



ORDINARY MEETING OF
BATHURST REGIONAL COUNCIL

14 November 2012

Her Worship the Mayor & Councillors

I have to advise that an **Ordinary Meeting** of Bathurst Regional Council will be held in the Council Chambers on Wednesday, 21 November 2012 commencing at 6.00 pm.

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

A handwritten signature in blue ink, appearing to read "D J Sherley".

D J Sherley
GENERAL MANAGER

BUSINESS AGENDA

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

TO BE HELD ON WEDNESDAY, 21 NOVEMBER 2012

1. 6:00 PM - MEETING COMMENCES
2. PUBLIC QUESTION TIME
3. PRAYER
Almighty God, Give wisdom to those in authority and guide all peoples in the way of righteousness and peace, so that we may share with justice the resources of the earth, work together in trust and seek the common good. Amen.
4. APOLOGIES
5. MINUTES
 - * Minutes - Ordinary Meeting of Bathurst Regional Council - 17 October 2012
 - * Minutes - Extraordinary Meeting of Bathurst Regional Council - 7 November 2012
 - * Minutes - Ordinary Meeting of Council Following Policy - 7 November 2012
6. DECLARATION OF INTEREST

To assist the Councillors and committee members in their correct consideration of business before them at the meeting, please give consideration to Section 451 of the Local Government Act, in relation to Declaration of Interest at meetings.
7. MAYORAL MINUTE - NIL
8. RECEIVE AND DEAL WITH DIRECTORS' REPORTS
 - * Director Environmental Planning & Building Services' Report
 - * Director Corporate Services & Finance's Report
 - * Director Engineering Services' Report
 - * Director Cultural & Community Services' Report
 - * General Manager's Report
9. REPORTS OF OTHER COMMITTEES
 - * Minutes - Policy Committee Meeting - 7 November 2012
 - * Minutes - Traffic Committee Meeting - 6 November 2012
10. NOTICES OF MOTION - NIL
11. RESCISSION MOTIONS - NIL

12. DELEGATES REPORTS

* 2015 Bicentenary Celebrations Committee Meeting - 23 October 2012

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

Recommendation: That:

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

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

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

*** Director Corporate Services & Finance's Report**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	BATHURST 75 FOOTBALL CLUB FINANCIAL POSITION	10A (2) (c) – contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. Discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it would prejudice council's position in negotiating commercial and or financial arrangements.
2	ADVERTISING AT MOUNT PANORAMA RACING	10A (2) (d) (i) – contains commercial information of a

	CIRCUIT	confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
3	TRACKCORP ADRENALIN PTY LTD	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it. 10A (2) (g) – contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.
4	BATHURST EISTEDDFOD SOCIETY	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
5	LEASE OF HANGAR SITE, BATHURST AERODROME TO BURKE	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the

		public interest as it would prejudice the commercial position of the person who supplied it.
6	RENEWAL OF RURAL LEASE AGREEMENT - 200 COLLEGE ROAD, BATHURST	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
7	2013 LIQUI-MOLY BATHURST 12 HOUR - STAFF TICKETS	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
8	PROPOSED NEW RESIDENTIAL SUBDIVISION TO BE KNOWN AS AVONLEA STAGE 9	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.
9	TRACKCORP ADRENALIN PTY LTD	10A (2) (g) – contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege. 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.
10	TRACKCORP ADRENALIN PTY LTD	10A (2) (g) – contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege. 10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

*** Director Engineering Services' Report**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	ANNUAL TENDER FOR SAND	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
2	ANNUAL TENDER FOR READY-MIX CONCRETE	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the

		<p>person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.</p>
3	ANNUAL TENDER FOR ROADBASE MATERIAL	<p>10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.</p>
4	ANNUAL TENDER FOR NATURAL GRAVEL QUARRY ACCESS AND EXTRACTION	<p>10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.</p>
5	TENDER FOR DESIGN AND CONSTRUCTION OF VELODROME AT BATHURST BIKE PARK	<p>10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.</p>
6	TENDER FOR DESIGN AND CONSTRUCTION OF PASSENGER ELEVATOR AT POST OFFICE BUILDING, HOWICK STREET, BATHURST	<p>10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.</p>

		Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
7	ANNUAL TENDER - STORMWATER DRAINAGE PIPES	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
8	COMPULSORY ACQUISITION, LOTS 1, 2 AND 5 DP876259, TURONDALE ROAD, DURAMANA	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.
9	PROPOSED ROAD WIDENING, PART LOT 131 DP1151082, BATHAMPTON ROAD, WIMBLEDON	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.
10	ANNUAL TENDER - HIRE OF PLANT	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.
11	COMPULSORY ACQUISITION, LOT 1 DP1180625, PANORAMA AVENUE, BATHURST	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
12	ANNUAL TENDER - HIRE OF TRUCKS / WATER CARTS	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.
13	TENDER FOR CONSTRUCTION OF DRAINAGE WORKS AT JOUBERT DRIVE, LLANARTH	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
14	TENDER FOR BATHURST AERODROME MASTER PLAN	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on

		balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
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- 14. RESOLVE INTO OPEN COUNCIL

- 15. ADOPT REPORT OF THE COMMITTEE OF THE WHOLE

- 16. MEETING CLOSE

MINUTE

1 MEETING COMMENCES

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

MINUTE

2 PUBLIC QUESTION TIME

Mrs Buscombe – Wattle Flat Resident - noted Council issued a certificate of appreciation to Mr Theobald, surely Council could have done more. Spoke also to Crago Mill development and what is Council doing to help these people to save these facilities. Noted efforts can be done to help heritage promotion of the city. Recently went to Cox's Road promotions.

General Manager spoke to Citizen of the Year and Ron Camplin Awards that are in place.

Bob Walsh – Intermodal Rezoning proposal - Gateway (DEPBS#7) - spoke to report and requests 'industry uses' be reinstated to the DA determination. Seeks recommendation (b) concerning DCP be deferred until further discussions have been held with Council officers - notably the 40m buffer, bulk retailers, new highway frontage. Currently in negotiations with RMS to purchase 2 hectares of their site. Otherwise happy with the recommendations in the report.

The Director Environmental Planning & Building Services spoke to Schedule 4 proposals and that DCP is yet to go on exhibition.

G Crisp – Ratepayer -

- thanked Council for responding to issue concerning dogs raised at last meeting.
- Requested what is happening to kilometer signs.
- Asked have Councillors undergone training in pecuniary interest, are Councillors bound by a particular decision of Council; are Councillors presumed to have read the business paper. Spoke also to signing off on statements and Councillor responsibility.

●

R Collins – Ratepayer - re Telco access to towers in Walmer Park - raised this with Council in June 2012. Fence was broken and was fixed 5 months after notification that it was broken. Further graffiti has not been cleaned off. Lights in park have not been fixed and many of these are out. Need an equitable leasing contract to be put in place. When will Council fix the lights.

The Director Engineering Services spoke to use of lights and usage levels and will review.

The Director Environmental Planning & Building Services will contact Optus again about graffiti.

G Todd – Crago Mill DA (DEPBS#3) - thanked Councillors and staff for their help to date on this matter.

MINUTE

3 APOLOGIES

Nil.

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
MINUTES

MINUTES TO THE ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
MEETING HELD ON 21 NOVEMBER 2012

General Manager
Bathurst Regional Council

1 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 17
OCTOBER 2012 (11.00005)

Recommendation: That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 17 October 2012 be adopted.

Report: The Minutes of the Ordinary Meeting of Bathurst Regional Council held 17 October 2012, are attached.

Financial Implications: N/A

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

4 Item 1 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
- 17 OCTOBER 2012 (11.00005)

MOVED: I North SECONDED: W Aubin

RESOLVED: That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 17 October 2012 be adopted.

2 MINUTES - EXTRAORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 7 NOVEMBER 2012 (11.00005)

Recommendation: That the Minutes of the Extraordinary Meeting of Bathurst Regional Council held on 7 November, 2012 be adopted.

Report: The Minutes of the Extraordinary Meeting held on 7 November, 2012 are attached.

Financial Implications: N/A

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

5 Item 2 MINUTES - EXTRAORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 7 NOVEMBER 2012 (11.00005)

MOVED: G Rush SECONDED: M Coote

RESOLVED: That the Minutes of the Extraordinary Meeting of Bathurst Regional Council held on 7 November, 2012 be adopted.

**3 MINUTES - ORDINARY MEETING OF COUNCIL FOLLOWING POLICY - 7
NOVEMBER 2012 (11.00005)**

Recommendation: That the Minutes of the Ordinary Meeting of Council Following Policy held on 7 November 2012 be adopted.

Report: The Minutes of the Ordinary Meeting of Council Following Policy held on 7 November, 2012 are attached.

Financial Implications: N/A

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

**6 Item 3 MINUTES - ORDINARY MEETING OF COUNCIL FOLLOWING POLICY -
7 NOVEMBER 2012 (11.00005)**

MOVED: M Coote SECONDED: J Jennings

RESOLVED: That the Minutes of the Ordinary Meeting of Council Following Policy held on 7 November 2012 be adopted.

**MINUTES OF THE ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
HELD ON 17 OCTOBER 2012**

MEETING COMMENCES

1 MEETING COMMENCES

Present: Councillors Morse (Chair), Aubin, Coote, Jennings, North, Rush, Westman

PUBLIC QUESTION TIME

2 PUBLIC QUESTION TIME

G Crisp - Ratepayer -

- On behalf of Denison Dog School raised issue of areas being used by cricket teams at Eglinton. This has caused problems, can arrangements be made to relocate the Junior Cricket.
- River Park has a problem concerning picking up of dog droppings as there are no bags in the relevant receptacles.
- River Park had distance markers on the path, these have been worn out, could these be renewed?
- ICAC investigation regarding indemnity requested by Council Officer. Did this happen?

General Manager advised that it is a matter on the public record that indemnity was requested.

B Trimming - Private Disability Advocate - Mayoral column was well written in today's paper. Spoke to brochure he provided to Councillors on motorised wheelchairs and referred to concerns about some of the scooters that are around, in particular their speed. Asked if Council had a policy on motorised scooters, and if not, could Council look at developing one?

The Director Engineering Services advised Council does not have a policy in place, will review the matter.

K Hamer - Perthville -

- Thanked Councillors for standing for election.
- Referred to concerns about proposed levee bank at Perthville. Spoke to other options such as increasing width of river and capacity of the bridge. Considers people on west side of Perthville will be disadvantaged. Matters raised included; bridge issues, drainage problems, previous flood events. Did Council get permission to widen and deepen the creek. Has permission been granted?

The Director Engineering Services advised not yet.

P Dowling - Bathurst Cemetery - spoke to Fifty year lease that has been granted over the cemetery and expressed concerns at this. Referred to services at Dubbo and Orange that are provided.

General Manager spoke to process involved in tendering the service out and development of crematorium.

APOLOGIES

- 3** **APOLOGIES**
MOVED Cr W Aubin and **SECONDED** Cr I North

RESOLVED: That the apologies from Crs Bourke and Hanger be accepted and leave of absence granted.

MINUTES

- 4** **Item 1 MINUTES - EXTRAORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 19 SEPTEMBER 2012 (11.00005)**
MOVED Cr G Rush and **SECONDED** Cr I North

RESOLVED: That the Minutes of the Extraordinary Meeting of Bathurst Regional Council held on 19 September 2012 be adopted.

- 5** **Item 2 MINUTES - EXTRAORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 24 SEPTEMBER 2012 (11.00005)**
MOVED Cr M Coote and **SECONDED** Cr I North

RESOLVED: That the Minutes of the Extraordinary Meeting of Bathurst Regional Council held on 24 September be adopted.

- 6** **Item 3 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 26 SEPTEMBER 2012 (11.00005)**
MOVED Cr I North and **SECONDED** Cr J Jennings

RESOLVED: That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 26 September 2012 be adopted.

DECLARATION OF INTEREST

- 7** **DECLARATION OF INTEREST 11.00002**
MOVED Cr W Aubin and **SECONDED** Cr J Jennings

RESOLVED: That the following Declarations of Interest be noted.

Cr Westman

Item #5 of the Director Corporate Services & Finance's report
Item #4 Minute #8 & Item #9 Minute #13 of the Traffic Committee 2 October 2012.

Cr Jennings

Item #2 Confidential of the Director Corporate Services & Finance's report

RECEIVE AND DEAL WITH DIRECTORS' REPORTS

Director Environmental Planning & Building Services' Report

- 8** **Item 1 SECTION 79C OF THE ENVIRONMENTAL PLANNING AND**

ASSESSMENT ACT 1979 (03.00053)**MOVED** Cr I Northand **SECONDED** Cr M Coote**RESOLVED:** That the information be noted.**9 Item 2 GENERAL REPORT (03.00053)****MOVED** Cr W Aubinand **SECONDED** Cr I North**RESOLVED:** That the information be noted.**10 Item 3 DRAFT SECTION 94 DEVELOPER CONTRIBUTIONS PLANS - ROADWORKS (NEW RESIDENTIAL SUBDIVISIONS) AND EGLINTON OPEN SPACE AND DRAINAGE (20.00036)****MOVED** Cr I Northand **SECONDED** Cr W Aubin**RESOLVED:** That Council:

- (a) adopt the amended Section 94 Development Contributions Plan - Roadworks (New Residential Subdivisions);
- (b) adopt the new Section 94 Development Contributions Plan - Eglinton Open Space and Drainage;
- (c) amend Council's 2012/2013 Revenue Policy to reflect changes to the amended Section 94 Development Contributions Plan - Roadworks (New Residential Subdivisions) and the new Section 94 Development Contributions Plan - Eglinton Open Space and Drainage; and
- (d) give notice of the Section 94 Development Contributions Plans in accordance with Clause 31 of the Environmental Planning and Assessment Regulations and Section 94EA of the Environmental Planning and Assessment Act.

11 Item 4 A NEW PLANNING SYSTEM FOR NSW - GREEN PAPER (02.00018)**MOVED** Cr I Northand **SECONDED** Cr W Aubin**RESOLVED:** That the information be noted.**12 Item 5 HERITAGE IMPACT STATEMENTS - SEMINAR (18.00096)****MOVED** Cr G Westmanand **SECONDED** Cr I North**RESOLVED:** That the information be noted.**13 Item 6 BATHURST CONSERVATION AREA MANAGEMENT STRATEGY (13.00035)****MOVED** Cr I North

That Council review the Bathurst Conservation Area Management Strategy (BCAMS) to include the review of buildings not on the street scape as part of the BCAMS Rating system.

The MOTION LAPSED for want of a SECONDER.**14 Item 6 BATHURST CONSERVATION AREA MANAGEMENT STRATEGY (13.00035)**

MOVED Cr G Westman and SECONDED Cr W Aubin

RESOLVED: That the information be noted.

15 Item 7 FORMER BATHURST SALEYARDS: FINAL REMEDIATION REPORT (22.12383)

MOVED Cr G Westman and SECONDED Cr I North

RESOLVED: That the information be noted.

Director Corporate Services & Finance's Report

16 Item 1 STATEMENT OF INVESTMENTS (16.00001)

MOVED Cr W Aubin and SECONDED Cr M Coote

RESOLVED: That the information be noted.

17 Item 2 YEAR TO DATE MONTHLY REVIEW - 2012-2016 DELIVERY PLAN AND ANNUAL OPERATING PLAN 2012-2013 (16.00129)

MOVED Cr M Coote and SECONDED Cr J Jennings

RESOLVED: That the information be noted.

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

MOVED Cr G Westman and SECONDED Cr G Rush

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

19 Item 4 POWER OF ATTORNEY (11.00007)

MOVED Cr I North and SECONDED Cr W Aubin

RESOLVED: That the information be noted.

20 Item 5 APPOINTMENT OF DELEGATE - B2B CYCLE EVENT COMMITTEE (23.00128)

MOVED Cr I North and SECONDED Cr J Jennings

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

Reason: Owns bike shop and provides sponsorship to B2B.

RESOLVED: That Council appoint Cr North as a duty delegate to the B2B Cyclo Sportif Organising Committee.

21 Item 6 CENTRAL TABLELANDS WOODCRAFT (04.00073)

MOVED Cr W Aubin and SECONDED Cr M Coote

RESOLVED: That Council provide:

(a) a loan from Council of \$6,000 at the current borrowing rate to be repaid over a

10 year period.

- (b) a contribution from Council of 50% of the construction costs being \$10,500.

Director Cultural & Community Services' Report

- 22** **Item 1 MUSEUMS AUSTRALIA MULTIMEDIA & PUBLICATION DESIGN AWARDS - BATHURST REGIONAL ART GALLERY (21.00039)**
MOVED Cr G Westman and **SECONDED** Cr M Coote

RESOLVED: That the information be noted.

- 23** **Item 2 SMALL BUSINESS AND NON-PROFIT ORGANISATIONS DISABLED ACCESS FUND (16.00107)**
MOVED Cr I North and **SECONDED** Cr M Coote

RESOLVED: That Council provide \$8,750 under the 2012/2013 Small Business and Non-Profit Organisations Disabled Access Fund for the following applicants:

1. Bathurst Golf Club - \$3,750.
2. Bridges Financial Services - \$5,000.

General Manager's Report

- 24** **Item 1 APPOINTMENT OF DELEGATE - SKILLSET (CENTRAL WEST GROUP APPRENTICES) (18.00014)**
MOVED Cr W Aubin and **SECONDED** Cr M Coote

RESOLVED: That Council:

- (a) Appoint Cr Rush as its delegate to Skillset; and,
- (b) Approve attendance (and associated costs) at conferences and seminars as required.

REPORTS OF OTHER COMMITTEES

Traffic Committee Meeting

- 25** **Item 1 MINUTES - TRAFFIC COMMITTEE MEETING 2 OCTOBER 2012 (07.00006)**
MOVED Cr W Aubin and **SECONDED** Cr G Rush

Cr Westman declared a pecuniary interest in Item #4 Minute #8 and Item #9 Minute #13 of the Traffic Committee, left the Chamber and took no part in discussion or voting.

Reason: Owns bike shop.

RESOLVED: That the recommendations, Item #4 Minute #8 and Item #9 Minute #13 of the Traffic Committee Meeting held on 2 October 2012 be adopted.

Cr Westman returned to the Meeting.

26 Item 1.2 MINUTES - TRAFFIC COMMITTEE MEETING 2 OCTOBER 2012 (07.00006)

MOVED Cr W Aubin

and **SECONDED** Cr G Rush

RESOLVED: That the recommendations, excluding Item #4 Minute #8 and Item #9 Minute #13 of the Traffic Committee Meeting held on 2 October 2012 be adopted.

DELEGATES REPORTS

27 Item 1 MINUTES OF THE BATHURST REGIONAL YOUTH COUNCIL MEETING HELD ON TUESDAY, 18 SEPTEMBER 2012 (11.00020)

MOVED Cr G Rush

and **SECONDED** Cr J Jennings

RESOLVED: That the information be noted.

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

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

MOVED Cr M Coote

and **SECONDED** Cr J Jennings

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

There we no representations from the public.

RESOLVED: That:

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

*** Director Environmental Planning & Building Services' Report**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	RIGHT OF CARRIAGEWAY - DURHAM STREET, BATHURST	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be

		contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
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*** Director Corporate Services & Finance's Report**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	PROPOSED SALE OF LAND - KELSO	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
2	PROPOSED LICENCE AGREEMENT - BATHURST TOUCH FOOTBALL ASSOCIATION, LEARMONTH PARK, KELSO	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
3	RENEWAL OF LICENCE AGREEMENT - WINDRADYNE RESIDUE LAND	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

4	PROPOSED NEW TELECOMMUNICATION LEASE - WATER RESERVOIR, PRINCE STREET, PERTHVILLE	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
5	PROPOSED NEW TELECOMMUNICATION LEASE - 230 HOWICK STREET, BATHURST)	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
6	TRACKCORP ADRENALIN PTY LTD	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it. 10A (2) (d) (iii) – contains commercial information of a confidential nature that would, if disclosed, reveal a trade secret.
7	PROPOSED TELECOMMUNICATIONS LEASE - RAGLAN WATER RESERVOIR	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who

		supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
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*** Director Engineering Services' Report**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	PROPOSED ROAD WIDENING - PART LOT 1 DP160421, 81 WAMBOOL ROAD, O'CONNELL	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
2	PROPOSED ROAD WIDENING AND PARTIAL ROAD CLOSURE - PART LOT 3, DP869951, 80 WAMBOOL ROAD, O'CONNELL	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
3	TRANSFER OF WATER LICENCE, LOTS 279 & 299 DP750354, NORTH STREET, PERTHVILLE	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial

		position of the person who supplied it.
4	TENDER FOR DESIGN AND CONSTRUCTION OF PASSENGER ELEVATOR MOUNT PANORAMA	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

Director Environmental Planning & Building Services' Report

- a** Item 1 RIGHT OF CARRIAGEWAY - DURHAM STREET, BATHURST (DA2012/0351)
MOVED Cr W Aubin and SECONDED Cr I North

That Council approve, in principle, the addition of a Right of Carriageway onto the Certificate of Title for Lot 1, DP 995189 to benefit part Lot 4, DP 581427, being proposed Lot 133 of a subdivision of Lot 4 , DP 581427.

Director Corporate Services & Finance's Report

- b** Item 1 PROPOSED SALE OF LAND - KELSO (22.02268-03)
MOVED Cr M Coote and SECONDED Cr W Aubin

That Council act in accordance with the report.

- c** Item 2 PROPOSED LICENCE AGREEMENT - BATHURST TOUCH FOOTBALL ASSOCIATION, LEARMONTH PARK, KELSO (04.00033)
MOVED Cr W Aubin and SECONDED Cr M Coote

Cr Jennings declared a non-pecuniary interest in this item, and remained in the Chamber.

Reason: Player in Touch Football Competition.

That Council approves entering into a new licence agreement with the Bathurst Touch Football Association for the touch football clubhouse located on part Lot 5 DP776928 at Learmonth Park, Kelso for a period of five (5) years as detailed in the report.

- d** Item 3 RENEWAL OF LICENCE AGREEMENT - WINDRADYNE RESIDUE LAND (20.00119)
MOVED Cr M Coote and SECONDED Cr W Aubin

That Council approves entering into a new licence agreement with Mr Peter Wilson for Lot 138 and Part Lot 136 DP1123180 known as the Windradyne Residue land for a period of twelve (12) months at a monthly licence fee of \$501.00 (GST inclusive) as detailed in the report.

- e** **Item 4 PROPOSED NEW TELECOMMUNICATION LEASE - WATER RESERVOIR, PRINCE STREET, PERTHVILLE (32.00001)**
MOVED Cr G Westman and SECONDED Cr M Coote

That Council approves entering into a lease agreement for part Lot 1 DP857402 on the Council Water Reservoir located on Prince Street, Perthville with NBN Co Limited for a period of five (5) years with three (3) x five (5) year option periods at an annual lease fee of \$12,500 (GST inclusive) plus CPI adjustments as detailed in the report.

