

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

10 April 2024

His Worship the Mayor & Councillors

Notice of Ordinary Meeting of Bathurst Regional Council – Wednesday 17 April 2024

I have to advise that an Ordinary Meeting of Bathurst Regional Council will be held in the Council Chambers on Wednesday 17 April 2024 commencing at 6:00 PM or immediately following the conclusion of the Public Forum session.

Public Forum will be held from 6.00 pm where there will be an opportunity for members of the public to raise matters with Council.



A Cattermole
**ACTING
GENERAL MANAGER**

**MINUTES OF THE ORDINARY MEETING OF
BATHURST REGIONAL COUNCIL
HELD ON Wednesday 17 April 2024**

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1 PUBLIC FORUM

MINUTE

Stuart Driver - CBD Parking and Community Strategic Plan - Spoke to the CBD parking matter. Discussed that the addition of 60 degree angle parking and believes it will add to the confusion for the community. Spoke to the 45 degree angle parking and that it was an international standard. Suggested an advertising campaign rather than the addition of the 60 degree parking and should be for the whole CBD not just part of it.

Noted that the advertising of DA's in the newspapers was expensive and not cost-effective. Council should be mindful of the minimum including additional social posts as suggested by one submission. Likewise, notifications should be distributed to local community interest groups.

Jennifer Grey – George Street Carpark – Concerned with the proposal for the sale of the land to a developer. Concerned with Council's previous decisions relating to valuable land and land dealings. Reminded Council, given financial troubles, if the land is to be sold, please make the sale worthwhile.

Bob Triming – Disability Advocate – Mr Triming wanted to re-raise the PDCN discussion about building compliance that was missed from previous minutes. Thanked the DES for the ramps in Machattie Park. Spoke about the line marking and how he is supportive that this will increase the number of available parking. Asked will accessible parking be reviewed to bring them to the current standards? Suggested that a 'No Parking' sign be painted on the hatching of accessible parking zones.

DES provided a response in relation to Howick Street and accessible parking.

Mr Triming asked whether drivers of vehicles will be fined for ignoring the parking lines.

DEPBS provided a response that a transition period may be required but will be considered.

Elaine West – Zombie DA's – Spoke to a seminar she attended about Zombie DA's. Asked whether Council audits for those Zombie DA's.

DEPBS provided a response about the DA validity period.

Ms West asked a clarification question about DA's and the risk of reactivation of Zombie DA's that are not consistent with the current thinking.

DEPBS provided a response that there may be some but unable to provided details about the exact number.

Ms West advised that the government is seeking feedback on Zombie DA's and asked whether Council is making a submission?

DEPBS advised that not at this stage as they do not believe it is a big issue in the Bathurst Region.

2 RECORDING OF MEETINGS

3 MEETING COMMENCES

MINUTE

Meeting commenced at 6:21pm.

Present: Cr W Aubin, Cr K Burke, Cr B Fry (TEAMS), Cr J Jennings, Cr M Hogan, Cr I North

4 PRAYER AND ACKNOWLEDGEMENT OF COUNTRY

5 APOLOGIES OR ATTENDANCE BY AUDIO-VISUAL LINK

MINUTE

MOVED: Cr I North SECONDED: Cr W Aubin

RESOLVED:

That the apology of Cr R Taylor be accepted and leave of absence granted.

That the apology of Cr G Hanger be accepted and leave of absence granted.

That the apology of Cr A Smith be accepted and leave of absence granted.

That the attendance via audio-visual link of Cr B Fry be accepted.

6 MINUTES

6.1 CONFIRMATION OF MINUTES - ORDINARY COUNCIL MEETING 20 MARCH 2024

File No: 11.00005

RECOMMENDATION:

That the Minutes of the Ordinary Council Meeting of Bathurst Regional Council held on 20 March 2024 be adopted.

REPORT:

The Minutes of the Ordinary Council Meeting of Bathurst Regional Council held on 20 March 2024 are attached.

FINANCIAL IMPLICATIONS:

Nil

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

Objective 6: Community leadership and collaboration.

Strategy 6.4 Meet legislative and compliance requirements.

COMMUNITY ENGAGEMENT:

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

ATTACHMENTS:

1. 200324 Ordinary Minutes Only [6.1.1 - 38 pages]

MINUTE

RESOLUTION NUMBER: ORD2024-82

MOVED: Cr K Burke **SECONDED:** Cr M Hogan

RESOLVED:

That the Minutes of the Ordinary Council Meeting of Bathurst Regional Council held on 20 March 2024 be adopted.

7 DECLARATION OF INTEREST

Declaration of Interest

MINUTE

RESOLUTION NUMBER: ORD2024-83

MOVED: Cr K Burke SECONDED: Cr W Aubin

RESOLVED: That the Declaration of Interest be noted.

Cr I North declared a significant non-pecuniary interest in item 9.2.3 of the DEPBS Report.
REASON: Close and personal family friend.

8 MAYORAL MINUTE

8.1 LINE MARKING IN THREE CBD PRIORITY BLOCKS

File No: 28.00006

RECOMMENDATION:

That Council:

- a) recognise community calls to urgently upgrade car parking in the three priority zones of Howick Street (William to George), Russell Street (Bentinck to William), and Keppel Street (Seymour to Bentinck).
- b) refer proposal for 60° line-marking of priority zones to Traffic Committee, noting that 60° parking creates 43 additional marked spaces compared to 45° parking;
- c) thank the community for donations of \$15,000 received and a further pledge of \$6,000 to the Mayor of Bathurst Charitable Fund to line-mark the identified three priority zones; and
- d) report back to Council when works are commenced and once completed.

REPORT:

Council recognises the generous financial contribution of the local business community to the Mayor of Bathurst Charitable Fund and will use these funds to urgently maximise public car parking opportunities across three identified priority blocks with line-marking of 60° angled car parking, as follows:

1. Keppel Street – line-mark both sides, from Seymour to Bentinck Streets;
2. Russell Street – line-mark both sides, from Bentinck to William Streets; and
3. Howick Streets – line-mark both sides, from William to George Streets;

Increased efficiency from line making

Based on previous experience around Machattie Park (George and Keppel Streets) the existing 45° line-marked car parking is considered significantly more efficient than no lines at all.

Parking 60° versus 45°

Council's investigation of 60° line marking versus 45° suggests a total net gain of 43 additional marked car spaces across the three priority zones when 60° parking is applied.

Street	No. of spaces 45° angle	No. of spaces 60° angle	Net gain 60° vs 45°
Howick	52	63	11

Street	No. of spaces 45° angle	No. of spaces 60° angle	Net gain 60° vs 45°
Russell	43	54	11
Keppel	72	93	21
Total	167	210	43

It is noted that while 60° line-marking does not guarantee driver behaviour, it does provide greater guidance for 43 additional car spaces.

Accessible parking

There are currently four (4) accessible parking spaces across the three priority zones, and these are to remain but with new 60° lines marked.

New signage

Delivering this proposal across the three priority zones will require existing signage to change from 45° to 60° angle parking, which requires Traffic Committee approval, noting all other traffic treatments, such as taxi zones and time limits are to remain as is.

Council is to submit the 60° parking proposal to the next Traffic Committee meeting (to be held 7 May 2024) with the resulting decision likely reported to Council's Ordinary Meeting of 15 May 2024.

Delivery of works

Pending approval from Traffic Committee, Council's delivery of works will commence as soon as Council's works program reasonably allows, potentially May - June 2024, with commencement and completion to be reported to Council in due course.

Future options

Council is to consider further line-marking options that improve our CBD in the 2024-25 budget to compliment these priority areas and maximise better parking benefits to the Bathurst CBD, its businesses, customers who utilise parking, and ultimately the local economy.

FINANCIAL IMPLICATIONS:

Based on the estimates provided for these works, the community donations received will be sufficient to fund this project.

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

Objective 4: Sustainable and balanced growth.

Strategy 4.4 Provide parking to meet the needs of the City.

COMMUNITY ENGAGEMENT:

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

ATTACHMENTS:

Nil

MINUTE

RESOLUTION NUMBER: ORD2024-84

MOVED: Cr J Jennings

RESOLVED:

That Council:

- a) recognise community calls to urgently upgrade car parking in the three priority zones of Howick Street (William to George), Russell Street (Bentinck to William), and Keppel Street (Seymour to Bentinck).
- b) refer proposal for 60° line-marking of priority zones to Traffic Committee, noting that 60° parking creates 43 additional marked spaces compared to 45° parking;
- c) thank the community for donations of \$15,000 received and a further pledge of \$6,000 to the Mayor of Bathurst Charitable Fund to line-mark the identified three priority zones; and
- d) report back to Council when works are commenced and once completed.

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

9.1 GENERAL MANAGER'S REPORT

9.1.1 CENTRAL NSW JOINT ORGANISATION (CNSWJO) BOARD MEETING - 29 FEBRUARY 2024

File No: 07.00017/29

RECOMMENDATION:

That the report on the CNSWJO Board Meeting on 29 February 2024 be noted.

REPORT:

The CNSWJO Board met on 29 February 2024 at Condobolin and were welcomed to Condobolin by Cr John Medcalf, Deputy Mayor of Lachlan Shire Councillor and immediate past Chair of the CNSWJO Board.

The Board received a presentation from Ms Gerry Collins from Department of Regional NSW regarding Regional Coordination and Delivery Program.

Councillors John Medcalf and David Somervaille were recognised for the years of service to the region. The Board also acknowledged the passing of Cr Don Fitzpatrick, former Mayor of Oberon.

Value to Council

80% of CNSWJO resources are dedicated to providing its operational support program. This program delivers a return on investments of 9.4:1 for every dollar Council spends on its membership fees. This value is made up of grant income, monies saved through the CNSWJO procurement program and public relations value from its tourism marketing.

The work the region does in writing submissions, media, supporting projects and project teams, developing collateral and providing opportunities for members in various forums to represent their views is not included in the above figure of 9.4:1 ROI. However, this value is reported quarterly to the Board.

This work continues year on year and for the 2022/2023 year the value is summarised as:

- 13 [Submissions - Central Joint Organisation \(nsw.gov.au\)](https://www.nsw.gov.au/submissions) were lodged in line with CNSWJO policy on matters important to the region;
- 13 Plans, strategies and other collateral that members can leverage for funding, advocacy, forward planning and other purposes;
- \$4.2m in net cost savings across 18 regional contracts from a spend of \$25.3m.

- \$2.05m in grants for members to support training for Fluoride Operators, disaster risk reduction, Business case and Strategy Development JONZA - Net Zero Acceleration Grant and other energy management, best practice in aggregated procurement, tourism and regional development;
- \$1.4m in public relations value and over \$472k in advertising value which encompassed 11 media releases and various social media metrics. The PR program delivered a major tourism marketing campaign for “Come Out, We’re Open” which formed a large body of work within the PR program in 2023.

Grant funded projects for the 2022/2023 year were:

- The Joint Organisation Net Zero Acceleration Program;
- Disaster Risk Reduction Fund program;
- Bridge Assessments;
- Come Out We’re Open flood recovery program
- A Business Case for Priority Investment in the Nexus between Net Zero and Energy Security;
- A Regional Centre of Excellence in Water Loss Management;
- Transitioning Integrated Water Cycle Management Plans to Integrated Planning and Reporting; and
- A Spare Capacity in Housing Project.

Most of these are being finalised this year or are ongoing.

This value is delivered primarily by the various operational teams across the region including the CNSWJO;

- General Managers’ Advisory Committee
- Water Utilities’ Alliance
- Transport Technical Committee
- Tourism Managers Group
- Planners’ Group
- Human Resources Managers Group
- WHS/Risk Management Group
- Training, Learning and Development Group
- Energy Group
- Regional IT Group
- Building Surveyors Skills Shortages Working Group
- Disaster Risk Reduction Steering Committee

Adoption of the Draft Statement of Budget and Revenue

CNSWJO will adopt its Statement of Budget and Revenue (the Statement) at its May meeting after an exhibition period of 30 days. The budget includes a 3% increase in fees, below that of the IPART rate pegged rate rise for Councils of 4.5% - 5.5%.

Submissions

Submissions lodged

The following submissions have been lodged since the last Board meeting. All have been at the request of members and/or as part of supporting the advocacy policy of the Board. All Submissions can be viewed on the website [Submissions - Central Joint Organisation \(nsw.gov.au\)](https://www.nsw.gov.au/submissions)

- [Australian Productivity Commission third inquiry into the National Water Initiative – January 2024](#)
- [Submission to the review of the Regional Development Act](#)
- [Draft NSW Energy Policy Framework](#)
- [Essential Energy Determination 2024-29 – Revised Public Lighting Pricing Proposal](#)
- [Consultation on the Future Drought Fund Investment Strategy & Funding Plan 2024-2028 – December 2023](#)
- [Submission to the NSW vocational education and training \(VET\) review – November 2023](#)
- [Response to the Department of Planning and Environment Lachlan Regional Water Strategy shortlisted actions – November 2023](#)
- [Inquiry into the planning system and the impacts of climate change on the environment and communities – November 2023](#)

Submissions under development

At the time of this report the following calls for submissions are being addressed:

- DCCEE Draft Restoring the Rivers Framework Consultation;
- The inquiry into the assets, premises and funding of the NSW Rural Fire Service; and
- The draft Terms of Reference for the IPART review of NSW council financial model.

Disaster Risk Reduction Program

Council has received its Disaster Risk Reduction Needs Analysis report. A regional opportunities report is being finalised to identify programming the CNSWJO can deliver to support Councils in this work.

Notably, CNSWJO are currently planning community workshops and training sessions aimed at enhancing community preparedness regarding natural disaster risks and vulnerabilities. The Project Steering Committee (PSC) evaluated three technology options: Simtables, SIMS online, and a cross-JO technology scoping study. It was decided to pursue all three options, focusing primarily on Simtables for the workshops. The workshops will introduce Simtables as a pilot program due to its distinctive nature and potential applications in disaster preparedness. The primary objective is to understand the technology's practical applications in disaster preparedness for the region and explore the potential to secure funding through existing Disaster Risk reduction initiative, contingent on a successful pilot. In the event of the success of the pilot and the purchase of the technology, a program will be developed to engage the broader community. The workshops will primarily focus on bushfire preparedness across all Local Government Areas, with added emphasis on flooding scenarios.

It is proposed that elected representatives, general managers, and other relevant staff to participate in the upcoming community workshops (possibly May) and training sessions. This emphasises the importance of community preparedness and the potential benefits that

Simtable technology can bring, in enhancing disaster preparedness capabilities. This initiative aligns well with the recent needs analysis for the region, which identified key opportunities within councils.

The Simtable technology may be utilised as a tool to address some of these needs by providing a hands-on approach to understanding and mitigating disaster risks, fostering collaboration among stakeholders, and enhancing decision-making processes.

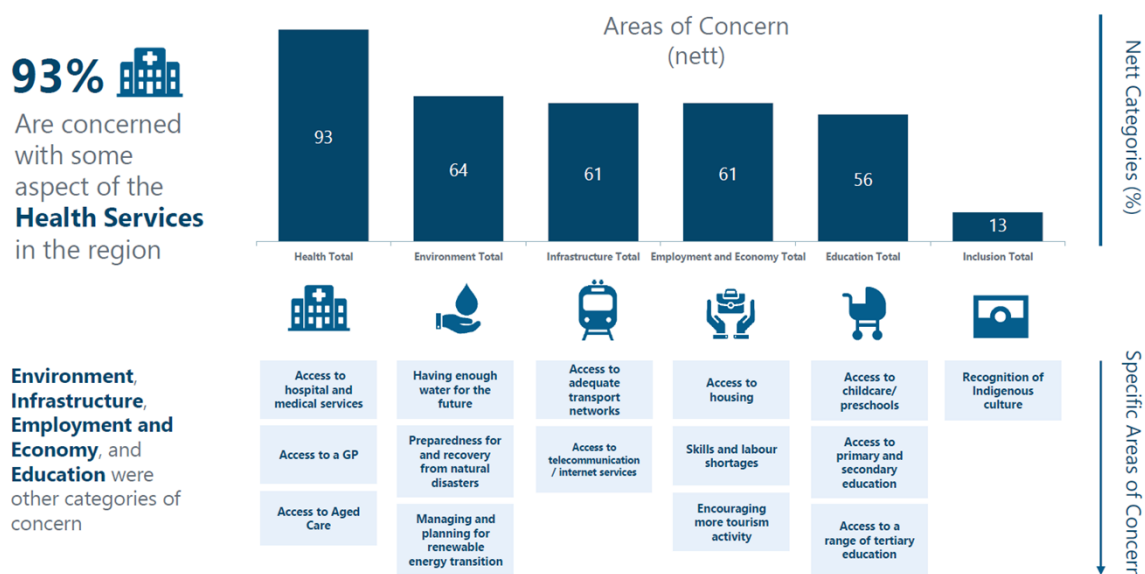
Collaborating on community engagement

Discussions were held on data collection and support for the Community Engagement Strategies of member Councils.

Two projects the region has been collaborating on are Community Sentiment Surveying and Our PlaceMats.

The work on Community Sentiment Surveying was with four member Councils and produced advice on regional priority. Please see the graphic below.

Areas of Key Concern for the Region



I will now read out a list of areas that your Council may or may not be responsible for, but could influence, and I would like you to tell me which 5 out of the 15 areas would be the biggest areas of concern in your community right now? You may think they are all important however which 5 areas would you say are particularly important and need immediate attention?

Figure 1 Priorities of the community members surveyed across four local government areas

CNSWJO has been working with RDA Central West and Regional NSW on two key projects in the last twelve months, these being a repeat of the PlaceMats project providing 48 data sets for Councils they can use in their Community Strategic Planning community consultations and the workshops with NSW Government agencies providing useful data for Councils.

The following value is provided to members through this project:

- Cost savings through aggregated procurement;
- Regular surveying supported regionally will show future regional trends;

- Other stakeholders may be interested in collaborating in this process including making a financial contribution. This may result in a greater body of shared data and better relationships between peak agencies;
- Participating in a regional program sets up a discipline for consultation processes.

Water

The Water Report provided:

- An update on the project to transition local water utility strategic planning into the Integrated Planning and Reporting (IP&R) framework;
- Advice on the near completed Regional Water Loss Management project, grant funded with members able to access funding for water loss management equipment; and
- Advice on the completion of regional asset management assessments using the National Asset Management Assessment Framework (NAMAF).

Current consultative processes include:

- Joint Select Committee on Protecting Local Water Utilities from Privatisation;
- NSW Productivity Commission review of funding arrangements for Local Water Utilities;
- Australian Productivity Commission third inquiry into the National Water Initiative; and
- Draft Restoring the Rivers Framework, including engagement with the Murray Darling Basin Authority.

Planning is underway with Charles Sturt University for a Productive Water Policy Lab this year.

Energy

There is a substantial amount of activity being undertaken to address the energy priority of the CNSWJO. Current work includes;

- Submissions;
- Implementation of the Joint Organisation Net Zero Program;
- Adoption of the Business Case for priority investment in the Nexus between Net Zero and Energy Security;
- Advocating on Council's behalf to the Australian Energy Regulator on the costs of streetlighting.

Material advice to Council from this work is that;

- Key messaging regarding the Dept of Planning Energy Framework consultation includes a case for compensating communities for the impacts of rewiring NSW in the context of support for the overall net zero aspiration;
- Councils receiving a fully funded net zero fleet strategy;
- The advocacy undertaken by CNSWJO as the lead of the Southern Lights collaboration of councils has shown a substantial reduction in street lighting pricing. The final determination by the Australian Energy Regulator should be known by May of this year.

CONCLUSION:

The CNSWJO continues to deliver very good value to Councils.

FINANCIAL IMPLICATIONS:

The CNSWJO continues to deliver very good value to Councils.

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

Objective 6: Community leadership and collaboration.

Strategy 6.4 Meet legislative and compliance requirements.

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

COMMUNITY ENGAGEMENT:

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

ATTACHMENTS:

Nil

MINUTE

RESOLUTION NUMBER: ORD2024-85

MOVED: Cr W Aubin SECONDED: Cr I North

RESOLVED:

That the report on the CNSWJO Board Meeting on 29 February 2024 be noted.

9.2 DIRECTOR ENVIRONMENTAL PLANNING AND BUILDING SERVICES REPORT

9.2.1 SECTION 4.15 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

File No: 03.00053

RECOMMENDATION:

That the information be noted.

REPORT:

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

4.15 Evaluation (cf previous s 79C)

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

- (a) is not entitled to take those standards into further consideration in determining the development application, and
 - (b) must not refuse the application on the ground that the development does not comply with those standards, and
 - (c) must not impose a condition of consent that has the same, or substantially the same, effect as those standards but is more onerous than those standards, and the discretion of the consent authority under this section and section 4.16 is limited accordingly.
- (3) If an environmental planning instrument or a regulation contains non-discretionary development standards and development the subject of a development application does not comply with those standards—
- (a) subsection (2) does not apply and the discretion of the consent authority under this section and section 4.16 is not limited as referred to in that subsection, and
 - (b) a provision of an environmental planning instrument that allows flexibility in the application of a development standard may be applied to the non-discretionary development standard.

Note—

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

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

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

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

FINANCIAL IMPLICATIONS:

Nil

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

Objective 6: Community leadership and collaboration.

Strategy 6.4 Meet legislative and compliance requirements.

COMMUNITY ENGAGEMENT:

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

ATTACHMENTS:

Nil

MINUTE

RESOLUTION NUMBER: ORD2024-86

MOVED: Cr K Burke SECONDED: Cr M Hogan

RESOLVED:

That the information be noted.

9.2.2 GENERAL REPORT

File No: 03.00053

RECOMMENDATION:

That the information be noted.

REPORT:

The following reports are provided for Council's information.

- (a) Applications approved using authority delegated to the Director Environmental, Planning & Building Services during March 2024 (**Attachment 1**).
- (b) Applications refused during March 2024 (**Attachment 2**).
- (c) Applications under assessment as at the date of compilation of this report (**Attachment 3**).
- (d) Applications pending determination for greater than 40 days as at the date of compilation of this report (**Attachment 4**).
- (e) Applications with variations to development standards under Clause 4.6 of Bathurst Regional LEP 2014 approved in March 2024 (**Attachment 5**).
- (f) No political disclosure statements have been received in relation to any "planning applications" being considered at this meeting.

FINANCIAL IMPLICATIONS:

Nil

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

Objective 4: Sustainable and balanced growth.

Strategy 4.6 Plan for, assess and regulate development activity.

Objective 6: Community leadership and collaboration.

Strategy 6.4 Meet legislative and compliance requirements.

