



ORDINARY MEETING OF
BATHURST REGIONAL COUNCIL

10 September 2014

His Worship the Mayor & Councillors

Notice of Ordinary Meeting of Bathurst Regional Council - Wednesday, 17 September 2014

I have to advise that an **Ordinary Meeting** of Bathurst Regional Council will be held in the Council Chambers on Wednesday, 17 September 2014 commencing at 6.00 pm.

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

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

D J Sherley
GENERAL MANAGER

BUSINESS AGENDA

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

TO BE HELD ON WEDNESDAY, 17 SEPTEMBER 2014

1. 6:00 PM - MEETING COMMENCES

2. RECEIVE AND DEAL WITH DIRECTORS' REPORTS

3. PUBLIC QUESTION TIME

4. 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.

5. APOLOGIES

6. MINUTES

* MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 20 AUGUST 2014

7. 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.

8. MAYORAL MINUTE - Nil

9. 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

10. REPORTS OF OTHER COMMITTEES

* MINUTES - POLICY COMMITTEE MEETING - 3 SEPTEMBER 2014
* MINUTES - TRAFFIC COMMITTEE MEETING - 2 SEPTEMBER 2014

11. NOTICES OF MOTION - Nil

12. RESCISSION MOTIONS - Nil

13. DELEGATES REPORTS

- * COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 13 AUGUST 2014
- * 2015 BICENTENARY CELEBRATIONS COMMITTEE MEETING - 2 SEPTEMBER 2014
- * MINUTES - AUSTRALIA DAY WORKING PARTY - 19 AUGUST 2014
- * CENTROC BOARD MEETING - 26 AUGUST 2014

14. 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	PROPOSED NEW SPORTING LICENCE TENNIS COURT FACILITY PART LOT 108 DP28260 LOCATED ON MITRE STREET BATHURST - MACQUARIE VIEW TENNIS CLUB	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who

		supplied it.
2	PROPOSED NEW SUBDIVISION WATT DRIVE (LOT 806 DP1169443) - BATHURST TRADE CENTRE	10A (2) (c) – contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. Discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it would prejudice council's position in negotiating commercial and or financial arrangements.
3	2014 BATHURST MOTOR FESTIVAL	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
4	REQUEST FOR FINANCIAL ASSISTANCE - BATHURST SHEEP AND CATTLE DROME	10A (2) (b) – contains advice concerning hardship of a resident or ratepayer, disclosure of which would not be in the public interest as it would prejudice the personal position of the individual concerned.
5	LEASE OF HANGAR - BATHURST AERODROMETO BURKE	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

*** DIRECTOR ENGINEERING SERVICES' REPORT**

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

5	PROPOSED ROAD WIDENING AND PARTIAL CLOSURE, LOT 6 DP755780 & LOT A DP380082, LIMEKILNS ROAD, LIMEKILNS	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
6	PROPOSED ACQUISITION, LOT 10 DP1181098, GREAT WESTERN HIGHWAY (SYDNEY ROAD), KELSO	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
7	PROPOSED COMPULSORY ACQUISITION, LOT 6 DP1195729 AND PROPOSED EASEMENT FOR WATER SUPPLY 10 WIDE, 197 LIMEKILNS ROAD, KELSO	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

15. RESOLVE INTO OPEN COUNCIL

16. ADOPT REPORT OF THE COMMITTEE OF THE WHOLE

17. MEETING CLOSE

MEETING COMMENCES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

MINUTE

1 Item 1 MEETING COMMENCES

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

MINUTE

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

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

GENERAL MANAGER'S REPORT AND MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

17 SEPTEMBER 2014

1 ELECTION OF MAYOR AND DEPUTY MAYOR (12.00004)

Recommendation: That the information be noted.

Report: In accordance with the provisions of the Local Government Act 1993, the election of Mayor by the Councillors is to be held during the month of September (Section 290). Bathurst Regional Council will therefore be required to elect both the Mayor and Deputy Mayor.

The Local Government (General) Regulation 2005, Schedule 7, prescribes how a Mayor and Deputy Mayor are to be elected.

Nomination forms are at **attachment 1** and **attachment 2** for Councillors and may be returned to me, or handed to me at the commencement of the Council meeting.

The procedure for both Elections will be:

- (i) The General Manager will be the Returning Officer;
- (ii) The General Manager will call for further nominations;
- (iii) Nominations will be closed;
- (iv) The Returning Officer will announce the names of the nominees at the Council meeting at which the election is to be held;
- (v) If more than one nomination is received, an election will be held;
- (vi) Council will be asked to resolve the form of election, if required, i.e. ordinary ballot, preferential ballot or open voting.
- (vii) The election is to be held at the Council meeting at which the Council resolves on the method of voting.

The following process for nomination applies, as per Clause 2 of Schedule 7:

1. A Councillor may be nominated without notice for election as Mayor or Deputy Mayor;
2. The nomination is to be made in writing by 2 or more Councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing;
3. The nomination is to be delivered or sent to the Returning Officer;
4. The Returning officer is to announce the names of the nominees at the Council meeting at which the election is to be held.

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 33: To be and develop good leaders. Strategy 33.7

MINUTE

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

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

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

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

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

Councillor Rush took the Chair

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

The Mayor, Councillor Rush resumed the meeting at 6.12 pm

Yours faithfully



D J Sherley
GENERAL MANAGER

MINUTE

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

That Council resume Standing Orders.

PUBLIC QUESTION TIME

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

MINUTE

5 Item 1 PUBLIC QUESTION TIME

M Hollis – resident

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

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

B Trimming – resident

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

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

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

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

1. Wishes to speak to noise and traffic problems. On Wednesday a fortnight ago, there

was loud barking of dogs from 400m away (2 dogs). Will be worse with more dogs and they cause other dogs to join in.

2. The intersection of Mary's Lane and Highway is a problem. Traffic on this road, including B-Doubles, creates a possible disaster. Spoke to case of Coote's trucks in Sydney. There is no turning lane in this area. Noted deaths at Dunkeld Bridge, that have occurred. At Mary's Lane, if something happens, there will be no second chances, vehicles are travelling at high speed in this area.

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

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

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

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

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

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

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

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

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

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

(1) noise - spoke to report from S Cooper and concerns it has raised. There are flaws in the data, offensiveness and sleep arousal have not been addressed.

(2) public safety - concerns at the road condition problems and intersection factors that need to be addressed. Should be referred to the RMS.

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

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

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

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

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

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

MINUTE

- 6** **APOLOGIES**
 MOVED: Cr B Bourke SECONDED: Cr W Aubin

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

MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

1 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 20 AUGUST 2014 (11.00005)

Recommendation: That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 20 August 2014 be adopted.

Report: The Minutes of the Ordinary Meeting of Bathurst Regional Council held 20 August 2014, are attached.

Financial Implications: N/A

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

7 Item 1 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
- 20 AUGUST 2014 (11.00005)

MOVED: Cr G Westman SECONDED: Cr I North

RESOLVED: That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 20 August 2014 be adopted.

**MINUTES OF THE ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
HELD ON 20 AUGUST 2014**

MEETING COMMENCES

1 MEETING COMMENCES 6:00 PM

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

PUBLIC QUESTION TIME

2 PUBLIC QUESTION TIME

M Hollis – Stanley Street Parking

Thanked Councillors and Council for implementing the new parking arrangement in Stanley Street. It will make things a lot safer. Spoke further to issue of requiring driveway to be widened if possible.

H Gould – Greening Bathurst Secretary - DEPBS Item #10

Spoke to concern at the report on illegal land clearing. Unfortunately the trees cannot be brought back. Council need to take full action under the law on this matter.

T Carpenter – Bathurst Climate Action Network

DEPBS Item #10 - Welcomes the action taken. It is important that roadside reserves are protected. This is a major problem and the person involved should have to reinstate the trees and prosecution should occur.

Coal Seam Gas (Notice of Motion) - Spoke to impact of Coal Seam Gas (CSG) and the fracking process. It is important Council adopt a policy against CSG, Council has a role to protect the community and the environment.

B Trimming

Council Chambers - Good to see the changes in the Chambers.

Footpaths - Good to see the report on new footpaths, well done. Traffic issues outside Western Advocate and 2BS raise concerns. Are the new fluoro signs standard and if so can the signs at all pedestrian crossing have bright fluoro. Pedestrian crossing in Keppel Street, there is no signage as you come from George Street, could this be checked? It would be good to have all pedestrian crossing signs the same.

Absent - Nil
Abstain - Nil

9 Item 4 DEVELOPMENT APPLICATION NO 2014/0281 - THREE LOT RURAL SUBDIVISION (BOUNDARY ADJUSTMENT) AT 1750 HILL END ROAD, SALLYS FLAT. APPLICANT: MR I PRICE. OWNER: MR I PRICE (DA NO 2014/0281)
MOVED Cr I North and SECONDED Cr M Coote

RESOLVED: That Council:

- (a) support the variation to the 1(e) Outer Rural 100 hectare minimum lot size as prescribed in the Clause 27 (1) of Bathurst Regional (Interim) Local Environmental Plan 2005 for proposed Lot 6;
- (b) support the variation to the 1(e) Outer Rural 100 hectare minimum lot size as prescribed in the Clause 28 (1) of Bathurst Regional (Interim) Local Environmental Plan 2005 for proposed Lot 6;
- (c) as the consent authority, grant consent pursuant to section 80 of the Environmental, Planning and Assessment Act to Development Application No 2014/0281, 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

10 Item 5 BATHURST REGIONAL (INTERIM) DEVELOPMENT CONTROL PLAN 2011 (AMENDMENT NO 7) (20.00276)
MOVED Cr M Coote and SECONDED Cr G Westman

RESOLVED: That Council:

- (a) adopt the Bathurst Regional (Interim) Development Control Plan 2011 (Amendment No. 7);
- (b) give notice of the adoption of the Bathurst Regional (Interim) Development Control Plan 2011 (Amendment No.7) in accordance with the requirements of the Environmental Planning and Assessment Act (1979), and note that the DCP amendment does not become effective until notice is given in the Western Advocate;
- (c) call a division.

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

The result of the division was:

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

Against the motion - Nil

Absent - Nil

Abstain - Nil

11 Item 6 DRAFT BATHURST REGIONAL LOCAL ENVIRONMENTAL PLAN 2014 (20.00143)

MOVED Cr M Morse

and **SECONDED** Cr J Jennings

RESOLVED: That the report be noted.

12 Item 7 BATHURST REGION HERITAGE STRATEGY REFERENCE GROUP (20.00123)

MOVED Cr I North

and **SECONDED** Cr M Coote

RESOLVED: That Council

(a) Adopt the Charter of the Bathurst Region Heritage Strategy Reference Group as outlined in the report with the first meeting to be called in October 2014.

(b) Request feedback from the Bathurst Region Heritage Strategy Reference Group as to the content of the Charter.

13 Item 8 CONSERVATION AND INTERPRETATION FUND 2013/2014 (13.00068-03)

MOVED Cr G Westman

and **SECONDED** Cr I North

RESOLVED: That the information be noted.

14 Item 9 2014 LAND IMPROVEMENT AWARDS PROGRAM (13.00064-03)

MOVED Cr J Jennings

and **SECONDED** Cr M Coote

RESOLVED: That the report be noted.

15 Item 10 ILLEGAL LAND CLEARING IN COUNCIL ROAD RESERVE (22.15176)

MOVED Cr I North

and **SECONDED** Cr M Coote

RESOLVED: That Council

(a) support the investigation into this matter; and

(b) a report come back to Council following the investigation, for further consideration by Council.

- 16** **Item 11 ECONOMIC THINKTANK (20.00071)**
MOVED Cr G Westman and **SECONDED** Cr J Jennings

RESOLVED: That the information be noted.

- 17** **Item 12 BATHURST COMMUNITY ACCESS AND CYCLING PLAN UPDATE (20.00165)**
MOVED Cr I North and **SECONDED** Cr W Aubin

RESOLVED: That the information be noted.

- 18** **Item 13 2014 INLAND TOURISM AWARDS (20.00020)**
MOVED Cr M Morse and **SECONDED** Cr W Aubin

RESOLVED: That the information be noted.

Director Corporate Services & Finance's Report

- 19** **Item 1 STATEMENT OF INVESTMENTS (16.00001)**
MOVED Cr M Coote and **SECONDED** Cr B Bourke

RESOLVED: That the information be noted.

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

RESOLVED: That the information be noted.

- 21** **Item 3 SUNDRY SECTION 356 DONATIONS, BATHURST MEMORIAL ENTERTAINMENT CENTRE COMMUNITY USE SUBSIDY AND MOUNT PANORAMA FEE SUBSIDY (18.00004)**
MOVED Cr B Bourke and **SECONDED** Cr I North

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

- 22** **Item 4 POWER OF ATTORNEY (11.00007)**
MOVED Cr J Jennings and **SECONDED** Cr M Morse

RESOLVED: That the information be noted.

- 23** **Item 5 BATHURST 200 BICENTENNIAL CELEBRATIONS UPDATE (20.00153)**
MOVED Cr M Morse and **SECONDED** Cr G Hanger

RESOLVED: That the information be noted.

- 24** **Item 6 REQUEST FOR FINANCIAL ASSISTANCE - CENTRAL TABLELANDS WOODCRAFT INC (18.00004, 18.0004-25/102)**
MOVED Cr B Bourke and **SECONDED** Cr G Hanger

RESOLVED: That Council donate \$500 to the Central Tablelands Woodcraft Inc towards the cost of holding their 'Craft & Art on Show' (CAOS), held 1 & 2 November 2014, to be funded from Section 356 Donations.

- 25** **Item 7 CLASSIFICATION OF COUNCIL LAND (20.00036)**
MOVED Cr M Coote and **SECONDED** Cr I North

RESOLVED: That the properties listed below be classified as Operational land under the Local Government Act 1993;

- (a) Lots 345,346 and 347 DP1196600 located on Mendel Drive, Coates Drive and Keane Drive
- (b) Lot 800 DP1197375 Ashworth Drive
- (c) Lot 128 DP1195774 Wentworth Drive
- (d) Lot 1435 DP1156902 Coolabah Close.

- 26** **Item 8 REQUEST FOR FINANCIAL ASSISTANCE - THE BATHURST TUCKER VAN (18.00004-29)**
MOVED Cr I North and **SECONDED** Cr W Aubin

RESOLVED: That the matter be deferred for Council to seek further information from the applicant.

- 27** **Item 9 CARRYOVER WORKS (16.00135, 16.00137)**
MOVED Cr G Westman and **SECONDED** Cr M Morse

RESOLVED: That the items as identified on the list of carry-over works as at 30 June 2014 be carried over and added to the Management Plan for 2014/2015.

