



ORDINARY MEETING OF
BATHURST REGIONAL COUNCIL

8 October 2014

His Worship the Mayor & Councillors

Notice of Ordinary Meeting of Bathurst Regional Council - Wednesday, 15 October 2014

I have to advise that an **Ordinary Meeting** of Bathurst Regional Council will be held in the Council Chambers on Wednesday, 15 October 2014 commencing at 6.00 pm.

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

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

D J Sherley
GENERAL MANAGER

BUSINESS AGENDA

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

TO BE HELD ON WEDNESDAY, 15 OCTOBER 2014

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 SEPTEMBER 2014

* MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL FOLLOWING POLICY - 1 OCTOBER 2014

6. DECLARATION OF INTEREST

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

7. MAYORAL MINUTE - Nil

8. RECEIVE AND DEAL WITH DIRECTORS' REPORTS

* DIRECTOR ENVIRONMENTAL PLANNING & BUILDING SERVICES' REPORT

* DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT

* DIRECTOR ENGINEERING SERVICES' REPORT

* DIRECTOR CULTURAL & COMMUNITY SERVICES' REPORT

* GENERAL MANAGER'S REPORT

9. REPORTS OF OTHER COMMITTEES

* MINUTES - POLICY COMMITTEE MEETING - 1 OCTOBER 2014

* MINUTES - TRAFFIC COMMITTEE MEETING - 7 OCTOBER 2014

10. NOTICES OF MOTION

Moved Cr Jennings

That Council initiate a new *Tourism Stakeholder's Reference Group* by invitation of expressions of interest from relevant local sectors, as a pilot forum to advance tourism

across the Bathurst Region through better stakeholder coordination and collaboration. The first meeting is to be held within one month of the release of the final Destination Management Plan, or, as soon as practicable and preferably before 30 November 2014.

11. RESCISSION MOTIONS - Nil

12. DELEGATES REPORTS

- * MINUTES - AUSTRALIA DAY WORKING PARTY - 16 SEPTEMBER 2014
- * COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 10 SEPTEMBER 2014
- * COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 24 SEPTEMBER 2014
- * MINUTES - BATHURST REGIONAL YOUTH COUNCIL - 9 SEPTEMBER 2014
- * 2015 BICENTENARY CELEBRATIONS COMMITTEE MEETING - 7 OCTOBER 2014

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 ENVIRONMENTAL PLANNING & BUILDING SERVICES' REPORT**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	LAND CLEARING IN COUNCIL ROAD RESERVE	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	RIGHT OF CARRIAGEWAY OVER BATHURST CHASE SHOPPING CENTRE	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**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	PROPOSED VARIATION OF LEASES WITH OPTUS MOBILE PTY LTD INCLUDING SUB LEASES TO VODAFONE FOR PART LOT 2 DP1140980 KNOWN AS WALMER PARK BATHURST, PART LOT 211 DP748686 KNOWN AS GREAT WESTERN HIGHWAY WATER RESERVOIR, RAGLAN AND PART LOT A DP398238 LOCATED AT PIT STRAIGHT MT 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.
2	PROPOSED NEW COMMERCIAL LEASE - LOT 7 DP806109 LOCATED ON WARK PARADE BATHURST AND KNOWN AS THE WEST BATHURST COMMUNITY CENTRE - INTERCHANGE BATHURST INC.	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
3	BATHURST WAR MEMORIAL CARILLON POTENTIAL UPGRADE	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	BATHURST 12 HOUR EVENT	10A (2) (a) – Deals with personnel matters concerning particular individuals (other than Councillors) disclosure of which would not be in the public interest as it would reveal personal details of the individuals concerned.
5	PROPOSED NEW LICENCE AGREEMENT - PART LOT 1 DP613544 KNOWN AS 47 MITRE STREET BATHURST - BATHURST & DISTRICT BRIDGE CLUB INC.	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
6	EXPRESSION OF INTEREST - LOT 1 DP716930 KNOWN AS 51 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.
7	AERODROME CLOSURE - CENTRAL WEST FLYING	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	REQUEST FOR FINANCIAL ASSISTANCE - BATHURST SHEEP AND CATTLE DROME	10A (2) (b) – contains advice concerning hardship of a resident or ratepayer, disclosure of which would not be in the public interest as it would prejudice the personal position of the individual concerned.

*** DIRECTOR ENGINEERING SERVICES' REPORT**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	NETWASTE WASTE SERVICES TENDER	10A (2) (d) (iii) – contains commercial information of a confidential nature that would, if disclosed, reveal a trade secret.
2	TENDER FOR DESIGN AND CONSTRUCTION OF BIKE PARK CLUBHOUSE	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	TENDER FOR DESIGN AND CONSTRUCTION OF WINBURDALE DAM RANGER'S COTTAGE	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 THE RESURFACING OF HOCKEY FIELD, LEARMONTH PARK, BATHURST	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the

		<p>person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.</p>
5	<p>PROPOSED EXTINGUISHMENT OF TWO SEWER EASEMENTS, ACQUISITION OF EASEMENT RIGHTS AND CREATION OF VARIOUS EASEMENTS AFFECTING LOT 202 DP1061137 AND LOT 57 DP1070902, 19 AND 53 LOGAN STREET, EGLINTON</p>	<p>10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.</p>

14. RESOLVE INTO OPEN COUNCIL

15. ADOPT REPORT OF THE COMMITTEE OF THE WHOLE

16. MEETING CLOSE

MEETING COMMENCES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

MINUTE

1 Item 1 MEETING COMMENCES

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

PUBLIC QUESTION TIME

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

MINUTE

2 Item 1 PUBLIC QUESTION TIME

B Triming – ratepayer

Supercheap Auto 1000 V8 event - congratulated Engineers on the race and the presentation of Kings Parade.

Stanley Street - spoke to problem of people parking on the footpath in Stanley Street, could this be policed?

G Crisp - ratepayer

- spoke to ratepayer entitlement to raise concerns with Council Finances. Queried whether Mayor has requested Mr Crisp to put in questions in writing, has not received a reply to his letter from September 2014.

The Mayor advised still awaiting information to reply.

- at the August meeting allegations about the General Manager & DCSF - referred to Mayors response at this meeting. Feels action should be taken by Council against these officers on his allegations.
- noted his latest complaints were referred to ICAC, DLG & Ombudsman and has only had a response from ICAC. They will not investigate. Major problems come with misappropriation of \$6.5 million from the water supply.

P Dowling – ratepayer

- thanked Council for the reply he received on the cemetery issue he has previously raised.
- great to see the name 'Bathurst' under the Mount Panorama sign for the races. Could this be retained into the future?

The Mayor noted no decision has been made at this time.

- asked has thought been given to a small monument for employees who have passed away while employed by the Council.

The General Manager advised there is no monument at this time.

J Petrinovic – applicant - DA2014/0150 2 Ashworth Drive, Kelso - spoke to rezoning process and requested the land be reverted back to existing zoning. Currently owns Harvey Norman store, the rezoning will make it commercially viable to do enhancement works in this area. Tabled letter of support. Requested Council to support the DA.

APOLOGIES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

MINUTE

3 Item 1 APOLOGIES

Nil.

MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

1 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 17 SEPTEMBER 2014 (11.00005)

Recommendation: That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 17 September 2014 be adopted.

Report: The Minutes of the Ordinary Meeting of Bathurst Regional Council held 17 September 2014, are attached.

Financial Implications: N/A

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

4 Item 1 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
- 17 SEPTEMBER 2014 (11.00005)

MOVED: Cr B Bourke SECONDED: Cr I North

RESOLVED: That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 17 September 2014 be adopted.

**2 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
FOLLOWING POLICY - 1 OCTOBER 2014 (11.00005)**

Recommendation: That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 1 October 2014 be adopted.

Report: The Minutes of the Ordinary Meeting held on 1 October, are attached.

Financial Implications: N/A

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

**5 Item 2 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
FOLLOWING POLICY - 1 OCTOBER 2014 (11.00005)**

MOVED: Cr I North SECONDED: Cr M Coote

RESOLVED: That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 1 October 2014 be adopted.

**MINUTES OF THE ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
HELD ON 17 SEPTEMBER 2014**

MEETING COMMENCES

1 MEETING COMMENCES 6:00 PM

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

2 Item 1 SUSPENSION OF STANDING ORDERS
MOVED Cr I North and **SECONDED** Cr B Bourke

That Standing Orders be suspended to allow Council to deal with Item #1 of the General Manager's Report - Election of Mayor and Deputy Mayor.

RECEIVE AND DEAL WITH DIRECTORS' REPORTS

General Manager's Report

3 Item 1 ELECTION OF MAYOR AND DEPUTY MAYOR (12.00004)

ELECTION OF MAYOR - One nomination for the position of Mayor was received from Cr Rush.

There being only one nomination Cr Rush was declared elected as Mayor for the period to September 2015.

ELECTION OF DEPUTY MAYOR - One nomination for the position of Deputy Mayor was received from Cr North.

There being only one nomination Cr North was declared elected as Deputy Mayor for the period to September 2015.

Councillor Rush took the Chair

A short recess at 6.03 pm was declared to allow the Mayor to speak with the media.

The Mayor, Councillor Rush resumed the meeting at 6.12 pm

4 Item 1.01 RESUMPTION OF STANDING ORDERS (12.00004)
MOVED Cr I North and **SECONDED** Cr B Bourke

That Council resume Standing Orders.

PUBLIC QUESTION TIME**5 PUBLIC QUESTION TIME****M Hollis – resident**

1. congratulated Crs Rush & North on re-election.
2. Council has a stunning library and art gallery - with the wall coming down, is there any planning to renovate the toilets in the complex.
3. Vegetation Rosemont Ave & Willow Drive - concerns have been attended to, but property adjacent to this area, coming from Ilumba Way is a concern, have tried to maintain growth of grass, but still a problem. Could Council look into this.

The Director Engineering Services advised will investigate issue of toilets in library/art gallery complex.

B Trimming – resident

1. Congratulated Councillors on keeping continuity of Mayor and Deputy Mayor.
2. Pedestrian crossing sign has been actioned, thanked Council.
3. Spoke to high visibility pedestrian signs and asked Council to follow this up.
4. Pedestrian crossing over Highway to Bunnings is good. Thanked Cr Aubin on his efforts in getting access to these crossings addressed.
5. Toilets at library/art gallery need to be looked at.
6. RSL car parking - difficult to find a space. Queried that the majority of the carpark is unlimited, and whether this should be changed to time limited. Could Council please review.

C McDiarmid – Cattery/Dog Boarding Kennel (DEPBS #4) - expressed concerns at the proposal. Including; noise, environmental, LEP (Interim) matters. Lifestyle criteria not addressed by two kennels in the area. This is not in the public interest. There is offensive noise. Feels inadequate consultation/feedback and queried Wilkinson Murray report. Residents acoustic expert has questioned the accuracy of the noise report provided by the proponent. Council has provided no information apart from what is in the minutes. Spoke to legal precedents, feels no transparency of process, no information provided. Matter should be referred to RMS and also has concerns about environmental sensitivity, there is a lack of documentation.

Asks Council to recognise residents concerns as legitimate. Also Council's planning processes need to recognise community needs. The question of offensive noise has not been addressed. The DA is inaccurate and requests Council to vote no.

T Cosgrove – Dunkeld resident - Cattery/Dog Boarding Kennel (DEPBS #4)

1. Wishes to speak to noise and traffic problems. On Wednesday a fortnight ago, there was loud barking of dogs from 400m away (2 dogs). Will be worse with more dogs and they cause other dogs to join in.
2. The intersection of Mary's Lane and Highway is a problem. Traffic on this road, including B-Doubles, creates a possible disaster. Spoke to case of Coote's trucks in Sydney. There is no turning lane in this area. Noted deaths at Dunkeld Bridge, that have occurred. At Mary's Lane, if something happens, there will be no second chances, vehicles are travelling at high speed in this area.

D Baldwin – Cattery/Dog Boarding Kennel (DEPBS #4) - has concerns of the proposal including; nuisance to neighbours, access road standards, intersection with the highway and environmental matters. The noise study was not satisfactory and residents have commissioned a study by Mr S Cooper to review the Wilkinson Murray report. Mr Cooper questioned the validity of the proponent report. Further, Mr Baldwin spoke to subsequent reports from Mr McHugh, which were then reviewed by Mr Cooper, who has raised matters of sleep arousal and offensive noise.

Kennels are noisy, both noise consultants agree on this. Questioned Council relying on the proponents noise report and not utilising residents report and the expert advice from Mr Cooper; matters of sound proofing, plans of management need to be addressed in any approval and possible conditions for the DA recommended by Mr Cooper.

The residents support Mr Cooper's proposals on possible DA conditions. Mr Baldwin tabled these for Council.

B Sewell – Cattery/Dog Boarding Kennel (DEPBS #4) - has been out to site. Spoke to location of houses and the direction of prevailing winds and noise. In regards to devaluation, spoke to a sale last year and that there was no impact. Noted there are no records of dog complaints in this area till now.

B Pardy – Cattery/Dog Boarding Kennel (DEPBS #4) - spoke on behalf of the applicant and noted his working on community projects. Council should not be driving people away. This is a facility needed by the community. Council should look at the broader requirements of the community. The facility has been assessed by Council engineers and also an external acoustic expert has looked at the proposal. Dogs barking is part of life. The proposed building and fabric will provide sound insulation. Asks Council to approve DA.

B McHugh – Proponent - Cattery/Dog Boarding Kennel (DEPBS #4) - spoke in favour of the development. Referred to comments from Mr Cosgrove and noted road is straight with excellent vision. Referred to acoustical issues and plans/drawings of the building that have been provided. The design has come from Wilkinson Murray. Noted items included in Mr Cooper's report and that facility will be soundproofed.

The environmental issues are completely different from the Nichol case. Requests Council approve the DA. The facility cannot open till Management Plan is approved by Council. This will be a state of the art kennel.

H Markwick – Cattery/Dog Boarding Kennel (DEPBS #4) - has been in construction industry and gave some background. Mr McHugh's proposal has no thermal properties and he has concerns at proposed materials, and the plans show insufficient detail. Council's LEP says kennels must not cause a nuisance and issues that are listed under clause 9, have not been addressed. Need a LEP on dog kennels. If does not cause a nuisance, would want this in writing from Council.

R Norton – Dunkeld resident - Cattery/Dog Boarding Kennel (DEPBS #4) - runs a Boarding Kennel and Cattery at Dunkeld. Spoke to operations of kennels, the design proposed for the DA and management issues involved. Not concerned at competition, but is concerned evidential matters, eg noise have been 'glossed' over. Not all relevant factors have been taken into account. The Traffic matters have not been addressed with the RMS, and there are environmental issues that have not been dealt with. As a resident and business owner, Ms Norton is concerned at the proposal and requests Council refuse the DA.

D Baldwin – Cattery/Dog Boarding Kennel (DEPBS #4) - very upsetting that this is becoming personal. Spoke to need for the facility to be 'soundproofed'. This is an unsuitable site for the proposal, and issues 9 months later have still not been addressed.

Two issues:

- (1) noise - spoke to report from S Cooper and concerns it has raised. There are flaws in the data, offensiveness and sleep arousal have not been addressed.
- (2) public safety - concerns at the road condition problems and intersection factors that need to be addressed. Should be referred to the RMS.

Members of the Bathurst Traffic Committee have concerns with the intersection. The location is environmentally sensitive, with no management or effluent plans available. These matters remain unresolved. Requests Council refuse DA.

Noted, if approval occurs, then requested Mr Cooper's proposed conditions be included; that Mary's Lane be sealed and that the intersection be referred to RMS for advice and any suggestions they make, should be included in any conditions.

H McHugh – Cattery/Dog Boarding Kennel (DEPBS #4) - spoke about competition issues and concern of businesses about this matter.

P Cruise – Cattery/Dog Boarding Kennel (DEPBS #4) - spoke to noise factors and asked Council to do the right thing.

M Cheevers – Cattery/Dog Boarding Kennel (DEPBS #4) - Brendan is a great community member. Government is asking people to move to this area. Referred to noise and competition issues that need to be considered, there is always other noises going on. The application is pretty good and Council should look favourably at the DA.

K Maher – Cattery/Dog Boarding Kennel (DEPBS #4) - opposed to the proposal. Concerns are; noise and traffic matters. Has had experience with dogs in her professional life. Can the sound proofing be guaranteed? There is danger with the turn-off from the highway, there needs to be a turning lane. Hope this does not become like the Cheriton situation where there have been community issues.