- f** **Item 5 PROPOSED NEW TELECOMMUNICATION LEASE - 230 HOWICK STREET, BATHURST (22.00041)**
MOVED Cr M Coote and SECONDED Cr J Jennings

That Council approves entering into a new lease agreement for the rooftop of part Lot 1 DP774489 known as the Post Office building, 230 Howick Street Bathurst with NBN Co Limited for a period of five (5) years with three (3) x five (5) year option periods at an annual lease fee of \$29,000 (GST inclusive) plus annual CPI adjustments as detailed in the report.

- g** **Item 6 TRACKCORP ADRENALIN PTY LTD (34.00065)**
MOVED Cr W Aubin and SECONDED Cr J Jennings

That the information be noted.

- h** **Item 7 PROPOSED TELECOMMUNICATIONS LEASE - RAGLAN WATER RESERVOIR (32.00001-05)**
MOVED Cr M Coote and SECONDED Cr G Westman

That Council approves entering into a lease agreement for part Lot 211 DP748686 on the Council Water Reservoir located on land off the Great Western Highway at Raglan for a period of five (5) years with three (3) x five (5) year option periods at an annual lease fee of \$12,500 (GST inclusive) plus CPI adjustments as detailed in the report.

Director Engineering Services' Report

- i** **Item 1 PROPOSED ROAD WIDENING - PART LOT 1 DP160421, 81 WAMBOOL ROAD, O'CONNELL (25.00533)**
MOVED Cr W Aubin and SECONDED Cr J Jennings

That Council approve the proposed road widening of Wambool Road affecting part Lot 1, DP160421 being 81 Wambool Road, O'Connell, as detailed in the Director Engineering Services' report. The acquired properties to be classified as Operational land.

- i** **Item 2 PROPOSED ROAD WIDENING AND PARTIAL ROAD CLOSURE - PART LOT 3, DP869951, 80 WAMBOOL ROAD, O'CONNELL (25.00533)**
MOVED Cr M Coote and SECONDED Cr I North

That Council approve the proposed road widening of Wambool Road affecting part Lot 3 DP869951 being 80 Wambool Road, O'Connell and partial road closure of Wambool Road, as detailed in the Director Engineering Services' report. The acquired properties to be classified as Operational Land.

- k** **Item 3 TRANSFER OF WATER LICENCE, LOTS 279 & 299 DP750354, NORTH STREET, PERTHVILLE (22.05810)**
MOVED Cr M Coote and **SECONDED** Cr I North

That Council approve the transfer of water licence associated with Lots 279 and 299 DP750354 North Street, Perthville to the owner of Lot 18 DP1173379 Seldon Street, Perthville, as detailed in the Director Engineering Services' report.

- l** **Item 4 TENDER FOR DESIGN AND CONSTRUCTION OF PASSENGER ELEVATOR MOUNT PANORAMA (36.00450)**
MOVED Cr J Jennings and **SECONDED** Cr G Rush

That Council accept the tender of Eodo Pty Ltd in the amount of \$402,795 (incl GST) for design and construction of a passenger elevator at Pit Straight Bridge subject to adjustments and provisional items.

RESOLVE INTO OPEN COUNCIL

- 29** **RESOLVE INTO OPEN COUNCIL**
MOVED Cr I North and **SECONDED** Cr G Westman

RESOLVED: That Council resume Open Council.

ADOPT REPORT OF THE COMMITTEE OF THE WHOLE

- 30** **ADOPT REPORT OF THE COMMITTEE OF THE WHOLE**
MOVED Cr W Aubin and **SECONDED** Cr G Rush

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

MEETING CLOSE

- 31** **MEETING CLOSE**

The Meeting closed at 7.08 pm.

CHAIRMAN: _____

Date: _____ **(21 November 2012)**

**MINUTES OF THE EXTRAORDINARY MEETING OF BATHURST REGIONAL COUNCIL
HELD ON 7 NOVEMBER 2012**

MEETING COMMENCES

1 MEETING COMMENCES

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

APOLOGIES

2 APOLOGIES
MOVED Cr W Aubin and **SECONDED** Cr M Coote

RESOLVED: That the apologies from Crs Bourke and North be accepted and leave of absence granted.

DECLARATION OF INTEREST

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

RESOLVED: That the Declaration of Interest be noted.

RECEIVE AND DEAL WITH DIRECTORS' REPORTS

Director Corporate Services & Finance's Report

4 Item 1 AUDITED FINANCIAL REPORTS (16.00055)
MOVED Cr W Aubin and **SECONDED** Cr G Rush

RESOLVED: That the information be noted.

MEETING CLOSE

5 MEETING CLOSE

The Meeting closed at 5.48 pm.

CHAIRMAN: _____

Date: _____ **(21 November 2012)**

**MINUTES OF THE ORDINARY MEETING OF COUNCIL FOLLOWING POLICY COMMITTEE
HELD ON 7 NOVEMBER 2012**

MEETING COMMENCES

1 MEETING COMMENCES

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

APOLOGIES

2 APOLOGIES
MOVED Cr W Aubin and **SECONDED** Cr G Hanger

RESOLVED: That the apologies from Crs Bourke and North be accepted and leave of absence granted.

DECLARATION OF INTEREST

3 DECLARATION OF INTEREST 11.00002
MOVED Cr W Aubin and **SECONDED** Cr G Hanger

RESOLVED: That the Declaration of Interest be noted.

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

**4 RESOLVE INTO CONFIDENTIAL COMMITTEE OF THE WHOLE TO DEAL WITH
CONFIDENTIAL REPORTS**
MOVED Cr M Coote and **SECONDED** Cr G Hanger

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

There we no representations from the public.

RESOLVED: That:

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

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

(c) Correspondence and reports relevant to the subject business be withheld from access.

*** Director Engineering Services' Report**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	TENDER - CONSTRUCTION OF CIVIL WORKS AT AVONLEA RESIDENTIAL ESTATE STAGES 8 AND 10	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

Director Engineering Services' Report

- a** **Item 1 TENDER - CONSTRUCTION OF CIVIL WORKS AT AVONLEA RESIDENTIAL ESTATE STAGES 8 AND 10 (36.00455)**
MOVED Cr W Aubin and **SECONDED** Cr M Coote

That Council accept the tender of Bustin' Free Earthworks for the construction of civil works at Avonlea Residential Estate Stages 8 and 10 in the amount of \$1,074,195.00 (incl. GST), subject to adjustments and provisional items.

RESOLVE INTO OPEN COUNCIL

- 5** **RESOLVE INTO OPEN COUNCIL**
MOVED Cr M Coote and **SECONDED** Cr J Jennings

RESOLVED: That Council resume Open Council.

ADOPT REPORT OF THE COMMITTEE OF THE WHOLE

- 6** **ADOPT REPORT OF THE COMMITTEE OF THE WHOLE**
MOVED Cr G Westman and **SECONDED** Cr G Rush

RESOLVED: That the Report of the Committee of the Whole, Item (a) be adopted.

MEETING CLOSE

- 7** **MEETING CLOSE**

The Meeting closed at 6.25 pm.

CHAIRMAN: _____

Date: _____ **(21 November 2012)**

MINUTE

7 DECLARATION OF INTEREST 11.00002

MOVED: W Aubin SECONDED: M Coote

RESOLVED: That the following Declaration of Interest be noted.

Cr Westman

Item #7 of the Director Corporate Services & Finance's report

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
DIRECTOR ENVIRONMENTAL PLANNING & BUILDING SERVICES' REPORT AND MINUTES
21 NOVEMBER 2012

**DIRECTOR ENVIRONMENTAL PLANNING & BUILDING SERVICES' REPORT TO THE
ORDINARY MEETING OF BATHURST REGIONAL COUNCIL MEETING HELD ON 21
NOVEMBER 2012**

General Manager
Bathurst Regional Council

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

Recommendation: That the information be noted.

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

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

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

MOVED: B Bourke SECONDED: M Coote

RESOLVED: That the information be noted.

2 GENERAL REPORT (03.00053)

Recommendation: That the information be noted.

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

- (a) Applications determined using authority delegated to the Director Environmental Planning & Building Services during October 2012 (**attachment 1**)
- (b) Applications refused during October 2012 (**attachment 2**)
- (c) Applications under assessment as at the date of compilation of this report (**attachment 3**)
- (d) Applications pending approval for greater than 40 days as at the date of compilation of this report (**attachment 4**)
- (e) Applications with variations to development standards under State Environmental Planning Policy No. 1 approved in October 2012 (**attachment 5**).

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

9 Item 2 GENERAL REPORT (03.00053)

MOVED: W Aubin SECONDED: M Coote

RESOLVED: That the information be noted.

3 DEVELOPMENT APPLICATION NO. 2012/0380 – USE OF PREMISES FOR RETAIL MARKET AND CELLAR DOOR SALES AND EXTENSION OF CAFÉ AREA AT 2A PIPER STREET, BATHURST. APPLICANT: MR G TODD. OWNER: XJS WORLD PTY LTD (DA/2012/0380)

Recommendation: That Council:

- (a) direct the Director Environmental, Planning & Building Services to approve Development Application No. 2012/0380, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended;
- (b) notify those that made submissions of its decision; and
- (c) call a division.

Report: The Site

Council has received a Development Application (DA) for the use of an existing premises for a retail market and cellar door sales and the extension of a previously approved café area at 2A Piper Street Bathurst, described as Lot 12, DP 1014089. A location plan is provided at **attachment 1**.

The site currently contains a three storey brick industrial building with an attached sheet metal-clad skillion-roofed annex. The site is known as “Crago Mill”.

History of the Proposal

On 5 March 2012 Council approved DA 2012/0005 under Delegated Authority for “Use of Part of Existing Building for Café”. This DA related to a section of the skillion annex but did not include use of any part of the main brick building.

The proposal

The current proposal involves:

- Use of the ground floor and mezzanine floors of the skillion annex as a retail market (selling local produce, giftware and furniture);
- Use of a section of the ground floor of the skillion annex as a cellar door sales area; and
- An extension to the seating area for the previously approved café on the ground floor of the skillion annex.

The current proposal does not involve any part of the three storey brick building.

The Statement of Environmental Effects which includes plans of the proposed development are provided at **attachment 2**.

Planning Context – Bathurst Regional (Interim) Local Environmental Plan 2005

The subject site is zoned 4(a) Industrial under the provisions of the *Bathurst Regional (Interim) Local Environmental Plan 2005*.

Permissibility

The proposal comprises three components, a retail market, a cellar door operation and a café.

Under the Local Environmental Plan the café is defined as a *refreshment room*. The retail market and cellar door operation are defined as a *shop*.

Refreshment rooms are permissible in the 4(a) Industrial zone.

Shops are prohibited in the 4(a) Industrial zone unless they are ancillary to development permitted in the zone or catering to the local needs of the industrial area. As the proposed retail market and cellar door are not ancillary to development permitted in the zone and are not catering to the local needs of the industrial area, they are considered to be prohibited uses.

Clause 23 Protection of Environmental Heritage

The subject site is a heritage item under the Bathurst Regional (Interim) Local Environmental Plan 2005 and is within the Bathurst Heritage Conservation Area.

Clause 24 Conservation Incentives

In light of the prohibition outlined above the applicant seeks to rely upon Clause 24 *Conservation Incentives* in the Bathurst Regional (Interim) Local Environmental Plan 2005 to permit the proposed uses. Clause 24(i) provides that:

- (1) *The consent authority may grant consent to the use for any purpose of a building that is a heritage item or is within a heritage conservation area or, in the opinion of the consent authority, is a building of heritage significance, or of the land on which such a building is erected, even though the use would otherwise be prohibited by this plan, if it is satisfied that:*
 - (a) *the retention of the building depends on the granting of consent, and*

Comment: The current proposal is Stage 2 in the overall redevelopment of Crago Mill and its surrounds. The multi-stage redevelopment seeks to introduce new uses to a building and site that would otherwise remain vacant or at least significantly underutilised and therefore unmaintained. Crago Mill is considered to be of high local significance which therefore warrants its retention, reuse and ongoing maintenance. The size of the building is such that it requires a substantive use to ensure its ongoing preservation. It is desirable that new uses be established within the building to ensure that the required restoration and maintenance works be undertaken and to ensure the building is retained and utilised into the future. Therefore, the continued use of part of the building as proposed is both desirable and appropriate as it will result in the overall retention of the building.

- (b) *the proposed development is in accordance with a conservation management plan that has been endorsed by the consent authority, and*

Comment: Council has previously endorsed a Conservation Management Plan (CMP) for Crago Mill. The proposed uses and associated works are consistent with the CMP.

- (c) *the granting of consent to the proposed development would ensure that all*

necessary conservation work identified in the conservation management plan is carried out, and

Comment: Without the introduction of new intensive uses to the building and site the necessary conservation works identified in the CMP are unlikely to be carried out given the significant cost of such works and the costs associated with ongoing maintenance and the minimal economic return derived from less intensive uses such as industry or warehousing.

- (d) *the proposed development would not adversely affect the heritage significance of the building or its setting, and*

Comment: The CMP identifies a level of significance for all elements of the existing building. Proposed works involving elements of high or moderate significance have been assessed in detail and it has been determined that the majority of the proposed works will have little or negligible impact and are in accordance with the CMP. Those works identified as having a moderate impact have been sufficiently mitigated.

The Heritage Planner's Assessment is provided at **attachment 3**.

- (e) *the proposed development would not adversely affect the amenity of the surrounding area otherwise than to an insignificant extent.*

Comment: As the proposed uses do not emit significant noise, polluted air, polluted water or generate significant traffic the proposed development is unlikely to have any significant adverse impacts on the overall amenity of the surrounding area.

A detailed Heritage Impact Statement has been submitted to support the applicant's request to permit prohibited uses on the subject site under Clause 24(i) of the Bathurst Regional (Interim) Local Environmental Plan 2005.

The Heritage Impact Statement is provided at **attachment 4**.

Objectives of the zone

The proposal is not inconsistent with the objectives of the 4(a) Industrial zone.

Planning Context – Development Control Plan

Car Parking Provision

The applicant proposes 17 line marked car parking spaces on site with additional area available on site in an uncontrolled and undesignated fashion.

Car parking for refreshment rooms is required under the DCP as follows:

- Related to service area – 1 space per 6.5 square metres; or
- Related to seating – 1 space per 6 seats, whichever is the greater.

Car parking for shops is required under the DCP as follows:

- 1 space per 35 square metres.

Use	Total Floor Area	Car Parks Required	Car Parks Provided
Refreshment rooms	88m ²	14	17
Shops	580.1m ²	17	
	TOTAL	31	

NOTE: Using the per seat ratio for refreshment rooms and basing the calculation on 29 seats, a total of 5 car parking spaces would be required however the standard requires the use of greater of the two ratios therefore the per square metre ratio has been applied (requiring 14 car parking spaces).

The applicant has sought to reduce the number of required car parking spaces to 17 on the basis that significant parts of the internal floor space is excluded from public use because of corridors, accesses, stairways and facilities thereby reducing the floor area.

It is not considered appropriate to reduce the number of required car parking spaces for the reasons outlined by the applicant as this misrepresents the policy relating to the calculation of floor space. These types of areas relate to common areas which are not generally contributing to the demand for car parking as opposed to the applicant's position which seeks to, for example, exclude the areas required for access within the tenancy.

It is therefore considered appropriate to impose a condition, should the application be approved, requiring the provision of the total 31 car parking spaces.

Submissions

The Development Application was advertised and notified to adjoining property owners from 17 September 2012 to 2 October 2012. Following the advertising and notification period one (1) submission was received (see submission at **attachment 5**).

A discussion forum was convened by the Director Environmental Planning & Building Services on 24 October 2012 (see minutes of discussion forum at **attachment 6**). Issues raised in the submissions and at the discussion forum included:

1. Contamination of the site.

Comment: A Site Audit Statement has been issued by an Independent Auditor for the subject site pursuant to the Contaminated Land Management Act 1997. The Site Audit Statement confirms that the site is suitable for commercial/industrial use. This includes being suitable for a food related operation such as the ones proposed. The Site Audit Statement is subject to conditions relating to the ongoing management of parts of the site where residual contamination exists. The proposed uses will be wholly contained within the footprint of the existing skillion annex and will not therefore impact on those identified parts of the site where residual contamination exists. External works currently being undertaken were approved under previous DAs and are in accordance with the Site Audit Statement and with the Environmental Management Plan (EMP) prepared by Terra Consulting (Version 1, December 2002).

2. Contaminated water in the basement.

Comment: The proposed development does not involve any work within the basement. The Site Audit Statement requires ongoing management of the site in accordance with the EMP prepared by Terra Consulting (Version 1, December 2002). The EMP requires the following actions in relation to the basement water:

- A Trade Waste Agreement should be negotiated with Council to permit the discharge of the water to Council's sewer;
- The basement should be visually inspected quarterly to determine if water is present;
- Any water found should be tested for contaminants and if determined suitable, discharged to Council's sewer. If the water is found to be contaminated an Environmental Consultant should be engaged to determine a suitable alternate disposal method.

The above actions will continue to occur should this proposal be approved.

3. Potential landuse conflict.

Comment: The proposed uses will be wholly contained within the footprint of the existing skillion annex. The proposal does not include noise sensitive uses that may potentially conflict with the existing industrial and commercial uses on adjoining sites. The proposed uses are commercial in nature and are considered appropriate for the locality.

4. Conflict between users of the right of way.

Comment: The right of way and the restrictions imposed on it are a civil matter for discussion between the two interested parties. Council has no interest in the right of way.

Conclusion

Council has received a Development Application (DA) for the use of an existing premises for a retail market and cellar door sales and the extension of a previously approved café area at 2A Piper Street Bathurst, described as Lot 12, DP 1014089. The applicant seeks to rely upon Clause 24(i) *Conservation Incentives* in the Bathurst Regional (Interim) Local Environmental Plan 2005 to permit the proposed uses. Council staff are satisfied that the requirements of Clause 24(i) have been met. The Development Application was advertised and notified to adjoining property owners from 17 September 2012 to 2 October 2012. Following the advertising and notification period one (1) submission was received. Issues raised on the submission and at the Discussion Forum have been addressed in this report.

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

10 Item 3 DEVELOPMENT APPLICATION NO. 2012/0380 – USE OF PREMISES FOR RETAIL MARKET AND CELLAR DOOR SALES AND EXTENSION OF CAFÉ AREA AT 2A PIPER STREET, BATHURST. APPLICANT: MR G TODD. OWNER: XJS WORLD PTY LTD (DA/2012/0380)

MOVED: M Coote SECONDED: J Jennings

RESOLVED: That Council:

- (a) direct the Director Environmental, Planning & Building Services to approve Development Application No. 2012/0380, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended;
- (b) notify those that made submissions of its decision; and
- (c) call a division.

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

The result of the division was:

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

Against the motion - NIL

Absent - NIL

Abstain - NIL

4 DEVELOPMENT APPLICATION NO. 2012/0392 – DEMOLITION OF DWELLING, 2 X 2 BEDROOM UNITS AND THREE LOT SUBDIVISION AT 275-277 GEORGE STREET, BATHURST. APPLICANT: MR M COOK. OWNER: MR M & MRS S COOK (DA/2012/0392)

Recommendation: That Council:

- (a) direct the Director Environmental, Planning & Building Services to approve Development Application No. 2012/0392, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended and including conditions to the effect that:
- (i) During the carrying out of the proposed works, if any archaeological remains are discovered, the developer is to stop works immediately and notify the Heritage Branch, NSW Office of Environment & Heritage and Council. Any such find is to be dealt with appropriately and in accordance with the Heritage Act 1977, recorded, and details given to Council prior to the continuing of works.

NOTE: A Section 140 Permit will need to be obtained to disturb archaeological relics. This permit is to be obtained from the Heritage Branch, NSW Office of Environment & Heritage, prior to the disturbance of the archaeological relics.

- (b) call a division.

Report: The Site

Council has received a Development Application (DA) for the demolition of a dwelling (275 George Street), construction of 2 x 2 bedroom units, and a three lot subdivision at 275-277 George Street, Bathurst, described as Lot 1, DP 797040 and Lot 1, DP 799089. A location plan is provided at **attachment 1**.

The site currently contains two single storey dwellings, one at 275 George Street and one at 277 George Street. The dwelling at 277 George Street has a separate garage at the rear.

The proposal

The proposal involves:

- Demolition of the dwelling at 275 George Street;
- Construction of two new two-bedroom units; and
- A three lot Torrens title subdivision.

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

Planning Context

Bathurst Regional (Interim) Local Environmental Plan 2005

The subject site is zoned 2(a) Residential under the provisions of the *Bathurst Regional (Interim) Local Environmental Plan 2005*. Residential units are permissible with consent in the 2(a) Residential zone. The proposal is consistent with the objectives of the zone.

Clause 10 Advertised development

The Development Application was advertised and notified to adjoining property owners in accordance with Clause 10 between 24 September 2012 and 9 October 2012. No submissions were received during the advertising and notification period.

Clause 23 Protection of environmental heritage

As the subject site is within the Bathurst Heritage Conservation Area, the proposal was referred to Council’s Heritage Advisor for comment. Council’s Heritage Advisor made the following comments:

“In 2010 I inspected this property when the owner wanted advice on how to repair the building. He had inherited the house from his father and was happy to retain it. However the house is most unusual – a mock masonry building that consists of a timber frame clad in rough cast (flung) render. The render has come away from its frame over the years in many places and been repaired often. Much of it is drummy and would break with any attempt to fix it back onto the frame.

Generally the existing repairs are poor for a number of reasons. Firstly it is very difficult to match the original rough render which is made by a small hand held machine that flings the render at a wall encased in bird wire mesh. The style and depth of the rough casting is dependant on the consistency of the render – something very difficult to match. Also the mesh has come off the under frame in places – something that cannot be repaired without removing the render and so destroying the wall. The frame itself is of doubtful quality.

Finally the house is set low on the ground and takes up moisture directly. It is also located on the side boundary.

Essentially I could not advise on any way to repair or conserve this fabric. It was a ‘home handyman’ product and was reaching the end of its life.

The removal of this building can lead to a better in fill proposal in both this street and the return street”.

The Heritage Advisors report is at **attachment 3**.

Bathurst Regional (Interim) Development Control Plan 2011

Chapter 10 Urban Design & Heritage Conservation

- Bathurst Conservation Area Management Strategy (BCAMS)

In order to assess the conservation significance of the dwelling proposed for demolition an assessment under the *Bathurst Conservation Area Management Strategy* (BCAMS) was undertaken in consultation with Council’s Heritage Advisor (see full report at **attachment 3**).

The following table provides a summary of the assessment.

Date of construction	1900-1920s
BCAMS results:	
Integrity	Substantially intact
Streetscape Rating	Intrusive (in scale)

Heritage Significance	Historically significant in a local context 1900-1920s
Overall Rating (out of 10)	6

- Heritage Impact Statement

A detailed Heritage Impact Statement has been prepared in accordance with Section 10.3.3 of the Bathurst Regional (Interim) Development Control Plan 2011.

The Heritage Impact Statement is at **attachment 4**.

