



ORDINARY MEETING OF
BATHURST REGIONAL COUNCIL

8 July 2015

His Worship the Mayor & Councillors

Notice of Ordinary Meeting of Bathurst Regional Council - Wednesday, 15 July 2015

I have to advise that an **Ordinary Meeting** of Bathurst Regional Council will be held in the Council Chambers on Wednesday, 15 July 2015 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 'DJS', is positioned above the typed name.

D J Sherley
GENERAL MANAGER

BUSINESS AGENDA

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

TO BE HELD ON WEDNESDAY, 15 JULY 2015

1. 6:00 PM - MEETING COMMENCES

2. PUBLIC QUESTION TIME

3. PRAYER

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

4. APOLOGIES

5. MINUTES

* MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 17 JUNE 2015

6. DECLARATION OF INTEREST

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

7. MAYORAL MINUTE - Nil

8. RECEIVE AND DEAL WITH DIRECTORS' REPORTS

* DIRECTOR ENVIRONMENTAL PLANNING & BUILDING SERVICES' REPORT

* DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT

* DIRECTOR ENGINEERING SERVICES' REPORT

* DIRECTOR CULTURAL & COMMUNITY SERVICES' REPORT

9. REPORTS OF OTHER COMMITTEES

* MINUTES - POLICY COMMITTEE MEETING - 1 JULY 2015

* MINUTES - TRAFFIC COMMITTEE MEETING - 7 JULY 2015

10. NOTICES OF MOTION - Nil

11. RESCISSION MOTIONS

* We the following Councillors hereby give notice of rescission of the following motion of Council of 17 June 2015.

LEASE OF HANGAR - BATHURST AERODROME TO BURKES TRANSPORT PTY LTD
(21.00083)

RESOLVED: That Council confirm the lease conditions for Lot 4 DP847356 located at Bathurst Aerodrome with Burkes Transport Bathurst as approved by Council on 21 November 2012.

Dated: 17 June 2015

Signed: Cr Warren Aubin
Cr Bobby Bourke
Cr Monica Morse

12. DELEGATES REPORTS

- * CENTROC BOARD MEETING 28 MAY 2015 (PARLIAMENT HOUSE, SYDNEY)
- * COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 10 JUNE 2015
- * MINUTES - BATHURST REGIONAL YOUTH COUNCIL - 23 JUNE 2015

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 RESIDENTIAL LEASE - LOT 127 IN DP249576 KNOWN AS 12 WHITEMAN PLACE, 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.
2	PROPOSED PURCHASE OF LOT 5 IN DP847225 LOCATED AT 197 LIMEKILNS ROAD, KELSO	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
3	PROPOSED NEW RURAL LICENCE AGREEMENT - LOT 2 IN DP154468 KNOWN AS 14 STEPHENS LANE 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.
4	EXPRESSION OF INTEREST - LOT 1 IN DP623416 AND LOT 4 IN DP845477 LOCATED AT ZANTE LANE 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	BATHURST 12 HOUR EVENT	10A (2) (c) – contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. Discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it would prejudice council's position in negotiating commercial and or financial arrangements.
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*** DIRECTOR ENGINEERING SERVICES' REPORT**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	TENDER FOR SUPPLY AND INSTALLATION OF SEWER CARRIER MAIN - STAGE 1 AND 2 EAST EGLINTON	10A (2) (g) – contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.
2	TENDER FOR THE CONSTRUCTION OF CIVIL WORKS AT EGLINTON RESIDENTIAL ESTATE – STAGE 100	10A (2) (g) – contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.
3	TENDER FOR THE UPGRADE OF WATER SUPPLY FOR EGLINTON – HAMILTON STREET	10A (2) (g) – contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

*** GENERAL MANAGER'S REPORT**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	LEASE OF HANGAR - BATHURST AERODROME TO BURKES TRANSPORT PTY LTD	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on

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

15. ADOPT REPORT OF THE COMMITTEE OF THE WHOLE

16. MEETING CLOSE

MINUTE

1
COMMENCES

MEETING

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 Oberon Mayor, John McMahon

MINUTE

3 PUBLIC QUESTION TIME

B Triming – resident

- Skating Rink - congratulated all persons involved in this event. Noted event organisers, when setting up the event, were aware of disability access issues.
- Local news coverage - asked will Council look at making representations about new media laws, as may lose local broadcasts. This is not good for the local area.

The Mayor will take issue on media on notice and check into the matter.

MINUTE

4 APOLOGIES MOVED: Cr I North SECONDED: Cr M Coote

RESOLVED: That the apology for the late arrival from Cr Aubin be accepted and leave of absence granted.

MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

1 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 17 JUNE 2015 (11.00005)

Recommendation: That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 17 June 2015 be adopted.

Report: The Minutes of the Ordinary Meeting of Bathurst Regional Council held 17 June 2015, 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
- 17 JUNE 2015 (11.00005)

MOVED: Cr G Westman SECONDED: Cr I North

RESOLVED: That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 17 June 2015 be adopted.

**MINUTES OF THE ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
HELD ON 17 JUNE 2015**

MEETING COMMENCES

1 MEETING COMMENCES 6:00 PM

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

PUBLIC QUESTION TIME

2 PUBLIC QUESTION TIME

G Smith – Bathurst Heritage Action Network - DCSF Item #12 (l) - Heritage Funding

Spoke to economic heritage study for tourism, would like to see this funded. Noted economic benefits of heritage tourism to a region. Referred to studies in Western Australia and the USA. There is enormous potential for Bathurst in this area, and would like to signal to Council the benefits of the study.

P Dowling - resident

- **Thanks to Staff** - Employees Craig, Bob, and Kyle - praised efforts they put into clearing drain in Peel Street. Asked that a thank you be given to these employees.
- **Mount Panorama sign** - Requested Council put the word Bathurst permanently on the Mount. This would generate great benefits. Perhaps some of the unspent Mount Panorama Section 356 funds could be put towards a permanent sign.

The Mayor spoke to Destination Management Plan process and the branding of the city, could be considered as an item in this process.

I MacPherson – National Trust - DEPBS Item #3 - DA 2014/0506

Spoke to mix up in not attending the Discussion Forum and the submission by the National Trust. The DA, whilst not perfect is a high point, as it reinforces the type of development we want in our town; e.g. building requirements, design elements, as proposed. The sign is still too high, could it be 5 metres? The DA works on ensuring the development fits in.

K Waldron – St Pats Junior Rugby League Club - DCSF Item #12 (j) - Hereford Street Sporting Fields

Supports the proposed development of extra fields on Hereford Street. The fields will be of benefit to many sports, not just League.

APOLOGIES

- 3 **APOLOGIES**
MOVED Cr B Bourke and **SECONDED** Cr W Aubin

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

MINUTES

- 4 **Item 1 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 20 MAY 2015 (11.00005)**
MOVED Cr W Aubin and **SECONDED** Cr M Coote

RESOLVED: That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 20 May 2015 be adopted.

- 5 **Item 2 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 3 JUNE 2015 (11.00005)**
MOVED Cr G Westman and **SECONDED** Cr M Coote

RESOLVED: That the Minutes of the Ordinary Meeting of Council following Policy held on 3 June 2015 be adopted.

DECLARATION OF INTEREST

- 6 **DECLARATION OF INTEREST 11.00002**
MOVED Cr J Jennings and **SECONDED** Cr M Morse

RESOLVED: That the following Declarations of Interest be noted.

Cr Coote

Item #12 (e) of the Director Corporate Services & Finance's report.

Item #1 of the Director Corporate Services & Finance's Confidential report.

Cr Westman

Item #12 (h) of the Director Corporate Services & 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 G Westman and **SECONDED** Cr M Coote

RESOLVED: That the information be noted.

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

RESOLVED: That the information be noted.

- 9** **Item 3 DEVELOPMENT APPLICATION NO 2014/0506 – DEMOLITION OF EXISTING BUILDINGS, CONSTRUCTION OF SERVICE STATION WITH CONVENIENCE STORE AND ADVERTISING SIGNAGE AT 267 & 269 STEWART STREET, BATHURST. APPLICANT: ISAAC PROPERTY DEVELOPMENTS BATHURST PTY LTD. OWNER: ISAAC PROPERTY DEVELOPMENTS BATHURST PTY LTD (DA/2014/0506)**
MOVED Cr B Bourke and **SECONDED** Cr M Coote

RESOLVED: That Council:

- (a) as the consent authority, grant consent pursuant to section 80 of the Environmental Planning and Assessment Act 1979 to Development Application No 2014/0506, subject to conditions able to be imposed pursuant to section 80(A) of the Environmental Planning and Assessment Act 1979, as amended and including conditions to the effect that:
- (i) Deliveries and waste collection are only to occur during the following timeframes:
- Waste Collection – only between the hours of 7:00am and 10:00pm.
 - Fuel delivery and large truck deliveries – only between the hours of 7:00am and 10:00pm.
 - Small truck deliveries – only between the hours of 7:00am and 10:00pm.
- (ii) The proposed building is to be redesigned so that the external appearance will be compatible with the heritage significance and streetscape qualities of the site and the Heritage Conservation Area and in particular:
- a) Create a faux parapet to replicate the parapet detailing (including the insert panels) from the eastern elevation on the northern elevation.
 - b) Detail the panels on the eastern and northern façades to include some recessing and trim.
 - c) Provide details (dimensions and materials) of the proposed verandah

posts.

- d) Provide detailing to the eastern elevation either side of the parcel lockers in the form of windows or recessed banding.
 - e) Centre the parcel lockers.
 - f) Include a picket or open metal panel within the front boundary fence treatment and increase the height of the fence pillars to 1.5m.
 - g) Proposed pylon sign is to be redesigned to match the height of the proposed canopy.
 - h) Extend the redesigned brick fence along the eastern elevation to include the section in front of the proposed building.
 - i) Extend the brick retaining wall/fence along the northern elevation through to the front boundary
- (iii) Prior to the commencement of demolition, the developer is to submit to Council at least two printed photographs and either photographic negatives or a CD containing high quality digital copies of the church in accordance with the guidelines for photographic recording of sites for which approval has been granted for demolition.
- (iv) During the carrying out of the proposed works, if any archaeological remains are discovered, the developer is to stop works immediately and notify the Heritage Division, NSW Office of Environment & Heritage. Any such find is to be dealt with appropriately and in accordance with the Heritage Act 1977, recorded, and details given to Council prior to the continuing of works.
- (v) As much as possible, the original materials are to be salvaged from the demolition of the building. Prior to the issue of Construction Certificate, a schedule of materials that will be reused is to be provided to Council. Materials to be reused are to be stored on site where possible, or in an off site location where these materials are readily accessible for re-use on the building/s. The Director of Environmental, Planning & Building Services is to be notified of the location, should the materials be stored off site.

(b) notify those that made submissions of its decision

(c) call a division.

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

The result of the division was:

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

Against the motion - Nil

Absent - Cr I North,

Abstain - Nil

10 Item 4 BATHURST REGIONAL LOCAL ENVIRONMENTAL PLAN 2014 AMENDMENT NO 5 – REZONING AND RECLASSIFICATION OF ALEC LAMBERTON FIELD, LOT 7, DP 620655, LEE STREET KELSO AND BATHURST REGIONAL DEVELOPMENT CONTROL PLAN 2014 AMENDMENT NO 5 (20.00291)

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

RESOLVED: That Council:

- (a) prepare a Planning Proposal in accordance with the NSW Department of Planning and Environment Guidelines to rezone Lot 7, DP 620655 from RE1 Public Recreation to IN1 General Industrial and reclassify it from Community to Operational;
- (b) forward the Planning Proposal to the NSW Department of Planning and Environment requesting a Gateway Determination;
- (c) accept any delegations from the NSW Department of Planning and Environment in relation to this Planning Proposal;
- (d) prepare an amendment to the Bathurst Regional Development Control Plan 2014 to support the rezoning of the land to an industrial use; and
- (e) call a division.

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

The result of the division was:

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

Against the motion - Nil

Absent - Cr I North,

Abstain - Nil

11 Item 5 BATHURST REGIONAL LOCAL ENVIRONMENTAL PLAN 2014 URBAN RELEASE AREAS (20.00143)

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

RESOLVED: That the information be noted.

12 Item 6 BATHURST REGION HERITAGE STRATEGY - ANNUAL REPORT 2014/15 (20.00123)

MOVED Cr B Bourke and **SECONDED** Cr J Jennings

RESOLVED: That the information be noted.

13 Item 7 EVOCITIES MTB (MOUNTAIN BIKE) SERIES (20.00071)

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

RESOLVED: That the information be noted.

- 14** **Item 8 SMALL BIZ BUS (20.00071)**
MOVED Cr W Aubin and **SECONDED** Cr M Morse

RESOLVED: That the information be noted.

Director Corporate Services & Finance's Report

- 15** **Item 1 STATEMENT OF INVESTMENTS (16.00001)**
MOVED Cr B Bourke and **SECONDED** Cr J Jennings

RESOLVED: That the information be noted.

- 16** **Item 2 YEAR TO DATE MONTHLY REVIEW - 2014-2018 DELIVERY PLAN AND ANNUAL OPERATING PLAN 2014-2015 (16.00137)**
MOVED Cr M Coote and **SECONDED** Cr G Westman

RESOLVED: That the information be noted.

- 17** **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 W Aubin

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

- 18** **Item 4 POWER OF ATTORNEY (11.00007)**
MOVED Cr G Westman and **SECONDED** Cr J Jennings

RESOLVED: That the information be noted.

- 19** **Item 5 REQUEST FOR FINANCIAL ASSISTANCE - ANGLICAN PARISH OF KELSO (18.00004-31)**
MOVED Cr M Coote and **SECONDED** Cr M Morse

RESOLVED: That Council not contribute \$2,000 towards the cost of a street sign in Gilmour Street, Kelso and advise the Anglican Parish of Kelso of Council's decision.

20 **Item 6 REBELLION ON THE TURON - PROPOSED CLOSURE OF DENISON STREET, SOFALA (18.00004-31)**

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

RESOLVED: That Council:

- (a) support the closure of Denison and Davis Streets, Sofala during the celebration of the Rebellion on the Turon in Sofala on Saturday, 12 and Sunday, 13 March 2016 subject to the necessary approvals being obtained.
- (b) provide \$400 for advertising and the supply of traffic barriers, to be funded from the 2015/2016 Section 356 donations.

21 **Item 7 REQUEST FOR FINANCIAL ASSISTANCE - 2016 BATHURST STREET AND CUSTOM MOTORCYCLE SHOW (18.00004)**

MOVED Cr B Bourke and **SECONDED** Cr M Coote

RESOLVED: That Council donate the cost of the road closures to a maximum of \$800 for the 2016 Bathurst Street and Custom Motorcycle Show to be held Saturday, 6 February 2016, to be funded from the 2015/2016 Mount Panorama Section 356 donations.

22 **Item 8 REQUEST FOR FINANCIAL ASSISTANCE - BATHURST PRIMARY SCHOOLS' SPORTS ASSOCIATION (18.00004)**

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

RESOLVED: That Council waive the fee of \$214 for the use of the Police Compound and toilets at McPhillamy Park by the Bathurst District Primary School Sports Association for the District Cross Country Carnival held at Mount Panorama, to be funded from Council's Mount Panorama Fee Subsidy.

23 **Item 9 REQUEST FOR FINANCIAL ASSISTANCE - MACKILLOP COLLEGE (18.00195)**

MOVED Cr B Bourke and **SECONDED** Cr W Aubin

RESOLVED: That Council waive the fee of \$536 to MacKillop College to cover the cost of hanging the banner across William Street, to be funded from Section 356 Donations for 2015/2016.

24 **Item 10 REQUEST FOR FINANCIAL ASSISTANCE - BATHURST CITY COMMUNITY CLUB (18.00303)**

MOVED Cr M Morse and **SECONDED** Cr B Bourke

RESOLVED: That for the 2015/2016 year, Council provide the following subsidy to the Bathurst City Community Club:

- (a) Payment of the General Rates which will amount to approximately \$8,300.

- (b) Provide water at the subsidised rate as shown in Council's Revenue Policy on water charges, approximate value of \$6,500.

25 **Item 11 SUBMISSION TO NSW STATE GOVERNMENT - FIT FOR THE FUTURE (18.00300)**

MOVED Cr W Aubin and **SECONDED** Cr B Bourke

RESOLVED: That Council adopt the Bathurst Regional Council Fit for the Future Submission and forward the submission to IPART.

26 **Item 12 SUBMISSIONS - DRAFT DELIVERY PLAN 2015-2019 AND ANNUAL OPERATING PLAN 2015/2016 (16.00140)**

MOVED Cr G Westman and **SECONDED** Cr J Jennings

RESOLVED: That Council consider the submissions individually.

27 **Item 12.01 SUBMISSIONS - DRAFT DELIVERY PLAN 2015-2019 AND ANNUAL OPERATING PLAN 2015/2016 (16.00140)**

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

(a) Pricing structure for locally based aircraft in 2-5T MTOW category and Avdata Landing Fees

RESOLVED: That Council:

- (a) In relation to its pricing structure for locally based aircraft in the 2-5T MTOW category, maintain status quo of the per tonne charge as provided for in the Revenue Policy.
- (b) Not vary the Avdata charge as requested.

28 **Item 12.02 SUBMISSIONS - DRAFT DELIVERY PLAN 2015-2019 AND ANNUAL OPERATING PLAN 2015/2016 (16.00140)**

MOVED Cr B Bourke and **SECONDED** Cr J Jennings

(b) Rural Fire Service

RESOLVED: That Council not accept the increased charges for the Rural Fire Fighting Fund Allocation for 2015/2016.

29 **Item 12.03 SUBMISSIONS - DRAFT DELIVERY PLAN 2015-2019 AND ANNUAL OPERATING PLAN 2015/2016 (16.00140)**

MOVED Cr B Bourke and **SECONDED** Cr W Aubin

(c) Roads to Recovery

RESOLVED: That Council amend the DP/AOP to include the proposed works that have been funded through additional Roads to Recovery grants.

30 Item 12.04 SUBMISSIONS - DRAFT DELIVERY PLAN 2015-2019 AND ANNUAL OPERATING PLAN 2015/2016 (16.00140)

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

(d) Objection to Increased Rates

RESOLVED: That Council not amend the DP/AOP to remove rate increases.

31 Item 12.05 SUBMISSIONS - DRAFT DELIVERY PLAN 2015-2019 AND ANNUAL OPERATING PLAN 2015/2016 (16.00140)

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

(e) Bathurst Aquatic Centre - spectator fee

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

Reason: Brother-in-law Vice President and Registrar of Swimming Club.

RESOLVED: That Council not amend the DP/AOP in relation to the Bathurst Aquatic Centre spectator fee and the Family Annual Swimming Pass in the Revenue Policy.

32 Item 12.06 SUBMISSIONS - DRAFT DELIVERY PLAN 2015-2019 AND ANNUAL OPERATING PLAN 2015/2016 (16.00140)

MOVED Cr J Jennings and **SECONDED** Cr M Coote

(f) Inland Sea of Sound

RESOLVED: That Council amend the DP/AOP to include expenditure for the Inland Sea of Sound in the sum of \$30,000.

33 Item 12.07 SUBMISSIONS - DRAFT DELIVERY PLAN 2015-2019 AND ANNUAL OPERATING PLAN 2015/2016 (16.00140)

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

(g) Sports Marketing Study

RESOLVED: That Council amend the DP/AOP in relation to the Sports Marketing Study, to include funding of \$30,000 to be funded from the Parks & Gardens Reserve.

34 Item 12.08 SUBMISSIONS - DRAFT DELIVERY PLAN 2015-2019 AND ANNUAL OPERATING PLAN 2015/2016 (16.00140)

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

(h) Objection to budget - BMX track

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

Reason: **BMX Club Secretary.**

RESOLVED: That Council not amend the DP/AOP in relation to the allocation of funding.

35 Item 12.09 SUBMISSIONS - DRAFT DELIVERY PLAN 2015-2019 AND ANNUAL OPERATING PLAN 2015/2016 (16.00140)

MOVED Cr M Coote and **SECONDED** Cr B Bourke

(i) Destination Management Plan

RESOLVED: That Council amend its DP/AOP to include an amount of \$150,000 for the implementation of the Destination Management Plan.

36 Item 12.1 SUBMISSIONS - DRAFT DELIVERY PLAN 2015-2019 AND ANNUAL OPERATING PLAN 2015/2016 (16.00140)

MOVED Cr B Bourke and **SECONDED** Cr W Aubin

(j) Hereford Street Sporting fields

RESOLVED: That the information be noted.

37 Item 12.11 SUBMISSIONS - DRAFT DELIVERY PLAN 2015-2019 AND ANNUAL OPERATING PLAN 2015/2016 (16.00140)

MOVED Cr M Morse and **SECONDED** Cr J Jennings

(k) Items raised by Crs Morse, North and Jennings

RESOLVED: That \$5,000 be allocated from the Parks Improvement Reserve to fund a report into a feasibility study regarding Central Business District (CBD) bench seating.

38 Item 12.12 SUBMISSIONS - DRAFT DELIVERY PLAN 2015-2019 AND ANNUAL OPERATING PLAN 2015/2016 (16.00140)

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

(l) Heritage Funding

RESOLVED: That Council not amend the DP/AOP in relation to the submission from the Bathurst 2036 Heritage Action Network.

- 39** **Item 12.13 SUBMISSIONS - DRAFT DELIVERY PLAN 2015-2019 AND ANNUAL OPERATING PLAN 2015/2016 (16.00140)**
MOVED Cr M Coote and **SECONDED** Cr W Aubin

(m) Bridle Track

RESOLVED: That Council not amend the DP/AOP to fund Bridle Track works.

- 40** **Item 12.14 SUBMISSIONS - DRAFT DELIVERY PLAN 2015-2019 AND ANNUAL OPERATING PLAN 2015/2016 (16.00140)**
MOVED Cr M Coote and **SECONDED** Cr W Aubin

(n) Bathurst Regional Access Committee

RESOLVED: That Council not amend the DP/AOP in respect of the submission received.

- 41** **Item 12.15 SUBMISSIONS - DRAFT DELIVERY PLAN 2015-2019 AND ANNUAL OPERATING PLAN 2015/2016 (16.00140)**
MOVED Cr M Coote and **SECONDED** Cr G Westman

(o) Sewerage Access Charge

RESOLVED: That Council not amend the DP/AOP in respect of the submission received.