- (a) support the variation to the 1(e) Outer Rural 100 hectare minimum lot size as prescribed in the clause 27 (1) of Bathurst Regional (Interim) Local Environmental Plan 2005 for proposed Lot 9;
- (b) support the variation to the 1(e) Outer Rural 100 hectare minimum lot size as prescribed in the clause 28 (1) of Bathurst Regional (Interim) Local Environmental Plan 2005 for proposed Lot 9;
- (c) as the consent authority, grant consent pursuant to section 80 of the Environmental Planning and Assessment Act to Development Application No 2014/0321, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979; and
- (d) call a division.

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

The result of the division was:

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

Against the motion - Nil

Absent - Cr M Coote,

Abstain - Nil

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Item 4 DEVELOPMENT APPLICATION NO 2014/0044 – USE OF EXISTING BUILDING AS CATTERY, CONSTRUCTION OF BUILDING FOR USE AS A DOG BOARDING KENNEL AND ADVERTISING SIGNAGE AT 108 MARYS LANE, DUNKELD. APPLICANT: MR B MCHUGH. OWNER: MR B MCHUGH & MRS S OSBORNE-MCHUGH (DA/2014/0044) (DA/2014/0044)

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

RESOLVED: That Council:

- (a) as the consent authority, not grant consent pursuant to section 80 of the Environmental Planning and Assessment Act 1979 to Development Application No 2014/0044 due to;
 - (i) Noise
 - (ii) Traffic safety
 - (iii) Environmental concerns
- (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 J Jennings, Cr M Morse, Cr I North, Cr G Westman,

Against the motion - Cr W Aubin, Cr G Hanger, Cr G Rush,

Absent - Cr M Coote,

Abstain - Nil

- 13** Item 4.01 EXTENSION OF TIME (DA/2014/0044)
MOVED Cr I North and SECONDED Cr J Jennings

RESOLVED: That an extension of time be granted for Cr Westman to talk on the matter.

- 14** Item 5 DEVELOPMENT APPLICATION NO. 2014/0349 – FOUR LOT SUBDIVISION (BOUNDARY ADJUSTMENT) AT LOT 1 DP112590, LOTS 4 & 5 DP242725, LOTS 18, 19, 26, 135, 197 & 212 DP750364, LOTS 270, 271, 272, 308 & 310 IN DP750411, LOT 3 DP509758 & LOT 1 DP818036, 3398 TRUNKEY ROAD CALOOLA APPLICANT: VOERMAN AND RATSEP OWNER: CUTLER HOLDINGS PTY LTD (DA/2014/0349)
MOVED Cr G Westman and SECONDED Cr I North

RESOLVED: That Council:

- (a) support the variation to the 1 (e) Outer Rural 100 hectare minimum lot size as prescribed in the clause 27 (1) of Bathurst Regional (Interim) Local Environmental Plan 2005 for proposed lot 2;
- (b) support the variation to the 1 (e) Outer Rural 100 hectare minimum lot size as prescribed in the clause 28 (1) of Bathurst Regional (Interim) Local Environmental Plan 2005 for proposed Lot 2;
- (c) as the consent authority, grant consent pursuant to Section 80 of the EP&A Act to Development Application No. 2014/0349, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979; and
- (d) call a division.

On being PUT to the VOTE the MOTION was CARRIED

The result of the division was:

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

Against the motion - Nil

Absent - Cr M Coote,

Abstain - Nil

- 15** Item 6 NAMING OF PUBLIC ROADS - SALTRAM CIRCUIT, KEMP STREET, ROTHERY STREET AND HUTCHISON STREET (20.00024)
MOVED Cr I North and SECONDED Cr M Morse

RESOLVED: That Council:

- (a) adopt the names Saltram Circuit, Kemp Street, Rothery Street & Hutchison Street; and
- (b) direct the Director Environmental Planning and Building Services Department to undertake procedures pursuant to the requirements of the Roads Act 1993, to have the name gazetted, should no objections be received.

16 **Item 7 DRAFT BATHURST REGIONAL SECTION 94 PLANS FOR COMMUNITY FACILITIES, OPEN SPACE, RURAL ROADS, TRAFFIC GENERATING DEVELOPMENT AND BATHURST CBD CARPARKING (20.00036)**
MOVED Cr I North and **SECONDED** Cr M Morse

RESOLVED: That Council:

- (a) adopt the:
 - (1) Bathurst Regional Section 94 Development Contributions Plan, Community Facilities
 - (2) Bathurst Regional Section 94 Development Contributions Plan, Open Space
 - (3) Bathurst Regional Section 94 Development Contributions Plan, Rural Roads
 - (4) Bathurst Regional Section 94 Development Contributions Plan, Traffic Generating Development
 - (5) Bathurst Regional Section 94 Development Contributions Plan, Bathurst CBD Car Parking
- (b) give public notice of Council's decision in accordance with the requirements of the Environmental Planning and Assessment Act
- (c) call a division.

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

The result of the division was:

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

Against the motion - Nil

Absent - Cr M Coote,

Abstain - Nil

17 **Item 8 DRAFT BATHURST REGIONAL DEVELOPMENT CONTROL PLAN 2014 (AMENDMENT NO 1) AND DRAFT BATHURST REGIONAL SECTION 94 DEVELOPMENT CONTRIBUTIONS PLAN, ROADWORKS - NEW RESIDENTIAL SUBDIVISIONS (AMENDMENT NO 2) (20.00036 & 20.00277)**
MOVED Cr I North and **SECONDED** Cr W Aubin

RESOLVED: That Council:

- (a) adopt the Bathurst Regional Development Control Plan 2014 (Amendment No 1), including those amendments to the plan as outlined in this report, and note that the DCP amendment will not come into effect until the Bathurst Regional Local Environmental Plan 2014 is gazetted, and
- (b) adopt the Bathurst Regional Section 94 Development Contributions Plan, Roadworks - New Residential Subdivisions (Amendment No 2), and
- (c) give public notice of Council's decision in accordance with the requirements of the Environmental Planning and Assessment Act, and
- (d) notify those who made submissions of the decision of Council, and
- (e) call a division.

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

The result of the division was:

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

Against the motion - Nil

Absent - Cr M Coote,

Abstain - Nil

- 18** **Item 9 EVOCITIES UPDATE (18.00208)**
MOVED Cr W Aubin and **SECONDED** Cr B Bourke

RESOLVED: That the information be noted.

Director Corporate Services & Finance's Report

- 19** **Item 1 STATEMENT OF INVESTMENTS (16.00001)**
MOVED Cr I North and **SECONDED** Cr W Aubin

RESOLVED: That the information be noted.

- 20** **Item 2 YEAR TO DATE MONTHLY REVIEW - 2014-2018 DELIVERY PLAN AND ANNUAL OPERATING PLAN 2014-2015 (16.00137)**
MOVED Cr W Aubin and **SECONDED** Cr B Bourke

RESOLVED: That the information be noted.

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

MOVED Cr I North and **SECONDED** Cr J Jennings

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

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

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

RESOLVED: That the information be noted.

23 **Item 5 BATHURST 200 BICENTENNIAL CELEBRATIONS UPDATE (20.00153)**

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

RESOLVED: That the information be noted.

24 **Item 6 REQUEST FOR FINANCIAL ASSISTANCE - SOFALA PROGRESS ASSOCIATION (18.00004, 18.00227)**

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

RESOLVED: That Council donate an amount of up to \$1,000 to the Sofala Progress Association towards the cost of closing Denison, Bowen and Davis Street on the 14 & 15 March 2015, for the 'Rebellion on the Turon' event, from Section 356 Donations.

25 **Item 7 REQUEST FOR FINANCIAL ASSISTANCE - THE BATHURST TUCKER VAN (18.00004-29)**

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

RESOLVED: That Council:

- (a) Not provide a Section 356 donation to assist the Bathurst Tucker Van in it's operation.
- (b) Provide letters of support for the Bathurst Tucker Van in any grant/support applications they seek to make.

26 **Item 8 REQUEST FOR FINANCIAL ASSISTANCE - FAMILY HISTORY GROUP OF BATHURST INC. (18.00004, 09.00009)**

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

RESOLVED: That Council donate \$2,000 to the Family History Group of Bathurst towards the cost of restoring headstones within the 'Monumental Section' of the Bathurst Cemetery, from Section 356 Donations.

- 27** **Item 9 REQUEST FOR FINANCIAL ASSISTANCE - WALGETT ABORIGINAL CONNECTION (18.00004)**
MOVED Cr W Aubin and **SECONDED** Cr G Westman

RESOLVED: That Council not make a Section 356 Donation of \$5,000 to the Walgett Aboriginal Connection for hosting the 2014 Walgett carnival and attending the 2015 NSW Aboriginal Rugby League Knockout.

- 28** **Item 10 STATEMENT BY COUNCIL ON FINANCIAL REPORTS (16.00137, 41.00089)**
MOVED Cr I North and **SECONDED** Cr M Morse

RESOLVED: That Council:

- (a) refer the draft Financial Statements to Council's auditors, Intentus Chartered Accountants, for audit;
- (b) sign the Certificates with respect to the General Purpose Financial Statements and the Special Purpose Statements for the year ended 30 June 2014;
- (c) adopt the Accounting Policies shown in the financial reports.

- 29** **Item 11 BOUNDARY ALTERATION – TRUNKY ROAD, ARKELL (11.00001-12)**
MOVED Cr G Westman and **SECONDED** Cr W Aubin

RESOLVED: That Council inform the Department of Local Government, the land owner, and the appropriate Local Government body that it has no objection to the transfer of Lot 1 DP 1182421 to Blayney Shire Council from Bathurst Regional Council, and that an application be made to the Minister to have the boundaries altered to include this lot within Blayney Shire Council.

Director Engineering Services' Report

- 30** **Item 1 HEY TOSSER! BATHURST - COUNCIL LITTER PREVENTION GRANT (13.00006)**
MOVED Cr M Morse and **SECONDED** Cr I North

RESOLVED: That the information be noted.

- 31** **Item 2 PROPOSED COMPULSORY ACQUISITION OF EASEMENTS CONTAINED IN LOTS 7001 AND 7002 DP1050856, RAGLAN RESERVOIR, BARLEY STREET, RAGLAN (32.00000)**
MOVED Cr I North and **SECONDED** Cr W Aubin

RESOLVED: That Council make application to the Minister and/or Governor for the compulsory acquisition of easements shown in DP639326, located in Barley Street, being:

- (a) proposed easement 10 wide and variable wide for access;
- (b) proposed easement variable width for access; and
- (c) proposed easement 10 wide for access, to provide access to the Raglan reservoir located at Lot 111 DP738447 Cotton Street, Raglan.

The application is to follow the provisions of the Local Government Act 1993 Sections 186 and 187 and the procedures set out in the Land Acquisition (Just Terms Compensation) Act 1991, as detailed in the Director Engineering Services' report.

Director Cultural & Community Services' Report

- 32** **Item 1 BATHURST REGIONAL ART GALLERY - NAMING OF BELLETTE STREET IN WESTON, AUSTRALIAN CAPITAL TERRITORY (21.00015)**
MOVED Cr I North and **SECONDED** Cr G Hanger

RESOLVED: That the information be noted.

- 33** **Item 2 ARTS OUTWEST 2013 ANNUAL REPORT (18.00036)**
MOVED Cr J Jennings and **SECONDED** Cr I North

RESOLVED: That Council note the Arts OutWest Annual Report for 2013.

- 34** **Item 3 BATHURST LIBRARY - CHILDREN'S BOOK WEEK 2014 (21.00029)**
MOVED Cr M Morse and **SECONDED** Cr J Jennings

RESOLVED: That the information be noted.

- 35** **Item 4 BATHURST REGIONAL YOUTH COUNCIL - DANCE PARTY, 9 AUGUST 2014 (11.00020)**
MOVED Cr I North and **SECONDED** Cr W Aubin

RESOLVED: That the information be noted.

REPORTS OF OTHER COMMITTEES

Policy Committee Meeting

- 36** **Item 1 MINUTES - POLICY COMMITTEE MEETING - 3 SEPTEMBER 2014 (07.00064)**
MOVED Cr B Bourke and **SECONDED** Cr W Aubin

RESOLVED: That the recommendations of the Policy Committee Meeting held on

3 September 2014 be adopted.

Traffic Committee Meeting

- 37** **Item 1 MINUTES - TRAFFIC COMMITTEE MEETING - 2 SEPTEMBER 2014 (07.00006)**
MOVED Cr W Aubin and **SECONDED** Cr G Westman

RESOLVED: That the recommendations of the Traffic Committee Meeting held on 2 September 2014 be adopted.

DELEGATES REPORTS

- 38** **Item 1 COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 13 AUGUST 2014 (11.00019)**
MOVED Cr G Westman and **SECONDED** Cr W Aubin

RESOLVED: That the information be noted.

- 39** **Item 2 2015 BICENTENARY CELEBRATIONS COMMITTEE MEETING - 2 SEPTEMBER 2014 (20.00153)**
MOVED Cr M Morse and **SECONDED** Cr G Westman

RESOLVED: That the recommendations of the 2015 Bicentenary Celebrations Committee held on 2 September 2014 be adopted.

- 40** **Item 3 MINUTES - AUSTRALIA DAY WORKING PARTY - 19 AUGUST 2014 (23.00033)**
MOVED Cr I North and **SECONDED** Cr G Westman

RESOLVED: That the information be noted.

- 41** **Item 4 CENTROC BOARD MEETING - 26 AUGUST 2014 (07.00017-28)**
MOVED Cr I North and **SECONDED** Cr G Westman

RESOLVED: That the report on the CENTROC Board Meeting held 26 August 2014 in Parliament House Canberra be noted.

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

- 42** **RESOLVE INTO CONFIDENTIAL COMMITTEE OF THE WHOLE TO DEAL WITH CONFIDENTIAL REPORTS**
MOVED Cr I North 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 CONFIDENTIALITY
1	PROPOSED NEW SPORTING LICENCE TENNIS COURT FACILITY PART LOT 108 DP28260 LOCATED ON MITRE STREET BATHURST - MACQUARIE VIEW TENNIS CLUB	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
2	PROPOSED NEW SUBDIVISION WATT DRIVE (LOT 806 DP1169443) - BATHURST TRADE CENTRE	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.
3	2014 BATHURST MOTOR	10A (2) (d) (i) – contains

	FESTIVAL	commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
4	REQUEST FOR FINANCIAL ASSISTANCE - BATHURST SHEEP AND CATTLE DROME	10A (2) (b) – contains advice concerning hardship of a resident or ratepayer, disclosure of which would not be in the public interest as it would prejudice the personal position of the individual concerned.
5	LEASE OF HANGAR - BATHURST AERODROMETO BURKE	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

*** DIRECTOR ENGINEERING SERVICES' REPORT**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	TENDER F1159 - NETWASTE TENDER FOR PROCESSING OF GARDEN ORGANICS, WOOD AND TIMBER	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 DEDICATION OF PUBLIC ROAD, LOTS 7 TO 10 DP1196562 AND THE TRANSFER OF LOTS 1 TO 5 DP1196562, GREEN GULLY ROAD, MOUNT RANKIN	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 PARTIAL ROAD CLOSURES AND TRANSFERS - EUGENIE, NAPOLEON & COTTON STREETS, RAGLAN	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 ROAD WIDENING ACQUISITIONS AFFECTING LOT 2 DP742826, LOT 1 DP1190882, LOT 1 DP314922, LOT 1 DP737687, LOTS 157, 158, 172, 173 & 176 DP750354, THE LAGOON ROAD, THE LAGOON	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
5	PROPOSED ROAD WIDENING AND PARTIAL CLOSURE, LOT 6 DP755780 & LOT A DP380082, LIMEKILNS ROAD, LIMEKILNS	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 ACQUISITION, LOT 10 DP1181098, GREAT WESTERN HIGHWAY (SYDNEY 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.
7	PROPOSED COMPULSORY ACQUISITION, LOT 6 DP1195729 AND PROPOSED EASEMENT FOR WATER SUPPLY 10 WIDE, 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.

