



ORDINARY MEETING OF
BATHURST REGIONAL COUNCIL

9 July 2014

His Worship the Mayor & Councillors

Notice of Ordinary Meeting of Bathurst Regional Council - Wednesday, 16 July 2014

I have to advise that an **Ordinary Meeting** of Bathurst Regional Council will be held in the Council Chambers on Wednesday, 16 July 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, 16 JULY 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 - 18 JUNE 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

9. REPORTS OF OTHER COMMITTEES

* MINUTES - POLICY COMMITTEE MEETING - 2 JULY 2014

* MINUTES - TRAFFIC COMMITTEE MEETING 1 JULY 2014

10. NOTICES OF MOTION

Moved by Cr Jennings

That Council:

- (a) Understand the fundamental importance of Section 18C of the Racial Discrimination Act 1975.

- (b) Recognises that Section 18C provides protection to individuals from offensive behaviour because of race, colour, national, or ethnic origin.
- (c) Urges all levels of Government to combat bigotry at every opportunity.
- (d) Requests, in writing, that the Federal Attorney General withdraw the Draft Exposure Amendment to the Racial Discrimination Act.

11. RESCISSION MOTIONS - Nil

12. DELEGATES REPORTS

- * CENTROC BOARD MEETING - 29 MAY 2014
- * COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 11 JUNE 2014
- * COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 25 JUNE 2014
- * MINUTES - BATHURST REGIONAL YOUTH COUNCIL - 24 JUNE 2014
- * 2015 BICENTENARY CELEBRATIONS COMMITTEE MEETING - 1 JULY 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 CORPORATE SERVICES & FINANCE'S REPORT**

ITEM	SUBJECT	REASON FOR
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		CONFIDENTIALITY
1	BACKUP/ARCHIVING & DISASTER RECOVERY SOLUTION	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	EXPRESSION OF INTEREST - LOTS 2, 10 AND 11 DP224864 LOCATED AT BEN CHIFLEY DAM	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 SUBDIVISION AND SUBSEQUENT SALE OF LAND - LOT 202 DP1074567 HAMPDEN PARK ROAD KELSO INDUSTRIAL PARK - B.A.E.C. ELECTRICAL	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.
4	EXPRESSION OF INTEREST - VACANT LAND KNOWN AS 51 STEPHENS LANE KELSO (LOT 1 DP716930)	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	RURAL LICENCE AGREEMENT - LOT 2 AND LOT 3 DP1115543 KNOWN AS 57A CHURCH LANE KELSO - ORZLOWSKI	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 SUPPLY AND DELIVERY OF WATER TREATMENT CHEMICALS	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	WINDRADYNE RESIDENTIAL ESTATE STAGE 1000 CIVIL WORKS	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

*** GENERAL MANAGER'S REPORT**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	HONORARY CITIZENSHIP OF BATHURST	10A (2) (d) (i) – contains commercial information of a

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

14. RESOLVE INTO OPEN COUNCIL

15. ADOPT REPORT OF THE COMMITTEE OF THE WHOLE

16. MEETING CLOSE

MINUTE

1 MEETING COMMENCES

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

MINUTE

2 PUBLIC QUESTION TIME

B Triming – Access Committee - expressed concern about accessible parking in front of RSL Club in Rankin Street. People are not parking correctly in this area and are mounting the footpath. Need this area to be controlled. Mr Triming advised he has spoken to the Police and has forwarded a letter to Council to bring it to public attention.

G McCauley – dog droppings and smoking in public - spoke to fining owners for dog droppings. Also requested Council to stop people smoking at Howick Street Bus Interchange and fine people where necessary.

L Grout – Bathurst Aquatic Centre Fees - spoke to Swim Club operations at the Centre and cost of hiring lanes. Could Council look into why the Club has to pay lane fees. Need these costs to be eliminated.

The Mayor requested the Club send in a letter of request to Council.

P Field – Water Pricing - spoke to long run cost models and price elasticity. Asked what pricing models are being used by Council 2014/2015.

The General Manager requested Mr Field forward his questions in writing to Council.

M Worthington – DA2014/0044 - DEPBS Item #6 - spoke to Pet Hotel proposal and noise issues. This will transmit noise to his property. Feels he was not properly notified. Asks Council to proceed cautiously in this matter. Noise report makes no reference to fog or temperature inversion, concern at rigour of noise study. Please refuse or defer this DA.

D Baldwin – DA2014/0044 - DEPBS Item #6 - spoke to concerns with proposal including; traffic issues (traffic numbers do not appear correct), noise concerns (this was a desk top study), spoke to inversion issues. Noise consultant has not spoken to residents. Environmental hazards - waterway, biodiversity and vulnerability.

B Sewell – TAFE teacher - DA2014/0044 - DEPBS Item #6 - noted applicant has attended TAFE and undertaken a course in Animal Studies. The course is recognised in the pet industry. Spoke to subjects covered in the course. Supports the proposal.

G Hargans – Bathurst Cemetery Damage - requests Council put a fence around the cemetery. Have previously raised this with Council.

B McHugh – applicant - DA2014/0044 - DEPBS Item #6 - spoke to noise study and comprehensiveness of the document. Noted all environmental requirements are being met. Believes there are no road concerns.

S Howarth – S:18C Racial Discrimination Act - NOM Item #1 - spoke of support for Section 18C of the Act. It acts as a red light to racial discrimination and asks Council to support the Notice of Motion. Fifty Councils have already supported this.

K Goombrydge – S:18C Racial Discrimination Act - NOM Item #1 - spoke to support for Section 18C and history of setting up government in Australia. Urged Council to support the Notice of Motion. The Council has set a precedent with the Sorry Day Celebrations, and the community was pulled in. The removal of Section 18C would undo all the goodwill.

Dr M Evans – CSU lecturer - S:18C Racial Discrimination Act - NOM Item #1 - spoke to history of the Act and the purpose of it. Requested Council support the Notice of Motion.

M Williamson – Wiradjuri Council Elders - asks Council to work with the Council of Elders. The town needs to work together.

The Mayor spoke to actions Council takes to show respect and work with the aboriginal community.

D Mullins – S:18C Racial Discrimination Act - NOM Item #1 - asks Council to support the Notice of Motion. Needs community to work together to "mend bridges".

B Allen (Snr) – S:18C Racial Discrimination Act - NOM Item #1 - advised moved to Bathurst in 1963 and worked on the Railways. Was good and there was no discrimination till bought a house in 1967. Spoke to petition put in. How the matter was resolved and the actions he took. After railways worked as an Aboriginal Tours coach driver. There have been a lot of changes over recent years, and spoke to good rapport between Council and the Aboriginal community. Keep racism down. Would like private enterprise to take on more Aboriginal workers.

G Crisp – ratepayer

- supported discussions on Section 18C of the Racial Discrimination Act.
- Freedom of Speech, congratulated Mayor on position taken in Western Advocate on this matter. Council should not impose restrictions on persons.

L McDiarmid – DA2014/0044 - DEPBS Item #6 - advised there is already a dog kennel in the Valley, this causes noise issues. Understand proposal complies with standards. The two kennels will cause a never ending noise cycle. Spoke to experience with kennel constructed on highway on the road to Orange and the noise this generates. Raised concerns at notification process and need to get further information provided.

I MacPherson – National Trust - wishes to recognise positive role being experienced with Council over heritage matters. Heritage creates a lifestyle and economic benefit. Bathurst has great brand recognition. Spoke to Heritage Certificates being awarded by the Trust and the success of Heritage Week. The Bathurst Macquarie Heritage medal proposal is fantastic. Noted Heritage Plan that has recently been adopted by Council, is well past the Heritage Council minimum requirements. He then noted the Cox's Road project. Looking forward to continuing to work with Council.

P Dowling – Methane at Tip - asked has there been a meter placed on the Methane flare.

The Director Engineering Services advised there is no meter, estimations are used for burning levels and the appropriate authorities have accepted this.

P Dowling – Green Waste Bins - stated that before this goes any further, Council needs to be aware that people already processing green waste will be penalised. Costs are a contentious issue. People can not justify the cost, "one hat does not fit all". Do not impose on everyone.

P Dowling – George Street Bridge - thanked the Engineering Department for actions in regards to safety issues raised.

L Laird – S:18C Racial Discrimination Act - NOM Item #1 - supports the Notice of Motion.

MINUTE

3 APOLOGIES

Nil.

MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

1 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 18 JUNE 2014 (11.00005)

Recommendation: That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 18 June 2014 be adopted.

Report: The Minutes of the Ordinary Meeting of Bathurst Regional Council held 18 June 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
- 18 JUNE 2014 (11.00005)

MOVED: Cr I North SECONDED: Cr G Westman

RESOLVED: That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 18 June 2014 be adopted.

MINUTES OF THE ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
HELD ON 18 JUNE 2014

MEETING COMMENCES

1 MEETING COMMENCES 6:00 PM

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

PUBLIC QUESTION TIME

2 PUBLIC QUESTION TIME

B Triming – Policy Meeting Minutes - Public Question Time Review

Feels minutes did not summarise all issues discussed. Spoke to public harassment of staff at Public Question Time and also Councillors. People deserve respect. In favour of Public Question Time and noted possible options available. Only alteration is to stop offensive statements with appropriate suspension periods.

P Field – Ratepayer- Water

Thanked Council for response received after his questions from the last Council meeting. Mr Field spoke to financial models, impact of demands on water usage, water rating etc. and raised a number of issues.

The Mayor requested that Mr Field forward the questions in writing and a reply will be prepared.

L Colley – Colley Foundation

Has recently started this foundation to promote disability awareness. Thanked Council for their support.

P Wright – Keppel Street Committee

Congratulations to Richard Perram on his recent receipt of an OAM.

Thanked Council for the art work and the proposal for the removal of the wall.

DCSF Item #11 - Request that Council consider sealing of the carpark and walkway separately and the carpark be approved. Spoke to benefits of the carpark proposal and current lack of signage. New carpark will create 20 extra spaces.

M Hollis – Public Question Time

Support for Mr Trimming's position on Public Question Time.

B Manning – DEPBS Item #3 - DA 2014/0042

Spoke to legal costs that have been incurred by her neighbours and queried what has been agreed. Suggested there is a conflict of interest with Council determining the DA. Mrs Manning spoke to issues involved in the DA consideration including; matters of access, mediation, response to the consultant made by her and privacy issues. Feels Council wants the cheapest/nastiest solution. Referred to the judges decision, the report included a false statement. The plans lack certainty and due process has not been followed. Not being allowed to make submissions on what is now being proposed.

P Dowling – Ratepayer

Asked where Council is up to with Norwood Park?

The Director Corporate Services & Finance advised currently holding discussions with Norwood and fees are listed in the Delivery Plan and Annual Operating Plan, which has been on public exhibition.

Lower George Street - There is a safety issue with people going onto the roadway. Had received initial response from Engineering Services, enquired where this is at?

The Director Engineering Services spoke to limitations with works that can be undertaken on the bridge due to flood impacts.

C LeFevre – Tourism in Bathurst

Congratulated Council for putting a Destination Management Plan in place. Has any funding been put away for the outcome for the DMP? Spoke to opportunities for tourism for the Region.

The Mayor noted Plan hasn't been received so no direct funds have been put away, but where outcomes are utilising Council resources these will be implemented.

J Manning – DEPBS Item #3 - DA 2014/0042

Referred to what his mother has already said. Has studied law and feels may be a conflict of interest due to the legal funding issue previously raised.

APOLOGIES

3

APOLOGIES

MOVED Cr I North

and **SECONDED** Cr B Bourke

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

MINUTES**4 Item 1 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 21 MAY 2014 (11.00005)****MOVED** Cr W Aubinand **SECONDED** Cr I North**RESOLVED:** That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 21 May 2014 be adopted.**DECLARATION OF INTEREST****5 DECLARATION OF INTEREST 11.00002****MOVED** Cr I Northand **SECONDED** Cr W Aubin**RESOLVED:** That the Declaration of Interest be noted.**RECEIVE AND DEAL WITH DIRECTORS' REPORTS****Director Environmental Planning & Building Services' Report****6 Item 1 SECTION 79C OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (03.00053)****MOVED** Cr I Northand **SECONDED** Cr M Coote**RESOLVED:** That the information be noted.**7 Item 2 GENERAL REPORT (03.00053)****MOVED** Cr G Westmanand **SECONDED** Cr W Aubin**RESOLVED:** That the information be noted.**8 Item 3 DEVELOPMENT APPLICATION NO. 2014/0042 – USE OF EXISTING SWIMMING POOL, RETAINING WALLS, INTERNAL POOL SAFETY FENCE AND PAVING, DEMOLITION OF AN EXISTING MASONRY POOL FENCE, PUMP SHED AND PRIVACY SCREEN/FENCE AND CONTRUCTION OF A NEW POOL FENCE AND BOUNDARY FENCE AT 9 MCKELL STREET, WEST BATHURST. APPLICANT AND OWNER – G & K LYNCH (2014/0042)****MOVED** Cr I Northand **SECONDED** Cr M Coote**RESOLVED:** That Council:

(a) as the consent authority, grant consent pursuant to section 80 of the EP& A

Act for use of the existing swimming pool, concrete block retaining walls and internal swimming pool safety fencing, demolition of the existing 1800 mm high brick pool fence, the colorbond privacy screen and the brick and metal pool pump and filter shed, and construction of new fences and pool pump and filter shed subject to the conditions as follows:

DESIGN CHANGES PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

1. **The following design changes are to be incorporated into the architectural plans for the project prior to the issue of a Construction Certificate:**
 - a) **The concrete block work and exposed concrete slab of the swimming pool retaining wall height is to be painted 'Pale Eucalypt' to a level at least 150mm below the level of the top of the boundary fence.**
 - b) **Deletion of the proposed 1.8m high Colorbond fence above the concrete block swimming pool retaining wall and provision in lieu thereof of a 1.8m swimming pool safety fence adjacent to the western property boundary, to match the colour and design of the current safety fence around the swimming pool.**
 - c) **The pool pump and filter shed to be a separate structure from the boundary fence and the height of the pool pump and filter shed to be not higher than the adjacent fence. The shed is to be acoustically treated to ensure compliance with Condition 21 and the Protection of the Environment Operations (Noise Control) Regulation 2000.**

REASON: To ameliorate the visual impact of the development upon the adjoining property. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

2. **The applicant is to obtain a CONSTRUCTION CERTIFICATE pursuant to Section 109C of the Environmental Planning and Assessment Act 1979, as amended from either Council or an accredited certifying authority certifying that the proposed works are in accordance with the Building Code of Australia, the Swimming Pool Act, 1992, the Swimming Pool Regulation and Australian Standard AS 1926.1-2012 requirements, PRIOR to any works commencing.**

NOTE 1: No building, engineering, excavation work or food premises fitout is to be carried out in relation to this development until the necessary Construction Certificate has been obtained.

NOTE 2: YOU MUST NOT COMMENCE WORK UNTIL YOU HAVE RECEIVED THE CONSTRUCTION CERTIFICATE, even if you made an application for a Construction Certificate at the same time as

you lodged this development application.

NOTE 3: It is the responsibility of the applicant to ensure that the development complies with the provision of the Building Code of Australia in the case of building work and the applicable Council Engineering Standards in the case of subdivision works. This may entail alterations to the proposal so that it complies with these standards.

REASON: So that the design of the proposed work may be assessed in detail before construction commences and because it is in the public interest that the development comply with the appropriate construction standards. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

PRIOR TO ANY WORK ON SITE

3. **Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be:**
 - a) a standard flushing toilet connected to a public sewer, or
 - b) if that is not practicable, an accredited sewage management facility approved by the Council, or
 - c) if that is not practicable, any other sewage management facility approved by the Council.

NOTE 1: The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced.

NOTE 2: Refer to Council's Guidelines for the provision of builder's temporary closet accommodation attached for additional information.

REASON: To provide adequate sanitary facilities during the construction phase. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

DURING CONSTRUCTION

4. **The Builder must at all times maintain, on the job, a legible copy of the plan and specification approved with the Construction Certificate.**

REASON: Because it is in the public interest that a copy of the construction certificate plans are available. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.
5. **The development is to be carried out in accordance with the plans**

prepared by Anthony Daintith Town Planning (Reference No 2014-047DA Sheets 1-9 dated 11 April 2014) except where modified by the conditions imposed upon this consent.

REASON: Because it is in the public interest that work is carried out in accordance with the approved plans. Section 79C (1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

6. **Building work involving the use of electric or pneumatic tools or other noisy operations shall be carried out only between 7.00 am and 8.00 pm on weekdays and 8.00 am and 8.00 pm on weekends and public holidays.**

REASON: So that building works do not have adverse effect on the amenity of the area. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

7. **All building rubbish and debris, including that which can be wind blown, shall be contained on site in a suitable container at all times prior to disposal at Council's Waste Management Centre. The container shall be erected on the building site prior to work commencing.**

Materials and sheds or machinery to be used in association with the construction of the building shall not be stored or stacked on Council's footpath, nature strip, reserve or roadway.

NOTE 1: No building rubbish or debris shall be placed or be permitted to be placed on any adjoining public reserve, footway, road or private land.

REASON: To ensure that the building site and adjoining public places are maintained in a clean and tidy condition so as not to interfere with the amenity of the area. Section 79C (1)(b) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

8. **The demolition is to be carried out in accordance with the provisions of Australian Standard AS2601-2001: The Demolition of Structures and Council's Code for the Demolition of Buildings.**

REASON: Because it is in the public interest that the demolition be carried out in a safe manner and that the utilities be protected from damage. Section 79C(1)(a) & (e) of the Environmental Planning and Assessment Act 1979, as amended.

9. **If soil conditions require it:**
- a) **retaining walls associated with the erection/demolition of a building or other approved methods of preventing movement of soil must be provided, and**
 - b) **adequate provision must be made for drainage.**

REASON: Because it is in the public interest that all building elements are able to withstand the combination of loads and other actions to which it may be subjected. Section 79C(1)(b) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

10. **If the work involved in the erection or demolition of a building:**

a) **is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or**

b) **building involves the enclosure of a public place,**

a hoarding or fence must be erected between the work and the public place.

If necessary, an awning is to be erected, sufficient to prevent any substance, from or in connection with the work, falling into the public place. Further the work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

NOTE 1: Any such hoarding, fence or awning is to be removed when the work has been completed.

NOTE 2: Any external lighting required by this condition is to be designed and positioned so that at no time will any light be cast upon any adjoining property.

REASON: Because it is in the public interest that adequate safety measures are provided. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

11. **All excavation and backfilling associated with the erection/demolition of the building must:**

a) **be executed safely and in accordance with appropriate professional standards, and**

b) **be properly guarded and protected to prevent them from being dangerous to life or property.**

REASON: Because it is in the public interest that all building elements are able to withstand the combination of loads and other actions to which it may be subjected. Section 79C(1)(b) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

12. **All roofed and paved areas are to be drained and the water from those areas and from any other drainage conveyed to the existing inter allotment drains located on the land, in accordance with AS/NZS 3500.**

Storm water disposal drains shall be connected to all roof gutter down pipes within 14 days of installation of the down pipes and/or

the construction of hard standing areas, as may be appropriate, to discharge roofwater to the approved method of disposal.

Where kerb and gutter is constructed, an approved PVC or galvanised steel kerb adaptor (either roll over kerb adaptor or upright kerb adaptor) shall be installed in the kerb.

NOTE 1: 'Pump-out' stormwater drainage systems are not acceptable.

REASON: Because the character of the development is such that storm water run off will be increased and must be safely conveyed to the storm water drainage system. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

13. **The ground surrounding the building shall be graded and drained to ensure that all surface and seepage water is diverted clear of buildings on the site and clear of adjoining properties. Permanent surface or subsoil drains or a combination of both shall be provided to all excavated areas, hard standing areas and depressions. The invert of such drains shall be a minimum of 200 mm below the finished floor level and shall have a minimum grade of 1:100 to the approved storm water disposal location. This work shall be carried out within 14 days of the installation of the roof gutter down pipes.**

REASON: A drainage system for the disposal of stormwater must convey the water to an appropriate outfall, avoid the entry of water into a building, avoid water damaging the building and avoid the likelihood of damage or nuisance to any other property. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

14. **All work must be carried out so as to comply with the provisions of the Building Code of Australia and the Swimming Pool Act 1992 and Regulations.**

REASON: Because it is in the public interest that the provisions of the Building Code of Australia and the Swimming Pool Act 1992 be complied with. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

15. **In sewered areas, the swimming pool backwash pipe is to be connected to the house drainage system in accordance with Clause 10.9 and Figure 10.2 of AS/NZS 3500 Sanitary Plumbing and Sanitary Drainage. This connection can be via a suitable existing gully or, alternatively, a gully can be cut into the house drainage line for this purpose.**

If alterations to the existing house drainage lines are required, the works are to be inspected by Council at the times specified in Column 2.

COLUMN 1	COLUMN 2
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External drainage alterations	When all external plumbing work is installed and prior to concealment.
Final	At the completion of the installation of the pool.

REASON: To ensure that backwash water is discharged into the Council Sewerage system in accordance with AS/NZS 3500 and because it is in the public interest to do so. Section 79C(1)(b) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

PRIOR TO OCCUPATION CERTIFICATE

16. **The applicant is to obtain an Occupation Certificate pursuant to Section 109C of the Environmental Planning and Assessment Act 1979, from either Council or an accredited certifying authority prior to any use of the swimming pool.**

NOTE 1: The issuing of an Occupation Certificate does not necessarily indicate that all conditions of development consent have been complied with. The applicant is still responsible for ensuring that all conditions of development consent have been complied with.

REASON: Because it is in the public interest that an Occupation Certificate be issued prior to occupation of the building. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

17. **An Engineers Certificate is to be obtained confirming that all recommendations contained in the letter of Calare Civil Pty Ltd - Consulting Engineers dated 25 October 2012 have been implemented.**

REASON: To ensure that the retaining wall between the properties is structurally adequate. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

18. **The applicant is to obtain a Building Certificate from Council pursuant to Section 149A of the Environmental Planning and Assessment Act 1979, as amended in relation to the existing swimming pool, retaining wall, internal pool safety fence and paving.**

NOTE 1: The Building Certificate will only be issued upon the satisfactory completion of the swimming pool barrier in accordance with AS1926.1 – 2012, *Swimming Pool Safety – Part 1: Safety barriers for swimming pools* .

NOTE 1: An application form has been attached.

REASON: Because it is in the public interest that a Building Certificate be issued for this development. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

19. **The applicant is to provide a report from an appropriately qualified acoustic engineer verifying that the pool filter and pump shed has been constructed to satisfy the requirements of Conditions 1(c), 21 and 22 of this consent.**

REASON: To ameliorate the impact of the development upon the adjoining property. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

USE OF THE SITE

20. **All backwash water or water discharged from the pool during emptying shall be discharged into Council's sewer in accordance with the requirements of AS/NZS 3500 and the Plumbing Code of Australia. Under no circumstances shall water be discharged to the street.**

REASON: To ensure that all swimming pool backwash and water discharged is dealt with in an appropriate fashion. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

21. **The proposed filter and pump are not to increase ambient noise level by 5dBa measured at property boundary.**

REASON: So that the development does not reduce the amenity of the area. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

22. **The proposed filter and pump are to be operated in accordance with the Protection of the Environment Operations (Noise Control) Regulation 2000 which restricts the times of operation. Restrictions apply between 8.00 pm and 7.00 am on weekdays and Saturdays, and 8.00 pm to 8.00 am on Sundays and public holidays.**

REASON: So that the development does not reduce the amenity of the area. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

PRESCRIBED CONDITIONS

The following conditions are known as "Prescribed Conditions" and are required to be imposed as part of any development consent whether or not they are relevant to the development approved under this consent. Please do not hesitate to contact staff in Council's Planning and Development Department who will be happy to advise you as to whether or not the conditions are relevant.

23. **All building work must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant Construction Certificate or complying development certificate was made).**

REASON: So that the development complies with the requirements imposed under Clause 98 of the Environmental Planning and

Assessment Regulations 2000, as amended. Section 80A(11) of the Environmental Planning and Assessment Act 1979, as amended.

