

10 August 2016

His Worship the Mayor & Councillors

**Notice of Ordinary Meeting of Bathurst Regional Council - Wednesday,
17 August 2016**

I have to advise that an **Ordinary Meeting** of Bathurst Regional Council will be held in the Council Chambers on Wednesday, 17 August 2016 commencing at 6.00 pm.

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



D J Sherley
GENERAL MANAGER

BUSINESS AGENDA

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

TO BE HELD ON WEDNESDAY, 17 AUGUST 2016

1. 6:00 PM - MEETING COMMENCES

2. PUBLIC QUESTION TIME

3. PRAYER

Almighty God, Give wisdom to those in authority and guide all peoples in the way of righteousness and peace, so that we may share with justice the resources of the earth, work together in trust and seek the common good. Amen.

4. APOLOGIES

5. MINUTES

* MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 20 JULY 2016
* MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 3 AUGUST 2016

6. DECLARATION OF INTEREST

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

7. MAYORAL MINUTE - Nil

8. RECEIVE AND DEAL WITH DIRECTORS' REPORTS

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

9. REPORTS OF OTHER COMMITTEES

* MINUTES - POLICY COMMITTEE MEETING - 3 AUGUST 2016
* MINUTES - TRAFFIC COMMITTEE MEETING - 2 AUGUST 2016

10. NOTICES OF MOTION - Nil

11. RESCISSION MOTIONS - NIL

12. DELEGATES REPORTS

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

Recommendation: That:

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

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

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

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

| ITEM | SUBJECT | REASON FOR CONFIDENTIALITY |
|------|---|--|
| 1 | NEW COMMERCIAL LEASE AGREEMENT - PART LOT 1 IN DP7744589 KNOWN AS 230 HOWICK STREET BATHURST - OPTUS MOBILE PTY LTD | 10A (2) (c) – contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. Discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it would prejudice council's position in negotiating commercial and or financial arrangements. 10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it. |
| 2 | PURCHASE OF LOT 1 IN DP772047 KNOWN AS 186 LIMEKILNS ROAD KELSO | 10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it. |

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| | | <p>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.</p> |
| 3 | <p>BOUNDARY ADJUSTMENT AND SUBSEQUENT SALE OF LAND ADJOINING LOT 59 KNOWN AS 1 FRASER DRIVE EGLINTON</p> | <p>10A (2) (c) – contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. Discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it would prejudice council's position in negotiating commercial and or financial arrangements.</p> <p>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.</p> |
| 4 | <p>RENEWAL OF RURAL LICENCE AGREEMENT - LOT 1 IN DP749758 LOCATED ON CONROD STRAIGHT MT PANORAMA AND LOT 117 IN DP750357 LOCATED ON COLLEGE ROAD BATHURST - IRELAND</p> | <p>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.</p> <p>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.</p> |
| 5 | <p>EXPRESSION OF INTEREST - RURAL LICENCE AGREEMENT - PART LOT 17 IN DP1099208 KNOWN AS 1 ROCKLEY STREET GEORGES PLAINS - PETERSON</p> | <p>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.</p> <p>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.</p> |
| 6 | <p>PROPOSED PURCHASE OF LAND AT PERTHVILLE - LOTS 1, 2, 3, 4, 7, 8, 9 AND 10 IN SECTION 16 DP758840 - CATHOLIC DIOCESE OF BATHURST</p> | <p>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.</p> <p>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</p> |

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| | | commercial position of the Council. |
| 7 | PURCHASE OF COMMERCIAL SITE IN HOWICK STREET | 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. 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. |

*** DIRECTOR ENGINEERING SERVICES' REPORT**

| ITEM | SUBJECT | REASON FOR CONFIDENTIALITY |
|------|---|---|
| 1 | TENDER FOR PROGRAMMED MAINTENANCE OF POST OFFICE BUILDING | 10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it. |
| 2 | TENDER FOR BATHURST ADVENTURE PLAYGROUND STAGE 2 | 10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it. |

14. RESOLVE INTO OPEN COUNCIL

15. ADOPT REPORT OF THE COMMITTEE OF THE WHOLE

16. MEETING CLOSE

MINUTE

1 MEETING COMMENCES

Present: Councillors Rush (Chair), Aubin, Bourke, Coote, Hanger, North, Westman.

MINUTE

2 PUBLIC QUESTION TIME

G Crisp – Ratepayer

DCSF Item #4 - Spoke to objectives and strategies and how the proposal fits within these items in the Community Strategic Plan?

Is the Council subject to investigation by the insurance fraud council?

Raised matter of amalgamations and why is the court decision delayed? Were there systematic problems with the information provided?

Why has the Office of Local Government provided a letter referring to 1,004 complaints and then Mr Crisp referred to Western Advocate article saying only 300 complaints. He considers over 900 valid.

The General Manager and Mayor provided responses to the issues raised.

J Slattery – Condition of Eglinton Road and other matters

Spoke to meeting with Council officers on 16 August 2016 and a petition provided to Councillors concerning the condition of the Eglinton Road from Ersom Street through to Eglinton and other issues. Received 543 signatures. Also spoke to Questions and Suggestions document he provided, asks if responses could go to a future meeting of Council. Referred to purpose of petition and quote attributed to the Mayor.

The Mayor spoke to reason for petitions, usually for purpose for a body to undertake tasks or activities. Response to questions will be made before next Council meeting to Mr Slattery.

R Hood – Laneway at rear of 203-223 George Street

Represents owners who wish to seal laneway. All but one owner wants the works to be undertaken, can this matter come back to Council?

The Mayor advised the matter will come back to Council for consideration. Council sought advice from adjacent owners, as to their thoughts on the proposal.

H Guilfoyle – resident - Item #7 ADEPBS - Development Application No. 2016/240

Lives at 38 Governors Parade, concern at proposal before Council including size of the block, fencing proposed and other matters. Referred to LEP intentions and standards in place. Feels Council should adhere to its standards. The design and proximity of the proposal impacts on adjoining blocks including privacy etc. This will set a precedent, which may not be the vision for the city.

MINUTE

3 APOLOGIES

MOVED: Cr I North SECONDED: Cr G Westman

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

MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

1 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 20 JULY 2016 (11.00005)

Recommendation: That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 20 July 2016 be adopted.

Report: The Minutes of the Ordinary Meeting of Bathurst Regional Council held on 20 July 2016, are attached.

Financial Implications: N/A

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 32: To ensure Council is supported by an adequate workforce and appropriate governance procedures. Strategy 32.2

MINUTE

4 Item 1 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
- 20 JULY 2016 (11.00005)

MOVED: Cr I North SECONDED: Cr M Coote

RESOLVED: That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 20 July 2016 be adopted.

2 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 3 AUGUST 2016 (11.00005)

Recommendation: That the Minutes of the Ordinary Meeting of Bathurst Regional Council following Policy held on 3 August 2016 be adopted.

Report: The Minutes of the Ordinary Meeting of Bathurst Regional Council following Policy held on 3 August 2016, are attached.

Financial Implications: N/A

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 32: To ensure Council is supported by an adequate workforce and appropriate governance procedures. Strategy 32.2

MINUTE

5 Item 2 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
- 3 AUGUST 2016 (11.00005)

MOVED: Cr G Westman SECONDED: Cr W Aubin

RESOLVED: That the Minutes of the Ordinary Meeting of Bathurst Regional Council following Policy held on 3 August 2016 be adopted.

**MINUTES OF THE ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
HELD ON 20 JULY 2016**

MEETING COMMENCES

1 MEETING COMMENCES 6:00 PM

Present: Councillors Rush (Chair), Aubin, Bourke, Coote, Hanger, Morse, North, Westman.

PUBLIC QUESTION TIME

2 PUBLIC QUESTION TIME

M Wilson – President, White Rock Progress Association - Item #14 ADEPBS - Alec Lamberton Field - requests Alec Lamberton Field be retained as open space. Issues such as being an entrance to the City, need for parkland, current availability of industrial land, use of the site as a greenspace buffer were raised. It could be part of a wildlife corridor. The Group has presented a wide range of recreational uses. Concerns at reclassification of 71% of the site to operational, as this may not preserve the integrity of the site as recreational. Requests Council reject the rezoning and reclassifications proposed or defer the decision for five years so all persons can be consulted. Referred to possible amalgamations that may occur.

B Manning - Ratepayer - asked is Council purchasing 9 McKell Street, Bathurst. Mrs Manning raised a number of issues about reports to Council. Further Mrs Manning spoke to letters from the General Manager. Also raised issues about Council going into closed session and the powers of Council to buy land.

The General Manager advised the Council is purchasing the property and spoke to other issues raised.

N Hirekodi and M Crisologo - Bathurst Regional Youth Council - Item #4 and #5 DCCS - spoke to reports to the Council on recent events held by the Youth Council: YJAM and the Winter Festival.

APOLOGIES

3 APOLOGIES

Nil.

MINUTES

4 Item 1 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 15 JUNE 2016 (11.00005)
MOVED Cr B Bourke and **SECONDED** Cr I North

RESOLVED: That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 15 June 2015 be adopted.

- 5** **Item 2 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 6 JULY 2016 (11.00005)**
MOVED Cr I North and **SECONDED** Cr W Aubin

RESOLVED: That the Minutes of the Ordinary Meeting of Bathurst Regional Council following Policy held on 6 July 2016 be adopted.

DECLARATION OF INTEREST

- 6** **DECLARATION OF INTEREST 11.00002**
MOVED Cr M Coote and **SECONDED** Cr W Aubin

RESOLVED: That the following Declarations of Interest be noted.

Cr North

Item #5 of the Director Corporate Services & Finance's report

RECEIVE AND DEAL WITH DIRECTORS' REPORTS

- 7** **SUSPENSION OF STANDING ORDERS 11.00005**
MOVED Cr I North and **SECONDED** Cr B Bourke

RESOLVED: That Standing Orders be suspended to allow Council to deal with the Acting Director Environmental Planning & Building Services Report #14: Bathurst Regional Local Environmental Plan 2014 Application No 5 - rezoning and reclassification of Alec Lamberton Field, Lot 7, DP620655, Lee Street, Kelso and Bathurst Regional Development Control Plan 2014 Application No 5.

- 8** **Item 6 BATHURST REGIONAL LOCAL ENVIRONMENTAL PLAN 2014 APPLICATION NO 5 – REZONING AND RECLASSIFICATION OF ALEC LAMBERTON FIELD, LOT 7, DP 620655, LEE STREET KELSO AND BATHURST REGIONAL DEVELOPMENT CONTROL PLAN 2014 APPLICATION NO 5 (20.00291)**
MOVED Cr M Morse and **SECONDED** Cr I North

RESOLVED: That Council:

- (a) Not proceed to amend the Bathurst Regional Local Environmental Plan 2014 to rezone Alec Lamberton Field from Recreation to IN1 General Industrial.
- (b) Amend the Bathurst Regional Local Environmental Plan 2014 reclassify those parts of Lot 7, DP 620655 identified in the maps attached to this report from Community to Operational;
- (c) Forward the Planning Proposal to the NSW Department of Planning and Environment for gazettal;
- (d) Notify those who made submissions of the decision; and
- (e) 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 M Coote, Cr G Hanger, Cr M Morse, Cr I North, Cr G Rush, Cr G Westman,

Against the motion - Nil

Absent - Nil

Abstain - Nil

- 9** **Item 6 RESUMPTION OF STANDING ORDERS 11.00005**
MOVED Cr I North and **SECONDED** Cr W Aubin

RESOLVED: That Council resume Standing Orders.

Director Environmental Planning & Building Services' Report

- 10** **Item 1 SECTION 79C OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (03.00053)**
MOVED Cr I North and **SECONDED** Cr B Bourke

RESOLVED: That the information be noted.

- 11** **Item 2 GENERAL REPORT (03.00053)**
MOVED Cr G Westman and **SECONDED** Cr M Coote

RESOLVED: That the information be noted.

- 12** **Item 3 DEVELOPMENT APPLICATION NO. 2016/0139 – DUAL OCCUPANCY AND TWO LOT SUBDIVISION AT LOT B DP 356335, 158 RANKIN STREET, BATHURST. APPLICANT & OWNER: MR W BEATTIE (DA/2016/0139)**
MOVED Cr I North and **SECONDED** Cr B Bourke

RESOLVED: That Council:

- (a) support the variation to the Minimum Lot Size for Clause 4.1B Minimum lot sizes for dual occupancies, multi dwelling houses and residential flat buildings development standards prescribed in the Bathurst Regional Local Environmental Plan 2014 and Bathurst Regional DCP 2014; and
- (b) as the consent authority, grant consent pursuant to section 80 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2016/0139, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended; and
- (c) call a division.

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

The result of the division was:

In favour of the motion - Cr W Aubin, Cr B Bourke, Cr M Coote, Cr G Hanger, Cr M

Morse, Cr I North, Cr G Rush, Cr G Westman,
Against the motion - Nil
Absent - Nil
Abstain - Nil

- 13** Item 4 DEVELOPMENT APPLICATION NO. 2016/0130 – DEMOLITION OF EXISTING DWELLING, CONSTRUCTION OF SINGLE STOREY REPLACEMENT DWELLING WITH ATTACHED GARAGE AND CARPORT AT 76 LAMBERT STREET, BATHURST. APPLICANT: ADAM HART CONSTRUCTIONS PTY LTD. OWNER: MR W SMITH (DA/2016/0130)
MOVED Cr I North and SECONDED Cr M Coote

RESOLVED: That Council:

- (a) as the consent authority, grant consent pursuant to section 80 of the Environmental Planning and Assessment Act 1979, as amended to Development Application 2016/0130, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended and including conditions to the effect that:
- i. Demolition is not to commence until a Construction Certificate has been issued for the proposed infill replacement building.
 - ii. Demolition is not to commence until a photographic record has been created of the existing building and submitted to Council.
 - iii. The applicant is to submit to Council for approval a schedule of materials, colours and finishes and this is to include a non-coloured traditional corrugated profile roof material.
 - iv. The applicant is to submit to Council a schedule of materials from the existing dwelling to be reused in the proposed dwelling.
 - v. Prepare a dilapidation report for the building adjoining the site known as Lot 15 DP1041219, 78 Lambert Street.
- (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 M Coote, Cr G Hanger, Cr M Morse, Cr I North, Cr G Rush, Cr G Westman,
Against the motion - Nil
Absent - Nil
Abstain - Nil

- 14** Item 5 DEVELOPMENT APPLICATION NO. 2016/177 – 2 X 3 BEDROOM RESIDENTIAL UNITS AND 3 LOT RESIDENTIAL SUBDIVISION AT 44 ESROM STREET, WEST BATHURST. APPLICANT: MR JEREMY COWELL. OWNER: MR G BRYANT, MRS K BRYANT, GALIAN PTY LTD (DA/2016/177)
MOVED Cr B Bourke and SECONDED Cr I North

RESOLVED: That Council:

- (a) support the variation to the Minimum Lot Size for *Clause 4.1B Minimum lot sizes for dual occupancies, multi dwelling housing and residential flat buildings* development standards prescribed in the Bathurst Regional Local

Environmental Plan 2014;

- (b) Support the variation to the Residential Density development standards prescribed in Section 4.2 of the Bathurst Regional Development Control Plan 2014;
- (c) as the consent authority, grant consent pursuant to section 80 of the Environmental Planning and Assessment Act 1979, as amended to Development Application No. 2016/177, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended; and
- (d) 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 M Coote, Cr G Hanger, Cr M Morse, Cr I North, Cr G Rush, Cr G Westman,

Against the motion - Nil

Absent - Nil

Abstain - Nil

15

Item 6 DEVELOPMENT APPLICATION NO. 2016/0173 – SINGLE STOREY DWELLING WITH ATTACHED GARAGE AND DETACHED GARAGE AT LOT 14, 15, 16, 19, 20 DP 750354 & LOT 1 DP 245842, O'REAGANS ROAD AND HOLLIS LANE, PERTHVILLE. APPLICANT: J & A SEAMAN C/- ANTHONY DAINITH TOWN PLANNING. OWNER: JD & JA SEAMAN & J & A SEAMAN PTY LTD (DA/2016/0173)

MOVED Cr M Coote

and **SECONDED** Cr I North

RESOLVED: That Council:

- (a) support the variation to Clause 4.2B Erection of dwelling houses on land in certain rural zones prescribed in the Bathurst Regional Local Environment Plan 2014; and
- (b) as the consent authority, grant consent pursuant to section 80 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2016/0173, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended and including conditions to the effect that:
 - (i) The subject land is to be consolidated into one lot.

Note: Evidence of consolidation is to be provided to Council prior to the issuing of an Occupation Certificate.

- (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 M Coote, Cr G Hanger, Cr M

Morse, Cr I North, Cr G Rush, Cr G Westman,
Against the motion - Nil
Absent - Nil
Abstain - Nil

- 16** **Item 7 2015/16 BATHURST REGION LOCAL HERITAGE FUND (16.00143)**
MOVED Cr G Westman and **SECONDED** Cr M Morse

RESOLVED: That the information be noted.

- 17** **Item 8 2015/16 BATHURST REGION HERITAGE CONSERVATION AND INTERPRETATION FUND (13.00080)**
MOVED Cr I North and **SECONDED** Cr G Westman

RESOLVED: That the information be noted.

- 18** **Item 9 BATHURST REGION HERITAGE REFERENCE GROUP (20.00123)**
MOVED Cr G Westman and **SECONDED** Cr B Bourke

RESOLVED: That the information be noted.

- 19** **Item 10 DRAFT CENTRAL WEST AND ORANA REGIONAL PLAN (18.00109)**
MOVED Cr I North and **SECONDED** Cr G Westman

RESOLVED: That the information be noted.

- 20** **Item 11 BATHURST REGIONAL ABORIGINAL HERITAGE STUDY (20.00288)**
MOVED Cr M Coote and **SECONDED** Cr I North

RESOLVED: That Council adopt the Bathurst Regional Aboriginal Heritage Study as a strategic document to inform planning and development decisions.

- 21** **Item 12 BATHURST REGIONAL LEP 2014 APPLICATION NO 6 – WINDRADYNE AND LLANARTH ZONE BOUNDARY ALTERATION (20.00292)**
MOVED Cr G Westman and **SECONDED** Cr I North

RESOLVED: That the information be noted.

- 22** **Item 13 BATHURST REGIONAL LEP 2014 PLANNING PROPOSAL - EGLINTON (WEST) RE1, RU1, R1 ZONE BOUNDARY ALTERATION AND BATHURST REGIONAL DEVELOPMENT CONTROL PLAN 2014 AMENDMENT (20.00295)**
MOVED Cr G Westman and **SECONDED** Cr B Bourke

RESOLVED: That Council:

- (a) adopt the Bathurst Regional LEP amendment to alter the R1 General Residential, RU1 Primary Production and RE1 Local Recreation boundary as outlined in this report;

- (b) forward the Bathurst Regional LEP – Eglinton (West) RE1, RU1, R1 zone boundary alteration Planning Proposal to the NSW Department of Planning and Environment for gazettal;
- (c) adopt the Bathurst Regional Development Control Plan amendment to alter Map No 3 – Eglinton and Schedule 6 – Residential Precincts as outlined in this report;
- (d) give public notice of Council's decision in accordance with the requirements of the Environmental Planning and Assessment Act; and
- (e) 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 M Coote, Cr G Hanger, Cr M Morse, Cr I North, Cr G Rush, Cr G Westman,

Against the motion - Nil

Absent - Nil

Abstain - Nil

23 **Item 14 BATHURST REGIONAL LOCAL ENVIRONMENTAL PLAN 2014 APPLICATION NO 5 – REZONING AND RECLASSIFICATION OF ALEC LAMBERTON FIELD, LOT 7, DP 620655, LEE STREET KELSO AND BATHURST REGIONAL DEVELOPMENT CONTROL PLAN 2014 APPLICATION NO 5 (20.00291)**

This item was dealt with at Minute #8

24 **Item 15 BATHURST REGION ECONOMIC PERFORMANCE (20.00071)**
MOVED Cr M Coote and **SECONDED** Cr I North

RESOLVED: That the information be noted.

25 **Item 16 2016 BUSINESS MANAGEMENT WORKSHOPS - FEEDBACK (20.00304)**

MOVED Cr M Morse and **SECONDED** Cr M Coote

RESOLVED: That the information be noted.

26 **Item 17 EVOCITIES BRANDING (28.00208)**
MOVED Cr I North and **SECONDED** Cr B Bourke

RESOLVED: That the information be noted.

Director Corporate Services & Finance's Report

- 27** **Item 1 STATEMENT OF INVESTMENTS (16.00001)**
MOVED Cr I North and **SECONDED** Cr W Aubin

RESOLVED: That the information be noted.

- 28** **Item 2 YEAR TO DATE MONTHLY REVIEW - 2015-2019 DELIVERY PLAN AND ANNUAL OPERATING PLAN 2015-2016 (16.00140)**
MOVED Cr B Bourke and **SECONDED** Cr M Coote

RESOLVED: That the information be noted.

- 29** **Item 3 SUNDRY SECTION 356 DONATIONS, BATHURST MEMORIAL ENTERTAINMENT CENTRE COMMUNITY USE SUBSIDY AND MOUNT PANORAMA FEE SUBSIDY (18.00004)**
MOVED Cr M Morse and **SECONDED** Cr M Coote

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

- 30** **Item 4 POWER OF ATTORNEY (11.00007)**
MOVED Cr G Westman and **SECONDED** Cr I North

RESOLVED: That the information be noted.

- 31** **Item 5 BIKE HIRE SCHEME (20.00117)**
MOVED Cr G Westman and **SECONDED** Cr M Coote

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

Reason: Nephew works at Belly's Bikes

RESOLVED: That Council enter into a twelve month agreement, including a twelve month option, with Boomerang Bikes for a Bike Hire service as detailed in the report.

Director Engineering Services' Report

- 32** **Item 1 REQUEST FROM PORTLAND SPORT AND RECREATION CLUB FOR USE OF OLD BMX TRACK AT RIVER ROAD, KELSO (22.05825)**
MOVED Cr B Bourke and **SECONDED** Cr I North

RESOLVED: That Council accede to the request from the Portland Sport and Recreation Club for the use of the old BMX track at River Road Kelso, with conditions as outlined in the report.

- 33** **Item 2 WHITES STOCK TRANSPORT - 4.6M HIGH 25M B-DOUBLE APPLICATIONS (28.00012-09/024)**
MOVED Cr I North and **SECONDED** Cr W Aubin

RESOLVED: That Council not approve the 12 applications for 4.6m High 25m B-Double routes from Whites Stock Transport Pty Ltd.

- 34** **Item 3 14.5M BUS ROUTE BATHURST TO HILL END, SOFALA AND ILFORD (28.00012-09/005)**
MOVED Cr M Morse and **SECONDED** Cr W Aubin

RESOLVED: That Council not approve the application for a 14.5m Bus Route to Hill End, Sofala and Ilford.

- 35** **Item 4 PROPOSED TRANSFER OF UNNAMED LANE OFF KEPPEL STREET AT REAR 203-223 GEORGE STREET BATHURST (25.00587)**
MOVED Cr I North and **SECONDED** Cr B Bourke

RESOLVED: That Council request the applicant to provide written advice from all adjoining landowners to the laneway, as to their concurrence with this request.

- 36** **Item 5 CONSENT TO CLOSURE OF UNCONSTRUCTED COUNCIL ROADS - LOCATED AT ARKELL AND COLO (25.00115)**
MOVED Cr I North and **SECONDED** Cr B Bourke

RESOLVED: That Council consent to the closure of unformed Council Roads as proposed by The Crown subject to the information contained in the Director Engineering Services' Report.

Director Cultural & Community Services' Report

- 37** **Item 1 UPDATE ON THE DEVELOPMENT OF THE BATHURST RAIL MUSEUM (21.00120)**
MOVED Cr I North and **SECONDED** Cr B Bourke

RESOLVED: That the information be noted.