- 42** **Item 12.16 SUBMISSIONS - DRAFT DELIVERY PLAN 2015-2019 AND ANNUAL OPERATING PLAN 2015/2016 (16.00140)**
MOVED Cr M Coote and **SECONDED** Cr B Bourke

(p) Submission from Mr G A Crisp

RESOLVED: That Council not amend the DP/AOP in respect of the submission received from Mr G A Crisp.

- 43** **Item 12.17 SUBMISSIONS - DRAFT DELIVERY PLAN 2015-2019 AND ANNUAL OPERATING PLAN 2015/2016 (16.00140)**
MOVED Cr M Coote and **SECONDED** Cr W Aubin

(q) Revenue Policy amendments

RESOLVED: That Council amend the DP/AOP in respect of the submission received from the Director, Cultural & Community Services.

44 Item 13 DELIVERY PLAN 2015-2019 AND ANNUAL OPERATING PLAN 2015/2016 (16.00140)

MOVED Cr M Coote and **SECONDED** Cr B Bourke

RESOLVED: That, following consideration of the submissions received by Council, the Draft Delivery Plan 2015-2019 and Annual Operating Plan 2015/2016 be adopted as the Bathurst Regional Council Delivery Plan and Annual Operating Plan, subject to the inclusion of any amendment adopted as a result of the submissions received, and all expenditure and income items incorporated in the Annual Operating Plan 2015/2016 be voted.

Further, that Councillors remuneration be set at the maximum level for the category Regional Rural as published by the Local Government Remuneration Tribunal.

45 Item 14 2015/2016 REVENUE POLICY (16.00140)

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

RESOLVED: That, following consideration of the submissions received by Council, the Revenue Policy for 2015/2016, as presented to Council, be adopted as the Bathurst Regional Council 2015/2016 Revenue Policy with the inclusion of any amendments adopted as a result of the submissions received.

46 Item 15 2015/2016 RATE LEVY (16.00140)

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

RESOLVED: That Council formally resolve to make the following rates and charges in relation to the 2015/2016 Rating Year.

- (a) ORDINARY RATES FOR 2015/2016 - That in accordance with Sections 534 and 535 of the Local Government Act, 1993, WHEREAS the Bathurst Delivery Plan 2015-2019 and Annual Operating Plan 2015/2016 for the twelve months to 30 June 2016 was adopted by the Council on 17 June 2015 it is hereby recommended that:
1. a **Residential Rate** of zero point two eight three four seven nine (0.283479) cents in the dollar on the land value of all rateable land categorised as Residential in accordance with Section 516 of the Local Government Act, 1993 excepting those parcels of land sub-categorised as "Residential Town/Villages", AND THAT
 2. a **Residential Town/Villages Rate** of zero point nine two four two seven seven (0.924277) cents in the dollar on the land value of all rateable land sub-categorised as Residential – Town/Villages, in accordance with Section 529(2) (b) of the Local Government Act, 1993, AND THAT
 3. a **Farmland Rate** of zero point two one five eight seven zero (0.215870) cents

in the dollar on the land value of all rateable land categorised as Farmland in accordance with Section 515 of the Local Government Act, 1993, AND THAT

4. a **Business Rate** of zero point four three six five two eight (0.436528) cents in the dollar on the land value of all rateable land categorised as Business in accordance with Section 518 of the Local Government Act, 1993, excepting those parcels of land sub-categorised as "Business Bathurst City", "Business Forest Grove", "Business Ceramic Avenue", "Business Eglinton Non-Urban", "Business Orton Park", "Business Stewarts Mount", "Business Evans Plains" AND THAT
5. a **Business Bathurst City Rate** of one point eight zero nine six three seven (1.809637) cents in the dollar on the land value of all rateable land sub-categorised as Business Bathurst City in accordance with Section 529(2)(d) of the Local Government Act, 1993, AND THAT
6. a **Business Forest Grove Rate** of one point five six six three three three (1.566333) cents in the dollar on the land value of all rateable land sub-categorised as Business Forest Grove in accordance with Section 529(2)(d) of the Local Government Act, 1993, AND THAT
7. a **Business Ceramic Avenue Rate** of one point five six six three three three (1.566333) cents in the dollar on the land value of all rateable land sub-categorised as Business Ceramic Avenue in accordance with Section 529(2)(d) of the Local Government Act, 1993, AND THAT
8. a **Business Eglinton Non-Urban Rate** of one point five six six three three three (1.566333)cents in the dollar on the land value of all rateable land sub-categorised as Business Eglinton Non-Urban in accordance with Section 529(2)(d) of the Local Government Act, 1993, AND THAT
9. a **Business Orton Park Rate** of one point five six six three three three (1.566333)cents in the dollar on the land value of all rateable land sub-categorised as Business Orton Park in accordance with Section 529(2)(d) of the Local Government Act, 1993, AND THAT
10. a **Business Stewarts Mount Rate** of one point five six six three three three (1.566333) cents in the dollar on the land value of all rateable land sub-categorised as Business Stewarts Mount in accordance with Section 529(2)(d) of the Local Government Act, 1993, AND THAT
11. a **Business Evans Plains Rate** of one point five six six three three three (1.566333) cents in the dollar on the land value of all rateable land sub-categorised as Business Evans Plains in accordance with Section 529(2)(d) of the Local Government Act, 1993, AND THAT
12. a **Mining Rate** of zero point three four four four four nine (0.344449) cents in the dollar on the land value of all rateable land categorised as Mining in accordance with Section 517 of the Local Government Act, 1993,

BE NOW MADE for the 2015/2016 Rating Year subject to the following Minimum and Base Amounts in accordance with Section 548 and Section 499 of the Local Government Act, 1993, AND THAT aggregation of values of certain parcels of land subject to a minimum or base amount in accordance with Section 548A of the Local Government Act, 1993, be permitted.

	Category	Minimum Amount	Base Amount	%Yield Base Amount
1	Residential		\$249.00	33
2	Residential/Town Village	\$354.00		
3	Farmland		\$336.00	25
4	Business	\$275.00		
5	Business Bathurst City	\$378.00		
6	Business Forest Grove	\$378.00		
7	Business Ceramic Avenue	\$378.00		
8	Business Eglinton Non-Urban	\$378.00		
9	Business Orton Park	\$378.00		
10	Business Stewarts Mount	\$378.00		
11	Business Evans Plains	\$378.00		
12	Mining		\$220.00	47

(b) DOMESTIC WASTE MANAGEMENT CHARGES FOR 2015/2016 - That the annual charge for each parcel of rateable land where the service is available under Section 496 of the Local Government Act, 1993, for the weekly removal of garbage and the fortnightly collection of material for recycling for the twelve months commencing 1 July 2015 being two hundred and fifty six dollars (\$256.00) for the provision of one waste mobile bin and one recycle mobile bin be made by the Council, and that the annual charge to be made for each parcel of rateable vacant land where the service is available under Section 496 of the Local Government Act, 1993, for the twelve months commencing 1 July 2015 being five dollars (\$5.00) be made by the Council and further that a charge where the service is provided under Section 496 of the Local Government Act, 1993, for each additional domestic waste collection service of one hundred and seventy seven dollars (\$177.00) per mobile bin and for each additional fortnightly recycling collection service of seventy eight dollars (\$78.00) per mobile bin be made by the Council.

(c) WASTE MANAGEMENT SERVICE CHARGES FOR 2015/2016 (NON DOMESTIC) – That the annual charge where the service is provided under Section 501/502 of the Local Government Act, 1993, for the weekly removal of garbage being one hundred and ninety four dollars and seventy cents (\$194.70) including GST per mobile bin and the fortnightly collection of material for recycling being eighty five dollars and eighty cents (\$85.80) including GST per mobile bin for the twelve months commencing 1 July 2015 be made by the Council.

As a result of changes to GST Legislation, Waste Management Service Charges levied under Section 501 of the Local Government Act, became a taxable supply from 1 July 2013.

(d) WASTE MANAGEMENT SERVICE CHARGES – RURAL AREAS FOR 2015/2016 That the annual waste charge be levied for each rural rateable property that is outside of the waste collection area, Council provides access to rural transfers stations, under Section 501 of the Local Government Act, 1993, for the twelve months commencing 1 July 2015 being eighty two dollars and forty cents (\$82.40) including GST be made by the Council.

As a result of changes to GST Legislation, Waste Management Service Charges

levied under Section 501 of the Local Government Act, became a taxable supply from 1 July 2013.

- (e) WASTE MANAGEMENT VOUCHERS – That the Council provide to all rateable properties eight waste management vouchers, consisting of 4 Mixed Refuse Vouchers consisting of two by 200kg and two by 100kg each and 4 Green Waste Vouchers consisting of two by 200 kg and two by 100kg each, at no charge.
- (f) SEWERAGE CHARGES FOR 2015/2016 – That in accordance with Sections 501,502, 503, 539, 541 and 552 of the Local Government Act, 1993, the following charges are made for the twelve months commencing 1 July 2015.
1. That the annual charge for single residential (including residential strata) and un-metered properties, be five hundred and three dollars and zero cents (\$503.00).
 2. That the annual charge for vacant land be three hundred and twenty dollars and zero cents (\$320.00).
 3. That the annual access charges for non-residential and multiple residential properties are to be the total of the metered charges applicable to the property as shown in the table below multiplied by a sewerage discharge factor.

Size of Water Connection (mm)	Charge for 2015/2016
20	\$454.00
25	\$706.00
32	\$1159.00
40	\$1813.00
50	\$2832.00
65	\$4555.00
80	\$7245.00
100	\$11321.00
150	\$25471.00
Strata Properties (Each non-residential lot)	\$454.00
Assumption School	\$1418.00

4. That the Sewer Usage Charge (Section 502) for non-residential and multiple residential properties be one dollar and forty five cents (\$1.45) per kilolitre of filtered water supplied multiplied by a sewerage discharge factor.

(g) SEWERAGE CHARGES -TRADE WASTE 2015/2016

That in accordance with Sections 501,503, 539, and 541 of the Local Government Act, 1993, the following charges are made for the twelve months commencing 1 July 2015.

1. That the Annual Trade Waste Fee for individual businesses be one hundred and two dollars and seventy cents (\$102.70).
2. That the Annual Trade Waste Fee (Large Discharger) for individual business be six hundred and eighty six dollars and zero cents (\$686.00).

3. That the Trade Usage Charge for non-residential properties be two dollars and thirty cents (\$2.30) per kilolitre of filtered water supplied multiplied by a trade discharge factor.
- (h) WATER CHARGES 2015/2016 – That in accordance with Sections 501,502, 503, 539, 541 and 552 of the Local Government Act, 1993, the following charges are made for the twelve months commencing 1 July 2015.
1. That the annual water availability charges are to be the total of the metered charges applicable to the property as shown in the table below for:

Size of Water Connection (mm)	Charge for 2015/2016 \$
20	\$156.00
25	\$243.00
32	\$399.00
40	\$623.00
50	\$973.00
65	\$1644.00
80	\$2489.00
100	\$3888.00
150	\$8750.00
Hillview Water Supply	\$141.00

2. That the minimum annual water availability charge for each unit within a Strata development be one hundred and fifty six dollars and zero cents (\$156.00).
3. That the annual water availability charge for vacant unconnected land be one hundred and fifty six dollars and zero cents (\$156.00).
4. That the annual water availability charge for unmetered or unconnected properties be six hundred and sixty five dollars and zero cents (\$665.00).
5. That if water pressure at a property is less than 120 kpa, then a larger service may attract a charge of one hundred and fifty six dollars and zero cents (\$156.00).
6. That Water Usage Charges (Section 502) be as follows in the below table.

Type	Consumption	Tariff per kilolitre for 2015/2016
Hillview Estate Water Supply	First 250 kl	\$1.89
	> 250 kl	\$3.78
Residential Filtered	First 250 kl	\$1.80
	> 250 kl	\$2.70
Residential Raw	First 250 kl	\$0.79
	> 250 kl	\$1.19
Other Filtered	First 250 kl	\$1.80

	> 250 kl	\$2.70
Other Raw	First 250 kl	\$0.79
	> 250 kl	\$1.19
Large Industrial Filtered	>0 kl	\$1.54
Large Industrial Raw	>0 kl	\$0.99
Community Clubs:	First 18,000 kl	\$0.71
Golf, Majellan & Bathurst Community Club	>18,000kl, <31,999kl	\$0.94
	>32,000kl	\$1.40
Strata Unit property	First 250 kl (for each unit)	\$1.80
	>250 kl (for each unit)	\$2.70
Home Dialysis – subject to doctors certificate	First 200 kl	Free
	200kl-250 kl	\$1.80
	>250 kl	\$2.70
Hospital	1 st x patient average	Free
	Balance per KL	\$2.70

- (i) Included in this year's Bathurst Delivery Plan 2015-2019 and Annual Operating Plan 2015/2016 in the Water Fund are amounts for Operational expenditure at the Aquatic Centre. This is to be financed from revenue raised from the Water Fund as detailed in the Plan.
- (j) INTEREST ON OVERDUE RATES AND CHARGES FOR 2015/2016 – That in accordance with Section 566 of the Local Government Act, 1993 Council charge interest on overdue rates at a rate of 8.5% per annum for the 12 month period commencing 1 July 2015 as advised by the Minister.
- (k) The rates and charges have been based upon the advertised estimates of income and expenditure, which provided for increases in Ordinary Rates of 2.4%, a 5.0% increase in Sewer Charges, Waste Charges have been calculated on the basis of the reasonable cost of providing the service and Water Charges have been calculated on achieving a 25/75 basis (25% access charge and 75% usage charge) based on the Best Practice Guidelines introduced by the NSW Office of Water, August 2007.

Director Engineering Services' Report

47 **Item 1 PROPOSED COMPULSORY ACQUISITION FOR ROAD WIDENING LOT 14 DP1191218, 68 LEE STREET KELSO (25.00074-02)**
MOVED Cr B Bourke and **SECONDED** Cr W Aubin

RESOLVED: That Council make application to the Minister and/or Governor for the compulsory acquisition of Lot 14 DP1191218 located at 68 Lee Street, Kelso, for the construction of a new water main. The application is to:

- (a) Follow the provisions of the Roads Act 1993;
- (b) The procedures set out in the Land Acquisition (Just Terms Compensation) Act 1991.

- (c) Apply for a shorter period of 60 days for the acquisition; and
- (d) Not include mineral rights.

The acquired land is to be classified as operational land, as detailed in the Director Engineering Services' report.

**48 Item 2 PROPOSED DEDICATION OF PATHWAY AT KELSO (28.00016-05)
MOVED Cr B Bourke and SECONDED Cr G Westman**

RESOLVED: That:

- (a) Council approve the dedication to Council of the pathway located at Lot 11 DP 1167037, and
- (b) the land be classified as operational land.

**49 Item 3 CLASSIFICATION OF LAND AT OPHIR ROAD ABERCROMBIE (22.15244)
MOVED Cr M Coote and SECONDED Cr J Jennings**

RESOLVED: That Council approve the classification of Lot 135 DP1189576 containing a sewer pump station and infrastructure located at Ophir Road, Abercrombie, as Operational Land, subject to the information contained in the Director Engineering Services' report.

**50 Item 4 CLASSIFICATION OF LAND AT O'FARRELL PLACE, KELSO (04.00143)
MOVED Cr M Coote and SECONDED Cr B Bourke**

RESOLVED: That Council approve the classification of Lot 319 and Lot 320 DP1205931 located at O'Farrell Place, Kelso, as Operational Land, subject to the information contained in the Director Engineering Services' report.

Director Cultural & Community Services' Report

**51 Item 1 VACATION CARE - ASSESSMENT AND RATING PROCESS (09.00005)
MOVED Cr B Bourke and SECONDED Cr G Westman**

RESOLVED: That the information be noted.

**52 Item 2 BATHURST CITY COMMUNITY CLUB - A DELIGHTFUL SPOT EXHIBITION (20.00242)
MOVED Cr J Jennings and SECONDED Cr M Morse**

RESOLVED: That the information be noted.

- 53** **Item 3 BATHURST MEMORIAL ENTERTAINMENT CENTRE - THE FIRST SYDNEY / BATHURST WRITERS' FESTIVAL (21.00069)**
MOVED Cr G Westman and **SECONDED** Cr J Jennings

RESOLVED: That the information be noted.

- 54** **Item 4 BATHURST REGIONAL ART GALLERY - BRAG 200X200 EXHIBITION (21.00002)**
MOVED Cr M Morse and **SECONDED** Cr J Jennings

RESOLVED: That the information be noted.

- 55** **Item 5 BATHURST REGIONAL ART GALLERY - MUSEUMS AND GALLERIES NATIONAL AWARD (MAGNA) FOR BATHURST POSSUM SKIN CLOAK HEALING WORKSHOP (21.00002)**
MOVED Cr B Bourke and **SECONDED** Cr M Morse

RESOLVED: That the information be noted.

- 56** **Item 6 AUSTRALIAN FOSSIL & MINERAL MUSEUM - DONATION BY FRIENDS OF THE AUSTRALIAN FOSSIL AND MINERAL MUSEUM (21.00107)**
MOVED Cr W Aubin and **SECONDED** Cr M Coote

RESOLVED: That Council acknowledge the donation from the Friends of the Australian Fossil and Mineral Museum.

REPORTS OF OTHER COMMITTEES

Policy Committee Meeting

- 57** **Item 1 MINUTES - POLICY COMMITTEE MEETING - 3 JUNE 2015 (07.00064)**
MOVED Cr B Bourke and **SECONDED** Cr M Coote

RESOLVED: That the recommendations of the Policy Committee Meeting held on 3 June 2015 be adopted.

Traffic Committee Meeting

- 58** **Item 1 MINUTES - TRAFFIC COMMITTEE MEETING - 2 JUNE 2015 (07.00006)**

MOVED Cr W Aubin

and **SECONDED** Cr M Coote

RESOLVED: That the recommendations of the Traffic Committee Meeting held on 2 June 2015 be adopted.

DELEGATES REPORTS

59

**Item 1 COUNCILLORS MEETING WITH COMMUNITY
GROUPS/REPRESENTATIVES - 13 MAY 2015 (11.00019)**

MOVED Cr B Bourke

and **SECONDED** Cr J Jennings

RESOLVED: That the information be noted.

60

**Item 2 MINUTES - BATHURST REGIONAL YOUTH COUNCIL - 12 MAY 2015
(11.00020)**

MOVED Cr M Coote

and **SECONDED** Cr G Westman

RESOLVED: That the information be noted.

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

61

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

MOVED Cr M Coote

and **SECONDED** Cr G Westman

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
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		CONFIDENTIALITY
1	MOUNT PANORAMA LAND	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
2	RENEWAL OF RURAL LICENCE AGREEMENT - PART LOT 221 DP1147157 LOCATED ON STEPHENS LANE KELSO	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
3	RENEWAL OF LICENCE AGREEMENT - W.T.H. PTY LTD T/AS AVIS AUSTRALIA AND BUDGET RENT A CAR AUSTRALIA PTY LTD - COUNTER SPACE, TERMINAL BUILDING, BATHURST AERODROME	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 LOT 300 IN DP1099537 KNOWN AS 23 ZAGREB STREET, KELSO INDUSTRIAL PARK	10A (2) (c) – contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. Discussion of the matter in an open meeting would, on balance, be contrary to the

		public interest as it would prejudice council's position in negotiating commercial and or financial arrangements.
5	PROPOSED PURCHASE OF PART LOT 220 IN DP1147157 LOCATED ON HEREFORD STREET KELSO AND SUBSEQUENT SUBDIVISION OF RESIDENTIAL LOT KNOWN AS 150 GILMOUR STREET 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.
6	PROPOSED SALE AND SUBDIVISION OF PART LOT 162 IN DP 1125026 LOCATED ON WHITE ROCK ROAD, WHITE ROCK	10A (2) (c) – contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. Discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it would prejudice council's position in negotiating commercial and or financial arrangements.
7	LAND RELEASE - WINDRADYNE 1000 - STAGE 2 RESIDENTIAL SUBDIVISION	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.
8	WASTEWATER TREATMENT PLANT OPERATIONS	10A (2) (d) (i) - contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who

		supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
9	RENEWAL OF COMMERCIAL PREMISE LEASE AGREEMENT - PART LOT 4 IN DP112509 - STORAGE SHED MT PANORAMA - SIGN EVENT PTY LTD	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
10	FINANCIAL STATEMENT - 2015 BATHURST 12 HOUR	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
11	2015 BATHURST MOTOR FESTIVAL	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

*** DIRECTOR ENGINEERING SERVICES' REPORT**

ITEM	SUBJECT	REASON FOR
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		CONFIDENTIALITY
1	PROPOSED SALE OF LOT 6 DP 559886, 48 GILMOUR STREET, KELSO	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
2	PROPOSED ACQUISITION, PART OF LOT 1 IN DP811656, 212 MOUNTAIN STRAIGHT 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.
3	PROPOSED ACQUISITION OF LAND, PART OF LOT 107 IN DP1189576, EGLINTON ROAD AND CLOSURE OF OPHIR ROAD	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
4	TENDER FOR PROVISION OF SANITARY SERVICES	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would

		prejudice the commercial position of the person who supplied it.
5	TENDER FOR THE SUPPLY, DELIVERY AND PLACEMENT OF SPRAYED BITUMINOUS SURFACING	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
6	TENDER FOR CLEANING OF PUBLIC TOILETS	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	TENDER FOR ROAD STABILISING WORKS	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
8	TENDER FOR THE PROVISION OF TRAFFIC CONTROL SERVICES	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be

		contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
9	TENDER FOR PREFERRED CONTRACTOR LIST	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
10	CENTROC TENDER FOR THE SUPPLY AND DELIVERY OF ROAD SIGNS	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
11	CENTROC TENDER FOR THE SUPPLY OF FUEL	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
12	TENDER FOR CLEANING OF PUBLIC BUILDINGS	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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*** GENERAL MANAGER'S REPORT**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	LEASE OF HANGAR - BATHURST AERODROME TO BURKES TRANSPORT PTY LTD	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

Director Corporate Services & Finance's Report

- a** **Item 1 MOUNT PANORAMA LAND (22.07536, 20.00278)**
MOVED Cr W Aubin and **SECONDED** Cr B Bourke

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

Reason: Mother-in-law dating Mr Rayner.