Director Corporate Services & Finance's Report

a Item 1 PROPOSED NEW SPORTING LICENCE TENNIS COURT FACILITY PART LOT 108 DP28260 LOCATED ON MITRE STREET BATHURST - MACQUARIE VIEW TENNIS CLUB (18.00205)

MOVED Cr I North

and SECONDED Cr W Aubin

That Council approves entering into a new Sporting Licence agreement for the tennis court facility located on Mitre Street Bathurst (Part Lot 108 DP28260) with the Macquarie View Tennis Club for a period of five (5) years as detailed in the report.

b Item 2 PROPOSED NEW SUBDIVISION WATT DRIVE (LOT 806 DP1169443) - BATHURST TRADE CENTRE (20.00030)

MOVED Cr I North

and SECONDED Cr W Aubin

That Council:

- (a) approve a smaller development at the Bathurst Trade Centre (Lot 805 DP1169443) located on Watt Drive consisting of six (6) lots.
- (b) approve the commencement of construction to start as soon as possible subject to a satisfactory Development Application.
- (c) seek a further report regarding a release date and appropriate lot pricing once construction works have commenced.

c **Item 3 2014 BATHURST MOTOR FESTIVAL (04.00125)**
MOVED Cr W Aubin and **SECONDED** Cr I North

That the information be noted.

d **Item 4 REQUEST FOR FINANCIAL ASSISTANCE - BATHURST SHEEP AND CATTLE DROME (22.07467)**
MOVED Cr I North and **SECONDED** Cr W Aubin

That Council act in accordance in the recommendation of the report.

e **Item 5 LEASE OF HANGAR - BATHURST AERODROME TO BURKE (21.00083-02)**
MOVED Cr B Bourke and **SECONDED** Cr I North

That Council agree to the request from Mr Burke.

The MOTION was PUT and LOST.

f **Item 5.01 LEASE OF HANGAR - BATHURST AERODROME TO BURKE (21.00083-02)**
MOVED Cr M Morse and **SECONDED** Cr G Hanger

That Council advise Mr Burke that Council confirms the lease conditions for Lot4, DP847356 located at Bathurst Aerodrome, with Burkes Transport (Bathurst) Pty Ltd as approved by Council on 21 November 2012.

Director Engineering Services' Report

g **Item 1 TENDER F1159 - NETWASTE TENDER FOR PROCESSING OF GARDEN ORGANICS, WOOD AND TIMBER (14.00007)**
MOVED Cr I North and **SECONDED** Cr W Aubin

That Council act in accordance with the Director Engineering Services' report.

h **Item 2 PROPOSED DEDICATION OF PUBLIC ROAD, LOTS 7 TO 10 DP1196562**

AND THE TRANSFER OF LOTS 1 TO 5 DP1196562, GREEN GULLY ROAD, MOUNT RANKIN (25.00513)

MOVED Cr B Bourke

and **SECONDED** Cr W Aubin

That Council:

- (a) approve under Section 10 of the Roads Act 1993 the dedication as public road the land contained in Lots 7 to 10, DP1196562
- (b) name those sections of road Green Gully Road, Mount Rankin, and
- (c) transfer Lots 1 to 5 DP1196562 to an adjoining owner as compensation, and
- (d) classify the acquired land as Operational Land, as detailed in the Director Engineering Services' report.

i **Item 3 PROPOSED PARTIAL ROAD CLOSURES AND TRANSFERS - EUGENIE, NAPOLEON & COTTON STREETS, RAGLAN (2005/1003, 25.00148, 25.00081, 25.00579 & 25.00307)**

MOVED Cr M Morse

and **SECONDED** Cr G Westman

That Council approve the:

- (a) partial closure of Eugenie Street, Raglan and the creation of easements;
- (b) transfer of ownership of Lot 111 DP738447 with easements to Council;
- (c) partial closure of part Napoleon Street, Raglan; and
- (d) transfer of a section of Cotton Street Raglan to Council, as detailed in the Engineering Services' report.

j **Item 4 PROPOSED ROAD WIDENING ACQUISITIONS AFFECTING LOT 2 DP742826, LOT 1 DP1190882, LOT 1 DP314922, LOT 1 DP737687, LOTS 157, 158, 172, 173 & 176 DP750354, THE LAGOON ROAD, THE LAGOON (25.00128)**

MOVED Cr J Jennings

and **SECONDED** Cr W Aubin

That Council approve the proposed road widening acquisitions affecting Lot 2 DP742826, Lot 1 DP1190882, Lot 1 DP314922, Lot 1 DP737687, Lots 157, 158, 172, 173 and 176 DP750354 located at The Lagoon Road, Perthville, as detailed in the Director Engineering Services' report. The acquired properties to be classified as Operational Land.

k **Item 5 PROPOSED ROAD WIDENING AND PARTIAL CLOSURE, LOT 6 DP755780 & LOT A DP380082, LIMEKILNS ROAD, LIMEKILNS (25.00066)**

MOVED Cr I North

and **SECONDED** Cr W Aubin

That Council approve the acquisition of land for road widening purposes affecting Lot 6 DP755780 and Lot A DP380082, and the partial road closure of unnecessary sections of Limekilns Road, Limekilns, and classify the land as Operational, as detailed in the Director Engineering Services' report.

- l** **Item 6 PROPOSED ACQUISITION, LOT 10 DP1181098, GREAT WESTERN HIGHWAY (SYDNEY ROAD), KELSO (22.01283)**
MOVED Cr M Morse and **SECONDED** Cr W Aubin

That Council approve the acquisition of Lot 10 DP1181098 located on the Great Western Highway (Sydney Road), Kelso, and classify the property as Operational land, in accordance with the Director Engineering Services' report.

- m** **Item 7 PROPOSED COMPULSORY ACQUISITION, LOT 6 DP1195729 AND PROPOSED EASEMENT FOR WATER SUPPLY 10 WIDE, 197 LIMEKILNS ROAD, KELSO (22.00358)**
MOVED Cr G Westman and **SECONDED** Cr W Aubin

That Council make application to the Minister and/or Governor for the compulsory acquisition of:

- (a) the whole of Lot 6 DP1195729 located at 197 Limekilns Road, Kelso, for the purpose of the expansion of a water pump station; and
- (b) the proposed easement for water supply 10 wide created with registration of DP1195729 located within Lot 5 DP1195729 for the purpose to supply water.
- (c) the acquisitions to be through the provisions of the Local Government Act 1993 Section 186 and the procedures set out in the Land Acquisition (Just Terms Compensation) Act 1993, as outlined in the Director Engineering Services report.
- (d) the acquired property to be classified as Operational Land.

RESOLVE INTO OPEN COUNCIL

- 43** **RESOLVE INTO OPEN COUNCIL**
MOVED Cr W Aubin and **SECONDED** Cr I North

RESOLVED: That Council resume Open Council.

ADOPT REPORT OF THE COMMITTEE OF THE WHOLE

- 44** **ADOPT REPORT OF THE COMMITTEE OF THE WHOLE**
MOVED Cr W Aubin and **SECONDED** Cr B Bourke

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

Cr Bourke asked that his negative vote be recorded against Item #5 of the Director Corporate Services & Finance's Confidential Report.

MEETING CLOSE

45 **MEETING CLOSE**

The Meeting closed at 9.02 pm.

CHAIRMAN: _____

Date: _____ **(15 October 2014)**

**MINUTES OF THE ORDINARY MEETING OF COUNCIL FOLLOWING POLICY COMMITTEE
HELD ON 1 OCTOBER 2014**

MEETING COMMENCES

1 MEETING COMMENCES 6:15 PM

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

APOLOGIES

2 APOLOGIES

Nil.

DECLARATION OF INTEREST

3 DECLARATION OF INTEREST 11.00002

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

RESOLVED: That the Declaration of Interest be noted.

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

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

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

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

There we no representations from the public.

RESOLVED: That:

- (a) Council resolve into closed Council to consider business identified, together with any late reports tabled at the meeting.
- (b) Pursuant to section 10A(1)-(3) of the Local Government Act 1993, the media and public be excluded from the meeting on the basis that the business to be

considered is classified confidential under the provisions of section 10A(2) as outlined above.

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

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

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

*** DIRECTOR ENGINEERING SERVICES' REPORT**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	TENDER FOR BATHURST AERODROME RUNWAY REHABILITATION	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 ILLUMINATE BATHURST PROJECT TENDER (36.00521)**
MOVED Cr B Bourke and **SECONDED** Cr J Jennings

That Council accept the selective tender of ESEM Projects to undertake the Illuminate Bathurst Project as detailed in this report.

Director Engineering Services' Report

- b** **Item 1 TENDER FOR BATHURST AERODROME RUNWAY REHABILITATION (36.00531)**
MOVED Cr I North and **SECONDED** Cr M Morse

That Council:-

- (a) Accept the tender of FK Gardner and Sons Pty Ltd for the amount of \$3,056,184.46 (inc GST), subject to alterations and provisional items.
 (b) Provide additional loan funding of the amount of \$1,000,000.

RESOLVE INTO OPEN COUNCIL

- 5** **RESOLVE INTO OPEN COUNCIL**
MOVED Cr W Aubin and **SECONDED** Cr B Bourke

RESOLVED: That Council resume Open Council.

ADOPT REPORT OF THE COMMITTEE OF THE WHOLE

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

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

MEETING CLOSE

- 7** **MEETING CLOSE**

The Meeting closed at 6.25 pm.

CHAIRMAN: _____

Date: _____ **(15 October 2014)**

DECLARATION OF INTEREST

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

MINUTE

6 Item 1 DECLARATION OF INTEREST 11.00002
MOVED: Cr M Coote SECONDED: Cr I North

RESOLVED: That the following Declarations of Interest be noted.

Cr Westman

Item #2 of the Director Engineering Services' Confidential report

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

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

15 OCTOBER 2014

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 Morse

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 September 2014 (**attachment 1**).
- (b) Applications refused during September 2014 (**attachment 2**).
- (c) Applications under assessment as at the date of compilation of this report (**attachment 3**).
- (d) Applications pending approval for greater than 40 days as at the date of compilation of this report (**attachment 4**).
- (e) Applications with variations to development standards under State Environmental Planning Policy No. 1 approved in September 2014 (**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 M Coote SECONDED: Cr G Westman

RESOLVED: That the information be noted.

3 DEVELOPMENT APPLICATION 2014/0159 – 4 LOT SUBDIVISION AT 2 ASHWORTH DRIVE, KELSO. APPLICANT AND OWNERS: TPFT (THE PETRINOVIC FAMILY TRUST) (DA/2014/0159)

Recommendation: That Council:

- (a) having undertaken a review of Development Application 2014/0159 reaffirm its decision to refuse the application for the reasons outlined in its Notice of Determination dated 7 August 2014; and
- (b) call a division.

Report: Council has received a request to review its decision to refuse a proposed subdivision of land at 2 Ashworth Drive, Kelso pursuant to Section 82A of the Environmental Planning and Assessment Act, 1979.

A copy of the request for review is provided at **attachment 1**.

The site

The site is located at the corner of Sydney Road and Ashworth Drive, Kelso. A location plan is at **attachment 2**.

The site currently contains a large commercial building occupied by Harvey Norman located towards the southern end of the site. The northern end of the site is vacant.

Access to the site is via 2 entrances from Ashworth Drive.

The site itself is known as 2 Ashworth Drive and is legally described as Lot 1 DP1130765.

The site is 1.27 ha in size.

Land to the west is used by bulky goods retail type development.

Land to the north and west of the site is used for residential purposes.

Land to the east is used as a caravan park and motel.

Land to the south is currently rural land although will soon be zoned for future bulky goods retail type development when the Bathurst Regional LEP 2014 is gazetted.

The development

The application proposes to subdivide the land into 4 allotments of land. A plan of the proposal is at **attachment 3**.

Proposed Lots 1, 2 & 3 are located at the northern end of the site adjoining the residential land in Ashworth Drive and Diamond Close. These lots range in size from 788 sqm through to 1023 sqm.

Lots 1, 2 & 3 have been described on the Development Application form as being for “residential” purposes.

Proposed Lot 4 is to be approximately 9980 sqm and will contain the Harvey Norman

building inclusive of the loading and unloading areas to the north and the carpark to the south.

Lot 4 is described on the Development Application form as being for “service business” purposes.

Reasons for refusal

The Development Application was refused by Council under delegated authority on 7 August 2014.

The reasons for refusal were as follows:

1. *The proposal does not have regard to the objectives of the proposed zone under the Draft Bathurst Regional Local Environmental Plan 2014.*
2. *The proposal would significantly undermine the planning intent of the proposed zone under the Draft Bathurst Regional Local Environmental Plan 2014.*

Current planning provisions

The property is currently partly zoned 3(b) Service Business and partly zoned 2(a) Residential pursuant to Bathurst Regional (Interim) Local Environmental Plan 2005 (BRILEP 2005).

The delineation between the two zones is generally at the northern end of the Harvey Norman building.

The net result of this is that the Harvey Norman building is located wholly on the 3(b) Service Business zone.

The loading and unloading areas associated with Harvey Norman and the vacant land to the north is located on the 2(a) Residential zoned land.

The Development Application is not inconsistent with the provisions of BRILEP 2005.

Were they the only consideration the Development Application would have been approved.

Proposed planning provisions

The whole of the subject land is proposed to be zoned B5 Business Development under Bathurst Regional Local Environmental Plan 2014.

That section of the property currently zoned residential will be rezoned to accommodate business development along the lines of the existing Harvey Norman development occurring on the site.

The site will form part of the bulky goods precinct comprising the existing “Sydney Road Precinct” which runs from the Harvey Norman premises at the eastern end through to the bulky goods premises at 170 Sydney Road (1825 etc) at the western end.

The draft LEP also rezones the “Gateway” estate to the south of the site and the Masters precinct to accommodate bulky goods type development.

Subdivision of land is permissible with consent in the zone and there is no minimum area

provision in the LEP.

In the B5 Business Development zone “residential accommodation” is a prohibited development.

Residential accommodation means a building or place used predominantly as a place of residence, and includes any of the following:

- (a) *Attached dwellings*
- (b) *Boarding houses*
- (c) *Dual occupancies*
- (d) *Dwelling houses*
- (e) *Group homes*
- (f) *Hostels*
- (g) *Multi dwelling housing*
- (h) *Residential flat buildings*
- (i) *Rural workers’ dwellings*
- (j) *Secondary dwellings*
- (k) *Seniors housing*
- (l) *Shop top housing*

but does not include tourist and visitor accommodation or caravan parks.

The net result of this is that upon the gazettal of Bathurst Regional Local Environmental Plan 2014 “residential accommodation” inclusive of dwelling houses will become prohibited development.

Significantly this would apply to proposed Lots 1, 2 and 3 being the vacant lots designated by the applicant as being for “residential” purposes.

In respect to the B5 zone the objectives are to:

- *To enable a mix of business and warehouse uses, and bulky goods premises that require a large floor area, in locations that are close to, and that support the viability of, centres.*
- *To enable development that serves the needs of the workforce.*
- *To promote development that will protect the scenic qualities and enhance the visual character of the entrances of the City of Bathurst.*
- *To promote development of a scale and type that is compatible with the role of the Bathurst Central Business District as the primary retail and business centre in the region.*

Clause 2.3 (2) of the draft LEP requires that “*the consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone*”.

In having regard to the objectives it should be determined whether the proposal undermines the planning intent of the objectives i.e. whether the creation of allotments of 788 sqm, 902 sqm and 1023 sqm respectively is consistent with achieving the objectives of the zone. In the event that it is consistent the development should be approved. In the event that it is not then it should be refused.

As noted above the LEP does not specify a minimum area for subdivision in the B5 zone. That said the relevant objectives of the zone are aimed at providing land to enable a *mix of*

business, warehouses and bulky goods premises that require a large floor area in appropriate locations.

The subdivision should therefore facilitate these buildings with “large floor areas”.

Under the draft LEP bulky goods premises are defined as:

bulky goods premises means a building or place the principal purpose of which is the sale, hire or display of bulky goods, being goods that are of such size or weight as to require:

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

and including goods such as floor and window supplies, furniture, household electrical goods, equestrian supplies and swimming pools, but does not include a building or place used for the sale of foodstuffs or clothing unless their sale is ancillary to the sale or hire or display of bulky goods.

The LEP definition itself does not contain a minimum floorspace for bulky goods premises but again refers to goods that require “a large area for handling, display or storage”.

In this regard it is worth noting the findings of the Bathurst CBD and Bulky Goods Business Development Strategy completed in 2011.

The Strategy recommended that Council adopt the Victorian planning provisions definition for a restricted retail premises as the definition best describes a bulky goods premises, and provides for greater applicability of the bulky goods in the region.

The Victorian approach suggests that the following minimum floor area is appropriate:

“Must be in one occupation with a leasable floor area of at least the amount specified in the schedule to this zone. If no amount is specified, the leasable floor area must be at least 1000 square metres.”

This approach still allows for smaller minimum tenancies for some types of specialised tenancies however where the end user is not known larger minimum leasable floor areas are preferable.

The approach suggests that floor areas for general bulky goods tenancies should therefore be in the order of a minimum 1000 sqm. Note that this figure solely relates to the floor area of the building and excludes areas of the site that would also be needed to accommodate carparking, loading and unloading facilities and usual building setbacks.