- 38** **Item 2 AUTUMN COLOURS 2016 (23.00060)**
MOVED Cr M Coote and **SECONDED** Cr W Aubin

RESOLVED: That the information be noted.

- 39** **Item 3 NAIDOC WEEK FLAG RAISING EVENT - MONDAY 4 JULY 2016**

(09.00031)

MOVED Cr I North

and **SECONDED** Cr M Coote

RESOLVED: That the information be noted.

40 **Item 4 BATHURST REGIONAL YOUTH COUNCIL - FLASHBACK FRIDAY DANCE PARTY - 24 JUNE 2016 (11.00020)**

MOVED Cr B Bourke

and **SECONDED** Cr M Coote

RESOLVED: That the information be noted.

41 **Item 5 BATHURST REGIONAL YOUTH COUNCIL - YJAM STAGE AT BATHURST WINTER FESTIVAL - 2 JULY 2016 (11.00020)**

MOVED Cr M Coote

and **SECONDED** Cr B Bourke

RESOLVED: That the information be noted.

42 **Item 6 WORLD DUCHENNE AWARENESS DAY (WDAD) - 7 SEPTEMBER 2016 (09.00020)**

MOVED Cr G Westman

and **SECONDED** Cr M Coote

RESOLVED: That the information be noted.

43 **Item 7 WHITE RIBBON (DOMESTIC VIOLENCE) WORKPLACE ACCREDITATION (21.00179)**

MOVED Cr M Coote

and **SECONDED** Cr B Bourke

RESOLVED: That Council endorse commencing the process of becoming a White Ribbon Accredited Workplace.

44 **Item 8 BATHURST REGION TOURISM REFERENCE GROUP - MEETING HELD 6 JUNE 2016 (07.00016)**

MOVED Cr M Morse

and **SECONDED** Cr W Aubin

RESOLVED: That the information be noted.

45 **Item 9 ARTS OUTWEST 2015 ANNUAL REPORT (18.00036)**

MOVED Cr I North

and **SECONDED** Cr M Coote

RESOLVED: That Council note the Arts OutWest Annual Report for 2015.

REPORTS OF OTHER COMMITTEES

Policy Committee Meeting

- 46** **Item 1 MINUTES - POLICY COMMITTEE MEETING - 6 JULY 2016 (07.00064)**
MOVED Cr G Westman and **SECONDED** Cr I North

RESOLVED: That the recommendations of the Policy Committee Meeting held on 6 July 2016 be adopted.

Traffic Committee Meeting

- 47** **Item 1 MINUTES - TRAFFIC COMMITTEE MEETING - 5 JULY 2016 (07.00006)**
MOVED Cr W Aubin and **SECONDED** Cr M Coote

RESOLVED: That the recommendations of the Traffic Committee Meeting held on 5 July 2016 be adopted.

DELEGATES REPORTS

- 48** **Item 1 COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 8 JUNE 2016 (11.00019)**
MOVED Cr B Bourke and **SECONDED** Cr I North

RESOLVED: That the information be noted.

- 49** **Item 2 MINUTES - BATHURST REGIONAL YOUTH COUNCIL - 28 JUNE 2016 (11.00020)**
MOVED Cr M Coote and **SECONDED** Cr I North

RESOLVED: That the information be noted.

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

- 50** **RESOLVE INTO CONFIDENTIAL COMMITTEE OF THE WHOLE TO DEAL WITH CONFIDENTIAL REPORTS**
MOVED Cr I North and **SECONDED** Cr M Coote

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

M Nicholls, Western Advocate - raised general concern about items going into confidential need to have more information provided.

R Wilson felt more information on why an item goes into Confidential should be given.

RESOLVED: That:

- (a) Council resolve into closed Council to consider business identified, together with any late reports tabled at the meeting.

- (b) Pursuant to section 10A(1)-(3) of the Local Government Act 1993, the media and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of section 10A(2) as outlined above.
- (c) Correspondence and reports relevant to the subject business be withheld from access.

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

| ITEM | SUBJECT | REASON FOR CONFIDENTIALITY |
|------|---|---|
| 1 | TRANSFER OF HANGAR SHARE - LOT 12 IN DP1041715 KNOWN AS 16 WINDSOCK WAY BATHURST AERODROME - BAILEY TO CRUM | 10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it. |
| 2 | BATHURST MOTOR FESTIVAL | 10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it. |
| 3 | RENEWAL OF LICENCE AGREEMENT - LOT 101 IN DP1204847 LOCATED AT 7 LEE STREET KELSO - BATHURST REGIONAL COUNCIL CHILDREN'S SERVICES ENCOMPASSING FAMILY DAY CARE AND VACATION CARE. | 10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial |

| | | |
|---|--|---|
| | | position of the person who supplied it. |
| 4 | RENEWAL OF LEASE AGREEMENT - PART LOT 101 IN DP1204847 KNOWN AS 7 LEE STREET KELSO - WEST BATHURST PRESCHOOL EARLY START PROGRAM | 10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it. |
| 5 | NEW COMMERCIAL LEASE AGREEMENT - LOT 19 IN DP849271 KNOWN AS 57 SEYMOUR STREET BATHURST - BATHURST SEYMOUR CENTRE | 10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it. |
| 6 | NORWOOD PARK LIMITED - BATHURST CEMETERY | 10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it. |
| 7 | BATHURST ACTIVE FESTIVAL | 10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public |

| | | |
|---|--|---|
| | | interest as it would prejudice the commercial position of the person who supplied it. |
| 8 | SALE OF LOT 1016 IN DP1212670 KNOWN AS 16 MCLEAN STREET WINDRADYNE | 10A (2) (c) – contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. Discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it would prejudice council's position in negotiating commercial and or financial arrangements. |
| 9 | RENEWAL OF COMMERCIAL LEASE AGREEMENT - LOT 5 IN DP847356 KNOWN AS 8 WINDSOCK WAY BATHURST AERODROME - NSW LAND AND PROPERTY INFORMATION | 10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it. |

*** DIRECTOR ENGINEERING SERVICES' REPORT**

| ITEM | SUBJECT | REASON FOR CONFIDENTIALITY |
|------|--|---|
| 1 | TENDER FOR NETWASTE REGIONAL COLLECTION & DISPOSAL OF USED MOTOR OIL - NETWASTE TENDER | 10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it. |

Director Corporate Services & Finance's Report

- a** **Item 1 TRANSFER OF HANGAR SHARE - LOT 12 IN DP1041715 KNOWN AS 16 WINDSOCK WAY BATHURST AERODROME - BAILEY TO CRUM (21.00082)**
MOVED Cr B Bourke and **SECONDED** Cr W Aubin

That Council approves the transfer of the portion of the lease belonging to Mr James Bailey to Mr David Crum for the hangar complex ('The Hangars') located on Lot 12 in DP1041715 and known as 16 Windsock Way, Bathurst Aerodrome as detailed in the report.

- b** **Item 2 BATHURST MOTOR FESTIVAL (04.00125)**
MOVED Cr W Aubin and **SECONDED** Cr M Coote

That the information be noted.

- c** **Item 3 RENEWAL OF LICENCE AGREEMENT - LOT 101 IN DP1204847 LOCATED AT 7 LEE STREET KELSO - BATHURST REGIONAL COUNCIL CHILDREN'S SERVICES ENCOMPASSING FAMILY DAY CARE AND VACATION CARE. (22.02268)**
MOVED Cr M Morse and **SECONDED** Cr B Bourke

That Council approve entering into a new licence agreement with Bathurst Regional Council Children's Services incorporating Family Day Care and Vacation Care for part Lot 101 in DP1204847 known as 7 Lee Street Kelso for a period of two (2) years as detailed in the report.

- d** **Item 4 RENEWAL OF LEASE AGREEMENT - PART LOT 101 IN DP1204847 KNOWN AS 7 LEE STREET KELSO - WEST BATHURST PRESCHOOL EARLY START PROGRAM (22.02268)**
MOVED Cr B Bourke and **SECONDED** Cr M Coote

That Council approves entering into a new in-house Licence agreement with the West Bathurst Preschool Early Start Program for a portion of space located at part Lot 101 in DP1204847 known as 7 Lee Street Kelso for a period of three (3) years as detailed in the report.

- e** **Item 5 NEW COMMERCIAL LEASE AGREEMENT - LOT 19 IN DP849271 KNOWN AS 57 SEYMOUR STREET BATHURST - BATHURST SEYMOUR CENTRE (22.00185)**
MOVED Cr G Westman and **SECONDED** Cr I North

That Council approves entering into a new Commercial Lease agreement for Lot 19 in DP849271 known as 57 Seymour Street Bathurst with the Bathurst Seymour Centre for a period of one (1) year with a one (1) year option period as detailed in the report.

- f** Item 6 NORWOOD PARK LIMITED - BATHURST CEMETERY (09.00009)
MOVED Cr G Westman and SECONDED Cr B Bourke

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

- g** Item 7 BATHURST ACTIVE FESTIVAL (23.00026)
MOVED Cr I North and SECONDED Cr G Westman

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

- h** Item 8 SALE OF LOT 1016 IN DP1212670 KNOWN AS 16 MCLEAN STREET WINDRADYNE (22.15448)
MOVED Cr B Bourke and SECONDED Cr G Westman

That Council approves the sale of Lot 1016 in DP1212670 known as 16 McLean Street Windradyne 1000 - Stage 1 to Mr Ryan Grives, incorporating Builder's Terms, at the reduced price of \$165,000.

- i** Item 9 RENEWAL OF COMMERCIAL LEASE AGREEMENT - LOT 5 IN DP847356 KNOWN AS 8 WINDSOCK WAY BATHURST AERODROME - NSW LAND AND PROPERTY INFORMATION (21.00076)
MOVED Cr I North and SECONDED Cr M Coote

That Council approves entering into a new Commercial Lease agreement for Lot 5 in DP847356 known as 8 Windsock Way Bathurst Aerodrome with the NSW Government Land & Property Information as detailed in the report.

Director Engineering Services' Report

- i** Item 1 TENDER FOR NETWASTE REGIONAL COLLECTION & DISPOSAL OF USED MOTOR OIL - NETWASTE TENDER (14.00007)
MOVED Cr I North and SECONDED Cr B Bourke

That Council act in accordance with the Director Engineering Services' report.

RESOLVE INTO OPEN COUNCIL

- 51** RESOLVE INTO OPEN COUNCIL
MOVED Cr B Bourke and SECONDED Cr I North

RESOLVED: That Council resume Open Council.

ADOPT REPORT OF THE COMMITTEE OF THE WHOLE

- 52** ADOPT REPORT OF THE COMMITTEE OF THE WHOLE

MOVED Cr W Aubin

and **SECONDED** Cr I North

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

MEETING CLOSE

53 MEETING CLOSE

The Meeting closed at 7.30 pm.

CHAIRMAN: _____

**MINUTES OF THE ORDINARY MEETING OF COUNCIL FOLLOWING POLICY
COMMITTEE
HELD ON 3 AUGUST 2016**

MEETING COMMENCES

1 MEETING COMMENCES 6:15 PM

Present: Councillors Rush (Chair), Aubin, Bourke, Coote, Hanger, Morse, North, Westman.

APOLOGIES

2 APOLOGIES

Nil.

DECLARATION OF INTEREST

3 DECLARATION OF INTEREST 11.00002
MOVED Cr M Coote and **SECONDED** Cr B Bourke

RESOLVED: That the Declaration of Interest be noted.

RECEIVE AND DEAL WITH DIRECTORS' REPORTS

Director Corporate Services & Finance's Report

**4 Item 1 REQUEST FOR FINANCIAL ASSISTANCE BATHURST CITY
COMMUNITY CLUB (13.00080)**
MOVED Cr I North and **SECONDED** Cr B Bourke

RESOLVED: That Council make available a loan of \$15,000 to the Bathurst City Community Club at an interest rate of 7.74% repayable over a ten year period.

Director Engineering Services' Report

5 Item 1 ELM LEAF BEETLE - BATHURST (13.00019)
MOVED Cr I North and **SECONDED** Cr M Coote

RESOLVED: That Council:

- (a) commence an annual Elm Leaf Beetle control program within Bathurst, and
- (b) allocate \$40,000 this year and subsequent Management Plans for the implementation of annual Elm Leaf Beetle control works.

Director Cultural & Community Services' Report

6 Item 1 BATHURST RAIL MUSEUM - IMPLEMENTATION UPDATE, PURCHASE OF RAIL CARRIAGE (21.00120)

MOVED Cr M Coote

and **SECONDED** Cr I North

RESOLVED: That Council approve the purchase of a fully restored and renovated CBA 547 passenger car, as outlined in the report, to be used as an integral feature of the Bathurst Rail Museum.

MEETING CLOSE

7 MEETING CLOSE

The Meeting closed at 6.25 pm.

CHAIRMAN: _____

MINUTE

6 DECLARATION OF INTEREST 11.00002 **MOVED: Cr I North SECONDED: Cr W Aubin**

RESOLVED: That the following Declarations of Interest be noted.

Cr Coote

Item #11 of the Director Environmental, Planning & Building Service's report.

Cr Bourke

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

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

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

17 AUGUST 2016

1 SECTION 79C OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (03.00053)

Recommendation: That the information be noted.

Report: A copy of Section 79C of the Environmental Planning and Assessment Act 1979 is provided at **attachment 1** to assist Council in the assessment of Development Applications.

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.8

MINUTE

7 Item 1 SECTION 79C OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (03.00053)

MOVED: Cr B Bourke SECONDED: Cr M Coote

RESOLVED: That the information be noted.

2 GENERAL REPORT (03.00053)

Recommendation: That the information be noted.

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

- (a) Applications determined using authority delegated to the Director Environmental Planning & Building Services during July 2016 (**attachment 1**).
- (b) Applications refused during July 2016 (**attachment 2**).
- (c) Applications under assessment as at the date of compilation of this report (**attachment 3**).
- (d) Applications pending approval for greater than 40 days as at the date of compilation of this report (**attachment 4**).
- (e) Applications with variations to development standards under State Environmental Planning Policy No. 1 or Clause 4.6 of Bathurst Regional LEP 2014 approved in July 2016 (**attachment 5**).
- (f) No political disclosure statements have been received in relation to any "planning applications" being considered at this meeting.

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.8

MINUTE

- 8 Item 2 GENERAL REPORT (03.00053)
MOVED: Cr B Bourke SECONDED: Cr G Hanger

RESOLVED: That the information be noted.

3 DEVELOPMENT APPLICATION NO. 2016/148 – TWO STOREY DWELLING WITH ATTACHED GARAGE AND SECONDARY DWELLING AT 7 & 9 BARR STREET, BATHURST. APPLICANT: JW BEATTIE. OWNER: MRS CG BEATTIE (DA/2016/148)

Recommendation: That Council:

- (a) as the consent authority, grant consent pursuant to section 80 of the Environmental Planning and Assessment Act 1979 to Development Application No.2016/148 subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended;
- (b) notify those that made submissions of its decision; and
- (c) call a division.

Report: The Site

Council has received a Development Application (DA) for the construction of a two storey dwelling with attached garage and secondary dwelling (granny flat) at 7 & 9 Barr Street, Bathurst, described as Lot 1056 & 1055, DP 1212670. A location plan is provided at **attachment 1**.

The site currently consists of 2 allotments and has a combined area of 1,714.50m² and is vacant.

The site slopes from Barr Street towards the rear.

The proposal

The proposal involves the construction of a two storey dwelling with attached garage and secondary dwelling (granny flat).

The site will be filled by approximately 0.65m at the garage level with retaining walls on the northern and southern side of the property. The retaining walls are generally less than 1 metre in height.

Plans of the proposed development are at **attachment 2**.

Planning Context

Bathurst Regional Local Environmental Plan 2014

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

Clause 4.3 Height of buildings

The height of buildings map shows the maximum height for a building on the subject land of 9 metres. The height of the new dwelling is approximately 8.3 metres (measured from the existing ground level to the highest part of the dwelling). The proposed development

complies with the standard.

5.4 Controls relating miscellaneous permissible uses

Secondary dwellings

The total floor area of the secondary dwelling (excluding any area used for parking) must not exceed whichever is the greater of 60 square metres or 20 % of the total floor area of the principle dwelling.

The secondary dwelling has an area of approximately 85.5m².

The principle dwellings total floor area is approximately 483m².

Therefore the proposed secondary dwelling floor area is less than 20% of the principle dwellings floor area which would allow up to 96.6 square metres. The secondary dwelling complies with this standard.

Bathurst Regional Development Control Plan 2014

Chapter 2 – Exhibition and Notification of Development Applications

The Development Application was notified to adjoining property owners in accordance with Chapter 2 of Council's DCP between 14 June 2016 and 24 June 2016.

Two submissions were received (**attachment 3**).

A discussion forum was held for this Development Application on the 15 July 2016. A copy of the minutes are at **attachment 4**.

The issues raised in the submissions include:

Overshadowing: The applicant has submitted shadow diagrams (which are included in attachment 2).

On 11 Barr Street there is currently being constructed a dual occupancy development. The dual occupancy has been “cut” into the site by approximately 1 metre meaning that it is lower than the subject land. The dual occupancy is constructed such that the principal open space is located adjoining the boundary of 7-9 Barr Street. In addition to the retaining wall to be constructed on the boundary a common boundary fence will be constructed between the 2 properties. In combination with the retaining wall the fence would be up to 2.8 metres in height.

The shadow diagrams show that the dwellings and open space at 11 Barr Street will be impacted from the development to differing degrees. Due the relative orientation between the 2 properties dwelling one of 11 Barr will only be affected in the early morning period. Overshadowing of the open space of dwelling 2 will occur up until approximately 12 noon and parts of the dwelling itself until 1pm.

Note that this does not take into account the proposed fencing and retaining wall between the dwellings at 11 Barr Street and 7-9 Barr Street which will cast significant shadows onto the open space and adjoining windows of 11 Barr Street during these periods.

Whilst Council's DCP does not have specific standards for overshadowing

requirements for dwelling houses it typically applies the standards for residential units and dual occupancies in these situations. These standards are that at least two hours of sunlight to indoor and outdoor living areas of adjoining properties is to be maintained between 9am and 3pm on 21 June. The dwellings at 11 Barr Street will maintain two hours of sunlight from 1pm to 3pm to indoor and outdoor living areas.

Drainage and stormwater management from the cut and fill occurring on site:

Currently there are two stormwater pits located in the rear of the property to collect stormwater from the site. The slope batters will be designed to direct surface water into the interallotment drainage system on site which is adequate to manage the stormwater.

Chapter 4 Residential Development

Bathurst Regional Development Control Plan 2014 – Chapter 4 Residential Development

The site is contained within Precinct 2 pursuant to the *Bathurst Regional Development Control Plan 2014* (DCP). Dwellings and secondary dwellings are permissible with consent in the precinct. The proposal complies with the objectives of the Precinct and the development standards for dwellings and secondary dwellings:

| Development Standard | Proposed | Permissible | Compliance |
|----------------------|----------------------|------------------------|------------|
| Minimum lot size | 1714.5m ² | 550m ² | YES |
| Height | Two-storey | Two- storey maximum | YES |
| Setbacks | | | |
| Front | 6.46m | 6 metres | YES |
| Rear | 7.424m | In accordance with BCA | YES |
| Side | 2.5m | In accordance with BCA | YES |
| Car parking | | | |
| Dwelling | 1 | 1 | YES |
| Secondary Dwelling | 1 | 1 | YES* |
| Open space area | | | |
| Dwelling | >50m ² | 50 m ² | YES |
| Secondary Dwelling | >20m ² | 20 m ² | YES |
| Open space width | >4m | 4m wide | YES |

* The principle dwelling has a garage which has two car parking spaces. The secondary dwelling only requires 1 uncovered space for car parking. Therefore there is an adequate provision for car parking for the secondary dwelling within the principle dwelling.

Conclusion

Council has received a Development Application (DA) for construction of a dwelling with attached garage and secondary dwelling (granny flat) at 7 and 9 Barr Street, Windradyne.

The issues raised in the submissions have been dealt with in the body of the report. Whilst it is acknowledged that there will be impacts on the adjoining properties these are within those expected as residential densities increase throughout the City.

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.8

MINUTE

9 Item 3 DEVELOPMENT APPLICATION NO. 2016/148 – TWO STOREY DWELLING WITH ATTACHED GARAGE AND SECONDARY DWELLING AT 7 & 9 BARR STREET, BATHURST. APPLICANT: JW BEATTIE. OWNER: MRS CG BEATTIE (DA/2016/148)

MOVED: Cr I North SECONDED: Cr B Bourke

RESOLVED: That Council:

- (a) as the consent authority, grant consent pursuant to section 80 of the Environmental Planning and Assessment Act 1979 to Development Application No.2016/148 subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended;
- (b) notify those that made submissions of its decision; and
- (c) call a division.

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

The result of the division was:

In favour of the motion - Cr W Aubin, Cr B Bourke, Cr M Coote, Cr G Hanger, Cr I North, Cr G Rush, Cr G Westman.

Against the motion - Nil

Absent - Cr M Morse.

Abstain - Nil

4 DEVELOPMENT APPLICATION NO. 2016/237 – DUAL OCCUPANCY AND TWO LOT RESIDENTIAL SUBDIVISION AT 1 POATE STREET, WINDRADYNE. APPLICANT: MR L COSTELLO. OWNER: BATHURST REGIONAL COUNCIL (DA/2016/237)

Recommendation: That Council:

- (a) support the variation to the development standard prescribed in Clause 4.1B Minimum lot sizes for dual occupancies, multi dwelling houses and residential flat building in Bathurst Regional Local Environmental Plan 2014 and the variation to the development standard prescribed in Section 4.3 Minimum lot size in Bathurst Regional Development Control Plan 2014;
- (b) as the consent authority, grant consent pursuant to section 80 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2016/237 subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended; and
- (c) call a division.

Report: The Site

Council has received a Development Application (DA) for a dual occupancy (two detached dwellings) and a two lot residential subdivision at 1 Poate Street, Windradynne, described as Lot 1095, DP 1215618. A location plan is provided at **attachment 1**.

The site is located on the corner of Poate Street and Twynam Avenue.

The subject site is currently vacant.

The proposal

The proposal is for the construction of a dual occupancy comprising of two single storey four-bedroom dwellings and also includes a two lot subdivision of the subject lot. Plans of the proposed development are at **attachment 2**.

Planning Context

Bathurst Regional Local Environmental Plan 2014

The subject site is zoned R1 General Residential under the provisions of the *Bathurst Regional Local Environmental Plan 2014*. Dual occupancies and subdivisions are permissible with consent in the R1 General Residential zone. The proposal is consistent with the objectives of the zone.

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

- (1) *The objectives of this clause are as follows:*
 - (a) *to achieve planned residential density,*
 - (b) *to ensure that the area and dimensions of a lot are able to accommodate development that is consistent with the objectives and development controls for*

(c) *dual occupancies, multi dwelling houses or residential flat buildings, to minimise any likely adverse impact of such development on the amenity of adjoining neighbourhoods.*

(2) *Development consent must not be granted to development for the purposes of a dual occupancy on a lot unless the lot is at least the minimum lot size shown on the Minimum Lot Size—Dual Occupancy Map for that lot.*

The Minimum Lot Size—Dual Occupancy Map indicates the minimum lot size for a dual occupancy is 850m² in this locality. The subject lot is 782.5m².

The proposed development is seeking consent to vary Clause 4.1B of Bathurst Regional LEP 2014 for a dual occupancy on a lot that is less than the minimum lot size. See discussion on Clause 4.6 variation below.

