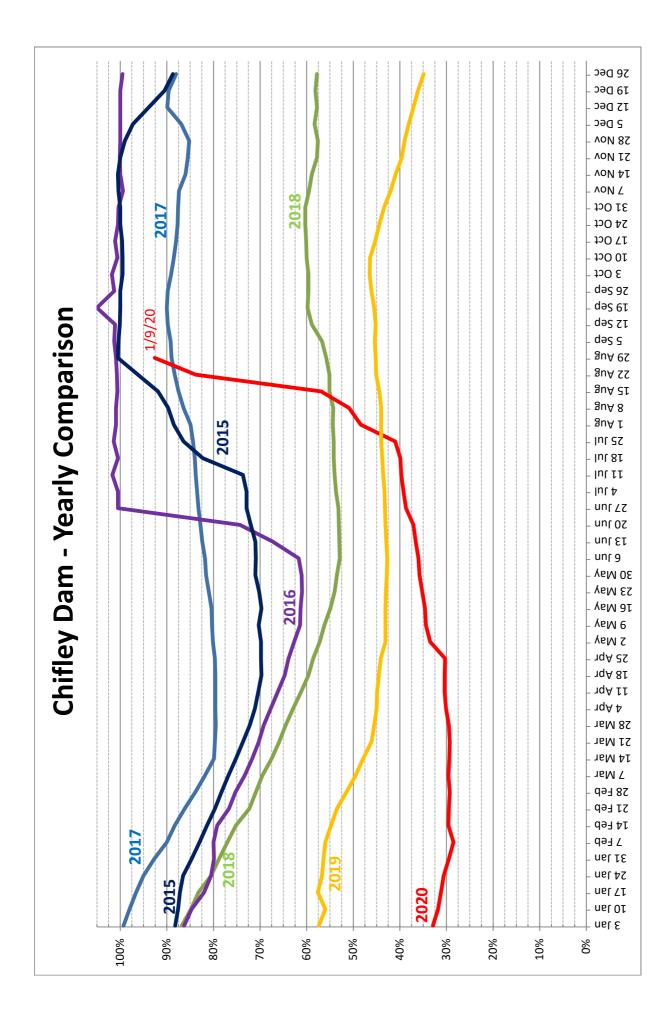


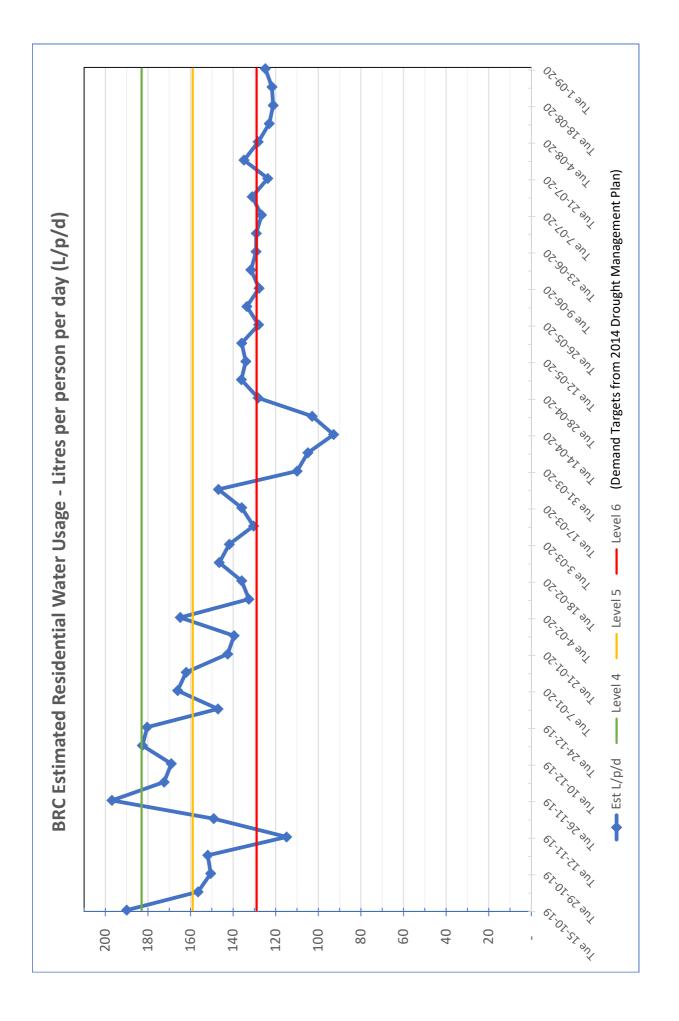
AGENDA - Ordinary Meeting of Council Agenda - 16 September 2020 Attachments

Attachment 8.3.11.1









POLICY:	FAMILY DAY CARE SCHEME – CARER ADVANCES
DATE ADOPTED:	Director Corporate Services & Finance's Report #1 Policy 5 December 2012 Council 6 February 2013 Minute Book No. 11477
ORIGINAL ADOPTION:	Director Corporate Services Report #1 Policy 1 December 2004, Council 8 December 2004 Minute Book No. 9416 (former BCC Policy)
FILE REFERENCE:	09.0008
OBJECTIVE:	To facilitate the attraction of Carers for the Family Day Care Scheme Council provides Care Advances to assist in meeting set-up costs.

Council will provide Carer Advances to assist Family Day Care Scheme Carers on the following basis:

- (a) Maximum advance of \$1,000.
- (b) Carers substantiating actual expenditure;
- (c) A formal agreement being entered into;
- (d) Repayment to be over a maximum of 40 weeks;
- (e) Full payment of advance to occur if the carer should leave the scheme;
- (f) Can be used to assist in computerizing the carers operations;
- (g) Available to prospective and existing carers; and
- (h) Any advance is at Council's sole prerogative.

January 2020

POLICY:	FAMILY DAY CARE SERVICE- EDUCATOR ADVANCES
DATE ADOPTED:	Director Corporate Services & Finance's Report #1 Policy 5 December 2012 Council 6 February 2013 Minutes Book No. 11477
ORIGINAL ADOPTION:	Director Corporate Services Report #1 Policy 1 December 2004 Council 8 December 2004 Minute Book No. 9416 (former BCC Policy)
FILE REFERENCE:	09.0008
OBJECTIVE:	To facilitate the attraction of Educators to the Family Day Care Service Council provides Educator Advances to assist in meeting set-up costs, ongoing renewal of resources and environmental upgrades to ensure the provision of high quality child care.

Council will provide Educator Advances to assist Family Day Care Educators on the following basis:

- (a) Maximum advance of \$1,000;
- (b) Educators substantiating actual expenditure;
- (c) A formal agreement being entered into;
- (d) Repayment to be over a maximum of 40 weeks;
- (e) Full repayment of the Advance to occur if the Educator should leave the service;
- (f) Acquittal form to be completed with a 2-month period of receiving the Advance;
- (g) Can be used for items that are reflective of the National Quality Standards
- (h) Available to prospective and existing Educators; and
- (i) Any Advance is at Council's sole prerogative.

MINUTES OF THE TRAFFIC COMMITTEE MEETING HELD ON Tuesday 1 September 2020

1. MEETING COMMENCES

MINUTE

Meeting commenced ELECTRONICALLY.

<u>Members:</u> Clr Warren Aubin (Chair - BRC), Ms Sharon Grierson (Transport for NSW), Mr Wayde Hazelton (Transport for NSW) Sergeant Ryan Baird (Police), Acting Sergeant Jason Marks (Police), Mr David Veness (MP Representative)

<u>**Present</u></u>: Mr Bernard Drum (Manager Technical Services), Mr Myles Lawrence (Civil Investigation Team Leader), Mr Paul Kendrick (Traffic & Design Engineer), Mr Andrew Cutts (Road Safety Officer)</u>**

2. APOLOGIES

MINUTE

Nil

3. REPORT OF PREVIOUS MEETING

3.1. REPORT OF PREVIOUS MEETING 4 AUGUST 2020

File No: 07.00006

MINUTE

RESOLVED: That the Minutes of the Traffic Committee held on 4 August 2020 be adopted.

4. DECLARATION OF INTEREST

Declaration of Interest

MINUTE

RESOLVED: That the Declaration of Interest be noted.

5. RECEIVE AND DEAL WITH DIRECTOR'S REPORTS

5.1.1. MINUTES OF THE TRAFFIC COMMITTEE MEETING HELD 4 AUGUST 2020

File No: 07.00006

MINUTE

RESOLVED:

That the information be noted, and necessary actions be taken.

5.1.2. MONTHLY REPORT FOR LOCAL GOVERNMENT ROAD SAFETY PROGRAM

File No: 28.00002

MINUTE

RESOLVED:

That the information be noted.

5.1.3. ESROM STREET TAXI ZONE

File No: 25.00082

MINUTE

RESOLVED:

That Council approve the installation of a taxi zone in Esrom Street at the lower end of the angled parking bay located between Mitre Street and Coral Way.

5.1.4. BATHURST CYCLING CLUB 2021 CALENDAR

File No: 18.00022-05

MINUTE

RESOLVED:

That the Bathurst Cycling Club road racing and training events for 2021 be classified as Class 2 events, and the traffic management for the events be endorsed, subject to conditions as detailed in the Director Engineering Services' report.

5.1.5. BATHURST CYCLING CLUB AUGUST / SEPTEMBER CALENDAR CHANGES

File No: 18.00022-05/086

MINUTE

RESOLVED:

That Council classify the amendment to the approved Bathurst Cycling Club August / September 2020 calendar of events as a Class 2 event, and endorse the traffic management subject to conditions as detailed in the Director Engineering Services' report.

5.1.6. BATHURST CYCLING CLASSIC - MARCH 2021

File No: 23.00128

MINUTE

RESOLVED:

That the 2021 Bathurst Cycling Classic be classified as a Class 1 event, and the traffic management for the event be approved, subject to conditions as detailed in the Director Engineering Services' report.

6. TRAFFIC REGISTER

6.1. TRAFFIC REGISTER

File No: 07.00006

MINUTE

RESOLVED:

That the information be noted.

8. MEETING CLOSE

MINUTE

The Meeting was closed.

Attachment 11.1.1

BATHURST REGIONAL COUNCIL

NOTICE OF RESCISSION OF MOTION

REF 2019 367-05 019

2 4 AUG 2020

We the undersigned hereby give Notice of Rescission of the following motion from the Ordinary Council Meeting held 19 August 2020 Item No 7.2.8:

Modification Development Application 2019/367 - Demolition and Construction of Fast Food Restaurant (Taco Bell) at 103 and 105 Stewart Street, Bathurst. Applicant: McDuck Properties. Owner: JB Gullifer.

Resolved:

That Council:

- (a) not support the application for modification of Development Consent No 2019/367 to delete condition No 5 relating to access onto Howick Street and,
- (b) as the consent authority, refuse consent pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979 to the modification of Development Application No 2019/367, for the following reason:
 - the development has the potential to impact on the safety, efficiency and effective and ongoing operation and function of the intersection of Howick and Stewart Streets.
- (c) call a division

DATED: 20 August 2020

SIGNED:

Revel

11:32 an

26.8.2020

19



WALES & ASSOCIATES PTY. LTD.

Urban & Environmental Design Partners ACN. No: 075 903 669 ABN: 80 075 903 669

> Ref: #037/2020 27th July 2020

Fern-Alice Finn Senior Assessment Planner Bathurst Regional Council Private Mail Bag 17 **BATHURST** 2795

Dear Ms Finn,

DA/2019/367/1 – Proposed Takeaway Food and Drink Premises #103-105 Stewart Street at Bathurst S4.55(1A) APPLICATION – AMENDMENTS TO CONSENT

I refer to the above development consent dated the 7th July 2020 and the approved plans. This office acts for the applicant in this matter, McDuck Properties Pty Limited.

This office has now had the opportunity to review the consent conditions including the condition relating to the Howick Street ingress/egress (ie: Condition #5).

As a result of this review, this office has been instructed to seek an amendment to the consent in relation to Condition #5 by way of deletion of the condition.

It is our view that the condition is both unreasonable and unnecessary for the reasons set out in the attached letter from B.J. Bradley & Associates dated the 27th July 2020. It is important to note that Condition #5 was added to the conditions contained in the planning assessment report by way of Council resolution.

To this end, it is clear that the Council gave no real consideration to the advice of its own professional officers or Transport for NSW (TfNSW) (see *Hale v Parramatta City Council* (1982) 47 LGRA 269).

The report to Council included the following in this regard:-

"In accordance with TfNSW' recommendations, amended plans involving alterations to the traffic layout of the site including **ingress and egress via Howick Street** and egress only via Stewart Street, have been submitted to Council. The amended plans were referred to TfNSW on 24 April 2020 and 4 May 2020 for comment and no further issues or objections were raised in relation to the amended traffic flow/layout of the site." (emphasis added)

Postal Address: P.O. Box 150 Ettalong Beach 2257 Telephone: (02) 4343 1141 Facsimile: (02) 4344 5372 Email: matthew@walesassociates.com.au

S4.55 Application to Modify Consent

The condition did not arise from <u>any</u> assessment undertaken by Council professional staff nor from TfNSW. The condition did not form part of the draft conditions reported in Council's Business Paper. It is our view that the condition has been added without substantive traffic engineering assessment.

Consequently, this office has been instructed to lodge the appended s4.55(1A) application to vary the consent such that Condition #5 is deleted from the Consent.

Section 4.55(1A) of the Environmental Planning & Assessment Act (1979) states:-

(1A) Modifications involving minimal environmental impact

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

- *(a) it is satisfied that the proposed modification is of minimal environmental impact, and*
- (b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and
- *(c) it has notified the application in accordance with:*
 - (i) the regulations, if the regulations so require, or
 - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and
 - (a) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.

It is considered that the amendments to the consent meet the requirements of s4.55(1A) in that:-

- (i) the proposal (with Condition #5 deleted) is substantially the same development as the development for which consent was originally granted.
- (ii) the deletion of Condition #5 would result in the consent being consistent with the traffic recommendations for approval by Council's professional staff;
- (iii) the deletion of Condition #5 would result in the consent being consistent with the traffic recommendations provided by Transport for NSW (TfNSW);
- (iv) the proposal will not result in any environmental impacts;
- (v) the proposal will not impact on traffic movements nor traffic/pedestrian safety compared to the approved development scheme. The deletion of Condition #5 will in fact improve traffic safety and ensure that the proposed development operates in a more efficient manner as detailed in the attached letter from B.J. Bradley & Associates (Traffic Engineers); and
- (vi) the proposal will not result in any adverse impacts on adjoining residences

Your early consideration of the attached s4.55(1A) application would be appreciated.

S4.55 Application to Modify Consent

I trust the attached information is satisfactory and will enable Council to approve the *Application to Modify Development Consent*.

