



ORDINARY MEETING OF  
BATHURST REGIONAL COUNCIL

10 July 2013

Her Worship the Mayor & Councillors

**Notice of Ordinary Meeting of Bathurst Regional Council - Wednesday, 17 July 2013**

I have to advise that an **Ordinary Meeting** of Bathurst Regional Council will be held in the Council Chambers on Wednesday, 17 July 2013 commencing at 6.00 pm.

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

A handwritten signature in black 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, 17 JULY 2013**

**1. 6:00 PM - MEETING COMMENCES**

**2. PUBLIC QUESTION TIME**

**3. PRAYER**

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

**4. APOLOGIES**

**5. MINUTES**

\* MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 19 JUNE 2013

**6. DECLARATION OF INTEREST**

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

**7. MAYORAL MINUTE - 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 - 3 JULY 2013

\* MINUTES - TRAFFIC COMMITTEE MEETING - 2 JULY 2013

**10. NOTICES OF MOTION - Nil**

**11. RESCISSION MOTIONS - Nil**

**12. DELEGATES REPORTS**

\* COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 12 JUNE 2013

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

**Recommendation:** That:

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

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

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

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

| ITEM | SUBJECT   | REASON FOR CONFIDENTIALITY  |
|------|---|---|
| 1    | RENEWAL OF LICENCE AGREEMENT - LOT 1 DP749758 CONROD STRAIGHT MT PANORAMA AND LOT 117 DP750357 COLLEGE ROAD, BATHURST - IRELAND | 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 - LOT 1 DP623416 AND LOT 4 DP845477 ZANTE LANE, BATHURST.  | 10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who              |

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|   |   | supplied it.  |
| 3 | PROPOSED SALE OF PROPERTY - LOT 1 DP995189 DURHAM STREET, BATHURST  | 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 | PROPOSED NEW LEASE AGREEMENTS WITH NBN CO. LTD - 230 HOWICK STREET, BATHURST (PART LOT 1 DP774489), WATER RESERVOIR RAGLAN (PART LOT 211 DP748686), WATER RESERVOIR, PRINCE STREET PERTHVILLE (PART LOT 1 DP857402) | 10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.                                 |
| 5 | PROPOSED NEW LEASE - LOT 193 DP821845 CHRISTIE STREET RAGLAN - KNOWN AS THE OLD RAGLAN SCHOOL HALL  | 10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.                                 |
| 6 | RENEWAL OF RESIDENTIAL TENANCY AGREEMENT - LOT 127 DP249576 KNOWN AS 12 WHITEMAN PLACE BATHURST   | 10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who  |

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|    |   | supplied it.  |
| 7  | 2013 BATHURST 12 HOUR - AUDITOR'S REPORT                        | 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  | 2013 BATHURST MOTOR FESTIVAL - AUDITOR'S REPORT                 | 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 CITY COMMUNITY CLUB | 10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it. |
| 10 | BATHURST GO-KART RACING TRACK                                   | 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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| 11 | PROPOSED HEAD OFFICE BUILDING - PANORAMA AVENUE | 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 ASPHALTIC CONCRETE RESURFACING OF THE MOUNT PANORAMA RACING CIRCUIT           | 10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it. |
| 2    | TENDER FOR CONSTRUCTION OF AMENITIES BLOCK AT GEORGE AND CUBIS PARKS                     | 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 COMPULSORY ACQUISITION, PART LOTS 4 AND 5, DP847225 - 197 LIMEKILNS ROAD, KELSO | 10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the  |

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|   |   | public interest as it would prejudice the commercial position of the person who supplied it.  |
| 4 | PROPOSED CREATION OF EASEMENTS BENEFITING COUNCIL, GREAT WESTERN HIGHWAY, 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. |

**14. RESOLVE INTO OPEN COUNCIL**

**15. ADOPT REPORT OF THE COMMITTEE OF THE WHOLE**

**16. MEETING CLOSE**

## MINUTE

### 1 MEETING COMMENCES

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



## MINUTE

### 2 PUBLIC QUESTION TIME

**E Reeling** – Cheriton DA - DEPBS Item #4 - on behalf of grandparents wishes to object to the development. Spoke to previous history of additions to Cheriton Aged Care Facility. Concerns about safety, noise pollution and theft particularly with removal of existing fences. The development will also mean loss of privacy, visual amenity and issues with cars/vehicles accessing the site. The additional traffic will impact Mrs Knight's property and this does not seem to have been taken into account. The best solution is no road to be put in at 210 Stewart Street.

**B Hogg** - Cheriton DA - DEPBS Item #4 - spoke in favour of the development, has lived many years at 210 Stewart Street. Considers traffic safety is better than it has ever been. Spoke to traffic counts in the area and accommodation to be provided.

**B Shute** - owner 205 Stewart Street - Cheriton DA - DEPBS Item #4 - spoke against the development. Considers little consultation has occurred with residents by Cheriton. The site works proposed are an over development. Location of Men's Shed is a problem as it is adjacent to grassed area in front of Mr Shute's carport and is being built on the boundary line. Referred to vision problems for traffic at Stewart Street and potential for vehicle crashes. Spoke to security problems. Also raised concerns with trees and leaves that will block up or cause problems to storm water and water pipelines.

**T Howard** - Snap Fitness Australia DA - DEPBS #5 - spoke to services provided by the Snap Group. Seeks approval of the DA by Council. The use of the facility will improve security in the area. This is the 41st regional club in Australia by Snap Fitness. Detailed financial involvement in the area; use of local trades people and support for community groups.

**J Sjollem** - Land Ballot System - expressed concern at land ballot system. Feels should be one number per person. Felt lack of scrutiny, referred to ACT system as a better option.

**B Triming** - CCTV - spoke of history in security and loss prevention. Spoke about reports in the press about ongoing costs of monitoring CCTV, queried costs given. Noted figures from Ipswich that were referred to, and Ipswich's program targets and current costs. Noted crime prevention issues around CCTV. Also referred to Lismore and Orange programs. Feels Bathurst report is wrong.

#### **P Dowling** - Ratepayer

**CCTV** - stated Mr Triming has covered CCTV well. Businesses can buy equipment from Dick Smith for under \$1000. Problems starts at the hotels, a lot of this has got to go back to the hoteliers.

**Green Bins** - Orange has theirs. Mr Dowling is against anyone imposing a service and cost on someone if they don't use it. Objects to green bins, only those who want and use should be charged. Don't impose these bins on people.

**D Mather** - Cheriton DA - DEPBS Item #4 - Architect for the development. Spoke to the DA and sought approval by Council. Noted; location benefits, project meets SEPP guidelines, meets Heritage requirements (noted changes implemented). Men's Shed is mainly a social

activity. This could potentially be deleted. Will work to solve as many of Mrs Knight's problems as possible including; a fence as required by Mrs Knight, automatic gates at entrance to be closed at night meaning better security for Cheriton and residents, CCTV will go into entrance structure, will do detailed assessment of Mrs Knight's property before and after works and make good any damage, will relocate portion of parking area and relocate mail boxes. Will look at landscaping and waste management services.

**S Bathgate** - Cheriton DA - DEPBS Item #4 - spoke to demolition of two heritage buildings in this development. There is very little difference in this proposal to the previous one refused by Council. Spoke to safety issues and Mrs Knight's concerns. Traffic issues are a problem, as well as privacy. Feels developer did not consult with residents or other interested parties. This should have happened last year before the DA was lodged so a better result could be achieved. Asked Council to refuse the DA.

**B Manning** - Resident/Ratepayer - has had a problem with Council about a DA that was not advised to her. Spoke to issues of setbacks and problems she has experienced with Council.

**P Shute** - Resident, 205 Piper Street - Cheriton DA - DEPBS Item #4 - has made a submission to Council on the development. Main concerns are proposed Men's Shed, driveway etc, will impact on his life. The Men's Shed will become a defacto factory. Concerns at demolition of buildings and asbestos issues. Traffic movements are a problem, over 100 per day. This is a heritage residential block, there are more appropriate sites in the CBD. Cheriton has outgrown this site

**MINUTE**

**3     APOLOGIES**

Nil

**MINUTES**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

17 JULY 2013

**1 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 19 JUNE 2013 (11.00005)**

**Recommendation:** That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 19 June 2013 be adopted.

**Report:** The Minutes of the Ordinary Meeting of Bathurst Regional Council held 19 June 2013, are attached.

**Financial Implications:** N/A

**Bathurst 2036 Community Strategic Plan - Objectives and Strategies**

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

**MINUTE**

**4 Item 1 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL**  
**- 19 JUNE 2013 (11.00005)**

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

**RESOLVED:** That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 19 June 2013 be adopted.

**MINUTES OF THE ORDINARY MEETING OF BATHURST REGIONAL COUNCIL**  
**HELD ON 19 JUNE 2013**

**MEETING COMMENCES**

**1 MEETING COMMENCES 6:00 PM**

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

**PUBLIC QUESTION TIME**

**2 PUBLIC QUESTION TIME**

**G Fry – Ratepayer - Water Rate Increase**

Opposes proposed increase in water charges. Referred to rate per kilolitre being charged. The increase should not be over the rate pegged limit. Noted reserve transfer levels shown in budget and current cash holdings of Council and property sales. Referred to salary levels of employees.

**B Manning - Closure of Council Meetings**

Spoke to closure of Council Meetings and Director General Guidelines issued in April 2013.

**G Crisp - Ratepayer**

Spoke to Minutes of last meeting and the issue of adjournment as he feels it is not worded correctly. Referred to Asbestos Policy on the Agenda papers and stated he lives next to an asbestos contaminated piece of land and raised concerns at exposure to asbestos. Noted Report in agenda on acquisition of old TAFE Building and includes the approximate cost shown in the report. Where is the provision made in the Budget for costs shown?

**B Triming - Ratepayer**

Thanked Council for photos from Governor General's event. Further, thanked Council for work on corners of William and Russell Streets to improve access to Council Chambers. Spoke to proposed car recognition system, staffing numbers (parking officers) and whether the system can distinguish cars which have a MPS sticker against those which don't and other issues.

The Mayor advised will she will get back to Mr Triming on the issues he has raised.

### APOLOGIES

#### 3 APOLOGIES

Nil.

### MINUTES

#### 4 Item 1 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 15 MAY 2013 (11.00005) MOVED Cr W Aubin and SECONDED Cr I North

**RESOLVED:** That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 15 May 2013 be adopted.

### DECLARATION OF INTEREST

#### 5 DECLARATION OF INTEREST 11.00002 MOVED Cr M Coote and SECONDED Cr G Rush

**RESOLVED:** That the following Declarations of Interest be noted.

Cr J Jennings

Item #7 of the Director Environmental Planning & Building Services' report  
Item #2 Director Cultural & Community Services' report.

### 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 G Westman and SECONDED Cr G Hanger





**12 Item 7 DEVELOPMENT APPLICATION NO. 2013/0156 – USE OF AN EXISTING PREMISES FOR RETAIL AND COMMERCIAL PURPOSES AND A NEW ROOF SIGN AT CRAGO MILL, 2A PIPER STREET. LOT 12 DP1014089 APPLICANT: MR BERNARD VANCE. OWNER: XJS WORLD PTY LTD (DA/2013/0156)**

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

**Reason:** Chair of Bathurst Wholefoods Co-op and currently discussing tenancy of Crago Mill site.

**RESOLVED:** That Council:

- (a) direct the Director Environmental, Planning & Building Services to approve Development Application No. 2013/0156, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended; and
- (b) call a division.

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

**The result of the division was:**

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

Against the motion - Nil

Absent - Cr J Jennings,

Abstain - Nil

**13 Item 8 ASBESTOS POLICY (18.00105, 41.00089)**  
**MOVED** Cr B Bourke and **SECONDED** Cr I North

**RESOLVED:** That Council adopt the Asbestos Policy.

**14 Item 9 DRAFT BATHURST REGIONAL LEP 2013 UPDATE (20.00143)**  
**MOVED** Cr G Rush and **SECONDED** Cr I North

**RESOLVED:** That the information be noted.

**15 Item 10 BATHURST REGION SIGNAGE STRATEGY (28.00007)**

**MOVED** Cr G Westman and **SECONDED** Cr G Rush

**RESOLVED:** That Council adopt the Bathurst Region Signage Strategy.

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

**16 Item 1 STATEMENT OF INVESTMENTS (16.00001)**

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

**RESOLVED:** That the information be noted.

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

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

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

**RESOLVED:** That the information be noted.

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

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

**RESOLVED:** That the information be noted.

**20 Item 5 2015 BICENTENNIAL MONUMENT/PUBLIC ART DESIGN MODEL (22.00153)**

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

**RESOLVED:** That Council engage Mr Bialowas to construct a model of his design,

to go on public display at a cost of \$3,900 plus GST.

- 21** **Item 6 SUBMISSIONS - DRAFT BATHURST 2017 PLAN - DELIVERY PLAN 2013-2017 AND ANNUAL OPERATING PLAN 2013/2014 (16.00135)**  
**MOVED** Cr B Bourke and **SECONDED** Cr I North

**RESOLVED:** That Council consider the submissions individually.

- 22** **Item 6.01 SUBMISSIONS - DRAFT BATHURST 2017 PLAN - DELIVERY PLAN 2013-2017 AND ANNUAL OPERATING PLAN 2013/2014 (16.00135)**  
**MOVED** Cr M Coote and **SECONDED** Cr I North

**(a) Aerodrome Charges**

**RESOLVED:** That Council amend the Revenue Policy Rec. Code: 010 Aerodrome Landing Charges to include a flat fee of \$7.00, including GST per landing for aircraft under 2 Tonne.

- 23** **Item 6.02 SUBMISSIONS - DRAFT BATHURST 2017 PLAN - DELIVERY PLAN 2013-2017 AND ANNUAL OPERATING PLAN 2013/2014 (16.00135)**  
**MOVED** Cr I North and **SECONDED** Cr B Bourke

**(b) Parks and Recreation**

**RESOLVED:** That Council not amend its Revenue Policy Rec. Code 700 Use of Parks and Reserves for Bootcamps and the like.

- 24** **Item 6.03 SUBMISSIONS - DRAFT BATHURST 2017 PLAN - DELIVERY PLAN 2013-2017 AND ANNUAL OPERATING PLAN 2013/2014 (16.00135)**  
**MOVED** Cr I North and **SECONDED** Cr M Coote

**(c) Submission from Mr G A Crisp**

**RESOLVED:** That Council not amend its Bathurst 2017 Plan in respect of the submission received from Mr G A Crisp.

**25** **Item 6.04 SUBMISSIONS - DRAFT BATHURST 2017 PLAN - DELIVERY PLAN 2013-2017 AND ANNUAL OPERATING PLAN 2013/2014 (16.00135)**  
**MOVED** Cr M Coote and **SECONDED** Cr G Hanger

**(d) Swimming Pool Inspection Fees**

**RESOLVED:** That Council:-

- (a) introduce an Inspection and Certificate of Compliance Fee of \$150 for the first inspection plus \$100 for any additional inspections (maximum of \$250) for swimming pool inspection fees
- (b) A fee of \$10 be introduced if Council register a swimming pool on the owner's behalf.

**26** **Item 6.05 SUBMISSIONS - DRAFT BATHURST 2017 PLAN - DELIVERY PLAN 2013-2017 AND ANNUAL OPERATING PLAN 2013/2014 (16.00135)**  
**MOVED** Cr J Jennings and **SECONDED** Cr I North

**(e) Keppel Street Redevelopment**

**RESOLVED:** That Council's Bathurst 2017 Plan be amended to include an amount of \$40,000 for the development of a Management Plan for the redevelopment of Keppel Street, Bathurst.

**27** **Item 6.06 SUBMISSIONS - DRAFT BATHURST 2017 PLAN - DELIVERY PLAN 2013-2017 AND ANNUAL OPERATING PLAN 2013/2014 (16.00135)**  
**MOVED** Cr G Hanger and **SECONDED** Cr M Coote

**(f) Bathurst District Sport and Recreation Council**

**RESOLVED:** That Council not amend its Bathurst 2017 Plan in respect of the submission received from the Bathurst District Sport and Recreation Council.

**28** **Item 6.07 SUBMISSIONS - DRAFT BATHURST 2017 PLAN - DELIVERY PLAN 2013-2017 AND ANNUAL OPERATING PLAN 2013/2014 (16.00135)**  
**MOVED** Cr B Bourke and **SECONDED** Cr G Westman

**(g) Library Revenue Policy**

**RESOLVED:** That Council amend its Bathurst 2017 Plan (Revenue Policy) in respect to the charges of photocopying by reducing the internet print-out costs from \$0.55 per print to \$0.20 per print.

- 29** **Item 6.08 SUBMISSIONS - DRAFT BATHURST 2017 PLAN - DELIVERY PLAN 2013-2017 AND ANNUAL OPERATING PLAN 2013/2014 (16.00135)**  
**MOVED** Cr I North and **SECONDED** Cr G Rush

**(h) Variation to Section 356 Budget**

**RESOLVED:** That Council increase the Section 356 Budget from \$20,000 to \$30,000.

- 30** **Item 6.09 SUBMISSIONS - DRAFT BATHURST 2017 PLAN - DELIVERY PLAN 2013-2017 AND ANNUAL OPERATING PLAN 2013/2014 (16.00135)**  
**MOVED** Cr G Westman and **SECONDED** Cr M Coote

The following **MOTION** was **MOVED**

**(i) Water Charges – Proposed Increase**

That Council not amend its Bathurst 2017 Plan in respect of the submission received from Mr Tim Hector.

- 31** **Item 6.1 EXTENSION OF TIME (16.00135)**  
**MOVED** Cr G Westman and **SECONDED** Cr B Bourke

**RESOLVED:** That an extension of time be granted to Cr North for Minute #30 in accordance with Clause 250(3) of the Local Government (General) Regulation.

- 32** **Item 6.2 EXTENSION OF TIME (16.00135)**  
**MOVED** Cr I North and **SECONDED** Cr M Coote

**RESOLVED:** That an extension of time be granted to Cr Aubin for Minute #30 in accordance with Clause 250(3) of the Local Government (General) Regulation.

- 33** **Item 6.3 SUBMISSIONS - DRAFT BATHURST 2017 PLAN - DELIVERY PLAN 2013-2017 AND ANNUAL OPERATING PLAN 2013/2014 (16.00135)**  
**MOVED** Cr G Westman and **SECONDED** Cr M Coote

(i) **Water Charges – Proposed Increase**

**RESOLVED:** That Council not amend its Bathurst 2017 Plan in respect of the submission received from Mr Tim Hector.

- 34** **Item 6.4 SUBMISSIONS - DRAFT BATHURST 2017 PLAN - DELIVERY PLAN 2013-2017 AND ANNUAL OPERATING PLAN 2013/2014 (16.00135)**  
**MOVED** Cr G Westman and **SECONDED** Cr M Coote

(j) **Sewerage Access Charge**

**RESOLVED:** That Council not amend its Bathurst 2017 Plan for 2014 in respect of the submission received from Mr Ray Carter.

- 35** **Item 6.5 SUBMISSIONS - DRAFT BATHURST 2017 PLAN - DELIVERY PLAN 2013-2017 AND ANNUAL OPERATING PLAN 2013/2014 (16.00135)**  
**MOVED** Cr G Westman and **SECONDED** Cr W Aubin

(k) **Waste Management Levy**

**RESOLVED:** That Council not amend its Bathurst 2017 Plan in respect of the submission received from Pac Of Trash.

- 36** **Item 6.6 SUBMISSIONS - DRAFT BATHURST 2017 PLAN - DELIVERY PLAN 2013-2017 AND ANNUAL OPERATING PLAN 2013/2014 (16.00135)**  
**MOVED** Cr I North and **SECONDED** Cr M Coote

(l) **Airport Charges**

**RESOLVED:** That Council amend the Revenue Policy Rec. Code: 010 Aerodrome Landing Charges for 2013/2014 as follows:

| Regular Public Transport | 2013/2014 | Pricing Category |
|--------------------------|-----------|------------------|
| Per Passenger            | \$14      | 1                |

|  |  |                         |
|--|--|-------------------------|
| Embarking and Disembarking (AVTUR Aircraft only) Bathurst to Sydney  |  |                         |
| Per Passenger Embarking and Disembarking (AVTUR Aircraft Only) Bathurst to Sydney - discounted head tax applicable to entry level fares  | \$7  | 1                       |
| Per Passenger Embarking and Disembarking (AVTUR Aircraft Only) Other Destinations  | \$8  | 1                       |
| <b>Annual Charges</b>  | <b>2012/2014</b>   | <b>Pricing Category</b> |
| Commercial Locally Based Aircraft (aircraft considered by Council to be permanently based at Bathurst Aerodrome) up to 2000kg MTOW are to pay an Annual Charge of                          | \$800  | 1                       |
| Non Commercial Locally Based Aircraft (aircraft considered by Council to be permanently based at Bathurst Aerodrome) up to 2000kg MTOW are to pay an Annual Charge of                      | \$400  | 1                       |
| Locally Based Non Commercial Aircraft (aircraft considered by Council to be permanently based at Bathurst Aerodrome and not paying AVDATA) over 2000kg MTOW are to pay an Annual Charge of | To pay charge as listed at charge line B - Other Aircraft (over 2000kg MTOW) | 1                       |

37

**Item 6.7 SUBMISSIONS - DRAFT BATHURST 2017 PLAN - DELIVERY PLAN 2013-2017 AND ANNUAL OPERATING PLAN 2013/2014 (16.00135)**  
**MOVED** Cr G Westman and **SECONDED** Cr W Aubin



**(m) Little Scallywags - Charges**

**RESOLVED:** That Council not amend its Bathurst 2017 Plan in relation to charges at Little Scallywags.

**38 Item 7 BATHURST 2017 DELIVERY PLAN 2013-2017 AND ANNUAL OPERATING PLAN 2013/2014 (16.00135)**

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

**RESOLVED:** That, following consideration of the submissions received by Council, the Bathurst 2017 Delivery Plan 2013 - 2017 and Annual Operating Plan 2013/2017 (Draft Bathurst 2017 Plan) 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 2013/2014 be voted.

**39 Item 8 2013/2014 REVENUE POLICY (16.00135)**

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

**RESOLVED:** That, following consideration of the submissions received by Council, the Revenue Policy for 2013/2014, as presented to Council, be adopted as the Bathurst Regional Council 2013/2014 Revenue Policy with the inclusion of any amendments adopted as a result of the submissions received.

**40 Item 9 2013/2014 RATE LEVY (16.00135)**

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

**RESOLVED:** That Council formally resolve to make the following rates and charges in relation to the 2013/2014 Rating Year.