24. Building work (within the meaning of the Home Building Act 1989) must not be carried out unless the principal certifying authority for the development:

- a) in the case of work done by a licensee under the Act:**
 - i) has been informed in writing of the licensee's name and contractor license number, and**
 - ii) is satisfied that the licensee has complied with the requirements of Part 6 of that Act, OR**
- b) in the case of work to be done by any other person:**
 - i) has been informed in writing of the person's name and owner-builder permit number, or**
 - ii) has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in section 29 of the Act,**

and is given appropriate information and declarations under paragraphs a) and b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either a) or b).

NOTE 1: A certificate issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that the person is the holder of an insurance policy is sufficient evidence to satisfy this condition.

REASON: So that the development complies with the requirements of clause 98 of the Environmental Planning and Assessment Act Regulations 2000. Section 80A(11) of the Environmental Planning and Assessment Act 1979, as amended.

25. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:

- a) stating that unauthorised entry to the site is prohibited, and**
- b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside work hours.**

Any sign is to be removed when the work has been completed.

NOTE 1: This condition does not apply to:

- a) building work carried out inside an existing building, or
- b) building work carried out on premises that are to be occupied continuously (both during and outside work hours) while the work is being carried out.

REASON: Because it is in the public interest that adequate safety measures are provided. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

26. **The commitments listed in any relevant BASIX Certificate for this development are to be fulfilled in accordance with the BASIX Certificate Report, Development Consent and the approved plans and specifications.**

REASON: So that the development complies with the requirements imposed under Clause 97A of the Environmental Planning and Assessment Regulations 2000, as amended. Section 80A (11) of the Environmental Planning and Assessment Act 1979, as amended.

27. **If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the person having the benefit of the development consent must, at the person's own expense:**
- a) protect and support the building, structure or work from possible damage from the excavation; and
 - b) where necessary, underpin the building, structure or work to prevent any such damage.

The condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

REASON: Because it is in the public interest that all building elements are able to withstand the combination of loads and other actions to which it may be subjected. Section 79C(1)(b) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

- (b) note that upon the completion of works approved under Development Application 2014/0042 that a Building Certificate will be issued for the existing swimming pool, retaining walls, internal pool safety fence and paving.
- (c) call a division.

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

The result of the division was:

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

Against the motion - Nil

Absent - Cr J Jennings,

Abstain - Nil

9 Item 4 DEVELOPMENT APPLICATION NO. 2014/0178 – TWO LOT RURAL SUBDIVISION (BOUNDARY ADJUSTMENT AND CONSOLIDATION) AT LOT: 1 DP: 1054881, LOT: 11, 19, 20, 23, 22 DP: 239011, 82 & 83 DP: 755805, LOT: 1 & 7 DP: 1193081, 8 MOLYBDONITE ROAD, YETHOLME. APPLICANT: ANTHONY DAINTITH TOWN PLANNING (DA/2014/0178)

MOVED Cr I North and SECONDED Cr M Coote

RESOLVED: That Council:

- (a) support the variation to the 1(e) Outer Rural 100 hectare minimum lot size as prescribed in Clause 27 (1) of *Bathurst Regional (Interim) Local Environmental Plan 2005* for proposed Lot 1;
- (b) support the variation to the 1(e) Outer Rural 100 hectare minimum lot size as prescribed in Clause 28 (1) of *Bathurst Regional (Interim) Local Environmental Plan 2005* for proposed Lot 1;
- (c) grant consent pursuant to section 80 of the Environmental Planning and Assessment Act to Development Application No. 2014/0178, 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 M Coote, Cr G Hanger, Cr M Morse, Cr I North, Cr G Rush, Cr G Westman,

Against the motion - Nil

Absent - Cr J Jennings,

Abstain - Nil

10 Item 5 DEVELOPMENT APPLICATION NO. 2014/0207 – TWO LOT RURAL SUBDIVISION (BOUNDARY ADJUSTMENT) AT 35 RAYBURN DRIVE, KELSO AND 6 RAYBURN, KELSO. APPLICANT: JOHN O'CONNELL. OWNER: MR G WILLOTT (DA/2014/0207)

MOVED Cr B Bourke and SECONDED Cr M Coote

RESOLVED: That Council:

- (a) support the variation to the 1(a) Inner Rural 200 hectare minimum lot size as prescribed in the Clause 27 (1) of *Bathurst Regional (Interim) Local Environmental Plan 2005* for proposed Lot 82 and lot 81;

- (b) support the variation to the 1(a) Inner Rural 200 hectare minimum lot size as prescribed in the Clause 28 (1) of *Bathurst Regional (Interim) Local Environmental Plan 2005* for proposed Lot 82 and lot 81;
- (c) grant consent pursuant to section 80 of the EP&A Act to Development Application No. 2014/0207, 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 M Coote, Cr G Hanger, Cr M Morse, Cr I North, Cr G Rush, Cr G Westman,

Against the motion - Nil

Absent - Cr J Jennings,

Abstain - Nil

11 **Item 6 MARKET GARDENS FOR THE BATHURST REGION (04.00034)**
MOVED Cr I North and **SECONDED** Cr M Morse

RESOLVED: That the information be noted.

12 **Item 7 MULTI LEVEL CARPARKING (04.00008 & 20.0090)**
MOVED Cr I North and **SECONDED** Cr W Aubin

RESOLVED: That the information be noted.

13 **Item 8 BUSINESS MANAGEMENT WORKSHOPS - FEEDBACK (20.00071)**
MOVED Cr M Coote and **SECONDED** Cr M Morse

RESOLVED: That the information be noted.

14 **Item 9 BUSINESS LEADERS LUNCH (20.00071)**
MOVED Cr M Coote and **SECONDED** Cr G Hanger

RESOLVED: That the information be noted.

15 **Item 10 BATHURST REGIONAL COUNCIL HERITAGE STRATEGY ANNUAL REPORT 2013-14 AND LOCAL HERITAGE FUND ANNUAL REPORT 2013-14 (16.00136 & 20.00123)**
MOVED Cr M Morse and **SECONDED** Cr M Coote

RESOLVED: That Council note:

- (a) The Bathurst Regional Council Heritage Strategy Annual Report 2013-14; and
- (b) The Bathurst Regional Local Heritage Fund Annual Report 2013-14.

Director Corporate Services & Finance's Report

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

RESOLVED: That the information be noted.

- 17** **Item 2 YEAR TO DATE MONTHLY REVIEW - 2013-2017 DELIVERY PLAN AND ANNUAL OPERATING PLAN 2013-2014 (16.00135)**
MOVED Cr M Coote and **SECONDED** Cr G Hanger

RESOLVED: That the information be noted.

- 18** **Item 3 SUNDRY SECTION 356 DONATIONS, BATHURST MEMORIAL ENTERTAINMENT CENTRE COMMUNITY USE SUBSIDY AND MOUNT PANORAMA FEE SUBSIDY (18.00004)**
MOVED Cr M Morse and **SECONDED** Cr G Westman

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

- 19** **Item 4 POWER OF ATTORNEY (11.00007)**
MOVED Cr M Coote and **SECONDED** Cr W Aubin

RESOLVED: That the information be noted.

- 20** **Item 5 BATHURST 200 BICENTENNIAL CELEBRATIONS UPDATE (20.00153)**
MOVED Cr M Morse and **SECONDED** Cr I North

RESOLVED: That the information be noted.

- 21** **Item 6 2014 LIQUI-MOLY BATHURST 12 HOUR - ECONOMIC IMPACT REPORT (04.00097)**
MOVED Cr W Aubin and **SECONDED** Cr I North

(a) Bridle Track

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

28 Item 11.02 SUBMISSIONS - DRAFT DELIVERY PLAN 2014-2018 AND ANNUAL OPERATING PLAN 2014/2015 (16.00135)

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

(b) Objection to Increased Rates

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

29 Item 11.03 SUBMISSIONS - DRAFT DELIVERY PLAN 2014-2018 AND ANNUAL OPERATING PLAN 2014/2015 (16.00135)

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

(c) Footpath, Prince Street Perthville

RESOLVED: That Council amend the DP/AOP to fund a footpath in Prince Street, Perthville.

30 Item 11.04 SUBMISSIONS - DRAFT DELIVERY PLAN 2014-2018 AND ANNUAL OPERATING PLAN 2014/2015 (16.00135)

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

(d) Destination Management Plan

RESOLVED: That Council not amend the DP/AOP to fund the Destination Management Plan (DMP).

31 Item 11.05 SUBMISSIONS - DRAFT DELIVERY PLAN 2014-2018 AND ANNUAL OPERATING PLAN 2014/2015 (16.00135)

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

(e) Keppel Street Upgrade – BINC Carpark

The following MOTION was MOVED.

- (a) Council amend the DP/AOP to fund BINC carpark works at a cost of \$170,000 and investigate the possibility of upgrading pedestrian access from the carpark to Keppel Street.
- (b) To be taken from the urban sealed roads program funding allocation.

The MOTION was PUT and LOST.

32 Item 11.05 SUBMISSIONS - DRAFT DELIVERY PLAN 2014-2018 AND ANNUAL OPERATING PLAN 2014/2015 (16.00135)

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

(e) Keppel Street Upgrade – BINC Carpark

RESOLVED: That:

- (a) Council not amend the DP/AOP to fund BINC carpark works at a cost of \$300,000.
- (b) Refer to the 2015/2016 DP/AOP for consideration the BINC carpark and walkway projects.
- (c) If during the 2014/2015 year, Council identifies available funds, these will be used to undertake the carpark works.

33 Item 11.06 SUBMISSIONS - DRAFT DELIVERY PLAN 2014-2018 AND ANNUAL OPERATING PLAN 2014/2015 (16.00135)

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

(f) Keppel Street Upgrade – Redesign entry to Art Gallery / Library

RESOLVED: That Council roll-over the 2013/2014 allocation of \$40,000 for the redesign of the Art Gallery / Library entrance to the 2014/2015 DP/AOP.

34 Item 11.07 SUBMISSIONS - DRAFT DELIVERY PLAN 2014-2018 AND ANNUAL OPERATING PLAN 2014/2015 (16.00135)

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

(g) Keppel Street Upgrade – Plant trees between William and Havannah Streets

RESOLVED: That Council not amend the DP/AOP to fund tree planting in Keppel Street between William and Havannah Streets at a cost of \$150,000.

35 Item 11.08 SUBMISSIONS - DRAFT DELIVERY PLAN 2014-2018 AND ANNUAL OPERATING PLAN 2014/2015 (16.00135)

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

(h) Buy Local Campaign

RESOLVED: That Council not amend the DP/AOP to fund a “Buy Local” campaign at a cost of \$20,000.

36 **Item 11.09 SUBMISSIONS - DRAFT DELIVERY PLAN 2014-2018 AND ANNUAL OPERATING PLAN 2014/2015 (16.00135)**
MOVED Cr M Coote and **SECONDED** Cr I North

(i) **Avdata Landing Fees**

RESOLVED: That Council not amend the DP/AOP to remove landing fees from the Revenue Policy.

37 **Item 11.10 SUBMISSIONS - DRAFT DELIVERY PLAN 2014-2018 AND ANNUAL OPERATING PLAN 2014/2015 (16.00135)**
MOVED Cr M Coote and **SECONDED** Cr W Aubin

(j) **Aerodrome Annual Fees**

RESOLVED: That Council not amend the DP/AOP in relation to Aerodrome annual fees in the Revenue Policy.

38 **Item 11.11 SUBMISSIONS - DRAFT DELIVERY PLAN 2014-2018 AND ANNUAL OPERATING PLAN 2014/2015 (16.00135)**
MOVED Cr M Coote and **SECONDED** Cr B Bourke

(k) **Heritage Funding**

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

39 **Item 11.12 SUBMISSIONS - DRAFT DELIVERY PLAN 2014-2018 AND ANNUAL OPERATING PLAN 2014/2015 (16.00135)**
MOVED Cr I North and **SECONDED** Cr W Aubin

(l) **Cultural Pass Fee**

RESOLVED: That Council amend the DP/AOP in relation to the introduction of a Cultural Pass in the Revenue Policy.

40 **Item 11.13 SUBMISSIONS - DRAFT DELIVERY PLAN 2014-2018 AND ANNUAL OPERATING PLAN 2014/2015 (16.00135)**
MOVED Cr M Morse and **SECONDED** Cr M Coote

(m) **Bathurst Memorial Entertainment Centre**

RESOLVED: That Council amend the DP/AOP in relation to the BMEC Local Community Organisation - Not for Profit Organisation donation in the Revenue Policy.

41 Item 11.14 SUBMISSIONS - DRAFT DELIVERY PLAN 2014-2018 AND ANNUAL OPERATING PLAN 2014/2015 (16.00135)

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

(n) Bathurst Aquatic Centre – spectator fee

RESOLVED: That Council amend the DP/AOP in relation to the Bathurst Aquatic Centre spectator fee in the Revenue Policy.

42 Item 11.15 SUBMISSIONS - DRAFT DELIVERY PLAN 2014-2018 AND ANNUAL OPERATING PLAN 2014/2015 (16.00135)

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

(o) Bathurst Indoor Cricket Academy

RESOLVED: That Council not amend the DP/AOP in relation to the Bathurst Indoor Cricket Academy.

43 Item 11.16 SUBMISSIONS - DRAFT DELIVERY PLAN 2014-2018 AND ANNUAL OPERATING PLAN 2014/2015 (16.00135)

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

(p) Submission from Mr G A Crisp

RESOLVED: That:

- (a) Council not amend the DP/AOP in respect of the submission received from Mr G A Crisp.
- (b) The submission from Mr G A Crisp be forwarded to the Police, ICAC and the Division of Local Government.

44 Item 11.17 SUBMISSIONS - DRAFT DELIVERY PLAN 2014-2018 AND ANNUAL OPERATING PLAN 2014/2015 (16.00135)

MOVED Cr I North and **SECONDED** Cr W Aubin

(q) Sewerage Access Charge

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

45 Item 12 DELIVERY PLAN 2014-2018 AND ANNUAL OPERATING PLAN 2014/2015 (16.00135)

MOVED Cr I North

and **SECONDED** Cr M Coote

RESOLVED: That, following consideration of the submissions received by Council, the Draft Delivery Plan 2014 - 2018 and Annual Operating Plan 2014/2015 be adopted as the Bathurst Regional Council Delivery Plan and Annual Operating Plan, subject to the inclusion of any amendment adopted as a result of the submissions received, and all expenditure and income items incorporated in the Operating Plan 2014/2015 be voted.

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

46

Item 13 2014/2015 REVENUE POLICY (16.00135)

MOVED Cr W Aubin

and **SECONDED** Cr G Westman

RESOLVED: That, following consideration of the submissions received by Council, the Revenue Policy for 2014/2015, as presented to Council, be adopted as the Bathurst Regional Council 2014/2015 Revenue Policy with the inclusion of any amendments adopted as a result of the submissions received.

47

Item 14 2014/2015 RATE LEVY (16.00135)

MOVED Cr M Coote

and **SECONDED** Cr I North

RESOLVED: That Council formally resolve to make the following rates and charges in relation to the 2014/2015 Rating Year.

- (a) ORDINARY RATES FOR 2014/2015 - That in accordance with Sections 534 and 535 of the Local Government Act, 1993, WHEREAS the Bathurst Delivery Plan 2014-2018 and Annual Operating Plan 2014/2015 for the twelve months to 30 June 2015 was adopted by the Council on 18 June 2014 it is hereby recommended that:
1. a **Residential Rate** of zero point three one nine five two one (0.319521) cents in the dollar on the land value of all rateable land categorised as Residential in accordance with Section 516 of the Local Government Act, 1993 excepting those parcels of land sub-categorised as "Residential Town/Villages", AND THAT
 2. a **Residential Town/Villages Rate** of one point zero four three four two two (1.043422) cents in the dollar on the land value of all rateable land sub-categorised as Residential – Town/Villages, in accordance with Section 529(2) (b) of the Local Government Act, 1993, AND THAT
 3. a **Farmland Rate** of zero point two four three three one six (0.243316) cents in the dollar on the land value of all rateable land categorised as Farmland in accordance with Section 515 of the Local Government Act, 1993, AND THAT
 4. a **Business Rate** of zero point four nine one one three zero (0.491130) cents in the dollar on the land value of all rateable land categorised as

Business in accordance with Section 518 of the Local Government Act, 1993, excepting those parcels of land sub-categorised as "Business Bathurst City", "Business Forest Grove", "Business Ceramic Avenue", "Business Eglinton Non-Urban", "Business Orton Park", "Business Stewarts Mount", "Business Evans Plains" AND THAT

5. a **Business Bathurst City Rate** of two point zero four two nine five eight (2.042958) cents in the dollar on the land value of all rateable land sub-categorised as Business Bathurst City in accordance with Section 529(2)(d) of the Local Government Act, 1993, AND THAT
6. a **Business Forest Grove Rate** of one point seven six three two nine three (1.763293) cents in the dollar on the land value of all rateable land sub-categorised as Business Forest Grove in accordance with Section 529(2)(d) of the Local Government Act, 1993, AND THAT
7. a **Business Ceramic Avenue Rate** of one point seven six three two nine three (1.763293) cents in the dollar on the land value of all rateable land sub-categorised as Business Ceramic Avenue in accordance with Section 529(2)(d) of the Local Government Act, 1993, AND THAT
8. a **Business Eglinton Non-Urban Rate** of one point seven six three two nine three (1.763293) cents in the dollar on the land value of all rateable land sub-categorised as Business Eglinton Non-Urban in accordance with Section 529(2)(d) of the Local Government Act, 1993, AND THAT
9. a **Business Orton Park Rate** of one point seven six three two nine three (1.763293) cents in the dollar on the land value of all rateable land sub-categorised as Business Orton Park in accordance with Section 529(2)(d) of the Local Government Act, 1993, AND THAT
10. a **Business Stewarts Mount Rate** of one point seven six three two nine three (1.763293) cents in the dollar on the land value of all rateable land sub-categorised as Business Stewarts Mount in accordance with Section 529(2)(d) of the Local Government Act, 1993, AND THAT
11. a **Business Evans Plains Rate** of one point seven six three two nine three (1.763293) cents in the dollar on the land value of all rateable land sub-categorised as Business Evans Plains in accordance with Section 529(2)(d) of the Local Government Act, 1993, AND THAT
12. a **Mining Rate** of zero point three eight eight two four one (0.388241) cents in the dollar on the land value of all rateable land categorised as Mining in accordance with Section 517 of the Local Government Act, 1993,

BE NOW MADE for the 2014/2015 Rating Year subject to the following Minimum and Base Amounts in accordance with Section 548 and Section 499 of the Local Government Act, 1993, AND THAT aggregation of values of certain parcels of land subject to a minimum or base amount in accordance with Section 548A of the Local Government Act, 1993, be permitted.

	Category	Minimum Amount	Base Amount	%Yield Base
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				Amount
1	Residential		\$243.00	32
2	Residential/Town Village	\$354.00		
3	Farmland		\$328.00	23
4	Business	\$312.00		
5	Business Bathurst City	\$378.00		
6	Business Forest Grove	\$378.00		
7	Business Ceramic Avenue	\$378.00		
8	Business Eglinton Non-Urban	\$378.00		
9	Business Orton Park	\$378.00		
10	Business Stewarts Mount	\$378.00		
11	Business Evans Plains	\$378.00		
12	Mining		\$243.00	47

- (b) **DOMESTIC WASTE MANAGEMENT CHARGES FOR 2014/2015** - That the annual charge for each parcel of rateable land where the service is available under Section 496 of the Local Government Act, 1993, for the weekly removal of garbage and the fortnightly collection of material for recycling for the twelve months commencing 1 July 2014 being two hundred and forty four dollars (\$244.00) for the provision of one waste mobile bin and one recycle mobile bin be made by the Council, and that the annual charge to be made for each parcel of rateable vacant land where the service is available under Section 496 of the Local Government Act, 1993, for the twelve months commencing 1 July 2014 being five dollars (\$5.00) be made by the Council and further that a charge where the service is provided under Section 496 of the Local Government Act, 1993, for each additional domestic waste collection service of one hundred and sixty nine dollars (\$169.00) per mobile bin and for each additional fortnightly recycling collection service of seventy five dollars (\$75.00) per mobile bin be made by the Council.

- (c) **WASTE MANAGEMENT SERVICE CHARGES FOR 2014/2015 (NON DOMESTIC)** – That the annual charge where the service is provided under Section 501/502 of the Local Government Act, 1993, for the weekly removal of garbage being one hundred and eighty five dollars and ninety cents (\$185.90) including GST per mobile bin and the fortnightly collection of material for recycling being eighty two dollars and fifty cents (\$82.50) including GST per mobile bin for the twelve months commencing 1 July 2013 be made by the Council.

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

- (d) **WASTE MANAGEMENT SERVICE CHARGES – RURAL AREAS FOR 2014/2015** -That the annual waste charge be levied for each rural rateable property that is outside of the waste collection area, Council provides access to rural transfers stations, under Section 501 of the Local Government Act, 1993, for the twelve months commencing 1 July 2014 being seventy eight dollars and fifty cents (\$78.50) including GST be made by the Council.

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

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

- (e) WASTE MANAGEMENT VOUCHERS – That the Council provide to all rateable properties six waste management vouchers, consisting of 3 Mixed Refuse Vouchers of 200kg each and 3 Green Waste Vouchers of 200 kg each, at no charge.
- (f) SEWERAGE CHARGES FOR 2014/2015 – That in accordance with Sections 501,502, 503, 539, 541 and 552 of the Local Government Act, 1993, the following charges are made for the twelve months commencing 1 July 2014.
1. That the annual charge for single residential (including residential strata) and un-metered properties, be four hundred and seventy nine dollars and zero cents (\$479.00).
 2. That the annual charge for vacant land be three hundred and four dollars and zero cents (\$304.00).
 3. That the annual access charges for non-residential and multiple residential properties are to be the total of the metered charges applicable to the property as shown in the table below multiplied by a sewerage discharge factor.

Size of Water Connection (mm)	Charge for 2014/2015
20	\$432.00
25	\$672.00
32	\$1103.00
40	\$1726.00
50	\$2697.00
65	\$4338.00
80	\$6900.00
100	\$10781.00
150	\$24258.00
Strata Properties (Each non-residential lot)	\$432.00
Assumption School	\$1350.00

4. That the Sewer Usage Charge (Section 502) for non-residential and multiple residential properties be one dollar and thirty five cents (\$1.35) per kilolitre of filtered water supplied multiplied by a sewerage discharge

factor.

(g) SEWERAGE CHARGES -TRADE WASTE 2014/2015

That in accordance with Sections 501,503, 539, and 541 of the Local Government Act, 1993, the following charges are made for the twelve months commencing 1 July 2013.

1. That the Annual Trade Waste Fee for individual businesses be ninety seven dollars and eight cents (\$97.80).
2. That the Annual Trade Waste Fee (Large Discharger) for individual business be six hundred and fifty three dollars and thirty cents (\$653.30).
3. That the Trade Usage Charge for non-residential properties be two dollars and ten cents (\$2.10) per kilolitre of filtered water supplied multiplied by a trade discharge factor.

(h) WATER CHARGES 2014/2015 – That in accordance with Sections 501,502, 503, 539, 541 and 552 of the Local Government Act, 1993, the following charges are made for the twelve months commencing 1 July 2014.

1. That the annual water availability charges are to be the total of the metered charges applicable to the property as shown in the table below for:

Size of Water Connection (mm)	Charge for 2013/2014 \$
20	\$121.00
25	\$191.00
32	\$312.00
40	\$488.00
50	\$763.00
65	\$1289.00
80	\$1952.00
100	\$3050.00
150	\$6863.00
Hillview Water Supply	\$134.00

2. That the minimum annual water availability charge for each unit within a Strata development be one hundred and twenty one dollars and zero cents (\$121.00).
3. That the annual water availability charge for vacant unconnected land be one hundred and twenty one dollars and zero cents (\$121.00).
4. That the annual water availability charge for unmetered or unconnected properties be six hundred and thirty dollars and zero cents (\$630.00).
5. That if water pressure at a property is less than 120 kpa, then a larger service may attract a charge of one hundred and twenty one dollars and zero cents (\$121.00).