Yours faithfully,

Matthew Macis -

Matthew Wales Director

B J Bradley & Associates

Consulting Traffic Engineers

ABN: 13 427 931 356 P O Box 2030 GATESHEAD NSW 2290 Telephone 02 49472274 (B) Mobile 0412 490 859 Email <u>bjbradleyassoc@bigpond.com</u>

27th July 2020 McDuck Properties Pty Ltd 300 Rainbow Street **COOGEE** NSW 2034

Attention: Hector Abbott

Re: Development Application No. 2019/367. Proposed Food and Drink Premises; 103-105 Stewart Street, Bathurst.

Dear Hector,

I refer to a letter from Bathurst Regional Council dated the 25th May 2020 regarding the design of the driveway on Howick Street to be an entry-only access for the proposed Taco Bell development at 103-105 Stewart Street, Bathurst – paragraph (c). I also refer to the development consent dated the 7th July 2020 and in particular Condition #5 relating to the above ingress/egress.

I understand that a s4.55(1A) application to modify the consent is to be lodged with Bathurst Regional Council. In this regard, the following supporting comments are made.

Since the first submission was prepared in October 2019, the design of the development has been amended numerous times to accommodate comments from Council Officers and also TfNSW Officers. The Stewart Street access was relocated and subsequently changed from an entry/exit to being an exit-only. There have been <u>NO</u> comments in the numerous previous interactions and correspondence between all parties in relation to restricting the Howick Street access to being an entry-only driveway.

Having one exit onto Stewart will result in an unnecessary adverse impact on a significant proportion of clientele from the widespread residential areas generally west and north-west of the Taco Bell site. Customers living in areas generally north and north-west entering from Howick Street and wishing to return to destinations generally west and north-west of the Peel Street / Howick Street intersection would have all travel distances <u>increased</u> by 450 metres compared to being able to exit directly onto Howick Street and turning right towards Peel Street or other parallel streets further north.

Traffic exiting the site only via the single Stewart Street driveway would result in unnecessary queuing and congestion within the parking area and exiting onto Stewart Street. Additional traffic would be unnecessarily directed to the traffic signals at Durham Street with the potential for further queuing and delays turning left.

There are numerous locations throughout Bathurst and many other towns and cities where service stations with convenience stores have dual driveways to the Highway as well as entry / exit driveways to a side street.

Service stations generate similar traffic volumes to the Taco Bell development, according to the RTA Guide to Traffic Generating Developments being typically 130 to 140 trips per hour in the evening peak period, depending on the size of the convenience stores.

The Taco Bell development will not be open until 10:00am and there will be no impact on traffic volumes prior to that, whereas service stations operate in the morning peak periods as well.

Some examples of service stations in Bathurst are:-

- (i) 7/11 service station / convenience store at Stewart Street / Blandford Street;
- (ii) Shell service station / convenience store at Durham Street / Charlotte Street;
- (iii) United service station / shops at Durham Street / William Street (left-only out onto William St close to traffic signals).

The prevention of customers exiting onto Howick Street may also lead to some customers considering parking on the western side of Howick Street if the internal parking is too congested and inconvenient and if their destinations are west or northwest of the development. "No Stopping" signs will be installed along the western side of Howick Street for the length of the site as part of the Conditions of Consent. But some drivers may then decide to park further north towards Peel Street, even if there were vacant parking spots within the off-street parking areas of the Taco Bell development.

In my opinion, the request by Council to restrict the Howick Street driveway to being an entry-only access is likely to:-

- (i) result in adverse traffic impacts;
- (ii) offer no benefits to potential customers;
- (iii) was not requested by Council's professional staff; and
- (iv) was not requested by TfNSW experts

Therefore, the restriction under Condition #5 of the consent should not be implemented and should be deleted.

Yours sincerely

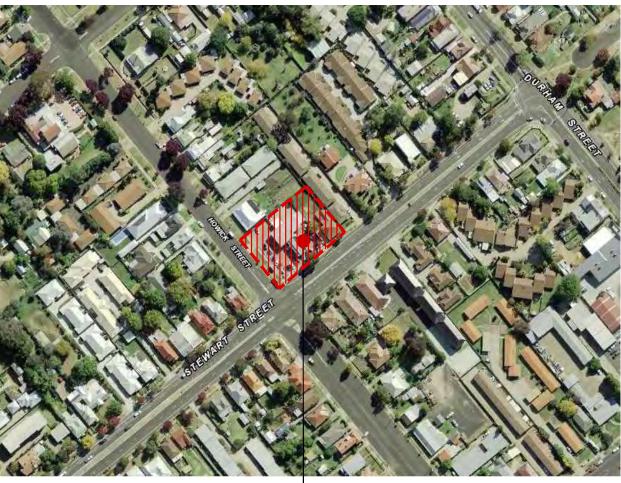
B.J. Brodley

B J Bradley BE (Civil) Grad Dip Man MIE Aust



DRAWING LIST

- DA00 COVER PAGE & LOCATION PLAN
- DA01 EXISTING SITE & DEMOLITION PLAN
- DA02 PROPOSED SITE PLAN
- DA03 SITE TRAFFIC PLAN
- DA04 PROPOSED FLOOR PLAN
- DA05 PROPOSED EXTERNAL ELEVATIONS
- DA06 PROPOSED BOUNDARY ELEVATIONS
- DA07 SECTIONS
- DA08 SIGNAGE PLAN
- DA09 SIGNAGE DETAILS
- DA10 EXISTING BUILDING
- DA11 SHADOW DIAGRAMS DA12 BOUNDARY CROSS SECTION



SITE LOCATION

LOT 1-5, DP 737574 & DP 1086710 103-105 STEWART STREET BATHURST, NSW 2795







EXISTING SITE CONDITIONS

Attachment 11.2.2



INTERIORS

NOMINATED ARCHITECT: MAURICE BERALDO NSW Reg 6354 VIC Reg 4884

Suite 14, Level 3 22-36 Mountain Street Ultimo NSW 2007 T 02 9281 6177 bdai.com.au





NOTE: WORK TO COMPLY WITH AS 4674 2004 CONSTRUCTION & FITOUT OF FOOD PREMISES

DA ISSUE

TACO BELL BATHURST 103-105 STEWART STREET BATHURST, NSW 2795

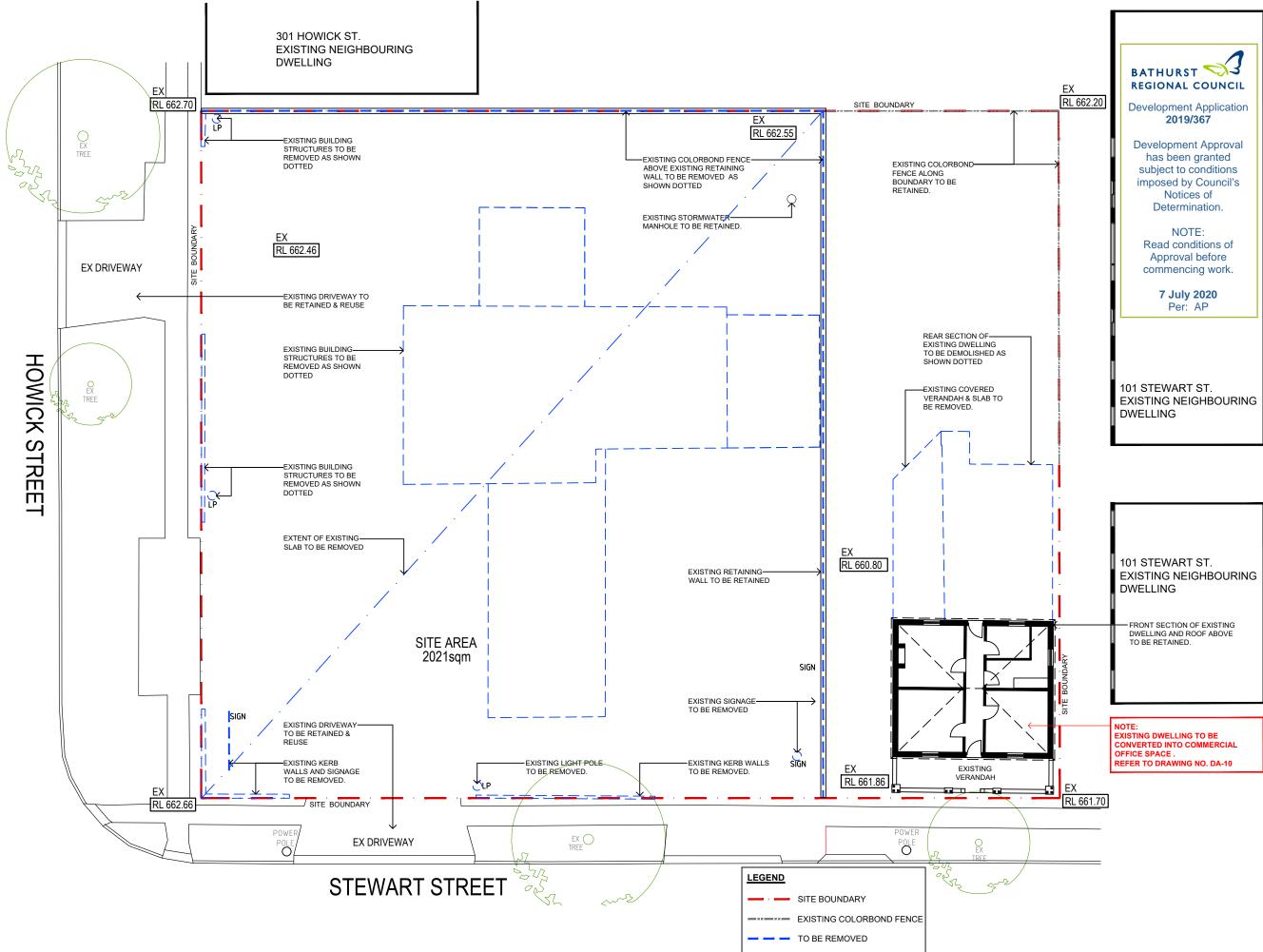
COVER PAGE & LOCATION PLAN

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ARCHITECTURE INTERIORS

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EXISTING SITE PLAN

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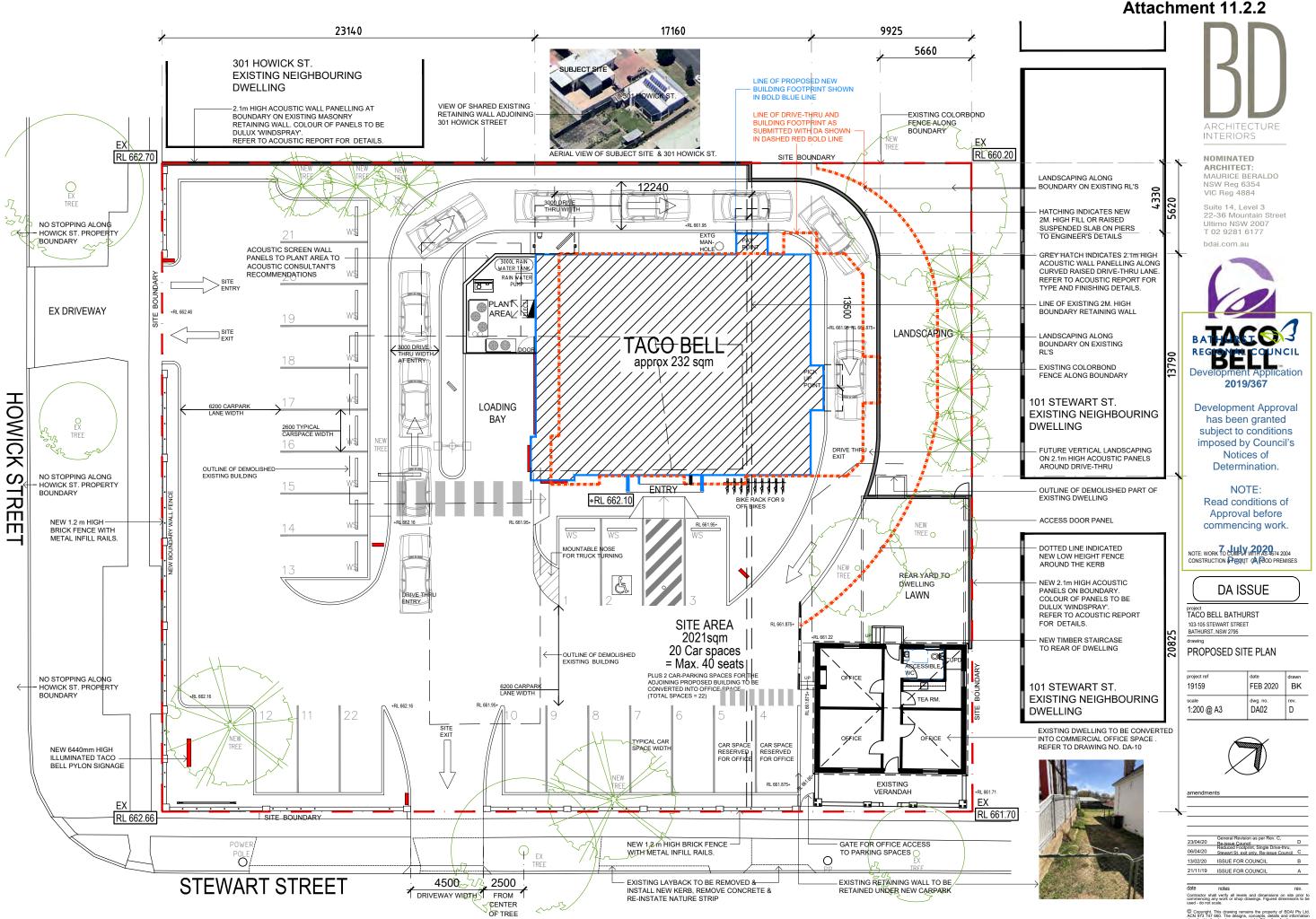