Similarly an assessment of Bulky Goods centres in Queensland (*Queensland Bulky Goods Report July 2013 prepared by Urbis*) found that in Regional multi tenanted centres the largest proportion of total floor space is made up of tenancies of greater than 1251 sqm and accounts for 64.5% of the total market stock. 17.2% of tenancies range in size from 751 – 1250 sqm. Only 3.3% are less than 250sqm.

The reality is therefore that allotments of the size proposed in this instance are not going to be of sufficient size to facilitate the types of developments contemplated in the objectives of

the zone where it is to occur in isolation.

The other notable feature of bulky goods precincts is that they rely on colocation and operate as multi tenanted centres such as the adjoining “homemaker centre”, the Stockland Drive precinct and the recently completed Pat O’Leary Drive/Masters complex. This enables the areas to operate as a designated retail precinct and allows for the benefits associated with co-locating business (ie shared parking areas, loading and unloading areas, access arrangements).

Use of the land for residential puposes

It is noted that the applicants have stated that proposed Lots 1, 2 & 3 are intended to be used for residential purposes.

From a planning perspective the Development Application itself is for the subdivision of land only. It does not involve the erection of any buildings and no residential purposes are proposed notwithstanding the applicants stated intentions.

The accepted planning position is that consent for subdivision of land is consent for *“subdivision simpliciter and does not import any approval for subsequent use for any purpose, or with a view to the erection of some particular sort of building, either in the sense that it alone restricts the owners or in the sense that, by approving the particular subdivision, the Council must be taken to have approved of some particular sort of building being erected upon or some particular use being made of, the land”* (see *Wehbe v Pittwater 2007 – NSWLEC 827*).

The net effect of this position is that notwithstanding the applicants stated position that the intended use is “residential” the subdivision of the land itself does not restrict the development to that purpose or that the land can necessarily be used for residential purposes.

Any Development Application for a building would need to be considered under the planning provisions as they stand at the time as opposed to the planning standards at the time of the subdivision.

When the comprehensive LEP is gazetted it will prevail and the prohibition on “residential accommodation” will apply.

Background to zoning

As noted above the property is part residential and part service business zone. This situation has existed since at least 2000 when the rear section was added to the Harvey Norman site.

In November 2006 the current owners lodged a formal request with Council to rezone the 2(a) Residential zone to 3(b) Service Business. This request was made during the public exhibition phase of the draft Urban Strategy.

In March 2007 Council adopted the Bathurst Region Urban Strategy. The Urban Strategy recommended that the residential portion of the land be rezoned to service business consistent with the request made by the owners during the public consultation phase.

The rezoning of this land was part of the larger plan to identify specific precincts for bulky goods and service business type uses which included the expansion of the Stockland Drive

area and the creation of the "Gateway" precinct.

A further request to rezone the residential portion of the land to service business was made by the current owners in May 2007. Council would not at that time proceed with a spot rezoning preferring to proceed with the proposal as part of the comprehensive LEP which at that stage was expected to be completed in 2008 -2009.

The Bathurst Regional LEP 2014 is wholly consistent with the rezoning requests made by the owners in 2006 and 2007 and the approach adopted in the Bathurst Region Urban Strategy.

Weight to be given to the draft LEP

In accordance with Section 79C of the Act Council is required to take into consideration the provisions of any draft planning instrument that is or has been the subject to public consultation.

The current comprehensive LEP commenced soon after the adoption of the Urban Strategy and is largely based on the recommendations made in the various Strategies prepared and adopted by Council.

The draft LEP proposed to zone the whole of this property to B5 Business Development consistent with the owner's wishes as expressed in the preparation of the Urban Strategy adopted by Council.

As part of the public exhibition process Council provided notice of the comprehensive LEP directly to the current owners for their consideration. Council received no submissions from the owner in response to the proposal to rezone their land to service business.

Accordingly the draft LEP was adopted by the Council at its meeting held 16 December 2013 inclusive of the zoning of the whole of the property to B5 Business Development.

The weight to be given to a draft LEP involves determining whether it is "certain and imminent".

The draft LEP has been through the public exhibition process and has been adopted by Council. On this basis it should be afforded significant weight.

In terms of its certainty the provisions as they relate to this land are based on the findings of the adopted Urban Strategy prepared in consultation with current owners and endorsed by the Department of Planning. In this respect the proposed zoning of the land to B5 Business Development is therefore certain.

In terms of the imminence of the Plan, the Parliamentary Counsel has issued its opinion that the Plan may be legally made. Gazettal of the Plan is expected in October 2014. The LEP can therefore be said to be imminent.

Conclusion

Council has received a Development Application for a 4 lot subdivision of the land at 2 Ashworth Drive, Kelso.

Proposed Lots 1, 2 & 3 range in size from 788 sqm through to 1023 sqm and have been described on the Development Application form as being for "residential" purposes.

Proposed Lot 4 is to be approximately 9980 sqm and will contain the Harvey Norman building inclusive of the loading and unloading areas to the north and the carpark to the south.

The land is subject to a change in zoning under the draft Bathurst Regional LEP 2014 which is expected to be gazetted in October 2014. The Bathurst Regional LEP 2014 will prohibit “residential accommodation” on the proposed smaller lots.

Lots of this size are not considered conducive to the long term development of the land for service business purposes contemplated under the proposed zoning. Given the advance nature of the draft LEP it is considered that it should be given significant weight and the Development Application should be refused.

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 2014/0159 – 4 LOT SUBDIVISION AT 2 ASHWORTH DRIVE, KELSO. APPLICANT AND OWNERS: TPFT (THE PETRINOVIC FAMILY TRUST) (DA/2014/0159)

MOVED: Cr G Westman SECONDED: Cr M Morse

RESOLVED: That Council:

- (a) having undertaken a review of Development Application 2014/0159 reaffirm its decision to refuse the application for the reasons outlined in its Notice of Determination dated 7 August 2014; and
- (b) call a division.

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

The result of the division was:

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

Against the motion - Cr W Aubin, Cr M Coote, Cr I North,

Absent - Nil

Abstain - Nil

4 STATE ENVIRONMENTAL PLANNING POLICY (HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY) 2004 AND STATE ENVIRONMENTAL PLANNING POLICY (AFFORDABLE RENTAL HOUSING) 2009 (24.00013)

Recommendation: That Council forward a submission to the Minister of Planning seeking an exemption from State Environmental Planning Policy (Housing For Seniors or People With A Disability) 2004 and State Environmental Planning Policy (Affordable Rental Housing) 2009 applying to the Mount Panorama Racing Precinct.

Report: In recent times Council has fielded a number of enquiries about development of land on the periphery of the City under the provisions of the State Environmental Planning Policy (Housing For Seniors or People With A Disability) 2004 (SEPP (SL)).

The SEPP (SL) allows for the development of land for Seniors Living in circumstances where land is zoned "primarily for urban purposes" or land that "adjoins land zoned primarily for urban purposes".

The SEPP (SL) effectively overrides Council's adopted planning schemes meaning that development that would otherwise be prohibited is made permissible under the SEPP.

A similar situation exists with the SEPP (Affordable Rental Housing) (SEPP(ARH)) which overrides Council's planning schemes for development such as group homes and supportive accommodation.

One area of particular concern to Council is the Mount Panorama Racing Precinct. Some areas within the Precinct would qualify as either land for "urban purposes" and "adjoining land for urban purposes" and therefore could potentially be developed for Seniors Living under the SEPP (SL) with little or no reference to the Council's adopted planning standards.

This is obviously a scenario that Council would resist strenuously, consistent with Council's long standing practice of resisting further permanent residential development in the Precinct.

A far preferable approach would be to exclude the application of SEPP (SL) and SEPP (ARH) from the Mount Panorama Racing Precinct altogether. In order to achieve this the SEPP's would need to be amended to exclude their operation in this area.

It is therefore considered appropriate that Council forward a submission to the Minister for consideration.

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 18: To encourage sustainable housing choice and quality design that engenders a sense of place. Strategy 18.1
- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.7

MINUTE

10 Item 4 STATE ENVIRONMENTAL PLANNING POLICY (HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY) 2004 AND STATE ENVIRONMENTAL PLANNING POLICY (AFFORDABLE RENTAL HOUSING) 2009 (24.00013)
MOVED: Cr G Westman SECONDED: Cr J Jennings

RESOLVED: That Council forward a submission to the Minister of Planning seeking an exemption from State Environmental Planning Policy (Housing For Seniors or People With A Disability) 2004 and State Environmental Planning Policy (Affordable Rental Housing) 2009 applying to the Mount Panorama Racing Precinct.

5 BUSINESS MANAGEMENT WORKSHOPS (20.00071)

Recommendation: That the information be noted.

Report: Council has scheduled a new series of Business Management Workshops to assist local businesses to develop strong branding and to attract new customers (refer to the workshop flyer at **attachment 1**).

The Business Management Workshops were previously held in the Council Chambers which can only comfortably accommodate approximately 60 attendees. With each workshop reaching full capacity in the previous series, the new series will be held at the Bathurst Memorial Entertainment Centre to cater to a larger audience.

The workshops proposed are as follows and will be presented by local experts.

Workshop 1: Developing your market intelligence

Date: Tuesday 4 November 2014
Time: 9:00 am – 11:00 am
Venue: Bathurst Memorial Entertainment Centre
Presenter: Annabelle Hillsdon

This session will provide local businesses with the tools to assess their strengths and weaknesses, market opportunities, brand visibility and the development of a unique position in the existing market.

Workshop 2: Business networking success

Date: Tuesday 11 November 2014
Time: 9:00 am – 11:00 am
Venue: Bathurst Memorial Entertainment Centre
Presenter: Steve Semmens, The Persuader

This session will help participants to become successful networkers, and will also provide tips on how to follow up on opportunities in a confident and practical manner.

Workshop 3: Managing your online brand

Date: Tuesday 18 November 2014
Time: 9:00 am – 11:00 am
Venue: Bathurst Memorial Entertainment Centre
Presenter: Jeff Bultitude & Leonie Cridland, Divine Branding

The final workshop will explore online brand positioning and the vital need for modern businesses to develop a recognisable, relatable, credible and authentic online brand.

The selection of workshop topics for this series has been based on comprehensive consultation with local businesses including face-to-face interviews and surveys. In the most recent survey, Council received very positive feedback regarding the last series of workshops held in May 2014 (**attachment 2**).

Conclusion

Due to the increasing popularity of Council's Business Management Workshops, Council will now hold the workshops at the Bathurst Memorial Entertainment Centre to cater to a larger audience. The workshops reinforce Council's status as a leader in the provision of programs to assist local business growth.

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, 5.6

MINUTE

- 11 **Item 5 BUSINESS MANAGEMENT WORKSHOPS (20.00071)**
MOVED: Cr J Jennings SECONDED: Cr W Aubin

RESOLVED: That the information be noted.

Yours faithfully

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

D R Shaw
DIRECTOR
ENVIRONMENTAL, PLANNING & BUILDING SERVICES

DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT AND MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

15 OCTOBER 2014

1 STATEMENT OF INVESTMENTS (16.00001)

Recommendation: That the information be noted.

Report: \$87,500,000 was invested at 30 September 2014 in accordance with Council's investment policies, the Minister's Investment Order dated 12 January 2011, the Local Government Act 1993 and associated regulations. All investments have been reconciled with Council's general ledger and are listed below:

	<u>Rating</u>	<u>Balance</u>	<u>Average Return</u>
<u>Short Term 1 – 365 Days</u>			
(comprising Commercial Bills, Debentures and Certificates of Deposit):			
Bank of Queensland	A2	\$19,000,000.00	3.78%
Bendigo and Adelaide Bank	A2	\$7,000,000.00	3.53%
IMB Limited	A2	\$3,000,000.00	3.51%
Maritime, Mining & Power Credit Union	ADI	\$1,000,000.00	3.60%
National Australia Bank	A1+	\$15,500,000.00	3.71%
People's Choice Credit Union	ADI	\$1,500,000.00	3.55%
Railways Credit Union	ADI	\$4,000,000.00	3.69%
SGE Credit Union	ADI	\$1,000,000.00	3.62%
Westpac Banking Corporation	A1+	\$3,000,000.00	3.69%
Greater Building Society	A2	\$1,000,000.00	3.70%
Bankwest	A1+	<u>\$500,000.00</u>	<u>3.50%</u>
		\$56,500,000.00	3.69%
<u>Long Term > 365 Days</u>			
(comprising Commercial Bills, Term Deposits and Bonds):			
<u>Committed Rolling Investments</u>			
Westpac	AA-	\$2,000,000.00	3.78%
Westpac	AA-	\$2,000,000.00	3.90%
Westpac	AA-	\$2,000,000.00	3.91%
Westpac	AA-	\$2,000,000.00	3.85%
Maritime Mining & Power Credit Union	ADI	\$3,000,000.00	2.70%
National Australia Bank Limited	AA-	<u>\$2,000,000.00</u>	<u>3.55%</u>
		\$13,000,000.00	3.54%
<u>Fixed, Negotiable & Tradeable Certificates of Deposits</u>			
Commonwealth Bank	AA-	<u>\$2,000,000.00</u>	<u>3.81%</u>
		\$2,000,000.00	3.81%
<u>Floating Rate Notes</u>			
Barclays Bank PLC – Australia	AA-	\$2,000,000.00	4.38%
Bendigo & Adelaide Bank Retail Bond	A-	\$1,000,000.00	3.83%
Members Equity Bank	BBB	\$3,000,000.00	3.90%
Greater Building Society	BBB	\$1,000,000.00	3.94%
Credit Union Australia	BBB+	\$3,000,000.00	3.96%

Bank of Queensland	A-	\$1,000,000.00	3.65%
Bank of Queensland	A-	\$2,000,000.00	3.79%
Police Bank	BBB+	\$1,000,000.00	3.73%
Bendigo & Adelaide Bank	A-	\$1,000,000.00	3.56%
Credit Union Australia	BBB+	<u>\$1,000,000.00</u>	<u>3.84%</u>
		\$16,000,000.00	3.90%

Total Investments **\$87,500,000.00** **3.71%**

These funds were held as follows:

Reserves Total (includes unexpended loan funds)		\$39,213,400.00
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		\$15,606,272.00
General Fund	\$8,192,729.00	
Water Fund	\$4,410,000.00	
Sewer Fund	\$2,097,822.00	
Waste Fund	<u>\$ 905,721.00</u>	

Total Investments **\$87,500,000.00**

Total Interest Revenue to 30 September 2014 **\$796,860.19** **3.71%**

Year to Date Averages

(as per the CBA & RBA for comparison purposes)

Reserve Bank of Australia - Cash Rate	2.50%
AFMA - 90 day Bank Bill Swap Rate (BBSW)	2.67%
Three Year Swap Rate - Commonwealth	2.88%
Five Year Swap Rate - Commonwealth	3.26%

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

- 12 **Item 1 STATEMENT OF INVESTMENTS (16.00001)**
MOVED: Cr I North SECONDED: Cr M Coote

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 - Nil.

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

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

MOVED: Cr G Westman SECONDED: Cr B Bourke

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 September 2014.

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

Section 356:	\$11,396.02
BMEC Community use:	\$10,110.75
Mount Panorama:	\$27,544.00

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

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

MOVED: Cr M Morse SECONDED: Cr J Jennings

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.

- Bathurst City Croquet Club Inc, Haymarket Reserve - Part Lot 2, DP 47260 - In-house Licence Agreement.
- Tobin RC & Ison JT, 39 Locke Street, Raglan - Lot 18, DP 758864 - Transfer
- Tru-Flo Pumping Systems Pty Ltd, Water Reservoir, Windermere Road, Robin Hill - Part Lot 5, DP 92990 - Lease

Linen Plan Release

- The Crown - Plan of acquisition - Lot 7032, DP1114695, Pit Straight Mount, Panorama.

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

- 15 **Item 4 POWER OF ATTORNEY (11.00007)**
MOVED: Cr W Aubin SECONDED: Cr B Bourke

RESOLVED: That the information be noted.

5 BATHURST 200 BICENTENNIAL CELEBRATIONS UPDATE (20.00153)

Recommendation: That the information be noted.

Report: Further to previous reports the information submitted here is designed to provide Council with a summary of recent Bathurst 200 activities.

Endorsement Program - The response from community groups regarding the endorsement program has been very positive with new applications being received on a regular basis. At the 2015 Bicentennial Celebrations Committee meeting held 1 October, 11 new applications were submitted for endorsement. This brings the total of endorsement applications to 69 with more applications being received on a regular basis. This program is proving very popular.