COMMUNITY ENGAGEMENT:

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

ATTACHMENTS:

1. DAs approved [9.2.2.1 - 1 page]
2. DAs refused [9.2.2.2 - 1 page]
3. DAs pending [9.2.2.3 - 2 pages]
4. Over 40 days [9.2.2.4 - 1 page]
5. Variations [9.2.2.5 - 1 page]

MINUTE

RESOLUTION NUMBER: ORD2024-87

MOVED: Cr I North SECONDED: Cr K Burke

RESOLVED:

That the information be noted.

**9.2.3 DEVELOPMENT APPLICATION 2023/415 -
ALTERATIONS AND ADDITIONS TO EXISTING
DWELLING AT 6 BRENNAN DRIVE, KELSO.
APPLICANT: ROSS CLARKE. OWNER: NICOLE CLARKE**

File No: 2023/415

RECOMMENDATION:

That Council:

- (a) as the consent authority, grant consent pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2023/415, subject to conditions able to be imposed pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979, as amended and including conditions to the effect that:
 - (i) Prior to issue of any Construction Certificate or Building Information Certificate the applicant is to submit amended plans illustrating the vertical aluminium blade screen as proposed in the applicant's response to submissions.
 - (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 alterations and additions to an existing two storey dwelling at 6 Brennan Drive, Kelso, described as Lot 138, DP 1245624. The dwelling house is currently under construction. The proposed alterations include the construction of a new balcony and roof off the first floor of the dwelling.

An aerial location plan is provided at **Attachment 1**.

The site is a battle axe shaped allotment accessed from Brennan Drive. The site is bounded by residential allotments on all sides, with the exception of the south east which consists of a Council drainage reserve.

The land slopes to the south which gives it a prominent position in the locality. The properties to the south fronting Wentworth Drive are located at a lower level. The rear yards of 100 and 102 Wentworth Drive directly adjoin the property.

The site has an area of 1122m².

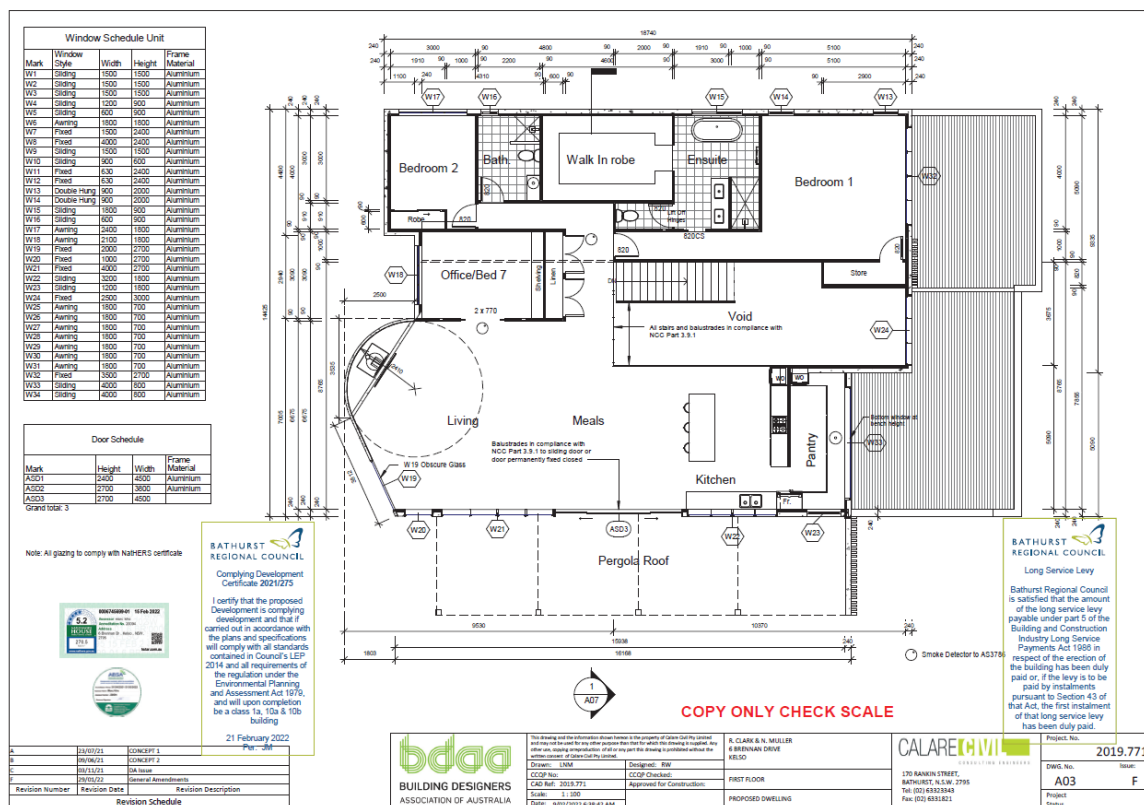
The proposal

The proposal involves the construction of alterations and additions to the dwelling by way of a new balcony and roof off the first floor of the dwelling. The works are on the southern side

of the existing dwelling adjoining 100 and 102 Wentworth Drive.

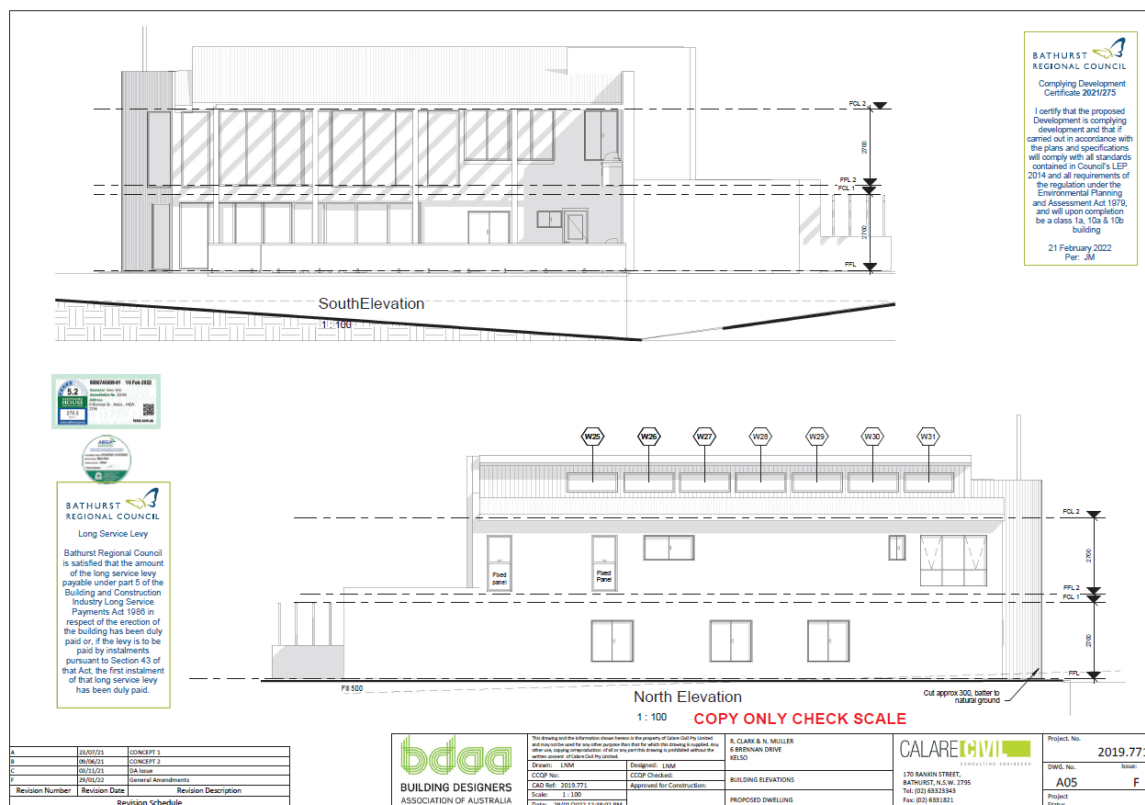
The dwelling under construction on the property was approved under the Complying Development provisions of Council's LEP in February 2022 following withdrawal of a Development Application and amended plans being lodged. The balcony now proposed did not form part of the Complying Development Certificate. Had it been, the development would not have been capable of being considered under the Complying Development provisions; i.e. the whole of the dwelling would have required a Development Application. Note the reference to "complying development" refers to the approval pathway not whether a proposal complies with Council's other adopted development standards.

Under the Complying Development Certificate, the first floor area of the dwelling contains kitchen, meals and living areas on the southern side adjoining the properties in Wentworth Drive (see 1st floor plan below). Whilst it has sliding doors on the southern elevation there is currently no external balcony or similar approved, the sliding doors containing either a balustrade or being permanently fixed closed as noted on the plans.



At ground level there is currently an elevated podium and swimming pool area which extends to within approximately 3m of the common boundary with 100 and 102 Wentworth Drive.

Externally there is currently a pergola approved over the proposed balcony. The current southern elevation is provided below.



The current proposal involves:

- The construction of a colorbond roof over the balcony (in lieu of the pergola approved under the current plans).
- Construction of a balcony at first floor level (adjoining the existing living areas). The balcony will extend along the majority of the southern side of the dwelling.
- A glassed panel balustrade is proposed around the balcony. The materials proposed to be used on the balustrade are discussed further in the applicant's response to the public submission.

For the purposes of assessment, the impacts are limited to those associated with the proposed balcony and roof; that is, the existing dwelling is not the subject of the application having previously been approved under the Complying Development provisions of Council's LEP.

Also of note is that works on the balcony and roof commenced without the benefit of development consent. The works undertaken to date involve the installation of decking within the balcony and the roof in lieu of the open pergola. The owner has been requested to cease works pending consideration of this Development Application.

Photos of 6 Brennan Drive are provided at **Attachment 2**.

Plans of the development are provided at **Attachment 3**.

Attachments

1	Aerial location plan
2	Photos of 6 Brennan Drive

3	Plans of the development
4	Submissions
5	Applicant's response to submissions

Planning Context

Bathurst Regional Local Environmental Plan 2014

The subject site is zoned R1 General Residential under the provisions of the Bathurst Regional Local Environmental Plan 2014. A balcony, being ancillary to the dwelling, is permissible with consent. The proposal is consistent with the objectives of the zone.

Clause 4.3 Height of buildings

The Height of Buildings Map indicated that the maximum building height for the subject property is 9 metres.

The proposed balcony and roof are less than the current approved height of the dwelling. The development therefore complies with Clause 4.3 Height of buildings.

Bathurst Regional Development Control Plan 2014

Clause 4.4 – General Siting Considerations

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

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

Streetscape and character

The balcony and roof are located on a battle-axe block and behind the established building lines to Brennan Drive and Wentworth Avenue. The property is highly visible from surrounding streets due to its elevated position. The dwelling is visually prominent within the area. The balcony and roof do not substantially alter the impact of the development in terms of the residential streetscape or character of the area. The impact on the streetscape and character of the neighbourhood has already been established by the dwelling which is consistent with the Complying Development provisions of Council's LEP.

Privacy / overlooking.

The proposal is to construct a balcony and roof adjoining the first floor living areas of the existing dwelling. The capacity to minimise the degree of overlooking and maintain privacy particularly as it relates to the Wentworth Drive properties is influenced by a number of factors including:

- the elevated position of the site;
- the two-storey nature of the dwelling;

- the battle axe nature of the site meaning it is located “behind” other allotments; and
- the properties located to the south in Wentworth Drive are located at a lower level.

Council’s DCP has little in the way of numerical or quantitative standards to measure overlooking and privacy. Accordingly, a qualitative assessment relative to the objectives is required.

The Land and Environment Court has well established planning principles in respect of assessing impact on neighbouring properties (*Davies v Penrith City Council (2013 NSWLEC 1141)*), protection of visual privacy (*Meriton v Sydney City Council (2014 NSWLEC 313)*) and the use of landscaping to protect privacy (*Super Studio v Waverly Council (2014 NSWLEC 91)*).

Davies v Penrith City Council (2013 NSWLEC 1141)	
PRINCIPLE	COMMENT
How does the impact change the amenity of the affected property? How much sunlight, view or privacy is lost as well as how much is retained?	<p>The affected properties in this case are those to the south notably 100 and 102 Wentworth Drive.</p> <p>When viewed from the rear of 100 and 102 Wentworth Drive the balcony and roof will be a dominant feature. To a certain extent for the reasons noted above the existing dwelling on 6 Brennan Drive similarly represents a dominant feature when viewed from the Wentworth Drive properties.</p> <p>Similarly, the near views from 6 Brennan Drive towards the south are into the rear yards of the properties in Wentworth Drive. As noted in the submission from the owners of 102 Wentworth this includes views into the rear yard and swimming pool area and into outdoor and indoor living areas of the dwelling on that property.</p> <p>The extent to which this results in a “change” in the amenity of the Wentworth Drive properties is however debatable. To a certain extent the degree of overlooking and the resulting loss of privacy is already a feature of the properties for the reasons noted above.</p> <p>Views into the rear of 100 and 102 Wentworth Drive are currently available from the elevated podium and pool areas and from the first floor level of the dwelling at 6 Brennan. From the first floor level the current views would not unreasonably be said to be a grandstand view from areas of most common usage directly into the rear yard and rear living areas of the Wentworth Drive properties.</p> <p>It is suggested in the response to the submission that the addition of a balcony reduces the views from the first floor living areas by reducing the capacity to view directly down into the Wentworth Drive properties from within the dwelling itself.</p>

	<p>There is limited additional impact in terms of sunlight, overshadowing beyond that already associated with the dwelling. As is noted in the submission from the adjoining owner of 102 Wentworth Drive <i>“although the building and verandah do not substantially block sun light to adjoining properties, there is overshadowing in the sense of it towering above adjoining property”</i>.</p>
How reasonable is the proposal causing the impact?	<p>The proposal involves the construction of a balcony and roof on the first floor of the property. Should it not proceed, the property would nonetheless continue to have a similar impact upon privacy of the adjoining properties.</p> <p>It is considered that the provision of outdoor living areas at first floor level is not unreasonable under the circumstances.</p>
How vulnerable to the impact is the property receiving the impact? Would it require the loss of reasonable development potential to avoid the impact?	<p>The adjoining properties in Wentworth Drive are highly vulnerable to overlooking and privacy because of:</p> <ul style="list-style-type: none"> • the elevated position of the adjoining land; • the two-storey nature of the dwelling being a development consistent with Council’s adopted planning controls; • the battle axe nature of the site meaning it is located “behind” other allotments; • that the properties located to the south in Wentworth Drive are located at a lower level. • The practice of “cutting” as has occurred in the Wentworth Drive properties heightens these impacts. <p>The proposal involves the construction of a balcony on the first floor of the property. Should it not proceed, the property would nonetheless continue to have a similar impact upon privacy of the adjoining properties.</p> <p>Views into the Wentworth Avenue properties are currently available from the living areas of the existing dwelling. The existing window arrangements on the southern side of 6 Brennan include full length windows adjoining the meals area and lounge. The windows adjoining the kitchen are not full height.</p>
Does the impact arise out of poor design? Could the same amount of floor space and amenity be achieved for the proponent while reducing the impact on neighbours?	<p>Under the current approval the first floor area contains kitchen, meals and living areas on its southern side adjoining the properties in Wentworth Drive. Whilst it has sliding doors on the southern elevation there is currently no external balcony or similar approved as part of the Complying Development Certificate. The sliding doors containing either a balustrade or being permanently fixed closed as noted on the plans.</p>

	<p>The proposed balcony and roof does not increase the amount of internal floor space but rather provides access to outdoor living areas at this level. It is considered that the provision of outdoor living areas at first floor level is not unreasonable under the circumstances.</p> <p>Whilst there may be options to reduce the size of the deck (for example only extending in front of the living and dining areas as opposed of the full length) this is not likely to result in a significant reduction in the overall impact.</p> <p>The applicant has noted in their response to the public submissions that part of the glass balustrade will be replaced with a section of vertical aluminium blades for the section adjoining 102 Wentworth Drive. This will generally correspond with the existing pantry window.</p>
Does the proposal comply with the planning controls? If not, how much of the impact is due to the non-complying elements of the proposal?	The proposal complies with the standards adopted by Council in the Development Control Plan.
Meriton v Sydney City Council (2014 NSWLEC 313)	
PRINCIPLE	COMMENT
The ease with which privacy can be protected is inversely proportional to the density of development. At low-densities there is a reasonable expectation that a dwelling and some of its private open space will remain private. At high-densities it is more difficult to protect privacy.	<p>As noted in the decision <i>"when visual privacy is referred to in the context of residential design, it means the freedom of one dwelling and its private open space from being overlooked by another dwelling and its private open space. Most planning instruments and development control plans acknowledge the need for privacy, but leave it to be assessed qualitatively"</i>.</p> <p>The area is generally considered to be a lower residential area characterised by single dwellings with some forms of medium density dispersed in the neighbourhood. Residential development is predominantly a mixture of single and two storey developments commensurate with the 9m height of building standard which applies to the zone.</p> <p>In this regard there is a reasonable expectation that a dwelling and some of its private open space will remain private.</p>
Privacy can be achieved by separation . The required distance depends upon density and whether windows are at the same level and directly facing each other. Privacy is hardest to achieve in developments that face each other at the same level. Even in high-density development it is unacceptable to have windows at the same level close to each other. Conversely, in a low-density area, the <i>objective</i> should be to achieve separation between windows that exceed the numerical	<p>The scenario here is that there is separation between the respective properties. This is not a case of window to window impacts.</p> <p>The balcony is set back 6.555m from the common boundary with 100 and 102 Wentworth Drive.</p> <p>The dwelling at 102 Wentworth Drive is set back 11.1 metres from the rear boundary.</p>

standards above. (Objectives are, of course, not always achievable.)	
The use of a space determines the importance of its privacy. Within a dwelling, the privacy of living areas, including kitchens, is more important than that of bedrooms. Conversely, overlooking from a living area is more objectionable than overlooking from a bedroom where people tend to spend less waking time.	<p>As noted in the submission from the owners of 102 Wentworth views will be into the rear yard and swimming pool area and into outdoor and indoor living areas of the dwelling on that property.</p> <p>The views from 6 Brennan Drive are from an external balcony adjoining the kitchen and living areas.</p> <p>As noted in the applicant's response to the submission, one of the potential benefits of the balcony is that it removes direct line of sight from the living areas of 6 Brennan Drive from the Wentworth Drive properties.</p>
Overlooking of neighbours that arises out of poor design is not acceptable. A poor design is demonstrated where an alternative design, that provides the same amenity to the applicant at no additional cost, has a reduced impact on privacy.	The overlooking cannot be said to be the result of poor design.
Where the whole or most of a private open space cannot be protected from overlooking, the part adjoining the living area of a dwelling should be given the highest level of protection.	An attempt has been made to reduce the level of overlooking by inclusion of vertical aluminium blades to the part of the balcony directly adjoining 102 Wentworth Drive.
Apart from adequate separation, the most effective way to protect privacy is by the skewed arrangement of windows and the use of devices such as fixed louvres, high and/or deep sills and planter boxes. The use of obscure glass and privacy screens, while sometimes being the only solution, is less desirable.	Vertical aluminum blades have been proposed adjoining 102 Wentworth Drive.
Landscaping should not be relied on as the sole protection against overlooking. While existing dense vegetation within a development is valuable, planting proposed in a landscaping plan should be given little weight.	The proposal does not rely upon landscaping as means of mitigation.
In areas undergoing change, the impact on what is likely to be built on adjoining sites, as well as the existing development, should be considered.	The adjoining properties to the south are already established.
Super Studio v Waverly Council (2014 NSWLEC 91)	
PRINCIPLE	COMMENT
The first is that the acceptability of an impact depends not only on the extent of the impact but also on reasonableness of, and necessity for, the development that causes it. For example, the privacy impact of a second-storey side window in an area of two-storey buildings should be accorded a higher threshold of acceptability than the impact of a second-storey balcony in a house that already has three other balconies.	The area is predominantly a mixture of single and 2 storey dwellings. The impact of the development is limited to that of the new balcony to the first floor of the dwelling.
The second principle is that where proposed landscaping is the main safeguard against overlooking, it should be given minor weight.	The proposal does not rely upon landscaping as means of mitigation.

The effectiveness of landscaping as a privacy screen depends on continued maintenance, good climatic conditions and good luck. While it is theoretically possible for a council to compel an applicant to maintain landscaping to achieve the height and density proposed in an application, in practice this rarely happens.	
The third principle relates to the extent to which an approval for this application would be used as a precedent in favour of approving other applications for roof terraces. The possibility that an approval may constitute a precedent has not been a factor in my decision. Other roof terraces would have different impacts from those of the current proposal.	This does not form any particular precedent for future balconies in a residential zone.

Public Notification

In accordance with the Community Participation Plan 2019 the Development Application was notified to adjacent property owners from 8 March 2024 to 18 March 2024. Following the notification period one submission was received (**Attachment 4**).

Issues raised in the submission included:

- Views to and from surrounding land
- Privacy of surrounding land
- Visual impact on the streetscape

A copy of the submission was provided to the applicant for comment (see response at **Attachment 5**).

The owner has addressed the issues raised in the submission and proposed to replace part of the proposed glass balustrade with vertical blade screen being the portion of the deck directly behind 102 Wentworth Drive to provide privacy to the residents.

CONCLUSION:

Council has received a Development Application for additions to dwelling at 6 Brennan Drive, Kelso. The proposal was notified in accordance with Community Participation Plan 2019. The proposal is consistent with the objectives of the zone. It is therefore recommended the Development Application be granted.

FINANCIAL IMPLICATIONS:

N/A

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

Objective 4: Sustainable and balanced growth.

Strategy 4.6 Plan for, assess and regulate development activity.

Objective 6: Community leadership and collaboration.

Strategy 6.4 Meet legislative and compliance requirements.

COMMUNITY ENGAGEMENT:

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

ATTACHMENTS:

1. Aerial location plan [9.2.3.1 - 1 page]
2. Photos of 6 Brennan Drive [9.2.3.2 - 3 pages]
3. Plans of development [9.2.3.3 - 10 pages]
4. Submissions [9.2.3.4 - 4 pages]
5. Applicants response to submissions [9.2.3.5 - 6 pages]

Cr I North declared a significant non pecuniary interest and left the room.
REASON: Close and personal family friend.