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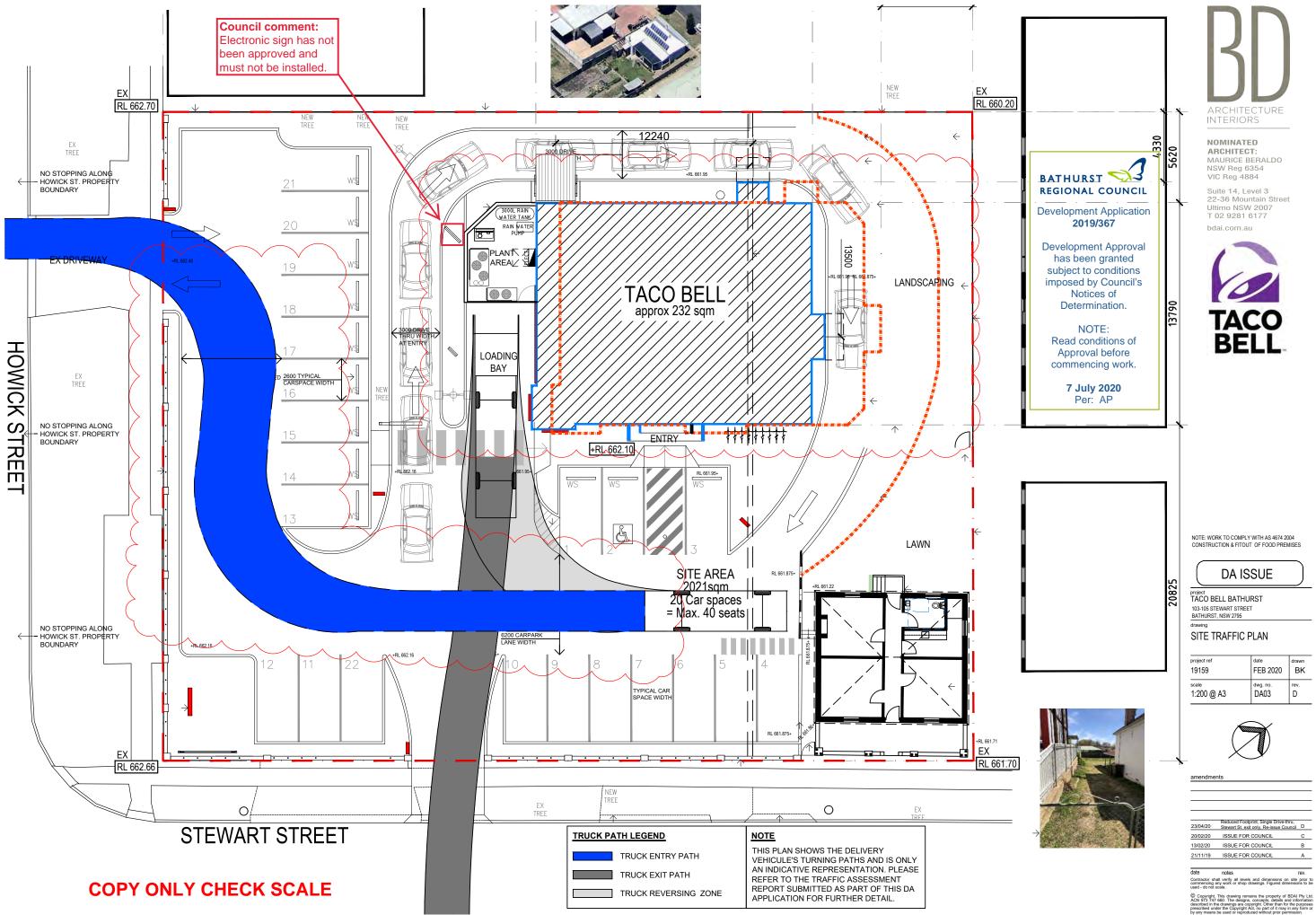
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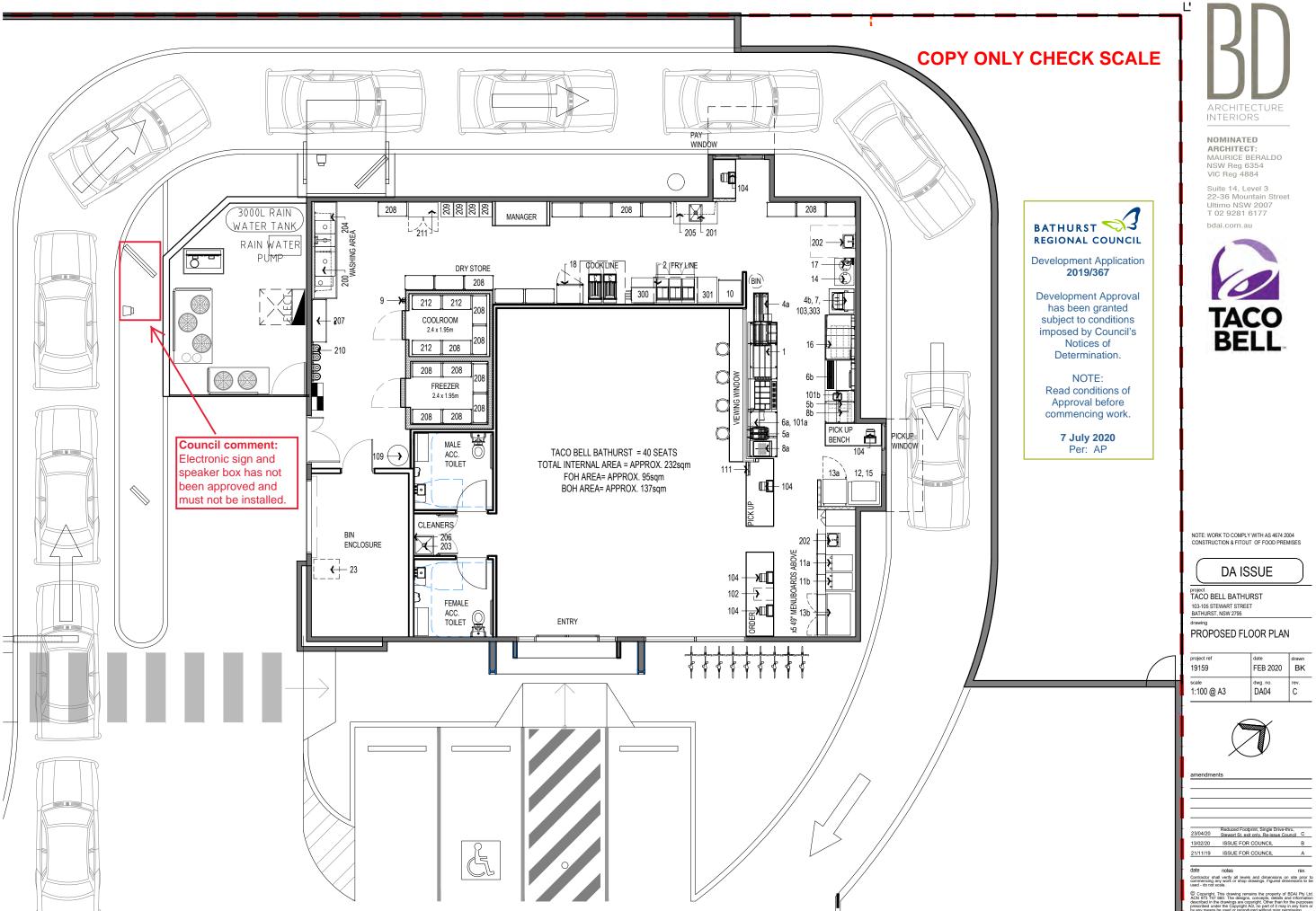
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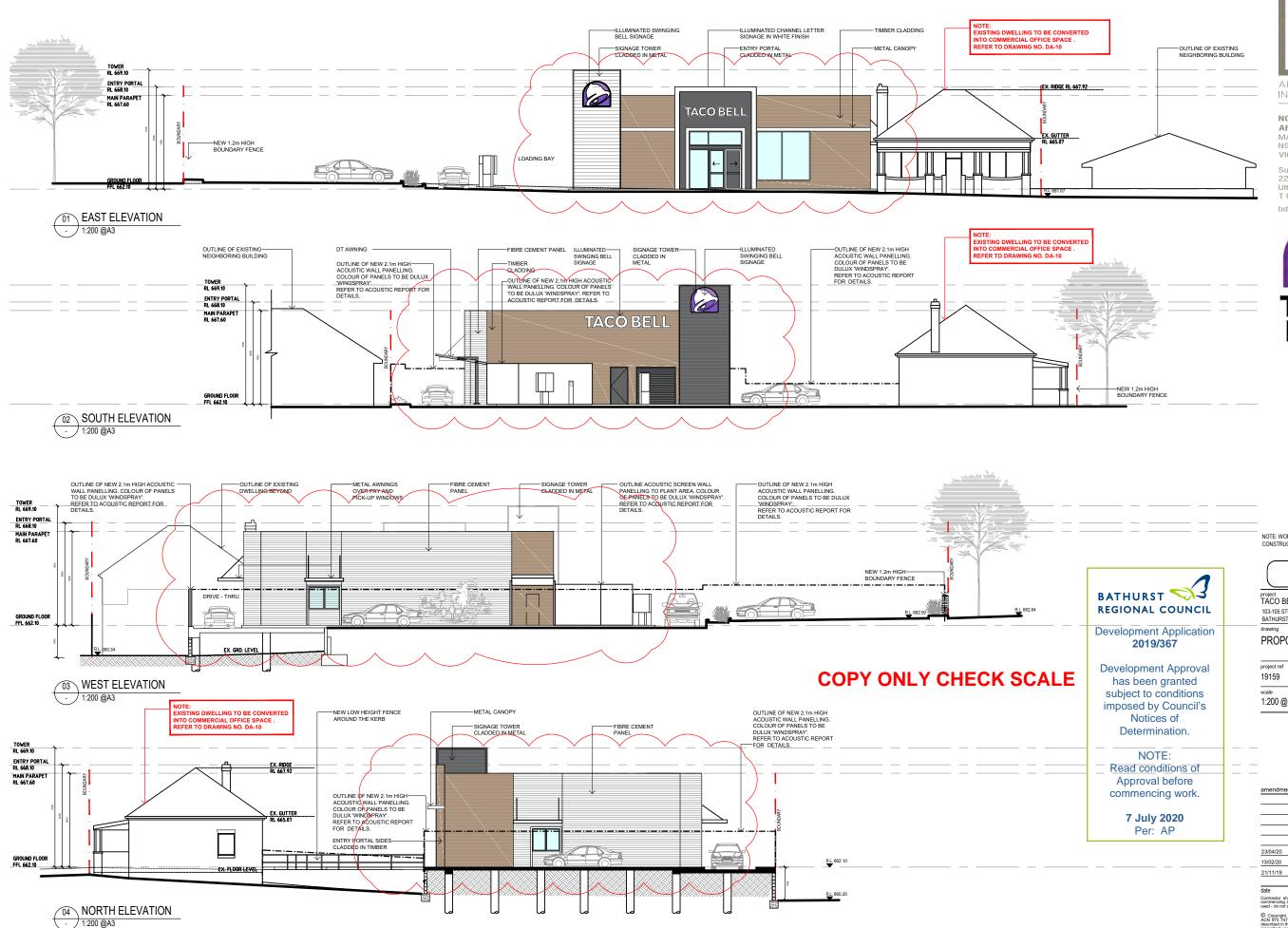
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INTERIORS

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TACO BELL BATHURST 103-105 STEWART STREET BATHURST, NSW 2795

PROPOSED ELEVATIONS

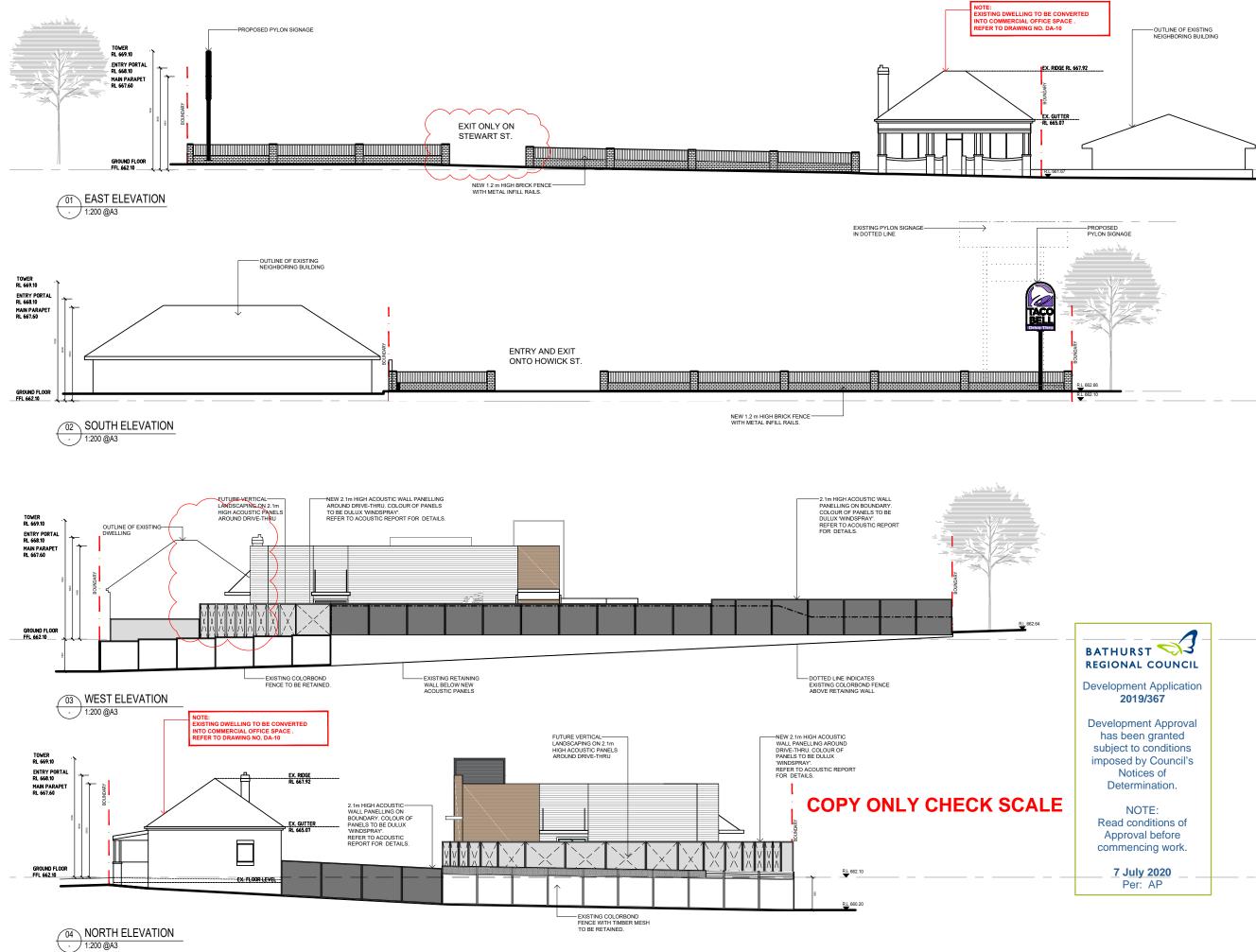
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DA ISSUE

TACO BELL BATHURST 103-105 STEWART STREET BATHURST, NSW 2795 drawi

BOUNDARY ELEVATIONS

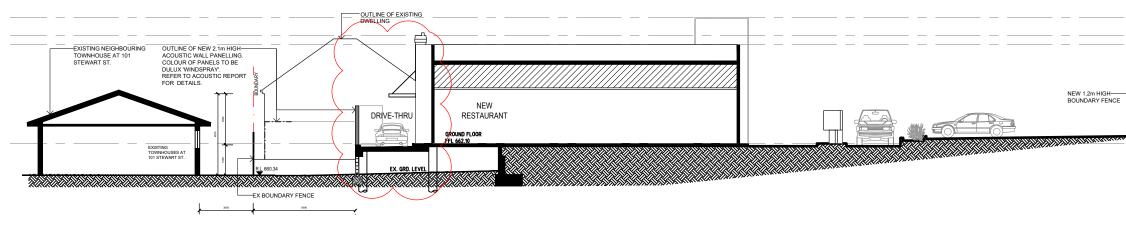
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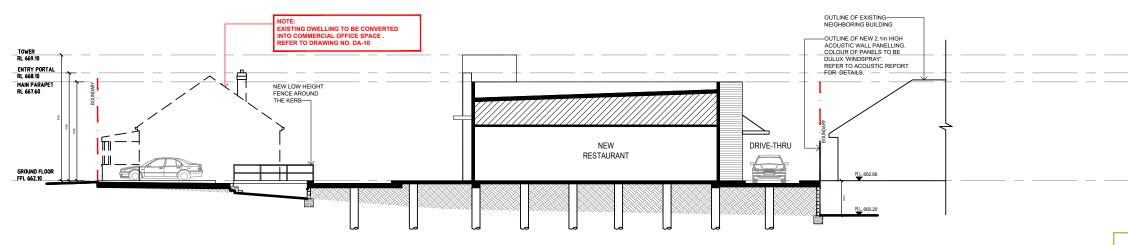
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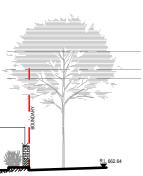


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AGENDA - Ordinary Meeting of Council Agenda - 16 September 2020 Attachments

Attachment 11.2.2





INTERIORS

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DA ISSUE

TACO BELL BATHURST 103-105 STEWART STREET BATHURST, NSW 2795 drawing

SECTIONS

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amendments

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Date notes rev. Contractor shall verify all levels and dimensions on site prior to commencing any work or shop drawings. Figured dimensions to be used - do not scale.