- 28** **Item 10 REQUEST FOR FINANCIAL ASSISTANCE - LEGAL AID NSW (21.00102)**
MOVED Cr B Bourke and **SECONDED** Cr G Hanger

- 38** **Item 2 COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 9 JULY 2014 (11.00019)**
MOVED Cr W Aubin and **SECONDED** Cr G Westman

RESOLVED: That the information be noted.

- 39** **Item 3 2015 BICENTENARY CELEBRATIONS COMMITTEE MEETING - 5 AUGUST 2014 (20.00153)**
MOVED Cr B Bourke and **SECONDED** Cr M Coote

RESOLVED: That the recommendations of the 2015 Bicentenary Celebrations Committee held on 5 August 2014 be adopted.

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

- 40** **RESOLVE INTO CONFIDENTIAL COMMITTEE OF THE WHOLE TO DEAL WITH CONFIDENTIAL REPORTS**
MOVED Cr I North and **SECONDED** Cr J Jennings

The Mayor advised that a Confidential Mayoral Minute had been added to the agenda.

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.

*** MAYORAL MINUTE**

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

	would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
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*** DIRECTOR ENVIRONMENTAL PLANNING & BUILDING SERVICES' REPORT**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	WASTEWATER TREATMENT PLANT	10A (2) (c) – contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. Discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it would prejudice council's position in negotiating commercial and or financial arrangements.

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

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	RURAL LEASE AGREEMENT - PART LOT 162 DP 1125026 LOCATED ON WHITE ROCK ROAD BATHURST - WHITE	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
2	RENEWAL OF	10A (2) (d) (i) – contains

	RESIDENTIAL TENANCY AGREEMENT - LOT 19 DP849271 KNOWN AS 57 SEYMOUR STREET BATHURST - NANCARROW	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	REQUEST FOR FINANCIAL ASSISTANCE - BATHURST THOROUGHbred RACING	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	RURAL LEASE AGREEMENT - LOT 17 DP1099208 KNOWN AS 1 ROCKLEY STREET, GEORGES PLAINS TO PETERSON	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	REQUEST FOR FINANCIAL ASSISTANCE - BATHURST HARNESS RACING 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.
6	TRANSFER OF LEASE AGREEMENT FOR ABSOLUTELY DELICIOUS PTY LTD - PART LOT 90 DP1026194 KNOWN AS 1 KENDAL AVENUE, 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	PROPOSED NEW LICENCE AGREEMENT - BATHURST BICYCLE PARK INCORPORATED	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 BIKE EDUCATION TRACK - BATHURST ADVENTURE PLAYGROUND	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 LANDSCAPE ENTRANCE FEATURES - MID	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed,

	WESTERN & MITCHELL HIGHWAYS, BATHURST	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 CULTURAL & COMMUNITY SERVICES' REPORT**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	EXPRESSION OF INTEREST FOR BATHURST MEMORIAL ENTERTAINMENT CENTRE (BMEC) CATERING SERVICES	10A (2) (d) (iii) – contains commercial information of a confidential nature that would, if disclosed, reveal a trade secret.

Mayoral Minute

- a** Item 1 HONORARY CITIZENSHIP OF BATHURST (23.00132)
MOVED Cr G Rush

RESOLVED: That Council act in accordance with the report.

Director Environmental Planning & Building Services' Report

- b** Item 1 WASTEWATER TREATMENT PLANT (37.00410)
MOVED Cr W Aubin and **SECONDED** Cr M Coote

RESOLVED: That Council authorise the General Manager to act in accordance with the recommendation contained within this report.

Director Corporate Services & Finance's Report

- c** Item 1 RURAL LEASE AGREEMENT - PART LOT 162 DP 1125026 LOCATED ON WHITE ROCK ROAD BATHURST - WHITE (22.02213)
MOVED Cr B Bourke and **SECONDED** Cr I North

RESOLVED: That Council approves entering into a new Rural Licence agreement with Horace and Joyce White for part Lot 162 in DP1125026 located on White Rock Road, Bathurst for a period of five (5) years as detailed in the report.

d **Item 2 RENEWAL OF RESIDENTIAL TENANCY AGREEMENT - LOT 19 DP849271 KNOWN AS 57 SEYMOUR STREET BATHURST - NANCARROW (22.00185)**

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

RESOLVED: That Council approves the continuation of the Residential Tenancy Agreement for Lot 19 DP849271 known as 57 Seymour Street, Bathurst with Brett Nancarrow for a period of one (1) year with an option period of one (1) year as detailed in the report.

e **Item 3 REQUEST FOR FINANCIAL ASSISTANCE - BATHURST THOROUGHBRED RACING (18.00004-29)**

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

RESOLVED: Council act in accordance with this report.

f **Item 4 RURAL LEASE AGREEMENT - LOT 17 DP1099208 KNOWN AS 1 ROCKLEY STREET, GEORGES PLAINS TO PETERSON (22.10657)**

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

RESOLVED: That Council approves entering into a new Rural Licence agreement with Jordan and Amanda Peterson for Lot 17 in DP1099208 located at 1 Rockley Street, Georges Plains for a period of twelve (12) months as detailed in the report.

g **Item 5 REQUEST FOR FINANCIAL ASSISTANCE - BATHURST HARNESS RACING CLUB (18.00107-02,22.04170)**

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

RESOLVED: That Council act in accordance with the report.

h **Item 6 TRANSFER OF LEASE AGREEMENT FOR ABSOLUTELY DELICIOUS PTY LTD - PART LOT 90 DP1026194 KNOWN AS 1 KENDAL AVENUE, BATHURST (21.00095)**

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

RESOLVED: That Council approves, in principle, the transfer of the current lease agreement for Absolutely Delicious Pty Ltd located at part Lot 90 DP1026194 known as 1 Kendal Avenue, Bathurst as detailed in the report.

- i** **Item 7 PROPOSED NEW LICENCE AGREEMENT - BATHURST BICYCLE PARK INCORPORATED (04.00140)**
MOVED Cr I North and **SECONDED** Cr G Westman

RESOLVED: That Council recognise the newly formed Bathurst Bicycle Park Incorporated as the body that will manage the Bathurst Bicycle Park facilities that are under construction at Orton Park, off College Road, Bathurst subject to the signing of an appropriate lease agreement as per the report.

Director Engineering Services' Report

- i** **Item 1 TENDER FOR CONSTRUCTION OF BIKE EDUCATION TRACK - BATHURST ADVENTURE PLAYGROUND (36.00522)**
MOVED Cr J Jennings and **SECONDED** Cr M Coote

RESOLVED: That Council:

- (a) accept the tender of Hibbo Hire Pty Ltd in the amount of \$243,250 (GST Inclusive), subject to adjustments and provisional sums, for the construction of the Bike Education Track, Bathurst Adventure Playground.
- (b) allocate funding of \$85,000 from Section 94 funds.

- k** **Item 2 TENDER FOR CONSTRUCTION OF LANDSCAPE ENTRANCE FEATURES - MID WESTERN & MITCHELL HIGHWAYS, BATHURST (36.00524)**
MOVED Cr W Aubin and **SECONDED** Cr B Bourke

RESOLVED: That Council accept the tender of Nick Harvey Constructions in the amount of \$283,242 (GST Inclusive), subject to adjustments and provisional sums, for the construction of Landscape Entrance Features, Mitchell and Mid Western Highways, Bathurst.

Director Cultural & Community Services' Report

- l** **Item 1 EXPRESSION OF INTEREST FOR BATHURST MEMORIAL ENTERTAINMENT CENTRE (BMEC) CATERING SERVICES (36.00523)**
MOVED Cr M Coote and **SECONDED** Cr J Jennings

RESOLVED: That Council:

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

MINUTE

- 8** **DECLARATION OF INTEREST 11.00002**
 MOVED: Cr G Westman SECONDED: Cr J Jennings

RESOLVED: That the Declaration of Interest be noted.

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

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

17 SEPTEMBER 2014

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

Recommendation: That the information be noted.

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

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

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

MOVED: Cr M Morse SECONDED: Cr I North

RESOLVED: That the information be noted.

2 GENERAL REPORT (03.00053)

Recommendation: That the information be noted.

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

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

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

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

RESOLVED: That the information be noted.

3 DEVELOPMENT APPLICATION NO 2014/0321 – FIVE LOT RURAL SUBDIVISION (BOUNDARY ADJUSTMENT) AT 1924 LIMEKILNS ROAD & 281 CLEAR CREEK ROAD, LIMEKILNS. APPLICANT: MR E CARLSON OWNER: MR E & MRS J CARLSON AND MR D & MRS J BAILEY (DA/2014/0321)

Recommendation: That Council:

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

Report: The Site

Council has received a Development Application for a five lot rural subdivision (boundary adjustment) of:

- Lot 21, DP 852131;
- Lot 220, DP 1007182;
- Lot 145, DP 755780;
- Lot 151, DP 755780; and
- Lot 1441, DP 1148651.

The subject land is known as 1924 Limekilns Road, Limekilns and 281 Clear Creek Road, Limekilns (see location plan at **attachment 1**).

The total area of the subject land is approximately 535 hectares.

Lot 21, DP 852131 is currently 41.56 hectares and contains a dwelling and rural outbuildings.

The residual of the property is predominantly vacant farmland with a number of heavily timbered areas.

The proposal

The proposal is for the re-subdivision of the five existing lots into five new lots (see plan of proposed subdivision at **attachment 2**).

The proposal will result in:

- Proposed Lot 9 (containing the existing dwelling) will increase in area to 43.86 hectares;
- Proposed Lot 10 having 103.5 hectares;

- Proposed Lot 11 having 152 hectares;
- Proposed Lot 12 having 112.5 hectares; and
- Proposed Lot 13 having 123.1 hectares.

The existing dwelling and outbuildings on proposed Lot 9 will be wholly contained within the proposed boundaries.

Proposed Lots 10, 11, 12 and 13 will be vacant but a dwelling is permissible on each on the basis that each lot exceeds 100ha.

Planning Context

Bathurst Regional (Interim) Local Environmental Plan 2005

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

Proposed Lot 9 is therefore below the minimum areas specified by clauses 27 and 28 of the Bathurst Regional (Interim) Local Environmental Plan 2005, in that it will have an area of 43.86 hectares.

The applicant has submitted a SEPP 1 Objection (see SEPP 1 Objection within the Statement of Environmental Effects at **attachment 3**) in relation to the creation of proposed Lot 9 which indicates the nature of the subdivision and their objection to the current standards because:

1. existing Lot 21 (to become proposed Lot 9) is already below the minimum lot size;
2. existing Lot 21 already contains a dwelling;
3. the proposed lot size is consistent with the surrounding pattern of subdivision;
4. no additional lots below the minimum lot size are created;
5. no additional dwelling entitlements lots below the minimum lot size are created; and
6. 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. Proposed Lot 9 will contain an existing dwelling. The agricultural potential of the land is unlikely to be compromised by the proposed boundary adjustment.

Draft Bathurst Regional Local Environmental Plan 2014

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

Concurrence

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

Need for Council concurrence

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

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

Conclusion

Council has received a Development Application for a five lot rural subdivision (boundary adjustment) of 1924 Limekilns Road, Limekilns and 281 Clear Creek Road, Limekilns. The re-subdivision of the five existing lots does not alter the total number of dwelling entitlements applicable to a holding in excess of 500ha. The proposed lot below the minimum lot size (Lot 9) will contain the existing dwelling. Further the re-subdivision will not compromise the agricultural potential of the land. Accordingly the SEPP 1 Objection is supportable.

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

11 **Item 3 DEVELOPMENT APPLICATION NO 2014/0321 – FIVE LOT RURAL SUBDIVISION (BOUNDARY ADJUSTMENT) AT 1924 LIMEKILNS ROAD & 281 CLEAR CREEK ROAD, LIMEKILNS. APPLICANT: MR E CARLSON OWNER: MR E & MRS J CARLSON AND MR D & MRS J BAILEY (DA/2014/0321)**
MOVED: Cr I North SECONDED: Cr W Aubin

RESOLVED: That Council:

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

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

The result of the division was:

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

Against the motion - Nil

Absent - Cr M Coote,

Abstain - Nil

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

Recommendation: That Council:

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

Report: Council at its Ordinary Meeting held 16 July 2014 considered a report in relation to a Development Application for the use of an existing building as a cattery, the construction of a building for use as a dog boarding kennel and associated advertising signage at 108 Marys Lane, Dunkeld. At this meeting Council resolved to defer consideration of this Development Application to allow further public consultation and consideration to occur on matters of concern that have been raised including noise, traffic and environmental hazards.

The Site

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

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

The site itself is 18.82 ha.

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

The nearest non-associated dwellings are located approximately 235 metres to the west (81 Marys Lane), 470 metres to the north-east (10 Evans Plains Creek Road), 550 metres to the north (11 Dunkeld Road) and 630 metres to the south-west (54 Marys Lane).

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

The proposal

The proposal involves:

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

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

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

Planning Context

Bathurst Regional (*Interim*) Local Environmental Plan 2005

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

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

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

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

Draft Bathurst Regional Local Environmental Plan 2014

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

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

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

Development Control Plan

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

The Development Application was originally notified to the 6 adjoining property owners from 25 February 2014 to 7 March 2014. At the closure of the notification period a total of two (2) submissions had been received. Further late submissions were received after the closure of the notification period (see submissions at **attachment 5**).

A Discussion Forum was convened by the Director Environmental, Planning & Building Services on 3 April 2014 (see minutes of Discussion Forum at **attachment 6**). Issues raised in the submissions and at the Discussion Forum included:

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

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

Following Council's resolution to undertake further public consultation the Development Application was again notified to the adjoining property owners, those who had previously lodged submissions and those who had expressed an interest in the proposal at the Ordinary Meeting held 16 July 2014.

The properties notified of the Development Application are illustrated in **attachment 7**.

Further submissions were received as a result of this further notification period (see additional submissions at **attachment 8**).

Amongst the additional submissions are:

- A letter of support for the proposal;
- Two letters from the applicant;
- A letter of objection from a resident group with 15 signatories; and
- An individual letter of objection from a neighbouring resident.

Issues raised in the letter of objection from the resident group and the individual submission include:

- Inadequacy of the consultation process;
- Noise;
- Traffic (including the adequacy of Marys Lane and the intersection of Marys Lane and the Mitchell Highway);
- Impact on identified environmentally sensitive areas;
- Effluent disposal;
- Odour control;
- Impact on property values;

- Impact on amenity and lifestyle;
- Legal precedence.

The approximate distance between the development and the dwellings of those persons within the residents group is summarised in the table below.

