

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

10 June 2020

His Worship the Mayor & Councillors

Notice of Ordinary Meeting of Bathurst Regional Council – Wednesday 17 June 2020

I have to advise that an Ordinary Meeting of Bathurst Regional Council will be held in the Council Chambers on Wednesday 17 June 2020 commencing at 6:00 pm.

D J Sherley

GENERAL MANAGER

MINUTES OF THE ORDINARY MEETING OF BATHURST REGIONAL COUNCIL TO BE HELD ON WEDNESDAY 17 JUNE 2020

Table of Contents

1	PUBL	IC FORUM	5
	1.0.1	RECORDING OF COUNCIL MEETING - PUBLIC FORUM BANNER Eri Bookmark not defined.	ror!
2	RECC	ORDING OF MEETINGS	5
	2.1	RECORDING OF MEETING - GENERAL MANAGER TO READ Err Bookmark not defined.	ror!
3	MEET	TING COMMENCES	5
4	PRAY	YER AND ACKNOWLEDGEMENT OF COUNTRY	5
5	APOL	_OGIES	5
6	MINU	TES	5
	6.1	CONFIRMATION OF MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL HELD 20 MAY 2020	5
7	DECL	ARATION OF INTEREST	7
8	MAYO	ORAL MINUTE	8
	8.1	COVID-19 BUSINESS AND COMMUNITY - STIMULUS MEASURES	8
9	RECE	EIVE AND DEAL WITH GENERAL MANAGER'S AND	
	DIRE	CTORS' REPORTS	31
	9.1	DIRECTOR ENVIRONMENTAL PLANNING AND BUILDING SERVICES REPORT	.31
	9.1.1	SECTION 4.15 OF THE ENVIRONMENTAL PLANNING AND ASSESSME	
	9.1.2	GENERAL REPORT	.35
	9.1.3	DEVELOPMENT APPLICATION 2019/367 - DEMOLITION OF COMMERCIAL BUILDING AND PART DWELLING HOUSE,	

	CONSTRUCTION OF FOOD AND DRINK PREMISES WITH DRIVE THR CHANGE FROM DWELLING TO OFFICE - 103 - 105 STEWART ST.	άU,
	APPLICANT: McDUCK. OWNER. GULLIFER	37
9.1.4	BATHURST REGIONAL LOCAL ENVIRONMENTAL PLAN 2014 (AMENDMENT NO 15)	. 159
9.1.5	RENEWABLE ENERGY ACTION PLAN	. 162
9.2	DIRECTOR CORPORATE SERVICES AND FINANCE'S REPORT	. 165
9.2.1	STATEMENT OF INVESTMENTS	. 166
9.2.2	MONTHLY REVIEW - 2019/2023 DELIVERY PLAN AND OPERATIONAL PLAN 2019/2020	
9.2.3	SUNDRY SECTION 356 DONATIONS, BATHURST MEMORIAL ENTERTAINMENT CENTRE COMMUNITY USE SUBSIDY AND MOUNT PANORAMA FEE SUBSIDY	
9.2.4	POWER OF ATTORNEY	. 173
9.2.5	SUBMISSIONS - DRAFT DELIVERY PLAN 2020-2024 AND OPERATION PLAN 2020/2021	
9.2.6	DELIVERY PLAN 2020-2024 AND OPERATIONAL PLAN 2020/2021	. 187
9.2.7	2020/2021 REVENUE POLICY	. 190
9.2.8	2020/2021 RATE LEVY - MAKING THE RATES	. 192
9.2.9	COVID-19 BUSINESS AND COMMUNITY - STIMULUS MEASURES (MAYORAL MINUTE - 15 APRIL 2020)	204
9.3	DIRECTOR ENGINEERING SERVICE'S REPORT	
	WATER SECURITY UPDATE	
	DIRECTOR CULTURAL AND COMMUNITY SERVICE'S REPORT	
	CHILDREN'S SERVICES - JUNE 2020 UPDATE	
9.4.2	BATHURST REGION: A CULTURAL VISION 2036 - THIRD ANNUAL PROGRESS REPORT	. 220
9.4.3	DESTINATION BRAND IMPLEMENTATION AND DESTINATION MANAGEMENT PLAN - QUARTERLY REPORT	
RFPC	ORTS OF OTHER COMMITTEES	
TU. I	TRAFFIC COMMITTEE REPORT - 2 JUNE 2020	. 220

10

11 NOTICES OF MOTION	227
11.1 NOTICE OF MOTION - CR FRY - GO-KART TRACK	227
12 RESCISSION MOTIONS	229
13 COUNCILLORS / DELEGATES REPORTS	229
13.1 COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES	229
14 RESOLVE INTO CONFIDENTIAL COMMITTEE OF THE WHOLE DEAL WITH CONFIDENTIAL REPORTS	
14.0.2 Cease Recording of Council Meeting Error! Bookmark not of	defined.
14.1 DIRECTOR CORPORATE SERVICES AND FINANCE'S REPORT	232
14.1.1 PROPOSED NEW AERODROME LEASE - LOT 13 DP1024590, LOT DP1085658, LOT 11 DP1024590 KNOWN AS THE BATHURST AEROCLUB, BATHURST AERODROME	O
14.1.2 RESIDENTIAL LEASE AGREEMENT - LOT 127 IN DP249576 KNOW 12 WHITEMAN PLACE, BATHURST	
14.1.3 RENEWAL OF RURAL LICENCE AGREEMENET - PART LOT 1009 DP1250643, PART LOT 1 DP624336 AND PART LOT 3 DP1127323 KNOWN AS 4040 O'CONNELL ROAD, BATHURST	234
14.1.4 RENEWAL OF RURAL LICENCE AGREEMENT - PART LOT 221 DP1147157, STEPHENS LANE, KELSO	235
14.1.5 NEW EVENT OPPORTUNITY	236
14.1.6 FINANCIAL STATEMENT - 2019 CHALLENGE BATHURST	237
14.1.7 REQUEST FOR FINANCIAL ASSISTANCE - HARVEST CAFE	238
14.2 DIRECTOR ENGINEERING SERVICE'S REPORT	239
14.2.1 TENDER FOR THE PREFERRED CONTRACTORS LIST FOR MINO WORKS	
14.2.2 WALKWAY CLOSURE - RYAN PLACE, KELSO	240
15 RESOLVE INTO OPEN COUNCIL	241
16 ADOPT REPORT OF THE COMMITTEE OF THE WHOLE	241
16.0.1 RESUME NORMAL RECORDING OF COUNCIL MEETING	

17 ME	EETING CLOSE241
1 PU	BLIC FORUM – Not held due to COVID-19 pandemic
2 RE	CORDING OF MEETINGS
3 ME	ETING COMMENCES
MINUT	'E
Meetin	g commenced at 6.00pm.
	<u>nt</u> : Cr W Aubin, Cr B Bourke (Chair), Cr A Christian, Cr J Fry, Cr G Hanger, Cr J gs, Cr M Morse , Cr I North, Cr J Rudge
4 PR	AYER AND ACKNOWLEDGEMENT OF COUNTRY
5 AP	OLOGIES
MINUT	'E
MOVE	D: Cr I North SECONDED: Cr J Rudge
RESO	LVED:
Nil	
6 MII	NUTES
6.1	CONFIRMATION OF MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL HELD 20 MAY 2020
File N	lo: 11.00005
RECC	DMMENDATION:

That the Minutes of the Ordinary Council Meeting of Bathurst Regional Council held on 20

REPORT:

The Minutes of the Ordinary Council Meeting of Bathurst Regional Council held on 20 May 2020 are **attached**.

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. Minutes - Ordinary Meeting of Bathurst Regional Council held 20 May 2020 [6.1.1 - 22 pages]

MINUTE

RESOLUTION NUMBER: ORD2020-132

MOVED: Cr | North SECONDED: Cr J Fry

RESOLVED:

That the Minutes of the Ordinary Council Meeting of Bathurst Regional Council held on 20 May 2020 be adopted.

7 DECLARATION OF INTEREST

Declaration of Interest

MINUTE

RESOLUTION NUMBER: ORD2020-133

MOVED: Cr G Hanger SECONDED: Cr J Jennings

RESOLVED: That the Declaration of Interest be noted.

Cr Fry declared a non-pecuniary interest (not significant) in item 3 of the DEPBS Report.

Cr Hanger declared a pecuniary interest in item 1 of the DES Confidential Report.

Cr North declared a pecuniary interest in item 7 of the DCSF Confidential Report.

8 MAYORAL MINUTE

8.1 COVID-19 BUSINESS AND COMMUNITY - STIMULUS MEASURES

File No: 14.00764, 16.00179

RECOMMENDATION:

That Council:

- 1. Notes the actions taken to date.
- 2. Waive the User fee for id economic modelling for the period 2020/21, estimated cost \$1,500.
- 3. Provide additional funds as identified to assist in the recovery phase from COVID-19.

PROGRAM NAME	AMOUNT
(a) "Doors Open" Marketing Campaign	\$20,000
(b) Jobs Expo	\$10,000
(c) Biz Month	\$10,000
(d) Formal Business Attraction Program	\$50,000
(e) Upstairs start up Hub (2019/20)	\$10,000
(f) Buy Local Gift Card Program – Expansion (2019/20)	\$10,000
(g) VFR Marketing Campaign (tourism)	\$10,000
TOTAL	\$120,000

- 4. Waive the User Fees and Charges Footpath Obstruction Licence fees (General Fund 0441) for the period 2020/21, estimated cost \$10,000.
- 5. Waive the 2021 BMEC Membership Fees (W.O. 5804-5806) for existing 2020 members, estimated cost \$5,920.
- Advise the BDS&RC that the \$20,000 allocation for capital works for 2020/21 (W.O. 744) can be allocated to affiliated sporting bodies to cover operational costs. Further, that Council delegates to the BDS&RC be delegated the authority to approve any proposed methodology/ allocations for operational expenditure payments.

BACKGROUND:

Council has received two Mayoral Minutes; 15 April 2020 (scheduled to be adopted by DCSF #9, 17 June 2020) and 20 May 2020 which have provided an initial review of the impacts of COVID-19 on Council's operations. The Minutes have 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 Minute progresses Council's response and provides updated advice on Council's services to the community. The measures are developed, having regard to not putting the Council into an unsustainable situation. The pressures on the Council, Businesses and the Community due to the impact of COVID-19 are certainly significant.

The format of the report is as follows:

- 1.0 Stimulus Actions Approved to Date
- 2.0 Council Services
- 3.0 Federal/ State Stimulus Packages
- 4.0 Other Stimulus Initiatives being implemented: Economic Development/ Communications/ Tourism/ Events et al.
 - 4.1 Projects Recovery Phase
 - 4.2 Buy Local Gift Card
 - 4.3 BMEC Membership 2020
 - 4.4 User Fees and Charges Footpaths Obstruction Licence Fees
- 5.0 Economic Recovery Business Groups Focus Meeting
 - 5.1 Land Availability
 - 5.2 Shop Vacancy Rates
 - 5.3 Support for Shopping Locally
 - 5.4 Business Support Training/ Education Sessions and Workshops
 - 5.5 Events Economic and Social Stimulus
 - 5.6 Economic Stimulus Measures
- 6.0 Bathurst District Sport and Recreation Council Annual Capital Program
- 7.0 Rent/ Lease Income Rent Increases Freeze
- 8.0 Impacts on Council's Budget Due to Covid-19 Pandemic

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

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

Objective 2: A Smart and Vibrant Economy

Strategy 2.1: Support local business and industry

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.

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 development	4.36	4.43	4.29	4.27	4.39	4.44	4.36
Supporting local jobs and businesses	4.77	4.70 ↓	4.85 ↑	4.74	4.80	4.82	4.74

	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

↑↓ = A significantly higher/ lower level of importance (by group)

Detailed Overall Response for Importance

	Not at all	Not very	Somewhat	Importan	Very	Base
	important	important	important	t	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						

REPORT:

1. Stimulus Actions Approved to Date

Prior Mayoral Minutes have resulted in the following measures/ actions. Financial impacts are dealt with in Section 8.0: *Impacts on Council's Budget due to the COVID-19 pandemic.*

(a) Fee and Charges Review

Detail	Action
User fees and Charges Outdoor Dining Fees	Waiver 1/3/2020 –
	31/12/2020
Health Inspection Fees – Food/ General	ü
Health Inspection Fees – Skin/ Hairdressing	ü
Health Inspection Fees – Bed and Breakfast	ü
Health Inspection Fees – Temporary/ Mobile Food	ü
Outlets	
Health Inspection Food Act – Admin Fee	Waiver 1/7/2020 –
	31/12/2020
Trade Waste Inspection Charges – Sewer	Waiver 1/3/2020 –
	31/12/2020
Tourism Partnership Program Fees	Waiver 1/7/2020 –
	30/6/2021
Section 7:11 (Formerly S:94 Contributions)	Deferral of payment
	1/7/2020 – 30/6/21.
	Waiving of Admin Fee for
	deferred payments.
Development Application Fee (BRC Charges only)	Reduction of 50% in fee for
	2020/21
Other Miscellaneous Fees – DA, S:68 & Subdivision	Reduction of 50% in fee for
	2020/21

(b) Community and Sporting Groups Support

Detail	Action
Parks & Gardens Active Spaces User Fees (select groups)	Waive 2020 fees
Community Organisations Long Term Loans	Repayments 2020/21 deferred. Interest charges 2020/21 waived.
Village Events development Fund	Funding of \$40,000 included in 2020/21 budget
Hospitality Business (Outdoor Dining)	Encouraging use, where suitable, by businesses of Council footpaths.
Community & Sporting Group Licences (Leases)	Waiver of 2020/21 Licence Fees
Childcare Service Provision	Implementation of Government imposed

	protocols.
Library fines	Waiver 1/7/2020 -
	31/12/2020

(c) Other Items

Detail	Action
Procurement Policy – Local Business Weighting to	Amendment to 30/6/2021
10%	
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.
Assistance Bathurst Business Chamber	One-off payment of \$18,000
Local Media Support	Annual media usage profile
	maintained 2020/21
Water from Standpipes reduced pricing levels	Reduction of 50% to
	\$2.50/kL to 31/12/2020
Rent/ Lease Tenancies - Relief	Dealt with on a case by
	case basis, general position
	of deferral adopted.

2. Council Services

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. Since the last Mayoral Minute, a number of facilities have reopened as the government relaxes COVID-19 restrictions.

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.

Location	Services
Civic Centre/Administration Building	All services
Mount Panorama (Pits)	Engineering/Finance/Motor Vehicle
	Workshop
Mount Panorama (Harris Park)	Human Resources and Communications
Lee Street (Old Evans Shire)	Planning/Health and Building/Regulatory
	Services
Various Cultural sites	Library/Art
	Gallery/Museums/BMEC/BVIC/Cultural &
	Community Services

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.
Visitor Information Centre	Closed from 24 March – Reopened 3 June 2020.
Manning Aquatic Centre Bathurst	Closed from 23 March – Scheduled to reopen 20
3 1	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 distancing
	and with restricted numbers of attendees.
Community Halls	Those managed by Council are closed, opening
	dates being finalised, to occur from 13/6/2020.
Scallywags Child Care Centre	Remains open, with appropriate social
14 1 0 11 1	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
Talliny Day Gale	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 reduced
Depot	operations from early April 2020. Remains open, with appropriate social
Берог	distancing. Public access restricted.
Civic Centre	Remains open, with appropriate social distancing.
CIVIO CONICO	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
N/ / T / ()N/	Complex for risk mitigation, no public access.
Wastewater Treatment Works	Remains open, with appropriate social distancing.
Water Filtration Plant	No public access. Remains open, with appropriate social distancing.
	No public access.
Workshop	Remains open, with appropriate social
1	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)

- Childcare Funding (Federal)
- Childcare Support (State)
- Cleaning of Public Buildings (State \$250 million)
- Showground maintenance and improvement (State \$25 million)
- Job Retention Allowance (State \$112.5 million)
- Emergency Services Levy Relief (State \$32.76 million)
- Access to T-Corp Loans (State \$250 million)
- Residential Tenancies Support (State)
- Pound Grants (State \$500,000)
- Local Roads and Community Infrastructure Program (Federal \$500 million)
- FAG Assistance Grants early payment (Federal \$1.3 billion)

Most of these grants have been covered in prior Mayoral Minutes. Council is awaiting details on the State Government's Child Support program to determine the level of funds to be provided.

The Federal Government's – Local Roads and Community Infrastructure Program, will deliver \$1,248,599 to Bathurst Regional Council. Projects for this program are yet to be determined by Council.

4. Impacts on Council Budgets Due to Covid-19 Pandemic

Other Stimulus Projects being implemented: Economic Development/ Communications/ Tourism/ Events et al.

4.1 Projects - Recovery Phase

Economic Development

Name	Description	Status	Cost Estimate	Additional funds needed
"Doors Open" marketing campaign	A substantial "Doors Open" campaign to get people out and shopping again and visiting our region. Includes: - Campaign tagline "Doors Open" - TV commercials on Prime and WIN - Radio ads - Social media campaign - Print media campaign in the Western Advocate and Bathurst City Life - Design and reskinning of entrance billboards (Vittoria, Meadow Flat, Bathurst East, Mid-Western Highway) - Partnership with the Business Chamber	Commenced	\$50,000	\$20,000
Economic Infrastructure	Kelso Industrial Estate Expansion: \$4.9M funding under the NSW Government Drought Stimulus Package	Commenced	\$4,900,000 (State)	
Projects that directly assist economic growth	to expand the Kelso Industrial Estate. Aerodrome Expansion: \$2.8M funding from the NSW Government Growing Local Economies Fund to expand the	Commenced	\$3,300,000 (State) (Federal)	

through the	Airport \$500K funding from the Federal			
creation of	Airport. \$500K funding from the Federal Government Regional Airports			
jobs both	Program.			
during the	Smart Benches: Installation of 4 Smart	Not yet	\$11,500	
construction	Benches in the CBD (\$11,500 grant	commenced	ψ11,000	
phase and	from Building Community Partnerships	Commission		
new ongoing	Fund) to charge mobile devices and			
jobs. This	enhance the WIFI network.			
increases	Local Roads & Community	Commenced	\$1,248,559	
Council's	Infrastructure Program: Federal		(Federal)	
Capital Works	funding to deliver priority local road and		,	
budget by	community infrastructure projects.			
\$40M , which	Water Infrastructure: NSW	Commenced	\$22,000,000	
contributes	Government funding for Stormwater		(State)	
directly to the	harvesting and Winburndale pipeline		, ,	
construction	projects to improve water security, total			
and	of \$22M funding.			
engineering	Drought Communities Program -	Commenced	\$1,000,000	
sectors.	Extension Round 2: \$1M Federal		(Federal)	
	funding for projects that stimulate the			
	economy during the ongoing drought.			
	Central Tablelands Collection	Commenced	\$4,600,000	
	Facility: NSW Government funding			
	\$2.3 million to deliver a facility for			
	storage and preservation of significant			
	cultural works. Balance Council funds.			
	Small Animal Pound Facility: To be	Not yet .	\$3,300,000	
	funded through Council, State and	commenced		
	Federal funds.	N.	#50.000	* 4.0.000
Jobs Expo	A larger version of the Bathurst Jobs	Not yet	\$50,000	\$10,000
	Expo which may take place at multiple	commenced		
	sites and to include an increased			
	number of exhibitors to assist recovery of the employment market and			
	unemployment rate. Sponsored by CSU			
	and TAFE. Event has been moved to			
	the 18 November 2020.			
BizMonth	A larger version of BizMonth, with	Not yet	\$35,500	\$10,000
DIZIVIOTILI	motivational workshops, competitions	commenced	ψ33,300	ψ10,000
	and networking events to inspire the	Commenced		
	local business community.			
	Will include an extensive business			
	education component with Business			
	Management Workshops covering the			
	following topics:			
	- Core marketing and social			
	media skill development			
	- Staff and financial management			
	 Developing new business 			
	relationships and opportunities			
Business	A rescheduled Business Leaders Lunch	Not yet	\$20,000	
Leaders	with a focus on employing people with a	commenced		
Lunch	disability.			
Free access	Council to waive fees to use the	Commenced	\$1,500	\$1,500
to ID	economic modelling features of the ID			
modelling	website. This will allow businesses to			
	use the tool to support their funding			
	applications during the recovery phase			
	and to develop new business plans.			
į l	The cost of economic modelling by an			

	agency would be in the vicinity of \$150 per hour, recommended that Council waive the fee for the use of the economic modelling tool for 2020/21.			
Formal Business Attraction Program	Estimated cost \$1,500. A structured business attraction program to bring in new businesses, investment, ventures and franchises. Council will partner with an agency that specialises in attracting businesses to a city/region.	Not yet commenced	\$50,000	\$50,000
Industry Cluster Strategy	Creation of Business/Industry Cluster Strategy which will identify how businesses can work together collaboratively to share resources, examine joint purchasing, skills attraction, supply chains etc. The Cluster Strategy is already in development; however, it has been put on hold due to COVID-19 (industry consultation/workshops needed to complete the project). Project to recommence in 20/21 financial year.	Commenced	\$56,300	
Upstairs Start-up Hub	Funding provided to the Upstairs Start- up Hub to encourage the emergence of new businesses and the creation of new jobs. It is recommended that Council provide \$10,000 funding 2019/20 to the Start-Up Hub to assist new business startups.	Not yet commenced	\$10,000	\$10,000
Buy Local Gift Card Program – Expansion	Injection of an additional \$10,000 for various Gift Card competitions to encourage spending in local shops. Economic development, tourism and events will utilize the gift cards for competitions. Due to promotion of this program, we now have 138 participating stores, an increase of 9 new shops in the program.	Commenced	\$10,000	\$10,000
Business Chamber Membership	There are currently over 100 members of the Bathurst Business Chamber who pay \$175 p.a membership fee. Many of these are heavily impacted by COVID-19 and will struggle to pay any regulatory or membership fees. To facilitate connectedness as the industry reopens, Council has provided \$18,000 to the Business Chamber to assist in their operations for 20/21. The chamber can use these funds to subsidise fees for some of the members or for other purposes to achieve their objectives.	Not yet commenced	\$18,000	
		Sub-total	\$40,661,359	\$111,500

Tourism

Name	Description	Status	Cost Estimate	Additional funds needed
VFR Marketing Campaign	The Visiting Friends & Relatives (VFR) market will be the first to return under a stage one lessening of COVID-19 restrictions. A campaign will need to include the message that Bathurst is safe and open for business, as well as a community campaign to reassure the region that it is safe for visitation. This stage of the recovery could last a while and reflect a different demand to previous VFR targeted campaigns as it is more likely that visitors will want to enjoy simple experiences (shopping/eating out/time in nature) than previous.	Not yet commenced	\$25,000	\$10,000
Holiday at Home Campaign	TV Ads - WIN/PRIME (using carryover credit from cancelled earlier event ads), local radio to promote locals to remain within the region during the initial stages of COVID-19 restrictions being lifted and to rediscover their own area (and its businesses) first. This will link to the campaign to encourage VFR visitation to Bathurst.	Not yet commenced	\$25,000	
"Spring Colours" Tours	Potential to run a portion of the traditional Autumn Colours program in Spring as a sign of community resilience and continuity.	Not yet commenced	\$3,500	
Online Store	Ties into the Economic Development 'Support Local' campaign by allowing sales of bespoke local products and experiences through an e-commerce option - ongoing from the initial stimulus phase.	Commenced	\$2,500	
		Sub-total	\$56,000	\$10,000

Events

Name	Description	Status	Cost Estimate	Additional funds needed
Bathurst Winter Festival	The 2020 Bathurst Winter Festival will be held from 4 – 19 July 2020 across the two weeks of the school holidays. Whilst the Winter Festival will look quite different this year, Bathurst will still come together to celebrate with regional food, listening to online music gigs from local artists and enjoying the illumination light display. The biggest change for 2020 is the Drive in Cinema at Mount Panorama, replacing the Winter	Commenced	\$120,000	

	Playground.			
Bathurst 1000	Planning underway between Supercars and Council to hold the Bathurst 1000. Planning dependent on current social	Not yet commenced		
	distancing measures. Each year this event attracts thousands of locals and spectators into the CBD during Race			
	Week. In 2012, the Great race added \$25 million dollars directly into the Bathurst LGA. A further \$30m and \$55m			
	were injected into the Central West and wider NSW respectively. Eight years on, this figure is expected to have grown			
Detht 0	substantially.	Nation		
Bathurst 6 Hour - rescheduled	The Bathurst 6 Hour was rescheduled to run in conjunction with the new Bathurst International in November. Planning will	Not yet commenced		
with Bathurst International	commence alongside ARG in the coming months. A study by Rede Consult in 2016 showed an economic			
	benefit to the region of \$2.5million and 14 full time equivalent jobs			
Challenge Bathurst	This event provides an exclusive opportunity for fans to drive around Mount Panorama each November. This event is aimed at competitors and	Not yet commenced		
	attracts a small crowd. Planning will be underway in the coming months.			
Villages Event Development Fund	Allocation of funds to the villages to encourage the expansion and creation of events to attract visitors and grow the village economy	Commenced	\$40,000	
Mount Panorama Punish	The Mount Panorama Punish is scheduled by organisers to go ahead on Sunday 25 October, pending COVID-19	Not yet commenced	\$2,500	
New Year's Eve Party in the Park	restrictions. Each year Bathurst gets together to celebrate NYE. Pending water restrictions, fire bans and Covid-19, this	Not yet commenced	\$60,000	
	event is scheduled to run at the Adventure playground with fireworks at 9pm. A key community event attracting more than 12,000 residents annually with \$647,705 economic benefit and the			
	equivalent of 6.7 full time jobs.	Cub total	\$200 E00	60
		Sub-total Total cost estimate	\$222,500 \$40,939,859	\$0 \$121,500

4.2 Buy Local Gift Card

As part of the above programs, it is intended to continue the use of 'Buy Local Gift Cards' to stimulate economic activity in the region. The program has been a great success and it is **recommended** that Council make \$10,000 worth of gift cards available to; Economic Development, Tourism and Events sections to assist in promoting and stimulating economic/ community activity, refer Section 4.1 of this report.

4.3 BMEC Membership 2020

The COVID-19 pandemic continues to have a significant impact on the Bathurst Memorial Entertainment Centre. Currently there are 148 BMEC members who have 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.

So far all but one show in the BMEC Annual season have been cancelled or postponed to 2021. It is **recommended** that the Memberships for 2020 (W.O. 5804 & 5806) be 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 \$5920 in 2020/21.

4.4 User Fees and Charges Footpath Obstructions Licence Fees – General Fund (0441 – DEPBS Revenues)

With many of the small businesses being impacted by the COVID-19 pandemic including cafés and retail outlets, it is <u>recommended</u> that Council waive these fees for the period 1 July 2020 to 31 December 2020, normal approval process still applies. Council's normal budget for this income (annual charge) is \$10,000p.a. Accordingly, estimated budget loss is \$10,000 for 2020/21(accounts are usually raised July/ August each year). The waiving of the fee is consistent with the May Mayoral Minute where Council considered;

2.7 Hospitality Businesses (Outside Dining) – Access to Council footpaths

The option to use Council footpaths to facilitate outdoor dining, has been flagged as a way to help businesses increase turnover by allowing increased patronage to occur, given the COVID-19 social distancing protocols.

Council has already agreed to waive the Outdoor Dining Fees chargeable up to December 2020, refer April 2020 Mayoral Minute, as well as health inspection fees, thus removing financial impediments.

The expanded use of Council's footpaths can be catered for subject to compliance with factors such as; adequate insurance, adherence to health guidelines and ensuring appropriate access ways are implemented.

Any requests will be dealt with on a case by case basis, in the spirit of encouraging outdoor dining, and where appropriate adjoining business owners will be consulted.

5. 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

5.1 Land Availability

The importance of having land available as the economy turns around was 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 July – December
		2020
Windy 1100: 200 Lots	✓	2020/21
Sunnybright 2: 125 Lots	✓	2022/23
Eglinton (Radio Towers): 100 Lots	✓	2023/24
Kelso Industrial Hampden Park: 9	Industrial	Now available
Lots		
Kelso Industrial Hampden Park: 33	✓	2020/21
Lots		
Toronto Street Industrial Estate: 8	✓	2022/23
Lots		
Bathurst Trade Centre: 11 Lots	Commercial	2021/22

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

5.2 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)
- 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 closed	168
3.	Business permanently closed	9
4.	Original Business closed but new store	1
5.	Store has relocated out of the CBD	3
6.	New business in formerly empty shop	2
7.	Empty stores (Pre COVID-19)	<u>50</u>
	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.

5.3 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, refer Section 4.2 of this Mayoral Minute.

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. 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 February 2020, there were 129 participating stores which has now increased to 133 as of June 2020. Participating stores are;

	BUSINESS		BUSINESS
1	Agri West – Bathurst	68	Forbutt's Keppel Street Pharmacy
2	Al Dente	69	Fifty8George
3	Angela J Morris Optometrist	70	Frank Smith Work Clothing and Shoe
			Repairs
4	Australian Fossil and Mineral Museum	71	FreeChoice Bathurst
5	Aya's Nail & Beauty	72	Get Belted Chest Plates and Collars
6	Bake, Table and Tea	73	Gorgeousness
7	Balance Early Education	74	Gorgeousness Home
8	Bathurst Auto Parts	75	Gunther's Lane Café
9	Bathurst Automotive Group	76	Harris Farm
10	Bathurst Chiropractic	77	Harvest Café & Store
11	Bathurst Drive-Thru Cleaning	78	Healthy Living Bathurst

12	Bathurst Glass Service	79	IGA Trinity Heights
13	Bathurst Golf Centre	80	IGA Westpoint
14	Bathurst Golf Club	81	Inside Outside
15	Bathurst Golf Driving Range	82	Intersport Bathurst
16	Bathurst Health Foods	83	Jack Holman's Menswear
17			-
17	Bathurst Laser Skin Care & Electrolysis Centre	84	Kelso Truck Tyres & Mechanical
18	Bathurst Memorial Entertainment Centre (BMEC)	85	Kings Antiques
19	Bathurst Mowerland and Heating	86	La Mode
20	Bathurst Regional Art Gallery	87	Leading Edge Computers
21	Bathurst RSL Club	88	Leanne Hamilton Couture
22	Bathurst Skin Cancer & Cosmedical Clinic	89	Lewy's Pizza House Bathurst
23	Bathurst Visitor Information Centre	90	Macquarie Medi Spa
24	Bathurst Wholefood Co-operative	91	Macquarie Natural Therapies
25	Beauty 4 U	92	Marietta's Boutique
26	Bent Threads	93	Miles & Son Jewellery Studio
27	Bernardi's Marketplace	94	Mountain Meats
28	Bishops Court Estate Boutique Hotel	95	National motor Racing Museum
29	B Town BBQ	96	Nikkis Café on William
30	Blooms the Chemist – Bathurst Chase	97	One Stop Computer Shop Pty Ltd
31	Blooms the Chemist – Amarda Shopping Centre	98	Panorama Cruise & Travel
32	Blowes Clothing	99	Panorama Business & Financial
33	Body Tone Massage – Armada Shopping Centre	100	Pantano's Bar & Grill
34	BooksPlus	101	Pizza hut
35	Bourkes Horse Rugs	102	Pressed Tin Panels
36	Brabhams's Outdoor Power Centre	103	Price Attack
37	Brakepro Bathurst	104	Pussy Foot Shoe Boutique
38	Bridgestone Service Centre	105	RCG Locksmiths
39	Carah's Cakes & Pies	106	Red Chair Boutique
40	Capital Chemist	107	
41	Carillon Clothing	108	RSAJ Secretarial Services
42	Central Commercial Printers	109	Sassy My Style
43	Central West Flying School	110	Sheer Indulgence
44	Central West Foot and Ankle Clinic	111	Simply Beautiful Beauty Therapy
45	Cheeki Kidz Boutique	112	Smith and Co Locksmiths
46	Churches Garden Centre	113	Sportco
47	Claytons Country Western & Hunting	114	SportsPower
48	Cobb and Co Cellars	115	Stacey's Paper Studio
49	Cobblestone Lane	116	Stewart St veterinary Hospital
50	Colemans Office Products	117	Surf, Skate N Street
51	Cosventure	118	Tablelands Artists Cooperative Gallery
52	Country Brewer	119	Tabletarius Artists Cooperative Gallery Tablots Chartered Accountant
53	Country Coffee	120	The 4WD Zone
54	Country Conee Country Golf Tours	121	The Flower Box Florist
55	Country Golf Todis Country Fruit	122	The Grind
56	Crowe Horwath	123	The Hub
57	CS Mechanical	123	The Hub The Jane Stephens Physiotherapy Centre
58		125	The Oxford
59	Deans Mobbs Gallery	125	
60	Dejorja Boutique	127	Town & Country Water Shap
	Digital Prints & Images	128	Town & Country Water Shop
61 62	Dimension Framing	128	Trinity news & Gifts
63	Discount Dave's	130	Urban Body Valo Crock Wines
64	Diversity Fashion Domino's Pizza	131	Vale Creek Wines Vanessa Pringle Floral Designs
U 4	DOMINIO S FIZZA	ISI	vancessa Filingie Fioral Designs

65	Dudley Hotel	132	Venue Café
66	Easy Living Footwear	133	Westend Electronics
67	Eve's Creations		

There have also been 3,282 entries for the 10-week competition, which has significantly increased the popularity of the Buy Local Gift card program.

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 story boarding campaigns. The campaign has also promoted the Gift card program extensively.

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







5.4 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 funding to the Bathurst Business Chamber (May Mayoral Minute) will

also allow the Chamber to conduct education/ training programs if they so wish.

5.5 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 are working on a range of proposals for the next 6 months, including a modified Winter Festival Program, refer to Section 4 of this report.

5.6 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

And this report.

6. <u>Bathurst District Sport and Recreation Council – Annual Capital Program</u>

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.
- 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 \$20,665 for sporting groups.
- Sporting Group licence (Lease) Fees, waiver of 2020/21 License Fees, refer Mayoral Minute 20 May 2020, estimated cost \$10,320.
- Waiver of Health Inspection Fees Food/ General & Temporary/ Mobile Food Outlets, refer Mayoral Minute 15 April 2020.

Council also includes in Council's annual budget a \$20,000 (W.O. 744) allocation to the Bathurst District Sport and Recreation Council, for them to provide assistance to member sporting organisations for minor capital works. Anecdotal evidence/ feedback from the COVID-19 pandemic, is that many sporting groups are mainly concerned for 2020/21 in their ability to pay operational costs e.g. energy, telecommunications, postage etc. It is **recommended** that's the BDS&RC be advised that they are 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.

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.

7. Rent/ Lease Income – Rent Increases Freeze

The State and Federal governments have both implemented policy positions with respect to the charging of rents and leases, this was the subject of the Mayoral Minute 20 May 2020 and DCSF Confidential #3 report, 20 May 2020. The National Cabinet Mandatory Code of Conduct – SME Commercial Leasing principles during COVID-19 (the Code) was Enacted from 3 April 2020. This includes;

"Agree to apply a freeze on rent increases for the duration of the COVID-19 pandemic and a subsequent recovery period."

Whilst a final figure of the impact of the freeze cannot be determined at this time; given matters such as "subsequent recovery period" definition (not yet defined), and which lessees are impacted by "financial stress or hardship as a result of the COVID-19 pandemic", it is appropriate that an allowance be included when assessing financial implications on Council. Based on Council's normal monthly rental of \$121,413 and a CPI of 2.2% the loss in revenue for 12 months based on a rent freeze would be \$32,053.

8. Impacts on Council Budgets Due to Covid-19 Pandemic

An initial review of direct impacts on Council's budget for 2019/20 was undertaken for the April 2020 Mayoral Minute, this has been updated and is detailed in the table below. The second column of the table below; "Recovery Saving", are areas where management has identified reductions that can be implemented in 2019/20 to try and offset the, "Direct COVID Costs", being incurred. Work will be ongoing as impacts become more apparent and Council responds to Federal and State directives and initiatives.

List of Costs / Savings arising from COVID-19 for period 2019/20					
Reference	Description	Direct COVID Saving / (Cost)	Recovery Saving		
ENG					
2822	Bathurst 6hr - Net Loss of Income	-135,000			Event cancelled.
	Aerodrome - REX - Loss of Head Tax	-66,000			
	Additional Plant / Vehicle Rentals (3months)	-105,000			Due to need to comply with social distancing requirements for outdoor staff.
	Additional Cleaning Materials (toilet paper / sanitiser etc)	-4,000			
	Outdoor Staff Special Leave (2.5 days - March 2020), offset against existing operational accounts.	-29,100	29,100		Whilst social distancing controls/actions implemented.
ENG Total -	as at 15 April 2020	-339,100	29,100	-310,000	,
W8017	Aerodrome Master Plan	_	50,000	·	Project deferred.
W7280	Kerb Replacement Mt Panorama	-	30,000		Project deferred.
W7913	Shoulder replacement Mt Panorama	_	50,000		Project deferred.
ENG Total -	as at 20 May 2020	0	130,000	130,000	
ENG Total –	as at 17 June 2020	0	0	0	
ENG Total - `	YTD	-339,100	159,100	-180,000	

CSF					
W789	Events - Proclamation Day	7,161			Event cancelled.
	Events - Cancellation Savings - Establishment / Set-Up Costs	Ź			
W8652	etc	248,420			
W1245	Community Survey		20,000		Cancelled with Elections deferral
W8696	Sister City	8,000			
W8703	Living Legends	5,000			Event cancelled.
	Staff Training Across the Org		132,000		Due to social distancing, stopping face to face training.
Cell: A4034	IT - General Maintenance (NEW CBD WIFI Mtce)		16,000		-
	IT Costs - Post Office Building Site Activation	-35,000			
	IT & Other Set Up Costs - Mt Panorama Site Activation incl Security	-12,000	10,000		
	IT & Other Set Up Costs - Lee Street Site Activation	-10,000	10,000		Offset by reduced other IT projects
	Increase Cleaning Costs (incl Air Con Mtce) - Civic / Mt Pan / Lee St - 3mths	-126,000			To meet expected health standards whilst utilising Council facilities.
W8647	Finance - New Community Loans - Debtor		40,000		
	IT Terminal Services – Extra licences	-500			To facilitate Working from Home
CSF Total -	as at 15 April 2020	85,081	228,000	313,081	
	Legal fees COVID-19 advice	-2.700			Matters such as meeting protocols and COVID-19 impact.
GL4080 GL0415					•
GL4095	Emergency Services Levy		18,000		2019/20 Savings
GL0340	Civic receptions	-	10,000		Reduced levels
GL0300	Workers Compensation Insurance	_	40,000		2019/20 Savings
CSF Total -	as at 20 May 2020	-2,700	68,000	65,300	
CSF Total -	as at 17 June 2020	0	0	0	

ccs				
	BMEC - Hire / Profit	-85,000		Facility Closed
	BMEC - Season Shows	81,000		Facility Closed
	BMEC - Staff (Casuals)	17,000		Facility Closed
	BMEC - Electricity & Gas	15,000		Facility Closed
	Museums - Loss of Tickets & Retail	-120,000		Facility Closed
	Library - Book Sales to Community of Secondhand Books	-10,000		Program cancelled
	Gallery - Retail	-10,000		Facility Closed
	Gallery - Stock Purchases deferral		17,000	Facility Closed
	BVIC - Retail	-20,000		Facility Closed
	BVIC - Japanese Students	-20,000		Facility Closed
	BVIC - Online Booking	-15,000		Facility Closed
	BVIC - Ticket Sales	-20,000		Facility Closed
	BVIC - Heritage Trades Trail / Autumn Colours	20,000		Event cancelled
	BVIC - Staff (W/End Casuals)	20,000	30,000	Facility Closed

	BVIC - Stock Purchases				
	deferral		7,500		Facility Closed
	RAP		10,000		
	Small Business Access Grants		6,000		
	Staff Training		20,000		
	Kelso Community Hub rent	-6,000			Groups have ceased use
CCS Total	– as at 15 April 2020	-153,000	90,500	-62,500	
	BMEC write off of stock	-420	·		Perishable stock w/off
	FDC – Parent levy	- 47,000			Waiver of parent levy
W8764	The End Festival (VEDF)	_	13,000		Event cancelled
CCS Total	– as at 20 May 2020	-47,420	13,000	-34,420	
CCS Total	- as at 17 June 2020	0	0	0	
2007	VTD	000 455	400 500		
CCS Total	- צוט	-200,420	103,500	-96,920	

EPBS					
W380	Sustainable Living Expo	10.000			Event cancelled
Cell A:7886	Parking Fines	-75.000			270110 00110 0110 01
W455	Community Consultations - Masterplans Companion Animals education	. 0,000	10,000		Face to face sessions cancelled due to social distancing etc.
W351	and events		1,500		
W379	Public swimming pools and spa pools monitoring Community education	1,500	,		
W382	newsletter		5,000		
W6063	Pillars of Bathurst	5,000	,		Event cancelled
W2210	Evocities		10,000		Evocities inactive 2019/20. \$30k for Health Precinct and \$18k for Spendmapp, \$5,000 Jobs Portal. Remaining funds will not be spent.
			,		Project to be moved
W3042	Entry to Bathurst Signage		35,000		over to the Village Planning project.
EPBS Total -	- as at 15 April 2020	-58,500	61,500	3,000	
W8615	Macquarie Medal		10,000		Savings for 2019/20
W7892	Building Better Bathurst		3,000		Savings for 2019/20
W405	Town Planning Sundries/ LEP expenses		10,000		Savings for 2019/20
W3860	RVMP		10,000		Savings for 2019/20
W382	Community education newsletter		3,000		Savings for 2019/20
W378	Health Fact Sheets		1,000		Savings for 2019/20
W370	Environmentors		1,000		Savings for 2019/20
EPBS Total -	- as at 20 May 2020	0	38,000	38,000	
GL 2030	Parking Fines	30,000		30,000	2019/20
EPBS Total -	- as at 17 June 2020	30,000	0	30,000	
EPBS Total -	YTD	-28,500	99,500	71,000	

Overall Total – as at 15 April 2020	-465,519	409,100	-56,419	
Overall Total – as at 20 May 2020	-50,120	249,000	198,880	
Overall Total – as at 17 June 2020	30,000	0	30,000	
Gross Total – YTD	-485,639	658,100	172,461	

List of Stimulus Measures: COVID-19 2019/20 and 2020/21 Proposed Action	2019/20 Impact \$	2020/21 Impact
User Fees and Charges Outdoor Dining Fees - Gnl Fund (0440 – DEP&BS	20 19/20 Impact ψ	2020/21 IIIIpact
Revenues)	9,233	13,850
Health Inspection Fees Food/General -Gnl Fund (0431 – DEP&BS Revenues)	18,333	27,500
Health Inspection Fees Skin/Hairdressing Fees – Gnl Fund (1787 – DEP&BS Revenues)	1,500	2,250
Health Inspection Fees Bed and Breakfast – Gnl Fund (1788 – DEP&BS Revenues)	833	1,250
Health Inspection Fees Temporary/Mobile food outlets – Gnl Fund (8319 – DEP&BS Revenues)	333	500
Health Inspection Food Act Administration Annual Fee (0435 – DEP&BS Revenues)	-	21,500
Parks and Gardens Active Spaces community groups - User Fees – Gnl Fund	53,819	-
Trade Waste Charges – Sewer Fund (0100 – DES Revenues)	12,688	19.003
Tourism Partnership Program – Gnl Fund (0314 – DCCS Revenues)	-	56,000
Council Development Application other Fees (Gnl Fund (0105 – DEPBS Revenues)		55,000
DA fees	-	98,075
		72,221
Other Development Fees		12,221
TOTAL – as at 15 April 2020	96,739	312,149
Payment Bathurst Business Chamber	18,000	-
Local Media (Print) Support	23,333	140,000
Reduced Water Scheme Standpipes	-	40.000
Community Organisations – Long Term Loans Interest Relief	-	24,827
Interest foregone on overdue rates & charges	16,150	97,000
Reduced Water Pricing (Standpipes)	-	40,000
Waiver of Community Group licences	_	4,320
Waiver of Sporting Group/Club licences	_	10.320
Waiving of Library Fines	_	5,200
Various Economic/ Communication/ Tourism/ Event Activities	62.498	-
Total – for 20 May 2020	119,981	361,667
Free access business to id modelling tool	-	1,500
Upstairs Start Up Hub assistance	10,000	-
Buy Local Gift Card Program – Expansion	10,000	_
Waiver 2021 BMEC Annual Membership (W.O. 5804 & 5806)	-	5.920
Jser Fee and Charges Footpath Obstructions Licence Fees – General	-	-,
Fund (0441 – DEP&BS Revenues)	-	10,000
Rent Lease Income - Rent Increase Freeze	-	32,053
Doors Open Marketing Campaign	-	20,000
Jobs Expo	-	10,000
Biz Month	-	10,000
Formal Business Attraction Program	-	50,000
VFR Marketing Campaign	-	10,000
Total – for 17 June 2020 TOTAL – Stimulus YTD	20,000 236,720	149,473 823,289

FINANCIAL IMPLICATIONS:

The financial implications have been detailed within the report. Most data relate to the 2019/20 budget year, with initial value of 2020/21 stimulus measures included, these will

be further developed in subsequent reports.

The report indicates costs; direct and stimulus measures for 2019/20 as;

Gross Cost YTD 2019/20 \$ <485,639> Stimulus Measures 2019/20 \$ <236,720>

TOTAL \$ <722,359>

These costs are proposed to be funded as follows;

Recovery Savings (Budget reductions) \$658,100
Items Currently Funded in Budget

• Local Media (Print) Support \$23,333

• Various Eco/Comm/Tour/ \$62,498

Event activities

TOTAL \$ 743,931

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.

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:

MINUTE

RESOLUTION NUMBER: ORD2020-134

MOVED: Cr B Bourke

RESOLVED: That Council:

1. Notes the actions taken to date.

- 2. Waive the User fee for id economic modelling for the period 2020/21, estimated cost \$1,500.
- 3. Provide additional funds as identified to assist in the recovery phase from COVID-19.

PROGRAM NAME	AMOUNT
(a) "Doors Open" Marketing Campaign	\$20,000
(b) Jobs Expo	\$10,000
(c) Biz Month	\$10,000
(d) Formal Business Attraction Program	\$50,000
(e) Upstairs start up Hub (2019/20)	\$10,000
(f) Buy Local Gift Card Program – Expansion (2019/20)	\$10,000
(g) VFR Marketing Campaign (tourism)	\$10,000
TOTAL	\$120,000

- 4. Waive the User Fees and Charges Footpath Obstruction Licence fees (General Fund 0441) for the period 2020/21, estimated cost \$10,000.
- 5. Waive the 2021 BMEC Membership Fees (W.O. 5804-5806) for existing 2020 members, estimated cost \$5,920.
- 6. Advise the BDS&RC that the \$20,000 allocation for capital works for 2020/21 (W.O. 744) can be allocated to affiliated sporting bodies to cover operational costs. Further, that Council delegates to the BDS&RC be delegated the authority to approve any proposed methodology/ allocations for operational expenditure payments.

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

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

9.1.1 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 non-discretionary development standard.

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

- (3A) **Development control plans** If a development control plan contains provisions that relate to the development that is the subject of a development application, the consent authority—
 - (a) if those provisions set standards with respect to an aspect of the development and the development application complies with those standards—is not to require more onerous standards with respect to that aspect of the development, and
 - (b) if those provisions set standards with respect to an aspect of the development and the development application does not comply with those standards—is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development, and
 - (c) may consider those provisions only in connection with the assessment of that development application.

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

- (4) **Consent where an accreditation is in force** A consent authority must not refuse to grant consent to development on the ground that any building product or system relating to the development does not comply with a requirement of the *Building Code of Australia* if the building product or system is accredited in respect of that requirement in accordance with the regulations.
- (5) A consent authority and an employee of a consent authority do not incur any liability as a consequence of acting in accordance with subsection (4).
- (6) **Definitions** In this section—
 - (a) reference to development extends to include a reference to the building, work, use or land proposed to be erected, carried out, undertaken or subdivided, respectively, pursuant to the grant of consent to a development application, and
 - (b) **non-discretionary development standards** means development standards that are identified in an environmental planning instrument or a regulation as non-discretionary development standards.

FINANCIAL IMPLICATIONS:

Nil

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

Objective 6: Community leadership and collaboration.

Strategy 6.4 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: ORD2020-135

MOVED: Cr I North SECONDED: Cr J Rudge

RESOLVED:

That the information be noted.

9.1.2 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 May 2020 (attachment 1).
- (b) Applications refused during May 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 (attachment 4).
- (e) Applications with variations to development standards under Clause 4.6 of Bathurst Regional LEP 2014 approved in May 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 [**9.1.2.1** 2 pages]
- 2. DAs refused [9.1.2.2 1 page]
- 3. DAs pending [**9.1.2.3** 2 pages]
- 4. Over 40 days [9.1.2.4 1 page]
- 5. Clause 4.6 Approvals [**9.1.2.5** 1 page]

MINUTE

RESOLUTION NUMBER: ORD2020-136

MOVED: Cr I North SECONDED: Cr J Jennings

RESOLVED:

That the information be noted.

9.1.3 DEVELOPMENT APPLICATION 2019/367 - DEMOLITION OF COMMERCIAL BUILDING AND PART DWELLING HOUSE, CONSTRUCTION OF FOOD AND DRINK PREMISES WITH DRIVE THRU, CHANGE FROM DWELLING TO OFFICE - 103 - 105 STEWART ST. APPLICANT: McDUCK, OWNER, GULLIFER

File No: 2019/367

RECOMMENDATION:

That Council:

- (a) support the variation to Clauses 5.6 "Parking, Access and Manoeuvring Areas", 12.2 "Advertising Signage" and 13.3 "Landscape Plans" 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. 2019/367, 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:

Earthworks, Dust, Erosion and Sedimentation

- 1. 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
 - 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
- 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
 - 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 <u>less than six months</u>, the 75th percentile storm depth is to be used. For sites where disturbance is likely to be <u>more than six months</u>, the 80th percentile storm depth is to be used. If the discharge location is deemed to be <u>sensitive 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 <u>more than six months AND discharges to sensitive</u> locations, the 85th percentile storm depth is to be used.
- ^ As a minimum, progressive stabilisation of site is to achieve a *C*-factor of 0.10 or about 60% ground cover within 20 days and a *C*-factor 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.
- 2. 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:
 - Communication with adjoining property owners;
 - ii. Communication with the general public; and
 - iii. Complaints management.
- 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.
- 4. 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.
- 5. 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

Traffic Management, Safety and Parking

- 6. All vehicles servicing the subject site must be no larger than 8.8 metres in length.
- 7. 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.
- 8. All activities involving the loading and unloading of goods must be carried out on site within the dedicated areas.
- 9. 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.
- 10. 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.
- 11. 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).

- 12. 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.
- 13. Seating for no more than forty (40) persons is to be provided inside the approved food and drink premises. No outdoor seating is permitted.
- 14. All vehicular movements to and from the site must be undertaken in a forward direction only.
- 15. 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.
- 16. 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).
- 17. 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.
 - 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.
- h) 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.

Trade Waste

- 18. Pre-treatment equipment must be installed to treat liquid trade waste before it can be discharged to Council's sewer system.
- 19. 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).
 - The conditions of the approval are to be complied with in all respects.
- 20. 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.

Lighting and Signage

- 21. 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.
- 22. Light is to be directed downwards, not upwards, to illuminate the target area.
- 23. 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.
- 24. All external lighting must have fully shielded fittings to reduce light spill onto neighbouring properties.
- 25. All building façade lighting must aim downwards.

- 26. Up-lighting of advertising signage is not permitted.
- 27. 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

- 28. 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.
- 29. Sign Nos. S06 must not be illuminated.
- 30. 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.
- 31. 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.

Noise

- 32. 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.
- 33. 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."
- 34. Building work involving the use of electric or pneumatic tools or other noisy operations shall be carried out only between 7:00am and 8:00pm on weekdays and 8:00am and 8:00pm on weekends and public holidays.

- 35. The development shall only be conducted:
 - a) On Sundays to Thursdays inclusive between the hours of 10:00 am to 10:00pm.
 - b) On Fridays to Saturdays inclusive between the hours of 10:00am to 11:00pm.
- 36. 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).
- 37. 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).
- 38. 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.
- 39. 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.
- 40. The total sound power level of plant installed within the ground floor plant area must be no greater than L_{eq} 75 dBA.
- 41. The total sound power level of all rooftop plant must not exceed Leq 76 dBA.
- 42. The sound power level of the speaker box in the drive-through area must not exceed L_{eq} 72 dBA and L_{max} 84 dBA.
- 43. 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.
- 44. 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.
- 45. 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.
- 46. 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.

Odour

- 47. 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.
- 48. The kitchen ventilation extraction system must be regularly maintained and cleaned by staff.
- 49. Regular inspection must be conducted by staff to identify odour sources at the site and in the surrounding environment.
- 50. 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.
- 51. 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.
- 52. 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.
E.g. Waste.	Collection of indoor and outdoor waste from garbage bins and disposal into large lidded waste collection bin to be stored in the Bin Enclosure Area.	Once an hour.	Waiting Staff.

- 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.
- 53. 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).
- 54. All waste materials must be stored in a sealed/enclosed waste collection bin in the designated Bin Enclosure area.
- 55. 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.
- 56. The designated Bin Enclosure area and other waste storage facilities on site (such as fixed rubbish bins) must be regularly cleaned and maintained.
- 57. 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)".

- 58. 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*.
- 59. 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*.
- 60. Offensive odours from the premises must not be detectable at the nearest sensitive land uses.
- 61. 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.
- 62. 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.

- 63. Grease traps installed in the cooking systems must be maintained in efficient working order at all times.
- 64. 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.

Essential Energy

- 65. Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property must be complied with.
- 66. 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.
- 67. 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.
- 68. 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.
- 69. 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.
- 70. 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).
- 71. 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.

Heritage Conservation

72. 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.
- 73. 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.
- 74. During the carrying out of the proposed works, if any archaeological remains are discovered, the development 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.
- 75. 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 AS2001-2001). 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.

Consolidation of Lots

76. 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.

Sale of Alcohol

77. The sale of liquor from the food and drink premises is not permitted.

Privacy

78. 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.

Waste Management

- 79. 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".
- 80. 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.

- 81. The developer is to complete and submit to Council for approval a completed Council Waste Management Plan. The Plan shall include, but not be limited to, the following:
 - a) The types of waste to be handled.
 - b) Volume of each waste.
 - c) Management and storage of waste.
 - d) Method of waste disposal.
 - e) Method of waste transport.
 - f) Disposal location.
- 82. Upon completion of demolition work the developer is to submit to Council proof of waste disposal at a licensed facility

Landscaping

83. 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 2.1-metre-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).
- 84. The approved/certified landscape plan is to be implemented and landscaping maintained for the life of the development.
- 85. 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.
- 86. 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*.
- 87. 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.
- (c) notify those that made submissions; and
- (d) call a division

REPORT:

Site

Council has received a Development Application for:

- The demolition of an existing commercial building, being the former service station building located on Lot 5 DP 1086710 (105 Stewart Street).
- Partial demolition of an existing dwelling house located on Lot 1 DP 737574 (103 Stewart Street).
- 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.

- Construction of retaining walls.
- Installation of signage on the land.

The land is described below:

Lot and DP	Property Address	Area	Description
Lot 1 DP 737574	103 Stewart Street Bathurst NSW 2795	550.1m ²	Contains an existing single-storey dwelling house. Vehicular access is existing over the South-Eastern boundary from Stewart Street.
Lot 5 DP 1086710 105 Stewart Street Bathurst NSW 2795		1467m²	Contains an existing commercial building and associated car park which was formally used as a service station and most recently, a vehicle sales and hire premises (by Avis Car Rentals). Vehicular access is existing over the South-Eastern boundary from Stewart Street (in two locations) and the South-Western boundary from Howick Street.

See location plan and aerial photo at attachment 1.

Proposed development

The proposed development includes:

- The demolition of an existing commercial building on Lot 5 DP 1086710 (105 Stewart Street).
- Partial demolition at the rear of an existing dwelling house located on Lot 1 DP 737574 (103 Stewart Street).
- 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 22 space carpark.
- Construction of retaining walls.
- Construction of 2.1-metre-high acoustic wall.
- Installation of signage on the land.

The proposed food and drink premises (approximately 232m²) is single-storey and will include: a commercial kitchen, indoor order and pick-up desks, indoor dining area, drive-through payment and pick-up windows, single drive-through lane and order point, awnings over drive-through, dry store, freezer, cool room, male accessible toilet, female accessible toilet, cleaners storage, bin enclosure and plant enclosure.

Two vehicular access points will be provided, including ingress/egress on Howick Street and egress on Stewart Street. A car park including 22 spaces will be constructed on site.

The food and drink premises will include indoor seating only for up to forty (40) people and is proposed to be operated during the following hours:

Sundays to Thursdays 10:00am to 10:00pm Fridays to Saturdays 10:00am to 11:00pm

All deliveries are proposed to be carried out between 7:00am and 6:00pm.

A total of 14 signs are proposed to be installed throughout the site, including:

1 x Double-sided pylon sign (S01).

- 5 x Flush wall signs (S02, S03, S06 & S14).
- 1 x Vehicle clearance bar sign (S05).
- 2 x Electronic menu signs (S07 & S08).
- 4 x Double-sided directional signs (S09 S12).
- 1 x Banner sign within freestanding frame (S13).

Amendments to Plans During the Assessment Process

It is noted that there have been a number of iterations to the plans during the assessment process to clarify and add details to the submitted plans.

Earlier versions of the plans included an ingress/egress from both Howick Street and Stewart Street. Council Officers and Transport for NSW (TfNSW) (previously the RMS) both raised concerns as to the potential traffic impacts of this arrangement especially as a result of vehicles entering the site from Stewart Street.

The plans have now been amended to include ingress and egress from Howick Street and egress only onto Stewart Street.

Additionally, to reduce the impacts of the development on neighbouring residential properties and the streetscape, the following notable amendments were made to the design and layout of the development:

- The total floor area of the proposed food and drink premises was reduced by approximately 35m².
- The setback of the food and drink premises building from the North-Eastern boundary shared with 101 Stewart Street was increased from 6 metres to approximately 9 metres.
- The setback of the outer edge of the drive-through from the North-Eastern boundary shared with 101 Stewart Street was increased from approximately 2.1 metres to approximately 5.7 metres.
- The number of drive-through ordering bays was reduced from two (2) to one (1). However, the speaker box and one of the proposed electronic signs (S08) was relocated to the North-Western side of the building within the drive-through lane. Some of the plans in the set were not amended to be consistent with this change and accordingly, Council has amended these inconsistencies in red as shown in the attachments.
- The original awning proposed to be located over the drive-through ordering bays was removed and replaced with a plant enclosure area.
- The number of proposed signs was reduced from 21 to 14.
- One additional onsite car space was provided (an increase from 21 to 22 spaces).

Summary of Attachments

See the relevant plans and documentation in the following attachments:

Attachment No.	Documentation	Council Reference No.
1	Map of Site and Surrounding Area.	
2	Final (Amended) Development Plans.	2019/367-03/019
3	Final (Amended) Landscaping Plan.	2019/367-03/004
4	Final (Amended) Electrical and Lighting Plan.	2019/367-03/002
5	Final (Amended) Stormwater Management Plans.	2019/367-03/006
6	Survey Plan of Existing Site.	2019/367/014

7	Final (Amended) Statement of Environmental Effects.	2019/367-03/010
8	Final (Amended) Environmental Noise Assessment Report.	2019/367-03/017
9	Final (Amended) Odour Assessment Report.	2019/367-03/003
10	Statement of Heritage Impact.	2019/367/007
11	Plan of Management	2019/367/037
12	Final (Amended) Traffic Assessment Report.	2019/367-03/018
13	Security Management Plan	2019/367/010
14	Examples of Existing Signage Within Residential and	
14	Commercial Zones in Stewart Street	
15	Public Submissions Received in Relation to Development	
15	Application	
16	Town Planning Consultant's Response to Public	2019/367-02/042
10	Submissions	2019/307-02/042
17	Architect's Response to Public Submissions and Heritage	2019/367-02/043
17	Concerns	2019/307-02/043
18	Traffic Consultant's Response to Public Submissions and	2019/367-02/041
10	Traffic Concerns	2019/301-02/041
19	Minutes of Councillor Submission Hearing	

Analysis of Elevations

At present there is a significant difference in the relative levels (RL's) between Lot 5 DP 1086710 (105 Stewart Street) and Lot 1 DP 737574 (103 Stewart Street) (see **Figure 1**). One of the significant aspects of the development is the need to raise the existing ground levels of part of 103 Stewart Street such that it is level with the remainder of the site. This is necessary not only to provide a levelled site but also to ensure that stormwater from the site can be collected and disposed of to Stewart Street and/or Howick Street as appropriate.



Figure 1 – Existing Change in Level between Lot 5 DP 1086710 (105 Stewart Street) (Left) and Lot 1 DP 737574 (103 Stewart Street) (Right)

At present, the rear Northern corner of 103 Stewart Street, where it joins Lot 3 SP 54826 (3/101 Stewart Street) and Lot 1 DP 780821 (301 Howick Street), has an RL of 660.20. Contrast this with a proposed ground level of 662.10 across the site, means that there will be a 1.9 metre difference between the current ground levels and the proposed finished floor levels. This will be achieved by a series of retaining walls (existing and proposed) of up to 2 metres in height, upon which part of the commercial building and the drive-through

will be constructed.

The existing masonry retaining wall located along the shared boundary of 301 Howick Street) and 105 Stewart Street will remain on site (**shown orange** in **Figure 2**). It will then be stepped in from the boundary by approximately 0.9 metres with a maximum height of approximately 1.935 metres and trace around the North-Western edge of the proposed drive-through on 103 Stewart Street (**shown green**). Around the North-Eastern edge of the drive-through, approximately 5.7 metres in from the North-Eastern boundary with 101 Stewart Street, there will be one retaining wall with a maximum height of approximately 2 metres (**shown pink**). This relationship is also shown on the "Boundary Cross-Section Plan" provided in **Figure 3**.

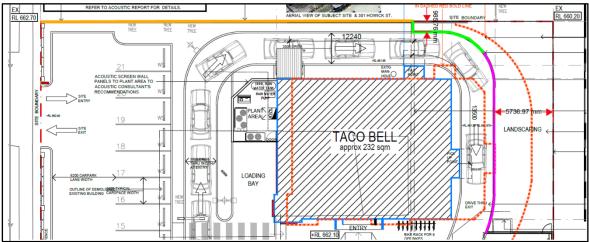


Figure 2 – Location of Existing (Orange) and Proposed Retaining Walls (Green and Pink) - Lot 5 DP 1086710 (105 Stewart Street) and Lot 1 DP 737574 (103 Stewart Street)

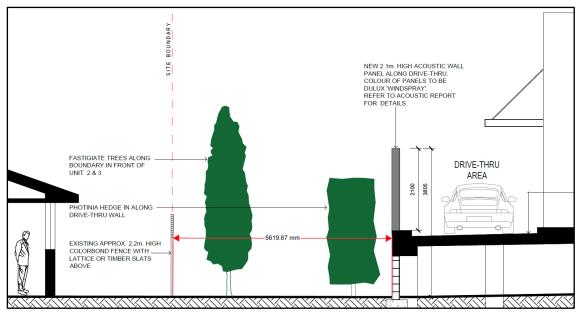


Figure 3 — Cross-sectional Relationship between Proposed Food and Drink Premises and Adjoining Units Located to the North-East on Lots 1 to 3 SP 54826 (1-3/101 Stewart Street)

Also bounding the site will be a 2.1-metre-high acoustic fence. The acoustic fence will be located on top of the existing retaining wall located along the North-Western boundary between the site and 301 Howick Street and will continue around the edge of the drive-through (i.e. sitting 2.1 metres above the drive-through carriageway) and the rear yard

area of the proposed office premises along the North-Eastern boundary shared with 101 Stewart Street (shown **thick blue** in **Figure 4** below). The Environmental Noise Assessment Report suggests that the fence "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."

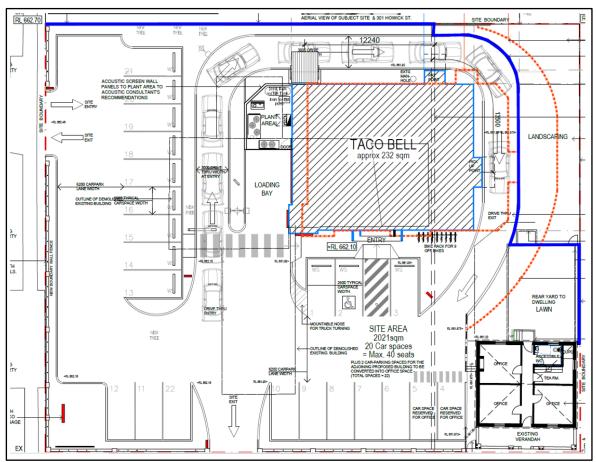


Figure 4 – Location of Proposed 2.1metre High Acoustic Wall (Shown Thick Blue)

State Environmental Planning Policies (SEPP)

SEPP No. 55 - Remediation of Land

105 Stewart Street (Lot 5 DP 1086710) is identified on Council's Contaminated Land Information System (CLIS) as it has previously been used as a service station and vehicles sales and hire premises.

A Targeted Soil Contamination Assessment Report (prepared by Pacific Environmental, dated 23 July 2019) has been submitted to Council which identifies that:

- Soil samples were taken from sampling bores in June and September of 2019 within the boundaries of both 105 (Lot 5 DP 1086710) and 103 Stewart Street (Lot 1 DP 737574), to assess the likelihood of contamination with a range of contaminants accepted by the NSW Environment Protection Authority (EPA).
- The soil analysis revealed that the analysed contaminants all fall below the maximum recommended and do not exceed the criteria for residential development.
- No asbestos fragments were noted at the site, nor was there any evidence of asbestos contamination at the site.

- The former underground storage tanks (USTs) associated with the previous service station were abandoned in approximately 1974 and filled with concrete. The fill points and inspection caps were removed during an inspection in September 2019 and a 20mm hole was drilled into each to determine the integrity of the concrete backfill. The concrete was found to be sound (dense and impermeable) and the concrete cores were re-concreted after the inspection to prevent the ingress of stormwater.
- The land is suitable for residential, industrial or commercial use.
- The land would be suitable for continued use as a service station.
- No remediation action is recommended or required.

Therefore, the land is suitable in its current state for its proposed use as a food and drink premises and office premises (commercial). The development complies with the requirements of Clause 7 of *State Environmental Planning Policy No 55 – Remediation of Land*.

SEPP No. 64 – Advertising and Signage

The proposed development involves the demolition/removal of the existing signage located on the land, including 4 building facade signs, a painted wall sign, 2 large pylon signs and a billboard sign (shown in **Figure 5**).



Figure 5 – Existing Signage Located on Lot 5 DP 1086710 – Includes Building Fascia Signs, Two Pylon Signs and One Billboard Sign

Further, a total of 14 new signs to be used in association with the proposed food and drink premises, will be installed on site as described below. It is noted that the newly proposed Pylon Sign will be smaller in height, bulk and scale than the original Pylon Sign currently located on the land (see Figure 6).

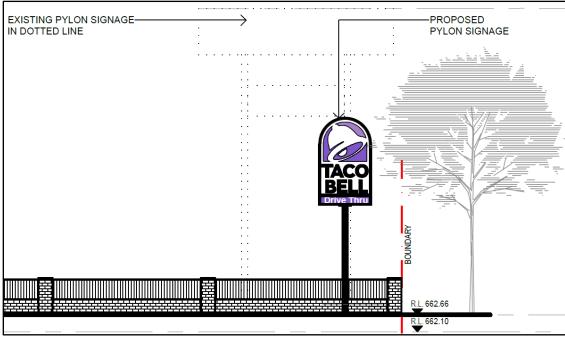


Figure 6 – Elevation Plan – South-Western Elevation – Height, Bulk and Scale of Existing Signage Located on Lot 5 DP 1086710 vs Proposed Pylon Sign (No. S01)

Signage Type	Size	Location	Illuminated/ Floodlit		Description
1 x Double Sided Pylon Sign (Business Identification Sign)	Panel = 1.721m (w) x 2.873 (h) Overall Height = 6.44m	Southern corner of site, perpendicular to Stewart Street.	Illuminated.	<u>S01</u>	TACO BELL Drive Thru
2 x Flush Wall Signs (Business Identification Signs)	5.06m (w) x 0.695m (h) 3.64m (w) x 0.5m (h)	South-Western elevation facing Howick Street. South-Eastern elevation facing Stewart Street.	Floodlit.	S02 & S03	TACO BELL
1 x Vehicle Clearance Bar Signs	2.961m (w) & 3.051m (h)	At drive- through entrance, facing South- East.	No.	<u>\$05</u>	Glearance 277M
2 x Flush Wall Signs	1.645m (w) x 1.5m (h)	South-Western and South-Eastern elevations facing Howick Street and Stewart Street.	Illuminated.	<u>\$06</u>	

2 x Electronic Menu Signs	0.61m (w) x 1.76m (h)	One in drive- through lane facing South.	Illuminated.	<u>\$07</u>	
	1.225m (w) x 1.76m (h)	One in drive- through lane facing North- West.		<u>\$08</u>	
4 x Double- sided Directional Signs	0.7m (w) x 2.1m (h)	At vehicular access points, drive-through entrance and end of drive-through.	Illuminated.	S09 – "Entry S10 – "Exit" S11 – "Drive thru" S12 – "No Entry"	TACO
1 x Banner Sign within Freestanding Frame	Panel = 3.6m (w) x 1.5m (h) Overall Height = 2.0m	On Southern corner of site facing Stewart Street.	No.	<u>S13</u>	the same of the sa
1 x Flush Wall Sign	4.57m (w) x 2.8m (h)	North-Western elevation of food and drink premises.	Floodlit.	<u>\$14</u>	CANTO CANTO

In accordance State Environmental Planning Policy No. 64 – Advertising and Signage Council is required to consider the assessment criteria in Schedule 1.

	Criteria	Requirements	Comment	Complies
1	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? Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposed signage is generally compatible with the signage of other commercial premises located within Stewart Street, including the existing commercial premises located on site.	Yes.
2	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 residential areas?	The proposed signage will be compatible with the modern design of the commercial building on which it is proposed to be located. The land is located within the Bathurst Heritage Conservation Area (HCA) and the signage will generally be compatible with other existing commercial premises located within the HCA. However, it is considered that proposed Banner Sign No. S13 (which will advertise products and be changed regularly) will result in clutter and is not considered to be appropriate for the HCA. Accordingly, if the application is approved, it is recommended that a condition of consent be implemented to clarify that Sign No. S13 does not form part of that approval. No signage has been proposed on the office building (existing cottage).	Yes, subject to conditions.
3	Views and Vistas	Does the proposal: Obscure or compromise important views? Dominate the skyline and reduce the quality of vistas? Respect the viewing rights of other advertisers?	The proposed signage would not obscure or compromise important views or vistas and is consistent with the height of the proposed commercial building and other signage existing within Stewart Street.	Yes.
4	Streetscape, Setting or Landscape	Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape? Does the proposal: Contribute to the visual interest of the streetscape, setting or landscape? Reduce clutter by rationalising and simplifying existing advertising? Screen unsightliness? Protrude above buildings, structures or tree canopies in the area or locality?	The scale, proportion and form of the proposal is appropriate for the streetscape, setting and landscape and signage would be located on purposely designed spaces of the site and building. However, proposed Sign S02 "Taco Bell" is 5.06 metres in length and extends almost half the width of the elevation. Given that the combined area of these signs exceeds 5% of the elevation (which is smaller and less articulated than the South-Eastern elevation) it is considered that if the application is approved, a condition of consent should be implemented to ensure that Sign No. S02 does not form part of the approval and that a duplicate of Sign No. S03 is permitted to be installed	Yes, subject to conditions.

5	Site and Building	 Require ongoing vegetation management? Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located? Does the proposal: Respect important features of the site or building, or both? Show innovation and imagination in its relationship to the site or building, or both? 	in its replacement (see Figure 14). Sign No. S03 is much smaller and would be more appropriately scaled for the size of the elevation (see Figure 13 and Figure 14). Only one directional sign has been proposed at each vehicular access which refines the signage and reduces visual clutter. It is considered that the proposed advertisement Banner Sign (No. S13) would result in unacceptable visual clutter of the site. It is recommended that this sign not be approved.	Yes, subject to conditions.
7	Associated Devices and Logos with Advertisements and Advertising Structures Illumination	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? Would illumination: Result in unacceptable glare? Affect safety for pedestrians, vehicles or aircraft? Detract from the amenity of any residence or other form of accommodation? Can the intensity of the illumination be adjusted, if necessary?	 9 out of the 14 signs are proposed to be illuminated and 7 out of the 14 proposed signs include the "Taco Bell" logo. The use of logos is considered appropriate. To reduce the impacts of lighting and glare on the surrounding public road and residential developments, conditions of consent could be implemented to ensure that: Up-lighting of advertising signage is not permitted. All external lighting and signage is switched off outside of the approved operating hours. Changes in display on the proposed electronic signage are not distracting or cause nuisance. Wall Sign Nos. S06 not be approved for illumination. Further discussion is provided on this matter throughout this report. 	Yes, subject to conditions. Yes, subject to conditions.
8	Safety	Is the illumination subject to a curfew? Would the proposal reduce the safety for: Any public road? Pedestrians or bicyclists? Pedestrians, particularly children, by obscuring sightlines from public areas?	Only one directional sign has been proposed at each vehicular access. Conditions of consent could be implemented to ensure that these are appropriately located so as not to impede sight lines of traffic, including any pedestrian pathways, within or when passing, entering or departing the site.	Yes, subject to conditions.

State Environmental Planning Policy (Infrastructure) 2007

Clause 45 – Other Development (Development Likely to Affect and Electrical Transmission or Distribution Network)

The development is proposed to be located within 5 metres of an overhead electricity powerline located on the Northern side of Stewart Street. Accordingly, the application was referred to Essential Energy in accordance with Clause 45 of SEPP (Infrastructure) 2007 and the following comments were provided:

Essential Energy - 14 May 2020

We refer to the above matter and to various correspondences from Council and the Applicant seeking comment from Essential Energy in relation to the proposed development.

Strictly based on all documents and information submitted, Essential Energy has no comments to make as to potential safety risks arising from the proposed development.

Essential Energy makes the following general comments:

- If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment.
- 2. Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with.
- 3. Prior to any demolition works occurring, any service line/s to the properties must be disconnected. Refer Essential Energy's Contestable Works team for requirements via email contestableworks@essentialenergy.com.au.
- 4. 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.
- 5. 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.
- 6. In addition, 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.
- 7. Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of

- Underground Electricity Power Lines) of the *Electricity Supply Act 1995* (NSW).
- 8. 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.

Therefore, it is considered that the proposed development would not place any adverse impact on electricity infrastructure, subject to the adoption of the abovementioned recommendations as conditions of consent.

Clause 101 – Development with Frontage to Classified Road and Clause 104 – Traffic-Generating Development

Under Clause 101 Council has an obligation to satisfy itself 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.

The proposed development is identified as Traffic Generating Development under Schedule 3 of SEPP (Infrastructure) 2007 as it is a take-away food and drink premises with drive-through facilities and direct access onto a classified road, being Stewart Street. Accordingly, the application was required to be referred to TfNSW for comment under Clause 104 of SEPP (Infrastructure) 2007.

The following comments were provided from TfNSW in relation to original concept provided to Council, i.e. ingress and egress from both Howick and Stewart Streets:

Transport for NSW (TfNSW) - 12 March 2020

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 drivers 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 of 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.
- 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 <u>southern and northern</u> 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.

Based on information provided by TfNSW, the submitted Traffic Assessment Report was amended to provide consideration towards a larger daily traffic volume along Stewart Street of 20,000 vehicles.

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.

A detailed design (including swept paths) was also submitted to Council for consideration and demonstrates that sufficient area will be available on site for an 8.8-metre-long medium rigid service vehicle to enter the site via Howick Street, access the loading bay and exit the site via Stewart Street in a forward direction. Conditions of consent can be implemented to ensure that all delivery vehicles servicing the site are no larger than 8.8

metres in length, all loading and unloading of goods is carried out in the designated bay and that deliveries are made outside of peak business hours during the day.

The performance of a right-hand turn from Howick Street onto Stewart Street is currently permitted at the intersection. TfNSW have advised that based on the existing daily traffic volumes and the expected additional traffic movements as a result of the development, that the intensification of traffic will not cause a road safety risk by drivers crossing a number of traffic lanes, particularly during peak times of travel. Accordingly, Council can be satisfied that the existing intersection treatments are satisfactory for the proposed development and that the continued allowance of a right-hand turn onto Stewart Street is acceptable.

DCP 2014 prescribes that one carparking space must be provided for every two indoor seats within a take-away food and drink premises and that one space is to be provided for every 50m^2 of office premises. These carparking rates account for both the expected number of customers and staff. As previously discussed, based on the requirements of DCP 2014, a minimum of 22 car parking spaces are required for the development and will be provided on site. Therefore, subject to conditions which restrict the number of seats permitted within the food and drink premises, it is considered that the proposed onsite carparking will be sufficient for all customers generated by the development as well as the maximum of ten (10) employees proposed to be located onsite at any one time.

TfNSW have recommended that "No Stopping" signage be installed along the length of the property boundary on both the South Western and North Eastern sides of Howick Street in order to facilitate the safe passage of vehicles and in particular, emergency service vehicles accessing the hospital (see **Figure 7**). As this aspect of the development was not included in the original documentation, Council advised the landowner of 314 Howick Street (Lot 11 DP 1086666) of the proposed signage.

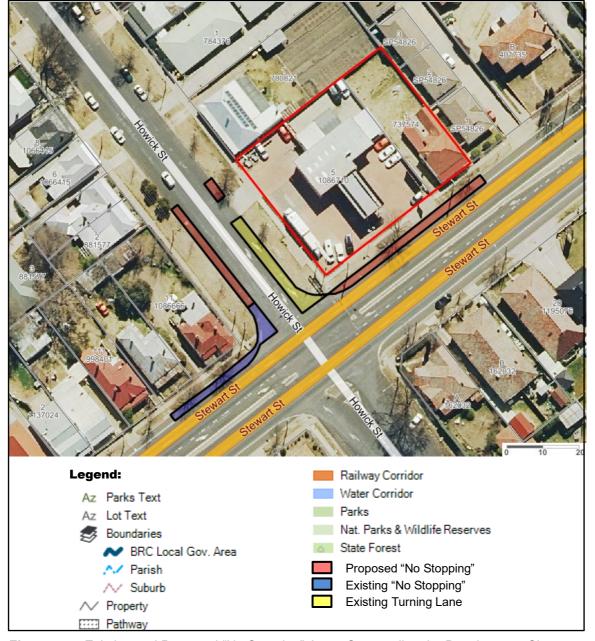


Figure 7 – Existing and Proposed "No Stopping" Areas Surrounding the Development Site

Further, it is noted that "No Stopping" signage is also currently located adjacent to this property on Stewart Street. However, vehicular access and onsite car parking is available to this site via the Southern boundary from Stewart Street.

In accordance with TfNSW comments and Council's assessment, the following conditions of consent should be implemented if the application is approved:

- 1. 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.
- 2. All vehicles servicing the subject site must be no larger than 8.8 metres in length.
- 3. All activities involving the loading and unloading of goods must be carried out on site within the dedicated areas.

- 4. 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.
- 5. 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.
- 6. 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 B, dated 23 April 2020).
- 7. 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.
- 8. Seating for no more than forty (40) persons is to be provided inside the approved food and drink premises. No outdoor seating is permitted.
- 9. All vehicular movements to and from the site must be undertaken in a forward direction only.
- 10. Car parking spaces No. 4 and 5 must be dedicated for used 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.
- 11. 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).

Roads Act 1993 – Works and Structures – TfNSW Concurrence

The proposed development involves the construction of a new access driveway on Stewart Street, which is a classified road. Accordingly, concurrence was also sought from TfNSW Section 138 of the *Roads Act 1993* and is provided and discussed below.

Transport for NSW (TfNSW) - 12 March 2020

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.
- 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.

Bathurst Local Environmental Plan 2014

Zone

The land is zoned R1 General Residential under *Bathurst Regional Local Environmental Plan 2014* (LEP 2014).

Objectives

Clause 2.3(2) of LEP 2014 states that Council "must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone".

The objectives of the R1 General Residential zone under LEP 2014, are listed and discussed in the table below.

Objectives of Zone	Comments
To provide for the housing needs of the community.	The site currently contains an existing dwelling house which is proposed to be converted to an office premises. Whilst this represents a reduction in housing availability it is considered minor and will not place any adverse impact on the housing needs of the community.
To provide for a variety of housing types and densities.	Given that the land has previously been used for commercial purposes, it is considered that the proposed development will not adversely affect the existing housing types and densities of the Bathurst Local Government Area (LGA).
To enable other land uses that provide facilities or services to meet the day to day needs of residents.	Whilst the proposal will provide a service to residents, it is considered that it would not provide services "to meet the day to day needs of residents", given the nature of the services provided and that the services will be provided to patrons from a large geographic area and non-resident travellers.
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.	The site currently contains an existing dwelling house which is to be converted to an office premises. Whilst this represents a reduction in housing availability it is considered minor.
To protect and conserve the historic significance and scenic quality of the urban villages of Eglinton, Raglan and Perthville.	Not applicable.
To enable commercial development that is compatible with the amenity of the	The proposal involves commercial development and accordingly it must be compatible with the amenity of the area, which can be defined as "capable of existing in harmony" (ref: NSWLEC 191, 2005).
area	The first step in assessing this objective in this instance is to identify the area in question. In that context, it is taken to include Stewart Street and in particular, those properties on the Western side and those properties in Howick Street (especially between Stewart and Peel Street).
	The area is predominantly residential in use, comprising a mixture of dwellings and residential units.
	Within the area there are a number of commercial type developments occurring, including: "The Home Patch" at 156 Durham Street (former Inn), "Leadlight Windows" (former Lutheran Church) at 89 Stewart Street, "Bathurst Heritage Motor Inn" at 102 Stewart Street and part of the development site itself ("Avis").

These commercial developments are typically lower intensity than the current proposal having limited hours of operation, lighting and traffic generation levels.

Whilst there is a history of commercial development occurring over part of the site, ranging from a service station (decommissioned in 1974) to vehicle sales and hire premises, those uses have not historically involved the use of 103 Durham Street nor would those uses be necessarily comparable with the use as a food and drink premises (including drive-through facilities).

Within the immediate vicinity there is further scope for residential development consistent with the zoning. For example, the properties at 301 and 314 Howick Street and 95 Stewart Street would all have the potential for further residential development (shown **blue** in Figure 8).



Figure 8 – Surrounding properties with potential for further residential development (shown blue)

There have been significant concerns raised by some residents both adjoining the site and from the area generally, although there is likewise support from other residents and landowners within the vicinity including an immediately adjoining landowner.

The type of development proposed, extended hours of operation (10:00am to 10:00pm/11:00pm), high traffic and pedestrian generation, extensive earthworks and location of drive-through facilities relative to the adjoining properties, differs greatly from the adjoining residential properties. The development may have difficulty in reasonably existing together in harmony with the adjoining dwelling houses given these aspects of the development despite there being numerical compliance with Policies such as the *EPA NSW Noise Policy for Industry (NPI)*.

What is proposed is different to the character of the existing and likely future surrounding residential land uses/setting. It is possible there will be conflict in it operating in harmony with the surrounding residential development. The activities would have a commercial character that would be conspicuous to residents and may adversely impact on their amenity. It is accepted that the restaurant will be busy in the evenings and that associated impacts will affect residents who can reasonably expect a level of respite at ...and does not The proposed commercial development is of a scale that will not significantly prejudice the status and viability of the Central prejudice the Business District (CBD) as the retail, commercial and status and viability of the Bathurst administrative centre of Bathurst. Given the proximity of the central business development to a major road, it is considered likely that the district as the retail. development will attract a lot of passing trade and will not significantly displace or diminish economic activity within the CBD. commercial and administrative centre of Bathurst.

Having considered the objectives as required by LEP 2014, the conclusion can be reached that the development is consistent with many of the objectives of the zone but is possibly inconsistent with other objectives of the zone, notably it may not:

- "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".

Permissibility

The development of a food and drink premises and office premises (defined below) is permissible with consent on land zoned R1 General Residential under LEP 2014.

food and drink premises means premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following—

- (a) a restaurant or cafe.
- (b) take away food and drink premises,
- (c) a pub,
- (d) a small bar.

Note. Food and drink premises are a type of **retail premises**—see the definition of that term in this Dictionary.

office premises means a building or place used for the purpose of administrative, clerical, technical, professional or similar activities that do not include dealing with members of the public at the building or place on a direct and regular basis, except where such dealing is a minor activity (by appointment) that is ancillary to the main purpose for which the building or place is used.

Note. Office premises are a type of **commercial premises**—see the definition of that term in this Dictionary.

The food and drink premises contains elements of both a restaurant and a take-away food and drink premises. The premises will not be licenced to serve alcohol as part of its restaurant use.

It is acknowledged that the food and drink premises aspect of the development is unusual within residentially zoned land and will be seen by many to be inconsistent with what are the dominant uses that occur in that zone (i.e. residential dwellings). In this particular case, food and drink premises, being a permissible use, covers a wide range of uses that could equally occur. What constitutes a food and drink premises could range from a modest take-away shop through to the proposal currently being considered at the higher end.

Permissibility within the zone is largely seen as a neutral factor in the consideration of the application based on the following observations:

- The zoning in this case is broad in that the R1 General Residential zone applies to the majority of the urban residential land in Bathurst and Kelso. Those residential areas that are not subject to the R1 General Residential zone are those that are subject to lower residential densities because of limitations such as Mount Panorama, proximity to the Sewerage Treatment Plant, etc.
- Similarly, the range of uses permissible in the zone is very broad. This extends to the wide range of premises that could equally be characterised as a "food and drink premises".
- The wide range of uses that could be considered as food and drink premises similarly means that the level of impact may equally be wide.
- It is not unreasonable to suggest that this proposal is at the more extreme end of that range of impact given its proximity to dwellings, its intensity, hours of operation, levels of traffic generation, etc.
- It is acknowledged that to date premises of a similar type to this development (i.e. McDonalds, Red Rooster, Kentucky Fried Chicken) are currently limited to land zoned B3 Commercial Core and B5 Business Development and smaller scale developments in the B1 Neighbourhood Centre.
- Whilst there are a number of take-away and corner store type developments within
 the residential areas, they are not at the scale contemplated with this development.
 Consistent with the objectives of the residential zone these smaller scale takeaway and corner store type developments are more likely to cater to the day to day
 needs of the residents and are limited in their impact on the amenity of the area.

Clause 4.3 Height of Buildings

The maximum building height applicable to the land is 9 metres. The proposed development includes a maximum height of 8.9 metres from natural ground level and therefore complies with the requirements of Clause 4.3 of LEP 2014.

<u>Clause 4.4 Floor Space Ratio and Clause 4.5 Calculation of Floor Space Ratio and Site</u>
<u>Area</u>

There is no maximum Floor Space Ratio applicable to the land under LEP 2014. Clauses 4.4 and 4.5 of LEP 2014 are not applicable.

Clause 5.10 Heritage Conservation

The land is not identified as a Local or State Heritage Item, however, it is located within the Bathurst Heritage Conservation Area (HCA). 103 Stewart Street (Lot 1 DP 737574) contains the existing dwelling house and retains a BCAMS rating of Contributory and

Mid-Victorian (1860-1875) and 105 Stewart Street (Lot 5 DP 7086710) contains the existing commercial building and retains a BCAMS rating of Intrusive and Post-War (1945-1960). The land is also located approximately 100 metres from any neighbouring Heritage Item (see **Figure 9**).

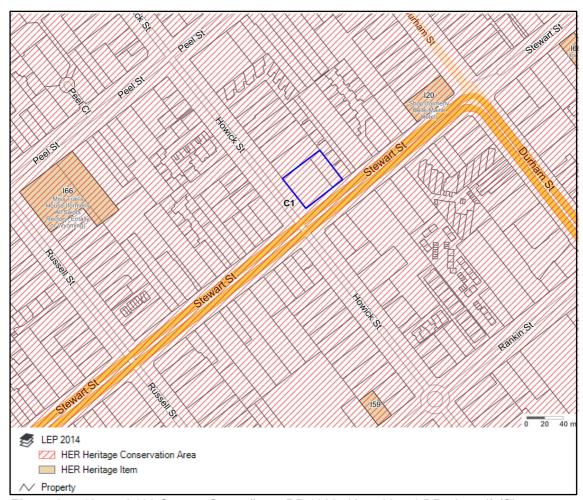


Figure 9 – 105 and 103 Stewart Street (Lot 5 DP 1086710 and Lot 1 DP 737574) (Shown Blue) – Located within the Bathurst Heritage Conservation Area (HCA) and Approximately 100 metres from any Neighbouring Heritage Item

It is accepted that the dwelling house at 103 Stewart Street is in good condition with minimal cracking visible and has many original features. The application proposes to retain the original core four (4) rooms of the dwelling, removing the unsympathetic additions at the rear and undertaking some minor internal works. These internal works include the provision of an accessible bathroom. The works are supported. A Heritage Impact Statement has been submitted with the application.

The demolition of the commercial structures located on 105 Stewart Street is supported as the site is considered intrusive to the streetscape. The replacement commercial building proposed on the site has been designed to sit behind the existing dwelling house with an overall height that is lower than the dwelling ridge, ensuring the dwelling remains the dominant feature on the Stewart Street frontage.

Colours and Materials

The use of metal cladding as a feature material is supported.

The materials to be used on the 2.1-metre-high acoustic wall will be in the colour "Dulux Windspray" which is a medium grey with strong undertones of blue. This colour is considered appropriate as it complements the colour scheme of the proposed new modern design building.

The use of timber cladding on the external façade of the food and drink premises is considered appropriate as the building will be of a modern design within the HCA. The timber is a soft material with warm natural tones and incorporates the warm autumn tones that are prevalent within the HCA.

Front Fencing

The proposed 1.2-metre-high front brick fence to be located on the South-Western and South-Eastern boundaries of the land is supported as the proposed pylon sign would be located behind the fencing and it would assist in screening the car park.

Signage

The signage on the Stewart Street and Howick Street frontages of the building is considered minimal. However, conditions of consent could be implemented to control and reduce the impacts of illumination.

The proposed Freestanding Banner Sign (No. S13) to be located on the Southern corner of the site facing Stewart Street, is not supported as it would result in a proliferation of signage. If the application is approved, conditions of consent could be implemented to clarify that this sign does not form part of any approval.

A 6.44-metre-high pylon sign is proposed on the corner of Stewart and Howick Streets. The height of the pylon sign is consistent with the height of the building feature on the South-Western corner of the building. This structure is considered an architectural feature of the building and therefore forms part of the overall height of the building.

Conditions

The amended plans are considered acceptable from a heritage perspective subject to the following conditions:

- 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.
- 2. 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.
- 3. 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.
- 4. During the carrying out of the proposed works, if any archaeological remains are discovered, the development 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.

5. 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 – AS2001-2001). 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.

Therefore, subject to conditions of consent, it is considered that the development would not place any adverse impact on the Bathurst HCA and the development complies with the requirements of Clause 5.10 of LEP 2014.

Clause 7.3 Airspace Operations

The development reaches its maximum height at approximately 669.10 AHD. Accordingly, the proposal will not impede the Limitation or Operations Surface of the Bathurst Airport (being 860 – 870 AHD) and complies with the requirements of Clause 7.3 of LEP 2014.

Clause 7.5 Essential Services

Conditions of consent could be implemented to ensure that the proposed development retains suitable connections to electricity supply and Council's water, sewerage and stormwater reticulation networks.

Suitable vehicular access is proposed over the South-Western boundary from Howick Street (including ingress and egress) and the South-Eastern boundary from Stewart Street (including egress only). If approved, conditions of consent should be implemented to ensure that the access driveways are suitably constructed.

Subject to conditions, the proposed development would comply with the requirements of Clause 7.5 of LEP 2014.

Clause 7.10 Signage

The proposed development includes the installation of 14 signs (as previously described) to be used in association with the proposed use of the site as a food and drink premises. If approved, conditions of consent should be implemented to ensure that the dimensions and overall size of the signage is not larger than would reasonably be required to inform

the public.

Bathurst Development Control Plan 2014

The proposed development includes variations to the following Clauses of *Bathurst Regional Development Control Plan 2014* (DCP 2014), which are discussed further below.

- Chapter 5 Business and Industrial Development: Clauses 5.6.2(c) and (g) "Development Standards".
- Chapter 12 Signage and Colour Schemes: Clauses 12.2.4 "Locational Requirements" and 12.2.5 "General Development Standards".
- Chapter 13 Landscaping and Greening: Clause 13.3.7(b) "Design Principles Business and Industrial Development".

However, the proposal will generally comply with the objectives and remaining Clauses of DCP 2014, subject to conditions.

Chapter 4 - Residential Development

It is noted that Chapter 4 "Residential Development" primarily relates to residential development proposals and therefore does not apply to the consideration of this application for commercial development.

Chapter 5 – Business and Industrial Development

Soil and Water Management

The proposed total disturbance area of the development is approximately 2017m². However, due to the significant amount of earthworks proposed as part of this development (up to 2 metres of fill over a significant area), if the application is approved, it is considered that a condition of consent should be implemented to ensure that an appropriate soil and water management plan is prepared and submitted to Council prior to the issue of any Construction Certificate.

Parking, Access and Manoeuvring Areas

Twenty two (22) onsite car parking spaces and one loading/unloading bay have been proposed as part of this application and generally do not interfere with the vehicle manoeuvring areas of the site.

The original plans submitted to Council included a vehicular access from Stewart Street, located approximately 12 metres from the intersection of Stewart Street and Howick Street. To improve the vehicular safety of the site and surrounding streets, this access has since been reduced to egress only and has been relocated to approximately 22.5 metres from the intersection, in accordance with recommendations made by TfNSW. The Howick Street access will be used for both ingress and egress.

The proposed development includes a variation to Clauses 5.6.2(c) and (g) of DCP 2014 which state the following:

5.6 PARKING, ACCESS AND MANOEUVRING AREAS

5.6.1 Objectives

- a) To provide for the safe and sufficient provision of on-site vehicular and bicycle parking.
- b) To ensure that safe and functional vehicular access is provided to and within developments.

5.6.2 Development standards

- c) All car parking areas are to be located behind the building line or a minimum 3 metres from the front property boundary. Adequate landscape screening is to be provided within the 3 metre setback and Council must be satisfied that the proposed landscaping/screening will adequately reduce the effect of the parking area on the streetscape.
- g) Manoeuvring area is to be provided within the site to enable all vehicles serving the development to enter and leave the site in a forward direction, in accordance with Schedule 3 of this Plan. All manoeuvring areas are to be adequate for a truck 12.5 metres long.

The proposed onsite carpark includes a setback of only approximately 0.9 metres from the Stewart Street boundary and 1.0 metre from the Howick Street boundary, which does not comply with the minimum 3 metre setback required by Clause 5.6.2 of DCP 2014. However, some landscaping (with a mature height of up to 1.2 metres) has been proposed within these setback areas as well as a 1.2-metre-high brick boundary fence. It is considered that together the proposed fencing and landscaping would provide some screening and adequately reduce the visual effect of the parking area on the streetscape. Further, the proposed fencing and landscaping would not impact the safety or function of vehicular access and parking arrangements on the site. Therefore, the proposed development achieves the objectives of Clause 5.6.2 of DCP 2014 and the variation is considered acceptable.

The layout and manoeuvring areas of the development site have been designed to permit an 8.8-metre-long medium rigid vehicle to safely enter the site via Howick Street, reverse into the loading bay and exit the site via Stewart Street in a forward direction (see **Figure 10**).

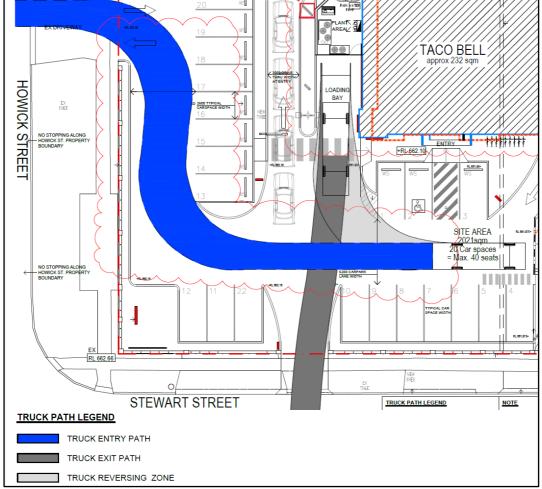


Figure 10 – Site Plan and Service Vehicle Manoeuvring Path – An 8.8-metre-long Medium Rigid Vehicle Can Safely Utilise the Loading Bay and Enter and Exit the Site in a Forward Direction

The proposed variation involving the use of this smaller sized service vehicle is considered acceptable for the proposed food and drink premises. However, to ensure the ongoing safety of the site, it is considered that the following condition of consent should be implemented if the application is approved:

1. All vehicles servicing the subject site must be no larger than 8.8 metres in length.

Clean Business and Industry

Conditions of consent could be implemented to ensure that the proposed development seeks appropriate Trade Waste Approvals prior to the issue of any Occupation Certificate.

Odour and Noise Assessment Reports were submitted to Council for consideration in accordance with Clause 5.7.2 of DCP 2014 and the results are discussed later throughout this report.

Floor Space Controls – Business Premises and Office Premises

Clause 5.17 of DCP 2014 only applies to buildings constructed for use as a business premises or office premises, which are defined under LEP 2014 as below:

business premises means a building or place at or on which—

- (a) an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or
- (b) a service is provided directly to members of the public on a regular basis, and includes a funeral home and, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, internet access facilities, betting agencies and the like, but does not include an entertainment facility, home business, home occupation, home occupation (sex services), medical centre, restricted premises, sex services premises or veterinary hospital.

Note. Business premises are a type of *commercial premises*—see the definition of that term in this Dictionary.

office premises means a building or place used for the purpose of administrative, clerical, technical, professional or similar activities that do not include dealing with members of the public at the building or place on a direct and regular basis, except where such dealing is a minor activity (by appointment) that is ancillary to the main purpose for which the building or place is used.

Note. Office premises are a type of *commercial premises*—see the definition of that term in this Dictionary.

The proposed change of use of the existing dwelling house into an office premises complies with the requirements of Clause 5.17 of DCP 2014, as below:

Development Standard	Proposed	Permissible	Compliance
Gross Floor Area	71.28m ² on one lot.	Maximum of 250m ² per lot and within only one building on the lot.	Yes.
Height	Single-storey.	Maximum of two storeys.	Yes.
Built Form	Change of use from previous dwelling house.	Relate in scale and form with surrounding residential buildings.	Yes.

It is noted that an earlier version of the Statement of Environmental Effects (prepared by Wales and Associates, dated February 2020) specified that the development involved a variation to the floor space restrictions of Clause 5.17 of DCP 2014. However, these restrictions apply only to the office premises component and do not apply to the development of a food and drink premises. Therefore, the development complies with the requirements of Clause 5.17 of DCP 2014 and no variation is proposed.

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

The proposed development will comply with the requirements of Chapter 9 of DCP 2014. Conditions of consent could be implemented to ensure that compliance with Section J of the National Construction Code is provided to Council, prior to the issue of any Construction Certificate.

No tree removal has been proposed as part of this application. The submitted Site Plan indicates that the existing street trees will be retained and would not require removal or relocation as part of the proposed access construction.

Chapter 10 – Urban Design and Heritage Conservation

Demolition of Buildings and Infill Development

The proposed development includes demolition of the existing commercial building and partial demolition at the rear of the existing dwelling house. A Statement of Heritage Impact (prepared by David Scobie Architects, dated 24 October 2019) was submitted with the application.

It is acknowledged that the dwelling house is in good condition with minimal cracking visible and has many original features. The application proposes to retain the original core four (4) rooms of the dwelling, removing the unsympathetic additions at the rear and undertaking some minor internal works, including the provision of an accessible bathroom. The works are supported and a structural assessment is not considered necessary for the demolition of unsympathetic additions.

The demolition of the commercial structures located on 105 Stewart Street is supported as the site is considered intrusive to the streetscape. The replacement commercial building proposed on the site has been designed to sit behind the existing dwelling house with an overall height that is lower than the dwelling ridge, ensuring the dwelling remains the dominant feature on the Stewart Street frontage. The proposal complies with Clause 10.3 and 10.4 of DCP 2014.

Commercial/Industrial Development within the Bathurst Heritage Conservation Area

The proposed design, colours, materials, scale, shape and proportions of the proposed building are on the whole considered acceptable.

The use of timber cladding on the external façade of the food and drink premises is considered appropriate as the building is of a modern design within the HCA and the timber is a soft material with warm natural tones that incorporate the warm autumn tones prevalent within the surrounding HCA. The facades of the food and drink premises are well-detailed to prevent a monotonous appearance and the use of large shop front windows encourages passive surveillance of streets and public spaces. All utility services and plant have been integrated into the design of the roof awning to be located over the proposed drive-through. The proposed development complies with Clause 10.5.4 of DCP 2014.

Aboriginal Heritage

The land is identified as having a low Aboriginal Heritage sensitivity. Given that the land has been subject to previous development and is located within an established urban area, it is considered unlikely that the proposed development will place any adverse impact on Aboriginal cultural heritage. The proposal complies with Clause 10.10 of DCP 2014.

Chapter 11 – Outdoor Lighting

An external lighting plan has been submitted to Council for consideration and is available in <u>Attachment 4</u>. It is considered that the proposed external lighting is appropriately located so as to increase the safety and security of the site and assist business operations and traffic flows/parking during night hours.

Throughout the various amendments submitted to Council during the assessment process, one of the proposed illuminated electronic signs (S08) was relocated to the

North-Western side of the building and will face the neighbouring dwelling house located on 301 Howick Street (Lot 1 DP 780821). The submitted Elevation Plans indicate that the proposed 2.1-metre-high acoustic fence could conceal some of this lighting.

To reduce the level of disturbance caused by light spillage onto neighbouring properties and ensure that the proposed lighting complies with the standards of Chapter 11 of DCP 2014, the following conditions of consent could be implemented:

- 1. Light is to be directed downwards, not upwards, to illuminate the target area.
- 2. 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.
- 3. All external lighting must have fully shielded fittings to reduce light spill onto neighbouring properties.
- 4. All building façade lighting must aim downwards.
- 5. Up-lighting of advertising signage is not permitted.
- 6. 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

- 7. The time taken to change the display on approved Sign Nos. S07 and S08 must not be greater than 1 second.
- 8. The display on Sign Nos. S07 and S08 must be completely static from its first appearance to the commencement of a change to another display.
- 9. The level of illumination on Sign Nos. S07 and S08 must adjust according to ambient light levels.
- 10. Sign Nos. S07 and S08 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).

However, the cumulation of signage and outdoor lighting in the proposed development will ultimately increase the level of illumination in Stewart Street and the amount of light spillage currently experienced by the surrounding residential properties. Accordingly, it is considered that the proposed development is likely to have some impact on the amenity of the surrounding area, particularly during night hours (5:00pm to 10:00pm/11:00pm) in winter.

Chapter 12 – Signage and Colour Schemes

Advertising Signage

As previously discussed, the proposed development includes the installation of 14 signs to be used in association with the proposed food and drink premises. Variations to Clause 12.2.4 and 12.2.5 of DCP 2014 have been proposed as part of this application and are considered to be acceptable subject to conditions, as discussed in the assessment table below.

Development Standard	Proposed signage and its assessment	Permissible	Complies
Location – Pylon Sign (S01)	1 pole sign is proposed to be located on the land which is zoned R1 General Residential. No other pole/pylon sign is located on site.	 Must not be located: Within Zone R1 General Residential and another pylon sign is already located on the land. Where the sign is visible from a State Highway or major road and another pylon sign/projecting wall sign is already located on the land. 	Yes.
Location – Electronic Signs (S07 & S08)	 The electronic menu signs are proposed to be located at ground level on land zoned R1 General Residential. However, these signs are to be: Located within the drive-through. Used in association with the proposed modern food and drink premises. Setback approximately 26 metres from the South-Eastern boundary (Stewart Street) and 17.5 metres from the South-Western boundary (Howick Street). Setback 4.3 metres from the North-Western boundary, but mostly screened from the adjoining residence located to the North-West by the proposed 2.1-metre-high acoustic fence. Screened from adjoining residences located to the North-East by the proposed building. Therefore, it is considered that subject to the conditions recommended under the previous Section, "Chapter 11 – Outdoor Lighting", that the electronic signage alone would not adversely impact the surrounding land uses, heritage streetscape 	Must not be located: Within Zones R1 - General Residential or R2 Low Density Residential. On a Heritage Item or located above awning level. Within a Heritage Conservation Area, where located above awning level.	No. Variation proposed and considered acceptable subject to conditions.
Location – Illuminated Signs (S01 & S06 – S12)	or road safety. 9 out of the 14 signs are proposed to be illuminated and located on land zoned R1 General Residential. The Statement of Environmental Effects suggests that all proposed illuminated signage is essential to the branding, traffic safety and function of the food and drink premises and should be approved given that: • The land has historically been used for commercial purposes and currently contains illuminated signage (which remains on at night hours). • There are various other commercial developments located within R1 General Residential zone along Stewart Street that contain illuminated signage. A drive-by of Stewart Street during night hours (see Attachment 14) identified the	Must not be located: • Within Zones R1 -General Residential or R2 Low Density Residential. • On a heritage item.	No. Variation proposed and considered acceptable, subject to conditions.

following:

- The existing "Mitsubishi" pylon sign (approved under DA2008/0365, dated 20 December 2007) and the historical empty pylon sign located on the site are illuminated.
- There are only three other commercial premises currently located within the **R1 General Residential zone** on Stewart Street that contain illuminated signage, including:

Business Name	Signage Description	Location
BP	Various Illuminated Signage	255-257 Stewart Street (Lot 1
Service		DP 220495). Directly adjacent to
Station		the B3 Commercial Core zone.
Stewart	One Illuminated Pylon Sign.	156 Stewart Street (Lot B DP
Street	Development Consent for sign	162938). Amongst surrounding
Vets	granted on 30 July 2002.	residences.
Bathurst	One Illuminated Pylon Sign.	102 Stewart Street (Lot 20 DP
Heritage	Development Consent for sign	1195076). Amongst surrounding
Motor Inn	granted on 12 August 2002.	residences.

Note: The portion of land located on Stewart Street between the intersections of Lambert Street and Rocket Street is zoned B3 Commercial Core and includes commercial developments such as the: "7-Eleven Service Station", "Ben Chifley Motor Inn", "Shell Service Station" and "Beaumont Tiles". Illuminated signage is permissible in this zone under DCP 2014.

Pylon Sign (S01) - "Taco Bell, Drive Thru"

It is considered that the proposed Pylon Sign could be approved for illumination for the following reasons:

 The subject site currently contains two illuminated pylon signs which will be removed as a result of the development. The proposed replacement Pylon Sign is smaller in height, scale and bulk than the original Pylon Sign located on the land.

Other commercial developments that are located within the R1 General Residential zone on Stewart Street (including the "Stewart Street Vets" and "Bathurst Heritage Motor Inn") and not within proximity of the B3 Commercial Core zone (unlike the "BP Service Station") contain one illuminated pylon sign. 2 x Flush Wall Signs (S06) - Bell Logo Given that the proposed Pylon Sign (S01) will alert passing traffic of the location of the food and drink premises, that the development is located within a residential area and is not within close proximity of the B3 Commercial Core zone, it is considered that the proposed Sign Nos. S06 should not be approved for illumination. Therefore, if the application is approved it is recommended that the following condition be implemented: 1. Sign Nos. S06 must not be illuminated. 2 x Electronic Menu Signs (S07 & S08) The proposed electronic menu signs are necessary for the function of the drivethrough. Given that they will be located away from the public road and will be partly screened from surrounding residences by the proposed building and 2.1-metrehigh acoustic fence, it is recommended that these signs be supported subject to conditions of consent as previously discussed. 4 x Double-sided Directional Signs (S09 to S12) – "Entry", "Exit", "Drive-thru" and "No Entry" Given that traffic safety around and throughout the site is of importance, the illumination of Sign Nos. S09 to S12 is supported. Only one directional sign will be located at each access, which is considered appropriate. All Illuminated and Floodlit Signage – General Time Restriction To reduce the degree of light spillage onto neighbouring residential properties as a result of any illuminated and floodlit signage, it is considered that a condition of consent should be implemented (if approved) to ensure that all lighting and signage is switched off outside of the approved operating hours. The submitted Electrical Plan indicates that 3 out of the 14 signs are proposed to Location -Must not be located: No. be floodlit (illuminated by an external source of artificial light). Floodlit Signs • Where the sign is to be up-lit. Within Zones R1 - General Residential or R2 (S02, S03 & Variation

S14)	However, given that three other commercial premises located within Stewart Street in the R1 General Residential zone contain illuminated signage (see <u>Attachment 17</u>), it is considered that the proposed floodlit signs will not place any additional adverse impact on the streetscape or surrounding developments subject to a condition prohibiting the up-lighting of signage on site.					Low Density Residential.	proposed and considered acceptable, subject to conditions.	
Associated Use	Proposed signage to be used in association with proposed food and drink premises and will be located on the subject land.						Signage must be used in conjunction with a permissible use and be situated on the land on which the use is conducted.	Yes.
Scale and Proportion	Subject to the conditions recommended throughout this table, it is considered that the size of all signage and its contents will complement the scale and proportion of the building to which it relates.						Size of the sign and its contents must complement the scale and proportion of the building to which it relates.	Yes, subject to conditions.
Elevation Coverage				the North-Western and Sou a of that elevation.	Maximum 5% of any Elevation. Total number of signs must not detract from the overall aesthetic character of the building.	No. Variation		
		Elevation	Maximum Coverage	Proposed Coverage	Complies			proposed and is
		North- Western	_	Total signage area = 12.796m ² Total wall area = 100.2m ² Coverage = 12.8%	No.			considered acceptable, subject to conditions.
		North- Eastern		Nil.	N/A.			
		South- Eastern	5%	Total signage area = 4.02m ² Total wall area = 102.6m ² Coverage = 3.9%	Yes.			
		South- Western		Total signage area = 5.7167m ² Total wall area = 90.4m ² Coverage = 6.3%	No.			
		/estern Eleva		North-Western elevation inc	ludes a stenc	il sign		

only which will be partly concealed by the proposed 2.1-metre-high acoustic wall and will not directly face any public road (see <u>Figure 11</u>). It is considered that this sign would not detract from the overall aesthetic character of the building and the proposed **variation** to signage area on the North-Western elevation is supported.

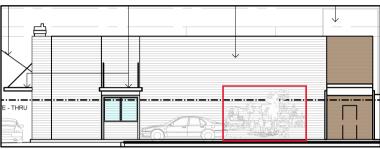


Figure 11 – Proposed Signage on North-Western Elevation – Nos. S14 (Outlined Red)

South-Eastern Elevation

Two signs have been proposed on the South-Eastern elevation which will be located in purposely designed spaces and sections of the building that include different articulations. Due to the break-up of architectural features this signage will not detract from the overall aesthetic character of the building (see Figure 12).



Figure 12 – Proposed Signage on South-Eastern Elevation – Nos. S06 & S03 (Left to Right)

South-Western Elevation

Two signs have been proposed on the South-Western elevation and will be located in purposely designed spaces and sections of the building that include different articulations. However, proposed Sign No. S02 "Taco Bell" is significantly large (5.06 metres in length) and extends almost half the width of the elevation (see Figure 13).

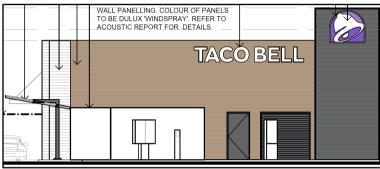


Figure 13 – Proposed Signage on South-Western Elevation – Nos. S02 & S06 (Left to Right)

Given that the South-Western elevation is smaller in area and less articulated than the primary elevation (see <u>Figure 12</u>), it is considered that the significant size and scale of proposed Sign No. S02 is not appropriate. Accordingly, to ensure that a smaller and more appropriately scaled sign is installed in this location, it is recommended that the following condition of consent be implemented if the application is approved:

 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.

<u>Figure 14</u> below provides a demonstration of how the smaller Sign No. S03 would appear on the South-Western Elevation.

	WALL PANELLING. COLOUR OF PANELS TO BE DULUX WINDSPRAY. REFER TO ACOUSTIC REPORT FOR DETAILS. TACO BELL TACO BELL Figure 14 — Recommended Installation of Sign No. S03 on South-Western Elevation — Nos. S03 & S06 (Left to Right)		
Business Identification Signs (S02 & S03)	The business identification signs are proposed to be placed in an appropriately or purposely designed space on the new food and drink building and will not cover any architectural features. However, due to the significant scale of proposed Sign No. S02 in comparison to the elevation, it is considered that a condition of consent should be implemented (if approved) to ensure that this sign is not installed and that smaller Sign No. S03 is installed in its place.	Placed in an appropriately or purposely designed space on new buildings. If backing boards are used, their shape and size must be of the right proportions for the allocated space on the building so that signage does not cover the architectural features of a building.	Yes, subject to conditions.
Directional Signs (S09, S10, S11 & S12)	Only one directional sign has been proposed at each vehicular access. Conditions of consent should be implemented (if approved) to ensure that these are appropriately located so as not to impede sight lines of traffic, including any pedestrian pathways, within or when passing, entering or departing the site.	Must not interfere with sight lines for drivers.	Yes, subject to conditions.
Electronic Signs (S07 & S08)	The proposed electronic signs will not obscure windows or architectural features of the building. The speed limit on Stewart Street is 60km/h. Conditions of consent should be implemented (if approved) to control the display time, transitions, graphics and illumination levels in accordance with these standards.	Must not obscure windows and architectural features of the building. The speed limit of the road must not be greater than 70 kilometres per hour. The time to change the display must not be greater than 1 second. The display must be completely static from its first	Yes, subject to conditions.

						appearance to the commencement of a change to another display. The level of illumination must adjust according to ambient light levels. The sign 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).	
Flush Wall Signs (S02, S03, S06 & S14)	The proposed flush wall signs will be placed in a purposely designed space on the new commercial building. No signage has been proposed on the existing historic dwelling-house. No backing boards have been proposed. All proposed wall signage (with the exception of Sign No. S14) will include an individual area that is less than 6m² and less than 5% of the area of its respective elevation.					Must be placed in an appropriately or purposely designed space on new buildings or within the original historic signage space on an existing building. If backing boards are used, their shape and size must be of the right proportions for the allocated space on the building so that signage does not cover the architectural features.	No. Variation proposed and considered acceptable.
		ess thar	n 6m² and les	s than 5% of the area (of its respective		ассеріавіс.
		Sign	Maximum	Proposed Size	Complies	cover the architectural features. Signs must not exceed 6 square metres in area or	acceptable.
	elevation. Elevation Area	Sign No.	Maximum Size	Proposed Size	Complies	cover the architectural features. Signs must not exceed 6 square metres in area or 5% of the elevation of the building on which the	авобразіс.
	elevation.	Sign	Maximum	T	· 	cover the architectural features. Signs must not exceed 6 square metres in area or	acceptable.
	elevation. Elevation Area South-Western	Sign No. S02	Maximum Size 6m ² or 5%	Proposed Size 3.9% or 3.5167m ²	Complies Yes.	cover the architectural features. Signs must not exceed 6 square metres in area or 5% of the elevation of the building on which the	acceptable.
	elevation. Elevation Area South-Western = 90.4m ²	Sign No. S02 S06	Maximum Size 6m² or 5% of the elevation, whichever	Proposed Size 3.9% or 3.5167m ² 2.4% or 2.2m ²	Complies Yes. Yes.	cover the architectural features. Signs must not exceed 6 square metres in area or 5% of the elevation of the building on which the	acceptable.
	elevation. Elevation Area South-Western = 90.4m ² South-Eastern =	Sign No. S02 S06 S03	Maximum Size 6m² or 5% of the elevation,	Proposed Size 3.9% or 3.5167m ² 2.4% or 2.2m ² 1.8% or 1.82m ²	Complies Yes. Yes. Yes.	cover the architectural features. Signs must not exceed 6 square metres in area or 5% of the elevation of the building on which the	acceptable.
	elevation. Elevation Area South-Western = 90.4m ² South-Eastern = 102.6m ² North-Western	Sign No. S02 S06 S03 S06 S14 cil sign vere Figure partly coy face a	Maximum Size 6m² or 5% of the elevation, whichever is the greater. which will cove 11). However oncealed by to	Proposed Size 3.9% or 3.5167m ² 2.4% or 2.2m ² 1.8% or 1.82m ² 2.1% or 2.2m ² 12.8% or 12.796m ² ver approximately 12.80 er, it is the only sign proche proposed 2.1-metre	Yes. Yes. Yes. Yes. No. % of the North-posed on this e-high acoustic	cover the architectural features. Signs must not exceed 6 square metres in area or 5% of the elevation of the building on which the	acceptable.

Sign	Height of Building = 7 m	height of the building.	subject to conditions.
	Pylon signage panel area = 4.6m ²	The size of the sign panel must not exceed 5	CONGILIONS.
		square metres.	
	Conditions of consent should be implemented (if approved) to ensure that the sign		
	is structurally adequate to withstand the dead and live (wind) loads that may be	The sign must be constructed so that it is	
	imposed on it.	structurally adequate to withstand the dead and	
\ /:l	Coulde Foodom Flouration	live (wind) loads that may be imposed on it.	. Vaa
Visual	South-Eastern Elevation Two signs have been prepared on the South Eastern elevation which will be	Not visually dominate the area of building walls. The total number of signs must not detract from	Yes,
Dominance	Two signs have been proposed on the South-Eastern elevation which will be located in purposely designed spaces and sections of the building that include	the overall aesthetic character of the building.	subject to
	different articulations (see <u>Figure 12</u>). Due to the break-up of architectural features	the overall aesthetic character of the building.	conditions.
	this signage will not visually dominate the area of building walls or detract from the	Placed in an appropriately or purposely designed	
	overall aesthetic character of the building. No backing boards have been proposed.	space.	
	Sign Nos. S03 and S06 are supported in their current shape, size and location.		
		Shape and size of backing boards is to be of the	
	South-Western Elevation	right proportions for the allocated space on the	
	Two signs have been proposed on the South-Western elevation which will be	building so that signage does not cover the	
	located in purposely designed spaces and sections of the building that include	architectural features or obscure windows of a	
	different articulations (see Figure 13). However, proposed Sign S02 "Taco Bell" is	building.	
	5.06 metres in length and extends almost half the width of the elevation. Given that		
	the combined area of these signs exceeds 5% of the elevation (which is smaller and less articulated than the South-Eastern elevation) it is recommended that a		
	condition of consent be implemented (if approved) to ensure that Sign No. S02 is		
	not approved and that a duplicate of Sign No. S03 is permitted to be installed in its		
	replacement (see <u>Figure 14</u>). Sign No. S03 is much smaller and will be more		
	appropriately scaled for the size of the elevation.		
	It is considered that subject to the above recommended condition, signage on the		
	South-Western elevation will be of an appropriate shape, size and proportion and		
	will not visually dominate the area of buildings walls or detract from the overall		
	aesthetic value of the building (see <u>Figure 14</u>).		
	North-Western Elevation		
	One stencil type wall sign (S14) has been proposed on the lower right-hand side of		
	the North-Western elevation facing the drive-through (see <u>Figure 11</u>). This sign will		
	be mostly concealed from adjoining properties by the proposed 2.1-metre-high		

	acoustic wall and will not directly face any public road. It is considered that the proposed sign will not visually dominate the area of any of buildings walls or detract from the overall aesthetic character of the building. The shape and size is acceptable.		
Size, Shape, Scale and Proportion.	 Subject to the conditions recommended above, it is considered that: The shape and proportion of all signage will be in sympathy with the space it will fill. The size of the signs and their contents will be proportionate to the building and complement the scale of the building and the streetscape. Stewart Street contains a number of existing commercial premises with similar signage characteristics, as exemplified in <u>Attachment 17</u>. 	Take into account the shape and proportion of the space they will fill and be in sympathy with it. Size of the sign and its contents must complement the scale of the building and its streetscape. Sign and its contents are in proportion to the building.	Yes, subject to conditions.
Colours	The proposed signage will be located on the proposed modern food and drink premises building. No concerns were raised by Council's Heritage Advisor in relation to the colours of the proposed corporate signage.	Colours to include those outlined in section 12.3.3. Corporate colours should be modified to match the traditional colour range or be used only as trim on the sign.	Yes.
Historic Reflections	The proposed signage will be located on the proposed modern building. No signage has been proposed on the existing cottage.	Lettering/numbers/symbols used should generally reflect the designs that would have been historically used during the era when the building was constructed.	N/A.

Chapter 13 - Landscaping and Greening

Design Principles

The submitted Landscape Plan generally conforms to the requirements of Chapter 13 of DCP 2014. Amended plans were submitted throughout the assessment process, which increased the width of the landscaping area to be located between the proposed drive-through and 101 Stewart Street (SP54826). The landscaped area will now be suitably accessible for ongoing maintenance purposes and is considered to be a functional space.

Within the area between the drive-through and the adjoining residences, the applicant proposes to incorporate landscaping to address the visual appearance of the elevated retaining wall and acoustic fence. This includes the planting of:

- Larger trees: Kurrajong (mature height of 10m x 6m spread) and Mugga Ironback (Pink Flower) (mature height of 18m x 12m spread).
- Smaller trees: Capital Pear (mature height 10m x 3 m spread) and Golden Raintree (mature height 8m x 6m spread).
- Hedging: Photinia (mature height 4m x 2m spread).

Four "Pyrus Capital" (Capital Pear) trees have been proposed on the North-Eastern boundary of the land (i.e. between the drive-through and the adjoining residents). The intention of these plantings is to screen the visual impact of the proposed 2.1-metre-high acoustic wall and 2-metre-high retaining walls from surrounding residential properties, however, the proposed trees are deciduous and therefore will not serve their purpose during winter months.

Whilst the replacement of deciduous trees with evergreens would provide additional screening, it may also result in its own impact on the amenity of the residential units at 101 Stewart Street. Significant tree plantings of evergreen trees in this area is likely to reduce solar access into the rear yards of these properties. It may well be that solving one problem creates another.

It is considered that the effectiveness of the screen (and in particular the trees) will be limited as they are deciduous. Whilst the Photinia will provide further screening it would only be effective once it reaches full height. Similarly, the effectiveness of the landscaping in the short term will be limited as it will take many years for the area to establish whereas the impact of the retaining wall and acoustic fence is immediate. In effect it is only when landscaping reaches a height above the common fence that it will have any impact on softening the impact of the retaining wall and acoustic fence.

Landscaping by itself may go some way to softening the impact, although ultimately it cannot disguise the commercial character of the development particularly in relation to the acoustic fence on top of the retaining wall, the car park, the illumination and the advertising signs.

However, if the application is approved it is considered that the following condition of consent could be implemented to ensure that more appropriate treatment (which may include evergreen trees, "green screens" or similar, landscape structures, or combinations thereof) is provided in these locations to achieve the intent of the design in accordance with Clause 13.3.5(I) of DCP 2014:

1. 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 2.1-metre-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).

Further, the proposed development includes a variation to Clause 13.3.7(b), which states:

13.3 LANDSCAPE PLANS

13.3.1 Objectives

- a) To improve the visual amenity and to ensure that developments do not dominate their surroundings.
- b) To provide an environment which enhances the streetscape and the surrounding neighbourhood.
- c) To provide an attractive outdoor living area.
- d) To provide landscaped buffers to reduce the potential for conflict between land uses.

13.3.7 Design principles – Business and industrial development

The following additional design principles are to be incorporated into a Landscape Plan for business and industrial developments.

Parking Areas

b) For every sixth car parking space, landscaping bays (2.0m x 5.5m in area) are to be provided and appropriately sited trees planted within each bay.

The proposed development does not include landscaping bays for every sixth car parking space. However, landscaping has been proposed around all car parking areas and the boundaries of the site, including trees and shrubs. It is considered that this landscaping, in combination with the proposed boundary fence, will partly screen and soften the appearance of the car park and ensure it does not dominate the surroundings or adversely detract from the streetscape. Therefore, the proposed variation is considered acceptable.

Maintenance Conditions of Consent

As the proposed development adjoins a major road, being Stewart Street. The following maintenance conditions of consent are required to be implemented (if approved) in accordance with Clause 13.3.4 o DCP 2014:

- 1. The approved/certified landscape plan is to be implemented and landscaping maintained for the life of the development.
- 2. 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.
- 3. 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.
- 4. 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.

Chapter 14 – Parking

Engineering and Building Standards

On site car parking spaces do not form part of vehicle manoeuvring areas or loading/unloading areas and there is sufficient manoeuvring area available for vehicles to be parked on the site in a manner which ensures they can enter and exit the site in a forward direction.

All carparking areas will be located in front of the proposed food and drink premises, however, suitable landscaping and fencing has been proposed to reduce the effect of the development on the streetscape. The carparking facing Stewart Street will be in alignment with the front verandah of the existing cottage.

Conditions of consent could be implemented to ensure that the carpark and both proposed vehicular accesses are appropriately constructed and line marked and that all outdoor lighting is installed so as to reduce impacts on neighbouring residences.

Number of Car Parking Spaces

In accordance with Clause 14.3 of DCP 2014, the following car parking is required for each component of the development.

DCP 20	14 Requirements	Calculated Parking	Proposed Car	
Development	Minimum Standard	Requirement	Parking Spaces	Complies
Takeaway Food and Drink Premises – 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).	Development includes forty (40) indoor seats only. No outdoor seating proposed. 40 seats ÷ 2 = 20 spaces required.	20 car parking spaces.	Yes.
	In addition to this an exclusive area for	An exclusive queue length of 5 to 12 cars	5 cars to queue from	Yes.

	queuing of cars for a drive through facility is required in accordance with the RMS Guide to Traffic Generating Developments.	measured from pick up point and a minimum of four car spaces queued from ordering point.	pick-up point and 6 cars to queue from ordering point (see Figure 15).	
Office Premises	1 space per 50m ² Note: Council may consider stack parking for development within a residential zone.	Gross Floor Area = 61.92m ² 61.92 ÷ 50 = 2 spaces required. Note: For the purposes of assessment "part parking spaces" are usually rounded up.	2 car parking spaces.	Yes.
	Total	22 spaces required	22 car parking spaces	Yes.

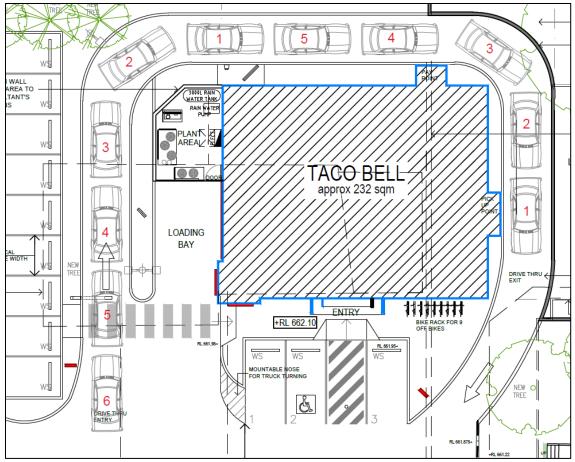


Figure 15 - Site Plan - Queuing Capacity of Proposed Drive-through

Bicycle Parking

In accordance with Clause 14.4 of DCP 2014, the following bicycle parking is required for each component of the development.

DCI	P 2014 Requirements	Calculated	Proposed	Complies
Development	Minimum Standard	Parking	Bicycle	Compiles

	Employee/ Resident	Customer/Visitor/ Student	Requirement	Parking Spaces	
Takeaway Food and Drink Premises	1 space per 100m ²	1 per 50m ²	Gross Floor Area = 232m ² (232÷ 100) + (232 ÷ 50) = 7 spaces required.	9 spaces	Yes.
Office Premises	1 per 300m ² if the floor area exceeds 1000m ²	1 per 1000m ² if the floor area exceeds 1000m ²	Gross Floor Area = 71.28m ² No requirement.		
		Total	7 spaces required	9 spaces	Yes.

Office Premises

Clause 14.3(e) of DCP 2014 states that "carparking required to be provided on-site... is to be freely available to the users of the building which it serves." The proposed food and drink premises will generate more traffic than the proposed office premises. Accordingly, it is important that the two car parking spaces required for the office premises are reserved and dedicated for this land use only. Accordingly, it is recommended that the following conditions be implemented, if approved:

 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.

2. 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).

Chapter 15 – Crime Prevention

The proposed development was referred to the NSW Police for assessment under Council's *Crime Prevention Through Environmental Design* (CPTED) *Protocol*. The advice provided from NSW Police notes the following:

• "The proposed development will consist of the demolition of the existing premises and restoration of the standalone cottage on the site. The building will consist of a drive through, eat in restaurant area and 21 space car park area for customers.

The trading hours for the centre have not been specified in the development application. It is indicated in the application that adequate security arrangements are proposed.

A CPTED plan was submitted with the Development Application... and included

- reference to Lighting/CCTV/Technical, Environmental Maintenance, Access Control and Signage Territorial reinforcement.
- After conducting a Safer by Design Evaluation for this development application the crime risk rating has been identified on a sliding scale of low, moderate and high. The rating for this development is Low Risk.
- The cottage should also be included in the proposed security treatments.
- Due to the nature of the development, identified crime risks and issues, NSWPF recommend the following:
 - Lighting must meet the minimum Australian standard for public streets, car parks and pedestrian access. There is a proven correlation between poor lighting, fear of crime, the avoidance of public/private space and crime opportunity.
 - Whilst no specific details of the lighting plan were submitted, we recommend the following treatments:
 - Lighting in the car park.
 - Lighting to all walkways including outdoor areas and drive through facilities.
 - Sensor lights should be vandal resistant and projected away from buildings towards pathways not towards windows and doors.
 - Installation of CCTV cameras in car park, walkway areas and drive through.
 - Installation of CCTV cameras in the Office space.
 - Regular security patrols monitored and adjusted accordingly.
 - All ingress and egress points to be well defined and clearly marked with signage and traffic flow arrows.
 - Speed limit signage in the driveway/carpark area. Max 10kph.
 - Trespassers will be prosecuted signage clearly visible around entrance/exit points and perimeter fencing.
 - Landscaping can be used to enhance the appearance of the development and assist in reducing opportunities for vandalism. However, landscaping can provide concealment and entrapment areas for people involved in criminal activities. Plants that block natural sight lines lessen natural surveillance.
 - Shrubs should on average not be above 900mm in height. Consider pruning the shrubs in the front yard to reduce concealment.
 - When selecting and maintaining vegetation, consideration should be given to the possibility of areas becoming overgrown and concealment opportunities on the maturity of the vegetation.
 - A safety convention is to have 3-5 metres of cleared space on either side of

paths.

- Pedestrians generally feel safer on wider pathways.
- Develop a maintenance plan as clean, well maintained areas often exhibit strong territorial cues.
- Security screen doors to all entry/exit points, including cottage.
- Polycarbonates and impact resistant glass/glazing to all windows.
- Key operated to all windows.
- The main entry/exit doors to all buildings should be fitted with single cylinder locksets (Australian Standards) which comply with the building code of Australia.
- Speed bumps in car parks/access ways help to reduce the likelihood of attracting bike riders and skateboarders."

Therefore, it is considered that subject to conditions of consent, the proposed development would not result in any adverse crime risks. Additionally, it is noted that the hours of operation were proposed in the Statement of Environmental Effects as follows:

Sundays to Thursdays 10:00am to 10:00pm Fridays to Saturdays 10:00am to 11:00pm

Chapter 16 – Earthworks

The proposed development involves significant earthworks, including approximately 2 metres of fill on the North-Eastern portion of the land. The existing retaining walls located on the North-Western boundary will continue to be used and based on the submitted Cross-sectional Plans the change in level on the North-Western boundary will be approximately 2.46 metres (see Figure 16). There will be no change in level on the North-Eastern boundary and the maximum 2-metre-high retaining wall to be located around the outer-edge of the proposed drive-through will be located approximately 5.6 metres from the North-Eastern boundary (see Figure 2 and Figure 3).

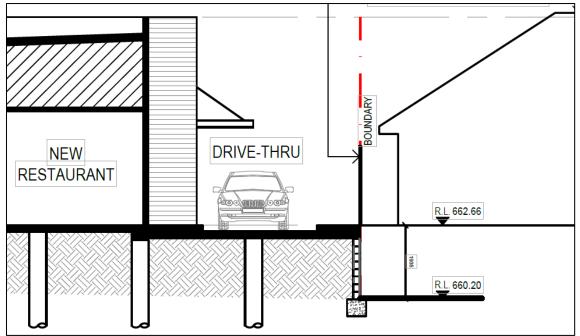


Figure 16 – Cross-sectional Relationship between Proposed Food and Drink Premises and Adjoining Dwelling House Located to the North-West on Lot 1 DP 780821 (301 Howick Street)

Landscaping is proposed to be established between the proposed retaining walls and acoustic wall to soften their visual impacts. If the application were to be approved, conditions of consent should be implemented to ensure that all proposed retaining walls are constructed of concrete, masonry, rock or other permanent type material in accordance with Clause 16.3.2 of DCP 2014.

Therefore, subject to conditions, it is considered that the proposed earthworks would comply with the requirements of Chapter 16 of DCP 2014.

Public Consultation

Exhibition Period

Original Exhibition

The Development Application was advertised and notified to adjoining property owners for a period of fourteen (14) days between 2 December 2019 to 16 December 2019, in accordance with *Community Participation Plan 2019*. Five (5) public submissions were received during this period and the concerns are outlined below.

Notification of Amended Plans

Written notification of the amended plans and reports has also been provided to neighbouring landowners and those who had made a submission. As the amended plans were not expected to result in additional or significantly altered likely environmental impact, a formal notification period was not provided for the receipt of submissions in relation to amendments.

Notification of Proposed "No Stopping"

TfNSW have recommended that "No Stopping" signage be installed along the length of

the property boundary on both the Southern and Northern sides of Howick Street in order to facilitate the safe passage of vehicles and in particular, emergency service vehicles accessing the hospital (see **Figure 7**). As this did not form part of the original proposal and will impact the availability of on street parking on the side boundary of the property, Council notified the landowner of 314 Howick Street (Lot 11 DP 1086666) of the proposed signage.

Total Number of Submissions

Throughout the course of the development assessment, a total of nineteen (19) submissions have been received from seventeen (17) individual parties (see **Attachment 15**).

Seven (7) of the seventeen (17) individuals parties have expressed opposition to the proposed development, whilst ten (10) are in support.

The applicant has also submitted responses to the public submissions which have been prepared by Wales and Associates Pty Ltd (Town Planning Consultant), David Scobie Architects and BJ Bradley & Associates (Traffic Consultant) (see <u>Attachments 16–18</u>).

Councillor Submission Hearing

In accordance with *Bathurst Regional Community Participation Plan 2019*, a Councillor Submission Hearing was held in relation to the Development Application at the Policy Committee Meeting held on 5 February 2020. Minutes were taken and are available in **Attachment 19**.

<u>Issues</u>

Issues raised in the five (5) submissions received by Council during the public exhibition period and based on the plans originally submitted are summarised as follows:

- Howick Street is a major road providing access to Bathurst Base Hospital and ambulance travel this road daily. The additional traffic on this corner has the potential to impede ambulance flow and put people's health at risk.
- Other take-away establishments and commercial premises in Bathurst (such as Kentucky Fried Chicken (KFC) and Bathurst City Centre) experience significant traffic congestion and queues. McDonald's has widened their driveway and constructed a second drive-through on the land to remove traffic blocking Durham Street. Placing a takeaway establishment on the corner of Stewart and Howick Streets will impede traffic travelling East on Stewart Street and towards the CBD in Howick Street. Council should consider installing a "Do Not Queue Across the Intersection" sign or "Keep Clear" road markings.
- It is stated that there will be car parking for one (1) staff member. The establishment will require more than one (1) staff member to operate the facility. There is concern that overflow car parking on the street will prevent residents and their visitors from accessing the front of their homes for parking. Council should consider restricting parking in Howick and Stewart Streets to residents and their quests only.
- There will be an increase in traffic within Howick Street due to patrons attending the restaurant from 10:00am to 11:00pm. This will result in additional car lights

disturbing nearby residences and add to the overall light pollution resulting from the restaurant and signage.

- The proposed development will be a high-traffic business, which is not in keeping with the character of the heritage listed residential area.
- The Statement of Environmental Effects is invalid as it refers to a development in the Tamworth Local Government Area.
- The development will result in noise disturbance from: loud speakers, idling cars
 queuing, music, car stereos, garbage collections, truck deliveries, hours of
 operation, refrigeration, air-conditioning, mechanical plant, exhaust fans, car
 doors closing, cars entering and exiting, cars using the drive-through, speaker
 boxes and construction noise.
- There will be a lot more noise from patrons talking in the carpark and the surrounds of the outlet. Some patrons will avoid negotiating the carpark altogether and park instead in neighbouring streets, creating more noise for residents. There will be increased noise as people walk along Howick Street, to and from the CBD, or while congregating in front of houses to wait for a break in traffic in order cross the highway.

The increased noise generated by patrons is not something the business can control, or measure in their reports, however, it will affect residents greatly, particularly at night.

- The proposed development will result in odour from: cooking smells, garbage, litter and car fumes.
- Other take-away food establishments in Bathurst, such as KFC and McDonald's, do not appear to be located as close to neighbouring residences as this proposal. The proposal will impact on the health and wellbeing of surrounding residents and will result in the devaluation of property.
- There is no evidence that the proposed acoustic fence will sufficiently reduce noise levels to surrounding residences and no reference is made to what type of acoustic fence is proposed.
- The use of terms such as "unlikely", "likely" and "are expected" throughout the Odour Assessment Report is not very assertive and does nothing to lessen concerns.
- The Odour Assessment Report is based on the 2018 Annual Seasonal Wind Roses from Bathurst Airport. The weather patterns changed dramatically in 2019. It has been a very different year, and according to environmental and meteorological science, changes will continue. Odours from other fast food outlets in Bathurst are obvious to passers-by.
- The Odour Assessment Report does not address the consequences of nil air currents to move odour emissions. This scenario should not be dismissed particularly in the present changing climate.
- There is disagreement towards the Odour Assessment Report which states that air quality would not be compromised and that "The nature of the odour from the

Project is not considered inherently unpleasant and the Project is anticipated to have minimal effect on existing conditions."

- P-plate drivers are typically drive-through customers in ownership of poorly tuned or malfunctioning cars that will produce other air emissions. The unwillingness of some drivers to adhere to road rules indicates that a sign stating "please switch engine off" would be ineffective. This initiative cannot be enforced.
- The recently high-lighted problems in George Street to and from Kelso, over the Hereford Street Low Level Bridge, with built up traffic turning into KFC, should be an example of how extra traffic and lights could cause potential problems.
- The development will result in increased rubbish and litter on footpaths and thrown over fences within the surrounding area. Bathurst High School and Bathurst Base Hospital are both within walking distance of the site and the extra foot traffic generated by the development will result in extra rubbish and litter. Problems have been experienced in the past with people walking past houses and throwing drink containers and food wrapping on the grass verge of properties or poking it into gardens.
- The proposed acoustic wall and vertical landscaping will result in overshadowing of adjoining residential properties.
- There are discrepancies throughout the documentation in relation to the proposed hours of operation and it is unclear as to what the exact proposed hours of operation are.
- The dust, noise and traffic during construction will impact on surrounding residences and the timeframe for construction is unknown.
- It is unclear as to what mitigation measures would be put in place for the problem of dust and dirt. This has been horrendous in Bathurst over the past few months and would be unbearable if this project went ahead. It could be disastrous to the health of surrounding residents. There would be problems with hanging clothes on the line and having to keep doors and windows closed.
- It is not possible to reduce the noise of earthmoving equipment and the noise would be invasive and constant. The documentation does not state that there will be any relief on weekends.
- The reconstruction of the existing fence line will result in privacy conflicts between neighbouring properties.
- The Report states that Lot 5 DP 1086710 was previously a service station and that the Avis Car Rental utilises the original concrete driveway. There is no reference to the original underground fuel tanks and whether they have been removed. It is highly probable that they are still located on site and that the soil is contaminated. This will impact neighbouring properties.
- Based on preliminary valuation advice it is anticipated that the property will most likely suffer a decrease in value of approximately 10-15%. Whilst the acoustic impact is one element contributing to the diminution in value, there will also be the visual impact, increased traffic and the long-term blight suffered by adjoining properties.

- The proposed development will encourage loitering.
- The proposed development will result in privacy conflicts between neighbouring residences.
- A take-away establishment is not compatible with the current land uses of the area. There is currently a hotel, car hire, retail glass and hobby outlets. There is neither a take-away food or alcohol retail within the immediate block outlined for the development.
- Traffic congestion in the drive-through and carpark will increase noise in the surrounding area. The documentation only acknowledges the drive-through as a source of odour emission.
- The documentation suggests that the drive-through will be closed to reduce noise impacts. This action cannot be enforced by Council and is unlikely to be undertaken as businesses aim make profit, not send customers away or inconvenience them.
- Deliveries will potentially be during the evening between 10:00pm and 11:00pm.
 This is a historically significant area of Bathurst. Some houses are aged over 100
 years old and contain bedrooms that are located at the front of the dwellings.
 Deliveries at this time will be disruptive and will lengthen the noise pollution
 experienced by residents of both Howick and Stewart Streets.
- The documentation references reasonable noise allowances, but it is unclear as to how this is determined for a residential area. The current businesses in the area are acceptable as they produce zero noise impacts outside of daylight operating hours. A take-away food outlet operating a drive-through and a restaurant from 10:00am to 11:00 pm 7 days a week is not reasonable.
- The volume of the speaker box during the evening will also impact residents until 11:00 pm at night. These noise levels are not within reason. Noise travels some distance.
- Most of the heritage homes have bedrooms located at the front of the house and are located within 3 metres of the street. This means that residents in the area are closer to all the impacts of the proposed new business and the noise of its customers, including car and foot traffic.
- Taco Bell advertises "Beats at the Bell" where live music is provided every Saturday. Residents of the area will be exposed to this and the documentation makes no reference to this matter.
- In relation to odour control, the documentation makes no reference to how food waste will be managed, how frequently bins will be emptied and at what times bins will be emptied.
- The businesses currently located within the surrounding area do not cause any odour impacts. Alike KFC, residents of the surrounding area will be inflicted with the smell of take-away food daily.
- The development includes a proposed illuminated sign to replace the existing

non-illuminated sign which has not been used since Mitsubishi left over 10 years ago. Residents in the area will be impacted by light pollution from the new signage between 10:00am to 11:00pm, which will impact their ability to sleep. This will particularly impact heritage dwellings with bedrooms located at the front.

- Three large illuminated signs have been proposed which will spill light into neighbouring residences. No curfew has been proposed for these signs and the illumination will be 24 hours a day.
- The Taco Bell building will not be in keeping with the heritage streetscape.
- Taco Bell includes the sale of alcohol which will cause additional disturbance to the character of the surrounding area.
- The documentation states that specific mechanical equipment is to be finalised but will be similar to equipment used at prior restaurants of a similar nature. It is unclear as to how this can be ensured.
- There is concern that the development will be granted longer operating hours in the future.
- There are discrepancies throughout the documentation in relation to the proposed delivery times. In one place it states that deliveries will be between 7:00am and 6:00pm and in another, it states they will be between 10:00pm to 11:00pm. It is unclear as to what hours deliveries will occur.
- The documentation states that there will be no outside seating. However, there is concern that there may be outside seating in the future with loud music played outside.
- It is unclear as to whether the current trees located on the road reserve will remain in place or be removed.
- The proposal does not follow the town planning philosophy of keeping similar businesses together.
- It is unclear as to whether alcohol will be served on the premises.
- It is unclear as to how long the development will take to complete. Another nearby development has taken years to complete and surrounding residents have been inconvenienced by blockages on the footpath for many months at a time.
- It is unclear as to whether signage will be illuminated at all hours of the night.
- It is unclear as to whether the proposed signage complies with Council's requirements.
- The proposed development would be better located elsewhere, such as within proximity of other fast food outlets or in the new commercial strip at Kelso.

Other fast food outlets such as McDonald's or KFC are clustered within the Bathurst CBD, not in a residential area. Patrons can walk safely to these outlets because of traffic lights and pedestrian crossings. Other fast food outlets are located in commercial or light industrial areas.

- Fast food outlets in the CBD or close to other commercial areas, place customers in the vicinity of other shops and businesses, thus strengthening the local economy. The development will draw customers away from the CBD.
- It has been stated that the traffic impacts on the intersection could be reexamined if the business grows. This potential growth of the business should be considered as part of this application as there are other consequences of growth beyond traffic, including noise, light and odour.
- If residents were to contact Council each time they are disturbed by the operation of the proposed development, this would be considered a form of harassment. Residents will not have the right to take action each time and instead are expected to accept this inconvenience as "progress" despite the negative impacts it will have on lives.
- This locality is predominately a residential precinct located in the heart of the Bathurst Heritage Conservation Area. Many of the homes are over 100 years old and owners have spent substantial time and money renovating, extending and improving them, often with the help of Council's Heritage Fund.
- The issues of the appropriateness and height of the proposed Taco Bell signage and the real potential for continued "commercial creep" along Stewart Street are areas of real concern. An approval of this proposal would call into question the commitment of town planning to protecting our heritage housing stock and the potential for significant economic returns from heritage tourism, done well.
- It is currently difficult for pedestrians to cross Stewart Street from the corner of Stewart and Howick. The Traffic Assessment Report quotes the daily traffic volumes as Eastbound 3,032 vehicles per day (vpd) and Westbound 3,022 vpd. Elderly residents and people with prams and young children often struggle to make it to and from the middle refuge. The proposed development would result in an increase in pedestrian safety concerns due to: vehicles slowing to enter the site, traffic slowing to accommodate vehicles existing the site, Westbound vehicles wanting to make a right turn across the highway to the food outlet and more cars turning left out of Howick Street across their path.
- The development would attract increased pedestrian traffic to and from the CBD, including: school children, families, other young people and Taco Bell employees walking to work. All these people will have to negotiate a very complex traffic situation in order to cross the busy highway. It is unlikely that they would walk an additional two blocks out of their way, in order to access the pedestrian crossing on the corner of Durham and Stewart Streets or an additional four blocks to cross at the lights on Keppel and Stewart.
- Visiting motorists passing through Bathurst do not anticipate encountering
 pedestrians crossing the highway at the Stewart and Howick intersection. It is not
 a built-up area like upper Stewart and no traffic lights or marked crossing exists. It
 would be impractical to place another set of lights or a pedestrian crossing there
 as it is so close to the one on Stewart and Durham. The highway flow would back
 up if there were 3 sets of lights in 4 blocks.
- Numerous motor accidents have occurred right in front of the subject site over many decades. It is a matter of time before more accidents occur in this location.

Traffic builds up speed going down this section of Stewart Street. The additional traffic movements in and out of the proposed fast food outlet, plus the complexity of vehicles making a right-hand turn into the premises so close to an intersection, would greatly increase the risk of further accidents.

- More vehicles will attempt to make a right-hand turn onto the highway across multiple lanes of traffic from the hospital side of Howick Street. This is very difficult now, even with the traffic numbers at present. The risk of rear end collisions will rise as cars on the highway stop to turn into the premises. If more people and vehicles were concentrated in this area, the likelihood that someone will be badly injured or killed will be increased.
- The development will open seven days a week, closing at 11:00pm on Fridays and Saturdays and 10:00pm on other days. The hours that staff will be on site will be extended beyond this as they will be setting up, preparing food, packing up and cleaning outside of operating hours. Hence, the disruption to residents is likely to be all week until approximately 11:00pm or 12:00pm.
- Most restaurants in the Bathurst CBD close between 9:00pm to 9:30pm. It is unacceptable to allow a fast food outlet, outside the CBD and in a residential area, to have a closing time of 10:00pm to 11:00pm.
- Many of the reports submitted with this application are based on the idea that patronage will be less than establishments such as McDonald's or KFC, as it is not as well-known. However, this assumption may not be correct. As one of only a few Taco Bells in NSW and being the world's largest Mexican take-away chain, it may attract larger volumes of patrons due to its novelty value. Therefore, the traffic problems and disruption to residents may be understated in these reports.
- The development includes an 8.9-metre-high "signage tower", within the Bathurst Heritage Conservation Area. This tower appears to have no structural or operational purpose other than signage and it rises beyond the height of the top of the adjacent cottages. It is effectively a roof top sign which is prohibited by Bathurst Regional Development Control Plan 2014 (DCP 2014). Its integration as a purported building element is a distortion and circumvention of the intent of the signage provisions of DCP 2014.
- The signage tower has the form of a four-sided blade sign, with two signage faces. DCP 2014 allows only one blade or pole sign if they can be seen from a highway (Stewart Street) and so with the inclusion of the main pole sign, the applicant is effectively proposing three such signs which should not be permitted.
- The signage tower's height creates an opportunity for the main pole sign to be the same height at 8.9 metres in accordance with DCP 2014. The height of the main pole sign should be reduced to the true height of the building (i.e. not the height of the signage tower).
- The property is zoned R1 General Residential and for the amenity of nearby residents, day and night, it is inappropriate for the illuminated signage to protrude above the true height of the building.

Other Issues

Additional Submissions

A number of submissions were received outside the formal notification period and these are included in the attachments.

Internal referrals

The application was referred to the following Council officers whose views have been considered in the preparation of this report.

- Environmental Officer.
- Subdivision Supervisor.
- Trade Waste Assistant.
- Environmental Health Officer.
- Health and Building Surveyor.
- Heritage Planner.
- Plumbing and Drainage Inspector.
- Operations Manager Parks.

Overshadowing

Overshadowing Plans have been submitted to Council after the original plans were submitted which demonstrate that the proposed development (including the proposed building, 2-metre-high retaining walls, 2.1-metre-high acoustic wall and boundary fencing) will not significantly overshadow adjoining residences located to the North-West and North-East (see <u>Figure 17</u> to <u>Figure 19</u>).

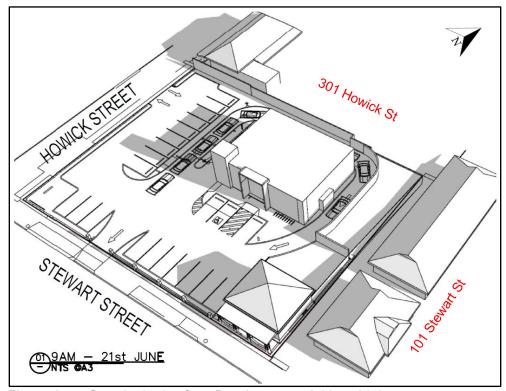


Figure 17 - Overshadowing from Development - 9:00am 21 June

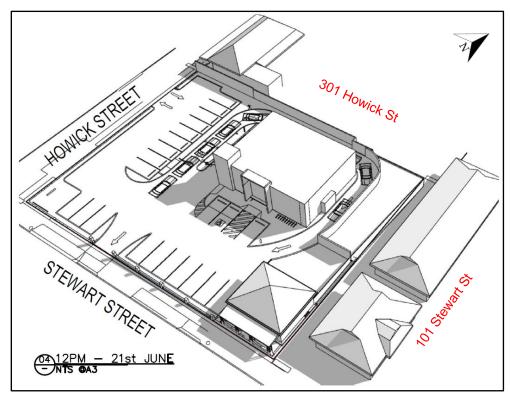


Figure 18 - Overshadowing from Development - 12: 00pm 21 June

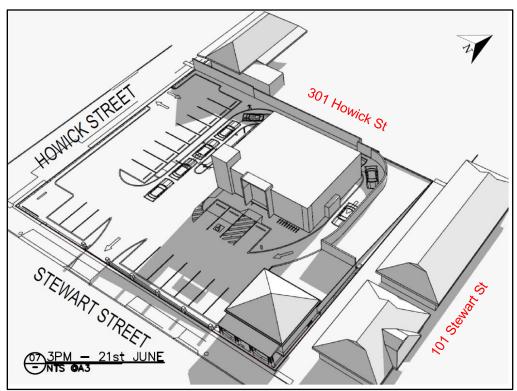


Figure 19 - Overshadowing from Development - 3:00pm 21 June

Odour

An Odour Assessment Report (prepared by Todoroski Air Sciences, dated 21 April 2020) was submitted to Council with the application and identifies the likely sources of

odour and recommends mitigation measures for each.

Cooking in Commercial Kitchen

The primary source of odour from the development will be cooking within the commercial kitchen (stove top, steamers, grillers and some deep frying), which will vary throughout the day depending on demand/peak times. The Odour Assessment Report suggests that unlike other fast food restaurants which involve a significant amount of "deep-frying processes that tend to generate a lot of odour laden mists", the nature of the food prepared in the proposed restaurant (Taco Bell) will involve a lower level of deep frying processes and therefore, will produce less odour.

To reduce the odour emissions associated with cooking, the Odour Assessment Report proposes the following mitigation measures be implemented:

- A kitchen ventilation extraction system equipped with filtration equipment to manage air emissions will be installed with ventilation hoods positioned above the main cooking points in the kitchen. Odour emissions from the exhaust point will be suitably designed to ensure emissions are dispersed into ambient air so as not to negatively impact the surrounding environment.
- The kitchen ventilation extraction system will be regularly maintained and cleaned by staff.
- Regular inspection will be conducted by staff to identify odour sources at the site and in the surrounding environment.
- Any incidents and complaints relating to odour will be recorded by staff and an
 investigation will be undertaken to identify the cause of the odour. Corrective
 action will be implemented where possible to prevent similar incidents from
 reoccurring.
- In the event that odour management measures are not sufficient, an investigation could be conducted by a suitably qualified air quality consultant to identify the cause of the odour impact and the nature of the source. As a contingency measure, the kitchen ventilation extraction system could be retrofitted with additional filtration, such as a carbon filter, or other mitigation measures could be implemented.
- An Odour Management Plan will be prepared which includes:
 - Regular inspections by Taco Bell staff for odour at the development site and surrounding environment.
 - 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.
 - Following 3 months post-commissioning of the operations an odour verification report will be prepared by a suitably qualified air quality consultant to verify the performance of the odour control measures. The finding of the odour verification report would be provided to Council and

include any recommendations to improve the performance of the odour control measures as required.

Raw Material Waste Storage and Handling

The Odour Assessment Report identifies that other potential sources of odour from the development include raw material, waste storage and handling and states that the following mitigation measures will also be implemented:

- All waste materials will be stored in sealed/enclosed bins in the bin room.
- Waste materials will be regularly disposed from the site at various times depending on capacity, but weekly at a minimum.
- Staff will regularly clean and maintain dining, kitchen and storage areas.
- Raw materials will not be left out for excessive periods.

Any waste produced from the food and drink premises will be stored in the proposed Bin Enclosure area of the building. The Bin Enclosure area has been suitably located away from neighbouring residences to the North-West and North-East and in close proximity of the loading bay, which would reduce odour impacts on surrounding residences and allow garbage collection to easily occur.

Car Exhaust Emissions

Further, the Odour Assessment Report identifies that exhaust emissions from patron's cars utilising the drive-through is another potential source of odour emission associated with the development, which will be: "a small fraction of the emissions currently experienced at the site" from passing vehicles on Stewart Street, "transient in nature as the cars travel along the drive-through" and "highest when there are the most number of cars with running engines i.e. during peak periods". The report determines that "in consideration of the design and the small number of vehicles that can be present at any time with running engines, there is a low potential for any unacceptable level of adverse impact on nearby sensitive receptors", with the exception of some "poorly tuned or malfunctioning cars to be present with a running engine under still wind conditions." However, the report states that 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:

- The installation of a sign that states "Please switch engine off when waiting' (or similar words to that effect).
- Temporarily close the drive-through operation if extensive delays (greater than 15 minutes) are expected due to food preparation.
- Any vehicle not adhering to the request of the Store Manager to switch engine off may be refused service.
- Should any poorly tuned or malfunctioning car be identified in the drive-through, the Store Manager will report the vehicle to the NSW Environment Protection Authority (EPA)."

In regard to car exhaust emissions, most of the above recommended mitigation measures rely heavily on the actions of customers and accordingly, it is considered that they are not guaranteed to be completely effective. Additionally, any extensive delays of more than 15 minutes are likely to occur during peak times and the closure of the drive-through could result in additional onsite problems, such as traffic congestion in and around the site as customers attempt to find other parking without the option of drive-through. The carparking requirements of DCP 2014 are specified based on whether or

not drive-through facilities will be provided. Therefore, for this mitigation measure to be effective, additional onsite car parking would need to be provided and given the current design and layout of the development this is not achievable.

It is considered that there might instead be some benefit in the installation of signage at a prominent position near the entrance of the drive-through which states the following, however, again the effectiveness of this measure is largely reliant on the actions of customers:

"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)."

Local Wind Dispersion Conditions and Site Considerations

The Odour Assessment Report provides annual and seasonal windroses for the Bathurst Airport AWS "which indicate that wind speeds are typically moderate with wind directions generally varied throughout the year". Emissions from the development (including the kitchen ventilation extraction system) "will be subject to similar wind patterns…" meaning that odour from the development will be reasonably "well dispersed throughout the year…" and that "no single receptor will remain downwind of the operations for extended periods of time."

Additionally, the Odour Assessment Report states the development will be constructed on "a relatively elevated position compared to the nearest sensitive receptors located to North-West and North-East of the site". For example, the finished floor level of the drive-through will be located approximately 1.5 metres above the finished floor level of the neighbouring residential units located to the North-East and the windows and ventilation/exhaust points of the food and drink premises (restaurant) will be located above eave height of the neighbouring units (see Figure 20). This elevated height effectively increases the distance of the kitchen exhaust point from the receptor locations and further assists with the dilution of air emissions before reaching these locations.

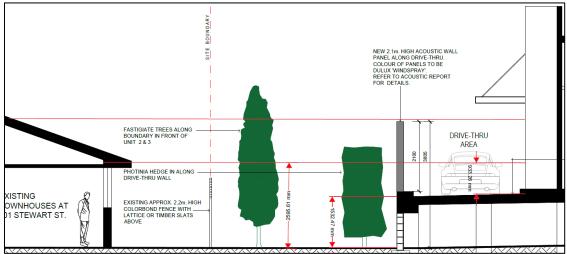


Figure 20 — Cross-sectional Relationship between Proposed Food and Drink Premises and Adjoining Units Located to the North-East on Lots 1 to 3 SP 54826 (1-3/101 Stewart Street) — Red Lines Indicate Top and Bottom Edge of Windows

The Odour Assessment Report also indicates that the proximity of the proposal to neighbouring residences is similar to other takeaway food and drink outlets located in Bathurst and other areas of Australia, which operate without odour impact. Whilst this could be true for some outlets, this is not considered to be a well-reasoned argument, particularly given that no supporting data or evidence in relation to potential odour complaints or odour readings/verification has been provided in support of these particular examples and the degree of odour impact is highly dependent on the individual operations of premises, the types of foods prepared, the odour control measures in place, the design of the proposal and the local weather conditions. Many of the referenced sites are located in commercial zones and/or are co-located with other commercial developments such as service stations and fast food outlets.

Adequacy of Odour Assessment

There was some criticism of the conclusions of the Odour Assessment Report submitted with the application raised in the public submissions.

The usual approach when dealing with developments which have the potential to generate odours is to undertake an assessment in accordance with the *EPA Technical Framework* – *Assessment and Management of Odour from Stationary Sources in NSW.*

The Framework makes the following observations generally in relation to odour:

1.1 Introduction

Odours can affect public amenity and the community's quality of life. Within the community, there is a large range of reaction to odour. On the one hand there are people who are very sensitive to odour. This odour-sensitive sector of the population will react, often strongly, to odours that are barely noticeable to others, or will have an expectation of very low environmental odour levels. On the other hand there are others within the community (often because of their association with the odour-generating activity) who are more tolerant of higher odour levels. The bulk of the population lies between these two, being unaffected by low levels of odour and being prepared to accept certain levels of odour.

3.3 Odour Assessment Criteria

The detectability of an odour is a sensory property that refers to the theoretical minimum concentration that produces an olfactory response or sensation. As noted in section 1.5, this point is called the 'odour threshold' and defines one odour unit (1 OU). Therefore, an odour criterion of less than 1 OU would theoretically result in no odour impact being experienced.

In practice, the character of a particular odour can only be judged by the receiver's reaction to it, and preferably only compared to another odour under similar social and regional conditions. Based on the literature available, the level at which an odour is perceived to be of nuisance can range from 2 OU to 10 OU depending on the combination of a number of factors.

- Odour quality: whether the odour results from a pure compound or a mixture of compounds. Pure compounds tend to have a higher threshold (lower offensiveness) than a mixture of compounds.
- **Odour intensity:** the concentration of the chemical or mix of chemicals at the receptor. This will be affected by the concentration at the source, the

chemical characteristics, the height at which the chemical is released and the mixing rate (affected by factors such as climate, topography, intervening vegetation and distance).

- Odour frequency, timing and duration: when and how odour interacts
 with the activities of a community affects the annoyance and offensiveness
 of the odour. Higher levels of short-term releases are likely to be more
 tolerable than long-term emissions at the same level. Odour emissions at
 the weekends or in the evenings are likely to be less tolerable because of
 the impact on quality of life.
- **Population sensitivity:** any given population contains individuals with a range of sensitivities to odour. The larger a population, the greater the number of sensitive individuals it contains. The population sensitivity will also depend on previous exposure to the odour and associations with the odour (for example, whether the community members work at, or use products from, the facility that generates the odour, or whether the facility is considered to be an asset to the community).
- **Background level:** determines the likelihood of a given odour source, because of its location, contributing to a cumulative odour impact. In areas with a number of odour sources it may be necessary to apply a lower threshold in order to prevent 'offensive odour'.
- Public expectation: an important factor is whether a given community is
 tolerant of a particular type of odour and does not find it 'offensive', even at
 relatively high concentrations. For example, farming families may consider
 background agricultural odours inoffensive even at a high level of odour
 units while a low level of agricultural odours may be considered offensive to
 rural residents who value the 'clean air' attributes of their properties.
- **Source characteristics:** whether the odour is emitted from a stack (point source) or an area (diffuse source). Generally the components of point-source emissions can be identified and controlled more easily than diffuse sources because emissions can be treated by using pollution control equipment. One of the control approaches for some diffuse sources is to enclose the odour-generating activities so that the diffuse source can be converted to a point source and controlled.
- Health effects: Experience gained by the EPA through odour assessments for proposed and existing facilities in NSW indicates that an odour performance criterion of 7 OU is likely to represent the level below which 'offensive' odours should not occur for an individual with a 'standard sensitivity' 2 to odours. Individuals that are exposed to particular odours that exceed this are more likely to develop adverse physiological and/or psychological health effects. Therefore, the framework recommends that no individual be exposed to ambient odour levels greater than 7 OU. Appropriate averaging periods are discussed in Technical Note 3.

Odour assessment criteria need to be designed to take into account the range in sensitivities to odours within the community and provide additional protection for individuals with a heightened response to odours. This can be done using a statistical approach which depends upon the size of the affected population. As the affected population size increases, the number of sensitive individuals is also

likely to increase, which suggests that more stringent criteria are necessary in these situations. Therefore, the odour assessment criteria allow for population size, cumulative impacts, anticipated odour levels during adverse meteorological conditions and community expectations of amenity.

A summary of odour assessment criteria for various population densities is shown in Table 3.1 below.

Table 3.1 Odour Assessment Criteria

Population of affected community	Odour assessment criteria 3 (OU)
Rural single residence (≤ 2)	7.0
~ 10	6.0
~ 30	5.0
~ 125	4.0
~ 500	3.0
Urban area (≥ 2000) and/or schools and hospitals	2.0

1.7 Odour Assessment

The framework uses a three-level system of odour impact assessment for odour sources:

- Level 1 is a simple screening-level technique based on generic parameters
 for the type of activity and site. It requires minimal data and uses simple
 equations designed to indicate the likely extent of any odour impact. It may
 be used to assess site suitability and odour mitigation measures for new or
 modified activities and is particularly suitable for smaller developments in
 sparsely populated areas such as a small broiler chicken farm located in a
 rural area with no existing or likely future sensitive receptors located nearby.
- Level 2 is a screening-level dispersion modelling technique, using worst case input data (rather than site specific data). It is more rigorous and provides a more realistic prediction of the extent of any odour impact than a Level 1 assessment. It may be used to assess site suitability and odour mitigation measures for new, modified or existing activities. For example, Level 2 assessment can be used to determine whether a proposed upgrade and expansion of a sewage treatment plant would result in odour impacts on local residents.
- Level 3 is a refined-level dispersion modelling technique that uses site-specific input data. This is the most comprehensive and most realistic level of assessment available. It may be used to assess site suitability and odour mitigation measures for new, modified or existing activities. For example, Level 3 assessment using concentrations of pollutants measured at site emission sources could be undertaken to assess whether proposed mitigation strategies would be adequate to reduce odour impacts from a waste oil processing facility, the subject of long-term numerous complaints from neighbours.

The approach taken in the Odour Assessment Report provided in the application is a "qualitative analysis of potential air quality impacts". The assessment has not been prepared and does not reference the EPA *Technical Framework: Assessment and*

Management of Odour from Stationary Sources in NSW. It is therefore difficult to conclude that the development complies with the Technical Framework given that it is limited to a qualitative assessment. Ultimately the conclusions may well be correct but unless the Assessment has been prepared in accordance with the Framework it would be difficult to reach this conclusion. This lack of certainty was raised in the public submissions.

If the application is approved, it is considered that the following conditions of consent should be implemented to reduce the degree of odour impacts on the surrounding receptors:

- 1. 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.
- 2. The kitchen ventilation extraction system must be regularly maintained and cleaned by staff.
- 3. Regular inspection must be conducted by staff to identify odour sources at the site and in the surrounding environment.
- 4. 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.
- 5. 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.
- 6. 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.
E.g. Waste.	Collection of indoor and outdoor waste from garbage bins and disposal into large lidded waste collection bin to be stored in the	Once an hour.	Waiting Staff.

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.
- 7. Following 3 months post-commissioning of the operations, an odour verification report must be prepared by a suitably qualified air quality consultant and 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).
- 8. All waste materials must be stored in a sealed/enclosed waste collection bin in the designated Bin Enclosure area.
- 9. 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.
- 10. The designated Bin Enclosure area and other waste storage facilities on site (such as fixed rubbish bins) must be regularly cleaned and maintained.
- 11. 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)".

- 12. 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*.
- 13. 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*.
- 14. Offensive odours from the premises must not be detectable at the nearest sensitive land uses.
- 15. 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.
- 16. 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.
- 17. Grease traps installed in the cooking systems must be maintained in efficient working order at all times.
- 18. 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.
- 19. The development shall only be conducted:
 - a) on Sundays to Thursdays inclusive between the hours of 10:00 am and 10:00 pm.
 - b) on Fridays and Saturdays between the hours of 10:00 am and 11:00 pm.

Noise

Ambient Noise Levels

The most noise sensitive receptor located within proximity of the development site is "Location A" at 301 Howick Street (Lot 1 DP 780821, adjoining the North-West of the site), as it is the most shielded from the Highway and therefore, the most sensitive to any additional noise generated by the development (see <u>Figure 21</u>). Accordingly, the environmental noise logger was used to measure the rating background level (RBL) at this location between 16 October and 23 October 2019, and it was found to be:

Noise Measurement Location	Time Period	Ambient L _{eq} Noise Level	Rating Background Level
"Location A" – 301	Day (7am-6pm)	47 dBA	35 dBA
Howick Street	Evening (6pm–10pm)	44 dBA	33 dBA
Bathurst	Early Night (10pm–	N/A.	31 dBA
	11pm)		
	Night (12pm–7am)	39 dBA	30 dBA

Note 1: The Bathurst 1000 race event was held during the period of 10 to 13 October 2019 and the data from these dates was removed to ensure that the usual background noise levels were accurately calculated.

Note 2: The development is only proposed to operate between the maximum hours of 10:00am to 11:00pm and is not proposed to operate during night hours of 12:00pm to 7:00am.

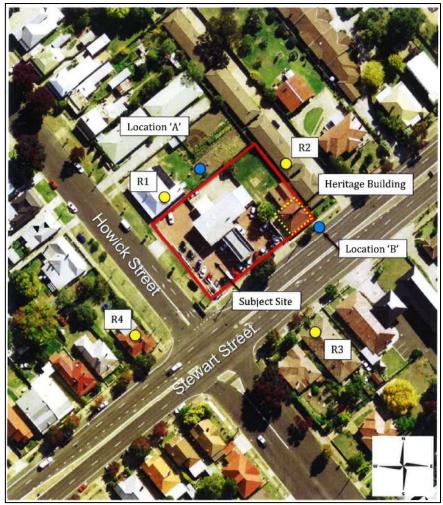


Figure 21 - Environmental Noise Assessment Report - Receptors

As other nearby residential receptors along Stewart Street are more fully exposed to road traffic noise, the background noise levels and subsequent noise level criteria are likely to be higher in those locations. To determine the noise level differences between "Location A" and other residences facing Stewart Street, designated "Location B", short term attended noise measurements were conducted simultaneously at both locations. The L_{90, 15 min} noise level was measured to be 13 dB higher at "Location B" (Stewart Street properties) and accordingly, the Background Noise Levels at this location are adjusted as follows:

Location	Time Period	Location A Rating Background Level	Noise Level Difference	Adjusted Rating Background Level
"Location B" -	Day (7am–6pm)	35 dBA	13 dB	48 dBA
Stewart Street	Evening (6pm–10pm)	33 dBA		46 dBA
properties.	Early Night (10pm–	31 dBA		44 dBA
	11pm)			
	Night (12pm–7am)	30 dBA		43 dBA

Development Specific Noise Emission Criteria – EPA NSW Noise Policy for Industry (NPI)

Whilst not strictly applicable to this type of commercial development, in the absence of other relevant standards, the Acoustic Report adapted standards from the *EPA NSW*

Noise Policy for Industry (NPI) to calculate the acceptable L_{eq} noise level criteria for the surrounding residential receptors.