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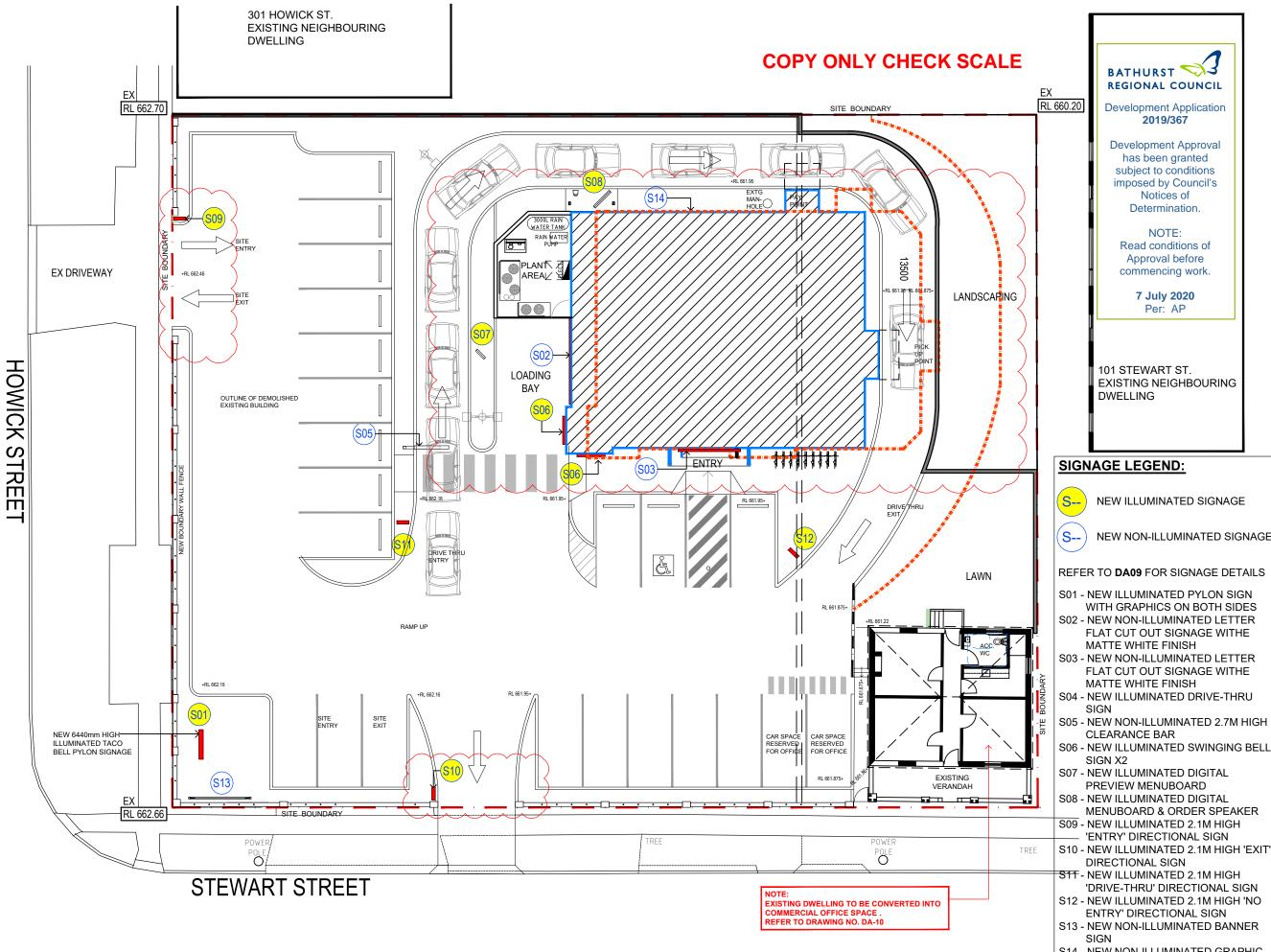


Development Application 2019/367

Development Approval has been granted subject to conditions imposed by Council's Notices of Determination.

NOTE: Read conditions of Approval before commencing work.

> 7 July 2020 Per: AP



NEW NON-ILLUMINATED SIGNAGE

WITH GRAPHICS ON BOTH SIDES FLAT CUT OUT SIGNAGE WITHE

FLAT CUT OUT SIGNAGE WITHE

MENUBOARD & ORDER SPEAKER

'DRIVE-THRU' DIRECTIONAL SIGN

S14 - NEW NON-ILLUMINATED GRAPHIC PANEL 'CALIFORNIA STENCIL'



INTERIORS

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TACO BELL BATHURST 103-105 STEWART STREET BATHURST, NSW 2795

PROPOSED SIGNAGE PLAN

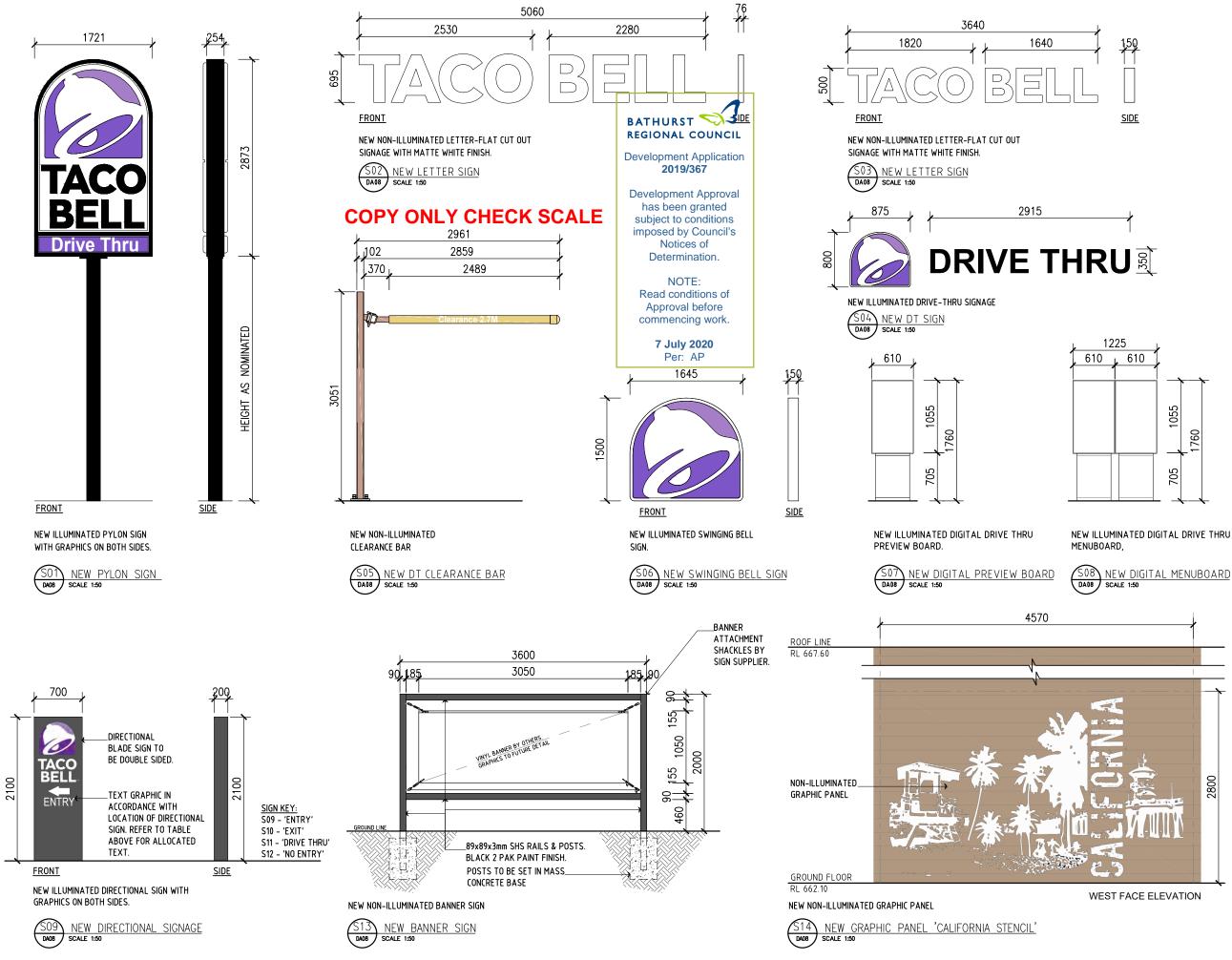
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NEW ILLUMINATED DIGITAL DRIVE THRU



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DA ISSUE

TACO BELL BATHURST 103-105 STEWART STREET BATHURST, NSW 2795

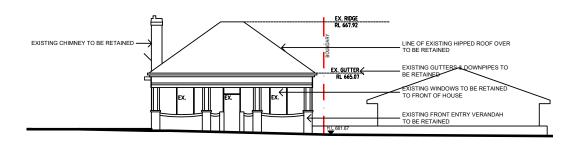
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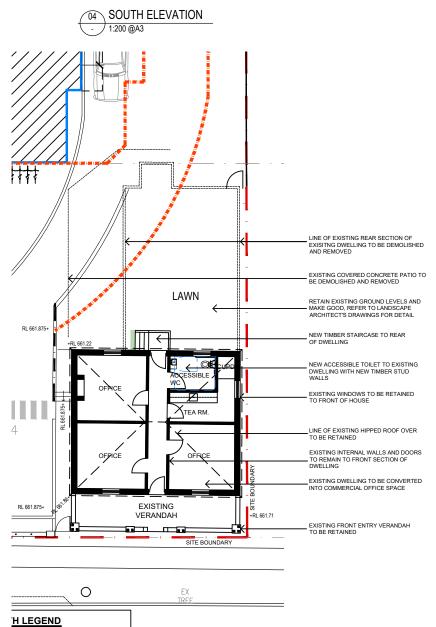
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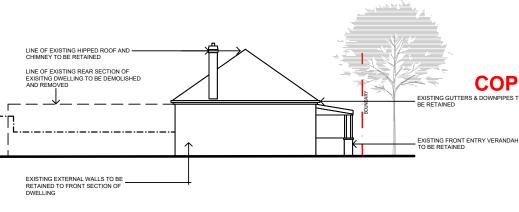




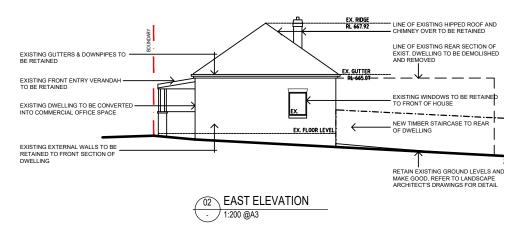




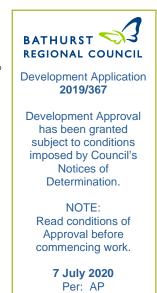
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Attachment 11.2.2





INTERIORS

NOMINATED ARCHITECT: MAURICE BERALDO NSW Reg 6354 VIC Reg 4884

Suite 14, Level 3 22-36 Mountain Street Ultimo NSW 2007 T 02 9281 6177

bdai.com.au



COPY ONLY CHECK SCALE

NOTE: WORK TO COMPLY WITH AS 4674 2004 CONSTRUCTION & FITOUT OF FOOD PREMISES



TACO BELL BATHURST 103-105 STEWART STREET BATHURST, NSW 2795 drawi

EXIST. DWELLING ALTERATIONS

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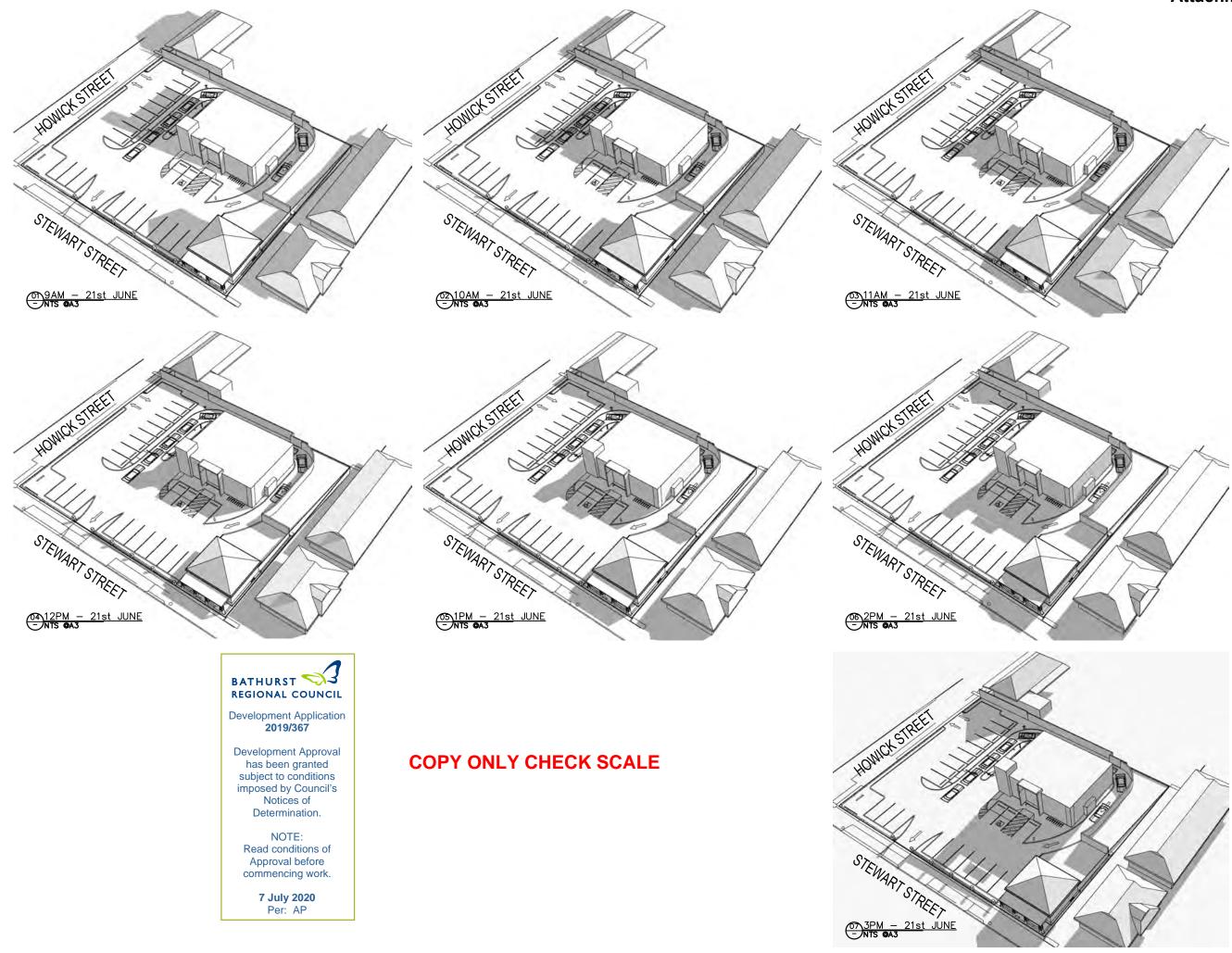


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Contractor shall verify all levels and dimensions on site prior to commencing any work or shop drawings. Figured dimensions to be used - do not scale.