Property	Owner	Distance to dwelling (approximate)
10 Evans Plains Creek Road	McDiarmid	470 metres
11 Dunkeld Road	Cosgrove	550 metres
54 Marys Lane	Baldwin	630 metres
86 Evans Plains Creek Road	Little	800 metres
39 Evans Plains Creek Road	Roughley	800 metres
77 Evans Plains Creek Road	Markwick & Mah	850 metres
113 Evans Plains Creek Road	Norton	1000 metres
937A Mitchell Highway	Worthington	1450 metres

A map indicating the above residences and relevant distances from the proposed development is at **attachment 9**.

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

The following development standards in Chapter 6 of the Development Control Plan are relevant to the proposed development.

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

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

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

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

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

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

The proposed building will not protrude above any nearby ridgelines.

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

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

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

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

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

It is noted that the site contains several areas which are mapped as “*Environmentally Sensitive Areas*” under Chapter 9 of Council’s DCP. These include Evans Plains Creek which is identified as being a “*Sensitive Waterway*” and an area of “*High Biodiversity Sensitivity*” . The whole of the site is identified as being of “*High to Moderately High Groundwater Vulnerability*”

It is important to note that these areas are not prohibitions on development but rather act as triggers for assessment purposes. These triggers/areas have been mapped at a regional level only. The development assessment process ensures that these matters are investigated at a local site level and where applicable potential impacts are identified and addressed as part of the DA process.

In the case of this development, the potential impacts on the mapped Environmentally Sensitive Areas have been considered and summarised in the table below.

Sensitive Land Areas – DCP Map No. 25 Land Resources		
Environmentally Sensitive Area	Identified on Subject Site?	Comment
Land Capability Class 7	NO	No sensitive land areas have been identified on the subject site.
Land Capability Class 8	NO	
Karst Extent	NO	
Salting	NO	
Severe or Extreme Sheet or Rill Erosion	NO	
Sensitive Waterways – DCP Map No. 26 Riparian Land & Waterways		
Environmentally Sensitive Area	Identified on Subject Site?	Comment
Sensitive Waterways	YES	A sensitive waterway (Evans Plains Creek) has been identified on the subject site. The sensitive waterways includes land 40 metres either side of a watercourse. Under this particular proposal the development is located wholly outside the area designated as sensitive waterway. A plan prepared by Calare Civil has been submitted with the

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

Accordingly there are no environmental hazards that would warrant refusal of the Development Application.

To ensure graduate protection, it is proposed to impose conditions requiring the submission of a geotechnical investigation into the disposal of effluent generated by the development on the site.

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

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

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

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

The proposed signage has been assessed against the assessment criteria specified in Schedule 1 of State Environmental Planning Policy No. 64 (Advertising and Signage). A copy of this assessment can be found at **attachment 10**.

General and Environmental Assessment

Noise

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

In addition to Highway noise, the locality would also be subject to other rural type noise including animals, farm machinery and up until recently, an extractive industry located at Stewarts Mount.

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

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

The report is predicated on the animals being housed overnight within a fully enclosed building lined with either 6mm fibre cement sheeting or 8mm ply to contain any noise, should that be required. Conditions of consent can be imposed to ensure these design criteria are met.

The report has estimated current background noise levels are between 30 and 35 decibels depending on location. A slightly higher background level of 35 dBA has been assumed for those properties closest to the Mitchell Highway. It is noted that these background levels have not been based upon testing undertaken in the locality. This approach is generally in accordance with the Industrial Noise Policy which states that “where the rating background level is found to be less than 30dB(A), then it is set to 30dB(A)” although in this case a slightly higher figure of 35dBA has been adopted for those properties nearest the Mitchell Highway.

Utilising the NSW EPA Industrial Noise Policy, the Report has adopted an acceptable noise criterion of background plus 5 decibels at the receivers properties of 35 and 40 decibels for the purposes of determining intrusive noise limits.

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

	Predicted decibel	Predicted decibel		
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Receiver	level Neutral Conditions	level Adverse Wind	Noise Criterion	Compliance
77 Evans Plains Creek Road	24	29	35	Yes
112 Marys Lane	18	22	35	Yes
54 Marys Lane	19	24	35	Yes
10 Evans Plains Creek Road	32	37	40	Yes
81 Marys Lane	35	39	40	Yes
113 Evans Plains Creek Road	21	26	35	Yes

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

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

The modelling is based upon a “worst case” assumption of all 24 dogs being outside and a source sound power level of 100 dBA. Assessment of adverse conditions is based on wind speeds of 3 m/s blowing towards receivers.

The predicted noise levels in neutral conditions range from 18dBA through to 35dBA at 81 Marys Lane.

The estimated noise impact of the development under adverse conditions range from 22 dBA through to 39 dBA at 81 Marys Lane (being the nearest non-associated residence).

The predicted noise levels under neutral and adverse conditions are therefore within the intrusive noise limits established in the noise report.

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

It is also noted that the EPA has also published the “Noise Guide for Local Government”. The purpose of the Noise Guide is to provide practical guidance to council officers in the day to day management of local noise problems and the interpretation of existing policy and legislation. It is further noted that the Guide is advisory in nature, and council officers are encouraged to use it to develop Council procedures or policies to deal with noise issues relevant to the circumstances.

The Noise Guide recommends that for dog kennels consideration should also be given to whether noise generated would constitute “offensive noise” by reason of its audibility, duration or inherently offensive characteristics. Offensive noise is typically a more subjective concept.

Council itself has not adopted any policies or guidelines in determining whether noise may constitute offensive noise as suggested in the guide.

The Guide considers that the appropriate “test” for offensive noise takes the form of a series of questions as follows:

- *Is the noise loud in an absolute sense? Is it loud relative to other noise in the area?*
- *Does the noise include characteristics that make it particularly irritating?*
- *Does the noise occur at times when people expect to enjoy peace and quiet?*
- *Is the noise atypical for the area?*
- *Does the noise occur often?*
- *Are a number of people affected by the noise?*

In the absence of any underlying policy or guidelines for determining whether noise could be classified as being offensive a subjective judgement would need to be made. The Residents Group acoustic consultant has undertaken his own assessment and determined that it would constitute offensive noise. The applicant and their noise consultants have undertaken a review of the Residents Group report and remain of the view that the original report is "appropriate and accurate"

It is fair to say that for the most part the noise generated will be a factor of the management of the facility

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

It is noted that the issue of temperature inversions and potential impacts on noise was raised in the public submissions. The approach to consideration of the impact of temperature inversion is discussed in detail in the Industrial Noise Policy where it would generally be necessary to analyse meteorological data from the area in question to determine whether temperature inversion is a factor. However, before any detailed analysis occurs the actual potential for temperature inversion to increase noise impact should be determined. Detailed analysis of meteorological data is not required where there is little or no potential for impact, as in the following cases:

- *Where the development in question does not operate during the night time hours. As temperature inversions are usually prominent during night time hours, there is no need to consider their effects for a development that does not operate at night (10pm to 7am).*

In this particular case, during the night time period (10pm to 7am), the dogs are to be housed within an insulated fully enclosed building. Accordingly further consideration of the impact of temperature inversion is not considered necessary.

It is also noted the Residents Group has engaged its own Noise Consultant to provide commentary on the submitted Wilkinson Murray report. The Noise Consultant's advice is provided at **attachment 11**. While Council has not been made aware of the brief provided to this Noise Consultant by the Resident Group it is noted that several of the underlying assumptions appear to be incorrect..

The applicant has been provided a copy of the report and has in response provided comments in reply. These comments are provided at **attachment 12**.

The applicant remains firm in their position that the appropriate approach to noise has been taken in formulating the noise report.

The Wilkinson Murray Noise Assessment is at **attachment 4**.

It should be noted that there are a number of existing boarding kennel facilities in Bathurst that operate in close proximity to individual dwellings and in some cases in close proximity to built-up residential areas. Council's own Small Animal Pound operates within 200 metres of the nearest residence and within 300 meters of a built-up residential area. Council has not received complaints about any of the existing boarding kennel facilities or about its own Pound.

Legal Precedence

The Residents Group has brought to Council's attention a decision made in the Land and Environment Court (Nichol v Port Stephens Council) which deals with issues associated with, amongst other things, the approach to noise.

The proposed development differs from the development considered in Nichol v Port Stephens Council in that:

- The number of dogs proposed for the Butterwick facility was 100 whereas only 24 dogs are proposed here.
- The effluent disposal system proposed for the Butterwick facility was a pump out system whereas the one proposed here is an on-site effluent disposal system. A plan has been prepared by Calare Civil and submitted to Council to identify an area suitable for an on-site effluent disposal system.
- The effluent disposal system proposed for the Butterwick facility was inconsistent with the relevant DCP provisions whereas the one proposed here is not inconsistent with any provisions in the Bathurst Regional (Interim) Development Control Plan 2011.
- The Butterwick site did not have any notable external noise sources whereas here the Mitchell Highway provides such a noise source to contribute to background noise levels.

See copy of this case at **attachment 13**.

Traffic

Marys Lane is a gravel road approximately 500 metres in length. No specific traffic figures are available, however, given the limited number of dwellings it currently serves (approximately 4), existing traffic levels are considered to be very low.

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

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

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

A development contribution of \$2,472.25 will be payable under Council's Section 94 Plan for

Rural Roads. This contribution will be based on the average of four vehicle movements per day.

There is no trigger for the proposal to be referred to the Roads and Maritime Services (RMS) pursuant to SEPP (Infrastructure).

It is noted that the Residents Group has independently contacted the RMS seeking input into the Development Application. The RMS has subsequently provided a response to the Group detailing its position. The RMS correspondence is at **attachment 14**. The RMS advice may be summarised as follows:

- The Development Application has not specifically been referred to them and there are no legislative triggers for doing so.
- The RMS have previously undertaken a “route assessment” of the Mitchell Highway which has identified the intersection as a “medium priority for upgrade to include signage and a Basic Right Turn (BAR) treatment”.
- RMS is progressively carrying out identified upgrades in order of priority and as funding becomes available.

It is also noted that the Residents Group has requested that the matter be referred to the Council Traffic Committee. It is not the role of the Traffic Committee to provide advice upon individual Development Applications and accordingly no comment has been sought.

Effluent Disposal

A plan prepared by Calare Civil has been submitted with the Development Application to demonstrate that an area suitable for effluent disposal is available. A full geotechnical report addressing the impact of the proposed effluent disposal system on groundwater will be required to be submitted prior to the issue of a Construction Certificate for the proposed development. It is acknowledged that the identified disposal area is uphill of the development site and therefore the effluent will need to be pumped to the disposal area. A pump system is a widely accepted solution where gravity feed is not possible. In this case a gravity fed system is not possible because anywhere downhill of the development site will be in close proximity of Evans Plains Creek.

Civil design, location and drainage

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

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

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

Operational procedures

Many of the issues raised in this report such as noise, effluent disposal and animal welfare

can be mitigated or controlled through appropriate operational procedures.

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

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

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

Competition

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

Property Values

The devaluation of property is not a matter prescribed by Section 79C of the Environmental Planning and Assessment Act 1979 and is therefore generally not considered during the assessment process.

Conclusion

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

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

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

MOVED: Cr B Bourke SECONDED: Cr M Morse

RESOLVED: That Council:

- (a) as the consent authority, not grant consent pursuant to section 80 of the Environmental Planning and Assessment Act 1979 to Development Application No 2014/0044 due to;
 - (i) Noise
 - (ii) Traffic safety
 - (iii) Environmental concerns
- (b) notify those that made submissions of its decision; and
- (c) call a division.

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

The result of the division was:

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

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

Absent - Cr M Coote,

Abstain - Nil

MINUTE

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

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

5 DEVELOPMENT APPLICATION NO. 2014/0349 – FOUR LOT SUBDIVISION (BOUNDARY ADJUSTMENT) AT LOT 1 DP112590, LOTS 4 & 5 DP242725, LOTS 18, 19, 26, 135, 197 & 212 DP750364, LOTS 270, 271, 272, 308 & 310 IN DP750411, LOT 3 DP509758 & LOT 1 DP818036, 3398 TRUNKY ROAD CALOOLA APPLICANT: VOERMAN AND RATSEP OWNER: CUTLER HOLDINGS PTY LTD (DA/2014/0349)

Recommendation: That Council:

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

Report: The Site

Council has received a Development Application (DA) for a four lot subdivision (boundary adjustment) of Lot 1 DP112590, Lots 4 & 5 DP242725, Lots 18, 19, 26, 135, 197 & 212 DP750364, Lots 270, 271, 272, 308 & 310 in DP750411, Lot 3 DP509758 & Lot 1 DP818036, 3398 Trunkey Road, Caloola (see location plan at **attachment 1**).

The subject land is located partly within Bathurst Regional and partly within Blayney Shire Council areas.

The current area of each allotment is as follows

Lot	DP	Area (ha)	Local Government Area
1	112590	1.012	Blayney Shire
4	242725	0.395	Bathurst Regional
5	242725	0.438	Bathurst Regional
18	750364	23.47	Bathurst Regional
19	750364	18.21	Bathurst Regional
26	750364	40.46 (Contains Dwelling)	Part Blayney Shire Part Bathurst Regional
135	750364	32.37	Blayney Shire
197	750364	23.27	Part Blayney Shire Part Bathurst Regional
212	750364	1.92	Bathurst Regional
270	750411	16.19	Blayney Shire
271	750411	64.75	Blayney Shire
272	750411	16.19	Blayney Shire
308	750411	121.4	Blayney Shire
310	750411	40.46	Blayney Shire

3	509758	0.809	Blayney Shire
1	818036	102.55	Part Blayney Shire Part Bathurst Regional

The total property holding is in the order of 501 ha.

There is currently a dwelling on existing Lot 26 in DP750364 which is 40.46 ha. Lot 26 also contains a listed heritage item known as "Hardywood Park Stone Barn". The remainder of the property is vacant.

The proposal

The proposal is for the consolidation and boundary adjustment of the existing lots to create four allotments. Note that all four allotments are within Bathurst Regional and Blayney Shire Local Government Areas.

Proposed lot 1 will be 155ha in area and vacant.

Proposed Lot 2 is 25ha and will contain the existing dwelling and heritage item.

Proposed lot 3 will be 220 ha and vacant.

Proposed lot 4 will be 101ha and vacant.

The proposed lot layout is at **attachment 2**.

The proponent has also lodged a Development Application concurrently with Blayney Shire Council (see **attachment 3**). Blayney Shire will be required to consider the Development Application against its adopted planning standards as it relates to the land within its LGA. Bathurst Regional Council will likewise be required to consider the Development Application against its adopted standards.

Planning Context

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

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

Proposed Lot 2 is therefore below the minimum areas specified by Clause 27 and 28 of the Bathurst Regional (Interim) Local Environmental Plan 2005, in that it will have an area of 25 hectares.

