

25 May 2016

His Worship the Mayor & Councillors

**Notice of Policy Committee Meeting of Bathurst Regional Council -
Wednesday, 1 June 2016**

I have to advise that a **Policy Committee Meeting** will be held in the Council Chambers on Wednesday, 1 June 2016 commencing at 6.00 pm.



D J Sherley
GENERAL MANAGER

BUSINESS AGENDA

POLICY COMMITTEE

TO BE HELD ON WEDNESDAY, 1 JUNE 2016

1. 6:00 PM - MEETING COMMENCES

2. APOLOGIES

3. REPORT OF PREVIOUS MEETING

* MINUTES - POLICY COMMITTEE MEETING - 4 MAY 2016

4. 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.

5. RECEIVE AND DEAL WITH DIRECTORS' REPORTS

* DIRECTOR CULTURAL & COMMUNITY SERVICES' REPORT

6. GENERAL BUSINESS

7. DISCUSSION FORUM - DEVELOPMENT APPLICATION SUBMISSIONS

* DEVELOPMENT APPLICATION 2016/0116 – 42 SERVICED APARTMENTS AT 50 BENTINCK STREET, BATHURST. APPLICANT: JOSS CONSTRUCTIONS. OWNER: REGIONAL NOMINEES PTY LTD

8. DISCUSSION FORUM OTHER - Nil

9. MEETING CLOSE

MINUTE

1 MEETING COMMENCES

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

MINUTE

- 2 **APOLOGIES**
MOVED: Cr B Bourke SECONDED: Cr I North

Nil.

REPORT OF PREVIOUS MEETING AND MINUTES

POLICY COMMITTEE

1 MINUTES - POLICY COMMITTEE MEETING - 4 MAY 2016 (07.00064)

Recommendation: That the Minutes of the Policy Committee Meeting held on 4 May 2016 be adopted.

Report: The Minutes of the Policy Committee Meeting held 4 May 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

- 3 Item 1 MINUTES - POLICY COMMITTEE MEETING - 4 MAY 2016 (07.00064)
MOVED: Cr M Coote SECONDED: Cr I North

RESOLVED: That the Minutes of the Policy Committee Meeting held on 4 May 2016 be adopted.

MINUTES OF THE POLICY COMMITTEE
HELD ON 4 MAY 2016

MEETING COMMENCES

1 MEETING COMMENCES 6:00 PM

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

APOLOGIES

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

RESOLVED: That the apologies from Crs Coote and Morse be accepted and leave of absence granted.

REPORT OF PREVIOUS MEETING

3 Item 1 MINUTES - POLICY COMMITTEE MEETING - 6 APRIL 2016 (07.00064)
MOVED Cr W Aubin and **SECONDED** Cr B Bourke

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

DECLARATION OF INTEREST

4 DECLARATION OF INTEREST 11.00002
MOVED Cr G Westman and **SECONDED** Cr J Jennings

RESOLVED: That the Declaration of Interest be noted.

RECEIVE AND DEAL WITH DIRECTORS' REPORTS

Director Corporate Services & Finance's Report

5 Item 1 REPORT OF AUDIT AND RISK MANAGEMENT COMMITTEE - 23 MARCH 2016 (07.00096)
MOVED Cr B Bourke and **SECONDED** Cr G Westman

RESOLVED: That the recommendations of the Audit & Risk Management Committee Meeting held on 23 March 2016 be adopted.

Director Cultural & Community Services' Report

6 Item 1 POLICY - MUSEUM COLLECTIONS MANAGEMENT (41.00089, 21.00096, 20.00004)
MOVED Cr G Westman and **SECONDED** Cr I North

RESOLVED: That Council adopt the Museum Collections Management Policy.

GENERAL BUSINESS

7 COMMUNITY GARDEN EVENT (22.02574)

Cr Bourke - spoke to recent event held, with Jason Hodges as guest speaker. Thanked everyone for their assistance, everything is going really well at the Community Garden. The Event was successful. The staff did a great job.

8 Item 2 PETER BROCK 10 YEAR ANNIVERSARY (23.00122)

Cr North - requested a council update on where a proposal for acknowledgement of the 10 year anniversary of Peter Brock's death is at.

The General Manager advised that the Director Corporate Services & Finance is following this up. Advice will be provided.