- Historical Assessment

An Historical Assessment has been prepared by the Bathurst and District Historical Society. A search of records held by the Historical Society has revealed the following:

- ~ Prior to 1904 the site at 275 George Street contained a store;
- ~ Between 1863 and 1868 the store was owned and operated by J.B. Stewart, a milkman and one time alderman on Bathurst City Council;
- ~ In 1868 the store was leased to G Matthews and it was sold to W Barnett in 1882;
- ~ Around 1903-1904 the store was presumably demolished and the present house built.

The Historical Assessment within the Heritage Impact Statement is provided at attachment 4.

- Structural Assessment

A Structural Assessment has been carried out by Saran Cook Roe Consulting Structural Engineers. The Structural Engineers noted the following issues:

- ~ Significant damp
- ~ Internal cracking
- ~ Timber floor springy
- ~ Inadequate subfloor ventilation
- ~ Significant movement of north-eastern wall
- ~ No eave therefore gutters against the external walls

The Structural Engineers have outlined the following works which would be required for ongoing preservation of the building:

- ~ Replacement of the roof structure to remove the box gutter
- ~ Replacement of the gutters on a fascia away from the walls
- ~ Provision of additional sub-floor ventilation
- ~ Repair/replacement of timber floor and structural members
- ~ Provision of a damp course to protect timber walls
- ~ Replacement of timber frames where rot is present (assumed)

The Structural Engineers conclude that:

Given the extent of works required to bring the dwelling up to an acceptable standard, and the anticipated ongoing maintenance costs of a building of this type, consideration should be given to demolishing and rebuilding a new structure. In terms

of 'Life-Cycle' costs, we anticipate that this would provide a cost effective solution compared to the ongoing works that would be associated with managing the existing structure.

The Structural Assessment is within the Heritage Impact Statement at attachment 4.

Chapter 4 Residential Development

The site is within Residential Precinct 1 pursuant to the *Bathurst Regional (Interim) Development Control Plan 2011* (DCP). Residential units are permissible with consent in the precinct. The proposal complies with the objectives of the Precinct and the development standards for residential units:

Development Standard	Proposed	Permissible	Compliance
Minimum lot size	962.8m ²	900m ²	Yes
Density/Site Coverage	68.55 persons	88 persons	Yes
Height	Single storey	Two- storey	Yes
Setbacks			
Residence 1 (George)	3.7m	Compliment existing	Yes
Front	As per BCA	As per BCA	Yes
Rear	As per BCA	As per BCA	Yes
Side			
Residence 2 (Lambert)	0.0m	Compliment existing	Yes
Front	As per BCA	As per BCA	Yes
Rear	As per BCA	As per BCA	Yes
Side			
Carparking			
Residence 1	1 space	1 space	Yes
Residence 2	1 space	1 space	Yes
Residence 3 (existing)	1 space	1 space	Yes
Visitor	1 space	1 space	Yes
Accessway width	Minimum 3m	3-6m wide	Yes
Open space area			
Residence 1	31m ²	30m ²	Yes
Residence 2	30m ²	30m ²	Yes
Residence 3 (existing)	33m ²	30m ²	Yes
Open space width			
Residence 1	6.0m	Minimum 4.0m	Yes
Residence 2	6.0m	Minimum 4.0m	Yes
Residence 3 (existing)	6.0m	Minimum 4.0m	Yes

Submissions

The Development Application was advertised and notified to adjoining property owners in accordance with Clause 10 between 24 September 2012 and 9 October 2012. No submissions were received during the advertising and notification period.

Conclusion

Council has received a Development Application for the demolition of a dwelling at 275

George Street, the construction of 2 x 2 bedroom units, and a three lot subdivision at 275-277 George Street, Bathurst. Residential units are permissible in the 2(a) Residential zone. The proposal complies with the development standards for residential units in the Bathurst Regional (Interim) Development Control Plan 2011. A Heritage Impact Statement which includes Structural and Historical Assessments has been submitted with the Development Application. Council's Heritage Advisor supports the proposed demolition of the dwelling at 275 George Street because it cannot be repaired without dismantling most of the structure and removing the external render. The Heritage Advisor has noted that this building is of "mock" masonry construction and is a poorly scaled building in the existing streetscape. Demolition is therefore recommended.

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

11 Item 4 DEVELOPMENT APPLICATION NO. 2012/0392 – DEMOLITION OF DWELLING, 2 X 2 BEDROOM UNITS AND THREE LOT SUBDIVISION AT 275-277 GEORGE STREET, BATHURST. APPLICANT: MR M COOK. OWNER: MR M & MRS S COOK (DA/2012/0392)

MOVED: M Coote SECONDED: B Bourke

RESOLVED: That Council:

- (a) direct the Director Environmental, Planning & Building Services to approve Development Application No. 2012/0392, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended and including conditions to the effect that:

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

NOTE: A Section 140 Permit will need to be obtained to disturb archaeological relics. This permit is to be obtained from the Heritage Branch, NSW Office of Environment & Heritage, prior to the disturbance of the archaeological relics.

- (b) call a division.

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

The result of the division was:

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

Against the motion - NIL

Absent - NIL

Abstain - NIL

5 DEVELOPMENT APPLICATION NO. 2012/0313 – DEMOLITION OF DWELLING AND SHED AND ERECTION OF A SINGLE STOREY DWELLING WITH ATTACHED GARAGE AT LOT 1 DP 539027, 223 KEPPEL STREET, BATHURST. APPLICANT: MR S RIGNEY. OWNER: MRS M RIGNEY (DA/2012/0313)

Recommendation: That Council:

(a) direct the Director Environmental, Planning & Building Services to approve Development Application No. 2012/0313, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended and including conditions to the effect that:

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

NOTE: A Section 140 Permit will need to be obtained to disturb archaeological relics. This permit is to be obtained from the Heritage Branch, NSW Office of Environment and Heritage, prior to the disturbance of the archaeological relics.

(ii) Prior to the commencement of demolition, the developer is to submit to Council at least two printed photographs and either photographic negatives or a CD containing high quality digital copies of the dwelling in accordance with Council's guidelines for photographic recording of sites for which approval has been granted for demolition.

(b) call a division.

Report: The Site

Council has received a Development Application (DA) for the demolition of an existing residential dwelling and shed and construction of a single storey dwelling with attached garage on Lot 1 DP 539027, 223 Keppel Street, Bathurst. A location plan is provided at **attachment 1**.

The property is zoned 2 (a) Residential under the Bathurst Regional (Interim) Local Environmental Plan 2005 and is located within the Bathurst Heritage Conservation Area.

223 Keppel Street has an area of 467.9 m². The site is located on the corner of Keppel and Peel Streets.

The proposal

The applicant is proposing to demolish the existing dwelling at 223 Keppel Street and replace it with a new dwelling with attached garage.

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

Planning Context

Bathurst Regional (Interim) Local Environmental Plan 2005

The subject site is zoned 2(a) Residential under the provisions of the *Bathurst Regional (Interim) Local Environmental Plan 2005*. Dwelling Houses are permissible with consent in the 2(a) Residential zone. The proposal is consistent with the objectives of the zone.

Clause 10 Advertised development

The Development Application was advertised and notified to adjoining property owners in accordance with Clause 10 between 24 September 2012 and 9 October 2012. No submissions were received during the advertising and notification period.

Clause 23 Protection of environmental heritage

As the subject site is within the Bathurst Heritage Conservation Area, the proposal was referred to Council's Heritage Advisor for comment. Council's Heritage Advisor has visited the site and has provided comments supporting the demolition. The Heritage Advisors report is provided at **attachment 3**.

"Overall this new proposal for a residence at 223 Keppel Street is a good architectural and heritage result and will provide good infill, with a better streetscape outcome than now exists. The new building relates to both streetscapes and is of a scale and character that fits better with the 1920s style houses at each side".

The Heritage Advisor believes that in this instance the existing dwelling is not a very good example of its kind in Bathurst, is in poor condition, and is of a poor scale in relation to the surrounding streetscapes. In her opinion the proposed infill development will provide a better streetscape outcome.

A detailed Historical Assessment has been prepared by the Bathurst and District Historical Society and a structural report has been prepared by Calare Civil.

Bathurst Regional (Interim) Development Control Plan 2011

Chapter 4 Residential Development

The site is within Residential Precinct 1 pursuant to the *Bathurst Regional (Interim) Development Control Plan 2011* (DCP). Dwelling houses are permissible with consent in the precinct. The proposal complies with the objectives of the Precinct and the development standards for dwelling houses:

Development Standard	Proposed	Permissible	Compliance
Minimum lot size	467.9m ²	550m ²	No*
Height	Single storey	Two- storey	Yes
Setbacks			
Front	1.5m	Compliment existing	Yes
Rear	5.2m	As per BCA	Yes
Side	1m	As per BCA	Yes
Carparking	1 space	1 space	Yes
Accessway width	Minimum 3m	3-6m wide	Yes

* The subject allotment is below the minimum lot size. Given that the subject lot contains an existing dwelling it is considered appropriate to support a replacement dwelling on the same lot. The proposal complies with or exceeds all other requirements of the DCP.

Chapter 10 Urban Design & Heritage Conservation

- Bathurst Conservation Area Management Strategy (BCAMS)

In order to assess the conservation significance of the dwelling proposed for demolition an assessment under the *Bathurst Conservation Area Management Strategy* (BCAMS) was undertaken in consultation with Council’s Heritage Advisor (see full report at **attachment 3**).

Date of construction	1940’s
BCAMS results:	
Integrity	Substantially intact
Streetscape Rating	Neutral
Heritage Significance	Significant in a local context 1930s-50s
Overall Rating (out of 10)	6

As outlined above, the Heritage Advisor has noted that this building is not a particularly good example of 1940s architecture in comparison to other examples in the City.

- Heritage Impact Statement

A detailed Heritage Impact Statement has been prepared in accordance with Section 10.3.3 of the Bathurst Regional (Interim) Development Control Plan 2011.

The Heritage Impact Statement is provided at **attachment 4**.

- Historical Assessment

An Historical Assessment has been prepared by the Bathurst and District Historical Society. It revealed that the building had no significant historical connections.

The Historical Assessment within the Heritage Impact Statement is at attachment 4.

- Structural Assessment

A Structural Assessment has been carried out by Saran Cook Roe Consulting Structural Engineers. The Structural Engineers noted the following issues:

- ~ Internal cracking
- ~ Timber floor settled resulting in differential floor movement
- ~ External Cracking
- ~ Significant damp
- ~ Poor drainage on patio slab

The Structural Engineers have outlined the following works which would be required for ongoing preservation of the building:

- ~ Repair damaged external timber and eaves
- ~ Make good roof drainage
- ~ Connect downpipes
- ~ Install additional sub floor vents
- ~ Repair cracked roof tiles
- ~ Repair/replace roof framing
- ~ Underpin footings

The Structural engineers have indicated that it would cost \$135 000 to complete the above works and an additional \$30 000 to make the building more habitable.

The Structural Engineers conclude that:

Our inspection has revealed that the building has suffered significant damage due to reactive clay movement, salt/damp and general weathering/deterioration due to lack of maintenance over a long period.

The Structural Assessment is provided at **attachment 5**.

Overall this new proposal for a residence at 223 Keppel Street is a good architectural and heritage result and will provide good infill, with a better streetscape outcome than now exists. The new building relates to both streetscapes and is of a scale and character that fits better with the 1920s style houses at each side.

Submissions

The Development Application was advertised and notified to adjoining property owners in accordance with Clause 10 between 24 September 2012 and 9 October 2012. No submissions were received during the advertising and notification period.

Conclusion

Council has received a Development Application (DA) for the demolition of a dwelling and, construction of a single storey dwelling at 223 Keppel Street, Bathurst. The subject site is zoned 2(a) Residential under the provisions of the Bathurst Regional (Interim) Local Environmental Plan 2005. Dwelling houses are permissible. The existing dwelling has significant structural issues. It is considered that this proposal will have a positive impact on the streetscape as the new proposed building demonstrates sympathy to surrounding architectural styles and uses complimentary materials.

Approval for the demolition of the dwelling at 223 Keppel Street can be supported in this instance because the proposed replacement dwelling will improve the existing streetscape and the existing building is showing signs of being structurally unsound and is in itself a poor infill in relation to the existing streetscapes.

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

12 Item 5 DEVELOPMENT APPLICATION NO. 2012/0313 – DEMOLITION OF DWELLING AND SHED AND ERECTION OF A SINGLE STOREY DWELLING WITH ATTACHED GARAGE AT LOT 1 DP 539027, 223 KEPPEL STREET, BATHURST. APPLICANT: MR S RIGNEY. OWNER: MRS M RIGNEY (DA/2012/0313)

MOVED: G Hanger SECONDED: I North

RESOLVED: That Council:

- (a) direct the Director Environmental, Planning & Building Services to approve Development Application No. 2012/0313, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended and including conditions to the effect that:
- (i) During the carrying out of the proposed works, if any archaeological remains are discovered, the developer is to stop works immediately and notify the Heritage Branch, NSW Office of Environment & Heritage and Council. Any such find is to be dealt with appropriately and in accordance with the Heritage Act 1977, recorded, and details given to Council prior to the continuing of works.
- NOTE: A Section 140 Permit will need to be obtained to disturb archaeological relics. This permit is to be obtained from the Heritage Branch, NSW Office of Environment and Heritage, prior to the disturbance of the archaeological relics.
- (ii) Prior to the commencement of demolition, the developer is to submit to Council at least two printed photographs and either photographic negatives or a CD containing high quality digital copies of the dwelling in accordance with Council's guidelines for photographic recording of sites for which approval has been granted for demolition.
- (b) call a division.

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

The result of the division was:

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

Against the motion - NIL

Absent - NIL

Abstain - NIL

6 DEVELOPMENT APPLICATION NO. 2012/0411 – THREE LOT SUBDIVISION (BOUNDARY ADJUSTMENT) AT 1329 MID WESTERN HIGHWAY LOT 1, DP137319 AND LOT 1, DP137310 AND 1457 MID WESTERN HIGHWAY LOT 24, DP1116230. APPLICANT: VOERMAN & RATSEP CONSULTING SURVEYORS. OWNERS: JAMES AND MARGARET ALLBUT AND RANDA FARAJ (DA/2012/0411)

Recommendation: That Council:

- (a) support the variation to the 1(e) Outer Rural 100 hectare minimum lot size as prescribed in Clause 27 (1) of *Bathurst Regional (Interim) Local Environmental Plan 2005* for proposed Lot 242;
- (b) support the variation to the 1(a) Inner Rural 200 hectare minimum lot size as prescribed in Clause 27 (1) of *Bathurst Regional (Interim) Local Environmental Plan 2005* for proposed Lot 241;
- (c) direct the Director Environmental, Planning & Building Services to approve Development Application No. 2012/0411, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979; and
- (d) call a division.

Report: The Site

Council has received a Development Application (DA) for a three lot subdivision (boundary adjustment) at 1329 Mid Western Highway (Lot 1, DP 137319 and Lot 1, DP137310) and 1457 Mid Western Highway (Lot 24, DP1116230). A location plan is provided at **attachment 1**.

1329 Midwestern Highway is presently made up of two separate allotments; Lot 1, DP 137319 and Lot 1, DP137310. This property collectively has an area of 120.74 hectares and is zoned 1(a) Inner Rural.

1457 Mid Western Highway has an area of 77.28 hectares and is zoned 1(e) Outer Rural.

Both properties contain a dwelling house.

The proposal

The proposal is for the resubdivision of the three existing lots into two. The plan of proposed development is at **attachment 2**.

The effect of the subdivision is to transfer 61.8 hectares of land that is currently part of 1457 Mid Western Highway (proposed Lot 242) to 1329 Mid Western Highway (Lot 241). This will leave Lot 242 with an area of 15.4 hectares and Lot 241 with an area of 182.5 hectares.

The effect of the subdivision is to make lot 241 a larger agricultural allotment. Currently the land at 1457 Mid Western Highway that extends east of the Evans Plains Creek is difficult to access. By transferring this section of the property to Lot 241 access to this area is easier.

There are no additional allotments created or dwelling entitlements requested as part of this proposal.

Planning Context

Bathurst Regional (Interim) Local Environmental Plan 2005 (BRILEP 2005)

The subject properties are zoned 1(e) Outer Rural and 1(a) Inner Rural under the provisions of the Bathurst Regional (Interim) Local Environmental Plan 2005.

Under Clause 27 of the Bathurst Regional (Interim) Local Environmental Plan 2005 the minimum area for an allotment created for the purposes of agriculture or a dwelling-house in the 1(e) Outer Rural zone is 100 hectares. In the 1(a) Inner Rural zone the minimum lot size is 200 hectares.

Both 1329 Mid Western Highway and 1457 Mid Western Highway are currently below the minimum areas specified in Clause 27 of the Bathurst Regional (Interim) Local Environmental Plan 2005. 1329 Mid Western Highway currently has an area of 120.74 hectares and 1457 Mid Western Highway is 77.28 hectares. By allowing the variation to the minimum lot size standard, 61.8 hectares will be transferred from 1457 Mid Western Highway to 1329 Mid Western Highway. 1457 Mid Western Highway will have a final area of 15.4 hectares.

The applicant has submitted a SEPP 1 Objection (see SEPP 1 Objection at **attachment 3**) in relation to the creation of proposed Lot 241 and 242 which indicates the nature of the subdivision and their objection to the current standards because:

1. Both properties are already well below the minimum lot size of 100 hectares and 200 hectares;
2. The proposed lot sizes are consistent with the surrounding pattern of subdivision;
3. No new lots are created, in fact the number of lots are reduced with existing Lots 1 DP137310 and Lot 1 DP137319 being absorbed into proposed Lot 241;
4. No new dwelling entitlements are being created as both proposed Lot 241 and Lot 242 will each retain the existing dwellings; and
5. The agricultural use of the lots will not be compromised. Lot 241 will become a larger, more usable agricultural holding.

The intention behind the development standard is to limit new dwelling entitlements on allotments less than the minimum area. Both proposed properties already contain dwellings and the agricultural potential of the land is unlikely to be compromised by the proposed boundary adjustment.

Concurrence

The variation to the development standard does not require concurrence of the Department of Planning as it does not seek any additional entitlement.

Need for Council Concurrence

In accordance with the Department of Planning's circular PS08-014 "Reporting Variations to Development Standards", all Development Applications where there is a variation to a development standard of greater than 10% must be determined by Council.

Accordingly this is not a matter that may be dealt with under delegated authority.

Conclusion

Council has received a Development Application for a three lot subdivision (boundary adjustment) at 1329 Mid Western Highway and 1457 Mid Western Highway. The resubdivision of three existing lots will not create any new dwelling entitlements nor compromise the agricultural potential of the land. Accordingly the SEPP 1 Objection is supportable.

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

13 Item 6 DEVELOPMENT APPLICATION NO. 2012/0411 – THREE LOT SUBDIVISION (BOUNDARY ADJUSTMENT) AT 1329 MID WESTERN HIGHWAY LOT 1, DP137319 AND LOT 1, DP137310 AND 1457 MID WESTERN HIGHWAY LOT 24, DP1116230. APPLICANT: VOERMAN & RATSEP CONSULTING SURVEYORS. OWNERS: JAMES AND MARGARET ALLBUT AND RANDA FARAJ (DA/2012/0411)

MOVED: M Coote SECONDED: J Jennings

RESOLVED:That Council:

- (a) support the variation to the 1(e) Outer Rural 100 hectare minimum lot size as prescribed in Clause 27 (1) of *Bathurst Regional (Interim) Local Environmental Plan 2005* for proposed Lot 242;
- (b) support the variation to the 1(a) Inner Rural 200 hectare minimum lot size as prescribed in Clause 27 (1) of *Bathurst Regional (Interim) Local Environmental Plan 2005* for proposed Lot 241;
- (c) direct the Director Environmental, Planning & Building Services to approve Development Application No. 2012/0411, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979; and
- (d) call a division.

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

The result of the division was:

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

Against the motion - NIL

Absent - NIL

Abstain - NIL

7 GATEWAY ENTERPRISE PARK PLANNING PROPOSAL (20.00250)

Recommendation: That Council:

- (a) prepare a planning proposal to:
 - (i) rezone the subject land 3(b) - Service Business excluding the 50 metre wide Raglan Creek corridor which will be zoned 6(a) – Local Recreation;
 - (ii) include a provision in the Bathurst Regional (Interim) Local Environmental Plan 2005 to:
 - 1) permit Freight Transport Facilities on part of the land as shown on the preliminary DCP map (see attachment 4);
 - 2) enable Warehouses or Distribution Centres on part of the land as shown on the preliminary DCP map (see attachment 4) only in conjunction with Freight Transport Facilities; and
 - 3) define Freight Transport Facilities and Warehouses or Distribution Centres for the purposes of the provision;
 - (iii) amend the definition of Bulky Goods Salesroom or Showroom under the Bathurst Regional (Interim) Local Environmental Plan 2005;
- (b) prepare a concurrent amendment to the Bathurst Regional (Interim) Development Control Plan 2011 generally in accordance with the preliminary DCP map outlined in the report that provides buffers to the great Western Highway, neighbouring properties and Raglan Creek;
- (c) forward the Planning Proposal to the Department of Planning and Infrastructure seeking a gateway approval;
- (d) notify the proponents of Council's resolution; and
- (e) call a division.

Report: Council has received a request from the landowners of the subject property for Council to consider a Planning Proposal to:

- (a) rezone the subject land from 1(a) - Inner Rural to 3(b) - Service Business pursuant to the Bathurst Regional (Interim) Local Environmental Plan 2005;
- (b) include Freight Transport Terminal (Intermodal Transport Terminal), warehouses and industry uses in Schedule 4 of the Bathurst Regional (Interim) Local Environmental Plan 2005; and
- (c) prepare a Development Control Plan amendment for the site.

The site

The site comprises the following allotments, which are legally known as Lot 1 DP 1093933, Lot 2 DP 1079829, Lots 21 and 22 DP 137352 and Lot 23 DP 1133685. The site is an irregular parcel of land with a northern frontage of 900m to the Great Western Highway and a southern frontage to the Great Western Railway, providing a total site area of 29.47 ha (see **attachment 1**). The site is currently zoned 1(a) - Inner Rural pursuant to the Bathurst

Regional (Interim) Local Environmental Plan 2005.

The site generally consists of lightly undulating land. It contains an old decomposed granite (gravel) quarry, known as Kelso/Muldoon's Gravel Quarry, located in the south-eastern portion of the site with numerous tracks and material stockpiles.

The site is dissected by Raglan Creek and a tributary of Raglan Creek. Raglan Creek runs from the south-eastern corner to the middle of the site's Great Western Highway frontage. The tributary is located adjacent to the Great Western Highway and joins the main watercourse at approximately the middle of the site.

History of the site

Concept Plan

In February 2006 the landowners lodged a Concept Plan for approval with the NSW Department of Planning (DoP) pursuant to Section 75O of the Environmental Planning and Assessment Act 1979 (EP&A Act). The Concept Plan included a number of components including:

- an intermodal freight terminal;
- two private rail sidings from the Great Western Railway;
- hardstand areas for storage of containerised goods;
- warehousing;
- highway use sites for warehousing and bulky goods developments;
- a service station;
- administrative and maintenance facilities for the intermodal terminal;
- internal and access roads;
- parking for 46 vehicles; and
- landscaping.