MINUTE

RESOLUTION NUMBER: ORD2024-88

MOVED: Cr W Aubin SECONDED: Cr M Hogan

That Council:

- (a) as the consent authority, grant consent pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2023/415, subject to conditions able to be imposed pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979, as amended and including conditions to the effect that:
 - (i) Prior to issue of any Construction Certificate or Building Information Certificate the applicant is to submit amended plans illustrating the privacy treatments to all balustrades in response to submissions.
- (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 K Burke, Cr B Fry, Cr J Jennings and Cr M Hogan

Against the Motion - Nil

Absent - Cr G Hanger, Cr I North, Cr A Smith and Cr R Taylor

Abstain - Nil

9.2.4

DRAFT LAFFING WATERS INFRASTRUCTURE CONTRIBUTIONS PLAN 2024

File No: 20.00365

RECOMMENDATION:

That Council:

- (a) prepare draft amendments to the following existing Section 7.11 Development Contributions Plans, as outlined in this report:
 - (i) *Section 7.11 Development Contributions Plan – Bathurst Regional Community Facilities.*
 - (ii) *Section 7.11 Development Contributions Plan – Bathurst Regional Open Space.*
 - (iii) *Section 7.11 Development Contributions Plan – Eglinton Open Space and Drainage.*
 - (iv) *Section 7.11 Contributions Plan – Raglan Creek Stormwater Drainage Management.*
 - (v) *Section 7.11 Contribution Plan – Sawpit Creek (East) Stormwater Drainage Management.*
 - (vi) *Section 7.11 Contributions Plan – Jordan Creek Stormwater Drainage Management.*
 - (vii) *Section 7.11 Contribution Plan – Robin Hill – Road & Drainage Construction.*
 - (viii) *Section 7.11 Development Contributions Plan – Roadworks – New Residential Subdivisions.*
 - (ix) *Section 7.11 Contribution Plan – Herford Street – Reconstruction & Replacement of Low Level Bridge.*
 - (x) *Section 7.11 Development Contributions Plan – Bathurst CBD Car Parking.*
 - (xi) *Section 7.11 Development Contributions Plan – Bathurst Regional Rural Roadworks.*
 - (xii) *Section 7.11 Development Contributions Plan – Bathurst Regional Traffic Generating Development.*
 - (xiii)
- (b) place the following draft Development Contributions Plans on public exhibition for a period of twenty-eight (28) days:
 - (i) *Draft Laffing Waters Local Infrastructure Contributions Plan 2024.*
 - (ii) *Draft Amendment to Section 7.11 Development Contributions Plan – Bathurst Regional Community Facilities.*
 - (iii) *Draft Amendment to Section 7.11 Development Contributions Plan – Bathurst Regional Open Space.*
 - (iv) *Draft Amendment to Section 7.11 Development Contributions Plan – Eglinton Open Space and Drainage.*
 - (v) *Draft Amendment to Section 7.11 Contributions Plan – Raglan Creek Stormwater Drainage Management.*
 - (vi) *Draft Amendment to Section 7.11 Contribution Plan – Sawpit Creek (East) Stormwater Drainage Management.*
 - (vii) *Draft Amendment to Section 7.11 Contributions Plan – Jordan Creek Stormwater Drainage Management.*
 - (viii) *Draft Amendment to Section 7.11 Contribution Plan – Robin Hill – Road & Drainage Construction.*

- (ix) Draft Amendment to *Section 7.11 Development Contributions Plan – Roadworks – New Residential Subdivisions.*
- (x) Draft Amendment to *Section 7.11 Contribution Plan – Herford Street – Reconstruction & Replacement of Low Level Bridge.*
- (xi) Draft Amendment to *Section 7.11 Development Contributions Plan – Bathurst CBD Car Parking.*
- (xii) Draft Amendment to *Section 7.11 Development Contributions Plan – Bathurst Regional Rural Roadworks.*
- (xiii) Draft Amendment to *Section 7.11 Development Contributions Plan – Bathurst Regional Traffic Generating Development.*

(c) call a division.

REPORT:

Background

In May 2019, Council adopted the *Laffing Waters Master Plan* which remains the strategic planning framework that incorporates best-practice urban design principles to inform the rezoning and development of a new residential urban release area on the eastern side of the city, known as the Laffing Waters Master Plan Precinct.

The Laffing Waters Master Plan Precinct is located within the suburbs of Laffing Waters and Kelso (see **Figure 1 (a) and (b)**). It currently includes approximately 329 hectares of rural agricultural land which is expected to accommodate up to 41% of the growth of the Bathurst Regional Local Government Area (LGA) to the year 2040. The Precinct will contain approximately 2,270 new dwellings housing a population of up to 6,200 new residents.

Importantly, the *Laffing Waters Master Plan* seeks to:

- Create a diverse new community connected to regional Bathurst.
- Activate new green open spaces and places.
- Showcase environmental, social and sustainable development.
- Grow a vibrant and thriving Neighbourhood Activity Centre at the heart of Laffing Waters.
- Celebrate the views to the Bathurst town centre.
- Develop a school, recreation and sporting precinct.
- Offer new levels of diverse housing choice, types and sizes.

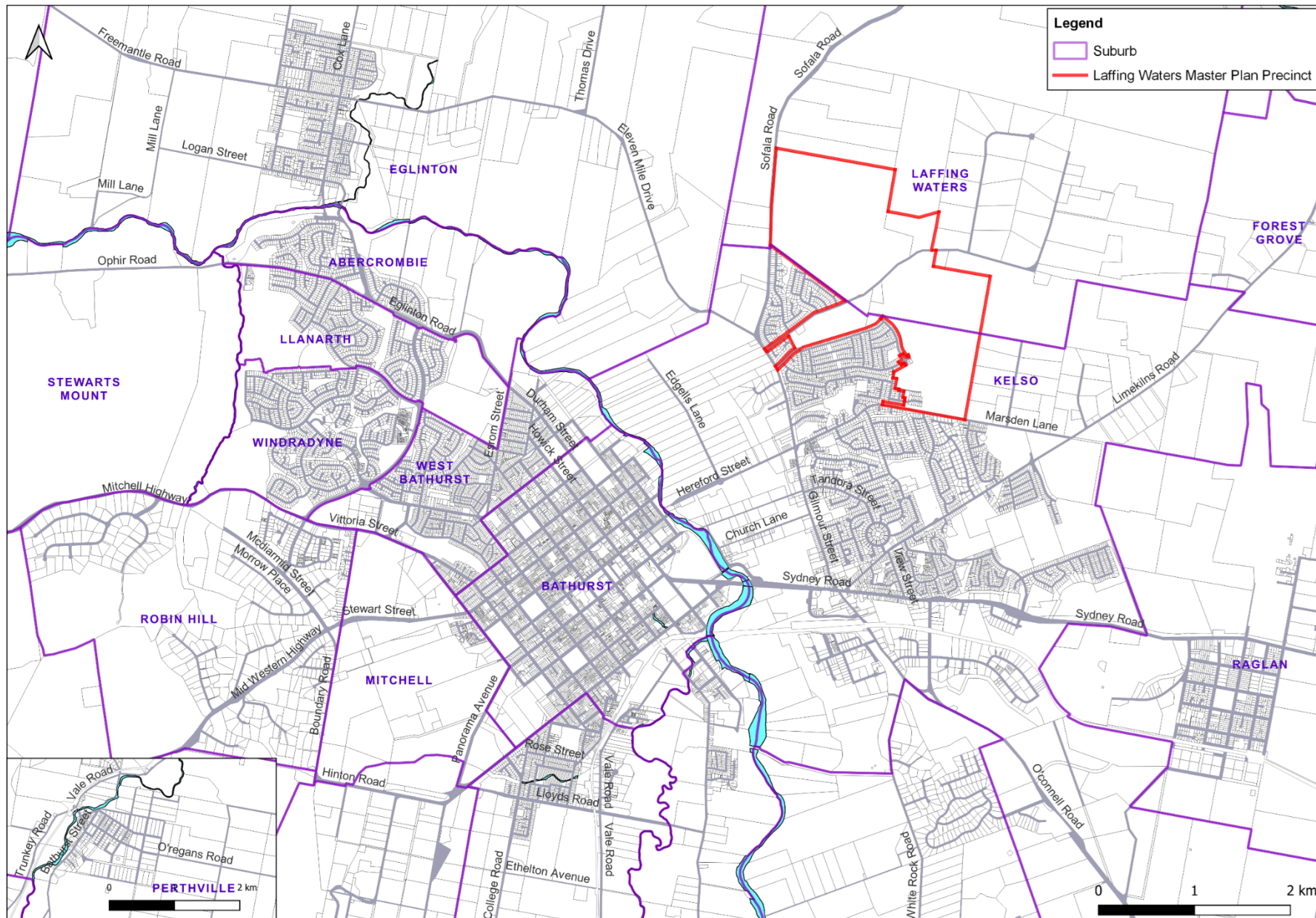




Figure 1 (a) & (b) – Laffing Waters Master Plan Precinct – Located on North-Eastern Side of City within Suburbs of Laffing Waters and Kelso

In order to implement the aims and recommendations of the adopted *Laffing Waters Master Plan*, Council recently prepared and adopted the following amendments to its planning provisions:

- **Planning Proposal to amend *Bathurst Regional Local Environmental Plan 2014* (LEP 2014).**

The Planning Proposal (LEP Amendment No. 22) was adopted by Council on 15 February 2023 and was gazetted by the Minister for Planning and Public Spaces on 12 May 2023. It involved a reconfiguration of the previous zoning controls that applied to the relevant land at Laffing Waters and Kelso and introduced the R3 Medium Density Residential zone for the first time within the Bathurst Regional LGA.

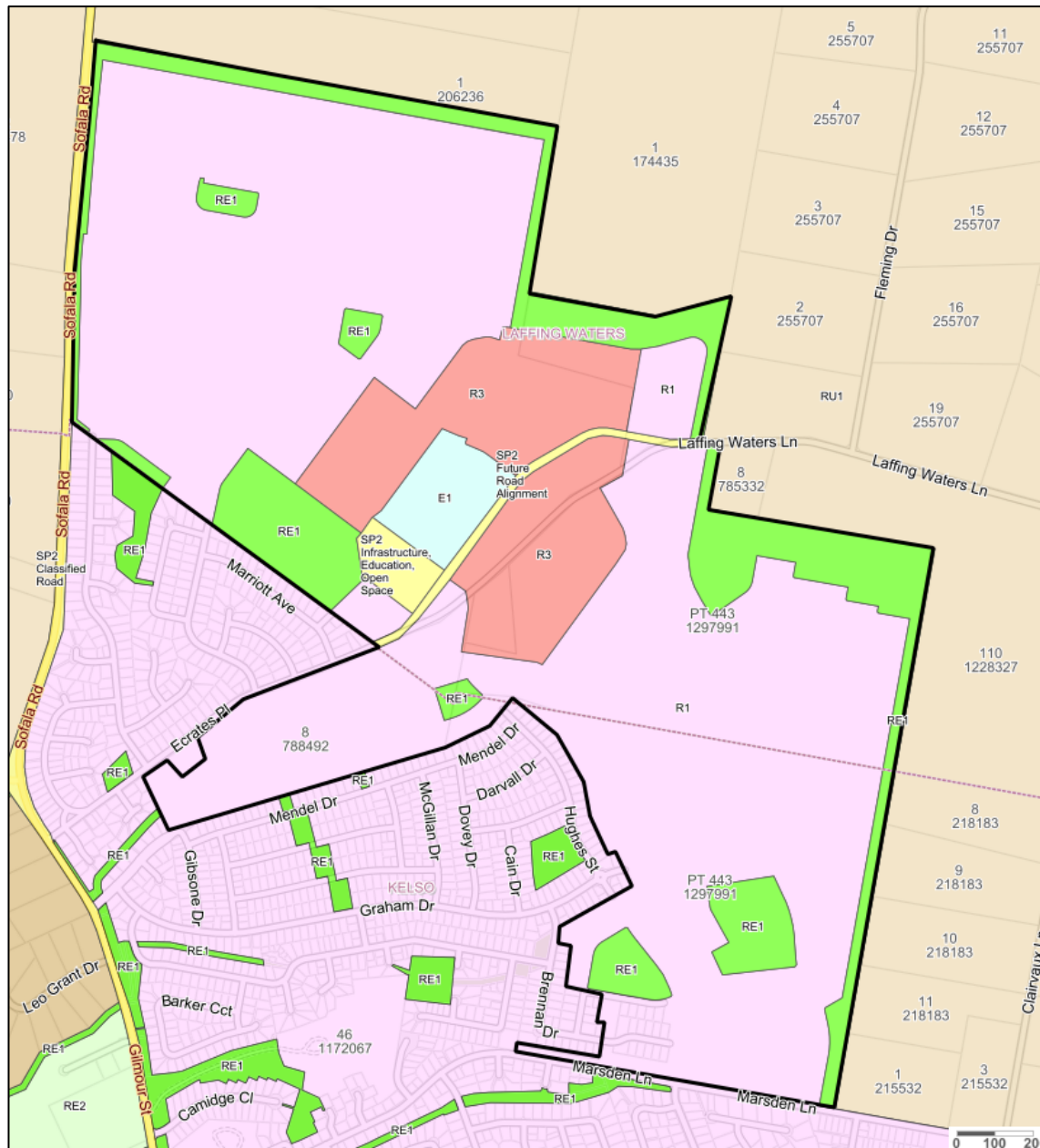
- **Amendment to Bathurst Regional Development Control Plan 2014** (DCP 2014).

The DCP Amendment was adopted by Council on 20 September 2023. It introduced detailed planning controls for the subdivision.

Accordingly, Council now has in place a suite of detailed planning provisions relevant to the Laffing Waters Master Plan Precinct. The subdivision and development of the land is to be guided by the new Land Zoning Map under LEP 2014 and accompanying DCP Map No. 4A – “Laffing Waters Master Plan”. The DCP Map sets out the road network, active transport network, public transport routes, drainage corridors and basins, open space network and establishes six key Land Use Areas:

1. A central **Business Neighbourhood Activity Centre** (NAC) – zoned E1 Local Centre.
2. A **School Site** adjoining the NAC – zoned SP2 Infrastructure (Infrastructure, Education, Open Space).
3. An inner **Medium Density Housing Area** surrounding the NAC – zoned R3 Medium Density Residential.
4. A **Conventional Density Housing Area** surrounding the Medium Density Housing Area – zoned R1 General Residential.
5. A **Low Density Housing Area** at the outer perimeter of the Precinct – zoned R1 General Residential.
6. Various **public open space areas**, including:
 - a) A District Sports Park adjoining the NAC and school site – zoned RE1 Public Recreation.
 - b) District Community Parks, Local Community Parks, Passive Open Spaces and Drainage Reserves – zoned a mixture of RE1 Public Recreation, R1 General Residential and R3 Medium Density Residential.

Figure 2 below details the current adopted Land Zoning Map under LEP 2014 and **Figure 3** details the current adopted DCP Map No. 4A.



Legend:

 E1 Local Centre	 RE2 Private Recreation
 R1 General Residential	 RU1 Primary Production
 R3 Medium Density Residential	 RU4 Primary Production Small Lots
 RE1 Public Recreation	 SP2 Infrastructure

Figure 2 – Current Land Zoning Map – Bathurst Regional Local Environmental Plan 2014 (LEP 2014)

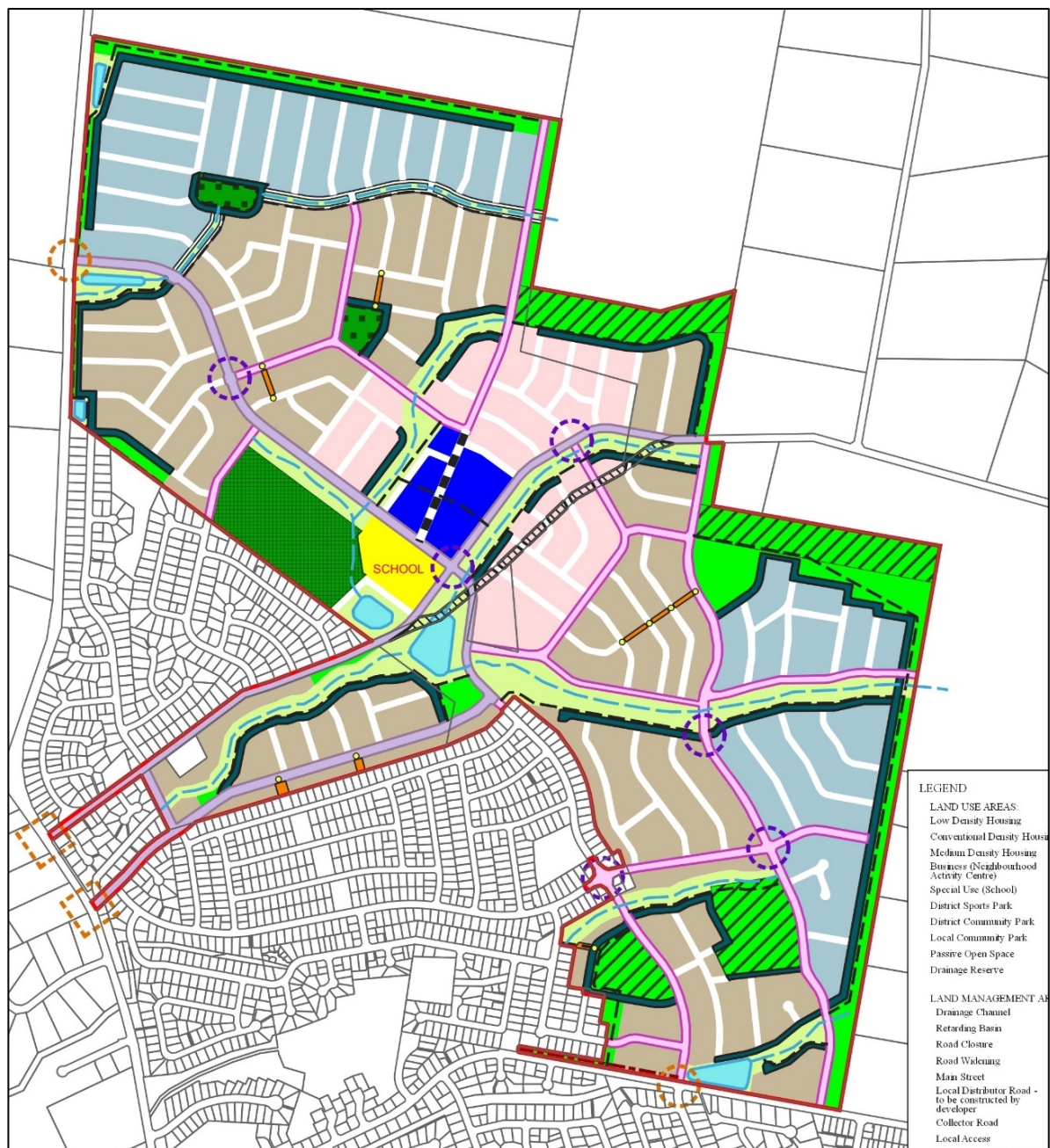


Figure 3 – Current DCP Map No. 4A – Laffing Waters Master Plan Precinct – Bathurst Regional Development Control Plan 2014 (DCP 2014)

In preparing the Master Plan, Planning Proposal and DCP Amendment, Council identified that a significant amount of public infrastructure (including amenities and services) would need to be delivered to support the growth and development of the Laffing Waters Master Plan Precinct, including for example: road and intersection upgrades, sports grounds, footpaths and cycleways, street trees, stormwater drainage and basins.

Accordingly, Council engaged GLN Planning to prepare a new Development Contributions Plan for the Laffing Waters Master Plan Precinct and recommend any necessary amendments to the existing Development Contributions Plans that currently apply to all (or part) of the Precinct, including:

- *Section 7.11 Development Contributions Plan – Bathurst Regional Community Facilities.*
- *Section 7.11 Development Contributions Plan – Bathurst Regional Open Space.*
- *Section 7.11 Development Contributions Plan – Raglan Creek Stormwater Drainage Management.*
- *Section 7.11 Development Contributions Plan – Roadworks – New Residential Subdivisions.*
- *Section 7.11 Contribution Plan – Hereford Street – Reconstruction & Replacement of Low Level Bridge.*

This report provides a summary of the *Draft Laffing Waters Local Infrastructure Contributions Plan 2024* (LWLICP) and the consequential amendments to the existing Development Contributions Plans, the latter considered to be mainly of a “housekeeping” nature.

It is proposed that Council exhibit the *Draft Laffing Waters Local Infrastructure Contributions Plan 2024* (LWLICP) and the amendments to the existing Development Contributions Plans for a period of twenty-eight (28) days in accordance with *Bathurst Regional Community Participation Plan 2019* (CPP 2019).

A copy of the *Draft Laffing Waters Local Infrastructure Contributions Plan 2024* is provided in **Attachment 1**.

Development Contributions – What are they?

Under the *Environmental Planning and Assessment Act 1979* (EP&A Act), where a development will (or is likely to) require the provision of or increase the demand for public amenities and public services within the area, Council may require (through conditions of development consent):

- The payment of a monetary contribution, **and/or**
- The dedication of land free of cost.

These disbursements are referred to as Development Contributions.

Development Contributions can be taken in one of two forms:

1. Section 7.11 Development Contributions

Under Section 7.11 of the EP&A Act, Council can require the payment of a monetary contribution and/or the dedication of land free of cost, where there is a demonstrated nexus between the proposed development and the infrastructure that is required to be delivered. The apportionment payable is usually calculated based on the size, nature and scale of the development (for instance, the contribution of a standard four

bedroom dwelling house might be larger than that of a single bedroom granny flat (secondary dwelling)).

Pursuant to Section 7.17 of the EP&A Act, the maximum monetary contribution that can be taken per dwelling or residential lot is \$20,000. This “contributions cap” was set by Ministerial Direction in 2012 and cannot be varied without the relevant Development Contributions Plan being reviewed and approved by IPART.

2. **Section 7.12 Fixed Development Consent Levies**

Under Section 7.12 of the EP&A Act, Council can require the payment of a levy of the percentage of the proposed cost of carrying out the development. Funds collected in this manner are applied towards the provision of (or recouping of costs for) any infrastructure identified by the relevant Development Contributions Plan, and the levy may be applied irrespective of the degree of nexus between the development and the infrastructure to be delivered.

Pursuant to Section 7.12(5) of the EP&A Act and Clause 209 of the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation), the maximum percentage of the proposed cost of carrying out development that may be imposed by a development levy is:

Section 7.12 Fixed Development Consent Levy	
Proposed Cost of Carrying out Development	Levy Rate
Up to and including \$100,000	Nil.
More than \$100,000 and up to and including \$200,000	0.5% of that cost.
More than \$200,000	1% of that cost.

For example: Where the proposed cost of carrying out a development is \$175,000, the relevant contribution amount would be \$875.00 (being 0.5% of that cost).

It should be noted that a single development can only be subject to either a Section 7.11 Development Contribution or a Section 7.12 levy; it cannot be subject to both.

Development Contributions Plan – What is it?