Based on these standards and the background noise level ratings of "Location A" (301 Howick Street) and "Location B" (Stewart Street properties), the following minimum acceptable noise level criteria were calculated (based on background plus 5dBA):

Location	Time Period	Development Specific Noise Emission Criteria
Dwellings and Rear Yards	Day (7am–6pm)	40 dBA
Located on the Northern	Evening (6pm–10pm)	38 dBA
Side of Stewart Street	Early Night (10pm–11pm)	36 dBA
	Sleep Disturbance	52 dBA
Facades of Dwellings	Day (7am–6pm)	53 dBA
Facing Stewart Street	Evening (6pm–10pm)	43 dBA
	Early Night (10pm–11pm)	38 dBA
	Sleep Disturbance	59 dBA

These criteria are based on the most affected point on or within the residential property boundary.

Calculated Noise Levels

The Acoustic Report modelled the projected noise emissions within any given 15 minute assessment period, based on the following scenario:

- All items of mechanical plant (including toilet exhaust, kitchen exhaust, kitchen make up, wash up exhaust and outdoor AC condenser unit) will operate continuously and simultaneously.
- The supply and exhaust fans will be located on the roof of the food and drink premises with outdoor air conditioning condenser units located in the plant area at ground floor level.
- Noise attenuation for rooftop plant from a 1 metre high parapet wall on the perimeter of the building.
- The ground floor plant area has been constructed in accordance with the noise control recommendations below.
- A group of 6 people talking in the car park area speaking with normal vocal effort with 50% talking and 50% listening or not talking. This group is assessed in the area of the carpark closest to each respective residential receptor.
- Fences on site boundaries and drive-through areas have been constructed in accordance with the noise control recommendations below.
- Each speaker box will emit sound for a total of 3 minutes within any given 15 minute assessment period.
- For nearby residential receptors the noise levels have been assessed at ground floor level at the nearest/most affected façade.
- A traffic flow rate of up to 25 vehicles entering or exiting the site, travelling at 10km/h within any 15 minute period during operating hours. Within this 15 minute

period, the assumed worse case traffic flow for each receptor was as follows:

- R1 10 vehicle movements from the Howick Street driveway only (5 entering and 5 existing from the closest driveway).
- R2 10 vehicle movements exiting from Stewart Street.
- R3 10 vehicle movements exiting from Stewart Street.
- R4 10 vehicle movements from the Howick Street driveway only (5 entry and 5 exit from the closest driveway).
- Remaining 15 vehicles in the drive-through or manoeuvring within the carpark.

Based on the noise emission scenario, the Acoustic Report identifies that cumulative noise levels at each residential receptor are projected to comply with the most stringent early night (10pm–11pm) criterion, as detailed below:

Receptor Location	Calculated L _{eq} Noise Level	Acceptable L _{max} Noise Level	Complies
R1 – 301 Howick Street	35 dBA	36 dBA	Yes
R2 – 101 Stewart Street	34 dBA	36 dBA	Yes
R3 – 110-112 Stewart Street	38 dBA	38 dBA	Yes
R4 – 314 Howick Street	38 dBA	38 dBA	Yes

Compliance with the early night criterion ensures compliance at all other times during the day and evening periods.

Additionally, the Acoustic Report identifies that individual noise events are not projected to exceed the sleep disturbance criterion, as detailed below:

Receptor Location	Noise Event	Calculated L _{max} Noise Level	Acceptable L _{max} Noise Level	Complies
D4 204	Vehicles – Howick Street	Up to 51 dBA		Yes
R1 – 301 Howick	Vehicles – Stewart Street	Up to 42 dBA	52 dBA	Yes
Street	Vehicles – In Drive-through	Up to 50 dBA	32 UDA	Yes
Sileet	Speaker Box	Up to 43 dBA		Yes
D0 404	Vehicles – Howick Street	Up to 31 dBA		Yes
R2 – 101	Vehicles – Stewart Street	Up to 36 dBA	52 dBA	Yes
Stewart	Vehicles – In Drive-through	Up to 48 dBA	32 UDA	Yes
Street	Speaker Box	Up to 27 dBA		Yes
D2 440	Vehicles – Howick Street	Up to 48 dBA		Yes
R3 – 110- 112 Stewart	Vehicles – Stewart Street	Up to 54 dBA	59 dBA	Yes
Street	Vehicles – In Drive-through	Up to 44 dBA	39 UDA	Yes
Sileet	Speaker Box	Up to 19 dBA		Yes
D4 044	Vehicles – Howick Street	Up to 54 dBA		Yes
R4 – 314	Vehicles – Stewart Street	Up to 49 dBA	E0 4D4	Yes
Stewart	Vehicles – In Drive-through	Up to 47 dBA	59 dBA	Yes
Street	Speaker Box	Up to 36 dBA		Yes

Noise Control Measures

The Acoustic Report recommends that the following noise mitigation measures be implemented in order for the development to meet the most stringent early night noise criterion at the nearest residential receptor locations:

 Acoustic fences be constructed along the Northwest and Northeast boundaries of the drive-thru driveway to a minimum height 2.1 metres above the subject site ground floor slab height, as shown in Appendix D.

- Boundary fences be constructed along the South-West and South-East boundaries of the site. This fencing should include an acoustic barrier (such as contiguous masonry with no holes or gaps) constructed to a minimum height of 600mm above the subject site ground floor slab height, as shown in Appendix D.
- The North-West and South-West sides of the ground floor plant area enclosure be constructed from an acoustically opaque material, such as Colourbond, lapped and capped timber, masonry etc., 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.
- The total sound power level of plant installed within the ground floor plant area be no greater than L_{eq} 75 dBA.
- The total sound power level of all rooftop plant shall not exceed Leg 76 dBA.
- The sound power level of the speaker box in the drive-through area shall not exceed L_{eq} 72 dBA and L_{max} 84 dBA.
- Truck deliveries to the site are to occur during daytime hours only (7am–6pm).
- All documentation 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 a Construction Certificate.
- An inspection of the site be conducted prior to the issue of an Occupation
 Certificate to ensure that all acoustic recommendations have been satisfactorily
 installed and implemented on site.
- Noise measurements are 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 discrepancy found between the acoustic recommendations and the final drawings or during the inspection be rectified accordingly to ensure all recommendations are incorporated before the issue of either Construction Certificate or Occupation Certificate.
- 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 be made to reduce the residual noise level to
 meet the noise criteria. Further noise compliance measurements shall then be
 conducted to ensure noise criteria is achieved at all residential receptor locations.

Subject to the implementation of the above recommendations as conditions of consent, the proposed development is expected to comply with the NPI criteria.

Whilst it is accepted that the development is projected to comply with the numerical standards of the NPI, this does not automatically suggest that the commercial development would be able to reasonably exist in harmony with the surrounding residential land uses. This is particularly given the proposed extended hours of

operation (10:00am to 10:00pm/11:00pm), the high amount of traffic and pedestrian generation expected and the location of drive-through facilities in proximity of residences. It is accepted that the restaurant will be busy during the evenings and the associated noise impacts will affect residents who can reasonably expect a level of respite during this time. The Acoustic Report does not provide certainty that the development will be consistent with the objective of the R1 General Residential zone under LEP 2014, being "to enable commercial development that is compatible with the amenity of the area."

Contingency measures have also been proposed within the Acoustic Report, including noise measurements to be taken 3 months following the commencement of operation, which would provide an opportunity for the effectiveness of acoustic measures to be tested and reviewed. If the application is approved, it is recommended that a condition to this effect be expanded to require that any findings and recommendations of the 3-month noise measurements be resolved and implemented/installed on site.

Further, Council's Environmental Officer has cast doubt that colourbond is the optimum acoustically opaque material for the construction of the proposed 2.1-metre-high acoustic fence or the ground floor plant area enclosure. Accordingly, if approved, it is recommended that the following condition be implemented:

1. Further consideration is to be given to the selection of materials for the construction of the acoustic barriers, and that this is to be determined by Council prior to issue of a Construction Certificate.

In consideration of submissions made by the public and concerns raised in relation to noise associated with music, car stereos, construction noise, food preparation and cleaning hours and delivery hours, if the application is approved the following additional conditions of consent should be implemented to reduce the degree of noise impacts:

- 1. 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.
- 2. 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."

- 3. 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.
- 4. The development shall only be conducted:
 - a) On Sundays to Thursdays inclusive between the hours of 10:00 am to 10:00pm.
 - b) On Fridays to Saturdays inclusive between the hours of 10:00am to 11:00pm.

Property Value

The impact of the development on the value of surrounding properties is not a planning

consideration. Further, no evidence has been provided from surrounding neighbours to demonstrate that the proposed development will result in any substantial decrease in property value. The issues of amenity are discussed elsewhere in this report.

Waste Management

To ensure that all demolition, construction and operational rubbish, litter and debris generated by the development is appropriately managed and disposed of, it is considered that the following conditions of consent could be implemented:

- 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".
- 2. 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.

- 3. The developer is to complete and submit to Council for approval a completed Council Waste Management Plan. The Plan shall include, but not be limited to, the following:
 - a) The types of waste to be handled.
 - b) Volume of each waste.
 - c) Management and storage of waste.
 - d) Method of waste disposal.
 - e) Method of waste transport.
 - f) Disposal location.
- 4. Upon completion of demolition work the developer is to submit to Council proof of waste disposal at a licensed facility.

Dust, Erosion and Sedimentation

The proposed development involves demolition and significant earthworks, including approximately 2 metres of fill on the North-Eastern portion of the land. It is considered that the following conditions of consent could be adopted to ensure that suitable erosion and sedimentation controls are implemented:

 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:
 - 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
 - x. Location of stable site access
- 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
- 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 stabilization
- 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 <u>less than six months</u>, the 75th percentile storm depth is to be used. For sites where disturbance is likely to be <u>more than six months</u>, the 80th percentile storm depth is to be used. If the discharge location is deemed to be <u>sensitive 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 <u>more than six months AND discharges to sensitive locations</u>, the 85th percentile storm depth is to be used.

- As a minimum, progressive stabilisation of site is to achieve a *C*-factor of 0.10 or about 60% ground cover within 20 days and a *C*-factor of 0.05 or about 70% within 2 months/at completion of works.
- 2. 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:
 - 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.
- 3. 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.
- 4. 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.

Privacy

The finished floor level and ground level of the proposed development will be located approximately 2 metres above that of neighbouring residences. The proposed Acoustic Wall includes a height of 2.1 metres and will be located around the perimeter of the development and drive-through. The wall will largely reduce the degree of overlooking onto neighbouring properties.

Some temporary overlooking of surrounding properties will occur during construction works and prior to the installation of the acoustic fencing. Should any existing boundary fencing require removal during construction works, it is considered that the following conditions of consent could be implemented (if approved) to reduce privacy conflicts:

1. 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.

Once operational there will be limited opportunity for the patrons and vehicles using the drive-through facility to look directly into the rear yards of 101 Stewart Street and 301 Howick Street due to the acoustic fencing surrounding the drive-through. There may be opportunities for patrons within the carpark area to view into 101 Stewart Street, although this itself is mitigated to a certain degree by the landscaping proposed in this area and part of the 2.1-metre-high fence.

Due to the orientation of the residential units at 101 Stewart Street, their predominant private open space is located adjoining the common boundary with the development. Any impacts on privacy and usage of the private open space are therefore likely to be acutely felt.

The landscaping proposal represents the primary method of providing privacy and softening the dual impacts associated with the need to raise the ground level of the site and the need to provide an additional acoustic barrier on top of the retaining walls.

The Land and Environment Court Planning Principles governing privacy are well documented. Excerpts from their Planning Principles follow:

Generalised numerical guidelines such as above, need to be applied with a great deal of judgment, taking into consideration **density**, **separation**, **use** and **design**. The following principles may assist.

- The ease with which privacy can be protected is inversely proportional to the **density** of development. At low-densities there is a reasonable expectation that a dwelling and some of its private open space will remain private. At high-densities it is more difficult to protect privacy.
- Privacy can be achieved by **separation**. The required distance depends upon density and whether windows are at the same level and directly facing each other. Privacy is hardest to achieve in developments that face each other at the same level. Even in high-density development it is unacceptable to have windows at the same level close to each other. Conversely, in a low-density area, the objective should be to achieve separation between windows that exceed the numerical standards above. (Objectives are, of curse, not always achievable.)
- The **use** of a space determines the importance of its privacy. Within a dwelling, the privacy of living areas, including kitchens, is more important than that of bedrooms. Conversely, overlooking from a living area is more objectionable than overlooking from a bedroom where people tend to spend less waking time.
- Overlooking of neighbours that arises out of poor **design** is not acceptable. A poor design is demonstrated where an alternative design, that provides the same amenity to the applicant at no additional cost, has a reduced impact on privacy.

- Where the whole or most of a private open space cannot be protected from overlooking, the part adjoining the living area of a dwelling should be given the highest level of protection.
- Apart from adequate separation, the most effective way to protect privacy is by the skewed arrangement of windows and the use of devices such as fixed louvres, high and/or deep sills and planter boxes. The use of obscure glass and privacy screens, while sometimes being the only solution, is less desirable.
- Landscaping should not be relied on as the sole protection against overlooking. While existing dense vegetation within a development is valuable, planting proposed in a landscaping plan should be given little weight.
- In areas undergoing change, the impact on what is likely to be built on adjoining sites, as well as the existing development, should be considered.

The acceptability of an impact depends not only on the extent of the impact but also on reasonableness of, and necessity for, the development that causes it. For example, the privacy impact of a second-storey side window in an area of two-storey buildings should be accorded a higher threshold of acceptability than the impact of a second-storey balcony in a house that already has three other balconies.

Where proposed landscaping is the main safeguard against overlooking, it should be given minor weight. The effectiveness of landscaping as a privacy screen depends on continued maintenance, good climatic conditions and good luck. While it is theoretically possible for a council to compel an applicant to maintain landscaping to achieve the height and density proposed in an application, in practice this rarely happens.

Having regard to these principles the following conclusions can be reached:

- The development adjoins the principal open space for 301 Howick Street and the private open space for Units 1, 2 and 3 of 101 Stewart Street.
- As the only private open space for the residential units at 101 Stewart Street it
 would be considered highly important to the residents of these properties.
- The combination of the retaining wall and the acoustic fence, whilst necessary to achieve stormwater drainage and address acoustic concerns, results in a significant structure within close proximity to the adjoining properties.
- Landscaping is of limited value in mitigating what remains a high level of impact.

It is acknowledged that the amended plans attempt to mitigate these impacts compared to the original plans.

Sale of Liquor

The food and drink premises as currently proposed, does not include the sale of alcohol.

Should any future proposal arise involving the sale of alcohol from the premises, a separate Development Application would not automatically be required, however, a liquor licence would need to be sought from the Office of Liquor and Gaming.

If approved, it is recommended that the following conditions of consent be implemented:

1. The sale of liquor from the food and drink premises is not permitted.

The consequence of including this condition is that an application to modify this consent would need to be brought to Council.

Economic Impacts

The proposed food and drink premises will provide indoor seating for up to forty (40) people, includes drive-through facilities and will be located adjacent to Stewart Street. Given the scale of the development and its proximity to a major road, it is considered likely that the development will attract a lot of passing trade and will not significantly displace or diminish economic activity within the CBD.

Additionally, the Statement of Environmental Effects provides that the development will directly employ up to fifty-four (54) individuals. The proposal will also provide short-term employment opportunities throughout the construction phase.

It is noted that there have been multiple submissions lodged by individuals and local businesses who point to the economic benefit of the development.

Consolidation of Lots

The proposed development will be located over the shared boundary of existing Lot 1 DP 737574 (103 Stewart Street) and Lot 5 DP 1086710 (105 Stewart Street), which is not permitted. If approved, the following condition of consent should be implemented:

 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.

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).

Biodiversity

No tree removal has been proposed as part of this application and the development is not expected to place any adverse impact on flora and fauna species.

Easements and Covenants

There are no easements or covenants identified on the Deposited Plans and 88B Instruments for Lot 5 DP 1086710 and Lot 1 DP 737574.

CONCLUSION:

Council has received a Development Application 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 and retaining walls and installation of signage.

Based on information provided in the Traffic Assessment Report and comments provided from TfNSW, it is considered that the proposed development would not result in any adverse impacts on traffic or pedestrian safety and that sufficient space would be provided on site for car parking, queuing in the drive-through and for an 8.8 metre service vehicle to safely enter and exit the site in a forward direction. The proposed use of the Howick Street access for ingress and egress and the use of the Stewart Street access for egress only is considered appropriate and necessary to reduce congestion and traffic conflicts both in and around the site. The safety and operation of the Howick–Stewart intersection is not expected to be adversely impacted by the proposal and the existing intersection treatments are satisfactory for the proposed development. The continued allowance of a right hand turn from Howick onto Stewart (heading South-West towards Blayney) is acceptable, at least in the short term.

Further, the proposed development is not expected to place any adverse impact on the Bathurst HCA. The existing commercial building to be demolished retains a BCAMS rating of Intrusive and Post-War (1945-1960) and the demolition proposed at the rear of the existing dwelling house includes the removal of unsympathetic additions. The four core rooms of the dwelling which retain a BCAMS rating of Contributory and Mid-Victorian (1860-1875) will be kept and converted into an office premises. The replacement food and drink premises building is proposed to sit behind the front setback of the dwelling house and would not dominate the streetscape. The proposed external colours and materials are considered appropriate. If the application were to be approved, conditions of consent could be implemented as recommended throughout this report, to reduce the visual and illumination impacts of the proposed signage on the surrounding heritage streetscape.

The proposed development includes a number of variations to DCP 2014, particularly in relation to: the setbacks and landscaping of the proposed car park (Clauses 5.6.2(c) and 13.3.7(b)); the size of service vehicle required for the development and the associated manoeuvring area (Clause 5.6.2(g)); the use of illuminated, electronic and floodlit signage in the R1 General Residential zone and HCA; the size of wall signage (Clauses 12.2.4 and 12.2.5). The proposed variations are considered to be acceptable and, subject to conditions, the proposal would generally comply with the objectives and intent of each Clause.

It is considered that the proposed development is not entirely consistent with the objectives of the R1 General Residential zone under LEP 2014. Noting that the proposed development is located on the Great Western Highway, the objectives which could be incorporated are:

- "To enable other land uses that provide facilities or services to meet the day to day needs of residents."
- "To enable commercial development that is compatible with the amenity of the area..."

The proposed food and drink premises would generally not satisfy the day to day needs of residents who live within a reasonable distance of the site (by walking or a short car trip) and would primarily service the more infrequent needs of a resident and non-resident population from the LGA and beyond, particularly given its location on the Great Western Highway, the inclusion of drive-through facilities and the significant scale of the proposal (i.e. in comparison to a small-scale corner store/take-away food operation which might typically be more suited to a residential area).

Additionally, whilst it is noted that there are various other small-scale commercial type developments currently occurring on the site and in the surrounding area (e.g. "Avis", "The Home Patch", "Leadlight Windows" and "Bathurst Heritage Motor Inn"), Council

could consider that the proposed commercial development is not fully compatible (or capable of existing in harmony) with the amenity of the surrounding residential area for the following reasons:

- The proposed solid retaining walls and acoustic wall, with a combined maximum height of approximately 4 metres above existing ground level, will visually impact the neighbouring residential properties.
- Landscape screening (including four Capital Pear trees (mature height 10m x 3 m spread) and Photinia hedging (mature height 4m x 2m spread)) has been proposed between the drive-through and the North-Eastern boundary of the land in order to soften and screen the visual impact of the retaining walls and acoustic fencing on neighbouring residences at 101 Stewart Street. However, the Capital Pear trees are deciduous and will not provide adequate screening during winter months and the hedging may take some years to establish before it becomes an effective screening measure.

The replacement of the Capital Pear trees with evergreens would provide a year-round solution to landscape screening, however, it may also impact the amenity of neighbouring residences by reducing solar access into the narrow rear yards of the units located at 101 Stewart Street.

Landscaping by itself may go some way to softening the impact, although ultimately it cannot disguise the commercial character of the development particularly in relation to the acoustic fence on top of the retaining wall, the car park, the illumination and the advertising signs.

- Whilst the development is projected to comply with the numerical standards of the NSW EPA Noise Policy for Industry (NPI), the Environmental Noise Assessment Report does not provide certainty that the development will be compatible with the amenity of the residential area. The noise associated with the extended hours of operation (10:00am to 10:00pm/11:00pm), the high amount of traffic and pedestrian generation, and the location of drive-through facilities in proximity of neighbouring dwellings is likely to affect surrounding residents, particularly during the evening restaurant peak hours when residents have previously enjoyed a level of respite.
- The Odour Assessment Report uses a qualitative assessment to determine that:

Given the nature of the odour source, the existing and proposed land use, the receiving environment, prevailing winds, site considerations, and the proposed odour control measures the Project can operate at the site without causing any adverse odour impact in the surrounding environment.

However, this report has not been prepared in accordance with (nor does it make reference to) the NSW EPA Technical Framework: Assessment and Management of Odour from Stationary Sources in NSW, which makes it difficult to determine whether the conclusions of the report are correct.

Additionally, many of the proposed odour mitigation measures (such as requesting drive-through customers to turn off their engines and reporting malfunctioning vehicles to the EPA) are not guaranteed to be completely effective as they rely heavily on the actions of customers and staff and could cause other flow-on impacts (such as increased traffic congestion in and around the site due to closure of the drive-through lane).

The report also provides examples of other takeaway food and drink premises in Australia and Bathurst which are located in proximity of residences and supposedly operate without odour impact. This is not considered to be a well-reasoned argument as no supporting data or evidence has been provided in support of these examples and the degree of odour impact is highly dependent on the individual operations, the types of foods prepared, the odour controls in place, the design of the proposal and the local weather conditions. A cursory observation of the referenced sites revealed that many are located in commercial zones and/or are colocated with other commercial developments such as service stations and fast food outlets.

• It is acknowledged that external lighting is necessary to ensure the safety, security and operation of the premises (particularly during night hours). The cumulation of all external lighting and illuminated, electronic and floodlit signage will ultimately increase the level of illumination currently experienced at the Eastern end of Stewart Street and cause light spillage that may impact the amenity of neighbouring residential properties. However, conditions of consent could be implemented to reduce and restrict the amount of illuminated and floodlit signage provided on site.

The 2.1-metre-high acoustic fence and proposed landscaping may minimise some of this light spillage, however, will not be enough to conceal the cumulative effect of all lighting and signage.

It is acknowledged that the plans for the development have been amended in response to submissions based on the original plans.

Should Council be satisfied that the proposed development can exist in harmony within the residential area it is proposed to be located, the development could be approved, but with numerous conditions of consent as recommended. The intent of the conditions is to mitigate the impacts described above.

However, if Council is not satisfied the development can exist in harmony within the residential area, reasons for refusal are provided in **attachment 20**.

FINANCIAL IMPLICATIONS:

Nil

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.

Strategy 4.6 Plan for, assess and regulate development activity.

COMMUNITY ENGAGEMENT:

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

ATTACHMENTS:

- 1. Attachment 1 Map of Site and Surrounding Area [9.1.3.1 2 pages]
- 2. Attachment 2 Final (Amended) Development Plans [9.1.3.2 13 pages]
- 3. Attachment 3 Final (Amended) Landscape Plans [9.1.3.3 2 pages]
- 4. Attachment 4 Final (Amended) Electrical and Lighting Plan [9.1.3.4 1 page]
- 5. Attachment 5 Amended (Final) Stormwater Management Plans [9.1.3.5 6 pages]
- 6. Attachment 6 Survey Plan of Existing Site [9.1.3.6 1 page]
- 7. Attachment 7 Final (Amended) Statement of Environmental Effects [9.1.3.7 77 pages]
- 8. Attachment 8 Final (Amended) Environmental Noise Assessment Report [9.1.3.8 38 pages]
- 9. Attachment 9 Final (Amended) Odour Assessment Report [9.1.3.9 10 pages]
- 10. Attachment 10 Statement of Heritage Impact [9.1.3.10 29 pages]
- 11. Attachment 11 Plan of Management [9.1.3.11 2 pages]
- 12. Attachment 12 Final (Amended) Traffic Assessment Report [9.1.3.12 30 pages]
- 13. Attachment 13 Security Management Plan [9.1.3.13 6 pages]
- 14. Attachment 14 Town Planning Consultant's Response to Public Submissions [9.1.3.14 7 pages]
- 15. Attachment 15 Architect's Response to Public Submissions and Heritage Concerns [9.1.3.15 2 pages]
- 16. Attachment 16 Traffic Consultant's Response to Public Submissions and Traffic Concerns [9.1.3.16 4 pages]
- 17. Attachment 17 Examples of Existing Signage in Residential and Commercial Zones in Stewart [9.1.3.17 7 pages]
- 18. Attachment 18 Public Submissions Received in Relation to Development Application [9.1.3.18 37 pages]
- 19. Attachment 19 Minutes of submission hearing [9.1.3.19 2 pages]
- 20. Attachment 20 Alternate recommendation [9.1.3.20 1 page]

Cr Fry declared a non-pecuniary interest (not significant) in item 3 of the DEPBS Report and remained I the chambers - a cousin of the Councillor owns a property opposite the proposal.

MINUTE

MOVED: Cr I North SECONDED: Cr A Christian

That Council:

- (a) support the variation to Clauses 5.6 "Parking, Access and Manoeuvring Areas",12.2 "Advertising Signage" and 13.3 "Landscape Plans" 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. 2019/367, 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:

Earthworks, Dust, Erosion and Sedimentation

- 1. 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
 - 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
 - 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 <u>less than six months</u>, the 75th percentile storm depth is to be used. For sites where disturbance is

likely to be <u>more than six months</u>, the 80th percentile storm depth is to be used. If the discharge location is deemed to be <u>sensitive 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 <u>more than six months AND discharges to sensitive</u> locations, the 85th percentile storm depth is to be used.

^ As a minimum, progressive stabilisation of site is to achieve a *C*-factor of 0.10 or about 60% ground cover within 20 days and a *C*-factor 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.

- 2. 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:
 - 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.
- 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.
- 4. 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.
- 5. 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

Traffic Management, Safety and Parking

- 6. All vehicles servicing the subject site must be no larger than 8.8 metres in length.
- 7. 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.
- 8. All activities involving the loading and unloading of goods must be carried out on site within the dedicated areas.
- 9. 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.
- 10. 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.
- 11. 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).
- 12. 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.
- 13. Seating for no more than forty (40) persons is to be provided inside the approved food and drink premises. No outdoor seating is permitted.
- 14. All vehicular movements to and from the site must be undertaken in a forward direction only.
- 15. 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.
- 16. 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).
- 17. 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.
- 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.
- h) 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.

Trade Waste

- 18. Pre-treatment equipment must be installed to treat liquid trade waste before it can be discharged to Council's sewer system.
- 19. 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).

The conditions of the approval are to be complied with in all respects.

20. 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.

Lighting and Signage

- 21. 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.
- 22. Light is to be directed downwards, not upwards, to illuminate the target area.
- 23. 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.
- 24. All external lighting must have fully shielded fittings to reduce light spill onto neighbouring properties.
- 25. All building façade lighting must aim downwards.
- 26. Up-lighting of advertising signage is not permitted.
- 27. 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

- 28. 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.

- 29. Sign Nos. S06 must not be illuminated.
- 30. 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.
- 31. 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.

Noise

- 32. 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.
- 33. 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."
- 34. Building work involving the use of electric or pneumatic tools or other noisy operations shall be carried out only between 7:00am and 8:00pm on weekdays and 8:00am and 8:00pm on weekends and public holidays.
- 35. The development shall only be conducted:
 - a) On Sundays to Thursdays inclusive between the hours of 10:00 am to 10:00pm.
 - b) On Fridays to Saturdays inclusive between the hours of 10:00am to 11:00pm.
- 36. 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).
- 37. 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).
- 38. 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.
- 39. 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.
- 40. The total sound power level of plant installed within the ground floor plant area must be no greater than L_{eq} 75 dBA.
- 41. The total sound power level of all rooftop plant must not exceed Leq 76 dBA.
- 42. The sound power level of the speaker box in the drive-through area must not exceed L_{eq} 72 dBA and L_{max} 84 dBA.
- 43. 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.
- 44. 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.
- 45. 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.
- 46. 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.

Odour

- 47. 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.
- 48. The kitchen ventilation extraction system must be regularly maintained and cleaned by staff.
- 49. Regular inspection must be conducted by staff to identify odour sources at the site and in the surrounding environment.
- 50. 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.
- 51. 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.
- 52. 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.
E.g. Waste.	Collection of indoor and outdoor waste from garbage bins and disposal into large lidded waste collection bin to be stored in the Bin Enclosure Area.	Once an hour.	Waiting Staff.

- 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.
- 53. 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).
- 54. All waste materials must be stored in a sealed/enclosed waste collection bin in the designated Bin Enclosure area.
- 55. 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.
- 56. The designated Bin Enclosure area and other waste storage facilities on site (such as fixed rubbish bins) must be regularly cleaned and maintained.
- 57. 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)".

- 58. 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*.
- 59. 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*.
- 60. Offensive odours from the premises must not be detectable at the nearest sensitive land uses.
- 61. 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.
- 62. 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.
- 63. Grease traps installed in the cooking systems must be maintained in efficient working order at all times.
- 64. 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.

Essential Energy

- 65. Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property must be complied with.
- 66. 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.
- 67. 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.*
- 68. 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.
- 69. 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.
- 70. 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).
- 71. 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.

Heritage Conservation

- 72. 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.
- 73. 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.
- 74. During the carrying out of the proposed works, if any archaeological remains are discovered, the development 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.
- 75. 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 AS2001-2001). 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.

Consolidation of Lots

76. 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.

Sale of Alcohol

77. The sale of liquor from the food and drink premises is not permitted.

Privacy

- 78. 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.

Waste Management

- 79. 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".
- 80. 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.
- 81. The developer is to complete and submit to Council for approval a completed Council Waste Management Plan. The Plan shall include, but not be limited to, the following:
 - a) The types of waste to be handled.
 - b) Volume of each waste.
 - c) Management and storage of waste.
 - d) Method of waste disposal.
 - e) Method of waste transport.
 - f) Disposal location.
- 82. Upon completion of demolition work the developer is to submit to Council proof of waste disposal at a licensed facility

Landscaping

83. 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 2.1-metre-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).
- 84. The approved/certified landscape plan is to be implemented and landscaping maintained for the life of the development.
- 85. 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.
- 86. 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*.

- 87. 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.
- (c) notify those that made submissions; and
- (d) call a division

MINUTE

RESOLUTION NUMBER: ORD2020-159

MOVED: Cr W Aubin SECONDED: Cr M Morse

The following AMENDMENT was moved

The recommendation as originally written plus the following amendments

New item (c) The access on Howick Street is to be designed, constructed and used for entry only. All vehicles exiting the site must do so to Stewart Street only.

Old item (c) becomes item (d) notify those that made submissions: and

Old item (d) becomes item (e) call a division

The AMENDMENT was PUT and CARRIED.

The AMENDMENT then became the MOTION.

The result of the division was:

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

<u>Against the motion</u> - Cr J Rudge

<u>Absent</u> - nil

Abstain - Nil

MINUTE

MOVED: Cr W Aubin SECONDED: Cr M Morse

The MOTION was Put and CARRIED

RESOLVED: That Council:

- support the variation to Clauses 5.6 "Parking, Access and Manoeuvring Areas",
 12.2 "Advertising Signage" and 13.3 "Landscape Plans" 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. 2019/367, 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:

Earthworks, Dust, Erosion and Sedimentation

- 1. 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
 - 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
 - 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 <u>less than six months</u>, the 75th percentile storm depth is to be used. For sites where disturbance is likely to be <u>more than six months</u>, the 80th percentile storm depth is to be used. If the discharge location is deemed to be <u>sensitive 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 <u>more than six months AND discharges to sensitive</u> locations, the 85th percentile storm depth is to be used.
- ^ As a minimum, progressive stabilisation of site is to achieve a *C*-factor of 0.10 or about 60% ground cover within 20 days and a *C*-factor 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.
- 2. 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.
- 3. 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.

- 4. 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.
- 5. 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

Traffic Management, Safety and Parking

- 6. All vehicles servicing the subject site must be no larger than 8.8 metres in length.
- 7. 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.
- 8. All activities involving the loading and unloading of goods must be carried out on site within the dedicated areas.
- 9. 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.
- 10. 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.
- 11. 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).
- 12. 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.
- 13. Seating for no more than forty (40) persons is to be provided inside the approved food and drink premises. No outdoor seating is permitted.
- 14. All vehicular movements to and from the site must be undertaken in a forward direction only.
- 15. 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.

- 16. 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).
- 17. 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.
 - 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.
 - h) 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.

Trade Waste

- 18. Pre-treatment equipment must be installed to treat liquid trade waste before it can be discharged to Council's sewer system.
- 19. 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).

The conditions of the approval are to be complied with in all respects.

20. 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.

Lighting and Signage

- 21. 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.
- 22. Light is to be directed downwards, not upwards, to illuminate the target area.
- 23. 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.
- 24. All external lighting must have fully shielded fittings to reduce light spill onto neighbouring properties.
- 25. All building façade lighting must aim downwards.
- 26. Up-lighting of advertising signage is not permitted.
- 27. 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

- 28. 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.
- 29. Sign Nos. S06 must not be illuminated.
- 30. 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.
- 31. 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.

Noise

- 32. 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.
- 33. 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."
- 34. Building work involving the use of electric or pneumatic tools or other noisy operations shall be carried out only between 7:00am and 8:00pm on weekdays and 8:00am and 8:00pm on weekends and public holidays.
- 35. The development shall only be conducted:
 - a) On Sundays to Thursdays inclusive between the hours of 10:00 am to 10:00pm.
 - b) On Fridays to Saturdays inclusive between the hours of 10:00am to 11:00pm.
- 36. 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).
- 37. 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).
- 38. 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.
- 39. 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.
- 40. The total sound power level of plant installed within the ground floor plant area must be no greater than Leg 75 dBA.
- 41. The total sound power level of all rooftop plant must not exceed Leg 76 dBA.
- 42. The sound power level of the speaker box in the drive-through area must not exceed Leq 72 dBA and Lmax 84 dBA.
- 43. 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.
- 44. 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.
- 45. 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.
- 46. 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.

Odour

- 47. 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.
- 48. The kitchen ventilation extraction system must be regularly maintained and

- cleaned by staff.
- 49. Regular inspection must be conducted by staff to identify odour sources at the site and in the surrounding environment.
- 50. 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.
- 51. 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.
- 52. 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.
E.g. Waste.	Collection of indoor and outdoor waste from garbage bins and disposal into large lidded waste collection bin to be stored in the Bin Enclosure Area.	Once an hour.	Waiting Staff.

- 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.
- 53. 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).
- 54. All waste materials must be stored in a sealed/enclosed waste collection bin in the designated Bin Enclosure area.
- 55. 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.
- 56. The designated Bin Enclosure area and other waste storage facilities on site (such as fixed rubbish bins) must be regularly cleaned and maintained.
- 57. 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)".

- 58. 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*.
- 59. 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*.
- 60. Offensive odours from the premises must not be detectable at the nearest sensitive land uses.
- 61. 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.
- 62. 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.
- 63. Grease traps installed in the cooking systems must be maintained in efficient working order at all times.
- 64. 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.

Essential Energy

65. Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property must be complied with.

- 66. 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.
- 67. 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.*
- 68. 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.
- 69. 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.
- 70. 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).
- 71. 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.

Heritage Conservation

- 72. 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.
- 73. 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.
- 74. During the carrying out of the proposed works, if any archaeological remains are discovered, the development 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.

75. 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 – AS2001-2001). 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.

Consolidation of Lots

76. 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.

Sale of Alcohol

77. The sale of liquor from the food and drink premises is not permitted.

Privacy

- 78. 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.

Waste Management

79. 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".
- 80. 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.

- 81. The developer is to complete and submit to Council for approval a completed Council Waste Management Plan. The Plan shall include, but not be limited to, the following:
 - a) The types of waste to be handled.
 - b) Volume of each waste.
 - c) Management and storage of waste.
 - d) Method of waste disposal.
 - e) Method of waste transport.
 - f) Disposal location.
- 82. Upon completion of demolition work the developer is to submit to Council proof of waste disposal at a licensed facility

Landscaping

83. 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 2.1-metre-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).

- 84. The approved/certified landscape plan is to be implemented and landscaping maintained for the life of the development.
- 85. 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.
- 86. 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*.
- 87. 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.
- (c) 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.
- (d) notify those that made submissions; and
- (e) call a division

9.1.4 BATHURST REGIONAL LOCAL ENVIRONMENTAL PLAN 2014 (AMENDMENT NO 15)

File No: 20.00322

RECOMMENDATION:

That the information be noted.

REPORT:

Council resolved at its ordinary meeting held 18 July 2018 to commence a Planning Proposal to the Bathurst Regional Local Environmental Plan 2014 to:

- Amend certain development types within Schedule 2 Exempt Development provisions including:
 - Garages and carports to limit the size of a combined carport/garage to 45sqm (in a heritage conservation area) or 60 sqm on all other land, and introduce a maximum total floor area of 60 sqm (in a heritage conservation area) or 80 sqm on all other land for all carports, garages and garden sheds on the land.
 - farm buildings to introduce larger setbacks from boundaries and dwellings on adjoining land and introduce a tiered size of building dependent on the land size.
 - Balconies, decks, patios, patio covers, pergola, terrace and verandahs –
 permit these developments to be built forward of the front building line, whilst
 maintaining a minimum 4 metre setback.
 - Rainwater tanks to remove tanks as exempt development on flood prone land.
 - Filming to remove filming and rely instead on State Environmental Planning Policy (Exempt and Complying Development Codes).
- Amend certain development types within Schedule 3 Complying Development provisions relating to the location of driveways, sewer manhole clearance requirements and minimum soil coverage requirements for infrastructure services.
- Amend Schedule 5 Heritage to:
 - Include two additional local heritage items (21 Blacks Mill Lane, O'Connell and a survey tree at Boundary Road Reserve), and
 - Amend the curtilage of an existing heritage item (294 Russell Street) so that it does not relate to a recently constructed dwelling.
- Amend the zone of the land recently purchased by Council at Edgells Lane Kelso for the purposes of environmental conservation to E2 Environmental Conservation.
- Amend Clause 7.10 to enable educational establishments to erect directional signage.

Council also resolved by Minute dated 12 September 2018 to support an amendment to the Bathurst Regional Local Environmental Plan 2014 seeking to include artisan food and drink industry within the RU1 Primary Production, RU2 Rural Landscape and RU4 Primary Production Small Lots as a land use permissible with consent.

Public Exhibition

The Planning Proposal was placed on public exhibition from 13 May 2019 to 11 June 2019. As a result of the public exhibition period, Council did not receive any submissions.

Adoption of the draft Planning Proposal

Council adopted at its meeting held 17 July 2019 to:

- a) adopt the Bathurst Regional LEP amendment as outlined in this report;
- b) forward the Bathurst Regional LEP Housekeeping Planning Proposal to the NSW Department of Planning, Industry and Environment for gazettal;
- c) give public notice of Council's decision in accordance with the requirements of the Environmental Planning and Assessment Act; and
- d) call a division.

The Planning Proposal was forwarded to the NSW Department of Planning Industry and Environment for finalisation in May 2020.

Gazettal of the Amendment

Council received notification from the NSW Department of Planning & Environment that the LEP Amendment was gazetted on 22 May 2020.

FINANCIAL IMPLICATIONS:

Nil

Strategy 4.6

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 2: A smart and vibrant economy.

Strategy 2.1 Support local business and industry.

Objective 4: Enabling sustainable growth.

Strategy 4.1 Facilitate development in the region that considers the current and future needs of our community.

Plan for, assess and regulate development activity.

Objective 6: Community leadership and collaboration.

Strategy 6.4 Meet legislative and compliance requirements.

COMMUNITY ENGAGEMENT:

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

ATTACHMENTS:

Nil

MINUTE

RESOLUTION NUMBER: ORD2020-138

MOVED: Cr I North SECONDED: Cr A Christian

RESOLVED:

That the information be noted.

9.1.5 RENEWABLE ENERGY ACTION PLAN

File No: 13.00092

RECOMMENDATION:

That Council:

- (a) adopt the Renewable Energy Action Plan in Attachment 4 to this report, incorporating the changes made in response to submissions received during the public exhibition period; and
- (b) endorse the Framework in Attachment 3 to this report to guide further consideration of Council's climate change response.

REPORT:

At its ordinary meeting on 1 April 2020 Council resolved to place the draft Renewable Energy Action Plan (REAP) on public exhibition. The REAP sets out Council's strategies and action plan to increase the proportion of renewable energy used by Council and minimise its dependence on fossil fuel energy sources.

The REAP has a primary focus on renewable energy alternatives to grid-sourced electricity, but also makes recommendations for energy efficiency measures to reduce Council's overall electricity consumption, as well as recommendations to transition away from natural gas and liquid fossil fuels.

The REAP explores the strategic drivers for Council to increase its use of renewable energy, considers the state of the electricity market and examines the opportunities available to Council. It sets both energy efficiency and renewable electricity targets for Council operations and provides a list of actions which will enable Council to meet these targets.

The REAP sets the following energy efficiency and renewable electricity targets:

- Energy Efficiency Target 15% reduction in electricity consumption in comparison with 2018-19 consumption of 15,069 MWh.
- Renewable Target 1 25% of Council's electricity consumption to be from renewable sources by 2023
- Renewable Target 2 50% of Council's electricity consumption to be from renewable sources by 2025

The REAP includes a recommendation for a mid-term review in 2023 to allow for a revision of the targets and actions and addition of longer-term targets if desired.

During the public exhibition period 19 submissions were received, 16 through the Your Say website and three directed to Council's email address. The submissions are, without exception, in favour of Council increasing the proportion of renewable energy in its energy mix. Many of the submissions advocate for higher targets and a faster transition. The submissions are provided as <u>attachment 1</u> and Council's tabulated response to the

matters raised in each submission are provided as **attachment 2**.

In section 6.1 the REAP identifies the predicted impacts of climate change as a key driver for increased use of renewable energy. Two of the submissions received recommend that the REAP contain more information about climate change and the predicted impacts on the Bathurst Region, however it is proposed the REAP be only one component of Council's policy response to Climate Change. A schematic hierarchy of a potential policy framework is included as **attachment 3** to this report. This framework shows what plans and policies Council has in place to mitigate and adapt to the impacts of Climate Change. It also shows plans and policies which are in preparation and those which are yet to commence, nested within relevant state legislation.

It is recommended that Council's climate change position and the data supporting that position be included in 'Bathurst Regional Council Climate Change Position Statement' (yet to be prepared) and that it be presented to Council for adoption at a subsequent meeting.

It is recommended the final version of the REAP, as provided in <u>attachment 4</u>, be adopted.

FINANCIAL IMPLICATIONS:

Funding of the recommended actions of the Renewable Energy Action Plan will in some cases be drawn from existing allocations. Other recommendations, particularly those for Renewable Target 2, will require capital funding to be considered in future Operating Plans (2024 and 2025).

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

Objective 3: Environmental stewardship.

Strategy 3.3 Minimise the City's environmental footprint, live more sustainably and use resources more wisely.

Increase resilience to natural hazards and climate change.

COMMUNITY ENGAGEMENT:

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

ATTACHMENTS:

Strategy 3.5

- 1. Submissions [**9.1.5.1** 99 pages]
- 2. Tabulated comments [**9.1.5.2** 12 pages]
- 3. Policy Framework [**9.1.5.3** 1 page]
- 4. REAP Final version June 2020 [9.1.5.4 33 pages]

MINUTE

RESOLUTION NUMBER: ORD2020-139

MOVED: Cr J Jennings SECONDED: Cr M Morse

RESOLVED:

That Council:

- (a) adopt the Renewable Energy Action Plan in Attachment 4 to this report, incorporating the changes made in response to submissions received during the public exhibition period; and
- (b) endorse the Framework in Attachment 3 to this report to guide further consideration of Council's climate change response.

DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT

The following reports are presented for Council's consideration.

Yours faithfully

A Jones

DIRECTOR

CORPORATE SERVICES AND FINANCE

9.2.1 STATEMENT OF INVESTMENTS

File No: 16.00001

RECOMMENDATION:

That the information be noted.

REPORT:

\$62,780,000 was invested at 31 May 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>	<u>Balance</u>	Average Return
Short Term 1 – 365 Days (comprising Commercial Bills, Term Deposits, Debentures and Certificates of Deposits):			
National Australia Bank Limited	A1+	\$9,500,000.00	1.81%
Macquaire Bank Limited	A1	\$3,000,000.00	1.54%
AMP	A2	\$3,000,000.00	2.14%
Bank of	A2	\$4,500,000.00	1.71%
Queensland Limited			
IMB	A2	\$1,500,000.00	1.81%
Auswide Bank*	A2	\$4,500,000.00	1.89%
Members Equity Bank	A2	\$2,500,000.00	1.59%
Maritime, Mining & Power Credit Union Ltd	ADI	\$6,000,000.00	2.08%
*Credit rating to Auswide Bank equivalent Rating by S & P sho		\$34,500,000.00	1.84%

Long Term > 365

<u>Days</u> (comprising Commercial Bills, Term Deposits, Debentures and Bonds):

Floating Rate

Town Donocito			
Term Deposits	Δ Δ	\$4.500.000.00	4.070/
CBA Deposit Plus	AA-	\$1,500,000.00	1.37%
CBA Deposit Plus 1	AA-	\$1,500,000.00	1.54%
CBA Deposit Plus 2	AA-	\$1,500,000.00	1.18%
Westpac Coupon	AA-	\$2,000,000.00	1.12%
Select			
Westpac Coupon	AA-	\$3,000,000.00	1.84%
Select 1			
Westpac Coupon	AA-	\$1,500,000.00	1.55%
Select 2			
Westpac Green	AA-	\$1,500,000.00	1.71%
Tailored Deposit			
Maritime Mining &	ADI	\$1,230,000.0 <u>0</u>	0.50%
Power Credit Union		. , , , , , , , , , , , , , , , , , , ,	<u></u>
Ltd			
		\$13,730,000.00	1.41%
-	=	4 10,1 00,000.00	,0
Fixed, Negotiable			
& Tradeable			
Certificates of			
<u>Deposits</u>	DDD.	#4 000 000 00	0.000/
AMP Fixed Rate	BBB+	\$1,000,000.00	2.99%
		\$1,000,000.00	2.99%
Floating Rate			
<u>Notes</u>			
Commonwealth	AA-	\$1,000,000.00	1.03%
Bank of Aust.			
CBA Climate Bond	AA-	\$1,000,000.00	1.29%
Commonwealth	AA-	\$500,000.00	1.03%
Bank of Australia 2			
National Australia	AA-	\$700,000.00	1.57%
Bank		,	
HSBC Sydney	AA-	\$1,500,000.00	1.26%
Suncorp Metway	A+	\$1,000,000.00	1.38%
Rabobank	A+	\$1,000,000.00	2.05%
Macquarie Bank	A+	\$1,000,000.00	1.21%
AMP	BBB+	\$1,000,000.00	1.44%
AMP	BBB+	\$1,000,000.00	2.34%
AMP	BBB+	\$1,100,000.00	1.65%
Bendigo & Adelaide	BBB+	\$1,000,000.00	1.20%
Bank 3	דטטטד	\$1,000,000.00	1.20 /0
	BBB	¢750 000 00	1.35%
Members Equity 3		\$750,000.00	
Newcastle	BBB	<u>\$1,000,000.00</u>	<u>1.77</u> %
Permanent		440 === 000 00	4 400/
		\$13,550,000.00	1.48%
T .4.1144		400 700 000 00	4.000/
Total Investments		<u>\$62,780,000.00</u>	<u>1.69%</u>
These funds were			
held as follows:			
Reserves Total		\$10,553,500.00	
(includes		· •	
unexpended loan			
funds)			

Grants held for \$10,148,172.00

specific purposes

Section 7.11 Funds \$41,713,723.00

held for specific

purposes

Unrestricted \$364,605.00

Investments

Total Investments <u>\$62,780,000.00</u>

<u>Total Interest</u> \$1,373,617.00 <u>1.69%</u>

Revenue to 31 October 2019

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 2020-5-31 pre-accrual [**9.2.1.1** - 2 pages]

MINUTE

RESOLUTION NUMBER: ORD2020-140

MOVED: Cr A Christian SECONDED: Cr I North

RESOLVED:

That the information be noted.

9.2.2 MONTHLY REVIEW - 2019/2023 DELIVERY PLAN AND OPERATIONAL PLAN 2019/2020

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, www.bathurst.nsw.gov.au/council/general-information/public-documents. A listing of the Objectives and Strategies from the Bathurst 2040 Community Strategic Plan can be found within the Plan commencing from page 22.

At <u>attachment 1</u> is an update of Council's progress towards achieving the Strategies and Objectives for the 2019-2023 Delivery Plan and the Annual Operational Plan 2019-2020.

Clause 203(1) of the Local Government (General) Regulation 2005 (the Regulation) requires a council's responsible accounting officer to prepare and submit a quarterly budget review statement to the governing body of council, with the exception of the June quarter. The quarterly budget review statement includes a recommendation to review and approve variances to the original budget that is set out in the management plan or operational plan adopted by council for the relevant year. As the quarterly budget review statement is not prepared for the June quarter, recommended budget variations are not submitted in the usual report for Councils review and approval. At **attachment 2** is a report listing recommended budget variations for April and May 2020 in the quarterly budget review format with Income & Expenditure and Capital statements to show the effect of these changes.

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. Operating Plan Review May 2020 [9.2.2.1 - 63 pages]

2. QBRS Report May 20 [9.2.2.2 - 4 pages]

MINUTE

RESOLUTION NUMBER: ORD2020-141

MOVED: Cr W Aubin SECONDED: Cr J Rudge

RESOLVED:

RECOMMENDATION:

That the information be noted.

9.2.3 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 May 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: \$ 4,613.09 **

BMEC Community use: \$ Nil Mount Panorama: \$ 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 May 2020 [9.2.3.1 - 3 pages]

^{**} The above amount includes donations already committed but not yet paid. After allowing for the committed donations the remaining balance is nil.

MINUTE

RESOLUTION NUMBER: ORD2020-142

MOVED: Cr I North SECONDED: Cr J Rudge

RESOLVED:

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

9.2.4 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.

- Warren Harvey Homes Pty Ltd 50 Sunbright Road Lot 29 DP1253021 Contract
- Warren Harvey Homes Pty Ltd 56 Sunbright Road Lot 32 DP1253021 Contract
- Nick Harvey Constructions Pty Ltd 3 Driscoll Close Lot 105 DP1253021 Contract
- R Hattenfels 5 Driscoll Close Lot 104 DP1253021
- D Cox 38 Sunbright Road Lot 23 DP1253021 Contract
- Hibbards Pty Ltd 45 Sunbright Road Lot 89 DP1253021 Contract
- Hibbards Pty Ltd 17 Wallace Way Lot 81 DP1253021 Contract
- Hibbards Pty Ltd 16 Bolton Street Lot 45 DP1253021 Contract
- Windburndale Ranger Windburndale Dam Part Lot 1 DP914785 Lease
- Sign Event Pty Ltd Pit Complex, Mount Panorama Part Lot 1 DP534118 Lease
- A Dickson 22 Bolton Street Lot 48 DP1253021 Contract
- LS & LM Church 40 Sunbright Road Lot 24 DP1253021 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: ORD2020-143

MOVED: Cr W Aubin SECONDED: Cr G Hanger

RESOLVED:

That the information be noted.

9.2.5 SUBMISSIONS - DRAFT DELIVERY PLAN 2020-2024 AND OPERATIONAL PLAN 2020/2021

File No: 16.00175

RECOMMENDATION:

That Council consider the submissions individually.

REPORT:

Council has had the Draft Bathurst Delivery Plan 2020-2024 and Operational Plan 2020/2021 (DP/OP) on exhibition for the required period of 28 days.

Council has received a number of submissions in relation to the DP/OP. Submissions were made on various matters and are detailed below for Councillors information:

1. Expenditure on Villages (16.00175/018)

A submission, shown at **attachment 1**, was received from Mr Ron Heferen querying the support that villages, in particular Sofala, are receiving in the budget.

For Councillors information, within Council's engineering budget next year is almost \$9.5 million in rural roads, bridges maintenance and construction. Much of this benefits the Sofala area. Specific items are also included such as \$380,000 which will be spent on MR54 which services Sofala and flood mitigation works at Sofala in vegetation management. This plan also includes \$220,000 operating the Sofala Transfer Station.

Beyond the engineering budget Council makes specific donations to the Sofala & District Agricultural and Horticultural Show for \$350 and to the Sofala Progress Association of \$2,500.

Council provides over \$750,000 to the Rural Fire Service which includes the Sofala and nearby brigades as well as providing \$273,500 to the Upper Macquarie County Council for weed services in the rural section of the Local Government Area, which includes the Sofala area.

Council has supported the "Rebellion on the Turon" event for the last few years and has provided, again, in this budget, an amount of \$20,000 for the Village Improvement Program and \$40,000 for Village Events.

The submission has not called for any changes to the Plans.

Recommendation: That the information be noted and no amendment be made to the Delivery Plan 2020-2024 and Operating Plan 2020/2021

2. Submission on various items by A W Bathgate (16.00175/032)

A submission, shown at **attachment 2**, was received covering several items which will be dealt with individually.

2.1. Mount Panorama Losses

The submission asks "that a complete rethink of the finances of Mount Panorama is needed". The crux of the submission is that the detailed budget document does not provide detail around the Mount Panorama operations.

For Councillors information, the budget disclosures for the Mount Panorama operations are limited to totals of Operating Income, Operating Expenditure, Capital Income and Capital Expenditure. The information is presented in this manner due to the confidentiality clauses included in the underlying contracts contained in this operation. To disclose any detail may inadvertently open Council to legal action. Councillors, are informed of all dealings regarding Mount Panorama in Confidential Committee for this reason.

2.2. Second Track Mount Panorama

The submission also asks for more detailed information to be released to the public, for the business case to be made available to the public and detail around the proposed industrial park to be co-located with the second track.

Council is currently still in the planning phases of this project in consultation with the circuit designer Apex. As certain details in the overall project have not yet been agreed upon, details cannot be released, as the plans may change.

The business case for the project contains projected financial information regarding proposed future sources of income and projected expenditure. If those figures are released to the general public, this may prejudice any tenders that Council may release insofar as the tenderers would be aware what Council was willing to pay rather than the tenderers submitting their best price. On this basis, the business case is not made public. The business case has been reviewed by various independent experts as well as Commonwealth and State Governments and verified as financially viable.

2.3. Land Development

The submission asks for more detail around the Land Development operations of Council, the balance of the Reserve and details of other projects that have been funded from those Land Development operations.

The Land Development operations of Council are similar to the Mount Panorama operations in that they use large tenders to construct new subdivisions and Council does not want to prejudice the outcome of its tender process by disclosing individual budgets for its different subdivisions.

The balance of the Land Reserve is published each year in the Financial Statements at Note 6(c). The balance at the end of 2018/2019 was nil, as a downturn in the real estate market saw minimal revenue from land sales in Council's new residential subdivision in that financial year whilst other development expenditure continued, placing pressure on the Land Development Reserve. Sales returned to a relatively "normal" state during the first half of this financial year and then the effects of the COVID downturn have seen sales enquiries drop off. Due to the flow on effects of these events, other projects that

may have been contemplated to be funded from Land Development Reserves have not been progressed in the last two years. Any projects that are funded from the Reserve are reported to Council in the Ordinary Meetings and the funds are voted in open Council so that the public are aware of those projects.

2.4. Carrington Park Seating Extension in 2021/2022

The submission asks for details of the contractual obligations within the Penrith Panthers contracts, the length of time for an acceptable return on the investment and release of the business case.

The contract with Penrith Panthers contains confidentiality clauses that prohibit Council from revealing any details contained within the contract.

Investments by Council in sporting fields and associated amenities are not subject to payback periods, they are driven by community demand, in the same way as any other Council facility such as the museums and art gallery. The facilities are prioritised by community demand and built for the community's amenity, not for profit.

The seating extension has been identified as a major priority for Carrington Park, not only for the Penrith Panthers game but also for the local games held there as well as opening up opportunities for other events to be held there.

2.5. Go Kart Track

This item will be dealt with later in the report.

2.6. Grant Funding

The submission implies that Council prioritises sporting facilities when applying for grant funding.

Council applies for all grant funding that is available, where the funding matches identified priorities and where Council has the resources available to complete projects if successful.

The following table shows the income from specific purpose grants received over the last two years as published in the last audited financial statements of Council as at 30 June 2019. It shows that in 2019, community, heritage and cultural grants totaled \$3,847,000, more than the \$2,767,000 received for road and transport assets and much more than the \$1,046,000 received for sporting facilities. Similarly in 2018, only \$471,000 was received in grants for sporting facilities compared to \$2,328,000 for community, heritage and cultural. According to those figures, Council has no bias towards sporting facilities in its grant funding requests.

Note 3. Income from Continuing Operations		Opera	ating	Сар	ital
3(e) Grants	Summary	2019	2018	2019	2018
	Note	\$ 000's	\$ 000's	\$ 000's	\$ 000's
Bushfire and emergency services	6	280	232	-	-
Community care	2	2,295	1,845	130	58
Community centres	2	-	3	50	100
Economic development	6	54	45	59	-
Environmental programs	5	214	56	2	-
Heritage and cultural	2	332	322	1,040	-
LIRS subsidy (Interest rebate on Aerodrome loans)	1	50	59	-	-
Recreation and culture (includes sporting)	4	69	72	977	399
Storm/flood damage	6	-	-	-	500
Street lighting	1	108	108	-	-
Transport (roads to recovery)	1	900	2,752	-	-
Transport (other roads and bridges funding)	1	75	72	36	36
Mount Panorama	3	-	-	2,500	2,533
Strategic planning	6	11	17	-	-
Transport (aerodrome)	1	-	-	1,598	62
Waste management	6	59	-	-	-
Total specific purpose grants received		4,447	5,583	6,392	3,688
Summary by Purpose (Operating + Capital)		2019	2018		
Roads and Transport	1	2,767	3,089		
Community, Heritage & Cultural	2	3,847	2,328		
Mt Panorama	3	2,500	2,533		
Recreation and culture (includes sporting)	4	1,046	471		
Environmental	5	216	56		
Other	6	463	794		
	-	10,839	9,271		

<u>Recommendation</u>: That the Delivery Plan 2020-2024 and Operating Plan 2020/2021 not be amended following consideration of this submission.

3. Submission on various items by Bathurst Heritage Network (16.00175/033)

A submission, shown at **attachment 3**, was received covering several items which will be dealt with individually.

3.1. Town Centre Master Plan – Heritage Studies and Urban Design

The submission presumes that the item shown for \$100,000 at page 77 of the Detailed Budget document is for the Town Centre Master Plan being the \$200,000 project net of the \$100,000 contribution promised by CSU and calls for greater transparency in showing this item.

This item is, in fact, for Heritage Studies and Urban Design for \$100,000 as noted in the Plan. The Town Square Master Plan project is shown in the current (2019/2020) Operational Plan and therefore does not appear in the 2020/2021 Operational Plan.

3.2. Heritage Asset Reserve

The submission recommends that 15% of the money raised by land sales be transferred each year to a new Heritage Asset Reserve.

As noted in the previous item, Council's land sales have been depressed and may continue to be within the current recessionary economy. Council's Land Reserve currently does not have a balance due to the continuation of land development construction expenditure without matching sales. This idea will be carried over into the 2021/2022 budget discussions when more funds hopefully become available.

3.3. Entry to Bathurst Signage

The submission asks that various items in the Heritage Activation Plan be given priority.

The submission has been referred to the Strategic Planning department of Council for inclusion in the list of items to be included in works under the Entry to Bathurst Signage cost centre.

3.4. Main Street Improvement Fund

The submission asks for the reinstatement of the Fund to the previous levels of \$50,000 from the \$25,000 shown in the plan.

For Councillor's information, the actual expenditure in this item year to date for 2020 is \$21,000 and in the previous year was only \$15,000. The decision was taken to reduce the budget to \$25,000 in line with the level of actual expenditure so that the budget could be utilised elsewhere.

3.5. Headmasters House

The submission requests that further work be completed on the Headmaster's House in Howick Street as the budget does not contain any works for the 2020/2021 year. However, Council continues to actively pursue grant funding for this project, with funding secured in 2019/2020 from both the Federal and State Governments.

3.6. Bathurst Regional Heritage Plan

The Delivery Plan refers to the Bathurst Regional Heritage Strategy which should be referred to as the Bathurst Regional Heritage Plan.

This change will be reflected in the final document.

<u>Recommendation</u>: That the Delivery Plan 2020-2024 and Operating Plan 2020/2021 be amended to reflect the change to the title of the Bathurst Regional Heritage Plan following consideration of this submission.

4. Funding for a business case for the Bathurst Regional Centre for Military History

A submission, shown at **attachment 4**, was received requesting a donation of \$30,000 for preparation of a business case for a new facility to be called the Bathurst Regional Centre for Military History.

Council has a process for community groups to apply for donations through the section 356 requests prior to the development of the final budget and also through direct request during the year. This request was not received during the section 356 application period.

Given the size of the donation requested, it is recommended that the project be listed below the line, and that should a funding opportunity present itself, that the project could be reconsidered at that time.

Recommendation: That the Delivery Plan 2020-2024 and Operating Plan 2020/2021 not be amended following consideration of this submission.

5. Toilet Block near the playground at Rankens Bridge Eglinton

A submission, shown at **attachment 5**, from Ms Deanne McAlister requesting the installation of a toilet block in the vicinity of the playground and Kath Knowles Walkway has been received.

This area is on the Macquarie River Flood Plain. As such, a Flood Impact Assessment would be required to build in this vicinity, and the need to construct a sewer pump station to service the site would also need to be investigated, or a suitable site outside the flood plain would need to be identified

<u>Recommendation</u>: That the Delivery Plan 2020-2024 and Operating Plan 2020/2021 not be amended following consideration of this submission.

6. Go Kart Track (16.00175/035)

At the Council meeting to approve the Delivery Plan 2020-2024 and Operating Plan 2020/2021 for display, Council included an item for \$4.5 million for a Go Kart Track.

Council has received several submissions, shown at the **attachment 6**, opposing the construction of the Go Kart track in the proposed location. The submissions are not against the construction of a Go Kart track, only its location.

Council has received one submission, **attachment 7**, from the Bathurst Kart Club, in support of the construction of the Go Kart circuit.

Presently the Go-Kart project remains unfunded below the line. Should Councillors wish to raise the project to be included in Council's budget, funding for the project will need to be identified. Having regard to the existing commitments proposed in the budget, if this project was to be included in the budget then a suggested funding source would be to fully fund the project from grant funds.

<u>Recommendation</u>: That the Delivery Plan 2020-2024 and Operating Plan 2020/2021 not be amended following consideration of this submission.

7. Footpath on Bonner Street Kelso

One of the submissions shown at **attachment 6** from Mr D Harvey has also raised the issue that Bonner Street at Kelso requires a footpath due to more traffic on the road and for the safety of parents pushing prams along the street.

The estimated cost for this project is \$200,000. This is listed in the Pedestrian Access Management Plan as a Priority 1.

<u>Recommendation</u>: That the Delivery Plan 2020-2024 and Operating Plan 2020/2021 not be amended following consideration of this submission.

8. Footpath on Marsden Lane and changes to Hereford Street

A submission has been received from Vincent Muller, **attachment 8**, raising the issue that Marsden Lane at Kelso requires a footpath due to more traffic on the road with extra housing being built in that area. He also asks if Council can consider widening or replacing Hereford Street.

The estimated cost for this footpath project is \$750,000 from Gilmour St to Limekilns Rd. This is listed in the Pedestrian Access Management Plan as a Priority 1. This project is ideal to be listed for applicable grant funding as opportunities arise.

Council is currently looking at alternatives for the increased traffic pressure on Hereford Street within its strategic planning.

<u>Recommendation</u>: That the Delivery Plan 2020-2024 and Operating Plan 2020/2021 not be amended following consideration of this submission.

9. Centennial Park

A submission has been received from The Friends of Centennial Park Inc Committee, **attachment 9**, thanking Council for providing for land improvements to Centennial Park in the 2020/2021 Operational Plan.

<u>Recommendation</u>: That the Delivery Plan 2020-2024 and Operating Plan 2020/2021 not be amended following consideration of this submission.

10. Availability Charges for Water and Sewer Services

A submission has been received from Mr Ray Carter, shown at **attachment 10**, regarding Council's method of calculation for non-residential water and sewer availability charges.

The submission requests Council to review the method of water and sewer fund non-residential access charges. Council has reviewed these access charges and has found that they reflect a cost recovery on each of the services. Council's Water and Sewer Funds are based on Council recovering its operational costs by way of income received respectively from water and sewerage access charges together with income from usage charges.

Mr Carter contends that Council is unable to make an annual charge under section 501 of the Local Government Act 1993, as amended, for a charge to a fire service through a dedicated pipe or through the same pipe and meter that supplies drinking water.

As has previously been explained to Mr Carter, Council does not levy a charge for fire fighting services under section 501; Council levies a charge for the availability of water under section 501, as it is entitled to do. Those charges are determined with regard to the best practice pricing principles issued by the NSW Government. The water may be connected to a fire service but the charge is for the availability of that water, not for the provision of "fire services".

Section 501 of the Act states that:

- 501 For what services can a council impose an annual charge?
- (1) A council may make an annual charge for any of the following services provided, or proposed to be provided, on an annual basis by the council—
- · water supply services
- sewerage services
- drainage services
- waste management services (other than domestic waste management services)
- any services prescribed by the regulations.
- (2) A council may make a single charge for two or more such services.
- (3) An annual charge may be levied on each parcel of rateable land for which the service is provided or proposed to be provided.

Council does, in accordance with the Act, impose an annual charge on each parcel of rateable land for which a water service is provided or proposed to be provided. Council's water supply responsibility ends at the meter servicing the property and charges the property based on the size of the meter installed as this reflects the load that can be potentially placed on Council's infrastructure. Council, in relation to that water supply, does not direct, once the water enters the property, how that water is used nor whether it is used for drinking or for fire fighting purposes required under the relevant BCA Standards. Council has previously provided the opportunity for meter downsizing where available.

Council uses the availability pricing method shown in NSW Government's Best Practice Management of Water Supply and Sewerage Guidelines. Council's calculation of the access charges have been reviewed by the Minister for Water and Utilities in 2004 and the Minister for Water in 2009. Both Ministers have supported Council's approach as "responsible" and "appropriate".

The power to impose availability (s501) and usage (s502) charges has also been contested in court and found to be legally imposed charges. Horton Rhodes Lawyers represented Prefabricated Buildings Pty Ltd, one of Mr Carter's companies, in the NSW Land and Environment Court against Council regarding this matter. Prefabricated Buildings Pty Ltd's application was dismissed with Robson J finding that "it appears clear that Council is entitled to charge for services based on both actual use and availability of those services" and that the accessibility charges had not been unlawfully levied under the Act in [2017] NSWLEC 44.

<u>Recommendation</u>: That the Delivery Plan 2020-2024 and Operating Plan 2020/2021 not be amended following consideration of this submission.

11. Submission from Management Committee of Strata Plan 47355 (16.00004-13/147)

Council has received a submission from Mr G A Crisp on behalf the Management Committee of Strata Plan 47355. The submission does not actually address any content of the Delivery Plan 2020-2024 and Operational Plan 2020/2021 but is titled

as a submission.

Due to the defamatory nature of the contents of the submission from Mr Crisp, it has been provided to Councillors as a confidential memorandum under separate cover.

<u>Recommendation</u>: That the Delivery Plan 2020-2024 and Operating Plan 2020/2021 not be amended following consideration of this submission.

12. Submission from Mr G A Crisp (16.00175/037) (11.00005-15/147)

Council has received a submission from Mr G A Crisp. The submission does not actually address any content of the Delivery Plan 2020-2024 and Operational Plan 2020/2021 but is titled as a submission.

Due to the defamatory nature of the contents of the submission from Mr Crisp, it has been provided to Councillors as a confidential memorandum under separate cover.

<u>Recommendation</u>: That the Delivery Plan 2020-2024 and Operating Plan 2020/2021 not be amended following consideration of this submission.

13. Revenue Policy

The following charge in Planning and Environmental Services section of the Revenue Policy was not automatically increased by the CPI in line with the development plan's requirements due to an oversight during preparation of the Revenue Policy:

The 2020/2021 fees should be:

Road works – New residential subdivisions POST 18/1/2019:

Area 1 Windradyne	\$3,182.00
Area 2 Llanarth/Abercrombie	\$5,077.00
Area 3 Eglinton	\$6,214.00
Area 4 Kelso	\$4,364.00

<u>Recommendation</u>: That the Revenue Policy 2020/2021 be amended following consideration of this submission.

FINANCIAL IMPLICATIONS:

If the recommendations are adopted, the changes will be incorporated into the Delivery Plan 2020-2024 and Operational Plan 2020/2021 and the Revenue Policy 2020/2021 which will become the budget for Bathurst Regional Council for 2020/2021.

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. 2020 Budget Submissions Attachment 1 [9.2.5.1 1 page]
- 2. 2020 Budget Submissions Attachment 2 [9.2.5.2 4 pages]
- 3. 2020 Budget Submissions Attachment 3 [9.2.5.3 3 pages]
- 4. 2020 Budget Submissions Attachment 4 [9.2.5.4 28 pages]
- 5. 2020 budget Submissions Attachment 5 [9.2.5.5 1 page]
- 6. 2020 Budget Submissions Attachment 6 [9.2.5.6 14 pages]
- 7. 2020 Budget Submissions Attachment 7 [9.2.5.7 1 page]
- 8. 2020 Budget Submissions Attachment 8 [9.2.5.8 1 page]
- 9. 2020 Budget Submissions Attachment 9 [9.2.5.9 1 page]
- 10. 2020 Budget Submissions Attachment 10 [9.2.5.10 39 pages]

MINUTE

RESOLUTION NUMBER: ORD2020-144

MOVED: Cr A Christian SECONDED: Cr I North

RESOLVED:

That Council consider the submissions individually.

1. Expenditure on Villages (16.00175/018)

MOVED: Cr M Morse SECONDED: Cr I North

RESOLVED: That the information be noted and no amendment be made to the Delivery Plan 2020-2024 and Operating Plan 2020/2021

2. Submission on various items by A W Bathgate (16.00175/032)

MOVED: Cr J Jennings SECONDED: Cr J Rudge

RESOLVED: That the Delivery Plan 2020-2024 and Operating Plan 2020/2021 not be amended following consideration of this submission.

3. Submission on various items by Bathurst Heritage Network (16.00175/033)

MOVED: Cr J Jennings SECONDED: Cr I North

RESOLVED: That the Delivery Plan 2020-2024 and Operating Plan 2020/2021 be amended to reflect the change to the title of the Bathurst Regional Heritage Plan following consideration of this submission.

4. <u>Funding for a business case for the Bathurst Regional Centre for Military</u> History

MOVED: Cr I North SECONDED: Cr J Jennings

RESOLVED: That the Delivery Plan 2020-2024 and Operating Plan 2020/2021 be amended to include funding of \$15,000 for a business case for the proposed Bathurst Regional Centre for Military History, to be funded from the proposed budget surplus for 2020/2021 and also seek a further \$15,000 in grant funds.

5. Toilet Block near the playground at Rankens Bridge Eglinton

MOVED: Cr A Christian SECONDED: Cr W Aubin

RESOLVED: That the Delivery Plan 2020-2024 and Operating Plan 2020/2021 not be amended following consideration of this submission.

6. Go Kart Track (16.00175/035)

MOVED: Cr I North SECONDED: Cr A Christian

RESOLVED: That the Delivery Plan 2020-2024 and Operating Plan 2020/2021 be amended to include the Go-Kart Track project at a value of \$4.5 million to be fully funded from grants.

7. Footpath on Bonner Street Kelso

MOVED: Cr A Christian SECONDED: Cr I North

RESOLVED: That the Delivery Plan 2020-2024 and Operating Plan 2020/2021 not be amended following consideration of this submission.

8. Footpath on Marsden Lane and changes to Hereford Street

MOVED: Cr A Christian SECONDED: Cr I North

RESOLVED: That the Delivery Plan 2020-2024 and Operating Plan 2020/2021 not be amended following consideration of this submission.

9. Centennial Park

MOVED: Cr M Morse SECONDED: Cr J Rudge

RESOLVED: That the Delivery Plan 2020-2024 and Operating Plan 2020/2021 not be amended following consideration of this submission.

10. Availability Charges for Water and Sewer Services

MOVED: Cr M Morse SECONDED: Cr A Christian

RESOLVED: That the Delivery Plan 2020-2024 and Operating Plan 2020/2021 not be amended following consideration of this submission.

11. <u>Submission from Management Committee of Strata Plan 47355 (16.00004-13/147)</u>

MOVED: Cr W Aubin SECONDED: Cr G Hanger

RESOLVED: That the Delivery Plan 2020-2024 and Operating Plan 2020/2021 not be amended following consideration of this submission.

12. Submission from Mr G A Crisp (16.00175/037) (11.00005-15/147)

MOVED: Cr J Rudge SECONDED: Cr I North

RESOLVED: That the Delivery Plan 2020-2024 and Operating Plan 2020/2021 not be amended following consideration of this submission.

13. Revenue Policy

MOVED: Cr J Jennings SECONDED: Cr R Judge

RESOLVED: That the Revenue Policy 2020/2021 be amended following consideration of this submission.

9.2.6 DELIVERY PLAN 2020-2024 AND OPERATIONAL PLAN 2020/2021

File No: 16.00175

RECOMMENDATION:

That:

- (a) Following consideration of the submissions received by Council, the Draft Delivery Plan 2020-2024 and Operational Plan 2020/2021 be adopted as the Bathurst Regional Council Delivery Plan and Operational Plan, subject to the inclusion of any amendment adopted as a result of the submissions received, and all expenditure and income items incorporated in the Operational Plan 2020/2021 be voted.
- (b) Councillors remuneration be set at the maximum level for the category applicable to Council as published by the Local Government Remuneration Tribunal.
- (c) It be noted that Council has reviewed its organisation structure in accordance with section 333 of the Local Government Act 1993 as amended.
- (d) Proposed borrowing of funds as detailed in the Plan be approved.

REPORT:

The Draft Delivery Plan 2020-2024 and Operational Plan 2020/2021 has been advertised for the statutory 28 days and submissions were received during the exhibition period.

Council considered these submissions in the previous report (DCSF #9.2.5 of 17 June 2020) and any adjustment to the Draft Delivery Plan 2020-2024 and Operational Plan 2020/2021 adopted at that item will now have to be included in the formal adoption of the Plan.

The adopted budget contains an allowance for Councillors to be paid in accordance with the maximum level allowed by the Local Government Remuneration Tribunal under the category applicable to Council. The 2020 Annual Determination effective from 1 July 2020 has been delayed. The Local Government (General) Amendment (COVID-19) Regulation (No 2) 2020 has been made under the Local Government Act 1993 and delays by 2 months, in response to the COVID-19 pandemic, the time within which the Local Government Remuneration Tribunal is required to determine the fees to be paid during the following year to councillors and mayors. The determination is proposed for release by 1 July 2020.

Under section 333 of the Local Government Act 1993 as amended, the Council must review, and may re-determine, the organisation structure within 12 months after any ordinary election of the Council. The organisation structure was reviewed during the Operational Plan development.

Loan funding included in the Operational Plan:

Loan Purpose	2020/2021 Proposed
	Borrowing \$
W6075 - Hereford Street Sports Complex Funding	2,300,000
W7981 - Walmer Park Modifications to Amenities Block	60,000
W7983 - Walmer Park Restoration of Field Lighting	165,000
W7318 - Animal Control - Building - New Animal Pound	700,000
W8667 - Rural Roads - RC Unsealed Limekilns Rd 37 to 38km	400,000
W8664 - Urban Sealed Road Construction - Lagoon Road	300,000
	3,925,000

FINANCIAL IMPLICATIONS:

The Delivery Plan 2020-2024 and Annual Operational Plan 2020/2021 is the budget of the Bathurst Regional Council for the 2020/2021 financial year.

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: ORD2020-145

MOVED: Cr A Christian SECONDED: Cr I North

RESOLVED:

That:

(a) Following consideration of the submissions received by Council, the Draft Delivery Plan 2020-2024 and Operational Plan 2020/2021 be adopted as the Bathurst Regional Council Delivery Plan and Operational Plan, subject to the inclusion of any

- amendment adopted as a result of the submissions received, and all expenditure and income items incorporated in the Operational Plan 2020/2021 be voted.
- (b) Councillors remuneration be set at the maximum level for the category applicable to Council as published by the Local Government Remuneration Tribunal.
- (c) It be noted that Council has reviewed its organisation structure in accordance with section 333 of the Local Government Act 1993 as amended.
- (d) Proposed borrowing of funds as detailed in the Plan be approved.

9.2.7 2020/2021 REVENUE POLICY

File No: 16.00175

RECOMMENDATION:

That, following consideration of the submissions received by Council, the Revenue Policy for 2020/2021, as presented to Council, be adopted as the Bathurst Regional Council 2020/2021 Revenue Policy with the inclusion of any amendments adopted as a result of the submissions received.

REPORT:

Council's Revenue Policy for 2020/2021 has been advertised for the statutory 28 days and submissions considered by Council.

Included in this year's Plan is the provision of eight waste management vouchers consisting of:

two (2) x Mixed Refuse Vouchers of 200kg each

two (2) x Mixed Refuse Vouchers of 100kg each

two (2) x Green Waste Vouchers of 200kg each, and

two (2) x Green Waste Vouchers of 100kg each.

Vouchers have been issued to ratepayers for a number of years. The number of vouchers was amended in 2018/2019 to assist ratepayers in getting better value from the issued vouchers. The usage was monitored during 2019/2020 for review and modification if required; the change has been accepted well by the community with voucher usage increasing and no changes to the system are recommended for the coming year.

FINANCIAL IMPLICATIONS:

The 2020/2021 Revenue Policy sets out the fees and charges for Council services for the 2020/2021 financial year. These fees and charges assist Council to achieve its budgeted income for the year.

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: ORD2020-146

MOVED: Cr I North SECONDED: Cr J Rudge

RESOLVED:

That, following consideration of the submissions received by Council, the Revenue Policy for 2020/2021, as presented to Council, be adopted as the Bathurst Regional Council 2020/2021 Revenue Policy with the inclusion of any amendments adopted as a result of the submissions received.

9.2.8 2020/2021 RATE LEVY - MAKING THE RATES

File No: 16.00175

RECOMMENDATION:

That Council formally resolve to make the following rates and charges in relation to the 2020/2021 Rating Year.

- (a) ORDINARY RATES FOR 2020/2021 That in accordance with Sections 534 and 535 of the Local Government Act, 1993, WHEREAS the Bathurst Regional Council Delivery Program 2020-2024 and Operational Plan 2020/2021 for the twelve months to 30 June 2021 was adopted by the Council on 17 June 2020 it is hereby recommended that:
- 1. a **Residential Rate** of zero point two four two eight two one (0.242821) cents in the dollar on the land value of all rateable land categorised as Residential in accordance with Section 516 of the Local Government Act, 1993 excepting those parcels of land sub-categorised as "Residential Town/Villages", AND THAT
- 2. a **Residential Town/Villages Rate** of zero point eight four seven six zero two (0.847602) cents in the dollar on the land value of all rateable land sub-categorised as Residential Town/Villages, in accordance with Section 529(2) (b) of the Local Government Act, 1993, AND THAT
- 3. a **Farmland Rate** of zero point one four eight nine seven zero (0.148970) cents in the dollar on the land value of all rateable land categorised as Farmland in accordance with Section 515 of the Local Government Act, 1993, AND THAT
- 4. a **Business Rate** of zero point three eight eight nine seven three (0.388973) cents in the dollar on the land value of all rateable land categorised as Business in accordance with Section 518 of the Local Government Act, 1993, excepting those parcels of land sub-categorised as "Business Bathurst City", "Business Forest Grove", "Business Ceramic Avenue", "Business Eglinton Non-Urban", "Business Orton Park", "Business Stewarts Mount", "Business Evans Plains" AND THAT
- 5. a **Business Bathurst City Rate** of one point five zero four nine zero one (1.504901) cents in the dollar on the land value of all rateable land sub-categorised as Business Bathurst City in accordance with Section 529(2)(d) of the Local Government Act, 1993, AND THAT
- 6. a **Business Forest Grove Rate** of one point three seven eight zero five nine (1.378059) cents in the dollar on the land value of all rateable land sub-categorised as Business Forest Grove in accordance with Section 529(2)(d) of the Local Government Act, 1993, AND THAT
- 7. a **Business Ceramic Avenue Rate** of one point three seven eight zero five nine (1.378059) cents in the dollar on the land value of all rateable land sub-categorised as Business Ceramic Avenue in accordance with Section 529(2)(d) of the Local Government Act, 1993, AND THAT

- 8. a **Business Eglinton Non-Urban Rate** of one point three seven eight zero five nine (1.378059) cents in the dollar on the land value of all rateable land subcategorised as Business Eglinton Non-Urban in accordance with Section 529(2)(d) of the Local Government Act, 1993, AND THAT
- 9. a **Business Orton Park Rate** of one point three seven eight zero five nine (1.378059) cents in the dollar on the land value of all rateable land sub-categorised as Business Orton Park in accordance with Section 529(2)(d) of the Local Government Act, 1993, AND THAT
- a Business Stewarts Mount Rate of one point three seven eight zero five nine (1.378059) cents in the dollar on the land value of all rateable land sub-categorised as Business Stewarts Mount in accordance with Section 529(2)(d) of the Local Government Act, 1993, AND THAT
- a Business Evans Plains Rate of one point three seven eight zero five nine (1.378059) cents in the dollar on the land value of all rateable land sub-categorised as Business Evans Plains in accordance with Section 529(2)(d) of the Local Government Act, 1993, AND THAT
- 12. a **Mining Rate** of zero point three three six four three zero (0.336430) cents in the dollar on the land value of all rateable land categorised as Mining in accordance with Section 517 of the Local Government Act, 1993,

BE NOW MADE for the 2020/2021 Rating Year subject to the following Minimum and Base Amounts in accordance with Section 548 and Section 499 of the Local Government Act, 1993, AND THAT aggregation of values of certain parcels of land subject to a minimum or base amount in accordance with Section 548A of the Local Government Act, 1993, be permitted.

	Category	Minimum	Base	%Yield
		Amount	Amount	Base
				Amount
1	Residential		\$276.00	32
2	Residential/Town Village	\$393.00		
3	Farmland		\$373.00	24
4	Business	\$274.00		
5	Business Bathurst City	\$420.00		
6	Business Forest Grove	\$420.00		
7	Business Ceramic Avenue	\$420.00		
8	Business Eglinton Non-Urban	\$420.00		
9	Business Orton Park	\$420.00		
10	Business Stewarts Mount	\$420.00		
11	Business Evans Plains	\$420.00		
12	Mining		\$241.00	48

(b) DOMESTIC WASTE MANAGEMENT CHARGES FOR 2020/2021 - That the annual residential charge — Standalone Dwellings where the service is available under Section 496 of the Local Government Act, 1993, for the removal of weekly general waste, weekly food and green waste and the fortnightly collection of material for recycling for the twelve months commencing 1 July 2020 being four hundred and thirty two dollars and zero cents (\$432.00) for the provision of one waste mobile bin, one food and green waste mobile bin and one recycle mobile bin

be made by the Council, and the annual residential charge for other than standalone dwellings for the removal of weekly general waste, and the fortnightly collection of material for recycling for the twelve months commencing 1 July 2020 being three hundred and twenty dollars and zero cents (\$320.00), and that the annual charge to be made for each parcel of rateable vacant land where the service is available under Section 496 of the Local Government Act, 1993, for the twelve months commencing 1 July 2020 being six dollars and zero cents (\$6.00) be made by the Council and further that a charge where the service is provided under Section 496 of the Local Government Act, 1993, for each additional domestic waste collection service of two hundred and twenty three dollars and zero cents (\$223.00) per mobile bin and for each additional food and green waste collection service of one hundred and twelve dollars and zero cents (\$112.00) and for each additional fortnightly recycling collection service of ninety seven dollars and zero cents (\$97.00) per mobile bin be made by the Council.

- (c) WASTE MANAGEMENT SERVICE CHARGES FOR 2020/2021 (NON DOMESTIC) That the annual charge where the service is provided under Section 501/502 of the Local Government Act, 1993, for the weekly removal of garbage being two hundred and twenty three dollars (\$223.00) per mobile bin and the weekly removal of food and green waste being one hundred and twelve dollars (\$112.00) and the fortnightly collection of material for recycling being ninety seven dollars (\$97.00) per mobile bin for the twelve months commencing 1 July 2020 be made by the Council.
- (d) WASTE MANAGEMENT SERVICE CHARGES RURAL AREAS FOR 2020/2021 That the annual waste charge be levied for each rural rateable property that is outside of the waste collection area, Council provides access to rural transfer stations, under Section 501 of the Local Government Act, 1993, for the twelve months commencing 1 July 2020 being ninety three dollars (\$93.00) be made by the Council.
- (e) WASTE MANAGEMENT VOUCHERS That the Council provide to all rateable properties eight waste management vouchers, consisting of 4 Mixed Refuse Vouchers consisting of two by 200kg and two by 100kg each and 4 Green Waste Vouchers consisting of two by 200 kg and two by 100kg each, at no charge.
- (f) SEWERAGE CHARGES FOR 2020/2021 That in accordance with Sections 501,502, 503, 539, 541 and 552 of the Local Government Act, 1993, the following charges are made for the twelve months commencing 1 July 2020.
- 1. That the annual charge for single residential (including residential strata) and unmetered properties, be six hundred and forty-five dollars and zero cents (\$645.00).
- 2. That the annual charge for vacant land be four hundred and ten dollars and zero cents (\$410.00).
- 3. That the annual access charges for non-residential and multiple residential properties are to be the total of the metered charges applicable to the property as shown in the table below multiplied by a sewerage discharge factor.

Size of Water Connection (mm)	Charge for 2020/2021
20	\$582.00
25	\$903.00
32	\$1481.00

40	\$2316.00
50	\$3617.00
65	\$5816.00
80	\$9250.00
100	\$14453.00
150	\$32512.00
Strata Properties (Each non-residential lot)	\$582.00
Assumption School	\$1813.00

- 4. That the Sewer Usage Charge (Section 502) for non-residential and multiple residential properties be one dollar and ninety-five cents (\$1.95) per kilolitre of filtered water supplied multiplied by a sewerage discharge factor.
- (g) SEWERAGE CHARGES -TRADE WASTE 2020/2021 That in accordance with Sections 501,503, 539, and 541 of the Local Government Act, 1993, the following charges are made for the twelve months commencing 1 July 2020.
- 1. That the Annual Trade Waste Fee for individual businesses be one hundred and thirty-one dollars and thirty cents (\$131.30).
- 2. That the Annual Trade Waste Fee (Large Discharger) for individual business be eight hundred and seventy-five dollars and ninety cents (\$875.90).
- 3. That the Trade Usage Charge for non-residential properties be three dollars and thirty cents (\$3.30) per kilolitre of filtered water supplied multiplied by a trade discharge factor.
- (h) STORMWATER MANAGEMENT CHARGES 2020/2021 That in accordance with Section 496A of the Local Government Act, 1993, the following charges are made for the twelve months commencing 1 July 2020.
 - 1. That the Annual Stormwater Management Charge for urban area residential category (not vacant and not strata) be twenty-five dollars and zero cents (\$25.00).
 - 2. That the Annual Stormwater Management Charge for urban area residential category strata (not vacant) be twelve dollars and fifty cents (\$12.50).
 - 3. That the Annual Stormwater Management Charge for urban area business category (not strata) up to 350 square metres be twenty-five dollars and zero cents (\$25.00).
 - 4. That the Annual Stormwater Management Charge for urban area business category (not strata) between 351 and 700 square metres be fifty dollars and zero cents (\$50.00).
 - 5. That the Annual Stormwater Management Charge for urban area business category (not strata) between 701 and 1050 square metres be seventy-five dollars and zero cents (\$75.00).
 - 6. That the Annual Stormwater Management Charge for urban area business category (not strata) more than 1050 square metres be one hundred dollars and zero cents (\$100.00).

- 7. That the Annual Stormwater Management Charge for urban area business category strata be five dollars and zero cents (\$5.00).
 - (i) WATER CHARGES 2020/2021 That in accordance with Sections 501,502, 503, 539, 541 and 552 of the Local Government Act, 1993, the following charges are made for the twelve months commencing 1 July 2020.
 - 1. That the annual water availability charges are to be the total of the metered charges applicable to the property as shown in the table below for:

Size of Water Connection	Charge for 2020/2021
(mm)	\$
20	\$175.00
25	\$274.00
32	\$448.00
40	\$701.00
50	\$1094.00
65	\$1848.00
80	\$2797.00
100	\$4369.00
150	\$9831.00
Hillview Water Supply	\$159.00

- 2. That the minimum annual water availability charge for each unit within a Strata development be one hundred and seventy-five dollars and zero cents (\$175.00).
- 3. That the annual water availability charge for vacant unconnected land be one hundred and seventy-five dollars and zero cents (\$175.00).
- 4. That the annual water availability charge for unmetered or unconnected properties be eight hundred and thirteen dollars and zero cents (\$813.00).
- 5. That if water pressure at a property is less than 120 kpa, then a larger service may attract a charge of one hundred and seventy-five dollars and zero cents (\$175.00).
 - 8. That Water Usage Charges (Section 502) be as follows in the below table.

Туре	Consumption	Tariff per kilolitre for 2020/2021
Hillview Estate Water	First 250 kl	\$2.43
Supply		
	> 250 kl	\$4.80
Residential Filtered	First 250 kl	\$2.33
	> 250 kl	\$3.49
Residential Raw	First 250 kl	\$1.01
	> 250 kl	\$1.53
Other Filtered	First 250 kl	\$2.33
	> 250 kl	\$3.49
Other Raw	First 250 kl	\$1.01
	> 250 kl	\$1.53
Large Industrial Filtered	>0 kl	\$1.84
Large Industrial Raw	>0 kl	\$1.16
Community Clubs:	First 18,000 kl	\$0.89
Golf, Majellan & Bathurst	>18,000kl to 45,000kl	\$1.17

Community Club		
	Balance	\$1.85
Strata Unit property	First 250 kl (for each unit)	\$2.33
	>250 kl (for each unit)	\$3.49
Home Dialysis – subject to doctors' certificate	First 200 kl	Free
	200kl-250 kl	\$2.33
	>250 kl	\$3.49
Hospital	1 st x patient average	Free
	Balance per KL	\$3.49

- (j) Included in this year's Bathurst Delivery Program 2020/2024 and Annual Operating Plan 2020/2021 in the Water Fund are amounts for Operational expenditure at the Manning Aquatic Centre Bathurst. This is to be financed from revenue raised from the Water Fund as detailed in the Plan.
- (k) INTEREST ON OVERDUE RATES AND CHARGES FOR 2020/2021 That in accordance with Section 566(3) of the Local Government Act, 1993 Council charge interest on overdue rates at a rate of 0% per annum for the period 1 July 2020 to 31 December 2020 (inclusive); and 7% per annum for the period 1 January 2021 to 30 June 2021 (inclusive) as advised by the Minister.
- (I) The rates and charges have been based upon the advertised estimates of income and expenditure, which provided for increases in Ordinary Rates of 2.6%, a 5.0% increase in Sewer Charges, Waste Charges have been calculated on the basis of the reasonable cost of providing the service and Water Charges have been calculated on achieving a 25/75 basis (25% access charge and 75% usage charge) based on the Best Practice Guidelines introduced by the NSW Office of Water, August 2007.

REPORT:

As per the recommendation.

FINANCIAL IMPLICATIONS:

The Rates and charges for the year are included in the Revenue Policy which forms part of the adopted Delivery Plan 2020-2024 and Operational Plan 2020/2021.

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:

MINUTE

RESOLUTION NUMBER: ORD2020-147

MOVED: Cr I North SECONDED: Cr W Aubin

RESOLVED:

That Council formally resolve to make the following rates and charges in relation to the 2020/2021 Rating Year.

- (a) ORDINARY RATES FOR 2020/2021 That in accordance with Sections 534 and 535 of the Local Government Act, 1993, WHEREAS the Bathurst Regional Council Delivery Program 2020-2024 and Operational Plan 2020/2021 for the twelve months to 30 June 2021 was adopted by the Council on 17 June 2020 it is hereby recommended that:
- 1. a **Residential Rate** of zero point two four two eight two one (0.242821) cents in the dollar on the land value of all rateable land categorised as Residential in accordance with Section 516 of the Local Government Act, 1993 excepting those parcels of land sub-categorised as "Residential Town/Villages", AND THAT
- 2. a **Residential Town/Villages Rate** of zero point eight four seven six zero two (0.847602) cents in the dollar on the land value of all rateable land sub-categorised as Residential Town/Villages, in accordance with Section 529(2) (b) of the Local Government Act, 1993, AND THAT
- 3. a **Farmland Rate** of zero point one four eight nine seven zero (0.148970) cents in the dollar on the land value of all rateable land categorised as Farmland in accordance with Section 515 of the Local Government Act, 1993, AND THAT
- 4. a **Business Rate** of zero point three eight eight nine seven three (0.388973) cents in the dollar on the land value of all rateable land categorised as Business in accordance with Section 518 of the Local Government Act, 1993, excepting those parcels of land sub-categorised as "Business Bathurst City", "Business Forest Grove", "Business Ceramic Avenue", "Business Eglinton Non-Urban", "Business Orton Park", "Business Stewarts Mount", "Business Evans Plains" AND THAT
- 5. a **Business Bathurst City Rate** of one point five zero four nine zero one (1.504901) cents in the dollar on the land value of all rateable land sub-categorised as Business Bathurst City in accordance with Section 529(2)(d) of the Local Government Act, 1993, AND THAT
- 6. a **Business Forest Grove Rate** of one point three seven eight zero five nine (1.378059) cents in the dollar on the land value of all rateable land sub-categorised as Business Forest Grove in accordance with Section 529(2)(d) of the Local Government Act. 1993. AND THAT
- 7. a **Business Ceramic Avenue Rate** of one point three seven eight zero five nine (1.378059) cents in the dollar on the land value of all rateable land sub-categorised as Business Ceramic Avenue in accordance with Section 529(2)(d) of the Local Government Act, 1993, AND THAT

- 8. a **Business Eglinton Non-Urban Rate** of one point three seven eight zero five nine (1.378059) cents in the dollar on the land value of all rateable land subcategorised as Business Eglinton Non-Urban in accordance with Section 529(2)(d) of the Local Government Act, 1993, AND THAT
- 9. a **Business Orton Park Rate** of one point three seven eight zero five nine (1.378059) cents in the dollar on the land value of all rateable land subcategorised as Business Orton Park in accordance with Section 529(2)(d) of the Local Government Act, 1993, AND THAT
- 10. a **Business Stewarts Mount Rate** of one point three seven eight zero five nine (1.378059) cents in the dollar on the land value of all rateable land sub-categorised as Business Stewarts Mount in accordance with Section 529(2)(d) of the Local Government Act, 1993, AND THAT
- 11. a **Business Evans Plains Rate** of one point three seven eight zero five nine (1.378059) cents in the dollar on the land value of all rateable land subcategorised as Business Evans Plains in accordance with Section 529(2)(d) of the Local Government Act, 1993, AND THAT
- 12. a **Mining Rate** of zero point three three six four three zero (0.336430) cents in the dollar on the land value of all rateable land categorised as Mining in accordance with Section 517 of the Local Government Act, 1993,

BE NOW MADE for the 2020/2021 Rating Year subject to the following Minimum and Base Amounts in accordance with Section 548 and Section 499 of the Local Government Act, 1993, AND THAT aggregation of values of certain parcels of land subject to a minimum or base amount in accordance with Section 548A of the Local Government Act, 1993, be permitted.

	Category	Minimum	Base	%Yield
		Amount	Amount	Base
				Amount
1	Residential		\$276.00	32
2	Residential/Town Village	\$393.00		
3	Farmland		\$373.00	24
4	Business	\$274.00		
5	Business Bathurst City	\$420.00		
6	Business Forest Grove	\$420.00		
7	Business Ceramic Avenue	\$420.00		
8	Business Eglinton Non-Urban	\$420.00		
9	Business Orton Park	\$420.00		
10	Business Stewarts Mount	\$420.00		
11	Business Evans Plains	\$420.00		
12	Mining		\$241.00	48

(b) DOMESTIC WASTE MANAGEMENT CHARGES FOR 2020/2021 - That the annual residential charge — Standalone Dwellings where the service is available under Section 496 of the Local Government Act, 1993, for the removal of weekly general waste, weekly food and green waste and the fortnightly collection of material for recycling for the twelve months commencing 1 July 2020 being four hundred and thirty two dollars and

zero cents (\$432.00) for the provision of one waste mobile bin, one food and green waste mobile bin and one recycle mobile bin be made by the Council, and the annual residential charge for other than standalone dwellings for the removal of weekly general waste, and the fortnightly collection of material for recycling for the twelve months commencing 1 July 2020 being three hundred and twenty dollars and zero cents (\$320.00), and that the annual charge to be made for each parcel of rateable vacant land where the service is available under Section 496 of the Local Government Act, 1993, for the twelve months commencing 1 July 2020 being six dollars and zero cents (\$6.00) be made by the Council and further that a charge where the service is provided under Section 496 of the Local Government Act, 1993, for each additional domestic waste collection service of two hundred and twenty three dollars and zero cents (\$223.00) per mobile bin and for each additional food and green waste collection service of one hundred and twelve dollars and zero cents (\$112.00) and for each additional fortnightly recycling collection service of ninety seven dollars and zero cents (\$97.00) per mobile bin be made by the Council.

- (c) WASTE MANAGEMENT SERVICE CHARGES FOR 2020/2021 (NON DOMESTIC) That the annual charge where the service is provided under Section 501/502 of the Local Government Act, 1993, for the weekly removal of garbage being two hundred and twenty three dollars (\$223.00) per mobile bin and the weekly removal of food and green waste being one hundred and twelve dollars (\$112.00) and the fortnightly collection of material for recycling being ninety seven dollars (\$97.00) per mobile bin for the twelve months commencing 1 July 2020 be made by the Council.
- (d) WASTE MANAGEMENT SERVICE CHARGES RURAL AREAS FOR 2020/2021 That the annual waste charge be levied for each rural rateable property that is outside of the waste collection area, Council provides access to rural transfer stations, under Section 501 of the Local Government Act, 1993, for the twelve months commencing 1 July 2020 being ninety three dollars (\$93.00) be made by the Council.
- (e) WASTE MANAGEMENT VOUCHERS That the Council provide to all rateable properties eight waste management vouchers, consisting of 4 Mixed Refuse Vouchers consisting of two by 200kg and two by 100kg each and 4 Green Waste Vouchers consisting of two by 200 kg and two by 100kg each, at no charge.
- (f) SEWERAGE CHARGES FOR 2020/2021 That in accordance with Sections 501,502, 503, 539, 541 and 552 of the Local Government Act, 1993, the following charges are made for the twelve months commencing 1 July 2020.
- 1. That the annual charge for single residential (including residential strata) and unmetered properties, be six hundred and forty-five dollars and zero cents (\$645.00).
- 2. That the annual charge for vacant land be four hundred and ten dollars and zero cents (\$410.00).
- 3. That the annual access charges for non-residential and multiple residential properties are to be the total of the metered charges applicable to the property as shown in the table below multiplied by a sewerage discharge factor.

Size of Water Connection (mm)	Charge for 2020/2021
20	\$582.00
25	\$903.00
32	\$1481.00

40	\$2316.00
50	\$3617.00
65	\$5816.00
80	\$9250.00
100	\$14453.00
150	\$32512.00
Strata Properties (Each non-residential lot)	\$582.00
Assumption School	\$1813.00

- 4. That the Sewer Usage Charge (Section 502) for non-residential and multiple residential properties be one dollar and ninety-five cents (\$1.95) per kilolitre of filtered water supplied multiplied by a sewerage discharge factor.
- (g) SEWERAGE CHARGES -TRADE WASTE 2020/2021 That in accordance with Sections 501,503, 539, and 541 of the Local Government Act, 1993, the following charges are made for the twelve months commencing 1 July 2020.
- 1. That the Annual Trade Waste Fee for individual businesses be one hundred and thirty-one dollars and thirty cents (\$131.30).
- 2. That the Annual Trade Waste Fee (Large Discharger) for individual business be eight hundred and seventy-five dollars and ninety cents (\$875.90).
- 3. That the Trade Usage Charge for non-residential properties be three dollars and thirty cents (\$3.30) per kilolitre of filtered water supplied multiplied by a trade discharge factor.
- (h) STORMWATER MANAGEMENT CHARGES 2020/2021 That in accordance with Section 496A of the Local Government Act, 1993, the following charges are made for the twelve months commencing 1 July 2020.
 - 1. That the Annual Stormwater Management Charge for urban area residential category (not vacant and not strata) be twenty-five dollars and zero cents (\$25.00).
 - 2. That the Annual Stormwater Management Charge for urban area residential category strata (not vacant) be twelve dollars and fifty cents (\$12.50).
 - 3. That the Annual Stormwater Management Charge for urban area business category (not strata) up to 350 square metres be twenty-five dollars and zero cents (\$25.00).
 - 1. That the Annual Stormwater Management Charge for urban area business category (not strata) between 351 and 700 square metres be fifty dollars and zero cents (\$50.00).

- 2. That the Annual Stormwater Management Charge for urban area business category (not strata) between 701 and 1050 square metres be seventy-five dollars and zero cents (\$75.00).
- 3. That the Annual Stormwater Management Charge for urban area business category (not strata) more than 1050 square metres be one hundred dollars and zero cents (\$100.00).
- 4. That the Annual Stormwater Management Charge for urban area business category strata be five dollars and zero cents (\$5.00).
- 5. (i) WATER CHARGES 2020/2021 That in accordance with Sections 501,502, 503, 539, 541 and 552 of the Local Government Act, 1993, the following charges are made for the twelve months commencing 1 July 2020.
- 6. 1. That the annual water availability charges are to be the total of the metered charges applicable to the property as shown in the table below for:

7.

Size of Water Connection	Charge for 2020/2021
(mm)	\$
20	\$175.00
25	\$274.00
32	\$448.00
40	\$701.00
50	\$1094.00
65	\$1848.00
80	\$2797.00
100	\$4369.00
150	\$9831.00
Hillview Water Supply	\$159.00

- 2. That the minimum annual water availability charge for each unit within a Strata development be one hundred and seventy-five dollars and zero cents (\$175.00).
- 3. That the annual water availability charge for vacant unconnected land be one hundred and seventy-five dollars and zero cents (\$175.00).
- 4. That the annual water availability charge for unmetered or unconnected properties be eight hundred and thirteen dollars and zero cents (\$813.00).
- 5. That if water pressure at a property is less than 120 kpa, then a larger service may attract a charge of one hundred and seventy-five dollars and zero cents (\$175.00).
 - 1. That Water Usage Charges (Section 502) be as follows in the below table.

2.

Туре	Consumption	Tariff per kilolitre for 2020/2021
Hillview Estate Water Supply	First 250 kl	\$2.43
	> 250 kl	\$4.80
Residential Filtered	First 250 kl	\$2.33
	> 250 kl	\$3.49
Residential Raw	First 250 kl	\$1.01
	> 250 kl	\$1.53
Other Filtered	First 250 kl	\$2.33
	> 250 kl	\$3.49
Other Raw	First 250 kl	\$1.01
	> 250 kl	\$1.53
Large Industrial Filtered	>0 kl	\$1.84
Large Industrial Raw	>0 kl	\$1.16
Community Clubs:	First 18,000 kl	\$0.89
Golf, Majellan & Bathurst Community Club	>18,000kl to 45,000kl	\$1.17
	Balance	\$1.85
Strata Unit property	First 250 kl (for each unit)	\$2.33
	>250 kl (for each unit)	\$3.49
Home Dialysis – subject to doctors' certificate	First 200 kl	Free
	200kl-250 kl	\$2.33
	>250 kl	\$3.49
Hospital	1 st x patient average	Free
	Balance per KL	\$3.49

- (j) Included in this year's Bathurst Delivery Program 2020/2024 and Annual Operating Plan 2020/2021 in the Water Fund are amounts for Operational expenditure at the Manning Aquatic Centre Bathurst. This is to be financed from revenue raised from the Water Fund as detailed in the Plan.
- (k) INTEREST ON OVERDUE RATES AND CHARGES FOR 2020/2021 That in accordance with Section 566(3) of the Local Government Act, 1993 Council charge interest on overdue rates at a rate of 0% per annum for the period 1 July 2020 to 31 December 2020 (inclusive); and 7% per annum for the period 1 January 2021 to 30 June 2021 (inclusive) as advised by the Minister.
- (I) The rates and charges have been based upon the advertised estimates of income and expenditure, which provided for increases in Ordinary Rates of 2.6%, a 5.0% increase in Sewer Charges, Waste Charges have been calculated on the basis of the reasonable cost of providing the service and Water Charges have been calculated on achieving a 25/75 basis (25% access charge and 75% usage charge) based on the Best Practice Guidelines introduced by the NSW Office of Water, August 2007.

9.2.9 COVID-19 BUSINESS AND COMMUNITY -STIMULUS MEASURES (MAYORAL MINUTE - 15 APRIL 2020)

File No: 14.00764, 16.00179

RECOMMENDATION:

That Council grant the following financial assistance:

- (a) The waiving of User Fees and Charges Outdoor dining fees (General Fund 0440) from 1 March 2020 to 31 December 2020;
- (b) The waiving of Health Inspection Fees Food/General (General Fund 0431) from 1 March 2020 to 31 December 2020;
- (c) The waiving of Health Inspection Fees Skin/Hairdressing (General Fund 1787) from 1 March 2020 to 31 December 2020;
- (d) The waiving of Health Inspection Fees Bed and Breakfast (General Fund 1788) from 1 March 2020 to 31 December 2020;
- (e) The waiving of Health Inspection Fees Temporary/Mobile food outlets (General Fund 8319) from 1 March 2020 to 31 December 2020;
- (f) The waiving of Health Inspection Food Act Administration Fee annual (General Fund 0435) for the period of 1 July 2020 to 31 December 2020;
- (g) The waiving of Parks and Gardens Active Spaces Community Groups User Fees for 2020 as follows:

Group/Club	Fees
Bathurst Rugby Club	\$7,507
Bathurst Panthers RLFC	\$10,334
Bathurst Netball Association	\$3,837
Bathurst Bushrangers ARFC	\$1,057
Bathurst Giants ARFC	\$1,057
Bathurst District Football	\$14,198
Bathurst Hockey Association	\$5,495
St Pats RLFC	\$10,334
TOTAL	\$53,819

- (h) The waiving of Trade Waste inspection charges (Sewer Fund 0100) for the period 1 March 2020 to 31 December 2020.
- (i) The waiving of Annual Membership Fees for the Tourism Partnership Program (General Fund 0314) for the 2020/2021 financial year.

- (j) The increase to 10% preference for Bathurst Region suppliers as detailed in Council's Local Procurement policy, with the increase remaining up to 30 June 2021.
- (k) The deferral of Section 7:11 (Environmental Planning & Assessment Act 1979) contributions until the completion of the development including the waiving of the Administration Fee, but prior to the issue of an Occupation Certificate in the case of building work, or twelve months from the issue of the notice of determination, whichever occurs first. Being for applications lodged between 1 July 2020 and 30 June 2021.
- (I) A 50% reduction in Development Application fees be applied for the 2020/2021 financial year.
- (m) A 50% reduction in Development Application Modification Fees (0414), Subdivision Application Fees (0415), Development Application Sub Division release fees (0416), Development Application Advertising Fees (0423), Section 68 Approvals Fees (0549), and Section 68 Approval to Operate Fees (0550), be applied for the 2020/2021 financial year.

REPORT:

Following the Mayoral Minute entitled "COVID-19 Business and Community – Stimulus Measures" which was considered by Council at the Ordinary Meeting of 15 April 2020, Council's proposal to provide the financial assistance outlined in the Mayoral Minute was placed on public exhibition for a period of at least 28 days.

Following the closure of submissions on 18 May 2020, Council received eight (8) submissions. A copy of each submission received is provided at **attachment 1**, and is summarised below:

Submission 1 - Bolam Group Holdings Pty Ltd

The author of this submission is seeking Council to give consideration to:

- (i) 0% rate rise for 2020/2021;
- (ii) 0% interest or late fees on all rates for the remainder of the financial year of 2019/20 and for all of the financial year 2020/21;
- (iii) Flexible rate relief and payment plans:
- (iv) Waiver of Council tenant rents for 3 months;
- (v) Waiver of all annual food inspection fees;
- (vi) Small business grants up to \$2,000;
- (vii) Six month extension to alfresco dining permits;
- (viii) Waiver of/or discount and business registrations;
- (ix) Significant injection of funds into "buy local" campaign.

Council response: With regards to items (i), (ii) and (iii), these matters are outside the scope considered in this Mayoral Minute, although they have been considered in the Mayoral Minute presented to Council's Ordinary Meeting on 20 May 2020. Similarly, the consideration of relief for Council's tenants (iv) was also incorporated in the May Mayoral Minute. The author's support for the waiver of food inspection fees (v) is consistent with the April Mayoral Minute. The provision of small business grants (vi) is outside the scope of this Mayoral Minute, however, will be referred for consideration in the Economic and

Community Recovery Actions. The author's request for an extension to alfresco dining permits (vii) is consistent with the Mayoral Minute. With regards to fees associated with business registrations (viii), this is not administered by Council. In relation to the "buy local" campaign (ix), Council has already commenced actions in this area.

Accordingly, there are no amendments to the financial assistance proposed by the Mayoral Minute arising from this submission.

Submission 2 – Tiaxial Consulting

The author of this submission is seeking a further increase on Council's proposed local procurement policy weighting from 10% to 15%, prior to the commencement of the COVID-19 pandemic, this weighting was 5%.

Council's response: Whilst it is acknowledged that increasing the percentage of this weighting will increase the likelihood of a local operator being awarded a Council procurement contract, it will come at a greater expense to Council. Having regard to the effect that the COVID-19 pandemic has had on Council's financial position, the 10% weighting was proposed in the Mayoral Minute as it provided a balance between improving local business opportunities and minimising the effects of COVID-19 on Council.

Accordingly, there are no amendments to the financial assistance proposed by the Mayoral Minute arising from this submission.

Submission 3 – R Stanford

This submission is identical to Submission 2.

Council's response: Refer Submission 2 response.

Submission 4 – S Thapa

The author of the submission is seeking more grants for local businesses.

Council's response: The provision of grants to local businesses is outside the scope of this Mayoral Minute, however, this submission will be referred for consideration in the Economic and Community Recovery Actions.

Accordingly, there are no amendments to the financial assistance proposed by the Mayoral Minute arising from this submission.

Submission 5 – M Drinkwater

The author of this submission acknowledged the assistance provided, and questions why the opening of museums has been delayed until Stage 2.

Council's response: The inclusion of items/openings in each of the stages as announced by the Federal and/or State Government is outside the scope of this Mayoral Minute.

Accordingly, there are no amendments to the financial assistance proposed by the Mayoral Minute arising from this assistance.

<u>Submission 6 – Bishop's Court Estate Boutique Hotel</u>

The author of this submission has conveyed their appreciation for the financial assistance proposed.

Submission 7 – RP & I Baxter Pty Ltd

The author of this submission is seeking a 50% waiver or deferral of Council's rates for businesses that have experienced a downturn in GST turnover of greater than 50%.

Council's response: The waiver or deferral of Council rates is outside the scope of the financial assistance proposed by this Mayoral Minute, although these matters have now been considered in the Mayoral Minute presented to Council's Ordinary Meeting on 20 May 2020.

Accordingly, there are no amendments to the financial assistance proposed by this Mayoral Minute arising from this submission.

Submission 8 – C LeFevre

The author of this submission welcomes any financial assistance that can be provided.

As there are no amendments to the financial assistance proposed by the Mayoral Minute arising from the submissions received, it is recommended that Council grant the financial assistance as detailed.

FINANCIAL IMPLICATIONS:

No further financial implications, other than those outlined in the Mayoral Minute, are proposed.

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:

Submissions COVI D-10 Business and Community - Stimulus Measures [9.2.9.1 - 12 pages]

MINUTE

RESOLUTION NUMBER: ORD2020-148

MOVED: Cr I North SECONDED: Cr J Rudge

RESOLVED:

That Council grant the following financial assistance:

- (a) The waiving of User Fees and Charges Outdoor dining fees (General Fund 0440) from 1 March 2020 to 31 December 2020;
- (b) The waiving of Health Inspection Fees Food/General (General Fund 0431) from 1 March 2020 to 31 December 2020;
- (c) The waiving of Health Inspection Fees Skin/Hairdressing (General Fund 1787) from 1 March 2020 to 31 December 2020;
- (d) The waiving of Health Inspection Fees Bed and Breakfast (General Fund 1788) from 1 March 2020 to 31 December 2020;
- (e) The waiving of Health Inspection Fees Temporary/Mobile food outlets (General Fund 8319) from 1 March 2020 to 31 December 2020;
- (f) The waiving of Health Inspection Food Act Administration Fee annual (General Fund 0435) for the period of 1 July 2020 to 31 December 2020;
- (g) The waiving of Parks and Gardens Active Spaces Community Groups User Fees for 2020 as follows:

Group/Club	Fees
Bathurst Rugby Club	\$7,507
Bathurst Panthers RLFC	\$10,334
Bathurst Netball Association	\$3,837
Bathurst Bushrangers ARFC	\$1,057
Bathurst Giants ARFC	\$1,057
Bathurst District Football	\$14,198
Bathurst Hockey Association	\$5,495
St Pats RLFC	\$10,334
TOTAL	\$53,819

(h) The waiving of Trade Waste inspection charges (Sewer Fund 0100) for the period 1 March 2020 to 31 December 2020.

- (i) The waiving of Annual Membership Fees for the Tourism Partnership Program (General Fund 0314) for the 2020/2021 financial year.
- (j) The increase to 10% preference for Bathurst Region suppliers as detailed in Council's Local Procurement policy, with the increase remaining up to 30 June 2021.
- (k) The deferral of Section 7:11 (Environmental Planning & Assessment Act 1979) contributions until the completion of the development including the waiving of the Administration Fee, but prior to the issue of an Occupation Certificate in the case of building work, or twelve months from the issue of the notice of determination, whichever occurs first. Being for applications lodged between 1 July 2020 and 30 June 2021.
- (I) A 50% reduction in Development Application fees be applied for the 2020/2021 financial year.
- (m) A 50% reduction in Development Application Modification Fees (0414), Subdivision Application Fees (0415), Development Application Sub Division release fees (0416), Development Application Advertising Fees (0423), Section 68 Approvals Fees (0549), and Section 68 Approval to Operate Fees (0550), be applied for the 2020/2021 financial year.

DIRECTOR ENGINEERING SERVICE'S REPORT

The following reports are presented for Council's consideration.

Yours faithfully

Darren Sturgiss **DIRECTOR**

ENGINEERING SERVICES

aner J. Hurgis.

9.3.1 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 20 May 2020. A compilation of the various water security related Council reports is available from: https://www.bathurst.nsw.gov.au/water-restrictions-council.html#article-id-3338

Current storage in Chifley Dam, Council's main water supply storage is 35.8% as at 2 June 2020. At this time last year storage was 42.7%.

Water Demand

Water demand on the Town Water Supply continues to average 9.5ML/day. This is an excellent result from the Bathurst community. Residential consumption for the last month has averaged 133 L/person/day, which is well below the 2014 Drought Management Plan expectations of 183 L/p/d for Level 4; this consumption is well below Level 5 (159) and almost at Level 6 (129) requirements.

Compliance

The media and information campaign continue to provide details regarding the current extreme 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 two administration staff who take all calls through the newly established water hotline, and the water restrictions email. To the end of May 2020, 13 new complaints were raised with Council and are being actioned, bringing the overall total to 350. Several new cases (7) required a courtesy letter to be sent, bringing the total to 211 and this usually resulted in changes and compliance. There were no caution letters sent, one further penalty infringement notice (fine) issued, bringing 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 May 2020, there had been 147 pool top up permits issued in total, 312 residential exemptions approved with conditions in total, and a total of 105 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 two key graphs included at attachment 1 show the monthly Chifley Dam volume in

percent, from 11 November 2002 to 2 June 2020, and the weekly comparison of Chifley Dam from 2015 to 2020. Again, current level of Chifley Dam is 35.8%; Winburndale Dam is 86.6%.

Environmental flows only continue to be released from Chifley Dam, with Bathurst Town water supply for the last 16 weeks being sourced from the Fish River.

Short Term Water Supply Improvements

Discussions are ongoing with State Government regarding remaining funding for the critical water supply projects, with no announcement yet. Council will continue to pursue this matter.

Council has received advice that the Water Harvesting project has been listed by the State Government on the relevant Schedules of the Water Supply (Critical Needs) Act 2019.

Full details of the project, including demonstrated critical need, design documentation and an Environmental Assessment had been provided to the NSW State Government to justify the importance and critical position of the Bathurst Town Water Supply system, prior to the gazettal of the Water Supply (Critical Needs) Amendment (Bathurst Water Supply) Regulation 2020, on 24 April 2020.

Council is preparing its application for authorisation for the Water Harvesting Project, based closely on the aforementioned submission and responding to requirements from the NSW Government. As part of this Council is also evaluating a more cost effective route for the water harvesting pipeline along the Macquarie River Levee, given some additional project time as a result in a small improvement in the water supply zero day estimate to early 2021.

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 is continuing, the environmental assessment is being completed and will be provided to the NSW State Government as soon as possible.

In addition, Council has completed work at the Water Filtration Plant which allows for use of up to 3ML/d of water sourced from Winburndale Dam into the town water supply, utilising the existing Winburndale Pipeline. At this time, Winburndale Dam Water is not required to be used in the Bathurst Town Water system due to the current flows occurring in the Fish River. However, water from Winburndale Dam has been fed into the Bathurst Water Filtration Plant as a trial to ensure that water quality exceeds the requirements of the Australian Drinking Water Guidelines, which has been the case. Note that water quality of treated drinking water produced is analysed continuously, prior to incorporation into the town water supply. The trial has been successfully concluded, with the town water supply again solely sourced from the Fish River.

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 this is being collated for submission.

Council had also sought approval from the NSW State Government to reduce environmental release from Chifley Dam, from a maximum of 4.35ML/day or part thereof

of Dam inflows; to 1.0ML/day in circumstances of critical water shortages in Bathurst. This matter is yet to be finalised, with request by NSW State Government for further environmental assessment information to be provided, again this is currently being collated for submission.

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 a 20% allocation for irrigators.

Council has also been advised by the NSW State Government, that Council's second request for purchase of water from Oberon Dam has been declined, due to the importance of the Fish River Scheme to parts of Greater Sydney's water supply system.

Council has also formed a contract for the test boring of up to 8 groundwater bores, with this work commenced in the first week of June. At the time of writing, two investigative bores have been completed, on the eastern side of the Macquarie River on Council land near the Water Filtration Plant.

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 \$2.25M provided by the NSW Government's Safe and Secure Water Program. Work on this has commenced, with to date approximately \$5M expended. Work will be completed in 2020.

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	Completed	
Needs) Act 2019.		
Listing of Water Harvesting project on Water Supply	Completed	
(Critical Needs) Act 2019		
Listing of Winburndale Dam pipeline augmentation project	Underway. Finalisation of	
on Water Supply (Critical Needs) Act 2019	Environmental assessment	
	required as part of	
	submission	
Legal Assessment of procurement process, subsequently	Completed	
resolved Ordinary Council Meeting, 11 December 2019.		

Water Harvesting	
Preliminary Yield Analysis	Complete
Detailed Yield Analysis	95% Complete
Project management framework including legal advice for	Complete
preparation of GC21 Design and Construct Contract	•
<u> </u>	
Option 1 Route Analysis – Through Levee	
Survey	Complete
Design	Complete
Costing	Complete
Geotechnical Investigation	Complete
Environmental Assessment	Complete
Option 2 Route Analysis - Through public road network	
Survey / Design	Complete
Geotechnical Investigation	Complete
Aboriginal Cultural Heritage Assessment	Complete
European Cultural Assessment	Complete
Crown Road Licence Agreement for formalization of Easements	Complete
Permission from TfNSW for Great Western Highway	Commenced
underbore	
Permission from John Holland Rail for Great Western	Commenced
Railway underbore	
Environmental Assessment	Completed
Electrical Assessment	Commenced
Option3 Route Analysis – Underbore Macquarie River	
Survey / Design	80% complete
Geotechnical Investigation	80% complete
Aboriginal Cultural Heritage Assessment	Commenced, ACHA required
	for portion of route
European Cultural Assessment	Complete
Permission from TfNSW for Great Western Highway	Commenced
underbore	
Permission from John Holland Rail for Great Western Railway underbore	Commenced
Technical Assessment of route by Public Woks Advisory	Completed
Environmental Assessment	Completed
Costing	To commence following
	design completion
Stormwater Ponds – Next to Proctor Park - Stage 1b	
Design	Complete
Geotechical Investigation	Complete
Aboriginal Cultural Heritage Assessment	Underway, on site
	investigation completed May.
Flood Impact Assessment	Commenced
Costing	To commence following
	design completion
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	Completed
Environmental Assessment	60% complete
Discussions with affected landowner along route	Commenced
Costing	To commence following
Costing	design completion
	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
J J ,,	
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 anouncement 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	O manufactural
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	
Environmental Assessment for reduction in Environmental	Completed
release submitted to NSW Government	Completed
, rotodoo odbitillica to inoni odvettiilielli	

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	Commenced

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. June Chifley Dam Graphs [9.3.1.1 - 2 pages]

MINUTE

RESOLUTION NUMBER: ORD2020-149

MOVED: Cr J Jennings SECONDED: Cr I North

RESOLVED:

RECOMMENDATION:

That the information be noted.

DIRECTOR CULTURAL AND COMMUNITY SERVICE'S REPORT

The following reports are presented for Council's consideration.

Yours faithfully

A Cattermole

DIRECTOR

CULTURAL AND COMMUNITY SERVICE'S

the letter

9.4.1 CHILDREN'S SERVICES - JUNE 2020 UPDATE

File No: 09.00046

RECOMMENDATION:

That the information be noted.

REPORT:

Scallywags Long Day Care and Preschool along with Bathurst Family Day Care have stepped up to the community challenges of COVID-19.

Children's Services is running business as usual, however, like many businesses, changes have been made to ensure the best outcomes for the combined Services and the 246 families in care.

Scallywags and Family Day Care have offered additional care to parents who have increased their hours of work, including those in the health industry.

New practices have been put into place to assist in the prevention of the spread of COVID-19 including a concierge service at Scallywags. Children have been delivered to and collected from the Service foyer by staff ensuring traffic throughout the service is limited.

For children who undertook self-isolation during April and May, learning and craft packages were delivered to families to assist in the ongoing education of children.

Technology including communication apps have allowed Educators and Services to remain in contact with children under self-isolation and Family Day Care Educators.

Educators at Scallywags utilised video calls to communicate with children across the week to maintain the lovely relationships they have developed at the Service. Storytelling and learning activities were recorded in the Centre and shared on the Centre's communication App.

Family Day Care continue to undertake live playgroup sessions via the Service private Educator Facebook group.

Children's Services continues to welcome new families during this time and have experienced an increase in requests for care. Scallywags welcomed four new families while Family Day Care welcomed five new families during April and May.

FINANCIAL IMPLICATIONS:

COVID19 has currently resulted in lost income for Children's Services, as reported in

Mayoral Minute 20 May 2020. At the time of preparing this report it is uncertain what, if any, financial impact of COVID19 will be to Children's Services within this financial year. The Government have indicated support will be made available to councils' children's services sector, the detail of this is not yet known.

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.
- Strategy 5.2 Help make the Bathurst CBD, neighbourhoods and the region's villages attractive and full of life.
- Strategy 5.3 Help build resilient, inclusive communities.
- Strategy 5.4 Make our public places safe and welcoming.
- Strategy 5.5 Plan and respond to demographic changes in the community.

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.
- Strategy 6.4 Meet legislative and compliance requirements.
- Strategy 6.5 Be open and fair in our decisions and our dealings with people.
- Strategy 6.7 Invest in our 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:

Nil

MINUTE

RESOLUTION NUMBER: ORD2020-150

MOVED: Cr A Christian SECONDED: Cr I North

RESOLVED:

That the information be noted.

9.4.2 BATHURST REGION: A CULTURAL VISION 2036 - THIRD ANNUAL PROGRESS REPORT

File No: 20.00056

RECOMMENDATION:

That Council note and endorse the actions as outlined in the third annual progress report for the Bathurst Region: A Cultural Vision 2036.

REPORT:

Council, at its meeting held 21 June 2017 adopted the Bathurst Region: A Cultural Vision 2036. The aim of the plan was to provide a 20-year Cultural Vision for the Bathurst Region, which was developed through considerable community consultation and is premised on the notion that:

The Bathurst Region will be recognised as Australia's premier inland centre of culture and creativity.

The implementation of the Cultural Vision will be achieved through the delivery of strategies grouped in three Outcome Areas:

- 1. Creative Places
- 2. Creative Programs
- 3. Creative People

These three Outcome Areas are considered the essential ingredients required to generate the conditions that will support and foster the human and physical conditions in which a centre of culture and creativity will thrive.

Each of the goals contained in the Cultural Vision has a number of related and achievable strategies that fall into the 1-4 year, the 5-10 year and the 11-20 year horizon.

In delivering the Cultural Vision, progress reporting is prepared and submitted to Council for endorsement annually. The third annual progress summary report, on the progress of actions is provided at **attachment 1**.

The Cultural Vision is beneficial in giving direction to Council facilities and programs and is utilised as a reference for grant applications and linking of stakeholders in the community.

Some key delivery actions during the 2019/2020 financial year, include:

- Bathurst Rail Museum, new Museum, officially opened Friday 21 February 2020.
- Bathurst Public Art Policy endorsed by Council.
- Central Tablelands Collections Facility tenders sought for design and construction.

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 2.2 Grow local employment, investment and attract new businesses by nurturing and supporting entrepreneurs, partnerships and local skill development.
- Strategy 2.6 Promote our City and Villages as a tourist destination.
- 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. Cultural Vision Review June 2020 [9.4.2.1 - 12 pages]

MINUTE

RESOLUTION NUMBER: ORD2020-151

MOVED: Cr W Aubin SECONDED: Cr J Rudge

RESOLVED:

That Council note and endorse the actions as outlined in the third annual progress report for the Bathurst Region: A Cultural Vision 2036.

9.4.3 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 May 2020.

Destination Brand Implementation	Action
Destination Website	The Visit Bathurst destination website is continuing to perform strongly with a comparison of site usage in the current financial year against the corresponding period in the previous year being: USERS = 83,625 (+49.9%) PAGEVIEWS = 215,322 (+14.5%) BOUNCE RATE = 66.52% (+19.3%) Visitation to the site was negatively impacted by the effective shutdown of all travel from March 2020 due to COVID-19. BVIC has used this period to undertake a significant upgrade to the site including transition to a new more versatile CMS and new content creation.
Online Booking Platform	The new booking engine has been particularly effective in assisting smaller operators and events to increase sales. However, sales in 19/20 have been negatively impacted by the drought and closure of Chifley Dam Cabins, the December/January bushfires and by the shutdown due to the COVID-19 outbreak. Gross sales of \$28,780 generated 19/20 YTD with BVIC commission of \$2,077.
Curated Online Content	BVIC is responsible for ongoing content creation with an overarching content strategy completed. A new series of promotional videos of the Bathurst region have been created during the last quarter including of the Carillon, Machattie

Destination Brand Implementation	Action
	Park, AFMM, BDHS Museum, Renzaglia Winery and Chifley Home.
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 2019/20 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 to be written in the next quarter covering the period 2020-2022.
Signage	The re-skinning of four highway billboards (located on Mitchell Highway, Orange Road, Blayney Road and Marangaroo) will occur in later 2020.
Touring Trails App	There have been 5,438 uses of the Bathurst Step Beyond app to date. Additional content will be developed in 2020 with discussion underway for incorporation of this technology into the Mount Panorama Boardwalk interpretation.
Brand Awareness Campaign	Consumer eDMs (electronic direct mail) continue to provide a monthly newsletter to 4000+ subscribers. A new campaign entitled #TakeAMoment was designed and implemented during March – May 2020 intended to reinforce community confidence and promote future travel aspirations. This campaign utilised local radio and print media and achieved considerable engagement on social media channels.
BVIC	A new design for the rear counter and display area has been comissioned. YTD retail sales through BVIC had increased 10.2% over previous year prior to the necessary closure of BVIC on 25 March. Due to the closure total YTD retail has declined to 12.9% below 2018/19 result. \$729 of sales have been made from 'The Cotswolds Store'.
Public Relations	Over the past three months PR activity has been focused upon communicating the most up to date information regarding closures and businesses in the region operating under different models, on #TakeAMoment and on inspiring future travel. The region has been featured in Vogue Magazine and the April edition of Mindfood. A new regional recovery promotion commenced 1 June 2020.
Visitor Guide/Destination Planner	The 2020 Bathurst region Destination Planner has been completed, printed and distributed locally to businesses as well as nationally through the network of accredited visitor information centres (AVIC). 25,000 copies were printed in the initial run, with the publication also available online as a flipbook or a PDF download. The Planner increase in size from 36 pages (2019) to 52 pages with a 38.2% increase in

Destination Brand Implementation	Action	
	total advertising takeup. All content for the Destination Planner was written by staff of the Bathurst Visitor Information Centre, and all imagery also sourced and selected by BVIC.	
Destination Management Plan	The Destination Management Plan 2019-2024 was adopted by Council at its December 2019 meeting and is being implemented. Council's Manager Tourism & Visitor Services presented at a panel discussion at the 2020 Local Government NSW conference on the subject of effective destination management planning.	

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 id	lentity.
--	----------

- 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: ORD2020-152

MOVED: Cr J Jennings SECONDED: Cr G Hanger

RESOLVED:

That the information be noted.

10 REPORTS OF OTHER COMMITTEES

10.1 TRAFFIC COMMITTEE REPORT - 2 JUNE 2020

File No: 07.00006

RECOMMENDATION:

That the recommendations of the Traffic Committee Meeting of Bathurst Regional Council held on 2 June 2020 be adopted.

REPORT:

The Minutes of the Traffic Committee Meeting of Bathurst Regional Council held on 2 June 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 of 2 June 2020 Minutes [10.1.1 - 4 pages]

MINUTE

RESOLUTION NUMBER: ORD2020-154

MOVED: Cr I North SECONDED: Cr W Aubin

RESOLVED:

That the recommendations of the Traffic Committee Meeting of Bathurst Regional Council held on 2 June 2020 be adopted.

11 NOTICES OF MOTION

11.1 Notice of Motion - Cr Fry - Go-Kart Track

File No: 16.00175, 2015/196

RECOMMENDATION:

That the Go-Kart Track, currently approved to be located in McPhillamy Park Mount Panorama, be relocated approximately 1km west to the property currently owned by Bathurst Regional Council.

REPORT:

That the Go-Kart Track, currently approved to be located in McPhillamy Park Mount Panorama, be relocated approximately 1km west to the property currently owned by Bathurst Regional Council.

FINANCIAL IMPLICATIONS:

Nil at this stage.

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.

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:

Nil

MINUTE

RESOLUTION NUMBER: ORD2020-155

MOVED: Cr J Fry SECONDED: Cr M Morse

That the Go-Kart Track, currently approved to be located in McPhillamy Park Mount Panorama, be relocated approximately 1km west to the property currently owned by Bathurst Regional Council.

The MOTION: was PUT and LOST

12 RESCISSION MOTIONS

13 COUNCILLORS / DELEGATES REPORTS

13.1 Councillors Meeting with Community Groups/Representatives

File No: 11.00019

RECOMMENDATION:

That the information be noted.

REPORT:

<u>Present:</u> Clr Bourke (Chair), Clr Aubin (6.25), Clr Fry, Clr Hanger, Clr Jennings, Clr Morse, Clr North, Clr Rudge

Apologies: Clr Christian

1. Valuer General

Giovania Nicita and Tim Fleming from the Valuer General's Office and Jamie Gibson, Consultant to the Valuer General's Office joined the meeting and gave an outline of the effects of the recent valuation of the council area had on property valuations totals and the process used in determining a valuation for a property.

Topics discussed included:

• The breakup of increased values was as follows:

Zone	2019	2016	Changes
Residential	\$2,384,230,500	\$2,020,587,938	18.0%
Commercial	\$310,635,160	\$246,012,440	26.3%
Industrial	\$110,496,900	\$79,437,800	31.1%
Rural	\$1,549,067,180	\$1,055,308,160	46.8%
Total	\$4,411,064,470	\$3,456,548,718	27.6\$

- Gave an outline of some of the various factors which influence the market determination including recent sales.
- The factors which drive demand (this includes commodity prices which drives demand for rural properties).
- Outlined some of the factors influencing valuations in the Industrial, Commercial, Residential and Rural sections.
- Outlined the process for people to object to a valuation.

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:

Nil

MINUTE

RESOLUTION NUMBER: ORD2020-156

MOVED: Cr I North SECONDED: Cr A Christian

RESOLVED:

That the information be noted.

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

14.0 RESOLVE INTO CONFIDENTIAL COMMITTEE OF THE WHOLE

MINUTE

RESOLUTION NUMBER:

MOVED: Cr I 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.

14.1 DIRECTOR CORPORATE SERVICES AND FINANCE'S REPORT

14.1.1 PROPOSED NEW AERODROME LEASE - LOT 13 DP1024590, LOT 1 DP1085658, LOT 11 DP1024590 KNOWN AS THE BATHURST AERO CLUB, BATHURST AERODROME

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 aerodrome lease agreement for Lot 13 DP1024590, Lot 1 DP1085658, Lot 11 DP1024590 known as the Bathurst Aero Club.

MINUTE

RESOLUTION NUMBER: CONF2020-40

MOVED: Cr I North SECONDED: Cr J Rudge

RESOLVED:

That Council:

- (a) Enters into a lease with Bathurst Aero Club Ltd for Lot 13 DP1024590 and Lot 1 DP1085658, PJ Moodie Drive Raglan, as detailed within this report; and
- (b) Enters into a licence agreement with Bathurst Aero Club Ltd for Lot 11 DP1024590,
 PJ Moodie Drive Raglan, as detailed within this report.

14.1.2 RESIDENTIAL LEASE AGREEMENT - LOT 127 IN DP249576 KNOWN AS 12 WHITEMAN PLACE, 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 a residential lease agreement for Lot 127 in DP249576, 12 Whiteman Place, Bathurst.

MINUTE

RESOLUTION NUMBER: CONF2020-41

MOVED: Cr A Christian SECONDED: Cr G Hanger

RESOLVED:

That Council approves entering into a residential lease agreement for Lot 127 in DP249576, at 12 Whiteman Place, Bathurst for a period of 12 months with a 12-month option (at Council's discretion) as detailed in the report.

14.1.3 RENEWAL OF RURAL LICENCE AGREEMENET - PART LOT 1009 DP1250643, PART LOT 1 DP624336 AND PART LOT 3 DP1127323 KNOWN AS 4040 O'CONNELL ROAD, 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 proposed renewal of a rural licence agreement at part Lot 1009 DP1250643, part Lot 1 DP624336 and part Lot 3 DP1127323 known as 4040 O'Connell Road, Bathurst.

MINUTE

RESOLUTION NUMBER: CONF2020-42

MOVED: Cr M Morse SECONDED: Cr I North

RESOLVED:

That Council approves the renewal of a rural licence agreement at part Lot 1009 DP1250643, part Lot 1 DP624336 and part Lot 3 DP1127323 known as 4040 O'Connell Road, Bathurst for a period of three (3) years as detailed in the report, and subject to Council's Land Management Guidelines and insurance requirements.

14.1.4 RENEWAL OF RURAL LICENCE AGREEMENT - PART LOT 221 DP1147157, STEPHENS LANE, 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 proposed renewal of the rural licence agreement for part Lot 221 in DP1147157, Stephens Lane, Kelso.

MINUTE

RESOLUTION NUMBER: CONF2020-43

MOVED: Cr G Hanger SECONDED: Cr J Rudge

RESOLVED:

That Council approves the renewal of the rural licence agreement for part Lot 221 in DP1147157, Stephens Lane, Kelso for a period of five (5) years, as detailed in the report and subject to Council's Land Management Guidelines and insurance requirements.

14.1.5 NEW EVENT OPPORTUNITY

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 event for the Bathurst region.

MINUTE

RESOLUTION NUMBER: CONF2020-44

MOVED: Cr J Rudge SECONDED: Cr W Aubin

RESOLVED:

That Council submit an Expression of Interest to host the new event as detailed within this report.

14.1.6 FINANCIAL STATEMENT - 2019 CHALLENGE 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 financial statements for the 2019 Challenge Bathurst motor sport event.

MINUTE

RESOLUTION NUMBER: CONF2020-45

MOVED: Cr I North SECONDED: Cr A Christian

RESOLVED:

That the information be noted.

14.1.7 REQUEST FOR FINANCIAL ASSISTANCE - HARVEST CAFE

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 request for financial assistance received from Harvest Café.

Cr North declared a pecuniary interest in item 7of the DCSF Report and left the room - occasionally employed by an employee of Harvest Cafe.

MINUTE

RESOLUTION NUMBER: CONF2020-46

MOVED: Cr M Morse SECONDED: Cr J Fry

RESOLVED:

That Council:

- 1. Note the request from Harvest Cafe.
- 2. Invite Harvest Cafe to provide any additional information they wish Council to consider as part of their request for financial assistance.

14.2 DIRECTOR ENGINEERING SERVICE'S REPORT

14.2.1 TENDER FOR THE PREFERRED CONTRACTORS LIST FOR MINOR WORKS

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 that Council accepts the Preferred Contractor List for the engagement of contractors for minor works for the 2020/2021 financial year.

Cr Hanger declared a pecuniary interest in item 1 of the DES Report and left the room - son's company (ENACON Group) is one of the tenderers.

MINUTE

RESOLUTION NUMBER: CONF2020-47

MOVED: Cr J Rudge SECONDED: Cr J Jennings

RESOLVED:

That Council accepts the Preferred Contractor List for the engagement of contractors for minor works up to the value of \$20,000 (incl. GST) as listed in the Director Engineering Services' report, subject to submission of complete information being supplied for casual hire and in accordance with the General Conditions of Tender.

14.2.2 WALKWAY CLOSURE - RYAN PLACE, 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 closure of the walkway between Ryan Place and Bonnor Street, Kelso.

MINUTE

RESOLUTION NUMBER: CONF2020-48

MOVED: Cr G Hanger SECONDED: Cr J Rudge

RESOLVED:

That Council:

- (a) approve closure of the walkway between Ryan Place and Bonnor Street, Kelso and upon closure classify the land as Operational land.
- (b) approve the registration of an easement to drain water 2.5 wide.
- (c) determine the value of the closed walkway land by applying the \$/m² rate of the adjacent land's value as determined by the Valuer General's Office.

as detailed in the Director Engineering Services' report.

15 RESOLVE INTO OPEN COUNCIL

MINUTE
RESOLUTION NUMBER: ORD2020-157
MOVED: Cr I North SECONDED: Cr W Aubin
RESOLVED: That Council resume open Council.
16 ADOPT REPORT OF THE COMMITTEE OF THE WHOLE
MINUTE
RESOLUTION NUMBER: ORD2020-158
MOVED: Cr A Christian SECONDED: Cr I North
RESOLVED: That the Report of the Committee of the Whole, resolution numbers Conf2020-40 to Conf2020-49 be adopted.
17 MEETING CLOSE
MINUTE
The Meeting closed at 9.17pm.
CHAIR:
СПАІЛ.

Ordinary Meeting of Council Agenda - 17 June 2020 Attachments

6.1 CONFIRMATION OF MINUTES - ORDINARY MEETING OF	
BATHURST REGIONAL COUNCIL HELD 20 MAY 2020	5
6.1.1 Minutes - Ordinary Meeting of Bathurst Regional Council held 20 May 202	05
9.1.2 GENERAL REPORT	27
9.1.2.1 DAs approved	27
9.1.2.2 DAs refused	29
9.1.2.3 DAs pending	30
9.1.2.4 Over 40 days	32
9.1.2.5 Clause 4.6 Approvals	33
9.1.3 DEVELOPMENT APPLICATION 2019/367 - DEMOLITION O	F
COMMERCIAL BUILDING AND PART DWELLING HOUSE,	
CONSTRUCTION OF FOOD AND DRINK PREMISES WITH DRIVE	Ξ
THRU, CHANGE FROM DWELLING TO OFFICE - 103 - 105	
STEWART ST. APPLICANT: McDUCK. OWNER. GULLIFER	34
9.1.3.1 Attachment 1 - Map of Site and Surrounding Area	34
9.1.3.2 Attachment 2 - Final (Amended) Development Plans	36
9.1.3.3 Attachment 3 - Final (Amended) Landscape Plans	49
9.1.3.4 Attachment 4 - Final (Amended) Electrical and Lighting Plan	51
9.1.3.5 Attachment 5 - Amended (Final) Stormwater Management Plans	52
9.1.3.6 Attachment 6 - Survey Plan of Existing Site	58
9.1.3.7 Attachment 7 - Final (Amended) Statement of Environmental Effects	59
9.1.3.8 Attachment 8 - Final (Amended) Environmental Noise Assessment	136

9.1.3.9 Attachment 9 - Final (Amended) Odour Assessment Report	174
9.1.3.10 Attachment 10 - Statement of Heritage Impact	184
9.1.3.11 Attachment 11 - Plan of Management	213
9.1.3.12 Attachment 12 - Final (Amended) Traffic Assessment Report	215
9.1.3.13 Attachment 13 - Security Management Plan	245
9.1.3.14 Attachment 14 - Town Planning Consultant's Response to Public	
Submissions	251
9.1.3.15 Attachment 15 - Architect's Response to Public Submissions and Herita	age
Concerns	258
9.1.3.16 Attachment 16 - Traffic Consultant's Response to Public Submissions a	and
Traffic Concerns	260
9.1.3.17 Attachment 17 - Examples of Existing Signage in Residential and	
Commercial Zones in Stewart	264
9.1.3.18 Attachment 18 - Public Submissions Received in Relation to Developm	ent
Application	271
9.1.3.19 Attachment 19 - Minutes of submission hearing	308
9.1.3.20 Attachment 20 - Alternate recommendation	310
9.1.5 RENEWABLE ENERGY ACTION PLAN	311
9.1.5.1 Submissions	311
9.1.5.2 Tabulated comments	410
9.1.5.3 Policy Framework	422
9.1.5.4 REAP Final version June 2020	423
9.2.1 STATEMENT OF INVESTMENTS	456

9.2.1.1 Investments 2020-5-31 pre-accrual	456
9.2.2 MONTHLY REVIEW - 2019/2023 DELIVERY PLAN AND	1
OPERATIONAL PLAN 2019/2020	458
9.2.2.1 Operating Plan Review May 2020	458
9.2.2.2 QBRS Report May 20	521
9.2.3 SUNDRY SECTION 356 DONATIONS, BATHURST MEM	/IORIAL
ENTERTAINMENT CENTRE COMMUNITY USE SUBSIDY AN	ID
MOUNT PANORAMA FEE SUBSIDY	525
9.2.3.1 356 Council Report May 2020	525
9.2.5 SUBMISSIONS - DRAFT DELIVERY PLAN 2020-2024 A	ND
OPERATIONAL PLAN 2020/2021	528
9.2.5.1 2020 Budget Submissions Attachment 1	528
9.2.5.2 2020 Budget Submissions Attachment 2	529
9.2.5.3 2020 Budget Submissions Attachment 3	533
9.2.5.4 2020 Budget Submissions Attachment 4	536
9.2.5.5 2020 budget Submissions Attachment 5	564
9.2.5.6 2020 Budget Submissions Attachment 6	565
9.2.5.7 2020 Budget Submissions Attachment 7	579
9.2.5.8 2020 Budget Submissions Attachment 8	580
9.2.5.9 2020 Budget Submissions Attachment 9	581
9.2.5.10 2020 Budget Submissions Attachment 10	582
9.2.9 COVID-19 BUSINESS AND COMMUNITY - STIMULUS	
MEASURES (MAYORAL MINUTE - 15 APRIL 2020)	621

9.2.9.1 Submissions COVI D-10 Business and Community - Stimulus	621
9.3.1 WATER SECURITY UPDATE	.633
9.3.1.1 June Chifley Dam Graphs	633
9.4.2 BATHURST REGION: A CULTURAL VISION 2036 - THIRD	
ANNUAL PROGRESS REPORT	635
9.4.2.1 Cultural Vision Review June 2020	635
10.1 TRAFFIC COMMITTEE REPORT - 2 JUNE 2020	.647
10.1.1 Traffic Committee Meeting of 2 June 2020 Minutes	

MINUTES OF THE ORDINARY MEETING OF **BATHURST REGIONAL COUNCIL HELD ON WEDNESDAY 20 MAY 2020**

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 J Jennings, Cr M Morse, Cr I North

3 PRAYER AND ACKNOWLEDGEMENT OF COUNTRY

4 APOLOGIES

MINUTE

MOVED: Cr I North SECONDED: Cr J Fry

RESOLVED: That the apology of Cr Rudge be accepted and leave of absence granted and the apology for the late arrival from Cr Jennings (6.05pm) be accepted.

5 MINUTES

5.1 **CONFIRMATION OF MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL HELD 15 APRIL 2020**

File No: 11.00005

MINUTE

RESOLUTION NUMBER: ORD2020-129

MOVED: Cr I North SECONDED: Cr W Aubin

RESOLVED:

That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 15 April 2020 be adopted.

5.2 CONFIRMATION OF MINUTES - EXTRAORDINARY

MEETING OF BATHURST REGIONAL COUNCIL

HELD 6 MAY 2020

File No: 11.00005

MINUTE

RESOLUTION NUMBER: ORD2020-130

MOVED: Cr I North SECONDED: Cr J Fry

RESOLVED:

That the Minutes of the Extraordinary Meeting of Bathurst Regional Council held on 6 May 2020 be adopted.

6 DECLARATION OF INTEREST

Declaration of Interest

MINUTE

RESOLUTION NUMBER: ORD2020-131

MOVED: Cr A Christian SECONDED: Cr M Morse

RESOLVED: That the Declaration of Interest be noted.

Cr Bourke declared a non-pecuniary interest in item 3 of the DCSF Confidential Report.

Cr Hanger declared a non-pecuniary interest in item 4 of the DCSF Confidential Report.

7.1 COVID-19 BUSINESS AND COMMUNITY -

STIMULUS MEASURES

File No: 14.00764, 16.00179

MINUTE

RESOLUTION NUMBER: ORD2020-105

MOVED: Cr B Bourke

RESOLVED:

That Council:

1. Notes the actions taken to date.

- 2. Set the interest rate that accrues on rates and charges that become due and payable at 0% for the period 1 June 2020 to 31 December 2020. Thereafter, the interest rate will be set at the rate specified for the time being by the Minister.
- 3. Provide \$18,000 to the Bathurst Business Chamber to assist it in achieving its objectives within the business community.
- 4. Continue with its annual media usage profile with the Western Advocate and Bathurst City Life for the period to 30 June 2021.
- 5. Set the price for water sold (at Council's standpipes) at an amount of \$2.50 per kilolitre for the period 1 July 2020 to 31 December 2020.
- 6 . Repayments on the following community loans be deferred for the year 2020/21 and that interest charges for 2020/21 be waived.

Organisation	Balance Loan Schedule @ 30.6.20 (anticipated)
75's Soccer Club	\$40,897.03
Carillon Theatrical Society	\$66,805.50
AFL Bushrangers	\$83,644.29
Pistol Club	\$955.69
Eglinton District Tennis	\$12,108.93
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	\$381,808.49

7. Waive Community Group Licence fees for 2020/21 for the following community groups, at an estimated value of \$4,320.

	Comments	Property
W189	Bathurst Stamp, Coin, Collectables & Lapidary	Park Street, Eglinton
W199	Bathurst Miniature Railway	261 Durham Street, Bathurst
W204	Evans Art Council	7 Lee Street, Kelso
W220	Bathurst District Historical Society (The Annex)	47 Mitre Street, West Bathurst
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

8. Waive Sporting Group/ Club Licences for 2020/21 for the following sporting/club groups at an estimated value of \$10,320.

	Comments	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

^{9.} Waive Library fines from 1 July to 31 December 2020, at an estimated value of \$5,200.

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

8.1.1 SECTION 4.15 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

File No: 03.00053

MINUTE

RESOLUTION NUMBER: ORD2020-104

MOVED: Cr W Aubin SECONDED: Cr J Jennings

RESOLVED:

That the information be noted.

8.1.2 GENERAL REPORT

File No: 03.00053

MINUTE

RESOLUTION NUMBER: ORD2020-106

MOVED: Cr I North SECONDED: Cr M Morse

RESOLVED:

That the information be noted.

8.1.3 DEVELOPMENT APPLICATION NO. 2020/115 –

TELECOMMUNICATIONS FACILITY AT 3805 SOFALA ROAD, WATTLE FLAT. APPLICANT: BMM GROUP PTY

LTD. OWNER: THE CROWN

File No: 2020/115

MINUTE

RESOLUTION NUMBER: ORD2020-110

MOVED: Cr J Fry SECONDED: Cr I North

RESOLVED:

That Council:

- (a) as the consent authority, grant consent pursuant to Section 4.16 of the Environmental
 - Planning and Assessment Act 1979 to Development Application No. 2020/115, 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:
- 1. The applicant is responsible for the maintenance and upgrading of infrastructure and the maintenance of the site.
- The applicant, should any emissions other than electromagnetic radiation arise from the installation and operation of the infrastructure, is to notify Council and the relevant Government departments and to recommend a preferred strategy of amelioration.
- Infrastructure must be removed within 6 months of decommissioning.
- 4. For each facility, a permanent and legible weatherproof sign must be publicly visible in the immediate proximity of the facility to identify the name and contact details of the operator or site manager.
- 5. The applicant is to provide Council with the measurement of EME levels at the nearest residence to the proposed site within (30) days of commissioning of the facility and provide the results to Council along with a statement that the EME emission levels from the proposed base station would not differ significantly from that measured, and will at all times comply with the standard specified in the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) 2002, 'Radiation Protection Standard: Maximum Exposure levels to Radiofrequency Fields 3khz to 300Ghz', Radiation Protection Series No.3.

NOTE: If there is any dispute as to the accuracy of testing or the appropriateness of the methodology used, the Council will arrange for the independent testing of emissions, and the applicant shall meet the full cost of that testing.

- 6. The pole is to be painted or finished in a neutral colour such as grey as opposed to galvanized consistent with the NSW Telecommunications Guidelines.
- (b) call a division.

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

The result of the division was:

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

Against the Motion - nil

Absent - Cr J Rudge

Abstain - Nil

8.1.4 COMMUNITY ENGAGEMENT DURING COVID 19 PERIOD ON PLANNING AND DEVELOPMENT MATTERS

File No: 20.00331

MINUTE

RESOLUTION NUMBER: ORD2020-112

MOVED: Cr I North SECONDED: Cr J Jennings

RESOLVED:

That Council:

- (a) endorse the interim arrangements proposed in this report for public consultation and community engagement on planning matters under the Environmental Planning and Assessment Act 1979 whilst social distancing restrictions are in place as a result of COVID-19; and
- (b) review these arrangements as Council receives new advice in relation to social distancing protocols.
- (c) call a division

On being PUT to the VOTE the MOTION was CARRIED

The result of the division was:

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

<u>Against the Motion</u> - nil

<u>Absent</u> - Cr J Rudge

Abstain - Nil

8.1.5 STREET LIGHTING – LIGHTING UNDER AWNINGS IN THE CBD

File No: 28.00014-07

MINUTE

RESOLUTION NUMBER: ORD2020-113

MOVED: Cr I North SECONDED: Cr A Christian

RESOLVED:

That Council:

- 1. Endorse the disconnection of under awning lighting from the Essential Energy unmetered network (where lighting meets required standards without the under awning lighting) following appropriate notification to building owners;
- 2. Contact property owners with affected awnings to advise that they have the option of connecting the under awning lighting to the metered supply of the premises; and
- Note additional information contained within the report regarding Council's responsibilities for Street Lighting.
- 4. Request that any transfer be held off until January 2021.

8.2.1 STATEMENT OF INVESTMENTS

File No: 16.00001

MINUTE

RESOLUTION NUMBER: ORD2020-114

MOVED: Cr I North SECONDED: Cr W Aubin

RESOLVED:

That the information be noted.

8.2.2 QUARTERLY REVIEW - 2019/2023 DELIVERY PLAN AND OPERATIONAL PLAN 2019/2020

File No: 16.00167

MINUTE

RESOLUTION NUMBER: ORD2020-115

MOVED: Cr J Jennings SECONDED: Cr W Aubin

RESOLVED:

That the information be noted.

8.2.3 SUNDRY SECTION 356 DONATIONS, BATHURST
MEMORIAL ENTERTAINMENT CENTRE COMMUNITY
USE SUBSIDY AND MOUNT PANORAMA FEE SUBSIDY

File No: 18.00004

MINUTE

RESOLUTION NUMBER: ORD2020-116

MOVED: Cr M Morse SECONDED: Cr G Hanger

RESOLVED:

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

8.2.4 POWER OF ATTORNEY

File No: 11.00007

MINUTE

RESOLUTION NUMBER: ORD2020-117

MOVED: Cr G Hanger SECONDED: Cr W Aubin

RESOLVED:

That the information be noted.

8.2.5 FREE WATER FOR VERIFIED PRIMARY PRODUCERS

File No: 16.00155

MINUTE

RESOLUTION NUMBER: ORD2020-118

MOVED: Cr J Jennings SECONDED: Cr I North

RESOLVED:

That Council resolve to extend the scheme of providing free water for verified primary producers on the basis that the scheme will cease in the event of any of the following:

- (a) When Ben Chifley Dam reaches a capacity of 22% or lower;
- (b) Drought declaration is removed for the Bathurst Regional Council area;or
- (c) 31 December 2020

8.3.1 WATER SECURITY UPDATE

File No: 32.00017

MINUTE

RESOLUTION NUMBER: ORD2020-119

MOVED: Cr I North SECONDED: Cr W Aubin

RESOLVED:

That the information be noted.

8.3.2 REMOVAL OF POPLAR TREES FROM HAWTHORNDEN CREEK, JAQUES PARK

File No: 04.00082-02

MINUTE

RESOLUTION NUMBER: ORD2020-120

MOVED: Cr J Fry SECONDED: Cr J Jennings

RESOLVED:

That Council:

Ordinary Meeting of Council Agenda - 20 May 2020

- (a) Leave the remaining poplars in Jacques Park until they become a risk to public safety.
- (b) Then, such action to remove the poplar trees be preceded by public consultation.

The MOTION was PUT and LOST

MOVED: Cr M Morse SECONDED: Cr I North

That Council:

- (a) Continue with its ongoing environmental rehabilitation program in accordance with the various management plans that have been adopted by Council, and
- (b) continue with the proposed environmental rehabilitation activities at Hawthornden Creek, Jaques Park, as detailed within the Director Engineering Services' Report.

8.3.3 PROPOSED PARTIAL ROAD CLOSURE - MARSDEN LANE, KELSO

File No: 25.00124-02

MINUTE

RESOLUTION NUMBER: ORD2020-121

MOVED: Cr I North SECONDED: Cr J Jennings

RESOLVED:

That Council:

- (a) Approve the partial closure of Marsden Lane adjacent to Lot 118 in DP1253021 at Kelso.
- (b) Following closure, consolidate the road closure lot with Lot 118 in DP1253021.

8.4.1 CENTRAL BUSINESS DISTRICT (CBD) CLOSED CIRCUIT TELEVISION (CCTV)

File No: 20.00320

MINUTE

RESOLUTION NUMBER: ORD2020-122

MOVED: Cr I North SECONDED: Cr J Jennings

RESOLVED:

That Council:

- (a) Note Stage 2 of the CBD CCTV Scheme is nearing completion.
- (b) Adopt the recommended changes to the CBD CCTV Code of Practice in accordance with Stage 2 of the Scheme.

8.4.2 DIRECTOR OF CULTURAL & COMMUNITY SERVICES REPORT

File No: 14.00764

MINUTE

RESOLUTION NUMBER: ORD2020-123

MOVED: Cr J Jennings SECONDED: Cr M Morse

RESOLVED:

That the information be noted.

9 REPORTS OF OTHER COMMITTEES

9.1 TRAFFIC COMMITTEE REPORT - 7 APRIL 2020

File No: 07.00006

MINUTE

RESOLUTION NUMBER: ORD2020-124

MOVED: Cr W Aubin SECONDED: Cr I North

RESOLVED:

That the recommendations of the Traffic Committee Meeting of Bathurst Regional Council held on 7 April 2020 be adopted.

9.2 TRAFFIC COMMITTEE REPORT - 5 MAY 2020

File No: 07.00006

MINUTE

RESOLUTION NUMBER: ORD2020-125

MOVED: Cr W Aubin SECONDED: Cr I North

RESOLVED:

That the recommendations of the Traffic Committee Meeting of Bathurst Regional Council held on 5 May 2020 be adopted.

10NOTICES OF MOTION

11RESCISSION MOTIONS

12COUNCILLORS / DELEGATES REPORTS

12.1 Councillors Meeting with Community

Groups/Representatives - 22 April 2020

File No: 04.00092

MINUTE

RESOLUTION NUMBER: ORD2020-126

MOVED: Cr I North SECONDED: Cr M Morse

RESOLVED:

That the information be noted.

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

13.0 RESOLVE INTO CONFIDENTIAL COMMITTEE OF THE WHOLE

MINUTE

RESOLUTION NUMBER:

MOVED: Cr I North SECONDED: Cr W Aubin

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 RENEWAL OF LICENCE AGREEMENT - PART LOT 40 IN DP1056379 KNOWN AS SULMAN PARK MT PANORAMA - PANORAMA MOTOR CYCLE CLUB INC. (18.00030)

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 renewal of the Licence agreement at Sulman Park Mt Panorama - Panorama Motor Cycle Club Inc.

MINUTE

RESOLUTION NUMBER: CONF2020-27

MOVED: Cr W Aubin SECONDED: Cr I North

RESOLVED:

That Council approves entering into a new Licence agreement for part Lot 40 in DP1056379 located at Sulman Park Mt Panorama with the Panorama Motor Cycle Club for a period of ten (10) years with an option period for a further ten (10) years as detailed in the report.

13.1.2 EXPRESSIONS OF INTEREST RURAL LICENCE AGREEMENT - PART LOT 103 DP1006130, PART LOT 94 DP879007, PART LOT 92 DP865590, PART LOT 10 DP872516, PART LOT 7004 DP1002346 AND PART LOT 7005 DP1002346 KNOWN AS RANKENS BRIDGE RESERVE, EGLINTON (21.00022)

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 renewal of the Rural Licence agreement at Rankens Bridge Reserve.

MINUTE

RESOLUTION NUMBER: CONF2020-28

MOVED: Cr J Jennings SECONDED: Cr G Hanger

RESOLVED:

That Council approves entering into a rural licence agreement for part Lot 103 DP1006130, part Lot 94 DP879007, part Lot 92 DP865590, part Lot 10 DP 872516, part Lot 7004 DP1002346 and part Lot 7005 DP1002346 known as Rankens Bridge Reserve as detailed in the report.

13.1.3 COMMERCIAL AND RESIDENTIAL TENANCY RELIEF PACKAGE (COVID-19)

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 introduce relief packages for Commercial and Residential tenants during the COVID-19 period in accordance with Government requirements.

Cr Bourke declared non-pecuniary interest in item 3 of the DCSF Report - he is the Volunteer Manager at the Community Op Shop, and remained in the Chamber.

MINUTE

RESOLUTION NUMBER: CONF2020-29

MOVED: Cr W Aubin SECONDED: Cr I North

RESOLVED:

That:

- (a) For commercial tenants who are eligible for relief under the National Cabinet Mandatory Code of Conduct SME Commercial Leasing Principles During COVID-19 (the Code):
 - (i) Council defer 50% of the rental payments for commercial tenants who are continuing to trade, or defer 100% of the rental payments for commercial tenants who have ceased trading, commencing from when the commercial tenant became eligible, for the duration of the COVID-19 pandemic as defined in the Code, or when the commercial tenant ceases to be eligible, whichever occurs first; and
 - (ii) Council apply a freeze on rent increases for the duration of the COVID-19 pandemic as defined in the Code.
- (b) For the residential tenants who are financially disadvantaged by COVID-19, as defined by the Regulation, on application by the tenant:
 - Council defer a percentage of the rental payments for a period of six months or until the COVID-19 pandemic has ended (as defined by the Australian Government), whichever occurs first; and
 - (ii) The percentage deferred is equivalent to the percentage reduction in household income of the tenant(s).

13.1.4 PURCHASE OF PART LOT 31 BOUNDARY ROAD, EVANS PLAINS

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 purchase of a portion of the property known as Part Lot 31 DP871410 Boundary Road, Evans Plains.

Cr Hangar declared a non-pecuniary interest in item 4 of the DES Report and left the room - Daughter is married to a family member of the vendor.

MINUTE

RESOLUTION NUMBER: CONF2020-30

MOVED: Cr W Aubin SECONDED: Cr I North

RESOLVED:

That Council:

- (a) Purchase the property known as Part Lot 31 DP871410 Boundary Road, Evans Plains as detailed within this report; and
- (b) Classify the land as Operational under the provisions of Section 31(2) of the Local Government Act 1993.

13.1.5 LAND RELEASE - LIMEKILNS ROAD, KELSO - SUNNYBRIGHT ESTATE STAGE "B" RELEASE SUBDIVISION (20.00329)

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 release for sale of land at Sunnybright Estate stage "B".

MINUTE

RESOLUTION NUMBER: CONF2020-31

MOVED: Cr I North SECONDED: Cr M Morse

RESOLVED:

That Council:

(a) approves the release for sale of 39 Lots, namely Lot 116 to Lot 154, in the new residential subdivision to be known as Sunnybright Estate stage "B" release, located at Limekilns Road, Kelso under the ballot system.

(b) grant approval for the General Manager to finalise lot sale prices and process once registration has occurred, as detailed in the report.

13.1.6 PURCHASE OF 36 WILLIAM STREET, 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 purchase 36 William Street, Bathurst being the former Ambulance Station.

MINUTE

RESOLUTION NUMBER: CONF2020-32

MOVED: Cr W Aubin SECONDED: Cr M Morse

RESOLVED:

That Council purchase 36 William Street, Bathurst, being the former Ambulance Station, as detailed in the report.

13.1.7 REGIONAL EXPRESS - LANDING CHARGES

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 consideration of a request from Rex airlines for a reduction in landing charges as a result of the Covid-19 restrictions.

MINUTE

RESOLUTION NUMBER: CONF2020-33

MOVED: Cr J Jennings SECONDED: Cr A Christian

RESOLVED:

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

13.2 DIRECTOR ENGINEERING SERVICE'S REPORT

13.2.1 PROPOSED ROAD WIDENING - LOT 2 DP808976 AND LOT A DP380082 - LIMEKILNS ROAD, LIMEKILNS

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 purchase of land for road widening affecting Lot A in DP380082 and Lot 2 in DP808976 at Limekilns Road, Limekilns.

MINUTE

RESOLUTION NUMBER: CONF2020-34

MOVED: Cr J Jennings SECONDED: Cr I North

RESOLVED:

That Council:

- (a) Approve the proposed road widening affecting Lot A in DP380082 and Lot 2 in DP808976 at Limekilns Road, Limekilns and dedicate the road to the public;
- (b) Approve the terms proposed as detailed in the Director Engineering Services' report.

13.2.2 PROPOSED ROAD WIDENING AND ROAD CLOSURE - LOT 96 DP755784 - NAPOLEON REEF ROAD, NAPOLEON REEF

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 land adjustments with an adjoining owner resulting from road widening of Napoleon Reef Road affecting Lot 96 in DP755784 at Napoleon Reef.

MINUTE

RESOLUTION NUMBER: CONF2020-35

MOVED: Cr W Aubin SECONDED: Cr J Jennings

RESOLVED:

That Council

(a) Approve the proposed road widening of Napoleon Reef Road affecting Lot 96 in DP755784 at Napoleon Reef and dedicate the road to the public.

- (b) Approve the partial closure of Napoleon Reef Road and upon closure transfer the land to the owner of Lot 96 in DP755784.
- (c) Approve the terms proposed as detailed in the Director Engineering Services' report.

13.2.3 CARETAKER MODE OF MANNING AQUATIC CENTRE, 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 alter the management arrangements for the Manning Aquatic Centre as a result of the current coronavirus operating conditions.

MINUTE

RESOLUTION NUMBER: CONF2020-36

MOVED: Cr I North SECONDED: Cr G Hanger

RESOLVED:

That the information be noted.

13.2.4 VARIATION TO CONTRACT FOR DESIGN AND CONSTRUCTION OF HOWARDS BRIDGE – THE BRIDLE TRACK

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 vary the contract for the design and construction of Howards Bridge replacement at The Bridle Track, Duramana.

MINUTE

RESOLUTION NUMBER: CONF2020-37

MOVED: Cr I North SECONDED: Cr A Christian

RESOLVED:

That Council accepts the variation to Contract 36.00732 in the amount of \$276,463.00 (GST incl.), subject to provisional items and variations.

13.2.5 WATER SECURITY PROJECT - WINBURNDALE DAM PIPELINE PROJECT

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.

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 consideration of legal advice regarding the easement for the Winburndale pipeline.

MINUTE

RESOLUTION NUMBER: CONF2020-38

MOVED: Cr W Aubin SECONDED: Cr I North

RESOLVED:

That Council note -

- (a) the report provided by the Director of Engineering Services in relation to the Winburndale Dam Pipeline Project.
- (b) that the Winburndale Pipeline Project is necessary and appropriate for the security of the Bathurst Town Water Supply.

14 RESOLVE INTO OPEN COUNCIL

MINUTE

RESOLUTION NUMBER: ORD2020-128

MOVED: Cr W Aubin SECONDED: Cr I North

RESOLVED:

That Council resume open Council.

15 ADOPT REPORT OF THE COMMITTEE OF THE WHOLE

MINUTE

RESOLUTION NUMBER: ORD2020-127

MOVED: Cr J Jennings SECONDED: Cr W Aubin

RESOLVED:

That the Report of the Committee of the Whole, resolution numbers Conf2020-27 to Conf2020-38 be adopted excluding item Conf2020-30.

Cr Hangar then left the room as he had declared a Non- Pecuniary interest in Report 13.1.4

MOVED: Cr I North SECONDED: Cr J Jennings

RESOLVED:

That the Report of the Committee of the whole 13.1.4, resolutions number Conf2020-30 be adopted.