Approval for a road/rail freight intermodal terminal, with associated storage and business facilities, was granted by the DoP on 12 August 2006.

Modification of Concept Plan

In December 2008 the landowners sought a modification to the approved Concept Plan from the DoP pursuant to Section 75W of the EP&A Act. The modification involved:

- a revised footprint layout for individual allotments and buildings on site;
- introduction of two (2) fast food restaurants with 24 hour operation;
- a reduction in hardstand area storage;
- a revised rail siding and loading area;
- a small reduction in total gross floor area;
- changes to site access;
- changes to the riparian corridor and a revised Stormwater Management Strategy;
- consolidation of the approved truck refuelling facility, railway engineer's facility and forklift maintenance facility into the administrative facility;
- subdivision;
- revised Concept Plan staging;
- exclusion of a portion of the site from the Concept Plan approval; and
- modifications to the conditions of approval namely conditions 1, 6 and 10.

The DoP approved the modification of the Concept Plan in December 2009.

Council's submission to the Concept Plan

Council made a submission to the DoP in March 2006 objecting to the Development Application on the basis of:

- (a) The proposed land uses are inconsistent with the objectives of the 1(a) - Inner Rural zone.
- (b) Road transport terminals, bulky goods salesrooms, showrooms, warehouses and service stations are considered discretionary uses and are not usually consistent with the objectives of the zone.
- (c) Council's opinion is that it is inappropriate and premature to consider the proposed development in isolation of the preparation of the Bathurst Region Urban and Rural Strategies and the Comprehensive LEP that will direct future growth of the city and determine the most suitable locations for future industrial and business growth.
- (d) Council has noted that as a result of the structural reform process the DoP has established a Local Environmental Plan Review Panel to provide advice on new procedures. PS 06-005 includes examples of changes to existing plans by way of spot rezonings that the Department would be unlikely to support.

Examples include:

- The rezoning of rural land to industrial purposes inconsistent with a Section 117 direction; and
- A land rezoning or change in development controls in isolation and in the absence of a context where such a rezoning would be more appropriately included in the preparation of a Comprehensive LEP.

This circular suggests that the Department opposes changes from rural to industrial uses and/or substantial developments considered in isolation and in the absence of the context where such a change would be more appropriately included in the preparation of a Comprehensive LEP.

Council's submission to the Modification of the Concept Plan

Council made a further submission to the DoP in February 2009 objecting to the modification of the development consent on the following basis:

- (a) That the proposed modification is substantially and radically different to that of the original Concept Plan approved by the Minister.
- (b) The bulky goods component of the development has almost doubled from the original approval and is no longer ancillary to the primate intermodal facility.
- (c) There has been a significant reduction in the warehousing component of the development from 57, 625 m² to 46,240 m².
- (d) A further 3.9 hectares has been set aside for further development. The intent of the original Concept Plan was to establish the development parameters for the whole of the development site.

- (e) Alteration to the development from the back of the site to the front which was heavily relied upon by the proponents. The movement away from the agreed staging lends credence to Council's original position that the development was primarily aimed at establishing a bulky goods precinct over the site, which is contrary to the objectives of the current rural zoning.
- (f) The development has been altered so as to include the construction and dedication of public roads to service the majority of the allotments. The original proposal included internal private roadways.
- (g) The development as originally proposed made no reference to the land being subdivided.
- (h) Development for the purposes of the commercial precinct is not consistent with the objectives of the 1(a) - Inner Rural zone. If this development were being considered under Part 4 of the Act it would quite clearly be refused as being an inappropriate development within the context of a rural zone.
- (i) It is clear from Council's perspective that the development has been radically altered from that approved by the Minister through the original Part 3A process. The current proposal is squarely aimed at short circuiting the current LEP process in an attempt to introduce bulky goods development without going through the Part 3 process.

A full copy of Council's submissions are at **attachment 2**.

Applicant's desired Planning Proposal

The applicant has subsequently requested that Council consider a Planning Proposal to:

- (a) rezone the subject land from 1(a) - Inner Rural to 3(b) - Service Business pursuant to the Bathurst Regional (Interim) Local Environmental Plan 2005;
- (b) include Freight Transport Terminal (Intermodal Transport Terminal), warehouses and industry uses in Schedule 4 of the Bathurst Regional (Interim) Local Environmental Plan 2005 (ie make those uses permissible on the site); and
- (c) prepare a Development Control Plan amendment.

The Planning Proposal is similar in nature to that of the DoP's approved Concept Plan. The Planning Proposal submission is at **attachment 3**.

Bathurst Region Urban Strategy

Council adopted the Bathurst Region Urban Strategy in 2007. The Strategy was endorsed by the DoP in 2008. The following summarises relevant aspects of the Strategy as it relates to the subject site.

Section 5.2 Retail/Business

The Urban Strategy identified four areas within Bathurst with potential for expanding the city's Service Business zone. The subject site was identified and it was recommended that the land be rezoned as part of the Comprehensive LEP.

An extract of the Urban Strategy is provided below:

Site 1 - Sydney Road (29 ha)

Constraints and Opportunities	Comments
<i>History and proximity to bulky goods (retail) development.</i>	<ul style="list-style-type: none"> - A Development Application for a regional rail freight terminal has been approved on this site by the Department of Planning: - The proposal includes: <ul style="list-style-type: none"> Containerised goods storage - hardstand areas. Regional terminal warehousing and support facilities. Bulky goods (retail) development. Service Station. - adjoining Kelso industrial estate and opposite existing bulky goods (retail) development (including the Harvey Norman development site).
<i>Flooding/environmental considerations.</i>	<ul style="list-style-type: none"> - Flood free. - Traversed by Raglan Creek from south east to north west. Opportunity to enhance and protect this section of Raglan Creek as an open space corridor between Raglan and Kelso. Any development of land would need to consider appropriate buffering from industrial lands to the west.
<i>Transport and access.</i>	<ul style="list-style-type: none"> - Direct access to State Highway Network. - Adjoins rail corridor to the south.
<i>Gateways.</i>	<ul style="list-style-type: none"> - Any development of land would need to consider the significance of the eastern gateway approach to the City. - Sufficient area would need to be made available adjacent to the road reserve for future tree planting and landscape enhancement.
<i>Agricultural Suitability.</i>	<ul style="list-style-type: none"> - Urban.

A summary of suitability and recommendation is presented below:

Site 1 - Sydney Road

This site provides a logical expansion of the existing bulky goods (retail) development fronting Sydney Road. Development pressure to develop this site for urban uses is evident from the substantial Regional Rail Freight Terminal application recently approved by the Department of Planning.

Recommendation: Rezone Site 1 service business in 2008.

The Urban Strategy identified both this site and land off Lee Street (behind Bunnings) as being suitable for rezoning to 3(b) - Service Business. The Strategy therefore identified a total of 34 hectares as being suitable for service business use (approximately 29 hectares of the subject land and approximately 5 hectares of the Lee Street site). The Strategy indicated that this might be an oversupply of service business land but that it would enhance the consolidation of these precincts and reduce further spot developments along the Great Western Highway.

Section 5.3.2 - Rail infrastructure and service opportunities

Council's Urban Strategy made a recommendation to:

"Protect and retain the rail corridor and ancillary holdings in light of potential urban passenger usage and the establishment of a regional rail transport terminal within the City"

Recommended Actions

- a) *Plan for the protection of the rail corridor and ancillary holdings through the retention of the existing industrial zoning of the rail corridor and ancillary holdings.*
- b) *Do not permit residential rezonings in close proximity to the rail corridor.*
- c) *Ensure that rail freight terminals remain a permissible use in the **industrial zone**.*

It is important to note that the recommended action is that the rail freight terminals remain permissible in the industrial zone. The applicant proposes to zone the subject land service business and also permit a rail freight terminal on the land.

This is contrary to this section of the Urban Strategy.

Section 6.6 - Rural vistas, views, landscapes and scenic gateways.

Council's Urban Strategy made a recommendation to:

Create a significant eastern gateway into Bathurst that enhances the rural vistas, provides unity amongst many discordant visual effects and reflects the heritage values of the City.

Recommended Actions:

- a) *Avoid the use of structures along the eastern approach, such as feature walls and small gardens that are not in keeping with the historical character of the City and become outdated.*
- b) *Implement the eastern gateway approach recommendations of the Bathurst Vegetation Management Plan into relevant planning documents including the following:*

	Eastern Gateway Approach Development Control Provision
<i>Raglan to O'Connell Road (prior to future highway)</i>	<i>Southern side development:</i> <ul style="list-style-type: none">● <i>Landscaping design should consider infrastructure constraints and drainage lines. No trees should be planted in constrained areas.</i>● <i>Landscaping design of sites in proximity to Raglan Creek bridge should include poplars.</i>

This recommendation of the Bathurst Region Urban Strategy will assist Council in developing the development standards for the subject land should the rezoning proceed. In this regard the rezoning should not proceed without a Development Control Plan (DCP) amendment to establish appropriate detailed development controls for the site.

Bathurst CBD and Bulky Goods Business Development Strategy

Council adopted the Bathurst CBD and Bulky Goods Business Development Strategy in December 2011.

The Strategy identifies the site as being able to satisfy the demand for bulky goods needs of the Bathurst region into the future. The Strategy (page 226) identifies the site's role as *"The primary bulky goods precinct catering for the long term requirements of the City and its Regional catchment area."*

The Strategy does not include any comment in relation to the associated use of the site as an intermodal freight terminal other than to comment that such approval was granted by the DoP.

The Strategy indicates (page 226) that the site will need to be able to accommodate bulky goods and associated retail floor space amounting to about 43,310 m² of gross building area. A minimum site requirement of 12.7 hectares is recommended by the Strategy. Such a site would satisfy the City's expected bulky goods building area requirements to 2036.

The Strategy also makes recommendations in relation to the lot dimensions, location of buildings and car parking. Those recommendations will contribute to the design elements and development standards located in the DCP amendment which will be required to support this Planning Proposal.

The Strategy likewise recommends that the Gateway site should be developed as a bulky goods precinct ie a B5 zone under the standard instrument. Council proposes to zone the land as such under its Comprehensive LEP which is currently being prepared.

Bulky goods salesroom or showroom definition under the Bathurst Regional (Interim) Local Environmental Plan 2005

Another recommendation of the Strategy is that Council amend the definition of Bulky Goods Salesroom or Showroom to enable further types of businesses which need larger floor areas, but are traditionally not bulky goods such as JB Hi Fi, Spotlight and the like. If this Planning Proposal proceeds it would therefore be logical to include this alteration to the definition of Bulky Goods Salesroom or Showroom as part of the Planning Proposal.

The current LEP definition is:

bulky goods salesroom or showroom means a building or place used primarily for the sale by retail or auction, or the hire or the display, of items (whether goods or materials) that are of such size, shape or weight as to require:

- (a) a large area for handling, storage or display, or
- (b) direct vehicular access to the site of the building or place by members of the public for the purpose of loading items into their vehicles after purchase or hire,

but does not include a building or place used primarily for sale of foodstuffs or clothing.

It is proposed that the definition will be altered to:

bulky goods salesroom or showroom means:

Land used to sell or hire:

- a) *Automotive parts and accessories*
- b) *camping, outdoor and recreation goods;*
- c) *electric light fittings;*
- d) *animal supplies including equestrian and pet goods;*
- e) *floor and window coverings;*
- f) *furniture, bedding, furnishings, fabric and manchester and homewares;*
- g) *household appliances, household electrical goods and home entertainment goods;*
- h) *party supplies;*
- i) *swimming pools;*
- j) *office equipment and supplies;*
- k) *baby and children's goods, children's play equipment and accessories;*
- l) *sporting , cycling, leisure, fitness goods and accessories; or*
- m) *goods and accessories which:*
 - *require a large area for handling, display and storage of goods; or*
 - *require direct vehicle access to the building by customers for the purpose of loading or unloading goods into or from their vehicles after purchase or hire.*

It does not include the sale of food, clothing and footwear unless ancillary to the primary use.

Use of the site as an Intermodal Freight Terminal and for industrial uses

The request for rezoning includes a request to permit the site to also be used as an Intermodal Freight Terminal and for industrial uses including warehousing. The DoP have approved a Concept Plan for the site which included an Intermodal Freight Terminal. That Development Consent has since lapsed.

The land is currently zoned 1(a) - Inner Rural and whilst certain aspects of the development may well be permissible, it remains highly unlikely that any Development Application under Part 4 of the Environmental Planning and Assessment Act 1979 would be supported given the lands current zoning.

The Bathurst CBD and Bulky Goods Business Development Strategy recommends that the site be zoned 3(b) - Service Business and that at least 12.7 hectares of the site be available only for bulky goods and associated retailing development to satisfy the demand for bulky goods floor space to 2036.

The Bathurst Region Urban Strategy also recommends the site be zoned 3(b) - Service Business and suggests that the whole of the site be set aside for bulky goods development to satisfy the ongoing demand in Bathurst. It is acknowledged that this would create an oversupply of land in the short to medium term, but would ensure land would be available in the longer term, beyond the 2036 timeframe recommended by the Bathurst CBD and Bulky Goods Business Development Strategy.

The site is 29 hectares in size. The inclusion of industrial and Intermodal Freight Terminal uses could be tolerated if Council is satisfied to plan only for the supply of land for bulky goods development at this precinct to the year 2036. However, should Council wish to plan for bulky goods growth for a longer timeframe, as recommended by its Urban Strategy, then these additional uses should **not** be permitted.

The subject site is the key site for the provision of Bulky Goods land to the year 2036 and beyond.

Bathurst's future Comprehensive LEP under the Standard Instrument LEP

Council continues to progress its Comprehensive LEP towards a draft LEP for public exhibition. In Council's most recently drafted version submitted to the Department of Planning and Infrastructure it is proposed that the land would be zoned B5 - Business Development which will permit various uses such as Bulky Goods and the like. The draft LEP prohibits rail freight terminals in the B5 zone, in line with the recommendations of Council's strategic planning strategies.

Proposed Development Control Plan Amendment

To support and direct the development of the land, it is also proposed to prepare a DCP amendment which will be placed on public exhibition at the same time as the Planning Proposal. The DCP amendment will take into consideration the relevant recommendations of many of the Strategic Plans which Council has commissioned recently including the Bathurst Region Urban Strategy, the Bathurst Vegetation Management Plan and the Bathurst Urban Waterways Management Plan.

A preliminary plan is provided at **attachment 4**. Importantly it sets aside a 40 metre buffer zone to the Great Western Highway (Sydney Road) to provide appropriate land for gateway approach improvements and landscaping, a 50 metre access and protection corridor over Raglan Creek and land use buffers to adjoining rural and industrial land.

Conclusion

Council has received a request from the landowner to consider a Planning Proposal to:

- (a) rezone the subject land from 1(a) - Inner Rural to 3(b) - Service Business pursuant to the Bathurst Regional (Interim) Local Environmental Plan 2005;
- (b) include Freight Transport Terminal (Intermodal Transport Terminal), warehouses and industry uses as permissible uses on the site in Schedule 4 of the Bathurst Regional (Interim) Local Environmental Plan 2005; and
- (c) prepare a Development Control Plan amendment.

Council's various Strategies identify the site as strategic land suitable for rezoning to enable further expansion of bulky goods development within Bathurst.

It is considered that Council should proceed as follows:

1. Proceed to rezone the subject land 3(b) - Service Business excluding the 50 metre wide Raglan Creek corridor which should be zoned 6(a) – Local Recreation.
2. Include a provision in the Bathurst Regional (Interim) Local Environmental Plan 2005 to:
 - a) permit Freight Transport Facilities on part of the land as shown on the preliminary DCP map (see attachment 4);
 - b) enable Warehouses or Distribution Centres on part of the land as shown on the preliminary DCP map (see attachment 4) but only in conjunction with Freight Transport Facilities; and
 - c) define Freight Transport Facilities and Warehouses or Distribution Centres for the purposes of this land.

3. Amend the definition of Bulky Goods Salesroom or Showroom under the Bathurst Regional (Interim) Local Environmental Plan 2005 as recommended by the Bathurst CBD & Bulky Goods Development Strategy 2011.
4. Proceed to amend the Bathurst Regional (Interim) Development Control Plan 2011 generally in accordance with the preliminary DCP map that provides buffers to the great Western Highway, neighbouring properties and Raglan Creek.

Council's Planning staff consider this to be the best option as it:

1. Ensures the implementation of the recommendations of the various strategies of Council and will provide far greater opportunity for longer term and ongoing consolidation of bulky goods development in one precinct well beyond the year 2036.
2. Enables part of the site to be used as an intermodal freight terminal (Freight Transport Facility) and associated warehousing (Warehouse and Distribution Centre) as requested by the applicant in a manner that does not jeopardise Council's planning strategies.
3. Enables all of the land to be used for Bulky Goods Salesroom or Showrooms purposes should the Freight Transport Facilities and Warehouses or Distribution Centres not proceed.

Recommendation

It is recommended that Council proceed with the Planning Proposal in an amended form from that requested by the landowners to:

- (a) prepare a planning proposal to:
 - (i) rezone the subject land 3(b) - Service Business excluding the 50 metre wide Raglan Creek corridor which will be zoned 6(a) – Local Recreation;
 - (ii) include a provision in the Bathurst Regional (Interim) Local Environmental Plan 2005 to:
 - 1) permit Freight Transport Facilities on part of the land as shown on the preliminary DCP map (see attachment 4);
 - 2) enable Warehouses or Distribution Centres on part of the land as shown on the preliminary DCP map (see attachment 4) only in conjunction with Freight Transport Facilities; and
 - 3) define Freight Transport Facilities and Warehouses or Distribution Centres for the purposes of the provision;
 - (iii) amend the definition of Bulky Goods Salesroom or Showroom under the Bathurst Regional (Interim) Local Environmental Plan 2005;
- (b) prepare a concurrent amendment to the Bathurst Regional (Interim) Development Control Plan 2011 generally in accordance with the preliminary DCP map outlined in the report that provides buffers to the great Western Highway, neighbouring properties and Raglan Creek;
- (c) forward the Planning Proposal to the Department of Planning and Infrastructure

seeking a gateway approval;

- (d) notify the proponents of Council's resolution; and
- (e) call a division.

Financial Implications: The applicant has paid the relevant application fees for the Planning Proposal and the DCP amendment as outlined in Council's Management Plan.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 3: To protect a vibrant CBD and support and grow retail diversity. Strategy 3.4
- Objective 1: To attract employment, generate investment and attract new economic development opportunities. Strategy 1.5
- Objective 9: To protect and enhance the region's landscapes, views, vistas, open spaces and the Macquarie River. Strategy 9.1
- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.1

MINUTE

14 Item 7 GATEWAY ENTERPRISE PARK PLANNING PROPOSAL (20.00250)

MOVED: I North SECONDED: B Bourke

RESOLVED:That Council:

- (a) prepare a planning proposal to:
 - (i) rezone the subject land 3(b) - Service Business excluding the 50 metre wide Raglan Creek corridor which will be zoned 6(a) – Local Recreation;
 - (ii) include a provision in the Bathurst Regional (Interim) Local Environmental Plan 2005 to:
 - 1) permit Freight Transport Facilities on part of the land as shown on the preliminary DCP map;
 - 2) enable Warehouses or Distribution Centres and ancillary industrial uses on part of the land as shown on the preliminary DCP map only in conjunction with Freight Transport Facilities; and
 - 3) define Freight Transport Facilities and Warehouses or Distribution Centres for the purposes of the provision;
 - (iii) amend the definition of Bulky Goods Salesroom or Showroom under the Bathurst Regional (Interim) Local Environmental Plan 2005;
- (b) prepare a concurrent amendment to the Bathurst Regional (Interim) Development Control Plan 2011 generally in accordance with the preliminary DCP map outlined in the report that provides buffers to the Great Western Highway, neighbouring properties and Raglan Creek;
- (c) forward the Planning Proposal to the Department of Planning and Infrastructure seeking a gateway approval;
- (d) notify the proponents of Council's resolution; and
- (e) call a division.

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

The result of the division was:

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

Against the motion - NIL

Absent - NIL

Abstain - NIL

8 BATHURST REGIONAL (INTERIM) DEVELOPMENT CONTROL PLAN 2011 (AMENDMENT NO. 5) (20.00249)

Recommendation: That Council:

- (a) adopt the Bathurst Regional (Interim) Development Control Plan 2011 (Amendment No. 5);
- (b) give notice of the adoption of the Bathurst Regional (Interim) Development Control Plan 2011 (Amendment No.5) in accordance with the requirements of the Environmental Planning and Assessment Act (1979), and note that the DCP does not become effective until notice is given in the Western Advocate;
- (c) give written notice of the adoption of the Bathurst Regional (Interim) Development Control Plan 2011 (Amendment No.5) to the owners of the identified neighbourhood centres; and
- (d) call a division.

Report: Council adopted the Bathurst Regional (Interim) Development Control Plan (DCP) 2011 at its Ordinary meeting held on 16 February 2011. This document provides details and criteria for assessing Development Applications under Council's current Local Environmental Plan (Bathurst Regional (Interim) Local Environmental Plan 2005) (LEP).

The purpose of this amendment is to:

Alter the rate of provision for car parking spaces for refreshment rooms, nightclubs, hotels and clubs within the identified neighbourhood shopping centres (Westpoint – Windradyne, Trinity Heights – Kelso and Kelso Centrepoint – Kelso) to be the same as the rate which applies in the CBD.

The Development Control Plan (DCP) amendment will:

Align car parking standards for a number of different uses that are permissible in neighbourhood shopping centres therefore allowing a future change of use without the need to significantly increase the number of off-street car parking spaces in the neighbourhood centre.

The current car parking standards for refreshment rooms, nightclubs, hotels and clubs outside the CBD do not distinguish between isolated development (where no centralised car park is available) and development within a neighbourhood centre (where a centralised car park is available). The proposed amendment will in essence treat refreshment rooms, nightclubs, hotels and clubs within the identified neighbourhood centres as though they were located within the CBD. The car parking standards for these uses outside the CBD and outside a neighbourhood centre will remain the same.

Council placed the draft DCP Amendment No. 5 on public exhibition for 28 days from 17 September 2012 to 16 October 2012. During the public exhibition period no submissions were received.

Council should note that DCP Amendment No. 5 will become effective from the date of notification of Council's adoption in the Western Advocate.

Conclusion

DCP Amendment No 5 will enable a greater diversity of uses in the identified neighbourhood shopping centres, as the need for a significant number of additional off-street car parks could prevent some uses, in particular, refreshment rooms, nightclubs, hotels and clubs from locating in these centres even though they are permissible uses. Adoption of the amendment is therefore recommended.

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 3: To protect a vibrant CBD and support and grow retail diversity. Strategy 3.1, 3.3
- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.5

MINUTE

15 Item 8 BATHURST REGIONAL (INTERIM) DEVELOPMENT CONTROL PLAN 2011 (AMENDMENT NO. 5) (20.00249)

MOVED: I North SECONDED: G Rush

RESOLVED: That Council:

- (a) adopt the Bathurst Regional (Interim) Development Control Plan 2011 (Amendment No. 5);
- (b) give notice of the adoption of the Bathurst Regional (Interim) Development Control Plan 2011 (Amendment No.5) in accordance with the requirements of the Environmental Planning and Assessment Act (1979), and note that the DCP does not become effective until notice is given in the Western Advocate;
- (c) give written notice of the adoption of the Bathurst Regional (Interim) Development Control Plan 2011 (Amendment No.5) to the owners of the identified neighbourhood centres; and
- (d) call a division.

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

The result of the division was:

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

Against the motion - NIL

Absent - NIL

Abstain - NIL

9 REVIEW OF SWIMMING POOLS ACT (02.00009)

Recommendation: That the information be noted.

Report: Council has been advised of recent amendments to the Swimming Pools Act.

The amendments introduced a regime requiring all property owners to register on a statewide database and self certify swimming pools compliance. Councils will be required to introduce a policy relating to the ongoing inspection of pools.

The obligations upon Council and the public are as follows:

The *Swimming Pools (Amendment) Act 2012* makes the following amendments to the *Swimming Pools Act 1992*:

Information for councils:

1. Councils are required to:
 - i. develop and implement a swimming pool barrier inspection program in consultation with their communities
 - ii. report annually on the number of pool inspections undertaken and the level of compliance with the requirements
 - iii. inspect pools associated with tourist and visitor accommodation and multi-occupancy developments at three year intervals
 - iv. at the request of a pool owner, inspect pools prior to sale or lease
 - v. issue compliance certificates after an inspection which finds a pool barrier compliant with the requirements of the legislation. Compliance certificates are valid for three years.
2. A swimming pool subject to an occupation certificate is exempt from an inspection program for three years from the date of issue of the occupation certificate.
3. Councils may inspect any swimming pool that is subject to a complaint to the council.
4. Council powers of entry will be consistent with the *Local Government Act 1993*.
5. Councils may charge a fee for each inspection undertaken (up to a maximum of \$150 for the first inspection and \$100 for one reinspection resulting from the first inspection).

Information for Pool Owners:

1. Swimming pool owners are required to register their swimming pools on an online register to be provided by the NSW State Government.
2. Swimming Pool owners will be required to self-assess, and state in the register that, to the best of their knowledge, their swimming pool complies with the applicable standard when registering their pool.
3. There is a penalty for owners who fail to register a swimming pool (penalty notice amount of \$220).
4. Swimming pool owners will be required to provide a valid swimming pool compliance certificate before being able to sell or lease a property with a pool.
5. Accredited certifiers under *the Building Professional Act 2005* may conduct swimming pool inspections initiated by the pool owner.

Staged implementation:

The Act includes a staged implementation process to facilitate:

- the development and implementation of the Swimming Pools Register (to

- commence by no later than 29 April 2013)
- registration by pool owners of pools (after the register commences and by no later than 29 October 2013)
- councils' inspection programs (to be developed in consultation with the community, adopted and commenced by no later than 29 October 2013)
- mandatory inspections by councils of tourist, visitor and multi-occupancy developments, and pools associated with property sale and lease (to commence by no later than 29 April 2014).

At this stage the resource implications for Council are unknown as the number of pools (and therefore potential inspections) are unclear. This figure will not be known until such time as the registration phase is complete.

It remains unclear as to how Council can meaningfully develop a policy on the frequency of inspection (due by 29 October 2013) when the final registration numbers will not be known until this date.

Financial Implications: Nil, at this stage, but has the potential to require additional resources during the latter half of 2013.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 22: To improve community safety. Strategy 22.11
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.2, 30.4

MINUTE

16 Item 9 REVIEW OF SWIMMING POOLS ACT (02.00009)

MOVED: J Jennings SECONDED: I North

RESOLVED: That the information be noted.

10 NEW DELEGATIONS AND INDEPENDENT REVIEWS RELATING TO PLAN MAKING UNDER THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979 (02.00005 & 41.00088)

Recommendation: That Council:

- (a) inform the NSW Department of Planning and Infrastructure that it accepts the delegation of functions under section 59 of the Environmental Planning & Assessment Act for the making of Local Environmental Plans;
- (b) delegate these functions to the General Manager and under delegation from him delegate these functions to the Director Environmental Planning & Building Services and advise the Department accordingly; and
- (c) note that the General Manager will sub delegate these functions to the Director Environmental, Planning & Building Services.

Report: The State Government has put in place two changes to improve the plan making process under Part 3 of the Environmental Planning & Assessment Act (refer to **attachment 1**). These changes come into effect as of 2 November 2012. The aim is to increase transparency, provide greater certainty and increase Councils' roles and responsibilities in plan making.

1. Local Environmental Plan (LEP) delegations

The following types of draft LEPs will now routinely be delegated to Councils to prepare and make following a Gateway determination that the planning proposal can proceed:

- mapping alterations
- section 73A matters (e.g. amending reference to document/agencies, minor errors and anomalies),
- heritage LEPs related to specific local heritage items supported by an Office of Environment & Heritage endorsed Study,
- spot rezoning consistent with an endorsed strategy and/or surrounding zones,
- other matters of local significance as determined by the Gateway.

To be able to exercise these delegations, Council must write to the Department advising that they are accepted. Council's are also requested to nominate in their response the officers or employee who will be granted the proposed delegation.

It is proposed that the General Manager be so nominated and under delegation from him the Director Environmental Planning & Building Services.

2. Independent Reviews

To increase transparency and accountability, the Government has formalised two administrative review processes:

- (a) Pre-gateway reviews - may be requested by a proponent before a planning proposal has been submitted to the Department for a gateway determination. This review is informed by advice from the Joint regional Planning Panel (JRPP) or the Planning Assessment Commission (PAC).

Such review would be relevant where a Council notifies a proponent that a request to prepare a planning proposal (e.g. rezoning) is not supported or if the Council hasn't indicated its support for a planning proposal 90 days after it is submitted.

- (b) Gateway reviews - may be requested by Council or a proponent following a Gateway determination but prior to community consultation. These reviews are informed by the PAC.

Such review would be relevant where the Gateway determines that the planning proposal should not proceed, the planning proposal should be resubmitted or the Gateway imposes requirements or makes variations that Council/proponent thinks should be reconsidered.

Conclusion

These changes are considered a step forward in improving the plan making process, particularly with respect to the delegation of plan making powers to Councils.

It is therefore recommended that Council write to the Department of Planning and Infrastructure accepting the delegation of functions under section 59 of the Environmental Planning and Assessment Act for the making of Local Environmental Plans.

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.8
- Objective 32: To ensure Council is supported by an adequate workforce and appropriate governance procedures. Strategy 32.2

MINUTE

17 Item 10 NEW DELEGATIONS AND INDEPENDENT REVIEWS RELATING TO PLAN MAKING UNDER THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979 (02.00005 & 41.00088)

MOVED: I North SECONDED: W Aubin

RESOLVED: That Council:

- (a) inform the NSW Department of Planning and Infrastructure that it accepts the delegation of functions under section 59 of the Environmental Planning & Assessment Act for the making of Local Environmental Plans;
- (b) delegate these functions to the General Manager and under delegation from him delegate these functions to the Director Environmental Planning & Building Services and advise the Department accordingly; and
- (c) note that the General Manager will sub delegate these functions to the Director Environmental, Planning & Building Services.

11 GREATER CENTRAL WEST REGIONAL STATE OF ENVIRONMENT REPORT (13.00004)

Recommendation: That Council:

- (a) note that the 2012 Regional State of the Environment Report has been completed;
- (b) note that a copy of the 2012 Regional State of the Environment Report will be forwarded to the Minister for Local Government in accordance with Council's statutory obligations; and
- (c) note that the 2012 Regional State of the Environment Report will be placed on Bathurst Regional Council's Website.

Report: For the last five reporting years Bathurst Regional Council has participated in the Greater Central West Regional State of the Environment Reporting process. There are 17 Councils participating in the project including: Bathurst Regional, Blayney Shire, Bogan Shire, Bourke Shire, Cabonne Shire, Coonamble Shire, Cowra Shire, Dubbo City, Gilgandra Shire, Lachlan Shire, Mid-Western Regional, Narromine Shire, Oberon Shire, Orange City, Warren Shire, Warrumbungle Shire, and Wellington Shire.

The Central West Catchment Management Authority (Central West CMA) and each participating Council make an annual financial contribution to the preparation and printing of the Regional SoE.

A regional approach to reporting recognises that many environmental issues transcend local government boundaries and also:

- Facilitates a better understanding of the state of the environment across the region
- Encourages collaboration in regards to partnering on projects and sharing ideas and resources
- Assists in the management of shared environmental resources
- Forges stronger regional links across participating Councils.

The report has been prepared using a common set of environmental indicators to capture data which allows comparison of trends and changes across the Greater Central West Council areas.

A steering committee made up of representatives from the Central West CMA, Mid-Western Regional, Dubbo City, Wellington Shire and Bathurst Regional Councils have guided the preparation of this year's Regional SoE. Under the guidance of the steering committee the report has continued to be refined and improved and the collaboration is now used as an example of how local governments can work together on environmental matters to improve quality and efficiency of outcomes.

The 2012 Regional SoE Report will be emailed to Councillors. It is available to members of the public from the Environmental, Planning & Building Services Department.

While this Regional SoE provides the opportunity for smaller Councils to use it to meet statutory reporting requirements, Bathurst Regional Council continues to prepare its own SoE each year. This will ensure that key monitoring of a broader range of environmental indicators can continue and will enable the comprehensive reporting of trends in the SoE to the wider community.

Financial Implications: Bathurst Regional Council's contribution to the preparation of the report was funded from existing allocations.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 8: To promote sustainable and energy efficient growth. Strategy 8.2
- Objective 29: To guide the construction and provision of new infrastructure/facilities and services and the management and upgrading of existing assets and service levels. Strategy 29.5
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.6
- Objective 33: To be and develop good leaders. Strategy 33.1, 33.5, 33.6

MINUTE

18 Item 11 GREATER CENTRAL WEST REGIONAL STATE OF ENVIRONMENT REPORT (13.00004)

MOVED: I North SECONDED: J Jennings

RESOLVED: That Council:

- (a) note that the 2012 Regional State of the Environment Report has been completed;
- (b) note that a copy of the 2012 Regional State of the Environment Report will be forwarded to the Minister for Local Government in accordance with Council's statutory obligations; and
- (c) note that the 2012 Regional State of the Environment Report will be placed on Bathurst Regional Council's Website.

12 STATE OF THE ENVIRONMENT REPORT – BATHURST REGIONAL COUNCIL (13.00062)

Recommendation: That Council:

- (a) note that the 2012 Supplementary State of the Environment Report has been completed;
- (b) forward a copy of the 2012 Supplementary State of the Environment Report to the Minister for Local Government; and
- (c) make electronic copies of the 2012 Supplementary State of the Environment Report available on Bathurst Regional Council's Website.

Report: NSW Local Councils are required to prepare a State of Environment Report (SoE) on an annual basis; a Comprehensive Report in the year following a full Council election, and a Supplementary Report every other year. Bathurst Regional Council (BRC) prepared the Comprehensive Report in 2009, thus the 2012 SoE Report is Supplementary in nature. The report is prepared based on financial years.

A local SoE is a document that provides a summary of the environmental attributes of the local government area and human impacts on the environment. It also provides a public record of activities undertaken by Council and the community to protect and restore the environment.

A Supplementary Report in particular serves to:

1. Identify any new environmental impacts since the Council's last SoE; and
2. Update the trends in environmental indicators that are important to each environmental sector.

As such, the 2012 SoE does not serve to repeat all of the information in the Comprehensive report; rather it should be read as an addendum to it.

The 2012 Supplementary SoE Report highlights areas which have been identified as placing pressure on the natural environment during the reporting period including:

- A population that continues to grow;
- A substantial increase in the volume of waste disposed at the Bathurst Waste Management Centre;

The 2011-12 SoE report also outlines a number of actions undertaken by Council during the reporting period to address environmental pressures and highlights achievements in improving environmental performance including, amongst others:

- The opening of the Sustainable House Lifestyle House as a demonstration site;
- The completion of the rehabilitation of highly eroded reaches of Hawthornden Creek in Boundary Road Reserve, as recommended by the Urban Waterways Management Plan;
- The commencement of the design works for Stage II rehabilitation of Hawthornden Creek;
- The preparation of a Biodiversity Management Plan for the Local Government Area;
- The planting of over 24,000 plants as part of the Urban Drainage Reserve Revegetation Link project;

- The lowest amount of water pumped to reticulation for town use in 27 years;
- The implementation of the 'Bathurst Water Filtration Plant Supernatant Recycling Project'; and
- The implementation of a number of energy efficiency projects including the retrofitting of over 2000 T8 light fittings with more energy efficient T5 fittings across nine Council facilities.

The 2012 SoE also contains information on the current condition of the local environment such as regional air quality, water quality of the Macquarie River, the number of threatened species identified in the local area and heritage items listed on the State Heritage Register.

The executive summary of the report is provided at **attachment 1**. A full copy of the report will be emailed to Councillors and is available to members of the public from the Environmental, Planning & Building Services Department.

This Report is the last required under the original SoE reporting structure. In 2009, the Local Government Act 1993 was amended to require the use of an Integrated Planning and Reporting Framework to guide a Council's future strategic planning and reporting. As part of the Framework, Councils are required to develop environmental objectives with their communities in relation to local environmental issues. These environmental objectives form part of each Council's overarching Community Strategic Plan. Under the new framework Councils are required to prepare annual reports which include reporting on their environmental objectives. The annual report in the year in which a Council election is held must include a SoE Report. Under the new system SoE reporting will be more strongly tied to community values and priorities.

Conclusion

Bathurst Regional Council has prepared the 2012 Supplementary State of Environment Report. The report serves to highlight initiatives undertaken to improve the local environment and any major changes to the condition of the local environment.

Financial Implications: Nil. The preparation of the SOE is undertaken using existing allocations.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- | | |
|---|---------------------------|
| ● Objective 8: To promote sustainable and energy efficient growth. | Strategy 8.2 |
| ● Objective 29: To guide the construction and provision of new infrastructure/facilities and services and the management and upgrading of existing assets and service levels. | Strategy 29.5 |
| ● Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. | Strategy 30.6 |
| ● Objective 33: To be and develop good leaders. | Strategy 33.1, 33.5, 33.6 |

MINUTE

19 Item 12 STATE OF THE ENVIRONMENT REPORT – BATHURST REGIONAL COUNCIL (13.00062)

MOVED: I North SECONDED: G Rush

RESOLVED: That Council:

- (a) note that the 2012 Supplementary State of the Environment Report has been completed;
- (b) forward a copy of the 2012 Supplementary State of the Environment Report to the Minister for Local Government; and
- (c) make electronic copies of the 2012 Supplementary State of the Environment Report available on Bathurst Regional Council's Website.

13 YOUTH LEADING THE WORLD REPORT (09.00003)

Recommendation: That the information be noted.

Report: A review was recently undertaken of Council's environmental education programs and it was identified that there is an education gap for youth (age 14-25).

OzGREEN has offered Council an opportunity to participate in a global youth leadership program called "Youth Leading the World". OzGREEN has a strong track record of working with and encouraging youth to take action on environmental and social justice issues by providing leadership and strategic thinking skills.

Youth Lead was established in the early 2000's, and with the advent of social media technologies the Youth Leading the World Congress was created. The Youth Leading the World Program involves:

- Day 1** Global Challenge: understanding the nature of the global problems, undertaking an ecological footprint of students lifestyles, visioning a sustainable future and community.
- Day 2** Be the Change: students brainstorm a change plan for the issue of most interest to them which is supported by Action Planning to achieve the vision.
- Day 3** Begin it Now: is a youth lead community forum involving representatives from government, local businesses, parents, teachers, principals and the public.

The program gives young people skills to take into the real world by which they can action their plan for change. The goal of this program is to work in partnership with others and over time increase the number of groups working in partnership to support this program. Council's Environment Section is working in partnership with Council's Youth Development Officer to deliver the program.

The Youth Leading the World Congress is on 27-29 November 2012. Due to the size of the venue (one of the teaching rooms at the Flannery Centre) numbers will be limited to 15 participants. In future years the number of participants will grow as Council and its partners become more confident with the program and its outcomes.

Financial Implications: To hold a congress Council needs to have 2 trained facilitators.

The total program will cost \$4,500. Funding is available through existing environmental education allocations.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 8: To promote sustainable and energy efficient growth. Strategy 8.2, 8.9
- Objective 10: To protect and enhance the region's biodiversity. Strategy 10.8
- Objective 13: To minimise the City's environmental footprint. Strategy 13.5, 13.8

- Objective 15: To secure a sustainable water supply and raise awareness on water issues. Strategy 15.3
- Objective 18: To encourage sustainable housing choice and quality design that engenders a sense of place. Strategy 18.4

MINUTE

20 **Item 13** **YOUTH LEADING THE WORLD REPORT (09.00003)**

MOVED: G Hanger **SECONDED:** J Jennings

RESOLVED: That the information be noted.

14 BIODIVERSITY MANAGEMENT PLAN (37.00336)

Recommendation: That Council adopt the Biodiversity Management Plan for the Bathurst Regional Council Local Government area incorporating the minor changes submitted during the public exhibition period.

Report: In 2009 the Bathurst Orange Dubbo Alliance was awarded a \$2 million dollar grant under the NSW Environmental Trust's Urban Sustainability Program to implement actions of the Bathurst Orange Dubbo: Environmental Sustainability Action Plan. The grant project was entitled 'Inspiring and Integrating Change in the Central West Region' and under the program Bathurst Regional Council received funding to implement a number of innovative projects relating to the management and enhancement of biodiversity within the Bathurst Region.

One of the Bathurst projects was to develop a Biodiversity Management Plan (BMP) which would assist Council with future planning, monitoring and management of biodiversity.

Following a competitive tender process the BMP project was awarded to Mactaggart Natural Resource Management, a local environmental consulting firm, in June 2011.

The objectives of the project were to:

- Improve the integration of biodiversity conservation into land use planning instruments (such as Local Environmental Plans and Development Control Plans) and the development assessment process.
- Protect and enhance the biodiversity of natural areas on land under Council care and control;
- Identify priority conservation areas and biodiversity values to be maintained, and restored across all land tenures;
- Provide strategies to improve community awareness of, and encourage and support community participation in biodiversity conservation;
- Be guided by national, state and regional targets, including the Central West Catchment Action Plan, the Lachlan Catchment Action Plan, the NSW State Plan, the NSW Biodiversity Strategy 2010 – 2015 (currently in draft form) and Australia's Biodiversity Conservation Strategy 2010 – 2030; and
- Improve biodiversity knowledge and data management within the Bathurst Regional LGA.

As resolved by Council on the 18 July 2012, the BMP was placed on public exhibition for a period of 28 days. During this time one submission was received. This was from Chris Marshall, Chair of the Boundary Road Landcare Group. The submission strongly endorsed the plan and is provided as **attachment 1**. Feedback was also sought and received from the Engineering Services Department during the public exhibition period. Minor modifications have been made to the document as a result of this feedback.

The executive summary of the BMP report is provided as **attachment 2**. A full copy of the report is available from the Environment, Planning & Building Services Department.

The preparation of a BMP fulfils an important objective of the Bathurst Orange Dubbo Environmental Sustainability Action Plan, which identified the preparation of a BMP as a critical step in improving the environmental sustainability of our Region. The BMP will not only assist Bathurst Regional Council to improve its management of biodiversity, but will be used as an example to Orange and Dubbo and smaller regional councils.

Financial Implications: The preparation of the BMP was primarily funded through the 'Inspiring and Integrating Change' grant (\$85,000). Council made a \$17,000 contribution to the project in the 2010/2011 Management Plan.

Council resolved in its 2012/2013 Management Plan to allocate \$25,000 to commence the implementation of the recommendations of the BMP.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 10: To protect and enhance the region's biodiversity. Strategy 10.4, 10.11
- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.8
- Objective 33: To be and develop good leaders. Strategy 33.1, 33.5

MINUTE

21 Item 14 BIODIVERSITY MANAGEMENT PLAN (37.00336)

MOVED: J Jennings SECONDED: M Coote

RESOLVED: That Council adopt the Biodiversity Management Plan for the Bathurst Regional Council Local Government area incorporating the minor changes submitted during the public exhibition period.

15 ENVIROMENTORS REPORT (18.00034)

Recommendation: That the information be noted.

Report: During Term 3, 2012, Bathurst Regional Council provided environmental education workshops to eleven Bathurst schools through the Keep Australia Beautiful NSW EnviroMentors program. The following key outcomes were achieved during these visits:

- Participation of approximately 1468 students
- Eleven primary schools visited over 15 days
- Successful delivery of the 'Compost Critters' and 'Let's Do it Now!' modules
- Improved awareness of composting and sustainability related issues.

Keep Australia Beautiful NSW aims to foster and implement positive change to our environment through education. The EnviroMentors program combines a range of interactive educational resources with positive and enthusiastic facilitation to deliver environmental education.

A survey completed by the schools on the EnviroMentors visit to the Bathurst Region provided valuable feedback for further development of the program. Teachers and students alike regarded the program highly and demonstrated a high degree of interest and concern for environmental issues. Participants also indicated they understood the need to 'make a difference' through positive preventative actions and the communication of these to the wider community.

Feedback also reflected that teachers in the region are interested in the 'Catchment Action' and 'Drip, Drop, Splash' modules for future workshops.

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

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- | | |
|---|---------------------|
| ● Objective 8: To promote sustainable and energy efficient growth. | Strategy 8.2, 8.9 |
| ● Objective 10: To protect and enhance the region's biodiversity. | Strategy 10.8 |
| ● Objective 13: To minimise the City's environmental footprint. | Strategy 13.5, 13.8 |
| ● Objective 15: To secure a sustainable water supply and raise awareness on water issues. | Strategy 15.3 |
| ● Objective 18: To encourage sustainable housing choice and quality design that engenders a sense of place. | Strategy 18.4 |

MINUTE

22 Item 15 ENVIROMENTORS REPORT (18.00034)

MOVED: I North SECONDED: B Bourke

RESOLVED: That the information be noted.

Yours faithfully

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

D R Shaw
DIRECTOR
ENVIRONMENTAL, PLANNING & BUILDING SERVICES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT AND MINUTES
21 NOVEMBER 2012

**DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT TO THE ORDINARY
MEETING OF BATHURST REGIONAL COUNCIL MEETING HELD ON 21 NOVEMBER
2012**

General Manager
Bathurst Regional Council

1 STATEMENT OF INVESTMENTS (16.00001)

Recommendation: That the information be noted.

Report: \$70,431,107.58 was invested at 31 October, 2012 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:

Year to Date Averages

(as per the CBA & RBA for comparison purposes)

Reserve Bank of Australia - Cash Rate	3.25%
AFMA - 90 day Bank Bill Swap Rate (BBSW)	4.03%
Three Year Swap Rate - Commonwealth	3.68%

Short Term 1 – 365 Days

(Comprising Commercial Bills,

Debentures and Certificates of

Deposit:

	<u>Rating</u>		<u>Average Return</u>
Bank of Western Australia	A1+	\$2,500,000.00	5.22%
Bank of Queensland	A2	\$12,000,000.00	5.32%
Bendigo and Adelaide Bank	A2	\$8,500,000.00	5.23%
IMB	A3	\$10,500,000.00	5.17%
Maritime, Mining & Power Credit Union	ADI	\$3,000,000.00	4.87%
National Australia Bank	A1+	\$9,000,000.00	5.21%
People's Choice Credit Union	ADI	\$2,000,000.00	5.31%
Railways Credit Union	ADI	\$1,000,000.00	5.17%
SGE Credit Union	ADI	<u>\$1,000,000.00</u>	<u>5.15%</u>
		<u>\$49,500,000.00</u>	<u>5.21%</u>

Long Term

(comprising Commercial Bills, Term

Deposits and Bonds):

Committed Rolling Investments

Westpac	AA-	\$2,000,000.00	4.29%
Westpac	AA-	\$2,000,000.00	4.84%
Westpac	AA-	\$2,000,000.00	4.92%
Westpac	AA-	<u>\$2,000,000.00</u>	<u>4.40%</u>
		<u>\$8,000,000.00</u>	<u>4.61%</u>

Community Income Note

*Rembrandt Australia Trust		<u>\$931,107.58</u>	<u>0.00%</u>
(refer to DCSF C#1 report of 19/3/2008)		\$931,107.58	0.00%

**Fixed, Negotiable & Tradeable
Certificates of Deposits**

Commonwealth Bank	AA-	\$2,000,000.00	4.47%
Commonwealth Bank	AA-	<u>\$2,000,000.00</u>	<u>4.76%</u>
		\$4,000,000.00	4.62%

Floating Rate Notes

ANZ	AA-	\$2,000,000.00	4.36%
Barclays Bank PLC – Australia	AA-	\$2,000,000.00	5.41%
Bendigo & Adelaide Bank Retail Bond	A-	\$2,000,000.00	4.73%
The Royal Bank of Scotland – Australia	A+	<u>\$2,000,000.00</u>	<u>6.07%</u>
		\$8,000,000.00	5.23%

Total Investments		<u>\$70,431,107.58</u>	<u>5.03%</u>
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These funds were held as follows:

Reserves Total (includes unexpended loan funds)		\$30,294,008.93
Grants held for specific purposes		\$5,792,898.36
Section 94 Funds held for specific purposes		\$23,673,272.54
Unrestricted Investments – All Funds		\$10,670,927.75
General Fund	\$17,806.27	
Water Fund	\$2,030,577.84	
Sewer Fund	\$1,978,989.06	
Waste Fund	<u>\$6,643,554.58</u>	

Total Investments		<u>\$70,431,107.58</u>
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<u>Total Interest Revenue to 31/10/12</u>		<u>\$1,182,837.33</u>	<u>5.03%</u>
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R Roach
Responsible Accounting Officer

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

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

23 Item 1 STATEMENT OF INVESTMENTS (16.00001)

MOVED: G Rush SECONDED: J Jennings

RESOLVED: That the information be noted.

2 YEAR TO DATE REVIEW - QUARTERLY BUDGET REVIEW STATEMENT 2012-2013 (16.00129)

Recommendation: That the information be noted and any variations to income and expenditure be voted.

Report: Bathurst Regional Council has in place the Bathurst 2036 Community Strategic Plan which aims to inform the community about the major directions and programs Council is undertaking in shaping the future of the Bathurst Region. These directions are summarised as objectives and strategies in Part VI of the Community Strategic Plan which was adopted by Council on 15 February 2012. The Plan is available for viewing at the council offices at 158 Russell Street or can be downloaded from the Public Documents section of Council's website, www.bathurst.nsw.gov.au. Shown at **attachment 1** is a listing of the Objectives and Strategies from the Bathurst 2036 Community Strategic Plan.

Clause 203(1) of the *Local Government (General) Regulation 2005* (the Regulation) requires a council's responsible accounting officer to prepare and submit a quarterly budget review statement to the governing body of council. The quarterly budget review statement must show, by reference to the estimated income and expenditure that is set out in the management plan or operational plan adopted by council for the relevant year, a revised estimate of income and expenditure for that year. It also requires the budget review statement to include a report by the responsible accounting officer as to whether or not they consider the statement indicates council to be in a satisfactory financial position (with regard to its original budget) and if not, to include recommendations for remedial action.

The Division of Local Government has now set a prescribed format for the Quarterly Budget Review Statement (QBRS). The new statement is in the same format as the requirements for the new Annual Operational Plan that replaced the Management Plan from 1 July 2012. The Report shown at **attachment 2** is in the format of a commercial Income and Expenditure Statement as per the Division of Local Government Guidelines.

At **attachment 3** is an update of the strategies for the 2012/2013 Community Strategic Plan.

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 - Nil.

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

- Objective 29: To guide the construction and provision of new infrastructure/facilities and services and the management and upgrading of existing assets and service levels. Strategy 29.3
- Objective 33: To be and develop good leaders. Strategy 33.5

MINUTE

24 Item 2 YEAR TO DATE REVIEW - QUARTERLY BUDGET REVIEW STATEMENT 2012-2013 (16.00129)

MOVED: I North SECONDED: G Rush

RESOLVED: That the information be noted and any variations to income and expenditure be voted.

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

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

Report: At **attachment 1** is a list of Sundry Section 356 Donations, Bathurst Memorial Entertainment Centre Community Use Subsidies and Mount Panorama Fee Subsidies granted by Council for the period ending 31 October, 2012.

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:	\$Nil
BMEC Community use:	\$Nil
Mount Panorama:	\$11,492.79

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

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

MOVED: B Bourke SECONDED: I North

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

4 POWER OF ATTORNEY (11.00007)

Recommendation: That the information be noted.

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

- Hawker, JM - Part 28 Gowan Road, Gowan - Lot 2,3 & 4, DP1110530 - Transfer.
- Bailey, DJ & JE - 8 Elm Place, Kelso - Part Lot 274, DP735655 - Transfer.
- Fush, BJ & Hall EG - 12 Chesterman Close - Lot 928, DP1170287 - Transfer.
- G Coates & Sons Pty Ltd and Adam Hart Constructions Pty Ltd - Mulley Close, Lot 922, DP1170287 - Transfer.
- Bremar Homes Pty Ltd - 5 Chesterman Close - Lot 932, DP1170287 - Transfer.
- Bremar Homes Pty Ltd - 3 Chesterman Close - Lot 933, DP1170287 - Transfer.
- Moonmoon, IJ & Islam MZ - 116 Evernden Road, Lot 1138, DP1170286 - Transfer.
- Short, OP & Fulthorpe, RA - 73 Swanbrooke Street, Lot 903, DP1170287 - Transfer.
- Williams, JF & VJ - 4 Chesterman Close - Lot 924, DP1170287 - Transfer.
- Wilson, P - Windradyne Residue Land - Lot 38 and Part Lot 136, DP1123180 - Licence Agreement.
- Mumberson, L - Land near Eglinton Bridge - Lot 7004, DP1002346 - Licence Agreement.

Linen Plan Release

- GDH Pty Ltd/Camflex Pty Ltd - Demolition of existing buildings & construction of supermarket, speciality shops - Lot 22, DP717600, 72 & 86 Rankin Street.

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

26 Item 4 POWER OF ATTORNEY (11.00007)

MOVED: W Aubin SECONDED: G Westman

RESOLVED: That the information be noted.

5 DIVISION OF LOCAL GOVERNMENT LOCAL INFRASTRUCTURE RENEWAL SCHEME (16.00020-06)

Recommendation: That Council endorse the action of the General Manager in seeking funding under the second round of the Local Infrastructure Renewal Scheme, in the sum of \$5 million.

Report: The NSW Government, in its 2011-12 budget, provided a total of \$70 million over five years for the implementation of the Local Government Renewal Scheme which provides a 4% interest subsidy to fund Council infrastructure backlogs by way of borrowing and is a key component of this budget policy.

In July 2012 the Minister for Local Government announced that 82 projects, totalling \$430 million, had been approved as Stage 1 of this grants programme. Contained within this advice was that the NSW Government has committed an additional \$30 million to the scheme to future rounds, which will be called for later in the year.

Council, on 8 October 2012, received advice from the Division of Local Government that the NSW Government will provide Round 2 of the Infrastructure Renewal Scheme and invited applications to be submitted between 1 November 2012 and 31 December 2012.

The Division of the Local Government advised that the decision on applications will be made by the Premier and Cabinet in mid May 2013.

An examination of Council's Capital Works Programme for future years has indicated that over the next 2 years, the following projects will become part of Council's Capital Works Programme:

- (a) renewal and upgrade of services at Bathurst Aerodrome - \$2 million;
- (b) construction and replacement of timber bridge programme with new concrete bridge / approaches - \$1 million;
- (c) development of Stage 2 of the children's adventure playground area - \$1 million;
- (d) upgrade and renewal of infrastructure at BMEC - \$1 million.

This is a total capital works programme of \$5 million.

Contained within the advice of Round 2 of the Local Infrastructure Renewal Scheme is a 3% interest subsidy on loans taken out to undertake these projects.

This 3% subsidy will significantly assist the repayment of loans which Council would need to raise to carry out the above works. The current interest rate as at 1 November 2012 is approx. 5.7% less the 3% to be subsidised by the Government, which would result in a net interest rate of 2.7% over the life of the loan. For example, a \$1 million loan would result in a saving of \$30,000 p.a. As Council needs to submit this round 2 application, permission is sought from Council to bring forward the capital works programme from future years. This subsidy from the Division of Local Government may not be available in future years.

Financial Implications: Council will receive an interest reduction of 3% on current borrowing rates.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 20: To provide a range of cultural facilities, programs, activities and events and to support and enhance cultural and social activities across the community. Strategy 20.1, 20.4

MINUTE

27 Item 5 DIVISION OF LOCAL GOVERNMENT LOCAL INFRASTRUCTURE RENEWAL SCHEME (16.00020-06)

MOVED: M Coote SECONDED: B Bourke

RESOLVED: That Council endorse the action of the General Manager in seeking funding under the second round of the Local Infrastructure Renewal Scheme, in the sum of \$5 million.

6 SUNDRY SECTION 356 DONATIONS - 2012/2013 BUDGET (18.00004)

Recommendation: That Council transfer \$10,000 from the Donations Section 356 - Cultural Grants line item in the budget to Donations Section 356 - Sundry Vote.

Report: Councillors would be aware that the Sundry Section 356 Donations vote currently has a nil balance.

Council has in place a formal application process for contributions to community groups/individuals under section 356 of the Local Government Act 1993 that occurs during February/March each year. Applications are called via advertisement in the newspaper and groups submit their request as well as financial information which is then considered by Council. All applications are then provided to Council as part of a Working Party Business Paper and are considered as part of the budget process for the following financial year. Funds not allocated as part of this process are then allocated to a sundry line item for requests that are received throughout the year. At the end of this process In addition to the formal process Council receives many requests for donations from community groups and individuals throughout the year.

Councillors are reminded that at the Policy Committee meeting held on 3 March 2010 (DCSF #2) that Council adopted a revised Policy for Section 356 donations. The Policy was updated to include the following information to be provided by applicants when making a submission:

Part A - Annual Submission

- (a) information about their organisation, including purpose of organisation and membership
- (b) financial information about their organisation
- (c) If an event, budget for the event
- (d) Contribution to the Bathurst community

Part B - Special Financial Considerations, to include

- (a) Reason why application was not submitted by due date
- (b) information about their organisation, including purpose of organisation and membership
- (c) financial information about their organisation
- (d) If an event, budget for the event
- (e) Contribution to the Bathurst community

As many applications received allow Council limited time to make a determinations, it is not always possible to adhere to this procedure.

For Councillors information the Section 356 Specific and Sundry votes for 2011/2012 and 2012/2013 are listed below.

356 Donations	2011/2012	2012/2013
Specific	\$26,180	\$10,149
Sundry	\$31,820	\$14,851

During the budget process an allocation was created under Item 0405 Donations Section 356 - Grants/Donations Paid of \$20,000 for Cultural Grants. At this time no funds have been allocated from this item number and it is therefore recommended that Council transfer \$10,000 from Cultural Grants to the Section 356 - Sundry Vote.

Financial Implications: Should Council adopt the recommendation there will be no overall change to the budget just an adjustment within the Section 356 budget line items.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.5

MINUTE

28 Item 6 SUNDRY SECTION 356 DONATIONS - 2012/2013 BUDGET (18.00004)

MOVED: M Coote SECONDED: G Westman

RESOLVED: That:

- (a) Council transfer \$10,000 from the Donations Section 356 - Cultural Grants line item in the budget to Donations Section 356 - Sundry Vote.
- (b) Future requests for Section 356 donations be required to provide the information as detailed in Council's Section 356 Policy prior to consideration by Council.

7 ROTARY CLUB OF BATHURST DAYBREAK - BLAYNEY TO BATHURST CYCLO SPORTIF CHALLENGE (23.00128-02)

Recommendation: That Council:

- (a) financially support, to the amount of 50% of the costs in conducting the 2013 NAB Blayney to Bathurst Cyclo Sportif Challenge and weekend of Cycling at Mount Panorama to be held on 20 - 21 April, 2013.
- b) advise this organisation that Council will not financially support the event in 2014 and beyond, due to its financial success.

Report: Council has received a request from Rotary Club of Bathurst Daybreak for financial support in the running of the 2013 NAB Blayney to Bathurst Cyclo Sportif Challenge (B2B) on the weekend of 20-21 April 2013.

This organisation has in the past been financially supported by Council in order to help it make the B2B a financially viable Event.

The Rotary Club letter, dated 29 October 2012 (shown as **attachment 1**) advises that this Event is now financially secure and their five (5) year Business Plan indicates that local charities can expect to receive in excess of \$150,000 over the five (5) years of the Event.

Council's contribution in 2012 was \$6,473 toward the Event. The Rotary Club have asked for the following support:-

1. Council to provide Traffic Control Planning;
2. Mount Panorama (Saturday 20th and Sunday 21st April 2013) -
 - Access to "The Pits" and 8 garages of the Pits Complex from 7.00 am to 5.00 pm for the conduct of Criterium racing;
 - Use of all 4 toilets and access to power in "The Pits" complex;
 - Provision of 200m of crowd control barriers Criterium and B2B finish area;
 - Loan 100 Witches hats for Criterium and B2B course mark up within "The Pits" complex;
 - Partial closure of Panorama Ave and bottom of Mount Panorama during the conduct of the Family Fun Challenge as per TCP;
 - Loan of 100 traffic control bollards for both the Criterium and B2B Finish area
 - Access to Harris Park including toilets for marshalling and start of Hill Climb racing;
 - Access to power at Harris Park entrance gates and "The Pits" complex;
 - Sweeping of the Criterium circuit as indicated in the Traffic Control Plans;
 - Sweeping of access roads through Harris Park to the top of Mount Panorama via Barry Gurdon Drive. Sweeping of Sulman Park;
 - Use of toilets, power and facilities at Harris and Sulman Parks from Saturday morning;
 - Use of green otto bins for Sulman Park and "The Pits";
 - Mowing of a 2m to 4m strip around the Circuit at Sulman Park;
 - Clear pit area including empty otto bins at the end of Saturday activities.
3. B2B Cyclo Sportif Event Needs (Sunday 21st April 2013) -
 - Access to "The Pits" and 8 garages of the Pits Complex from 6.00 am to 5.00 pm;
 - Opening access roads to rear of "The Pits" the tunnel under Conrod Straight;
 - Access to power at "The Pits" complex;
 - Closure section of road at Cow Flat Road Rockley Mountain to one way traffic

- between 10.00 am and 1.00 pm only (as per traffic control plan)
- Broad patching for bad hazard on the descent of Rockley Mount where required and other road hazards as identified;
- Loan of "No Parking" signs x 20;
- Loan of volunteer safety vest x 40;
- Assistance with clean up after the event. It is not envisaged that this will be extensive. The main assistance we require is removal or rubbish and emptying of otto bins.

The approx. cost of supplying the requests is around \$6,500 to the Council.

This report recommends a staged reduction in funding for this event as the B2B has now moved to a status of financial viability. Council appropriately provided funding whilst the event was "grown" and it is now considered appropriate to review the status of Council's contribution.

Councillors are aware that its Section 356 Funds 2012/13 have now been spent and for Council to fund this event, funds would need to be found from other areas of Council's Management Plan.

Financial Implications: Council to fund this event will need to find funds from within Council's Budget.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 23: To encourage a supportive and inclusive community. Strategy 23.5
- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.6

MINUTE

29 Item 7 ROTARY CLUB OF BATHURST DAYBREAK - BLAYNEY TO BATHURST CYCLO SPORTIF CHALLENGE (23.00128-02)

MOVED: G Rush SECONDED: M Coote

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

Reason: a race organiser contributed to his election campaign fund.

RESOLVED: That Council:

- (a) financially support the costs in conducting the 2013 NAB Blayney to Bathurst Cyclo Sportif Challenge and weekend of Cycling at Mount Panorama to be held on 20 - 21 April, 2013 as requested from Mount Panorama Fee Subsidy.
- b) request the B2B Committee provide an economic impact analysis of the 2013 event, prior to Council considering any further requests for funding.

8 REQUEST FOR FINANCIAL ASSISTANCE - AUSTRALIAN COUNTRY FASHION BEAUTY PAGEANT (23.00026-15)

Recommendation: That Council

- (a) hold a Mayoral Reception
- (b) not support the preparation of the entry forms for the Australian Country Fashion Beauty Pageant to be held in Bathurst on 17 March 2013.

Report: Council has received a request from the Bathurst Executive of Australian Country Festival of Fashion for financial support in running a Beauty Pageant to be held in Bathurst on 17 March 2013.

The Executive is seeking the assistance of Council in the following ways:-

1. Council holding a Mayoral Reception
2. By photocopying 1,000 entry forms or
3. Providing \$400 cash to have the entry form professionally printed.

Approx. cost is \$3,000 for us to provide the printing or \$400 to be professionally printed.

Attachment 1 are details of the proposed event which the local branch of the Australian Country Festival of Fashion intend to run in Bathurst.

Financial Implications: Council has no Section 356 Funds available.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 23: To encourage a supportive and inclusive community. Strategy 23.2
- Objective 27: To encourage youth engagement, participation and achievement across all areas of the Bathurst community. Strategy 27.9
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.2

MINUTE

30 Item 8 REQUEST FOR FINANCIAL ASSISTANCE - AUSTRALIAN COUNTRY FASHION BEAUTY PAGEANT (23.00026-15)

MOVED: B Bourke SECONDED: Nil

That Council

- (a) hold a Mayoral Reception
- (b) provide \$400 in support of the preparation of the entry forms for the Australian Country Fashion Beauty Pageant to be held in Bathurst on 17 March 2013 from Section 356 Donations..

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31 Item 8 REQUEST FOR FINANCIAL ASSISTANCE - AUSTRALIAN COUNTRY FASHION BEAUTY PAGEANT (23.00026-15)

MOVED: W Aubin SECONDED: M Coote

RESOLVED: That Council

- (a) hold a Mayoral Reception
- (b) not support the preparation of the entry forms for the Australian Country Fashion Beauty Pageant to be held in Bathurst on 17 March 2013.

9 REQUEST FOR FINANCIAL ASSISTANCE - PRE WAR MG REGISTER NATIONAL RALLY 2013 (18.00004, 23.00015)

Recommendation: That Council

- (a) close Russell Street between William Street and George Street between 8.30 am and 12.30 pm on 26 October 2013 to enable a display of Pre War MGs
- (b) make available Pit Lane Mt Panorama on Saturday 26 October 2013 from 12 noon to 2.00 pm to enable photography of cars to be funded from the 2013/2014 Operating Plan Section 356 Donations

Report: Council has received a request from the Event Director Pre War MG Register National Rally for financial support in the hosting of an event in October 2013 for MG cars. Shown at **attachment 1** are details of the proposed rally.

As part of the National Rally 2013 the group is seeking Council support in the closure of Russell Street and the use of Pit Lane Mt Panorama for participants to show their vehicles and hold a photographic session.

The estimated cost of closure of Russell Street will be approximately \$1,000 and the cost of the use of Pit Lane for the photographic session will be \$193.

Financial Implications: The cost of support for this event can be financed from the 2013/2014 Operating Plan Section 356 Donations.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.2
- Objective 23: To encourage a supportive and inclusive community. Strategy 23.2

MINUTE

32 Item 9 REQUEST FOR FINANCIAL ASSISTANCE - PRE WAR MG REGISTER NATIONAL RALLY 2013 (18.00004, 23.00015)

MOVED: B Bourke SECONDED: W Aubin

RESOLVED: That Council

- (a) close Russell Street between William Street and George Street between 8.30 am and 12.30 pm on 26 October 2013 to enable a display of Pre War MGs
- (b) make available Pit Lane Mt Panorama on Saturday 26 October 2013 from 12 noon to 2.00 pm to enable photography of cars to be funded from the 2013/2014 Operating Plan Section 356 Donations

10 BELLS LINE OF ROAD LONG TERM STRATEGIC CORRIDOR PLAN (18.00194)

Recommendation: That the information be noted.

Report: Council has received advice from the RMS that the Australian and NSW Governments have completed a long term strategic plan for the Bells Line corridor.

At **attachment 1** are the key finding and outcomes. At **attachment 2** is the Executive Summary for Council's information.

Financial Implications: Nil, at this stage.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 7: To support Integrated Transport Infrastructure Development. Strategy 7.1, 7.2
- Objective 6: To support infrastructure development necessary to enhance Bathurst's life-style and industry development. Strategy 6.1, 6.2

MINUTE

33 Item 10 BELLS LINE OF ROAD LONG TERM STRATEGIC CORRIDOR PLAN
(18.00194)

MOVED: G Rush SECONDED: W Aubin

RESOLVED: That the information be noted.

11 LOCAL GOVERNMENT FINANCIAL SERVICES (34.00057)

Recommendation: That the information be noted.

Report: Councillors are aware that Bathurst Regional Council has been engaged in court action against Local Government Financial Services Pty Ltd (LGFS) in the Federal Court of Australia. These proceedings involved council as a result of its purchase of a Constant Proportion Debt Obligation (CPDO) note from LGFS. The note lost its value and as a result council was forced to take action to recoup its investment.

Council has been advised that its action against LGFS has been successful in that the Judge held that council was entitled to full recovery of its loss with no diminution for contributory negligence. Such loss to be paid by LGFS, ABN Amro and Standard and Poors.

For councillors information a copy of the 18 page summary is provided at **attachment 1**.

Financial Implications: With this decision in Council's favour Council should recover the full value of its \$1 million investment to the General Fund. Council's investments register indicates that these funds are included in Council's listed securities and investments. The timeline for receipt of these funds is not yet known.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 32: To ensure Council is supported by an adequate workforce and appropriate governance procedures. Strategy 32.2
- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.6

MINUTE

34 Item 11 LOCAL GOVERNMENT FINANCIAL SERVICES (34.00057)

MOVED: I North SECONDED: J Jennings

RESOLVED: That the information be noted.

Yours faithfully



R Roach
**DIRECTOR
CORPORATE SERVICES & FINANCE**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
DIRECTOR ENGINEERING SERVICES' REPORT AND MINUTES
21 NOVEMBER 2012

**DIRECTOR ENGINEERING SERVICES' REPORT TO THE ORDINARY MEETING OF
BATHURST REGIONAL COUNCIL MEETING HELD ON 21 NOVEMBER 2012**

General Manager
Bathurst Regional Council

1 NEW SOUTH WALES OFFICE OF WATER - WATER SHARING PLAN (32.00026)

Recommendation: That the information be noted.

Report: Council was previously advised at the September 2011 Council meeting that the New South Wales Office of Water was preparing and had released a draft water sharing plan following consultation and input from Council staff. A copy of that report is provided at **attachment 1**. The draft plan was on public exhibition from 5 September 2011 to 21 October 2011. All submissions were considered in finalising the statutory plan which will be in place for 10 years.

Council has now been advised that the Water Sharing Plan for the Macquarie Bogan Unregulated and Alluvial Water Source (the Plan) commenced on 4 October 2012.

This water sharing Plan includes all the unregulated rivers and creeks in the Macquarie Bogan catchment, and the alluvial aquifers alongside the Cudgegong, Bell, Talbragar and the Upper Macquarie Rivers.

The Plan includes rules for protecting the environment, water extractions, managing licence holders' water accounts and water trading in the plan area. The Plan runs to 160 pages and a copy of the full plan and further information is available for viewing on the New South Wales Office of Water website (www.water.nsw.gov.au).

Water sharing plans and water access licences issued under the Water Management Act 2000 establish clear and secure rights for access to water by water users. Water access licences are held separate from land and have an independent title. Approvals are different to access licences. Approvals give holders the right to construct and operate water supply works and to use water on land. Approvals continue to be tied to the land.

Water sharing plans contain various rules applying to specific water sources. Rules may include: environmental water rules, access licence rules, rules for water supply work approvals, rules for making available water determinations, and water allocation account rules.

There are rules summary sheets that provide an overview of the key water sharing rules for each water source included in the Macquarie Bogan Unregulated and Alluvial plan. The rules are a guide only. The relevant sheets for Council include the Campbells River, Fish River, Macquarie River above Burrendong, and the Winburndale Rivulet which are available on the New South Wales Office of Water website.

For the Campbells River and the Macquarie River above Burrendong (from Bathurst to Lake Burrendong) pumping is not permitted when Chifley Dam is equal to or less than 22% capacity, which equates to the water level being approximately 700m at the storage gauge. Note: 22% of the capacity of Chifley Dam corresponds to Level 5 water restrictions. Up to

date information on the capacity of the dam is available on Council's website.

At the other two locations, pumping is not permitted from natural pools when there is no visible flow into and out of that pool.

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 9: To protect and enhance the region's landscapes, views, vistas, open spaces and the Macquarie River. Strategy 9.1
- Objective 12: To protect and enhance water quality and riparian ecology. Strategy 12.5
- Objective 15: To secure a sustainable water supply and raise awareness on water issues. Strategy 15.7
- Objective 31: To maintain local public ownership of water and sewer assets. Strategy 31.4
- Objective 33: To be and develop good leaders. Strategy 33.4

MINUTE

35 Item 1 NEW SOUTH WALES OFFICE OF WATER - WATER SHARING PLAN
(32.00026)

MOVED: M Coote SECONDED: G Hanger

RESOLVED: That the information be noted.

2 ROCKLEY TRANSFER STATION (14.00007)

Recommendation: That the information be noted.

Report: The Rockley Transfer Station has been operating in its current format since 2003 and is the only one of the four rural transfer stations which is staffed. The decision to limit the hours of operation and staff the facility was made as a direct response to issues of vandalism and misuse which meant that the facility was not operating appropriately for local and surrounding rural residents. Since undertaking this change to operations the facility has remained clean, operational and well patronised by residents.

At the April 2012 Policy Committee Meeting, Council resolved that a report be provided on the opening hours of the Rockley Transfer Station. A report was subsequently prepared and provided to the May 2012 Council Meeting, outlining the situation and recommending the opening hours remain.

Further consultation was undertaken as part of a periodic review process which Council undertakes to ensure that facilities such as these continue to meet the needs of residents. A letter was sent on this occasion to the Rockley and District Community Association Inc requesting feedback from the association on behalf of residents. The letter sent from Council was forwarded to residents by the Association on 10 August 2012 and feedback was returned to Council in a letter on 29 August 2012.

Feedback received indicated that the majority of residents were happy with the current opening times and that the majority of Council staff were helpful, it was acknowledged that the current format of the transfer station reduced the prevalence of illegal dumping and enabled valued services such as greenwaste and recycling to continue without issues of contamination.

In response to this feedback, Council's Solid Waste Coordinator will pass on the positive feedback to Council staff and take the opportunity to remind staff of the importance of good customer service. It is recommended that Council continue to operate the transfer station under the current format and without change to the operating hours.

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 13: To minimise the City's environmental footprint. Strategy 13.1
- Objective 16: To encourage sustainable waste management practices, incorporating opportunities for energy generation. Strategy 16.1
- Objective 33: To be and develop good leaders. Strategy 33.1

MINUTE

36 Item 2 ROCKLEY TRANSFER STATION (14.00007)

MOVED: W Aubin SECONDED: M Coote

RESOLVED: That the information be noted.

3 CREMATORIUM FOR BATHURST (36.00246)

Recommendation: That the information be noted.

Report: The provision of a crematorium for Bathurst was first instigated when the Maranatha Section, Section four, of the Bathurst Cemetery was designed. Plans of the proposed set out were drawn up in the early 1990's. In 1995 the area set aside for the future crematorium was deemed to be too small to house a crematorium and instead, the Birralee Babies Cemetery was constructed on the site and is currently still in operation.

The current proposal for a crematorium began in 2002 with Council seeking expressions of interest for the construction and operation of a crematorium to be located within the Bathurst Cemetery. Following only moderate interest, Council again sought expressions of interest in 2005 and gained support for the proposal from the Combined Pensioners and Superannuants' Association. In this instance the only proposal forthcoming was received from Norwood Park, a Canberra based crematorium operator in August of 2006.

Negotiations with Norwood Park then began in earnest with onsite meetings and discussion regarding the proposal via email over the following twelve months culminating in the formulation of a lease over the land to be used for the siting of the crematorium and associated memorial gardens. The lease of the Council owned land which comprises a good proportion of the Bathurst Cemetery is for a term of 50 years. The remainder of the cemetery land is Crown Land under Council's control and is not able to be leased for periods greater than 5 years without Ministerial Consent. For this reason, Council will continue to maintain the Crown Land which makes up sections of the "old cemetery" while the balance of the land is to be maintained by Norwood Park once the crematorium becomes operational.

Since that time Council has always been active in furthering this proposal as much as it can having regard for the multitude of legal processes that have had to be worked through including the acquisition of land from several major religious organisations and the fact that Council has had to deal with a private entity and this has prolonged the whole process. In addition, Council has recently extended the water main from Bradwardine Road to a position adjacent to the proposed construction site so that it is ready to be connected to the building site as soon as it is required.

Council has received the final revised Development Application for the project, which has been approved and a Construction Certificate has been issued. The building contractor, Hines Constructions, has now started the project which is expected to be completed in the first half of 2013.

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 6: To support infrastructure development necessary to enhance Bathurst's life-style and industry development. Strategy 6.4

MINUTE

37 Item 3 CREMATORIUM FOR BATHURST (36.00246)

MOVED: B Bourke SECONDED: I North

RESOLVED: That the information be noted.

4 WASTE 2 ART 2013 EXHIBITION AND COMPETITION (14.00007)

Recommendation: That the information be noted.

Report: Council held the local 2012 Waste 2 Art exhibition and competition at the Bathurst Memorial Entertainment Centre during April 2012.

Waste 2 Art is a community art exhibition and competition that showcases creative works made from reused or recycled materials that would otherwise be considered as waste. The purpose of the project is to encourage the concepts of reduce, reuse and recycle within Central Western New South Wales communities.

Waste 2 Art is supported by Netwaste. Councils across the Central West that are members of CENTROC and Netwaste are encouraged to participate and Bathurst Regional Council has participated in the program for a number of years.

The 2012 local exhibition and competition was managed by staff in the Water and Waste section of Council's Engineering Services Department. Engineering staff worked in collaboration with staff from the Bathurst Regional Art Gallery (BRAG), Events and the Environment section within the Environmental Planning and Building Services Department to make the local exhibition and competition a success.

Feedback from participants and visitors regarding the local Waste 2 Art 2012 exhibition and competition has been overwhelmingly positive. Based upon the positive feedback received by Council regarding the program, the strong level of community interest in entering artworks and the willingness of Council staff to work collaboratively to share the workload associated with this project it has been agreed that Council will participate in the 2013 Waste 2 Art program. It is proposed that that 2013 local exhibition be held during May 2013.

Financial Implications: Funding for managing the 2013 Waste 2 Art exhibition and competition will be sourced from existing budgets.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 13: To minimise the City's environmental footprint. Strategy 13.3

MINUTE

38 Item 4 WASTE 2 ART 2013 EXHIBITION AND COMPETITION (14.00007)

MOVED: I North SECONDED: J Jennings

RESOLVED: That the information be noted.

5 APPLICATION FOR PARTIAL ROAD CLOSURE, COLO ROAD, COLO (25.00292)

Recommendation: That Council not approve the closure of Colo Road at Colo, as detailed in the Director Engineering Services' report.

Report: Council has received correspondence from Argent Minerals Limited (the Company) for the partial closure of the Council public road - Colo Road at Trunkey Creek (see **attachment 1**).

Argent Minerals Limited is a publicly listed Australian Company with a 100% interest in a pre-development silver/lead/zinc project at Kempfield, located on Colo Road at Colo.

The Company proposes to:

- (a) Privatised a section of Colo Road.
- (b) Create a Right of Way to be owned by the Company.
- (c) Enter into a Memorandum of Understanding with Forests NSW.
- (d) Upgrade Colo Road and maintain it to an acceptable standard. Argent proposes to seal the sections of road adjacent to existing dwellings and where the gradient is highest, in order to assist its heavy vehicles to negotiate the steep climbs.
- (e) A section of private road (right of way) through the Company's property will be kept at a lesser standard, but at least it will be an all weather road, to allow through traffic. The Company may undertake all the maintenance of Colo Road from Hobbys Yards Road to the eastern boundary of Lot 2 DP773040 (Forests NSW) once upgraded.
- (f) Seek to reduce the speed limit on Colo Road to 60 kph.

With reference to the upgrade of Colo Road to a sealed secondary rural road, Council is restricted with its funding for such an upgrade as the length of road between Hobbys Yards Road to the Bathurst Regional Council boundary at Rocky Bridge Creek is 17 kms in total.

As part of Council's development approval process, where an existing road does not meet current engineering standards, the developer is required to upgrade the full length of the road, at its cost. This condition would make the development compliant in relation to road access from an appropriate location on Council's road network.

The current standard for construction of a road requires a minimum 6.5 metres carriageway width, with a formation width of 10 metres, built to Council's Engineering Guidelines.

Colo Road, from its intersection with Hobbys Yards Road, is a Council public road, until it reaches Lot 30 DP753040 (No. 128 Colo Road), where it becomes 150 metres of Crown Road. At the western end of this section of Crown Road, Colo Road reverts back to a Council public road again until it reaches the Forests NSW property at Lot 2 DP773040 (being a private occupational permit No. 51565). It is here the road ownership is under Forests NSW. The gravel road is a well maintained forest road which is located on Crown land named Carrolline Forest Trail which intersects the Rocky Ridge Creek at the Bathurst Regional Council boundary.

Council, at its meeting held 18 July 2012, resolved to make application to the Department of Primary Industries Crown Lands Division for the transfer of 2 sections of constructed Crown

Road located in Colo Road at Trunkey Creek. Council has made the application to the Department and this is now proceeding.

Council has conducted a traffic count on Colo Road and accessed traffic information from Blayney Shire Council. Traffic counters were placed on Colo Road near its intersection with Hobbys Yards Road (400 metres west), and on the Forest Trail near the Rocky Bridge Creek causeway. Council's Average Annual Daily Traffic (AADT) count in Colo Road revealed a count of 29.2 compared with the latest count conducted by Blayney Shire Council on Kentucky Road as an AADT of 26.4.

Council sent correspondence to 22 property owners, 2 local Councils and Forests NSW seeking their opinion regarding the proposal for partial closure of the road. Council received submissions from 3 property owners, and each of Blayney Shire Council, Cowra Shire Council, and Forests NSW have informed Council they do not support the proposal. No other responses were received by Council.

Council's investigation has found:

- 1 Colo Road is narrow. The carriageway will need to be widened to allow heavy vehicles to pass each other. The road will require construction to a minimum 6.5 metres carriageway width with a formation width of 10 metres built to Council's Engineering Guidelines.
- 2 The widening of the carriageway will impact the local environment as there are some large trees located within the road reserve which would need to be removed for road construction.
- 3 Colo Road ceases at the eastern boundary of Lot 2 DP773386 and becomes Carrollina Forest Trail (a road on Crown land) flowing onto Kentucky Road and Gallymont Road.
- 4 At various locations, the constructed position of Colo Road is not within its paper location.
- 5 Colo Road serves as a road frontage for 17 properties including private, Crown and company properties.
- 6 The section of Colo Road proposed to be closed for the Company affects 4 private properties and one company owned property. The partial closure of Colo Road will create land locked parcels which is not desirable.
- 7 Should the Company be successful with its road closure application and introduce a right of carriageway, if the road carriageway is not constructed to a suitable standard accepted by the general public, Council will receive complaints.
- 8 The company has advised Council that the road within the proposed private closed section of Colo Road will be of a lesser standard than a secondary rural road but will at least be an all weather road. The privatisation of the road should not prevent local traffic from travelling between Trunkey Creek and Neville. If this is not the case, Council will have no control as the road will be private.
- 9 Should the company become a substantial user of the road, it seeks to negotiate with Council for the maintenance of Colo Road.

Since the proposal has received significant objection in the local community, including landowners, Cowra and Blayney Shire Councils, and the lack of clear benefit to the community, it is recommended that the proposal of Argent Minerals Limited to close the section of Colo Road is not approved.

Financial Implications: At this stage, nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 6: To support infrastructure development necessary to enhance Bathurst's life-style and industry development. Strategy 6.1 6.6
- Objective 7: To support Integrated Transport Infrastructure Development. Strategy 7.1 7.5
- Objective 29: To guide the construction and provision of new infrastructure/facilities and services and the management and upgrading of existing assets and service levels. Strategy 29.1

MINUTE

39 Item 5 APPLICATION FOR PARTIAL ROAD CLOSURE, COLO ROAD, COLO
(25.00292)

MOVED: M Coote SECONDED: W Aubin

RESOLVED: That Council not approve the closure of Colo Road at Colo, as detailed in the Director Engineering Services' report.

Yours faithfully



Doug Patterson
DIRECTOR
ENGINEERING SERVICES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
DIRECTOR CULTURAL & COMMUNITY SERVICES' REPORT AND MINUTES
21 NOVEMBER 2012

**DIRECTOR CULTURAL & COMMUNITY SERVICES' REPORT TO THE ORDINARY
MEETING OF BATHURST REGIONAL COUNCIL MEETING HELD ON 21 NOVEMBER
2012**

General Manager
Bathurst Regional Council

1 VACATION CARE PROGRAM - SEPTEMBER/OCTOBER 2012 (09.00005)

Recommendation: That the information be noted.

Report: The recent Council Vacation Care Program operated from Monday, 24 September 2012 through to Friday, 5 October 2012. A total of 55 children were enrolled during week 1 and 43 children were enrolled during week 2, with an average of 32 children attending per day.

The program included excursions to the Great Wall Chinese Restaurant, Kelso Community Centre for sporting fun and sausage sizzle, Metro 5 Cinema to see the movie "Diary of a Wimpy Kid Dogs Day", Bunning's DIY workshop and a walking excursion to the Pantech parade getting up close to the trucks. The children embraced Holden versus Ford by wearing their racing clothes or the colours red or blue.

Activities on offer included plaster wall hangings, jewellery making and no sewing pillows. These activities were extremely popular and a challenging experience. The children as a group began making a wall hanging which will hold photos of the children and make a permanent feature in the room.

Vacation Care continues to provide a valuable service to children and families of the broader Bathurst community, operating within the principles of creating a play-based learning environment that is fun and stimulating.

These principles aim to develop a child's:

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

Vacation Care is scheduled to again be operational in the January 2013 school holiday period.

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

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 20: To provide a range of cultural facilities, programs, activities and events and to support and enhance cultural and social activities across the Strategy 20.3

community.

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

Strategy 27.5, 27.9

MINUTE

40 Item 1 VACATION CARE PROGRAM - SEPTEMBER/OCTOBER 2012
(09.00005)

MOVED: B Bourke SECONDED: G Westman

RESOLVED: That the information be noted.

2 APPOINTMENT TO BOARD OF REGIONAL ARTS NSW (21.00060)

Recommendation: That the information be noted.

Report: Regional Arts NSW is the peak body for regional arts activity in NSW. Based in Sydney, it provides a range of services and represents a state-wide network of Regional Arts Boards (RABs) in the key areas of:

- Advocacy;
- Capacity building;
- Communications; and
- Support.

The Chair and CEO of Regional Arts NSW represent the State on the Board of the national body, Regional Arts Australia. Regional Arts NSW is non-profit organisation with its Board made up of representatives of the RABs plus up to five co-opted Directors. It receives funding to deliver its projects from the NSW Government through Arts NSW and the Australian Government through the Regional Arts Fund.

Council's Manager Entertainment Centre was co-opted to the Board in September 2012 for his expertise as the Manager of a presenting and producing venue.

The CEO of Regional Arts NSW is Elizabeth Rogers, Board members are:

Chair - Lindy Hume, former Artistic Director Sydney Festival, Current Artistic Director Opera Queensland, Chair of South East Arts

Deputy Chair - Janice Summerhayes, Director of Environmental and Community Services, Wagga Wagga City Council

Treasurer - Jennifer Turner, Director of the Tamworth Conservatorium of Music

Stephen Bradley - Art Collection Manager, Transfield Holdings

Stephen Champion - Bathurst Memorial Entertainment Centre Manager

Rebecca Coyle - Head of School, Arts & Social Sciences at Southern Cross University (SCU) Lismore

Lani Houston - Executive Officer, Regional Development Australia-Riverina

Naomi Messenger - Senior Associate Swaab Attorneys, Sydney

Peter White - Senior Curator, Indigenous Collections Branch of the National Film and Sound Archive, Canberra.

Financial Implications: There are no financial implications resulting from this report. Travel costs are covered by Regional Arts NSW.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 20: To provide a range of cultural facilities, programs, activities and events and to support and enhance cultural and social activities across the community. Strategy 20.4, 20.6

- Objective 23: To encourage a supportive and inclusive community. Strategy 23.3, 23.5
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.6

MINUTE

41 **Item 2 APPOINTMENT TO BOARD OF REGIONAL ARTS NSW (21.00060)**

MOVED: J Jennings SECONDED: I North

RESOLVED: That the information be noted.

3 SCATTERED BONES PROGRAM FUNDING - AUSTRALIAN FOSSIL & MINERAL MUSEUM (21.00106)

Recommendation: That Council accept a \$25,000 grant for the Scattered bones program at the Australian Fossil and Mineral Museum - home of the Somerville Collection.

Report: The Australian Fossil & Mineral Museum - home of the Somerville Collection (AFMM) has received a \$25,000 grant from Arts NSW to continue the national award winning *Scattered Bones* partnership with the author Paul Stafford to deliver dinosaur themed literacy skills workshops to students across NSW via video conference. The program has been leading the way in the development of web-based educational concepts of the future via video conference for the past four years.

The *Scattered Bones* program was recognised as one of the nation's most innovative examples of educational best practice when it won the inaugural MAGNA, a Museums and Galleries National Award in November last year.

"This program is remarkable in its capacity to "turn lives around" by building skills, opening windows onto the world of Science, Research and Creative Writing. Its exponential growth throughout the country, ability to attract and keep students enthusiastically participating in the program is outstanding." MAGNA Judges Comment.

Scattered Bones is a fun and interactive combination of palaeontology and writing skills hosted by Paul Stafford, author and literacy consultant, and the AFMM's Public Programs Officer. The workshops teach the scaffolding for the development of writing narratives and other text types using science as inspiration, all inspired by the spectacular Somerville Collection.

The program has reached over 19,000 students in isolated schools across NSW over the last four years, and this funding will ensure that we can continue to give young people in remote areas access to our extraordinary collection as well as a professional writer without leaving their community.

Schools meet each other across vast distances, exchange and brainstorm ideas, and share creative output. Teachers learn new approaches to overcoming some students' reluctance to write, the technology helps overcome regional isolation, and there's virtually zero carbon footprint. Plus there's a T. Rex. What's not to like?

As a partnership between AFMM, Council, Department of Education and Training's Connections Program and Paul Stafford, the innovative workshop formula specifically targets the development of literacy skills in remote and regional NSW.

Financial Implications: Funding of \$25,000 provided from Arts NSW under the grant program, which is additional to Council's adopted budget.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 17: To encourage living, vibrant and growing villages and rural settlements. Strategy 17.6, 17.9

- Objective 20: To provide a range of cultural facilities, programs, activities and events and to support and enhance cultural and social activities across the community.

Strategy 20.1, 20.2

MINUTE

42 Item 3 SCATTERED BONES PROGRAM FUNDING - AUSTRALIAN FOSSIL & MINERAL MUSEUM (21.00106)

MOVED: B Bourke SECONDED: I North

RESOLVED: That Council accept a \$25,000 grant for the Scattered bones program at the Australian Fossil and Mineral Museum - home of the Somerville Collection.

Yours faithfully



Annabell Miller
DIRECTOR
CULTURAL & COMMUNITY SERVICES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
GENERAL MANAGER'S REPORT AND MINUTES
21 NOVEMBER 2012

**GENERAL MANAGER'S REPORT TO THE ORDINARY MEETING OF BATHURST
REGIONAL COUNCIL MEETING HELD ON 21 NOVEMBER 2012**

General Manager
Bathurst Regional Council

**1 DISCLOSURES BY COUNCILLORS AND DESIGNATED PERSONS RETURNS
(11.00002)**

Recommendation: That the completed Disclosure of Interest of Councillors and Designated Persons Returns for Councillors and relevant staff be noted.

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

Financial Implications: Nil

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

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

MINUTE

43 Item 1 DISCLOSURES BY COUNCILLORS AND DESIGNATED PERSONS RETURNS (11.00002)

MOVED: W Aubin SECONDED: G Hanger

RESOLVED: That the completed Disclosure of Interest of Councillors and Designated Persons Returns for Councillors and relevant staff be noted.

Yours faithfully



D J Sherley
GENERAL MANAGER

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
POLICY COMMITTEE MEETING

**POLICY COMMITTEE MEETING TO THE ORDINARY MEETING OF BATHURST
REGIONAL COUNCIL MEETING HELD ON 21 NOVEMBER 2012**

General Manager
Bathurst Regional Council

1 MINUTES - POLICY COMMITTEE MEETING - 7 NOVEMBER 2012 (07.00064)

Recommendation: That the recommendations of the Policy Committee Meeting held on 7 November, 2012 be adopted.

Report: The Minutes of the Policy Committee Meeting held 7 November, 2012 are attached.

Financial Implications: N/A

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

44 Item 1 MINUTES - POLICY COMMITTEE MEETING - 7 NOVEMBER 2012
(07.00064)

MOVED: M Coote SECONDED: G Rush

RESOLVED: That the recommendations of the Policy Committee Meeting held on 7 November, 2012 be adopted.

MINUTES OF THE POLICY COMMITTEE
HELD ON 7 NOVEMBER 2012

MEETING COMMENCES

1 MEETING COMMENCES

Councillors Morse (Chair), Aubin, Coote, Hanger, Jennings, Rush, Westman.

APOLOGIES

2 APOLOGIES

MOVED Cr W Aubin

and **SECONDED** Cr M Coote

RESOLVED: That the apologies from Crs Bourke and North be accepted and leave of absence granted.

REPORT OF PREVIOUS MEETING

3 Item 1 MINUTES - POLICY COMMITTEE MEETING - 1 AUGUST 2012 (07.00064)

MOVED Cr G Hanger

and **SECONDED** Cr M Coote

RESOLVED: That the Minutes of the Policy Committee Meeting held on 1 August, 2012 be adopted.

DECLARATION OF INTEREST

4 DECLARATION OF INTEREST 11.00002

MOVED Cr G Hanger

and **SECONDED** Cr M Coote

RESOLVED: That the Declaration of Interest be noted.

RECEIVE AND DEAL WITH DIRECTORS' REPORTS

Director Corporate Services & Finance's Report

This is page 1 of Minutes of the Policy Committee held on 7 November 2012.

General Manager

Page 158
Mayor

- 5** **Item 1 DELEGATIONS REGISTER REVIEW (41.00088)**
MOVED Cr M Coote and **SECONDED** Cr J Jennings

RESOLVED: That Council adopt the Delegations Register as tabled.

- 6** **Item 2 POLICY - CODE OF CONDUCT (11.00024, 41.00089)**
MOVED Cr W Aubin and **SECONDED** Cr G Rush

RESOLVED: That Council adopt the Code of Conduct and Code of Conduct Complaints - Principles and Procedures and update the Policy Manual.

- 7** **Item 3 GOVERNANCE - PAYMENT OF EXPENSES AND PROVISION OF FACILITIES FOR COUNCILLORS (11.00008, 41.00089)**
MOVED Cr M Coote and **SECONDED** Cr W Aubin

RESOLVED: That:

(a) Council adopt the changes to the policy as outlined in the report, place the revised Policy on Payment of Expenses and Provision of Facilities for Councillors on public exhibition for a period of 28 days.

(b) If no submissions are received; adopt the Policy, update the Policy Manual and place on Council's website.

(c) if submissions are received; report back to Council.

(d) Council forward the adopted Policy to the Division of Local Government, Department of Premier & Cabinet.

- 8** **Item 4 POLICY - CODE OF MEETING PRACTICE (07.00064, 07.00065, 41.00089)**
MOVED Cr M Coote and **SECONDED** Cr G Hanger

RESOLVED: That Council adopt the Code of Meeting Practice and update the Policy Manual accordingly.

- 9** **Item 5 ENTERPRISE RISK MANAGEMENT PLAN - RISK MATRIX (03.00162)**
MOVED Cr J Jennings and **SECONDED** Cr M Coote

RESOLVED: That Council adopt the new Risk Assessment Matrix and include it in the Enterprise Risk Management Plan.

General Manager's Report

- 10** **Item 1 STATE GOVERNMENT DESTINATION 2036 ACTION PLAN - LOCAL GOVERNMENTS ACTS (LGA) TASKFORCE. (18.00145, 02.00003)**
MOVED Cr M Coote and **SECONDED** Cr J Jennings

RESOLVED: That the information be noted.

- 11** **Item 2 DEPARTMENT OF LOCAL GOVERNMENT - PROMOTING BETTER PRACTICE REVIEW REPORT (NOVEMBER 2006) (03.00142)**
MOVED Cr M Coote and **SECONDED** Cr G Rush

RESOLVED: That Council note the updated report (as at November 2012) of the Department of Local Government, PBP Review of November 2006.

- 12** **Item 3 STATE EMERGENCY & RESCUE MANAGEMENT ACT: LOCAL EMERGENCY MANAGEMENT COMMITTEE (07.00018-10/013, 41.00088)**
MOVED Cr G Rush and **SECONDED** Cr G Hanger

RESOLVED: That Council delegate to the General Manager the following function:

"117. To appoint a representative of Council as the Chairperson to the Local Emergency Management Committee in accordance with Section 28 of the State Emergency & Rescue Management Act (1989) as amended."

- 13** **Item 4 ICAC INVESTIGATION REPORT - OPERATION JAREK (46.00075, 46.00117)**
MOVED Cr M Coote and **SECONDED** Cr W Aubin

RESOLVED: That the information be noted.

GENERAL BUSINESS

- 14** **Item 1 CBD BEAUTIFICATION AND TOWN ENTRANCES (07.00097)**

Cr Westman - spoke regarding the area of land south of the bridge when coming into town. Is there any intentions to do anything with this?

The Director Engineering Services - spoke to activities undertaken; native regeneration, slashing etc. and proposed works, which are limited.

- 15** **Item 2 LAMBERT AND MITRE STREETS (25.00095)**

Cr Rush - Is there a report on this intersection, particularly safety? If there has been a review, could we perhaps reconsider?

The Director Engineering Services - Spoke to funding issues and cost of utility relocation. Accident statistics are not a major concern. There have been a number of reviews but costs have been prohibitive. A report will be prepared for Council.

16 **Item 3 MEALS ON WHEELS VISIT (18.00236)**

Cr Hanger - On Wednesday 21 November, 2012 a breakfast invitation has been made to Councillors by Meals on Wheels to facilitate a tour of the site.

MEETING CLOSE

17 **MEETING CLOSE**

The Meeting closed at 6.07 pm.

CHAIRMAN: _____

Date: _____ **(21 November 2012)**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
TRAFFIC COMMITTEE MEETING

**TRAFFIC COMMITTEE MEETING TO THE ORDINARY MEETING OF BATHURST
REGIONAL COUNCIL MEETING HELD ON 21 NOVEMBER 2012**

General Manager
Bathurst Regional Council

1 MINUTES - TRAFFIC COMMITTEE MEETING - 6 NOVEMBER 2012 (07.00006)

Recommendation: That the recommendations of the Traffic Committee Meeting held on 6 November, 2012 be adopted.

Report: The Minutes of the Traffic Committee Meeting held 6 November, 2012 are attached.

Financial Implications: N/A

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

45 Item 1 MINUTES - TRAFFIC COMMITTEE MEETING - 6 NOVEMBER 2012
(07.00006)

MOVED: W Aubin SECONDED: M Coote

RESOLVED: That the recommendations of the Traffic Committee Meeting held on 6 November, 2012 be adopted.

MINUTES OF THE TRAFFIC COMMITTEE
HELD ON 6 NOVEMBER 2012

MEETING COMMENCES

1 MEETING COMMENCES

Members: Cr Warren Aubin (Chair), Jackie Barry (Roads and Maritime Services), David Veness (MP Representative)

Present: Darren Sturgiss (Manager Technical Services), Paul Kendrick (Senior Technical Officer/Traffic Engineer) and Iris Dorsett (Tablelands Area Road Safety Officer)

APOLOGIES

2 APOLOGIES

That the apology of Sergeant Peter Foran (Police) be accepted.

REPORT OF PREVIOUS MEETING

3 Item 1 MINUTES - TRAFFIC COMMITTEE MEETING - 2 OCTOBER 2012 (07.00006)

That the Minutes of the Traffic Committee Meeting held on 2 October 2012 be adopted.

DECLARATION OF INTEREST

4 DECLARATION OF INTEREST 11.00002

That the Declaration of Interest be noted.

RECEIVE AND DEAL WITH DIRECTORS' REPORTS
Director Engineering Services' Report

5 Item 1 MINUTES OF THE TRAFFIC COMMITTEE MEETING HELD 2 OCTOBER 2012 (07.00006)

That the information be noted and necessary actions be taken.

6 Item 2 MONTHLY REPORT FOR LOCAL GOVERNMENT ROAD SAFETY PROGRAM (28.00002)

That the information be noted.

7 Item 3 PRE WAR MG DISPLAY 2013 – RUSSELL STREET (23.00015-07)

That Council:

- (a) Classify the Pre War MG Display to be held on Saturday 26 October 2013 as

a Class 2 event, and approve the event subject to conditions as detailed in the Director Engineering Services' report.

- (b) Agree to the closing of Russell Street on Saturday 26 October 2014 for a Pre War MG Static display.
- (c) consider the request to waive the road closure fee as part of the 2013/2014 Budget process.

8 Item 4 PARKING REVIEW RANKIN STREET BUSINESS REQUESTS (2010/0924)

That Council approve the changes to parking in Rankin Street as detailed in the Director Engineering Services' report.

9 Item 5 HEN & CHICKEN LANE 12T LIMIT SIGNS (25.00055/041)

That Council approve the placement of 12t Load Limit Signs on Hen and Chicken Lane.

10 Item 6 TIME LIMITED PARKING, 217 GEORGE STREET BATHURST (25.00007-05/023)

That Council approve the placement of 2 hour time limited parking at 217 George Street, between Keppel Street and Piper Street, directly adjacent to the business premises of Regional Bearing & Transmission Supplies Pty Ltd.

11 Item 7 PROPOSED DIRECTIONAL SIGNAGE TO BATHURST RSL (28.00007-04/092)

That Council approve the installation of directional signage to the Bathurst RSL Club, 114 Rankin Street, at the intersection of Durham Street and Rankin Street.

TRAFFIC REGISTER

12 Item 1 TRAFFIC REGISTER (07.00006)

That the information be noted.

MEETING CLOSE

13 MEETING CLOSE

The Meeting closed at 2.26 pm.

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
DELEGATES REPORTS AND MINUTES

**DELEGATES REPORTS TO THE ORDINARY MEETING OF BATHURST REGIONAL
COUNCIL MEETING HELD ON 21 NOVEMBER 2012**

General Manager
Bathurst Regional Council

**1 2015 BICENTENARY CELEBRATIONS COMMITTEE MEETING - 23 OCTOBER 2012
(20.00153)**

Recommendation: That the information be noted.

Report: The Minutes of the 2015 Bicentenary Celebrations Committee held on Tuesday 23 October 2012 are provided at **attachment 1**.

Financial Implications: N/A

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 23: To encourage a supportive and inclusive community. Strategy 23.3

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

MINUTE

46 Item 1 2015 BICENTENARY CELEBRATIONS COMMITTEE MEETING - 23
OCTOBER 2012 (20.00153)

MOVED: M Coote SECONDED: J Jennings

RESOLVED: That the information be noted.

MINUTE

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

MOVED: B Bourke SECONDED: M Coote

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

There were no representations from the public.

RESOLVED: That:

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

*** Director Corporate Services & Finance's Report**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	BATHURST 75 FOOTBALL CLUB FINANCIAL POSITION	10A (2) (c) – contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. Discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it would prejudice council's position in negotiating commercial and or financial arrangements.
2	ADVERTISING AT MOUNT PANORAMA RACING CIRCUIT	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would

		prejudice the commercial position of the person who supplied it.
3	TRACKCORP ADRENALIN PTY LTD	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it. 10A (2) (g) – contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.
4	BATHURST EISTEDDFOD SOCIETY	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
5	LEASE OF HANGAR SITE, BATHURST AERODROME TO BURKE	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
6	RENEWAL OF RURAL LEASE AGREEMENT - 200 COLLEGE ROAD, BATHURST	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the

		commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
7	2013 LIQUI-MOLY BATHURST 12 HOUR - STAFF TICKETS	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
8	PROPOSED NEW RESIDENTIAL SUBDIVISION TO BE KNOWN AS AVONLEA STAGE 9	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.
9	TRACKCORP ADRENALIN PTY LTD	10A (2) (g) – contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege. 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.
10	TRACKCORP ADRENALIN PTY LTD	10A (2) (g) – contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege. 10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

*** Director Engineering Services' Report**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	ANNUAL TENDER FOR SAND	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
2	ANNUAL TENDER FOR READY-MIX CONCRETE	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
3	ANNUAL TENDER FOR	10A (2) (d) (i) – contains

	ROADBASE MATERIAL	commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
4	ANNUAL TENDER FOR NATURAL GRAVEL QUARRY ACCESS AND EXTRACTION	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
5	TENDER FOR DESIGN AND CONSTRUCTION OF VELODROME AT BATHURST BIKE PARK	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
6	TENDER FOR DESIGN AND CONSTRUCTION OF PASSENGER ELEVATOR AT POST OFFICE BUILDING, HOWICK STREET, BATHURST	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
7	ANNUAL TENDER - STORMWATER DRAINAGE	10A (2) (d) (i) – contains commercial information of a

	PIPES	confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
8	COMPULSORY ACQUISITION, LOTS 1, 2 AND 5 DP876259, TURONDALE ROAD, DURAMANA	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.
9	PROPOSED ROAD WIDENING, PART LOT 131 DP1151082, BATHAMPTON ROAD, WIMBLEDON	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.
10	ANNUAL TENDER - HIRE OF PLANT	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.
11	COMPULSORY ACQUISITION, LOT 1 DP1180625, PANORAMA	10A (2) (d) (i) – contains commercial information of a confidential nature that would,

	AVENUE, BATHURST	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.
12	ANNUAL TENDER - HIRE OF TRUCKS / WATER CARTS	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.
13	TENDER FOR CONSTRUCTION OF DRAINAGE WORKS AT JOUBERT DRIVE, LLANARTH	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
14	TENDER FOR BATHURST AERODROME MASTER PLAN	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.

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
DIRECTOR CORPORATE SERVICES & FINANCE'S CONFIDENTIAL MINUTE
21 NOVEMBER 2012

MINUTE

a Item 1 BATHURST 75 FOOTBALL CLUB FINANCIAL POSITION (18.00175)

MOVED: M Coote SECONDED: I North

That

- (a) Council act in accordance with the recommendations of this report.
- (b) Bathurst 75 Football Club be requested to provide Council with a set of their audited financial statements.

MINUTE

b Item 2 ADVERTISING AT MOUNT PANORAMA RACING CIRCUIT (04.00028)

MOVED: W Aubin SECONDED: M Coote

That Council act in accordance with the Director Corporate Services & Finance's report.

MINUTE

c Item 3 TRACKCORP ADRENALIN PTY LTD (34.00065)

MOVED: B Bourke SECONDED: W Aubin

That the information be noted.

MINUTE

d Item 4 BATHURST EISTEDDFOD SOCIETY (18.00004, 18.00141)

MOVED: M Coote SECONDED: W Aubin

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

MINUTE

e Item 5 LEASE OF HANGAR SITE, BATHURST AERODROME TO BURKE
(21.00083)

MOVED: B Bourke SECONDED: G Hanger

That Council approves entering into a new lease agreement for Lot 4 DP847356 located at the Bathurst Aerodrome with Burke's Transport (Bathurst) Pty Ltd for a period of ten (10) years as detailed in the report.

MINUTE

f Item 6 RENEWAL OF RURAL LEASE AGREEMENT - 200 COLLEGE ROAD, BATHURST (22.05258)

MOVED: M Coote SECONDED: G Rush

That Council approves entering into a new licence agreement with Mr Stephen and Mrs Vicki Harris for part Lot 2 in DP749758 located on land at 200 College Road, Bathurst for a period of twelve (12) months with an option period of twelve (12) months as detailed in the report.

MINUTE

g Item 7 2013 LIQUI-MOLY BATHURST 12 HOUR - STAFF TICKETS (04.00097)

MOVED: G Westman SECONDED: B Bourke

That Council act in accordance with the Director Corporate Services and Finance report and provide one x three (3) day entry pass per permanent employee to attend the 2013 Liqui-Moly Bathurst 12 Hour.

MINUTE

h Item 8 PROPOSED NEW RESIDENTIAL SUBDIVISION TO BE KNOWN AS AVONLEA STAGE 9 (20.00102)

MOVED: I North SECONDED: J Jennings

That Council:

- (a) approve the seventeen (17) lot residential subdivision to be known as Avonlea Stage 9 (Lot 629 DP1164690) located at Freeman Circuit and Coachworks Way, Bathurst.
- (b) approve the commencement of construction to start as soon as possible subject to a satisfactory Development Application approval.
- (c) seek a further report regarding a release date and appropriate lot prices once construction works have commenced.

MINUTE

i Item 9 TRACKCORP ADRENALIN PTY LTD (34.00065)

MOVED: B Bourke SECONDED: M Coote

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

MINUTE

j Item 10 TRACKCORP ADRENALIN PTY LTD (34.00065)

MOVED: W Aubin SECONDED: J Jennings

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

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
DIRECTOR ENGINEERING SERVICES' CONFIDENTIAL MINUTE
21 NOVEMBER 2012

MINUTE

k **Item 1 ANNUAL TENDER FOR SAND (36.00459)**

MOVED: G Westman SECONDED: W Aubin

That Council accept the tender from Hotham's Sand Soil and Gravel for the supply of filling sand for 2013.

MINUTE

I Item 2 ANNUAL TENDER FOR READY-MIX CONCRETE (36.00467)

MOVED: M Coote SECONDED: G Hanger

That Council accept the tender from Hanson Construction Materials for the supply of ready-mix concrete for 2013.

MINUTE

m **Item 3 ANNUAL TENDER FOR ROADBASE MATERIAL (36.00464)**

MOVED: G Rush SECONDED: M Coote

That Council accept the tender from Oberon Quarries Pty Ltd for supply of roadbase material (DGB20) for 2013.

MINUTE

n **Item 4 ANNUAL TENDER FOR NATURAL GRAVEL QUARRY ACCESS AND EXTRACTION (36.00463)**

MOVED: B Bourke SECONDED: M Coote

That Council accept the tender from Macquarie Vale Pty Ltd for Natural Gravel Quarry Access and Extraction, Contract No. 36.00463.

MINUTE

o Item 5 TENDER FOR DESIGN AND CONSTRUCTION OF VELODROME AT BATHURST BIKE PARK (36.00457)

MOVED: G Westman SECONDED: I North

That Council accept the tender of Eodo Pty Ltd for the design and construction of a Velodrome at the Bathurst Bike Park in the amount of \$1,285,511.70 (inc. GST) subject to adjustments and provisional items.

MINUTE

p Item 6 TENDER FOR DESIGN AND CONSTRUCTION OF PASSENGER ELEVATOR AT POST OFFICE BUILDING, HOWICK STREET, BATHURST (36.00456)

MOVED: M Coote SECONDED: G Rush

That Council accepts the tender of Otis Elevator Company Pty Ltd, for the design and construction of a Passenger Elevator at the Post Office Building, Howick Street Bathurst, in the amount of \$212,135.00 (inc. GST) subject to adjustments and provisional items.

MINUTE

q **Item 7 ANNUAL TENDER - STORMWATER DRAINAGE PIPES (36.00458)**

MOVED: W Aubin SECONDED: G Rush

That Council accept the tender from ROCLA Pipeline Products for supply of stormwater drainage pipes, headwalls and lintels for 2013.

MINUTE

Item 8 COMPULSORY ACQUISITION, LOTS 1, 2 AND 5 DP876259, TURONDALE ROAD, DURAMANA (25.00340)

MOVED: B Bourke SECONDED: W Aubin

That:

- (a) Council make application to the Minister and/or the Governor to compulsorily acquire Lots 1, 2 and 5 DP876259 for dedication as public road located at Turondale Road, Duramana
- (b) the application to follow provisions of the Roads Act 1993 and procedures set out in the Land Acquisition (Just Terms Compensation) Act 1991, as detailed in the Director Engineering Services' report
- (c) the acquired parcels of land are to be classified as Operational land.

MINUTE

s Item 9 PROPOSED ROAD WIDENING, PART LOT 131 DP1151082, BATHAMPTON ROAD, WIMBLEDON (25.00314)

MOVED: J Jennings SECONDED: G Hanger

That Council approve the proposed road widening of Bathampton Road affecting part Lot 131 DP1151082 at Wimbledon, as detailed in the Director Engineering Services' report. The acquired property is to be classified as Operational land.

MINUTE

t Item 10 ANNUAL TENDER - HIRE OF PLANT (36.00462)

MOVED: M Coote SECONDED: G Westman

That Council accept the tenders for the hire of plant for 2013, as listed in the report, subject to submission of complete information being supplied for casual hire, and in accordance with the General Conditions for the Hire of Plant.

MINUTE

u Item 11 COMPULSORY ACQUISITION, LOT 1 DP1180625, PANORAMA AVENUE, BATHURST (21.00110-02)

MOVED: G Westman SECONDED: G Rush

That:

- (a) Council make application to the Minister and/or Governor to compulsorily acquire Lot 1 DP1180625 for construction of the new head office in Panorama Avenue at Bathurst
- (b) the application to follow the provisions of the Local Government Act 1993 and the procedures set out in the Land Acquisition (Just Terms Compensation) Act 1991
- (c) the application does not include mineral rights
- (d) the acquired land is to be classified as operational land.

MINUTE

v Item 12 ANNUAL TENDER - HIRE OF TRUCKS / WATER CARTS (36.00461)

MOVED: M Coote SECONDED: B Bourke

That Council accept the Tenders for Hire of Trucks / Watercarts, as listed in the Director Engineering Services' Report, subject to the submission of complete particulars required by the documents, and in accordance with the General Conditions for the Hire of Trucks / Watercarts for casual hire of tip trucks during 2013.

MINUTE

w Item 13 TENDER FOR CONSTRUCTION OF DRAINAGE WORKS AT JOUBERT DRIVE, LLANARTH (36.00468)

MOVED: M Coote SECONDED: B Bourke

That Council accepts the tender of Hynash Constructions Pty Ltd, for the construction of drainage works at Joubert Drive Llanarth in the amount of \$391,912.00 (incl GST) subject to adjustments and provisional items.

MINUTE

x Item 14 TENDER FOR BATHURST AERODROME MASTER PLAN (36.00471)

MOVED: I North SECONDED: W Aubin

That Council accept the tender of Rehbein Airport Consulting Pty Ltd in the amount of \$39,233.70 (incl GST) for completion of the Bathurst Aerodrome Master Plan subject to adjustments and provisional items.

MINUTE

48 RESOLVE INTO OPEN COUNCIL

MOVED: M Coote SECONDED: B Bourke

RESOLVED: That Council resume Open Council.

MINUTE

49 ADOPT REPORT OF THE COMMITTEE OF THE WHOLE

MOVED: B Bourke SECONDED: G Rush

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

MINUTE

50 MEETING CLOSE

The Meeting closed at 8.08 pm.

CHAIRMAN: _____

Date: _____ **(12 December 2012)**