(a) ORDINARY RATES FOR 2013/2014 - That in accordance with Sections 534 and 535 of the Local Government Act, 1993, WHEREAS the Bathurst 2017 Delivery Plan 2013-2017 and Annual Operating Plan 2013/2014 for the twelve months to 30 June 2014 was adopted by the Council on 19 June 2013 the following rates are formally made:

1. a **Residential Rate** of zero point three one one six six seven (0.311667) 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 one seven seven four five (1.017745) 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 three seven three three five (0.237335) 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 seven eight seven five six (0.478756) cents in the dollar on the land value of all rateable land categorised as Business in accordance with Section 518 of the Local Government Act, 1993, excepting those parcels of land sub-categorised as "Business Bathurst City", "Business Forest Grove", "Business Ceramic Avenue", "Business Eglinton Non-Urban", "Business Orton Park", "Business Stewarts Mount", "Business Evans Plains" AND THAT
5. a **Business Bathurst City Rate** of one point nine nine two six five nine (1.992659) 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 one nine nine five zero (1.719950) 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 one nine nine five zero (1.719950) 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 one nine nine five zero (1.719950) 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 one nine nine five zero (1.719950) 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 one nine nine five zero (1.719950) 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 one nine nine five zero (1.719950) 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 seven eight six nine six (0.378696) 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 2013/2014 Rating Year subject to the following Minimum and Base Amounts in accordance with Section 548 and Section 499 of the Local Government Act, 1993, AND THAT aggregation of values of certain parcels of land subject to a minimum or base amount in accordance with Section 548A of the Local Government Act, 1993, be permitted.

|    | Category                           | Minimum Amount | Base Amount | %Yield Base Amount |
|----|------------------------------------|----------------|-------------|--------------------|
| 1  | <b>Residential</b>                 |                | \$238.00    | 32                 |
| 2  | <b>Residential/Town Village</b>    | \$346.00       |             |                    |
| 3  | <b>Farmland</b>                    |                | \$321.00    | 23                 |
| 4  | <b>Business</b>                    | \$305.00       |             |                    |
| 5  | <b>Business Bathurst City</b>      | \$370.00       |             |                    |
| 6  | <b>Business Forest Grove</b>       | \$370.00       |             |                    |
| 7  | <b>Business Ceramic Avenue</b>     | \$370.00       |             |                    |
| 8  | <b>Business Eglinton Non-Urban</b> | \$370.00       |             |                    |
| 9  | <b>Business Orton Park</b>         | \$370.00       |             |                    |
| 10 | <b>Business Stewarts Mount</b>     | \$370.00       |             |                    |
| 11 | <b>Business Evans Plains</b>       | \$370.00       |             |                    |
| 12 | <b>Mining</b>                      |                | \$238.00    | 47                 |

(b) DOMESTIC WASTE MANAGEMENT CHARGES FOR 2013/2014 - 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 2013 being two hundred and thirty three dollars (\$233.00) 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 2013 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 one dollars (\$161.00) per mobile bin and for each additional fortnightly recycling collection service of seventy two dollars (\$72.00) per mobile bin be made by the Council.

(c) WASTE MANAGEMENT SERVICE CHARGES FOR 2013/2014 (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 seventy seven dollars and ten cents (\$177.10) including GST per mobile bin and the fortnightly collection of material for recycling being seventy nine dollars and twenty cents (\$79.20) 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 2013/2014 -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 2013 being seventy four dollars and eighty cents (\$74.80) 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 2013/2014 – 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 2013.

1. That the annual charge for single residential (including residential strata) and un-metered properties, be four hundred and fifty six dollars and zero cents (\$456.00).
2. That the annual charge for vacant land be two hundred and eighty nine dollars and zero cents (\$289.00).
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 2013/2014 |
|--|----------------------|
| 20   | \$411.00             |
| 25   | \$640.00             |
| 32   | \$1050.00            |
| 40   | \$1643.00            |
| 50   | \$2568.00            |
| 65   | \$4338.00            |
| 80   | \$6571.00            |
| 100  | \$10267.00           |
| 150  | \$23102.00           |
| Strata Properties (Each non-residential lot) | \$411.00             |

|                   |           |
|-------------------|-----------|
| Assumption School | \$1285.00 |
|-------------------|-----------|

- That the Sewer Usage Charge (Section 502) for non-residential and multiple residential properties be one dollar and twenty five cents (\$1.25) per kilolitre of filtered water supplied multiplied by a sewerage discharge factor.

(g) SEWERAGE CHARGES -TRADE WASTE 2013/2014

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.

- That the Annual Trade Waste Fee for individual businesses be ninety three dollars and ten cents (\$93.10).
- That the Annual Trade Waste Fee (Large Discharger) for individual business be six hundred and twenty two dollars and ten cents (\$622.10).
- That the Trade Usage Charge for non-residential properties be two dollars and zero cents (\$2.00) per kilolitre of filtered water supplied multiplied by a trade discharge factor.

(h) WATER CHARGES 2013/2014 – 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 2013.

- 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<br>(mm) | Charge for 2013/2014<br>\$ |
|----------------------------------|----------------------------|
| 20                               | \$116.00                   |
| 25                               | \$181.00                   |
| 32                               | \$297.00                   |
| 40                               | \$464.00                   |
| 50                               | \$725.00                   |
| 65                               | \$1225.00                  |
| 80                               | \$1855.00                  |
| 100                              | \$2898.00                  |
| 150                              | \$6522.00                  |
| Hillview Water Supply            | \$129.00                   |

- That the minimum annual water availability charge for each unit within a Strata development be one hundred and sixteen dollars and zero cents (\$116.00).
- That the annual water availability charge for vacant unconnected land be one hundred and sixteen dollars and zero cents (\$116.00).
- That the annual water availability charge for unmetered or unconnected properties be six hundred dollars and zero cents (\$600.00).
- That if water pressure at a property is less than 120 kpa, then a larger service

may attract a charge of one hundred and sixteen dollars and zero cents (\$116.00).

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

| Type   | Consumption                          | Tariff per kilolitre for 2013/2014 |
|--|--------------------------------------|------------------------------------|
| Hillview Estate Water Supply                   | First 250 kl                         | \$1.80                             |
|  | > 250 kl                             | \$3.60                             |
| Residential Filtered                           | First 250 kl                         | \$1.71                             |
|  | > 250 kl                             | \$2.57                             |
| Residential Raw                                | First 250 kl                         | \$0.75                             |
|  | > 250 kl                             | \$1.13                             |
| Other Filtered                                 | First 250 kl                         | \$1.71                             |
|  | > 250 kl                             | \$2.57                             |
| Other Raw                                      | First 250 kl                         | \$0.75                             |
|  | > 250 kl                             | \$1.13                             |
| Large Industrial Filtered                      | >0 kl                                | \$1.47                             |
| Large Industrial Raw                           | >0 kl                                | \$0.95                             |
| Community Clubs:                               | First 18,000 kl                      | \$0.67                             |
| Golf, Majellan & Bathurst Community Club       | >18,000kl, <31,999kl                 | \$0.89                             |
|  | >32,000kl                            | \$1.33                             |
| Strata Unit property                           | First 250 kl (for each unit)         | \$1.71                             |
|  | >250 kl (for each unit)              | \$2.57                             |
| Home Dialysis – subject to doctors certificate | First 200 kl                         | Free                               |
|  | 200kl-250 kl                         | \$1.71                             |
|  | >250 kl                              | \$2.57                             |
| Hospital                                       | Allowance for daily average patients | Free                               |
|  | Balance per KL                       | \$2.57                             |

(i) Included in this year's Bathurst 2017 Delivery Plan 2013-2017 and Annual Operating Plan 2013/2014 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 2013/2014 – That in accordance with Section 566 of the Local Government Act, 1993 Council charge interest on overdue rates at a rate of 9.0% per annum for the 12 month period commencing 1 July 2013 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 3.4%, a 5.0% increase in Sewer Charges, Waste Charges have been calculated on the basis of the reasonable cost of providing the service and Water Charges have been calculated on achieving a 25/75 basis (25% access charge and 75% usage charge) based on the Best Practice Guidelines introduced by the NSW Office of Water, August 2007.











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

**The AMENDMENT was PUT and BECAME the MOTION.**

**58 Item 3.2 EXTENSION OF TIME (22.01387)**

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

**RESOLVED:** That an extension of time be granted to Cr Aubin for Minute #57 in accordance with Clause 250(3) of the Local Government (General) Regulation.

**59 Item 3.3 EXTENSION OF TIME (22.01387)**

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

**RESOLVED:** That an extension of time be granted to Cr Westman for Minute #57 in accordance with Clause 250(3) of the Local Government (General) Regulation.

**60 Item 3.4 EXTENSION OF TIME (22.01387)**

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

**RESOLVED:** That an extension of time be granted to Cr Rush for Minute #57 in accordance with Clause 250(3) of the Local Government (General) Regulation.

**61 Item 3.5 TAFE BUILDINGS – 83 WILLIAM STREET, BATHURST (22.01387)**

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

**The MOTION was then PUT and CARRIED**

**RESOLVED:** That

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

**Crs Aubin and Westman asked that their negative vote be recorded.**



**B Manning** - ratepayer - Procedures for updating staff of changes in legislation

*Spoke of processes needed and result of the recent ICAC inquiry issues, and cost to Council. Also referred to Land & Environment Court actions in 2006 that occurred and the result of that matter. The case was based on Yetholme development. Spoke of when should someone's employment be terminated and further, Council should find a better General Manager.*

**DELEGATES REPORTS**

- 65** **Item 1 COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 8 MAY 2013 (11.00019)**  
**MOVED** Cr I North and **SECONDED** Cr B Bourke

**RESOLVED:** That the information be noted, with a notation that the State Government is the sole shareholder of Essential Energy and that approximately 50% of Essential Energy's profits are paid to the State Government.

Further it be noted that Cr Hanger was in attendance at the meeting.

- 66** **Item 2 MINUTES - BATHURST REGIONAL YOUTH COUNCIL - 14 MAY 2013 (11.00020)**  
**MOVED** Cr M Coote and **SECONDED** Cr G Rush

**RESOLVED:** That the information be noted.

- 67** **Item 3 2015 BICENTENARY CELEBRATIONS COMMITTEE MEETING - 4 JUNE 2013 (20.00153)**  
**MOVED** Cr G Rush and **SECONDED** Cr G Hanger

**RESOLVED:** That the information be noted.

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

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

**MOVED** Cr M Coote

and **SECONDED** Cr J Jennings

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

**There we no representations from the public.**

**RESOLVED:** That:

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

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

| ITEM | SUBJECT  | REASON FOR CONFIDENTIALITY  |
|------|--|---|
| 1    | TENDER FOR HAWTHORNDEN CREEK REGRADING AND STABILISATION 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. |

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

| ITEM | SUBJECT   | REASON FOR CONFIDENTIALITY  |
|------|---|---|
| 1    | LAND RELEASE - AVONLEA STAGES 8 AND 10 RESIDENTIAL SUBDIVISIONS - PHILLIP STREET, KNIGHT PLACE AND MORGAN PLACE | 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 |

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|   |   | public interest as it would prejudice council's position in negotiating commercial and or financial arrangements.   |
| 2 | RENEWAL OF LEASE AGREEMENT SIGN EVENT PTY LTD - STORAGE SHED 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. |
| 3 | PROPOSED NEW LICENCE AGREEMENT - PART LOT 221 DP1147157 - STEPHENS LANE, KELSO - SCHRYVER | 10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it. |
| 4 | EXPRESSION OF INTEREST - LOT 1 DP1076086 KNOWN AS 112 BENTINCK STREET, BATHURST           | 10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it. |
| 5 | TENDER FOR DESKTOP/WORKSTATION REPLACEMENT  | 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  |

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|   |  | prejudice the commercial position of the person who supplied it.  |
| 6 | RENEWAL OF RESIDENTIAL TENANCY AGREEMENT - LOT 9 DP1047248 - 310 BROCK SKYLINE, 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. |
| 7 | RENEWAL OF LICENCE AGREEMENT - LOT 3 DP232111 - 68 MOUNTAIN STRAIGHT, MT PANORAMA - COLLEY   | 10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it. |
| 8 | TENDER FOR SUPPLY AND DELIVERY OF FUEL - CENTROC   | 10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it. |
| 9 | TENDER FOR PRE-EMPLOYMENT SERVICES - CENTROC   | 10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial   |



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

**\* Director Engineering Services' Report**

| ITEM | SUBJECT  | REASON FOR CONFIDENTIALITY  |
|------|--|---|
| 1    | TENDER FOR CONSTRUCTION OF CIVIL WORKS AT AVONLEA RESIDENTIAL ESTATE STAGE 9 | 10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it. |
| 2    | TENDER FOR PROVISION OF SANITARY SERVICES                                    | 10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it. |
| 3    | TENDER FOR CLEANING OF PUBLIC TOILETS  | 10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the   |

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|   |  | <p>person who supplied it.<br/>Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.</p>  |
| 4 | TENDER FOR CLEANING OF PUBLIC BUILDINGS  | <p>10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.<br/>Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.</p>  |
| 5 | TENDER FOR PREFERRED CONTRACTOR'S LIST   | <p>10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.<br/>Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.</p>  |
| 6 | TENDER FOR NETWASTE REGIONAL COLLECTION AND RECYCLING OF SCRAP METAL - NETWASTE TENDER 145/534/984/1 | <p>410A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.<br/>Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.</p> |
| 7 | TENDER FOR PROVISION OF TRAFFIC CONTROL SERVICES   | <p>10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.</p>  |

|    |  |   |
|----|--|---|
|    |  | Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.   |
| 8  | TENDER FOR THE SUPPLY, DELIVERY AND PLACEMENT OF SPRAYED BITUMINOUS SURFACING  | 10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it. |
| 9  | TENDER FOR ROAD STABILISING WORKS  | 10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it. |
| 10 | MOU FOR THE REGIONAL TENDER OF WASTE SERVICES  | 10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it. |
| 11 | PROPOSED ROAD WIDENING AND PARTIAL ROAD CLOSURE, PART LOT 3 DP869951 AND LOT 151 DP1118052, 80 WAMBOOL ROAD, O'CONNELL | 10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in   |

|    |  |   |
|----|--|---|
|    |  | open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.   |
| 12 | PROPOSED ROAD WIDENING AND PARTIAL ROAD CLOSURE, PART LOT 1 DP32374, 333 WAMBOOL ROAD, O'CONNELL | 10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it. |
| 13 | TENDER FOR DESIGN AND CONSTRUCTION OF SPRUNG FLOOR AT BATHURST MEMORIAL ENTERTAINMENT CENTRE     | 10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it. |

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

**a** **Item 1 TENDER FOR HAWTHORNDEN CREEK REGRADING AND STABILISATION WORKS (36.00486)**

**MOVED** Cr B Bourke

and **SECONDED** Cr W Aubin

**That** Council accepts the tender of Central West Civil Pty Limited, for the construction of Creek Regrading and Stablisation Works at Hawthornden Creek, Bathurst in the amount of \$244,859.72 Inc. GST.

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

- b** **Item 1 LAND RELEASE - AVONLEA STAGES 8 AND 10 RESIDENTIAL SUBDIVISIONS - PHILLIP STREET, KNIGHT PLACE AND MORGAN PLACE (20.00102)**  
**MOVED** Cr B Bourke and **SECONDED** Cr W Aubin

That Council approves:

- (a) the release for sale of twenty-two (22) lots, namely Lots 800 - 821 in proposed DP1185390 in the new residential subdivision located on Phillip Street and Morgan Place to be known as Avonlea Stage 8, under the ballot system.
- (b) the release for sale of eighteen (18) lots namely Lots 1000 - 1017 in proposed DP1185389 in the new residential subdivision located on Phillip Street and Knight Place to be known as Avonlea Stage 10, under the ballot system.
- (b) the sale prices as detailed in the report.

- c** **Item 2 RENEWAL OF LEASE AGREEMENT SIGN EVENT PTY LTD - STORAGE SHED MT PANORAMA (04.00041)**  
**MOVED** Cr M Coote and **SECONDED** Cr W Aubin

That Council approves entering into a new Commercial Lease Agreement with Sign Event Pty Ltd for the use of a storage shed located at Mt Panorama on Lot 4 DP112509 for a period of twelve (12) months with an option period of twelve (12) months at a weekly lease fee of \$30.00 (GST inclusive) plus annual CPI adjustments as detailed in the report.

- d** **Item 3 PROPOSED NEW LICENCE AGREEMENT - PART LOT 221 DP1147157 - STEPHENS LANE, KELSO - SCHRYVER (21.00022)**  
**MOVED** Cr B Bourke and **SECONDED** Cr M Coote

That Council approves entering into a new Licence Agreement with Ms Nicole Schryver for part Lot 221 in DP1147157 located on Stephens Lane, Kelso for a period of one (1) year with a one (1) year option period at a licence fee of \$100.00 per annum (GST inclusive) plus annual CPI adjustments as detailed in the report.

- e** **Item 4 EXPRESSION OF INTEREST - LOT 1 DP1076086 KNOWN AS 112 BENTINCK STREET, BATHURST (22.00830)**  
**MOVED** Cr M Coote and **SECONDED** Cr G Westman

That Council approves entering into a new Commercial Lease Agreement for Lot 1

DP1076086 known as 112 Bentinck Street, Bathurst with Schafer & Sons Pty Ltd t/a Bathurst & District Plumbing & G.A.S. for a period of one (1) year at which time a review process would be initiated to assess the viability of the site, as detailed in the report.

**f** **Item 5 TENDER FOR DESKTOP/WORKSTATION REPLACEMENT (36.00479)**  
**MOVED** Cr M Coote and **SECONDED** Cr G Rush

**That** Council accept the tender from Dell for the sum of \$172,560.00 (ex GST) as detailed in this report. Also, that Council pay for this purchase by way of an upgrade to Council's Master Agreement lease with Equitech at a total cost of \$9,659.78 per quarter.

**g** **Item 6 RENEWAL OF RESIDENTIAL TENANCY AGREEMENT - LOT 9 DP1047248 - 310 BROCK SKYLINE, MT. PANORAMA (22.01640)**  
**MOVED** Cr J Jennings and **SECONDED** Cr W Aubin

**That** Council approves entering into a new Residential Tenancy Agreement for Lot 9 DP1047248 known as 310 Brock Skyline, Mt Panorama with Kenton and Fiona Hope for a period of twelve (12) months with an option period of twelve (12) months as detailed in the report.

**h** **Item 7 RENEWAL OF LICENCE AGREEMENT - LOT 3 DP232111 - 68 MOUNTAIN STRAIGHT, MT PANORAMA - COLLEY (22.00054)**  
**MOVED** Cr W Aubin and **SECONDED** Cr M Coote

**That** Council approves entering into a new Licence Agreement for Lot 3 DP232111 known as 68 Mountain Straight, Mt Panorama with Mr Neil and Mrs Patricia Colley for a period of three (3) years as detailed in the report.

**i** **Item 8 TENDER FOR SUPPLY AND DELIVERY OF FUEL - CENTROC (15.00017)**  
**MOVED** Cr G Westman and **SECONDED** Cr M Coote

**That** Council:

- (a) endorse the selection of Reliance Petroleum (Centrel Pty Ltd), Park Pty Ltd, Dib Group Pty Ltd, Oilsplus Pty Ltd as members of Council's panel for supply of fuel and for negotiations to take place

(b) advise CENTROC of its decision.

**j** **Item 9 TENDER FOR PRE-EMPLOYMENT SERVICES - CENTROC (19.00019)**  
**MOVED** Cr G Hanger and **SECONDED** Cr I North

**That Council:**

- (a) endorse the selection of Independent Injury Solutions as the provider for Council's pre-employment services and for negotiations to take place.
- (b) advise CENTROC of its decision

**k** **Item 10 TENDER FOR AUDITING SERVICES (36.00465)**  
**MOVED** Cr M Coote and **SECONDED** Cr G Rush

**That Council** appoint Morse Group as Council's auditor for the six years ending 30 June 2019.

**Director Engineering Services' Report**

**l** **Item 1 TENDER FOR CONSTRUCTION OF CIVIL WORKS AT AVONLEA RESIDENTIAL ESTATE STAGE 9 (36.00476)**  
**MOVED** Cr I North and **SECONDED** Cr J Jennings

**That Council** accepts the tender of Hynash Constructions Pty Ltd, for the construction of Civil Works at Avonlea Residential Estate Stage 9 in the amount of \$648,388.00 Inc. GST subject to adjustments and provisional items.

**m** **Item 2 TENDER FOR PROVISION OF SANITARY SERVICES (36.00483)**  
**MOVED** Cr I North and **SECONDED** Cr M Coote

**That Council** accept the tender of San Serve Pty Ltd for the amount of \$19,476.76 (inc. GST), for the provision of sanitary services, subject to alterations and provisional items.

- n** **Item 3 TENDER FOR CLEANING OF PUBLIC TOILETS (36.00485)**  
**MOVED** Cr G Rush and **SECONDED** Cr G Westman

That Council accept the tender of Kleen Group for the amount of \$133,100.00 (inc. GST), for the cleaning of Public Toilets, subject to alterations and provisional items.

- o** **Item 4 TENDER FOR CLEANING OF PUBLIC BUILDINGS (36.00484)**  
**MOVED** Cr M Coote and **SECONDED** Cr J Jennings

That Council accept the tenders of (incl GST):

- (a) Northern Contract Cleaning for Separable Portion (i) at \$89,400.00
- (b) SKG Pty Ltd for for Separable Portion (ii) at \$121,121.00
- (c) Nimdor Cleaning Services for Separable Portion (iii) at \$64,300.00
- (d) SKG Pty Ltd for Separable Portion (iv) at \$66,066.00
- (e) Northern Contract Cleaning for Separable Portion (v) at \$101,908.00
- (f) Northern Contract Cleaning for Separable Portion (vi) at \$71,960.00
- (g) Northern Contract Cleaning for Separable Portion (vii) at \$42,520.60
- (h) Nimdor Cleaning Services for Separable Portion (viii) at \$51,480.00
- (i) Nimdor Cleaning Services for Separable Portion (ix) at \$26,890.00

- p** **Item 5 TENDER FOR PREFERRED CONTRACTOR'S LIST (36.00490)**  
**MOVED** Cr M Coote and **SECONDED** Cr G Westman

That Council accepts the Preferred Contractor List for the engagement of contractors for minor building works up to the value of \$20,000 (incl. GST) as listed in the Director Engineering Services' report, subject to submission of complete information being supplied for casual hire and in accordance with the General Conditions of Tender.

- q** **Item 6 TENDER FOR NETWASTE REGIONAL COLLECTION AND RECYCLING OF SCRAP METAL - NETWASTE TENDER 145/534/984/1 (14.00007)**  
**MOVED** Cr I North and **SECONDED** Cr M Coote

That Council:

- (a) advise NetWaste that it endorses their recommended supplier,
- (b) authorises the General Manager to sign the contract, and
- (c) note that there will be a further report providing details of the successful



tenderer and their price once the participating Councils have completed their contracts.

**r** **Item 7 TENDER FOR PROVISION OF TRAFFIC CONTROL SERVICES (36.00487)**

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

**That Council -**

- (a) decline to accept any tenders for the Provision of Traffic Control Services, and
- (b) invite fresh tenders, in accordance with Clause 167 “Open Tendering” of the Local Government (General Regulation), 2005.

**s** **Item 8 TENDER FOR THE SUPPLY, DELIVERY AND PLACEMENT OF SPRAYED BITUMINOUS SURFACING (36.00488)**

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

**That Council -**

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

**t** **Item 9 TENDER FOR ROAD STABILISING WORKS (36.00489)**

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

**That Council -**

- (a) decline to accept any tenders for Road Stabilising Works, and
- (b) invite fresh tenders, in accordance with Clause 167 “Open Tendering” of the Local Government (General Regulation), 2005.

**u** **Item 10 MOU FOR THE REGIONAL TENDER OF WASTE SERVICES (14.00007)**

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

That Council authorise the General Manager to execute the MOU for the Regional Tender of Waste Services, noting that it only covers recycling and organics.

- v** **Item 11 PROPOSED ROAD WIDENING AND PARTIAL ROAD CLOSURE, PART LOT 3 DP869951 AND LOT 151 DP1118052, 80 WAMBOOL ROAD, O'CONNELL (25.00533)**  
**MOVED** Cr W Aubin and **SECONDED** Cr M Coote

That Council approve the proposed road widening of Wambool Road affecting part Lot 3 DP869951 and part Lot 151 DP1118052 being 80 Wambool Road, O'Connell and partial road closure of Wambool Road, as detailed in the Director Engineering Services report. The acquired properties to be classified as Operational land.

- w** **Item 12 PROPOSED ROAD WIDENING AND PARTIAL ROAD CLOSURE, PART LOT 1 DP32374, 333 WAMBOOL ROAD, O'CONNELL (25.00533)**  
**MOVED** Cr M Coote and **SECONDED** Cr B Bourke

That Council approve the proposed road widening of Wambool Road affecting part Lot 1 DP32374 being 333 Wambool Road, O'Connell and partial road closure of Wambool Road, as detailed in the Director Engineering Services report. The acquired properties to be classified as Operational land.