6. That Water Usage Charges (Section 502) be as follows in the below table.

Type	Consumption	Tariff per kilolitre for 2014/2015
Hillview Estate Water Supply	First 250 kl	\$1.89
	> 250 kl	\$3.78
Residential Filtered	First 250 kl	\$1.80
	> 250 kl	\$2.70
Residential Raw	First 250 kl	\$0.79
	> 250 kl	\$1.19
Other Filtered	First 250 kl	\$1.80
	> 250 kl	\$2.70
Other Raw	First 250 kl	\$0.79
	> 250 kl	\$1.19
Large Industrial Filtered	>0 kl	\$1.54
Large Industrial Raw	>0 kl	\$0.99
Community Clubs:	First 18,000 kl	\$0.71
Golf, Majellan & Bathurst Community Club	>18,000kl, <31,999kl	\$0.94
	>32,000kl	\$1.40
Strata Unit property	First 250 kl (for each unit)	\$1.80
	>250 kl (for each unit)	\$2.70
Home Dialysis – subject to doctors certificate	First 200 kl	Free
	200kl-250 kl	\$1.80
	>250 kl	\$2.70
Hospital	1st x patient average	Free
	Balance per KL	\$2.70

- (i) Included in this year's Bathurst Delivery Plan 2014-2018 and Annual Operating Plan 2014/2015 in the Water Fund are amounts for Operational expenditure at the Aquatic Centre. This is to be financed from revenue raised from the Water Fund as detailed in the Plan.
- (j) INTEREST ON OVERDUE RATES AND CHARGES FOR 2014/2015 – That in accordance with Section 566 of the Local Government Act, 1993 Council charge interest on overdue rates at a rate of 8.5% per annum for the 12 month period commencing 1 July 2014 as advised by the Minister.
- (k) The rates and charges have been based upon the advertised estimates of income and expenditure, which provided for increases in Ordinary Rates of 2.3%, a 5.0% increase in Sewer Charges, Waste Charges have been calculated on the basis of the reasonable cost of providing the service and Water Charges have been calculated on achieving a 25/75 basis (25% access charge and 75% usage charge) based on the Best Practice Guidelines introduced by the NSW Office of Water, August 2007.

NSW Annual Conference 2014.

REPORTS OF OTHER COMMITTEES

Policy Committee Meeting

- 52** **Item 1 MINUTES - POLICY COMMITTEE MEETING - 4 JUNE 2014 (07.00064)**
MOVED Cr M Coote and **SECONDED** Cr W Aubin

RESOLVED: That the recommendations of the Policy Committee Meeting held on 4 June 2014 be adopted.

Traffic Committee Meeting

- 53** **Item 1 MINUTES - TRAFFIC COMMITTEE MEETING HELD 3 JUNE 2014 (07.00006)**
MOVED Cr W Aubin and **SECONDED** Cr G Westman

RESOLVED: That the recommendations of the Traffic Committee Meeting held on 3 June 2014 be adopted.

DELEGATES REPORTS

- 54** **Item 1 COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 14 MAY 2014 (11.00019)**
MOVED Cr M Coote and **SECONDED** Cr I North

RESOLVED: That the information be noted.

- 55** **Item 2 MINUTES - BATHURST REGIONAL YOUTH COUNCIL - 13 MAY 2014 (11.00020)**
MOVED Cr M Coote and **SECONDED** Cr W Aubin

RESOLVED: That the information be noted.

- 56** **Item 3 2015 BICENTENARY CELEBRATIONS COMMITTEE MEETING - 3 JUNE 2014 (20.00153)**
MOVED Cr M Morse and **SECONDED** Cr G Hanger

RESOLVED: That the recommendations of the 2015 Bicentenary Celebrations Committee held on 3 June 2014 be adopted.

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

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

MOVED Cr I North

and **SECONDED** Cr M Coote

The Mayor advised the Director Corporate Services & Finance Confidential Report Item #4 has been withdrawn at the applicants request.

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

There were no representations from the public.

RESOLVED: That:

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

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

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	RENEWAL BATHURST MOTOR FESTIVAL CONTRACT - YEEHAH EVENTS PTY LTD	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
2	EXPRESSION OF INTEREST - LOTS 14 AND 15 DP1089380	10A (2) (d) (i) – contains commercial information of a confidential nature that

	KNOWN AS 193 MORRISSET STREET, BATHURST	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	NEW RESIDENTIAL TENANCY AGREEMENT - LOT 1 DP786946 KNOWN AS 159 EGLINTON ROAD, BATHURST	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
4	NEW TELECOMMUNICATION LICENCE AGREEMENT - PART LOT 1 DP6334401 MCPHILLAMY PARK, 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.
5	NEW TELECOMMUNICATION LICENCE AGREEMENT - PART LOT 1 DP6334401 MCPHILLAMY PARK, 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.

6	PROPOSED SALE OF LOT 18 DP758864 KNOWN AS 39 LOCKE STREET RAGLAN	10A (2) (c) – contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. Discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it would prejudice council's position in negotiating commercial and or financial arrangements.
7	RENEWAL OF LICENCE AGREEMENT - BATHURST REGIONAL COUNCIL CHILDREN'S SERVICES - LEE STREET, KELSO	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
8	PROPOSED NEW LEASE AGREEMENT COMMONWEALTH OF AUSTRALIA (DEFENCE) - BATHURST AERODROME	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
9	REQUEST FOR FINANCIAL ASSISTANCE - BATHURST TENNIS 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 ENGINEERING SERVICES' REPORT**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	TENDER FOR GILMOUR FLOOD PUMP AND SEWER MAIN	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	TENDER FOR DETENTION BASINS, MOUNT PANORAMA	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
3	TENDER FOR CONSTRUCTION OF FLAGSTAFF IN BICENTENNIAL PARK	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

4	TENDER FOR DESIGN AND CONSTRUCTION OF SALTWATER CREEK BRIDGE (BREWONGLE LANE) AND CARRS CREEK BRIDGE (LACHLAN ROAD)	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
5	12 MONTH EXTENSION - MOWING MAINTENANCE CONTRACT	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 RENEWAL BATHURST MOTOR FESTIVAL CONTRACT - YEEHAH EVENTS PTY LTD (04.00125)
MOVED Cr W Aubin and SECONDED Cr M Coote

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

- b** Item 2 EXPRESSION OF INTEREST - LOTS 14 AND 15 DP1089380 KNOWN AS 193 MORRISSET STREET, BATHURST (22.01199)
MOVED Cr M Coote and SECONDED Cr W Aubin

That Council approves entering into a new licence agreement, for horse agistment only, with Ms Lisa Walker for Lots 14 and 15 in DP1089380 located at 193 Morrisset Street Bathurst for a period of three (3) years as detailed in the report.

- c** Item 3 NEW RESIDENTIAL TENANCY AGREEMENT - LOT 1 DP786946 KNOWN AS 159 EGLINTON ROAD, BATHURST (22.12696)
MOVED Cr W Aubin and SECONDED Cr M Coote

That Council approves entering into a new Residential Tenancy Agreement for Lot 1 DP786946 known as 159 Eglinton Road Bathurst with Stacey Clarke and Robert Field for a period of twelve (12 months) with an option period of twelve (12) months as detailed in the report.

d **Item 4 NEW TELECOMMUNICATION LICENCE AGREEMENT - PART LOT 1 DP6334401 MCPHILLAMY PARK, MT PANORAMA (08.00007)**

The item was **WITHDRAWN** at the applicants request.

e **Item 5 NEW TELECOMMUNICATION LICENCE AGREEMENT - PART LOT 1 DP6334401 MCPHILLAMY PARK, MT PANORAMA (08.00007)**
MOVED Cr I North and **SECONDED** Cr G Westman

That Council approves entering into a new Telecommunication Licence agreement with Mastercom Pty Ltd for for part Lot 1 DP6334401 located at McPhillamy Park Mt Panorama for a period two (2) years with an option period of two (2) years as detailed in the report.

f **Item 6 PROPOSED SALE OF LOT 18 DP758864 KNOWN AS 39 LOCKE STREET RAGLAN (22.10294)**
MOVED Cr W Aubin and **SECONDED** Cr G Hanger

That Council

- (a) approves the sale of Lot 18 DP758864 known as 39 Locke Street Raglan and
- (b) delegate authority to the General Manager to sell the property as detailed in the report.

g **Item 7 RENEWAL OF LICENCE AGREEMENT - BATHURST REGIONAL COUNCIL CHILDREN'S SERVICES - LEE STREET, KELSO (22.02268)**
MOVED Cr B Bourke and **SECONDED** Cr W Aubin

That Council approves entering into a new licence agreement with Bathurst Regional Council Children's Services incorporating Family Day Care, Vacation Care and In Home Care for 7 Lee Street, Kelso (part Lot 1 DP1001027) for a period of two (2) years as detailed in the report.

h **Item 8 PROPOSED NEW LEASE AGREEMENT COMMONWEALTH OF AUSTRALIA (DEFENCE) - BATHURST AERODROME (08.00007)**
MOVED Cr I North and **SECONDED** Cr W Aubin

That Council approves, in principle, entering into a new Lease agreement for a portion of land in the proposed new subdivision at the Bathurst Aerodrome, adjacent to Lot 25 DP1111454 with the Department of Defence's contracted property management services provider DTZ a UGL, as detailed in the report.

- i** **Item 9 REQUEST FOR FINANCIAL ASSISTANCE - BATHURST TENNIS CENTRE (18.00004)**
MOVED Cr M Coote and **SECONDED** Cr B Bourke

That Council not provide financial support, from Section 356 Donations, to the Bathurst Tennis Centre for loss of income caused by the 'Party in the Park' event.

Director Engineering Services' Report

- j** **Item 1 TENDER FOR GILMOUR FLOOD PUMP AND SEWER MAIN (36.00517)**
MOVED Cr W Aubin and **SECONDED** Cr M Coote

That Council accepts the tender of Hynash Constructions Pty Ltd, for the amount of \$695,285.42 (inc GST), subject to adjustments and provisional items.

- k** **Item 2 TENDER FOR DETENTION BASINS, MOUNT PANORAMA (36.00511)**
MOVED Cr I North and **SECONDED** Cr B Bourke

That Council accept the tender of JE & SL Bennett Pty Ltd for the amount of \$92,702.50 (incl. GST) subject to adjustments and provisional items.

- l** **Item 3 TENDER FOR CONSTRUCTION OF FLAGSTAFF IN BICENTENNIAL PARK (36.00518)**
MOVED Cr I North and **SECONDED** Cr M Morse

That Council accept the tender of Tablelands Builders Pty Ltd for the amount of \$799,887 (incl. GST), subject to adjustments and provisional items.

- m** **Item 4 TENDER FOR DESIGN AND CONSTRUCTION OF SALTWATER CREEK BRIDGE (BREWONGLE LANE) AND CARRS CREEK BRIDGE (LACHLAN ROAD) (36.00513)**
MOVED Cr I North and **SECONDED** Cr W Aubin

That Council accepts the tender of:-

- (a) Kenpass Pty Ltd, for Separable Portion A, for the amount of \$318,000 (inc GST) subject to adjustments and provisional items, and

- (b) Shumack Engineering (NSW) Pty Ltd, for Separable Portion B, for the amount of \$449,770.20 (inc GST) subject to adjustments and provisional items.

n **Item 5 12 MONTH EXTENSION - MOWING MAINTENANCE CONTRACT (36.00415)**
MOVED Cr I North and **SECONDED** Cr B Bourke

That Council extend the Glenray Industries mowing maintenance contract in accordance with the Director Engineering Services' report.

RESOLVE INTO OPEN COUNCIL

58 **RESOLVE INTO OPEN COUNCIL**
MOVED Cr B Bourke and **SECONDED** Cr I North

RESOLVED: That Council resume Open Council.

ADOPT REPORT OF THE COMMITTEE OF THE WHOLE

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

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

MEETING CLOSE

60 **MEETING CLOSE**

The Meeting closed at 8.07 pm.

CHAIRMAN: _____

Date: _____ **(16 July 2014)**

MINUTE

- 5 DECLARATION OF INTEREST 11.00002
MOVED: Cr I North SECONDED: Cr M Coote

RESOLVED: That the following Declaration of Interest be noted.

Cr Westman

Item #8 of the Director Corporate Services & Finance's report

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

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

16 JULY 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

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

MOVED: Cr I North SECONDED: Cr M Coote

RESOLVED: That the information be noted.

2 GENERAL REPORT (03.00053)

Recommendation: That the information be noted.

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

- (a) Applications determined using authority delegated to the Director Environmental Planning & Building Services during June 2014 (**attachment 1**).
- (b) Applications refused during June 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 June 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

- 7 **Item 2 GENERAL REPORT (03.00053)**
MOVED: Cr W Aubin SECONDED: Cr B Bourke

RESOLVED: That the information be noted.

3 DEVELOPMENT APPLICATION NO. 2014/0210 – THREE LOT RURAL SUBDIVISION (BOUNDARY ADJUSTMENT) AT 1930, 1932 & 1964 THE BRIDLE TRACK, BRUINBUN. APPLICANT: L J TOOBY SURVEYS (BATHURST) PTY LTD. OWNER: MR M & MRS H SEAMAN (DA/2014/0210)

Recommendation: That Council:

- (a) support the variation to the 1(e) Outer Rural 100 hectare minimum lot size as prescribed in the Clause 27 (1) of *Bathurst Regional (Interim) Local Environmental Plan 2005* for proposed Lot 16 and proposed Lot 18;
- (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 16 and proposed Lot 18;
- (c) as the consent authority, grant consent pursuant to Section 80 of the Environmental Planning and Assessment Act to Development Application No. 2014/0210, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979; and
- (d) call a division.

Report: The Site

Council has received a Development Application (DA) for a three lot rural subdivision (boundary adjustment) at Lots 3, 4 and 5, DP 1188807, known as 1930, 1932 and 1964 The Bridle Track, Bruinbun. A location plan is provided at **attachment 1**.

Lot 3, DP 1188807, 1964 The Bridle Track, is currently 161.4 hectares and does not contain any dwellings or outbuildings.

Lot 4, DP 1188807, 1932 The Bridle Track, is currently 46.34 hectares and contains a dwelling and outbuildings.

Lot 5, DP 1188807, 1930 The Bridle Track, is currently 2.729 hectares and contains a dwelling and outbuildings.

The proposal

The proposal is for the resubdivision of the three existing lots to increase the area of the lots containing the existing dwellings and subsequently reduce the area of the vacant lot. The plan of proposed subdivision is at **attachment 2**.

The result of the proposal is:

- Proposed Lot 16 (the existing vacant lot) will have an area of 93.62 hectares (reduced from 161.4 hectares);
- Proposed Lot 17 (the existing larger lot containing a dwelling and outbuildings) will have an area of 109.6 hectares (increased from 46.34 hectares); and
- Proposed Lot 18 (the existing smaller lot containing a dwelling and outbuildings) will have an area of 7.271 hectares (increased from 2.729).

The existing dwellings and outbuildings on Proposed Lots 17 and 18 will be wholly contained within the proposed boundaries.

It is noted that the intention of the application is also to allow a future dwelling on proposed vacant Lot 16 (93.62 hectares) notwithstanding that it is less than the usual development standard of 100 ha. Note that the existing vacant lot at 161.4 hectares currently is greater than the minimum lot size for a dwelling house.

Planning Context

Bathurst Regional (Interim) Local Environmental Plan 2005

The subject site is zoned 1(e) Outer Rural under the provisions of the Bathurst Regional (Interim) Local Environmental Plan 2005. Under Clause 27 of the Bathurst Regional (Interim) Local Environmental Plan 2005 the minimum area for an allotment created for the purposes of agriculture or a dwelling-house in the 1(e) Outer Rural zone is 100 hectares. Likewise Clause 28 of the Bathurst Regional (Interim) Local Environmental Plan 2005 requires a minimum area of 100 hectares for the erection of a dwelling-house.

Proposed Lot 16 and proposed Lot 18 are therefore below the minimum areas specified by Clauses 27 and 28 of the Bathurst Regional (Interim) Local Environmental Plan 2005, in that it is proposed that Lot 16 will have an area of 93.62 hectares and proposed Lot 18 will have an area of 7.271 hectares.

The applicant has submitted a SEPP 1 Objection (**attachment 3**) in relation to the creation of proposed Lot 16 and proposed Lot 18 which indicates the nature of the subdivision and their objection to the current standards because:

1. Existing Lot 5 (that will become proposed Lot 18) is already below the minimum lot size of 100 hectares and already contains a dwelling;
2. The proposed vacant lot (proposed Lot 16) represents a 6.4% variation to the development standard;
3. The proposed lot sizes are consistent with the surrounding pattern of subdivision;
4. No new lots or dwelling entitlements are created;
5. There is no net change in the number of non-compliant lots; and
6. The agricultural use of the lots will not be compromised.
7. The boundary chosen between Lots 16 and 17 has been based on existing fences on the eastern side and to the south, which is presently unfenced, utilising the only land that is suitable for fencing due to the rugged nature of the land.

The intention behind the development standards is to limit new dwelling entitlements on allotments less than the minimum area. In this case no additional dwelling entitlements are created.

In the current configuration there are two lots of significantly less than 100 hectares, each of which contain existing dwellings, and a vacant lot of greater than 100 hectares. In the proposed configuration there will be two lots of less than 100 hectares, one of which will contain an existing dwelling, one of which will be vacant and one in excess of 100 hectares containing an existing dwelling.

It is noted that it would be possible to achieve numerical compliance for Lot 16 however this would mean running boundaries in areas which are ultimately inaccessible for fencing purposes. The boundary chosen is based upon a combination of existing fence lines and by enabling the future boundary to be fenced given the terrain of the land. The subdivision accordingly supports the continued agricultural usage of the land.

The agricultural potential of the land is unlikely to be compromised by the proposed boundary adjustment.

Draft Bathurst Regional Local Environmental Plan 2014

The land will be zoned RU1 Primary Production under the Draft Bathurst Regional Local Environmental Plan 2014. The minimum lot size standards remain the same under the draft LEP.

Concurrence

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

Need for Council Concurrence

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

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

Conclusion

Council has received a Development Application (DA) for a three lot rural subdivision (boundary adjustment) at Lots 3, 4, and 5, DP 1188807, 1930, 1932 and 1964 The Bridle Track, Bruinbun. The resubdivision of the three existing lots does create any new dwelling entitlements or increase the number of lots. Further the resubdivision will not compromise the agricultural potential of the land. Accordingly the SEPP 1 Objection is supportable.

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

8 Item 3 DEVELOPMENT APPLICATION NO. 2014/0210 – THREE LOT RURAL SUBDIVISION (BOUNDARY ADJUSTMENT) AT 1930, 1932 & 1964 THE BRIDLE TRACK, BRUINBUN. APPLICANT: L J TOOBY SURVEYS (BATHURST) PTY LTD. OWNER: MR M & MRS H SEAMAN (DA/2014/0210)

MOVED: Cr G Westman SECONDED: Cr J Jennings

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 16 and proposed Lot 18;
- (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 16 and proposed Lot 18;
- (c) as the consent authority, grant consent pursuant to Section 80 of the Environmental Planning and Assessment Act to Development Application No. 2014/0210, 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 M Coote, Cr G Hanger, Cr J Jennings, Cr M Morse, Cr I North, Cr G Rush, Cr G Westman,

Against the motion - Nil

Absent - Nil

Abstain - Nil

4 DEVELOPMENT APPLICATION NO. 2014/0231 – DEMOLITION OF EXISTING OUTBUILDINGS, CONSTRUCTION OF DUAL OCCUPANCY (SECOND DWELLING), CONSTRUCTION OF CARPORT AND TWO LOT SUBDIVISION AT 52 MORRISSET STREET, BATHURST. APPLICANT: ADAM HART CONSTRUCTIONS PTY LTD. OWNER: MS R MOTTRAM (DA/2014/0231)

Recommendation: That Council:

- (a) support the variation to the minimum lot size development standards for a dual occupancy development prescribed in the Bathurst Regional (Interim) Development Control Plan 2011;
- (b) as the consent authority, grant consent pursuant to Section 80 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2014/0231, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended;
- (c) call a division.

Report: The Site

Council has received a Development Application (DA) for demolition of existing outbuildings, construction of a dual occupancy (second dwelling), construction of a carport and a two lot residential subdivision at 52 Morrisset Street, Bathurst, described as Lot 4, DP 624277. A location plan is provided at **attachment 1**. The applicant is seeking a variation to the minimum lot size development standards for a dual occupancy development of approximately 10m².

The subject site currently contains a single storey dwelling with attached carport and two separate sheds in the rear yard. The lot has an area of 590.9m².

The proposal

The proposal involves:

- Demolition of the existing carport, storage shed and garden shed;
- Construction of a single storey two bedroom dwelling at the rear of the existing dwelling;
- Construction of a single vehicle carport at the rear of the existing dwelling; and
- Subdivision of the existing lot into two.

Plans of the proposed development are at **attachment 2** and the Statement of Environmental Effects at **attachment 3**.

Planning Context

Bathurst Regional (Interim) Local Environmental Plan 2005

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

Clause 23 Protection of environmental heritage

The site is within the Bathurst Conservation Area although the property is not individually listed as a heritage item.

The sheds marked for demolition are not considered to be historically significant as they have been significantly altered from their original condition with recycled materials.

The proposed rear dwelling will not be visible from the street and will therefore not have an impact on the Morrisset Street streetscape.

Draft Bathurst Regional Local Environmental Plan 2014

Under the Draft Bathurst Regional Local Environmental Plan 2014 the subject site will be zoned R1 General Residential. Under this Plan the proposal will be defined as *dual occupancy (detached)* and will be permissible with consent in the R1 General Residential zone. The proposal complies with the objectives of the proposed zone.

The Lot Size Dual Occupancy Map indicates that the minimum lot site for the subject site is 600m². As the subject site has an area of 590.9m² a dual occupancy would therefore not be permissible without a variation to the development standard under the Draft Bathurst Regional Local Environmental Plan 2014

The rationale for supporting the variation to the minimum area provisions are detailed below.

Development Control Plan

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

The site is contained within Precinct 1 pursuant to the *Bathurst Regional (Interim) Development Control Plan (DCP)*. Dual occupancies are permissible with consent in the precinct. The proposal complies with the objectives of the Precinct and the development standards for dual occupancies except as noted below:

Development Standard	Proposed	Permissible	Compliance
Minimum lot size	590.9m ²	600m ²	No ¹
Site Coverage	38.6%	50%	Yes
Height	Single storey	Two- storey	Yes
Setbacks <u>Proposed dwelling</u> Rear Side	1.1m 1.5m	In accordance with BCA In accordance with BCA	Yes Yes
Car parking <u>Existing Dwelling</u> Resident <u>Proposed Dwelling</u> Resident Visitor	1 (carport) 1 (garage) 1	1 per dwelling 1 per dwelling 1 per two dwellings	Yes Yes Yes
Access Width	3.5m wide	3-6m wide	Yes
Open space area <u>Existing Dwelling</u> <u>Proposed Dwelling</u>	37.4m ² 59.3m ²	30m ² 40m ²	Yes Yes
Open space width			

<u>Existing Dwelling</u>	4.0m	4m wide	Yes
<u>Proposed Dwelling</u>	4.0m	4m wide	Yes

¹ The minimum lot size for dual occupancies in Residential Precinct 1 is 600m². The subject lot has an area of 590.9m². This non-compliance is considered appropriate in this instance for the following reasons:

- The non-compliance represents a variation of only 1.6% of the development standard;
- The site coverage is only 38.6% and is therefore significantly less than the prescribed maximum of 50%;
- Proposed Private Open Space areas for each dwelling exceeds the prescribed minimum areas and minimum widths for each dwelling;
- The proposal sees the retention of the existing dwelling which is of some streetscape significance in the local context;
- The immediate area surrounding the subject site is characterised by medium density development;
- The proposed dwelling will not be directly visible from the street and will therefore not have an adverse impact on the streetscape of Morrisset Street; and
- Adequate parking and manoeuvring area will be available.

The applicants request for a variation to the development standard is at **attachment 4**.