16 MEETING CLOSE

MINUTE

The Meeting closed at 8.06pm

CHAIR:

DA's Approved 1/05/2020 - 31/05/2020



LIVE

						LIVE
Printed: 3	3/06/2020 1	0:42:34AM				Date
Туре	Year	No.	Value	Description	Address	Determine
10	2018	128		Use of existing habitable space	79 Bonnor Street KELSO	15/05/2020
10	2019	374		Mixed use development	505 Conrod Straight MOUNT PANORAMA	11/05/2020
10	2020	15	\$56,000	Additions and alterations to existing second dwelling	4 Glazebrooks Road THE LAGOON	4/05/2020
10	2020	49	\$236,883	Additions to a dwelling	1475 Ophir Road ROCK FOREST	5/05/2020
10	2020	74		Two storey dwelling	120 Evans Plains Road DUNKELD	6/05/2020
10	2020	76		Two lot subdivision (boundary adjustment)	9 Boyd Street KELSO	1/05/2020
10	2020	77		Additions and alterations to existing dwelling	38 Coates Drive KELSO	27/05/2020
10	2020	78	\$285,000	Dual occupancy (2nd dwelling) and two lot residential subdivision	72 Hamilton Street EGLINTON	11/05/2020
10	2020	90	\$40,000	Change of use from shop to dwelling 2. Partial demolition, addtions	180 Stewart Street BATHURST	11/05/2020
10	2020	93	\$0	Two lot industrial subdivision	58 Lee Street KELSO	6/05/2020
10	2019	401	\$151,995	Second rural dwelling and demolition of existing shed	167 Saint Anthonys Creek Road GLANMIRE	11/05/2020
10	2020	98	\$0	MOD - two lot subdivision	219 Peregrine Road BILLYWILLINGA	13/05/2020
10	2020	101	\$90,000	Separate habitable additions to dwelling	92 Freemantle Road EGLINTON	7/05/2020
10	2020	102	\$0	External painting and re-roofing of existing commercial premise	56 Russell Street BATHURST	12/05/2020
10	2020	104	\$22,000	External painting of a commercial premise and new front window	195 Russell Street BATHURST	6/05/2020
10	2020	105	\$16,000	Erect a carport, construct a new driveway and alter front fence	215 Keppel Street BATHURST	11/05/2020
10	2020	106	\$220,000	Internal alterations to licensed club premises	114 Rankin Street BATHURST	6/05/2020
10	2020	109	\$464,000	Demolition of outbuildings, dual occupancy and two lot residential sub	573 Eleven Mile Drive EGLINTON	5/05/2020
10	2020	113	\$9,000	Shed	56 Godfrey Street RAGLAN	6/05/2020
10	2020	115	\$65,000	Telecommunications facility	3805 Sofala Road WATTLE FLAT	27/05/2020
10	2020	119	\$15,000	Retaining wall	19 Brennan Drive KELSO	12/05/2020
10	2020	120	\$19,000		19 McLennan Close ROBIN HILL	12/05/2020
10	2020	121	\$139,000	Additions and alterations to dwelling	297 White Rock Road WHITE ROCK	25/05/2020
10	2020	122		Demolition of garage and constuction of new garage	34 Blue Ridge Drive WHITE ROCK	19/05/2020
10	2020	125		Construction of elevated building pad and amenities block	Hereford Street KELSO	20/05/2020
18	2020	57		Single storey dwelling with attached garage	19 Sunbright Road KELSO	4/05/2020
10	2020	131	\$8,030		5 George Street BATHURST	25/05/2020
10	2019	25		MOD - Single storey dwelling with attached garage	128 Saint Anthonys Creek Road GLANMIRE	7/05/2020
18	2020	58		Single storey dwelling and attached garage	9 Wheatfield Drive KELSO	4/05/2020
18	2020	59		Single storey dwelling with attached garage	12 Wallace Way KELSO	5/05/2020
10	2019	384		Carport	123 Keppel Street BATHURST	11/05/2020
18	2020	61		Single storey dwelling with attached garage	17 Brennan Drive KELSO	11/05/2020
18	2020	62		Single storey dwelling with attached garage	6 Fairleigh Place KELSO	8/05/2020
18	2020	63		Single storey dwelling with attached garage	44A Hamilton Street EGLINTON 111 Graham Drive KELSO	8/05/2020
18 10	2020 2020	64 139		Single storey dwelling with attached garage Dual occupancy and two lot residential subdivision	56 Sunbright Road KELSO	8/05/2020 21/05/2020
10	2020	141	\$2 800	Site earthworks	17 Brennan Drive KELSO	11/05/2020
18	2020	65		Single storey dwelling with attached garage	45 Newlands Crescent KELSO	11/05/2020
10	2020	142		Dual occupancy and two lot subdivision	5 Kellahan Street EGLINTON	28/05/2020
10	2020	144		Enclose existing patio cover into habitable room	12 Colonial Circuit KELSO	27/05/2020
18	2020	67	\$401,725	Single storey dwelling with attached garage	19 Brennan Drive KELSO	14/05/2020
18	2020	68		Single storey dwelling with attached garage	117 Graham Drive KELSO	14/05/2020
10	2019	387		MOD - Three (3) units and a four (4) lot residential subdivision	11 Peard Close EGLINTON	20/05/2020
10	2020	151	\$6,000	Earthworks	25 Newlands Crescent KELSO	18/05/2020
10	2020	152	\$6,000	Earthworks	104 Graham Drive KELSO	20/05/2020
18	2020	69	\$422,000	Single storey dwelling with attached garage	25 Newlands Crescent KELSO	19/05/2020
18	2020	70		Single storey dwelling and attached garage	10 Lockwood Rise KELSO	19/05/2020
18	2020	71	\$460,000	Single storey dwelling with attached garage	104 Graham Drive KELSO	22/05/2020

DA's Approved

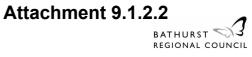
1/05/2020 - 31/05/2020



LIVE

rinted: 3	3/06/2020	10:42:44AM			Date
Туре	Year	No.	Value Description	Address	Determine
18	2020	72	\$310,000 Construction of a single storey dwelling with attached garag	7 Campbell Close LLANARTH	21/05/2020
18	2020	74	\$595,000 Single storey dwelling and attached garage	17 Icely Street EGLINTON	22/05/2020
10	2020	163	\$6,000 Earthworks	19 Wallace Way KELSO	27/05/2020
18	2020	76	\$355,960 Single storey dwelling with attached garage	3 Lyon Close KELSO	27/05/2020
18	2020	77	\$520,000 Single storey dwelling with attached garage	19 Wallace Way KELSO	27/05/2020
18	2020	78	\$252,000 Single Storey dwelling with attached garage	15 Burlington Rise KELSO	27/05/2020
18	2020	81	\$19,999 Construction of an inground swimming pool and fence	4 Darvall Drive KELSO	29/05/2020

DA's Refused



1/05/2020 - 31/05/2020

Printed: 3/06/2020 10:43:20AM Date Type Year No. Value Description Address Determine

NIL

DA's Pending



LIVE

10	Printed: 3	3/06/2020	10:43:50AM			
2007 249 \$30.000 Installation of an Inground Swimming Fool and Safety 29 Prince Street PERTIFUILE				Value	Description	Address
P.J. Mocoile Drive RAGILAN						
2018 227 \$8,500.000 Mixed use redevelopment 7 Keppel Street BATHURST	.0			400,000		20 1 111100 0110011 2111111122
2018 380 \$0. 333 of residential subdivision is new roads 2019 11 \$292,000 Single storry dwelling with attached garage 31 Darling Street EGLINTON 2019 142 \$390 MOD Internal and external attractions to existing 2019 146 \$30 MOD Internal and external attractions to existing 2019 147 \$329,000 Single storry dwelling and attached secondary dwelling 39 William Street BATHURST 39 William Street BATHURST 39 William Street BATHURST 39 William Street BATHURST 30 William	10	2017	214	\$75,000	Internal office addition to existing hangar	PJ Moodie Drive RAGLAN
2018 386 S. 2021 lot residential subdivision Colville Street WINDRADYNE	10	2018		\$8,500,000	Mixed use redevelopment	7 Keppel Street BATHURST
19	10	2018		\$0	133 lot residential subdivision & new roads	Mendel Drive KELSO
2017	10	2018	395	\$0	204 lot residential subdivision	
10 2019 946 \$80.009 Alterations to commercial building 39 William Street BATHURST 30 William Street BATHURST 39 William Street BATHURST 30 William						
18 2019 99 \$329,000 Single story dwelling and attached secondary dwelling 39 William Street BATHURST 13 Walliace Way KELSO 507 Mitchell Highway ROBIN HILL adjustment 14	10	2017	142	\$0	· · · · · · · · · · · · · · · · · · ·	205 Howick Street BATHURST
18 2019 270 270 270 30 Five Int large pot residential subdivision - boundary adjustment 279 270	10	2019	146	\$0		Havannah Street BATHURST
2019	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 \$55,990 nground swimming pool with safety barrier 18 McGillan Drive KELSO 18 2019 151 \$4,260 Garage conversion to a habitable space and pergola 184 McGillan Drive KELSO 194 152 \$15,480 cabana 194 McGillan Drive KELSO 194 152 \$15,480 cabana 194 McGillan Drive Road PERTHYULLE 194 291 153 \$56,791 inground fibreglass swimming pool and safety barrier 29 Coolabah Close KELSO 210 400 500,000 Additions and alterations to church 29 Coolabah Close KELSO 210 400 500,000 Additions and alterations to church 36A Bant Street BATHURST 36A Bant Street	10	2019	270	\$0	-	597 Mitchell Highway ROBIN HILL
18 2019 151 \$4,280 Garage conversion to a habitable space and pergola 194 Gestingthorpe Road PERTHVILLE 18 2019 152 \$16,480 cababane 194 Gestingthorpe Road PERTHVILLE 18 2019 160 \$56,781 largound fibreglass swimming pool and safety barrier 210 Coolabah Close KELSO 210 Howks Kiesel BATHURST 18 2019 160 \$20,000 Camerocial - Filoso of shop (barber shop) 210 Howks Kiesel BATHURST 36A Bant Street BATHURST 36A	18	2019	141	\$55,980	•	194 Gestingthorpe Road PERTHVILLE
18 2019 152 \$16.480 cabana 194 60 153 556,791 Inground fibreglass swimming pool and safety barrier 29 Coolabar Close KELSO 18 2019 160 \$80,000 Commercial - Fitout of shop (barber shop) 210 Howick Street BATHURST 36A Barri Street BATHURST 37B Barri St	18	2019	149	\$46,379	Inground swimming pool with safety barrier	18 McGillan Drive KELSO
18 2019 153 \$56,791 Inground fibreglass swimming pool and safety barrier 20 20 160 \$80,000 Commercial - Filout of shop (barber shop) 210 Howks KELSO 210 Howks KELSO 210 Howks KELSO 210 2019 328 \$50,000 Additions and alterations to church 36A Bant Street BATHURST 36A Bant Street BATHURST 36B Bant Street BATHURST 37B Bant Street BATHU	18	2019	151	\$4,260	Garage conversion to a habitable space and pergola	194 Gestingthorpe Road PERTHVILLE
18	18	2019	152	\$16,480	cabana	194 Gestingthorpe Road PERTHVILLE
10 2019 328 \$50,000 Additions and alterations to church 36A Bant Street BATHURST 18 2019 365 \$1,380,000 single storey dwelling with attached garage 14 Buriligion Rise KELSO 10 2019 361 \$815,000 Demoition, Subdivision & two single storey dwellings 15 Boyd Street KELSO 10 2019 367 \$0.1 Demoitin of all buildings at 105 Stewart 2, Partial 10 2019 373 \$0.1 Permitted in the provided of the provide	18	2019	153	\$56,791	Inground fibreglass swimming pool and safety barrier	29 Coolabah Close KELSO
18 2019 165 \$290,000 single storey dwelling with attached garage 14 Burlington Rise KELSO 10 Collins Close KE	18	2019		\$80,000	Commercial - Fitout of shop (barber shop)	210 Howick Street BATHURST
10 2019 352 \$1,380.000 Seven(7) group homes within five(5) separate buildings, five (6) carpo (6) carpo (7) and (6) carpo (8) carpo (8) carpo (9) and (1) carpo (1) carp	10	2019				36A Bant Street BATHURST
(5) carpo 10 2019 361 \$815,000 Demolition, Subdivision & two single storey dwellings 10 2019 367 \$0.1. Demolition of all buildings at 105 Stewart 2. Partial demolition of 30 Stewart 2. Partial demolition of 30 Stewart 2. Partial demolition of 30 Stewart 3. Partial						<u> </u>
10 2019 367 \$0 1. Demolitin of all buildings at 105 Stewart 2. Partial demolition of demolition of substance and demolition of an existing strata lot 2019 373 \$0 Four lot strata subdivision of an existing strata lot 2019 399 \$0 13 10 10 10 10 10 10 1	10	2019	352	\$1,380,000	() .	10 Collins Close KELSO
demolition of 2019 373 \$0 Four lot strata subdivision of an existing strata lot 2019 399 \$0 310 to commercial subdivision and new roads Sydney Road KELSO 30 \$45,803 Construction of two sheds with attached awnings 390 Panorama Avenue MITCHELL 42 Durham Street BATHURST 2020 9 \$0 Demolition of existing workshop and construction of new workshop 2020 31 \$420,000 Bakery and cafe and two lot subdivision 369 Stewart Street MITCHELL 369 Stewart Street MIT	10	2019	361	\$815,000	Demolition, Subdivision & two single storey dwellings	15 Boyd Street KELSO
10 2019 373 \$0 Four lot strata subdivision of an existing strata lot 2019 399 \$0 3 10 10 10 10 10 10 10	10	2019	367	\$0		105 Stewart Street BATHURST
10 2019 399 \$0 13 13 10 13 15 13 15 15 15 15 15	10	2019	373	\$0		4/108 William Street BATHURST
10 2020 3 \$45,803 Construction of two sheds with attached awnings 390 Panorama Avenue MITCHELL 42 Durham Street BATHURST					-	
10 2020 9 \$0 Demolition of existing workshop and construction of new workshop workshop	10	2020				
10 2020 31 \$420,000 Bakery and cafe and two lot subdivision 369 Stewart Street MITCHELL 369 Stewart Street KELSO 360 Stewart Street MITCHELL 369 Stewart Street KELSO 360 Stewart Street MITCHELL 361 Boyd Street KELSO 361 Boyd Street MITCHELL 361 Boyd Street KELSO 362 Stewart Street MITCHELL 362 Stewart Street MITCHELL 363 Stewart Street KELSO 361 Boyd Street South Street BATHURST 361 Boyd Street KELSO 362 Stewart Street MITCHELL 361 Boyd Street BATHURST 361 Boyd Street BATHURST 361 Boyd Street BATHURST 361 Boyd Street BATHURST 362 Boyd Stewart Street BATHURST 362 Boyd Street Stewart Street BATHURST 363 Boyd Street BATHURST 364 Boyd Street BATHURST 365 Boyd	10	2020	9		Demolition of existing workshop and construction of new	42 Durham Street BATHURST
10 2020 32 \$1,700,000 Motel and two lot commercial subdivision 369 Stewart Street MITCHELL 61 Boyd Street KELSO 2020 47 \$175,000 Partial demolition, additions and alterations to existing dwelling hou 2020 48 \$800,000 storage units 37 Esrom Street LLANARTH 30 2020 50 \$0 Two lot residential subdivision 34 Busby Street SOUTH BATHURST 37 Esrom Street LLANARTH 30 2020 60 \$8,000,000 Motel, garden centre, storage/warehouse and 3 lot subdivision 51 Sydney Road RAGLAN subdivision 51 Sydney Road RAGLAN 51 Sydney Road RAGLA	10	2020	31	\$420.000	•	369 Stewart Street MITCHELL
10 2020 45 \$580,000 change use aged care to community facility & residential accommodation 169 Rankin Street BATHURST					•	
10 2020	10	2020			change use aged care to community facility & residential	61 Boyd Street KELSO
10 2020 48 \$800,000 storage units 37 Esrom Street LLANARTH 10 2020 50 \$0 Two lot residential subdivision 34 Busby Street SOUTH BATHURST 10 2020 60 \$8,000,000 Motel, garden centre, storage/warehouse and 3 lot 10 Sydney Road RAGLAN 10 2020 67 \$15,000 removal and replacement of pylon business identification 51 Sydney Road RAGLAN 10 2020 83 \$0 Change of use to a training facility 227 Howick Street BATHURST 227 Howick Street BATHURST 228 Howick Street BATHURST 229 Howick Street BATHURST 229 Howick Street BATHURST 2200 87 \$4,900,000 Caltex highway service station and restuarant 214 Sydney Road KELSO 229 \$2,815,000 New service station, fast food outlet and 3 lot subdivision 5350 Great Western Highway RAGLAN 2200 95 \$1,250,000 Additions and alterations to an existing hotel 170 William Street BATHURST 2015 206 \$0 Subdivision - Rural 2020 2020 203 \$700,000 Demolition of existing dwelling house and commercial 2020 202	10	2020	47	\$175,000	Partial demolition, additions and alterations to existing	169 Rankin Street BATHURST
10 2020 50 \$0 \$0 Two lot residential subdivision 34 Busby Street SOUTH BATHURST 61 Sydney Road RAGLAN subdivision 10 2020 67 \$15,000 removal and replacement of pylon business identification sign 10 2020 83 \$0 Change of use to a training facility 227 Howick Street BATHURST 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 10 2020 95 \$1,250,000 Additions and alterations to an existing hotel 10 2020 103 \$700,000 Demolition of existing dwelling 10 2020 103 \$700,000 Demolition of existing dwelling 10 2020 108 \$1,395,000 Additions and alterations to existing dwelling 2020 110 \$0 38 to industrial subdivision with new roads 10 2020 111 \$450,000 Multiple dwellings - three and four lot residential subdivision 10 2020 114 \$400,000 Construction of a warehouse 11 2020 115 \$10 \$0 SO MOD TO EDA2002/0097 - Two lot rural subdivision 11 2020 117 \$100,000 Additions and alterations to dwelling 12 2020 118 \$386,000 Single storey dwelling with attached garage and two lot subdivision 13 Burtham Street BATHURST 14 Sydney Road KELSO 15 206 \$0 Subdivision of existing dwelling 2021 Mid Western Highway BATHAMPTON 2020 111 \$450,000 Multiple dwellings - three and four lot residential subdivision 2020 112 \$750,000 Earlystart Childcare facility CSU 2020 113 \$0 MOD TO EDA2002/0097 - Two lot rural subdivision 2020 114 \$400,000 Construction of a warehouse 4 Toronto Street KELSO 2020 115 \$386,000 Single storey dwelling with attached garage and two lot subdivision 2020 118 \$386,000 Single storey dwelling with attached garage and two lot subdivision 2020 128 \$0 MOD - Alterations and additions to commercial building 2021 Street BATHURST	10	2020	10	000 000	<u> </u>	27 Forom Stroot I I ANAPTH
10 2020 60 \$8,000,000 Motel, garden centre, storage/warehouse and 3 lot subdivision 10 2020 67 \$15,000 removal and replacement of pylon business identification sign 10 2020 83 \$0 Change of use to a training facility 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 RAGLAN 10 2020 95 \$1,250,000 Additions and alterations to an existing hotel 10 2020 103 \$700,000 Demolition of existing dwelling house and commercial 10 2020 103 \$700,000 Demolition of existing dwelling house and commercial 10 2020 108 \$1,395,000 Additions and alterations to existing dwelling 10 2020 110 \$0 38 lot industrial subdivision with new roads 10 2020 111 \$450,000 Multiple dwellings - three and four lot residential subdivision 10 2020 111 \$450,000 Multiple dwellings - three and four lot residential subdivision 10 2020 114 \$400,000 Construction of a warehouse 10 2020 116 \$0 MOD TO EDA2002/0097 - Two lot rural subdivision 11 2020 117 \$100,000 Additions and alterations to dwelling 12 2021 118 \$386,000 Single storey dwelling with attached garage and two lot 13 2018 198 \$0 MOD - Alterations and additions to commercial building 14 Brennan Drive KELSO 15 Sydney Road RAGLAN 16 Stydney Road RAGLAN 17 Sydney Road RAGLAN 18 Stydney Road RAGLAN 18 Stydney Road RAGLAN 19 Stydney Road RELSO 19 Stydney Road Reliny 19 S				. ,	3	
subdivision 10 2020 67 \$15,000 removal and replacement of pylon business identification sign 10 2020 83 \$0 Change of use to a training facility 227 Howick Street BATHURST 244 Sydney Road KELSO 2020 87 \$4,900,000 Caltex highway service station and restuarant 214 Sydney Road KELSO 2020 92 \$2,815,000 New service station, fast food outlet and 3 lot subdivision 2020 95 \$1,250,000 Additions and alterations to an existing hotel 2020 95 \$1,250,000 Additions and alterations to an existing hotel 2020 103 \$700,000 Demolition of existing dwelling house and commercial 2020 103 \$700,000 Demolition of existing dwelling house and commercial 2020 107 \$375,000 Rural dwelling 2020 108 \$1,395,000 Additions and alterations to existing dwelling 2021 Mid Western Highway BATHAMPTON 2020 110 \$0 38 lot industrial subdivision with new roads 2020 111 \$450,000 Multiple dwellings - three and four lot residential subdivision 2020 111 \$450,000 Multiple dwellings - three and four lot residential subdivision 2020 111 \$450,000 Earlystart Childcare facility CSU 2020 114 \$400,000 Construction of a warehouse 4 Toronto Street KELSO 2020 116 \$0 MOD To EDA2002/0097 - Two lot rural subdivision 2020 117 \$100,000 Additions and alterations to dwelling 37 Reef Street HILL END 38 86,000 Single storey dwelling with attached garage and two lot 3020 118 \$386,000 Single storey dwelling with attached garage and two lot 3020 1020 Street BATHURST						•
sign 10 2020 83 \$0 Change of use to a training facility 2020 87 \$4,900,000 Caltex highway service station and restuarant 214 Sydney Road KELSO 2020 92 \$2,815,000 New service station, fast food outlet and 3 lot subdivision 2020 95 \$1,250,000 Additions and alterations to an existing hotel 2015 206 \$0 Subdivision - Rural 2020 103 \$700,000 Demolition of existing dwelling house and commercial 2020 103 \$700,000 Demolition of existing dwelling house and commercial 2020 107 \$375,000 Rural dwelling 2020 108 \$1,350,000 Additions and alterations to existing dwelling 2020 108 \$1,350,000 Additions and alterations to existing dwelling 2020 109 \$0 38 lot industrial subdivision with new roads 2020 110 \$0 38 lot industrial subdivision with new roads 2020 111 \$450,000 Multiple dwellings - three and four lot residential subdivision 2020 112 \$750,000 Earlystart Childcare facility CSU 2020 114 \$400,000 Construction of a warehouse 4 Toronto Street KELSO 4 Toronto Street KELSO 5 MOD TO EDA2002/0097 - Two lot rural subdivision 5 Average and two lot 2020 117 \$100,000 Additions and alterations to dwelling 2020 118 \$386,000 Single storey dwelling with attached garage and two lot 2020 118 \$386,000 Single storey dwelling with attached garage and two lot 2020 118 \$0 MOD - Alterations and additions to commercial building 2020 119 \$0 MOD - Alterations and additions to commercial building 7 Keppel Street BATHURST					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 RAGLAN 10 2020 95 \$1,250,000 Additions and alterations to an existing hotel 170 William Street BATHURST 10 2015 206 \$0 Subdivision - Rural Glazebrooks Road THE LAGOON 10 2020 103 \$700,000 Demolition of existing dwelling house and commercial building 10 2020 107 \$375,000 Rural dwelling 10 2020 108 \$1,395,000 Additions and alterations to existing dwelling 10 2020 110 \$0 38 lot industrial subdivision with new roads 10 2020 111 \$450,000 Multiple dwellings - three and four lot residential subdivision 10 2020 112 \$750,000 Earlystart Childcare facility CSU 10 2020 114 \$400,000 Construction of a warehouse 10 2020 116 \$0 MOD TO EDA2002/0097 - Two lot rural subdivision 10 2020 117 \$100,000 Additions and alterations to dwelling 10 2020 118 \$386,000 Single storey dwelling with attached garage and two lot subdivision 10 2018 198 \$0 MOD - Alterations and additions to commercial building 10 2018 198 \$0 MOD - Alterations and additions to commercial building 10 2018 7 Keppel Street BATHURST	10	2020	67	\$15,000		51 Sydney Road RAGLAN
10 2020 92 \$2,815,000 New service station, fast food outlet and 3 lot subdivision 10 2020 95 \$1,250,000 Additions and alterations to an existing hotel 170 William Street BATHURST 10 2015 206 \$0 Subdivision - Rural Glazebrooks Road THE LAGOON 10 2020 103 \$700,000 Demolition of existing dwelling house and commercial building 10 2020 107 \$375,000 Rural dwelling 10 2020 108 \$1,395,000 Additions and alterations to existing dwelling 10 2020 110 \$0 38 lot industrial subdivision with new roads 10 2020 111 \$450,000 Multiple dwellings - three and four lot residential subdivision 10 2020 111 \$750,000 Earlystart Childcare facility CSU 10 2020 114 \$400,000 Construction of a warehouse 10 2020 116 \$0 MOD TO EDA2002/0097 - Two lot rural subdivision 110 2020 117 \$100,000 Additions and alterations to dwelling 12 2020 118 \$386,000 Single storey dwelling with attached garage and two lot subdivision 13 Size BATHURST 14 Brennan Drive KELSO 15 Keppel Street BATHURST	10	2020	83	\$0	Change of use to a training facility	227 Howick Street BATHURST
10 2020 95 \$1,250,000 Additions and alterations to an existing hotel 170 William Street BATHURST 10 2015 206 \$0 Subdivision - Rural Glazebrooks Road THE LAGOON 10 2020 103 \$700,000 Demolition of existing dwelling house and commercial building 10 2020 107 \$375,000 Rural dwelling 10 2020 108 \$1,395,000 Additions and alterations to existing dwelling 2021 Mid Western Highway BATHAMPTON 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 112 \$750,000 Earlystart Childcare facility CSU 353 Panorama Avenue MITCHELL 10 2020 114 \$400,000 Construction of a warehouse 4 Toronto Street KELSO 10 2020 116 \$0 MOD TO EDA2002/0097 - Two lot rural subdivision 149 Duramana Road EGLINTON 10 2020 118 \$386,000 Single storey dwelling with attached garage and two lot subdivision 10 2018 198 \$0 MOD - Alterations and additions to commercial building 7 Keppel Street BATHURST	10				• •	214 Sydney Road KELSO
10 2015 206 \$0 Subdivision - Rural Glazebrooks Road THE LAGOON 10 2020 103 \$700,000 Demolition of existing dwelling house and commercial building 10 2020 107 \$375,000 Rural dwelling 10 2020 108 \$1,395,000 Additions and alterations to existing dwelling 2021 Mid Western Highway BATHAMPTON 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 10 2020 112 \$750,000 Earlystart Childcare facility CSU 10 2020 114 \$400,000 Construction of a warehouse 10 2020 116 \$0 MOD TO EDA2002/0097 - Two lot rural subdivision 110 2020 117 \$100,000 Additions and alterations to dwelling 110 2020 118 \$386,000 Single storey dwelling with attached garage and two lot subdivision 110 2018 198 \$0 MOD - Alterations and additions to commercial building 11 Keppel Street BATHURST						
10 2020 103 \$700,000 Demolition of existing dwelling house and commercial building 10 2020 107 \$375,000 Rural dwelling 10 2020 108 \$1,395,000 Additions and alterations to existing dwelling 2021 Mid Western Highway BATHAMPTON 2020 110 \$0 38 lot industrial subdivision with new roads 4040 O'Connell Road KELSO 2020 111 \$450,000 Multiple dwellings - three and four lot residential subdivision 2020 112 \$750,000 Earlystart Childcare facility CSU 2020 114 \$400,000 Construction of a warehouse 4 Toronto Street KELSO 2020 116 \$0 MOD TO EDA2002/0097 - Two lot rural subdivision 2020 117 \$100,000 Additions and alterations to dwelling 37 Reef Street HILL END 2020 118 \$386,000 Single storey dwelling with attached garage and two lot subdivision 2021 Street BATHURST					-	
building 10 2020 107 \$375,000 Rural dwelling Tarana Road BREWONGLE 10 2020 108 \$1,395,000 Additions and alterations to existing dwelling 2021 Mid Western Highway BATHAMPTON 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 112 \$750,000 Earlystart Childcare facility CSU 353 Panorama Avenue MITCHELL 10 2020 114 \$400,000 Construction of a warehouse 4 Toronto Street KELSO 10 2020 116 \$0 MOD TO EDA2002/0097 - Two lot rural subdivision 149 Duramana Road EGLINTON 10 2020 117 \$100,000 Additions and alterations to dwelling 37 Reef Street HILL END 10 2020 118 \$386,000 Single storey dwelling with attached garage and two lot subdivision 10 2018 198 \$0 MOD - Alterations and additions to commercial building 7 Keppel Street BATHURST						
10 2020 108 \$1,395,000 Additions and alterations to existing dwelling 2021 Mid Western Highway BATHAMPTON 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 353 Panorama Avenue MITCHELL 10 2020 114 \$400,000 Construction of a warehouse 4 Toronto Street KELSO 10 2020 116 \$0 MOD TO EDA2002/0097 - Two lot rural subdivision 149 Duramana Road EGLINTON 10 2020 117 \$100,000 Additions and alterations to dwelling 37 Reef Street HILL END 14 Brennan Drive KELSO 15 Subdivision 15 Sa86,000 Single storey dwelling with attached garage and two lot 15 Subdivision 17 Keppel Street BATHURST	10	2020	103	\$700,000		113 Durham Street BATHURST
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 112 \$750,000 Earlystart Childcare facility CSU 353 Panorama Avenue MITCHELL 10 2020 114 \$400,000 Construction of a warehouse 4 Toronto Street KELSO 10 2020 116 \$0 MOD TO EDA2002/0097 - Two lot rural subdivision 149 Duramana Road EGLINTON 10 2020 117 \$100,000 Additions and alterations to dwelling 37 Reef Street HILL END 10 2020 118 \$386,000 Single storey dwelling with attached garage and two lot subdivision 10 2018 198 \$0 MOD - Alterations and additions to commercial building 7 Keppel Street BATHURST	10					Tarana Road BREWONGLE
10 2020 111 \$450,000 Multiple dwellings - three and four lot residential subdivision 121 William Street BATHURST 10 2020 112 \$750,000 Earlystart Childcare facility CSU 353 Panorama Avenue MITCHELL 10 2020 114 \$400,000 Construction of a warehouse 4 Toronto Street KELSO 10 2020 116 \$0 MOD TO EDA2002/0097 - Two lot rural subdivision 149 Duramana Road EGLINTON 10 2020 117 \$100,000 Additions and alterations to dwelling 37 Reef Street HILL END 10 2020 118 \$386,000 Single storey dwelling with attached garage and two lot subdivision 10 2018 198 \$0 MOD - Alterations and additions to commercial building 7 Keppel Street BATHURST	10				• • •	
10 2020 112 \$750,000 Earlystart Childcare facility CSU 353 Panorama Avenue MITCHELL 10 2020 114 \$400,000 Construction of a warehouse 4 Toronto Street KELSO 10 2020 116 \$0 MOD TO EDA2002/0097 - Two lot rural subdivision 149 Duramana Road EGLINTON 10 2020 117 \$100,000 Additions and alterations to dwelling 37 Reef Street HILL END 10 2020 118 \$386,000 Single storey dwelling with attached garage and two lot subdivision 10 2018 198 \$0 MOD - Alterations and additions to commercial building 7 Keppel Street BATHURST						
10 2020 114 \$400,000 Construction of a warehouse 4 Toronto Street KELSO 10 2020 116 \$0 MOD TO EDA2002/0097 - Two lot rural subdivision 149 Duramana Road EGLINTON 10 2020 117 \$100,000 Additions and alterations to dwelling 37 Reef Street HILL END 10 2020 118 \$386,000 Single storey dwelling with attached garage and two lot subdivision 10 2018 198 \$0 MOD - Alterations and additions to commercial building 7 Keppel Street BATHURST						
10 2020 116 \$0 MOD TO EDA2002/0097 - Two lot rural subdivision 149 Duramana Road EGLINTON 10 2020 117 \$100,000 Additions and alterations to dwelling 37 Reef Street HILL END 10 2020 118 \$386,000 Single storey dwelling with attached garage and two lot subdivision 10 2018 198 \$0 MOD - Alterations and additions to commercial building 7 Keppel Street BATHURST						
10 2020 117 \$100,000 Additions and alterations to dwelling 37 Reef Street HILL END 10 2020 118 \$386,000 Single storey dwelling with attached garage and two lot subdivision 10 2018 198 \$0 MOD - Alterations and additions to commercial building 7 Keppel Street BATHURST						
10 2020 118 \$386,000 Single storey dwelling with attached garage and two lot subdivision 10 2018 198 \$0 MOD - Alterations and additions to commercial building 7 Keppel Street BATHURST						
subdivision subdivision 7 10 2018 198 \$0 MOD - Alterations and additions to commercial building 7 Keppel Street BATHURST						
10 2018 198 \$0 MOD - Alterations and additions to commercial building 7 Keppel Street BATHURST			. 10	+000,000		
	10	2018	198	\$0		7 Keppel Street BATHURST
	10	2017	111			• •

DA's Pending



LIVE

Printed:	3/06/2020	10:43:52AM			
Туре	Year	No.	Value Descript	ion	Address
10	2017	111	\$0 Subdivis	ion - Residential	3991 O'Connell Road KELSO
10	2020	123	\$4,750 Alteration	ns to existing dwelling	123 Rankin Street BATHURST
10	2020	124	\$390,000 Second	rural dwelling	1934 Lagoon Road TANNAS MOUNT
10	2020	126	\$2,880 Alteration	ns to dwelling - replace window	31 Havannah Street BATHURST
10	2020	127	\$1,500,000 Nine two	storey units	20 Griffin Street MITCHELL
10	2020	128	\$2,500 external	painting	121 William Street BATHURST
10	2020	129	\$48,000 Deck		9 Corporation Avenue ROBIN HILL
10	2020	130	\$50,297 Machine	ry shed	165 Eleven Mile Drive EGLINTON
10	2020	132	\$30,000 Garage	with storage and workshop	1 High Street HILL END
10	2020	133	\$0 8 lot con	solidation and two lot subdivision	1 High Street HILL END
10	2020	135	\$13,425 Shed		10 Aroo Street SOUTH BATHURST
10	2020	136	\$7,800 Shed wit	h attached carport	163 Upper Turon Road SOFALA
10	2020	137	\$190,000 Single st	orey dwelling and alter exisitng septic tank	3725 Sofala Road WATTLE FLAT
10	2020	138	\$600,000 Rural dw	relling	673 Brewongle Lane BREWONGLE
10	2020	140	\$475,000 Dual occ	supancy and two lot residential subdivision	50 Sunbright Road KELSO
10	2020	143	\$20,000 Garage/	Shed	25 Meagher Street LLANARTH
10	2020	145	\$372,950 Withdray	vn	346 Eleven Mile Drive EGLINTON
18	2020	66		d principal and attached secondary dwelling	49 Sunbright Road KELSO
10	2020	146	\$49,900 Reclama	tion project - sunny corner mine	83 Dark Corner Road SUNNY CORNER
10	2020	147	\$17,000 Retaining	=	50 Meagher Street LLANARTH
10	2019	187	\$70,000 Separate	e Dwelling - Additions	22 Willow Drive KELSO
10	2020	149	\$49,980 Shed		5 Ridgeview Close WHITE ROCK
10	2020	150		nit strata sub-division	11 Corporation Avenue ROBIN HILL
10	2020	153	\$220,000 Dual occ subdivisi	upancy (second dwelling) and two lot residential on	37 George Street BATHURST
10	2020	154	\$10,000 Shop 3 -	fitout of existing unit for use as motor dealership	11 Corporation Avenue ROBIN HILL
10	2020	155	\$0 Five lot r	esidential subdivision	117 Samuel Way THE LAGOON
10	2020	156	\$30,000 Shop 1 -	fitout of existing unit for use as cafe	11 Corporation Avenue ROBIN HILL
10	2020	157	\$125,000 Change premises	of use from place of public worship to office	233 Stewart Street BATHURST
10	2020	158		orey dwelling with detached garage	48 Parer Road ABERCROMBIE
10	2020	159		on of existing carport and erection of new	215 Hope Street BATHURST
10	2020	160		orey dwelling with attached garage	189 Blue Ridge Drive KELSO
10	2020	74	-	tion to new two storey dwelling	120 Evans Plains Road DUNKELD
10	2020	161	\$0	g	206 William Street BATHURST
10	2020	162		on of vehicle air-lock to powder room & construct 4	16 Adrienne Street RAGLAN
10	2020	164	\$50,000 Seperate		125 Billywillinga Road BILLYWILLINGA
10	2020	165		k piers for front fence	102 Mitre Street BATHURST
10	2020	166		nange of use, commercial fitout and signage	96 Bentinck Street BATHURST
10	2020	167		ns and additions to existing commercial premises	250 Stewart Street BATHURST
10	2020	168		of use from shed to temporary habitable area	567 Ophir Road DUNKELD
18	2020	80	~	orey dwelling with attached garage	8 Fraser Drive EGLINTON
10	2020	169	\$11,000 Construc		1588 Trunkey Road GEORGES PLAINS
18	2020	82	\$19,000 Additions	s to a dwelling	11 Peard Close EGLINTON
10	2020	170	\$23,400 Additions	-	Alexander Street EGLINTON
10	2020	171	\$1,500	-	28 Simmons Place KELSO
10	2020	172	\$12,000		3821 Limekilns Road WATTLE FLAT
10	2020	173	\$18,000 Machine	ry shed	7 Strathmore Drive FOREST GROVE

Authority Page 2 of 2



Арр					Application	Days	Stop	
Туре	Year	No	Description	Address	Date	Open	Days	Reason
10	2015	206	Subdivision - Rural	1 Samuel Way THE LAGOON	25/03/2020	69		Amended plans requested
10	2017	142	MOD Internal and external alterations to existing building	205 Howick Street BATHURST	28/02/2019	460	440	Amended plans requested
10	2017	214	Internal office addition to existing hangar	PJ Moodie Drive RAGLAN	16/06/2017	1,082	1,036	Additional information requested
10	2018	198	MOD - Alterations and additions to commercial building	7 Keppel Street BATHURST	17/04/2020	46	34	Additional information requested
10	2018	227	Mixed use redevelopment	7 Keppel Street BATHURST	29/06/2018	704	658	Held in abeyance. Withdrawal requested
10	2018	395	204 lot residential subdivision	Colville Street WINDRADYNE	18/10/2018	593	564	Held in abeayance pending additional information
10	2019	146	10 Lot industrial subdivision	Havannah Street BATHURST	14/05/2019	385	36	Waiting further information
0	2019	270	Five lot large lot residential subdivision - boundary	597 Mitchell Highway ROBIN HILL	6/09/2019	270	228	Additional information requested
0	2019	328	Additions and alterations to church	36A Bant Street BATHURST	18/10/2019	228	210	Waiting further information
0	2019	352	7 group homes in 5 buildings, 5 carports and carpark	10 Collins Close KELSO	8/11/2019	207		Under assessment
10	2019	361	Demolition, subdivision & two single storey dwellings	15 Boyd Street KELSO	19/11/2019	196	166	Under assessment
10	2019	367	Demolish buildings, new restaurant, carpark & signage	105 Stewart Street BATHURST	22/11/2019	193		Under assessment
10	2019	373	Four lot strata subdivision of an existing strata lot	4/108 William Street BATHURST	28/11/2019	187	180	Under assessment
10	2019	399	13 lot commercial subdivision and new roads	Sydney Road KELSO	18/12/2019	167	131	Under assessment
0	2020	3	Construction of two sheds with attached awnings	390 Panorama Avenue MITCHELL	8/01/2020	146	105	Under assessment
0	2020	9	Demolition of existing workshop and construction of new	42 Durham Street BATHURST	15/01/2020	139		Under assessment/on exhibition
0	2020	31	Bakery and cafe and two lot subdivision	369 Stewart Street MITCHELL	4/02/2020	119	75	Additional information requested
0	2020	32	Motel and two lot commercial subdivision	369 Stewart Street MITCHELL	4/02/2020	119	75	Additional information requested
0	2020	45	Change of use to community facility & accommodation	61 Boyd Street KELSO	12/02/2020	111	94	Application revised. Pending additional information
0	2020	47	Additions and alterations to existing dwelling	169 Rankin Street BATHURST	14/02/2020	109		Waiting further information
0	2020	48	Storage units	37 Esrom Street LLANARTH	14/02/2020	109	70	Preliminary biodiversity assessment requested
0	2020	50	Two lot residential subdivision	34 Busby Street SOUTH BATHURST	17/02/2020	106	36	Under Assessment
0	2020	60	Motel, garden centre, warehouse & 3 lot subdivision	61 Sydney Road RAGLAN	26/02/2020	97	56	Awaiting applicant advice and RMS input
0	2020	67	Replacement of pylon business identification	51 Sydney Road RAGLAN	3/03/2020	91		Awaiting review of additional informationm lodged
0	2020	83	Change of use to a training facility	227 Howick Street BATHURST	12/03/2020	82		Awaiting additional information
0	2020	87	Caltex highway service station and restaurant	214 Sydney Road KELSO	17/03/2020	77		Awaiting response from Integrated Agencies
0	2020	92	New service station, fast food outlet and 3 lot subdivision	5350 Great Western Highway RAGLAN	18/03/2020	76	35	Awaiting response from TfNSW (RMS)
0	2020	95	Additions and alterations to an existing hotel	170 William Street BATHURST	20/03/2020	74		Under assessment
0	2020	103	Demolish existing, new food premises, carpark & signage	113 Durham Street BATHURST	31/03/2020	63	41	Waiting further information
0	2020	107	Rural dwelling	Tarana Road BREWONGLE	2/04/2020	61		Assessment and determination outsourced
0	2020	108	Additions and alterations to existing dwelling	2021 Mid Western Highway BATHAMPTON	2/04/2020	61		Under assessment
0	2020	110	38 lot industrial subdivision with new roads	4040 O'Connell Road KELSO	2/04/2020	61	60	Waiting further information
0	2020	111	Multiple dwellings - 3 and 4 lot residential subdivision	121 William Street BATHURST	7/04/2020	56	53	Additional information requested
0	2020	112	Earlystart Childcare facility CSU	353 Panorama Avenue MITCHELL	7/04/2020	56		Under assessment
0	2020	114	Construction of a warehouse	4 Toronto Street KELSO	9/04/2020	54	37	Under assessment
10	2020	116	MOD TO EDA2002/0097 - Two lot rural subdivision	149 Duramana Road EGLINTON	15/04/2020	48	32	Under Assessment
0	2020	117	Additions and alterations to dwelling	37 Reef Street HILL END	15/04/2020	48		Awaiting bushfire assessment from applicant
0	2020	118	Single storey dwelling, garage and 2 lot subdivision	14 Brennan Drive KELSO	16/04/2020	47		Under assessment

Page 1 of 1

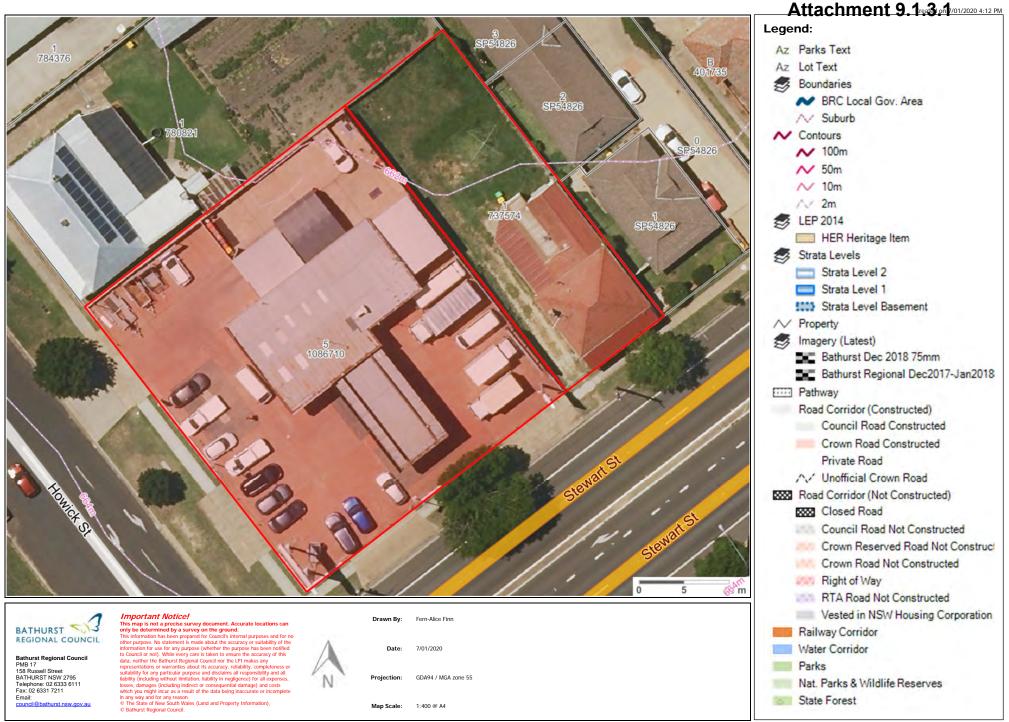
DA's Approved Under SEPP 1



1/5/2020 - 31/5/2020

Council DA	Lot	DP	Street No	Street Name	Suburb	Postcode	Category	Environmental Planning Instrument Zoning Of Land	Development Standard To Be Varied	Justification Of Variation	Extent Of Variation	Concurring Authority	Date Determined
2020/115	3102	1144949	3805	Sofala Road	Wattle Flat	2795	Residential	Bathurst Regional 2(v) Village Local Environmental Plan 2014	Height of buildings - 9 metres	The proposed facility forms part of the Federal Government Mobile Black Sport Program. The proposed height is the minimum height required in order to deliver on the coverage objectives and address the community need.	20 metre high pole proposed	COUNCIL	27/05/2020

Authority Page 1 of 1



Attachment 9.1re3 on 1/01/2020 4:12 PM





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

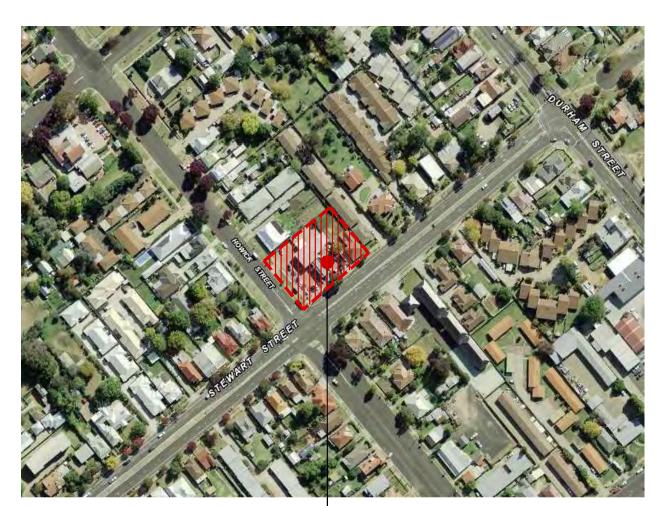
DA08 SIGNAGE PLAN

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





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



NOTE: WORK TO COMPLY WITH AS 4674 2004 CONSTRUCTION & FITOUT OF FOOD PREMISES

DA ISSUE

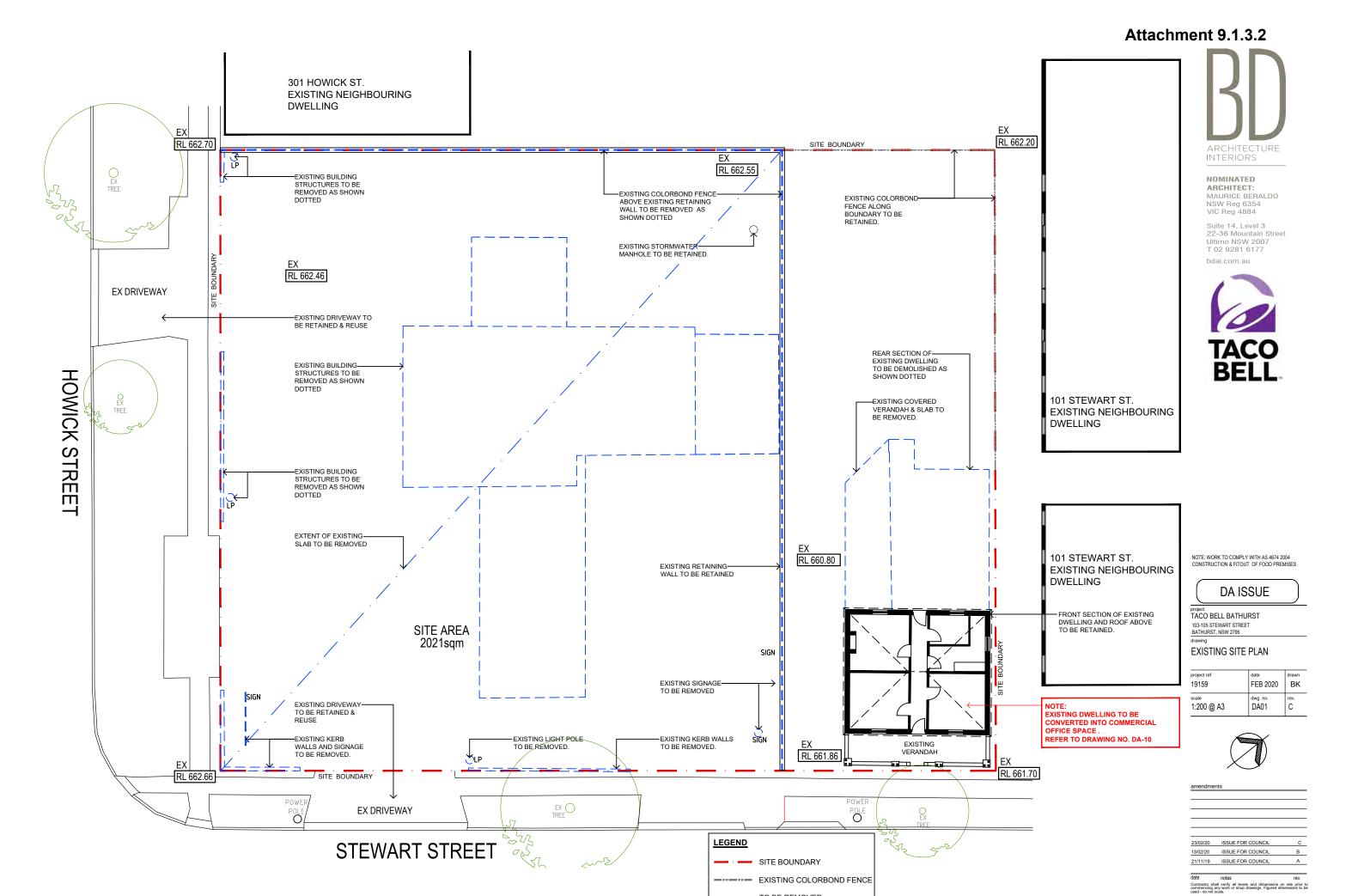
TACO BELL BATHURST 103-105 STEWART STREET BATHURST, NSW 2795

COVER PAGE & LOCATION PLAN

project ref	date	drawn
19159	FEB 2020	BK
scale	dwg. no.	rev.
NTS @ A3	DA00	C

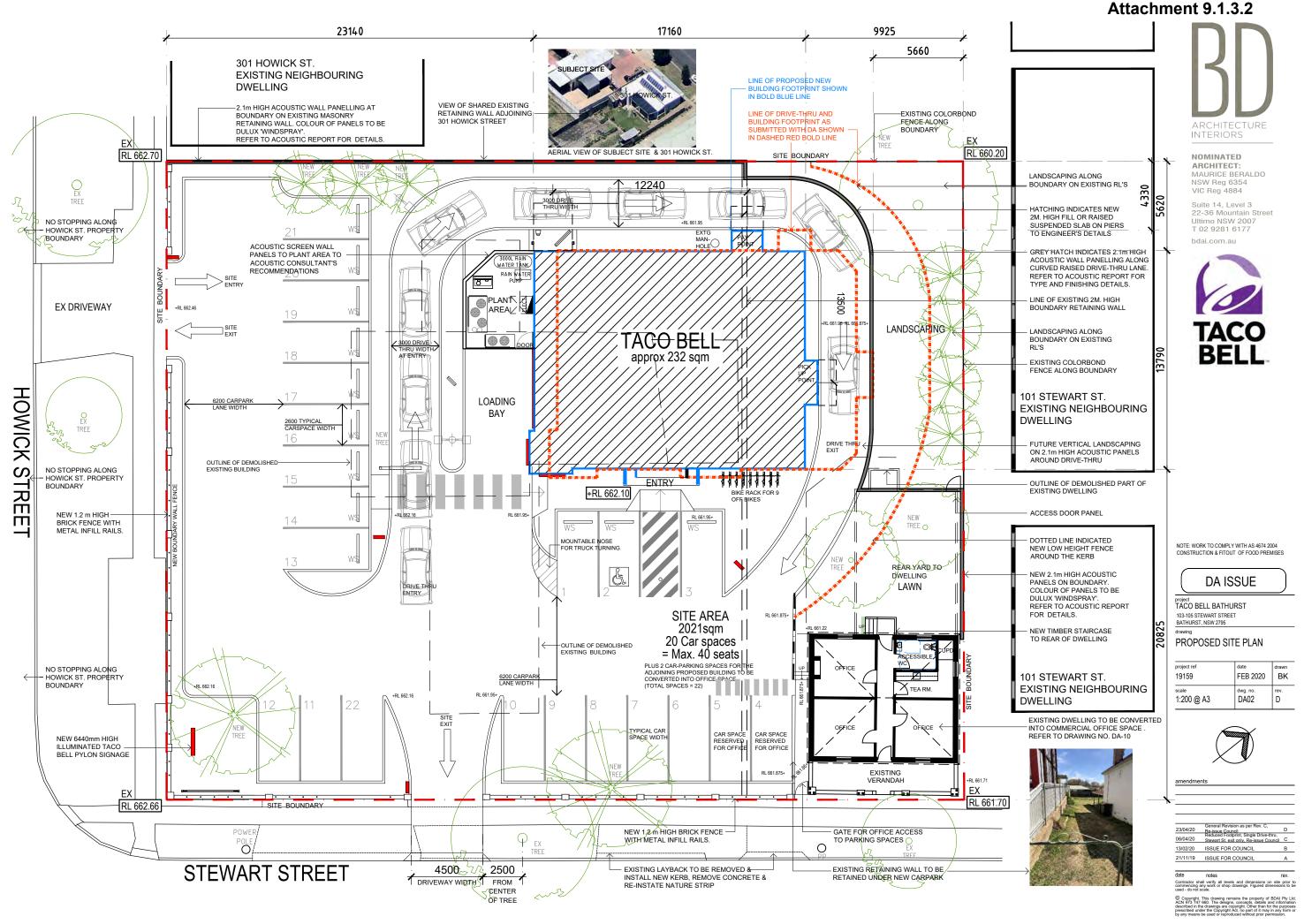


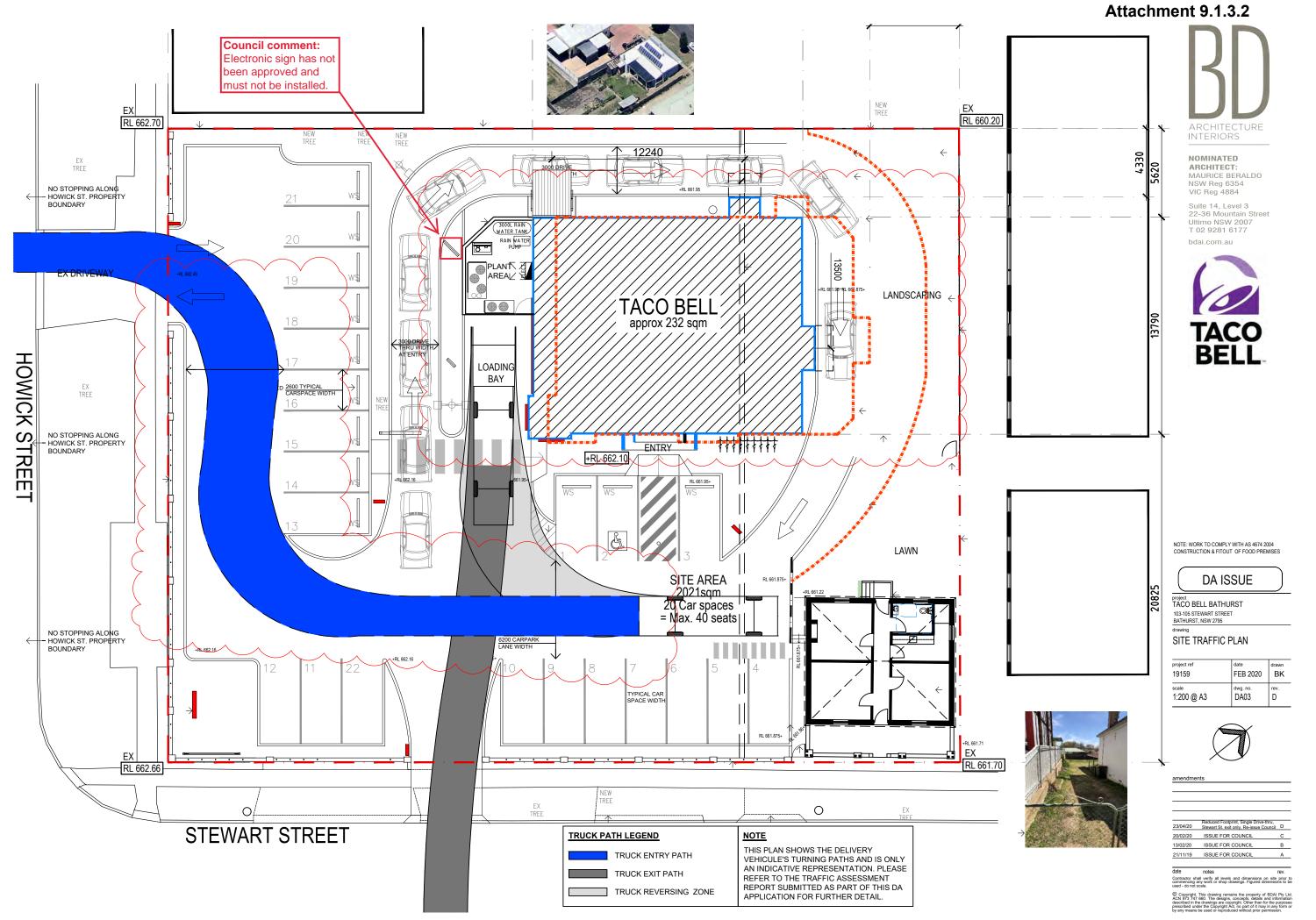
23/02/20 ISSUE FOR COUNCIL

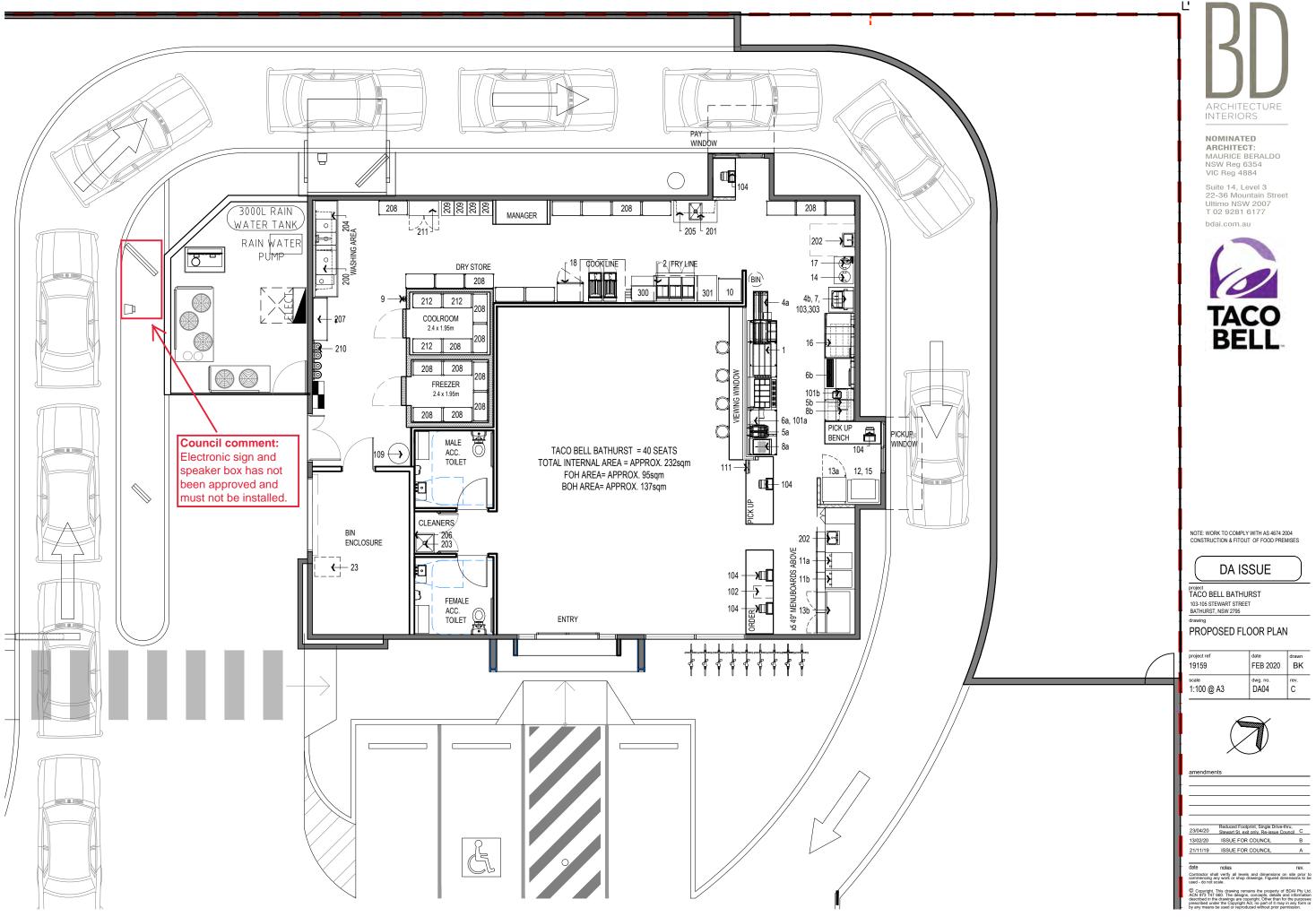


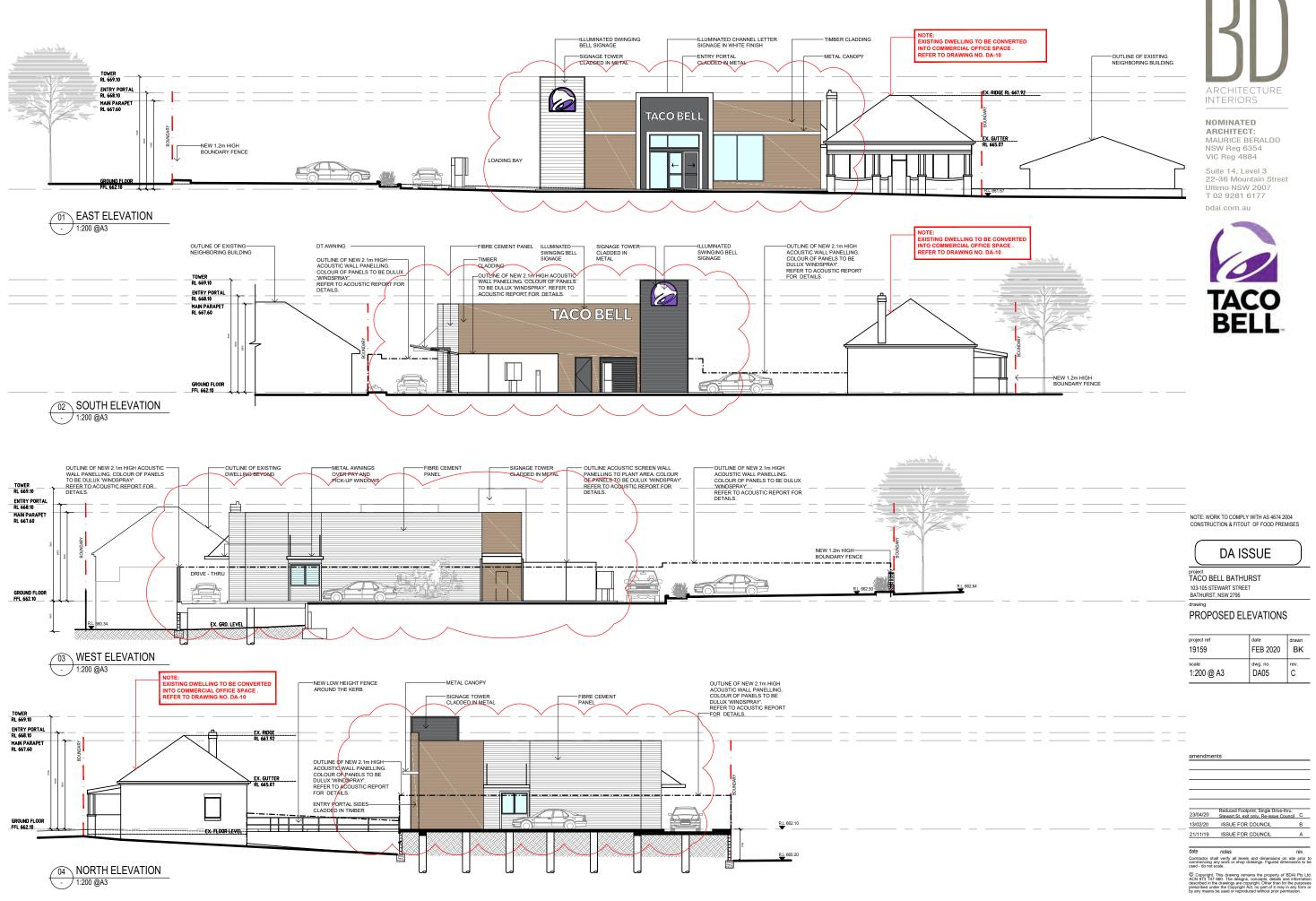
TO BE REMOVED

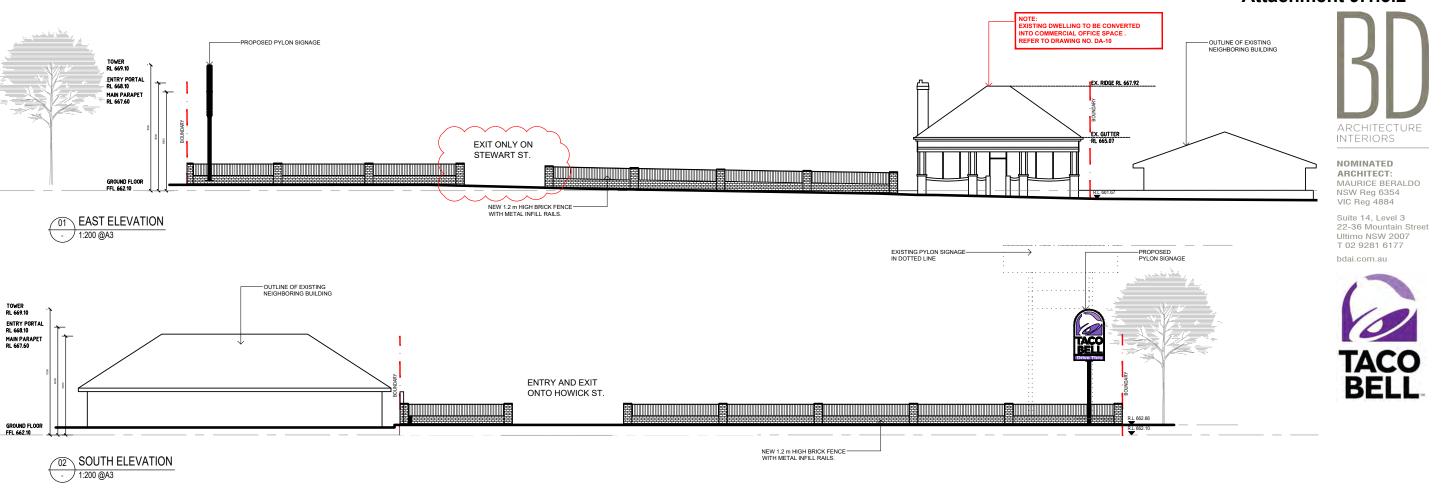
© Copyright. This drawing remains the property of BDAI Pty Lt ACN 973 747 660. The designs, concepts, details and informatic described in the drawings are copyright. Other than for the purpose prescribed under the Copyright Act, no part of it may in any form by any means be used or reproduced without prior permission.

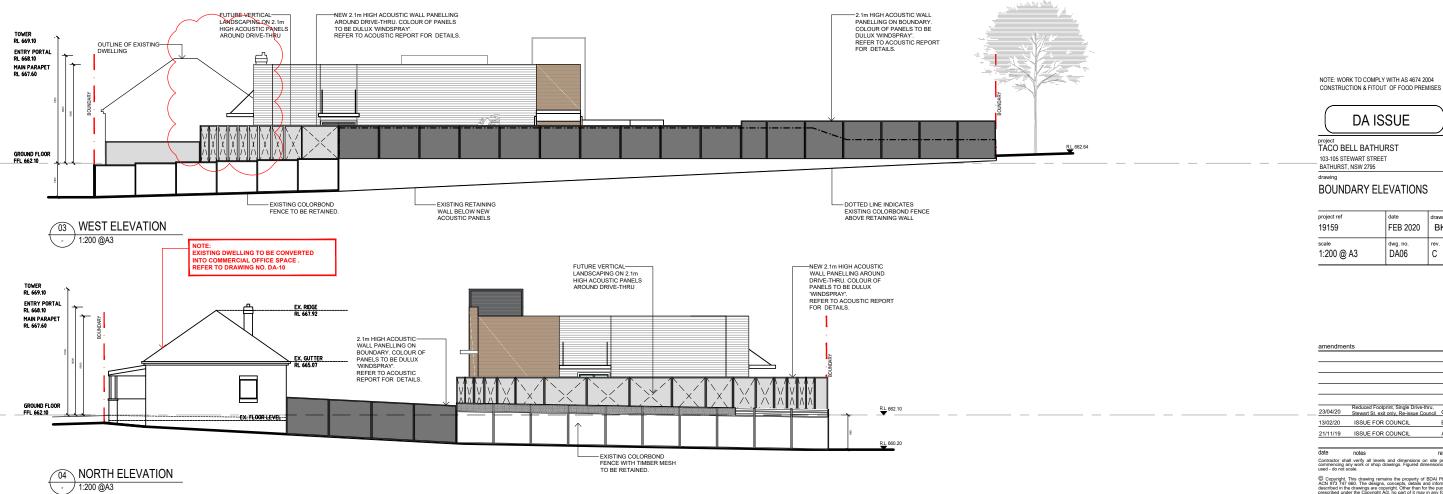












DA ISSUE

TACO BELL BATHURST 103-105 STEWART STREET BATHURST, NSW 2795

BOUNDARY ELEVATIONS

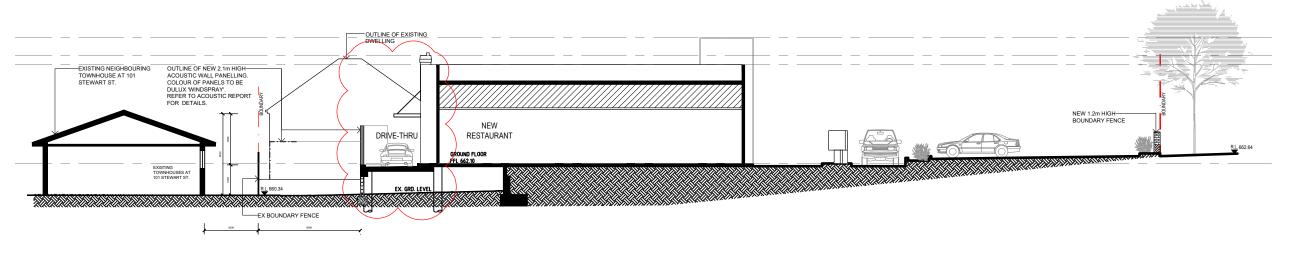
project ref	date	drawn
19159	FEB 2020	BK
scale	dwg. no.	rev.
1:200 @ A3	DA06	C

23/04/20 Reduced Footprint, Single Drive-thru, Stewart St. exit only, Re-issue Council C 13/02/20 ISSUE FOR COUNCIL 21/11/19 ISSUE FOR COUNCIL

date notes

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.

© Copyright. This drawing remains the property of BDAI Pty Ltd. ACN 973 747 660. The designs, concepts, details and information described in the drawings are copyright. Other than for the purposes prescribed under the Copyright Act, no part of it may in any form or by any means be used or reproduced without prior permissions.





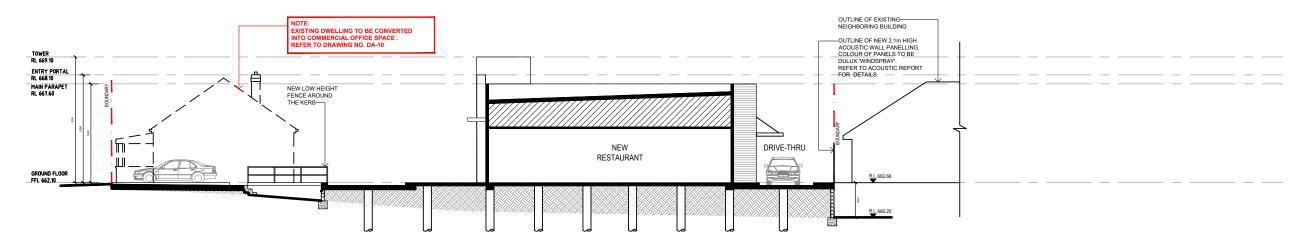
NOMINATED ARCHITECT: MAURICE BERALDO NSW Reg 6354 VIC Reg 4884

Suite 14, Level 3 22-36 Mountain Street Ultimo NSW 2007 T 02 9281 6177

bdai.com.au



O1 LONG SECTION
1:200 @A3



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
drawing

SECTIONS

project ref	date	drawn
19159	FEB 2020	BK
scale	dwg. no.	rev.
1:200 @ A3	DA07	C

amendments

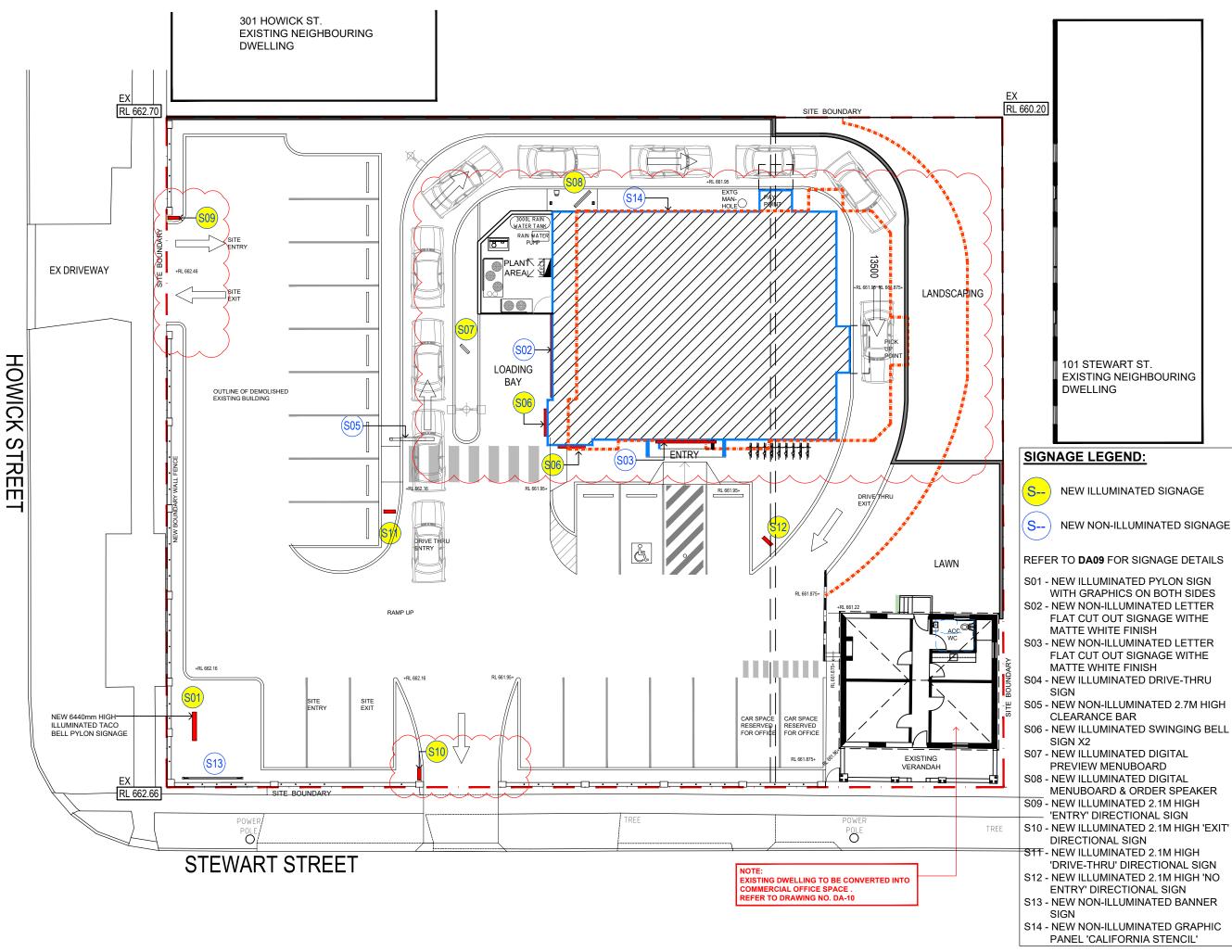
23/04/20 Reduced Footprint, Single Drive-thru,
23/04/20 Stewart St. exit only. Re-issue Council C
13/02/20 ISSUE FOR COUNCIL B
21/11/19 ISSUE FOR COUNCIL A

date notes

Contractor shall verify all levels and dimensions on site prior to commencing any event or shop drawings. Figured dimensions to be used - do not scale.

© Copyright. This drawing remains the property of BDAI Pty Ltd. ACN 973 'A7 660. The designs, concepts, details and information described in the drawings are copyright. Other than for the purpose prescribed under the Copyright Act, no part of it may in any form or by any means be used or reproduced without prior permission.

02 CROSS-SECTION 1:200 @A3



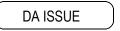
INTERIORS

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



NOTE: WORK TO COMPLY WITH AS 4674 2004 CONSTRUCTION & FITOUT OF FOOD PREMISES



TACO BELL BATHURST 103-105 STEWART STREET BATHURST, NSW 2795

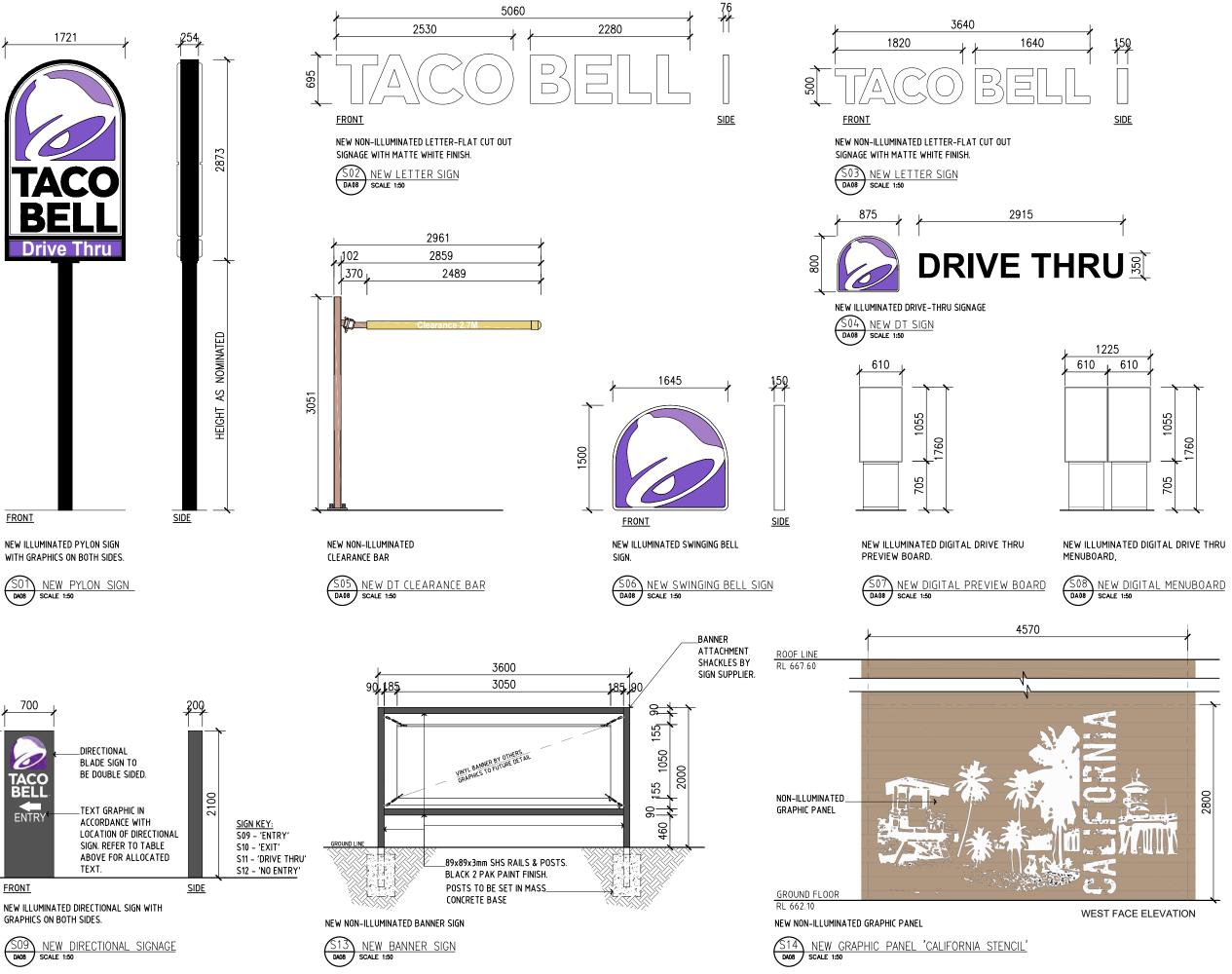
PROPOSED SIGNAGE PLAN

project ref 19159	FEB 2020	drawn BK
1:200 @ A3	dwg. no. DA08	rev. C



23/04/20 Stewart St. exit only, Re-issue Council 13/02/20 ISSUE FOR COUNCIL 21/11/19 ISSUE FOR COUNCIL

© Copyright. This drawing remains the property of ACN 973 747 660. The designs, concepts, details a described in the drawings are copyright. Other than if prescribed under the Copyright Act, no part of it may



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 SIGNAGE DETAILS

FEB 2020 BK 19159 NTS @ A3 DA09

23/02/20 RE-ISSUE FOR COUNCIL 13/02/20 ISSUE FOR COUNCIL 21/11/19 ISSUE FOR COUNCIL



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



EXISTING GUTTERS & DOWNPIPES TO BE RETAINED

EXISTING GUTTERS & DOWNPIPES TO BE RETAINED

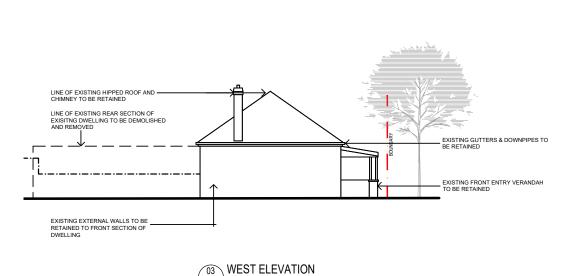
EXISTING BRICKWORK WALLS OF OF FRONT SECTION OF DWELLING TO BE DEMOLISHED AND REMOVED

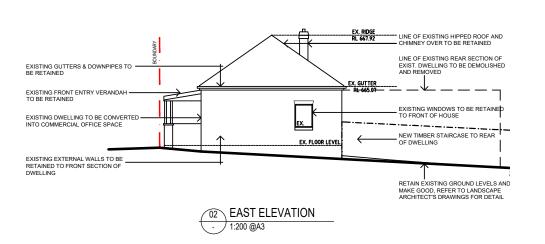
EXISTING BRICKWORK WALLS OF OF FRONT SECTION OF DWELLING TO BE DEMOLISHED AND REMOVED

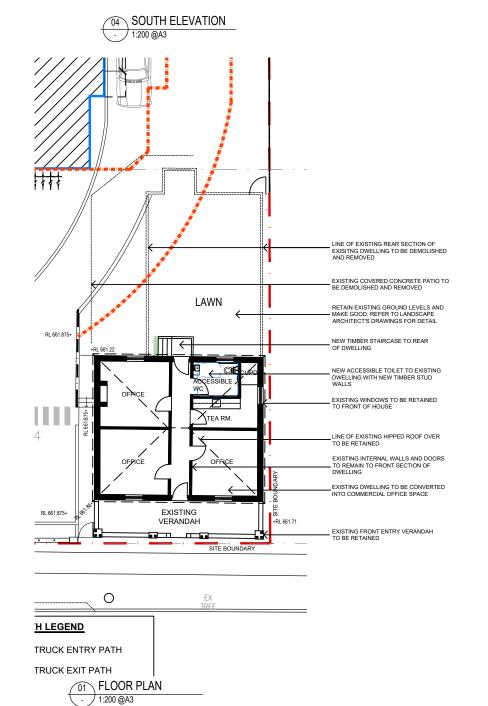
EXISTING BRICKWORK WALLS OF OF FRONT SECTION OF DWELLING TO BE RETAINED

EXISTING BRICKWORK WALLS OF OF THE PROPERTY O

NORTH ELEVATION
1:200 @A3







EX. RIDGE RL 667.92

EX. GUTTER
RL 665.07

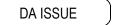
LINE OF EXISTING HIPPED ROOF OVER TO BE RETAINED

EXISTING GUTTERS & DOWNPIPES TO

XISTING WINDOWS TO BE RETAINE TO FRONT OF HOUSE

EXISTING FRONT ENTRY VERANDAH FO BE RETAINED

NOTE: WORK TO COMPLY WITH AS 4674 2004 CONSTRUCTION & FITOUT OF FOOD PREMISES



project
TACO BELL BATHURST
103-105 STEWART STREET
BATHURST, NSW 2795

EXIST. DWELLING ALTERATIONS

project ref	date	drawn
19159	FEB 2020	BK
scale 1:200 @ A3	dwg. no. DA10	rev.



amendments

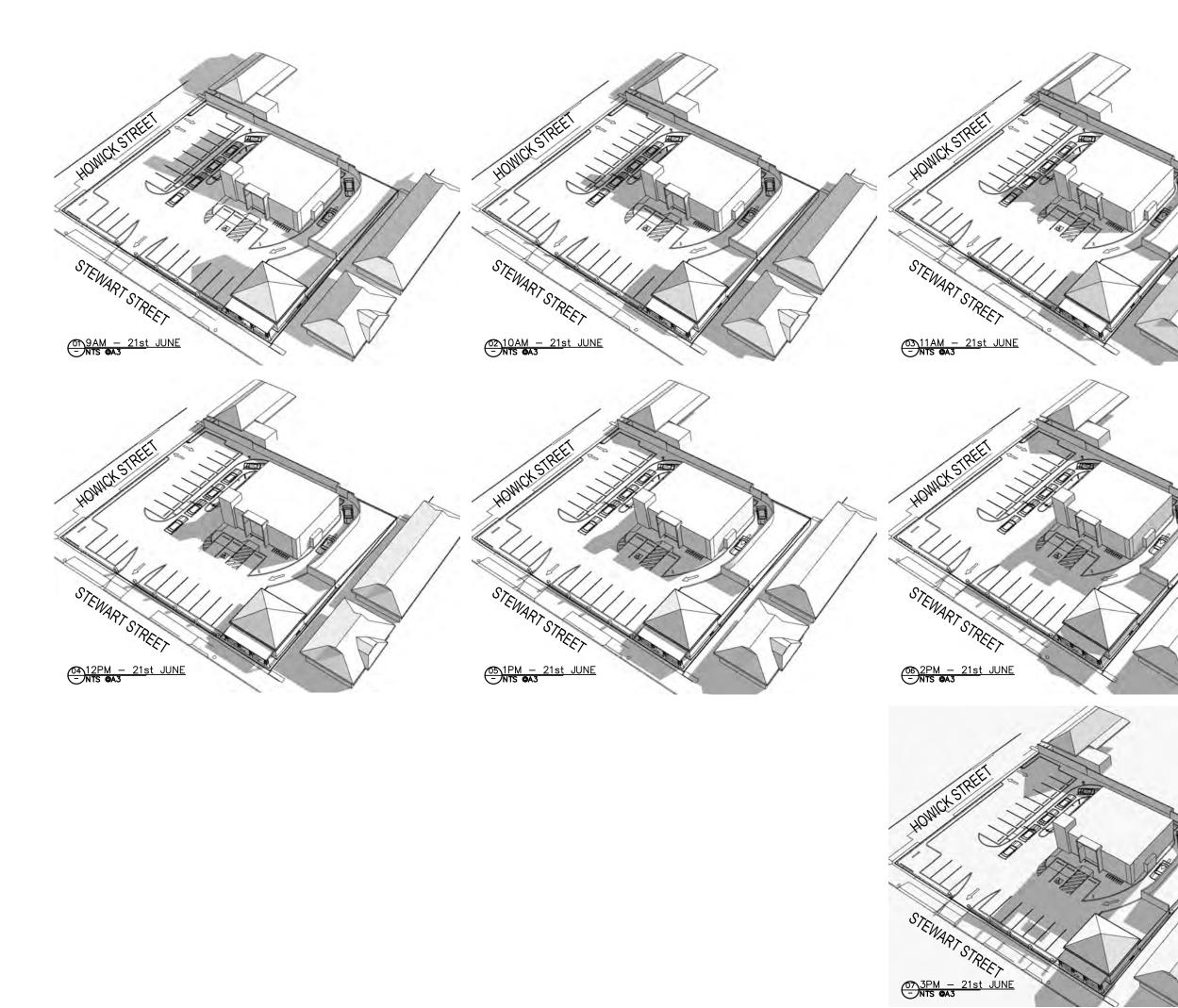
23/04/20 Reduced Footprint, Single Drive-Ihru,
Stewart St. exit only, Re-issue Council. C
13/02/20 ISSUE FOR COUNCIL. A

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.

© Copyright. This drawing remains the property of BDAI Pty Ltd ACN 973 747 660. The designs, concepts, details and informational described in the drawings are copyright. Other than for the purposeser prescribed under the Copyright Act, no part of it may in any form o by any means be used or reproduced without prior permission.

EXISTING CHIMNEY TO BE RETAINED



ARCHITECTURE 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



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
NTS @ A3	dwg. no. DA11	rev. B



amendments		
23/04/20	Reduced Footprint, Single Drive-thru, Stewart St. exit only, Re-issue Council	В
13/02/20	ISSUE FOR COUNCIL	Α
date	notes	rev.
Contractor shall verify all levels and dimensions on site prior commencing any work or shop drawings. Figured dimensions to used - do not scale.		

Attachment 9.1.3.2



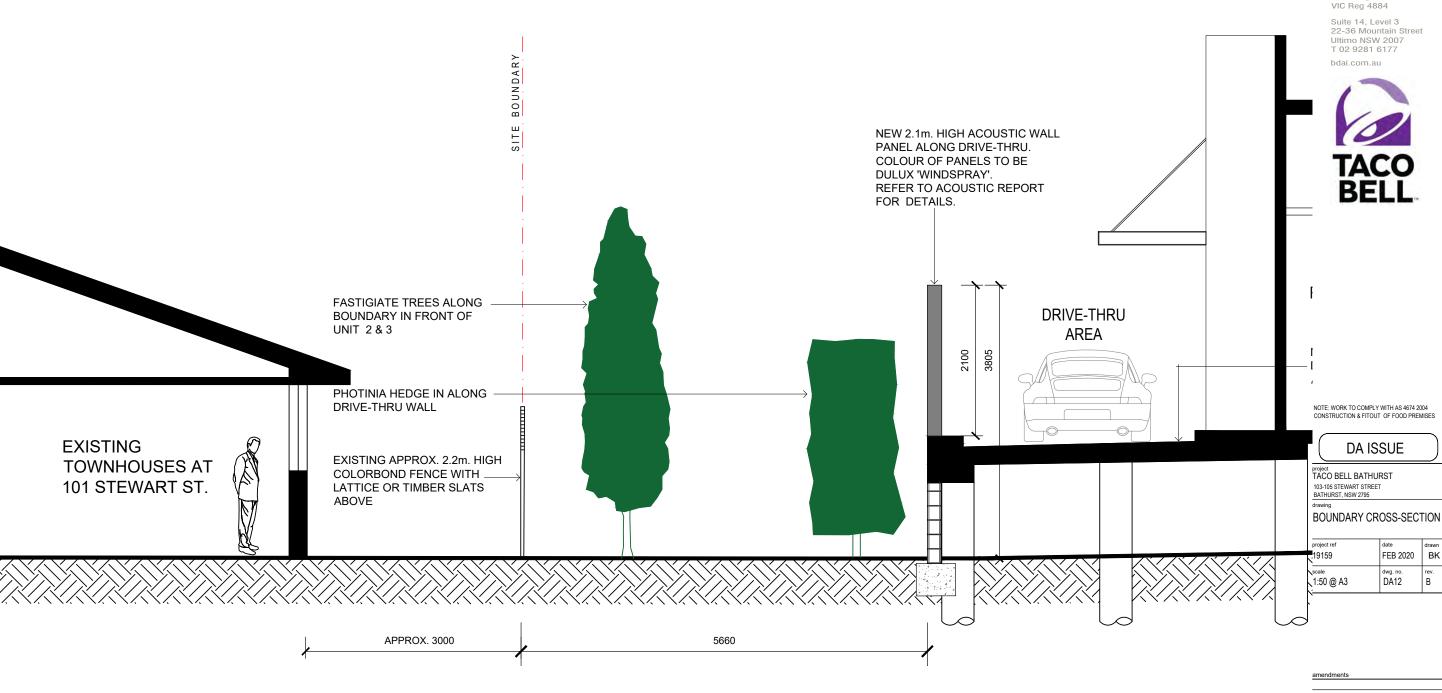
NOMINATED ARCHITECT:

MAURICE BERALDO NSW Reg 6354 VIC Reg 4884

project ref	date	drawn
19159	FEB 2020	BK
scale 1:50 @ A3	dwg. no. DA12	rev. B

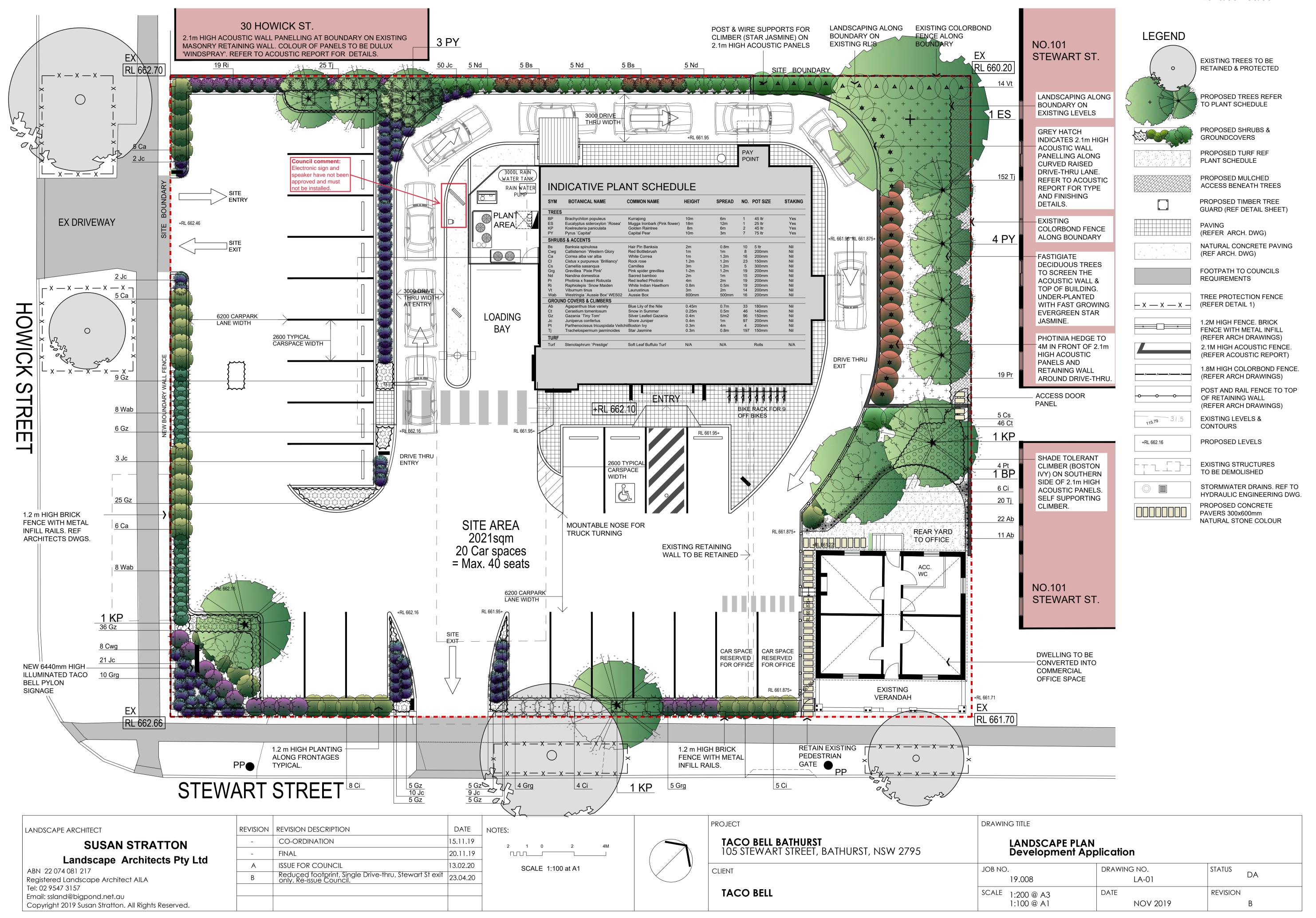
23/04/20 Reduced Footprint, Single Drive-thru, Stewart St. exit only, Re-issue Council B 13/02/20 ISSUE FOR COUNCIL

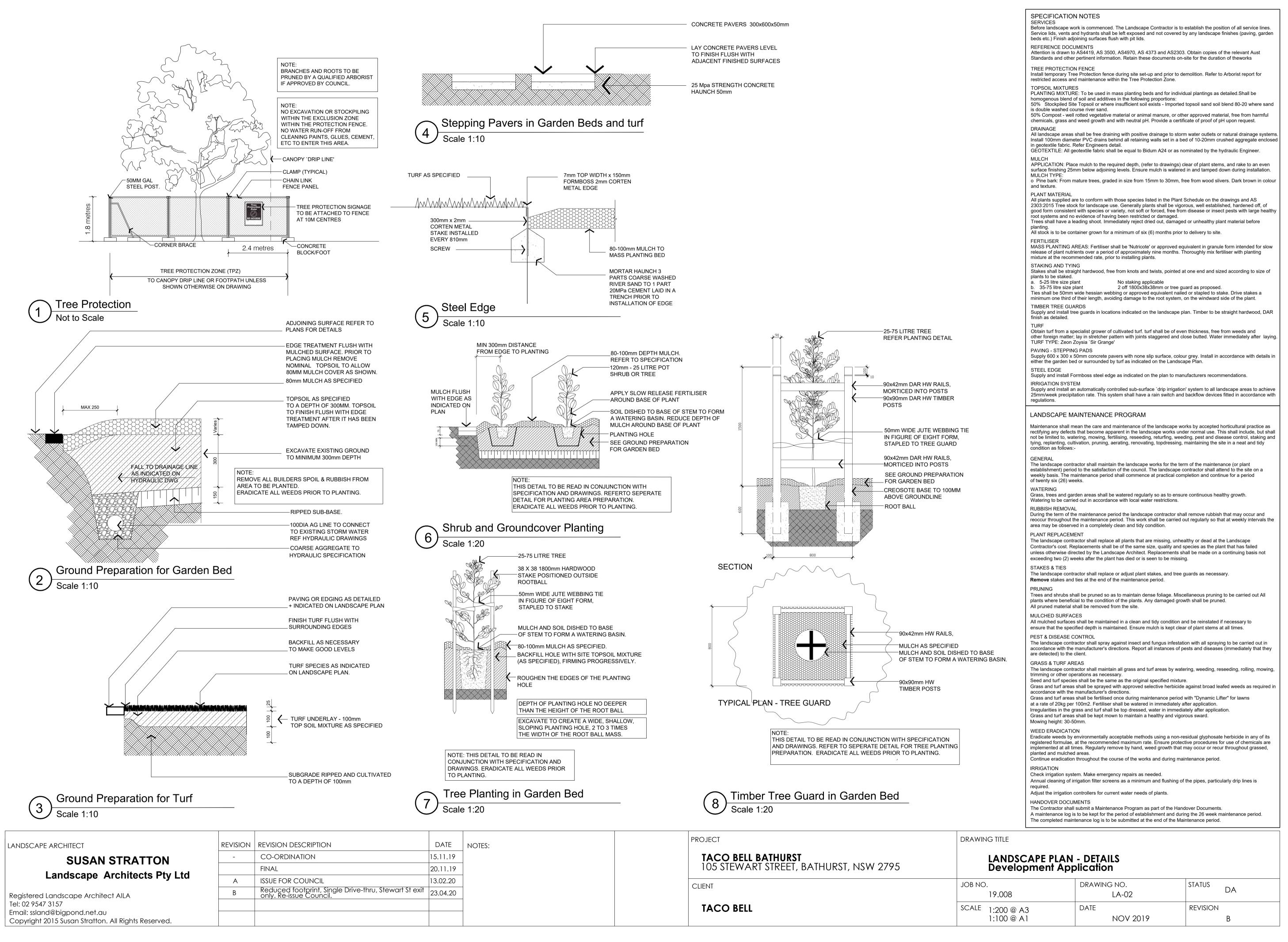
Contractor shall verify all levels and dimensions on site prior to commencing any work or shop drawings. Figured dimensions to be used - do not scale.

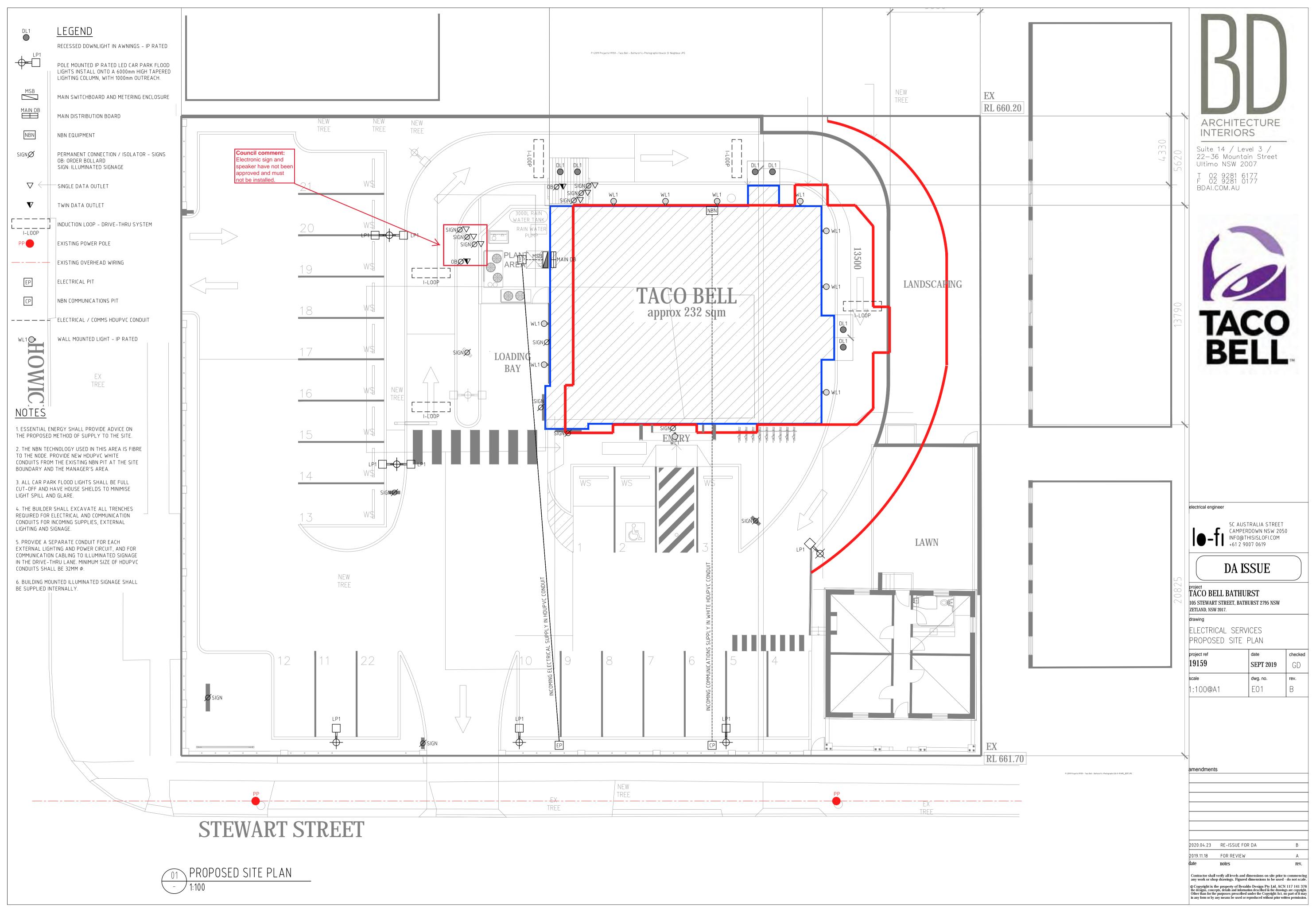


CROSS-SECTION 101 STEWART ST.

2019/367-03/004







PROPOSED COMMERCIAL DEVELOPMENT

2019/367-03/006

103 & 105 STEWART STREET, BATHURST STORMWATER MANAGEMENT PLANS

- THESE THE PLANS SHALL BE READ IN CONJUCTION WITH OTHER RELEVANT CONSULTANTS'S PLANS, SPECIFICATIONS, CONDITIONS OF DEVELOPMENT CONCEST AND CONSTRUCTION CERTIFICATE REQUIREMENTS. WHERE DISCREPANCES ARE FOUND MASTAST & ASSOCIATES MUST BE CONTACTED IMMEDIATELY FOR VERIFICATION.
- WHERE THESE PLANS ARE NOTED FOR DEVELOPMENT APPLICATION PURPOSES ONLY, THEY SHALL NOT BE Used for obtaining a construction certificate. Nor used for construction purposes.
- SUBSOIL DRAINAGE SHALL BE DESIGNED AND DETAILED BY THE STRUCTURAL ENGINEER SUBSOIL DRAINAGE SHALL NOT BE CONNECTED INTO THE STORMWATER SYSTEM DENTIFIED ON THESE PLAN UNLESS APPROVED BY NASTASIA & ASSOCIATES ENGINEERS.

STORMWATER CONSTRUCTION NOTES:

- ALL WORK SHALL BE CARRIED OUT IN ACCORDANCE WITH AS/NZS 3500 (CURRENT EDITION) AND THE REQUIREMENTS OF THE LOCAL COUNCIL'S POLICIES AND CODES
- THE MINIMUM SIZE OF THE STORMWATER DRAINS SHALL NOT BE LESS THAN DN 90 FOR CLASS 1 BUILDINGS AND DN100 FOR OTHER CLASSES OF BUILDING OR AS REQUIRED BY REGULATORY AUTHORITY
- THE MINIMUM GRADIENT OF STORMWATER DRAINS SHALL BE 1%, UNLESS NOTED OTHERWISE
- COUNCIL'S TREE PRESERVATION ORDER IS TO BE STRICTLY ADHERED TO . NO TREES SHALL BE REMOVED UNTIL PERMIT IS OBTAINED
- 5. PUBLIC UTILITY SERVICES ARE TO BE ADJUSTED AS NECESSARY AT THE CLIENT'S EXPENSE
- 6. ALL PITS TO BE BENCHED AND STREAMLINED. PROVIDE STEP IRONS FOR ALL PITS OVER 12m DEEP
- 7. MAKE SMOOTH JUNCTION WITH ALL EXISTING WORK
- VEHICULAR ACCESS AND ALL SERVICES TO BE MAINTAINED AT ALL TIMES TO ADJOINING PROPERTIES AFFECTED
- SERVICES SHOWN ON THESE PLANS HAVE BEEN LOCATED FROM INFORMATION SUPPLED BY THE RELEVANT AUTHORITIES AND FIELD INVESTIGATIONS AND ARE NOT GUARANTEED COMPLETE NOR CORRECT. IT IS THE CLIENT & CONTRACTOR'S RESPONSIBILITY TO LOCATE ALL PRIOR TO CONSTRUCTION
- ANY VARIATION TO THE WORKS AS SHOWN ON THE APPROVED DRAWINGS ARE TO BE CONFIRMED BY NASTASI
 ASSOCIATES PRIDE TO THEIR COMMENCEMENT

RAINWATER RE-USE NOTES:

- RAINWATER SUPPLY PLUMBING TO BE CONNECTED TO OUTLETS WHERE REQUIRED BY BASIX CERTIFICATE (BY OTHERS)
- TOWN WATER CONNECTION TO RAINWATER TANK TO THE SATISFACTION OF THE REGULATORY AUTHORITY. THIS WAY REQUIRE PROVISION OF:
- 2.1. PERMANENT AIR GAP
 2.2. BACKFLOW PREVENTION DEVICE
- NO DIRECT CONNECTION BETWEEN TOWN WATER SUPPLY AND THE RAINWATER SUPPLY
- AN APPROVED STOP VALVE AND/OR PRESSURE LIMITING VALVE AT THE RAINWATER TANK
- PROVIDE AT LEAST ONE EXTERNAL HOSE COCK ON THE TOWN WATER SUPPLY FOR FIRE FIGHTING
- PROVIDE APPROPRIATE FLOAT VALVES AND/OR SOLENOID VALVES TO CONTROL TOWN WATER SUPPLY INLET
- ALL PLUMBING WORKS ARE TO BE CARRIED OUT BY LICENSED PLUMBERS IN ACCORDANCE WITH AS/NZS3500.1 NATIONAL PLUMBING AND DRAINAGE CODE
- 8. PRESSURE PUMP ELECTRICAL CONNECTION TO BE CARRIED OUT BY A LICENSED ELECTRICIAN
- ONLY ROOF RUN-OFF IS TO BE DIRECTED TO THE RAINWATER TANK. SURFACE WATER INLETS ARE NOT BE
- 10. PIPE MATERIALS FOR RAINWATER SUPPLY PLUMBING ARE TO BE APPROVED MATERIALS TO AS/NIZESSOD PART SECTION 2 AND TO BE CLEARLY AND PERMANENTLY DESTRIED AS "RAINWATER". THIS MAY BE ACHIEVED FOR BELOW GROUND PIPES USING IDENTIFICATION TAPE (MADE IN ACCORDANCE WITH ASSAMS) OR FOR ABOVE FROUND PIPES BY USING IDMESSIVE PIPE MARKERS PHAKE IN ACCORDANCE WITH ASSAMS)
- 11. EVERY RAINWATER SUPPLY OUTLET POINT AND THE RAINWATER TANK ARE TO BE LABELED 'RAINWATER' ON A METALLIK' SIGN IN ACCORDANCE WITH AS1316\9
- ALL INLETS AND OUTLETS TO THE RAINWATER TANK ARE TO HAVE SUITABLE MEASURES PROVIDED TO
 PREVENT MOSQUITO AND VERNIN ENTRY.

- THESE THE PLANS SHALL BE READ IN CONJUCTION WITH EROSION AND SEDIMENT CONTROL DETAILS AS ATTACHED
- THE CONTRACTOR SHALL IMPLEMENT ALL SOIL EBOSION AND SEDMENT CONTROL MEASURE AS NECESSARY AND TO THE SATISFACTION OF THE RELEVANT LOCAL AUTHORITY PRIOR TO THE COMMENCEMENT ANY DURING CONSTRUCTION. NO DISTURBANCE TO THE SITE SHALL BE PERMITTED OTHER THAN IN THE MHEDIATE RACE OF THE WORKS AND MATERIAL SHALL BE REMOVED FROM THE STIE WITHOUT THE RELEVANT LOCAL AUTHORITY APPROVAL ALL EROSION AND SOMEWIT CONTROL DEVICES TO BE INSTALLED AND MAINTAINED IN ACCORDANCE WITH SATIMADORS OUTLINEON IN SYMPHOLOGY.
- TOPSOIL SHALL BE STRIPPED AND STOCKPILED OUTSIDE HAZARD AREA SUCH AS DRAINAGE LINES. THIS TOPSOIL SHALL BE RESPREAD LATER ON AREAS TO BE REVECETATED AND STABILIZED ONLY. TOPSOIL SHALL NOT BE RESPREAD ON ANY OTHER AREA UNLESS SPECIFICALLY INSTRUCTED BY THE SUPERINTENDENT. IF THEY ARE TO REMAIN LONGER THAN ONE MONTH'S TOCK OF SHALL BE PROTECTED FROM FROSION BY COVERING THEM WITH A MULCH AND HYDROSECOMS AND, IF NECESSARY, BY LOCATING BANKS OR DRAINS DOWNISTREAM OF A STOCKPILE TO RETARD SLIT LADEN RUNOFF
- THE CONTRACTOR SHALL REGULARLY MAINTAIN ALL EROSION AND SEDIMENT CONTROL DEVICES AND REMOVE ACCUMULATED SLT FROM SICH DEVICES SUCH THAT MORE THAN 60% OF THEIR CAPACITY IS LOST. ALL THE SLT IS TO BE PLACED OUTSIDE THE LIMIT OF WORKS. THE PERIOD FOR MAINTAINING THESE DEVICES SHALL BE AT LEAST UNIT. ALL DISTUMBED AREAS ARE REVEGETATED AND FURTHER AS MAY BE DIRECTED BY SUPERNITENDENT. OR COUNCIL.
- VEHICULAR TRAFFIC SHALL BE CONTROLLED DURING CONSTRUCTION CONFINING ACCESS WHERE POSSIBLE TO NOMINATED STABILISED ACCESS POINTS
- THE CONTRACTOR SHALL IMPLEMENT DUST CONTROL BY REGULAR WETTING DOWN DISTURBED AREA
- 7. ALL DRAINAGE PIPE INLETS TO BE CAPPED UNTIL
 - DOWNPIPES CONNECTED
 PITS CONSTRUCTED AND PROTECTED WITH SILT BARRIER

MINIMUM PIPE COVER NOTES:

<u>LOCATION</u>	MINIMUM COVER
NO SUBJECT TO VEHICLE LOADING	100mm SINGLE RESIDENTIAL
SUBJECT TO VEHICLE LOADING	450mm WHERE NOT IN A ROAD
UNDER A SEALED ROAD	600mm
UNSEALED ROAD	750mm
PAVED DRIVEWAY	100mm PLUS DEPTH OF CONCRETE

SEE AS2032 INSTALLATION OF UPVC PIPES FOR FURTHER INFORMATION

CONCRETE PIPE COVER SHALL BE IN ACCORDANCE WITH AS3725-1989 LOADS ON BURIED CONCRETE PIPES, HOWEVER A MINIMUM COVER OF 450mm will APPLY.

- WHERE INSUFFICIENT COVER IS PROVIDED, THE PIPE SHALL BE COVERED AT LEAST 50mm THICK OVERLAY AND SHALL BE PAVED WITH AT LEAST:

 150 mm renifores concrete where subject to heavy vehicle traffic.

 75mm Thickess of Brick or nomm of concrete avained where subject to light vehicle traffic; or

 50mm Thick Brick or concrete paving where not subject to vehicle traffic.

SURFACE STORMWATER PIT NOTES:

PIT DEPTH (mm)	MINIMUM PIT SIZE (mm)
UP TO 600 mm	450 x 450
FROM 600mm TO LESS THAN 900mm	600 x 600
FROM 900mm	900 x 900

ALL BASEMENT PIT TO BE FITTED WITH HEAVY DUTY CLASS C GRATE & FRAME

	<u>LEGEND</u>
	DENOTES BELOW GROUND ON-SITE DETENTION TANK
+ + + + + + + + + + + +	DENOTES ON-SITE DETENTION BASIN
o ^{DP}	DENOTES Ø100 DOWNPIPE (U.N.O)
•IP	DENOTES INSPECTION OPENING WITH SCREW DOWN LID AT FINISHED SURFACE LEVEL
● PB	DENOTED PLANTER BOX DRAINS
● FD	DENOTED FLOOR DRAINS
©	DENOTED CLEANING EYE
	STORMWATER PIT - SOLID COVER
	STORMWATER PIT - GRATED INLET
	DENOTES GRATED DRAIN
32323233333	DENOTES ABSORPTION TRENCH
И	DENOTES NON RETURN VALVE
>>>>	DENOTES OVERLAND FLOW PATH
IL	INVERT LEVEL
TK	TOP OF KERB
RL	REDUCED LEVEL/SURFACE LEVEL
RL 17.09 +	PROPOSED FINISH SURFACE LEVEL
10 <u>0</u>	DENOTED Ø100mm PVC (SEWER GRADE) @1% MIN. FALL U.N.O
150>>	DENOTED Ø150mm PVC (SEWER GRADE) @1% MIN. FALL U.N.O
225	DENOTED Ø100mm PVC (SEWER GRADE) @0.5% MIN. FALL U.N.O
— G —	DENOTE AGG PIPE
	DENOTE RAINWATER TANK

SCHEDULE OF DRAWING	
DESCRIPTION	SHEET NUMBER
COVER SHEET & NOTES	cı
DRAINAGE PLANS	C2
STORMWATER MANAGEMENT SUMMARY	G
STORMWATER DETAILS	C4
SEDIMENT CONTROL PLAN	CS
STEWART STREET STORMWATER SYSTEM WAE	PLAN

LOCATION MAP





	<u>ISSUE</u>	FOR	APP	'R0V <i>I</i>	<u>\</u>
--	--------------	-----	-----	---------------	----------

					_	_{_}
,	CLIENT: TACO BELL	ADDRESS: 105	o: 5 & 103 STEWART STREET, BATHURST	DRAWING STATUS	EPT PLAN FOR A	PPROVAL
	ARCHITECT:	TITLE:		SCALE (AT OR	iginal size)	AS NOTED
-3	BD ARCHITECTURE INTERIOS		COVER SHEET & NOTES	PROJECT NO. 19192	drawing no. C1	revision no. D
	6		7		8 52 of	650

١I													_
•				REFERE	NCE COORDI	NATION	DRA	WINC	3				6
													1
											$\overline{}$	П	}
	D	UPDATE AS PER LATEST ARCHITECTURAL PLAN	23.04.2020	DISCIPLINE	DRAWING TITLE AN	NUMBER	DATE	REV.		DRAWING TITLE AND NUMBER	DATE	REV.	:
	c	ADDED SEDIMENT CONTROL PLAN	18.11.2019	ARCH.					FIRE				١:
	В	UPDATE AS PER LATEST ARCHITECTURAL PLAN	14.11.2019	STRUCT.			Ш		LANDS		┺	\vdash	! !
- 1	_	DDEL IMINIA DV. ICCUE	40 44 0040	MECH.					CIVIL		1		1 3

NY OR REPRODUCE IT'S CONTENTS IN ANY FOR

NASTASI & ASSOCIATES

CHECKED

MD 23.04.2020

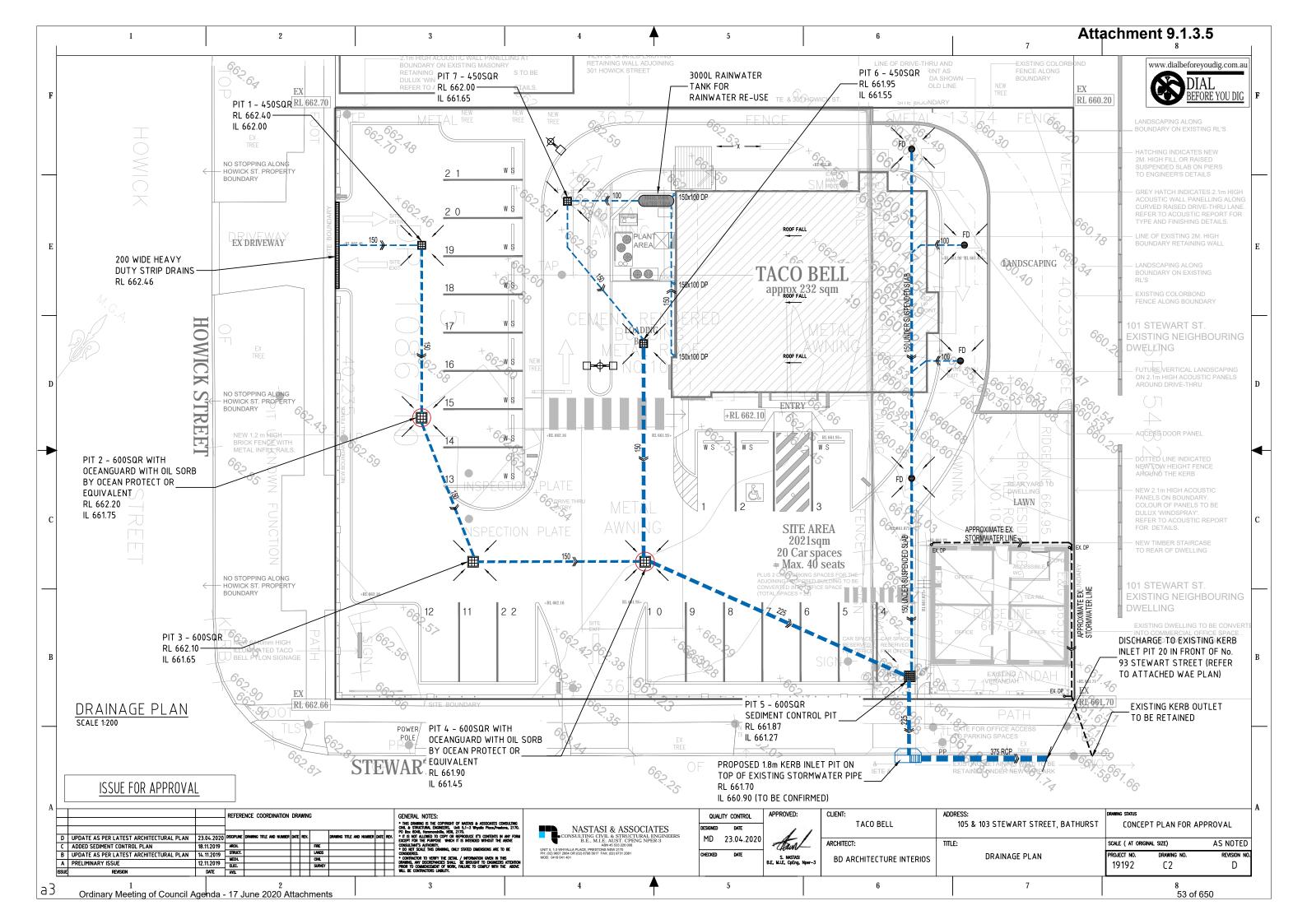
Ordinary Meeting of Council Agenda - 17 June 2020 Attachments

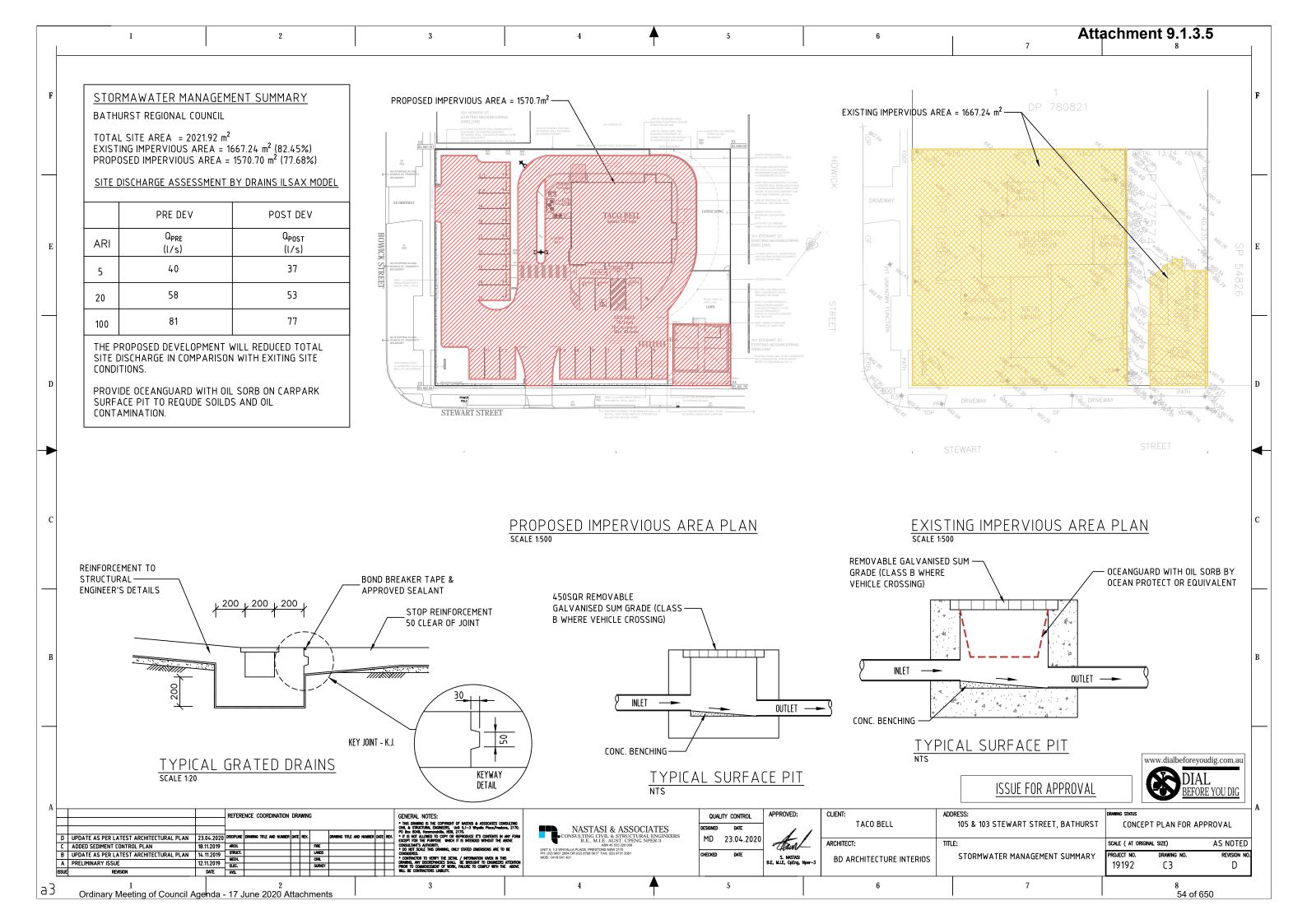
5

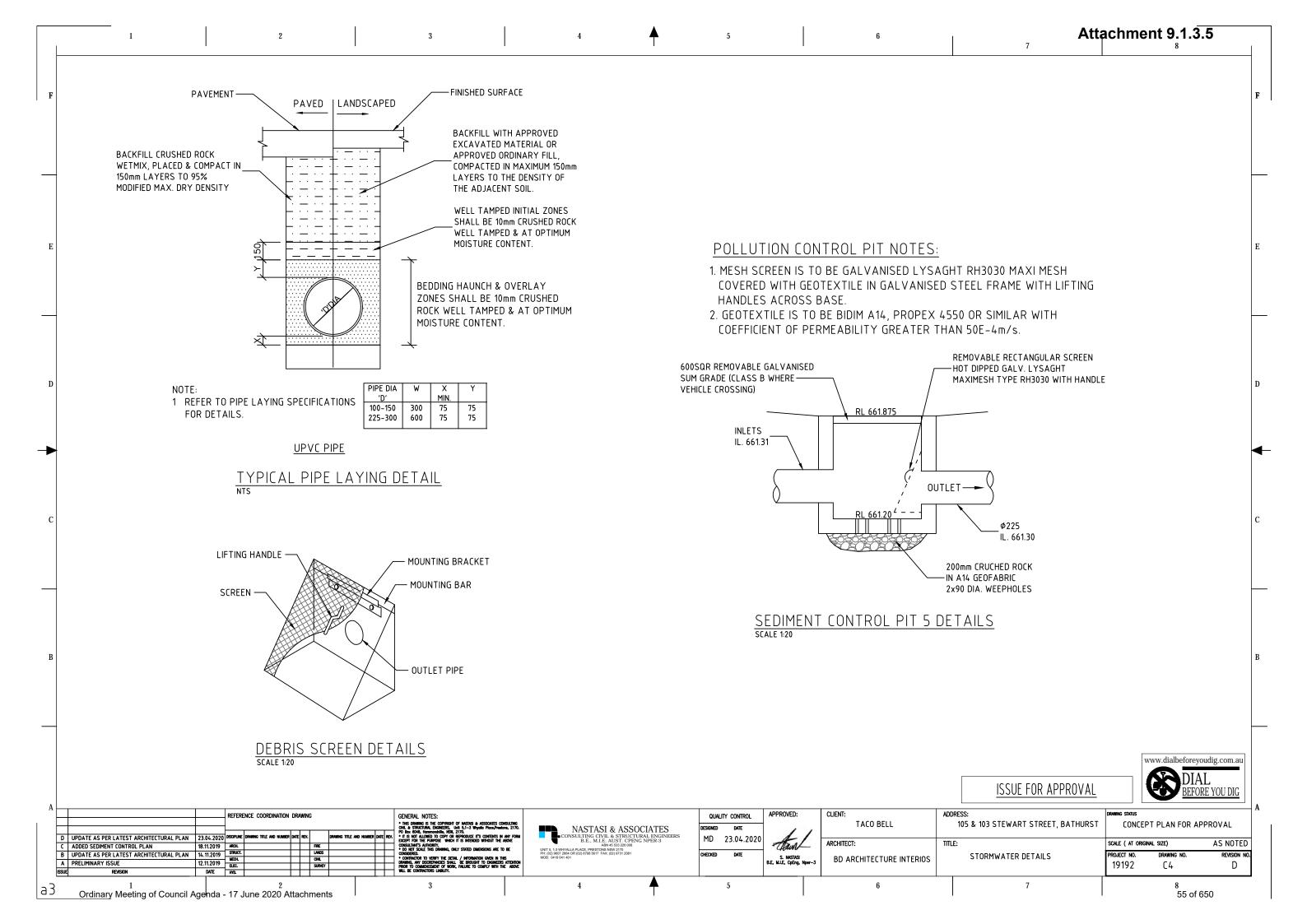
QUALITY CONTROL

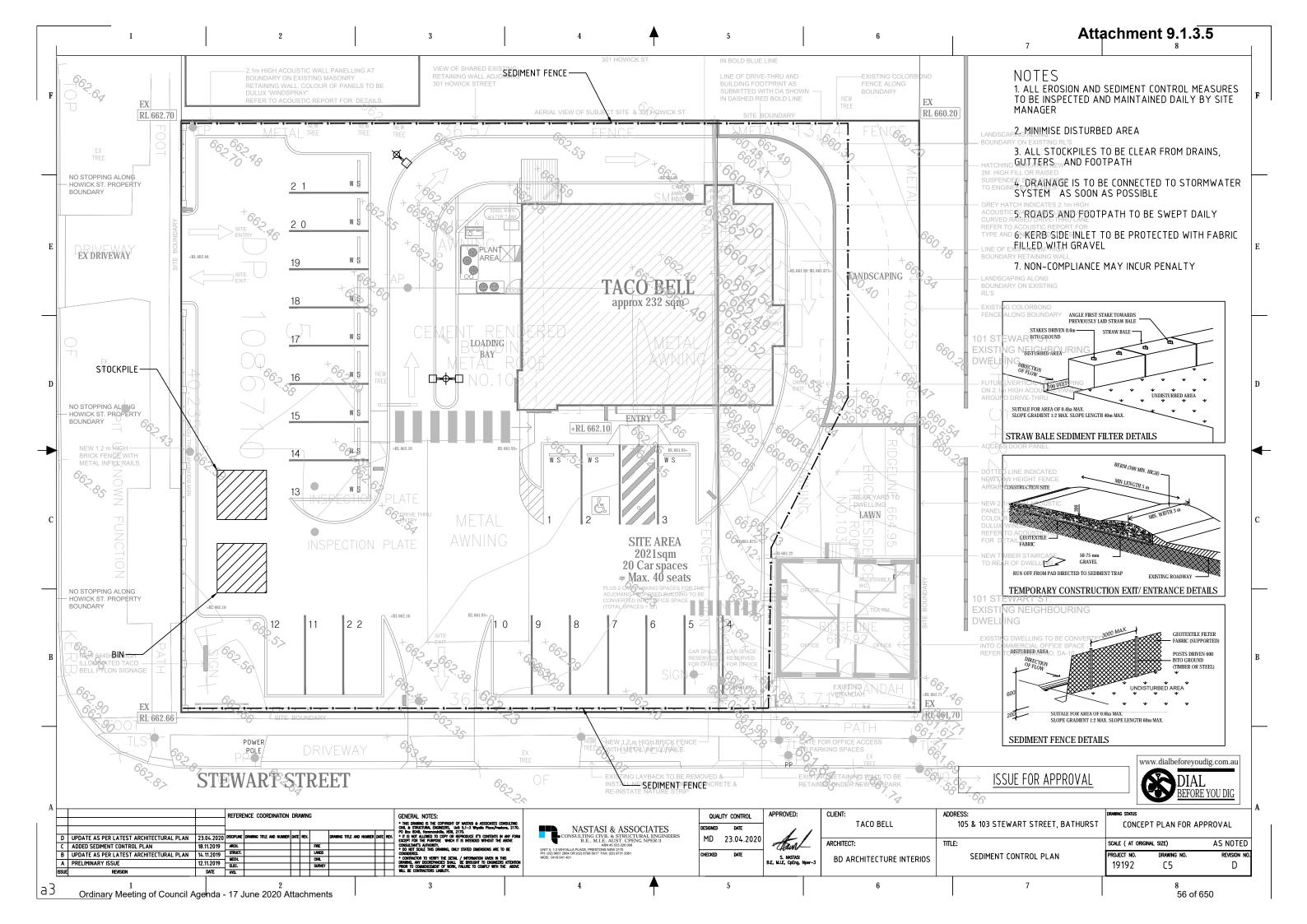
S. NASTASI B.E, M.I.E, CpEng, Nper

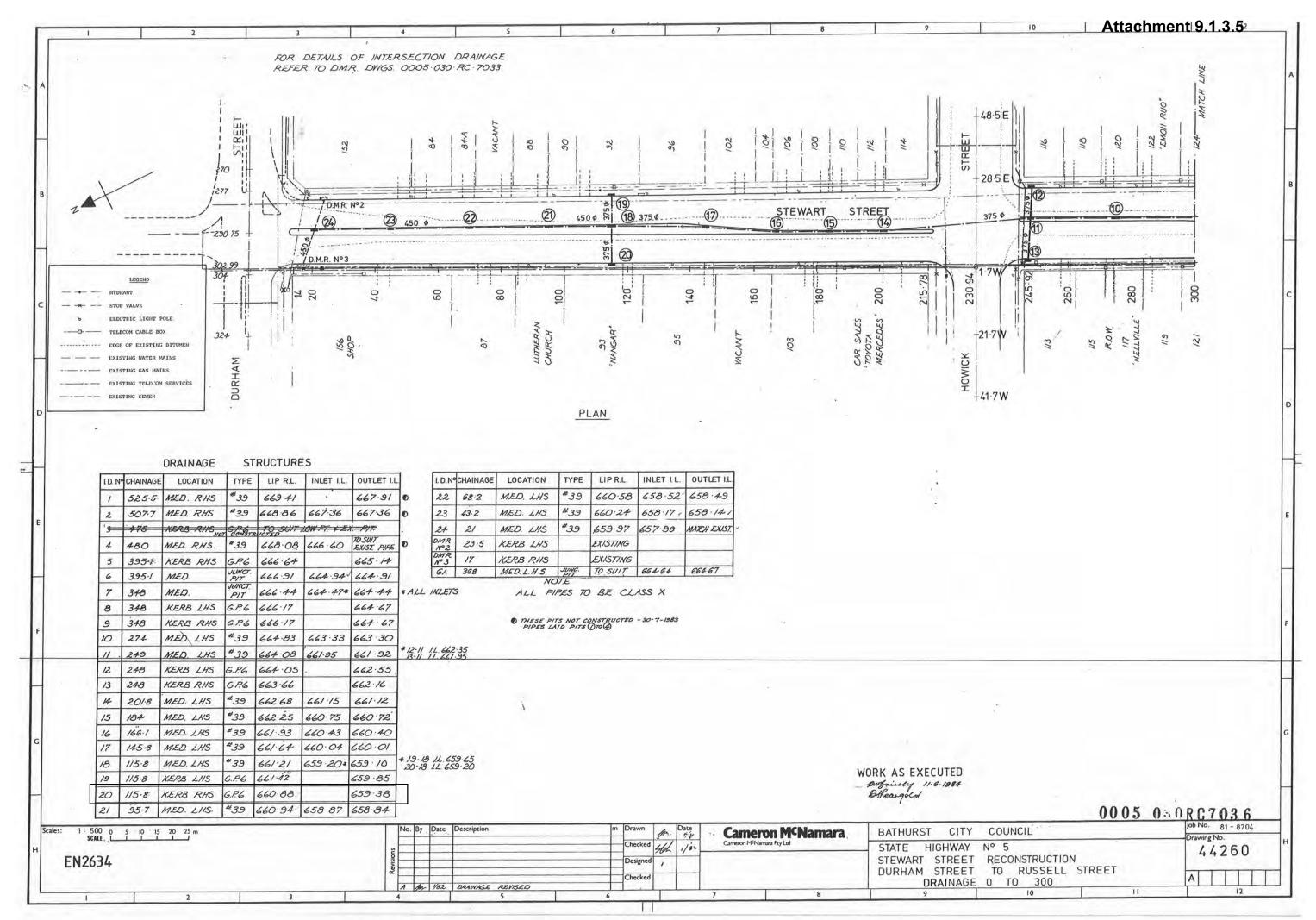
APPROVED:

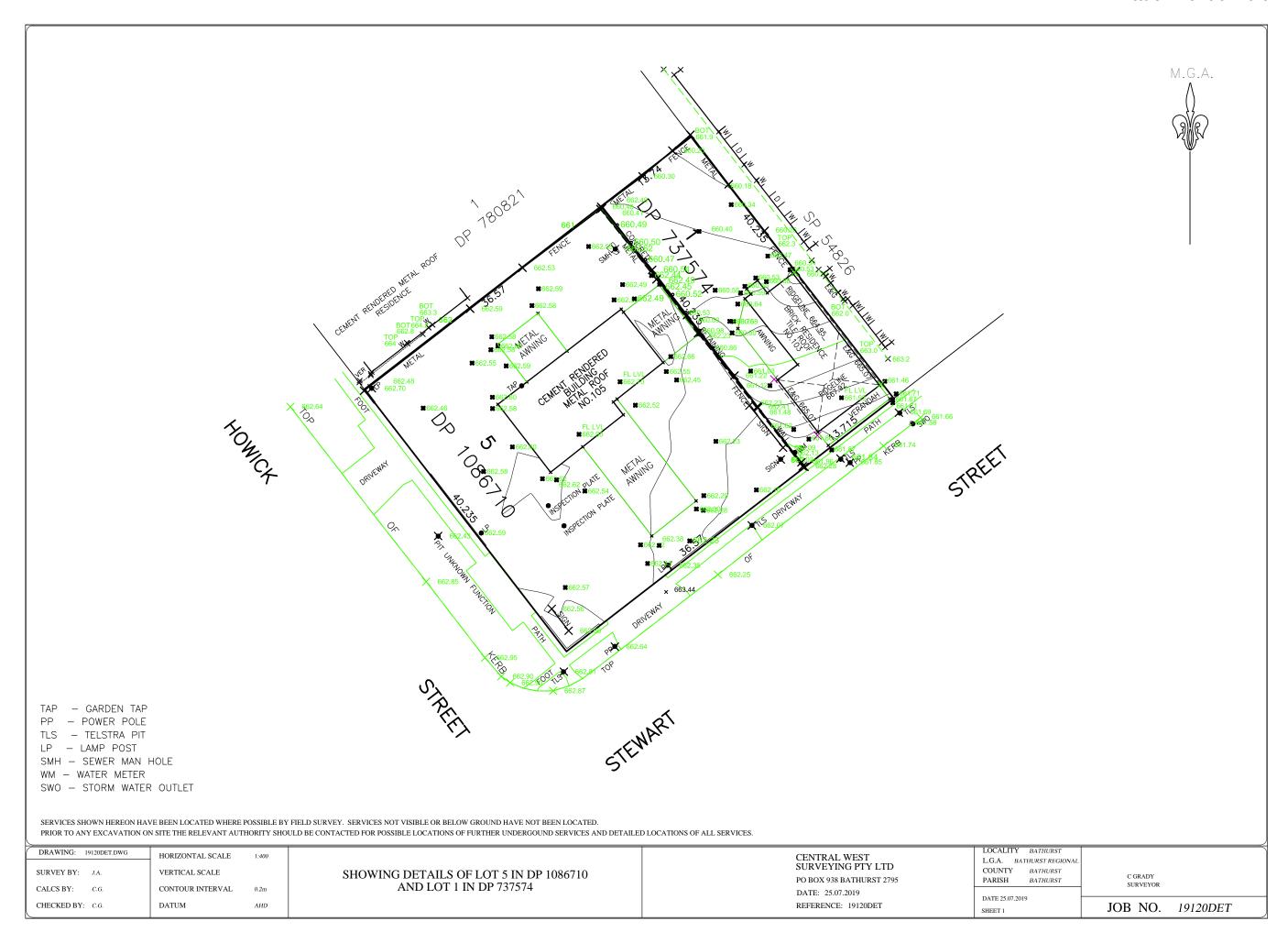












Development Application

in accordance with the

Environmental Planning & Assessment Act 1979

Planning Report and Statement of Environmental Effects for

Part Demolition, Alterations and Additions to Existing Buildings and Construction of New Take-away Food and Drink Premises – Bathurst Taco Bell Restaurant Lot 1 in DP737574 and Lot 5 in DP1086710 #103-105 Stewart Street at Bathurst

Bathurst Taco Bell April 2020

Job Ref: 045 – 2019

Version: 05-045/2019 (Amended FINAL)



WALES & ASSOCIATES PTY. LTD.

Urban Design & Development Services

ACN No: 075 903 669 ABN No: 80 075 903 669

DOCUMENT CONTROL

Document an	d Proj	ect l	Details						
Document Tit				vironmental Eff	ects				
	Part Demolition, Alterations and Additions to Existing								
	Buildings and Construction of Proposed Take-away Food &								
			nk Premises		1	,			
		Lot	t 1 in DP737:	574 and Lot 5 in	DP1086710				
				art Street at Bath					
Author:		Ma	tthew Wales						
Project Manag	ger:	Matthew Wales							
Date of Issue:		22 nd April 2020							
Job Reference	:		15-2019						
Summary:		De	velopment R	eport and Statem	nent of Environm	ental Effects			
					and Additions to				
					roposed Take-aw	•			
				- Bathurst Taco		•			
Client Details	}								
Client:		Mc	Duck Proper	ties Pty Limited					
		#30	#300 Rainbow Street						
	Co	Coogee 2023							
C 4 4		Motthey, Wales							
Contacts:		Matthew Wales Wales & Associates Pty Limited							
		Wales & Associates Pty Limited P.O. Poy 150 Ettalong Booch 2257							
		P.O. Box 150 Ettalong Beach 2257 matthew@walesassociates.com.au							
		ma	tillew(<u>a</u> ,wale	sassociates.com.	<u>au</u>				
Document Di	stribu	tion							
Version	Dat		Status	Distribu	tion – Number of	Copies			
Number			2000		nt copy; e = electron				
1 (01110 01				Client	Council	Other			
01-045/2019	20.10	0.19	Draft			1e			
02-045/2019	31.07	7.19	Final Draft			1e			
03-045/2019	17.11	.19	FINAL	1e	1e	1e			
04-045/2019	13.02	2.20	Amended	1e		1e			
	FINAL								
05-045/2019	22.04	.20	Revised	1e	1e	1e			
FINAL									
Document Ve	rificat	ion							
Checked by: Issued by:									
Clara alaces Nathan Macro									
D. Wales				M. Wal	es				

Proposed Take-away Food & Drink Premises – Bathurst Taco Bell Restaurant #103-105 Stewart Street at Bathurst

Disclaimer

This report has been prepared based on the information supplied by the client and investigation undertaken by Wales & Associates Pty Limited (Australia). Recommendations are based on the professional judgement of Wales & Associates Pty Limited only and whilst every effort has been taken to provide accurate advice, Bathurst Regional Council and any other regulatory authority may not concur with the recommendations expressed within this report. This document and the information are solely for the use of the authorised recipient and this document may not be used, copied or reproduced in whole or part for any purpose other than that for which it was supplied by Wales & Associates Pty Limited makes no representation, undertakes no duty and accepts no responsibility to any third party who may use or rely upon this document or the information.

Confidentiality Statement

All information, concepts, ideas, strategies, commercial data and all other information whatsoever contained within this document as well as any and all ideas and concepts described during the presentation are provided on a commercial in confidence basis and remain the intellectual property and Copyright of Wales & Associates Pty Ltd and affiliated entities.

Copyright

The information, including the intellectual property contained in this document, is confidential and propriety to Wales & Associates Pty Limited (Australia). It may only be used by the person, company or organisation to whom it is provided for the stated purpose for which it is provided. It must not be given to any other person, company or organisation without the prior written approval of a Director of Wales & Associates Pty Limited (Australia). Wales & Associates Pty Limited (Australia) reserves all legal rights and remedies in relation to any infringement of its rights in respect of the confidential information.

© Wales & Associates Pty Limited (Australia)

TABLE OF CONTENTS

Development Report and Statement of Environmental Effects for Part Demolition, Alterations and Additions to Existing Buildings and Construction of Proposed Take-away Food & Drink Premises Lot 1 in DP737574 and Lot 5 in DP1086710 #103-105 Stewart Street at Bathurst

Clause	Description	Page
-	DOCUMENT CONTROL	2
_	DISCLAIMER	3
-	TABLE OF CONTENTS	4 – 5
-	APPENDICIES	6
	LIST OF ABBREVIATIONS AND GLOSSARY	7
-	PROJECT DETAILS	8
1	EXECUTIVE SUMMARY	9
•	Figure 1 – Zoning plan	10
1.0	THE PROPOSAL	11
1.1	Existing Trading Hours	11
1.2	Plan of Management	11
1.3	Pre-application Meeting	12
2.0	CONSISTENCY WITH PLANNING CONTROLS	12
2.1	Bathurst Regional Local Environmental Plan 2014	12
2.1.1	Zoning	12 - 13
2.1.2	Permissibility	14
2.1.3	Building Height	14 - 15
2.1.4	Floor Space Ratio	15 - 16
2.1.5	Heritage	17 - 18
2.2	State Environmental Planning Policy No. 64 – Signage	19 - 24
2.3	Bathurst Regional Development Control Plan 2014	24
2.4	Climate Change and Sea Level Rise	25
3.0	PROPERTY DETAILS	25
4.0	EASEMENTS AND RIGHTS OF WAY	26
5.0	EXISTING BUILDINGS AND IMPROVEMENTS	26 - 28
6.0	LANDSCAPING	28
6.1	Existing Vegetation	28
6.2	Proposed Landscaping	28
7.0	CONTOURS	28
8.0	STORMWATER DRAINAGE	29
8.1	Existing Stormwater Drainage	29
8.2	Proposed Stormwater Drainage	29
9.0	WATERWAYS AND WATERCOURSES	29
10.0	FLOODING	29
10.1	General	29
10.2	Proposed Mitigation Measures	23
11.0	CONSTRUCTION DETAILS	29
11.1	New Building Location	29
11.2	Construction Materials	29
11.3	Elevations and Sections	29

Proposed Take-away Food & Drink Premises – Bathurst Taco Bell Restaurant #103-105 Stewart Street at Bathurst

11.4	Elean Aness and Density	20 21
11.4	Floor Areas and Density	30 - 31
	Setbacks TDAFFIC MANAGEMENT	31 - 33
12.0	TRAFFIC MANAGEMENT	33
12.1	General	33
12.2	Proposed Parking Provisions	33 – 36
12.3	Traffic Movements	36
12.4	Conclusions	36 – 37
13.0	SITE WASTE MANAGEMENT	37
13.1	Garbage Collection Points	37 – 39
13.2	Controls for Site Waste Management	39
14.0	EXTENT OF CUT AND FILL	39 – 40
15.0	EROSION AND SEDIMENTATION CONTROLS	41
16.0	ROAD FORMATIONS	41
16.1	Existing Road Formation	41
16.2	Road Upgrading	42
17.0	CLEARING	42
18.0	PUBLIC UTILITIES AND SERVICES	42
18.1	Sewer Services	42 - 43
18.2	Water Reticulation	43
18.3	Power Supply	43 - 44
18.4	Telecommunications	44 - 47
18.5	Gas Supply	47 - 48
19.0	STATEMENT OF ENVIRONMENTAL EFFECTS	48
19.1	Flora Effects	48
19.2	Fauna Effects	48
19.3	Traffic Effects	49
19.4	Noise Effects/Acoustic Impacts	50 - 52
19.5	Visual Amenity Effects	52
19.6	Air Quality Effects	52
19.7	Erosion and Sedimentation Effects	52 - 53
19.8	Socio-Economic Effects	53
19.9	Proposed Hours of Operation	54
19.10	Crime Prevention Through Environmental Design	54 – 56
19.11	Lighting Effects	56
20.0	Signage	57
20.1	SEPP 64 – Signage	57 – 58
20.2	Compliance with the Bathurst Regional DCP Controls	58 – 68
20.3	NSW Government Transport Corridor Outdoor	68 - 74
	Advertising and Signage Guidelines	
21.0	ENVIRONMENTALLY SUSTAINABLE	74 – 75
	DEVELOPMENT	
22.0	CONCLUSION	75
23.0	LIMITATIONS	76
	References	77
L		

+

APPENDICES	
Architectural Plans (REV D) prepared by BD	
Architecture + Interiors	
Landscape Plan (REV B) prepared by Susan Stratton	
Landscape Architects Pty Limited	
Site Survey prepared by Central West Surveyors Pty	
Limited	
Stormwater Management Plan (REV D) prepared by	
Nastasi & Associates (Consulting Civil and Construction	
Engineers)	
Traffic Assessment Report prepared By B.J. Bradley &	
Associates dated 21 st April 2020	
Odour Assessment prepared by Todoroski Air Sciences	
dated 21st April 2020	
Statement of Heritage Significance prepared by David	
Scobie Architects Pty Limited	
Environmental Noise Assessment prepared by Day	
Design Pty Limited	
Electrical Service Plan prepared by Lo-Fi (Electrical	
Engineers)	
Plan of Management prepared by Taco Bell Pty Limited	
Robbery Protocol prepared by Taco Bell Pty Limited	
Security Management Plan prepared by BD Architecture	
+ Interiors	
Waste Management Plan prepared by BD Architecture +	
Interiors	

	LIST OF ABBREVIATIONS AND GLOSSARY	
Abbreviation	Meaning	
AS	Australian Standard	
BDCP	Bathurst Development Control Plan 2014	
BRC	Bathurst Regional Council	
CC	Construction Certificate	
CCTV	Closed Circuit Television	
CPTED	Crime Prevention Through Environmental Design	
Council	Bathurst Regional Council	
dB	Decibel, which is 10 times the logarithm (base 10) of the ratio of a given sound pressure to a reference pressure; used as a unit of	
	sound	
dB(A)	Frequency weighting filter used to measure 'A-weighted' sound	
ļ.	pressure levels, which conforms approximately to the human ear	
	response, as our hearing is less sensitive at very low and very high	
	frequencies	
DCP	Development Control Plan	
DECCW	Department of Environment, Climate Change and Water NSW	
EP&A Act	Environmental Planning & Assessment Act	
EPI	Environmental Planning Instrument	
ESD	Ecologically Sustainable Development	
DoP	Department of Planning	
Emission	The release of material into the surroundings (for example, gas,	
	noise and water)	
EP&A Act	Environmental Planning and Assessment Act 1979	
GFA	Gross Floor Area	
INP	Industrial Noise Policy	
LEP	Local Environmental Plan	
m^2	Square metre	
m^3	Cubic metre	
OSD	Onsite Stormwater Detention	
POM	Plan of Management	
PP	Planning Proposal	
REF	Review of Environmental Factors	
REP	Regional Environment Plan	
RMS	Roads and Maritime Service	
ROW	Right-of-way	
SEE	Statement of Environmental Effects	
SEPP	State Environmental Planning Policy	
SIA	Social Impact Assessment	
WA	Wales & Associates Pty Limited	
WMP	Waste Management Plan	

DEVELOPMENT REPORT AND STATEMENT OF ENVIRONMENTAL EFFECTS

in accordance with

BATHURST REGIONAL COUNCIL DEVELOPMENT APPLICATION MATRIX

Date of Report: 22nd April 2020

Applicant: McDuck Properties Pty Limited

C/- WALES & ASSOCIATES

P.O. Box 150

Ettalong Beach 2257

Client: McDuck Properties Pty Limited

#300 Rainbow Street

Coogee 2023

Location: Lot 1 in DP737574 and Lot 5 in DP1086710

#103-105 Stewart Street at Bathurst

Subject of Report: Part Demolition, Alterations and Additions to Existing

Buildings and Construction of Proposed Take-away Food & Drink Premises – Bathurst Taco Bell Restaurant

Current Zoning: R1 – General Residential

(see *Figure 1* on following page)

Site Area: 2,021.00m²

Planning Instruments:

- (i) Environmental Planning & Assessment Act 1979 (as amended); Bathurst Regional Local Environmental Plan 2014;
- (ii) New South Wales (Australia) Local Government Amendment (Ecologically Sustainable Development) Act 1997; and
- (iii) State Environmental Planning Policy No. 64 Signage

Policy Documents:

(i) Bathurst Regional Development Control Plan 2014

+

EXECUTIVE SUMMARY

This Statement of Environmental Effects for the proposed part demolition and construction of the proposed "take-away food & drink premises" (ie: Taco Bell Restaurant) has been prepared by Wales & Associates Pty Limited (WA) on behalf of McDuck Properties Pty Limited.

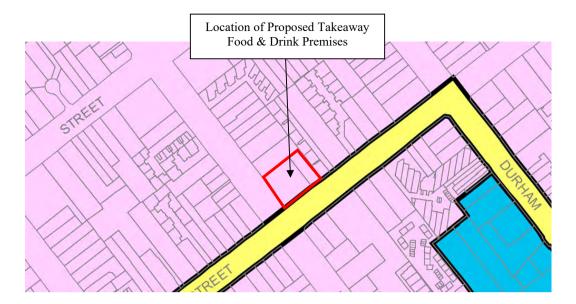
It describes the site, its environs, the proposed development and provides an assessment of the proposal in terms of the matters for consideration under s4.15 – *Evaluation* of the Environmental Planning and Assessment Act 1979 (EP&A Act 1979).

In particular, the proposal has been considered against the relevant provisions of the Bathurst Regional Local Environmental Plan (LEP) 2014. The development proposes the part demolition of the existing dwelling, demolition of the existing commercial building and construction of a new "take-away food & drink premises" branded as Taco Bell Bathurst.

It should be read in conjunction with the supporting information appended to this report including:-

- (i) Architectural Plans (REV D) prepared by BD Architecture + Interiors;
- (ii) Landscape Plan (REV B) prepared by Susan Stratton Landscape Architects Pty Limited;
- (iii) Site Survey prepared by Central West Surveyors Pty Limited;
- (iv) Stormwater Management Plans (REV D) prepared by Nastasi & Associates (Consulting Civil and Structural Engineers);
- (v) Traffic Impact Assessment prepared by BJ Bradley & Associates;
- (vi) Odour Assessment prepared by Todoroski Air Sciences;
- (vii) Waste Management Plan prepared by BD Architecture +Interior;
- (viii) Statement of Heritage Significance prepared by David Scobie Architects Pty Limited;
- (ix) Environmental Noise Assessment prepared by Day Design Pty Limited;
- (x) Plan of Management prepared by Taco Bell Pty Limited;
- (xi) Robbery Protocol prepared by Taco Bell Pty Limited; and
- (xii) Security Management Plan prepared by BD Architecture + Interiors

Proposed Take-away Food & Drink Premises – Bathurst Taco Bell Restaurant #103-105 Stewart Street at Bathurst



 $\frac{Figure\ 1}{Extract\ from\ the\ Bathurst\ Regional\ Local\ Environmental\ Plan\ 2014-Map}$ LZN_011B

(courtesy of Bathurst Regional Local Environmental Plan 2014 through the NSW Legislation website)

1.0 THE PROPOSAL

The following report is for the demolition of the existing single storey commercial building on #105 Stewart Street and part demolition of the adjacent residential dwelling at #103 Stewart Street and construction of a new "take-away food & drink premises" to operate as a Taco Bell Restaurant including:-

- (i) demolition of existing commercial building on #105 Stewart Street and clearing of site;
- (ii) conversion of the existing heritage building on #103 Stewart Street for commercial office space;
- (iii) construction of takeaway food & drink premises with seating for forty (40) patrons;
- (iv) construction of at-grade car park for twenty two (22) vehicles;
- (v) drive-thru facility;
- (vi) loading dock facilities; and
- (vii) site landscaping

The **Architectural Plans** (REV D) prepared by **BD Architecture** + **Interiors** appended to this report show the proposed fast food outlet, car parking and drive-thru facilities.

1.1 Proposed Trading Hours

The proposed trading hours are set out in *Table 1*.

Table 1
Trading Hours

Trading Day	Trading Hours
Monday	10:00am-10:00pm
Tuesday	10:0am–10:00pm
Wednesday	10:00am-10:00pm
Thursday	10:00am-10:00pm
Friday	10:00am-11:00pm
Saturday	10:00am-11:00pm
Sunday	10:00am-10:00pm

1.2 Plan of Management

The attached **Plan of Management** prepared by *Taco Bell Pty Limited* details the following:-

- (i) Noise Management Practices;
- (ii) Safety and Security Management Practices; and
- (iii) Complaint Handling System

1.3 <u>Pre-application Meeting</u>

A pre-application meeting was held with Council on the 25th September 2019 at which time the following issues were discussed:-

- (i) retention of heritage building;
- (ii) landscaping requirements;
- (iii) site cut/fill and retaining walls;
- (iv) consolidation of allotments;
- (v) sewer infrastructure;
- (vi) access arrangements from Stewart Street;
- (vii) advertising and signage;
- (viii) provision of Traffic Impact Assessment;
- (ix) Light Spillage Assessment;
- (x) Acoustic Impact Assessment;
- (xi) Odour Impact Assessment;
- (xii) preparation of Heritage Impact Assessment;
- (xiii) provide shadow diagrams;
- (xiv) utilities and services;
- (xv) compliance with the Bathurst Regional LEP 2014; and
- (xvi) compliance with the Bathurst Regional DCP 2014

2.0 CONSISTENCY WITH PLANNING CONTROLS

2.1 Bathurst Regional Local Environmental Plan 2014

The Bathurst Regional Local Environmental Plan (LEP) 2014 applies to all land within the Bathurst region. The Plan came into effect on the 19th November 2014. The Bathurst Regional LEP is a legal document that contains details about zoning, development controls and other provisions that will affect how land in the Bathurst Region can be developed and used in the future. The written instrument should be read in conjunction with the associated LEP maps. The written instrument and maps can be downloaded from the NSW Legislation website.

2.1.1 *Zoning*

The property is current zoned R1 – *General Residential*. The proposed use for the Taco Bell restaurant is permitted with the consent of Council in the zone (ie: food and drink premises are a permitted use as an "innominate" with consent).

The **objectives** of the R1 – *General Residential* zone are:-

- (i) to provide for the housing needs of the community;
- (ii) to provide for a variety of housing types and densities;
- (iii) to enable other land uses that provide facilities or services to meet the day to day needs of residents;
- (iv) 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;
- (v) to protect and conserve the historic significance and scenic quality of the urban villages of Eglinton, Raglan and Perthville; and

(vi) 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.

The proposed development meets the objectives of zone in that:-

- (i) the development enables the subject site to be uses other land uses (ie: takeaway food & drink premises) that provides facilities or services to meet the day to day needs of residents; and
- (ii) the proposal enables 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 by repurposing the existing rental car yard and conserving the existing heritage building (see *Figure 2*)

Therefore, the proposed development **COMPLIES** with the **objectives** of the zone.



Figure 2
Front façade of existing dwelling to be retained for its heritage value (image courtesy for McDuck Properties Pty Limited)

2.1.2 Permissibility

Take-away food & drink premises are permitted in the R1 – General Residential zone as an innominate use. They are neither permitted nor prohibited in the zone.

"take away food and drink premises" means premises that are predominantly used for the preparation and retail sale of food or drink (or both) for immediate consumption away from the premises.

2.1.3 Height of Buildings Map

The provisions under <u>Clause 4.3</u> – *Height of buildings* deals with those issues associated with the maximum height of buildings above natural ground level. The objectives of this clause are to establish the maximum height limit to which buildings may be erected in certain locations. The height of a building on any land is not to exceed the maximum height shown for the land on the <u>Height of Buildings Map</u>.

The subject property is denoted "J" and has a maximum building height of nine (9) metres as shown in *Figure 3*.



Figure 3
Extract from the Bathurst Regional Local Environmental Plan 2014 – Map HOB 011B

(image courtesy of Bathurst Regional Council through the NSW Legislation portal)

The proposed development has a maximum building height of 8.90 metres from natural ground level to the top of the tower sign as shown in *Figure 4*. The building heights are shown on the appended **Architectural Plans** prepared by *BD Architecture + Interiors*.

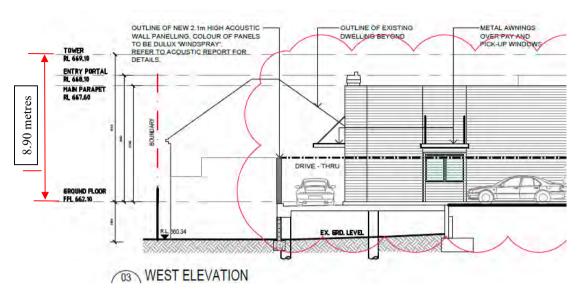


Figure 4

Extract from Architectural Plans (Rev D) showing maximum building height (image courtesy of BD Architecture + Interiors)

2.1.4 Floor Space Ratio

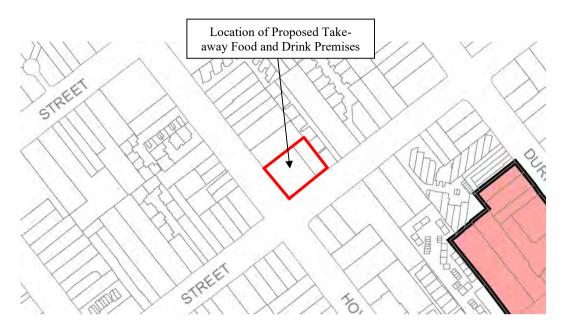
<u>Clause 4.4</u> – *Floor space ratio* deals with those issues associated with total floor space as a ratio to site area. The **objectives** of this clause are as follows:-

- (i) to ensure that buildings are compatible with the bulk and scale of the desired future character of the locality;
- (ii) to provide a suitable balance between landscaping and built form; and
- (iii) to minimise the effects of bulk and scale of buildings.

The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.

The subject site does not have a specified maximum floor space ratio under the Bathurst Regional Local Environmental Plan 2014 (see *Figure 5* – Floor Space Ratio Map – Sheet FSR 011B).

Site coverage is controlled by the DCP standards under <u>Section 5.17</u> – *Business Premises and Office Premises within Zones R1* – *Residential; R2* – *Low Density Residential and RU5* – *Village.* This is addressed under <u>Section 11.4</u> – *Floor Areas and Floor Space Ratio.*



<u>Figure 5</u>
Extract from the Bathurst Regional Local Environmental Plan 2013 – Map FSR_011B

(image courtesy of Bathurst Regional Council through the NSW Legislation portal)

The proposed floor space ratio calculations are shown in *Table 2*.

<u>Table 2</u> Floor Space Ratio Calculations

Component	Proposed GFA	Compliance
Total	232.00m ²	
Maximum GFA	250.00m ²	YES
(under Section 5.17 of the Bathurst		
Regional DCP 2014)		
Site Area	2,021.00m ²	
Maximum Permissible FSR	Not applicable	
Proposed FSR	0.115 to 1	Not applicable

Whilst the planning controls to not specify a maximum floor space ratio, the proposal meets the **objectives** of this clause by:-

- (i) ensuring that building is compatible with the bulk and scale of the desired future character of the locality by limiting building height and ensuring adequate setbacks are provided;
- (ii) providing a suitable balance between landscaping and built form; and
- (iii) minimising the effects of bulk and scale of buildings

2.1.5 Heritage

<u>Clause 5.10</u> – *Heritage conservation* deals with those issues relating to heritage items or conservation areas. Heritage items (if any) are listed and described in Schedule 5. Heritage conservation areas (if any) are shown on the <u>Heritage Map</u> as well as being described in Schedule 5. The **objectives** of this clause are as follows:-

- (i) to conserve the environmental heritage of the Bathurst Regional Council area:
- (ii) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views;
- (iii) to conserve archaeological sites; and
- (iv) to conserve Aboriginal objects and Aboriginal places of heritage significance

Development consent is required when erecting a building on land on which a heritage item is located or that is within a heritage conservation area. In this instance, the subject lands do not contain a heritage item but does fall within a "Conservation Area" (see *Figure 6*).

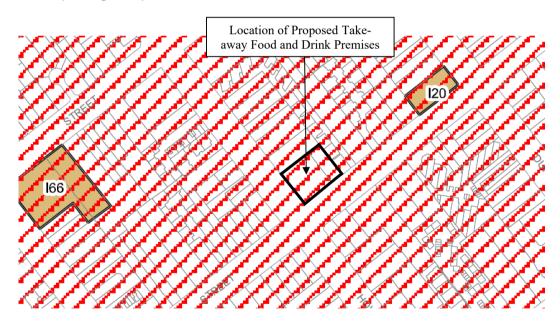


Figure 6
Extract from the Bathurst Regional Local Environmental Plan 2014 – Map
HER 011B

(image courtesy of Bathurst Regional Council through the NSW Legislation portal)

In relation to the existing residential dwelling, the building is subject to heritage considerations as detailed in the attached **Statement of Heritage Significance** prepared by *David Scobie Architects Pty Limited*. Also appended to this report is a <u>supplementary letter</u> from *David Scobie Architects Pty Limited* dated the 12th February 2020 which addresses heritage related matters arising from submissions made during the public notification period.

The report makes the following management recommendations which have been formulated after consideration of all the available information and have been prepared in accordance with the relevant legislation:-

Recommendation 1

The proposed works to the subject site and in the vicinity of the Cottage located within the Bathurst Heritage Conservation Area would be appropriate on heritage grounds provided Recommendations 2-6 below are followed.

Recommendation 2

An application for Development is to be lodged with Bathurst Regional Council, reviewed and approved by that body prior to works commencing.

Recommendation 3

Competent direction and supervision should be maintained at all stages of the design development and construction, and any changes should be implemented by people with appropriate knowledge and skills appropriate to the task.

Recommendation 4

All relevant staff, contractors and subcontractors should be made aware of their statutory obligations for heritage under the *Heritage Act 1977* and best practice outlined in the *Burra Charter* (1999), which should be implemented as a heritage induction.

Recommendation 5

The Heritage Consultant will provide a heritage Induction and will advise on providing physical tags to all the items on the Cottage site with heritage significance which are to be retained, decontaminated and incorporated into the works.

Recommendation 6

Heritage advice is to be provided for outstanding matters including paint scrapes for determining final colour schemes, electrical fittings and fixtures, ceiling details and the modification of services for the facilities required to support the simple commercial use.

Council has advised that the existing residence is an example of mid-Victorian architecture (1860-1875) which is currently on good condition with minimal cracking visible and retains a number of period features. Council's Senior Heritage Planner, Ashlee Cutter has recommended that the front four (4) original rooms should retained whilst the later additions to the rear can be removed. It was recommended that the original core building be re-purposed for commercial activities.

All existing commercial site improvements will be demolished and removed as part of the redevelopment of the site with the front portion of the dwellings at #103 Stewart Street being retained as shown on the **Architectural Plans** (REV D) prepared by **BD Architecture + Interiors**.

2.2 Compliance with State Environmental Planning Policy No.64 – Signage

Under <u>Clause 8</u> of SEPP 64, a consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied:-

- (i) that the signage is consistent with the objectives of this Policy as set out in clause 3(1); and
- (ii) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 1.

Business identification and site identification signage panels are proposed for the site including a 6.44m high illuminated pylon and 7m high tower sign. The proposed signage panels to be utilised on the existing building are shown on the attached **Architectural Plans** appended to this report prepared by **BD Architecture** + **Interiors**.

The aims of SEPP 64 are to ensure that signage:-

- (i) is compatible with the desired amenity and visual character of an area;
- (ii) provides effective communication in suitable locations; and
- (iii) is of high quality design and finish

It is considered that the proposed signage is compatible with the desired character of the area and is consistent with the current signage in the immediate precinct including the existing pole sign on the subject site (see *Figure 7*) and the adjacent signage at the Bathurst Heritage Motor Inn at #102 Stewart Street (see *Figure 8*). The proposed signage will be of an appropriate height, scale and proportion given its location along the busy Stewart Street/Durham Street A32 highway corridor servicing through traffic between Sydney and Orange/Cowra.



Figure 7
Photograph showing existing pole signage at #105 Stewart Street (image courtesy of Google Earth Pro)



Figure 8
Photograph showing existing pole signage at #102 Stewart Street – Bathurst
Heritage Motor Inn
(image courtesy of Google Earth Pro)

The proposed signage:-

- (i) will be of a high quality and finish;
- (ii) will be illuminated at an acceptable level that will not result in unreasonable glare that would affect the safety of vehicles or pedestrians; and
- (iii) the illuminated signage will not detract from the amenity of neighbouring development.

The proposed signage is considered appropriate for the use of the site for "take away food and drink premises" and is consistent with other fast food outlets in the Bathurst arterial road precinct.

The proposed signage meets the objectives and provisions of SEPP 64 as detailed in the criteria of Schedule 1 of the SEPP (see **Table 3**).

<u>Table 3</u> Compliance Table – SEPP64 Signage

Consideration	Comment	
1. Character of the area		
Is the proposal compatible with the existing	YES. Whilst the site is located within	
or desired future character of the area or	the heritage conservation area, it is	
locality in which it is proposed to be	compatible with signage already	
located?	associated with the site and adjacent	
	signage at #102 Stewart Street	

Table 3 Compliance Table – SEPP64 Signage (continued)

Consideration	Comment
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	YES. The proposed building signage and pylon/tower sign are consistent with the current site signage. The pylon sign is located in the south western corner of the site consistent with the location of the existing pole sign. Street View - Existing Site Signage Existing pylon type sign
2. 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 residential areas?	NO. As stated above, the proposed building signage, tower sign and pylon are consistent with the current site signage. Whilst located in a heritage conservation area, the signage will not appreciably detract from the visual quality of the area where the subject site is located on the busy A32 highway corridor.
3. Views and vistas	
Does the proposal obscure or compromise important views?	NO. The proposed building signage will not obscure or compromise important views.
Does the proposal dominate the skyline and reduce the quality of vistas?	NO. The proposed signage (including the pylon and tower sign) will not dominate the skyline. In particular, the proposed pylon sign is consistent with the existing pylon sign located on the site.
Does the proposal respect the viewing rights of other advertisers?	YES. The proposed signage does not impact on adjacent signage.
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	YES. The proposed signage will form an integral part of the streetscape and is consistent with existing signage on the site.

Table 3 Compliance Table – SEPP64 Signage (continued)

Consideration	Comment
4. Streetscape, setting or	
landscape	

Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape? YES. The proposed building and pylon signage is in similar proportion to the existing site signage and consistent with similar signage at #102 Stewart Street.



Existing tower sign at #102 Stewart Street

Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	YES. The proposed signage will be consistent with the existing site signage and contribute to the visual interest along the A32 highway corridor.
Does the proposal reduce clutter by localizing and simplifying existing advertising?	Yes. The new signage replaces the old outdated signage (including the existing pole sign) and updates and rationalizes the signage along Stewart Street.
Does the proposal screen unsightliness?	No. The proposed signage is not intended to screen unsightliness.
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	No. The pylon and tower sign are 6.44 metres in height which is within the existing maximum height limits (ie: 9 metres). The tower sign will protrude above the existing parapet level by 2.0 metres. However, the building and attached signage is set back from the Stewart Street frontage 20.825 metres and the Howick Street frontage by 24.64 metres (to the main wall). It does not protrude above other buildings or tree canopies.
Does the proposal require ongoing vegetation management?	NO.