The applicant has submitted a SEPP 1 Objection (see SEPP 1 Objection at **attachment 4**) in relation to the creation of proposed Lot 2 which indicates the nature of the subdivision and their objection to the current standards because:

- (a) The dwelling is already on an allotment below the 100ha minimum.
- (b) The proposal will result in proposed lots 1, 3 & 4 exceeding the 100ha minimum.

- (c) Preserves existing access entrances at Trunkey Road for lots 3 and 4.
- (d) Provides improved lot area, width and access to the rear sections of lots 3 and 4.
- (e) Provides an alternative dam for a water supply.
- (f) Ensures sufficient area for small scale grazing activities.

The intention behind the development standards is to limit new dwelling entitlements on allotments less than the minimum area. Proposed Lot 2, with an area of 25 hectares will contain an existing dwelling. The proposed vacant lots meet the minimum lot size requirements with the Bathurst Regional Local Government Area.

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

Draft Bathurst Regional Local Environmental Plan 2014

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

Concurrence

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

Need for Council concurrence

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

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

Conclusion

Council has received a Development Application (DA) for a four lot subdivision (boundary adjustment) at 3398 Trunkey Road, Caloola. The re-subdivision of the existing lots will result in 3 lots above the 100ha minimum and will not compromise the agricultural potential of the land. The existing dwelling will remain on an allotment below 100ha. 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

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

MOVED: Cr G Westman SECONDED: Cr I North

RESOLVED: That Council:

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

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

The result of the division was:

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

Against the motion - Nil

Absent - Cr M Coote,

Abstain - Nil

6 NAMING OF PUBLIC ROADS - SALTRAM CIRCUIT, KEMP STREET, ROTHERY STREET AND HUTCHISON STREET (20.00024)

Recommendation: That Council:

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

Report: Council approved a Development Application (DA2013/0313) for a 98 lot residential subdivision under delegated authority on 6 November 2013.

The subdivision covers the residential land generally north of Eleven Mile Drive and east of Hamilton Street at Eglinton.

The proposed subdivision involved the creation of four new roads. A fifth road, Icely Street, has previously been named by Council.

Council has received a request from the developer to name the roads. The proposed names have historical connections to the village of Eglinton.

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

Proposed Names

Saltram Circuit

The property "Saltram" was a 2000 acre grant to Thomas Icely in 1822.

Icely sold Saltram to George Ranken sometime around 1838. George Ranken went on to establish the village of Eglinton in 1855, after he laid out parts of the property Saltram as Village allotments and built a bridge across the Macquarie River.

Saltram Creek runs adjacent to the proposed road and an open space corridor is proposed around the creek.

Rothery Street

Charlotte Icely nee **Rothery** (1808-1843) married Thomas Icely in 1830. As noted above Icely was one of the original land holders and established the property Saltram. Charlotte had 4 daughters and two sons to Thomas prior to her death in early 1843.

Kemp Street

Mr James **Kemp** (1833-1873) was the State member for Bathurst from 21 December 1864 to 14 December 1866.

Hutchinson Street

Janet Ranken nee **Hutchinson** (1796 – 1883) married George Ranken in 1821 and moved to "Kelloshiel" in 1823.

This name was proposed on a very early map of Eglinton and was to be located where Cottonwood Drive is now located. Given that the name was never formally adopted it is considered appropriate to use this name.

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

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

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

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

MINUTE

15 Item 6 NAMING OF PUBLIC ROADS - SALTRAM CIRCUIT, KEMP STREET, ROTHERY STREET AND HUTCHISON STREET (20.00024)

MOVED: Cr I North SECONDED: Cr M Morse

RESOLVED: That Council:

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

7 DRAFT BATHURST REGIONAL SECTION 94 PLANS FOR COMMUNITY FACILITIES, OPEN SPACE, RURAL ROADS, TRAFFIC GENERATING DEVELOPMENT AND BATHURST CBD CARPARKING (20.00036)

Recommendation: That Council:

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

Report: Council has undertaken a review of a number of its Section 94 Development Contribution Plans.

Section 94 Development Contributions are levied on developers to contribute towards the provision of infrastructure on an equitable basis. Section 94 Plans generally only apply if people are subdividing land, or building more than one dwelling on an existing lot. In some circumstances (for example "existing holdings" (as defined), an "additional permitted use" under a planning instrument and development consents under a previous planning instrument), a contribution is also payable for the erection of a dwelling.

The draft Plans have been reviewed in response to the impending gazettal of the draft Bathurst Regional LEP 2014 and to include new projects which were identified in the Bathurst 2036 Community Strategic Plan and a number of other strategic planning documents. New projects identified in the draft Plans include:

- Art Gallery and Library expansion
- Regional level open space and recreation facilities
- Multi level carparking
- Cycleways and footpaths
- Community buildings

- Museum development and expansion

In the majority of cases the contribution rate has increased for each of the draft Plans compared to that of the current contribution rates. The increase in the proposed contribution rates better reflect the current cost of providing buildings and infrastructure. For many Plans this is the first review of projects, apart from CPI contribution increases, since their inception in the 1990's. Additionally, the area to which the Plans apply and the types of development to which the Plans apply have increased.

A copy of the Bathurst Regional Section 94 Development Contributions Plan, Community Facilities as recommended to be adopted is included at **attachment 1.**

A copy of the Bathurst Regional Section 94 Development Contributions Plan, Open Space as recommended to be adopted is included at **attachment 2.**

A copy of the Bathurst Regional Section 94 Development Contributions Plan, Rural Roads as recommended to be adopted is included at **attachment 3.**

A copy of the Bathurst Regional Section 94 Development Contributions Plan, Traffic Generating Development as recommended to be adopted is included at **attachment 4.**

A copy of the Bathurst Regional Section 94 Development Contributions Plan, Bathurst CBD Car Parking as recommended to be adopted is included at **attachment 5.**

Public exhibition

The Bathurst Regional Section 94 Development Contributions Plans were placed on public exhibition from 28 July 2014 to 25 August 2014. Council did not receive any submissions in relation to the draft Plans.

Conclusion

Council has undertaken a review of its Section 94 Development Contributions Plans which were placed on public exhibition for a period of 28 days. Council did not receive any submissions in relation to the draft Plans and the draft plans are now recommended for adoption.

Financial Implications: Council will continue to reserve collected funds for the provision of infrastructure, facilities and cultural services.

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 28.1 28.2 28.5
- 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 29.2 29.4
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.2

MINUTE

16 Item 7 DRAFT BATHURST REGIONAL SECTION 94 PLANS FOR COMMUNITY FACILITIES, OPEN SPACE, RURAL ROADS, TRAFFIC GENERATING DEVELOPMENT AND BATHURST CBD CARPARKING (20.00036)

MOVED: Cr I North SECONDED: Cr M Morse

RESOLVED: That Council:

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

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

The result of the division was:

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

Against the motion - Nil

Absent - Cr M Coote,

Abstain - Nil

8 DRAFT BATHURST REGIONAL DEVELOPMENT CONTROL PLAN 2014 (AMENDMENT NO 1) AND DRAFT BATHURST REGIONAL SECTION 94 DEVELOPMENT CONTRIBUTIONS PLAN, ROADWORKS - NEW RESIDENTIAL SUBDIVISIONS (AMENDMENT NO 2) (20.00036 & 20.00277)

Recommendation: That Council:

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

Report: Council adopted the draft Bathurst Regional Local Environmental Plan (LEP) 2014 at its meeting held 16 December 2013. Included in the draft LEP was a proposal to rezone approximately 500 hectares of land east of Kelso and Laffing Waters from rural to residential. It is expected that this will see approximately 4400 additional allotments created. The additional residential development will increase the usage of the existing road network which will require new infrastructure to cater for the additional demand on the road network.

Council engaged Aurecon Australia to complete a traffic study of the Kelso area which has recently been completed. The Kelso Traffic Access Study identifies a number of road and intersection projects (local and state roads) which will need to be completed to ensure the road network at Kelso continues to perform in a satisfactory manner. The new local road projects form part of the Bathurst Regional Section 94 Development Contributions Plan Roadworks – New Residential Subdivisions (Amendment No 2). Council also reviewed the estimated costs for the projects identified in the three other catchment areas (Abercrombie, Eglinton, Llanarth and Windradyne), together with updating the estimated population for each of those areas.

The purpose of the DCP amendment is to identify the collector road network at Kelso and ensure it is constructed at each relevant stage of development. The works identified by the Kelso Traffic Access Study are identified on the Development Control Plan Map No 4 - Kelso as either being the responsibility of the developer or being included in the Section 94 Developer Contributions Plan. A new section (Section 3.4.6) was also added to the draft DCP 2014 to add clarity.

A copy of the Bathurst Regional Development Control Plan 2014 (Amendment No 1) being the DCP Map No 4 - Kelso and Section 3.4.6 Subdivision of the land in Kelso as recommended to be adopted is included at **attachment 1.**

A copy of the Bathurst Regional Section 94 Development Contributions Plan, Roadworks - New Residential Subdivisions (Amendment No 2) as recommended to be adopted is included at **attachment 2.**

Public exhibition

The Bathurst Regional Development Control Plan 2014 (Amendment No 1) and Bathurst Regional Section 94 Development Contributions Plan, Roadworks - New Residential Subdivisions (Amendment No 2) were placed on public exhibition from 7 July 2014 to 4 August 2014. Council received 3 submissions in relation to the draft Plans. Copies of the submissions are located at **attachment 3**.

Attachment 4 to this report summarises the public submissions received, the recommended planning response and where appropriate, how the Plans recommended for adoption have been altered. In this regard it should be noted that Council staff met with the Cutlers in respect of their submission. Staff were unable to meet with Mr Goddard as he is currently overseas.

Conclusion

The draft DCP amendment and Section 94 Plan aim to address the local road infrastructure required to support the future expansion of Kelso. The draft Plans were exhibited. The issues raised in the submissions received have been addressed and the final plans are now recommended for adoption.

Financial Implications: Council will continue to reserve monies collected for the provision of improved road and associated infrastructure.

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 28.1 28.2 28.5
- 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 29.2 29.4
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.2

MINUTE

17 Item 8 DRAFT BATHURST REGIONAL DEVELOPMENT CONTROL PLAN 2014 (AMENDMENT NO 1) AND DRAFT BATHURST REGIONAL SECTION 94 DEVELOPMENT CONTRIBUTIONS PLAN, ROADWORKS - NEW RESIDENTIAL SUBDIVISIONS (AMENDMENT NO 2) (20.00036 & 20.00277)

MOVED: Cr I North SECONDED: Cr W Aubin

RESOLVED: That Council:

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

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

The result of the division was:

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

Against the motion - Nil

Absent - Cr M Coote,

Abstain - Nil

9 EVOCITIES UPDATE (18.00208)

Recommendation: That the information be noted.

Report: Since launching in September 2010, the seven Evocities have collectively welcomed 1,601 new households (as at June 2014) generating over \$152 million in additional annual direct spending for the participating regional cities, as well as other benefits including lifting median incomes, encouraging business growth, increasing tourism and growing participation in community groups. The Evocities website has recorded 252,949 visits since its inception.

A key component of the Evocities campaign is Evojobs, an online jobs portal that provides potential new residents with the opportunity to view and apply for available jobs to facilitate their move to an Evocity. Since the launch of Evocities, there have been 868,117 visits to the site and 16,347 jobs uploaded with an average of 408 jobs uploaded each month across the Evocities. Additionally, there are 1,581 employers registered on Evojobs and 800 employers actively using the platform for online applications.

Independently, 'Bathurst Evojobs' averages 5,000 views per month, has listed 3,014 jobs and has recorded 224,110 visits to the website since its inception.

The reaction from media continues to be significant. Bathurst case studies have been featured in 25 pieces of media coverage since 2010.

Conclusion

With almost four years in the market place the Evocities program continues to be a success. Evocities has facilitated significant market penetration and delivered key outcomes across all seven cities. The Evocities project has raised the credibility of NSW inland regional cities and has provided a collective voice in discussions with all levels of government.

Bathurst remains an active partner in the campaign and continued participation provides Council with the opportunity to maximise investment in the promotion of Bathurst, available jobs, lifestyle offer and investment opportunities.

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 1: To attract employment, generate investment and attract new economic development opportunities. Strategy 1.1, 1.2, 1.3

MINUTE

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

RESOLVED: That the information be noted.

Yours faithfully

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

D R Shaw
DIRECTOR
ENVIRONMENTAL, PLANNING & BUILDING SERVICES

DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT AND MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

17 SEPTEMBER 2014

1 STATEMENT OF INVESTMENTS (16.00001)

Recommendation: That the information be noted.

Report: \$85,000,000 was invested at 31 August 2014 in accordance with Council's investment policies, the Minister's Investment Order dated 12 January 2011, the Local Government Act 1993 and associated regulations. All investments have been reconciled with Council's general ledger and are listed below:

	<u>Rating</u>	<u>Balance</u>	<u>Average Return</u>
<u>Short Term 1 – 365 Days</u>			
(comprising Commercial Bills, Debentures and Certificates of Deposit):			
Bank of Queensland	A2	\$19,000,000.00	3.78%
Bendigo and Adelaide Bank	A2	\$7,500,000.00	3.53%
IMB Limited	A2	\$4,500,000.00	3.50%
Maritime, Mining & Power Credit Union	ADI	\$1,000,000.00	3.62%
National Australia Bank	A1+	\$15,500,000.00	3.73%
People's Choice Credit Union	ADI	\$1,500,000.00	3.55%
Railways Credit Union	ADI	\$3,500,000.00	3.69%
SGE Credit Union	ADI	\$1,000,000.00	3.60%
Westpac Banking Corporation	A1+	\$1,000,000.00	3.68%
Greater Building Society	A2	\$1,000,000.00	3.70%
Bankwest	A1+	<u>\$500,000.00</u>	<u>3.50%</u>
		\$56,000,000.00	3.69%
<u>Long Term > 365 Days</u>			
(comprising Commercial Bills, Term Deposits and Bonds):			
<u>Committed Rolling Investments</u>			
Westpac	AA-	\$2,000,000.00	3.78%
Westpac	AA-	\$2,000,000.00	3.94%
Westpac	AA-	\$2,000,000.00	3.91%
Westpac	AA-	\$2,000,000.00	3.85%
Westpac	AA-	\$2,000,000.00	3.84%
Maritime Mining & Power Credit Union	ADI	<u>\$3,000,000.00</u>	<u>2.70%</u>
		\$13,000,000.00	3.59%
<u>Fixed, Negotiable & Tradeable Certificates of Deposits</u>			
Commonwealth Bank	AA-	<u>\$2,000,000.00</u>	<u>3.81%</u>
		\$2,000,000.00	3.81%
<u>Floating Rate Notes</u>			
Barclays Bank PLC – Australia	AA-	\$2,000,000.00	4.38%
Bendigo & Adelaide Bank Retail Bond	A-	\$1,000,000.00	3.83%
Members Equity Bank	BBB	\$3,000,000.00	3.94%
Greater Building Society	BBB	\$1,000,000.00	3.94%
Credit Union Australia	BBB+	\$3,000,000.00	4.00%

Bank of Queensland	A-	\$1,000,000.00	3.69%
Bank of Queensland	A-	\$2,000,000.00	3.74%
Police Bank	BBB+	<u>\$1,000,000.00</u>	<u>3.73%</u>
		\$14,000,000.00	3.94%

Total Investments **\$85,000,000.00** **3.72%**

These funds were held as follows:

Reserves Total (includes unexpended loan funds)		\$39,213,400.00
Grants held for specific purposes		\$1,925,139.00
Section 94 Funds held for specific purposes		<u>\$30,755,189.00</u>
Unrestricted Investments – All Funds		\$13,106,272.00
General Fund	\$5,692,729.00	
Water Fund	\$4,410,000.00	
Sewer Fund	\$2,097,822.00	
Waste Fund	<u>\$ 905,721.00</u>	

Total Investments **\$85,000,000.00**

Total Interest Revenue to 31 August 2014 **\$522,653.49** **3.72%**

Year to Date Averages

(as per the CBA & RBA for comparison purposes)

Reserve Bank of Australia - Cash Rate	2.50%
AFMA - 90 day Bank Bill Swap Rate (BBSW)	2.64%
Three Year Swap Rate - Commonwealth	2.86%
Five Year Swap Rate - Commonwealth	3.24%

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

R Roach
Responsible Accounting Officer

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

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

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

RESOLVED: That the information be noted.