Clause 4.6 Exceptions to development Standards

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

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

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

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

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

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

A Clause 4.6 Variation was submitted with the Development Application (**attachment 3**). The applicant has made the following case as to why the development standard is considered unreasonable or unnecessary in the circumstances of the case:

- The objectives of the Clause 4.1B including ensuring there is sufficient land to undertake the development and ensuring there is no adverse impact on the adjoining neighbourhood are still achieved notwithstanding the non-compliance;
- The development is consistent with the objectives R1 General Residential Zone;

The applicant has made the following case as to what the environmental planning grounds

are to justify contravening the standard:

- The objectives of the Clause 4.1B are still achieved notwithstanding the non-compliance; and
- The development is consistent with the objectives R1 General Residential Zone.
- The variation is considered of a minor nature, an 8% variation to the required lot size;
- The development has been designed such that it meets or exceeds all other applicable development standards relating to dual occupancies including private open space, setbacks, site coverage and car parking.
- Being a corner lot, the subject site is suited to a dual occupancy and is consistent with the prevailing pattern of development in the new release areas.

(4) *Development consent must not be granted for development that contravenes a development standard unless:*

(a) *the consent authority is satisfied that:*

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

The applicant's written request adequately outlines why the development standard is unreasonable or unnecessary in this instance and what the environmental planning grounds are to justify the contravention.

Bathurst Regional Development Control Plan 2014 – Chapter 4 Residential Development

The site is contained within Precinct 2 pursuant to the *Bathurst Regional Development Control Plan 2014* (DCP). Dual occupancies are permissible with consent in the precinct. The proposal complies with the objectives of the Precinct and the development standards for dual occupancies (with the exception of the minimum lot size):

| Development Standard | Proposed | Permissible | Compliance |
|-----------------------------|---------------------|--------------------|-------------------|
| Minimum lot size | 782.5m ² | 850m ² | No* |
| Setbacks | | | |
| Front Dwelling 1 | 3.442m + 4.609m | Combined total 8m | Yes |
| Rear Dwelling 1 | 900mm | As per BCA | Yes |
| Side Dwelling 1 | 900mm | As per BCA | Yes |
| Rear Dwelling 2 | 900mm | As per BCA | Yes |
| Side Dwelling 2 | 900mm | As per BCA | Yes |
| Height | Single storey | Two-storey maximum | Yes |
| Site coverage | 44% | 50% | Yes |
| Car parking | | | |
| Resident | 2 per dwelling | 1 | Yes |
| Visitor | 2 (stacked) | 1 | Yes |
| Access way width | 3.0m | 3-6m | Yes |
| Open space area | | | |
| Dwelling 1 | 60m ² | 50m ² | Yes |

| | | | |
|------------------|------------------|------------------|-----|
| Dwelling 2 | 70m ² | 50m ² | Yes |
| Open space width | >4m | 4m wide | Yes |

- * The proposed development does not comply with the minimum lot size for dual occupancies within Residential Precinct 2. Notwithstanding the non-compliance the development is considered acceptable for the reasons noted above.

Submissions

In accordance with Chapter 2 of the Bathurst Regional Development Control Plan 2014 single storey dual occupancies and subdivisions are not exhibited or notified development.

Council's land

It is noted that the land is currently owned by Council. The land is contracted for sale to the applicant under "builders terms" with settlement due in May 2017. Council has no direct financial interest in the development beyond the sale of this land. The sale of the land is not contingent upon the outcome of this development.

Conclusion

Council has received a Development Application (DA) for a dual occupancy (two detached dwellings) and two lot residential subdivision at 1 Poate Street, Windradyne. The Minimum Lot Size—Dual Occupancy Map indicates a minimum lot size for a dual occupancy is 850m² in this locality. The subject lot is 782.5m².

The proposed development is seeking consent to vary Clause 4.1B of Bathurst Regional LEP 2014 for a dual occupancy on a lot that is less than the minimum lot size. Notwithstanding the non-compliance the development is considered acceptable for the reasons outlined within the report.

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.8

MINUTE

10 Item 4 DEVELOPMENT APPLICATION NO. 2016/237 – DUAL OCCUPANCY AND TWO LOT RESIDENTIAL SUBDIVISION AT 1 POATE STREET, WINDRADYNE. APPLICANT: MR L COSTELLO. OWNER: BATHURST REGIONAL COUNCIL (DA/2016/237)

MOVED: Cr M Coote SECONDED: Cr I North

RESOLVED: That Council:

- (a) defer consideration of Development Application No. 2016/237 - Dual occupancy and two lot residential subdivision at 1 Poate Street, Windradyne;
- (b) refer the matter to a Working Party for further consideration; and
- (c) call a division.

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

The result of the division was:

In favour of the motion - Cr W Aubin, Cr B Bourke, Cr M Coote, Cr G Hanger, Cr I North, Cr G Rush, Cr G Westman.

Against the motion - Nil

Absent - Cr M Morse.

Abstain - Nil

5 DEVELOPMENT APPLICATION NO. 2016/0118 – SEVEN LOT RURAL SUBDIVISION AND ASSOCIATED ROAD AND INTERSECTION CONSTRUCTION AT HOUSES LANE, THE ROCKS. APPLICANT: VOERMAN & RATSEP LAND SURVEYORS. OWNER: MR D & MRS J WHITE AND ROCKING W PASTORAL COMPANY PTY LTD (DA/2016/0118)

Recommendation: That Council:

- (a) support the variation to the 100 hectare minimum lot size development standard pursuant to Clause 4.1 of the Bathurst Regional Local Environmental Plan 2014 and the associated Lot Size Map for the subject land for the creation of proposed Lot 3;
- (b) support the variation to the 100 hectare minimum lot size development standard pursuant to Clause 4.2B of the Bathurst Regional Local Environmental Plan 2014 for the erection of a future dwelling on proposed Lot 3; and
- (c) call a division.

Report: The Site

Council has received a Development Application (DA) for a seven lot rural subdivision and associated road/intersection construction at Houses Lane, The Rocks. The following table outlines the parcels that make up the subject land.

| Lot | DP | Approx. Area (ha) |
|------------|-----------|--------------------------|
| 73 | 750394 | 16.19 |
| 74 | 750394 | 20.23 |
| 80 | 750394 | 16.19 |
| 83 | 750394 | 20.23 |
| 84 | 750394 | 20.23 |
| 79 | 750394 | 16.19 |
| 72 | 750394 | 20.23 |
| 78 | 750394 | 82.9 |
| 127 | 750394 | 20.23 |
| 148 | 750394 | 0.81 |
| 30 | 750394 | 20.23 |
| 1 | 126001 | 0.91 |
| 82 | 750394 | 20.44 |
| 87 | 750394 | 20.23 |
| 85 | 750394 | 20.23 |
| 88 | 750394 | 20.23 |
| 120 | 750394 | 20.23 |
| 92 | 750394 | 20.23 |
| 96 | 750394 | 32.37 |
| 105 | 750394 | 16.19 |
| 1 | 126019 | 81.46 |
| 134 | 750394 | 125.5 |
| 42 | 750394 | 20.23 |
| 113 | 750394 | 16.19 |
| 117 | 750394 | 16.19 |
| 98 | 750394 | 16.19 |
| | | 700.48 |

A location plan is provided at **attachment 1**.

The subject site currently contains a large machinery shed but is otherwise vacant.

Houses Lane is a partially constructed gravel road running from the Mitchell Highway generally in a north-westerly direction. It currently serves a small number of rural properties.

The proposal

The proposal is for the creation of seven rural lots. Six of the proposed allotments will be at least 100 hectares and one will be 94 hectares. The plan of proposed development is at **attachment 2** and Statement of Environmental Effects is at **attachment 3**.

The proposal also includes the construction/reconstruction of Houses Lane and its intersection with the Mitchell Highway.

Planning Context

Bathurst Regional Local Environmental Plan 2014

The subject site is zoned RU1 Primary Production under the provisions of the Bathurst Regional Local Environmental Plan 2014. The proposal, while not specifically defined, is being assessed as a *rural subdivision* and is permissible with consent in the RU1 Primary Production zone. The proposal is not inconsistent with the objectives of the zone.

Clause 4.1 Minimum subdivision lot size

The Lot Size Map indicates that the minimum lot size for the subject land is 100 hectares. The proposal involves the creation of seven lots as follows:

| Proposed Lot No. | Area (approx.) |
|-------------------------|-----------------------|
| 1 | 100 ha |
| 2 | 100 ha |
| 3 | 94 ha |
| 4 | 101 ha |
| 5 | 102 ha |
| 6 | 101 ha |
| 7 | 103 ha |

As noted in the above table, six of the proposed lots comply with the minimum lot size and one of the lots (proposed Lot 3) is less than the minimum lot size. The applicant has lodged a Clause 4.6 Variation to justify the creation of this lot (see below).

Clause 4.6 Exceptions to development standards

- (1) *Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*
- (2) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*

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

The applicant has made the following case as to why the development standard is considered unreasonable or unnecessary in the circumstances of the case:

- The total area of the subject property is 700.48 hectares which numerically enables the creation of seven 100 hectare lots. However, 194 hectares of the total area is located on the southern side of the public road (Houses Lane). This allows for the creation of one lot of 100 hectares and one lot of 94 hectares wholly on the southern side of Houses Lane.
- Strict compliance with the standard would mean that one lot would be severed by the road with 6 hectares of it on the northern side of the road and the remainder on the southern side of the road.
- The variation is less than 10% being only a 6% variation.

The applicant has made the following case as to what the environmental planning grounds are to justify contravening the standard:

- Strict compliance with the standard would mean that one lot would be severed by the road with 6 hectares of it on the northern side of the road and the remainder on the southern side of the road. This would create unnecessary fragmentation.

(3) *Development consent must not be granted for development that contravenes a development standard unless:*

(a) *the consent authority is satisfied that:*

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

The applicant's written request adequately outlines why the development standard is unreasonable or unnecessary in this instance and what the environmental planning grounds are to justify the contravention.

Strict compliance with the development standard would result in further fragmentation of productive agricultural land. Strict compliance with the development standard would contravene the objectives of the RU1 Primary Production zone relating to the fragmentation and alienation of resource lands.

It is considered that the creation of a lot of 94 hectares is in the public interest because it ensures compliance with the zone objective.

The applicant's 4.6 variation is at **attachment 4**.

Clause 7.2 Bush fire prone land

The subject site is identified as being bushfire prone land. A Bushfire Risk Assessment

Report was submitted with the Development Application and the Development Application was referred to the Rural Fire Service as Integrated Development. The Rural Fire Service has issued a Bush Fire Safety Authority.

Bathurst Regional Development Control Plan 2014

Bathurst Regional Development Control Plan 2014 – Chapter 3 Subdivision of Land

Roads

The subject property has a frontage of approximately 4.6 kilometres to Houses Lane. Houses Lane is a partially constructed gravel road. The proposed development includes the extension and upgrading of Houses Lane to service the proposed allotments. Houses Lane will be constructed as a rural roadway in accordance with Council's Guidelines for Engineering Works.

The proposed subdivision also involves the reconstruction of the intersection of Houses Lane and the Mitchell Highway. Houses Lane currently intersects with the Mitchell Highway at an angle. The intention is to realign the intersection and create formalised turning arrangements. As the proposal involves this intersection reconstruction it has been referred to Roads & Maritime Services (RMS) under Section 138 of the Roads Act 1993 for concurrence. The Roads & Maritime Services will be required to approve the intersection design.

Drainage

Not relevant to the proposal.

Soil & Water Management

Conditions have been imposed to ensure that the provisions of Council's Environmental Management Guidelines for Land Development are observed.

Land Contamination

Council is not aware of any past land uses that could have potentially contaminated the subject site.

Access via Crown Roads

Not relevant to the proposal.

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

Access, Entrances and Fencing

Each of the proposed lots will have direct access to Houses Lane. A condition will be imposed to ensure that the proposed accesses and entrances are constructed in accordance with Council's Guidelines for Engineering Works and with Planning for Bushfire Protection.

Onsite Effluent Disposal

Each of the proposed allotments will have sufficient area for the disposal of effluent. Given

that each of the proposed allotments will be in excess of 94 hectares it was not considered necessary for the applicant to submit individual geotech reports at the subdivision stage.

Bathurst Regional Development Control Plan 2014 – Chapter 9 Environmental Considerations

| Sensitive Land Areas – DCP Map No. 29 Land Resources | | |
|---|-----------------------------|---|
| Environmentally Sensitive Area | Identified on Subject Site? | Comment |
| Land Capability Class 7 | YES* | <i>* Plans and documentation submitted with the Development Application indicate that the proposed development will not result in significant disruption to sensitive land areas.</i> |
| Land Capability Class 8 | NO | |
| Karst Extent | NO | |
| Salting | NO | |
| Severe or Extreme Sheet or Rill Erosion | YES* | |
| Sensitive Waterways – DCP Map No. 30 Riparian Land & Waterways | | |
| Environmentally Sensitive Area | Identified on Subject Site? | Comment |
| Sensitive Waterways | YES* | <i>* Plans and documentation submitted with the Development Application indicate that the proposed development will not result in significant disruption to sensitive waterways.</i> |
| High or Moderate Biodiversity – DCP Map No. 31 Biodiversity | | |
| Environmentally Sensitive Area | Identified on Subject Site? | Comment |
| DECC Estate | NO | <i>* Plans and documentation submitted with the Development Application indicate that the proposed development will not result in significant disruption to areas of high or moderate biodiversity sensitivity.</i> |
| High/Moderate Biodiversity Sensitivity | YES | |

Submissions

The criteria in Chapter 2 - *Exhibition & Notification of Development Applications* in the Bathurst Regional Development Control Plan 2014 has been considered and a determination has been made that the Development Application not be notified to adjoining property owners in accordance with Chapter 2 in the Bathurst Regional Development Control Plan 2014.

Conclusion

Council has received a Development Application (DA) for a seven lot rural subdivision and associated road/intersection construction at Houses Lane, The Rocks. The subject site is zoned RU1 Primary Production and the minimum lot size in this locality is 100 hectares. Six of the proposed lots comply with the minimum lot size while one of the lots (proposed Lot 3) is less than the minimum lot size. The applicant has lodged a Clause 4.6 Variation to justify the creation of this lot. It is recommended that the variation to the minimum lot size be supported in this instance for the reasons outlined in this report.

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.8

MINUTE

11 Item 5 DEVELOPMENT APPLICATION NO. 2016/0118 – SEVEN LOT RURAL SUBDIVISION AND ASSOCIATED ROAD AND INTERSECTION CONSTRUCTION AT HOUSES LANE, THE ROCKS. APPLICANT: VOERMAN & RATSEP LAND SURVEYORS. OWNER: MR D & MRS J WHITE AND ROCKING W PASTORAL COMPANY PTY LTD (DA/2016/0118)

MOVED: Cr G Hanger SECONDED: Cr B Bourke

RESOLVED: That Council:

- (a) defer consideration of Development Application No. 2016/0118 - seven lot rural subdivision and associated road and intersection construction at Houses Lane, The Rocks;
- (b) refer the matter to a Working Party for further consideration; and
- (c) call a division.

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

The result of the division was:

In favour of the motion - Cr W Aubin, Cr B Bourke, Cr M Coote, Cr G Hanger, Cr I North, Cr G Rush, Cr G Westman.

Against the motion - Nil

Absent - Cr M Morse.

Abstain - Nil

6 DEVELOPMENT APPLICATION NO. 2015/0388– SHED AND USE OF PART OF SHED AS A TWO STOREY DWELLING AT LOT 25 DP1077673, 314 EUSDALE ROAD, YETHOLME. APPLICANT: MR K WHEELER. OWNER: MR K WHEELER (DA/2015/0388)

Recommendation: That Council:

- (a) not support the variation to the boundary setback development standard prescribed in the Bathurst Regional Development Control Plan 2014; and
- (b) as the consent authority, approve consent pursuant to section 80 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2015/0388 subject to:
 - 1. The proposed shed and the use of part of shed as a dwelling is to be located 20m from the side boundary of 274 Eusdale Road;
- (c) notify those that made submissions of its decision; and
- (d) call a division.

Report: The Site

Council has received a Development Application (DA) for the construction of a shed and the use of part of the shed as a dwelling at 314 Eusdale Road, Yetholme, described as Lot 25 DP 1077673. A location plan is provided at **attachment 1**.

The site has an area of 5.378ha.

The site currently does not contain any buildings or structures. It has access via Eusdale Road and contains vegetation, predominately to the north. The site is considered bushfire prone.

History of the Site

The site is understood to have been previously used for agricultural purposes.

The proposal

The proposal involves:

- 1. Erection of a two storey shed
- 2. Use of part of the shed as a dwelling

Plans of the proposed development are at **attachment 2**.

The shed is 38 metres by 12 metres. Within the shed it is proposed to construct a 3 bedroom dwelling.

The building is proposed to be located 10m from the common boundary with 274 Eusdale Road.

The roadway and fence illustrated on the plans does not presently exist.

Immediately to the south of the proposed dwelling location is an easement for transmission lines.

Planning Context

Bathurst Regional Local Environmental Plan 2014

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

It is noted the subject site has a lot size less than the minimum lot size specified under the Bathurst Regional LEP 2014 of 100ha. A search of Council's records has revealed that the subject land comprises an allotment created in accordance with a consent granted under a previous planning scheme before the appointed day. Specifically, the allotment was created under the Interim Development Order No 1 – Shire of Evans (LEP 24 provisions). A dwelling is therefore permissible on the subject allotment under the Bathurst Regional Local Environmental Plan 2014.

Planning for Bushfire Protection

The site is partly identified as Bushfire Prone under the Bathurst Regional LEP although the area identified for the dwelling is located outside the mapped area.

Development applications for dwellings on Bushfire Prone sites require specific building elements, Asset Protection Zones (APZ), appropriate access and adequate water supply.

Council's initial Bushfire Assessment resulted in a Bushfire Attack Level (BAL 19) for the eastern elevation. The BAL represents the standard of construction for a building to minimise the risk associated with bushfires. Generally, the higher the BAL, the more stringent the construction standards. Council also determined an Asset Protection Zone (APZ) of 20m to the west of the proposed shed. The APZ represents the managed area around a building. The APZ should be wholly located on the affected property. The adoption of a 20m APZ on the western boundary would mean that the APZ would be located on the adjoining property because of the owners desire for a 10 m boundary setback to the west.

The applicant subsequently sought a Site Feasibility Opinion from Bushfire Safety Solutions, dated 26 February 2016, **attachment 3**.

The Site Feasibility Opinion reviewed the site conditions and the proposed development in accordance with AS3959-2009 (Determination of Bushfire Attack Level) and Planning for Bushfire Protection 2006. The Site Feasibility Opinion determined a BAL LOW and concluded that because the proposed building footprint is located more than 100m from the closest bushfire prone vegetation, building construction requirements and an APZ are not mandatory.

The Development Application and Consultants report was referred to the NSW Rural Fire Service (RFS) for comment. See **attachment 4** for correspondence. The RFS has determined BAL 29 for the north, western and southern elevations and BAL 19 for the eastern elevation. Consequently, RFS determined an APZ of 20m is required for the eastern elevation and 10m for northern, southern and western elevations. The net result of this is that it is technically possible to have a 10m APZ adjoining 274 Eusdale Road however a

higher BAL is required.

Further the RFS requires additional compliance with water supply, access and secondary access, and design and construction elements.

Development Control Plan

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

Part 6.2.3 of the DCP provides standards in relation to front, side and rear setbacks for dwellings and farm buildings. In this case the standards for dwellings and farm buildings are the same.

Front, side and rear setbacks – RU1 Primary Production Zone

| Development Standard | Proposed | Permissible | Compliance |
|-------------------------------|-----------------|--------------------|-------------------|
| Setback – Front | 250m | 20m | Yes |
| Setback – Rear | 223m | 20m | Yes |
| Setback – Side (nearest side) | 10m | 20m | No* |

* The proposed shed seeks consent to be constructed 10m from the western side boundary. The setback from the eastern side boundary is approximately 124m.

The applicant lodged a DCP Variation request which is provided at **attachment 5**. The site chosen allows for the applicants desire to build a 'Dream Home' in the future. The location of the 'Dream Home' has not been formally identified, however, it is understood to be toward the rear of the property. The foreshadowed driveway is proposed to access the rear of the site. The applicant stated that to relocate the proposed shed and use of shed as a dwelling, would require relocating the future driveway and considers it a costly process.

It is noted that no driveway has been constructed.

Given there are currently no structures on site it is considered the site is not limited by any existing structures or development. In this instance, it is considered the site allows for a redesign that would allow for all desired structures to sit comfortably on the site and allow compliance with the DCP.

Part 6.6 of the DCP outlines standards in relation to building form and design in the rural zone which are addressed as follows:

- a) *The materials used must be naturally textured and coloured, sympathetic to the natural environment and must be non-reflective.*

The proposed development seeks consent for Colorbond corrugated sheeting with a non-reflective pre-painted finish.

- b) *The bulk and scale of the building must not adversely impact on the visual amenity from neighbouring properties or the visual amenity from other significant locations in the City or the Region.*

The proposed shed/dwelling is two storey and consistent with rural structures within the vicinity. However, the proposed shed would be closer to the boundary than contemplated under Council's DCP and accordingly will have a greater level of impact on the visual amenity of surrounding locations, as raised by the public submission. The proposed shed is within 10m of the side boundary to the neighbouring property. The building is a substantial structure being generally 2 storeys and reasonably large (456m²). The building will have a visual impact and dominate the views of landholders to the west. The visual impact may be minimised should the proposed development be located 20m from the western side boundary, as required by the DCP.

- c) *The height of the building must relate to the topography of the land so that on steeper sites at least part of the roof plane is parallel to the slope and the overall building height sits below any ridgeline/s.*

The land rises from Eusdale Road. The shed would be located 250m from Eusdale Road on the sloping land. The proposed shed is two storey, with a maximum height of 6.28m. It is considered that the proposed development will be compatible with nearby rural structures and is adequately setback from Eusdale Road.

To minimise the visual impact on the side boundaries, the proposed development should be setback in accordance with the planning controls pursuant to the Bathurst Regional DCP 2014, as outlined above.

- d) *The design of the building must be in keeping with the rural character of the area.*

The proposed shed, whilst generally considered to be in keeping with the rural character of the area, is a substantial structure on a site currently vacant of any buildings. The new structure located within 10m of the side setback would impact on the rural landscape of the area and affect the views of neighbouring properties. It is recommended that the structure be setback 20m as required by Council's DCP.

- e) *Rural structures such as outbuildings must be adequately screened with vegetation and setback from any road.*

No other outbuildings are proposed.

Bathurst Regional Development Control Plan 2014 – Chapter 9 Environmental Considerations

| Sensitive Land Areas – DCP Map No. 29 Land Resources | | | |
|---|--------------------------------|-----------------------------|--|
| Environmentally Sensitive Area | | Identified on Subject Site? | Comment |
| Land Capability Class 7 | | Yes* | The subject site is identified as Land Capability Class 7 Suitable for Grazing. It is noted the site is 5.378ha, not appropriate for large scale agricultural use. |
| Land Capability Class 8 | | No | |
| Karst Extent | | NO | |
| Salting | | NO | |
| Severe or Extreme Sheet or Rill Erosion | | NO | |
| Sensitive Waterways – DCP Map No. 30 Riparian Land & Waterways | | | |
| | Environmentally Sensitive Area | Identified on Subject Site? | Comment |
| | Sensitive Waterways | NO | No sensitive waterways have been |

| High or Moderate Biodiversity – DCP Map No. 31 Biodiversity | | | identified on the site. |
|---|-----------------------------|---|-------------------------|
| Environmentally Sensitive Area | Identified on Subject Site? | Comment | |
| DECC Estate | NO | The site is identified as being of “Moderate biodiversity sensitivity”, Whilst the locality is known for the Bathurst Purple Copper Butterfly there were no host plants (<i>Bursaria spinosa</i>) identified in the vicinity of the building. Council has however identified a wombat burrow in the vicinity of the shed. Whilst a wombat is not listed as threatened species it is protected under NSW legislation. Should the development impact on the wombat burrow it will be necessary to identify whether the burrow is occupied and if necessary translocate the wombat prior to construction commencing. The proposal does not identify any trees for removal for construction of a driveway from Eusdale Road to the proposed shed. | |
| High Biodiversity Sensitivity | NO | | |
| Moderate Biodiversity Sensitivity | Yes* | | |

Submissions

The development application was notified to adjoining property owners between 2 December 2015 and 14 December 2015. Following the notification period, 1 submission was received from the owner of 274 Eusdale Road (**attachment 6**).