- x** **Item 13 TENDER FOR DESIGN AND CONSTRUCTION OF SPRUNG FLOOR AT BATHURST MEMORIAL ENTERTAINMENT CENTRE (36.00482)**  
**MOVED** Cr W Aubin and **SECONDED** Cr G Rush

That Council accept the tender of Theatricalities Pty Ltd in the amount of \$123,019.60 (incl GST) for the installation of a sprung floor at the Bathurst Memorial Entertainment Centre subject to adjustments and provisional items.

### **RESOLVE INTO OPEN COUNCIL**

- 69** **RESOLVE INTO OPEN COUNCIL**  
**MOVED** Cr M Coote and **SECONDED** Cr I North

**RESOLVED:** That Council resume Open Council.



**MINUTE**

**5     DECLARATION OF INTEREST 11.00002**  
**MOVED: Cr W Aubin SECONDED: Cr I North**

**RESOLVED:** That the following Declarations of Interest be noted.

Cr Bourke

Item #9 of the Director Corporate Services & Finance's Confidential report.

Cr Westman

Item #2 of the Director Engineering Services report.

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

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

17 JULY 2013

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

**Recommendation:** That the information be noted.

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

**Financial Implications:** Nil.

**Bathurst 2036 Community Strategic Plan - Objectives and Strategies**

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

**MINUTE**

**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 2013 (**attachment 1**)
- (b) Applications refused during June 2013 (**attachment 2**)
- (c) Applications under assessment as at the date of compilation of this report (**attachment 3**)
- (d) Applications pending approval for greater than 40 days as at the date of compilation of this report (**attachment 4**)
- (e) Applications with variations to development standards under State Environmental Planning Policy No. 1 approved in June 2013 (**attachment 5**).

**Financial Implications:** Nil.

### **Bathurst 2036 Community Strategic Plan - Objectives and Strategies**

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



**MINUTE**

- 7 **Item 2 GENERAL REPORT (03.00053)**  
**MOVED: Cr I North SECONDED: Cr G Rush**

**RESOLVED:** That the information be noted.

### **3 BATHURST REGION RURAL STRATEGY (20.00133)**

**Recommendation:** That the information be noted.

**Report:** Following the amalgamation of the former Bathurst City and Evans Shire Council areas, the new Bathurst Regional Council prepared a number of landuse strategies to inform the preparation of the comprehensive LEP.

The Bathurst Region Rural Strategy was prepared to:

- Identify the economic, environmental and social opportunities for the management and development of the rural lands, villages and settlements of the Bathurst Regional LGA.
- Identify strategic responses for each opportunity including recommendations for the comprehensive LEP.
- Identify sustainable settlement and village growth opportunities.

Council adopted the Strategy in December 2008 following extensive consultation with the community and relevant government agencies. The Strategy was then forwarded to the Department of Planning for endorsement.

The Department of Planning sought further government agency comment on Council's Strategy. In 2010, Council undertook a minor revision of the strategy largely to address the issue of minimum lot size in certain proposed rural residential areas to address concerns raised by the Office of Water. The key change made to the Strategy was to increase the recommended minimum lot size in the proposed Mount Rankin rural lifestyle area from 1 hectare to 10 hectare to ensure future effluent disposal areas did not contaminate bore water supply. Additional tables were also added to the Strategy outlining likely settlement growth patterns.

On 14 May 2013, Council received advice from the Department of Planning & Infrastructure endorsing the Bathurst Region Rural Strategy (as revised in May 2010).

The Strategy's key recommendations, as they relate to the comprehensive LEP, are summarized below:

#### 1. Minimum lot size – General Rural Zone

The Strategy recommended Council implement a 300 hectare minimum lot size in the general rural zone as a means to protect productive lands and the regions biodiversity. Whilst the Strategy adopts a 300 hectare standard, Council resolved at the time not to implement that recommendation in the comprehensive LEP but rather to maintain the status quo (ie 100 hectare former Evans Shire Council area and 200 hectare former Bathurst City Council area).

#### 2. Existing Rural Dwelling Entitlements

Based on the concerns raised by the community during the public exhibition of the draft Strategy and the outcomes of the Rural Lands Enquiry and Rural Lands SEPP, the Strategy recommends retention of existing rural dwelling entitlements.

#### 3. Settlement Strategy

The Strategy recommends a settlement Strategy comprising:

- Eight core zoned village areas at Hill End, Sofala, Wattle Flat, Peel, Yetholme, Georges Plains, Rockley and Trunkey Creek.
- Seven rural lifestyle areas at Robin Hill/Wentworth, White Rock/O'Connell Road, The Lagoon, Wattle Flat, Trunkey Creek, Georges Plains (subject to further investigations) and Mount Rankin.

The eight villages will be zoned R5 village under the new LEP and subdivision will be permitted on a merit basis (other than Yetholme) considering issues such as effluent disposal, biodiversity, bushfire risk and historic subdivision patterns. All of the villages, other than Peel and Yetholme, are currently zoned village. Minor expansion of each village is recommended except at Georges Plains. Development of Yetholme will be restricted to existing allotments only given biodiversity constraints.

The rural residential areas will be zoned RU5 large lot residential under the new LEP. Lot sizes will vary depending on the availability of reticulated water and sewer and other environmental constraints as follows:

- Robin Hill/Wentworth/White Rock/O'Connell Road – 4000 m2 to 1 hectare
- The Lagoon, Wattle Flat, Trunkey – 1 hectare
- Mount Rankin – 10 hectares.

The Strategy recommends that further water and sewer investigations be completed in relation to the Georges Plain locality prior to any zoning changes.

The Strategy acknowledged and examined the other existing settlement areas such as Sunny Corner, Rock Forest, Brewongle and so on. These other localities were not identified as being suitable for further growth and therefore the Strategy did not recommend a village or rural residential zoning for these areas. These other settlement areas will remain zoned rural as is currently the case.

### Conclusion

The Bathurst Region Rural Strategy, whilst completed many years ago, has finally been endorsed by the Department of Planning. Its recommendations will continue to inform the preparation of the Comprehensive LEP.

**Financial Implications:** The Strategy was prepared within existing budgets.

### **Bathurst 2036 Community Strategic Plan - Objectives and Strategies**

- Objective 2: To encourage the dynamic and innovative development and growth of the region's primary resources. Strategy 2.1, 2.2, 2.3, 2.4
- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.1, 28.5, 28.8
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.2

**MINUTE**

- 8**     **Item 3    BATHURST REGION RURAL STRATEGY (20.00133)**  
**MOVED: Cr M Coote SECONDED: Cr I North**

**RESOLVED:** That the information be noted.

**4 DEVELOPMENT APPLICATION NO. 2012/0549 – DEMOLITION OF EXISTING DWELLINGS AT 196 AND 210 STEWART STREET AND ALTERATIONS TO EXISTING AGED CARE FACILITY TO ACCOMMODATE 15 ADDITIONAL BEDS AND SUBDIVISION OF LAND AT 194, 196, 198 AND 210 STEWART AND 207 AND 209 PIPER STREET, BATHURST. APPLICANT: HAVENHAND & MATHER. OWNER: ROYAL FREEMASONS INSTITUTE, R & C HOGG, J SKINNER AND H PRICE (DA/2012/0549)**

**Recommendation:** That Council:

- (a) having undertaken a review of Development Application 2012/0549 change its decision and approve the application 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) The applicant is to provide a detailed photographic record of 196 and 210 Stewart Street to Council prior to demolition.
  - (ii) During the carrying out of any proposed works, if any archaeological remains are discovered, the developer is to stop work immediately and notify the Heritage Branch, Department of Planning and Council. Any such find is to be dealt with appropriately and in accordance with the Heritage Act 1977, recorded and details given to Council prior to the continuing of works.
  - (iii) CCTV, lighting and a gateway are to be installed at the new entry location.
- (b) call a division.

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

The Development Application was initially refused by Council under delegated authority on 8 February 2013

The current review is based on an amended proposal. The amended proposal varies in a number of respects to that originally refused by Council.

Notable amongst these changes are:

- 209 Piper Street (originally scheduled to be demolished) is to be retained.
- Relocation of the principal access from Stewart Street to Piper Street is no longer part of the proposal.
- 210 Stewart Street (not part of the original proposal) is to be demolished.
- The existing access to the site is to be closed and a new access constructed at 210 Stewart Street

The amended application has been supported by the following revised documents:

- Statement of Environmental Effects and Heritage Impact Statement (**attachment 1**); and
- Plans (**attachment 2**).

**The site**

194 Stewart Street contains a dwelling house owned by the Royal Freemasons. The site is

487 sq metres.

196 Stewart Street contains a dwelling house owned by the Royal Freemasons. The site is 373 sq metres.

198 Stewart Street contains the Cheriton Village Hostel owned and operated by the Royal Freemasons. Cheriton currently has 30 residents in hostel accommodation and 21 self care residential units on site. Access to the site is currently via a driveway to Stewart Street.

210 Stewart Street contains a dwelling house and various outbuildings owned by C & R Hogg. The site is 728 sq m.

207 Piper Street contains a dwelling house owned by H Price. The site is 632 sq m.

209 Stewart Street contains a dwelling house owned by J Skinner. The site is 638 sq m.

The site plan shows the subject properties as well as the adjoining properties.

### The current proposal

The current proposal involves the demolition of 2 dwellings being 196 Stewart Street and 210 Stewart Street.

The new building will include:

- 15 new bedrooms with ensuites
- New courtyard, lounge room and terrace areas
- Conversion of 194 Stewart into a new craft room

The proposal also includes the closure of the existing entry/exit to Stewart Street and the construction of a new entry/exit approximately 60 metres to the south west at 210 Stewart Street. A small entry structure and mailboxes will also be constructed at 210 Stewart. Entry gates will also be constructed. The gates are proposed to be closed from 7pm to 6am. After hours access will be gained via key pad and automatic release by staff.

The proposal includes the subdivision of part of the rear yards of 207 and 209 Piper Streets which are to be incorporated into the Cheriton site. The resultant lots are to be approximately 429.6 sqm and 464.7 sqm respectively.

A new brick garage is to be constructed on 207 Piper Street.

A "mens shed" is to be constructed on the former rear yard of 207 Piper. The mens shed is 57 sqm and will be brick construction with colorbond roof.

A new storeroom and double garage will be constructed to replace those lost in the creation of an ambulance turning bay.

New carparking and driveways will be constructed on site. In total 18 parking spaces will be provided (inclusive of the new double garage).

### Reasons for refusal

The Development Application was originally refused under delegated authority on 8 February 2013 for the following reasons:

1. The development proposal fails to justify the demolition of the dwellings at 196 Stewart Street and 209 Piper Street and address the impacts of the proposed development on neighbouring properties.
2. The development fails to justify that the demolition of the dwellings will not adversely impact on the significance of the Bathurst Heritage Conservation Area.

The majority of the concerns associated with the original proposal centred on the proposed demolition of 209 Piper Street and the relocation of the entrance to Piper Street.

209 Piper Street was seen by Council officers as a significant contributor to the overall Piper Street streetscape and the Heritage Conservation area in general. The deletion of it from the proposals removes one of the significant impediments to the proposal.

#### Current planning provisions

#### **State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004**

The Development Application is considered under the provisions of SEPP (HSPD) 2004.

The proposal would be considered as a “residential care facility” for the purposes of SEPP (HSPD) being “residential accommodation for seniors or people with a disability that includes:

- (a) meals and cleaning services, and
- (b) personal care or nursing care, or both, and
- (c) appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care,

not being a dwelling, hostel, hospital or psychiatric facility”.

The relevant standards of SEPP (HSPD) are considered below:

#### **26 Location and access to facilities**

- (1) *A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied, by written evidence, that residents of the proposed development will have access that complies with subclause (2) to:*
  - (a) *shops, bank service providers and other retail and commercial services that residents may reasonably require, and*
  - (b) *community services and recreation facilities, and*
  - (c) *the practice of a general medical practitioner.*
- (2) *Access complies with this clause if:*
  - (a) *the facilities and services referred to in subclause (1) are located at a distance of not more than 400 metres from the site of the proposed development that is a distance accessible by means of a suitable access pathway and the overall average gradient for the pathway is no more than 1:14, although the following gradients along the pathway are also acceptable:*
    - (i) *a gradient of no more than 1:12 for slopes for a maximum of 15 metres at a time,*

- (ii) a gradient of no more than 1:10 for a maximum length of 5 metres at a time,
  - (iii) a gradient of no more than 1:8 for distances of no more than 1.5 metres at a time, or
- (b) in the case of a proposed development on land in a local government area within the Sydney Statistical Division—there is a public transport service available to the residents who will occupy the proposed development:
- (i) that is located at a distance of not more than 400 metres from the site of the proposed development and the distance is accessible by means of a suitable access pathway, and
  - (ii) that will take those residents to a place that is located at a distance of not more than 400 metres from the facilities and services referred to in subclause (1), and
  - (iii) that is available both to and from the proposed development at least once between 8am and 12pm per day and at least once between 12pm and 6pm each day from Monday to Friday (both days inclusive),
- and the gradient along the pathway from the site to the public transport services (and from the public transport services to the facilities and services referred to in subclause (1)) complies with subclause (3), or
- (c) in the case of a proposed development on land in a local government area that is not within the Sydney Statistical Division—there is a transport service available to the residents who will occupy the proposed development:
- (i) that is located at a distance of not more than 400 metres from the site of the proposed development and the distance is accessible by means of a suitable access pathway, and
  - (ii) that will take those residents to a place that is located at a distance of not more than 400 metres from the facilities and services referred to in subclause (1), and
  - (iii) that is available both to and from the proposed development during daylight hours at least once each day from Monday to Friday (both days inclusive),
- and the gradient along the pathway from the site to the public transport services (and from the transport services to the facilities and services referred to in subclause (1)) complies with subclause (3).
- Note.** Part 5 contains special provisions concerning the granting of consent to development applications made pursuant to this Chapter to carry out development for the purpose of certain seniors housing on land adjoining land zoned primarily for urban purposes. These provisions include provisions relating to transport services.

- (3) For the purposes of subclause (2) (b) and (c), the overall average gradient along a pathway from the site of the proposed development to the public transport services (and from the transport services to the facilities and services referred to in subclause (1)) is to be no more than 1:14, although the following gradients along the pathway are also acceptable:
- (i) a gradient of no more than 1:12 for slopes for a maximum of 15 metres at a time,
  - (ii) a gradient of no more than 1:10 for a maximum length of 5 metres at a time,
  - (iii) a gradient of no more than 1:8 for distances of no more than 1.5 metres at a time.



- (4) For the purposes of subclause (2):
- (a) a **suitable access pathway** is a path of travel by means of a sealed footpath or other similar and safe means that is suitable for access by means of an electric wheelchair, motorised cart or the like, and
  - (b) distances that are specified for the purposes of that subclause are to be measured by reference to the length of any such pathway.
- (5) In this clause:
- bank service provider** means any bank, credit union or building society or any post office that provides banking services.

Residents have access to a number of on site facilities inclusive of qualified nursing care, medical practitioners visiting the site and on call medical facilities as well as other regular visits from allied health providers.

Whilst shops, banks and other retail and commercial services are generally located further than 400 metres access is available by the existing bus services which uses Stewart Street to access the CBD. Internal pathways will need to be provided at the suitable grades to enable access to the bus stop on Stewart Street.

## 28 Water and sewer

- (1) A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied, by written evidence, that the housing will be connected to a reticulated water system and have adequate facilities for the removal or disposal of sewage.
- (2) If the water and sewerage services referred to in subclause (1) will be provided by a person other than the consent authority, the consent authority must consider the suitability of the site with regard to the availability of reticulated water and sewerage infrastructure. In locations where reticulated services cannot be made available, the consent authority must satisfy all relevant regulators that the provision of water and sewerage infrastructure, including environmental and operational considerations, are satisfactory for the proposed development.

The property is connected to Council's reticulated water and sewerage systems. There is adequate capacity in both to accommodate this development.

## 30 Site analysis

- (1) A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied that the applicant has taken into account a site analysis prepared by the applicant in accordance with this clause.
- (2) A site analysis must:
- (a) contain information about the site and its surrounds as described in subclauses (3) and (4), and
  - (b) be accompanied by a written statement (supported by plans including drawings of sections and elevations and, in the case of proposed development on land adjoining land zoned primarily for urban purposes, an aerial photograph of the site):
    - (i) explaining how the design of the proposed development has regard to the site analysis, and
    - (ii) explaining how the design of the proposed development has regard

to the design principles set out in Division 2.

- (3) The following information about a site is to be identified in a site analysis:
- (a) **Site dimensions:**
    - length
    - width
  - (b) **Topography:**
    - spot levels and/or contour
    - north point
    - natural drainage
    - any contaminated soils or filled areas
  - (c) **Services:**
    - easements
    - connections for drainage and utility services
  - (d) **Existing vegetation:**
    - location
    - height
    - spread of established trees
    - species
  - (e) **Micro climates:**
    - orientation
    - prevailing winds
  - (f) **Location of:**
    - buildings and other structures
    - heritage features and items including archaeology
    - fences
    - property boundaries
    - pedestrian and vehicle access
  - (g) **Views to and from the site**
  - (h) **Overshadowing** by neighbouring structures
- (4) The following information about the surrounds of a site is to be identified in a site analysis:
- (a) **Neighbouring buildings:**
    - location
    - height
    - use
    - balconies on adjacent properties
    - pedestrian and vehicle access to adjacent properties
  - (b) **Privacy:**
    - adjoining private open spaces
    - living room windows overlooking site
    - location of any facing doors and/or windows
  - (c) **Walls built to the site's boundary:**
    - location
    - height
    - materials
  - (d) **Difference in levels** between the site and adjacent properties at their boundaries
  - (e) **Views and solar** access enjoyed by neighbouring properties
  - (f) **Major trees** on adjacent properties
  - (g) **Street frontage features:**
    - poles
    - trees

- kerb crossovers
- bus stops
- other services
- (h) The **built form** and **character** of adjacent development (including buildings opposite on both sides of the street(s) fronted):
  - architectural character
  - front fencing
  - garden styles
- (i) **Heritage features** of surrounding locality and landscape
- (j) **Direction and distance to local facilities:**
  - local shops
  - schools
  - public transport
  - recreation and community facilities
- (k) **Public open space:**
  - location
  - use
- (l) Adjoining **bushland** or **environmentally sensitive land**
- (m) **Sources of nuisance:**
  - flight paths
  - noisy roads or significant noise sources
  - polluting operations
- (n) Adjoining **land uses and activities** (such as agricultural activities)

The Statement of Environmental Effects includes a site analysis outlining the applicant's site analysis. The analysis adequately details the site, its constraints and opportunities.

## Division 2 Design principles

### 33 Neighbourhood amenity and streetscape

*The proposed development should:*

- (a) recognise the desirable elements of the location's current character (or, in the case of precincts undergoing a transition, where described in local planning controls, the desired future character) so that new buildings contribute to the quality and identity of the area, and
- (b) retain, complement and sensitively harmonise with any heritage conservation areas in the vicinity and any relevant heritage items that are identified in a local environmental plan, and
- (c) maintain reasonable neighbourhood amenity and appropriate residential character by:
  - (i) providing building setbacks to reduce bulk and overshadowing, and
  - (ii) using building form and siting that relates to the site's land form, and
  - (iii) adopting building heights at the street frontage that are compatible in scale with adjacent development, and
  - (iv) considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours, and
- (d) be designed so that the front building of the development is set back in sympathy with, but not necessarily the same as, the existing building line, and
- (e) embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape, and
- (f) retain, wherever reasonable, major existing trees, and
- (g) be designed so that no building is constructed in a riparian zone.

Overall the amended plan, and in particular the retention of 209 Piper Street, represents a

far more acceptable solution in terms of the objective to “retain, complement and harmonise” with the heritage conservation area. Whilst the amended proposal still includes the demolition of 2 dwellings within the Heritage Conservation Area the streetscape in Stewart Street is considered to be of far less significance and cohesion than Piper Street. The proposed infill development is consistent with the existing Cheriton development and will therefore maintain the existing neighbourhood amenity and residential character as required by these provisions

### **34 Visual and acoustic privacy**

*The proposed development should consider the visual and acoustic privacy of neighbours in the vicinity and residents by:*

- (a) appropriate site planning, the location and design of windows and balconies, the use of screening devices and landscaping, and*
- (b) ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths.*

**Note.** *The Australian and New Zealand Standard entitled AS/NZS 2107–2000, Acoustics—Recommended design sound levels and reverberation times for building interiors and the Australian Standard entitled AS 3671—1989, Acoustics—Road traffic noise intrusion—Building siting and construction, published by Standards Australia, should be referred to in establishing acceptable noise levels.*

The majority of new building works will occur in the north western corner of the site adjoining the properties with frontage to Keppel Street. The proposed buildings within this area are to be single storey and set back approximately 2.26 metres from the boundary to the Keppel Street properties.

The development also includes the retention of 194 Stewart albeit it is to be converted into a “craft room” for use by Cheriton.

An outdoor courtyard is also proposed as part of the development for use by the residents of Cheriton. The courtyard will adjoin what is a shared driveway for the Keppel Street residents and the large shed on 198 Keppel Street. It is not likely to have any significant impact on privacy and/or noise.

Due to the change in entry/exit arrangements to the site, there will be additional impacts on 208 Stewart Street as any vehicles accessing Cheriton will now pass beside the dwelling. Estimates of traffic generation provided in the SEE indicate that following completion of the development daily traffic movements will be in the order of 55 to 59 movements per day. The current development generates in the order of 41 vehicle movements per day.

The dwelling at 208 Stewart Street is already subject to road noise associated with Stewart Street and accordingly the additional traffic would not be seen as a significant impact upon the property. In relative terms the traffic generation would be in the order of several vehicles per hour e.g. even if all those movements occurred in an 8 hour period it would equate to approximately 7 vehicles per hour.

A number of other minor structures will be included in the development e.g. the entry structure, mens shed and garages. These are all minor in scale and are appropriate in the residential setting.

### **35 Solar access and design for climate**

*The proposed development should:*

- (a) ensure adequate daylight to the main living areas of neighbours in the vicinity and residents and adequate sunlight to substantial areas of private open space,*

- and
- (b) *involve site planning, dwelling design and landscaping that reduces energy use and makes the best practicable use of natural ventilation solar heating and lighting by locating the windows of living and dining areas in a northerly direction.*

**Note.** *AMCORD: A National Resource Document for Residential Development, 1995, may be referred to in establishing adequate solar access and dwelling orientation appropriate to the climatic conditions.*

The main part of the development is located in the north western corner of the site and a significant distance from the adjoining dwellings which are generally to the north east of the new buildings. Accordingly it will not impact upon the access to sunlight for those properties.

Internally the proposal includes a courtyard area which has good solar orientation to the north east.

### **36 Stormwater**

*The proposed development should:*

- (a) *control and minimise the disturbance and impacts of stormwater runoff on adjoining properties and receiving waters by, for example, finishing driveway surfaces with semi-pervious material, minimising the width of paths and minimising paved areas, and*
- (b) *include, where practical, on-site stormwater detention or re-use for second quality water uses.*

The site generally slopes from Stewart Street. Stormwater will need to be collected and connected into the existing stormwater disposal system.

### **37 Crime prevention**

*The proposed development should provide personal property security for residents and visitors and encourage crime prevention by:*

- (a) *site planning that allows observation of the approaches to a dwelling entry from inside each dwelling and general observation of public areas, driveways and streets from a dwelling that adjoins any such area, driveway or street, and*
- (b) *where shared entries are required, providing shared entries that serve a small number of dwellings and that are able to be locked, and*
- (c) *providing dwellings designed to allow residents to see who approaches their dwellings without the need to open the front door.*

The development is not of a type that would warrant referral to NSW Police under Council's existing CPTED protocol. That said the proposal allows for passive surveillance to Stewart St, courtyard areas and internal areas.