That, in accordance with Section 31 of the Local Government Act 1993, the Council resolve to classify the land known as Lot 12 DP631593, Lot 5 DP586023, Lot 119 DP750357, Lot 55 DP750357, Lot 12 DP717095, Lot 3 DP749758, Lot 123 DP750357, Lot 11 DP717095, Lot 4 DP532310 and Lot 116 DP 750357 as Operational Land for the purpose of Part 2 of Chapter 6 of the Local Government Act 1993 on the date that Council becomes the owner of the land.

- b** **Item 2 RENEWAL OF RURAL LICENCE AGREEMENT - PART LOT 221 DP1147157 LOCATED ON STEPHENS LANE KELSO (21.00022)**
MOVED Cr M Coote and **SECONDED** Cr G Westman

That Council approves entering into a new Rural Licence agreement with Ms Nicole

Schryver for part Lot 221 in DP1147157 located on Stephens Lane, Kelso for a period of one (1) year with a one (1) year option period as detailed in the report.

- c** **Item 3 RENEWAL OF LICENCE AGREEMENT - W.T.H. PTY LTD T/AS AVIS AUSTRALIA AND BUDGET RENT A CAR AUSTRALIA PTY LTD - COUNTER SPACE, TERMINAL BUILDING, BATHURST AERODROME (21.00044)**
MOVED Cr M Coote and **SECONDED** Cr J Jennings

That Council approves entering into a new Licence agreement with W.T.H. Pty Ltd (t/as Avis Australia) and Budget Rent a Car Australia Pty Ltd for counter space, lockable cabinet and signage together with a return key facility located in the terminal building (part Lot 37 in DP1159302) at the Bathurst Aerodrome for a period of three (3) years as detailed in the report.

- d** **Item 4 PROPOSED SALE OF LOT 300 IN DP1099537 KNOWN AS 23 ZAGREB STREET, KELSO INDUSTRIAL PARK (22.01343)**
MOVED Cr G Westman and **SECONDED** Cr M Coote

That Council approves the sale of Lot 300 in DP1099537 known as 23 Zagreb Street, Kelso Industrial Park, as detailed in the report.

- e** **Item 5 PROPOSED PURCHASE OF PART LOT 220 IN DP1147157 LOCATED ON HEREFORD STREET KELSO AND SUBSEQUENT SUBDIVISION OF RESIDENTIAL LOT KNOWN AS 150 GILMOUR STREET KELSO. (22.02705)**
MOVED Cr G Westman and **SECONDED** Cr B Bourke

That Council enters into negotiations with the owners of Lot 220 in DP1147157 Hereford Street Kelso to purchase the flood prone land on Hereford Street and subdivide the residential portion of the land known as 150 Gilmour Street, Kelso as detailed in the report.

- f** **Item 6 PROPOSED SALE AND SUBDIVISION OF PART LOT 162 IN DP 1125026 LOCATED ON WHITE ROCK ROAD, WHITE ROCK (22.02213)**
MOVED Cr G Westman and **SECONDED** Cr M Coote

That Council approves the sale and subdivision of part Lot 162 in DP1125026 located within the flood zone along White Rock Road as detailed in the report.

- g** **Item 7 LAND RELEASE - WINDRADYNE 1000 - STAGE 2 RESIDENTIAL SUBDIVISION (20.00119)**
MOVED Cr W Aubin and **SECONDED** Cr M Morse

That Council approves:

- (a) the release for sale of sixty-seven (67) lots, namely Lots 1058 to 1124 in current

Lot 136 in DP1123180 in the new residential subdivision located on Barr Street, Twynam Avenue, Poate Street, Matthews Street, Governors Parade and Colville Street to be known as Windradyne 1000 - Stage 2, under the ballot system.

(b) the sale prices as detailed in the report.

- h** **Item 8 WASTEWATER TREATMENT PLANT OPERATIONS (37.00410)**
MOVED Cr B Bourke and **SECONDED** Cr M Coote

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

- i** **Item 9 RENEWAL OF COMMERCIAL PREMISE LEASE AGREEMENT - PART LOT 4 IN DP112509 - STORAGE SHED MT PANORAMA - SIGN EVENT PTY LTD (04.00041)**
MOVED Cr B Bourke and **SECONDED** Cr M Coote

That Council approves entering into a new Commercial Premise Lease Agreement with Sign Event Pty Ltd for the use of a storage shed located on part Lot 4 in DP112509 at Mt Panorama for a period of twelve (12) months with an option period of twelve (12) months as detailed in the report.

- j** **Item 10 FINANCIAL STATEMENT - 2015 BATHURST 12 HOUR (04.00097)**
MOVED Cr W Aubin and **SECONDED** Cr J Jennings

That the information be noted.

- k** **Item 11 2015 BATHURST MOTOR FESTIVAL (04.00125)**
MOVED Cr W Aubin and **SECONDED** Cr B Bourke

That the information be noted.

Director Engineering Services' Report

- l** **Item 1 PROPOSED SALE OF LOT 6 DP 559886, 48 GILMOUR STREET, KELSO (04.00033-06)**
MOVED Cr B Bourke and **SECONDED** Cr G Westman

That Council resolve to accept the offer from the owners of No 48 Gilmour Street, Kelso, for the purchase of the whole of Lot 6 DP559886, and authorise the General Manager to finalise the sale, subject to the information contained in the Director Engineering Services' report.

- m** **Item 2 PROPOSED ACQUISITION, PART OF LOT 1 IN DP811656, 212 MOUNTAIN STRAIGHT MOUNT PANORAMA (22.01415)**
MOVED Cr W Aubin and **SECONDED** Cr J Jennings

That:

- (a) Council approve the preparation of a Plan of Acquisition of part of Lot 1 DP 811656 being 212 Mountain Straight, Mount Panorama, as detailed in the Director Engineering Services' report;
- (b) Council approve the acquisition;
- (c) The acquired land is to be classified as Operational Land.

- n** **Item 3 PROPOSED ACQUISITION OF LAND, PART OF LOT 107 IN DP1189576, EGLINTON ROAD AND CLOSURE OF OPHIR ROAD (22.15121)**
MOVED Cr G Westman and **SECONDED** Cr M Coote

That Council:

- (a) approve the preparation of a Plan of Acquisition of part of Lot 107 DP 1189576 being 18 Parer Road, Bathurst, for road widening purposes as detailed in the Director Engineering Services' report;
- (b) approve the acquisition;
- (c) approve the road closure of part of Eglinton Road and the transfer of this part to the adjoining landowner; and
- (d) the acquired land is to be classified as Operational Land.

- o** **Item 4 TENDER FOR PROVISION OF SANITARY SERVICES (36.00552)**
MOVED Cr G Westman and **SECONDED** Cr M Coote

That Council accept the tender of San Serve Pty Ltd for the amount of \$25,401.20 (inc. GST), for the provision of sanitary services, subject to alterations and provisional items.

- p** **Item 5 TENDER FOR THE SUPPLY, DELIVERY AND PLACEMENT OF SPRAYED BITUMINOUS SURFACING (36.00550)**
MOVED Cr M Morse and **SECONDED** Cr W Aubin

That Council accept the tender from SRS Roads Pty Ltd for the provision of Sprayed Bituminous Surfacing for Contract No. 36.00550.

g **Item 6 TENDER FOR CLEANING OF PUBLIC TOILETS (36.00528)**
MOVED Cr G Westman and **SECONDED** Cr B Bourke

That Council accept the tender of Nimdor Pty Ltd for the amount of \$136,408 (inc. GST), for the cleaning of Council public toilets, subject to alterations and provisional items.

r **Item 7 TENDER FOR ROAD STABILISING WORKS (36.00551)**
MOVED Cr G Westman and **SECONDED** Cr W Aubin

That Council accept the tender from Downer EDI Works for Road Stabilising Work for Contract No. 36.00551.

s **Item 8 TENDER FOR THE PROVISION OF TRAFFIC CONTROL SERVICES (36.00549)**
MOVED Cr W Aubin and **SECONDED** Cr G Westman

That Council accept the tender from Work Control for the Provision of Traffic Control Services for Contract No. 36.00549.

t **Item 9 TENDER FOR PREFERRED CONTRACTOR LIST (36.00490)**
MOVED Cr G Westman and **SECONDED** Cr M Morse

That Council accepts the Preferred Contractor List for the engagement of contractors for minor building works up to the value of \$20,000 (incl. GST) 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 of Tender.

u **Item 10 CENTROC TENDER FOR THE SUPPLY AND DELIVERY OF ROAD SIGNS (07.00017)**
MOVED Cr G Westman and **SECONDED** Cr M Coote

That Council:

- (a) endorse the selection of Artcraft Pty Ltd, Barrier Signs Pty Ltd and De Neeffe Pty Ltd as members of Council's panel for supply of road signs;
- (b) advise Centroc of its decision.

v **Item 11 CENTROC TENDER FOR THE SUPPLY OF FUEL (15.00017 & 07.00017)**
MOVED Cr G Westman and **SECONDED** Cr W Aubin

That Council take up the option to extend the current contract (S1_2013D) for fuel supply for a further 12 months to 30 June 2016.

- w **Item 12 TENDER FOR CLEANING OF PUBLIC BUILDINGS (36.00553)**
MOVED Cr G Westman and **SECONDED** Cr B Bourke

That Council accept the tenders of (incl GST):

- (a) Nimdor Cleaning Services for \$87,600.00 [for Separable Portion (i)]
- (b) Northern Contract Cleaning for \$120,120.00 [for Separable Portion (ii)]
- (c) Northern Contract Cleaning for \$61,490.00 [for Separable Portion (iii)]
- (d) SKG Pty Ltd for \$62,918.00 [for Separable Portion (iv)]
- (e) Northern Contract Cleaning for \$101,908.00 [for Separable Portion (v)]
- (f) Northern Contract Cleaning for \$71,960.00 [for Separable Portion (vi)]
- (g) Northern Contract Cleaning for \$36,343.00 [for Separable Portion (vii)]
- (h) TJS Services Group for \$5,510.77 [for Separable Portion (viii)]
- (i) Northern Contract Cleaning for \$38,438.00 [for Separable Portion (ix)]
- (j) Nimdor Cleaning Services for \$28,890.00 [for Separable Portion (x)]

General Manager's Report

- x **Item 1 LEASE OF HANGAR - BATHURST AERODROME TO BURKES**
TRANSPORT PTY LTD (21.00083)
MOVED Cr M Coote and **SECONDED** Cr G Hanger

That Council confirm the lease conditions for Lot 4 DP847356 located at Bathurst Aerodrome with Burkes Transport Bathurst as approved by Council on 21 November 2012.

RESOLVE INTO OPEN COUNCIL

- 62 **RESOLVE INTO OPEN COUNCIL**
MOVED Cr M Coote and **SECONDED** Cr G Westman

RESOLVED: That Council resume Open Council.

ADOPT REPORT OF THE COMMITTEE OF THE WHOLE

- 63 **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 (x) be adopted.

MEETING CLOSE**64 **MEETING CLOSE****

The Meeting closed at 7.48 pm.

CHAIRMAN: _____

Date: _____ **(15 July 2015)**

MINUTE

6 DECLARATION OF INTEREST 11.00002
MOVED: Cr B Bourke SECONDED: Cr M Coote

RESOLVED: That the following Declarations of Interest be noted.

Cr Coote

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

Cr Westman

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

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

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

15 JULY 2015

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

Recommendation: That the information be noted.

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

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

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

MOVED: Cr B Bourke SECONDED: Cr M Coote

RESOLVED: That the information be noted.

2 GENERAL REPORT (03.00053)

Recommendation: That the information be noted.

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

- (a) Applications determined using authority delegated to the Director Environmental Planning & Building Services during June 2015 (**attachment 1**).
- (b) Applications refused during June 2015 (**attachment 2**).
- (c) Applications under assessment as at the date of compilation of this report (**attachment 3**).
- (d) Applications pending approval for greater than 40 days as at the date of compilation of this report (**attachment 4**).
- (e) Applications with variations to development standards under State Environmental Planning Policy No. 1 or Clause 4.6 of Bathurst Regional LEP 2014 approved in June 2015 (**attachment 5**).
- (f) No political disclosure statements have been received in relation to any "planning applications" being considered at this meeting.

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

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

RESOLVED: That the information be noted.

3 DEVELOPMENT APPLICATION NO. 2013/0361 – DEMOLITION OF EXISTING DWELLING, CONSTRUCTION OF RESIDENTIAL UNITS AND 5 LOT STRATA SUBDIVISION AT 70 ROCKET STREET, BATHURST. APPLICANT: MR A HANNA. OWNER: MR A HANNA (DA/2013/0361)

Recommendation: That Council:

(a) as the consent authority, grant consent to the modification of Development Application No. 2013/0361 made under Section 96(2) of the Environmental Planning and Assessment Act 1979, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended and including conditions to the effect that:

- i. Demolition is not to commence until a photographic record has been created of the existing building and submitted to Council.
- ii. The applicant is to arrange an inspection of the development with Council's Heritage Advisor through the Environmental Planning and Building Services Department at the following times:
 - a) At lodgement of the schedule of materials to be reused.
 - b) Halfway through the reconstruction process.
 - c) Prior to the issuing of an Occupation Certificate.
- iii. Prior to the issue of Occupation Certificate, the existing building and the site history is to be recorded and interpreted on-site. An interpretation sign is to be installed onsite and approved by Council.
- iv. During the demolition of the building/s, if any archaeological remains are discovered, the developer is to stop works immediately and notify the NSW Heritage Office and Council. Any such find is to be dealt with appropriately, in accordance with the Heritage Act 1977, and recorded, and details given to Council prior to the continuing of works.

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

- v. The development is to incorporate the following elements:
 - The front rooms and verandah raised from street level by approximately 3 steps to be consistent with the existing height above ground.
 - The front verandah floor is to be framed and suspended. The front room floors are to be framed with timber floor boards, re-using boards from the existing house where possible.
 - The symmetrical façade will feature a verandah replicating the existing timber framing, verandah plate and post set out. Where possible re-use of the framing, posts and other original materials is proposed.
 - The front roof pitch has been designed to match the existing.
 - The front two windows are to be of a timber framed construction, double hung and in the same shape as original. It is noted the plan shows some aluminium windows on the front facade. These should be replaced with timber.
 - Brick veneer in stretcher bond is acceptable. Brick work should be face

- brick on the external skin. (Re-use the existing bricks with clean face exposed externally).
- Reconstruction of a chimney (non-functioning is acceptable) towards the front facade.
- vi. The developer is to retain as much of the original fabric of the building as possible. Where this is not possible, as little of the affected material is to be replaced. The replacement material is to be compatible with the original material.

Note: A schedule of the materials to be reused is to be provided to Council.

(b) notify those that made submissions of its decision; and

(c) call a division.

Report: Council has received an application to modify Development Application (DA) 2013/0316.

The original proposal comprised the following:

1. Partial demolition and additions to the existing dwelling at 70 Rocket Street
2. Construction of four x two bedroom units to the rear of the site
3. Five lot residential subdivision

The modification solely relates to the existing dwelling on the site with other elements of the Development Application remaining unchanged.

The Site

The subject land is identified as 70 Rocket Street, Bathurst, described as Lot 1, DP 608581. A location plan is provided at **attachment 1**.

The site currently contains a single storey dwelling which has been partially demolished pursuant to the existing development consent.

The original component of the dwelling is believed to have been constructed circa 1880 with later additions.

The original proposal

The original proposal approved by Council included:

- Partial demolition and additions to an existing dwelling at 70 Rocket
- Construction of four x two bedroom units to the rear of the site
- Five lot residential subdivision

The original Development Application granted development consent to the partial demolition of the existing dwelling and the retention and restoration of the front section of the existing dwelling (generally consisting of the 2 front rooms). This included replacement of the roof, removal of some of the internal walls and repairs to the remaining walls.

The previous consent has been partially enacted with the demolition of 70 Rocket occurring but work on this element of the proposal has ceased pending determination of this application.

Further investigation of the structure by Calare Civil Consulting Engineers during works identified that the remaining elements of the building are structurally inadequate and have recommended that the whole of the front of the building needs to be re-built. As such the demolition and re-building of the dwelling is the subject of this application.

The modified proposal

The modification seeks consent for the complete demolition of the existing dwelling at 70 Rocket Street (i.e demolition of the two front rooms and verandah) and the subsequent construction of a replacement dwelling. The façade of the replacement dwelling will replicate the existing dwelling. The replacement building will utilise as much of the original fabric of the existing building as possible.

Plans of the modified proposal are at **attachment 2**.

Advertising and Notification

In accordance with the Chapter 2 - *Exhibition & Notification of Development Applications* of the Bathurst Regional Development Control Plan 2014, the proposed modification was advertised and notified to adjoining property owners between 26 May 2015 and 16 June 2015.

During the advertising and notification period one submission was received from the National Trust.

See copy of National Trust submission at **attachment 3**.

Planning Context

Bathurst Regional Local Environmental Plan 2014

The subject site is zoned R1 General Residential under the Bathurst Regional Local Environmental Plan 2014 (BRLEP 2014).

The proposed development is permissible with consent in the R1 General Residential zone.

The proposal is not inconsistent with the objectives of the zone.

5.10 Heritage Conservation

The site is located within the Bathurst Heritage Conservation Area. The existing dwelling is not individually listed as a heritage item.

Clause 5.10(4) of BRLEP 2014 requires Council to consider the effect of the proposed development on the heritage significance of the heritage conservation area.

The size and style of the existing building is typical of dwellings in the mid Victorian period of Bathurst. The property has undergone significant changes to the original fabric of the cottage including painting of the face brick work and additions at the rear. It has not been well maintained over a long period of time and is subsequently suffering significant structural damage.

The modification proposes the demolition of the remaining elements of the original dwelling and its reconstruction.

The applicant has submitted a Structural Assessment of the remaining structure (**attachment 4**). The structural report indicates extensive cracking and damage to the walls meaning that they are unstable and the timber flooring has areas of dry rot. The assessment concludes that the remaining structure is not suitable for retention and repair. Restoration in this case would include demolition of the vast majority of the remaining fabric of the building.

Inspection of the property by Council officers confirms that given the current state of the building, retention and repair is not an option without complete reconstruction.

The proposed replacement dwelling will be of similar design to the current approved plan using as much of the original material as possible.

The proposed re-building of the dwelling will result in a structurally sound building that reflects the fabric and character of the existing dwelling. The building in its current state will require significant reconstruction work which will ultimately alter the original fabric. The proposed development is a positive outcome on the site that will ensure the character and streetscape of the dwelling is maintained.

In the assessment of the current development application, amended plans were sought to ensure the reconstruction of the building would retain more of the existing fabric and important elements of the building. The amended plans propose a design that reflects the current features of the dwelling including:

- The front rooms and verandah raised from street level by approximately 3 steps to be consistent with the existing height above ground.
- The front verandah floor will be framed and suspended. The front room floors will also be framed with timber floor boards, re-using boards from the existing house where possible.
- The symmetrical façade will feature a verandah replicating the existing timber framing, verandah plate and post set out. Where possible re-use of the framing, posts and other original materials is proposed.
- The front roof pitch has been designed to match the existing.
- The front two windows are to be of a timber framed construction, double hung and in the same shape as original. It is noted the plan shows some aluminium windows on the front facade. These should be replaced with timber.
- Brick veneer in stretcher bond is acceptable. Brick work should be face brick on the external skin. (Re-use the existing bricks with clean face exposed externally).
- Face brick on the external skin and reconstruction of a chimney towards the front façade is included.

If consent is granted, the above elements should be reinforced through the imposition of an appropriate condition of consent.

Bathurst Regional Development Control Plan 2014

Chapter 10 Urban Design & Heritage Conservation

Structural Assessment

The applicant engaged a structural engineer from Calare Civil to assess the remaining structure and make recommendations in relation to its possible retention. Calare Civil recommended that the remainder of the dwelling be demolished.

See Calare Civil letter in **attachment 4**.

Bathurst Conservation Area Management Strategy (BCAMS)

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

The following table provides a summary of the assessment.

Date of construction	1880-1900
BCAMS results: Integrity Streetscape Rating Heritage Significance Overall rating (out of 10)	Altered unsympathetically - reversible Contributory Historically significant in a regional context (pre 1900/state significant) 8

Despite the high BCAMS rating, the very poor condition of the building and the extent of reconstruction required means that repair and retention is not feasible. As the rating remains high the best outcome is considered to be demolition and reconstruction using as much of the original fabric as possible.

Submissions

In accordance with the Chapter 2 - *Exhibition & Notification of Development Applications* of the Bathurst Regional Development Control Plan 2014, the proposed modification was advertised and notified to adjoining property owners between 26 May 2015 and 16 June 2015. During the advertising and notification period one submission was received from the National Trust.

The National Trust raised the following issues:

- Chimney should be reinstated as a working chimney:
The proposed chimney retains the streetscape character and is considered satisfactory. This is consistent with the chimney approved for 72 Rocket street as part of DA2015/0077.
- The rebuilding of the dwelling needs to replicate bond and bricklaying technique.
To ensure enough of the original bricks can be used along the front elevation, it is satisfactory for stretcher bond in brick veneer construction be used. The mortar is to match the original in colour.
- There is no description as to the external treatment of the additions.
The external appearance of the additions are to be constructed of the original bricks if there is enough or bricks sourced to match.
- Aluminium framed windows are proposed along the front elevation.
A condition of consent is recommended to ensure all 5 windows along the front elevation are timber double hung windows.

An internal Discussion Forum was held on 23 June 2015 with the developer, owner and a representative from the National Trust. See minutes of Discussion Forum at **attachment 5**.

Issues raised in the submissions and at the Discussion Forum centred on the chimney. The

National Trust sought the reinstatement of a working chimney as the preferred option. The applicant did not wish to proceed with a working chimney due to the additional costs in terms of structural and BCA matters. Council's principal concern is the streetscape appearance. A functioning chimney is not considered an essential element to the rebuild.

The National Trust also raised concerns about the reuse of materials correctly and sought ongoing inspections by Council and Council's Heritage Advisor as work proceeds. A condition of consent will be imposed accordingly.