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INTERIORS

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Suite 14, Level 3 22-36 Mountain Street Ultimo NSW 2007 T 02 9281 6177

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NOTE: WORK TO COMPLY WITH AS 4674 2004 CONSTRUCTION & FITOUT OF FOOD PREMISES

DA ISSUE

Project TACO BELL BATHURST 103-105 STEWART STREET BATHURST, NSW 2795

SHADOW DIAGRAM - 21ST. JUNE

project ref	date	drawn
19159	FEB 2020	BK
scale NTS @ A3	^{dwg. no.} DA11	rev. B

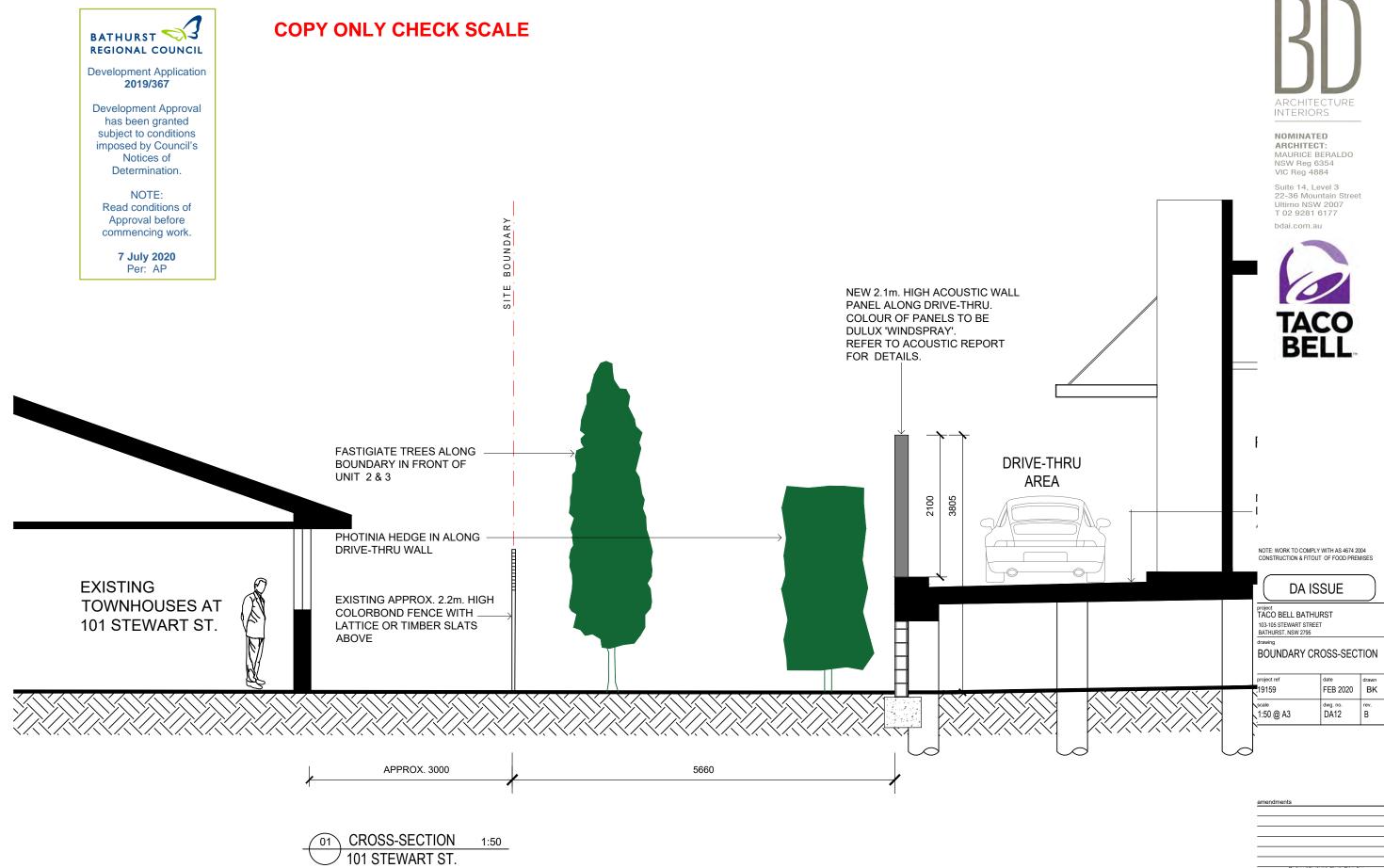


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12 March 2020

SF2020/011158; WST19/00154/02

General Manager Bathurst Regional Council PMB 17 BATHURST NSW 2795

Attention: Ms Fern-Alice Finn

Dear Ms Finn

DA 2019/367: Lot 1 DP 737574 and Lot 5 DP 1086710; 103 to 105 Stewart Street/Great Western Highway (HW5), Bathurst

Construction of take-away food and drink premises and change of use of existing dwelling house to a commercial premise

Please note as at 01 December 2019, the legislation, including functions and responsibilities of Roads and Maritime Services (RMS) and Transport for NSW (TfNSW) are now being performed by the integrated TfNSW organisation. All future references to Roads and Maritime will now be referred to as TfNSW.

Thank you for the above development application referral via the NSW Planning Portal dated 16 January 2020, inviting comment from Transport for NSW (TfNSW) pursuant to clause 104 of the *State Environmental Planning Policy (Infrastructure) 2007 and* concurrence pursuant to Section 138(2) of the Roads Act 1993.

TfNSW understands from the documentation submitted in support of the proposal that it will involve demolition of an existing premise at 103 Stewart Street, construction of a take-away food and drink premise, partial demolition of the existing dwelling at 105 Stewart Street and change of use of this building to a commercial premise.

Following review of the documentation submitted in support of this proposal, TfNSW provides the following comments pursuant to clause 104 of *State Environmental Planning Policy (Infrastructure) 2007* to assist the consent authority with their determination:

- Our internal review process confirmed the average daily traffic volumes along Stewart Street (Great Western Highway HW5, a State classified road) being in excess of 20,000 vehicles per day exceeding those noted in the submitted Traffic Impact Assessment report.
- As the concept design demonstrated egress and ingress via Stewart Street which has since been identified as not suitable without provision of an auxiliary left turn treatment due to the traffic volumes along Stewart Street and noting this provision cannot fit within the bounds of the site negating the allowance for both ingress and egress in lieu of egress only. TfNSW subsequently supports egress (left turn) only via Stewart Street as part of this proposal.

- The current concept design provided to TfNSW demonstrated service delivery vehicles entering via Stewart Street. This is not supported by TfNSW and subsequently all access to the site is to be undertaken via Howick Street (a local road). Prior to construction a detailed design demonstrating the forward movement and swept paths of the largest vehicle servicing the site via Howick Street will need to be provided by the proponent to the consent authority for approval.
- The proposed development has been designed to accommodate service delivery vehicles up to 8.8 metres, TfNSW recommends a condition be imposed in any consent for this proposal requiring delivery service vehicles accessing the subject site to be no greater than 8.8 metres in length.
- All activities including loading and unloading of goods associated with the development are to be carried out on site in the dedicated areas.
- In the interest of pedestrian safety in the car park, deliveries made to the premises are to be undertaken outside restaurant business peak hours.
- The current provision for a right turn movement via Howick Street onto Stewart Street with
 an intensification of traffic movements resulting from this proposal, particularly during peak
 hours may have potential road safety impacts. Making a right turn across a number of travel
 lanes in Stewart Street from Howick Street is currently allowable, however, by way of
 intensifying this traffic movements as a result of this proposal in conjunction with a relatively
 high traffic background flow during peak times has potential road safety outcomes.
- In this regard, the consent authority should be satisfied that the intensification of traffic movements resulting from this proposal will not cause a road safety risk by drives crossing a number of traffic lanes particularly during peak times of travel. Other such manoeuvres have been negated along various other intersections along Stewart Street, it is assumed to provide a road safety benefit in preventing this right turn movement.
- This is further evidenced via TfNSW crash data along Stewart Street which indicates such cross traffic movements have caused road safety issues and subsequently required treatments or measures to negate or address this vehicle movement.
- Directional signage shall be installed and maintained at the site access points to notify all vehicle drivers of the appropriate direction each access can be undertaken. Signage shall be installed within the bounds of the site and be or a retroflective type to ensure increased visibility, noting the site will operate at night.
- The placement of directional signage on either side of a driveway to the site is not to impede sight lines of traffic, including any pedestrian pathways, within or when passing, entering or departing the site.
- Site accesses are to be adequately lit in accordance with AS/NZS 1158.
- All vehicle movements to and from the site should be undertaken in a forward movement only.
- Noting up to ten employees will be required on site at any given time, sufficient car parking for these staff should be adequately addressed and acceptable by the consent authority. The reduction of on-street car parking supported by TfNSW as a result of this proposal should not impact adequate internal parking provision for employees.

Transport for NSW

51-55 Currajong Street PARKES NSW 2870 | PO Box 334 PARKES NSW 2870 DX20256 P 6861 1449 | **W** development.western@transport.nsw.gov.au | ABN 18 804 239 602

- TfNSW support a change from the current arrangement of parallel parking along Howick Street to 'No Stopping' signage (R5-400) to be installed along the length of the property boundary on both the southern and northern sides of the road by the proponent prior to occupation of the premises. This it is anticipated, will facilitate the safe passage of vehicles, in particular emergency service vehicles accessing the hospital. Relevant and timely communication to adjoining land owners impacted as a result of this change should be managed by the consent authority.
- Pedestrian access to the commercial premise at 105 Stewart Street is to be maintained at all times from the two car parking spaces and the accessible car parking space.
- Should a change of use of the commercial premise occur as part of this proposal, consideration by the consent authority as to the change to the traffic generation, servicing requirements, parking demand and the implications to the proposed take-away food and drink premises which may trigger referral to TfNSW.
- The car parking spaces associated with the commercial premise at 105 Stewart Street are to be dedicated to the commercial premise through relevant internal line marking and or sign posting as deemed appropriate by the consent authority.

TfNSW, pursuant to Section 138(2) of the *Roads Act 1993*, grants its concurrence to the proposal subject to the following conditions:

- Construction of the Stewart Street driveway may be subject to the developer and TfNSW entering into a Works Authorisation Deed (WAD) for the developer to undertake private financing and construction of any works along Stewart Street. The WAD is to be entered into prior to the commencement of demolition works.
- A detailed design is to be submitted by the proponent to TfNSW and council for approval for the concrete layback driveway prior to construction. The driveway is to be designed to provide good sight lines between pedestrians and motorists, match road levels and not interfere with drainage.
- Prior to the issuance of an Occupation Certificate, redundant kerb layback crossing accessed along Stewart Street servicing the land are to be removed and replaced with kerb and gutter to match existing kerb and gutter.
- All signage including any proposed internally lit signs shall be contained within private property and designed to meet the objectives in accordance with *Transport Corridor Outdoor Advertising and Signage Guidelines* (Department of Planning & Environment, 2017).
- Landscaping, signage and fencing are not to impede the sight lines of traffic within or when passing, entering or departing the site. Safe Intersection Sight Distance (SISD) requirements outlined in *Austroads Guide to Road Design Part 4A* is to be provided in both directions at the intersection of the driveway and Stewart Street.
- The current arrangement of parallel parking along the boundary of 103-105 Stewart Street is to be replaced by 'No Stopping' signage (R5-400) along the length of the property boundary by the proponent prior to occupation of the premises. Relevant and timely communication to adjoining land owners impacted as a result of this change should be managed by the consent authority.

Transport for NSW

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- All demolition works are to be undertaken within the bounds of the site only.
- Prior to the commencement of construction works, the proponent is to contact TfNSW Field Traffic Manager on 1300 656 371 to determine if a Road Occupancy Licence (ROL) is required. In the event that an ROL is required, the proponent is to obtain the ROL prior to works commencing within three (3) metres of the travel lanes in Stewart Street.
- Prior to the issuance of an Occupation Certificate, all road works required to facilitate the development are to be completed.

Please forward a copy of Council's determination to TfNSW at <u>development.western@rms.nsw.gov.au</u> when it is sent to the applicant. If you wish to discuss this matter further, please contact Alexandra Power, Development Assessment Officer on (02) 6861 1428.

Yours faithfully

- Albely Daives

Holly Davies A/Senior Customer Services Manager Western Region

TRAFFIC ASSESSMENT REPORT

PROPOSED

DRIVE-THROUGH TAKE-AWAY FOOD OUTLET

DEVELOPMENT

ON

STEWART STREET

BATHURST

30 APRIL 2020

BJ Bradley & Associates Consulting Civil and Traffic Engineers P O Box 2030 GATESHEAD NSW 2290 Phone : 02 49472274 Mobile: 0412 490 859 Email: bjbradleyassoc@bigpond.com

1.0 INTRODUCTION

The purpose of this Traffic Assessment is to examine the potential traffic and parking impacts of a proposal to provide a Drive-Through Take-Away Food outlet on the corner of Stewart Street and Howick Street, Bathurst.