Due to the absence of passive surveillance of the driveway areas to Stewart Street it is proposed to provide CCTV coverage and lighting of these areas which is considered appropriate.

The applicant has also proposed the installation of gates to the new driveway. The gates will be closed from 7pm to 6am but open during the daytime. The gates will be 1.8 metres high with projecting vertical pickets. This will provide further territorial reinforcement to this area.

In order to improve surveillance of this driveway area it will need to be lit in accordance with

AS 4282 – Control of the Obtrusive Effects of Outdoor Lighting. Provided this is done correctly then it is not expected that there would be any adverse impacts on the adjoining properties.

The issue of crime associated with the operation of licensed premises was also raised in several of the submissions. Ultimately issues associated with the operation of licensed premises are not matters that can necessarily form part of this consideration. The proposal can only take what are reasonable steps to address access to their site. That is the approach that has been taken here and it is all that can reasonably be required.

### **38 Accessibility**

*The proposed development should:*

- (a) *have obvious and safe pedestrian links from the site that provide access to public transport services or local facilities, and*
- (b) *provide attractive, yet safe, environments for pedestrians and motorists with convenient access and parking for residents and visitors.*

The main external access will be by way of the newly constructed access to Stewart Street. The proposal includes the construction of designated footpaths in this area connecting into the existing on site footpath network.

### **39 Waste management**

*The proposed development should be provided with waste facilities that maximise recycling by the provision of appropriate facilities.*

The site currently uses the existing BRC waste and recycling services and the proposal includes a significant bin enclosure area.

### **40 Development standards—minimum sizes and building height**

#### **(1) General**

*A consent authority must not consent to a development application made pursuant to this Chapter unless the proposed development complies with the standards specified in this clause.*

#### **(2) Site size**

*The size of the site must be at least 1,000 square metres.*

#### **(3) Site frontage**

*The site frontage must be at least 20 metres wide measured at the building line.*

#### **(4) Height in zones where residential flat buildings are not permitted**

*If the development is proposed in a residential zone where residential flat buildings are not permitted:*

- (a) *the height of all buildings in the proposed development must be 8 metres or less, and*

**Note.** *Development consent for development for the purposes of seniors housing cannot be refused on the ground of the height of the housing if all of the proposed buildings are 8 metres or less in height. See clauses 48 (a), 49 (a) and 50 (a).*

- (b) *a building that is adjacent to a boundary of the site (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) must be not more than 2 storeys in height, and*

**Note.** *The purpose of this paragraph is to avoid an abrupt change in the scale of development in the streetscape.*

- (c) *a building located in the rear 25% area of the site must not exceed 1 storey in height.*

- (5) **Development applications to which clause does not apply**  
Subclauses (2), (3) and (4) (c) do not apply to a development application made by any of the following:
- (a) the Department of Housing,
  - (b) any other social housing provider.

The site is in excess of 1 hectare in size and has frontage to Stewart Street of 76 metres. All buildings are single storey with the highest point of the new building above finished ground level being 6.3 metres.

## **Division 2 Residential care facilities**

### **48 Standards that cannot be used to refuse development consent for residential care facilities**

*A consent authority must not refuse consent to a development application made pursuant to this Chapter for the carrying out of development for the purpose of a residential care facility on any of the following grounds:*

- (a) **building height:** if all proposed buildings are 8 metres or less in height (and regardless of any other standard specified by another environmental planning instrument limiting development to 2 storeys), or
- (b) **density and scale:** if the density and scale of the buildings when expressed as a floor space ratio is 1:1 or less,
- (c) **landscaped area:** if a minimum of 25 square metres of landscaped area per residential care facility bed is provided,
- (d) **parking for residents and visitors:** if at least the following is provided:
  - (i) 1 parking space for each 10 beds in the residential care facility (or 1 parking space for each 15 beds if the facility provides care only for persons with dementia), and
  - (ii) 1 parking space for each 2 persons to be employed in connection with the development and on duty at any one time, and
  - (iii) 1 parking space suitable for an ambulance.

**Note.** The provisions of this clause do not impose any limitations on the grounds on which a consent authority may grant development consent.

The maximum building height is 6.3 metres above finished ground level.

Total site coverage is in the order of 0.2:1 or 20%.

27 sq m of landscaped area is provided for each resident.

The site will ultimately contain 21 self care dwellings and 45 residential care beds. Maximum staff at any one time is 13.

In terms of parking for the residential care facility 5 spaces would be required for residents, 7 spaces for staff and one space for ambulances. The proposal includes 18 spaces for use by the residential care facility which is sufficient to satisfy this standard.

### **State Environmental Planning Policy (Infrastructure)**

SEPP (Infrastructure) includes the following clause relating to developments with frontage to classified roads. Stewart Street is a classified road.

#### **101 Development with frontage to classified road**

- (1) *The objectives of this clause are:*

- (a) *to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and*
- (b) *to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.*
- (2) *The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:*
  - (a) *where practicable, vehicular access to the land is provided by a road other than the classified road, and*
  - (b) *the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:*
    - (i) *the design of the vehicular access to the land, or*
    - (ii) *the emission of smoke or dust from the development, or*
    - (iii) *the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
  - (c) *the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

Options to gain access via a road other than Stewart Street have previously been discounted.

Overall the development will include a reduction in the number of properties currently accessing Stewart Street by deleting the existing accesses to 194 and 196 Stewart Street.

As part this process Council referred the Development Application to the Roads and Maritime Service (RMS) due to the relocation of the driveway. The RMS has advised that it will provide concurrence to the proposed development subject to conditions which are achievable. A full copy of the RMS response is provided at **attachment 3**.

### ***BRILEP 2005***

The subject land is zoned 2(a) Residential pursuant to BRILEP 2005.

BRILEP 2005 does not contain any specific landuse definition for this type of development. The development is therefore permissible as an innominate use in the zone. The development is not inconsistent with the objectives of the zone.

### ***Clause 10 Advertised development***

The original Development Application (and the subsequent Section 82A review) was advertised development as it involved the demolition of buildings in the heritage conservation area.

Council received a number of submissions as part of this process which are dealt with in detail elsewhere in this report.

### ***Clause 11 Tree Preservation Order***

The development will necessitate the removal of all trees and vegetation from 196 and 210 Stewart Street and from the rear part of 207 and 209 Piper.

The vegetation is not considered significant enough to warrant retention.



### **Clause 23 Protection of environmental heritage**

The affected properties are located in the heritage conservation area but are not individually listed.

In accordance with Clause 23(4) Council must not grant consent unless it is satisfied that the impact of the development on the significance of the heritage conservation area is “acceptable to the consent authority”.

The applicant has submitted a heritage impact statement prepared by Ian Rufus which should be considered as part of this assessment process. The decision as to the overall acceptability of the impact remains with Council. The role of the heritage impact statement is to inform that decision making process.

The following table provides a summary of the assessment of the dwellings to be demolished.

#### *196 Stewart Street*

|   |  |
|---|--|
| Date of Construction  | Circa 1930 to 1940   |
| BCAMS results<br>Integrity<br>Streetscape rating<br>Heritage significance | Substantially intact (3)<br>Contributory (3)<br>Significant in local context (2) |
| Overall Rating (Out of 10)  | 8 out of 10  |
| Significant historical matters  | No significant historical matters or associations were found                     |
| Cost of repairs   | \$25,000 essential<br>\$12,000 desirable   |
| Compliance with infill policy   | Yes  |
| Impact of demolition on streetscape                                       | Will result in the loss of a contributory building within the streetscape        |

The dwelling at 196 Stewart Street is architecturally interesting in that its plan is unusual with 2 front doors suggesting a commercial or use as 2 dwellings at some time in the past.

Overall the building contributes to the localised streetscape although it must be acknowledged that the streetscape in this section of Stewart Street is dominated by the Cheriton development itself.

The dwelling does not require significant repair works.

#### *210 Stewart Street*

|   |  |
|---|--|
| Date of Construction  | 1890's with considerable alterations   |
| BCAMS results<br>Integrity<br>Streetscape rating<br>Heritage significance | Altered unsympathetically – non reversible (0)<br>Neutral (1)<br>Historically significant in local context (3) |
| Overall Rating (Out of 10)  | 4 out of 10  |
| Significant historical matters  | Possible links to Cobb and Co  |
| Cost of repairs   | \$135,000 essential<br>\$45,000 desirable  |
| Compliance with infill policy   | Yes  |
| Impact of demolition on streetscape                                       | Will result in the loss of a contributory building   |

The issue of potential links between 210 Stewart Street and Cobb and Co operations in Bathurst was raised in one of the public submissions. Council requested that the applicant provide further investigation of this link. Searches undertaken by the applicant through the Historical Society and the existing published information can provide no direct evidence of any association. That is not to say that it did not occur but that there is no available evidence. Certainly there is evidence of buildings on the site in the 1877 pictures of Bathurst but no other evidence exists. That said the rear outbuildings are in an extremely poor condition and there is no readily identifiable fabric remaining that would indicate this use.

The structural engineers report for 210 Stewart Street highlights some significant issues related to the building. These have been confirmed by Council's own inspection.

Based on the overall physical condition of 210 Stewart its demolition can be supported.

Overall the demolition of 196 Stewart remains of some significance as it is a relatively intact contributory building in the heritage conservation area. This is reflected in the high "BCAMS" rating of 8 out of 10. Demolition by itself is not warranted.

In terms of the overall impact on the streetscape the end result will be to replace the existing modified "heritage" streetscape with one that is now dominated by the Cheriton development. The streetscape itself will still appear as a consistent collection of buildings albeit heritage buildings will cease to be a dominant factor on this side.

That said demolition of 196 Stewart remains the only viable option to facilitate the development. As part of the process the applicant has examined a number of options as part of the process including the Piper Street demolition proposal.

The option exists for Council, in weighing up the proposal, to acknowledge that whilst the demolition of 196 Stewart Street is a loss to the heritage conservation area, the overall benefit to the city in securing an additional 15 aged care beds warrants demolition. That is the loss is "acceptable" to the Council. This is the approach taken for this application.

### ***Bathurst Region (Interim) Development Control Plan***

#### *Chapter 3 Subdivision of land*

The Development Application includes the subdivision of the rear of 207 and 209 Piper Street which will be incorporated into the Cheriton site.

The resultant lots are to be approximately 429.6 sqm and 464.7 sqm respectively.

This is less than the minimum lot size for normal lots containing a dwelling of 550 sqm.

That said the allotments are not dissimilar to others in the area which are also below the minimum area (211 Piper is 509 sqm, 213 Piper is 503 sqm, 215, 217 and 219 Piper are all less than 300 sqm).

More importantly the allotments retain sufficient area for open space and parking. The variation is considered acceptable.

#### *Chapter 10 Urban Design and Heritage Conservation*

The applicant has prepared a Heritage Impact Statement to support the application. The HIS includes the areas that it is required to address.

The proposed infill buildings are considered appropriate to the streetscape in which they will exist.

#### Public exhibition

The original Development Application (as refused) was placed on public exhibition and notified to the adjoining owners. Council received a number of submissions and the Development Application was subsequently refused. Those submissions have not been included or specifically addressed in this report as they relate to a different proposal.

In accordance with Section 2.6 of Council's Interim DCP Section 82A review are to be re-exhibited and/or notified in the same manner as the original development application and to those persons who lodged submissions to the original application.

The Development Application was placed on public exhibition for a period of 14 days. Notice of the public exhibition was placed in the Western Advocate. Adjoining owners and those persons who lodged submissions to the original application were also notified of the application.

As a result of the notification period Council received 7 submissions. Copies of the submissions are provided at **attachment 4**.

Issues raised in the submission included:

| Name                        | Issue  | Comment  |
|-----------------------------|--|--|
| Norma Knight of 208 Stewart | Adequacy of off street parking                                   | The number of off street car parking spaces is governed by SEPP (HSPD). Provided that the development complies with the standards contained in the SEPP the availability of parking cannot be used as grounds for refusal.   |
|                             | Safety of driveways in Stewart Street                            | The application has been referred to the RMS for comments.   |
|                             | Additional traffic movements using the new driveway 208 Stewart  | Estimated traffic movements will be in the order of 55 – 59 per day.   |
|                             | Storage of otto bins on Stewart Street                           | The site currently uses 26 otto bins. This is expected to increase to 30 following development. Whilst the number of bins will increase the kerbside location will be largely the same. That is the status quo will be largely the same. The applicant has advised that they are currently considering options for a skip bin which could reduce the number of bins overall. |
|                             | Proximity of pedestrian and vehicle movements to 208 Stewart     | Whilst a pedestrian pathway exists alongside the boundary of 208 Stewart the opportunity exists to include landscaping within this area.   |
|                             | Sense of enclosure as Cheriton will be on 3 sides of 208 Stewart | Acknowledged although it is a matter of how these issues can be addressed.   |

|  |  |   |
|--|--|---|
|  | Impact on privacy                                      | There will be no overlooking of the property from any residential part of the development.  |
|  | Removal of established trees                           | The trees and vegetation to be removed are not considered significant.  |
|  | Potential links to Cobb and Co                         | No evidence of links exists.  |
|  | Loss of property values                                | It has been consistently held that property value is not a matter that can be considered under current planning legislation.  |
|  | Impacts during construction phase                      | It is to be expected that there will be impacts during construction. These will be governed by conditions relating to hours of operation and a construction management plan.  |
| William Weir of 213 Piper                | Objecting to the demolition of 207 & 209 Piper         | The application has been specifically amended to exclude demolition in Piper Street   |
|  | Additional traffic in Piper St                         | The application no longer proposes access via Piper Street.   |
|  | Loss of property values                                | It has been consistently held that property value is not a matter that can be considered under current planning legislation.  |
| W & K Shute of 205 Piper                 | Retention of large liquid amber tree                   | The tree is not to be removed as part of this proposal. In this regard the status quo remains.  |
|  | Leaves falling from deciduous trees                    | Council could not foresee a circumstance where it would limit the planting of deciduous trees because they may drop leaves.   |
|  | Noise associated with the operation of the "mens shed" | The proposed "mens shed" is to be constructed of brick with the main openings directed away from Piper Street. The "mens shed" also adjoins the existing outbuildings on 205 Piper. Provided power equipment is kept within normal domestic limits then it would not be inconsistent with normal domestic uses. |
|  | Fumes associated with vehicles using the new access    | Given the expected level of traffic generation any impacts from fumes are considered minor.   |
| A Bathgate of 1371 Tarana Road, Locksley | Demolition of Stewart Street properties                | Dealt with elsewhere in the report.   |
|  | Development represents an overdevelopment of the site  | The development is within the landuse parameters set in SEPP (HSPD)   |
|  | Adequacy of new driveway during emergencies            | There is no known requirement to provide alternate access.  |
|  | Noise and amenity impacts on 208 Stewart St            | Dealt with elsewhere in the report  |
|  | Previous Heritage Impact Statement was "discredited"   | The previous HIS was not "discredited". Council officers did not agree with its conclusion in relation to 209 Piper.  |
|  | Clarification of proposed use                          | Dealt with elsewhere in the report.   |
|  | Comments on architectural style                        | Dealt with elsewhere in the report.   |

|                                     |   |  |
|-------------------------------------|---|--|
|                                     | Use of colorbond fencing  | Council would not normally restrict the materials to be used on a boundary fence.  |
|                                     | Proposal for "fake" bus shelter                                 | The bus shelter will add some interest to the streetscape and is not out of context with the modified streetscape.   |
|                                     | Choice to be made between heritage and aged care.               | Acknowledged.  |
|                                     | Options for adaptive reuse should be examined.                  | Options for adaptive reuse of 194 Stewart have been taken. Other options have been discarded by the applicant.   |
| Adrian De Maine of 211 Piper Street | Lack of consultation by RFBI with affected owners               | The degree of consultation between RFBI and the adjoining owners is not a planning consideration.  |
|                                     | Risk of asbestos  | Any asbestos on any of the sites will need to be managed in accordance with accepted standards. If done correctly there is no significant risk.  |
|                                     | Increased risk to security                                      | It is proposed to include CCTV, lighting and entrance controls to the new driveway area which is considered appropriate.   |
|                                     | Future plans for 207 and 209 Piper                              | There is no proposal before Council to demolish 207 & 209 Piper Street. Any future proposal is purely speculation.   |
|                                     | Adequacy of Heritage Impact Statement                           | The HIS is the applicant's assessment of the impacts associated with the development. It is not intended to be a definitive document. The applicants have provided separate specific comment to this suggestion. |
|                                     | Future encroachment   | There is no proposal before Council beyond those considered as part of this application. Any future proposal is purely speculation.  |
|                                     | Possibility of future demolition by neglect                     | The subdivision of 207 and 209 Piper enables them to be used separately from the Cheriton site. The long term plan is however a matter for the owners.   |
| June De Maine of 211 Piper          | Cheriton has outgrown its site and should seek alternate sites. | It is a matter for the Council to consider the impact of this development against all applicable development standards. It is only an overdevelopment if those impacts are considered unacceptable.              |
|                                     | Impacts upon 208 Stewart Street                                 | Dealt with elsewhere in this report.   |
|                                     | Possible future demolition of 209 Piper Street                  | There is no proposal before Council to demolish 207 & 209 Piper Street. Any future proposal is purely speculation.   |
|                                     | Possible use of the driveway to Piper Street.                   | There is no proposal for this to occur as part of this application.  |
|                                     | Fencing materials   | Council would not normally restrict the materials to be used on a boundary fence.  |
|                                     | Security, noise, privacy and lighting                           | Dealt with elsewhere in this report.   |

|  |  |                                      |
|--|--|--------------------------------------|
|  | associated with the driveway               |                                      |
|  | Subdivision of land                        | Dealt with elsewhere in this report. |
| Bathurst and District Branch of National Trust | Suggests adaptive reuse of 196 Stewart St. | Dealt with elsewhere in this report. |

The Development Application was the subject of a discussion forum on 24 June 2013 to which all those persons who lodged submissions were invited. The discussion forum minutes are at **attachment 5**.

Please note that the applicants have provided a specific response to the issues raised relating to Cobb and Co and the adequacy of the Heritage Impact Statement.

It should also be made patently clear that the HIS is prepared by the applicants to provide a basis for assessing the overall impact of the development. It is not, nor is it intended to be a definitive document. It remains Council's responsibility to consider those impacts and make a decision as to the appropriateness of a development. In making that decision Council can agree or disagree with the conclusions made by the applicant. This is a very different process to "discrediting" the document or saying that it is "flawed".

There has also been a deal of speculation about future plans for the site beyond the current application. Council's obligation is to deal solely with the application before it. Any speculation as to any future plans cannot be part of the Council's decision.

### Conclusion

The development application raises a number of issues associated with heritage and changes as a result of the relocation of the entry beside 208 Stewart and enabling rear access to other properties fronting Piper Street.

In terms of heritage impact the demolition of 210 Stewart Street is supportable due to its current condition and significant unsympathetic alterations.

196 Stewart St is a relatively intact contributory building which contributes to the housing stock in the heritage conservation area. As part of Council's deliberation it must consider whether its loss, to facilitate this development, is acceptable.

In terms of the impacts upon the adjoining properties, and most notably 208 Stewart Street, it must be acknowledged that the relocation of the access brings with it additional traffic and possible impacts on privacy. As much as possible these are to be mitigated through conditions of consent to be imposed.

**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. 2012/0549 – DEMOLITION OF EXISTING DWELLINGS AT 196 AND 210 STEWART STREET AND ALTERATIONS TO EXISTING AGED CARE FACILITY TO ACCOMMODATE 15 ADDITIONAL BEDS AND SUBDIVISION OF LAND AT 194, 196, 198 AND 210 STEWART AND 207 AND 209 PIPER STREET, BATHURST. APPLICANT: HAVENHAND & MATHER. OWNER: ROYAL FREEMASONS INSTITUTE, R & C HOGG, J SKINNER AND H PRICE (DA/2012/0549)**  
**MOVED: Cr I North SECONDED: Cr M Coote**

**RESOLVED:** That Council:

- (a) having undertaken a review of Development Application 2012/0549 change its decision and approve the application 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) The applicant is to provide a detailed photographic record of 196 and 210 Stewart Street to Council prior to demolition.
  - (ii) During the carrying out of any proposed works, if any archaeological remains are discovered, the developer is to stop work immediately and notify the Heritage Branch, Department of Planning and Council. Any such find is to be dealt with appropriately and in accordance with the Heritage Act 1977, recorded and details given to Council prior to the continuing of works.
  - (iii) CCTV, lighting and a gateway are to be installed at the new entry location.
- (b) The Developer be asked to put in writing a formal agreement with Mrs Knight as to the undertakings given at the Council Meeting, 17 July 2013.
- (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. 2013/0133 – USE OF EXISTING PREMISES AS GYMNASIUM AT 91 KEPPEL STREET, BATHURST. APPLICANT: SNAP FITNESS. OWNER: BOLAM PROPERTY INVESTMENTS PTY LTD (DA/2013/0133)**

**Recommendation:** That Council:

- (a) having undertaken a review of Development Application 2013/0133 change its decision and approve the application 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) The subject land is to be consolidated with the adjoining 85 Keppel Street into a single allotment prior to the Occupation of the building.
  - (ii) The proposed above awning signage is excluded from the consent.
  - (iii) A minimum 5 bicycle parking spaces is provided on site.
  - (iv) The premises is not to be used for group classes.
  - (v) The non-compliant car parks are to be remarked accordingly.
- (b) call a division.

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

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

**The site**

The development involves the use of an existing retail tenancy as a gymnasium. The building was formerly used as “Discount Dave’s” but is currently vacant.

The tenancy has an internal floor area of 737 sq m. Primary pedestrian access is from Keppel Street and there is a rear loading dock.

Minor internal works will be involved in the fitout of the premises including partition walls and new toilet facilities.

Advertising signage will be applied to the front of the building.

The building is located within a complex which includes a number of retail/commercial tenancies at 85 Keppel which is owned by the same company. Tenants at 85 Keppel include “The Schnitzel Bar”, commercial offices (John Cobb and Sureway) and a vacant tenancy.

A central carpark provides parking spaces which are jointly used by all tenants.

Access to the carpark is via a 2 way access to Keppel Street with alternate access to Heaths Lane. Heaths Lane is a 2 way laneway.



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

#### The current proposal

The proposal involves the use of an existing retail premises as a gymnasium.

The gymnasium will operate 24 hours with staff available at the following times:

- Monday to Thursday: 8.30am to 11.30am and 3.30pm to 7.30pm
- Friday and Saturday: 8.30am to 1pm

Outside of these hours the premises will be unstaffed with access via a swipecard system.

Internal works involve the construction of internal partition walls and new toilet shower and office areas.

A small area is provided at the rear of the tenancy which will be used for private lessons but not group classes.

Advertising signage is proposed to be applied above and below the awning.

The proposal seeks to rely upon the current central carpark to satisfy its required parking.

It should be noted that at present the development is located on 91 Keppel which itself does not have any carparking. The existing carpark is located on 85 Keppel which is currently a separate and distinct allotment of land. The applicant has foreshadowed that the 2 allotments will be consolidated into one allotment which is considered appropriate.

#### Reasons for refusal

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

The reasons for refusal were as follows:

1. The proposal does not provide adequate off street car parking in accordance with the Bathurst Regional (Interim) Development Control Plan 2011.
2. The proposal does not provide adequate bicycle parking in accordance with the Bathurst Regional (Interim) Development Control Plan 2011.
3. The proposal does not comply with the advertising signage standards required by the Bathurst Regional (Interim) Development Control Plan 2011.

The original Development Application was accompanied by a Statement of Environmental Effects which included a request that Council "waive" its adopted parking rates for gymnasiums on the basis of the absence of group classes, the availability of existing parking and location in the centre of town.