9 Item 3 NRL EVENT (18.00296)

Cr North - congratulated staff on their efforts. This event was very successful.

10 Item 4 TOILET BLOCK - CARRINGTON PARK (36.00587)

Cr North - asked has toilet block matter been resolved and will it be in place before next years' match?

The Director Engineering Services advised tenders have been called and construction shall be completed this year.

11 Item 5 VALUE OF EVENTS (20.00020)

Cr North - asked has any research been undertaken to see community satisfaction with events.

The General Manager referred to economic assessments, noted no satisfaction surveys undertaken. Will look at this into the future.

12 Item 6 GEORGE STREET TRAFFIC MATTERS (25.00007)

Cr North - advised congestion in George Street is getting worse, where are we at with reviewing this.

The Acting Director Environmental, Planning & Building Services advised no funds allowed in this years budget for CBD Traffic Study.

Director Engineering Services advised Roads & Maritime Services is undertaking studies via their traffic modelling software which will provide information on the stretch of road down to the highway intersection.

13 **Item 7 HOWICK STREET ROUNDABOUT - RMS (25.00006)**

Cr Aubin - noted Roads & Maritime Services (RMS) is seeking data from Council to put into the new modelling package they have. Recent meetings have been held with RMS.

14 **Item 8 GEORGE PARK - TRAFFIC MATTERS (04.00042)**

Cr Aubin - noted when football training is occurring, cars are coming off Bentinck Street and then are driving right around the oval, causing damage, can this be stopped.

15 **Item 9 SHOPPING TROLLEYS (28.00006)**

Cr Aubin - advised trolleys are being dropeed everywhere, can we do something about this? This has previously been raised.

16 **Item 10 KANGAROOS IN ORCHARD (14.00665)**

Cr Aubin - referred to last Policy Meeting and concern expressed about a need for a fauna plan. Notes recent reports in newspaper that we did not put in place a satisfactory plan. This reflects poorly on the Council.

17 **Item 11 SKATE PARK - SCHOOL ACTIVITIES (04.00037)**

Cr Jennings - asked, during school holidays, does Council utilise the skate park for activities? Possibly Council could initiate with the State Government, LGNSW and the Local Government National body to conduct a regional/state competition.

Most skate parks are run by Councils and such an Event would fulfill Council's Charter. Bathurst could lead this in a regional sense.

The Director Cultural & Community Services advised Council does not at this time conduct such an activity, but it can be considered.

The Mayor suggested that Council's Director Cultural & Community Services could raise as a project for the Youth Council.

MEETING CLOSE

18 **MEETING CLOSE**

The Meeting closed at 6.17 pm.

CHAIRMAN: _____

MINUTE

4 DECLARATION OF INTEREST 11.00002
MOVED: Cr I North SECONDED: Cr B Bourke

RESOLVED: That the Declaration of Interest be noted.

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

POLICY COMMITTEE

1 JUNE 2016

1 FOSSICKING DISTRICT (20.00020)

Recommendation: That Council consents to the Bathurst Regional Council Local Government Area being declared a fossicking district.

Report: Council has been advised that the NSW Government is planning on expanding the number of declared fossicking districts to make regional areas more attractive as a destination for fossickers.

Fossicking (the small-scale collection of minerals and gemstones) is a growing part of the geotourism industry. It is particularly popular among retirees and international travellers, and could make a significant contribution to regional economies.

Fossicking is a low environment impact, safe and healthy outdoor activity that can be family orientated in many cases. The Bathurst region boasts a large number of opportunities for locals and tourists to participate with the area being known for both gold and gemstones.

There are already a number of fossicking areas that cover various regions of the state. A copy of the current NSW Fossicking Districts are indicated in the map at **attachment 1**.

Declaring an area as a fossicking district will not provide open access to land for recreational fossickers. For example, fossicking activities are prohibited in National Parks. In addition, fossickers must follow the guidelines and requirements as set out by the Division of Resources & Energy in the NSW Guide to Fossicking. A copy of the guide is provided at **attachment 2**.

The legal effect of a declared fossicking district is that fossickers do not need the permission of the holder of a mineral or petroleum exploration licence over the land in question. However, they will still need the permission of local landholders, assessment and mining lease holders, and holders of mineral claims or opal prospecting licences.