Table 3 Compliance Table – SEPP64 Signage (continued)

Consideration	Comment
5. Site and building	
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	YES. The proposed building signage and tower sign are consistent and proportionate with the characteristics (bulk and scale) of the proposed building (see <i>Figure 6</i>)
Does the proposal respect important features of the site or building, or both?	YES. The signage is integral to the operation of the building as a fast food outlet.
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	YES. The proposed signage is state-of-the-art brand signage.
6. 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?	NO.
7. Illumination	
Would illumination result in unacceptable glare?	NO. Light intensity will be adjusted so as to ensure that there are minimal impacts on adjoining residences or to motorists using the A32.
Would illumination affect safety for pedestrians, vehicles or aircraft?	NO. Light intensity will be adjusted so as to ensure pedestrian safety or vehicle safety.
Would illumination detract from the amenity of any residence or other form of accommodation?	NO. Light intensity will be adjusted so as to ensure that adjoining amenity is protected.
Can the intensity of the illumination be adjusted, if necessary?	YES.
Is the illumination subject to a curfew?	NO.
8. Safety	
Would the proposal reduce the safety for any public road?	NO. The proposal does not impact on traffic safety.
Would the proposal reduce the safety for pedestrians or bicyclists?	NO. The proposal does not impact on bicycle safety.
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	NO. The proposal does not impact on pedestrian safety.

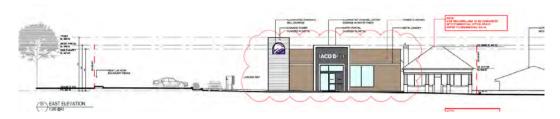


Figure 9

Extract from Architectural Plans (Rev D) showing eastern elevation and signage (image courtesy of BD Architecture + Interiors)

It is considered that the proposal **COMPLIES** with the relevant criteria outlined within SEPP64 and Schedule 1.

Assessment of the proposed signage against the provisions of <u>Chapter 12</u> – Signage and Colour Schemes is dealt with in <u>Section 20</u> – *Signage*.

2.3 Bathurst Regional Development Control Plan 2014

Development Control Plans (DCPs) are documents that supplement the provisions of Local Environmental Plans (LEPs) with more detailed planning and design guidelines. The Bathurst Regional Development Control Plan 2014 (DCP) applies to all land within Bathurst local government area to which the Bathurst Regional Local Environment Plan 2014 (LEP) applies. The LEP provides the legal framework including the land use zones and whether certain types of development are permitted in that zone. The DCP does not apply to any development considered to be either "exempt" or "complying" development under an environmental planning instrument. These categories of development are currently regulated by various State Environmental Planning Policies.

The primary aim of the DCP is to define "deemed to satisfy" standards which will streamline the approval process where these are achieved. This does not remove the obligation to assess each development application in accordance with the requirements of the Environmental Planning & Assessment legislation.

The Bathurst Regional Development Control Plan (DCP) 2014 applies to all land within the Bathurst region. The Plan came into effect on the 19th November 2014 by resolution of Council dated the 16th December 2013.

The following controls are addressed in the body of this report:-

- (i) Chapter 5 Business and Industrial Development;
- (ii) Chapter 10 Urban Design and Heritage Conservation;
- (iii) <u>Chapter 11</u> Outdoor Lighting (see <u>Section 19.11</u> *Lighting Effects*);
- (iv) <u>Chapter 12</u> Signage and Colour Schemes;
- (v) Chapter 13 Landscaping and Greening;
- (vi) Chapter 14 Parking;
- (vii) Chapter 15 Crime Prevention; and
- (viii) <u>Chapter 16</u> Earthworks

2.4 Climate Change and Sea Level Rise

In relation to climate change and sea level rise, these effects will be felt through:-

- (i) increased in intensity and frequency of storms, storm surges and coastal flooding;
- (ii) increased salinity of rivers, bays and coastal aquifers resulting from saline intrusion;
- (iii) increased coastal erosion;
- (iv) inundation of low lying coastal communities and critical infrastructure;
- (v) loss of important mangroves and other wetlands; and

Location of Proposed Takeaway

(vi) impacts on marine ecosystems

There is a general lack of knowledge on the specifics of climate change and the likely impact it will have on the proposed commercial development. Government action may mitigate the impact of climate change and the question of sea level rise may be able to be addressed through the construction of containment works or through Council's policies that may be developed over time. In the absence of any detailed information, it is considered that such affects will have minimal impact on the proposed development.

3.0 PROPERTY DETAILS

The property is known as Lot 1 in DP737574 and Lot 5 in DP1086710 #103-105 Stewart Street at Bathurst with a total area of 2,021.00m². The site is wholly contained within the existing R1 – *General Residential* precinct along the busy A32 highway corridor that links through traffic from Sydney to Orange and Cowra (A41) as shown in *Figure 10*.

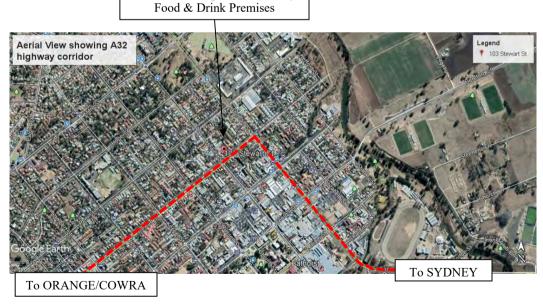


Figure 10
Aerial view showing the proposed Taco Bell store location along A32 Highway corridor
(image courtesy of Google Earth Pro)

4.0 EASEMENTS/RIGHTS-OF-WAY

The property is not affected by any known easements or rights-of-way.

5.0 EXISTING BUILDINGS AND IMPROVEMENTS

The subject lands consist of a freestanding/single storey commercial building with concrete surrounds occupied by Avis Rental Cars (see *Figure 11*). The development site also includes the adjoining brick residential dwelling with tile roof and associated yard improvements. The residential property has heritage values that Council has sought to preserve as part of the development process through the retention of the front four (4) rooms. The existing commercial building is located on Lot 5 which is retained along the adjoining boundary with Lot 1 (see *Figure 12*).

The site details are shown in *Table 4*. The properties are located along the A32 highway corridor (Stewart Street and Durham Street) which accommodates a range of residential and commercial activities.



Figure 11
Photograph showing existing single storey commercial and residential buildings
fronting Stewart Street
(image courtesy of Google Earth Pro)



Figure 12
Photograph showing existing heritage dwelling and adjoining retaining wall (photograph courtesy of McDuck Properties Pty Limited)

The existing improvements are detailed in *Table 4*:-

Table 4 Existing Site Improvements

Allotment	Existing Improvement
#103 Stewart Street	Brick residence with tile roof
#105 Stewart Street	Cement rendered building with metal roof used by
	Avis Rental Cars

In relation to the existing residential dwelling, the building is subject to heritage considerations as detailed in the attached **Statement of Heritage Significance** prepared by *David Scobie Architects Pty Limited*.

Council has advised that the existing residence is an example of mid-Victorian architecture (1860-1875) which is currently on good condition with minimal cracking visible and retains a number of period features. Council's Senior Heritage Planner, Ashlee Cutter has recommended that the front four (4) original rooms should retained whilst the later additions to the rear can be removed. It was recommended that the original core building be re-purposed for commercial activities.

All existing commercial site improvements will be demolished and removed as part of the redevelopment of the site with the front portion of the dwellings at #103 Stewart Street being retained as shown on the **Architectural Plans** (REV D) prepared by BD **Architecture + Interiors**.

6.0 LANDSCAPING

6.1 Existing Vegetation

The property has been fully cleared of its natural vegetation in order to accommodate the existing residential dwellings. Some introduced domestic plantings exist. All existing vegetation will be removed as part of the redevelopment of the site.

6.2 Proposed Landscaping

The appended Landscape Plan (REV B) prepared by *Susan Stratton Landscape Architects Pty Limited* shows the proposed landscaping treatment for the proposed development.

7.0 CONTOUR LEVELS

The attached **Site Survey Plan** prepared by *Central West Surveyors Pty Limited* shows the existing contour levels and site improvements. The subject lands are located on the corner of Stewart Street and Howick Street. The land slopes gently from the Howick Street frontage to the north west corner of the property with levels ranging from RL662.7m AHD (north east corner) and RL661.9m AHD (north west corner) as shown in *Figure 13*.

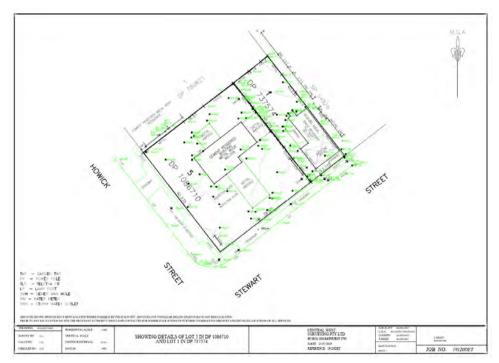


Figure 13
Site Survey Plan prepared by Central West Surveyors Pty Limited (survey plan courtesy of Central West Surveyors Pty Limited)

8.0 STORMWATER DRAINAGE

8.1 Existing Stormwater Drainage

The existing commercial building currently discharge all roof water and impervious areas to the existing Council kerb and gutter in Howick Street and Stewart Street via a system of pits and pipelines as shown on the appended Site Survey Plan prepared by Central West Surveyors Pty Limited. The existing residence discharges all runoff into an existing on-site disposal system in the rear yard.

8.2 Proposed Stormwater Details

The appended **Stormwater Management Plans** (REV D) prepared by *Nastasi & Associates* (Consulting Engineers) shows the proposed stormwater discharge arrangements and the location of the proposed internal stormwater lines. All roof and pavement runoff will be directed to the existing stormwater inlet pit in Stewart Street. All works will be designed and constructed in compliance with Council's Minimum Standards for Subdivision and Developments.

9.0 WATERWAYS AND WATERCOURSES

No waterways or watercourses exist over the property.

10.0 FLOODING

10.1 General

The property is NOT affected by the 1% AEP storm event nor are any localized flooding problems known to exist on or adjacent to the existing development.

10.2 <u>Proposed Mitigation Measures</u>

No further flood mitigation measures are required as part of this application.

11.0 CONSTRUCTION DETAILS

11.1 Location

The site is wholly contained within the existing R1 – General Residential precinct along the busy A32 highway corridor that links through traffic from Sydney to Orange and Cowra (A41) as shown in **Figure 10**. The site is located on the corner of Stewart Street and Howick Street approximately 700 metres from the centre of Bathurst.

11.2 Construction Materials

The attached **Architectural Plans** (REV D) prepared by **BD Architecture** + **Interiors** appended to this report show the proposed construction materials.

11.3 Elevations and Sections

Elevations and sections are shown on the attached **Architectural Plans** prepared by **BD Architecture** + **Interiors** appended to this report.

#103-105 Stewart Street at Bathurst

11.4 Floor Areas and Floor Space Ratio

<u>Clause 4.4</u> – *Floor space ratio* deals with those issues associated with total floor space as a ratio to site area. The **objectives** of this clause are as follows:-

- (i) to ensure that buildings are compatible with the bulk and scale of the desired future character of the locality;
- (ii) to provide a suitable balance between landscaping and built form; and
- (iii) to minimise the effects of bulk and scale of buildings.

The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.

The subject site does not have a specified maximum floor space ratio under the Bathurst Regional Local Environmental Plan 2014 (see *Figure 5* – Floor Space Ratio Map – Sheet FSR_011B). Site coverage is controlled by the DCP standards under Section 5.17 – Business Premises and Office Premises within Zones R1 – Residential; R2 – Low Density Residential and RU5 – Village. The proposed floor space ratio calculations are shown in *Table 4*.

<u>Table 4</u> Floor Space Ratio Calculations

Component	Proposed GFA	Compliance
Total	232.00m ²	
Maximum GFA (under Section 5.17 of the Bathurst Regional DCP 2014)	250.00m ²	YES
Site Area	2,021.00m ²	
Maximum Permissible FSR	Not applicable	
Proposed FSR	0.115 to 1	Not applicable

The proposed development caters for forty (40) internal seats and no external seats.

The proposed development therefore **COMPLIES** with the requirements of <u>Clause 4.4</u> – *Floor Space Ratio*.

Section 5.17 – Business Premises and Office Premises within Zones R1 – Residential; R2 – Low Density Residential and RU5 – Village of the Bathurst Regional Development Control Plan 2014 deals with issues relating to the bulk and scale of business premises and office premises within Zones R1 – General Residential, R2 – Low Density Residential and RU5 – Village.

Sub-clause 5.17.2 – Development standards states (in relation to floor areas) that:-

"buildings used or constructed for business or office premises must not exceed a gross floor area of 250m2 per lot. Only one (1) building per lot may be used for business or office premises (Note: separate buildings may be erected on the lot for garaging and storage purposes)".

The proposed development meets the above development standards in that the proposal:-

- (i) has a floor area of less than 250m² (ie: a maximum 232m² development footprint); and
- (ii) has two separate building to be used for business and commercial purposes

It should be noted that the subject site has particular circumstances in relation to the current existing commercial uses (ie: Avis Car Rentals) and the heritage value of the existing residential dwelling which has triggered the specific design response.

Regardless, the proposal meets the development standard. The specific circumstances are:-

- (i) Existing commercial use the existing building on Lot 5 was previous operated as a service station which was decommissioned. It has subsequently operated as the Avis Car Rentals outlet. It has a gross floor area (including canopy areas) of 294.5m² and a total site coverage of 20%. The proposed development has a gross floor area (GFA) of 232m² and proposed site coverage of 11.5%. This is less than the current GFA/site coverage and below the maximum GFA specified in the Bathurst Regional DCP 2014. The proposed floor space is the minimum efficiency based floor area required for the standard Taco Bell foot plate;
- (ii) Heritage values the existing residential building on Lot 1 has been identified as having heritage values that are worthy of retention. Council has advised that the existing residence is an example of mid-Victorian architecture (1860-1875) which is currently on good condition with minimal cracking visible and retains a number of period features. Council's Senior Heritage Planner, Ashlee Cutter has recommended that the front four (4) original rooms should retained whilst the later additions to the rear can be removed. It was recommended that the original core building be re-purposed for commercial activities. In order to preserve the heritage component of the existing building, it was necessary to ensure that this remained as a detached building element that could subsequently be used for other commercial purposes and hence the departure from the Council's standard. It could not practically be retained as part of the proposed development.

Therefore, the proposal meets the Councils' DCP standard and ensures that the proposed development achieves a superior outcome to that which currently exists on the site.

11.5 Setbacks

Under <u>Section 5.17.2</u> – *Development standards* in the Bathurst Regional Development Control Plan 2014, it does not specifically address setbacks for business premises in the R1 – *General Residential* zone.

It states:-

Building Form

1.4 Buildings constructed for business or office premises are to relate in scale and form with surrounding

In this instance, the proposed building is set back 4.33 metres from the north western boundary with a 2.1 metre high acoustic fence to provide noise attenuation to adjoining residential properties to the north west. The building is set back 9.70 metres from the north eastern boundary with similar acoustic fencing treatment along the extremity of the drive-thru lane to provide noise attenuation to adjoining residential properties to the north east.

However, <u>Clause 5.6</u> – <u>Parking</u>, <u>Access and Manoeuvring</u> Areas of the Bathurst Regional Development Control Plan applies to the site. In relation to Clause 5.6.2(c), this clause states:-

"All car parking areas are to be located behind the building line or a minimum 3 metres from the front property boundary. Adequate landscape screening is to be provided within the 3 metre setback and Council must be satisfied that the proposed landscaping/screening will adequately reduce the effect of the parking area on the streetscape".

A variation is sought to the above DCP standard on the basis that the existing Avis Hire Car Depot does not provide substantive landscaping or setbacks as required in Clause 5.6.2(c). The existing development sets an accepted standard that has existed (in various forms) for over 40 years without the need to screen the effect of the existing parking area (see *Figure 13A*) from the main road. Similar setbacks and reduced landscaping exist at the 7-Eleven Store at #269 Stewart Street (see *Figure 13B*) which provides an acceptable level of street integration with the Heritage Conservation Area.



Figure 13A
Image showing existing Avis Car Rental Depot
(image courtesy of Google Earth Pro)



Figure 13B
Image showing existing 7-Eleven Store at #269 Stewart Street
(image courtesy of Google Earth Pro)

Similar setbacks are proposed for the proposed development. However, in order to meet the objectives of the standard, perimeter landscaping is proposed as shown on the amended **Landscape Plan** (REV B) prepared by **Susan Stratton Landscape Architects** which includes a new 1.2 metre high brick fence with metal infill panels. Both the landscaping and fencing will ensure that the proposed carpark will be adequately screened and therefore meet the objective of the standard.

12.0 TRAFFIC MANAGEMENT

12.1 General

Traffic management and vehicle parking is controlled by the RTA publication "Guide to Traffic Generating Developments" and Section 14 – Parking under the Bathurst Regional Development Control Plan 2014.

The amended **Traffic Assessment Report** prepared by **B.J. Bradley & Associates** (Traffic Engineers) dated the 21st April 2020 deals with the proposed parking, deliveries and traffic movements for the development site.

12.2 Proposed Parking Provisions

Under <u>Chapter 14</u> – *Parking* of the Bathurst Regional DCP 2014, parking demand is controlled by the rates in <u>Parking Schedule</u> on Page 225 which indicates car parking spaces be provided as follows in *Table 5*.

Takeaway food and drink premises: No seating or drive-through	
Seating but no drive-through	12 spaces per 100m ² .
	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 Guide to Traffic Generating Developments.

Table 5

Schedule of Parking Requirements – Drive-in Takeaway Food Shop (courtesy of Bathurst Regional Council – DCP 2014)

The above requirement for "drive-in take-away food shops" is one (1) space per 2 seats (internal seating only).

The proposed drive-through take-away food outlet will have a gross floor area of 232m² and will provide seating capacity of forty (40) seats internal only. Therefore, the application of Council's DCP 2010 – <u>Parking Schedule</u> would require the following parking provision:-

40 seats @ 1 space per 2 seats = 20 spaces Total Parking Requirement = 20 spaces.

This is consistent with the RTA Guide to Traffic Generating Developments which provides for similar car parking requirements for developments that are accepted along State Roads, as shown below in *Figure 14*.

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 gueued from ordering point.

Figure 14

RTA Guide to Traffic Generating Developments – Parking Rates for Drive-in Takeaway Food Outlets

The proposed drive-through take-away outlet will provide of a total of twenty (20) spaces, including one accessible space in accordance with AS/NZS 2890.6 – 2009.

In addition, two (2) commercial car parking spaces have been allocated for the existing residence that will be converted for commercial use.

Adequate length will be provided for queuing for ten (10) cars prior to the pick-up point with a single lane enabling four (4) cars to queue prior to the order point.

TOTAL PARKING PROPOSED = 20 SPACES + 2 COMMERCIAL SPACES

The number of car spaces to be provided (22) is compliant with the requirements of the RTA "Guide to Traffic Generating Developments" which is accepted State-wide (particularly along much busier State Roads) and other regional Local Government areas.

Car parking spaces will be:-

- (i) 2.6 metres wide and 5.5 metres long with a traffic aisle 7.0 metres wide;
- (ii) 2.6 metres wide with a 2.6 metre wide shared space for accessible spaces; and
- (iii) Compliant with or exceed the requirements of a Class 3 parking facility in AS/NZS 2890.1 2004 an also AS/NZS 2890.6 2009.

It is considered that the proposed development **COMPLIES** with <u>Chapter 14</u> – *Parking* of the Bathurst Regional Development Control Plan.

12.3 <u>Traffic Movements</u>

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 metres 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

The existing driveway on Howick Street is a combined entry/exit approximately 5.9 metre 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.

All vehicles and deliveries will enter and leave in a forward direction.

12.4 Conclusions

The appended **Traffic Assessment Report** prepared by **B.J. Bradley & Associates** makes the following comments and conclusions:-

- (i) the proposal involves development of a drive-through take-away food outlet over two properties currently occupied by an existing commercial operation (ie: Avis Car Rentals) and a heritage-listed dwelling on the northern side of Stewart Street;
- (ii) Stewart Street forms part of the Great Western Highway which is a State Road under the control of RMS (ie: A32);
- (iii) 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;

- (iv) traffic volumes generated by the proposed development are estimated to be approximately 100 trips in the morning 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 the KFC Drive-thru takeaway food outlet and experience with numerous other drive-in/takeaway food outlets in New South Wales;
- (v) the effect of traffic generated by the proposed development on existing traffic delays and the degree of saturation on Stewart Street would be negligible;
- (vi) the volume of service vehicles will be relatively low and will be scheduled to occur outside periods of peak customer activity as agreed with the Council. The proposed Taco Bell outlet will open at 10:00am;
- (vii) 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 driveway exit only location;
- (viii) the proposed development includes twenty two (22) car parking spaces, including an accessible parking space. This complies with the requirement of Section 14 Parking of the Bathurst Regional DCP 2014; and
- (ix) nine (9) bicycle spaces will be provided onsite, in excess of the Bathurst Regional DCP 2014 requirements

Customers of drive-through take-away food outlets tend to utilise drive-through facilities in preference to inside seating. It is considered that the provision of twenty two (22) parking spaces in the subject drive-through take-away is compliant with the RTA "Guide to Traffic Generating Developments" will be sufficient for the likely parking demand.

13.0 SITE WASTE MANAGENENT

In the absence of waste management controls within the Bathurst Regional Development Control Plan 2014, a **Site Waste Management Plan** prepared by **BD Architecture** + **Interiors** is attached which:-

- (i) assists in achieving Federal and State Government waste minimisation targets in accordance with regional waste plans;
- (ii) minimises overall environmental impacts of waste and foster the principles of ecologically sustainable development (ESD);and
- (iii) facilitates source separation and provide design standards that complement waste collection and management services offered by Council and private service providers

13.1 Garbage Collection Points

The bin enclosure area is located in the south western corner of the proposed building and is serviced from the dedicated loading dock. It will accommodate a minimum of one (1) x 1.1m³ bulk bin which is to be serviced daily by a private waste contactor (see *Figure 15* and *Figure 16*). The bulk bin provisions and frequency of collection may vary depending on operational rates.



Figure 15
Plan extract showing waste vehicle sweep paths for servicing of the waste storage area and loading dock
(image courtesy of BD Architecture + Interiors)

+

Proposed Take-away Food & Drink Premises – Bathurst Taco Bell Restaurant #103-105 Stewart Street at Bathurst

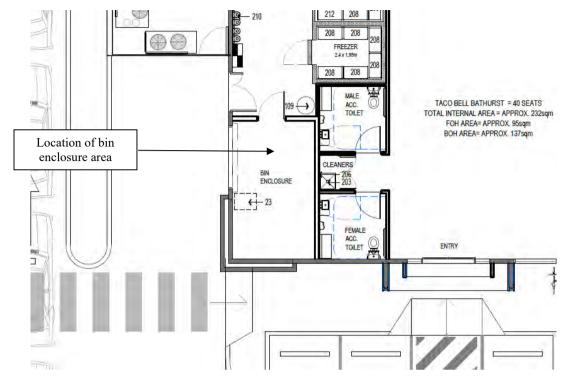


Figure 16
Extract from Architectural Plans (REV D) showing waste/refuse area (courtesy of BD Architecture + Interiors)

13.2 Controls for Site Waste Management

A **Site Waste Management Plan** prepared by BD Architecture + Interiors is appended to this report.

14.0 EXTENT OF CUT AND FILL

<u>Section 16</u> – *Earthworks* under the Bathurst Regional DCP 2014 deals with issues relating to the changing of levels of land during subdivision. The **objectives** of the standard are:-

- (i) to ensure adequate information is submitted with a Development Application (DA) to determine the impact of future development by means of changes in levels of land; and
- (ii) to ensure that inappropriate filling or cutting of land is reduced

The appended **Architectural Plans** (REV D) prepared by **BD Architecture** + **Interiors** show the proposed extent of cut and fill across the site. As the subject lands slope away from both Howick Street and Stewart Street, it will be necessary for the site to be filled and retained to a height of approximately two (2) metres.

Whist the subject application is not for the purposes of land subdivision, the Council's requirements have been taken into consideration such that:-

(i) the existing colourbond boundary fencing will be retained;

- (ii) the proposed retaining wall and acoustic fencing is set back 5.66 metres from the north western boundary with the setback buffer area fully landscaped (as shown on the Landscape Plan) to the edge of the proposed drive-thru access (see *Figure 17*); and
- (iii) a 2.1 metre high acoustic panel fence is to be constructed along the edge of the drive-thru access to provide both privacy to adjoining residential properties and acoustic attenuation

Engineering details will be provided at Construction Certificate stage.

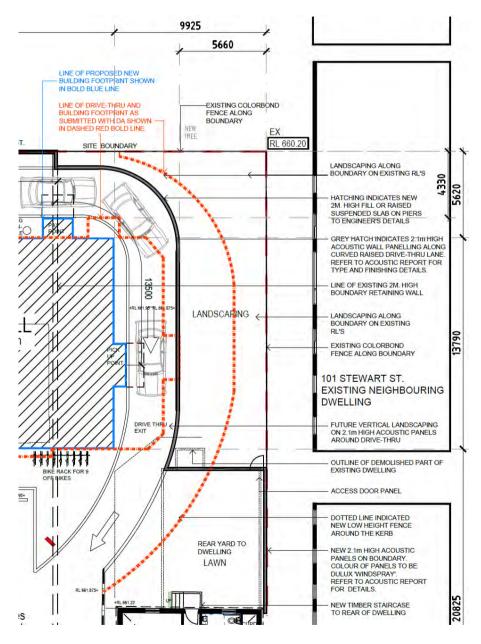


Figure 17
Extract for Architectural Plans (REV D) showing retaining wall layout (image courtesy of BD Architecture + Interiors)

15.0 EROSION AND SEDIMENTATION CONTROL

As with all development work, the potential for soil erosion and sediment transfer is present. In order to limit this potential, it is intended to implement the necessary controls to restrict such transfer to within the construction zone and prevent any erosion and sediment transfer onto adjoining lands or to the Council's trunk drainage system.

During the course of construction, filter fences will be provided adjacent to the exposed work face and hay bales anchored with star pickets will be provided at the site low points.

All works will be monitored on a daily basis and the construction area secured with control devices at the conclusion of each day's work. At the completion of each phase of the construction works, all exposed areas will be secured to ensure that the area is stabilised as quickly as possible.

All works will be carried out in accordance with Council's directions and in compliance with Bathurst Regional Council's *Guidelines for Engineering Works*.

16.0 ROAD FORMATIONS

16.1 Existing Road Formation

The proposed development fronts both Stewart Street and Howick Avenue. Both roads are fully kerbed and guttered with piped stormwater drainage, fully constructed footpaths and public utilities as shown in *Figure 18*.



Figure 18
Photograph showing existing road infrastructure adjacent to the site looking west towards Durham Street
(image courtesy of Google Earth Pro)

16.2 Road Upgrading

No road upgrading is required as part of this application other than the provision of improvements to the ingress/egress cross-over points to the new development.

17.0 CLEARING

The subject site is fully developed with the existing single storey commercial building (ie: Avis Rental Cars) and existing residence occupying the majority of the site. The existing commercial building will be demolished and removed from the site whilst the existing dwelling will be partly demolished in order to accommodate the proposed development. The front four (4) rooms of the residence will be retained and incorporated in the new development.

18.0 PUBLIC UTILITIES AND SERVICES

The following information in relation to existing services and utilities was provided by Dial Before You Dig. The Association of Australian Dial Before You Dig Services Ltd. Does not maintain information regarding the location



of underground assets. DBYD merely facilitates communication between the users of this service and Members/Participants. DBYD is not responsible for the accuracy of information received from users of this service, as to proposed excavation activity. There are also owners of underground assets which do not participate in the referral service operated by DBYD. Therefore, DBYD cannot make any representation or warranty as to the accuracy, reliability or completeness of the information contained in this notice.

DBYD and its employees, agents and consultants shall have no liability (except insofar as liability under any statute cannot be excluded) arising in respect thereof or in any other way for errors or omissions including responsibility to any person by reason of negligence. All users of this service acknowledge that they have a duty of care to observe with regards to underground networks when digging or excavating. All services should be located by survey prior to the commencement of all works.

18.1 Sewer Services

The site is fully serviced from the existing Council sewer main along north western (rear boundary) as shown in *Figure 19*. The existing commercial building and residential dwelling are connected to the sewer main.



The proposed development will also have full access to reticulated sewer services.

+

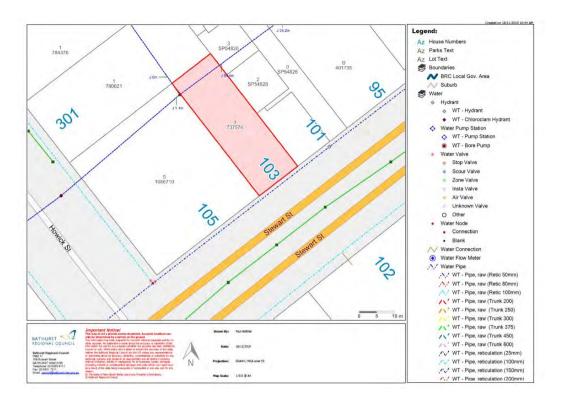


Figure 19
Extract from Bathurst Regional Council's Infrastructure Records (image courtesy of Bathurst Regional Council)

18.2 Water Reticulation

Bathurst Regional Council provides water supply from existing water mains located in Stewart Street adjacent to the property frontage (see *Figure 19*). The existing commercial building and residential dwelling are currently connected to Council's mains. The proposed development



currently connected to Council's mains. The proposed development will have full access to reticulated water supply via the existing services.

18.3 <u>Power Supply (Ausgrid)</u>

The site is serviced from existing Essential Energy overhead power cables in Stewart Street from which the existing buildings are currently connected to the power grid as shown in *Figure 20*. The existing Ausgrid infrastructure is shown in *Figure 21*.



+



Figure 20
Photograph showing existing overhead mains and mains power connection (image courtesy of Google Earth Pro)

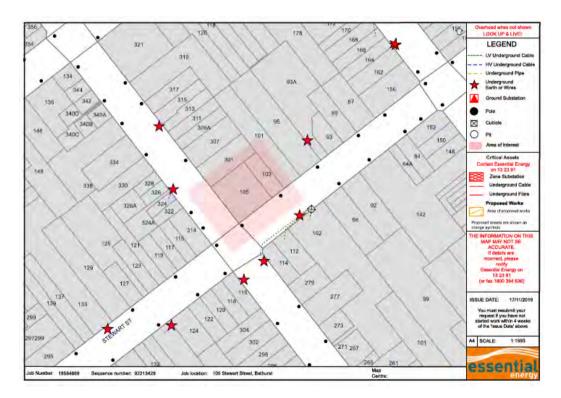


Figure 21
Extract from Essential Energy's Infrastructure Mapping
(map image courtesy of Essential Energy through the Dial Before You Dig website)

18.4 Telecommunications

NBN Co. has underground telecommunications cables available in both Stewart Street as shown in *Figure 22*. NBN services can be provided to the proposed development.





Figure 22
Extract from the NBN Co. Infrastructure Record
(map image courtesy of NBN Co. through the Dial Before You Dig website)

Pipeworks has underground telecommunications cables available in Howick Street as shown in *Figure 23*. Pipeworks services can be provided to the proposed development.



+

#103-105 Stewart Street at Bathurst

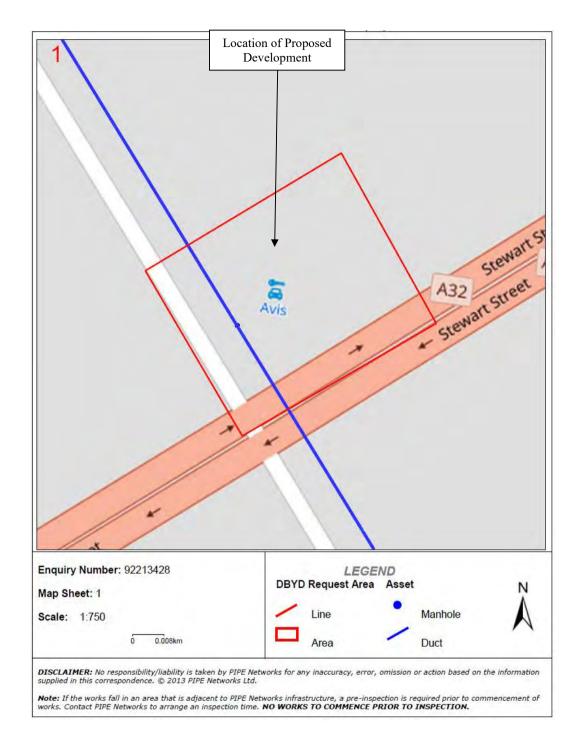


Figure 23
Extract from the Pipeworks Infrastructure Record
(map image courtesy of Pipeworks through the Dial Before You Dig website)

Optus has underground telecommunications cables available in Howick Street as shown in *Figure 24*. Optus services can be provided to the proposed development.

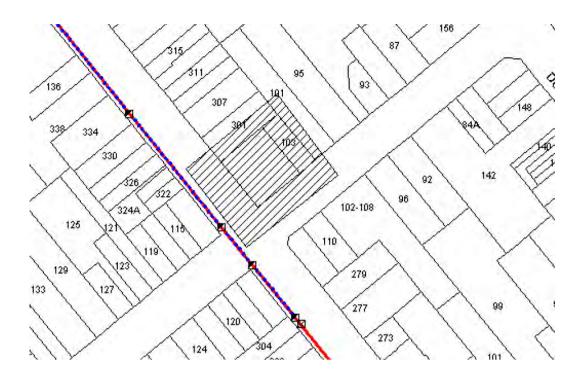


Figure 24
Extract from the Optus Infrastructure Record
(map image courtesy of Optus through the Dial Before You Dig website)

18.5 Gas (Jemena)

The location is currently reticulated with town gas supply via a 50mm nylon 210 kPa gas line which is located adjacent to the Howick Street frontage shown on the attached Jemena infrastructure mapping marked *Figure 25*. A 32mm nylon 210kPa gas line is also located in Stewart Street.



+

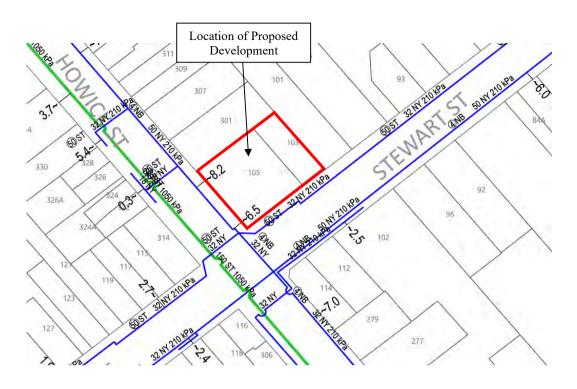




Figure 25
Extract from Jemena's Infrastructure Mapping
(map image courtesy of Jemena through the Dial Before You Dig portal)

19.0 STATEMENT OF ENVIRONMENTAL EFFECTS:

The proposed demolition works and construction of the proposed takeaway food and drink premises (ie: Taco Bell) will have only some minor effect on the local environment as will any commercial development project. The following details highlight the measures proposed to reduce the potential effects of the development. All measures will be incorporated into the development so as to create an environmentally acceptable development proposal.

19.1 Flora Effects

The subject site area of the development is already fully cleared of its original vegetation. The proposal requires the part demolition and clearing of the existing property and construction of the new takeaway food and drink premises. No significant vegetation exists on the site. Therefore, the proposal will not impact on any vegetation or any rare or endangered flora nor will it affect any wildlife corridors.

19.2 Fauna Effects

The proposed development will not impact on local fauna populations as no significant vegetation exists on the site.

19.3 Traffic Effects

The amended **Traffic Assessment Report** prepared by *B.J. Bradley & Associates* dated the 21st April 2020 makes the following comments and conclusions in relation to the traffic impacts:-

- (x) the proposal involves development of a drive-through take-away food outlet over two properties currently occupied by an existing commercial operation (ie: Avis Car Rentals) and a heritage-listed dwelling on the northern side of Stewart Street;
- (xi) Stewart Street forms part of the Great Western Highway which is a State Road under the control of RMS (ie: A32);
- (xii) 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;
- (xiii) traffic volumes generated by the proposed development are estimated to be approximately 100 trips in the morning 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 the KFC Drive-thru takeaway food outlet and experience with numerous other drive-in/takeway food outlets in New South Wales;
- (xiv) the effect of traffic generated by the proposed development on existing traffic delays and the degree of saturation on Stewart Street would be negligible;
- (xv) the volume of service vehicles will be relatively low and will be scheduled to occur outside periods of peak customer activity as agreed with the Council. The proposed Taco Bell outlet will open at 10:00am;
- (xvi) 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 driveway exit only location;
- (xvii) the proposed development includes twenty two (22) car parking spaces, including an accessible parking space. This complies with the requirement of Section 14 Parking of the Bathurst Regional DCP 2014; and
- (xviii) nine (9) bicycle spaces will be provided onsite, in excess of the Bathurst Regional DCP 2014 requirements

Customers of drive-through take-away food outlets tend to utilise drive-through facilities in preference to inside seating. It is considered that the provision of twenty two (22) parking spaces in the proposed development is compliant with the RTA "Guide to Traffic Generating Developments" will be sufficient for the likely parking demand (see Section 12 – *Traffic Management* for further details).

19.4 Noise Effects/Acoustic Impacts

As the proposed development is located adjacent to existing residential properties to the north east and the north west, an amended **Environmental Noise Assessment** (dated 23rd April 2020) has been prepared by *Day Design Pty Limited* (Consulting Acoustical Engineers) in order to assess the severity of a possible environmental noise problem within the adjoining residential area. Therefore, it is necessary to measure the ambient background noise level at the times and locations of worst possible annoyance. The lower the background noise level, the more perceptible the intrusive noise becomes and the more potentially annoying. The nearest residential premises are located on adjacent blocks to the northwest and north east. It is noted that the floor slab of the site is raised approximately 2.3 metres above the natural ground level of these adjacent lots. More residential dwellings to the southwest on the opposite side of Howick Street and to the southeast on the opposite side of Stewart Street. The nearest noise sensitive receptors to the property, in various directions, are shown in *Figure* 26.



Figure 26
Plan showing location of noise receptors (image courtesy of Day Design Pty Limited)

In order to meet the most stringent early night time noise criterion at the nearest residential receptor locations, Day Design Pty Limited has recommended that the following be incorporated into the design of the new Taco Bell restaurant:-

Fencing

- (i) acoustic fences should be constructed along the northwest and northeast boundaries of the drive-thru driveway to a minimum height 2.1 metres above the subject site ground floor slab height, as shown in Appendix D;
- (ii) acoustic fences should be constructed along the southwest and southeast boundaries of the drive-thru driveway to a minimum height 1.2 metres above the subject site ground floor slab height, as shown in Appendix D; and
- (iii) the northwest and southwest sides of the ground floor plant area enclosure should be constructed from an acoustically opaque material, such as Colorbond, lapped and capped timber, masonry etc, to a height of either 1.8 metres above ground floor slab height or at least 600 mm above the tallest item of plant (whichever is the greater). The southeast side may be constructed to the architect's specification and is not required to be acoustically rated.

Mechanical Plant Selection

- (i) the total sound power level of plant installed within the ground floor plant area should be no greater than Leq 75 dBA; and
- (ii) the total sound power level of all rooftop plant shall not exceed Leq 76 dBA.

Drive-Thru Speaker Box

(i) the sound power level of the speaker box in the drive-thru area shall not exceed Leq 72 dBA and Lmax 84 dBA.

Management Controls

The report recommends truck deliveries to the site are scheduled to occur during daytime hours only (7:00am - 6:00pm).

Acoustic Compliance Certification

- (i) the report recommends that all documentation is 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 a Construction Certificate
- (ii) the report recommends that an inspection of the site is conducted prior to the issue of an Occupation Certificate to ensure that all acoustic recommendations have been satisfactorily installed and implemented on site; and

(iii) the report recommends that noise measurements are conducted after a period of 3 months of operation in order to certify that noise emission from the site are in accordance with the established noise criteria

The appended report also addresses the noise related issues that arose from the public notification period.

19.5 Visual Amenity Effects

The proposed building fronting Stewart Street has been designed an integral part of the existing streetscape in terms of its style, materials, scale (ie: single storey) and form. The proposed building has been designed in sympathetic manner to as to be complimentary to the adjoining residential dwellings and seek to retain the heritage building to the north west whilst contributing in small way to the heritage conservation of the precinct. The proposal enhances the streetscape by replacing the existing aging structures on the site and providing high quality landscaping.

In relation to the existing residential dwelling, the building is subject to heritage considerations as detailed in the attached **Statement of Heritage Significance** prepared by *David Scobie Architects Pty Limited*. Also appended to this report is a <u>supplementary letter</u> from *David Scobie Architects Pty Limited* dated the 12th February 2020 which addresses heritage related matters arising from submissions made during the public notification period including the impact of the proposal in relation to the wider heritage conservation area.

19.6 Air Quality Effects

The amended **Odour Assessment** dated 21st April 2020 prepared by *Todoroski Air Services* has assessed the potential impacts arising from the operation of the proposed Taco Bell restaurant.

The report concludes that given the nature of the odour source, the existing and proposed land use, the receiving environment, prevailing winds and site considerations, it is unlikely that the operation of the Project would lead to an adverse odour impact in this location. The report also addresses odour related matters arising from submissions made during the public notification period.

19.7 Erosion and Sedimentation Effects

As with all development work, the potential for soil erosion and sediment transfer is present. In order to limit this potential, it is intended to implement the necessary controls to restrict such transfer to within the construction zone and prevent any erosion and sediment transfer onto adjoining lands or to the Council's trunk drainage system.

During the course of construction, filter fences will be provided adjacent to the exposed work face and hay bales anchored with star pickets will be provided at the site low points. All works will be monitored on a daily basis and the construction area secured with control devices at the conclusion of each day's work. At the completion of each phase of the construction works, all exposed areas will be secured to ensure that the area is stabilised as quickly as possible.

Proposed Take-away Food & Drink Premises – Bathurst Taco Bell Restaurant #103-105 Stewart Street at Bathurst

All works will be carried out in accordance with Council's directions and in compliance with Bathurst Regional Council's *Guidelines for Engineering Works*.

19.8 Socio-Economic Effects

The positive social and economic impacts associated with the proposed development include:-

- (i) the redevelopment of the existing aging commercial building;
- (ii) the creation of at least fifty four (54) direct employment opportunities for local residents, particularly younger people, with flow on employment multipliers benefitting the wider community;
- (iii) compliance with the relevant disability standards such that the facility and subsequent uses will meet the needs of people with physical disabilities, sensory disabilities and intellectual disabilities;
- (iv) the provision of essential services to the area meeting the daily needs of residents, workers and tourists;
- (v) the economic benefits associated with construction and fit out works including construction jobs; and
- (vi) meeting the strategic planning directions of Bathurst

Potential adverse impacts arising from the development include:-

- (i) dust, noise and traffic from construction activities. These impacts on surrounding premises will be temporary in nature with mitigation measures to be included in the construction management plan to ensure construction impacts on surrounding premises are kept to a minimum;
- (ii) increased traffic and vehicle movements. The amended Traffic Report prepared by B.J. Bradley & Associates has assessed the cumulative impact of the development and found that the design in terms of vehicle access, circulation, parking and servicing was appropriate and that there would not be any adverse traffic impacts on the road system serving the site;
- (iii) noise. The amended Environmental Noise Assessment (dated 23rd April 2020) and monitoring has been undertaken as well as noise modelling which found that noise emissions from the site will meet relevant noise criteria. The potential for the proposed use was anticipated in those acoustic assessments (see Section 19.4 Noise Effects);
- (iv) anti-social behaviour. The potential antisocial behaviour in and around the proposed fast food store is expected to be minimal. Specific security measures will be implemented including external lighting and appropriate landscaping to deter would be offenders. Safety and security will also be addressed through the appended Plan of Management.

The proposed use (ie: Taco Bell) will deliver a range of positive social and economic impacts combined with the implementation of mitigation measures detailed in this report. It is considered that the proposal will provide a net community benefit to the local and wider community.

19.9 Proposed Hours of Operation

The trading hours will not alter and will be retained as detailed below:-

Wednesday	10:00am-10:00pm
Thursday	10:00am-10:00pm
Friday	10:00am-11:00pm
Saturday	10:00am-11:00pm
Sunday	10:00am-10:00pm
Monday	10:00am-10:00pm
Tuesday	10:00am-10:00pm

In terms of the number of employees, the restaurant will employ at least fifty four (54) employees which are shift workers. Therefore, a maximum of ten (10) employees will be on site at any one time which includes the store manager.

Security measures such as fifteen (15) CCTV cameras of which 3 are external (2 exterior seating/drive thru lane) and two (2) duress buttons (ie: office and on the drive thru pickup window) are currently in operation.

19.10 Crime Prevention Through Environmental Design

Crime Prevention Through Environmental Design (CPTED) is a crime prevention strategy that focuses on the planning, design and structure of cities and neighbourhoods. It includes the built environment, open space (including passive recreation space), pedestrian and transport corridors, conflicts of land use etc.

CPTED aims to reduce opportunities for crime by using design and place management principles that reduce the likelihood of essential crime 'ingredients' (ie: law, offender, victim or target, opportunity) from intersecting in time and space.

In practice this means that predatory offenders often make "cost benefit assessment" of potential victims and locations before committing crime. CPTED aims to create the reality (or perception) that the costs of committing crime are greater than the likely benefits.

This is achieved by creating environmental and social conditions that:

- (i) maximise risk to offenders (increasing the likelihood of detection, challenge and apprehension);
- (ii) maximise the effort required to commit crime (increasing the time, energy and resources required to commit crime);
- (iii) minimise the actual and perceived benefits of crime (removing, minimising or concealing crime attractors and rewards); and
- (iv) minimise excuse making opportunities (removing conditions that encourage/facilitate rationalisation of inappropriate behaviour).

CPTED employs four key strategies. These are:-

(i) territorial re-enforcement,

- (ii) surveillance,
- (iii) access control, and
- (iv) space/activity management.

The following strategies are to be included in the development.

Territorial Re-enforcement

The use of vegetation will assist in creating territorial reinforcement along the Stewart Street and Howick Street property boundaries. The proposed landscaping ensures that:-

- (i) vegetation does not inhibit a "line of sight" into the development when looking into the development from outside;
- (ii) heavy vegetation has been avoided at the entrance areas of the proposed car park so as not to provide concealment opportunities; and
- (iii) lighting will be installed at key entry points so as to assist in identifying the transition between public and private land

Surveillance

The proposed landscaping has been designed so as not inhibit natural surveillance (ie: block sight lines) nor provide concealment and entrapment opportunities. In selecting and maintaining the proposed vegetation, consideration was been given to the possibility of areas becoming entrapment sites in the future. Shrubs are not greater than 1 metre in height and the canopy of the tall street trees are to be higher than six (6) metres.

The proposed takeaway food and drink premises has been designed so as not inhibit natural surveillance (ie: block sight lines) nor provide concealment and entrapment opportunities. It has been designed taking into consideration:-

- (i) the Australian and New Zealand Lighting Standard 1158.1 *Pedestrian* which requires lighting engineers and designers to consider crime risk and fear when selecting lamps and lighting levels; and
- (ii) vision and surveillance in the ground level car park area

Access controls

- (i) all entry points (pedestrian and vehicle) will be clearly signposted and identify the area as being private property; and
- (ii) pedestrian access markings on site where car park crossings are located will be clearly indicated

Space / Activity Management

Directional signage is to be provided throughout the car park and food premises. The signage is to be clear, legible and useful so as to aid way finding throughout the development (particularly around entry, fire exits and service areas).

Gardens, hard walls, fencing and perimeter landscaping is to be well maintained. Any evidence of anti-social behaviour (eg: graffiti, malicious damage, broken lights etc) is to be cleaned, fixed, made good and replaced within 24 hours.

A Maintenance Plan is to be prepared for the site. The waste storage area is to be secured and kept clean at all times.

The proposal is supported by the appended documents:-

- (i) a **Robbery Protocol** prepared by *Taco Bell Pty Limited*;
- (ii) a **Plan of Management** prepared by *Taco Bell Pty Limited*; and
- (iii) a Security Management Plan prepared by BD Architecture + Interiors

19.11 Lighting Effects

<u>Chapter 11</u> – *Outdoor Lighting* of the Bathurst Regional Development Control Plan applies to the site. This chapter applies to all land in the Bathurst Regional Local Government Area (LGA).

The Bathurst Region Urban Strategy 2007 and the Bathurst Region Rural Strategy 2008 establishes the following key priority and objectives to protect the "dark night sky" within the Bathurst Region for the purposes of tourism, education and research.

The strategic objectives are:-

- (i) to minimise the loss of the dark night sky by ensuring that light is not emitted above the horizontal plane;
- (ii) to promote the upgrading of existing outdoor lighting to meet the requirements of Australian Standard (AS) 4282 Control of the Obtrusive Effects of Outdoor Lighting;
- (iii) to protect the dark night sky of the Bathurst Region by ensuring that all external lighting is installed in a manner that:
 - uses the right amount of light to ensure adequate safety and security;
 - directs the light where it is needed and avoids upwards spill;
 - does not create glare; and
 - does not waste energy.

The updated **Architectural Plans** (REV D) prepared by **BD Architecture + Interiors** include signage and illumination plans (Sheets DA08 and DA09). The plans show the sources of outdoor lighting predominantly from signage. The proposed signage and lighting comply with the <u>Australian Standard (AS) 4282</u> – *Control of the Obtrusive Effects of Outdoor Lighting* which provides best practice standards to protect the dark night sky through the installation of properly shielded fixtures. The proposed fixtures ensure that no light is emitted above the horizontal plane. No up-lighting is proposed.

20.0 SIGNAGE

20.1 SEPP 64 Compliance

Under <u>Clause 8</u> of SEPP 64, a consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied:-

- (i) that the signage is consistent with the objectives of this Policy as set out in clause 3(1); and
- (ii) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 1.

Business identification and site identification signage panels are proposed for the site including a 6.440m high illuminated tower sign. The proposed signage is shown on the attached **Architectural Plans** (REV D) appended to this report prepared by **BD Architecture + Interiors** and also shown in **Figure 27** and **Figure 28**.

The plans include details of all new illuminated signage and non-illuminated signage which comply with the <u>Australian Standard (AS) 4282</u> – *Control of the Obtrusive Effects of Outdoor Lighting*. AS4282 provides best practice standards to protect the dark night sky through the installation of properly shielded fixtures. The proposed fixtures ensure that no light is emitted above the horizontal plane. No up-lighting is proposed.

The aims of SEPP 64 are to ensure that signage:-

- (iv) is compatible with the desired amenity and visual character of an area;
- (v) provides effective communication in suitable locations; and
- (vi) is of high quality design and finish

It is considered that the proposed signage is compatible with the desired character of the area and is consistent with the current signage approvals in the immediate precinct including the existing 7-Eleven Store at #269 Stewart Street. The proposed signage will be of an appropriate height, scale and proportion given its proximity to a Classified Road. The proposed signage meets the objectives and provisions of SEPP 64 as detailed in the criteria of Schedule 1 of the SEPP (see **Table 1**).

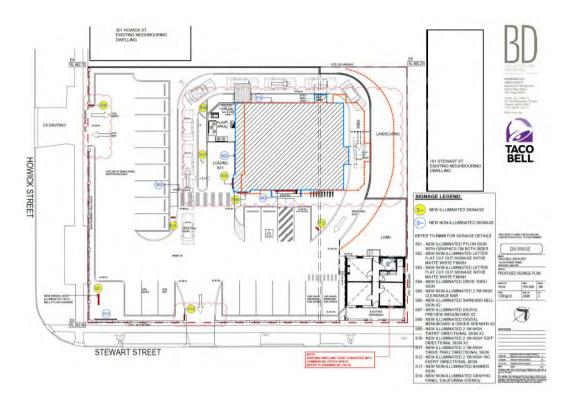


Figure 27
Signage Plan (DA-08 REV C)
(courtesy of BD Architecture + Interiors)

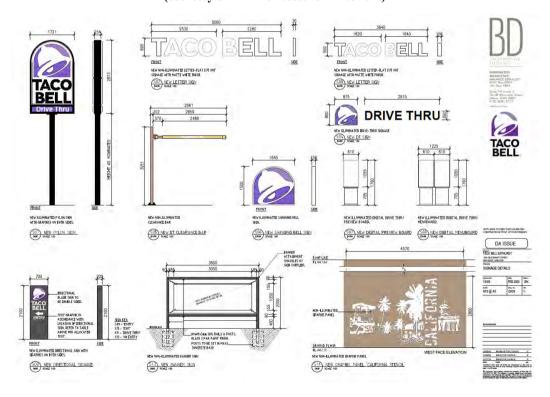


Figure 28
Plan showing proposed pylon, tower sign and building signage (DA09 REV C)
(image courtesy of BD Architecture + Interiors)

20.2 Compliance with the Bathurst Regional DCP Controls

<u>Chapter 12</u> – *Signage and Colours Schemes* of the Bathurst Regional Development Control Plan applies to all land in the Bathurst Regional Local Government Area (LGA) including the subject site.

The strategic objectives of the standard are:-

- (i) to balance the need of commercial enterprises to advertise their products, services and facilities;
- (ii) to ensure advertising makes a positive contribution to the general environment of the City, villages and to the streetscapes;
- (iii) to acknowledge that outdoor advertising, as a means of visual communication will be subject to different, and sometimes competing, aesthetic values;
- (iv) to avoid the proliferation of advertising and directional signs, which will compete for driver's attention within road reserves;
- (v) to encourage advertising that contributes to the viability of a business centre;
- (vi) to permit signage and colour schemes of a type, scale and location that will enhance the heritage elements of an historic setting, without detracting from its significance, particularly with respect to the Bathurst CBD and within heritage conservation areas;
- (vii) to treat Mount Panorama and its associated activities as a special precinct. Applications for signage on Mount Panorama will be considered in terms of the economic benefits to motor racing, scenic impact and tourism; and
- (viii) to treat Sofala and Hill End as special precincts. Applications for signage in these villages will be considered in terms of the heritage significance of each location

<u>Clause 12.2.4</u> – *Locational requirements* applies to the subject site. In relation to "electronic signs" and "illuminated signs", the DCP states that Council must not grant consent to the erection of electronic signage or illuminated signage within the R1 – *General Residential* zone or within a Heritage Conservation Area.

In this regard, it is noted that the proposed development does not comply with this clause in that the proposal includes a number electronic and illuminated signs as shown in the amended **Architectural Plans** (REV D) prepared by **BD Architecture** + **Interiors** (see Sheets DA-08 REV C and DA-09 REV C).

However, it should be noted the site has been used for commercial purposes since the mid-1960's when it operated as a service station until sold by Shell in 1973. It has since been continuously used for a variety of commercial uses including Mitsubishi Motors through to the present day where the building and curtilage are used as an Avis Rental Car Depot. Over that time, various lighting arrangements have been in place and used to promote and advertise the numerous business that have operated from the premises.

This includes:

- (i) the existing pylon sign, which whilst not used at present, was used for illuminated advertising (see *Figure 29*);
- (ii) one service pole on the Howick Street boundary with two flood lights one facing to the north and one to the north west (see *Figure 30*);
- (iii) one service pole on the Stewart Street boundary with two flood lights one facing to the west and one to the north (see *Figure 31*);
- (iv) two (2) security flood lights located on the existing pylon sign one facing north and one facing north west (see *Figure 29*); and
- (v) one (1) service light along the western boundary (see *Figure 32*) which is still in use (see *Figure 33* night photo)

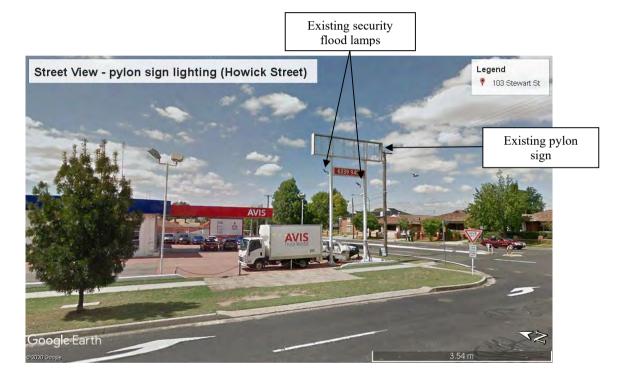


Figure 29
Image showing existing pylon (previously illuminated) and security flood lights (image courtesy of Google Earth Pro)

+

Existing pole mounted flood lights facing north and north west



Figure 30
Image showing pole mounted security flood lights adjacent to the Howick Street frontage
(image courtesy of Google Earth Pro)

Existing pole mounted flood lights facing west and north



Figure 31
Image showing pole mounted security flood lights adjacent to the Stewart Street (image courtesy of Google Earth Pro)



Figure 32
Image showing existing security light adjacent to north western boundary (image courtesy of Google Earth Pro)



Figure 33
Image showing existing security light adjacent to north western boundary at night (16th February 2020)
(image courtesy of McDuck Properties Pty Limited)

Wales & Associates February 2020 Page 62

Further, the existing illuminated Mitsubishi Motors pylon sign located on the northern boundary (see *Figure 34*) was approved by Bathurst Regional Council on the 1st February by way of Construction Certificate approval CC/2008/0365A. The signage is still in use and illuminated at night (see *Figure 35*).



Figure 34
Image showing Mitsubishi Motors illuminated pylon sign adjacent to the Stewart
Street
(image courtesy of Google Earth Pro)



Figure 35
Image showing Mitsubishi Motors illuminated pylon sign adjacent to the Stewart
Street at night (16th February 2020)
(image courtesy of McDuck Properties Pty Limited)

Wales & Associates February 2020 Page 63

Clearly the existing and previous lighting infrastructure significantly illuminated/illuminates the subject site at night for security reasons and advertising the various uses. Such lighting is clearly historical in nature having been in place to varying degrees for over 50 years.

Further, there are numerous other examples where national brand businesses are located along Stewart Street within the R1 – *General Residential* zone and within the Heritage Conservation Area which have both electronic and illuminated signage.

The three key sites are:-

- (i) the 7-Eleven Store at #269 Stewart Street on the corner of Blandford Street (see *Figure 36*). This is a relatively recent approval by Bathurst Regional Council:
- (ii) the BP Service Station at #255 257 Stewart Street on the corner of Lambeth Street (see *Figure 37* and *Figure 38*); and
- (iii) Beaumont Tiles at #291 Stewart Street on the corner of Rocket Street (see *Figure 39* and *Figure 40*)



Figure 36
Image showing existing BP Service Station at #255-257 Stewart Street (image courtesy of Google Earth Pro)

+

Proposed Take-away Food & Drink Premises – Bathurst Taco Bell Restaurant #103-105 Stewart Street at Bathurst



Figure 37
Image showing existing 7-Eleven Store at #269 Stewart Street (image courtesy of Google Earth Pro)



Figure 38
Photograph showing existing 7-Eleven Store at #269 Stewart Street with night illumination

Wales & Associates February 2020 Page 65

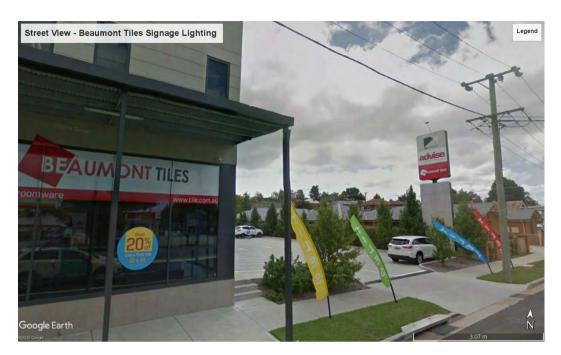


Figure 39
Photograph showing existing Beaumont Tiles Store at #291 Stewart Street (courtesy of Google Earth Pro)

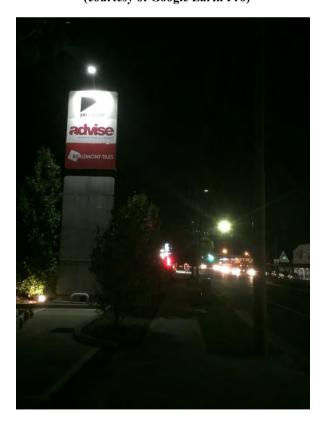


Figure 40
Photograph showing existing Beaumont Tiles Store at #291 Stewart Street at night (16th February 2020)
(courtesy of Google Earth Pro)

Wales & Associates February 2020 Page 66

This application seeks a variation to the above standards based on the historical nature of the commercially used site and the current signage and lighting arrangements. The proposal is also consistent with other corner locations along Stewart Street that are used for national brand businesses which are zoned R1 – *General Residential* and within the Heritage Conservation Area.

Clearly the proposed lighting for the new Taco Bell Restaurant is a considerable improvement on the current signage and lighting and those arrangements which have existed on the site in previous years. Support of the current proposal would also ensure that the proposed signage **COMPLIES** with SEPP 64 and lighting **COMPLIES** with the <u>Australian Standard (AS) 4282</u> – *Control of the Obtrusive Effects of Outdoor Lighting*.

In relation to the electronic signs (shown SO7 an SO8 on the Architectural Plans), these are located at the drive-thru entry are the rear of the site and are screened from view from both Stewart Street and Howick Street by the perimeter landscaping. Both signage types are SO7 = digital preview menu board and SO8 = digital menu board. There are two of each and are essential to the operation of the drive-thru facility.

With regards to the illuminated signs (shown SO1, SO4, SO6, SO7 and SO8 on the Architectural Plans), the following comments are made:-

- (i) SO1 (Pylon Sign) x 1 this replaces the existing pylon sign on the corner of Stewart Street and Howick Street and is essential to the branding of the proposed Taco Bell;
- (ii) SO4 (Drive thru Sign) x 1 this is located at the drive-thru entry are the rear of the site and is effectively screened from view from both Stewart Street and Howick Street by the perimeter landscaping. This essential to the operation of the drive-thru facility;
- (iii) SO6 (Swing Sign) x 2 these are an integral part of the Taco Bell corporate branding;
- (iv) SO9 (Entry Sign) x 2 these are essential directional signs for traffic safety;
- (v) SO10 (Exit Sign) x 2 these are essential directions signs for traffic safety;
- (vi) SO11 (Drive-thru) x 1 this is an essential direction sign for traffic safety; and
- (vii) SO12 (No Entry) x 1 this is an essential direction sign for traffic safety

On the basis that Council accepts the installation of the electronic and illuminated signage, it is understood that compliance with <u>Clause 12.2.5(d)</u> of the Bathurst Regional DCP 2014 applies.

The following comments are made in relation to the "electronic signs":-

- (i) the signs do not obscure windows and architectural features of the building;
- (ii) the speed limit of the road is not greater than 70 kilometres per hour (ie: the speed limit is 60 kph);
- (iii) the time to change the display is not be greater than one (1) second;

- (iv) the display is completely static from its first appearance to the commencement of a change to another display;
- (v) the level of illumination adjusts according to ambient light levels; and
- (vi) the sign does not contain any scrolling messages (ie: 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)

The following comments are made in relation to the "pylon sign":-

- (i) the height of the sign does not exceed the roof height of the building to which it relates;
- (ii) the size of the sign panel does not exceed five (5) square metres; and
- (iii) the sign will be constructed so that it is structurally adequate to withstand the dead and live (wind) loads that may be imposed on it

In relation to <u>Clause 12.2.5(c)</u> of the Bathurst Regional DCP 2014, the amended Architectural Plans (REV B) ensure that the combined area of signage is not in exceedance of 5% of the area of the respective elevations.

20.3 NSW Government Transport Corridor Outdoor Advertising and Signage Guidelines

The NSW Government *Transport Corridor Outdoor Advertising and Signage Guidelines* applies to the site. The *Transport Corridor Outdoor Advertising and Signage Guidelines* (Guidelines) outline best practice for the planning and design of outdoor advertisements in transport corridors, such as along or adjacent to classified roads, freeways, tollways, transit ways and railway corridors, or on bridges or road and rail overpasses.

The Guidelines complement the provisions of *State Environmental Planning Policy* No. 64 – Advertising and Signage (SEPP 64) under the Environmental Planning and Assessment Act 1979 (the EP&A Act).

This document outlines detailed information in relation to SEPP 64 advertising within transport corridors, including design criteria and road safety considerations. In the event of any inconsistency between SEPP 64 and this document, **SEPP 64 prevails to the extent of the inconsistency**.

The application is considered to be **COMPLIANT** with the provisions under SEPP 64 as detailed in <u>Section 2.2</u> – *Compliance with State Environmental Planning Policy No.64* – *Signage*.

In deciding whether to grant consent to a development application (DA) under SEPP 64, the consent authority must address:-

- (i) the aims and objectives of SEPP 64 listed above in <u>Section 1.3</u> of the Guidelines;
- (ii) the general assessment criteria of <u>Schedule 1</u> of SEPP 64 contained in Section 2 of the Guidelines;
- (iii) the specific design criteria set out in Section 2 of the Guidelines;

- (iv) the road safety assessment criteria set out in <u>Section 3</u> of the Guidelines;
- (v) the public benefit test requirements for certain proposals set out in <u>Section 4</u> of the Guidelines:
- (vi) any RMS assessment or concurrence provisions set out in <u>Section 5</u> of the Guidelines;
- (vii) all other relevant requirements of SEPP 64 and these Guidelines.

In relation to the provisions under the Guidelines, it is considered that the proposal:-

- (i) meets the aims and objectives of SEPP 64 (see <u>Section 2.2</u> *Compliance with State Environmental Planning Policy No.64 Signage*);
- (ii) meets the general assessment criteria of Schedule 1 <u>Section 2.2</u> *Compliance* with State Environmental Planning Policy No.64 Signage);
- (iii) meets the provisions under <u>Section 3</u> (see following assessment);
- (iv) meets the "public benefit test" requirements under <u>Section 4</u> (see following assessment); and
- (v) meets the RMS assessment and/or concurrence provisions under <u>Section 5</u> (see following assessment)

Section 3 – Advertisements and Road Safety

Advertising displays within the visual catchments of roads are designed to attract the attention of road users. A reduction in driver attention away from the road, however, has the potential to create a road safety risk. The aim is to ensure that the design, location and operation of advertising signage do not create a road safety hazard or increase road safety risk for road users.

The purpose of this <u>Section 3</u> of the Guidelines is to outline the road safety assessment criteria which must be applied in the design and assessment of all advertising and signage proposals on or visible from transport corridors. Schedule 1 of SEPP 64 (see *Table 6* below) outlines safety considerations that must be addressed for any advertisement proposal under SEPP 64 with the appropriate comments. Advertisements have the potential to create a safety hazard if designed and placed contrary to *Austroads Guide to Road Design* (and RMS supplements) as well as the principles and rules outlined below.

<u>Table 6</u> Compliance Table – SEPP64 Signage – Road Safety Transport Corridor Outdoor Advertising and Signage Guidelines

Consideration	Comment
Road Safety	
Would the proposal reduce the safety for any public road?	NO. The proposal does not impact on traffic safety.
Would the proposal reduce the safety for pedestrians or bicyclists?	NO. The proposal does not impact on bicycle safety.
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	NO. The proposal does not impact on pedestrian safety.

Wales & Associates February 2020 Page 69

Section 3 to Section 5 Assessment Criteria

The Guideline assessment criteria under Section 3, Section 4 and Section 5 are detailed in *Table 7* below:-

<u>Table 7</u> Compliance with Road Safety Criteria

CRITERIA	COMPLIANCE	COMMENTS		
Sign Location				
Criteria				
(Section 3)				
Road clearance	YES	(i) proposed signage does not create		
(Clause 3.2.1)		a physical obstruction or hazard;		
		(ii) all signage is located outside the		
		clear zone;		
		(iii) no signage hangs over the road or footpath;		
Line of Sight	YES	(i) no advertisement obstructs the		
(Clause 3.2.2)		driver's view of the road,		
		particularly of other vehicles,		
		bicycle riders or pedestrians at		
		crossings;		
		(ii) no advertisement obstructs		
		pedestrian or cyclist's view of		
		the road;		
		(iii) no advertisement is located in a		
		position that has the potential to give incorrect information on the		
		alignment of the road;		
		(iv) the proposed signage does not		
		distract the driver's attention		
		away from the road environment		
		for an extended length of time;		
		(v) all drivers should still be able to		
		see the road when viewing the		
		signage, as well as the main		
		components of the traffic stream		
		in peripheral view; and		
		(vi) the proposed signage is oriented		
		in a manner that does not create		
		headlight reflections in the		
		driver's line of sight		

Table 7 Compliance with Road Safety Criteria (continued)

CRITERIA	COMPLIANCE	COMMENTS		
Sign Location Criteria (Section 3)				
Proximity to decision making points and conflict points (Clause 3.2.3)	YES	 (i) is located less than the safe sight distance from an intersection, merge point, exit ramp, traffic control signal or sharp curves; (ii) the placement of proposed signage does not distract a driver at a critical time. In particular, signs do not obstruct a driver's view: of a road hazard; to the existing intersection; to a prescribed traffic control device (such as traffic signals, stop or give way signs or warning signs); and to an emergency vehicle access point or Type 2 driveways (wider than 6-9m) or higher. 		
Sign Design and Operation Criteria (Section 3.3)				
Advertising signage and traffic control devices (Clause 3.3.1)	YES	(i) the proposed signage does not display information that is contrary to, or competing with, prescribed traffic control devices or make locating prescribed traffic control devices difficult, have the potential to distract and confuse motorists; (ii) the proposed signage does not distract a driver from, obstruct or reduce the visibility and effectiveness of, directional signs, traffic signals, prescribed traffic control devices, regulatory signs or advisory signs or obscure information about the Stewart Street road alignment; (iii) the proposed signage does not interfere with stopping sight distance for the Stewart Street design speed or the effectiveness of a prescribed traffic control devices at the intersection;		

Table 7 Compliance with Road Safety Criteria (continued)

CRITERIA	COMPLIANCE	COMMENTS
Sign Location Criteria (Section 3)		
Dwell time and transition time (Clause 3.3.2)	YES	The proposed signage does not change advertising content and therefore, is unlikely to distract drivers. The signs content is static.
Illumination and reflectance (for non-digital signs) (Clause 3.3.3)	YES	(i) all proposed advertisements will comply with the luminance requirements in Table 5 of the Guidelines; (ii) for night time use, the proposed signage (whether internally illuminated or lit from its exterior) does not cast a shadow on areas that were previously lit and that have a special lighting requirement, e.g. pedestrian crossings; (iii) the light sources for the proposed illuminated signs focus solely on the sign and: • where necessary, are shielded so that glare does not extend beyond the sign; • with the exception of back lit neon signs, will have no light source visible to passing motorists with a light output greater than that of a 15W fluorescent/LED bulb. (iv) the level of reflectance of the proposed advertisements, and their content, will not to exceed the 'Minimum coefficients of Luminous intensity per unit area for Class 2A Material', as set out in Australian Standard AS/NZS 1906.1:2007. (v) there are n flashing illuminated
		advertisements

Table 7 Compliance with Road Safety Criteria (continued)

CRITERIA	COMPLIANCE	COMMENTS		
Sign Location Criteria (Section 3)				
Illumination and reflectance (for digital signs - menu boards) (Clause 3.3.3)	YES	(i) luminance levels will comply with the requirements in Table 6 in the Guidelines; (ii) all images displayed on the proposed menu boards do not otherwise unreasonably dazzle or distract drivers without limitation to their colouring or contain flickering or flashing content; and (iii) the advertisement does not incorporate technology which interacts with in-vehicle electronic devices or mobile devices. This includes interactive technology or technology that enables opt-in direction communication with road users		
Road safety review of new or modified signs (Clause 3.4)	Noted	No action required		
Road safety review of digital signs (Clause 3.5)	Noted	No action required		
Road safety guidelines for sign content (Clause 3.6)	Noted	No action required		
Public Benefit Test for Advertisement Proposals (Section 4)	Not applicable	The application does not require the consent of the RMS.		

Table 7 Compliance with Road Safety Criteria (continued)

CRITERIA	COMPLIANCE	COMMENTS	
RMS assessment of advertisement proposals (Section 5)			
Role of RMS under the <i>Roads Act 1993</i> (Clause 5.1)	Noted	It is noted that the RMS may have an approval role or a concurrence role under section 138 of the <i>Roads Act 1993</i> . An approval under section 138 of the Roads Act is required from RMS as the appropriate road authority for the erection of any advertising structure in, on or over a freeway. For other roads, where the local council is the appropriate road authority, RMS may need to concur with the council's approval under section 138.	
RMS Concurrence (Clause 5.2)	YES – the signage is visible from Stewart Street and therefore requires the concurrence of the RMS	Under Clauses 17 and 18 of SEPP 64, local councils must seek RMS concurrence for DAs for advertising structures that are within 250m of a classified road if:- (i) the display area of the sign is greater than 20m² or higher than 8m above the ground; (ii) any part of the sign is visible from a classified road.	

21.0 ENVIRONMENTALLY SUSTAINABLE DEVELOPMENT

It is prudent to take into consideration the principles of ecologically sustainable development in the management and development of the area. These comments are in accordance with the New South Wales (Australia) Local Government Amendment (Ecologically Sustainable Development) Act 1997.

Effective integration of economic and environmental considerations is recommended in decision making processes through the implementation of the following processes:-

(i) The Precautionary Principle – namely, if there are threats of serious or irreversible environmental damage, lack of scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.

The site is fully developed for commercial and residential purposes which has established a long term mixed use presence in the locality albeit within the residentially zoned precinct. This is supported by a range of adjoining residential and commercial activities along the A32. It is proposed to demolish the existing residential commercial building and partly demolish/partly retain the existing residential building so as to construct a new takeaway food and drink premises with appropriate landscaping and car parking.

There are no identified threats that would cause serious irreversible environmental damage nor any lack of scientific certainty in relation to the proposed takeaway food and drink premises.

(ii) Inter-generational Equity – namely, that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations.

The demolition of the existing commercial building and part demolition of the existing residential dwelling and construction of the proposed takeaway food and drink premises is to be undertaken in accordance with all current health and environmental regulations and to such a standard that the local environment is protected both during ongoing operation. The proposal will also create short term construction jobs and long term employment opportunities as a result of the new development.

Therefore, the health, diversity and productivity of the environment will not be affected by the proposed development.

(iii) Conservation of Biological Diversity and Ecological Integrity – namely, that the conservation of biological diversity and ecological integrity should be a fundamental consideration.

The property has been developed for commercial purposes since the 1960's with the existing residential dwelling substantially older (circa 1930's).

Therefore, the subject land has been significantly modified and degraded compared to its natural state. It is currently fully developed with the existing single storey commercial building and single storey residential dwelling and associated site improvements.

Therefore, the demolition of the existing commercial building and part demolition of the existing dwelling and construction of the takeaway food and drink premises will not have any appreciable effect on the biodiversity or ecological integrity of the area.

22.0 CONCLUSION:

The demolition of the existing buildings and construction of the proposed Taco Bell takeaway food and drink premises is recommended to the Bathurst Regional Council on the basis that it:-

- (i) is a permissible use under the Bathurst Regional Local Environmental Plan 2014;
- (ii) will replace an aging commercial building with a state-of-the-art takeaway food and drink outlet that will be constructed based on ESD principles;
- (iii) will retain the heritage facade of the existing residential building;
- (iv) will provide employment for at least fifty four (54) locals in casual, part time and full time employment;
- (v) is serviced by a full range of public utilities; and
- (vi) will further activate the established A32 highway corridor

23.0 LIMITATIONS:

Wales & Associates Pty Limited (WA) has prepared this report for a project at #103 – 105 Stewart Street at Bathurst in accordance with instructions from McDuck Properties Pty Limited. The report is provided for the exclusive use of McDuck Properties Pty Limited for this project only and for the purpose(s) described in the report. It should not be used for other projects or by a third party.

In preparing this report WA has necessarily relied upon information provided by the client and/or their agents. WA's advice is based upon the information supplied and encountered during this assessment. The accuracy of the advice provided by WA in this report may be limited by undisclosed information provided by other subconsultants. The advice may also be limited by budget constraints imposed by others or by site accessibility.

This report must be read in conjunction with all of the attached notes and reports and should be kept in its entirety without separation of individual pages or sections. WA cannot be held responsible for interpretations or conclusions made by others unless they are supported by an express statement, interpretation, outcome or conclusion given in this report. Please contact the undersigned for clarification of the above as necessary.

Mathew Macis -	22 nd April 2020
Matthew Wales	Date
Director Wales & Associates Pty Limited	

END

Proposed Take-away Food & Drink Premises – Bathurst Taco Bell Restaurant #103-105 Stewart Street at Bathurst

REFERENCES

The following documents were referenced:-

- (i) Environmental Planning & Assessment Act 1979 (as amended);
- (ii) Bathurst Regional Local Environmental Plan 2014;
- (iii) New South Wales (Australia) Local Government Amendment (Ecologically Sustainable Development) Act 1997;
- (iv) State Environmental Planning Policy No. 64 Signage; and
- (v) Bathurst Regional Development Control Plan 2014



SUITE 17, 808 FOREST ROAD, PEAKHURST 2210 ABN 73 107 291 494
P. 02 9046 3800 ACOUSTICS@DAYDESIGN.COM.AU WWW.DAYDESIGN.COM.AU

Environmental Noise Assessment

Proposed Taco Bell Restaurant 103-105 Stewart Street, Bathurst, NSW

> REPORT No 6861-2.1R Rev A

> > DATE ISSUED 1 May 2020

Prepared For:

Mc Duck Properties Pty Ltd 300 Rainbow Street Coogee NSW 2034

Attention: Mr Hector Abbott





Mc Duck Properties Pty Ltd

Environmental Noise Assessment

Page 2 of 23

Revision History

Report	Date	Prepared	Checked	Comment
Draft	23/04/2020	Alexander Mendoza	Stephen Gauld	By email, for client review
Final	23/04/2020	Alexander Mendoza	Stephen Gauld	
Rev A	01/05/2020	Alexander Mendoza	Stephen Gauld	

Document R\6861-2.1R, 23 pages plus attachments

Disclaimer

The work presented in this document was carried out in accordance with the Day Design Pty Ltd Quality Management system. Day Design is certified to ISO9001.

Day Design Pty Ltd reserves all copyright of intellectual property in any or all of Day Design's documents. No permission, license or authority is granted by Day Design to any person or organisation to use any of Day Design's documents for any purpose without written consent of Day Design.

This report has been prepared for the client identified and cannot be relied or used by any third party. Any representation, statement, opinion or advice, expressed or implied in this report is made in good faith but on the basis that Day Design is not liable (whether by reason of negligence, lack of care or otherwise) to any person for any damage or loss whatsoever which has occurred or may occur in relation to that person taking or not taking (as the case may be) action in any respect of any representation, statement, or advice referred to above.

Recommendations made in this report are intended to resolve acoustical problems only. No claims of expertise in other areas are made and no liability is accepted in respect of design or construction for issues falling outside the specialist field of acoustical engineering including but not limited to structural, fire, thermal, architectural buildability, fit for purpose, waterproofing or other aspects of building construction. Supplementary professional advice should be sought in respect of these issues.

The information in this document should not be reproduced, presented or reviewed except in full. Prior to passing onto a third party, the Client is to fully inform the third party of the specific brief and limitations associated with the commission.



Environmental Noise Assessment

CONTENTS

1.0	CONSULTING BRIEF	
2.0	PROJECT DESCRIPTION	6
2.1		
2.2	Site Description	6
3.0	NOISE SURVEY INSTRUMENTATION	
4.0	MEASURED AMBIENT NOISE LEVELS	9
4.1		
4.2	Short Term, Attended Noise Monitoring.	10
5.0	ACCEPTABLE NOISE LEVELS	11
5.1	NSW Noise Policy for Industry	11
5.2		
5.3		
5.4		
5.5		
6.0	NOISE EMISSION	15
6.1	Plant Noise Emission	15
6.2	Car Park and Drive-Thru Noise Emission	16
6.3	Drive Thru Noise Emission	
7.0	CALCULATED NOISE LEVELS	18
7.1	Sleep Disturbance	
8.0	NOISE CONTROL RECOMMENDATIONS	21
9.0	NOISE IMPACT STATEMENT	23

Environmental Noise Assessment

TABLES

Table 1	Noise Sensitive Receptors	(
Table 2	Noise Instrumentation	
Table 3	Rating Background Level	
Table 4	Short Term Attended L _{90, 15 min} Noise Levels	
Table 5	Amenity Criteria	13
Table 6	Schedule of Mechanical Plant Sound Power Levels	1
Table 7	Sound Power Levels of Car Park Noise	10
Table 8	Sound Power Levels of Drive-Thru Speaker Box	1
Table 9	Calculated Leq, 15 minute Noise Levels at Receptor Locations	19
Table 10	Calculated L _{max} Noise Levels at Receptor Locations – R1	19
Table 11	Calculated L _{max} Noise Levels at Receptor Locations R2-R4	20



1.0 CONSULTING BRIEF

Day Design Pty Ltd was engaged by McDuck Properties Pty Ltd carry out an environmental noise impact assessment for a proposed Taco Bell restaurant to be constructed at 103-105 Stewart Street, Bathurst, NSW.

The scope of work is as follows:

- Inspect the site and environs
- Measure the background noise levels at critical locations and times
- · Establish acceptable noise level criterion
- · Quantify noise emissions from the restaurant
- Calculate the level of noise emission, taking into account building envelope transmission loss, screen walls and distance attenuation
- Prepare a site plan identifying the development and nearby noise sensitive locations
- Provide recommendations for noise control (if necessary)
- Prepare an Environmental Noise Impact Report.

2.0 PROJECT DESCRIPTION

2.1 Development Description

Mc Duck Properties Pty Ltd proposes to construct a new Taco Bell restaurant with drive-thru and car park area at 103-105 Stewart Street, Bathurst, NSW.

Car parking will be provided for 22 vehicles with additional vehicles in the drive-thru queue. Entry to the site is via the existing driveway on Howick Street and exits are via either Stewart Street or Howick Street.

The proposed operating hours are as follows:

- 10 am 10 pm Sunday to Thursday, and
- 10 am 11 pm Friday and Saturday.

An existing heritage listed dwelling is located in the eastern quadrant of the subject site (103 Stewart Street), however, we are advised that this building will be used as office space.

2.2 Site Description

The site is on land zoned as R1 - General Residential under the Bathurst Regional Local Environmental Plan 2014.

The site is located on a corner block with existing driveways on Howick Street and Stewart Street. The Stewart Street section of road to the south of the subject site carries significant traffic volumes and forms part of the Great Western Highway, a Classified Road under the Roads Act 1993.

The nearest residential premises are located on adjacent blocks to the northwest and north east. It is noted that the floor slab of the site is raised approximately 2.3 metres above the natural ground level of these adjacent lots. More residential dwellings to the southwest on the opposite side of Howick Street and to the southeast on the opposite side of Stewart Street.

The nearest noise sensitive receptors to the property, in various directions, are shown in Figure 1 and as follows in Table 1.

Table 1 Noise Sensitive Receptors

	from site	Distance	
301 Howick Street	Northwest	5 m	
101 Stewart Street	Northeast	5 m	
112 Stewart Street	Southwest	30 m	
314 Howick Street	Southeast	40 m	
	101 Stewart Street 112 Stewart Street	301 Howick Street Northwest 101 Stewart Street Northeast 112 Stewart Street Southwest	

Environmental Noise Assessment

Receptor locations are considered representative of all adjacent receptor locations in the immediate area. Compliance at these locations ensures compliance at all other nearby recentors.



Figure 1- Location Plan; 103-105 Stewart Street, Bathurst, NSW

Mc Duck Properties Pty Ltd

Page 8 of 23

Environmental Noise Assessment

3.0 NOISE SURVEY INSTRUMENTATION

Noise level measurements and analysis were made with instrumentation as follows in Table 2:

Table 2 Noise Instrumentation

Description	Model No.	Serial No.
Modular Precision Sound Analyser	B&K 2250	2690243
Condenser Microphone 0.5" diameter	B&K 4189	3022960
Acoustical Calibrator	B&K 4231	2721949
Modular Precision Sound Analyser	B&K 2270	3011809
Condenser Microphone 0.5" diameter	B&K 4189	3099836
Acoustical Calibrator	B&K 4231	2721949
Infobyte Noise Logger	iM4	121
Condenser Microphone 0.5" diameter	MK 250	6595

An environmental noise logger is used to continuously monitor ambient noise levels and provide information on the statistical distribution of noise during an extended period of time. The Infobyte Noise Monitor iM4 is a Type 1 precision environmental noise monitor meeting all the applicable requirements of AS1259 for an integrating-averaging sound level meter.

All instrument systems had been laboratory calibrated using instrumentation traceable to Australian National Standards and certified within the last two years thus conforming to Australian Standards. The measurement system was also field calibrated prior to and after noise surveys. Calibration drift was found to be less than 1 dB for long term measurements. No adjustments for instrument drift during the measurement period were warranted.



4.0 MEASURED AMBIENT NOISE LEVELS

4.1 Long Term, Unattended Noise Monitoring

In order to assess the severity of a possible environmental noise problem in a residential area it is necessary to measure the ambient background noise level at the times and locations of worst possible annoyance. The lower the background noise level, the more perceptible the intrusive noise becomes and the more potentially annoying.

The ambient L_{90} background noise level is a statistical measure of the sound pressure level that is exceeded for 90% of the measuring period (typically 15 minutes).

The Rating Background Level (RBL) is defined by the NSW EPA as the median value of the (lower) tenth percentile of L₉₀ ambient background noise levels for day, evening or night periods, measured over a number of days during the proposed days and times of operation.

The environmental noise logger was placed in the rear yard of 301 Howick Street, Bathurst from 9 to 24 October 2019 to determine the Rating Background Level in the area. We have removed the noise data from the Bathurst 1000 race weekend (10-13 October 2019) and calculated the RBL's for 7 days between 16 October to 23 October 2019. This location is shown on Figure 1 below as Location 'A'.

Location 'A' is fully shielded from road traffic noise on the Highway and surrounding local roads and is considered to represent the lowest ambient background noise levels in the area surrounding the site. Other locations with less shielding from the Highway or more exposed to ambient noise in the neighbourhood will have higher ambient noise levels and benefit from the lower noise criteria derived from RBL's calculated from Location 'A'.

The measured noise levels are presented in the attached Appendix C and also in Table 3 below.

Table 3 Rating Background Level

Noise Measurement Location	Time Period	Ambient L _{eq} Noise Level	Rating Background Level
	Day (7 am - 6 pm)	47 dBA	35 dBA
Location 'A' – 301 Howick St – Bathurst _	Evening (6 pm - 10 pm)	44 dBA	33 dBA
	Early Night (10 pm - 11 pm)	n/a	31 dBA
	Night (12 am - 7 am)	39 dBA	30 dBA1

Meteorological conditions during the testing typically consisted of clear skies with temperature of 0°C to 29°C. Atmospheric conditions were generally ideal for noise monitoring, therefore noise measurements were considered reliable and typical for the receptor area.

1-May-20



¹ Minimum RBL applies. Refer NPI Section 2.3. Actual level was 28 dBA.

4.2 Short Term, Attended Noise Monitoring.

Location 'A' is fully shielded from road traffic noise from Stewart Street (Great Western Highway). Location 'A' is therefore considered representative of the most sensitive residential receptors nearby the subject site. However, as other residential receptors to the southeast and southwest ('R3' and 'R4') are fully exposed to road traffic noise, background noise levels, and subsequent noise level criteria, are likely to be higher.

To determine the noise level differences between Location 'A' and residences facing Stewart Street, designated Location 'B', short term attended noise measurements were conducted simultaneously at both locations.

The measured L90, 15 min background noise levels are shown below in Table 4.

Table 4 Short Term Attended L_{90, 15 min} Noise Levels

Description	dBA	a		Sound F e Band				es (Hz)
		63	125	250	500	1k	2k	4k	8k
Location 'A' 301 Howick St – Rear Yard	38	47	41	36	32	35	27	20	14
Location 'B' 103 Stewart Street – Front Yard	51	55	53	50	47	48	42	33	22
Noise Level Difference	13	9	12	14	15	13	15	13	9

It can be seen from Table 4 that the $L_{90, 15 \, min}$ noise level was measured to be 13 dB higher at Location 'B'.

Environmental Noise Assessment

5.0 ACCEPTABLE NOISE LEVELS

5.1 NSW Noise Policy for Industry

The Environment Protection Authority (EPA) published their NSW Noise Policy for Industry (NPI) in October 2017. The NPI is specifically aimed at assessing noise from industrial noise sources scheduled under the Protection of the Environment Operations Act 1997 (POEO, 1997).

The proposed restaurant is not a 'scheduled premises' under the Protection of the Environment Operations Act 1997 as it is not required to hold a licence under that Act for operations at the site.

The appropriate regulatory authority (Council) may, by notice in writing given to such a person, prohibit the person from causing, permitting or allowing:

- (a) any specified activity to be carried on at the premises, or
- (b) any specified article to be used or operated at the premises,

or both, in such a manner as to cause the emission from the premises, at all times or on specified days, or between specified times on all days or on specified days, of noise that, when measured at any specified point (whether within or outside the premises,) is in excess of a specified level.

The NPI provides a useful framework to assess noise emission from non-scheduled premises, whether that premises produces intrusive or non-intrusive noise.

While the NPI is not strictly applicable to this site, as the site is not scheduled, in the absence of other relevant standards the limits set out in the NSW Noise Policy for Industry will be used as a guide in determining whether the level of noise is considered intrusive or not.



Ordinary Meeting of Council Agenda - 17 June 2020 Attachments

5.2 Intrusiveness Criteria

The EPA states in Section 2.3 of its NSW Noise Policy for Industry that the L_{eq} level of noise intrusion from broad-band industrial noise sources may be up to 5 dB above the L_{90} background noise level at the receptor without being considered intrusive.

The L₉₀ Rating Background Level within the rear yard of 301 Howick Street (Location 'A') was 35 dBA in the day, 33 dBA in the evening, 31 dBA during the early night.

Location 'A' is considered representative of the most sensitive residential receptor locations, i.e., dwellings and rear yards of lots on the north side of Stewart Street.

The acceptable Leg noise intrusiveness criteria for these receptor locations is:

- (35 + 5 =) 40 dBA during the day;
- (33 + 5 =) 38 dBA in the evening; and
- (31 + 5 =) 36 dBA during the early night.

Location 'B' is considered representative of the noise levels at facades of residential receptor locations with full exposure to road traffic noise from Stewart Street, i.e., dwellings facing Stewart Street.

Based on the measured difference in background noise levels at Location 'A' and 'B' (refer Table 4), the acceptable L_{eq} noise intrusiveness criteria have been adjusted accordingly for these receptor locations, as follows:

- (35 + 13 + 5 =) 53 dBA during the day;
- (33 + 13 + 5 =) 51 dBA in the evening; and
- (31 + 13 + 5 =) 49 dBA during the early night.



Ordinary Meeting of Council Agenda - 17 June 2020 Attachments

5.3 Amenity Criteria

Depending on the type of area in which the noise is being made, there is a certain reasonable expectancy for noise amenity. The NSW NPI provides a schedule of recommended L_{eq} industrial noise levels that under normal circumstances should not be exceeded. If successive developments occur near a residential area, each one allowing a criterion of background noise level plus 5 dB, the ambient noise level will gradually creep higher.

The recommended L_{eq} noise levels below in Table 4 are taken from Section 2.4, Table 2.2 of the NPI.

Table 5 Amenity Criteria

Type of Receiver	Indicative Noise Amenity Area	Time of Day	Recommended L _{eq} Noise Level, dBA
		Day	55
Residence	Suburban	Evening	45
		Night	40
Commercial premises	All	When in use	65

The L_{Aeq} is determined over a 15-minute period for the project intrusiveness noise level and over an assessment period (day, evening and night) for the project amenity noise level. This leads to the situation where, because of the different averaging periods, the same numerical value does not necessarily represent the same amount of noise heard by a person for different time periods. To standardise the time periods for the intrusiveness and amenity noise levels, the NPI assumes that the L_{Aeq,15min} will be taken to be equal to the L_{Aeq,period} + 3 decibels (dB).

Compliance with the amenity criteria will limit ambient noise creep. Wherever the existing L_{eq} noise level from intrusive noise sources approaches or exceeds the amenity criteria at a critical receptor location, the intrusive L_{eq} noise from the noise source in question must be reduced to a level that may be as much as 10 dB below the existing L_{eq} industrial noise level.

The acceptable Leq amenity criteria for this area is:

- (55 5 + 3 dB =) 53 dBA during the day;
- (45 5 + 3 dB =) 43 dBA in the evening; and
- (40 5 + 3 dB =) 38 dBA at night.



Ordinary Meeting of Council Agenda - 17 June 2020 Attachments

5.4 Sleep Disturbance

The Noise Policy for Industry provides the following guidance (NPI, Section 2.5) for setting appropriate trigger levels for sleep disturbance:

'Sleep disturbance is considered to be both awakenings and disturbance to sleep stages. Where the subject development/premises night-time noise levels at a residential location exceed:

- L_{Λeq,15min} 40 dB(A) or the prevailing RBL plus 5 dB, whichever is the greater, and/or
- LAFmax 52 dB(A) or the prevailing RBL plus 15 dB, whichever is the greater,

a detailed maximum noise level event assessment should be undertaken.'

It is proposed that the restaurant will operate up to 11 pm, on Friday and Saturday night. Vehicles may use the drive-thru facility during the early night period. As a conservative approach, we have considered the potential for sleep disturbance upon residents in adjacent residential dwellings from various noise producing facets of the operation during the early night period (10 pm - 11 pm).

5.5 Project Specific Noise Emission Criteria

The acceptable L_{eq} noise criteria for dwellings and rear yards of lots on the north side of Stewart Street is:

- (35 + 5 =) 40 dBA during the day;
- (33 + 5 =) 38 dBA in the evening; and
- (31 + 5 =) 36 dBA during the early night.
- 52 dBA L_{max} trigger noise level for sleep disturbance

The acceptable Leq noise criteria for facades of residential dwellings facing Stewart Street is:

- 53 dBA during the day;
- 43 dBA in the evening; and
- 38 dBA during the early night.
- 59 dBA L_{max} for sleep disturbance.

These criteria are to be assessed at the most affected point on or within the residential property boundary during the day, evening and night respectively. For upper floors, the noise is assessed outside the nearest window.



6.0 NOISE EMISSION

The main sources of noise from these premises will be traffic accessing the site and mechanical plant which will include air conditioning condensers and exhaust fans, some of which may operate continuously while the restaurant is operating during trading hours.

6.1 Plant Noise Emission

Specific items of plant have yet to be finalised, however, for the purposes of this assessment, we have assessed a comparable mechanical plant selection used in previous Environmental Noise Assessments typically installed in similar restaurant fitouts prepared by Day Design. A schedule of the sound power levels and the item of plant those levels are based on, is shown in Table 6.

Table 6 Schedule of Mechanical Plant Sound Power Levels

Description	dBA	Sound Power Levels (dB) at Octave Band Centre Frequencies (Hz)							
ALCO TO SERVICE STATE OF THE PERSON STATE OF T		63	125	250	500	1k	2k	4k	8k
Rooftop Plant			7 17						
Toilet Exhaust Fantech – TD-250/100	53	50	59	51	52	48	44	36	28
Kitchen Exhaust Fantech - CGD354M-MM	72	79	77	73	70	61	63	62	52
Kitchen Make-up Fantech - PCD454	73	72	74	74	72	68	62	60	51
Wash Up Exhaust Fantech - CE192V	67	68	69	69	66	59	58	56	49
Ground Floor Plant									
Outdoor AC Condenser Unit Mitsubishi PUHY-P1000YNW-A	75	97	78	76	74	68	65	62	57

Knowing the sound power level of a noise source (see above Table 6), the sound pressure level (as measured with a sound level meter) can be calculated at a remote location using suitable formulae to account for distance losses, sound barriers, etc.

6.2 Car Park and Drive-Thru Noise Emission

Car parking will be provided for 22 cars, with additional vehicles in the drive-thru queue. Λ loading bay is also provided on the southwest side of the building for deliveries.

The NSW Roads and Traffic Authority Published the 'Guide to Traffic Generating Developments' (the Guide) in 2002 and provides estimates for traffic generation for various development situations, including fast food restaurants such as McDonalds and KFC. For KFC restaurants, The Guide advises an average evening peak hour vehicle trip rate of 100 vehicles per hour.

Based on the RTA Guide and the Traffic Assessment Report, prepared by BJ Bradley & Associates (dated 11 November 2019) a trip rate of 25 passenger vehicle trips within any given 15 minute noise assessment period, equivalent to a typical KFC restaurant.

Day Design has had the opportunity to measure the noise levels from a range of vehicles travelling at various speeds. Average L_{AE} and L_{max} sound power level for vehicles travelling at 10km/h has been determined from these measurements.

The L_{AE} and L_{max} sound power levels for vehicle movements within the car park used in this noise assessment are shown in Table 7.

The Leq sound power level for a male speaking with normal vocal² effort is shown in Table 7.

Table 7 Sound Power Levels of Car Park Noise

Description	dBA	Sound Power Levels (dB) at Octave Band Centre Frequencies (Hz)							
		63	125	250	500	1k	2k	4k	8k
Car drive by at 10km/h - LAE	82	86	82	78	77	78	73	70	64
Car doors closing – L _{max}	92	98	92	90	88	88	83	80	76
Truck manoeuvring – Lae	98	102	99	94	96	96	92	88	83
Truck manoeuvring - L _{max}	101	113	102	98	95	97	94	92	96
Male – Normal Vocal Effort	66	57	57	63	66	59	55	51	46

Ref 6861-2 1R REV A

1-May-20



² Based on Handbook of Acoustical Measurements and Noise Control, Third Edition, Cyril M Harris, McGraw Hill Inc., New York, (page 16.2)

Environmental Noise Assessment

6.3 **Drive Thru Noise Emission**

Day Design has measured the noise levels generated by speaker boxes at other similar restaurants with drive-thru ordering facilities.

The LAE and Lmax sound power levels of noise from a typical speaker box are shown in Table 8 below.

Table 8 Sound Power Levels of Drive-Thru Speaker Box

Description	dBA		at Octa	r Levels (dB) tre Frequencies (Hz)					
		63	125	250	500	1k	2k	4k	8k
Speaker Box - LAE	72	78	76	69	70	68	65	56	53
Speaker Box - L _{max}	84	86	85	79	82	79	77	66	69

1-May-20

7.0 CALCULATED NOISE LEVELS

Noise levels have been calculated at the most affected point on or within the residential property boundary for the nearest receptor locations surrounding the subject site. We have modelled the noise emission with any given 15 minute assessment period from the proposal to include the following:

- All items of mechanical plant have sound power levels at or below those specified in Table 6
 and are operating continuously and simultaneously;
- Supply and exhaust fans are located on the roof of the restaurant building with outdoor air conditioning condenser units located in the plant area at ground floor level;
- Noise attenuation for rooftop plant from a 1 metre high parapet wall on the perimeter of the building;
- The ground floor plant area has been constructed in accordance with the recommendations provided in Section 8;
- A group of 6 people talking in the car park area speaking with normal vocal effort with 50% talking and 50% listening or not talking. This group is assessed at the in the area of the car park closest to each respective residential receptor;
- Fences on site boundaries and drive-thru areas have been constructed in accordance with the recommendations provided in Section 8;
- Based on our experience and observations at other sites of similar size, each speaker box will emit sound for a total of 3 minutes within any given 15 minute assessment period;
- For nearby residential receptors the noise levels have been assessed at ground floor level at the nearest/most affected façade;
 - A traffic flow rate of up to 25 vehicles entering or leaving the site, travelling at 10km/h, within any given 15 minute period during operating hours (10 am 11 pm). Within this 15 minute period, we have assumed a worst case traffic flow for each receptor, as follows;
 - R1 10 vehicle movements from the Howick Street driveway only (5 entering and 5 exiting from the closest driveway);
 - R2 10 vehicle movements exiting from Stewart Street;
 - R3 10 vehicle movements exiting from Stewart Street;
 - R4 10 vehicle movements from the Howick Street driveway only (5 entry and 5 exit from the closest driveway);
 - Remaining 15 vehicles in the drive-thru queue or manoeuvring within the carpark.

It should be noted that noise calculations for traffic moving in or out from the Howick Street and Stewart Street driveways consider vehicle movements as discrete noise events. The direction of travel is irrelevant.

Q

Environmental Noise Assessment

Based on the noise emission scenario, cumulative noise levels at each receptor location is as calculated in Table 9 in comparison with the most stringent early night time noise criterion relevant to the operation, established in section 5. Compliance with the early night criterion ensures compliance at all other times during the day and evening periods.

Table 9 Calculated Leq, 15 minute Noise Levels at Receptor Locations

Receptor Location	Calculated L _{eq} Noise Level	Acceptable L _{eq} Noise Level	Compliance
'R1' – Residential	35 dBA	36 dBA	Yes
'R2' – Residential	34 dBA	36 dBA	Yes
'R3' - Residential	38 dBA	38 dBA	Yes
'R4' – Residential	38 dBA	38 dBA	Yes

Given the aforementioned scenario, it can be seen that the noise criteria at all receptor locations are met.

7.1 Sleep Disturbance

 L_{max} noise levels from various noise producing facets of the restaurant is as calculated at each receptor location in Tables 10 and 11 in comparison with the NPI sleep disturbance criterion. It should be noted that, unlike the calculated noise levels from the typical operations of the site as shown in Table 9, L_{max} noise levels shown in Tables 10 and 11 are not cumulative.

Table 10 Calculated Lmax Noise Levels at Receptor Locations - R1

Noise Event	Calculated L _{max} Noise Level	Acceptable L _{max} Noise Level	Compliance
'R1' – 303 Howick Street			
Vehicles – Howick Street	Up to 51 dBA	52 dBA	Yes
Vehicles – Stewart Street	Up to 42 dBA	52 dBA	Yes
Vehicles - In Drive- Thru	Up to 50 dBA	52 dBA	Yes
Speaker Box	Up to 43 dBA	52 dBA	Yes

1-May-20



Ref: 6861-2 1R REV A

Table 11 Calculated Lmax Noise Levels at Receptor Locations – R2-R4

Noise Event	Calculated L _{max} Noise Level	Acceptable L _{max} Noise Level	Complianc	
'R2' – 101 Stewart Street				
Vehicles – Howick Street	Up to 31 dBA	52 dBA	Yes	
Vehicles – Stewart Street	Up to 36 dBA	52 dBA	Yes	
Vehicles – In Drive- Thru	Up to 48 dBA	52 dBA	Yes	
Speaker Box	Up to 27 dBΛ	52 dBΛ	Yes	
'R3' – 112 Stewart Street				
Vehicles – Howick Street	Up to 48 dBA	59 dBA	Yes	
Vehicles – Stewart Street	Up to 54 dBA	59 dBA	Yes	
Vehicles - In Drive- Thru	Up to 44 dBA	59 dBA	Yes	
Speaker Box	Up to 19 dBA	59 dBA	Yes	
'R4' – 314 Stewart Street				
Vehicles – Howick Street	Up to 54 dBA	59 dBA	Yes	
Vehicles – Stewart Street	Up to 49 dBA	59 dBA	Yes	
Vehicles - In Drive- Thru	Up to 47 dBA	59 dBA	Yes	
Speaker Box	Up to 36 dBA	59 dBA	Yes	

With the aforementioned assumptions, it can be seen that the sleep disturbance noise criteria at all receptor locations are met.

Ref: 6861-2.1R REV A

1-May-20



8.0 NOISE CONTROL RECOMMENDATIONS

In order to meet the most stringent early night time noise criterion at the nearest residential receptor locations, we recommend that the following be incorporated into the design of the new restaurant:

Acoustic Fences/Barriers

- Acoustic fences should be constructed along the northwest and northeast boundaries of the drive-thru driveway to a minimum height 2.1 metres above the subject site ground floor slab height, as shown in Appendix D.
- Boundary fences should be constructed along the southwest and southeast boundaries
 of site. This fencing shall include an acoustic barrier (such as contiguous masonry with
 no holes or gaps) constructed to a minimum height of 600 mm above the subject site
 ground floor slab height, as shown in Appendix D.
- The northwest and southwest sides of the ground floor plant area enclosure should be constructed from an acoustically opaque material, such as Colorbond, lapped and capped timber, masonry etc, to a height of either 1.8 metres above ground floor slab height or at least 600 mm above the tallest item of plant (whichever is the greater). The southeast side may be constructed to the architect's specification and is not required to be acoustically rated.

The level of noise attenuation from a fence (or barrier) is dependent on the difference between the length of the noise transmission path over the fence in comparison with the direct path length from source to receiver. The higher the fence, the greater path length difference and therefore, better noise reduction performance. The level of noise passing through a barrier or fence, is typically negligible compared to the residual noise travelling over a fence to the receiver location, provided there are no holes or gaps through which noise can penetrate.

As such, the material the fence is constructed from is less critical than the overall height of the fence and that there are no holes or gaps between panels or between the ground and underside of the fence where noise can leak through. Acoustic fences may be constructed from any solid material such as Colorbond sheet, lapped and capped timber, masonry, fibre cement, glass or any combination of these materials.

Mechanical Plant Selection

- The total sound power level of plant installed within the ground floor plant area should be no greater than Leq 75 dBA.
- The total sound power level of all rooftop plant shall not exceed Leg 76 dBA.

Drive-Thru Speaker Box

 The sound power level of the speaker box in the drive-thru area shall not exceed Leq 72 dBA and Lmax 84 dBA.

Ref 6861-2.1R REV A

1 May-20



Environmental Noise Assessment

Management Controls

 We recommend truck deliveries to the site are scheduled to occur during daytime hours only (7 am - 6 pm).

Acoustic Compliance Certification

- We recommend that all documentation is reviewed at CC stage to ensure that all acoustic recommendations have been satisfactorily incorporated into the design of the site prior to the issue of a Construction Certificate.
- We recommend that an inspection of the site is conducted prior to the issue of an Occupation Certificate to ensure that all acoustic recommendations have been satisfactorily installed and implemented on site.
- We recommend that noise measurements are conducted after a period of 3 months of operation in order to certify that noise emission from the site are in accordance with the established noise criteria.

Should any discrepancy be found between the acoustic recommendations and the final drawings or during the inspection these will be rectified accordingly to ensure all recommendations are incorporated before the issue of either Construction Certificate or Occupation Certificate.

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 will be made to reduce the residual noise level to meet the noise criteria. Further noise compliance measurements shall then be conducted to ensure noise criteria is achieved at all residential receptor locations.



9.0 NOISE IMPACT STATEMENT

Day Design Pty Ltd was engaged by Mc Duck Properties Pty Ltd to carry out an environmental noise impact assessment for a proposed Taco Bell restaurant to be constructed at 103-105 Stewart Street, Bathurst, NSW.

Measurements and calculations show that, provided the recommended noise controls outlined in Section 8 of this report are implemented into the design, the level of noise emitted by the proposed Taco Bell restaurant will meet the requirements of the NSW Environment Protection Authority, as detailed in Section 5 of this report.



Alexander Mendoza, MDesSc (Audio & 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.

Attachments:

- Appendix A Responses to Bathurst Council's RFI
- Appendix B Responses to Public Submissions
- Appendix C Ambient Noise Survey
- Appendix D Architectural Drawings
- AC108-1 to 4 Glossary of Acoustical Terms

Ref 6861-2.1R REV A

1-May-20



Day Design responses to Bathurst Council RFI, 22 Jan 2020, below in italics

Noise Impacts

The environmental noise assessment report does not consider the following matters:

 Impacts of the development on 322 Howick Street (Lot 2 DP 881577) and 324 Howick Street (Lot 1 DP 881577) which are considered to be sensitive noise receivers. These developments would experience similar background noise to 'R1' but would not benefit from the noise attenuation fences.

It is true that 322 and 324 Howick Street are noise sensitive receivers. We have assessed to the nearest boundary of 314 Howick Street ('R4'), which is representative of these other receptor locations. Compliance at 314 Howick Street ensures compliance at 322 and 324 given that they are either at similar distances or further away.

It is false to assume that these locations would "experience a similar background noise" level to 'R1'. The noise logger placed at 'R1' which gathered long term noise data was in the rear yard, was below the ground level of the subject site and fully shielded on all sides from noise from the surrounding roads and in the neighbourhood. The logger was intentionally placed in this location because it represents the worst case for this area. Refer Section 4.1. and 4.2.

The front facades of receivers at 'R2', 'R4', 322 and 324 Howick Street are exposed to road traffic noise (with direct line of sight to the highway) and other noise in the neighbourhood. Background noise levels at the front facades will be higher as a result, which is outlined in Table 4. Background noise levels in the rear yards of 322 and 324 may be similar to 'R1', however noise is not assessed in this area for these receivers.

- Not addressed further in Environmental Noise Assessment
- Noise from customer voices in the car park area. This noise source is relevant to evening and night time disturbance.
 - The updated Environmental Noise Assessment report (6861-1.1R Rev B) includes noise from people talking in the car park areas. Refer Table 7 (Section 7.2) and Table 9 (Section 8)
- The intermittency of voice speakers in the drive-through in relation to sleep disturbance criteria. The report assumes 15 vehicles through the drive through in any 15 minute period, but only assumes the speaker will be operating for a total of 3 minutes total. This is only 12 seconds per customer, which is unrealistic.

The sleep disturbance criterion is assessed based on the L_{max} noise level and is independent of the temporal component of the noise source.

- Not addressed further in the Environmental Noise Assessment.

9

Appendix A

10. An amended Environmental Noise Assessment Report is to be provided to Council which includes appropriate consideration of and assessment of the above listed matters.

A revised report (6861-1.1R Rev B) addresses these items where necessary.

11. The background noise levels provided in the Environmental Noise Assessment Report were measured between 10 October to Thursday 17 October 2019 during the week of the Bathurst 1000 car race and therefore, may not represent typical background noise levels due to higher traffic flows experienced during this week. This may have an impact on the intrusive noise assessment and other parameters. An amended Environmental Noise Assessment Report is to be provided to Council which includes background noise levels which have been measured at an appropriate ("typical") time.

Noise data was gathered from 9 October to 24 October. We have removed the noise data from the Bathurst 1000 race weekend and recalculated the RBL's for 7 days between 16 October to 23 October. Noise levels were found to be 1 dB lower for day and evening periods and 1 dB higher for the night time period. These are slight variations and are likely to vary by this amount for any two measurement survey periods. It does not definitively indicate that background noise in the area is higher as a result of the Bathurst 1000.

Refer Section 5.1

12. Please provide written confirmation as to whether Table 3 in the Environmental Noise Assessment Report should read "301 Howick Street".

Corrected in the revised acoustic report (6861-1.1R Rev B).

13. The Environmental Noise Assessment Report provides the following recommendation:

"The plant area should be constructed from an acoustically opaque material, such as Colorbond, lapped and capped timber, masonry etc, to a height of either 1.8 metres above ground floor slab height or at least 600 mm above the tallest item of plant (whichever is the greater)."

Amended Elevation Plans are to be submitted to Council detailing the external materials, finishes and heights of the plant area in accordance with the above recommendation. The plant area as currently proposed appears to have a wall height of 1.5 metres above the drive-through.

Latest plans attached with revised acoustic report (6861-1.1R Rev B).



Day Design responses to Public Submissions in italics

Lyndall Whiley

Noise

During these very long opening hours, residents such as myself, will be subjected to noise from the mechanical plant, supply and exhaust fans, air conditioning units, car doors closing, cars entering and exiting, cars going through the drive thru, delivery trucks manoeuvring and garbage trucks collecting waste, plus very intrusive noise as staff talk through the speaker box in the drive thru. There is no guarantee that the planned acoustic screens will satisfactorily mitigate the effect of the huge increase in noise levels outlined in the *Noise Assessment Report*.

- Noise control recommendations have been made which include acoustic fences, mechanical
 plant selection and management practices. It is the combination of all these noise controls
 that work to ensure the noise criteria is met at all applicable times.
- Noise control recommendations are provided in Section 8 of the Environmental Noise Assessment. With these recommendations in place, the noise levels are then calculated to each receptor location.

It is concerning that the report predicts levels that are already so close to the accepted guidelines.

- The calculated noise levels are a result of the noise controls being engineered for this
 development. They are a result of the recommended noise controls being implemented at
 the site to meet the established noise criteria. It is unnecessary to design noise controls to
 reduce noise levels any further below what is required to meet the criteria.
- Noise controls are specified in Section 8 of the Environmental Noise Assessment which attenuate noise emission from the site to meet the established noise criteria.

In addition, there will be a lot more noise from patrons talking in the car park and the surrounds of the outlet.

We have updated the noise level calculations to include people talking in the car park area.
 Refer Section 7.2 and Section 8.

Some patrons will avoid negotiating the car park altogether and park instead in neighbouring streets, thus creating more noise for residents. There will be increased noise as people walk along Howick St, to and from the CBD, or while congregating in front of my house to wait for a break in traffic in order cross the highway.

- This is speculative. Being on the corner block also exposes the dwelling to higher background noise levels and Lmax noise events from the highway which carries heavy vehicles. If people have to 'wait for a break in traffic to cross the highway', this would suggest that the level of traffic flow is high enough to generate significant levels of road traffic noise. When traffic is low, it would also suggest that people may then cross the street, therefore there is no need for people to 'congregate' in front of the house.
- This is not addressed in the Environmental Noise Assessment.

9

1-May-20

The increased noise generated by patrons is not something *Taco Bell* can control, or measure in their reports, however it will affect residents greatly.

 The acoustic assessment is based on actual measurements of similar activities at similar establishments and published manufactures noise data. Noise controls are then put in place to mitigate noise emission from the subject site accordingly. Refer Section 6 for noise levels of the various facets related to the proposal. These levels come from published manufacturers data (such as mechanical plant) or noise levels measured by Day Design from vehicles, people, speaker boxes etc.

All this extra noise will be particularly intrusive at night as any of these sounds will be heard quite clearly through my front bedroom windows.

- The noise controls have been engineered to reduce noise emission from the site to meet the
 most stringent noise criteria for the early night time period at the nearest, most affected
 facades. While some noise may be audible at neighbouring dwellings, the noise regulations
 applicable for the subject site do not require that noise emission is reduced to total
 inaudibility.
- Refer to Section 6 which outlines where and how the noise criteria is derived. The Environmental Noise Assessment has been prepared in accordance with the applicable policies.

More noise will also occur as employees arrive or leave the premises in order to complete tasks outside of operating hours.

- The contribution from noise generated from individual staff vehicles leaving the site is negligible, particularly as the highway and surrounding roads already carries traffic 24 hours a day, including heavy vehicles.
- The noise emission from the operation of the entire site has been assessed to the most stringent noise criterion and, with noise controls in place, meets this criterion. Refer Section 8 which demonstrates compliance. Given that employees arrive or leave the site when it is not operational, the noise levels will be lower and therefore, also meet the noise criterion.

Extended Operating hours

At present 103 Stewart St, is used by a company which operates during business hours and only has a relatively small volume of customers frequenting the site. However, *Taco Bell* will open seven days a week. Opening times will be 10 am -11 pm on Friday and Saturday and 10 am-10 pm on other days. The hours that staff will be on site will be extended beyond this as they will be setting up, preparing food, packing up and cleaning outside of operating hours. Hence, the disruption to residents is likely to be all week until approximately 11 or 12 pm.

 We have assessed to the most stringent noise criterion, ie early night 10 pm-11 pm, and with noise controls implemented, will comply. Refer Section 8.

1-May-20



After searching the websites of restaurants and take away shops in the CBD, I found that nearly all close between 9 pm and 9.30 pm. It is unacceptable to allow a fast food outlet, outside the CBD and in a residential area, to have a closing time of 10 pm to 11 pm.

 We have assessed to the most stringent noise criterion, and with noise controls implemented, will comply. Refer Section 8.

National Trust

Residents have spoken of their concerns in several key areas, including increased traffic flows and congestion, parking issues, increased pedestrian flows, pedestrian safety, noise pollution, light pollution, odor pollution from food cooking smells, long opening hours, delivery and garbage truck noises, alcohol consumption and live music noise, amongst others.

These older houses are largely built closer to the street, with bedrooms at the front of the house. Hence, noise, traffic, light, odor and the other issues highlighted above, will have a much more significant impact upon the privacy, peace and well-being of these locals.

A multi-national chain restaurant with a busy and noisy drive through is not compatible with the current heritage and residential values of this precinct. There are presently no similar businesses in this locality.

- The acoustic report has considered the noise generated by the use of the drive thru facility, car park, speaker boxes and mechanical plant serving the site. The most stringent noise criteria have been established using both long and short term noise data recorded at the nearest residential premises in accordance with the requirements of the NSW Noise Policy for Industry (refer Section 6).
- Engineering and managerial noise controls have been designed accordingly to meet the noise level criteria in both the rear yards of adjacent residential premises and at facades facing the subject site. Noise controls include acoustic fences, specification of maximum sound power levels for mechanical plant and appropriate scheduling of deliveries to the site (refer Section 9). Provided the noise controls are fully implemented into the design and management of the site, the established noise criteria will be met at all receptor locations. Refer Section 8.
- Alcohol or live music will not form part of the daily operation of the restaurant.

0

- The current measured noise levels at site R2 are for the evening (6 pm 10 pm) 34 dBA and early night (10 pm 11 pm) 31 dBA.
- The calculated noise level at site R2 for the drive-thru only operation is up to 50 dBA (Table 10: p.19). This has assumed that all attenuations, including acoustic fence, are in place.

That would indicate a significant increase in noise levels which would impact on my residence. Any noise increase on an ongoing basis would be unacceptable.

- There is a fundamental misunderstanding of the noise descriptors that referring to in this submission. The 'current measured noise levels at R2' are the existing Rating Background Levels (RBL) which are derived from the measured L90 noise level. The L90 is a statistical noise level which indicates the noise level exceeded over 90% of the assessment duration. The RBL indicates the level of ambient noise that is always present in the acoustic environment. The 'calculated noise level at R2', being up to 50 dBA, is an L_{max} noise descriptor used to quantify short term, transient noise events for the purposes of assessing the potential for sleep disturbance. The L90 noise level and the Lmax noise level descriptors are used for entirely different purposes and are not interchangeable or comparable to one another. It can be seen in Table 10: p.19 that the calculated noise level of 50 dBA L_{max} is also below the noise level criteria established for the sleep disturbance trigger noise level of 52 dBA L_{max} . For reference the existing L_{max} noise levels at night are in the range of 35 dBA to 65 dBA.
- Not addressed further in the report.

There is no evidence that the proposed acoustic fence will suffice in reducing the noise level cant find any reference as to what type of acoustic fence is proposed.

- Acoustic fences are characterized by being solid in construction with no holes or gaps for noise to leak through. The fence can be constructed from any solid material such as Colorbond, masonry, lapped and capped timber, glass or polycarbonate or any combination thereof. Factors that determine the design of the fence include the distance from the noise source to the fence, the distance from the fence to the receptor location and the height of the noise source and receptor. The crucial variable when designing an acoustic fence is the height. As such, the 2.1 metre high fences have been designed because they provide the required noise attenuation at the nearest receptor locations, including R2.
- Refer Section 9 Acoustic Fences/Barriers.

Hours of Operation

SEE: one drive thru window from midnight-6 am.

ENA: 10 am - 11 pm (Friday/Saturday), 10 am - 10 pm (Sunday - Thursday)

We are advised that the operating hours are as shown in the ENA.

1-May-20

M & D Kinsela

Objection 1 - Noise Pollution

- "Traffic congestion in the drive-thru...will elevate noise pollution in the immediate area. Sign requesting that drivers turn off their engines while waiting for drive-thru...younger people will drive older vehicles."
 - It has already been demonstrated that the noise criteria can be met provided the recommended noise controls are fully implemented. Refer Section 8.
- 2. "...they will close the drive-thru. How will council enforce this action?"
 - Council will include the operating hours in the Condition of Consent.
 - Not addressed in Environmental Noise Assessment.
- 3. "Deliveries will potentially be during the evening between 10 pm and 11 pm..."
 - The acoustic report recommends that all deliveries are made during day time hours only 7 am - 6 pm). Refer Section 9 - Management Controls.
- 4. "The DA references reasonable noise allowances however who determines what is reasonable in a residential area?"
 - The acoustic report has been prepared in accordance with the requirements of the NSW Noise Policy for Industry. This document is published by the Environment Protection Authority. The requirements in this planning instrument are typically adopted by most Councils for assessing situations like this. Refer Section 6.
- 5. "Clients using the establishment will also bring noise pollution with car stereo music...how will this be managed?"
 - It is not reasonable to hold the client responsible for what kind of audio systems people choose to install in their vehicles and how they use them. People will drive through residential neighbourhoods with loud stereo systems and exhausts regardless of the restaurant being in place or not.
 - Not addressed in the Environmental Noise Assessment.
- 6. "The volume of the speaker box during the evening will also impact local residents until 11 pm. What plans do the applicant and council have to manage this noise element..."
 - Recommendations have been provided in the acoustic report for a maximum sound power level that the speaker boxes shall be set to. This will ensure that noise from the speaker boxes will meet the most stringent noise criteria applicable at the nearest receptor locations.
 - Refer Section 9.

Ordinary Meeting of Council Agenda - 17 June 2020 Attachments

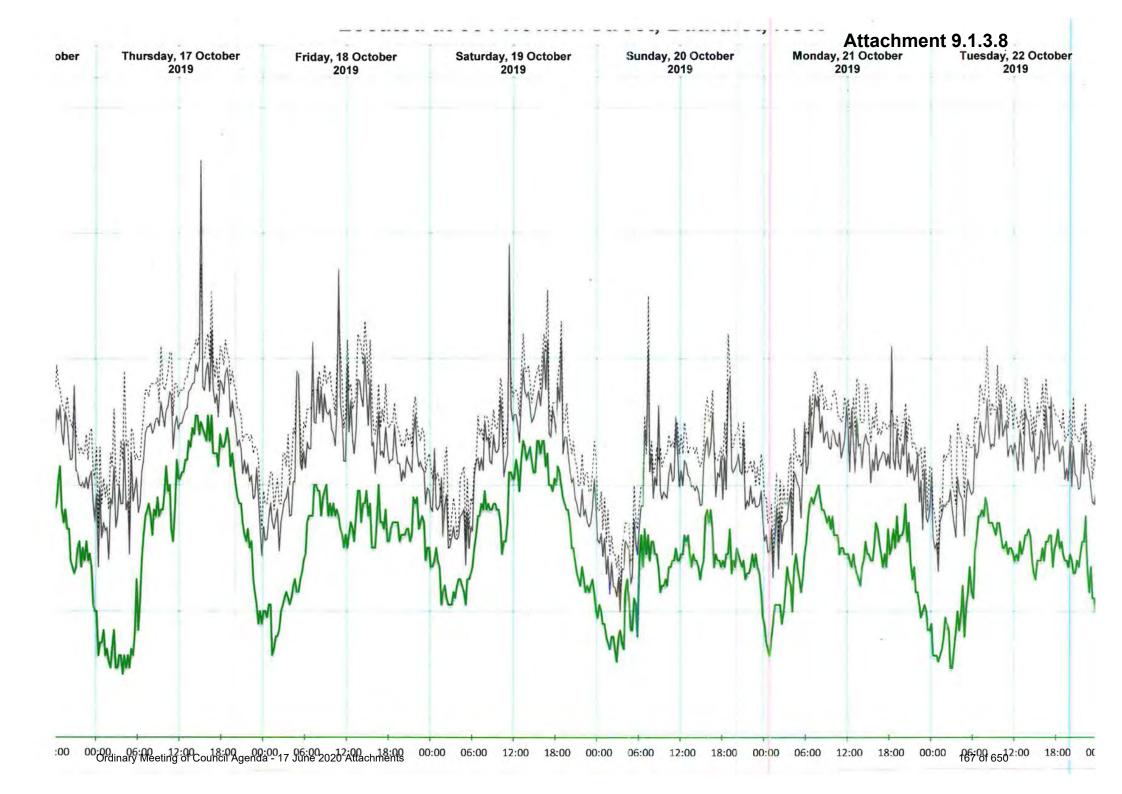
9

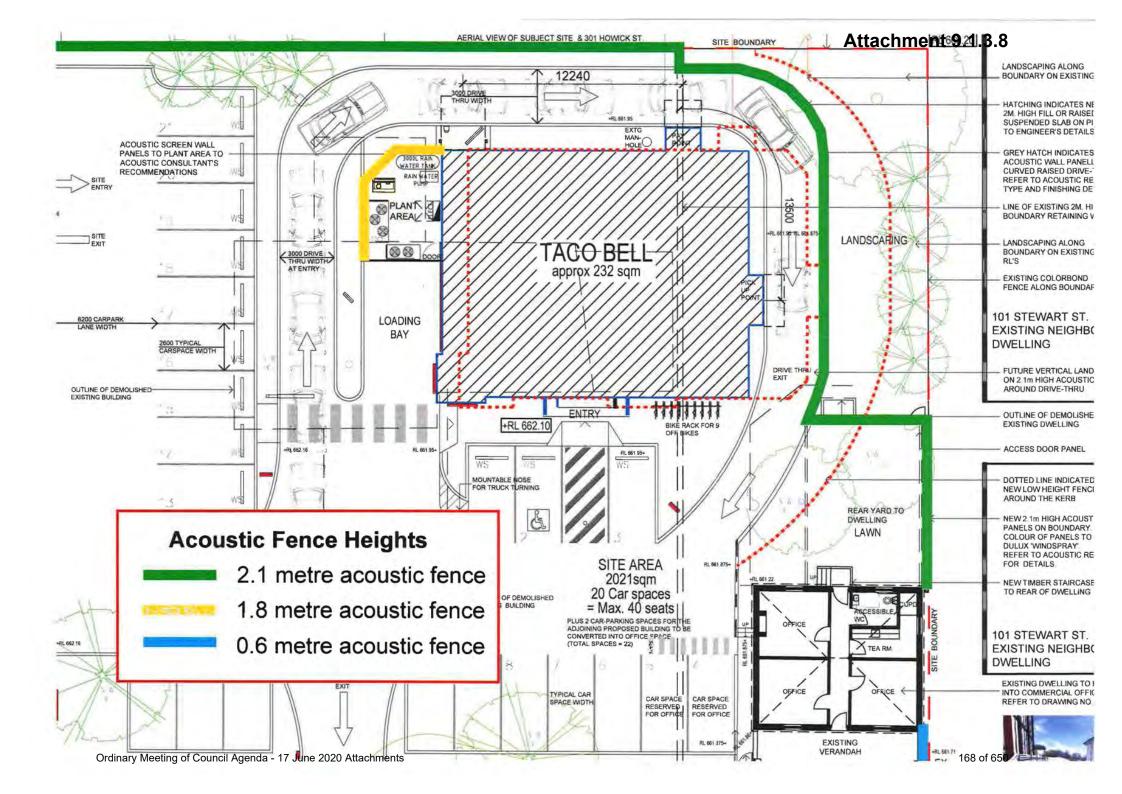
- 7. "...most heritage homes are situated within 3 metres of the street unlike new developments where homes are built 6-8 metres from the property boundary. This close proximity to the will mean that residents in the area are closer to all the impacts of the proposed new business and the noise of its customers both car and foot traffic."
 - Noise controls are designed such that they will reduce the level of noise to meet the
 noise level criteria at the reasonably most affected point on or within the residential
 property boundary, in accordance with the requirements of the NSW Noise Policy for
 Industry. As such, this takes into account facades that are closer to the subject site as
 noise levels are typically assessed at 3 metres from the façade.
 - Refer Section 6.5 and Section 8.
- 8. "...Beats at the Bell live music provided every Saturday. DA makes no mention of live performances every weekend. Why has this been omitted?"
 - Live music will not form part of the daily operation of the restaurant. It is understood
 that 'Beats at the Bell' is a new event that Taco Bell restaurants have previously held,
 however only at selected locations and only on weekends between 5 pm and 7 pm for
 5 weeks during the summer. This event will not be held at the Bathurst site.
 - Not addressed in Environmental Noise Assessment.

Additional Questions

- "DA advises that specific mechanical equipment plant are to be finalized... If they don't, how will council ensure that they do?"
 - Council can make the plant selection a Condition of Consent and a compliance inspection can be conducted to ensure that the correct plant has been installed with the specified sound power levels.
 - Refer Section 9 Acoustic Compliance Certification.
- 4. "DA contradicts itself. In one area it advises deliveries will be between 7 am and 6 pm and another it advises deliveries may occur between 10-11 pm. Which is correct?"
 - The acoustic report recommends that all deliveries are scheduled for day time hours only.
 - Refer Section 9 Management Controls.
- 5. "Current plans show no outside seating, will there be outside seating in future? If there is outside seating will there be external speakers...?"
 - Outdoor seating or outdoor loudspeakers are not proposed, other than those installed within the speaker boxes in the drive-thru.
 - Not addressed in Environmental Noise Assessment.
- 8. "Will there be alcohol consumed on premises?"
 - Alcohol will not be sold at the restaurant.
 - Not addressed in Environmental Noise Assessment.

0





AC108

Sheet 1 of 4

ACOUSTICAL – Pertaining to the science of sound, including the generation, propagation, effects and control of both noise and vibration.

AMBIENT NOISE – The ambient noise level at a particular location is the overall environmental noise level caused by all noise sources in the area, both near and far, including road traffic, factories, wind in the trees, birds, insects, animals, etc.

AUDIBLE – means that a sound can be heard. However, there are a wide range of audibility grades, varying from "barely audible" to "just audible", "clearly audible" and "prominent". Chapter 83 of the NSW Environment Protection Authority – Environmental Noise Control Manual (1985) states:

"noise from a particular source might be offensive if it is clearly audible, distinct from the prevailing background noise and of a volume or character that a reasonable person would be conscious of the intrusion and find it annoying or disruptive".

It follows that the word "audible" in an environmental noise context means "clearly audible".

BACKGROUND NOISE LEVEL – Silence does not exist in the natural or the built-environment, only varying degrees of noise. The Background Noise Level is the average minimum dBA level of noise measured in the absence of the noise under investigation and any other short-term noises such as those caused by cicadas, lawnmowers, etc. It is quantified by the LA90 or the dBA noise level that is exceeded for 90 % of the measurement period (usually 15 minutes).

- Assessment Background Level (ABL) is the single figure background level representing
 each assessment period day, evening and night (ie three assessment background levels are
 determined for each 24hr period of the monitoring period). Determination of the assessment
 background level is by calculating the tenth percentile (the lowest tenth percent value) of the
 background levels (LA90) for each period (refer: NSW Industrial Noise Policy, 2000).
- Rating Background Level (RBL) as specified by the Environment Protection Authority is the
 overall single figure (LA90) background noise level representing an assessment period (day,
 evening or night) over a monitoring period of (normally) three to seven days.
 - The RBL for an assessment period is the median of the daily lowest tenth percentile of L₉₀ background noise levels.
 - If the measured background noise level is less than 30 dBA, then the Rating Background Level (RBL) is considered to be 30 dBA.

DECIBEL – The human ear has a vast sound-sensitivity range of over a thousand billion to one. The decibel is a logarithmic unit that allows this same range to be compressed into a somewhat more comprehensible range of 0 to 120 dB. The decibel is ten times the logarithm of the ratio of a sound level to a reference sound level. See also Sound Pressure Level and Sound Power Level.

Decibel noise levels cannot be added arithmetically since they are logarithmic numbers. If one machine is generating a noise level of 50 dBA, and another similar machine is placed beside it, the level will increase to 53 dBA, not 100 dBA. Ten similar machines placed side by side increase the sound level by 10 dBA, and one hundred machines increase the sound level by 20 dBA.

dBA – The human ear is less sensitive to low frequency sound than high frequency sound. We are most sensitive to high frequency sounds, such as a child's scream. Sound level meters have an inbuilt weighting network, termed the dBA scale, that approximates the human loudness response at quiet sound levels (roughly approximates the 40 phon equal loudness contour).





AC108

Sheet 2 of 4

However, the dBA sound level provides a poor indication of loudness for sounds that are dominated by low frequency components (below 250 Hz). If the difference between the "C" weighted and the "A" weighted sound level is 15 dB or more, then the NSW Industrial Noise Policy recommends a 5 dBA penalty be applied to the measured dBA level.

dBC – The dBC scale of a sound level meter is similar to the dBA scale defined above, except that at high sound intensity levels, the human ear frequency response is more linear. The dBC scale approximates the 100 phon equal loudness contour.

EQUIVALENT CONTINUOUS NOISE LEVEL, L_{Aeq} – Many noises, such as road traffic or construction noise, vary continually in level over a period of time. More sophisticated sound level meters have an integrating electronic device inbuilt, which average the A weighted sound pressure levels over a period of time and then display the energy average or L_{Aeq} sound level. Because the decibel scale is a logarithmic ratio the higher noise levels have far more sound energy, and therefore the L_{Aeq} level tends to indicate an average which is strongly influenced by short term, high level noise events. Many studies show that human reaction to level-varying sounds tends to relate closely to the L_{Aeq} noise level.

FREE FIELD – This is a sound field not subject to significant reflection of acoustical energy. A free field over a reflecting plane is usually outdoors with the noise source resting on hard flat ground, and not closer than 6 metres to any large flat object such as a fence or wall; or inside an anechoic chamber.

FREQUENCY – The number of oscillations or cycles of a wave motion per unit time, the SI unit being the Hertz, or one cycle per second.

IMPACT ISOLATION CLASS (IIC) – The American Society for Testing and Materials (ASTM) has specified that the IIC of a floor/ceiling system shall be determined by operating an ISO 140 Standard Tapping Machine on the floor and measuring the noise generated in the room below. The IIC is a number found by fitting a reference curve to the measured octave band levels and then deducting the sound pressure level at 500 Hz from 110 decibels. Thus the higher the IIC, the better the impact sound isolation.

IMPACT SOUND INSULATION (LnT,w) – Australian Standard AS ISO 717.2 – 2004 has specified that the Impact Sound Insulation of a floor/ceiling system be quantified by operating an ISO 140 Standard Tapping Machine on the floor and measuring the noise generated in the room below. The Weighted Standardised Impact Sound Pressure Level ($L_{nT,w}$) is the sound pressure level at 500 Hz for a reference curve fitted to the measured octave band levels. Thus the lower $L_{nT,w}$ the better the impact sound insulation.

IMPULSE NOISE – An impulse noise is typified by a sudden rise time and a rapid sound decay, such as a hammer blow, rifle shot or balloon burst.

INTRUSIVE NOISE LEVEL, L_{Aeq} – The level of noise from a factory, place of entertainment, etc. in NSW is assessed on the basis of the average maximum noise level, or the L_{Aeq} (15 min). This is the energy average A weighted noise level measured over any 15 minute period.

LOUDNESS – The degree to which a sound is audible to a listener is termed the loudness. The human ear perceives a 10 dBA noise level increase as a doubling of loudness and a 20 dBA noise increase as a quadrupling of the loudness.

0

AC108

Sheet 3 of 4

MAXIMUM NOISE LEVEL, L_{Amax} – The rms maximum sound pressure level measured on the "A" scale of a sound level meter during a noise survey is the L_{Amax} noise level. It may be measured using either the Fast or Slow response time of the meter. This should be stated.

NOISE RATING NUMBERS – A set of empirically developed equal loudness curves has been adopted as Australian Standard AS1469-1983. These curves allow the loudness of a noise to be described with a single NR number. The Noise Rating number is that curve which touches the highest level on the measured spectrum of the subject noise. For broadband noise such as fans and engines, the NR number often equals the dBA level minus five.

NOISE – Noise is unwanted sound. Sound is wave motion within matter, be it gaseous, liquid or solid. "Noise includes sound and vibration".

NOISE REDUCTION COEFFICIENT - See: "Sound Absorption Coefficient".

OFFENSIVE NOISE - (Reference: Dictionary of the Protection of the Environment Operations Act 1997). "Offensive Noise means noise:

- (a) that, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances:
 - (i) is harmful to (or likely to be harmful to) a person who is outside the premise 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 level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances prescribed by the regulations."

PINK NOISE – Pink noise is a broadband noise with an equal amount of energy in each octave or third octave band width. Because of this, Pink Noise has more energy at the lower frequencies than White Noise and is used widely for Sound Transmission Loss testing.

REVERBERATION TIME, T₆₀ – The time in seconds, after a sound signal has ceased, for the sound level inside a room to decay by 60 dB. The first 5 dB decay is often ignored, because of fluctuations that occur while reverberant sound conditions are being established in the room. The decay time for the next 30 dB is measured and the result doubled to determine the T_{60} . The Early Decay Time (EDT) is the slope of the decay curve in the first 10 dB normalised to 60 dB.

SOUND ABSORPTION COEFFICIENT, $\alpha - \alpha$ Sound is absorbed in porous materials by the viscous conversion of sound energy to heat energy as the sound waves pass through it. Sound is similarly absorbed by the flexural bending of internally damped panels. The fraction of incident energy that is absorbed is termed the Sound Absorption Coefficient, α . An absorption coefficient of 0.9 indicates that 90 % of the incident sound energy is absorbed. The average α from 250 to 2000 Hz is termed the Noise Reduction Coefficient (NRC).

SOUND ATTENUATION – If an enclosure is placed around a machine, or a silencer is fitted to a duct, the noise emission is reduced or attenuated. An enclosure that attenuates the noise level by 30 dBA, reduces the sound energy by one thousand times.

SOUND EXPOSURE LEVEL (SEL) – The total sound energy of a single noise event condensed into a one second duration or in other words it is an L_{eq} (1 sec).



AC108

Sheet 4 of 4

SOUND PRESSURE LEVEL, L_p – The level of sound measured on a sound level meter and expressed in decibels, dB, dBA, dBC, etc. $L_p = 20 \times log (P/P_o)$... dB

where P is the rms sound pressure in Pascal and P₀ is a reference sound pressure of 20 μ Pa. L_p varies with distance from a noise source.

SOUND POWER LEVEL, L_w – The Sound Power Level of a noise source is an absolute that does not vary with distance or with a different acoustic environment.

 $L_w = L_p + 10 \log A \dots dB$, re: 1pW,

where A is the measurement noise-emission area in square metres in a free field.

SOUND TRANSMISSION CLASS (STC) – An internationally standardised method of rating the sound transmission loss of partition walls to indicate the decibels of noise reduction of a human voice from one side to the other. (Refer: Australian Standard AS1276 – 1979)

SOUND TRANSMISSION LOSS – The amount in decibels by which a random sound is reduced as it passes through a sound barrier. A method for the measurement of airborne Sound Transmission Loss of a building partition is given in Australian Standard AS1191 - 2002.

STATISTICAL EXCEEDENCE SOUND LEVELS, Lago, Lalo, Lalo, etc – Noise which varies in level over a specific period of time (usually 15 minutes) may be quantified in terms of various statistical descriptors:

The L_{A90} is the dBA level exceeded for 90 % of the time. In NSW the L_{A90} is measured over periods of 15 minutes, and is used to describe the average minimum or background noise level.

The L_{A10} is the dBA level that is exceeded for 10 % of the time. In NSW the L_{A10} measured over a period of 10 to 15 minutes. It was until recently used to describe the average maximum noise level, but has largely been replaced by the L_{Aeq} for describing level-varying noise.

The L_{A1} is the dBA level that is exceeded for 1 % of the time. In NSW the L_{A1} may be used for describing short-term noise levels such as could cause sleep arousal during the night.

STEADY NOISE – Noise, which varies in level by 6 dBA or less, over the period of interest with the time-weighting set to "Fast", is considered to be "steady". (Refer AS 1055.1 1997)

WEIGHTED SOUND REDUCTION INDEX, R_w – This is a single number rating of the airborne sound insulation of a wall, partition or ceiling. The sound reduction is normally measured over a frequency range of 100 to 3,150 Hertz and averaged in accordance with ISO standard weighting curves (Refer AS/NZS 1276.1:1999).

Internal partition wall R_w + C ratings are frequency weighted to simulate insulation from human voice noise. The R_w + C is always similar in value to the STC rating value. External walls, doors and windows may be R_w + C_{tr} rated to simulate insulation from road traffic noise. This is normally a lower number than the STC rating value.

WHITE NOISE – White noise is broadband random noise whose spectral density is constant across its entire frequency range. The sound power is the same for equal bandwidths from low to high frequencies. Because the higher frequency octave bands cover a wider spectrum, white noise has more energy at the higher frequencies and sounds like a hiss.



Attach	ment	9.1	.3.8
--------	------	-----	------

Attachment 9.1.3.9 2019/367-03/003



21 April 2020

Hector Abbott
McDuck Properties P/L
Via email: h-abbott@iinet.net.au

RE: Odour Assessment - Proposed Taco Bell Restaurant, Bathurst

Dear Hector,

Todoroski Air Sciences have investigated the potential for odour impacts to arise due to the operation of the proposed Taco Bell restaurant at Bathurst, New South Wales (NSW) (hereafter referred to as the Project).

This letter report provides a background to the Project, a review of the existing environmental conditions, a qualitative analysis of potential air quality impacts associated with the Project and suggested odour mitigation and management measures.

Project background

The proposed Project site is located at Lot 5 DP 1086710, 105 Stewart Street Bathurst, located approximately 700 metres (m) northwest of Bathurst city centre. **Figure 1** presents the location of the Project.

The site is situated in a mixed residential and commercial area with the nearest residential receptors located immediately adjacent to the northwest and northeast of the site.

Figure 2 presents an indicative site layout for the Project.



Figure 1: Project setting

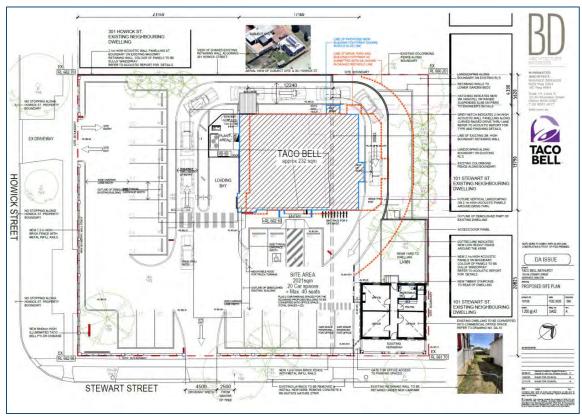


Figure 2: Indicative site layout

Existing environmental conditions

Local climatic conditions

Long-term climatic data from the closest Bureau of Meteorology (BoM) weather station at Bathurst Airport Automatic Weather Station (AWS) (Site No. 063291) were analysed to characterise the local climate in the proximity of the Project. The Bathurst Airport AWS weather station is located approximately 7 kilometres (km) east of the Project.

Table 1 and Figure 3 present a summary of data from the Bathurst Airport AWS weather station collected over an 18 to 28 year period for the various meteorological parameters.

The data indicate that January is the hottest month with a mean maximum temperature of 28.9 degrees Celsius (°C) and July is the coldest month with a mean minimum temperature of 0.8°C.

Rainfall is generally higher during the summer months, with an annual average rainfall of 603.9 millimetres (mm) over 69.4 days. The data indicate that December is the wettest month with an average rainfall of 74.5mm over 7.0 days and April is the driest month with an average rainfall of 31.8mm over 3.8 days.

Relative humidity exhibits variability and seasonal flux across the year. Mean 9am relative humidity ranges from 66% in December to 91% in June. Mean 3pm relative humidity levels range from 40% in January and December to 64% in June.

Wind speeds have a similar spread between 9am and 3pm conditions across the year. Mean 9am wind speeds range from 8.1 kilometres per hour (km/h) in May to 12.5km/h in September and October. Mean 3pm wind speeds range from 15.9km/h in May to 21.0km/h in September.

Table 1: Monthly climate statistics summary – Bathurst Airport AWS

Parameter	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Ann.
Temperature													
Mean max. temp. (°C)	28.9	27.6	24.8	20.9	16.4	12.7	12.0	13.8	17.1	20.5	23.7	26.7	20.4
Mean min. temp. (°C)	13.9	13.5	10.7	6.5	3.1	1.8	0.8	1.1	3.6	6.2	9.4	11.7	6.9
Rainfall	Rainfall												
Rainfall (mm)	63.0	56.8	56.4	31.8	32.5	38.6	40.7	39.0	46.6	52.8	65.5	74.5	603.9
No. of rain days	6.0	5.4	5.3	3.8	4.5	6.2	6.2	5.9	5.3	6.5	7.3	7.0	69.4
9am conditions	9am conditions												
Mean temp. (°C)	19.4	18.2	15.3	12.4	8.0	5.2	4.4	6.0	9.9	13.5	15.6	18.1	12.2
Mean R.H. (%)	67	75	78	78	88	91	90	84	77	69	71	66	78
Mean W.S. (km/h)	10.7	10.1	9.0	8.6	8.1	8.8	9.1	10.9	12.5	12.5	11.8	10.8	10.2
3pm conditions													
Mean temp. (°C)	26.8	25.6	23.4	19.5	15.2	11.5	10.8	12.5	15.6	18.7	21.6	24.7	18.8
Mean R.H. (%)	40	46	44	44	54	64	62	53	50	47	47	40	49
Mean W.S. (km/h)	18.6	17.7	17.3	16.6	15.9	16.6	17.3	20.1	21.0	19.9	19.4	19.5	18.3

Source: Bureau of Meteorology, 2019

R.H. – Relative Humidity, W.S. – wind speed

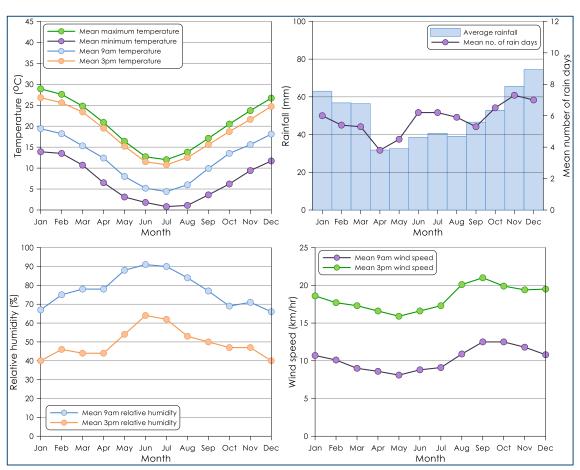


Figure 3: Monthly climate statistics summary – Bathurst Airport AWS

Annual and seasonal windroses for the Bathurst Airport AWS during the 2018 calendar period are presented in **Figure 4**.

On an annual basis, winds are variable and spread across all wind directions with the most predominant winds from the west-southwest and east-northeast. In the summer and spring, winds from the east-northeast are most dominant. During autumn, winds are fairly evenly distributed from all directions. In winter, winds from the west-southwest and north are most predominant.

19091015A_TacoBell_Bathurst_AQ_200421.docx

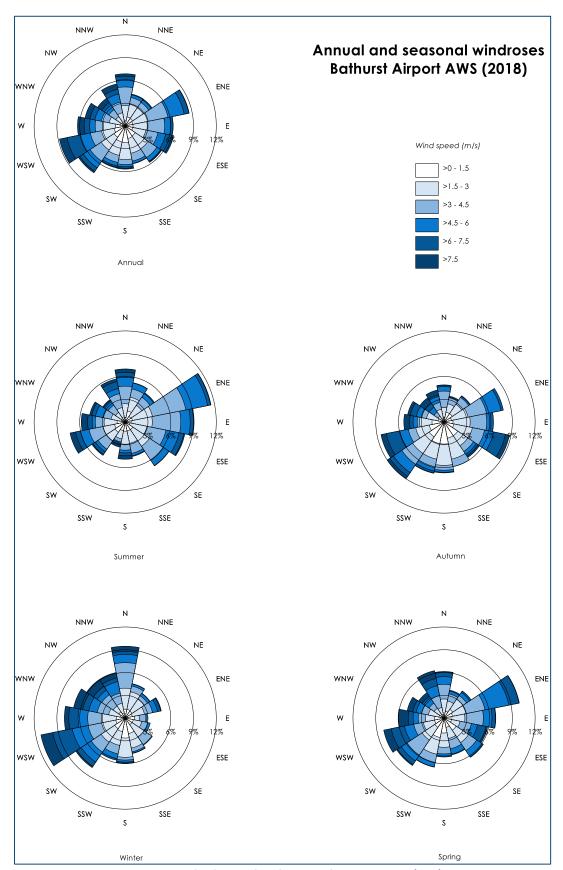


Figure 4: Annual and seasonal windroses – Bathurst Airport AWS (2018)

A comparison of annual windroses for Bathurst Airport AWS during 2017, 2018 and 2019 are shown in **Figure 5**. Overall the inter-annual wind distribution patterns do not show any significantly change, with predominant winds from the west-southwest and east-northeast.

A comparison of the windroses in **Figure 5** does not indicate that the frequency of calm periods or low speed periods has changed between years. It is not expected that the frequency of calm periods or low speed periods will change dramatically in the future.

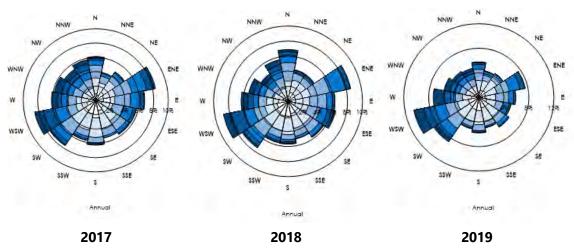


Figure 5: Annual windroses – Bathurst Airport AWS

Assessment of potential odour

To assess the potential for odour impacts from the Project, a qualitative approach has been used which includes the identification of potential odour sources, a review of proposed odour control measures, an assessment of the existing odour levels in the vicinity of the Project, local dispersion conditions and site considerations.

Potential odour sources

The primary source of potential odorous air emissions from the Project is identified to arise from the cooking of food products within the kitchen area. The methods for cooking at the Project would include stove top, steamers, grillers and some deep frying. The rate of emissions from these would vary throughout the day depending on the demand with peak times generating more odour.

Other potential sources of odorous emissions may arise from the storage and handling of waste at the site and from the storage of raw materials at the site.

Odour control measures

The odour control measures to manage the primary source of odour from the Project include a kitchen ventilation extraction system with ventilation hoods positioned above the main cooking points in the kitchen. The kitchen ventilation extraction system would be equipped with filtration equipment to manage the air emissions generated. The odour emissions from the cooking processes will be captured and dispersed into the ambient air via an exhaust point positioned at roof-top level.

Odour emissions from the exhaust point will be suitably designed to ensure emissions are dispersed into ambient air so not to negatively impact the surrounding environment. With regular maintenance and cleaning of the ventilation filtration by Taco Bell's staff, the physical measures will be effective in managing odour from the cooking processes.

The potential odour from the storage and handling of waste and raw materials at the site would be minor and can be sufficiently mitigated with normal good housekeeping procedures such as:

- ★ Store all waste materials in sealed/ enclosed bins in the bin room;
- Ensure regular disposal of waste materials from the site (timing will vary depending on capacity, however as a minimum this would be at least weekly);
- + Regularly cleaning and maintaining dining, kitchen and storage areas; and,
- Ensuring all raw materials are not left out for excessive periods.

As part of the odour management of the Project it is recommended that regular inspection be conducted by Taco Bell employees to identify odour sources at the site and in the surrounding environment. Any incident or complaint regarding odour revised regarding the Project is to be recorded and an investigation to be undertaken to identify where possible the specific cause, and corrective action be implemented where possible to preventing similar incidents from occurring in the future.

In the event that the proposed odour management measures are not sufficient and lead to an odour impact, it is recommended that an investigation be conducted by a suitably qualified air quality consultant to identify the cause of the odour impact, and the nature of the source. As a contingency measure, the kitchen ventilation extraction system could be retrofitted with additional filtration, such as a carbon filter, or other mitigation measures as required to mitigate odour impacts.

Existing odour levels

The relative position of the Project to residential premises would be generally similar to the other fast food operations located around Australia in both regional and metropolitan areas and it is expected that if these operations can operate without issue then the Project would also be able to operate without issue.

Compared to other fast-food operations which rely more heavily on deep fry cooking processes that tend to generate more odour laden oil mists, the menu and operation at the Project is noticeably different to these operations and as such has a lower potential for odour generation overall. Cooking at the Project will primarily occur with stove top, steamers and grillers and would be equipped with a ventilation, filtration and exhaust system to manage the odour emissions from the cooking process.

Local dispersion conditions

Annual and seasonal windroses for the Bathurst Airport AWS are presented in **Figure 4**. The windroses indicate that wind speeds are typically moderate with wind directions generally varied throughout the year.

Potential emissions from the exhaust point will be subject to similar wind patterns and be well distributed throughout the year. This means that no single receptor will remain downwind of the operations for extended periods of time and overall the prevailing dispersion conditions will allow for odour from Project to be reasonably well dispersed.

19091015A_TacoBell_Bathurst_AQ_200421.docx

Site considerations

We note that the Project at the site is located in a relatively elevated position compared to the nearest sensitive receptors located to the northwest and northeast of the site. This additional elevation of the site effectively increases the height of the exhaust point for the Project relative to the receptor locations and would further assist with the dilution of potential air emissions before reaching these locations.

Overall the site is considered to be well positioned relative to the nearest sensitive receptors.

Other potential air emissions

Other potential sources of air emissions associated with the operation of the Project can arise from exhaust emissions from the patron's cars using the drive-thru.

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.

Based on our experience, and 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);
- + Temporarily close the drive-thru operation if extensive delays (greater than 15 minutes) are expected due to food preparation;
- 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.

Discussion

Perception of offensive odours can vary greatly between people. Cooking odours are often perceived as pleasant, however the intensity, frequency, duration and circumstances of cooking odours can cause annoyance. Given the context of other land uses in the surrounding area, the receiving environment, the proposed mitigation measures and the type of operation, offensive odorous emissions originating from the operation are not expected to arise.

We note there are numerous existing fast food operations that are located nearby or adjacent to residential properties and operate without causing odour impact. These fast food operations apply odour mitigation measures similar to those proposed for the Project to ensure any odour impact is managed.

Table 2 presents examples of 9 existing Taco Bell, McDonald's and KFC operations with the distance to the nearest residence. These 9 fast food operations are identified within 25m and 5 are identified within 15m which is a similar distance to that proposed for the Project. These examples demonstrate that fast food operations can operate in close proximity to residences and the Project would also be able to operate at this location.

Table 2: Examples of fast food operations and distance to nearest residence

Restaurant	Address	Distance to nearest residence (m)
Taco Bell	594 Ipswich Road, Annerley, Brisbane, QLD, 4103	10
McDonald's	Ash Rd Prestons NSW 2170	20
McDonald's	453 Hume Hwy Casula NSW 2170	14
McDonald's	1233 Victoria Rd West Ryde NSW 2114	12
McDonald's	441 Great Western Highway Cnr Berith Rd Wentworthville NSW 2145	18
McDonald's	141 Parramatta Rd, Haberfield NSW 2045	12
KFC	40 George Street, Bathurst NSW, Australia	21
KFC	114 Best Rd Seven Hills NSW 2147	8
KFC	554 Parramatta Rd Ashfield NSW 2131	15

To ensure that potential odour emissions from the Project are managed effectively, it is recommended that an odour management plan be developed which includes:

- Regular inspections by Taco Bell's staff for odour sources at the Project and surrounding environment;
- 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; and,
- Following 3-months post-commissioning of the operations an odour verification report will be prepared by a suitably qualified air quality consultant to verify the performance of the odour control measures. The finding of the_odour verification report would be provided to Council and include and recommendations to improve the performance of the odour control measures as required.

Summary and conclusions

This report has assessed the potential for odour impacts associated with the proposed Taco Bell restaurant at Bathurst. NSW.

Given the nature of the odour source, the existing and proposed land use, the receiving environment, prevailing winds, site considerations, and the proposed odour control measures the Project can operate at the site without causing any adverse odour impact in the surrounding environment.

19091015A_TacoBell_Bathurst_AQ_200421.docx

Please feel free to contact us if you would like to clarify any aspect of this report.

Yours faithfully,

Todoroski Air Sciences

Philip Henschke

References

Bureau of Meteorology (2019)

 ${\bf Climate\ Averages\ Australia,\ Bureau\ of\ Meteorology\ website,\ accessed\ October\ 2019.}$

http://www.bom.gov.au/climate/averages

Ordinary Meeting of Council Agenda - 17 June 2020 Attachments

STATEMENT of HERITAGE IMPACT

Proposal: New Taco Bell restaurant & Cottage retention with landscape



View looking North west: subject site illustrating the intrusive vehicle depot and cottage for retention

Client: Hector Abbott BD Architecture : Interiors

David Scobie Architects Pty Ltd Level One, 177A Sailors Bay Road, Northbridge NSW 2063

October 24, 2019 REVISION C: 21/11/2019

David Scobie Architects Pty Ltd

Executive Summary

Client and Author

David Scobie was engaged by Hector Abbott to assist in the process for consideration of the extent of the proposal for the Taco Bell Restaurant replacing a former petrol station and including retention of a cottage with conservation works, located within the heritage listed Bathurst Conservation Area. The proposed works will be constructed entirely within the existing site.

Heritage status

The purpose of the Statement of Heritage Impact (SoHI) assessment is to provide a report on the project to satisfy the requirements for consent from Bathurst Regional Council, given the Heritage listing of the Conservation Area. The current application relates to the local heritage listing on the LEP providing for Council as the Consent Authority.

Tasks undertaken for this report included identifying heritage significance, assisting in the design of the proposal, identifying any suitable mitigation for the proposed works, any interpretation considered necessary and ensuring that construction and conservation can be implemented with an acceptable impact on the identified heritage significance of the Conservation Area.

The SoHI report has benefited from the comprehensive heritage listings on the Heritage Inventory.

A detailed site Inspection was undertaken by David Scobie in October 2019. The location of the site on the northern corner of Stewart and Howick Streets provides substantial visual and accessible prominence given Stewart Street is the A32 – Great Western Highway.

Proposal and Heritage Impact

The proposal includes limited maintenance and conservation works to the cottage: the exterior walls, verandahs, doors and windows and within the interior including provision of facilities to suit an office use and general repairs to the electrical and water services.

The majority of the works are related to the demolition of the existing structures and erection of a Restaurant, vehicle access and parking and hard and soft landscaping with boundary fencing.

Recommended Strategy following Approval

The following design and management strategy is recommended to mitigate the impact of the Proposal on the heritage significance of the Cottage and the Bathurst Heritage Conservation Area.

- 1. The SoHI should be submitted as part of a Development Application to Bathurst Regional Council.
- 2. The drawings should be checked and modified as required prior to construction to incorporate the recommendations provided in this SoHI.
- 3. A site induction should be provided to the Contractor & their staff and project sub-contractors by the Heritage Consultant in order that they are aware of their responsibilities under the provisions of the NSW Heritage Act and Bathurst LEP & DCP.
- 4. Construction works will commence following Council approval and will include removal of any contaminated materials and the installation of new services within the cottage.
- 5. Completion of predictive and causation works related to subsidence and moisture.
- 6. Completion of the restoration and reinstatement works having completed the conservation work.
- 7. During the opening up works required to initiate the restoration and reinstatement, colour scrapes will be completed to determine or confirm the appropriate external colour scheme.
- The final stage will include the provision of planting for screening purposes to the restaurant site and cottage style planting to the cottage and fencing appropriate to both areas in accord with the Landscape Plan.

Contents

Exe	cutive Summary	1
1	Introduction	4
2	Statutory Instruments	6
3	Property Description	7
5	Historical Context	17
6	Analysis of Significance	18
7	Heritage Impact Statement	18
8	Standard Heritage Questionnaire	24
9	Consideration of LEP issues	25
10	Heritage Impact Matters & Responses	26
11	Recommendations	28
App	endix	

1 Introduction

Brief

Hector Abbott commissioned the Statement of Heritage Impact for the proposal located at the corner of Howick and Stewart Streets, in October 2019. The purpose is to assist in the design and specification process for the conservation works to the cottage and general design matters for the restaurant and to prepare a Statement of Heritage Impact suitable for submission to Bathurst Regional Council as part of an Application for Development consistent with the LEP, DCP and provisions of the EP&A Act and Local Government Act.

Documentation

The report provides a simple Statement of Significance for the property and the Conservation Area. The scope of works and the heritage assessment indicates that the Development Application needs to consider heritage impact on the cottage and Conservation Area is warranted for the project on the basis that they meet the conditions and guidelines prescribed for such works. A Statement of Heritage Impact is provided to meet requirements for works to a place listed on Schedule 5 of the Bathurst LEP – Bathurst Conservation Area.

Author

David Scobie has prepared the report for David Scobie Architects Pty Ltd.

References

The report is based on the heritage listings for the site in the Bathurst LEP.

Procedures and practices are as recommended in the document 'Statements of Heritage Impact' from the NSW Heritage Manual, Heritage Office and Department of Urban Affairs and Planning, 1996.

The report follows the methodology illustrated in 'The Conservation Plan', J.S. Kerr, Sydney, National Trust of Australia (NSW), 1996. Definitions and procedures are as presented in the Australia ICOMOS Guidelines to the Burra Charter-Cultural Significance and Conservation Policy.

Definitions

The definitions used in the report are those presented in Article 1 of The Australia ICOMOS Charter for the Conservation of Places of Cultural Significance (The Burra Charter).

Place means site, area, building or other work, group of buildings or other works, together with associated contents and surrounds.

Cultural significance means aesthetic, historic, scientific or social value for past, present or future generations.

Fabric means all the physical material of the place.

Conservation means all the processes of looking after a place so as to retain its cultural significance. It includes maintenance and may according to circumstance include preservation, restoration, reconstruction and adaptation and will be commonly a combination of more than one of these.

Maintenance means the continuous protective care of the fabric, contents and setting of a place, and is to be distinguished from repair. Repair involves restoration or reconstruction and it should be treated accordingly.

David Scobie Architects Pty Ltd

Attachment 9.1.3.10

Statement of Heritage Impact: 103 -105 Stewart Street, Bathurst - Taco Bell restaurant Proposal

Preservation means maintaining the fabric of a place in its existing state and retarding deterioration.

Restoration means returning the fabric of a place to a known earlier state and is distinguished by the introduction of materials (new or old) into the fabric. This is not to be confused with either recreation or conjectural reconstruction, which are outside the scope of the Charter.

Adaptation means modifying a place to suit proposed compatible uses.

Compatible uses means a use which involves no change to the culturally significant fabric, changes which are substantially reversible, or changes which require a minimal impact."

2 Bathurst Regional Council Statutory Instruments

The Bathurst Conservation Area (HCA) is a heritage item on the Schedule 5 of the LEP. There are also individual listed heritage items in the vicinity of the site where there will be a limited visual impact. There are also a series of traditional buildings which have retained their character and landscape elements within the streetscapes.

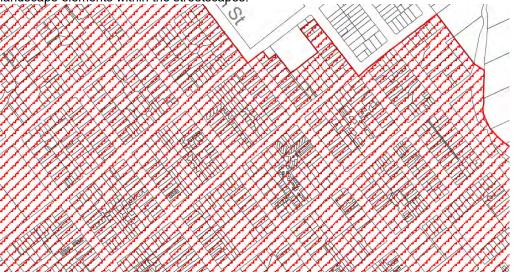


Figure 1 Plan of the Bathurst Conservation Area in the vicinity of the subject site

The Environmental Planning and Assessment Act 1979 and provisions of Bathurst Local Environmental Plan 2011 apply to heritage items which are listed at a local level.

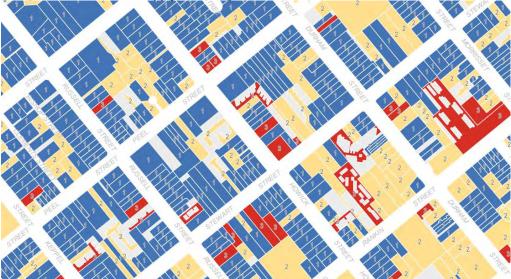


Figure 2 Bathurst Regional Council – BCAMS – Streetscape Ratings

Contributory= Blue (1) and Intrusive = Red (3)

The information indicates that the cottage is rated as Contributory while the site is rated as Intrusive and generally the setting is contributory.

The Hospital Shop The Leadlight Window Studio and Gifts Avis Car & Truck Rental Avis Car & Truck Rental Bathurst Heritage Motor Inn Race Track Car Wash Panorama Print & Copy Beaurepaires Gunsmoke Bathurst Dan Murphy's Bathurst Dan Murphy's

3 Property Description

Figure 3 Location Plan, Courtesy Google Maps

The property is located on the northern corner of Stewart Street at the junction with Howick Street. The subject cottage building is located at the north eastern portion of the site while the location is within the Bathurst Conservation Area and within the vicinity of many traditional buildings and heritage listed buildings.



Figure 4 Aerial Photograph courtesy SIX Maps with cottage highlighted

The proposal includes demolition and replacement of the rental vehicle depot located on the northern corner of Howick and Stewart Street and retention and conservation of the hipped roofed portion of the cottage highlighted in yellow.

The following sequence of photographs illustrates the subject site and building.

The Setting



Image 1 View of the subject site including the hipped roof cottage looking North east from the opposite South western corner of Howick and Stewart Streets



Image 2 View of the cottages at 115 Stewart and 314 Howick Street looking North east towards the subject site.

Urban design issues:

 Note the distinctive details including setback, cottage garden, expressed verandah, hipped metal roof and symmetrical dominant chimneys.



Image 3 View of the houses at 116 & 118 Stewart Street diagonally opposite the subject site

 Open palisade fence to cottage garden, expressed bungalow styled verandah and gable form roof in terra cotta tile with chimney and finials.



Image 4 View of the West Elevation of the subject site, across Howick Street Urban design issues:

The intrusive elements of the existing vehicle depot/former petrol station are clear – the strong contemporary corporate colours, the metal clad parapet edged flat roofs, large glazed, very tall and large signs, fenestration and no landscape planting



Image 5 View of the Howick Street East Elevation of the timber cottage at 314 Howick Street, opposite the subject site.

Urban design issues:

 Cottage with hipped steel roof, dominant decorated brick chimneys, weatherboard walls and expressed verandah while traditional side boundary fences are close boarded unpainted timber.



Image 6 View of the West Elevation of the Howick Street house which adjoins the subject site.

• A hipped galvanised iron roof with verandah in the form, set below street level and modified elements include verandah posts, metal balustrading and fenestration.



Image 7 View looking East along the northern boundary of the subject site. Urban design issues:

• A lack of screening in either traditional fencing or landscape planting produces an intrusive relationship between the subject site and adjoining cottage.



Image 8 View looking North east at the subject site Urban design issues:

 A lack of screening in either traditional fencing or landscape planting produces an intrusive relationship between the subject site and Howick Street.



Image 9 View of the three brick and tile bungalows opposite the site at 114, 110/112 and 102/106 Stewart Street.

 A strong and consistent streetscape with a full range of characteristics including the boundary brick wall fencing with expressed capped piers, hedge and floral garden planting, raised floor level with expressed verandahs in light coloured elements and darker toned brick walls topped by 23 degree pitched hipped roofs in darker terra cotta tiles. The corner property facing Howick Street has an expressed gable to acknowledge the corner.

The Cottage



Image 10 The front South Elevation of the cottage to Stewart Street

Urban design issues:

The boundary wall dates from the inter-war era with expressed piers and curved waist high
infill walls with capping and a symmetrical entry with a wire and tubular steel gate. The
symmetry is reinforced with the tall double hung windows, door with fanlight, paired timber
verandah post layout and hipped roof



Image 11 View of the subject site at the eastern end illustrating the West Elevation of the cottage.

Urban design issues:

 A lack of screening in either traditional fencing or landscape planting produces an intrusive relationship between the subject site and adjoining cottage. The large signs dominate the setting and are not characteristic of or sympathetic with the setting.



Image 12 A detail view of the cottage verandah with roughcast rendered waist high wall to the verandah

• The articulated render finishes are typical of the Inter war period with smooth rendered piers and roughcast capped waisted walls.



Image 13 The ashlar cement rendered dado wall treatment, inter-war inclined window surrounds to the aluminium double hung sliding sash and roughcast panels to the front facade.

Urban design issues:

- A distinctive applied render to the lower wall within the dado area interprets either ashlar stonework or carved timber while the central panels retain the expressed brickwork and rendered 'Egyptian' bands frame the openings. Modified elements which are intrusive upon the contributory elements include the sheeted soffit to the verandah and aluminium windows.
- As an historic development, it is likely that the brick cottage dates from the period 19001914 while the rendering and verandah are modifications constructed during the Inter war
 period 1919- 1935. Both these works have levels of architectural significance and value.
 Neither needs modification or removal to preference the other. An appropriate colour
 scheme would be an appropriate means of interpreting these distinctive features.



Image 14 The East Elevation of the cottage

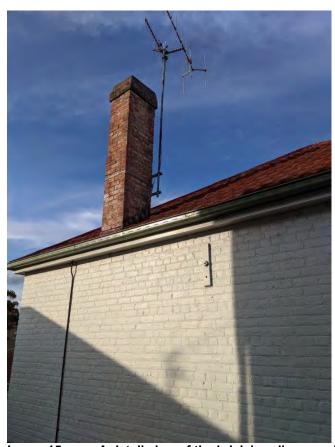


Image 15 A detail view of the brick bonding consisting of three stretcher courses and one header course which is known as Flemish garden wall bonding. Note the damaged brickwork in the chimney flue. Restoration of the brickwork and re-pointing will conserve the two chimneys.



Image 16 A general view of the West Elevation, noting the wall tie rods, damaged chimney brickwork and the metal roof – 'Decramastic' tile sheeting provided to emulate a tile roof.



Image 17 View looking North west at the change in level between the cottage block and the corner Lot.

 The form of screening as steel framed metal deck fencing without landscape planting in combination with the retaining wall, produces an intrusive relationship between the subject site and adjoining cottage.

The proposal will remove the level difference between the properties, alleviating drainage issues and enabling improved fencing and landscaping to produce a more appropriate setting for the cottage.



Image 18 General view of the rear North west corner of the cottage noting the simple four room bulk which sits beneath the hipped roof with the timber framed rear skillion to the rear.

Intact elements include the brick walls and late Victorian window openings while
modifications which intrude include the white acrylic paint, unpainted pvc downpipes,
contemporary perforated guttering and 'Decramastic' metal sheet roofing



Image 19 The West Elevation in detail of the front verandah.

Urban design issues:

Intact elements include the verandah materials and details with the decorative wrought iron
and tubular steel gates despite being an inter-war era overlay addition. The contemporary
square folded flashings, perforated gutter to the cottage and sheet lining of the verandah
detract from the integrity of the cottage.

5 Historical Context

5.1 The Heritage Conservation Area

The Bathurst historical notes:

Aboriginal people and colonisation.