A discussion forum was held on 12 January 2016 (**attachment 7**). Issues raised in the submissions and at the discussion forum included:

- Non-compliance with the 20m setback by proposing a 10m setback off the western boundary.
- The neighbour’s future plans for orchard may negatively impact on the proposed shed, resulting in potential damage and land use conflict.
- The APZ must be wholly contained within the site in order to properly manage it.

Transgrid

The development immediately adjoins an easement over Transgrid’s Wallerawang-Orange

132KV power line that is of State significance.

In accordance with Clause 45 of SEPP (Infrastructure) the application was referred to Transgrid for comment.

Transgrid advised the DA could be supported provided the building was built in accordance with proper earthing provisions for the shed and fence.

Transgrid comments can be found at **attachment 8**.

Conclusion

Council received a Development Application (DA) for a two storey shed and use of part of the shed as a dwelling. The Bathurst Regional DCP 2014 requires a setback of 20m. The proposed structure, seeking consent for a 10m setback, is not compliant with the side boundary setback pursuant to the Bathurst Regional DCP 2014.

The notification period resulted in one submission made by the neighbour who objected to the proposed structure being within 10m of the property boundary. The submission is concerned for future land use conflict and the negative visual impact on the rural landscape as a result of the proposed two storey structure.

The variation cannot therefore be supported for the reasons outlined in the report.

It is recommended the development be approved subject to the shed/dwelling be relocated to meet the 20m side setback requirement of the Bathurst Regional DCP 2014.

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.8

MINUTE

12 Item 6 DEVELOPMENT APPLICATION NO. 2015/0388– SHED AND USE OF PART OF SHED AS A TWO STOREY DWELLING AT LOT 25 DP1077673, 314 EUSDALE ROAD, YETHOLME. APPLICANT: MR K WHEELER. OWNER: MR K WHEELER (DA/2015/0388)

MOVED: Cr M Coote SECONDED: Cr I North

RESOLVED: That Council:

- (a) not support the variation to the boundary setback development standard prescribed in the Bathurst Regional Development Control Plan 2014; and
- (b) as the consent authority, approve consent pursuant to section 80 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2015/0388 subject to:
 - 1. The proposed shed and the use of part of shed as a dwelling is to be located 20m from the side boundary of 274 Eusdale Road;
- (c) notify those that made submissions of its decision; and
- (d) 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 M Coote, Cr G Hanger, Cr I North, Cr G Rush, Cr G Westman.

Against the motion - Nil

Absent - Cr M Morse.

Abstain - Nil

7 DEVELOPMENT APPLICATION NO. 2016/240 – DUAL OCCUPANCY AND TWO LOT RESIDENTIAL SUBDIVISION AND RETAINING WALLS AT 40 GOVERNORS PARADE, WINDRADYNE. APPLICANT: MR L COSTELLO. OWNER: BATHURST REGIONAL COUNCIL (DA2016/240)

Recommendation: That Council:

- (a) support the variation to the development standard prescribed in Clause 4.1B Minimum lot sizes for dual occupancies, multi dwelling houses and residential flat buildings of Bathurst Regional Local Environmental Plan 2014 and the variation to the development standard prescribed in Section 4.3 Minimum lot size of Bathurst Regional DCP 2014;
- (b) as the consent authority, grant consent pursuant to section 80 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2016/240 subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended; and
- (c) call a division.

Report: The Site

Council has received a Development Application for a dual occupancy (two detached dwellings), a two lot residential subdivision and retaining walls at 40 Governors Parade, Windradyne, described as Lot 1124, DP 1215618. A location plan is provided at **attachment 1**.

The site is located on the corner of Governors Parade and Colville Street.

The subject site is currently vacant.

The proposal

The proposal is for the construction of a dual occupancy comprising two single storey four bedroom dwellings and also includes a two lot subdivision of the subject lot and retaining walls. A plan of the proposed development is at **attachment 2**.

Planning Context

Bathurst Regional Local Environmental Plan 2014

The subject site is zoned R1 General Residential under the provisions of the *Bathurst Regional Local Environmental Plan 2014*. Dual occupancies and subdivisions are permissible with consent in the R1 General Residential zone. The proposal is consistent with the objectives of the zone.

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

- (1) *The objectives of this clause are as follows:*
 - (a) *to achieve planned residential density*
 - (b) *to ensure that the area and dimensions of a lot are able to accommodate*

development that is consistent with the objectives and development controls for dual occupancies, multi dwelling houses or residential flat buildings,

(c) *to minimise any likely adverse impact of such development on the amenity of adjoining neighbourhoods.*

(2) *Development consent must not be granted to development for the purposes of a dual occupancy on a lot unless the lot is at least the minimum lot size shown on the Minimum Lot Size - Dual Occupancy Map for that lot.*

The Minimum Lot Size—Dual Occupancy Map indicates a minimum lot size for a dual occupancy is 850m² in this locality. The subject lot is 789.4m².

The proposed development is seeking consent to vary Clause 4.1B of Bathurst Regional LEP 2014 for a dual occupancy on a lot that is less than the minimum lot size. See discussion on Clause 4.6 variation below.

Clause 4.6 Exceptions to development Standards

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

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

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

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

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

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

A Clause 4.6 Variation was submitted with the Development Application (**attachment 3**). The applicant has made the following case as to why compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:

- The objectives of Clause 4.1B including ensuring there is sufficient land to undertake the development and ensuring there is no adverse impact on the adjoining neighbourhood are still achieved notwithstanding the non-compliance; and
- The development is consistent with the objectives of the R1 General Residential Zone.

The applicant has made the following case as to what the environmental planning grounds are to justify contravening the standard:

- The objectives of Clause 4.1B are still achieved notwithstanding the non-compliance.
- The development is consistent with the objectives of the R1 General Residential Zone.
- The variation is considered of a minor nature, a 7% variation to the required lot size.
- The development has been designed such that it meets or exceeds all other applicable development standards relating to dual occupancies including private open space, setbacks, site coverage and car parking.
- Being a corner lot, the subject site is suited to a dual occupancy and is consistent with the prevailing pattern of development in the new release areas.

(4) *Development consent must not be granted for development that contravenes a development standard unless:*

(a) *the consent authority is satisfied that:*

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

The applicant's written request adequately outlines why the development standard is unreasonable or unnecessary in this instance and what the environmental planning grounds are to justify the contravention. The applicant's 4.6 variation is at **attachment 3**.

Bathurst Regional Development Control Plan 2014

Chapter 4 Residential Development

Bathurst Regional Development Control Plan 2014 – Chapter 4 Residential Development

The site is contained within Precinct 2 pursuant to the *Bathurst Regional Development Control Plan 2014* (DCP). Dual Occupancies are permissible with consent in this precinct. The proposal complies with the objectives of the Precinct and the development standards for dual occupancies (with the exception of the minimum lot size):

| Development Standard | Proposed | Permissible | Compliance |
|-----------------------------|---------------------|--------------------|-------------------|
| Minimum lot size | 789.4m ² | 850m ² | No* |
| Setbacks | | | |
| Front | 2.66m + 5.34m | Combined total 8m | Yes |
| Dwelling 1 | | | |
| Rear | 900mm | As per BCA | Yes |
| Side | 900mm | As per BCA | Yes |
| Dwelling 2 | | | |
| Rear | 900mm | As per BCA | Yes |
| Side | 900mm | As per BCA | Yes |
| Height | Single storey | Two-storey maximum | Yes |
| Site coverage | 47.8% | 50% | Yes |

| | | | |
|---|---------------------------------------|--------------------------------------|------------|
| Car parking Resident Visitor | 2 per dwelling 2 (stacked) | 1 1 | Yes Yes |
| Accessway width | 3.0m | 3-6m | Yes |
| Open space area Dwelling 1 Dwelling 2 | 120m ² 88m ² | 50m ² 50m ² | Yes Yes |
| Open space width | >4m | 4m wide | Yes |

- * The proposed development does not comply with the minimum lot size for dual occupancies within Residential Precinct 2. Notwithstanding the development is considered acceptable for the reasons noted above.

Chapter 16 Earthworks

The subject site has natural fall of approximately 3.25m towards Governors Parade.

Building works including earthworks has commenced on the adjoining property at 38 Governors Parade. These works include a cut on the boundary adjoining the subject site of approximately 900mm. The applicant had initially proposed a cut of 1500mm from the natural ground level, however, taking into account the earthworks on the boundary of 38 Governors Parade the final retaining walls are in the order of 972mm.

Whilst the cut on the boundary exceeds Council's DCP requirement of 1 metre the finished grounds levels will be in accordance with Council's standards.

Submissions

In accordance with Chapter 2 of the Bathurst Regional Development Control Plan 2014 single storey dual occupancies and subdivisions and retaining walls less than 1.2m in height are not exhibited or notified development.

Council's land

It is noted that the land is currently owned by Council. The land is contracted for sale to the applicant under "builders terms" with settlement due in May 2017. Council has no direct financial interest in the development beyond the sale of this land. The sale of the land is not contingent upon the outcome of this development.

Conclusion

Council has received a Development Application (DA) for a dual occupancy (two detached dwellings) a two lot residential subdivision and retaining walls at 40 Governors Parade, Windradyne. The Minimum Lot Size—Dual Occupancy Map indicates a minimum lot size for a dual occupancy is 850m² in this locality. The subject lot is 789.4m².

The proposed development is seeking consent to vary Clause 4.1B of Bathurst Regional LEP 2014 for a dual occupancy on a lot that is less than the minimum lot size. Notwithstanding the non-compliance the development is considered acceptable for the reasons within the report.

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.8

MINUTE

13 Item 7 DEVELOPMENT APPLICATION NO. 2016/240 – DUAL OCCUPANCY AND TWO LOT RESIDENTIAL SUBDIVISION AND RETAINING WALLS AT 40 GOVERNORS PARADE, WINDRADYNE. APPLICANT: MR L COSTELLO. OWNER: BATHURST REGIONAL COUNCIL (DA2016/240)

MOVED: Cr M Coote SECONDED: Cr B Bourke

RESOLVED: That Council:

- (a) defer consideration of Development Application No. 2016/240 - Dual occupancy and two lot residential subdivision and retaining wall at 40 Governors Parade, Windradyne;
- (b) refer the matter to a Working Party for further consideration; and
- (c) call a division.

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

The result of the division was:

In favour of the motion - Cr W Aubin, Cr B Bourke, Cr M Coote, Cr G Hanger, Cr I North, Cr G Rush, Cr G Westman.

Against the motion - Nil

Absent - Cr M Morse.

Abstain - Nil

8 DEVELOPMENT APPLICATION NO. 2016/131- ADDITIONS AND ALTERATIONS TO EXISTING FUNCTION CENTRE AND CHANGE OF USE TO A DWELLING, SIX NEW RESIDENTIAL UNITS (ONE SINGLE STOREY AND FIVE TWO STOREY UNITS), ADDITIONS AND ALTERATIONS TO OUTBUILDINGS AND CONVERSION TO TWO, TWO STOREY DWELLINGS, NINE LOT RESIDENTIAL SUBDIVISION, REMOVAL OF TREES AND RETAINING WALLS AT 136 PEEL STREET. APPLICANT: TABLELANDS BUILDERS. OWNER: R & J BARLOW (DA2016/131)

Recommendation: That Council:

- (a) support the variation to Clause 4.2.2 Population Density development standards prescribed in Bathurst Regional Development Control Plan 2014;
- (b) support the variation to Clause 4.4.2 Side and Rear Building Line Setbacks development standards prescribed in Bathurst Regional Development Control Plan 2014;
- (c) support the variation to Clause 4.7 Private Open Space and Landscaping development standards prescribed in Bathurst Regional Development Control Plan 2014;
- (d) support the variation to Clause 4.9 Parking, Access and Manoeuvring Areas and Clause 14.3 Car Parking development standards prescribed in Bathurst Regional Development Control Plan 2014;
- (e) support the variation to Clause 13.3.6 Design Principles for Residential Units development standards prescribed in Bathurst Regional Development Control Plan 2014;
- (f) support the variation to Clause 16.3 Changing of level of land (preparation to building, during or post construction) development standards prescribed in Bathurst Regional Development Control Plan 2014;
- (g) as the consent authority, grant consent pursuant to section 80 of the Environmental Planning and Assessment Act 1979 to Development Application No 2016/131 subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended; and
- (h) call a division.

Report: The Site

Council has received a Development Application (DA) for:

- Additions and alterations to the existing function centre and a change of its use to a dwelling;
- Six new residential units (one single storey unit and five two storey residential units);
- Additions and alterations to outbuildings and conversion to two, two storey dwellings;
- Nine lot residential subdivision;
- Removals of trees; and
- Retaining walls.

The site is at 136 Peel Street, described as Lot 1 and 2 DP152575. A location plan is

provided at **attachment 1**. The land is located on the corner of Peel and Howick Street.

The site has a combined area of 3,028.8m².

The site currently contains an historical building which was originally constructed in 1858. This building has undergone many changes over time. The most recent use of the main building was a function centre and two out buildings used for short term accommodation.

The site is surrounded by a mix of residential housing dwellings and medium density development (residential units).

History of the Site

The existing function centre on site has been adapted over time. A general outline of the history is below:

- 1858 - the building was originally constructed for the purpose a dwelling. The building continued to be utilised as a dwelling until 1947;
- 1947 - major alterations and additions occurred on the building to convert it into a Gentleman's Club;
- 1970's - additions to the building which included the Billiard room and offices;
- 1987 - additions to the building to include the function hall;
- 1993 - additions to the building which included a commercial kitchen. The squash courts and other outbuilding were converted into residential accommodation;
- Until December 2015 the site continued to be used as a function centre with two buildings used for short term accommodation.

The proposal

The proposal involves:

- Additions and alterations to the existing function centre and a change of its use to a dwelling;
- Six new residential units (one single storey unit and five two storey residential units);
- Additions and alterations to outbuildings and conversion to two, two storey dwellings;
- Nine lot residential subdivision;
- Removals of trees; and
- Retaining walls.

A plan of the proposed development is located at **attachment 2**.

Planning Context

Bathurst Regional Local Environmental Plan 2014

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

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

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

(a) *to achieve planned residential density,*

- (b) to ensure that the area and dimensions of a lot are able to accommodate development that is consistent with the objectives and development controls for dual occupancies, multi dwelling houses or residential flat buildings,
 - (c) to minimise any likely adverse impact of such development on the amenity of adjoining neighbourhoods.
- (2) Development consent must not be granted to development for the purposes of a dual occupancy on a lot unless the lot is at least the minimum lot size shown on the Minimum Lot Size—Multi Dwelling Housing and Residential Flats Building Map for that lot.

The Minimum Lot Size— Multi Dwelling Housing and Residential Flats Building Map indicates a minimum lot size for residential units is 900m² in this locality. The site has a total area of 3,028.8m² and complies with the required standard.

Clause 4.3 Height of Buildings

The Height of Buildings map shows the maximum height of buildings on the subject site is 9 metres. The maximum height of the buildings to be constructed is 8.4 metres from natural ground level (dwellings one and two). These buildings are being cut into the site and the overall height from the proposed ground level is 8.7 metres.

The existing building previously used as a function centre has a height of approximately 10.3 metres from the natural ground level. The height of this building is not being altered.

Clause 5.9 Preservation of trees or vegetation

The site is subject to this clause as it is located within the Heritage Conservation Area.

There is one tree which is proposed to be removed which requires consent prescribed by this clause.

The tree is a *Eucalyptus Nicholii* located in the nature strip. This species does not hold any significance to the area/region. The applicant has submitted a landscape plan which replants more trees throughout the site which is considered an acceptable to solution to replace the trees.

Clause 10 Heritage Conservation

The objective of this clause is to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views.

The site is located within the Heritage Conservation Area but is not listed as an individual heritage item.

The proposed partial demolition and additions to the existing building on site is considered to have a positive effect of the heritage significance of the building (dwelling 8). The proposal involves the removal of the unsympathetic additions to the building and reinstating the building to a similar foot print and appearance as it was when it was constructed in 1858.

The proposed dwellings (1, 2, 3, 5, 6 and 7) are considered to have an appropriate curtilage to protect views surrounding the historic dwelling 8.

Bathurst Regional Development Control Plan 2014

Chapter 2 - Exhibitions and Notifications of Development Applications

The development application was advertised and notified to adjoining property owners from 9 May 2016 to 23 May 2016 in accordance with Chapter 2.

Following the advertising and notification period no submissions were received.

Chapter 4 - Residential Development

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

The applicant has submitted a request to vary a number of development standards. These are outlined in **attachment 3**.

Density

The density for residential units in Residential Precinct 1 is 88 persons per site hectare. The proposed development will involve the following:

- 5 x three bedroom dwellings
- 3 x two bedroom dwellings
- 1 x five bedroom dwelling.

The proposed density is 88.15 persons. The proposal does not comply with the requirement of 88 persons. The applicant has submitted a DCP variation form which justifies the variation to this standard for the following reasons:

- The variation is minor only 0.17%.
- The proposal will not contribute to the over densification of the site and will not alter the number of bedrooms proposed.
- Historic Arndilly House (house 8) is being converted back to a dwelling and restored.

The variation in density is considered appropriate as the development is restoring and converting the function centre back to a dwelling.

Dwelling 1

Dwelling 1 is a 2 storey three bedroom dwelling attached to dwelling 2. This dwelling has frontage to Howick Street. Vehicle access for this dwelling is off a proposed internal driveway off Howick Street.

| Development Standard | Proposed | Permissible | Complies |
|-----------------------------|------------------|---------------------------|-----------------|
| Height | Two -storey | Two- storey maximum | YES |
| Setbacks | | | |
| Front | 1.8m | Complement existing | YES |
| Rear | 0 | In accordance with BCA | YES |
| Side | 1m | 1.5m | NO* |
| Car parking | 2 | 1 | YES |
| Open space area | 52m ² | 40m ² | YES |
| Open space width | 4m | 4m wide | YES |

- * The dwelling has a 1 metre setback for both ground and first floor level from the side property boundary which adjoins 338 Howick Street. This variation is considered appropriate as it adjoins the common property for the adjoining residential units used as a driveway.

Dwelling 2

Dwelling 2 is a 2 storey two bedroom dwelling attached dwelling 1. Access to this dwelling is accessed off a proposed internal driveway to Howick Street.

| Development Standard | Proposed | Permissible | Complies |
|----------------------|--------------------|------------------------|-------------|
| Height | Two -storey | Two- storey maximum | YES |
| Setbacks | | | |
| Rear | 0 | In accordance with BCA | YES |
| Side | 1m | 1.5m | NO* |
| Car parking | 1 | 1 | YES |
| Open space area | 20.5m ² | 30m ² | NO** |
| Open space width | 4m wide | 4m wide | NO** |

- * The dwelling has a 1 metre setback for both ground and first floor levels from the side property boundary which adjoins 338 Howick Street. This variation is considered appropriate as it adjoins the common property for the adjoining residential units used as a driveway.
- ** This dwelling has insufficient private open space which complies with the minimum width of 4 metre. The applicant has submitted a DCP variation to vary this clause. The dwelling has 20.5m² of compliant open space at ground level which is adjoining a living area. On the first floor there is a verandah which is 3m x 3.9m with an area of 11.7m². This area does not meet the minimum width requirements of 4 metres for open space but is considered to be an acceptable usable area for private open space to common upstairs living rooms with a northerly aspect.

Dwelling 3

Dwelling 3 is a two storey three bedroom dwelling. This dwelling is accessed off a proposed internal driveway to Howick Street.

| Development Standard | Proposed | Permissible | Complies |
|----------------------|-------------------|------------------------|------------|
| Height | Two -storey | Two- storey maximum | YES |
| Setbacks | | | |
| Rear | 1.42 | In accordance with BCA | YES |
| Side | 1m | 1.5m | NO* |
| Car parking | 2 | 1 | YES |
| Open space area | >40m ² | 40m ² | YES |
| Open space width | 4m | 4m wide | YES |

- * The dwelling has a 1 metre setback for both ground and first floor levels from the side property boundary which adjoins 338 Howick Street. This variation is considered appropriate as it adjoins the common property for the adjoining residential units used

as a driveway.

Dwelling 4

This building is an existing building which is to be converted into a 2 bedroom dwelling. This dwelling is accessed off a proposed internal driveway off Howick Street.

| Development Standard | Proposed | Permissible | Complies |
|-----------------------------|---------------------|---------------------|-----------------|
| Height | Two -storey | Two- storey maximum | YES |
| Setbacks | | | |
| Side | 0.92m | 1.5 | NO* |
| Car parking | 1 | 1 | YES |
| Open space area | 36.75m ² | 30m ² | YES |
| Open space width | 4m | 4m wide | YES |

- * This building is currently part of the former function centre. The proposed unit will be closer to the common boundary of dwellings 8 & 9 which are also existing buildings. There is no identifiable impacts upon privacy and overshadowing in these locations.

Dwelling 5

This dwelling is a 2 storey three bedroom dwelling. This dwelling has direct access to Howick Street.

| Development Standard | Proposed | Permissible | Complies |
|-----------------------------|--------------------|---------------------------|-----------------|
| Height | Two -storey | Two- storey maximum | YES |
| Setbacks | | | |
| Front | 1.68m | complement existing | YES |
| Side | 1m | In accordance with BCA | YES |
| Car parking | 1 | 1 | YES |
| Open space area | 24.6m ² | 40m ² | NO* |
| Open space width | 4m | 4m wide | YES |

- * The dwelling has an area of 24.6m² of open space which complies with the minimum width requirements of 4 metres. This dwelling has an additional area of open space of 2.7m x 4.5m (which has a total area of 12.15m²) and an area of 2.4m x 8.3m (with a total area of 19.92m²). These additional areas do not meet the width requirements but can be used in conjunction with the principle open space accessed off the living area. In combination they are considered appropriate as the existing buildings and natural topography restrict where the dwellings and open space can be located within the site.

Dwelling 6

This dwelling is a single storey two bedroom dwelling and has direct access to Howick Street.

| Development Standard | Proposed | Permissible | Complies |
|-----------------------------|-----------------|---------------------|-----------------|
| Height | single-storey | Two- storey maximum | YES |
| Setbacks | | | |

| | | | |
|------------------|--------------------|---------------------------|------------|
| Front | 1.65m | complement existing | YES |
| Side | .95m | In accordance with BCA | YES |
| Car parking | 1 | 1 | YES |
| Open space area | 27.6m ² | 30m ² | NO* |
| Open space width | 4m | 4m wide | YES |

- * The dwelling has an area of 27.6m² of open space which complies with the minimum width requirements. This dwelling has an additional area of open space of 2m x 8.5m which has a total area of 17m². This additional area does not meet the width requirements but can be used in conjunction with the principle open space accessed off the living area. In combination they are considered appropriate as the existing buildings and natural topography restrict where the dwellings and open space can be located within the site.

Dwelling 7

Dwelling 7 is a single storey three bedroom dwelling. It is located on the corner of Howick and Peel Streets. The access will be off Peel Street.

| Development Standard | Proposed | Permissible | Complies |
|-----------------------------|-------------------|---------------------------|-----------------|
| Height | single-storey | Two- storey maximum | YES |
| Setbacks | | | |
| Front | 2.105m & 1.85m | complement existing | YES |
| Side | 1.05m | In accordance with BCA | YES |
| Car parking | 2 | 1 | YES |
| Open space area | >40m ² | 40m ² | YES* |
| Open space width | 4m | 4m wide | YES |

- * The private open space is screened by a 1.8 metre high paling fence to achieve privacy on the Howick Street façade.