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

Recommendation: That the information be noted.

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

At **attachment 2** is an update of Council's progress towards achieving the Strategies and Objectives for the 2014-2018 Delivery Plan and the Annual Operating Plan 2014-2015.

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

Fines or penalty notices this month - Nil.

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

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

MOVED: Cr W Aubin SECONDED: Cr B Bourke

RESOLVED: That the information be noted.

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

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

Report: At **attachment 1** is a list of Sundry Section 356 Donations, Bathurst Memorial Entertainment Centre Community Use Subsidies and Mount Panorama Fee Subsidies granted by Council for the period ending 31 August 2014.

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

Section 356:	\$14,396.02
BMEC Community use:	\$10,110.75
Mount Panorama:	\$27,544.00

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

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

MOVED: Cr I North SECONDED: Cr J Jennings

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

4 POWER OF ATTORNEY (11.00007)

Recommendation: That the information be noted.

Report: That the General Manager's action in affixing the Power of Attorney to the following be noted.

- Owens, S & D - Ben Chifley Dam - Part Lots 2 and Part Lots 10, DP 224864 - In-house Licence Agreement
- Dorman, C & W - 8 Morgan Place, Llarnarth - Lot 808, DP 1185390 - Transfer
- West Bathurst Preschool Early Start Program - 7 Lee Street, Kelso - Part Lot 1, DP 1001027 - In-house Licence Agreement
- Absolutely Delicious Bathurst Pty Ltd - Kendal Avenue - Lot 90, DP 1026194 - Lease
- Orzowski, J - 57a Church Lane - Lot 2 & 3, DP 1115543 - In-house Licence Agreement
- White, H & J - White Rock Road - Part Lot 162, DP 1125026 - In-house Licence Agreement
- Peterson, J & A - 3 Rockley Street - Part Lot 17, DP 1099208 - In-house Licence Agreement

Linen Plan Release

- Truflo Industrial - Two lot boundary adjustment - Lot 704, DP1103109, 14 Irving Place, Robin Hill
- Trustees Roman Catholic Church - Stage 2, release of 10 residential lots - Lot 129 DP 1195774, Wentworth Drive, Kelso
- **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

22 Item 4 POWER OF ATTORNEY (11.00007)
MOVED: Cr W Aubin SECONDED: Cr G Hanger

RESOLVED: That the information be noted.

5 BATHURST 200 BICENTENNIAL CELEBRATIONS UPDATE (20.00153)

Recommendation: That the information be noted.

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

Endorsement Program - The response from community groups regarding the endorsement program has been very positive with new applications being received on a regular basis. At the 2015 Bicentennial Celebrations Committee meeting, held 2 September 2014, 17 new applications were submitted for endorsement. This brings the total number of endorsement applications up to almost 60, with more applications being received on a regular basis. This program is proving very popular.

Illumination Project - Following presentations from 3 organisations for the Illumination Project, 2 parties have now been invited to the selective tender process. This tender closes on 9 September 2014, with a report to be submitted to Council during October recommending a preferred tender. The Illumination project will commence in May 2015.

Bathurst 200 Website – The Bathurst 200 website is currently being updated to create a more user friendly platform. A complete new design and ‘look’ is planned, with the assistance of Council’s IT department. At the time of writing this report it is anticipated that the new site will be launched in the coming weeks.

General – Activities undertaken in the previous month include;

1. Final design plans for 5,000 - 10,000 commemorative coins/tokens. These tokens will be distributed to all local school children.
2. Fine tuning the Bathurst 200 element to New Year’s Eve activities.
3. Continuing to organise the Proclamation Day/Week activities program.
4. Continuing to work with local artists on the indigenous art concepts for the Flag Staff.

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

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

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

- 23 **Item 5 BATHURST 200 BICENTENNIAL CELEBRATIONS UPDATE (20.00153)**
MOVED: Cr M Morse SECONDED: Cr G Hanger

RESOLVED: That the information be noted.

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

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

Report: Council has received a request from the Sofala Progress Association for financial assistance for the closure of roads at Sofala on the 14 & 15 March 2015, for the 'Rebellion on the Turon' event. A copy of the request is provided at **attachment 1**.

The event includes exhibitions, market stalls, a blacksmith demonstration and an historical re-enactment.

Council will be required to supply street closure signage as well as the cost of advertising these road closures.

A copy of the association's financial information has been provided to Councillors under separate cover.

It is estimated the cost to Council for closing Denison, Bowen and Davis street, will be approximately \$1,000.

Financial Implications: This request could be funded from Council's Section 356 Donations which currently has a balance of \$14,396.02.

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 30.5

MINUTE

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

MOVED: Cr B Bourke SECONDED: Cr M Morse

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

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

Recommendation: That Council not provide a Section 356 donation to assist the Bathurst Tucker Van in it's operation.

Report: At Council's meeting held 20 August 2014, Councillors received a report from the Bathurst Tucker Van requesting financial assistance. A copy of this report is provided at **attachment 1.**

Council resolved to defer this item until further information was received, such as;

1. Further details and information of the company, DB (Bathurst) Enterprises Ltd.
2. More information about the 'wages' listed in the Tucker Van's expenses, such as how many employees this covers and what their roles are in the organisation.
3. How much of a financial contribution the Tucker Van is seeking from Council.
4. What would Council's funds be used for.

Attachment 2 is a reply from the Bathurst Tucker Van, dated 25 August 2014, with information relating to these questions.

In relation to the question regarding wages, the Tucker Van advise that they do employ 1 casual staff member who needs to be paid from the operational income raised by the organisation.

The Tucker Van has now advised that they are seeking financial assistance from Council to the amount of \$5,000. This contribution would be used to ensure the ongoing operations of the Tucker Van.

Financial Implications: There would be no financial implications to Council, should Council resolve not to donate to this organisation.

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 30.5

MINUTE

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

MOVED: Cr G Westman SECONDED: Cr W Aubin

RESOLVED: That Council:

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

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

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

Report: Council has received a request from the Family History Group of Bathurst for financial assistance with their ongoing project to repair gravestones within the old 'Monumental Section' of the Bathurst Cemetery. A copy of the request is provided at **attachment 1**.

The Family History Group of Bathurst first approached Council in 2012 requesting permission to restore headstones of old grave sites at the Bathurst Cemetery. This work has been ongoing and undertaken solely by volunteers and free labour under the Community Correctional Partnership Program. In addition to the general repairs, to old grave sites, the organisation have also commenced repairs to 64 grave sites within the Monumental Lawn Cemetery, that were damaged in June 2014 following a vandalism incident.

The Family History Group of Bathurst is a not-for-profit organisation that was established to help people with family history research, and have since established a resource of the burial history for most of the Cemeteries within the Bathurst Region. The Group also holds, local, NSW, interstate and overseas records, at the Bathurst Library and have assisted financially towards the supply of materials and equipment at the Bathurst Library.

The work that the Family History Group of Bathurst are doing is a beneficial community initiative and one that Council does not have the resources to attend to. Usually monumental grave stones are the responsibility of family members. The Family History Group of Bathurst often find that grave headstones are not maintained due to the age of many of the grave sites. It is often the case that there are no longer living family members available to take responsibility of damaged or deteriorated graves.

To preserve a section of Bathurst's History, it is recommended that Council donate \$2,000 to the Family History Group of Bathurst, to be used towards the costs associated with purchasing materials for the restoration of headstones, in the 'Monumental Section' of the Bathurst Cemetery.

Council has requested a copy of the organisation's financial information, which if received, will be provided to Councillors under separate cover.

Financial Implications: This request could be funded from Council's Section 356 Donations which currently has a balance of \$14,396.02.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 11: To protect the region's unique heritage and history. To protect a unique identity. Strategy 11.4, 11.5
- Objective 26: To encourage and support the provision of a range of opportunities for life long education across the Bathurst community. Strategy 26.3
- Objective 30: To identify the needs of the community and Strategy 30.6

encourage and support communication, interaction and support within the community.

MINUTE

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

MOVED: Cr B Bourke SECONDED: Cr G Hanger

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

9 REQUEST FOR FINANCIAL ASSISTANCE - WALGETT ABORIGINAL CONNECTION (18.00004)

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

Report: Council has received a request from the Walgett Aboriginal Connection for financial assistance to contribute towards the cost of hosting the September 2014 Walgett Carnival, and attendance at the NSW Aboriginal Rugby League Knockout in October 2015. A copy of the request is provided at **attachment 1**.

This organisation is requesting a contribution from Council in the amount of \$5,000 to be used towards hosting a rugby league carnival in Walgett, which attracts 16 teams, and has been running since 2010.

The organisation has also advised that it's their intention to win the Walgett Carnival in 2014, and then intend on bringing the NSW Aboriginal Rugby League Knockout to Bathurst in 2015. This organisation brought the Knockout to Bathurst in 2011, in which Council waived the fees of hiring of Carrington Park and the Bathurst Sportsground.

No financial information was provided with this request.

Financial Implications: Council has not allowed for a contribution to this organisation in its 2014/15 Management Plan.

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 30.5

MINUTE

27 Item 9 REQUEST FOR FINANCIAL ASSISTANCE - WALGETT ABORIGINAL CONNECTION (18.00004)

MOVED: Cr W Aubin SECONDED: Cr G Westman

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

10 STATEMENT BY COUNCIL ON FINANCIAL REPORTS (16.00137, 41.00089)

Recommendation: That Council:

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

Report: Council is required, under section 413 (1) of the Local Government Act 1993, to prepare financial reports for each year, and refer them for audit. For Council's information the draft Financial Reports for the year ended 30 June 2014 are provided as the General Purpose Financial Statements (**attachment 1**) and Special Purpose Financial Statements (**attachment 2**). Note that the draft Financial Reports may be subject to change during the audit process.

Pursuant to Section 413 (2)(c) Council is required to make a statement in the approved form (**attachment 3** and **attachment 4**) in respect of its General Purpose Financial Statements and Special Purpose Financial Statements.

Each year, Council determines its significant Accounting Policies to be incorporated as Note 1 to the Financial Statements. Those policies deal with how the Council implements the International Financial Reporting Standards (IFRS), the Australian Accounting Standards (AASB), the Local Government Code of Accounting Practice (the Code) and the specific principles, bases, conventions, rules and practices that are applied in preparing and presenting the Financial Statements. The accounting policies are included in the Financial Statements for Council's adoption.

Following completion of the audit the Financial Statements will be placed on public exhibition prior to the formal presentation to Council.

Financial Implications: Nil

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.8
- Objective 33: To be and develop good leaders. Strategy 33.6

MINUTE

28 Item 10 STATEMENT BY COUNCIL ON FINANCIAL REPORTS (16.00137, 41.00089)

MOVED: Cr I North SECONDED: Cr M Morse

RESOLVED: That Council:

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

11 BOUNDARY ALTERATION – TRUNKEY ROAD, ARKELL (11.00001-12)

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

Report: As a result of the purchase from the Crown of Lot 1 DP 1182421 (Dealing AI166963), Mr Bruce & Mrs Ann Clydsdale have requested the local government boundary between Bathurst Regional Council and Blayney Shire Council be altered so that Lot 1 DP 1182421, presently within the Bathurst local government area, be transferred to the Blayney local government area. A copy of this request is provided at **attachment 1**.

Mr & Mrs Clydsdale's existing property is solely within the Blayney Shire Council, consisting of approximately 84 Hectares, which adjoins Lot 1 DP 1182421.

Attachment 2 shows a map of the land that would be affected by the boundary adjustment.

The land currently contained within the Bathurst local government area is approximately 1.69 Hectares, and has a land value of \$3,900.00, with annual rates for the property being \$333.96.

Financial Implications: There are no financial implications to Council.

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

29 Item 11 BOUNDARY ALTERATION – TRUNKEY ROAD, ARKELL
(11.00001-12)

MOVED: Cr G Westman SECONDED: Cr W Aubin

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

Yours faithfully



R Roach
DIRECTOR
CORPORATE SERVICES & FINANCE

DIRECTOR ENGINEERING SERVICES' REPORT AND MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

17 SEPTEMBER 2014

1 HEY TOSSER! BATHURST - COUNCIL LITTER PREVENTION GRANT (13.00006)

Recommendation: That the information be noted.

Report: On 6 August 2014, the Minister for the Environment Rob Stokes MP announced \$2.3 million dollars in funding for NSW Councils to take action on littering. Bathurst Regional Council was successful in securing \$93,000 of this funding announced under Round 2 of the Council Litter Prevention Grants program offered through the Waste Less Recycle More initiative.

The funding will allow Council to undertake the Hey Tosser! Bathurst littering project as a collaborative undertaking with Charles Sturt University.