As there are no potential risks to Council in becoming a fossicking district and opportunities for the development of tourism in the district are also presented, it is recommended that Council consent to the Bathurst Regional Council Local Government Area becoming a fossicking district

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

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, 4.6

MINUTE

- 5 **Item 1 FOSSICKING DISTRICT (20.00020)**
MOVED: Cr I North SECONDED: Cr G Hanger

RESOLVED: That Council consents to the Bathurst Regional Council Local Government Area being declared a fossicking district.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Alan Cattermole', with a large, stylized flourish at the end.

Alan Cattermole
DIRECTOR
CULTURAL & COMMUNITY SERVICES

GENERAL BUSINESS

POLICY COMMITTEE

MINUTE

6 Item 1 AMALGAMATIONS (18.00300)

Cr Morse - requested an update on this matter.

The Mayor advised Oberon case is currently being heard and will continue tomorrow. Results are unknown at this time.

MINUTE

7 Item 2 AH&P ASSOCIATION (18.00108)

Cr Coote - met with the group after this years show. The AH&PA are happy with the results for this year. They would also like to continue their great working relationship with Council.

MINUTE

8 Item 3 HOWICK - GEORGE STREET INTERSECTION (25.00007)

Cr Aubin - asked what is the time frame for clearing/trimming hedges at the Howick & George Street intersection.

The Director Engineering Services advised timing is a matter for Council. There have been some works already undertaken.

MINUTE

9 Item 4 WINTER FESTIVAL (23.00152)

Cr North - queried about access for trucks in the Russell Street area and heavy vehicle access issues during the festival.

The Director Engineering Services noted advance warning signs are normally put in place. Other signs may be considered as required.

MINUTE

10 Item 5 GREAT WESTERN HIGHWAY WORKS (25.00018)

Cr North - noted it is good to see works occurring. Is there any chance of works then being scheduled out to aerodrome?

The General Manager advised current status of Highway discussion. No advice has been received about additional funding to extend the dual carriageway out to the aerodrome.

MINUTE

11 Item 6 PARKING FINES (20.00090)

Cr North - has had approaches from people about parking fines. Have we approached anyone about putting in place a multi-storey carpark for the city?

The General Manager noted the proposal for a multi-storey carpark had not progressed, the focus in recent times has been on additional parking at BINC site, Domain carpark and Art Gallery carpark.

MINUTE

12 Item 7 FORMER TAFE BUILDING - WILLIAM STREET (22.01387)

Cr Bourke - asked where is the acquisition process at?

The General Manager advised that the relevant Government Department has indicated that the transfer is expected to occur in 2-3 months.

MINUTE

13 Item 8 RIVER ROAD & LIONS PARK DRIVE (04.00065)

Cr Bourke - advised there is more traffic coming down this road. Could we look at safety issues near Berry Park. There is potential for car and pedestrian conflict in this location.

MINUTE

14 **Item 8.01 SUSPENSION OF STANDING ORDERS (11.00005)**
MOVED: Cr B Bourke SECONDED: Cr I North

RESOLVED: That Standing Orders be suspended to allow Council to deal with the Ordinary Meeting of Council, scheduled for 6.15 pm.

MINUTE

15 **Item 8.02 RESUMPTION OF STANDING ORDERS (11.00005)**
MOVED: Cr I North SECONDED: Cr B Bourke

RESOLVED: That Council resume Standing Orders.

**DISCUSSION FORUM - DEVELOPMENT APPLICATION SUBMISSIONS
AND MINUTES**

POLICY COMMITTEE

1 DEVELOPMENT APPLICATION 2016/0116 – 42 SERVICED APARTMENTS AT 50 BENTINCK STREET, BATHURST. APPLICANT: JOSS CONSTRUCTIONS. OWNER: REGIONAL NOMINEES PTY LTD (DA/2016/0116)

Recommendation: That the information be noted.

Report: Council has received a Development Application for the property at 50 Bentinck Street, Bathurst, commonly known as the Dairy Farmers Site. A location plan is provided at **attachment 1**.

The proposal

The Development Application relates to:

- the construction of 42 serviced apartments with associated facilities; and
- retaining wall approximately 4.5 metres high.

The submitted plans are at **attachment 2** and the Statement of Environmental Effects at **attachment 3**.

The proposed development is five storeys in height being four residential levels over a carparking level. The building will be to a maximum height of 17.14 metres from the existing ground level on the site.