Conclusion

Council has received a Development Application (DA) for demolition of existing outbuildings, construction of a dual occupancy (second dwelling), construction of a carport and a two lot residential subdivision at 52 Morrisset Street, Bathurst. Dual occupancies are permissible in the 2(a) Residential zone. With the exception of the minimum lot size, the proposal complies with the development standards for dual occupancies in the Bathurst Regional (Interim) Development Control Plan 2011. The variation to the prescribed minimum lot size can be supported in this instance for the reasons outlined in this report.

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

9 Item 4 DEVELOPMENT APPLICATION NO. 2014/0231 – DEMOLITION OF EXISTING OUTBUILDINGS, CONSTRUCTION OF DUAL OCCUPANCY (SECOND DWELLING), CONSTRUCTION OF CARPORT AND TWO LOT SUBDIVISION AT 52 MORRISSET STREET, BATHURST. APPLICANT: ADAM HART CONSTRUCTIONS PTY LTD. OWNER: MS R MOTTRAM (DA/2014/0231)

MOVED: Cr B Bourke SECONDED: Cr M Coote

RESOLVED: That Council:

- (a) support the variation to the minimum lot size development standards for a dual occupancy development prescribed in the Bathurst Regional (Interim) Development Control Plan 2011;
- (b) as the consent authority, grant consent pursuant to Section 80 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2014/0231, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended;
- (c) call a division.

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

The result of the division was:

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

Against the motion - Nil

Absent - Nil

Abstain - Nil

5 DEVELOPMENT APPLICATION NO. 2014/0233 – TWO LOT RURAL SUBDIVISION (BOUNDARY ADJUSTMENT) AT 4081 SOFALA ROAD, WATTLE FLAT AND 4117 SOFALA ROAD, WATTLE FLAT. APPLICANT: VOERMAN AND RATSEP. OWNER: MR N WILLIAMS & MR K HAWLEY (DA/2014/0233)

Recommendation: That Council:

- (a) support the variation to the 1(e) Outer Rural 100 hectare minimum lot size as prescribed in the Clause 27 (1) of *Bathurst Regional (Interim) Local Environmental Plan 2005* for proposed Lot 11;
- (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 11;
- (c) as the consent authority, grant consent pursuant to Section 80 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2014/0233, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979; and
- (d) call a division.

Report: The Site

Council has received a Development Application (DA) for a two lot rural subdivision (boundary adjustment) at 4081 Sofala Road, Wattle Flat (Lot 219, DP 755790) and 4117 Sofala Road, Wattle Flat (Lot 2, DP 1055385). A location plan is provided at **attachment 1**.

4081 Sofala Road is 6430m² and currently contains a dwelling.

4117 Sofala Road is 163.2 ha. Whilst the land is vacant a dwelling would be permissible on the property as it exceeds the 100 ha minimum.

The proposal

The proposal is for the resubdivision of the two existing lots to increase the area of 4081 Sofala Road by 3150 m² to 9580 m² and reduce the area of 4117 Sofala Road accordingly (see plan of proposed subdivision at **attachment 2**).

The proposal will result in:

- Lot 219 (4081 Sofala Road) will increase in size to 9580 m² (+3150 m²)
- Lot 2 (4117 Sofala Road) will decrease in size to 162.8 ha (-3150 m²)

Lot 219 will retain the existing dwelling and Lot 2 will continue to exceed the minimum area for a dwelling.

Planning Context

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

The subject site is zoned 1(e) Outer Rural under the provisions of the Bathurst Regional (Interim) Local Environmental Plan 2005. Under Clause 27 of the Bathurst Regional (Interim) Local Environmental Plan 2005 the minimum area for an allotment created for the purposes

of agriculture or a dwelling-house in the 1(e) Outer Rural zone is 100 hectares. Likewise Clause 28 of the Bathurst Regional (Interim) Local Environmental Plan 2005 requires a minimum area of 100 hectares for the erection of a dwelling-house.

The proposed lot 11 will remain below the minimum area specified by Clause 27 and 28 of the Bathurst Regional (Interim) Local Environmental Plan 2005, in that it will have an area of 9580 m². Proposed lot 12 will remain above the minimum area as specified above with an area of 162.8 ha.

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

1. Lot 219 is already well below the minimum lot size of 100 hectares;
2. The proposed lot sizes are consistent with the surrounding pattern of subdivision;
3. No new lots are created;
4. No new dwelling entitlements are being created; and
5. The agricultural use of the lots will not be compromised.

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

Concurrence

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

Need for Council Concurrence

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

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

Conclusion

Council has received a Development Application (DA) for a two lot rural subdivision (boundary adjustment) at 4081 Sofala Road, Wattle Flat and 4117 Sofala Road, Wattle. The resubdivision of the two existing lots will not create any new dwelling entitlements nor compromise the agricultural potential of the land. Accordingly the SEPP 1 Objection is supportable.

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

10 Item 5 DEVELOPMENT APPLICATION NO. 2014/0233 – TWO LOT RURAL SUBDIVISION (BOUNDARY ADJUSTMENT) AT 4081 SOFALA ROAD, WATTLE FLAT AND 4117 SOFALA ROAD, WATTLE FLAT. APPLICANT: VOERMAN AND RATSEP. OWNER: MR N WILLIAMS & MR K HAWLEY (DA/2014/0233)
MOVED: Cr W Aubin SECONDED: Cr M Morse

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 11;
- (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 11;
- (c) as the consent authority, grant consent pursuant to Section 80 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2014/0233, 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 M Coote, Cr G Hanger, Cr J Jennings, Cr M Morse, Cr I North, Cr G Rush, Cr G Westman,

Against the motion - Nil

Absent - Nil

Abstain - Nil

6 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)

Recommendation: That Council:

- (a) as the consent authority, grant consent pursuant to section 80 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2014/0044, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended and including conditions to the effect that:
- (i) Prior to the issue of an Occupation Certificate the applicant is to submit to Council a detailed Operational Management Plan for the development.
- (ii) The proposed advertising sign is to be redesigned so that the total area of the two panels does not exceed 5m².
- (b) notify those that made submissions of its decision; and
- (c) call a division.

Report: The Site

Council has received a Development Application (DA) for the use of an existing building as a cattery, the construction of a building for use as dog boarding kennel and associated advertising signage at 108 Marys Lane, Dunkeld, described as Lot 1, DP 709530. A location plan is provided at **attachment 1**.

The subject site currently contains a single storey dwelling and a number of separate outbuildings.

The site itself is 18.82 ha.

Access to the land is from Marys Lane which is a gravel road which intersects with the Mitchell Highway.

The nearest non-associated dwellings are located approximately 235 metres to the west (81 Marys Lane), 470 metres to the north-east (10 Evans Plains Road) and 630 metres to the south-west (54 Marys Lane).

An existing boarding kennel also operates at 113 Evans Plains Road approximately 1 km to the south-east.

The proposal

The proposal involves:

- Conversion of an existing building for use as a cattery (maximum 20 cats) and accommodation for other small pets (e.g. guinea pigs, rabbits, mice);
- Construction of a new building for use as a boarding kennel with covered external runs (maximum 24 dogs);
- Fencing for yards and runs;

- Effluent disposal system;
- Associated earthworks;
- Advertising signage.

Plans of the proposed development are at **attachment 2** and the Statement of Environmental Effects at **attachment 3**.

The Development Application has also been supported by a Noise Assessment prepared by Wilkinson Murray provided at **attachment 4**.

Planning Context

Bathurst Regional (Interim) Local Environmental Plan 2005

The subject site is zoned 1(e) Outer Rural under the provisions of the *Bathurst Regional (Interim) Local Environmental Plan 2005*.

The proposed development is defined as an *animal establishment*, the definition of which is:

“a building or place used for the breeding, boarding, training or keeping of, or for caring for, animals for commercial purposes (except in connection with the use of land for the purposes of agriculture), and includes a riding school and a kennel or cattery.”

Animal establishments are permissible with consent in the 1(e) Outer Rural zone. The proposal is not inconsistent with the objectives of the zone.

Draft Bathurst Regional Local Environmental Plan 2014

Under the Draft Bathurst Regional Local Environmental Plan 2014 the subject site will be zoned RU1 Primary Production. Under this document the proposal will be defined as *animal boarding or training establishment* the definition of which is:

“a building or place used for the breeding, boarding, training, keeping or caring of animals for commercial purposes (other than for the agistment of horses), and includes any associated riding school or ancillary veterinary hospital.”

Animal boarding or training establishment will be permissible with consent in the RU1 Primary Production zone. The proposal would not be inconsistent with the objectives of the proposed zone.

Development Control Plan

Bathurst Regional (Interim) Development Control Plan 2011 - Chapter 2 Exhibition & Notification of Development Applications

The Development Application was notified to adjoining property owners from 25 February 2014 to 7 March 2014. At the closure of the notification period a total of two (2) submissions had been received. Further late submissions were received after the closure of the notification period (see submissions at **attachment 6**).

A Discussion Forum was convened by the Director Environmental, Planning & Building Services on 3 April 2014 (see minutes of Discussion Forum at **attachment 7**). Issues raised in the submissions and at the Discussion Forum included:

- Noise
- Traffic (including the adequacy of Marys Lane and the intersection of Marys Lane and the Mitchell Highway)
- Fencing (animal containment)
- Visual amenity
- Advertising signage
- Close proximity of existing kennels
- Cumulative impact of existing and proposed kennels
- Effluent disposal

These matters are dealt with in the body of this report.

Bathurst Regional (Interim) Development Control Plan 2011 – Chapter 6 Rural Development

Development Standard	Proposed	Permissible	Compliance
Setback – Front	>20m	20m	Yes
Setback – Side (nearest side)	>20m	20m	Yes
Setback – Rear	>20m	20m	Yes

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

The proposed building will have concrete block walls and Colorbond roofing. These materials are considered appropriate for the rural locality. A relevant condition will be imposed if consent is granted requiring appropriate colouring of the new building.

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

The proposed building is not considered to be visually intrusive as it is of a scale and design consistent with other rural outbuildings in the locality.

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

The proposed building will not protrude above any nearby ridgelines.

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

The proposed building is of a scale and design consistent with other rural outbuildings in the locality.

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

The proposed building will be partially screened by the existing vegetation and existing structures on the subject site.

**Bathurst Regional (Interim) Development Control Plan 2011 – Chapter 9
Environmental Considerations**

Sensitive Land Areas – DCP Map No. 25 Land Resources		
Environmentally Sensitive Area	Identified on Subject Site?	Comment
Land Capability Class 7	NO	No sensitive land areas have been identified on the subject site.
Land Capability Class 8	NO	
Karst Extent	NO	
Salting	NO	
Sever or Extreme Sheet or Rill Erosion	NO	
Sensitive Waterways – DCP Map No. 26 Riparian Land & Waterways		
Environmentally Sensitive Area	Identified on Subject Site?	Comment
Sensitive Waterways	YES*	*A sensitive waterway (Evans Plains Creek) has been identified on the subject site. A plan prepared by Calare Civil has been submitted with the Development Application to demonstrate that an area suitable for effluent disposal is available at least 100 metres away from the identified permanent watercourse.
High or Moderate Biodiversity – DCP Map No. 27 Biodiversity		
Environmentally Sensitive Area	Identified on Subject Site?	Comment
DECC Estate	NO	*An area of high biodiversity sensitivity has been identified along the edge of the permanent watercourse. No clearing or earthworks are proposed in the immediate vicinity of the watercourse. The impact of the proposed development on areas of high biodiversity sensitivity is considered to be minimal, if any.
High Biodiversity Sensitivity	YES*	
Moderate Biodiversity Sensitivity	NO	
Groundwater – DCP Map No. 26 Riparian Land & Waterways		
Environmentally Sensitive Area	Identified on Subject Site?	Comment
High or Moderately High Groundwater Vulnerability	YES*	The entire site is identified as having high or moderately high groundwater vulnerability. A plan prepared by Calare Civil has been submitted with the Development Application to demonstrate that an area suitable for effluent disposal is available. A full geotechnical report addressing the impact of the proposed effluent disposal system on groundwater will be required to be submitted prior to the issue of a construction certificate for the proposed development.

Bathurst Regional (Interim) Development Control Plan 2011 – Chapter 11 Outdoor Lighting

In order to protect the dark night sky and minimise the impact of the development on the neighbours a condition will be imposed to ensure that any external lighting associated with the proposed development complies with Australian Standard AS 4282 “Control of the Obtrusive Effects of Outdoor Lighting”.

Bathurst Regional (Interim) Development Control Plan 2011 – Chapter 12 Signage and Colour Schemes

The Development Application includes a freestanding “V” sign with each panel measuring 3 metres by 2 metres (total 6m²). In accordance with the DCP a freestanding sign must not exceed 5m². A condition will be imposed so ensure that the combined area of the two panels on the proposed “V” sign does not exceed 5m².

The proposed signage has been assessed against the assessment criteria specified in Schedule 1 of State Environmental Planning Policy No. 64 (Advertising and Signage). A copy of this assessment can be found at **attachment 5**.

General and Environmental Assessment

Noise

The proposed development is located near the bottom of a relatively open valley. The valley is crossed by the Mitchell Highway which itself generates a certain amount of noise in the locality.

As part of the consultation process Council received a number of submissions from neighbouring residents raising concerns about noise generated from the proposed development.

Council subsequently requested that an Acoustic Assessment be prepared to address these issues. A report was prepared by a suitably qualified acoustic consultant appointed by the applicant and provided to Council.

The Report is predicated on the animals being housed overnight within a fully enclosed building that will be lined with either 6mm fibre cement sheeting or 8mm ply that will also be insulated to contain any noise. These matters can be incorporated into the consent by way of the conditions to be imposed.

The report has estimated current background noise levels are between 30 and 35 decibels depending on location. A slightly higher background level has been assumed for those properties closest to the Mitchell Highway. Utilising the NSW EPA Industrial Noise Guidelines, the Report has adopted an acceptable noise criterion of background plus 5 decibels at the receivers properties of 35 and 40 decibels.

The predicted noise levels at the closest affected residences are illustrated in the table below.

Receiver	Predicted decibel level Neutral Conditions	Predicted decibel level Adverse Wind	Noise Criterion	Compliance
77 Evans Plains	24	29	35	Yes

Creek Road				
112 Marys Lane	18	22	35	Yes
54 Marys Lane	19	24	35	Yes
10 Evans Plains Creek Road	32	37	40	Yes
81 Marys Lane	35	39	40	Yes
113 Evans Plains Creek Road	21	26	35	Yes

(Source: Wilkinson Murrumbidgee Noise Assessment dated 16 April 2014)

It is noted that the predicted noise levels of the boarding kennels are in some cases less than the existing background noise levels. This is due to the exclusion of background noise from the model.

The estimated noise impact of the development under adverse conditions at 81 Marys Lane (being the nearest non-associated residence) is an increase in background noise levels of 5 decibels which is consistent with the adopted noise criteria. Other non-associated residences will experience noise increases less than 5 decibels.

The modelling demonstrates that the development will comply with the criterion identified and that no residence will experience noise levels from the proposed kennels above the adopted criteria. It is noted that this is not to say that barking dogs will not be heard at adjoining residences but rather it is unlikely that the noise would be considered offensive or intrusive.

Council will also require the preparation and submission of a detailed Operational Management Plan to ensure that operational procedures also assist in noise mitigation.

The Acoustic Assessment is at **attachment 4**.

Traffic

Marys Lane is a gravel road approximately 500 metres in length. No specific traffic figures are available, however, given the limited number of dwellings it currently serves, existing traffic levels are considered to be very low.

The applicant has estimated that the proposed development will generate a maximum of 30 vehicle movements per week or an average of 4 vehicle movements per day.

Council's Engineers have reviewed the proposed development and have raised no objection to it given the minimal average daily increase in traffic on Marys Lane.

It should be noted that the operation will include an optional pick-up/drop-off service that may consolidate vehicle movements.

A development contribution will be payable under Council's Section 94 Plan for Rural Roads. This contribution will be based on the average of 4 vehicle movements per day.

While there was no trigger for the proposal to be referred to the Roads and Maritime Services (RMS), a condition will be imposed to ensure that the applicant consults with Roads and Maritime Services (RMS) on any requirements they may have.

Civil Design, Location & Drainage

The proposed kennel building is located in an intermittent drainage line. This location has the potential to become inundated during heavy rainfall which could affect the building and its foundations. Consequently, Council requested further information to ensure that, if approved, the building will not be flooded or result in the kennels or runs being water logged.

The information provided by the applicant indicates that a raised earth pad will be constructed for the building to sit on and a diversion bank will redirect water around the kennel and run facilities.

The NSW Office of Water were consulted in the assessment of the Development Application and it was determined that their concurrence was not required as the development site is not within 40 metres of Evans Plains Creek and the drainage line adjacent to the building site is not a third order, or above, stream.

Operational Procedures

Many of the issues raised in this report such as noise, effluent disposal and animal welfare can be mitigated or controlled through appropriate operational procedures.

The NSW Department of Primary Industries has produced a document titled *NSW Animal Welfare Code of Practice No 5 – Dogs and Cats in Animal Boarding Establishments*. It would be a condition of consent that the proposed operation complies with the provisions of this document (or its equivalent) at all times.

A condition will be imposed to request a detailed Operational Management Plan prior to the issue of an Occupation Certificate for the building.

One of the key issues raised by the neighbours was effective animal containment. In order to address this issue the applicant has amended the plans for the proposed development to include a 2.1 metre high perimeter fence around the compound that includes an inwards facing angled return on the top. Also included to improve containment is a double door/gate system.

Competition

The issue raised of economic competition between businesses is not a valid environmental or planning consideration under Section 79C of the Environmental Planning and Assessment Act 1979.

Conclusion

Council has received a Development Application (DA) for the use of an existing building as a cattery, the construction of a building for use as a dog boarding kennel and associated advertising signage at 108 Marys Lane, Dunkeld. The subject site is zoned 1(e) Outer Rural under the provisions of the *Bathurst Regional (Interim) Local Environmental Plan 2005*. The proposed development is defined as an *animal establishment* which are permissible with consent in the 1(e) Outer Rural zone. The proposal was notified to adjoining property owners and a number of submissions were received. Potential environmental impacts and issues raised by neighbours have been addressed in this report. It is considered that the proposed development will have minimal adverse environmental impacts and it is therefore recommended for approval.

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

11 Item 6 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)

MOVED: Cr I North SECONDED: Cr W Aubin

RESOLVED: That Council:

- (a) defer consideration of Development Application No. 2014/0044 to allow further public consultation and consideration to occur on matters of concern that have been raised including; noise, traffic and environmental hazards.
- (b) notify those that made submissions of its decision; and
- (c) call a division.

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

The result of the division was:

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

Against the motion - Nil

Absent - Nil

Abstain - Nil

7 MODIFICATION TO DEVELOPMENT APPLICATION NO. 2012/0549 – DEMOLITION OF DWELLINGS AT 196 AND 210 STEWART STREET, ADDITIONS AND ALTERATIONS TO AGED CARE FACILITY AND SUBDIVISION AT 194, 196, 198, 210 STEWART STREET AND 207 AND 209 PIPER STREET, BATHURST APPLICANT: HAVENHAND & MATHER ARCHITECTS. OWNER: ROYAL FREEMASONS BENEVOLENT INSTITUTION (DA/2012/0549)

Recommendation: That Council:

- (a) as the consent authority, grant consent to the modification to Development Application No. 2012/0549 made under Section 96(1A) of the Environmental Planning and Assessment Act 1979, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended;
- (b) notify those that made submissions of its decision; and
- (c) call a division.

Report: Council has received an application to modify Development Application (DA) 2012/0549.

This Development Application, as originally approved by Council, comprised:

- Demolition of dwellings at 196 Stewart Street and 210 Stewart Street;
- Alterations and additions to existing aged care facility to accommodate 15 additional beds; and
- Subdivision of land.

The Site

The subject land comprises:

- 194 Stewart Street, Lot B DP 197634
- 196 Stewart Street, Lot 1 DP 799006
- 198 Stewart Street, Lot 2 DP 718121
- 210 Stewart Street, Lot A DP 360901
- 207 Piper Street, Lot 1 DP 196716
- 209 Piper Street, Lot 1, DP 196879

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

The proposal

The Development Application, as originally considered by Council, included the retention of the existing dwelling at 194 Stewart Street and its conversion to a craft room for use as part of the Cheriton site.

The modification seeks consent to demolish the dwelling at 194 Stewart Street and the subsequent construction of a replacement building for use as a craft room (see plans of the modified proposal and supporting documentation at **attachment 2**).

Other aspects of the development as previously approved remain unchanged.

Planning Context

Bathurst Regional (Interim) Local Environmental Plan 2005

The subject site is zoned 2(a) Residential under the provisions of BRILEP 2005.

The proposed development is permissible with consent in the 2(a) Residential zone. The proposal is not inconsistent with the objectives of the zone.

Clause 23 Protection of environmental heritage

As the subject site is within the Bathurst Heritage Conservation Area, the proposal for demolition and replacement was referred to Council's Heritage Advisor for comment. Council's Heritage Advisor made the following comments regarding 194 Stewart Street:

- *The house is a mixture of construction styles. There are at least three different periods of construction evident in the external fabric of the dwelling.*
- *The building is in poor condition, with little of the original fabric remaining, or discernable with the additions and changes that have been made to the building.*
- *The proposed infill building is appropriately scaled to the neighbouring buildings and the streetscape which is predominately single storey residential buildings.*
- *The introduction of face brickwork on the proposed building is positive because it will return the view of the house from the street to what it originally was, rather than the rendered, grey finish that is in place at present.*
- *The face brickwork proposed should be red. Traditional colours should be used on the external façade that complement the red brick with a preference to autumn tones to tie the new building with the character of the conservation area. The submission of a letter or report, rendered drawings, manufacturer's brochures and/or samples sufficient to detail the types and colours of the external materials to be used in the construction.*

Council's Heritage Advisor made the following conclusions:

Despite the loss of original fabric the features, the scale and general character that is offered by the existing dwelling will be carried through to the proposed replacement dwelling. It is acknowledged that there is a negative impact on the conservation area through the loss of an original building from the streetscape. On balance, however, it also must be acknowledged that the original building is in poor condition, suffering significant damage from reactive soils, poor drainage and deterioration of building materials from a lack of long term maintenance. Also the original dwelling has, over time, been significantly altered from a once smaller and simple late Victorian cottage.

The proposal as it now stands will result in the loss of an original building. It will also result in a new building that retains much of the existing character and scale of the original building whilst also providing a usable space for elderly residents.

Given the above, and the practicality of adapting the building for the proposed use (i.e. as a craft room for the elderly residents), as outlined in the Heritage Impact Statement, no objections are raised to the modification in this instance.

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

Bathurst Regional (Interim) Development Control Plan 2011

Chapter 10 Urban Design & Heritage Conservation

Bathurst Conservation Area Management Strategy (BCAMS)

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

The following table provides a summary of the assessment.

Date of construction	1890s (altered 1900-1920s)
BCAMS results:	
Integrity	Altered Unsympathetically – Non-reversible (0)
Streetscape Rating	Contributory (3)
Heritage Significance	Historically significant in a local context (3)
Overall Rating (out of 10)	6

Heritage Impact Statement

An addendum to the original Heritage Impact Statement has been prepared in accordance with Section 10.3.3 of the Bathurst Regional (Interim) Development Control Plan 2011.

(see copy of addendum to the original Heritage Impact Statement at **attachment 4**).

Historical Assessment

An Historical Assessment has been prepared by the Heritage Consultant Mr Ian Rufus and is included in the addendum to the original Heritage Impact Statement.

(see copy of addendum to the original Heritage Impact Statement at **attachment 4**).

Structural Assessment

A Structural Assessment has been carried out by Cook Roe Structural Engineers.

(see copy of Structural Assessment within the supporting documentation at **attachment 2**).

Draft Bathurst Regional Local Environmental Plan 2014

The land will be zoned R1 General Residential under the Draft Bathurst Regional Local Environmental Plan 2014. Under the Draft Planning Instrument the proposed development will be defined as a "residential care facility" which is permissible with consent in the R1 General Residential zone. The proposal is not inconsistent with the objectives of the proposed zone. Provisions in relation to heritage management remain largely the same as under the current LEP.