A Development Contributions Plan authorises the imposition of conditions under Section 7.11 or 7.12 of the EP&A Act. The contents of a Development Contributions Plan are prescribed in the Regulation. It identifies the relationship between the expected types of development in the area to which the Plan applies and the demand for additional public amenities and public services to meet the expected development.

It includes a map and schedule of works which outline the specific public amenities and public services that need to be provided by Council to support development within the area, including an estimate of cost, staging and priorities for expenditure.

The Plan also contains the relevant rates and formulas to be used to for determining the development contributions required for different categories of infrastructure and the development contributions payable for different types of development. It also outlines the methodology for adjusting the contributions payable to reflect inflation (indexation).

Draft Laffing Waters Local Infrastructure Contributions Plan 2024 (LWLICP)

Land and Development to which the Plan Applies

Applicable Land and Development

The Draft LWLIP will apply to all development requiring consent (including Complying Development) that is located within the Laffing Waters Master Plan Precinct and to development for the purposes of a manufactured home estate (MHE) that is carried out on any adjoining or adjacent rural zoned land.

Specifically, Development Contributions will be payable for:

Development to which the Plan Applies	
Land within the Laffing Waters Master Plan Precinct	Rural Zoned Land Directly Adjoining or Adjacent to the Laffing Waters Master Plan Precinct
<ul style="list-style-type: none">The subdivision of land resulting in the creation of additional lots.Residential accommodation development that would result in a net increase in residents on the land.Non-residential development where the proposed cost of carrying out the development is more than \$100,000.	<ul style="list-style-type: none">Development for the purposes of a manufactured home estate (MHE).

The Laffing Waters Master Plan Precinct is comprised of the following land (refer to **Figure 1(a) and (b)**).

Land within the Laffing Waters Master Plan Precinct		
Lot and DP	Property Address	Ownership
Lot 231 DP 1177478	151 Laffing Waters Lane Laffing Waters	Council
Lot 12 DP 857116	183 Laffing Waters Lane, Laffing Waters	Private
Lot 2 DP 716660	130 Laffing Waters Lane, Laffing Waters	Private
Lot 8 DP 788492	Laffing Waters Lane, Kelso	Private
Lot 443 DP 1297991	Marsden Lane, Kelso	Private
Lot 426 DP 1297991	49 Brennan Drive, Kelso	Private
Lot 427 DP 1297991	51 Brennan Drive, Kelso	Private
Lot 428 DP 1297991	53 Brennan Drive, Kelso	Private
Lot 429 DP 1297991	55 Brennan Drive, Kelso	Private
Lot 430 DP 1297991	57 Brennan Drive, Kelso	Private
Lot 431 DP 1297991	59 Brennan Drive, Kelso	Private
Lot 432 DP 1297991	54 Brennan Drive, Kelso	Private
Lot 433 DP 1297991	56 Brennan Drive, Kelso	Private
Lot 434 DP 1297991	58 Brennan Drive, Kelso	Private
Lot 435 DP 1297991	60 Brennan Drive, Kelso	Private
Lot 436 DP 1297991	62 Brennan Drive, Kelso	Private
Lot 437 DP 1297991	64 Brennan Drive, Kelso	Private
Lot 438 DP 1297991	10 Holman Drive, Kelso	Private
Lot 439 DP 1297991	12 Holman Drive, Kelso	Private
Lot 440 DP 1297991	14 Holman Drive, Kelso	Private
Lot 441 DP 1297991	16 Holman Drive, Kelso	Private
Lot 442 DP 1297991	18 Holman Drive, Kelso	Private

Excluded Development

The Plan will not apply to the following types of **excluded** development:

- Development that an executed planning agreement excludes from the application of Section 7.11 or Section 7.12 of the EP&A Act.

- Development exempted from Section 7.11 Contributions or Section 7.12 Levies by way of a direction made by the Minister for Planning.
- Extensions and/or alterations to existing dwellings.
- Replacement dwellings.

Consistent with Council's current policy, further exemptions will not be given for any development outlined in the Contributions Plan without an express resolution of Council.

Local Infrastructure Provided under the Plan

The local infrastructure to be provided by Development Contributions received under the Plan includes:

Summary of Infrastructure Costs		
Type of Local Infrastructure	Total Cost of Works	Cost Attributable to New Development
Open space and recreation facilities.	\$20,605,192	\$20,605,192
Roads and traffic facilities.	\$25,743,568	\$18,933,365
Cycleways and paths.	\$2,574,000	\$1,746,000
Stormwater drainage.	\$9,171,328	\$9,171,328
Public domain.	\$2,270,000	\$2,270,000
Total	\$60,364,088	\$52,725,885
Plan management and administration.		\$790,888
Total	\$60,364,088	\$53,516,774

The total cost of the infrastructure required to be delivered by Council is estimated to be \$60,364,088 of which approximately \$52,725,885 (87.3%) is attributable to new development within the Laffing Waters Master Plan Precinct. An additional amount of \$790,888 will also be allocated towards the management and administration of the Plan (total of \$53,516,774).

Funding Gap and Other Consequences

The Draft LWLIP will fund approximately 87.3% of the costs of the required infrastructure works, meaning that approximately 12.7% of the costs (currently approximately \$7,638,203) will need to be funded through other means (such as Council rates (budget) and/or State/Federal funding applications).

It should be noted that the following consequences could arise if Council resolved not to exhibit and/or subsequently adopt a Development Contributions Plan for the Laffing Waters Master Plan Precinct:

- Council would need to directly fund a much larger proportion of the required infrastructure (e.g. through Council rates).
- The development of the Precinct could be delayed or reduced in scale, which could impact the provision and availability of housing (and associated services and amenities) necessary for the future population of Bathurst.
- The Precinct may not be developed or delivered to the standards adopted by Council in the *Laffing Waters Master Plan* and recent DCP Amendment.

- The broader community of Bathurst could be responsible for funding infrastructure that is largely attributable to new development within the Laffing Waters Master Plan Precinct.
- Developers within the Precinct could fund a disproportionate share of infrastructure that might otherwise benefit other neighbouring developments within the Precinct and/or to some smaller extent, the broader Bathurst community.

Applicable Development Contribution Type

The Draft LWLICP is a hybrid plan which adopts the use of **both** Section 7.11 Contributions and Section 7.12 Levies.

Section 7.11 Development Contributions will be payable in respect to all **residential subdivisions and developments** (e.g. dual occupancy, secondary dwellings (granny flats), multi dwelling housing, residential flat buildings) **and mixed-use developments** where the development would result in a net increase in dwellings (e.g. shop top housing).

Section 7.12 Levies will be payable in respect to all **non-residential developments** (e.g. commercial premises, industries, tourist and visitor accommodation, educational establishments (e.g. schools, other than development by the Crown)) where the proposed cost of carrying out the development exceeds \$100,000.

Calculating the Contribution

Section 7.11 Development Contributions – Residential Subdivisions and Developments (Including Mixed-Use)

The Section 7.11 Development Contributions collected for new residential subdivisions and developments within the Laffing Waters Master Plan Precinct will cover almost all of the costs attributable to the new development.

The amount payable in respect to each new residential lot and each new residential dwelling within the Precinct will be proportional to the type and scale of the proposal, as outlined in the tables below.

Section 7.11 Contribution Rates				
Item	1-Bed Dwelling	2-Bed Dwelling and Seniors Living Dwelling	3 or more Bed Dwelling	Additional Lot Resulting from Subdivision (excluding any public open space lot).
Open space and recreation facilities.	\$5,446	\$7,262	\$9,077	\$9,077
Road and traffic facilities.	\$5,004	\$6,673	\$8,341	\$8,341
Active transport facilities.	\$461	\$615	\$769	\$769
Stormwater drainage.	\$2,424	\$3,232	\$4,040	\$4,040
Public domain.	\$600	\$800	\$1,000	\$1,000
Plan management and administration.	\$209	\$279	\$348	\$348
Total	\$14,145	\$18,861	\$23,576*	\$23,576*

***Note:** Pursuant to Section 7.17 of the EP&A Act, the maximum monetary contribution that can be taken per dwelling or residential lot is \$20,000 (being the relevant “contributions cap”). This will result in a funding shortfall to be borne by Council.

Assumed Proportion of Contribution Rates		
Development Type	Dwelling / Unit Size	Apportionment of Lot Rate
Attached dwellings, co-living housing, dual occupancies, group homes, multi dwelling housing, residential flat buildings (including manor houses), secondary dwellings, semi-detached dwellings, shop top housing	3 or more bedrooms	100%
	2 bedrooms	80%
	1 bedroom	60%
Seniors independent living units	Any size	80%
Boarding houses	Per room	60%

Further, in accordance with the current requirements of DCP 2014, developers will be required to dedicate any land required for a public purpose to Council, **free of cost**. For public open spaces and drainage reserves, developers will also be required to embellish and landscape those new parklands upfront, prior to the release of the subdivision and dedication of land to Council.

Section 7.12 Fixed Development Consent Levies – Non-Residential Developments

The Section 7.12 Levies collected for new non-residential developments within the Laffing Waters Master Plan Precinct will increase the overall pool of development contributions that will be available to fund the infrastructure, potentially decreasing the degree of funding gap that will need to be covered by Council through other means.

The amount payable in respect to each non-residential development within the Precinct is based on the proposed cost of carrying out the development:

Section 7.12 Fixed Development Consent Levy	
Proposed Cost of Carrying out Development	Levy Rate
Up to and including \$100,000	Nil.
More than \$100,000 and up to and including \$200,000	0.5% of that cost.
More than \$200,000	1% of that cost.

The methodology provided under Clause 208 of the EP&A Regulation must be used for the purposes of determining the proposed cost of carrying out the development. Where a Section 7.12 levy is required under the Plan, a Cost Summary Report will need to be prepared by a suitably qualified person (at the applicant's cost) and supplied to Council with the Development Application.

Timing for Payment of Development Contributions

Generally, Development Contributions required under Section 7.11 or Section 7.12 will need to be paid to Council at the earliest opportunity following the issuing of the Development Consent. The relevant condition of consent will stipulate the necessary timing for payment, which will generally be as follows:

Timing for Payment of Development Contributions	
Type of Development	Required Timing of Payment
For development where no further approvals are required (e.g. change of use with no building works).	Before commencement of the development.
For development involving subdivision.	Prior to the issue of any Subdivision Certificate.
For development not involving subdivision, but where a Construction Certificate is required.	Prior to the issue of any Construction Certificate.

For development that involves Subdivision and Building Work.	Prior to the issue of any Subdivision Certificate or Construction Certificate (whichever occurs sooner).
For development that does not involve Subdivision or Building Work.	Prior to the issue of any Occupation Certificate.
For works authorised under a Complying Development Certificate (CDC).	Before any work authorised by the Certificate (CDC) commences (as per Clause 156 of the EP&A Regulation).

Written applications for deferred or periodic payments will be considered by Council on a case-by-case basis. If Council decides to accept deferred payment or payment by instalments, Council will require the applicant to provide a bank guarantee.

Adjustment for Inflation

Section 7.11 and Section 7.12 Development Contributions will be regularly adjusted for inflation, as outlined below.

Section 7.11 Development Contributions – Residential Subdivisions and Developments (Including Mixed-Use)

Section 7.11 Development Contributions will be indexed for inflation at the time of consent and again at the time of payment in accordance with **quarterly** movements in the Consumer Price Index (All Groups Index) for Sydney, as published by the Australian Bureau of Statistics (ABS). The latest quarterly indexed contribution rates will be published on Council's website.

Section 7.12 Fixed Development Consent Levies – Non-residential Development

The proposed cost of carrying out the development will be indexed for inflation between the date the Cost Summary Report was prepared and the date on which the contribution is paid in accordance with **quarterly** movements in Consumer Price Index (All Groups Index) for Sydney, as published by the ABS. However, Council will only index the proposed cost of carrying out the development where the Development Consent is more than 12 weeks old at time of payment.

Works in Kind

An applicant may make an offer to Council to carry out works, provide another kind of material public benefit or dedicate land, in part or full satisfaction of a monetary contribution required by a condition of consent imposed under the Plan.

If a developer wishes to deliver infrastructure on Council's behalf, then the developer can approach this in either one of two ways:

1. Planning Agreement

The developer may offer to enter into a planning agreement to undertake works, make monetary contributions, dedicate land, or provide any other material public benefit. Planning agreements are the most appropriate mechanism for offers made prior to the issue of a Development Consent.

Planning Agreements may be considered in respect to the application of both Section 7.11 Contributions and 7.12 Levies.

2. Works in Kind

If the developer has already received a Development Consent containing a condition requiring payment of a monetary contribution, the developer may offer to undertake works-in-kind through a Work-In-Kind Agreement or dedicate land through a Land Dedication Agreement.

Work in-Kind Agreements and Land Dedication Agreements should only be considered in respect to the application of Section 7.11 Contributions.

The value of any agreed works in-kind can be applied as an offset against monetary contributions required to be paid (via conditions of consent) under Section 7.11. Offsets will only be granted where the works that are proposed to be undertaken are listed in the Schedule of Works provided within the Plan. The value of the monetary contributions offset shall equal the value attributed to the works item(s) in the Plan, taking into account the impact of indexation. Offsets for other material public benefits may be agreed by Council in exceptional circumstances.

Written applications for a Planning Agreement or Works-In-Kind Arrangement will be considered by Council on a case-by-case basis.

Commencement and Transitional Arrangements

Upon commencement, the Draft LWLIP will apply to all development applications and applications for a complying development certificate that:

- Have been submitted before the date of commencement but are not yet determined.
- Are submitted from the date of commencement.

Existing Development Consents for Subdivision and Development within the Precinct

It should be noted that several Development Consents have previously been issued by Council for the subdivision and development of land generally located on the Southern and Eastern sides of the Laffing Waters Master Plan Precinct (refer to **Figure 4** below).

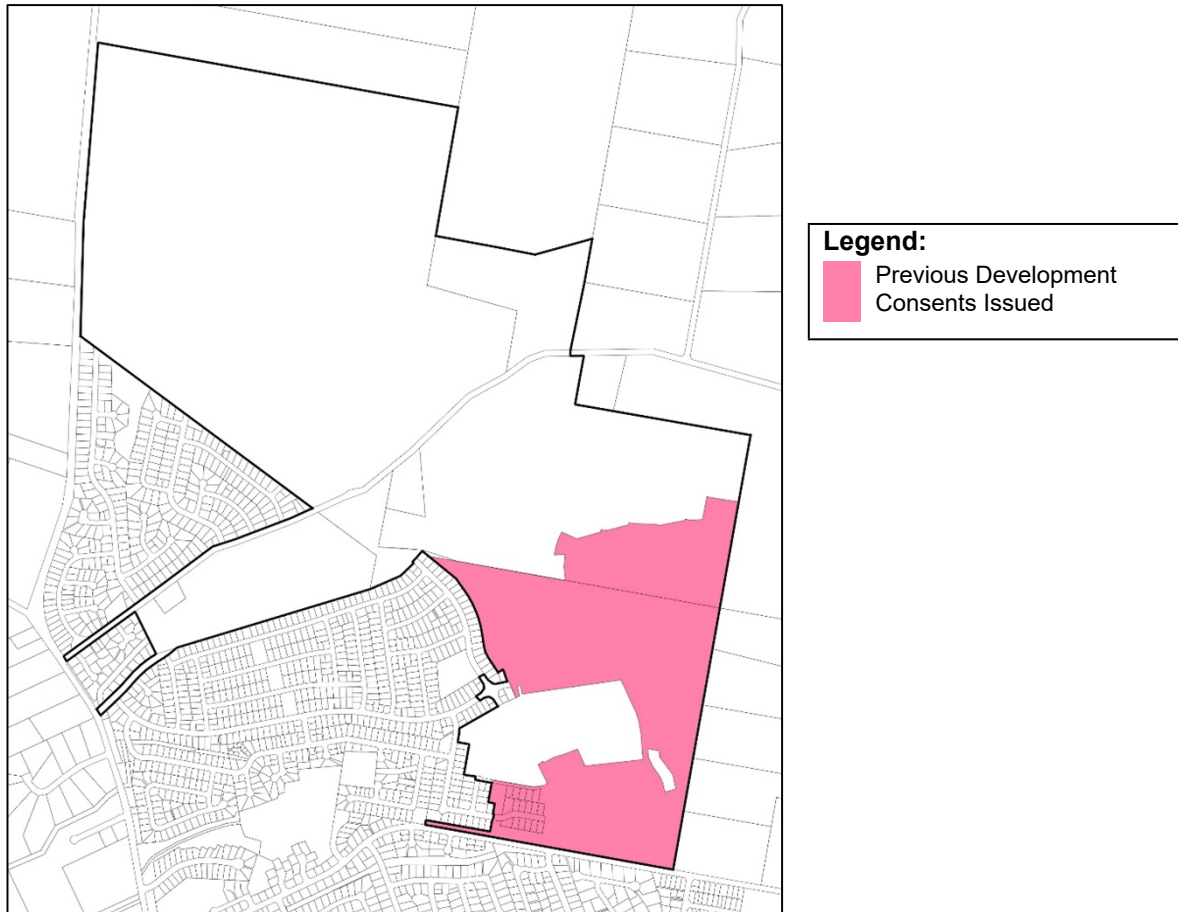


Figure 4 – Approximate Location and Extent of Previous Development Consents issued within the Laffing Waters Master Plan Precinct

Development Contributions under the Draft LWLICP cannot be sought retrospectively in relation to those existing Development Consents. However, it should be noted that conditions were imposed on those previous Development Consents requiring the payment of Section 7.11 Development Contributions under the current Development Contributions Plans that already apply to the land (e.g. *Bathurst Regional Community Facilities and Roadworks – New Residential Subdivisions*).

Amendments to Existing Development Contributions Plans

Duplication of Development Contribution Obligations

The following Section 7.11 Development Contributions Plans have previously been adopted by Council and currently apply to all (or part) of the Laffing Waters Master Plan Precinct.

Existing Development Contributions Plan	Land / Development to which the Plan Applies	Local Infrastructure Provided under the Plan
<p><i>Section 7.11 Development Contributions Plan – Bathurst Regional Community Facilities.</i></p> <p>(Adopted by Council on 17 September 2014).</p>	<p>All subdivisions that create an additional lot upon which a dwelling may lawfully be erected in the following zones:</p> <ul style="list-style-type: none"> • R1 General Residential. • R2 Low Density Residential. • R5 Large Lot Residential. • RU1 Primary Production. • RU2 Rural Landscapes. • RU4 Primary Production Small Lots. • RU5 Village. • E4 Environmental Living. <p>AND</p> <p>Any new residential development type in any zone to which LEP 2014 applies.</p> <p>Note: Plan applies to the whole of the Bathurst Regional LGA.</p>	<p>The provision of community facilities across the Bathurst Regional LGA, including:</p> <ul style="list-style-type: none"> • Community buildings. • Footpaths and cycleways. • Art gallery and library expansion. • Regional level recreation playground. • Community arts centre. • Museum development and expansion. • Regional level sporting facilities. • Archives collection repository. • Music conservatorium. • Botanic gardens. • Local recreation equipment. • Bus shelters. • Public carparking. <p>Note: A portion of the identified works have been completed.</p>
<p><i>Section 7.11 Development Contributions Plan – Bathurst Regional Open Space.</i></p> <p>(Adopted by Council on 17 September 2014).</p>	<p>Development for the following purposes on any land identified as “Section 94 Developer Contributions Plan – Bathurst Regional Open Space” on the map attached to the Plan:</p> <ul style="list-style-type: none"> • Dual occupancy. • Secondary dwellings. • Medium density residential development. • Subdivision of land. <p>Note: Plan applies to land within the suburbs of Laffing Waters, Kelso, Abercrombie, Llanarth, Windradyne and Perthville (see Figure 5 below).</p>	<p>The purchase of land zoned for the purposes of public open space.</p>
<p><i>Section 7.11 Development Contributions Plan – Raglan Creek Stormwater Drainage Management.</i></p>	<p>Development for the following purposes on any land identified as “Section 94 Contributions Plan – Raglan Creek Stormwater Drainage” on the map attached to the Plan:</p> <ul style="list-style-type: none"> • Low density residential subdivisions. 	<p>The provision of stormwater infrastructure across the Raglan Creek Catchment, including:</p> <ul style="list-style-type: none"> • Drainage channels. • Retarding basins.