The building is to be located on a proposed allotment of 2210.07 square metres. Independent to this development application is a further proposal to subdivide the land into 6 allotments. The subdivision DA is currently undergoing assessment. The proposed plan of subdivision is provided at **attachment 4**.

The building is proposed to be accessed via a one way entrance and exit off Howick Street. This will result in the loss of some off street parking.

The proposed allotment is currently vacant. The entire site is listed as a local heritage item in the Bathurst Regional Local Environmental Plan 2014. The two landmark buildings being the tower and the original factory will be retained on individual allotments. Whilst the proposed allotment is vacant the listing continues to apply to the land. Importantly it should be noted that the land, and the proposed allotment, are identified as a site of high archaeological potential under Bathurst Regional DCP 2014 Map No. 35 - Bathurst Early Government Settlement (1815 - 1840) Archaeological Sensitive Lands.

Public notification

The Development Application was notified to adjoining property owners and to the National Trust from 29 April 2016 to 10 May 2016. Following the notification period five submissions were received (see submissions at **attachment 5**).

Issues raised in the submissions included:

- The height of the building does not comply with the 12 metre building height restriction under the Bathurst Regional LEP 2014 - Height of Buildings Map and the three storey provisions in the Bathurst Regional DCP.
- Non-compliance with Council's Bathurst Regional LEP 2014 and DCP 2014.
- The building should be designed to be stepped down to match the natural slope of the

land;

- The design of the building is oversized and unimaginative;
- Looks like a box maybe suitable in some Sydney suburbs but not in an historic town like Bathurst.
- Council should insist that the outside of the building have historic features .
- The design of the building does not blend with the existing streetscape of single storey dwellings;
- The proportion of the building is not consistent with existing streetscape ;
- The proposed building does not compliment the two heritage buildings on the site ;
- The site is a landmark site within the Bathurst CBD. There is a lack of consideration of the heritage significance of the site in the design of the building ;
- The development should be designed to address Bentinck Street ;
- The limited visibility of the Dairy Farmers tower from Howick Street ;
- This development will overshadow the tower after 1pm, this will limit the reuse ability of the tower ;
- The development will overshadow the adjoining dwellings in Howick Street ;
- The invasion of privacy to the adjoining dwellings in Howick Street. The development includes windows and a balcony on the 1, 2 and 3 levels and a BBQ terrace on level 4 ;
- The whole of the site should have a master plan ;
- The development fails to provide any green space or public space within this heritage area.
- The design should include a 30 degree roof pitch which is consistent with the Heritage Conservation Area ;

Following the Discussion Forum a report will be prepared for the next available Council meeting for determination of the Development Application.

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
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.2

MINUTE

16 Item 1 DEVELOPMENT APPLICATION 2016/0116 – 42 SERVICED APARTMENTS AT 50 BENTINCK STREET, BATHURST. APPLICANT: JOSS CONSTRUCTIONS. OWNER: REGIONAL NOMINEES PTY LTD (DA/2016/0116)

The Mayor noted discussion to cover 42 lots and proposed 6 lot subdivision.

W Feebrey – National Trust, Bathurst Heritage Action Network & Greening Bathurst

Spoke to concerns about the proposal. Issues raised by people include;

- Development is ugly, bulky, uninspiring and issues of 5 storeys
- Does nothing for heritage, disregards aesthetics
- Concern the historic character is being changed
- Is not heritage minded and not sympathetic to Bathurst's history
- "Shoddy" building design, no consideration for site and heritage
- Not in keeping with architectural heritage
- An eyesore
- Not consistent with heritage streetscape

Council does not have to rubber stamp poor design. Listen to the public and demand quality outcomes.

P Wren – 170 Howick Street

The house they live in is circa. 1860/1870. Happy to have a development but the proposal obstructs views, impacts privacy due to balconies, and there are overshadowing concerns. Visually the building does not fit in. Look seriously hard at the development.

Noted Council is diligent and progressive and thanks Council for its efforts.

S Birrell – Tremain Mill owner

Came to Bathurst for its heritage and themes. When purchased Tremains, consulted with Council and the community and this was not painful. Asked developer to work with Council and the community to get something more sympathetic. The proposal is outside Council guidelines. Asks Council to draw a line in the sand.