2.0 LOCALITY DIAGRAM



(Image Courtesy of Six Maps)

PROPOSED DRIVE-THROUGH TAKE-AWAY FOOD OUTLET

3.0 EXISTING CONDITIONS

3.1 Existing Use of Site

The land proposed for the development of a Drive-Through Take-Away Food outlet is currently occupied by a car rental business and a heritage-listed single storey residential dwelling.

3.2 Adjacent Developments

Development along both sides of Stewart Street (Great Western Highway) near the proposed development is essentially residential.

There is a Motel on the opposite side of Stewart Street and a gift shop on the southwestern corner of Stewart Street and Durham Street.

Most of the development along Stewart Street within a block each way of Howick Street consists of residential dwellings.

There are some commercial, retail and hospitality developments further west along Stewart Street, largely between Piper Street and Rocket Street.

3.3 Speed Zoning

The speed zone along Great Western Highway (Stewart Street) near the site is 60km/h.

Howick Street and most other local streets in Bathurst are zoned at 50km/h.

3.4 Traffic Environment on Stewart Street (Great Western Highway / New England Highway)

Stewart Street through Bathurst is part of the Great Western Highway (A32) that provides access between regional areas.

Stewart Street is aligned generally south-west / north-east past Howick Street.

Stewart Street through Bathurst provides dual carriageways near Howick Street with two travel lanes in each direction approximately 3.5 metres wide, and a parking lane approximately 3.0 metres wide on each carriageway, separated by a paved median past the site.

Stewart Street has a straight horizontal alignment past Howick Street. Stewart Street has variable downhill gradients past Howick Street towards the signalised intersection with Durham Street (Great Western Highway).

Traffic Assessment Report for Proposed Drive-Through Take-Away Food Outlet, Stewart Street, Bathurst B J Bradley & Associates

The speed zoning along Stewart Street is 60km/h.

There is street lighting along this section of Stewart Street.

There is a right-turn lane approximately 75 metres long and 3.3 metres wide for westbound traffic to turn into Howick Street and a right-turn lane approximately 75 metres long and 3.3 metres wide for eastbound traffic to turn into Howick Street.

There are signalised intersections with Keppel Street and Lambert Street, approximately 450 metres west 900 metres west of Howick Street respectively, and at Durham Street approximately 200 metres east of Howick Street.

3.5 Traffic Environment on Howick Street

Howick Street in Bathurst is a local street aligned generally south-east / north-west.

Howick Street connects with Macquarie Street at its north-western end and Havannah Street and Bryant Street at its south-eastern end and passes through the Bathurst CBD.

Howick Street has kerb and gutter along both sides and paved footpaths along both sides.

The south-eastern leg of Howick Street has a raised concrete island and signposting that bans right-turn movements onto Stewart Street.

The north-western leg of Howick Street has two approach lanes with a short narrow raised concrete island, pavement arrows and signposting that bans through-movements across Stewart Street.

Howick Street is approximately 15 metres wide between kerb faces generally north of Stewart Street and approximately 22 metres wide between kerb faces generally south of Stewart Street. Parking along the northern section of Howick Street is unrestricted parallel, whereas the wider southern section of Howick Street enables 45^o angle parking along both sides.

Howick Street has relatively level gradients close to the intersection with Stewart Street, with variable downhill gradients from Stewart Street towards Rankin Street and towards Peel Street.

3.6 Traffic Volumes along Stewart Street (Great Western Highway)

Traffic volumes along Stewart Street can be assessed from the RMS interactive traffic volume viewer. The latest volumes shown were surveyed in 2008 and 2009 – refer to Appendix B of this Report.

The 2009 eastbound AADT was 1,969 vehicles pe day, with 10.26% being heavy vehicles. The corresponding westbound flow was 1,962 vehicles pe day with 10.96 being heavy vehicles.

The 2009 traffic volumes were approximately 4.4% higher than the 2008 traffic volumes. That rate of traffic growth is higher than what is a typical rate of traffic growth, usually adopted as between 2% and 3% per annum.

Assuming the published rate of traffic growth continued from 2009 until 2019, the approximately 2019 traffic volumes on Stewart Street would be:

Eastbound	3,032 vpd
Westbound	3,022 vpd

Peak hourly flows are adopted generally approximately 10% of AADT, as published in the RTA Guide to Traffic Generating Developments.

The published data indicates that the peak hourly eastbound flows in March 2009 were:

Eastbound (8 - 9 am)	189 vehicles per hour (9.6% of AADT)
Eastbound (3 - 4 pm)	139 vehicles per hour (7.0% of AADT)

The published data suggests that the approximate peak hourly flows along Stewart Street in 2019 would be:

Eastbound (8 - 9 am)	291 vehicles per hour
Eastbound (3 – 4 pm)	212 vehicles per hour

It is understood that traffic volumes along this section of Stewart Street now suggested by Transport for NSW are approximately 20,000 (AADT), or a peak hourly volume of 2,000 vph (two-way), based on the RTA Guide to Traffic Generating Developments. Such volumes suggest peak traffic volumes higher than indicated in available traffic data on the RMS Interactive Traffic Volume Viewer – refer to Appendix B of this Report.

Despite that discrepancy, the carriageway volumes would still be considerably lower than the theoretical capacity of each carriageway on Stewart Street of approximately 3,140 vph, as indicated below in Section 4.3 below, representing a degree of saturation of approximately 32%.

4

Traffic Assessment Report for Proposed Drive-Through Take-Away Food Outlet, Stewart Street, Bathurst B J Bradley & Associates

3.7 Pedestrian Facilities

There are pedestrian refuge facilities provided in each splitter island of the roundabout at Peel Street and Stewart Street, and kerb blisters provided on both sides of Stewart Street just north of Byrnes Avenue.

The existing facilities enable safe crossing of Stewart Street to access to the Bathurst CBD, commencing approximately a 230 metre walk south of Stewart Street at Rankin Street.

There are paved footpaths along both sides of Stewart Street and Howick Street.

4.0 PROPOSED DEVELOPMENT

4.1 General

The proposal development will provide a Drive-Through Take-Away Food outlet and associated off-street car parking.

The approximate floor area of the proposed Drive-in Take-Away Food outlet is tabulated below:

Component			Approximate Floor Areas (m ²)
Drive-Through Restaurant	Take-Away	Food	267

It is proposed that the Drive-Through Take-Away Food outlet will provide 40 seats inside.

It is proposed that 21 car spaces be provided.

4.2 Traffic Generation

The RTA Guide to Traffic Generating Developments traffic generation rates for Drive-Through Take-Away Food outlets are generally as follows:

5

3.7 Refreshments.

3.7.1 Drive-in take away food outlets.

Overview.

Surveys in 1990 of McDonalds and Kentucky Fried Chicken outlets found substantially different generation rates. Gross floor area did not provide a good indication of the generation rates. The general guidelines presented provide a basis for assessment. If these guidelines are considered to be inappropriate in the circumstances, the applicant should prove why other rates might be more appropriate, preferably through comparison with other similar sites. The Land Use Traffic Generation - Data and Analysis 22: Drive-Through Restaurants (1993), Report provides further information on specific developments. The 1980 report Land Use Traffic Generation - Data and Analysis 5 - Fast Food, provides further information.

Rates - McDonalds.

Evening peak hour vehicle trips:

- assume 180 veh/hr for average development (mean of survey results).
- for sensitivity test, assess effect of 230 veh/hr (maximum of survey results).

Factors.

Daily vehicle trips depend largely on the hours of operation. Sites open for breakfast will generate more daily traffic than sites open only from lunch to dinner.

The peak site traffic generation surveyed was 340 veh/hr, with a mean of 260 veh/hr on weekdays and 280 veh/hr on weekends. If direct access is critical, a peak generation analysis might be required.

The proportion of passing trade is typically about 35%. This discount should be taken into account in assessing external traffic impact.

Rates - Kentucky Fried Chicken.

Evening peak hour vehicle trips:

- assume 100 veh/hr for average development (mean of survey results).
- for sensitivity test, assess effect of 120 veh/hr (maximum of survey results).

Factors.

Daily vehicle trips depend on the hours of operation.

The peak site traffic generation surveyed was 190 veh/hr (two-way) with a mean of 150 veh/hr on weekdays and 120 veh/hr on weekends. If direct access is critical, a peak generation analysis might be required.

The proportion of passing trade is typically at least 50%. This discount should be taken into account in assessing external traffic impact.

In this instance, the proposed development is for a Taco Bell Drive-Through Take-Away Food outlet.

Taco Bell NSW operations advise that as their outlets are less well-known and not as established in Australia as either McDonalds or KFC outlets, and are therefore likely to

Traffic Assessment Report for Proposed Drive-Through Take-Away Food Outlet, Stewart Street, Bathurst B J Bradley & Associates

generate traffic generation rates less than KFC outlets. It is assumed that the traffic generation from the proposed development is more likely to be less than 80% of the traffic generation rates for KFC outlets which they also operate.

Traffic generation from the proposed Drive-in Take-Away Food outlet is indicated in the RTA publication "Guide to Traffic Generating Developments".

The RTA publication indicates that daily vehicle trips for the proposed Drive-in Take-Away Food outlet would be approximately as tabulated below:

Development Component	Gross Floor Area (m²)	Recommended Generation Rate	Estimated Peak Hour Trips
Fast Food	232	80 trips to 100 trips#	100

Note # The peak traffic generation rate for the subject development is assumed to be 80% of KFC sensitivity rate.

That is, maximum peak hour traffic generation resulting from the proposed Drive-in Take-Away Food outlet is likely to be approximately one hundred (100) peak hour trips, which is the sensitivity test rate for a KFC outlet.

The traffic generation rates and assumptions for developments other than McDonalds and KFC developments adopted in this Report have been utilised in numerous Traffic Assessment Reports I have prepared for take-away food outlets and accepted by various Council's and the RMS.

RTA Guidelines for Traffic Generating Developments recommend using a figure of at least 50% being derived from passing trade and discounting the calculated traffic generation accordingly.

The net generation of additional traffic in the evening peak is therefore estimated to be: $100 \times 0.50 = 50$ trips

It is anticipated that approximately 50% of these trips would be arrivals and 50% departures in the PM Peak.

The RTA Guide to Traffic Generating Developments does not suggest traffic generation rates for the weekday morning peak. The Taco Bell development will not open until 10am and will have no impact on the morning peak hour.

The assumed net traffic generation associated with the proposed Drive-Through Take Away food outlet using the sensitivity rate is therefore:

Weekday Evening Peak (100 trips) - *(50 from Passing Traffic)* Inward Trips: 50 Outward Trips 50

7

Traffic Assessment Report for Proposed Drive-Through Take-Away Food Outlet, Stewart Street, Bathurst B J Bradley & Associates

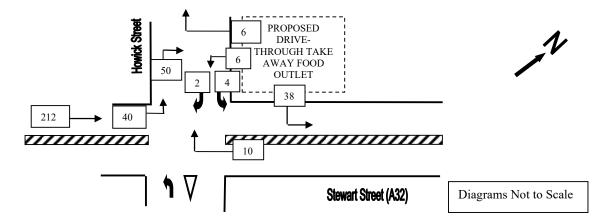
4.3 Origin / Destination Considerations

The actual modal split of traffic entering and leaving is assumed to be essentially like the traffic flow along Stewart Street (Great Western Highway). The modal split of trips may vary from day to day, month to month and year to year.

In my opinion, it is likely that inward peak trips would be the same as outward peak trips for this development.

The anticipated average trip generation and distribution in the weekday evening peak period for the proposed Drive-in Take-Away Food outlet is as follows:

PM Peak = 100 Trips (50 from Passing Traffic)



Traffic Capacity of a single lane on Stewart Street:

The theoretical traffic capacity of Stewart Street can be assessed from a recognised formula in AUSTROADS, Guide to Traffic Engineering Practice.

The theoretical roadway capacity is provided by the formula in Section 2.2.1 of the AUSTROADS Guide to Traffic Engineering Practice, Part 2, Roadway Capacity.

Capacity of a single lane:

$$C = 1800 f_w f_{hv}$$

Where:

C = capacity in vehicles per hour under prevailing roadway and traffic

conditions

- $f_w =$ adjustment factor for narrow lanes and lateral clearances, (obtained from Table 2.1 in the AUSTROADS publication)
- $\begin{array}{lll} f_{hv} &=& adjustment \ factor \ for \ heavy \ vehicles \\ &=& 1 \ / \ [\ 1 \ + \ P_{hv} \ (E_{hv} \ \ 1 \) \] \end{array}$

Traffic Assessment Report for Proposed Drive-Through Take-Away Food Outlet, Stewart Street, Bathurst B J Bradley & Associates

- P_{hv} = the proportion of heavy vehicles in the traffic stream, expressed as a decimal (≈10% refer Appendix B). → effectively 0.1 in this instance
- E_{hv} = the average passenger car equivalents for heavy vehicles (obtained from Table 2.2 in the AUSTROADS publication) \rightarrow effectively 4.0 in this instance

Substitution of the above in the formula is:

That is, the theoretical capacity of a <u>single lane</u> on Stewart Street is **1,570 vehicles per hour**.

The theoretical capacity of each <u>carriageway</u> on Stewart Street is **3,140 vehicles per hour**.

The additional trip generation of an <u>additional 50 trips</u> in the evening peak hour would have a negligible impact on the degree of saturation of Stewart Street.

4.4 Parking Provision

Bathurst Regional Council's DCP 2014 – Section 14 - Parking indicates car parking spaces be provided as follows:

Takeaway food and drink premises: No seating or drive-through Seating but no drive-through	 12 spaces per 100m². Whichever is the greater: 12 spaces per 100m², or 1 space per 5 seats (internal and external) or 1 space per 2 seats (internal)
Seating and drive-through	 Whichever is the greater: 1 space per 2 seats (internal seats only) or 1 space per 3 seats (internal and external seats). In addition to this an exclusive area for queuing of cars for a drive through facility is required in accordance with the RMS <i>Guide to Traffic Generating Developments</i>.

Amusement centres Business premises Office premises Industrial retail outlets Restricted premises Public administration buildings Community facilities Public facility or building	1 space per 50m ² . <u>Note</u> : Council may consider stack parking for development within a residential zone.
---	---

The proposed Drive-in Take-Away Food outlet will have a gross floor area of 232 m^2 and will provide seating capacity up to 40 seats inside.

Application of Bathurst Regional Council's DCP 2014 – Section 14 is therefore:

Drive-through Take-away Outlet 40 seats @ 1 space per 2 seats	= 20 spaces
<u>Commercial Offices</u> 64.5 m ² @ 1 space per 50 m ²	= 1.3 spaces
Total Parking Requirement	= 21.3 spaces. Say 22 spaces

Bathurst Regional Council's parking requirements for Drive-through Take-away Food outlets are the same as the RTA Guide to Traffic Generating Developments, as shown below.

5.8 Refreshments.

5.8.1 Drive-in take-away food outlets.

Definition.

The three types of drive-in take-away food outlets referred to in this section are:

- developments where customers park their vehicles on-site and walk to the food outlet for takeaway service, with no seating provided for the on-site consumption of food.
- developments where customers park their vehicles on-site and walk to the food outlet for takeaway service, with seating also being provided for on-site food consumption.
- developments with features of the above second category with the addition of a drive-through service for customers not wishing to consume the food on the premises.