No empirical data to support the request was provided and the application was subsequently refused.

A copy of the Statement of Environmental Effects is at **attachment 2**.

#### Current parking arrangement

The complex consists of 2 separate buildings located around a central car parking area.

The building at 85 Keppel comprises a total floor area of approximately 732 sqm which is divided into 4 separate tenancies of various sizes. Current tenants are the Schnitzel Bar, John Cobb MP, Sureway and one vacant premises.

The building at 91 Keppel comprises a total floor area of 737 sqm and is currently vacant.

The only dedicated loading dock is located on 91 Keppel Street.

One accessible (disabled) parking space is provided on site to cater to the whole of the site.

At present the majority of car parking spaces are allocated to various tenants by way of signs. Generally those parking spaces adjoining 91 Keppel are allocated for that particular tenancy. Those adjoining 85 Keppel are allocated to the various tenants within that building.

#### Calculation of existing parking spaces

The site as a whole was subject to redevelopment for retail purposes in its current configuration in 2009.

As part of that particular Development Application (2008/0360) Council required the provision of 34 on site parking spaces. One of these spaces is to be dedicated as an accessible (disabled) parking space.

This was based on the following calculation

*Floor space (prior to redevelopment) = 939sq m @ 1 space per 50 sqm = 18.78 spaces*  
*Additional floor space (after development) = 557 sq m @ 1 space per 35 sqm = 15.91 spaces*  
*Total = 18.78 + 15.91 = 34.69 spaces*

Note that there are minor discrepancies between the floor areas of the buildings between the original Development Application plans and the final Construction Certificate plans although these do not alter the end result of 34 spaces.

For the purposes of this discussion 1469 sqm has been adopted. This is based on the floor areas shown on the original modified Development Application.

It is worth noting that the applicant's contention that there are 33 spaces is based on a number of assumptions that are not supported for the following reasons:

- Parking space "17" is located in front of the designated loading zone. A vehicle parked in this space would effectively block access to the loading zone. This is contrary to Council's DCP which requires the separation of parking spaces and loading/unloading areas. Accordingly it should not be accepted.
- Parking space "32" is located behind the loading dock and is obstructed by the existing stairs on one side and an unfenced boundary. In order to meet the minimum dimensions for a parallel parking space it would require minimum dimensions of 6.3 metres. At present this area is only 5 metres in length.

Council's assessment is that there are effectively 30 spaces available on site. The existing development consent is not being complied with in that there is currently a shortfall of 4 spaces on site.

On the whole parking is currently being provided at a rate of 1 space per 48.9 sqm which is below the current rate for retail shops etc of 1 space per 35 sqm.

#### Allocation of parking within the area

As the carpark is private land there is in effect no way of controlling who may have access to it nor enforcing who is parked in any given spot.

The current advisory signs designating spaces to individual tenants have no statutory force.

It is understood that the various tenancies have an allocated number of parking spaces included in their respective leases. The formula for allocating spaces within the leases is not known to Council nor is it relevant to the consideration to the Development Application.

It would be entirely possible to allocate all or none of the parking to any of the tenants within the complex without reference to Council.

In terms of the approach taken in this report an equitable approach to the distribution of parking amongst all the tenancies must be adopted. That is it is entirely inappropriate to consider that the car parking being provided for the whole of the site can be used to satisfy the parking demand of one tenant at the detriment of others.

In order to address the equitable distribution of parking amongst the tenants (notwithstanding what may be contained in their leases) the whole of the floor space within the complex (1469 sqm) can be divided by the number of space provided (30 spaces).

Currently parking on site is therefore provided at one space per 48.9 sqm (1469/30)

The proposed Snap tenancy (737 sqm) would therefore have access to 15 spaces based on equal distribution of parking amongst all the tenancies.

The remaining tenancies would likewise have access to 15 spaces based on this approach.

#### Council's parking standards

Council has in its Interim Development Control Plan adopted a figure of 7.5 spaces per 100 sqm for indoor recreation facilities.

Strict application of Council's DCP would therefore require 56 spaces (7.5 x 7.37).

The current Interim DCP came into effect on 27 November 2012. The DCP replaced Council's Carparking Code which did not contain any specific standards relating to gymnasiums.

The Council adopted figure is based on the RTA's "desirable" figure discussed below.

#### RTA guide to traffic generating developments

The RTA Guide to Traffic Generating Developments (2002) provides minimum and desirable figures for gymnasium off street parking of:

- Minimum provision: 4.5 spaces per 100 sqm GFA
- Desirable provision: 7.5 spaces per 100 sqm GFA

It is noteworthy that the RTA would typically classify a gymnasium to include organized or instructed indoor exercise i.e. classes.

Classes are not proposed as part of this application and will be conditioned accordingly.

The RTA also recognizes that there are distinct peak periods after work i.e (5.30-6.30pm weekdays).

Application of the RTA Guidelines would therefore require 56 spaces (7.5 x 7.37) as desirable and 34 spaces (4.5 x 7.37) as minimum.

Applicants usage data

In response to the refusal the applicant has provided empirical data providing patronage figures from other centres operated by Snap in order to determine car parking demand.

The data is provided in 2 documents being the Traffic and Parking Assessment Report prepared by ML Traffic Engineers (**attachment 3**) and Request for Review prepared by Snap fitness (**attachment 4**).

Note that the ML Traffic Engineers report includes data from 3 different centres of variable size (Kensington -1100 sqm, Whyalla – 780 sqm and Murray Bridge – 610 sqm).

The ML Report illustrates a high degree of variability in patronage levels across the various centres.

The Snap review request provides further data from 3 other centres of similar size to the Bathurst proposal (Geraldton – 910 sqm, Perth CBD – 690 sqm, Cleveland – 713 sqm).

There is a far greater consistency in patronage associated within the gymnasiums of similar size.

The attendance figures highlight that there are a number of distinct peak periods being a morning peak (between 5 to 7am), lunchtime peak (12pm to 2pm) and evening peak (5pm to 7pm). The evening peak is invariably the largest.

On the whole Whyalla is considered comparable with other centres of this size and has been adopted as a basis for estimating parking for the Bathurst centre.

In order to transfer patronage figures it must be assumed that not all people will necessarily drive a motor vehicle to the venue. The applicant has estimated that 80% of patrons will travel to the gym by car. The remaining 20% would travel by foot/bicycle or shared transport.

Patronage figures and estimated parking figures are provided in the following table. Note parking figures have been rounded up to the nearest whole number. An additional 1 space has been provided for the staff member between 8 and 8pm to cover staff parking. Parking spaces are therefore 80% of the patrons plus 1.

| TIME       | MON | TUE | WED | THU | FRI | SAT | SUN | PEAK | PARKIN<br>G |
|------------|-----|-----|-----|-----|-----|-----|-----|------|-------------|
| 12am – 1am | 0   | 0   | 2   | 1   | 1   | 2   | 0   | 2    | 2           |

|             |           |           |           |           |          |           |   |           |           |
|-------------|-----------|-----------|-----------|-----------|----------|-----------|---|-----------|-----------|
| 1am – 2am   | 0         | 1         | 1         | 0         | 1        | 1         | 0 | 1         | 1         |
| 2am – 3am   | 0         | 1         | 1         | 0         | 0        | 0         | 0 | 1         | 1         |
| 3am – 4am   | 0         | 0         | 1         | 1         | 1        | 2         | 0 | 2         | 2         |
| 4am – 5am   | 0         | 2         | 1         | 2         | 0        | 0         | 0 | 2         | 2         |
| 5am – 6am   | 9         | 11        | 13        | <b>17</b> | 5        | 1         | 0 | <b>17</b> | <b>14</b> |
| 6am – 7am   | 7         | 7         | 7         | 8         | 7        | <b>13</b> | 1 | <b>13</b> | <b>11</b> |
| 7am – 8am   | 5         | 6         | <b>13</b> | 3         | 7        | 9         | 1 | <b>13</b> | <b>11</b> |
| 8am – 9am   | <b>9</b>  | 2         | 3         | 3         | 2        | 6         | 7 | <b>9</b>  | <b>9</b>  |
| 9am – 10am  | 3         | 2         | <b>9</b>  | 5         | 5        | 4         | 6 | <b>9</b>  | <b>9</b>  |
| 10am – 11am | 1         | 3         | 1         | 3         | 3        | <b>12</b> | 5 | <b>12</b> | <b>11</b> |
| 11am – 12pm | 5         | <b>8</b>  | 6         | 3         | 7        | 4         | 7 | <b>8</b>  | <b>8</b>  |
| 12pm – 1pm  | 2         | 4         | 2         | 2         | <b>5</b> | 4         | 1 | <b>5</b>  | <b>5</b>  |
| 1pm – 2pm   | 1         | 5         | <b>10</b> | 3         | 9        | 4         | 6 | <b>10</b> | <b>9</b>  |
| 2pm – 3pm   | 5         | 7         | <b>10</b> | 7         | 3        | 5         | 2 | <b>10</b> | <b>9</b>  |
| 3pm – 4pm   | 7         | <b>12</b> | 7         | 10        | 7        | 4         | 2 | <b>12</b> | <b>11</b> |
| 4pm – 5pm   | 14        | 11        | <b>15</b> | 14        | 11       | 7         | 6 | <b>15</b> | <b>13</b> |
| 5pm – 6pm   | 15        | 17        | <b>18</b> | 16        | 8        | 6         | 7 | <b>18</b> | <b>16</b> |
| 6pm – 7pm   | 18        | <b>19</b> | 18        | 11        | 12       | 6         | 7 | <b>19</b> | <b>17</b> |
| 7pm – 8pm   | <b>18</b> | 13        | 12        | 15        | 9        | 5         | 8 | <b>18</b> | <b>16</b> |
| 8pm – 9pm   | <b>15</b> | 8         | 10        | 15        | 5        | 7         | 6 | <b>15</b> | <b>12</b> |
| 9pm – 10pm  | <b>8</b>  | <b>8</b>  | 6         | 4         | 3        | 4         | 1 | <b>8</b>  | <b>7</b>  |
| 10pm – 11pm | 6         | 4         | 3         | <b>6</b>  | 4        | 4         | 3 | <b>6</b>  | <b>5</b>  |
| 11pm – 12am | 3         | 1         | 2         | <b>4</b>  | <b>4</b> | 3         | 2 | <b>4</b>  | <b>2</b>  |

Based on this scenario peak parking is during the morning peak (14 spaces at 5am to 6am) and during the afternoon/evening (ranging from 13 spaces at 4pm to 5pm to 12 spaces at 8pm to 9 pm). The absolute peak is at 17 spaces between 6pm and 7pm.

Based on the 15 spaces allocated to this tenancy (being equally distributed amongst all the tenancies) the site would contain sufficient parking at all times with the exception of between 5pm and 8pm where it would be under provided by 1 to 2 spaces. That is the site requires 32 spaces in total being 17 for the gymnasium and 15 for the other tenancies. This is in fact less than required under the existing development consent.

### Options for under provision

In essence there are 3 options available to deal with the under provision of parking spaces on site:

- Refuse the Development Application;
- Require a contribution under Council's existing Section 94 Plan "Off street carparking" in lieu of the 2 spaces. The contribution would be \$17,900.20; or
- Acknowledge that the times when the use exceeds the parking allocation is outside "core business" hours and accept the 15 spaces as being sufficient.

Under the circumstances the preferred option to be taken is to acknowledge that the exceedance is generally outside the core business hours of other businesses operating on site (except Schnitzel Bar) and accept the 15 as being sufficient.

It is also worth noting that Council has no plans to provide additional off street parking within the vicinity of the site. A contribution is not therefore considered appropriate.

### Advertising signage

The applicant has submitted an amended advertising proposal which includes the application of signage below the awning on the windows facing the street and a large above awning sign covering the majority of the above awning façade.

For the purposes of assessment the advertising signage below the awning is acceptable.

The proposed advertising signage located above the awning is not dissimilar from that previously considered unacceptable although it does not extend beyond the parapet like the previous proposal.

That said the above awning signage proposed remains contrary to Council's DCP which seeks to ensure that signage does not visually dominate buildings. Standards adopted in the DCP include:

- Limitation of advertising signage to 5% of the front of the building,
- Above awning signs should not exceed 4 sqm
- The sign should not obscure architectural features.

The above awning sign is contrary to all these requirements and therefore should be excluded from any consent.

It is noted that the applicant could include additional fascia signage (ie signage attached to the fascia of the awning) without further consent.

A more considered approach to advertising signage could also be the subject of a further Development Application.

### Bicycle parking

Council has in its Development Control Plan adopted standards for the provision of bicycle parking for certain uses. In accordance with these standards bicycle parking is required at a ratio of 1 space per 4 employees and 1 space per 200 sqm. Based on these ratios 5 spaces would be required.

The applicant has indicated that an area is available near the entrance to the building which is sufficient to provide these spaces. This may be enforced by way of condition.

### Conclusion

Council has received a request to review its refusal of a Development Application for a 24 hour gymnasium at 91 Keppel Street.

The Development Application has been supported by empirical evidence of the patronage from other sites of similar size to supports its argument that the Council adopted standard should be varied.

The assumptions made in that report provide grounds for Council to vary its DCP in this circumstance although a minor shortfall in the provision of parking remains.

Other elements of the original refusal (advertising signage and bicycle parking) can be satisfied.

It is therefore recommended that the Development Application be approved subject to conditions.

**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. 2013/0133 – USE OF EXISTING PREMISES AS GYMNASIUM AT 91 KEPPEL STREET, BATHURST. APPLICANT: SNAP FITNESS. OWNER: BOLAM PROPERTY INVESTMENTS PTY LTD (DA/2013/0133)**

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

**RESOLVED:** That Council:

- (a) having undertaken a review of Development Application 2013/0133 change its decision and approve the application 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) The subject land is to be consolidated with the adjoining 85 Keppel Street into a single allotment prior to the Occupation of the building.
  - (ii) The proposed above awning signage is excluded from the consent.
  - (iii) A minimum 5 bicycle parking spaces is provided on site.
  - (iv) The premises is not to be used for group classes.
  - (v) The non-compliant car parks are to be remarked accordingly.
- (b) call a division.

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

**The result of the division was:**

In favour of the motion - Cr W Aubin, Cr B Bourke, Cr 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. 2013/0228 – TWO LOT RURAL SUBDIVISION (BOUNDARY ADJUSTMENT) AT 365 LIMEKILNS ROAD, KELSO AND 399 LIMEKILNS ROAD, KELSO. APPLICANT: CPC LAND DEVELOPMENT CONSULTANTS PTY LTD. OWNER: MR D MARTIN, MR R MCPHEE & MRS S MCPHEE (DA/2013/0228)**

**Recommendation:** 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 20 and proposed Lot 21;
- (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 20 and proposed Lot 21;
- (c) direct the Director Environmental, Planning & Building Services to approve Development Application No. 2013/0228, 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 365 Limekilns Road, Kelso (Lot 11, DP 1147945) and 399 Limekilns Road, Kelso (Lot 2, DP 813615). A location plan is provided at **attachment 1**.

365 Limekilns Road is 19.76 ha and currently contains a dwelling and rural outbuildings.

399 Limekilns Road is 70.39 ha and currently contains two separate dwellings and rural outbuildings.

**The proposal**

The proposal is for the resubdivision of the two existing lots to increase the area of 365 Limekilns Road by 20.23 ha and reducing the area of 399 Limekilns. A plan of the proposed subdivision is at **attachment 2**.

The proposal will result in:

- 365 Limekilns Road will increase in size to 39.99 ha (proposed Lot 1)
- 399 Limekilns will decrease in size to 50.16 ha (proposed Lot 2)

Both lots will continue to contain separate dwellings.

**Planning Context**

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

The subject site is zoned 1(a) Inner Rural under the provisions of the Bathurst Regional (Interim) Local Environmental Plan 2005. Under Clause 27 of the Bathurst Regional (Interim) Local Environmental Plan 2005 the minimum area for an allotment created for the purposes of agriculture or a dwelling-house in the 1(a) Inner Rural zone is 200 hectares. Likewise Clause 28 of the Bathurst Regional (Interim) Local Environmental Plan 2005 requires a minimum area of 200 hectares for the erection of a dwelling-house.

Proposed Lot 1 and proposed Lot 2 are therefore 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:

- Lot 1 – 39.99 hectares
- Lot 2 – 50.16 hectares

The applicant has submitted a SEPP 1 Objection (**attachment 3**) in relation to the creation of proposed Lot 1 and proposed Lot 2 which indicates the nature of the subdivision and their objection to the current standards because:

1. Both lots are already well below the minimum lot size of 200 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 365 Limekilns Road, Kelso and 399 Limekilns Road, Kelso. 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

**11 Item 6 DEVELOPMENT APPLICATION NO. 2013/0228 – TWO LOT RURAL SUBDIVISION (BOUNDARY ADJUSTMENT) AT 365 LIMEKILNS ROAD, KELSO AND 399 LIMEKILNS ROAD, KELSO. APPLICANT: CPC LAND DEVELOPMENT CONSULTANTS PTY LTD. OWNER: MR D MARTIN, MR R MCPHEE & MRS S MCPHEE (DA/2013/0228)**

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

**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 20 and proposed Lot 21;
- (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 20 and proposed Lot 21;
- (c) direct the Director Environmental, Planning & Building Services to approve Development Application No. 2013/0228, 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

**7 DEVELOPMENT APPLICATION NO. 2013/0191 – DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF NEW SINGLE STOREY DWELLING AT LOT 1 DP 982543, 84A STEWART STREET. APPLICANT: MICHELLE URQUHART. OWNER: NELMA BROOKS (DA/2013/0191)**

**Recommendation:** That Council:

- (a) direct the Director Environmental, Planning & Building Services to approve Development Application No. 2013/0191, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended and including conditions to the effect that:
- i. During the carrying out of any proposed works, if any archaeological remains are discovered, the developer is to stop work immediately and notify the Heritage Branch, Department of Planning and Council. Any such find is to be dealt with appropriately and in accordance with the Heritage Act 1977, recorded and details given to Council prior to the continuing of works.
  - ii. 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 of the new dwelling.
  - iii. Prior to the issue of a construction certificate the developer is to submit plans to Council showing a redesign of the front façade to incorporate enclosure of the proposed open porch area including appropriate window treatments.
  - iv. Prior to the issue of a construction certificate the developer is to submit to Council a Construction Management Plan which includes (but is not limited to) the following:
    1. Traffic management, including:
      - a) Loading, unloading area and material storage areas
      - b) Access to adjoining properties; and
      - c) Parking areas (for construction workers and surrounding properties)
    2. Noise
    3. Dust
    4. Stabilisation and monitoring of adjoining property owners
    5. Communication with the general public; and
    6. Complaints management
- (b) call a division.

**Report:** The Site

Council has received a Development Application (DA) for the demolition of an existing residential dwelling and the construction of a new 3 bedroom dwelling at 84A Stewart Street, described as Lot 1 in DP 982543. A location plan is provided at **attachment 1**.

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

84a Stewart Street has an area of 316.2m<sup>2</sup>.

The site is located on Stewart Street and is approximately 56m south-west of the intersection of Durham and Stewart Street. It has direct vehicle access to Stewart Street. The buildings surrounding the subject property are a mixture of single storey detached residential dwellings and residential unit development.

## The proposal

The applicant is proposing to demolish the existing dwelling at 84a Stewart Street and construct a 3 bedroom, single storey dwelling to replace it. Site and floor plans of the proposal that includes elevations of the new dwelling is provided in **attachment 2**.

The applicant proposes that access to the new dwelling will continue off Stewart Street. While there is an existing layback in the kerb to allow for a driveway, the property does not currently have any vehicle access or parking space. The former garage area has been altered and is used as a storage room. The new proposal has provided for a single covered garage.

## 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*. Dwellings are permissible with consent in the 2 (a) Residential zone and the subject proposal is consistent with the objectives of this zone.

### **Clause 23 Protection of Environmental Heritage**

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

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

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

The Statement of Heritage Impact provides a brief statement on the age of the building. The Statement also includes a structural assessment and a sales assessment of the building.

The subject dwelling is a small concrete and ash block house with crenulated parapet walls to the front and side. The parapet walls are crenulated to create a 'castle' like appearance. The dwelling is believed to have been built in the mid 1960s as the only records of 84A Stewart Street are from the 1960s.

The excerpts provided about the previous owners of the dwelling demonstrate that the subject dwelling has little or no historical significance for the Bathurst region and may only have significance for the builder or previous residents. There was no information provided about the previous owners, however Council's records indicate that no persons of significance to the history of Bathurst and the region resided in the dwelling.

## Structural condition

A structural assessment has been undertaken by Calare Civil in October 2012. The inspection and subsequent assessment concluded that the building has suffered significant damage due to reactive clay movement, an inappropriate roof system and general weathering/ deterioration due to lack of maintenance over a long time period. There was internal and external cracking evident and moisture damage noted.

Calare Civil have detailed the cost of remedial works as follows:

Essential Work (to ensure the structural soundness and safety of the building and to extend building life)

- Completely remove existing roof and replace with a new pitched roof;
- Connect all stormwater to an approved point of discharge;
- Install a damp course and additional sub floor vents throughout the building;
- Remove soil from internal/external walls, and
- Install new drainage where necessary

**Cost: \$75,000.00**

Desirable Work (to make the structure more habitable/comfortable)

- Pack sub-floor bearers;
- Underpin footings;
- Remove loose render from internal cracks;
- Re-point cracked brickwork throughout;
- Repair internal walls and ceilings, and
- Repaint internally and externally

**Cost: \$65,000.00**

#### Sales assessment

A sales assessment of the property was undertaken by Bathurst Real Estate in October 2012. Based on recent sales it indicates that the house would be worth \$150,000-\$165,000.

#### Council's Assessment

The property was inspected by Council's officers and Council's Heritage Advisor on 30<sup>th</sup> May and 25<sup>th</sup> June 2013. It was identified on this inspection that the property had little of its original fabric. The remaining fabric was substantially affected by poor drainage and ventilation. The following comment was made in relation to the building by council's heritage advisor:

*'The building is in exceptionally poor condition, with cracking and water leakage generally due to poor design and construction. The walls appear to be ash blocks with render on each side, with the main deterioration occurring from falling damp of the enclosed parapeted roof. The blocks would have little or no strength and so crack with small movement.*

*An interesting, but poor example of a vernacular cottage, fortunately better examples exist.'*

The heritage advisor's report and assessment is at **attachment 4**. This report concludes that the property has little or any heritage significance. Combined with the poor state of the building, demolition is supported.

#### Bathurst Regional (Interim) Development Control Plan 2011

## Chapter 2 Exhibition and notification of development applications

The development application was advertised and notified to adjoining property owners in accordance with these provisions between May 27 and 11 June 2013. No submissions were received during this time.

## Chapter 4 Residential Development

| Development Standard              | Proposed                    | Permissible  | Compliance        |
|-----------------------------------|-----------------------------|--|-------------------|
| Height                            | single storey               | two- storey  | Yes               |
| Setbacks<br>Front<br>Rear<br>Side | complement<br>8.4m<br>920mm | complement<br>In accordance with BCA<br>In accordance with BCA | Yes<br>Yes<br>Yes |
| Car parking                       | 1 covered space             | 1 covered space  | Yes               |
| Access width                      | 3.8m                        | 3-6m wide  | Yes               |
| Open Space area                   | approx 86.8 m <sup>2</sup>  | 40m <sup>2</sup>   | Yes               |
| Open space width                  | 8.2m wide                   | 4m wide  | Yes               |

It is noted that the property is less than the minimum area for the erection of a dwelling of 550sqm however given that it is a replacement dwelling it is considered acceptable.

## Chapter 10 Urban Design and Heritage Conservation

### Part 10.3 Demolition of buildings

As noted above Council received a SoHI supporting the development proposal.

From the supporting documentation included in the SoHI it can be concluded that the entire building is in poor condition with little heritage significance.