Aboriginal occupation of the Blue Mountains area dates back at least 12,000 years and appears to have intensified some 3000-4000 years ago. In pre-colonial times, the area now known as Bathurst was inhabited by Aboriginal people of the Wiradjuri linguistic group. The clan associated with Bathurst occupied on a seasonal basis most of the Macquarie River area. They moved regularly in small groups but preferred the open land and used the waterways for a variety of food. There are numerous river flats where debris from recurrent camps accumulated over a long period. European settlement in this Region after the first documented white expedition west of the Blue Mountains in 1813 was tentative because of apprehensions about resistance from Aboriginal people. There was some contact, witnessed by sporadic hostility and by the quantity of surviving artefacts manufactured by the Aborigines from European glass. By 1840 there was widespread dislocation of Aboriginal culture, aggravated after 1850 by the gold rush to the region (HO and DUAP, 1996, 88).

Prior to European settlement in Australia, the Wiradjuri Aboriginal group lived in the upper Macquarie Valley. Bathurst was proclaimed a town by Lachlan Macquarie on 7 May 1815, named after Lord Bathurst, Principal Secretary of State for the Colonies (Barker 1992:25). Bathurst is Australia's oldest inland township. It was proclaimed a town in 1815 with the discovery of gold.

Bathurst

Governor Macquarie chose the site of the future town of Bathurst on 7 May 1815 during his tour over the Blue Mountains, on the road already completed by convict labour supervised by William Cox. Macquarie marked out the boundaries near the depot established by surveyor George Evans and reserved a site for a government house and domain. Reluctant to open the rich Bathurst Plains to a large settlement, Macquarie authorised few grants there initially, one of the first being 1000 acres to William Lawson, one of the three European explorers who crossed the mountains in 1813. The road-maker William Cox was another early grantee but later had to move his establishment to Kelso on the non-government side of the Macquarie River (GAO, 2005, 8).

A modest release of land in February 1818 occurred when ten men were chosen to take up 50-acre farms and 2-acre town allotments across the river from the government buildings. When corruption by government supervisor Richard Lewis and acting Commandant William Cox caused their dismissal, they were replaced by Lieutenant William Lawson who became Commandant of the settlement in 1818 (ibid, 8).

Macquarie continued to restrict Bathurst settlement and reserved all land on the south side of the Macquarie River for government buildings and stock, a situation that prevailed until 1826. In December 1819 Bathurst had a population of only 120 people in 30 houses, two thirds being in the township of Kelso on the eastern side of the river and the remainder scattered on rural landholdings nearby. The official report in 1820 numbered Bathurst settlers at 114, including only 14 women and 15 children. The government buildings comprised a brick house for the commandant, brick barracks for the military detachment and houses for the stock keeper, and log houses for the 50 convicts who worked the government farm. Never successful, the government farm was closed by Governor Darling in 1828 (ibid, 8).

Governor Darling, arriving in Sydney in 1825, promptly commenced a review of colonial administration and subsequently introduced vigorous reforms. On advice from Viscount Goderich, Darling divided colonial expenditure into two parts: one to cover civil administration, funded by New South Wales; the other for the convict system, funded by Britain (ibid, 10).

David Scobie Architects Pty Ltd

By this time, J. McBrien and Robert Hoddle had surveyed the existing grants in the vicinity. Surveyor James Bym Richards began work on the south side of the river in 1826. But the town was apparently designed by Thomas Mitchell in 1830 and did not open until late 1833 after Richards had completed the layout of the streets with their two-road allotments. The first sales were held in 1831 before the survey was complete (ibid, 10).

In 1832 the new Governor, Major General Sir Richard Bourke, visited Bathurst in October. He instructed the Surveyor General Major Thomas L. Mitchell to make arrangements for 'opening the town of Bathurst without delay' and he in turn instructed the Assistant Surveyor at Bathurst J.B. Richards to lay out the blocks and streets. This was done in September 1833. It is believed that Major Mitchell named the streets, with George Street being named after King George III.

6 Analysis of Significance

The Bathurst Heritage Conservation Area (HCA) has no heritage listed sites in the vicinity of the proposal site. The BCAMS analysis indicates a series of Contributory buildings on both sides of Stewart Street and within Howick Street.

The subject site includes a rental vehicle depot which was previously a petrol station and is an Intrusive development which adjoins the cottage. The two sites have been amalgamated to provide sufficient area for the proposed development.

6.1 Statement of Significance

The brick late Victorian styled cottage includes a modified inter war elevation with half posted verandah to Stewart Street and four main intact rooms, making an important contribution to the series of cottages in the vicinity.

7 Heritage Impact Statement

7.1 Development Proposal

The Cottage building is currently temporarily occupied and hence the opportunity to conserve the building and the elements which require maintenance and conservation is limited.

David Scobie Architects have reviewed the existing building on site externally only and considered the general outline works proposal. The following considerations relate to the causes of the evident damage and the ability to remedy the elements which are damaged and require conservation, restoration and repair.

Conservation works are recommended to protect and enhance the exterior and integrated with the DA as part of the approval process.

Future works may be proposed to enable a future commercial use of the cottage building. This will prove to be the approach most likely to ensure suitable long term conservation of the cottage and its setting.

David Scobie Architects Pty Ltd

Perimeter works are related to provide hard and soft landscape appropriate to the cottage and to complement the streetscape setting within the Conservation Area.

In relation to the proposed restaurant, a range of works are recommended to ensure that the building complements the setting within the conservation area.

The key elements of the works include the following:

- Provision of a select red brick boundary wall generally stepping with the levels and
 consisting of a 230mm wall to a nominal 10 courses/860mm with bull nose capping and
 expressed piers. The use of a feature colour brick within a course of the wall which reflects
 a suitable colour within the Taco Bell architecture would be supported. The rhythm will
 generally interpret the perimeter wall on the cottage without copying or replicating that
 structure.
- Provision of site entry marker piers in brickwork with circular steel protective bollards adjoining, at both the vehicle entry points and the anticipated pedestrian entry points
- Provision of safe and protected pedestrian pathways within the site using appropriate lighting and hard and soft landscaping to designate the routes to and from the restaurant access points.
- Matching the pathways and access points with the key architectural elements, materials and graphics illustrated on the elevations.
- The use of generally traditional and visually recessive materials and colours on the main architectural walls while the use of bold graphics accompanied by lighter and visually striking colours as appropriate for the access points.
- The use of tall and mature plantings with mature heights of 5-7m is supported to the north and south boundary areas as these provide the background to the building when viewed from the two streets and the screening will benefit the adjoining sites.
- The use of tall and mature plantings within the car parking areas is supported using the tree bay spaces between the front junctions of vehicle parking bays at the nominal ratio of one per four vehicles. The trees provide amenity through shade, reintroduce a level of tree cover prevalent in the conservation area prior to commercial development replacing residential development and as an urban design treatment to modify the impact of the bulk and scale of contemporary development. The layout to be prepared by a Landscape Architect is not expected to limit suitable commercial exposure of key elements of the restaurant. A selection of native and deciduous trees accompanied by low level shrubs and grasses is recommended.
- Cottage garden style planting is recommended in the limited context available in the vicinity
 of the cottage including the south western portion of the car parking space in the restaurant
 zone. This will visually expand the setting and establish an appropriate character for the
 cottage.
- The cottage
 - Remove the acrylic paint on the three main elevations only where the brick is retained, using a standard priority removal system
 - Provide paint colour scheme for the external elements based on a series of paint scrapes and the scheme of traditional colours prepared by the Heritage Consultant
 - Replace the two aluminium windows in the front elevation with traditional timber double hung sliding sash windows and restore the front door following removal of the screen door
 - Replace the verandah soffit lining with traditional painted timber beaded lining boards
 - o Conserve,, stabilize and clean the two brick chimneys
 - o Restore the sub-floor ventilation to Code standards
 - o Conservation works to the interior to support a commercial use
 - Provide a standard cast bronze plaque on the front elevation consistent with the Bathurst heritage trail following consultation with the Bathurst Historical Society concerning the property history.

David Scobie Architects Pty Ltd

Attachment 9.1.3.10



7.2 The impacts of the works

Item	Scope of work	Heritage Impacts	Management Strategy & Mitigation where required	Assessment and Conclusion
1	Preliminaries		•	
2	Site establishment, supervision, plant temporary services, insurances etc	Short term visual obstruction caused by builder's compound and site fencing Site traffic, dust, possible damage and loss of significant fabric	Standard signs notices and visual screening to the site should include a heritage photograph with the Project title	The impact will be short term, minimal and acceptable
3	Working Space Preparation			
4	Demolition of former petrol station	Potential for consequential damage to the adjoining structures	Clear instructions on elements to be removed and site heritage induction	The impacts can be reduced with an appropriate risk strategy and impacts minimal
5	Demolition of vehicle circulation and hard standing areas	Loss of elements which detract from significance	Clear instructions on elements to be removed and site heritage induction	The risks of loss in the vicinity of the cottage are minimal and the impacts acceptable
6	Demolition of retaining wall to the cottage site	Loss of elements which detract from significance	Clear instructions on elements to be removed, site heritage induction and Burra Charter principles	The results will be positive, the risks minimal and impact acceptable
7	Demolition of the rear portions of the cottage	Minor consequential damage to the adjoining significant elements of the building	Clear instructions on elements to be removed, work methods and site heritage induction	The impacts will be minimal and acceptable
8	Removal of fittings and fixtures within the cottage	Loss of elements which detract from significance following assessment	Clear site management strategy and induction	The results will be positive, the risks minimal and impact acceptable
9	Removal of agreed finishes within the Cottage	Loss of elements which detract from significance		The results will be positive, the risks minimal and impact acceptable
10	Site excavation for services. While there is limited likelihood of relics, the standard procedure is recommended under the NSW Heritage Act.	Potential for consequential damage Potential for revealing relics	Archaeological assessment Standard stop work procedure and archaeological assessment	The results will be positive, the risks minimal and impact acceptable

Item	Scope of work	Heritage Impacts	Management Strategy & Mitigation where required	Assessment and Conclusion
11	Site excavation for foundations	Minor consequential damage from removal process	Clear instructions on elements to be removed, work methods and site heritage induction	The impacts will be minimal and acceptable
12	Site excavation	Consequential damage	Conservation to suit a tenant	The results will be positive, the risks minimal and impact acceptable
13	Construction of new site levels	Potential for impacts on traditional drainage patterns	Prepare and oil the kitchen floor and prepare the laundry floor and install the sheet vinyl	The results will be positive, the risks minimal and impact acceptable
14	Construction of new services and foundations	Minor consequential damage to relics Potential for relic recovery	Provide clear instructions on floor & skirt tiles to be removed, work methods and site heritage induction	The impacts will be minimal and acceptable
15	Construction of new restaurant building envelope	Minor visual impacts Vibration impacts on surroundings	Provide clear instructions on elements to be removed, work methods and site heritage induction	The impacts will be minimal and acceptable
16	Construction of ancillary service areas and elements	Minor visual impacts Vibration impacts on surroundings	Select traditional square light grey floor tiles with black border and traditional 'subway' style skirting	The results will be positive, the risks minimal and impact acceptable
17	Building investigations at the cottage	Potential for restoration of previous defects Potential to remedy building and site defects Removal of detracting materials	Install the floor and skirting tiling	The results will be positive, the risks minimal and impact acceptable
18	Cottage conservation works to walls and floors	and details Retention of heritage significance	Clear instructions on elements to be removed, work methods, Helifix and site heritage induction	The impacts will be minimal and acceptable

Scope of work	Heritage Impacts	Management Strategy & Mitigation where required	Assessment and Conclusion
Conserve the roofing and stormwater goods and replace the small number of contemporary items on the verandah with traditional rolled flashings	Reaction between traditional fabric and contemporary systems	Clear instructions on work methods, products and site heritage induction	The impacts will be minimal and acceptable
Site enabling works for drains and services to the cottage	Reaction between traditional fabric and contemporary systems; Product selection for heritage and visual impacts	Clear instructions on work methods, colour, products and site heritage induction	The impacts will be minimal and acceptable
Provision of internal services to the cottage	Reaction between traditional fabric and contemporary systems; Product selection for heritage impacts	Clear instructions on work methods, products and site heritage induction	The impacts will be minimal and acceptable
Provision of new finishes and fixtures to the cottage	Potential for use of inappropriate material	Select 'traditional 'materials, details and finishes	The results will be positive, the risks minimal and impact acceptable
Provision of hard landscape to the site	Minor consequential damage to floor from removal process	Clear instructions on elements to be removed, work methods and site heritage induction	The results will be positive, the risks minimal and impact acceptable
Provision of soft landscape elements to the site	Reaction between traditional fabric and contemporary systems; Product selection for heritage and visual impacts	Clear instructions on paint scrapes, product selection and work methods	The results will be positive, the risks minimal and impact acceptable
Erection of external signs	Visual impacts on the setting and Conservation Area	Clear instructions on paint scrapes, product selection.	The results will be positive, the risks minimal and impact acceptable
Provision of external lighting	Visual impacts on the setting and Conservation Area	Clear instructions on products, work methods and site heritage induction	The results will be positive, the risks minimal and impact acceptable
Erection of perimeter fencing to the west and north boundaries	Enhancing the setting and character of the Conservation Area and streetscape	Clear instructions on paint scrapes, matt finish product selection, work methods and site heritage induction	The results will be positive, the risks minimal and impact acceptable
Erection of new red brick boundary fencing to the south and east boundaries	Consequential damage Enhancing the setting and character of the Conservation Area and streetscape	Clear instructions on product selection to ensure like for like, work methods and site heritage induction	The results will be positive, the risks minimal and impact acceptable
30	an and east boundaries	Enhancing the setting and character of the Conservation Area	Enhancing the setting and like, work methods and site character of the Conservation Area heritage induction

8 Standard Heritage Questionnaire

- 8.1 The following aspects of the proposal respect or enhance the heritage significance of the site and on the heritage significance of the Heritage Conservation Area, for the following reasons:
 - The works will extend the lifespan of the cottage through the replacement of any contaminants, the removal of elements which are contemporary and detracting from significance and provision of more sustainable services and running costs.
 - The proposed perimeter stabilization works and the crack repairs resulting from subsidence will reduce the long-term movement and consequential damage to heritage fabric and significance.
 - The proposed works to the boundary and building perimeter will enhance the setting and streetscape and improve the feasibility of attracting appropriate tenants and occupants.
 - The conservation works provide opportunities to remedy damage and improve the opportunities for tenanting the building and therefore better securing and protecting its future for the long term.
 - The conservation works offer an opportunity to remove earlier works such as contemporary ceilings, kitchen, bathroom, toilet and laundry which detract from the heritage significance and replace them with appropriate materials, details and finishes suiting the proposed commercial use.
- 8.2 The following aspects of the proposal could detrimentally impact on the heritage significance of the site;
 - The proposed works include removal of the existing contemporary finishes, bathroom and kitchen, external stabilisation, fence repair and reinstatement, floor sub-structure repair, repair, prepare and paint doors, skirtings, architraves, picture rails and windows including hardware, repair and paint damaged contemporary ceilings and cornice, review and upgrade electrical services including provision of a security system and replace contemporary light fittings with appropriate fittings and long life lamps, supply and install roller blinds to all windows, fit-out a kitchenette and accessible bathroom.
 - The activity associated with the removal of the existing contaminated materials, the kitchen and laundry and the contemporary ceilings and services such as light fittings could impact upon aspects and elements with significance including the external fencing, external materials and finishes and internal materials and finishes. These elements could be physically identified prior to works commencing to avoid any losses of significant fabric.
 - The replacement brick boundary wall to the corner site excluding the cottage, will reflect and interpret the late Victorian fences indicated in the sourced photographs and as indicated by Council as a project requirement.
 - The risks of consequential damage during the works can be substantially reduced with appropriate contractors, supervision, contract documents and a heritage induction.
- 8.3 The following sympathetic solutions have been considered and discounted for the following reasons:
 - The scope of work has been defined as minimal levels of conservation and maintenance. It does not include the reinstatement of missing details such as walls between rooms which have been removed, materials such as traditional ceilings and their details or finishes.
 - Additional works are recommended for the reinstatement of appropriate fittings related to the electrical services in the most significant two front rooms where the current contemporary items detract from the heritage significance of these spaces. This is the mitigation for the general introduction of contemporary services, fittings and fixtures where they are required and the best acceptable alternative for an adaptive re-use.

- Elements of the scope have been determined to attract a tenancy and it is recommended that the current investment be limited to conservation of the original amenity, fabric and services in combination with the upgrading of services and amenities. Further works could be expected to suit a particular tenant once secured.
- The following measures have been taken to mitigate the negative impacts: traditional materials and construction methods are to be used; heritage advice is to be provided for unknown matters, such as paint scrapes and crack repair as they arise during the course of implementation.

Heritage advice has been obtained

Heritage advice has been obtained from the appointed Heritage Consultant, David Scobie. The
assessment, advice and recommendations have been included within this Statement.

How is the impact of the new development on the heritage significance of the locally listed Bathurst Heritage Conservation Area to be minimized?

- All original fabric, located within the front four roomed cottage capable of being certified as fit for purpose, is to be retained and used within the works.
- The works will be consistent with the Burra Charter.
- Fixtures within the building which have been identified as having heritage significance, are to be indicated and recommended for retention and inclusion within the works.

9 Consideration of Statutory issues

9.2 The Bathurst LEP 2014

The Bathurst LEP provides objectives for the management of Heritage Conservation. Part 5, Clause 5.10 Heritage Conservation provides for the appropriate measures. They, and our consideration of them, are as follows:

- (a) to conserve the environmental heritage of Bathurst
- (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.
- The proposed development aims to conserve and enhance the environmental heritage of Bathurst, the Bathurst Heritage Conservation Area and the cottage through:
 - o Removal of the existing rental vehicle facility noted by Council as an Intrusive element in the streetscape through the BCAMS study.
 - Provision of a new single storey building and associated landscape planting.
 - Provision of a sympathetic conservation works to the late Victorian cottage, an item of contributory heritage significance in Bathurst.
 - o Increasing the functionality, amenity and sustainability of the cottage through the replacement of any contaminated materials with suitable contemporary materials and details.
 - Reducing the risk from vandalism through the use of an integrated fire & security system.
 - Modifying the causes of subsidence and consequential damage to foundations, ceilings, floors and walls.
 - Improving the presentation to the streetscape in the vicinity and the Conservation Area through improvements to the fencing and perimeter landscaping.

9.2 The Bathurst DCP 2014

The Bathurst Regional Development Control Plan 2014 is supported by guidelines, schedules and maps.

Chapter 10 provides for Urban design and heritage

In accordance with the Plan requirements:

- A pre-DA meeting has been held with the appropriate parties and Council has provided advice in relation to the proposal
- This document provides the required Statement of Heritage Impact (SoHI) for the proposal given the site is located within the Bathurst Heritage Conservation Area
- The contributory building is to be conserved and retained within the development
- In relation to the proposed infill on the site in the form of the restaurant, the streetscape assessment documents the relevant contributory buildings in the vicinity of the intersection of Stewart and Howick Streets.
- Urban design issues:
 - Character
 - The setting is predominantly single storey houses and cottages from the late Victorian to Federation periods. A majority of the contributory buildings in Stewart and Howick Streets have retained their distinctive features including pitched roofs with chimneys, front elevations with associated fenestration and verandahs. Many include short cottage gardens with traditional small-scale planting.
 - Scale
 - The cottages are generally single storey with pitched roofs having nominal 30 degree pitched roofs and expressed chimneys
 - o Form
 - The cottages range from detached to semi-detached with prominent roofs
 - Siting
 - The cottages generally have short setbacks from the front boundaries at nominal 3-5m
 - o Materials and colours
 - The cottages range from timber weatherboard external walls to brickwork which has generally been painted
 - The roofs are commonly metal in painted custom orb with rendered or brick chimneys. Later cottages and houses tend to have terra cotta tiled roofs.
 - The colours used on the walls are generally in dark tones while the details are generally lighter tones
 - Detailing
 - The primary details evident and prominent in the streetscape are chimneys, expressed gutters and downpipes, recessed tall Victorian windows and timber posted verandahs. Boundary details include timber paling/picket fences and low waist high brick and rendered masonry walls.

10 Heritage Impact Matters & Responses

The following details are recommended for consideration as part of the works. They are recommended to ensure that the cultural heritage significance of the Cottage is retained through the retention of materials, details, fittings and fixtures which identify the origins of the structure and improvements to conditions which protect the stability of the structure. To ensure that the works are fully coordinated and the specifications are transferred to drawings for construction, these recommendations should be provided to any architectural drawings to be approved:

1. Remove materials and details which have been identified as detracting from the heritage significance of the cottage and reinstall appropriate materials and details;

- 2. Stabilise the perimeter ground conditions in the vicinity of areas identified as leading to subsidence to at least 1200mm;
- 3. Retain and restore the timber carpentry and joinery associated with the original internal details;
- 4. Remove contemporary materials, finishes and details including carpet and tiled floor and wall finishes as part of the demolition works;
- 5. Review and upgrade the electrical and security services including switches, light fittings and outlets with details appropriate for the level of significance;
- 6. Conserve the original ceilings and make good as required;
- 7. Conserve, repair and upgrade all windows with appropriate traditional materials and details including suspension, locks, restrictors and seals;
- 8. Protect during construction, retain, conserve and repair the perimeter timber fence and gates to the front, side and rear boundaries;
- 9. Replace the two aluminium cottage windows with painted DHSS units;
- 10. Stabilise and conserve the two brick chimneys and repoint following paint removal;
- 11. Pressure wash to clean only the roofing while replacing limited number of contemporary flashings on the front verandah with traditional rolled flashings;
- 12. Prepare and paint the external elements to the colour scheme prepared by the Heritage Consultant and as modified following paint scrapes;
- 13. Prepare and paint the interiors in an appropriate traditional colour scheme only to the extent required in order to secure a tenant;
- 14. Ensure that the architectural drawings include the recommended external colour scheme for the cottage;
- 15. Perimeter fencing and acoustic panels are to be in the Dulux Windspray or similar;
- 16. Should any new steel fencing be required, it is to be Metroll Corodeck in Windspray;
- 17. The red brick boundary wall is to use a select face brick similar to those in the vicinity at 102 114 Stewart Street and include standard light grey mortar at to follow the boundary without any acute or angled corners. It should be a 230mm wall to a nominal 10 courses/860mm with bull nose capping and expressed piers. The use of a feature colour brick within a course of the wall which reflects a suitable colour within the Taco Bell architecture would be supported. The rhythm will generally interpret the perimeter wall on the cottage without copying or replicating that structure;
- 18. Ensure that the architectural drawings include the agreed set of external materials and colours for the buildings;
- 19. Ensure that the architectural drawings include and coordinate the requirements set out in the Landscape Architect proposal;
- 20. Provide a mechanical layout to ensure that all roof mounted equipment will be concealed to by the building parapets with a height equal to the tallest component.

11 Recommendations

The following management recommendations have been formulated after consideration of all the available information and have been prepared in accordance with the relevant legislation.

Recommendation 1

The proposed works to the subject site and in the vicinity of the Cottage located within the Bathurst Heritage Conservation Area would be appropriate on heritage grounds provided Recommendations 2-6 below are followed.

Recommendation 2

An application for Development is to be lodged with Bathurst Regional Council, reviewed and approved by that body prior to works commencing.

Recommendation 3

Competent direction and supervision should be maintained at all stages of the design development and construction, and any changes should be implemented by people with appropriate knowledge and skills appropriate to the task.

Recommendation 4

All relevant staff, contractors and subcontractors should be made aware of their statutory obligations for heritage under the *Heritage Act 1977* and best practice outlined in the *Burra Charter* (1999), which should be implemented as a heritage induction.

Recommendation 5

The Heritage Consultant will provide a heritage Induction and will advise on providing physical tags to all the items on the Cottage site with heritage significance which are to be retained, decontaminated and incorporated into the works.

Recommendation 6

Heritage advice is to be provided for outstanding matters including paint scrapes for determining final colour schemes, electrical fittings and fixtures, ceiling details and the modification of services for the facilities required to support the simple commercial use.

APPENDIX

Scope of Works as defined by the following:

- 1. Architectural drawings prepared for DA submission
- 2. Landscape Plan prepared for submission
- 3. Traditional Cottage Colour Scheme in Dulux Traditional

Expressed brickwork
 Two brick chimneys
 Portland Stone flat (PS)
 Paint removal

Verandah posts
 Waist high verandah wall
 Deep Bronze Green (DBG)
 Classic Cream (CC)

• Capping to waist high wall Wheat (W)

Waist high piers W **DBG** Steel & wire gate Ashlar cottage wall W Flat Cottage walls in brick PS Roughcast render cottage walls CC W Gutters Downpipes to verandah DBG PS Downpipes to cottage Fascias CC Verandah sheeting CC

• Front Door Red Oxide with 1/4 RO to panels

Windows
 RO

Electrical board & conduits
 PS to match wall/background



Plan of Management

Taco Bell Bathurst

Noise Management Practices

- (i) If patrons who enter/exit the store, whether they are individuals or within large groups, and are making a large amount of noise, they will be asked to reduce their noise levels by staff. If the noise emitted from the patrons doesn't reduce to an acceptable level, the patrons will be asked to leave the premises. Following this, if the patrons fail to leave the premises, management will call the police to handle the matter.
- (ii) Music within the restaurant will be kept at an appropriate level at all times of the day.

Safety/Security Management Practices

- (i) The store is covered by 15 cameras which covers the store internally and externally with 3 external cameras (external seating x 2 and drive thru lane).
- (ii) Duress Buttons are located in the office and on the drive thru pickup window.
- (iii) The Drive Thru Window only opens 300mm wide.
- (iv) The site will only have one entry point for pedestrian customers, which is the front entry door. Customers have no access to the back of house from the front of the restaurant. This is ensured through the use of a door with a security keypad. The back door of the restaurant, which is used for deliveries, is also not open after dark.
- (v) Taco Bell currently has a policy in place for registers to not have more than \$200, with excess cash skimmed from the register every 60 minutes. Taco Bell also have locked counter caches for every register, which allow staff members to place excess money generated from sales into a locked cache which is out of the public's view.
- (vi) As per current policy, staff members are required to leave in groups of two or more when leaving the premises of the store.
- (vii) Pedestrian customers will only be able to access the restaurant through the front door of the premises. Pedestrian customers will not be served through the drive thru.

2.

- (viii) The car park lighting of the restaurant will continue to operate during post-sunset and pre-sunrise time periods in order to promote natural guardianship.
- (ix) If patrons who enter/exit the store, whether they are individuals or within large groups, and are impacting on the safety of customers and staff, they will be asked to leave the premises. Following this, if the patrons fail to leave the premises, management will call the police to handle the matter.

Complaint Handling System

A complaint handling system will be used at the site. This system will allow management to record any noise, safety, and security complaints received, how they have been rectified, and how they are being monitored.

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 49472274Mobile:0412 490 859Email: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).

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 throughmovements 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 45⁰ 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 hou
Eastbound (3 – 4 pm)	212 vehicles per hou

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%.

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	Take-Away	Food	267
Restaurant			

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:

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

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: $100 \times 0.50 = 50 \text{ trips}$

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

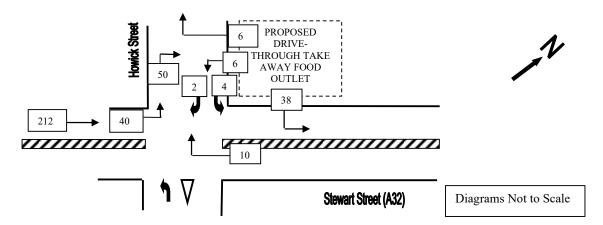
4.3 Origin / Destination Considerations

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)

 f_{hv} = adjustment factor for heavy vehicles = $1/[1 + P_{hv}(E_{hv} - 1)]$

- P_{hv} = the proportion of heavy vehicles in the traffic stream, expressed as a decimal ($\approx 10\%$ 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) → effectively 4.0 in this instance

Substitution of the above in the formula is:

$$f_{hv}$$
 = 1
 f_{w} = 0.9 (for 3.2 m wide lane, and 0m lateral clearance)
 $C = 1800 \times 0.9 \times 0.97$
 $C = 1,570$

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 100m ² . Whichever is the greater: • 12 spaces per 100m ² , or
Seating and drive-through	 1 space per 5 seats (internal and external) or 1 space per 2 seats (internal) 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 Guide to Traffic Generating Developments.

Amusement centres Business premises Office premises Industrial retail outlets Restricted premises Public administration buildings Community facilities Public facility or building	space per 50m². Note: 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 m² 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

Commercial Offices

 64.5 m^2 @ 1 space per 50 m² = 1.3 spaces

Total Parking Requirement = 21.3 spaces.

Say 22 spaces

225 of 650

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.

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

227 of 650

The existing driveway on Howick Street is a combined entry / exit approximately 5.9-metre-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	Minimum Sight Distance	Desirable Sight Distance
(km/h)	(m)	(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.

- 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.

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.
- 6. 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.

231 of 650

6.2 Recommendation

S.f. bradley

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 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.



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.



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.



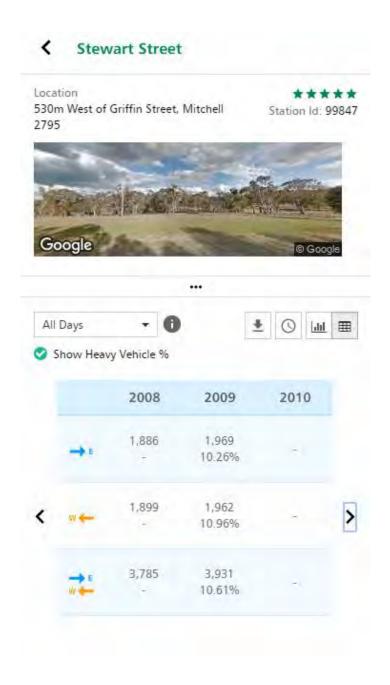
Photo No. 7: Looking generally north across Howick Street showing the existing driveway on the site to be utilised for the proposed drive-through take-away outlet.



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.

APPENDIX B - TRAFFIC VOLUME DATA ON GREAT WESTERN HIGHWAY (STEWART STREET)









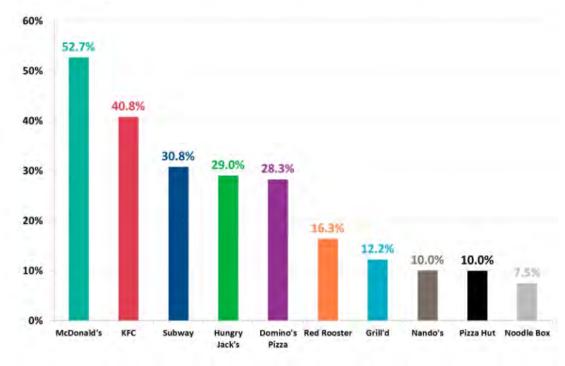
Traffic Assessment Report for Proposed Drive-Through Take-Away Food Outlet, Stewart Street, Bathurst B J Bradley & Associates

Attachment 9.1.3.12

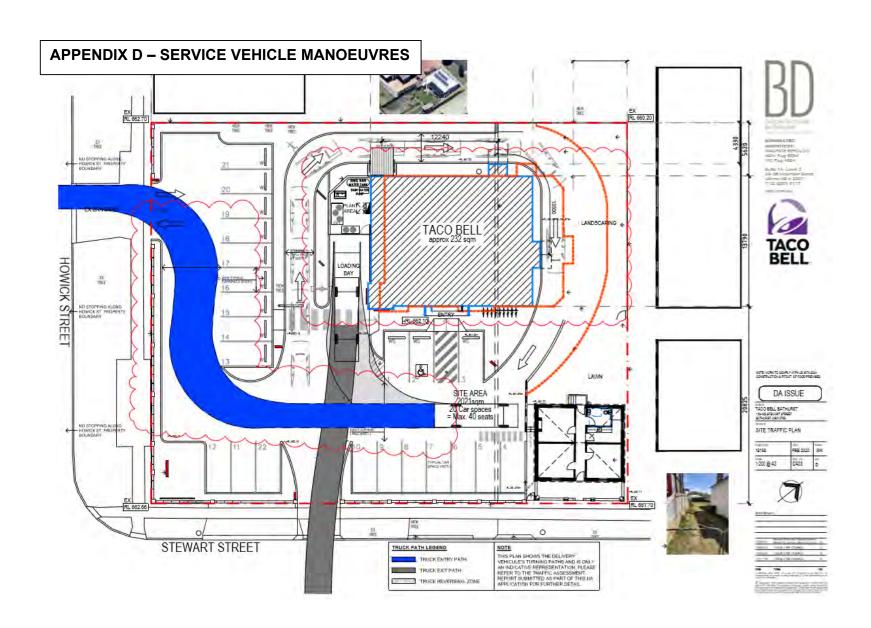


APPENDIX C - Ranking of Most Popular Take-Away Food Outlets in Australia

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

SECURITY MANAGEMENT PLAN

FOR

PROPOSED TACO BELL RESTAURANT

105 STEWART ST.

BATHURST NSW.



BD Architecture: Interiors Suite 14 / Level 3 22-36 Mountain Street Ultimo NSW 2007 **M** 0425 289 458 **T** 02 9281 6177 **F** 02 9281 0177

bdai.com.au

TABLE OF CONTENTS

SECTIC	<u>DN</u> <u>TITLE</u>	<u>PAGE</u>	
1.	INTRODUCTION	3	
2.	ELEMENTS OF THE CRIME ANALYSIS REPORT	3	
3.	AREA COVERED BY THE CRIME ANALYSIS REPORT	3	
4.	MANAGEMENT PROTOCOLS AND PROCEDURES	3-4	
5.	PROCEDURE FOR IMPLEMENTATION OF THE CRIME ANALYSIS REPORT 4-5		
6.	SECURITY MANAGEMENT AND CRIME PREVENTION	5	
7.	SUMMARY	6	
	SECURITY MANAGEMENT AND CRIME PREVENTION prepa ARCHITECTURE INTERIORS	ared by BD	

1. INTRODUCTION

This document is the Crime Risk Analysis Report for 105 Stewart St. Bathurst. This Crime Risk Analysis Report contains a series of management protocols for the overall management and operation of the proposed development. The main aim of the report is targeted crime prevention through identifying crime risk and minimising opportunities for crime through an appropriate built development that responds to the immediate context of the site and the surrounding area of Bathurst.

The Guidelines set out in section 79C of the Environmental Assessment Act 1979 has been duly adhered to.

2. ELEMENTS OF THE CRIME RISK ANALYSIS REPORT

This Report consists of a number of sections as set out below.

- A description of the area covered by this Report.
- The management protocols and procedures for implementing the protocols having regard to amenity and security of the area.

3. AREA COVERED BY THE CRIME RISK ANALYSIS REPORT

This Report relates to the property located at 105 Stewart St. Bathurst and its immediate surrounding area.

4. MANAGEMENT PROTOCOLS AND PROCEDURES

An important element of this report is to ensure that the operation of the proposed fast food restaurant does not detract from the amenity of the surrounding area. The main objective is to propose a built solution that targets Crime Prevention Through Environmental Design (CPTED).

In order to achieve Crime Prevention objectives through identifying Crime Risk and Minimising Opportunities for Crime, the Taco Bell Restaurant proposed at 105 Stewart St. Bathurst will meet the following points:

- increasing the perception of risk to criminals by increasing the possibility of detection, challenge and capture
- increasing the effort required to commit crime by increasing the time, energy or resources which need to be expended
- reducing the potential rewards of crime by minimising, removing or concealing 'crime benefits'
- removing conditions that create confusion about required norms of behaviour

The following protocols and procedures, associated with issues of crime risk prevention and security, will be met:

Protocol

- Security Management and Crime
- Evolving and maintaining practice of proactive crime prevention strategies
- Establishing a development control plan that can be actioned
- Recourse to Council Policy on Crime Risk Assessment and liaison with Local Authorities such as Police
- Assessing levels of risk in the Bathurst precinct
- Meet the desired characteristics within the Bathurst precinct and the projections for the vision of Bathurst City.
- Considering the likely impacts of development including environmental impacts on the natural and built environment notwithstanding the social and economic impacts on the immediate context
- Demonstrating good design-built principles an appropriate built response
 that responds to, and is in keeping with, crime prevention controls
- Provision in the proposed Taco Bell Restaurant that meets basic design principles - those with the aim to minimise crime risk
- Increasing the perception of risk to criminals by increasing the possibility of detection, challenge and capture

Procedure

- Reducing opportunity by minimising, removing or concealing 'crime benefits'
- Maintaining conditions that encourage norms of behavior, thereby eliminating opportunistic or premeditated crime
- Provide amenity to users and consequently make provision for the future safety and security of the site by promoting use and visibility-geared user and community interaction
- The Proposal should function within the role of proposed gentrification within the region, thereby eliminating "crime risk inducing" spaces
- The pivotal nature of the site including the site's visual prominence from Stewart Street - means that good design-built solution will help achieve a high quality of architectural and urban design solution in the Bathurst precinct, setting a safe environment and a precedent for future developments to follow
- The common spaces and generous landscaped areas will create a high quality environment for visitors and staff. These spaces will prompt further adherence to the crime preventative strategy employed by the proposed building at 105 Stewart St. Bathurst by encouraging user engagement.
- Surveillance clear sightlines between public and private spaces, effective lighting of public places, landscaping that increases user amenity, but landscaping design that does not facilitate offending
- Access Control restricted access to internal/high risk areas
- Territorial Reinforcement design geared toward user interaction, landscape design with clear demarcation between public and private space, gates and enclosures which define public and private space
- Space/Activity Management attractive and well used space through user-orientated space activation, site cleanliness, repair of degradation of facilities, adequate maintenance of security oriented measures such as site lighting and facilities Increasing the perception of risk to criminals by increasing the possibility of detection, challenge and capture

PROCEDURE FOR IMPLEMENTATION OF THE CRIME RISK ANALYSIS REPORT

This Report relates to the operation and use of the proposed Taco Bell Restaurant at 105 Stewart St. Bathurst.

The details and approval of this Report, and any future amendments to this Report, must be in accordance with any Planning Approvals relating to the subject property.

This Report comes into effect upon commencement of the use of the premises as a fast food restaurant in accordance with the Planning Permit issued by the responsible authority.

SECURITY MANAGEMENT AND CRIME PREVENTION

The following are the security management and crime prevention strategies for the proposed Taco Bell Restaurant at 105 Stewart St. Bathurst

These strategies are the result of a pro-active approach to crime prevention by deterring crime, and will also assist police with the apprehension and conviction of perpetrators in the unlikely event that a crime should occur.

Strategies being adopted are:

- 1. Crime Prevention by Environmental Design (CITED) techniques in relation to illumination, clear lines of view, landscaping, positioning of and control of entry and creating a general environment non-conducive to crime.
- 2. Visible closed circuit television surveillance and recording system, which shall not only act as a deterrent but shall provide evidence for police if required. Historically, systems of this nature have also proven to be beneficial to police during investigations with other related incidents in the area.
- 3. Installation of electronic security, security hardware and crime deterrents to deter crime. In the unlikely event that an incident does occur, the above shall assist police with the identification and apprehension of the persons concerned, and with the provision of admissible evidence to assist with the prosecution of offenders. The following is an overview of the initiatives, which shall be taken.

'Back to Base' alarm system monitoring by an ASIAL approved Grade One Monitoring Station which shall comply with the requirements of AS2201 Part 2.

Entry door locking facilities at the entrances.

Signage advising the security measures in place.

- 4. Periodic high-profile security patrols to deter any potential anti-social behavior. This shall be continually monitored, and the level of visitor user security involved adjusted accordingly.
- 5. Co-operation with local police in relation to regional crime prevention initiatives and issues.

6. Continuous monitoring of the crime and anti-social behavior trends in the area and review, as necessary, of the strategies in place.

7. SUMMARY

Design that optimizes safety and security within the development and the public domain is a keystone of good design. Clearly defined secure access points and well-lit and visible areas that are easily maintained and appropriate to the location and purpose are buoyed by optimal design geared toward user interaction and passive surveillance.

Passive surveillance is prevalent throughout the development. Location of the proposed restaurant (Stewart St. frontage) and drive thru (rear) will activate both north and south boundaries as well as generate and distribute the traffic evenly.

Along the east boundary, the pay window along the drive-through lane allows for surveillance from staff to observe this area.

Along the western boundary, the carpark and entry point off Howick St. will be well lit for passive surveillance and is one of two main entry and exit points.

The main entry point to the building off Stewart St. Bathurst will be clearly articulated and well lit.

The generous and open landscaped area will increase the possibility of detection, challenge and capture.



WALES & ASSOCIATES PTY. LTD.

Urban & Environmental Design Partners

ACN. No: 075 903 669 ABN: 80 075 903 669

Ref: #045/2019 12th February 2020

The General Manager Bathurst Regional Council Private Mail Bag 17 BATHURST 2795

DA/2019/367-02/014 – Proposed Taco Bell Restaurant #103-105 Stewart Street at Bathurst PUBLIC SUBMISSIONS

I refer to the above development application. This office acts on behalf of the applicant in this matter, McDuck Properties Pty Limited. The following comments are made in relation to the public submissions received by Bathurst Regional Council during the prescribed notification period. This response is also made following our meeting on the 5th February with those who made submissions but without the benefit of the Minutes of the meeting which have yet to be received.

Bathurst Heritage Network

Reference is made to the submissions made by the Bathurst Heritage Network dated the 10th December 2019 in relation to the heritage impacts and proposed signage.

Comments have been made in relation to the proposed signage including the "signage tower" which forms and integral part of the brand design for Taco Bell. It has a particular purpose as part of the architectural treatment of the proposed building and providing brand signage for the Taco Bell business. Contrary to the comments by the Bathurst Heritage Network, the signage tower is integral to the structure of the building.

With regards to their listed comments regarding the associated signage, the following comments are made:-

- (i) the proposed "signage tower" is not a roof top sign as claimed. The signage tower forms an integral part of the building design;
- (ii) the proposed "signage tower", as an integral part of the building design, is separate to the proposed pylon sign. Both are at the same height;
- (iii) nothwithstanding the provisions under <u>Clause 12.2.4</u> *Locational Requirements* of the Bathurst Regional Development Control Plan 2012, approval for the proposed illuminated signs is sought on the basis that approvals have been granted in similar Conservation Area locations such the 7-Eleven Store at #269 Stewart Street (see *Figure 1*) with advertised hours of 24/7;

Telephone: 0415 634 232

Email: <u>matthew@walesassociates.com.au</u> Postal Address: P.O. Box 150 Ettalong Beach 2257



Figure 1
Image showing illuminated 7-Eleven sign at #269 Stewart Street (image courtesy of Google Earth Pro)

The National Trust of Australia

Reference is made to the submissions made by The National Trust of Australia dated the 14th December 2019 in relation to the heritage impacts. It is noted that the Trust is concerned that the proposed development is not compatible with the current heritage and residential values of the precinct and that the development is "out of character".

Whilst these comments are noted, it should be remembered that the subject site has been used for commercial purposed for some considerable period including use as a service station and more recently, the Avis Car Rental Depot. The current built form, which can best be described as "average" in terms of its architecture, has formed an integral part of the streetscape whilst being at odds with the parts of the surrounding conservation area without creating any adverse impacts. The proposed development is a considerable improvement to the streetscape with the built form lifting the architectural standard of the existing streetscape. The attached letter prepared by **David Scobie Architects** addresses this issue in detail.

Essential Energy

Reference is made to the submissions made by Essential Energy dated the 19th December 2019 in relation to proposed signage, fencing and landscaping and their proximity to existing overhead powerlines.

These comments are advice level only and do not raise objections to the development application. It is considered that the plans currently under assessment by Council address these issues.

Further, it is expected that Council will apply standard conditions of consent where appropriate to ensure that the requirements of Essential Energy are met.

It should be noted that the applicant has engaged a Level 3 electrical engineer to make the necessary applications to Essential Energy for advice regarding power supply.

Mrs Maria Gulson

Reference is made to submissions made by Mrs Maria Gulson dated 17th December 2019 who resides at Unit 1/101 Stewart Street in relation to property values, traffic impacts, noise and odours. The submission does not provide any detail as to the nature or basis for these objections.

The following comments are made in relation to the issues raised:-

- (i) <u>Devaluation of Property</u> the comments relating to the impact on the value of the property are noted. These comments are subjective and are not a matter for consideration by Council;
- (ii) <u>Traffic</u> the concerns relating to traffic congestion are noted and have been addressed in the attached letter from *B.J. Bradley & Associates*. Developments such as this proposal generate a large percentage of patronage from passing traffic. In addition, the existing intersection operates in a safe manner and will continue to do so should the development be approved. This is a position supported by the RMS in response to the Traffic Impact Assessment attached to the development application. It is considered that the proposed development will not impede traffic flows nor compromise the safety of the existing intersection;
- (iii) Acoustic Impacts the attached updated **Environmental Noise Assessment** prepared by *Day Design Pty Limited* address the issues raised;
- (iv) <u>Litter</u> issues surrounding rubbish and litter are a common concern in relation to fast food outlets. This can be adequately addressed through a Plan of Management which includes site cleanliness and ensuring that nay litter in the immediate vicinity is collected and disposed of by management. It is our experience that once in operation, such facilities do not have a dramatic impact on levels of litter in surrounding streets; and
- (v) Odour Impacts as above, the attached updated **Odour Assessment** prepared by *Todoroski Air Sciences* addresses the issues raised

Mark and Donna Kinsela

Reference is made in relation to submissions made by Mark and Donna Kinsela dated 11th December 2019 who reside at #330 Howick Street in relation to impacts from traffic, deliveries, noise, odour, light spillage, character and operating hours.

The following comments are made in relation to the issues raised:-

- (i) <u>Acoustic Impacts</u> the attached updated **Environmental Noise Assessment** prepared by *Day Design Pty Limited* address the issues raised in relation to vehicles using the drive-thru facility and car park and trading hours. Comments relating to live music are also noted which was also raised at the meeting with residents on the 5th February. As stated at the meeting, the application does not include "live music" nor the sale of alcohol;
- (ii) <u>Delivery Hours</u> comments in relation to delivery hours are noted. It is expected that Council will include an appropriate condition of consent in relation to delivery times;
- (iii) Proximity to the Street the comments relating to traditional building setbacks and the increased setbacks of the proposed development. Concerns have been raised that this in some way may increase noise impacts. The attached updated Environmental Noise Assessment prepared by Day Design Pty Limited address the acoustic issues. It is not expected that the proposed setbacks will increase the risk of noise impacts;
- (iv) Traffic the concerns relating to traffic congestion are noted and have been addressed in the attached letter from B.J. Bradley & Associates. Developments such as this proposal generate a large percentage of patronage from passing traffic. In addition, the existing intersection operates in a safe manner and will continue to do so should the development be approved. This is a position supported by the RMS in response to the Traffic Impact Assessment attached to the development application. It is considered that the proposed development will not impede traffic flows nor compromise the safety of the existing intersection;
- (v) Queuing in relation to comments regarding the queuing of vehicles, this was also raised during the meeting with residents prior to the Submissions Hearing on the 5th February 2020. The amount of vehicle queuing that is to be provided for this development, and all similar developments in NSW, is elaborated in the RTA Guide to Traffic Generating Developments, details of which are included in Section 4.4 of the Traffic Assessment Report submitted with the development application. The same requirement is included in Bathurst Regional Council's DCP 2014 Section 14 Parking. Those requirements were determined by the RTA (now Transport for NSW numerous developments) for numerous developments of a similar nature. Provision of the required on-site queuing has been provided in the Bathurst Taco Bell proposal;
- (vi) Odour Impacts the attached updated **Odour Assessment** prepared by *Todoroski Air Sciences* addresses the issues raised;
- (vii) <u>Light Spillage</u> the proposed illuminated signage has been designed to comply with the requirements of SEPP 64 as detailed in the Statement of Environmental Effects;
- (viii) Character whilst these comments are noted, it should be remembered that the subject site has been used for commercial purposed for some considerable period including use as a service station and more recently, the Avis Car Rental Depot. The current built form, which can best be described as "average" in terms of its architecture, has formed an integral part of the streetscape whilst being at odds with the parts of the surrounding conservation area without creating any adverse impacts.

- The proposed development is a considerable improvement to the subject site with the built form lifting the architectural standard of the existing streetscape. The attached letter prepared by **David Scobie Architects** addresses this issue in detail.
- (ix) Alcohol comments relating to the sale of alcohol are also noted which was also raised at the meeting with residents on the 5th February. As stated at the meeting, the application does not include "live music" nor the sale of alcohol;
- (x) Operating Hours the submission raises concerns in relation to the proposed operating hours and how these will be guaranteed. It is expected that Council will include an appropriate condition of consent that will include both operating hours and delivery times which the applicant is required to comply with;
- (xi) <u>Site Selection</u> whilst the applicant notes the concerns from this and other residents over the choice of site, this is not a matter for consideration by Council as the application is specific to #103 -105 Stewart Street. This site was selected based on a range of criteria and deemed to be the most suitable available

Reference is made to submissions i	made by	dated 15th December 2019 who
resides at	in relation to traffic impa	cts, noise and odours.

The following comments are made in relation to the issue raised:-

- (i) <u>SEE Amendments</u> the Statement of Environmental Effects has been amended to address the minor errors in the report submitted with the development application. I confirm that Council is in receipt of the amended document;
- Devaluation of Property the comments relating to the impact on the value of the property are noted. These comments are subjective and are not a matter for consideration by Council. It is noted that the property. At the time, it would be reasonable to assume that the purchaser would have been aware of the possible uses permitted on the site as outlined on the Planning Certificate attached to the Contract for Sale (including the proposed use) and the purchaser would have been cognizant of the past and recent history of the site;
- (iii) Acoustic Impacts the attached updated **Environmental Noise Assessment** prepared by *Day Design Pty Limited* address the issues raised;
- (iv) Odour Impacts as above, the attached updated **Odour Assessment** prepared by *Todoroski Air Sciences* addresses the issues raised;
- (v) Traffic the concerns relating to impediments to smooth traffic flow are noted and have been addressed in the attached letter from B.J. Bradley & Associates. Developments such as this proposal generate a large percentage of patronage from passing traffic. In addition, the existing intersection operates in a safe manner and will continue to do so should the development be approved. This is a position supported by the RMS in response to the Traffic Impact Assessment attached to the development application. It is considered that the proposed development will not impede traffic flows nor compromise the safety of the existing intersection.

- (vi) <u>Rubbish and Litter</u> issues surrounding rubbish and litter are a common concern in relation to fast food outlets. This can be adequately addressed through a Plan of Management which includes site cleanliness and ensuring that nay litter in the immediate vicinity is collected and disposed of by management. It is our experience that once in operation, such facilities do not have a dramatic impact on levels of litter in surrounding streets;
- (vii) Overshadowing the updated architectural plans prepared by BD Architecture + Interiors includes shadow diagrams which show that nil effect on neighbouring properties in the 21st June 9:00am to 3:00pm. The amended plans also provide a cross-section showing the building separation, landscaping and acoustic fencing;
- (viii) <u>Hours of Operation</u> the error in the hours of operation have been corrected. The Statement of Environmental Effects has been amended to address the minor errors in the report submitted with the development application. I confirm that Council is in receipt of the amended document;
- (ix) <u>Construction Noise</u> the concerns outlined in the submission are noted. It is expected that this can be adequately addressed with appropriate standard conditions of consent limiting construction hours; and
- (x) <u>Site Remediation</u> the concerns relating to the previous use of the site as a service station are noted. A **Targeted Soil Contamination Assessment** was prepared by *Pacific Environmental* dated 14th December 2019 and previously provided to Council which addresses the site contamination issue

Mrs Lyndall Whiley

Reference is made to submissions made by Mrs Lyndal Whiley dated 15th December 2019 who resides at #114 Stewart Street in relation to pedestrian safety, traffic impacts, motorists safety, suitability of location, operating hours, noise impacts, light spillage, odours and litter.

- (i) Pedestrian Safety the issues surrounding pedestrian safety are noted and have been addressed in the attached letter from B.J. Bradley & Associates. It is noted that the area is serviced by well-maintained concrete footpaths, pedestrian laybacks and median strips and pedestrian refuges. In addition, there is more than adequate site distance in all directions for both motorists and pedestrians. The Traffic Assessment Report attached to the development application confirms that the existing intersection operates in a safe manner and will continue to do so should the development be approved. This is a position supported by the RMS in response to the report submitted. It is considered that the proposed development will not impede traffic flows, compromise the safety of the existing intersection nor create safety hazards for pedestrians;
- (ii) Motorist Safety with regards to the issue raised over motorist safety, neither this office nor B.J. Bradley & Associates are not aware of the traffic control measures that existed at the intersection of Stewart Street and Howick Street when the previous accidents indicated in the submitted photos from Ms Whiley. Despite the existence of good roads and intersections, it is not possible to completely eliminate traffic accidents that largely occur as a result of human error rather than, in this case, the standard of the road infrastructure. It is understood that the accident in question was as a result of excessive speed and poor driver judgement rather than the existing road conditions.

- That is, the accident occurred from driver error, not the condition of the road, activities on the site or the standard of the infrastructure and may have happened regardless of the site usage;
- (iii) <u>Unsuitable Location</u> whilst the applicant notes the concerns from this and other residents over the choice of site, this is not a matter for consideration by Council as the application is specific to #103 -105 Stewart Street. This site was selected based on a range of criteria and deemed to be the most suitable available. The location of other fast food outlets is not relevant as the site selection criteria and site availability may have been completely different for those operators;
- (iv) <u>Ambulance Access</u> with regards to *impeded ambulance access*, it is a highly unlikely scenario that an ambulance would be impeded by traffic movements associated with the relatively small volume of traffic movements likely to utilise the Howick Street access;
- (v) <u>Trading Hours</u> the concerns raised over the proposed trading hours is noted. It is expected that Council will include an appropriate condition of consent that will include both operating hours and delivery times which the applicant is required to comply with;
- (vi) Noise the attached updated **Environmental Noise Assessment** prepared by **Day Design Pty Limited** address the issues raised;
- (vii) <u>Light Spillage</u> the proposed illuminated signage has been designed to comply with the requirements of SEPP 64 Signage as detailed in the Statement of Environmental Effects;
- (viii) Odour Impacts as above, the attached updated **Odour Assessment** prepared by *Todoroski Air Sciences* addresses the issues raised; and
- (ix) <u>Litter</u> issues surrounding rubbish and litter are a common concern in relation to fast food outlets. This can be adequately addressed through a Plan of Management which includes site cleanliness and ensuring that nay litter in the immediate vicinity is collected and disposed of by management. It is our experience that once in operation, such facilities do not have a dramatic impact on levels of litter in surrounding streets

I trust that the above submission and attached reports adequately address the issue raised during the public submission process.

Yours faithfully,

Matthew Wales

Director

Wales & Associates

Mathin Macis

257 of 650

David Scobie Architects

Architecture Heritage

Tel: (02) 9967 2426

Mobile: 0412 415 010

Email: <u>scobiearchitect@gmail.com</u>
Web: <u>davidscobiearchitects.com</u>

ABN: 64 079 683 079

Wednesday 12th February, 2020

Bathurst Regional Council

Attention: Fern-Alice Finn Development Control Planner

Dear Alice,

Re: DA2019/367 – 103-105 Stewart Street, Bathurst

With regards to the comments raised during the Submissions Hearing on the 5th February 2020 by National Trust (Bathurst) and the Bathurst District Historical Society, this office appreciates the issues raised by the on behalf of their groups and the associated and similar views from residents in the vicinity of the proposal.

The view expressed by the groups is that the character of the proposed Taco Bell development will detract from the character of the buildings in the vicinity of the development and the overall character of the Conservation area. The character of the vicinity is identified as relating to the late 19th century houses and cottages which have retained their traditional character and in particular those properties which have been restored by their owners in order to complement the historic significance of their origins.

This office endorses the views of those particular owners who have identified the heritage significance of the area and developed their properties according to their individual qualities. I would trust that additional owners in the future would also take similar actions in relation to properties within the Conservation area as many opportunities remain available for similar conservation works. I also endorse the actions of Council in supporting this form of activity through the local heritage fund and through the controls and guidelines within the Bathurst planning instruments.

In relation to the specific site, the current character has been determined by a succession of approved land uses and structures related to vehicle uses including a garage and more recently a vehicle leasing premises. These uses have been characterised by structures and design typical of the late 1950s through to the 1980s including large signs, bold coloured graphics, large post supported canopies, extensive glazing, industrial scaled walls, concrete ground level surfaces and no planting. These sites are common in Bathurst and even where such sites have been replaced by contemporary versions of similar uses in recent years, the contemporary approach seems to prevail.

The development of the Taco Bell restaurant offers an opportunity to produce a different scale and character on this main road site which otherwise could be developed in a different mode with a different use.

The Proponent has taken the opportunity to offer three specific forms of mitigation for the scheme in consideration of the location and setting within the Conservation area. None of these elements are apparent in other transport or vehicle related highway developments within or adjoining Conservation areas.

David Scobie Architects Pty. Limited

- The scheme retains a traditional double fronted cottage on the site and restores key elements
 of the external character in a manner consistent with the conservation works and intent
 evident at other properties in the vicinity. The location and minimal setback of the cottage
 produces a good bookend to the larger site and therefore a useful transition to the street
 corner;
- 2. The site development includes extensive planting across the site in three specific areas. Planting is provided to the rear two sides of the site to produce a tall green screen between the site and the neighbours. This tall planting will also produce a green background to the development when looking towards the Conservation area in order that the profile and outline of the proposed building not be perceived to contrast with the traditional conserved buildings in the setting. The second set of planting consists of trees to be planted within the car parking space around the building. This will produce a traditional mature tree canopy evident in many parts of the Conservation area where rear gardens have included and retained substantial trees as part of their age and distinctive character; and
- 3. The proposal includes hedge planting along the two street frontages in conjunction with the fencing, identified by Council and supported by the Heritage Consultant, as a key part of the local character, at least in the more recent streetscapes opposite the subject site. The fencing consists of red brick walls and vertical palisade infill to interpret that local boundary character.

In advising the Proponent and the Architect, this office considered a range of options before endorsing and assisting in the final approach and design.

Copying, replicating and mimicry of traditional elements is apparent in some areas of the conservation area. This approach could have provided the building with a pitched galvanised iron roof and elevations which reproduced cottage elevations. This form of design is not consistent with the Burra Charter guide and would also detract from the integrity of the well conserved traditional houses and cottages in the vicinity where original distinctive design is the hallmark of their character and the aspect so valued by owners and the community.

The advice adopted was therefore to utilise the single storey scale of the restaurant building to advantage - given it largely matches that of the setting, and to provide substantial setbacks to the two front boundaries in order that the fencing and landscape dominate the presentation to the streetscapes.

The predominant setbacks of the traditional houses and cottages in the vicinity are minor in comparison with the proposal. This will ensure that the presentation of these significant homes remains visually dominant in the setting and streetscape.

There are signs related to the proposal and these have been reduced in height and their graphics simplified in recognition of the setting and character in the Conservation area while acknowledging that they are an essential part of the restaurant proposal and the location on the main road.

In summary, my office is confident that the scale, setbacks, character, materials and details of the proposal in conjunction with the specific three mitigating elements will provided a suitable infill in this historic environment.

David Scobie
Director
David Scobie Architects Pty Ltd
www.davidscobiearchitects.com.au
Tel. (02) 9967 2426
Mob. 0412 415 010
scobiearchitect@gmail.com

David Scobie Architects acknowledges the Cammeraygal people of the Eora Nation who are the traditional custodians of the land upon which we work.



ABN: 13 427 931 356 P O Box 2030 GATESHEAD NSW 2290 Telephone 02 49472274 (B) Mobile 0412 490 859 Email bjbradleyassoc@bigpond.com

22 January 2020

The General Manager
Bathurst Regional Council
Russel Street
BATHURST 2795

RE: DA 2019/367 - Proposed Drive-In Take-Away Food Outlet Lot 1 DP 737574, 105 and 103 Stewart Street, Bathurst. Response to Traffic-Related Submissions.

Dear Sir

I refer to several traffic -related submissions to the proposed Drive-In Take-Away Food Outlet at #103-105 Stewart Street in Bathurst. The purpose of this letter is address those issues whilst leaving other matters raised for responses by the respective consultants.

There were seven (7) submissions in total. My office is responding to relevant comments provided by four (4) objectors being:-

- 1. Connie Gulson;
- 2. Mr & Mrs Kinsela;
- 3. Lyndall Whiley; and
- 4.

My responses to the traffic related issues are as follows:-

Mrs Gulson, in her submission, raised numerous issues including the impacts of extra traffic that would be generated at the intersection of Stewart Street and Howick Street.

Developments such as this proposal generate a large percentage of patronage from passing traffic. That is, from drivers already utilising Stewart Street and the northern leg of Howick Street. It is noted that through-movements from the southern leg of Howick Street are prohibited.

As indicated in the Traffic Assessment Report submitted with the development application, the 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 morning peak hour is therefore estimated to be 40 trips and 50 additional trips in the evening peak, representing an increase of approximately 8% in the morning peak hour and approximately 10% in the evening peak hour if all additional movements were only on Stewart Street.

1

These increases do not consider the traffic volumes already generated by the existing Avis car hire business on the site, and are therefore considered conservative.

I have prepared Traffic Assessment Reports for numerous similar developments in my 27 years operating as a Traffic Consultant and have frequently utilised a discounting rate of 80% for passing trade on major roads. I utilised the suggested 50% passing traffic discount to be conservative in this particular case.

<u>The Kinsela family</u>, in their submission raised numerous issues including the traffic congestion at the intersection of Stewart Street and Howick Street.

I do not agree with the suggestion that the proposed development will result in significant traffic congestion at the intersection of Stewart Street and Howick Street. As indicated above (the Gulson submission), developments such as that proposed derive a significant proportion of patronage from passing traffic, recommended in the RTA Guide to Traffic Generating Developments as typically being 50%. It is not uncommon for a higher rate of 80% of patronage being utilised and accepted by various Councils and the RMS throughout the State. I have suggested the use of the RTA rate to consider a worst-case scenario.

The car parking proposed for the subject development is in accordance with Bathurst Regional Council's DCP 2010 – Appendix A which is the appropriate standard applicable to the site. This rate applies to the total of both patron and staff parking demand with the application complying with the standard.

Ms Whiley, in her submission, raised numerous issues including pedestrian safety and accidents at the intersection of Stewart Street and Howick Street.

In relation to *pedestrian safety*, the existing pedestrian facilities have been in existence for some considerable time. Existing traffic signals at the intersection with Durham Street (approximately 200 metres east of Howick Street) provide a safer crossing point than at other unsignalised intersections.

Consideration of the need to upgrade pedestrian facilities is the responsibility of the RMS (now Transport NSW) on State Highways such as Stewart Street. It is common for pedestrian refuge facilities to be provided on divided carriageways such as exist along Stewart Street, whereby pedestrians are able to cross two traffic lanes at a time when traffic signals create gaps in flows along either carriageway. The existing facilities are considered adequate for both the current and proposed use of the site.

With regards to *motorist safety*, I am not aware of the traffic control measures that existed at the intersection of Stewart Street and Howick Street when the previous accidents indicated in the submitted photos from Ms Whiley. Despite the existence of good roads and intersections, it is not possible to completely eliminate traffic accidents that largely occur as a result of human error rather than, in this case, the standard of the road infrastructure.

It is understood that the accident in question was as a result of excessive speed and poor driver judgement rather than the existing road conditions. That is, the accident occurred from driver error, not the condition of the road, activities on the site or the standard of the infrastructure and may have happened regardless of the site usage.

However, it is noted that the existing traffic controls at the intersection already restrict movements out of the southern leg of Howick Street to left-turns only onto Stewart Street. Right-turns and cross movements are prohibited. On the northern leg of Howick Street, signposting and pavement arrows restrict movements to left-out and right-out only onto Stewart Street. Such restrictions on both legs of Howick Street significantly decrease the risk of accidents occurring. Thus, the intersection currently operates in a safe manner and would continue to do so with the proposed development in place. This is a view supported by the RMS in their response to the Traffic Impact Statement submitted with the development application.

In relation to the *suitability of the location*, the site was selected based on an extensive evaluation process by the applicant and having examined numerous other location. It was the site that meet the majority of the applicant's criteria including traffic and pedestrian safety considerations. Whether the site is appropriate for the subject development is a matter to be determined by Bathurst Regional Council, inconsideration of all relevant issues and policies.

With regards to *impeded ambulance access*, it is my opinion that it is a highly unlikely scenario that an ambulance would be impeded by traffic movements associated with the relatively small volume of traffic movements likely to utilise the Howick Street access.

In relation to *vehicle noise*, vehicles utilising the proposed development would be travelling at low speeds. Assessment of any potential noise impacts has been assessed by a way of the Environmental Noise Assessment attached to the development application.

raised a number of issues including brief references to impediments to the smooth flow of traffic resulting from the proposed application. As mentioned in the above responses, developments such as this proposal generate a large percentage of patronage from passing traffic. In addition, the existing intersection operates in a safe manner and will continue to do so should the development be approved. This is a position supported by the RMS in response to the Traffic Impact Assessment attached to the development application. It is my opinion that the proposed development will not impede traffic flows nor compromise the safety of the existing intersection.

Further, I understand that during the meeting with residents prior to the Submissions Hearing on the 5th February 2020, the issue of <u>vehicle queuing</u> was raised together with concerns that this may "back up" onto Stewart Street.

The amount of vehicle queuing that is to be provided for this development, and all similar developments in NSW, is elaborated in the RTA Guide to Traffic Generating Developments, details of which are included in Section 4.4 of the Traffic Assessment Report submitted with the development application. The same requirement is included in Bathurst Regional Council's DCP 2014 – Section 14 – Parking. Those requirements were determined by the RTA (now Transport for NSW numerous developments) for numerous developments of a similar nature. Provision of the required on-site queuing has been provided in the Bathurst Taco Bell proposal.

I trust that the above comments assist in addressing the traffic related issues raised during the notification period for the proposed development.

Yours sincerely

B.J. Brodley

B J Bradley BE (Civil) Grad Dip Man MIE Aust

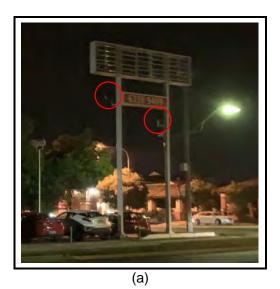
EXAMPLES OF EXISTING SIGNAGE WITHIN RESIDENTIAL AND COMMERCIAL ZONES IN STEWART STREET



Figure 1 – Subject Development Site – Lot 1 DP 737574 and Lot 5 DP 1086710 – 103 and 105 Stewart Street Bathurst NSW 2795 (Flood Light Shown Red)



<u>Figure 2 – Subject Development Site – Lot 1 DP 737574 and Lot 5 DP 1086710 – 103 and 105 Stewart Street Bathurst NSW 2795</u>





<u>Figures 3(a) & (b) – Subject Development Site – Lot 1 DP 737574 and Lot 5 DP 1086710 – 103 and 105 Stewart Street Bathurst NSW 2795 (Flood Lights Shown Red)</u>



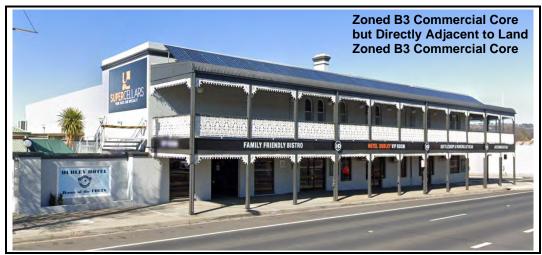
<u>Figure 4 – "Bathurst Heritage Motor Inn" – Adjacent to Development Site – Lot 20 DP 1195076 – 102 Stewart Street Bathurst NSW 2795</u>



<u>Figure 5 – "Stewart Street Vets" – Located South-West of the Development Site – Lot B DP 162938 – 156 Stewart Street Bathurst NSW 2795</u>



<u>Figure 6 – "Stewart Street Vets" – Located South-West of the Development Site – Lot B DP 162938 – 156 Stewart Street Bathurst NSW 2795</u>



<u>Figure 7 – "Hotel Dudley" – Located South-West of the Development Site – Lot 100</u> <u>DP 1237520 – 250 Stewart Street Bathurst NSW 2795</u>



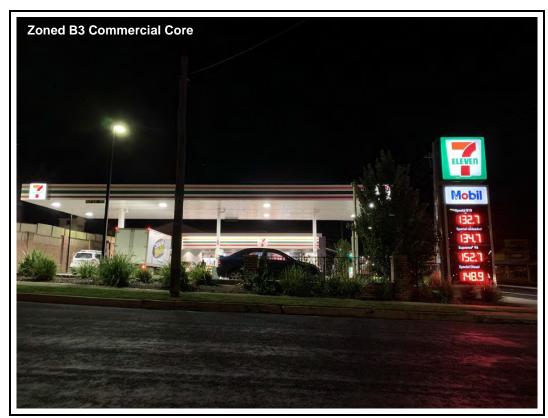
<u>Figure 8 – "BP Service Station" – Located South-West of the Development Site – Lot 1 DP 220495 – 255-257 Stewart Street Bathurst NSW 2795</u>



Figure 9 – "BP Service Station" – Located South-West of the Development Site – Lot 1 DP 220495 – 255-257 Stewart Street Bathurst NSW 2795



<u>Figure 10 – "7-Eleven Service Station" – Located South-West of the Development Site – Lot 1 DP 1218011 – 269 Stewart Street Bathurst NSW 2795</u>



<u>Figure 11 – "7-Eleven Service Station" – Located South-West of the Development Site – Lot 1 DP 1218011 – 269 Stewart Street Bathurst NSW 2795</u>



Figure 12 – "Ben Chifley Motor Inn" – Located South-West of the Development Site – Lot A DP 155969 and Lot D DP 157687 – 272 Stewart Street Bathurst NSW 2795



<u>Figure 13 – "Shell Service Station" – Located South-West of the Development Site –</u> Lot 1 DP 1113745 – 280 Stewart Street Bathurst NSW 2795



Figure 14 – "Shell Service Station" – Located South-West of the Development Site – Lot 1 DP 1113745 – 280 Stewart Street Bathurst NSW 2795

Attachment 9.1.3.17

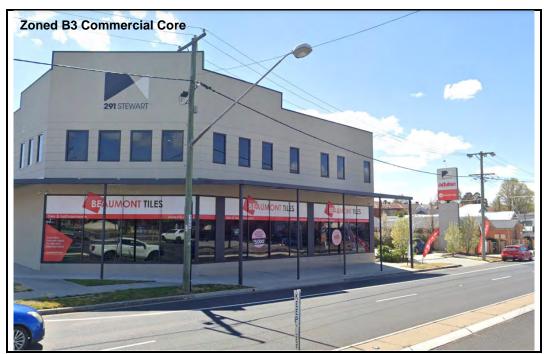


Figure 15 – "Beaumont Tiles" – Located South-West of the Development Site – SP 89817 – 291 Stewart Street Bathurst NSW 2795

From: bathgates@gmail.com

Sent: Wednesday, 11 December 2019 9:28 AM

To: Council
Subject: objection
Attachments: objection.doc

Dear Sirs

Please see attached objection to DA 2019/367 Taco Bell on behalf of the Bathurst Heritage Network.

Yours faithfully

AW Bathgate

Convenor Bathurst Heritage Network



BathurstHeritageMatters



ExperienceHeritageBathurst



BathurstHeritageTradesTrail

BATHURST - 1,000 heritage buildings - 40,200 years of history - countless stories

Australia's First Inland European Settlement

"creating living heritage"

Report this message as spam



Bathurst Heritage Network

Bathurst's unique heritage is a key social, cultural and economic asset

General Manager

10 December 2019 by email

Bathurst Regional Council Russell St Bathurst 2795

Dear Sir.

DA 2019/367 Taco Bell

The Bathurst Heritage Network objects to the Taco Bell DA on the following bases:

It is proposed the building includes an 8.9 metre high "signage tower", within the Bathurst Central Heritage Conservation Area and a residential district of high heritage values. This tower has no other purpose than to carry Taco Bell signs. It appears to have no structural or operational purpose other than signage. It rises beyond the height of the top of the adjacent cottages and is objectionable as it is in reality a sign, not integral to the structure of the building, and should be viewed as such.

- 1. The signage tower effectively is a roof top sign which is prohibited by the DCP in the conservation area. Its integration as a purported building element is a distortion and circumvention of the intent of the signage provisions of the DCP.
- 2. The signage tower has the form of a four sided blade sign, with two signage faces, and has no other purpose. The DCP allows only one blade or pole sign if they can be seen from a state highway (Stewart St), and so with the proposed pole sign also, the applicant is effectively proposing three such signs. Only one should be permitted.
- 3. The signage tower's proposed height then allows an argument for the separate pole sign to be the same 8.9 metre height under the DCP provisions for pole signs. So, the height of the pole sign should be reduced to the real, non signage tower, height of the building.
- 4. The property is in an R1 residential zone, and we presume is zoned residential. The signs mentioned are illuminated. Therefore, for the amenity of nearby residents both day and night, it is inappropriate for signage to protrude above the effective height of the building.

Bathurst District Historical Society Cox's Road Project Group Amazing Bathurst NETWORK PARTNERS
Greening Bathurst
National Trust of NSW
Bathurst Family History Group

Bathurst Town Square Group Miss Traill's House Boundary Road Reserve Landcare Group

www.heritagebathurst.com

heritagebathurst@gmail.com

BATHURST – HERITAGE CITY

Attachment 9.1.3.18

Therefore, both the signage tower and the pole	e sign are too high, and should be reduced to the
real height of the actual building or lower.	

Yours faithfully,

AW Bathgate Convenor Bathurst Heritage Network

Bathurst District Historical Society Cox's Road Project Group Amazing Bathurst NETWORK PARTNERS
Greening Bathurst
National Trust of NSW
Bathurst Family History Group

Bathurst Town Square Group Miss Traill's House Boundary Road Reserve Landcare Group

www.heritagebathurst.com

heritagebathurst@gmail.com

BATHURST – HERITAGE CITY

BATHURST REGIONAL COUNCIL

No. 2

REF 2019 367 027 BATHURST REGIONAL COUNCIL

1 6 DEC 2019

Mark and Donna Kinsela 330 Howick Street, **Bathurst** 11/12/2019

To: Mr. R. Denyer

Manager Development Assessment

Re: Development 2019/367 at Lot 1 DP:737574 105 Stewart Street Bathurst, 103 Stewart Street **Bathurst (Taco Bell)**

Dear Mr. Denyer,

As residents of 330 Howick Street for the past 32 years we, Donna and Mark Kinsela, are writing to raise our concerns about the proposed development.

Objection 1 - Noise pollution

The area is predominately residential with a mixture of small commercial premises excluding the motel. Most businesses operate during business or daylight hours and have done so for the 32 years in which we have resided at 330 Howick Street.

A take away establishment is not compatible with the current amenities of the area. The area has a hotel, car hire and retail glass and hobby outlets. There is neither take away food nor alcohol retail in the immediate block outlined for development.

If the DA were approved there would be increased noise from:

- Traffic congestion in the drive thru as well as from the car park. In the DA the applicants recognise the drive thru as a potential issue, although only as an odour emission issue, the fact is it will elevate noise pollution in the immediate area. They advise they will mitigate the impact by placing a sign that will request cars to turn off their engines, whilst waiting for the drive thru. We accept that many newer model cars do this however a major group of clientele for the establishment will be a younger audience who will drive older vehicles. How can this initiative be enforced, many customers will refuse to take such action and as such the noise from traffic will be intrusive on the local residents.
- In addition they suggest they will close the drive thru. Who will be the decision maker on this course of action? How will council enforce this action? Businesses are not in the practice of sending away customers or inconveniencing them. They exist to make profits.
- Deliveries will potentially be during the evening between 10 and 11pm. How does this help residents? This is an historically significant area of Bathurst being part of the original grid planned township and located in the Bathurst Heritage Conservation Zone. The house we live in is over 100 years old and as such the bedrooms are at the front of the homes, deliveries at this time will be disruptive. Such deliveries between these suggested hours will lengthen the noise pollution experienced by the residents of both Howick and Stewart Street. This suggestion is being made to suit the business and it Is not a reasonable response to the noise pollution such a development will bring.



GHVHDHA

- The DA references reasonable noise allowances however who determines what is reasonable in a residential area? The current businesses in the area are certainly reasonable as they produce zero noise impacts outside daylight business operating hours. A take away food outlet operating a drive thru and a restaurant from 10 am to 11 pm 7 days a week is not reasonable and should not be inflicted upon the local residents.
- Clients using the establishment will also bring additional noise pollution with car stereo music which will be especially prevalent in the warmer months. How will this be managed?
- The volume of the speaker box during the evening will also impact local residents until 11 pm at night. Despite the DA claiming the noise levels are 'within reason' as a resident, I claim they are not as they do not exist today. Noise travels some distance just last weekend December 8th we could hear the carols from Machattie Park a pleasant and happy reminder of our community. They are not the unpleasant sound of a repetitive food order from 8 am to 11 pm each day. What plans do the applicant and council have to manage this noise element of the application?
- As previously stated, the area is one of the oldest in Bathurst and as such bedrooms in the area are located in the front rooms of the homes. Most heritage homes are situated within 3 metres of the street unlike new developments where homes are built 6-8 metres from the property boundary. This close proximity to the street will mean residents in the area are closer to all the impacts of the proposed new business and the noise of its customers both car and foot traffic.
- Taco Bell also advertises 'Beats at the Bell' where live music is provided every Saturday. As residents of the area we will be exposed to this regardless of whether we are patrons or not. The DA makes no mention of live performers every weekend. Why has this been omitted?

Objections 2 - Traffic congestion

The proposed DA will increase the traffic volume of both Howick and Stewart streets.

- Howick Street is a major artery to the Bathurst Hospital. Ambulances travel this way to the Bathurst hospital daily. The additional traffic on this corner has the potential to impede ambulance flow and in doing so put at risk people's health and lives. I acknowledge this is not a deliberate move of the DA applicant or of any councillor who approves the application however increased traffic congestion on this corner will be a by-product of the DA should it be approved.
- One only has to look at the traffic congestion at Kentucky Fried Chicken or the entrance to the Bathurst City centre Shopping centre where traffic is often queued back onto the roundabout. MacDonald's had to widen their driveway and build a second Drive thru lane to remove traffic blocking Durham Street. Placing a takeaway establishment on the corner of Stewart and Howick Street will impede traffic travelling east on Stewart Street as well as potentially traffic travelling to the CBD in Howick Street. How does the council intend to manage queuing traffic up Stewart Street attempting to gain access to the drive thru? Will they be placing a do not queue across intersection sign or keep clear markings?

• The DA advises there will be car parking for 1 staff member. I am sure the establishment will require more than 1 staff member to operate the facility. Where are the staff to park? In addition should the car park be full where will additional guests park? How the applicant and council guarantee residents and their visitors will have access to parking in front of their homes. Is the council going to restrict parking in Howick and Stewart Street to residents and their guests only?

Objection 3 - Odour pollution

- How will Food waste be managed, how frequently will bins be emptied? At what times will bins be emptied?
- The current businesses in operation add no odour pollution to residents. Drive past KFC during
 the summer months and you are quickly confronted by the cloying scent of the 'secret herbs and
 spices'. Residents of Howick Street and Stewart Street will have inflicted upon them the smell of
 Mexican take away food on a daily basis.
- Exhaust fumes from cars using the Drive Thru will also add to odour pollution. As I previously stated, the DA applicant advises they will ask patrons to turn off their engines, I repeat my question who will determine when this is necessary. They also advise they will close the Drive Thru, again who determines when this is necessary? What will be the trigger for employees to take this action?

Objection 4 - Light pollution

- The proposed development also indicates a large sign will replace the existing sign. The facts are that the existing sign has not been used since Mitsubishi moved out more than 10 years ago. In addition this sign was not illuminated at night. Residents in the area will be impacted by light pollution from the new signage from at least 10am to 11pm. Again, with bedrooms at the front of homes this light will penetrate people homes and potentially their ability to sleep.
- In addition, there will be increased traffic in Howick Street from people attending the restaurant from 10 am to 11pm this increase will see additional car lights as they enter and exit the car park adding to the light pollution people will be impacted by.

Objection 5- Out of Character

 The new development as a high traffic business is not in keeping with the character of this heritage listed residential area.

- The area is predominately residential homes where people take refuge from their busy lives. In recent years homes in the area have been renovated to improve the street scape.
- Many of the homes in the area have been standing for 100 years or more. How is a Taco Bell in keeping with the character of this historical area of Bathurst?
- Taco Bell also advertises the service of alcohol including happy hours on Saturday evenings. Again, how is such a business maintaining the character of the area.
- Councillor Alex Christian publically declared this area is a 'perfect location' as there is a lack of similar business this end of Stewart Street this further highlights that the establishment would be out of character for this predominately residential area.

Additional Questions

- The DA advises that specific mechanical equipment plant are to be finalised and that we are to assume they will install similar equipment to prior restaurant of a similar nature. What if they don't, how will council ensure that they do?
- What will be the real operating hours of this business? The DA suggests some elements will
 operate less hours for example what time will the drive thru close given the DA advises early
 evening? Define early evening?
- What guarantee is there that they outlet will not be granted longer operating hours in the future?
- Why does the DA contradict itself? In one area it advises deliveries will be between 7am and 6pm and in another it advises deliveries may occur between 10-11pm. Which is correct?
- The current plans show no outside seating, will there be outside seating now or in the future? If there is outside seating will there be external speakers piping music outside?
- Will there be loss of vegetation on the verge Will the current trees remain?
- What happened to the town planning philosophy of keeping similar business together?
- Will there be alcohol consumed on the premises? When we approached the council, they advised they were unsure and the response was "that is a good question?"
- How long do they have to complete work? Another DA on the corner of Howick and Peel has taken years to complete and local residents have been inconvenienced through blockages of pathway for many months at a time?

- Will the signage be lit all night?
- Does the current DA plan for signage meet council requirements?

In closing, we are not opposed to progress or additional services being provided to the residents of Bathurst. We are opposed to bad planning and this is what we are highlighting in this submission.

A much better location could be found for his establishment. It would be better planning by council to keep the big corporate fast food companies in a grouped location such as we have today with KFC, Hungry Jacks and MacDonald's. There is a location on the corner of Durham and Rankins Streets where there are already numerous retail outlets. Alternately a location in Kelso would be far better suited than on the last intersection before turning onto Durham Street off the Great Western Highway.

Councillor Warren Auburn, a member of the Traffic Committee has publically stated that should the establishment prove to be more successful than anticipated it is always possible to re-examine the impact on the intersection and traffic. Why would we not consider the growth of potential business in this application? Again, Taco Bell would not be setting up this business if they did not believe they could develop it into a profitable growing business. To do so later may work for traffic control however what about the other impacts on the local residents of a more successful Taco Bell.

What re-examining will the council ensure occurs in relation to noise, light and odour emission and other impacts on the residents of Stewart and Howick Streets.

We also want to respectfully remind all councillors that if this DA is approved the decision made will have a negative impact the lives of long serving rate payers who live in both Stewart and Howick Street.

If we were to contact a councillor each time we were disturbed by the operation of this proposed new business, this would be considered a form of harassment and we are sure action would be taken against us. However, as a resident of the area we will not have the right to take action each time we are inconvenienced or disturbed by this development as we go about our daily lives. We instead are expected to accept this inconvenience as 'progress' despite the negative impacts it will have on our lives.

Thank you for your time in consideration of these objections.

Donna and Mark Kinsela

Attachment 9.1.3.18

2019/367/025

No. 3

From: Lyndall Whiley <lyndallw@gmail.com>
Sent: Sunday, 15 December 2019 9:20 AM

To: Council

Subject: Objection to DA 2019/367 Taco Bell

Attachments: Taco Bell DA.docx

To :General Manager, Bathurst City Council DA:2019/367 Taco Bell

Lyndall Whiley 114 Stewart St Bathurst 2795

M. 0421 139422

E. lyndallw@gmail.com

Please find attached the reasons for my objection

Report this message as spam

Attn: General Manager

DA: 2019/367 Taco Bell

From: Lyndall Whiley

Email: lyndallw@gmail.com

Mobile: 0421 139422

I am the owner of 114 Stewart St, Bathurst- on the corner of Stewart and Howick Streets.

I strongly object to the Development Application No 2019/367- erection of a Taco Bell Drive thru, on the following grounds-

Pedestrian Safety

Even with the existing pedestrian refuge facility, it is at present, extremely challenging crossing Stewart St from the corner of Stewart and Howick, in front of my home. The daily traffic volumes quoted in the Traffic Assessment report - Eastbound 3,032 vpd and Westbound 3,022 vpd, highlight why this is so. I regularly watch people with prams and young children, or elderly residents, struggling to make it to and from the middle refuge.

If the proposed development went ahead, pedestrians crossing the highway would find this even more dangerous as they would then have to factor in

*vehicles slowing to enter the Taco Bell driveways

Furthermore, I have concerns about risks resulting from pedestrians coming to and from the nearby CBD to *Taco Bell*. This fast food outlet would attract school children, families and other young people walking from the CBD as well as *Taco Bell* employees walking to work. All these people will have to negotiate a very complex traffic situation in order to cross the busy highway. It would be unlikely that they would walk an additional two blocks out of their way, in order to access the pedestrian crossing on the corner of Durham and Stewart Streets or an additional four blocks to cross at the lights on Keppel and Stewart.

Visiting motorists passing through Bathurst do not anticipate encountering pedestrians crossing the highway at the Stewart and Howick intersection. It is not in a built up area like upper Stewart and no traffic lights or marked crossing exist. However, it would be impractical to place another set of lights or a pedestrian crossing there as it is so close to the one on Stewart and Durham. The highway flow would back up if there were 3 sets of lights in 4 blocks.

The increase in pedestrians crossing the highway to reach *Taco Bell* concerns me greatly as I believe locating a fast food outlet on the opposite side of the highway to the CBD would have a negative impact on the safety of both pedestrians and motorists.

^{*}traffic slowing to accommodate vehicles exiting the premises.

^{*}westbound vehicles waiting to make a right hand turn across the highway to access the food outlet.

^{*}more cars turning left out of Howick across their path.

Motorist Safety

Having lived directly opposite for many decades, I have seen numerous accidents occur right in front of the proposed *Taco Bell* site. Although I have not kept a record of these incidents, I have been able to locate photos and articles about three that have been published. I urge councillors to follow the links for more details about these accidents.

Sept 2017 Emergency Services were called to the accident, near the intersection of Howick Street, at 12.25pm on Sunday following reports that a car had left the road and crashed into a house.





 $\underline{\text{https://www.westernadvocate.com.au/story/4944519/man-45-taken-to-hospital-after-car-crashes-into-house/}$

June 2011 A MAN was lucky to suffer only minor injuries in a spectacular crash at the intersection of Howick and Stewart streets yesterday, where a car became airborne and landed on its roof in a Stewart Street car yard.





https://www.westernadvocate.com.au/story/918547/a-lucky-escape-after-car-flips/

March 2013 A minor accident which had one car overturned on highway Stewart Street, caused minor problems with traffic as police directed traffic away from scene until tow trucks righted car.



http://www.bathurstscan.com/bathurst-accident-stewart-street/

I believe it is just a matter of time before more accidents occur in this spot.

Traffic builds up speed going down this section of Stewart Street. The additional traffic movements in and out of the proposed fast food outlet, plus the complexity of vehicles making a right hand turn into the premises so close to an intersection, would greatly increase the risk of further accidents. More vehicles will attempt to make a right hand turn onto the highway across multiple lanes of traffic from the hospital side of Howick Street. This is very difficult now, even with the traffic numbers at present. The risk of rear end collisions will also rise as cars on the highway stop to turn into the premises. If more people and vehicles were concentrated into this area, the likelihood that someone will be badly injured or killed will be increased.

Unsuitable Location

This proposed site is in a R1 – General Residential Zone

Other fast food outlets such as *MacDonald's* or *KFC* are clustered within the Bathurst CBD, not in a residential area. Patrons can walk safely to these outlets because of traffic lights and pedestrian crossings. Other fast food outlets are located in commercial or light industrial areas.

Fast food outlets in the CBD or close to other commercial areas, place customers in the vicinity of other shops and businesses thus strengthening the local economy. Council should not be drawing customers away from the CBD to a site in a residential area.

Impeded Ambulance Access

Ambulances going to the hospital directly up Howick Street may be delayed due to congestion near the *Taco Bell* Howick Street entry. Traffic may be queuing to enter the drive through or car park.

Extended Operating hours

At present 103 Stewart St, is used by a company which operates during business hours and only has a relatively small volume of customers frequenting the site.

However, *Taco Bell* will open seven days a week. Opening times will be 10 am -11 pm on Friday and Saturday and 10am-10pm on other days. The hours that staff will be on site will be extended beyond this as they will be setting up, preparing food, packing up and cleaning outside of operating hours. Hence, the disruption to residents is likely to be all week until approximately 11 or 12 pm.

After searching the websites of restaurants and take away shops in the CBD, I found that nearly all close between 9pm and 9.30pm. It is unacceptable to allow a fast food outlet, outside the CBD and in a residential area, to have a closing time of 10pm to 11pm.

Noise

During these very long opening hours, residents such as myself, will be subjected to noise from the mechanical plant, supply and exhaust fans, air conditioning units, car doors closing, cars entering and exiting, cars going through the drive thru, delivery trucks manoeuvring and garbage trucks collecting waste, plus very intrusive noise as staff talk through the speaker boxes in the drive thru. There is no guarantee that the planned acoustic screens will satisfactorily mitigate the effect of the huge increase in noise levels outlined in the *Noise Assessment Report*. It is concerning that the report predicts levels that are already so close to the accepted guidelines.

In addition, there will be a lot more noise from patrons talking in the carpark and the surrounds of the outlet. Some patrons will avoid negotiating the carpark altogether and park instead in neighbouring streets, thus creating more noise for residents. There will be increased noise as people walk along Howick St, to and from the CBD, or while congregating in front of my house to wait for a break in traffic in order cross the highway.

.

The increased noise generated by patrons is not something *Taco Bell* can control, or measure in their reports, however it will affect residents greatly. All this extra noise will be particularly intrusive at night as any of these sounds will be heard quite clearly through my front bedroom windows.

More noise will also occur as employees arrive or leave the premises in order to complete tasks outside of operating hours

Light Pollution

There will be additional light coming into my bedroom from the three large illuminated signs.

I note that in the DA, no curfew applies to these signs, hence the illumination will be 24 hours a day.

Also, I will frequently have car headlights shining onto my house as drivers wait in the driveway of the Stewart St exit until there is a gap in the traffic.

Odours

Filtered odours from cooking will be dispersed into the neighbourhood. *The Odour Assessment Report* sighted wind drifts from 2018 but that year may not be reflective of all years, as weather patterns change, so the effect on residents is unclear. Odours from other fast food outlets in Bathurst are obvious to passers-by. There will also be odours from waste storage, plus exhaust emissions from cars waiting in the drive thru, particularly if serving times are delayed.

Litter

Frequently, people walking past my house throw drink containers and food wrapping on the grass verge of my property or poke it into my hedge. I am concerned that this littering would increase with pedestrians and traffic leaving this fast food venue.

Finally

Many of the reports submitted with this DA on traffic flows, noise etc. are based on the assumption that because *Taco Bell* is not as well-known as MacDonald's or KFC, patronage will be less. However, this assumption may not be correct. As one of only a few *Taco Bells* in NSW and being the world's largest Mexican take-away chain, it may attract larger volumes of patrons due to its novelty value. Hence the traffic problems and disruption to residents may actually be <u>understated</u> in these reports.

The proposed location is completely unsuitable. Locating a fast food outlet on such a dangerous intersection would place customers and employees, as well as other passing pedestrians and motorists, at risk.

As it is situated in a Zone R1- General Residential area, there would be unacceptable noise, litter, illumination, odours, inconvenience and disruption to residents, 7 days a week for long hours.

Therefore, I urge the council not to approve this development on this particular site.

Attachment 9.1.3.18

2019/367/026

From: wayne feebrey <feebs4@bigpond.net.au> No. 4

Sent: Sunday, 15 December 2019 11:56 PM

To: Council
Subject: Taco Bell D.A.
Attachments: Taco Bell.docx

Dear BRC. Please find attached the Bathurst and District National Trust submission re proposed DA Taco Bell. Development 2019/367 at Lot 1 DP:737574 105 Stewart Street Bathurst, 103 Stewart Street Bathurst (Taco Bell).

Many Thanks, Wayne Feebrey Deputy Chair Bathurst and District National Trust

Sent from Mail for Windows 10

Report this message as spam

Attachment 9.1.3.18



The National Trust of Australia (NSW) Bathurst and District Branch

14th December 2019

Mr. R. Denyer

Manager Development Assessment

Re: Development 2019/367 at Lot 1 DP:737574

105 Stewart Street Bathurst, 103 Stewart Street Bathurst (Taco Bell)

Dear Mr. Denyer

As always, the local branch of the Trust appreciates the opportunity to comment upon this DA. Whilst the Trust does not take issue with Taco Bell wanting to establish in Bathurst per se, our main concerns revolve around the proposed location of the business. In recent weeks, the Trust has been approached by a number of residents of Howick Street, adjacent to the proposed DA, to make comments on their behalf.

Residents have spoken of their concerns in several key areas, including increased traffic flows and congestion, parking issues, increased pedestrian flows, pedestrian safety, noise pollution, light pollution, odor pollution from food cooking smells, long opening hours, delivery and garbage truck noises, alcohol consumption and live music noise, amongst others.

It must be remembered that this locality is a predominately residential area. It is in the heart of Bathurst's Heritage Conservation Zone, and in an historically significant precinct. Many of the homes in this area are over 100 years old and their owners have spent substantial time and money renovating, extending and improving them, often with the help of Council's Heritage Fund.

These older houses are largely built closer to the street, with bedrooms at the front of the house. Hence, noise, traffic, light, odor and the other issues highlighted above, will have a much more significant impact upon the privacy, peace and well-being of these locals.

A multi-national chain restaurant with a busy and noisy drive through is not compatible with the current heritage and residential values of this precinct. There are presently no similar businesses in this locality.

The Trust would argue that there are much better locations for this business in other parts of town, including the opposite end of Stewart Street, which already has a commercial strip; the MacDonald's and KFC precinct in Durham Street as well as the new extensions to the Sydney Road commercial strip at Kelso - Raglan.

The Trust believes that the Taco Bell proposal on this site is highly inappropriate. It is completely out of character for a residential area where locals take refuge from their busy lives. It would be unfair to inflict upon these homeowners a host of daily and nightly disruptions when many have done so much to contribute to the heritage character of these streetscapes.

The issues of the appropriateness and height of the proposed Taco Bell signage and the real potential for continued "commercial creep" along Stewart Street are areas of real concern that the Trust have identified. An approval of this proposal would call into question the commitment of town planning to protecting our heritage housing stock and the potential for significant economic returns from heritage tourism, done well.

We trust that these comments will help Council in their determination on the proposed development.

Yours Faithfully, Wayne Feebrey Deputy Chair, Bathurst and District Branch of the National Trust.



The General Manager Regional Council Bathurst NSW 2795

15th December 2019

BATHURST REGIONAL COUNCIL

BATHURST REGIONAL COUNCIL

RE: Development Application No 2019/367 - Taco Bell

17 DEC 2019

From: 2-101 Stewart Street
Bathurst NSW 2795

REF 2019 367 029

I write to express objection to the above

The boundary/back fence will be 2.2 metres from the proposed acoustic fence on the drive-thru of the proposed development. I have the following issues/concerns:

Development Application- Planning Report and Statement of Environmental Effects

. document - element of doubt as to validity

Noise/Sound/Disturbance/Construction noise

- loud speakers
- . idling cars queuing
- . music
- garbage collections
- truck deliveries
- . hours of operation
- refrigeration
- air-conditioning
- construction noise/disturbance

Smell/odour

- cooking smells
- . garbage
- . litter
- car fumes

Traffic

Following is documentation in support of my objection.



DEPBS

Document: Development Application

Planning Report and Statement of Environmental Effects

Firstly: The above document makes reference to Tamworth Regional Council

- i) Table of Contents ... Tamworth Regional Local Environmental Plan 2010 (clause 2.1: p.4)
- ii) Table of Contents...Tamworth Regional Development Control Plan (clause 2.3: p.4)
- iii) Territorial Re-enforcement...The whole section refers to Roderick Street property boundary (22.0: p.51) not a Bathurst Street

This suggests that the document was initially prepared for Tamworth Regional Council. It indicates that the submission, or parts thereof, is not relevant to the proposed development. The complete document could be compromised.

Secondly: Council Pre-Application Meeting 25th September (1.3: p.12)

The existing block of units on the boundary/back fence line of the proposed development (northeast) ie 101 Stewart Street, was not listed as a point of discussion.

The proposed acoustic fence will be 2.2 metres from the fence line, which makes it 5.2 metres from the unit.

... "The relative position of the Project to residential premises would be generally similar to the other fast-food operations located within the Bathurst Regional Council area. (Environmental Noise Assessment: p.6)

KFC and McDonalds don't appear to be as close to actual residences as this proposal. The impact the development would have on occupants, health & well-being and devaluation of property, should be given serious consideration.

Noise/Sound

Document: Environmental Noise Assessment

The report provides *actual* measured noise information and *calculated* noise information for four sites (noise sensitive receptors - Table 1: p.6 plus Figure 1: p.7) chosen to represent the residential areas surrounding the proposed development.

- my residence, is immediately adjacent to the north east of the proposal. The boundary is 2.2 metres from the proposed acoustic fence around the drivethru adjacent to the pick-up point. Noise receptor R2 falls precisely on the unit.
- the current measured noise levels at site R2 are for the evening (6pm-10pm) 34 dba, and early night (10pm-11pm) 31 dba.
- the calculated noise level at site R2 for the drive-thru only operation is *up to 50 dba* (Table 10: p.19). This has assumed that all attenuations, including acoustic fence, are in place.

That would indicate a significate increase in noise levels which would impact on my residence. Any noise increase on an ongoing basis would be unacceptable.

There is no evidence that the proposed acoustic fence will suffice in reducing the noise level to my unit, and I can't find any reference as to what type of acoustic fence is proposed.

2

Smell/Odour

Document: Odour Assessment Report - Todoroski Air Sciences - 20 November 2019

The repeated use of the words "unlikely", "likely" and "are expected" (not so often) throughout the report is not very assertive and does nothing to lessen concerns.

The report has been based on the 2018 Annual and Seasonal windroses - Bathurst Airport (figure 4: p.5). The weather patterns changed dramatically in 2019. It has been a very different year, and according to environmental and meteorological science, changes will continue.

It does not address the consequences of nil air currents to move emissions (p.6). This scenario should not be dismissed particularly in the present changing climate.

I don't believe i) that air quality would not be compromised and ii) that ... "The nature of the odour from the Project is not considered inherently unpleasant and the Project is anticipated to have minimal effect on existing conditions. (p.6).

Apart from food/cooking odours there are so many other contributing factors - including increased odours from waste, garbage and car emissions.

Other potential air emissions (p.7)

One or more poorly tuned or malfunctioning car would apply to any number of P-Plate owners who typically would be drive thru customers. Also, the unwillingness of some drivers to adhere to road rules, indicates that a sign "please switch engine off" would be totally ineffective.

Traffic

...(vi) "will further activate the established A32 highway corridor" (Development Application - Planning Report and Statement of Environmental Effects - Recommendation to Council (Conclusion 22.0: p.56).

I don't know what this means, but anything that impedes smooth traffic flow would be detrimental.

The recently high-lighted problems in George Street to and from Kelso, over the Hereford Street Low Level Bridge, with built up traffic turning into KFC, should be an example of how extra traffic and lights could cause potential problems.

Rubbish/Litter

It is not hard to envisage the amount of rubbish and litter that would appear on the footpaths in and around the area. Taking into account that Bathurst High School and Bathurst Base Hospital are both within walking distance and the extra foot traffic that could be generated and possibly will be, resulting in rubbish and litter being left around surrounding streets. As it is now, the front property of 101 Stewart constantly has rubbish thrown on the footpath and over the fence. Without a doubt this will increase.

Overshading of Property

It is difficult to judge what impact the acoustic wall would have on my property but...it is highly possible and probable, that a negative affect would result (eg back door looking directly at acoustic fence with *future vertical landscaping*).

3

Hours of Operation

There are conflicting statements on the hours of operation. Please refer to Document: Development Application-Planning Report and Statement of Environmental Effects -

- . Proposed Trading Hours the proposed trading hours are set out in Table 1. (1.1: p.11) is different to
- . Proposed Hours of Operation the trading hours will not alter and will be retained as detailed (19.9: p.51),
- . Plan of management Bathurst Safety/security management practices store will also only operate one drive thru window from midnight to 6am 7 days a week. (v) page 1

 This is the only reference to all night trading and it is really concerning.

Also refer to Document: Environment Noise Assessment

- "the proposed operating hours are as follows: 10 am to 11 pm Monday to Sunday" (2.1: p6)
-"it is anticipated that the restaurant will operate up to 11pm, 7 days per week" (5.4: p.14)

Construction noise/dirt/dust/privacy

Document: - Development Application-Planning Report and Statement of Environmental Effects ... "Potential adverse impacts arising from the development include:- (i) dust, noise and traffic from construction activities. These impacts on surrounding premises will be temporary in nature with mitigation measures to be included in the construction management plan to ensure construction impacts on surrounding premises are kept to a minimum" (19.8: p.50)

There is no doubt that the dust, noise and traffic during construction will have an impact on surrounding premises. Temporary could mean 1 week - 1 year or anywhere in between.

- . what mitigation measures would be put in place for the problem of dust and dirt? This has been horrendous in Bathurst the past few months it is not likely to abate in the near future and would be unbearable if this project went ahead. Health wise it could be disastrous to surrounding residents. There would be problems with hanging clothes on line and having to keep doors and windows closed on that side.
- . it is not possible to cut down noise of earth moving equipment etc. It would be invasive and constant. There is nothing to say that there would be relief at weekends.
- . because of the reconstruction of the existing fence line I am concerned my privacy would at some stage, if not permanently, be impinged upon.

Another Issue

Document: Development Application-Planning Report and Statement of Environmental Effects

..."the existing building on lot 5 was previously operating as a Service Station which was decommissioned" (p.31)

The Report states that lot 5 was previously a service station, and also that the Avis Car Rental utilizes the original concrete driveway. There is no reference to the original underground fuel tanks and whether or not they had been removed. So it is highly probably that they are still there, and that the soil would be contaminated. This would be another potential issue which would have a direct effect on neighboring properties.

4

In summary

The development project is incompatible with the surrounding residential properties and will have a negative impact on Environmental Standards and Property Value. There are 7 units in the complex of 101 Steward Street, and three are owner occupied. It is causing angst and anxiety.

Based on preliminary valuation advice from the DPD it is anticipated that the property will most likely suffer a decrease in value of approximately 10-15%. Whilst the acoustic impact is one element contributing to the diminution in value, there will also be the visual impact, increased traffic and the long-term blight suffered by adjoining properties.

I believe that if I was able to sell now (after the announcement) I would have already incurred that loss.

Even though the report indicates that the development meets the noise levels set out in the *Industrial Noise Regulations in NSW*, it does not properly address the additional noise impact on my unit which I believe is a very significant increase, and because of this I'm totally opposed to the proposed development.

It's hard to understand how Council could display for public comment, a document that does not appear to be relevant to the Bathurst Regional Council area.

Attachment 9.1.3.18 2019/367/028

From: Connie Gulson <connie.gulson@gmail.com>
LATE SUBMISSION

Sent: Tuesday, 17 December 2019 2:07 AM

To: Council No. 6

Subject: Attention! Fern Alice Finn . Environmental, Planning &Building Services Department.

Development Application No 2019/367. Premises: lot5DP: 1086710,lot1DP:737574 105 & 103 Stewart St,Bathurst. I Maria Gulson, 1 /101 Stewart St,Bathurst. Submission! Against this Development Application.... My concerns! My property value!!! The extra traffic at the intersection at Howick St . Noise. Litter . Cooking Odours .Loitering. I reside at Unit 1 /101 Stewart, I will loose the beautiful privacy! That I have treasured, for so many years in my back yard . It is a residential area! So let's keep that way. Thank you for reading my, submission. Regards Maria Gulson .

Report this message as spam

Attachment 9.1.3.18 2019/367/032

LATE SUBMISSION

No. 7

From: wayne feebrey < feebs4@bigpond.net.au > Sent: Wednesday, December 18, 2019 4:25:54 PM

To: Warren Aubin < Warren. Aubin@bathurstregionalcouncil.onmicrosoft.com >

Subject: FW: Taco Bell D.A. and Community Traffic Concerns

Dear Warren, The National Trust has been approached by residents of Howick Street with concerns about traffic flows, traffic safety as well as pedestrian flows and safety if the Taco Bell DA goes ahead on the corner of Stewart and Howick. One resident Donna Kinsela, has written the following:

"The proposed DA will increase the traffic volume of both Howick and Stewart streets.

- Howick Street is a major artery to the Bathurst Hospital. Ambulances travel this way to the Bathurst hospital daily. The additional traffic on this corner has the potential to impede ambulance flow and in doing so put at risk people's health and lives.
- One only has to look at the traffic congestion at Kentucky Fried Chicken or the entrance to the Bathurst City centre Shopping centre where traffic is often queued back onto the roundabout. MacDonald's had to widen their driveway and build a second Drive thru lane to remove traffic blocking Durham Street. Placing a takeaway establishment on the corner of Stewart and Howick Street will impede traffic travelling east on Stewart Street as well as potentially traffic travelling to the CBD in Howick Street. How does the council intend to manage queuing traffic up Stewart Street attempting to gain access to the drive thru? Will they be placing a do not queue across intersection sign or keep clear markings?
- The DA advises there will be car parking for 1 staff member. I am sure the establishment will require more than 1 staff member to operate the facility. Where are the staff to park? In addition should the car park be full where will additional guests park? How the applicant and council guarantee residents and their visitors will have access to parking in front of their homes. Is the council going to restrict parking in Howick and Stewart Street to residents and their guests only?
- In addition, there will be increased traffic in Howick Street from people attending the restaurant from 10 am to 11pm. This increase will see additional car lights hitting peoples homes as they enter and exit the car park adding to the light pollution from the restaurant and signs.
- The proposed development, as a high traffic business, is not in keeping with the character of this heritage listed residential area."

The Trust would ask that the Council Traffic Committee discuss this proposal as a matter of urgency and address the concerns of community members such as Ms. Kinsela. Will the Council or RMS be conducting traffic flow and safety audits? Will there be a safe pedestrian crossing built, or perhaps traffic lights?

Please also find above, a copy of the Trusts submission to Council re this DA proposal. Thanking you for your time and consideration,

Yours Faithfully,
Wayne Feebrey
Deputy Chair,
Bathurst and District Branch of the National Trust

LATE SUBMISSION

No. 8

From:

Sent: Sunday, 9 February 2020 6:41 PM

To: Bobby Bourke <Bobby.Bourke@bathurst.nsw.gov.au>

Subject: council@bathurst.nsw.gov.au

PRIVATE AND CONFIDENTIAL

Dear Mr Bourke

Bathurst born and raised. Graduated from Charles Sturt University and decided secured a position which is a service to the community. Secured a position which is a service to the ago, and has established as a respected resident and rate payer.

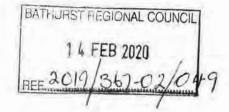
Since finding out about the proposed Taco Bell Development has considered selling the property. However, a valuer from the Department of Planning and Development estimated a drop of 10-15% pending the approval of the Development Application. This was a massive blow to someone who has saved for many years to purchase first home.
back fence and clothes line will be less than 3 metres; and living areas 5.2 metres; to the drive thru where cars will queue to pick up their food.
We understand that there are so many more determining factors in the decision to approve the development, and other residents who will be directly affected.
However, we invite you to please visit so you can see first-hand the proximity of property to the proposed development, and the detrimental affect the development would have on the health and wellbeing of one Bathurst resident.
We look forward to hearing from you and would be happy to accommodate a visit at a time that suits you.
Regards,
Report this message as spam

49



LATE SUBMISSION

No. 9



8th February 2020

Bathurst Regional Council

Town Planning Department

Russell Street

Bathurst NSW 2795

To whom it may concern

I write this letter to support the Taco Bell development at 105 Stewart Street Bathurst. Our business, Bathurst Heritage Motor Inn is positioned over the road from the proposed development. I believe both businesses will enjoy a mutual benefit, which is good for the city.

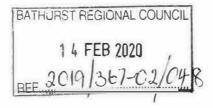
I can be contacted on ph. 0418649066 if required.

Thank you

Graham₂Spurway

DEPBI





LATE SUBMISSION

No. 10



To Bathurst Regional Council,

We are pleased to present our recommendation for your review on the proposed development for Taco Bell located at 105 Stewart Street.

Davcon Constructions was established 15 years ago and has taken success and achievement in its stride as the years progress. We are a small-scale, locally owned business that aims to create opportunities within the local community that are more prosperous, entrepreneurial, connected, and generally better across a wide range of metrics.

Davcon has been working closely with the developers to ensure the development meets all Australian standards and requirements of local authorities. We have also been working to minimise the effect of this development on the surrounding properties. The refurbishment works that are planned to be carried out on the existing house 103 Stewart street are to ensure the heritage value of this property is maintained and are in line with the heritage impact statement.

If the Development Application is successfully approved, and Davcon in procuring the development, this would positively impact the local community by utilizing local trades and suppliers ensuring that any revenue received from this project will stay and benefit local businesses and families. A project of this nature would ensure the employment of up to 50 local workers across all trades and suppliers. Given the current market down turn in the construction industry in the Bathurst region, a project of this scale will be significant boost to the local economy.

Thank you for the opportunity to participate in this tender. We are always happy with the prospect to grow our small local business and further the success and improve upon an already glowing reputation. If you have any questions, please don't hesitate to get in contact with me directly.

Sincerely,

David Storey

Date: 11/02/2020

Ph 0414 014 759 Fax 02 6332 3403 Email david@davcon.info Post Po Box 1056 Bathurst

DEPBI

47

No. 11



8th February 2020

Bathurst Regional Council

Town Planning Department

Russell Street

Bathurst NSW 2795

To whom it may concern

My name is Gary Pearce and I am an immediate neighbour of the proposed Taco Bell site at 105 Stewart Street Bathurst. I adjoin the site on the Howick Street side, my address being 305 Howick Street.

The reason for my letter is to support the development, as I believe it is good for the city of Bathurst.

Thank you

Gary Pearce

DEPBJ

LATE SUBMISSION

No. 12



8th February 2020

Bathurst Regional Council

Town Planning Department

Russell Street

Bathurst NSW 2795

To whom it may concern

I am writing to give my opinion on the development of Taco Bell at 105 Stewart Street Bathurst, which I support.

I purchased my property (95 Stewart Street) which is just near the proposed development, as an investment to develop one day myself, as it is located on the highway, hoping to attract this type of business.

Thank you

Mark Siegert

DEPB/

46

LATE SUBMISSION

No. 13



8th February 2020

Bathurst Regional Council

Town Planning Department

Russell Street

Bathurst NSW 2795

To whom it may concern

My name is David Simpson and I am a resident at 118 Stewart Street, which is diagonally opposite the proposed site for Taco Bell and I wish to let you know that I support the development at 105 Stewart Street Bathurst.

I can be contacted on Ph. 0427399362 if needed.

Thank you

David Simpson

83

LATE SUBMISSION

No. 14 BATHURST REGIONAL COUNCIL.

2 3 MAR 2020

REF 2019 367-02 083

19 March 2020

Raine&Horne.

The General Manager **Bathurst Regional Council** Russell Street Bathurst NSW 2795

Dear Sir

Development Application - Taco Bell

I am aware of the development application before Bathurst Regional Council for the proposed Taco Bell site on the corner of Howick and Stewart Street's.

As a local business person, concerned for the continued growth and prosperity of our region, I would encourage any development which promises to bring with it long-term employment, particularly for our youth.

Given the current environment there is a real likelihood that our unemployment rates will rise and, as such, we should be welcoming any opportunity that brings with it employment growth.

Director





No. 15

Ainsley Bruem
Transport NSW
Roads and Maritime Services
Development Assessment



The National Trust of Australia (NSW)

Bathurst and District Branch

Re: Development Application 2019/367 Proposed Taco Bell Fast Food Outlet at 103-105 Stewart Street Bathurst.

Dear Madam

I am writing on behalf of the Bathurst and District Branch of the National Trust of Australia (NSW) to advise you of the development application that has been lodged with Bathurst Regional Council for a Taco Bell fast food outlet proposed for 103-105 Stewart Street (A23). Bathurst and District Branch is concerned that the potential traffic issues of the proposal in this location raised by the residents have not been adequately considered by Council.

The proposal is for a 42-seat restaurant with 21 off street car parking spaces and entry and exit onto Stewart Street (A23) as well as an entry exit onto Howick Street, Bathurst. The development application includes three (3) illuminated Advertising signs, one 6.44 metres high facing east bound traffic on A23 and two, 7-metre-high signs located on the building.

The source of concern for the residents is the location of the development on a small site on the intersection of the highway, that is not controlled by traffic lights, and is the direct emergency access by ambulances to the Bathurst Hospital.

The proposal indicates that 10 persons per shift will be employed and due to the limited parking on site, there is no provision for staff parking. Bathurst as a country town has no public transport and all staff will require private transport to reach the site. This means that staff vehicles will be parked on the street including the highway.

Further customers travelling west on the highway will most likely park on the highway and walk across four lanes of traffic to access the Fast Food outlet. Alternatively, traffic will attempt to turn right across the east bound traffic into Howick Street causing delays to the west bound lanes and potentially blocking the traffic lights at the intersection of Durham and Stewart Streets.

The proposed development is likely to cause traffic issues for the highway similar to those that are occurring at the intersection of A23 and George Street, Bathurst caused by the development of the KFC in George Street.

The Branch requests that the Roads and Maritime Services reviews the proposed development and recommends to Council that the application be refused on traffic safety grounds.

Yours Faithfully,

Elizabeth Stoneman and Wayne Feebrey, Executive Committee Bathurst and District Branch of the National Trust P/O Box 201 Bathurst

Attachment 931435\$80N

No. 16

BATHURST REGIONAL COUNCIL

30 MAR 2020

REF 2019/367-02/085

Peter Rogers C/- Prowash Bathurst 75 Durham Street Bathurst 2795

19/03/2020

General Manager Mr David Shirley Bathurst Regional Council PMB 17 Bathurst NSW 2795

Dear David,

There has been a lot of talk and comments in our local media re the proposed Taco Bell site situated at 105 Stewart Street.

As a part owner of the Car Wash placed right between KFC and McDonalds and across the road from Hungary Jacks we are at 75 Durham Street.

I would like to give some comments to the Council that maybe useful in its decision to approve/disapprove the Taco Bell site.

Although I don't have any shares or ownership of KFC or McDonalds or Hungary Jacks and I am certainly not a huge purchaser of their products, I must remined everyone what a huge impact they have on our local economy.

They are a huge drawcard to attract people travelling through Bathurst on the Highway to STOP at Bathurst (a feat that most towns spend a fortune on advertising trying to do). We get this for free. Admittedly some of their customers just grab a quick feed use their facility's and are on their way. But I have evidence from talking to some of these customers that in turn use our car wash that are going to take a break and look around our great city. They often park their car in the carpark and wander up town for a look, what a fantastic thing for other businesses to get an opportunity to sell something to these people.

Whether the people are either staying for a look or just a quick stop and on their way. They need to be served and looked after .The amount of employment opportunity from these take away places would be staggering. They are open 7 Days a week some 24 hours, most of these jobs are for our youth, which is so important in a society. It teaches them work ethic, gives them confidence, keeps them off our streets with noting to do.

At the moment with a lot of business struggling, mainly retail against their clients purchasing on line etc, we need businesses like Taco Bell, KFC, McDonalds etc where they don't have the internet competing problem to prop up our employment.

If the application ticks all the Boxes lets approve it without heritage and other emotion, it is and always has been a commercial site

Regards

Peter Rogers

DEPBS

LATE SUBMISSION

No. 17

BATHURST REGIONAL COUNCIL

26 March 2020

-1 APR 2020

TO WHOM IT MAY CONCERN

REF 2019 367-02 088.

McDuck Properties Pty Ltd proposed development of 103 and 105 Stewart Re: Street Bathurst

I am writing in support of McDuck Properties Pty Ltd application to develop the property in Stewart Street referred to above.

The proposed fast food restaurant development will generate much needed employment during its construction phase, and ongoing employment once the proposed restaurant has been completed and is trading.

I believe the site is an ideal location for the proposed development and the developer and subsequent tenants only option for the restaurant to establish itself in Bathurst.

Yours faithfully

14)

Ryan Cooney

RECEIVED 3 1 MAR 2020

BATHURST REGIONAL COUNCIL

DEPBS

LATE SUBMISSION

BATHURST REGIONAL COUNCIL No. 18

27th March 2020

Bathurst City Council 158 Russell Street BATHURST NSW 2795

Dear Sir/Madam

- 1 APR 2020

REF 2019 367-02 087



Re: Taco Bell Development

By way of quick introduction, we are a progressive accounting firm located in Bathurst.

Michelle & I having both worked in the accounting industry our entire careers which entails just on 55 years' experience, all of which has been in our local town of Bathurst.

We both commenced our accounting careers once graduating from CSU – Mitchell with a local accounting firm called CDH Cameron Deane-Butcher Hooper back in the early 90's and more recently establishing our own practice CDH Business Accountants in September 2017.

Recently we have observed articles in the local paper surrounding the proposed Taco Bell Development at 105 Stewart Street, Bathurst.

I would like to voice our support for this business coming to Bathurst and highlight a few key factors around business's and what they bring to a local economy:

- 1. One of the most personal advantages of businesses in the local economy is the boost in employment in the town This proposal is looking at the creation of approximately 50 jobs for the town.
- 2. A town with a thriving business environment encourages people to stay, making it economically feasible to do so.
- 3. Business's not only employ people they will spend money on services (tradespeople etc) & products with other local business's in the town.
- 4. Business's donate their time, money, goods and services to charitable causes as well as sponsor local sporting team and local school sponsorships etc.

In closing, when you support your local business's, you are supporting your community as a whole.

If you have any questions in relation to the above-mentioned matters, please do not hesitate to contact myself at our office.

Sincerely

Partner's

CDH Business Accountants

Brian & Michelle Weal

RECEIVED 3 1 MAR 2020

BATHURST REGIONAL COUNCIL



CDH Business Accountants Pty Ltd ABN 24 619 242 401 271 Russell Street, Bathurst NSW 2795 | PO Box 1196, Bathurst NSW 2795 Phone: 02 6334 3277 | Email: admin@cdhba.com.au

No. 19

Paul Seaman Plumbing & Earthmoving Pty Ltd

PO Box 24, Bathurst, NSW, 2795
Mbl 0412 559 710

ACN. 100354000

ABN: 94 168 254 699 ACN: 168254699

Plumbers Lic No. L14531

BATHURS I KEGIONAL COUNCIL

- 1 APR 2020

REF. 2019 367-02 086

30/03/2020

Attention to Bathurst Regional Council

To whom it may concern

This letter is in support of the proposed TACO Bell development at 105 Stewart St, Bathurst, NSW.

I am of the understanding that the proposed developer appears to be continuously held up by conditions applied by Bathurst Regional Council & additional continuous costs that these conditions apply.

I also understand problems that occur regarding properties fronting RMS road corridors, with proposed new developments, but there are thousands of business's fronting RMS roads across the country & many in Bathurst city itself.

Bathurst Regional council speak of the growth patterns of this city, diversified economy, job growth & sustainable infrastructure.

So here we have a proposed new business to the city that holds merit & will create a new piece of infrastructure possibly in excess of \$2 million, a possible 50 new jobs directly & indirectly to the city & jobs in the construction process.

This would have to be a positive for any community I would think.

I know the developer is trying to comply with all conditions received after the lodgement of the DA, both from RMS & Bathurst Regional Council, to bring this development to reality & bearing all the costs that occur in relation to the development.

It would be a shame if this proposed development did not get a green light to go ahead, for one the cost to date, to comply for development & second business people talk & are prepared to invest in business expansion or new business's in different communities, so if development becomes too hard & costly to achieve, the chance of losing this developer & ones to follow are of concern.

Kind Regards

Paul Seaman.



BATHURST REGIONAL COUNCIL



7.1. DA 2019/367 - DEMOLITION OF EXISTING COMMERCIAL BUILDING, CONSTRUCTION OF FOOD AND DRINK PREMISES AND CHANGE OF USE OF DWELLING HOUSE TO OFFICE PREMISES - LOT 5 DP 1086710 AND LOT 1 DP 737574, 103 AND 105 STEWART STREET BATHURST NSW 2795

File No: DA 2019/367/002

MINUTE

M. Feebry - On behalf of the National Trust - Bathurst Branch

- Residents have expressed a number of concerns and have requested the trust to represent. Issues raised include;
- Pedestrian safety, noise, alcohol consumption, opening hours, traffic flows, light pollution
- Development proposed is considered out of character for area

B. Lynch - Objection to development

- LEP issues and the question of compliance
- Illuminated nylon signs and other signage concerns
- Odour concerns
- Council has a responsibility to residents

S. Bathgate - Bathurst Heritage Network

- Existing businesses use rights on a property
- Signage will create a precedence
- Signage is large scale and prominent
- Traffic concerns
- Site is zoned residential
- This is substituting a daytime business
- Site is too small

D. Kinsla - 330 Howick Street Resident

- Not against Taco Bell at the right and appropriate location
- Has met with the developer and questioned the car numbers before drive through backlogs onto the road, there are traffic concerns and noted KFC issues
- Exhaust fumes and noise
- "Potentially" the site is too small
- Development will set a precedence

H. Abbott - Developer of the project

- Taco Bell have nominated site as the one and only site in Bathurst that is suitable
- Development is permissible within zone subject to DA
- Have received copies of submissions and are currently reviewing with the view to addressing concerns raised
- Tact Bell is owned by an Australia company
- Site is not too small

- Spoke to various reports that have been prepared, heritage, traffic, lighting etc
- Have complied with State and Council regulations

M.Wales - Planning consultant for the Development

- Will be addressing the concerns raised by the residents.
- Endeavouring to engage with the residents
- Development is permissible within the zoning
- Potential employment of 70 people part-time
- Traffic assessments undertaken by traffic agencies
- Noise impact undertaken by Environmental Noise consultants
- Currently working on responses to amenity and privacy concerns
- Odour control development will not add further adverse impact.

Alternate Recommendation

That Council:

- (a) as the consent authority, refuse consent pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979* to Development Application No. 2019/367, for the following reasons:
 - i. The development is not consistent with the objectives of the R1 General Residential zone under Bathurst Regional Local Environmental Plan 2014, being "to enable other land uses that provide facilities or services to meet the day to day needs of residents" and "to enable commercial development that is compatible with the amenity of the area".
 - ii. The commercial character of the proposed development (including the solid retaining walls and acoustic wall) will visually impact the neighbouring residential properties.
 - iii. The proposed landscaping is insufficient to screen the visual impact and lighting of the development from neighbouring residential properties.
 - iv. The noise generated by the development as a result of the extended hours of operation, the high amount of traffic and pedestrian generation, and the location of drive-through facilities in proximity of neighbouring dwellings is likely to affect the amenity of the surrounding residential area.
 - v. Insufficient information has been submitted to Council to determine whether odour generated by the development will have an adverse impact on the amenity of the surrounding residential area.
 - vi. The cumulation of all external lighting and illuminated, electronic and floodlit signage will increase the level of illumination currently experienced at the Eastern end of Stewart Street and will cause light spillage that will impact the amenity of neighbouring residential properties.
- (b) notify those that made submissions; and
- (c) call a division

Survey Responses

22 July 2016 - 04 May 2020

Renewable Energy Action Plan

Your Say Bathurst Region

Project: Renewable Energy Action Plan



visitors 35						
contributors 16			RESPONSES 16			
16 Registered	O Unverified	O Anonymous	16 Registered	O Unverified	O Anonymous	

Respondent No: 1
Login: lindsay cox

Email: williamcox1@live.com.au

Responded At: Apr 04, 2020 09:20:25 am **Last Seen:** Apr 03, 2020 22:11:00 pm

IP Address: 1.129.104.154

Q1. Name lindsay cox

Q2. **Postal Address** 86 cox lane Eglinton

Q3. Your email address williamcox1@live.com.au

Q4. Please outline your submission

I support Council expanding renewable energy. Council could look at providing electric power from major renewable sources for local purposes to provide cheaper power for all as other Councils are doing in NSW. This would become a profit centre for Council.

Q5. Would you like to upload a document?

Respondent No: 2

Login: amc

Email: alexxmc77@gmail.com

Responded At: Apr 07, 2020 15:17:57 pm **Last Seen:** Apr 07, 2020 05:14:51 am

IP Address: 124.168.129.246

Q1. Name Alex McAnulty

Q2. **Postal Address** 2/28 Torch St, South Bathurst 2795

Q3. Your email address alexxmc77@gmail.com

Q4. Please outline your submission

With numerous councils in NSW already committed to 25-50% targets for renewable energy use, its about time Bathurst made a commitment too. I think this is a great plan and we can always do more to be greener

Q5. Would you like to upload a document?

Respondent No: 3
Login: Peter Harris

Email: peterandrewharris@gmail.c

om

Responded At: Apr 09, 2020 12:33:27 pm **Last Seen:** Apr 09, 2020 02:20:00 am

IP Address: 61.69.255.22

Q1. Name Peter Harris

Q2. Postal Address not answered

Q3. Your email address peterandrewharris@gmail.com

Q4. Please outline your submission

I think it's great to see Bathurst Council adopting a renewable energy plan and target. I note that, although 50% by 2035 sounds ambitious, compared to the targets adopted by other NSW councils it is not particuarly ambitious so would encourage council to look at an even more ambitious target and show local businesses what's possible to achieve. The plan itself and the pathway for achieving each of the three targets looks well thought out and very achievable with current technology and prices. I would also be interested in seeing a strategy for natural gas and fuels when they're developed. Keep up the good work.

Q5. Would you like to upload a document?

Respondent No: 4

Login: Stuart Pearson

Email: stuart@bigpond.com

Responded At: Apr 09, 2020 17:29:05 pm **Last Seen:** May 02, 2020 05:37:50 am

IP Address: 110.150.150.121

Q1. Name Stuart Pearson

Q2. **Postal Address** PO BOx 1601 Bathurst NSW 2795

Q3. Your email address stuart@bigpond.com

Q4. Please outline your submission

Council's proposed targets for renewable energy usage doesn't go far enough.

Q5. Would you like to upload a document?

https://s3-ap-southeast-2.amazonaws.com/ehq-production-australia/e63ed2f80bae918ed584c6469f5108e3702e1a8d/original/1 586417308/Submission_to_BRC_re_REAP.docx_c4ee90cb47716a7 8d7c5237923f852b7?1586417308

Ordinary Meeting of Council Agenda - 17 June 2020 Attachments

Respondent No: 5
Login: Green307

Email: green120@tpg.com.au

Responded At: Apr 12, 2020 20:37:44 pm **Last Seen:** Apr 12, 2020 10:28:37 am

IP Address: 60.240.158.146

Q1. Name Diane Green

Q2. Postal Address 307 George St, Bathurst

Q3. Your email address green120@tpg.com.au

Q4. Please outline your submission

What can I say, but go for it! Be as self sufficient in renewable energy as is possible. I've installed a 5 kW solar system on my roof and am reaping the benefits. Don't hold back. The technology will improve over time, but mostly with battery storage. The panels I have installed are guaranteed for 25 years. The technology will have changed by then no doubt, but these panels will still be generating power then, so it's worth the gamble. Don't be too conservative in making the most of the technology that is available now. Do everything you can to reduce your reliance on coal fired power stations and gas as soon as possible.

Respondent No: 6
Login: tonyhatch

Email: tonyhatch@bigpond.com

Responded At: Apr 16, 2020 11:22:40 am **Last Seen:** Apr 16, 2020 00:45:47 am

IP Address: 110.143.126.222

Q1. Name Tony Hatch

Q2. Postal Address 438 Cow Flat Road, Cow Flat (Georges Plains)

Q3. Your email address tonyhatch@bigpond.com

Q4. Please outline your submission

I wish to applaud the Bathurst Regional Council for taking an active position in regard to energy consumption, in particular its reduction of electrical energy produced from fossil fuels. Although we do not depend on water from Council, we do need electrical energy and have installed a 9.9kW solar system to reduce our demand on the grid. Also, like Council, we have replaced all of our lighting with energy-efficient LED units where possible. Much as I would love to purchase an electric vehicle my budget does not allow this. Congratulations on the Renewable Energy Action Plan. I hope that you will meet and exceed all of your future targets.

Respondent No: 7

Login: Martin

Email: martinenergyconsulting@g

mail.com

Responded At: Apr 27, 2020 12:58:01 pm

Last Seen: Apr 27, 2020 02:53:39 am

IP Address: 1.129.106.17

Q1. Name John Martin

Q2. Postal Address PO Box 1110 Bathurst NSW 2795

Q3. **Your email address** johnny.martin67@gmail.com

Q4. Please outline your submission

More efficiency and renewables, low GWP air conditioning and transition away from gas. Increase in council taking the lead on renewables including solar farms.

Respondent No: 8

Login: Andrew Young

Email: andy.young2@optusnet.co

m.au

Responded At: Apr 29, 2020 12:45:51 pm **Last Seen:** Apr 29, 2020 02:36:40 am

IP Address: 1.41.165.90

Q1. Name	Andrew Young
Q2. Postal Address	47 Fry's Lane, White Rock
Q3. Your email address	andy.young2@optusnet.com.au
Q4. Please outline your submission	

I do not believe Councils target of 50% renewables by 2025 is ambitious enough, and a higher target of, say, 75% could be achieved relatively easily.

Respondent No: 9

Login: Bob H

Email: j.bhill2@bigpond.com

Responded At: Apr 30, 2020 16:02:45 pm **Last Seen:** Apr 30, 2020 04:00:18 am

IP Address: 120.155.14.55

Q1. Name Bob Hill

Q2. **Postal Address** PO Box 7 Millthorpe 2798

Q3. Your email address j.bhill2@bigpond.com

Q4. Please outline your submission

Renewable Energy Plan Bathurst Regional Council Bathurst Regional Council is to be congratulated on this impressive and useful document. The plan justifies the foresight that Council showed in 2009 in creating the position of Sustainability Strategy Officer. The record of Council in achieving financial and environmental outcomes from the introduction of energy efficiency measures and renewable energy deserves wider publicity amongst ratepayers. The plan sets out proposals clearly and explains complex options succinctly The targets are realistic and economically achievable. I would argue however that they could be extended to incorporate Renewable Target 3, 100% renewable by 2030. This would make Bathurst's targets consistent with those of most of the other Councils listed (p.20-21). This is a pivotal opportunity to fast tracks renewables projects as public authorities need to stimulate local employment following the COVID 19 lock down. Renewables are becoming cheaper and investing in them is an excellent use of ratepayers' money. We have recently experienced the impact of climate change through drought and longer, fiercer bushfire seasons. There is an increasing sense of urgency about implementing this plan. There are a number of other impressive features of the plan. It draws on the Council's experience working through other councils across Australia through the Cities Power Partnership to share advice and resources. It recognises (p23) that targets are not limits. It should be possible, where funding permits and economic stimulus is needed to fast track a number of proposals to increase speed with which projects are brought on-line. It recommends a two-stage review of the progress of implementation of the plan (p25) with an interim review in 2023. This is an important component of the plan since the renewable energy industry is fast changing. E.g. The main renewables source mentioned is solar, but the prospects for generating energy from methane at the waste treatment facility, from pumped hydro at Chifley dam and from biogas at the sewerage treatment works need to be re-visited regularly as developments in technology and pricing affects the feasibility of other forms of renewables. It might be more appropriate for the interim review to be held earlier however so that its findings can be considered when Council's electricity contract is being renegotiated in December 2022. The plan is not complete but proposes another plan setting emission targets (p6) and one for renewables in transport (p9). It makes sense, in a time of urgency, not to delay the adoption and implementation of the REAP. Separate plans focussing on emissions, on renewable energy and transport and also on council strategies to expand the use of renewable energy within the Bathurst community should all be developed to supplement the REAP. The REAP narrowly focuses on Council's use of renewables rather than its wider responsibility in relation to Bathurst's use of renewables. Many councils have been promoting renewable energy amongst their commercial and residential ratepayers. Advice services, bulk solar panel purchases for residents, facilitation of mini-grids in new developments etc should all be considered in a separate plan focussing on Council's responsibility for encouraging community use of renewables. The inclusion of the solar car park in the projects (p23-24) is welcome. A cursory look at the Bathurst CBD on Google Maps shows the extensive area that is devoted to bitumen and concrete car parks which contribute substantially to the urban heat effect in Bathurst and ultimately contribute to greater electricity use in air conditioning and cooling in the CBD and adjacent areas. An emissions reduction & energy efficiency policy should be a whole of council responsibility with implications for urban planning, engineering, parks and gardens etc. Bathurst clearly needs more shade trees in the CBD, but in the absence of tree shading in public carparks, Solar shading can serve a number of purposes, generating electricity, integrating electric car charging facilities, reducing the heat in parked vehicles and the ambient air temperatures and, properly designed, can also collect rainwater for local plantings. I look forward to seeing the plan implemented as quickly as possible. Bob Hill Ratepayer 68 Russell St

Q5. Would you like to upload a document?

Respondent No: 10

Login: Ingrid

Email: ingrid@bigpond.com

Responded At: May 02, 2020 14:25:25 pm **Last Seen:** May 01, 2020 10:02:40 am

IP Address: 110.150.150.121

Q1. Name Ingrid Pearson

Q2. Postal Address PO Box 1601 Bathurst NSW 2795

Q3. Your email address ingrid@bigpond.com

Q4. Please outline your submission

See attached

Q5. Would you like to upload a document?

https://s3-ap-southeast-2.amazonaws.com/ehq-production-australia/d2c79e59e1b22865119d251f3f1ad714f79affea/original/158 8393492/Council_Submission_Draft_REAP_2020-

2025.docx_c8fc39731cbbde11348131a25c9ba62c?1588393492

Respondent No: 11 Login: For BRC

Email: janfinlay1944@gmail.com

Responded At: May 03, 2020 11:11:50 am **Last Seen:** May 02, 2020 23:58:28 pm

IP Address: 59.102.67.197

Q1. Name Jan Finlay

Q2. Postal Address 368 Howick St

Q3. Your email address janfinlay1944@gmail.com

Q4. Please outline your submission

1. 33 page document too long for public. Clear short précis would attract more comment. 2. Would prefer Council got energy from local smart initiatives rather than purchase it. eg virtual battery: maybe Elon Musk type. Perhaps shared contract with rate payers' solar panels in localised grid system instead of wind farm. 3. More buildings like the Flannery Centre, especially Council Buildings (as leaders). 4. Building codes for developers' DA's rewritten to enforce energy saving knowledge.

Q5. Would you like to upload a document?

Respondent No: 12

Login: ROGER ALEXANDER

HARGRAVES

Email: rhargraves1952@gmail.com

Responded At: May 03, 2020 22:08:02 pm

Last Seen: May 03, 2020 11:59:02 am

IP Address: 203.213.77.16

 Q1. Name
 Roger Hargraves

 Q2. Postal Address
 23 Huaba Close, Robin Hill 2795

 Q3. Your email address
 rhargraves1952@gmail.com

Q4. Please outline your submission

I cautiously congratulate Council on your proposed trajectory for increasing renewable energy target/useage, and appreciate that you are starting from a low base. I think it will be a significant achievement to reach 50% by 2025, and should encourage us all to push for close to 100% by 2030. Aside from maximising renewable generation, and minimising use and waste of energy, I would like to see Bathurst go hard to address the perennial 'elephant' - efficient and abundant STORAGE of that generated power - that is the critical piece of the puzzle to be filled in, and I'd like to see Bathurst Council leading the way with battery storage to make the renewable system work.

Q5. Would you like to upload a document?

Respondent No: 13

Login: John Martin

Email: johnny.martin67@gmail.com

Responded At: May 04, 2020 14:15:22 pm **Last Seen:** May 04, 2020 03:51:34 am

IP Address: 1.129.107.102

Q1. Name

Q2. Postal Address

PO Box 1110 Bathurst NSW 2795

Q3. Your email address

johnny.martin67@gmail.com

Q4. Please outline your submission

Bathurst Regional Council should investigate various other efficiency measures, these include but are not limited to Voltage Otimisation and using Natural refrigerants for air conditioning. Contributing funds to tenants of BRC buildings to enable tenants to increase the uptake of low carbon initiatives. If BRC contributed 20% of the cost of implementation to tennants, this would lower risk to tennants but increase uptake. Become part of Sustainable Australia Fund, this enables environmental upgrades to be undertaken with lower finance rates and also groups the repayments as part of the council rates. Longer repayment terms are an option then. 10 years or longer if desired. Ensuring new developments have low GWP air conditioning as standard. Sydney City Council as well as various others across NSW have implemented this policy. In addition energy saving and renewable projects typically deliver cash-flow positive projects from day-one, with no up-front cost, on an operating lease. Reducing wasted electricity can reduce the size of a solar system needed and therefore either a) increase the impact that solar has on an electricity bill or b) reduce the capital investment required from solar for a given premise. Both of these outcomes typically increase the return on investment and quicken the financial payback on projects. HVAC (heating, ventilation and air conditioning) is the largest user of electricity in most buildings. Simply switching HVAC across to environmentally friendly natural refrigerants can deliver substantial climate, financial and safety benefits. Combining Voltage Optimisation with solar systems helps protect solar inverters and reduces lost solar production usually caused by inverters shutting down due to over voltage. Voltage Optimisation also helps increased the longevity of other products such as power factor correction (whose capacitors are sensitive to high voltage) as well as switch mode power supplies and IT equipment. I have also attached documents relating to natural refrigerant HVAC systems. Kind regards John Martin

Q5. Would you like to upload a document?

https://s3-ap-southeast-2.amazonaws.com/ehq-production-australia/badf92d9f1eaba9ad3d3dd67e07083a5a7355886/original/1 588565703/Low_Global_Warming_Potential_Air_Conditioning_large.pdf b0bcc1806e2b9dfce4825a53d0657021?1588565703

Respondent No: 14

Login: Bathurst Community

Climate Action Network

Email: bxclimateaction@gmail.com

Responded At: May 04, 2020 14:51:03 pm

Last Seen: May 04, 2020 01:26:49 am

IP Address: 101.180.3.146

Q1. Name Bathurst Community Climate Action Network

Q2. Postal Address not answered

Q3. Your email address bxclimateaction@gmail.com

Q4. Please outline your submission

Bathurst Community Climate Action Network (BCCAN) congratulates Council on the preparation of this plan. BCCAN requests that Council adopt a much more ambitious target for renewables, with a more rapid transition than that proposed. Please see attachment.

Q5. Would you like to upload a document?

https://s3-ap-southeast-2.amazonaws.com/ehq-production-australia/eff5494cc1ae27562f4ed32a1933305d6ec22c7f/original/158 8567836/BCCAN_REAP_submission.docx_2d182ca93abfc45d2caa0 bc6afa09cd8?1588567836

Respondent No: 15

Login: Hugo S

Email: hugh.gould@gmail.com

Responded At: May 04, 2020 16:13:25 pm **Last Seen:** Apr 30, 2020 05:41:08 am

IP Address: 121.209.183.142

Q1. Name Hugh Gould

Q2. Postal Address not answered

Q3. Your email address hugh.gould@gmail.com

Q4. Please outline your submission

A well set out document, Deb. The targets are understandably under whelming. Let's hope that we can still make 100% net renewable by 2030. With the way the markets have been in such a state of flux, perhaps a slower take-up rate might eventually benefit the ratepayers in the long run. The street lighting issue I understand, has been delayed in implementation, by circumstances outside Council's domain.

Q5. Would you like to upload a document?

Respondent No: 16

Login: carebx

Email: mullaney28@bigpond.com

Responded At: May 04, 2020 16:44:12 pm

IP Address:

Last Seen: May 04, 2020 06:30:17 am

101.179.242.150

Q1. Name Bernadette Mullaney

Q2. **Postal Address** 28 Camidge Close Kelso

Q3. Your email address mullaney28@bigpond.com

Q4. Please outline your submission

I have read the REAP, and congratulate Council on planning and working toward doing what is easily achievable in this area. This REAP is also an opportunity to signal your leading by example to our community. I keenly look forward to Council making this more of a priority, pushing for a more rapid transformation than this, and doing even more. An area which may be delicate but significant is the quicker transition to a no-emission fleet of vehicles, which must include a plan to redeploy or retrain the staff who service them. Thank you for the opportunity to comment

Q5. Would you like to upload a document?

Bathurst Community Climate Action Network (BCCAN) congratulates Council on the preparation of this plan.

We also congratulate Council on the work that it has done to date in reducing Council's energy usage, use of fossil fuels, and in transitioning to renewables.

The plan provides an excellent framework for the future.

BCCAN requests however:

- 1) That Council acknowledges that Climate Change is also a most important reason for change, while accepting the significant economic benefits.
- 2) That Council adopt a much more ambitious target for renewables, with a more rapid transition than that proposed. Many New South Wales Councils have a target of 100% renewable electricity usage by 2030. The proposed 50% by 2025 for Bathurst is not adequate. It is very important that Bathurst Council be seen to be acknowledging science, and to be at the forefront of adopting new, but proven, technologies and industries. Bathurst has a deserved reputation for being a leader in a number of fields. It is most important that this also applies to energy transition.
- 3) Council explore mechanisms for increasing the uptake of rooftop solar on domestic and commercial premises.
- 4) Council explore the possibilities of Council becoming a significant generator of Electricity, including solar, wind, and gas from Waste Management.
- 5) Council undertake an ongoing publicity campaign to develop our local region into a world leading renewable energy centre of excellence.

In the "post Covid world" there will be many exciting and innovative opportunities for industries, employment and economic activity. It is vital that Bathurst is well placed to take advantage of these opportunities, and not be left behind.

Submitted on behalf of BCCAN by Margaret Sewell, Secretary

From: <u>Jess Jennings</u>

To: <u>David Sherley</u>; <u>Neil Southorn</u>

Cc: <u>Deborah Taylor; Jess Jennings</u>; <u>Jess Jennings</u>
Subject: comment on REAP for inclusion in final version?

 Date:
 Sunday, 5 April 2020 4:56:47 PM

 Attachments:
 P834 Out of Season [WEB].pdf

 JMG1BRC2_png.png

Dave and All

I meant to send this earlier – before the doc got to public viewing stage but hopefully the below suggestion won't be too onerous nor controversial to include.

In essence I have noticed that while many BRC policy documents do acknowledge climate change they tend to do so in a fairly cursory manner. A prime example is the last/current Drought Management Strategy.

If we are a council that accepts the science (and we are from what I can gather), we should explain CC more fully (in all relevant docs) and justify the position more robustly, from a range of perspectives, eg mitigation, adaptation, impacts, predictions etc. People wanting to understand the topic certainly can't access a good, well rounded presentation of the science from BRC documents to date which I think really needs to change. Fundamentally CC is the driver of many policy positions held (and likely to be held by BRC) but rarely do we present a clear, accessible story of what CC is. People need to be able to understand it if they go looking for it in our documents.

Specifically, in the REAP, I'd simply like to see Section 6.1 expanded to include:

- Global context of CC basic summary of the scenario to date including graphs of CO2e emissions levels (the cause) and CC prediction data to at least 2050 preferably to 2100 (the effect).
- While the ADAPT NSW data are excellent and I like what has been written on it in the REAP thus far, I think it could be backed up with another source, namely the ACF-CSIRO-BOM website (https://myclimate.acf.org.au) that neatly presents data for many regional locations including Bx. The visuals from this site are brilliant / useable because people can easily relate to them: winter disappears and summer doubles and rainfall declines by 20% (is the common story) by 2050 (compared to 1960-90 climate). Analysis of these results should be related to local soil moisture reductions, increased droughts, less available town water etc(see last point).
- Give the reader a sense of what CC variations (warming) has occurred to date (due to human emissions) there a good recent source that basically says around 1C has occurred. I recently came across the enclosed report and I believe one of the sites they use is from Bx or close by and if not Canberra is a good proxy which is reported in the appendix p32 (- they didn't get back to me and then C19 hit but I will chase them again this week).
- The consequences of both warming to date and the predicted future warming, especially in terms
 of local soil moisture and the knock-on effect of that on the local economy could be conveyed (eg
 impact farming, water security, heat stress impacts on humans etc) in summary detail.

That's more than enough from me – am happy to discuss details if desired. It seems to me we could establish a good summary of relatively detailed CC content and use it as a paste-in for a range of documents, so doing the above for the REAP would have a wider reaching return for effort!

Cheers

Jess

Jess Jennings Councillor | M: 0409 474 216 W: www.bathurst.nsw.gov.au





This message is intended for the addressee named and may contain confidential information. If you are not the intended recipient, please delete it and notify the sender. Views expressed in this message are those of the individual sender, and are not necessarily the views of Bathurst Regional Council, unless otherwise stated. For the purposes of the Copyright Act, the permission of the holder of copyright in this communication may be taken to have been granted, unless stated otherwise, for the copying or forwarding of this message, as long as both the content of this communication and the purpose for which it is copied or forwarded are work related.



Out of Season

Expanding summers and shrinking winters in subtropical and temperate Australia

Over the last two decades, summers in the most populous areas of Australia are a month longer than in the 1950s and 1960s. Summers over the last five years were longer still, reaching twice the length of winters in those years. Longer, more extreme summers will have increasingly profound impacts on Australian health, food production and quality of life.

Discussion paper

Tom Swann Mark Ogge March 2020

ABOUT THE AUSTRALIA INSTITUTE

The Australia Institute is an independent public policy think tank based in Canberra. It is funded by donations from philanthropic trusts and individuals and commissioned research. We barrack for ideas, not political parties or candidates. Since its launch in 1994, the Institute has carried out highly influential research on a broad range of economic, social and environmental issues.

OUR PHILOSOPHY

As we begin the 21st century, new dilemmas confront our society and our planet. Unprecedented levels of consumption co-exist with extreme poverty. Through new technology we are more connected than we have ever been, yet civic engagement is declining. Environmental neglect continues despite heightened ecological awareness. A better balance is urgently needed.

The Australia Institute's directors, staff and supporters represent a broad range of views and priorities. What unites us is a belief that through a combination of research and creativity we can promote new solutions and ways of thinking.

OUR PURPOSF - 'RESEARCH THAT MATTERS'

The Institute publishes research that contributes to a more just, sustainable and peaceful society. Our goal is to gather, interpret and communicate evidence in order to both diagnose the problems we face and propose new solutions to tackle them.

The Institute is wholly independent and not affiliated with any other organisation. Donations to its Research Fund are tax deductible for the donor. Anyone wishing to donate can do so via the website at https://www.tai.org.au or by calling the Institute on 02 6130 0530. Our secure and user-friendly website allows donors to make either one-off or regular monthly donations and we encourage everyone who can to donate in this way as it assists our research in the most significant manner.

Level 1, Endeavour House, 1 Franklin St Canberra, ACT 2601

Tel: (02) 61300530 Email: mail@tai.org.au

Website: www.tai.org.au

ISSN: 1836-9014

Summary

If it feels like Australian summers are getting longer and hotter, that is probably because they are. The summers many Australians grew up with no longer exist.

Climate change has already altered the Australian seasonal calendar. Since the middle of last century, summers have expanded and become more extreme, while other seasons have contracted. These trends will continue unless emissions are reduced and until emissions reach net zero.

This report examines changing seasons using data from the Bureau of Meteorology (BOM). Temperatures that once marked the start and end of summer are shown to occur much earlier and later.

Data is drawn from 70 weather stations across southern Queensland and WA, NSW, Victoria, ACT, South Australia and Tasmania. These subtropical and temperate areas are were most Australians live.

The analysis compares daily average temperatures over two periods: the most recent two decades with available data (1999-2018), and a benchmark from the mid twentieth century (1950-1969). The analysis also examines more recent heating, comparing the last five years (2014-2018) against the historical benchmark.

Results are presented for all capital cities and selected regional areas. National results are averaged across all 70 weather stations.

Across the country, all seasons are now hotter, with increases in average and extreme temperatures, particularly in summer.

Over the last two decades, summer was on average one month longer than it was half a century before. Temperatures that marked the start of summer now come around two weeks earlier; temperatures that marked the end of summer now come around two weeks later. Spring and autumn have shifted and winter is now more than three weeks shorter.

In every capital city, summers have grown longer and winters have grown shorter.

The trend was more pronounced in some regional areas. In some areas summer has become even longer and winters even shorter. Summers in Port Macquarie have increased by 48 days. While the catastrophic 2019 fires near Port Macquarie occurred before summer as defined by the calendar, they occurred well within the new summer as defined by new temperatures in a changing climate. In some areas, winters are around one month long.

Out of Season 1

Looking at the last five years, summers are on average close to 50% longer than they were in the middle of the twentieth century. These most recent summers were twice as long as the most recent winters.

Every capital city saw summers grow longer in the last five years, compared with the last two decades. Across the area winters grew shorter over the 5 years, but there was more variation in the length of winter between capital cities, winters in some cities halving in length while in others growing longer.

The analysis does not include 2019, as the data is not yet complete in the dataset. However, other BOM data shows 2019 was by far the hottest year on record. It is highly likely that summers have grown even longer and winters shorter over this period.

Caution is needed extrapolating to the future from past observations, especially over short time frames, due to weather and natural cycles. Nonetheless, it is highly likely over the medium and longer them that summers will continue to get longer and hotter.

The continuing changes in seasons will have increasingly profound implications for life in Australia. Longer hotter summers mean longer hotter fires seasons, more heatwaves and greater exposure to heat related illnesses. People working outdoors or in un-airconditioned spaces will be particularly at risk. Outdoor activities that we take for granted such as socialising and playing sport will become less enjoyable and more dangerous. Agricultural crops will be damaged and livestock will suffer. Entire ecosystems are at risk.

These trends are likely to continue indefinitely unless greenhouse gas emissions are decisively reduced, ultimately to net-zero.

Out of Season 2

Contents

Summary
Contents3
Introduction5
Methodology6
Results: longer summers, shorter winters
Across temperate and subtropical Australia8
Capital cities
Regional areas with biggest changes11
Recent summers: longer still
2019
Implications
Fire danger
Health20
Work and productivity21
Liveability21
Plants and animals22
Agriculture22
Infrastructure and industry23
Slowing the changes in seasons25
Conclusion27
Appendix 1: Season changes in Australian cities
Adelaide28
Brisbane30
Canberra32
Hobart34
Melbourne36
Perth38
Sydney40
Appendix 2: Detailed methodology42

Attachment 9.1.5.1

Combined results	43
Choice of benchmark era	45
Technical notes	48
Leap years	48
When new winter temperatures do not reach the historical start of spring	
temperatures	48

Introduction

If it feels like the seasons are changing, that's probably because they are.

Autumn was abnormally warm in 2018. According to the Bureau of Meteorology (BOM):

The heat, which was more characteristic of mid-summer than mid-autumn, was unprecedented in many areas in April...¹

The summer of 2018-19 saw Australians swelter through the hottest summer on record, with wide-spread heatwaves and record high temperatures, accompanied by low rainfall and dry conditions in parts of every state and territory.

By the end of spring in 2019, persistent and extreme heat and dryness created conditions for catastrophic bushfires across much of the country. On 11 November the Victorian emergency services minister, Lisa Neville, compared the spring conditions to the "worst conditions you'd see in February or March." The NSW Rural Fire Services Commissioner said it was

the most dangerous bushfire week this nation has ever seen... We have got the worst of our fire season still ahead of us. We're not even in summer yet.³

When summer 2019-20 officially arrived, Australians were hit with yet further record breaking extreme heat and catastrophic fires.

Seasons are defined on our calendars and in our experience of weather, but as global heating increases, these are diverging. Temperatures that once characterised the beginning of summer are lasting much later, while summer temperatures are also getting more extreme. Reports that temperatures have increased by around 1 degree can tend to downplay the changes underway. The reality is the summers many Australians grew up with no longer exist.

This report analyses how much change has already occurred over the last half century.

Out of Season 5

Ordinary Meeting of Council Agenda - 17 June 2020 Attachments

¹ Hannam (2018) 'It's weird': Return of summer sends plants into confusion https://www.smh.com.au/environment/weather/it-s-weird-return-of-summer-sends-plants-into-confusion-20180413-p4z9ew.html

² Ibid.

³ Doherty (2019) Australia fires: nation braces for 'most dangerous bushfire week ever seen' https://www.theguardian.com/australia-news/2019/nov/11/australia-fires-nation-braces-for-most-dangerous-bushfire-week-ever-seen

Methodology

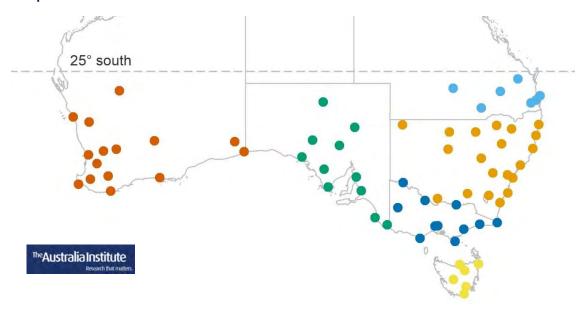
This section describes the methodology in brief. More detail and discussion of data are provided in an Appendix.

The report uses BOM data from the *Australian Climate Observations Reference Network – Surface Air Temperature* (BOM ACORN-SAT).⁴

Data is drawn from weather stations across temperate and subtropical Australia, south of the 25th parallel, where most Australians live, shown in Figure 1. The areas selected have a seasonal calendar of summer, autumn, winter and spring. Tropical areas are excluded; seasons there generally revolve around "the wet" and "the dry", rather than the four season calendar.

70 weather stations in temperate and subtropical Australia have data from 1950-2018, shown in Figure 1. The data from these stations meets requirements for data completeness discussed in the appendix.

Figure 1: Weather stations used in analysis of season changes in sub-tropical and temperate Australia.



Source: BoM ACORN-SAT stations south of 25 degrees S with data 1950-2018 http://www.bom.gov.au/climate/data/acorn-sat/

Analysis is conducted for the average of all stations, and for weather stations individually.

Out of Season 6

Ordinary Meeting of Council Agenda - 17 June 2020 Attachments

⁴ BoM (2019) ACORN-SAT, http://www.bom.gov.au/climate/data/acorn-sat/

Daily average temperatures are calculated for each day over the last two decades (1999-2018) and for two decades in the middle of the twentieth century (1950-1969). In other words, the analysis produces two sets of average temperatures for each day of the year (for 1 January, 2 January, 3 January and so on). To smooth out natural variability from weather events, average temperatures for each day are calculated by averaging over a 21 day period, from 10 days earlier to 10 days later from each day.

The beginning of each season is defined by reference to the historical daily average temperature on the first day of the season. Seasons are defined as per the traditional seasonal calendar:

- summer starts 1 December,
- autumn starts 1 March,
- winter starts 1 June, and
- spring starts 1 September.

For each weather station, the average temperature on each of these dates in 1950-1969 is the temperature that marks the beginning of the season. The dates on which these benchmark temperatures were reached over the last twenty years are the dates on which the seasons are said to now begin.

The mid-century was chosen as it enabled data from a greater number of weather stations (70) to be used for the combined station analysis. It is also a conservative baseline for seasonal temperatures. As discussed in the Appendix, earlier recorded temperatures are the same or lower.

The period is also significant as it marks the birth and coming of age of the "baby boomer" generation. It was also the beginning of the post-war acceleration of greenhouse gas emissions.

Using a twenty year average smooths out variability in the data, from both weather events and natural climate variability, for example due to La Nina/ El Nino cycles. Using a twenty year average is also a conservative approach: temperatures have increased over the most recent twenty year period.

To illustrate this more recent heating, the analysis is replicated for the five most recent years for which the dataset contained complete data (2014-18).

The exceptionally hot weather in 2019 is further discussed by reference to other data from BOM, noting that data from one year is likely to reflect extremes and underlying trends should not be extrapolated on any linear basis.

Results: longer summers, shorter winters

ACROSS TEMPERATE AND SUBTROPICAL AUSTRALIA

Across temperate and subtropical Australia – averaging data for all weather stations – we see substantial changes in temperatures and seasons over the last half century.

Figure 2 below shows that across temperate and subtropical Australia over the last two decades, temperatures are now higher on average for every day of the year than they were in the middle of the 20th Century.

Mar 15

| Population | Populati

Figure 2: Change in temperatures and seasons - temperate and subtropical Australia

Source: Combining results using 70 stations, BOM ACORN-SAT, as described in text

Summer-starting temperatures – the average 1 December temperature mid-20th century – now arrive two weeks earlier.

Summer-ending temperatures – the average on 1 March over 1950-69 (– now arrives two weeks later.

Winter started 12 days later and finished 11 days earlier, by comparison with winters over the mid-twentieth century.

Across most of Australia, summers are now four weeks longer than they were, while winters have shrunk by three weeks. Summers are now nearly double the length of winters.

Figure 3 below summarises these changes to the length and timing of the seasons for temperate and subtropical Australia as a whole.

■ Days in old seasons (1950-1969) ■ Days in changed seasons (1999-2018) 121 Length of seasons - days 92 92 91 90 89 86 69 Summer Spring Winter Autumn The Australia Institute

Figure 3: Changing seasons for temperate and subtropical Australia

Source: BOM ACORN-SAT, as described in text

Summer has grown longer in all locations. All weather stations recorded an increase in the length of summer and a shortening of winter in the last 20 year period.

However there were variations in how much longer summer has become in different locations. 41 weather stations saw summers increase by more than one month.

CAPITAL CITIES

Table 1 below shows the extent of the changes in Australia's capital cities. Melbourne and Adelaide had the largest increase in summer with 38 and 36 days respectively. Brisbane had the smallest increase in summer (11 days) but the largest reduction in winter (31 days).

The detailed charts for all capital cities can be seen in Appendix A.

Table 1: Summary of season changes in Australian capital cities

	Summer				Winter			
	Starts	Last day	Change days	Total days	Starts	Last day	Change days	Total days
Adelaide	10-Nov	16-Mar	+36	126	2-Jun	23-Aug	-10	82
Brisbane	25-Nov	6-Mar	+11	101	16-Jun	16-Aug	-31	61
Canberra	11-Nov	12-Mar	+31	121	23-Jun	19-Aug	-35	57
Hobart	13-Nov	18-Mar	+35	125	13-Jun	23-Aug	-21	71
Melbourne	9-Nov	17-Mar	+38	128	9-Jun	21-Aug	-19	73
Perth	11-Nov	16-Mar	+35	125	10-Jun	16-Aug	-25	67
Sydney	21-Nov	19-Mar	+28	118	8-Jun	24-Aug	-15	77

The Australia Institute
Research that matters

Source: BoM ACORN-SAT, analysed as described in text

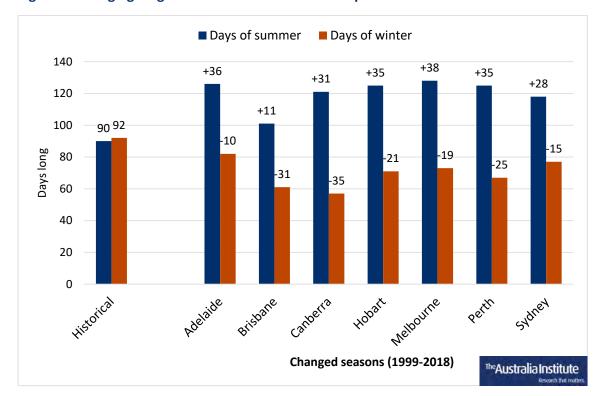


Figure 4: Changing length of summer and winter in capital cities

REGIONAL AREAS WITH BIGGEST CHANGES

Some regional areas had an even larger increase in the length of summer since the middle of the last century.

Ten weather stations show summers have reached 130 days or longer. For example, summers in Port Macquarie have grown by 47 days (almost 7 weeks), while winters are only 51 days long. While the most devastating fires near Port Macquarie in 2019 occurred before summer as defined by the calendar, they were within summer when benchmarked to historical summer temperatures.

Winters have more than halved in seven areas. In many of areas, average daily temperatures in winter do not fall below those previously experienced at the start of spring. (See Appendix 2 for how this is treated in the analysis.)

Table 2 shows the longest summers and shortest winters; the two lists overlap substantially.

Table 2: Top 10 longest summers and shortest winters

Longest summers Shortest winters					
Days	Location	State	Days	Location	State
139	Eucla	WA	23	Cape Bruny	Tas
138	Port Macquarie	NSW	25	Cape Leeuwin	WA
136	Cape Bruny	Tas	33	Gabo Island	Vic
136	Ceduna	SA	35	Geraldton	WA
132	Esperance	WA	36	Laverton	WA
132	Laverton	WA	43	Wandering	WA
131	Cape Otway	Vic	45	Cape Otway	Vic
131	Charleville	Qld	47	Katanning	WA
130	Cape Leeuwin	WA	50	Port Lincoln	SA
130	Mt Gambier	SA	51	Esperance	WA

The Australia Institute
Research that matters

Source: BoM ACORN-SAT, analysed as described in text

Recent summers: longer still

The analysis above compares temperatures over the last two decades (1999-2018) to a benchmark period 50 years prior. While averaging over two decades provides a robust basis for analysis that smooths out variability and natural cycles, it also obscures the significant heating that has occurred even within the last two decades.

To illustrate, the same analysis was conducted comparing the benchmark period to the last five years in the dataset (2014-2018). The averaged results are shown in Figure 5.

Days in old seasons (1950-1969)

Days in changed seasons (1999-2018)

Days in most recent seasons (2014-2018)

131

90

92

Summer

Winter

Figure 5: Longer summers and shorter winters in non-tropical Australia, last 20 and 5 years

Source: BoM, ACORN-SAT, analysis of data as described in text.

Summers at the relevant weather stations were on average 131 days long over this five year period, or four and a half months. That is, summers were almost 50% longer than they are defined on the standard calendar.

Comparing the average temperatures over the past five years to those over the whole two decades, the most recent five years saw summers that were two weeks longer.

The most recent summers were twice as long as the most recent winters.

Natural variability and cycles are more likely to influence season length in a shorter period. Nonetheless, it is likely this nearer term increase is part of a longer term and ongoing trend caused by global heating that will see summers continue to start earlier and end later.

Similarly, winters were on average 65 days long, or a month shorter than defined on the calendar.

Table 3 compares season lengths over the two time periods, for the capital cities, while Figure 6 and Figure 7 show summers and winters respectively.

Table 3: Seasonal changes over last 20 and 5 years - number of days

	Summer		Winter	
	Last 20 years	Last 5 years	Last 20 years	Last 5 years
Adelaide	126	130	82	78
Brisbane	101	128	61	30
Canberra	121	132	57	58
Hobart	125	132	71	72
Melbourne	128	132	73	83
Perth	125	131	67	35
Sydney	118	134	77	76



Source: BoM, ACORN-SAT, analysis of data as described in text.

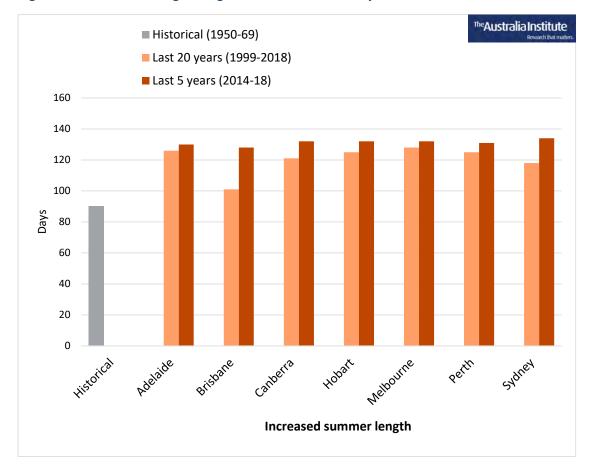


Figure 6: Summers have got longer even in the last five years

Source: BoM, ACORN-SAT, analysis of data as described in text.

All capitals had longer summers over the last five years, compared with over the last two decades. The difference is especially marked for Brisbane, but all capitals had at least a modest increase.

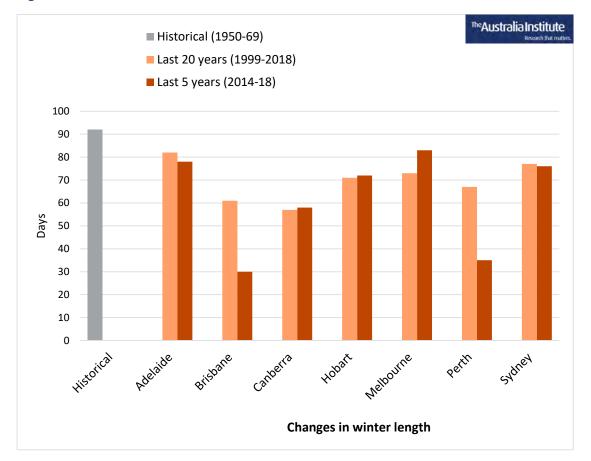


Figure 7: Winters were more variable than summers over the last two decades

Source: BoM, ACORN-SAT, analysis of data as described in text.

Winters have been more variable with Brisbane and Perth exhibiting much shorter winters. Brisbane's winters over the last five years were only one month long. For many capitals there were barely any changes over the last five years compared with the two decade period. For Melbourne, winters over the last five years were longer than over the last two decades.

2019

The analysis above leaves out 2019, as full data is not yet included in the datasets used. 2019 was exceptionally hot. In the January 2020 holiday period, as catastrophic fires burnt across much of Australia's temperature forests, BOM reported:

2019 was Australia's warmest year on record. Australia's area-averaged mean temperature for 2019 was 1.52 C above the 1961–1990 average.... Mean maximum temperatures were the warmest on record at 2.09 °C above average⁵

January 2019 was especially extreme, with average temperatures nearly 3 degrees above the 1910-2019 average.

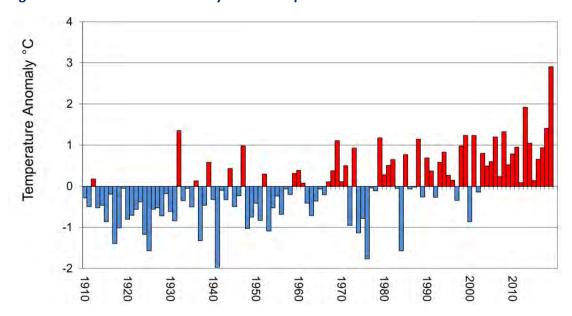


Figure 8: BOM: Australian January Mean Temperature

Source: BOM (2019) Summer 2019 sets new benchmarks for Australian temperatures http://media.bom.gov.au/social/blog/2020/summer-2019-sets-new-benchmarks-for-australian-temperatures/

The subsequent summer, December onwards, saw maximum heat records fall yet again. The record for Canberra was broken three times in one week.

Temperatures in any particular year are subject to many sources of variability and have to be seen in the context of longer term trends. Nonetheless it is clear that subsequent seasonal analysis including 2019 will likely find summers have increased further still.

⁵ BOM (2020) *Annual climate statement 2019*, https://web.archive.org/save/http://www.bom.gov.au/climate/current/annual/aus/

Implications

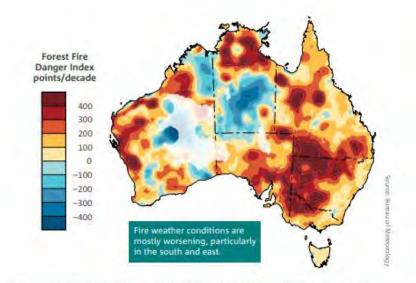
Longer hotter summers will have increasingly profound implications for life in Australia.

FIRE DANGER

Longer and hotter summers increase the length and intensity of the bushfire season. The BOM has identified a long term increase in the length of the fire season and extreme fire weather. 6 Combined with long-term drying, longer periods of higher temperature is increasing fire danger in much of the country.

The Forest Fire Danger Index estimates the fire danger on a given day based on observations of temperature, rainfall, humidity and wind speed. The trend in worsening fire weather over the last 40 years is shown in Figure 9 below. The red and yellow areas show an increase on bush fire danger over that period.

Figure 9: Trends in Forest Fire Danger Index 1978-2017



Trends from 1978 to 2017 in the annual (July to June) sum of the daily Forest Fire Danger Index—an indicator of the severity of fire weather conditions. Positive trends, shown in the yellow to red colours, are indicative of an increasing length and intensity of the fire weather season. A trend of 300 FFDI points per decade is equivalent to an average trend of 30 FFDI points per year. Areas where there are sparse data coverage such as central parts of Western Australia are faded.

Source: BoM (2018), State of the Climate 2018

Out of Season 19

Ordinary Meeting of Council Agenda - 17 June 2020 Attachments

⁶ BoM (2018) *State of the climate 2018*, http://www.bom.gov.au/state-of-the-climate/State-of-the-Climate-2018.pdf

Over November 2019 areas on the NSW central and northern coasts have experienced catastrophic bushfires. While the most devastating bush fire days began before the start of summer as traditionally defined, they have largely fallen within the new reality of our extended summer. For example, summer in Port Macquarie now starts on 4 November and lasts for 138 days. Fires were bearing down on Port Macquarie in early November, before summer as defined on the calendar, but well within the new summer as caused by climate change.

HEALTH

Longer summers mean more extreme temperatures and heatwaves. Temperatures above 35 degrees are considered extreme, and heatwaves are defined as three or more days of unusually high maximum and minimum temperatures in any area. Increasing extreme temperatures and heatwaves have significant implications for people's health.

At temperatures above 35 degrees, the human body's main cooling mechanism – sweating – is far less effective. Sweating exchanges heat from the body to the atmosphere. This heat exchange process diminishes significantly beyond 35 degrees, so body temperature rises. This results in a range of heat related illnesses, from mild to severe, including heat stroke that can cause permanent damage to the brain and other vital organs and can even result in death.⁸

Longer and hotter summers will increase the incidence of heatwaves and heat related illnesses.