T Robertson – Budden's Rockley

Expressed concern at the heights of the proposed building, how did it get this far? The heights are well outside Council regulations, so why not refuse?

The building will ruin the parkland area. Requests Council follow its own regulations.

L Sullivan – ratepayer

Spoke to various plans of Council e.g. Heritage Strategies, LEP and DCP. Why does Council have such strategies, when such a development can be proposed. Referred to concern at the proposed 6 lot subdivision. If the development goes ahead, it would show Council has not learnt. This is today's version of yesterday's mistakes. Noted Council direction on heritage for the city has been enunciated in various statement and policies. We

plan for the future of the city and the region, do not lose the plot.

S Bathagte – Bathurst Heritage Action Network

Congratulated Council and RMS on the works on the entry to the city, spoke highly of the brickwork being done in conjunction with these works.

Spoke to concerns with the development. This is a cheap build. The key issues are; the building does not comply; it is more than 5 storeys high.

Are the LEP and DCP important? These were developed over many years and represent the community agreement for the city. They are the public wish for planning and they also have legal force, particularly the LEP, through the State Government. Developer has said height limits are unreasonable, yet the LEP took 9 years to develop through great consultation.

If approved, developer gets 20 apartments more than than is allowed. Council does not have to agree. The proposal is an eyesore. Referred to proposed economic benefits, what are these? Noted extra units will create traffic problems. The development does not indicate heritage benefits.

In regards to height, this is a matter of development profit and this is an ambit claim. Where are the details of efficient utilisation. The developer says height breach is not inconsistent with future development, how can developer know?

The developer says LEP unnecessarily restricts transitioning of land to a regionally significant landmark. Queried how does the proposal fit with this claim?

This is a cheap box of a building.

Noted public interest considerations the developer appears to be seeking. The extra 20 apartments will mean around \$5 million is being given up as the public interest, as there is nothing to say what the community gets for the extra apartments. There are no extra benefits e.g. parkland, access to site etc. All profits leave Bathurst. Do not let the developer trash the LEP. The developers arguments are vacuous. Requests Councillors say no to the proposal. Get the developer to come back with revised proposals.

F White – National Trust

We have a responsibility as custodians of our heritage. The community values its heritage. Once something is gone, it can never be retrieved. New buildings should enhance our streets and settings. Our heritage is who and what we are. It is also our economic future in heritage tourism. The site needs to enhance the Councils heritage and be pedestrian friendly. It needs a master-plan for the whole site. The city needs more accommodation, the site development needs to be right.

I MacPherson – National Trust - Chair Bathurst & District Branch

Thanked Council for the opportunity to engage on this matter. Spoke to progress of Council in working with the community on heritage, this has been productive. Spoke to National Trust submission. Noted prior DA was not proceeded with, this was under a former LEP. There was community consultation which looked at an integrated vision for this site. Noted how buildings are demolished without a proposal in place. This gives developer extra value to detriment of the community.

Concerns at subdivision proposal, need to look at site as an integrated development. Site is very significant and has great aspects and it is a landmark site on the edge of the CBD. This is not a positive development. Understands Council has not agreed to the proposal. We are likely to end up with a "hodge podge" development. Noted 12 metre planning issues that could lead to problems. The proposal will lead to isolating of heritage items. There will be no public access to the area. Concerned at the 5 storey proposal, this will seriously diminish the adaptive reuse of the site. Support excising lot 5, to allow for adaptive reuse of the building. But must have access to all areas and the site needs to be looked at in an holistic manner. We need to get a better outcome for the site. Requests Council refuse or defer DA for submission and the building. Not against development but it must enhance the site. Some Quest Buildings are fabulous e.g. Phillip Island. This building does not address the site. It is an unimaginative response. Would like to meet with the developer to come up with a more creative solution. Factors of concern are; bulk, height, problems with basement, Lot 1 should extend to Bentinck Street which would allow height to drop, with better presentation and this could improve community access.

M Buttsworth – Surveyor - Bentinck Street

The proposal is a "monstrosity". The Council needs to be aware of what people expect of the heritage area. The facade leaves a lot to be desired, it should be compassionate to Bathurst architecture. We do not need this building in Bathurst. No tourist will come to Bathurst to look at this building.

MINUTE

17 MEETING CLOSE

The Meeting closed at 7.08 pm.

CHAIRMAN: _____