#### Part 10.3.4 Bathurst Conservation Area Management Strategy (BCAMS)

In order to assess the conservation significance of the dwelling proposed for demolition an assessment under this strategy was undertaken by Council's heritage advisor (see full report at attachment 4).

The following provides a summary of the assessment:

|                        |   |
|------------------------|---|
| 84a Stewart Street     |   |
| Date of construction   | 1960s   |
| Integrity:             | 2 Altered sympathetically                         |
| Streetscape rating:    | 0 Intrusive (intrusive in style, but interesting) |
| Heritage Significance: | 0 Not significant                                 |
| <b>Total:</b>          | <b>2</b>  |

In light of this rating being moderate to low in importance, the proposed demolition and construction of a replacement dwelling would not present an adverse impact on the Bathurst Regional Conservation Area.

### Part 10. 4 Infill Development

An infill form is included in the HIS that was submitted. It can be found at attachment 3.

## **Part 10.5 Development within the Bathurst and Kelso Heritage Conservation Areas**

### ***Residential Development***

#### Building Design: development standards

- a) *New infill buildings must meet the requirements of section 10.4- Infill Development of this Plan.*

Council staff have met with the applicant and owner on several occasions to discuss the appropriateness of the proposed infill development. The proposed development met the requirements of Council's Infill Development Policy subject to the amendment proposed in condition (c) below.

- b) *Where visible from the street, roof pitches are to generally be at least 30 degrees or compliment adjoining roof pitches.*

The new dwelling will compliment the medium pitch of the two closest dwellings at a 25 degree pitch.

- c) *Where visible from the street, new windows should be vertical in proportion or have regard to traditional or historic window proportions in the street.*

The current design of the new dwelling is such that there are no windows visible from the street. It is proposed that a condition of consent be imposed to require the applicant to submit plans to Council showing a redesign of the front façade to incorporate the enclosure of the proposed open front porch including appropriate window treatments.

- d) *Verandahs and awnings are encouraged and should have regard to the scale, materials, details of construction and positioning usually employed on structures of their type.*

A front verandah has been incorporated into the design in order to maintain and promote a street presence in the new design.

### **Garages and Outbuildings**

- a) *Garages and parking areas should generally be located behind the building line. Council may give consideration to locating one roller door (panel design) visible from the street frontage but only where it is located a minimum 1 metre behind the front building line.*

The narrowness of the subject block and lack of access from the side or the rear of the block means that the garage will continue to be on the front elevation. The applicants have indicated that a panel style door can be used for the new dwelling. The amendment proposed in (c) above will ensure the enclosed front porch is the dominant streetscape feature rather than the garage door.

- b) *Garages and outbuildings are to compliment the design and character of the main buildings on the site and other garages/outbuildings within the street.*



Given the constraints on the property, the proposed design has attempted to reduce the dominance of the garage from Stewart Street. Garages do feature in some of the properties along Durham and Stewart Streets.

- c) *Where visible from the street, roof pitches are to generally be at least 30 degrees or compliment adjoining roof pitches.*

The pitch is a medium pitch of 25 degrees to compliment the adjoining roof pitches.

- d) *Any steel sheeting is to be of a traditional corrugated profile and is to be galvanized iron, zincalume, or colourbond (provided the colour is sympathetic to the historic character of the area).*

The applicant has proposed a colorbond style roof sheeting. It is proposed to be a light grey and is considered acceptable colour for the area as it reflects a more traditional galvanised iron cladding.

### Conclusion

Council has received a development application for the demolition of a dwelling and construction of a replacement dwelling at 84a Stewart Street. A dwelling is permissible in the 2(a) Residential zone. The proposed dwelling complies with the development standards for new residential development within the heritage conservation area.

A statement of heritage impact accompanied by a structural and sales assessment has been provided which leads to the conclusion that demolition of the existing dwelling and the construction of a replacement dwelling is the most appropriate course of action because the dwelling is significantly damage due to poor design in roof drainage and general weathering and deterioration.

Council's Heritage Advisor has noted that the dwelling is in exceptionally poor condition and is a poor example of a vernacular cottage. Demolition is therefore supported. The proposed replacement dwelling has attempted to utilise some of the key features of adjoining properties, so that the new design contributes to a streetscape that has seen some change over time.

**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 DEVELOPMENT APPLICATION NO. 2013/0191 – DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF NEW SINGLE STOREY DWELLING AT LOT 1 DP 982543, 84A STEWART STREET. APPLICANT: MICHELLE URQUHART. OWNER: NELMA BROOKS (DA/2013/0191)**  
**MOVED: Cr I North SECONDED: Cr M Coote**

**RESOLVED:** That Council:

- (a) direct the Director Environmental, Planning & Building Services to approve Development Application No. 2013/0191, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended and including conditions to the effect that:
- i. During the carrying out of any proposed works, if any archaeological remains are discovered, the developer is to stop work immediately and notify the Heritage Branch, Department of Planning and Council. Any such find is to be dealt with appropriately and in accordance with the Heritage Act 1977, recorded and details given to Council prior to the continuing of works.
  - ii. 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 of the new dwelling.
  - iii. Prior to the issue of a construction certificate the developer is to submit plans to Council showing a redesign of the front façade to incorporate enclosure of the proposed open porch area including appropriate window treatments.
  - iv. Prior to the issue of a construction certificate the developer is to submit to Council a Construction Management Plan which includes (but is not limited to) the following:
    1. Traffic management, including:
      - a) Loading, unloading area and material storage areas
      - b) Access to adjoining properties; and
      - c) Parking areas (for construction workers and surrounding properties)
    2. Noise
    3. Dust
    4. Stabilisation and monitoring of adjoining property owners
    5. Communication with the general public; and
    6. Complaints management
- (b) call a division.

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

**The result of the division was:**

In favour of the motion - Cr W Aubin, Cr B Bourke, Cr 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 NAMING OF PUBLIC ROADS – PARER ROAD, TULLOCH WAY, GELL PLACE, COPEMAN COURT, LUPP PLACE, DRYDEN CLOSE, MANSFIELD AVENUE AND DOWNEY PLACE (20.00024)**

**Recommendation:** That Council:

- (a) adopt the names Parer Road, Tulloch Way, Gell Place, Copeman Court, Lupp Place, Dryden Close, Mansfield Avenue and Downey Place ; and
- (b) direct the Director Environmental Planning and Building Services Department to undertake procedures pursuant to the requirements of the Roads Act 1993, to have the names gazetted, should no objections be received.

**Report:** Council have received a request to name the new roads created by the subdivision of lot 149 & 150 DP 1165505 off Eglinton Road, Abercrombie (see location map at **attachment 1** and plan of subdivision at **attachment 2**).

The proposed names are;

**Parer Road**

Damien Parer (1912-1944) was an Australian War photographer during the Second World War. Parer was killed by Japanese machine gun fire at Peleliu, Palau.

Born in Melbourne, Damien and his brother were sent as boarders to St Stanislaus' College. It was at St Stanislaus', after joining the school's photographic club that he decided he wanted to pursue a career in photography. At the outbreak of world war two he was appointed the official movie photographer to the Australian Imperial Forces. It was during his time in New Guinea that he shot the footage used in *Kokoda Front Line*. The director of *Kokoda Front Line* won an Oscar for the documentary.

**Tulloch Way**

Tulloch has been widely regarded as one of the finest racehorses in Australia's history. Tulloch was trained by Tommy Smith and owned by E.A Haley who owned a horse stud on Bathampton Road near Wimbledon. The horse was named after the Scottish town Haley's mother was born in.

Tulloch only placed outside the top 3 once in 53 starts, this being in the 100<sup>th</sup> Melbourne Cup. Tulloch was sidelined for 2 years in the middle of his racing career with a recurring illness. Tulloch was the first race horse to ever win more than 40 000 pounds in earnings in a career.

After Tulloch's racing career ended he was placed into stud at Haley's Te Koon Stud near Wimbledon.

Tulloch was one of five inaugural horses inducted into the Australian Racing Hall of Fame alongside other immortals such as Phar Lap and Kingston Town.

**Gell Place**

Edward Gell (1818-1899) was one of the most notable architects in Bathurst's history. Gell was Bathurst's first City Surveyor from 1863-66 and for many years an alderman becoming

Bathurst's 6<sup>th</sup> Mayor in 1867. Gell was also a respected businessman, owning shares in many gold and coal mining companies.

Examples of Gell's works include;

- St. Michael's and John's Cathedral, William Street.
- Leeholme, O'Connell Road
- Church of England denominational school (now Church Bar)
- St Stanislaus' College, Bentinck Street
- Logan Brae, St. Joseph's Mount Busby Street
- Howard Pavillion, Bathurst Showground
- Esrom and Bradwardine, two residences that now form part of All Saints College.

### Copeman Court

John Job Copeman (1870-1954) was a local architect. His works include many Edwardian style houses in upper Bentinck Street and the Boer War Memorial in Kings Parade.

Copeman studied under James Hine, local architect, c1890 and graduated with honours as an architect in 1890 from Bathurst Technical College. He continued to teach at the College for many years.

Copeman was the Diocesan Architect for Anglican Church in Bathurst and the Architect for Bathurst Hospital and AH&P Society, after James Hine.

He lived in Park St and Peel St during his time in Bathurst then in 1914 he moved to Sydney where he died in Greenwich, Sydney in 1954.

### Lupp Place

Hector Lupp (1908-1989) was a well known musician and sportsman who lived and worked all his life in Bathurst. Hector was a trained piano tuner and repairman and for many years he serviced the pianos of Bathurst.

Hector was an active member of amateur theatrical productions for sixty nine years, played on numerous regular music shows on 2BS and in 1937 became Bathurst's first official Carillonist, a position he held until he retired in 1945 having given over 500 recitals.

### Dryden Close

William Dryden (1855-1939) was a Joiner and Architect that lived in Rocket Street during his time in Bathurst.

He was the choir master for the Roman Catholic Church for 30 years and a past president of the St Vincent de Paul Society.

Examples of Dryden's work include;

- Improvements to the Technical School, Russell Street ( Dr Bassett's old House)
- New reconstructed spire and renovation to the Medothist Church William Street
- Chapel at St Joseph's Mount for the sisters of Mercy
- Evans Memorial Kings Parade.

### Mansfield Avenue

George Allen Mansfield (1834-1908) was the architect for the Council of Education (1867-1879). This placed him in charge of all Public School buildings in NSW.

Mansfield oversaw the design of many schools in the region including;

- Brewongle (1876)
- Cow Flat (1876)
- Wattle Flat (1871)
- Wiagdon
- Hill End (1869)
- Perthville
- And most notably the Bathurst Public School in Howick Street (now the Australian Fossil and Mineral Museum).

Mansfield also designed Abercrombie House for J.H Stewart in 1871.

### Downey Place

William Downey (1807-1867) was a Master Builder and Clerk of Work, bridge building for colonial architects, William Weaver and Alexander Dawson.

Downey was in charge of the first Denison Bridge over the Macquarie River in 1854-56. He was responsible for site selection and procuring timber for the construction.

Whilst in Bathurst Downey was also involved in assisting with hanging the All Saints Cathedral bells and improvements to the Bathurst Gaol in 1855.

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

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

### **Bathurst 2036 Community Strategic Plan - Objectives and Strategies**

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

**MINUTE**

**13 Item 8 NAMING OF PUBLIC ROADS – PARER ROAD, TULLOCH WAY, GELL PLACE, COPEMAN COURT, LUPP PLACE, DRYDEN CLOSE, MANSFIELD AVENUE AND DOWNEY PLACE (20.00024)**

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

**RESOLVED:** That Council:

- (a) adopt the names Parer Road, Tulloch Way, Gell Place, Copeman Court, Lupp Place, Dryden Close, Mansfield Avenue and Downey Place ; and
- (b) direct the Director Environmental Planning and Building Services Department to undertake procedures pursuant to the requirements of the Roads Act 1993, to have the names gazetted, should no objections be received.

**9 BATHURST REGIONAL COUNCIL LOCAL APPROVALS POLICY 2013 (20.00130)**  
**41.00089**

**Recommendation:** That Council:

- (a) place the Draft Bathurst Regional Council Local Approvals Policy 2013 on public exhibition for a period of 28 days and accept submissions for a period of 42 days in accordance with Section 160 of the Local Government Act 1993;
- (b) if no submissions are received, refer the Policy to the Director-General, seeking consent for the nominated exemptions, in accordance with Section 162 of the Local Government Act 1993;
- (c) upon receipt of advice from the Director-General and provided that no amendments are required, adopt the Policy;
- (d) give public notice of the revocation of the Local Approvals Policy 2009 and the adoption and commencement of the Local Approvals Policy 2013 in accordance with Section 166 of the Local Government Act 1993; and
- (e) update Council's Policy Manual – Policy: *LEP's & DCPs & Local Approval Policy* to replace the words "Bathurst Region Local Approvals Policy 2009" with "Bathurst Regional Council Local Approvals Policy 2013."

**Report:** The Bathurst Regional Council Local Approvals Policy applies to all lands within the Bathurst Regional Council Local Government Area. The objectives of the Local Approvals Policy are to provide guidance for those participating in the local approvals process, to specify the criteria which Council takes into consideration in determining applications made under the Local Government Act 1993, and to specify any other matters relating to the approvals process under the Local Government Act 1993.

Under Section 165 of the Local Government Act 1993, a Local Approvals Policy is automatically revoked at the expiration of 12 months after the declaration of the poll for a local government election. The Local Approvals Policy 2009 will be automatically revoked in September 2013. The Environmental, Planning & Building Services Department has therefore prepared a new Local Approvals Policy. A copy of the document can be obtained from the Environmental, Planning & Building Services Department.

**Public Exhibition**

Section 160 of the Local Government Act requires that the draft Local Approvals policy be exhibited for a minimum of 28 days and that submissions be accepted for a minimum of 42 days from the commencement of the exhibition period.

The draft policy will be exhibited from Saturday 20 July 2013 to Friday 16 August 2013. Submissions will however be accepted until Friday 30 August 2013.

**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 28.5

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

Strategy 32.2



## MINUTE

### **14 Item 9 BATHURST REGIONAL COUNCIL LOCAL APPROVALS POLICY 2013** **(20.00130, 41.00089)**

**MOVED: Cr G Westman SECONDED: Cr G Hanger**

**RESOLVED:** That Council:

- (a) place the Draft Bathurst Regional Council Local Approvals Policy 2013 on public exhibition for a period of 28 days and accept submissions for a period of 42 days in accordance with Section 160 of the Local Government Act 1993;
- (b) if no submissions are received, refer the Policy to the Director-General, seeking consent for the nominated exemptions, in accordance with Section 162 of the Local Government Act 1993;
- (c) upon receipt of advice from the Director-General and provided that no amendments are required, adopt the Policy;
- (d) give public notice of the revocation of the Local Approvals Policy 2009 and the adoption and commencement of the Local Approvals Policy 2013 in accordance with Section 166 of the Local Government Act 1993; and
- (e) update Council's Policy Manual – Policy: *LEP's & DCPs & Local Approval Policy* to replace the words "Bathurst Region Local Approvals Policy 2009" with "Bathurst Regional Council Local Approvals Policy 2013".

## **10 LAND IMPROVEMENT AWARDS (13.00064)**

**Recommendation:** That Council nominate a Councillor to be one of the judges in the Land Improvement Awards.

**Report:** Since 2011/12 Council has set aside \$20,000 each year for the "Land Improvement Awards"

The successful Council scheme encourages landholders in the Bathurst region to undertake good environmental practices on their properties.

The Award scheme offers two grants of up to \$10,000 each for landholders who can demonstrate practices which enhanced the quality and maintenance of their land's ecological values or demonstrated innovation in sustainable agriculture.

The grants are divided into two broad categories, including 'Vegetation Management' which protects riparian (near waterways) or remnant vegetation; and 'Land Management' that results in improved sustainable agricultural practices. Applications for the 2012/13 program closed on 22 May 2013 and five applications have been received.

In 2011 the guidelines for the scheme were adopted whereby a Councillor was nominated to form a part of the project assessment team. This role includes participation in the site visits to the shortlisted projects, and scoring each project proposal. A report would then be prepared for Council to determine the award of the grants based on the recommendations of the project assessment team.

It is therefore requested that a Councillor is nominated to be a part of the project assessment team for the Land Improvement Awards.

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

### **Bathurst 2036 Community Strategic Plan - Objectives and Strategies**

- Objective 10: To protect and enhance the region's biodiversity. Strategy 10.8

**MINUTE**

- 15 **Item 10 LAND IMPROVEMENT AWARDS (13.00064)**  
**MOVED: Cr G Hanger SECONDED: Cr M Coote**

**RESOLVED:** That Council nominate Cr Jennings to be one of the judges in the Land Improvement Awards.

## **11 'WOOD SMOKE REDUCTION PROGRAM' COMMUNITY WORKSHOPS (13.00042)**

**Recommendation:** That Council note that the 'Stay Warm, Breathe Easy' workshops were successfully held from 18 – 20 June 2013 as part of the 2013 Wood Smoke Reduction Program, jointly funded by Bathurst Regional Council and the NSW Government through the Environment Protection Authority.

**Report:** In commencing the Wood Smoke Reduction Program for 2013, a need to better engage with and involve the regional community of Bathurst in reducing air pollution and other sustainability issues was identified.

A series of 'Stay Warm, Breathe Easy' interactive community workshops were designed to both engage with the rural community on issues of air pollution, health and wood smoke, as well as raise awareness of the importance of sustainable firewood collection in the Bathurst Local Government Area.

The workshops, headlined by air pollution and home-heating expert Dr. John Todd of Eco-Energy Options Pty Ltd, were a successful way to engage with the rural communities of Trunkey Creek, Wattle Flat and Rockley. The workshops were considered a great success, attracting almost 50 participants across the three evenings.

The workshops were structured so as to foster an understanding of the importance of the issues associated with wood smoke, starting by outlining the potentially serious health implications of smoke inhalation, followed by the legislative and ethical reasons for sustainable firewood collection. The workshops finished with simple, practical solutions for reducing the amount of smoke a fire produces, ultimately reducing air pollution and saving on fuel costs.

The workshops were hosted by the Trunkey Creek Progress Association, the Wattle Flat Progress Association and the Rockley and District Community Association, in order to foster a greater sense of community involvement and ownership of the events. The Associations also provided a hot supper to participants, with a donation of \$150 from Council to cover food and preparation costs.

Feedback received from the community about the evenings has been very positive, with many participants indicating that they learnt something new from the workshops, and were surprised by how much they got out of the evenings. Many participants have stated that they will, or have already, begun implementing practices suggested in the workshops at home.

**Financial Implications:** The 'Stay Warm, Breathe Easy' workshops were funded by the NSW Environment Protection Authority, through the 2013 Wood Smoke Reduction Program, and Bathurst Regional Council.

### **Bathurst 2036 Community Strategic Plan - Objectives and Strategies**

- Objective 10: To protect and enhance the region's biodiversity. Strategy 10.6, 10.11
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.2, 30.6

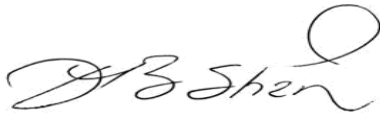
**MINUTE**

**16 Item 11 'WOOD SMOKE REDUCTION PROGRAM' COMMUNITY WORKSHOPS**  
**(13.00042)**

**MOVED: Cr J Jennings SECONDED: Cr W Aubin**

**RESOLVED:** That Council note that the 'Stay Warm, Breathe Easy' workshops were successfully held from 18 – 20 June 2013 as part of the 2013 Wood Smoke Reduction Program, jointly funded by Bathurst Regional Council and the NSW Government through the Environment Protection Authority.

Yours faithfully



D R Shaw  
**DIRECTOR**  
**ENVIRONMENTAL, PLANNING & BUILDING SERVICES**

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

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

17 JULY 2013

## **1 STATEMENT OF INVESTMENTS (16.00001)**

**Recommendation:** That the information be noted.

**Report:** \$71,500,000 was invested at 30 June 2013 in accordance with Council's investment policies, the Minister's Investment Order dated 12 January 2011, the Local Government Act 1993 and associated regulations. All investments have been reconciled with Council's general ledger and are listed below:

### **Year to Date Averages**

(as per the CBA & RBA for comparison purposes)

|  |  |  |       |
|--|--|--|-------|
| Reserve Bank of Australia - Cash Rate    |  |  | 2.75% |
| AFMA - 90 day Bank Bill Swap Rate (BBSW) |  |  | 3.14% |
| Three Year Swap Rate - Commonwealth      |  |  | 3.03% |

### **Short Term 1 – 365 Days**

**(Comprising Commercial Bills,**

**Debentures and Certificates of**

**Deposit:**

**Rating**

**Average  
Return**

|                                       |     |                        |              |
|---------------------------------------|-----|------------------------|--------------|
| Bank of Queensland                    | A2  | \$13,500,000.00        | 4.44%        |
| Bendigo and Adelaide Bank             | A2  | \$10,000,000.00        | 4.26%        |
| IMB                                   | A3  | \$10,500,000.00        | 4.25%        |
| Maritime, Mining & Power Credit Union | ADI | \$3,000,000.00         | 4.22%        |
| National Australia Bank               | A1+ | \$13,500,000.00        | 4.37%        |
| People's Choice Credit Union          | ADI | \$1,000,000.00         | 4.42%        |
| Railways Credit Union                 | ADI | \$1,000,000.00         | 4.55%        |
| SGE Credit Union                      | ADI | <u>\$1,000,000.00</u>  | <u>4.20%</u> |
|                                       |     | <b>\$53,500,000.00</b> | <b>4.34%</b> |

### **Long Term**

**(comprising Commercial Bills, Term**

**Deposits and Bonds):**

### **Committed Rolling Investments**

|         |     |                       |              |
|---------|-----|-----------------------|--------------|
| Westpac | AA- | \$2,000,000.00        | 4.18%        |
| Westpac | AA- | \$2,000,000.00        | 4.07%        |
| Westpac | AA- | \$2,000,000.00        | 4.08%        |
| Westpac | AA- | <u>\$2,000,000.00</u> | <u>4.14%</u> |
|         |     | <b>\$8,000,000.00</b> | <b>4.12%</b> |

### **Fixed, Negotiable & Tradeable**

**Certificates of Deposits**

|                   |     |                       |              |
|-------------------|-----|-----------------------|--------------|
| Commonwealth Bank | AA- | \$2,000,000.00        | 3.71%        |
| Commonwealth Bank | AA- | <u>\$2,000,000.00</u> | <u>4.07%</u> |
|                   |     | <b>\$4,000,000.00</b> | <b>3.89%</b> |

### **Floating Rate Notes**

|                                     |     |                |       |
|-------------------------------------|-----|----------------|-------|
| Barclays Bank PLC – Australia       | AA- | \$2,000,000.00 | 4.53% |
| Bendigo & Adelaide Bank Retail Bond | A-  | \$2,000,000.00 | 4.50% |

|  |                       |                               |                     |
|--|-----------------------|-------------------------------|---------------------|
| The Royal Bank of Scotland – Australia               | A+                    | <u>\$2,000,000.00</u>         | <u>5.41%</u>        |
|  |                       | <b>\$6,000,000.00</b>         | <b>4.81%</b>        |
| <b>Total Investments</b>                             |                       | <b><u>71,500,000.00</u></b>   | <b><u>4.33%</u></b> |
| <b><i>These funds were held as follows:</i></b>      |                       |                               |                     |
| Reserves Total (includes unexpended loan funds)      |                       | \$30,294,008.93               |                     |
| Grants held for specific purposes                    |                       | \$5,792,898.36                |                     |
| Section 94 Funds held for specific purposes          |                       | \$22,485,610.92               |                     |
| Unrestricted Investments – All Funds                 |                       | \$12,927,481.79               |                     |
| General Fund   | \$21,571.73           |                               |                     |
| Water Fund   | \$2,459,978.99        |                               |                     |
| Sewer Fund   | \$2,397,480.85        |                               |                     |
| Waste Fund   | <u>\$8,048,450.22</u> |                               |                     |
| <b>Total Investments</b>                             |                       | <b><u>\$71,500,000.00</u></b> |                     |
| <b><u>Total Interest Revenue to 30 June 2013</u></b> |                       | <b><u>\$3,405,222.10</u></b>  | <b><u>4.33%</u></b> |

**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**

- 17 **Item 1 STATEMENT OF INVESTMENTS (16.00001)**  
**MOVED: Cr W Aubin SECONDED: Cr G Rush**

**RESOLVED:** That the information be noted.

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

**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](http://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 interim report on Council's progress towards achieving the Strategies and Objectives for the 2012-2016 Delivery Plan and the Annual Operating Plan 2012-2013.