The objectives of the project are:

- To influence and educate the community on the effects of littering and costs to the overall community;
- Establish awareness within the Bathurst community and the University of litter and the Hey Tosser! Bathurst campaign and open a dialogue with the community on litter;
- Increase pride in the community and improved sense of place through improved infrastructure and communications;
- Decrease the total amount of litter within the targeted areas by at least 25% within the next year;
- Identify and monitor the materials by type and priority, for example, cigarette butts, takeaway containers (food and drink), plastic and glass bottles and reduce the amount of litter for each type by at least 20%;
- The amount of litter in bins and on the ground decreases and the ratio of litter in bins to the ground increases;
- The bins are placed to increase litter collection;
- To observe, measure and monitor the behaviour of the community and CSU students littering in the identified sites;
- To encourage the enforcement of littering in the community by encouraging the population to passively report littering, issuing of warnings and then as a last resort issuing fines.

Baseline litter data has been collected and further litter counts and feedback from residents and students will be captured to determine the effectiveness of the project as activities are rolled out.

The project will run until 30 June 2015.

Financial Implications: Grant funding for this item has been received by the NSW Environmental Protection Authority.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 12: To protect and enhance water quality and riparian ecology. Strategy 12.2
- Objective 16: To encourage sustainable waste management practices, incorporating opportunities for energy generation. Strategy 16.2, 16.6

MINUTE

30 Item 1 HEY TOSSER! BATHURST - COUNCIL LITTER PREVENTION GRANT
(13.00006)

MOVED: Cr M Morse SECONDED: Cr I North

RESOLVED: That the information be noted.

2 PROPOSED COMPULSORY ACQUISITION OF EASEMENTS CONTAINED IN LOTS 7001 AND 7002 DP1050856, RAGLAN RESERVOIR, BARLEY STREET, RAGLAN (32.00000)

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

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

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

Report: With the ongoing upgrade of Council's records, a survey plan DP639326 (refer **attachment 1**) was prepared and registered in 1986 showing the location of easements to be acquired for water supply purposes. The access easements are located within Lots 7001 and 7002 DP1050856, Barley Street, (refer **attachment 2** and **attachment 3**) being properties in the ownership of the State of New South Wales.

Council's searching of its property records indicates the easements have not been transferred to Council's ownership and are still in the ownership of the Crown.

In order to protect its interest in the Raglan Reservoir, it is recommended Council approve:

The application to the Minister and/or Governor for the compulsory acquisition of easements shown in DP639326 located in Barley Street being:

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

The purpose of the compulsory acquisition is to gain the interest for the protection of Council's access within Lots 7001 and 7002 DP1050856 for to the Raglan reservoir. The application is to follow the provisions of the Local Government Act 1993 Sections 186 and 187 and the procedures set out in the Land Acquisition (Just Terms Compensation) Act 1991.

Financial Implications: The estimated cost to finalise the transfer of the easements to Council is estimated to be \$4,000.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 6: To support infrastructure development necessary to enhance Bathurst's life-style and industry development. Strategy 6.1, 6.6

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

Strategy 29.1

MINUTE

**31 Item 2 PROPOSED COMPULSORY ACQUISITION OF EASEMENTS
CONTAINED IN LOTS 7001 AND 7002 DP1050856, RAGLAN RESERVOIR, BARLEY
STREET, RAGLAN (32.00000)**

MOVED: Cr I North SECONDED: Cr W Aubin

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

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

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

Yours faithfully



Doug Patterson
**DIRECTOR
ENGINEERING SERVICES**

DIRECTOR CULTURAL & COMMUNITY SERVICES' REPORT AND MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

17 SEPTEMBER 2014

1 BATHURST REGIONAL ART GALLERY - NAMING OF BELLETTE STREET IN WESTON, AUSTRALIAN CAPITAL TERRITORY (21.00015)

Recommendation: That the information be noted.

Report: Council, on behalf of the Bathurst Regional Art Gallery (BRAG), holds the copyright of the works held in Australia of the Australian artist Jean Bellette and her husband, artist and critic, Paul Haefliger.

In October 2012 BRAG was approached by the ACT Place Names Unit of the ACT Government seeking approval to name a street in the suburb of Weston after Jean Mary Bellette (c. 1908 – 1991). BRAG assisted the Unit in drafting the recommendation to the ACT Government for this to happen.

Jean Bellette studied extensively in Australia and Europe and is best known for her neo-classical style of painting. She was awarded the Sir John Sulman Prize in 1942 for her work, *For Whom the Bell Tolls* and 1944 for *Iphigenia in Tauris*. Her works are represented in many Australian galleries including the Bathurst Regional Art Gallery and the Tasmanian Museum and Art Gallery. Jean Bellette has a close connection with Bathurst and Hill End, having taught at the Bathurst Art School in 1954. Her painting *Still Life* (1955) won the inaugural Carillon City Festival Prize in 1955 and became the first work to enter BRAG's permanent collection.

Bellette and her husband Paul Haefliger bought a cottage in Hill End in the early 1950s and lived there until they went overseas in 1957 finally settling in Majorca. The Jean Bellette Gallery, an outreach gallery of BRAG, is located in the Visitor Information Centre of the historic village of Hill End. In March 1991, Bellette died in her home on the island of Majorca. Earlier, the Hill End cottage that she shared with her husband Paul Haefliger had been bequeathed to the NSW National Parks and Wildlife Service to be used as an artists' residency. That house, Haefligers Cottage along with Donald Friend's house Murrays Cottage is now part of BRAG's Hill End Artists in Residence program.

Canberra's street naming is commemorative, reflecting Australia's history and creating a snapshot of people and things that are important to Australia and Australians. Each suburb has a theme by which its streets are named. The naming themes range from Australian mountains and rivers to explorers, scientists, community workers, musicians, writers and artists.

The established suburb of Weston is located 12 kilometres from the CBD has as its theme artists. Artists already honoured in Weston include Charles Condor, Sir William Dargie, Rah Fizelle, Sir Hans Heysen, Jesse Hilder, Frederick McCubbin, Margaret Preston and Sir Arthur Streeton.

Along with Jean Bellette, there are seven other artists having streets named after them in the new Weston sub-division. The other artists include John Horgan (painter and draughtsman), Jean Isherwood (artist), Carol Jerrems (photographer), Udo Sellbach (printmaker and Director, Canberra School of Art), Shiga Shigeo (ceramic artist and teacher), Tom Bass (sculptor) and Ernest Unwin (painter and botanist).

The naming of Bellette Street in honour of Jean Bellette was approved on 27 May 2013.

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, 20.6

MINUTE

32 Item 1 BATHURST REGIONAL ART GALLERY - NAMING OF BELLETTE STREET IN WESTON, AUSTRALIAN CAPITAL TERRITORY (21.00015)

MOVED: Cr I North SECONDED: Cr G Hanger

RESOLVED: That the information be noted.

2 ARTS OUTWEST 2013 ANNUAL REPORT (18.00036)

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

Report: Council has received a copy of Arts OutWest Annual Report for 2013, copies of the report are available at Council's administration offices or can be viewed on the Arts OutWest website link (http://issuu.com/artsoutwest/docs/artsoutwest_annualreport_2013).

Council, in its Annual Operating Plan, provides funds to assist in the operations of Arts OutWest. Arts OutWest promotes, educates, facilitates and advocates for arts and cultural development for the communities of Central West NSW.

Arts OutWest has provided support to Council during 2013 with a variety of initiatives as indicated in the report.

Financial Implications: Council has provided \$21,209 in the Annual Operating Plan - 2014/2015 for Community Arts and this contribution is made directly to Arts OutWest.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 3: To protect a vibrant CBD and support and grow retail diversity. Strategy 3.8
- Objective 20: To provide a range of cultural facilities, programs, activities and events and to support and enhance cultural and social activities across the community. Strategy 20.2, 20.6
- Objective 23: To encourage a supportive and inclusive community. Strategy 23.3
- Objective 26: To encourage and support the provision of a range of opportunities for life long education across the Bathurst community. Strategy 26.2

MINUTE

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

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

3 BATHURST LIBRARY - CHILDREN'S BOOK WEEK 2014 (21.00029)

Recommendation: That the information be noted.

Report: The 2014 Book Week celebrations at Bathurst Library commenced with the awards ceremony, held on Monday 18 August 2014 at the Bathurst Library, for the reading program, Booklink. There were approximately 150 people in attendance at the presentation of the awards, including the sponsors of the program Books Plus and CWA.

Booklink is an annual reading program coordinated by the Bathurst Library and is open to any junior borrowers aged between 1-17 years. Participants are encouraged to borrow and record the books they have read from the Bathurst Library, as well as their school library, from 9 December 2013 to 1 August 2014.

103 individuals participated in the program this year with 13,210 books read overall. Positive feedback from participants, families, sponsors and Councillors was received regarding the decision to hold the ceremony at the Library this year.

Additional activities to celebrate Book Week took place on 20, 21 and 22 August, with twelve special *Olivia* storytime sessions. The Library in conjunction with Books Plus brought children's book character *Olivia* the pig to Bathurst for these storytimes to meet the children in attendance.

The sessions included *Olivia* stories and shortlisted stories from the Children's Book Council of Australia, songs, games, rhymes and a meet and greet with *Olivia* herself. The sessions were open to the public, with a number of sessions pre-booked by preschools and infants classes. A total of 1,148 children attended throughout the three days.

As well as these special storytime sessions there was also a 'Draw *Olivia*' competition running for participating children with prizes donated by Books Plus and the publishers of *Olivia* books, Simon & Schuster.

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

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 23: To encourage a supportive and inclusive community. Strategy 23.2
- Objective 27: To encourage youth engagement, participation and achievement across all areas of the Bathurst community. Strategy 27.9
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.2

MINUTE

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

RESOLVED: That the information be noted.

4 BATHURST REGIONAL YOUTH COUNCIL - DANCE PARTY, 9 AUGUST 2014 (11.00020)

Recommendation: That the information be noted.

Report: The Bathurst Regional Youth Council held a dance party at BMEC on Saturday, 9 August. The theme of the event was 'Babes and Bogans' and young people were encouraged to dress in theme. There were 280 young people in attendance on the night. The event was a fully supervised, drug and alcohol free event.

Young people enjoyed music provided by two local young DJ's, one of whom was the Deputy Youth Mayor. A highlight of the event was the provision of a photo booth.

Representatives from headspace Bathurst provided a range of resources for young people. Young people also had the opportunity to experience simulations of the dangers of alcohol and drugs by attempting to do simple tasks while wearing hazard goggles, which replicate the effects of alcohol and drugs.

The 'chill out' area was popular and provided an option for young people to take a break from dancing and just chat amongst themselves.

Some party food and mocktails were also provided.

The Youth Council were pleased to provide the opportunity for young people to socialise in a safe environment.

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

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 27: To encourage youth engagement, participation and achievement across all areas of the Bathurst community. Strategy 27.1, 27.5, 27.6, 27.9
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.2, 30.5

MINUTE

35 Item 4 BATHURST REGIONAL YOUTH COUNCIL - DANCE PARTY, 9 AUGUST 2014 (11.00020)

MOVED: Cr I North SECONDED: Cr W Aubin

RESOLVED: That the information be noted.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Janelle Middleton', with a stylized flourish at the end.

Janelle Middleton
ACTING DIRECTOR
CULTURAL & COMMUNITY SERVICES

POLICY COMMITTEE MEETING

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

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

Recommendation: That the recommendations of the Policy Committee Meeting held on 3 September 2014 be adopted.

Report: The Minutes of the Policy Committee Meeting held 3 September 2014, are attached.

Financial Implications: N/A

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.5

MINUTE

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

MOVED: Cr B Bourke SECONDED: Cr W Aubin

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

MINUTES OF THE POLICY COMMITTEE
HELD ON 3 SEPTEMBER 2014

MEETING COMMENCES

1 MEETING COMMENCES 6:00 PM

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

APOLOGIES

2 APOLOGIES

Nil.

REPORT OF PREVIOUS MEETING

3 Item 1 MINUTES - POLICY COMMITTEE MEETING - 5 AUGUST 2014 (07.00064)
MOVED Cr I North and **SECONDED** Cr B Bourke

RESOLVED: That the Minutes of the Policy Committee Meeting held on 5 August 2014 be adopted.

DECLARATION OF INTEREST

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

RESOLVED: That the Declaration of Interest be noted.

RECEIVE AND DEAL WITH DIRECTORS' REPORTS

Director Environmental Planning & Building Services' Report

5 Item 1 CONTROL OF OPEN BURNING POLICY (13.00030, 41.00089)
MOVED Cr G Westman and **SECONDED** Cr I North

RESOLVED: That Council adopt the updated Control of Open Burning Policy.

This is page 1 of Minutes of the Policy Committee held on 3 September 2014.

General Manager

Page 122
Mayor

10 **Item 3 GO-KART APPLICATION: WHITE ROCK (2014/0146)**

Cr Jennings - asked could a development such as the Go-Kart track be considered at Mount Panorama?

The Director Environmental, Planning & Building Services gave details of the current DA process and reason for refusal.

11 **Item 4 SMART PHONE APPLICATION - FACIAL RECOGNITION TECHNOLOGY FOR DOGS (05.00002)**

Cr Jennings - asked has Council considered this facility?

The Director Environmental, Planning & Building Services noted, have not considered details of this app.

12 **Item 5 BUILDING RESILIENCE TO CLIMATE CHANGE GRANT (STATE) (04.00006)**

Cr Jennings - asked would Council apply for shade covers under the Building Resilience to Climate Change Grants?

The Director Engineering Services spoke to history of shade covers and that Council is not generally applying for these. Council will always look at possible grants for other matters.

13 **Item 6 CREMATION/ASHES - MOUNT PANORAMA (04.00085)**

Cr Jennings - raised issue of spreading ashes over Mount Panorama. Is aware people are doing this and spoke to proposed memorial wall at Mount Panorama.

The Director Engineering Services spoke to matter of spreading ashes. Currently developing a design for a memorial wall. Will comeback to Council on this matter.

14 **Item 7 AMBASSADOR PAULA DUNCAN (20.00020)**

Cr Jennings - asked where is this at?

The Mayor noted documentation has been provided to Paula Duncan.

15 **Item 8 HOSPITAL (18.00035)**

Cr Morse - queried how is the review progressing after the community meeting?

16 **Item 9 CARILLON (04.00021)**

Cr Morse - requested a report on works that could be done to the Carillon, noted there are funds held for this. Would like to see some works undertaken before ANZAC Day 2015.

17 **Item 10 SUTTOR/BRADWARDINE ROAD ACCIDENTS (25.00047)**

Cr Coote - asked could the intersection of Suttor Street and Bradwardine Road be referred to the Traffic Committee for consideration?

18 **Item 11 LOCAL ENVIRONMENT PLAN (LEP) (20.00143)**

Cr Coote - asked where is Council at with respect to the gazettal of the LEP?

The Director Environmental, Planning & Building Services advised Council received Parliamentary Counsel comment last week, gazettal is imminent.