Conclusion

Council has received an application to modify Development Application 2013/0361. The modification seeks to completely demolish the existing dwelling. The complete demolition of the dwelling is supported for the reasons outlined in this report.

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

9 Item 3 DEVELOPMENT APPLICATION NO. 2013/0361 – DEMOLITION OF EXISTING DWELLING, CONSTRUCTION OF RESIDENTIAL UNITS AND 5 LOT STRATA SUBDIVISION AT 70 ROCKET STREET, BATHURST. APPLICANT: MR A HANNA. OWNER: MR A HANNA (DA/2013/0361)

MOVED: Cr M Coote SECONDED: Cr I North

RESOLVED: That Council:

- (a) as the consent authority, grant consent to the modification of Development Application No. 2013/0361 made under Section 96(2) of the Environmental Planning and Assessment Act 1979, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended and including conditions to the effect that:
- i. Demolition is not to commence until a photographic record has been created of the existing building and submitted to Council.
 - ii. The applicant is to arrange an inspection of the development with Council's Heritage Advisor through the Environmental Planning and Building Services Department at the following times:
 - a) At lodgement of the schedule of materials to be reused.
 - b) Halfway through the reconstruction process.
 - c) Prior to the issuing of an Occupation Certificate.
 - iii. Prior to the issue of Occupation Certificate, the existing building and the site history is to be recorded and interpreted on-site. An interpretation sign is to be installed onsite and approved by Council.
 - iv. During the demolition of the building/s, if any archaeological remains are discovered, the developer is to stop works immediately and notify the NSW Heritage Office and Council. Any such find is to be dealt with appropriately, in accordance with the Heritage Act 1977, and recorded, and details given to Council prior to the continuing of works.

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

- v. The development is to incorporate the following elements:
- The front rooms and verandah raised from street level by approximately 3 steps to be consistent with the existing height above ground.
 - The front verandah floor is to be framed and suspended. The front room floors are to be framed with timber floor boards, re-using boards from the existing house where possible.
 - The symmetrical façade will feature a verandah replicating the existing timber framing, verandah plate and post set out. Where possible re-use of the framing, posts and other original materials is proposed.
 - The front roof pitch has been designed to match the existing.
 - The front two windows are to be of a timber framed construction, double hung and in the same shape as original. It is noted the plan shows some

- aluminium windows on the front facade. These should be replaced with timber.
- Brick veneer in stretcher bond is acceptable. Brick work should be face brick on the external skin. (Re-use the existing bricks with clean face exposed externally).
 - Reconstruction of a chimney (non-functioning is acceptable) towards the front facade.
- vi. The developer is to retain as much of the original fabric of the building as possible. Where this is not possible, as little of the affected material is to be replaced. The replacement material is to be compatible with the original material.

Note: A schedule of the materials to be reused is to be provided to Council.

- (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 B Bourke, Cr M Coote, Cr G Hanger, Cr J Jennings, Cr M Morse, Cr I North, Cr G Rush, Cr G Westman,

Against the motion - Nil

Absent - Cr W Aubin,

Abstain - Nil

Cr Aubin arrived at the meeting.

4 DEVELOPMENT APPLICATION NO. 2015/0181 – SINGLE STOREY DWELLING AT LOT 87, DP 1067827, 74 BURRAGA ROAD, ROCKLEY. APPLICANT: MS P OXENBRIDGE. OWNER: MR T & MRS J OXENBRIDGE (DA/2015/0181)

Recommendation: That Council:

- (a) support the variation to the boundary setback development standard prescribed in the Bathurst Regional Development Control Plan 2014; and
- (b) as the consent authority, grant consent pursuant to section 80 of the EP&A Act to Development Application No. 2015/0181, 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:
 - Prior to the issue of a Construction Certificate the applicant is to submit a landscape plan for a buffer between the proposed dwelling and the neighbouring dwelling and between the proposed dwelling and the road. This landscaping is to be established prior to the occupation of the dwelling.
 - The proposed internal roadways to Burraga Road are to be constructed prior the granting of any Construction Certificate for the dwelling.
 - The applicant is to create and register a Restriction as to User on the property preventing vehicular access to any point on the frontage of the subject land to East Street prior to issue of any Construction Certificate.
 - The existing vehicular gate on East Street is to be removed upon the creation of the Restriction as to User.
- (c) notify those that made submissions of its decision
- (d) call a division.

Report: The Site

Council has received a Development Application (DA) for a single storey dwelling at 74 Burraga Road, Rockley, described as Lot 87, DP 1067827. A location plan is provided at **attachment 1**.

The property is 107.46 hectares.

The subject site currently contains a number of rural outbuildings. One of the outbuildings includes shearers quarters which, in conjunction with a caravan, are currently being used as a temporary dwelling. The subject site does not contain any existing permanent dwellings.

East Street

East Street (located immediately to the north of the proposed dwelling) is a Crown Road. East Street provides access to those properties with frontage to it including the property the subject of this Development Application.

Council at its meeting held 18 March 2015 resolved to approve the transfer of certain roads within the Village of Rockley. In terms of East Street Council's intention is to transfer East Street between Budden Street and Lachlan Street.

An agreement has not yet been reached between Council and NSW Trade & Investment – Crown Lands Division on that section of East Street fronting the subject land (i.e. south of

Lachlan Street).

The proposed development does not rely on East Street for its access. A primary access and a secondary access from Burruga Road are proposed. The primary and secondary accesses generally follow existing farm tracks. Conditions will be imposed to ensure that the primary and secondary accesses comply with the Rural Fire Service standards for internal property access roads and with Council's Engineering Guidelines.

It is noted that this arrangement would not preclude the owners of the property using East Street to access the property and the dwelling. The applicant acknowledged at the Discussion Forum that East Street would be used as an access to the dwelling and property in the same way that it currently does.

East Street is a public road which provides legal access to those properties adjoining it independent of the current Development Application.

As acknowledged below East Street does not comply with the minimum acceptable standard for public roads as outlined in the Planning for Bushfire Guidelines. The Department of Lands has previously refused to provide consent (as the roads authority) to any works on East Street that would allow it to be upgraded.

Council for its part has an obligation to assess the Development Application on the basis of the two proposed accesses to Burruga Road as proposed by the applicant.

Should Council approve the Development Application it is considered prudent to require the proposed internal accesses be constructed prior to the issue of any Construction Certificate.

The only mechanism Council would have available to it to prohibit vehicular access to the property from East Street would be to require the applicant to create a Restriction as to User on the property which prohibits the access to the property from this road. Note that this would not necessarily prohibit pedestrian or stock use of East Street.

The proposal

The proposal involves the construction of a single storey two-bedroom dwelling (see plan of proposed development at **attachment 2**).

As noted above, the development includes the construction of two new internal accesses to Burruga Road. A secondary access road is required for dwellings located further than 200 metres from a public road in accordance with the Planning for Bushfire Protection Guidelines.

Previous Development Application

It is noted that Council has previously considered a Development Application in a similar location which proposed access to East Street.

That Development Application was refused by Council under delegated authority. The reasons for refusal were as follows:

1. *Council is not satisfied that East Street (south of Market Street) provides an adequate standard to the proposed dwelling in that it does not meet the standards for public roads in the document Planning for Bush Fire Protection.*
2. *NSW Trade and Investment – Crown Lands, being the applicable roads authority, has refused to give consent for any works on East Street.*

3. *The proposed front and side setbacks do not comply with those prescribed in the Bathurst Regional (Interim) Development Control Plan 2011 and Council is not satisfied that the variation is acceptable.*

The applicant has sought to address these issues by proposing an alternate access via Burruga Road that complies with the Planning for Bush Fire Protection Guidelines and altering the location (albeit it is still generally in the same location).

Planning Context

Bathurst Regional Local Environmental Plan 2014

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

Clause 4.2B Erection of dwelling houses on land in certain rural zones

The Lot Size Map indicates that the minimum lot site for the subject site is 100 hectares.

As the subject site has an area of 107.46 hectares a dwelling is permissible under the Bathurst Regional Local Environmental Plan 2014.

Development Control Plan

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

Front, Side and Rear Setbacks – RU1 Primary Production Zone

Development Standard	Proposed	Permissible	Compliance
Setback - Front	20m	50m	No*
Setback - Side (nearest side)	36m	50m	No*

- * The dwelling is to be located in the north east corner of the property. The dwelling will be setback 20 metres from East Street and 36 metres from the common boundary with 67 Hill Street/63 East Street (Webster/Woods).

Council's Development Control Plan requires a setback of 50 metres from the front, side and rear boundaries for properties in excess of 100 hectares.

The applicant has submitted a written request to vary this development standard (see **attachment 3**).

The applicant seeks to reduce the 50 metre setback development standard for the following reasons:

- Electricity is available within 50 metres of proposed site and strict compliance with the setback standard would necessitate an additional electricity pole (at significant expense to the applicant);
- The adjoining property to the west has non-compliant setbacks;
- A shed (exempt development) is proposed for the location that would achieve strict

- compliance with the setback standard; and
- The proposed site allows a greater buffer from the nearby natural drainage line and from established trees.

It is considered that the variation to the minimum setback standard of 50 metres can be supported for the following reasons:

- There are no intensive agricultural uses occurring on the adjoining site which would give rise to issues such as noise, odour, chemical exposure etc.
- The site is open grassland separating the site from the neighbouring dwelling and from the road;
- The reduction in setback distance to the neighbour property is not likely to lead to any additional impacts in relation to noise, privacy or overshadowing.
- A condition will be imposed to require the submission of a landscape plan for a buffer between the proposed dwelling and the neighbouring dwelling and between the proposed dwelling and the road. Further to this, the condition will require that the landscaping be established prior to the occupation of the dwelling.

Building Form and Design

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

The proposed dwelling will have timber clad walls and sheet metal roofing. A condition will be imposed to ensure that non-reflective materials of an appropriate rural colour scheme are used.

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

The proposed dwelling is single storey with an overall height of 4.5 metres therefore. While it is acknowledged that the proposed dwelling will alter the view from the adjoining dwelling at 63 East Street, the proposed dwelling will not completely block the view.

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

The proposed dwelling is single storey with an overall height of 4.5 metres therefore it will not protrude above the nearby ridgeline.

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

The design of the proposed dwelling is consistent with that of other dwellings in the surrounding area and is considered appropriate for the locality.

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

No outbuildings are proposed under this Development Application.

Bathurst Regional Development Control Plan 2014 – Chapter 9 Environmental Considerations

Sensitive Land Areas – DCP Map No. 29 Land Resources		
Environmentally Sensitive Area	Identified on Subject Site?	Comment
Land Capability Class 7	NO	* <i>The proposed dwelling will not be sited within the areas identified as being susceptible to salting.</i>
Land Capability Class 8	NO	
Karst Extent	NO	
Salting	YES*	
Severe or Extreme Sheet or Rill Erosion	NO	
Sensitive Waterways – DCP Map No. 30 Riparian Land & Waterways		
Environmentally Sensitive Area	Identified on Subject Site?	Comment
Sensitive Waterways	NO*	* <i>No Sensitive Waterways have been identified on the subject site.</i>
High or Moderate Biodiversity – DCP Map No. 31 Biodiversity		
Environmentally Sensitive Area	Identified on Subject Site?	Comment
DECC Estate	NO	* <i>While the proposed dwelling will be sited in an area identified as being of Moderate Biodiversity Sensitivity, the impact is considered to be minimal given that the site is highly disturbed and that no significant vegetation needs to be removed to make way for the proposed dwelling.</i>
High Biodiversity Sensitivity	YES*	
Moderate Biodiversity Sensitivity	YES*	

Planning for Bush Fire Protection

The proposed dwelling will require an Asset Protection Zone of 10 metres on all elevations except for the eastern elevation where an Asset Protection Zone of 15 metres will be required. The proposed dwelling will require a Level of Construction of BAL 12.5 on all elevations.

Concerns have been raised by the immediate neighbours about the impact that a landscaped buffer may have on their own Asset Protection Zone (APZ) for the purposes of bush fire protection. If the neighbour's APZ cannot be wholly accommodated within their own site, the onus is on them to provide alternate methods of bush fire protection. The obligation does not fall on the adjoining owner to accommodate it for them. If the neighbours dwelling were to be constructed under the current Guidelines, this would mean increasing the Level of Construction on the elevations where the required APZ could not be accommodated. In light of this it is considered that the proposed 36 meter setback is sufficient to accommodate the 10 meter APZ for the proposed dwelling and a landscaped buffer.

Submissions

The Development Application was notified to one adjoining property owner between 25 May 2015 and 5 June 2015. During the notification period three (3) submissions were received from adjoining and adjacent property owners (see submissions at **attachment 4**).

A Discussion Forum was held following the Policy Committee Meeting on 1 July 2015.

Issues raised in the submissions included:

- Privacy and amenity of existing dwellings

- Traffic/access (impact on East Street)
- Proximity to watercourse
- The availability of more suitable building sites

Availability of alternate sites

Whilst there would be other sites available the applicant has chosen this site. Council has an obligation to assess that application relative to its adopted standards. If that location is considered acceptable the application should be approved. If not the application should be refused.

Conclusion

Council has received a Development Application (DA) for a single storey dwelling at 74 Burruga Road, Rockley. As the subject site has an area of 107.46 hectares a dwelling is permissible under the Bathurst Regional Local Environmental Plan 2014. Council's Development Control Plan requires a setback of 50 metres from the front, side and rear boundaries for properties in excess of 100 hectares. The applicant has submitted a written request to vary this development standard. The variation can be supported for the reasons outlined in the report.

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

10 Item 4 DEVELOPMENT APPLICATION NO. 2015/0181 – SINGLE STOREY DWELLING AT LOT 87, DP 1067827, 74 BURRAGA ROAD, ROCKLEY. APPLICANT: MS P OXENBRIDGE. OWNER: MR T & MRS J OXENBRIDGE (DA/2015/0181)

MOVED: Cr M Morse SECONDED: Cr M Coote

RESOLVED: That Council:

- (a) as the consent authority, not grant consent pursuant to section 80 of the EP&A Act 1979 to Development Application No. 2015/0181, due to:

The proposed front and side setbacks do not comply with those prescribed in the Bathurst Regional Development Control Plan 2014 and Council is not satisfied that the variation is acceptable.

- (b) notify those that made submissions of its decision
- (c) call a division.

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

The result of the division was:

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

Against the motion - Nil

Absent - Nil

Abstain - Nil

5 DRAFT BATHURST REGIONAL DEVELOPMENT CONTROL PLAN 2014 – AMENDMENT NO 2 (20.00284)

Recommendation: That Council:

- (a) adopt the Bathurst Regional Development Control Plan 2014 Amendment No 2 as outlined in this report;
- (b) give public notice of Council's decision in accordance with the requirements of the Environmental Planning and Assessment Act;
- (c) notify those that made submissions of its decision; and
- (d) call a division.

Report: Background

Council at its Policy Committee held 4 March 2015 resolved to:

- (a) *commence an amendment to the Bathurst Regional Development Control Plan 2014 with respect to the advertising and notification of development applications;*
- (b) *note the amendment will be reported back to Council following the public exhibition period; and*
- (c) *call a division.*

The purpose of the amendment to the DCP is to reduce the number of subjective judgements of whether a development application requires public exhibition (exhibited development) or notification (notified development).

In general terms, **exhibited development** is development that is advertised in the Western Advocate and notified to adjoining owners with a submission period of 14 days. **Notified development** is development that is notified to adjoining owners with a submission period of 10 days.

In either case, where negative submissions are received the application is referred to a negotiation meeting held by the Director, Environmental Planning and Building Services. If a significant number of submissions are received or the issues raised so warrant, the matter is referred to a Council discussion forum instead of a negotiation meeting. Where issues cannot be adequately resolved or addressed, the application is referred to Council for determination.

Public Exhibition of the draft Plan

The draft Bathurst Regional Development Control Plan 2014 Amendment No 2 was exhibited from Monday 23 March 2015 until Friday 24 April 2015.

Following the exhibition period Council received a total of three (3) submissions from the public.

Copies of the submissions are provided at **attachment 1**. At the request of the Bathurst 2036 Heritage Action Network, their submission in relation to the shed at 118 Mitre Street is also provided at **attachment 2**.

Council held a discussion forum with respect to the matters raised in the submissions on 3

June 2015. The minutes of the Discussion forum are provided at **attachment 3**. Additional matters were raised at the discussion forum.

Draft Plan changes post-exhibition

Following the discussion forum, Council staff reviewed those matters raised in the written submissions and those raised at the discussion forum. **Attachment 4** to this report summarises the public submissions received, the matters raised at the discussion forum, the recommended planning response and where appropriate, recommended changes to the Plan.

Attachment 5 to this report is the final draft version of the Bathurst Regional DCP 2014 Amendment No 2 text recommended to Council for adoption.

In summary the following key changes are recommended to the Plan:

1. The addition of the following development types as notified development:
 - Sheds and garages with a floor area greater than either:
 - 45 sqm in a Heritage Conservation Area or
 - 60 sqm in all other R1 or R2 zoned land.
 - Transportable dwellings in the Bathurst and West Bathurst heritage conservation areas.
 - Garages, sheds and carports, within the Bathurst and West Bathurst Heritage Conservation Areas, forward of the established front or side building alignment for the development site.
 - Infill dwellings which address a street frontage within the Bathurst and West Bathurst Heritage Conservation Areas.
2. Various minor wording changes to provide further clarity to the intent of the provisions, particularly relating to applications containing multiple components and the notification thereof and applications for two storey development.

These recommended changes increase the number of applications treated as notified development under the DCP as compared to the draft DCP and further reduces the number of subjective judgements in the decision as to whether or not to notify a DA.

Plan change implications

NSW Department of Planning and Environment performance monitoring

Council has a legislative responsibility to process the applications it receives within an agreed timeframe, generally 40 days. Council also has a responsibility to its community to allow it to participate in the planning process. More recently, the community has shown a greater interest in the planning process and has expressed a desire to have greater input into the decision making process.

In the first instance, the inclusion of a greater number of development types as either exhibited or notified development (ie Sections 2.2 and 2.3) would add a minimum of 14 additional days, in the case of exhibited development, or an additional 10 days, in the case of notified development, to the assessment of the applications.

Approximately 40% of applications which are notified or exhibited currently result in a determination by Council at an Ordinary meeting rather than a determination under delegated authority. An increase in the number of development types to be treated as exhibited or notified development will impact on the overall timeframe in which applications are approved. To put this in perspective, the 2013/14 local development performance monitoring data for the Bathurst Regional LGA reports that the mean gross processing time for DA's is 38 days. The implication of the proposed changes on the mean gross processing time for DA's is unable to be determined and will be largely determined by the number and complexity of applications received.

The following table outlines the average approval times for development applications for the period 1 January 2014 to 31 May 2015.

	Determined by Council (days)	Determined under delegated authority (days)
Within a Heritage Conservation Area		
Exhibited development	99	53
Notified development	89	58
Not exhibited or notified	72	31
Outside a Heritage Conservation Area		
Exhibited development	139	108
Notified development	127	77
Not exhibited or notified	54	30

The table shows the impact that exhibiting or notifying has on the determination time of an application dependant on whether the application is determined by Council or under delegated authority. The additional days are generally attributable to the discussion forum process and the lead time required for the preparation of Council reports. Based on this data it would be reasonable to expect that the mean gross processing time for the determination of DAs will increase as a result of this DCP amendment.

Conclusion

Council resolved to commence an amendment to the Bathurst Regional DCP 2014 with respect to the notification and advertising of Development Applications. Council placed the draft Plan on public exhibition for a period of 28 days from Monday 23 March 2015 until Friday 24 April 2015. Three (3) submissions were received from the public. A discussion forum was held on 3 June 2015 in relation to the draft Plan.

Council staff have recommended a number of amendments to the draft plan taking into consideration the submissions it received as part of the public exhibition period and the issues raised at the discussion forum. The amended DCP provides greater opportunity for community input into a range of development application matters. Whilst this appears consistent with current community sentiment it is likely to increase the mean gross processing time for Development Applications by Council.

It is therefore recommended that Council adopt the draft Bathurst Regional DCP 2014 Amendment No 2 as at **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 Strategy 28.8

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

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

Strategy 30.2, 30.3, 30.7

MINUTE

11 Item 5 DRAFT BATHURST REGIONAL DEVELOPMENT CONTROL PLAN 2014 – AMENDMENT NO 2 (20.00284)

MOVED: Cr I North SECONDED: Cr M Coote

RESOLVED: That Council:

- (a) adopt the Bathurst Regional Development Control Plan 2014 Amendment No 2 as outlined in this report;
- (b) give public notice of Council's decision in accordance with the requirements of the Environmental Planning and Assessment Act;
- (c) notify those that made submissions of its decision; and
- (d) call a division.

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

The result of the division was:

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

Against the motion - Nil

Absent - Nil

Abstain - Nil

6 2014/15 BATHURST REGION HERITAGE CONSERVATION AND INTERPRETATION FUND (13.00068)

Recommendation: That the information be noted.

Report: The Bathurst Region Heritage Conservation and Interpretation funding program is in its 4th year of operation. The fund was established to assist private property owners and community groups to undertake special heritage projects including:

- preparation of conservation management plans;
- publishing local history books and publications;
- implementing heritage interpretation projects; and
- presenting exhibitions promoting the heritage and history of the Bathurst Region.

A total of 11 Projects were completed in 2014/15 with Council offering \$20,475 to individuals and community groups in Bathurst and to the rural villages of Rockley and Sunny Corner. Several Bathurst 200 projects also received funding. Grants ranged from \$275 - \$4,000.