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**

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

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

**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 2013.

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

|                     |        |
|---------------------|--------|
| Section 356:        | \$0.00 |
| BMEC Community use: | \$0.00 |
| Mount Panorama :    | \$0.00 |

**Bathurst 2036 Community Strategic Plan - Objectives and Strategies**

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

**MINUTE**

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

**MOVED: Cr I North SECONDED: Cr G Rush**

**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.

- Richard Steele & Co t/a Steele & Co Law & Conveyancing - Conveyancing Agreement.
- Willowdene Constructions Pty Ltd - Miller Street - Lot 939, DP1170287 - Transfer.
- Quidni Pty Ltd t/a Murdoch Spinks - Conveyancing Agreement.
- Schryver N - Stephens Lane - Part Lot 221 - DP1147157 - In-House Licence Agreement.

#### **Linen Plan Release**

- Ratsep/Hilton Bonham – Three lot Rural Subdivision and Boundary Adjustment - 105 Stanley Street, Bathurst.

**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**

**20    Item 4    POWER OF ATTORNEY (11.00007)**  
**MOVED: Cr W Aubin SECONDED: Cr J Jennings**

**RESOLVED:** That the information be noted.

## **5 REQUEST FOR FINANCIAL ASSISTANCE - 2014 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 2014 Bathurst Street and Custom Motorcycle Show to be held Saturday, 1 February 2014, to be funded from Section 356 Donations.

**Report:** The Bathurst Street and Custom Motorcycle Show will be held on Saturday, 1 February 2014 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. In 2013, a record number of bikes (140) and thousands of local residents attended in threatening weather.

Should Council donate the cost of the road closure for the event they would like to offer Council the opportunity to have its logo on all advertising, acknowledgement in all press releases and 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 2013/2014 which has a balance of \$14,000.

### **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**

**21 Item 5 REQUEST FOR FINANCIAL ASSISTANCE - 2014 BATHURST STREET AND CUSTOM MOTORCYCLE SHOW (18.00004)**

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

**The following MOTION was MOVED.**

That Council donate the cost of the road closures to a maximum of \$800 for the 2014 Bathurst Street and Custom Motorcycle Show to be held Saturday, 1 February 2014, to be funded from Mount Panorama Fee Subsidy.

**The MOTION was PUT and LOST**

**MINUTE**

**22 Item 5.2 REQUEST FOR FINANCIAL ASSISTANCE - 2014 BATHURST STREET AND CUSTOM MOTORCYCLE SHOW (18.00004)**

**MOVED: Cr G Westman SECONDED: Cr G Hanger**

**RESOLVED:** That Council donate the cost of the road closures to a maximum of \$800 for the 2014 Bathurst Street and Custom Motorcycle Show to be held Saturday, 1 February 2014, to be funded from Section 356 Donations.

## **6 TENDER FOR EXTERNAL AUDIT SERVICES 2013 - 2019 (36.00465)**

**Recommendation:** That Council confirm the appointment of Intentus Chartered Accountants to conduct Council's external audit services for the 2013 - 2019 period.

**Report:** Council has received advice from the Morse Group, that there has been a split within the organisation where the external audit services have been allocated to a Group named Intentus Chartered Accountants, which is headed by Leanne Smith, Council's current auditor. The business services are to be retained by the Morse Group. A copy of the advice is shown at **attachment 1**.

Council, at its meeting of 26 June 2013 resolved that Council appoint Morse Group as Council's auditor for the six years ending 30 June 2019.

During the tender process, a submission was received setting out the various requirements of the Council and how the Morse Group would service these requirements. An examination of Council's tender Specification and the tender document from the Morse Group, indicate that Council can accept services now provided by Intentus Chartered Accounts which will cover Council's external auditing requirements in accordance with its specification.

It is recommended that the tender for External Audit Services from 1 July 2013 to 30 June 2019 be carried out by Intentus Chartered Accountants.

**Financial Implications:** The fee for the Audit Services remains unchanged.

### **Bathurst 2036 Community Strategic Plan - Objectives and Strategies**

- Objective 32: To ensure Council is supported by an adequate workforce and appropriate governance procedures. Strategy 32.2
- Objective 33: To be and develop good leaders. Strategy 33.5

**MINUTE**

- 23 **Item 6 TENDER FOR EXTERNAL AUDIT SERVICES 2013 - 2019 (36.00465)**  
**MOVED: Cr G Rush SECONDED: Cr I North**

**RESOLVED:** That Council confirm the appointment of Intentus Chartered Accountants to conduct Council's external audit services for the 2013 - 2019 period.

**7 REQUEST FOR FINANCIAL ASSISTANCE - NEWTONS NATION (04.00122, 18.00004)**

**Recommendation:** That Council not agree to change its recommendation that it charge Newtons Nation \$4,500 towards the cost of providing the Mount Panorama circuit and facilities for the 2013 Newtons Nation Event.

**Report:** Council will recall that it received a report (Director Corporate Services & Finance's Report #8 of 15 August 2012) in relation to the conduct of the 2013 Newtons Nations world cup event which was held in May 2013 at the Mount Panorama circuit.

Council resolved as follows:

"Council, on this occasion, agreed to waive half of the fees associated with the event and that Newtons nation be requested to pay \$4,500 for the cost of conducting this event."

Newtons Nation were advised in writing of Councils decision to charge \$4,500 for the event.

Council has received a request from the organisers of the Newtons Nation Event (Tom Thumb) for Council to now waive the fee of \$4,500 for the reasons as set out in their letter shown at **attachment 1**. Newtons Nation have not supplied any financial records supporting their claims in relation to this event.

It is recommended that as Council has already supported this event in previous years and that sufficient notice was given to Newtons Nation of the fee of \$4,500 that they would need to pay to conduct this year's event, that Council proceed to collect the outstanding amount.

**Financial Implications:** Council's income will be increased by \$4,500 on collection.

**Bathurst 2036 Community Strategic Plan - Objectives and Strategies**

- Objective 23: To encourage a supportive and inclusive community. Strategy 23.2

**MINUTE**

**24    Item 7    REQUEST FOR FINANCIAL ASSISTANCE - NEWTONS NATION**  
**(04.00122, 18.00004)**

**MOVED: Cr G Westman SECONDED: Cr G Rush**

**RESOLVED:** That Council not agree to change its recommendation that it charge Newtons Nation \$4,500 towards the cost of providing the Mount Panorama circuit and facilities for the 2013 Newtons Nation Event.

Yours faithfully



R Roach  
**DIRECTOR**  
**CORPORATE SERVICES & FINANCE**

**DIRECTOR ENGINEERING SERVICES' REPORT AND MINUTES**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

17 JULY 2013

**1 PROPOSED EXTINGUISHMENT OF TWO EASEMENTS AND CREATION OF EASEMENT TO DRAIN WATER 5 WIDE, LOT 149 DP1165505, EGLINTON ROAD, ABERCROMBIE (2010/0607-03)**

**Recommendation:** That Council approve the extinguishment of two easements to drain water 5 wide located within Lot 149 DP1165505 at Eglinton Road, Abercrombie, as detailed in the Director Engineering Services' report.

**Report:** Council has received a request from Geolyse Pty Ltd regarding the extinguishment of two easements to drain water 5 wide created by the registration of DP267320.

The existing easements within Lot 149 DP1165505 contain no Council infrastructure and are two earth drains used to take the drainage water from adjoining residential subdivisions located in the vicinity of Country Way, Cowpastures Grove, Farmgate Drive and other streets.

With the approval of DA2010/0607, Council approved the diversion of the subject drainage lines to new locations outside the defined areas as shown in DP267320 'A' (see **attachment 1**).

The new locations will cater for the dispersal of the drainage water through Council's infrastructure to the Macquarie River and will be located within the road reserve of Country Way and pathways 5 wide and variable width shown 'B' (see **attachment 2**).

It is recommended that Council approve:

- a) The extinguishment of two easement to drain water shown in DP267320; and
- b) The General Manager be authorised to sign the statutory declaration form for the registration of the extinguishment of the easements.

**Financial Implications:** Nil. The extinguishment of the easements and registration fees for the new subdivision will be paid by the applicant.

**Bathurst 2036 Community Strategic Plan - Objectives and Strategies**

- Objective 1: To attract employment, generate investment and attract new economic development opportunities. Strategy 1.7
- Objective 6: To support infrastructure development necessary to enhance Bathurst's life-style and industry development. Strategy 6.1



**MINUTE**

**25    Item 1    PROPOSED EXTINGUISHMENT OF TWO EASEMENTS AND  
CREATION OF EASEMENT TO DRAIN WATER 5 WIDE, LOT 149 DP1165505,  
EGLINTON ROAD, ABERCROMBIE (2010/0607-03)**

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

**RESOLVED:** That Council approve the extinguishment of two easements to drain water 5 wide located within Lot 149 DP1165505 at Eglinton Road, Abercrombie, as detailed in the Director Engineering Services' report.

## **2 STREET TREE REMOVAL - 113 DURHAM STREET, BATHURST (13.00019)**

**Recommendation:** That Council undertakes removal of the London Plane tree located within the verge, adjacent to the Great Wall Motor Vehicle dealership located at 113 Durham Street for the reasons outlined in the report.

**Report:** On the 6 June 2013, Council received a CRMS that raised concerns about the Platanus X acerifolia (London Plane) tree on the footpath/grass verge in front of the Great Wall car dealership located at 113 Durham Street, Bathurst. The tree is causing a public safety issue by lifting the concrete footpath, damaging the kerb and gutter, the road and the wall of the car dealership. There have been other reports regarding this problem from not only the property owner but also Council's Asset Inspector. These reported problems up to now have been attended to but have only lasted a minimal amount of time and, as the tree continues to grow to its mature size which is still some time away, the problems can only increase. The overall size of this specie of tree can reach 30m X 30m. For the information of Councillors, photographs of the damage being caused are at **attachment 1**.

Although the tree in question is in good health, the damage is occurring both beneath and on ground level because of the spread of the root system. In the present location it has limited growing space due to the road and footpath area. As mentioned before, the tree has not yet reached full maturity.

One option for temporary remedial action is for Council to remove the concrete footpath and grind the tree roots back to below ground level and then reconstruct the footpath over the roots but by doing this, it will most likely weaken the structure of the root ball causing the tree to become unstable. In addition, this action will only address the footpath problem, not the other damage that is being sustained. This option will only temporarily address the problem as the root structure will re-grow and the problem will probably arise again.

On each prior inspection of this tree, it was considered to be in a healthy and stable condition, well balanced and showing no signs of stress. However, Council cannot guarantee that a failure of a main branch, or the whole tree, will not occur at any stage in the future. It is believed highly probable that further damage to Councils infrastructure including footpaths, water and sewer mains and roads will occur if this tree is to remain in situ. Having regard to the present size of this tree and considering that it has not yet reached maturity and the threat of damage to property and services, it is considered that the risk of property damage and personal safety cannot be overlooked.

Other trees of the same species within Durham Street between George Street and William Street which are growing in a similar environment to the above tree are beginning to cause similar damage as the tree at 113 Durham Street.

Root pruning is a method that can sometimes be utilised to prevent tree roots from damaging property when used in conjunction with root control barrier. However, root pruning, if carried out in this case may have the potential to destabilise the tree which can have serious repercussions from a public safety perspective.

It is therefore recommended that Council resolves to remove the London Plane tree located in the Council verge area at 113 Durham Street and a more suitable avenue tree similar to those on the opposite side of Durham Street be planted in its place. It is also recommended that Council inspects the London Plane trees along Durham Street between William and George Streets which are or may cause similar damage as they mature. A more suitable species of tree could be planted in between the existing avenue of trees with a view to removing the London Plane trees as the replacements mature so that the avenue effect is

maintained.

**Financial Implications:** The necessary tree works can be undertaken utilising existing allocations. Damage to Council's infrastructure and private property has not been calculated and there is no allocation for these items except for Council's insurance.

**Bathurst 2036 Community Strategic Plan - Objectives and Strategies**

- Objective 9: To protect and enhance the region's landscapes, views, vistas, open spaces and the Macquarie River. Strategy 9.6

**MINUTE**

**26 Item 2.1 STREET TREE REMOVAL - 113 DURHAM STREET, BATHURST**  
**(13.00019)**

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

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

**Reason: works for Motor Vehicle Dealership.**

**The following MOTION was MOVED.**

That Council undertakes removal of the London Plane tree located within the verge, adjacent to the Great Wall Motor Vehicle dealership located at 113 Durham Street for the reasons outlined in the report.

**MINUTE**

**27 Item 2.2 STREET TREE REMOVAL - 113 DURHAM STREET, BATHURST  
(13.00019)**

**MOVED: Cr G Rush SECONDED: Cr I North**

The following AMENDMENT was MOVED.

**RESOLVED:** That Council prepare a streetscape plan for the area from the Showground to Stewart Street

The AMENDMENT was PUT and CARRIED.

The AMENDMENT then became the MOTION.

The MOTION was then PUT and CARRIED.

**3 EXTINGUISHMENT OF EASEMENT FOR SIGNAGE VARIABLE WIDTH, LOT 9 DP1181098 & LOT 200 DP1172136, GREAT WESTERN HIGHWAY, KELSO (25.00016-03)**

**Recommendation:** That Council approve the extinguishment of its rights in the easement for signage variable width affecting Lot 9 DP1181098 and Lot 200 DP1172136, Great Western Highway and Stockland Drive, Kelso, as detailed in the Director Engineering Services' report.

**Report:** Council has been advised by the Roads and Maritime Services (RMS) of the Department's need to extinguish the encumbrances of an easement for signage variable width affecting two properties, being Lot 9 DP1181098 and Lot 200 DP1172136.

It was found with the creation of the Raglan Creek deviation plan that Lot 9 DP1181098 was affected by an easement for signage variable width in favour of Council (see **attachment 1**). Council has no interest in the easement as the sign occupying the easement's site is used to highlight the location of Bing Lee, Turner's Furnitureone and Menzie Hall.

As part of the upgrade of the Great Western Highway at Kelso, the RMS are acquiring land for the construction of the Stockland Drive traffic lights and truck turning bay. It is seen as an opportunity to extinguish Council's interest in the easement now rather than later.

Further, the RMS in their property dealings with Council, have found that an easement for signage variable width has been inadvertently included on the Certificate of Title for Lot 200 DP1172136 located at Stockland Drive (see **attachment 2**). The property does not require the easement and it is recommended Council extinguish the easement affecting the property.

It is recommended that Council approve the extinguishment of its rights in the easement for signage variable width affecting Lot 9 DP1181098 and Lot 200 DP1172136, Great Western Highway and Stockland Drive, Kelso (see **attachment 3**) by endorsing the transfer granting easement form.

**Financial Implications:** Nil as the transfer granting easement form will be prepared and registered by the Roads and Maritime Services.

**Bathurst 2036 Community Strategic Plan - Objectives and Strategies**

- Objective 1: To attract employment, generate investment and attract new economic development opportunities. Strategy 1.7
  
- Objective 6: To support infrastructure development necessary to enhance Bathurst's life-style and industry development. Strategy 6.1

**MINUTE**

**28    Item 3    EXTINGUISHMENT OF EASEMENT FOR SIGNAGE VARIABLE WIDTH, LOT 9 DP1181098 & LOT 200 DP1172136, GREAT WESTERN HIGHWAY, KELSO (25.00016-03)**

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

**RESOLVED:** That Council approve the extinguishment of its rights in the easement for signage variable width affecting Lot 9 DP1181098 and Lot 200 DP1172136, Great Western Highway and Stockland Drive, Kelso, as detailed in the Director Engineering Services' report.

Yours faithfully



Doug Patterson  
**DIRECTOR  
ENGINEERING SERVICES**

**DIRECTOR CULTURAL & COMMUNITY SERVICES' REPORT AND MINUTES**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

17 JULY 2013



## **1 2013 MUSEUMS AUSTRALIA MULTIMEDIA & PUBLICATION DESIGN AWARDS (MPDA) - BATHURST REGIONAL ART GALLERY (21.00039)**

**Recommendation:** That Council congratulate the Bathurst Regional Art Gallery on the success at the Museums Australia Multimedia & Publication Design Awards achieving one first prize and two high commendations recognising excellence in design and communication.

**Report:** Bathurst Regional Art Gallery (BRAG) has performed exceptionally well in the 2013 MAPDA awards, bringing home three awards for its 2012 publications.

The MAPDA (Museums Australia Multimedia & Publication Design Awards) awards recognise excellence in design and communication in the museum and collections sectors across Australia and New Zealand.

BRAG received a Highly Commended for the *Illumination: New Work by Nicole Welch* exhibition catalogue in the Exhibition Catalogue (Small) category and took out first prize in the same category with the *Technique: Contemporary Australian Jewellery* exhibition catalogue. There were seven organisations shortlisted for this section and BRAG took out both the First and Highly Commended Categories.

The third award was a Highly Commended for the *Ros Auld and Yulyurlu Lorna Fencer Napurrurla* invitation in the Invitations Category. There were 13 organisations shortlisted for this section, with only a First and Highly Commended awards given.

This is the second year BRAG has entered the MAPDA awards. In 2012 BRAG was also successful, receiving a Highly Commended for its *2011 Exhibition Programs Brochure in the Calendar & Information Brochure* category.

BRAG's winning publications were designed and printed by Sydney based design company 10 Group. BRAG has been working with 10 Group for the last 2 years and has just resigned with them. They have been responsible for the branding of BRAG and its major publications e.g. invitations, catalogues and exhibition programs.

MAPDA 2013 received over 220 entries this year. Judging took place in Canberra on Friday 22 March at the National Museum of Australia where a shortlist was decided. Winners and Highly Commended entries were then decided from this list. Entries were judged on their relevance of purpose, communication clarity and degree of usability.

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

### **Bathurst 2036 Community Strategic Plan - Objectives and Strategies**

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

**MINUTE**

**29 Item 1 2013 MUSEUMS AUSTRALIA MULTIMEDIA & PUBLICATION DESIGN AWARDS (MPDA) - BATHURST REGIONAL ART GALLERY (21.00039)**

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

**RESOLVED:** That Council congratulate the Bathurst Regional Art Gallery on the success at the Museums Australia Multimedia & Publication Design Awards achieving one first prize and two high commendations recognising excellence in design and communication.

## **2 COMPARATIVE LIBRARY STATISTICS 2011/2012 (21.00054)**

**Recommendation:** That Council note the continuing high levels of service the Bathurst Library provides to the community.

**Report:** Under the Library Act 1939 the Library Council of NSW makes enquiry into the administration and management of every local library in NSW. In support of this duty the State library collects comprehensive statistics from Councils annually about their library service. These statistics facilitate benchmarking of services, the following statistics have been released reflecting the 2011/2012 financial year.

There are 375 public libraries in NSW, 142 in metropolitan NSW and 234 in country areas. The key indicators of public library use show the public are using libraries more than ever. In 2011:

- Almost 35 million visits were made to public libraries (up 30% over the past 10 years);
- Almost 48 million loans were made by borrowers;
- Over 3 million internet hours used by the public;
- There were 3.2 million library members or 44% of the NSW population; and
- More than 48,000 public programs were offered across NSW.

The following table identifies Bathurst rankings in comparison to other similar sized Local Government areas or close neighbour Councils:

| <b>Centre</b>     | <b>Population</b> | <b>Circulation by Council</b> | <b>Circulation per capita</b> | <b>Library Visits</b> | <b>Expenditure per capita</b> |
|-------------------|-------------------|-------------------------------|-------------------------------|-----------------------|-------------------------------|
| Armidale-Dumaresq | 26,005            | 293,776                       | 11.30                         | 115,561               | 52.18                         |
| <b>Bathurst</b>   | <b>40,187</b>     | <b>336,099</b>                | <b>8.36</b>                   | <b>160,979</b>        | <b>36.68</b>                  |
| Botany Bay        | 40,871            | 185,531                       | 4.54                          | 174,414               | 34.38                         |
| Dubbo             | 42,108            | 205,266                       | 4.87                          | 154,156               | 41.83                         |
| Eurobodalla       | 37,845            | 288,546                       | 7.62                          | 61,090                | 110.69                        |
| Orange            | 40,062            | 230,649                       | 5.76                          | 156,126               | 39.70                         |
| Strathfield       | 37,045            | 235,930                       | 6.36                          | 259,334               | 43.53                         |

Circulation per staff member:

|                   |        |
|-------------------|--------|
| Armidale-Dumaresq | 31,932 |
| Bathurst          | 31,411 |
| Eurobodalla       | 29,473 |
| Orange            | 19,148 |
| Strathfield       | 18,965 |
| Botany Bay        | 14,724 |
| Dubbo             | 11,650 |
| Oberon            | 11,111 |

The circulation per staff member result places Bathurst staff as the sixth busiest out of 99 libraries within the state.

**Financial Implications:** Nil.

### **Bathurst 2036 Community Strategic Plan - Objectives and Strategies**

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

**MINUTE**

- 30**    **Item 2    COMPARATIVE LIBRARY STATISTICS 2011/2012 (21.00054)**  
**MOVED: Cr B Bourke SECONDED: Cr G Rush**

**RESOLVED:** That Council note the continuing high levels of service the Bathurst Library provides to the community.

### **3 ANNUAL SOMERVILLE LECTURE - AUSTRALIAN FOSSIL & MINERAL MUSEUM (21.00106)**

**Recommendation:** That the information be noted.

**Report:** The Australian Fossil & Mineral Museum - home of the Somerville Collection (AFMM) holds a scientific lecture each year aiming to raise funds for the operation of the Museum together with raising the profile of the Museum. The topics and speakers are selected with access for the general community in mind.

This year the lecture was addressed by local collectors and fossickers, Tim and Gerbina Gordon speaking about their Bathurst family's discovery and excavation of an Ichthyosaur specimen in Richmond Queensland, together with Dr Alex Ritchie who spoke on Canowindra and the Age of Fishes Museum.

The venue, for the first time was the AFMM's temporary exhibition room and foyer. Guests were entertained with classical music while wandering through the Museum.

Some 47 people attended with \$1,440 raised from ticket sales.

The venue was intimate and fostered a good connection with the speakers; the limitation of limited space was offset by this factor.

A number of attendees commented on the appropriateness of the venue and the speakers.

The date for next years lecture has been set for 22 July 2014.

**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**

**31 Item 3 ANNUAL SOMERVILLE LECTURE - AUSTRALIAN FOSSIL & MINERAL MUSEUM (21.00106)**

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

**RESOLVED:** That the information be noted.

Yours faithfully



Annabell Miller  
**DIRECTOR**  
**CULTURAL & COMMUNITY SERVICES**

**POLICY COMMITTEE MEETING REPORT AND MINUTES**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

17 JULY 2013



**1 MINUTES - POLICY COMMITTEE MEETING - 3 JULY 2013 (07.00064)**

**Recommendation:** That the recommendations of the Policy Committee Meeting held on 3 July 2013 be adopted.

**Report:** The Minutes of the Policy Committee Meeting held on 3 July 2013, are attached.

**Financial Implications:** N/A

**Bathurst 2036 Community Strategic Plan - Objectives and Strategies**

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

**MINUTE**

**32**    **Item 1    MINUTES - POLICY COMMITTEE MEETING - 3 JULY 2013 (07.00064)**  
**MOVED: Cr B Bourke SECONDED: Cr I North**

**RESOLVED:** That the recommendations of the Policy Committee Meeting held on 3 July 2013 be adopted.

**MINUTES OF THE POLICY COMMITTEE**  
**HELD ON 3 JULY 2013**

**MEETING COMMENCES**

**1 MEETING COMMENCES 6:00 PM**

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

**APOLOGIES**

**2 APOLOGIES**

Nil.