Heatwaves are responsible for more deaths than all other natural disasters combined.⁹ Besides the increase in heat related illnesses, heatwaves cause psychological stress,¹⁰ affect patterns of domestic violence,¹¹ interrupt sleep patterns and reduce capacity and willingness to exercise. All carry broad ramifications, such as increased accident risk, sedentary lifestyle-induced diabetes and cardio vascular disease.¹²

⁷ BoM website, About the Heatwave Service. http://www.bom.gov.au/australia/heatwave/about.shtml

⁸ Hanna and Tait (2015) *Limitations to thermoregulation and acclimatisation challenges human adaptation to global warming,* Int J Environ Res Public Health, https://academic.oup.com/heapro/article/30/2/239/561863; Australian Mining Review (November 2017) *WA miners urged to guard against heat stress,* https://www.miningreview.com.au/wa-miners-urged-guard-heat-stress/

⁹ Queensland Government (2019) *Queensland State Heatwave Assessment 2019*, https://www.disaster.qld.gov.au/dmp/Documents/QFES-Heatwave-Risk-Assessement.pdf

¹⁰ Queensland Health (2015) Heatwave Response Plan

https://www.health.qld.gov.au/__data/assets/pdf_file/0032/628268/heatwave-response-plan.pdf

¹¹ Auliciems and Di Bartolo (1995) *Domestic violence in a subtropical environment: police calls and weather in Brisbane, International Journal of Biometeorology* 39 (1).

¹² Kjellstrom et al. (2009) *The Direct Impact of Climate Change on Regional Labor Productivity*, Archives of Environmental & Occupational Health 64 (4); World Health Organisation (2017) Preventing

WORK AND PRODUCTIVITY

The health impacts of increasing extreme heat and heatwaves have significant implications for workplace productivity and health and safety, including the risk of heat-related illness which can be fatal.¹³ Longer hotter summers increase these risks.

A significant proportion of the Australian workforce is exposed to the heat. Construction and manufacturing are two of Australia's largest employing industries. These occupations often require work to be undertaken outdoors or within indoor spaces lacking airconditioning. In addition, workers are often required to undertake strenuous activities wearing heavy protective clothing for health and safety reasons. Strenuous activity in extreme hot weather increases the risk of heat related illness including heatstroke. Additionally, carrying heavy equipment increases the level of exertion.

In some states, including Queensland, there is no temperature threshold for halting heavy outdoor work.

The cost of lost productivity because of extreme heat in Australia has been estimated at almost \$7 billion in 2013-14 alone. 14

LIVEABILITY

Increasing extreme heat and heatwaves make many of the activities we take for granted less enjoyable and potentially dangerous.

Last year heatwaves disrupted prominent sporting events including the Tour Down Under¹⁵ and the Australian Open.¹⁶

However, it is not only elite sport that will be disrupted, but the myriad of sporting events and outdoor activities that are an essential part of children's physical education and community life.

Out of Season 21

Ordinary Meeting of Council Agenda - 17 June 2020 Attachments

noncommunicable diseases (NCDs) by reducing environmental risk factors, https://apps.who.int/iris/bitstream/handle/10665/258796/WHO-FWC-EPE-17.01-eng.pdf;jsessionid=4E7CD6157CC879B57F179B388D89706A?sequence=1

¹³ WorkCover QLD, Heat Stress, https://www.worksafe.qld.gov.au/injury-prevention-safety/hazardous-exposures/heat-stress

¹⁴ Zander, Opperman and Garnet (2015) *Extreme heat poses a billion-dollar threat to Australia's economy,* https://theconversation.com/extreme-heat-poses-a-billion-dollar-threat-to-australias-economy-41153

¹⁵ InDaily (January 2018) Heatwave forces more Tour Down Under changes, https://indaily.com.au/sport/2018/01/18/tour/

¹⁶ Press Association (January 2018), Australian Open extreme heat policy to be reviewed as concerned players suffer, https://www.theguardian.com/sport/2018/jan/19/australian-open-extreme-heat-policy-concerned-players-40c

Socialising outdoors and enjoying the natural environment are also important for the wellbeing of individuals and the community. Long hotter summers and increasing extreme heat and heatwaves will diminish these activities and in some cases make them dangerous.

The Australia Institute's update of the *Climate of the Nation* research, conducted during the 2019-20 bushfire crisis, found the fires had impacts far beyond the tragic loss of life and property experienced on the fire fronts. In mid-January 2020, 57% of Australians had experienced some form of smoke or fire related impact, from widespread disruption, though to 26% reporting some kind of negative heath impact and the equivalent of 1.8 million workers missing some amount of work.¹⁷ These sorts of impacts will become more likely and more costly if summers continue to get hotter and longer.

PLANTS AND ANIMALS

Plants have evolved to seasonal cycles. Seasonal temperature changes trigger flowering and pollinations which are essential to reproduction. Changes in the seasons as a result of global warming can have serious consequences on plants and ecosystems.¹⁸

Plants can only survive in a certain range of temperatures. If that range is exceeded plants will die. Around 47% of native vegetation across Australia is potentially at risk from increases in mean annual temperature by 2070, with tropical regions most vulnerable.¹⁹

Increasing temperatures can also increase pests and pathogens causing dieback. When bushfires occur outside the ordinary range, some plants do no survive.²⁰

Animals are also at risk from both increasing average temperatures and heatwaves.²¹

AGRICULTURE

Our crops, livestock and farming practices have evolved within seasonal and temperature conditions. Changes to seasons and increasing temperatures can have a range of serious

¹⁷ Swann (2020) *Polling–Bushfire crisis and concern about climate change,* https://www.tai.org.au/sites/default/files/Polling%20-%20January%202020%20-%20bushfire%20impacts%20and%20climate%20concern%20%5Bweb%5D.pdf

¹⁸ Land Trust Alliance (nd) Conservation in a changing climate, Shifting seasons, https://climatechange.lta.org/climate-impacts/shifting-seasons/

¹⁹ Gallagher at al (2019), Safety margins and adaptive capacity of vegetation to climate change, https://www.nature.com/articles/s41598-019-44483-x

²⁰ Fulloon (2019), Nearly half of Australia's native plants are under threat from climate change, https://www.sbs.com.au/news/nearly-half-of-australia-s-native-plants-are-under-threat-from-climate-change

²¹ Williams and Scheffers (2013), As climate changes, animals move fast to escape the heat, https://theconversation.com/as-climate-changes-animals-move-fast-to-escape-the-heat-18511

consequences including disrupting flowering and pollination²², pests and disease,²³ and soil moisture.

Recent CSIRO research has found potential wheat yields in Australia have already declined by 27% from 1990 to 2015 below what they would otherwise have been, due to climate impacts. This has mainly been due to the decrease in rainfall and increasing temperatures over this period.²⁴

A recent CSIRO report examined 25 locations in south eastern Australia and found that without adaptation, meat production could be reduced by up to 92% by 2050 and wool production by up to 95% as a result of climate change, including rising temperatures.²⁵

Extreme heat damages fruit crops and can cause extensive losses,²⁶ reduces yield and quality of a variety of other crops, and causes up to 40% reduction in milk production.²⁷

INFRASTRUCTURE AND INDUSTRY

Heatwaves can damage essential infrastructure including electricity, water and sewerage and transport infrastructure.²⁸

Coal and gas power stations in particular are highly vulnerable to extreme heat, experiencing reduced output.²⁹ The impact of breakdowns at gas and coal fired power

²² Memmott et al (2007), Global warming and the disruption of plant-pollinator interactions, https://www.researchgate.net/publication/6243895_Global_warming_and_the_disruption_of_plant-pollinator_interactions

²³ Land Trust Alliance website, Conservation in a changing climate, Shifting seasons, https://climatechange.lta.org/climate-impacts/shifting-seasons/

²⁴ Hochman et al (2017) *Climate trends account for stalled wheat yields in Australia since 1990*, https://onlinelibrary.wiley.com/doi/full/10.1111/gcb.13604

²⁵ Gaharamani and Moore (2014) Systemic adaptations to climate change in southern Australian grasslands and livestock: Production, profitability, methane emission and ecosystem function, https://www.researchgate.net/publication/269106683_Systemic_adaptations_to_climate_change_in_south ern_Australian_grasslands_and_livestock_Production_profitability_methane_emission_and_ecosystem_function

²⁶ Schremmer (2019) Extreme temperatures burn stone fruit from inside out, causing severe loss, https://www.abc.net.au/news/rural/2019-01-16/heatwave-burns-stonefruit-from-inside-out/10717496

²⁷ Barlow et al (2015) Appetite for change: Global warming impacts on food and farming regions in Australia, https://sustainable.unimelb.edu.au/__data/assets/pdf_file/0009/2752272/MSSI_AppetiteForChange_Report _2015.pdf

²⁸ Queensland Government (2019) *Queensland State Heatwave Risk Assessment 2019,* https://www.disaster.qld.gov.au/dmp/Documents/QFES-Heatwave-Risk-Assessement.pdf

²⁹ Ogge and Aulby (2017) Can't stand the heat: The energy security risk of Australia's reliance on coal and gas generators in an era of increasing heatwaves,

https://www.tai.org.au/sites/default/files/P454%20Can%27t%20stand%20the%20heat%20FINAL%202.31.pdf

stations, removing large amounts of generation unexpectedly, during higher temperatures as they tend to be periods of high electricity demand, due to heavy use of air conditioning.

In 2018 there were 135 breakdowns of coal and gas power stations in the National Electricity Market (NEM). There was a higher rate of breakdowns over the summer months of 2018 (one third of all breakdowns),³⁰ and significant blackouts caused by a series of breakdowns at Victoria's brown coal power stations in late January.³¹

Power system failure in heatwaves can have a serious flow on effect to building infrastructure. Air-conditioning can be critical to people's wellbeing during extreme heat. Electricity blackouts during heatwaves can lead to the loss of air-conditioning when it is most essential.

During the 2009 Heatwave in Melbourne on the evening of the 30th of January, 500,000 people were left without power on a day that reached 44 degrees. There were 374 deaths recorded as a result of this heatwave overall. The estimated economic cost of the heatwave was \$800 million.³²

An efficient transport system is fundamental to a well-functioning economy. Extreme heat can also disrupt transport infrastructure. It can cause roads to melt,³³ rails to buckle,³⁴ and disruption to airlines.³⁵

³⁰ The Australia Institute (2018) *Gas and coal watch monitoring*, research available on request.

³¹ Parkinson (2019) *Brown coal generators failed the grid in Victoria heat-wave, blackouts,* https://reneweconomy.com.au/brown-coal-generators-failed-the-grid-in-victoria-heat-wave-blackouts-55696/

³² NCCARF (2010) *Impacts and adaptation responses of infrastructure communities to heatwaves,* https://www.nccarf.edu.au/business/sites/www.nccarf.edu.au.business/files/attached_files_publications/Pub%2013_10 %20Southern%20Cities%20Heatwaves%20-%20Complete%20Findings.pdf

³³ Cheer (2018) *Traffic delays after 10 kilometers of Victoria's Hume Freeway melts,* https://www.sbs.com.au/news/traffic-delays-after-10-kilometres-of-victoria-s-hume-freeway-melts

³⁴ Lauder (2009) *Melbourne railway buckles under heat,* http://www.abc.net.au/worldtoday/content/2008/s2477350.htm

³⁵ Coffell and Horton (August 2017) *How hot weather – and climate change – affect airline flights,* https://theconversation.com/how-hot-weather-and-climate-change-affect-airline-flights-80795

Slowing the changes in seasons

The temperature increases driving the season changes in Australia are influenced by the concentration of greenhouse gases in the atmosphere.

Current temperatures have risen by around 1 degree on average in Australia (relative to the period 1961-1990).³⁶ As shown in Figure 10 below, if the current trajectory of global emissions (orange line) continues, temperatures could rise by up to 5.4 degrees by the end of the century (relative to 1850-1900). Countries have pledged actions that would still see emissions increase out to 2030; if those pledges are kept warming would still be very damaging and far beyond the agreed limits. However the Intergovernmental Panel on Climate Change believe it is still possible to keep warming well below 2 degrees if governments act decisively (approximated by the blue line).³⁷

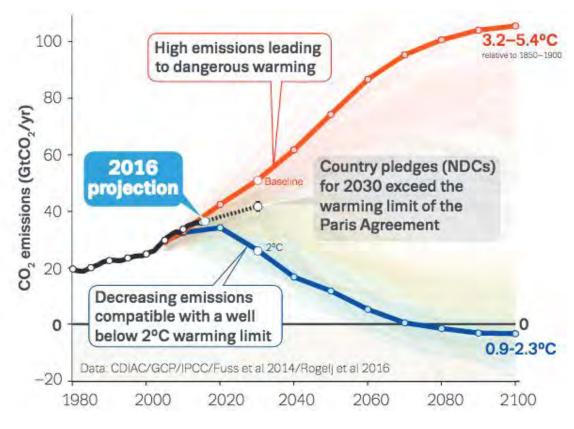


Figure 10: Emissions scenarios

Source: Carbon Brief (2016) *Analysis: What global emissions in 2016 mean for climate change goals,* https://www.carbonbrief.org/what-global-co2-emissions-2016-mean-climate-change

³⁶ BoM (2019) Annual climate statement 2018, http://www.bom.gov.au/climate/current/annual/aus/

³⁷ IPCC (2019) Special report: Global Warming of 1.5 °C, https://www.ipcc.ch/sr15/

Australia's emissions are currently rising.³⁸ The Australian Government's current policies are consistent with up to 4 degrees warming,³⁹ a scenario the World Bank describes as

...devastating: the inundation of coastal cities; increasing risks for food production potentially leading to higher malnutrition rates; many dry regions becoming dryer, wet regions wetter; unprecedented heat waves in many regions, especially in the tropics; substantially exacerbated water scarcity in many regions; increased frequency of high-intensity tropical cyclones; and irreversible loss of biodiversity, including coral reef systems.⁴⁰

³⁸ Long (2019) Australia's carbon emissions continue to rise despite Government assurances about climate change policy, https://www.abc.net.au/news/2019-08-30/emissions-drop-but-year-long-trend-on-the-rise/11464816

³⁹ Climate Action Tracker (2019) *Country reports: Australia* https://climateactiontracker.org/countries/australia/

 $^{^{\}rm 40}$ World Bank (2013) Turn down the heat: Why a 4°C Warmer World Must be Avoided, p 10, https://openknowledge.worldbank.org/handle/10986/11860

Conclusion

Climate change has already led to significant changes in Australia's seasons, including the expansion of summer by one month.

These changes have profound implications for life in Australia. Longer hotter summers mean longer bushfire seasons and more heatwaves. Heatwaves have serious health impacts, damage important industries and particularly affect workers required to undertake activities outside or in un-air-conditioned spaces. Disruption to the seasons and increasing temperatures are a threat to many plants, in our gardens and natural environment, as well as the agricultural crops we rely on for food.

Ordinary activities that we currently take for granted like sport or socialising outdoors will become less enjoyable and sometimes dangerous.

This trend will continue unless emissions are reduced decisively. Australia is one of the highest per capita emitters in the world, as well as the largest coal and Liquefied Natural Gas exporter globally. The emissions from Australia's coal and gas exports are double the amount of emissions produced domestically in Australia.

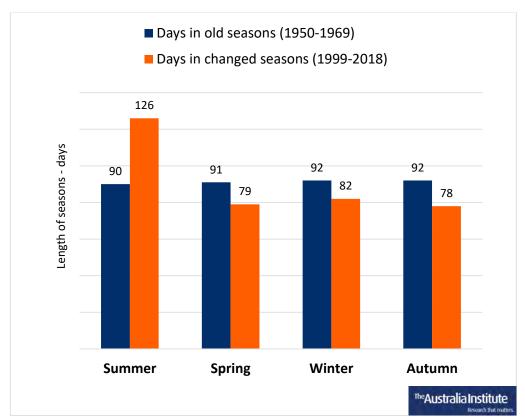
These changes have happened with warming of around 1 degree Celsius to date. Current Australian Government policies are consistent with 3-4 degrees warming within the lifetime of today's young Australians.

Appendix 1: Season changes in Australian cities

ADELAIDE

Data is from Kent Town weather station.

Figure 11: Changes in length of seasons for ADELAIDE



Source: BoM, ACORN-SAT, comparing daily average temperatures 1999-2018 vs those at the start of each season in benchmark period 1950-69; described in text.

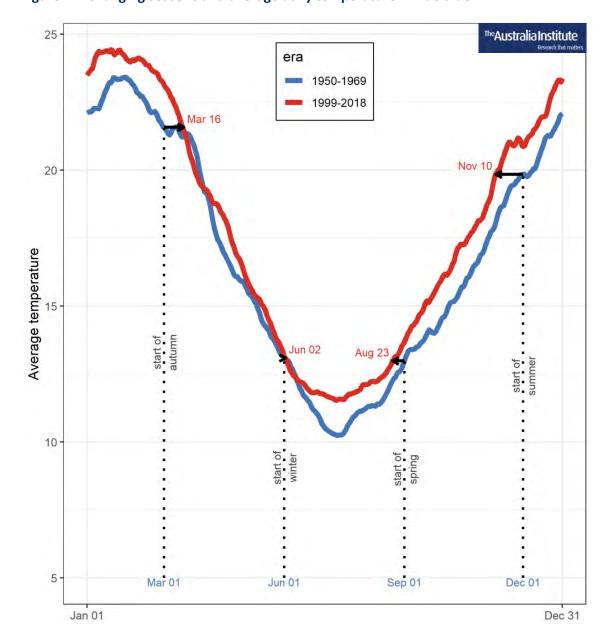


Figure 12: Changing seasons and average daily temperature in Adelaide

Source: BoM, ACORN-SAT, analysis of data as described in text.

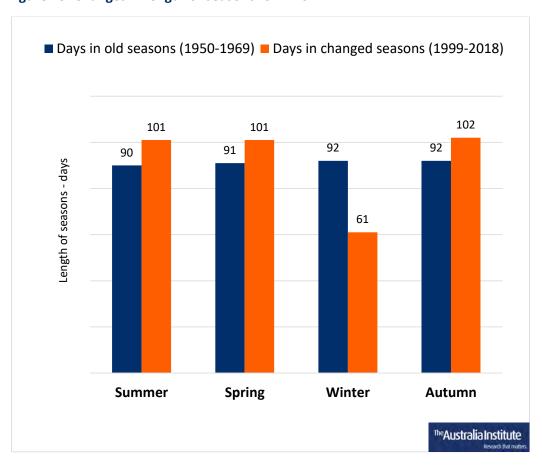
Starting temperatures:

Summer: 19.8°C
 Autumn: 21.5°C
 Winter: 13.0°C
 Spring: 12.9°C

BRISBANE

Data is from Brisbane Airport.

Figure 13: Changes in length of seasons for BRISBANE.



Source: BoM, ACORN-SAT, comparing daily average temperatures 1999-2018 vs those at the start of each season in benchmark period 1950-69; described in text.

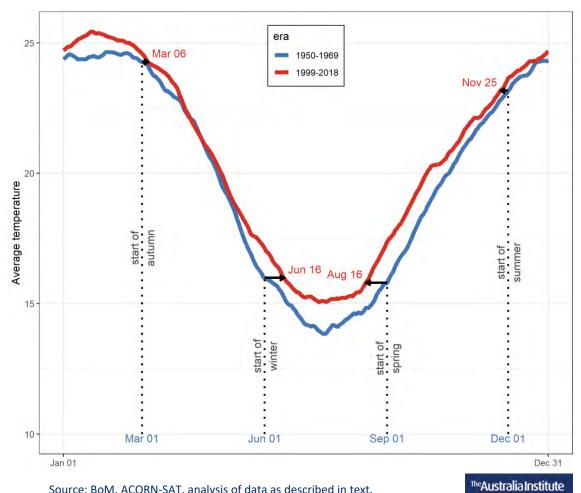


Figure 14: Changing seasons and average daily temperature in Brisbane

Source: BoM, ACORN-SAT, analysis of data as described in text.

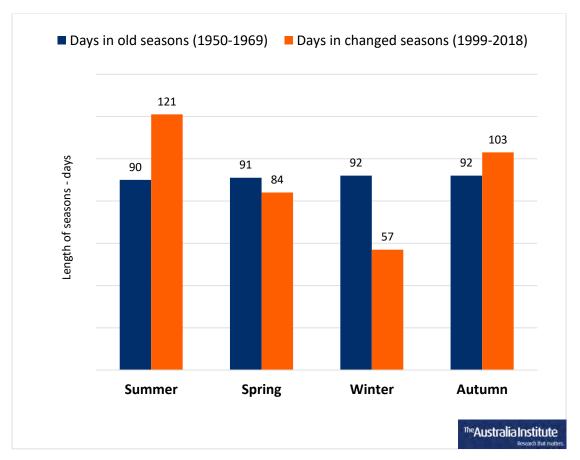
Starting temperatures:

23.1°C Summer: Autumn: 24.2°C 15.9°C Winter: 15.8°C Spring:

CANBERRA

Data is drawn from Canberra Airport weather station.

Figure 15: Changes in length of seasons for CANBERRA



Source: BoM, ACORN-SAT, comparing daily average temperatures 1999-2018 vs those at the start of each season in benchmark period 1950-69; described in text.

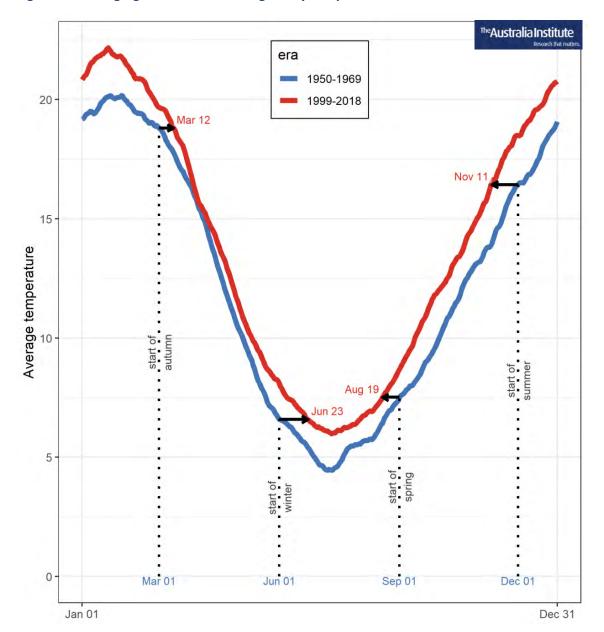


Figure 16: Changing seasons and average daily temperature in Canberra

Source: BoM, ACORN-SAT, analysis of data as described in text.

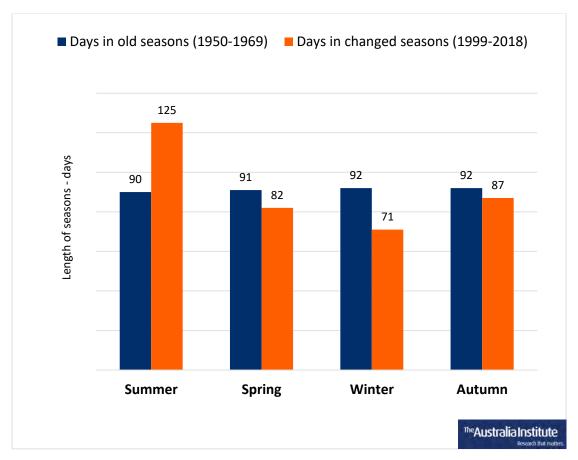
Starting temperatures

Summer: 16.4°C
 Autumn: 18.8°C
 Winter: 6.58°C
 Spring: 7.51°C

HOBART

Data is drawn from the Ellerslie Road weather station.

Figure 17: Changes in length and starting time of seasons for HOBART



Source: BoM, ACORN-SAT, comparing daily average temperatures 1999-2018 vs those at the start of each season in benchmark period 1950-69; described in text.

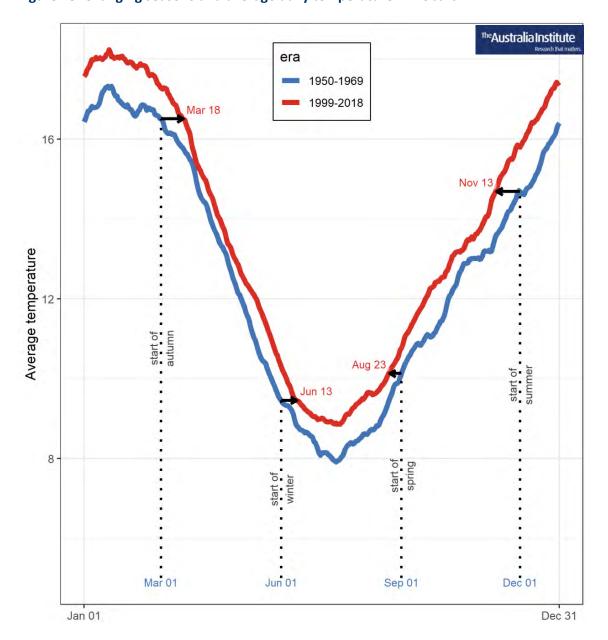


Figure 18: Changing seasons and average daily temperature in Hobart

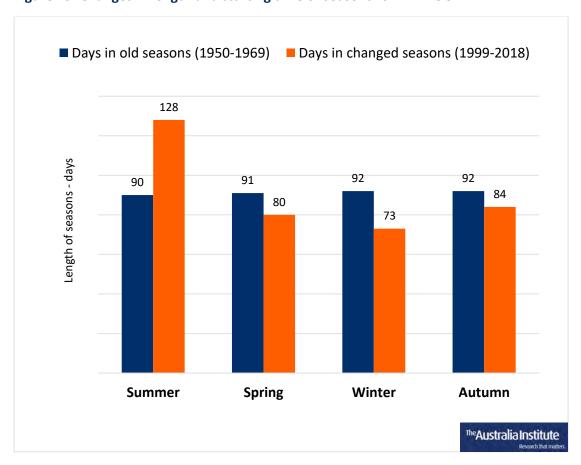
Starting temperatures

Summer: 14.6°C
 Autumn: 16.5°C
 Winter: 9.45°C
 Spring: 10.1°C

MELBOURNE

Data is from the Olympic Park weather station.

Figure 19: Changes in length and starting time of seasons for MELBOURNE.



Source: BoM, ACORN-SAT, comparing daily average temperatures 1999-2018 vs those at the start of each season in benchmark period 1950-69; described in text.

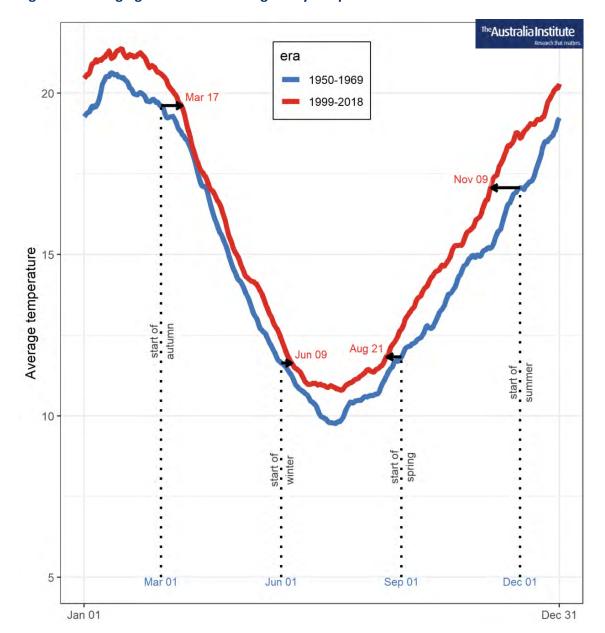


Figure 20: Changing seasons and average daily temperature in Melbourne

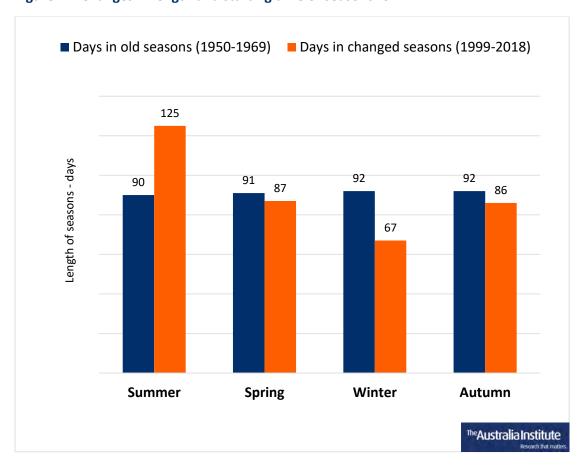
Starting temperatures

Summer: 17.0°C
 Autumn: 19.6°C
 Winter: 11.6°C
 Spring: 11.8°C

PERTH

Data is drawn from Perth Airport weather station.

Figure 21: Changes in length and starting time of seasons for PERTH



Source: BoM, ACORN-SAT, comparing daily average temperatures 1999-2018 vs those at the start of each season in benchmark period 1950-69; described in text.

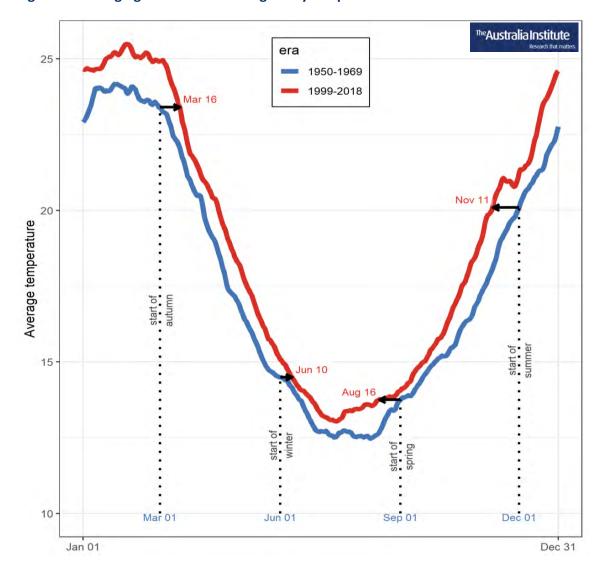


Figure 22: Changing seasons and average daily temperature in Perth

Source: BoM, ACORN-SAT, analysis of data as described in text.

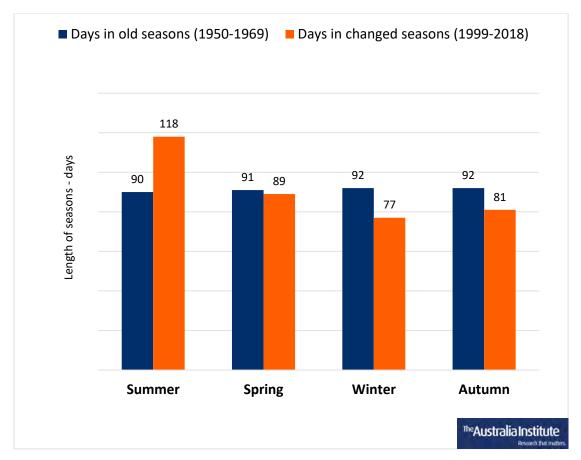
Starting temperatures

Summer: 20.0°C
 Autumn: 23.4°C
 Winter: 14.4°C
 Spring: 13.7°C

SYDNEY

Data is from the Observatory Hill weather station.

Figure 23: Changes in length of seasons for SYDNEY



Source: BoM, ACORN-SAT, comparing daily average temperatures 1999-2018 vs those at the start of each season in benchmark period 1950-69; described in text.

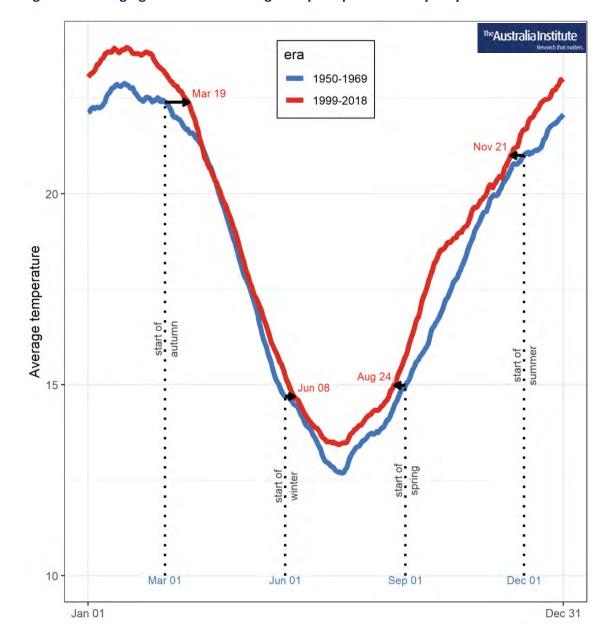


Figure 24: Changing seasons and average daily temperature in Sydney

Source: BOM ACORN-SAT, as described in method section

Starting temperatures

Summer: 20.9°C
 Autumn: 22.3°C
 Winter: 14.6°C
 Spring: 14.9°C

Appendix 2: Detailed methodology

Figure 1 below for Melbourne illustrates the basic methodology. The blue line shows the average temperatures measured at the Melbourne Olympic Park weather station from 1950-69, and the red line shows average temperatures for 1999-2018. The average temperatures for virtually every day of the year are higher over the last 20 years than during the 1950s and 60s.

The Australia Institute 1950-1969 1999-2018 Average temperature 10 Dec 01 Mar 01 Jun 01 Sep 01 Jan 01 Dec 31

Figure 25: Melbourne - change in temperatures and seasons, 1950-69 and 1999-2018

Source: BoM, ACORN-SAT, analysis of data as described in text.

Analysis was conducted for 66 individual weather stations where the data for 1950 was missing data for no more than 10% of the days.

In each era (1950-1969 or 1999-2018), the average temperature line in the graph above was calculated as follows:

- 1. For each date (e.g. 15 July 1950), calculate the average of the observed daily maximum and daily minimum temperatures (the Daily Mean Temperature (DMT)).
- 2. For each day of the year (such as 15 July) in each of the two decade eras, calculate the mean of the DMTs on that day across all years in the era (The Average Daily Mean Temperature (ADMT))
- 3. For each day of the year, calculating the mean of all ADMTs within 10 days of each day in each era (the Average Temperature (AT)). For example, the AT for 15 July in the era 1950-1969 is the mean of all ADMTs between 5 July and 25 July across all 20 years.
- 4. The start of each season (autumn, winter, spring, summer) for any given era is defined as being the first day of the year when the AT line crosses the corresponding AT for 1 March, 1 June, 1 September and 1 December in the reference period 1950-1969.

COMBINED RESULTS

Data was drawn from ACORN-SAT stations south of 25 degrees latitude south with observations going back to 1950. There are 70 such stations, shown in Figure 26 below. These are the stations where temperature observations started before or in the year 1950.

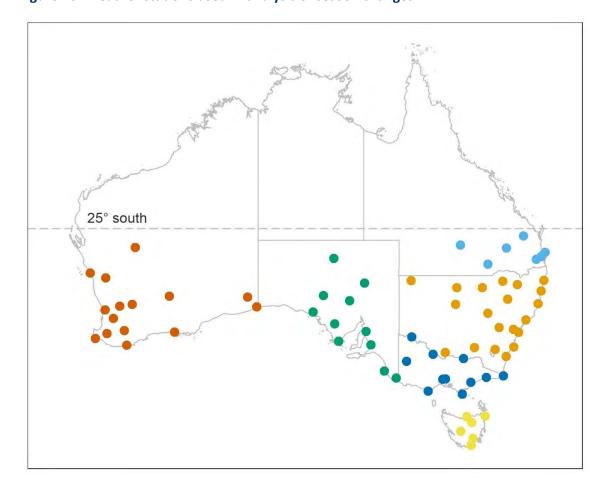


Figure 26: Weather stations used in analysis of season changes

Source: BoM ACORN-SAT stations south of 25 degrees S with data 1950-2018

The observations from all 70 stations were combined in the following way:

- 1. The AT for each day of the year was calculated for each station as described above.
- 2. For each day of the year and era, the mean of the ATs across all 70 stations was calculated. This gives the combined AT for each day of the year and era.
- 3. This allows the construction of the average temperature graph and subsequent calculation of seasonal changes, as per the method described above.

The starting temperatures for each month, defined in the benchmark period, were

Autumn: 21.7°C
 Winter: 12.2°C
 Spring: 12.3°C
 Summer: 19.8°C

This combined analysis was tested for robustness by using different criteria for including weather stations. In the test, weather stations were included only if each day of the year

had no more than 5 missing observations within a 20 year era. The resulting lengths of the seasons differed by a day or less when compared with the present analysis.

The analysis was also conducted with weather stations both above and below 25 degrees latitude south. This analysis found similarly long summers to the analysis conducted only with stations below 25 degrees, confirming that the result was not an result of choice of stations. However as tropical seasons centre on the wet and the dry, rather than summer and winter, the results presented here focus on the southern, non-tropical stations.

CHOICE OF BENCHMARK FRA

The benchmark era 1950-1969 is a conservative choice as the basis for historical comparison, with a larger number of weather stations from which to draw data than earlier benchmark choices.

The conservative nature of the choice can be seen by comparing the benchmark era compares with earlier eras. Using 1950-1969 as the benchmark, we calculated the length of summer for every 20-year era starting from 1910-1929 with yearly increments. To allow direct comparison between eras, only the 42 stations that had data for all eras were used. These stations are shown on the map in Figure 27 below.

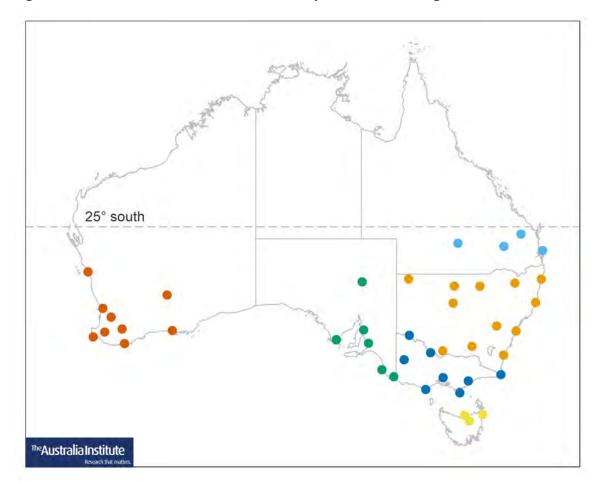


Figure 27: Location of weather stations for analysis of season changes 1910-1929

The length of the seasons, benchmarked against 1950-1969 temperatures, for each era is shown in the Figure 28 below. The labels on the horizontal axis give the first year of each era (so that, for example, winter for the era 1940-1959 was 95 days long).

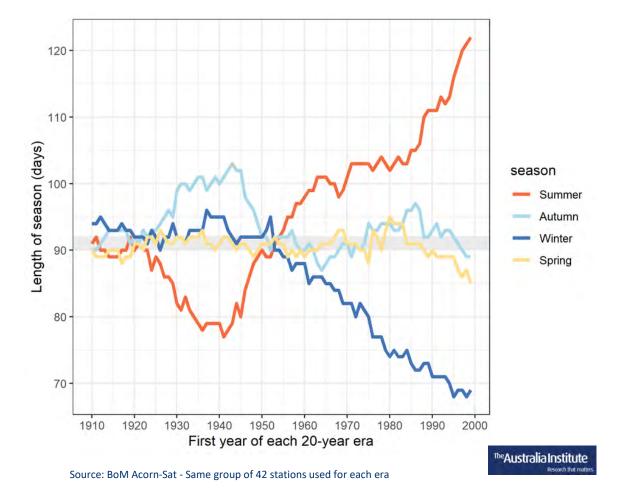


Figure 28: Length of seasons in temperate and subtropical Australia vs 1950-69

The general trend since the 50s and 60s is an increase in the length of summer at the expense of winter. In the early part of the twentieth century, season lengths were similar to the 1950-1969 benchmark era, followed by a dip in the length of summer during the late 20s to the 40s which was largely balanced by an increase in the length of Autumn.

An earlier benchmark era could have been chosen, with the disadvantage that fewer stations would be included in the analysis. For example, if the benchmark era were 1910-1929 (the earliest possible 20-year era that can be analysed with the ACORN-SAT temperature data), only 42 stations could be used in the analysis, in contrast to 70 stations in the present study.

Two further points to note:

 The lengths of the seasons for the era 1999-2018 using the 42 station data set are very similar to those using the 70 station dataset (which forms the main basis for this study).

• The results using the 1950-1969 era as a benchmark are very similar to those obtained using a benchmark era in the early part of the twentieth century (for example, the era 1922-1941).

Beyond these considerations, the benchmark era is significant as it reflects the period that saw the post-war acceleration of greenhouse gas emissions, as well as the birth and coming of age of large cohort of the Australia population, the baby boomers. This study emphasises changes that have occurred in their lifetime.

TECHNICAL NOTES

Leap years

To simplify calculations, all observations on 29 February were removed. The annual calendar is treated as having 365 days only. Leap years were included in the analysis but with 29 February removed.

When new winter temperatures do not reach the historical start of spring temperatures

In some instances, the average temperature on 1 September over 1950-69 is no longer within the range of average temperatures over the period 1999-2018. Figure 29 below shows an example from Cape Leeuwin in Western Australia.

In such cases case, the start of spring for 1999-2018 can be defined to be the minimum average temperature of that era. This is typically the point in the annual cycle in which average temperatures begin to increase again.

Both the average temperatures recorded on 1 June and 1 September in the 50s and 60 were observed during the period 1999-2018 at each of the stations measured. But if (or when) that were to occur, it would result in the exclusion of winter from the seasonal calendar.

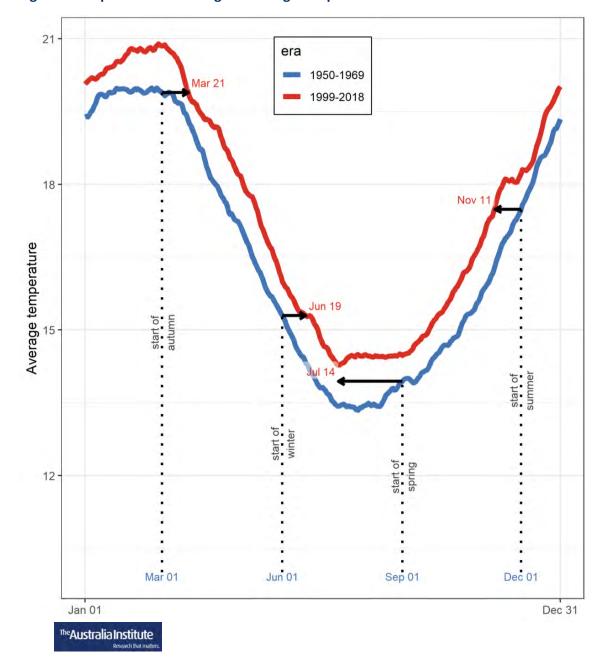


Figure 29: Cape Leeuwin - change in average temperatures and seasons

From:

To: David Sherley; Alan Cattermole; Darren Sturgiss; Neil Southorn; Aaron Jones; Deborah Taylor; Steven Bowman; Jess

Jennings; John Fry; Jacqui Rudge Subject: Bathurst Regional Council and climate data? Monday, 20 April 2020 7:00:26 PM Date:

Attachments: image005 png

image009.png image010.png image002.png IMG6BRC2_png.png

Hi All.

As follow up to my previous email on above subject - please see below.

This is excellent data that demonstrates clearly the nature of our already warming **local** climate. Indisputable facts too, as they show data trends to date.

Summer is shown to now be significantly longer (by 37 days!) and winter much, much shorter. Implications for soil moisture and water security... not pretty. Presenting this data visually would also be easy and effective for mainstream audiences.

If such data could be considered for inclusion to the BRC REAP and other appropriate policy documents and BRC comms that would be appreciated and I believe add value for all our stakeholders.

Cheers

Jess Jennings

Jess Jennings Councillor | M: 0409 474 216

W: www.bathurst.nsw.gov.au





This message is intended for the addressee named and may contain confidential information. If you are not the intended recipient, please delete it and notify the sender. Views expressed in this message are those of the individual sender, and are not necessarily the views of Bathurst Regional Council, unless otherwise stated. For the purposes of the Copyright Act, the permission of the holder of copyright in this communication may be taken to have been granted, unless stated otherwise, for the copying or forwarding of this message, as long as both the content of this communication and the purpose for which it is copied or forwarded are work related.

From: Tom Swann < Tom@tai.org.au> **Sent:** Monday, April 20, 2020 5:47 pm

To: Jess Jennings

Subject: RE: Bathurst Regional Council and climate data?

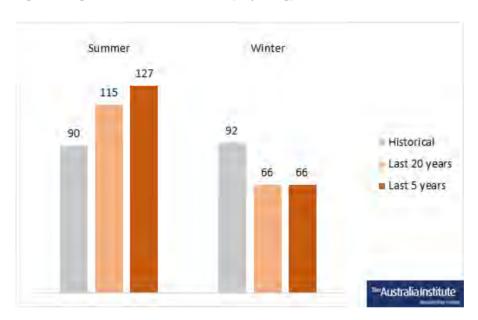
Dear Dr Jess Jennings

Thank you for in our interest in our report.

As it happens, the dataset we used includes Bathurst. The weather station is at 'BATHURST AGRICULTURAL STATION', the location of which I hope is familiar to you. At any rate it will reflect regional trends.

The table and graph below show the change in seasons for Bathurst, as per the methodology outlined in the report.

Figure: Length of seasons in Bathurst (days long)



	Season	Days long	Change	Now starting
Last two decades				
(1999-2018)				
Last five years				
(2014-2018)				

Let me know if you would like to discuss this or any climate change related issue further.

[~] Tom Swann

Senior Researcher The Australia Institute m: 0412 166 490 tw: @Tom Swann

w: http://www.tai.org.au

The Australia Institute

Research that matters



From: Jess Jennings < Jess.Jennings@bathurst.nsw.gov.au

Sent: Thursday, 16 April 2020 2:23 PM

To: The Australia Institute Mail < mail@tai.org.au > **Subject:** Bathurst Regional Council and climate data?

Dear TAI,

I'm a sitting councillor at Bathurst Regional Council (NSW) and was hoping to contact either of the authors of your recent report: *Out of Season: Expanding summers and shrinking winters in subtropical and temperate Australia*, by Tom Swann and Mark Ogge.

In particular, I am interested to know if Bathurst is one of the weather stations used in the report, and, is that Bathurst data and your related calculations/analysis of seasonal change available for my Council's consideration?

Cheers

Dr Jess Jennings Councillor Bathurst Regional Council

Jess Jennings Councillor | M: 0409 474 216 W: www.bathurst.nsw.gov.au





SUBMISSION TO BATHURST REGIONAL COUNCIL RENEWABLE ENERGY ACTION PLAN (REAP) – Ingrid Pearson

I commend Council on setting out its strategy to minimise its dependence on fossil fuel energy sources and its primary focus on grid-sourced electricity. I applaud the aims set out in the REAP document.

However, in my opinion, the Council is taking a very narrow focus.

There are many ways energy cost savings and renewable energy projects can be supplemented by GOOD DESIGN of the built and natural environment. The Plan mentions the State Government's firm target of zero net greenhouse emissions by 2050, with an interim target of a 35% reduction by 2030. Council could do more to assist in achieving the State's objective than what it has set out in the REAP.

The Green Building Council of Australia states that "Our built environment is currently the world's single largest contributor to greenhouse gas emissions, and also consumes around a third of our water, and generates 40 per cent of our waste."

COMMENTS

Good design of subdivision layouts of lots to enable a majority with northern solar access combined with good building design to optimise roofs to enable solar panel installation with least disruption can contribute significantly to reducing energy requirements of the dwelling or building.

Setting aside land within a subdivision to provide future community battery storage for households with solar panel installations could create self sufficient energy efficient communities.

Leadership in local planning controls by firstly setting Council's own project design briefs for development to achieve at least 5 star to 6 star green star rating developed by Green Building Council of Australia (GBCA), or equivalent using a LEEDS rating tool. This moves our city (and villages) towards sustainable energy efficient design solutions releasing less greenhouse emissions by using low embodied energy materials and passive solar design.

While greenfield sites tend to be easier to develop and achieve high green star ratings, existing buildings or brownfield sites have a head start as they provide embodied energy savings when adaptive reuse of the building is applied.

Secondly, the National Construction Code (NCC) is moving towards a 7-star NatHERS or equivalent BASIX rating for dwellings by NCC 2022¹. Council could anticipate the outcome by advocating the transition to developers and builders within our region NOW. New dwellings designed and built to the higher code, means Bathurst will be well ahead of other cities in the region. Our own experience in building a well-designed home of equivalent 7+ star NatHERS rating in 2018 showed only a slight increase in capital cost, but a large saving in energy costs. A SMART CITY, anyone?

Renewable energy solar installations could be located to shade our stormwater holding ponds, thereby reducing evaporation from the ponds. Especially since it is proposed to create a new stormwater holding pond within the stormwater harvesting project currently before Council. A combined expenditure could result in Council generating more renewable energy to activate pumps during the day as well as conserving water through reduced evaporation.

Replacement of existing street lighting with LED street lighting is applauded and a commendable step into the right direction. However, I have observed that the pilot study carried out throughout Bathurst has not taken into consideration the existing heritage streetscapes and urban quality of the suburbs.

REOMMENDATIONS

Council aims should be set higher and avail themselves of any available State and Federal funding, especially considering the Covid-19 pandemic stimulus measures.

- Negotiate electricity contracts in 2022 for 100% renewable energy by 2030.
- Aim for electricity consumption of new development or adaptive reuse of existing Council owned buildings to be 100% renewable energy through good design and energy efficient systems, including solar installations.
- As part of their Action Plan Table 2 to reach renewable target #2, Council to investigate options of LED street light fittings that **most closely resemble the existing fittings** to maintain the existing amenity and urban quality of the suburbs in Bathurst, e.g. heritage light fittings on gooseneck tops.
- Apply good design principles though LEP and DCP provisions to maximise energy efficiency in all dwellings and non-residential development.
- Show leadership by holding public forums to educate and assist our community to achieve better energy
 efficient buildings by design.

Ingrid Pearson FRAIA (NSW Architect Registration 3844)

¹ The Australian Building Codes Board through its Building Code Committee of which I am a member, is currently reviewing the regulatory provisions for greater energy efficiency in the updated NCC Vol 1 and Vol2 to apply from May 2022

Submission to Bathurst Regional Council regarding Renewable Energy Action Plan (REAP)

Bathurst Regional Council (BRC) should be applauded for recognising the need to implement Renewable Energy targets. BRC should also be congratulated for commencing the installation of solar panels on its own buildings from 2011. Further, Council should be acknowledged for the prudent roll out of energy-saving devices to drive up more efficient use of energy and drive down costs.

But unfortunately, that is where praise for Council's REAP plan should begin . . . and end.

Bathurst Regional Council has drafted proposals for a conservative increase in the usage of renewable energy over the next 5 years. Sadly, these targets are so modest, they could be regarded as timid.

Let me explain.

Over 115 Local Councils across Australia have joined to form Cities Power Partnership (CPP) to help each other convert to renewable energy as soon as possible. Bathurst Council is a member of that partnership. Many Councils have set themselves the target of 100 per cent renewable electricity usage by 2030. Bathurst Council is proposing a target of only 50 per cent renewable electricity usage by the same year.

A number of Councils across Australia have entered into agreements to generate substantial amounts of electricity through the installation of solar farms within their areas. Not only do these solar farms allow Councils to massively reduce their dependency on expensive grid electricity, but in many cases the solar farms produce so much electricity it creates revenue when fed back into the electricity grid.

Some examples of local Councils becoming generators of electricity include Parkes shire, which installed a 55 Mw solar farm, 10 kilometres outside Parkes. The solar array generates enough electricity to power 40,000 average households. Bathurst LGA has 18,000 homes.

Broken Hill has installed 52 MW solar farm; Dubbo 25 MW; Moree 57MW and Nyngan a staggering 102 MW, enough to power the household needs of most of outback New South Wales!

Bathurst Regional Council has not entered into any agreement with any partner to become a generator of electricity. In the draft Renewable Energy Action Plan, it does not recommend it will do so into the future either (p.15). Yet, there is a company – Photon Energy – that has been willing to construct a 146 MW solar farm nearby at Brewongle. However, the Development Application has been stalled in Council for years.

On large scale electricity generation, Bathurst Council is clearly behind many other Councils in Australia.

Even on a smaller scale, Bathurst is behind public sentiment. To date, ratepayers in the Bathurst Regional Council area have installed solar panels on more than 3,500 residential buildings representing over 5,000 kW of installed power. In comparison, BRC has installed just 438 kW of solar panels on its own buildings.

Finally, according to the Commonwealth Department of the Environment and Energy, Australia currently generates 20 per cent of its total electricity needs from renewable sources, mainly hydro, wind, solar and biogas (2019 Report). Bathurst Regional Council produces only 4 per cent of its electricity needs from renewables.

In conclusion.

In several areas, Bathurst Council is a leader among local councils in Australia. It has developed iconic sporting events, such as the Bathurst 1000 motor race that figure on the international stage. It hosts cultural events, including the Winter Festival and a one-off Elton John's concert, that make it the envy of many other Councils. It also rightly calls itself a leader with regards to being a "Smart" City.

Yet when it comes to the environment, sustainability and land usage, regrettably Bathurst is a laggard. The connection between electricity usage and the environment is both clear and direct. As most grid electricity in Australia is still produced by coal-fired generators, any replacement of fossil fuel electricity with renewables would greatly help lower greenhouse gas emissions and slow the environmental impact of climate change.

Recommendation

Bathurst Regional Council should increase the rate of roll-out of solar panels on its own buildings and should set a more ambitious target of using 100 per cent renewable electricity by 2030. A target, which in reality, would only bring it in line with many other Councils across Australia.

Additionally, Council should explore ways – including rate relief - in which citizens could accelerate the rate of solar panel installation on households throughout the Council region. For example, Eyre Peninsula Council in South Australia has set itself the objective of supporting every house within its area to have solar panels installed by 2022.

Finally, Bathurst Regional Council should actively explore entering the marketplace as a generator of renewable electricity. It matters not whether this is via a solar farm or wind farm or even a mini hydro scheme. It also does not matter if this goal is achieved individually or in partnership with one or more organisations. The overall objective is for Bathurst Regional Council to produce more electricity than it needs for its own purposes so that the excess can then be used as a source of revenue, or for economic development.

Stuart Pearson Tuesday 8 April 2020

John Fry From: Council To: Neil Southorn Cc.

Subject: Resubmitted REAP submission John Fry Thursday, 14 May 2020 12:54:33 PM Date: IMG0BRC2 png.png Attachments:

IMG1nrw2020-email-sig2-sized jpg.jpeg

Hi all

Can you please submit my comments on the Renewable Energy Action Plan:

Engage suitable and qualified local/regional companies under the "buy local" campaign aims to design and construct photovoltaic panels arrays behind the meter at the water filtration plant and the sewerage treatment plant and pumping stations to provide a 66% reduction in grid based power supply, provide infrastructure security and reduce operating costs over a 20 year period.

Critical water infrastructure PV projects should be funded by private investor partners if council regards in house funding as high risk. Begin negotiations with suitable organisations to facilitate funding arrangements.

Begin the design and construction of solar arrays in major city car parks and provide EV charging outlets.

Investigate alternative methods of providing solar water heating at the Bathurst Manning Aquatic Centre.

Begin the purchase of an electric vehicle fleet for council employees.

Begin negotiations with The Brewongle Solar Farm for a power purchase agreement.

Adopt a 50% consumption from renewables target by 2023.

Get Outlook for iOS

John Fry Councillor | M: 0447 353 199



W: www.bathurst.nsw.gov.au

Submission by Power Bathurst to Bathurst Regional Council on Renewable Energy Action Plan (REAP)

Preamble

Power Bathurst is an informal group of like-minded citizens (names listed at end of submission) motivated to increase the percentage of renewal energy consumption of electricity across the Bathurst Regional Council area.

Bathurst Regional Council (Council) is to be congratulated for setting renewable energy targets, increasing the installation of solar panels on its own buildings and prudently rolling-out energy-saving devices to increase energy efficiency. Power Bathurst supports the plan and at the same time urges Council to go beyond the modest targets set out in the REAP.

Introduction

The REAP report covers the three main sources of energy that Council consumes – electricity, natural gas and liquid fuel. Power Bathurst will focus its submission on electricity usage. This area will not only provide the greatest cost savings to Council but could also provide Council with a completely new and potentially lucrative revenue stream.

Comments and Recommendations

There are several points that Power Bathurst would like to make. They are:

- Transitioning to renewables is important and it is an objective that most of the community (73.6 per cent) desire. Reducing Council's dependency on fossilfuel generated electricity is crucial for lessening the impact of climate change.
- Increasing Council's use of renewable electricity would greatly improve its economic performance, as renewable energy is now cheaper than electricity supplied from fossil-fuel generation.
- Over 115 Local Councils across Australia have joined to form Cities Power Partnership (CPP) to help each other convert to renewable energy as soon as possible. Bathurst Council is a member of that partnership. Many Councils have set themselves the target of 100 per cent renewable electricity usage by 2030. Bathurst Council is proposing a target of 50 per cent renewable electricity usage by 2025 but has declined to set any target for 2030. Power Bathurst recommends that Council stagger its targets so that it moves from 50% in 2025, to 75% in 2027 and 100% in 2030.
- Council is intending to install more solar panels on its own buildings and property. We recommend that one such location could be to install solar panels over Council's stormwater holding ponds. Not only would they generate plentiful solar electricity, but they would greatly reduce the evaporation of our precious water resources.

- The draft plan reasonably concentrates on Council's own consumption of energy. Power Bathurst recommends that Council facilitate and encourage the uptake of renewable electricity within the wider Bathurst community.
- Bathurst Council has not entered into any agreement with any partner to become a generator of electricity. In the draft Renewable Energy Action Plan, it does not recommend it will do so into the future either (p.15). Power Bathurst recommends and urges Council to reconsider this stance and seriously study the economic and environmental advantages that could arise from developing a co-generation agreement, or even becoming a generator by itself. Either way, this could result in Council attracting new and existing businesses to locate (or remain) in Bathurst.
- One matter that was not mentioned in the report was Virtual Power Plants (VPP). This submission does not allow enough space to deal with this matter in depth. Nevertheless, Power Bathurst recommends that Council should fully explore this subject, for it may significantly reduce, or even eliminate, the amount of electricity that Council must purchase from external sources. Plus, it may provide Council with a completely new source of revenue.
- Once the draft report has been adopted, Power Bathurst recommends that Council summarise the approved policy into a two-page synopsis for ease of distribution and understanding by the community.

Conclusion

Once again, Council is to be applauded for implementing renewable energy targets, but Power Bathurst would very much like to see Council set a target of 100 per cent renewable energy usage by 2030.

Council has an enviable reputation for being a leader in a number of fields such as organising events, building sports infrastructure and being a 'Smart City'. If Council chooses to, it could also become a leader in the renewable energy sector and take economic advantage by attracting emerging technologies that are beginning to materialise alongside the renewable energy usage.

Thank you

Power Bathurst group comprises of:

Lindsay Cox	williamcox1@live.com.au
Stuart Pearson	stuart@bigpond.com
Jim Blackwood	jpb49@bigpond.com
Greg Madden	gjmadden@bigpond.net.au
David Nicholas	david.nicholas41@gmail.com
Robyn Lewis	geoffandrobyn1@gmail.com
Bob Hill	j.bhill2@bigpond.com
Phil Drabch	trinityblue_ang@hotmail.com
	Stuart Pearson Jim Blackwood Greg Madden David Nicholas Robyn Lewis Bob Hill

A 44 -	- d		. ^	- 4	E A
Alle	ichn	n (em	. 9		. O. T

COMFORTABLE BUILDINGS WHEN CLIMATE, MONEY AND SAFETY MATTER.

TECHNICAL DOCUMENT

EXECUTIVE SUMMARY

A structural change has occurred in the air conditioning industry. Many air conditioners sold in the market today have become outdated.

Government legislation is already phasing down the supply of environmentally harmful hydrofluorocarbon (HFC) chemical refrigerants in Australia and internationally.

AIRAH, Australia's peak Air Conditioning industry body has published strong directives such as... "The biggest threat is to do nothing. The phase-down is a reality, the transition to low Global Warming Potential (GWP) technology must happen, the industry must rise to the challenge...the first best thing anyone in the industry can do is to learn about the low-GWP refrigerant-based solutions...Stop designing and installing with high GWP refrigerants, now! The worst thing anyone can do is to do nothing. Do something."

There are a range of additional market factors magnifying the change.

Climate Issues:

- Local Governments, such as City of Sydney, are beginning to require that air conditioners in new developments have a GWP of 3 or less. Most chemical refrigerant air conditioners have a GWP of more than 200 times this.
- The past year has seen an unprecedented focus on climate action and reducing greenhouse emissions. The youth of today are expecting responsible actions for their future world.
- Consumers are more willing to pay extra for environmentally friendly products. Money talks... and it's going green.
- Businesses with poor sustainability practices are under increased scrutiny.
- Many financiers are backing off investments that have high sustainability related risk.
- Climate has never been a more important factor in the marketplace.

Money Issues:

 At the same time, the 2020 virus pandemic and associated financial challenge is increasing consumer focus on costs at all levels.

- Not only the initial cost of a purchase, but also the ongoing operating cost it involves.
 Consumers and businesses are needing to reduce overheads and operating costs to enable them to rebuild financially.
- High electricity expenditure has been a pain point for many years and people and businesses do not want to continue to waste money on inefficient air conditioners.

Safety Issues:

- The days of ignoring serious threats to human health and safety are over.
- Any person who reads the manufacturer material safety data sheets of chemical refrigerant air conditioners will realise that the potential health risks are serious.

Climate, saving money and safety are now more relevant to the world than ever before.

Multinational chemical companies have controlled the market and resisted change.

An Australian innovation provides the solution.

Pioneer Air Conditioners with Engas hydrocarbon natural refrigerant are designed for environmental performance, safety and saving money. They are able to meet the changing market needs of the world.

The technology has been created from 10 years engineering and product development between these Australian companies.

The result is 8 international patents and the world's best air conditioner.

The environmental performance can help Local, State and Federal Government, and businesses and organisations of all sizes meet their greenhouse reduction targets.

The energy saving performance reduces electricity costs. This increases business profitability and competitiveness and can help grow the economy and generate jobs.

The safety performance is what HVAC technicians and building occupants deserve.

This document outlines in detail the shift in the air conditioning market, and how the Pioneer technology is able to fulfil the key requirements of air conditioners of the future.

TABLE OF CONTENTS

Compliant with Regulatory Changes	4
Aligned to Australian Industry Direction	4
Meaningful Climate Impact	4
CO ₂ Emission Savings	5
Natural Refrigerants are Internationally Endorsed	6
Lower Electricity Consumption	6
Peak Demand Reduction	7
Lowest Lifecyle Cost	7
High Return on Investment	8
Better for Businesses	8
Cost-effective Solution for Replacing R22 Air Conditioners	9
Renew Existing Air Conditioners	9
Safer for Technicians and Building Occupants	10
Flammability Safely Addressed	11
Longer Equipment Lifespan	12
Best Warranty	12
Internationally Patented Technology	12
Catering for Broad Industry Application	12
Commercial and Residential Range	13
Compatible for Off-Grid Buildings	14
Education and Training	14
Employment and Apprentices	14
Natural Refrigerant Retrofit	15
Australian Design and Engineering	16

Note: This document relies on third party information. We have used reasonable efforts to ensure the accuracy of data and information presented. Energy, financial and CO_2 savings presented are estimates only and may depend on a range of variables. No liability is accepted for reliance on this document. You should discuss your specific circumstances and requirements with us so we can recommend the appropriate solution.

COMPLIANT WITH REGULATORY CHANGES

You wouldn't buy a black and white TV

"Around the world, the vision for a future without HFC's is becoming a reality as Governments and major corporations move ahead with plans to eliminate their use" Full Steam Ahead: Charting the Path to a Future without HFC's, The Environmental Investigation Agency. 1

- HCFC chemical refrigerants (i.e. R22) are ozone depleting. Their supply has already been phased down in accordance with the Montréal protocol global agreement. As a result of the phasing down of these chemicals, scientists expect the Antarctic ozone to recover back to the 1980 level around 2070.
- The majority of air conditioners now use HFC chemical refrigerants (i.e. R410a and R32). The release of these refrigerant gases into the atmosphere contributes to global warming. Their supply is presently being phased down in accordance with the Montréal protocol Kigali amendment. 3
- Scientists estimate the Kigali accord will reduce global warming by nearly one degree Fahrenheit (0.55°C).
- The Ozone Protection and Synthetic Greenhouse Management Legislation Amendment Bill 2017 enforces the HFC phase down within Australian law. 5
- A shift toward low Global Warming Potential (GWP) refrigerants is therefore mandated in Government policy.
- Local Governments, such as City of Sydney, have introduced a requirement in development applications ensuring that the refrigerants used in air conditioning (AC) systems have a GWP of 3 or less.
- As the supply of HFC chemical refrigerants is phased down by law, the cost of replacement gas is expected to increase. This trend has already occurred with R22.
- You wouldn't buy a black and white TV.
 Why buy an air conditioner that
 Government legislation has already deemed will be obsolete?

ALIGNED WITH AUSTRALIAN INDUSTRY DIRECTION

The following was published in 'Ecolibrium' (Aug 2018), the Official Journal of AIRAH (The Australian Institute of Refrigeration, Air Conditioning and Heating) which represents over 10,000 air conditioning, refrigeration, heating and ventilation professionals across Australia.

"Due to this huge technology transition and renewal of existing RAC (room air conditioner) infrastructure over the next 15 years, the individual and commercial opportunities within the industry are almost unlimited. It will be a great time to be in the industry. It's a great industry that is cleaning up its act, and it is a pivotal industry that will drive how far and how fast the global community can move towards net zero emissions.

The biggest threat is to do nothing. The phase-down is a reality, the transition to low-GWP technology must happen, the industry must rise to the challenge. Rise, humans of HVAC&R.

The first best thing anyone in the industry can do is to learn about the low-GWP refrigerant-based solutions and alternatives that are currently available in your sector and the new technologies and methodologies that are under development. Inform yourself of what you are using now and its potential replacement. Stop designing and installing with high GWP refrigerants, now!

The worst thing anyone can do is to do nothing. Do something". 6

"Minimization of direct and indirect emissions from all refrigeration and air conditioning plant is becoming increasingly important". ⁷

Stefan Jensen, Member of the Board of Directors of the International Institute of Ammonia Refrigeration and Member of the Board of Directors of the Australian Institute of Refrigeration, Air Conditioning and Heating.

MEANINGFUL CLIMATE IMPACT

"The number of room air conditioning units in service is estimated to increase from 1.2 billion units today to 4.5 billion units by 2050....the world needs a radical change in comfort cooling technology, one that can effectively and assuredly offset the exponential increase in cooling energy demand and put us on a path to cooling with less warming." Solving the Global Cooling Challenge, Rocky Mountain Institute. 8

"Let's act with the fierce urgency of now. It's our responsibility to ensure a liveable planet - for us and for all future generations." World Bank President. ⁹

"If you want to keep warming well below 2°C then you really need to hit net-zero by 2040, but we're not even close to achieving that. We're on target for 3°C or 4°C. There are some people who say at that temperature the earth can't even handle human habitation." Professor Steffen, Australian National University. 10

"The most immediate, cost-effective, and tangible global measure to address climate change ever contemplated, the phase-down of HFC's." Briefing for the 26th meeting of the Parties to the Montreal Protocol. ¹¹

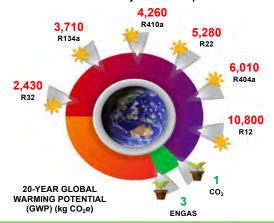
- Whether you personally believe in manmade climate change or not - with the stakes being so high - why take the gamble?
- HFC's have become the fastest-growing source of greenhouse gas emissions worldwide. ¹²
- Adopting low GWP air conditioning can make a meaningful impact on the level of greenhouse gas emissions.
- Environmentally harmful high GWP refrigerants must be properly disposed of to minimise leakage into the atmosphere.
- There is no economic downside.
 Shifting to low GWP refrigerants can be achieved while supporting businesses, consumers, jobs and growing the economy.

CO₂ EMISSIONS SAVINGS

- Direct greenhouse emissions from AC refrigerant leakage are significant.
- The table shows the kg of CO₂ equivalent for every 1 kg of refrigerant and its atmospheric lifetime. ¹³

Refrigerant	20-yr kg CO₂e	100-yr kg CO₂e	Life time (yrs)
R22	5,280	1,760	11.9
R410a	4,260	1,924	28.2
R32	2,430	677	5.2
Hydrocarbon	<3	< 3	< 1

- Refrigerant leakage from air conditioning is estimated at 9% of the refrigerant volume, each year, on average. 14
- Many of the millions of AC units in Australia will end their life with equipment failure and leak HFC refrigerant into the atmosphere unless changed under planned obsolesce.
- The direct greenhouse emissions for 1 x R410A 9kW split system AC is more than 1,100 kg CO₂e each year, for the next 28 years (based on 9% leakage p.a., 2.9 kg of refrigerant and 20-yr kg CO₂e).
- For a Pioneer unit it is less than 4.5 kg CO₂e p.a. for less than 1 year.
- The improved energy efficiency also reduces the indirect greenhouse emissions from the electricity used.
- For instance, 1 x 9kW Pioneer AC in an apartment can save 1,298 kg CO₂ p.a., compared to a new chemical refrigerant air conditioner of the same product class, from the reduced electricity consumption.



NATURAL REFRIGERANTS ARE INTERNATIONALLY ENDORSED

- There are five natural refrigerants; air, water, CO₂, ammonia, and hydrocarbons.
- For any concerns about introducing hydrocarbons into your building, an estimated 700 million refrigerators already operate with this natural refrigerant.

"ASHRAE has recognized that the advancement of sustainable building design and operations is critical to the protection of our global environment and to society. Expanding the safe and efficient application of natural refrigerants supports this move towards sustainability and continues ASHRAE's legacy as an international leader in the field of refrigeration and air conditioning." ASHRAE Position Document on Natural Refrigerants (over 57,000 members in 132 countries). 15

 The international Consumer Goods Forum, comprising 400 of the world's largest companies across 70 countries, has called for the use of natural refrigerants.

"In short, no matter what industry you are in, the case for switching to natural refrigerants has never been stronger, and the time to move is now!" Understanding the Most Cost Effective Way to Fight Climate Change, The Consumer Goods Forum. ¹⁶

 Project Drawdown has identified refrigerant management as the most critical step towards reducing global CO_{2-e} emissions. ¹⁷

"In order to achieve a global phase-down of HFCs, replacement fluids must be identified, and a global refrigerant transition must be implemented.

The theoretically ideal refrigerant is the one having zero ozone depletion potential, low GWP, nontoxic, non-flammable, has appropriate thermodynamic and heat transfer properties and is compatible with any type of lubricating oil. Hydrocarbons satisfy all the requirements except being highly flammable" El-Sayed, El Morsi, and Mahmoud 2018, Project Drawdown. 18

Note: Refer 'Flammability Safely Addressed' on page 11 of this document.

LOWER ELECTRICITY CONSUMPTION

- Pioneer air conditioners using Engas hydrocarbon natural refrigerant use considerably less electricity than air conditioners operating on chemical refrigerant.
- This is due to the increased heat absorption ability of natural refrigerant molecules. To achieve the same heat transfer, up to 62% less refrigerant volume is required. This results in lower discharge operating pressures, reduced demand on the compressor and lower electricity usage.

Electricity savings compared to other brands of new split system air conditioners in the same product class	30-50%
Electricity savings compared to older fixed speed air conditioners	Up to 65%

- Further, chemical refrigerants have a lower critical temperature (the temperature at which refrigerant gas will not turn to liquid in the vapour compression cycle).
- For instance, the critical temperature of R410a is 71.3°C and R32 is 78.1°C. ¹⁹ During hot weather the temperatures within an air conditioner may reach or exceed this. The result is decreased cooling performance and increased electricity consumption during times when cooling is most needed.
- The critical temperature of Engas M60 is 90°C. The performance does not reduce in hot weather.
- Reducing wasted energy is a fundamental step in building sustainability and environmental performance.
- Given that air conditioning is the highest user of electricity in most Australian buildings, this represents enormous CO₂, electricity and financial savings for Australian businesses and households.
- In NSW and Victoria these energy savings may generate financial rebates on large commercial projects.

PEAK DEMAND REDUCTION

- A fundamental challenge for the electricity grids in Australia is power demand.
- During extreme heat periods, air conditioning usage increases, pushing grids to their capacity.
- Blackouts have been common in recent years when grids cannot meet demand.
- Air Conditioners that use less electricity, particularly during hot weather, are fundamental to solving this problem.
- Pioneer Air Conditioners draw less power demand than other reverse cycle air conditioners and reduce demand on electricity grids.
- This may generate additional financial rebates as energy saving programs move to incentivise power demand reductions.
- The measurement and verification data displayed below was recorded with a likefor-like comparison of 2 residential apartments, normalising the variables in electricity consumption as much as practical to reliably demonstrate savings.
- The demand reduction is substantial and even more pronounced given that the Pioneer unit was a larger size.



R22 inverter 8kW Cooling Running Amps = **9.87 A**



Pioneer inverter 10.6kW Cooling Running Amps

= 5.43 A = 45% reduction

• On a kW for kW basis, the actual demand reduction shown is 59%.

LOWEST LIFECYCLE COST

- The lifecycle cost of an air conditioner includes the:
 - up-front equipment investment
 - installation
 - service and maintenance
 - replacement components from out of warranty failure / wear
 - electricity running costs
 - replacement refrigerant
 - over the useable life of the equipment
- Pioneer Air Conditioners have substantially lower electricity costs than reverse-cycle chemical refrigerant air conditioners in the same product class.
- Due to the lower operating pressure within the system and the absence of acid producing chemicals, wear and tear on the compressor and other components is reduced.
- This extends equipment lifespan and reduces maintenance and component replacement costs.
- Pioneer Air Conditioners have a market leading warranty duration, therefore out of warranty costs are typically less than other brands.
- HFC chemical refrigerants are being phased down. As this happens the cost of replacement refrigerant is expected to increase significantly, as has already occurred with R22. Natural refrigerants are not being phased down and their cost will not rise in the same way.
- These financial benefits make Pioneer the lowest lifecycle cost reverse cycle air conditioners in the world.
- Over the lifetime of equipment it would cost less to invest in a Pioneer air conditioner than to install a comparable air conditioner using chemical refrigerant - even if the other unit was given to you for free.
- As households and businesses become increasingly discerning and cost-conscious in their purchase choices, this matters.

HIGH RETURN ON INVESTMENT

- Replacing an old air conditioner is often a significant capital investment upgrade.
- The primary motivation is usually to maintain building comfort and equipment reliability, rather than energy savings.
- The old financial model is to use capital funds or finance an infrastructure upgrade with the energy savings taking many years to recoup the investment.
- Pioneer air conditioning changes the financial model.
- The high level of electricity cost savings from Pioneer can provide a financially attractive return on investment.
- Typically, if the equipment is financed via a lease (on balance sheet) or service agreement (off balance sheet) the electricity cost savings from changing an old air conditioner to a Pioneer air conditioner can exceed the repayments.
- The new financial model is no-upfront cost and then positive cash-flows each month (depending on site specific cost and usage variables). At the end of the finance term all of the savings are retained by the business.
- In this scenario, the business is receiving the equipment for no net financial cost.
- Reducing energy usage can often result in a smaller solar system being required, providing further investment savings.
- As an example of the financial benefits enabling a high return on investment from projects using Pioneer, this chart displays the electricity cost savings changing over 150 x R22 air conditioners to Pioneer in a Sydney serviced apartment building.



BETTER FOR BUSINESSES

- Installing the most energy efficient air conditioners with low GWP enhances environmental performance.
- Businesses can promote their environmental performance to clients, stakeholders and investors. It can often be monetised.

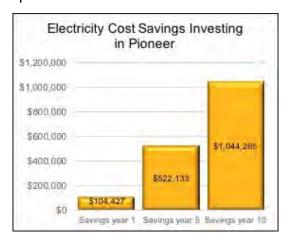
"Money talks... and it's going green"
Professor Karen Hussey, University of
Queensland Centre for Policy Futures. 20

"The shift in consumer buying, with more consumers willing to pay extra for environmentally friendly products reinforces the need for companies to increase their commitments to responsible business practice" Managing Director, Accenture Strategy. 21

- Increase Green Star and NABERS ratings & BASIX Compliance. This can generate real financial benefits, with the Green Building Council of Australia stating that Green Star rated offices in CBD's have a 4.3% higher capital value per square metre than non-rated buildings. ²²
- Improving environmental performance can help meet supply chain / Corporate Social Responsibility requirements.
- Many financiers are moving away from high greenhouse polluters. For instance, the world's largest asset management company, BlackRock (~ AUD\$10 trillion in investments) announced in Jan 2020 it will "place sustainability at the centre of our investment approach" and begin to back off from investments that "present a high sustainability-related risk." 23
- Reduced electricity and maintenance costs.
- Lower operating costs increases the net operating income and capitalisation value of commercial buildings.
- Landlords can pass on lower outgoing costs to attract and retain tenants.
- Reducing operating costs increases business profitability, resilience, competitiveness and value.
- Frees up money otherwise wasted on electricity bills, to be put to better use.

COST-EFFECTIVE SOLUTION FOR REPLACING R22 AIR CONDITIONERS

- R22 air conditioners use relatively thin walled copper pipework.
- The shift to R410a and R32 requires higher operating pressures and therefore thicker gauge copper pipework is needed.
- When replacing an R22 air conditioner with an R410a or R32 air conditioner, it is likely that the copper pipework needs to be replaced.
- This can add substantial cost, particularly if the pipework is in walls, floors or ceilings, or the building has asbestos or heritage listing. Construction works and remediation often costs more than the actual equipment changeover.
- Interruption to business can add further cost in lost revenue.
- Due to the performance and low operating pressure of the refrigerant in Pioneer units, the same pipework as that used by R22 units can be reused with Pioneer.
- Simply replacing the outdoor and indoor units and re-using this existing infrastructure can save significant time and money.
- An Australian property developer has already saved over \$1,000,000 in construction costs retrofitting 150 old R22 air conditioners to Pioneer.
- Further, based on recorded measurements, electricity cost savings of \$104,427 p.a. and CO₂ reductions of 393,973 kg p.a. are expected from the retrofit.



'RENEW' EXISTING AIR CONDITIONERS

- Old HVAC units waste energy and money.
- Many operate with fixed speed compressors and use chemical refrigerant.
 Electricity costs are high and maintenance increases with age.
- The average lifespan of a HVAC scroll compressor using chemical refrigerant in commercial buildings is around 11 years.
- With the high capital cost to replace HVAC equipment, businesses often push their equipment to failure and risk the impact this will have on their business, as well as waste maintenance and electricity costs.
- Pioneer 'Renew' is a more reliable and cost-effective alternative to waiting until failure or replacing HVAC equipment with a chemical refrigerant unit.
- A new Pioneer condenser unit is installed and new wall controls added.
- Existing components subject to less wear and tear, such as ductwork, wiring, copper piping, evaporator fan and coil, if in suitable condition, continue to be used. You have already paid for them. Why waste money and throw them out?
- This approach saves money in capital upgrades and reduces electricity consumption by 40-65%.
- For larger HVAC equipment, a rebuild can occur with a hydrocarbon designed compressor, natural refrigerant, controls and other components as necessary.
- A NSW pub invested \$41,000 in this approach. A new HVAC unit was \$115,000. In addition to saving \$74,000 capital cost, the new system has higher quality compressors and uses 35% less electricity than the new HVAC replacement option.
- Market Fair Shopping Centre in Sydney, NSW experienced similar benefits.
 Rebuilding the chiller with hydrocarbon compressors and refrigerant delivered capital cost savings in excess of \$1 million and a 50% energy reduction. ²⁴

SAFER FOR TECHNICIANS AND BUILDING OCCUPANTS

The following potential risks are what HVAC technicians and building occupants may be exposed to in their use of refrigerants:

- Chemical refrigerants such as R32 may cause a detonation under pressure (known as the diesel effect).
- The combustion by-products of chemical refrigerants include hydrogen fluoride (which becomes hydrofluoric acid upon contact with moisture or human skin) which is toxic. It can be fatal if inhaled, if swallowed or in contact with skin. ²⁵



- Refrigerant poisoning can cause a range of potential health issues.
- Manufacturer material safety data sheets include such warnings as: ²⁶
 - "Causes asphyxiation in high concentrations. The victim will not realise that he/she is suffocating."
 - "Causes serious eye irritation."
 - "May cause cardiac arrhythmia."
 - "WARNING! This product contains a chemical known in the State of California to cause cancer, birth defects or other reproductive harm."
- As with asbestos, fire foam retardants, pesticides and teflon, time will tell how much damage to humans chemical refrigerants may have already caused and may continue to cause, and whether this leads to culpable liability upon chemical refrigerant manufacturers.
- In the meantime each person and organisation can do their own due diligence about the potential risks and take their own duty of care.

Hydrocarbon natural refrigerants are the safer alternative for technicians and building occupants:

- Hydrocarbon natural refrigerants if ignited in a confined space will cause overpressure, they will not detonate.
- The combustion by-products of hydrocarbon natural refrigerants are harmless, being carbon and steam.
- Hydrocarbon natural refrigerants are not known to cause poisoning to humans.
- Hydrocarbon natural refrigerants are non toxic and are not known to cause cancer, birth defects or other reproductive harm.



- Hydrocarbon refrigerants are stenched so they can be identified. The pungent smell will alert occupants in any confined space to open a door or window or leave the area.
- In response to recent virus and bacteria threats, Pioneer Health Air system is available in ducted systems and includes germicidal UVC light to kill 98% of bacteria.



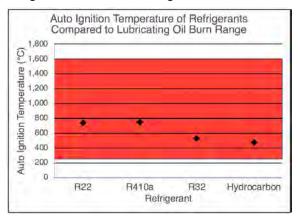
FLAMMABILITY SAFELY ADDRESSED

- Historically, the main objection from competing chemical refrigerant interests was that hydrocarbon refrigerants are flammable.
- All refrigerants can burn and hydrocarbon refrigerants have a lower auto-ignition temperature than high GWP refrigerants.
- Additional facts provide a more accurate understanding and demonstrate why the difference in auto-ignition temperature has little relevance in real-life application.
- Hydrocarbon refrigerants have a dangerous goods safety classification 2.1 - highly flammable.
- R32 chemical refrigerant has the same dangerous goods safety classification 2.1 highly flammable. They are treated the same as hydrocarbon refrigerants. Both should only be handled by properly trained and accredited professionals.
- Many chemical refrigerant air conditioners are shifting to R32, which has a lower GWP relative to R410a and R22 refrigerants.
- The fact that R32 has the same dangerous goods classification as hydrocarbon refrigerant has nullified the competing focus on hydrocarbons being flammable.
- Further, it is necessary to evaluate the application of refrigerants in practice:

Auto Ignition Temperature	°C
R22	740
R410a	755
R32 ²⁷	530
Hydrocarbon Engas M60 ²⁸	480
Lubricating oil	262

- The auto ignition temperature of most lubricating oils under high pressure, being atomised as through a leak, is 262 °C
- Lubricating oil burns to 1600°C, igniting all refrigerants in the process.
- Therefore, the actual auto-ignition temperature of all refrigerants mixed with lubricating oil is 262°C.

 The chart displays the auto ignition temperature of refrigerants. The red is the range at which lubricating oil burns.



 Additionally, hydrocarbon refrigerants are only flammable when the ratio of refrigerant to air is in the range of 2-10% refrigerant to 90-98% air. Outside of this narrow range they are non-flammable.

"Subject to compliance with certain safety principles, the application of flammable hydrocarbon refrigerants can be done as safely as with any other type of refrigerant."

Bernhard Schrempf, Head of Centre of Competence for Refrigeration and Air Conditioning, TUV SUD (one of the world's leading technical service organization with 22,000 employees across 800 locations). ²⁹

- Pioneer air conditioners comply with the requirements of AS/NZS 5149 for the use of hydrocarbon refrigerants.
- Additionally, Pioneer air conditioners with more than 500g of refrigerant (equating to units of 10 kW cooling capacity and above) have a patented built-in gas sensor. The sensor isolates power to the air conditioner when a prescribed level of gas is detected, to remove the potential ignition source.
- All Pioneer units have additional patented safety systems. This raises the standard of safety in the air conditioning industry.
- If an ignition does occur, hydrocarbon natural refrigerants will combust with a 'flash' creating by-products of carbon and steam. This compares to chemical refrigerants exploding and creating toxic hydrogen fluoride as a by-product.

LONGER EQUIPMENT LIFESPAN

- Lower operating pressure within the air conditioner reduces wear and tear.
- Higher refrigerant critical temperature results in less wear and tear in hot temperatures.
- HFC chemical refrigerant such as R410a contains fluorine. Fluorine reacts with any traces of moisture inside the system, producing an acid that can break down the insulation on the windings of the compressor and contribute to motor burn out.
- Natural refrigerants do not contain fluorine and do not produce acid.

BEST WARRANTY

- The lower operating pressure and reduced wear and tear enables Pioneer air conditioners to have a market leading warranty.
- 5-year commercial parts and labour warranty for all models.
- 5-year residential parts and labour warranty for Hi Wall split system units.
- 7-year residential parts and labour warranty for Ducted / Ceiling Cassette units.







8 INTERNATIONAL PATENTS

 Enabling the safe and efficient use and application of natural refrigerants in new air conditioners.



CATERING FOR BROAD INDUSTRY APPLICATION

Pioneer Air Conditioners are Suitable for:

- Developers and builders
- Residential homes and apartments
- Commercial office buildings
- · Pubs and Clubs
- · Hotels, motels and resorts
- Caravan Parks
- Local Government
- · State Government
- · Federal Government
- · Hospitals and healthcare
- · Schools and Universities
- Shopping Centres
- Retail
- Banks and Service Centres
- Offices in manufacturing, warehousing
- · Fast food restaurants
- Outlet / big box stores
- Supermarkets

COMMERCIAL AND RESIDENTIAL RANGE

Models presently available or in production include:

- · Hi-wall split systems
- Ducted units
- Ceiling Cassette split units
- · Outdoor condenser unit upgrades
- Multi-head Variable Refrigerant Flow (VRF)
- Mini VRF
- · Rooftop Package Units
- Water Cooled Package Units













SUITABLE FOR OFF-GRID BUILDINGS

- Air conditioning presents the biggest challenge to powering a home off-grid.
- KDV Homes in Sydney had constructed a 262 square meter home powered by a solar system and battery, not connected to the electricity grid.
- They had been trying for 5 years to install air conditioning without success.
- The power demand of the chemical refrigerant air conditioners exceeded the electrical capacity of the solar system.
- In 2018, they successfully installed a 16kW
 Pioneer ducted air conditioner. Not only did
 the air conditioner fully operate, there was
 sufficient spare power left over to meet all
 other normal household power usage
 requirements.

"I am still trying to get my head around the fact that the unit's power source is completely solar, and the results are amazing. We switched on heating for the first time recently and the entire house was warm in 30 minutes" Abdul Khan, Diversified Property Group

- This is a fundamental shift in being able to heat and cool homes that are not connected to the electricity grid.
- This will support the growing trend of people seeking self-sufficiency in their lives and homes.

EDUCATION AND TRAINING

TAFE's around Australia provide natural refrigerant training courses.

"TAFE SA is matching training with the technologies of the future". Lecturer Steve Excell on the natural refrigerant training course. 30

 Superior Training Centre is a Registered Training Organisation providing training and accreditation for chemical and hydrocarbon natural refrigerants.

EMPLOYMENT AND APPRENTICES

- Modernising Australia's air-conditioning equipment is a substantial employment driver.
- Thousands of new apprentices are needed to support the industry change to low GWP air conditioners.
- Upskill Australia's workforce to meet market demand.
- This can help create new jobs and stimulate the Australian economy.

NATURAL REFRIGERANT RETROFIT

- Many air conditioners have years of useable life remaining and include modern features such as DC inverter compressors and variable refrigerant volume.
- It is often not yet practical or viable to replace this existing equipment.
- A financially attractive option to get the best value out of this existing HVAC equipment is to replace the chemical refrigerant with natural refrigerant.
- AS/NZS 5149.2. provides for the use of hydrocarbon refrigerants subject to certain conditions, building requirements and plant locations being satisfied.
- It is a safe and easy retrofit solution for properly trained professionals.
- A frequently asked question is whether changing the refrigerant will damage the existing HVAC equipment. Provided the refrigerant is changed properly by a competent, trained person, natural refrigerant will not cause damage to existing HVAC equipment.
- Rather, it will reduce the operating pressures and improve the efficiency.
- This results in environmental, financial and safety benefits.
- Engas manufacture a range of refrigerant blends to replace specific chemical refrigerants.
- Engas natural refrigerants are higher performing than chemical refrigerants. The table shows the amount of work that each refrigerant is capable of.

Refrigerant	Refrigerating Effect kJ/kg
R22	199
R32 ³¹	190
R410a ³¹	115
Engas M60	435

Therefore less refrigerant mass flow is required.

Refrigerant change	Typical Reduction in Refrigerant Inventory
R22 to Engas M50	62%
R410a to Engas M60	52%
R32 to Engas M20	50%

· Which results in lower operating pressures.

Refrigerant change	Typical Reduction in Discharge Pressure
R22 to Engas M50	25%
R410a to Engas M60	35%
R32 to Engas M20	45%

- The lower operating discharge pressure reduces the work that the compressor has to do, reducing wear and tear and extending the life of the compressor, pipe work, joints, hoses, fittings and other components.
- This reduces the likelihood of leaks, minimising replacement refrigerant costs, equipment downtime and direct greenhouse emissions.
- The retrofit from chemical to natural refrigerant increases the energy efficiency of the existing air conditioning equipment and reduces electricity usage and costs.

Refrigerant Upgrade	Typical Electricity Savings
R22 to Engas M50	25%
R32 to Engas M20	50%
R410a to Engas M60	30%

"A contract winery in WA has realised electrical energy savings of 32% through a hydrocarbon refrigerant conversion of it's liquid chiller"

HVAC&R Nation (Aug 17), an AIRAH publication. ³²

PIONEER AIR

- · Established in 1990.
- During the 1990's Pioneer was one of the largest Australian manufacturers of air conditioners.
- 8 international patents relating to air conditioning.
- 12-years designing and engineering a range of air conditioners for energy efficiency and optimal use of natural refrigerant.
- · Export globally.
- > 5,000 Pioneer air conditioners with natural refrigerant have been installed in Australia.

ENGAS

- Natural refrigerant manufacturer for Pioneer Air Conditioners.
- · Established in 2010.
- Export natural refrigerant globally.
- Provide technical and application engineering support for projects.
- Proprietary blends to replace common chemical refrigerants.
- Technical Director, Dr Ladas Taylor, is a world-renowned expert on hydrocarbon refrigerant with 30 years experience. Dr Taylor has also been engaged by the United Nations Environmental Program (UNEP) to lecture and train globally on the safe use and application of hydrocarbons.

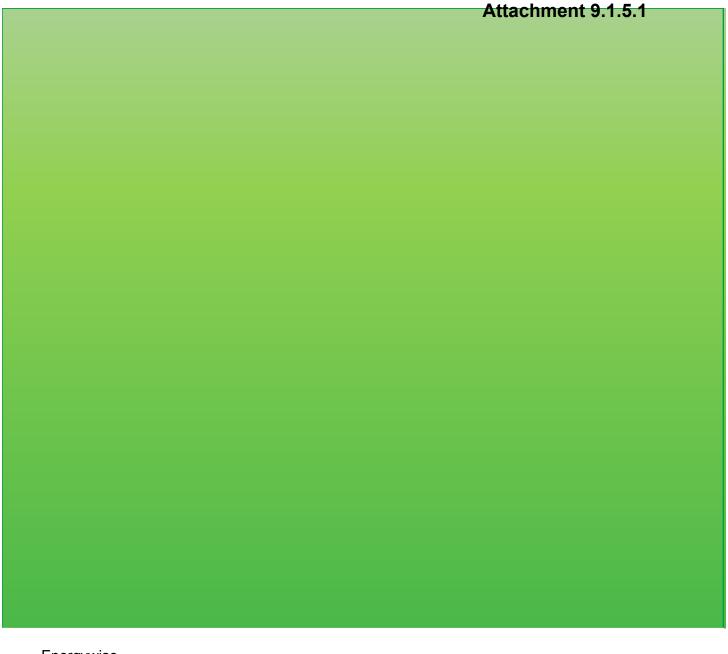
AUTHORISED DISTRIBUTOR:

ENERGYWISE

- Established in 2007.
- Engineered solutions from 20+ energy saving and renewable products.
- Combine HVAC upgrades with energy saving measures including lighting, solar, battery storage, power quality and refrigeration upgrades to optimise return on investment and deliver positive monthly cashflows on projects.
- Experience with Pioneer air conditioners since 2016.
- Developed energy saving calculator tool to assist HVAC contractors and companies selling Pioneer air conditioning.
- Project manage Government energy saving rebates from energy efficiency projects.

REFERENCES

- 1 https://eia-international.org/report/full-steam-ahead-charting-the-path-to-a-future-without-hfcs/
- ² https://www.nasa.gov/feature/goddard/2019/2019-ozone-hole-is-the-smallest-on-record-since-its-discovery
- ³ http://www.environment.gov.au/protection/ozone/hfc-phase-down/hfc-phase-down-faqs
- ⁴ https://drawdown.org/solutions/refrigerant-management
- ⁵ https://parlinfo.aph.gov.au/parlInfo/download/legislation/ems/r5849 ems_0f1a8c1e-7146-494b-9529-2df892f85ff1/upload_pdf/626506.pdf;fileType=application%2Fpdf
- 6 https://www.airah.org.au/Content_Files/EcoLibrium/2018/08-18-Eco-003.pdf
- ⁷ Best Practice Energy Performance Benchmark for Refrigerated Warehouses, Stefan S. Jensen.
- 8 https://rmi.org/wp-content/uploads/2018/11/Global_Cooling_Challenge_Report_2018.pdf
- ⁹ https://www.worldbank.org/en/news/speech/2016/05/05/remarks-world-bank-group-president-jim-yong-kim-climate-action-summit
- ¹⁰ https://www.abc.net.au/news/science/2020-03-03/drawdown-report-climate-change-reducing-emissions-technology/12012118
- 11 https://eia-international.org/report/full-steam-ahead-charting-the-path-to-a-future-without-hfcs/
- ¹² https://www.theconsumergoodsforum.com/wp-content/uploads/members-content/201904-cgf-schecco-most-cost-effective-way-to-fight-climate-change-natural-refrigeration.pdf
- 13 https://www.ipcc.ch/site/assets/uploads/2018/02/WG1AR5_Chapter08_FINAL.pdf
 - Note: R410a is 50% HFC-32 and 50% HFC-125. The GWP figures are derived as such. Atmospheric lifetime relates to the HFC-125 component within R410a.
- 14 https://www.legislation.gov.au/Details/F2017C00508
- ¹⁵ https://www.epa.gov/greenchill/ashrae-position-document-natural-refrigerants
- ¹⁶ https://www.theconsumergoodsforum.com/wp-content/uploads/members-content/201904-cgf-schecco-most-cost-effective-way-to-fight-climate-change-natural-refrigeration.pdf
- ¹⁷ https://www.greenamerica.org/climate-change-100-reasons-hope/top-10-solutions-reverse-climate-change
- ¹⁸ https://drawdown.org/solutions/alternative-refrigerants/technical-summary
- ¹⁹ https://www.jraia.or.jp/english/side/unep2017.html
- ²⁰ "Money Talks... and it's Going Green" article. Elle Australia. The Green Issue. April 2020
- ²¹ https://newsroom.accenture.com/news/more-than-half-of-consumers-would-pay-more-for-sustainable-products-designed-to-be-reused-or-recycled-accenture-survey-finds.htm
- ²² https://www.thefifthestate.com.au/articles/lower-bills-just-the-tip-of-the-iceberg-for-green-stars-business-case/
- ²³ https://www.blackrock.com/corporate/investor-relations/larry-fink-ceo-letter
- ²⁴ https://www.climatecontrolnews.com.au/news/latest/pioneering-a-world-first-in-energy-efficiency
- ²⁵ https://www.mysafetylabels.com/hydrofluoric-acid-ghs-label-small/sku-ghs-019-c
- ²⁶ Honeywell Material Safety Data Sheet, Genetron ®32, Print Date 12/12/2012
- ²⁷ https://www.nicnas.gov.au. Enter: Difluoromethane
- 28 https://www.engas.com.au/technical/
- $^{29} \ \underline{\text{https://hychill.com.au/media/pages/info/294651603-1578467763/gtz-hydrocarbon-refrigerants-guidelines-safety.pdf}$
- ³⁰ https://www.tafesa.edu.au/tafe-sa-news/2016/05/05/tafe-sa-training-goes-through-a-climate-change
- 31 <a href="https://www.researchgate.net/publication/330774737_Suitability_of_Difluoromethane_Refrigerant_R32_as_a_Better_Alternative_Refrigerant_to_Puron_R410A_in_a_Refrigeration_and_Air_Conditioning_System
- 32 https://issuu.com/airah-publications/docs/hvac_r_nation_august_2017



Energywise Level 14, 70 Pitt St Sydney NSW 2000 1300 843 275 gwp3@energywise.net.au www.energywise.net.au



© Copyright Energywise Pty Ltd 2020 All Rights Reserved

Government is currently running incentive programs for low income earners www.energysaver.nsw.gov.au. While further community education initiatives may be beneficial Council resourcing does not currently allow this to be a primary focus.

 Council is investigating potential PPA options which would allow it to support large scale renewable generation without taking on significant financial risk. In the last group electricity procurement process (conducted in 2019) Central NSW Councils were seeking a Renewable Power Purchase Agreement with Bathurst committed to up to 35% of its volume as renewable energy. Unfortunately, market circumstances at the time meant that the PPA could not be achieved without significant cost penalty. Council is currently exploring other options for renewable PPA's within the restrictions of its current contracts.

Bob Hill

- Congratulates Council on 'impressive and useful document' and foresight of creating the position of Sustainability Strategy Officer in 2009.
- Advocates that Council should better publicise financial and environmental outcomes from the introduction of energy efficiency measures and renewable energy amongst ratepayers.
- Targets within plan are realistic and economically achievable.
- Advocates for extension to incorporate a Renewable Target 3, 100% renewable by 2030 to make Bathurst's targets consistent with those of most of the other Councils listed within REAP.
- COVID 19 situation is a pivotal opportunity to fast tracks renewables projects as public authorities need to stimulate local employment.
- Need a sense of urgency for implementing plan due to increasing impacts of climate change through drought and longer, fiercer bushfire seasons.

- The addition of a 2030 target will be considered at the 2023 review. One
 of the challenges of reaching a 100% renewable electricity target is the
 mismatch of Council's daily energy use profile with that of most
 renewable energy sources. For example, Council has a high night-time
 electricity demand for Street Lighting, at its WWTP and Aquatic Centre
 which does not match well with solar production curves.
- Council has approached the NSW Government with three solar projects for a potential renewable's stimulus package.
- Council agrees that targets are not limits. As opportunities arise, and staff resources allow, Council will pursue projects which would extend the targets.
- Council will continue to explore renewable generation opportunities, including from the WMC, Chifley Dam hydro etc. Viable options will be incorporated into the REAP at the 2023 review.
- While further community education initiatives and bulk buy initiatives may be beneficial Council resourcing does not currently allow this to be a primary focus. The NSW government runs several energy efficiency and renewable energy programs. For example, it is currently funding energy

- Acknowledges that the REAP recognises advantages of working with other Councils through the Cities Power Partnership to share advice and resources.
- Emphasises that targets are not limits and advocates that it is possible to fast track a number of proposals.
- Supports a two-stage review of the progress of implementation of the plan with an interim review in 2023 as the renewable energy industry is fast changing.
- Would like Council to consider renewables other than solar including generating energy from methane at the waste treatment facility, pumped hydro at Chifley dam and from biogas at the sewerage treatment works.
- Proposes to conduct the interim review earlier than 2023 so that its findings can be considered when Council's electricity contract is renegotiated.
- Supports not delaying the adoption and implementation of the REAP to wait for plans on natural gas and electric vehicles due to urgency of climate situation. Advocates for separate plans focussing on emissions, renewable energy, transport and on community renewables to supplement the REAP.
- Advocates that Council should take a broader role in promoting renewable energy amongst commercial and residential ratepayers. Suggests advice services, bulk solar panel purchases, facilitation of mini grids in new developments etc.
- Welcomes inclusion of the solar car park, citing urban heat effect.
- Advocates that emissions reduction & energy efficiency is a whole of council responsibility -all departments need to be involved.
- Advocates that Bathurst needs more shade trees in the CBD, and multipurpose solar car parks which incorporate electric car charging facilities, rainwater collection and reduce heat in parked vehicles and ambient air temperatures.

- coaches to give (manufacturing & agriculture) businesses a one-on-one energy check-up.
- Climate Change Risk Assessment and Adaptation Plan (slated for review in the second half of 2020) will address urban heat affects and Council's response including need for more shade.
- It is Council's view that promotion of energy efficiency and renewable energy is a shared opportunity for BCCAN, Bathurst Business Chamber and other interested parties. While Council has a role it also has limited resources.

Councillor Jennings

 Council should explain and justify its Climate Change position more fully and robustly from a range of perspectives, eg mitigation, adaptation, impacts, predictions etc. People wanting to understand the topic can't access a good, well rounded presentation of the science from BRC documents. CC is the driver of many policy positions held (and likely to be held by BRC) but a clear, accessible story of CC is not available.

Specifically requests that Section 6.1 of the REAP is expanded to include:

- Global context of CC basic summary of the scenario to date including graphs of CO2e emissions levels (the cause) and CC prediction data to at least 2050 preferably to 2100 (the effect).
- Another data source, namely: the ACF-CSIRO-BOM website (https://myclimate.acf.org.au). Advocates that this neatly presents data for regional locations including Bathurst. Has good visuals which communicate predicted changes in an easily understandable manner. Analysis of these results should be related to local soil moisture reductions, increased droughts, less available town water.
- Include what warming has occurred to date (due to human emissions).
- Convey more clearly the consequences of both warming to date and the predicted future warming, especially in terms of local soil moisture and consequent effects on the local economy (eg impact farming, water security, heat stress impacts on humans etc).
- Council should establish a good summary of relatively detailed CC content and use it as a paste-in for a range of documents. By doing the above for the REAP would reduce effort for other documents.

- The REAP is one component of BRC's policy response to Climate Change and does list Climate Change and predicted local impacts as a key driver for its development.
- Council has developed a schematic hierarchy of its policy response which
 is included as Attachment 3 to this report. This hierarchy shows what
 plans and policy Council has in place to mitigate and adapt to the impacts
 of Climate Change. It also shows plans and policies which are in
 preparation and those which are yet to commence.
- It is recommended that Council's climate change position and the data supporting that position be included in 'Bathurst Regional Council Climate Change Position Statement' (yet to be prepared) and that it be formally adopted by Council.
- It is not recommended to include the link to the Australian Conservation
 Foundation 'my climate' website within the REAP. While the website
 provides good visuals it does not provide a range in values of predicted
 impacts, but rather single point predictions, which do not reflect the
 variability in the underlying models.
- Section 6.1 will be expanded to highlight more of the predicted impacts for the Central West and Orana Region as follows:

The region is projected to continue to warm in the near future (2020–2039) and far future (2060–2079), compared to recent years (1990–2009). Maximum and minimum temperatures are projected to increase by 0.7°C in the near future and by 2.1°C in the far future. Spring and summer will experience the greatest changes in maximum temperatures, with temperatures increasing by 2.5°C by 2070. The number of hot days (>35°C) is expected to increase by 5-10 days per year by 2070. These increases are projected mainly in spring and summer although in the far future hot days will extend into autumn, resulting in lengthening of summers. The number of cold nights will decrease and result in fewer frosts. Rainfall is projected to decrease in spring and to increase in autumn. Average and severe fire weather is projected to increase in summer, spring and winter. (Office of

	Environment and Heritage, 2014). The combination of these impacts is predicted to result in lower soil moisture.
Councillor Fry	
 Engage suitable and qualified local/regional companies under the "buy local" campaign aims to design and construct photovoltaic panels arrays behind the meter at the water filtration plant and the sewerage treatment plant and pumping stations to provide a 66% reduction in grid based power supply, provide infrastructure security and reduce operating costs over a 20 year period. Critical water infrastructure PV projects should be funded by private investor partners if council regards in house funding as high risk. Begin negotiations with suitable organisations to facilitate funding arrangements. Begin the design and construction of solar arrays in major city car parks and provide EV charging outlets. Investigate alternative methods of providing solar water heating at the Bathurst Manning Aquatic Centre. Begin the purchase of an electric vehicle fleet for council employees. Begin negotiations with The Brewongle Solar Farm for a power purchase agreement. Adopt a 50% consumption from renewables target by 2023. 	 The REAP includes a proposal for a 1MW solar system at the WWTP as part of Target 2. There is no funding in the current draft delivery plan for this project. Council can seek external funding to bring this project forward. There is limited space for a 1MW system at Council's Water Filtration Plant and its electricity consumption profile means that without battery storage on site a significant amount of power would be exported to the grid (if allowed by the Distributed Network Service Provider (DNSP)). Council occasionally receives unsolicited proposals suggesting Council enter a form of PPA in exchange for capital funding. At this stage those proposals have not been favourable to Council. It should be noted that Council's purchasing policy requires it to seek expressions of interest/quotations from the market when procuring products and services (including energy). A solar car park is proposed as part of Target 2. Council partnered with Tesla and NRMA for the installation of EV fast charge stations at BVIC. Level 2 destination chargers have been installed in Courthouse Lane, the Railway Museum and are planned for the NMRM. The electric vehicle transition plan (EVTP), proposed by the REAP will examine charging infrastructure needs for electrification of Council's fleet. It is a recommendation of the plan that Council investigate ways to transition out of fossil fuels including natural gas. This will include heating of the Bathurst Manning Aquatic Centre. The Electric Vehicle Transition Plan (EVTP), which is currently in preparation, will make recommendations regarding transition of Council's fleet to EV. Council is investigating potential Renewable Power Purchase Agreement (PPA) options which would allow it to support large scale renewable generation without taking on significant financial risk. In the last group electricity procurement process (conducted in 2019) Central NSW

	Councils were seeking a Renewable PPA, with Bathurst committed to up to 35% of its volume as renewable energy. Unfortunately, market circumstances at the time meant that the PPA could not be achieved without significant cost penalty. Council is currently exploring other options for Renewable PPA's within the restrictions of its current contracts. • The REAP has a 50% renewable electricity target by 2025. Targets will be reviewed in 2023.
Lindsay Cox	
 Expresses support for Council expanding use of renewable energy. Advocates for Council to look at providing electric power from major renewable sources for local purposes to provide cheaper power for all (as other Councils are doing in NSW). This would become a profit centre for Council. 	Council is investigating potential PPA options which would allow it to support large scale renewable generation without taking on significant financial risk
Alex McAnulty	
Supports plan and targets.	Council welcomes the positive comment
Peter Harris	
 Commends Council for adopting plan with targets. Targets could be more ambitious. Council should take a role in leading businesses. Targets and plans for achieving are well thought out and achievable. (Note incorrectly quotes target as 50% by 2035). Looks forward to natural gas and liquid fuel strategies when developed. 	 Target is 50% by 2025 Council believes that 50% renewables by 2025 is a moderately ambitious target working off a low base of approximately 4% in 2018-19. The addition of a 2030 target will be considered at the 2023 review.
Stuart Pearson	
 Congratulates Council on intention to set renewable energy targets, installing solar panels and pursuing energy efficiency. Advocates that targets do not go far enough. Cites other Council targets of 100% by 2030 and criticises Council for targeting only 50% by 2030. 	 Target is 50% by 2025, with a proposed review of the targets in 2023. The addition of a 2030 target will be considered at the 2023 review. The large-scale solar projects referred to are not council owned generation projects. It is Council's understanding that in each case they are private equity ventures (some with part Government funding). Some

 Advocates for Council to become a renewable energy generator and cites Parkes Council as an example of installing a 55MWsolar farm. Also cites Broken Hill, Moree, Dubbo and Nyngan as having installed large solar farms. Mentions opportunity to enter agreement with Photon Energy Is critical of Council having only installed 438kW of solar at its own facilities in comparison to the amount of solar installed by residents of Bathurst. Highlights that BRC only generates about 4% of its electricity from renewable sources when the NEM is about 20% renewables. States that BRC while a leader in many sporting and cultural pursuits is a laggard in the areas of environment, sustainability and land usage. Advocates that Council should set a target of 100% renewable electricity by 2030 in line with many other councils. Proposes rate relief or other stimulus to accelerate the rate of uptake of solar by households in Bathurst LGA Proposes Council actively explore becoming a generator of renewable electricity either as an individual or in partnership with other organisations, with the goal of producing more electricity than Council needs so that the excess can be used as a source of revenue. 	of these solar farms have power purchase agreements in place with councils, universities, energy retailers and other businesses. The REAP, if adopted, recommends the installation of a further 1.585 MW of solar generation capacity at Council facilities over the next 5 years. The REAP aims to increase BRC's proportion of renewable electricity from approximately 4% in 2018-2019 to 50% by 2025. Rooftop solar is now very cost effective with a payback period generally in the vicinity of 3 to 5 years. With the renewable energy certificates available it is Council's position that further incentives (particularly ratepayer funded) are not required. If an individual cannot afford the upfront capital cost, there are a number of operators offering behind the meter PPA's which do not require an upfront payment. Council is investigating potential PPA options which would allow it to support large scale renewable generation without taking on significant financial risk.
Diane Green	
 Supports Council's plan to transition to more renewables. Recommends that Council not be too conservative in its approach. Wants Council to do everything it can to reduce its reliance on coal fired power stations and gas as soon as possible. 	Council welcomes the positive comment
Tony Hatch	
 Congratulates Council on REAP, for taking an active position on energy consumption and its reduction of electrical energy produced from fossil fuels. 	Council welcomes the positive comment

Hopes Council will meet and exceed the future targets.	
John Martin (two submissions combined)	
 Advocates for BRC to: Investigate other efficiency measures, including Voltage Optimisation and use of natural refrigerants for air conditioning. Subsidise tenants of BRC buildings to increase the uptake of low carbon initiatives, proposes a 20% contribution to total cost of implementation. Become part of Sustainable Australia Fund, which funds environmental upgrades with lower finance rates, longer repayment terms and allows repayments to be incorporated into council rates. Pursue energy efficiency actions to maximise the benefits of solar installations. Ensure new developments have low GWP air conditioning as standard. Gives Sydney City Council as policy example Transition away from natural gas Advocates for Council to take lead on renewables including solar farms. 	 Suggestions to investigate Voltage Optimisation and natural refrigerants are noted and Council will consider these and other energy efficiency technologies as staff resources allow and as each facility is upgraded Council does undertake some energy efficiency actions on leased properties, for example, recent upgrade to the Post Office heating, ventilation and cooling system. Council is not considering joining the Sustainable Australia Fund at this stage. Energy efficiency actions are and continue to be pursued in line with the energy management hierarchy outlined in the plan. It is a recommendation of the plan that Council investigate ways to transition out of natural gas. Council is investigating potential PPA options which would allow it to support large scale renewable generation without taking on significant financial risk.
Advocates that Councils target of 50% renewables by 2025 is not ambitious enough and suggests target of 75% could be achieved relatively easily.	The REAP includes a recommendation for a mid-plan review in 2023 at which time targets can be adjusted.
Ingrid Pearson	
 Commends Council on strategy to minimise dependence on fossil fuel energy sources, but critical of 'narrow focus' Advocates for the contribution that good design of the built & natural environment can have in contributing to energy efficiency and cost reduction. Proposes: 	 The Kelso Masterplan and the Duramana Road Masterplans are examples of how Council is moving in the direction proposed. The Kelso Masterplan will include building design standards which will eventually flow through into the complying development standards. It is challenging to shift the 'design for compliance' approach associated with things like complying development and BASIX standards. Council has

- Better design of subdivision lot layouts and better building design
- Setting aside land for community battery storage & solar
- Council to take a leadership role in its own projects requiring a minimum of 5 to 6 green star rating (or equivalent)
- States that National Construction Code is moving towards a 7-star NatHERS or equivalent BASIX rating for dwellings by NCC 2022. Suggests Council should start this transition now stating this would support Council's Smart City objectives.
- Installation of solar generation above proposed stormwater ponds to reduce evaporation and run the associated pumps.
- Consider existing heritage streetscapes and urban quality in LED upgrade

Summary recommendations:

- Negotiate electricity contracts in 2022 for 100% renewable energy by 2030.
- Aim for electricity consumption of new development or adaptive reuse of existing Council owned buildings to be 100% renewable energy through good design and energy efficient systems, including solar installations.
- As part of REAP Action Plan Table 2 to reach renewable target #2, Council to investigate options of LED street light fittings that most closely resemble the existing fittings to maintain the existing amenity and urban quality of the suburbs in Bathurst, e.g. heritage light fittings on gooseneck tops.
- Apply good design principles though LEP and DCP provisions to maximise energy efficiency in all dwellings and non-residential development.

- limited capacity to go "over and above" standards required by BASIX as other environmental planning instruments do not apply to BASIX commitments (SEPP (Building Sustainability Index: BASIX) 2004, clause 8).
- Council has piloted a building better Bathurst advisory service which seeks to improve the design if buildings.
- Council does not currently have a policy for the sustainability performance of its own facilities.
- The idea for the installation of solar above stormwater holding ponds is noted and will be investigated along with other renewable energy options.
- The addition of a 2030 target will be considered at the 2023 review. One
 of the challenges of reaching a 100% renewable electricity target is the
 mismatch of Council's daily energy use profile with that of most
 renewable energy sources. For example, Council has a high night-time
 electricity demand for Street Lighting, at its WWTP and Aquatic Centre
 which does not match well with solar production curves.
- Council has provided separate correspondence in relation to the Street Lighting upgrade as the comment does not relate to energy efficiency or renewable energy.

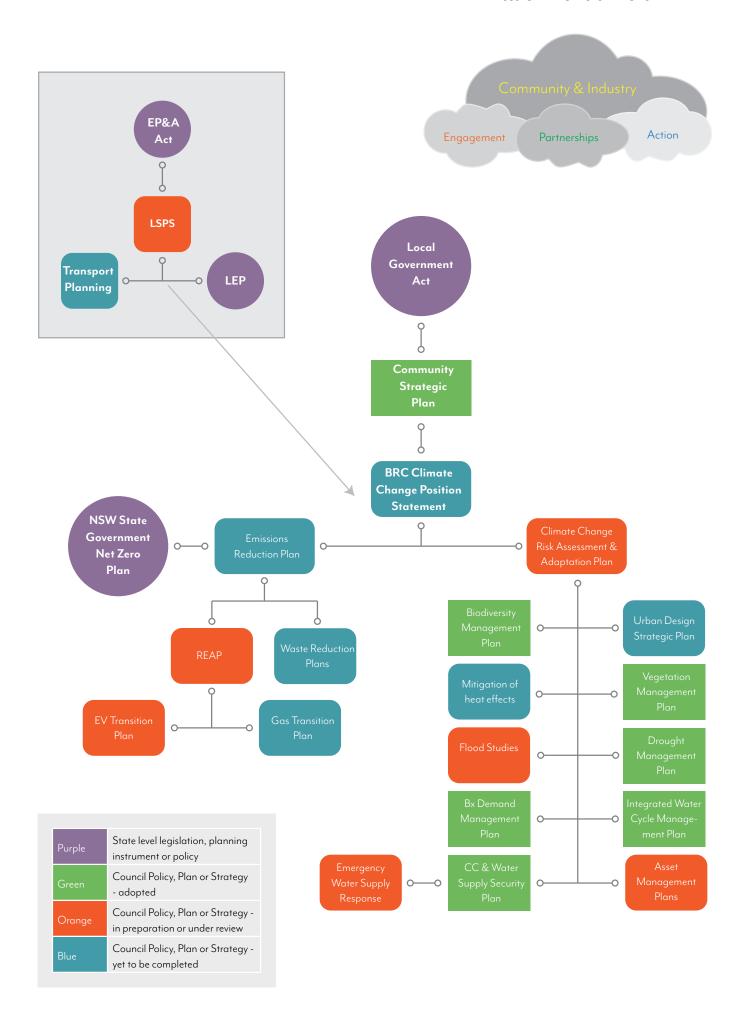
 Show leadership by holding public forums to educate and assist our community to achieve better energy efficient buildings by design. Jan Finlay REAP is too long for a public document. Clear short précis would attract more comment. Would prefer Council got energy from local smart initiatives rather than purchase it. eg virtual battery or perhaps shared contract with rate payers' solar panels in localised grid system. More buildings like the Flannery Centre, especially Council Buildings (as leaders). Building codes for developers' DA's rewritten to enforce energy saving knowledge. Roger Hargraves Cautiously congratulates Council on proposed trajectory for increasing renewable energy use, starting from a low base. States it will be a significant achievement for Council to reach 50% by 2025 Encourages Council to target close to 100% by 2030. Would like to see Council work hard to address the perennial 'elephant' - STORAGE of generated power. Critical to make the renewable system work and would like to see BRC leading in this area. 	 Council will continue to keep a watching brief on technology as it develops and pursue opportunities which fit Council's needs including virtual batteries and microgrids. Current regulations which govern the operation of the electricity grid do not currently allow for local area trading. Council does not currently have a policy for the sustainability performance of its own facilities. Development of Building Codes is not a Council function and Council is bound by the existing BASIX system. The addition of a 2030 target will be considered at the 2023 review. Council acknowledges the impact of large amounts of solar on the NEM and is proposing the addition of storage on many of its future solar systems if the business case stacks up. Council has invested in small battery storage systems at the Visitor Information Centre and more recently at Scallywags Childcare Centre. Shared energy storage assets are being investigated by some companies, for example, United Energy in Melbourne (DNSP) is trialling shared batteries on poles. Council will continue to keep a watching brief on technology as it develops, pursue opportunities which fit Council's needs and advocate for change where required.
Power Bathurst	
 Introduces Power Bathurst as an informal group of like-minded citizens (names provided) motivated to increase the percentage of renewal energy consumption of electricity across the Bathurst Regional Council area. 	 Council believes that 50% renewables by 2025 is a moderately ambitious target working off a low base of approximately 4% in 2018-19. The addition of a 2030 target will be considered at the 2023 review. One of the challenges of reaching a 100% renewable electricity target is the mismatch of Council's daily energy use profile with that of most

- Congratulates Council for setting renewable energy targets, increasing the installation of solar panels on its own buildings and rolling-out energy-saving devices to increase energy efficiency.
- Power Bathurst supports the plan but urges Council to go beyond the modest targets set out in the REAP.
- Transitioning to renewables is an objective that most of the community (73.6 per cent) desire. Reducing Council's dependency on fossil-fuel generated electricity is crucial for lessening the impact of climate change.
- Increasing Council's use of renewable electricity would greatly improve its economic performance, as renewable energy is now cheaper than electricity supplied from fossil-fuel generation.
- Council should follow the example of other Councils who have set a target of 100 per cent renewable electricity usage by 2030.
 Power Bathurst recommends that Council stagger its targets so that it moves from 50% in 2025, to 75% in 2027 and 100% in 2030.
- Recommend installation of solar panels over Council's stormwater holding ponds.
- Recommends that Council facilitate and encourage the uptake of renewable electricity within the wider Bathurst community.
- Bathurst Council has not entered into any agreement with any partner to become a generator of electricity. Power Bathurst recommends and urges Council to become a partner in a renewable generation project, or even become a generator by itself. This could result in Council attracting new and existing businesses to locate (or remain) in Bathurst.
- Recommends that Council should fully explore Virtual Power Plants, as it may significantly reduce, or even eliminate, the amount of electricity that Council must purchase from external sources. May provide Council with an additional source of revenue.

- renewable energy sources. For example, Council has a high night-time electricity demand for Street Lighting, at its WWTP and Aquatic Centre which does not match well with solar production curves.
- The idea for the installation of solar above stormwater holding ponds is noted and will be investigated along with other renewable energy options.
- While community education initiatives and facilitation initiatives may be beneficial, Council resourcing does not currently allow this to be a primary focus.
- The plan proposes renewable energy to be sourced via Power Purchase Agreement with a renewable generator in both Renewable Target 1 and Target 2. Council is investigating potential PPA options which would allow it to support large scale renewable generation without taking on significant financial risk.
- Council is aware of the concept of Virtual Power Plants (VPP) and note
 that there are several retailers starting to operate in this space. This
 concept can be further explored however Council notes that to operate its
 own VPP there are regulatory barriers currently in operation which would
 limit the benefits.
- Council will prepare a short synopsis of the plan following its adoption which can be made available for public distribution.

 Recommends that once the plan is adopted a two-page synopsis of the plan be prepared for ease of distribution and understanding by the community. Advocates for Council to become a leader in the renewable energy sector and take economic advantage by attracting emerging technologies that are beginning to materialise alongside the renewable energy usage. Hugh Gould 	
 Complements document structure, but thinks targets are 'understandably under whelming'. Would like Council to achieve 100% net renewable by 2030. Acknowledges that current volatility of energy markets which have delayed take up rate might benefit the ratepayers in the long run. Comments that street lighting upgrade has been delayed by circumstances outside Council's domain. 	The addition of a 2030 target will be considered at the 2023 review.
Bernadette Mullaney	
 Congratulates Council on planning and working toward doing what is easily achievable in this area. States REAP is also an opportunity to lead community by example. Advocates that Council make this more of a priority, pushing for a more rapid transformation. Advocates for quicker transition to a no-emission fleet of vehicles, including a plan to redeploy or retrain the staff who service them. 	 While community education initiatives and facilitation initiatives may be beneficial, Council resourcing does not currently allow this to be a primary focus. The Electric Vehicle Transition Plan (EVTP), which is currently in preparation, will make recommendations regarding transition of Council's fleet to EV.

Attachment 9.1.5.3



2020

BATHURST REGIONAL COUNCIL RENEWABLE ENERGY ACTION PLAN



June 2020

BATHURST REGIONAL COUNCIL

Document Verification

Project: Renewable Energy Action Plan

Revision	Date	Prepared By	Reviewed By	Approved By
Draft 0.1	20/12/2019	Deborah Taylor	Neil Southorn	Neil Southorn
Draft 0.2	16/01/2020	Deborah Taylor	Neil Southorn	Neil Southorn
Draft 0.3	02/02/2020	Deborah Taylor	David Sherley	David Sherley
Draft 0.4	17/02/2020	Deborah Taylor	Public Exhibition	Neil Southorn
Final	2/6/2020	Deborah Taylor		

Contents

1.0 Introduction 5 2.0 Aims 5 3.0 Approach 5 4.0 Council's Current energy use profile 6 4.1 Electricity 7 4.2 Natural Gas 8 4.3 Liquid Fuel 8 5.0 What has Council done to reduce energy consumption? 10 5.1 Solar on Council facilities 10 5.2 Power Factor 10 6.0 Strategic drivers for renewable energy 11 6.1 Climate change 11 6.2 Leadership Role of Council 12 6.3 Community Sentiment 12 6.3.1 Bathurst 2040 Community Strategic Plan 12 6.3.2 Community uptake of solar 12 6.4 Increasing cost of energy to Council 12 6.5 State targets 12 6.6 Improving air quality 13 6.7 Fuel Security 13 7.0 Energy Market 14 7.1 Analysis and Implications 14	Execut	ive Sun	nmary	4
3.0 Approach 5 4.0 Council's Current energy use profile 6 4.1 Electricity 7 4.2 Natural Gas 8 4.3 Liquid Fuel 8 5.0 What has Council done to reduce energy consumption? 10 5.1 Solar on Council facilities 10 5.2 Power Factor 10 6.0 Strategic drivers for renewable energy 11 6.1 Climate change 11 6.2 Leadership Role of Council 12 6.3 Community Sentiment 12 6.3.1 Bathurst 2040 Community Strategic Plan 12 6.3.2 Community uptake of solar 12 6.4 Increasing cost of energy to Council 12 6.5 State targets 12 6.6 Improving air quality 13 6.7 Fuel Security 13 7.0 Energy Market 14 7.1 Analysis and Implications 14 7.2 Should Council build and operate its own solar PV plant? 14	1.0	Introd	uction	5
4.0 Council's Current energy use profile	2.0	Aims		5
4.1 Electricity. 7 4.2 Natural Gas 8 4.3 Liquid Fuel 8 5.0 What has Council done to reduce energy consumption? 10 5.1 Solar on Council facilities 10 5.2 Power Factor 10 6.0 Strategic drivers for renewable energy 11 6.1 Climate change 11 6.2 Leadership Role of Council 12 6.3 Community Sentiment 12 6.3 Ladership Role of Council 12 6.3 Ladership Role of Council 12 6.3 Ladership Role of Council 12 6.5 State targets 12	3.0	Appro	ach	5
4.2 Natural Gas 8 4.3 Liquid Fuel 8 5.0 What has Council done to reduce energy consumption? 10 5.1 Solar on Council facilities 10 5.2 Power Factor 10 6.0 Strategic drivers for renewable energy 11 6.1 Climate change 11 6.2 Leadership Role of Council 12 6.3 Community Sentiment 12 6.3.1 Bathurst 2040 Community Strategic Plan 12 6.3.2 Community uptake of solar 12 6.4 Increasing cost of energy to Council 12 6.5 State targets 12 6.6 Improving air quality 13 6.7 Fuel Security 13 7.0 Energy Market 14 7.1 Analysis and Implications 14 7.2 Should Council build and operate its own solar PV plant? 14 7.3 Behind-the-meter solar, feed-in tariffs and battery storage 15 7.4.1 Behind the meter or on-site Power Purchase Agreements 16 7.4.2	4.0	Counc	il's Current energy use profile	6
4.3 Liquid Fuel 8 5.0 What has Council done to reduce energy consumption? 10 5.1 Solar on Council facilities 10 5.2 Power Factor 10 6.0 Strategic drivers for renewable energy 11 6.1 Climate change 11 6.2 Leadership Role of Council 12 6.3 Community Sentiment 12 6.3.1 Bathurst 2040 Community Strategic Plan 12 6.3.2 Community uptake of solar 12 6.4 Increasing cost of energy to Council 12 6.5 State targets 12 6.6 Improving air quality 13 6.7 Fuel Security 13 7.0 Energy Market 14 7.1 Analysis and Implications 14 7.2 Should Council build and operate its own solar PV plant? 14 7.3 Behind-the-meter solar, feed-in tariffs and battery storage 15 7.4 Renewable Energy PPA 15 7.4.1 Behind the meter or on-site Power Purchase Agreements 16	4.1	Elec	tricity	7
5.0 What has Council done to reduce energy consumption? 10 5.1 Solar on Council facilities 10 5.2 Power Factor 10 6.0 Strategic drivers for renewable energy 11 6.1 Climate change 11 6.2 Leadership Role of Council 12 6.3 Community Sentiment 12 6.3 1 Bathurst 2040 Community Strategic Plan 12 6.3 2 Community uptake of solar 12 6.4 Increasing cost of energy to Council 12 6.5 State targets 12 6.6 Improving air quality 13 6.7 Fuel Security 13 7.0 Energy Market 14 7.1 Analysis and Implications 14 7.2 Should Council build and operate its own solar PV plant? 14 7.3 Behind-the-meter solar, feed-in tariffs and battery storage 15 7.4 Renewable Energy PPA 15 7.4.1 Behind the meter or on-site Power Purchase Agreement 16 7.4.2 Off-Site or Corporate Power Purc	4.2	Nat	ural Gas	8
5.1 Solar on Council facilities .10 5.2 Power Factor .10 6.0 Strategic drivers for renewable energy .11 6.1 Climate change .11 6.2 Leadership Role of Council .12 6.3 Community Sentiment .12 6.3 In Bathurst 2040 Community Strategic Plan .12 6.3 Community uptake of solar .12 6.4 Increasing cost of energy to Council .12 6.5 State targets .12 6.6 Improving air quality .13 6.7 Fuel Security .13 7.0 Energy Market .14 7.1 Analysis and Implications .14 7.2 Should Council build and operate its own solar PV plant? .14 7.3 Behind-the-meter solar, feed-in tariffs and battery storage .15 7.4 Renewable Energy PPA .15 7.4.1 Behind the meter or on-site Power Purchase Agreements .16 7.4.2 Off-Site or Corporate Power Purchase Agreement .16 7.5.1 Virtual Net Metering or Peer to Peer Trading </td <td>4.3</td> <td>Liqu</td> <td>id Fuel</td> <td>8</td>	4.3	Liqu	id Fuel	8
5.2 Power Factor 10 6.0 Strategic drivers for renewable energy 11 6.1 Climate change 11 6.2 Leadership Role of Council 12 6.3 Community Sentiment 12 6.3.1 Bathurst 2040 Community Strategic Plan 12 6.3.2 Community uptake of solar 12 6.4 Increasing cost of energy to Council 12 6.5 State targets 12 6.6 Improving air quality 13 6.7 Fuel Security 13 7.0 Energy Market 14 7.1 Analysis and Implications 14 7.2 Should Council build and operate its own solar PV plant? 14 7.3 Behind-the-meter solar, feed-in tariffs and battery storage 15 7.4 Renewable Energy PPA 15 7.4.1 Behind the meter or on-site Power Purchase Agreements 16 7.4.2 Off-Site or Corporate Power Purchase Agreements 16 7.5 Other Opportunities in the market 17 7.5.1 Virtual Net Metering or Peer to Peer Trading 17	5.0	What	has Council done to reduce energy consumption?	10
6.0 Strategic drivers for renewable energy 11 6.1 Climate change 11 6.2 Leadership Role of Council 12 6.3 Community Sentiment 12 6.3.1 Bathurst 2040 Community Strategic Plan 12 6.3.2 Community uptake of solar 12 6.4 Increasing cost of energy to Council 12 6.5 State targets 12 6.6 Improving air quality 13 6.7 Fuel Security 13 7.0 Energy Market 14 7.1 Analysis and Implications 14 7.2 Should Council build and operate its own solar PV plant? 14 7.3 Behind-the-meter solar, feed-in tariffs and battery storage 15 7.4 Renewable Energy PPA 15 7.4.1 Behind the meter or on-site Power Purchase Agreements 16 7.4.2 Off-Site or Corporate Power Purchase Agreement 16 7.5 Other Opportunities in the market 17 7.5.1 Virtual Net Metering or Peer to Peer Trading 17 10 17 <td>5</td> <td>.1 S</td> <td>olar on Council facilities</td> <td>10</td>	5	.1 S	olar on Council facilities	10
6.1 Climate change	5	.2 Powe	r Factor	10
6.2 Leadership Role of Council	6.0	Strate	gic drivers for renewable energy	11
6.3 Community Sentiment 12 6.3.1 Bathurst 2040 Community Strategic Plan 12 6.3.2 Community uptake of solar 12 6.4 Increasing cost of energy to Council 12 6.5 State targets 12 6.6 Improving air quality 13 6.7 Fuel Security 13 7.0 Energy Market 14 7.1 Analysis and Implications 14 7.2 Should Council build and operate its own solar PV plant? 14 7.3 Behind-the-meter solar, feed-in tariffs and battery storage 15 7.4 Renewable Energy PPA 15 7.4.1 Behind the meter or on-site Power Purchase Agreements 16 7.4.2 Off-Site or Corporate Power Purchase Agreement 16 7.5 Other Opportunities in the market 17 7.5.1 Virtual Net Metering or Peer to Peer Trading 17	6.1	Clim	nate change	11
6.3.1 Bathurst 2040 Community Strategic Plan 12 6.3.2 Community uptake of solar 12 6.4 Increasing cost of energy to Council 12 6.5 State targets 12 6.6 Improving air quality 13 6.7 Fuel Security 13 7.0 Energy Market 14 7.1 Analysis and Implications 14 7.2 Should Council build and operate its own solar PV plant? 14 7.3 Behind-the-meter solar, feed-in tariffs and battery storage 15 7.4 Renewable Energy PPA 15 7.4.1 Behind the meter or on-site Power Purchase Agreements 16 7.4.2 Off-Site or Corporate Power Purchase Agreement 16 7.5 Other Opportunities in the market 17 7.5.1 Virtual Net Metering or Peer to Peer Trading 17	6.2	Lea	dership Role of Council	12
6.3.2 Community uptake of solar	6.3	Con	nmunity Sentiment	12
6.4 Increasing cost of energy to Council	6	.3.1	Bathurst 2040 Community Strategic Plan	12
6.5 State targets	6	.3.2	Community uptake of solar	12
6.6 Improving air quality	6.4	Incr	easing cost of energy to Council	12
6.7 Fuel Security	6.5	Stat	e targets	12
7.0 Energy Market	6.6	Imp	roving air quality	13
7.1 Analysis and Implications	6.7	Fue	Security	13
7.2 Should Council build and operate its own solar PV plant?	7.0	Energy	Market	14
7.3 Behind-the-meter solar, feed-in tariffs and battery storage	7.1	Ana	lysis and Implications	14
7.4 Renewable Energy PPA	7.2	Sho	uld Council build and operate its own solar PV plant?	14
7.4.1 Behind the meter or on-site Power Purchase Agreements	7.3	Beh	ind-the-meter solar, feed-in tariffs and battery storage	15
7.4.2 Off-Site or Corporate Power Purchase Agreement 16 7.5 Other Opportunities in the market 17 7.5.1 Virtual Net Metering or Peer to Peer Trading 17	7.4	Ren	ewable Energy PPA	15
7.5 Other Opportunities in the market	7	.4.1	Behind the meter or on-site Power Purchase Agreements	16
7.5.1 Virtual Net Metering or Peer to Peer Trading	7	.4.2	Off-Site or Corporate Power Purchase Agreement	16
	7.5	Oth	er Opportunities in the market	17
	7	.5.1	Virtual Net Metering or Peer to Peer Trading	17
7.5.2 Grid credits for solar feed-in	7	.5.2	Grid credits for solar feed-in	18
7.5.3 Local Area Trading with Network Credits	7	.5.3	Local Area Trading with Network Credits	18
8.0 Energy Efficiency and Renewable Energy Targets	8.0	Energy	efficiency and Renewable Energy Targets	19

Attachment 9.1.5.4

8.1	What targets have other Councils set?	19
8.2	Bathurst Regional Council Energy Efficiency Target	20
8.3	Bathurst Regional Council Renewable Energy Targets	20
Ren	newable Energy Target 1	20
Ren	newable Energy Target 2	21
9.0 A	Action Plan	22
9.1	Energy Efficiency Action Plan	22
9.2	Renewable Energy Action Plan to meet Target 1 (2020 – 2023)	22
9.3	Renewable Energy Action Plan to meet Target 2 (2023 -2025)	23
9.4	Financial Implications	24
10.0 C	Conclusion	25
Reference	ces	26
Definitio	ns and acronyms	27
Appendi	x A	29
Annendi	v R	32

Renewable Energy Action Plan

Executive Summary

This Renewable Energy Action Plan (REAP) sets out Council's strategy and action plan to minimise its dependence on fossil fuel energy sources. It has a primary focus on alternatives to grid-sourced electricity, but also considers and makes recommendations about transitioning away from natural gas and liquid fossil fuels.

The plan employs an energy management hierarchy which prioritises energy efficiency actions. The plan includes an:

• Electricity efficiency target of 15% in comparison with 2018-19 electricity consumption of 15,069 MWh.

The plan also sets the following renewable electricity targets:

- Renewable Target 1 25% of Council's electricity consumption to be from renewable sources by 2023
- Renewable Target 2 50% of Council's electricity consumption to be from renewable sources by 2025

Current policy settings, uncertainty in the electricity market and rapidly evolving technology in the renewable energy and storage space make it prudent to set short- and medium-term targets which can be reviewed and raised, where appropriate, as the renewable market develops.

The plan explores the strategic drivers for Council to increase its use of renewable energy, considers the state of the electricity market and examines the opportunities available to Council.

Section 9.0 details the actions which have been identified to enable Council to meet the stated energy efficiency and renewable electricity targets.

1.0 Introduction

This Renewable Energy Action Plan (REAP) sets out Council's strategy to minimise its dependence on fossil fuel energy sources, with a primary focus on grid-sourced electricity. It describes Council's intention to source more of its energy from renewable energy sources and defines Council's shortand medium-term renewable electricity targets.

Energy savings actions and renewable energy projects undertaken to date have demonstrated there is a strong business case and community support for further action. Key benefits for Council are reduced operational costs, flow on social and economic benefits as resources are redirected and enhanced environmental outcomes.

2.0 Aims

The aims of the REAP are to:

- 1. State the renewable electricity targets for Council's operations.
- 2. Describe an achievable pathway, staged action plan and timeframe to meet Council's renewable electricity targets.
- 3. Describe a pathway to reduce Council's reliance on natural gas and liquid fuels.

3.0 Approach

Bathurst Regional Council will use an energy management hierarchy approach in its pursuit of a more sustainable energy use profile. An energy management hierarchy classifies and prioritises energy management options in order to progress towards a more sustainable energy system in the most efficient way (Figure 1). The highest priority is preventing unnecessary energy use, for example, by switching off air conditioning and lighting when not in use.

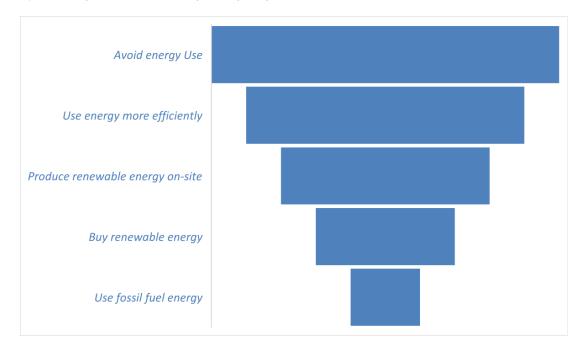


Figure 1: Energy Management Hierarchy

Improving energy efficiency is the next highest priority. Energy efficiency is simply using less energy to provide the same service. Reducing the total amount of energy consumed by implementing energy efficiency actions will reduce the overall amount of renewable energy which Council must install at its facilities or purchase to meet its renewable energy targets.

The primary focus of this REAP is the replacement of fossil fuel-sourced electricity with electricity produced from renewable sources. The plan also makes recommendations for further investigations to be undertaken to provide a transition pathway from natural gas and liquid fossil fuels to renewable energy sources. Detailed action plans for natural gas and liquid fossil fuels have not been included in this plan as Council did not want to delay the release of the REAP while these investigations were completed.

This plan does not specifically address greenhouse gas emissions, however in 2019 the NSW State Government announced a firm State target of zero net emissions by 2050 with an interim target of a 35% reduction by 2030. This commitment provides a signal to large emitters (including Councils) of the need to reduce the carbon intensity of their operations. The NSW Department of Planning, Industry and Environment is currently preparing its Net Zero Plan for the State and has released a draft Net Zero Emissions Guidance for NSW Councils. It is therefore timely for Council to consider setting emissions reduction targets and preparing an action plan to achieve these targets. The setting of emissions targets remains under investigation and will be the subject of a separate plan.

4.0 Council's Current energy use profile

Council, as a water and sewer authority and community service provider, uses a large amount of energy. The majority of this is derived from grid sourced electricity, with liquid fuels and natural gas making up the balance (Figure 2).

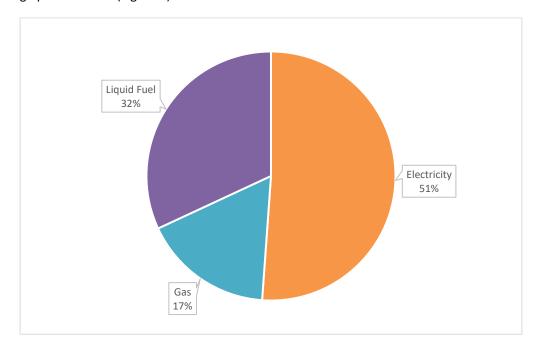


Figure 2: Council Energy Mix GJ 2018-19

4.1 Electricity

In 2018-19 Council facilities consumed 15,069 MWh¹ of grid sourced electricity at a cost of almost \$3.5 million. The largest uses of electricity are for water filtration and pumping, sewage treatment, provision of street lighting and operation of the Bathurst Manning Aquatic Centre. Total Council electricity use has remained reasonably static over time despite a growing population being serviced by Council, and consumption at some sites being mitigated by targeted investment in energy efficiency and renewable energy projects (Figure 3). Higher electricity use in 2016-17 and 2017-18 was driven by higher outdoor water use as a result of dry climatic conditions. The introduction of water restrictions in late 2018 has seen electricity consumption fall, despite continued dry conditions, due to a reduction in outside water use.

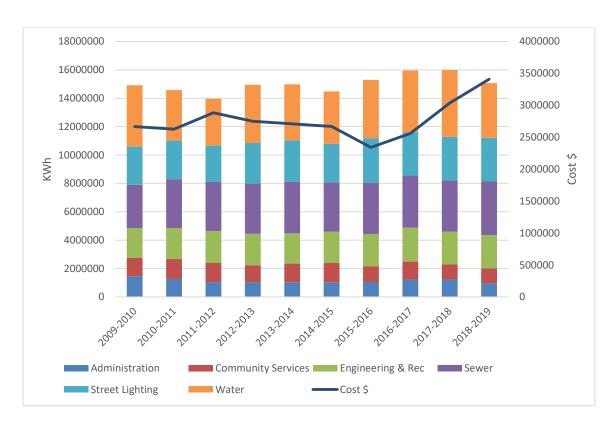


Figure 3: Electricity Use kWh

Recommendation:

Set energy efficiency and renewable electricity reduction targets as part of this plan.

¹ Includes all facilities including those not under Council operational control, for example Rural Fire Service buildings

4.2 Natural Gas

In 2018-19 Council facilities used 17,669 GJ of natural gas at a cost of \$320,000². More than 60% of this was used at the Bathurst Manning Aquatic Centre, with the balance primarily used for heating of buildings. The most likely path to a reduced reliance on non-renewable natural gas is through the electrification of these processes with electricity sourced from renewables.

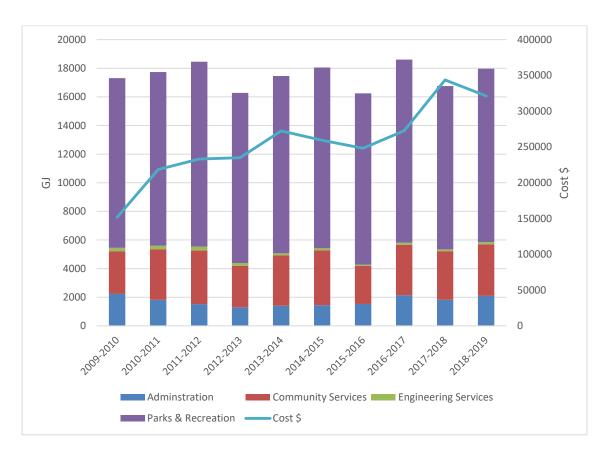


Figure 4: GJ Natural Gas

Recommendation:

Prepare an options paper for the replacement of natural gas with renewable energy. This options paper will inform the development of reduction targets and an associated action plan.

4.3 Liquid Fuel

Council's total liquid fuel use in 2018-19 was 878kL, with more than 85% of this comprising diesel consumption. Most of the fuel is used in Council's commercial and works vehicles, with only about 20% used in the passenger fleet. Total fuel consumption declined between 2011-12 and 2015-16

² Note cost of gas for Aquatic Centre is paid by Belgravia as part of the operations contract.

with increasing fuel efficiency of vehicles and a change to the fringe benefit tax rules³, but since 2015-16 there has been a gradual increase in liquid fuel consumption.

The path to reduced dependence on liquid fossil fuels depends primarily on Council adopting electric &/or hydrogen vehicles into its fleet and sourcing electricity to run the vehicles from renewable sources. There are several barriers to the rapid uptake of electric vehicles into Council's fleet, not least of which is the high current upfront capital cost of electric vehicles, the lack of commercial electric vehicles available in the Australian market and Council's preference to service all vehicles in house. Hydrogen vehicles are not currently available in Australia, so this remains a longer-term option.

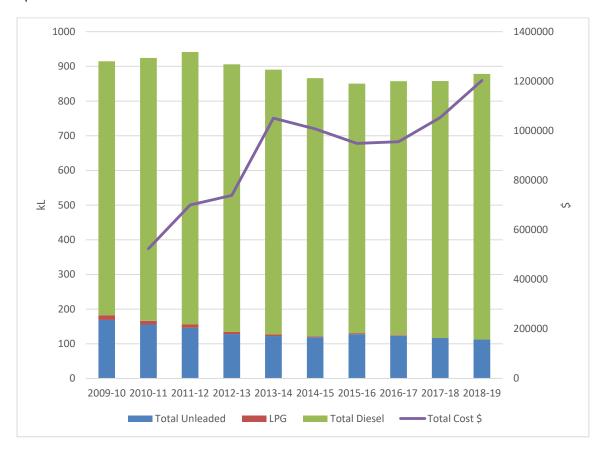


Figure 5 Liquid Fuel

Recommendation

Develop an electric vehicle transition strategy for Council passenger and heavy vehicle fleet. The strategy should consider full life cycle cost benefit analysis, resale value, servicing (including barriers to in-house servicing), charging infrastructure and impact on Council productivity.

³ From May 2011 to 31 March 2015 a new fringe benefit tax rule was phased in which saw the introduction of a 20% flat statutory rate for leaseback vehicles regardless of distance travelled. Prior to this time the statutory percentage decreased as the number of kilometres travelled in a year increased. The tiered rate provided a perverse incentive for leaseback vehicle owners to travel more kilometres.

5.0 What has Council done to reduce energy consumption?

In 2009 Council created the position of Sustainability Strategy Officer which has allowed an ongoing focus on the monitoring and management of energy consumption including the completion of energy audits and the implementation of energy efficiency projects.

In this time Council has prepared a distributed energy plan for 10 large Council sites, undertaken 8 detailed site energy audits and more than 28 energy efficiency projects. A full list of energy audits and energy efficiency projects implemented to date can be found at Appendix A.

A revolving energy fund (REF) was established by Council in 2011 whereby cost savings from energy efficiency projects are directed to new energy efficiency projects. The REF has funded 12 projects since its inception. A full list of these projects can be found at Appendix A.

Monitoring of Council energy and water consumption has been undertaken by Planet Footprint (now named Azility) under a subscription service since 2008. This service provides accurate consumption and cost data for each Council facility.

5.1 Solar on Council facilities

Since 2009, as funding and staff resources have allowed, Council has installed solar PV at suitable facilities. As of the end of 2019, Council has 14 facilities which have solar PV installations, with a total capacity of 450kW. Together these systems generate approximately 4.5% of Council's electricity consumption from a renewable resource. In 2018 Council installed its first system with battery storage at the Bathurst Visitor Information Centre. (See Appendix A for list of existing systems).

Due to the focus on energy efficiency and installation of behind the meter solar, since 2009/10 electricity use per capita has fallen from 1381 MJ per resident served to 1255 MJ per resident served (Figure 6). This is despite fluctuations in electricity use in response to climatic variability.

5.2 Power Factor

The power factor of an electrical load is the ratio of power that it draws from the mains supply and the power that it actually consumes. It is a measure of electrical efficiency. Improving power factor can help to reduce the total power (kWh) used at a site, however energy savings are very small (typically less than 0.5%). Achieving a higher power factor has other benefits including:

- Reduction in peak demand charges;
- Reduced heating in cables helping to increase equipment working lifespan;
- Reduced heating in transformers;
- Better voltage regulation; and
- Freeing up system capacity

Power factor correction has been undertaken at most of Council's large sites. Three remaining sites would benefit from power factor correction – Bathurst Memorial Entertainment Centre (BMEC) and two of Council's large water pump stations. Power Factor Correction will be installed at BMEC and variable speed drives at the two water pump stations in 2020.

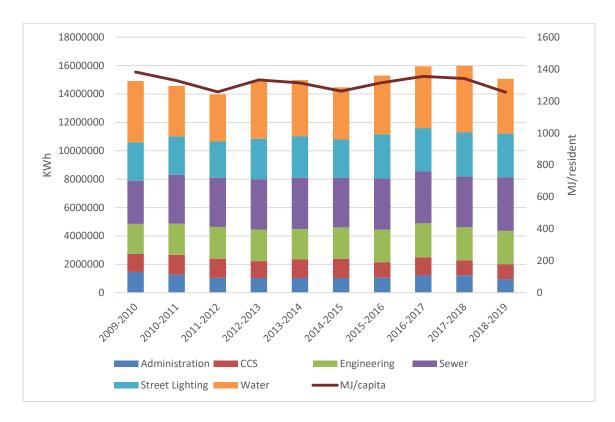


Figure 6: MJ electricity consumed per resident served

6.0 Strategic drivers for renewable energy

There are a range of strategic drivers operating to motivate Council to increase its use of renewable energy:

6.1 Climate change

Based on long-term (1910–2011) observations, temperatures have been increasing in the Central West and Orana since about 1970, with higher temperatures experienced in recent decades. The region is projected to continue to warm during the near future (2020–2039) and far future (2060–2079), compared to recent years (1990–2009). Maximum and minimum temperatures are projected to increase by 0.7°C in the near future and by 2.1°C in the far future. Spring and summer will experience the greatest changes in maximum temperatures, with temperatures increasing by 2.5°C by 2070. The number of hot days (>35oC) is expected to increase by 5-10 days per year by 2070. These increases are projected mainly in spring and summer although in the far future hot days will extend into autumn, resulting in lengthening of summers. The number of cold nights will decrease and result in fewer frosts. Rainfall is projected to decrease in spring and to increase in autumn. Average and severe fire weather is projected to increase in summer, spring and winter. (Office of Environment and Heritage, 2014). The combination of these impacts is predicted to result in lower soil moisture. Further detail on climate projections for the Central West and Orana region can be found at the Adapt NSW website at https://climatechange.environment.nsw.gov.au/Climate-projections-for-NSW.

Council is committed to ensuring that it takes action to minimise the impacts of climate change. Council joined the Cities Power Partnership in 2017 with pledges to install renewable energy at Council facilities, roll out energy efficient public lighting, provide fast charge infrastructure for electric vehicles, strengthen the community's capacity in renewable energy and energy efficiency and provide support for cycling in city infrastructure.

At its ordinary meeting in November 2019, Council passed a motion "Bathurst Regional Council acknowledges that current weather patterns are outside the normal range because of a change in the climate and that Council should continue its focus on improving energy efficiency, investigating other renewable energy opportunities in order to reduce costs ..."

6.2 Leadership Role of Council

As the level of government closest to the community, Council has an important role in demonstrating leadership in the areas of resource efficiency and responding to climate change by reducing energy use and emissions in its own operations.

6.3 Community Sentiment

6.3.1 Bathurst 2040 Community Strategic Plan

The Bathurst community has identified generation of renewable energy as one of the top three action areas for Council with 73.6% of people rating this as moderately to extremely important (Bathurst Regional Council, 2018).

The Community Strategic Plan (CSP) commits Council to continue to support the pursuit of energy efficiency measures at its facilities and to offset its energy use through renewable energy projects. Council is aiming for a declining trend in the total greenhouse emissions from Council facilities, to increase its reliance on renewable energy sources and increase energy efficiency gains. Council is working towards reducing its total electricity consumption, per resident.

6.3.2 Community uptake of solar

The Bathurst community, along with the rest of Australia, has embraced roof-top solar. As of 30 November 2019, Bathurst residents have installed 3,569 small scale solar systems with capacity of 18.8 MWh (Clean Energy Regulator, 2019). When surveyed about renewable energy, 83% of respondents in NSW said they want more energy generated from renewable sources (Office of Environment and Heritage, 2015)

6.4 Increasing cost of energy to Council

Energy costs have increased significantly year on year over the last five years, and in 2018-19 Council spent approximately \$5.4 million on energy, street lighting services and liquid fuel, which is approximately 5% of its overall operating expenditure and 12.5% of non-salary operating expenditure. Improving energy efficiency and increasing the amount of on-site renewable generation will reduce Council's expenditure on electricity. Savings can be diverted to other Council services.

6.5 State targets

The NSW Government has released a Climate Change Policy Framework, which includes an objective to achieve net-zero emissions by 2050. The biggest source of greenhouse gas emissions in New

South Wales is the stationary energy⁴ sector (including electricity generation), which is responsible for almost 40% of emissions. Stationary energy emissions have declined since 2009 due to reduced electricity consumption and increased energy efficiency. The second biggest source of emissions is from transport. Transport emissions have grown since 1990 due to an overall increase in travel. Emissions in all other sectors have declined since 1990 (Office of Environment and Heritage, 2016).

A recent survey by the Australia Institute found that almost two-thirds of Australians support a national target of net-zero carbon emissions by 2050 or earlier (The Australia Institute, 2019).

This REAP will support the NSW governments target for net zero emissions, however it should be noted that the proportion of total greenhouse gases emitted from Council operations which is derived from electricity use is just over 27%, from gas approximately 1.9% and from liquid fuels 5.3%. The largest proportion of greenhouse gases emitted from Council operations is from the Bathurst Waste Management Centre which emits almost 65% of Council total emissions⁵⁶.

6.6 Improving air quality

Traditional generation of electricity can release substances that are directly harmful to human health, including but not limited to particulate matter (PM), nitrogen oxides (NOx) and sulfur oxides (SOx). As an example, the electricity sector contributes 88 per cent of SOx emissions and 53 per cent of NOx emissions, as well as 5 per cent of direct particulate matter (PM 2.5) emissions in the NSW Greater Metropolitan Region (State of NSW and Department of Planning, Industry and Environment, 2019). Burning of liquid fuels in vehicles is also a source of harmful air pollutants. Transitioning away from fossil fuels for electricity generation and liquid fuels will reduce levels of these harmful emissions.

6.7 Fuel Security

Australia's domestic liquid fuel production is declining but demand continues to grow as the economy is reliant on liquid fuel and will be for some time to come. Australia is therefore heavily reliant on imports of liquid fuels. The transport sector makes up 75 per cent of total liquid fuel demand. Over 60 per cent of refined product and 80per cent of crude oil feedstock is imported. The rest of the world is transitioning to other transport energy sources faster than Australia. To maintain reliable energy supply, particularly for transport, Australia needs to keep pace with global trends, or risk being left behind with ageing infrastructure and potentially more limited supply of oil (Commonwealth of Australia, 2019).

⁴ Stationary energy includes electricity generation, fuels consumed in the manufacturing, construction and commercial sectors and domestic heating.

⁵ Emissions data is from the 2018-19 Financial Year.

⁶ There is a methane flare at the Bathurst Waste Management Centre which collects gases (including methane and other gases) produced from the breakdown of organic waste. The flare burns this gas and by doing so reduces the warming potential of gases released to atmosphere. This flare is not currently owned by Council with a third party agreement in place until 2027.

7.0 Energy Market

7.1 Analysis and Implications

The energy market in 2018 was characterised by high prices and rapid change, with widespread concerns about affordability, reliability and security of supply, and the industry's carbon emissions (Australian Energy Regulator, 2018). Electricity prices rose by 56 per cent in real terms over the 10 years to 2017–18. Network costs were the largest driver of retail electricity prices for several years, but since 2016, wholesale cost increases have been the main driver. Policy and market uncertainty have been a significant contributor to recent cost increases and have created barriers to investment to replace retiring coal fired generators.

Advances in metering and electricity generation, management and storage technologies are changing how the retail market works. 'Power of choice' reforms, introduced in NSW in 2017, aim to provide customers with opportunities to benefit from these changes. Reforms include a market led rollout of smart meters, the introduction of cost reflective network pricing (demand charges) and enabling wider use of demand response (Australian Energy Regulator, 2018). Council must keep abreast of these changes and take advantage of options that fit its needs.

In late 2019 the NSW Government released its NSW Electricity Strategy to plan for a reliable, affordable and sustainable electricity future. The plan acknowledges that firmed renewables⁷ are now the most cost competitive form of new generation and cost less than the current wholesale electricity price. (State of NSW and Department of Planning, Industry and Environment, 2019). The plan provides support for investment in new generation and transmission and reduces risk for investors through the creation of three renewable energy zones, the first of which is a 3,000 MW pilot Renewable Energy Zone (REZ) in the Central-West. Where appropriate, the NSW Government will change the regulatory settings to incentivise generators to cover part of the cost of building new transmission for the REZs. The plan also extends and expands the Energy Savings Scheme, now labelled the Energy Security Safeguard, with expanded targets and the introduction of a demand reduction scheme.

While Bathurst is not in the proposed Central West REZ, it is expected that there would be flow on benefits to Council through increased renewable generation in the region and increased capacity in transmission as the REZ is linked to major consumer markets.

In January 2020 the Federal and NSW State Government announced a bilateral energy deal which aims (amongst other things) to improve grid security by supporting transmission interconnection and network access. It will provide financial support for the establishment of the REZ in Central West NSW.

7.2 Should Council build and operate its own solar PV plant?

There has been some interest in Council developing a large-scale renewable energy generation project to supply a large portion of its electricity needs or to become an energy supplier to local energy consumers in a community-based scheme. In effect this means that Council would become an energy generator operating in the regulated market. Any such project would have a high level of

⁷ Firming is the mechanism by which intermittent or fluctuating electricity load is made firm in terms of volume.

risk associated with it and, at this point in time, becoming a generator is not considered Council's core business. Council's appetite for risk is necessarily diminished by its responsibility to ratepayers as its primary source of funds. While energy policy at the national level is still uncertain and contributing to significant market volatility, it is not recommended that Council pursue this approach. There are many energy efficiency and small-scale renewable energy options still available to carry out. The option to enter a Power Purchase Agreement with a large-scale renewable energy generator will also be pursued.

7.3 Behind-the-meter solar, feed-in tariffs and battery storage

Behind-the -meter solar installations are generally the most cost-effective renewable energy solution for an individual facility, but this does depend on site characteristics including the site load profile, available space, heritage restrictions, capacity restrictions in the network and other site limitations. Behind-the-meter systems provide power that can be used on-site without passing through the meter. This reduces electricity being drawn from the grid and offsets not just the energy cost but also the network and market costs associated with that electricity which would have otherwise been drawn from the grid.

Photovoltaic systems without storage produce electricity to be used immediately. In a grid connected system if solar generated electricity is not used it is fed back into the grid. Electricity fed back into the grid receives a feed in tariff from the retailer. The value of this feed in tariff is dependent on the contract in place. In NSW there is a recommended benchmark feed in tariff set by the Independent Pricing and Regulatory Tribunal. In 2019/20 FY this is 8.5 to 10.4 cents per kw hour. Electricity network operators may place an export limit on a new solar installation in order to protect the stability of the grid. If a system is export limited the inverter or export limiting device, will be programmed to throttle the export to the export limit set by the network operator. Any solar energy that a system produces above that will be wasted, typically as heat.

The electricity demand profile of a site and how well it matches the typical bell-shaped daytime curve of solar PV production is a key factor which influences the suitability of behind-the-meter solar at a site. For example, solar will not be as advantageous at a site which has high winter electricity demand and low summer demand, or where the load profile is biased to nighttime hours.

Battery storage can assist where there is a mismatch in the daily profile of site consumption and solar production, storing some of the energy produced in the day to be used at night. Battery storage does not however solve a seasonal mismatch in site consumption and solar production. In this situation if the solar PV system is sized for the winter load, excessive amounts of solar generated electricity may be exported to the grid. Alternatively, if the system is sized for the summer load, in the winter the site will be more reliant on grid drawn electricity.

7.4 Renewable Energy PPA

A Power Purchase Agreement (PPA) is an agreement between an independent power generator and a purchaser for the sale and supply of energy. They can be used for the supply of any type of energy, but in more recent times have often been used for the supply of renewable energy especially solar and wind.

7.4.1 Behind the meter or on-site Power Purchase Agreements

'Behind the meter' is a type of a Power Purchase Agreement (PPA) where an energy provider installs renewable energy equipment on a business' site. The system is owned by the energy provider and the business pays the provider a pre-determined rate for electricity for an agreed time period. This type of arrangement can be useful when a business does not have the available capital upfront to install the system itself, but it locks the user into a long-term contract. Ownership of the system usually passes to the business at the end of the agreed term for a nominal fee.

7.4.2 Off-Site or Corporate Power Purchase Agreement

In the emerging renewable energy market, corporates and (groups of) organisations can buy renewable energy from specific renewable energy projects. This approach is called a 'corporate PPA'. Organisations enter into these agreements primarily to lock in future energy prices and to meet carbon reduction or renewable energy targets (DPIE, 2019). In a corporate PPA an organisation agrees to purchase power (typically over a longer term than a standard electricity contract) at a rate per kWh from a renewable energy generator remote from the site of consumption. The organisation still must pay the network costs to deliver the electricity to site and still requires an agreement with a retailer to cover both the general grid and renewable electricity.

There are various models of Corporate PPA's operating in the market, not all which a local government authority is able to participate in.

Buy-side (sleeved) PPA model

A sleeved PPA is like a regular grid power agreement, except that a portion of the underlying electricity generation is from a specific renewable energy project. Under this model, a Council will not have a direct agreement with a renewable energy project developer. Instead, a retailer has a direct agreement with a specific renewable energy project and will sleeve the PPA through Council's electricity retail agreement. The retailer manages the risk of price fluctuation by obtaining the electricity at a fixed rate from the renewable energy project, or by using a contract for difference (100% renewables, 2019). The duration for the renewable component of the sleeved PPA has typically been between ten and 15 years, however there is a recent push by corporations for shorter renewable PPA terms. The retail agreement is subject to wholesale market pricing, whereas the pricing for the renewable component will reflect the developer's costs and may be fixed or variable over the term of the PPA.

Sell-side (direct) PPA model

A direct PPA involves an agreement between an organisation and a renewable energy project developer. The final price of the delivered energy is a combination of the offtake price of the renewables project plus transmission and distribution costs, as well as billing, reconciliation and risk management costs from the retailer. Prices are generally fixed over a longer term of up to 15 years. An agreement with a retailer is required to pass through the terms of the agreement with the renewable energy project developer (100% renewables, 2019).

Virtual PPA or contract for difference model (CFD)

A virtual PPA involves an agreement with a renewable energy project developer, however the agreement is a financial arrangement and no physical electricity is delivered. These types of PPAs are

essentially financial hedges or contracts for difference, under which fixed prices are settled against floating or spot prices in the National Energy Market. A virtual PPA is a stand-alone financial derivative agreement. Due to a Ministerial Order, NSW Councils cannot invest in financial derivatives.

The Central NSW Joint Organisation pursued a sleeved corporate PPA option as part of the electricity procurement process in 2019 with Bathurst seeking to procure 20 to 35% of its load from renewable sources if the pricing was cost competitive. Unfortunately, uncertainty in the market, including uncertainty relating to operating rules for large scale solar and voltage instability issues in the network, impacted the renewable offers received for the tender and a renewable PPA was not able to be achieved without a significant cost penalty. This outcome was not consistent with the results other Council groups have achieved and it appears that the timing of the approach to market was unfortunate. The recently announced Central West Renewable Energy Zone (discussed in Section 7.1) may provide future opportunities in this space.

Council will continue to pursue a renewable PPA in the short term within the limitations of its current electricity contract which contains a +/- 20% volume clause and expires in December 2022.

LGC'S

A Large-Scale Generation Certificate (LGC) is created for the Renewable Energy Target (RET) scheme when a plant with over 100 kilowatts (kW) capacity generates 1 megawatt hour (MWh) of renewable energy. In 2019, electricity retailers were required to surrender LGCs equal to 18.6% of the electricity consumed by their customers. LGC's excess to this requirement are available to be traded and purchased by corporations to meet renewable energy and or emissions targets.

7.5 Other Opportunities in the market

The following examples are a snapshot of market led initiatives which are being developed to assist renewable energy adoption and sharing. This is a very dynamic space and other options and schemes are expected to emerge during the course of this plan.

7.5.1 Virtual Net Metering or Peer to Peer Trading

Peer-to-peer energy trading is the buying and selling of energy between two or more grid-connected parties. Often in the form of solar energy, any excess energy can be transferred and sold to other users via a secure platform. Peer-to-peer energy trading allows consumers the choice to decide from whom they purchase electricity, and who they sell it to (100% renewables, 2018).

Peer-to-peer trading is not yet at the stage of commercial mass deployment in Australia. Several trials have occurred including an ARENA funded trial by AGL. Some companies (for example Power Ledger) have developed software products that allow for peer-to-peer energy trading from rooftop solar panels. Using blockchain technology they enable households to trade their excess rooftop solar power with their neighbours.

There are barriers to full commercialisation including that consumers are only trading the energy component of their power. Full network charges must still be paid for any electricity consumed at a site, even if that site is next door. Another barrier is that many retailers have not yet been convinced of the business case of the model.

7.5.2 Grid credits for solar feed-in

Reposit, in partnership with retailers Powershop and Diamond Energy, have created a 'currency' called GridCredits which can be earned by selling excess solar power from a battery back to the grid. Diamond Energy for example pays 100c/kWh during a Grid Credit event and these credits can be used to reduce a customer's electricity bill. Power Shop on the other hand pays battery owners a fixed amount per annum dependent upon battery size.

7.5.3 Local Area Trading with Network Credits

Local Electricity Trading (LET) is where electricity exported from solar generation at one site is credited to another site. Full network charges are still payable on the electricity. Exports from the generation site are netted off at whatever LET sites are included, and any remaining residual exports are valued according to the retailer buy-back rate. Network businesses do not currently offer a network tariff which reflects only partial use of the network, so no network credits are applicable. Council has one site where this kind of arrangement is currently operating. Although not named as Local Area Trading it is in effect operating in this way: the solar system at the Pit Paddock toilet block is on a generation only meter. The feed in tariff credits are offset against other sites on the same collective bill.

8.0 Energy Efficiency and Renewable Energy Targets

This plan proposes targets for Bathurst Regional Council in relation to energy efficiency and renewable electricity.

8.1 What targets have other Councils set?

Many NSW Councils have made either renewable energy or carbon emissions reduction commitments. Current targets at the date of publication are listed in Table 1.

Table 1: Renewable Energy and Emissions Targets set by other NSW Councils (adapted from (100% renewables, 2019))

LOCAL GOVERNMENT	RENEWABLE ENERGY COMMITMENT	CARBON COMMITMENT
Bayside City Council		Carbon neutral by 2020
Blacktown City Council		Zero-net emissions from
		operational electricity, fuel
		and gas use by 2030; Zero net
		community emissions by 2020
Blayney Shire Council	Renewable energy plan with no specific target	
Broken Hill Council	100% renewable energy status by 2030	
Blue Mountains City Council		Carbon neutral by 2025
Byron Bay Council	100% renewable energy by 2027	Net zero by 2025
City of Newcastle	100% renewable electricity from 2020	
City of Sydney	100% renewable energy for	council operations by 2021
	council operations by 2021	Carbon neutral from 2008
Coffs Harbour City Council	100% renewable energy by 2030	
Eurobodalla Shire Council	100% renewable energy by 2030	
Inner West Council	100% renewable electricity by	Carbon neutral by 2025 100%
	2025	divestment from fossil fuel
Ku-ring-gai Council		Reduce greenhouse gas
		emissions to achieve net zero
		emissions by 2045 or earlier
Kyogle Council	25% electricity from on-site solar	
	by 2025 50% renewable	
	electricity by 2025 100%	
	renewable electricity by 2030	
Lismore City Council	Self-generate all electricity	
	needs from renewable sources	
	by 2023	
Nambucca Council		Zero net carbon emissions within the 2030 to 2050 period
Parramatta Council		Carbon neutral by 2022
Port Macquarie- Hastings	100% renewable energy by 2027	
Council		
Randwick Council	100% renewable by 2030 for	Zero emissions by 2030
	stationary and transport energy	
Tweed Shire Council	50% renewable energy by 2025	

LOCAL GOVERNMENT	RENEWABLE ENERGY	CARBON COMMITMENT
	COMMITMENT	
Willoughby City Council		By 2028 emit 50% less GHG emissions from operations compared with 2008/09 Achieve net zero emissions by 2050
Wollongong City		Net zero emissions by 2030 for its own operations, net zero emissions by 2050 for the City as a whole

Dubbo Regional Council has a Renewable Energy Action Plan in development. Temora and Cowra Councils are also in the process of developing Renewable Energy Plans.

8.2 Bathurst Regional Council Energy Efficiency Target

As outlined in Section 3.0, Council's energy management hierarchy stipulates that energy efficiency actions should be prioritised, so that the amount of renewable power that must be sourced to meet Council's renewable energy targets is minimised. Accordingly, Council has set the following energy efficiency target:

Reduce Council's electricity consumption through energy efficiency measures by **15%** of 2018-19 levels by 2023

See Table 2 for Council's Action Plan to achieve 15% reduction in electricity use by 2023.

8.3 Bathurst Regional Council Renewable Energy Targets

Council has set the following targets for renewable energy:

Renewable Energy Target 1

25% of Council's electricity consumption to be from renewable sources by 2023

Rationale for Renewable Target 1

An interim target of 25% has been determined based on:

- Council's current electricity contract which expires on 31 December 2022. This contract has
 a +/-20% variability clause. This means that Council cannot reduce its electricity
 consumption below 80% of the contracted volume prior to the end of the contract without
 risk of financial penalties being applied by the retailer. (Note that the timing of Renewable
 Target 1 corresponds with the end of current electricity contracts).
- Limited availability of funding outside of existing allocations in the short term to pursue energy efficiency and behind-the-meter solar.

Council's Action Plan with projects listed to meet this target is outlined in Table 3.

Renewable Energy Target 2

50% of Council's electricity consumption to be from renewable sources by 2025

Rationale for Renewable Target 2

A medium-term target of 50% has been determined based on:

- A 50% target by 2025 is an achievable target over a five-year period, working off a low base of approximately 4% in 2018-19
- Challenges in matching Council's current electricity load profile with the time of renewable generation (whether behind-the-meter or purchased through a PPA) without significant energy storage capacity.
- Current policy settings, uncertainty in the electricity market and rapidly evolving technology
 in the renewable energy and storage space make it prudent to set short- and medium-term
 targets which can be reviewed and raised as the renewable market develops.

Council's Action plan with listed projects which will allow Council to meet Renewable Target 2 is outlined in Table 4.

9.0 Action Plan

9.1 Energy Efficiency Action Plan

While Council has undertaken many energy efficiency projects in the past, more projects have been identified which will allow Council to reduce its total electricity consumption by 15% from 2018-19 levels (Table 2).