<p>(Adopted by Council on 16 December 1992).</p>	<ul style="list-style-type: none"> • Special uses, such as schools, churches and medium density housing. • Commercial and industrial developments. <p>Note: Plan applies to land within the suburbs of Eglinton, Laffing Waters, Kelso, Raglan and White Rock (see Figure 5 below).</p>	<ul style="list-style-type: none"> • Water quality control structures. • Road culvert crossings.
<p><i>Section 7.11 Development Contributions Plan – Roadworks – New Residential Subdivisions</i></p> <p>(Adopted by Council on 21 November 2018).</p>	<p>Development for the following purposes on any land identified as “Section 94 Development Contributions Plan, Roadworks – New Residential Subdivisions” on the map attached to the Plan:</p> <ul style="list-style-type: none"> • Dual occupancy. • Secondary dwellings. • Medium density residential development. • Subdivision of land. • Business. • Special use development. <p>Note: Plan applies to land within the suburbs of Eglinton, Abercrombie, Llanarth, Windradyne, West Bathurst, Laffing Waters and Kelso (see Figure 5 below).</p>	<p>The provision of roadway infrastructure, including:</p> <ul style="list-style-type: none"> • Construction of new roadways. • Upgrade and widening of existing roadways. • Construction of new intersections. • Upgrade of existing intersections. • Construction and upgrade of bridges.
<p><i>Section 7.11 Contribution Plan – Hereford Street – Reconstruction & Replacement of Low Level Bridge</i></p> <p>(Adopted by Council on 16 December 1992).</p>	<p>Development for the following purposes on any land identified as “Section 94 Contributions Plan Hereford Street” on the map attached to the Plan:</p> <ul style="list-style-type: none"> • Subdivision of land. • Dual occupancy. • Medium density residential development. <p>Note: Plan applies to land within the suburb of Kelso (see Figure 5 below).</p>	<p>The reconstruction of Hereford Street and the construction of a new low level bridge.</p> <p>Note: The works identified under this Plan were completed in the 1990s. Council continues to recoup funds under this Plan for the previously completed works.</p>

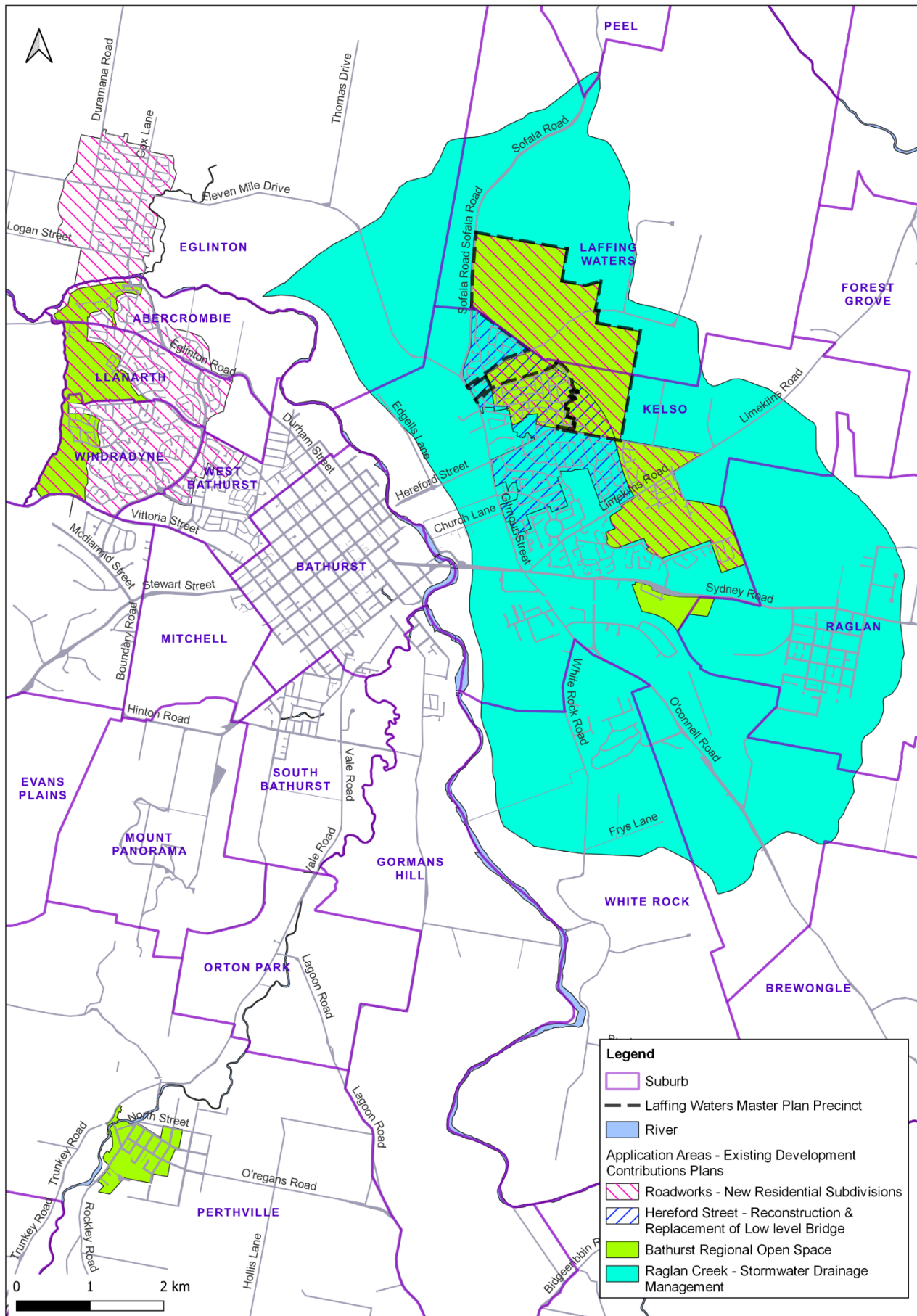


Figure 5 – Application Areas of Council's Existing Section 7.11 Development Contributions Plans

The delivery of public open space, stormwater drainage, road, traffic and active transport infrastructure within the Laffing Waters Master Plan Precinct is now proposed to be facilitated by the new Draft *Laffing Waters Local Infrastructure Contributions Plan*. Therefore, suitable amendments need to be made to the following existing Section 7.11 Development Contributions Plans to prevent the duplication of Development Contribution obligations for certain infrastructure to be provided within the Laffing Waters Master Plan Precinct (as relevant).

- *Section 7.11 Development Contributions Plan – Bathurst Regional Community Facilities.*
- *Section 7.11 Development Contributions Plan – Bathurst Regional Open Space.*
- *Section 7.11 Development Contributions Plan – Raglan Creek Stormwater Drainage Management.*
- *Section 7.11 Development Contributions Plan – Roadworks – New Residential Subdivisions.*

The existing *Section 7.11 Contribution Plan – Hereford Street – Reconstruction & Replacement of Low Level Bridge* seeks the recoupment of funds for works previously completed on Hereford Street (including the reconstruction of Hereford Street and replacement of the low level bridge). Under this 1992 Plan, forecasted development within southern parts of the Laffing Waters Master Plan Precinct was considered to be a source of demand for those infrastructure works (see **Figure 5**), and therefore, this recoupment Plan will continue to apply to land within southern parts of the Laffing Waters Master Plan Precinct.

Indexation of Existing Development Contributions Plans

The Development Contribution rates payable under Council's existing Section 7.11 Development Contributions Plans are currently indexed on an annual basis (beginning of each financial year).

To ensure that the Development Contribution rates remain more closely representative of infrastructure costs, it is proposed that each of Council's existing Development Contributions Plans (listed below) be amended to allow for quarterly indexation to be undertaken.

- *Section 7.11 Development Contributions Plan – Bathurst Regional Community Facilities.*
- *Section 7.11 Development Contributions Plan – Bathurst Regional Open Space.*
- *Section 7.11 Development Contributions Plan – Eglinton Open Space and Drainage.*
- *Section 7.11 Contributions Plan – Raglan Creek Stormwater Drainage Management.*
- *Section 7.11 Contribution Plan – Sawpit Creek (East) Stormwater Drainage Management.*
- *Section 7.11 Contributions Plan – Jordan Creek Stormwater Drainage Management.*
- *Section 7.11 Contribution Plan – Robin Hill – Road & Drainage Construction.*
- *Section 7.11 Development Contributions Plan – Roadworks – New Residential Subdivisions.*
- *Section 7.11 Contribution Plan – Herford Street – Reconstruction & Replacement of Low Level Bridge.*
- *Section 7.11 Development Contributions Plan – Bathurst CBD Car Parking.*

- *Section 7.11 Development Contributions Plan – Bathurst Regional Rural Roadworks.*
- *Section 7.11 Development Contributions Plan – Bathurst Regional Traffic Generating Development.*

These amendments should further minimise the funding gaps under each Development Contributions Plan and therefore, reduce the degree of costs burdened on Council and the broader community for the delivery and maintenance of infrastructure necessary to support new development within the Bathurst Regional LGA.

Public Exhibition

In accordance with *Bathurst Regional Community Participation Plan 2019* (CPP 2019) it is recommended that the following draft Development Contributions Plans be placed on public exhibition for a period of twenty-eight (28) days:

- *Draft Laffing Waters Local Infrastructure Contributions Plan 2024.*
- *Draft Amendment to Section 7.11 Development Contributions Plan – Bathurst Regional Community Facilities* (amendments as outlined in this report).
- *Draft Amendment to Section 7.11 Development Contributions Plan – Bathurst Regional Open Space* (amendments as outlined in this report).
- *Draft Amendment to Section 7.11 Development Contributions Plan – Eglinton Open Space and Drainage* (amendments as outlined in this report).
- *Draft Amendment to Section 7.11 Contributions Plan – Raglan Creek Stormwater Drainage Management* (amendments as outlined in this report).
- *Draft Amendment to Section 7.11 Contribution Plan – Sawpit Creek (East) Stormwater Drainage Management* (amendments as outlined in this report).
- *Draft Amendment to Section 7.11 Contributions Plan – Jordan Creek Stormwater Drainage Management* (amendments as outlined in this report).
- *Draft Amendment to Section 7.11 Contribution Plan – Robin Hill – Road & Drainage Construction* (amendments as outlined in this report).
- *Draft Amendment to Section 7.11 Development Contributions Plan – Roadworks – New Residential Subdivisions* (amendments as outlined in this report).
- *Draft Amendment to Section 7.11 Contribution Plan – Herford Street – Reconstruction & Replacement of Low Level Bridge* (amendments as outlined in this report).
- *Draft Amendment to Section 7.11 Development Contributions Plan – Bathurst CBD Car Parking* (amendments as outlined in this report).
- *Draft Amendment to Section 7.11 Development Contributions Plan – Bathurst Regional Rural Roadworks* (amendments as outlined in this report).
- *Draft Amendment to Section 7.11 Development Contributions Plan – Bathurst Regional Traffic Generating Development* (amendments as outlined in this report).

Additionally, it is recommended that the exhibition of these documents be promoted in the following ways:

- Written notification be provided to all owners of land within the Laffing Waters Master Plan Precinct and to the owners of all adjoining and adjacent rural zoned land.
- A written notice be published on the “Public Notices” section of Council’s website.
- All members of the public be afforded a period of twenty-eight (28) days to review and make submission on the draft Development Contributions Plans.

- All documentation relating to the draft Development Contributions Plans be made available on Council's YourSay website and in the Council office.

At the conclusion of the exhibition period, Council staff will consider any public submissions received and whether a Submission Hearing needs to be held and prepare the final amendments/recommendations for consideration at an Ordinary Meeting of Council.

CONCLUSION:

It is recommended that Council:

- (a) Prepare draft amendments to the following existing Section 7.11 Development Contributions Plans, as outlined in this report:
 - (i) *Section 7.11 Development Contributions Plan – Bathurst Regional Community Facilities.*
 - (ii) *Section 7.11 Development Contributions Plan – Bathurst Regional Open Space.*
 - (iii) *Section 7.11 Development Contributions Plan – Eglinton Open Space and Drainage.*
 - (iv) *Section 7.11 Contributions Plan – Raglan Creek Stormwater Drainage Management.*
 - (v) *Section 7.11 Contribution Plan – Sawpit Creek (East) Stormwater Drainage Management.*
 - (vi) *Section 7.11 Contributions Plan – Jordan Creek Stormwater Drainage Management.*
 - (vii) *Section 7.11 Contribution Plan – Robin Hill – Road & Drainage Construction.*
 - (viii) *Section 7.11 Development Contributions Plan – Roadworks – New Residential Subdivisions.*
 - (ix) *Section 7.11 Contribution Plan – Herford Street – Reconstruction & Replacement of Low Level Bridge.*
 - (x) *Section 7.11 Development Contributions Plan – Bathurst CBD Car Parking.*
 - (xi) *Section 7.11 Development Contributions Plan – Bathurst Regional Rural Roadworks.*
 - (xii) *Section 7.11 Development Contributions Plan – Bathurst Regional Traffic Generating Development.*
 - (xiii)
- (b) Place the following draft Development Contributions Plans on public exhibition for a period of twenty-eight (28) days:
 - (i) *Draft Laffing Waters Local Infrastructure Contributions Plan 2024.*
 - (ii) *Draft Amendment to Section 7.11 Development Contributions Plan – Bathurst Regional Community Facilities.*
 - (iii) *Draft Amendment to Section 7.11 Development Contributions Plan – Bathurst Regional Open Space.*
 - (iv) *Draft Amendment to Section 7.11 Development Contributions Plan – Eglinton Open Space and Drainage.*
 - (v) *Draft Amendment to Section 7.11 Contributions Plan – Raglan Creek Stormwater Drainage Management.*
 - (vi) *Draft Amendment to Section 7.11 Contribution Plan – Sawpit Creek (East) Stormwater Drainage Management.*

- (vii) Draft Amendment to *Section 7.11 Contributions Plan – Jordan Creek Stormwater Drainage Management.*
- (viii) Draft Amendment to *Section 7.11 Contribution Plan – Robin Hill – Road & Drainage Construction.*
- (ix) Draft Amendment to *Section 7.11 Development Contributions Plan – Roadworks – New Residential Subdivisions.*
- (x) Draft Amendment to *Section 7.11 Contribution Plan – Herford Street – Reconstruction & Replacement of Low Level Bridge.*
- (xi) Draft Amendment to *Section 7.11 Development Contributions Plan – Bathurst CBD Car Parking.*
- (xii) Draft Amendment to *Section 7.11 Development Contributions Plan – Bathurst Regional Rural Roadworks.*
- (xiii) Draft Amendment to *Section 7.11 Development Contributions Plan – Bathurst Regional Traffic Generating Development.*

FINANCIAL IMPLICATIONS:

Preparation of the draft Laffing Waters Local Infrastructure Contributions Plan (LWLICP) was funded from a grant under the NSW Government's Regional Housing Strategic Planning Fund.

Regardless of the LWLICP becoming effective, there will be an additional infrastructure funding shortfall that will impact on future Council budgets of several millions of dollars.

The draft amendments to existing Development Contributions Plans as a consequence of the LWLICP represent "housekeeping" amendments. However, the existing plans are somewhat outdated in other respects. Council should consider a major review of all Contributions Plans as a future step in Development Contributions Plan reform.

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

Objective 4: Sustainable and balanced growth.

- Strategy 4.1 Facilitate development in the region that considers the current and future needs of our community.
- Strategy 4.2 Provide safe and efficient road, cycleway and pathway networks to improve accessibility.
- Strategy 4.3 Ensure services, facilities and infrastructure meet the changing needs of our region.
- Strategy 4.6 Plan for, assess and regulate development activity.

Objective 5: Community health, safety and well being.

- Strategy 5.1 Provide opportunities for our community to be healthy and active.
- Strategy 5.5 Plan and respond to demographic changes in the community.

Objective 6: Community leadership and collaboration.

- Strategy 6.4 Meet legislative and compliance requirements.

COMMUNITY ENGAGEMENT:

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

ATTACHMENTS:

1. DRAFT Laffing Waters Local Infrastructure Contributions Plan 2024 [9.2.4.1 - 57 pages]

MINUTE

RESOLUTION NUMBER: ORD2024-89

MOVED: Cr W Aubin SECONDED: Cr M Hogan

RESOLVED:

That Council:

- (d) prepare draft amendments to the following existing Section 7.11 Development Contributions Plans, as outlined in this report:
 - (xiv) *Section 7.11 Development Contributions Plan – Bathurst Regional Community Facilities.*
 - (xv) *Section 7.11 Development Contributions Plan – Bathurst Regional Open Space.*
 - (xvi) *Section 7.11 Development Contributions Plan – Eglinton Open Space and Drainage.*
 - (xvii) *Section 7.11 Contributions Plan – Raglan Creek Stormwater Drainage Management.*
 - (xviii) *Section 7.11 Contribution Plan – Sawpit Creek (East) Stormwater Drainage Management.*
 - (xix) *Section 7.11 Contributions Plan – Jordan Creek Stormwater Drainage Management.*
 - (xx) *Section 7.11 Contribution Plan – Robin Hill – Road & Drainage Construction.*
 - (xxi) *Section 7.11 Development Contributions Plan – Roadworks – New Residential Subdivisions.*
 - (xxii) *Section 7.11 Contribution Plan – Herford Street – Reconstruction & Replacement of Low Level Bridge.*
 - (xxiii) *Section 7.11 Development Contributions Plan – Bathurst CBD Car Parking.*
 - (xxiv) *Section 7.11 Development Contributions Plan – Bathurst Regional Rural Roadworks.*
 - (xxv) *Section 7.11 Development Contributions Plan – Bathurst Regional Traffic Generating Development.*
 - (xxvi)
- (e) place the following draft Development Contributions Plans on public exhibition for a period of twenty-eight (28) days:
 - (xiv) *Draft Laffing Waters Local Infrastructure Contributions Plan 2024.*
 - (xv) *Draft Amendment to Section 7.11 Development Contributions Plan – Bathurst Regional Community Facilities.*
 - (xvi) *Draft Amendment to Section 7.11 Development Contributions Plan – Bathurst Regional Open Space.*
 - (xvii) *Draft Amendment to Section 7.11 Development Contributions Plan – Eglinton Open Space and Drainage.*
 - (xviii) *Draft Amendment to Section 7.11 Contributions Plan – Raglan Creek Stormwater Drainage Management.*

- (xix) Draft Amendment to *Section 7.11 Contribution Plan – Sawpit Creek (East) Stormwater Drainage Management.*
- (xx) Draft Amendment to *Section 7.11 Contributions Plan – Jordan Creek Stormwater Drainage Management.*
- (xxi) Draft Amendment to *Section 7.11 Contribution Plan – Robin Hill – Road & Drainage Construction.*
- (xxii) Draft Amendment to *Section 7.11 Development Contributions Plan – Roadworks – New Residential Subdivisions.*
- (xxiii) Draft Amendment to *Section 7.11 Contribution Plan – Herford Street – Reconstruction & Replacement of Low Level Bridge.*
- (xxiv) Draft Amendment to *Section 7.11 Development Contributions Plan – Bathurst CBD Car Parking.*
- (xxv) Draft Amendment to *Section 7.11 Development Contributions Plan – Bathurst Regional Rural Roadworks.*
- (xxvi) Draft Amendment to *Section 7.11 Development Contributions Plan – Bathurst Regional Traffic Generating Development.*

(f) 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 K Burke, Cr B Fry, Cr J Jennings, Cr M Hogan and Cr I North

Against the Motion - Nil

Absent - Cr G Hanger, Cr A Smith and Cr R Taylor

Abstain - Nil

9.2.5

DRAFT AMENDMENT - BATHURST REGIONAL COMMUNITY PARTICIPATION PLAN 2019

File No: 20.00331

RECOMMENDATION:

That Council:

- (a) adopt the Amendment to *Bathurst Regional Community Participation Plan 2019* as outlined in this report; and
- (b) call a division.

REPORT:

At the Ordinary Meeting of Council held on Wednesday 13 December 2023, Council identified a number of cost saving initiatives to assist in funding its Pathway to Sustainability. One of these initiatives included a reduction in the number of items that Council regularly publishes in print media (newspapers).

In response to this initiative, Council staff (under delegation) have reviewed the existing provisions of *Bathurst Regional Community Participation Plan 2019* (CPP 2019) and prepared and exhibited a draft amendment to the document.

Community Participation Plan (CPP)

Council is required by Division 2.6 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to prepare and maintain a Community Participation Plan (CPP). The CPP must meet the minimum mandatory requirements for community participation, as outlined under Schedule 1 of the EP&A Act.

The CPP is a strategic planning document that identifies how and when Council will engage with the Bathurst community whilst undertaking its relevant planning functions. The document reflects the whole of organisation approach to community engagement, as established under Council's Community Engagement Strategy, however, it does not extend to the other non-planning related functions of Council.

Importantly, the CPP identifies:

- The types of Development Applications that will be placed on public exhibition and/or notification, how those applications will be exhibited/notified, who will receive notification and the period over which that exhibition/notification will take place.
- The types of Strategic Planning projects (e.g. Land Use Strategies/Studies, Local Environmental Plans, Development Control Plans, Development Contributions Plans, Local Strategic Planning Statement, Community Participation Plans and Master Plans) that will be placed on public exhibition, how those projects will be exhibited, how the community will be engaged and the period over which that exhibition will take place.

- Local stakeholder groups with key interests in certain types of Development Applications or Strategic Planning Projects and Council's associated notification/engagement procedures.
- Other Planning Documents (e.g. Planning Agreements) that will be placed on public exhibition, how they will be exhibited and the period over which that exhibition will take place.
- How public submissions will be received, analysed, shared and processed in Council's decision making in relation to Development Applications, Strategic Planning Projects and other Planning Documents.

Draft Amendment to CPP 2019

Council staff have undertaken a review of CPP 2019 and identified that:

1. There are a number of relevant planning functions which are not legally required to be advertised in a local newspaper, but rather are required to be published on Council's website.
2. There are a number of relevant planning functions / matters which are not currently included in CPP 2019 but are required by legislation to be included and/or publicly exhibited.

Accordingly, Council has prepared and exhibited (under delegation) a draft amendment to CPP 2019. The key changes proposed to the document are summarised below.

- **Cost Saving Initiative – Reduction in Newspaper Advertisements**

The CPP has been amended to remove all requirements to advertise planning functions / matters in the local newspaper. Instead, notices will be published on Council's website as and where required by the *Environmental Planning and Assessment Act 1979* (EP&A Act), *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation) and any relevant environmental planning instrument (EPI).

The following table summarises these changes:

Planning Function / Matter Requiring Public Exhibition	Former Method of Notice	Proposed Method of Notice	Proposed Method Consistent with EP&A Act and EP&A Regulation
Exhibited Development.	Notice published in the Western Advocate (newspaper).	Notice published on Council's website.	Consistent.
Nominated Integrated Development.	Notice published in the Western Advocate (newspaper).	Notice published on Council's website.	Consistent.
Threatened Species Development.	Notice published in the Western Advocate (newspaper).	Notice published on Council's website.	Consistent.
Designated Development.	Notice published in the Western Advocate (newspaper).	Notice published on Council's website.	Consistent.

Planning Function / Matter Requiring Public Exhibition	Former Method of Notice	Proposed Method of Notice	Proposed Method Consistent with EP&A Act and EP&A Regulation
Class 1 Aquaculture Development.	Notice published in the Western Advocate (newspaper).	Notice published on Council's website.	Consistent.
Category 1 Remediation Work.	Not previously included in CPP 2019.	Notice published on Council's website.	Consistent.
Community Participation Plan (CPP).	Notice published in the Western Advocate (newspaper) and on Council's website.	Notice published on Council's website.	Consistent.
Local Strategic Planning Statement (LSPS).	Notice published in the Western Advocate (newspaper) and on Council's website.	Notice published on Council's website.	Consistent.
Draft Strategic Land Use Plans, Strategies and Studies.	Notice published in the Western Advocate (newspaper) and on Council's website.	Notice published on Council's website.	Consistent.
Planning Proposal – Draft Local Environmental Plan (LEP).	Notice published in the Western Advocate (newspaper) and on Council's website.	Notice published on Council's website.	Consistent.
Draft Development Control Plan.	Notice published in the Western Advocate (newspaper) and on Council's website.	Notice published on Council's website.	Consistent.
Draft Development Contributions Plan and Infrastructure Contributions Plan.	Notice published in the Western Advocate (newspaper) and on Council's website.	Notice published on Council's website.	Consistent.
Other Planning Documents (e.g. Planning Agreements)	Notice published in the Western Advocate (newspaper) and on Council's website.	Notice published on Council's website.	Consistent.
Environmental Impact Statement (EIS) Obtained Under Division 5.1 of the EP&A Act.	Notice published in the Western Advocate (newspaper) and on Council's website.	Notice published on Council's website.	Consistent.

- **Environmental Impact Statements Obtained under Division 5.1 of the EP&A Act**

Under Schedule 1, Section 11 of the EP&A Act Council is required to place an Environmental Impact Statement (EIS) obtained under Division 5.1 on public exhibition for a minimum period of twenty-eight (28) days. This requirement was not previously included in CPP 2019 and therefore has been added.