A summary of the expenditure in these 4 years is provided in the table below:

Conservation and Interpretation Fund	Overview of the Conservation and Interpretation fund to date:		
	Year	Projects completed	Funding offered
	2011/12	7	\$19,505
	2012/13	8	\$11,755
	2013/14	7	\$17,500
	2014/15	11	\$20,475
	Total	33	\$69,235

This year's funding program has provided financial assistance for the completion of the following projects:

- 'Snapshots in Time' photographic exhibition.
- Publication of '100 Heritage Homes of Bathurst & District.'
- Preparation and publication of 'Golden Diggers - Hill End, Tambaroora & District World War 1 Soldiers & Nurses.'
- 'Back to Bathurst Public School' photographic and memorabilia exhibition.
- Conservation and archival storage of 3 geology books of JT Woods for St Joseph's Convent, Perthville.
- Preparation and printing 4 Experience Heritage Bathurst brochures (National Trust).
- Preparation of a digital collection of archival material on the history of Sunny Corner and district.
- Publish 2 brochures on the Rockley Mill and Stables Museum and a Tour of Rockley Village.
- Prepare and shoot a short film on the history of Logan Brae.
- Publish a book 'Three Minutes...All Riders' recollections of the events and personalities of the Bathurst Sportsground Speedway 1928-1957.
- 'Reflections' 200 Years of Women's Fashion 1815-2015 Exhibition.

In total, the projects completed in the 2014/15 fund have an estimated total value of \$62,303.90 for the region. All of the projects provide an important contribution in protecting, promoting and recording the region's unique heritage and history.

Applications for the 2015/16 funding program are now open.

Financial Implications: The Bathurst Region Heritage Conservation and Interpretation fund is funded under Council's Management Plan.

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, 11.4, 11.10

MINUTE

12 Item 6 2014/15 BATHURST REGION HERITAGE CONSERVATION AND INTERPRETATION FUND (13.00068)

MOVED: Cr G Westman SECONDED: Cr I North

RESOLVED: That the information be noted.

7 2014/15 BATHURST REGION LOCAL HERITAGE FUND (16.00138)

Recommendation: That the information be noted.

Report: The Bathurst Region local heritage funding program is in its 17th year of operation. In 2014/15 a total of 51 projects were completed with Council offering a total \$55,016.00 to property owners and community groups throughout the region as part of this round of funding. Grants ranged from \$200 - \$2,000. The 2014/15 funding program has seen \$400,711.10 worth of works being completed in the region. The Bathurst Region Local Heritage Fund is the largest funding project of its type in NSW. The table below shows the funds growth since its inception in 1998/99.

Local Heritage Fund	Overview of the local heritage fund to date:		
	Year	Projects Completed	Total value of works
	1998/99	8	\$38,278
	1999/00	11	\$56,203
	2000/01	14	\$92,681
	2001/02	24	\$122,014
	2002/03	24	\$109,599
	2003/04	25	\$139,399
	2004/05	40	\$389,195
	2005/06	33	\$190,930
	2006/07	33	\$293,740
	2007/08	44	\$376,965
	2008/09	44	\$360,849
	2009/10	39	\$273,535
	2010/11	47	\$812,598
	2011/12	39	\$288,786
	2012/13	62	\$752,786
	2013/14	51	\$402,378
	2014/15	51	\$400,711
	Total	589	\$5,100,647

There is an extremely positive response from property owners and community groups throughout the region about the funding program. Council continues to see property owners annually undertaking small projects that have improved their property and over time help to improve the streetscapes of the heritage conservation areas. This year the fund, amongst other things, has helped restore and repaint the Old Peel Schoolhouse, replace the piers and timberwork in Caloola Union Church and restore headstones in Long Swamp, Rockley and Bathurst Cemeteries.

A copy of the final report for the 2014/15 Local Heritage Fund can be found at **attachment 1**

Financial Implications: The Bathurst Region local heritage fund is funded by Council and the NSW Office of Environment and Heritage.

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, 11.4

MINUTE

- 13 **Item 7 2014/15 BATHURST REGION LOCAL HERITAGE FUND (16.00138)**
MOVED: Cr G Westman SECONDED: Cr I North

RESOLVED: That the information be noted.

8 BATHURST REGION HERITAGE REFERENCE GROUP (20.00123)

Recommendation: That the information be noted.

Report: The Bathurst Region Heritage Reference Group met on 18 June 2015. The minutes of that group's meeting are provided at **attachment 1**.

The group will meet next in September 2015.

Attachment 2 provides an update of Council's achievements to date with respect to the implementation of its Heritage Strategy. Key achievements for the period March 2015 to June 2015 include:

- Ongoing management of the 2014-15 Bathurst Region Local Heritage Fund and the Bathurst Region Conservation and Interpretation Fund 2014-15.
- Calling for applications for the 2015/16 Local Heritage Fund.
- Launch of the Delightful Spot heritage trail of the early government settlement of Bathurst.
- Launch of the Pillars of Bathurst Cultural Heritage garden.
- Commenced Aboriginal Heritage Study and Hill End Archaeological investigations.
- Ongoing Management and support of the Bathurst Bicentenary National Trust Heritage Awards.
- Nominated for State National Trust Awards for Delightful Spot heritage trail and Pillars.
- Near completion of age and significance mapping of buildings in the Bathurst Heritage Conservation Area.
- Preparation of the annual report to the Office of Environment and Heritage. (Note that this report will be provided to the group members after it is presented to Council).

Financial Implications: Administrative costs of the meeting are met within Council's existing budgets.

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
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.3, 30.5, 30.6

MINUTE

- 14 **Item 8 BATHURST REGION HERITAGE REFERENCE GROUP (20.00123)**
MOVED: Cr G Westman SECONDED: Cr J Jennings

RESOLVED: That the information be noted.

9 2015 LAND IMPROVEMENT AWARDS PROGRAM (13.00064)

Recommendation: That Council award the 2014/15 Land Improvement Award grants to:

- (a) "Riparian Management and sediment control to preserve ground cover and protect Bathurst's water supply by John Owens for \$7,000; and
- (b) "Land Management Grant 2015" by Gina and David Sykes for \$6,500; and
- (c) "The final link – Hen & Chicken Lane Biodiversity Corridor" for \$6,500.

Report: Council included a budget of \$20,000 in the 2014/15 Operating Plan for the Land Improvement Awards. Grants of up to \$10,000 were made available to landholders who commit to undertaking activities on their property which ensure the maintenance or enhancement of the land's ecological values, or the improvement and sustainability of their agricultural enterprises.

Council advertised for applications to the 2014 Land Improvement Awards program in March 2014 and applications closed in early May.

Council received three submissions. It is noted that each of the submissions were from applicants who have already received funding in previous years. In June 2015 site inspections were undertaken by the judging panel which was made up of Councillor Jess Jennings; Manager Strategic Planning, Janet Bingham; and Central Tablelands Local Land Services Team Leader, Clayton Miller. The projects are listed below in order of their rank following the initial assessment and onsite inspections.

Project Title	Project Description	Final Rank	Total funds sought from Council
Riparian Management and sediment control to preserve ground cover and protect Bathurst's water supply	The purpose of the project is to construct earth banks and sediment traps for a confined stock management project. Revegetation of a sensitive riparian zone will assist in preventing soil, manure and nutrients from entering waterways	1	\$10,000
Land Management Grant 2015	The project will create a series of corridors with clump planting of native species along each. The corridors will be fenced and stock excluded from along two gully areas, with designated crossings for horses created	2	\$10,000
The final link – Hen & Chicken Lane Biodiversity Corridor	Final link in ongoing biodiversity project aimed at protecting and enhancing the Hen & Chicken Lane	3	\$8,903

	corridor. 1.05km of fencing and 1500 trees will be used to create a biodiverse habitat for native flora and fauna and provide linkage between existing target landscapes		
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The projects, while different, were ranked very closely by the judging panel with only two points (from a total score of 150) separating the three projects. The project assessment is at **attachment 1**.

The judging panel has therefore recommended that Council award funding to each of the project applicants, in recognition of the very close score achieved.

Financial Implications: This project was funded from the 2014/15 Operating Plan.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 8: To promote sustainable and energy efficient growth. Strategy 8.4
- Objective 9: To protect and enhance the region's landscapes, views, vistas, open spaces and the Macquarie River. Strategy 9.7
- Objective 10: To protect and enhance the region's biodiversity. Strategy 10.8
- Objective 12: To protect and enhance water quality and riparian ecology. Strategy 12.6
- Objective 33: To be and develop good leaders. Strategy 33.6

MINUTE

15 Item 9 2015 LAND IMPROVEMENT AWARDS PROGRAM (13.00064)
MOVED: Cr G Westman SECONDED: Cr M Coote

RESOLVED: That Council award the 2014/15 Land Improvement Award grants to:

- (a) “Riparian Management and sediment control to preserve ground cover and protect Bathurst’s water supply by John Owens for \$7,000; and
- (b) “Land Management Grant 2015” by Gina and David Sykes for \$6,500; and
- (c) “The final link – Hen & Chicken Lane Biodiversity Corridor” for \$6,500.

10 EVOCITIES DEVELOPMENTS (20.00071)

Recommendation: That the information be noted.

Report: The new Evocities Memorandum Of Understanding for the period 2015 – 2019 commenced on 1 July 2015. In accordance with the new MOU, the following changes have occurred:

- Mayor of Dubbo, Cr Matthew Dickerson has been appointed as Evocities Chairperson. Cr Dickerson replaces the outgoing Chair, Peter Adams, Director of Commercial & Economic Development, Wagga Wagga City Council.
- Tamworth Regional Council appointed as the Secretariat.
- Steven Bowman, Acting Manager Economic Development has been appointed to the Steering Committee and Executive Committee. Tracey Trudgett-Gale, Project Officer – Economic Development has been appointed to the Operations Group.
- Marketing Strategy for 2015-2019 and Activity Plan for 2015/16 adopted by the Evocities Steering Committee and Inland Forum.

Council will draft a letter of appreciation to the outgoing Chair, Peter Adams, in recognition of his contribution to the Evocities campaign.

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 1.2, 1.3, 1.4 |
| ● Objective 4: To market Bathurst as a great place to live, work, study, invest and play. | Strategy 4.1, 4.2, 4.4, 4.7 |
| ● Objective 5: To facilitate and foster partnerships, networks and infrastructure to support and attract knowledge, innovation and research. | Strategy 5.1 |

MINUTE

- 16 **Item 10 EVOCITIES DEVELOPMENTS (20.00071)**
MOVED: Cr B Bourke SECONDED: Cr W Aubin

RESOLVED: That the information be noted.

11 NATIONAL COMPETITIVENESS INDEX – LOCAL ECONOMIC DEVELOPMENT SUPPORT (20.00071)

Recommendation: That the information be noted.

Report: The Regional Australia Institute, a respected and independent research body, recently completed Australia’s first “Competitiveness Index” study which ranks LGAs against ten key themes to track performance, challenges and growth potential. This national study incorporated all 563 Local Government Areas.

One of the indicators of the study, “Local Economic Development Support”, was assessed against the following criteria:

- Analysis of local government websites (to assess projects and initiatives that support local economic development); and
- Systematic assessment of the availability of business information and pro-business policies.

Bathurst has ranked 15 nationally out of 563 LGAs for “Local Economic Development Support” and 4 in New South Wales from 152 LGAs.

Institutional Foundations Theme Local Economic Development Support			
Local Government Area	Indicator NSW Rank	Indicator National Rank	Indicator Score
Sydney (C)	1	3	7.9
Lachlan (A)	2	11	5.5
Parkes (A)	3	14	5.3
Bathurst Regional (A)	4	15	5.2
Singleton (A)	5	26	4.6
Parramatta (C)	6	29	4.5
Cessnock (C)	7	35	4.4
North Sydney (A)	8	41	4.3
Leichhardt (A)	9	39	4.3
Kiama (A)	10	43	4.2

Neighbouring LGAs have achieved the following rankings:

Institutional Foundations Theme Local Economic Development Support			
Local Government Area	Indicator NSW Rank	Indicator National Rank	Indicator Score
Orange (C)	105	330	0.9
Oberon (A)	41	143	2.4
Lithgow (C)	64	204	1.8
Blayney (A)	47	160	2.3
Cabonne (A)	124	423	0.5
Cowra (A)	47	156	2.3

Conclusion:

This result places Bathurst as a leader in the Central West, NSW and nationally in the provision of support for local economic development and also ranks Bathurst as the leading Evocity for this key indicator.

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 1.1
- Objective 3: To protect a vibrant CBD and support and grow retail diversity. Strategy 3.2
- Objective 4: To market Bathurst as a great place to live, work, study, invest and play. Strategy 4.1
- Objective 5: To facilitate and foster partnerships, networks and infrastructure to support and attract knowledge, innovation and research. Strategy 5.1

MINUTE

17 Item 11 NATIONAL COMPETITIVENESS INDEX – LOCAL ECONOMIC DEVELOPMENT SUPPORT (20.00071)

MOVED: Cr J Jennings SECONDED: Cr I North

RESOLVED: That the information be noted.

12 BUSINESS MANAGEMENT WORKSHOPS AUGUST 2015 (20.00071)

Recommendation: That the information be noted.

Report: Council has scheduled a new series of Business Management Workshops to assist local businesses to become more profitable and to attract new customers. A promotional flyer is provided at **attachment 1**.

Council's Business Management Workshops have now developed to become key events that are eagerly anticipated within the Bathurst business community. Council has successfully run 9 workshops across 2013-14. Collectively, more than 450 businesses have attended Council's Workshops since their inception in 2013. On average, each workshop now attracts 80 attendees.

All workshops are presented by local experts.

The following Workshops have been scheduled for August 2015:

Workshop one: Let's get lean and mean – tools to decrease costs and increase profits
Wednesday 5 August 2015, BMEC. 11am – 1pm.
Presented by Justin Enright, Morse Group

This Workshop will assist businesses to identify their key profit drivers and then develop strategies to grow them, without increasing costs. The session will also cover benchmarking, inventory control and productivity improvements.

Workshop two: Time saving social networking strategies
Tuesday 11 August 2015 BMEC. 11am – 1pm.
Presented by Kristy Welsh, Marketing Specialist

This Workshop will focus on the attraction of new customers using low cost and time efficient social media tools. It will include an overview of social media management systems, how to track social media performance and the social media platforms to focus on to achieve maximum online visibility.

Workshop three: The secret to getting more customers
Wednesday 19 August 2015, BMEC. 11am – 1pm.
Presented by Professor Steven D'Alessandro, Charles Sturt University

This workshop explores cost effective techniques to find new customers, generate new sales and renew sales to lapsed or lost customers.

The selection of workshop topics for this series has been based on comprehensive consultation with local businesses including face-to-face interviews and surveys.

Conclusion:

Council's next series of Business Management Workshops will be held in August 2015 at the Bathurst Memorial Entertainment Centre. The workshops reinforce Council's status as a leader in the provision of programs to assist local business growth and as a strong supporter of the Bathurst business community.

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

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 1: To attract employment, generate investment and attract new economic development opportunities. Strategy 1.3
- Objective 5: To facilitate and foster partnerships, networks and infrastructure to support and attract knowledge, innovation and research. Strategy 5.1, 5.4, 5.6

MINUTE

- 18 **Item 12 BUSINESS MANAGEMENT WORKSHOPS AUGUST 2015 (20.00071)**
MOVED: Cr G Westman SECONDED: Cr I North

RESOLVED: That the information be noted.

13 BATHURST REGION DESTINATION MANAGEMENT PLAN REFERENCE GROUP (07.00116)

Recommendation: That Council:

- (a) adopt the draft charter for the Bathurst Region Destination Management Plan Reference Group, and
- (b) seek expressions of interest for members of the Destination Management Plan Reference Group.

Report: The Bathurst Region Destination Management Plan (2015-2020) (DMP) is a strategic action plan that sets out aims and actions that tourism operators, community groups and Council can undertake to increase awareness and promote our region as a tourism destination. It is a tool that the Council developed with the community to help manage the regions tourism assets and experiences. This plan was adopted by Council at its meeting held 20 May 2015.

Action 7.4.1 of the DMP is:

‘That Council form a tourism reference group – which consists of a cross section of the industry, which includes hotel, B&B, sport event, vigneron, retail, restaurant, arts representations, along with Council – that meet at least 3 times per annum.’

In response to Action 7.4.1, a draft charter and an expression of interest (EOI) form have been prepared. The draft charter is at **attachment 1** and the EOI at **attachment 2**.

The DMP reference group is a group of community representatives and Council officers that meet to discuss, identify and prioritise actions and projects under the DMP. The reference group will be chaired by Council. Members of the public will be invited to submit an EOI.

The key aim of the reference group is to provide community perspective, advice and guidance to Council on the implementation and prioritisation of activities, programs and projects under the DMP. The distribution of information of tourism related projects and actions outlined in the Plan to tourism operators and the wider community will also be a key role of the delegates.

Council will provide administrative support to the meetings. Council staff will be invited to attend the meetings along with all Councillors.

At this stage it is envisaged that 3 meetings a year will be adequate to support an information exchange about actions and projects being undertaken under the Plan. Most of the actions and projects in the Plan are either ongoing or will take some time to implement. More regular meetings are unlikely to generate any additional information update. Notwithstanding, additional meetings could be called on a needs basis if required.

The agenda for each meeting will seek to provide:

- 1. An update on Council’s activities against all of the actions listed in the action table.
- 2. Detailed reports on 3 or 4 of the current key projects being undertaken by Council.
- 3. An opportunity for the community representatives to report on their own activities and projects under the strategy.

It should be noted at the outset that the Reference Group Charter would be reviewed at the

first meeting. The Charter is focussed solely on the strategic actions of Council and community groups under the Bathurst Region Destination Management Plan.

Conclusion:

Council's recently adopted DMP identified an opportunity to establish a reference group to assist with the implementation and review of that Plan. The key role of that group will be the dissemination of information of projects and actions outlined in the DMP to the wider community.

Financial Implications: The administrative costs associated with supporting the Reference Group will be met with funding set out in the 2015/16 budget.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 4: To market Bathurst as a great place to live, work, study, invest and play. Strategy 4.1, 4.3, 4.4, 4.6
- Objective 5: To facilitate and foster partnerships, networks and infrastructure to support and attract knowledge, innovation and research. Strategy 5.1
- 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, 30.3, 30.6

MINUTE

19 Item 13 BATHURST REGION DESTINATION MANAGEMENT PLAN
REFERENCE GROUP (07.00116)

MOVED: Cr G Westman SECONDED: Cr M Coote

RESOLVED: That Council:

- (a) adopt the draft charter for the Bathurst Region Destination Management Plan Reference Group, and
- (b) seek expressions of interest for members of the Destination Management Plan Reference Group.

Yours faithfully



D R Shaw
DIRECTOR
ENVIRONMENTAL, PLANNING & BUILDING SERVICES

DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT AND MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

15 JULY 2015

1 STATEMENT OF INVESTMENTS (16.00001)

Recommendation: That the information be noted.

Report: \$73,300,000 was invested at 30 June 2015 in accordance with Council's investment policies, the Minister's Investment Order dated 12 January 2011, the Local Government Act 1993 and associated regulations. All investments have been reconciled with Council's general ledger and are listed below:

	<u>Rating</u>	<u>Balance</u>	<u>Average Return</u>
<u>Short Term 1 – 365 Days</u>			
(comprising Commercial Bills, Term Deposit Debentures and Certificates of Deposit):			
Bank of Queensland	A2	\$6,000,000.00	3.65%
Bendigo and Adelaide Bank	A2	\$500,000.00	3.52%
IMB Limited	A2	\$500,000.00	3.49%
CBA	A1+	\$500,000.00	3.07%
Bankwest	A1+	\$6,500,000.00	3.27%
National Australia Bank Limited	A1+	\$17,000,000.00	3.56%
Westpac Banking Corporation	A1+	\$2,000,000.00	3.64%
Maritime, Mining & Power Credit Union	ADI	\$1,000,000.00	3.40%
People's Choice Credit Union	ADI	\$1,000,000.00	3.51%
Railways Credit Union Limited	ADI	\$2,000,000.00	3.62%
SGE Credit Union Limited	ADI	<u>\$1,500,000.00</u>	<u>3.41%</u>
		\$38,500,000.00	3.51%
<u>Long Term > 365 Days</u>			
(comprising Commercial Bills, Term Deposits and Bonds):			
<u>Committed Rolling Investments</u>			
Westpac	AA-	\$2,000,000.00	3.26%
Westpac	AA-	\$2,000,000.00	3.41%
Westpac	AA-	\$2,000,000.00	3.44%
Westpac	AA-	\$2,000,000.00	3.45%
National Australia Bank Limited	AA-	\$2,000,000.00	2.96%
Maritime Mining & Power Credit Union Ltd	ADI	<u>\$2,800,000.00</u>	<u>2.20%</u>
		\$12,800,000.00	3.06%
<u>Fixed, Negotiable & Tradeable Certificates of Deposits</u>			
Commonwealth Bank	AA-	<u>\$2,000,000.00</u>	<u>3.34%</u>
		\$2,000,000.00	3.34%
<u>Floating Rate Notes</u>			
Barclays Bank PLC – Australia	AA-	\$2,000,000.00	3.89%
Macquarie Bank	A	\$1,000,000.00	3.25%
Bendigo & Adelaide Bank Retail Bond	A-	\$1,000,000.00	3.34%
Bank of Queensland	A-	\$1,000,000.00	3.16%
Bank of Queensland	A-	\$2,000,000.00	3.26%
Bendigo & Adelaide Bank	A-	\$1,000,000.00	3.09%
Bank of Queensland 2	A-	\$1,000,000.00	3.22%
Credit Union Australia	BBB+	\$3,000,000.00	3.45%
Police Bank Ltd	BBB+	\$1,000,000.00	3.23%

Credit Union Australia	BBB+	\$1,000,000.00	3.35%
Newcastle Permanent	BBB+	\$1,000,000.00	3.50%
Members Equity Bank 2	BBB+	\$1,000,000.00	3.14%
Members Equity Bank	BBB	\$3,000,000.00	3.40%
Greater Building Society	BBB	\$1,000,000.00	3.43%
		\$20,000,000.00	3.38%

Total Investments **\$73,300,000.00** **3.39%**

These funds were held as follows:

Reserves Total (includes unexpended loan funds)		\$40,113,400.00
Grants held for specific purposes		\$1,925,139.00
Section 94 Funds held for specific purposes		<u>\$30,755,189.00</u>
Unrestricted Investments – All Funds		\$506,272.00
General Fund	\$506,272.00	
Water Fund	\$0.00	
Sewer Fund	\$0.00	
Waste Fund	<u>\$ 0.00</u>	

Total Investments **\$73,300,000.00**

Total Interest Revenue to 31 May 2015 **\$2,937,535.47** **3.39%**

Year to Date Averages

(as per the CBA & RBA for comparison purposes)

Reserve Bank of Australia - Cash Rate	2.00%
AFMA - 90 day Bank Bill Swap Rate (BBSW) Avg Mid	2.53%
Three Year Swap Rate - Commonwealth	2.47%
Five Year Swap Rate - Commonwealth	2.80%
Mofidied Deitz Calculation	3.35%

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

R Roach
Responsible Accounting Officer

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

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

20 Item 1 STATEMENT OF INVESTMENTS (16.00001)
MOVED: Cr G Westman SECONDED: Cr W Aubin

RESOLVED: That the information be noted.