**REPORT OF PREVIOUS MEETING**

**3 Item 1 MINUTES - POLICY COMMITTEE MEETING - 1 MAY 2013 (07.00064)**  
**MOVED** Cr I North and **SECONDED** Cr B Bourke

**RESOLVED:** That the Minutes of the Policy Committee Meeting held on 1 May 2013 be adopted.

**DECLARATION OF INTEREST**

**4 DECLARATION OF INTEREST 11.00002**  
**MOVED** Cr I North and **SECONDED** Cr B Bourke

**RESOLVED:** That the Declaration of Interest be noted.

**RECEIVE AND DEAL WITH DIRECTORS' REPORTS**

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

**5 Item 1 PRIVACY MANAGEMENT PLAN - PRIVACY AND PERSONAL INFORMATION PROTECTION ACT 1998 (PIIP ACT) (18.00171)**  
**MOVED** Cr M Coote and **SECONDED** Cr W Aubin

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This is page 1 of Minutes of the Policy Committee held on 3 July 2013.

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General Manager

Page 147  
Mayor



## GENERAL BUSINESS

### 9 BATHURST DISTRICT NATIONAL TRUST (18.00191)

**Cr Hanger** - noted letter distributed by Bathurst District National Trust to Councillors which contained photographs and advised details of certificates issued. Commended work of the local branch.

### 10 Item 2 RAGLAN PUBLIC SCHOOL (05.00002)

**Cr Jennings** - advised has received letter concerning dog faeces being left on the footpath. Is Council looking into this?

**The Director Environmental, Planning & Building Services** gave advice concerning bins with bags in off leash areas.

### 11 Item 3 TAFE BUILDING (22.01387, 20.00153)

**Cr Jennings** - asked what is the next stage in the process? Referred to linkage with 2015 process. Suggest contact Henry Bialowas.

**The General Manager** provided details on process involved, noted Conservation Management Plan will need to be updated, land has not yet been transferred. Discussions will occur with Council on future directions.

### 12 Item 4 RELEASE OF SUBDIVISIONS (20.00009)

**Cr Rush** - advised have received approaches from residents about the ballot process. Could the Director Corporate Services & Finance provide information on the process?

**The Director Corporate Services & Finance** advised process followed in conducting the land sale ballot

### 13 Item 5 OBERON 150TH ANNIVERSARY (23.00026)

**Cr Rush** - asked will Council be participating in this ceremony and sending an acknowledgement.

**The Mayor** advised Council will be represented by the Deputy Mayor at the Anniversary celebrations. Also advised details of future meeting with Lithgow and

Oberon.

**14**      **Item 6 INDEPENDENT LOCAL GOVERNMENT REVIEW PANEL (18.00145)**

**Cr Rush** - spoke to process in place, discussions proposed with adjoining Councils and feedback from discussions with the Local Government Minister.

**15**      **Item 7 SKILLSET (18.00014)**

**Cr Rush** - noted that he represents Council on the Board. The Group may be looking at restructuring itself. This would include looking at the role of original members. Does Council wish to look at a change in the members role?

**Councillors** indicated they would be in agreement with a review.

**The General Manager** spoke to previous positions due to historical reasons. This no longer exists and so Council representation is probably no longer needed.

**16**      **Item 8 LONG TERM PLANNING FOR THE CITY (03.00103)**

**Cr Westman** stated would like to see Council meet to discuss long term planning for the City. This would involve discussing; priorities, future facilities development, economic strategies, land-use planning, environmental directions.

**17**      **Item 9 LAND BALLOT (20.00009)**

**Cr Coote** - asked how is the ballot drawn?

**The Director Corporate Services & Finance** provided details of the way the numbers are drawn.

**18**      **Item 10 JENOLAN CAVES (20.00020)**

**Cr Coote** - spoke to advice received about expressions of interest being called for by the State Government.

**19**      **Item 11 SECTION 356 DONATIONS (18.00195)**

**Cr Coote** - asked that before request for financial support is reported to Council will financial statements be obtained?

**The General Manager** spoke to the process in place and current review

**20**      **Item 12 SILT FENCES (02.00005)**

**Cr Coote** - advised has received approaches from builders re silt fences.

**The Director Environmental, Planning & Building Services** explained the reasons for these requirements.

**21**      **Item 13 OFF TRACK V8 EVENTS (04.00073)**

**Cr Coote** - stated that open air event is a great idea.

**22**      **Item 14 BASSETT DRIVE (25.00536)**

**Cr Aubin** - asked is Council undertaking works in this area? There is dirt and granite everywhere, could this be reviewed.

**23**      **Item 15 BOILED WATER ALERT (32.00018)**

**Cr Aubin** - asked was this a fault or failure of equipment.

**The Director Engineering Services** advised it was a fault, reason unknown at this time. The 2013/2014 Budget includes funding to update analogue system to digital. This may address the problem that occurred.

**24**      **Item 16 BOILED WATER ALERT - DATA BASE (32.00018)**

**Cr North** - spoke to system in place, do we have sufficient details in place. When was Council aware of an issue with the water.

**The Director Engineering Services** provided details of partial treatment and timing.

**The Mayor** spoke to communication database in place.

**25      Item 17 BATHURST REGIONAL ACCESS COMMITTEE (07.00031)**

**Cr North** - spoke to letter from Access Committee congratulating Council on the work on the lay backs in William/Russell Streets.

**26      Item 18 HEADSPACE (11.00009)**

**Cr North** - advised attended recent dinner, has been operating for five years, does a great job for the region.

**27      Item 19 CAR SALES ON ROADSIDE (28.00021)**

**Cr North** - advised has received complaints about cars being for sale at the Trade Centre area near the roundabout.

**The Director Engineering Services** spoke to works scheduled for that area in the next year.

**28      Item 20 INDEPENDENT LOCAL GOVERNMENT REVIEW PANEL (18.00145)**

**Cr North** - suggested Council should hold discussions at a Councillor level with other Councils over the review process.

**29      Item 21 GREENING BATHURST - TREE PRESERVATION ORDER (18.00157)**

**Cr North** - advised matter has been raised of Tree Preservation Order process at a recent Greening Bathurst meeting. Looking forward to Working Party scheduled on this matter.

**30      Item 22 NATIONAL INSTITUTE OF CIRCUS ARTS (NICA) - BATHURST STUDENTS (23.00140)**

**Cr North** - advised has been approached by students who have expressed concerns about the long term future of this circus based program. They will forward emails to councillors seeking support.



**31**      **Item 23 RAILWAY PRECINCT LAND (22.00159)**

**Cr Bourke** - requested details of where this is at? Also Railway Institute needs repairs, graffiti is also a problem.

**The Mayor** advised she had met with representatives of John Holland this week. John Holland will provide advice in approximately two months, as currently finalising a new study into contamination.

**The Director Environmental, Planning & Building Services** noted the whole precinct is on the State Heritage Register.

**32**      **Item 24 FOOD INSPECTORS (14.00002)**

**Cr Bourke** - asked do Inspectors check on validity of claims of Australian owned products, state government have said it is a local government role.

**The Director Environmental, Planning & Building Services** advised staff only check on cleanliness and hygiene.

**33**      **Item 25 HAVANNAH STREET LIGHTS (25.00027)**

**Cr Bourke** - asked where is the matter at with respect to two right hand turn lanes onto the Highway?

**The Director Engineering Services** spoke to process in place, Council cannot do any more than what it has already done.

**Cr Aubin** noted matter was raised with Road & Maritime Services at recent meeting, RMS are following this up.

**34**      **Item 26 OFFICE SPACE REQUEST -- ABORIGINAL CULTURAL CENTRE (09.00031)**

**Cr Morse** - advised group are currently utilising facility where Rug Rats used to operate from in Raglan.

**MEETING CLOSE**

**35**      **MEETING CLOSE**

The Meeting closed at 7.07 pm.

**CHAIRMAN:** \_\_\_\_\_

**Date:** \_\_\_\_\_ **(17 July 2013)**

**TRAFFIC COMMITTEE MEETING REPORT AND MINUTES**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

17 JULY 2013

**1 MINUTES - TRAFFIC COMMITTEE MEETING - 2 JULY 2013 (07.00006)**

**Recommendation:** That the recommendations of the Traffic Committee Meeting held on 2 July 2013 be adopted.

**Report:** The Minutes of the Traffic Committee Meeting held on 2 July 2013, are attached.

**Financial Implications:** N/A

**Bathurst 2036 Community Strategic Plan - Objectives and Strategies**

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

**MINUTE**

**33**     **Item 1    MINUTES - TRAFFIC COMMITTEE MEETING - 2 JULY 2013 (07.00006)**  
**MOVED: Cr W Aubin SECONDED: Cr G Westman**

**RESOLVED:** That the recommendations of the Traffic Committee Meeting held on 2 July 2013 be adopted.

**MINUTES OF THE TRAFFIC COMMITTEE**  
**HELD ON 2 JULY 2013**

**MEETING COMMENCES**

**1 MEETING COMMENCES 2:00 PM**

Members: Cr Warren Aubin (Chair), Senior Constable Luke Cole (Police), David Veness (MP Representative)

Present: Darren Sturgiss (Manager Technical Services) and Paul Kendrick (Traffic & Design Engineer)

**APOLOGIES**

**2 APOLOGIES**

That the apology of Jackie Barry (Roads and Maritime Services) be accepted.

**3 QUORUM**

While there is no need for a specific quorum to allow a Traffic Meeting to proceed, any advice can only be returned to the elected Council or their sub-delegate by the Traffic Committee if the views of the Road & Maritime Services (RMS) and the NSW Police Force have been obtained.

Endorsement will be sought from the RMS to allow the recommendations of this meeting to be forwarded to Council for adoption.

**REPORT OF PREVIOUS MEETING**

**4 Item 1 MINUTES - TRAFFIC COMMITTEE MEETING - 4 JUNE 2013 (07.00006)**

That the Minutes of the Traffic Committee Meeting held on 4 June 2013 be adopted.

## **DECLARATION OF INTEREST**

### **5        DECLARATION OF INTEREST 11.00002**

That the Declaration of Interest be noted.

## **RECEIVE AND DEAL WITH DIRECTORS' REPORTS**

### **Director Engineering Services' Report**

### **6        Item 1 MINUTES OF THE TRAFFIC COMMITTEE MEETING HELD 4 JUNE 2013 (07.00006)**

That the information be noted and necessary actions be taken.

### **7        Item 2 MONTHLY REPORT FOR LOCAL GOVERNMENT ROAD SAFETY PROGRAM (28.00002)**

That the information be noted.

### **8        Item 3 KELSO PUBLIC SCHOOL – SCHOOL ZONE FLASHING LIGHTS (25.00046-02/013)**

That the information be noted.

### **9        Item 4 EGLINTON PUBLIC SCHOOL PEDAL PUSH 2013 (23.00026-16/049)**

That Council classify the Eglinton School Pedal Push to be held on Friday 20 September 2013 as a Class 4 event and approve it subject to conditions detailed in the Director Engineering Services' report.





**15**      **MEETING CLOSE**

The Meeting closed at 2.38 pm.

**DELEGATES REPORTS AND MINUTES**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

17 JULY 2013

## 1 COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 12 JUNE 2013 (11.00019)

**Recommendation:** That the information be noted.

**Report:** **Present:** Crs Morse (Chair), Aubin, Bourke, Jennings, North, Rush.

**Apologies:** Crs, Coote. Hanger, Westman.

### **1. BATHURST AIRPORT USERS GROUP (07.00063)**

J Graham, G Burke, D Scott and M Renshaw from Bathurst Airport Users Group - met with Councillors. J Graham gave an update on Air Operations at the Airport including:

- Increase in private use from \$361 to \$500.
- Increase in commercial use \$761 to \$1500.
- Increased revenue from itinerate users at airport recommended \$7.00 per landing per aircraft up to 2 Tonnes.
- Proposed charging a 3 Tier System as follows less than 200 landings per year, moderate 200 - 400 landings per year, high more than 400 landings per year.
- Recommended a CPI increase each year on fees once set.

### **2. UWS RURAL CLINICAL SCHOOL (BATHURST) (09.00011)**

Dr Tim Crossin and Jill Driscoll gave an update on the operations of the UWS Rural Clinical School since 2004 and the Rural Clinical School in Bathurst.

- Medical Students arrived 2010.
- Establishment of Course.
- 8 students initial intake
- 10 students per intake now.
- Development of Accommodation and Lecture area.
- 4th Group of students about to arrive.

- **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**

**34 Item 1 COUNCILLORS MEETING WITH COMMUNITY  
GROUPS/REPRESENTATIVES - 12 JUNE 2013 (11.00019)**

**MOVED: Cr G Rush SECONDED: Cr G Hanger**

**RESOLVED:** That the information be noted, and the minutes be altered to reflect Cr Hanger's attendance at the meeting.

## MINUTE

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

**MOVED: Cr J Jennings SECONDED: Cr G Rush**

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

**There were no representations from the public.**

**RESOLVED:** That:

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

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

| ITEM | SUBJECT   | REASON FOR CONFIDENTIALITY  |
|------|---|---|
| 1    | RENEWAL OF LICENCE AGREEMENT - LOT 1 DP749758 CONROD STRAIGHT MT PANORAMA AND LOT 117 DP750357 COLLEGE ROAD, BATHURST - IRELAND | 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 - LOT 1 DP623416 AND LOT 4 DP845477 ZANTE LANE, BATHURST.  | 10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would  |

|   |   |   |
|---|---|---|
|   |   | prejudice the commercial position of the person who supplied it.  |
| 3 | PROPOSED SALE OF PROPERTY - LOT 1 DP995189 DURHAM STREET, BATHURST  | 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 | PROPOSED NEW LEASE AGREEMENTS WITH NBN CO. LTD - 230 HOWICK STREET, BATHURST (PART LOT 1 DP774489), WATER RESERVOIR RAGLAN (PART LOT 211 DP748686), WATER RESERVOIR, PRINCE STREET PERTHVILLE (PART LOT 1 DP857402) | 10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.                                 |
| 5 | PROPOSED NEW LEASE - LOT 193 DP821845 CHRISTIE STREET RAGLAN - KNOWN AS THE OLD RAGLAN SCHOOL HALL  | 10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.                                 |
| 6 | RENEWAL OF RESIDENTIAL TENANCY AGREEMENT - LOT 127 DP249576 KNOWN AS 12 WHITEMAN PLACE BATHURST   | 10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would  |

|    |   |   |
|----|---|---|
|    |   | prejudice the commercial position of the person who supplied it.  |
| 7  | 2013 BATHURST 12 HOUR - AUDITOR'S REPORT                        | 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  | 2013 BATHURST MOTOR FESTIVAL - AUDITOR'S REPORT                 | 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 CITY COMMUNITY CLUB | 10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it. |
| 10 | BATHURST GO-KART RACING TRACK                                   | 10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial   |

|    |   |   |
|----|---|---|
|    |   | position of the person who supplied it.   |
| 11 | PROPOSED HEAD OFFICE BUILDING - PANORAMA AVENUE | 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 ASPHALTIC CONCRETE RESURFACING OF THE MOUNT PANORAMA RACING CIRCUIT           | 10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it. |
| 2    | TENDER FOR CONSTRUCTION OF AMENITIES BLOCK AT GEORGE AND CUBIS PARKS                     | 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 COMPULSORY ACQUISITION, PART LOTS 4 AND 5, DP847225 - 197 LIMEKILNS ROAD, KELSO | 10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in   |



|   |   |   |
|---|---|---|
|   |   | open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.   |
| 4 | PROPOSED CREATION OF EASEMENTS BENEFITING COUNCIL, GREAT WESTERN HIGHWAY, 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. |

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

17 JULY 2013

**MINUTE**

a **Item 1 RENEWAL OF LICENCE AGREEMENT - LOT 1 DP749758 CONROD STRAIGHT MT PANORAMA AND LOT 117 DP750357 COLLEGE ROAD, BATHURST - IRELAND (22.11530 and 22.04491)**

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

**That** Council approves entering into a new licence agreement with Graham and Maria Ireland for Lot 1 DP749758 Conrod Straight Mt Panorama and Lot 117 DP750357 College Road Mt Panorama for a period one (1) year with two (2) x one(1) year option periods at increased yearly licence fees of \$442.48 (GST inclusive) plus annual CPI adjustments for Lot 1 and \$254.62 (GST inclusive) plus annual CPI adjustments for Lot 117 as detailed in the report.

**MINUTE**

**b     Item 2   EXPRESSION OF INTEREST - LOT 1 DP623416 AND LOT 4 DP845477  
ZANTE LANE, BATHURST. (22.06378)**

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

**That** Council approves entering into a new licence agreement with Mr Wayne Loader for Lot 1 DP623416 and Lot 4 DP845477 located on Zante Lane, Bathurst for a period of one (1) year with a one (1) year option period at a yearly lease fee of \$2,652.00 per annum (GST inclusive) plus annual CPI adjustments as detailed in the report.

**MINUTE**

**c Item 3 PROPOSED SALE OF PROPERTY - LOT 1 DP995189 DURHAM STREET, BATHURST (22.08029)**

**MOVED: Cr G Rush SECONDED: Cr M Coote**

**That** Council approves the sale of Lot 1 DP995189 located on Durham Street, Bathurst to Apsley Holdings Pty Ltd for the sale price of \$20,000 (GST inclusive), as detailed in the report.

## MINUTE

**d Item 4 PROPOSED NEW LEASE AGREEMENTS WITH NBN CO. LTD - 230 HOWICK STREET, BATHURST (PART LOT 1 DP774489), WATER RESERVOIR RAGLAN (PART LOT 211 DP748686), WATER RESERVOIR, PRINCE STREET PERTHVILLE (PART LOT 1 DP857402) (32.00001, 22.00041)**

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

**That Council note:**

- (a) that all negotiations with NBN Co Ltd have now ceased in relation to the following three sites.
  - i. Part Lot 1 DP774489 - rooftop 230 Howick Street, Bathurst
  - ii Part Lot 1 DPP857402 - Water Reservoir, Prince Street, Perthville
  - iii Part Lot 211 DP748686 - Water Reservoir, Raglan
  
- (b) that should NBN Co Ltd wish to reconsider its options in relation to the three sites, fresh negotiations would be required.

**MINUTE**

**e Item 5 PROPOSED NEW LEASE - LOT 193 DP821845 CHRISTIE STREET  
RAGLAN - KNOWN AS THE OLD RAGLAN SCHOOL HALL (22.00876)  
MOVED: Cr M Coote SECONDED: Cr G Hanger**

**That** Council approves entering into a new Residential Tenancy Agreement for Lot 193 DP821845 known as the Old Raglan School Hall, Christie Street, Raglan with Wynne Allen and Angela Windsor for a period of twelve (12) months with a twelve (12) month option period at a peppercorn payment of \$20.00 per annum (GST inclusive), as detailed in the report.

**MINUTE**

**f Item 6 RENEWAL OF RESIDENTIAL TENANCY AGREEMENT - LOT 127  
DP249576 KNOWN AS 12 WHITEMAN PLACE BATHURST (22.00202)**

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

**That** Council approves entering into a new Residential Tenancy Agreement with Ms Doreen Morgan for Lot 127 DP249576 known as 12 Whiteman Place Bathurst for a period of one (1) year with an option period of one (1) year at a yearly lease fee of \$180.00 per week as detailed in the report.



**MINUTE**

- g** **Item 7 2013 BATHURST 12 HOUR - AUDITOR'S REPORT (04.00097)**  
**MOVED: Cr M Coote SECONDED: Cr W Aubin**

**That** the information be noted.

**MINUTE**

**h Item 8 2013 BATHURST MOTOR FESTIVAL - AUDITOR'S REPORT (04.00125)**  
**MOVED: Cr I North SECONDED: Cr G Rush**

**That** the information be noted.

## **MINUTE**

### **i Item 9 REQUEST FOR FINANCIAL ASSISTANCE - BATHURST CITY COMMUNITY CLUB (22.01429)**

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

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

**Reason: Member of Club.**

**That** in order to progress this matter, the Bathurst City Community Club be requested to provide the following:

- (a) a copy of their latest financial statements.
- (b) a statement showing how they have maintained the grounds since July 2012 to date.
- (c) what the requested donation of \$20,000 cash would be used for.
- (d) an update on the growth/future of the Club.

## **MINUTE**

**j**     **Item 10 BATHURST GO-KART RACING TRACK (18.00290)**  
**MOVED: Cr B Bourke SECONDED: Cr I North**

**That** the Bathurst Kart Club Inc be requested to:

- (a) prepare a Business Plan including detailed costings for the preparation of the circuit.
- (b) prepare a Plan to show how the Bathurst Kart Club Inc is going to finance the construction of the circuit.
- (c) prepare a long term financial plan showing the viability of this operation over ten years.

**MINUTE**

**k Item 11 PROPOSED HEAD OFFICE BUILDING - PANORAMA AVENUE  
(21.00110)**

**MOVED: Cr B Bourke SECONDED: Cr G Rush**

**That** Council advise Forests NSW that Council will not be proceeding with the acquisition of the Panorama Avenue land for Council's new Head Office building.

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

17 JULY 2013

**MINUTE**

**I Item 1 TENDER FOR ASPHALTIC CONCRETE RESURFACING OF THE MOUNT PANORAMA RACING CIRCUIT (36.00478)**

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

**That** Council accept the tender from SRS Roads Pty Ltd for the Schedule of Rates Contract for Asphaltic Concrete Resurfacing of the Mount Panorama Racing Circuit, to the value of \$2,205,019.50 (including GST), subject to schedule quantities.

**MINUTE**

**m Item 2 TENDER FOR CONSTRUCTION OF AMENITIES BLOCK AT GEORGE AND CUBIS PARKS (36.00475)**

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

**That** Council accept the tender of Castlereagh Constructions Pty Ltd., in the amount of \$479,563 (inc GST) for the construction of amenities block at George and Cubis Parks, subject to adjustments and provisional items.



**MINUTE**

**n Item 3 PROPOSED COMPULSORY ACQUISITION, PART LOTS 4 AND 5, DP847225 - 197 LIMEKILNS ROAD, KELSO (22.00358-02)**

**MOVED: Cr G Westman SECONDED: Cr G Rush**

**That** Council approve the endorsement of the acquisition plan regarding the proposed boundary adjustment between Lots 4 and 5, DP847225 being 197 Limekilns Road, Kelso. The acquired property to be classified as Operational land.

**MINUTE**

**o Item 4 PROPOSED CREATION OF EASEMENTS BENEFITING COUNCIL,  
GREAT WESTERN HIGHWAY, KELSO (25.00016)**

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

**That** Council approve the transfer of the easement rights concerning the creation of various easements for the construction of the upgrade of the Great Western Highway, Kelso, as detailed in the Director Engineering Services' report.

**MINUTE**

**36**     **RESOLVE INTO OPEN COUNCIL**  
**MOVED: Cr M Coote SECONDED: Cr J Jennings**

**RESOLVED:** That Council resume Open Council.

**MINUTE**

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

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

**MINUTE**

**38     MEETING CLOSE**

The Meeting closed at 8.52 pm.

**CHAIRMAN:** \_\_\_\_\_

**Date:** \_\_\_\_\_ **(21 August 2013)**