- **Public Exhibition of an Environmental Impact Statement – Maintaining Confidentiality and the Public Interest**

Under Section 18, Schedule 1 of the EP&A Act Council is not required to make available for public inspection any part of an environmental impact statement (EIS) whose publication would, in the opinion of Council, be contrary to the public interest

because of its confidential nature or for any other reason. This requirement was not previously included in CPP 2019 and therefore has been added.

- **Category 1 Remediation Work**

Under Section 9A, Schedule 1 of the EP&A Act Council is required to place a Development Application for Category 1 Remediation work on public exhibition for a minimum period of twenty-eight (28) days. This requirement was not previously included in CPP 2019 and therefore has been added.

- **Class 1 Aquaculture Development**

Under Division 5 of the (EP&A Regulation) Council is required to place a Development Application for Class 1 Aquaculture Development on public exhibition. Whilst Class 1 aquaculture development is not specifically listed within Schedule 1 of the EP&A Act, the exhibition of this type of development remains a legal requirement, and therefore it has been included in the draft CPP Amendment to ensure that Council follows due process.

- **Determination and Making of Publicly Exhibited Plans, Applications and Other Matters**

Under Section 14, Schedule 1 of the EP&A Act Council must not make or determine any publicly exhibited plan, application or other matter until after the minimum period of public exhibition. Although Council currently follows this requirement in practice, it was not previously stated in CPP 2019 and therefore has been added.

- **Minor Administrative Changes**

The draft amendment to CPP 2019 also includes a series of minor administrative changes:

- Clarify that Council-related Development Applications are classified as notified development under the CPP, as opposed to exhibited development.
- Update references to “relevant planning functions” as defined by Section 2.21 of the EP&A Act.
- Clarify that the CPP does not apply to State Significant Infrastructure under Division 5.2 of the EP&A Act.
- Delete Section 5.8.2 “Amendment to Planning Agreements after public exhibition”. This provision is currently duplicated elsewhere in the CPP.
- Include additional references to Section 36(2) of the *Interpretation Act 1987* which outlines the applicable rule for when an exhibition period includes a weekend or public holiday.
- Expand on the specific public notification requirements for the following planning functions/matters, as outlined in the EP&A Act and EP&A Regulation:
 - nominated integrated development;
 - threatened species development;

- designated development;
- class 1 aquaculture development;
- planning agreements.

A copy of the draft Amendment to *Bathurst Regional Community Participation Plan 2019* is provided in **Attachment 1**.

Public Exhibition of Draft Amendment

The draft Amendment to *Bathurst Regional Community Participation Plan 2019* (CPP 2019) was placed on public exhibition for a period of twenty-eight (28) days between 19 February 2024 and 18 March 2024. In accordance with the **current adopted** requirements of CPP 2019, the matter was also advertised in the local newspaper.

During the public exhibition period a total of two (2) submissions were received (refer to **Attachment 2**). The matters raised in each public submission are summarised and addressed in the table below:

Summary of Public Submissions and Response	
Public Submission	Council Comments
<p>1. <i>My only real concern here is the change to remove newspaper advertising. I totally agree that in this day and age, the cost to advertise to such low readership numbers in the local press is prohibitive. My suggestion is to ensure that any relevant information is not just tucked away on the Council website, and that it is advertised through other channels such as Facebook, or anything more cost effective (perhaps an online version of the paper could be cheaper) to ensure that residents can easily access the information.</i></p>	<ul style="list-style-type: none"> • It is generally agreed that any relevant planning functions/matters advertised on Council's website should be readily available and easy to find. • Council currently continues to place a weekly notice in the Western Advocate, which directs readers to the Public Notices available on Council's website. A QR code included in the Western Advocate notice provides a direct link to the Public Notices section of Council's website.
<p>2. <i>I believe advertising planning matters in the local newspaper is important.</i></p> <p><i>Some people do not have internet or a computer, but the main point is that the Council website is ineffective because you don't know to look for something you don't know is there.</i></p>	<ul style="list-style-type: none"> • The proposal to advertise relevant planning functions/matters on Council's website is consistent with the current minimum requirements of the <i>Environmental Planning and Assessment Act 1979</i> (EP&A Act) and <i>Environmental Planning and Assessment Regulation 2021</i> (EP&A Regulation). • Whilst it is understood that there are members of the community who may not have access to the internet, the Council website is considered to be a generally accessible tool with the local newspaper only available to paying or subscribed customers.

In accordance with the **current adopted** requirements of CPP 2019, a Submission Hearing has not been held in relation to the draft Amendment because the number and variety of submissions received does not warrant a Hearing.

A copy of the submissions received and the Council staff response to each matter was referred to Councillors prior to the date of this Council Meeting in accordance with the CPP requirements.

Recommendation

The draft Amendment to *Bathurst Regional Community Participation Plan 2019* is consistent with minimum public exhibition and notification requirements under the *Environmental Planning and Assessment Act 1979* (EP&A Act) and *Environmental Planning and Regulation 2021* (EP&A Act).

Council currently continues to publish a weekly notice in the Western Advocate which directs readers to the Public Notices available on Council's website. All notices published on Council's website are freely available to access by all members of the public.

It is recommended that Council adopt the draft Amendment to *Bathurst Regional Community Participation Plan 2019* as exhibited.

CONCLUSION:

At the Ordinary Meeting of Council held on Wednesday 13 December 2023, Council identified a number of cost saving initiatives to assist in funding its Pathway to Sustainability. One of these initiatives included a reduction in the number of items that Council regularly publishes in print media (newspapers).

In response to this initiative, Council staff have undertaken a review of the existing provisions of *Bathurst Regional Community Participation Plan 2019* (CPP 2019) and identified that:

1. There are a number of relevant planning functions which are not legally required to be advertised in a local newspaper, but rather are required to be published on Council's website.
2. There are a number of relevant planning functions / matters which are not currently included in CPP 2019 but are required by legislation to be included and/or publicly exhibited.

Accordingly, a draft Amendment to *Bathurst Regional Community Participation Plan 2019* has been prepared and placed on public exhibition (under delegation) between 19 February 2024 and 18 March 2024. A total of two (2) public submissions were received during this timeframe, with each raising concerns in relation to the removal of newspaper advertisements.

The draft Amendment to *Bathurst Regional Community Participation Plan 2019* is consistent with minimum public exhibition and notification requirements under the *Environmental Planning and Assessment Act 1979* (EP&A Act) and *Environmental Planning and Regulation 2021* (EP&A Act). Council currently continues to publish a weekly notice in the Western Advocate to direct readers to the Public Notices freely available on Council's website.

It is recommended that the draft Amendment to *Bathurst Regional Community Participation Plan 2019* (CPP 2019) be adopted as outlined in this report.

FINANCIAL IMPLICATIONS:

Should Council support the recommendation then there are no financial implications to Council.

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

Objective 4: Sustainable and balanced growth.

- Strategy 4.1 Facilitate development in the region that considers the current and future needs of our community.
- Strategy 4.6 Plan for, assess and regulate development activity.

Objective 6: Community leadership and collaboration.

- Strategy 6.1 Communicate and engage with the community, government and business groups on important matters affecting the Bathurst region.
- Strategy 6.4 Meet legislative and compliance requirements.
- Strategy 6.5 Be open and fair in our decisions and our dealings with people.

COMMUNITY ENGAGEMENT:

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

ATTACHMENTS:

1. Draft Amendment to Bathurst Regional Community Participation Plan 2019 [9.2.5.1 - 68 pages]
2. Public Submissions [9.2.5.2 - 3 pages]

MINUTE

RESOLUTION NUMBER: ORD2024-90

MOVED: Cr K Burke SECONDED: Cr B Fry

RESOLVED:

That Council:

- (c) adopt the Amendment to *Bathurst Regional Community Participation Plan 2019* as outlined in this report; 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 K Burke, Cr B Fry, Cr J Jennings, Cr M Hogan and Cr I North

Against the Motion - Nil

Absent - Cr G Hanger, Cr A Smith and Cr R Taylor

Abstain - Nil

9.2.6 ECONOMIC DEVELOPMENT 2024 FIRST QUARTER REPORT

File No: 20.00323

RECOMMENDATION:

That the information be noted

SUMMARY:

This report provides an overview of the Bathurst Economy for the first quarter of 2024 as well as summarising the activities and economic development programs undertaken by Council during the quarter.

REPORT:

Economy

The Australian Economy grew just 0.2 % during the December quarter and 1.5 % annually to date. While it was the ninth successive quarter of growth, it was the slowest annual growth rate since the COVID-19 Pandemic. Population growth continues to be the driving force to overall economic growth.

Inflation continued to impact goods and services. CPI rose 3.4% in the 12 months to February 2024. The rate at 3.4% is unchanged for the past three months, reflecting the continued impact of the RBA increases to the official interest rate. (Source ABS)

Wage reviews pushed wage growth higher, the wage price index rising 0.9 % during the quarter and 4.2% across 2023. Job Vacancies fell slightly by 0.7% for the quarter but remained overall high. National unemployment reached 3.9% in December, as participation rates remained at almost record highs.

Households continued to save, and total discretionary spending by households fell 1.6% over the year, as the cost-of-living impacts many. Business investment rose a modest 0.7% during the quarter, the fourteenth successive rise. (Source ABS)

Bathurst Population

As of 30 June 2023, the Estimated Resident Population (ERP) of Bathurst was 44,610, an increase of 502 persons on the previous year or a 1.1% increase. This increase was derived as follows:

-	Natural increase	185
-	Net internal migration	66
-	Net overseas migration	251

Of the LGA's of Dubbo, Orange, Tamworth, Wagga Wagga, Mudgee and Lithgow,

Bathurst was the only LGA recording an increase in net internal migration. (Source ABS)

Bathurst's population growth is forecast to increase by 1.15% annually, increasing to 56,560 by 2041. (Source.id as at Jan 2023)

Bathurst Housing Market

(Source Core Logic – Regional market update Feb 2024)

House values in regional markets appear to be rising faster than in the capitals, with values up 1.2% and 1% respectively over the three months to January. Growth remains varied across the 50 Significant Urban Areas, (SUAs)

Quarterly rental growth across combined regional markets increased in January as leasing activity entered its busy period. The CoreLogic regional rental index recorded a 2.3% increase over the period to January.

Bathurst median house value sits at \$627,170 a quarterly change of 2% and 0.4% across the year. Bathurst house values have increased 43.8% across 5 years. 835 houses were sold across the year to November 2023, 4.6% lower than the previous year, and 9.4% below the five-year average for the region. Time on the market sits at 56 days, up 19 days from the previous 12 months.

Bathurst median rent sits at \$480 per week, a 0.5% increase for the quarter and a 3.5% increase annually. Rents have increased on average 27.4% across 5 years within the Bathurst region, with gross rent yields at 4.2%.

The current residential vacancy rate for Bathurst is 1.2%.

According to Data Au, mortgage stress (households paying more than 30% of their income in rent) within the Bathurst region sits at 6.1%, lower than New South Wales's 8.7%. Rental stress sits at 27.6%, slightly lower than the 27.8 % for New South Wales. (Data AU 2021)

Unemployment

Unemployment continued to trend down with a rate of 1.3% in the 2023 September quarter, down from the 1.6% in the June quarter. (Source Jobs and Skills Australia)

This is well below that of Regional NSW 2.9%, NSW at 3.6%, and Australia 4.1%. (Source ABS as at Feb 24)

In 2021/22 local jobs increased by 207 workers to 21,941. The five-year growth rate was 6.26% (2,184 jobs) driven by Health Care (681 jobs), Construction (493 jobs), Public Administration & Safety (373 jobs), Transport (234), and Education (196 jobs). (Source .id)

GST Registered Businesses

There were an estimated 3,671 total GST-registered businesses in the Bathurst Regional Council area in the September 2023 quarter. (Source: ABR, compiled by .id)

Other Economic Data

- Bathurst's Gross Regional Product (GRP) as of 31 June 2022 was \$2.62 billion, an increase of 0.4% over the previous financial year (Source .id), representing the

fourth year of continued growth.

- The strongest sectors by economic contribution and employment are Health Care and Social Assistance, Education and Training, and Construction.

Initiatives

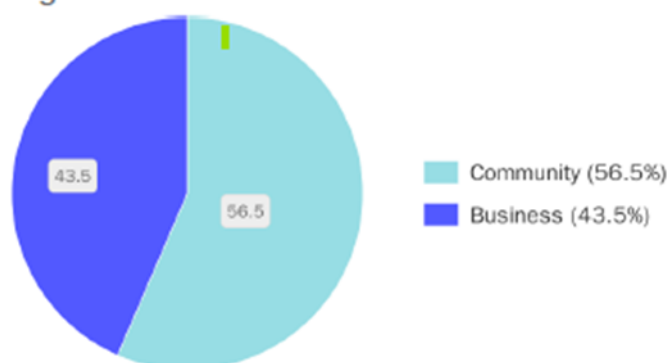
Grant Guru

Council has partnered with Grants Guru to provide the 'Bathurst Grants Hub' to local businesses, community groups, not-for-profits, and individuals. This site provides a comprehensive list of grant and funding opportunities available.

As of March, there were 58 registrations in total, with 10 new registrations since January 2024. There are 1,532 grants worth \$67.9B available within the portal. Grants can appear in multiple categories. February's report showed there were 950 business grants worth \$56.8B and 1221 community grants worth \$50.7B available.

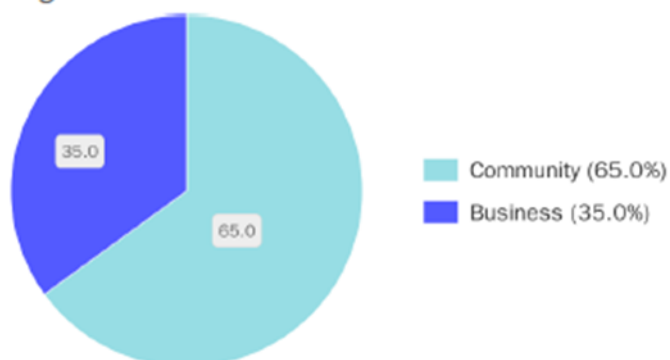
70 separate searches were carried out in February; 56.5% related to community, 43% related to business. This was a decrease from the 145 searches conducted in January; 65% community-related and 35% business-related. Community sections covered community services, education, and sport. Business activities related to environment and sustainability, infrastructure and equipment, and wholesale and retail trade.

Categories



Feb 2024

Categories



Jan 2024

(Source Grant Guru)

Airport Masterplan

The current Airport Master plan was produced in 2013 and many of the infrastructure recommendations, runway, and apron improvements, along with increased security have been undertaken. In 2024 it was resolved to allocate \$50,000 to prepare a new masterplan to identify and prepare for the opportunities associated with the opening of the new Badgerys Creek Airport in 2026.

An extensive expression of interest was undertaken with eleven applications received. Arup Australia Pty Ltd being the successfully consultant.

Arup Australia has extensive experience in delivering Airport planning, having worked on and delivered the Townsville, Queenstown and Hobart Master Plans.

The scope of work is expected to commence in April 2024 with completion mid-year. A public consultation engagement session will be held. More details to be advised through www.bathurstliveinvest.com.au.

Events

Winter Festival Community Consultation

A community consultation session was held on Tuesday 24 January at the Bathurst Railway Museum. Over thirty businesses attended the session to gain insights and look for opportunities that their business could implement throughout the 2024 Winter Festival.

A brief presentation covering previous festival attendees, attraction engagement, and details of the upcoming festival was presented before businesses enjoyed the opportunity to network and explore potential ideas for their businesses.

Council staff were on hand to offer assistance and support to local businesses in building a framework for their ideas.

AUKUS Forum

The AUKUS Forum in conjunction with the Industry Capability Network- NSW partnered with Council to hold an Information session in the James Hardie room at Charles Sturt University on Monday 5 February.

The event was attended by a variety of local and regional businesses, interested in understanding the AUKUS opportunity for regional businesses to work with the Defence Industry, particularly in the developing industries of cyber capability, artificial intelligence, and quantum technologies.

The 35 attending businesses heard from the Hon Joel Fitzgibbon, former Labor Defence Minister, Michael Sharpe, AUKUS Forum Director and Lt Col Jasmin Diab, a nuclear engineer and current president of Women in Nuclear. The audience also heard from speakers for Fujitsu, IBM and Charles Sturt University, before enjoying a lunch and networking opportunity.

Recent data from the ABS showed that Defence spending in the 2022-23 financial year increased by \$415m, adding an additional 4,000 employees. The Gross Value Add of Australia's defence industry in 2022-23 was \$10.6b. 5,444 Australian businesses directly provide goods and services to the Department of Defence. (Source ABS)

Council will continue to work with the AUKUS Forum and the Office of Defence Industry Support to explore opportunities for Bathurst businesses to engage with the defence industry.

New Residents Welcome Lunch

The Welcome Wagon is a bi-annual event that aims to welcome new residents to Bathurst. During the event, new residents have the opportunity to meet the Mayor, Councillors and other people who are new to the area. The Bathurst Business Chamber is a partner in this event.

The lunch was held on Sunday 24 March at the Bathurst Visitors Information Centre. Over fifty people attended, including representatives from numerous local community groups.

Our new residents had relocated from areas such as Adelaide, Central Qld, Inner and Western Sydney.

The objectives of the event are to welcome new residents to Bathurst, provide information about Bathurst and the surrounding area, introduce new residents to Council programs and events, and allow new residents to meet their elected representatives.

The next Welcome Lunch will be held in late October.

Bathurst Business Chamber After 5 March Event

The Bathurst Business Chamber After 5 function was held at Bathurst Thoroughbred Racing on 19 March. Guests from the local business community attended to network and hear from guest speakers from the Bathurst Thoroughbred board and the local business chamber.

Upcoming Events

Bathurst Young Professionals: On Wednesday 3 April, this networking event allows young professionals to build connections amongst the business community. The evening is being held at BTown BBQ and hosted by Bestwick Real Estate. Council is a partner sponsor of this group.

Grant Writing Workshop: Wednesday 17 April 2024. The workshop is open to local businesses and community groups interested in learning more about the grant writing process.

The workshop will cover the key tips on how to prepare and submit funding applications, including:

- assessing if you are grant-ready.
- how to search for the right grant.
- ensuring you meet the criteria.
- where to find support for your application.
- navigating the new Bathurst Grants Hub.

For more details refer to www.bathurstliveinvest.com.au

CONCLUSION:

Continued support to Bathurst businesses is a focus of Council and we thank all those who participated in the activities conducted throughout the first quarter of 2024.

FINANCIAL IMPLICATIONS:

There are no financial implications resulting from this report.

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

Objective 2: A smart and vibrant economy.

- Strategy 2.1 Support local business and industry.
Grow local employment, investment and attract new businesses skills
- Strategy 2.2 by nurturing and supporting entrepreneurs, partnerships and local skill development.
- Strategy 2.4 Promote our City and Villages as an attractive place to live.

Objective 5: Community health, safety and well being.

- Strategy 5.3 Help build resilient, inclusive communities.

Objective 6: Community leadership and collaboration.

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

COMMUNITY ENGAGEMENT:

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

ATTACHMENTS:

Nil

MINUTE

RESOLUTION NUMBER: ORD2024-91

MOVED: Cr I North SECONDED: Cr B Fry

RESOLVED:

That the information be noted

9.3 DIRECTOR CORPORATE SERVICES AND FINANCE'S REPORT

9.3.1 STATEMENT OF INVESTMENTS

File No: 16.00001

RECOMMENDATION:

That the information be noted.

REPORT:

\$71,625,000 was invested at 31st March 2024 in accordance with Council's investment policies, the Minister's Investment Order dated 12 January 2011, the Local Government Act 1993 and associated regulations. All investments have been reconciled with Council's general ledger and are listed below:

	<u>Rating</u>	<u>Balance \$</u>	<u>Average Return</u>
<u>Short Term 1 – 365 Days</u> (comprising Commercial Bills, Term Deposits, Debentures and Certificates of Deposits):			
National Australia Bank Limited	A-1+	10,500,000	5.02%
CBA	A-1+	9,000,000	5.16%
Suncorp	A-1	16,500,000	4.89%
AMP	A2	4,500,000	4.84%
Bank of Queensland Limited	A2	3,000,000	5.25%
Maritime, Mining & Power Credit Union Ltd	ADI	6,000,000	5.32%
National Australia Bank Limited	A-1+	49,500,000	5.04%
<u>Long Term > 365 Days</u> (comprising Commercial Bills, Term Deposits, Debentures and Bonds):			
<u>Floating Rate Term Deposits</u>			
Westpac Coupon Select 2	AA-	1,500,000	4.50%
Westpac Fixed Term deposit	AA-	1,500,000	1.25%
Maritime Mining & Power Credit Union Ltd	ADI	125,000	1.45%
		3,125,000	2.82%
<u>Floating Rate Notes</u>			
CBA Green	AA-	1,500,000	4.76%
National Australia Bank	AA-	700,000	5.27%
National Australia Bank 1	AA-	1,200,000	4.75%
National Australia Bank 2	AA-	1,000,000	5.24%
National Australia Bank 3	AA-	1,200,000	5.25%
HSBC Sydney	AA-	1,500,000	5.17%
HSBC Sydney 1	AA-	1,500,000	5.39%
Westpac	AA-	1,000,000	5.38%
Macquarie Bank 2	A+	1,500,000	4.83%
Macquarie Bank 3	A+	800,000	5.19%
UBS AG Australian	A+	650,000	5.21%
Suncorp Metway Ltd	A+	500,000	4.79%

Suncorp Metway Ltd	A+	1,550,000	4.82%
Suncorp Metway Ltd	A+	500,000	5.27%
Sumitomo Mitsui Banking Corp	A	1,000,000	5.49%
ING Bank	A-	500,000	5.30%
Auswide Bank	BBB+	1,000,000	5.85%
Bendigo & Adelaide Ltd 4	BBB+	900,000	4.86%
Bendigo & Adelaide Ltd 5	BBB+	500,000	5.50%
		19,000,000	5.14%

Total Investments	\$71,625,000	4.97%
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These funds were held as follows:

Reserves Total (includes unexpended loan funds)	21,894,125
Grants held for specific purposes	1,571,448
Section 7.11 Funds held for specific purposes	48,159,427
Unrestricted Investments	0

Total Investments	71,625,000
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Total Interest Revenue to 31 March 2024	\$3,010,790.65	4.97%
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A Jones
Responsible Accounting Officer

FINANCIAL IMPLICATIONS:

There are no financial implications resulting from this report.

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

Objective 6: Community leadership and collaboration.

Strategy 6.4	Meet legislative and compliance requirements.
Strategy 6.6	Manage our money and our assets to be sustainable now and into the future.