Dwelling 8

Dwelling 8 is the conversion of the existing function centre to a five bedroom dwelling. This is reinstating the building to its original use from 1858. This building is a historically significant building and the alterations will maintain and conserve the building.

| Development Standard | Proposed | Permissible | Complies |
|-----------------------------|---------------------|---------------------------|-----------------|
| Height | Existing two-storey | Two- storey maximum | YES |
| Setbacks | | | |
| Front | existing | complement existing | YES |
| Side | .96m | In accordance with BCA | YES |
| Car parking | 1 | 1 | YES |
| Open space area | >50m ² | 50m ² | YES |
| Open space width | 4m | 4m wide | YES |

Dwelling 9

Dwelling 9 is the conversion of the building originally used as a squash court and converted in 1993 to accommodation. This building has restraints surrounding the site in relation to

turning circles and the area between these existing structures on site which impacts on available open space widths.

| Development Standard | Proposed | Permissible | Complies |
|----------------------|----------------------|------------------------|------------|
| Height | Existing Two -storey | Two- storey maximum | YES |
| Setbacks | | | |
| Rear | 1.12 | In accordance with BCA | YES |
| Side | 0.45m | In accordance with BCA | NO* |
| Car parking | 2 | 1 | YES |
| Open space area | 31.02m ² | 40m ² | NO* |
| Open space width | 4m | 4m wide | YES |

* The dwelling has an area of 31.02m² of open space which complies with the minimum width requirements. This dwelling has an additional area of open space of 2.6m x 7.9m which has a total area of 20.54m². This additional area does not meet the width requirements but can be used in conjunction with the principle open space accessed of the living area. In combination they are considered appropriate as the existing buildings restrict the width of open space between the buildings.

* The dwelling has a set back of 0.45 metres from the boundary with dwelling 4 and 1.12 metre setback for both ground and first floor levels from the side property adjoining 146 Peel Street. The applicant has lodged a DCP variation provided at **attachment 3** to vary the setback. This variation is considered appropriate given that this is an existing building and there are no identifiable issues with privacy and overshadowing.

Over shadowing

The applicant has provided shadow diagrams for the proposed development provided at **attachment 4**.

Dwellings 1, 2 and 3 will have a limited impact on 338 Howick Street. The majority of shadowing will occur on the driveway between 10am to 2pm. From 2pm the adjoining dwellings will be over shadowed. Two hours of sunlight will be maintained to these units on the 21 June as per Council's DCP requirements.

Dwellings 9 and 3 will have an impact on 146 Peel Street. Dwelling 9 is an existing two storey building. The building will be altered and the current overshadowing will be increased as illustrated in the shadow diagrams. Dwelling 9 will impact on the open space at the rear of 146 Peel Street until 3pm. Due to the large area of the rear of the yard from 1pm only a small proportion will be impacted. Considering the current impact of the existing two storey building and the proposed impact (after the alterations) the impact is considered acceptable as the majority of the rear of the yard will received at least two hours of sunlight on the 21 June which complies with Councils requirements.

Parking, Access and Manoeuvring Areas

Medium density housing in residential precinct 1 requires the following car parking provisions:

- For 1 and 2 bedroom dwellings – 1 covered car space per dwelling and 1 visitor space per 4 dwellings (or part thereof).

- For 3 or more bedroom dwellings - 1 covered space per dwelling and 1 visitor space per 2 dwellings (or part thereof).

The proposed development has:

- 5 x 3 bedrooms dwellings
- 3 x 2 bedroom dwellings
- 1 x 5 bedroom dwellings

Each proposed dwelling has a private garage in accordance with the requirement for a covered space per dwelling.

The applicant has only proposed one designated visitor car parking space on site.

As per Council's DCP requirements 4 designated visitor spaces would typically be required. There is therefore a deficit of 3 visitor spaces. The applicant has lodged a DCP variation provided at **attachment 3** to the visitor car parking which is considered acceptable for the following reasons;

- Dwellings 5, 6 and 7 have direct street access to either Peel Street or Howick Street. Each has the potential to stack a visitor space in its own driveway.
- Dwellings 1, 3, 7 and 9 have a double garage which provides 4 additional carparking spaces above the DCP standard. This provides additional space for the subject dwellings.

The applicant has provided turning circles for vehicle manoeuvring areas as shown at **attachment 5**. All vehicles will enter and leave the site in a forward direction.

The access for dwellings 1, 2, 3 and 4 is a separate access off Howick Street. The applicant has proposed the entrance to be 5.2 metres wide at the property boundary. A condition will be imposed on the DA to ensure the driveway has a minimum width of 5.5 metres for the first 6 metres. This will provide a passing bay for the vehicles. This will alter the width of the front fence for dwelling 1.

The access off Peel Street is an existing access and will service dwellings 8 and 9. There is adequate area at the front of this property for vehicles to pass.

Chapter 10 – Urban Design and Heritage Conservation

The site is not a listed Heritage Item under the Bathurst Regional Local Environmental Plan 2014 but the site is located within the Bathurst Heritage Conservation Area.

Dwellings 1, 5, 6 and 7 are infill dwellings which have direct street frontage. The applicant has submitted an infill form for these dwellings and provided a streetscape infill of the proposal at **attachment 6**. The infill form and the streetscape image has been included with the plans at **attachment 2**. These dwellings provide good articulation and variation in their design. Each unit is appropriate in terms of scale to the streetscape. The proposed designs are modern with a good sense of the past in terms of proportion, interest, roof pitches, materials, windows and styles.

All the existing buildings on site are two storey. The two storey element in the design of the proposed dwellings complements the existing scale and character of these existing buildings.

The partial demolition of the existing function centre (dwelling 8) is supported as these

elements of the building are not original. The proposed additions are sympathetic to the original fabric of the building.

Garages and Outbuildings

The garage for dwellings 5, 6 and 7 are visible from the street. All these garages are setback from the front building alignment and have been designed so that they do not dominate the street elevation of the dwelling.

Front Fencing

The front fencing for the dwellings has been varied for all the dwellings to provide a variation in the streetscape.

Dwelling 7 has a 1.8 metre lap and capped paling fence with is to be located in front of the proposed retaining wall on part of the Howick Street frontage. This fencing is proposed to provide privacy to the alfresco area and the private open space of the dwelling and is considered appropriate. The remainder of the fencing for the front of dwelling 7 is brick piers with steel spear fencing infill on top of a retaining wall which is appropriate and complies with Councils DCP requirements.

Dwelling 5 and 6 are proposed to have steel pickets between brick post. This is considered appropriate.

Dwelling 1 is orientated towards Howick Street. The fencing is located on top of the proposed 270mm retaining wall which has a rendered finish. This fencing proposed is brick piers with steel spear infill.

The proposed fencing is shown on the landscape plan and illustrated on the infill plans provided at **attachment 2**.

Chapter 13 – Landscaping and Greening

A landscape plan is required to be lodged with this Development Application as the development is for medium density housing.

The DCP requires 1 medium tree and 2 small trees per proposed dwelling.

The landscape plan submitted complies with the exception of the requirement for trees. The applicant has submitted a DCP variation seeking to not provide these 3 trees per dwelling as shown at **attachment 7**. The reason for the variation is that the site has two existing mature trees which will be retained as shown on the landscape plan located at **attachment 2**. The development has been designed to retain these existing trees because of their contribution to the site and streetscape. The size and dominance of these existing trees is seen to preclude other tree plantings on site.

The variation to the DCP requirement for 3 trees to be planted per dwelling is considered acceptable considering that the applicant is maintaining two of the existing mature trees on site.

Chapter 15 – Crime Prevention

The proposed development was referred to the Chifley Local Command Centre on 12 May 2016. No comment has been received from the organisation.

Chapter 16 – Earthworks

The objectives of the clause for changing of levels during or post construction are :

- *To ensure adequate information is submitted with a Development Application to determine the impact of future development by means of changes in levels of land; and*
- *To reduce streetscapes dominated by retaining walls and fences.*

The site has a significant fall towards Howick Street. The existing change in levels on the site is approximately 3.4 metres.

The proposed cut and fill levels are shown on the site plan located at **attachment 2**.

The cut at the rear of Dwellings 5 and 6 is proposed to be 1.6 metres. This is proposed to be a new lot boundary. It will not impact on any external dwellings. It will not have any visible retaining walls from the street.

The cut for dwelling 3 will be a maximum of 1.4 metres at the rear corner of the lot adjoining external boundaries with 146 Peel Street and 338 Howick Street. This cut will be retained by a retaining wall which will not be visible from the street. The cut will not impact upon the privacy of either of the adjoining dwellings.

Council's DCP requirements for change of levels are that there is no more than 1 metre change in level at the boundary (either by cutting or filling). The proposed development does not comply with these requirements. The reasons for the noncompliance are as follows:

- Reduction of impact on the adjoining properties to the southeast and southwest (No 146 Peel Street and No.338 Howick Street). The maximum height of the retaining wall is 1.4m which occurs where the laundry and drying space of House 3 is located. Its height then decreases to 1.02m at the outdoor area of House 3. This is an area of cut so that privacy of the neighbour is not impacted. It is also a landscaped area which reduces the visual impact on the new house. This combined with a roof design which keeps the two storey section as far as possible from the neighbours reduces the impact. Any increase in the floor height to reduce the retaining wall height would impact on the neighbours adversely.
- Reduction of impact on the streetscapes of Howick and Peel Street. There are retaining front fences and verandahs on existing buildings along this block of Howick Street which have been built due to the land naturally sloping from rear to front. The reduced floor level and therefore increased retaining wall height at the rear boundary of Houses 5 and 6 have reduced the retaining level requirements on the Howick Street boundary. Any decrease in the rear retaining walls on the site would require a balancing increase in retaining wall height across the Howick Street frontage and this would have a negative impact on the streetscape due to the dominance of the retaining walls.
- Given the natural slope of the land, any cut and filled site would require the provision of a retaining wall in excess of 1.0 metre in height at the rear boundaries of houses 5 and 6 in order to optimise the useable area of the site for building purposes. Level open space is desirable and this can only be achieved by excavating the rear of the site of houses 5 and 6.
- In order to provide a reasonable slope on the proposed driveways facing Howick Street the site has to be cut. Note that there is a 1.8m fall from the rear to the front of the

House 5 allotment and an existing steep slope rises 1.2 m over the first 3m of the lot (1 in 2.5 slope). This is not a desirable slope. Houses 5 and 6 have been designed to give ground floor appropriate access for people with limited mobility with ramped front entries. This would not be possible if the floor levels were raised to reduce the rear retaining wall heights.

- A stormwater drainage management system and sewer connection for the site has been engineered by Calare Civil Pty Ltd. Excavations are adequately retained and drained in accordance with engineering requirements. This is compliant with the objectives of Part 16.2 of the DCP.
- The impact of the new buildings on the original "Arndilly" house, whose renovation is part of the development, can be reduced by building retaining walls varying from zero at the building line to 1.6 at the rear of House 5. By increasing retaining wall heights and lowering the buildings on the Howick Street side, the original building, especially the decorative first floor, becomes more visibly prominent. In order to retain curtilage for the existing historic building it is necessary to have retaining walls and fences at a distance so as not to adversely encroach on the "Arndilly" garden on the northeast side of the house.
- The outlook from the "Arndilly" building needs to be balanced against the need to protect the privacy of the new dwellings. Allowing retaining walls greater than 1.0m achieves this balance.

For the reasons noted above the proposed cut is consistent with the objectives of the clause and provides a positive outcome for the streetscape, the existing building and the neighbouring properties.

Submissions

The development application was advertised and notified to adjoining property owners from 9 May 2016 to 23 May 2016. Following the advertising and notification period no submissions were received.

Conclusion

The application is for residential units. The site is constrained by the existing landscape, topography and the existing buildings on site. There are variations to planning standard primarily caused by these restraints. These variations will have minimal external impact on adjoining properties as discussed in the report and are therefore supported in this instance.

The development will have a positive impact on the Howick and Peel Streetscapes as the development will maintain and reinstate the existing buildings on site. Approval is recommended.

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.8

MINUTE

14 Item 8 DEVELOPMENT APPLICATION NO. 2016/131- ADDITIONS AND ALTERATIONS TO EXISTING FUNCTION CENTRE AND CHANGE OF USE TO A DWELLING, SIX NEW RESIDENTIAL UNITS (ONE SINGLE STOREY AND FIVE TWO STOREY UNITS), ADDITIONS AND ALTERATIONS TO OUTBUILDINGS AND CONVERSION TO TWO, TWO STOREY DWELLINGS, NINE LOT RESIDENTIAL SUBDIVISION, REMOVAL OF TREES AND RETAINING WALLS AT 136 PEEL STREET. APPLICANT: TABLELANDS BUILDERS. OWNER: R & J BARLOW (DA2016/131) MOVED: Cr G Westman SECONDED: Cr B Bourke

RESOLVED: That Council:

- (a) support the variation to Clause 4.2.2 Population Density development standards prescribed in Bathurst Regional Development Control Plan 2014;
- (b) support the variation to Clause 4.4.2 Side and Rear Building Line Setbacks development standards prescribed in Bathurst Regional Development Control Plan 2014;
- (c) support the variation to Clause 4.7 Private Open Space and Landscaping development standards prescribed in Bathurst Regional Development Control Plan 2014;
- (d) support the variation to Clause 4.9 Parking, Access and Manoeuvring Areas and Clause 14.3 Car Parking development standards prescribed in Bathurst Regional Development Control Plan 2014;
- (e) support the variation to Clause 13.3.6 Design Principles for Residential Units development standards prescribed in Bathurst Regional Development Control Plan 2014;
- (f) support the variation to Clause 16.3 Changing of level of land (preparation to building, during or post construction) development standards prescribed in Bathurst Regional Development Control Plan 2014;
- (g) as the consent authority, grant consent pursuant to section 80 of the Environmental Planning and Assessment Act 1979 to Development Application No 2016/131 subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended; and
- (h) 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 M Coote, Cr G Hanger, Cr I North, Cr G Rush, Cr G Westman.

Against the motion - Nil

Absent - Cr M Morse.

Abstain - Nil

9 2016 BATHURST JOBS EXPO UPDATE (20.00071)

Recommendation: That the information be noted.

Report: Council is currently organising the 2016 Bathurst Jobs Expo to be held on the 23 August 2016. Council is partnering with the Central Western Careers Advisors to organise the event. In 2016, Council not only expects an increase in the number of job seekers attending, but also a significant increase in the number of students with schools attending from Bathurst, Oberon, Blayney, Orange, Yeoval and Lithgow.

Bathurst Regional Council successfully organised the Bathurst Jobs Expo in 2014 and 2015. Last year, the Expo attracted approximately 1,400 people, which is a significant increase on the 350 attendees in 2014.

The Bathurst Jobs Expo provides job seekers and school leavers with direct access to employment and career opportunities in the Bathurst Region and neighbouring areas. Additionally, the Jobs Expo provides a mechanism for local businesses to advertise available roles, attract candidates and find the skills they're looking for.

Council expects approximately 50 exhibitors for the 2016 event. Exhibitors include Charles Sturt University, McDonalds, International College of Management (Sydney), Carter Holt Harvey Wood Products (Oberon), Australian Institute of Fitness (Sydney), Defence Force Recruiting (Dubbo), Academy of Interactive Entertainment (Canberra) and Woolworths to name a few.

Council has secured the following sponsors:

Major Sponsor: TAFE Western

Satchel Sponsor: Aussie Marketing Force

Media Partner: B-Rock

Council has commenced a comprehensive marketing campaign across multiple media channels including TV, social media, radio and print media. Council has also partnered with local recruitment agencies to promote the event.

Conclusion:

Council expects that the 2016 Bathurst Jobs Expo will attract approximately 1,800 people with additional schools attending. Council expects approximately 50 exhibitors and has secured the Central Western Careers Advisors, TAFE Western, Aussie Marketing Force and B-Rock as event partners/sponsors.

An extensive marketing campaign for the 2016 event has commenced, running from the 11 July - 23 August.

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

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 1: To attract employment, generate investment and attract new economic development opportunities. Strategy 1.3
- Objective 3: To protect a vibrant CBD and support and grow retail diversity. Strategy 3.2

- Objective 5: To facilitate and foster partnerships, networks and infrastructure to support and attract knowledge, innovation and research.

Strategy 5.1, 5.2

MINUTE

- 15 Item 9 2016 BATHURST JOBS EXPO UPDATE (20.00071)
MOVED: Cr I North SECONDED: Cr G Westman

RESOLVED: That the information be noted.

10 SMALL BIZ BUS (20.00071)

Recommendation: That the information be noted.

Report: Council recently partnered with the Office of the Small Business Commissioner to bring the Small Biz Bus to Bathurst on two occasions: the 16 June and the 12 & 13 July 2016. Bathurst was once again selected to host the Bus for a two-day period in July due to the prior success of the program and support from local business.

The Small Biz Bus is a free advisory service where small business owners and start-ups are invited to meet with local business experts. In these consultations, the business owners are able to seek free advice on a range of topics from cash flow and employment issues through to effective marketing strategies and taxation.

Council's Economic Development section coordinated the visit of the Small Biz Bus and promoted the visit through its business database. The Bus was also promoted through social media and the Western Advocate.

The Office of the Small Business Commissioner has advised that 20 businesses in total visited the Bus over the three days. Eight businesses visited the bus in June, while 12 businesses visited over the two days in July.

Conclusion:

Overall, the Small Biz Bus:

- Provided expert advice to 20 small businesses, including a number of business start-ups;
- Supports the continued growth of local business; and
- Successfully strengthened the relationship between Council and the Office of the Small Business Commissioner.

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 1: To attract employment, generate investment and attract new economic development opportunities. Strategy 1.3
- Objective 3: To protect a vibrant CBD and support and grow retail diversity. Strategy 3.2
- Objective 33: To be and develop good leaders. Strategy 33.4, 33.6

MINUTE

- 16 Item 10 SMALL BIZ BUS (20.00071)
MOVED: Cr G Westman SECONDED: Cr B Bourke

RESOLVED: That the information be noted.

11 BATHURST REGIONAL LEP 2014 AMENDMENT NO 7 – LOT 182, DP 1013217, SYDNEY ROAD, KELSO (20.00293)

Recommendation: That the information be noted.

Report: Council, at its Ordinary Meeting held 18 May 2016 resolved to:

- (a) support the application to rezone Lot 182, DP 1013217 Sydney Road, Kelso from RU1 Primary Production to R1 General Residential;
- (b) advise the applicant of its decision; and
- (c) call a division.

The Planning Proposal documentation, as prepared by the applicant was forwarded to the NSW Department of Planning and Environment on 27 May 2016 following Councils resolution.

Council received notification from the Department on 25 July 2016 that the Planning Proposal should not proceed (**attachment 1**). The Department cited the following reasons for refusing the Gateway determination:

- a) The planning proposal to rezone land RU1 Primary Production to R1 General Residential is not strategically considered and inconsistent with the endorsed Bathurst Region Urban Strategy 2007.
- b) The planning proposal has the potential to create undesirable visual outcomes on the urban-rural interface of the City. The subject land is located on a prominent south sloping setting with a dominant ridgeline at the eastern gateway to Bathurst City. The current urban-rural interface at this ridgeline provides a residential zone boundary with the existing Kelso Urban Release Area.
- c) The planning proposal does not adequately address inconsistencies with Section 117 Directions 1.2 Rural Zones, 1.5 Rural Lands, 5.1 Implementation of Regional Strategies and partly 3.1 Residential Zones as well as *State Environmental Planning Policy (Rural Lands) 2008* as it may create potential land use conflict by expanding the urban residential area further into rural lands and adjacent to the approved intermodal freight facility in a Business Release Area.

Without a positive Gateway Determination, Council is unable to progress the Planning Proposal.

The applicant has 40 days to request a review of the Gateway Determination which is considered by the Planning Assessment Commission.

Alternatively, considering the reasons in the determination and the Department's assessment (which is available publically on the LEP tracking website), the applicant may seek to address the reasons for rejection advanced by the NSW Department of Planning and submit a new application to Council.

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.1

MINUTE

17 Item 11 BATHURST REGIONAL LEP 2014 AMENDMENT NO 7 – LOT 182, DP 1013217, SYDNEY ROAD, KELSO (20.00293)

MOVED: Cr I North SECONDED: Cr B Bourke

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

Reason: Father-in-law is one of the owners.

RESOLVED: That:

- (a) the information be noted; and
- (b) Council commence the review of its Urban Strategy and hold a Working Party.

Yours faithfully



J Bingham
**ACTING DIRECTOR
ENVIRONMENTAL, PLANNING & BUILDING SERVICES**

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

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

17 AUGUST 2016

1 STATEMENT OF INVESTMENTS (16.00001)

Recommendation: That the information be noted.

Report: \$68,600,000 was invested at 31 July 2016 in accordance with Council's investment policies, the Minister's Investment Order dated 12 January 2011, the Local Government Act 1993 and associated regulations. All investments have been reconciled with Council's general ledger and are listed below:

| | <u>Rating</u> | <u>Balance</u> | <u>Average Return</u> |
|--|----------------------|------------------------|------------------------------|
| <u>Short Term 1 – 365 Days</u> (comprising Commercial Bills, Term Deposits, Debentures and Certificates of Deposits): | | | |
| Bank of Queensland | A2 | \$3,000,000.00 | 3.10% |
| Bendigo and Adelaide Bank Limited | A2 | \$500,000.00 | 2.80% |
| Bankwest | A1+ | \$1,500,000.00 | 2.80% |
| National Australia Bank Limited | A1+ | \$20,000,000.00 | 3.05% |
| St George | A1+ | \$3,000,000.00 | 3.02% |
| Maritime, Mining & Power Credit Union Ltd | ADI | \$500,000.00 | 3.00% |
| People's Choice Credit Union | ADI | \$1,500,000.00 | 2.70% |
| Railways Credit Union Limited | ADI | \$2,000,000.00 | 2.99% |
| SGE Credit Union Limited | ADI | <u>\$1,500,000.00</u> | <u>2.91%</u> |
| | | \$33,500,000.00 | 3.01% |
| <u>Long Term > 365 Days</u> (comprising Commercial Bills, Term Deposits, Debentures and Bonds): | | | |
| <u>Committed Rolling Investments</u> | | | |
| CBA Deposit Plus | AA- | \$1,500,000.00 | 2.81% |
| CBA Deposit Plus 1 | AA- | \$1,500,000.00 | 3.32% |
| CBA Deposit Plus 2 | AA- | \$1,500,000.00 | 4.00% |
| WBC Coupon Select | AA- | \$2,000,000.00 | 3.00% |
| Maritime Mining & Power Credit Union Ltd | ADI | <u>\$2,800,000.00</u> | <u>2.20%</u> |
| | | \$9,300,000.00 | 2.94% |
| <u>Fixed, Negotiable & Tradeable Certificates of Deposits</u> | | | |
| Commonwealth Bank | AA- | <u>\$2,000,000.00</u> | <u>3.32%</u> |
| | | \$2,000,000.00 | 3.32% |
| <u>Floating Rate Notes</u> | | | |
| Commonwealth Bank of Aust. | AA- | \$1,000,000.00 | 2.85% |
| AMP | AA- | \$800,000.00 | 3.12% |
| AMP | AA- | \$1,000,000.00 | 3.35% |
| Suncorp Metway | A+ | \$1,000,000.00 | 3.18% |
| Rabobank | A+ | \$1,000,000.00 | 3.49% |
| Macquarie Bank | A | \$1,000,000.00 | 3.10% |
| Bendigo & Adelaide Bank Retail Bond | A- | \$1,000,000.00 | 3.18% |
| Bank of Queensland | A- | \$1,000,000.00 | 3.02% |
| Bank of Queensland 1 | A- | \$2,000,000.00 | 3.10% |

| | | | |
|---------------------------|------|------------------------|--------------|
| Bendigo & Adelaide Bank 2 | A- | \$1,000,000.00 | 2.93% |
| Bendigo & Adelaide Bank 3 | A- | \$1,000,000.00 | 3.09% |
| Bank of Queensland 2 | A- | \$1,000,000.00 | 3.11% |
| Credit Union Australia | BBB+ | \$3,000,000.00 | 3.30% |
| Police Bank Ltd | BBB+ | \$1,000,000.00 | 3.10% |
| Police Bank Ltd 2 | BBB+ | \$1,000,000.00 | 3.09% |
| Credit Union Australia 2 | BBB+ | \$1,000,000.00 | 3.20% |
| Credit Union Australia 3 | BBB+ | \$1,000,000.00 | 3.55% |
| Newcastle Permanent | BBB+ | \$1,000,000.00 | 3.32% |
| Newcastle Permanent 2 | BBB+ | \$1,000,000.00 | 3.60% |
| Members Equity Bank 2 | BBB+ | \$1,000,000.00 | 2.98% |
| Greater Building Society | BBB | <u>\$1,000,000.00</u> | <u>3.30%</u> |
| | | \$23,800,000.00 | 3.19% |

Total Investments **\$68,600,000.00** **3.07 %**

These funds were held as follows:

| | |
|---|-----------------|
| Reserves Total (includes unexpended loan funds) | \$32,569,372.00 |
| Grants held for specific purposes | \$2,773,031.00 |
| Section 94 Funds held for specific purposes | \$32,525,328.00 |
| Unrestricted Investments – All Funds | \$732,269.00 |

Total Investments **\$68,600,000.00**

Total Interest Revenue to 31 July 2016 **\$183,917.94** **3.07%**

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

R Roach
Responsible Accounting Officer

Financial Implications: Interest received on investments has been included in the current budget.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.6

MINUTE

- 18 Item 1 STATEMENT OF INVESTMENTS (16.00001)
MOVED: Cr I North SECONDED: Cr G Westman

RESOLVED: That the information be noted.