2 YEAR TO DATE MONTHLY REVIEW - 2014-2018 DELIVERY PLAN AND ANNUAL OPERATING PLAN 2014-2015 (16.00137)

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 2014-2018 Delivery Plan and the Annual Operating Plan 2014-2015.

The Local Government (General) Regulation 2005 has been amended by inserting clause 413A to make it the duty of the General Manager to give timely information to Councillors about any fines or penalty notices from agencies such as the Australian Taxation Office, the Roads and Maritime Services or the Environment Protection Authority, or where a court or tribunal makes a costs order against a council.

Fines or penalty notices this month - Refer to attachment 2.

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

21 Item 2 YEAR TO DATE MONTHLY REVIEW - 2014-2018 DELIVERY PLAN AND ANNUAL OPERATING PLAN 2014-2015 (16.00137)

MOVED: Cr B Bourke SECONDED: Cr M Coote

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 June 2015.

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 2014/2015 budget, which currently have a balance as follows:

Section 356:	Nil
BMEC Community use:	Nil
Mount Panorama:	\$9,083.12

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

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

MOVED: Cr M Coote SECONDED: Cr W Aubin

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.

- Guntley, C - 200 College Road - Part Lot 2 DP749758 - In-house Rural Licence
- Minister Crown Lands - Crown Lands Licence No RI534089 - Lot 7004 DP1051996 - road widening Rivulet Road, Peel
- Renmeul Pty Ltd and Ross Aviation Services Pty Ltd - Bathurst Aerodrome - Lot 303 DP1187714 - Lease
- WIN Television NSW Pty Ltd - Mount Panorama - Lot 41 DP1056379 - Lease
- Press, M - 151 Laffing Waters Lane, Kelso - Lot 231 DP1177478 - In-house Rural Licence
- Schryver, N - Stephens Lane, Kelso -Part Lot 221 DP1147157 - In-house Rural Licence

Linen Plan Release

- AJ & CL Barlow and Housing Plus - two lot subdivision, release of Stage 2, two lots - Lot 200 DP1196540 - 18 Eric Sargeant Drive, Gormans Hill

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

23 Item 4 POWER OF ATTORNEY (11.00007)
MOVED: Cr M Coote SECONDED: Cr B Bourke

RESOLVED: That the information be noted.

5 BATHURST FILIPINO-AUSTRALIAN COMMUNITY INC (BFAC) (18.00195)

Recommendation: That Council make available an amount of \$550 to assist the operations of the Bathurst Filipino-Australian Community group, to be funded from Section 356 Donations.

Report: Council has received a request from Bathurst Filipino-Australian Community Inc. (BFAC) for financial assistance to promote awareness of their organisation within the community. A copy of this request is provided at **attachment 1**.

A copy of this organisation's financial statement has been provided to Councillors under separate cover.

Financial Implications: This request could be funded from Council's 2015/2016 Section 356 Donations which currently has a balance of \$11,854.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 20: To provide a range of cultural facilities, programs, activities and events and to support and enhance cultural and social activities across the community. Strategy 20.2
- Objective 23: To encourage a supportive and inclusive community. Strategy 23.3

MINUTE

24 Item 5 BATHURST FILIPINO-AUSTRALIAN COMMUNITY INC (BFAC)
(18.00195)

MOVED: Cr B Bourke SECONDED: Cr J Jennings

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

Reason: Manages a number of persons at work who are associated with this community group.

RESOLVED: That Council make available an amount of \$550 to assist the operations of the Bathurst Filipino-Australian Community group, to be funded from Section 356 Donations.

6 REQUEST FOR FINANCIAL ASSISTANCE - MITCHELL CONSERVATORIUM (18.00023-02/029)

Recommendation: That Council not agree to increase its financial contribution to the Mitchell Conservatorium to assist with the running of the organisation.

Report: Council currently supports the financial operations of the Mitchell Conservatorium by providing:

- (a) An amount of \$2,500.
- (b) Makes available the use of the Bathurst Memorial Entertainment Centre City Hall for public concerts up to an amount of \$7,000 per annum.
- (c) Continues to provide the Machattie Park Cottage for teaching spaces to the Mitchell Conservatorium at no charge.
- (d) Continues to provide Machattie Park and Rotunda free of charge for the Carols by Candlelight event.

Mr Graham Sattler addressed Council at a Councillors meeting with Community Groups/Representatives on 10 June 2015 and raised several matters at this meeting:

- Mitchell Conservatorium is a community organisation.
- Needs to be relevant to the community to remain viable.
- Bathurst is the home of the Mitchell Conservatorium.
- Advise that community expectations in terms of service provision are high because of the Conservatorium's proximity to Sydney and the quality of events etc available.
- Relationship with Local Government is critical.

Other topics mentioned included:

- Educational programs provided by the Conservatorium.
- Employ over 40 full-time, part-time and casual educators and administrators in Bathurst.
- Increases in costs and loss of funding are some of the challenges facing the Conservatorium
- Conservatorium is not full user pays as requirements under State Government funding are that the Conservatorium needs to provide a range of community services
- Conservatorium works in 52 schools across the region and 35 within the Bathurst Region
- Have made an approach to Council increase its assistance to \$5,000 for support of the Bathurst Chamber Orchestra on an annual basis.

Following the meeting with Councillors on 10 June 2015, Council has now received a formal request from the Conservatorium for Council to increase its financial contribution of \$2,500 per annum to \$3,500 which will allow the organisation to support its operations.

Council already has committed to \$2,500 as indicated above and other provisions.

It is recommended that Council not agree to the increase and that it maintains its financial contribution to the Mitchell Conservatorium at \$2,500 per annum.

Financial Implications: An amount of \$2,500 has already been provided for in the 2015/2016 budget as well as up to \$7,000 for the use of the City Hall and free use of Machattie Park Cottage and Machattie Park and Rotunda for Carols by Candlelight.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

**25 Item 6 REQUEST FOR FINANCIAL ASSISTANCE - MITCHELL
CONSERVATORIUM (18.00023-02/029)**

MOVED: Cr M Coote SECONDED: Cr G Westman

RESOLVED: That Council not agree to increase its financial contribution to the Mitchell Conservatorium to assist with the running of the organisation.

7 REQUEST FOR VARIATION - RURAL WASTE CHARGE (14.00007)

Recommendation: That Council:

- (a) increase the rebate on Rural Waste collection from \$13 per tonne to \$15 per tonne.
- (b) notify rural waste contractors of change in rebate.
- (c) advertise for 28 days the proposed change in the Revenue Policy and if no objections are received, then Council adopt the revised rebate of \$15 per tonne.

Report: Contained within Council's Management Plan is an item under Waste Management, Code 300, for Rural Waste Collection by contractors who are given a waste rebate for general waste delivered to the Bathurst Waste Management Centre. In 2014/2015 the waste rebate was \$13 per tonne. In 2015 Council adopted an amount of \$13 per tonne which had not been indexed in accordance with normal practice. Accordingly, the rebate should have been \$15 per tonne.

Council has received a request from Pak of Trash Trust, one of the contractors using this service, to increase the rebate from \$13 per tonne to \$18 per tonne. Currently, the contractor delivers, on average, around 35-40 tonnes of waste per month.

It is recommended that the fee for the rebate on Rural Waste Collection be increased from \$13 per tonne to \$15 per tonne in accordance with Council's normal practice increasing these charges by the CPI and that Pak of Trash Trust be advised that their application for an additional \$5 per tonne not be accepted and that an amount of \$15 per tonne rebate will be offered.

It is further recommended that, as this is a revenue policy change, Council will need to advertise the amendment for 28 days in accordance with normal practice. Should no objections be received, then this new charge will become operative.

Financial Implications: Council's income will be reduced by \$2 for every tonne of waste delivered by Pak of Trash to the Waste Management Centre.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 16: To encourage sustainable waste management practices, incorporating opportunities for energy generation. Strategy 16.1
- 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 29.3

MINUTE

26 Item 7 REQUEST FOR VARIATION - RURAL WASTE CHARGE (14.00007)
MOVED: Cr M Coote SECONDED: Cr I North

RESOLVED: That Council:

- (a) increase the rebate on Rural Waste collection from \$13 per tonne to \$15 per tonne.
- (b) notify rural waste contractors of change in rebate.
- (c) advertise for 28 days the proposed change in the Revenue Policy and if no objections are received, then Council adopt the revised rebate of \$15 per tonne.

Yours faithfully



R Roach
DIRECTOR
CORPORATE SERVICES & FINANCE

DIRECTOR ENGINEERING SERVICES' REPORT AND MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

15 JULY 2015

1 PROPOSED COMPULSORY ACQUISITION FOR ROAD WIDENING LOT 4 DP1209706, TURONDALE ROAD, DURAMANA (25.00340)

Recommendation: That Council make application to the Minister and/or Governor for the compulsory acquisition of Lot 4 DP1209706 located at Turondale Road, Duramana for road widening. The application is to:

- (a) Follow the provisions of the Roads Act 1993;
- (b) Follow the procedures set out in the Land Acquisition (Just Terms Compensation) Act 1991; and
- (c) Not include mineral rights.

The acquired land is to be classified as operational land, as detailed in the Director Engineering Services' report.

Report: Council, at its meeting held 21 September 2011, resolved:

“That Council approve the acquisition of land for road widening purposes affecting Portion 70 DP755785 at Turondale Road, Duramana and classify the land as Operational, as detailed in the Director Engineering Services report.”

In order to make an application to the Governor and/or Minister for the compulsory acquisition of land the Office of Local Government requires a whole lot to be described (i.e. no part lots or portions will be accepted). Council has engaged a registered surveyor to prepare a Plan of Acquisition and the land to be compulsorily acquired is now identified as Lot 4 DP1209706. A Plan of the land to be compulsorily acquired is found at **attachment 1**.

The only method available to Council to acquire Crown Land is through the acquisition process outlined in the Land Acquisition (Just Terms Compensation) Act 1991. It is recommended that Council approve the compulsory acquisition of Lot 4 DP1209706 located at Turondale Road, Duramana for road widening.

Financial Implications: The cost of the application and acquisition is estimated to be \$1,500.00 to be funded from Rural Road Widening Fund.

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 29: To guide the construction and provision of new infrastructure/facilities and services and the management and upgrading of existing assets and service levels. Strategy 29.1

MINUTE

27 Item 1 PROPOSED COMPULSORY ACQUISITION FOR ROAD WIDENING LOT 4 DP1209706, TURONDALE ROAD, DURAMANA (25.00340)

MOVED: Cr M Coote SECONDED: Cr G Hanger

RESOLVED: That Council make application to the Minister and/or Governor for the compulsory acquisition of Lot 4 DP1209706 located at Turondale Road, Duramana for road widening. The application is to:

- (a) Follow the provisions of the Roads Act 1993;
- (b) Follow the procedures set out in the Land Acquisition (Just Terms Compensation) Act 1991; and
- (c) Not include mineral rights.

The acquired land is to be classified as operational land, as detailed in the Director Engineering Services' report.

2 PROPOSED COMPULSORY ACQUISITION FOR EASEMENTS FOR SEWER PUMP STATION, BATHURST SHOWGROUND, KENDALL AVENUE BATHURST (22.00053)

Recommendation: That Council make application to the Minister and/or Governor for the compulsory acquisition of the following easements located on Lots 1, 2, 4 and 5 DP1179068 Kendall Avenue Bathurst:

- (a) Easement for Levee 3 Wide;
- (b) Easement to Drain Water 6 Wide;
- (c) Easement to Drain Sewage 5 Wide;
- (d) Easement to Drain Sewage 7 Wide;
- (e) Easement to Drain Sewage Variable Width;
- (f) Right of Carriageway 8 Wide and Variable Width; and
- (g) Easement to Drain Water Variable Width.

The acquisition is to be through the provision of Section 186 of the Local Government Act 1993 and the procedures set out in the Land Acquisition (Just Terms Compensation) Act 1991.

Report: Council, together with the Departments of Land and Property Information, Primary Industries Catchments and Lands, and Essential Energy, registered a plan of subdivision and acquisition on 12 December 2012 as DP1179068, indicating boundaries and easements contained within the Bathurst Showground and other adjoining Crown lands.

Council, at its meeting held 6 February 2013, resolved:

That Council:

- (a) make application to the Minister and/or the Governor to compulsorily acquire Crown Land located at Lots 3 and 6 DP1179068, Kendall Avenue Bathurst, located at the Bathurst Showground, for the purpose of a sewer pump station and an off-line sewerage pump station storage facility.
- (b) the acquisition to 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 the land acquired is to be classified as Operational land, as detailed in the Director Engineering Services' report.

Council is in the process of compulsorily acquiring Lot 3 and Lot 6 DP1179068 in line with this resolution.

On the registration of DP1179068 (see **attachment 1**) and the associated Section 88B instrument (see **attachment 2**) the following easements benefitting Bathurst Regional Council were also created:

- (a) Easement for Levee 3 Wide;
- (b) Easement to Drain Water 6 Wide;
- (c) Easement to Drain Sewage 5 Wide;
- (d) Easement to Drain Sewage 7 Wide;
- (e) Easement to Drain Sewage Variable Width;
- (f) Right of Carriageway 8 Wide and Variable Width; and
- (g) Easement to Drain Water Variable Width

In order for Council to utilise these easements, in conjunction with the application for the

compulsory acquisition of Lots 3 and 6 DP1179068, Council is required to follow the procedure of compulsory acquisition set out in the Land Acquisition (Just Terms Compensation) Act 1991 and make an application to the Governor and /or Minister of Local Government to register the easements.

It is recommended that Council approve the application to the Minister and/or Governor for the compulsory acquisition of the above easements located on Lots 1, 2, 4 and 5 DP1179068 Kendall Avenue Bathurst. The acquisition is to be through Section 186 of the Local Government Act 1993 and the procedures set out in the Land Acquisition (Just Terms Compensation) Act 1991.

Financial Implications: The estimated cost to acquire the easements is \$5000 and is to be financed by Council's Pump Station Minor Improvements.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 1: To attract employment, generate investment and attract new economic development opportunities. Strategy 1.7
- Objective 6: To support infrastructure development necessary to enhance Bathurst's life-style and industry development. Strategy 6.1
- Objective 13: To minimise the City's environmental footprint. Strategy 13.2
- Objective 16: To encourage sustainable waste management practices, incorporating opportunities for energy generation. Strategy 16.3
- Objective 29: To guide the construction and provision of new infrastructure/facilities and services and the management and upgrading of existing assets and service levels. Strategy 29.1

MINUTE

28 Item 2 PROPOSED COMPULSORY ACQUISITION FOR EASEMENTS FOR SEWER PUMP STATION, BATHURST SHOWGROUND, KENDALL AVENUE BATHURST (22.00053)

MOVED: Cr B Bourke SECONDED: Cr M Coote

RESOLVED: That Council make application to the Minister and/or Governor for the compulsory acquisition of the following easements located on Lots 1, 2, 4 and 5 DP1179068 Kendall Avenue Bathurst:

- (a) Easement for Levee 3 Wide;
- (b) Easement to Drain Water 6 Wide;
- (c) Easement to Drain Sewage 5 Wide;
- (d) Easement to Drain Sewage 7 Wide;
- (e) Easement to Drain Sewage Variable Width;
- (f) Right of Carriageway 8 Wide and Variable Width; and
- (g) Easement to Drain Water Variable Width.

The acquisition is to be through the provision of Section 186 of the Local Government Act 1993 and the procedures set out in the Land Acquisition (Just Terms Compensation) Act 1991.

3 IFME WORLD CONGRESS ON MUNICIPAL ENGINEERING & IPWEA INTERNATIONAL PUBLIC WORKS CONFERENCE (18.00154)

Recommendation: That the information be noted.

Report: The combined International Federation of Municipal Engineering (IFME) and the Institute of Public Works Engineering Australasia (IPWEA) held its 2015 Bi -Annual World Congress and Conference in Rotorua New Zealand from 7-11 June 2015. The conference theme was 'Sustainable Communities - Sharing the Knowledge' and was attended by 800 delegates from 15 countries.

Topic streams for the conference included asset management practice, engineering management, strategic asset management, sustainable communities, sustainable practices, roads & transport, three waters, as well as current developments within local government engineering.

Council's Road Safety Officer, Ms Iris Dorsett, presented a paper to the conference. Ms Dorsett spoke on the award winning 'Kindy Kits' program, which, as part of Bathurst Regional Council's Road Safety program teams up with Council's Water & Waste Section via their Waste Education Program to deliver community road safety and environment friendly messages to one of the youngest community groups, Kindergarten students. The importance and success of this program has been previously recognised by the IPWEA with the awarding of a 'Highly Commended' Local Government Excellence in Road Safety Award in October 2014 and by qualifying as a finalist in the Australasian College of Road Safety (ACRS) 3M Diamond Road Safety Award, which Ms Dorsett collected on behalf of Council from His Excellency the Governor General Sir Peter Cosgrove in November 2014.

In addition Ms Dorsett had been invited to display a poster on traffic management in emergency situations, which resulted from the study tour she undertook to Japan (Ohkuma), in April/May 2014. This study tour was funded by a foundation grant through the IPWEA. Both presentations were well received and generated much interest with Ms Dorsett receiving several requests from Sweden, Norway, Finland, United States, New Zealand and closer to home Western Australia, South Australia and Queensland to provide and share program information and strategies with them.

Ms Dorsett found that the conference was beneficial for both professional and personal development. The conference provided a comprehensive update on industry developments, and assisted with developing closer working relationships with other Council areas through networking opportunities. Overall, the conference was regarded as a success for Bathurst Regional Council.

Following the conference Council has received a letter from the Conference Team, which commended and thanked Ms Dorsett for her contribution to the event.

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

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

Strategy 24.6

- Objective 33: To be and develop good leaders.

Strategy 33.5, 33.6

MINUTE

**29 Item 3 IFME WORLD CONGRESS ON MUNICIPAL ENGINEERING & IPWEA
INTERNATIONAL PUBLIC WORKS CONFERENCE (18.00154)**

MOVED: Cr J Jennings SECONDED: Cr W Aubin

RESOLVED: That the information be noted.

4 ROADS TO RECOVERY - ADDITIONAL FUNDING (16.00011)

Recommendation: That Council note the Engineers report and allocate funding as proposed.

Report: As reported to Council in October 2014 the allocations for current Roads to Recovery programs were announced at that time with a 5 year period commencing on 1 July 2014 to 30 June 2019.

The program is funded by the Australian Government and administered through the Department of Infrastructure and Regional Development.

The previous 5 year program commenced in 2009 with a total budget of \$4,287,219 which has funded a number of road improvement works including part funding of the reconstruction and sealing of the Hill End Road in association with the Roads and Maritime Services REPAIR Program.

The budget allocated to Council over this current 5 year period was announced as \$5,285,924 allowing the continuation of the programmed works under this allocation item. This resulted in a funding allocation of \$880,987 per financial year with a double allocation in the 2015/16 year of \$1,761,975.

Council has now been advised that the allocation has been further increased with a total program allocation of \$8,066,313 over the 5 year period.

The new allocations are as follows:

- 2015/2016 \$2,516,831
- 2016/2017 \$2,906,520

The program allocation will then return to the original allocation of \$880,987.

This has resulted in additional funding in the current financial year of \$754,856 over what has already been allocated.

This is very good news for all Councils endeavouring to maintain a deteriorating road asset and this additional funding will certainly assist this Council in its endeavours.

The proposed allocation for the additional funding is as follows:

Lachlan Road Reconstruction	\$200,000
Freemantle Road Reconstruction	\$100,000
Limekilns Road Reconstruction	\$100,000
Eleven Mile Drive Reconstruction	\$100,000
Rural Reseals – Rockley Road	\$254,856

These allocations add mostly to the existing proposed projects provided for on the current program.

Financial Implications: Funding allocated will provide continuation and extension of the programmed road items proposed under this program.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 1: To attract employment, generate investment and attract new economic development opportunities. Strategy 1.1

MINUTE

30 Item 4 ROADS TO RECOVERY - ADDITIONAL FUNDING (16.00011)
MOVED: Cr M Coote SECONDED: Cr G Westman

RESOLVED: That Council note the Engineers report and allocate funding as proposed.

Yours faithfully



Doug Patterson
DIRECTOR
ENGINEERING SERVICES

DIRECTOR CULTURAL & COMMUNITY SERVICES' REPORT AND MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

15 JULY 2015

1 ARTS OUTWEST MEMORANDUM OF UNDERSTANDING AND 2014 ANNUAL REPORT (18.00036)

Recommendation: That Council:

- (a) Sign the Memorandum of Understanding with Arts OutWest for 2015-2018.
- (b) Continue to support Arts OutWest in providing the annual financial contribution as outlined in the report.

Report: Correspondence has been received from the President of Arts OutWest, requesting Council to renew the Memorandum of Understanding (MOU) initially signed in 2002 with 17 councils and then signed again in 2008 and 2012. The basis of the new MOU is to ensure that Arts OutWest and the 12 member councils continue to work cooperatively in a sustainable partnership for the delivery of regional arts and cultural development with the communities of the Central West. To achieve this Arts OutWest is requesting a financial contribution for the 2015/2016 period of \$24,986.40 (excluding GST) this fee being established at the rate of 60 cents per head of population. This new MOU, as shown at **attachment 1**, follows on from the previous MOU and requires approval by Council.

Arts OutWest have given a presentation at a Councillors Meeting with Community Representatives on 13 May 2015 and at this meeting Arts OutWest provided an overview of its activities and key projects. The presentation is further supported by the Arts OutWest Annual Report for 2014. A copy of the report is available at Council's administration offices or can be viewed on the Arts OutWest website using the following link (<http://artsoutwest.org.au/wp-content/uploads/2014/06/Final-AR2014.pdf>). Arts OutWest celebrated its 40th continuous year in 2014.

Council, in its Annual Operating Plan, provides funds to assist in the operations of Arts OutWest. Arts OutWest promotes, educates, facilitates and advocates for arts and cultural development for the communities of Central West NSW. Arts OutWest has provided support to Council during 2014/2015. At **attachment 2** is a summary that details support within the Bathurst Region.

Financial Implications: Council has provided \$24,000 in the Annual Operating Plan 2015/2016 for Community Arts and this contribution is made directly to Arts OutWest.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 3: To protect a vibrant CBD and support and grow retail diversity. Strategy 3.8
- Objective 20: To provide a range of cultural facilities, programs, activities and events and to support and enhance cultural and social activities across the community. Strategy 20.2
- Objective 23: To encourage a supportive and inclusive community. Strategy 23.3
- Objective 26: To encourage and support the provision of a range of opportunities for life long education across the Bathurst community. Strategy 26.2

MINUTE

31 Item 1 ARTS OUTWEST MEMORANDUM OF UNDERSTANDING AND 2014 ANNUAL REPORT (18.00036)

MOVED: Cr B Bourke SECONDED: Cr M Morse

RESOLVED: That Council:

- (a) Sign the Memorandum of Understanding with Arts OutWest for 2015-2018.
- (b) Continue to support Arts OutWest in providing the annual financial contribution as outlined in the report.

2 ALCOHOL-FREE ZONES IN THE BATHURST CBD (20.00126)

Recommendation: That Council:

- (a) commence the process, as outlined in the report, for the re-establishment of alcohol-free zones in the Bathurst CBD for a period of four years commencing 1 November 2015 and concluding 31 October 2019.
- (b) notify the public of the zone establishment as required under Section 644 of the Local Government Act, 1993.
- (c) endorse the continuation of the alcohol-free areas of Machattie Park/Kings Parade and Macquarie River Bicentennial Park.
- (d) Prepare a further report to Council at the conclusion of the notification period, including submissions received or, if no submissions are received, undertake the establishment of Alcohol Free Zones 2015–2019.

Report: The current alcohol-free zones expire at the end of October 2015 following a four year enforcement period. The current zones are listed below. A map detailing these can be found at **attachment 1:**

William Street - from Durham to Piper Streets
George Street - from Durham to Piper Streets
Howick Street - from Rankin to Bentinck Streets
Russell Street - from Rankin to Bentinck Streets
Keppel Street - from Rankin to Havannah Streets
Piper Street - from Rankin to Bentinck Streets
Rankin Street - from Durham to Piper Streets
Bentinck Street – from Durham to Keppel Streets
Court House Lane
Church Street

Council commenced proceedings to establish alcohol-free zones in Bathurst Regional Council in 2004, re-establishing these zones in 2008 and 2011. The expiry of the 2011 alcohol-free zones is scheduled to occur as at 31 October 2015.

The above-listed zones are proposed to be re-established from 1 November 2015 to 31 October 2019.

Council has sought feedback from NSW Police Force - Chifley Local Area Command and has received a letter of support and recommendation for the re-establishment of these zones. A copy of this correspondence can be found at **attachment 2.** The need to retain these zones has been identified through consultation for the Bathurst Community Safety Plan from residents and stakeholders alike.

The Ministerial Guidelines on alcohol-free zones has a limit of operation to a maximum period of four years. This is done so a Council may consider the changes occurring in public behaviour and consider whether or not a zone needs to be in place.

The Ministerial Guidelines state that *"there is no general provision for an alcohol-free zone to be extended. However, the roads, footpaths or public carparks comprising a zone may be included in another alcohol-free zone of the same or different configuration, immediately following the cessation of the existing zone or at any future time"* . The Guidelines also indicate that, when considering a proposal to re-establish a zone, Council must consider the previous reasons for establishing the zone and the success or otherwise of the zone. All the requirements for the valid establishment of a zone apply, whether or not a previous zone has been established.

The Guidelines outline the following process for the valid establishment of an alcohol-free zone:

1. Reasons to support an Alcohol-Free Zone - relating to the irresponsible consumption of alcohol on roads and footpaths and in public carparks.
2. Location of an Alcohol-Free Zone - may only be established to include a public road, footpath or a public place that is a carpark (ie carparks on public land or Crown land).
3. Duration of an Alcohol-Free Zone - may be established for a maximum period of four years. Once established, it applies twenty-four hours per day.
4. Consultation with the Police - Council must consult with the relevant Police Local Area Commander about the appropriate number and location of alcohol-free zones.

After preparing a proposal to establish an alcohol-free zone Council is required to undertake a public consultation process, which involves all of the following:

- Publishing a notice of the proposal in a newspaper, allowing inspection of the proposal and invite representations or objections within 30 days from the date of publication.
- Sending a copy of the proposal to the Police Local Area Commander and the liquor licensees and secretaries of registered clubs whose premises border on, or adjoin or are adjacent to, the proposed zone inviting representations or objections within 30 days.
- Sending a copy of the proposal to any known organisation representing or able to speak on behalf of an identifiable Aboriginal or culturally and linguistically diverse group within the local area and inviting representations or objections within 30 days.

Council is to give proper consideration to any representations, submissions or objections received and as a result may amend or withdraw a proposal to establish an alcohol-free zone. However, any amendment that extends the location of the proposed alcohol-free zone must be supported by reasons.

Having completed the above steps Council may, by resolution, adopt a proposal to establish an alcohol-free zone and the following process will be undertaken by Council:

1. Inform interested parties including any applicant, the relevant Police Local Area Commander, affected liquor licensees and club secretaries and other organisations advised of the original proposal.

2. Amend and place signage to reflect the new zoning period, prior to the zone enforcement.
3. Publicly advise the establishment of an alcohol-free zone by notice published in a newspaper seven (7) days prior to the zone's enforcement.

Therefore, the following milestones are required to be achieved prior to the re-establishment/establishment of the alcohol-free zones:

- Proposal with reasons and letter of support from Police Local Area Commander.
- Letters advising of proposal inviting representations/objections to be sent to Police, liquor licensees, Aboriginal and culturally and linguistically diverse groups (30 days).
- Notice in local newspaper of proposal inviting representations/objections (30 days)
- Collate representations/objections and prepare a report to Council.
- Report to Bathurst Regional Council to consider proposal and any representations or objections and make a resolution accordingly.
- Commence amending signage.
- Place notice in local newspaper of upcoming zone implementation date, inform stakeholders.
- Zone effective, place notice in local newspaper.

For Council's information the following **alcohol-free areas** are also in place and are not required to be re-established under Section 632 of the Local Government Act and they will remain established:

- * Machattie Park/Kings Parade - commenced 8 July 2009.
- * Macquarie River Bicentennial Park - commenced 7 May 2008.

Financial Implications: Amendment and placement of signs to be funded from the Engineering Sign Maintenance budget.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 22: To improve community safety. Strategy 22.4

MINUTE

32 Item 2 ALCOHOL-FREE ZONES IN THE BATHURST CBD (20.00126)
MOVED: Cr M Coote SECONDED: Cr B Bourke

RESOLVED: That Council:

- (a) commence the process, as outlined in the report, for the re-establishment of alcohol-free zones in the Bathurst CBD for a period of four years commencing 1 November 2015 and concluding 31 October 2019.
- (b) notify the public of the zone establishment as required under Section 644 of the Local Government Act, 1993.
- (c) endorse the continuation of the alcohol-free areas of Machattie Park/Kings Parade and Macquarie River Bicentennial Park.
- (d) Prepare a further report to Council at the conclusion of the notification period, including submissions received or, if no submissions are received, undertake the establishment of Alcohol Free Zones 2015–2019.

Yours faithfully



Alan Cattermole
DIRECTOR
CULTURAL & COMMUNITY SERVICES

POLICY COMMITTEE MEETING

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

1 MINUTES - POLICY COMMITTEE MEETING - 1 JULY 2015 (07.00064)

Recommendation: That the recommendations of the Policy Committee Meeting held on 1 July 2015 be adopted.

Report: The Minutes of the Policy Committee Meeting held 1 July 2015, 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

33 Item 1 MINUTES - POLICY COMMITTEE MEETING - 1 JULY 2015 (07.00064)
MOVED: Cr M Coote SECONDED: Cr I North

RESOLVED: That the recommendations of the Policy Committee Meeting held on 1 July 2015 be adopted.

MINUTES OF THE POLICY COMMITTEE
HELD ON 1 JULY 2015

MEETING COMMENCES

1 MEETING COMMENCES 6:00 PM

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

APOLOGIES

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

RESOLVED: That the apologies from Crs Aubin, Bourke & Jennings and the apology for late arrival from Cr Hanger be accepted and leave of absence granted.

REPORT OF PREVIOUS MEETING

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

RESOLVED: That the Minutes of the Policy Committee Meeting held on 3 June 2015 be adopted.

DECLARATION OF INTEREST

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

RESOLVED: That the Declaration of Interest be noted.

RECEIVE AND DEAL WITH DIRECTORS' REPORTS

Director Environmental Planning & Building Services' Report

5 Item 1 POLICY UPDATE (41.00089)
MOVED Cr I North and **SECONDED** Cr M Coote

RESOLVED: That Council adopt the amendments to the Policy Manual as detailed in the report.

Cr Hanger arrived at the meeting

6 Item 2 REFUND OF FEES FOR DCP AND LEP AMENDMENTS (41.00089 &

This is page 1 of Minutes of the Policy Committee held on 1 July 2015.

16.00044)

MOVED Cr M Coote

and **SECONDED** Cr I North

RESOLVED: That Council adopt the Refund of fees for DCP and LEP Amendments Policy.

Director Corporate Services & Finance's Report

- 7** **Item 1 REVISED POLICY - SECTION 356 DONATIONS (18.00004, 41.00089)**
MOVED Cr M Coote and **SECONDED** Cr G Westman

RESOLVED: That Council adopt the revised Policy - Section 356 Donations.

GENERAL BUSINESS

- 8** **Item 1 LOGGING TRUCKS, ROCKLEY (TRAFFIC COMMITTEE) (25.00575)**

Cr North - stated there are concerns with logging trucks going through Rockley. Could this be raised with Police at the next Traffic Committee Meeting .

- 9** **Item 2 LEE STREET - RAIL CROSSING (25.00074)**

Cr North - asked can Council talk to relevant authorities about Lee Street being left permanently open, if its operation works successfully during the Highway upgrade.

- 10** **Item 3 GREAT WESTERN HIGHWAY UPGRADE TO AERODROME (25.00018)**

Cr North - advised Council needs to start lobbying the State Government for the next stage of the Great Western Highway upgrade, with the section to the Gold Panner now being constructed.

- 11** **Item 4 ICE RINK EVENT (20.00153)**

Cr North - stated rink looks really good for Saturday, what are bookings like?

The Mayor advised 4,044 tickets have been sold as at this morning.

- 12** **Item 5 EVENTS - ICE SKATING, ILLUMINATION FESTIVAL, FOSSIL MUSEUM TOUR (20.00153)**

This is page 2 of Minutes of the Policy Committee held on 1 July 2015.

Cr Coote - spoke to excellent press articles about events this weekend in Bathurst. The articles were in the Sunday Herald, Victoria and other major capital city newspapers, reaching 1.75 million readers.

The Mayor noted this has been generated through Central NSW Tourism as part of the Unearthed campaign which is currently focusing on Bathurst.

13 **Item 6 TOILETS - MACHATTIE PARK (04.00012)**

Cr Morse - have had concerns raised about lack of hot water, hand driers and soap dispensers. Could Engineers check to see if could be upgraded for the festival.

14 **Item 7 ADVENTURE PLAYGROUND (04.00121)**

Cr Morse - asked when will next stage be opened. Also queried access to Hope Street.

The Director Engineering Services advised opening is imminent, there are some minor works to be carried out. Access to Hope Street will be built in the future by Council.

15 **Item 8 DEVELOPMENT CONDITIONS - SIZE OF SHEDS (02.00005)**

Cr Morse - asked is there a limit on the size of sheds in the conservation area. If not, can this be reviewed by Council.

The Acting Director Environmental Planning & Building Services advised there are no maximum limits in Council's standards. Council can at any time review adopted standards.

DISCUSSION FORUM - DEVELOPMENT APPLICATION SUBMISSIONS

16 **Item 1 DEVELOPMENT APPLICATION NO. 2015/0181 – SINGLE STOREY DWELLING AT LOT 87, DP 1067827, 74 BURRAGA ROAD, ROCKLEY. APPLICANT: MS P OXENBRIDGE. OWNER: MR T & MRS J OXENBRIDGE (DA/2015/0181)**

MOVED Cr M Coote

and **SECONDED** Cr I North

RESOLVED: That the information be noted.

Discussion included:

E Woods – 67 Hill Street, Rockley (adjoins proposed development) - stated the

proposal should come back to align with council standards, feels this is an invasion of their privacy. The development is on a 250 acre block, do not need proposed increased level of density in a rural area. Have written to council with objections. There is plenty of room to re-site the development, spoke to road access available including council and crown roads. Issues raised included; location proposed and impact on views, petition signed by Rockley residents against increased use of East Street, safety of children due to increased traffic, council setback requirements, costs of development.

D Mansell - East Street, Rockley - wishes to object to the proposal, has forwarded an objection to Council. Issues raised included; loss of views, privacy concerns, closeness to other properties, concerns with East Street standards. If DA is approved will create a precedent for future developments.

P Oxenbridge - owner of property (subject of DA) - advised purchased land that envelopes the village of Rockley, spoke to history of the property. Has access to village via East Street and three other paper roads. Referred to operation of various properties that are owned by the family. Access to school and the village is why wish to use East Street, which is a residential street. Already use East Street, no extra traffic will occur. Using Burruga Road is not practical as it is 100km/h with logging trucks. Raised concerns with objectors suggestion to utilise the tip road, not practical. Wish to use a village road. Topography and infrastructure in the location determine the most suitable location. Raised concerns with access to electricity and costs thereof. Need to be within 50 metres of the available power pole. Spoke to details of objections presented to Council and concerns with these and prior tree plantings which have been poisoned.

E Webster - Rockley resident - spoke to power pole concerns. There is a power line through the developers property. The section of East Street to be used is Crown Road not council road. The trees previously planted were eaten by rabbits.

F Golsby - Rockley resident - not interested in DA. Rather raises with Council about need to help the village grow. Need to be sustainable into the future.

17

Item 2 DEVELOPMENT APPLICATION NO. 2015/0106 – EXTRACTIVE INDUSTRY AT LOT 3, DP 226520, NAPOLEON REEF ROAD, NAPOLEON REEF. APPLICANT: HOTHAMS SAND SOIL & GRAVEL SUPPLIES PTY LTD. OWNER: HOTHAMS SAND SOIL & GRAVEL SUPPLIES PTY LTD (DA/2015/0106)
MOVED Cr G Westman and **SECONDED** Cr I North

RESOLVED: That the information be noted.

Discussion included:

B Bailey - Napoleon Reef resident - spoke to developers briefing document and concerns with this. What is proposed jeopardises small business in the area, 9 of the 10 in the area have raised concerns about viability. Availability of materials (lack thereof) in the Bathurst basin is not valid to support the proposal. There are 360 persons in the area, not a few residents as claimed in the DA. There are a number of adjoining owners who will be impacted by the development. Raised traffic concerns, noted no tippers, flat top trucks currently use the roads in this area. Tabled document on concerns contained in the DA briefing document, which residents consider are incorrect.

T Aitken - Hillview Estate - spoke to zoning issues and background on the Hillview Estate. The Housing Estate adjoins the proposed development. Hillview is unsuitable for production (agriculture), in 1983 Evans Shire made LEP 3 to cover the Hillview Estate area. This was to reduce conflicts. Spoke to adjoining council land which is zoned E2 as very high environmental value. In 2005 the land was rezoned 1(e) outer rural by Bathurst Regional Council, there is no explanation for this. The land is now zoned RU1. There is no reason for this and is incompatible with existing uses. The DA is totally inappropriate.

D Willman - Windy Hill - Napoleon Reef Road - Napoleon Reef Road is a rural local road (circulated photos), spoke to conditions of the road. Proposed truck usage, bulldozers, trucks etc for the site. There are inconsistencies about average truck movements proposed and road widths claimed by the proponent. There are safety concerns with vehicle movements. Noted movement in and out of the site will necessitate trucks to use most of the road width and this creates safety risks. Braking distances are also of concern, there is no way safety of children, buses and vehicles can be guaranteed. The proposal is not in the community interest. Tabled a document for Council consideration.

K Armstrong - Napoleon Reef resident - raised concerns with water availability. Rainfall in area is low and soil profile is light. St Anthony's Creek and issues of flow raised, now not a permanent creek. Spoke about the difficulty with the existing bore water provided by council. How can the quarry operate in an area where water is not freely available? Issues such as; dust, soil profile damage by trucks, possible damage to St Anthony's Creek were raised. Tabled a set of questions for council to consider, such as how is water to be sourced, how will this impact on surrounding properties, impact on aquifer, contamination impact on aquifer, blasting issues.

J Page - Napoleon Reef resident - advised has had a lifelong association with the area. Concerned with the proposal and the future for the area if the quarry goes ahead. Bathurst Regional Council's rural strategy talks of protecting mining and extractive industries. The area was intended for rural residential development, this proposal would compromise this. Raised a number of questions about the DA; material reserves, how will operations occur, parking processes, fuel storage, waste, area of containment, blasting requirements. A list of questions were tabled. Spoke to current works that are occurring on the site, is this development by stealth?

R Mottram - Ridgeway - raised concerns about noise. The report seems to dismiss any noise issues. The proposed quarry will lead to more quarries being put in place. This will rip the area apart. There have been no field studies undertaken and much of the report is copy/paste and is inaccurate. Climate condition surveys have only been taken from the Bathurst Agriculture station, not out at the site. Data utilised is 10 years old. The noise report is cheap and basic, has not covered necessary issues that should be covered in a noise report. Road and traffic noise is also not covered adequately by the noise report. Referred to statutory documents on assessing a developments noise impact. No background noise testing has occurred. No consideration of impact on property values, environmental matters, amenity of the area. The noise propositions need to be tested, the noise of the quarry will be significantly different to what currently exists. Council should request a comprehensive sound report. There are 3 working observatories in the area. The proposal will affect these.

T Collins - Napoleon Reef resident - water is not to come from St Anthony's Creek, does this mean extra truck movements? There is no place for a quarry in this area.

This is page 5 of Minutes of the Policy Committee held on 1 July 2015.

Raised traffic safety concerns and issues with wildlife.

C Aitken - Hillview Estate - provided handouts to Council. Family has been based in the area for 20 years. Expressed concerns at quality of documents provided with DA. Concerns included health issues, incorrect statements that population is very small. Noted there are 75 homes (350 residents) in the area, which will be impacted by dust. There will be impacts on animals as well. Dust will spread far and wide in the area. Possible contaminants in the soil from prior gold operations is unknown. The proposal is in the habitat area of the Copper Wing butterfly, the quarry will be a key threat. The proposal is incompatible with council planning instruments.

H Price - Napoleon Reef - provided a handout to Councillors. Has completed environmental science qualifications. Spoke to DA and issues with possibility of koalas being in the area. Noted SEPP44 requirements. Closeness of Winburndale Reserve creates factors relevant to koala presence. Spoke to studies undertaken in completing qualifications on koalas in Rockley Mount and similarity of area to Napoleon Reef location. Development should not be allowed.

C Bailey - Ridgeway - referred to Bathurst Copper Wing Butterfly and koala matters. Noted thorough surveys of species need to be undertaken. The current environmental study is inadequate. There are a number of inadequacies in the study, including species names, incorrect listing of species, reference to Hill End (inappropriately), inconsistencies with federal/state guidelines.

Impact on the Butterfly is highly likely, the Ozark report is inadequate. Raised concerns at the prior clearing that has occurred on the site. The area is high conservation value, the quarry must not be allowed to proceed. There are other threatened species in this area which will be affected.

G Sanders - Napoleon Reef resident - runs an organic farm. Concerns about dust, inadequacy of DA. Requests quarry be refused.

G Mader - Napoleon reef resident - has been in the area since the mid 1980's. Extremely concerned at the proposal. Operates a small local business. The area is an amazing place, spoke to history of area. It is very poor productive rural land, but has rare bushes and shrubs in the area. The quarry will significantly deplete these. The area is a key tourism asset, this is an important fact in the recently adopted Destination Management Plan (DMP). Tourism is growing in the region and is very valuable to the community. Tourism is sustainable.

J Bower - Wiradyuri Elder - concerned at proposed quarry. There is inadequate assessment of aboriginal sites in the proposal, only Aboriginal Heritage Information Management System (AHIMS) used. Noted concerns with fauna in the area, particularly with closeness of Winburndale reserve. Why are there no reports on the site about aboriginal heritage? The rock in this site was used by aboriginals to create knives and other implements. There are scarred trees in the area.

MEETING CLOSE

18 MEETING CLOSE

The Meeting closed at 8 pm.

This is page 6 of Minutes of the Policy Committee held on 1 July 2015.

CHAIRMAN: _____

Date: _____ **(15 July 2015)**

TRAFFIC COMMITTEE MEETING

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

1 MINUTES - TRAFFIC COMMITTEE MEETING - 7 JULY 2015 (07.00006)

Recommendation: That the recommendations of the Traffic Committee Meeting held on 7 July 2015 be adopted.

Report: The Minutes of the Traffic Committee Meeting held 7 July 2015, 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

- 34 **Item 1 MINUTES - TRAFFIC COMMITTEE MEETING - 7 JULY 2015 (07.00006)**
MOVED: Cr W Aubin SECONDED: Cr I North

RESOLVED: That the recommendations of the Traffic Committee Meeting held on 7 July 2015 be adopted.

MINUTES OF THE TRAFFIC COMMITTEE
HELD ON 7 JULY 2015

MEETING COMMENCES

1 MEETING COMMENCES 2:00 PM

Members: Cr Warren Aubin (Chair), Senior Constable Jason Marks (Police), David Veness (MP Representative), David Vant (Roads and Maritime Services).

Present: Darren Sturgiss (Manager Technical Services), Paul Kendrick (Traffic & Design Engineer), Iris Dorsett (Tablelands Area Road Safety Officer).

APOLOGIES

2 APOLOGIES

Nil.

REPORT OF PREVIOUS MEETING

3 Item 1 MINUTES - TRAFFIC COMMITTEE MEETING - 2 JUNE 2015 (07.00006)

That the Minutes of the Traffic Committee Meeting held on 2 June 2015 be adopted.

DECLARATION OF INTEREST

4 DECLARATION OF INTEREST 11.00002

That the Declaration of Interest be noted.

RECEIVE AND DEAL WITH DIRECTORS' REPORTS

Director Engineering Services' Report

5 Item 1 MINUTES OF THE TRAFFIC COMMITTEE MEETING HELD 2 JUNE 2015 (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 CHERITON VILLAGE INCREASE STREET PARKING REQUEST FOR STEWART STREET (25.00022-02/036)

That Council approve the removal of the bus zone at 198 Stewart Street subject to conditions as detailed in the Director Engineering Services' report.

8 Item 4 BATHURST CYCLING CLUB COURSE AND CALENDAR ADDITIONAL EVENT 2015 (18.00022-05)

That Council approve an additional event for the Bathurst Cycling Club road racing and training events calendar. The event is to be classified as a Class 2 event and approved subject to conditions detailed in the Director Engineering Services' report.

9 **Item 5 2016 BATHURST STREET AND CUSTOM MOTORCYCLE SHOW (23.00026-18/033)**

That Council approve the 2016 Bathurst Street and Custom Motorcycle Show to be held Saturday 6 February 2016. The event is to be classified as a Class 2 event and approved subject to conditions as detailed in the Director Engineering Services' report.

10 **Item 6 SUNNY CORNER TRAIL BIKE RALLY 2015 (23.00015-08/007)**

That Council classify the Sunny Corner Trail Bike Rally to be staged on Forestry Corporation of NSW roads on Saturday 12 and Sunday 13 September 2015 as a Class 4 event and the event be approved subject to conditions as detailed in the Director Engineering Services' report.

11 **Item 7 2015 ORANGE BATHURST ORANGE CHARITY BIKE RIDE (23.00026-18)**

That Council classify the Orange Bathurst Orange Charity Bike Ride as Class 1 and approve the event subject to conditions as detailed in the Director Engineering Services' Report.

12 **Item 8 BATHURST BICENTENARY GALA BALL EVENT ROAD CLOSURES, TEMPORARY NO PARKING AND TEMPORARY RELOCATION OF RUSSELL STREET TAXI RANK (04.00073-04)**

That Council classify the staging of the Bathurst Bicentenary Gala Ball event planned to be held in Russell Street out the front of the Bathurst Court House, as a Class 2 event and approve it subject to conditions as contained in the Director Engineering Services' report.

13 **Item 9 INSTALLATION OF A CHILDREN'S CROSSING AT CARENNE SCHOOL, BROWNING STREET (25.00062)**

That Council:

- (a) Upgrade the existing pedestrian refuge to comply with current standards; and
- (b) Install a Children's Crossing at the location of the existing pedestrian refuge.

14 **Item 10 LATE REPORT (23.00026-18)**
MOVED David Veness (MP) and **SECONDED** David Vant (RMS)
REPRESENTATIVE)

That the Committee accept and deal with the Late Report on the Bathurst Community Club Music Festival (23.00026-18) at the Traffic Committee Meeting 7 July 2015.

15 **Item 11 BATHURST COMMUNITY CLUB MUSIC FESTIVAL (23.00026-18)**

That Council approve the Bounce Music Festival Event to be staged on Saturday 24 October 2015 at the Bathurst City Community Club Premises.

The event is to be classified as a Class 1 event and approved subject to conditions as detailed in the Director Engineering Services' report.

TRAFFIC REGISTER

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

That the information be noted.

MEETING CLOSE

17 **MEETING CLOSE**

The Meeting closed at 2.36 pm.

RESCISSION MOTIONS AND MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

1 RESCISSION MOTION - LEASE OF HANGAR - BATHURST AERODROME TO BURKES TRANSPORT PTY LTD (11.00005)

Recommendation: For Council's consideration.

Report: We the following Councillors hereby give notice of rescission of the following motion of Council of 17 June 2015.

RESOLVED: That Council confirm the lease conditions for Lot 4 DP847356 located at Bathurst Aerodrome with Burkes Transport Bathurst as approved by Council on 21 November 2012.

Dated: 17 June 2015

Signed: Cr Warren Aubin
Cr Bobby Bourke
Cr Monica Morse

The Rescission Motion is shown at **attachment 1**.

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

**35 Item 1 RESCISSION MOTION - LEASE OF HANGAR - BATHURST
AERODROME TO BURKES TRANSPORT PTY LTD (11.00005)**

MOVED: Cr M Morse SECONDED: Cr B Bourke

RESOLVED: That Council rescind the following decision of 17 June 2015 (GM Confidential #1):

That Council confirm the lease conditions for Lot 4 DP847356 located at Bathurst Aerodrome with Burkes Transport Bathurst as approved by Council on 21 November 2012.

DELEGATES REPORTS AND MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

15 JULY 2015

1 CENTROC BOARD MEETING 28 MAY 2015 (PARLIAMENT HOUSE, SYDNEY) (07.00017)

Recommendation: That the report on the CENTROC Board meeting held 28 May 2015 at Parliament House, Sydney be noted.

Report: The Centroc Board meeting was recently held at Parliament House Sydney 28 May 2015. The Centroc Executive also met prior to the Board that morning. Centroc representatives also attended several Ministerial meetings the day before. Member for Bathurst and Minister for Local Government The Hon Paul Toole, assisted with organising the Parliament visit. Centroc was fortunate to have the following Ministers address the Board.

- The Hon Mr John Barilaro, Minister for Regional Development
- The Hon Jillian Skinner, Minister for Health
- The Hon Paul Toole, Minister for Local Government
- The Hon Duncan Gay, Minister for Roads, Maritime and Freight and Mr Andrew Gee Parliamentary Secretary for Regional Roads
- The Hon Robert Stokes, Minister for Planning,
- Mr John Sidoti, Parliamentary Secretary for Roads and Transport

CENTROC Board Meeting – Key Decisions and Reports

Transport Infrastructure - Centroc Members resolved to adopt the report tabled by RDACW in collaboration with Centroc on the Freight, Logistics and Transport infrastructure priorities completed in April. Members will be able to use this work to support funding applications for transport infrastructure at both the State and Federal levels.

A review of priority projects completed by REROC with a view to value adding to the Centroc approach with a freight specific outcome will be undertaken.

The Centroc and RDA Regional Infrastructure Assessment: Decision Support Matrix has been presented to the Treasurer and The Hon Gladys Berejiklian.

Water Security –The revised Advocacy Water Plan and the Regional Strategic Business Plan for Water were both adopted by the Board.

A report will be received following a regional workshop on optimising of the Priority Infrastructure Matrix in the context of the current funding framework. This builds on the growing body of strategic work in the region that has enabled the Councils of Central NSW to be highly successful for funding applications for water.

A meeting with Mr Gavin Hanlon, the newly appointed Deputy Director General, Water to discuss a number of issues relating to the cost and compliance burden of the Best Practice Framework, particularly for Integrated Water Cycle Management Plans was held.

The following key items were raised with the Hon Niall Blair MLC, Minister for Primary Industries and Minister for Land:

- Briefing the Minister on the success of the State Government consultation with Local Government and the agricultural sector on scoping for a potential new dam on the Belubula;
- Offer of support to co-ordinate project development and communication with regional stakeholders for implementation of cross boundary water security projects;
- Advice on the pathway for Central NSW Councils and our agricultural sector to collaborate with the State Government on a review of the Murray Darling Basin Plan in our region;
- Minister's support for the development of a Food and Fibre Plan for Central NSW;
- An update from the Minister on the progress of the Crown Lands Management Review; and
- Advice from the Minister regarding the status of the Weather Station for Central NSW and the Orana Region.

Health – Support for the Carewest and Ronald McDonald projects was resolved, where there will be further follow up on what requirements are expected from Centroc.

A report will be provided to the Board on the merits of a case study visit to James Cook University Medical School in Townsville and specific support will be given to the Murray Darling Medical School Model in the context of ongoing general support for all university activity in the medical space in this region.

Centroc representatives met with Ms Sarah Mitchell, Parliamentary Secretary for Rural & Regional Health and Parliamentary Secretary for Western NSW. An invitation has been extended to Ms Mitchell and it is hoped to work more closely with her.

A letter was presented to the Hon Pru Goward, Minister for Mental Health, regarding concerns for the future of the Centre for Rural and Remote Health and the Rural Adversity Mental Health Program.

Regional Development – An MOU between Centroc and Regional Development Australia Central West (RDACW) was signed with the Minister for Regional Development as a witness.

Further follow up with Minister Barilaro is underway with an invitation extended to him to visit our region.

Centroc resolved to sponsor the SEGRA event that will be held at Bathurst in October.

A report will be received from the Department of Agriculture regarding the briefing notes provided to advisor to the Hon Barnaby Joyce, Mr Richard Hyett.

During his presentation Minister Barilaro provided advice that he was keen to see more activity in the regions in support of agriculture and subsequent to the Board meeting RDACW have provided advice that they are investing in a value add agriculture strategy.

Telecommunications - RDACW has indicated in principle support for overseeing a project to review telecommunications infrastructure priorities for the region. Members are encouraged to take part in this process.

Planning - The Regional Growth Plan is currently progressing very well through the Planners Group in collaboration with DoPE.

The Hon Robert Stokes, Minister for Planning Addressed the Board and follow up is being taken up from his presentation to the Board on;

- Consideration of a review of the population projections methodology used by the Department of Planning in the context of their implications for investment in regional areas
- New classes of complying development reflecting the needs of the regions
- The reintroduction of the planning reforms
- Planning for growth in Central NSW and its fit with the NSW Government policy on decentralisation, and
- All of the above in the context of a recognition of the need to do planning differently in regional NSW.

The JO pilot progress – The Board thanked Cr David Somerville for his work with the Legal Framework discussion paper for the JO pilot.

The Regional Priorities Statement that is a mandatory activity prescribed by the Office of Local Government was endorsed by the Board along with the Communication Plan.

Various meetings for the JO pilot have taken place since the February Board meeting. Members should refer to the JO updates for more detailed advice.

Operational – Centroc staff continue to maintain savings for the Region. To date a total Net Savings of \$2,872,066 has been achieved for Councils for its operational support program since its inception in 2009.

Financial Implications: Council's involvement in CENTROC is provided for within existing budget allocations.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 1: To attract employment, generate investment and attract new economic development opportunities. Strategy 1.1

MINUTE

36 Item 1 CENTROC BOARD MEETING 28 MAY 2015 (PARLIAMENT HOUSE, SYDNEY) (07.00017)

MOVED: Cr I North SECONDED: Cr M Morse

RESOLVED: That the report on the CENTROC Board meeting held 28 May 2015 at Parliament House, Sydney be noted.

2 COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 10 JUNE 2015 (11.00019)

Recommendation: That the information be noted.

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

Apologies: Councillors Jennings, North.

1. MITCHELL CONSERVATORIUM (18.00023)

Graham Sattler from the Mitchell Conservatorium provided an update to Council on the Conservatorium's activities.

Discussion included:

- Mitchell Conservatorium is a community organisation.
- Needs to be relevant to the community to remain viable.
- Bathurst is the home of the Mitchell Conservatorium.
- Advise that community expectations in terms of service provision are high because of the Conservatorium's proximity to Sydney and the quality of events etc available.
- Relationship with Local Government is critical.

Other topics mentioned included:

- Educational programs provided by the Conservatorium.
- Employ over 40 full-time, part-time and casual educators and administrators in Bathurst.
- Increases in costs and loss of funding are some of the challenges facing the Conservatorium
- Conservatorium is not full user pays as requirements under State Government funding are that the Conservatorium needs to provide a range of community services
- Conservatorium works in 52 schools across the region and 35 within the Bathurst Region
- Have made an approach to Council increase its assistance to \$5,000 for support of the Bathurst Chamber Orchestra on an annual basis.

2. NSW HEALTH - WESTERN NSW LOCAL HEALTH DISTRICT - NEEDLE SYRINGE PROGRAM (09.00026)

Dr Therese Jones, Detective Inspector Luke Rankin attended the meeting and Angela Parker and Gerogiana Simpson were involved via teleconference. The purpose of the meeting was to discuss the Western NSW Local Health District Needle Syringe Program.

The groups aim was to brief Council on the need for the proper disposal of community sharps across the Bathurst Region.

Some of the topics discussed included:

- Spoke of various health issues, such as obesity, drinking, lack of physical activity
- Outlined some crime statistics relating to property damage, break and enter, assault/domestic violence and stealing from dwellings
- Discussed the Needle Syringe Program Strategic Framework which is about trying to

- reduce sharing of needles among drug users
- Described who needed access to disposal. These people included diabetics, injecting drug users, agricultural users, and medical waste including palliative care and pain management
- Program is based on prevention strategies which include provision of clean injecting equipment; safe disposal of sharps; community/Council education; peer education and distribution program.

Particular mention was made of Council's role in this area which includes:

- Responsible for community medical waste under the Local Government Act
- Provision of community based disposal units
- Community education
- Promotion of safe disposal sites.

NSW Health would like Council to install disposal bins throughout the region, but particularly in the Kelso area.

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

MINUTE

**37 Item 2 COUNCILLORS MEETING WITH COMMUNITY
GROUPS/REPRESENTATIVES - 10 JUNE 2015 (11.00019)**

MOVED: Cr I North SECONDED: Cr G Westman

RESOLVED: That the information be noted.

3 MINUTES - BATHURST REGIONAL YOUTH COUNCIL - 23 JUNE 2015 (11.00020)

Recommendation: That the information be noted.

Report: The Youth Council addressed the following items at their meeting held on 23 June:

- Final preparation for the “Black Light Night” dance event to be held at BMEC on 24 July for 12-18 year olds.
- The development of a collaborative health campaign with the headspace Youth Reference Group to be rolled out in August/September. The campaign will look at creative ways to address a range of issues and pressures facing young people in the community. The campaign will aim to support young people and give them hope through difficult times.
- The Bathurst 200 Colour Fun Run event. The idea which originally came from the 2014 Youth Council will now form part of the Bathurst Bicentennial celebrations and will be run in October as a whole Community event. The Youth Council will support the event in a number of ways.
- Attendance of four Youth Councillors to the NSW Youth Council Conference in Eurobodalla in September.
- Final preparations for the launch of the Youth Council's Facebook page.

A copy of the minutes from the meeting are provided at **attachment 1**.

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

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- | | |
|---|---|
| ● Objective 23: To encourage a supportive and inclusive community. | Strategy 23.3, 23.6 |
| ● Objective 27: To encourage youth engagement, participation and achievement across all areas of the Bathurst community. | Strategy 27.1, 27.3, 27.4, 27.5, 27.6, 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, 30.5 |
| ● Objective 33: To be and develop good leaders. | Strategy 33.2, 33.3 |

MINUTE

38 Item 3 MINUTES - BATHURST REGIONAL YOUTH COUNCIL - 23 JUNE 2015
(11.00020)

MOVED: Cr J Jennings SECONDED: Cr M Coote

RESOLVED: That the information be noted.

MINUTE

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

MOVED: Cr G Westman SECONDED: Cr I North

The Mayor advised that Item #3 of the Director Corporate Services & Finance Confidential report - Proposed new rural licence agreement, 14 Stephens Lane, Kelso had been **WITHDRAWN.**

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 representation was made.

M Nicholls, Western Advocate - queried why Item #5 of the Director Corporate Services & Finance Report was in Confidential. Feels this should be discussed in Open Council, as matter is of importance to the whole of the community.

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 RESIDENTIAL LEASE - LOT 127 IN DP249576 KNOWN AS 12 WHITEMAN PLACE, 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.
2	PROPOSED PURCHASE OF LOT 5 IN DP847225 LOCATED AT 197	10A (2) (d) (i) – contains commercial information of a confidential nature that would,

	LIMEKILNS ROAD, KELSO	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 NEW RURAL LICENCE AGREEMENT - LOT 2 IN DP154468 KNOWN AS 14 STEPHENS LANE 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.
4	EXPRESSION OF INTEREST - LOT 1 IN DP623416 AND LOT 4 IN DP845477 LOCATED AT ZANTE LANE 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	BATHURST 12 HOUR EVENT	10A (2) (c) – contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. Discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it would prejudice council's position in negotiating commercial and or financial arrangements.

*** DIRECTOR ENGINEERING SERVICES' REPORT**

ITEM	SUBJECT	REASON FOR
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Resolve Into Confidential Committee Of The Whole To Deal With Confidential Reports to the Council Meeting 15/07/2015

GENERAL MANAGER

MAYOR
Page 160

		CONFIDENTIALITY
1	TENDER FOR SUPPLY AND INSTALLATION OF SEWER CARRIER MAIN - STAGE 1 AND 2 EAST EGLINTON	10A (2) (g) – contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.
2	TENDER FOR THE CONSTRUCTION OF CIVIL WORKS AT EGLINTON RESIDENTIAL ESTATE – STAGE 100	10A (2) (g) – contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.
3	TENDER FOR THE UPGRADE OF WATER SUPPLY FOR EGLINTON – HAMILTON STREET	10A (2) (g) – contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

*** GENERAL MANAGER'S REPORT**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	LEASE OF HANGAR - BATHURST AERODROME TO BURKES TRANSPORT PTY LTD	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

DIRECTOR CORPORATE SERVICES & FINANCE'S CONFIDENTIAL MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

15 JULY 2015

MINUTE

- a **Item 1 RENEWAL OF RESIDENTIAL LEASE - LOT 127 IN DP249576 KNOWN AS 12 WHITEMAN PLACE, BATHURST (22.00202)**
MOVED: Cr I North SECONDED: Cr W Aubin

That Council approves the continuation of the residential lease for 12 Whiteman Place, Bathurst with Ms Doreen Morgan for a period of twelve (12) months with a twelve (12) month option period, as detailed in the report.

MINUTE

b Item 2 PROPOSED PURCHASE OF LOT 5 IN DP847225 LOCATED AT 197 LIMEKILNS ROAD, KELSO (22.00358)

MOVED: Cr B Bourke 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: Introduced sale to Mayor & Director Corporate Services & Finance.

That Council acts in accordance with the report.

MINUTE

c Item 3 PROPOSED NEW RURAL LICENCE AGREEMENT - LOT 2 IN DP154468 KNOWN AS 14 STEPHENS LANE KELSO (22.12905)

The Item was WITHDRAWN.

MINUTE

d Item 4 EXPRESSION OF INTEREST - LOT 1 IN DP623416 AND LOT 4 IN DP845477 LOCATED AT ZANTE LANE BATHURST (22.06378)

MOVED: Cr M Coote SECONDED: Cr G Westman

That Council approves entering into a new Rural Licence agreement with Crystal Guntley for Lot 1 in DP623416 and Lot 4 in DP845477 located on Zante Lane, Bathurst for a period of one (1) year with an option period of one (1) year as detailed in the report.

MINUTE

e Item 5 BATHURST 12 HOUR EVENT (04.00097)
MOVED: Cr W Aubin SECONDED: Cr B Bourke

That Council act in accordance with the recommendations contained within the report.

DIRECTOR ENGINEERING SERVICES' CONFIDENTIAL MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

15 JULY 2015

MINUTE

f Item 1 TENDER FOR SUPPLY AND INSTALLATION OF SEWER CARRIER
MAIN - STAGE 1 AND 2 EAST EGLINTON (36.00544)
MOVED: Cr B Bourke SECONDED: Cr G Hanger

That Council resolve to:

- (a) Terminate contract 36.00544 with Bustin Free Earthworks Pty Ltd, and
- (b) Call fresh tenders to complete the remaining work.

MINUTE

**g Item 2 TENDER FOR THE CONSTRUCTION OF CIVIL WORKS AT EGLINTON
RESIDENTIAL ESTATE – STAGE 100 (36.00535)**

MOVED: Cr I North SECONDED: Cr W Aubin

That Council:

- (a) Terminate Contract 36.00535 with Bustin Free Earthworks Pty Ltd, and
- (b) Call fresh tenders to complete the remaining work.

MINUTE

h Item 3 TENDER FOR THE UPGRADE OF WATER SUPPLY FOR EGLINTON – HAMILTON STREET (36.00532)

MOVED: Cr I North SECONDED: Cr W Aubin

That Council resolve to:

- (a) Terminate Contract 36.00532 with Bustin Free Earthworks Pty Ltd, and
- (b) Call fresh tenders to complete the remaining work.

GENERAL MANAGER'S CONFIDENTIAL MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

15 JULY 2015

MINUTE

i Item 1 LEASE OF HANGAR - BATHURST AERODROME TO BURKES
TRANSPORT PTY LTD (21.00083)

MOVED: Cr I North SECONDED: Cr W Aubin

A MOTION was moved

That Council adopt the lease conditions for Lot 4 DP847356 located at Bathurst Aerodrome, with Burkes Transport (Bathurst) Pty Ltd in accordance with Option 5 of the report.

The MOTION was PUT and LOST

MINUTE

**j Item 1.01 LEASE OF HANGAR - BATHURST AERODROME TO BURKES
TRANSPORT PTY LTD (21.00083)**

MOVED: Cr G Westman SECONDED: Cr M Coote

That Council adopt the lease conditions for Lot 4 DP847356 located at Bathurst Aerodrome, with Burkes Transport (Bathurst) Pty Ltd in accordance with Option 2 of the report.

MINUTE

40 **RESOLVE INTO OPEN COUNCIL**
MOVED: Cr B Bourke SECONDED: Cr M Coote

RESOLVED: That Council resume Open Council.

MINUTE

41 ADOPT REPORT OF THE COMMITTEE OF THE WHOLE
MOVED: Cr M Coote SECONDED: Cr I North

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

Cr Coote asked that his negative vote be recorded for Item #5 Director Corporate Services & Finance Confidential report.

Crs Aubin, Bourke, North asked that their negative vote be recorded for Item #1 General Manager's Confidential report.

MINUTE

42 MEETING CLOSE

The Meeting closed at 7.40 pm.

CHAIRMAN: _____

Date: _____ **(19 August 2015)**