COMMUNITY ENGAGEMENT:

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

ATTACHMENTS:

1. 31 March 2024 Investments [9.3.1.1 - 2 pages]

MINUTE

RESOLUTION NUMBER: ORD2024-92

MOVED: Cr M Hogan SECONDED: Cr I North

RESOLVED:

That the information be noted.

9.3.2

MONTHLY REVIEW - 2022/2026 DELIVERY PLAN AND OPERATIONAL PLAN 2022/2023

File No: 16.00187

RECOMMENDATION:

That the information be noted.

REPORT:

Bathurst Regional Council has in place the Our Region Our Future Community Strategic Plan which aims to inform the community about the major directions and programs Council is undertaking in shaping the future of the Bathurst Region. These directions are summarised as objectives and strategies in the Community Strategic Plan which was adopted by Council on 15 June 2022. The Plan is available for viewing at the council offices at 158 Russell Street or can be downloaded from the Public Documents section of Council's website, www.bathurst.nsw.gov.au/council/plans-policies/community-strategic-plan. A listing of the Objectives and Strategies from the Community Strategic Plan can be found within the Plan commencing from page 18.

At **attachment 1** is an update of Council's progress towards achieving the Strategies and Objectives for the 2022-2026 Delivery Plan and the Annual Operational Plan 2023-2024. The Local Government (General) Regulation 2005 has been amended by inserting clause 413A to make it the duty of the General Manager to give timely information to Councillors about any fines or penalty notices from agencies such as the Australian Taxation Office, the Roads and Maritime Services or the Environment Protection Authority, or where a court or tribunal makes a costs order against a council. Fines or penalty notices this month - Refer to **attachment 1**.

FINANCIAL IMPLICATIONS:

N/A

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

Objective 6: Community leadership and collaboration.

Strategy 6.4 Meet legislative and compliance requirements.

COMMUNITY ENGAGEMENT:

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

ATTACHMENTS:

1. Mar 24 Operational Plan Review v 2 [9.3.2.1 - 80 pages]

MINUTE

RESOLUTION NUMBER: ORD2024-93

MOVED: Cr W Aubin SECONDED: Cr I North

RESOLVED:

That the information be noted.

9.3.3 SUNDRY SECTION 356 DONATIONS, BATHURST MEMORIAL ENTERTAINMENT CENTRE COMMUNITY USE SUBSIDY AND MOUNT PANORAMA FEE SUBSIDY

File No: 18.00004

RECOMMENDATION:

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

REPORT:

At **attachment 1** is a list of Sundry Section 356 Donations, Bathurst Memorial Entertainment Centre Community Use Subsidies and Mount Panorama Fee Subsidies granted by Council for the period ending 31 March 2024 including a report on annual Rental Subsidies granted by Council.

FINANCIAL IMPLICATIONS:

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

Section 356:	\$ 0.00 **
BMEC Community use:	\$ 0.00
Mount Panorama:	\$ 19,034.73

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

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

Objective 6: Community leadership and collaboration.

Strategy 6.4 Meet legislative and compliance requirements.

COMMUNITY ENGAGEMENT:

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

ATTACHMENTS:

1. 356 Council Report Mar 2024 [**9.3.3.1** - 3 pages]

MINUTE

RESOLUTION NUMBER: ORD2024-94

MOVED: Cr K Burke SECONDED: Cr I North

RESOLVED:

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

9.3.4 POWER OF ATTORNEY

File No: 11.00007

RECOMMENDATION:

That the information be noted.

REPORT:

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

Purchaser	Address	Lot & DP	Agreement Type
Rosalind Bourke	44 Freemantle Rd	Lot 2 & Lot 3 DP786760	Licence Agreement
Device Surgeons Pty Ltd	Carpark A, 83 William St	Lot 1 DP856918	Licence Agreement
Greyhound Welfare and Integrity Commission	Carpark C, 220 William St	Lot 2 DP856918	Licence Agreement
The Technical and Further Education Commission	Mount Panorama Pit Complex		Collaboration Agreement
Country Womens Association of NSW	Alan Morse Park Amenity Area and Toilet Block		Licence Agreement

Linen Plan Release

Applicant	Subdivision Type	Lot & DP	Address
Mr B M Tobin	Two lot subdivision	Lot 6 DP1046017	8 Samuel Way, The Lagoon
Mr T F Cain, Ms M C Stait, Mr M W Sharwood & Clairvaux Estates Pty Ltd	33 lot residential subdivision, public reserve & 1 residual lot	PLT 443 DP1297991	Marsden Lane, Kelso

General Items

Nil

FINANCIAL IMPLICATIONS:

N/A

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

Objective 6: Community leadership and collaboration.

Strategy 6.4 Meet legislative and compliance requirements.

COMMUNITY ENGAGEMENT:

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

ATTACHMENTS:

Nil

MINUTE

RESOLUTION NUMBER: ORD2024-95

MOVED: Cr K Burke SECONDED: Cr M Hogan

RESOLVED:

That the information be noted.

9.4 DIRECTOR ENGINEERING SERVICES' REPORT

9.4.1 WATER SUPPLY UPDATE

File No: 32.00017

RECOMMENDATION:

That the information be noted.

REPORT:

Council at its Ordinary Meeting held 16 March 2022 requested a monthly report regarding storage levels within Council's water supply dams.

As at Tuesday 2 April 2024, Chifley Dam was at 98.9%, with 29,755ML in storage. Refer to **attachment 1** for a graph of Chifley Dam storage levels. Chifley Dam has been close to capacity or overflowing for over 42 months.

Water release from Chifley Dam outlet pipework is currently 4.35ML/day.

Winburndale Dam was at 72.8% on Tuesday 2 April 2024. The level is 2.27m below the crest level and there is 1,238ML in storage.

In Bathurst, the estimated residential water usage varies from week to week and whilst it has risen over summer, it remains around the target for Level 5 water restrictions. Over the last 4 weeks, the average estimated residential water usage is 11.7ML/d. Refer to **attachment 2** for details of consumption.

FINANCIAL IMPLICATIONS:

Nil

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

Objective 3: Environmental stewardship.

- | | |
|--------------|---|
| Strategy 3.2 | Develop Bathurst as a Smart City. |
| Strategy 3.3 | Minimise the City's environmental footprint, live more sustainably and use resources more wisely. |

Objective 4: Sustainable and balanced growth.

- | | |
|--------------|---|
| Strategy 4.3 | Ensure services, facilities and infrastructure meet the changing needs of our region. |
|--------------|---|

COMMUNITY ENGAGEMENT:

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

ATTACHMENTS:

1. Chifley Dam Monthly Storage Graph [9.4.1.1 - 1 page]
2. Estimated Residential Water Usage Graph [9.4.1.2 - 1 page]

MINUTE

RESOLUTION NUMBER: ORD2024-96

MOVED: Cr I North SECONDED: Cr M Hogan

RESOLVED:

That the information be noted.

9.5 DIRECTOR CULTURAL AND COMMUNITY SERVICES' REPORT

9.5.1 DESTINATION BRAND IMPLEMENTATION AND DESTINATION MANAGEMENT PLAN QUARTERLY REPORT, MARCH 2024

File No: 20.00299

RECOMMENDATION:

That the information be noted.

REPORT:

Council, at its meeting held 13 December 2017, resolved to receive quarterly destination brand strategy implementation progress reports, outlining the performance monitoring data as described in the report. Implementation of the strategy is the responsibility of the Bathurst Visitor Information Centre acting as the Destination Management Organisation for the Bathurst region.

The 2023/24 financial year has seen the region performing well against the backdrop of consumer uncertainty generated by rising inflation, interest rate rises and macro-economic uncertainties. All regions have been forced to respond to these challenges to discretionary spending. The Bathurst region maintains an ongoing advantage in having a diverse experience base and in being a comfortable daytrip or overnight destination from Sydney with Western Sydney remaining the most important geographic visitor catchment area. BVIC's strategies have continued to raise awareness of the natural and cultural advantages to the region. The following information is provided as an update on the implementation of the Destination Brand Strategy and Destination Management Plan as at 1 April 2024.

Destination Brand Implementation	Action
Destination Website	<p>The Bathurst region destination website has continued to grow in usage in 2024. BVIC staff update content daily and have developed new elements in 2024 including an increasing range of interactive embedded maps and event micro-sites. Additional heritage information including the former dedicated Cobb & Co website is also now hosted on the destination site. Year on year figures (YTD) are:</p> <p>USERS = 130,593 (+11.1%) PAGEVIEWS = 313,809 (+15.1%) BOUNCE RATE = 32.8% (-34%)</p>

Destination Brand Implementation	Action
	<p>The website is to be upgraded in 2024/25 including improving online booking functionality and event promotion.</p>
Online Booking Platform	<p>The “Bookeasy” booking engine continues to assist operators and events to increase sales, and to provide a direct booking option for Bathurst region accommodation. Sales have been strong, though negatively impacted by algal blooms at Ben Chifley Dam affecting Chifley Cabin Bookings</p> <p>2023/2024 financial year to date sales of \$78,375 have been achieved, being a 0.5% decrease over the previous year.</p> <p>In addition, BVIC provides a free ticketing service to community and non-profit group events including the Spring Spectacular, Autumn Colours Heritage Festival and Rockley Gardens and Art Festival.</p>
Curated Online Content	<p>BVIC is responsible for ongoing content creation with an overarching content strategy completed. New content generated in the last quarter includes:</p> <ul style="list-style-type: none"> - New Bridle Track imagery and video - New regional cycling images and video - New town highlights promotional video - New event images – Bathurst Heritage Trades Trail
Marketing Plan	<p>A 3-Year Marketing Plan was completed by BVIC to set the priorities for the next three years and was adopted by Council in February 2021. The Plan reflected an approach that encompasses the challenges and the opportunities presented by, and subsequent to, the COVID 19 outbreak. 34 of the 39 priority areas have commenced and are either complete or ongoing as at 1 April. A new Marketing Plan is currently being developed by BVIC staff.</p> <p>A key opportunity identified in both the DMP and Marketing Plan was the growth in the business events, conferencing and incentives market. Council’s Tourism Marketing Coordinator and Manager Tourism & Visitor Services attended the Australasian Incentives & Meetings Event in Melbourne 20-21 February 2024, engaging in 32 meetings with buyers and Professional Conference Organisers (PCOs). Three quotations have subsequently been prepared for prospective conference bookings, with</p>

Destination Brand Implementation	Action
	a familiarisation visit funded by Destination NSW for PCOs scheduled for April 9-10.
Signage	<p>Priority area 4 of the Destination Management Plan calls for the ‘development of a strategic approach to tourism signage’. A brief was prepared by BVIC and quotations requested in August 2021 for a suitable agency to prepare a Tourism Wayfinding and Signage Strategy including an audit of all tourism signage and extensive consultation. Specialist company ‘<i>Wayfound</i>’ was selected to undertake this project. The draft strategy was reviewed by BVIC and the Final Strategy received in December 2022. A draft implementation plan was subsequently developed.</p> <p>Work was delayed by the need to prioritise road and bridge repair following the flooding of late 2022, but implementation commenced in June 2023 with removal of old and redundant blue fingerboard signs and application to Destination NSW and TfNSW to install new brown tourist signs on the Great Western Highway, for which approval is still pending.</p> <p>Priority areas for the coming period include:</p> <ul style="list-style-type: none"> - Removal of all identified obsolete fingerboard signs - New trail-head signage, Bridle Track - New Mount Panorama/Wahluu brown signs redirecting Highway traffic along Havannah Street. - New Town Centre brown signs on Havannah Street directed up Keppel Street - Consultative village meetings to determine local signage priorities and concept entry statements. <p>The re-skinning of four highway billboards (located on Mitchell Highway, Orange Road, Blayney Road and Marangaroo), in collaboration with Events and Economic Development will be reviewed in the new financial year.</p>
Touring Trails App	<p>There have been 26,876 uses of the Bathurst ‘Step Beyond’ app to date. The Rockley Progress Association has expressed interest in developing a walking tour of Rockley Village, however budget constraints have delayed implementation until 2024/25.</p> <p>Incorporation of this technology has also been proposed in the Mount Panorama Boardwalk interpretation plan.</p>
Brand Awareness	Consumer eDMs (electronic direct mail) continue to

Destination Brand Implementation	Action
Campaigns	<p>provide a monthly newsletter and event information to 4000+ subscribers.</p> <p>Bathurst was invited to profile the city and region at the 21st General Assembly and Scientific Symposium of the International Council on Monuments and Sites (ICOMOS) to be held at the International Convention Centre, Darling Harbour, from September 3rd to 9th. For the first time, a General Assembly of ICOMOS featured a 'Heritage Trades Fair', displaying traditional craftsmanship immediately outside the entrance to the International Convention Centre with five artisans from the Bathurst Heritage Trades Trail demonstrating to both convention attendees as well as the general public. Bathurst Regional Council was also invited to profile the region at a stall in the public Heritage Exposition Hall where the best of Australian cultural heritage was showcased to visiting professionals and to the Sydney public.</p> <p>In partnership with several local businesses, an "Off Track Tourist Trails" initiative raised awareness of the offerings of the region across the period of the recent 'Superfest' events centered on Mount Panorama/Wahluu.</p> <p>BVIC was successful in applying for funding through the Destination NSW "Flagship Events" fund to secure \$20,000 to promote the 2024 Bathurst Heritage Trades Trail. The autumn period has seen a focus on the region's cultural heritage, as well as aesthetic beauty with an autumn photographic competition proving highly popular, particularly with the local community.</p>
BVIC	<p>The 'BRAG Art Fair' feature display window was replaced in February by the Bathurst Rotary Gravel Cycling event.</p> <p>A new design and quotes for the rear counter and display have been received with current budget constraints necessitating a delay in construction.</p> <p>YTD retail sales through BVIC of \$75,329 have been achieved, currently –10.3% below equivalent 2022/2023 result.</p>
Public Relations	<p>PR activity has focused on generating earned media across all platforms, particularly targeting family focused publications, outdoors and active and heritage angles. A collaboration with Australian Geographic Magazine begun in April 2023 resulted in a major publication and online</p>

Destination Brand Implementation	Action
	<p>feature in February 2024 with an equivalent advertising value of \$147,631 and Public Relations Value of \$442,893. Bathurst has also featured in ACM, Holidays with Kids, Australian Traveller, RV Daily, The Wanderer and Harper's Bazaar. BVIC works with specialist agencies in delivering public relations activity to promote the Bathurst region.</p> <p>Bathurst's success in the 2024 Wotif Top Aussie Towns generated strong media coverage and positive sentiment.</p>
Destination Guide and supporting print publications	<p>The Bathurst Region Destination Guide is distributed locally to businesses as well as nationally through the network of accredited visitor information centres (AVICs). 20,000 copies of the 2023 edition were printed with the publication also available online as a flipbook or a PDF download. 19,600 copies have now been distributed with a new publication designed by BVIC staff working with a local designer and printer. Industry support for this new publication has been strong with an increase of 52% in total advertising revenue to \$27,262. The new edition will be released in April.</p> <p>A new publication showcasing the region's villages, also written and designed in house, and first printed in August 2020 has proved exceptionally popular and was reissued as a sixth (revised) edition in June 2023. The seventh (revised) edition is currently being prepared.</p> <p>A new Bathurst and region padmap has been designed by BVIC staff working with Spatial Services and was printed in late 2023 providing the most accurate city and regional map available. New maps of the Bridle Track and Hill End fossicking areas have been highly popular.</p> <p>A new range of heritage brochures has been designed to complement the existing range of 'Outdoors and Active' information brochures available at BVIC.</p>
Destination Management Plan	<p>The Destination Management Plan 2019-2024 was adopted by Council at its December 2019 meeting and is being implemented according to the priorities identified in the strategic action plan. To date, 71 of the 104 priority actions identified have been completed or are in progress as at 1 April 2024 representing 68% of all actions. Work will be undertaken throughout 2024 to shape a new strategic Destination Management Plan. This project will be detailed to Council at the May Ordinary Meeting.</p>

Destination Brand Implementation	Action

FINANCIAL IMPLICATIONS:

Funding for this item is contained within existing budgets.

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

Objective 1: Our sense of place and identity.

- Strategy 1.1 Respect, protect and promote the region's Indigenous heritage assets.
- Strategy 1.2 Protect, enhance and promote the region's Non-Indigenous heritage assets and character.
- Strategy 1.3 Enhance the cultural vitality of the region.

Objective 2: A smart and vibrant economy.

- Strategy 2.1 Support local business and industry.
- Strategy 2.2 Grow local employment, investment and attract new businesses skills by nurturing and supporting entrepreneurs, partnerships and local skill development.
- Strategy 2.3 Develop Bathurst as a Smart City.
- Strategy 2.5 Support Mount Panorama Wahlen as a premier motor sport and event precinct.
- Strategy 2.6 Promote our City and Villages as a tourist destination.

Objective 4: Sustainable and balanced growth.

- Strategy 4.3 Ensure services, facilities and infrastructure meet the changing needs of our region.

Objective 5: Community health, safety and well being.

- Strategy 5.2 Help make the Bathurst CBD, neighbourhoods and the region's villages attractive and full of life.
- Strategy 5.4 Make our public places safe and welcoming.

Objective 6: Community leadership and collaboration.

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

COMMUNITY ENGAGEMENT:

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

ATTACHMENTS:

Nil

MINUTE

RESOLUTION NUMBER: ORD2024-97

MOVED: Cr M Hogan SECONDED: Cr W Aubin

RESOLVED:

That the information be noted.

9.5.2 POSITIVE AGEING STRATEGY 2021 – 2026 STATUS REPORT

File No: 09.00057

RECOMMENDATION:

That the information be noted.

REPORT:

The Positive Ageing Strategy 2021 – 2026 was adopted on 18 August 2021 to enable Council to cater for an ageing population.

The Strategy encompasses four key areas;

- Living in an age friendly environment
- Participating in inclusive communities
- Staying safe, active and healthy
- Being resilient and informed

The following report provides an update on activities and initiatives delivered by Bathurst Regional Council from March 2023 – March 2024.

PRIORITY 1: LIVING IN AN AGE FRIENDLY ENVIRONMENT

Strategy 1.1 Ageing in Place

Action	March 2023 – March 2024 Progress
Continue to support community service organisations who assist older people including Meals on Wheels, The Neighborhood Centre, Bathurst Seymour Centre and Senior Citizens Centre.	Seniors Festival 2024 included promotion of events hosted by Bathurst Seymour Centre, The Neighborhood Centre Bathurst and the Senior Citizens Centre.

Strategy 1.2 Housing

Action	March 2023 – March 2024 Progress
Identify opportunities to integrate affordable, accessible and adaptable housing principals into Council's future planning.	New development control plan provisions for Laffing Waters adopted by Council.
Review and inform access and infrastructure requirements to facilitate	Consultation underway with community groups to complete audit of

connected communities (eg access to transport and shops)	<p>the 2011 Community Access and Cycling Plan to guide a future Active Transport Strategy.</p> <p>Discussions underway with Transport for NSW for Integrated Transport Planning for City of Bathurst.</p> <p>New development control plan provisions for Laffing Waters adopted by Council.</p>
Deliver information and resources about local options for retirement villages and residential aged care including the financial implications of downsizing.	Information provided and updated on Council's website.
Advocate for planning systems that encourage accessible housing.	Regional NSW developed a Regional Housing Delivery Plan for Bathurst/Oberon Region. Council has provided input into the development of the plan.
Continue to implement strategies in the Bathurst 2036 Housing Strategy with a focus on older people.	New development control plan provisions for Laffing Waters adopted by Council.

Strategy 1.3 Parking

Action	March 2023 – March 2024 Progress
Review and improve, where possible, accessible parking.	Streets as Shared Spaces two projects completed and has improved access and parking through the Bathurst Town Square, across George St and into Machattie Lane.

Strategy 1.4 Pedestrian friendly and shaded CBD

Action	March 2023 – March 2024 Progress
Investigate opportunities to create a pedestrian friendly CBD.	<p>Streets as Shared Spaces two projects completed and has improved access through the Bathurst Town Square, across George St and into Machattie Lane.</p> <p>Project under 12 month trial period inclusive of the new raised crossing in George St.</p>
Investigate opportunities to provide more shade and seating within the Bathurst CBD.	Investigation of Council's tree policies underway as result of Councillor Notice of Motion.

Strategy 1.5 Footpaths and cycleways

Action	March 2023 – March 2024 Progress
Continue to implement strategies in the Bathurst Regional Community Access and Cycling Plan 2011.	<p>New footpath: Marsden Ln from No 21 to Willow Dr. William St, Charlotte St, to Stanley St. Bonnor St Bannerman to Bannerman.</p> <p>New footpath constructed in Osborne Avenue between Suttor and Edgell Sts - approx. 265m long. New cycleway constructed in Dean street between Suttor and Mitchell Hwy. approx 200m long. New footpath construction in Morrisett Street between Peel and Commonwealth sts.</p> <p>Consultation continuing on the future development of an Active Transport Strategy.</p>
Review the 2011 Access and Cycling Plan to develop a new Bathurst Region Active Transport Strategy that reviews the current standards with a focus on improving accessibility of existing footpaths and cycleways.	<p>Consultation underway with community groups to complete audit of the 2011 Community Access and Cycling Plan to guide a future Active Transport Strategy.</p> <p>Discussions underway with Transport for NSW for Integrated Transport Planning for City of Bathurst.</p>
Plan all new subdivisions with contemporary public and private transport and active community transport connections to open spaces and community services and facilities.	Review of BRDCP 2014 and Engineering Guidelines published and community consultation undertaken. Includes standards in relation to open space and connectivity.
Advocate for accessible footpaths and cycleways in new developer owned subdivisions.	Consultation underway with community groups to complete audit of the 2011 Community Access and Cycling Plan to guide a future Active Transport Strategy.

Strategy 1.7 Road Safety

Action	March 2023 – March 2024 Progress
Promote the safe use of roads with an emphasis on older pedestrians, older drivers and users of mobility aids.	Road Safety for Seniors information session held at Library with Police, transport NSW and Service NSW in attendance.

	Seniors Festival 24 - Road Safety information table at library with Transport NSW.
Provide information and awareness around the safe use of mobility aids.	Road Safety for Seniors information session held at Library with Police, transport NSW and Service NSW in attendance. Included information about mobility scooters.