2 YEAR TO DATE MONTHLY REVIEW - 2016-2020 DELIVERY PLAN AND ANNUAL OPERATING PLAN 2016-2017 (16.00144)

Recommendation: That the information be noted.

Report: Bathurst Regional Council has in place the Bathurst 2036 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 Part VI of the Community Strategic Plan which was adopted by Council on 20 February 2013. 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. Shown at **attachment 1** is a listing of the Objectives and Strategies from the Bathurst 2036 Community Strategic Plan.

At **attachment 2** is an update of Council's progress towards achieving the Strategies and Objectives for the 2016-2020 Delivery Plan and the Annual Operating Plan 2016-2017.

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 2.

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.6
- Objective 29: To guide the construction and provision of new infrastructure/facilities and services and the management and upgrading of existing assets and service levels. Strategy 29.3
- Objective 33: To be and develop good leaders. Strategy 33.5

MINUTE

19 Item 2 YEAR TO DATE MONTHLY REVIEW - 2016-2020 DELIVERY PLAN AND ANNUAL OPERATING PLAN 2016-2017 (16.00144)

MOVED: Cr I North SECONDED: Cr B Bourke

RESOLVED: That the information be noted.

3 SUNDRY SECTION 356 DONATIONS, BATHURST MEMORIAL ENTERTAINMENT CENTRE COMMUNITY USE SUBSIDY AND MOUNT PANORAMA FEE SUBSIDY (18.00004)

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

Report: At **attachment 1** is a list of Sundry Section 356 Donations, Bathurst Memorial Entertainment Centre Community Use Subsidies and Mount Panorama Fee Subsidies granted by Council for the period ending 31 July 2016.

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

| | |
|---------------------|----------|
| Section 356: | \$19,500 |
| BMEC Community use: | \$10,000 |
| Mount Panorama: | \$35,000 |

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.6
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.5

MINUTE

20 Item 3 SUNDRY SECTION 356 DONATIONS, BATHURST MEMORIAL ENTERTAINMENT CENTRE COMMUNITY USE SUBSIDY AND MOUNT PANORAMA FEE SUBSIDY (18.00004)

MOVED: Cr G Westman SECONDED: Cr B Bourke

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

4 POWER OF ATTORNEY (11.00007)

Recommendation: That the information be noted.

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

- WL Lockie - 21 Twynam Avenue - Lot 1059, DP 1215618 - Transfer
- J Orzowski - 57A Church Lane - Lot 2 and Lot 3, DP 1115543 - In-House Rural Licence
- Budget Rent-A-Car - Bathurst Aerodrome Terminal - Part Lot 37, DP 1159302 - Licence Agreement
- Avis Australia - Bathurst Aerodrome Terminal - Part Lot 37, DP 1159302 - Licence Agreement
- M Tobin - Limekilns Road - Part 2392, Lots 1-4, DP 1209162 - Transfer
- Brabham Automotive Pty Ltd - 12 Corporation Avenue - Lot 28, DP 107064 - Transfer
- P & M Mercieca - Land near Eglinton Bridge - Part Lot 103, DP 1006130 - In-House Rural Licence
- BRC Children's Services - 5-7 Lee Street - Part Lot 101, DP 1204847 - Licence Agreement
- RW, WE & IR Carter - Littlebourne Street - Lot 4, DP1205465 and Lot D, DP 155836 - Section 88B Instrument
- Carter Bros Properties Pty Ltd - Littlebourne Street, Kelso - Lot D, DP155836 - Transfer
- RW, WE & IR Carter - Littlebourne Street - Lot 4, DP 1205465 and Lot D, DP 155836 - Subdivision

Linen Plan Release

- Roxburgh Downs Pty Ltd - Three lot residential subdivision, one lot public reserve - Lot 682, DP 1202575 - Cheviot Drive, Kelso

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 32: To ensure Council is supported by an adequate workforce and appropriate governance procedures. Strategy 32.2

MINUTE

- 21 Item 4 POWER OF ATTORNEY (11.00007)
MOVED: Cr I North SECONDED: Cr W Aubin

RESOLVED: That the information be noted.

5 USE OF WASTE MANAGEMENT CENTRE VOUCHERS (16.00004)

Recommendation: That the information be noted.

Report: Councillors are aware that each year ratepayers are issued with tip vouchers which includes the disposal of green waste and general waste.

For the information of Councillors, the following table is presented showing usage of the tip vouchers from 2008 - 2016.

| Year | Total Green | | Total Mixed | | Total Green and Mixed | |
|-----------|-------------|--------------|-------------|--------------|-----------------------|--------------|
| | Number of | Dollar value | Number of | Dollar Value | Number of | Dollar Value |
| 2008/2009 | 6,321 | \$20,418.70 | 11,216 | \$69,496.42 | 17,537 | \$89,915.12 |
| 2009/2010 | 6,571 | \$21,622.93 | 12,231 | \$78,391.72 | 18,802 | \$100,014.65 |
| 2010/2011 | 7,909 | \$32,686.66 | 12,848 | \$88,234.30 | 20,757 | \$120,920.96 |
| 2011/2012 | 8,931 | \$36,768.15 | 13,598 | \$100,582.29 | 22,529 | \$137,350.44 |
| 2012/2013 | 8,366 | \$58,468.01 | 14,495 | \$145,764.81 | 22,861 | \$204,232.82 |
| 2013/2014 | 8,640 | \$75,995.38 | 14,587 | \$165,939.86 | 23,227 | \$241,935.24 |
| 2014/2015 | 9,511 | \$113,230.57 | 16,237 | \$251,863.92 | 25,748 | \$365,094.49 |
| 2015/2016 | 9,654 | \$131,026.94 | 18,282 | \$305,058.76 | 27,936 | \$436,085.70 |

Financial Implications: Council allows for this cost in its budget process.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.6
- Objective 29: To guide the construction and provision of new infrastructure/facilities and services and the management and upgrading of existing assets and service levels. Strategy 29.3

MINUTE

22 Item 5 USE OF WASTE MANAGEMENT CENTRE VOUCHERS (16.00004)
MOVED: Cr I North SECONDED: Cr B Bourke

RESOLVED: That:

- (a) the information be noted; and
- (b) Council review the allocation of vouchers including the mix of these vouchers, as part of the 2017/18 Budget process.

6 REQUEST FOR FINANCIAL ASSISTANCE - BATHURST CITY MEN'S BOWLING CLUB (18.00004-32/100)

Recommendation: That Council sponsor the Bathurst City Men's Bowling Club Carillon Fours Tournament in December 2016 by donating an amount of \$1,000 to be funded from Section 356 Donations.

Report: Council has received a request from the Bathurst City Men's Bowling Club at **attachment 1** for Council to become a major sponsor of the Carillon Fours Tournament which will be held in December 2016. The Club is seeking \$5,000 from Council.

Council is reminded that the 2015 event was a one-off event and was designed to promote the City during the Bicentenary celebrations.

Council has been involved with events similar to this within the sporting community of Bathurst and it would be appropriate that Council offer some form of support.

It is recommended that Council sponsor the Bathurst City Men's Carillon Fours Tournament in December 2016 by donating an amount of \$1,000.

Financial Implications: This request could be funded from Council's Section 356 Donations which currently has a balance of \$19,500.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 20: To provide a range of cultural facilities, programs, activities and events and to support and enhance cultural and social activities across the community. Strategy 20.2
- Objective 23: To encourage a supportive and inclusive community. Strategy 23.1

MINUTE

23 Item 6 REQUEST FOR FINANCIAL ASSISTANCE - BATHURST CITY MEN'S BOWLING CLUB (18.00004-32/100)

MOVED: Cr I North SECONDED: Cr M Coote

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

Reason: Member of Bowling Club (past president and past secretary).

RESOLVED: That Council sponsor the Bathurst City Men's Bowling Club Carillon Fours Tournament in December 2016 by donating an amount of \$1,000 to be funded from Section 356 Donations.

7 USE OF MOUNT PANORAMA - BATHURST WORLD CUP (04.00107)

Recommendation: That Council not support the International Downhill Skateboarding Championships being held at Mount Panorama from 17-19 February 2017.

Report: Council has received a request from Mr Dave Robertson from the International Downhill Federation, see **attachment 1** for their organisation to use Mount Panorama to conduct a round of the International Downhill Skateboarding Championships. It is proposed to hold the event from 17-19 February 2017.

Council previously hosted rounds of Newton's Playground (Newtons Nation) Downhill Skateboarding Championships in previous years. Council experienced many problems with the operations of these Championships. Some of these problems were:

1. Traffic control management
2. Resident Access problems
3. Organisational problems
4. Financial problems

The organisation has requested Council to provide a large amount of infrastructure at no cost to them. They have requested:

1. Use of McPhillamy Park
2. Use of camping facilities and amenities
3. Use of Castrol Tower
4. Use of starting line timing systems
5. Use of PA systems
6. Rubbish removal
7. Use of a street sweeper
8. Use of Council assets, ie water barriers for the three day period.
9. A three day track closure between 7 am and 5 pm for the duration of the three days.

It is estimated that Council would be required to fund (either directly or in-kind) costs amounting to around \$20,000 for the three day period.

Given the history of this event, it is strongly recommended against participating in this event at Mount Panorama.

Financial Implications: Nil, at this stage.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 23: To encourage a supportive and inclusive community. Strategy 23.2

MINUTE

- 24 Item 7 USE OF MOUNT PANORAMA - BATHURST WORLD CUP (04.00107)
MOVED: Cr W Aubin SECONDED: Cr M Coote

RESOLVED: That the proposal for the International Downhill Skateboarding Championships to be held at Mount Panorama from 17-19 February 2017, be referred to a Working Party for further consideration.

8 REQUEST FOR SPONSORSHIP OF THE 2017 NSW MEN'S SENIOR GOLF CHAMPIONSHIP (22.00126)

Recommendation: That Council sponsor the 2017 NSW Men's Senior Golf Championships to be held in Bathurst during March 2017 over a five day period at a cost of \$15,000.

Report: Council has received a request from Golf NSW and the Bathurst Golf Club for Council to become involved in the sponsorship of the 2017 NSW Men's Senior Golf Championship to be held in March 2017. Council has been advised that, for a fee of \$15,000, it will become the principal sponsor of the NSW Senior Men's Golf Championship which will attract 168 players over a five day period to compete at the Bathurst Golf Club.

Also included in the sponsorship package are various invitations for Council to participate in a welcome dinner and presentation night.

The partnership between Bathurst Council and the Bathurst Golf Club in sponsoring this event will include:

- (a) Naming and logo associated with event titles;
- (b) Mayoral Welcome at the players dinner;
- (c) Presentation of winner's trophy ;
- (d) Brand recognition on all event advertising;
- (e) 16 guest passes to the Championship dinner
- (f) Three invitees to the NSW Open Golf Championship Pro-Am (per year) and
- (g) Three passes to the 2017 NSW Open Golf Championship VIP Lounge per day (per year)

Golf is an important part of the Bathurst community and an event like this tournament will result in a financial benefit to the Bathurst region of an amount in excess of \$200,000.

It is recommended that Council sponsor the 2017 Men's Senior Golf Championships with funds to be provided from the Water Fund promoting the message of water wise usage on golf courses.

A copy of this organisation's Financial Statements will be provided to Councillors under separate cover.

Financial Implications: To be provided from the Water Fund promoting the message of water wise usage on golf courses

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 21: To support the provision of community services and facilities to meet the needs of specific community sectors and the community as a whole. Strategy 21.4
- Objective 23: To encourage a supportive and inclusive community. Strategy 23.3

MINUTE

25 Item 8 REQUEST FOR SPONSORSHIP OF THE 2017 NSW MEN'S SENIOR GOLF CHAMPIONSHIP (22.00126)

MOVED: Cr B Bourke SECONDED: Cr I North

RESOLVED: That Council sponsor the 2017 NSW Men's Senior Golf Championships to be held in Bathurst during March 2017 over a five day period at a cost of \$15,000 to be funded from Water Fund.

9 REQUEST FOR FINANCIAL ASSISTANCE - BATHURST EDGELL JOG (18.00195-30/103)

Recommendation: That Council provide an amount of \$5,000 to assist the Bathurst Edgell Jog in 2016, to be funded from Section 356 donations.

Report: Council has received a request from the Bathurst Edgell Job Committee at **attachment 1** for further consideration of funding for the 2016 Bathurst Edgell Jog.

This funding will be used to assist with the cost of traffic control in the running of this major event for the City.

Councillors will recall that it received a request during the Management Plan process for financial assistance for an amount of \$11,000. Council considered the application, but because of the size of the request decided not to support the application and advise the Bathurst Edgell Jog Committee to resubmit a further request.

The Committee has advised that the request for funds will be used to provide accredited traffic controllers to allow the event to be conducted in accordance with the requirements of the NSW Police and other bodies.

It is recommended that Council make available a donation of \$5,000, from Section 356 donations, to assist the Bathurst Edgell Jog Committee in the running of the 2016 Bathurst Edgell Jog.

A copy of this organisation's Financial Statements will be provided to Councillors under separate cover. Council will schedule a future meeting with the Edgell Job Committee to discuss the future operations of the Event.

Financial Implications: This request could be funded from Council's Section 356 Donations which currently has a balance of \$19,500.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 4: To market Bathurst as a great place to live, work, study, invest and play. Strategy 4.1

MINUTE

26 Item 9 REQUEST FOR FINANCIAL ASSISTANCE - BATHURST EDGELL JOG
(18.00195-30/103)

MOVED: Cr I North SECONDED: Cr B Bourke

RESOLVED: That Council provide an amount of \$6,000 to assist the Bathurst Edgell Jog in 2016, to be funded from Section 356 donations.

10 REQUEST FOR FINANCIAL ASSISTANCE - CENTRAL TABLELANDS WOODCRAFT (18.00282)

Recommendation: That Council donate \$500 to the Central Tablelands Woodcraft Inc towards the cost of holding their "Craft & Art on Show" (CAOS) to be held on 5 and 6 November 2016, to be funded from Section 356 Donations.

Report: Council has received a request from the Central Tablelands Woodcraft Inc ("Woodies") for financial assistance in holding the "Craft & Art on Show" (CAOS), to be held on 5 and 6 November 2016. A copy of the request is provided at **attachment 1.**

Council has for many years contributed to this organisation in providing funds to assist with exhibiting their woodwork. Woodies is a venue for numerous craft and art groups to promote their activities, sell their wares and encourage members of the community to experience the benefits of being a member of a creative group.

They will be holding an exhibition at the Bathurst Showground and will be utilising three pavilions.

It is recommended that Council donate an amount of \$500. Council has previously assisted this craft exhibition in 2009 (\$200), 2010 (\$250), 2012 (\$500), 2014 (\$500) and 2015 (\$500)

A copy of this organisation's Financial Statements will be provided to Councillors under separate cover.

Financial Implications: This request could be funded from Council's Section 356 Donations which currently has a balance of \$19,500.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 26: To encourage and support the provision of a range of opportunities for life long education across the Bathurst community. Strategy 26.3
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.6

MINUTE

27 Item 10 REQUEST FOR FINANCIAL ASSISTANCE - CENTRAL TABLELANDS WOODCRAFT (18.00282)

MOVED: Cr B Bourke SECONDED: Cr M Coote

RESOLVED: That Council donate \$500 to the Central Tablelands Woodcraft Inc towards the cost of holding their "Craft & Art on Show" (CAOS) to be held on 5 and 6 November 2016, to be funded from Section 356 Donations.

11 REQUEST FOR FINANCIAL SUPPORT - MITCHELL CONSERVATORIUM OF MUSIC (18.00023)

Recommendation: That Council not make available a financial contribution as requested in the amount of \$50,000 per annum over a three year period to the Mitchell Conservatorium of Music Bathurst Region Initiative in Music (BRLiM) program.

Report: The Mitchell Conservatorium have submitted a financial request seeking a partnership with Bathurst Regional Council for its Bathurst Region Initiative in Music (BRLiM) program. A copy of this request is shown at **attachment 1**.

The Conservatorium is seeking financial support of \$50,000 per annum over a 3 year period to ensure the success of the BRLiM program.

The BRLiM program will include, but not be limited to: -

- Ongoing coordination and promotion of existing community groups,
- Form, coordinate and promote new community ensembles, and
- Interact with cultural, educational and well-being organisations.

This program is described in further detail in **attachment 1**.

For Councillors information, Council currently provides support to the Conservatorium by:

- a) Providing an annual amount of \$2,500 towards operational costs.
- b) Making available the use of the Bathurst Memorial Entertainment Centre City Hall for public concerts up to an amount of \$7,000 per annum.
- c) Providing Machattie Park Cottage for teaching spaces to the Conservatorium at no charge. These premises would attract a minimum weekly rent of \$200 on the commercial market equating to \$10,400 per annum. This figure is deemed conservative.
- d) Providing Machattie Park and Rotunda free of charge for the annual Carols by Candlelight event

The Conservatorium has provided a copy of the draft BRLiM budget and a copy of their financial statements for the 2015 *calendar* year and these have been provided under separate cover for Councillors.

Councillors will note that Council already contributes in excess of \$20,000 in cash and kind to the operations of the Conservatorium. This new proposal by the Mitchell Conservatorium to introduce a new program certainly has merit but, in order for it to be successful, additional funds are to be sought from sponsorship organisations. Council's budget does not contain allowances of \$50,000 for financial assistance as requested by this group.

Financial Implications: Nil should Council accept the recommendation.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.6

- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community.

Strategy 30.5

MINUTE

28 Item 11 REQUEST FOR FINANCIAL SUPPORT - MITCHELL CONSERVATORIUM OF MUSIC (18.00023)

MOVED: Cr M Coote SECONDED: Cr W Aubin

RESOLVED: That Council not make available a financial contribution as requested in the amount of \$50,000 per annum over a three year period to the Mitchell Conservatorium of Music Bathurst Region Initiative in Music (BRIIM) program.

12 PROPOSED CARAVAN PARK - COLLEGE ROAD (22.64165)

Recommendation: That Council refer the allocation of funds for the proposed caravan park located on College Road, to the 2017/2018 Delivery Plan for consideration.

Report: At a Councillor Working Party meeting held 13 July 2016, a proposal for the development of a caravan park located on College Rd, Bathurst was presented. The Working Party provided the Director Corporate Services & Finance approval to further develop this proposal.

Further to the previous Working Party report, Council's Engineering Department has now provided an early estimate to construct the proposed caravan park. Subject to final design, approval and the statutory fees and charges associated with lodging a development application, the early estimate is \$6-7 million.

To recap the previous report, the proposed caravan park is situated on College Rd on the land recently acquired by Council. The site is adjacent to the Bathurst Harness Racing Club and opposite the proposed Velocity Park industry site.

The preliminary design for the caravan park details the potential number of sites, broken up into: -

- fully serviced (power and water) campsites
- part serviced (water only) campsites
- fully serviced caravan/motorhome sites

Bathurst is currently only home to one caravan park, being the Big 4 Bathurst Panorama Holiday Park located on the Sydney Road at Kelso, on the eastern entrance to Bathurst. The proposed College Road Park would provide a further option for visitors to Bathurst and provide close proximity accommodation to the Harness Racing Club, Velocity Park, Bathurst Bike Park and Mount Panorama.

Council has been recently approached by the Harness Racing Club regarding their proposed development of a stable complex near the proposed caravan site. Discussions took place regarding the availability of some of their leased land for an alternative caravan site. This alternate site will be investigated in the project.

Financial Implications: There are no current financial implications.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 1: To attract employment, generate investment and attract new economic development opportunities. Strategy 1.1
- Objective 4: To market Bathurst as a great place to live, work, study, invest and play. Strategy 4.1

MINUTE

- 29 Item 12 PROPOSED CARAVAN PARK - COLLEGE ROAD (22.64165)
MOVED: Cr B Bourke SECONDED: Cr W Aubin

RESOLVED: That Council refer the allocation of funds for the proposed caravan park located on College Road, to the 2017/2018 Delivery Plan for consideration.

13 BATHURST GOLF CLUB - WATER TARIFF (22.00126)

Recommendation: That Council:

- (a) Maintain the status quo on water tariff for the Bathurst Golf Club,
- (b) Contribute \$15,000 per year to the Bathurst Golf Club for three years which is to be used for water conservation management infrastructure, and
- (c) The Golf Club to have discussions with Council to assist with and provide direction with regard to waterwise management of water at the Bathurst Golf Club

Report: Council would be aware that the matter of water charges at the Bathurst Golf Club has been discussed for some time now. Members of the Club have met with Councillors on many occasions outlining their desire to have a flat water rate applied to the Golf Club raw water tariff following the consumption of 71,558KI in the 2015-16 year. Most recently members from the Golf Club attended Council's Meeting with Community Groups on 13 July 2016. A copy of the request from the Golf Club is provided at **attachment 1.**

At this meeting, Councillors requested the past 15 years of water consumption for the Bathurst Golf Club and also sought information on the arrangement between Orange City Council and Duntry League Golf Club. This information is provided below and relates to the raw water consumption only.

| YEAR | BATHURST GOLF CLUB | |
|-----------|----------------------------------|--------------------------|
| | Raw Water (KI) | Total Amount Billed (\$) |
| | Tiered water tariff 2010-current | |
| 2015-2016 | 67,938 | \$76,253.20 |
| 2014-2015 | Nil * | 0 |
| 2013-2014 | 10,422 | \$6,982.74 |
| 2012-2013 | 9,984 | \$6,289.92 |
| 2011-2012 | 9,581 | \$5,748.6 |
| 2010-2011 | 8,003 | \$4,801.8 |
| | Flat rate water tariff 2001-2010 | |
| 2009-2010 | 39,015 | \$31,212 |
| 2008-2009 | 13,840 | \$11,072 |
| 2007-2008 | 14,669 | \$9,534.85 |
| 2006-2007 | 65,161 | \$39,096.60 |

| | | |
|-----------|--------|-------------|
| 2005-2006 | 72,847 | \$40,065.85 |
| 2004-2005 | 87,007 | \$47,853.85 |
| 2003-2004 | 96,121 | \$43,254.45 |
| 2002-2003 | 73,536 | \$29,414.40 |
| 2001-2002 | 79,088 | \$27,680.80 |

The above table details the previous 15 years of raw water consumption at the Bathurst Golf Club, which is used to water the links, and how the Golf Club's usage has markedly increased in the current year.