Table 2: Energy Efficiency Action Plan (2020-2023)

Project	Detail	Estimated annual reduction in electricity from grid MWh	Funding Source
Streetlights to LED	Replacement of 5639 streetlights with LED	1942	Operating Plan 2019-20 (loan funds)
Heritage listed Street and Park lights LED lamp replacement	162 lights	68	Existing budgets 2019-20
Machattie Park lights to LED lamps	55 lights	12	REF – existing funds
Fluorescent T5 to LED panel	1000 lights across multiple facilities	124	NSW renewable energy certificates
VSD on Water Pump Stations x 2	Estimate 10% energy saving	61	Water Fund 2019-20
Street Lighting Smart Controls & Dimming profiles	Estimate 20% of P4	50	Operating Plan 2020-21
Total		2256	

Supporting information (analysis of all projects including assumptions and calculations) can be found in Appendix B

Net electricity consumption following implementation of the actions identified in Table 2 is 12813 MWh. This is calculated from 2018-19 baseline consumption of 15069 MWh⁸ and is a 15% reduction over the baseline year.

9.2 Renewable Energy Action Plan to meet Target 1 (2020 – 2023)

To meet its target of 25% renewable electricity by 2023 Council proposes to install additional solar generating systems and purchase renewable energy through a renewable power purchase agreement. Proposed actions to allow Council to meet the 25% by 2023 target are outlined in Table 3.

Council's existing solar systems produce approximately 4% of total energy consumption, therefore Target 1 projects will seek to add an additional 21% of renewable electricity.

⁸ 2018-19 has been chosen as the baseline year against which energy efficiency targets are set as it is the most recent full financial year of data available. Council acknowledges that a growing population, proposed new facilities and increased service levels may result in increased electricity consumption, changing the baseline against which efficiency targets and renewable energy targets will be measured. However Council has chosen not to employ an escalating baseline due to: 1) nonlinear impacts of population growth on Council energy consumption, 2) uncertainty over what the actual design and energy consumption of proposed new facilities will be and 3) the short timeframe before the first review of the REAP in 2023.

Table 3: Renewable Projects to meet Target 1 (2020 – 2023)

Project	Detail	Estimated annual reduction in electricity from grid MWh	Funding source
Aquatic Centre Solar	100kW solar system	153 (0% export to grid)	Operating Plan 2018-19 - complete
NMRM Solar	25.9kW solar system	32 (20% export to grid)	REF 2019-2020 - complete
Scallywags Solar expansion	Additional 10kW solar system with 13kWh battery storage	15 (14% export to grid)	≈\$20,000 REF 2019-20
BMEC Solar	80kW solar system with 50kWh battery storage	104 (15% export to grid)	≈\$140,000 REF 2019-20
Chifley Fire Station Solar	50kW solar system	77 (load profile not available to estimate % export)	Behind the meter PPA (externally funded) FY2019-20
Basketball Stadium Solar & Storage	40kW solar system with 50kWh battery storage	46 (25% export to grid)	≈\$95,000 REF 2020-21
WFP additional 50kW	50kW solar system	77 (<3% export to grid)	≈\$50,000 Water Fund 2020-21
Depot additional Solar	25kW solar system plus 30kWh battery storage	34 (12% export to grid)	≈\$60,000 REF 2020-21
Waste Management Centre Solar	30kW solar system	30 (35% export to grid)	≈\$30,000 Waste fund 2020-21
Pit Complex Solar	50kW solar system	62 (19% export to grid)	≈\$50,000 REF 2021-22
Aerodrome Solar	50kW solar system	66 (15% export to grid)	≈\$50,000 REF 2021-22
Renewable PPA	For 15% volume of large site contract	1922	Assume no cost penalty
Total		2618	20.5%
Existing solar installations ⁹	:- f:		4.5%

Supporting information (analysis of projects including assumptions and calculations) can be found in Appendix B

9.3 Renewable Energy Action Plan to meet Target 2 (2023 -2025)

To meet its target of 50% renewable electricity by 2025 Council proposes to install additional solar generating systems and purchase more renewable energy (Table 4). Council's current electricity contracts expire on 31st December 2022, which will allow further scope to enter into additional renewable power purchase agreements.

The recommended actions to achieve Target 1 and Target 2 along with current renewable installed capacity achieve 55% predicted renewable electricity. This exceeds the stated target of 50% but provides a buffer if some identified actions cannot be achieved or if baseload electricity consumption increases due to introduction of new services or other unforeseen impacts.

⁹ Existing solar installations are listed in Appendix A

Table 4: Renewable Energy Projects to meet Target 2 (2023-2025)

Project	Detail	Estimated annual reduction in electricity from grid MWh	Funding Source
1MW solar at WWTW	Ground mount at 1.3m	1533	Capital project - operating plan FY 2023- 24 Estimate \$1.2M
Aquatic Centre additional solar	100kW solar	153	≈\$100,000 REF 2022-23
Solar Evans Shire Council Building	50kW with storage	92	REF 2023-24
Solar Car Park	100kW to be offset against Civic Centre ¹⁰	153	Capital project operating plan FY 2024-25 Estimate \$400,000
Renewable PPA	For additional 15% volume of large site contract	1922	Assume no cost penalty
Total		3853	30%

9.4 Financial Implications

Most of the identified energy efficiency actions and renewable energy actions to meet Target 1, already have identified funding in the operating plan or can be funded from existing allocations or from Council's Revolving Energy Fund.

Capital funding in future operating plans will be required for actions identified for Target 2, including the 1MW solar at WWTW and the Solar Car Park. Consideration should be given to redirection of savings from the Street Lighting LED upgrade and the SLUOS savings arising from the 2019 AER determination to fund these and other identified renewable energy projects.

¹⁰ Based on the assumption that a mechanism for virtual net metering will be available in the market by 2024

10.0 Conclusion

A target of 50% renewable electricity by 2025 is a reasonably ambitious but achievable target for Bathurst Regional Council operations. This will be achieved by implementing the identified energy efficiency and renewable energy actions outlined in Section 9. While energy efficiency actions and some renewable energy actions can be funded from existing allocations and Council's Revolving Energy Fund, capital funding will need to be sourced for some of the larger projects identified for Target 2.

Given the dynamic nature of the current electricity market and rapidly advancing technology in the renewable energy industry, particularly the predicted improvement in the cost of electricity storage options, it is recommended to undertake an interim review of this REAP in 2023, followed by a comprehensive review in 2025. It is anticipated that at this time Council will have a clearer understanding of the most efficient way to achieve 100% renewables in each energy use portfolio.

References

- 100% renewables. (2018, December 12). *Peer-to-peer energy trading explained*. Retrieved January 10, 2020, from 100% renewables: https://100percentrenewables.com.au/peer-to-peer-energy-trading/
- 100% renewables. (2019). *Ambitious Commitments by States & Territories, Local Governments, and Communities.*
- 100% renewables. (2019, December 24). Buying renewable energy via a Power Purchase Agreement, Part 2, PPA options. Retrieved from 100% renewables: https://100percentrenewables.com.au/buying-renewable-energy-part-2-ppa-options-infographics/
- Australian Energy Regulator. (2018). State of the Energy Market 2018. Australian Energy Regulator.
- Bathurst Regional Council. (2018). *Bathurst 2040 Community Strategic Plan*. Bathurst: Bathurst Regional Council.
- Clean Energy Regulator. (2019, December 23). *Postcode data for small-scale installations*. Retrieved from Australian Government Clean Energy Regulator:

 http://www.cleanenergyregulator.gov.au/DocumentAssets/Pages/Postcode-data-for-small-scale-installations.aspx
- Commonwealth of Australia. (2019). *Liquid Fuel Security Review—Interim Report*. Commonwealth of Australia.
- DPIE. (2019). Northern NSW Renewable Energy Blueprint for Local Governments. DPIE.
- Energetics, Norton Rose Fulbright and WWF-Australia. (2018). NSW Guide to Corporate Power Purchase Agreements.
- Office of Environment and Heritage. (2014). *Central West and Orana*. Office of Environment and Heritage.
- Office of Environment and Heritage. (2015). *Community Attitudes to Renewable Energy in NSW.*Sydney: Office of Environment and Heritage.
- Office of Environment and Heritage. (2016). *FACT SHEET EMISSIONS IN NSW*. Sydney: Office of Environment and Heritage.
- Office of Environment and Heritage. (2017). Who Cares about the Environment? A survey of the environmental knowledge, attitudes. OEH.
- State of NSW and Department of Planning, Industry and Environment. (2019). NSW Electricity Strategy Our plan for a reliable, affordable and sustainable electricity system. Sydney.
- The Australia Institute. (2019). Polling Net-zero carbon emissions.

Definitions and acronyms

Table 5 Acronyms

AER	Australian Energy Regulator	
CSP	Community Strategic Plan	
EV	Electric Vehicle	
kW, MW	Units of power – usually used for electricity	
kWh, MWh, GWh	Units of energy – usually used for electricity	
LED	Light Emitting Diode (lighting technology)	
LGC	Large Scale Generation Certificate	
PPA	Power Purchase Agreement (for the purpose of this document PPAs	
	are assumed to be with renewable energy projects only)	
REAP	Renewable Energy Action Plan	
REZ	Renewable Energy Zone	
REF	Revolving Energy Fund	
Solar PV	Solar Photovoltaic	

Table 6 Definitions

Behind-the-meter	A renewable energy system that is installed behind your main meter					
Benina-the-meter	A renewable energy system that is installed behind your main meter.					
	The purpose of the renewable energy generation is to serve the					
	building's energy demand.					
Cities Power Partnership	A free, national program that brings together Australian towns and					
	cities making the switch to clean energy. An initiative of the Climate					
	Council.					
Electric Vehicles	Electric vehicles (EVs) refers to cars or other vehicles with motors that					
	are powered by electricity rather than liquid fuels. There are					
	currently four main types of EVs:					
	Battery electric vehicles (BEVs): these vehicles are fully					
	electric, meaning they are solely powered by electricity and					
	do not have a petrol, diesel or LPG engine, fuel tank or					
	exhaust pipe. BEVs are also known as 'plug-in' EVs as they use					
	an external electrical charging outlet to charge the battery					
	Plug-in hybrid electric vehicles (PHEVs): these vehicles are					
	powered by a combination of fuel and electricity. They can be					
	charged with electricity using a plug but also contain an					
	internal combustion engine that uses liquid fuel					
	 Fuel cell electric vehicles (FCEVs): these vehicles use a fuel 					
	cell instead of a battery, or in combination with a battery or					
	supercapacitor, to power their electric motors. FCEVs are					
	typically fuelled by hydrogen					
	 Non-plug-in hybrid EVs (HEVs): instead of using an external 					
	plug to charge the vehicle, the electricity generated by the					
	HEV's braking system is used to recharge the battery. This is					
	called 'regenerative braking'.					
Feed-in Tariff	A rate offered by a retailer for renewable energy exported to the grid,					
	typical in many retail energy supply agreements.					
	typical in many retail energy supply agreements.					

Firming	Firming is the mechanism by which an intermittent or fluctuating electricity load can be made firm in terms of volume. Renewable projects can use financial or physical firming products to guarantee delivery of a set amount of MWh of electricity even in times of low or no generation.
Net Zero Emissions	Net-zero emissions as defined by the NSW State Government means NSW emissions will be balanced by carbon storage. The more emissions are reduced, the less sequestration is needed to achieve net-zero.
Solar PV	Solar Photovoltaic (PV) is a technology that converts sunlight (solar radiation) into direct current electricity by using semiconductors. When the sun hits the semiconductor within the PV cell, electrons are freed and form an electric current.

Appendix A

Table 7: Energy Audits, energy efficiency, renewable energy projects at Bathurst Regional Council

Energy Action	When
	completed/implemented
Energy Audit Level 1 Bathurst Visitor Information Centre	2008
Energy Audit Scallywags Level 1	2008
Energy Audit Little Scallywags Level 1	2009
Solar BVIC 2kW	2009
Solar Learmonth Park Toilet Block 1.05kW	2009
Energy Audit Civic Centre Level 2/3 (CDE)	August 2010
Energy Pilot study Civic Centre Finance Section	October 2010
Solar Pit Paddock Toilet Block 10kW	May 2011
Solar Scallywags 7.22kW	May 2011
Solar NMRM 6kW	May 2011
Civic Centre Energy Efficient Lighting Project	2011/2012
Council Greenhouse Gas Inventory (Hyder)	February 2011
Hi Bay Lighting retrofit NMRM	May 2011
BMEC energy efficiency lighting upgrades (replacement of Tungsten	Progressively from 2011 -
and Halogen lights) – BMEC staff project	2014
Energy Audit Level 2 Water Filtration Plant (KMH)	February 2012
Energy Audit Level 2 Waste Water Treatment Plant (KMH)	February 2012
Energy Audit Level 2 Library Art Gallery (KMH)	February 2012
Cogeneration Feasibility Study Aquatic Centre	April 2012
Little Scallywags Ceiling Insulation	June 2012
Basketball Stadium Hi Bay Lighting Retrofit	June 2012
Retrofit of T8 to T5 lighting across 11 sites	June 2012
Solar BVIC expansion 4.2kW	2012
Hi Bay Lighting retrofit Depot	September 2012
Installation of VSD's on raw water and clear water pumps Water	Progressively from 2012 -
Filtration Plant	2014
Distributed Energy Plan (ARUP) Water Filtration Plant, Waste Water	December 2012
Treatment Plant, Aquatic Centre, Street Lighting, Library Art Gallery,	
Civic Centre, Post Office, Pit Complex, Bathurst Memorial	
Entertainment Centre and the Works Depot	
Solar Depot 27.4kW	July 2013
Replacement of Hot Water Services (HWS)with solar HWS at seven	July 2013
Council facilities under the Federal Government LGEEP program	,
Solar Small Animal Pound 5.2kW	September 2013
Replacement of Halogen display lights with LED at AFMM	November 2013
Energy Audit Level 2 Depot	March 2014
Install shade sail Little Scallywags	June 2014
Replacement of Halogen Track Lighting at NMRM with LED	2014
Solar Water Filtration Plant 50kW	August 2014
Solar Neighbourhood Centre 7.2kW	November 2014
Solar Little Scallywags 4kW	May 2015
Aerodrome Apron Floodlights change to LED	February 2016

Solar Waste Water Treatment Plant 100kW	June 2016
Library Art Gallery HVAC upgrade, BMS Upgrade – Engineering	2016
project	
Art Gallery Track Lighting LED Upgrade	March 2016
Waste Management Centre LED lighting Retrofit	January 2017
Solar Library Art Gallery 80kW	May 2017
Centroc Virtual Net Metering Project with Institute of Sustainable Futures	May 2017
Lighting upgrade Post Office Car Park	June 2017
Aerodrome Ceiling replacement and insulation	November 2017
Art Gallery wall relining – Engineering project	December 2017
Solar BVIC solar storage design	February 2018
Street Lighting LED Business Case Development and Pilot Trial	2017-2018
Demand Response Program signed with AGL	February 2018 - ongoing
Civic Centre Council Chambers, Committee Room, Toilets LED Lighting retrofit	Current project
Renewable Energy Options Analysis – solar car parks	March 2018
Solar Storage BVIC Design and Construct 35kW with 10kWh storage	August 2018
Replacement library T5 lights with LED	2018
Post Office HVAC Upgrade – Engineering Project	2018-19
Street Lighting LED review of road hierarchy and lighting levels in preparation for LED roll out	April 2019
BMEC upgrade of theatre lights to LED	2018-19
Aquatic Centre Solar	July 2019
NMRM Solar	November 2019
Power Factor Correction BMEC	December 2019

REF Funded or part funded project

Note the above list is not exhaustive as there may be energy efficiency projects and actions undertaken by facility managers independently of the Environment Section of Council.

Table 8: Solar Installations at Council Facilities

Installed	Location	System Size	estimated kWh	estimated t CO2 e saved
2009	BVIC	2	3066	2.5
2009	Learmonth Park	1.05	1610	1.3
2011	Pit Paddock	10	15330	13
2011	Scallywags	7.22	11068	9
2011	NMRM	6.0	Decommissioned in 2018	
2012	BVIC expansion	4.2	6439	5
2013	Depot	27.4	45005	37
2013	Pound	5.2	8541	7
2014	WFP	50.2	76957	63
2014	Neighbourhood Centre	7.2	11826	10
2015	Little Scallywags	4	6132	5
2015	Winburndale Cottage	5	7665	6
2016	WWTW	100	153300	126
2017	Library Art Gallery	80	122640	101
2018	BVIC	35	53655	44
2019	Aquatic Centre	100	153300	126
	Total	438.5	676533	555

Note that projects installed after June 2019 are included in Table 3 of this plan.

Appendix B

		Grid Sourced	BRC Solar as of 2018/19	%
	Council Grid Electricity use 2018/19			
Baseline Electricity Use	(Baseline Year)	15069	676.5	4.3%
•				
		Estimated annual		
		reduction in grid		
Energy Efficiency Projects	Detail	electricity (MWh)	Assumptions	%
	Replacement of 5639 street lights			
Street Lights to LED	with LED	1942		
Heritage listed Street lights				
unmetered inventory replaced with	102 x 125w MV (142w load) replaced			
LED	with 30w LED	50	assume operating 4500 hours per year	
Heritage listed lights Machattie Park	37 x 80w MV (95.8w load) replaced			
etc replacement with LED	with 30w LED	9	assume operating 4500 hours per year	
Heritage listed Chifley Park	8 x 150w replaced with 30w LED		assume operating 4500 hours per year	
Heritage listed Kings Parade	15 x 80w MV replaced with 30w LED		assume operating 4500 hours per year	
Machattie Park lights to LED	55 x 70w MH lights to LED		assume operating 4500 hours per year	
Machattie Park lights to LED	33 X 70W WITH HIGHTS TO LED	12		
Fluorescent TE to LED		404	TBC based on 1000 from 56 to 22 w, 10	
Fluorescent T5 to LED panel	+	124	hours per day	
			assume conservative 10% savings	
			based on 2018 calendar year	
VSD on Water Pump Stations x 2		61	consumption	
Street Lighting Smart Controls &				
Dimming profiles		50	20% estimate on 248MWh (P4 lighting)	
	Total (MWh)	2256		15%
	Net grid sourced following Energy			
	Efficiency projects (MWh)	12813		
		Estimated annual		
		reduction in grid		
Renewable Energy Projects Target 1	Detail	electricity (MWh)	Assumptions	%
Aquatic Centre Solar	100kW solar system		0% export	
NMRM Solar	25.9kW solar system		20% export	
INTERNATION OF THE PROPERTY OF	Additional 10kW solar system with	32	2070 CXPOIT	
Scallywage Solar addition	storage	15	149/ ovport	
Scallywags Solar addition	· -	77	14% export	
Chifley Fire Station Solar	50kW solar system with storage			
Basketball Stadium Solar & Storage	40kW solar system with storage		25% export	
BMEC Solar	80kW solar system		15% export	
WFP additional 50kW	50kW solar system		<3% export	
Depot additional Solar	25kW solar system plus storage		12% export	
WMC Solar	30kW solar system with storage		35% export	
Pit Complex Solar	50kW solar system	62	19% export	
Aerodrome Solar	50kWh solar system with storage	66	15% export	
Renewable PPA	15% volume of large site contract	1922	Assume no cost penalty	
	i i			
	Total (MWh)	2618		20.4%
	Total (MWh)	2618		20.4%
	Total (MWh)	2618		20.4%
	Total (MWh)			20.4%
	Total (MWh)	Estimated annual		20.4%
Renewable Energy Projects Target 3		Estimated annual reduction in grid		
	Detail	Estimated annual reduction in grid electricity (MWh)	Assumptions	20.4%
1MW solar at WWTW	Detail Ground mount 1.3m	Estimated annual reduction in grid electricity (MWh) 1533	Assumptions	
1MW solar at WWTW Evans Shire Council Building Solar	Detail Ground mount 1.3m 50kW with storage	Estimated annual reduction in grid electricity (MWh) 1533 92	Assumptions 0% export	
1MW solar at WWTW Evans Shire Council Building Solar Additional Solar Aquatic Centre	Detail Ground mount 1.3m 50kW with storage 100kW with storage	Estimated annual reduction in grid electricity (MWh) 1533 92 153	Assumptions 0% export 0% export	
1MW solar at WWTW Evans Shire Council Building Solar Additional Solar Aquatic Centre Solar Car Park	Detail Ground mount 1.3m 50kW with storage 100kW with storage 100kW with storage	Estimated annual reduction in grid electricity (MWh) 1533 92 153 153	Assumptions 0% export 0% export Offset to Civic Centre	
Evans Shire Council Building Solar Additional Solar Aquatic Centre	Detail Ground mount 1.3m 50kW with storage 100kW with storage	Estimated annual reduction in grid electricity (MWh) 1533 92 153 153	Assumptions 0% export 0% export	
1MW solar at WWTW Evans Shire Council Building Solar Additional Solar Aquatic Centre Solar Car Park	Detail Ground mount 1.3m 50kW with storage 100kW with storage 100kW with storage	Estimated annual reduction in grid electricity (MWh) 1533 92 153 153	Assumptions 0% export 0% export Offset to Civic Centre	

Note:

- 1. Solar production calculated based on each kW solar producing 4.2KWh electricity per day on average over a year.
- ${\bf 2.} \ {\bf Estimated} \ {\bf exported} \ {\bf solar} \ {\bf is} \ {\bf not} \ {\bf included} \ {\bf in} \ {\bf calculated} \ {\bf RE} \ {\bf percentage}.$

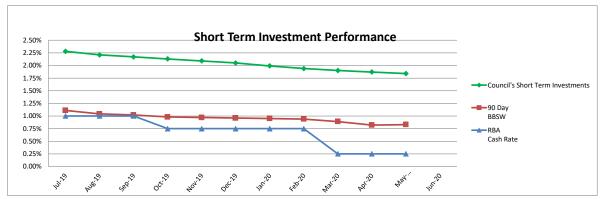
Investment Policy Benchmarks

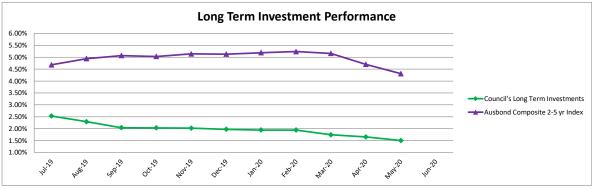
Benchmark 1 - The performance of the portfolio shall be against the industry standard 90 Day Bank Bill Index or the official RBA Cash Rate

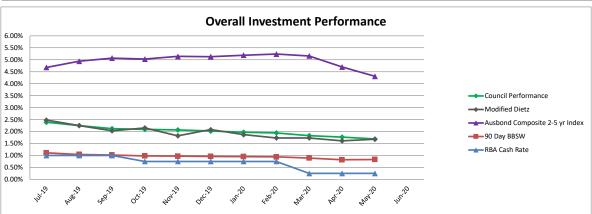
Council's current year to date performance compared to the two benchmarks is shown below. Council has outperformed both benchmarks.

Reserve Bank of Australia - Cash Rate 0.25%
AFMA - 90 Day Bank Bill Swap Rate (BBSW) Avg Mid 0.83%
Ausbond Composite 2-5 yr Index 4.31%
Modified Dietz Calculation 1.68%

	Short Term			Long Term		Overall Performance	
				Ausbond	Council's		
	RBA	90 Day	Council's Short	Composite 2-5 yr	Long Term	Modified Dietz	Council
	Cash Rate	BBSW	Term Investments	Index	Investments	Calculation	Performance
Jul-19	1.00%	1.11%	2.28%	4.68%	2.53%	2.48%	2.39%
Aug-19	1.00%	1.04%	2.21%	4.94%	2.29%	2.25%	2.25%
Sep-19	1.00%	1.02%	2.17%	5.07%	2.04%	2.03%	2.12%
Oct-19	0.75%	0.98%	2.13%	5.03%	2.03%	2.15%	2.09%
Nov-19	0.75%	0.97%	2.09%	5.14%	2.02%	1.82%	2.07%
Dec-19	0.75%	0.96%	2.05%	5.13%	1.97%	2.08%	2.02%
Jan-20	0.75%	0.95%	1.99%	5.19%	1.94%	1.87%	1.97%
Feb-20	0.75%	0.94%	1.94%	5.24%	1.94%	1.73%	1.94%
Mar-20	0.25%	0.89%	1.90%	5.16%	1.74%	1.73%	1.83%
Apr-20	0.25%	0.82%	1.87%	4.70%	1.65%	1.61%	1.77%
May-20	0.25%	0.83%	1.84%	4.31%	1.50%	1.68%	1.69%
Jun-20							







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	28%	Complies
	A-1	100	9%	Complies
	A-2	40	46%	Does not comply
	A-3 or unrated	Note*	17%	Complies
			100%	
Long Term				
	AAA	100	0%	Complies
	AA+ AA AA- A+ A	100	72%	Complies
	A-	40	0%	Complies
	BBB+ BBB	20	24%	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	11%	Complies
National Australia Bank Limited	AA-	40	16%	Complies
Westpac	AA-	40	13%	Complies
HSBC	AA-	30	2%	Complies
Macquarie Bank Limited	A+	30	6%	Complies
Suncorp Metway	A+	30	2%	Complies
Rabobank	A+	30	2%	Complies
AMP	BBB+	5	11%	Does not comply
Bank of Queensland Limited	BBB+	5	7%	Does not comply
Bendigo & Adelaide	BBB+	5	2%	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	7%	Does not comply
Railways Credit Union Limited	ADI	Note*	0%	Complies
Maritime Mining & Power Credit Union	ADI	Note*	12%	Complies
*Note: For reasons of practicality the number of these investr	nents should be kept to a minim	ım.	100%]

^{*}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.

	Short Term	FRTD	TCD	FRN	Min %	Max %	Actual %	
Within one year	33,000,000	8,000,000	1,000,000	5,750,000	40	100	76%	Complies
One to three years	1,500,000	4,500,000	0	5,100,000	0	60	18%	Complies
Three to Five Years	0	1,230,000	0	2,700,000	0	30	6%	Complies
Over Five Years	0	0	0	0	0	15	0%	Complies

2019/20 Annual Operational Plan

Bathurst 2040 Community Strategic Plan

As at 31st May 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.

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	Delivery Program actions 2018-2022	Annual Operational Plan Projects / Tasks 2019/2020	Performance Measure	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:

In progress – tracking as expected	Needs Attention	Urgent Attention
140 / 165	19 / 165	6 / 165
85 %	11 %	4 %

Engineering Services

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 The key to developing a sound foundation for growth and prosperity of the Bathurst Region is by ensuring infrastructure needs are keeping pace with priorities for engineering the future of the Bathurst Region.

Asset Management

Status	$\bigcirc\bigcirc\bigcirc$		
Action Year to Date	Howick St – Bentinck to Havannah 320m Bentinck St – Howick to Durham 200m Durham St – Bentinck to Havannah 360m Durham St – Mitre to Commonwealth 175m Howick St – Mitre to Hope 200m Piper St – Mitre to Hope 200m Havannah St – Keppel to Piper 200m	Ongaing maintenance as and when required.	Turondale Rd widening – 2km completed Bathurst St Perthville – Complete Rural Reseal program – Complete Urban Reseal program – Complete Ophir Rd Reconstruction – Complete
Responsible Officer	Manager Works	Manager Works	Manager Works
Performance Measure	200 lineal metres of footpath and or cycleway completed.	100% of urban footpath inspected	Reconstruction and resealing works as per Council's 2019/2020 capital works and routine maintenance programs. Completion of 2019/2020 Roads to Recovery Program.
Annual Operational Plan 2019/2020	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 substandard sections of the sealed network.
Delivery Program Actions 2018-2022	Improve pedestrian access within the urban area.		Maintain and improve the existing road infrastructure consistently throughout the network.
Bathurst 2040 Objective reference	4.1 5.1 5.1		4.5

2
2019/2020
019
2
<u></u>
ational
eratic
ber
\cup
Annual
٩

Status	[pe		00•
Action Year to Date	The Bridle Track – 8km from Hill End Houses Lane reconstruction – Complete Hen & Chicken Lane – 80% complete (to be sealed)	As at 29/04/20:	Tenders issued and construction well advanced.
Responsible Officer	Manager Works	Manager Works	Manager Technical Services
Performance Measure	Completion of 2019/2020 Unsealed Roads Gravel Resheeting program.	Greater than 90% of the urban road network remains at condition index 3 or above.	Complete construction of Perthville Levee.
Annual Operational Plan 2019/2020	Renewal of gravel road surface throughout the network.	Undertake maintenance program in accordance with allocated budget.	Completion of flood mitigation works as outlined in the Bathurst Flood Management Plan.
Delivery Program Actions 2018-2022			Protection of urban areas on the Bathurst Floodplain
Bathurst 2040 Objective reference			4.1 4.3

Status	0		
Action Year to Date	Spectator fence purchased.	Spectator mound earthworks complete. Grass coverage to be established.	Masterplan Complete. Preliminary Design Complete Aboriginal Cultural Heritages Assessment commenced. Environmental Impact Assessment commenced. Community Consultation commenced.
Responsible Officer	Director Engineering Services		Director Engineering Services
Performance Measure	Spectator debris fencing purchased and installed.	Spectator mound at Conrod Straight complete.	Development Consent obtained.
Annual Operational Plan 2019/2020	Construction of additional spectator facility - Conrod Straight		Development of the second circuit
Delivery Program Actions 2018-2022	Increase profile of Mount Panorama as the premier motor	racing venue in Australia.	
Bathurst 2040 Objective reference	6.4 6.5 6.8	2.5	

Water, Sewer and Waste

Status	$\bigcirc\bigcirc\bigcirc$		$\bigcirc\bigcirc\bigcirc$
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 end of May, 2,711 tests were undertaken and there was 96,8% compliance with Australian Drinking Water Guidelines.	Water distribution system operations are ongoing, with monitoring, maintenance and repairs conducted as required. Significant reservoir improvements have been completed, with further work planned, to continue to improve the integrity of the drinking water system around Bathurst. During May 2020 3 reservoirs were cleaned by contract divers. Complaints regarding flow and pressure to end of May is 0 (financial year to date 5). Work has commenced and is continuing relaying/adjusting water mains at Suttor and Mitre Street Roundabout.	Complaints regarding discoloured water are actioned within the required timeframe. 90% of customer calls are responded to within 4 hours.
Responsible Officer	Manager Water and Waste	Manager Water and Waste	Manager Water and Waste
Performance Measure	Achieve the Australian Drinking Water Standards 90% of the time.	Customer complaints regarding flow and pressure are kept below 52 p.a.	Respond to 90% of complaints within 4 hours.
Annual Operational Plan 2019/2020	Operate, maintain, repair and upgrade Water Filtration Plant.	Operate, maintain, repair and upgrade water distribution system.	Respond effectively to discoloured water complaints
Delivery Program Actions 2018-2022	Maintain and upgrade existing water and sewer infrastructure to meet the needs of all stakeholders into the future.		
Bathurst 2040 Objective reference	8. 8. 8. 8. 8. 8. 8. 8. 8. 8. 9. 9. 9. 9. 9. 9. 9. 9. 9. 9. 9. 9. 9.		

\subset)
S	V
\simeq	۲
ξ.	٧
0/2	`
Ξ	-
\subseteq	2
ζ.	٧
2	_
ζ	3
	_
Ξ	_
ζ	3
2	=
()
Ξ	Ξ
Ç)
'n	5
č	۲
څ	≺
(,
7	₹
2	≺
7	=
2	=
7	7
7	

Annual Operational Plan 2019/2020	_	
2019	\succeq	י
Operational Plan 2019,	\succeq	Š
Operational Plan 2019,	\overline{c}	1
Deerational Plan	6	7
Deerational Plan	Ĕ.	-
Deerational Plan	\subseteq	ļ
Annual Operational Plan		
Annual Operational Pla	2	=
Annual Operational P		2
Annual Operational	Δ	_
Annual Operations	7	₹
Annual Operation	>	2
Annual Operation	7	5
Annual Opera	≟	έ
Annual Oper	Ö	5
Annual Ope	2	;
Annual Op	۲	ζ
Annual C	\succeq	′
Annual)
Annuc	7	5
Ann	_	Ś
An	5	É
⋖		
	⋖	1
		•

Manager Waste
Best Practice Guidelines compliance reported quartetly. Maintain approvals at over
approvals at over
90% of active businesses Water and Waste
Review Guidelines monthly, Then action as required. Waste

 $\bigcirc\bigcirc\bigcirc$

Bathurst 2040 Objective reference	Delivery Program Actions 2018-2022	Annual Operational Plan 2019/2020	Performance Measure	Responsible Officer	Action Year to Date	
		Prepare reports and studies for Winburndale Dam and Chifley Dam to achieve compliance with NSW Dams Scriety	Compliance with Dam Safety NSW requirements, reported quarterly.	Manager Water and Waste	For both Chifley and Winbumdale, a Dam Safety Emergency Plan is in place, and has been updated.	
		Committee regulatory requirements.			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 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 45.7% complete.	
		Work with CENTROC on Water Utilities Alliance goals	Meeting attended. Relevant projects supported. Goals delivered.	Manager Water and Waste	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.	

Status

000

\circ
\approx
0
\sim
0
2019/2020
ನ
\subset
ੂ
Plan
=
$_{\odot}$
$\overline{}$
¥
)perational
ď.
ă
$\bar{\cap}$
<u> </u>
nnua
=
≧
ď
•

S. S.		
Status		
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 24 tests have been completed and 100% compliance achieved	
Responsible Officer	Manager Water and Waste	
Performance Measure	Achieve over 90% compliance with EPA licence conditions.	
Annual Operational Plan 2019/2020	Operate, maintain, repair and upgrade Waste Water Treatment Works to comply with licence conditions.	
Delivery Program Actions 2018-2022		
Bathurst 2040 Objective reference		

Status	$\bigcirc\bigcirc\bigcirc$		$\boxed{\bigcirc\bigcirc\bigcirc}$	$\bigcirc\bigcirc\bigcirc$	
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 920m 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 current 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 bimonthly 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
Performance Measure	Mains where blockages or overflows occur are inspected	Complete 2019/2020 capital works program	One waste collection vehicle replaced in 2019/2020	Survey and monitor the remaining air space of the landfill annually. Air space reduction minimised.	Meeting attended. Relevant projects supported and delivered.
Annual Operational Plan 2019/2020	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.
Delivery Program Actions 2018-2022			Maintain and upgrade existing waste infrastructure to meet stakeholder requirements.		Reduce waste to landfill.
Bathurst 2040 Objective reference			3.3 3.3 6.2 6.2	o o	2.2 3.3 6.1 6.2

Annual Operational Plan 2019/2020

 $\bigcirc\bigcirc\bigcirc$

Bathurst 2040 Objective reference	Delivery Program Actions 2018-2022	Annual Operational Plan 2019/2020	Performance Measure	Responsible Officer	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.	
		Council to continue education and promotion of appropriate WasteWise behaviours regarding green waste and recycling. Promote recycling to maximise diversion from landfill.	25 recycling promotion and education programs run. Combined diversion target is 5,000 tonnes.	Manager Water and Waste	The roll out of promotional information and education will continue throughout 2019/20. For 2019/20 to the end of April 2020, food and garden tonnage is 2,777 and recycling is 1,870 giving a total of 4,656 tonnes.	-
					Sold to April 2020). Combined with recycling totals show a diversion from landfill of over 24,276 tonnes, or 24.73 million kilograms over this time.	=
					WasteWise education works are continuing, and the recycling contract education strategies are also underway.	^
		Identify, assess and implement appropriate diversion opportunities.	Opportunities reviewed to determine cost/benefit and reported quarterly.	Manager Water and Waste	Council participates in all 9 NetWaste Regional collection contracts being used - motor oil, scrap metal, E-waste, wood/fimber processing, landfill environmental monitoring, regional waste services, tyres, household chemical cleanout, and mattress recycling new contract commencing.	

000

Status

Recreation

Status	$\bigcirc\bigcirc\bigcirc$	$\bigcirc\bigcirc\bigcirc$			000
Action Year to Date	Project postponed for 2019/20 due to drought conditions and introduction of level 4-5 water restrictions. Due to small window of opportunity to construct new playing fields during the spring summer period. Project now to be considered for 2020/21 Management Plan, subject to water availability and funding.	Works completed February 2020. Minor defects to be attended to under contract.	Tender for Design closed and report sent to Council in June 2019. CI rejected all tenders due to excessive tender costs. Severe drought conditions has placed priority for Engineering resources to be directed to other projects.	Quotations called 25 April 2020 for a consultancy to develop a concept plan and D&C documentation for future D&C tendering purposes. Quotations closed and being reviewed. Anticipate award of consultancy by end June 2020.	Construction works completed and facility opened to the public on 13 March 2020.
Responsible Officer	Manager Technical Services	Manager Technical Services	Manager Technical Services		Manager Recreation
Performance Measure	Construction of 2 x additional rugby league fields between Ashwood Park and Jack Arrow Complex.	Amenities / club room complex installed at the Bathurst Bike Park Precinct.	Carrington Park Grandstand Design		Construction of the Bathurst Skate Park extension
Annual Operational Plan 2019/2020	Construct additional facilities as determined in budget.				Update sporting venues, including associated infrastructure.
Delivery Program Actions 2018-2022	Plan for increasing population and aging population in the provision of suitable recreational projects				
Bathurst 2040 Objective reference	5.7 5.5				

		$\bigcirc\bigcirc\bigcirc$		
Tenders called and closed 5 November 2019 and contract awarded in December 2019. Works completed April 2020.	Project postponed for 2019/20 due to drought conditions and introduction to level 4-5 water restrictions. Due to small window of opportunity to construct new playing fields during the spring summer period. Project now to be considered for 2020/21 Management Plan, subject to water availability and funding.	Project postponed for 2019/20 due to drought conditions and introduction to level 4-5 water restrictions. Due to small window of opportunity to construct new playing fields during the spring summer period. Project now to be considered for 2020/21 Management Plan, subject to water availability and funding.	BRC have not been able to proceed further with works until notice of a number of grant applications had been made. Council advised in April that previously applied grant submissions were unsuccessful. Available council funds not sufficient to undertake development works to these parks. Successful Drought Assistance funding advised end April has identified additional funds to implement a reduced scope playground development project with rollover of CI funding into 20/21 financial budget, with works to commence August 2020.	Ongoing as part of adopted maintenance service levels and funding provisions of the current Council Operational Plan. The condition of all irrigated recreational facilities in Bathurst has been affected by the current drought.
Manager Recreation	Manager Recreation	Manager Recreation	Manager Recreation	Manager Recreation
Construction of multi- purpose sports courts within the Perthville Village Square	Redevelopment of the Bathurst Sportsground	Reconstruct fields at Proctor Park	Install new playground at Coates Drive. Mendel Drive and Keane Drive Open Space Parks.	Maintenance activities undertaken to all recreation Assets in accordance with adopted maintenance service
			Plan for the construction of new playgrounds in expanding residential areas.	Maintain existing levels of service to all parks, reserves, open space areas and other recreational facilities
			Continue construction of new playgrounds in expanding residential areas and upgrade existing	Maintain existing and future recreational areas.
			1.4 5.5 5.5	1.4 5.1 5.5

0000/	240
19/	
5	2
Plan	2
2	5
÷	5
Dor	5
\subset)
	2
A	

reduced rates) to keep these facilities open and usable for the community. Further assessment of such water use may change if Bathurst is required to implement higher water restrictions.	Eight community planting day have been held this year. Further planting days had been programmed over the Autumn period, however significant restrictions have been required as a result of Covid-19 Pandemic, forcing the cancellation of community planting programs until further notice.	Plants have been ordered. Contract for works has been awarded. Planting works completed October. Ongoing weed control and maintenance to be performed over the next 2 years under contract & grant requirements.	Works Completed. Planting works completed in March/April 2020. Watering and weed control maintenance to be conducted over the next 6 months.
	Manager Recreation	Manager Recreation	Manager Recreation
levels in the Asset Management Plan.	Arrange for 10 Tree Planting and volunteer engagement activities.	Complete the revegetation component of the Macquarie River Corridor Grant Project	Complete revegetation project at Peppers Creek, Rockley
	To ensure that appropriate Environmental Management Plans for the Bathurst Region are current, relevant and provide long term strategies for the Region		
	Continue environmental programs identified within the Bathurst Vegetation Management Plan		
	4.1. 6.0. 7.0.		

Corporate Services & Finance

Looking after its staff and ensuring open and transparent government is the main priority at Bathurst Regional Council. Council employs approximately 378 full 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 Survey, Council rated above the Australian Local Government Industry Standard for employee satisfaction

	_
ă	۱
č	j
ì	
_	,
C)
U	7
0	þ
-	
2	
ζ)
2	
-	
=	,
I	_
_	•

Status			
Action Year to Date	Council regularly meets 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. HR meetings with "Evo-city" council HR also ongoing as all Council of similar size to BRC.	As at the end of April all new staff have attended the appropriate induction training. (modified for COVID-19 from mid-March). 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. New position to focus on Training & WHS implemented and work to improve this area commenced.	After recent review this area requires review and further action- work has commenced for 2020/2021. The COVID-19 Performance Appraisal Process for 2019/2020 has been developed and will be rolled out from June. Improvements in relation to education & training will be implemented as part of this process, including dedicated resource to support.
Responsible Officer	Manager Human Resources	Manager Human Resources	Manager Human Resources
Performance Measure	Review minimum 2 HR functions and outline how efficiencies will be made.	Induction program undergoing review, new process to be developed and aligned with HRIS.	Education and training programs align to KPI's contained in Council's Workforce Plan.
Annual Operational Plan 2019/2020	Regularly participate in cross-functional teams with NSW JO councils to identify opportunities for efficiencies. In addition to continue to work with "Evo-city" councils HR bi-annually.	Review staff induction program and identify opportunities to streamline into HRIS onboarding and performance areas.	Identify areas across Council to target education and training to support the achievement of the KPI's in the Workforce Plan. Implement dedicated resource to focus on training & development.
Delivery Program Actions 2018-2022	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.	Provide a range of education and training opportunities for Council's workforce.
Bathurst 2040 Objective reference	4.5 6.1 6.2	5.3 6.4 6.7	6.2 6.7 6.8

C	
0	ľ
ζ)
7	7

0	
Review commenced with a trial of leadership capability assessments being undertaken.	Further improvements will be implemented as part of the revised Performance strategy across all staff levels.
Manager Human Resources	
Review completed and improvement areas highlighted.	
Develop and implement Review current framework that programs and initiatives to underpins leadership capability and foster a strong leadership identify areas for improvement.	
Develop and implement programs and initiatives to foster a strong leadership	culture.
6.8	

	Status	$\bigcirc\bigcirc\bigcirc$	000000	
	Action Year to Date	Manual monitored regularly and updated as required. Last update issued January 2020. Council Code of Meeting Practice and Code of Conduct updated and placed on Council	Updated to December Council meeting. New system of recording to be developed for website publishing. One formal application received in December. 12 formal application received year to date. 11 completed 1 application completed (from 2018/2019).	Civic Centre Business Continuity Plan (BCP) completed. Information Services (IS) BCP in draft form being reviewed.
	Responsible Officer	Manager Corporate Governance	Manager Corporate Governance Manager Corporate Governance	Manager Corporate Governance
	Performance Measure	Individual Policies reviewed for relevance and compliance with statutory requirements	Register updated monthly. Information requests (formal and informal) actioned in actioned in statutory guidelines.	Plan reviews completed
	Annual Operational Plan 2019/2020	Regular review of Council's policies (Policy Manual).	Provision of Contract Register on Council's website. Action requests for information under GIPA Act.	Review of Disaster Recovery Plan and Business Continuity Plan.
	Delivery Program Actions 2018-2022	Ensure Council policies reflect community needs and organisational requirements.	Implementation of the Government Information Public Access Act (GIPA Act)	Ensure Council's continuity of operations.
Governance	Bathurst 2040 Objective reference	6.5 6.8 8	6.0 7.0 7.0	4.3 6.4

	Status	$\bigcirc\bigcirc\bigcirc\bigcirc$					
	Action Year to Date	Policies have been developed. Workshops were run in September 2019 for relevant staff to ensure accuracy and relevance of policies. Policies will then be rolled out progressively with an education process for Council staff. Policies currently being discussed with Corporate Governance and HR to establish process roll out process.	Strategy is being developed. Budget has been identified in current year to facilitate a staff education and training program and to assist with the migration away from on premises file storage. Several sections of council have now migrated to SharePoint.	The rollout of the new PC is largely complete Specialist PCs (water filtration etc) will be deployed through first half of 2020. COVID-19 has delayed the progress of some of the specialist sites, however, will continue when easing of restrictions permits.	Sloan & Taylor Consulting have been retained to assist in the development of the strategic plan. Workshops have been run with staff of Bathurst Regional Council to gather data, with a view to having the strategy completed and in place by June 30, 2020. Draft strategy is currently under review with the DCS&F	The SNOW Software Asset Management system has been procured through Data3. The implementation of this system is now complete IT staff are now using the software and training is being identified.	The underboring company (PT&S) has completed the underground work. Kelso electrical was successful in winning the RFQ. They began work on Wednesday June 3 rd with a projected completion date of August 21.
	Responsible Officer	Manager Information Services	Manager Information Services	Manager Information Services	Manager Information Services	Manager Information Services	Manager Information Services
	Performance Measure	Goals defined and suite of policies developed to match goals. Education program being delivered to facilitate staff understanding.	Strategy developed and implementation in process	Computers purchased and deployed.	Plan Completed	Software installed staff trained and software assets being managed.	System implemented staff and police trained.
	Annual Operational Plan 2019/2020	Develop suite of IT Policies taking into account relevant information from Australian Signals Directorate and The Australian Privacy Act	Develop strategy for the transition away from on premises file storage to use of Microsoft SharePoint cloud storage.	Renewal of Council's fleet of Desktop and Notebook computers.	Develop Information Services Strategic Plan	Develop Software Asset Management protocol including the implementation of a system to assist in software Budgeting, auditing and reporting.	Complete CCTV system for the Bathurst
ervices	Delivery Program Actions 2018-2022	Improve long-term viability and availability of electronic data for both the current and long term.					Support the Smart Cities project.
Information Services	Dainorsi 2040 Objective reference	2.3 2.5 6.8					2.2 2.3 2.6 5.2

Status	0			$\bigcirc\bigcirc\bigcirc$	
Action Year to Date	Long Term Financial Plan completed for 2019/20.	Council did not apply for a special rate variation for 2019/20 or 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 May 2020 current year average: Investment earnings – 1.69% (2018/19 average 2.63%) Oday Bank Bill Swap Rate – 0.83%
Responsible	Manager Financial Services		Manager Financial Services	Manager Financial Services	Manager Financial Services
Performance Measure	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.
Annual Operational Plan	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.
Delivery Program Actions	Ensure Council's long term financial sustainability.				
Bathurst 2040 Objective	6.1				

Status	2020.	000000000000000000000000000000000000000
Action Year to Date	Release of Stage A completed in April 2019. 50 lots out of 95 sold as of 31 May 2020. Stage B – 39 lots planned for completion by Mid-2020. Stage C – 19 lots due for completion by end of 2020. Stage D – 75 lots due for completion by mid-2021. Stage E – 70 lots due for completion 2022.	Registration in September 2019. 15 out of 15 Lots sold as at 31 May 2020. Stage 11 Planning underway. Release 11 lots in 2022.
Responsible Officer	Property Manager	Property Manager
Performance Measure	Release of Sunnybright Estate	Provision of land to meet demands.
Annual Operational Plan 2019/2020	Complete development of residential land in accordance with Council plans.	Development in Bathurst Trade Centre and Kelso Industrial Park as required.
Delivery Program Actions 2018-2022	Manage development of new residential land releases to ensure appropriate level of supply.	Manage development of new commercial and industrial land releases as required to meet the needs of new businesses.
Bathurst 2040 Objective reference	7. H. 4. 4. 4. 4. 4. 4. 4. 4. 4. 4. 4. 4. 4.	2.1

	Status			
	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).	As at 31 May 2020: 100% consultation projects on Your Say Bathurst (Mitre Suttor Lambert St roundabout, Bathurst Rail Museum, Irrigators Portal, BMEC User Suvey, Bathurst Town Centre Master Plan, Inland Sea of Sound participant suvey, Financial Assistance COVID-19 stimulus measures, Renewable Energy Action Plan, Vision Bathurst 2040: Bathurst Regional Local Strategic Planning Statement, Bathurst Reads & Writers Festival Survey, Draft Delivery Program 2020-2021 (Social, media followers: July: 9,456 August: 9,609 September: 9,791 October: 10, 079 November: 10, 166 December: 10, 166 January: 10,592 February: 10,872 March: 11,026 April: 11,180	April: 9,677 BRC Twitter Page: April: 1,635 May Total: 11,312 (sum of FB & Twitter)
	Responsible Officer	Manager Corporate Communications	Manager Corporate Communications	
	Performance Measure	Overall satisfaction rating > 70%	All consultation projects included on the "Your Say" platform Followers on social media > 9,000 BRC Website visits > 40,000	
	Annual Operational Plan 2019/2020	Bathurst Regional Council Community Survey.	Ensure community consultation occurs	
Corporate Communications	Delivery Program Actions 2018-2022	Communicate and engage with the community		
Corporate Co	Bathurst 2040 Objective reference	6.1		

Attachment 9.2.2.1

Status		
Action Year to Date		 Winter Festival planned and executed in July 2019. Overall successful year. Data still being collated, approx. 55% from inside 27%5 postcode and 45% from out of region attended. Squiz events scheduled and held to encourage business engagement New course released for Bathurst Cycling Classic, major stakeholders notified prior to public launch. Little negative feedback to date. Bathurst 1000 off track events was successful event in October to support the race. Garage sale is underway for 2019, however one month earlier and so far less stalls booked for this year. Planning underway for NYE, Australia Day, Elton, Bathurst 12 Hour and Bathurst Cycling Classic ond Bathurst 12 Hour and Bathurst Cycling Classic and Bathurst Winter Festival. Bathurst Winter Festival. Finalising run of events from Elton, Australia Day and 12 Hour track to town. Working with Mojo events for BMX event Planning underway for Cycling Classic. Planning underway for Cycling Classic. Planning underway for Cycling Classic. Planning underway for Cycling Classic. Numbers of the events team and annual event calendar Events and Promotions Officer jobs being reviewed to better represent the growing needs of the events team and annual event calendar Implemented Bathurst Cycling Classic. Numbers were low due to the start of Covid-19. Staff in the process of reporting on previous events; BCC, Elton John, BMX event
Responsible Officer		Events Manager Manager
Performance Measure		residents attend an event.
Annual Operational Plan 2019/2020		Deliver events including New Years Eve, Australia Day, Bathurst Cycling Classic, NRL game, Bathurst 1000 off track events.
Delivery Program Actions 2018-2022		Coordinate and deliver events to enhance the cultural life of residents and promote the Bathurst Region
Events Bathurst 2040 Objective	reference	1.3 2.2 2 2 2 3 5.3 2 6 6 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3

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		000	
Action Year to Date	Community Safety Committee meeting held 28 May 2020 via Teams. Community Safety Committee meeting scheduled for 26 March 2020 cancelled due to COVID-19. YID five (5) Community Safety Committee meetings held. Red Bench project launched 26 September 2019 - Red Benches installed in Machattie Park and Kings Parade. Additional Red Bench installed at Kelso Community Hub 6 March 2020. Red Bench installed at Haymarket Reserve 4 May 2020. Media alert held 13 May 2020. "Avoid Being Scammed – Tips for Seniors" Campaign launched 5 March 2020. NSW Crime Prevention Grant application submitted 28 April 2020 for Break and Enter Dwelling campaign.	YTD 46 actions in progress. 50 actions exist across four areas with 3 actions complete. Review of actions and strategies listed in the Disability Inclusion Action Plan undertaken. COVID-19 has had a significant impact on the DIAP with 21 out of the 50 actions affected. Public awareness raising and promotion items listed in Disability Inclusion Action Plan have continued during May.	No Kelso Community Hub stakeholder meetings were held during May 2020. Kelso Community Hub stakeholder meeting scheduled for 1 April 2020 was cancelled due to COVID-19. YTD two (2) stakeholder meetings have been held.
Responsible Officer	Manager Community Services Manager Community Services	Manager Community Services Manager Community Services	Manager Community Services
Performance Measure	Provide administrative support to 4 meetings of the Bathurst Regional Community Safety Committee. Relevant campaigns /projects developed and implemented as per actions identified in the Bathurst Community Safety Plan.	Undertake annual review and evaluation of actions. Ensure continuing public awareness raising and promotion of DIAP.	Facilitate 2 meetings with Kelso Community Hub stakeholders.
Annual Operational Plan 2019/2020	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.	Continue to provide ongoing review of service delivery for future direction of Kelso Community Hub.
Delivery Program Actions 2018-2022	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.		The provision of the Kelso Community Hub as a safe community hub and venue for outreach service
Bathurst 2040 Objective reference	5.2 5.3 5.3 5.3 5.3 5.3		5.1 4.3 1.3 5.4 6.2

	τ	3
1	<u>ე</u>	-
1	1	-
	Annual Charational	=
	C	3
	$\overline{}$	-
	7	5
	≥	_
٠	±	=
	C)
	Z.	÷
	1)
	Č	٦
	ᅔ	٦
(١.)
	_	•
•	7	₹
	≥	≺
	-	,
	Ω	_
	C	-
	2	7
•	ч	

Status	000					$\bigcirc\bigcirc\bigcirc$	
Action Year to Date	YTD one (1) survey for review of service delivery has occurred. Survey results incorporated in final Family Day Care Review, review complete.	YTD there have been no surveys distributed.	YTD 1 report to Council. Report completed for Council for month of May regarding COVID related information around service provisions.	YTD occupancy 88%. Four new families commenced care during May ensuring occupancy rates remained at 88%.	YTD three (3) marketing strategies have been utilised for Family Day Care. No active promotion of Family Day Care in May. General family day care information is continued to be shared via Facebook and general enquiries.	YTD seven (7) promotional initiatives have been used for Children's Services. Scallywags - Promotion of Reconciliation Week shared on Service Story Park and Facebook page during May. Family Day Care: No promotional activity for Family Day Care in May.	YTD there has been a 12% growth of followers of the Children's Services Facebook page. Engagement with the page was down and no new likes for May. The Mother's Day post saw the highest engagement for the month comparative to other stories. Reduced attendance rates could relate to lower Facebook activity in May.
Responsible Officer	Manager Community Services	Manager Community Services	Manager Community Services	Manager Community Services	Manager Community Services	Manager Community Services	Manager Community Services
Performance Measure	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 2 Children's Services update reports to Council	>75% occupancy	Facilitate 2 marketing mechanisms	Undertake 3 promotional initiatives.	2% growth on 2018/2019 in followers on Council's Children's Services Social media platform – (Facebook)
Annual Operational Plan 2019/2020	Ongoing review of service delivery for future growth of occupancy rates of all services.			Open and operate newly refurbished Long Day Care Services	Build profile of Family Day Care (FDC) Scheme in the Bathurst Community	Communicate and engage with the community and stakeholders.	
Delivery Program Actions 2018-2022	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							

_	
22	
Ñ	
\simeq	
\cup	
/202	
``	
<u>~</u> `	
O١	
2019/2020	
$\overline{}$	
2	
. 4	
$\overline{}$	
_	
\Box	
\cap	
_	
=	
\circ	
$\overline{}$	
≍	
\circ	
⇆	
\circ	
_	
(I)	
$\tilde{\sim}$	
$\mathbf{\mathcal{L}}$	
Operational Plan	
\circ	
_	
ヹ	
\circ	
\supset	
~	
=	
\subseteq	
Annual	
~	

Review and update Manager Council's Children's Community		
Services		
sipation Manager Community Services	Attendance/participation at 2 relevant forums	Participate in existing Attendance/partic services and networks at 2 relevant forum relevant to Council's Children's Services

Bathurst Library

Status			000		00			0	0 0)	00	
Action Year to Date	Draft Strategic Plan on Public Exhibition in September. Strategic Plan adopted at Council October meeting. Library Strategic Plan document completed. Complete	Draft Strategic Plan on Public Exhibition in September. Strategic Plan adopted at Council October meeting. Library Strategic Plan document completed. Complete	Implementation ongoing via Delivery and Operating Plan, reported on monthly.	Total active May membership is 12,959 = 30% of Bathurst population.	May 2020 membership is 12,150 = 28% of Bathurst population (excludes non-2795 members).	May 2020 membership for Reciprocal/Temporary (non-2795 postcode) is 809.	Temporary eMemberships for May is 25 (YTD 121)	YTD 106,797 visitations, being average < 11,666 per month.	0 people visited the library in May 2020 as the library is closed under government orders due to COVID-19.	YTD 261, being average >20 per month 19 events were held May 2020.	All programs and events have been delivered online due to COVID-19.
Responsible Officer	Manager Library Services	Manager Library Services	Manager Library Services	Manager Library Services				Manager	Services	Manager Library	
Performance Measure	Report to Council by August 2019	Strategic Plan adopted by Council by September 2019	September 2019 and ongoing	Membership is 25% or more of total population				Yearly visitations are		Deliver 20 or more programs / events per	
Annual Operational Plan 2019/2020	Draft Strategic Plan reported to Council	Strategic Plan adopted by Council	Strategic Plan Implemented	Maintain and improve membership base				Maintain and improve visitations		Maintain and improve program and event delivery	
Delivery Program Actions 2018-2022	Develop a strategic approach to planning the next-practice library			Maintain and improve community participation in the	Library Services						
Bathurst 2040 Objective reference	4.3			5.3							

	:		:		
Annual Operational Plan 2019/2020		Performance Measure	Responsible Officer	Action Year to Date	Status
Maintain and improve attendance at programs and events		650 attendees or more to programs / events per month	Manager Library Services	YTD 6,676, being average >650 per month 0 people attended library programs physically in May 2020. Children's programs have been delivered via Facebook. Reach and Post engagement in May are above usual average. Online Author talks in May attracted 11 attendees.	000
Maintain and increase circulation of all library material		Loans exceed 20,000 per month	Manager Library Services	YTD 217,492, being average <20,000 per month 10,108 items were borrowed during May 2020. Those are mainly eLoans and Home Library Service loans.	000
Improve online information		Launch an online portal for kids and young adults on the library website	Manager Library Services	Online kids portal launched and promoted. Complete	
Improve adult digital literacy skills		Provide at least 20 tech sessions for adults	Manager Library Services	YTD 170 participants at 51 sessions. 20 Tech sessions per year criteria has been achieved. Tech sessions suspended due to COVID-19.	000
Honour Wiradjuri History		Curate a Wiradjuri research collection	Manager Library Services	Research continues. Liaising with AIATSIS. Moving titles from Local History to Wiradjuri research collection. Next step, consultation with Wiradyuri elders, held up due to COVID-19	000
Growth in followers on the library social media plafforms	sm.	More than 2,100 Facebook likes and more than 875 Twitter followers	Manager Library Services	Facebook: 2,669 as at May 2020 Twitter: 916 as at May 2020	000
Further the partnership with the Kelso Community Hub		Deliver at least 2 activities	Manager Library Services	YTD one (1) activity held. Planning Ahead session held on Thursday 25 July 2019 with 7 people in attendance.	
)

Bathurst Regional Art Gallery

Status		
Action Year to Date	YTD: 98 education and public programs staged 1. YTD: Starstruck/Solness (July) Ed Programs: 4 Public Programs: 4 Total: 10 C. Rocolonial (Aug/Sept) Ed Programs: 11 Total: 22 S. Threads through Art/Lyons/Dunn (Oct/Nov) Ed Programs: 9 Public Programs: 7 Total: 26 A. VOID / HOME/ Backyard Bila (DEC/JAN) Ed Programs: 16 Total: 16 S. Marion Hall Best / Paul Davies Ed Programs: 7 Public Programs: 8 Total: 16 S. Marion Hall Best / Paul Davies Ed Programs: 8 Total: 15 May: public programs: 8 Total: 15	YTD 726 students have participated in programs YTD 726 students have participated in programs YTD 72 community groups accessed programs 1. Starstruck/Solness (July) Ed Program participation: 43 Public Program participation: 177 Community Groups: 12 2. RocoColonial @ BRAG (Aug/Sept) Ed Program participation: 695 Community Groups: 18 3. Threads Through Art (Oct) Ed Program participation: 81 Public Program participation: 81 Public Program participation: 385
Responsible Officer	Art Gallery Director	Art Gallery Director
Performance Measure	Staging of 6 education / public programs in conjunction with BRAG exhibitions	At least 1,200 students from school and 15 community groups or organisations accessing BRAG education / outreach / public programs including the Art in a Suitcase program.
Annual Operational Plan 2019/2020	Develop community access and inclusion to the Gallery's exhibition program through the development education, outreach and public programs.	
Delivery Program Actions 2018-2022	Provide a focus on the visual arts for the community by providing education and public programs that challenge thinking and stimulate creativity 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	

\sim	V
٠.	
2010/2	
_	7
_	
\subset)
2	J
`	1
	_
7	₹
	J
$\overline{}$	
Ц	-
_	_
Profice	7
>	_
7	_
\sim	٦
٠.	_
+	
τ)
2	_
1	١
×	≺
7	2
C	J
7	7
_	2
Ξ	כ
7	-
-	_
2	
2	
Δ nn n	
Δ	
4	
4	
4	
Δ	
4	
Δ	
Δ	

Annual Operational Plan 2019/2020		Performance Measure	Responsible Officer	Action Year to Date	Status
				Community Groups: 12	
				 Threads Through Art (Nov) Ed Program participation: 32 Public Program participation; 138 Community Groups: 8 	
				5. VOID / HOME (Dec/Jan) Ed Program participation: 295 Public Program participation; 488 Community Groups: 11	
				6. Mation Hall Best / Davies (Feb) Ed Program participation: 47 Public Program participation; 274 Community Groups: 11	
				Art in a Suitcase: May no activity	
Provide opportunities for the professional development of regionally based artists througe exhibition.	C D	Staging of 2 local artist projects with at least 3,250 attendees.	Art Gallery Director	YTD six (6) local artist projects undertaken YTD 11,410 attendees. 1. Bathurst Art Fair: 1,722 (163 local artists participated) 2. Heather Dunn: Palette of Place (Oct): 2,483 attended 3. Heather Dunn: Palette of Place: 2,850 attended 4. Sarah O'Sullivan: Resilience: 2,333 5. Louise Kerr: Canis Lupus Familiaris: 2,906 6. Harrie Fasher: Weighted (foyer – installed 23.3: no visitor stats)	
	Product exhibition	Production of 2 exhibition catalogues.	Art Gallery Director	YTD; four (4) catalogues produced 1. Threads Through Art: Australian Tapestries 2. Camie Lyons: A Physical Response 3. Heather Dunn: Palette of Place 4. Paul Davies: The Golden Days	$\bigcirc\bigcirc\bigcirc$

020
9/2
6
2
Plan
<u>ō</u> .
ğ
Q
0
nual
Ann
4

\sim
Φ
dge
\sim

Bathurst 2040 Objective reference	Delivery Program Actions 2018-2022	Annual Operational Plan 2019/2020	Performance Measure	Responsible Officer	Action Year to Date	Status
			Develop a Public Art Policy Asset Register	Art Gallery Director	Art Gallery May: in development Director	000

Annual Operational Plan 2019/2020

Bathurst Memorial Entertainment Centre

Status				
Action Year to Date	The final NPPAF Needs Analysis has been delivered. Community consultation to occur around mid June – to confirm the required mix and type of facilities recommended in the NPPAF. Following Councillor feedback/endorsement, team to prepare draft Brief documents including a capital cost estimate – all of July. Issue Draft Final Brief and Costings – early August Present these to Exec / Councillors for review & endorsement shortly after. Finalise study outputs following this presentation – completion by late / end August.	Timelines and arrangements reviewed due to COVID- 19, other influencing factors and budget considerations. Framework now expected by the end of August	YTD average Tickets Purchased by Member: 9.7 however actual purchases for the financial year will decrease as refunds are required due to COVID-19 cancellations or postponements. It is not possible to determine the number of Season tickets sold at present as cancellations, postponements are being processed on a rolling basis due to COVID-19. YTD 148 current members The BMEC Annual Season is a calendar year program. The BMEC 2020 Annual Season went on sale to members mid-November 2019.	YTD 49,140 people have attended BMEC in the 2019/20 financial year compared to 48,430 at this point in 2018/19. 4,061 people attended BMEC events in May 2020 compared to 3,999 in May 2019. All of the May 2020 events were online including 3,985 views of Writers' & Readers Festival sessions.
Responsible Officer	Manager BMEC	Manager BMEC	Manager BMEC	Manager BMEC
Performance Measure	Timeline & interim solution provided by April 2020.	Framework provided by June 2020.	Average of at least 5 tickets per Member	Attendances exceed 55,000
Annual Operational Plan 2019/2020	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
Delivery Program Actions 2018-2022	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	1.4 1.1 1.2 5.3 5.3 5.3		5.2	

Sī			
Status		000	
Action Year to Date	YTD 11 season events have been presented YTD 52 workshops and extensive community engagement have been held. 14 online sessions have been held. 14 online sessions have been held. 15 program. Within the 2019 Annual Season there are 18 productions programmed with five associated workshops. Additional workshops are offered within the Local Stages program Drama Classes for Term 2 have gone online for the older children. 14 young people are currently participating in this program. The Bathurst Writers' & Readers Festival was held online 1-3 May and online sessions can still be viewed. To date there have been 3,985 views online. To date there have been 3,985 views online. Public play readings were held as a part of the Writers festival and another play reading was held on Zoom in 17 May. Local playwrights are embracing the technology. Production meetings for new works have been taking place online.	YTD 3,948 people have attended Season shows. This figure indicated that attendances were on track to meet the financial year target. However, now that performances have been cancelled due to COVID-19 the target will not be achieved. YTD 7,046 people have attended or viewed associated and Local Stages projects. There where 3,985 views on facebook and youtube for the Writers Festival events.	The intrinsic impact study for 2019 has been undertaken in association with Wolfe Brown marketing consultants and performing arts centres nationally. Dashboard access and results are available on request, 263 patrons responded to the survey. BuMEC has participated in a national Australia Council Survey to gauge the impact on audiences of COVID-19. BMEC has receive detailed anonymous results of local survey participants responses and aggregated national results. Results responses and aggregated anothonal results. Results received to date are for stage
Responsible Officer	Manager BMEC	Manager BMEC	Manager BMEC
Performance Measure	Deliver approximately 17 Season and other events, 9 associated workshops and a Local Stages Program including LEAP program, local writers and other performing arts development	5,200 attendees or more to Season shows and 5,600 at associated and Local Stages projects per year	At least one intrinsic impact study per year.
Annual Operational Plan 2019/2020	Maintain and improve program and event delivery	Maintain and improve attendance at programs and events	Growth in community engagement
Delivery Program Actions 2018-2022			Communicate and engage with the community
Bathurst 2040 Objective reference			1.1 1.2 5.3

2	ì
\tilde{c}	í
2019/2020	
gn	
௳	
Operational	,
De)
_)
Annua	5
~	•

Bathurst 2040 Objective reference	Delivery Program Actions 2018-2022	Annual Operational Plan 2019/2020	Performance Measure	Responsible Officer	Action Year to Date	Status
					one. There will be a second stage in July and a third in September	
			2% growth in social	Manager	YTD 18% growth from 1 July 2019	
			media followers over	BMEC	BMEC currently has:	
			2018/2019		 3,567 Facebook followers BMEC 	
					 512 Twitter followers 	
					 975 Instagram followers 	
					This does not include ISoS (see below)	
					Inland Sea of Sound facebook likes have increased	
					by 36% since I July 2019. Inland Sea of Sound	
					Instagram followers have increased by 40.1% over the	
					same period.	

Museums

	T	1	7
Status	•00		
Action Year to Date	The Museums were closed to visitors on Monday 23 March 2020 at 1.00 pm due to COVID-19 restrictions. Year to date (YTD) total visitors to Council Museums was 46,686 as of 23 March 2020 which is a 13% decrease from 53,603 YTD May 2018. Total number of visitors across the Museums in May 2020 was 0 which is a decrease on May 2018 numbers of 300 states.	The Museums were closed to visitors on Monday 23 March 2020 at 1,00 pm due to COVID-19 restrictions. Year to date (YTD) total education/school visitors to Council Museums was 4,238 as of 23 March 2020 which is an 8% increase from 3,912 YTD May 2018. The number of education/school engagement across the Museums in May 2020 was 0 which is a decrease on May 2018 numbers of 469.	Year to date (YTD) the following exhibitions, public programs and community events were held across the Museums: • (s) Exhibitions The Albert Chapman Collection – AFMM Chifley Album – CHIFLEY Gathering Thread – CHIFLEY 'Under the Tree: Peter Williamson and 40 years of Racecam – NMRM 'Around the Clock' - NMRM Local Stories – The Cole family - RAIL • (5) Community Event Father's Day Sept 2019 – NMRM Grandparents Day Oct 2019 – AFMM All Aboard Art Project No. 1 – RAIL All Aboard Art Project No. 1 – RAIL Selfie Day – Jan 2020 – AFMM, NMRM, CHIFLEY • (2) Public program Somerville Lecture Oct 2019 – AFMM
Responsible Officer	Museums	Museums	
Performance Measure	Total 4% increase in visitor numbers	Total 4% increase in education/ schools engagement	Minimum six exhibitions, five public programs and two community events
Annual Operational Plan 2019/2020	An increase on 2018/19 total visitor numbers to: • Australian Fossil and Mineral Museum • National Motor Racing Museum • Chifley Home and Education Centre • Bathurst Rail Museum	An increase on 2018/19 total education/ schools engagement at: • Australian Fossil and Mineral Museum • National Motor Racing Museum • Chifley Home and Education Centre • Bathurst Rail Museum	Undertake exhibitions, public programs and community events across the Bathurst Regional Council managed museums
Delivery Program Actions 2018-2022	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	The provision of a range of public programs, exhibitions and community events at the Bathurst Regional Council managed museums
Bathurst 2040 Objective reference	2.6 1.1 1.3 6.6 6.6	2.6 1.1 1.3 6.6	2.6 1.1 1.3 6.6 6.6

0000101	2222
,0100	2
	ב ס
-	000
Tion	200
Ċ	5
- C. C. C. V	Annod

Status			• 0	00			000
Action Year to Date	Explore Minerals Day, after the Chapman Collection opening – AFMM	Postponed events: Gala Rail Day 4-5 April – BRM Dangerous Animals - AFMM	The Museums were closed to visitors on Monday 23 March 2020 at 1.00 pm due to COVID-19 restrictions.	Year to date (YTD) total gross revenue for Council Museums was \$326,489 as of 23 March which is a decrease of 8% from \$353,811 YTD May 2018.	Total retail and venue hire gross income across the Museums in May 2020 was \$NII which is a decrease on May 2018 income of \$17,798.	The Bathurst Rail Museum opened on 21 February 2020. Completed.	In May 2020 the following occurred: • Negotiations with preferred contractor ongoing, including building design.
Responsible Officer			Manager Museums			Maseums	Museums
Performance Measure			Total 4% increase in retail and venue hire			Complete construction and begin operations of the Bathurst Rail Museum, December 2019.	Design completed May 2020
Annual Operational Plan 2019/2020			An increase on 2018/19 total revenue generated from a retain retail a utlet and	reaconnication of the Bathurst Regional Council managed museums		Complete construction and begin operations of the Bathurst Rail Museum	Commence and complete design stage of facility including input from a range of stakeholders
Delivery Program Actions 2018-2022			An overall increase in revenue generated from mise im retail on their and	reascant potal office a version of the across the Bathurst Regional Council managed museums		Bathurst Rail Museum	Central Tablelands Collection Facility
Bathurst 2040 Objective reference			2.6			2.6 1.1 1.3 6.6	1.1 1.2 1.3 6.6

Annual Operational Plan 2019/2020

Tourism

				<u> </u>		
Status	000	•00		000		•00
Action Year to Date	New videos produced for AFMM, Chifley Home and a behind the scenes mini documentary of Machattie Park	YTD 1% increase, 139 Tourism Partners reviewed to end May 2020. Growth has been below performance measure due to key tourism marketing coordinator position not filled until 2nd Qtr. of FY and closure or sale of several previous partner businesses. COVID-19 has stopped all new partner renewals for current FY.	COMPLETED. YTD 40.7% increase in revenue and 38.2% increase in total number of all ad types.	YTD 83% SEO rating No SEO review in May YTD 14.5% increase in total pageviews. All recommendations of SEO audit were implemented by Tourism Manager. Subsequent review by Wisdom commissioned following completion of current site upgrade.	YTD discussion regarding additional tour(s) to provide interpretation for the new Mount Panorama boardwalk. YTD Bathurst Step Beyond App has had 5,434 uses. 2 new video tours created in house for online content – Carillon and Machattie Park.	YTD decrease of 59% in total overall bookings including events/fours. YTD decrease 64.3% decrease in overall revenue. No bookings May 2020 through Bookeasy <u>due to impact of COVID-19 closures</u> . YTD figure impacted negatively by an 88% reduction in Chifley Dam Cabin Bookings compared to 2018/19 and COVID19 shutdown. During 2019/2020 the region has experienced the effects of national fires, drought and COVID-19 outbreak that have impacted upon the delivery of this performance measure.
Responsible Officer	Manager BVIC	Manager BVIC	Manager BVIC	Manager BVIC	Manager BVIC	Manager BVIC
Performance Measure	Experience packages and new product developed	Number of fourism partners increased by 10%	Advertising revenue increased 20%	SEO rating increases from 83-88%	2 new tour products added	Increase of 20% bookings through online portal
Annual Operational Plan 2019/2020	Work with local operators in the provision of visitor services	Grow Regional Tourism Partnership program	Increase stakeholder advertising in Destination Planner	Increased optimisation of tourism website	Develop new engaging content for Bathurst Step Beyond App	Increase online booking capability
Delivery Program Actions 2018-2022	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	6.1			2.6		

Status	000	000	•00	000	000			000
	7							
Action Year to Date	COMPLETED. Destination Planners printed and distributed locally and via AVIC Network. Planner also available online as flipbook or download	Design complete and content being added May 2020 for June publication date.	YTD 12.9% sales below 2018/19 result YTD \$728.50 sales from 'The Cotswolds Store' launched in October. May retail of \$692 was 88.1% below 2019 period result of \$5.846. BVIC Closed to all visitors on 25 March due to COVID-19	YTD 91.2% outcomes achieved. 31of 34 action items in plan either completed, commenced or ongoing as at 31 May 2020.	YTD increase of 14.5% 11,838 pageviews in May 2020	YTD 25.4% increase Total of 15,246 followers across all platforms	COMPLETED. Bathurst Region conferencing and business event planner completed and published February 2020. Bathurst attended AIME 18-19 February 2020. 39 meetings with PCOs and buyers.	Bathurst LGA profile report issued in August (most recent) by Tourism Research Australia shows; • 5.9% rise in total visitors 2017-2018 • During 2019/2020 the region has experienced the effects of national fires and drought that may
Responsible Officer	Manager BVIC	Manager BVIC	Manager BVIC	Manager BVIC	Manager BVIC	Destination website page views increase 15%	Manager BVIC	Manager BVIC
Performance Measure	2020 Destination Planner published	Village committees engaged; guidebook published	Retail sales at BVIC increase by 10% over previous year	75% of Plan outcomes achieved	Destination website page views increase 15%	Total social media following increase 20%	Planner published	Overnight visitors increase by 8%
Annual Operational Plan 2019/2020	Develop annual Destination Planner	Develop new Bathurst Region Villages Guidebook	Create focused local range of retail products at BVIC	Implement 2019-2021 marketing plan	Implement online content strategy		Develop Bathurst region conferencing guide and planner	Promote Bathurst region to niche and specialist markets as identified in Destination Management Plan and Brand strategy
Delivery Program Actions 2018-2022				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

Annual Operational Plan 2019/2020

)	
	:	_	4	
	:		ĺ	
			-	
	=		ì	
	9		_	
	(2	
		١		
	200	Ξ	5	
	9	=	=	
		1	2	
	?)	
	(1)	
	(_
Į	•	_)	
	7		5	
	;		2	
	2		=	
•	<	1		

Bathurst 2040 Objective reference	Delivery Program Actions 2018-2022	Annual Operational Plan 2019/2020	Performance Measure	Responsible Officer	Action Year to Date	Status
					impact upon the delivery of this performance measure.	
					Closures and restrictions due to COVID19 will significantly negatively affect the next reporting period.	
					Promotions during May featured on future aspirational travel rather than any measures to immediately boost	
					overnight stays	
			Average length of stay	Manager	Bathurst LGA profile report issued in August (most recent)	
			increases by 10%	BVIC	by Tourism Research Australia shows;	
					 26.5% increase in total visitor nights 2017-2018 	
		Promote BVIC as essential step	Annual visitation to BVIC	Manager	YTD 27.3% decrease in visitation. Visitor numbers affected	
		off point for Bathurst region.	increases 5%	BVIC	YTD by bushfire situation in NSW and Centre closure on)(
					24 March 2020 due to COVID-19 outbreak. 0 visitors to BVIC in May 2020.)(
					During 2019/2020 the region has experienced the effects	
					of national fires, drought and COVID-19 that impact	
					upon the delivery of this performance measure.	

Destination Management

Status			000				
Action Year to Date	Destination Management Plan was adopted by Council at December meeting. Complete.	YTD 91.2% of Plan outcomes achieved 31 of 34 action items in plan either completed, commenced or ongoing as at March 2020.	YTD three (3) meetings held	YTD 88% attendance at two (2) meetings. Five (5) responses to EOI for new membership. New group not yet constituted. Statistics sent on monthly basis to TRG via online portal.	YTD eighteen (18) industry eDMs, Average open rate 35.4% Industry eDMs provided 4 industry eDMs in May 2020.	YTD three (3) industry gatherings held No meetings held in May	WRI commissioned to undertake LGA specific research. Bathurst most numerous response rate of all participating LGAs Working with specialist agency on developing brand health tracking metrics
Responsible Officer	Manager BVIC	Manager BVIC	Manager BVIC	Manager BVIC	Manager BVIC	Manager BVIC	Manager BVIC
Performance Measure	DIMP adopted by Council	75% of Plan outcomes achieved	4 meetings held annually	>75% attendance at Tourism Reference Group	Minimum of 12 eDMs Issued.	Minimum of 4 events held.	Report produced
Annual Operational Plan 2019/2020	Develop new Bathurst region Destination Management Plan	Implement 3 Year Marketing Plan	Improved collaboration between industry groups and Council.		Commence monthly industry eDM	Host minimum of 4 industry gatherings	Publish annual market intelligence report to strengthen knowledge and guide investment.
Delivery Program Actions 2018-2022	Utilise the Destination Management Plan as a basis for marketing, promotion and tourism development		Support the Tourism Reference Group, which consists of a cross section of the industry		Connect with industry		Set and measure benchmarks
Bathurst 2040 Objective reference	2.6		2.6		2.6		2.6

Invironmental, Planning & Building Services

Development Strategy will identify opportunities for continued growth, mindful of Council's obligations to environmental stewardship, heritage conservation 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 and good urban design.

Environmental

Status						(OC			
Action Year to Date	The first desexing program commenced on 18 November 2019 with 110 dogs and cats desexed. The next program is scheduled for June 2020.	The pet education event was scheduled for 21 April 2020, but was cancelled due to social distancing regulations.	Educational radio interviews held weekly with Senior Ranger between July and December 2019. Interviews re-commenced in March 2020 on a weekly basis.	One educational post uploaded in April 2020 (Reach 4,300, clicks 325, engagement 70).	Maintenance undertaken during May 2020. The solar LED light was also replaced as the original lamp (which was 10 years old) had failed in March 2020.	98.64% of customer requests responded to within the service standard between 1 July 2019 and 31 May 2020.	100% of customer requests responded to out of hours between 1 July 2019 and 31 May 2020.		
Responsible Officer	Team Leader Regulatory Services					Team Leader Regulatory Services			
Performance Measure	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	TW% response to customer requests reported out of hours	
Annual Operational Plan 2019/2020	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	
Delivery Program Actions 2018-2022	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	1998 and Impounding Act 1993 by promptly	responding to customer requests and implementing	enforcement action for breaches
Bathurst 2040 Objective reference	6.4 5.2 5.4					6.4 5.4			

 \bigcirc

Status

 $\bigcirc\bigcirc\bigcirc$

Status		00							
Action Year to Date		99,16% of customer requests responded to within the service standard during 1 July 2019 and 31 May 2020.	Regulatory actions initiated as and when required in accordance with Council's Enforcement Policy. Six PINs issued for POEO Act offences between 1 July 2019 and 31 May 2020.	Sustainable Schools program projects were all finalised during October, with some schools opting to receive site visits from an experienced horticulturalist to assist in managing their gardens during extreme water restrictions. The final newsletter was issued in November 2019. The 2020 program is being modified to adjust to the needs of schools during the COVID-19 restrictions.	@sustainablebathurst page had a reach of 1105, post engagement of 297, and the top post was "Watch out for Bunya Pines" regarding trees and their pine cones in Machattie Park. Likes at end of January 2020 was 1157.	The Sustainable Living Expo and Friday evening event "An Evening with Fast Ed" were cancelled due to social distancing regulations. Resources developed for the 2020 event will be rebranded for a great event in 2021.	Enviromentors program was delivered in October and November 2019 with a focus on Water conservation and catchments. Positive feedback has been received regarding the presentations.	387 approvals to operate were issued between 1 July 2019 and 30 April 2020. This is compared with a total of 198 approvals to operate issued in 2018/19. Liaison with the community is ongoing.	An article appeared in Council's community newsletter in October 2019 encouraging residents to ensure their system had an approval to operate and was regularly maintained.
Responsible Officer		Manager Environment		Manager Environment	Manager Environment			Manager Environment	
Performance Measure		95% of customer requests responded to within	standards	Monthly posts on the @sustainablebathurst Facebook page	Weekly posts on the @sustainablebathurst Facebook page	Conduct Sustainable Living Expo in March 2020	Conduct a sustainability education program targeting primary school aged students by December 2019	Increase the number of onsite sewage management systems with a current approval to operate	
Annual Operational Plan 2019/2020		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			Conduct inspections and issue approvals for existing onsite sewage management systems without approvals or requiring renewal	
Delivery Program Actions 2018-2022	parking regulations in off street car parks	Meet Council's responsibilities under the Protection of the	Environment Operations Act		Continue to improve the community's awareness and capacity regarding environmental	A		Implement Council's Onsite Sewage Management Strategy and meet Council's	Local Government Act 1993
Bathurst 2040 Objective reference		3.2 3.2 3.2) & & -) 4 4 4		3.3 6.1			3.1 3.2 6.4	

,		
0000		
2		
!		
1		
-		
-		
4		

Bathurst 2040 Objective reference	Delivery Program Actions 2018-2022	Annual Operational Plan 2019/2020	Performance Measure	Responsible Officer	Action Year to Date	Status
6. 6. 6. 6. 4. 6. 4.	Meet Council's obligations under the Local Government Act 1993 and community expectations to manage,	Implement the Urban Waterways Management Plan Implement the Biodiversity Management Plan Implement the Pest Bird	Implement a priority project identified in the Urban Waterways Management Plan.	Manager Environment	Maintenance and weed control on the Sawpit Creek catchment will be the main Urban Waterways Management Plan project in 2020 and commenced in May 2020.	
	restore, enhance and conserve the natural environment	Management Plan Implement the Roadside Vegetation Management Plan	Implement a priority project identified in the Biodiversity Management Plan.		The project identified at the Brick Pit wetlands has been put on hold until assessments can be conducted to determine if an Aboriginal Cultural Heritage Report is required.	
			Implement a priority project identified in the Pest Bird Management Plan		Pigeon surveys undertaken in July 2019. Control activities during February 2020 resulted in the removal of 185 birds, with activities in April 2020 resulting in the removal of 141 birds. Trapping of Indian Myna birds undertaken at one site in November and December 2019 with limited success. Construction of 30 nest boxes	
			Implement a priority project in the Roadside Vegetation		completed in March 2020.	
			Management Plan		Project planning underway for a priority project from the Roadside Vegetation Management Plan. Council has received a arant of \$8000 from Local Land Services	
					in January 2020 for a project on parts of Duramana Road and the Bridle Track road reserves. Quotations	
					sought for weed contractors to complete the works in March 2020 and works were completed in May 2020.	
ი. ს. ბ ი. ს. ბ	Implement energy efficiency and renewable energy projects at Council facilities	Identify and prioritise energy efficiency projects at Council facilities	Implement an energy efficiency upgrade at a Council facility	Manager Environment	The installation of a 100kWh solar array at the Bathurst Manning Aquatic Centre was completed on 11 July 2019 and is fully operational. Since the installation was completed 16.0% of electricity use has been supplied by the solar array.	
		Identify and prioritise renewable energy projects at Council	Implement a renewable		The installation of a 25.7kWh solar system at the	
		Idelinies	energy project mrougn me Revolving Energy fund		National Motor Racing Musseum was completed in late November 2019. To date the system has produced 55% of the site's electricity requirements and fed more than 9.8MWh to the grid.	
					The installation of a 10kWh solar array and 13kWh of battery storage (in addition to the existing 6kWh system) was completed at Scallywags in May 2020.	

Status			00							
Action Year to Date	Grant application made for placement of EV charge stations in three rural villages in mid 2019. Outcome not yet known; Council has made repeated requests for an update on the progress of the application.	Installation of a Tesla and a universal charger at the Bathurst Rail Museum was completed in May 2020.	The Regional SOE and Bathurst SOE were presented to Council at it's ordinary meeting in November 2019 and are now available on Council's website.	Data collection for the 2020 report is ongoing.	14 inspections of food premises and 0 inspections of temporary food premises undertaken in May 2020. Many food businesses have been required to close due to Public Health orders relating to COVID-19.	inspections were undertaken between i July 2019 and 31 May 2020.	Five improvement notices, one prohibition order and no PINs were issued between 1 July 2019 and 31 May 2020.	B & B premises a low priority at present as many are low risk premises. Further most B&B premises are not operating due to COVID-19 restrictions on travel.	Food safety newsletter was distributed to all food businesses in October 2019 and in December 2019. The December 2019 edition included a food safety	calendar. 100% of customer requests responded to within the service standard between 1 July 2019 and 31 May 2020.
Responsible Officer			Manager Environment		Manager Environment					
Performance Measure	Identify and install universal EV charge stations at two	rural villages	Collate data to allow for preparation of the State of Environment report as	required by the Local Government Act 1993	Conduct an inspection of all high and medium risk food premises by June 2020	Implement a risk based	inspection program for B&B and 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
Annual Operational Plan 2019/2020			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 and Bed & Breakfast establishments to ensure	compliance with regulations				
Delivery Program Actions 2018-2022			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					
Bathurst 2040 Objective reference			3.3 3.5 6.4	r;	6.4 5.4					

Q
202
<u>``</u>
2019/2020
Plan
≝
<u></u>
₽
9.0
Operational I
_
nnna
Ţ
4

Status	$\bigcirc\bigcirc\bigcirc$		
Action Year to Date	Four inspections of skin penetration premises conducted between 1 July 2019 and 31 May 2020. All public swimming pools and spa pools in operation were inspected between 1 September 2019 and 31 December 2019. Re-inspections were undertaken where necessary. No further inspections will be scheduled until Public Health orders are litted.	Liaison with the owners and operators of cooling towers ongoing. Register is up to date with requests made to owners to provide certificates of compliance where they have not already been provided.	96.77% of customer requests responded to within the service standard 1 July 2019 and 31 May 2020.
Responsible Officer	Manager Environment		
Performance Measure	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
Annual Operational Plan 2019/2020	Conduct a program of inspections of skin penetration premises, public swimming and spa pools and cooling towers		
Delivery Program Actions 2018-2022	Meet Council's obligations under the Public Health Act 2010 and associated regulations		
Bathurst 2040 Objective reference	6.4 5.4		

Planning

Status	
Action Year to Date	1. Moveable and Monumental Heritage LEP Amendment – Planning Proposal finalised. Gateway determination received from the Department of Planning. Awaiting public exhibition. 2. Health Services LEP Amendment to the RE2 Pivate Recreation Zone. Adopted by Council. Gazetted. 3. Housekeep LEP Amendment. Adopted by Council. Gazetted. 4. Laffing Waters Master Plan LEP and DCP Amendment – design guidelines for the new R3 zone prepared. Public exhibition of Master Plan completed to inform the LEP amendment. Draft Planning Proposal and DCP controls being prepared. 5. Bathurst DCP Amendment – repeal chapter 2 and refer to the Community Participation Plan. DCP amendment adopted by Council, Community Participation Plan is in force. 6. Heritage Conservation Area Review LEP Amendment – Planning Proposal being prepared. 7. Eglinton (West) DCP Amendment – Reduce amount of land reserved for school purposes – adopted by Council. 8. Open Space LEP Amendment. 9. Recommendations of Bathurst 2040 Open Space Strategy being integrated to determine planning proposal requirements. Draft planning proposal finalised and referred to Department of Planning for Gateway Determination. 9. Heritage Item update LEP Amendment – research being underfaken on approximately 75 properties being considered for heritage listing under the LEP.
Responsible Officer	Manager Strategic Planning
Performance Measure	Planning proposals referred to NSW Department of Planning & Environment for gazettal
Annual Operational Plan 2019/2020	Prepare draft LEP and DCP amendments.
Delivery Program Actions 2018-2022	Prepare relevant planning proposals to ensure Council's planning controls remain relevant and up to date.
Bathurst 2040 Objective reference	2. 1. 2. 8. 4. 3. 1. 1. 1. 2. 2. 3. 4. 4. 4. 4. 4. 4. 4. 4. 4. 4. 4. 4. 4.

Annual Operational Plan 2019/2020

Status			
Sta			
Action Year to Date	 Draft Local Strategic Planning Statement exhibited until 20 May 2020. Bathurst 2040 Open Space Strategy – adopted by Council. Bathurst City Traffic Model and Traffic Options Report. Final reports completed. Aboriginal Cultural Heritage Assessment – 2nd circuit lands. Final ACHA report received by Council. Duramana Master Plan – adopted by Council. Bathurst Town Centre Master Plan – Preparation of masterplan underway. Visioning consultation of masterplan underway. Visioning consultation completed. Review of Rainwater tank policy to reference latest exemption criteria – new draft policy being prepared. Health and Knowledge Precinct Plan (being led by Department of Planning) – Preparation of masterplan underway. Stakeholder workshops to be held in early June. Bathurst Region Heritage Reference Group asked for feedback on the current plan. Village Plans – investigations and background research underway. Awaiting staff recruitment. Rainwater Tank Discussion Paper and Policy Review – Discussion paper prepared. 	Stormwater drainage – draft plan being prepared. Peer review of draft plan completed. Consultants completing additional work with agreed timeframe of approximately 16 weeks.	Site visits to date: 102 Site visits postponed from 9 March due to COVID-19 - referrals to heritage advisor occurring on-line. On-line referrals to date since COVID-19: 27.
Responsible Officer	Manager Strategic Planning	Manager Strategic Planning	Manager Strategic Planning
Performance Measure	Draff studies/plans are well underway by 30 June 2020	Draft plans considered and adopted by Council	Number of site visits undertaken by the heritage advisory service.
Annual Operational Plan 2019/2020	Prepare studies and plans. 1. Local Strategic Planning Statement 2. Bathurst Integrated Transport Plan.	Review existing or prepare new s7.11 Plans.	Provide a Heritage Advisory Service.
Delivery Program Actions 2018-2022	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 Strategy.
Bathurst 2040 Objective reference	2.1 3.3 4.6 5.5 6.4	4.1 4.6 6.4	1.1 1.2 1.5 4.6 5.5

มก 2019/2020
Page 10 Annual Operational Pla

$\overline{}$
\approx
Ö
50
2019/2020
_
8
\subseteq
Ω
ational Plan
\circ
\succeq
.⊆
Operational
Opera
φ
ᅌ
\circ
=
\leq
=
⊱
Annual
`

Status) (0					
Action Year to Date	1. Bathurst Heritage Conservation Area Review –	referred adopted by Council.	2. Archaeological Assessment 128 Bentinck Street	 awaiting advice from engineering. 	3. St Martin's Church (Perthville) Conservation	Management Plan – consultants appointed	and preparation of plan underway.	
Responsible Officer	Manager	Strategic	Planning					
Performance Measure	Studies/plans	considered and	adopted by Council.		Number of local	heritage items	included in the Local	Environmental Plan.
Annual Operational Plan 2019/2020	Prepare research/studies into the	region's heritage values						
Delivery Program Actions 2018-2022								
Bathurst 2040 Objective reference								

Annual Operational Plan 2019/2020

Development Assessment

Status							
	Bathurst Regional Council year to date average	51.66	42.47	Bathurst Regional Council year to date average	3.47		
r to Date	Bathurst Regional Council May 2020	59.08	36.25	Bathurst Regional Council May 2020	2.16		
Action Year to Date	NSW State Average 2015-2016	75	52	NSW State Average 2014-2015	22		
		Average gross days taken to determine a DA	Average nett days taken to determine a DA		Average days taken to determine a CDC		
Responsible Officer	Manager Development Assessment		Manager Development Assessment				
Performance Measure	To be at or below the state average for determination times of development applications		To be at or below the state average of defermination times for complying development				
Annual Operational Plan 2019/2020	Process all development applications within statutory time frames set out in the Environmental Planning and Assessment Act 1979.						
Delivery Program Actions 2018-2022	Ensure the assessment of development and other applications, in accordance with planning instruments, development control	plans and policies, occurs within appropriate timeframes.					
Bathurst 2040 Objective reference	2.1 4.4 4.6 4.6						

Annual Operational Plan 2019/2020

Economic Development

Action Year to Date Status	ckage application o Industrial Estate	Local and still under ation supplied ederal Mobile Black	Local nd still under sution supplied ederal Mobile Black d to June 2020. gns under al Cities Group.	Local nd still under still under still under still under aderal Mobile Black d to June 2020. gns under al Cities Group. cted villages for the ins.	Local Ind still under alian supplied aderal Mobile Black at o June 2020. In Cities Group. at to include at to include at to include at oinclude at oinclude ans. and include and onference location.
	\$4.9M GLE/Drought Stimulus Package application successful for expansion of Kelso Industrial Estate Airport application for Growing Local	Economies/Drought Stimulus Fund still under assessment – additional information supplied Submission for Round 5 of the Federal Mobile Black Spots Program (MBSP)	Economies/Drought Stimulus Fund still under assessment – additional information supplied Submission for Round 5 of the Federal Mobile B Spots Program (MBSP) Evocities participation extended to June 2020. Alternative relocation campaigns under investigation with NSW Regional Cities Group.	Economies/Drought Stimulus Fund still under assessment – additional information supplied Submission for Round 5 of the Federal Mobile Black Spots Program (MBSP) Evocities participation extended to June 2020. Alternative relocation campaigns under investigation with NSW Regional Cities Group. Discussions underway with selected villages for the installation of new entrance signs. Existing entrance signs updated to include "European"	Economies/Drought Stimulus Fund still under assessment – additional information supplied Submission for Round 5 of the Federal Mobile Black Spots Program (MBSP) Evocities participation extended to June 2020. Alternative relocation campaigns under investigation with NSW Regional Cities Group. Discussions underway with selected villages for the installation of new entrance signs. Existing entrance signs updated to include "European" New lifestyle promotional "post card" under development. AIME Trade Show attended (Melbourne) to sell Bathurst as a business events/conference location.
\$4.9M GLE/Drough successful for expo	Airport application Economies/Droug assessment – addi	Submission for Round . Spots Program (MBSP)	Submission for Rou Spots Program (ME Evocities participa Alternative reloca investigation with	Submission for Rou Spots Program (ME Evocities participa Alternative relocat investigation with 1 Discussions underw installation of new Existing entrance s "European"	Submission for Rou Spots Program (ME Evocities participa Alternative relocal investigation with the Discussions underwinstallation of new installation of new Existing entrances "European" New lifestyle prom development. AIME Trade Show of Bathurst as a busin
Manager Economic Development			Manager Economic Development	Manager Economic Development	Manager Economic Development
Seek funding for economic infrastructure projects.			Representation at all Evocities meetings.	Representation at all Evocities meetings. All 4 entrance billboards updated/maintained, and entrance signs erected in selected villages.	Representation at all Evocities meetings. All 4 entrance billboards updated/maintained, and entrance signs erected in selected villages. New Bathurst Lifestyle promotional prospectus developed.
	development by supporting the development of the aerodrome, industrial precincts and telecommunications.		Market-leading promotional campaigns and events through continued participation in Evocities, destination marketing, and maintenance of promotional		
	Economic Development Strategy 2018-2022 and associated actions.				
-	2.1 Econo 2.3 Strateg 2.4 associ 4.1 4.5 5.5)	}		}

oups, ogram ID pl	groups, business management programs, business events and the ID platform.	Run BizMonth, Buy Local Gift Cards and Business Leaders Lunch programs.		BizMonth 2019 successful, 240 attended BizMonth Lunch with Ita Buttrose. 9 programs/events held during the month.
				129 local shops participating in the Buy Local Gift Card and \$500k milestone achieved for dollars loaded on cards.
		Bathurst Business Hub website updated/maintained.		Business Hub website fully updated with new content/events.
Support local start-up hubs, manage Council's relations with the Business Chamber.	Support local start-up hubs and manage Council's relationship with the Business Chamber.	Attendance at 75% of Business Chamber After-Hours events.	Manager Economic Development	Business Chamber "Business on Toast" and Afferhours events attended. 75% attended to date (either MED or BDO).
				Chamber Christmas Party held 10/12/19 at BRAG, 70 attendees
		Representation at all "Upstairs Start-up Hub" board meetings and implementation of a		All Upstairs board meetings attended.
		marketing campaign for "Upstairs".		New marketing campaign for Upstairs start-up hub completed.
Grow local employment, investment and attract new businesses	ent, ct new	Organise the Bathurst Jobs Expo with minimum 40 stalls and minimum 1,500 attendees.	Manager Economic Development	Jobs Expo held 30th July, approx. 2,000 attendees and 64 stalls.
		Minimum of 60 new jobs Ioaded on Evojobs each month.		1,129 jobs loaded on Evojobs to date.
		Develop relocation proposals, relocation materials and support the relocation of new businesses.		Ongoing discussions with various new business ventures inclusive of solar farms, petrol stations, medical and educations/innovation precincts.
Develop Bathurst into a Smart Community of national	to a Smart onal	Monthly Project Group meetings held.	Manager Economic	Grant application submitted under Community Building Partnerships Fund to roll out smart
significance.		Seek funding and roll out Smart Community priority	Development	benches in selected CBD locations.
Support innovative practices from industry.	practices	projects.		

\circ	
\sim	
\sim	
ب	
\sim	
$\overline{}$	
2	
_	
2019/2020	
ب	
\sim	
rational Plan	
$\overline{}$	
$\underline{}$	
Par	
_	
=	
\circ	
Operational	
≒	
\circ	
=	
\equiv	
\circ	
Oper	
Ψ	
\circ	
=	
()	
_	
=	
\circ	
\neg	
'n	
_	
\subseteq	
Annua	
⋖	

Ц	7
_	
(Ľ
ζ	ט
ζ	2

Promo	Promote Bathurst as a Smart Community through	Smart Community Plan adopted by Council.
markei	marketing campaigns and speaking at events.	Ooh! Media Smart Community marketing
		campaign completed with digital billboards at
		Mascot and Eastlakes.
		Presentation at the KPMG/Public Sector Network
		Smart Cities Workshop in Sydney on 3 rd September.

Bathurst Regional Council

Budget review for the period 1 April to 31 May 2020

Recommended Budget Variations

Council must be given the opportunity to review and approve variances to the original budget for the year. Any changes to the original budget must be approved by Council and councillors need to be aware by resolving to accept this report they are approving the proposed changes.

The following budget variations are recommended:

Income	\$
Increase Income - Grant - RMCC Works	1,531,547
Increase Income - Other Income - Events - various	145,597
Increase Income - Internal Contribution - BMEC - REF	90,000
Increase Income - Transfer from Reserve - Environment - REF	90,000
Decrease Income - S7.11 contribution - land purchase Gormans Hill	(85,098)
Increase Income - S7.11 contribution - land purchase Eglinton	67,856
Increase Income - Grant - Events - various	60,000
Increase Income - Grant - Stronger Country Communities - Former Headmasters Residence	24,568
Decrease Income - Grant - Drought Communities - Mt Panorama Chaplains Amenities	(24,534)
Increase Income - Grant - Drought Communities - Hector Park off-leash	19,373
Increase Income - Fees & Charges - Environment fees	19,000
Increase Income - Grant - Drought Communities - Berry Park playground equipment	17,865
Decrease Income - Grant - Drought Communities - Village Hall access improvements	(16,547)
Decrease Income - Grant - Drought Communities - Village Water Tank upgrades	(13,584)
Decrease Income - Grant - Drought Communities - village footpaths	(13,149)
Increase Income - Grant - Scallywags	10,000
Increase Income - Grant - Library	10,000
Decrease Income - Grant - Drought Communities - Meals on Wheels car park expansion	(9,640)
Increase Income - Grant - Environment - Woody Weed Control Duramana Rd & Bridle Track	8,000
Increase Income - Transfer from Reserve - Senior Citizens building	6,100
Increase Income - Contribution - Art Gallery - Void Educators Symposium	6,000
Decrease Income - Grant - Drought Communities - Machattie Park Fernery	(5,335)
Decrease Income - Grant - Drought Communities - Rockley Mill	(3,565)
Increase Income - Various < \$5,000	22,641
	1 057 005
	1,957,095
Expenditure	\$
Increase Expenditure - RMCC Works - Evans Bridge	\$ 2,531,547
Increase Expenditure - RMCC Works - Evans Bridge Increase Expenditure - Water - Drought Management - contractors	\$ 2,531,547 1,150,000
Increase Expenditure - RMCC Works - Evans Bridge Increase Expenditure - Water - Drought Management - contractors Decrease Expenditure - Water - Drought Management - consultants	\$ 2,531,547 1,150,000 (1,100,000)
Increase Expenditure - RMCC Works - Evans Bridge Increase Expenditure - Water - Drought Management - contractors Decrease Expenditure - Water - Drought Management - consultants Decrease Expenditure - RMCC Works - Unallocated	\$ 2,531,547 1,150,000 (1,100,000) (1,025,322)
Increase Expenditure - RMCC Works - Evans Bridge Increase Expenditure - Water - Drought Management - contractors Decrease Expenditure - Water - Drought Management - consultants Decrease Expenditure - RMCC Works - Unallocated Increase Expenditure - Events - various projects	\$ 2,531,547 1,150,000 (1,100,000) (1,025,322) 205,597
Increase Expenditure - RMCC Works - Evans Bridge Increase Expenditure - Water - Drought Management - contractors Decrease Expenditure - Water - Drought Management - consultants Decrease Expenditure - RMCC Works - Unallocated Increase Expenditure - Events - various projects Increase Expenditure - Buildings - Railway Museum	\$ 2,531,547 1,150,000 (1,100,000) (1,025,322) 205,597 162,198
Increase Expenditure - RMCC Works - Evans Bridge Increase Expenditure - Water - Drought Management - contractors Decrease Expenditure - Water - Drought Management - consultants Decrease Expenditure - RMCC Works - Unallocated Increase Expenditure - Events - various projects Increase Expenditure - Buildings - Railway Museum Decrease Expenditure - Water - Drought Management - employee costs	\$ 2,531,547 1,150,000 (1,100,000) (1,025,322) 205,597 162,198 (100,000)
Increase Expenditure - RMCC Works - Evans Bridge Increase Expenditure - Water - Drought Management - contractors Decrease Expenditure - Water - Drought Management - consultants Decrease Expenditure - RMCC Works - Unallocated Increase Expenditure - Events - various projects Increase Expenditure - Buildings - Railway Museum Decrease Expenditure - Water - Drought Management - employee costs Increase Expenditure - Structure - BMEC - solar grid connect system	\$ 2,531,547 1,150,000 (1,100,000) (1,025,322) 205,597 162,198 (100,000) 90,000
Increase Expenditure - RMCC Works - Evans Bridge Increase Expenditure - Water - Drought Management - contractors Decrease Expenditure - Water - Drought Management - consultants Decrease Expenditure - RMCC Works - Unallocated Increase Expenditure - Events - various projects Increase Expenditure - Buildings - Railway Museum Decrease Expenditure - Water - Drought Management - employee costs Increase Expenditure - Structure - BMEC - solar grid connect system Increase Expenditure - Environment - Internal Contribution (REF)	\$ 2,531,547 1,150,000 (1,100,000) (1,025,322) 205,597 162,198 (100,000) 90,000
Increase Expenditure - RMCC Works - Evans Bridge Increase Expenditure - Water - Drought Management - contractors Decrease Expenditure - Water - Drought Management - consultants Decrease Expenditure - RMCC Works - Unallocated Increase Expenditure - Events - various projects Increase Expenditure - Buildings - Railway Museum Decrease Expenditure - Water - Drought Management - employee costs Increase Expenditure - Structure - BMEC - solar grid connect system Increase Expenditure - Environment - Internal Contribution (REF) Decrease Expenditure - Structures - Railway Museum	\$ 2,531,547 1,150,000 (1,100,000) (1,025,322) 205,597 162,198 (100,000) 90,000 90,000 (86,257)
Increase Expenditure - RMCC Works - Evans Bridge Increase Expenditure - Water - Drought Management - contractors Decrease Expenditure - Water - Drought Management - consultants Decrease Expenditure - RMCC Works - Unallocated Increase Expenditure - Events - various projects Increase Expenditure - Buildings - Railway Museum Decrease Expenditure - Water - Drought Management - employee costs Increase Expenditure - Structure - BMEC - solar grid connect system Increase Expenditure - Environment - Internal Contribution (REF) Decrease Expenditure - Structures - Railway Museum Decrease Expenditure - Land - land purchase Gormans Hill	\$ 2,531,547 1,150,000 (1,100,000) (1,025,322) 205,597 162,198 (100,000) 90,000 90,000 (86,257) (85,098)
Increase Expenditure - RMCC Works - Evans Bridge Increase Expenditure - Water - Drought Management - contractors Decrease Expenditure - Water - Drought Management - consultants Decrease Expenditure - RMCC Works - Unallocated Increase Expenditure - Events - various projects Increase Expenditure - Buildings - Railway Museum Decrease Expenditure - Water - Drought Management - employee costs Increase Expenditure - Structure - BMEC - solar grid connect system Increase Expenditure - Environment - Internal Contribution (REF) Decrease Expenditure - Structures - Railway Museum Decrease Expenditure - Land - land purchase Gormans Hill Decrease Expenditure - Car Parks - Railway Museum	\$ 2,531,547 1,150,000 (1,100,000) (1,025,322) 205,597 162,198 (100,000) 90,000 90,000 (86,257) (85,098) (75,941)
Increase Expenditure - RMCC Works - Evans Bridge Increase Expenditure - Water - Drought Management - contractors Decrease Expenditure - Water - Drought Management - consultants Decrease Expenditure - RMCC Works - Unallocated Increase Expenditure - Events - various projects Increase Expenditure - Buildings - Railway Museum Decrease Expenditure - Water - Drought Management - employee costs Increase Expenditure - Structure - BMEC - solar grid connect system Increase Expenditure - Environment - Internal Contribution (REF) Decrease Expenditure - Structures - Railway Museum Decrease Expenditure - Land - land purchase Gormans Hill Decrease Expenditure - Car Parks - Railway Museum Increase Expenditure - Land - land purchase Eglinton	\$ 2,531,547 1,150,000 (1,100,000) (1,025,322) 205,597 162,198 (100,000) 90,000 90,000 (86,257) (85,098) (75,941) 67,856
Increase Expenditure - RMCC Works - Evans Bridge Increase Expenditure - Water - Drought Management - contractors Decrease Expenditure - Water - Drought Management - consultants Decrease Expenditure - RMCC Works - Unallocated Increase Expenditure - Events - various projects Increase Expenditure - Buildings - Railway Museum Decrease Expenditure - Water - Drought Management - employee costs Increase Expenditure - Structure - BMEC - solar grid connect system Increase Expenditure - Environment - Internal Contribution (REF) Decrease Expenditure - Structures - Railway Museum Decrease Expenditure - Land - land purchase Gormans Hill Decrease Expenditure - Car Parks - Railway Museum Increase Expenditure - Land - land purchase Eglinton Increase Expenditure - Mt Pan - Interest on Lease Liability	\$ 2,531,547 1,150,000 (1,100,000) (1,025,322) 205,597 162,198 (100,000) 90,000 90,000 (86,257) (85,098) (75,941) 67,856 53,200
Increase Expenditure - RMCC Works - Evans Bridge Increase Expenditure - Water - Drought Management - contractors Decrease Expenditure - Water - Drought Management - consultants Decrease Expenditure - RMCC Works - Unallocated Increase Expenditure - Events - various projects Increase Expenditure - Buildings - Railway Museum Decrease Expenditure - Water - Drought Management - employee costs Increase Expenditure - Structure - BMEC - solar grid connect system Increase Expenditure - Environment - Internal Contribution (REF) Decrease Expenditure - Structures - Railway Museum Decrease Expenditure - Land - land purchase Gormans Hill Decrease Expenditure - Car Parks - Railway Museum Increase Expenditure - Land - land purchase Eglinton Increase Expenditure - Mt Pan - Interest on Lease Liability Decrease Expenditure - Mt Pan - Lease repayments	\$ 2,531,547 1,150,000 (1,100,000) (1,025,322) 205,597 162,198 (100,000) 90,000 90,000 (86,257) (85,098) (75,941) 67,856 53,200 (53,200)
Increase Expenditure - RMCC Works - Evans Bridge Increase Expenditure - Water - Drought Management - contractors Decrease Expenditure - Water - Drought Management - consultants Decrease Expenditure - RMCC Works - Unallocated Increase Expenditure - Events - various projects Increase Expenditure - Buildings - Railway Museum Decrease Expenditure - Water - Drought Management - employee costs Increase Expenditure - Structure - BMEC - solar grid connect system Increase Expenditure - Environment - Internal Contribution (REF) Decrease Expenditure - Structures - Railway Museum Decrease Expenditure - Land - land purchase Gormans Hill Decrease Expenditure - Car Parks - Railway Museum Increase Expenditure - Land - land purchase Eglinton Increase Expenditure - Mt Pan - Interest on Lease Liability Decrease Expenditure - Mt Pan - Lease repayments Increase Expenditure - Water - Drought Management - legal fees	\$ 2,531,547 1,150,000 (1,100,000) (1,025,322) 205,597 162,198 (100,000) 90,000 90,000 (86,257) (85,098) (75,941) 67,856 53,200 (53,200) 50,000
Increase Expenditure - RMCC Works - Evans Bridge Increase Expenditure - Water - Drought Management - contractors Decrease Expenditure - Water - Drought Management - consultants Decrease Expenditure - RMCC Works - Unallocated Increase Expenditure - Events - various projects Increase Expenditure - Buildings - Railway Museum Decrease Expenditure - Water - Drought Management - employee costs Increase Expenditure - Structure - BMEC - solar grid connect system Increase Expenditure - Environment - Internal Contribution (REF) Decrease Expenditure - Structures - Railway Museum Decrease Expenditure - Land - land purchase Gormans Hill Decrease Expenditure - Car Parks - Railway Museum Increase Expenditure - Land - land purchase Eglinton Increase Expenditure - Mt Pan - Interest on Lease Liability Decrease Expenditure - Mt Pan - Lease repayments Increase Expenditure - Water - Drought Management - legal fees Increase Expenditure - RMCC Works - Red Light Camera Signage	\$ 2,531,547 1,150,000 (1,100,000) (1,025,322) 205,597 162,198 (100,000) 90,000 90,000 (86,257) (85,098) (75,941) 67,856 53,200 (53,200) 50,000 25,322
Increase Expenditure - RMCC Works - Evans Bridge Increase Expenditure - Water - Drought Management - contractors Decrease Expenditure - Water - Drought Management - consultants Decrease Expenditure - RMCC Works - Unallocated Increase Expenditure - Events - various projects Increase Expenditure - Buildings - Railway Museum Decrease Expenditure - Water - Drought Management - employee costs Increase Expenditure - Structure - BMEC - solar grid connect system Increase Expenditure - Environment - Internal Contribution (REF) Decrease Expenditure - Structures - Railway Museum Decrease Expenditure - Land - land purchase Gormans Hill Decrease Expenditure - Car Parks - Railway Museum Increase Expenditure - Land - land purchase Eglinton Increase Expenditure - Mt Pan - Interest on Lease Liability Decrease Expenditure - Mt Pan - Lease repayments Increase Expenditure - Water - Drought Management - legal fees Increase Expenditure - RMCC Works - Red Light Camera Signage Increase Expenditure - Building Maintenance - Former Headmasters Residence	\$ 2,531,547 1,150,000 (1,100,000) (1,025,322) 205,597 162,198 (100,000) 90,000 90,000 (86,257) (85,098) (75,941) 67,856 53,200 (53,200) 50,000 25,322 24,568
Increase Expenditure - RMCC Works - Evans Bridge Increase Expenditure - Water - Drought Management - contractors Decrease Expenditure - Water - Drought Management - consultants Decrease Expenditure - RMCC Works - Unallocated Increase Expenditure - Events - various projects Increase Expenditure - Buildings - Railway Museum Decrease Expenditure - Water - Drought Management - employee costs Increase Expenditure - Structure - BMEC - solar grid connect system Increase Expenditure - Environment - Internal Contribution (REF) Decrease Expenditure - Structures - Railway Museum Decrease Expenditure - Land - land purchase Gormans Hill Decrease Expenditure - Car Parks - Railway Museum Increase Expenditure - Land - land purchase Eglinton Increase Expenditure - Mt Pan - Interest on Lease Liability Decrease Expenditure - Mt Pan - Lease repayments Increase Expenditure - Water - Drought Management - legal fees Increase Expenditure - RMCC Works - Red Light Camera Signage Increase Expenditure - Building Maintenance - Former Headmasters Residence Decrease Expenditure - Building - Mt Panorama Chaplains Amenities	\$ 2,531,547 1,150,000 (1,100,000) (1,025,322) 205,597 162,198 (100,000) 90,000 90,000 (86,257) (85,098) (75,941) 67,856 53,200 (53,200) 50,000 25,322 24,568 (24,534)
Increase Expenditure - RMCC Works - Evans Bridge Increase Expenditure - Water - Drought Management - contractors Decrease Expenditure - Water - Drought Management - consultants Decrease Expenditure - RMCC Works - Unallocated Increase Expenditure - Events - various projects Increase Expenditure - Buildings - Railway Museum Decrease Expenditure - Water - Drought Management - employee costs Increase Expenditure - Structure - BMEC - solar grid connect system Increase Expenditure - Environment - Internal Contribution (REF) Decrease Expenditure - Structures - Railway Museum Decrease Expenditure - Land - land purchase Gormans Hill Decrease Expenditure - Car Parks - Railway Museum Increase Expenditure - Land - land purchase Eglinton Increase Expenditure - Mt Pan - Interest on Lease Liability Decrease Expenditure - Water - Drought Management - legal fees Increase Expenditure - Water - Drought Management - legal fees Increase Expenditure - Building Maintenance - Former Headmasters Residence Decrease Expenditure - Building - Mt Panorama Chaplains Amenities Increase Expenditure - Building - Mt Panorama Chaplains Amenities Increase Expenditure - Animal Control - employee costs	\$ 2,531,547 1,150,000 (1,100,000) (1,025,322) 205,597 162,198 (100,000) 90,000 90,000 (86,257) (85,098) (75,941) 67,856 53,200 (53,200) 50,000 25,322 24,568 (24,534) 23,000
Increase Expenditure - RMCC Works - Evans Bridge Increase Expenditure - Water - Drought Management - contractors Decrease Expenditure - Water - Drought Management - consultants Decrease Expenditure - RMCC Works - Unallocated Increase Expenditure - Events - various projects Increase Expenditure - Buildings - Railway Museum Decrease Expenditure - Water - Drought Management - employee costs Increase Expenditure - Structure - BMEC - solar grid connect system Increase Expenditure - Environment - Internal Contribution (REF) Decrease Expenditure - Structures - Railway Museum Decrease Expenditure - Land - land purchase Gormans Hill Decrease Expenditure - Car Parks - Railway Museum Increase Expenditure - Land - land purchase Eglinton Increase Expenditure - Mt Pan - Interest on Lease Liability Decrease Expenditure - Mt Pan - Lease repayments Increase Expenditure - Water - Drought Management - legal fees Increase Expenditure - RMCC Works - Red Light Camera Signage Increase Expenditure - Building Maintenance - Former Headmasters Residence Decrease Expenditure - Building - Mt Panorama Chaplains Amenities	\$ 2,531,547 1,150,000 (1,100,000) (1,025,322) 205,597 162,198 (100,000) 90,000 90,000 (86,257) (85,098) (75,941) 67,856 53,200 (53,200) 50,000 25,322 24,568 (24,534)

Attachment 9.2.2.2

Decrease Expenditure - village hall access improvements	(16,547)
Decrease Expenditure - Buildings - Tourism internal fit-out	(15,000)
Increase Expenditure - AFMM - education program contractors	15,000
Decrease Expenditure - Water - Village Water Tank upgrades	(13,584)
Decrease Expenditure - Footpaths - village footpaths	(13,149)
Increase Expenditure - Scallywags - Quality Learning Environment Program	10,000
Increase Expenditure - Library - Be Connected Building Digital Skills	10,000
Increase Expenditure - Animal Control - contractors	10,000
Decrease Expenditure - Buildings - Meals on Wheels car park	(9,640)
Increase Expenditure - Land Improvements - Hector Park off-leash	9,373
Increase Expenditure - Grant - Environment - Woody Weed Control Duramana Rd & Bridle Track	8,000
Decrease Expenditure - AFMM - electricity	(8,000)
Increase Expenditure - BMEC consultants	7,500
Decrease Expenditure - BMEC - contractors	(7,500)
Decrease Expenditure - AFMM - contractors	(7,500)
Decrease Expenditure - AFMM - accounting services	(6,138)
Increase Expenditure - Other L & B - building maintenance Senior Citizens Centre	6,100
Increase Expenditure - Art Gallery - Void Educators Symposium	6,000
Decrease Expenditure - Building - Machattie Park fernery	(5,335)
Decrease Expenditure - Rockley Mill contractors	(3,565)
Increase Expenditure - Various < \$5,000	20,141
Decrease Expenditure - Various < \$5,000	(1,500)
	1,957,095
Total	0

NOTE - new Accounting Standards 'AASB 15 - Revenue from Contracts with Customers' and 'AASB 1058 - Income of Not-for-Profit Entities' apply to Council from 1st July 2019. These new Accounting Standards determine when income, such as Grants, are recorded or deferred. The effect of these Standards results in \$7.5m in Grants previously recognised as Income in 2019 (and currently sitting in Grant Reserves) being recognised as Income again in 2020. To avoid confusion for operational staff and users of this report with the apparent "doubling-up" of income, these amounts are still currently shown as Transfer from Grant Reserves rather than Income - this will be adjusted at the end of June 2020.

The \$7.5m of Grants to be included as income again in 2020 include \$2m for Bridle Track, \$3.2m Financial Assistant Grant (FAG), \$358k of Stronger Country Community Funds and various other unspent Grant funds received in prior years.

The above variations are referred to in the 'Budget Review Income & Expenditure Statement (Consolidated)', and "Budget Review Capital Budget' as recommended changes for Council. The anticipated effect of these variations is displayed in the projected year end results.

Bathurst Regional Council

Budget review for the period 1 April to 31 May 2020

Budget Review Income & Expenditure Statement (Consolidated)

	Original		Approved	Changes		Revised	Recommended	Projected	Actual
\$'000	Budget 2019/2020	Carry Forwards	September Review	December Review	March Review	Budget 2019/2020	Changes for Council	Year End Result	YTD
Income from Continuing Operations									
Revenue:									
Rates & Annual Charges	46,920					46,920		46,920	47,320
User Charges & Fees	29,285				157	29,441	19	29,460	19,945
Interest & Investments Revenue	2,880					2,880		2,880	1,867
Other Revenue	4,616		21		102	4,739	159	4,898	4,005
Grants & Contributions provided for Operating Purposes	12,486	278		.5	(2,193)		1,640	12,701	12,555
Grants & Contributions provided for Capital Purposes	63,588	12,507	1,628	40	(47,758)	30,006	61	30,067	8,724
Other Income:									
Net gains from the disposal of assets	20,715				(453)	20,262		20,262	7,813
Total Income from Continuing Operations	180,491	12,785	2,134	45	(50,145)	145,310	1,878	147,189	102,230
Expenses from Continuing Operations									
Employee Benefits & On-Costs	30.362	5	(15)	52	50	30.454	2.115	32.569	31.298
Borrowing Costs	1,404	26				1,430	66	1,496	1,290
Materials & Contractors	36,333	1,883	404	5	3,427	42,052	(355)	41,697	32,441
Depreciation & Amortisation	25,810					25,810	, ,	25,810	25,825
Other Expenses	11,023			17	(70)	10,970	(1)	10,969	9,784
Total Expenses from Continuing Operations	104,930	1,913	389	75	3,407	110,715	1,826	112,541	100,638
Net Operating Result from Continuing Operations	75,560	10,872	1,745	(30)	(53,552)	34,596	52	34,647	1,591
		•		•			•		•
Net Operating Result Before Grants & Contributions									
Provided for Capital Purposes	11,972	(1,635)	117	(70)	(5,794)	4,590	(9)	4,581	(7,132)

NOTE - new Accounting Standards 'AASB 15 - Revenue from Contracts with Customers' and 'AASB 1058 - Income of Not-for-Profit Entities' apply to Council from 1st July 2019. These new Accounting Standards determine when income, such as Grants, are recorded or deferred. The effect of these Standards results in \$7.5m in Grants previously recognised as Income in 2019 (and currently sitting in Grant Reserves) being recognised as Income again in 2020. To avoid confusion for operational staff and users of this report with the apparent "doubling-up" of income, these amounts are still currently shown as Transfer from Grant Reserves rather than Income - this will be adjusted at the end of June 2020.

The \$7.5m of Grants to be included as income again in 2020 include \$2m for Bridle Track, \$3.2m Financial Assistant Grant (FAG), \$358k of Stronger Country Community Funds and various other unspent Grant funds received in prior years.

Notes

Original budget +/- approved budget changes in previous quarters = Revised Budget Revised Budget +/- recommended changes this quarter = Projected Year End Result

Interest on unexpended loans is not calculated until the end of financial year, as it is assumed that all loan funds will be used in the period in which they are taken out.

Salaries and wages capital oncost is not calculated until the end of financial year.

Adjustments such as Pre-payments and Accruals have not been processed as they are only done at the end of year/quarter. This impacts some Actual YTD figures.

Bathurst Regional Council

Budget review for the period 1 April to 31 May 2020

Budget Review Capital Budget

	Original		Approved	Changes		Revised	Recommended	Projected	Actual
	Budget	Carry	September	December	March	Budget	Changes	Year End	YTD
\$'000	2019/2020	Forwards	Review	Review	Review	2019/2020	for Council	Result	
Capital Expenditure									
Plant & Equipment	4.719				(985)	3.735		3.735	3,068
Office Equipment	330		156		(000)	486		486	450
Furniture & Fittings	-	8				8		8	
Land	150	634	1			785	(17)	768	707
Land Under Roads			•			-	(,	-	
Land Improvements	1,000	83	185		274	1,542	10	1,552	1,250
Buildings	6,950	6,788	291	(35)	(3,859)	10,134	108	10,242	5,273
Structures	6,087	3,490	403	36	(2,079)	7,937	22	7,959	3,955
Roads, Bridges, Footpaths	56,112	6,840	513	707	(47,909)	16,264	(89)	16,174	7,166
Bulk Earthworks	85	115			(,)	200	()	200	178
Stormwater	2.655	1.575			(63)			4.167	1.476
Water Supply	5,452	11,789	1,489		(00)	18,730		18,730	6,467
Sewerage Network	1,981	425	426			2,832		2,832	1,222
Other Assets	286					286		286	285
Investment Property	-	596				596		596	2
Real Estate	8,942			(3,895)	(925)	4,122		4,122	371
Total Capital Expenditure	94,748	32,344	3,464	(3,187)	(55,546)	71,824	33	71,857	31,876
Funded by									
Loans	4,260					4,260		4,260	
Asset Sales	1,480				(453)	1,027		1,027	869
Reserves - Internal	11,946	2,121	1,699	(3,252)	(590)	11,924	-	11,924	3,947
Reserves - External	6,577	15,103	213		(1,942)	19,952	(17)	19,934	6,187
Reserves - Loans	-	10,920			(1,384)	9,536		9,536	2,734
Grants & Contributions	59,951	3,943	1,338	65	(48,354)	16,943	75	17,017	5,482
Recurrent revenue	10,533	258	214	-	(2,822)	8,183	(25)	8,158	12,657
Other	-			-	-	-	<u> </u>	-	
Total	94,748	32,344	3,464	(3,187)	(55,546)	71,824	33	71,857	31,876

Note:

Loans are not drawn down until close to the end of the financial year, in anticipation that interest rates will fall.

Salaries and wages capital oncost is not calculated until the end of financial year.

Adjustments such as Pre-payments and Accruals have not been processed as they are only done at the end of year/quarter. This impacts some Actual YTD figures.

Original budget +/- approved budget changes in previous quarters = Revised Budget Revised Budget +/- recommended changes this quarter = Projected Year End Result

NOTE - new Accounting Standards 'AASB 15 - Revenue from Contracts with Customers' and 'AASB 1058 - Income of Not-for-Profit Entities' apply to Council from 1st July 2019. These new Accounting Standards determine when income, such as Grants, are recorded or deferred. The effect of these Standards results in \$7.5m in Grants previously recognised as Income in 2019 (and currently sitting in Grant Reserves) being recognised as Income again in 2020. To avoid confusion for operational staff and users of this report with the apparent "doubling-up" of income, these amounts are still currently shown as Transfer from Grant Reserves rather than Income - this will be adjusted at the end of June 2020.

The \$7.5m of Grants to be included as income again in 2020 include \$2m for Bridle Track, \$3.2m Financial Assistant Grant (FAG), \$358k of Stronger Country Community Funds and various other unspent Grant funds received in prior years.

Details	Reference	Date	Standard Annual Donations	Specific Donations	Mt Pan Fee Waived	BMEC Donations	Sundry Donations	TOTAL
			\$	\$	\$	\$	\$	\$
Annual Budget Spent to date:			64,780.00	53,070.00	50,000.00	60,000.00	20,000.00	247,850.00
VRAS Annual Subscription/donation	Operation Plan	10/07/2019	-2,409.99					-2,409.9
BMEC - CPSA July Meeting	Operation Plan	25/07/2019	2,400.00			-708.18		-708.1
eathurst Public School Mid-year concert	S356 Policy	31/07/2019				-1,396.36		-1,396.
019 Australian International Luthiers Congress	DCS&F 20/06/18 Item 13	31/07/2019		-5,000.00		1,000.00		-5,000.
ity Colts Water Account	Operation Plan	7/08/2019	-2,713.82	.,				-2,713.
lonkey Hill UHF Repeater	Operation Plan	15/08/2019	-800.00					-800.
ofala Progress Association	Operation Plan	15/08/2019	-2,500.00					-2,500.
vans Arts Council	Operation Plan	15/08/2019	-3,000.00					-3,000.
athurst Edgell Jog	Operation Plan	15/08/2019		-7,500.00				-7,500.
reening Bathurst Inc	Operation Plan	15/08/2019		-3,000.00				-3,000.
entral Tablelands Woodcraft	Operation Plan	15/08/2019		-500.00				-500.
athurst Gardener's Club Inc	Operation Plan	15/08/2019		-500.00				-500.
athurst Filipino-Australian Community Inc (BFAC)	Operation Plan	15/08/2019		-600.00				-600.
athurst Refugee Support Group Inc (BRSG)	Operation Plan	15/08/2019		-2,000.00				-2,000.
uota International of Bathurst - QuoCKa reading	Operation Plan	15/08/2019		-1,000.00				-1,000.
athurst Remembers / AVAMS / Communications nd Resources Project	Operation Plan	15/08/2019		-5,000.00				-5,000.
lacquarie Philharmonia - Platinum Donation	Operation Plan	16/08/2019	-2,000.00					-2,000.
he Neighbourhood Centre (formerly BINC)	Operation Plan	16/08/2019	-800.00					-800.
Bathurst City & RSL Band Association Inc	Operation Plan	16/08/2019	-5,000.00					-5,000.
athurst Seymour Centre Inc	Operation Plan	16/08/2019		-2,500.00				-2,500.
athurst City Mens Bowling Club - Carillon Fours	Operation Plan	16/08/2019		-1,000.00				-1,000.
athurst Arts Council - Annual Youth Arts Awards	Operation Plan	16/08/2019		-2,000.00				-2,000
liss Trail's House & Garden	Operation Plan	16/08/2019		-1,500.00				-1,500
d Bathurst (All Saints Cathedral) Scout Group	Operation Plan	16/08/2019		-500.00				-500
eroli Colvin Storytelling Competition	Operation Plan	16/08/2019		-1,000.00				-1,000
glinton Public School P & C Country Fair Committe	•	16/08/2019		-500.00				-500
litchell Conservatorium	Operation Plan	16/08/2019		-3,000.00				-3,000.
athurst Panthers RLFC	Operation Plan	20/08/2019		-2,000.00				-2,000.
ofala & District AH&P Association	Operation Plan	20/08/2019	-350.00					-350.
athurst AH&P Association	Operation Plan	28/08/2019	-6,363.64					-6,363.
litchell Conservatorium - Grigoryan Brothers oncerts	Operation Plan	3/09/2019				-1,843.75		-1,843
SU Presentation	Operation Plan	12/09/2019				-137.93		-137.
enison College Kelso - Future Directions Forum	Operation Plan	12/09/2019				-508.36		-508.
MEC - CPSA Aug Meeting	Operation Plan	12/09/2019				-961.36		-961.
nternational All Veteran Auto Rally 2019	DCS&F 15/06/16 Item 7	30/09/2019			-24,000.00			-24,000.
litchell Conservatorium - Winter Showcase	Operation Plan	1/10/2019				-1,141.59		-1,141
MEC - Bathurst Eisteddfod Sep 2019	Operation Plan	1/10/2019				-30,000.00		-30,000
MEC - Bathurst Eisteddfod 2019 20% Community	S356 Policy	1/10/2019				-8,270.18		-8,270.
cots All Saints - Music Showcase	S356 Policy	1/10/2019				-676.55		-676.
SW Police - White Ribbon Event	DCS&F 17/04/19 Item 6	28/11/2019			-2,000.00			-2,000
MEC - CPSA Sep Meeting	Operation Plan	23/12/2019				-1,073.18		-1,073
MEC - CPSA Oct Meeting	Operation Plan	23/12/2019				-1,111.82		-1,111.
MEC - CPSA Nov Meeting	Operation Plan	23/12/2019				-1,061.36		-1,061
cots All Saints - Presentation Day 4 Dec	S356 Policy	23/12/2019				-301.45		-301.
leadow Flat Public School - presentation day	S356 Policy	31/12/2019					-60.00	-60.
BS Bathurst Lions Christmas Miracle Appeal	DCS&F 20/11/19 Item 8	31/12/2019			-8,111.82	4 000 00		-8,111.
glinton Public School EOY Concert	S356 Policy	31/01/2020				-1,093.09	00.00	-1,093.
leadow Flat Public School - presentation day	S356 Policy	29/01/2020			E 000 00		-60.00	-60.
athurst Light Car Club - 2019 Australian Hill Climb		1/02/2020	006 47		-5,000.00			-5,000
ity Colts Water Account ustralian Air Force Cadets	Operation Plan DCS&F 18/09/19 Item 8	19/02/2020 28/02/2020	-986.47				-1,000.00	-986 -1,000
DRSC grant - Bathurst Bushrangers ARFC Inc	Operation Plan	4/03/2020	-4,141.50				-1,000.00	-4,141
DRSC grant - Bathurst Carillon City Tennis Club	Operation Plan	4/03/2020	-1,830.00					-1,830
DRSC grant - Panorama Motorcycle Club	Operation Plan	4/03/2020	-2,500.00					-2,500
DRSC grant - Central Tablelands Working	Operation Plan	4/03/2020	-4,250.00					-2,500 -4,250
quitation Club SU Foundation Trust (Gordon Bullock	•							
cholarship)	Operation Plan	10/03/2020	-3,000.00					-3,000
SU Foundation Trust	Operation Plan	10/03/2020	-5,000.00			600.0-		-5,000
MEC - CPSA Mar Meeting	Operation Plan	31/03/2020				-996.36		-996
ity Colts Water Account	Operation Plan	22/04/2020	-2,975.71					-2,975
PSA activity for Seniors Week	DCS&F 20/11/19 Item 10	23/04/2020		0.7/0.00		-938.18		-938
athurst Street & Custom Motorcycle Show	Operation Plan	30/04/2020		-2,710.28		4 000 01		-2,710
MEC - CPSA Feb Meeting	Operation Plan	17/05/2020				-1,030.91		-1,030

Attachment 9.2.3.1

2019-2020 Section 356 Donations Report as at 31 May 2020

Details	Reference	Date	Standard Annual Donations	Specific Donations	Mt Pan Fee Waived	BMEC Donations	Sundry Donations	TOTAL
		\$	\$	\$	\$	\$	\$	
Available Balance before commitments			14,158.87	11,259.72	10,888.18	6,749.39	18,880.00	61,936.16
Committed:								
Bathurst AH&P Association	Operation Plan		-1,880.36					-1,880.36
Bathurst Junior Sports Awards (2BS)	Operation Plan		-5,000.00					-5,000.00
Bathurst District Sport & Rec (BDRSC) grants	Operation Plan		-7,278.50					-7,278.50
Bathurst Street & Custom Motorcycle Show	Operation Plan			-11,259.72				-11,259.72
Mitchell Conservatorium - BMEC Concerts	Operation Plan					-4,014.66		-4,014.66
BMEC - Bathurst Youth Council	Operation Plan					-2,000.00		-2,000.00
BMEC - CPSA Monthly Meetings	Operation Plan					-4,056.83		-4,056.83
Rotary Club of East Bathurst - RYDA	Operation Plan				-4,333.00			-4,333.00
ASRA - Newtons Nation IDF World Cup	Operation Plan				-15,000.00			-15,000.00
Western Sydney University Medical Scholarship	GM 18/09/19 Item 4						-2,500.00	-2,500.00
Amount Committed			-14,158.86	-11,259.72	-19,333.00	-10,071.49	-2,500.00	-57,323.07
Adjustment between Funds			-0.01		8,444.82	3,322.10	-11,766.91	
Available Balance			0.00	0.00	0.00	0.00	4,613.09	4,613.09

Summary Remaining Budget	\$
Standard Annual Donations	0.00
Specified Donations	0.00
Mt Pan Fee Waived	0.00
BMEC Donations	0.00
Sundry Donations	4,613.09
Total Remaining	4,613.09

Summary	\$
Total Budget	247,850.00
Less: Amount Spent	-185,913.84
Less: Amount Committed	-57,323.07
Total Remaining	4,613.09

Market Rental Subsidies for 2019/20

NAME OF TENANT	LOCATION	Current Rent PA	Estimated Market Rent	BRC Rental Subsidy
Mitchell Conservatorium	Machattie Park Cottage	446.68	16,378.00	15,931.32
Central Tablelands Woodcraft Inc.	Learmonth Park	576.07	15,240.00	14,663.93
Community Opportunity Shop Inc	8 Lions Club Drive	1,100.00	20,320.00	19,220.00
Community Opportunity Shop Inc	Veggie Patch Church Lane	1.00	15,240.00	15,239.00
Air Services Australia	Aerodrome - Communicatio	1.10	18,288.00	18,286.90
Taxi Cabs of Bathurst Co-operative Society Ltd	Communication tower	1,262.96	18,288.00	17,025.04
Master Communications & Electronics Pty Ltd	Communication tower	4,458.10	18,288.00	13,829.90
Bathurst City & RSL Band Association	Walmer Park	228.20	20,320.00	20,091.80
Bathurst Lions Club Inc.	Short St	1.10	15,240.00	15,238.90
Evans Arts Council Inc.	Lee Street	510.29	5,080.00	4,569.71
Bathurst District Historical Society Inc.	Mitre Street	1.00	10,160.00	10,159.00
Bathurst District Historical Society Inc.	Stanley Street	1.00	10,160.00	10,159.00
Bathurst Meals on Wheels Inc	4 Watt Drive	1.10	50,800.00	50,798.90
			<u>-</u>	225,213.40

From: Ron Heferen < ronheferen@yahoo.com.au>

Sent: Monday, May 4, 2020 3:48:52 PM

To: Bobby Bourke < Bobby.Bourke@bathurst.nsw.gov.au >

Subject: Fw: sofala village

---- Forwarded message -----

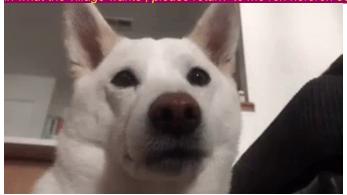
From: Ron Heferen < ronheferen@yahoo.com.au >

To: "bobby.bourk@bathurst.nsw.gov.au" <bbby.bourk@bathurst.nsw.gov.au>

Sent: Monday, 4 May 2020, 03:39:49 pm AEST

Subject: sofala village

to boby bourk ,the next budget, what is their for villages,i go to the meetings in sofala . their has been some think for sofala ,for two years, nothing happens how many more years or .meetings do we have bring this up to fix probilm up till now zero nothing . ron [sofala][if the council is interested in what the village wants , please return to me ron heferen 98 bowen st sofala 2795



The General Manager 23 May 2020

Bathurst Regional Council

Russell St, Bathurst 2795 by email

Dear Sir,

draft Delivery Program and Detailed Budget 2020/21

I would like to make the following submissions:

Mt Panorama losses - Budget p34

Council is forecasting a loss from Mt Panorama operations over \$800,000 for next year and each of the next three years. Little information is provided in the budget papers and elsewhere why and how this is so, and what elements bring it about. Ratepayers deserve clarity around this.

I advocate that a complete rethink of the finances of Mt Panorama is needed. To Council's credit, this is a world class marquee asset with iconic status, but, as such, it should be generating millions in profits for Bathurst Council (as well as the promotors), which could then be directed back to community projects in Bathurst.

- (i) Broadcast rights for the car races have been estimated to be worth \$50 to \$100 million alone. Imagine if Bathurst Council struck deals where, like large shopping centres for example, users paid a base rent against a percentage of all gross revenues maybe 12.5%.
- (ii) With a second supercars event now planned for 2020/21 should the budget be adjusted? Will the second event add to the budgeted loss of \$837,721?
- (iii) The loss is justified by Council on the basis that it "is a revenue generating operation for the business community and residents who rent out their homes", and "The four motor sports events analysed are estimated to generate approximately 19% of the total contribution from tourism to the Bathurst economy."
 - Whilst is recognised that motor racing activity generates welcome jobs, albeit that most are short term and very low paid, it is estimated that more than 50% of the direct economic activity flows straight to National Chains and other big commercial concerns outside Bathurst, so most ordinary local ratepayers miss out, and the balance goes to businesses. The direct net result seems to be that the Mt Panorama losses subsidise business, and do not directly benefit most general ratepayers.
- (iv) The lack of detail around the figures is stated by Council to be because of confidentiality agreements. That may be so, but it just leaves questions about how Council is managing ratepayers money.

Second Track on Mt Panorama \$46 million, Budget p34

Council is proposing spending around \$45,954,738 on the second track construction in 2020/21, I understand funded from already promised/received grants, and then around \$150,000 each year thereafter for the next three years. With no substantial capital outlays after 2021 this indicates that practical completion will be in 2021, and this therefore is the total expected cost – can Council elaborate please?

If completion is in 2021, why isn't there a substantial uptick in revenue in the following years? Should that be shown in the budget?

If completion is not in 2020/21, so after 2024/25, why is the money being spent now and nothing substantial for the next three years? Shouldn't the expenditure be delayed until it is fully funded and the project be constructed in one go? Or is the project to lie part done and dormant for some years until more money is found?

Is there a robust and sustainable business case, and can that be made public please.

Council is also budgeting \$4 million over the next two years to replace the McPhillamy Park reservoir. Is this upgrade mainly to service the first and second tracks and the go-kart track, and if so why is it not shown in the budget better as a Mt Panorama expense rather than a Water expense, to help give a fuller picture of the overall investment?

Are there other indirect infrastructure and other costs related to the second track over and above the \$46 million, which will have to be funded, such as connecting access roads, communications, sewerage and power? What is the budget for those costs?

Council originally proposed to establish an industrial park specialising in motor car industries, in conjunction with the second track (it was to be called Velocity), which in time would add substantially to Bathurst's economic base, and would underpin the racing tracks viability. I cannot see any budget concerning this. Is there likely to be expenditure or revenue on this element over the next four years and if so shouldn't that be shown in the budget? If not, what is the plan to realise this very pivotal and important project?

Land Development profits - Budget p48

Land Development shows a forecast net result each year of exactly \$nil. Council says this is because ...

"The Land Development cost centre is run as a separate business. The total land sales for the year are transferred to a reserve for use on further land development works and is also available for other Council projects where excess funds allow. The net result of those transactions is \$0 because everything is run out of the Land Development Reserve Fund, meaning there is no effect on the budget for the year."

It is good to see Council has achieved separation of this activity from general traditional Council day to day services. In previous years profits from land sales appear to have been used to prop up general revenue and operating costs, a risky policy and with little accountability.

However, Council does state that there are "certain projects outside the Land Development cost centre that are funded from previous years land sales", but the budget/operational plan, or any other source, does not disclose what those projects are nor how much money is used from the Land Sales business for them.

Ratepayers are entitled to know what the profits from land sales are being used for, and what amount remains in unspent reserve – this should be reflected clearly in the budget, otherwise those profits and subsidies just remain opaque and unaccountable – an "off revenue account/balance sheet" pot of money known only to Council staff and Councillors. Can this information be published please.

Carrington Park - Grandstand Extension to 2200 seating, \$8,500,000 in 2021/22 - Budget p17

This represents a doubling of the seating, and resurrects a contentious plan raised in 2016 by Council. The justification then was to attract bigger sporting events. No business plan was available for view then, and serious questions were raised as to viability. Design went to tender in 2020.

It is believed that Council was contractually obliged to make certain improvements by the NRL/Panthers if Council wished to continue having one or two NRL games played a year in Bathurst. It is understood the NRL/Panthers is not making any financial contribution to the grandstand expansion, but it is not known whether Council is contractually obliged by the NRL/Panthers to extend the grandstand. Can Council elaborate please?

In 2016, press reports estimated it would take over 100 years to pay back the then \$6.1 million required out of extra ticket sales. How long will it take to get an acceptable return on the now \$8.5 million?

The figures show a cost increase of \$2.4 million, which is a 40% increase in five years. This is quite alarming.

As in 2016, it is still very difficult to see how an \$8.5 million expenditure in 2021/22 on the Carrington Park grandstand seating can ever generate an acceptable financial payback. This appears to have the potential to become a massive white elephant. Can Council elaborate please?

A robust business case must be developed before any commitment to the grandstand extension is made. Ratepayers deserve that a transparent and accountable financial case be presented.

Budget for \$4,500,000 (late inclusion) for a Go-Kart Track on Mt Panorama

Council's public advertising of the Draft Delivery Program and Plan states "also resolved to include for consideration the Construction of a Go-Kart Track on Mt Panorama at an estimate of \$4,500,000." This is on top of the published draft budget.

Reports in the media indicated it was said by officials at the Council meeting that initial money of \$250,000 would come out of Council funds and the balance from unspecified unknown future grants.

Why is Council spending such a substantial sum, including ratepayers money, plus donating and thus alienating public land, for what appears to be a private club?

Is there a sustainable and robust business plan? What is the return on investment?

In view of the broad swell of community consternation at the location proposed and the resulting fracturing of social cohesion at a time when it is sorely needed, I would advocate that the go-kart proposal be deferred until a more suitable location can be found, and that it not be included in the budget for 2020/21.

Grant Funding

The reality seems to be that Council applies a priority process when applying for outside grants, and this prioritisation has a strong bias to sporting facilities.

I advocate that when available, any new general grant programs of magnitude should be applied for and allocated firstly to other higher priority non-sporting projects – the former TAFE building, The Town Square precinct and the in-limbo Headmasters House spring to mind, also to resource Cultural projects.

Otherwise, the risk is that the go-kart track and other sporting projects will suck up all the grants oxygen, and yet again absorb the lion's share of Bathurst's potential grant money.

Yours faithfully,

A.W. Bathgate

Attachment 9.2.5.3

Bathurst Heritage Network

Bathurst's unique heritage is a key social, cultural and economic asset

The General Manager 23 May 2020

Bathurst Regional Council

Russell St Bathurst 2795 by email

Dear Sir,

Delivery Program and Detailed Budget 2020/21

On behalf of the Bathurst Heritage Network I would like to make the following submissions:

Budget p77 Town Centre Master Plan – Heritage Studies and Urban Design \$100,000

It is presumed this sum is Council's 50% share of the \$200,000 for the Town Centre Master Plan to be developed in conjunction with CSU. Now that CSU has abandoned their idea of a campus in the city centre, Council has advised this planning will still go ahead, and CSU will still fund \$100,000 of the cost.

For better transparency, and future accountability, we suggest the total cost of \$200,000 be shown in the budget and CSU's contribution be shown as income.

Budget p77 Heritage Asset Reserve allocation \$20,000

An absolute priority should be to extract the major economic benefits and tourism potential latent in the Town Square project and the former TAFE building as a matter of urgency.

These major assets have huge economic and social potential through tourism and increased economic activity in the heart of the CBD. These have been identified as pivotal in the Bathurst Cultural Plan, the Heritage Activation Plan, and as a priority in the Bathurst Heritage Plan.

With CSU withdrawing from the idea of a campus in the Town Centre, we recommend the discipline be to set aside 15% p.a. of the money council raises through land sales, by transfer to the Heritage Asset Reserve. By doing this it is likely we will have enough money saved to do the work in four years time.

Bathurst District Historical Society Cox's Road Project Group Amazing Bathurst NETWORK PARTNERS
Greening Bathurst
National Trust of NSW
Bathurst Family History Group

Bathurst Town Square Group Miss Traill's House Boundary Road Reserve Landcare Group

www.heritagebathurst.com

heritagebathurst@gmail.com

BATHURST – HERITAGE CITY

Grant funding opportunities that might otherwise have prioritised sporting projects (of which Bathurst already has many, and the controversial GoKart track project allocation of \$4,500,000 is proposed as another) could be better prioritised for these heritage projects.

Budget p81 Entry to Bathurst Signage \$50,000

The Bathurst Tourism Reference Group and the Bathurst Heritage Reference Group both have endorsed the Heritage Activation Plan.

That Plan includes the following:

- Brown historical directional signs on the highway on the back of the existing green sign in Durham St before William St, with one arrow pointing to "Historic Town Centre", and the other to "First Settlement and Flagstaff"
- Brown historical directional sign on the highway in Stewart St, with an arrow pointing to "Historic Town Centre",
- Brown historical directional sign on the highway before Havannah St, with an arrow pointing to "Historic Milltown Railway Precinct and Keppel Street Village"

Can these be activated as a matter of priority from the \$50,000 Entry Signage budget please.

P77 Main Street Improvement Fund \$25,000

The allocation for this successful heritage improvement fund has been cut by 50% from \$50,000 a year to \$25,000 for 2020/21, and then reverts in the following year.

Rather than let this slide for lack of applications in these difficult economic times, we ask that the fund allocation remain at \$50,000 for 2020/21 to allow one or more of the following:

- increased allocation to each heritage and signage application, to help kick start post
 Covid 19 economic activity
- enable further upgrades to heritage buildings and streetscapes
- incentivise commercial signage improvements/replacements
- development of a verandah reinstatement plan
- develop and implement a cohesive heritage street furniture policy for the CBD
- greater transfer to the Heritage Asset Reserve

Bathurst District Historical Society Cox's Road Project Group Amazing Bathurst NETWORK PARTNERS
Greening Bathurst
National Trust of NSW
Bathurst Family History Group

Bathurst Town Square Group Miss Traill's House Boundary Road Reserve Landcare Group

 $\underline{www.heritagebathurst.com}$

heritagebathurst@gmail.com

Headmasters House - Howick St

We can see no budget allocation for completion of the restoration work on the Headmasters House in Howick Street. Stabilisation work has been done, but with the job half completed this important heritage landmark is an eyesore and a detraction at present. We do not want to see it remain the dishevelled bridesmaid it has been for decades.

Can the budget reflect funding to complete this work as a matter of priority please.

Grant funding opportunities that might otherwise have prioritised sporting projects (of which Bathurst already has many, and \$4,500,000 on the controversial Go-Kart track is proposed as another) could better be prioritised for this heritage project.

Delivery Program p36

This refers to the "Bathurst Region Heritage Strategy". Could the correct title be used please – Bathurst Region Heritage **Plan.**

Yours faithfully,

Sandy Bathgate, convenor, Bathurst Heritage Network

Bathurst District Historical Society Cox's Road Project Group Amazing Bathurst NETWORK PARTNERS
Greening Bathurst
National Trust of NSW
Bathurst Family History Group

Bathurst Town Square Group Miss Traill's House Boundary Road Reserve Landcare Group

www.heritagebathurst.com

heritagebathurst@gmail.com

BATHURST – HERITAGE CITY



The General Manager Bathurst Regional Council PMB 17 Bathurst NSW 2795 Australia

By email: aimee.ford@bathurst.nsw.gov.au

Dear David,

Re: Submission on the Draft Delivery Program 2020- 2024 & Operational Plan 2020-2021

Thank you for the opportunity to provide this submission in support of funding the business case for the development of the Bathurst Regional Centre of Military History.

We have seen our District's communities express their interest in such a centre and the widespread support of this concept. This development provides a benefit to the broader community.

The funding of this next stage in the 2020/21 operational budget also offers a unique opportunity for Council to utilise the specialist skills it has cultivated over recent years through the design and development of unique museum product which has further enhanced Bathurst's tourism offering to the region.

As a leader in the development of high quality regional tourism products, I am sure Council will support the benefits of moving the Bathurst Regional Centre of Military History to the next stage.

Please find attached my submission for Council's consideration.

Yours faithfully

Andrew Fletcher 21 May 2020

Phone: 61 2 63318375 Email: andrew.fletcher2@bigpond.com Submission to Bathurst Regional Council on the Draft Delivery Program 2020-2024 & Operational Plan 2020-2021

RECOMMENDATION:

That the cost of the Business case for the Bathurst Regional Centre for Military History be included in the 2020/21 budget.

RFPORT

The development of the Bathurst Regional Centre for Military History includes the establishment of an information centre to house our collection of local stories of the men and women from the Bathurst District who have served and in some cases made the ultimate sacrifice. The concept is to develop these stories from all resources, then source relevant artefacts to help illustrate that story.

This Centre has broad support within our district's communities because almost every family in the district has some connection with the military.

The Centre will provide opportunities for positive learnings for all our communities (Indigenous and European) to **LEARN, REMEMBER & ACKNOWLEDGE** the service, mateship, courage and sacrifice of our servicemen and women.

The commencement of this project this year, being the 75th Anniversary of the end of World War 2, is a significant gesture to our veterans before their stories are lost.

Tourism Development

Tourism is a highly significant industry for the Bathurst region with total tourism spend in the region of \$218 million annually (Tourism Research Australia, 2018). The development of new cultural and heritage product such as this museum is supported by recent tourism research including by Destination NSW's whose research shows that cultural and heritage visitors to NSW have increased by 77% over 5 years with the domestic daytrip and overnight traveller accounting for the largest portion. The same trend applies to visitor expenditure over the same period.

The future of tourism revolves around "Experiential Travel". The NSW Statewide Destination Management Plan (2019) supports the development of a modern museum experience exploring local stories and their broader social connections and aligns with Strategic Focus #3 of the NSW State wide DMP.

Visits to museums and art galleries are the second most popular activity of international visitors and *the most popular* for domestic travellers. In addition, an emergent sector of increasing importance to regional tourism is that of 'Ancestry Tourism' whereby visitors (generally of higher socio-economic groups) travel to research family history. The proposed Centre would be an important asset for the region to capture this growth sector.

Senior couples are the largest segment of the domestic, overnight and daytrip cultural and heritage travellers.

Of the NSW regions visited, Central NSW ranks 5th (out of 13). The research also shows that Central NSW travellers are very mobile, as are Sydney travellers. Visitors from both of these areas have easy access to the Bathurst district and the wider Central West region, to which Bathurst is eastern the gateway.

Cultural Heritage is identified as a major strategic theme in the Destination Network Country & Outback DMP (2018, p88-90) with the stated objectives including "encouraging contemporary interpretation to assist in the appeal of heritage tourism to new market segments" and in "identifying signature experiences and opportunities for development".

The Bathurst Region Destination Management Plan (DMP), adopted by Council in December 2019, identifies cultural heritage tourism as one of the key strengths of the region and an important sector that "aligns with the aspirational target market identified in this plan" (section 6.5.4). The DMP notes the importance of the development and promotion of authentic cultural experiences and of 'heritage activation' defined as "bringing heritage to life through stories and the adaptive reuse of heritage buildings and precincts. The Bathurst Regional Centre for Military History aligns precisely with this objective and with <u>Priority Area 2</u> of the DMP to build the overall experience base of the Bathurst region.

Our target markets of schools, Families15-29 years, Seniors 50- 60+ and domestic interstate, are identical with the target markets for the Bathurst district as defined in the Bathurst region DMP (sections 6.1-6.4).

The Bathurst Regional Centre for Military History therefore aligns with the objectives and priorities of Statewide, broad regional and LGA specific Destination Management Plans and would be a significant addition to regional tourist attractions. In addition, the Centre would support the achievement of the objectives of Council's current Heritage Plan through strategic priorities 4.2, 4.3 and 4.5.

COVID-19 Recovery

When we move into the recovery phase of the COVID-19 pandemic our communities will be looking for strong leadership and vision for our future. There will be a lot of sad stories and economic challenges and a good news story will lighten that load. Research conducted over the last three months by Tourism Australia and independent agencies strongly indicates that future travellers will be actively seeking meaningful and enriching experiences rather than passive recreational travel. New high quality and authentic cultural heritage experiences will satisfy this requirement.

The development of the Bathurst Regional Centre for Military History would offer a new and compelling experience. It would also add value to the broader proposition of Bathurst as a regional centre for cultural excellence. The Centre is expected to add value to existing museums, offering real connections to the story of wartime leader Ben Chifley and the social history explored by the new Bathurst Rail Museum for example. Locating the proposed Centre in a high profile site also offers the opportunity to use the visibility of the facility to promote Council's other museums.

Grant

We are confident that the Federal and State Governments will need to provide economic stimulus, particularly to regional areas. Traditionally this funding is provided at short notice. We need to have projects ready to go – "Shovel ready". The completion of this business case will demonstrate the positive contribution this project will have on Bathurst's tourism offerings, one that can be put forward for funding by the Federal and State Governments to share the good news story and our communities to reap the benefits.

FINANCIAL IMPLICATIONS:

The allocation of \$30,000 to complete the business case will bring Bathurst Regional Council's overall budget back to a (\$2,074).

BATHURST COMMUNITY STRATEGIC PLAN - OBJECTIVES AND STRATEGIES:

The approval of this funding proposal is supported by the following strategic objectives of Bathurst Regional Council:

Bathurst 2040 Community Strategic Plan

Objective reference 1.2 and 1.3 Protect, enhance & promote the region's European heritage assets and character. Enhance the cultural vitality of the region.

Bathurst 2040 Objective reference 2.1 & 6.1 Grow the number and engagement of businesses associated with the Visitor Economy. Meets the goal of developing 10 new packages, products or experiences and provides opportunities to positively impact on the Grow Regional Tourism Partnership program.

Bathurst 2040 Objective reference 2.6 Provide visitors and prospective visitors to the area with quality services.

Develop new engaging content for Bathurst Step Beyond App by adding the Bathurst Regional Centre for Military History as a new tour product.

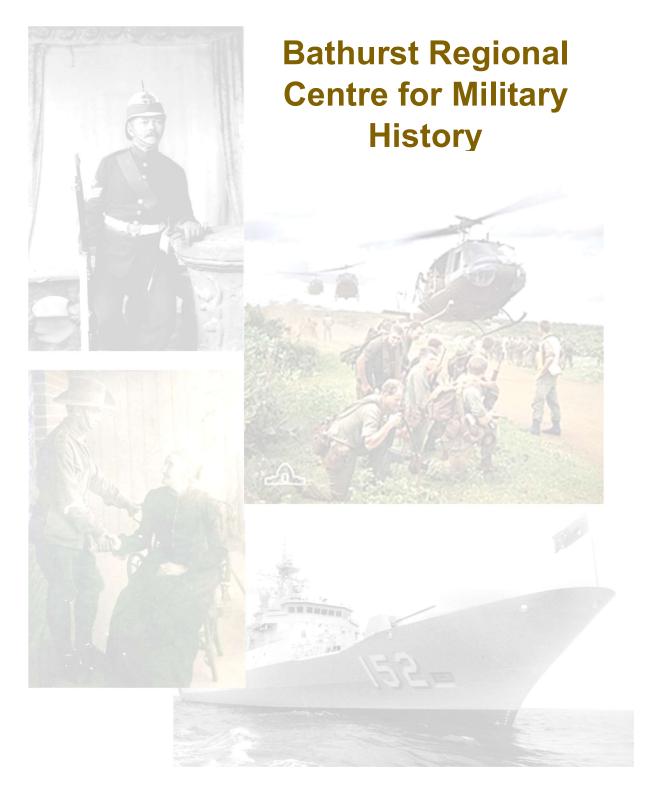
Bathurst 2040 Objective reference 2.6 Effectively promote and market the Bathurst Region as a key destination with a unique Bathurst Regional Centre for Military History, a collection of local stories that to help us *LEARN*, *REMEMBER & ACKNOWLEDGE*.

Bathurst 2040 Objective reference 2.6 Increase total number of visitors and overnight stays in the Bathurst region.

Promote Bathurst region to niche and specialist markets such as museum, military enthusiast and history buffs.

ATTACHMENTS:

Bathurst Regional Centre for Military History – A Proposal



Learn, Remember, Acknowledge

Contents

BATHURST REGIONAL CENTRE FOR MILITARY HISTORY	3
INTRODUCTION	3
TOURISM RESEARCH SUPPORT	3
WHY DOES BATHURST DISTRICT NEED THIS CENTRE?	4
BENEFITS TO OUR COMMUNITIES	5
DESCRIPTION	5
INTERPRETATION FOCUS	6
PRODUCT TYPE	6
TARGET MARKETS	6
CONCLUSION AND NEXT STEPS	7
APPENDIXES	8
APPENDIX 1 PROSPECTIVE STRATEGIC PARTNERS	8
APPENDIX 2 - WHY IS BATHURST A UNIQUE LOCATION?	9
Important Dates and Sites:	9
The birth place of:	g
What Bathurst provides:	
APPENDIX 3 - SAMPLE STORIES	11
Pre European Settlement	11
Sudan War 1885	11
Lt Col Alfred William PAUL VD (1844-1925)	
John William CLINES	12
Boer War 1899-1902	13
James APPS	13
William Henry BARHAM	14
Great War 1914-19	14
Charles Edwin Woodrow BEAN	14
Edgar Gornall	15
The Royal Military College, Duntroon	15
Muriel WAKEFORD	
North Russia Relief Force 1918-1919	
William MAHER (1885	17
WW2 1939-1945	
Clement Edward Lynne	18
Winsome Betty Glasson	
Korea 1950-1953	
Michael Patrick 'Pat' Freeman	
Vietnam 1962-1972	21
Lyle Leonard Orreal	21
Bill Wilcox	
Peace Keepers 1990	
Military aid to the civil power	
Sydney Hilton Hotel 1978	
Sydney Olympics 1999-2000	
Michael KEEP	
Military assistance to civilian populations	
Sarah Patterson	24

Bathurst Regional Centre for Military History

Introduction

Almost every family in the district has some connection with military service, the development of the Bathurst Regional Centre for Military History provides a genuine opportunity to provide positive learnings to our district's communities.

There has been a massive resurgence in the desire to understand and appreciate Australia's military history. The overwhelming success of the centenary of the Great War 1914-1919 is a prime example.

Bathurst District association with military service in Australia is unique because on a National level, it is second only to Sydney. Our association commenced with the military settlement of Bathurst when the 6th Regiment camped on the site of present day Bathurst.

The stories of service, sacrifice, endurance and mateship from this early settlement through to the contemporary stories of the social impact of conflict on regional communities remains largely untold. We have an opportunity to tell this National story, using the Bathurst District as the centre piece.

Tourism Research support

Australia's ever growing interest in our rich military history have been heightened by the centenary of the end of the Great War in 2018, Long Tan, the coming 75th Anniversary of the end of WW2 and has expressed in statements such as;

"... in the 1990s there was a resurgence of interest in Anzac Day, with attendances, particularly by young people, increasing across Australia and with many making the pilgrimage to the Gallipoli Peninsula to attend the Dawn Service. Department of Veterans Affairs.

"The late twentieth century saw a massive increase in the popularity and national significance of Anzac Day. This is still evident and possibly even more significant in twenty-first century Australia." https://makinghistoryatmacquarie.wordpress.com/2011/11/22/trends-of-popularity-of-anzac-day-and-the-anzac-legend-throughout-the-twentieth-century/

"... a recent surge of interest in the ANZAC story, especially on the part of younger people...." Parliamentary Review of ANZAC Day Laws, October 2002

"Not only are students more interested than ever before in what shaped the way Australia is today, school leaders and the RSL believes today's youth are more likely to actively pursue the answers." The Advertiser April 24, 2014

There are opportunities to build on this resurgence of interest by providing educational experiences for all Australians, particularly children, and across all age groups.

In 2016/17, the total tourism and hospitality sales in Bathurst Regional Council area was \$164.5m, the total value added was \$83.1m. National Economics (NIEIR) - Modelled series

The development of a cultural and heritage tourism product is also supported by Destination NSW's research which shows that cultural and heritage visitors to NSW have increased by 77% over 5 years with the domestic daytrip and overnight traveller

accounting for the largest portion. The same trend applies to visitor expenditure over the same period.

Visits to museums and art galleries are the second most popular activity of international visitors and *the most popular* for domestic travellers.

The NSW Statewide Destination Management Plan (2019) lists the number one future industry trend and insight as:

Experiential Travel – more and more travellers will search for authentic, immersive, educational, local experiences

This industry research supports the development of a modern museum experience exploring local stories and their broader social connections and aligns with Strategic Focus #3 of the NSW State wide DMP.

Senior couples are the largest segment of the domestic, overnight and daytrip cultural and heritage travellers.

Of the NSW regions visited, Central NSW ranks 5th (out of 13). The research also shows that Central NSW travellers are very mobile, as are Sydney travellers. Visitors from both of these areas have easy access to the Bathurst district and the wider Central West region, to which Bathurst is eastern the gateway.

Cultural Heritage is identified as a major strategic theme in the Destination Network Country & Outback DMP (2018, p88-90) with the stated objectives including "encouraging contemporary interpretation to assist in the appeal of heritage tourism to new market segments" and in "identifying signature experiences and opportunities for development".

The Bathurst Regional Centre for Military History aligns with the objectives and priorities of this plan and would be a significant addition to regional tourist attractions.

Why does Bathurst District need this Centre?

Bathurst is a well know destination and has a sound reputation in the development of cultural and heritage product, but few opportunities meet so many criteria. Set out below are examples of why Bathurst needs this centre.

- 1. Meet the growing demand of Cultural and Heritage tourism.
- 2. Seize the opportunities provided by the resurgence of interest in military history.
- 3. Tourism research supports the development of new Cultural and Heritage products.
- 4. Tell the unique story of military involvement in our indigenous and European communities.
- 5. Educate our children and ourselves about our community's service and sacrifice in local, and international conflicts.
- 6. Document the social impacts of this service and sacrifice on our communities.
- 7. To focus on the largely untold story of the direct and indirect contributions of the *women* of our communities.
- 8. Build on Bathurst's reputation to deliver new, high quality tourism product and as the premier regional museum hub in NSW.

- Develop a strategic alliance with the AWM that links CEW Bean's legacy, (the Australian War Memorial), with his birth place and bring the AWM stories to regional NSW.
- 10. Linking with the themes of other Bathurst museums, e.g. Australia's first inland settlement created by the military (Bathurst District Historical Society Museum), the interaction of that settlement with the indigenous community and the indigenous men who served (opportunity), the use/role of railways in war and the railway men who served (Railway Museum), the development of motor transport as a result of war research (National Motor Racing Museum), medical services developed in Bathurst, the work of Bean & Long to record Australia's involvement in the two world wars (Australian War Memorial), art displays that encourage reflection on the impact of war on our communities (Bathurst Regional Art Gallery).
- 11. Help to bring our communities together with a common interest and goal.
- 12. Be the first strategic partner of the AWM to create a Regional annex.

Benefits to our communities

Because almost every family in the district has some connection with military service, the development of the centre will have broad community support. Other benefits include:

- 1. Further enhances Bathurst tourism offerings.
- 2. Provides opportunity to increase tourism revenues.
- 3. Raise the awareness of Bathurst.
- 4. Education of our communities' involvement in local and world conflicts.
- 5. Describes the social impact of conflict on our communities.
- 6. Tells our district's story of service, sacrifice and remembrance.
- 7. Tells the story our military history from a single source of truth.
- 8. Provides research facilities to the public and historians.
- 9. Creates a register of service (European & indigenous)
- 10. Enhances available cultural & heritage tourism product and provides a connection between currently disconnected elements including the Carillon tower, an under-interpreted significant heritage icon of Bathurst
- 11. Assists in activating the Bathurst region's villages by exploring the social impact of conflict on rural communities.
- 12. The proposed alliance with the Australian War Memorial will allow those items currently in storage and may otherwise never be seen by the public, to be appreciated by the public.

Description

This proposal includes the establishment of an information centre to house our collection of local stories of the men and women from the Bathurst District who have served and in some cases made the ultimate sacrifice. The concept is to develop these stories from all resources, then source relevant artefacts to help illustrate that story.

Almost every family in the District has been touched by someone's service and sacrifice, so there are thousands of untold stories to tell.

The overarching story is the social impact of conflict on our communities. This includes the impact on those families relying on the income or labour of our servicemen and women to etch out a living from the many small land holdings around the district. The loss of a significant part of the labour force in the Great War had an irreparable impact on the ability of businesses to grow and industry to flourish. This naturally depressed local village economies and in some cases led to the demise of the community.

With the support of the AWM, the centre will interpret our rich military history using multimedia, interactive technology and historical artefacts to connect us with those who served, while paying tribute to those who died or suffered through the narratives of local residents and their descendants.

The centre tells the story of local men & women who contributed to Australia in times of peace and war, names such as CEW Bean, Arthur Wheen, Ian Clunies-Ross, and Maud Kellett, to name a few.

Whilst the preferred location of the Centre is Bathurst, it is intended to focus on the broader region to allow the authentic exploration of the often neglected story of the impact of conflict upon regional communities and how the loss and dislocation of major 20th Century conflicts in particular forever changed the social identity of rural NSW.

Interpretation Focus

Using state of the art interpretation materials, such as digital displays and augmented reality, to tell our stories of three key areas:

- contribution of European & Indigenous communities,
- women who served,
- the social impact of conflict on regional communities

Develop a school education based on HSIE curriculum and using interactive displays and implementing programs such as - adopt a veteran to highlight specific contributions for commemorative purposes.

Product Type

- Heritage / Cultural attraction.
- Complements other sites, museums and attractions and encourages visitors to further their stay.

Target Markets

As already identified in tourism research, our target markets include;

- Schools based on NSW HSIE curriculum
- Families young 15-29 years
- Seniors 50- 60+
- Domestic Local residents
- interstate visitors and
- international visitors

Conclusion and Next Steps

This paper briefly describes the concept of setting up a place of learning, to tell the stories of our Districts rich military history.

Our communities are unaware of these stories and therefore there is more than enough material to rotate the contents of the Military History Centre for decades to come.

Because almost every family in the district has some association with military service, the development of this centre will have broad community support.

The following annexures address the questions previously raised in the course of our discussions so far, the appendix which include the:

Appendix 1 - Prospective Strategic Partners

Appendix 2 - Why is Bathurst a unique location?

Appendix 3 - Sample Stories

Our discussions with the Director of Cultural and Community Services lead us to agree the next step is the development of a business case to assess the viability of this project. BRC estimate this will cost approximately \$30,000.

Should Council agree, we recommend our next step is to fund the development of a business case.

1. Provide funding to prepare a business case for the Bathurst Regional Centre for Military History.

Appendixes Appendix 1 Prospective Strategic Partners





Royal Australian Army Chaplains Department Royal Australian Corps of Transport Royal Australian Army Medical Corps Royal Australian Army Dental Corps Royal Australian Army Ordnance Corps Royal Australian Electrical & Mechanical Engineers Australian Army Catering Corps Australian Army Psychology Corps Royal Australian Army Nursing Corps 2/23rd Australian Infantry Battalion Australian Women's Army Service Australian Service Nurses **Army Apprentices** United Nations, and The John Laffin Collection Australian Army Artillery Museum Australian Army Tank Museum. Australian Army Military Police Museum Australian Army Museum of Military Engineering Museum of Australian Military Intelligence Australian Army Tank Museum Australian Army Signals Museum Australian Army Infantry Museum Royal Australian Army Pay Corps Museum



The Royal Australian Air Force Museum



The Royal Australian Navy Heritage Centre
Fleet Air Arm Museum
The Museum of HMAS Cerberus
HMAS Creswell Museum

Appendix 2 - Why is Bathurst a unique location?

Bathurst history in intermingled with the military and is the birthplace of many who have made contributions to military activities, the recording of our history and the development of the Nation. The following is a summary of key events and local servicemen and women and what Bathurst community and infrastructure offers.

Important Dates and Sites:

- 1. 1815 First military camp outside Sydney.
- 2. 1815 Australia's oldest inland settlement.
- 3. 1824 Martial law declared.
- 4. 1826 Veterans Company of retired soldiers formed at White Rock.
- 5. Wiradjuri largest tribal area in NSW, have their own military history.
- 6. Wiradjuri law & conflict before European settlement.
- 7. 1826 High quality education (school at Kelso).
- 8. 1885 Provided volunteers and leadership to the Sudan contingent.
- 9. 1868 Company of Volunteer soldiers established.
- 10.1871 Cadet Corps formed.
- 11.1896 First use of X-Ray for surgery (bullet wounds) at St Stanislaus.
- 12.1904 First overland mobile radio transmission in Australia at St Stanislaus.
- 13. 1916 The hub for WW1 recruiting marches.
- 14. 1918 Hathrop Convalescent Hospital for WW1 wounded.
- 15. 1922 54th Battalion Colours laid up in the Warrior's Chapel of the Bathurst Anglican Cathedral.
- 16. 1933 Bathurst War Memorial Carillon (2nd oldest in Australia)
- 17. 1940 Training ground of 8th Division before its capture in Singapore.
- 18. Ammunition manufacturing / storage.