Illumination Project - The selective tender process has now been completed. A report recommending a tenderer was submitted to the ordinary meeting following the Policy meeting which was held 1 October 2014. The Illumination project will commence in May 2015.

Bathurst 200 Website – The Bathurst 200 website is currently being updated to create a more user friendly platform. A complete new design and ‘look’ is planned with Council’s IT Department assisting. Data from the old site is being manually transferred as importing this information cannot be performed. The look of the new site is much more inviting and user friendly.

General – Activities undertaken in the previous month include;

1. Final design and ordering of 600 bicentennial baby suits and drafting birth certificates.
2. Hosting a media contingent from V8 Supercars who are providing Council with a number of short TVC’s (television commercials) that will run during this year’s Bathurst 1000 telecast.
3. Work progressing on the Proclamation Day/Week activities program with a draft run sheet now available.
4. Continuing to work with local artists on the indigenous art concepts for the Flagstaff and coins/tokens.
5. Establishing the Living Legends project and creating an Instagram account for online users.

Attachment 1 contains the monthly Bathurst 200 website and Facebook statistics, showing the number of people visiting the Bathurst 200 website and Facebook page. **Attachment 2** is a copy of the endorsed events calendar.

Financial Implications: A budget has been set for Bathurst Regional Council activities. The Endorsement Program costs are contained within existing budgets.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

- 16 **Item 5 BATHURST 200 BICENTENNIAL CELEBRATIONS UPDATE (20.00153)**
MOVED: Cr J Jennings SECONDED: Cr M Morse

RESOLVED: That the information be noted.

6 STANLEY STREET CARPARK (25.00060)

Recommendation: That Council proceed to construct a Council carpark in Stanley Street, Bathurst.

Report: During the 2014/15 Management Plan process Council considered the construction of carparks in Stanley Street and Keppel Street, Bathurst.

Both carparks were eliminated from the 2014/15 Management Plan, Capital Works Program, due to lack of available funds.

During early September 2014 Council were notified that it had been successful in recovering outstanding funds relating to the LGFS court case. During this legal process Council had to pay considerable costs.

Additional costs were incurred in 2013 when the losing parties lodged a further appeal. Council was forced again to pay legal costs in excess of \$200,000.

Council has now been notified that the appeal has been rejected and that no further appeals are available. Council was awarded costs from the appeal and approximately \$170,000 will be returned to Council.

As a result Council now has approximately \$170,000 to add to Council's Management Plan for 2014/15.

As a lot of Council's celebrations during 2015 will happen in the Stanley Street area, it is recommended that Council's Management Plan for 2014/15 be amended to include the construction of the carpark in Stanley Street, Bathurst (map shown at **attachment 1**).

In respect to the Keppel Street carpark, this item will now appear in the 2015/2016 Management Plan for Councillors consideration.

Financial Implications: The construction of the Stanley Street carpark can be funded from the recovered legal costs from the LGFS case.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

- 17 **Item 6 STANLEY STREET CARPARK (25.00060)**
MOVED: Cr I North SECONDED: Cr B Bourke

That Council proceed to construct a Council carpark in Stanley Street, Bathurst.

The following AMENDMENT was MOVED.

MINUTE

18 Item 6.01 STANLEY STREET CARPARK (25.00060)
MOVED: Cr I North SECONDED: Cr J Jennings

That:

- (a) Council proceed to construct a Council carpark in Stanley Street, Bathurst
- (b) if funds become available during 2014/2015 that the carpark behind the BINC facility be constructed.

The AMENDMENT was PUT and CARRIED.

The AMENDMENT then became the MOTION.

The MOTION was then PUT and CARRIED.

Yours faithfully



R Roach
DIRECTOR
CORPORATE SERVICES & FINANCE

DIRECTOR ENGINEERING SERVICES' REPORT AND MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

15 OCTOBER 2014

1 REVIEW OF WATER FILLING STATIONS (32.00011)

Recommendation: That the information be noted.

Report: Previously, Council supplied bulk water to residents not connected to the reticulated water supply at various locations in the former Bathurst City Council area. These locations were Eglinton Tennis Club, Bathurst Airport, Mount Panorama, the old Sale Yards site and the Council depot. All locations had different fixtures for filling and did not comply with the requirements for the safe provision of drinking water as required by the Australian Drinking Water Guidelines (ADWG).

Additionally the traffic arrangements at the various sites failed to meet the relevant road safety standards for heavy and light vehicles. Access was limited to some of these stand pipes and filling stations for those members of the public who required water after hours or on weekends. Many of the locations were either free of charge or a minimal rate applied.

With the introduction of user pays for water in 2001, and the increased demand for water during the drought, Council closed the non-complying filling stations and installed 3 approved water filling stations in Hereford Street. These filling stations were designed to meet the relevant standard for water supply and are available to be accessed by the public 24 hours a day (after purchasing water on a water card). This allows Council to track the supply of water and also comply with its Drinking Water Management System.

The location for the water filling stations in Hereford Street was chosen because the filling stations are on a large 300mm diameter trunk main thus ensuring adequate water flow and pressure and also good water quality. It is in a non-residential area which eliminates noise and traffic complaints from residents should large water tankers fill up over the weekend or at night. In regards to traffic safety, the sight distances are good for those vehicles filling up with water as they have the choice of pulling off the road completely or parking behind the fog line on the sealed verge while filling with water.

With the legislation changing so that drinking water is now considered to be a food product, there are additional requirements imposed on Council and also on water cart operators.

It has become evident that most if not all water cart operators have decided to no longer offer drinking water deliveries, leading to a greater number of individuals wanting to access the water filling stations.

As a result a review of safety at the Hereford Street site showed that safety would be significantly improved for traffic generally and people using the water filling stations if they were moved off the roadside and set out adjacent to the current location in Hereford Street.

Survey, investigation and design work has been completed, and early stages of work have commenced.

Council has recently received a request to install a filling station at Perthville for rural residents who live south of Bathurst and do not wish to travel the extra distance to Bathurst to fill up with water.

Should a water filling station be installed in Perthville for those residents living in the southern portion of the Bathurst Regional Council local government area it is possible that residents from other outlying locations would request water filling stations be placed on the extremities of Bathurst in other directions. This is considered to be a poor precedent that will entail significant cost to install, with a negligible return.

Investigations at Perthville reveal that there is no one site that meets all the requirements for a water filling station (safe access for traffic, good lighting for 24 hour use, significant distance to adjacent residential properties, preferably a non-residential area, and a water main at least 250mm diameter with no residential connections to avoid discoloured water issues).

Should an additional water filling station be installed in any location the estimated cost is approximately \$30,000 to \$50,000 depending on site conditions.

During 2013/2014 Bathurst Council sold approximately 6ML of water through 3 water filling stations out of a total consumption of around 5,400ML, representing about 1% of the water sold.

It is considered best to have a safe central location for any customer who needs to collect drinking water, where there are minimal impacts on the public and other customers.

Accordingly, it is recommended that the resident be advised that Council has considered the request for a water filling station at Perthville, and has determined to continue with the Hereford Street filling stations due to the considerations outlined in the report.

Financial Implications: Funding is available in the current Management Plan.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 15: To secure a sustainable water supply and raise awareness on water issues. Strategy 15.2
- Objective 19: To improve equity of access to all members of the community in public and private domains. Strategy 19.2

MINUTE

- 19 **Item 1 REVIEW OF WATER FILLING STATIONS (32.00011)**
MOVED: Cr G Westman SECONDED: Cr M Coote

RESOLVED: That the information be noted.

2 ROADS TO RECOVERY PROGRAM (16.00011)

Recommendation: That the information be noted.

Report: The previous Roads to Recovery program was completed on 30 June 2014. The Deputy Prime Minister, Minister for Infrastructure and Regional Development, the Hon Warren Truss MP, has now announced the allocations for the next round of the program running for a five year period commencing on 1 July 2014 to 30 June 2019.

The original program commenced in the 2000 / 2001 financial year and has had a substantial positive impact on the improvement of roads in the overall Bathurst region.

The previous five 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 Traffic Authority's REPAIR Program.

The budget allocated to Council over this current five year period is \$5,285,924 and will allow the continuation of the programmed works under this allocation item. Funding will be \$880,987 per financial year with a double allocation in the 2015/16 year of \$1,761,975.

This is positive advice with the additional allocation assisting in the ongoing need to address the funding shortfall in the roads asset management.

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

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 6: To support infrastructure development necessary to enhance Bathurst's life-style and industry development. Strategy 6.1

MINUTE

20 Item 2 ROADS TO RECOVERY PROGRAM (16.00011)
MOVED: Cr I North SECONDED: Cr M Coote

RESOLVED: That the information be noted.

3 APPLICATION FOR LICENCE TO CONSTRUCT SEWER GRAVITY MAIN AND COMPULSORY ACQUISITION OF AN EASEMENT TO DRAIN SEWAGE 5 WIDE, LOT 10 DP872516 RANKENS BRIDGE ROAD AND LOT 7004 DP1002346 HOBSON CLOSE, EGLINTON (04.00101 & 22.01170)

Recommendation: That Council, in order to protect infrastructure affecting Lot 10 DP872516 Rankens Bridge Road and Lot 7004 DP1002346 Hobson Close at Eglinton, approve the application to the Crown for:

- (a) a licence for the construction of a sewer gravity main; and
- (b) make application to the Minister and/or Governor to compulsory acquire the easement rights from the Crown for the creation of an easement to drain sewage 5 wide. The application to follow the provisions of the Local Government Act 1993, the procedures set out in the Land Acquisition (Just Terms Compensation) Act 1991 and does not include mineral rights, as detailed in the Director Engineering Services report.

Report: With the release of land for residential purposes, Council has found it necessary to construct a sewer main within Crown land located at Lot 10 DP872516 Rankens Bridge Road and Lot 7004 DP1002346 Hobson Close at Eglinton.

Both properties are vacant land used for grazing purposes.

In order to construct the sewer main, Council should make application to the Crown for:

- (a) a licence to construct the main within Lot 10 DP872516 and Lot 7004 DP1002346 (see **attachment 1**); and
- (b) make application to the Minister and/or Governor to compulsory acquire the easement rights from the Crown for the creation of an easement to drain sewage 5 wide. The application to follow the provisions of the Local Government Act 1993, the procedures set out in the Land Acquisition (Just Terms Compensation) Act 1991 and does not include mineral rights.

It is recommended Council approve the application for the Crown licence and the compulsory acquisition of the easement rights.

Financial Implications: The proposed licence fee and easement creation is to be funded by the Sewer Services Eglinton Village fund with an estimated cost of \$20,000.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 6: To support infrastructure development necessary to enhance Bathurst's life-style and industry development. Strategy 6.1

MINUTE

21 Item 3 APPLICATION FOR LICENCE TO CONSTRUCT SEWER GRAVITY MAIN AND COMPULSORY ACQUISITION OF AN EASEMENT TO DRAIN SEWAGE 5 WIDE, LOT 10 DP872516 RANKENS BRIDGE ROAD AND LOT 7004 DP1002346 HOBSON CLOSE, EGLINTON (04.00101 & 22.01170)
MOVED: Cr I North SECONDED: Cr M Coote

RESOLVED: That Council, in order to protect infrastructure affecting Lot 10 DP872516 Rankens Bridge Road and Lot 7004 DP1002346 Hobson Close at Eglinton, approve the application to the Crown for:

- (a) a licence for the construction of a sewer gravity main; and
- (b) make application to the Minister and/or Governor to compulsory acquire the easement rights from the Crown for the creation of an easement to drain sewage 5 wide. The application to follow the provisions of the Local Government Act 1993, the procedures set out in the Land Acquisition (Just Terms Compensation) Act 1991 and does not include mineral rights, as detailed in the Director Engineering Services report.

4 PROPOSED EXTINGUISHMENT OF EASEMENT TO DRAIN SEWAGE 5 WIDE AND CREATION OF TWO EASEMENTS TO DRAIN SEWER, LOT 201 DP1061137, 4 RANKENS BRIDGE ROAD, EGLINTON (22.07599)

Recommendation: That Council approve the extinguishment of an easement to drain sewage and the simultaneous creation of two easements to drain sewage 5 and 8 wide affecting Lot 201 DP1061137 being 4 Rankens Bridge Road, Eglinton, as detailed in the Director Engineering Services' Report.

Report: As part of the continual upgrade of Council's assets and to provide sewer mains for the new residential subdivisions at Eglinton, Council has designed a new sewer main which affects Lot 201 DP1061137 located at Rankens Bridge Road, Eglinton.

The reason for the extinguishment of the original easement is Registrar General Directions require an easement to be wholly extinguished if part is to be extinguished and upgraded.

In order to protect Council's infrastructure it is proposed to:

- (a) extinguish an existing easement to drain sewage 5 wide created by the registration of DP1061137 (refer **attachment 1**); and
- (b) simultaneously create two easements to drain sewage 5 and 8 metres wide (refer **attachment 2**).

The property contains stables. At the time of construction of the pipeline, it is expected there will be an inconvenience to the owners with the removal of horses from the construction zone. If required, this will be dealt with through compensation.

It is Council's intention to acquire the easement rights by agreement. For this to occur, Council will:

- (a) pay compensation as determined by a registered property valuer; and
- (b) pay all reasonable legal, survey and valuation expenses for the easement rights.

It is recommended that Council approve the extinguishment of the unnecessary easement to drain sewage and create two easements to drain sewage 5 and 8 wide within Lot 201 DP1061137 at 4 Rankens Bridge Road, Eglinton.

Financial Implications: The estimated cost to prepare the legal documents and compensation is \$5,000.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 6: To support infrastructure development necessary to enhance Bathurst's life-style and industry development. Strategy 6.1, 6.6
- Objective 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
- Objective 31: To maintain local public ownership of water and sewer assets. Strategy 31.1

MINUTE

22 Item 4 PROPOSED EXTINGUISHMENT OF EASEMENT TO DRAIN SEWAGE 5 WIDE AND CREATION OF TWO EASEMENTS TO DRAIN SEWER, LOT 201 DP1061137, 4 RANKENS BRIDGE ROAD, EGLINTON (22.07599)

MOVED: Cr B Bourke SECONDED: Cr I North

RESOLVED: That Council approve the extinguishment of an easement to drain sewage and the simultaneous creation of two easements to drain sewage 5 and 8 wide affecting Lot 201 DP1061137 being 4 Rankens Bridge Road, Eglinton, as detailed in the Director Engineering Services' Report.

5 PROPOSED CREATION OF EASEMENT TO DRAIN SEWAGE 8 METRES WIDE, LOT 2 DP582021, 43 LOGAN STREET, EGLINTON (22.07599)

Recommendation: That Council approve the creation of an easement to drain sewage 8 wide within Lot 2 DP582021 located at 43 Logan Street, Eglinton, subject to the details in the Director Engineering Services' report.

Report: In 2003, Council constructed a sewer pipeline which encroached into Lot 2 DP582021 being property located at 43 Logan Street, Eglinton. An easement was not created over the pipeline.

In order to correct the situation, an easement to drain sewage 8 metres wide (or variable width) to protect Council's infrastructure must be created and registered at Land and Property Information over Lot 2 DP582021 (refer **attachment 1**).

For this to occur, Council has engaged a registered surveyor to prepare a plan of acquisition for easement purposes. Following the registration of the plan, Council will acquire the easement rights.

It is Council's intention to acquire the easement rights by agreement. For this to occur, Council will:

- (a) pay compensation as agreed;
- (b) pay all reasonable legal, survey and valuation expenses for those rights.

It is recommended that Council approve the creation of an easement to drain sewage 8 wide within Lot 2 DP582021 located at 43 Logan Street, Eglinton.

Financial Implications: The estimated cost to prepare the legal documents and compensation is \$5,000.

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
- Objective 31: To maintain local public ownership of water and sewer assets. Strategy 31.1

MINUTE

23 Item 5 PROPOSED CREATION OF EASEMENT TO DRAIN SEWAGE 8 METRES WIDE, LOT 2 DP582021, 43 LOGAN STREET, EGLINTON (22.07599)

MOVED: Cr I North SECONDED: Cr M Morse

RESOLVED: That Council approve the creation of an easement to drain sewage 8 wide within Lot 2 DP582021 located at 43 Logan Street, Eglinton, subject to the details in the Director Engineering Services' report.

Yours faithfully



Doug Patterson

**DIRECTOR
ENGINEERING SERVICES**

DIRECTOR CULTURAL & COMMUNITY SERVICES' REPORT AND MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

15 OCTOBER 2014

1 BATHURST LIBRARY - ACTIVITIES AND PROGRAMS FOR CHILDREN (21.00054)

Recommendation: That the information be noted.