At the end of 2007 the Golf Club completed the construction of a new dam on the Boundary Road side of the course with assistance from the Federal Government. This will have helped reduce their reliance on Council supplied water as it is filled solely from stormwater runoff in the adjacent area.

*Please also note that the Club were not charged for raw water during the 2014-15 year due to a faulty meter. This meter has now been replaced and recently tested for accuracy. The meter was within tolerances as prescribed by *Australian Standard 3565.1-2010*

The water tariff for the years 2001 to 2010 was a flat rate charge in line with the then water pricing policy. The tiered water tariff was introduced in the 2010-2011 financial year as part of the 75:25 Best Practice Guidelines implemented by the NSW State Government. These guidelines, which Councils and Local Water Utilities are required to comply with, state that 75% of charges must be **consumption based** (water usage) and 25% from **fixed access** charges (metres, pipes etc.)

The Golf Club is categorised *Community Clubs* under the rates classification with the tariffs shown below:

| YEAR | KILOLITRES | TARIFF |
|-----------|--------------|--------|
| 2016-2017 | First 18,000 | \$0.75 |
| | To 32,000 | \$0.99 |
| | Balance | \$1.47 |
| 2015-2016 | First 18,000 | \$0.71 |
| | To 32,000 | \$0.94 |
| | Balance | \$1.40 |
| 2014-2015 | First 18,000 | \$0.71 |
| | To 32,000 | \$0.94 |
| | Balance | \$1.40 |
| 2013-2014 | First 18,000 | \$0.67 |
| | To 32,000 | \$0.89 |
| | Balance | \$1.33 |

The Bathurst Golf Club is proposing the below tariff: -

| KILOLITRES | TARIFF |
|-------------|--------|
| First 4,000 | \$0.75 |
| Balance | \$0.99 |

Orange City Council and Duntry League Gold Club

Contact has been made with Orange City Council to gather information relating to their arrangement with Duntry League Golf Club.

Orange City Council each year donates the water availability charge to Duntry League Golf Club. The last three year's charges are shown here: -

| YEAR | WATER AVAILABILITY CHARGE |
|-------------|----------------------------------|
| 2016 | \$4,500 |
| 2015 | \$4,100 |
| 2014 | \$3,300 |

The water tariff for 2016/2017 for Duntry League Golf Club is a flat rate of \$2.16/KI

Duntry League Golf Club has two dams on site and actively participates in stormwater harvesting to minimise their reliance on mains water consumption.

Water consumption for Duntry League Golf Club over the last three years is as follows: -

| YEAR | CONSUMPTION |
|-------------|--------------------|
| 2016 | 8,700KI |
| 2015 | 4,600KI |
| 2014 | 29,500KL |

Bathurst Golf Club

The Bathurst Golf Club has 2 meters which services the course area of the complex. A 100mm raw water service, which provides water for irrigation of the links, and an 80mm filtered water service which provides potable drinking water for bubblers around the course.

N.B: It should be noted that the Golf Club also have a separate *filtered water* service that services the clubhouse, (kitchen, toilets etc.) and is separate to the raw water discussion of this report.

Financial Implications: Contribution of \$15,000 per year to the Bathurst Golf Club for three years which is to be used for water conservation management infrastructure, this donation can be funded from Water Reserves. There is no cost in keeping the status quo of water tariffs or assisting the Golf Club in waterwise management.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 21: To support the provision of community services and facilities to meet the needs of specific community sectors and the community as a whole. Strategy 21.4
- Objective 23: To encourage a supportive and inclusive community. Strategy 23.3

MINUTE

30 Item 13 BATHURST GOLF CLUB - WATER TARIFF (22.00126)
MOVED: Cr B Bourke SECONDED: Cr M Coote

RESOLVED: That Council:

- (a) Maintain the status quo on water tariff for the Bathurst Golf Club,
- (b) Contribute \$15,000 per year to the Bathurst Golf Club for three years which is to be used for water conservation management infrastructure, and
- (c) The Golf Club to have discussions with Council to assist with and provide direction with regard to waterwise management of water at the Bathurst Golf Club

14 RECLASSIFICATION OF LAND LOT 25 IN DP214037 KNOWN AS 9 MCKELL STREET BATHURST (22.07480)

Recommendation: That Council classifies the land located at Lot 25 in DP214037 and known as 9 McKell Street Bathurst under section 31 of the Local Government Act 1993 as Operational land.

Report: Council at its Ordinary meeting held on Wednesday 18 May 2016 (DCSF Confidential report #3) approved the purchase of Lot 25 in DP214037 known as 9 McKell Street Bathurst.

When purchasing land Council must classify the land under section 31 of the Local Government Act 1993 as Operational land (to be used for operational purposes) or Community land (to be used for community purposes) either when Council acquires the land or within three (3) months after it acquired the land.

Operational land may be used for entrepreneurial activities, Council's normal day to day activities or may be sold. Community land must be used for community purposes (e.g. parks, cemeteries, sporting fields etc.) only and cannot be sold.

It is therefore recommended that Council classifies the land located at Lot 25 in DP214037 and known as 9 McKell Street Bathurst under section 31 of the Local Government Act 1993, as Operational land.

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

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 6: To support infrastructure development necessary to enhance Bathurst's life-style and industry development. Strategy 6.1
- Objective 21: To support the provision of community services and facilities to meet the needs of specific community sectors and the community as a whole. Strategy 21.1
- Objective 21: To support the provision of community services and facilities to meet the needs of specific community sectors and the community as a whole. Strategy 21.4
- Objective 29: To guide the construction and provision of new infrastructure/facilities and services and the management and upgrading of existing assets and service levels. Strategy 29.1

MINUTE

31 Item 14 RECLASSIFICATION OF LAND LOT 25 IN DP214037 KNOWN AS 9 MCKELL STREET BATHURST (22.07480)

MOVED: Cr M Coote SECONDED: Cr I North

RESOLVED: That Council classifies the land located at Lot 25 in DP214037 and known as 9 McKell Street Bathurst under section 31 of the Local Government Act 1993 as Operational land.

**15 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE
(11.00005, 22.00041, 22.00891, 22.15963, 22.11530, 22.04491, 22.10657,
22.13487, 22.02141)**

Recommendation: That the information be noted.

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

**1. NEW COMMERCIAL LEASE AGREEMENT - PART LOT 1 IN DP7744589
KNOWN AS 230 HOWICK STREET BATHURST - OPTUS MOBILE PTY LTD**

The report concerns a commercial lease for a telecommunication facility on the roof of 230 Howick Street (Post Office Building).

**2. PURCHASE OF LOT 1 IN DP772047 KNOWN AS 186 LIMEKILNS ROAD
KELSO**

The report concerns a report on the purchase of 186 Limekilns Road, Kelso. The land is seen as strategic to Council in relation to the future development of the residential (R1)(General Residential) zoned area as per the 2014 LEP.

**3. BOUNDARY ADJUSTMENT AND SUBSEQUENT SALE OF LAND ADJOINING
LOT 59 KNOWN AS 1 FRASER DRIVE EGLINTON**

The report concerns a request by the purchasers of Lot 59 to purchase from Council, land adjoining their property. The land is currently owned by Council and fronts Cox Lane.

**4. RENEWAL OF RURAL LICENCE AGREEMENT - LOT 1 IN DP749758 LOCATED
ON CONROD STRAIGHT MT PANORAMA AND LOT 117 IN DP750357
LOCATED ON COLLEGE ROAD BATHURST - IRELAND**

The report concerns the granting of a Rural Licence Agreement for the use of Council land located on Conrod Straight and College Road in Bathurst.

**5. EXPRESSION OF INTEREST - RURAL LICENCE AGREEMENT - PART LOT 17
IN DP1099208 KNOWN AS 1 ROCKLEY STREET GEORGES PLAINS -
PETERSON**

The report concerns the granting of a Rural Licence Agreement for the use of Council land located at 1 Rockley Street, Georges Plains.

**6. PROPOSED PURCHASE OF LAND AT PERTHVILLE - LOTS 1, 2, 3, 4, 7, 8, 9
AND 10 IN SECTION 16 DP758840 - CATHOLIC DIOCESE OF BATHURST**

The report concerns the purchase of land in Perthville from the Catholic Diocese of Bathurst. The land is identified in Council's Planning Instruments as 'Open Space' (BRLEP 2014, Part 5, Clause 5.1). The area includes the existing tennis courts between Bathurst and Rockley Streets.

7. PURCHASE OF COMMERCIAL SITE IN HOWICK STREET

The report concerns the possible purchase of land at 250 Howick Street (former car yard) and other lots. The land has been identified in Council's Urban and Retail strategies.

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

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 32: To ensure Council is supported by an adequate workforce and appropriate governance procedures. Strategy 32.2

MINUTE

32 Item 15 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE (11.00005, 22.00041, 22.00891, 22.15963, 22.11530, 22.04491, 22.10657, 22.13487, 22.02141)

MOVED: Cr I North SECONDED: Cr M Coote

RESOLVED: That the information be noted.

Yours faithfully



R Roach
**DIRECTOR
CORPORATE SERVICES & FINANCE**

DIRECTOR ENGINEERING SERVICES' REPORT AND MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

17 AUGUST 2016

1 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE (36.00595, 36.00584 & 11.00005)

Recommendation: That the information be noted.

Report: The following items have been included in the confidential section of the business paper for Council's consideration -

1. TENDER FOR PROGRAMMED MAINTENANCE OF POST OFFICE BUILDING

The report considers the tender for the annual cleaning and periodic repainting of the building's exterior, both fire escapes and the entry foyer for a period of 10 years.

2. TENDER FOR BATHURST ADVENTURE PLAYGROUND STAGE 2

The report considers the tender for Stage 2 of the Adventure Playground.

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

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 32: To ensure Council is supported by an adequate workforce and appropriate governance procedures. Strategy 32.2

MINUTE

33 Item 1 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE
(36.00595, 36.00584 & 11.00005)

MOVED: Cr I North SECONDED: Cr W Aubin

RESOLVED: That the information be noted.

Yours faithfully



Doug Patterson
DIRECTOR
ENGINEERING SERVICES

**DIRECTOR CULTURAL & COMMUNITY SERVICES' REPORT AND
MINUTES**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

17 AUGUST 2016

1 KELSO COMMUNITY CENTRE - UPDATE (09.00026)

Recommendation: That Council:

- (a) Notes the growth in the use of the Kelso Community Centre from January 2016 through to June 2016.
- (b) Endorse staff to seek funding to support the growth and positive change of the Kelso Community Centre as outlined in the report under the heading "Future Business Direction".
- (c) Approve the name change from Kelso Community Centre to Kelso Community Hub to better reflect the current operations and future direction.
- (d) Be provided with a further report regarding updates on the outcomes and future direction of the Kelso Community Centre.

Report:

Background

The Kelso Community Centre was developed in response to a request in 2001 by the Kelso Community Network "for support with providing a recreational and community facility in Kelso". The Centre officially opened in 2005 and Council has continued to provide direct management to the Centre through a number of different models.

Service delivery and the provision of services and activities at the Centre have evolved over the years both through Council's involvement and service providers hiring the facility. Yet the primary objective to respond to the needs of the Kelso Community has remained consistent.

The Centre is staffed by Council staff Monday to Wednesday. The Centre is accessible seven days per week for general hirers. Over the last four (4) or five (5) years the Centre has remained somewhat static in its service provision, with little or no growth in services operating at the Centre.

A review of past operations of the Centre occurred during 2015. A committed proactive approach to forming partnerships and relationships was also undertaken to gauge the interest and desire from service providers to operate from the Centre. In 2016 there has been a focus to make a shift to a more active approach to better coordinate service delivery. The approach is proving successful with the recognition of positive changes and an increase in people attending the Centre.

The current provision of services and activities at the Centre include:

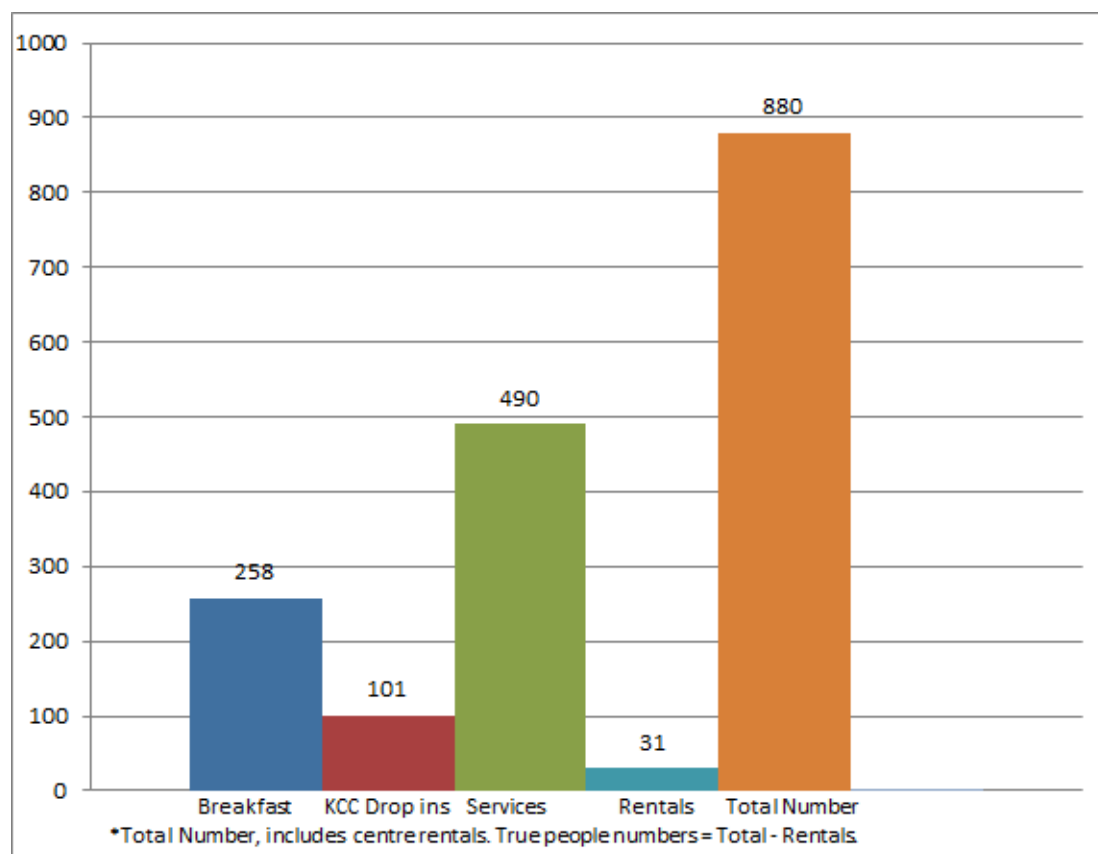
- Kelso Community Centre Breakfast Club Program – provision of a nourishing nutritious breakfast for the children and young people of Kelso three mornings per week
- School holiday programs - including partnered activities with Bathurst Young Mob and other programs
- Child and Family Health Clinic
- Women's Group – Relationships Australia
- Indigenous Chronic Disease Clinic – Marathon Health
- Birrang Enterprise Development – Life Skills Workshops

- Weekly Playgroup – Galloping Gumnuts supported playgroup
- Young Life Australia Bathurst – Project to support and engage young people of Kelso
- C3 Church – Community Church providing a free meal to the community once a month
- Seymour Connect – Opportunity for socialising as well as providing a guest speaker for Bathurst Seymour Centre clients
- Bathurst Young Mob - providing a range of programs for young people in the broader Kelso Community

What we are finding

Data has been gathered to assist in understanding the utilisation of services and to provide guidance on future directions.

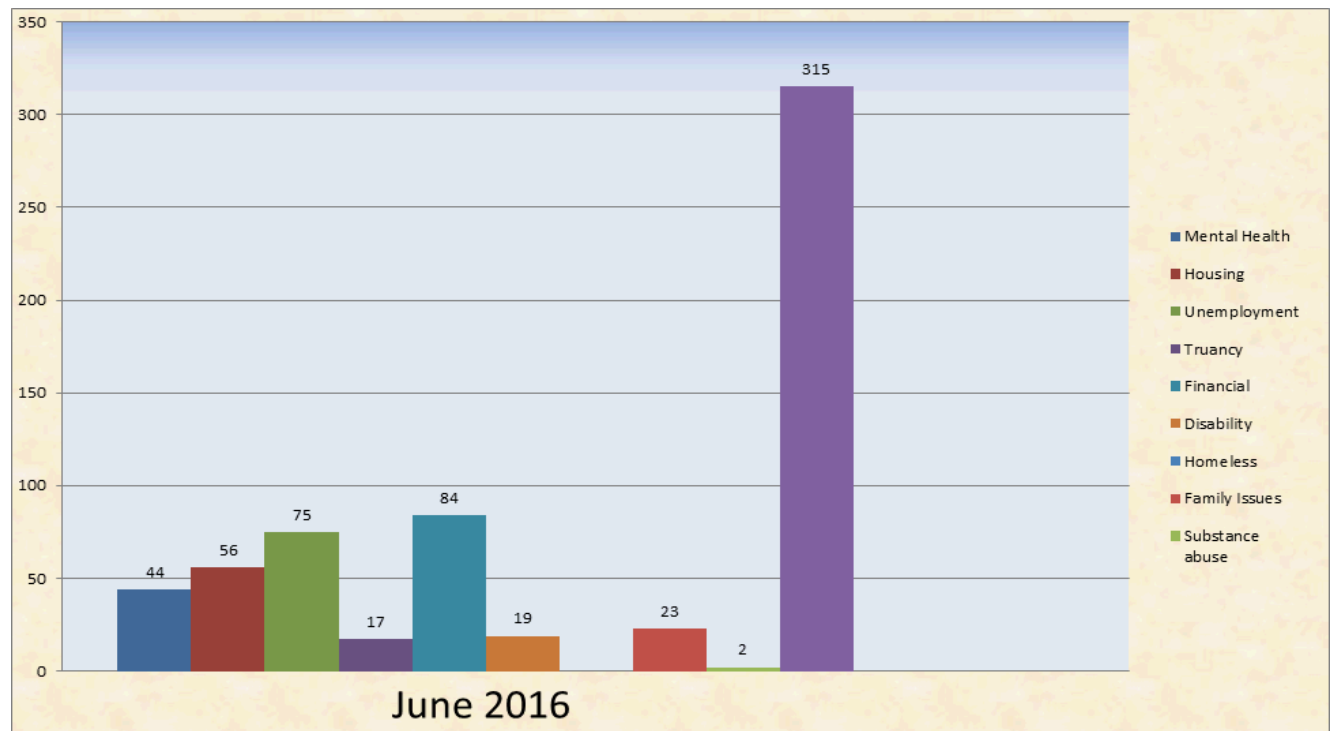
Data collection has enabled the staff to identify the specific needs of the community and to determine the required service provision. 428 individuals presented at the Centre accessing services in June 2015. Collated data for June 2016 show approximately a 53% increase in presentations in June 2016, with 849 individual presentations at the Centre. The 849 presentations reflects the combined total of individuals using the Centre including the Breakfast Program, Centre drop ins and individuals accessing other services at the Centre, however excludes the number of rentals.



Graph 1: number of individuals through the Centre during June 2016.

The barriers or issues which these individuals have presented with have been collated. The highest rating of presentations being identified at the Centre during June 2016 includes mental health issues, unemployment and financial barriers, as shown below. Centre staff are proactively attempting to connect to service providers on a needs basis.

Of the Centre drop ins referred to below, the following graph indicates a break down of issues individuals are presenting with as part of the Centre drop in total.



Graph 2: June 2016 data showing range of issues presenting at the Centre.

The aim is to build networks with key stakeholders and provide outreach services at the Centre that respond to such issues and needs. Agencies that could provide key services include Mental Health, Housing and Centrelink.

Positive outcomes are being observed daily at the Centre as staff connect people to services based on need or presentation and through the engagement of programs and activities.

For example, the Galloping Gumnuts supported playgroup is providing a supportive environment for vulnerable families to ensure their children have access to play based activities, whilst accessing growth, development and immunisation through the Child and Family Health Clinic. Referrals to health care services are being made weekly through the playgroup.

Bathurst Young Mob, in partnership with Bathurst Regional Council, have provided a range of activities to engage the youth of the community and beyond. The program was greatly received during the July school holidays. 108 young people came through the Centre participating in activities coordinated by Bathurst Young Mob.

Future Business Direction

To build on the momentum that has occurred in recent months, the following goals aim to build on the current business model:

- Increase activity and create a presence both in Kelso and the broader Bathurst Community
- Increase signage and branding of the Centre
- Consider a name change - 'Kelso Community Hub' – reflective of a suite of outreach

services and activities.

- Increase third party hirers
- Seek funding to support the growth and positive change of the Centre
- Review of the current staffing structure, including the consideration of increasing staff presence at the Centre from three (3) days per week to five (5) days per week.
- Play an active role with key organisations and services provided, to adopt a 'whole of community approach'.
- Refocus on the resources to address the needs of the community.

Barnados Australia has expressed an interest in pursuing a relationship with Council to develop an afterschool program to increase youth activities and to deliver community benefits. Barnados Australia is a leading child protection charity in Australia, with a commitment to young people and their wellbeing. The program will be run on a Tuesday, providing activities that are responsive to needs and of interest to the young people.

Some other organisations currently being considered to engage at the Centre include:

- Mission Australia, who provide a broad range of services addressing issues around homeless, alcohol, drug and other dependencies, mental well-being, community mental health and disability support, employment skills and training, youth service and family and children's service.
- Indigenous Optometry Clinic, associated with Aboriginal Vision NSW.

Another initiative to support the future direction of the Centre is the running of Kelso Community Centre Service Coordination meetings. Meetings will be held quarterly, made up of a range of key service providers. The meetings will provide an opportunity for services to come together to better coordinate service delivery.

Moving forward and increasing Centre capacity is hoped will provide a Centre that facilitates a comprehensive suite of services.

Further updates will be provided to Council as the goals are implemented.

Financial Implications: Funding to undertake any of the recommendations for this item has been assigned in Council's Annual Operating Plan 2016/2017.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 20: To provide a range of cultural facilities, programs, activities and events and to support and enhance cultural and social activities across the community. Strategy 20.3
- Objective 21: To support the provision of community services and facilities to meet the needs of specific community sectors and the community as a whole. Strategy 21.1, 21.2, 21.3
- Objective 23: To encourage a supportive and inclusive Strategy 23.5, 23.6, 23.7,

community.

23.8

- Objective 25: To support the provision of high quality medical care that meets the needs of the Bathurst community. Strategy 25.1
- Objective 26: To encourage and support the provision of a range of opportunities for life long education across the Bathurst community. Strategy 26.1, 26.3

MINUTE

34 Item 1 KELSO COMMUNITY CENTRE - UPDATE (09.00026)
MOVED: Cr I North SECONDED: Cr G Westman

RESOLVED: That Council:

- (a) Notes the growth in the use of the Kelso Community Centre from January 2016 through to June 2016.
- (b) Endorse staff to seek funding to support the growth and positive change of the Kelso Community Centre as outlined in the report under the heading "Future Business Direction".
- (c) Approve the name change from Kelso Community Centre to Kelso Community Hub to better reflect the current operations and future direction.
- (d) Be provided with a further report regarding updates on the outcomes and future direction of the Kelso Community Centre.

2 BATHURST REGION TOURISM REFERENCE GROUP - MEETING HELD 4 JULY 2016 (07.00016)

Recommendation: That the information be noted.

Report: As part of the Destination Management Plan, which was adopted by Council on 20 May 2015, the establishment of a Tourism Reference Group has been undertaken, with the membership of the Group endorsed by council on 9 December 2015.

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

The fifth meeting of the Bathurst Region Tourism Reference Group was held on 4 July 2016. The minutes of the Group's meeting are provided at **attachment 1**.