19 **Item 12 HECTOR PARK (04.00010)**

Cr Coote - noted recent concerns about rubbish in the Hector Park area. What action is being taken?

The Director Engineering Services advised clean up of park itself has occurred. Drain has been cleaned, when water level drops, further cleaning works will occur.

20 **Item 13 YOUTH COUNCIL - BABES & BOGANS DANCE PARTY (11.00020)**

Cr Coote - noted the Babes & Bogans Dance Party went very well, it was a credit to the Youth Council.

Representing a number of the families living in the Dunkeld Valley. There are 9 items needing discussion on this matter. Referred to notification process and consequences this has had. Raised concerns that community has and asks Council to acknowledge residents have a valid input into this process. There is animosity on this issue. Spoke to history of the site under Evans Shire and then Bathurst Regional Council. Have met with staff previously on this matter, expected staff to get back to them prior to report being finalised. This did not happen. Residents have had to review; Local Government Act, Environmental Planning Assessment Act (EPA Act), talk to vets etc, to understand the process. This has not been satisfactory. Also residents had to contact RMS, this information should have come from staff. There are 11 residents who oppose the DA and residents have had to get an independent noise study.

D Baldwin – Resident

Has a list of 9 items to be raised, copies distributed to Councillors. The questions are to get a better understanding of the planning process. These are:

- (1) Asking Council staff to confirm who needs to be considered during the planning process.
- (2) To hear from Council staff about any investigation or consideration they have undertaken since the resolution passed by Councillors.
- (3) Raise resident concerns about communication processes and its consequences.
- (4) Noise concerns.
- (5) Traffic concerns.
- (6) Environmental risk.
- (7) Council staff's Assessment of other items under Section 79C of the Environmental Planning and Assessment Act 1979.
- (8) Raise our concerns regarding the rationale Council staff have used in treating deficiencies in the application.
- (9) Call for Council to explain what its recommendation to Councillors will be in light of these discussions.

In particular the following were raised in further detail on the items listed:

- (1) Notification Process - Spoke to process of people being notified and submissions by applicant.

The Director Environmental, Planning and Building Services contacted persons as required by the planning process. Council notified adjoining owners and does not exclude people from attending the Discussion Forum.

- (2) Investigations and considerations undertaken

The Director Environmental, Planning and Building Services noted Council

wrote to people who had lodged submissions to seek further input. Any further data supplied will be dealt with in the report to Council.

- (4) Noise concerns - There is now a second report commissioned by residents. This raises a number of concerns. As Council has no technical experts, queried the process to be followed. This is a fatal component. Noted issues such as legal precedent and background noise. Mr Cooper (residents expert) is happy to meet with Council to discuss his review of the noise report. Spoke further to guidelines available for Council to refer to, and the offensive noise test. Concerned proposed noise controls are inadequate. Concern for noise is not only for night periods.
- (5) Traffic concerns - Marys Lane and Mitchell Highway intersection is dangerous. Access road should be sealed. The intersection has already been identified by RMS as needing works. Understands RMS has not been asked to provide comment on the intersection needs. Comments from RMS staff indicate concern and that they feel Council should refer the matter to them.
- (6) Environmental Risk - Reiterated concerns, spoke to waterway, groundwater and other concerns. Have not been able to get access to Calare Civil document. Residents have not been given access to management plan proposed. Residents are frustrated that they feel no response has been given in line with Council's resolution from the last meeting.
- (7) Section 79C considerations - Property values will decline due to proposed development. Shift workers will be impacted by the development. Concerns at; suitability of the site, traffic safety, environmental concerns. Resident concerns have not been addressed. The proposal is not in the public interest.
- (8) Deficiencies in application - The application was lodged in February 2014 and went to Council in July 2014. The Council has repeatedly asked the Developer to address deficiencies, the DA should have been refused as the process has been going on too long. Some issues staff have taken on board from residents, but not the substantial items.
- (9) Recommendation on DA - The DA should not be approved due to; noise, traffic, environmental matters, site suitability and not in the public interest.

M Worthington

Raised concerns with Wilkinson Murray noise report. The critique commissioned by the residents raises concerns. Spoke to offensive noise and Protection of the Environment Operations Act (POEO Act) guidelines. Noted Nicol v. Port Stephens Council case last year raises concerns.

Wilkinson Murray relies on Industrial Noise Policy (INP) and doesn't take into account the Noise Guide for Local Government.

The commissioner found that the matters in the guide are relevant to consider when assessing the impact of a dog kennel in a rural zone. The noise guidelines raise 6 items for consideration. The proposal has a significant degree of noise impact on the locality. Noted the number of people who will be impacted, traffic movements predicted, intersection is a problem (9 people have been killed in this area) and expressed concern about non-referral to RMS and possible future liability for

Council. Also spoke to Council and possible liability with environmental problems.

Council does not have to approve the application, requests Council refuse the DA.

B Sewell – Animal Studies Teacher

Lives near a dog kennel and noise is no concern to him. Have there been any complaints in the Region about dog kennels? Referred to aviaries he put up and no issue with these even though 80 were in place.

The kennel he lives near is an open kennel, the proposal is for a closed kennel at night. Noise will not occur at night. Spoke to devaluation of properties, doesn't see this as an issue. Traffic numbers would be limited. Supports the application and will generate more jobs.

W Fitzpatrick

Currently applying to run a Kelpie Stud. It is essential there is a facility to leave high value dogs at. It is not correct to say this is not in the public interest, there is a need for dog kennels in this area.

S McHugh – Applicant

Everything is state of the art to reduce noise. Will be living there and so wants it to be quiet. Seeks approval of DA.

T Cosgrove

Prior owners had 2 donkeys and these created a lot of noise, 10 dogs will create more. The noise will carry down the creek/valley. Dogs in a strange area will become restless and will bark, as have exceptional hearing. The other issue is road safety. The Dunkeld area has had a history of bad crashes. A lot of money has been spent on alleviating road problems, the intersection of Marys Lane was not done as part of these works. At the Marys Lane intersection, trucks are doing 100 km/h. Concern at possible accident occurring if development is approved.

B McHugh – Applicant

Spoke to traffic movements proposed and these equate to 4-5 movements per day. Environmental considerations have been dealt with, referred to Nicol v. Port Stephens case and sewerage system complies with Council requirements. Suggested Mr Cooper agrees with the proposal and referred to page 9 of Mr Cooper's noise report, which referred to sound proofed kennels. Temperature inversion is irrelevant as this occurs in the evening when the dogs are inside a sound proofed facility.

Council has indicated no complaint has been received concerning the existing open kennels.

The proposal is new and change can be difficult. These delays have been caused by objectors. There are no residents within 200 metres of the proposal.

Mr McHugh advised he had spoken to RMS and they advise him there was no need for Council to come to the RMS. This is only a medium priority junction for the RMS.

31 **Item 21 DOGS FOR DIGGERS (21.00029)**

Cr North - attended this function on 3 September 2014. This is a great initiative. It is a credit to Bill Fittler (Bathurst Gaol) and his staff.

32 **Item 22 DISABILITY ACCESS - LIBRARY/ART GALLERY (21.00054)**

Cr North - spoke to concerns received from a resident about access issues at the Library and Art Gallery.

The Director Engineering Services advised the matter is being investigated.

33 **Item 23 TERMINAL - LEE STREET, KELSO (22.00209)**

Cr North - asked Mayor to provide an update on this new business.

The Mayor advised they have a contract for around \$70 million (over 3 years), will create 30 jobs. The market is into China: the logs are transported into Lee Street by local transport companies. Companies involved are P.F.Olsen and C3.

34 **Item 24 MASTERS SQUASH COMPETITION (23.00026)**

Cr North - spoke to a person at the event, they raised question of a plaque being put up for Danny Hulme.

35 **Item 25 LOCAL GOVERNMENT WATER CONFERENCE (18.00074)**

Cr Bourke - recently attended the Local Government Water Conference. Water is very important and need to keep an 'eye' on this matter.

36 **Item 26 ANTI-GRAFFITI DAY (20.00045)**

Cr Bourke - advised Anti-graffiti Day will be 26 October 2014, will be coordinating a work group through the Op Shop. Invited Councillors to participate.

37 **Item 27 COMMUNITY GARDEN (22.02574)**

Cr Bourke - updated Council on the Community Garden project. Cleared and fenced, planting should occur in the near future. The support of Verto and Council has been appreciated.

MEETING CLOSE

38 **MEETING CLOSE**

The Meeting closed at 7.42 pm.

CHAIRMAN: _____

Date: _____ **(17 September 2014)**

TRAFFIC COMMITTEE MEETING

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

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

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

Report: The Minutes of the Traffic Committee Meeting held 2 September 2014, are **attached**.

Financial Implications: N/A

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.5

MINUTE

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

MOVED: Cr W Aubin SECONDED: Cr G Westman

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

MINUTES OF THE TRAFFIC COMMITTEE
HELD ON 2 SEPTEMBER 2014

MEETING COMMENCES

1 MEETING COMMENCES 2:00 PM

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

Present: Bernard Drum (Civil Design & Project Engineer), Paul Kendrick (Traffic & Design Engineer), Iris Dorsett (Tablelands Area Road Safety Officer), Joel Little (Acting Manager Environment).

APOLOGIES

2 APOLOGIES

Nil.

REPORT OF PREVIOUS MEETING

3 Item 1 MINUTES - TRAFFIC COMMITTEE MEETING - 5 AUGUST 2014 (07.00006)

That the Minutes of the Traffic Committee Meeting held on 5 August 2014 be adopted.

DECLARATION OF INTEREST

4 DECLARATION OF INTEREST 11.00002

That the Declaration of Interest be noted.

RECEIVE AND DEAL WITH DIRECTORS' REPORTS

Director Engineering Services' Report

5 Item 1 MINUTES OF THE TRAFFIC COMMITTEE MEETING HELD 5 AUGUST 2014 (07.00006)

That the information be noted and necessary actions be taken.

6 Item 2 2014 SUPERCHEAP AUTO BATHURST 1000 TRAFFIC MANAGEMENT PLAN (04.00001)

That Council adopt the following zones and restrictions as part of the Traffic Management Plan for the 2014 Supercheap Auto Bathurst 1000:

- Havannah Street – ‘No Stopping’ between College Road and Rocket Street on the North Western side on Saturday 11 and Sunday 12 October 2014.
- Havannah Street – ‘No Stopping’ between Panorama Avenue and College Road both sides from Wednesday 8 October to Sunday 12 October 2014 inclusive.
- Panorama Avenue – ‘No Stopping’ between Havannah Street and Charles Sturt University (CSU) main Entrance both sides from Wednesday 8 October to Sunday 12 October 2014 inclusive.
- Panorama Avenue – ‘No Stopping’ between CSU main entrance and Browning Street on the north western side on Saturday 11 and Sunday 12 October 2014.
- Lloyds Road closure to west bound traffic at the intersection of Havannah Street on Saturday 11 October and Sunday 12 October 2014 inclusive.
- Lloyds Road – ‘1/2 Hour’ parking zone between Havannah Street and School Crossing to St Philomena’s school on Friday 10 October 2014.
- Lloyds Road – ‘No Parking’ between Havannah Street and College Road on Saturday 11 and Sunday 12 October 2014.

7 Item 3 REQUEST FOR 1P AND 2P PARKING GEORGE STREET ADJACENT TO MACHATTIE PARK (28.00006-11/087)

That Council take no further action at this time.

8 Item 4 REBELLION ON THE TURON – DENISON STREET SOFALA (18.00227/039)

That Council classify the Rebellion on the Turon event to be held on Saturday 14 and Sunday 15 March 2015 as a Class 2 event, and approve the event subject to conditions as detailed in the Director Engineering Services' report.

9 Item 5 PENRITE OIL AUSTRALIAN LONG TRACK MASTERS (23.00026-044)

That Council classify the Penrite Oil Australian Long Track Masters to be staged on Friday 7 November and Saturday 8 November 2014 at the Bathurst Showground as a Class 2 event, and approve the event subject to conditions detailed in the Director Engineering Services' Report, with requested modifications.

10 Item 6 NO STOPPING SIGNS - FOODSERVICE CENTRAL’S VEHICLE ACCESS ONTO CARLINGFORD STREET (25.00022-012)

That Council approve the placement "No Stopping" signs on both sides of the driveway of 35 Carlingford Street.

11 **Item 7 BATHURST WALLABIES TRIATHLON CLUB EVENTS 2014/2015 SERIES (23.00026-17)**

That Council approve the staging of the Bathurst Wallabies Triathlon Club 2014/2015 Series of events. The events are to be classified as Class 2 events and approved subject to conditions as detailed in the Director Engineering Services' report.

12 **Item 8 3P PARKING AREAS AT THE GEORGE STREET CAR PARK (28.00006-11/061)**

That the existing 2P parking areas within the George Street car park be replaced with 3P parking areas.

13 **Item 9 "REDUCE NOISE-PLEASE LIMIT COMPRESSION BRAKING" SIGN ROCKLEY ROAD APPROACHING ROCKLEY (25.00204)**

That a "Reduce Noise-Please Limit Compression Braking" sign be installed 170m prior to the start of the 80km/h zone on the southbound approach to Rockley.

14 **Item 10 TEMPORARY BUS ZONES FOR 2014 SUPERCHEAP AUTO BATHURST 1000 (28.00022)**

That Council approve the proposed temporary bus zones and extension of existing bus zone times subject to conditions as detailed in the Director Engineering Services' report.

15 **Item 11 PROPOSED PARALLEL PARKING SIGNS CUBIS PARK ALEXANDER STREET EGLINTON (28.00006-11)**

That Council approve the installation of "Parallel Parking" signs along the Cubis Park side of Alexander Street.

16 **Item 12 NRMA 'LIVING WELL NAVIGATOR' CARAVAN (23.00026-17)**

That approval be given for the NRMA 'Living Well Navigator' caravan visit to Bathurst planned for Tuesday 26 August 2014 to be an unclassified event, and the event be approved subject to conditions as detailed in the Director Engineering

Services' report.

17 Item 13 "NO STOPPING" ZONE GREAT WESTERN HIGHWAY (28.00006-11)

That the installation of a "No Stopping" Zone on the Great Western Highway in front of 170 Sydney Road adjacent to the Raglan Creek Bridge be approved.

18 Item 14 MARCH AUSTRALIA 2014 MARCH EVENT (04.00012-06)

That Council approve the holding of the March Australia 2014 March Event on Sunday 31 August 2014. The March Australia 2014 March is to be classified, as a class 4 event, and that the event be approved subject to conditions as detailed in the Director Engineering Services' report.