Parking.

The recommended number of off-street parking spaces for drive-in take-away food outlets is:

developments with no on-site seating or no drive-through facilities:

12 spaces per 100m² GFA.

developments with on-site seating but no drive through facilities:

12 spaces per 100m² GFA, or the greater of.

1 space per 5 seats (both internal and external seating), or.

1 space per 2 seats (internal seating).

developments with on-site seating and drive-through facilities greater of.

1 space per 2 seats (internal), or.

1 space per 3 seats (internal and external).

In addition to this, an exclusive area for queuing of cars for a drive through facility is required (queue length of 5 to 12 cars measured from pick up point; see below for details). There should also be a minimum of four car spaces for cars queued from ordering point.

The proposed Drive-Through Take-Away Food outlet will provide of a total of 22 spaces, including one accessible space to be designed and delineated in accordance with AS/NZS 2890.6 – 2009.

There will be enough length to provide queuing for 10 cars prior to the pick-up point, in a single lane enabling 4 cars to queue prior to the order point.

Traffic Assessment Report for Proposed Drive-Through Take-Away Food Outlet, Stewart Street, Bathurst B J Bradley & Associates

TOTAL PARKING PROPOSED = 22 SPACES

The number of car spaces to be provided (22) is compliant with the requirement of Bathurst Regional Council's DCP 2010 – Appendix A and the requirements of the RTA Guide to Traffic Generating Developments which is accepted State-wide.

Car parking spaces will be 2.6 metres wide and 5.4 metres long, with traffic aisles 6.2 metres wide. The accessible space will be 2.6 metres wide with a 2.6-metre-wide shared space. All dimensions comply with the requirements of a Class 3 parking facility in AS/NZS 2890.1 – 2004 an also AS/NZS 2890.6 – 2009.

4.5 Servicing Requirements

Servicing requirements for the proposed Drive-in Take-Away Food outlet would be undertaken using a Medium Rigid Vehicles (MRV) as defined in AS/NZS 2890.2 – 2002.

A dedicated loading bay will be provided on the north-western end of the Drive-Through Take-Away Food restaurant building, and the car parking area layout has been designed to permit an 8.8-metre-long MRV to utilise the loading bay.

The proposed Taco Bell will not open to customers until 10am. Servicing will be undertaken during periods of low demand when patronage is low at the Drive-in Take-Away Food outlet to facilitate manoeuvres by the service vehicles and to minimise any inconvenience for customers.

Service vehicles will enter the site via the Howick Street driveway and reverse into the loading dock from the front parking aisle. Service vehicles will then depart the loading dock onto Stewart Street via the exit-only driveway, or via the Howick Street driveway in a forward direction, depending on the next destination for the service vehicle.

Appendix D shows typical service vehicle manoeuvres. Egress via Howick Street is not shown for clarity purposes.

4.6 Access on Stewart Street and Howick Street

AS/NZS 2890.1 - 2004 indicates that a Category 2 driveway should be provided for an access serving less than 25 parking spaces, with arterial road frontage. A category 2 driveway is a combined entry / exit driveway 6.0 metres to 9.0 metres wide.

It is proposed that a new exit-only driveway approximately 4.5 metres wide be provided on Stewart Street, located approximately 15.5 metre from the Howick Street property, in compliance with AS/NZS 2890.1 - 2004. Final design approval and licensing of the Stewart Street exit-only driveway will be required from Transport for NSW

12

Traffic Assessment Report for Proposed Drive-Through Take-Away Food Outlet, Stewart Street, Bathurst B J Bradley & Associates

The existing driveway on Howick Street is a combined entry / exit approximately 5.9metre-wide and has local road frontage, in compliance with a category 1 driveway, 3.0 to 5.5 metres wide.

There are redundant driveways on Stewart Street and Howick Street that will be removed.

4.7 Sight Distances

Sight distance towards the right along Stewart Street (generally south-west), is in excess of 150 metres. Sight distance to the left is unimportant because of the divided carriageways on Stewart Street.

The sight distance requirements in AS/NZS 2890.1 – 2004 are tabulated below.

Frontage Road Speed (km/h)	Minimum Sight Distance (m)	Desirable Sight Distance (m)
50	45	69
60	65	83

Sight distances at the proposed driveway on Stewart Street considerably exceeds the desirable requirement in AS/NZS 2890.1 - 2004 towards the right along Stewart Street.

Sight distance along Howick Street to the right at the existing driveway is slightly compromised by an existing street tree with low foliage on the eastern footway. Minor trimming of some low branches would be desirable to easily improve sight distance towards the right to more than 100 metres easily achievable along Howick Street.

5.0 TRAFFIC IMPACTS

5.1 Safety Issues

5.1.1 General

Developments should be provided such that they do not prove detrimental to the safety or convenience of existing road users. It is desirable to provide developments that are harmonious with the community needs.

5.1.2 Potential Right-Turn Conflicts

Potential right turn conflicts which could be associated with the proposed Drive-in Take-Away Food outlet may occur in the following situations:

Right turns into Howick Street from Stewart Street.

Traffic Assessment Report for Proposed Drive-Through Take-Away Food Outlet, Stewart Street, Bathurst B J Bradley & Associates

- Right turns from Development Access into Howick Street.
- Right turns from the northern leg of Howick Street into the Howick Street driveway.
- Right turns from Howick Street into Stewart Street.
- a) Motorists undertaking right turns into Howick Street from Stewart Street will be able to do so from a dedicated right-turn that good sight distance along Stewart Street that enables drivers to see approaching traffic and judge safe gaps. The existing right-turn storage bay on the Great Western Highway can easily accommodate the small volume of additional right-turn movements that the proposed development is likely to generate. The signalised intersection of Stewart Street and Keppel Street approximately 450 metres west of Stewart Street provides regular gaps in the eastbound traffic flows along Stewart Street past Howick Street, minimising delays for vehicles turning right into Howick Street.
- b) Motorists undertaking right turns out of the proposed development into Howick Street will be able to do so with good sight distance to the right along Howick Street that enables drivers to see approaching traffic and judge gaps. Traffic turning left or right into Howick Street from Stewart Street would generally be doing so at relatively slow speeds and drivers would have enough time to observe vehicles exiting the Howick Street driveway.
- c) Motorists undertaking right turns into the proposed development from Howick Street will have enough sight distance to see approaching traffic and judge safe gaps. "No Stopping" signposting will be provided along both sides of Howick Street between Stewart Street and the boundary of the development to ensure unrestricted passage for regular or emergency vehicles travelling north-west along Howick Street.
- d) Motorists turning right into Stewart Street from Howick Street will have enough sight distance to see approaching traffic and judge safe gaps. The signalised intersections of Stewart Street / Keppel Street also Stewart Street / Durham Street, approximately 450 metres west of Howick Street and 200 metres east Howick Street respectively, provides regular gaps in the eastbound and westbound traffic flows along Stewart Street past Howick Street, minimising delays for vehicles turning right into Howick Street. Local patrons wishing to travel further west along the Great Western Highway may wish to travel along Peel Street to access the signalised intersection with Keppel Street in peak periods.

The volume of traffic expected to perform this turn will be minimal during peak traffic flow periods.

Traffic Assessment Report for Proposed Drive-Through Take-Away Food Outlet, Stewart Street, Bathurst B J Bradley & Associates

5.1.3 Potential Rear-End Conflicts

Potential rear-end conflicts which could be associated with the proposed commercial development could occur in the following situations:

- Left turns into Stewart Street from Howick Street
- Left turns into Howick Street to use Howick Street Access
- a) The additional volume of traffic turning left into Stewart Street from Howick Street as a result of the proposed Drive-Through Take-Away Food is likely to be relatively low and drivers are required to stop at the intersection with Stewart Street. The potential for rear-end collisions involving southbound traffic on Howick Street turning into Stewart Street is negligible.
- b) Patrons turning left into the Howick Street to use the Howick Street access will be able to utilise the kerbside parking lane to diverge from the through-lane prior to turning left into Howick Street. There is an existing signposted section of "No Stopping" along the western side of Stewart Street some 25 metres south of the Howick Street boundary. Traffic speeds along the section of Stewart Street approaching Durham Street are moderated by the existing traffic signals approximately 200 metres east of Howick Street which result in frequent stoppage and queuing.

There are numerous driveways along Stewart Street and numerous intersections so drivers would be aware of the potential for drivers to slow or stop. The potential for rear-end collisions associated with vehicles turning left from Stewart Street into Howick Street is negligible.

5.2 Pedestrian Safety

It is unlikely that a significant volume of additional pedestrian activity will be generated across Stewart Street.

The existing pedestrian refuge facilities provided in the raised concrete medians on both sides of Howick Street are considered satisfactory to cater for any increase in pedestrian activity across Stewart Street associated with the subject Drive-Through Take-Away Food outlet.

6.0 SUMMARY AND RECOMMENDATION

6.1 Summary

- 1. The proposal involves development of a Drive-Through Take-Away Food on two properties currently occupied by an existing commercial usage and a heritage-listed dwelling on the northern side of Stewart Street in Bathurst.
- 2. Stewart Street forms part of the Great Western Highway which is a State Road under the control of RMS.
- 3. Traffic speeds on Stewart Street are relatively low given the 60km/h speed zone and short travel length between Howick Street and the signalised intersection with Durham Street, and between the signalised intersection with Keppel Street and Howick Street and the existence of numerous driveways along this length of Stewart Street.
- 4. Traffic volumes generated by the proposed development are estimated to be approximately 100 trips in the evening peak hour (of which approximately 50 trips would be additional and 50 from passing traffic), based on survey data suggested in the RTA Guide to Traffic Generating Developments for a KFC Drive-Through Take-Away Food outlet and experience with numerous other drive-in / take-away food outlets in NSW.
- 5. The effect of traffic generated by the proposed development on existing traffic delays and the degree of saturation on Stewart Street would be negligible.
- The volume of service vehicles will be relatively low and will be scheduled to occur outside periods of peak customer activity as agreed with Council. The proposed Taco Bell outlet will open at 10am. (Refer to Drawing in Appendix D)
- 7. Sight distances along Stewart Street exceed the requirements of Clause 3.2.4 of AS/NZS 2890.1 2004 in both directions and ensure traffic safety is not compromised at the proposed exit-only driveway location.
- 8. The proposed development includes 22 car parking spaces, including an accessible parking space. This complies with the requirement of Bathurst Regional DCP 2014 Section 14 Parking.
- 9. Nine bicycle spaces will be provided onsite, in excess of Bathurst Regional DCP 2014 requirements.

Traffic Assessment Report for Proposed Drive-Through Take-Away Food Outlet, Stewart Street, Bathurst B J Bradley & Associates

6.2 Recommendation

I recommend the proposed Drive-Through Take Away food outlet development as a suitable development on the site as it would have no significant effect on traffic capacity, vehicular or pedestrian safety, degree of saturation or the level of service of Stewart Street (Great Western Highway), Howick Street or other streets in the Bathurst City area.

B.J. bradley

B J Bradley BE (Civil) Grad Dip Man MIE Aust

7.0 APPENDICES

Appendix A - Site Photographs



Photo No. 1: Looking generally south-east along Howick Street towards Stewart Street from the showing the existing traffic environment and traffic control measures.



Photo No. 2: Looking generally north-west along Howick Street towards Stewart Street showing the existing traffic environment and traffic control measures. The site is partially visible on the opposite corner of the intersection.

Traffic Assessment Report for Proposed Drive-Through Take-Away Food Outlet, Stewart Street, Bathurst B J Bradley & Associates



Photo No. 3: Looking left (generally north-east) along Stewart Street near the existing access driveway that will be removed and replaced by a new exit-only driveway from the proposed drive-through take-away food outlet and showing the existing traffic environment.



Photo No. 4: Looking generally south-west along Stewart Street from the existing raised concrete median showing the approximate location of a new exit-only driveway for the proposed drive-through take-away food outlet, the existing traffic environment and available sight distance.

Traffic Assessment Report for Proposed Drive-Through Take-Away Food Outlet, Stewart Street, Bathurst B J Bradley & Associates

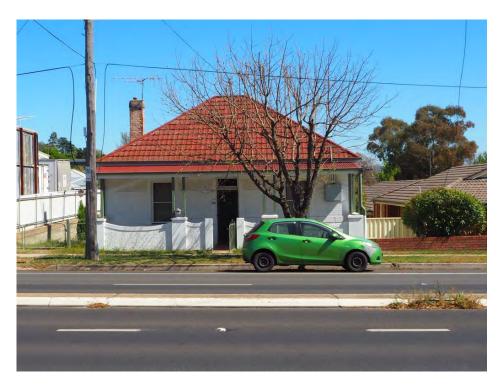


Photo No. 5: Looking generally south-west across Stewart Street showing the heritage-listed building that will incorporate the facade into the development and converted into office use.



Photo No. 6: Looking generally north across Stewart Street showing the existing development on the site of the proposed drive-in take-away outlet.

Traffic Assessment Report for Proposed Drive-Through Take-Away Food Outlet, Stewart Street, Bathurst B J Bradley & Associates



Photo No. 7: Looking generally north across Howick Street showing the existing driveway on the site to be utilised for the proposed drive-through take-away outlet.

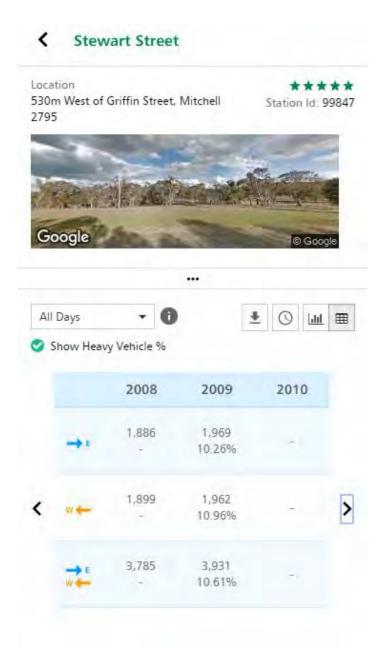


Photo No. 8: Looking generally north-west along Howick Street from the existing driveway on the site showing street trees that could be trimmed slightly to enhance sight distance.