The birth place of:

- 1. **Peter Hancock** the last Australian soldiers to be executed by the British, which saved many Australian soldiers' lives in WW1.
- 2. **CEW Bean** founder of AWM & Australia's Official War correspondent and editor of the Official History of Australia in the War of 1914–1918.
- 3. **Gavin Long** general editor of the Australia in the War of 1939–1945.
- 4. **Brigadier George Long** 1st AIF's Director Education developed and implemented the education scheme for professional, general and technical training. Bishop of Bathurst, Brigadier George Long was assisted by fellow Bathurstian, Captain **Norman MEARNS** as Assistant Director Education, & Lt **Allan CLUNIES-ROSS**.
- 5. **Edgar GORNALL** who advised the Prime Minister's Department on proposed flight from Australia to Japan in 1929/30 rose to become one of only 6 pilots from the District.
- 6. **Arthur WHEEN** translated number of classic works including "All Quiet on the Western Front" into English.
- 7. **George MURPHY** teacher Bathurst Public, decorated in WW1 CMG, DSO & Bar, 3xMID WW2 Director MPs & Military Prisons post war became the Comptroller of NSW Prisons.
- 8. **Major General Lesley BEAVIS** one of first graduates of Duntroon continued to serve after WW1 & became the Master-general of ordnance in WW2 responsible for the co-ordination of private and government manufacturers and producers to provide logistical support for Australia's soldiers in WW2. Honorary Colonel of the Royal Australian Army Ordnance Corps. Lesley was later appointed the Australian High Commissioner to Pakistan.
- 9. Blair Anderson WARK VC
- 10. **Maud KELLETT** one of Australia's most highly decorated WW1 nurses, responsible for the return to Australia of medical records to ensure continued

medical treatment. The first nurse to be elected president Australasian Trained Nurses' Association.



- 11. *Ian Clunies ROSS*, who's mother refused to allow him to enlisted after his brother was killed on the Western Front. He went on to become Chief Executive Officer of the CSIRO and was depicted on the first Australian \$50 note in 1973.
- 12. **Lt Col Alfred Paul** Commanding Officer of the Bathurst Volunteer Rifles and served as second in command of the NSW Contingent to Sudan in 1885. He was later the Officer Commanding Colony's Cadet Corps.

What Bathurst offers:

- 1. Unrestricted access to the centre by the public.
- 2. Bathurst Regional Council's expertise in collections / museums planning, development and operational management.
- 3. Support other Bathurst museums by linking their themes, e.g. Australia's first inland European settlement created by the military, the interaction of that settlement with the indigenous community, the use/role of railways in war, the railway men who served, indigenous men who served, the development of motor transport as a result of war research, medical development in Bathurst, the work of Bean & Long to record Australia's involvement in the two world wars, and art displays that encourage reflection on the impact of war on our communities.
- 4. Easy access to Bathurst by domestic, national and international visitors.
- 5. Variety of public transport links.
- 6. Exceptional tourism and visitor infrastructure.
- 7. 1/19th Battalion & HMAS Bathurst have the Freedom of Entry to Bathurst City.

Appendix 3 - Sample Stories

The following pages example some of the stories of servicemen and women over Bathurst Districts long military history commencing with pre European settlement and touching on each conflict, war, engagement or peacekeeping operation since.

Pre European Settlement

Prior to 1788 Aboriginal people had a system of tribal laws, tribal land, language and customs which distinguished them from each other. In Western NSW the *Wiradjuri* occupied one of the largest areas in NSW and were united by a common language, strong family ties - similar to the clan system in Scotland, and Wiradjuri laws. The Wiradjuri were skilled hunters, fishers and gatherers, usually travelling in family groups across Wiradjuri lands in the central of New South Wales.

To ensure they could travel safely across these lands, they needed to protect Wiradjuri land and their people from outsiders who threatened the existence of their language, members or laws. To do this they exercised their power over neighbouring tribes. This, in part would have been achieved through *military* action. Because there was no mechanism to mobilise the entire Wiradjuri people usually only family or groups were involved at any one time.

European settlement bought the inevitable conflict of cultures and arguments of ownership as the Wiradjuri land was converted to pastoral pursuits of the European settlers. The military conflict that followed was only ever Wiradjuri family or groups, with limited tactics based on pre-existing hunting and fighting practices, using spears, clubs and other simple weapons, against a superior military power with well-practiced tactics. The British had experienced and dealt with resistance across the world over long period of time including the Maori wars in New Zealand from 1845 to 1872, conflict with first nations of North America, and Anglo-Zulu War in 1879.

One prominent Wiradjuri leaders who resisted the changes the settlers bought was Windradyne, also known to the settlers as "Saturday". Windradyne carried out raids

against settlers which continued to increase as the number of settlers increased, and culminated in the declaration of Martial Law in 1824 and became known as the *Bathurst Wars*.

Agreement on Windradyne's death and burial in 1829 is a little confused but it is generally accepted that he was injured in a tribal fight near the Macquarie River and was taken to Bathurst Hospital. There is no clear evidence of whether he died in hospital or returned to Suttors property. One version is that he died in Bathurst hospital, and was wrapped in his cloak and buried nearby with his weapons.



Windradyne known as Saturday

Sudan War 1885

Bathurst's connection to the famous British Army General – Gordon of Khartoum? *Lt Col Alfred William PAUL VD* (1844-1925)

Born in 1844 and an active officer in the volunteer force (Army Reserve) for many years.

In 1885 he was the Officer Commanding the 3rd Regiment Bathurst Volunteer Corps. Bathurst watched with interest the events unfolding on the other side of the world which

led to the British-backed Egyptian regime in the Sudan being threatened by a native rebellion lead by Muhammed Ahmed, known to his followers as the Mahdi. In 1883 the Egyptian government was fed up with the continuous rebellious activities of the Mahdi's and sent an army south to crush the revolt. However, they were defeated. The Egyptian Government then sought help from the British who sent, Major General Gordon CB, also known as Chinese Gordon, Gordon Pasha, who later became known as Gordon of Khartoum because of his efforts to defeat the Mahdi. Gordon failed and found himself besieged in Khartoum from 13th March 1884. A relief force was sent from Cairo in September 1884, but it was still fighting its way up the Nile when Gordon along with his entire force were killed when Khartoum fell on 26th January 1885.

Gordons death incited a public backlash across the entire Commonwealth and when the sad news reached New South Wales in February 1885 it was met with accusations of the slowness of the British reaction. Both NSW and Canada offered troops for the Sudan. London accepted but stipulated that the contingent would be under British command.

Major General John Richardson (1836-1896) was appointed Commanding Officer of the NSW Contingent. He was a British Army officer and Commander of the Forces in colonial New South Wales. He had joined the British Army in 1854 and served in the Crimean War (1853-1856) and the New Zealand Wars (1861-1863) and was appointed to the command of the military forces of New South Wales in 1865.

The British government's acceptance of the contingent was received with enthusiasm by the NSW government and members of the armed forces. That enthusiasm had spread as far as Bathurst when on Monday 16th February 1885 Major Alfred William PAUL called a parade of the Bathurst Volunteer Corps 3rd Regiment that evening to take volunteers to join the proposed NSW Contingent to the Sudan.

The NSW contingent of one infantry battalion of 522 men and 24 officers, supported by an artillery battery of 212 men and a field ambulance detachment was ready to sail just a couple of weeks later on 3rd March 1885. The New South Wales Contingent was the first Australian military contingent to deployed overseas.

Bathurst provided 18 infantry and 4 artillery men. Major Paul was promoted to Lt Colonel and appointed the Second-in-Command of the NSW Contingent

The NSW contingent sailed for home on 17th May 1885 on board the SS Arab, arriving in Sydney on 23rd June 1885

Lt Col Paul was appointed Officer Commanding Colony's Cadet Corps in 1889.

They say you can't keep an old soldier down....

John William CLINES (1859-1915) as an active member of the NSW Artillery he volunteered to serve with the NSW Contingent to Sudan. John embarked for Sudan on the 3rd March 1885 and returned to Sydney on 23rd June 1885.

John continued his military service with the volunteer forces and when the Boer War commenced he volunteered again with 5th South Australian Imperial Bushmen in South Africa. He again returned to Australia.

When the Great War broke out he volunteered for a third time on in December, 1914 with the 2nd Tropical Force, which was part of the Australian Naval & Military Expeditionary

Force (AN&MEF) serving in Rabaul. The AN&MEF were the first Australians to see active service in the Great War. Unfortunately, John contracted pneumonia and died in Sydney on 31st January 1915 and is buried in Rookwood Cemetery.

Boer War 1899-1902

The Australian soldier was and still is regarded as one of the best trained in the world. This training is effective because of those behind the scenes who equip soldiers with the skills and endurance to perform above average. Bathurst has provided many regular Army instructors.



Australian Jubilee Contingent 1897

James APPS (1876-1936) Regimental No. 83 enlisted in 1895 and was selected to Australia as a member of the Jubilee Contingent from the New South Wales Mounted Rifles who participated in Queen Victoria's record reign celebrations in London in 1897. For which he was awarded the Queens Jubilee Medal 1897.

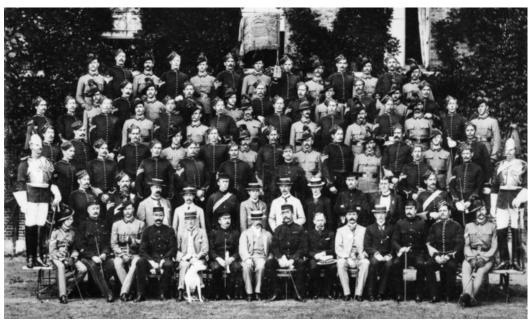
James served in South Africa with the NSW Mounted Rifles, and was awarded the South African Medal, Queens South African Medal with 7 Bars (each bar representing an action he took part in).

After completing his service in South Africa James continued as a Permanent Staff Instructor in the Army.

His experience from the Boer War allowed him to give practical training to the young soldier, especially those who volunteered for the Great War. This training certainly contributed to the reputation the Australian soldier earned in the war and may well have saved many lives.

James served with 6 Australian Light Horse Regiment (ALHR) in Orange from 1927 to 1930 before receiving the Kings commission and retiring with the rank of Honorary Captain in 1936 with almost 41 years' service. Whilst he was on his final leave before being discharged he stepped from a tram at the corner of Addison Road and East Street in Marrickville when he was struck by a taxi. His was seriously injured and latter died.

The photo below is a group portrait of other ranks of the Jubilee Contingent of the New South Wales mounted rifles, in England to participate in the celebration of Queen Victoria's Diamond Jubilee, depicted with members of a British army cavalry regiment, probably the Royal Horse Guards.



The Jubilee Contingent of the New South Wales mounted rifles (AWM P01078.004)

William Henry BARHAM (1871-1932)

Regimental No 53 was a butcher in his father's shop in Bathurst before he enlisted in 1895, the same time as James APPS. They were both selected to participate in the served together in the Jubilee Contingent from the New South Wales Mounted Rifles who participated in Queen Victoria's record reign celebrations in England in 1897. For this he was also awarded the Queens Jubilee Medal.

He served with A Squadron, New South Wales Mounted Infantry in South Africa and Received the South Africa War Medal & 6 Bars.

When the war broke out William was a Regimental Sergeant Major (Warrant Officer) and a regular Army instructor with the Light Horse at Liverpool. He was offered a commission and a transfer to the Western Front in 1916, but by this time he was 45-year-old and he declined the offer. His son Maurice also served as an artillery man.

His career in the Army spanned 34 years, he eventually accepted a commission as Lieutenant in 1927 before he retired in 1929. During his service, he also received the Long Service & Good Conduct Medal (LS&GC) in 1919 and the Meritorious Service Medal (MSM) in 1926.

The Masonic Lodge Barham No 561 in Bathurst is named after William's father Henry.

Great War 1914-19

Charles Edwin Woodrow BEAN (1879–1968)

Yes, that right Mr Bean was in the Great War too. This Mr Bean was born in Bathurst and educated at All Saints Bathurst where his father was the Head Teacher. Charles did not enlist to fight but used his talents to record Australia's involvement in the war as Australia's Official War Correspondent. He followed the men everywhere, he experienced what they were going through which made his next job of writing the Official History of Australia in the War 1914-18 that much more realistic.

Charles was the only correspondent allowed on Gallipoli and when he was wounded he did not report it for fear of being sent away. Instead he sought treatment from his brother, John who was a doctor at a Casualty Clearing station near the front line.

Charles and his staff spent the next 23 years researching, preparing and writing the Official History of Australia in the War 1914-18 with the last volume being completed in 1942. Charles also produced a single-volume history of the war, titled ANZAC to Amiens in 1946.

Charles also saw the importance of museums as a place of understanding and learning and had suggested the creation of a Nation Museum as early as 1916. It was not until 11th November 1941 that the Australian War Memorial opened.



Edgar GORNALL

Edgar Gornall (1896- 1962), a mechanic from Bathurst joined the Australian Light Horse as a signaller. He served on Gallipoli and was one of the last to leave because he was rolling up the phone lines from the front lines and they forgot he was there and started sealing off the trenches. To get to the beach he had to climb out of the trench, crawl along the open ground then back into the trench without being seen or heard. He was awarded the Serbian Silver medal, which is on a dark red ribbon. When asked what he did to get the medal he said "I ran for my bloody life".

Some months later a British pilot mistook him for a VC winner (Crimson ribbon) and offered him a joy flight in his aeroplane. From that moment Edgar was smitten with

flying and immediately applied for a transfer to the Australian Flying Corps (AFC) as a driver. He pestered his superior enough that he went on to become a pilot. While awaiting return to Australia he worked as an adviser to aeroplane designers in England on how to make their planes better.

The Royal Military College, Duntroon, has been the premier training establishment for Australian Army officers since it opened on 27th June 1911.

Major General Sir William Throsby Bridges was appointed the first commandant of Duntroon. When Australia was mobilised in 1914, General Bridges was selected to raise and command an Australian force for overseas service, which he named the Australian Imperial Force (AIF). He landed at Gallipoli on 25th April 1915 with the 1st Australian Division but was mortally wounded by a Turkish sniper on 15th May 1915 while inspecting positions in Monash Valley, Gallipoli. It is believed that he received initial medical treatment from Bathurst born *Dr Clive Thompson* before he was evacuated to the Hospital ship HMT *Gascon*. On board the *Gascon* was Bathurst born nurse Sister **Muriel Wakeford** (1887-1965), so it is entirely possible that he was treated by two people from Bathurst before he died from his wounds.

General Bridges was initially buried at the Chatby Cemetery in Cairo, but was later returned to Australia and interred on Mount Pleasant, overlooking Duntroon. He was the only deceased Australian soldier of the Great War 1914-18 to be returned to Australia.



Laclay REAVIG

One of the first cadets to enter Duntroon was a young Bathurst lad named *Lesley BEAVIS* (1895-1975), the son of the Mayor of Bathurst in 1914. Lesley had been involved with the Bathurst Cadets for some years and was selected to represent the Australian Cadets at the Coronation of King George V in 1911.

Lesley and his two brothers Eddie and Horace served in the Great War. Eddie was killed at Gallipoli but Horace and Lesley survived the war. After the war Lesley continued on as a career soldier and who become Bathurst highest ranking Army Officer, retiring with the rank of Major General in 1956. He was then appointed the Australian High Commissioner to Pakistan.

Muriel WAKEFORD was one was one of only 7 women (including two Australian nurses) to be at ANZAC Cove on 25th April 1915. She was posted to the HMT Gascon at the last minute and when she arrived the British Army Matron greeted her with strict instructions that the Captain did not want his officers to fraternise with colonial nurses. The HMT Gascon was the only hospital ship provided by the British and was totally inadequate.

Muriel's diary entry for the 25th April tells us how she watched the landing:

"We arrived at Gaba Tepe on 25th April, two hours before dawn with the Gascon stationed a few hundred yards from the beach. No anchors were



Muriel & Raymond

dropped. All lights were out and sound kept to an absolute minimum. There were no signs that the Turks had any warning of our presence. In silence the troops transferred to lifeboats and small craft which were towed or rowed towards the narrow beach off Gaba Tepe as rapidly as possible. As dawn broke, through field glasses I watched our troops arrive at the narrow sandy beach surrounded by fearsome high cliffs where they had to land."

The routine soon became a monotony of long hours collecting the wounded at Gallipoli, nursing them back to Alexandria, then do it all over again. But despite this and Matrons warm welcome and the Captains imposed segregation, Muriel met Lieutenant Raymond Gustave Sergeant RN and they became a secret couple.

They married on 28th June 1916 and in accordance with military regulation Muriel had to resign from the AANS.

North Russia Relief Force 1918-1919

William MAHER (1885-



The Australian Section of the 201st Battalion, Machine Gun Corps, British North Russian Relief

Whilst working as a cook in Brisbane William enlisted in November 1915 and was eventually allocated to the 41st Battalion of the 1st AIF. After several months training they boarded the HT Demosthenes and left Australia on 18th May 1916. William served throughout the war and like many thousands of Australian soldiers found himself stranded in England after the war waiting for shipping transport to take him back to Australia.

After all the years of constant activity this waiting did not go well for William. About the same time the British Army called for volunteers to join the North Russia Relief Force to extract the remnants of a force, including Australian volunteers, that had landed in Russia in 1918 to assist the "White Russians" in their struggle against the Bolsheviks. The North Russia Relief Force was formed in 1919 had to complete the relief before the Russian winter of 1919. William jumped at the chance to do something more exciting and requested his discharge from the AIF and volunteered for the North Russia Relief Force. He joined the 101st Machine Gun company and they arrived in North Russia in June 1919 and all British forces were evacuated by September 1919.

Although the North Russia Relief Force is not widely known or recognised there were 5 Victoria Crosses (VC) awarded, 2 to Australians.

WW2 1939-1945

The Geneva Convention sets out the rules of war, particularly around the treatment of prisoners and wounded. It requires mobile medical formations, and fixed medical establishments and the personnel engaged exclusively in the collection, transport and treatment of the wounded and sick, and in the administration of medical formations and establishments, and chaplains, be respected and protected under all circumstances and shall not be treated as prisoners of war. They are required to display a Red Cross on

white background. Japan was a signatory to the Geneva Convention but, like the USSR, failed to ratify it, so was not bound by the laws. However, in 1942 Japan promised to abide by its terms and would observe The Hague Convention of 1907.

The 2/3 Australian Hospital Ship (AHS) *Centaur* was just 2 days into her second trip to New Guinea to retrieve injured service personnel, she was well marked and fully lit, when at 4.10am on 14th May 1943, just east of Cape Moreton in Queensland she was struck by a torpedo fired from a Japanese submarine.

The *Centaur* sank rapidly and 268 of the 332 persons on board perished. Among them were 18 doctors and 11 Australian Army Nursing Services (AANS) nurses, six of the



2/3 Australian Hospital Ship (AHS) Centaur

nurses had previously served on the AHS Oranje with Betty Glasson from Bathurst.



Clement Edward Lynne (1903-1943)
Clement was in Bathurst, and worked as a hairdresser in Howick Street, and later set up his own business.

By 1930 he was living in Randwick, Sydney where he married Hazel Marie Geddes, of Coogee, who sadly died suddenly from a severe asthma attack on 29 April 1936.

He was still working as a hairdresser when he decided to enlist in 1940. He transferred to a few units before attending the Eastern Command Medical Corps Training Depot at Sydney Showground in October 1940. After completing his training, he joined the 2/12th Field Ambulance. They spent

some time in Cowra then moved to the Northern Territory for tropical warfare training. They remained in the north of Australia, until February 1943 when they returned to Cowra.

Clement and 199 other members of the 2/12 Australian Field Ambulance embarked on the Australian Hospital Ship *Centaur* in Sydney for its second voyage to Port Moresby in New Guinea in May 1943.

We know the *Centaur* was torpedoed by a Japanese submarine at 4:10 am on 14 May 1943 and sank within three minutes. Only 64 survived the sinking including one nurse (Sister Eleanor Savage) and 14 members of the 2/12th Field Ambulance.

Sadly, Clement was reported as 'Missing, believed drowned at sea' and later as 'Missing, believed drowned by enemy action at sea'.



Winsome Betty Glasson

Winsome Betty Glasson (1916-1993) a Bathurst girl and graduate of Bathurst High School.

Betty was inspired to train as a nurse by fellow Bathurst nurse from WW1, Sister 'Kitty' McSpedden of the Lagoon. She did her nurse training at Orange District Hospital and continued there as a nurse until December 1941.

Betty enlisted in the Australian Military Forces in June 1941 as a Staff Nurse, Australian Army Nursing Service then transferred to Australian Imperial Force (AIF) for overseas service in January 1942.

She served on the 1st Netherlands Military Hospital Ship *Oranje* and left Sydney on 27th January to retrieve troops from the Middle East. On her return, in March 1943 Betty was one of 12 nurses posted

to the 2/3 Australian Hospital Ship (AHS) *Centaur*, but luckily this posting was changed to the 113th Australian General (Concord) Military Hospital. She remained her until April 1945, when she was posted to Aitape, New Guinea then New Britain then to 104th Australian Casualty Clearing Station (CCS) AIF at Wewak Point, New Guinea. She was evacuated sick, from Lae by aircraft to Sydney.

She was discharged from the AIF, medically unfit, on 7 June 1946. After returning to Bathurst she married Colin Jeffrey Tucker in April 1947. Betty returned to nursing, initially at Parkes District Hospital then Bathurst District Hospital where she was Sister-in-Charge of the operating theatre until she resigned in April 1970, due to ill health aged 54 years. In 1989, at age 73 years, Betty left Bathurst and moved to the RSL Veterans' Retirement Village at Narrabeen where she died on 28 November 1993 aged 77 years.

Korea 1950-1953



Michael Patrick 'Pat' Freeman (1913-1998)

Michael Patrick Freeman was born at Eglinton, and in the 1930s was a farmer at 'Welwyn', Eglinton which kept him fit for his weekend games of Rugby League for Charlestons Rugby League Club with his brother Maurice.

On 26 August 1939 he married Ulah Alys Peacock in Bathurst and enlisted in the RAAF in Sydney on 17th September 1940. He served as a Fitter with 38 Squadron from 1943 until the end of the war in the Pacific theatre.

Following the war, he continued his military career with 38 Squadron supporting the Australian elements of the British Commonwealth Occupation Force in Kure, Japan.

By 1950 Pat was a Flight Sergeant with No. 77 (Fighter) Squadron in Japan.

He was awarded the British Empire Medal (Military) in 1951 for his service in Korea when he volunteered to change an engine on a disabled P-51 Mustang located behind enemy lines so that it could be flown out.

Pat also served in Malta, France, and Malaya, altogether serving 28 years in the RAAF. He was a Warrant Officer at Headquarters Support Command in Melbourne when he took his discharged in 1968.

Pat's RAAF career gave him the opportunity to contribute to Australia's civil aviation industry, first with Ansett Airlines and then Qantas as a Quality Control Officer at Dubbo, and later in Sydney.

Vietnam 1962-1972

The term "winning hearts and minds" is a concept in which one side seeks to prevail not by the use of force, but by making emotional or intellectual appeals to sway supporters of the other side. This concept has been used by the Australians for most of the 20th century, in the Malayan Emergency, Vietnam, Iraq and Afghanistan.

In Vietnam 17 Construction Squadron - Royal Australian Engineers wore a circular badge which featured the head of a bear woven in white cotton against a blue background with a white border. The badge design is based on the 1960s "Bear" brand adhesive tape advertising slogan 'A Little Bear will fix it'. This emblem was used on their vehicles which identified them as engineers.

The little blue bear became synonymous with good public relations (or winning the hearts and minds of Vietnamese communities) because of the work they did constructing new infrastructure including bridges, roads and schools for these local

communities.



An often-told story within 17 Construction Squadron is that in 1972 The Squadron was moving along Route 23 within Xuyên Mộc District, and were attached to a US convoy. They had not gone far when an ox cart got between the American and the Australian vehicles (the little blue bears), and lost a wheel, which held up the Australians. The American convoy was ambushed a short time later leaving the delayed Australians unharmed. Members of 17 Construction believe they were protected because of the construction and repair work they did for

these communities.

Lyle Leonard Orreal

Lyle had his heart set on obtaining a trade with Royal Australian Electrical Mechanical Engineers (RAEME) and had 2 brothers already serving, so for Lyle to choice was obvious – he enlisted in August 1967. Although he made his preference known that he wanted to join RAEME, the Army has a mind of its own and in his own words "...because I excelled at recruit training, the army did not want to waste a man of my fitness and I was assigned to the infantry."

After the usual Corps training Lyle was allocated to 9 Battalion of the Royal Australian Regiment (RAR) and was posted to 5 Platoon, B Company as a medic. It was here he earned the nickname "Phantom" because he was hard to track down. By the end of 1968 9 RAR were completing jungle training at the Jungle Warfare Centre at Canungra in Queensland.



Lyle in Vietnam

In February 1969 Lyle and B Company were around the provincial capital, Ba Ria when the Viet Cong (VC) attacked and captured the town before dawn. B Company were tasked with clearing the town of VC, which involved street fighting and house to house skirmishes. On one occasion Lyle looked through a window and saw an armed soldier looking at him. He ducked down and gave the "thumbs down" signal (enemy) and called out in his best Vietnamese "li dai dee" (come here now) – nothing happened. One of the other members of the Platoon threw a smoke canister through the window and again ordered "li dai dee" – still nothing happened. Lyle stood and fired a complete magazine from his M16 on full auto through the window then broke the door down and entered the room. Lyle found a broken mirror with glass everywhere and holes in the walls. It was then he realised he had seen himself in a full length mirror.

Lyle survived this encounter with himself, returned home to his family and a long career with NSW Railways and went on to serve as a Councillor of Bathurst City Council for 16 years.

On the 21st July 1969 we heard Neil Armstrong say "One small step for a man, one giant leap for mankind." As he took man's first steps on the moon. But it was not a great day for 3 platoon, 6RAR because at about 0940 a mine was accidentally detonated by Lt Peter HINES. Peter was killed and 17 other members of 3 Platoon were wounded, including 2 engineers from 1 Troop, 1 Field Squadron.

The engineers were replaced by a Combat Engineer team which included Bill WILCOX from Oberon. At about 1430hrs the Regimental Medical Officer (RMO) who had been bought in with the Combat Engineer Team to help with the wounded, stepped outside the designated safe area and detonated another mine. This time another 5 members of 3 Platoon were wounded including Bill and another member of the Combat Engineer Team.

The song **I was only 19** by John Schumann was based on these events, one of the lyric of the now famous song says:

And then someone yelled out contact, and the bloke behind me swore
We hooked in there for hours, then a God almighty roar
And Frankie kicked a mine the day that mankind kicked the moon
God help me

He was goin' home in June





Frank Hunt was a member of 3 Platoon and was there and was wounded but it wasn't Frankie who stepped on the mine, it was Lt Peter Hines.

Bill Wilcox survived and returned to Australia. Bill recently returned to Vietnam and the exact spot where the mine exploded 50 years ago for the 50th anniversary held on the 21st July 2019. The picture above shows Bill at recruit

training and his watch that stopped at 1420hrs when the mine that injured him exploded.

Despite getting a bit of bark knocked off Bill survived and returned to Oberon, but could not continue his promising rugby league career.

Peace Keepers 1990-

The role of the military has changed significantly and todays forces focus on winning the "hearts and minds" of the population in which they work.

Military aid to the civil power

A Tactical Assault Group (TAG) is an Australian Defence Force special forces it tasked with responding to counter-terrorism incidents in Australia on land and maritime environments and also with conducting overseas special recovery operations.

At present there are two tactical assault groups based on opposite sides of the country, TAG East, based in Sydney draws its members from the 2nd Commando Regiment, supplemented with personnel from the Royal Australian Navy's Clearance Diving Branch and TAG West, based in Perth draws its members from the Special Air Service Regiment. Both groups are structured to conduct offensive domestic counter-terrorist operations focusing on direct action and hostage recovery.

Sydney Hilton Hotel 1978

The 1978 bombing of the Sydney Hilton Hotel was the first use of Australian troops this century against civilians on domestic soil. 'Terrorism' has been invoked once before as the basis for military involvement. In 1978 nearly 2,000 soldiers were called out in Sydney and the NSW Southern Highlands town of Bowral after a bomb exploded outside a Commonwealth Heads of Government Meeting at the Sydney Hilton.

Sydney Olympics 1999-2000

This operation, codenamed *Operation Gold*, under the command of Brigadier Philip McNamara, the commander of military Special Forces reported to the newly-appointed head of land command, Major-General Peter Cosgrove, who recently led the Interfet occupation of East Timor.

Michael KEEP had an interest in the military long before he enlisted. While a student at Kelso High School he was an active member of 28 Flight Air Training Corps at Bathurst where he helped younger members with their training and went on to achieve the rank of Cadet Under Officer.

He was serving with 2 Commando Company in Sydney when he became part of the 4,000 strong military personnel deployed for, *Operation Gold*, the security of the Sydney 2000 Olympic Games. This force included all of Australia's Special Forces and was about the same size as the initial Interfet contingent sent to East Timor.

For over 18 months prior to the Olympics the force rehearsed day-time and night-time helicopter missions in the city and throughout the main Homebush Bay site, combined police and military searches of motor vehicles, the mock storming of jumbo jets, and the boarding of ships in Sydney Harbour.

Operation Gold had two main areas of military objectives: 'security' and 'support' to the NSW police. They assisted the NSW Police with



Michael KEEP

searching venues and vehicles, bomb searches and disposal, naval explosives clearance, ceremonial activities and 'managing venues in the areas of logistics, communications and transport. Brigadier Philip McNamara, the commander of military Special Forces

In addition to Operation Gold Michael's 15 year career saw him participate in

Operation Tanager: East Timor in 2001

Operation Resolute: Northern Border Protection 2006

Operation Astute: Timor Leste 2007

Operation Slipper: Afghanistan 2009 & 2011

After returning to Australia for the last time Michael used his considerable experience to train young soldiers for what lay ahead. He has since left the military but is still using his skills, experience and expertise within the defence industry.

Military assistance to civilian populations Sarah Patterson



Sarah was born in Bathurst and, with the exception of a couple of years, spent her childhood here. She attended The Assumption School and MacKillop College, graduating in 2003 and eventually moved to Wagga Wagga to study Radiography at Charles Sturt University.

Sarah enlisted in the Australian Regular Army as a Radiographer Officer in 2011 and since then has been posted to the 2nd Health Support Battalion, the 2nd General Health Battalion and Headquarters Joint Operations Command.

Sarah's continually trains to maintain readiness and spends many months deployed on exercises and operations each year. "My career highlights include being deployed to Iraq as a radiographer to provide specialist care to Australian and New Zealand soldiers training Iraqi Security Forces as part of the Building Partner Capacity mission, Operation OKRA

in 2015, where I also conducted first aid and care of the battle casualty training with Iraqi Armed Forces soldiers."

Sarah has also provided support and assistance to Australian communities, and describes her involvement on Army Aboriginal Community Assistance Program in 2017 where they worked to improve the living conditions of the indigenous community in Toomelah, NSW as most rewarding.

Sarah proudly wears the Australian Operational Service Medal, the Australian Defence Medal and the Operational Service Badge.

Sarah's story has not ended yet as she is still serving.

Ms Deanne McAlister
5 Todd Street
Eglinton NSW 2795
24 May 2020
Dear Councillors
I am writing to bring to your attention the need to install toilet facilities at one of our popular recreational facilities.
I am an Eglinton resident and frequently use the Kath Knowles walk to Ophir Road and the path behind Abercrombie towards Scots All Saints College.
Since before the Covid 19 Pandemic, hundreds of people use this path for recreational activities and many, many children use the small playground. No matter what time of the day (especially weekends and school holidays), it is always a very popular play area and walking area. More recently I have seen parents of small children taking their child under the bridge to go to the toilet.
This walkway is very popular for all ages of people, and in the interest of public health, I would like to recommend that the council install a simple toilet facility near the bridge (or somewhere in this vicinity). If the facilities were built in an open area near lighting or the playground, there is enough passing traffic which may deter vandalism. (The nearest toilet facilities are at Cubis Park – if they are indeed open).
I would like council to seriously consider my request for this community facility.
Thanks
Deanne McAlister



Respondent No: 1
Login: Anonymous

Email: n/a

Responded At: May 09, 2020 19:45:26 pm

Last Seen: May 09, 2020 19:45:26 pm

IP Address: n/a

Q1. Name Tracy Sorensen

Q2. Postal Address 17 Torch Street, Bathurst 2795

Q3. Your email address tsoren@tpg.com.au

Q4. Do you have any comments in regards to the draft Delivery Program & Operational Plan and the strategies and financial resources allocated to deliver facilities and services?

Initiatives such as more support for electric cars and ongoing support for the arts are to be applauded. However I oppose the resolution to include the construction of a Go-Kart track on Mount Panorama at an estimate of \$4.5 million. The current proposed location is controversial, divisive and will have a negative impact on passive public amenity at the top of our local landmark. Please keep McPhillamy Park open to a variety of uses and co-locate the Go-Kart track with the new second race track.

Q5. Do you have any other comments in relation to the draft Delivery Program 2020-2024 Operational Plan 2020-2021?

not answered

Q6. Do you have any comments in regard to the Statement of Revenue Policy for 2020-2021?

not answered

Q7. You can upload a document here

(2)

Respondent No: 2 Login: Anonymous

Email: n/a

Responded At: May 09, 2020 20:13:29 pm

Last Seen: May 09, 2020 20:13:29 pm

IP Address: n/a

Q1. Name Gerarda mader

Q2. Postal Address PO BOX 294 bathurst

Q3. Your email address gerarda.1@bigpond.com

Q4. Do you have any comments in regards to the draft Delivery Program & Operational Plan and the strategies and financial resources allocated to deliver facilities and services?

I am concerned that council is considering the use of McPhillamy Park for a go cart track. This should remain a significant public place for all residents and visitors to enjoy. I also believe it has significant environmental and Aboriginal cultural significance.

Q5. Do you have any other comments in relation to the draft Delivery Program 2020-2024 Operational Plan 2020-2021?

not answered

Q6. Do you have any comments in regard to the Statement of Revenue Policy for 2020-2021?

not answered



Respondent No: 3 Login: Anonymous

Email: n/a

Responded At: May 09, 2020 20:41:10 pm

Last Seen: May 09, 2020 20:41:10 pm

IP Address: n/a

Q1. Name David Harvey

Q2. Postal Address 3 Perrier Place Kelso NSW

Q3. Your email address davidjharvey59@gmail.com

Q4. Do you have any comments in regards to the draft Delivery Program & Operational Plan and the strategies and financial resources allocated to deliver facilities and services?

Would not like to see a Go Kart Track on top of Mt Panorama /Waluu. Thus space should be reserved for all the public to use. I believe it is first nation's sacred site and kept as such. The go cart track can be place at a better site such inside the new race track that is being developed.

Q5. Do you have any other comments in relation to the draft Delivery Program 2020-2024 Operational Plan 2020-2021?

Would like to see a foot path on Bonner street Kelso to prevent parents with prams using the road. This road is busier now it is open to the highway at both ends. This a safety issue.

Q6. Do you have any comments in regard to the Statement of Revenue Policy for 2020-2021?

not answered

(2)

Respondent No: 4
Login: Anonymous

Email: n/a

Responded At: May 09, 2020 22:04:12 pm

Last Seen: May 09, 2020 22:04:12 pm

IP Address: n/a

Q1. Name Lisa McLean

Q2. **Postal Address** 271 George Street, Bathurst

Q3. Your email address lisamclean@outlook.com

Q4. Do you have any comments in regards to the draft Delivery Program & Operational Plan and the strategies and financial resources allocated to deliver facilities and services?

I object to the construction of the go kart track at mcphillamy park. This facility removes access to the park for all of Bathurst for the enjoyment of a limited few. There is limited demand for go karts in Bathurst. It's inconceivable that this area enjoyed by many, and with its Wiradjuri history, is going to be ruined. Council funds should not be used or allocated in the budget.

Q5. Do you have any other comments in relation to the draft Delivery Program 2020-2024 Operational Plan 2020-2021?

No

Q6. Do you have any comments in regard to the Statement of Revenue Policy for 2020-2021?

No

Q7. You can upload a document here not answered

Ordinary Meeting of Council Agenda - 17 June 2020 Attachments



Respondent No: 5
Login: Anonymous

Email: n/a

Responded At: May 10, 2020 11:27:38 am **Last Seen:** May 10, 2020 11:27:38 am

IP Address: n/a

Q1. Name Greg Wilkinson

Q2. Postal Address 76 Havannah Street Bathurst

Q3. Your email address gregwilkinson60@gmail.com

Q4. Do you have any comments in regards to the draft Delivery Program & Operational Plan and the strategies and financial resources allocated to deliver facilities and services?

I absolutely and completely disagree with the allocation of funding to the go kart track. So a very small number of wealthy people in Bathurst want to drive go karts at taxpayers expense. No Way. That is not Council's job. If it were viable, a private operator would do it. This is not Council's job.

Q5. Do you have any other comments in relation to the draft Delivery Program 2020-2024 Operational Plan 2020-2021?

not answered

Q6. Do you have any comments in regard to the Statement of Revenue Policy for 2020-2021?

not answered

(2)

Respondent No: 6
Login: Anonymous

Email: n/a

Responded At: May 13, 2020 10:19:55 am **Last Seen:** May 13, 2020 10:19:55 am

IP Address: n/a

Q1. Name Juanita Kwok

Q2. Postal Address 276 Havannah St Bathurst

Q3. Your email address kwokjuanita@gmail.com

Q4. Do you have any comments in regards to the draft Delivery Program & Operational Plan and the strategies and financial resources allocated to deliver facilities and services?

As an historian of Bathurst, I express my strong opposition to the construction of a go-kart track on Mt Panorama/Wahluu. So much is made of Bathurst heritage and so much is spent on preserving settler heritage, and so little attention is given to Wiradyuri heritage. Wiradyuri elders in Bathurst have made clear their total opposition to the construction of a go-kart track on Wahluu, a site of great cultural importance to Wiradyuri people. We need to respect their wishes. Another place can be found for the go-kart track in Bathurst. We cannot expect to continue asking of the Wiradyuri people to co-operate in such ceremonies as Welcome to Country while we continue to trample over their wishes. So much Aboriginal heritage has been lost in Bathurst. It is time for us to save the heritage now and not proceed with the Go-kart track. Sincerely Dr Juanita Kwok (PhD, Charles Sturt University)

Q5. Do you have any other comments in relation to the draft Delivery Program 2020-2024 Operational Plan 2020-2021?

not answered

Q6. Do you have any comments in regard to the Statement of Revenue Policy for 2020-2021?

not answered

Q7. You can upload a document here

not answered



Respondent No: 7
Login: Anonymous

Email: n/a

Responded At: May 13, 2020 11:36:45 am **Last Seen:** May 13, 2020 11:36:45 am

IP Address: n/a

Q1. Name Brodie Wales

Q2. Postal Address 289 White Rock Rd White Rock NSW 2795

Q3. Your email address brodiewales@gmail.com

Q4. Do you have any comments in regards to the draft Delivery Program & Operational Plan and the strategies and financial resources allocated to deliver facilities and services?

I believe the location of the Go-Kart Track is inappropriate. The location is not only a sacred space for Wiradjuri people, but is also utilised as a relaxed recreational space by the whole community. The noise from a Go Kart track would be disruptive to the peace for a facility that is only going to benefit a very small part of the community.

Q5. Do you have any other comments in relation to the draft Delivery Program 2020-2024 Operational Plan 2020-2021?

not answered

Q6. Do you have any comments in regard to the Statement of Revenue Policy for 2020-2021?

not answered



Respondent No: 8
Login: Anonymous

Email: n/a

Responded At: May 13, 2020 12:22:37 pm

Last Seen: May 13, 2020 12:22:37 pm

IP Address: n/a

Q1. Name Susan Douglas

Q2. Postal Address 59 Violet ST Bathurst

Q3. Your email address susan2795@outlook.com

Q4. Do you have any comments in regards to the draft Delivery Program & Operational Plan and the strategies and financial resources allocated to deliver facilities and services?

I think the go-kart circuit should be moved to the vicinity of the second race track circuit - it makes sense on every level. Putting it on top of the Mount is a terrible decision and once operational up there and people hear and see it they will be very unhappy with the Councillors who put it there.

Q5. Do you have any other comments in relation to the draft Delivery Program 2020-2024 Operational Plan 2020-2021?

No

Q6. Do you have any comments in regard to the Statement of Revenue Policy for 2020-2021?

Don't spend any money on a Go-Kart track on top of Mt Panorama please



Respondent No: 9
Login: Anonymous

Email: n/a

Responded At: May 13, 2020 15:02:35 pm **Last Seen:** May 13, 2020 15:02:35 pm

IP Address: n/a

Q1. **Name** Natalie Tremain

Q2. Postal Address 16 west street Bathurst

Q3. Your email address natalie.tremain@hotmail.com

Q4. Do you have any comments in regards to the draft Delivery Program & Operational Plan and the strategies and financial resources allocated to deliver facilities and services?

Wahluu is a significant area for aboriginal people AND non aboriginal people who love the mount as it is. Not everything needs to be developed, especially when we have the chance to put our energies in conservation!

Q5. Do you have any other comments in relation to the draft Delivery Program 2020-2024 Operational Plan 2020-2021?

Wahluu is a significant area for aboriginal people AND non aboriginal people who love the mount as it is. Not everything needs to be developed, especially when we have the chance to put our energies in conservation!

Q6. Do you have any comments in regard to the Statement of Revenue Policy for 2020-2021?

Wahluu is a significant area for aboriginal people AND non aboriginal people who love the mount as it is. Not everything needs to be developed, especially when we have the chance to put our energies in conservation!



Respondent No: 10 Login: Anonymous

Email: n/a

Responded At: May 13, 2020 20:25:30 pm

Last Seen: May 13, 2020 20:25:30 pm

IP Address: n/a

Q1. Name Olga McKinnon

Q2. Postal Address 215 Hope St

Q3. Your email address omckinnon@hotmail.com

Q4. Do you have any comments in regards to the draft Delivery Program & Operational Plan and the strategies and financial resources allocated to deliver facilities and services?

It would seem the Wiradjuri elders are making a simple, but very important request. They are not asking for NO go-kart track, they are simply asking that their spiritual place of importance not be the proposed location for the go-kart track. Aunty Jill makes the very valid point that destruction of this site compares to the destruction of other, equally important places of spiritual significance. We wouldn't dream of destroying one of these sites for a go-kart track. Surely, in the twenty first century, we have come to the realisation that enough destruction has occurred when it comes to places of significance for indigenous communities. Put the go-kart track somewhere else!

Q5. Do you have any other comments in relation to the draft Delivery Program 2020-2024 Operational Plan 2020-2021?

not answered

Q6. Do you have any comments in regard to the Statement of Revenue Policy for 2020-2021?

not answered

Q7. You can upload a document here

not answered



Respondent No: 11 Login: Anonymous

Email: n/a

Responded At: May 14, 2020 20:57:50 pm **Last Seen:** May 14, 2020 20:57:50 pm

Last Seen: May 14, 2020 20:57:50 pm IP Address: n/a

Q1. Name Peter Innes

Q2. Postal Address 116 Mount Haven Way, Meadow Flat NSW 2795

Q3. Your email address pjinnes@gmail.com

Q4. Do you have any comments in regards to the draft Delivery Program & Operational Plan and the strategies and financial resources allocated to deliver facilities and services?

I don't agree we need a second Mount Panorama Circuit. I see \$45,680,738 allocated to this project in 2020-2021, much of this will be funded by hard pressed ratepayers. This is not an environmentally friendly project, in fact it promotes increased carbon emissions. In 10 years time this type of motor sport may be a thing of the past, it's a risky development.

Q5. Do you have any other comments in relation to the draft Delivery Program 2020-2024 Operational Plan 2020-2021?

not answered

Q6. Do you have any comments in regard to the Statement of Revenue Policy for 2020-2021?

not answered



Respondent No: 12
Login: Anonymous

Email: n/a

Responded At: May 14, 2020 21:10:22 pm

Last Seen: May 14, 2020 21:10:22 pm

IP Address: n/a

Q1. Name Stephanie Luke

Q2. Postal Address not answered

Q3. Your email address stephanieluke1@yahoo.com.au

Q4. Do you have any comments in regards to the draft Delivery Program & Operational Plan and the strategies and financial resources allocated to deliver facilities and services?

I am really concerned about the go kart track that is planned for the Mount Panorama vicinity. I live in South Bathurst and when I'm felling landlocked and in need of a big picture vision I'll often visit the mount. Now that Rahamim has been sold and the trees are being felled in local parks, it really feels as if wilderness and the natural environment are being reduced dramatically in Bathurst. I'm not sure if focussing all of development in one basket, ie the racing and motor sports industry is necessarily the best approach to developing this town. It's a narrow demographic, a bit of a whim, noisy, polluting and little in it for a broad section of the community. On top of that, the local elders are appalled by the choice of land, the lack of consultation etc etc. Please consider your choices. Create a place to live that is a little more inclusive. Thanks Stephanie Luke

Q5. Do you have any other comments in relation to the draft Delivery Program 2020-2024 Operational Plan 2020-2021?

I feel sad and a little despairing about the direction of the council and the deaf ear approach to consultation.

Q6. Do you have any comments in regard to the Statement of Revenue Policy for 2020-2021?

not answered



Respondent No: 13 Login: Anonymous

Email: n/a

Responded At: May 15, 2020 13:12:55 pm

Last Seen: May 15, 2020 13:12:55 pm

IP Address: n/a

Q1. Name AW bathgate

Q2. Postal Address 1371 Tarana Rd Locksley

Q3. Your email address bathgates@gmail.com

Q4. Do you have any comments in regards to the draft Delivery Program & Operational Plan and the strategies and financial resources allocated to deliver facilities and services?

If we would let the #Wiradjuri tell their stories, and if we would listen with respect, and if we would then promote them, imagine the tourism potential with its consequent profits, and jobs! "365 days a year heritage". Far greater than any old Gokart track. Why not have our cake and eat it too - put the Gokart track somewhere else, there are options. Defer the funding until this is properly sorted.

Q5. Do you have any other comments in relation to the draft Delivery Program 2020-2024 Operational Plan 2020-2021?

not answered

Q6. Do you have any comments in regard to the Statement of Revenue Policy for 2020-2021?

not answered



Respondent No: 14

Login: Dave Abernethy

Frankle devidende markhu @ marki

Email: davidwabernethy@gmail.co

m

Responded At: May 18, 2020 08:37:51 am

IP Address:

Last Seen: May 17, 2020 21:25:56 pm

120.155.92.68

Q1. Name	David Abernethy
Q2. Postal Address	257 Laffing Waters Lane Laffing Waters NSW 27951
Q3. Your email address	davidwabernethy@hotmail.com

Q4. Do you have any comments in regards to the draft Delivery Program & Operational Plan and the strategies and financial resources allocated to deliver facilities and services?

Comment - given the outbreak of the Coronavirus and the dire funding situation our Commonwealth and State governments are in now and for the foreseeable future I think Council need to consider that future funding grants across the board will be significantly restricted. Accordingly I would strongly suggest funding for the Mt Panorama Second race track and other associated developments would be unlikely. Accordingly I suggest Council would would more prudent in focusing in concentrating its expenditure on upgrading and improving current infrastructure and services for the community at large. Ie Water, Roads, Parks and Gardens etc. As for the Go Kart track whilst I am supportive I strongly believe funding should be reallocated to other infrastructure as funding becomes tighter and restricted.

Q5. Do you have any other comments in relation to the draft Delivery Program 2020-2024 Operational Plan 2020-2021?

As mentioned above - I would defer the Go Kart track to the future. The community expectations would be that funding should be allocated to other higher priority Infrastructure - water, roads etc. I am personally not comfortable with Mt Panorama having a Go Kart track on top of an iconic mountain so important to Bathurst operating 363 days of the year. Also New Collection Facility - under cultural and community - what is it to justify the \$4 million? I can find in papers what it is

Q6. Do you have any comments in regard to the Statement of Revenue Policy for 2020-2021?

Only comment - Grants from State and Commonwealth are unlikely for non essential projects.

Q7. You can upload a document here

not answered



RE: Draft Delivery Program 2020-2024 & Operational Plan 2020-2021

Elected Councillors and Executive, Bathurst Regional Council,

The Bathurst Kart Club (BKC) is urging the Bathurst Regional Council to include construction of the Go-Kart racing circuit in the Draft Delivery Program 2020-24 & Operational Plan 2020-2021. BKC has worked with the Council since 2012 on this project through the planning and design phases so far and remain steadfast in seeing it through to fruition. So far, this has seen the Development Application of the project approved by Council with Design of the track and supporting infrastructure completed by Council with assistance of the BKC Track Committee. The Club's intention for this to be a facility that will grow local talent, be inclusive of competitors at all levels and abilities and be a place to go for the youth of Bathurst to get involved, learn, develop skills, make friends and enjoy the great sport of Go-Karting.

BKC is committed to the project of building a Go-kart racing circuit at McPhillamy Park on top of Mount Panorama Bathurst. BKC is committed to putting up funds in kind during the construction of the circuit. BKC has lobbied State and Federal Governments for funding, participated in State Government Sporting Infrastructure schemes which have so far, seen the project miss out because was not 'shovel ready' at the time on two occasions.

Bathurst Kart Club has strong support from the sport's National and State Governing Bodies, Karting Australia and Karting NSW respectively. We also enjoy the support of the Local Aboriginal Lands Council.

Bathurst Kart Club has fielded many enquiries from other Karting Clubs and Organisations to host events, including but not limited to State and National Titles. BKC would host 8 regular club meetings per year, which could see up to 120 competitors for each meeting from around the local and surrounding regions. State and National events would quadruple the number of competitors significantly increasing the number of visitor nights to the town as these events are held over 3 to 4 days. Karting Australia, Karting NSW, Vintage and Historic Karting Association of Australia, The Endurance Karting Association (TEKA), Rotax Pro-Tour and Sportsman Enduro Karting (SEK), have all made enquiries to hold events at the proposed track, as they believe this development will become the premier Kart Racing Circuit in Australia.

Bathurst Kart Club will continue our activities in assisting Council where possible to ensure a positive outcome for all involved.

Warm Regards,

Mark Dunbar President, Bathurst Kart Club.



Respondent No: 15
Login: Anonymous

Email: n/a

Responded At: May 19, 2020 11:00:09 am **Last Seen:** May 19, 2020 11:00:09 am

IP Address: n/a

Q1. Name Vincent Muller

Q2. Postal Address 34 Marsden Lane, Kelso NSW 2795

Q3. Your email address vincent.muller91@gmail.com

Q4. Do you have any comments in regards to the draft Delivery Program & Operational Plan and the strategies and financial resources allocated to deliver facilities and services?

I would like to stress the importance of building new footpaths in new and existing areas. As a resident of, and regular pedestrian on Marsden Lane, the number of near misses I've witnessed between pedestrians, runners, cyclists, parents with prams, seniors with scooters, and motorists is completely unacceptable. To think, two new housing developments are being built at the end of Marsden Lane and seemingly no provision has been made for footpaths or pedestrian safety. The other consideration council should be seriously considering is a widening or replacement of Hereford street. Over four years of living in Kelso has shown how inadequate the current setup is, and with the commissioning of new housing in Kelso, this problem is only going to get worse.

Q5. Do you have any other comments in relation to the draft Delivery Program 2020-2024 Operational Plan 2020-2021?

not answered

Q6. Do you have any comments in regard to the Statement of Revenue Policy for 2020-2021?

not answered

Q7. You can upload a document here

not answered



Q2. Postal Address

Respondent No: 18 Login: Anonymous

Email: n/a

Responded At: Jun 04, 2020 11:46:26 am **Last Seen:** Jun 04, 2020 11:46:26 am

IP Address: n/a

59 Lambert Street, Bathurst. NSW 2795

Q1. Name Vianne Tourle

Q3. Your email address vtourle@gmail.com

Q4. Do you have any comments in regards to the draft Delivery Program & Operational Plan and the strategies and financial resources allocated to deliver facilities and services?

The Friends of Centennial Park Inc Committee are pleased to note that provision has been made in the 2020/21 Operational Plan, as part of the Draft Delivery Program 2020-2024, to provide for Land Improvements to Centennial Park. This will provide improvements to a valuable community resource, and will eventually add greatly to the quality of of this unique open recreational space in central Bathurst. We ask that Council provides adequate annual funding to ensure that maintenance and continual improvement to the Park will occur. The Friends of Centennial Park thank Bathurst Regional Council for making the provision in 2020-21.

Q5. Do you have any other comments in relation to the draft Delivery Program 2020-2024 Operational Plan 2020-2021?

not answered

Q6. Do you have any comments in regard to the Statement of Revenue Policy for 2020-2021?

not answered

Q7. You can upload a document here

not answered

Submission to Bathurst Regional Council's meeting on 17 Regional Council 2020.

= 1 JUN 2020 , 10pm

This Submission is addressed directed to the Councillors of the Bathurst Regional Council, the democratically elected persons ultimately responsible for Council decisions, this having been advised me by the NSW Ombudsman Office. Letter – Ref C/2009/4530.

"Councils are independent democratically elected bodies accountable to their ratepayers. If the Council adopts policies on rates and charges that you disagree with, you can lobby councillors to change these policies or support candidates for election with more acceptable policies."

This advice from the Ombudsman Office may be appropriate where a policy may be a minor thing however the matter presented in this submission is not a minor thing. This submission is regarding legal matter that Councillors should take very seriously in accord with the Minister's Local Government Office Councillor Handbook 2017, which is that, where a Councillor may not have a complete understanding of a matter they "must" defer to \$731-733 of the Local Government Act 1993 and seek their own legal advice.

This Submission is regarding Council's use of the full size of water meters (in an AS2441 situation) in the calculation of Availability Charges to Sewer and Water Services -

- a) without proper regard to this methodology including Fire Service provision supply capacity in the calculation of S501 LG Act Annual (Availability) Charges to **both** Sewer and Water Services at non-residential properties where fire hose reels are supplied and
- b) Council has conditioned these Fire Services in Development Approvals to be in accordance with the Building Code of Australia and Australian Standard AS2441 with ongoing responsibilities for both parties under Australian Standard AS1851.

This methodology infringes the immutable property rights endowed in those Development and Occupation Approvals on a property thereafter protected under S4.59 of the Environmental Planning and Assessment Act 1979. Council's claim at (Attachment 1) that it simply supplies water to such properties and has no responsibility for how that water is used once it enters the property designating the whole service as domestic supply in disregard AS2441 a contract entered into between Council and the property owner once accepted which recognised the separateness of domestic and fire service supply. This is in disregard to property rights and a thing done for unlawful financial gain.

S4.59 EP&A Act - Validity of development consents and complying development certificates -

"If public notice of the granting of a consent or a complying development certificate is given in accordance with the regulations by a consent authority or a certifier, the validity of the consent or certificate cannot be questioned in any legal proceedings

except those commenced in the Court by any person at any time before the expiration of 3 months from the date on which public notice was so given."

To Mayor Bobby Burke, Deputy Mayor Ian North, Councillors Warren Aubin, Alex Christian, John Fry, Graeme Hanger, Jess Jennings, Monica Morse, Jacqui Rudge.

The following is to assist you in your Councillor duties as per the following from the Office of Local Government Councillor Handbook 2017

- acting lawfully, honestly, transparently and respectfully in line with your council's
 Code of Conduct
- exercising care and diligence in carrying out your functions
- 1.7 Legal framework Councils work within the laws established by the NSW Parliament. The Local Government Act 1993 provides a legislative framework reflecting modern community expectations, and gives councils broad powers to plan for and provide local community services and facilities. The Act is administered by the Minister for Local Government through the Office of Local Government
- As well as the Local Government Act 1993, there are a number of other laws which councils are responsible for implementing.
- The Local Government Act 1993 provides councils with broad service powers. At the same time, if a council takes action or makes a decision without the necessary legislative authority, it may be held by a court of law to be acting beyond its power. If a council's power is not exercised in the manner prescribed by Parliament, it may be deemed not to have been exercised at all.
- Under the Act the general manager has the following functions: » to conduct the day-to-day management of the council in accordance with the strategic plans, programs, strategies and policies of the council » to implement, without undue delay, lawful decisions of the council
- The Minister ensures councils operate within the law and the NSW Government's policies relating to local government.
- Key principles of the Model Code of Conduct Councillors have certain general conduct obligations under the Model Code of Conduct. Specifically, councillors must: » act lawfully, honestly and with care and diligence in carrying out their functions
- Key questions that councillors should ask themselves to ensure that their decisions are ethical and sound are: » Is the decision or conduct lawful? » Is the decision or conduct consistent
- It is essential that councillors understand the difference between appropriate and inappropriate lobbying, and do not engage in lobbying which could be considered inappropriate or unlawful and likely to undermine community confidence in a council's decision making
- Councillors are subject to defamation law and it is contrary to law to injure another person's reputation in the eyes of society through the written word, pictorially or in speech.
- All meetings of a council are open to the public unless they have been closed in the limited circumstances set out in Section 10A of the Local Government Act 1993. It is important that

councillors familiarise themselves with the details of this section of the Act. This states that councils may only close their meetings to the public to consider: » personnel matters concerning individuals—this does not include matters relating to councillors » personal hardship of residents or ratepayers » commercial-in-confidence information » material which if disclosed would prejudice the maintenance of law

- The NSW Ombudsman is an independent and impartial watchdog whose job is to make sure that the agencies they watch over fulfil their functions properly and improve their delivery of services to the public. The Ombudsman helps agencies to be aware of their responsibilities to the public, to act reasonably and to comply with the law and best practice in administration. The Ombudsman is independent of the government of the day and accountable to the public through the NSW Parliament.
- NCAT was established on 1 January 2014 in response to the recommendations of the Legislative Council's Standing Committee on Law and Justice Inquiry into opportunities to consolidate tribunals in NSW. NCAT is empowered under the Local Government Act 1993 to consider allegations of councillor misconduct and pecuniary interest breaches referred to it by the Office of Local Government. It is empowered to take disciplinary action against councillors with respect to such breaches including suspension from office and disqualification for up to five years.
- The following standards of behaviour are expected of council officials. You must: » not
 conduct yourself in a manner that is likely to bring the council into disrepute » act lawfully,
 honestly and exercise a reasonable degree of care and diligence in carrying out your
 functions.

From the NSW Local Government Act 1993

S439 Conduct of councillors, staff, delegates and administrators

(1) "Every councillor, member of staff of a council and delegate of a council must act honestly and exercise a reasonable degree of care and diligence in carrying out his or her functions under this or any other Act."

S731 Liability of councillors, employees and other persons

"A matter or thing done by the Minister, the Departmental Chief Executive, a council, a councillor, a member of a committee of the council or an employee of the council or any person acting under the direction of the Minister, the Departmental Chief Executive, the council or a committee of the council does not, if the matter or thing was done in good faith for the purpose of executing this or any other Act, and for and on behalf of the Minister, the Departmental Chief Executive, the council or a committee of the council, subject a councillor, a member, an employee or a person so acting personally to any action, liability, claim or demand."

S732 Exemption from liability—accreditation and certification

A council, a councillor and an employee of a council do not incur any liability as a consequence of—

- (a) the council's acting in accordance with section 92 (Approval where an accreditation is in force), or
- (b) the council's satisfying itself as to a matter referred to in section 93 (Certification by qualified persons) by relying on a certificate referred to in that section, or
- (c) (Repealed)

Chapter 17 Enforcement
Part 1 General
Legal Proceedings
S672 What constitutes a breach of this Act for the purposes of this Part?
In this Part—
(a) a breach of this Act means—
(i) a contravention of or failure to comply with this Act.

<u>Attachment 1.</u> Director Corporate Services & Finance's Report to the Council Meeting 19/06/2019.

In this Report Council states.

"Mr Carter contends that Council is unable to make an annual charge under section 501 of the Local Government Act 1993, as amended, for a charge to an essential / fire service through a dedicated pipe or through the same pipe and meter that supplies drinking water."

I contend that this recognition is demonstrably true this and remains the case for the following reasons -

- 1) Essential / Fire Services are not Services listed in S501 of the Local Government Act 1993.(LG Act) (Attachment 2) and as per 45 and the clarification of the Second Reading itself in the Judgement Prefabricated Buildings v Bathurst Regional Council, therefore Fire Service supply provision cannot receive an Annual Charge either directly or included in Availability Charges to Sewer and Water Services.
- 2) Essential / Fire Services are Services listed at S4(1)(c) of the Essential Services Act 1988. (ES Act) (Attachment 3) and the goods supplied to Essential / Fire Services are at S4(1)(l) of the Essential Services Act
- 3) Water Services
 - a) are Services listed in \$501 of the LG Act
 - b) are separate Services to hydraulic Fire Services at S4(1)(h) and (l) of the Essential Service Act
 - c) are separate Services to Fire Fighting Water Services in NSW as per the Plumbing Code of Australia, (Attachment 4)
- 4) Fire-Fighting Water Services in NSW unlike all other States are Services governed by the Environmental Planning and Assessment Act 1979 made clear in the Plumbing Code of Australia.
 - The construction of an Essential Service pipe to a property by Council is treated as per S1.4 of the EP&A Act as the Erection of a building "<u>beyond the alignment of a public</u> <u>road".</u> Council owns and maintains Essential Service pipes as well as the meter on a property, supplying the relevant "goods" referred to at S4(1)(I) in the Essential Services Act 1988.

5) The pipe conveying both Fire Fighting Water and Drinking Water from Council's water main to the water meter at a property is an Essential Service Pipe as per "Erection of a Building" (e) at 1.4 Definitions in the EP&A Act which is the property of Council. Fig 6.1 of AS2441, the Standard required by Council in Development Approvals for dual service supply for Domestic and Fire Service supply to Fire Hose Reels is an immutable contract between Council and the property owner after having received an Occupation Approval.

6) Essential Service Pipes may convey Fire Fighting Water supply to three types of Fire

Fighting Water Systems at a property, namely Sprinkler Systems, Hydrant Systems and Fire Hose reel Systems which Council conditions must where required in the Building Code of Australia be in accordance with AS2441.

Where Council has conditioned these Services in Development Approvals these must be certified before an Occupation Approval can be issued. These conditions protected under S4.59 of the EP&A Act.

It is both inconsistent and incongruous that Council does not attempt to make S501 Availability Charges to Sprinkler or Hydrant Fire Fighting Water Service supply, no doubt because it would be absurd to classify supply to these services as Drinking Water for S501 LG Act Annual Charging purposes as it does for Fire Service supply to Fire Hose reel systems under AS2441. The questionable thing is, how can Council feel justified in choosing Fire Service supply only to Fire Hose Reel systems for S501 LG Act Annual

(Availability) Charge purposes when all Council supplied Fire Services are exempt from

7) The Hon. Barbara Perry in her letter 9 July 2009, (Attachment 6) makes clear Council's responsibilities for its own actions at Paragraph 5 affirming S731 of the LG Act, the seriousness of that observation. Minister Perry makes no comment on the legality of Council's charging methodology except that she was informed that it is based on the "size" of water meters however Council's duplicity is that the "size" intimated is the "full size" (used elsewhere by Council) of the water meter including Fire Service capacity when the "size" or the "full size" must be only the size supplied for Domestic purposes in order to comply with the non-listing of Fire Services in S501, therefore Council hides the truth of its actual / in practice charging methodology from the Minister, in other words misleading her.

Paragraph 4 states "Council would simply apply an annual charge based on the meter size serving a property".

The Minister then uses the wording "size" of water meters advisedly and on face value as a result of this advice from Council. Where that "size" is the actual full size including the supply of a Fire Service the wording is ambiguous. Given the intransigent insistence of including Fire Service capacity supply in the calculation of Availability Charges to Sewer and Water Services this duplicity is clearly intentional.

The calculation of Availability Charges to Sewer and Water Services can only be legitimised where proper compliance with the Best Practice Guidelines is adhered to

S501 Annual (Availability) Charges?

and that portion of water meters supplied for Fire Service is eliminated from any calculation of Availability Charges to Sewer and Water Services.

Council has been deceptive in how it reports these matters Ministers wherever possible avoiding acknowledgement that Fire Services are distinct and separate to the water services (Domestic) listed in S501 of the LG Act. This is clearly a purposeful act having ultimate intent of gaining / continuing financial advantage and improperly influencing others in the course of their public duties, thereby contravening S253 of the Crimes Act 1900.

- 8) Director Corporate Services & Finance Mr Roach's letter 28 August 2015 Ref RR:RD:3400065-23/021 (Attachment 7) refers to three documents, document 1 and 2 being those referred to also in (Attachment 1) Mr Roaches letter refers to
 - a) "Letter from Minister for Water dated 23 September 2009." Minister Costa states only that basing the "..calculation of the sewerage charge on the basis of the water service connection size is appropriate." Minister Costa does not imply in any way that inclusion in that water service connection size of the portion of supply to Fire-Fighting Water Services is appropriate for Council inclusion in calculating Availability Charges to Sewer and Water Services based on the "water service connection size". This continuing misrepresentation of Minister Costa's letter in (Attachment 1) is a serious breach of trust, implying that Minister Costa approved the inclusion of Fire Service supply provision in Council's Availability Charges to Sewer and Water Services is legal which is demonstrably not true.
 - b) <u>"Letter from Minister for Water dated 24 December 2004."</u> Minister Sartor said "Bathurst Regional Council has taken a responsible approach in <u>moving</u> to such a tariff.", that is of course an approach that is lawful. Minister Sartor does not say that the "tarrif" ie. Availability Charges as made are "responsible" as claimed in Attachment 1 and a serious breach of trust implying that Minister Costa approved the inclusion of Fire Service supply provision in Council's Availability Charges to Sewer and Water Services is legal which is demonstrably not true.
 - c) "Copy of Section 4.2.2 and Section 4.1.1 of NSW Government's Best Practice Management of Water Supply & Sewerage Guidelines." Section 4.2.2 and Section 4.1.1 are not as claimed from the NSW Government's Best Practice Management of Water Supply & Sewerage Guidelines as stated though they are represented as such and in practice form the basis of Council's unlawfully constructed Availability Charges to Sewer and Water Services. This is clearly a fraud. Section 4.2.2 and Section 4.1.1 are in Pages 29 and 31 of the 2002 redundant Water Supply, Sewerage and Trade Waste Pricing Guidelines NOT the Best Practice Guidelines as portrayed. Sections 4.2.2 and 4.1.1 at Pages 29 and 31

from the redundant Guidelines are the Sections Council relies for the construction of Availability Charges to Sewer and Water Services.

Page 31 from the Water Supply, Sewerage and Trade Waste Pricing Guidelines is the page Council's Director Corporate Services & Finance misrepresents as being Page 31 from the Best-Practice Management of Water Supply and Sewerage Guidelines. This is a serious misrepresentation indeed, in that it is relied on to justify "peak load" at Page 9 of the current Best Practice Management of Water Supply & Sewerage Guidelines and the inclusion of Fire-Fighting Water Service supply in the calculation of Availability Charges to Sewer and Water Services which is what Council explained it does and is reiterated by Minister Perry in a letter to myself. "Council would simply apply an annual charge based on the

Council's deception relies on convincing Ministers and others that the "size" of water meter used in the calculation of Availability Charges to Sewer and Water Services is the size in an AS2441 situation supplied for Domestic purposes when the truth is that size includes capacity supplied for Fire Services, again not listed in S501 of the LG Act.

meter size serving the property."

Even if a Minister or any Authority past or present is aware of the deceptive nature of Council's Availability Charging methodology or the information supplied regarding it, the legislated advice remains at \$731-733 of the Local Government Act 1993 which advised to Councillors to take heed of in the Advice to Councillors handbook that ultimately you are responsible. That \$731-733 is a "must read" is stated unambiguously.

9) At <u>Attachment 1</u> Council's Director Corporate Services & Finance claims in the Report to the Council Meeting 19/06/2019 that "Council uses the availability pricing method shown in NSW Government's Best Practice Management of Water Supply and Sewerage Guidelines.." but again as per the decision not to use "nominal sizing" (which prevails in influencing all matters regarding Council's Availability Charges to Sewer and Water Services), fails to recognise that this applies only to the Drinking Water size of water meters only ie. the nominal size of water meters in an AS2441 situation so as to avoid making an Annual Charge to Fire Services which are not listed in S501 for Annual Charging purposes.

The Best-Practice Management of Sewer and Water Supply Sewerage Guidelines at 2.2.2 Page 7 - 2.2.2 requires that water supply, sewerage and liquid trade waste have transparent tariff structures and price levels. There is mention of Fire-Fighting Water Services in the Best Practice Guidelines at Figure 5.1 P71 – Full Water Balance) where "unmetered , unbilled consumption by firefighting is recognised as authorised consumption by the International Water Association in keeping with the non-listing of Essential / Fire-Fighting Water Services in S501 of the LG Act.

10) At (Attachment 1) Council's Director Corporate Services & Finance claims in the Report to the Council Meeting 19/06/2019 that "Council, in relation to that water supply, does not direct, once the water enters the property, how that water is used nor whether it is used for drinking or for fire fighting purposes required under the relevant BCA Standards."

<u>This is not true</u> because the relevant Standard AS2441 Council conditions in Council Development and Occupation Approvals a contract between Council and the property owner under the BCA says otherwise.

Figure 6.1 of AS2441 Water Supply Reticulation — Combined Services (meaning Drinking Water and Fire-Fighting Water Services) from the Council street main (see S1.4 of the EP&A Act) to the water meter at a property (which Council owns), continuing on to the fire hose reel nozzles at the property must all comply with the "requirements for pressure, flow and velocity determined by hydraulic calculation" as per 6.4.1 of AS2441,to the original design as required based on EP1.1 of the BCA - Fire Hose Reels and from the time of Council issue of an Occupation Certificate must be maintained to the original design including the requirements of 6.4.1 for the Essential Fire Service goods supplied under S4(1)(I) of the ES Act annually as per AS1851.

11) Council requires Annual Certification in accord with AS1851 referred to in AS2441 is required of Fire Hose Systems conditioned in Council Development and Occupation Approvals and where designed to AS2441 as required must as per S176 of the EP&A Reg be inspected annually to ensure that the entire Fire Hose Reel system as described in AS2441 Fig 6.1 from Council's street main to the Fire Hose reels complies with to the original design. This requirement is as required in S152B and S144A of the EP&A Reg. as conditioned Council's Development Approvals. Therefore the Director Corporate Services & Finance cannot abrogate Council's responsibility in saying "once the water enters the property, how that water is used nor whether it is used for drinking or for fire-fighting purposes" inferrs unlawfully that Council has no further part to play in how water is used at a property, despite AS2441 including the ongoing certification of Fire Hose Reels systems from Council's water main to the nozzles of hose reels under AS1851.

Council cannot lawfully re purpose Fire-Fighting Water Service supply once a Development Approval has been issued, designating it a Drinking Water supply when calculating Availability Charges to Sewer and Water Services such that that the whole (or full size) of the water meter size can be used in the calculation of S501 Annual (Availability) Charges. This act on the part of Council transgresses S4.59 of the EP&A Act 1979 is an act that cannot be defended by the Council claim that it supplies water only and has no part in how it is used. This claim has no more substance than a rate payer claiming that where Domestic and Fire Service water are supplied in an AS2441 situation the whole Service should be deemed a Fire Service unlisted in S501 so as to avoid Availability Charges altogether.

12) The Director Corporate Services & Finance has stated in (Attachment 1) that "Council has previously provided the opportunity for meter downsizing where available.", This downsizing was a program that Council had in place where Council of its own volition in the years prior to User Pays being introduced had installed meters at non-residential properties over and above that needed for both Drinking and Fire Fighting purposes in previous years. Council then claiming that downsizing of water meters was anything other than this is untruthful and nothing more than a subterfuge used by Council to defray attention from the real issue still needing your examination; the lawfulness of calculating Availability Charges to Sewer and Water Services using the full size of water meters without regard to the inclusion of Fire Fighting Water Service capacity.

The downsizing of many water meters at non-residential properties in the introductory phase of the Best Practice Guidelines was to eliminate the oversize size of water meters surplus to the size necessary to supply both Drinking Water and Fire Fighting Water through a common water meter installed prior to 2004. The dual-purpose nature of supply of Domestic and Fire Service water through water meters to AS2441 at non-residential properties was in no way changed by meter downsizing as implied by the Director Corporate Services & Finance nor has any influence on the remaining size (full size) used including both Domestic and Fire Service supply capacity in the calculation of Availability Charges to both Sewer and Water Services.

"Prefabricated Buildings Pty Ltd's application was dismissed by Robson J finding (at 55) that "it appears clear that Council is entitled to charge for services based on both actual use and availability of those services." which is accepted as it reflects what exactly what Robson J said of the matter at 30 on the Costs hearing
"Pure question of law 30 — "In the circumstances, it is clear that the hearing on 27

February 2017 involved a pure question of law which was confined to statutory construction of the Act and was determinative of the proceedings,"

Council has read 55 in isolation for convenient purpose given that although stating "it appears clear that Council is entitled to charge for services based on both actual use and availability of those services." Robson J clarifies at 45 in the Judgement that the Services listed in S501 are the specific services that may receive S501 Annual Charges.

Council is clearly duplicitous in its reading of S55 of the Judgement which must be read as a whole.

Councillors should be aware or heed the advice of S731- 733 of the LG Act and find whether the following in brackets should be read into Robson J's statement ""<u>it</u> appears clear that Council is entitled to charge for services" (then properly acknowledge the intent of 45 - listed in S501 of the Local Government Act 1993 as

clarified of the Second Reading in this Judgement) "based on both actual use and availability of those services."

The "pure question of law" at 30 in the Costs on which Robson J's decision and the hearing of 27th February 2017 is based, was the relationship between S510 and S502 of the LG Act and nothing more. This is noted at 54. "However, in the absence of any evidence as to why the Availability Charges may be invalid, it is not for the Court to confine that methodology in these proceedings."

Robson J in stating that "<u>The Act does not specify exactly what methodology should</u> be used to levy annual charges." This is a wrongful premise Council has clearly seized upon given that Council continuously (and falsely) claims the Availability Charges are in accordance with the Best Practice Management of Water Supply and Sewerage Guidelines under S409 of the LG Act.

It is clear in these Guidelines that Fire Service supply should be eliminated from Availability Charges to Sewer and Water Services at non-residential properties, yet Council claims the Judgement dealt with this underlying matter even whilst Judge Robson states otherwise at 30 in the Costs hearing.

It clearly should be sufficient for Councillors to come to and understanding with their own legal advice as per S731, the implications of Fire Fighting Water Services plainly not being listed in S501 of the LG Act. This requirement is clarified at 45 of the Minister's second reading speech to the Amending Act, which provides: "...it is clarified that the ability of a council to charge for the actual use of a service is directed at the same services to which annual charges apply. Further, the charge is applicable only where there is a measurable, "actual use" of the service. (emphasis added)" and Robson J properly found here that "the intention behind the amendment appears to have been to clarify and confine the services which were amenable to having their use measured and for which therefore Council could charge for actual use.", adding at 46 "The Minister makes clear that the actual usage charge is directed at the same services to which annual charges apply, with the use of the present tense indicating that the annual charges continue to apply in respect of those services.", then emphasising the word "specific" in relation to what services can attract an Annual Charge. "If the second interpretation is adopted, Council may charge for actual use of

specific services, and may levy an additional annual charge in respect of those same services.", which is those services and those services only identified at Part 10 of Chapter 15 of the LG Act which 'exhausts' the universe of rates and charges which may be applied by Council clarified in Leeming JA in Adrenaline Pty Ltd v Bathurst Regional Council (2015) 322 ALR 180; [2015] NSWCA 123.

Given that 30 in the Costs makes abundantly clear that the hearing of 27 February 2017 or the Judgement in Prefabricated Buildings did not in any way deal with anything other than the "Pure Question of Law" therefore it is advisable that Councillors take heed of \$731-733 of the Local Government Act 1993 for their own assessment of what exactly was "determinative of the proceedings"

Pure question of law

- 30. In the circumstances, it is clear that the hearing on 27 February 2017 involved a pure question of law which was confined to statutory construction of the Act <u>and was</u> <u>determinative of the proceedings</u>, therefore falling plainly within the circumstances identified in r 3.7(3)(a) of the Court Rules.
- 14) It is therefore clear that Essential / Fire Water / Hydraulic Water Services cannot be subjected to a S501 Annual Charge, specifically because they are not listed in S501 in the first instance and the Best Practice Guidelines do not envisage such Annual Charge be made as per Figure 5.1 Full Water Balance , while the matter of how S501 Annual Charges are to be made to Sewer and Water Services without infringing the law (by including Essential Fire Service supply in their calculation) is dealt with at b) Sewerage Pricing at page 9 of the Best Practice Guidelines. b) Sewerage Pricing Best-practice sewerage pricing involves a uniform annual sewerage bill for residential customers. For non-residential customers an appropriate sewer usage charge is required for the estimated volume discharged to the sewerage system, together with an access charge based on the capacity requirements that their loads place on the system relative to residential customers.
- Practice Guidelines nor S501 of the LG Act as claimed because that <u>relativity</u> is not achieved because residential customers do not have Essential Fire Fighting Water Supplies with which the non-residential Availability Charges can relate. This relativity can only be achieved where, (as envisaged by the non-listing of Essential Fire Services in S501), is taken into account. Drinking Water is the common Service to both residential and non-residential customers on which this relativity is to be based.

The common water supply to both customer types is the Drinking Water Supply and this is the sole service criteria for the expected relativity.

- 16) Council adopted a two-part Policy in 2004 (Attachment 8) The Policy is a Best Practice Guidelines requirement reiterated in the Mayor Paul Toole letter RR:AL:26.00010-03/026 attached while the deficiencies in Council's letter are made known to the Minister in the letter from Gerard Martin to Minister Costa dated 15 October 2009. Attached. The first part of the Policy allows the ratepayer to make Submissions to the Management Plans annually regarding Annual Charges. In the same document at Attachment 8 Council states. "Where a large connection size is required for fire fighting purposes a reasonable approach would be to apply a charge based on the connection size for water supply and to allow nil or moderate increase over this for the provision of the fire fighting capacity." Council cannot therefore claim it has acted reasonably since 21/07/2004 having acknowledged what was reasonable and in fact was necessary for the Availability Charges to Sewer and Water Services to be lawful.
- 17) The problem is (and Councillors may not be aware of this but surely should have made themselves so given the grave nature of this business) that the first part of Council's Policy which allows the ratepayer to make Submissions is negated by a Decision made at the same 21/07/2004 meeting (Attachment 9) not to use nominal sizing. Nominal sizing ie. the use only of the Domestic size of water meters in the calculation would if used eliminate the inclusion of Fire Service capacity in the calculation of Availability Charges to Sewer and Water Services. "Nominal sizing" is the Drinking Water needs supply meter size at non-residential properties and is the basis of what was considered "reasonable" in the document at Attachment 8 yet was passed to clearly circumvent the need to make sure Fire Service provision is not included in Availability Charges to Sewer and Water Services.
- 18) Council claims often that its Policy is in accordance with the relevant clauses of Best Practice Guidelines and certainly the first part is in accordance with the Guidelines if only to allow submissions, however this is negated by the Decision made not to use nominal sizing even whilst intimating to Ministers that it would consider doing so. The second part of Council's Policy could comply with the Guidelines but only if it is the "service connection size" mentioned is the service connection size for Drinking Water purposes only, which is the "nominal size".
- 19) The Decision at Attachment 9 remains in place to pre-empt any need for Council to consider properly any Submissions made under the first part of the Policy. The Policy and the Decision therefore work together to circumvent the non-listing of Fire Services in S501 of the LG Act, purporting to be in accordance with law however clearly not therefore in contravention of S253 of the Crimes Act 1900. Perversely the pretence that dischargers have the right to have "peak load" assessed properly is acceptable to Council only if those reports are based on the size of meters supplied for both Domestic and Fire service provision. This is the basis of "peak load" a concept which does not have any basis in the Best Practice Guidelines as claimed by Council and does

not comply with S501 of the LG Act. Perversely in the Director Corporate Services & Finance's Report to the Council Meeting, 15/04/2009 claims that "dischargers therefore have the option of providing Council with an expert report to establish the peak load that their operations place on the sewer system." Dischargers may have this right however it is negated by the Decision not to use "nominal sizing" in consideration of the "load" ie. properly based on the Service (Domestic water) size of water meters so as to conform with the Best Practice Guidelines requirement for "relativity" between residential and non-residential charges at p9 of the Guidelines and the non-listing of Fire Services in S501 of the LG Act in the first instance.

- 20) Though the need for Nominal Sizing has been known to Council since the inception of "User Pays" Charges as per the report of 15/04/2009 (Attachment 10) which was proposed and said to be appropriate by the Minister in 2009 (Attachment 7) when he was obviously informed, but Council's intent is clearly never to use nominal sizing in keeping with the Decision.
- 21) Council's Policy and Decision work in concert to circumvent the lawful need for the residential Availability Charges and purport only to be lawful as claimed. As per the Best Practice Guidelines Annual Charges P9 to non-residential properties must be <u>relative</u> to the residential Charges. This is so that Council does not act in contravention of S501 of the LG Act. Council's Policy and Decision clearly purport, in concert, and are relied on as though they are accordance with the law. This is evidenced by Council's continuing claims to act in accordance with the law. A document that purports to represent the law but is not such as the Policy working together with the Decision are documents that must be considered forgery under S253 of the Crimes Act 1900. Councillors would be well advised to consider this before once again allowing Availability Charges to Sewer and Water Services to include Fire Service provision contrary to the non-listing of Fire Services in S501 of the LG Act a matter cleared up at 45 in the Judgement, the clarification of the Second Reading as this would contravene S254 of the Crimes Act 1900.
- 22) Councillors should question why the Submission made to Council by Heath Consulting for the Assumption School was the only Submission accepted by Council and that this anomaly has been noted by the NSW Auditor General and referred by her to the Independent Commission Against Corruption under S11 of the ICAC Act. Surely this should be sufficient for Councillors to understand that they, as per S731 of the LG Act should seek their own legal advice and the consequences of relying on senior staff given this Submission and previous ones that should have been heeded.
- 23) The Director Corporate Services & Finance has at (Attachment 1) referenced the Prefabricated Buildings Pty Ltd Judgement (2017) NSWLEC

 At 26 in the Judgement, Council put to the Court that "Finally, Council relies"

on Bunyinbin which Council submits is consistent with the fact that s 501(1) is a power to charge for services provided on an annual basis irrespective of use." First, the Buyinbin case dealt only with garbage bin / Domestic Waste Management Services at S496 of the LG Act so Buyinbin is certainly not a precedent that sanitised Availability Charges to Fire Services. Buyinbin has no influence or bearing on whether or not a S501 Annual Charge can be made to a Service specifically and purposefully not listed in S501 in the first instance. Secondly the Council reliance on Buyinbin extends to S608 of the LG Act inferring dupliciously that it might be a fee rather that an Annual Charge that they are charging.

24) At 25 "Council contends that a council must be entitled to make annual charges for water supply services as this power is complementary to the power under s 608 of the Act to charge for services.", which is absurd given that S608 is concerned with Council fees for services not Annual Charges and S608(1) states "A council may charge and recover an approved fee for any service it provides, other than a service provided, or proposed to be provided, on an annual basis for which it is authorised or required to make an annual charge under section 496 or 501.", therefore whilst Council may indeed "..charge and recover an approved fee for any service it provides.." Essential Fire Fighting Water Services are Services provided on an Annual basis alongside Domestic Water Services in an AS2441 situation, the specific difference being that the latter is listed in S501 for Annual Charging purposes and the former is specifically and intentionally not enabled for Annual Charges for every NSW Council except for the Blue Mountains City Council at S125 of the Local Government Act —

LG General Regulation 2005

125 Services for which an annual charge may be imposed (section 501)

- (1) Emergency services provided or proposed to be provided within the area of the Blue Mountains City Council are prescribed for the purposes of section 501 of the Act.
- (2) In this clause, **emergency services** includes (without limitation) bushfire and other fire services, civil emergency services, and management services associated with emergency services.
- **25)** Councillors should familiarise themselves with the Submissions I made to the 2015 and 2016 Management Plans, these Submissions being mentioned at 8 in the Judgement Prefabricated Buildings v Bathurst Regional Council and were submitted in accordance with the Best Practice Guidelines.

These Submissions deal solely with the issue of why Council should abide properly with these Guidelines to ensure that non-residential Availability Charges to Sewer and Water Services are "relative" to those made to residential properties given that residential properties do not have Fire Services supplied to them and Fire Services are not listed in S501. In these Submissions there are spreadsheets with calculation by Heath Consulting Engineers which demonstrate the serious financial magnitude of Council's indirect, unlawful Availability Charges to Fire Services and the financial disadvantage caused.

25) At (Attachment 7) there are notes on the Ministerial letters which explain how the two Ministerial letters that Council relies on at (Attachment 1) are misrepresented by Council as supporting the as made Availability Charges to Sewer and Water Services as "appropriate" and "responsible". The fact is that the Ministers only supported what Council was "proposing" and would "reconsider", certainly not the as made Availability Charges, secreting Availability Charges on Fire Services within those made to Sewer and Water Services which constitutes a double dip methodology contravening Ss 543 and 544 of the LG Act 1993. Councillors should ensure that these misrepresentations are not used again.

Conclusion

In regard to Mr Aaron Jones Director Corporate Services and Finance letter of 3 May 2019 (Attachment 10) and the statement "Those proceedings have been concluded." is concerned, this is correct only in regard to what the Judgement dealt with which is made clear at 30 in the Costs hearing. Mr Jones however completely avoids, (as though non-existent), the real issue in the material being responded to, the cover up of the making of Ayailability Charges to Fire Services secreted within the Availability Charges to both Sewer and Water Services.

From the Costs hearing "Pure question of law 30 – "In the circumstances, it is clear that the hearing on 27 February **2017 involved a pure question of law** which was confined to statutory construction of the Act and was determinative of the proceedings,"

In this letter Mr Jones observes and relies on the Judgement at 54 "the Act does not specify exactly what methodology should be used to levy annual charges", when the LG Act is very clear in causing Guidelines to be issued on this matter at \$409 OF THE Local Government Act 1993 to guide Councils on this very issue and with which Council continuously and falsely claims to comply. None of these shenanigans impinge on Councillors ultimate responsibility to inform yourselves on the matter through personal legal advice if necessary as advised by the Local Government Office.

While ever the Availability Charges to Sewer and Water Services at non-residential properties are not "<u>relative</u>" to those made to residential "**customers**" as required in the Guidelines by exclusion of Fire Services supplied under AS2441 Council's Availability Charges will remain unlawful. It is as simple as this and it is your responsibility without fear or favour to ensure that the law is upheld.

It is time that Council ceased the charade and pretence that the Availability Charges to Sewer and Water Services are lawful including the claim by Mr Jones in his letter of the real complaint against Council has been anything other than concerning the inclusion of Fire Service supply capacity in the Availability Charges to Sewer and Water Services since 2004 except the Pure Question of Law the Court case Prefabricated Buildings v Bathurst Regional Council concluded and is agreed as such.

In these circumstances it is advisable that Councillors take heed of the NSW Councillors Handbook issued by Minister's Office of Local Government Office which clearly states

that you must read and understand sections 731, 732 and 733 of the Local Government Act 1993, which defines your level of protection should you not be of a full understanding of the matter of my complaint and be aware that the advice include obtaining your own legal advice such that you not act in what may be considered bad faith which includes even doing a thing on advice or instruction, knowing or having the ability and resources to know to be wrong.

Seeking quality legal advise would certainly not be an onerous thing for Council given that it would only be on the question of whether or not Fire Services are in the list of Services that may be subject to a \$501 LG Act 1993 Annual Charge.

S501 is included here for your convenience.

501 For what services can a council impose an annual charge?

- (1) A council may make an annual charge for any of the following services provided, or proposed to be provided, on an annual basis by the council—
- water supply services
- sewerage services
- drainage services
- waste management services (other than domestic waste management services)
- · any services prescribed by the regulations.
- (2) A council may make a single charge for two or more such services.
- (3) An annual charge may be levied on each parcel of rateable land for which the service is provided or proposed to be provided.

Former Financial Director Mr Roach aptly described the situation between senior staff and Councillors when he said, in a meeting chaired by then Mayor Monica Morse saying "I don't know why Councillors vote the way they do" even though senior staff know full well that Councillors rely sometimes entirely on staff advice and such advice will be given you regarding this submission. Should you not know much about statutory interpretation in Australia you should have tax matters explained to you by your own legal counsel perhaps from a book of that name that even Judges use, some of the matters in the tax section, for instance-

- 9.46 ".. that it is incumbent on the legislature to make its intention clear beyond doubt.", as if the omission of Fire Services from S501 of the LG Act is in doubt.
- 9.46 "For an impost to satisfy the description of a tax it must be possible to differentiate it from an arbitrary extraction ... " Can you satisfy that personally?
- 9.42 "In addition "it is a strong thing" to read into an Act of Parliament words which are not there ..." Are you sure that you not simply accepting things read into an Act by your senior staff who may have other motives regarding this matter, perhaps are without sufficient qualification to advise you?
- 9.42 "If the Act in the end leaves a doubt as to its meaning, the taxpayer is to be given the benefit of the doubt." In order to vote having the required knowledge on the subject and avoid being party to continuing Council's Policy and Decision without obtaining legal advice perhaps even contravening S254 of the Crimes Act 1900 ensuring the continuation of

inclusion of Fire Service supply capacity in the construction of Availability Charges to both Sewer and Water Services (that is to make an Annual Charge on Fire Services not just once but twice) are you convinced of yourself that there is no doubt whatsoever that would require me the taxpayer being given "the benefit of the doubt?"

9.47 "In state legislation, only unmistakable and unambiguous language will be construed as composing an incontestable tax." Question yourself as to whether you personally can actually and literally see Fire Service listed in S501 of the LG Act, the necessary thing in the Second Reading, cleared up a 45 in the Judgement, then culminating in resolution of the "Pure question of law" which the hearing of 27 February 2017 was entirely about as explained at 30 in the Costs hearing. Then ask yourself should you get legal advice as the Minister advises through the "NSW Councillors Handbook" issued you by the Local Government Office taking heed especially of S731 the "good faith for the purpose of executing this or any other Act".

From the NSW Councillors Handbook, the Minister's Office of Local Government offers you the following advice

"Councillors **must** read and understand sections 731, 732 and 733 of the Local Government Act 1993, which provides protection. In the event that a councillor does not understand an issue, it is the obligation of that councillor to seek and be quided by their own legal advice.", ensuring that the whole of Chapter 3 of the LG Act, "Principles for Local Government" are properly observed as is naturally expected by the Bathurst community should they be aware of what Council is carrying on.

Australian Tax Office Class Ruling - CR 2013/1 recognises the Blue Mountains City Council as <u>"unique"</u> in being enabled at S125 of the Local Government (General) Regulation to make a S501 Annual Charge to Fire Services and while declining to define whether Bathurst Regional Councils Annual Charges are lawful or not (being a Commonwealth authority) did respond. - "Although CR 2013/1 refers to the Blue Mountains Council the same principles would apply to the Bathurst Regional Council."

Please ensure that at the Ordinary Council meeting scheduled for the 17th June 2020, where this submission to the Draft Delivery Program 2020-2024 & Operational Plan 2020/2021 and Council's Revenue Policy 2020/2021 will be considered, that you vote to end the unlawful inclusion of Fire Service supply capacity in the calculation of Availability Charges to Sewer and Water Services, as it contravenes both the non-inclusion Fire Services in S501 of the NSW Local Government Act 1993 for such charging and our property rights protected at S4.59 of the NSW Environmental Planning and Assessment Act 1979.

Regards

Ray Carter

11/1/

233 College Rd S Bathurst NSW 2795

This Submissions refers to the following in regard to Bathurst Regional Council's S501 Local Government Act 1993 Annual (Availability) Charges –

- Prefabricated Buildings Pty Ltd v Bathurst Regional Council [2017] NSWLEC 44
- Prefabricated Buildings Pty Ltd v Bathurst Regional Council (No 2) [2017] NSWLEC
 111
- Buyinbin Aboriginal Corporation v Richmond Valley Council [2005] NSWLEC 702
- All documents held in Councils Disclosure Log on Sewer Charges
- All letters and correspondence by any method to and from any and all persons whatsoever or Authorities with Bathurst Regional Council regarding S501 Annual Charges since 2000
- All Submissions made to Council's Management Plans on Bathurst Regional Councils S501 Annual Charges since 2003
- All Council internal memos emails records of phone calls
- All particular information on the issue of Bathurst Regional Councils S501 Annual Charges needed to be released when applied for as provided in a regulation under the Government Information (Public Access) Act 2009 (GIPA Act) that may be called on for any future court action.

Attachment 9.2.5.10 Attachment1plof2

Report: In preparation of the Revenue Policy, one existing item was inadvertently deleted from the document put on display. The line was:

Rec Code 069	Item	Job Number	GST	2018/2019 \$	2019/2020 \$
	Temporary Food Premises - Annual License Fee	W432.32	N	25.00	25.00

In May, during the advertising period for the Plans and Revenue Policy, new activities were delegated to Council with the implementation of the Biodiversity Conservation Act 2016 and associated regulations. This requires the assessment of applications to remove vegetation in certain locations which are not covered by the Tree Preservation Order which applies in Heritage Conservation Areas. The proposed fee is:

Rec	Item	Job	GST	2018/2019	2019/2020
Code		Number		\$	\$
999	Vegetation Clearing Permit	W999.32	N	-	59.00

The Revenue Policy 2018/2019 was developed with the view that the new Scallywags child care centre would be open on 1 July 2019. Due to minor delays, it is apparent that the centre will not be open on the scheduled date. To ensure that parents are not disadvantaged, the current interim child care fees are recommended to stay in place until the new centre is opened. The Revenue Policy will be amended to reflect this.

It is recommended the three items be incorporated into the Revenue Policy 2019/2020.

Financial implications: If the recommendation is adopted, there will be no financial change to the Bathurst Delivery Plan 2019-2023 and Operational Plan 2019/2020.



(h) Water and Sewerage Availability Charges

Recommendation: That Council not amend the DP/OP in respect of the submission.

Report: Council has received a submission from Ray Carter, see attachment 7, in relation to water and sewerage service availability charges. The submission request Council to review the method of water and sewer fund non-residential access charges. Council has reviewed these access charges and has found that they reflect a cost recovery on each of the services. Council's Water and Sewer Funds are based on Council recovering its operational costs by way of income received respectively from water and sewerage access charges together with income from usage charges.



Mr Carter contends that Council is unable to make an annual charge under section 501 of the Local Government Act 1993, as amended, for a charge to an essential / fire service through a dedicated pipe or through the same pipe and meter that supplies drinking water.

Section 501 of the Act states that:

501 For what services can a council impose an annual charge? (1) A council may make an annual charge for any of the following services provided, or proposed to be provided, on an annual basis by the council:

Director Corporate Services & Finance's Repo	rt to the Council Meeting 19/06/2019
GENERAL MANAGER	MAYOR Page 65

auachment 9.

- water supply services
- · sewerage services
- drainage services
- · waste management services (other than domestic waste management
- anv services prescribed by the regulations.
- (2) A council may make a single charge for two or more such services.
- (3) An annual charge may be levied on each parcel of rateable land for which the service is provided or proposed to be provided.

Council does, in accordance with the Act, impose an annual charge on each parcel of rateable land for which a water service is provided or proposed to be provided. Council's water supply responsibility ends at the meter servicing the property and charges the property based on the size of the meter installed as this reflects the load that can be potentially placed on Council's infrastructure. Council, in relation to that water supply, does not direct, once the water enters the property, how that water is used nor whether it is used for drinking or for fire fighting purposes required under the relevant BCA Standards. Council has previously provided the opportunity for meter downsizing where available.

Council uses the availability pricing method shown in NSW Government's Best Practice Management of Water Supply and Sewerage Guidelines. Council's calculation of the access charges have been reviewed by the Minister for Water and Utilities in 2004 and the Minister for Water in 2009. Both Ministers have supported Council's approach as "responsible" and "appropriate".



7 X5.

The power to impose availability (s501) and usage (s502) charges have also recently been contested in court and found to be legal charges. Horton Rhodes Lawyers represented Prefabricated Buildings Pty Ltd, one of Mr Carter's companies, in the NSW Land and Environment Court against Council regarding this matter. Prefabricated Buildings Pty Ltd's application was dismissed with Robson J finding that "it appears clear that Council is entitled to charge for services based on both actual use and availability of those services" and that the accessibility charges had not been unlawfully levied under the Act. A copy of the decision [2017] NSWLEC 44 is shown at attachment 8.

Financial implications: If the recommendation is adopted, there will be no change to the Bathurst Delivery Plan 2019-2023 and Operational Plan 2019/2020.

(i) Water Fund alleged mis-use of funds

Recommendation: That Council not amend the DP/OP in respect of the submission received from Mr G A Crisp.

Report: Council has received a submission from Mr G A Crisp on behalf of himself, his wife and the Management Committee of Strata Plan 47355. The submission does not actually address any content of the DP/OP but is titled as a submission. The submission by Mr Crisp contains complaints and allegations much of which are unrelated to the DP/OP process. It is not possible to dissect those matters from the remainder of the submission. Much of the material:

- (i) has been raised before
- involves allegations made against a range of persons and is not necessarily related to the Bathurst Delivery Plan 2019-2023 or the Operational Plan 2019/2020

Director Corporate Services & Finance's Report	to the Council Meeting 19/06/2019	
GENERAL MANAGER		MAYOR
		Page 66



Local Government Act 1993 No 30

Current version for 14 May 2020 to date (accessed 27 May 2020 at 13:15)
Chapter 15 Part 1 Section 501

501 For what services can a council impose an annual charge?

- (1) A council may make an annual charge for any of the following services provided, or proposed to be provided, on an annual basis by the council—
 - · water supply services
 - · sewerage services
 - · drainage services
 - waste management services (other than domestic waste management services)
 - any services prescribed by the regulations.
- (2) A council may make a single charge for two or more such services.
- (3) An annual charge may be levied on each parcel of rateable land for which the service is provided or proposed to be provided.

achment 9.2.5.10

Hachment

Essential Services Act 1988 No 41

Current version for 8 December 2016 to date (accessed 28 May 2020 at 11:44)
Part 1 > Section 4

4 Essential services

- (1) For the purposes of this Act, a service is an essential service if it consists of any of the following:
 - (a) the production, supply or distribution of any form of energy, power or fuel or of energy, power or fuel resources,
 - (b) the public transportation of persons or the transportation of freight (including the provision of rail infrastructure for those purposes),

*-

- (c) the provision of fire-fighting services,
- (d) the provision of public health services (including hospital or medical services),
- (e) the provision of ambulance services,
- (f) the production, supply or distribution of pharmaceutical products,
- (g) the provision of garbage, sanitary cleaning or sewerage services,

* -

- (h) the supply or distribution of water,
- (i) the conduct of a welfare institution,
- (j) the conduct of a prison,
- (k) a service declared to be an essential service under subsection (2),
- (1) a service comprising the supply of goods or services necessary for providing any service referred to in paragraphs (a)–(k).
- (2) The Governor may, by order published on the NSW legislation website, declare any service to be an essential service for the purposes of this
- (2A) To avoid doubt, the regulation of bulk water supply by the Water Administration Ministerial Corporation in the exercise of its rights to the control, use and flow of water is capable of being declared to be an essential service for the purposes of this Act.
- (3) Such an order may not be made unless the Minister has certified to the Governor that the service is essential in the public interest.
- (4) Any such order takes effect on the day on which it is published on the NSW legislation website.

Editorial note. For orders under this section see Gazettes No 28 of 21.2.1990, p 1509 and No 59 of 19.4.1991, p 2961.

5/28/2020

Victoria Western Australia Schedule 2 Abbreviations and Symbols > Schedule 3 Defined Terms Schedule 4 List of Reference Documents > Schedule 5 Fire-Resistance of Building > Elements Schedule 6 Fire Hazard Properties Schedule 7 Fire Safety Verification Method History of PCA Adoption

List of Amendments

Section B Water services | Australian Building Codes Board | Hackment 9.2.5.10 |

Part B4 Fire-fighting water services

Part B4 does not apply in New South Wales.

Note:

Note:

This Part does not apply in New South Wales as fire-fighting water services are regulated under the Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2000, which references the Building Code of Australia.

Part B5 Cross-connection control

After B5.4 insert NSW B5.501 as follows:

NSW B5.501 Cooling tower water service

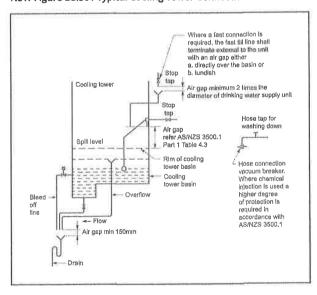
- (1) Water systems permanently attached to cooling towers Backflow prevention shall be positioned so that ---
 - (a) cooling tower air gap must be measured from the rim of the cooling tower basin; and
 - (b) if a drinking water service to the cooling tower passes through the basin, the service pipe must be provided with a double wall protection; and
 - (c) if a fast fill connection is required, the fast fill line shall terminate externally to the unit, with an air gap over either the basin or a tundish.

Note:

A

See NSW Figure B5.501 Typical Cooling Tower Connections.

NSW Figure B5.501 Typical Cooling Tower Connections



Part B6 Rainwater harvesting and use

Deemed-to-Satisfy Provisions

After clause B6.4(1) insert NSW B6.4(2) as follows:

Preview 15 WrB6:4 Bufied and partially buried tanks

Footnote: Other legislation affecting buildings | Australian Building Codes Board 9.2.5.10

Attachment 5 pl f2

NCC 2019 Volume One Amendment 1 (Preview)

NCC 2019 Volume Two Amendment 1 (Preview)

NCC 2019 Volume Three Amendment 1 (Preview)

Footnote: Other legislation affecting buildings

1. Plumbing and Drainage

Administering Agency

Office of Local Government

Relevant Legislation

Local Government Act 1993

Local Government (General) Regulation 2005

Administering Agency

NSW Fair Trading

Relevant Legislation

Plumbing and Drainage Act 2011

Plumbing and Drainage Regulation 2017

Approval to Connect to Network Utility Operator's System

Refer to the Network Utility Operator for the current Act and Regulation

Hunter Water Act 1991

Sydney Water Act 1994

2. Building

Administering Agency

Relevant Legislation

3. Health

Administering Agency

NSW Ministry of Health

Relevant Legislation

Public Health Act 2010

4. Environment

Administering Agency

Relevant Legislation

Public Health Regulation 2012

Office of Environment & Heritage

Water Industry Competition Act (WICA) 2006

Department of Planning and Environment

Environmental Planning and Assessment Act 1979 Environmental Planning and Assessment Regulation 2000

Table of Contents

Search the NCC

Search All Volumes

#

Q

>

000

Highlight:

Governing Requirements

Performance Regulrements

Hide All

Contents and Introduction

Copyright and Licence Notice

Introduction to the National Construction

Code (NCC)

Introduction to NCC Volume Three

Section A Governing Requirements

Section B Water Services

Section C Sanitary Plumbing and Drainage > Systems

Section D Excessive Noise

Section E Facilities

Schedule 1 State and Territory Variations

and Additions

Schedule 1 State & Territory Appendices

Commonwealth of Australia Australian Capital Territory

New South Wales

Section B Water services

Section C Sanitary plumbing and drainage

systems

Footnote: Other legislation affecting

buildings

Administering Agency
Preview version of NCC 2019 Amendment 1 >

5. Gas

NCC 2019 Amendment 1 is expected to be adopted by States and Territories from 1 July 2020. NCC 2019 is the current

Northern Territory edition and will remain in effect until thi**Relevanther spirital administration** for Building Complexity and A2.2(4) Governing

Requirements is subject to consideration yet to be completed

Protection of the Environment Operations Act 1997

Attachment 9.2.5.10 Att 5 P2 12

Environmental Planning and Assessment Act 1979 No 203

Current version for 14 May 2020 to date (accessed 28 May 2020 at 12:12) Part 1 Section 1.4

1.4 Definitions

(cf previous s 4)

erection of a building includes—

- (1) In this Act, except in so far as the context or subject-matter otherwise indicates or requires—
 - (e) extending a balcony, awning, sunshade or similar structure or <u>an essential service pipe beyond</u> the alignment of a public road

Attachment 9.2.5.10

Attachment 9.2.5.10

THE HON. BARBARA PERRY MP

Minister Assisting the Minister for Health (Manual Locale)

Ref: MIN: Doc ID:

A184246

Mr Ray Carter 233 College Road BATHURST NSW 2795

9 JUL 2009

Dear Mr Carter

I am writing in response to issues you raised with the Acting Director General of the Department of Local Government, Mr Ross Woodward, and Mr Luke Aitken from my office at the Public Forum of the Bathurst Community Cabinet Meeting on 10 June 2009, regarding your concerns about sewerage charges imposed by Bathurst Regional Council.

As you may be aware, over recent years there has been an increased emphasis on improving the management of water usage. The Department of Water and Energy has issued Best Practice Pricing Guidelines to encourage the effective and efficient delivery of water supply and sewerage services and to promote sustainable water conservation practices and water demand management throughout New South Wales. Councils are required to adopt best practice management and charging policies when determining water and sewerage charges.

The Department of Local Government has advised me that it made enquiries with Council, which advised that it adopted a two stage program to meet the guidelines determined by the Department of Water and Energy. In developing its annual access pricing policy for water supply in 2001 and sewerage services in 2004, Council considered two options. The first option would allow ratepayers to seek certification of the maximum load demand on the system and apply a charge accordingly. With the second option, Council would simply apply an annual charge based on the meter size serving the property.

I am advised that in 2001 Council decided to base its pricing policy on the second option of applying an annual access charge based on the meter size. Having already adopted this policy in 2001 for water supply, the same policy was applied to sewerage services in 2004. The first option was not adopted by Council.

Under the Local Government Act 1993, councils are established as autonomous bodies with rights and powers conferred by law. They are ultimately accountable to their electors for their actions. This legislation does not give me as Minister or the Department of Local Government wide-ranging powers to intervene in the affairs of individual councils.



2

446 P2 of 2

The issue you have raised is essentially one failing to Council to deal with in its discretion. I suggest that you continue to pursue the matter with Council, possibly by writing to the General Manager or your local councillors. As members of the governing body, the councillors have a responsibility to review the performance of the Council and its delivery of services, and the management plans and revenue policies of the Council.

With regard to the detail contained within the Best Practice Pricing Guidelines, this is a matter for the Minister for Water, the Hon Phillip Costa MP. I have therefore forwarded a copy of the information you provided at the Public Forum for Minister Costa's consideration and any appropriate action.

I trust this information is of assistance.

Yours sincerely

Barbara Perry MP

Minister

Allachmen





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.bathurstregion.com.au

28 August 2015

Mr Ray Carter

Email: ray@carterproperties.com.au

Dear Ray

Submission to Council

I refer to your request dated 24 August 2015 for information regarding your submission to Council's Draft Delivery (2015-2019) and Annual Operating Plan (2015-2016).

I have attached copies of the documents referred to as follows:

- 1. Letter from Minister for Water dated 23 September 2009
- 2. Letter from Minister for Water dated 24 December 2004
- 3. Copy of Section 4.2.2 and Section 4.4.1 of NSW Government's Best Practice Management of Water Supply & Sewerage Guidelines

I hope this information is of assistance to you.

Yours faithfully

R Roach DIRECTOR

CORPORATE SERVICES & FINANCE

Reference: RR:RD: 34.00065-23/021 Enquiries: Mr Bob Roach 02 6333 6257 150828_carter_rates docx

BATHURST REGION ... FULL OF LIFE

Proud to be an





APPENDIX 'B'

MINISTER FOR ENERGY AND UTILITIES MINISTER FOR SCIENCE AND MEDICAL RESEARCH MINISTER ASSISTING THE MINISTER FOR HEALTH (CANCER) MINISTER ASSISTING THE PREMIER ON THE ARTS

MSO Ref: 09208 09538 DEUS Ref: 04/1832 04/2123

Mr Ray Carter Director Carter Bros Engineering Pty Ltd 3 Toronto Street BATHURST NSW 2795

2 4 DEC 2004

Dear Mr Carter

refer to your letters of 8 October 2004 and 25 August 2004 regarding the introduction of best-practice sewerage pricing by Bathurst Regional Council. The Member for Bathurst, Mr Gerard Martin MP has also made representations to me on your behalf regarding this matter. I apologise for the delay in responding to you.

Bathurst Regional Council's recent introduction of best-practice sewerage pricing will ensure that the sewerage system operates efficiently. Under such a tariff, customers with significant sewer discharges will pay a fair share of the costs imposed on the system. An important aspect of a fair sewerage tariff is an annual access charge which reflects the peak load that can be placed on the sewerage infrastructure.

I recognise your concerns regarding the sewer access charge. However, Bathurst Regional Council has assured me that customer concerns will be fairly addressed on a case by case basis. Council has also recently increased its resources to assist customers with their queries by appointing a hydraulic engineer. I therefore encourage you to continue working with Council to satisfactorily resolve this issue.

As outlined in the NSW Government's Best-Practice Management of Water Supply and Sewerage Guidelines, the sewer access charge should reflect a customer's capacity requirements and the load they place on the sewerage system relative to

In her letter to you of 20 September 2004, Ms Kath Knowles, Administrator, Bathurst Regional Council states "Council will reconsider the implementation of nominal sizing of water meters if it is given enough supporting evidence to establish that there is a more equitable manner of applying charges".

./2

Level 31, Covernor Macquarle Tower, 1 Farrer Place, Sydney NSW 2000 Telephone: (02) 9228 4700 FacsImile: (02) 9228 4711 Email: office@sartor,minister,nsw.vov.au

29/09 2009 23:14 PAX



Minister Phillip Costa MP

Minister for Water Minister for Regional Development

MSO 09/2199, MSO 09/2037, MSO09/2454 W09/2001, 09/1928, W09/2121

Mr Ray Carter 233 College Road BATHURST NSW 2795

Dear Mr Carter

I refer to your letters of 23 July 2009, 6 August 2009 and 28 August 2009 regarding the sewerage access charge for your non-residential property at 16 Vale Road, South Bathurst.

I am advised that Bathurst Regional Council has had two-part tariffs involving access charges and usage charges in place for water supply and non-residential sewerage services since July 2004. Such tariffs substantially comply with the Best-Practice Management of Water Supply and Sewerage Guidelines.

As indicated in my letter of 14 July 2009, Council significantly increased its water supply usage charges in the 2009/10 financial year. The new usage charges reflect the long-run marginal cost of the water supply. Similarly, Council is proposing to move to appropriate sewer usage charges for the 2010/11 financial year in order to provide a better pricing signal for non-residential customers.

I understand that the water service connection size of your Vale Road property is 40mm and your consultant's report has calculated the average sewerage load from this property as equivalent to a 20mm connection. However, the relevant consideration in determining the sewerage access charge is the peak load which may be placed on the sewerage system through the water service connection. I am advised that in response to your request, Bathurst Council has indicated it will be reducing the connection size to 32mm, which will reduce the sewerage access charge by 36%.

Accordingly, Bathurst Council's calculation of the sewerage access charge on the basis of the water service connection size is appropriate.

I have sent a copy of this response to Mr Gerard Martin MP, Member for Bathurst, who has made representations on your behalf.

Yours sincerely

The Hon. Phillip Costa MP

Minister for Water

Minister for Regional Development

2 3 SEP 2009

Level 34, Governor Macquarie Tower, 1 Parrer Piace, Sydney, NSW Australia, 2000
Telephone: (03) 9228 3055 * Facsimile: (02) 9228 5388 * Email: office@corps.minister.nsw.gov.su

Note What Mr losta says is appropriate is that

"Council is proposing to move to appropriate Saws

usage charges" which has nothing to do

with continuing inappropriate Annial Charges

This did not occur.

Ordinary Meeting of Council Agenda - 17 June 2020 Attachments

611 of 650

Attachment 9.2.5.10 2 Accordingly, if you believe that the access charge ascribed to you by Council does not reflect your load on the sewerage system, you may wish to commission an independent hydraulic report and present it to Council. Such a report would analyse the historical and likely future water consumption and sewer discharge patterns of your premises and the likely peak discharge requirements. Best-practice sewerage pricing is sometimes a difficult adjustment to make for local water utilities and some of their customers. Bathurst Regional Council has taken a

Frank Sartor 31 612 of 650 Ordinary Meeting of Council Agenda - 17 June 2020 Attachments

responsible approach in moving to such a tariff.

Thank you for bringing this matter to my attention.

Yours sincerely

Attachment 8 Plof4

It should be remembered that the initial modelling was conducted on a revenue neutral basis. This means that the anticipated income was the same as that derived from 2003-2004 sewer rates and charges. These were used for estimates in the 2004-2005 budget. Any reductions or subsidies now granted will reduce Council's income.

The following recommended strategies from the Department of Energy, Utilities and Sustainability (DEUS) released on 27 February 2004 were:

- Phase in the increases for such customers over five years
- Downsize the connection size for customers with an oversized connection provided standards are met.
- Base sewerage access charges on the peak load the discharger places on the sewerage system. Such dischargers should therefore have the option of
- providing for Council's consideration, an expert report to establish the peak load (in equivalent tenements (ETs)) their operations place on the sewerage system. In the absence of such a report, the Council can determine the access charge on the basis of the square of the service connection size times the discharge factor. This is the method adopted by Council.
 - Assist large water users to use water and sewerage services more efficiently and reduce their demands
- Adopt appropriate measures to deal with any hardship cases
- Where a large connection size is required for fire fighting purposes a reasonable approach would be to apply a charge based on the connection size required for water supply and to allow nil or a moderate increase over this charge for provision of the fire fighting capacity.
- If Council proposes to provide a community service obligation to non-rateable properties (e.g. schools, hospitals, churches etc) it should only be applied to reduce the access charges. This will provide an appropriate pricing signal for water usage and sewage discharge to encourage efficient use of the services

The modelling presented to Council did not take into account revenue from trade waste fees or Section 64 developer charges. Best -Practice principles were chosen by Council as the alternative to the current rating system.

Chief Financial Officer's Report to the Council Meeting, 21/07/2004.
GENERAL MANAGERADMINISTRATOR Page 19

AH 8 P294



Civic Centre
Cnr Russell & William Sts
Private Mail Bag 17
Bathurst NSW 2795

Telephone 02 6333 6111
Facsimile 02 6331 7211
council@bathurst.nsw.gov.au
www.bathurstregion.com.au

19 February 2009

Mr Peter Sargent Bathurst Business Chamber PO Box 293 BATHURST NSW 2795

Dear Peter

Sewerage Access Charges

I refer to your letter of 20 January 2009, regarding sewerage access charges.

In order to understand Council's position on the matter of sewerage access charges the following information is supplied.

- In May 2004, Council received advice from the NSW Government of Guidelines to be used in determining a method to charge customers for the use of Council's sewerage assets.
- From 2003 onwards, Councillors have been presented with various reports and options for the charging of sewer charges.

Council, at its meeting held in July 2004, chose the option that is currently being charged to each customer. The options available to Council were to charge either of the following:

- (a) Base sewerage access charges on the peak load the discharger places on the sewerage system. Such discharges should therefore have the option of providing for Council's consideration, an expert report to establish the peak load in equivalent tenements (ET's) their operations place on the sewerage system.
- (b) In the absence of such a report the Council can determine the access charge on the basis of the square of the service connection size times the discharge factor.

Part (b) is the method that has been adopted by this Council.

- As part of establishing a method of charging Council's engineering staff were requested to categorise each business to determine their sewerage discharge factor (SDF).
- Council on 8 June 2004, wrote to all businesses affected by the introduction of this new system requesting them to advise Council if they required a review of

Reference: RR:AL:26.00010-03/026 Enquiries: Mr Bob Reach (02) 6333 6257 Untermandal ellers/2005/rr/sergant (too.

BATHURST REGION ... FULL OF LIFE

Bathurst Business Chamber 19 February 2009

> their business SDF. Council received replies to this request and proceeded to review each property's SDF and where appropriate make the required change.

> Council wrote to over 300 landowners who were affected by these proposed changes. Council received replies from 19 landowners and then proceeded to review each of these requests and make any necessary adjustments that were required.

- Council has since 2004 used this method to charge customers for the use of the 5) sewerage assets.
- Each year Council invites submissions from its ratepayers and customers on any 6) aspect of items contained within the Management Plan including the method of charging for sewer as well as the SDF charge contained in the Revenue Policy section of the Management Plan.
- This issue has been raised many times by a member of the Bathurst Business Chamber, and again I would like to reiterate that it was Council's decision to adopt the method they did. That is, the Council determined the access charge on the basis of the square of sewer connection size times the discharge factor.
- As Council has adopted its method of charging then the option you refer to regarding the peak load in equivalent tenements (ET) is not available to Council's customers at the present time. However, as pointed out in item (6) each and every ratepayer has the right to make a submission on the Management Plan including the method of charging for sewer charges.
- Council will invite and consider all submissions made in determining its Management Plan and Revenue Policy for the 2009/10 period.

I trust this explain's Council's position in relation to sewer access charges.

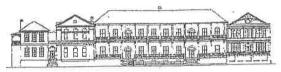
Yours faithfully

Paul Toole

MAYOR OF BATHURST

Reference: RR:AL:26.00010-03/026 Enquiries: Mr Bob Roach (02) 6333 6257 U.V.mandall, ettors v. 009 m. sargent doc





PARLIAMENT OF NEW SOUTH WALES . LEGISLATIVE ASSEMBLY

Electorate Office
State Office Block
140 William Street
BATHURST NSW 2795

Gerard Martin, M.P.

Member for Bathurst

13 October 2009

Ref:CB:09 Your Ref:

15 OCT 2009

The Hon Phillip Costa MP
Minister for Water and
Minister for Regional Development
Level 34 Gov Macquarie Tower
1 Farrer Place
Sydney NSW 2000

Dear Minister

I write in response to previous representations I have made on behalf of Mr Ray Carter Principle of Carter Brothers Engineering Pty Ltd, a long established local Bathurst industry in relation to his ongoing dispute with Bathurst Regional Council and the manner in which they levy sewer charges.

Whilst I appreciate your correspondence of the 23rd of September 2009 on the subject it does unfortunately ignore an important issue that was raised by Mr Carter during the Community Cabinet meeting on Bathurst and that is the question of how Council interprets Equivalent Tenements as part of the user pay sewage system. In fact both Council and the Department have ignored this part of the issue that has been consistently raised by Mr Carter and a growing number of other commercial property owners in Bathurst.

I have attached further correspondence from Mr Carter on this issue and request that the issue of equivalent tenements be addressed. I can understand some people in bureaucracy and the Bathurst Regional Council thinking that Mr Carter is a persistent nuisance in relation to this matter but I am convinced that he has a strong case and Bathurst Regional Council should be made to address the Issue.

It may be beneficial to have someone from the department discuss this matter with Mr Carter before you respond.

Ever hopeful of a just outcome.

Yours faithfully

Gerard Martin MP

BATHURST MEMBER FOR BATHURST

Telephone: 6331 1555 Facsimile: 6331 1566 All Correspondence to: PO Box 712, BATHURST 2795 email: gerard.martin@parliament.nsw.gov.au

35

USER PAYS BEST PRACTICE SEWER CHARGES (26,00010) - Item prepared by Toni Dwyer

Recommendation: That Council:

- (a) Engineering Staff be made available to provide on-site preliminary assessment and consultation;
- (b) That Finance Staff be made available to explain the principles of best-practice pricing:
- That Council provides a Hydraulic Engineer in the first year of best-practice sewer pricing to assess requests for downsizing and rationalizing of meters;
- That the cost of downsizing or removing meters be met by Council;

That nominal sizing of meters is not used for calculating access charges due to

- the common practice of using fire hose reels; That no community service obligation be provided for non-rateable properties as most of these are state government bodies (e.g. schools, hospitals) and by doing so it will re-introduce cross-subsidies that will result in Council not meeting the Best Practice Guidelines;
- (g) That if it is determined by the Chief Financial Officer that the increase in sewer prices (including trade waste fees) is substantial and would create financial pressures, an agreement may be entered into to introduce the charges over a three year period. This will be done by individual application.
- (h) carry out a review of Sewerage Discharge Factors. This review will be carried out on request by Council's Engineering Department provided that sufficient information is given to warrant that review. In the first year of best-practice sewer pricing any adjustment will be effective from 1 July 2004. Reviews requested in following years that result in an adjustment from the date of receipt of the initial request.

At Council's meeting held on 23 June 2004, Council resolved to amend its sewer rates and charges for 2004/2005. The charges formally resolved are:

Annual Residential Sewer Charge

That the annual charge for single residential (includes residential strata's) and unmetered properties be \$350.30.

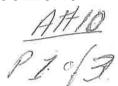
Annual Vacant Land Sewer Charge That the annual charge for vacant land be \$184.40.

Annual Sewer Access Charge

That the annual access charges for non-residential and multiple residential properties are to be the total of the metered charges applicable to the property as shown in the table below multiplied by a sewerage discharge factor.

Size of Water Connection	_\$_
20mm*	307
25mm	-480

Chief Financial Officer's Report to the Council Meeting, 21/07/2004.



Council's income from Sewerage charges in 2009/2010 has been prepared with a proposed increase in charges of 4.5% in order to maintain the status quo in service delivery.

Council is now in its fifth year of user pays pricing for sewerage services. The introduction of the pricing system was completed to comply with "Best-Practice Management of Water Supply and Sewerage" guidelines issued by the Department of Energy, Utilities and Sustainability (DEUS) and the "Water Supply, Sewerage and Trade Waste Pricing Guidelines" issued by the Department of Land and Water Conservation.

The guidelines state that best practice involves a two part charge, an access charge based on the size of the meter serving the property and a usage charge based on the water usage registered by the meter. A Sewerage Discharge Factor (SDF), being an estimation of the ratio of water returned to the sewerage system compared to total water usage, is then applied to the charges to create equity across non residential customers. DEUS issued a standard set of SDF's for categories of businesses which Council used in its implementation, ranging from 45% to 95%. For example, a hairdressing salon in the CBD will return nearly all its water consumption to the sewerage system as its water would be only used for hair washing and toilets and would be allocated a high SDF. A school, on the other hand, would use a large proportion of its water usage on its grounds and therefore would have a lower SDF as the water is not being returned to the sewerage system.

Council has received a submission from a ratepayer (attachment 1) to change the already adopted best practice system in regard to non residential access charges. Council currently charges an access fee based on the size of the installed meter at a property, using the same methodology that applies to the water fund. When the system was introduced, Council agreed to downsize meters at no cost to the ratepayer upon presentation of a certificate from a hydraulic engineer. The proposed system is based on nominal meter access charges to compensate for premises where the water meter is oversized for the purpose of firefighting. The alternate method proposed is based on Equivalent Tenements (ET's) and bases the access charges on the peak load that the discharger places on the sewerage system. Such dischargers therefore have the option of providing to Council an expert report to establish the peak load that their operations place on the sewerage system.



The access charge that Council has adopted reflects the actual access that a property has to the system and is considered to be the most equitable methodology available.

The submission also contains a letter from the then Planning Minister to the ratepayer advising that "Best practice pricing is sometimes a difficult adjustment to make for local water utilities and some of their customers. Bathurst Regional Council has taken a responsible approach in moving to such a tariff".

Accordingly, it is recommended to continue the existing method for the user pays sewerage charges.

The major capital works proposed for 2009/2010 include:

- Construction of Rankin Street high level sewer main interconnections to reduce overflows.
- Replacement of sewerage pumps and aged switchboards at Sewer Pump Stations.
- Concrete reinstatement at inlet works at Wastewater Treatment Works .

	Director Corporate Services & Finance's Report to the Council Meeting, 15/04/2009.	
	GENERAL MANAGER	MAYOR
-	Page 12	

Attachmens

Civic Centre

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



3 May 2019

Mr Ray Carter 233 College Road BATHURST NSW 2795

Dear Sir

I refer to your letter dated 18 February 2019 regarding various earlier letters seeking to debate Council's water availability charge and sewerage availability charge.

You continue to question the power of Council to impose availability charges under Section 501 Local Government Act 1993 (LGA).

The power to levy the availability charges was determined by the Land and Environment Court in your company's Court proceedings identified as <u>Prefabricated Buildings Pty Ltd v Bathurst Regional Council</u> [2017] NSWLEC 44.

At paragraph 3 of the judgement in <u>Prefabricated v BRC</u>, the Court identifies that it was "satisfied that the Act permits Council to charge both for actual use of services and based on availability of services and therefore do not consider that the Availability Charges are unlawful under the Act."

At paragraph 54 of the judgment, the Court observed that "the Act does not specify exactly what methodology should be used to levy annual charges. However, in the absence of any evidence as to why the availability charges may be invalid, it is not for the Court to confine that methodology in these proceedings."

Those proceedings have been concluded.

Council applies the approach upheld by the Court. Council's methodology remains the same as it was in the year in question in <u>Prefabricated v BRC</u>.

I do not consider that it is a reasonable use of Council resources to continue to engage in correspondence debating the existence of the power and the application of the methodology.

You have a statutory entitlement to make submissions (as you have done for a number of years) regarding Council's draft operational plan (Section 405 LGA) and audited financial statements and auditor's report (Section 420 LGA). Such submissions are considered in accordance with the law.

I do not propose to engage in debate over issues of power or methodology already determined by the Court.

Reference: AJ:RD:26.00010-03/133 **Enquiries:** Mr Aaron Jones 02 6333 6257 190501_R Carter.docx

BATHURST REGION ... FULL OF LIFE

Proud to be an evocity

2

Mr R Carter 3 May 2019

The issues contained in your letter under reply have, as their foundation, issues of power and methodology already considered by the Court and I therefore do not propose to enter into further correspondence.

I should inform you that any reply to correspondence with you in future will not traverse issues already dealt with by the Court.

Yours faithfully

CORPORATE SERVICES & FINANCE

The issues contained

Reference: AJ:RD:26.00010-03/133 Enquiries: Mr Aaron Jones 02 6333 6257 190501_R Carter.docx

Survey Responses

22 April 2020 - 21 May 2020

Submission Form

Your Say Bathurst Region

Project: Financial Assistance COVID-19 Stimulus Measures



VISITORS 24					
C	ONTRIBUTOR	rs		RESPONSES	
O Registered	O Unverified	6 Anonymous	O Registered	O Unverified	8 Anonymous

Godonisaions classed 18 may 2020.



Respondent No: 1 Login: Anonymous

Email: n/a

Responded At: Apr 28, 2020 15:38:58 pm

Last Seen:

Apr 28, 2020 15:38:58 pm

IP Address:

n/a

Q1. Name

Meg Bolam-Williams, Bolam Group Holdings

Q2. Number and Street

Level 1, 185 George St,

Q3. Suburb

BATHURST, NSW

Q4. Email

meg@bolams.com.au

Q5. Do you have any comments in regards to the Financial Assistance COVID-19 Stimulus Measures proposed by Council?

Please see attached letter.

Q6. Are there any other measures you think Council should consider in regards to the Financial Assistance COVID-19 Stimulus Measures proposed by Council?

Please see letter attached

Q7. Use this tab to upload a file...

https://s3-ap-southeast-2.amazonaws.com/ehq-productionaustralia/4826854df632946b04418c6be836132d347b7e7a/original/1 588052325/BRC_Covid_19_-_Rate_Relief_Letter_-_27April20.docx_d8fbe5d12a3d3009957e4f55459ea1ac? 1588052325

Bolam Group Holdings Pty Ltd

Bolam Property Investments Pty Ltd, Bathurst Property Pty Ltd, Read House Pty Ltd, Tindalls Corner Pty Ltd Unit 1, First Floor, Read Chambers, 183-185 George Street Bathurst NSW 2795 Tel: 02 6331 2851 Mobile: 0402 811 824 meg@bolams.com.au ACN 085 069 236

27th April 2020

Attention:

Mr David Shirely - General Manager
Mayor Bobby Bourke
Councillor Warren Aubin
Councillor Alex Christian
Councillor John Fry
Councillor Graeme Hanger
Councillor Jess Jennings
Councillor Monica Morse
Councillor Ian North
Councillor Jacqui Rudge
Bathurst Regional Council

Dear Sirs/Madams.

Financial Assistance COVID-19 Stimulus Measures

I was reassured to receive Bathurst Regional Council (BRC) invitation to rate payers whom have been impacted by the Covid 19 for financial assistance submissions.

The Bolam group of companies has in its commercial property portfolio 21 buildings within the Bathurst CBD, some 63 commercial tenancies. Of those tenancies, 56 are currently leased, of those leased tenancies, more than 70% are businesses locally owned and operated by Bathurstians. The overwhelming majority of our tenants are small business, many are sole traders, all of our tenants employ people whom live in Bathurst.

The impact of Covid 19 has been devastating to many of our clients, some have had to endure Government mandated closures loosing 100% of their income overnight, many more have been devastated by the painful but necessary social distancing measures, with the slow but definite bleeding of their financial resources as they try to continue in the face of a rapidly dwindling income. What has become abundantly clear is the ripple effect of Covid 19 is rapidly turning into a financial tsunami as more and more business sectors are impacted.

The Federal and State Governments have called to all Australians to help shoulder the load, as they too shoulder their load to support Australians with relief and stimulus packages. Prime Minister Scott Morrison has said, it is all our responsibility to do what we can, to the best of our abilities to help Australians to get through this time.

As a landlord the Bolam Group is very conscious of this call to support our tenants and we are firmly committed to supporting as many of our clients as we can through this difficult time and, prior to the Federal Government announcing its Code of Conduct for landlords and tenants, we had already begun offering out tenants relief packages. We understand this is not a time to protect our profit margins, rather, it is a time to protect our communities, our local economy, to protect the future recovery of our City, it's residence, our tenants and our business.

We know that if we want our business to survive, we need our clients to survive. If we hope to continue to live and thrive in a progressive growing city that Bathurst is, then we must also commit everything we can, to set aside revenue margins, to ensure the small businesses in our properties also survive. At the end of the day, our city needs small businesses, we need them to survive, thrive and employee the people of Bathurst once again, we need to have something to rebuild with, once this crisis has passed and confidence eventually returns.

As a landlord, we find ourselves between a rock and hard place, while we are expected to endure a dramatic loss of income, for many landlords the only avenue for assistance is with the banks and even there we will not get a "rent free period" from the Banks, instead Bank fees and interest for this period will still be payable at the other side of this crisis. Indeed, many landlords will be placed under enormous pressure during this time with the only available assistance coming in the form of deepening overdrafts with the banks. Following PM Scott Morrison's moratorium on evictions, several national franchises took the opportunity to announce (within the same hour) they will not be paying rent - indefinitely, regardless of their capacity to pay, we ourselves have had this happen with a number of national tenants withholding 100% of their rent, despite still operating at between 60% and 80% capacity.

The State Government has offered a small portion of relief on land taxes with 25% reduction in land taxes for those properties with 30% or more drop in income and of whom fit into the job keeper allowance requirements. Additionally, they have agreed to defer payments over an extended period without interest or penalty.

Many local Councils around Australia are answering the call to support their communities with offers including, but not limited to, the following: -

- 0% rate rise for 2020/2021
- 0% interest or late fees on all rates for the remainder of financial year of 2019/20 and for all of the financial year for 2020/21
- Flexible rate relief and payment plans
- Waiver of Council tenant rents for 3 months
- Waiver of all annual food inspection fees
- Small business grants up to \$2000.
- 6mth extension to alfresco dining permits
- Waiver and/or discount and business registrations
- Significant injection of funds into "buy local" campaign

I am certain many, if not all of the above options are being considered by BRC and we ask, in the interest of continuing the growth and economic stability of our City, that Council generously implement as many of these options as possible. Now is not the time to be protecting profit margins, including Councils profit margins, rather it is the time to protect the interests of our City, the businesses and residences within it – I am sure this is at the forefront of all those in Council whom have the influence and capacity to make a difference to our local businesses and our City's ability to recover quickly from this crisis.

The Bolam group of companies pay close to \$400,000 in rates each year. Our income has been seriously compromised and we will be under significant pressure to both carry our impacted tenants and pay these rates. Having said that, we remain committed to meeting these obligations. Provided our tenants situation does not worsen still, it will be our intention to make monthly incremental payments of these rates over an extended period of time, rather than quarterly Instalments.

With our continued commitment to pay our rates in place, we ask BRC for its assistance to support us as we in turn do our best to support local businesses. We ask BRC to :-

- Waiver all late fees for the below properties, from now until the end of 2020/21 financial year, to enable us to continue to carry the burden for our clients as best we can, without further penalty from BRC.
- Freeze all rate increases for the below properties for 2020/21 rates.

Properties	Assessment
	No.
152 William St	200716
46 George St	128990
50 George St	129014
52 George St	129002
56 George St	129030
58 George St	129048
85 George St	128537
99 George St	128479
107 George St	128453
183 George St	128123
241 George St	127893
205 Howick St	318104
211 Howick St	222686
225 Howick St	141365
229 Howick St	141357
240 Howick St	128461
252 Howick St	140144
93 Keppel St	145358
98 Keppel St	146190
168 Russell St	232776

We ask that BRC response to our request by 10th May 2020 so we can carry out continued forward playing with this understanding in place.

Should you or any member of BRC wish to discuss any of the above matters further, I certainly would welcome it.

Yours faithfully,

Meg Bolam-Williams

Attachment 9.2.9.1

Respondent No: 2

Login: Anonymous

Email: n/a

Responded At: May 05, 2020 11:42:43 am

Last Seen:

May 05, 2020 11:42:43 am

IP Address:

n/a

Q1. Name

Triaxial Consulting

Q2. Number and Street

Shop 1 / 137 George Street

Q3. Suburb

BATHURST, NSW

Q4. Email

rstanford@triaxial.com.au

Q5. Do you have any comments in regards to the Financial Assistance COVID-19 Stimulus Measures proposed by Council?

Yes, Item 2.3 Procurement Policy - Local Business Weighting/Preference. I think, to help support local business in a significant way, the preference of 5% should be increased to 15%.

Q6. Are there any other measures you think Council should consider in regards to the Financial Assistance COVID-19 Stimulus Measures proposed by Council?

Yes, with regard to request for and assessment of quotations from BRC, preference should be given to business that operates in the Bathurst LGA. For example, the assessment of quotation for the new Carrington Park Grandstand Extension has 0% weighting for local consultancy to provide the service, when there are in fact several firms capable and willing to provide this service. It's almost as if BRC does not want to use local business for their projects. Please consider supporting local business and giving weighting to local business in the assessment of BRC quotations by at least 15%.

Q7. Use this tab to upload a file...



Respondent No: 3

Login: Anonymous

Email: n/a

Responded At: May 05, 2020 11:43:36 am

Last Seen:

May 05, 2020 11:43:36 am

IP Address:

n/a

Q1. Name

Rawdon Stanford

Q2. Number and Street

4 Golsby Street

Q3. Suburb

WEST BATHURST, NSW

Q4. Email

rawdonstanford@hotmail.com

Q5. Do you have any comments in regards to the Financial Assistance COVID-19 Stimulus Measures proposed by Council?

Yes, Item 2.3 Procurement Policy - Local Business Weighting/Preference. I think, to help support local business in a significant way, the preference of 5% should be increased to 15%.

Q6. Are there any other measures you think Council should consider in regards to the Financial Assistance COVID-19 Stimulus Measures proposed by Council?

Yes, with regard to request for and assessment of quotations from BRC, preference should be given to business that operates in the Bathurst LGA. For example, the assessment of quotation for the new Carrington Park Grandstand Extension has 0% weighting for local consultancy to provide the service, when there are in fact several firms capable and willing to provide this service. Please consider supporting local business and giving weighting to local business in the assessment of BRC quotations by at least 15%.

Q7. Use this tab to upload a file...

Attachment 9.2.9.1



Respondent No: 4 Login: Anonymous

Emall: n/a

Responded At: May 08, 2020 19:03:26 pm

Last Seen:

May 08, 2020 19:03:26 pm

IP Address:

Q1. Name

Swagat Thapa

Q2. Number and Street

19 Charlotte Street

Q3. Suburb

BATHURST, NSW

Q4. Email

managerbathurst@littomoresuites.com.au

Q5. Do you have any comments in regards to the Financial Assistance COVID-19 Stimulus Measures proposed by Council?

No

Q6. Are there any other measures you think Council should consider in regards to the Financial Assistance COVID-19 Stimulus Measures proposed by Council?

More fundings grants for local businesses.

Q7. Use this tab to upload a file...



Respondent No: 5 Login: Anonymous

Email: n/a

Responded At: May 09, 2020 03:18:38 am

Last Seen:

May 09, 2020 03:18:38 am

IP Address:

n/a

Q1. Name

Malcolm Drinkwater

Q2. Number and Street

3458 Hill End Road

Q3. Suburb

HILL END, NSW

Q4. Email

historyhill@historyhill.com.au

Q5. Do you have any comments in regards to the Financial Assistance COVID-19 Stimulus Measures proposed by Council?

Any assistance is much appreciated. I have a museum at Hill End which as council would be aware was closed by the governments covid 19 virus policy on 22nd March. If we have to keep our doors closed the equates to nil income. I have not been able to access any covid 19 funds as a fall outside all criteria for a sole trader who does not employ with a annual turnover less than required for the funds available to most small business.

Q6. Are there any other measures you think Council should consider in regards to the Financial Assistance COVID-19 Stimulus Measures proposed by Council?

I noted in the stage one for recover that travel was Ok. But museums must wait until stage 2. Why? I repeat any assistance you can provide is greatly needed. My business name is 'History Hill' my ABN is 60 229 050 091

Q7. Use this tab to upload a file...



Respondent No: 6 Login: Anonymous

Email: n/a

Responded At: May 18, 2020 12:46:22 pm

Last Seen:

May 18, 2020 12:46:22 pm

IP Address:

Q1. Name

Christine Le Fevre - Bishop's Court Estate Boutique Hotel

Q2. Number and Street

226 Seymour Street

Q3. Suburb

BATHURST, NSW

Q4. Email

christine@bishopscourtestate.com.au

Q5. Do you have any comments in regards to the Financial Assistance COVID-19 Stimulus Measures proposed by Council?

Thankyou very much for waiving several fees to assist us as we have lost 100% of our business

Q6. Are there any other measures you think Council should consider in regards to the Financial Assistance COVID-19 Stimulus Measures proposed by Council?

not answered

Q7. Use this tab to upload a file...



Respondent No: 7

Login: Anonymous

Email: n/a

Responded At: May 19, 2020 06:22:15 am

Last Seen:

May 19, 2020 06:22:15 am

IP Address:

n/a

Q1. Name

Lee Baxter-Moras

Q2. Number and Street

66 Blue Ridge Drive

Q3. Suburb

WHITE ROCK, NSW

Q4. Email

lee@rpibaxter.com.au

Q5. Do you have any comments in regards to the Financial Assistance COVID-19 Stimulus Measures proposed by Council?

acting on behalf of our business, RP & I Baxter Pty Ltd, we own and manage a variety of investment properties leased to Bathurst Businesses. We have been encouraged by the Government to assist with rental support wherever possible to our tenants, however all waiving and deferral of rent is our loss to bear. Assistance for council rates for these properties would be appreciated. Of course, with all suitable requests would be supported by suitable documentation for the claim for assistance.

Q6. Are there any other measures you think Council should consider in regards to the Financial Assistance COVID-19 Stimulus Measures proposed by Council?

If business run at a Bathurst property has suffered a downturn in GST turnover of >50%, then council should consider 50%waiver/deferral of council rates for the business/landlord to help them through this period.

Q7. Use this tab to upload a file...

Attachment 9.2.9.1



Respondent No: 8

Login: Anonymous

Email: n/a

Responded At: May 19, 2020 16:52:29 pm

Last Seen:

May 19, 2020 16:52:29 pm

IP Address:

n/a

Q1. Name

Christine Le Fevre

Q2. Number and Street

226 Seymour Street

Q3. Suburb

BATHURST, NSW

Q4. Email

christine@bishopscourtestate.com.au

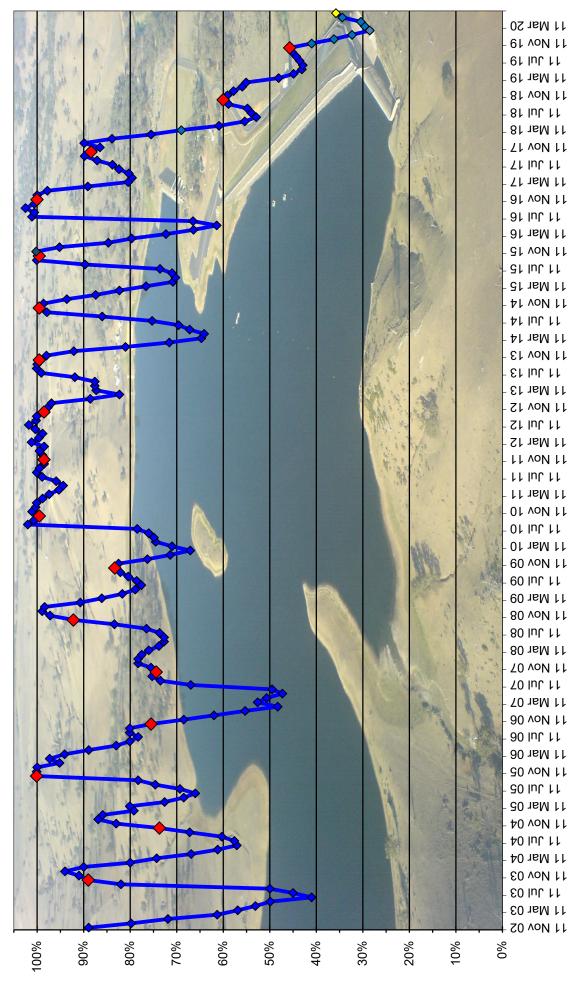
Q5. Do you have any comments in regards to the Financial Assistance COVID-19 Stimulus Measures proposed by Council?

We welcome any financial assistance as we have lost 100% of our business

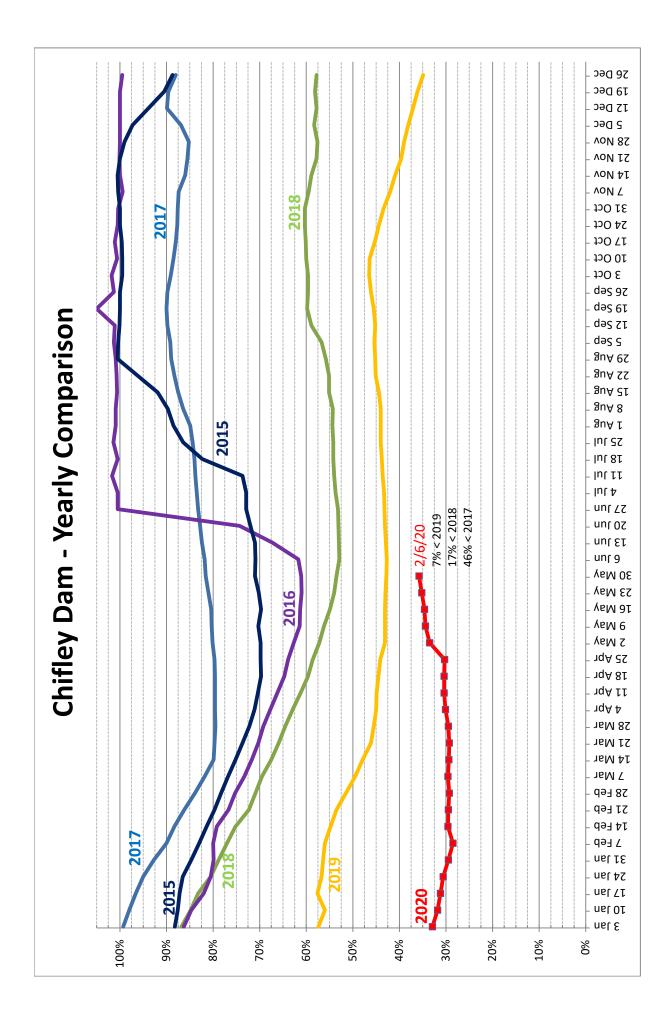
Q6. Are there any other measures you think Council should consider in regards to the Financial Assistance COVID-19 Stimulus Measures proposed by Council?

Assistance with business land rates, water rates, general charges

Q7. Use this tab to upload a file...



ed markers indicate October. Yellow = 2 June 2020



1	Creative Places: A F	Place of Culture and Creativity		
1.1	Resource infrastruct	ture to maximise the potential of existing	cultural ins	titutions.
	Goal	Actions	Timeline &	Actions to date
1.1.1	Bathurst Memorial Entertainment Centre upgrade	Prepare a report to Council seeking approval and funding for improving the theatre's sightlines as well as the stairs, aisles and seating configuration of the dress circle.	Targets 1 year - short term	 Remediation of existing facilities forms part of the call for EOI's which close on 4 June 2019. Engineering has been unable to arrive at compliant plans for sightline improvements. Plans for remediation of the building are being considered as an element of the Next Practice Performing Arts Facilities consultancy.
1.1.2	Library Refurbishment upgrade	 Prepare a design brief seeking expressions of interest and costings for the Library Refurbishment Upgrade. Seek additional funding from other sources to augment funding already confirmed. Carry out upgrade to Library. 	1 year – short term	Upgrade carried out December 2017/January 2018.
1.1.3	Visitor Information Centre upgrade	Engage an appropriate tourism consultant to investigate and report on the redesign of the Bathurst Visitor Information Centre to bring a more dynamic feeling to the material on offer, to take advantage of new digital technologies and mobile applications and to highlight Council's cultural facilities. Prepare a report to Council seeking approval and funding to implement recommendations of the consultant's report.	2 years - short term	Stage One of upgrade is complete following appointment of a consultant and work undertaken in 2018/2019. BVIC staff have provided input and ideas throughout the redesign process. Additional funding has been provided for Stage Two works in 2019/2020.
1.1.4	Australian Fossil and Mineral Museum upgrade	Engage an appropriate museum consultant to engage with key stakeholders to develop a 'next stage' strategic plan for the museum. Prepare a report to Council seeking approval and funding to implement recommendations from the strategic plan.	2 years - short term	Consultant appointed to undertake the Australian Fossil and Mineral Museum Strategic Plan 2019-2029. Community and key stakeholders consultation has been completed with draft plan underway. Strategic Plan Development on hold pending the development of the Town Centre Masterplan. Strategic Plan development on hold pending the development of the Town Square Masterplan.

1.2	Develop new cultural infrastructure to meet the changing needs of the community and cultural sector.				
	Goal	Actions	Timeline &	Actions to date	
1.2.1	Collection Management and Storage Facility	Develop a business plan and operating model for a centralised Collections Management and Storage Facility. Develop detailed physical and operational plans. Engage with other Councils and organisations who may wish to use the facility. Seek funding sources. Prepare a report to Council seeking approval and funding to implement the recommendations. Undertake building construction and commence storage operations.	Targets 2 years - short term	Business plan and operating model for a centralised Regional Collections Facility has been developed. Physical and operational plans have been developed. Engagement with other regional collecting organisations who may wish to use the facilities services has commenced. Consultation with partners to provide other collections services has commenced. Grant applications have been submitted to the NSW Regional Cultural Fund. Funding in Round 2 of the Regional Cultural Fund was successful with \$2.3 million awarded. Council providing a matching funds for the project, via developer contributions. Project Control Group formed with membership from Bathurst Regional Council and Create NSW and staff appointed to oversee project. Development of functional brief underway. Expression of Interest and Tender process undertaken. Council rejected the 3 Tenders submitted. Currently working with preferred contractor to negotiate design and price for project	
	Chifley Dam Residency Space Strategy Bathurst Rail	 Engage a consultant to prepare a business plan and operational model for the development of the Chifley Dam Performing Arts Residency Space Strategy. Seeking funding and program partners. Prepare a report to Council seeking approval and funding to implement the recommendations. Undertake construction of facility and commence residency program. Prepare a business plan and operational 	3 years – short term 2 years -	 The residency space forms part of the brief calling for Expressions of Interest which closed on 4 June 2019. Design and costings being considered as part of the Next Practice Performing Arts Facility consultancy in 2020. Business plan and operational model 	
1.2.3	Museum	model for the development of the Rail Museum. • Seek capital and operational funding. • Undertake capital works. • Open museum with curated exhibitions and education and public programs.	short term	being updated to reflect increased scale and scope of Rail Museum. • Capital and operational funding secured through Federal and State grants and Council allocation. • The Museum's architectural design has been finalised and approved • The Content designer has been engaged and draft material presented. • Capital works commenced in November 2018. • Bathurst Rail Museum Opened to the Public on 22nd February 2020.	

1.2	Develop new cultural infrastructure to meet the changing needs of the community and cultural sector.				
Cont'd		Actions	Timeline &	Actions to date	
1.2.4	Wiradjuri Cultural Centre and Keeping Place strategy	Engage an appropriate Indigenous museum consultant to work with the Bathurst Aboriginal community and Council to investigate, scope and report on the requirements of a purpose-built Wiradjuri Cultural Centre and Keeping Place. Investigate funding sources for the project. Prepare a report and implementation strategy to Council for approval.	Targets 3 years – short term	No action to date.	
1.3		approach to planning for the next genera			
	Goal	Actions	Timeline & Targets	Actions to date	
1.3.1	The next-practice Performing Arts Facility/Facilities	 Engage an appropriate consultant to investigate, scope the requirements including potential sites and report back to Council on the next-practice performing arts facility/facilities. Prepare and submit to Council for approval a business plan and operational model for the development of the next-practice performing arts facility/facilities. Seek capital funding. Undertake capital works. 	5 years – medium term & 15-20 years - long term	 Consultant employed to develop brief calling for EOI's to deliver a framework for the development of required facilities. EOI's closed 4 June 2019. Williams Ross Architects with Rob Gebert Arts Management and The Setting Line appointed. Stage two of the consultancy planned for June 2020 with completion expected by the end of August 2020. 	
1.3.2	The next-practice Library	Establish key performance indicators and monitor the performance of the newly refurbished library (see 1.1.2). This will measure the strengths, weaknesses, opportunities and threats of the current building service delivery approach. Engage an appropriate consultant to investigate, scope the requirements including potential sites and report back to Council on the next-practice library facility/facilities. Prepare and submit to Council for approval a business plan and operational model for the development of the next-practice library facilities. Seek capital funding. Undertake capital works.	5 years – medium term & 15-20 years - long term	 State Library of NSW Compliance and Assessment review undertaken in August 2018. Report received October 2018. Findings incorporated in the Library Strategic Plan 2019-2024. * Library Strategic Plan 2019-2024 adopted by Council October 2019. 	

1.3 Cont'd		approach to planning for the next genera		
onta	Goal	Actions	Timeline &	Actions to date
2 2	The poyt practice Art	With the recent upgrade of the gallery's	Targets 5 years –	August 2017 - Interior walls of gallery
.ა.ა	Gallery		medium	insulated, lined, and painted.
	Gallery	and the installation of a new low-energy	term	•
		· · · · · · · · · · · · · · · · · · ·	& 15-20	 June 2018 - Lloyd Rees Reading Roor walls lined.
		LED lighting system, the gallery is well placed to meet best industry standards		
		l' -		March 2020: BRAG 2021-2024 Strategi
		and be more energy efficient.	term	Plan developed.
		• The installation in 2017/2018 of insulated		
		interior and exterior walls in the gallery		
		spaces will also remedy previously		
		identified inadequacies in the original		
		construction of the building and will make		
		the building more energy efficient.		
		• As well the installation of solar power to		
		the art Gallery/Library complex will further		
		make the complex more energy efficient,		
		making the building 'greener'.		
		Despite these improvements, the gallery The second of the seco		
		will eventually outgrow its site; as its role		
		in the community grows, it will be		
		necessary to look to the gallery's future		
		development.		
		As a result, it will be necessary to		
		engage an appropriate consultant to		
		investigate, scope and report on the next-		
		practice gallery facility/facilities.		
		Prepare and submit to Council for		
		approval a business plan and operational		
		model for the development of the next-		
		practice Bathurst Regional Art Gallery		
		facility/facilities.		
		Seek capital funding.		
		Undertake capital works.		

1.4	Develop a whole of	city approach to alternative spaces/place	s to support	culture and creativity.
	Goal	Actions	Timeline &	Actions to date
4.4.4	ODD # 1	0 1 1 1 11 111	Targets	T 0 1 M 1 D
1.4.1	CBD cultural overlay	 Conduct a review of the CBD and identify and map existing and potential facilities and outdoor spaces (public and private). Identify any constraints on the use of those facilities and spaces and develop an improvement plan where required. Identify opportunities to facilitate place management of business precincts that make greater use of cultural facilities and spaces, both public and private. Develop a policy framework for use of Council owned facilities/spaces. 	3 years - short term	Town Centre Master Plan currently in development.
1.4.2	Town Square Precinct Redevelopment	 Ensure that Cultural input is central to the ongoing development of the master plan of the Bathurst town Square Precinct in identifying improving and activating public spaces and buildings within the square. Ensure that Cultural input is central to the continued detailed planning for the adaptive reuse of the former Bathurst TAFE site (see 1.4.3). Identify opportunities to facilitate place management of the Town Square Precinct. Develop and implement a Public Art Policy (see 2.2.1). 	10 years - medium term	 Australian Fossil and Mineral Museum courtyard - YJam youth music performance held during Youth Week 2017. Australian Fossil and Mineral Museum Artist in Residence during the Artstate festival November 2018. Australian Fossil and Mineral Museum – grass courtyard wall used for projection during the Winter Festival and ongoing. Infrastructure installed. Development of a Town Square Tour as a part of the Bathurst Region Tours and Trails App, June 2018, will serve to activate heritage buildings of the precinct. Funding partnership with Charles Sturt University developed to co-fund CBD masterplan. Public Art Policy endorsed, Public Art Committee and Technical Review Panels, and Public Art Community Peers established.
1.4.3	The former TAFE site	 See 1.4.2 Town Square Precinct Redevelopment. Pursue the appropriate adaptive reuse of the former Bathurst TAFE site. 	10 years - medium term	 Public Works engaged to prepare a building conservation strategy fore the former Headmasters residence to guide the buildings repair, restoration and conservation. Funding partnership with Charles Sturt University developed to co-fund CBD masterplan.

1.4	Develop a whole of city approach to alternative spaces/places to support culture and creativity.			
Cont'd	Goal	Actions	Timeline &	Actions to date
			Targets	
1.4.4		See 1.4.1 CBD cultural overlay. See 1.4.2 Town Square Precinct Redevelopment.	5 years - medium term	 Australian Fossil and Mineral Museum courtyard - Y Jam youth Music performance in for Youth Week 2017. Australian Fossil and Mineral Museum Artist in residence during the Artstate festival November 2018. Australian Fossil and Mineral Museum – grass courtyard wall used for projection during the Winter Festival and ongoing. Infrastructure is currently being installed. Funding partnership with Charles Sturt University developed to co-fund CBD masterplan. Alternative spaces being considered as part of the NPPAF consultancy.

2	Creative Programs:	Telling Bathurst Region Stories		
2.1		es for diverse, high-quality cultural progra	amming and	educational outcomes through
	Goal	Actions	Timeline & Targets	Actions to date
	Regional Centre for Excellence in Cultural Education Strategy	Engage a consultant to prepare a report that includes: • A review of the current educational programs provided by Council cultural facilities. • A consultation with key external education providers investigating potential partnerships/programs. • A desktop review of current best practice in cultural education. • Recommendations as to strategies and resources required to establish Bathurst as the Centre for Excellence in Cultural Education. • Prepare a report to Council seeking approval and funding to implement the recommendations of the report.	3 years – short term	A preliminary audit of current Bathurst Regional Council educational programs and services was conducted in 2017. Education provision included into the AFMM strategic plan development. Education programs with links to curriculum are being developed for the Bathurst Rail Museum. BRAG 2021-2024 Strategic Plan includes strategic development of BRAG education projects The Museums Bathurst website has been developed, including updated education programs and resources.
2.1.2	Chifley Heritage strategy	 Engage a consultant to undertake a review of Chifley tourist information material, directional signage and interpretive signage to ensure consistent design and message to reinforce the integrated story line. Investigate the opportunities available through the use of mobile technology to provide tourist information via the use of apps and/or other technologies. 	Ongoing	 Investigations regarding the addition of an app-based tour of Chifley Home and an immersive 'virtual tour' via new tourism website. Chifley content to be reviewed and updated as part of the development of the Museum Bathurst Website. A new logo has been developed for Chifley Home. The logo will facilitate a review of all promotional material. Conservation Management Plan completed with Works Plan to be completed. Review of operations of Chifley Home in response to COVID-19 is taking place.
2.1.3	Curated National Motor Racing Museum, Program	Engage a museum consultant to investigate the potential and identify the necessary resources required to undertake a changing program/exhibitions at the NMRM. Prepare a report to Council seeking approval and funding to implement the curated exhibition program	3 years - short term	 The role of Audience Engagement Museums has expanded across the Bathurst Museums. A series of changing displays are currently being planned by the Museum coordinator. An immersive room has been created with content bring produced. National Motor Racing Museum Artist in residence during the Artstate festival November 2018. Two curated exhibitions have taken place: Holden and Craig Lowndes. Thematic Plan for the Museum is currently being developed.

2.1	Expand opportunities for diverse, high-quality cultural programming and educational outcomes through			
Cont'd		Actions	Timeline &	Actions to date
			Targets	
2.1.4	Curated Australian Fossil & Mineral Museum collection program	 Engage a museum consultant/curator to explore the possibilities for expanding the interpretive and storytelling potential of the AFMM's collection by developing a unique program of changing exhibitions. Prepare a report to Council seeking approval and funding to implement recommendations from the review. 	3 years - short term	The role of Audience Engagement Museums has expanded across the Bathurst Museums. Five exhibitions have been curated by the Australian Fossil and Mineral Museum during 2018/2019. These include - Space Rocks in partnership with the Bathurst Observatory, Mini Mammoth, Home of the Somerville Collection, Meet the Diprotodon and The Chapman Collection, The Australian Fossil and Mineral Museum Strategic Plan will include direction for storytelling and changing exhibitions. The development of the Australian Fossil and Mineral Museum Strategic Plan is currently on hold awaiting the development of the Town Square Master Plan.
2.1.5	Collections Management Policy	 Bathurst Regional Council's Collections Management Policy adopted by Council in 2016. Museum Collections Management Policy and Procedures implemented across all Council's collections. Initial consultation and feasibility study for a Regional Collections Management and Storage Facility developed in 2010. Consultant engaged to scope and develop a financially sustainable business model for a Regional Collections Management and Storage Facility. Develop a staff resourcing plan to support regional cultural facilities and collection activities (as per strategic objective 3.1.1 Operational Requirements). Prepare a report to Council seeking approval and funding for the construction and operation of a Regional Collections Management and Storage Facility. 	Various	Bathurst Regional Council's Collections Management Policy adopted by Council in 2016. Museum Collections Management Policy and Procedures implemented across all Council Collections. Initial consultation and feasibility study for a Regional Collections Facility developed in 2019. \$2.3million in matched funding received from Create NSW. Council approved funding for construction and operation of Central Tablelands Collections Facility. Expression of Interest and Tender process undertaken. Council rejected the 3 Tenders submitted. Currently working with preferred contractor to negotiate design and price for project Consultation underway with users and industry advisors to inform functional brief of collections and building needs. □

2.1	Expand opportunities for diverse, high-quality cultural programming and educational outcomes through Council facilities			
Cont'd	Goal	Actions	Timeline & Targets	Actions to date
2.1.6	Increased Public Programs	Seek resourcing and integration across all Council's cultural facilities and event programs to ensure there is cultural content embedded in all Council's Festivals, events and public programs.	2 years – short term	The Catapult Festival was successfully delivered in 2018. A consultant was employed in 2018 to conduct a review of the Inland Sea of Sound which led to delivery recommendations which have been acted upon. Library: STEM programs added to Library programming: Coding, Robotics and Augmented Reality. Library: Virtual programming. Ways of Seeing public art installation developed by BRC Events and BRAG for 2019 Winter Festival. Museums Bathurst has produced a wide rang of online content in response to COVID-19 restrictions and closure of Museums.

2.2	Develop a strategic	approach to the creative activation of Ba		
	Goal	Actions	Timeline &	Actions to date
2.2.1	Public Art Policy	 Engage an appropriate consultant to investigate, scope and report on an appropriate Public Art Policy. Prepare a report to Council for approval and implementation of the Public Art Policy. 	Targets 2 years – short term	 April 2018: Richard Brecknock Consultancy engaged to develop the Bathurst Region Public Art Policy; May 2018: Community Consultation undertaken with interest groups including Indigenous, heritage, arts, business / developers, BRC Councillors and staff; June 2018: Public Art Policy drafting in progress. April 2019: Bathurst Public Art Policy endorsed by Council. May 2020: Public Art Committees & terms of reference established. Community Peers Register created.
2.2.2	Cultural Festivals and Events Policy	Develop and implement a Cultural Festivals and Events Policy that will provide an overview for the development of Council events and celebrations and integrate opportunities for the integration of Council's cultural facilities and to contribute to the aims and objectives of Council's Destination Management Plan and Economic Development Strategy. The policy will provide a framework for events that provide a return on investment and generate economic prosperity and community engagement.	2 years – short term	Festivals and Events Policy being developed in-house by the Events Team. Event Guide developed during 2019 and available on Council's website. Conference and Business Event Planner developed and launched in February 2020
2.2.3	Wiradjuri cultural map	Engage an appropriate consultant to work with the Bathurst Aboriginal community and Council to develop an interpretive strategy and, in particular, develop and have ready for interpretation stories on a number of key cultural themes.	2 years – short term	Draft Aboriginal Heritage Interpretation Strategy prepared for Council by Extent Heritage. Awaiting final review by local Aboriginal groups. Aboriginal Heritage Study completed which includes mapping of aboriginal cultural sensitivity across the whole of the LGA.

3		veloping a Creative Environment		
3.1		ghly skilled and committed cultural and c		
	Goal	Actions	Timeline & Targets	Actions to date
3.1.1	Operational	Engage a consultant to investigate and	2 years -	Council's organisational structure is
	requirements	develop an appropriate organisational	short term	included with the new three year Delivery
	strategy	structure to implement the	and	Program.
		recommendations of the Cultural Vision.	ongoing	
		 Prepare a report to Council seeking 		
		approval and funding for an organisational		
		structure that resources an appropriate		
		level of staffing for the proper management, curation and programming		
		of Bathurst's cultural institutions as		
		recommended in the Cultural Vision.		
	New technologies	Engage a consultant to investigate the	2 years -	State Library of NSW Compliance and
	strategy	staff and technology resources required to establish a next-practice approach to the	and	Assessment review undertaken in August 2018. Report received October 2018.
		application of new technologies in	ongoing	Findings incorporated in the Library
		Bathurst's cultural institutions that will	origonig	Strategic Plan 2019-2024.
		benefit the delivery of the Cultural Vision.		National Motor Racing Museum
		Prepare a report to Council seeking		immersive room completed with content
		approval and funding to implement the		currently being developed.
		new technology strategy for Bathurst's		• 2020: BRAG capacity to develop and
		cultural institutions.		deliver 'next practice' capability increased by targeted recruitment to key positions
				(Curatorial Assistant and E&PPO)
				resulting in interactive projects such as
				Bakyard Bila and Our City: BRAG Town.
3.2		t staff, build volunteer capacity and cont	ribute to edu	ucational richness Actions to date
	Goal	Actions	Targets	Actions to date
3.2.1	Capacity building	Using Council's Annual Performance	Ongoing	Performance Appraisal Review utilised
	strategy	Review Process ensure there is relevant		annually to provide relevant professional
		and ongoing professional development		development for staff.
		and resources provided and included in		
		the annual staff appraisal process.		
3.2.2	Educational potential	Engage a consultant to review all	2 years –	A preliminary audit of current Bathurst
	strategy		short term	Regional Council educational programs
		Council's cultural facilities looking at the		and services was conducted in 2017.
		strengths, weakness, threats and		Education provision included into the
		opportunities, staffing levels, funding and		Australian Fossil and Mineral Museum
		levels of demand. The review will make		Strategic Plan development. • Education programs with links to
		recommendations as to how to proceed and prepare an appropriate		curriculum are being developed for the
		implementation strategy.		Bathurst Rail Museum.
		Prepare a report to Council seeking		BRAG Strategic Plan 2021 - 2024
		approval and funding to implement the		includes recommendations and actions
		review's findings and implement the		for professional development
		strategy across all Council's cultural		opportunities @ BRAG.
		facilities.		The Museums Bathurst website
				developed, including updated education programs and resources.
1 !				programs and resources.

3.2	Develop and suppor	t staff, build volunteer capacity and cont	ribute to edu	icational richness
Cont'd	Goal	Actions	Timeline &	Actions to date
0.0.0	Marinaia a sastanta an	Company of the state of the sta	Targets	The select Acadimus Francisco
3.2.3	Maximise volunteer contribution strategy	 Engage a consultant to undertake a review of all volunteer programs across Council's cultural facilities looking at the strengths, weakness, threats and opportunities, staffing levels, funding and levels of demand. The review will make recommendations as to how to proceed and prepare an appropriate implementation strategy. Prepare a report to Council seeking approval and funding to implement the review's findings and implement the strategy across all Council's cultural facilities. 	3 years - short term	 The role of Audience Engagement Museums has expanded across the Bathurst Museums to include volunteer management. A review of volunteers across the Museums Unit has begun. Volunteer position descriptions and review of recruitment and management of volunteers will be completed prior to the opening of the Bathurst Rail Museum. BRAG Volunteer Program suspended from March 23 2020 (COVID-19 closure) pending review.
3.3		tion of a creative environment that supp		
	Goal	Actions	Timeline & Targets	Actions to date
3.3.1	Artists in Residency Strategy	 Conduct a review of all aspects of the Hill End Artists in Residence Program looking at its strengths, weaknesses, threats and opportunities that makes recommendations and identifies opportunities for the future development of artists in residence programs. Prepare and submit a report to Council on the artists in residence program seeking endorsement and implementation. 	1 year - short term	Review being finalised. Draft report prepared 2020.
3.3.2	Creative industry cluster strategy	 Conduct a review of the existing creative industry sector and other commercial businesses in Bathurst to ascertain whether they would be supportive of participating in a creative industry cluster. This review would determine how Council and affiliated groups can assist the growth of new and existing businesses through existing programs such as Council's Business Management Workshops, the Business Enterprise Centre and the Small Biz Bus as well as identify other business development programs and opportunities. Encourage entrepreneurs and start-up creative commercial businesses through participation in business incubators/start-up hubs. 	2 years - short term	No activity at this time.
3.3.3	Development of a Performing Arts Residency Program	Prepare a report and submit to Council for approval and funding a business plan, operational model and implementation strategy for a residency program for the performing arts.	1 year - short term	Residency forms part of "Outcome 1" of the NPPAF consultancy and is currently being negotiated for action in the second half of 2020.

MINUTES OF THE TRAFFIC COMMITTEE MEETING HELD ON Tuesday 2 June 2020

1. MEETING COMMENCES

MINUTE

Meeting commenced ELECTRONICALLY.

Present:

Members: Clr Warren Aubin (Chair - BRC), Ms Jackie Barry (Transport for NSW), Sergeant Ryan Baird (Police), Acting Sergeant Jason Marks (Police), Mr David Veness (MP Representative).

<u>Present:</u> Mr Bernard Drum (Manager Technical Services), Mr Myles Lawrence (Civil Design & Projects Engineer), Mr Paul Kendrick (Traffic & Design Engineer), Mr Andrew Cutts (Road Safety Officer).

2. APOLOGIES

MINUTE

Nil

3. REPORT OF PREVIOUS MEETING

3.1. Report of Meeting 7 April 2020

File No: 07.00006

MINUTE

RESOLVED:

That the Minutes of the Traffic Committee held on 7 April 2020 be adopted.

3.2. Report of Meeting 5 May 2020

File No: 07.00006

MINUTE

RESOLVED:

That the Minutes of the Traffic Committee held on 5 May 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 5

MAY 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. 2020 WINTER FESTIVAL

File No: 23.00152

MINUTE

RESOLVED:

That Council adopt the following zones and restrictions as part of the Traffic Management Plan for the 2020 Bathurst Winter Festival, as noted in the Director Engineering Services' report.

5.1.4. MOUNT PANORAMA PUNISH

File No: 23.00026

MINUTE

RESOLVED:

That Council endorse the Traffic Management Plan for the Mount Panorama Punish event at Mount Panorama Motor Racing Circuit on Sunday 25 October 2020. The event is to be classified as Class 2 and approved subject to the conditions detailed in the Director Engineering Services' report.

5.1.5. SUPERCHEAP AUTO BATHURST 1000 TRAFFIC MANAGEMENT PLAN

File No: 04.00001-42

MINUTE

RESOLVED:

That the 2020 Supercheap Auto Bathurst 1000 to be held in Bathurst from Wednesday 7-Sunday 11 October 2020, be classified as a Class 2 event and the traffic management for this event be endorsed subject to conditions as detailed in the Director Engineering Services' report.

5.1.6. NEW YEARS EVE TRAFFIC MANAGEMENT 2020

File No: 23.00026

MINUTE

RESOLVED:

That the New Year's Eve celebrations to be held in Victoria Park on Thursday 31 December 2020 be classified as a class 2 event and the traffic management be endorsed, subject to conditions as detailed in the Director Engineering Services' report.

5.1.7. BATHURST WALLABIES TRIATHLON SERIES 2020/2021

File No: 23.00026

MINUTE

RESOLVED:

That the Bathurst Wallabies Triathlon Club 2020/2021 series be classified as a Class 2 event, and endorsed subject to conditions as detailed in the Director Engineering Services' report.

5.1.8. LATE REPORT - ROUNDABOUT MODIFICATIONS AT THE INTERSECTION OF BRADWARDINE ROAD AND SUTTOR STREET

File No: 16.00023

MINUTE

MOVED: David Veness (MP Representative) SECONDED: Jackie Barry (TfNSW)

RESOLVED:

That the design for modification of the roundabout at the intersection of Bradwardine Road and Suttor Street be adopted.

6. TRAFFIC REGISTER

6.1. Traffic Register

File No: 07.00006

MINUTE

RESOLVED:

That the information be noted.

8. MEETING CLOSE

MINUTE

The Meeting closed.