19 Item 15 CENTRAL BUSINESS DISTRICT ON-STREET CAR SPACE LINE MARKING (20.00090)

That parking line marking be provided in the Central Business District within a predetermined area, on a trial basis.

20 Item 16 AUSTRALIAN SUPERCROSS CHAMPIONSHIP ROUNDS 1 & 2 (22.00053-08)

That Council classify the Australian Supercross Championship Rounds 1 & 2 to be staged on Friday 10 October and Saturday 11 October 2014 at the Bathurst Showground as a Class 2 event, and approve the event subject to conditions detailed in the Director Engineering Services' Report, with requested modifications.

TRAFFIC REGISTER

21 Item 1 TRAFFIC REGISTER (07.00006)

That the information be noted.

MEETING CLOSE

22 MEETING CLOSE

The Meeting closed at 3.02pm.

DELEGATES REPORTS AND MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

17 SEPTEMBER 2014

1 COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 13 AUGUST 2014 (11.00019)

Recommendation: That the information be noted.

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

Apologies: Cr Morse.

1. CENTROC (07.00017)

Jenny Bennett, Executive Officer from CENTROC met with Council to provide an update on CENTROC's current activities and projects.

Topics discussed included:

Two roles - Advocacy and Savings

Advocacy - Bells Line Expressway Group

- \$5 million has been allocated for Transport Studies
- \$43 million for has been announced for a safety upgrade on the Bells Line of Road.

Health

Health in the area is a current big issue. CENTROC have been working to address health workforce shortages in the region. CENTROC were successful in attracting funding from the NSW Government to develop the Beyond the Range program. This program aims to support collaborative and innovative marketing approaches to assist local communities to recruit, attract and retain health workers.

CENTROC Water Utilities Alliance

- Advocating for water and sewer infrastructure management and ownership of infrastructure to be retained by Local Government.
- Management Plans and Cost Saving Programs
- Sewer project that will reduce energy and screening costs.
- CENTROC makes a lot of submissions on behalf of local Councils - all available on the CENTROC Website.

Operational Teams

Have several teams including training Human Resources, Work Health & Safety/Risk and Supply (purchasing) operating to assist in efficiencies across all the CENTROC Councils.

Purchasing

CENTROC have negotiated several Regional Councils to provide savings. Bathurst Regional Council has saved \$55,000.

Thanked Council for assistance in developing online training. Council has also been heavily involved in the CENTROC Work Health & Safety induction program.

2. BATHURST AH&P ASSOCIATION - ROYAL BATHURST SHOW (23.00007)

Paula Elbourne and Brett Kenworthy from the Bathurst AH&P Association met with Council to give a report on the 2014 Royal Bathurst Show and to discuss future arrangements between Council and the Bathurst AH&P Association.

Topics discussed included:

- Thanked Council for the assistance provided for the 2014 Show.
- Brett Kenworthy spoke of the 2014 Royal Bathurst Show;
 - Finances are tight
 - Friday revenue was good, Saturday was down an estimated \$80,000. 8,000 people attended.
 - Another weather affected show will be serious
 - Feedback from show was positive
- Hoping Council will continue to provide support, including paying for security fencing
- Issue of alternate parking in wet weather, if Morse Park becomes unavailable.
- Spring Show - October each year
 - Looking to expand with a Country Fair
 - May seek Council assistance to get this idea off the ground.
- Looking to aerate show ground on a regular basis - want to borrow machinery
- White paper on Crown Land

AH&P

- Looking to diversify income base
- Sponsorship
- Engaging schools more to bring more family members through the gate.

Next years show will be held 17-19 April 2015.

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

**38 Item 1 COUNCILLORS MEETING WITH COMMUNITY
GROUPS/REPRESENTATIVES - 13 AUGUST 2014 (11.00019)**

MOVED: Cr G Westman SECONDED: Cr W Aubin

RESOLVED: That the information be noted.

2 2015 BICENTENARY CELEBRATIONS COMMITTEE MEETING - 2 SEPTEMBER 2014 (20.00153)

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

Report: The Minutes of the 2015 Bicentenary Celebrations Committee held on 2 September 2014 are provided at **attachment 1**.

Financial Implications: N/A

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

39 Item 2 2015 BICENTENARY CELEBRATIONS COMMITTEE MEETING - 2
SEPTEMBER 2014 (20.00153)

MOVED: Cr M Morse SECONDED: Cr G Westman

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

3 MINUTES - AUSTRALIA DAY WORKING PARTY - 19 AUGUST 2014 (23.00033)

Recommendation: That the information be noted.

Report: The minutes of the Australia Day Working Party held on 19 August 2014 are shown at **attachment 1**.

Financial Implications: N/A

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

40 Item 3 MINUTES - AUSTRALIA DAY WORKING PARTY - 19 AUGUST 2014
(23.00033)

MOVED: Cr I North SECONDED: Cr G Westman

RESOLVED: That the information be noted.

4 CENTROC BOARD MEETING - 26 AUGUST 2014 (07.00017-28)

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

Report: The CENTROC Board meeting was recently held at Parliament House Canberra. This is the first time that the Board have had the opportunity to meet at the Federal level and. The Hon John Cobb's office coordinated the day. The meeting had two main components; meetings with Federal Ministers and Parliamentarian's and the quarterly General Meeting of the CENTROC Board.

I provide the following report for Council's information, along with the draft meeting minutes.

Ministers and Federal Members that addressed the CENTROC Board were:

1. The Hon John Cobb – Member for Calare
2. The Hon Mark Coulton – Member for Parkes
3. The Hon Angus Taylor – Member for Hume
4. The Hon Ian MacFarlane – Minister for Industry
5. The Hon Barnaby Joyce – Minister for Agriculture
6. Senator Fiona Nash – Assistant Minister for Health
7. The Hon Paul Fletcher – Parliamentary Secretary Communications
8. The Hon Warren Truss – Deputy Prime Minister, Minister for Infrastructure and Regional Development.

There was significant discussion regarding water security in the region, the effects on councils from of the Financial Assistance Grants freeze, opportunities in the agriculture competitiveness space, future funding for the regions and suggestions on improving freight rail for Central NSW.

Besides the round table discussions with members, CENTROC also held its quarterly Board meeting. The following is advice from the Ministerial round tables, the resolved minutes as well as some follow-up activity to be undertaken after the Board meeting.

Water Security - Given the activity by the State and Federal Government and the Hon John Cobb in the region, there is an opportunity to ensure that the water security of our urban communities is reviewed and assured.

The Board resolved to provide further advice to Federal representatives and follow up with Minister Macfarlane around training opportunities with CENTROC Water Utilities Alliance.

Follow-up will also be undertaken with the Minister Barnaby Joyce on the Ministerial Working Group to Identify Projects Delivering Water Supply Needs.

Transport Infrastructure – The NRMA has released a report regarding the Roads to recovery funding. The Board resolved to support the report which calls for a tripling of

funding.

A follow up meeting has also been organised with Minister MacFarlane regarding the Bells Line of Road. The freight rail across Central NSW was discussed in detail, Federal member for Hume Angus Taylor, has extensive knowledge in this area and further follow up will be taken up with his office.

Health – Advice was provided regarding the recent CENTROC Health Workforce meeting in Parkes, with an extensive follow up carried out since. CENTROC will now follow up further with Senator Nash regarding the Funding for Beyond the Range and funding for health and medical infrastructure for councils. Support for the General Practitioners Procedural, and medical training positions in Central NSW. The Board will also undertake further support for a medical school in the region.

Communications - Advice was received from The Hon Paul Fletcher, Parliamentary Secretary for Communications with expectation for the next roll out announcement in late 2014. Further follow up with Andrew Stoner is being co-ordinated with a view to leveraging regional NSW for the Mobile Blackspot Program.

Regional Development - The CENTROC Board will be working with the RDACW to establish an infrastructure priority list for the region for use in lobbying to the next state election.

The mooted Food and Fibre plan for the region will be discussed in more detail with Minister Barnaby Joyce.

Minister Ian McFarlane was supportive of programs going forward that led to initiatives in industry productivity. Follow up on this will matter will take place through John Cobb's Office.

Member Council operational support - noting the substantial amount of activity being undertaken collaboratively in support of member operations. This includes net savings to members under these programs since December 14 2009 of \$2.52m.

CENTROC have invested significant time in investigating the current electricity network street-light price hikes. A professional street lighting specialist was engaged to review the Essential Energy claims to the Australian Energy Regulator including an average 94% increase in Operational expenses across the Essential Energy footprint. This work was shared through neighbouring ROCs. The Board suggested that advice from this report be forwarded onto relevant State and Federal representatives.

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

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

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

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

MINUTE

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

MOVED: Cr I North SECONDED: Cr G Westman

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

There were no representations from the public.

RESOLVED: That:

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

* DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	PROPOSED NEW SPORTING LICENCE TENNIS COURT FACILITY PART LOT 108 DP28260 LOCATED ON MITRE STREET BATHURST - MACQUARIE VIEW TENNIS CLUB	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
2	PROPOSED NEW SUBDIVISION WATT DRIVE (LOT 806 DP1169443) - BATHURST TRADE CENTRE	10A (2) (c) – contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. Discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it would

		prejudice council's position in negotiating commercial and or financial arrangements.
3	2014 BATHURST MOTOR FESTIVAL	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
4	REQUEST FOR FINANCIAL ASSISTANCE - BATHURST SHEEP AND CATTLE DROME	10A (2) (b) – contains advice concerning hardship of a resident or ratepayer, disclosure of which would not be in the public interest as it would prejudice the personal position of the individual concerned.
5	LEASE OF HANGAR - BATHURST AERODROMETO BURKE	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

*** DIRECTOR ENGINEERING SERVICES' REPORT**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	TENDER F1159 - NETWASTE TENDER FOR PROCESSING OF GARDEN ORGANICS, WOOD AND TIMBER	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial

		position of the person who supplied it.
2	PROPOSED DEDICATION OF PUBLIC ROAD, LOTS 7 TO 10 DP1196562 AND THE TRANSFER OF LOTS 1 TO 5 DP1196562, GREEN GULLY ROAD, MOUNT RANKIN	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
3	PROPOSED PARTIAL ROAD CLOSURES AND TRANSFERS - EUGENIE, NAPOLEON & COTTON STREETS, RAGLAN	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
4	PROPOSED ROAD WIDENING ACQUISITIONS AFFECTING LOT 2 DP742826, LOT 1 DP1190882, LOT 1 DP314922, LOT 1 DP737687, LOTS 157, 158, 172, 173 & 176 DP750354, THE LAGOON ROAD, THE LAGOON	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
5	PROPOSED ROAD WIDENING AND PARTIAL CLOSURE, LOT 6 DP755780 & LOT A DP380082, LIMEKILNS ROAD, LIMEKILNS	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who

		supplied it.
6	PROPOSED ACQUISITION, LOT 10 DP1181098, GREAT WESTERN HIGHWAY (SYDNEY ROAD), KELSO	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
7	PROPOSED COMPULSORY ACQUISITION, LOT 6 DP1195729 AND PROPOSED EASEMENT FOR WATER SUPPLY 10 WIDE, 197 LIMEKILNS ROAD, KELSO	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

DIRECTOR CORPORATE SERVICES & FINANCE'S CONFIDENTIAL MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

17 SEPTEMBER 2014

MINUTE

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

MOVED: Cr I North SECONDED: Cr W Aubin

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

MINUTE

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

MOVED: Cr I North SECONDED: Cr W Aubin

That Council:

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

MINUTE

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

That the information be noted.

MINUTE

d Item 4 REQUEST FOR FINANCIAL ASSISTANCE - BATHURST SHEEP AND CATTLE DROME (22.07467)

MOVED: Cr I North SECONDED: Cr W Aubin

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

MINUTE

**e Item 5 LEASE OF HANGAR - BATHURST AERODROME TO BURKE
(21.00083-02)**

MOVED: Cr B Bourke SECONDED: Cr I North

That Council agree to the request from Mr Burke.

The MOTION was PUT and LOST.

MINUTE

**f Item 5.01 LEASE OF HANGAR - BATHURST AERODROME TO BURKE
(21.00083-02)**

MOVED: Cr M Morse SECONDED: Cr G Hanger

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

DIRECTOR ENGINEERING SERVICES' CONFIDENTIAL MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

17 SEPTEMBER 2014

MINUTE

g Item 1 TENDER F1159 - NETWASTE TENDER FOR PROCESSING OF
GARDEN ORGANICS, WOOD AND TIMBER
(14.00007)

MOVED: Cr I North SECONDED: Cr W Aubin

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

MINUTE

**h Item 2 PROPOSED DEDICATION OF PUBLIC ROAD, LOTS 7 TO 10
DP1196562 AND THE TRANSFER OF LOTS 1 TO 5 DP1196562, GREEN GULLY ROAD,
MOUNT RANKIN (25.00513)**

MOVED: Cr B Bourke SECONDED: Cr W Aubin

That Council:

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

MINUTE

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

MOVED: Cr M Morse SECONDED: Cr G Westman

That Council approve the:

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

MINUTE

**j Item 4 PROPOSED ROAD WIDENING ACQUISITIONS AFFECTING LOT 2
DP742826, LOT 1 DP1190882, LOT 1 DP314922, LOT 1 DP737687, LOTS 157, 158, 172,
173 & 176 DP750354, THE LAGOON ROAD, THE LAGOON (25.00128)
MOVED: Cr J Jennings SECONDED: Cr W Aubin**

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

MINUTE

**k Item 5 PROPOSED ROAD WIDENING AND PARTIAL CLOSURE, LOT 6
DP755780 & LOT A DP380082, LIMEKILNS ROAD, LIMEKILNS (25.00066)
MOVED: Cr I North SECONDED: Cr W Aubin**

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

MINUTE

I Item 6 PROPOSED ACQUISITION, LOT 10 DP1181098, GREAT WESTERN HIGHWAY (SYDNEY ROAD), KELSO (22.01283)

MOVED: Cr M Morse SECONDED: Cr W Aubin

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

MINUTE

m Item 7 PROPOSED COMPULSORY ACQUISITION, LOT 6 DP1195729 AND PROPOSED EASEMENT FOR WATER SUPPLY 10 WIDE, 197 LIMEKILNS ROAD, KELSO (22.00358)

MOVED: Cr G Westman SECONDED: Cr W Aubin

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

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

MINUTE

43 RESOLVE INTO OPEN COUNCIL
MOVED: Cr W Aubin SECONDED: Cr I North

RESOLVED: That Council resume Open Council.

MINUTE

44 ADOPT REPORT OF THE COMMITTEE OF THE WHOLE
MOVED: Cr W Aubin SECONDED: Cr B Bourke

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

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

MINUTE

45 MEETING CLOSE

The Meeting closed at 9.02 pm.

CHAIRMAN: _____

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