Report: The Bathurst Library have developed a wide range of children's activities and programs, with the aim of fostering an appreciation of books, reading and libraries amongst children in our community. The children's area within the library has been organised to invite children to relax and enjoy selecting and reading books from the Library's collection.

The outreach team have redeveloped the children's library using new shelving, furniture and up to date and professionally presented display boards all of which combine to make the area inviting and relevant for children. The collection has been arranged into areas of interest or "nooks", where children can have some privacy.

Children's activities and programs include regular visits from children's literary characters such as Olivia the pig (but surely a refined type of pig). These characters bring to life the world of literature and are memorable events for children.

Bathurst runs a reading encouragement program, "Booklink", with prizes presented by the Mayor for each 50 books read. This program encourages reading and provides a memorable event for children.

A wide range of school holiday activities also encourages children to use the library with storytelling sessions held for the younger ages, in the form of rhyme time sessions with weekly pre-school story time sessions for the slightly older pre-schoolers. The activities regularly attract 70-80 participants.

The popularity of all the activities and programs for children at the Library reflects the value placed on reading and story telling by the families in the Bathurst community. The Library will continue to provide these and other activities to meet these needs into the future.

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

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 20: To provide a range of cultural facilities, programs, activities and events and to support and enhance cultural and social activities across the community. Strategy 20.1
- Objective 26: To encourage and support the provision of a range of opportunities for life long education across the Bathurst community. Strategy 26.1, 26.4, 26.6
- Objective 27: To encourage youth engagement, participation and achievement across all areas of the Bathurst community. Strategy 27.4, 27.5, 27.8

MINUTE

24 Item 1 BATHURST LIBRARY - ACTIVITIES AND PROGRAMS FOR CHILDREN
(21.00054)

MOVED: Cr B Bourke SECONDED: Cr M Morse

RESOLVED: That the information be noted.

2 CHIFLEY HOME AND EDUCATION CENTRE AND CHARLES STURT UNIVERSITY - THREADS OF TIME EXHIBITION (21.00113)

Recommendation: That the information be noted.

Report: *Threads of Time* an exhibition of artworks produced by Charles Sturt University (CSU) Faculty of Education students in response to the Chifley Home is currently on display at the Chifley Home and Education Centre until Monday 8 December 2014. The opening of the exhibition took place Saturday 27 September with approximately forty five (45) people attending including representatives from Charles Sturt University, Bathurst Regional Council, students and their family and friends.

The exhibition has been developed as a result of an extended and ongoing collaboration between CSU and Bathurst Regional Council (BRC). The collaboration began in 2011 with the sharing of an idea and a common commitment to making a difference to the lives of people through education. The collaboration led to the renewal of curriculum in two teacher education subjects at CSU that evolved into an innovative approach to online subject delivery and a yearly student project culminating in a community based student exhibition. In 2013, the first student exhibition, titled *Distant Connections*, was held at the Chifley Home and Education Centre. *Threads of Time* is the second exhibition held at this venue.

Fifteen (15) students produced works for the *Threads of Time* exhibition using a range of mediums including photography, painting, drawing and mixed media. Students were initially required to undertake a case study of Chifley Home as a museum site that could be used for teaching and learning. Students were then asked to select an object directly related to Chifley Home or an object within their own community but related to the era of the 1930s-1950s as a starting point or inspiration for their work. In creating these artworks students followed the requirements of the Stage 6 HSC Visual Arts course in NSW. They were effectively put in the position of their future Year 12 students. As a student, they had to share ideas and developments with the rest of the class through regular digital diary updates shared in a virtual online classroom. In responding to these diary uploads, the other students then assumed the role of teachers - giving feedback and providing guidance. The final works exhibited are the outcome of this process.

A range of benefits have been achieved through this partnership for Bathurst Regional Council, Chifley Home and Education Centre, CSU and the students including:

- preparing future teachers for using museums as part of their practice- thus potentially engaging future generations with museums;
- engaging students beyond Bathurst with the Chifley Home and thus spreading the impact of the site;
- bringing students, families and friends to Bathurst to see the exhibition;
- engaging students in a simulation of collaborative practice with a public outcome to best prepare them for teaching;
- modelling cross curriculum use of the Chifley Home in relation to school audiences;
- promoting active citizenship through engagement with museums;
- engaging Chifley Home and Education Centre staff in collaborative outreach work;
- providing an alternative interpretation of the site and the collection; and
- engaging potentially new audiences with the site and the collection- through the exhibition and the website.

This model of partnership has clear benefits for both Bathurst Regional Council and Charles Sturt University. Continued involvement in this and other related projects will be sought into the future.

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, 5.4, 5.8
- Objective 20: To provide a range of cultural facilities, programs, activities and events and to support and enhance cultural and social activities across the community. Strategy 20.1, 20.3, 20.6
- Objective 23: To encourage a supportive and inclusive community. Strategy 23.7
- Objective 26: To encourage and support the provision of a range of opportunities for life long education across the Bathurst community. Strategy 26.1, 26.3
- Objective 33: To be and develop good leaders. Strategy 33.1, 33.5, 33.6

MINUTE

25 Item 2 CHIFLEY HOME AND EDUCATION CENTRE AND CHARLES STURT UNIVERSITY - THREADS OF TIME EXHIBITION (21.00113)

MOVED: Cr G Westman SECONDED: Cr I North

RESOLVED: That the information be noted.

3 BATHURST LIBRARY - BOOK SALE (21.00054)

Recommendation: That the information be noted.

Report: The Library periodically conducts a book sale to the public of surplus or withdrawn stock. This is necessary as these items, including old, worn or damaged items and items that are out of date and are withdrawn from stock, build up and reduce the book storage space available.

Generally stock must be withdrawn each year to provide space for new items and a book sale recycles these items back into the community.

The latest book sale was conducted together with a sausage sizzle for the public, on Saturday 27 September 2014 in the library forecourt area. The Library is now making considerable use of the forecourt area, with the book sale and Christmas on Keppel being great crowd attractors. These activities feed into the cultural atmosphere present in Keppel Street, adding to the attractions and the ambience of the location.

The activity was a success with a record income for a book sale being achieved, and some \$3,451.85 being raised for the Library Services revenue stream. In addition, Library visits on the day rose from the average 741 recorded the previous Saturday to 1,131. Approximately 2,000 people attended the book sale itself.

It should also be noted that, as well as selling surplus stock, the Library donates suitable books to organisations such as Carenne School on a regular basis.

Financial Implications: Money raised will be utilised for the purchase of further resources for the Library.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

- 26 **Item 3 BATHURST LIBRARY - BOOK SALE (21.00054)**
MOVED: Cr M Morse SECONDED: Cr J Jennings

RESOLVED: That the information be noted.

4 REVIEW OF CATERING FEES AND CHARGES FOR BATHURST MEMORIAL ENTERTAINMENT CENTRE (BMEC) (21.00060)

Recommendation: That Council:

- (a) Adopt the catering fees, charges and processes in relation to the provision of catering at the Bathurst Memorial Entertainment Centre (BMEC) as outlined in the report;
- (b) Advertise the proposed amendment to the Revenue Policy for a period of 28 days, with submissions being invited from members of the public; and
- (c) Prepare a further report if submissions are received and/or adopt the new fees and incorporate them into the Revenue Policy if no submissions are received.

Report: At the Ordinary Meeting of Council, held on Wednesday 20 August Council resolved to;

- (a) *Not accept the Expression of Interest received for the BMEC catering contract, August 2014 to August 2017, in accordance with the report.*
- (b) *Approve the recommendation to operate for a sixteen month period without a contracted caterer to allow for flexibility of service and review of catering requirements for the venue.*

In order to implement this resolution it is proposed that the following fees, charges and processes for the provision of catering at BMEC be created and included in the Bathurst Regional Council Revenue Policy;

Bathurst Memorial Entertainment Centre Catering Fees

Hirers of the Bathurst Memorial Entertainment Centre may nominate the caterer of their choice providing they meet the requirements as set out by the venue.

Payment for catering services will be made by BMEC to the caterer as part of the event settlement providing all conditions are met as agreed by both parties. Failure to meet these conditions may result in the forfeit of a percentage of the catering fee to cover the cost of compliance.

- Catering that requires the full use of kitchen will incur a charge of 13% of turnover
- Catering that requires minimal use of kitchen will incur a charge of 7.5% of turnover
- Catering that requires no use of kitchen will incur a charge of 5% of turnover

N.B. The interpretation of the level of use will be at the sole discretion of BMEC management.

In the adoption of the proposed fees and conditions outlined in this report Council will ensure that provision is made for the range of catering requirements requested by the users of this facility. The proposed percentages have been calculated based on previous usage and their related costs as well as the current market price points across similar venues within Bathurst. Changes to the process involving the final payment for the caterers by BMEC will also ensure that the correct percentage is charged and that the facility, particularly the kitchen is left in an acceptable condition after each event.

Council should note that these proposed changes will have no impact on the charges related

to the hire of the facility.

Internal procedures, related forms and contracts associated with this proposed amendment to the provision of catering will be produced to align with Council protocols following Council's approval.

Financial Implications: Income will be generated from caterers based on a percentage of catering revenue as indicated in the report. This will ensure associated costs are covered with the potential to generate income for the facility.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

**27 Item 4 REVIEW OF CATERING FEES AND CHARGES FOR BATHURST
MEMORIAL ENTERTAINMENT CENTRE (BMEC) (21.00060)**

MOVED: Cr J Jennings SECONDED: Cr M Coote

RESOLVED: That Council:

- (a) Adopt the catering fees, charges and processes in relation to the provision of catering at the Bathurst Memorial Entertainment Centre (BMEC) as outlined in the report;
- (b) Advertise the proposed amendment to the Revenue Policy for a period of 28 days, with submissions being invited from members of the public; and
- (c) Prepare a further report if submissions are received and/or adopt the new fees and incorporate them into the Revenue Policy if no submissions are received.

Yours faithfully



Janelle Middleton
**ACTING DIRECTOR
CULTURAL & COMMUNITY SERVICES**

GENERAL MANAGER'S REPORT AND MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

15 OCTOBER 2014

**1 DISCLOSURES BY COUNCILLORS AND DESIGNATED PERSONS RETURNS
(11.00002-05)**

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

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

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

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

MINUTE

28 Item 1 DISCLOSURES BY COUNCILLORS AND DESIGNATED PERSONS RETURNS (11.00002-05)

MOVED: Cr M Coote SECONDED: Cr W Aubin

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

Yours faithfully



D J Sherley
GENERAL MANAGER

POLICY COMMITTEE MEETING

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

1 MINUTES - POLICY COMMITTEE MEETING - 1 OCTOBER 2014 (07.00064)

Recommendation: That the recommendations of the Policy Committee Meeting held on 1 October 2014 be adopted.

Report: The Minutes of the Policy Committee Meeting held 1 October 2014, 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

29 Item 1 MINUTES - POLICY COMMITTEE MEETING - 1 OCTOBER 2014
(07.00064)

MOVED: Cr M Coote SECONDED: Cr I North

RESOLVED: That the recommendations of the Policy Committee Meeting held on 1 October 2014 be adopted.

MINUTES OF THE POLICY COMMITTEE
HELD ON 1 OCTOBER 2014

MEETING COMMENCES

1 MEETING COMMENCES 6:00 PM

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

APOLOGIES

2 APOLOGIES

Nil.

REPORT OF PREVIOUS MEETING

3 Item 1 MINUTES - POLICY COMMITTEE MEETING - 3 SEPTEMBER 2014 (07.00064)

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

RESOLVED: That the Minutes of the Policy Committee Meeting held on 3 September 2014 be adopted.

DECLARATION OF INTEREST

4 DECLARATION OF INTEREST 11.00002

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

RESOLVED: That the Declaration of Interest be noted.

RECEIVE AND DEAL WITH DIRECTORS' REPORTS

Director Corporate Services & Finance's Report

5 Item 1 GOVERNANCE - PAYMENT OF EXPENSES AND PROVISION OF FACILITIES FOR COUNCILLORS (11.00008, 41.00089)

This is page 1 of Minutes of the Policy Committee held on 1 October 2014.

General Manager

Page 108
Mayor

MOVED Cr I North

and **SECONDED** Cr M Coote

RESOLVED: That Council:

- (a) Adopt the policy as outlined in the report.
- (b) Note that as there is no changes proposed to the policy that Council does not need to place the policy on public display and seek submissions

GENERAL BUSINESS

6 **Item 1 MAYORAL ELECTION (12.00005)**

Cr Coote - Congratulated Mayor & Deputy Mayor on their reappointment.

7 **Item 2 DA - PET HOTEL (2014/0044)**

Cr Westman - asked are we having a Working Party regarding DA's with noise issue to do things better in the future.

8 **Item 3 PUBLIC ART POLICY (11.00006)**

Cr Morse - requested the status on the Public Art Policy.

The Acting Director Cultural & Community Services advised that the Cultural Plan is to be completed first. This is due to be completed early next year.

9 **Item 4 DOG KENNELS AND CATTERIES (11.00006)**

Cr Morse - asked if Council is formulating a policy on the operation of dog kennels and catteries.

The Director Environmental, Planning & Building Services advised this is covered in Development Plans.

10 **Item 5 FOOTPATHS (28.00016)**

Cr Morse - queried the use of asphalt to repair damage in footpaths.

The Director Engineering Services advised that this is temporary process and the second stage is to properly repair the damage.

11 **Item 6 COURT HOUSE FOOTPATH (25.00011)**

Cr Morse - asked if repairs to the Court House footpath could be undertaken prior to the 2015 Celebrations.

The Director Engineering Services advised that the majority of this footpath is owned by Court House. Council will liaise with the Court House to request repairs be done before 2015.

12 **Item 7 PROPERTY - 8 WILLIAM STREET (22.07517)**

Cr Jennings - asked could Council investigate damage to this property. as it could be a safety issue.

The Director Engineering Services advised that this property would be privately owned.

The Director Environmental, Planning & Building Services advised Council could investigate to see if it presents a public health risk.

13 **Item 8 ROUND-A-BOUT - KEPPEL & HAVANNAH STREET (28.00007)**

Cr Jennings - asked if shopping centre sign on historical lamp post could be removed. Advised that there is already another sign on this corner.

The Director Engineering Services advised could have it removed.

14 **Item 9 HISTORICAL LAMPPOSTS (28.00007)**

Cr Bourke - asked if Council could look at other historical lamps that have signs on them.

The Director Engineering Services advised that it may be necessary in certain areas of the CBD for this to remain due to lack of alternatives.

15 **Item 10 NBN AND TECHNOLOGY PARK (08.00005 & 20.00105)**

Cr Jennings - advised that there is a community group lobbying for NBN. Asked if Council could support this group in any way.

The Mayor advised he has spoken with the group.

16 **Item 11 LOANS FOR PUBLIC ART (21.00002)**

Cr Jennings - advised that interest free loans are available for public art projects. Sydney City Council is launching a public art project. Could a report be prepared for Council on options for Bathurst.

17 **Item 12 BATHURST FAMILY VIOLENCE AWARENESS GROUP (07.00100)**

Cr Jennings - updated Council on the Family Violence Awareness Group. The group has lost 5 key members and has sought Council support. Bathurst has a very high ratio of reported family violence and group would like to establish link with Bathurst Regional Community Safety Committee.

Asked about banner near Morse Park.

Manager Recreation advised approval has been given.

18 **Item 13 CHILDCARE FUNDING CHANGES (09.00002)**

Cr Jennings - asked how childcare funding changes will effect Council.

The Acting Director Cultural & Community Services advised not sure what effect on Council at this stage.

19 **Item 14 CLIMATE CHANGE GRANTS (13.00027)**

Cr Jennings - asked can we create required documentation for next round of climate change grants.

The Director Engineering Services advised a draft report has been completed - suggested significant cost to Council.

20 **Item 15 KANGAROOS - MOUNT PANORAMA (14.00665)**

Cr Jennings - asked for an update on the kangaroo study.

The Mayor responded.

The Director Environmental, Planning & Building Services advised work has commenced.

21 **Item 16 MOUNT PANORAMA (04.00001)**

Cr Aubin - Mount Panorama is looking really good. Should be good event.

MEETING CLOSE

22 **MEETING CLOSE**

The Meeting closed at 6.15 pm.

CHAIRMAN: _____

Date: _____ **(15 October 2014)**

TRAFFIC COMMITTEE MEETING

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

1 MINUTES - TRAFFIC COMMITTEE MEETING - 7 OCTOBER 2014 (07.00006)

Recommendation: That the recommendations of the Traffic Committee Meeting held on 7 October 2014 be adopted.

Report: The Minutes of the Traffic Committee Meeting held 7 October 2014, 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

30 Item 1 MINUTES - TRAFFIC COMMITTEE MEETING - 7 OCTOBER 2014
(07.00006)

MOVED: Cr J Jennings SECONDED: Cr W Aubin

RESOLVED: That the recommendations of the Traffic Committee Meeting held on 7 October 2014 be adopted.

MINUTES OF THE TRAFFIC COMMITTEE
HELD ON 7 OCTOBER 2014

MEETING COMMENCES

1 MEETING COMMENCES 2:00 PM

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

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

APOLOGIES

2 APOLOGIES

Nil.

REPORT OF PREVIOUS MEETING

3 Item 1 MINUTES - TRAFFIC COMMITTEE MEETING - 2 SEPTEMBER 2014 (07.00006)

That the Minutes of the Traffic Committee Meeting held on 2 September 2014 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 SEPTEMBER 2014 (07.00006)

That the information be noted and necessary actions be taken.

6 Item 2 2P PARKING KEPPEL STREET SOUTH WEST SIDE BETWEEN SEYMOUR STREET AND THE BUS ZONE OUTSIDE BATHURST LIBRARY (25.00006-04/063)

That the existing 1P parking on Keppel Street between Seymour Street and the bus stop outside Bathurst Library be replaced with 2P parking.

7 **Item 3 PEDESTRIAN CROSSING - BOYD STREET KELSO (25.00031-05/017)**

That Council not approve the installation of a pedestrian crossing in Boyd Street Kelso near the existing shopping centre.

8 **Item 4 NO STOPPING SIGNS - REPCO VEHICLE ACCESS ONTO DURHAM STREET (25.00089-05/057)**

That Council approve the placement of a "No Stopping" zone between and including the adjoining driveways of Aquarius Car Wash, 118 Durham Street and Repco, 28 Durham Street.

9 **Item 5 NEW SOUTH WALES GRAIN HARVEST MANAGEMENT SCHEME (18.00121-06)**

That Council approve the Scheme developed by Transport for NSW in conjunction with the Roads and Maritime Services for access for vehicles participating in the NSW Grain Harvest Management Scheme 2014 to 2016 to all regional and local roads in the Bathurst Regional Council area from farms to the first practicable receival locations.

10 **Item 6 BATHURST HISTORIC CAR CLUB SWAP MEET (22.00053-08/025)**

That Council approve the staging of the Bathurst Historic Car Club 2015 Swap Meet at the Bathurst Show Ground on Sunday 1 February 2015. The event is to be classified as Class 2 and approved subject to conditions detailed in the Director Engineering Services' Report.

11 **Item 7 BATHURST CYCLING CLUB ROAD RACING AND TRAINING EVENTS 2015 (18.00022-05)**

That Council approve the Bathurst Cycling Club road racing and training events for 2015. The events are to be classified as Class 2 events and approved subject to conditions detailed in the Director Engineering Services' report.

12 **Item 8 55T 23M B-DOUBLE ROUTE BETWEEN BURRAGA AND PERTHVILLE (28.00012-06)**

That Council not approve the application for a 55t 23m B-Double route which includes Burraga Road, Budden Street, Rockley Road in Rockley; and Bathurst Street and Bridge Street in Perthville.

13 **Item 9 TOUR DE RANGE CHARITY PUSH BIKE CHALLENGE (23.00026-17/074)**

That Council classify the Tour de Range Charity Push Bike Challenge to be held on Sunday 16 November 2014 as a Class 2 event, and approve the event subject to conditions as detailed in the Director Engineering Services' report.

14 **Item 10 NO STOPPING SIGNS – CHERITON VILLIAGE ACCESS ONTO STEWART STREET (28.00006-11)**

That Council approve the placement of a “No Stopping” zone across the driveway at Cheriton Village, 198 Stewart Street Bathurst.

TRAFFIC REGISTER

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

That the information be noted.

MEETING CLOSE

16 **MEETING CLOSE**

The Meeting closed at 2.35pm.

NOTICES OF MOTION AND MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

1 NOTICE OF MOTION - CR JENNINGS (11.00004,)

Recommendation: Moved by Cr Jennings:

That Council initiate a new *Tourism Stakeholder's Reference Group* by invitation of expressions of interest from relevant local sectors, as a pilot forum to advance tourism across the Bathurst Region through better stakeholder coordination and collaboration. The first meeting is to be held within one month of the release of the final Destination Management Plan, or, as soon as practicable and preferably before 30 November 2014.

Report: Notice is hereby given:

That Council initiate a new *Tourism Stakeholder's Reference Group* by invitation of expressions of interest from relevant local sectors, as a pilot forum to advance tourism across the Bathurst Region through better stakeholder coordination and collaboration. The first meeting is to be held within one month of the release of the final Destination Management Plan, or, as soon as practicable and preferably before 30 November 2014.

Preamble:

Two major items are about to become realities for the City of Bathurst: the 200th anniversary of European settlement in 2015, and, the first ever Destination Management Plan dedicated to the Bathurst Region is soon to be publicly released.

To gain maximum impact, effectiveness and ultimately greater tourism success, these items require both our local tourism community and Council to work closer together in a more united, coordinated and collaborative fashion.

A new *Tourism Stakeholder's Reference Group* should be initiated with the first meeting to be held within one month of the release of the final Destination Management Plan. Council, as a pilot forum, should initiate this group for at least the duration of the 2015 Bicentenary year, with bi-monthly meetings recommended.

Council is in a prime position to instigate this group by inviting expressions of interest from representatives of relevant sectors of our local tourism community. In broad terms, the agenda, purpose and desired outcomes of this group will be to advance public and private tourism endeavours that enhance the local economy and destination Bathurst. This group will address the recommendations of the final Destination Management Plan and broadly support better coordination and two-way communication across all local tourism stakeholders (public and private) regarding activities pertaining to (but not limited to):

- (a) Product Development
- (b) Branding, Marketing & Campaigns
- (c) Events & Activities
- (d) Coordination, networking and communication support.

The *Tourism Stakeholder's Reference Group* should be comprised of approximately 6-12 seats occupied by those people who best represent our tourism sectors, plus Council holding approximately 3 seats, which allows for at least Mayor, one Councillor and one staff member. The tourism sectors that should be represented include (but not limited to): Bathurst Regional Vignerons Association, local accommodation, eateries and cafés, events, rural villages, heritage, arts and culture sector, and tourism operators in general.

Financial Implications: Nil.

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, 4.7
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.6

MINUTE

31 **Item 1 NOTICE OF MOTION - CR JENNINGS (11.00004)**
MOVED: Cr J Jennings SECONDED: Cr I North

That Council initiate a new *Tourism Stakeholder's Reference Group* by invitation of expressions of interest from relevant local sectors, as a pilot forum to advance tourism across the Bathurst Region through better stakeholder coordination and collaboration. The first meeting is to be held within one month of the release of the final Destination Management Plan, or, as soon as practicable and preferably before 30 November 2014.

The following AMENDMENT was MOVED.

MINUTE

32 Item 1.01 NOTICE OF MOTION - CR JENNINGS (11.00004) MOVED: Cr M Morse SECONDED: Cr J Jennings

That upon adoption of the Destination Management Plan, Council initiate a new *Tourism Stakeholder's Reference Group* by invitation of expressions of interest from relevant local sectors, as a pilot forum to advance tourism across the Bathurst Region through better stakeholder coordination and collaboration. The first meeting is to be held within one month of the release of the final Destination Management Plan, or, as soon as practicable.

The AMENDMENT was PUT and LOST

MINUTE

33 **Item 1.02 EXTENSION OF TIME (11.00005)**
MOVED: Cr M Coote SECONDED: Cr B Bourke

RESOLVED: That an extension of time be granted to Cr North to speak to this item in accordance with Clause 250 (3) of the Local Government (General) Regulation 2005.

MINUTE

34 **Item 1.03** **NOTICE OF MOTION - CR JENNINGS (11.00004)**
MOVED: Cr J Jennings SECONDED: Cr I North

That Council initiate a new *Tourism Stakeholder's Reference Group* by invitation of expressions of interest from relevant local sectors, as a pilot forum to advance tourism across the Bathurst Region through better stakeholder coordination and collaboration. The first meeting is to be held within one month of the release of the final Destination Management Plan, or, as soon as practicable and preferably before 30 November 2014.

The original MOTION was then PUT and LOST

DELEGATES REPORTS AND MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

15 OCTOBER 2014

1 MINUTES - AUSTRALIA DAY WORKING PARTY - 16 SEPTEMBER 2014 (23.00033)

Recommendation: That the information be noted.

Report: The minutes of the Australia Day Working Party held on 16 September 2014 are shown at **attachment 1**.

Financial Implications: N/A

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 23: To encourage a supportive and inclusive community. Strategy 23.3
- Objective 32: To ensure Council is supported by an adequate workforce and appropriate governance procedures. Strategy 32.2

MINUTE

35 Item 1 MINUTES - AUSTRALIA DAY WORKING PARTY - 16 SEPTEMBER 2014
(23.00033)

MOVED: Cr M Coote SECONDED: Cr I North

RESOLVED: That the information be noted.

2 COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 10 SEPTEMBER 2014 (11.00019)

Recommendation: That the information be noted.

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

Apologies: Crs Coote, Jennings.

1. BATHURST BICYCLE PARK INC (04.00140)

Phil Egan, Executive Director and Mark Windsor, Director met with Council to provide an update on the development of their organisation to date, future administration directions and an overview of their constitution.

A meeting was held between representatives of the various bicycle clubs (including Bathurst Cycling Club, Bathurst Mountain Bike Club and the Bathurst & District BMX Club), Council staff, the Mayor and Councillors to discuss the progress of the Bathurst Bike Precinct development and Council's desire for the various user groups to form an overarching incorporated body to manage the operations of the facility, once the site was ready to be utilised by the various local sporting clubs.

The various groups advised Council that they were forming The Bathurst Bicycle Park Inc and in July 2014 the organisation became an incorporated body. The purpose of the organisation is to manage the Bike Park Precinct, liaise with the various user groups and Council.

On the Board is Phil Egan, Executive Director, Mark Windsor and Linda Breen, Directors plus each user group has a representative.

Bathurst Bicycle Park (BBP) will take out a lease with Council and then sublease to bicycle groups.

The aim of the organisation is to promote the sport of cycling generally, not necessarily each individual sport.

2. BATHURST RSL CLUB (22.00556)

Peter Sargent, General Manager, Ian Miller, Chairman, Coral Miller, and Paul Hennesey from Bathurst RSL Club met with Council to discuss various issues including parking concerns, current and future activities and how the Club can work with Council to continue to improve

Topics discussed included:

Supercheap Auto Bathurst 1000

- RSL provides lunches for volunteers. Lunches for V8 executives and there is potential for a BBQ on Sunday.
- There is potential for local businesses to benefit from this event.

DA - Approx. \$900,000

- About to lodge a DA
- Auditorium is to be extended which will allow more people to attend functions
- Upgrade coffee shop area and lounge bar
- Redevelopment of outdoor area.

Parking

- Evening and weekend Council car park - excellent.
- During the week, in the day it is difficult for patrons for find parking which is affecting revenue.
- Would like Council to review time limits in the Council carpark.

Many of the clubs rooms are available for groups free of charge.

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 23: To encourage a supportive and inclusive community. Strategy 23.3
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.5
- Objective 32: To ensure Council is supported by an adequate workforce and appropriate governance procedures. Strategy 32.2

MINUTE

**36 Item 2 COUNCILLORS MEETING WITH COMMUNITY
GROUPS/REPRESENTATIVES - 10 SEPTEMBER 2014 (11.00019)**

MOVED: Cr I North SECONDED: Cr W Aubin

RESOLVED: That the information be noted.

3 COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 24 SEPTEMBER 2014 (11.00019)

Recommendation: That the information be noted.

Report: **Present:** Councillors Rush (Chair), Aubin, Hanger, Jennings, Morse, North, Westman.

Apologies: Crs Bourke, Coote

1. GREENING BATHURST (18.00157, 20.00153)

Members of Greening Bathurst, David Goldney, T Cox, A Bland, and Tracey Carpenter met with Council to discuss some of the current activities the group is involved in.

Topics discussed included:

- An update on Greening Bathurst's work within the community.
- Group now taking a slightly different direction by developing a clearer strategic direction.

Cox's Road Dreaming and Biodiversity Dreaming

Update on the projects:

- Cox's Road Dreaming - a Natural History of Cox's Road 1814/1815 - Australia's First Inland European Road. Introduced the booklet, which is to be an 80 page final design. Group hope to raise about \$80,000 to cover costs.
- Biodiversity Dreaming - Past and Future Landscapes in the Bathurst Region 1815-2115. Discussion included integration with the farming community. CSU is a key supporter of this project.

2. CENTRAL NSW TOURISM (20.00020)

Lucy White, Executive Officer, of Central NSW Tourism met with Council to give a presentation on current Central NSW Tourism projects and operations.

Topics discussed included:

Regional Campaign - Unearth Central NSW

The main objective of the program is to increase overnight visitor expenditure across the entire Central NSW Region. The program encourages prospective travellers to "Unearth" a range of feature experiences across the region with a particular focus on two keys streams of storytelling, Food & Wine and Destination Weddings.

There have also been a number of Bathurst and Central NSW features in various magazines and these will continue over the next few months.

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

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

Strategy 30.5

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

Strategy 32.2

MINUTE

**37 Item 3 COUNCILLORS MEETING WITH COMMUNITY
GROUPS/REPRESENTATIVES - 24 SEPTEMBER 2014 (11.00019)**

MOVED: Cr W Aubin SECONDED: Cr I North

RESOLVED: That the information be noted.

**4 MINUTES - BATHURST REGIONAL YOUTH COUNCIL - 9 SEPTEMBER 2014
(11.00020)**

Recommendation: That the information be noted.

**Report: MINUTES OF BATHURST REGIONAL YOUTH COUNCIL MEETING HELD IN
COUNCIL CHAMBERS ON TUESDAY, 9 SEPTEMBER 2014**

PRESENT: Emily O'Shea, Laura Van Uum, Jenny Parsons, Cassie Talbot, Zachery Baker, Sophie Ireland, Cody Channing, Brendan Thorpe, Dominic Mjadwesch, Geordie Mulholland, Nicholas Forbutt, Gerard O'Shea, Jayne Dwyer, Cr Gary Rush (arrived at 12.36pm)

IN ATTENDANCE: Megan Bargwanna (Community Development Officer- Youth), Karen Golland and Hannah (headspace), Jessica Boyle (Senior Heritage Planner)

1. APOLOGIES

RESOLVED that apologies from Cr Michael Coote, Tom Nobes, Emily Behan, Keegan Bringolf, Ben McGrath, Emma Farr and Cameron Jones be accepted

2. ADOPTION OF PREVIOUS MINUTES

RESOLVED that the minutes of the meeting held 24 June 2014 be accepted, with the following amendment that Laura Van Uum was present at the meeting.

Moved: Sophie Ireland
Seconded: Brendan Thorpe

3. BUSINESS ARISING FROM PREVIOUS MINUTES

There was no business arising from the previous minutes.

4. DE-BRIEF- YOUTH COUNCIL DANCE PARTY

The group discussed what worked well and what changes could be made to improve future dance parties following the "Babes and Bogans" dance party held at BMEC on 9 August.

What worked well:

- BMEC good location.
- Chillout area was well received.
- Mixed reviews about the music- maybe consider playing more chart hits.
- 280 young people in attendance.
- Mocktails and food were popular.
- headspace was popular. Youth Council felt that because of the activities that were included and they were not "in your face" it was more appealing.
- Photobooth again popular
- There were no incidents to report

What did not work well:

- Balloons were hard to see.
- Some felt the room was too big.
- Lollies in chillout area as people just threw them around.

Discussion about holding future dance parties:

- Majority of attendees were from Bathurst and Kelso High as unlike private schools, they do not have school dances and the students look forward to the annual event.
- Some felt it would be a good idea to have a break from annual dance parties.
- Some were concerned that it may lose momentum if there was a break.
- Discussion about the need to develop a relationship with Scots boarding to encourage them to attend like All Saints and MacKillop .
- All agreed that if there was to be a break the new Youth Council will need to come up with a good alternative.
- Possibility of holding a movie night with inflatable screen discussed. Some felt that we already have Metro 5, others felt it may be an option. Would need to have a good movie- BMEC an option if during winter months.

Karen Golland and Hannah from headspace arrived at 11.55am

5. UPDATE MENTAL HEALTH MONTH PROJECT WITH HEADSPACE YOUTH REFERENCE GROUP - JAYNE DWYER.

- Jayne, Cody and Emily have been attending meetings at headspace
- Jayne gave an update on the campaign, which is the next project for the Youth Council.
- The Youth Council Working Party has been working with the Youth Reference Group at headspace.
- The campaign will consist of removable stickers for mobile phones to encourage people to take the challenge and Look up from their phones and other mobile devices and reconnect with family, friends, other activities.
- While the stickers are on the device the person is participating in the challenge.
- There will be 12,000 stickers printed.
- Karen presented the sticker designs to the group for feedback- designed by a Youth Reference Group member.
- There will be four designs.
- Content for posters was discussed.
- Letters to schools will be sent.
- Youth Council will be responsible for promoting and supporting the campaign in schools.
- The Western Advocate will run an online media gallery- need 15 photos to start the campaign- photoshoot time made for Monday 15th September at 4.00pm, meet at Machattie Park.
- Will voice two radio ads - One Youth Council representative and one Youth Reference Group representative.
- Jayne and Geordie nominated for Youth Council one.
- Also opportunity for a weekly newspaper column during October- Jayne will write one- suggestion to ask the Mayor if he may be interested in writing one also.
- There will also be regular radio interviews as part of the media campaign.
- Karen also mentioned that there is a LGBSIQ youth support group starting at headspace.

6. MAYOR GARY RUSH- BATHURST 200 BICENTENARY CELEBRATIONS

- The Mayor addressed the Youth Council regarding Bathurst 200 Bicentenary celebrations
- Bathurst Regional Council is fortunate to have some money set aside for the celebrations due to long term planning and good local governance.
- There will be two types of events held during the year: those which are Council run and those which are endorsed or badged under the Bathurst 200 banner.
- The main activities will take place on May 7, Proclamation Day, which is when Lachlan Macquarie proclaimed Bathurst a settlement and hence is the oldest inland settlement in Australia
- The unveiling of the new Flagstaff at Bicentennial Park will take place on this day and the story will be retold of the events. This will include local Wiradjuri people having the opportunity to share their story as well.
- The Prime Minister (or an alternate) will be invited to do the unveiling.
- Schools will be invited to participate.
- There was discussion about having the day as a gazetted public holiday, but due to financial implications for the community and other reasons including it giving the opportunity for school students to attend, it was decided not to do so.
- There will also early discussion about conducting a street parade, there will be however several processions during the year.
- One procession will take place from the flagstaff to the park area, and will include a 200 lantern procession involving primary school students.
- This will include music, fun and festivities, stalls as well as a Colonial Fair, being put on by the Historical Society.
- On the Thursday night, in Kings Parade, will be the "Illuminate Bathurst" event. This will continue for a couple of months with changing themes. There will be a range of Bathurst iconic buildings illuminated. At the Thursday night event, there will be stalls showcasing local produce and wines, entertainment, jugglers, mime and various artists.
- There will be a peoplescope outside the Courthouse. BMEC will have two exhibitions running including 200 years of women's fashion and a historical exhibition.
- There will be a Bicentenary dinner held which will include a nationally recognised award and will continue on past 2015 annually.
- The importance of having Bathurst known for its heritage will be a focus during the year.
- The opportunities surrounding tourism is enormous during this time.
- The relationship with the V8s will be utilised to help promote Bathurst 200.
- The Penrith Panthers will wear special playing jumpers for their match in Bathurst next year.
- The "Wandering Warriors", who are a group of retired SES men, will be walking from Brisbane to Canberra raising money to support returned service men and women - the walk will pass through Bathurst. This has a strong support from the Sunrise Program and hence will be excellent media exposure for Bathurst.

7. GENERAL BUSINESS

7.1 Jessica Boyle- Senior Heritage Planner, Bathurst Regional Council

- As part of Council's Heritage Strategy Council, as well as other groups, manages heritage assets in the Bathurst area.

- Part of the Action/Management Plan includes getting ideas and doing a range of things during the year.
- A heritage Reference Group is being developed to allow community input and participation into heritage matters.
- There will be two meetings per year- the first being held in October. Anyone interested is invited to attend.
- Also a Heritage Walking Trail is being developed- this will include stencil/street art going on the pavement, which represents Bathurst's history. The project is titled "Bathsy". There will be workshops coming up and anyone interested is encouraged to participate.

7.2 Megan Bargwanna - BRYC final event for 2014

- The group agreed that they still want to run a similar event to Summersault held last year at the end of this year.
- Group agreed to start working party meetings at the beginning of October, once the Look Up campaign is launched.

8. NEXT MEETING – TUESDAY, 11 NOVEMBER 2014.

The next meeting will be held on Tuesday, 11 November 2014 at 11.15am.

9. MEETING CLOSE

There being no further business, the meeting closed at 1.30pm.

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

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 4 MINUTES - BATHURST REGIONAL YOUTH COUNCIL - 9 SEPTEMBER 2014 (11.00020)

MOVED: Cr M Coote SECONDED: Cr B Bourke

RESOLVED: That the information be noted.

5 2015 BICENTENARY CELEBRATIONS COMMITTEE MEETING - 7 OCTOBER 2014 (20.00153)

Recommendation: That the recommendations of the 2015 Bicentenary Celebrations Committee held on 7 October 2014 be adopted.

Report: The Minutes of the 2015 Bicentenary Celebrations Committee held on 7 October 2014 are provided at **attachment 1**.

Financial Implications: N/A

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 23: To encourage a supportive and inclusive community. Strategy 23.3
- Objective 32: To ensure Council is supported by an adequate workforce and appropriate governance procedures. Strategy 32.2

MINUTE

39 Item 5 2015 BICENTENARY CELEBRATIONS COMMITTEE MEETING - 7
OCTOBER 2014 (20.00153)

MOVED: Cr M Morse SECONDED: Cr I North

RESOLVED: That the recommendations of the 2015 Bicentenary Celebrations Committee held on 7 October 2014 be adopted.

MINUTE

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

MOVED: Cr I North 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.

The following representation was made.

Mr B Triming - queried consideration of the following items going into Confidential - DEPBS Confidential #2, DCSF Confidential #3 and DCSF Confidential #8

The General Manager explained the reasons for confidentiality.

RESOLVED: That:

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

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

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	LAND CLEARING IN COUNCIL ROAD RESERVE	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	RIGHT OF CARRIAGEWAY OVER BATHURST CHASE SHOPPING CENTRE	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial

	position of the person who supplied it.
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*** DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	PROPOSED VARIATION OF LEASES WITH OPTUS MOBILE PTY LTD INCLUDING SUB LEASES TO VODAFONE FOR PART LOT 2 DP1140980 KNOWN AS WALMER PARK BATHURST, PART LOT 211 DP748686 KNOWN AS GREAT WESTERN HIGHWAY WATER RESERVOIR, RAGLAN AND PART LOT A DP398238 LOCATED AT PIT STRAIGHT MT 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.
2	PROPOSED NEW COMMERCIAL LEASE - LOT 7 DP806109 LOCATED ON WARK PARADE BATHURST AND KNOWN AS THE WEST BATHURST COMMUNITY CENTRE - INTERCHANGE BATHURST INC.	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
3	BATHURST WAR MEMORIAL CARILLON POTENTIAL UPGRADE	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	BATHURST 12 HOUR EVENT	10A (2) (a) – Deals with personnel matters concerning particular individuals (other than Councillors) disclosure of which would not be in the

		public interest as it would reveal personal details of the individuals concerned.
5	PROPOSED NEW LICENCE AGREEMENT - PART LOT 1 DP613544 KNOWN AS 47 MITRE STREET BATHURST - BATHURST & DISTRICT BRIDGE CLUB INC.	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
6	EXPRESSION OF INTEREST - LOT 1 DP716930 KNOWN AS 51 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.
7	AERODROME CLOSURE - CENTRAL WEST FLYING	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	REQUEST FOR FINANCIAL ASSISTANCE - BATHURST SHEEP AND CATTLE DROME	10A (2) (b) – contains advice concerning hardship of a resident or ratepayer, disclosure of which would not be in the public interest as it would prejudice the personal position of the individual concerned.

*** DIRECTOR ENGINEERING SERVICES' REPORT**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	NETWASTE WASTE SERVICES TENDER	10A (2) (d) (iii) – contains commercial information of a confidential nature that would, if disclosed, reveal a trade secret.
2	TENDER FOR DESIGN AND CONSTRUCTION OF BIKE PARK CLUBHOUSE	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	TENDER FOR DESIGN AND CONSTRUCTION OF WINBURDALE DAM RANGER'S COTTAGE	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 THE RESURFACING OF HOCKEY FIELD, LEARMONTH PARK, 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	PROPOSED EXTINGUISHMENT OF TWO SEWER EASEMENTS, ACQUISITION OF EASEMENT RIGHTS AND CREATION OF VARIOUS EASEMENTS AFFECTING	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

	LOT 202 DP1061137 AND LOT 57 DP1070902, 19 AND 53 LOGAN STREET, EGLINTON	open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
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**DIRECTOR ENVIRONMENTAL PLANNING & BUILDING SERVICES' CONFIDENTIAL
MINUTES**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

15 OCTOBER 2014

MINUTE

- a **Item 1 LAND CLEARING IN COUNCIL ROAD RESERVE (34.00082)**
MOVED: Cr G Westman SECONDED: Cr J Jennings

That Council act in accordance with the Director Environmental, Planning & Building Services report.

MINUTE

b Item 2 RIGHT OF CARRIAGEWAY OVER BATHURST CHASE SHOPPING CENTRE (22.00553-07)

MOVED: Cr I North SECONDED: Cr M Coote

That Council agree to the lodgement by Perpetual Limited or its authorised agents of the Right of Carriageway in favour of Lot 1 DP82940, Lot 2001 DP1177498, Lot 1 DP734819 and Lot 211 DP1172752.

DIRECTOR CORPORATE SERVICES & FINANCE'S CONFIDENTIAL MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

15 OCTOBER 2014

MINUTE

- c **Item 1 PROPOSED VARIATION OF LEASES WITH OPTUS MOBILE PTY LTD INCLUDING SUB LEASES TO VODAFONE FOR PART LOT 2 DP1140980 KNOWN AS WALMER PARK BATHURST, PART LOT 211 DP748686 KNOWN AS GREAT WESTERN HIGHWAY WATER RESERVOIR, RAGLAN AND PART LOT A DP398238 LOCATED AT PIT STRAIGHT MT PANORAMA (04.00068, 32.00001 and 08.00007)**
MOVED: Cr W Aubin SECONDED: Cr M Morse

That Council approves the Variation of Leases with Optus Mobile Pty Ltd with provision for sub leasing to Vodafone for part Lot 2 DP1140980 known as Walmer Park Bathurst, part Lot 211 DP748686 known as Great Western Highway Water Reservoir Raglan and part Lot A DP398238 located at Pit Straight Mt Panorama as detailed in the report.

MINUTE

- d** **Item 2 PROPOSED NEW COMMERCIAL LEASE - LOT 7 DP806109 LOCATED ON WARK PARADE BATHURST AND KNOWN AS THE WEST BATHURST COMMUNITY CENTRE - INTERCHANGE BATHURST INC. (22.00267)**
MOVED: Cr W Aubin SECONDED: Cr B Bourke

That Council approves entering into a new Commercial Lease Agreement with Interchange Bathurst Inc. for Lot 7 DP806109 located on Wark Parade, Bathurst and known as the West Bathurst Community Centre for a lease period of two (2) years with an option period of two (2) years as detailed in the report.

MINUTE

**e Item 3 BATHURST WAR MEMORIAL CARILLON POTENTIAL UPGRADE
(04.00021)**

MOVED: Cr M Coote SECONDED: Cr J Jennings

That Council act in accordance with the recommendation of this report.

MINUTE

f Item 4 BATHURST 12 HOUR EVENT (04.00097-14)
MOVED: Cr W Aubin SECONDED: Cr I North

That Council endorse the actions of the General Manager in allowing an additional day to be added to the present 12 Hour event, making it a seven day event, from 6 February 2015 to 12 February 2015.

MINUTE

- g** **Item 5 PROPOSED NEW LICENCE AGREEMENT - PART LOT 1 DP613544
KNOWN AS 47 MITRE STREET BATHURST - BATHURST & DISTRICT BRIDGE
CLUB INC. (22.08584)
MOVED: Cr M Cooto SECONDED: Cr M Morse**

That Council approves entering into a new In-house Licence agreement for part Lot 1 DP613544 located at 47 Mitre Street Bathurst with the Bathurst and District Bridge Club Inc. for a period of five (5) years with an option period of five (5) years as detailed in the report.

MINUTE

h Item 6 EXPRESSION OF INTEREST - LOT 1 DP716930 KNOWN AS 51 STEPHENS LANE, KELSO (21.00022)

MOVED: Cr M Coote SECONDED: Cr W Aubin

That Council approves entering into a new Rural Licence Agreement with Ms Lisa Walker for Lot 1 DP716930 known as 51 Stephens Lane, Kelso for horse agistment only for a period of three (3) years as detailed in the report.

MINUTE

i Item 7 AERODROME CLOSURE - CENTRAL WEST FLYING (21.00024 & 21.00103)

MOVED: Cr M Coote SECONDED: Cr I North

That Council act in accordance with the report.

MINUTE

j Item 8 REQUEST FOR FINANCIAL ASSISTANCE - BATHURST SHEEP AND CATTLE DROME (22.07467)

MOVED: Cr I North SECONDED: Cr J Jennings

That Council act in accordance with the recommendation of the report.

DIRECTOR ENGINEERING SERVICES' CONFIDENTIAL MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

15 OCTOBER 2014

MINUTE

- k **Item 1 NETWASTE WASTE SERVICES TENDER (36.00527)**
MOVED: Cr J Jennings SECONDED: Cr W Aubin

That Council:

- (a) accept the recommendations made in the Director Engineering Services' Report, and
- (b) authorise the General Manager to finalise negotiations and execute the contract(s).

MINUTE

I Item 2 TENDER FOR DESIGN AND CONSTRUCTION OF BIKE PARK CLUBHOUSE (36.00526)

MOVED: Cr I North SECONDED: Cr M Coote

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

Reason: Secretary and member of BMX Club

That Council accepts the tender of Nick Harvey Constructions for the amount of \$461,801.00 (GST Inc), subject to adjustments and provisional items.

MINUTE

**m Item 3 TENDER FOR DESIGN AND CONSTRUCTION OF WINBURDALE DAM
RANGER'S COTTAGE (36.00533)**

MOVED: Cr M Coote SECONDED: Cr I North

That Council accepts the tender of Nick Harvey Constructions for the amount of \$256,713.00, subject to adjustments and provisional items.

MINUTE

n Item 4 TENDER FOR THE RESURFACING OF HOCKEY FIELD, LEARMONTH PARK, BATHURST (36.00534)

MOVED: Cr G Westman SECONDED: Cr B Bourke

That Council accepts the tender of TigerTurf Australia Pty Ltd for the amount of \$437,107.00 (inc GST), subject to adjustments and provisional items.

MINUTE

- o Item 5 PROPOSED EXTINGUISHMENT OF TWO SEWER EASEMENTS, ACQUISITION OF EASEMENT RIGHTS AND CREATION OF VARIOUS EASEMENTS AFFECTING LOT 202 DP1061137 AND LOT 57 DP1070902, 19 AND 53 LOGAN STREET, EGLINTON (22.02202)**
MOVED: Cr G Westman SECONDED: Cr I North

That Council resolve to:

- (a) extinguish an easement to drain sewage 4 metres wide created by the registration of DP787726;
- (b) extinguish an easement to drain sewage 5 wide created with the registration of DP1061137;
- (c) create an easement to drain sewage 8 metres wide;
- (d) create an easement for services 14.8 wide; and
- (e) create an easement to drain water 6 metres wide, at Lot 202 DP1061137 and Lot 57 DP1070902 located at 19 and 53 Logan Street, Eglinton, as detailed in the Director Engineering Services' Report.

MINUTE

41 RESOLVE INTO OPEN COUNCIL
MOVED: Cr G Westman SECONDED: Cr I North

RESOLVED: That Council resume Open Council.

MINUTE

**42 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 (o) be adopted.

Cr Bourke asked that his negative vote be recorded against Item #1 of the DCSF Confidential report.

MINUTE

43 MEETING CLOSE

The Meeting closed at 8.47 pm.

CHAIRMAN: _____

Date: _____ **(19 November 2014)**