Submissions

The modified proposal was advertised and notified to adjoining property owners from 12 May 2014 to 26 May 2014 in accordance with Clause 2.6 of Council's Interim DCP. Following the advertising and notification period a total of three (3) submissions were received (see submissions at **attachment 5**).

A Discussion Forum was convened by the Manager Strategic Planning on 11 June 2014

(see minutes of Discussion Forum at **attachment 6**). Issues raised in the submissions and at the Discussion Forum included:

- The retention of the dwelling at 194 Stewart Street was supported by the original Statement of Heritage Impact.
- Some building defects were apparent when the original proposal was lodged and are therefore not a new discovery.
- Some new defects may have been caused by lack of care during demolition of later rear additions to the dwelling.
- Documentation suggests that it was always the intention of the developer to demolish the dwelling at 194 Stewart Street.
- Replica replacement buildings do not retain the genuine character of the Bathurst Conservation Area.
- The benefit of demolishing the dwelling and constructing a new building is limited to the residents of the facility and does not extend to the wider Bathurst community given the loss of its heritage.

The key issue raised in the submissions and at the Discussion Forum is the loss of another older building within the Bathurst Streetscape.

The modification will see the loss of original fabric in this part of Stewart Street. Whilst it is always preferable to retain the existing building stock where practical, in this instance, the practicalities of converting this building for use by elderly people has been identified in the Heritage Impact Statement as being particularly problematic.

Summary

- 194 Stewart Street was constructed in the late 1890's. Originally a small and simple late Victorian cottage, it has been altered significantly. There are at least three different periods of construction evident in the external fabric. No significant social associations have been identified in the Heritage Impact Statement.
- The Structural Assessment lodged with the modification application indicates that the building is in poor condition it notes the following key points:
 1. The soil on the site is highly reactive;
 2. The existing footings are inadequate;
 3. There is no evidence of a dampcourse;
 4. Significant cracks have been identified in the walls;
 5. Tie rods indicate a long history of horizontal wall movement;
 6. The foundations of the chimney are questionable;
 7. 75% of the north-eastern wall and 50 of the south-eastern would need to be demolished and replaced; and
 8. Floor movement could be addressed with replacement of the footings to the pier supports.
- The Heritage Impact Statement indicates that the builder will not warrant the building if it is retained and converted.
- The Heritage Impact Statement outlines the difficulties now identified in converting the building for use as a craft room for elderly people after the tenant had moved out and the later rear addition was demolished. These include:
 1. The ongoing rising damp issue;
 2. The size and functionality of the space that can be created;
 3. The discovery of the full extent of cracking;
 4. The discovery of the inadequacy of the foundations; and
 5. The need to reconstruct the walls.
- The key issues raised in the public submissions received is the loss of another building

within the Bathurst streetscape.

- Council's Heritage Advisor has indicated that the proposed infill building is appropriate for the streetscape and will have a positive impact given that a red face brickwork façade can be achieved.
- This block of Stewart Street has been altered over time. It does not retain all of its original building stock and has been subject to other recent infill development.

On the basis of the poor condition of the building, its alteration over time and the loss already of much of the building's original fabric, the difficulties in converting it for use as a craft room for elderly residents (as compared to the construction of a new building) and the appropriateness of the proposed infill building, approval of the modification, in this instance, is supported.

Conclusion

Council has received an application to modify Development Application (DA) 2012/0549. This Development Application was for the demolition of dwellings at 196 Stewart Street and 210 Stewart Street; alterations and additions to the existing aged care facility to accommodate 15 additional beds and subdivision of land. The modification seeks to demolish the existing dwelling at 194 Stewart Street (originally intended to be retained and converted to a craft room) and the subsequent construction of a replacement building for use as a craft room. An addendum to the original Heritage Impact Statement which includes Structural and Historical Assessments has been submitted with the modification. Council's Heritage Advisor has raised no objections to the proposal. For the reasons outlined in this report, the demolition of the existing building at 194 Stewart Street is supported in this instance and approval is recommended.

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

12 Item 7 MODIFICATION TO DEVELOPMENT APPLICATION NO. 2012/0549 – DEMOLITION OF DWELLINGS AT 196 AND 210 STEWART STREET, ADDITIONS AND ALTERATIONS TO AGED CARE FACILITY AND SUBDIVISION AT 194, 196, 198, 210 STEWART STREET AND 207 AND 209 PIPER STREET, BATHURST APPLICANT: HAVENHAND & MATHER ARCHITECTS. OWNER: ROYAL FREEMASONS BENEVOLENT INSTITUTION (DA/2012/0549)

MOVED: Cr M Coote SECONDED: Cr B Bourke

RESOLVED: That Council:

- (a) as the consent authority, not grant consent to the modification to Development Application No. 2012/0549 made under Section 96(1A) of the Environmental Planning and Assessment Act 1979, for the following reasons:
 - (i) The building is a contributory building to the Bathurst City Heritage Conservation Area.
 - (ii) The retention of the building was supported by the original Heritage Impact Statement lodged for the development.
- (b) notify those that made submissions of its decision; and
- (c) call a division.

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

The result of the division was:

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

Against the motion - Nil

Absent - Nil

Abstain - Nil

8 DEVELOPMENT APPLICATION NO. 2014/0240 – THREE LOT SUBDIVISION (BOUNDARY ADJUSTMENT) AT 75 EGLINTON ROAD, ABERCROMBIE, 81 EGLINTON ROAD, ABERCROMBIE AND 87 EGLINTON ROAD, ABERCROMBIE. APPLICANT: AIRSURV. OWNER: MR R MCLEOD, MR R BROWN, MRS H BROWN, MR A TRAVIS & MRS M TRAVIS (DA/2014/0240)

Recommendation: That Council:

- (a) support the variation to the 1(b) Market Garden 20 hectare minimum lot size as prescribed in the Clause 27 (1) of *Bathurst Regional (Interim) Local Environmental Plan 2005* for proposed lot 20 and lot 21;
- (b) support the variation to the 1(b) Market Garden 20 hectare minimum lot size as prescribed in the Clause 28 (1) of *Bathurst Regional (Interim) Local Environmental Plan 2005* for proposed Lot 20 and lot 21;
- (c) as the consent authority, grant consent pursuant to Section 80 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2014/0240, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979; and
- (d) call a division.

Report: The Site

Council has received a Development Application (DA) for a three lot subdivision (boundary adjustment) at 75 Eglinton Road, Abercrombie (Lot 2, DP 875443), 81 Eglinton Road (Lot 1002, DP 1151447), Abercrombie and 87 Eglinton Road, Abercrombie (Lot 1003, DP 1151447). A location plan is provided at **attachment 1**.

75 Eglinton Road, Abercrombie is 19.29 ha and currently contains a dwelling.

81 Eglinton Road, Abercrombie is 6.729 ha and currently contains a golf driving range.

87 Eglinton Road, Abercrombie is 20.2 ha and currently contains a dwelling.

All lots are subject to 1% AEP flood inundation.

87 Eglinton Road and 75 Eglinton Road are listed Heritage Items with local significance, both heritage items are homesteads.

The proposal

The proposal is for the resubdivision of the three existing lots to increase the area of 81 Eglinton Road (Golf driving range) by 890 m² to 7.619 ha and reduce the area of 75 Eglinton Road and 87 Eglinton Road accordingly. A plan of the proposed subdivision is at **attachment 2**.

The proposal will result in:

- Lot 22 (81 Eglinton Road - golf driving range) will increase in size to 7.619 ha (+890m²)
- Lot 20 (87 Eglinton Road) will decrease in size to 19.64 ha (-560m²)
- Lot 21 (75 Eglinton Road) will decrease in size to 18.96 ha (-330m²)

Lot 20 and lot 21 will continue to contain separate dwellings. Lot 22 will continue to contain a golf driving range.

Planning Context

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

The subject site is zoned 1(b) Market Garden under the provisions of the Bathurst Regional (Interim) Local Environmental Plan 2005.

Under Clause 27 of the Bathurst Regional (Interim) Local Environmental Plan 2005 the minimum area for an allotment created for the purposes of agriculture or a dwelling-house in the 1(b) Market Garden zone is 20 hectares. Likewise Clause 28 of the Bathurst Regional (Interim) Local Environmental Plan 2005 requires a minimum area of 20 hectares for the erection of a dwelling-house.

There is no minimum area for purposes other than agriculture or a dwelling house. That is the golf driving range may be situated on an allotment of any size.

Proposed lots 20 and 21 will be below the minimum areas specified by Clause 27 and 28 of the Bathurst Regional (Interim) Local Environmental Plan 2005, in that they will have areas of 19.64 hectares and 18.96 hectares.

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

1. Two of the lots are already below the minimum lot size of 20 hectares;
2. The proposed lot sizes are consistent with the surrounding pattern of subdivision;
3. No new lots are created;
4. No new dwelling entitlements are being created; and
5. The agricultural use of the lots will not be compromised.

The intention behind the development standards is to limit new dwelling entitlements on allotments less than the minimum area. The proposed lots already contain dwellings and a golf driving range. The agricultural potential of the land is unlikely to be compromised by the proposed boundary adjustment.

Land liable to flood

The proposed development does not involve the undertaking of any work within the flood affected area. The proposed subdivision will not increase the flood hazard rating of, or likely flood damage to, any other property or persons.

Protection of environmental heritage

The boundary adjustment involves parts of two properties, 87 Eglinton Road and 75 Eglinton Road that are listed heritage items. The items of concern are the two homesteads located towards the rear of these properties. The proposed adjustment of boundaries will not impact upon the curtilage of these homesteads because there is a significant separation of the land that is being transferred and the homesteads. Given the setback of the homesteads within the property boundaries and the number of mature trees that are planted along the property boundaries and also around the homesteads themselves there are currently considered to

be no clear view corridors to these items. The subdivision will not impact upon any view corridors to these homesteads.

Concurrence

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

Need for Council Concurrence

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

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

Conclusion

Council has received a Development Application (DA) for a three lot subdivision (boundary adjustment) at 75 Eglinton Road, Abercrombie, 81 Eglinton Road, Abercrombie and 87 Eglinton Road, Abercrombie. The resubdivision of the three existing lots will not create any new dwelling entitlements nor compromise the agricultural potential of the land. Accordingly the SEPP 1 Objection is supportable.

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

13 Item 8 DEVELOPMENT APPLICATION NO. 2014/0240 – THREE LOT SUBDIVISION (BOUNDARY ADJUSTMENT) AT 75 EGLINTON ROAD, ABERCROMBIE, 81 EGLINTON ROAD, ABERCROMBIE AND 87 EGLINTON ROAD, ABERCROMBIE. APPLICANT: AIRSURV. OWNER: MR R MCLEOD, MR R BROWN, MRS H BROWN, MR A TRAVIS & MRS M TRAVIS (DA/2014/0240)

MOVED: Cr G Westman SECONDED: Cr W Aubin

RESOLVED: That Council:

- (a) support the variation to the 1(b) Market Garden 20 hectare minimum lot size as prescribed in the Clause 27 (1) of *Bathurst Regional (Interim) Local Environmental Plan 2005* for proposed lot 20 and lot 21;
- (b) support the variation to the 1(b) Market Garden 20 hectare minimum lot size as prescribed in the Clause 28 (1) of *Bathurst Regional (Interim) Local Environmental Plan 2005* for proposed Lot 20 and lot 21;
- (c) as the consent authority, grant consent pursuant to Section 80 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2014/0240, 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 M Coote, Cr G Hanger, Cr J Jennings, Cr M Morse, Cr I North, Cr G Rush, Cr G Westman,

Against the motion - Nil

Absent - Nil

Abstain - Nil

9 DEVELOPMENT APPLICATION NO. 2012/0297 – 55 LOT RESIDENTIAL SUBDIVISION AT WENTWORTH DRIVE, KELSO. APPLICANT: CATHOLIC DIOCESE OF BATHURST OWNER: CATHOLIC DIOCESE OF BATHURST (DA/2012/0297)

Recommendation: That Council:

- a) accept the works in kind arrangement (in lieu of the \$38,189.20 contributions payable under the Raglan Creek Stormwater Drainage Management Plan, being the amount yet to be paid under Development Application 2012/0297) for the construction of a retarding basin by the developer at a cost of \$185,886.00 (GST exclusive); and
- b) agree to pay the developer \$147,696.80 from the existing balance of the Raglan Creek Stormwater Drainage Management Section 94 Plan as Council's contribution to the cost of the retarding basin.

Report: Council approved Development Application 2012/0297 for a 55 lot residential subdivision on 14 September 2012 under delegated authority. The subdivision consists of 55 new residential lots and involves the construction of a retention basin. A location plan is at **attachment 1**.

The subdivision is proceeding in accordance with the consent with 27 allotments being completed and released to date.

As part of the development the developer proposes to construct a retention basin on land owned by the Catholic Diocese. The retarding basin will then be dedicated to Council.

Council has the Section 94 Plan – Raglan Creek Stormwater Drainage Management in place to collect contributions towards the construction of drainage infrastructure in the Raglan Creek catchment. The Section 94 Plan enables Council to fund and construct major stormwater infrastructure throughout the catchment. The Section 94 Plan identifies the construction of a retarding basin within the proposed subdivision.

Council has held discussions with the developers of this land regarding the construction of the required detention basin.

As part of the subdivision the developer has offered to construct the retention basin identified in the Plan as a works in kind arrangement (see **attachment 2**).

Works in kind arrangements are permitted under the Section 94 Plan.

The developer has submitted an estimate of the cost of construction of the retention basin of \$185,886.00 (GST exclusive). Council's Director Engineering Services has reviewed the costing and considers it to be a reasonable approximation of the cost if the works were to be undertaken by Council.

At this time the contribution payable for drainage works under Councils Section 94 Plan (2014/2015) is \$1363.90 per lot.

The developer has already paid contributions for the first 27 lots which is the equivalent of \$36,825.30 based on the current financial year.

At present there are 28 lots remaining to be created within this subdivision. The developer is therefore liable for a further contribution of \$38,189.20 for the remaining lots. The shortfall between the total cost of construction of the retention basin (\$185,866) and the remaining

outstanding contribution (\$38,189.20) is \$147,696.80 which will need to be funded from Councils Section 94 funds.

There are sufficient funds held within Councils Section 94 Plan – Raglan Creek Stormwater Drainage Management to fund the construction of the retarding basin.

If the works are not carried out under this arrangement then there will be a need for Council to construct the retention basin itself at some point in the future. In addition the applicant will need to significantly upgrade stormwater pipes within the subdivision to cater for the increased volume of water.

Financial Implications: Council will partially fund the construction of the retention basin (\$147,696.80 excluding GST) from funds already collected from Councils Section 94 Plan – Raglan Creek Stormwater Drainage Management and forego the collection of \$38,189.20 from the developers as a works in kind arrangement.

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 28.2

MINUTE

14 Item 9 DEVELOPMENT APPLICATION NO. 2012/0297 – 55 LOT RESIDENTIAL SUBDIVISION AT WENTWORTH DRIVE, KELSO. APPLICANT: CATHOLIC DIOCESE OF BATHURST OWNER: CATHOLIC DIOCESE OF BATHURST (DA/2012/0297)
MOVED: Cr B Bourke SECONDED: Cr I North

RESOLVED: That Council:

- a) accept the works in kind arrangement (in lieu of the \$38,189.20 contributions payable under the Raglan Creek Stormwater Drainage Management Plan, being the amount yet to be paid under Development Application 2012/0297) for the construction of a retarding basin by the developer at a cost of \$185,886.00 (GST exclusive); and
- b) agree to pay the developer \$147,696.80 from the existing balance of the Raglan Creek Stormwater Drainage Management Section 94 Plan as Council's contribution to the cost of the retarding basin.

10 DEVELOPMENT APPLICATION NO. 2014/0199 – DEMOLITION OF EXISTING OUTBUILDINGS, CONSTRUCTION OF DUAL OCCUPANCY (SECOND DWELLING), AND TWO LOT SUBDIVISION AT 339 STEWART STREET, BATHURST. APPLICANT:LUKE CUTLER HOMES . OWNER: J SIMONS (DA/2014/0199)

Recommendation: That Council:

- (a) support the variation to the minimum lot size development standards for a dual occupancy development prescribed in the Bathurst Regional (Interim) Development Control Plan 2011;
- (b) as the consent authority, grant consent pursuant to Section 80 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2014/0231, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended;
- (c) call a division.

Report: The Site

Council has received a Development Application (DA) for the demolition of existing outbuildings, construction of a dual occupancy (second dwelling), and a two lot residential subdivision at 339 Stewart Street, Bathurst, described as Lot F, DP 161874 (see location plan at **attachment 1**). The applicant is seeking a variation to the minimum lot size development standard for a dual occupancy development of approximately 22m².

The subject site currently contains a single storey dwelling with attached carport and two separate sheds in the rear yard. The lot has an area of 828.3m².

The proposal

The proposal involves:

- Demolition of the existing outbuilding;
- Construction of a single storey three bedroom dwelling with attached garage behind the existing dwelling;
- Subdivision of the existing lot into two.

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

Planning Context

Bathurst Regional (Interim) Local Environmental Plan 2005

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

Clause 23 Protection of environmental heritage

The site is within the Bathurst Conservation Area although the property is not individually listed as a heritage item.

The shed marked for demolition is not considered to be historically significant.

The proposed rear dwelling will not be visible from the street and will therefore not have an impact on the Stewart Street streetscape.

Draft Bathurst Regional Local Environmental Plan 2014

Under the Draft Bathurst Regional Local Environmental Plan 2014 the subject site will be zoned R1 General Residential. Under this Plan the proposal will be defined as *dual occupancy (detached)* and will be permissible with consent in the R1 General Residential zone. The proposal complies with the objectives of the proposed zone.

The Lot Size Dual Occupancy Map indicates that the minimum lot site for the subject site is 850m². As the subject site has an area of 828.3m² a dual occupancy would therefore not be permissible without a variation to the development standard under the Draft Bathurst Regional Local Environmental Plan 2014

The rationale for supporting the variation to the minimum area provisions are detailed below.

Development Control Plan

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

The site is contained within Precinct 2 pursuant to the *Bathurst Regional (Interim) Development Control Plan (DCP)*. Dual occupancies are permissible with consent in the precinct. The proposal complies with the objectives of the Precinct and the development standards for dual occupancies except as noted below:

Development Standard	Proposed	Permissible	Compliance
Minimum lot size	828.3m ²	850m ²	No ¹
Site Coverage	37%	50%	Yes
Height	Single storey	Two- storey	Yes
Setbacks <u>Proposed Dwelling</u> Rear Side	0.9m 0.9m	In accordance with BCA In accordance with BCA	Yes Yes
Car parking <u>Existing Dwelling</u> Resident <u>Proposed Dwelling</u> Resident Visitor	1 (carport) 1 (garage) 1	1 per dwelling 1 per dwelling 1 per two dwellings	Yes Yes Yes
Access Width	3.05m wide	3-6m wide	Yes
Open space area <u>Existing Dwelling</u> <u>Proposed Dwelling</u>	60+m ² 50+m ²	40m ² 40m ²	Yes Yes
Open space width <u>Existing Dwelling</u> <u>Proposed Dwelling</u>	4.0m 4.0m	4m wide 4m wide	Yes Yes

¹ The minimum lot size for dual occupancies in Residential Precinct 2 is 850m². The subject

lot has an area of 828.3m². This non-compliance is considered appropriate in this instance for the following reasons:

- The non-compliance represents a variation of only 2.5% of the development standard;
- The site coverage is only 37% and is therefore significantly less than the prescribed maximum of 50%;
- Proposed Private Open Space areas for each dwelling exceeds the prescribed minimum areas and minimum widths for each dwelling;
- The proposal sees the retention of the existing dwelling which is of some streetscape significance in the local context;
- The immediate area surrounding the subject site is characterised by a mixture of medium density development and dwelling houses;
- The proposed dwelling will not be directly visible from the street and will therefore not have an adverse impact on the streetscape of Stewart Street; and
- Adequate parking and manoeuvring area will be available.

The applicants request for a variation to the development standard is at **attachment 3**.

Conclusion

Council has received a Development Application (DA) for demolition of a shed, construction of a dual occupancy (second dwelling) and a two lot residential subdivision at 339 Stewart Street, Bathurst. Dual occupancies are permissible in the 2(a) Residential zone. With the exception of the minimum lot size, the proposal complies with the development standards for dual occupancies in the Bathurst Regional (Interim) Development Control Plan 2011. The variation to the prescribed minimum lot size can be supported in this instance for the reasons outlined in this report.

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

15 Item 10 DEVELOPMENT APPLICATION NO. 2014/0199 – DEMOLITION OF EXISTING OUTBUILDINGS, CONSTRUCTION OF DUAL OCCUPANCY (SECOND DWELLING), AND TWO LOT SUBDIVISION AT 339 STEWART STREET, BATHURST. APPLICANT:LUKE CUTLER HOMES . OWNER: J SIMONS (DA/2014/0199)
MOVED: Cr M Coote SECONDED: Cr W Aubin

RESOLVED: That Council:

- (a) support the variation to the minimum lot size development standards for a dual occupancy development prescribed in the Bathurst Regional (Interim) Development Control Plan 2011;
- (b) as the consent authority, grant consent pursuant to Section 80 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2014/0231, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended;
- (c) call a division.

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

The result of the division was:

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

Against the motion - Nil

Absent - Nil

Abstain - Nil

11 NAMING OF PUBLIC ROADS – CASSIDY WAY (20.00024)

Recommendation: That Council:

- (a) adopt the name Cassidy Way; and
- (b) direct the Director Environmental, Planning & Building Services to undertake procedures pursuant to the requirements of the Roads Act 1993, to have the name gazetted, should no objections be received.

Report: Council, at its meeting held 21 May 2014, adopted the name Darney Way as the road name for the new road linking Graham Drive and Wentworth Drive in Kelso.

The Geographical Names Board has since advised that the name is unacceptable as it is considered too similar to the name “Barney” Street which is used in the Windradyne/Llanarth area.

Cassidy Way

Cassidy Way has been nominated for the new road linking Graham Drive and Wentworth Drive in Kelso.

The road has been named after James Cassidy. According to “A History of Bathurst Volume 1”, Mr Cassidy was responsible for maintaining the electoral role for the East Macquarie electorate in the lead up to the 1859 State election. His tenure was not without controversy with him being accused of removing the names of seven of his servants (6 of which were protestant) off the electoral roll. No action was taken against Mr Cassidy because he was a Catholic and to have done so would have been seen as “having a persecuting spirit”. Mr Cassidy died in 1917 at the age 88.

See location map at **attachment 1** and plan of subdivision at **attachment 2**.

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

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

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 24: To provide and support the provision of accessible, affordable and well planned transport systems. Strategy 24.2
- Objective 32: To ensure Council is supported by an adequate workforce and appropriate governance procedures. Strategy 32.2

MINUTE

- 16 **Item 11 NAMING OF PUBLIC ROADS – CASSIDY WAY (20.00024)**
MOVED: Cr B Bourke SECONDED: Cr M Coote

RESOLVED: That Council:

- (a) adopt the name Cassidy Way; and
- (b) direct the Director Environmental, Planning & Building Services to undertake procedures pursuant to the requirements of the Roads Act 1993, to have the name gazetted, should no objections be received.

12 POPULATION, HOUSEHOLD & DWELLING PROJECTIONS AND REGIONAL GROWTH PLAN (03.00008)

Recommendation: That the information be noted.

Report: The NSW Department of Planning & Environment has released the 2014 final NSW population, household & dwelling projections for NSW.

The population projections are not targets and are not precise predictions of the demographic future. They are projections made based on certain assumptions about future trends in fertility, mortality and migration. The household projections made are based on certain assumptions about future trends in population and household living arrangements. The dwelling projections provide an estimate of the net underlying requirements for dwellings implied by the population projections and assumed future living arrangements. They are not a projection of future dwelling construction.

Whilst the projections are a very important tool for future planning, the assumptions upon which they are based reflect the current outlook regarding these trends. It is quite possible that they may not eventuate.

The projections for Bathurst to 2031 are provided at **attachment 1**.

The key results are as follows:

- Population is expected to increase by 11,500 to 51,550 in 2031.
- Households are expected to increase by 5,550 by 2031.
- Household size will slowly decrease.
- The greatest change in age groups will be in the over 65 years olds. Currently 13.7% of the population, over 65 year olds will make up 21% of the population in 2031. This will be accompanied by an increase in lone person households.