Strategy 1.8 Accessibility

Action	March 2023 – March 2024 Progress
Annually report improvements to and promote accessibility of Council owned assets.	<p>New footpath from Howick Street to AFMM.</p> <p>Marveloo accessible toilet in AFMM carpark over the Winter Festival.</p> <p>Re-marking of the disabled car parking and new signage at AFMM and NMRM.</p> <p>Peace Park Changing Places amenities construction commenced.</p> <p>BRAG increasing website accessibility and online presence as first point of contact for visitors. Conflated exhibition opening with remote Auslan interpretation.</p> <p>Tiles replaced at entrance to Civic Centre to prevent slips.</p>
Review availability and accessibility of public seating and make recommendations for improvements including arm rests and height considerations.	Review of seating at Council's Civic Center undertaken. Inclusive seating options being investigated.

PRIORITY 2: PARTICIPATING IN INCLUSIVE COMMUNITIES

Strategy 2.1 Inclusive neighborhoods

Actions	March 2023 – March 2024 Progress
Raise awareness of and continue to support the provision of intergenerational experiences.	Selfie Day held by 17 January 2024 with free admission to all museums including a large percentage of intergenerational family groups.

	Four Out of School Holiday Care groups visited AFMM and BRM during January 2024 school holidays.
Identify and support ways in which Bathurst LGA can work towards becoming a dementia-friendly region.	Dementia Awareness Week 2023 included Dementia Australia presentation, morning tea and stakeholder meeting. Bathurst Dementia Alliance formed with Council involvement.
Identify and action opportunities to promote the Bathurst LGA as an age-friendly option for retirees and travel.	Marketing in Autumn Colours Festival publication, Bathurst Tourism publication, online event listings incl. Destination NSW Railway Adventures tour group visited AFMM, Chifley Home, NMRM and BRM. Palmers Senior tour group visited Chifley Home on 23 December.

Strategy 2.2 Inclusive events

Action	March 2023 – March 2024 Progress
Continue to support Senior's Festival to ensure events are accessible and age appropriate.	97 events supported in the 2024 NSW Seniors Festival program of events.
Ensure Council events are age-friendly and accessible.	Winter festival 2023 had day time events which made it easier for this age group to attend, rides like the ferris wheel or carousel that are all ages, and the inclusion of multiple events around town to support the festival as a whole; as part of the winter festival's Whats on, events were included events for all ages. Some events aimed at the older demographic included; bell tower tours, Sunday sketch sessions, Sunday afternoon High tea, Art exhibitions, Mountain Tales at Tremains Mill. Events such as Bathurst International - Free concert and NYE Party in the Park are for all ages. relaxed casual settings, during the day and evening, shaded spaces to sit, different food options available

	<p>Summer Beats, Australia Day, the Wanderers game and SuperFest were planned and promoted for all age groups to attend. All events included accessible elements and features including accessible parking, additional ramps, and information on accessibility on the events page on the BRC website.</p> <p>The Wanderers game had accessible seating in the grandstand and an accessible viewing area in the general admission section.</p> <p>An accessible fenced off viewing area with shade was installed at the free Wiggles concert.</p>
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Strategy 2.3 Planning

Action	March 2023 – March 2024 Progress
Provide annual evidence that the ageing population is considered in Council planning and projects.	<p>Consultation underway with community groups to complete audit of the 2011 Community Access and Cycling Plan to guide a future Active Transport Strategy</p> <p>Seniors Festival Organising Committee used to determine appropriate events for 2024 Seniors Festival.</p>

PRIORITY 3: STAYING SAFE, ACTIVE AND HEALTHY

Strategy 3.1 Health outside the hospital

Action	March 2023 – March 2024 Progress
Review accessibility of parks, gardens and recreational spaces. Use information to plan, source funding and implement accessibility improvements.	Council is soon to commence with the construction of Stage 2 of the Centennial Park Landscape Upgrade. Works will include additional seating, picnic shelters and tables, access paths and all abilities playground equipment. Construction commenced in December 2023.
Identify opportunities and provide information regarding accessible,	Active Ageing Week initiative developed. Included free exercise

inclusive health and wellbeing activities, groups and supports with a focus on older people.	<p>classes, directory and active ageing in Bathurst booklet. Booklet included information about staying active and healthy as we age as well as exercises and an exercise tracker. Free exercise videos from local businesses also provided on Council's website.</p> <p>Library community directory developed which includes information on free and low cost exercise options.</p>
Research, develop and deliver a campaign promoting the health and wellbeing benefits of keeping active, with a focus on older people.	Active Ageing Week initiative developed. Included free exercise classes, directory and active ageing in Bathurst booklet. Booklet included information about staying active and healthy as we age as well as exercises and an exercise tracker. Free exercise videos from local businesses also provided on Council's website.
Contribute to collaborative local community health initiatives in conjunction with Western NSW Local Health District as they are developed.	<p>Dialogue continuing with health agencies including in relation to upgrades to Bathurst Base Hospital, the proposed Bathurst Integrated Medical Centre and with University training schemes.</p> <p>Consultation continuing with community groups on audit of the 2011 Community Access and Cycling Plan.</p> <p>Discussions commenced with Transport for NSW on integrated transport planning process for City of Bathurst.</p>

Strategy 3.2 Improved access to medical services

Action	March 2023 – March 2024 Progress
Advocate for the improved access to affordable medical care, with a focus on older people.	<p>LEP gazetted to facilitate the development of the Bathurst Integrated Medical Centre in the CBD.</p> <p>Ongoing reporting on progress of Bathurst Integrated Medical Centre and ongoing consultation with developers.</p>
Advocate for additional floor space and infrastructure for medical services.	LEP gazetted to facilitate the development of the Bathurst Integrated

	<p>Medical Centre in the CBD.</p> <p>BIMC medical centre PP gazetted which enables increased floor space in CBD for medical facilities.</p>
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Strategy 3.3 Aboriginal and Torres Strait Islander Health

Action	March 2023 – March 2024 Progress
Advocate for programs that respond to the health needs of Aboriginal and Torres Strait Islander residents.	<p>Bathurst Local Aboriginal Land Council involved in promoting Active Ageing Week and hosted a walk around the river as part of the program of events.</p> <p>Close the Gap provided free health checks at Kelso Community Hub.</p>

Strategy 3.4 Community Safety

Action	March 2023 – March 2024 Progress
Continue to work with Chifley Police District and the Bathurst Regional Community Safety Committee to implement projects that improve community safety, with a focus on older people.	<p>Elder Abuse awareness flyer distributed to all households as part of Elder Abuse Awareness Week.</p> <p>Scams Awareness presentation at Library.</p> <p>Road Safety for Seniors session at Library.</p> <p>Emergency Services Information Session as part of Seniors Festival.</p>

Strategy 3.5 Continuing education

Action	March 2023 – March 2024 Progress
Advocate for and support education opportunities for older people.	U3A supported through Seniors Festival program.

Strategy 3.6 Volunteering

Action	March 2023 – March 2024 Progress
Provide information about volunteering opportunities	Friends of AFMM held a talk on 6 December at AFMM.
Provide volunteer opportunities through Council run facilities and initiatives as the need arises.	BRAG Volunteer Guides: Development and delivering key projects for Volunteer Guides to undertake: Talks & Tea + Guides collection research digitization project. BRAGS:

	<p>fundraising at exhibition openings, catering for special events, management of memberships</p> <p>BRAG Volunteer Guides: Development and delivering key projects for Volunteers</p> <p>Friends of AFMM held a talk on 6 December at AFMM.</p>
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Strategy 3.8 Transition to retirement

Action	March 2023 – March 2024 Progress
Provide flexibility, where possible, for Council employees transitioning to retirement.	A number of Council staff have been offered term contracts to assist them in transitioning to retirement.

PRIORITY 4: BEING RESILIENT AND INFORMED

Strategy 4.1 Information and resources

Action	March 2023 – March 2024 Progress
Investigate opportunities to ensure Council communication is available in a range of accessible formats.	<p>Community Services videos include captions.</p> <p>Community Safety Plan survey available in easy read.</p> <p>New Council corporate webpage launched with accessibility widget installed.</p>
Advocate for the investigation and development of a central point of communication.	Community Directory launched by Library
Promote programs and workshops that assist older people with technology and navigation of popular online services eg bus timetables, MyGov.	<p>BRC FB post promoting home library service for those unable to physically access the library</p> <p>Computer Coffee Club held monthly</p> <p>Intergenerational Youngster sessions started weekly</p>
Identify opportunities to reach older people who have relocated to Bathurst and ensure they are connected to resources.	Welcome Lunch held for new residents. Information pack includes resources on Councils services as well as community groups

FINANCIAL IMPLICATIONS:

Funding for this item is contained within existing budgets.

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

Objective 2: A smart and vibrant economy.

Strategy 2.4 Promote our City and Villages as an attractive place to live.

Objective 4: Sustainable and balanced growth.

- Strategy 4.1 Facilitate development in the region that considers the current and future needs of our community.
- Strategy 4.2 Provide safe and efficient road, cycleway and pathway networks to improve accessibility.
- Strategy 4.3 Ensure services, facilities and infrastructure meet the changing needs of our region.
- Strategy 4.4 Provide parking to meet the needs of the City.
- Strategy 4.5 Work with partners to improve public transport, and passenger and freight transport connections to and from the region.

Objective 5: Community health, safety and well being.

- Strategy 5.1 Provide opportunities for our community to be healthy and active.
- Strategy 5.2 Help make the Bathurst CBD, neighbourhoods and the region's villages attractive and full of life.
- Strategy 5.3 Help build resilient, inclusive communities.
- Strategy 5.4 Make our public places safe and welcoming.
- Strategy 5.5 Plan and respond to demographic changes in the community.

Objective 6: Community leadership and collaboration.

- Strategy 6.3 Advocate for our community.
- Strategy 6.7 Invest in our people.

COMMUNITY ENGAGEMENT:

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

ATTACHMENTS:

Nil

MINUTE

RESOLUTION NUMBER: ORD2024-98

MOVED: Cr M Hogan SECONDED: Cr W Aubin

RESOLVED:

That the information be noted.

9.5.3

KELSO COMMUNITY HUB - QUARTERLY UPDATE, JULY 2023-MARCH 2024

File No: 09.00026

RECOMMENDATION:

That the information be noted.

REPORT:

The following information provides an update on services and programs operating from Kelso Community Hub from July 2023 to March 2024.

Kelso Community Hub continues to be available for hire seven days per week.

The following external services are currently utilising the Hub to deliver programs on a regular basis:

Organisation Name	Booking regularity	Average Numbers
NSW Health Child & Family Health Clinic	Weekly	No numbers given for this period.
NSW Health Child and Adolescent Mental Health Service (CAMHS)	Weekly	No numbers given for this period.
NSW Health Sexual Health Clinic	Fortnightly	Average of 3-5 clients per visit
Wattle Tree house	Weekly	Average 8 clients per week.
Creative Community Concepts – outdoor sporting activities	Active Fest – July 2023 Holiday Break Funding Spring 2023 – September/October Kelso Summer Fun Colour Run - January	No number given 107 participants Total of 204 participants across the 3 sessions

Bathurst Regional Council	SRV Consultation	19 September 2023
	AIATIS Program	21 September 2023
	CCS Management Team Meeting	17 October 2023
	Consultation – Water and Waste	8 December 2023
	Connecting Seniors Tech Session	21 March 2023
	Closing the Gap Health Checks	19 March 2024

A number of casual, temporary programs have been provided at the Hub, including:

Organisation Name	Average Numbers
NSW Police Chifley Area – Community Meeting	Meetings held on 23 August 2023, 6 September 2023, 20 September 2023, 20 November 2023 Attendance figures not available.
Marang Connections	Family Fun afternoon 10 August 2023.
Bathurst Local Aboriginal Land Council	Graffiti Workshop – 27 September 2023 Events including Corroboree – 10 – 13 October Christmas Party – 20 December 2023
The Neighbourhood Centre	29 September 2023
Absec – NSW Child, Family and Community Peak Aboriginal Corporation	31 October 2023 and 11 March 2024 For a Community Yarn
Birrang Enterprise Development	Driver Licence Training – 15, 22, 29 November 2023, 6 and 13 December 2023
Service NSW	20 November 2023 Included many stalls for the local Aboriginal Community
Joss Group	Consultation Meeting – 4 December
Bathurst Aboriginal Health Service	Consultation with current hirers and the community 11 and 13 December 2023

Department of Communities and Justice	Christmas Party – 20 December 2023
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FINANCIAL IMPLICATIONS:

There are no financial implications resulting from this report.

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

Objective 1: Our sense of place and identity.

Strategy 1.3 Enhance the cultural vitality of the region.

Objective 5: Community health, safety and well being.

Strategy 5.1 Provide opportunities for our community to be healthy and active.

Strategy 5.3 Help build resilient, inclusive communities.

Strategy 5.5 Plan and respond to demographic changes in the community.

Objective 6: Community leadership and collaboration.

Strategy 6.7 Invest in our people.

COMMUNITY ENGAGEMENT:

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

ATTACHMENTS:

Nil

MINUTE

RESOLUTION NUMBER: ORD2024-99

MOVED: Cr K Burke SECONDED: Cr M Hogan

RESOLVED:

That the information be noted.

10 REPORTS OF OTHER COMMITTEES

10.1 TRAFFIC COMMITTEE REPORT - 2 APRIL 2024

File No: 07.00006

MINUTE

RESOLUTION NUMBER: ORD2024-100

MOVED: Cr W Aubin SECONDED: Cr M Hogan

RESOLVED:

That the recommendations of the Traffic Committee Meeting Minutes of Bathurst Regional Council held on 2 April 2024 be adopted.

10.2 POLICY COMMITTEE REPORT - 3 APRIL 2024

File No: 07.00064

MINUTE

RESOLUTION NUMBER: ORD2024-101

MOVED: Cr K Burke SECONDED: Cr I North

RESOLVED:

That the recommendations of the Policy Committee Meeting Minutes of Bathurst Regional Council held on 3 April 2024 be adopted.

11 COUNCILLORS / DELEGATES REPORTS

11.1 MINUTES - BATHURST REGIONAL YOUTH COUNCIL - 4 MARCH 2024

File No: 11.00020

RECOMMENDATION:

That the information be noted.

REPORT:

The Bathurst Regional Youth Council considered a number of items at their meeting held on Monday 4 March 2024, including the following:

- Social media discussion.
- Youth Council project planning discussion.
- Youth Week 2024

The minutes of the Bathurst Regional Council Meeting, held Monday 4 March 2024, are attached.

FINANCIAL IMPLICATIONS:

There are no financial implications resulting from this report.

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

Objective 4: Sustainable and balanced growth.

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

Objective 5: Community health, safety and well being.

Strategy 5.1 Provide opportunities for our community to be healthy and active.

Strategy 5.4 Make our public places safe and welcoming.

Objective 6: Community leadership and collaboration.

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

COMMUNITY ENGAGEMENT:

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

ATTACHMENTS:

1. Minutes 4 March 2024 [**11.1.1** - 3 pages]

MINUTE

RESOLUTION NUMBER: ORD2024-102

MOVED: Cr K Burke SECONDED: Cr M Hogan

RESOLVED:

That the information be noted.

File No: 11.00019

RECOMMENDATION:

That the information be noted.

REPORT:

Present: Cr K Burke, Cr M Hogan, Cr J Jennings, Cr R Taylor, Cr B Fry, Cr I North, Cr A Smith, David Sherley (General Manager), Aaron Jones (DCSF), Darren Sturgiss (DES), Neil Southern (DEPBS) and Alan Cattermole (DCCS).

Apologies: Cr W Aubin

1. **Allera – 50 Busby Street: Stuart Allen (Allera), Lewis McAulay (Allera), Andrew Evatts (Kirana Property), Jordan (Architect), David Mann (Director), Janet Bingham (Manager Strategic Planning), David Flude (Manager Ecominic Development), Tamsin Macintosh (Senior Heritage Planner).**
 - Recent jobs include the Lithgow retirement village.
 - 50 Busby Street will be a unique site, fully developed into modern density townhouses and apartments.
 - Looking to rezone the land to include community spaces and an abundance of green space.
 - Sustainability is a priority with an importance on historical factors.
 - Allera have been working collaboratively with Council's planning department and are hoping to lodge a planning proposal on Friday 15 March 2024.
 - Noted that they want the community to be proud of the site and they are looking to appeal to a range of demographics.
 - Noted they want to set a good standard for medium density.
 - The project will provide some construction jobs and ongoing job opportunities (cafes etc).
 - Focusing on setbacks and respecting neighbours.
 - Soho apartments
 - They want the community to be able to walk through the area.
 - Noted they will include water harvesting.
 - EV Charging will be available.
 - Strategic emphasis is on the housing crisis.
 - Proposed rezone R1 to R3.
 - 16/12m height limit across the site for minimum impact on neighbours. The current height limit is 9m.
 - Varying lot sizes and adding retail use.
 - A noise impact assessment has been completed.
 - Traffic assessment says ok.
 - Parking will be provided on site. On-street parking for users of the Cafe.
 - Planning proposal Friday, then community consultation.
 - 63 apartments, 34 townhouses.
 - Council will access the proposal and will present a report.

- Council is to decide the go to gateway with government consideration.
- NSW government is aware of the project and are supportive of the intent. Other agencies may be less helpful.

2. 34 Busby Street: Kirsty Hodgkinson (Director of Hampton Property Services)

- Vegetation plan is present
- 3 lot subdivision already approved. Boundaries won't be altered.
- Construction commencing in the 2nd half of 2024. Construction certificate underway.
- Logan Brae: Retaining integrity is an integral part of the project. The vision for the project is functions, restaurants, cafe, accommodation etc. Limited changes to be made to the historical features.
- Separate cabin style accommodation (22)
- Chapal to be restored.
- Discussion with 50 Busby Street about possible permeability between sites.
- There is work to be done around fire compliance.
- Challenges around accessibility. They may need to put in a lift.
- Council wants focus to be on affordable accommodation for essential workers.
- Currently plans are for 142 apartment buildings.
- Some management of access to green space.
- Needs R1 to R3 zoning.
- Parking will go around the property and underneath.
- Plan for lodgment of the proposal by mid April.
- Council would like to see exhibition in parallel with 50 Busby Street proposal.
- Government is aware of the project.

FINANCIAL IMPLICATIONS:

N/A

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

Objective 6: Community leadership and collaboration.

Strategy 6.4 Meet legislative and compliance requirements.

COMMUNITY ENGAGEMENT:

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

ATTACHMENTS:

Nil

MINUTE

RESOLUTION NUMBER: ORD2024-103

MOVED: Cr I North SECONDED: Cr M Hogan

RESOLVED:

That the information be noted.

11.3 MINUTES- BATHURST REGIONAL COMMUNITY SAFETY COMMITTEE - 21 MARCH 2024

File No: 07.00107

RECOMMENDATION:

That the information be noted.

REPORT:

The Bathurst Regional Community Safety Committee considered a number of items at their meeting held on 21 March 2024, including the following:

- Don't be Next/Lock It or Lose It Campaign
- New Logo

The Minutes of the Bathurst Regional Community Safety Committee held on the 21 March 2024 are attached.

FINANCIAL IMPLICATIONS:

There are no financial implications resulting from this report.

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

Objective 4: Sustainable and balanced growth.

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

Objective 5: Community health, safety and well being.

Strategy 5.1 Provide opportunities for our community to be healthy and active.

Strategy 5.4 Make our public places safe and welcoming.

Objective 6: Community leadership and collaboration.

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

Strategy 6.3 Advocate for our community.

COMMUNITY ENGAGEMENT:

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

ATTACHMENTS:

1. Minutes 21 March 2024 [11.3.1 - 4 pages]

MINUTE**RESOLUTION NUMBER: ORD2024-104****MOVED: Cr M Hogan SECONDED: Cr K Burke****RESOLVED:****RECOMMENDATION:**

That the information be noted.

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

12.0 RESOLVE INTO CONFIDENTIAL COMMITTEE OF THE WHOLE

12.0.1 Resolve into Confidential Committee of the Whole

MINUTE

RESOLUTION NUMBER: ORD2024-105

MOVED: Cr I North SECONDED: Cr K Burke

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

There were no representation from the public.

RESOLVED:

That:

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

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

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

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

12.1 DIRECTOR CORPORATE SERVICES AND FINANCE'S REPORT

12.1.1 FINANCIAL STATEMENTS - 2023 CHALLENGE BATHURST

Reason: 10A (2) (d) (ii) Contains commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the council. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the Council.

This item discussed the financial statements of the 2023 Challenge Bathurst event.

MINUTE

RESOLUTION NUMBER: CONF2024-16

MOVED: Cr I North SECONDED: Cr M Hogan

RESOLVED:

That the information be noted.

12.1.2 EXPRESSION OF INTEREST – REFRESHMENT ROOM CAFÉ – BATHURST RAIL MUSEUM

Reason: 10A (2) (c) Contains commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business, and Commercial information of a confidential nature that would, if disclosed, (i) prejudice the commercial position of the person who supplied it, (ii) confer a commercial advantage on a competitor of the Council.

This item relates to the proposal to enter into a lease for the refreshment room Cafe at the Bathurst Railway Museum.

RESOLVED:

That Council:

- a) approves the entering into of a Lease with Ms N Ly for the Bathurst Rail Museum Refreshment Room Café, 126 Havannah Street Bathurst, for a three-year period.
- b) delegates authority to the General Manager to finalise the Lease, as detailed in the report.

12.2 DIRECTOR ENGINEERING SERVICES' REPORT

12.2.1 CNSWJO - TENDER FOR SUPPLY, DELIVERY AND/OR INSTALLATION OF GUARDRAIL AND WIRE ROPE SAFETY FENCING

Reason: 10A (2) (d) (i) Contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

This item relates to the proposed tender for the supply, delivery and/or installation of guardrail and wire rope safety fencing.

MINUTE

RESOLUTION NUMBER: CONF2024-18

MOVED: Cr I North SECONDED: Cr K Burke

RESOLVED:

That Council accepts and signs contracts with:

- RBK Pty Ltd t/as Top Notch Fencing, and
- Western Safety Barriers Group Pty Ltd

for the supply, delivery and/or installation of guardrail and wire rope safety fencing, for the period of two years from 1 May 2024 to 30 April 2026, in accordance with their tender offer. A contract extension of 12 months will also be accepted subject to satisfactory performance.

13 RESOLVE INTO OPEN COUNCIL

MINUTE

RESOLUTION NUMBER: CONF2024-19

MOVED: Cr K Burke SECONDED: Cr I North

RESOLVED: That Council resume open Council.

14 ADOPT REPORT OF THE COMMITTEE OF THE WHOLE

MINUTE

RESOLUTION NUMBER: ORD2024-106

MOVED: Cr M Hogan SECONDED: Cr B Fry

RESOLVED:

That the Report of the Committee of the Whole, resolution numbers Conf2024-16 to Conf2024-19 be adopted.

15 MEETING CLOSE

MINUTE

The Meeting closed at 7:25pm.

CHAIR:
