



ORDINARY MEETING OF
BATHURST REGIONAL COUNCIL

4 December 2013

His Worship the Mayor & Councillors

Notice of Ordinary Meeting of Bathurst Regional Council - Wednesday, 11 December 2013

I have to advise that an **Ordinary Meeting** of Bathurst Regional Council will be held in the Council Chambers on Wednesday, 11 December 2013 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, 11 DECEMBER 2013

1. 6:00 PM - MEETING COMMENCES

2. PUBLIC QUESTION TIME

3. PRAYER

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

4. APOLOGIES

5. MINUTES

* MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 20 NOVEMBER 2013

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

8. RECEIVE AND DEAL WITH DIRECTORS' REPORTS

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

9. REPORTS OF OTHER COMMITTEES

* MINUTES - TRAFFIC COMMITTEE MEETING - 3 DECEMBER 2013

10. NOTICES OF MOTION - Nil

11. RESCISSION MOTIONS - Nil

12. DELEGATES REPORTS

- * COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 13 NOVEMBER 2013
- * 2015 BICENTENARY CELEBRATIONS COMMITTEE MEETING - 5 NOVEMBER 2013
- * MINUTES - AUSTRALIA DAY WORKING PARTY - 25 NOVEMBER 2013
- * 2015 BICENTENARY CELEBRATIONS COMMITTEE MEETING - 3 DECEMBER 2013

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

Recommendation: That:

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

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

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

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

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	RENEWAL OF LICENCE AGREEMENT - PART LOT 11 DP851096 - MACHATTIE PARK COTTAGE - MITCHELL CONSERVATORIUM INC	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 SALE OF COUNCIL LAND PART LOT 162 DP1125026 CARDIFF PLACE, INDUSTRIAL ESTATE, KELSO	10A (2) (d) (ii) – contains commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the council. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the Council.
3	EXPRESSIONS OF INTEREST - SUPPLY OF STAFF UNIFORMS	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	PURCHASE OF COMMERCIAL SITE IN 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.

*** DIRECTOR ENGINEERING SERVICES' REPORT**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	TENDER FOR DESIGN AND INSTALLATION OF TELEMETRY SYSTEM	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 - SUPPLY AND DELIVERY OF 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.
3	ANNUAL TENDER - SUPPLY AND DELIVERY OF FILLING 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.
4	ANNUAL TENDER - SUPPLY AND DELIVERY OF TOPSOIL	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	ANNUAL TENDER - SUPPLY AND DELIVERY OF 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.

6	TENDER - DEBRIS FENCING AT 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.
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*** MAYORAL MINUTE**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	GENERAL MANAGER'S APPRAISAL	10A (2) (a) – Deals with personnel matters concerning particular individuals (other than Councillors) disclosure of which would not be in the public interest as it would reveal personal details of the individuals concerned.

14. RESOLVE INTO OPEN COUNCIL

15. ADOPT REPORT OF THE COMMITTEE OF THE WHOLE

16. MEETING CLOSE

MINUTE

1 MEETING COMMENCES

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

MINUTE

2 **MINUTE SILENCE**

The Mayor observed a minute silence to honour the passing of former Mayor and long term Councillor, Mr Les Wardman.

MINUTE

3 PUBLIC QUESTION TIME

L Lucano - Formula 1 Event -spoke to proposal. Has spoken to Broadcasters who will do a live broadcast in 2015, story has also made community radio in England. Spoke to V8 Gala awards night, did Cr Aubin raise F1 matter with V8's?

The Mayor spoke to awards and Cr Aubin's attendance. Noted Bathurst won the Event of the year. No position from V8's on F1.

B Triming - ratepayer

- Vegetation Links - request on behalf of M. Hollis - could vegetation links near Willow Tree Drive and Ilumba Drive be attended to, as works have been a bit rough.
- DA 2013/0323 - DEPBS #5 - concern at car parking spaces available, in particular disability spaces. Should the proponents provide 3 spaces? Concern at traffic volumes and whether figures "gel", there will be a backlog of vehicles. Supported recommendation.

The Acting Director Environmental, Planning & Building Services spoke to procedures concerning multiple tenancy sites and car space requirements.

G Crisp - ratepayer

- Item DCSF #8 - why did the Director Corporate Services & Finance misrepresent his submission? Spoke to Section 356 of the Local Government Act.

The General Manager noted a copy of submission is in the Business Paper for Councillors to read.

- Appointment of Auditors - why was this not reported to Council?

The General Manager advised that he believed the matter went to June or July 2013 meeting.

- Aquatic Centre - spoke to advertising concerning this facility when set up by Council.
- Section 601 Local Government Act - spoke to levying of charges and legality thereof.
- Water Supply Service Charges - spoke to payments by ratepayers to water fund and whether this is valid.

MINUTE

4 APOLOGIES

Nil

MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

1 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 20 NOVEMBER 2013 (11.00005)

Recommendation: That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 20 November 2013 be adopted.

Report: The Minutes of the Ordinary Meeting of Bathurst Regional Council held 20 November 2013, 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 1 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
- 20 NOVEMBER 2013 (11.00005)

MOVED: Cr I North SECONDED: Cr W Aubin

RESOLVED: That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 20 November 2013 be adopted.

**MINUTES OF THE ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
HELD ON 20 NOVEMBER 2013**

MEETING COMMENCES

1 MEETING COMMENCES 6:00 PM

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

PUBLIC QUESTION TIME

2 PUBLIC QUESTION TIME

T Carpenter - Trees on Highway - spoke of importance of mature trees providing shade, amenity, temperature reduction and reduction of energy bills. These are 20 year old trees and would be a great loss if removed. Has Council considered alternative actions such as tree root barriers. If trees are removed can they be replaced with advanced mature trees.

C Ronan – The Rotary Club of Bathurst Daybreak (DCSF #13) - expressed dismay at the withdrawal of support for the Blayney to Bathurst Cycling Event. Asked Council to defer consideration of this item to allow the Rotary Club to meet with Council.

A Bland - Trees on Highway - concerned about removal of trees. If trees must be removed can it be done over a 10 year period. Has concerns over proposed tree selection. This process is expensive for ratepayers and need to make sure that it is done properly. Offered services of Greening Bathurst in providing advice on proposed tree selection. Also urged Council to review the Vegetation Management Plan as it doesn't incorporate the villages and there are new technologies and information available.

W Febrey - Trees on Highway - congratulated Council on its tree planting program undertaken in recent years. Concerned at proposed removal of trees. This is the best avenue in the CBD. Has costing been done on alternatives to removal, eg. root pruning, root guards and relaying footpaths.

L Lucano - Formula 1 Event - was happy to receive advise that Council's 2015 Committee was pursuing a Formula 1 promotional event. Asked the Mayor has Council begun this process. Has had media interest and would like to be able to speak to media but needs to be sure of Council's support.

The Mayor advised that correspondence would be sent to the Formula 1 governing body in the next few days.

Mr Lucano also advised he had sent numerous emails to different government

departments seeking support and funding for Council's 2015 Celebrations.

G Crisp - ratepayer - spoke on various issues including Section 356 Donations, the recent Land and Environment Court decision in the Manning Case, Council's Internal Auditor and Council's responsibilities in relation to advising ICAC of potential corruption.

The Mayor advised he is aware of Council's responsibilities under the ICAC Act.

B Trimming - ratepayer - asked if the Manchurian Pear variety proposed to be used on the highway is the non-fruit bearing variety. Believes the tree in front of the car yard needs to be removed as a priority.

Spoke on disabled access grants and congratulated Council on these grants and the benefits to the community. Thanked Council for allowing Bathurst Regional Access Committee (BRAC) to participate in the selection of these grants. Tabled the most recent BRAC brochure.

P Dowling - ratepayer - thanked Mayor for correspondence he received following last Council meeting. Asked questions on Council's procedure in relation to barking dog complaints and whether Council verifies that the complaint is bona fide.

The Acting Director Environmental, Planning & Building Services advised that contact details are requested from any complainant to allow follow up.

APOLOGIES

3

APOLOGIES

MOVED Cr I North

and SECONDED Cr W Aubin

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

MINUTES

4

Item 1 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 16 OCTOBER 2013 (11.00005)

MOVED Cr G Westman

and SECONDED Cr W Aubin

RESOLVED: That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 16 October 2013 be adopted.

5

Item 2 MINUTES - EXTRAORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 6 NOVEMBER 2013 (11.00005)

MOVED Cr I North

and SECONDED Cr B Bourke

RESOLVED: That the Minutes of the Extraordinary Meeting of Bathurst Regional

Council held on 6 November 2013 be adopted.

DECLARATION OF INTEREST

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

RESOLVED: That the following Declarations of Interest be noted.

Cr Coote

Item #7 of the Director Corporate Services and Finance's Confidential report.

Cr Bourke

Item #10 of the Director Corporate Services and Finance's report.

Item #4 of the Director Corporate Services and Finance's Confidential report.

Acting Director Corporate Services and Finance (B Dwyer)

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

RECEIVE AND DEAL WITH DIRECTORS' REPORTS

Director Environmental Planning & Building Services' Report

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

RESOLVED: That the information be noted.

- 8** **Item 2 GENERAL REPORT (03.00053)**
MOVED Cr M Coote and **SECONDED** Cr M Morse

RESOLVED: That the information be noted.

- 9** **Item 3 DRAFT NEW PLANNING CONTROLS (20.00143)**
MOVED Cr M Morse and **SECONDED** Cr I North

RESOLVED: That the information be noted.

- 10** **Item 4 DEVELOPMENT APPLICATION NO. 2013/0382 – TWO LOT RURAL SUBDIVISION (BOUNDARY ADJUSTMENT) AT 236 GLEN OUTRAM LANE, DURAMANA. APPLICANT: ANTHONY GULLIFER. OWNER: MRS M JONES (DA/2013/0382)**

MOVED Cr I North

and **SECONDED** Cr M Coote

RESOLVED: That Council:

- (a) support the variation to the 1(e) Outer Rural 100 hectare minimum lot size as prescribed in the Clause 27 (1) of *Bathurst Regional (Interim) Local Environmental Plan 2005* for proposed Lot 32;
- (b) support the variation to the 1(e) Outer Rural 100 hectare minimum lot size as prescribed in the Clause 28 (1) of *Bathurst Regional (Interim) Local Environmental Plan 2005* for proposed Lot 32;
- (c) direct the Director Environmental, Planning & Building Services to approve Development Application No. 2013/0382, 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 M Coote, Cr G Rush,

Against the motion - Nil

Absent - Cr J Jennings,

Abstain - Nil

11

Item 5 DEVELOPMENT APPLICATION NO. 2013/0361 – 4 SINGLE STOREY UNITS, PARTIAL DEMOLITION AND ALTERATIONS TO EXISTING DWELLING AND 5 LOT STRATA SUBDIVISION AT 70 ROCKET STREET, BATHURST. APPLICANT: MR A HANNA. OWNER: MR A HANNA (DA/2013/0361)

MOVED Cr M Morse

and **SECONDED** Cr M Coote

RESOLVED: That Council:

- (a) support the variation to the site population density development standard prescribed in the Bathurst Regional (Interim) Development Control Plan 2011; and
- (b) direct the Director Environmental, Planning & Building Services to approve Development Application No. 2013/0361, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended.
- (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 M Coote, Cr G Rush,

Against the motion - Nil
Absent - Cr J Jennings,
Abstain - Nil

- 12** **Item 6 REVOLVING ENERGY FUND UPDATE (13.00061)**
MOVED Cr M Coote and **SECONDED** Cr I North

RESOLVED: That the information be noted.

- 13** **Item 7 YOUTH LEADING THE WORLD (13.00072)**
MOVED Cr M Coote and **SECONDED** Cr W Aubin

RESOLVED: That Council:

- (a) note that the second OzGREEN Youth Leading the World Congress was held from 22-24 October 2013; and
- (b) support the attendance of 3 young people to attend the National Youth Leading the World Summit by subsidising 50% of the attendance fees at a total cost of \$375.

- 14** **Item 8 HISTORY OF THE GOVERNMENT SETTLEMENT AT BATHURST (1815 TO 1840) (20.00242)**
MOVED Cr M Morse and **SECONDED** Cr G Hanger

RESOLVED: That the report be noted.

Director Corporate Services & Finance's Report

- 15** **Withdrawal of Item 13 - REQUEST FOR FINANCIAL ASSISTANCE - NAB BLAYNEY TO BATHURST (B2B) CYCLO SPORTIF CHALLENGE (23.00128)**
MOVED Cr I North and **SECONDED** Cr B Bourke

The item was **WITHDRAWN** to allow the Rotary Club of Bathurst Daybreak to meet with Council to discuss the B2B Event.

- 16** **Item 1 STATEMENT OF INVESTMENTS (16.00001)**
MOVED Cr I North and **SECONDED** Cr B Bourke

RESOLVED: That the information be noted.

- 17** **Item 2 YEAR TO DATE REVIEW - QUARTERLY BUDGET REVIEW STATEMENT 2013-2014 (16.00135)**

MOVED Cr G Hanger and **SECONDED** Cr M Coote

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

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

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

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

19 **Item 4 POWER OF ATTORNEY (11.00007)**

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

RESOLVED: That the information be noted.

20 **Item 5 PURCHASE OF LOTS 10 AND 11 DP1141570 LOCATED AT 128 DURAMANA ROAD AND COX LANE, EGLINTON FROM CRIGHTON PROPERTIES PTY LTD (22.01826)**

MOVED Cr I North and **SECONDED** Cr M Coote

RESOLVED: That Council classify Lot 10 DP1141570 known as 128 Duramana Road and Lot 11 DP1141570 located on Cox Lane, Eglinton as operational land under the provisions of Section 31(2) of the Local Government Act 1993.

21 **Item 6 REQUEST FOR FINANCIAL ASSISTANCE - EGLINTON DISTRICT TENNIS CLUB INC (18.00004, 04.00052)**

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

The Acting Director Corporate Services & Finance (B Dwyer) declared a pecuniary interest in this item and left the Chamber.

Reason: President of Eglinton District Tennis Club.

RESOLVED: That Council enter into an agreement with Eglinton District Tennis Club Inc to assist with the replacement of the storage shed based on the following:

- (a) approve a loan of approximately \$3,000 (50% of the cost of construction) to be repaid within 10 years at the current interest rate, plus a 1% Administration charge as per Council's policy.
- (b) Eglinton District Tennis Club Inc to provide their own funds for the remaining 50% of construction costs.

- 22** **Item 7 BATHURST AERODROME- INTERNAL ROADS (18.00004)**
MOVED Cr G Westman and **SECONDED** Cr M Coote

RESOLVED: That Council;

- (a) construct a new taxi vehicle access road way
- (b) create an internal loan of \$300,000 from the Waste Management fund.
- (c) seek ministerial approval for the use of \$300,000 from the Waste Management fund to be used for the taxi vehicle access road way.

- 23** **Item 8 REQUEST FOR FINANCIAL ASSISTANCE - WITHIN THESE WALLS (18.00195-27)**
MOVED Cr B Bourke and **SECONDED** Cr M Coote

RESOLVED: That Council not agree to provide financial assistance to the Within These Walls organisation.

- 24** **Item 9 REQUEST FOR FINANCIAL ASSISTANCE - WARATAH HOCKEY CLUB (18.00004-27)**
MOVED Cr M Coote and **SECONDED** Cr W Aubin

RESOLVED: That Council not agree to provide financial assistance towards the 85 year celebrations of the Waratah Hockey Club.

- 25** **Item 10 REQUEST FOR FINANCIAL ASSISTANCE - INTERNATIONAL DAY FOR PEOPLE WITH DISABILITIES COMMITTEE (18.00004-27, 23.00006-04)**
MOVED Cr M Morse and **SECONDED** Cr I North

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

Reason: Member of the DIAS Committee.

RESOLVED: That Council agree to donate \$485 towards displaying the International Day for People with Disabilities banner in William Street from 28 November to 9 December 2013 to promote International Day for People with Disabilities to be funded from Section 356 Donations.

- 26** **Item 11 REQUEST FOR SPONSORSHIP - BATHURST PANTHERS FOOTBALL CLUB (18.00004)**
MOVED Cr B Bourke and **SECONDED** Cr G Hanger

RESOLVED: That Council sponsor Bathurst Panthers Football Club with the conduct of the Bathurst Rugby League Knockout to be held in March 2014 by contributing a sponsorship package of \$3,000 to this organisation.

- 27** **Item 12 DEVELOPMENT APPLICATION NO. 2013/0209 – ALTERATIONS AND ADDITIONS TO EXISTING RESIDENTIAL CARE FACILITY INCLUDING SIXTY NEW BEDROOMS AT 15 ILUMBA WAY, KELSO. APPLICANT: CROWN PROJECT SERVICES. OWNER: FRANK WHIDDON MASONIC HOMES (DA/2013/0209)**
MOVED Cr I North and **SECONDED** Cr M Coote

RESOLVED: That Council not agree to the request from The Whiddon Group to reduce sewer and water headworks charges.

- 28** **Item 13 REQUEST FOR FINANCIAL ASSISTANCE - 2014 NAB BLAYNEY TO BATHURST (B2B) CYCLO SPORTIF CHALLENGE (23.00128)**

The item was **WITHDRAWN** as detailed at minute number 15.

- 29** **Item 14 LAND RELEASE - AVONLEA STAGE 8 AND 10 (20.00102 AND 20.00009)**
MOVED Cr B Bourke and **SECONDED** Cr W Aubin

RESOLVED: That the information be noted.

Director Engineering Services' Report

- 30** **Item 1 SPORTS FIELD LIGHTING UPGRADE - BATHURST SPORTSGROUND (04.00007)**
MOVED Cr W Aubin and **SECONDED** Cr M Coote

RESOLVED: That Council upgrade the electricity supply into the Bathurst Sportsground, utilising the funding that has been provided within the 2013 / 2014 Management Plan, for a Sports Field Lighting Upgrade at this facility.

- 31** **Item 2 PROPOSED PARTIAL ROAD CLOSURE, LOT 33 DP1163423, BERESFORD STREET, BATHURST (25.00524)**
MOVED Cr B Bourke and **SECONDED** Cr M Coote

RESOLVED: That Council approve the partial road closure contained in Lot 33 DP1163423 Beresford Street, Bathurst, as detailed in the Director Engineering Services' report.

- 32** **Item 3 CONTRACT FOR NETWASTE REGIONAL COLLECTION AND RECYCLING OF SCRAP METAL - CONTRACT NUMBER 145/534/984/1 (14.00007)**
MOVED Cr M Coote and **SECONDED** Cr I North

RESOLVED: That the information be noted.

33 Item 4 CENTRAL TABLELANDS ROWING CLUB - ROWING STORAGE AREA (11.00019)

MOVED Cr I North and **SECONDED** Cr M Coote

RESOLVED: Council authorise the lodgement of a modification to the existing Development Application to relocate the temporary fenced area used to store rowing boats at Chifley Dam.

34 Item 5 STREET TREE REMOVAL - 113 DURHAM STREET (13.00019)

MOVED Cr B Bourke and **SECONDED** Cr G Westman

That Council:

- (a) undertake the removal of the London Plane tree located within the verge, adjacent to the Great Wall Motor Vehicle Dealership located at 113 Durham Street, for the reasons outlined in the report.

- (b) endorse the proposed planting plan for Durham Street, between Stewart and Bentinck Streets, with works to be undertaken when funding becomes available.

The **MOTION** was **PUT** and **LOST**.

35 Item 6 EASEMENT FOR MULTI-PURPOSE ELECTRICAL INSTALLATION, LOT 36 DP1159302 BATHURST AIRPORT PJ MOODIE DRIVE RAGLAN (2012/0130-03)

MOVED Cr I North and **SECONDED** Cr M Coote

RESOLVED: That Council:

- (a) Approve the creation of an easement for multi-purpose electrical installation required for the substation to be installed on Lot 36 DP1159302 located at P J Moodie Drive, Raglan;

- (b) Authorise the General Manager to sign the Shared Asset Reimbursement Scheme Original Customer Agreement as Council’s representative, as detailed in the Director Engineering Services report.

Director Cultural & Community Services' Report

36 Item 1 BATHURST COMMUNITY SAFETY PLAN 2011-2014 REVIEW - NOVEMBER 2012-NOVEMBER 2013 (20.00179)

MOVED Cr M Coote and **SECONDED** Cr G Hanger

RESOLVED: Council acknowledge the ongoing work being undertaken by the members of the Bathurst Regional Community Safety Committee.

37 **Item 2 SMALL BUSINESS AND NON-PROFIT ORGANISATIONS DISABLED ACCESS FUND (16.00107)**

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

RESOLVED: That Council provide \$10,000 under the 2013/2014 Small Business and Non-Profit Organisations Disabled Access Fund for the following applicants:

- (a) Hill End Arts Council Incorporated - \$5,000.
- (b) Busby Medical Practice - \$5,000.

38 **Item 3 BATHURST LIBRARY - TECH SAVVY SENIORS (21.00054)**

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

RESOLVED: That the information be noted.

39 **Item 4 AUSTRALIAN FOSSIL AND MINERAL MUSEUM - INDIGENOUS HISTORY (21.00106)**

MOVED Cr I North and **SECONDED** Cr G Westman

RESOLVED: That Council accept the \$13,000 grant from Department of Families, Housing, Community Services and Indigenous Affairs (FAHCSIA) to present the Bathurst Indigenous History Module by the Australian Fossil and Mineral Museum during 2014 and 2015.

40 **Item 5 BATHURST MEMORIAL ENTERTAINMENT CENTRE - GRANT FUNDING (21.00060)**

MOVED Cr G Westman and **SECONDED** Cr W Aubin

RESOLVED: That the information be noted.

41 **Item 6 BATHURST REGIONAL ART GALLERY - SCULPTURE BY THE SEA (21.00015)**

MOVED Cr M Morse and **SECONDED** Cr G Hanger

RESOLVED: That the Cultural & Community Services Department and in particular the staff of the Bathurst Regional Art Gallery be congratulated for its success as the inaugural recipient of the \$20,000 NSW Government's Sculpture by the Sea Regional NSW Sculpture Acquisition Program.

REPORTS OF OTHER COMMITTEES**Policy Committee Meeting**

- 42** **Item 1 MINUTES - POLICY COMMITTEE MEETING - 9 OCTOBER 2013 (07.00064)**
MOVED Cr I North and **SECONDED** Cr W Aubin

RESOLVED: That the recommendations of the Policy Committee Meeting held on 9 October 2013 be adopted.

- 43** **Item 2 MINUTES - POLICY COMMITTEE MEETING - 6 NOVEMBER 2013 (07.00064)**
MOVED Cr I North and **SECONDED** Cr G Westman

RESOLVED: That the recommendations of the Policy Committee Meeting held on 6 November 2013 be adopted.

Traffic Committee Meeting

- 44** **Item 1 MINUTES - TRAFFIC COMMITTEE MEETING 5 NOVEMBER 2013 (07.00006)**
MOVED Cr W Aubin and **SECONDED** Cr M Coote

RESOLVED: That the recommendations of the Traffic Committee Meeting held on 5 November 2013 be adopted.

DELEGATES REPORTS

- 45** **Item 1 COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 23 OCTOBER 2013 (11.00019)**
MOVED Cr G Westman and **SECONDED** Cr M Coote

RESOLVED: That

- (a) the information be noted
- (b) it be noted that Crs Aubin, Coote and Hanger were in attendance at the meeting.

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

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

MOVED Cr M Coote

and **SECONDED** Cr W Aubin

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

The following representations were made.

M Nicholls, Western Advocate - raised concerns about the number of items considered by Council in Confidential Committee. He mentioned in particular Bathurst Eisteddfod Society Financial Support Item stating that as this was a public event it should be considered in the public domain.

P Dowling, ratepayer - spoke on the same issue stating that Council is spending ratepayers money and financial information of the intended recipient organisation should be made available to the public.

The Acting General Manager advised that the report contained commercial in confidence information that Council did not have permission from Bathurst Eisteddfod Society to release.

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 EISTEDDFOD SOCIETY INC - FINANCIAL SUPPORT	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who

		supplied it.
2	PURCHASE OF PROPERTY - LOT 13 DP259022 LOCATED AT 2 SCHOFIELD WAY 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	PURCHASE OF COMMERCIAL SITE IN 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.
4	REQUEST FOR FINANCIAL ASSISTANCE - BATHURST CITY COMMUNITY CLUB	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	MOUNT PANORAMA CAPITAL IMPROVEMENT WORKS FUNDING BRIEF	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 LEASE -	10A (2) (d) (i) – contains

	BATHURST MINIATURE RAILWAY SOCIETY - PART LOT 1 DP 1167594 AND LOT 7006 DP1057676 KNOWN AS THE JOHN MATTHEWS SPORTING COMPLEX	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	REQUEST FOR FINANCIAL ASSISTANCE - BATHURST GUN CLUB INC.	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	ENDORSEMENT OF REQUEST FORM FOR SECTION 88B INSTRUMENT AFFECTING LOT 706 DP1103109 AT 19 IRVING PLACE ROBIN HILL	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	CONTRACT FOR E-WASTE COLLECTION AND RECYCLING	410A (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	PROPOSED TRANSFER OF CROWN ROAD, LANE OFF BROWNING 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.
4	PROPOSED SALE OF LOTS 9 AND 10 DP720620 ALPHA 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.
5	ANNUAL TENDER - HIRE OF TRUCKS / WATERCARTS	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	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.
7	PROPOSED EASEMENT TO	10A (2) (d) (i) – contains

c Item 3 PURCHASE OF COMMERCIAL SITE IN HOWICK STREET BATHURST (22.02141)

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

That Council act in the accordance with the report.

d Item 4 REQUEST FOR FINANCIAL ASSISTANCE - BATHURST CITY COMMUNITY CLUB (22.01429)

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

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

Reason: Member of Club

That Council not agree to assist the Bathurst City Community Club (BCCC).

e Item 5 MOUNT PANORAMA CAPITAL IMPROVEMENT WORKS FUNDING BRIEF (18.00271)

MOVED Cr G Westman and **SECONDED** Cr M Coote

That Council endorse actions of the General Manager in submitting a Capital Improvement Works Funding Brief to the Local Member.

f Item 6 RENEWAL OF LEASE - BATHURST MINIATURE RAILWAY SOCIETY - PART LOT 1 DP 1167594 AND LOT 7006 DP1057676 KNOWN AS THE JOHN MATTHEWS SPORTING COMPLEX (04.00013)

MOVED Cr M Coote and **SECONDED** Cr I North

That Council approves entering into a new licence agreement with the Bathurst Miniature Railway Society for part Lot 1 DP1167594 and Lot 7006 DP1057676 located on Durham Street, Bathurst and known as the John Matthews Sporting Complex for a period of four (4) years as detailed in the report.

g Item 7 REQUEST FOR FINANCIAL ASSISTANCE - BATHURST GUN CLUB INC. (18.00004-27)

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

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

Reason: Member and Sponsor of Club.

That Council:

- (a) grant a loan of \$12,000 at the applicable interest rate
- (b) fund \$12,000 from the Parks Reserve to assist with the construction of new amenities at the Bathurst Gun Club.

Director Engineering Services' Report

- h** **Item 1 ENDORSEMENT OF REQUEST FORM FOR SECTION 88B INSTRUMENT AFFECTING LOT 706 DP1103109 AT 19 IRVING PLACE ROBIN HILL (2012/0461-02)**
MOVED Cr M Coote and **SECONDED** Cr W Aubin

That Council approve endorsement by the General Manager of a Request form for an amendment to the Section 88B Instrument in DP1103109 affecting Lot 706 being 19 Irving Place, Robin Hill, as detailed in the Director Engineering Services' report.

- i** **Item 2 CONTRACT FOR E-WASTE COLLECTION AND RECYCLING (14.00007)**
MOVED Cr I North and **SECONDED** Cr M Morse

That Council authorises the General Manager to sign the contract.

- j** **Item 3 PROPOSED TRANSFER OF CROWN ROAD, LANE OFF BROWNING STREET BATHURST (25.00062)**
MOVED Cr W Aubin and **SECONDED** Cr M Morse

That Council resolve to make application to the Crown for the transfer of the Crown public road located off Browning Street, Bathurst, to Council's ownership, as detailed in the Director Engineering Services' report.

- k** **Item 4 PROPOSED SALE OF LOTS 9 AND 10 DP720620 ALPHA STREET BATHURST (22.12795)**
MOVED Cr B Bourke and **SECONDED** Cr G Westman

That Council approve the sale of Lots 9 and 10 DP720620 Alpha Street Bathurst, as detailed in the Director Engineering Services' Report.

- l** **Item 5 ANNUAL TENDER - HIRE OF TRUCKS / WATERCARTS (36.00498)**
MOVED Cr G Westman and **SECONDED** Cr M Coote

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 2014.

- m** **Item 6 ANNUAL TENDER - HIRE OF PLANT (36.00462)**
MOVED Cr G Westman and **SECONDED** Cr W Aubin

That Council accept the tenders for the Hire of Plant for 2014, as listed in the

Director Engineering Services' report, subject to submission of complete information being supplied for casual hire, and in accordance with the General Conditions for the Hire of Plant.

- n** **Item 7 PROPOSED EASEMENT TO DRAIN WATER 6.095 WIDE, LOT 1 DP249051 AND LOT 158 DP1119351, 158 BRILLIANT STREET, BATHURST (22.03059)**
MOVED Cr I North and **SECONDED** Cr M Coote

That Council resolve to create a proposed easement to drain water 6.095 wide within Charles Sturt University properties Lot 1 DP249051 and Lot 158 DP1119351 located at 158 Brilliant Street, Bathurst as detailed in the Director Engineering Services report.

- o** **Item 8 PROPOSED COMPULSORY ACQUISITION OF SUNNY CORNER WASTE MANAGEMENT CENTRE, LOT 78 DP1079915, WEST MITCHELL ROAD, SUNNY CORNER (14.00077-02)**
MOVED Cr M Morse and **SECONDED** Cr I North

That Council:

- (a) Make application to the Minister and/or the Governor to compulsorily acquire Crown Land located at Lot 78 DP1079915, West Mitchell Road, Sunny Corner for the purpose of a waste management centre;
- (b) The acquisition be through the provision of the Local Government Act 1993 Section 186 and the procedures set out in the Land Acquisition (Just Terms Compensation) Act 1991; and
- (c) The application be minerals exempt and the acquired land be classified as Operational land, as detailed in the Director Engineering Services' report.

RESOLVE INTO OPEN COUNCIL

- 47** **RESOLVE INTO OPEN COUNCIL**
MOVED Cr M Coote and **SECONDED** Cr W Aubin

RESOLVED: That Council resume Open Council.

ADOPT REPORT OF THE COMMITTEE OF THE WHOLE

- 48** **ADOPT REPORT OF THE COMMITTEE OF THE WHOLE**
MOVED Cr M Coote and **SECONDED** Cr W Aubin

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

MEETING CLOSE**49 MEETING CLOSE**

The Meeting closed at 8.25 pm.

CHAIRMAN: _____

Date: _____ (11 December 2013)

MINUTE

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

David Sherley - General Manager
Item #1 of the Confidential Mayoral Minute.

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

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

11 DECEMBER 2013

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

Recommendation: That the information be noted.

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

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

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

MOVED: Cr B Bourke SECONDED: Cr I North

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 November 2013 (**attachment 1**)
- (b) Applications refused during November 2013 (**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 November 2013 (**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

- 8** **Item 2 GENERAL REPORT (03.00053)**
MOVED: Cr I North SECONDED: Cr W Aubin

RESOLVED: That the information be noted.

3 NAMING OF PUBLIC ROADS – PRESS COURT, BYRNE CLOSE AND O’FARRELL PLACE (20.00024)

Recommendation: That Council:

- (a) adopt the names Press Court, Byrne Close and O’Farrell Place; and
- (b) direct the Director Environmental, Planning & Building Services to undertake procedures pursuant to the requirements of the Roads Act 1993, to have the name gazetted, should no objections be received.

Report: Council has received a request to name the new roads created by the subdivision of lot 44 DP 1172067 off Wentworth Drive. A location map is provided at **attachment 1** and the plan of subdivision at **attachment 2**.

The theme chosen is reflective of the land being developed on behalf of the Trustees of the Roman Catholic Church - Diocese of Bathurst. A brief summary of the proposed names are;

Press Court

Sister Margaret Press was born in Molong in 1923.

She entered the novitiate of the Sisters of St Joseph in 1941 and was professed in 1943. During this time she also trained as a teacher and from 1944 to 1972, she established herself as one of the most highly respected educators in the Bathurst diocese, she was a teacher, boarding school administrator, school supervisor, lecturer in the Teacher Training School at Perthville and the first Deputy Principal of the Diocesan Catholic Girls’ High School (Mackillop College). In 1970 she became its distinguished Principal.

Byrne Close

Joseph Patrick Byrne (1843-1901) was born on 18 June 1843 in Dublin.

He studied at St Lawrence O’Toole College and then at the Rouen Seminary. Ordained there in 1865 he accompanied the newly-appointed first bishop of Bathurst, Dr Matthew Quinn to Australia.

Byrne was instrumental in the establishment of Australia’s first seminary in Bathurst and St Stanislaus College.

He succeeded Quinn as Bishop of the Bathurst Diocese in 1885. He ruled the Bathurst diocese for fifteen years complementing the work of his predecessor. He was also known for establishing the St Vincent de Paul Society.

O’Farrell Place

Michael O’Farrell was fifty-five years of age when he was appointed the fourth Bishop of Bathurst on 16 June 1920.

He was consecrated on 30 November 1920 in the Bathurst Cathedral of St Michael and St John by the Apostolic Delegate.

The proposed names comply with Bathurst Regional Council's *Guidelines for the Naming of Roads*.

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

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 24: To provide and support the provision of accessible, affordable and well planned transport systems. Strategy 24.2

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

MINUTE

9 Item 3 NAMING OF PUBLIC ROADS – PRESS COURT, BYRNE CLOSE AND O’FARRELL PLACE (20.00024)

MOVED: Cr M Morse SECONDED: Cr G Hanger

RESOLVED: That Council:

- (a) adopt the names Press Court, Byrne Close and O’Farrell Place; and
- (b) direct the Director Environmental, Planning & Building Services to undertake procedures pursuant to the requirements of the Roads Act 1993, to have the name gazetted, should no objections be received.

4 DEVELOPMENT APPLICATION NO. 2013/0438 – TWO LOT RURAL SUBDIVISION (BOUNDARY ADJUSTMENT) AT 443 & 461 DURAMANA ROAD, DURAMANA. APPLICANT & OWNER: MRS T HOOPER (DA/2013/0438)

Recommendation: That Council:

- (a) support the variation to the 1(e) Outer Rural 100 hectare minimum lot size as prescribed in the Clause 27 (1) of *Bathurst Regional (Interim) Local Environmental Plan 2005* for proposed Lot 82;
- (b) support the variation to the 1(e) Outer Rural 100 hectare minimum lot size as prescribed in the Clause 28 (1) of *Bathurst Regional (Interim) Local Environmental Plan 2005* for proposed Lot 82;
- (c) direct the Director Environmental, Planning & Building Services to approve Development Application No. 2013/0438, 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 two lot rural subdivision (boundary adjustment) at 443 Duramana Road, Duramana (Lot 8, DP 755779) and 461 Duramana Road, Duramana (Lot 126, DP 1042410). A location plan is provided at **attachment 1**.

443 Duramana Road is currently 81.75 hectares and contains a dwelling and rural outbuildings.

461 Duramana Road is currently 27.36 hectares and contains a dwelling and rural outbuildings.

The Proposal

The proposal is for the resubdivision of the two existing lots to increase the area of 443 Duramana Road by 22.51 ha and reduce the area of 461 Duramana Road (see plan of proposed subdivision at **attachment 2**).

The proposal will result in:

- 443 Duramana Road will increase in size to 104.26 ha (proposed Lot 81)
- 461 Duramana Road will decrease in size to 4.85 ha (proposed Lot 82)

Both lots will continue to contain separate dwellings.

Planning Context

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

The subject site is zoned 1(e) Outer 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.

Likewise Clause 28 of the Bathurst Regional (Interim) Local Environmental Plan 2005 requires a minimum area of 100 hectares for the erection of a dwelling-house.

Proposed Lot 82 is therefore below the minimum areas specified by Clause 27 and 28 of the Bathurst Regional (Interim) Local Environmental Plan 2005, in that it will have an area of 4.85 hectares.

The applicant has submitted a SEPP 1 Objection (**attachment 3**) in relation to the creation of proposed Lot 82 which indicates the nature of the subdivision and their objection to the current standards because:

1. Both lots are already below the minimum lot size of 100 hectares;
2. The proposed lot sizes are consistent with the surrounding pattern of subdivision;
3. No new lots are created;
4. No new dwelling entitlements are being created; and
5. The agricultural use of the lots will not be compromised.

The intention behind the development standards is to limit new dwelling entitlements on allotments less than the minimum area. The proposed lots 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 (DA) for a two lot rural subdivision (boundary adjustment) at 443 Duramana Road, Duramana and 461 Duramana Road, Duramana. The resubdivision of the two 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

10 Item 4 DEVELOPMENT APPLICATION NO. 2013/0438 – TWO LOT RURAL SUBDIVISION (BOUNDARY ADJUSTMENT) AT 443 & 461 DURAMANA ROAD, DURAMANA. APPLICANT & OWNER: MRS T HOOPER (DA/2013/0438)

MOVED: Cr M Coote SECONDED: Cr W Aubin

RESOLVED: That Council:

- (a) support the variation to the 1(e) Outer Rural 100 hectare minimum lot size as prescribed in the Clause 27 (1) of *Bathurst Regional (Interim) Local Environmental Plan 2005* for proposed Lot 82;
- (b) support the variation to the 1(e) Outer Rural 100 hectare minimum lot size as prescribed in the Clause 28 (1) of *Bathurst Regional (Interim) Local Environmental Plan 2005* for proposed Lot 82;
- (c) direct the Director Environmental, Planning & Building Services to approve Development Application No. 2013/0438, 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 M Coote, Cr J Jennings, Cr G Rush,

Against the motion - Nil

Absent - Nil

Abstain - Nil

5 DEVELOPMENT APPLICATION NO. 2013/0323 – USE OF EXISTING COMMERCIAL PREMISES AS A DRIVE THROUGH TAKEAWAY FOOD OUTLET AT 52 DURHAM STREET, BATHURST. APPLICANT: C RIDGE. OWNER: RUC PTY LTD (DA/2013/0323)

Recommendation: That Council:

- (a) having undertaken a review of Development Application 2013/0323 reaffirm the decision to refuse the application subject to the following reasons:
1. *The proposal will cause onsite and offsite congestion and restrict public access via Mrs Blacks Lane and to other tenancies within the complex.*
 2. *The proposal does not provide adequate bicycle parking in accordance with Bathurst Regional (Interim) Development Control Plan 2011.*
- (b) call a division.

Report: Council has received a request to review its decision to refuse the above Development Application pursuant to the provisions of Section 82A of the Environmental Planning and Assessment Act 1979.

The Development Application was initially refused by Council under delegated authority on 24 October 2013.

The Site

The site is an existing commercial complex located at 52 Durham Street.

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

The site contains three separate tenancies located in 2 separate buildings. The front building is occupied by Eagle Boys Pizza and Civic Video.

The rear building is currently vacant having previously been used as a drive through bottle shop.

Access to the site is via “Mrs Blacks Lane” which is a common right of carriageway over the adjoining Hungry Jacks site. Mrs Blacks Lane is private land but is burdened by a right of carriageway which favours the subject land and the adjoining Bathurst Chase Shopping Centre.

Vehicles wishing to enter the site do so via Mrs Blacks Lane, circulate around the site and exit to Durham Street.

Once vehicles enter the site they may proceed either to the existing drive through for the pizza shop, through the site to the carpark in front of the pizza and video store or to the proposed coffee shop.

At present there are 15 carparking spaces available for use by all tenancies.

The Proposal

The proposal involves the fitout of the former bottle shop to be used as a drive through take away food outlet.

The intention is that the premises will operate principally as a drive through coffee shop but will also sell a range of complimentary food items.

Customers will also be able to park and eat on site. Provision is made on site for a small customer area with bench seating.

The proposed operating hours are 6am to 6pm Monday to Friday and 7.30am to 5pm on Saturdays. The other premises by their nature have later opening hours.

Customers will enter the site via Mrs Blacks Lane. It is proposed that the site will operate with 2 drive through lanes within the premises itself. For the purposes of this report these are referred to as the right hand lane and left hand lane.

Customers will be greeted with a number of display fridges/freezers and then place their order at the cashier. Once ordered, they will then proceed to the collection point (coffee counter).

Display counters are located predominantly on the right hand side of the drive through. A small display cabinet is located on the left hand side of the left hand lane.

The cashier/order point location is noted on the plans as being on the right hand side of the right hand lane approximately mid way through the drive through. There is no cashier/order point on the left hand side.

The coffee counters/pick up point are located beyond the cashier again on the right hand side (approximately 2/3 of the way through).

The order point and the pick up point are approximately 6 metres apart.

The Development Application has been supported by a Traffic and Parking Impact Statement prepared by ML Traffic Engineers (**attachment 2**), Statement of Environmental Effects prepared by Anthony Daintith Town Planners (**attachment 3**) and accompanying plans (**attachment 4**).

The request for review has been supported by an additional response from ML Traffic Engineers and additional information from the planning consultants (**attachment 5**).

Reasons for refusal

The Development Application was refused under delegated authority on 24 October 2013.

The reasons cited were as follows:

1. *The proposal will cause onsite and offsite congestion and restrict public access via Mrs Blacks Lane and to other tenancies within the complex.*
2. *Proposed sign number 1 does not comply with the advertising signage standards required by the Bathurst Regional (Interim) Development Control Plan 2011 in that it is greater than 6 m and 5% of the wall elevation.*
3. *The proposal does not provide adequate bicycle parking in accordance with Bathurst Regional (Interim) Development Control Plan 2011.*

Traffic issues

Drive through coffee shops are a reasonably new type of development although drive through take away food premises have been long established.

Council itself has no adopted standards in relation to the operation of drive through premises.

The RTA Guide to Traffic Generating Development however provides a widely accepted basis for determining the requirements for specific landuse types including drive through take away food outlets. Whilst these Guidelines do not extend to drive through coffee shops the Guidelines recommend drive through capacity for 10 - 12 car lengths for a use such as McDonalds and 6 – 8 car lengths for a use such as KFC.

It is noted that the RTA Guide contains design standards for drive through bottle shops which these premises currently comply. These standards are not directly transferable to this development due to the much higher traffic generation levels and the different nature of the trip.

The Development Application has been supported by a Traffic Assessment report prepared by ML Traffic Engineers.

The process for ordering as described in the Traffic Assessment is as follows:

Customers will place an order at the order window. Once the order is made, the driver will drive their car along the loop to pick up the order at the pick up window. The separation of the order window from the pick up window will ensure an orderly movement to contain all queuing on site and no queuing onto Durham Street.

As noted above these order points and pick up points are located on the right hand side of the right hand lane.

In the absence of any accepted industry figures the Traffic Assessment includes an assessment of a similar facility operating at Dubbo. The Assessment includes a survey of the Dubbo operations during the AM peak (6am to 9am) as a means for comparison.

The key findings of the Assessment are that:

- Typically between 2 and 6 customer vehicles are on site at any one point in time, with a peak 6 cars at around 8am.
- Average time on site is around 4 minutes.
- Expected traffic generation of around 80 inbound and 80 outbound vehicles per hour during the AM peak period.

The Traffic Assessment concludes that the minimum parking/on site queuing requirement for the proposed drive through coffee business is **seven queue spaces** for customers.

In the absence of any industry accepted figure a queue length of 7 has been accepted as being reasonable for the development. This queue length should be measured from the pick up point.

The key issue from a traffic management perspective is whether the site is able to accommodate 80 incoming vehicles per hour (ie a vehicle every 45 seconds), order, pay, prepare and serve the coffee (expected to take 4 minutes) without impacting on the overall operation of the site and Mrs Blacks Lane.

The concern is that, if it cannot, that it will overflow into the rest of the site and onto Mrs Blacks Lane. Mrs Blacks Lane is as noted above owned by the adjoining property and is an important thoroughfare into the Bathurst Chase.

The Amended Traffic Assessment report includes a diagram which illustrates how the applicant proposes to accommodate a 7 vehicle queue on site.

The salient points to note regarding this proposal are that:

- Those vehicles using the left hand lane (3 spaces) will not have direct access to the order, pay or pick up points. Whilst they are shown indicatively on the submitted plans in a practical sense it is unlikely that any driver would stray from the right hand service lane.
- Within the right hand lane the forward most car shown on the plan would be located "beyond" the pick up point. Note that this spot also coincides with the entry point to sit down eating area.
- The forward most vehicles in both lanes are located over the internal pedestrian crossing shown on the original plans.
- The vehicles shown at the entry to the premises would effectively block access to the carparks adjoining the tenancy.

It is perhaps relevant to compare this proposed treatment with other operational drive through take away configurations. These are generally characterised by:

- Clear separation between the drive through and on site circulation, ie access to the drive through is generally by way of a separate and distinct driveway which is physically separated from other on site manouvring.
- A clearly identified order point located on the path of travel.
- A single lineal path of travel.
- Where dual lanes are used at the order point (such as at the new McDonalds) these have clearly defined merge lanes before merging back to single pay and pick up points.

The reality is that these features are all missing from the proposal and that there is in effect only 2 spaces located on the path of travel to the pick up point. Other spaces noted on the plans are either unlikely to be functional or located beyond the tenancy and therefore prone to impact upon the other tenancies and potentially Mrs Blacks Lane.

In this respect the issues raised during the initial assessment remain and so do the reasons for refusal in respect of traffic management.

Referral to RMS

It is noted that under SEPP (Infrastructure) take away food outlets with access to a classified road are required to be referred to the RMS for comment.

The RMS advised that as the proposal does not appear to impact on traffic or access arrangements no further submissions were to be made.

Other issues

Advertising Signage

The proposed advertising sign has been amended to a maximum of 6 sq m and as such now complies with Council's DCP.

Bicycle Parking

Clause 14.4 of Council's Interim DCP adopted standards relating to the provision of bicycle parking as follows:

- *Consent will generally not be given to alter, enlarge, convert or increase the capacity of any existing buildings, to erect new buildings, or to use any land unless bicycle parking is provided in accordance with this section.*
- *Bicycle parking is to be provided in a manner where cyclists are able to secure the frame and two wheels of a bicycle to a fixed, secure stand, with the cyclists own lock and chain.*
- *Bicycle parking should be provided on site, in a secure location with adequate surveillance. The siting of facilities is to consider the likely principle user (eg employees or customers, residents or visitors) Council may approve the provision of bike parking on the street where considered appropriate.*

The standards adopted for take away food and drink premises are 1 space per 100 sq m for employees plus 1 space per 50 sq m for customers. Based on a tenancy of approximately 180 sq m (ie excluding the drive through etc) a total of 5 spaces would be required.

The response to this issue as detailed in the response provided by the planning consultant is:

It is highly unlikely that the business will actually attract clientele that will travel by bicycle.

In the event that a client rides to the business, they can either join the other vehicles that are being served or alternatively park their bicycle against either end of the building or along the front of the display area (they will only be onsite for a short period of time).

It is fair to say that the aim of the standard is to avoid the exact scenario being put forward as the solution ie to have bicycles leaning against walls is no solution at all.

In that respect the reason for refusal remains unaddressed.

That said if Council were of a mind to approve the Development Application it is a matter which ultimately could be conditioned to occur.

Conclusion

The Development Application proposes the use of existing premises as a drive through coffee shop.

The Development Application was originally refused due to concerns surrounding traffic management, advertising signage and bicycle parking.

The significant issue remains; the capacity to deal with expected traffic levels during the AM peak which is expected to generate a vehicle queue length of up to 7 vehicles. Whilst the applicant has indicatively shown 7 spaces on site the reality is they are unlikely to function in any practical sense. The fundamental issue therefore remains unaddressed and the recommendation for refusal therefore remains.

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

11 Item 5 DEVELOPMENT APPLICATION NO. 2013/0323 – USE OF EXISTING COMMERCIAL PREMISES AS A DRIVE THROUGH TAKEAWAY FOOD OUTLET AT 52 DURHAM STREET, BATHURST. APPLICANT: C RIDGE. OWNER: RUCE PTY LTD (DA/2013/0323)

MOVED: Cr B Bourke SECONDED: Cr I North

RESOLVED: That Council:

- (a) direct the Director Environmental, Planning & Building Services to approve Development Application No. 2013/0323, subject to conditions, able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended.
- (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 B Bourke, Cr I North, Cr G Westman, Cr M Coote, Cr J Jennings, Cr G Rush,

Against the motion - Cr W Aubin, Cr G Hanger, Cr M Morse,

Absent - Nil

Abstain - Nil

6 DEVELOPMENT APPLICATION NO. 2013/0408 – DEMOLITION OF DWELLING AT LOT 9 DP 758065, 265 LAMBERT STREET, BATHURST. APPLICANT: MR P THEOBALD. OWNER: MRS J THEOBALD (DA/2013/0408)

Recommendation: That Council:

- (a) direct the Director Environmental, Planning & Building Services to approve Development Application No. 2013/0408, 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:
1. Any archaeological remains discovered during the demolition are reported to Heritage Branch, Department of Planning and to Council.
 2. Any development involving non-friable asbestos removal work (of an area of more than 10 square metres) or friable asbestos removal work must be undertaken by a person who carries on a business of such removal work in accordance with a licence under Part 8.10 of the Work Health and Safety Regulation 2011.
- (b) call a division.

Report: The Site

Council has received a Development Application (DA) for demolition of the existing building at 265 Lambert Street, Bathurst, described as Lot 9 DP 758065. A location plan is provided at **attachment 1**.

The site currently contains a severely fire affected dwelling house that is in extremely poor physical condition.

The Proposal

The proposal involves demolition of the existing buildings on site. There is no proposal for redevelopment of the land.

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* (LEP). Demolition of a dwelling is permissible with consent in the 2(a) zone. The proposal is consistent with the objectives of the zone.

Clause 23 Protection of Environmental Heritage

In accordance with Clause 23 of the LEP, development consent is required from Council to demolish a building within the heritage conservation area.

In the assessment of the development application in a heritage conservation area, Council must not grant consent to the development of land unless it is satisfied that the impact of the proposed development on the heritage significance of the conservation area is acceptable.

A heritage report was submitted as part of this development proposal (**attachment 2**).

The heritage report provides a brief statement on the age of the building.

The subject dwelling is a brick and iron building constructed between 1889 & 1890 by Mr J Backhouse, a publican.

The excerpts from the Historical Society records link the house to Mr Albert Pollard. Mr Pollard had two sons, the most well-known of which was Sir Reginald George Pollard, Former Commander of the Australian Army during World War Two and Korea. Sir Reginald Pollard was knighted twice. Sir Reginald Pollard was educated in Bathurst Schools and entered the Royal Military College in 1921. It can be assumed that he spent most of his childhood at this house.

Structural condition

A structural assessment was undertaken by Calare Civil in October 2013.

The inspection and subsequent assessment concluded that the building has suffered significant damage due to fire damage and general weathering/deterioration due to lack of maintenance over a long time period.

There was internal and external cracking evident as well as significant fire, smoke and moisture damage noted.

The fire damage has resulted in the long term stability of the walls and roof structure being compromised by fire damage to the roof structure. The Structural Assessment is available at **attachment 3**.

Council's Assessment

An inspection of the property by Council's officers confirmed that the property was in poor condition following numerous fires and significant water damage.

The property has an overall BCAM rating of 5/10.

Council's Heritage Planner's assessment is at **attachment 4**. This report concludes that the property is in an extremely poor state and that demolition is supported.

Draft Bathurst Regional Local Environmental Plan 2013

The subject site is proposed to be zoned R1 General Residential under the Draft Bathurst Regional LEP 2013 and is located in the proposed Heritage Conservation Area. The development remains permissible in the zone.

Bathurst Regional (Interim) Development Control Plan 2011

The proposal is generally consistent with the provisions of the DCP.

The heritage significance and structural integrity of the building has been discussed above.

Council's usual practice would be to consider an application for demolition of a dwelling with an accompanying infill proposal. It was however considered appropriate in this instance to accept an application for demolition only given the potential safety risks to the public and the significant structural inadequacies of the building. Whilst the impact on the streetscape is greater than usual it is nonetheless reasonable under the circumstances.

Submissions

The development application was advertised and notified to adjoining property owners from 11 November 2013 to 25 November 2013. Following the advertising and notification period, no submissions were received.

Conclusion

Council has received a Development Application (DA) for demolition of an existing dwelling. No infill development has been proposed. The subject site is zoned 2(a) Residential under the provisions of the Bathurst Regional (Interim) Local Environmental Plan 2005. Given the extremely poor physical condition of the dwelling, demolition can be supported in this instance.

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

12 Item 6 DEVELOPMENT APPLICATION NO. 2013/0408 – DEMOLITION OF DWELLING AT LOT 9 DP 758065, 265 LAMBERT STREET, BATHURST. APPLICANT: MR P THEOBALD. OWNER: MRS J THEOBALD (DA/2013/0408)
MOVED: Cr B Bourke SECONDED: Cr I North

RESOLVED: That Council:

- (a) direct the Director Environmental, Planning & Building Services to approve Development Application No. 2013/0408, 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:
1. Any archaeological remains discovered during the demolition are reported to Heritage Branch, Department of Planning and to Council.
 2. Any development involving non-friable asbestos removal work (of an area of more than 10 square metres) or friable asbestos removal work must be undertaken by a person who carries on a business of such removal work in accordance with a licence under Part 8.10 of the Work Health and Safety Regulation 2011.
- (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 M Coote, Cr J Jennings, Cr G Rush,

Against the motion - Nil

Absent - Nil

Abstain - Nil

7 DEVELOPMENT APPLICATION NO. 2013/0333 – DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF 20 ROOM BOARDING HOUSE AT 94 HAVANNAH STREET. APPLICANT: HAVANNAH ST PTY LTD. OWNER: L TAYLOR (DA/2013/0333)

Recommendation: That Council:

- (a) direct the Director Environmental, Planning & Building Services to approve Development Application No. 2013/0333, 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:
1. The external materials to be used in the proposed development are to complement those used on the existing building. The submission of a letter or a report, rendered drawings, manufacturer's brochures and/or samples sufficient to detail the types and colours of the external materials to be used in the construction are to be approved by Council.
 2. Any archaeological remains discovered during the demolition are reported to Heritage Branch, Department of Planning and to Council.
 3. Prior to the issue of the construction certificate the developer is to submit to Council a Construction Management Plan which includes (but is not limited to) the following:
 - a) Traffic management, including:
 - i) Loading, unloading area and material storage areas;
 - ii) Access to adjoining properties; and
 - iii) Parking areas (for construction workers and surrounding properties);
 - b) Noise;
 - c) Dust;
 - d) Stabilisation and monitoring of adjoining buildings;
 - e) Vibration; and
 - f) Proposed methods of communication, including:
 - i) Communication with adjoining property owners;
 - ii) Communication with the general public; and
 - iii) Complaints management.
- (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 demolition of the existing dwelling and construction of a 20 room boarding house at 94 Havannah Street, described as Lot 1 DP 1152465. A location plan is provided at **attachment 1**.

The current site contains a dwelling house and is 1280 square metres in area.

The Proposal

The proposal involves the demolition of the existing dwelling and construction of 2 buildings containing a total of 20 individual rooms. Each room contains bathroom, living and kitchen

area on the ground floor and loft bedroom. A separate laundry building is also to be constructed on site.

Car parking on site is proposed for 7 vehicles.

Plans of the proposed development are 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*.

The proposed development is defined as a “boarding house” pursuant to BRILEP 2005.

A boarding house means a residential building (other than a single dwelling) let in lodgings where accommodation, meals and laundry facilities are provided to residents of the boarding house or place, but that is not licensed to sell liquor within the meaning of the Liquor Act 1982, and includes a hostel, lodging house and bed and breakfast establishment (if they are not Class 1 or 1b buildings within the meaning of the Building Code of Australia.)

A boarding house is permissible with consent in the 2 (a) Residential Zone.

Draft Bathurst Regional Local Environmental Plan 2013

The subject site is proposed to be zoned R1 General Residential under the Draft Bathurst Regional LEP 2013.

A boarding house is permissible with consent in the R1 General Residential zone.

Clause 23 Protection of Environmental Heritage

The land is located within the Heritage Conservation Area.

In accordance with Clause 23 of the LEP, development consent is required from Council to demolish a building within the heritage conservation area and to erect a new building.

In the assessment of the development application in a heritage conservation area, Council must not grant consent to the development of land unless it is satisfied that the impact of the proposed development on the heritage significance of the conservation area is acceptable.

A Statement of Heritage Impact (SoHI) was submitted as part of this development proposal (**attachment 3**).

The Statement of Heritage Impact provides a brief statement on the age of the building.

The subject dwelling is a small weatherboard building. The dwelling is believed to have been built between 1950 & 1968 as the only records of 94 Havannah Street begin during this period.

The excerpts provided about the previous owners of the dwelling demonstrate that the subject dwelling has little or no historical significance for the Bathurst region and may only have significance for the builder or previous residents.

Structural Condition

A structural assessment has been undertaken by John Bagnall & Associates in September 2013 (**attachment 4**). The inspection and subsequent assessment concluded that a significant portion of the dwelling would have to be demolished regardless of the proposed future use.

Council's Assessment

The property was inspected by Council's officers and Council's Heritage Advisor.

The Heritage Advisor's assessment is at **attachment 5**. This report concludes that the property has little heritage significance. Combined with the poor state of the building, demolition is supported.

Bathurst Regional (Interim) Development Control Plan 2011

Bathurst Regional (Interim) Development Control Plan 2011 – Chapter 4 Residential Development

Chapter 4 of the Bathurst Regional (Interim) Development Control Plan does not contain any specific provisions relating to boarding houses.

Bathurst Regional (Interim) Development Control Plan 2011 – Chapter 10 Urban Design & Heritage Conservation

Bathurst Conservation Area Management Strategy (BCAMS)

The property has an Overall BCAMS rating of 3/10.

More detail on the BCAM assessment is provided in **attachment 4**.

Infill Development

An infill form has been submitted to support the proposal.

Bathurst Regional (Interim) Development Control Plan 2011 – Chapter 14 Parking

Chapter 14 of the Bathurst Regional (Interim) Development Control Plan prescribes a car parking ratio of 1 space per 3 beds. As there will be 20 beds a total of 7 car parking spaces are required. Plans for the proposed development indicate 7 spaces.

Bathurst Regional (Interim) Development Control Plan 2011 – Chapter 15 Crime Prevention

The proposal was referred to the Chifley Crime Prevention Officer for comment.

The Chifley Crime Prevention Officer raised no objections to the proposal and has identified the proposal as low risk.

A copy of this letter is at **attachment 6**.

Draft Bathurst Regional Development Control Plan 2013

The proposal is consistent with the Draft Development Control Plan.

Submissions

The development application was advertised and notified to adjoining property owners in accordance with Clause 10 of the Bathurst Regional (Interim) Local Environmental Plan 2005 from 16 September 2013 to 30 September 2013. Following the advertising and notification period 1 submission was received.

Issues raised in submission included:

1. Property Values

Property values are not a matter for consideration under Section 79C of the Environmental Planning and Assessment Act 1979.

2. Privacy – Over Looking

The 1st floor bedrooms are configured as a loft room and do not have direct access to the second storey windows. Whilst these windows will provide light they will not be accessible. Therefore the development will not generate a significant overlooking problem.

3. Setbacks from boundaries

The proposed setbacks are in excess of those required by the DCP for residential development and therefore are considered appropriate for this development.

4. Overshadowing

The proposed development is located to the south of the adjoining dwellings in Havannah Street. Given this orientation the proposal will not generate any overshadowing issues as the nearest dwelling is to the north of the development.

5. Parking Spaces

The proposed development complies with the requirements of the DCP in relation to car parking. The DCP requires 1 space per 3 rooms and the applicant has provided 7 spaces.

A discussion forum was held 12 November 2013. The minutes and submission are at **attachment 7**.

Conclusion

Council has received a Development Application (DA) for demolition of an existing dwelling and the erection of a 20 bedroom boarding house. The subject site is zoned 2(a) Residential under the provisions of the Bathurst Regional (Interim) Local Environmental Plan 2005. Boarding Houses are permissible. Given the extremely poor physical condition of the existing dwelling demolition can be supported in this instance.

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 28: To plan for the growth of the region and the Strategy 28.8

protection of the region's environmental, economic, social and cultural assets.

MINUTE

13 Item 7 DEVELOPMENT APPLICATION NO. 2013/0333 – DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF 20 ROOM BOARDING HOUSE AT 94 HAVANNAH STREET. APPLICANT: HAVANNAH ST PTY LTD. OWNER: L TAYLOR (DA/2013/0333)

MOVED: Cr M Coote SECONDED: Cr B Bourke

RESOLVED: That Council:

- (a) direct the Director Environmental, Planning & Building Services to approve Development Application No. 2013/0333, 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:
1. The external materials to be used in the proposed development are to complement those used on the existing building. The submission of a letter or a report, rendered drawings, manufacturer's brochures and/or samples sufficient to detail the types and colours of the external materials to be used in the construction are to be approved by Council.
 2. Any archaeological remains discovered during the demolition are reported to Heritage Branch, Department of Planning and to Council.
 3. Prior to the issue of the construction certificate the developer is to submit to Council a Construction Management Plan which includes (but is not limited to) the following:
 - a) Traffic management, including:
 - i) Loading, unloading area and material storage areas;
 - ii) Access to adjoining properties; and
 - iii) Parking areas (for construction workers and surrounding properties);
 - b) Noise;
 - c) Dust;
 - d) Stabilisation and monitoring of adjoining buildings;
 - e) Vibration; and
 - f) Proposed methods of communication, including:
 - i) Communication with adjoining property owners;
 - ii) Communication with the general public; and
 - iii) Complaints management.
- (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 M Coote, Cr J Jennings, Cr G Rush,

Against the motion - Nil

Absent - Nil

Abstain - Nil

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

Recommendation: That Council:

- (a) note that the 2013 Regional Snapshot State of the Environment Report has been completed;
- (b) note that the 2013 Regional Snapshot State of the Environment Report will be placed on Bathurst Regional Council's Website.

Report: Since 2008 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.

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 IP&R Framework requires that Councils prepare annual reports which include reporting on the environmental objectives of their Community Strategic Plans. However, it is only in the year in which a Council election is held (next planned for 2016) that the annual report must include a State of the Environment Report (SoE). (Note that previously Councils were required to produce an annual SoE). The participating Councils and the Central West CMA have decided to continue collecting data and reporting it on an annual basis so that they can produce a comprehensive RSoE Report in 2016 that covers the intervening years. The reports in the intervening years will be more concise 'Snapshot' style reports.

This 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, Orange City Council, Blayney Shire Council and Bathurst Regional Councils have guided the preparation of this year's Regional SoE.

The full 2013 Regional Snapshot Report will be provided under separate cover to the Councillors and is available to members of the public from the Environmental, Planning & Building Services Department. The Bathurst Regional Council State of the Environment Snapshot is provided as **attachment 1**.

Each participating Council makes an annual financial contribution to the preparation and printing of the Regional SoE and the process is supported by the Central West CMA. Bathurst Regional Council manages the funds for the project.

While the 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 ensures that monitoring of a broader range of environmental indicators can continue and will enable the comprehensive reporting of Council's environmental programs and trends in environmental indicators to the wider community. This report is currently in preparation and will be presented to Council early in 2014.

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

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 33: To be and develop good leaders. Strategy 33.1, 33.5, 33.6
- 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 29.5
- Objective 8: To promote sustainable and energy efficient growth. Strategy 8.2
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.6

MINUTE

14 Item 8 GREATER CENTRAL WEST REGIONAL STATE OF ENVIRONMENT REPORT (13.00004)

MOVED: Cr J Jennings SECONDED: Cr I North

RESOLVED: That Council:

- (a) note that the 2013 Regional Snapshot State of the Environment Report has been completed;
- (b) note that the 2013 Regional Snapshot State of the Environment Report will be placed on Bathurst Regional Council's Website.

9 COMPANION ANIMALS AMENDMENT ACT 2013 (02.00006)

Recommendation: That the information be noted.

Report: The Companion Animals Amendment Act 2013 (the Act) commenced on 18 November 2013. The amendments were developed in consultation with the “Companion Animals Taskforce”, on which Council’s Senior Ranger, Margaret Gaal was a representative.

The key changes to the Act, as summarised by the Division of Local Government (DLG), are at **attachment 1**.

One issue of note is that the Act creates new powers for Councils to declare a dog as “menacing”. This has attracted considerable media attention and public debate. Essentially the aim is to allow Councils to make stricter controls on a dog known to be aggressive and having the potential to attack.

The DLG have updated the “Guideline on the Exercise of Functions under the Companion Animals Act 1998” which assists councils in implementing their regulatory functions under the Act.

Council staff will receive training both internally and through networks such as the Australian Institute of Local Government Rangers to assist them in implementing the new and amended controls.

Financial Implications: There are no direct financial implications to this report as enforcement of the Companion Animals Act 1998 as amended is undertaken through existing allocations.

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

- 15 **Item 9 COMPANION ANIMALS AMENDMENT ACT 2013 (02.00006)**
MOVED: Cr J Jennings SECONDED: Cr M Morse

RESOLVED: That the information be noted.

10 CAR PARKING LICENCE AGREEMENT WITH THE TRUST COMPANY LIMITED (STOCKLAND BATHURST) (22.00046)

Recommendation: That Council:

- (a) agree to enter into a Car Parking License Agreement with The Trust Company Limited (Stockland Bathurst) for a period of five (5) years; and
- (b) delegate authority to the General Manager to sign the agreement on behalf of Bathurst Regional Council.

Report: In 1998 Council employed a Parking Officer for the purpose of monitoring time restrictions in the car park of what is now known as Stockland Bathurst, 40 William Street, Bathurst.

This monitoring was undertaken based on a “free parking agreement” under s.650 of the Local Government Act 1993. This agreement included the requirement that Council provide a Parking Officer to enforce the parking restrictions for at least 70 hours per month. In turn, Stockland (and previous owners) were charged fees for the hours of monitoring the car park.

This agreement continued until it was terminated by Stockland Bathurst, effective 15 September 2013.

The management of Stockland Bathurst contacted Council in October 2013 and expressed a desire to enter into a new agreement with Council. Stockland Bathurst also requested that this agreement be negotiated to allow for its consideration by Council prior to the end of 2013.

A copy of the agreement will be provided to Councillors under separate cover.

There are three key changes to the agreement relative to previous agreements, namely:

1. Monitoring is on an as required/as agreed basis, that is, Council Rangers are not required to spend a set number of hours monitoring each month.
2. Council continues to receive the income from any PINs issued but is not paid at an hourly rate for the monitoring.
3. The agreement is for a period of 5 years, rather than 2, as this provides certainty in the workload of Council's Rangers for a longer time period.

While Council receives less income from the proposed agreement than with previous agreements, this is offset by the considerable reduction in the number of hours required to patrol the car park. Therefore Council's Rangers will be able to spend additional time monitoring on-street parking. As Councillors are aware, there are also efficiencies that will be gained by the introduction of License Plate Recognition technology.

It is therefore recommended that Council enter into the agreement with The Trust Company Limited for a period of five years.

Financial Implications: If Council resolves to enter into the agreement, The Trust Company Limited will be required to pay the cost of preparing the agreement by Council's solicitor (estimated at \$900.00 incl GST). The Trust Company Limited would also be responsible for purchase and erection of appropriate signage.

Council would receive income from any PINs issued at the site and \$1.00 per year from The

Trust Company Limited for the monitoring.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 3: To protect a vibrant CBD and support and grow retail diversity. Strategy 3.5

MINUTE

16 Item 10 CAR PARKING LICENCE AGREEMENT WITH THE TRUST COMPANY LIMITED (STOCKLAND BATHURST) (22.00046)

MOVED: Cr M Coote SECONDED: Cr I North

RESOLVED: That Council:

- (a) agree to enter into a Car Parking License Agreement with The Trust Company Limited (Stockland Bathurst) for a period of five (5) years; and
- (b) delegate authority to the General Manager to sign the agreement on behalf of Bathurst Regional Council.

11 BATHURST RAILWAY PRECINCT (22.00159)

Recommendation: The the report be noted.

Report: The issue of parking at the railway and the future of the former goods office has been raised several times at Council's Policy Committee meetings.

Council wrote to John Holland Rail in April in respect of the issue of fencing/car parking at the railway station and the future of the former goods office (c1910 timber building at corner of the station entrance and Havannah Street).

Council has now received a reply and met with representatives of the group. A copy of all relevant correspondence is provided at **attachment 1**.

In respect of the matters raised by Council, John Holland has provided the following advice.

Fencing near railway station/access to vacant land for car parking

John Holland advises that the land must remain unused until such time as investigations and possible remediation of the land in terms of contamination have been resolved.

John Holland indicate that they will regularly update Council of progress in relation to this matter.

Former goods office

In the letter from John Holland they advise that "we are likely to apply to the Heritage Division to remove the former stores building, however no decision has been made to date".

At the meeting held with representatives from John Holland Rail on this matter it was respectfully requested that a decision to remove the building not be pursued and that they instead investigate options for its appropriate reuse. The subject building has been identified by the Conservation Management Plan for the Bathurst Railway site as being of significance. It is listed on Council's Local Environmental Plan and on the State Heritage Register. The building is an important component of the significant Bathurst Railway Group and its retention in-situ and its reuse should be a priority. John Holland have advised that they will make a decision on the building after remediation of the site and will hold further discussions with Council in relation to the building.

Financial Implications: Nil

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 11: To protect the region's unique heritage and history. To protect a unique identity. Strategy 11.1, 11.2
- Objective 7: To support Integrated Transport Infrastructure Development. Strategy 7.2
- Objective 24: To provide and support the provision of accessible, affordable and well planned transport systems. Strategy 24.5

MINUTE

- 17 **Item 11 BATHURST RAILWAY PRECINCT (22.00159)**
MOVED: Cr B Bourke SECONDED: Cr M Coote

RESOLVED: The the report be noted.

12 MAYORAL WELCOME WAGON RECEPTION (20.00020)

Recommendation: That Council note the information and continue to partner with the Business Chamber and the Bathurst Information & Neighbourhood Centre to deliver the Mayoral Welcome Wagon Reception throughout 2014.

Report: The Bathurst Business Chamber, the Bathurst Information & Neighbourhood Centre (BINC) and Bathurst Regional Council's Economic Development section recently partnered together to deliver a Mayoral Welcome Wagon Reception to welcome new residents to Bathurst.

At the reception new residents are given the opportunity to meet the Mayor and other residents that are new to Bathurst. They are also presented with a Welcome Pack containing information about Bathurst and discount vouchers for participating businesses in the city.

The Mayoral Welcome Wagon Reception attracted approximately 40 new residents and great feedback was received.

It is anticipated that future Welcome Wagon events will be held approximately three times per year.

Conclusion

Overall the Mayoral Welcome Wagon Reception:

- Provides a service to warmly welcome Bathurst's new residents.
- Provides the opportunity for Council to actively demonstrate its interest and involvement in supporting new residents.
- Facilitates the collection of new case studies which can be provided to Evocities as media opportunities.
- Informs new residents of local services, community groups and upcoming events through Bathurst Visitor Information Centre leaflets and community guides.
- Supports the products and services of local businesses through the Business Chamber's voucher booklet.
- Further strengthens the relationship with the Bathurst Business Chamber and BINC.

Financial Implications: The event was funded from within existing budgets.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 1: To attract employment, generate investment and attract new economic development opportunities. Strategy 1.3

MINUTE

- 18 **Item 12 MAYORAL WELCOME WAGON RECEPTION (20.00020)**
MOVED: Cr G Hanger SECONDED: Cr I North

RESOLVED: That Council note the information and continue to partner with the Business Chamber and the Bathurst Information & Neighbourhood Centre to deliver the Mayoral Welcome Wagon Reception throughout 2014.

13 FREE BUSINESS MANAGEMENT WORKSHOPS (20.00071)

Recommendation: That Council note the information and continues to offer free Business Management Workshops throughout 2014.

Report: Earlier this year Council's Economic Development section conducted a comprehensive consultation process with local businesses, including face-to-face interviews and surveys to determine training gaps in the Bathurst business community. The result was Council conducting a series of free Business Management Workshops in October/November 2013.

Three workshops were formed based on the most popular topics that emerged from Council's research:

Workshop 1: Leveraging your people for profit held on 22 October 2013, approximately 30 attendees and provided strategies to create a more productive workforce.

Workshop 2: Employment and workers compensation held on 31 October 2013, approximately 30 attendees and informed the audience of recent legislative developments.

Workshop 3: Social media success held on 7 November 2013 was the most successful workshop attracting approximately 40 attendees and demonstrated how to leverage social media platforms to reach new customers.

An overview of the workshops is at **attachment 1**.

The workshops were presented by local business experts and were supported by the Bathurst Business Chamber.

Feedback received via evaluation forms was very positive:

"Just a thank you note to say how much we enjoyed this seminar and how very informative it was, and thank and commend the Council for initiating such workshops for us."

"Great speakers – love the passion."

"Council could implement a series of day seminars on similar topics – so much to cover."

Conclusion

Overall the workshops:

- Assisted in the development of an informed business community through providing key updates in the areas of employment, law, social media and workforce productivity.
- Engaged with 51 small businesses, in total, across all three workshops.
- Further strengthened the relationship with the Bathurst Business Chamber.
- Brought members of the business community together to engage in networking and information sharing.

Financial Implications: Nil

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 1: To attract employment, generate investment and attract new economic development opportunities. Strategy 1.3
- Objective 5: To facilitate and foster partnerships, networks and infrastructure to support and attract knowledge, innovation and research. Strategy 5.1, 5.6

MINUTE

- 19 **Item 13 FREE BUSINESS MANAGEMENT WORKSHOPS (20.00071)**
MOVED: Cr G Westman SECONDED: Cr M Coote

RESOLVED: That Council note the information and continues to offer free Business Management Workshops throughout 2014.

14 TAFE BUILDINGS - 83 WILLIAM STREET, BATHURST (22.01387)

Recommendation: That Council advise the Department of Education & Communities that it agrees to the inclusion of a 10 year sunset clause on the profit-share arrangement.

Report: Council at its meeting held 19 June 2013 resolved that:

- (a) Council accept the offer that the TAFE site be vested in Bathurst Regional Council as Torrens Title land; and
- (b) the land be classified as operational.

As noted during the deliberations Council also sought deletion of the proposed profit-share arrangements.

Following Council's resolution Council officers held discussions with representatives of the Department of Education & Communities. It became clear that the Department would not accept deletion of the profit-sharing arrangement.

The Department has since advised that it consents to putting a "sunset clause" of 10 years on the profit-sharing arrangements. This advice is provided at **attachment 1**.

On the whole this is considered a reasonable outcome.

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 6.1
- Objective 11: To protect the region's unique heritage and history. To protect a unique identity. Strategy 11.6
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.2

MINUTE

- 20 **Item 14 TAFE BUILDINGS - 83 WILLIAM STREET, BATHURST (22.01387)**
MOVED: Cr I North SECONDED: Cr M Morse

RESOLVED: That Council advise the Department of Education & Communities that it agrees to the inclusion of a 10 year sunset clause on the profit-share arrangement.

Yours faithfully

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

D R Shaw
DIRECTOR
ENVIRONMENTAL, PLANNING & BUILDING SERVICES

DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT AND MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

11 DECEMBER 2013

1 STATEMENT OF INVESTMENTS (16.00001)

Recommendation: That the information be noted.

Report: \$72,500,000 was invested at 30 November 2013 in accordance with Council's investment policies, the Minister's Investment Order dated 12 January 2011, the Local Government Act 1993 and associated regulations. All investments have been reconciled with Council's general ledger and are listed below:

	<u>Rating</u>	<u>Balance</u>	<u>Average Return</u>
<u>Short Term 1 – 365 Days</u>			
(comprising Commercial Bills, Debentures and Certificates of Deposit):			
Bank of Queensland	A2	\$14,000,000.00	4.25%
Bendigo and Adelaide Bank	A2	\$10,000,000.00	4.04%
IMB	A3	\$7,000,000.00	3.99%
Maritime, Mining & Power Credit Union	ADI	\$3,000,000.00	4.01%
National Australia Bank	A1+	\$13,500,000.00	4.11%
People's Choice Credit Union	ADI	\$2,000,000.00	3.89%
Railways Credit Union	ADI	\$1,000,000.00	4.21%
SGE Credit Union	ADI	\$1,000,000.00	4.20%
Westpac Banking Corporation	A1+	<u>\$1,000,000.00</u>	<u>3.71%</u>
		\$52,500,000.00	4.10%
<u>Long Term > 365 Days</u>			
(comprising Commercial Bills, Term Deposits and Bonds):			
<u>Committed Rolling Investments</u>			
Westpac	AA-	\$2,000,000.00	3.67%
Westpac	AA-	\$2,000,000.00	3.83%
Westpac	AA-	\$2,000,000.00	3.86%
Westpac	AA-	\$2,000,000.00	3.80%
Westpac	AA-	<u>\$2,000,000.00</u>	<u>3.74%</u>
		\$10,000,000.00	3.78%
<u>Fixed, Negotiable & Tradeable Certificates of Deposits</u>			
Commonwealth Bank	AA-	<u>\$2,000,000.00</u>	<u>3.74%</u>
		\$2,000,000.00	3.74%
<u>Floating Rate Notes</u>			
Barclays Bank PLC – Australia	AA-	\$2,000,000.00	4.36%
Bendigo & Adelaide Bank Retail Bond	A-	\$3,000,000.00	4.44%
Members Equity Bank	A-	<u>\$3,000,000.00</u>	<u>3.82%</u>
		\$8,000,000.00	4.19%
Total Investments		<u>\$72,500,000.00</u>	<u>4.05%</u>
<i>These funds were held as follows:</i>			
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		\$22,985,610.92
Unrestricted Investments – All Funds		\$13,427,481.79
General Fund	\$22,406.06	
Water Fund	\$2,555,124.32	
Sewer Fund	\$2,490,280.92	
Waste Fund	<u>\$8,359,742.49</u>	

Total Investments **\$72,500,000.00**

Total Interest Revenue to 30 November 2013 **\$1,204,088.81** **4.05%**

Year to Date Averages

(as per the CBA & RBA for comparison purposes)

Reserve Bank of Australia - Cash Rate	2.50%
AFMA - 90 day Bank Bill Swap Rate (BBSW)	2.62%
Three Year Swap Rate - Commonwealth	3.02%

	RBA Cash Rate	90 day BBSW	3 Year Bond Rate	Council's Actual Performance
July 2013	2.75%	2.72%	2.87%	4.31%
August 2013	2.50%	2.66%	2.83%	4.17%
September 2013	2.50%	2.64%	2.90%	4.03%
October 2013	2.50%	2.63%	2.97%	3.98%
November 2013	2.50%	2.62%	3.02%	4.05%

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

- 21 Item 1 STATEMENT OF INVESTMENTS (16.00001)
MOVED: Cr I North SECONDED: Cr W Aubin

RESOLVED: That the information be noted.

2 YEAR TO DATE MONTHLY REVIEW - 2013-2017 DELIVERY PLAN AND ANNUAL OPERATING PLAN 2013-2014 (16.00135)

Recommendation: That the information be noted.

Report: Bathurst Regional Council has in place the Bathurst 2036 Community Strategic Plan which aims to inform the community about the major directions and programs Council is undertaking in shaping the future of the Bathurst Region. These directions are summarised as objectives and strategies in Part VI of the Community Strategic Plan which was adopted by Council on 20 February 2013. The Plan is available for viewing at the Council offices at 158 Russell Street or can be downloaded from the Public Documents section of Council's website, www.bathurst.nsw.gov.au. Shown at **attachment 1** is a listing of the Objectives and Strategies from the Bathurst 2036 Community Strategic Plan.

At **attachment 2** is an update of Council's progress towards achieving the Strategies and Objectives for the 2013-2017 Delivery Plan and the Annual Operating Plan 2013-2014.

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

22 Item 2 YEAR TO DATE MONTHLY REVIEW - 2013-2017 DELIVERY PLAN AND ANNUAL OPERATING PLAN 2013-2014 (16.00135)

MOVED: Cr M Coote SECONDED: Cr J Jennings

RESOLVED: That the information be noted.

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

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

Report: At **attachment 1** is a list of Sundry Section 356 Donations, Bathurst Memorial Entertainment Centre Community Use Subsidies and Mount Panorama Fee Subsidies granted by Council for the period ending 30 November 2013.

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:	\$5,987.00
BMEC Community use:	\$33,012.73
Mount Panorama :	\$17,000.16

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

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

MOVED: Cr B Bourke SECONDED: Cr M Coote

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.

- P & M Mercieca - Part Lot 103, DP1006130, land near Eglinton Bridge - In-House Licence Agreement.
- BRC transfer to P C Allcorn & C L Allcorn - Lot 121, DP1171380, Sofala Road, Peel (Closed Road Land) - Transfer.
- Rushlarah Agri Pty Ltd, Sections 1, 2, 3, 4, Part Lot 37, DP1159302 - In House Licence Agreement.
- Riverdown (NSW) Pty Ltd - Lot 2 DP1076805, 24 Russell Street - Transfer.

Linen Plan Release

- BRC - Lot 3, DP756873 - Acquisition of land for the purpose of the Roads Act - Hill End Road, Hill End.

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

- 24 **Item 4 POWER OF ATTORNEY (11.00007)**
MOVED: Cr J Jennings SECONDED: Cr I North

RESOLVED: That the information be noted.

5 BATHURST REGIONAL COUNCIL PICNIC DAY (07.00046)

Recommendation: That Council designate Friday 21 February 2014 as the Picnic Day holiday.

Report: Council has received notification from the Council's United Services Union Delegate, that they wish to designate Friday, 21 February 2014 as the Picnic Day. Clause 19 of the Local Government (State) Award states

B. UNION PICNIC DAY

(i) Union Picnic Day shall for the purposes of this Award be regarded as a holiday for employees who are financial members of the union(s). The Union Picnic Day shall be on such day as is agreed between the council and the union(s).

Whilst a number of Council services may be closed, emergency services will still remain available in accordance with normal on-call arrangements.

As all Council employees are not eligible for the Picnic Day Council will maintain operational staff on the 21 February 2014.

Financial Implications: Council has allowed for a Picnic Day within its Management Plan Process.

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

25 Item 5 BATHURST REGIONAL COUNCIL PICNIC DAY (07.00046)
MOVED: Cr I North SECONDED: Cr M Coote

RESOLVED: That Council designate Friday 21 February 2014 as the Picnic Day holiday.

6 REQUEST FOR FINANCIAL ASSISTANCE - 2014 NAB BLAYNEY TO BATHURST (B2B) CYCLO SPORTIF CHALLENGE (23.00128)

Recommendation: That Council:

- (a) continue to support the NAB B2B Cyclo Sportif Challenge for a further 3 years (2014, 2015 and 2016) based on the current costs (approximately \$8,500 per annum) as outlined in the report, to be funded from Mount Panorama Fee Subsidy.
- (b) enter into a Memorandum of Understanding (MOU) with the Rotary Club of Bathurst Daybreak Inc to formalise the arrangement between Bathurst Regional Council and Rotary Club of Bathurst Daybreak Inc for financial support to the NAB B2B Cyclo Sportif Challenge.

Report: Councillors will recall that a report was included in the Agenda of the last (November) Council meeting regarding a request for financial assistance from Rotary Club of Bathurst Daybreak Inc in relation to the running of the 2014 NAB B2B Cyclo Sportif Challenge. This item was deferred from the November meeting to allow Rotary Club of Bathurst Daybreak Inc to meet with Council to further discuss the request.

The Mayor and Deputy Mayor met with Rotary Club of Bathurst Daybreak Inc on 26 November to discuss the ongoing involvement of Bathurst Regional Council in the NAB B2B Cyclo Sportif Challenge . The result of those discussions was that the Mayor and Deputy Mayor would seek Council commitment to the following proposal:-

That Council

- (a) continue to support the NAB B2B Cyclo Sportif Challenge for a further 3 years (2014, 2015 and 2016) based on the current costs (approximately \$8,500 per annum). Council will continue to provide support as per the request outlined in the Director Corporate Service and Finance's Report to the November Council meeting which is reproduced below.
- (b) enter into a Memorandum of Understanding (MOU) with the Rotary Club of Bathurst Daybreak Inc to formalise the arrangement between Bathurst Regional Council and Rotary Club of Bathurst Daybreak Inc for financial support to the NAB B2B Cyclo Sportif Challenge.

Director Corporate Service and Finance's Report to Council 20 November 2013 Item 13

The Rotary Club of Bathurst Daybreak In. have approached Council for financial support for the 2014 NAB B2B Cyclo Sportif Challenge to be held 5 & 6 April 2014.

Council has been involved with this organisation for 9 years offering financial support to this organisation to assist in making the event financially viable.

This event has become financially successful in a short period of time due to the quality of the event, as well as the number of entrants that are participating. The 2013 event attracted 2230 entrants from across Australia.

Council on 21 November 2012 (DCSF #7 Ordinary) resolved to request the B2B Committee to provide an economic impact analysis of the 2013 B2B event which indicated the value of this event to Bathurst. Councillors were provided a copy of this report on 21 August 2013.

The Rotary Club of Bathurst Daybreak Inc have requested the following support:

Traffic Management Planning

- Advice
- Financial support
- Planning
- Set up of, manning and implementation of the TMP

Mount Panorama (Saturday 5 and Sunday 6 April 2014)

- Access to "The Pits" and 8 garages of the Pits Complex from 6.00 am to 5.00 pm for the conduct of Criterium racing and safety briefing sessions
- Use of all 4 toilets and access to power in "The Pits" complex
- Provision of 500m of crowd control barriers (Criterium and B2B finish area)
- Loan 100 Traffic Cones (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 areas
- 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 onward
- Sufficient green Otto bins for Sulman Park and The Pits
- Mowing of a 2m to 4m strip around the circuits at Sulman Park
- Clearance of The Pits area including emptying of Otto bins at the end of Saturday's activities
- Supply and transport of water bollards, traffic bollards and safety mesh for the separation of traffic from Conrod Straight and the Chicane entrance
- Access to the shower block at the rear of the Pits Complex
- Access to additional garages to accommodate seating for 400 people (class room layout) for briefing sessions both Saturday and Sunday
- Supply of 200 plastic chairs
- Develop and resource in accordance with TMP requirements for the Family Fun Challenge

B2B Cyclo Sportif Event Needs (Sunday 6 April 2014)

- 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" and the tunnel under Conrod Straight
- Access to power at "The Pits" complex
- Broad patching for bad hazards 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 vests x 100
- 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.

Councillors should be aware that Council does not own any crowd control barriers and would have to hire them for this event at a cost of approximately \$1,000. Council does not have any plastic chairs and these would need to be hired. Council also may not have the required quantities of some items such as safety vests available for loan but will accommodate requests where practicable.

Council's Director of Engineering Services has advised that Council is not in a position to develop and resource a Traffic Management Plan (TMP) for the Family Fun Challenge. It should be noted that this is an additional request to previous years.

The event committee has prepared a 5 year Business Plan and have set a target of 4,000 entrants within that period.

The Rotary Club of Bathurst Daybreak Inc. has advised that each year the event profits are given to a local charity for their use.

The reported profits in the first few years are reasonably significant and therefore the proposed charges to be introduced by Council can be covered from profits generated from the event.

The estimated cost to provide the items that Council can provide from the list requested by the Rotary Club of Bathurst Daybreak Inc. is approximately \$8,500. (This does not include the provision of plastic chairs and crowd control barriers which would have to be hired by Council should Council agree to provide them).

It is recommended that Council:

- (a) advise the Blayney to Bathurst (B2B) Committee that for the 2014 event Council will donate 50% of the cost of operation to assist the committee with this event, up to \$4250 to be funded from Section 356 Donations.
- (b) advise the Blayney to Bathurst (B2B) Committee that from 2015 onwards their organisation will be responsible for 100% of the costs associated with the conduct of this event.

N.B. This item was deferred to allow Rotary Club of Bathurst Daybreak Inc to meet with Council to further discuss the request.

Following the discussions between Council and Rotary Club of Bathurst Daybreak Inc it is recommended that Council

- (a) continue to support the NAB B2B Cyclo Sportif Challenge for a further 3 years (2014, 2015 and 2016) based on the current costs (approximately \$8,500 per annum). Council will continue to provide support as per the request outlined in the Director Corporate Service and Finance's Report to the November Council meeting which is reproduced below.
- (b) enter into a Memorandum of Understanding (MOU) with the Rotary Club of Bathurst Daybreak Inc to formalise the arrangement between Bathurst Regional Council and Rotary Club of Bathurst Daybreak Inc for financial support to the NAB B2B Cyclo Sportif Challenge.

Financial Implications: With Council adopting the recommendation the cost to Council would be approximately \$8,500. This could be funded from the Mount Panorama Fee Subsidy which currently has a balance of \$17,000.16.

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 30.5

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

Strategy 23.7

MINUTE

26 Item 6 REQUEST FOR FINANCIAL ASSISTANCE - 2014 NAB BLAYNEY TO BATHURST (B2B) CYCLO SPORTIF CHALLENGE (23.00128)

MOVED: Cr I North SECONDED: Cr B Bourke

RESOLVED: That Council:

- (a) continue to support the NAB B2B Cyclo Sportif Challenge for a further 3 years (2014, 2015 and 2016) based on the current costs (approximately \$8,500 per annum) as outlined in the report, to be funded from Mount Panorama Fee Subsidy.
- (b) enter into a Memorandum of Understanding (MOU) with the Rotary Club of Bathurst Daybreak Inc to formalise the arrangement between Bathurst Regional Council and Rotary Club of Bathurst Daybreak Inc for financial support to the NAB B2B Cyclo Sportif Challenge.

7 SISTER CITY DELEGATION TO OHKUMA - 2014 (23.00011)

Recommendation: That Council:

- (a) decide dates for the proposed Ohkuma delegation
- (b) authorise the General Manager to appoint a travel agent and commence preparations

Report: Council at its meeting on 21 August 2013 (refer DCSF Report # 8) resolved to

- (a) send a delegation to Aizuwakamatsu to visit Ohkuma residents between March and May 2014, subject to further discussion with Ohkuma Town Council
- (b) authorise the Mayor and the General Manager (or his authorised delegate) to attend as Council delegates

Council wrote to the Mayor of Ohkuma (refer **attachment 1**) to ascertain if a delegation to Aizu was feasible. The Mayor of Ohkuma has responded (refer **attachment 2**) advising that they would be happy to receive a delegation from Bathurst but they would not be able to provide homestay accommodation.

Council delegates on the last delegation to visit Ohkuma were the Mayor and one staff member.

The Mayor of Ohkuma has proposed the tour be undertaken at the end of April/early May when the cherry blossoms are in bloom.

The financial commitment from Council should Council agree to a delegation would be in covering the cost of its representative delegate/s. Members of the community who join in the delegation meet all their own travel expenses. The approximate cost to Council of previous tours has been \$3,000 - \$3,500 per person with the following inclusions:

- Return Airfares - Qantas
- Airport Taxes
- Airport Limousine Bus Transfer from Airport to Hotel
- 1 night Hotel stay
- 5 days home hosted in Ohkuma (this would be now in Aizu and will involve hotel accommodation as Ohkuma residents are in temporary public housing estates)
- 7 day ordinary Japan rail pass
- 2 nights Hotel stay
- Airport Limousine Bus Transfer from Hotel to Airport

The cost of a trip in 2014 would be more expensive than previous years as the delegates will have to stay in motel accommodation and not be home hosted as the living conditions of the Ohkuma residents are much smaller than in Ohkuma itself. This may add \$1,000 to the cost per person bringing the estimated total cost to between \$3,500 - \$4,500 per delegate.

Council still has a budget allocation in the 2013/2014 Budget.

If Council sends a delegation as per the August resolution then Council would need to start planning for the trip. The first and most important decision to be made are the exact dates of the trip. Previous trips have been 6 nights in total (as outlined above). Council may wish to limit the stay in Aizu and visit another Japanese city.

Council will need to undertake the following to commence the process:-

- a. decide on the exact dates for the trip (departure and return dates) and length of stay in Aizu.
- b. appoint a travel agent to make preparations for the trip and prepare pricing (Travelworld were the agent used for the last Council delegation)
- c. prepare a press release and run a series of advertisements calling for expressions of interest from people interested in joining with the Council delegation

Financial Implications: The cost to Council for this delegation would be \$3,500 - \$4,500 per delegate which could be funded from the Sister City vote in the 2013/2014 budget.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 5: To facilitate and foster partnerships, networks and infrastructure to support and attract knowledge, innovation and research. Strategy 5.1
- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.5

MINUTE

27 **Item 7 SISTER CITY DELEGATION TO OHKUMA - 2014 (23.00011)**
MOVED: Cr M Coote SECONDED: Cr W Aubin

RESOLVED: That Council:

- (a) decide dates for the proposed Ohkuma delegation
- (b) authorise the General Manager to appoint a travel agent and commence preparations
- (c) authorise the Deputy Mayor to attend as an additional Council delegate.

8 SIMPLOT AUSTRALIA PTY LTD (22.01698.04)

Recommendation: That Council, following consideration of submissions received, confirm its previous decision to:

- (a) enter into a written agreement with Simplot Australia Pty Ltd for water saving projects that allow for a long term sustainable reduction of water usage and operation costs at the Simplot Bathurst factory;
- (b) that in year one of this agreement, the proposed project be:
 - (i) full can washing reuse of water project;
 - (ii) rain water capture for utilisation in bathroom and showers;
- (c) in future years, include the water cooling tower water for re-use projects and the UV water treatment for Winburndale raw water processes.

Report: Council at its September meeting (GM Confidential #1) resolved

That Council

- (a) enter into a written agreement with Simplot Australia Pty Ltd for water saving projects that allow for a long term sustainable reduction of water usage and operation costs at the Simplot Bathurst factory;
- (b) that in year one of this agreement, the proposed project be:
 - (i) full can washing reuse of water project;
 - (ii) rain water capture for utilisation in bathroom and showers;
- (c) in future years, include the water cooling tower water for re-use projects and the UV water treatment for Winburndale raw water processes.

Following the Council meeting Council placed its intention to assist Simplot on public exhibition from 5 October to 5 November 2013 inviting submissions from interested members of the public. Council received one submission from Mr G Crisp (refer **attachment 1**). Mr Crisp raises concerns relating to the ability of the water fund to be able to provide a donation to Simplot.

Council's support will assist Simplot to reduce its water usage which is a direct benefit to the water fund through a reduction in water usage.

Financial Implications: Council will allocate funds in the budgets for the next 3 financial years (\$170,000 in year 1 and \$50,000 in years 2 and 3).

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 15: To secure a sustainable water supply and raise awareness on water issues. Strategy 15.4
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.7

MINUTE

28 **Item 8 SIMPLOT AUSTRALIA PTY LTD (22.01698.04)**
MOVED: Cr M Morse SECONDED: Cr J Jennings

RESOLVED: That Council, following consideration of submissions received, confirm its previous decision to:

- (a) enter into a written agreement with Simplot Australia Pty Ltd for water saving projects that allow for a long term sustainable reduction of water usage and operation costs at the Simplot Bathurst factory;
- (b) that in year one of this agreement, the proposed project be:
 - (i) full can washing reuse of water project;
 - (ii) rain water capture for utilisation in bathroom and showers;
- (c) in future years, include the water cooling tower water for re-use projects and the UV water treatment for Winburndale raw water processes.

9 2014 LIQUI-MOLY BATHURST 12 HOUR - STAFF TICKETS (04.00097)

Recommendation: 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 2014 Liqui-Moly Bathurst 12 Hour.

Report: Council in 2008 introduced the provision of a ticket to each permanent staff employee to attend the 2008 12 Hour event. This proved to be very successful and was very well received by Council's staff. This practice has been repeated in each subsequent year.

The next Liqui-Moly Bathurst 12 Hour will be held in February 2014.

To encourage all staff to attend it is recommended that Council provide one ticket per permanent employee to attend this event. The maximum cost to Council based on the present number of permanent employees of approximately 350 at the entry price of \$50 for a three day Adult General Admission pass would be \$17,500.

Council has over the last two years supplied tickets to staff as follows:-

2012 - 220 at \$40 = \$8,800
2013 - 225 at \$50 = \$11,250

It should be noted also that the provision of these tickets to staff members also incurs a Fringe Benefits Tax cost (2012 - \$8,449 and 2013 - \$10,801).

Financial Implications: These tickets will be funded from the income derived from the operations of this event at Mount Panorama.

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 23: To encourage a supportive and inclusive community. Strategy 23.5

MINUTE

29 **Item 9 2014 LIQUI-MOLY BATHURST 12 HOUR - STAFF TICKETS (04.00097)**
MOVED: Cr B Bourke SECONDED: Cr W Aubin

RESOLVED: 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 2014 Liqui-Moly Bathurst 12 Hour.

10 SUBMISSION - FINANCIAL STATEMENTS 2012/2013 (16.00020, 16.00055)

Recommendation: That the submission received from Mr G A Crisp be noted and that no further action be taken.

Report: Council in accordance with the requirements of Local Government Act called for submissions in relation to the 2012/2013 Financial Statements.

Council received one (1) submission from Mr G A Crisp in relation to the Financial Statements. A copy of the submission is shown as **attachment 1**.

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
- Objective 33: To be and develop good leaders. Strategy 33.6

MINUTE

30 Item 10 SUBMISSION - FINANCIAL STATEMENTS 2012/2013 (16.00020, 16.00055)

MOVED: Cr M Coote SECONDED: Cr I North

RESOLVED: That the submission received from Mr G A Crisp be noted and that no further action be taken.

11 REQUEST FOR FINANCIAL ASSISTANCE -YOUNG LIFE BATHURST (09.00037)

Recommendation: That Council agree to provide financial assistance to the Young Life Bathurst organisation as follows:-

- (a) subsidise half the cost of the weekly hire of the Kelso Community Centre (up to \$500) until 30 June 2014 to be funded from Council's Section 356 funds.
- (b) advise Young Life Bathurst that they will have to reapply for funding assistance beyond 30 June 2014 as part of the Council's annual Section 356 program in January/February 2014.

Report: Council has received a request from an organisation called Young Life Bathurst seeking financial assistance with the cost of hiring the Kelso Community Centre. A copy of the request is shown at **attachment 1**.

This organisation's aim is to support teenagers to become *"connected, confident and resilient young people, able to lead healthy lives and participate as contributing members of the school and broader community"*. The organisation runs two events each week one for primary aged students and the other for high school aged students.

This organisation did not submit any financial information with this submission.

Council's Community Services staff have advised that the organisation provides a valuable service to the youth of Kelso.

It is recommended that Council agree to provide financial assistance to the Young Life Bathurst organisation as follows:-

- (a) subsidise half the cost of the weekly hire of the Kelso Community Centre (up to \$500) until June 30 2014
- (b) advise Young Life Bathurst that they will have to reapply for funding assistance beyond 30 June 2014 as part of the Council's annual Section 356 program in January/February 2014.

Financial Implications: This request could be funded from Council's Section 356 Donations which currently has a balance of \$5,987.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 23: To encourage a supportive and inclusive community. Strategy 23.1
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.6

MINUTE

31 Item 11 REQUEST FOR FINANCIAL ASSISTANCE -YOUNG LIFE BATHURST (09.00037)

MOVED: Cr G Hanger SECONDED: Cr J Jennings

RESOLVED: That Council agree to provide financial assistance to the Young Life Bathurst organisation as follows:-

- (a) subsidise half the cost of the weekly hire of the Kelso Community Centre (up to \$500) until 30 June 2014 to be funded from Council's Section 356 funds.
- (b) advise Young Life Bathurst that they will have to reapply for funding assistance beyond 30 June 2014 as part of the Council's annual Section 356 program in January/February 2014.

Yours faithfully



R Roach
**DIRECTOR
CORPORATE SERVICES & FINANCE**

DIRECTOR ENGINEERING SERVICES' REPORT AND MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

11 DECEMBER 2013

1 RIGHT OF CARRIAGE WAY 5 WIDE, LOT 3 DP1067418, MOUNT PANORAMA HOTEL, CONROD STRAIGHT, MOUNT PANORAMA (22.09179-04)

Recommendation: That Council:

- (a) Approve the creation of the Right of Carriage Way 5 Wide within Lot 3 DP1067418, Conrod Straight, Mount Panorama; and
- (b) Authorise the General Manager to endorse the Section 88B on Council's behalf, as detailed in the Director Engineering Services' report.

Report: Council's legal representative has been liaising with Lander and Co, solicitors acting on behalf of the owners of 1 Conrod Straight, Mount Panorama (Mount Panorama Hotel).

It has been requested that Council agree to the provision of access from Conrod Straight over Lot 3 DP1067418 (Council property) to the Rydges Mount Panorama Bathurst Hotel contained within Lot 11 DP1140781 being Strata Plan 79080 (see **attachment 1**).

In order to protect Council's interest in staging the Race Events on the Mount Panorama Racing Circuit, under the Conveyancing Act 1919 Schedule 4A – Easements in Gross Part 1 include a Right of Carriage Way in the statutory form as:

'Full and free right for the body in whose favour this easement is created, and every person authorised by it, to go, pass and repass at all times and for all purposes with or without animals or vehicles or both over the land indicated herein as the servient tenement.'

It is advised that Council use the statutory form for the creation of the easement together with an addendum clause including:

At times when staging race, community or private events as determined by Bathurst Regional Council, and without limitation, when the Council public road known as Conrod Straight is subject to temporary road closure, access to Conrod Straight from Lot 1 DP1067418 will not be permitted.

It is recommended that Council approve:

1. The creation of the Right of Carriage Way 5 Wide within Lot 3 DP1067418, Conrod Straight, Mount Panorama; and
2. Authorise the General Manager to endorse the Section 88B on Council's behalf (see **attachment 2**).

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 6.1

MINUTE

32 Item 1 RIGHT OF CARRIAGE WAY 5 WIDE, LOT 3 DP1067418, MOUNT PANORAMA HOTEL, CONROD STRAIGHT, MOUNT PANORAMA (22.09179-04)
MOVED: Cr B Bourke SECONDED: Cr M Coote

RESOLVED: That Council:

- (a) Approve the creation of the Right of Carriage Way 5 Wide within Lot 3 DP1067418, Conrod Straight, Mount Panorama; and

- (b) Authorise the General Manager to endorse the Section 88B on Council's behalf, as detailed in the Director Engineering Services' report.

2 WINBURNDALE DAM - FLOOD SECURITY UPGRADE – CONCEPT DESIGN REPORT (32.00019)

Recommendation: That Council note the report, investigate staging the proposed works and seek financial support from State and Federal Governments to fund the project.

Report: Council owns and operates the Winburndale Dam as an alternate source of water which supplies untreated water for use in industry and the irrigation of recreational sporting facilities for the community of Bathurst.

Winburndale Dam was built in the 1930s and was Bathurst's former primary water source. The dam has been assessed using the latest rainfall and flood information and determined that it is not capable of withstanding a probable maximum flood (PMF) without significant upgrades and strengthening works being undertaken.

The PMF for Winburndale Dam is a 1:100 000 year event.

Geotechnical investigations have been carried out to determine the quality of the earth fill section of the dam and the concrete foundations. The bed rock has been cored to determine strength parameters of the foundations.

Consultant Dam engineers have examined the site and completed a design to improve the safety rating of the dam to meet current standards. There are 3 discreet stages to the proposed upgrade:

1. The stability of the central concrete wall needs to be improved by installing post tensioned rock anchors. These holes are drilled through the wall and steel cables are anchored into the bedrock and then tensioned onto the wall to secure the wall to the bedrock – a similar system is employed at Chifley Dam.
2. Raise the parapet walls on the flanks of the dam to prevent the earth fill washing away if the wall was overtopped in a major flood.
3. Installing upgraded outlet structures to more safely operate and efficiently deliver the water to Bathurst via the pipeline.

Financial Implications: The estimate has been completed and the estimated cost to upgrade the dam to the required standard is \$9,722,246.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 6: To support infrastructure development necessary to enhance Bathurst's life-style and industry development. Strategy 6.1
- Objective 15: To secure a sustainable water supply and raise awareness on water issues. Strategy 15.1
- Objective 22: To improve community safety. Strategy 22.7
- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.4
- Objective 31: To maintain local public ownership of water and sewer assets. Strategy 31.1

MINUTE

33 Item 2 WINBURNDALE DAM - FLOOD SECURITY UPGRADE – CONCEPT DESIGN REPORT (32.00019)

MOVED: Cr I North SECONDED: Cr J Jennings

RESOLVED: That Council note the report, investigate staging the proposed works and seek financial support from State and Federal Governments to fund the project.

Yours faithfully



Doug Patterson
**DIRECTOR
ENGINEERING SERVICES**

DIRECTOR CULTURAL & COMMUNITY SERVICES' REPORT AND MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

11 DECEMBER 2013

1 BATHURST REGIONAL ART GALLERY - 2013 IMAGINE AWARD FOR "LOOK ART TALK" - ART & ALZHEIMERS PROGRAM (21.00039)

Recommendation: That Council note the information and congratulate the Bathurst Regional Art Gallery for winning the 2013 IMAGinE Award in the Education and Audience Development Category (3-20 staff) for its very successful "Look Art Talk" initiative, a community outreach Art & Alzheimers program.

Report: Bathurst Regional Art Gallery's award winning "Look Art Talk" program was the winner of the 2013 IMAGinE Award Education and Audience Development Category (3-20 staff). There were 11 entries in this category from all over NSW.

Previously in November 2012 the "Look Art Talk" community outreach program had won the Excellence in Arts and Health in Regional and Rural Australia Award at the Art of Good Health and Wellbeing International Arts and Health Conference held in Fremantle. The awards at that conference recognised the outstanding and innovative contributions made by individuals and organisations in the field of arts and health in Australia and internationally.

"Look Art Talk" was the first Art & Alzheimers Program to be delivered in the Central West. The program was an initiative of BRAG and was presented in partnership with Arts OutWest's Art and Health Program and the Western NSW Local Health District.

The program was presented by artists and tutors Adrian Symes and Cate McCarthy, project assistant Susanne Griffith and coordinated by artist Christine McMillan.

Over a six week period the "Look Art Talk" team engaged with people with Dementia and their care-givers from the local Seymour Centre, Illumba Gardens, Macquarie Care Centre and St Catherine's aged care facilities. The residents undertook tours of the exhibitions and cultural activities providing social inclusion and intellectual stimulation which in turn acted to promote wellbeing.

A special exhibition drawn from BRAG's permanent collection was selected by presenters Adrian Symes, Cate McCarthy and project coordinator Christine McMillan. It was shown in the Gallery's Lloyd Rees Reading Room where participants and their caregivers met at the end of their visit for a cup of tea, biscuits and more conversation.

The art works in the special exhibition were chosen to facilitate discussion between care givers, people with dementia and the presenters around comparing and contrasting of visual features and elements of design and to create links with the everyday through images that evoke story telling.

Feedback from participants in the program and their caregivers was exceptionally positive.

"Look Art Talk" was based on a program that was developed by the Museum of Modern Art (MoMA), New York in 2006. This MoMA program was later taken up by the National Gallery of Australia (NGA) in 2007 through its *Art and Alzheimers Program*.

The IMAGinE Awards recognise excellence and the significant contribution to the local community from the 500 museums and galleries across NSW. They also acknowledge outstanding achievement from the over 8,000 individuals who work and volunteer within the sector. These galleries and museums provide major contributions to their local community, economies and cultural life as well as playing an important role in tourism across urban and regional NSW with an annual visitation exceeding six million people.

Financial Implications: There are no financial implications arising from receiving the 2013

IMAGinE Award Education and Audience Development Category.

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, 20.6

- Objective 23: To encourage a supportive and inclusive community. Strategy 23.3

- Objective 26: To encourage and support the provision of a range of opportunities for life long education across the Bathurst community. Strategy 26.1, 26.3

MINUTE

**34 Item 1 BATHURST REGIONAL ART GALLERY - 2013 IMAGINE AWARD FOR
"LOOK ART TALK" - ART & ALZHEIMERS PROGRAM (21.00039)**

MOVED: Cr M Morse SECONDED: Cr I North

RESOLVED: That Council note the information and congratulate the Bathurst Regional Art Gallery for winning the 2013 IMAGinE Award in the Education and Audience Development Category (3-20 staff) for its very successful "Look Art Talk" initiative, a community outreach Art & Alzheimers program.

2 NATIONAL MOTOR RACING MUSEUM - RAISING OPERATIONAL STANDARD (21.00050)

Recommendation: That the information be noted.

Report: The National Motor Racing Museum has over the last 12 months continued a program of building improvements. The maintaining of a professional standard of display and ongoing replacement of ageing and worn building material has seen the following items addressed:

- The replacement of the original carpet has lifted the appearance of the Museum foyer and shop. Over 330,000 visitors including race spectators had worn the old carpet considerably creating an unsafe and unsightly appearance. The new carpet features a chequered flag pattern (in keeping with the Museum's motor sport theme) and being tiled also means any worn areas are easily replaced.
- Glass sliding doors have been introduced into the main Museum entry. This has assisted in drawing visitors into the Museum by allowing a glimpse of the display areas.
- The development of a new storage for display furniture and plinths has been completed. An under-utilised area of the Brock Wing has been sealed and furnished with racking for items such as jacks, go-jacks, plinths, painting and hanging equipment. This has also helped alleviate Work Health Safety issues surrounding carrying bulky items from the upstairs store and overcrowding in storage areas.

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

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 6.3
- 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
- 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 29.7

MINUTE

35 Item 2 NATIONAL MOTOR RACING MUSEUM - RAISING OPERATIONAL STANDARD (21.00050)

MOVED: Cr W Aubin SECONDED: Cr I North

RESOLVED: That the information be noted.

3 BATHURST LIBRARY - AUTHOR TALK, JUDY NUNN (21.00054)

Recommendation: That the information be noted.

Report: Author talks are a popular extension to the services libraries provide to their communities. Having authors visit libraries enables community members to meet and discuss books with authors as well as hearing how their 'favourite' author manages their authoring process.

On Friday, 15 November the Library hosted visiting author Judy Nunn for an Author Talk which 85 people attended. Such events are promoted by 'Get Reading', an Australian Government sponsored program which promotes books and reading. Ms Nunn has been selected as the 'Get Reading' author of the month for November.

Ms Nunn was also a prominent actress in the 1970s–1990s winning popularity for the characters that she played in Australian dramas. Ms Nunn gave a very entertaining talk with a book signing held following her talk.

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

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 20: To provide a range of cultural facilities, programs, activities and events and to support and enhance cultural and social activities across the community. Strategy 20.1
- Objective 26: To encourage and support the provision of a range of opportunities for life long education across the Bathurst community. Strategy 26.1, 26.4, 26.6

MINUTE

- 36** Item 3 BATHURST LIBRARY - AUTHOR TALK, JUDY NUNN (21.00054)
MOVED: Cr J Jennings SECONDED: Cr W Aubin

RESOLVED: That the information be noted.

4 AUSTRALIAN FOSSIL & MINERAL MUSEUM - DEDUCTIBLE GIFT RECIPIENT STATUS (21.00106)

Recommendation: That Council accept:

- (a) The Somerville Collection's registration as a charity with the Australian Charities and Not-for-profits Commission, effective 10 October 2013.
- (b) The Australian Taxation Office's endorsement for charity tax concessions for The Somerville Collection:
 - i. Income tax exemption, effective 10 October 2013;
 - ii. GST concessions, effective 10 October 2013; and
 - iii. FBT rebate, effective 10 October 2013.

Report: The Somerville Collection, known to Council as the Australian Fossil and Mineral Museum (AFMM) was notified in September 2013 of new requirements under the Australian Taxation Office's endorsement of deductible gift recipient status. The Somerville Collection was further advised that as a public museum, it may not meet this new requirement.

On review for a public museum to be endorsed to receive deductible gift recipient (DGR) status it must be any of the following:

- An Australian government agency;
- A registered charity; or
- Operated by an Australian government agency or a registered charity.

The Somerville Collection, at that point failed to meet these requirements. The DGR status of the museum is essential in receiving donations and gifts for its ongoing operations. As such an investigation was undertaken by Council as to the requirements in meeting any of these options.

An application was lodged with the Australian Charities and Not-for-profits Commission (ACNC) for The Somerville Collection to become a registered charity. Confirmation of the success of this application was received by Council in November 2013. The Somerville Collection is now a registered charity with ACNC with an effective date on 10 October 2013 under the sub types 'advancement of education' and 'relief of poverty, sickness, or the needs of the aged'. This classification relates directly to the continuing educational programs and opportunities provided by the AFMM. This registration will now provide other opportunities not previously available to the AFMM.

Council has been further advised by the Australian Taxation Office in November 2013 of The Somerville Collection's endorsement for charity tax concessions. The concessions granted are:

- Income tax exemption effective from 10 October 2013;
- GST concessions effective 10 October 2013; and
- FBT rebate effective 10 October 2013.

Council has applied for DGR status, however this is yet to be approved. Once a decision has been provided a further report will be presented to Council.

Financial Implications: Nil.

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, 20.2, 20.6
- Objective 26: To encourage and support the provision of a range of opportunities for life long education across the Bathurst community. Strategy 26.1

MINUTE

**37 Item 4 AUSTRALIAN FOSSIL & MINERAL MUSEUM - DEDUCTIBLE GIFT
RECIPIENT STATUS (21.00106)**

MOVED: Cr M Coote SECONDED: Cr W Aubin

RESOLVED: That Council accept:

- (a) The Somerville Collection's registration as a charity with the Australian Charities and Not-for-profits Commission, effective 10 October 2013.
- (b) The Australian Taxation Office's endorsement for charity tax concessions for The Somerville Collection:
 - i. Income tax exemption, effective 10 October 2013;
 - ii. GST concessions, effective 10 October 2013; and
 - iii. FBT rebate, effective 10 October 2013.

5 BATHURST FAMILY DAY CARE - RECRUITMENT OF PROSPECTIVE EDUCATORS (09.00008)

Recommendation: That Council:

- (a) Acknowledge the changes to legislation as staffing ratios for children and educators involved with Bathurst Family Day Care.
- (b) Continue to support the strategy of Bathurst Family Day Care to increase Educators and hence places available within the Bathurst Family Day Care Scheme.

Report: Changes to Educator to Child ratios within NSW Family Day Care commencing 1 January 2014 necessitates a shift of ratios from 1 Educator:5 children under five years of age to a ratio of 1:4 under five years of age. This change has a dramatic affect on the Bathurst Family Day Care Educators operations, together with the availability of places for child care from 1 January 2014.

As a means to counter this decrease of availability, Bathurst Family Day Care launched an advertising campaign for Prospective Educators in September via radio and printed media. The response to this campaign was outstanding with 29 Prospective Educator packs sent to individuals from Bathurst and outlying areas.

To date, six individuals are currently undertaking training within the Scheme to commence care from December 2013, in conjunction with ongoing interviews for applicants to continue until the end of December.

The Scheme goal of recruiting new Educators to address the shortfall of available care due to the ratio changes is well on track. The ongoing recruitment, training and support of Educators will remain a focus of the Scheme for 2014.

Figures released from the Department of Education, Employment and Workplace Relations show a 7% increase in parents using Family Day Care over the past 12 months. This figure is a reflection of the changing nature of the Australian workforce and the increase of families requiring flexible care outside of standard hours.

The commitment of the Bathurst Family Day Care to continue to market Family Day Care within the Bathurst community is an ongoing strategy. A working party has been established with Bathurst Family Day Care staff and Educators working in partnership towards maintaining high quality care, building capacity and promotion of Bathurst Family Day Care.

Financial Implications: Funding is contained within existing budgets.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 26: To encourage and support the provision of a range of opportunities for life long education across the Bathurst community. Strategy 26.1
- Objective 27: To encourage youth engagement, participation and achievement across all areas of the Bathurst community. Strategy 27.7, 27.8

MINUTE

38 Item 5 BATHURST FAMILY DAY CARE - RECRUITMENT OF PROSPECTIVE EDUCATORS (09.00008)

MOVED: Cr M Coote SECONDED: Cr B Bourke

RESOLVED: That Council:

- (a) Acknowledge the changes to legislation that reduce the staffing ratios for children and educators involved with Bathurst Family Day Care.
- (b) Continue to support the strategy of Bathurst Family Day Care to increase Educators and hence places available within the Bathurst Family Day Care Scheme.

6 BATHURST MEMORIAL ENTERTAINMENT CENTRE (BMEC) - GRANT FUNDING FOR PROJECTS (21.00060)

Recommendation: That Council accepts Regional Arts Funding of:

- (a) \$24,660 for "If There Was a Colour Darker Than Black I would Wear It".
- (b) \$10,000 for the Central West Short Play Festival.

Report: In November 2013 the Bathurst Memorial Entertainment Centre was successful with two grant applications which provide significant support for key programs of activity.

- (a) Regional Arts Fund - via Regional Arts NSW for the ***If There Was a Colour Darker Than Black I Would Wear It*** project \$24,660.

This project will form the culmination of the Smashed Arts program and will feature in the BMEC 2014 Annual Season. It will take the form of a collaboration between Rising Damp and Illuminart from South Australia and local artists from the Bathurst Region. Funding has also been received from the Australia Council for the Arts.

- (b) Regional Arts Fund - via Regional Arts NSW (Partnership with Bathurst Theatre Company/Local Stages) for ***Central West Short Play Festival*** \$10,000.

The Festival will include engagement with the communities of Parkes, Forbes, Canowindra and Cowra with the aim of supporting the development of playwriting in the Central West.

Financial Implications: The grant funding received has no negative financial implications and uses the core funding of BMEC to leverage considerable financial benefit for the development of performing arts in the Bathurst region.

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
- 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

39 Item 6 BATHURST MEMORIAL ENTERTAINMENT CENTRE (BMEC) - GRANT FUNDING FOR PROJECTS (21.00060)

MOVED: Cr J Jennings SECONDED: Cr M Coote

RESOLVED: That Council accepts Regional Arts Funding of:

- (a) \$24,660 for "If There Was a Colour Darker Than Black I would Wear It".
- (b) \$10,000 for the Central West Short Play Festival.

7 2013/2014 RURAL VILLAGE IMPROVEMENT PROGRAM (16.00104)

Recommendation: That Council distribute the 2013/2014 Rural Village Improvement Program funding as follows:

	APPLICANT ORGANISATION	PROJECT SUMMARY	APPLICATION AMOUNT
1	Hill End & Tambaroora Progress Association Inc	Two (2) lockable storage cupboards for use in Royal Hall.	\$1,425
2	Rockley & District Community Association	<ul style="list-style-type: none"> • Soup bowls, soup spoons, soup kettles • Microwave Oven 	\$712.50
3	Rockley Sports & Recreation Association	<ul style="list-style-type: none"> • Repair or replace air conditioner in meeting room. • Replace damaged/stained hand basins in toilets. 	\$712.50
4	Sofala and District Agricultural & Horticultural Show Society Inc	<ul style="list-style-type: none"> • Security screens for craft section for adults. • Upgrade children's craft section. • Upgrade photography section. 	\$712.50
5	Sofala Progress Association Inc	<ul style="list-style-type: none"> • Handrails on ramp leading to back street and composting toilets. • New sign in Joyce Pearce Memorial Park to promote village. 	\$712.50
6	Sunny Corner & District Progress Association Inc	Upgrade of toilets and shelter at Sunny Corner Recreation Ground, including materials and hardware.	\$1,425
7	Trunkey Creek Progress Association	Replacement of double door fridge in kitchen at Community Hall.	\$1,425
8	Wattle Flat Heritage Lands Trust	Plinth to affix bronze plaque at top of Kate's Hill in northern section of Heritage Lands.	\$712.50
9	Wattle Flat Progress Association	Purchase new tables and chairs for Wattle Flat racecourse for community use.	\$712.50
10	Yetholme Progress Association	<ul style="list-style-type: none"> • Solar sensor light for Hall entrance. • External speakers, to be installed under eaves for Hall for outdoor functions. • Portable PA system. • Improve drainage of waste water from kitchen. 	\$1,425
	TOTAL AMOUNT		\$9,975.00

Report: An amount of \$10,000 has been provided for in the 2013/2014 Annual Operating Plan and Budget for the Rural Village Improvement Program.

Bathurst Regional Council instituted a Rural Village Improvement Program in 2005/2006 to facilitate the long term viability of the villages in the Bathurst Regional Council area. The program is based on the premise of horizontal equity – “the provision of public facilities each of a similar grade” to villages across the local government area.

Since the program's introduction, Council has made contributions to the villages of Hill End, Rockley, Sofala, Trunkey Creek, Wattle Flat, Sunny Corner and Yetholme in improving the infrastructure available to their residents. A listing of these projects and allocated funding is available at **attachment 1**.

The process and timeline has now changed from the previous programs. For the current year an application form was not required to be completed as the administrative processes for both the villages and Council would have outstripped the funds available. The task of residents within the villages to obtain quotes for infrastructure works to complete a successful application was seen to be above the return they will receive for an application. These residents already experience great difficulties in having qualified tradespeople service their community. To pursue a process that will, in most cases be unsuccessful will not assist these relationships and may in fact further hamper them. Formal advice was provided to each community group eligible, who had previously engaged with the Village Improvement Program, to apply and requesting them to provide an indication of their preference for use of the funding.

Council provided the following exclusions for the use of this funding:

- Insurance payments
- Operational costs of the organisation (ie utilities)
- Food and beverages

Council also suggested the following expenses that would be suitable:

- New chairs for halls
- Minor paint works
- Minor equipment upgrades (microwaves, fridges etc)
- Crockery and cutlery purchases
- Signage
- Advertising
- Heaters or fans
- Gauze screens
- Locks
- Notice boards

Upon approval of the project and proof of expenditure a reimbursement of costs is provided to each group. An acquittal form was introduced as part of the 2010/2011 process requiring all grant recipients to detail their projects and expenditure, a copy of the acquittal form is at **attachment 2**.

The \$10,000 was equitably split between villages with each village eligible to receive \$1,425. If a particular village had more than one organisation previously engaged in this process this amount was further split to provide funding. For example, as Wattle Flat has two community organisations who have received funding in prior years, each group received \$712.50.

The current programs allocation in accordance with Bathurst Regional Council's 2013/2014 Annual Operating Plan and Budget is \$10,000.

The table below summarises the applications received by the Village community organisations for the 2013/2014 program:

	APPLICANT ORGANISATION	PROJECT SUMMARY	APPLICATION AMOUNT
1	Hill End & Tambaroora Progress Association Inc	Two (2) lockable storage cupboards for use in Royal Hall.	\$1,425
2	Rockley & District Community Association	<ul style="list-style-type: none"> · Soup bowls, soup spoons, soup kettles · Microwave Oven 	\$712.50
3	Rockley Sports & Recreation Association	<ul style="list-style-type: none"> · Repair or replace air conditioner in meeting room. · Replace damaged/stained hand basins in toilets. 	\$712.50

4	Sofala and District Agricultural & Horticultural Show Society Inc	<ul style="list-style-type: none"> · Security screens for craft section for adults. · Upgrade children's craft section. · Upgrade photography section. 	\$712.50
5	Sofala Progress Association Inc	<ul style="list-style-type: none"> · Handrails on ramp leading to back street and composting toilets. · New sign in Joyce Pearce Memorial Park to promote village. 	\$712.50
6	Sunny Corner & District Progress Association Inc	Upgrade of toilets and shelter at Sunny Corner Recreation Ground, including materials and hardware.	\$1,425
7	Trunkey Creek Progress Association	Replacement of double door fridge in kitchen at Community Hall.	\$1,425
8	Wattle Flat Heritage Lands Trust	Plinth to affix bronze plaque at top of Kate's Hill in northern section of Heritage Lands.	\$712.50
9	Wattle Flat Progress Association	Purchase new tables and chairs for Wattle Flat racecourse for community use.	\$712.50
10	Yetholme Progress Association	<ul style="list-style-type: none"> · Solar sensor light for Hall entrance. · External speakers, to be installed under eaves for Hall for outdoor functions. · Portable PA system. · Improve drainage of waste water from kitchen. 	\$1,425
TOTAL AMOUNT			\$9,975.00

The Village Improvement Program, whilst an infrastructure program, has also built invaluable social capital and capacity in each village that is essential in maintaining a quality of life to attract residents and visitors alike. The level of pride and satisfaction that members of the community displayed is admirable. It is abundantly clear the residents in these villages are committed to ensuring they maintain a high level of social interaction and in doing so have developed an acute sense of place.

Councils return in regards to the social capacity, pride and respect this program has generated in each village far outstrips the dollar amount allocated over the life of the program.

Financial Implications: An amount of \$10,000 has been provided for in the 2013/2014 Annual Operating Plan and Budget for the Rural Village Improvement Program.

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 6.3
- Objective 17: To encourage living, vibrant and growing villages and rural settlements. Strategy 17.3, 17.4, 17.9

MINUTE

40 Item 7 2013/2014 RURAL VILLAGE IMPROVEMENT PROGRAM (16.00104)
MOVED: Cr I North SECONDED: Cr B Bourke

RESOLVED: That Council distribute the 2013/2014 Rural Village Improvement Program funding as follows:

	APPLICANT ORGANISATION	PROJECT SUMMARY	APPLICATION AMOUNT
1	Hill End & Tambaroora Progress Association Inc	Two (2) lockable storage cupboards for use in Royal Hall.	\$1,425
2	Rockley & District Community Association	<ul style="list-style-type: none"> • Soup bowls, soup spoons, soup kettles • Microwave Oven 	\$712.50
3	Rockley Sports & Recreation Association	<ul style="list-style-type: none"> • Repair or replace air conditioner in meeting room. • Replace damaged/stained hand basins in toilets. 	\$712.50
4	Sofala and District Agricultural & Horticultural Show Society Inc	<ul style="list-style-type: none"> • Security screens for craft section for adults. • Upgrade children's craft section. • Upgrade photography section. 	\$712.50
5	Sofala Progress Association Inc	<ul style="list-style-type: none"> • Handrails on ramp leading to back street and composting toilets. • New sign in Joyce Pearce Memorial Park to promote village. 	\$712.50
6	Sunny Corner & District Progress Association Inc	Upgrade of toilets and shelter at Sunny Corner Recreation Ground, including materials and hardware.	\$1,425
7	Trunkey Creek Progress Association	Replacement of double door fridge in kitchen at Community Hall.	\$1,425
8	Wattle Flat Heritage Lands Trust	Plinth to affix bronze plaque at top of Kate's Hill in northern section of Heritage Lands.	\$712.50
9	Wattle Flat Progress Association	Purchase new tables and chairs for Wattle Flat racecourse for community use.	\$712.50
10	Yetholme Progress Association	<ul style="list-style-type: none"> • Solar sensor light for Hall entrance. • External speakers, to be installed under eaves for Hall for outdoor functions. • Portable PA system. • Improve drainage of waste water from kitchen. 	\$1,425
	TOTAL AMOUNT		\$9,975.00

8 CHIFLEY HOME AND EDUCATION CENTRE & CHARLES STURT UNIVERSITY - LEARNING AND TEACHING IN PUBLIC SPACES - DISTANT CONNECTIONS EXHIBITION (21.00113)

Recommendation: That Council:

- (a) Recognise the success of the Office of Learning and Teaching "Learning and Teaching in Public Spaces 2011-2013" collaboration between Council (Chifley Home and Education Centre) and Charles Sturt University (Faculty of Education).
- (b) Continue to support this collaboration into the future.
- (c) Congratulate Charles Sturt University Visual Arts Students, Faculty of Education staff together with Council staff on the standard and quality of the exhibition "Distant Connections".

Report: Chifley Home and Education Centre (CHEC) has been collaborating with Charles Sturt University (CSU) – Education Faculty since late in 2011 as part of an Office of Learning and Teaching Innovation and Development Research grant, 'Learning and Teaching in Public Spaces 2011-2013'. Other partners in this project include:

Higher Education Institution	Museum
Victoria University	Immigration Museum (Melbourne)
Deakin University (Victoria)	Flagstaff Hill Maritime Museum (Warrnambool) and Immigration Museum (Melbourne)
Queensland University of Technology	State Library of Queensland

This collaboration has previously been reported to Council in May 2012, this report is at **attachment 1** for Councillors reference.

CHEC's current exhibition, 'Distant Connections' is one of the outcomes of this very successful collaboration. The exhibition was jointly opened by Bathurst Regional Council's Mayor, Councillor Gary Rush and Charles Sturt University's Vice Chancellor Andrew Vann on Saturday, 21 September 2013. With over 70 people in attendance guests were treated to an engaging artist floor talk, together with official proceedings. The exhibition remains in place and has been extended until the end of January 2014.

Bathurst Regional Council (BRC) and CSU's role in this research was tailored to enable distance education students studying to become visual arts school teachers to explore the opportunities of connecting with a history museum as a place of inspiration, motivation, development and exploration. Students were required to complete two subjects as part of their learning:

EMA441 Visual Arts curriculum 1 (session 1 2013)

In this subject, along with a range of other modules focused on Visual Arts curriculum, students undertook a study of museums as sites for teaching and learning. They then completed a case study of the Chifley Home and produced an extensive unit outline. The local project team, with the support of CSU Media Services and CSU Division of Student Learning, collaboratively developed a set of teaching resources, videos and audio to give students a virtual experience of the Chifley Home as a particular museum site.

EMA442 Visual Arts curriculum 2 (session 2 2013)

In this second subject, the students selected an object within their own community but related to the Chifley Home and the era of the 1930s-1950s. They were then required to develop an artwork for exhibition based on that object and their interpretation, for installation at the Chifley Home Education Centre. The exhibition was devised and developed by the students as part of their subject work.

This project became the basis for modelling and approximation of teaching practice. This idea is derived from the work of Grossman and colleagues (2005) in making practice the core of the curriculum. It was complemented by more theoretically grounded module work on Interact, the CSU's student electronic communication platform. The project also sought to draw on the art and design skills of the students as a starting point for teaching and learning about teaching.

In creating artworks students followed the requirements of the Stage 6 HSC Visual Arts course in NSW. They were effectively put in the position of their future Year 12 students. This was important as most of this student cohort are mature age students and have not experienced the current Visual Arts curriculum or its demands from the perspective of a student. As a student, they had to share ideas and developments with the rest of the class through regular digital diary updates shared in a virtual online classroom. In responding to these diary uploads, the other students then assumed the role of teachers - giving feedback and providing guidance.

The digital diaries first focused on the chosen objects. Students researched their objects and told the stories of those objects. This engaged them with cross curriculum community-based work particularly focused on history. The second upload focused on the idea for their artwork, while the third documented their progress and the fourth explained the final work. In each case students used technology to create the digital diary in photographic or video form. They also had to limit the upload to 2-3 minutes and use visual arts curriculum constructs and language.

The final works are the outcome of this process. The process started in week 2, of the students session, and all works had to be delivered during week 9. Even the process of packing up the works and sending them to Bathurst with instruction for installation, mirrored the process of packing up HSC artworks and sending them to the Sydney HSC Marking Centre - at the same time as that was happening in schools in NSW.

Alongside their artworks, students have also developed the exhibition concept and design, interpretive texts, labels for the works, a website and catalogue. Following the exhibition launch, students have developed a range of additional supporting teaching and learning resources.

While the project outcomes are designed specifically to enhance learning and teaching within higher education, the benefits to the museum sector are also valuable. Educational activities have long held a sacred place within museums, however these relationships are changing. A key focus is the national curriculum, yet the elements of civic responsibility and community connection are becoming more apparent. In fact, cutting edge museums are identifying their capacity as a mechanism to affect social change and are implementing significant changes to organisational culture in this area.

Ideally this is where CHEC would like to be; realistically CHEC will move toward more conservative implementation of projects that clearly meet the resources on hand. Involvement in a project such as this provides an opportunity to improve our presentation, skills and relationships in terms of educational offerings.

CHEC has an established education resource for visitors of varying school ages. This is quite well utilised by teachers on their visits; however this project has identified the ability for students to move from a structured historical approach to learning at Chifley to an approach that may have all, or any combination of the following features:

- Developmental appropriateness – cultural background, age, intellect
- Flexibility – multiple entry points for a variety of students abilities and a myriad of synergies within the national curriculum
- Collaboration – ability to participate with other students, teachers, museum staff, parents, family, friends
- Interactive – self directed, directed technology, imaginative, informative
- Empowering – the ability to make decisions on directions and outcomes within a framework
- Connected – partnerships that are not clearly defined or used in other areas of study
- Quality – expert guidance by teachers and museum staff, access to non traditional methods of learning and teaching
- Experience – addressing issues and formulating responses that have the ability to change the social position of communities, both local and global
- Enjoyment – development of satisfaction through practical application of skills
- Citizenship – the impact of decisions, projects etc on the community and the response or need for change
- Reflection – the use of a collection item to trigger and invoke thoughts around the object, an issue an outcome or a historical event. This process also has significant benefits from the position of personal reflection, the Office of Learning and Teaching (OLT) project exemplifies this where the students took an object and through personal reflection and investigation have produced artworks that are all quite reflective of their own personalities and journeys, while remaining connected to the Chifley theme.

From an organisational perspective, the ability to participate in this project has provided Council staff an opportunity to showcase their skills against other facilities and organisations. Council staff have again performed above their position requirements, participating in the digital presentations to CSU students, working with students to produce a professional exhibition and extending their own skills and views to appreciate the advancements that such a relationship brings to the Chifley Home and Education Centre. Feedback from CSU and students indicates their overwhelming appreciation of this support and the level of professionalism provided with all assistance.

THE EXHIBITION

A total of 19 students are enrolled in EMA442 at CSU, all female and the majority located within NSW. One commenced enrolment in Middlesex, England. The physical exhibition of artworks was to be on display at Chifley Home and Education Centre for a period of four weeks, this has since been extended as a result of the exhibitions quality and popularity. A virtual exhibition will be accessible on the Chifley Home and Education Centre website for a period yet to be determined, however it is hoped this will remain permanently. This is the first virtual exhibition created for the Centre.

As previously stated, students were provided with guidelines for preparation of their artwork that mirrored the HSC requirements. They were additionally directed to commence their project by identifying a historical object with connections to the 1930s – 50s and associated with the Chifley Home and Education Centre. Students were then required to ‘mine’ the object to gain its story utilising visual arts diaries and digital media to share their thoughts with the group. This research has informed the final artwork.

This process has led to a myriad of artworks being produced including: films; paintings and drawings – acrylic, pastel, pencil, charcoal, ink and oils ; terracotta pottery; photographic prints; textiles; paper collage; vintage treasures; copper printmaking; and a range of mixed media. Each artwork has a significant connection with the Chifleys or the objects within the Chifley Home, some are easily identified, others less so. Yet to the Chifley enthusiast all are readily identified and take on parts of the Chifley story told by the guides at the Centre.

As a reflection of the quality of the students work, all artworks are available for sale. To date four of the artworks have been sold, together with CHEC commissioning one art work for sale through the CHEC shop.

Staff recently attended a workshop of all project partners in Melbourne. Although a little bias may be attributed the quality, production and professionalism of the Distant Connections exhibition and groundwork outstripped that of the other partners.

The Distant Connections exhibition launch has featured in the Western Advocate and Western Times. Museums and Galleries NSW have also featured the exhibition as part of their Alert! Newsletter, together with taking an interest, and publishing articles based on the projects educational value to the museum sector.

FUNDING

Council has only provided in kind funding to this project. CSU has undertaken the same. As part of the OLT grant the Bathurst Project was allocated \$5,000 of the total \$220,000 grant.

CONTINUING PARTNERSHIP

It is not yet negotiated; however both parties have indicated a willingness to continue this relationship into the future with an aim to grow the concept into an industry norm, rather than a local project.

This model of partnership has clear benefits for both parties, and the community. Council is participating in another project at BMEC involving the CSU Faculty of Education, together with the Faculty of Communication and Creative Industries, which is also exploring the benefits of teaching in public places and more specifically Drama Based Instruction. This project also has other partners including Patch Theatre Co, based in Adelaide, and the University of Austin – Texas. The University of South Australia has also indicated an interest and willingness to join the program.

Council has made significant advances in developing these relationships with CSU and continues to progress a partnership currently referred to as 'Community Connections in Teacher Education'. This group aims to facilitate community connections for the benefit of teaching and learning, research and to make valuable contributions to the community. The first stage identified by the Faculty of Education is to focus on their connections with Bathurst Regional Council.

BATHURST 2036

This collaboration has achieved many outcomes, most significantly those related to the original project design. However on reflection of Council's role and the community direction provided via Bathurst 2036, many more unexpected outcomes have been achieved. Examples of these include:

- Council has fostered a strong and flexible relationship with CSU's Faculty of Education that will allow for many projects and initiatives to be explored. The future

of this project has many opportunities including local cooperatives that may lead to self sufficiency.

- Council has actively participated and encouraged innovation throughout this project that has led to additional avenues of research and application. Potentially the outcomes from the original research project will have dramatic implications for teacher education in museums, and hence equally dramatic museum and public place outcomes. There are many avenues for continued research in this area.
- This project has been completed within current budget allocations. This is not sustainable long term, however containing the total project costs have been paramount in its success. Elements of sustainability and longevity were considered and have been included in the project from its outset. In the current form the project will be able to continue on a minimal budget that will require additional sourcing in coming years.
- Professional and artistic relationships have been developed where previously they did not exist. The potential the 19 participants in this project have already shown through the implementation of this teaching practice into their student placements has already yielded results. Student feedback has indicated that they fully understand the concepts and the application of these within the National Curricula. This has long term benefits to society as a whole, where museums are again reinvented for community use while retaining their historical foundations.
- Community connectivity has been extended both in Bathurst and the 19 student locations. The requirement for students to associate and relate to their communities has, almost subconsciously, enabled ongoing relationships to be developed and explored with many doors relating to social capacity, connectivity and civic responsibility to be discovered and exploited.
- Importantly all Council staff involved have been good leaders and ambassadors of Council. They have skilfully acted outside their specialised position requirements, evolved and developed in their own professional realms and provided outstanding support and dedication to this project.

Financial Implications: All costs associated with this project have either been sourced via the \$5,000 grant to participate or contained within previously allocated budgets of Council and Charles Sturt University.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 5: To facilitate and foster partnerships, networks and infrastructure to support and attract knowledge, innovation and research. Strategy 5.1, 5.4, 5.8
- 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, 20.3, 20.6
- Objective 23: To encourage a supportive and inclusive community. Strategy 23.7
- Objective 26: To encourage and support the provision of a range of opportunities for life long education across the Bathurst community. Strategy 26.1, 26.3
- Objective 33: To be and develop good leaders. Strategy 33.1, 33.5, 33.6

MINUTE

41 Item 8 CHIFLEY HOME AND EDUCATION CENTRE & CHARLES STURT UNIVERSITY - LEARNING AND TEACHING IN PUBLIC SPACES - DISTANT CONNECTIONS EXHIBITION (21.00113)

MOVED: Cr W Aubin SECONDED: Cr G Westman

RESOLVED: That Council:

- (a) Recognise the success of the Office of Learning and Teaching "Learning and Teaching in Public Spaces 2011-2013" collaboration between Council (Chifley Home and Education Centre) and Charles Sturt University (Faculty of Education).
- (b) Continue to support this collaboration into the future.
- (c) Congratulate Charles Sturt University Visual Arts Students, Faculty of Education staff together with Council staff on the standard and quality of the exhibition "Distant Connections".
- (d) Refer for consideration to future budgets an allocation of \$10,000 - \$12,000 per annum for the Chifley Home and Education Centre & Charles Sturt University - Learning and Teaching in Public Spaces Program.

9 BATHURST REGIONAL YOUTH COUNCIL - SUMMERSAULT- ROLL INTO SUMMER, SATURDAY 30 NOVEMBER 2013 (11.00020)

Recommendation: That the Bathurst Regional Youth Council be congratulated on the success of "Summersault-Roll into Summer" event staged at Machattie Park.

Report: The Bathurst Regional Youth Council held its final event for the year on Saturday 30 November 2013 in Machattie Park. The event 'Summersault- Roll into Summer' showcased some of Bathurst's amazing young talent. The line-up included the following performers:

- Shiloh McCurley
- Laine Redden
- Gabbi Bolt
- Kenny Thompson
- Chelsea Leahy
- Monique Browning
- Emanuel Kual
- Brittany Grassick & Jonty Boshier
- Blind Date
- Will Tremain and The Gypsy Finger Puppets
- Sticks & Stones
- The Second Contingency

The calibre of the local young talent was outstanding. Other activities included laser skirmish and sumo wrestling. There was also food vendors present at the event.

Approximately 400 people attended the event. Young people, their friends and families enjoyed the relaxed nature of the event. Some images of the event are provided at **attachment 1**.

The Youth Council were pleased to provide the opportunity for young people to socialise in a safe environment and would like to consider staging the event regularly.

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

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 27: To encourage youth engagement, participation and achievement across all areas of the Bathurst community. Strategy 27.1, 27.9

MINUTE

42 Item 9 BATHURST REGIONAL YOUTH COUNCIL - SUMMERSAULT- ROLL INTO SUMMER, SATURDAY 30 NOVEMBER 2013 (11.00020)

MOVED: Cr M Coote SECONDED: Cr B Bourke

RESOLVED: That the Bathurst Regional Youth Council be congratulated on the success of "Summersault-Roll into Summer" event staged at Machattie Park.

Yours faithfully



Annabell Miller
DIRECTOR
CULTURAL & COMMUNITY SERVICES

TRAFFIC COMMITTEE MEETING

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

1 MINUTES - TRAFFIC COMMITTEE MEETING - 3 DECEMBER 2013 (07.00006)

Recommendation: That the recommendations of the Traffic Committee Meeting held on 3 December 2013 be adopted.

Report: The Minutes of the Traffic Committee Meeting held 3 December 2013, 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

43 Item 1 MINUTES - TRAFFIC COMMITTEE MEETING - 3 DECEMBER 2013
(07.00006)

MOVED: Cr W Aubin SECONDED: Cr M Coote

RESOLVED: That the recommendations of the Traffic Committee Meeting held on 3 December 2013 be adopted.

MINUTES OF THE TRAFFIC COMMITTEE
HELD ON 3 DECEMBER 2013

MEETING COMMENCES

1 MEETING COMMENCES 2:00 PM

Members: Leading Senior Constable Daniel Cooper (Police), Senior Constable Michael Ridings (Police), David Veness (MP Representative) and Jackie Barry (Roads and Maritime Services)

Present: Darren Sturgiss (Manager Technical Services)

APOLOGIES

2 APOLOGIES

Nil.

REPORT OF PREVIOUS MEETING

3 Item 1 MINUTES - TRAFFIC COMMITTEE MEETING - 5 NOVEMBER 2013 (07.00006)

That the Minutes of the Traffic Committee Meeting held on 5 November 2013 be adopted.

DECLARATION OF INTEREST

4 DECLARATION OF INTEREST 11.00002

That the Declaration of Interest be noted.

RECEIVE AND DEAL WITH DIRECTORS' REPORTS

Director Engineering Services' Report

5 Item 1 MINUTES OF THE TRAFFIC COMMITTEE MEETING HELD 5 NOVEMBER 2013 (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 NO THROUGH ROAD SIGNAGE – COWPASTURES GROVE, ABERCROMBIE (25.00165/008)

That Council approve the installation of "No Through Road" signage on Cowpastures Grove, Abercrombie.

8 Item 4 BUDDEN STREET ROCKLEY – ACCESS ISSUES (2010/073/022)

That Council approve the installation of 'No Stopping' signs on both ends of the access lane parallel to Budden Street.

9 **Item 5 SCHOOL ZONE FLASHING LIGHTS PROGRAM ACCELERATION - FURTHER INFORMATION (28.00007-05/024)**

That the information be noted.

10 **Item 6 NEW YEARS EVE CELEBRATIONS IN VICTORIA PARK BATHURST (23.00131)**

That Council approve the holding of New Years Eve celebrations in Victoria Park on Tuesday 31 December 2013 including:

- (a) the temporary closure of Durham Street between Hope Street and Mitre Street
- (b) the temporary closure of Hope Street between Durham Street and Howick Street
- (c) the temporary closure of Loftus Street
- (d) the temporary closure of the bottom end of Mitre Street from the Durham Street roundabout to the cul-de-sac
- (e) parking bays along Morrisset Street being closed and "No Parking" signs being placed
- (f) the diversion of Durham Street traffic to Peel, Morrisset and Commonwealth Streets.

Resident access will be available during the proposed closure times. The event is to be classified as a Class 2 event and approved subject to conditions decided by the Traffic Committee.

11 **Item 7 "NO PARKING" REQUEST SIMPSONS LANE BATHURST (25.00493/006)**

That Council:

- (a) not approve the installation of "No Parking" signs in Simpsons Lane Bathurst.
- (b) approve the installation of "Loading Zone 5 Minute Limit" signs to a single parking space adjacent to the property at 199 Russell Street.

TRAFFIC REGISTER

12 **Item 1 TRAFFIC REGISTER (07.00006)**

That the information be noted.

MEETING CLOSE

13 **MEETING CLOSE**

The Meeting closed at 2.38 pm.

DELEGATES REPORTS AND MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

11 DECEMBER 2013

1 COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 13 NOVEMBER 2013 (11.00019)

Recommendation: That the information be noted.

Report: **Present:** Crs Aubin, Bourke, Coote, Hanger, Morse, North and Rush.

Apologies: Crs Jennings, Westman.

1. BATHURST 2036 HERITAGE ACTION NETWORK (23.00005)

Sandy Bathgate, Wayne Freebrey, Geoff Fry, Iain McPherson, Graeme Smith attended the meeting to provide Councillors with background information on the newly formed Bathurst 2036 Heritage Action Network.

Discussion included:

- Background on the group - Set up as community group to promote the heritage of Bathurst.
- Supports development of the Region.
- Gave a presentation on the outcomes of the Group, the way forward on Heritage items and economic Importance
- The Mayor advised of a proposed Bathurst Heritage Week.

2. BATHURST MEN'S SHED INC (18.00260)

David Buckby and Brian Burke attended the meeting to provide Councillors with background information on the progress of the Men's Shed and the Tucker Van.

Discussion included:

- Summary of projects they are involved in.
- Men's Shed have 30 members.
- Update on extension to building to cater for members.
- The Tucker Van, how it operates and advised that a new van was donated to them from Volkswagen.
- **Financial Implications:** Nil.
- **Bathurst 2036 Community Strategic Plan - Objectives and Strategies**
 - Objective 23: To encourage a supportive and inclusive community. Strategy 23.3
 - Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.5
 - Objective 32: To ensure Council is supported by an adequate workforce and appropriate governance procedures. Strategy 32.2

MINUTE

**44 Item 1 COUNCILLORS MEETING WITH COMMUNITY
GROUPS/REPRESENTATIVES - 13 NOVEMBER 2013 (11.00019)**
MOVED: Cr M Coote SECONDED: Cr W Aubin

RESOLVED: That the information be noted.

2 2015 BICENTENARY CELEBRATIONS COMMITTEE MEETING - 5 NOVEMBER 2013 (20.00153)

Recommendation: That the information be noted.

Report: The Minutes of the 2015 Bicentenary Celebrations Committee held on Tuesday 5 November 2013 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

**45 Item 2 2015 BICENTENARY CELEBRATIONS COMMITTEE MEETING - 5
NOVEMBER 2013 (20.00153)**

MOVED: Cr M Morse SECONDED: Cr J Jennings

RESOLVED: That the recommendations of the 2015 Bicentenary Celebrations Committee held on 5 November 2013 be adopted.

3 MINUTES - AUSTRALIA DAY WORKING PARTY - 25 NOVEMBER 2013 (23.00033)

Recommendation: That the information be noted.

Report: The Minutes of the Australia Day Working Party held on 25 November 2013 are shown 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 3 MINUTES - AUSTRALIA DAY WORKING PARTY - 25 NOVEMBER 2013
(23.00033)

MOVED: Cr M Coote SECONDED: Cr B Bourke

RESOLVED: That the information be noted.

4 2015 BICENTENARY CELEBRATIONS COMMITTEE MEETING - 3 DECEMBER 2013 (20.00153)

Recommendation: That the information be noted.

Report: The Minutes of the 2015 Bicentenary Celebrations Committee held on Tuesday 3 December 2013 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

**47 Item 4 2015 BICENTENARY CELEBRATIONS COMMITTEE MEETING - 3
DECEMBER 2013 (20.00153)**

MOVED: Cr M Morse SECONDED: Cr J Jennings

RESOLVED: That the recommendations of the 2015 Bicentenary Celebrations Committee held on 3 December 2013 be adopted.

MINUTE

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

MOVED: Cr M Coote SECONDED: Cr W Aubin

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	RENEWAL OF LICENCE AGREEMENT - PART LOT 11 DP851096 - MACHATTIE PARK COTTAGE - MITCHELL CONSERVATORIUM INC	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 SALE OF COUNCIL LAND PART LOT 162 DP1125026 CARDIFF PLACE, INDUSTRIAL ESTATE, KELSO	10A (2) (d) (ii) – contains commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the council. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the Council.

3	EXPRESSIONS OF INTEREST - SUPPLY OF STAFF UNIFORMS	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	PURCHASE OF COMMERCIAL SITE IN 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.

*** DIRECTOR ENGINEERING SERVICES' REPORT**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	TENDER FOR DESIGN AND INSTALLATION OF TELEMETRY SYSTEM	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 - SUPPLY AND DELIVERY OF 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.
3	ANNUAL TENDER - SUPPLY AND DELIVERY OF FILLING 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.
4	ANNUAL TENDER - SUPPLY AND DELIVERY OF TOPSOIL	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	ANNUAL TENDER - SUPPLY AND DELIVERY OF 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.
6	TENDER - DEBRIS FENCING AT 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.

*** MAYORAL MINUTE**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	GENERAL MANAGER'S APPRAISAL	10A (2) (a) – Deals with personnel matters concerning particular individuals (other than Councillors) disclosure of which would not be in the public interest as it would reveal personal details of the individuals concerned.

DIRECTOR CORPORATE SERVICES & FINANCE'S CONFIDENTIAL MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

11 DECEMBER 2013

MINUTE

- a Item 1 RENEWAL OF LICENCE AGREEMENT - PART LOT 11 DP851096 - MACHATTIE PARK COTTAGE - MITCHELL CONSERVATORIUM INC (04.00012)
MOVED: Cr I North SECONDED: Cr M Coote

RESOLVED: That Council approves entering into a new licence agreement for Part Lot 11 DP851096 known as Machattie Park Cottage with the Mitchell Conservatorium Inc. for a period of two (2) years with an option period of two (2) years at a licence fee of \$422.00 pa (GST inclusive) plus annual CPI adjustments.

MINUTE

**b Item 2 PROPOSED SALE OF COUNCIL LAND PART LOT 162 DP1125026
CARDIFF PLACE, INDUSTRIAL ESTATE, KELSO (22.09734)**

MOVED: Cr W Aubin SECONDED: Cr M Coote

RESOLVED: That Council

- (a) approves the sale of part Lot 162 DP1125026 Cardiff Place, Kelso Industrial Park to Mr Lewis Dunn at the purchase price of \$59m² (GST inclusive) as detailed in the report
- (b) if Mr Dunn declines the offer to purchase then Council enforce the conditions for remediation of the council land as outlined in the report.

MINUTE

**c Item 3 EXPRESSIONS OF INTEREST - SUPPLY OF STAFF UNIFORMS
(36.00378)**

MOVED: Cr M Coote SECONDED: Cr B Bourke

RESOLVED: That Council award the contract for the supply of non-compulsory casual/corporate staff uniform to Orange Clothing Company.

MINUTE

**d Item 4 PURCHASE OF COMMERCIAL SITE IN HOWICK STREET BATHURST
(22.02141)**

MOVED: Cr B Bourke SECONDED: Cr M Coote

RESOLVED: That Council act in the accordance with the report.

DIRECTOR ENGINEERING SERVICES' CONFIDENTIAL MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

11 DECEMBER 2013

MINUTE

e Item 1 TENDER FOR DESIGN AND INSTALLATION OF TELEMTRY SYSTEM
(36.00499)

MOVED: Cr G Westman SECONDED: Cr I North

RESOLVED: That Council accept the tender of 360 Engineering Pty Ltd, in the amount of \$825,687 (inclusive GST) for the design and installation of a telemetry system for water and wastewater, subject to adjustments and provisional items.

MINUTE

f Item 2 ANNUAL TENDER - SUPPLY AND DELIVERY OF STORMWATER DRAINAGE PIPES (36.00500)

MOVED: Cr G Westman SECONDED: Cr J Jennings

RESOLVED: That Council:

- (a) decline to accept any tenders for the Supply and Delivery of Stormwater Drainage Pipes, and
- (b) invite, in accordance with Clause 167 "Open Tendering" of the Local Government (General Regulation) 2005, fresh tenders.

MINUTE

g Item 3 ANNUAL TENDER - SUPPLY AND DELIVERY OF FILLING SAND
(36.00503)

MOVED: Cr M Morse SECONDED: Cr B Bourke

RESOLVED: That Council accept the tender from Australian Native Landscapes for the supply of filling sand for 2014.

MINUTE

h Item 4 ANNUAL TENDER - SUPPLY AND DELIVERY OF TOPSOIL (36.00501)
MOVED: Cr M Coote SECONDED: Cr J Jennings

RESOLVED: That Council accept the tender from Australian Native Landscapes for the supply of topsoil for 2014.

MINUTE

**i Item 5 ANNUAL TENDER - SUPPLY AND DELIVERY OF CONCRETE
(36.00502)**

MOVED: Cr M Morse SECONDED: Cr M Coote

RESOLVED: That Council:

- (a) decline to accept any tenders for the Supply and Delivery of Concrete, and
- (b) invite, in accordance with Clause 167 "Open Tendering" of the Local Government (General Regulation) 2005, fresh tenders.

MINUTE

i Item 6 TENDER - DEBRIS FENCING AT MOUNT PANORAMA (36.00507)
MOVED: Cr W Aubin SECONDED: Cr M Coote

RESOLVED: That Council accept:

- (a) the tender of Bathurst Welding Works Ltd in the amount of \$81,829 (inc. GST) for Separable Portion A
- (b) the tender of Lumax Engineering Co Pty Ltd in the amount of \$149,721 (inc. GST) for Separable Portion B

for the fabrication of debris fencing for Pit Straight Mount Panorama, subject to adjustments and provisional items.

CONFIDENTIAL MAYORAL MINUTE

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

11 DECEMBER 2013

MINUTE

- k Item 1 GENERAL MANAGER'S APPRAISAL (35.01136)
MOVED: Cr G Rush SECONDED: Nil

The General Manager declared a pecuniary interest in this item and left the Chamber.

Reason: Concerns employment contract.

RESOLVED: That Council note:

- (a) the performance review of the General Manager, which was rated as better than satisfactory;
- (b) that the General Manager's employment package has been set at \$302,658.

MINUTE

49 RESOLVE INTO OPEN COUNCIL
MOVED: Cr M Morse SECONDED: Cr W Aubin

RESOLVED: That Council resume Open Council.

MINUTE

50 **ADOPT REPORT OF THE COMMITTEE OF THE WHOLE**
MOVED: Cr M Coote SECONDED: Cr J Jennings

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

MINUTE

51 MEETING CLOSE

The Meeting closed at 7.55 pm.

CHAIRMAN: _____

Date: _____ **(5 February 2013)**