The Department of Planning & Environment is commencing the preparation of regional growth plans. Draft regional growth plan regions have been proposed which sees the Bathurst Regional Local Government Area part of the Central West and Orana region (refer **attachment 2**).

The aim of the regional growth plans is to help to plan for sustainable growth and change within regions across NSW, in particularly planning for housing and jobs and infrastructure needed to support the changing population.

The draft boundaries have been released for comment. A submission has been lodged on behalf of Council outlining concerns as to the large size of the Central West & Orana region and the variations in growth and change that will need to be taken into account if the draft boundaries are adopted. It is suggested that the region might better be dealt with as two regions similar to the groupings of CENTROC and OROC.

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 28.7

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

Strategy 33.1

Strategy 33.4

MINUTE

17 Item 12 POPULATION, HOUSEHOLD & DWELLING PROJECTIONS AND REGIONAL GROWTH PLAN (03.00008)

MOVED: Cr M Coote SECONDED: Cr G Hanger

RESOLVED: That the information be noted.

13 BATHURST PEST BIRD MANAGEMENT STRATEGY: UPDATE ON PROGRAM ACTIVITIES (14.00627)

Recommendation: That Council note the following program outcomes.

Report: In 2012, Council adopted the Pest Bird Management Strategy. The aim of the strategy is to deal with the issue of pigeons in the Bathurst Central Business District (CBD) and other pest birds in the Bathurst Region. The strategy was developed with extensive consultation with the CBD business community and local residents.

One of the recommendations of the plan was to facilitate a coordinated pigeon control program involving Council facilities and businesses in the CBD. Council conducted a successful program during 2012-2013 with 1089 pigeons removed from Council and private properties.

Through funding received from the Central West Catchment Management Authority and a program with local schools and Petries Mitre 10, Council also conducted a program targeting Starlings and Indian Mynas. This resulted in 200 native bird nest boxes being built and an education campaign was run with advertisements and brochures produced.

The program has continued in 2013-14 with Council hosting a community Indian Myna workshop, attended by local and regional residents as well as staff from Bathurst and Orange Councils. Presentations were given by the Clarence Valley Indian Myna group and the Pest Cooperative Research Centre's Mynascan project coordinator. Thirty Indian myna traps were distributed on the day (for a small cost) so that interested community members could remove these pest birds from their area.

Pigeon control efforts also continued in 2013-14 with a targeted trapping program in Machattie Park. This was largely unsuccessful. Pigeons are attracted to the high volumes of artificial food supply at the duck ponds and therefore could not be enticed to the trapping area. Since then, Council has recently commenced a trapping program at the Post Office building, the TAFE complex and at one private building in the CBD. These three sites have the highest populations and therefore have been targeted first before the program moves onto activities at other CBD properties.

Council's Environmental staff have also been in discussion with staff from Dubbo City Council who recently conducted a trial using native birds of prey as a means of dissuading pest birds in the Dubbo CBD. Dubbo has a problem with starlings nesting in trees in the main street, causing \$12,000 of annual clean-up costs. Therefore, they engaged a falconry company to conduct a trial using four different predator bird species that would fly in the area with the intention of moving the starlings on. The program was moderately successful for two of the birds used though more trials are needed to determine if the program would work on an ongoing basis.

This may or may not work in the Bathurst context in relation to pigeons as they are impacting across a broader area and moving the birds from one place to another may not reduce the issue. Notwithstanding, Council staff will continue to receive updates regarding the Dubbo trial to determine if a similar program could be conducted locally.

Council staff will continue to implement the Pest Bird Management Plan as required and as funding and resources permit.

Financial Implications: These actions were funded as part of the Pest Bird Management Plan implementation allocation.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 8: To promote sustainable and energy efficient growth. Strategy 8.4
- Objective 10: To protect and enhance the region's biodiversity. Strategy 10.6
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.4

MINUTE

18 Item 13 BATHURST PEST BIRD MANAGEMENT STRATEGY: UPDATE ON PROGRAM ACTIVITIES (14.00627)

MOVED: Cr B Bourke SECONDED: Cr J Jennings

RESOLVED: That Council note the program outcomes.

14 ECONOMIC ANALYSIS AND PROPOSED JOBS EXPO (20.00071)

Recommendation: That the information be noted.

Report: The Economic Development section has completed research regarding the impact of recent changes in the employment market in Bathurst.

Whilst the region has experienced job losses in the manufacturing sector, growth in construction and wholesale trade industries remains strong. The local economy continues to show growth with 2.2% growth recorded as at 30 June 2014 as compared to 30 June 2013.

In order to remain proactive on this issue Council's Economic Development section proposes to run a Jobs Expo in late 2014. The Expo will provide residents with the opportunity to meet with employment agencies and businesses that are looking for staff or have future potential growth opportunities.

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 3: To protect a vibrant CBD and support and grow retail diversity. Strategy 3.2
- Objective 5: To facilitate and foster partnerships, networks and infrastructure to support and attract knowledge, innovation and research. Strategy 5.1, 5.2

MINUTE

- 19 **Item 14 ECONOMIC ANALYSIS AND PROPOSED JOBS EXPO (20.00071)**
MOVED: Cr G Westman SECONDED: Cr J Jennings

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.

D R Shaw
DIRECTOR
ENVIRONMENTAL, PLANNING & BUILDING SERVICES

DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT AND MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

16 JULY 2014

1 STATEMENT OF INVESTMENTS (16.00001)

Recommendation: That the information be noted.

Report: \$79,500,000 was invested at 30 June 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	\$17,500,000.00	4.02%
Bendigo and Adelaide Bank	A2	\$7,500,000.00	3.83%
IMB Limited	A2	\$5,500,000.00	3.74%
Maritime, Mining & Power Credit Union	ADI	\$1,000,000.00	3.86%
National Australia Bank	A1+	\$13,500,000.00	3.84%
People's Choice Credit Union	ADI	\$1,500,000.00	3.94%
Railways Credit Union	ADI	\$3,500,000.00	3.89%
SGE Credit Union	ADI	\$1,000,000.00	3.86%
Westpac Banking Corporation	A1+	\$1,000,000.00	3.70%
Greater Building Society	A2	\$1,000,000.00	3.70%
Bankwest	A1+	<u>\$500,000.00</u>	<u>3.40%</u>
		\$53,500,000.00	3.89%
<u>Long Term > 365 Days</u>			
(comprising Commercial Bills, Term Deposits and Bonds):			
<u>Committed Rolling Investments</u>			
Westpac	AA-	\$2,000,000.00	3.80%
Westpac	AA-	\$2,000,000.00	3.94%
Westpac	AA-	\$2,000,000.00	3.96%
Westpac	AA-	\$2,000,000.00	3.88%
Westpac	AA-	\$2,000,000.00	3.84%
Maritime Mining & Power Credit Union	ADI	<u>\$3,000,000.00</u>	<u>2.70%</u>
		\$13,000,000.00	3.61%
<u>Fixed, Negotiable & Tradeable Certificates of Deposits</u>			
Commonwealth Bank	AA-	<u>\$2,000,000.00</u>	<u>3.85%</u>
		\$2,000,000.00	3.85%
<u>Floating Rate Notes</u>			
Barclays Bank PLC – Australia	AA-	\$2,000,000.00	4.43%
Bendigo & Adelaide Bank Retail Bond	A-	\$1,000,000.00	3.88%
Members Equity Bank	BBB	\$3,000,000.00	3.94%
Greater Building Society	BBB	\$1,000,000.00	4.00%

Credit Union Australia	BBB+	\$3,000,000.00	4.00%
Bank of Queensland	A-	<u>\$1,000,000.00</u>	<u>3.69%</u>
		\$11,000,000.00	4.02%

Total Investments **\$79,500,000.00** **3.86%**

These funds were held as follows:

Reserves Total (includes unexpended loan funds)		\$32,734,562.35	
Grants held for specific purposes		\$1,327,950.00	
Section 94 Funds held for specific purposes		\$31,694,564.12	
Unrestricted Investments – All Funds		\$13,742,923.53	
General Fund	\$52,716.53		
Water Fund	\$3,439,588.00		
Sewer Fund	\$7,157,977.00		
Waste Fund	<u>\$3,092,642.00</u>		

Total Investments **\$79,500,000.00**

Total Interest Revenue to 30 April 2014 **\$2,921,231.46** **3.86%**

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)	2.64%
Three Year Swap Rate - Commonwealth	3.03%

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

R Roach
Responsible Accounting Officer

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

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

20 Item 1 STATEMENT OF INVESTMENTS (16.00001)
MOVED: Cr W Aubin SECONDED: Cr B Bourke

RESOLVED: That the information be noted.

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

Recommendation: That the information be noted.

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

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

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

Fines or penalty notices this month - Nil.

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

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

MOVED: Cr M Morse SECONDED: Cr J Jennings

RESOLVED: That the information be noted.

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

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

Report: At **attachment 1** is a list of Sundry Section 356 Donations, Bathurst Memorial Entertainment Centre Community Use Subsidies and Mount Panorama Fee Subsidies granted by Council for the period ending 30 June 2014.

Shown at **attachment 2**, is a list of Sundry Section 356 Donations, Bathurst Memorial Entertainment Centre Community Use Subsidies and Mount Panorama Fee Subsidies, granted by Council, as of 1 July 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:

	<u>30 June 2014</u>	<u>1 July 2015</u>
Section 356:	\$ 0.00	\$20,000
BMEC Community use:	\$13,857.06	\$27,544
Mount Panorama:	\$ 2,379.84	\$55,800

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

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

MOVED: Cr M Coote SECONDED: Cr 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 Information Neighbourhood Centre Inc - 96 Russell Street - Lot 11, DP 864769 - Lease
- Hughes, MF & J, & Dwyer, MJ - 49 Freeman Circuit - Lot 903, DP 1191778 - Transfer
- Hughes, MF - 33 Freeman Circuit - Lot 8, DP 1191778 - Transfer
- Christie-Johnston - 47 Freeman Circuit - Lot 904, DP 1191778 - Transfer
- Ward, SA - Bathurst Aerodrome - Lot 14, DP 1089964 - Variation of Lease
- NBN Co Ltd - Water Reservoir, Raglan - Part Lot 21, DP 748686 - Leases 2014 -19, 2019-24, 2024-29, 2029-34

Linen Plan Release

- DR & RH Hargreaves - Plan of acquisition - Lot 2, DP 837073, 469 Rivulet Road, Peel
- BRC - Plan of acquisition - Lot 7005, DP 1057676, 261 Durham Street, Bathurst
- Tablelands Livestock Health & Pest Authority - Plan of acquisition - Lot 7002, DP 1053643, Lachlan Road, Caloola
- PA Edwards - Plan of acquisition - Lot 1, DP 799434, 1882 Freemantle Road, Milkers Flat
- Crown Land (unvalidated) - Plan of acquisition - Lot 7315, DP 1161585, Morrisset Street, Bathurst
- KM & RJ Rouland - Plan of acquisition/Road Closure & First Title Creation - Lot 1, DP 32374, 333 Wambool Road, O'Connell

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

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

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.

Recent activities include;

1. Follow up of sponsorship/partnership correspondence, with meetings being coordinated.
2. Peoplescape project awarded.
3. Bicentennial Flag Staff tender awarded, with construction due to start in the coming weeks.

The official Bathurst 200 Endorsement Program continues to gather momentum with new applications being received and presented to the 2015 Committee each month. At the time of writing this report, 23 applications have been processed with a further 7 pending for submission. These pending submissions will be presented to the 2015 Committee at its meeting held 5 August 2014.

The Bathurst 200 website continues to be updated regularly with an image of the Flag Staff recently added. Educational material has now also been loaded to Bathurst200.com.

For Council's information, **attachment 1** contains the monthly trending report courtesy of Google Analytics. This report shows the number of people visiting the Bathurst 200 website.

An Expression of Interest has now been called for the Illuminate Bathurst (working title) illumination/projection project. This 2015 marquee project was advertised locally as well as in the Sydney Morning Herald and on the Tenderlink site, commencing 28 June 2014. Tenderlink notified in excess of 3,000 firms of the expression of interest.

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

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

RESOLVED: That the information be noted.

6 REQUEST FOR FINANCIAL ASSISTANCE - 2015 BATHURST STREET AND CUSTOM MOTORCYCLE SHOW (18.00004)

Recommendation: That Council donate the cost of the road closures to a maximum of \$800 for the 2015 Bathurst Street and Custom Motorcycle Show to be held Saturday 7 February 2015, to be funded from Section 356 Donations.

Report: The Bathurst Street and Custom Motorcycle Show will be held on Saturday 7 February 2015 on Russell Street adjacent to the Civic Centre and will require closure of Russell Street between William and George Streets from 8am to 5pm. The promoter has requested Council to cover the cost of the road closure for this event which is estimated at approximately \$800. A copy of the request is provided at **attachment 1**.

The event has run at this location since 2011. Last year's event (2014) was hugely successful with 280 motorcycles in competition as well as thousands of Bathurst locals attending the event.

Should Council donate the cost of the road closure for the event they would like to offer Council the opportunity to have Council's logo on all advertising, acknowledgement in all press releases and inclusion on their website. General admission to the event would be free to the public.

Financial Implications: This request could be funded from Council's Section 356 Donations for 2014/2015 which has a balance of \$20,000.

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 30.1

MINUTE

25 Item 6 REQUEST FOR FINANCIAL ASSISTANCE - 2015 BATHURST STREET AND CUSTOM MOTORCYCLE SHOW (18.00004)

MOVED: Cr B Bourke SECONDED: Cr M Coote

RESOLVED: That Council donate the cost of the road closures to a maximum of \$800 for the 2015 Bathurst Street and Custom Motorcycle Show to be held Saturday 7 February 2015, to be funded from Section 356 Donations.

7 REQUEST FOR FINANCIAL ASSISTANCE - BATHURST BLACKTRACKERS RUGBY LEAGUE CLUB (18.00004)

Recommendation: That Council donate \$500 to the Bathurst Blacktrackers Rugby League Club to assist in participating in the 2014 Annual Aboriginal Rugby League Knockout, to be funded from Section 356 Donations.

Report: Council has received a request from Bathurst Blacktrackers Rugby League Club seeking sponsorship to participate in the 2014 Annual NSW Aboriginal Rugby League Knockout. A copy of the request is provided at **attachment 1**.

This years Annual Aboriginal Rugby League Knockout will be held on the October long weekend at Raymond Terrace, and is the largest gathering of Aboriginal people in Australia annually.

The Bathurst Blacktrackers team consists of players from Bathurst, Mudgee, Lithgow and the surrounding Central West.

This group is requesting sponsorship of the playing strip and accommodation.

There are no financial statements for this organisation as this team only comes together for this Knockout competition. All funds raised by sponsorship are spent each year.

Financial Implications: This request could be funded from Council's Section 356 Donations for 2014/15 which currently has a balance of \$20,000.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 23: To encourage a supportive and inclusive community. Strategy 23.3
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.5

MINUTE

**26 Item 7 REQUEST FOR FINANCIAL ASSISTANCE - BATHURST
BLACKTRACKERS RUGBY LEAGUE CLUB (18.00004)**

MOVED: Cr B Bourke SECONDED: Cr G Hanger

RESOLVED: That Council donate \$500 to the Bathurst Blacktrackers Rugby League Club to assist in participating in the 2014 Annual Aboriginal Rugby League Knockout, to be funded from Section 356 Donations.

8 REQUEST FOR FINANCIAL ASSISTANCE - BATHURST FILIPINO - AUSTRALIAN COMMUNITY (18.00195-24)

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

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

A copy of this organisation's Financial Statement has been sent to Councillors under separate cover.

Financial Implications: This request could be funded from Council's 2014/15 Section 356 Donations which currently has a balance of \$20,000.

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

27 Item 8 REQUEST FOR FINANCIAL ASSISTANCE - BATHURST FILIPINO - AUSTRALIAN COMMUNITY (18.00195-24)

MOVED: Cr B Bourke SECONDED: Cr I North

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

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

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

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

Recommendation: That Council waive the fees of \$816 for the use of the Kelso Community Centre, to Young Life Bathurst to conduct youth meetings, and to be funded from Section 356.

Report: Council has received a request from an organisation called Young Life Bathurst for the waiving of fees associated with the weekly hire of the Kelso Community Centre. A copy of the request is shown at **attachment 1**.

The organisation has requested the use of the Kelso Community Centre for one afternoon per week to conduct youth meetings.

The cost of hiring this room is \$816 per annum, which is the Annual Agreement Non-Profit Organisation per annum fee.

Shown at **attachment 2** is Young Life Australia's Annual Financial Report for the year ending 30 June 2013. **Attachment 3** details Bathurst and Kelso financial activities.

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

As Council is very active in providing youth activities at Kelso, this request fits well with the usage of the facility.

It is recommended that Council agree to provide financial assistance to the Young Life Bathurst organisation.

Financial Implications: The cost of \$816 could be funded from Council's 2014/15 Section 356 Donations, which currently has a balance of \$20,000.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

28 Item 9 REQUEST FOR FINANCIAL ASSISTANCE -YOUNG LIFE BATHURST
(09.00037)

MOVED: Cr M Morse SECONDED: Cr I North

RESOLVED: That Council waive the fees of \$816 for the use of the Kelso Community Centre, to Young Life Bathurst to conduct youth meetings, and to be funded from Section 356.

10 REQUEST FOR FINANCIAL ASSISTANCE - BATHURST REGIONAL YOUTH COUNCIL (18.00004)

Recommendation: That Council donate \$1,626.25 to the Bathurst Regional Youth Council for their dance party at Bathurst Memorial Entertainment Centre (BMEC), held Saturday 9 August 2014, and to be funded from the BMEC Community Subsidy Vote.

Report: Council has received a request from the Bathurst Regional Youth Council for financial assistance for their dance party being held at Bathurst Memorial Entertainment Centre on Saturday 9 August 2014. A copy of the request is provided at **attachment 1**.

Part of the Youth Council's brief is to plan safe events for young people in Bathurst. This has been identified as a need throughout several consultations with this target group including the Bathurst 2036 Community Strategic Plan and the Bathurst Social and Community Plan 2011-2016. The Social and Community Plan identified the need to provide a range of activities and events that are drug and alcohol free as well as the need to develop safe youth friendly spaces across the community.

Historically these types of events have been held at the Bathurst Memorial Entertainment Centre as the facility is a central location and works well as far as safety and security is concerned.

This organisation is a Council controlled organisation and have no financial assets or financial statements.

It is recommended that Council donate \$1,626.25 which covers the cost of hiring BMEC and associated costs such as pre rig set up and staff costs.

Financial Implications: This request could be funded from the BMEC Community Use Subsidy Vote which currently has a balance of \$13,857.06.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 22: To improve community safety. Strategy 22.1
- Objective 23: To encourage a supportive and inclusive community. Strategy 23.2
- Objective 27: To encourage youth engagement, participation and achievement across all areas of the Bathurst community. Strategy 27.1

MINUTE

29 Item 10 REQUEST FOR FINANCIAL ASSISTANCE - BATHURST REGIONAL YOUTH COUNCIL (18.00004, 41.00089)

MOVED: Cr M Coote SECONDED: Cr I North

RESOLVED: That Council

- (a) donate \$1,626.25 to the Bathurst Regional Youth Council for their dance party at Bathurst Memorial Entertainment Centre (BMEC), held Saturday 9 August 2014, and to be funded from the BMEC Community Subsidy Vote.
- (b) amend the Section 356 Donations Policy to include at Item 6: Bathurst Memorial Entertainment Centre - Hire;
 - Bathurst Regional Youth Council be provided with a subsidy of up to \$2,000 per annum for the use of facilities at the BMEC. This amount to be annually increased by CPI.

11 HONORARY CITIZEN AWARD PROPOSAL FOR BATHURST 200 BICENTENNIAL CELEBRATIONS (20.00132)

Recommendation: That Council adopt a selection process and suggest recipients for the Honorary Citizens Award which will be included in 2015 bicentenary celebrations.

Report: The Honorary Citizen Awards is an award presented to individuals, following formal Council resolution, which recognises the contribution by people who are not residents of Bathurst, but who are accepted as honorary citizens through their work in promoting Bathurst. The Honorary Citizen Award also recognises individuals who excel in their given field

The Honorary Citizen Award has been bestowed on 12 individuals to date with the last award being in 1998 which was presented to Professor Cliff Blake AM.

Given the significance of the 2015 bicentenary celebrations the timing would now appear right for the nominating of other Honorary Citizen Awards, which could be announced on 7 May 2015 during Proclamation Day activities. A formal function would be held in conjunction with other 2015 bicentenary celebration activities to acknowledge the recipient/s.

To enable Honorary Citizen Awards to take place in 2015, Councillors are requested to commence the selection process and to make recommendations on possible recipients to Council for their endorsement.

The presenting of the Honorary Citizen Award on Proclamation Day 2015, further adds to the proposed bicentenary activities.

Financial Implications: The function acknowledging the Honorary Citizen Award can be funded through the current 2015 Bicentennial Celebrations Committee budget.

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

30 Item 11 HONORARY CITIZEN AWARD PROPOSAL FOR BATHURST 200 BICENTENNIAL CELEBRATIONS (20.00132)

MOVED: Cr I North SECONDED: Cr W Aubin

RESOLVED: That Council refer to a Working Party the selection process and suggested recipients for the Honorary Citizens Award, which will be included in 2015 bicentenary celebrations.

Yours faithfully



R Roach
**DIRECTOR
CORPORATE SERVICES & FINANCE**

DIRECTOR ENGINEERING SERVICES' REPORT AND MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

16 JULY 2014

1 WASTE 2 ART 2014 EXHIBITION AND COMPETITION (14.00007)

Recommendation: That the information be noted.

Report: Council held the local 2014 Waste 2 Art exhibition and competition at the Flannery Centre between Friday, 2 May and Sunday, 11 May 2014.

Waste 2 Art, now in its tenth year is a community art exhibition and competition that showcases creative works made from reused or recycled materials that would otherwise be considered as waste. Councils across the Central West that are members of CENTROC and Netwaste are encouraged to participate and in 2014 Bathurst was one of sixteen participating Council's.

The 2014 local exhibition and competition was managed by staff in the Water and Waste section of Council's Engineering Services Department. Engineering staff worked in collaboration with staff from the Bathurst Regional Art Gallery (BRAG) to make the local exhibition and competition a success.

Ninety-two artworks, across twelve categories were entered into the 2014 exhibition which is the highest number of entries ever received. These artworks were judged by a panel of judges including; Senior Executives from Reverse Garbage in Sydney, a local sculptor and artist and Council's Solid Waste Coordinator to determine a winner in each category.

The quality of artworks entered into the competition was high and for the first time a "theme" waste was incorporated which in 2014 was e-waste. Many of the artworks incorporated elements of e-waste highlighting the importance of appropriately managing this growing problem waste.

The winners across each of the twelve categories from the local exhibition were then entered into the annual Regional Exhibition. Council staff attended the opening of the Regional Exhibition on Saturday 28 June 2014 and were present at the awards ceremony where the following Bathurst entrants were recognised;

- Lilliarna Palucci "The Lost World of E" Winner Primary 2 Dimensional Category
- Trunkey Creek Public School – Trunkey Tribe Totems – Highly Commended Primary 3 Dimensional Category
- Antony Symons "Made in China" – Highly Commended – Open 3 Dimensional
- Fiona Howle "Where Does It End Up?" – Highly Commended Open 2 Dimensional
- Joseph Lynch "Mango" Overall 2014 Waste 2 Art Winner

2014 has been the most successful year for Bathurst at the Regional Competition level.

Feedback from participants and visitors regarding the local Waste 2 Art 2014 exhibition and competition has been overwhelmingly positive. Based upon the positive feedback received by Council regarding the program and the strong level of community interest in entering artworks it has been agreed that Council will participate in the 2015 Waste 2 Art program.

In addition, Bathurst has made a successful bid to host the 2015 Regional Waste 2 Art exhibition. Staff will seek to obtain the endorsement of the Bicentenary Committee to have the Regional Exhibition included in the 2015 events calendar. The Regional Exhibition is curated by Netwaste with input from the host Council staff, as such there is no significant input or resources required to host the exhibition with the exception of marketing and advertising.