At the meeting held on 4 July 2016, the Group established the following actions, linked to the Destination Management Plan:

- Held Packaging Tourism Product workshop on 12 July with Destination Marketing Store (15 attendees)
- Western Advocate – story and photo promoting workshops 13 July
- Meeting with DNSW Events Team 13 July re Flagship Funding opportunity for Winter Festival and Incubator Funds for emerging events (The End, Hill End, Inland Sea of Sound)
- MyTravelResearch.com was awarded the contract to undertake a tourism research project and collect specific data to inform a destination brand identity. The objective is to drive the best ROI from Council's investment in the visitor economy and to capture, convey and embed the Bathurst experience in the mind of the consumer. An inception meeting was held to confirm timelines, methodology and scope of work with MTR 21 July. Project to be completed end September 2016.
- Continued meetings with Council Events Team regarding Winter Festival and Inland Sea of Sound Festival, 4/5 November
- Western Advocate and Bathurst City Life – interviews and photos with Paul Toole MP regarding new Tourism Demand Driver Infrastructure Fund 22 July
- Mayfield Garden – assistance provided with TASAC application for directional signage
- Famils – Winter Festival events (Ignite the Night, Brew & Bite), BRAG exhibition opening, Parkview Hotel re-launch.
- Host media : writer, Sarah Han, visited Bathurst 2 – 3 July to write a story for this Sydney lifestyle site as part of the CNSWT Unearth Campaign.
- Host media : writer, Jasmine Crittenden, Concrete Playground in Bathurst 26 – 27 July.

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

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 4: To market Bathurst as a great place to live, work, study, invest and play. Strategy 4.1, 4.3, 4.4, 4.5, 4.6, 4.7, 4.9
- Objective 11: To protect the region's unique heritage and history. To protect a unique identity. Strategy 11.6

MINUTE

35 Item 2 BATHURST REGION TOURISM REFERENCE GROUP - MEETING HELD
4 JULY 2016 (07.00016)

MOVED: Cr B Bourke SECONDED: Cr W Aubin

RESOLVED: That the information be noted.

3 BATHURST LIBRARY ACTIVITIES - JULY 2016 (21.00054)

Recommendation: That the information be noted.

Report: The following activities were held during July 2016:

School Holiday Activities

During the Winter school holidays the Bathurst Library held three school holiday programs. Activities included Balloon Race Cars, Ballerina Armature and author and entertainer, Andy Jones, performance. In all, 74 children attended, with many more parents, carers and friends.

Booksale

The Library held its BIG Winter booksale on Saturday 16 July 2016 from 10.00am until 2.00pm on the lawn and forecourt in front of the Library. It was extremely well attended by the Bathurst public seeking book bargains and treasures. It was a record year in terms of sales and few books needed to be returned back into the library.

A sausage sizzle was hosted by The Fully Alive youth group and supervised by Mr Sarkis Achmar. The youth group did an excellent job and added a lively element to the sale. There were many favourable comments from the public and enquiries as to when the next one is to be held.

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

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 20: To provide a range of cultural facilities, programs, activities and events and to support and enhance cultural and social activities across the community. Strategy 20.3
- Objective 27: To encourage youth engagement, participation and achievement across all areas of the Bathurst community. Strategy 27.9

MINUTE

- 36 Item 3 BATHURST LIBRARY ACTIVITIES - JULY 2016 (21.00054)
MOVED: Cr W Aubin SECONDED: Cr B Bourke

RESOLVED: That the information be noted.

4 VACATION CARE PROGRAM - JULY 2016 (09.00005)

Recommendation: That the information be noted.

Report: The July Vacation Care program operated from Monday 4 to Friday 15 July 2016.

Each day there were 34 places available, with an average of 30 children in attendance each day.

The July Program accommodated 10 new families with 17 new children commencing care.

Over the holiday period Vacation Care provided care for 65 individual children throughout the two week program with 45 families utilising the Vacation Care Service.

The service continues to accommodate children with additional needs during the holiday program. During the July program the service assisted 4 children with additional needs.

Vacation Care continued to form strong connections and actively support local businesses, organisations and facilities within our community. The children participated in excursions to Metro Cinema and Jumbo's Jungle Play Centre. Vacation Care also accessed Bathurst's NRL Development Squad and a local yoga instructor to conduct a class. We continue to utilise Mount Panorama Coaches for transportation and Bernardi's Market Place to purchase fruit, grocery items and other resources.

The Program continues to provide a sought after, valuable service for children and families of the Bathurst Community, operating within the principals of creating a play based learning environment that is fun and stimulating.

These principles aim to develop a child's:

- Sense of identity;
- Opportunities to connect and contribute to their world;
- Understanding and awareness of wellbeing;
- Ability to become confident and involved learners;
- Use of effective and appropriate communication.

Vacation Care prides itself on the high quality, experienced staff employed to deliver a diverse and engaging program to children aged 5-12 years.

Vacation Care is scheduled to again be operational in September/ October 2016 school holiday period.

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

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 3: To protect a vibrant CBD and support and grow retail diversity. Strategy 3.8
- Objective 21: To support the provision of community services and facilities to meet the needs of specific community sectors and the community as a whole. Strategy 21.7

- Objective 27: To encourage youth engagement, participation and achievement across all areas of the Bathurst community.

Strategy 27.5, 27.9

MINUTE

- 37** Item 4 VACATION CARE PROGRAM - JULY 2016 (09.00005)
MOVED: Cr G Westman SECONDED: Cr M Coote

RESOLVED: That the information be noted.

Yours faithfully



Alan Cattermole
DIRECTOR
CULTURAL & COMMUNITY SERVICES

POLICY COMMITTEE MEETING

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

1 MINUTES - POLICY COMMITTEE MEETING - 3 AUGUST 2016 (07.00064)

Recommendation: That the recommendations of the Policy Committee Meeting held on 3 August 2016 be adopted.

Report: The Minutes of the Policy Committee Meeting held on 3 August 2016, are attached.

Financial Implications: N/A

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.5

MINUTE

38 Item 1 MINUTES - POLICY COMMITTEE MEETING - 3 AUGUST 2016
(07.00064)

MOVED: Cr I North SECONDED: Cr M Coote

RESOLVED: That the recommendations of the Policy Committee Meeting held on 3 August 2016 be adopted.

MINUTES OF THE POLICY COMMITTEE
HELD ON 3 AUGUST 2016

MEETING COMMENCES

1 MEETING COMMENCES 6:00 PM

Present: Councillors Rush (Chair), Aubin, Bourke, Coote, Hanger, Morse, North, Westman.

APOLOGIES

2 APOLOGIES

Nil.

REPORT OF PREVIOUS MEETING

3 Item 1 MINUTES - POLICY COMMITTEE MEETING - 6 JULY 2015 (07.00064)
MOVED Cr I North and **SECONDED** Cr G Westman

RESOLVED: That the Minutes of the Policy Committee Meeting held on 6 July 2016 be adopted.

DECLARATION OF INTEREST

4 DECLARATION OF INTEREST 11.00002
MOVED Cr M Coote and **SECONDED** Cr B Bourke

RESOLVED: That the Declaration of Interest be noted.

GENERAL BUSINESS

5 Item 1 RESEALING OF ROADS - WET WEATHER (16.00011)

Cr North - enquired as to whether Council needs to look at using hot mix in high traffic areas. Requests a report be prepared for Councillors.

6 **Item 2 LOW LEVEL BRIDGE & EGLINTON ACCESS (25.00032)**

Cr Coote - suggested, given the current weather issues, perhaps Council should look at putting in an enhanced road network in certain locations e.g. raising the low level bridge. This is important with the growth areas that are occurring. Requested a working party on this.

7 **Item 3 BBQ OPERATIONS AT SPORTSGROUND (14.00708)**

Cr Westman - noted concerns have been raised. Seeks Council engage with the Bathurst District Sport & Recreation Council to get training/certification awareness out to various groups. Noted existing training program which Council has in place.

8 **Item 4 HEREFORD STREET LOW LEVEL BRIDGE (25.00035)**

Cr Westman - noted the need to look at what can be done with this structure. Requested a report on this.

9 **Item 5 EDGELL JOG (23.00130)**

Cr Morse - noted the committee have a problem with traffic management costs, which could be as much as \$15,000. This year no funds were made available through Section 356 Donations. Requests a report come to Council on a possible donation for this year, and also how Council can support into the future the event with e.g. in-kind support, staff assistance.

This report also needs to address possible route changes for the event.

10 **Item 6 ACCESS FROM KEPPEL STREET TO EXPANDED BINC CARPARK (22.00653)**

Cr Morse - requests advice on works that are occurring, and what is happening with the walkway?

The Director Engineering Services provided advice on the works that are occurring and the limitation of the route as a walkway.

11 **Item 7 FLOODING (31.00006)**

Cr Bourke - notes the diversion is working well. Asked is this having an affect on the walkway on the other side of the old bridge? Further queried whether Raglan Creek appears to have greater levels of water, is there any reason?

The Director Engineering Services spoke to fact Raglan Creek is very low laying with minimal fall-off. Rainfall has been very high in the southern part of the catchment.

In regards to the diversion channel, not coming out where the erosion is occurring. Feels mainly due to high levels of rain.

12 **Item 8 GAS WORKS SITE (22.00052)**

Cr Bourke - asked what are Council's obligations for this site? Expressed concern at access being obtained by various individuals.

The General Manager advised Council has no responsibility for the building and that the Environmental Protection Authority (EPA) had satisfied itself that an acceptable level of remediation has occurred and consequently the item has been removed from relevant lists. In regards to access, concerns have been raised with the lessee.

MEETING CLOSE

13 **MEETING CLOSE**

The Meeting closed at 6.16 pm.

CHAIRMAN: _____

TRAFFIC COMMITTEE MEETING

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

1 MINUTES - TRAFFIC COMMITTEE MEETING - 2 AUGUST 2016 (07.00006)

Recommendation: That the recommendations of the Traffic Committee Meeting held on 2 August 2016 be adopted.

Report: The Minutes of the Traffic Committee Meeting held on 2 August 2016 are attached.

Financial Implications: N/A

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.5

MINUTE

39 Item 1 MINUTES - TRAFFIC COMMITTEE MEETING - 2 AUGUST 2016
(07.00006)

MOVED: Cr W Aubin SECONDED: Cr B Bourke

RESOLVED: That the recommendations of the Traffic Committee Meeting held on 2 August 2016 be adopted.

MINUTES OF THE TRAFFIC COMMITTEE
HELD ON 2 AUGUST 2016

MEETING COMMENCES

1 MEETING COMMENCES 2:00 PM

Members: Cr Warren Aubin (Chair), Senior Constable Jason Marks (Police), David Veness (MP Representative), Jackie Barry (Roads & Maritime Services).

Present: Darren Sturgiss (Manager Technical Services), Paul Kendrick (Traffic & Design Engineer), Iris Dorsett (Tablelands Area Road Safety Officer).

APOLOGIES

2 APOLOGIES

Nil

REPORT OF PREVIOUS MEETING

3 Item 1 MINUTES - TRAFFIC COMMITTEE MEETING - 5 JULY 2016 (07.00006)

That the Minutes of the Traffic Committee Meeting held on 5 July 2016 be adopted.

DECLARATION OF INTEREST

4 DECLARATION OF INTEREST 11.00002

That the Declaration of Interest be noted.

RECEIVE AND DEAL WITH DIRECTORS' REPORTS

Director Engineering Services' Report

5 Item 1 MINUTES OF THE TRAFFIC COMMITTEE MEETING HELD 5 JULY 2016 (07.00006)

That the information be noted and necessary actions be taken.

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

That the information be noted.

7 Item 3 DISABLED PARKING ACCESS – 16 WILLIAM STREET BATHURST (28.00016-05/069)

That Council approve the installation of a disabled parking space out the front of 16 William Street.

8 **Item 4 SUNNY CORNER TRAIL BIKE RALLY 2016 (23.00015-08)**

That Council classify the Sunny Corner Trail Bike Rally to be staged on Forestry Corporation of NSW roads on Friday 16, Saturday 17 and Sunday 18 September 2016 as a Class 4 event and the event be approved subject to conditions as detailed in the Director Engineering Services' report.

9 **Item 5 SUPERCHEAP AUTO BATHURST 1000 TRAFFIC MANAGEMENT PLAN ((04.00001)**

That Council adopt the zones and restrictions as part of the Traffic Management Plan for the 2016 Supercheap Auto Bathurst 1000, as noted in the report.

10 **Item 6 TEMPORARY BUS ZONES FOR 2016 SUPERCHEAP AUTO BATHURST 1000 (28.00022)**

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

11 **Item 7 2016 SUPER CHEAP AUTO BATHURST 1000 - OFF TRACK EVENT ROAD CLOSURES, TEMPORARY NO PARKING (04.00073-04)**

That Council approve the staging of the 2016 Super Cheap Auto Bathurst 1000 off-track events as follows:-

- (a) Parade and B-Double Permit routes;
- (b) Super Wednesday;
- (c) Saturday Street Fair.

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

12 **Item 8 BATHURST WALLABIES TRIATHLON CLUB EVENTS 2016/2017 SERIES (23.00026-19-200)**

That Council approve the staging of the Bathurst Wallabies Triathlon Club 2016/2017 series of events. The events are to be classified as Class 2 events and approved subject to conditions as detailed in the Director Engineering Services' report.

TRAFFIC REGISTER

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

That the information be noted.

MEETING CLOSE

14 **MEETING CLOSE**

The Meeting closed at 2.32 pm.

DELEGATES REPORTS AND MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

17 AUGUST 2016

1 COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 13 JULY 2016 (11.00019)

Recommendation: That the information be noted.

Report: **Present:** Councillors Gary Rush (Chair), Aubin, Bourke, Coote, Hanger, Morse, North, Westman

Apologies: Nil

1. BATHURST CITY COMMUNITY CLUB (18.00303)

Representatives from the Bathurst City Community Club - Rebecca Mathie, Jim Grives, Amanda Carrigan, Lisa Pierce and Dorothy Snipe met with Council to discuss the operations of the Club.

Discussion included:

- Tabled a snapshot of the current activities of the Club including Zorb Soccer; Catering; themed kids parties; work for the dole projects which have resulted in improvements to the grounds and buildings; Foodbank; providing venue for small community groups to meet; and Hidden Games.
- This financial year the Club has had 7876 people attend functions and 5228 people utilised the bowling greens.
- Building maintenance costs were much higher due to continual issues regarding plumbing and electrical wiring.
- AGL have provided discounts on the electricity and gas accounts and are looking for grants to assist with the purchase of solar panels.
- Thanked Council for support in providing discounts on rates and water. Requested further ongoing support regarding rates and water expenses.
- The Club was requested to submit a formal request for financial assistance.

2. BATHURST GOLF CLUB (22.00126)

Representatives of the Bathurst Golf Club - Secretary/Manager Brad Constable, President Ray Stapley, and Steve Darlington met with Council to further discuss the water charges for the Club.

Discussion included:

- The Club is seeking a fairer rate for raw water charges for the Club.
- Reiterated earlier discussions regarding water charges at the Club.
- The Club is working with Golf NSW to bring new events to Bathurst.

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 23: To encourage a supportive and inclusive community. Strategy 23.3
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.5
- Objective 20: To provide a range of cultural facilities, programs, activities and events and to support and enhance cultural and social activities across the community. Strategy 20.2

MINUTE

40 Item 1 COUNCILLORS MEETING WITH COMMUNITY
GROUPS/REPRESENTATIVES - 13 JULY 2016 (11.00019)
MOVED: Cr I North SECONDED: Cr B Bourke

RESOLVED: That the information be noted.

MINUTE

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

MOVED: Cr I North SECONDED: Cr M Coote

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

M Nicholls – Western Advocate

Thanked the General Manager for items in Directors reports providing extra details on the content of Confidential Items.

RESOLVED: That:

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

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

| ITEM | SUBJECT | REASON FOR CONFIDENTIALITY |
|------|---|--|
| 1 | NEW COMMERCIAL LEASE AGREEMENT - PART LOT 1 IN DP7744589 KNOWN AS 230 HOWICK STREET BATHURST - OPTUS MOBILE PTY LTD | 10A (2) (c) – contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. Discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it would prejudice council's position in negotiating commercial and or financial arrangements. 10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it. |
| 2 | PURCHASE OF LOT 1 IN DP772047 KNOWN AS 186 LIMEKILNS ROAD KELSO | 10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it. 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 |

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|---|--|--|
| | | council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the Council. |
| 3 | BOUNDARY ADJUSTMENT AND SUBSEQUENT SALE OF LAND ADJOINING LOT 59 KNOWN AS 1 FRASER DRIVE EGLINTON | 10A (2) (c) – contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. Discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it would prejudice council's position in negotiating commercial and or financial arrangements. 10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it. |
| 4 | RENEWAL OF RURAL LICENCE AGREEMENT - LOT 1 IN DP749758 LOCATED ON CONROD STRAIGHT MT PANORAMA AND LOT 117 IN DP750357 LOCATED ON COLLEGE ROAD BATHURST - IRELAND | 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. 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. |
| 5 | EXPRESSION OF INTEREST - RURAL LICENCE AGREEMENT - PART LOT 17 IN DP1099208 KNOWN AS 1 ROCKLEY STREET GEORGES PLAINS - PETERSON | 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. 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. |
| 6 | PROPOSED PURCHASE OF LAND AT PERTHVILLE - LOTS 1, 2, 3, 4, 7, 8, 9 AND 10 IN SECTION 16 DP758840 - CATHOLIC DIOCESE OF BATHURST | 10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it. 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. |
| 7 | PURCHASE OF COMMERCIAL | 10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of |

| | |
|-----------------------|--|
| SITE IN HOWICK STREET | <p>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.</p> <p>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.</p> |
|-----------------------|--|

*** DIRECTOR ENGINEERING SERVICES' REPORT**

| ITEM | SUBJECT | REASON FOR CONFIDENTIALITY |
|------|---|---|
| 1 | TENDER FOR PROGRAMMED MAINTENANCE OF POST OFFICE BUILDING | 10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it. |
| 2 | TENDER FOR BATHURST ADVENTURE PLAYGROUND STAGE 2 | 10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it. |

**DIRECTOR CORPORATE SERVICES & FINANCE'S CONFIDENTIAL
MINUTES**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

17 AUGUST 2016

MINUTE

(a) Item 1 NEW COMMERCIAL LEASE AGREEMENT - PART LOT 1 IN DP7744589 KNOWN AS 230 HOWICK STREET BATHURST - OPTUS MOBILE PTY LTD (22.00041)

MOVED: Cr M Coote SECONDED: Cr W Aubin

That Council approves entering into a new Commercial Lease agreement with Optus Mobile Pty Ltd for part of the roof top area located at Lot 1 in DP774489 known as 230 Howick Street Bathurst for a period of five (5) years with four (4) x five (5) year option periods as detailed in the report.

MINUTE

**(b) Item 2 PURCHASE OF LOT 1 IN DP772047 KNOWN AS 186
LIMEKILNS ROAD KELSO (22.00891)**

MOVED: Cr I North SECONDED: Cr G Westman

That Council approves the strategic purchase of Lot 1 in DP772047 known as 186 Limekilns Road Kelso, as detailed in the report.

MINUTE

**(c) Item 3 BOUNDARY ADJUSTMENT AND SUBSEQUENT SALE OF LAND
ADJOINING LOT 59 KNOWN AS 1 FRASER DRIVE EGLINTON (22.15963)**

MOVED: Cr M Coote SECONDED: Cr I North

That Council approves the boundary adjustment (subsequent to the registration of the Eglinton 100 subdivision) and subsequent sale of land adjoining Lot 59 known as 1 Fraser Drive Eglinton as detailed in the report.

MINUTE

(d) Item 4 RENEWAL OF RURAL LICENCE AGREEMENT - LOT 1 IN DP749758 LOCATED ON CONROD STRAIGHT MT PANORAMA AND LOT 117 IN DP750357 LOCATED ON COLLEGE ROAD BATHURST - IRELAND (22.11530 and 22.04491)

MOVED: Cr M Coote SECONDED: Cr W Aubin

That Council approves entering into a new Rural Licence agreement with Graham and Maria Ireland for Lot 1 in DP749758 located on Conrod Straight Mt Panorama and Lot 117 in DP750357 located on College Road Bathurst for a period of one (1) year with two (2) x one(1) year option periods, as detailed in the report.

MINUTE

(e) Item 5 EXPRESSION OF INTEREST - RURAL LICENCE AGREEMENT - PART LOT 17 IN DP1099208 KNOWN AS 1 ROCKLEY STREET GEORGES PLAINS - PETERSON (22.10657)

MOVED: Cr I North SECONDED: Cr W Aubin

That Council approves entering into a new Rural Licence agreement with Mr Jordan and Mrs Amanda Peterson for part Lot 17 in DP1099208 located at 1 Rockley Street, Georges Plains for a period of one (1) year, as detailed in the report.

MINUTE

(f) Item 6 PROPOSED PURCHASE OF LAND AT PERTHVILLE - LOTS 1, 2, 3, 4, 7, 8, 9 AND 10 IN SECTION 16 DP758840 - CATHOLIC DIOCESE OF BATHURST (22.13487)

MOVED: Cr I North SECONDED: Cr B Bourke

That Council:

- (a) delegate to the General Manager the responsibility to negotiate the purchase of Lots 1, 2, 3, 4, 7, 8, 9 and 10 in Section 16 DP758840; and
- (b) prepare a further report to comeback to Council for the formal approval of the purchase.

MINUTE

**(g) Item 7 PURCHASE OF COMMERCIAL SITE IN HOWICK STREET
(22.02141)**

MOVED: Cr M Coote SECONDED: Cr I North

That Council delegate to the General Manager the responsibility to negotiate the purchase of the land as detailed within the report.

DIRECTOR ENGINEERING SERVICES' CONFIDENTIAL MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

17 AUGUST 2016

MINUTE

(h) Item 1 TENDER FOR PROGRAMMED MAINTENANCE OF POST OFFICE BUILDING (36.00595)

MOVED: Cr I North SECONDED: Cr G Westman

That Council accepts the tender of Programmed Property Services in the amount of \$205,399.30 (inc GST) for the programmed maintenance of the Post Office Building, subject to adjustments and provisional items.

MINUTE

(i) Item 2 TENDER FOR BATHURST ADVENTURE PLAYGROUND STAGE 2 (36.00584)

MOVED: Cr B Bourke SECONDED: Cr I North

The following MOTION was MOVED.

That Council:

- (a) accepts the tender of Ken Brown Landscapes in the amount of \$2,166,892.00 (GST inclusive), subject to adjustments and provisional sums as indicated within the report, for the construction of Stage 2 of the Bathurst Adventure Playground.
- (b) allocate additional funds to the value of \$676,330 to cover the shortfall of the entire project costs and to provide sufficient funding to cover potential variation requirements with the contract to ensure that Stage 2 of the Bathurst Adventure Playground can be successfully completed. The additional \$676,330 will need to be met by way of loan funds which Council will need to obtain from new borrowings.

The following AMENDMENT was MOVED.

MINUTE

j Item 2.01 TENDER FOR BATHURST ADVENTURE PLAYGROUND STAGE 2 (36.00584)

MOVED: Cr G Westman SECONDED: Cr W Aubin

That Council:

- a) in accordance with clause 178(1)(b) of the Local Government (General) Regulation 2005, decline to accept any tenders; and
- b) postpone the proposed tender for Bathurst Adventure Playground Stage 2.

The AMENDMENT was PUT and CARRIED.

The AMENDMENT then became the MOTION.

The MOTION was then PUT and CARRIED.

MINUTE

42 **RESOLVE INTO OPEN COUNCIL**
MOVED: Cr I North SECONDED: Cr M Coote

RESOLVED: That Council resume Open Council.

MINUTE

43 ADOPT REPORT OF THE COMMITTEE OF THE WHOLE
MOVED: Cr M Coote SECONDED: Cr W Aubin

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

Cr Bourke asked that his negative vote be recorded against Item #1 of the Director Corporate Services & Finance's Confidential Report.

MINUTE

44 MEETING CLOSE

The Meeting closed at 7.05 pm.

CHAIRMAN: _____