Traffic Assessment Report for Proposed Drive-Through Take-Away Food Outlet, Stewart Street, Bathurst B J Bradley & Associates



APPENDIX B – TRAFFIC VOLUME DATA ON GREAT WESTERN HIGHWAY (STEWART STREET)



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2006	January	Eastbou	und	All Vehicles	1,504	12	8	7	4	5	12	32	56
2006	January	Eastbou	und	Heavy Vehicles	133	3	1	2	t	3	2	5	6
2006	January	Eastbou	und	Light Vehicles	1,386	11	7	6	4	3	10	29	51
2008	February	Eastbou	und	All Vehicles	2,150	7	6	6	3	5	29	96	141
2008	March	Eastbou	und	All Vehicles	2,010	7	6	5	5	7	25	76	111
008	April	Eastbou	und	All Vehicles	1,979	6	5	5	4	7	26	84	115
2008	May	Eastbou	und	All Vehicles	1,882	6	5	4	5	8	26	78	106
800	June	Eastbou	und	All Vehicles	1,795	7	5	4	4	8	22	68	99
2008	July	Eastbou	und	All Vehicles	1,857	5	6	5	4	7	26	71	103

Stewart Street (99847) Data

Stewart Street (99847) Data

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141	256	164	140	153	127	135	145	146	150	140	111	74	39		
111	189	151	142	148	145	141	142	143	146	135	101	71	45		
115	187	155	149	145	144	144	140	145	147	132	89	57	36		
106	193	142	140	132	133	129	135	134	145	129	90	55	33		
99	174	134	132	130	129	125	129	132	140	120	87	53	35		
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Stewart Street (99847) Data

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Traffic Assessment Report for Proposed Drive-Through Take-Away Food Outlet, Stewart Street, Bathurst B J Bradley & Associates

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206	146	131	131	127	127	135	136	139	125	89	53	35	26	
189	145	136	145	134	136	132	139	139	127	101	69	41	33	
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184	159	153	154	139	137	138	142	137	127	100	70	46	37	
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Stewart Street (99847) Data

Stewart Street (99847) Data

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2009	January	Eastbou	und	All Vehicles	1,899	7	6	4	4	9	26	69	92	
2009	January	Eastbou	und	Heavy Vehicles	200	3	3	2	2	2	6	9	10	
2009	January	Eastbou	und	Light Vehicles	1,721	6	5	4	3	7	21	62	83	
2009	February	Eastbou	und	All Vehicles	2,000	9	6	5	5	10	29	85	114	
2009	February	Eastbou	und	Heavy Vehicles	237	3	3	2	2	2	6	10	13	
2009	February	Eastbou	und	Light Vehicles	1,777	6	4	4	4	9	24	76	102	i
2009	March	Eastbou	und	All Vehicles	2,026	7	7	5	5	9	27	76	112	
2009	March	Eastbou	und	Heavy Vehicles	238	3	3	3	2	2	7	10	12	
2009	March	Eastbou	und	Light Vehicles	1,812	6	5	3	4	8	22	68	101	1
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Stewart Street (99847) Data

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13	12	13	13	14	12	12	14	12	9	8	7	7	7	
151	130	134	134	126	125	124	121	118	116	83	58	41	34	
210	149	136	135	129	130	135	141	143	128	103	72	47	37	
17	16	16	17	16	15	15	16	15	11	10	8	7	7	
194	133	120	118	114	116	120	126	128	118	94	65	40	30	
200	147	147	141	143	143	142	144	144	132	101	71	48	37	
17	15	14	15	16	16	15	16	16	12	11	8	8	6	
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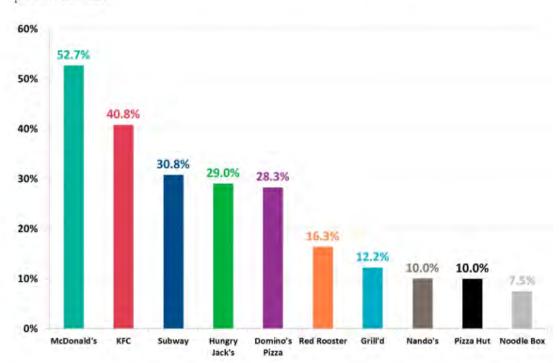
Traffic Assessment Report for Proposed Drive-Through Take-Away Food Outlet, Stewart Street, Bathurst B J Bradley & Associates

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YEAR	DIRECTION	VEHICLE TYPE	TOTAL	00:00	01:00	02:00	03:00	04:00	05:00	06:00	07:00	08:00	
2006	Eastbound	All Vehicles	1,504	12	8	7	4	5	12	32	56	93	
2006	Eastbound	Heavy Vehicles	133	3	1	2	1	3	ź	5	6	7	
2006	Eastbound	Light Vehicles	1,386	11	7	6	4	3	10	29	51	87	
2008	Eastbound	All Vehicles	1,904	6	5	5	4	8	25	75	104	189	
2009	Eastbound	All Vehicles	1,965	8	6	5	5	9	27	77	105	189	
2009	Eastbound	Heavy Vehicles	219	3	3	2	2	2	6	9	11	15	
2009	Eastbound	Light Vehicles	1,765	6	5	4	4	8	22	68	94	175	

Stewart Street (99847) Data

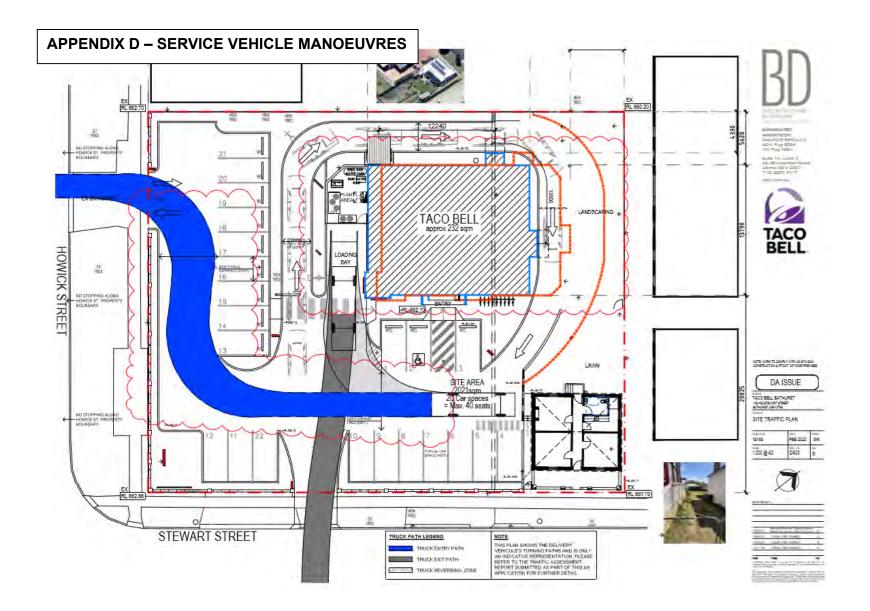
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7	9	12	8	7	7	10	6	6	6	5	6	7	4	10
95	106	123	109	102	122	98	103	91	73	51	40	28	21	1
146	140	140	134	133	136	137	140	126	92	60	37	30	21	1
145	143	141	136	135	137	139	138	127	98	69	47	38	26	1
14	14	15	15	14	14	15	14	10	9	8	7	7	6	2
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APPENDIX C – Ranking of Most Popular Take-Away Food Outlets in Australia



Below are the ten most popular fast food brands in Australia, ranked by visitations in the past six months:

(Source - Google)



Traffic Assessment Report for Proposed Drive-Through Take-Away Food Outlet, Stewart Street, Bathurst B J Bradley & Associates



MINUTES OF COMMUNITY SAFETY COMMITTEE MEETING HELD ON THURSDAY 30 JULY 2020 AT 11:30AM

<u>MEMBERS PRESENT</u>: Stephen Harper (Bathurst Business Chamber), Jean Fell (Neighbourhood Centre), Simone Thackray (Charles Sturt University), David Bull (Community Member).

IN ATTENDANCE: Aimee Cook (Community Development Officer, Bathurst Regional Council).

1. <u>APOLOGIES</u>: Senior Constable Sue Rose (Chifley Police District), Councillor Jacqui Rudge, Ben Gilles (Bathurst Community Corrections)

2. MINUTES FROM THE PREVIOUS MEETING HELD ON 18 JUNE 2020

RESOLVED that the minutes of the meeting held 18 June 2020 be accepted.

MOVED: Simone Thackray

SECONDED: David Bull

3. CRIME PREVENTION GRANT APPLICATION

Bathurst Regional Council has submitted an application for a NSW Crime Prevention Grant targeting residential break and enter offences.

The Department of Communities and Justice have advised the awarding of grants has been delayed due to COVID-19.

4. FRAUD CAMPAIGN UPDATE

A COVID-19 fraud awareness campaign has been rolled out in response to a state-wide increase in scams.

A social media graphic and webpage on Council's website have been developed and promoted on social media.

5. STEAL FROM MOTOR VEHICLE CAMPAIGN UPDATE

A media launch for the Don't Be Next Campaign was held on 14 July 2020 at the Bathurst Police Station. Councillor Rudge, Councillor North and Inspector David Abercrombie were in attendance.

The campaign role out to date has included;

- Western Advocate article

This is page 1 of the Minutes of the Community Safety Committee Meeting held on Thursday 30 July 2020

CHAIRPERSON

SECRETARY



MINUTES OF COMMUNITY SAFETY COMMITTEE MEETING HELD ON THURSDAY 30 JULY 2020 AT 11:30AM

- Prime News segment
- Armada Shopping Centre door decals
- Bathurst City Life posters
- Interview/video on Council website and YouTube channel
- Bathurst City Life advertising and articles x 2 back pages
- Posters in pubs and clubs
- Council social media
- Civic Centre screen in lobby
- Council What's News
- Article in July Ratepayer Newsletter
- School newsletters
- Community radio advertising
- Bathurst Business Chamber newsletter

Additional role out opportunities include:

- Chifley Police District distributing information during safety visits
- Chifley Police District Youth Liaison Officer involvement in schools
- CSU newsletter Simone Thackray to organise
- Committee to distribute through networks
- Repeat of campaign in 12-24 months, possibly in warmer weather when the crime is more prevalent

6. CAMPAIGN PLANNING FOR REMAINDER OF 2020

A comprehensive campaign targeting residential break and enter has been developed as part of the NSW Crime Prevention Grant application. If the application is unsuccessful the campaign can be modified and rolled out with reduced funding requirements.

Bathurst Regional Council has been researching Local Drug Action Teams (LDAT) to assist the Committee in meeting actions within the Bathurst Community Safety Plan 2019-2023. An LDAT is formed with partner organisations and aims to prevent and reduce drug activity. Projects and activities carried out by LDATs attract funding from the Federal Government.

The Committee organised a lighting audit in public spaces 10 years ago and identified a number of priority locations needing additional or improved lighting. A subsequent lighting audit would be valuable given the amount of time since the previous audit.

A revamp of existing campaigns every 1-2 years would be a cost-effective way to remind residents of safety messages rolled out previously.

This is page 2 of the Minutes of the Community Safety Committee Meeting held on Thursday 30 July 2020

CHAIRPERSON

SECRETARY



MINUTES OF COMMUNITY SAFETY COMMITTEE MEETING HELD ON THURSDAY 30 JULY 2020 AT 11:30AM

7. GENERAL BUSINESS

Bathurst Business Chamber update

The Bathurst Business Chamber met last month but did not have a quorum. COVID-19 has had a significant impact on Bathurst businesses with retail remaining especially slow. The Bathurst Business Chamber is planning a number of virtual events including Relay for Life, Biz Month Awards and Biz Talks.

Neighbourhood Centre update:

There has been an increase in demand for legal support services for domestic violence. Volunteering rates have dropped by 69%.

8. <u>NEXT MEETING</u>

The next meeting will be held Thursday 24 September 2020 at 11:30am at Committee Room, Civic Centre.

There being no further business, the meeting closed at 12:06pm

This is page 3 of the Minutes of the Community Safety Committee Meeting held on Thursday 30 July 2020

__CHAIRPERSON__

MINUTES OF BATHURST REGIONAL YOUTH COUNCIL MEETING HELD IN COUNCIL CHAMBER & COMMITTEE ROOM ON TUESDAY 28 JULY 2020

PRESENT: Jack Lynch, Natalia Burgess, Angus Cooke, Ben Davis, Nyoaki Pearce, Jennessa Eggins, Travis Barrie, Madison Sufong, Zoe Peters, Joshua Borland.

IN ATTENDANCE: Dianne Jarman (Youth Development & Community Events Officer)

1. APOLOGIES: Grace Lynch, Bethany Donaldson

2. ADOPTION OF PREVIOUS MINUTES:

RESOLVED that the minutes of the meeting held 9 June 2020 be accepted.

Moved: Joshua Borland **Seconded:** Natalia Burgess

3. INTERNATIONAL YOUTH DAY – 12 AUGUST 2020

- Natalia sought permission to submit a script and photo to Western Advocate to promote International Youth Day. Dianne to follow up with management and advise.
- Youth Council discussed the video produced by Bathurst Regional Council Communications Team.
- Travis will add subtitles and schedule video for Bathurst Youth Facebook page on the 14 August 2020.

4. R U OK? DAY

- Youth Councillors met with Karl Shead in Machattie Park to discuss the installation and wrapping of approximately 50 trees with yellow material in Machattie Park and Kings Parade to acknowledge *R U OK? Day*.
- Youth Councillors will meet Karl and Dianne in Machattie Park at 3.30pm on Wednesday 9 September 2020 to help with installation.
- Youth Council discussed the importance of *R U OK? Day* and how starting a conversation could change some one's day.
- A discussion was held with Youth Councillors about mental health, particularly during the current challenges caused by COVID-19.

5. RECRUITMENT OF THE BATHURST REGIONAL YOUTH COUNCIL 2020/21

- Bathurst Regional Council's Communications Team attended the Youth Council meeting to create a short video for Youth Council recruitment.
- Jack discussed with members of the Youth Council the importance of promoting the recruitment within their schools.
- Dianne presented examples of artwork to the Youth Councillors that will be used for recruitment posters and social media, asking the Youth Councillors for feedback.
- Suggestions that were put forward were:
 - Youth Council logo be placed in the centre of the tree trunk or used as the tree trunk.
 - Youth Council preferred using the lime green as the main colour in the wording.
- Natalia suggested that recruitment posters be displayed around schools, promoting that Youth Council applications will open on 17 August 2020.

This is page **1** of **2** pages of the Minutes of the Bathurst Regional Youth **Council** Meeting held on 28 July 2020.

MINUTES OF BATHURST REGIONAL YOUTH COUNCIL MEETING HELD IN COUNCIL CHAMBER & COMMITTEE ROOM ON TUESDAY 28 JULY 2020

• Dianne advised the Youth Council that applications will be available online and paper copies from 17 August 2020.

6. YOUTH COUNCIL FUTURE PROJECT PLANNING

- Youth Councillors suggested that the new Youth Council continue to develop *R U OK? Day* in years to come
- Youth Councillors also suggested continuing with the following:
 - Chase the Rainbow
 - How to Adult
 - Food & Flix, possibly with an option of a drive-in movie

7. GENERAL BUSINESS

- Natalia discussed the opportunity of entering one of the Youth Council photos in the 2021 Calendar Competition run by Elders Rural Services <u>https://eldersrural.com.au/about-us/calendar-competition/</u>
- Dianne will discuss with management and seek permission to proceed with this initiative.

8. NEXT MEETING – TUESDAY 15 SEPTEMBER 2020

9. MEETING CLOSE

There being no further business, the meeting closed at 1.50pm