The Regional Waste 2 Art exhibition will run for a minimum one month and will commence during June 2015, further details are yet to be finalised and a more detailed report will be put to Council at a future date.

Financial Implications: Funding for managing the 2015 Waste 2 Art Local Exhibition and Regional Exhibition and competition will be sourced from existing budgets.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

- 31 **Item 1 WASTE 2 ART 2014 EXHIBITION AND COMPETITION (14.00007)**
MOVED: Cr M Morse SECONDED: Cr W Aubin

RESOLVED: That the information be noted.

2 CROWN LANDS LEGISLATION WHITE PAPER (22.00270)

Recommendation: That the information be noted.

Report: A Crown Lands Legislation White Paper was released and comments were invited by the NSW Trade and Investment closing on 20 June 2014.

It has been stated in the White Paper that it sets out recommendations to:

- *Create simpler legislation to support Crown land management*
- *Help grow the NSW economy through the more effective management of Crown land*
- *Continue the key objective of managing Crown land for the benefit of the people of NSW*
- *Reduce red tape for the community and stakeholders*
- *Streamline and speed up administration*
- *Cement the role of local communities in the management of Crown land*

In general it is considered that Council should support the need for legislative change in New South Wales regarding the administration and the processes to acquire Crown land however one aspect of this paper's attachments being specifically in the Crown Lands Management Review is that it is proposed to transfer Crown roads to Councils which is a particular area of concern.

Crown Lands

Since the transfer of approvals from the Crown Lands Orange office to other locations at Dangar, Dubbo and Nowra, Council has been experiencing longer delays in Crown approvals for applications including road closures and Crown land acquisitions for a variety of community works.

For Council to acquire Crown land, there are two Acts used being the Local Government Act 1993 and the Roads Act 1993 with finalisation through the Land Acquisition (Just Terms Compensation) Act 1991.

Council would support new legislation which creates a simpler and more direct process as most current legislation requires Council to engage legal representatives to finalise compulsory acquisitions. With these costs continually rising, Council is finding it more expensive to achieve its goals.

At the Crown Land seminar, held on Friday 23 May 2014 at Dubbo, it was revealed by the Crown in the "Crown Lands Legislation White Paper" of the review of procedures regarding:

- (a) Legislation becoming simpler, more direct and streamlined;
- (b) Being consistent with other local government and planning frameworks without duplication;
- (c) Reducing the current three-tier Crown reserve management system to two tiers by streamlining decision making at local government level by reducing red tape and transaction costs; and
- (d) A better access and availability of local Crown land tenures and reserves to Councils for development of the local community, after negotiation.

The proposals currently appear to be a price and cost shift from the Crown to Local Government without financial support in regard to:

- (a) The Crown is to adopt a review process of all of its properties, retaining the prime land in their care, control and ownership;
- (b) The remaining properties will be offered to Council to take as freehold land allowing Councils the option to take land for their community projects;
- (c) Following discussion, the local Council can choose whatever Crown land it requires for its projects. The Crown will then vest those chosen Crown land parcels with the local Council as freehold land.

The vesture is not complete freehold ownership. For Council to bring the property under its ownership it must make application by Request form to Land and Property Information (LPI) for the Certificate of Title to issue in its name. The cost to Council will include an application fee and legal expenses at an estimated minimum cost of \$300 for each property. That can amount to a huge cost for most Councils.

It has been suggested in Council's submission that the Crown take the transfer of the land ownership one step further. Instead of vesting the land in the local Council, transfer the Crown land parcels to Council by the issue of the Certificate of Title in their name. This would save the Council paying the fees and would be a boon for the less financial Councils.

Crown Roads

The Crown Lands Management Review indicates that:

"The Review considers that roads used to provide access to the general public should be the responsibility of either councils or Transport for NSW, who have responsibility for roads for the past century, are resourced for the purpose, and have the necessary expertise.

This will result in councils being responsible for all local roads, which is appropriate as roads are one of the core functions of local councils."

The transfer of responsibility of Crown Roads to Councils will have a major effect on regional Councils already struggling with asset backlogs particularly on roads, rate pegging below the Consumer Price Index and reduction in Financial Assistance Grants.

In Bathurst Regional Council's case it is responsible for approximately 1,200km of roads of various categories but does not currently control or maintain Crown roads. There are approximately 300km of **formed** Crown roads of various conditions in the Bathurst region. To transfer ownership and control of these roads to Council would automatically add an additional 25% to Council's road inventory and have a major impact on Council's resources, asset backlog and viability.

The standard and condition of these roads is generally well below any standard that Council would consider acceptable under its Asset Management Plans and there would be considerable expectation that all of these roads would be brought to the appropriate Council standard by both the general public and Council.

The proposed transfer will only be the roads considered a liability and this major liability will be given to Councils with other unformed roads remaining with the Crown for sale.

A statement in the review indicates that “Councils will be responsible for maintaining and upgrading all local roads, funded from general rates and other sources”. This statement displays lack of reality in acknowledgement of the size of the proposed transfer and the massive financial impost to be placed on local government.

There is also a suggestion that Councils can adopt a policy of selecting “roads it will not maintain” to absolve itself of legal responsibility. This statement is considered to be extremely short term and to be of very dubious legal standing if challenged.

This Council therefore does not support the transfer of Crown roads to its care and control however it is considered that Council should be prepared to consider acceptance of the transfer of roads that are constructed and compliant with the minimum standard or higher as described in Council’s “Guideline for Engineering Works”.

Council has made a submission to the White Paper based on the information indicated in the report and vehemently opposed the proposed transfer of Crown Roads to Council and written to the Hon Paul Toole Member for Bathurst and Local Government Minister requesting assistance in preventing this potential change in Crown roads ownership.

Financial Implications: Nil at this time.

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

MINUTE

- 32 **Item 2 CROWN LANDS LEGISLATION WHITE PAPER (22.00270)**
MOVED: Cr J Jennings SECONDED: Cr M Coote

RESOLVED: That the information be noted.

Yours faithfully



Doug Patterson
DIRECTOR
ENGINEERING SERVICES

DIRECTOR CULTURAL & COMMUNITY SERVICES' REPORT AND MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

16 JULY 2014

1 NATIONAL MOTOR RACING MUSEUM - LEGENDS OF MOTOR SPORT (21.00050)

Recommendation: That the information be noted.

Report: Saturday, 13 June 2014 the National Motor Racing Museum was closed to the public for a private media event. Airtime Media hired the Museum to film four episodes of their new 12 part motor racing series "Legends of Motor Sport". The Museum episodes featured Australian Motorsport Legends Allan Moffat, Alan Grice, Colin Bond and Larry Perkins along with host Neil Crompton and a live audience sourced through the Shannons club.

Launching on 7mate on Saturday, 19 July, the 12 part series will bring to life the history of Australian Motorsport merging candid interviews with rarely seen historical footage from Seven's extensive archives dating from the '60's to the '90's.

The use of the Museum for this event has had multiple benefits;

- With the show being screened nationally on free-to-air television Channel 7mate, the Museum has been given a massive boost to its promotion. This free publicity and wide exposure could not be achieved through its normal advertising and promotion channels.
- Early June is historically the quietest time of year for Museum admissions and trading. This event allowed for a higher than normal amount of income for that day through function rental. \$468.00 was also generated on the day through merchandise sales to event participants.
- Numbers through the Museum that day (70) were also higher than on the same day over the preceding four years.
- The Museum Manager was able to provide private tours of the museum and its exhibits for the guest 'legends' and as such was able to build on existing relationships.

Financial Implications: Funding for this item is contained within existing budgets. For staff time, lost admissions and trading the Museum was reimbursed \$4,000.00 by the production company.

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 4.5
- Objective 11: To protect the region's unique heritage and history. To protect a unique identity. Strategy 11.6
- 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

33 Item 1 NATIONAL MOTOR RACING MUSEUM - LEGENDS OF MOTOR SPORT
(21.00050)

MOVED: Cr W Aubin SECONDED: Cr M Coote

RESOLVED: That the information be noted.

2 BATHURST LIBRARY - VISIT BY STATE LIBRARIAN, 5 JUNE 2014 (21.00054)

Recommendation: That the information be noted.

Report: The new State Librarian, Dr Alex Byrne visited Bathurst Library on Thursday, 5 June 2014. With a background as an electrical engineer, he has most recently been the university librarian at the University of Technology Sydney, and has served as President of the world's peak library organisation, the International Federation of Library Associations and Institutions. Dr Byrne was touring libraries in the west of the State as part of an orientation process he has initiated to familiarise himself with the range of public library operations throughout the State.

Dr Byrne was able to meet Bathurst Library staff as well as the Mayor, General Manager and Director Cultural & Community Services over an informal lunch.

Bathurst Library also held a library users forum on the morning of the visit, with regular library users given an opportunity to meet with and talk to the State Librarian. Dr Byrne commented that he enjoyed meeting some real life library users "it's a really unique opportunity".

This visit, which is the first by a State Librarian in the last ten years, was important in that it signalled the desire by Dr Byrne to meet library practitioners and see the workers at the coal face. It also provided a morale booster for Library staff, most of whom had never met a State Librarian. Dr Byrne was provided with an opportunity to gain an insight into the day to day workings of a much loved and valued regional library.

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

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 11: To protect the region's unique heritage and history. To protect a unique identity. Strategy 11.6, 11.9
- Objective 17: To encourage living, vibrant and growing villages and rural settlements. Strategy 17.6
- 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

MINUTE

34 Item 2 BATHURST LIBRARY - VISIT BY STATE LIBRARIAN, 5 JUNE 2014
(21.00054)

MOVED: Cr M Morse SECONDED: Cr J Jennings

RESOLVED: That the information be noted.

3 BATHURST REGIONAL ART GALLERY - INSTALLATION AND UNVEILING OF PHILIP SPELMAN'S REDJAR REDBOTTLE FROM SCULPTURE BY THE SEA (21.00015)

Recommendation: That the information be noted.

Report: Bathurst Regional Art Gallery (BRAG) was the successful inaugural recipient of the NSW Government's Sculpture by the Sea Regional NSW Sculpture Acquisition Program.

The work selected from the 2013 Sculpture by the Sea was *redjar redbottle* by Philip Spelman. The acquisition of this sculpture is part of a plan by Council to create a sculpture walk in the Art Gallery/Library forecourt with the Spelman work an addition to Anne Ferguson's *Pink Rose Bowl* .

The idea of the forecourt at the Art Gallery/Library being used for outdoor sculpture goes back a number of years and was first recommended in the 2003 *Musing Bathurst Plan* .

These two sculptures, by Spelman and Ferguson, add to a growing and impressive permanent sculpture collection that includes works by renowned sculptors Margel and Frank Hinder, Ian McKay, Norma Redpath and Paul Selwood alongside the work of contemporary artists Will Coles and Sean Cordiero and Indigenous artists Jonathan Jones and Danie Mellor.

The sculpture was installed at the Art Gallery Monday, 26 May to coincide with the opening of the exhibition *Heavy Metal: sculpture from the permanent collection* Friday, 6 June.

The official unveiling of *redjar redbottle* was held Friday, 6 June 2014 at 11.00am. 70 people attended the official unveiling by The Honourable Paul Toole MP, Minister for Local Government.

The Deputy Mayor, Cr Ian North representing Bathurst Regional Council spoke at the unveiling and noted that in the 1998 CBD Beautification Scheme heritage adviser, Barbara Hickson had recommended the removal of the Art Gallery/Library wall in order to open the forecourt up to the street. He further noted that Council had allocated funds in the 2014/2015 Management Plan for the upgrade of the Art Gallery/Library forecourt area including the removal of the brick wall onto Keppel Street to allow unencumbered view of Philip Spelman's sculpture *redjar redbottle* .

Also speaking at the unveiling were Philip Spelman and David Handley, the Founding Director of Sculpture by the Sea.

At the conclusion of the ceremony everyone who attended the unveiling was invited into the Art Gallery for light refreshments and to preview the exhibition *Heavy Metal: sculpture from the permanent collection* .

It should be noted that extensive media coverage has been received from the initial announcement of the awarding of the sculpture through to selection and installation of the piece.

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

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 6: To support infrastructure development necessary to enhance Bathurst's life-style and industry development. Strategy 6.3
- Objective 20: To provide a range of cultural facilities, programs, activities and events and to support and enhance cultural and social activities across the community. Strategy 20.1, 20.5, 20.6
- Objective 23: To encourage a supportive and inclusive community. Strategy 23.3, 23.7

MINUTE

35 Item 3 BATHURST REGIONAL ART GALLERY - INSTALLATION AND UNVEILING OF PHILIP SPELMAN'S REDJAR REDBOTTLE FROM SCULPTURE BY THE SEA (21.00015)

MOVED: Cr I North SECONDED: Cr J Jennings

RESOLVED: That the information be noted.

4 BATHURST MEMORIAL ENTERTAINMENT CENTRE - IF THERE WAS A COLOUR DARKER THAN BLACK I'D WEAR IT, 2-7 JUNE 2014 (23.00007)

Recommendation: That the information be noted.

Report: Significant national artistic collaborations across State borders are rare. Significant artistic collaborations across State borders with regional partners are much more rare. Recently the Bathurst Memorial Entertainment Centre (BMEC) was involved in precisely this form of collaboration, which has been noted, discussed and applauded on a national scale.

The project called *If There Was A Colour Darker Than Black I'd Wear It* was performed as part of the BMEC Season from Monday, 2 June 2014 to Saturday, 7 June 2014. It was a collaboration between Country Arts South Australia (CASA), Rising Damp (a South Australian based youth theatre company), Illuminart, one of Australia's leading projection based arts organisations and Bathurst based film makers and performing arts practitioners.

The project was inspired by the need to investigate, explore and address the extremely high rate of teenage suicide in Australia. The show featured a bus that moved audiences through Bathurst to piece together the story of a young man who has disappeared without a trace. The Bathurst project/production marked the conclusion of the Smashed Arts Program, funded by the Federal Department of Health and Ageing to provide performing arts engagement opportunities for young people as an alternative to binge drinking.

The Bathurst interpretation of this project meant that locally based performers, film makers and technicians collaborated with their South Australian counterparts over a six month period to produce a performance project that was the talk of Bathurst, "on the street" in June.

The National funding for this project allowed the opportunity to produce a cutting edge performance project in a regional context. Bathurst is developing a reputation as a leading regional performing arts incubator and creative hub and "Black" has enhanced this national reputation. In part because of such projects the BMEC program of activities was highlighted as one of the leading four national performing arts centre programs at the recent national Australian Performing Arts Centres annual conference in Hobart.

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, 20.2, 20.6

MINUTE

36 Item 4 BATHURST MEMORIAL ENTERTAINMENT CENTRE - IF THERE WAS A COLOUR DARKER THAN BLACK I'D WEAR IT, 2-7 JUNE 2014 (23.00007)

MOVED: Cr J Jennings SECONDED: Cr W Aubin

RESOLVED: That the information be noted.

Yours faithfully



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

POLICY COMMITTEE MEETING

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

1 MINUTES - POLICY COMMITTEE MEETING - 2 JULY 2014 (07.00064)

Recommendation: That the recommendations of the Policy Committee Meeting held on 2 July 2014 be adopted.

Report: The Minutes of the Policy Committee Meeting held 2 July 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

37 Item 1 MINUTES - POLICY COMMITTEE MEETING - 2 JULY 2014 (07.00064)
MOVED: Cr W Aubin SECONDED: Cr I North

RESOLVED: That the recommendations of the Policy Committee Meeting held on 2 July 2014 be adopted.

MINUTES OF THE POLICY COMMITTEE
HELD ON 2 JULY 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 - 4 JUNE 2014 (07.00064)
MOVED Cr M Coote and **SECONDED** Cr B Bourke

RESOLVED: That the Minutes of the Policy Committee Meeting held on 4 June 2014 be adopted.

DECLARATION OF INTEREST

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

RESOLVED: That the Declaration of Interest be noted.

RECEIVE AND DEAL WITH DIRECTORS' REPORTS

Director Corporate Services & Finance's Report

5 Item 1 AMENDMENTS TO COUNCIL'S LAND SALE POLICY (20.00009, 41.00089)
MOVED Cr M Coote and **SECONDED** Cr I North

This is page 1 of Minutes of the Policy Committee held on 2 July 2014.

General Manager

Page 149
Mayor

RESOLVED: That Council approves the amendments to the Land Sale Policy as detailed in the report.

GENERAL BUSINESS

6 SMART PHONE APPLICATION - STREET BUMP (08.00005)

Cr Jennings - advised application available in USA for recording pot holes in road. Asked have Engineers come across this.

The Director Engineering Services spoke to the various applications that are out in the market.

7 Item 2 DRIVE THROUGH COFFEE SHOP - OLD LIQUORLAND SITE (2013/0323)

Cr Jennings - asked where this matter is at.

The Acting Director Environmental, Planning and Building Services advised Council has received an application for property in Charlotte Street. There has been no further action on the old Liquorland site.

8 Item 3 SHOP LOCAL CAMPAIGN (20.00071)

Cr Jennings - advised he is aware that 2BS will be running a Shop Local campaign in the near future. Will probably be looking for Councillors to voice some advertisements.

9 Item 4 COMMUNITY GARDEN (22.02574)

Cr Jennings - asked how will this be run and how will community be engaged.

Cr Bourke noted he will advise of current status when he raises item in General Business.

10 Item 5 OPHIR ROAD BETWEEN WESTBOURNE ROAD, EDGE OF EGLINTON VILLAGE AND DUNKELD TURNOFF (25.00040)

Cr Morse - advised community has expressed concerns about speeding vehicles. Could this be referred to the Traffic Committee. Spoke to road width after Abercrombie House and problems this causes.

11 **Item 6 MOUNT PANORAMA - MEMORIAL WALL (04.00098)**

Cr Westman - asked could Council look at a proposal to put up a low wall where people could put up plaques (commemorative). A fee could be charged for this.

12 **Item 7 YOUTH COUNCIL: BABES AND BOGANS NIGHT (11.00020)**

Cr Coote - understands a request will come in for Council to waive fees. Seeks Council to give favourable consideration.

13 **Item 8 KATH KNOWLES PATHWAY (28.00003)**

Cr Aubin - spoke to problem with dog excrement. Asked are facilities going to be placed out there and could the sweeper be sent weekly to clean up the pathway.

14 **Item 9 MR ARTIS - DURHAM STREET PLANTING (25.00089)**

Cr North - noted a question has been raised by Mr Artis as to the programming of a development plan.

The General Manager noted this matter will be reported back to Council, current resources are being focussed on the Orange and Blayney entrances.

15 **Item 10 2015 SIGNAGE (20.00153)**

Cr North - noted that city signs will come in prior to end of year. Asked when will Sofala signs be installed.

The Acting Director Environmental Planning & Building Services advised will be subject to funds being made available.

16 **Item 11 EMPLOYMENT CONDITIONS (19.00031)**

Cr North - queried conditions of employment of persons employed by tenderers to Council.

The Director Engineering Services noted Council does not control the employment of employees by contractors. Spoke to level of involvement by Council.

17 **Item 12 BUDGET 2014/2015 - STANLEY STREET CARPARK (20.00153)**

Cr North - asked where are we at with a possible carpark in this area.

The Mayor spoke to the need for this, in regards to 2015 celebrations.

The Director Corporate Services & Finance noted no funds yet available. If they become available a report will come back to Council.

18 **Item 13 ACCESS COMMITTEE - SEATS IN MACHATTIE PARK (04.00012)**

Cr North - advised concerns have been expressed about accessible seats. Cr North will forward a letter to Council on this from the Access Committee.

The Director Engineering Services spoke to heritage issues in the park. Currently looking at seating in the area.

19 **Item 14 PARKING STATION, MULTI-STOREY (20.00090)**

Cr North - requested Council not to sit on this. Would like Council to see if there are any developers out there who may be interested in constructing a carpark.

20 **Item 15 BMEC - HONOURING IAN MACINTOSH (04.00032)**

Cr Bourke - asked where is this matter and also the Ivan Stibbard acknowledgement at.

The Director Corporate Services & Finance provided advice on the status of these two matters.

21 **Item 16 GO-KART TRACK - ALEC LAMBERTON FIELD (2014/0146)**

Cr Bourke - asked have we had any more detail on this matter.

The Acting Director Environmental, Planning & Building Services advised not at this time.

22 **Item 17 COMMUNITY GARDEN (22.02574)**

Cr Bourke - gave an update on the Community Garden - water has been connected. Ground has been cleared of blackberries. Starting to level off the ground. This is to be a local garden, for local people. Have a number of volunteers and businesses in place assisting with the development of the garden.

MEETING CLOSE

23 **MEETING CLOSE**

The Meeting closed at 6.21 pm.

CHAIRMAN: _____

Date: _____ **(16 July 2014)**

TRAFFIC COMMITTEE MEETING

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

1 MINUTES - TRAFFIC COMMITTEE MEETING 1 JULY 2014 (07.00006)

Recommendation: That the recommendations of the Traffic Committee Meeting held on 1 July 2014 be adopted.

Report: The Minutes of the Traffic Committee Meeting held 1 July 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

38 **Item 1 MINUTES - TRAFFIC COMMITTEE MEETING 1 JULY 2014 (07.00006)**
MOVED: Cr W Aubin SECONDED: Cr G Hanger

RESOLVED: That the recommendations of the Traffic Committee Meeting held on 1 July 2014 be adopted.

MINUTES OF THE TRAFFIC COMMITTEE
HELD ON 1 JULY 2014

MEETING COMMENCES

1 MEETING COMMENCES 2:00 PM

Members: Cr Warren Aubin (Chair), Sargeant Peter Foran (Police), Jackie Barry (Roads and Maritime Services), David Veness (MP Representative).

Present: Bernard Drum (Acting Manager Technical Services), Paul Kendrick (Traffic & Design Engineer).

APOLOGIES

2 APOLOGIES

Nil

REPORT OF PREVIOUS MEETING

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

That the Minutes of the Traffic Committee Meeting held on 3 June 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 3 JUNE 2014 (07.00006)

That the information be noted and necessary actions be taken.

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

That the information be noted.

7 Item 3 PROPOSED CHANGES TO BUS ZONE - KEPPEL STREET BATHURST (25.00039)

That Council approve a split time zone incorporating Bus Zone Monday to Saturday and 45 degree rear to kerb parking Sundays at the front of Bathurst Library within the existing Bus Zone.

8 Item 4 ST PHILOMENA'S PRIMARY SCHOOL – BUS BAY (25.00022-02/040)

For the Traffic Committee's information.

9 Item 5 BATHURST LIGHT CAR CLUB SPORTS CLASSIC DEVELOPMENT SERIES RALLY 2014 (23.00015-07/077)

That Council classify the Bathurst Light Car Club Sports Classic Development Series, to be held on 27 September, 2014 as a Class 2 event, and the event be approved subject to conditions as detailed in the Director Engineering Services' Report.

10 Item 6 BATHURST EDGELL JOG 2014 (23.00130/071)

That Council classifies the Bathurst Edgell Jog to be held on Sunday 7 September 2014 as a Class 1 event, and approve the event subject to conditions as detailed in the Director Engineering Services' Report.

TRAFFIC REGISTER

11 Item 1 TRAFFIC REGISTER (07.00006)

That the information be noted.

MEETING CLOSE

12 MEETING CLOSE

The Meeting closed at 2.33pm.

NOTICES OF MOTION AND MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

1 NOTICE OF MOTION - CR JENNINGS (11.00004, 09.00032)

Recommendation: Moved by Cr Jennings:

That Council:

- (a) Understand the fundamental importance of Section 18C of the Racial Discrimination Act 1975.
- (b) Recognises that Section 18C provides protection to individuals from offensive behaviour because of race, colour, national, or ethnic origin.
- (c) Urges all levels of Government to combat bigotry at every opportunity.
- (d) Requests, in writing, that the Federal Attorney General withdraw the Draft Exposure Amendment to the Racial Discrimination Act.

Report: Notice is hereby given:

That Council:

- (a) Understand the fundamental importance of Section 18C of the Racial Discrimination Act 1975.
- (b) Recognises that Section 18C provides protection to individuals from offensive behaviour because of race, colour, national, or ethnic origin.
- (c) Urges all levels of Government to combat bigotry at every opportunity.
- (d) Requests, in writing, that the Federal Attorney General withdraw the Draft Exposure Amendment to the Racial Discrimination Act.

Preamble:

The Racial Discrimination Act (RDA) was enacted in 1975 in a show of Parliamentary bipartisanship and in response to the 1965 adoption by the United Nations of the International Convention on the Elimination of All Forms of Racial Discrimination. The objective of this law not only makes racial discrimination unlawful in Australia, it was established to protect Australians from being treated unfairly because of their race, colour, descent, national or ethnic origin. The RDA upholds key Australian Values including "...a spirit of egalitarianism that embraces fair play, mutual respect, tolerance, compassion for those in need and pursuit of the public good." (Commonwealth of Australia, 2007: 1).

On the 25 March 2014, Attorney General Brandis, released a draft Bill revealing proposed amendments to the RDA, most notably the repeal of 18B, 18C, 18D, 18E of the act to be replaced by a weakened section that will water down the key provisions of the RDA. The key tension at the heart of this change is the perceived 'unreasonable limits' the RDA places on freedom of speech. The Australian Parliament received over 5,500 submissions from interested parties in regards to this proposed amendment, many highly critical of the watering down of one of the cornerstone laws in Australia. For example, St Vincent de Paul Society wrote "The new test privileges the freedom to abuse over the right to live in freedom from racial abuse. It also sends a dangerously regressive signal regarding the devaluing of multiculturalism, respect and diversity at a time when both the First Peoples and the most recently arrived asylum seekers face structural and historical injustice. This is

unacceptable.” (2014: 1).

Privileging rights of citizenship over the responsibilities of Australian citizenship actively works against the Australian Values we all hold dear. Bathurst (and its surrounding region) is a successfully multicultural city that values the contributions of our diverse racial, cultural, religious, national and ethnic community members. The Bathurst Regional Council area is a harmonious multicultural community and Bathurst Regional Council is committed to ensuring that it remains that way. While freedom of speech is very strongly supported, it is not completely unlimited free speech and people should not vilify others on the basis of their race, colour, descent, national or ethnic origin.

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 21: To support the provision of community services and facilities to meet the needs of specific community sectors and the community as a whole. Strategy 21.3
- Objective 23: To encourage a supportive and inclusive community. Strategy 23.5
- Objective 23: To encourage a supportive and inclusive community. Strategy 23.8
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.4
- Objective 33: To be and develop good leaders. Strategy 33.4

MINUTE

39 Item 1 NOTICE OF MOTION - CR JENNINGS (11.00004, 09.00032)
MOVED: Cr J Jennings SECONDED: Cr I North

The **MOTION** was **MOVED**

That Council:

- (a) Understand the fundamental importance of Section 18C of the Racial Discrimination Act 1975.
- (b) Recognises that Section 18C provides protection to individuals from offensive behaviour because of race, colour, national, or ethnic origin.
- (c) Urges all levels of Government to combat bigotry at every opportunity.
- (d) Requests, in writing, that the Federal Attorney General withdraw the Draft Exposure Amendment to the Racial Discrimination Act.

MINUTE

40 **Item 1.01 EXTENSION OF TIME (11.00004, 09.00032)**
MOVED: Cr G Hanger SECONDED: Cr I North

RESOLVED: That an extension of time be granted for Cr Jennings to talk on the topic

MINUTE

41 Item 1.02 NOTICE OF MOTION - CR JENNINGS (11.00004, 09.00032)
MOVED: Cr M Morse SECONDED: Cr I North

The following AMENDMENT was MOVED

That Council reaffirms its existing policies in opposing Racial Discrimination.

Cr Bourke gave notice of a foreshadowed amendment

The AMENDMENT was PUT and CARRIED.

Cr Bourke advised that he would withdraw his intention to move an amendment.

The AMENDMENT then became the MOTION.

The MOTION was then PUT and CARRIED.

DELEGATES REPORTS AND MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

16 JULY 2014

1 CENTROC BOARD MEETING - 29 MAY 2014 (07.00017-28)

Recommendation: That the report on the Centroc Board Meeting held 29 May 2014 in Parliament House, Sydney be noted.

Report: The Centroc Board meeting was recently held at Parliament House Macquarie St Sydney. The meeting had two main components, a Round Table with Ministers and the quarterly General Meeting of the Centroc Board.

Round table with State Ministers

Andrew Gee's office co-ordinated the meeting at Parliament house, giving Board members direct access to Ministers throughout the day. Those in attendance were, Andrew Gee MP, The Hon Andrew Stoner Deputy Premier, Troy Grant Minister for Hospitality, Gaming and Racing and Minister for Arts, The Hon Gladys Berejiklian, Minister for Transport, The Hon Duncan Gay Minister for Roads and Freight, Mr Richard Pearson, Deputy Secretary, Growth Planning and Delivery, Mr Marcus Ray, Executive Director, Planning Reform and General Counsel, The Hon Melinda Pavey, Parliamentary Secretary for Regional and Rural Health, The Hon Kevin Humphries Minister for Natural Resources, Lands and Water, The Hon Katrina Hodgkinson Minister for Primary Industries and the Hon Paul Toole Minister for Local Government.

The Hon Andrew Stoner Officially opened the Board meeting, where he updated the board on RDA resourcing, Decentralisation policy implementation, the Mobile Blackspot program and the Food and Fibre Plan for Central NSW.

The Hon Paul Toole, a recent delegate to the Centroc Board and now Minister for Local Government closed the meeting providing advice on Local Government reforms.

The various round tables with Ministers led to the following:

Issue	Action
Water for Regions	Centroc watch budget for possible funding
Funding for components of Bells line of Road	Centroc watch budget for possible funding
Mobile Blackspot program	Follow-up by Centroc to advocate for State leveraging of the program
Regional Industries Investment Fund	Available for industry support
Resources for Regions	Centroc watch budget for possible funding
Agricultural Industry Strategy	Report to be released – Centroc to monitor
Library's funding	Centroc watch budget for possible funding

\$43m for 7 overtaking Lanes on Bells Line	To be completed by Dec 2015
\$5m for corridor procurement	Meeting arranged with designers in Bathurst in the near future 2-4 years to develop with Ministry pushing for 2 years
Fixing Country Roads fund	Centroc watch budget for possible funding
Rural Health Plan	Submissions due by 9 June – Centroc to lodge submission
Increased Water storage in the region (eg Needles)	Centroc watch budget for possible funding “Spot On” for Centroc spot at the table in the process
Western Roads Plan	Centroc watch budget for possible funding
Centroc Food and Fibre Action Plan	Follow up on Support committed by Minister Hodgkinson
Impact of freezing FAG increases & pensioner rebate	Write to federal member – data will be required from Centroc Councils
Regional Tourism Organisations	Funding is assured
KSA	Regional slots are assured
Resources for mining related lgas	Widening of number of eligible Councils
Range Road at Meadow Flat	Minister committed to follow-up
Lachlan Valley Way	\$4m overtaking lanes budget issue - Minister committed to follow-up
Draft regional Growth Boundaries	Coming soon – seeking feedback
Dept of Planning	Minister has indicated a consultative approach
Health Planning in Western NSW	An opportunity for better integration
Beyond the Range	The Hon Melinda Pavey welcomes briefing

Centroc Board meeting – key decisions and reports

ROC's in NSW

The NSW Government is expected to publish its response to the reports from the Independent Panel and the Acts Taskforce having given consideration to the submissions from Local Government across NSW. It is anticipated that this response will include advice regarding piloting improved models for Councils to work together with State Government at the regional level. The Board subsequently resolved to have an open and transparent process developing advice across the State regarding the progression of regional collaboration between Councils.

Water Security

The Board continues its advocacy to seek advice and funding on a review of the Centroc Water Security Study, with an inclusion of a proper assessment of the Needles Gap Dam in concert with the Lake Rowlands and Carcoar dam elements for urban water security in the Centroc Region. It is understood that State Water have sought monies from Treasury in this regard and Centroc is keen to have representation in this process to ensure the needs of urban water security.

Further funding is available under the *Restart NSW Water Security for Regions 2013-2014*, for urgent water security infrastructure with the current severe drought conditions. Centroc is providing support to eligible members.

Transport Infrastructure

The Executive of Centroc and OROC met with The Hon Duncan Gay, 28 May, advice from this meeting was provided to the Board including that a brief updating the securing of the Corridor between Kurrajong and the M7 will be provided in the near future.

The Board also endorsed a Submission on the Regional Aviation Services and will lodge a submission on the Newell Highway.

Health

Advice was provided regarding the progression of meetings around the region with the development of content to be used for marketing and promotional purposes to attract health workforce as part of the Beyond the Range campaign. This process is almost complete and a Health event involving the Centroc Health Workforce Group will be organised for July.

The Board also adopted a MOU with Western Medicare Local.

Regional Development

Given the renewal of interest in agriculture at the Federal level, scoping of a strategic approach to supporting the food and fibre industries in this region was commended. In the first instance, discussion with other regional peak bodies such as Trade and Industry both at the State and Federal levels along with RDA will be undertaken.

This was supported by The Hon Katrina Hodgkinson, Minister for Primary Industry.

Member Council operational support

Noting the substantial amount of activity being undertaken collaboratively in support of member operations, this includes savings of \$2,914,431 through the Compliance and cost savings Program.

The Board approved the Final Report to the Department of Industry and congratulates the Centroc staff for the completion of the Community Energy Efficiency Program (CEEP). It was noted that Centroc was the only successful regional applicant to this program in the nation and the quality of the final report was important for information for both members and the Federal Government.

Financial Implications: Councils involvement in CENTROC is provided for within existing budget allocations.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

42 Item 1 CENTROC BOARD MEETING - 29 MAY 2014 (07.00017-28)
MOVED: Cr M Morse SECONDED: Cr I North

RESOLVED: That the report on the Centroc Board Meeting held 29 May 2014 in Parliament House, Sydney be noted.

2 COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 11 JUNE 2014 (11.00019)

Recommendation: That the information be noted.

Report: **Present:** Crs Rush (Chair), Aubin, Bourke, Coote, Morse, North, Westman.

Apologies: Crs Hanger, Jennings.

1. BATHURST GAOL (22.04446)

Bill Fittler, General Manager of Bathurst Correctional Centre provided an update for Council on the operations of the Bathurst Correctional Complex.

Topics discussed included:

- Structural changes in the Department of Corrective Services over the last 12 months.
- Currently there are 659 male and female inmates.
- Remand prisoners at Bathurst. So there is a large turnover, approximately 13,000 last year.
- 188 minimum security (end of term prisoners) attending programs to rehabilitate and undertaking community service.
- Budget is \$26 million.
- A new women's facility and security room constructed last year.
- Food service - 13,000 meals produced and then distributed back through corrections system.
- Technology and textile units - making hospital gowns.
- Working with Family History Group and other community services at cemetery restoring headstones.
- Drug and alcohol training conducted.
- "Dogs for Diggers" program - training dogs for returned serviceman. Currently 8 dogs in program.

2. CENTRAL TABLELANDS ROWING CLUB (32.00005)

Lawrence Outim and Phil LeBreton from the Central Tablelands Rowing Club attended the meeting to discuss the current and future activities and plans for the club along with their request for Council to consider a new location for the storage of their rowing boats.

Matters discussed included:

- DA put in after last meeting 15m x 9m signed off (4 rowers only at time).
- Now have 12 rowers (20 members) and therefore needed bigger racks and area 20m x 15m with two racks. 8 person boat is 19m long.
- Asked for advice as to what solution Council may have in terms of a new building, given flood areas etc. Would like it near the water to save carrying instead of cabins.
- **Financial Implications:** Nil.
- **Bathurst 2036 Community Strategic Plan - Objectives and Strategies**
- Objective 23: To encourage a supportive and inclusive Strategy 23.3

community.

- 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

**43 Item 2 COUNCILLORS MEETING WITH COMMUNITY
GROUPS/REPRESENTATIVES - 11 JUNE 2014 (11.00019)**

MOVED: Cr M Coote SECONDED: Cr W Aubin

RESOLVED: That the information be noted.

3 COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 25 JUNE 2014 (11.00019)

Recommendation: That the information be noted.

Report: **Present:** Crs Rush (Chair), Aubin, Bourke, Coote, Hanger, Jennings, North, Westman.

Apologies: Cr Morse

1. SIMPLOT (22.01698)

Ivan England and Silvio Tenci from Simplot attended the meeting to bring Council up to date with the proposed projects and Simplot's current operations.

Future Operations

- Discussed future operational requirements.
- Volume loads into the future.
- Staffing needs/levels.
- Negotiating new EBA.
- Maintaining the regions growers base.

2014 Corn Season

- Plant variety changes - gives a greater operating window.

Ongoing Investment

- Proposed \$8.9 million over next 3 years.
- \$7 million major component is the freezer replacement.

Challenges

- Gas prices 25%

Full Can Wash Project

- New design from Echuca plant utilises 10% new water, rest recycled.
- Installation 16 August - production 8 September.

	Old	New
Water Usage	4,212,000 L	421,200 L
Energy Use	1,000 GJ	312 GJ

Also looking at rainwater harvesting for toilets etc. off canteen and amenities blocks (small area to pilot).

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

**44 Item 3 COUNCILLORS MEETING WITH COMMUNITY
GROUPS/REPRESENTATIVES - 25 JUNE 2014 (11.00019)**

MOVED: Cr M Coote SECONDED: Cr I North

RESOLVED: That the information be noted.

4 MINUTES - BATHURST REGIONAL YOUTH COUNCIL - 24 JUNE 2014 (11.00020)

Recommendation: That the information be noted.

Report: MINUTES OF BATHURST REGIONAL YOUTH COUNCIL MEETING HELD IN COUNCIL CHAMBERS ON TUESDAY, 24 JUNE 2014

PRESENT: Cr Michael Coote, Jayne Dwyer, Gerard O'Shea, Cameron Jones, Dom Mjadwesch, Brendan Thorpe, Cody Channing, Ben McGrath, Sophie Ireland, Geordie Mulholland, Nicholas Forbutt, Emily Behan, Emily O'Shea, Keegan Bringolf

IN ATTENDANCE: Megan Bargwana (Community Development Officer- Youth)

1. APOLOGIES

RESOLVED that apologies from Tom Nobes, Cassie Talbot, Zac Baker and Jenny Parsons be accepted

2. ADOPTION OF PREVIOUS MINUTES

RESOLVED that the minutes of the meeting held 13 May 2014 be accepted.

Moved: Nick Forbutt
Seconded: Brendan Thorpe

3. BUSINESS ARISING FROM PREVIOUS MINUTES

There was no business arising from the previous minutes.

4. YOUTH COUNCIL NEXT PROJECT

The following matters were discussed in relation to the next project for Youth Council:

- Final decision after consultation with peers as to what to proceed with for the next project was to hold a dance party.
- Date to be Saturday 9 August with venue to be BMEC.
- Letter has been sent to Council to consider waiving BMEC fees for the event.
- Options for theme were discussed- Group agreed on "Babes and Bogans".
- Event time to be 7.00-10.00pm, doors open at 6.45pm and no entry after 7.00pm.
- Decoration ideas discussed: Bogan- flannelette shirts hanging, thongs, car racing items (Events team may have items the Youth Council can use), Australia Day items (flags), blue singlets. Babe- pink, sparkly, tacky, tan, barbie, blonde.
- "Chillout" zone- perhaps hay bales on tarps to sit on, back end of a ute to set up -Keegan and Emma to follow up, and large coloured pillows to be used again. Would be good to use conference rooms for this area and have area partially closed off. This would allow for people to chat without full noise impact from DJ. Some suggestions to have music videos playing, some photos of past events.
- Red carpet on way in- Dom to follow-up possibly borrowing one from Stannies. Also a "paparazzi" type set up at entry discussed.
- Keen to have Photobooth in foyer area.
- Discussion about food. Possibility of having some lolly bags and party pies/sausage rolls in "Chill-out" zone. Maybe TAFE hospitality students could assist. Agreed did not

- want to have “Red Frog crew” attend as more directed towards over 18 events.
- Mocktails over bar to be supplied as part of Party Safe Initiative- Megan to enquire
- Water stations set up as per past events.
- Cloak room to be set up as per last event. This worked well with the ticketing system and BMEC staff to assist.
- Discussion to ask if headspace would attend with hazard goggles activity- Sophie to follow up.
- Kelso High and Bathurst High students to follow up with members of “Enigma Crew” to see if they would be interested in being involved.
- DJ options were discussed- as a way of saving money, Gerard offered to do this. He will follow up with another Stannies student (Sean McDonald).
- Group agreed they did not want to create an event banner this year.
- Sophie to draft promotional poster and email to group for feedback prior to next meeting.

5. GENERAL BUSINESS

5.1 Emma Farr - Bathurst High play - Bathurst High will be staging a play at the end of the year- name still to be determined

5.2 Cameron Jones - Bathurst Arts Council - Difficulty with Arts Council securing entries in teenage competitions. Request for assistance from Youth Council to help promote when they run these competitions. Group happy to assist.

5.3 Megan Bargwanna - Youth Council Health campaign - Discussion about the need to start considering this concept. Group are aiming at October for project. Laura’s idea of “Look Up” campaign was discussed. Megan to contact headspace Youth Reference Group to see if Jayne, Cody, Emily B and Megan may attend their next meeting to be held 2 July at 5.15pm.

5.4 Jayne Dwyer - Refugee group - The group Jayne has been attending at Stannies will soon be holding an event to raise awareness of issues facing refugees. The group are working towards writing letters to refugees in camps. The event will be held at Stannies in the PAC building, date to be confirmed. The event will include trivia and guest speakers.

5.5 Keegan Bringolf and Ben McGrath - Keegan and Ben reported that the recent Buddy Holly and Summer Rain productions at Stannies and Scots were successful.

6. NEXT MEETING

The next meeting will be held on Tuesday, 9 September 2014 at 11.15am.

7. MEETING CLOSURE

There being no further business, the meeting closed at 12.53 pm.

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

45 Item 4 MINUTES - BATHURST REGIONAL YOUTH COUNCIL - 24 JUNE 2014
(11.00020)

MOVED: Cr M Coote SECONDED: Cr J Jennings

RESOLVED: That the information be noted.

**5 2015 BICENTENARY CELEBRATIONS COMMITTEE MEETING - 1 JULY 2014
(20.00153)**

Recommendation: That the recommendations of the 2015 Bicentenary Celebrations Committee held on 1 July 2014 be adopted.

Report: The Minutes of the 2015 Bicentenary Celebrations Committee held on 1 July 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

46 Item 5 2015 BICENTENARY CELEBRATIONS COMMITTEE MEETING - 1 JULY 2014 (20.00153)

MOVED: Cr I North SECONDED: Cr M Morse

RESOLVED: That the recommendations of the 2015 Bicentenary Celebrations Committee held on 1 July 2014 be adopted.

MINUTE

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

MOVED: Cr I North SECONDED: Cr W Aubin

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

There were no representations from the public.

RESOLVED: That:

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

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

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	BACKUP/ARCHIVING & DISASTER RECOVERY SOLUTION	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	EXPRESSION OF INTEREST - LOTS 2, 10 AND 11 DP224864 LOCATED AT BEN CHIFLEY DAM	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 SUBDIVISION AND SUBSEQUENT SALE OF LAND - LOT 202 DP1074567 HAMPDEN PARK ROAD KELSO INDUSTRIAL PARK - B.A.E.C. ELECTRICAL	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.
4	EXPRESSION OF INTEREST - VACANT LAND KNOWN AS 51 STEPHENS LANE KELSO (LOT 1 DP716930)	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	RURAL LICENCE AGREEMENT - LOT 2 AND LOT 3 DP1115543 KNOWN AS 57A CHURCH LANE KELSO - ORZLOWSKI	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 SUPPLY AND DELIVERY OF WATER TREATMENT CHEMICALS	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	WINDRADYNE RESIDENTIAL ESTATE STAGE 1000 CIVIL WORKS	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

*** GENERAL MANAGER'S REPORT**

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

DIRECTOR CORPORATE SERVICES & FINANCE'S CONFIDENTIAL MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

16 JULY 2014

MINUTE

- a Item 1 BACKUP/ARCHIVING & DISASTER RECOVERY SOLUTION (36.00519)
MOVED: Cr I North SECONDED: Cr M Morse

That Council accept the tender from Computer Systems Australia for \$199,381.00 (inc GST) as detailed in this report.

MINUTE

b Item 2 EXPRESSION OF INTEREST - LOTS 2, 10 AND 11 DP224864 LOCATED AT BEN CHIFLEY DAM (32.00005)

MOVED: Cr B Bourke SECONDED: Cr M Coote

That Council approves entering into a new Rural Licence agreement for Lot 2 DP224864 (paddocks 3, 4 and 5) and Lots 10 and 11 DP224864 (paddocks 6, 7 and 8) located at Ben Chifley Dam with Messrs Stephen and Daniel Owens for a period of three (3) years as detailed in the report.

MINUTE

**c Item 3 PROPOSED SUBDIVISION AND SUBSEQUENT SALE OF LAND - LOT 202
DP1074567 HAMPDEN PARK ROAD KELSO INDUSTRIAL PARK - B.A.E.C. ELECTRICAL
(22.15200)**

MOVED: Cr M Coote SECONDED: Cr W Aubin

That Council act in accordance with the report.

MINUTE

**d Item 4 EXPRESSION OF INTEREST - VACANT LAND KNOWN AS 51 STEPHENS LANE
KELSO (LOT 1 DP716930) (21.00022)**

MOVED: Cr M Coote SECONDED: Cr I North

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

MINUTE

**e Item 5 RURAL LICENCE AGREEMENT - LOT 2 AND LOT 3 DP1115543 KNOWN AS
57A CHURCH LANE KELSO - ORZLOWSKI (22.00487)
MOVED: Cr M Coote SECONDED: Cr I North**

That Council approves entering into a new Rural Licence Agreement with Mrs Orzlowski for Lot 2 and Lot 3 in DP1115543 known as 57A Church Lane, Kelso for a period of two (2) years as detailed in the report.

DIRECTOR ENGINEERING SERVICES' CONFIDENTIAL MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

16 JULY 2014

MINUTE

f Item 1 TENDER FOR SUPPLY AND DELIVERY OF WATER TREATMENT CHEMICALS
(36.00520)

MOVED: Cr I North SECONDED: Cr M Coote

That Council accept the following tenders for the supply and delivery of Water Treatment Chemicals for the 2014/2016 financial years -

- (a) Chemprod Nominees Pty Ltd t/a Omega Chemicals for liquid aluminium sulphate, and
- (b) Redox Pty Ltd for soda ash.

MINUTE

- g** Item 2 WINDRADYNE RESIDENTIAL ESTATE STAGE 1000 CIVIL WORKS (36.00514)
MOVED: Cr M Coote SECONDED: Cr W Aubin

That Council accepts the tender of Hynash Constructions Pty Ltd, for the construction of Civil Works at Windradyne Residential Estate Stage 1000, in the amount of \$4,529,545.00 (inc GST), subject to adjustments and provisional items.

GENERAL MANAGER'S CONFIDENTIAL MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

16 JULY 2014

MINUTE

- h Item 1 HONORARY CITIZENSHIP OF BATHURST (23.00132)
MOVED: Cr M Coote SECONDED: Cr I North

RESOLVED: That Council act in accordance with the report.

MINUTE

- i **Item 2 CHARLES STURT UNIVERSITY (22.00531-06, 22.03298 & 18.00051-04)**
MOVED: Cr M Coote SECONDED: Cr I North

RESOLVED: That Council act in accordance with the report.

MINUTE

48 RESOLVE INTO OPEN COUNCIL
MOVED: Cr M Coote SECONDED: Cr W Aubin

RESOLVED: That Council resume Open Council.

MINUTE

- 49 ADOPT REPORT OF THE COMMITTEE OF THE WHOLE
MOVED: Cr W Aubin SECONDED: Cr M Coote

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

MINUTE

50 MEETING CLOSE

The Meeting closed at 8.25 pm.

CHAIRMAN: _____

Date: _____ **(20 August 2014)**