



ORDINARY MEETING OF
BATHURST REGIONAL COUNCIL

11 June 2014

His Worship the Mayor & Councillors

Notice of Ordinary Meeting of Bathurst Regional Council - Wednesday, 18 June 2014

I have to advise that an **Ordinary Meeting** of Bathurst Regional Council will be held in the Council Chambers on Wednesday, 18 June 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 black ink, appearing to read "D J Sherley".

D J Sherley
GENERAL MANAGER

BUSINESS AGENDA

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

TO BE HELD ON WEDNESDAY, 18 JUNE 2014

1. 6:00 PM - MEETING COMMENCES

2. PUBLIC QUESTION TIME

3. PRAYER

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

4. APOLOGIES

5. MINUTES

* MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 21 MAY 2014

6. DECLARATION OF INTEREST

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

7. MAYORAL MINUTE

8. RECEIVE AND DEAL WITH DIRECTORS' REPORTS

- * DIRECTOR ENVIRONMENTAL PLANNING & BUILDING SERVICES' REPORT
- * DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT
- * DIRECTOR ENGINEERING SERVICES' REPORT
- * DIRECTOR CULTURAL & COMMUNITY SERVICES' REPORT
- * GENERAL MANAGER'S REPORT

9. REPORTS OF OTHER COMMITTEES

- * MINUTES - POLICY COMMITTEE MEETING - 4 JUNE 2014
- * MINUTES - TRAFFIC COMMITTEE MEETING HELD 3 JUNE 2014

10. NOTICES OF MOTION - Nil

11. RESCISSION MOTIONS - Nil

12. DELEGATES REPORTS

* COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 14 MAY 2014

* MINUTES - BATHURST REGIONAL YOUTH COUNCIL - 13 MAY 2014

* 2015 BICENTENARY CELEBRATIONS COMMITTEE MEETING - 3 JUNE 2014

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

Recommendation: That:

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

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

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

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

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	RENEWAL BATHURST MOTOR FESTIVAL CONTRACT - YEEHAH EVENTS PTY LTD	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on

		balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
2	EXPRESSION OF INTEREST - LOTS 14 AND 15 DP1089380 KNOWN AS 193 MORRISSET STREET, BATHURST	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
3	NEW RESIDENTIAL TENANCY AGREEMENT - LOT 1 DP786946 KNOWN AS 159 EGLINTON ROAD, BATHURST	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
4	NEW TELECOMMUNICATION LICENCE AGREEMENT - PART LOT 1 DP6334401 MCPHILLAMY PARK, MT PANORAMA	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
5	NEW TELECOMMUNICATION LICENCE AGREEMENT - PART LOT 1 DP6334401 MCPHILLAMY PARK, MT PANORAMA	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would

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

	position of the person who supplied it.
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*** DIRECTOR ENGINEERING SERVICES' REPORT**

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

		open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
5	12 MONTH EXTENSION - MOWING MAINTENANCE CONTRACT	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

14. RESOLVE INTO OPEN COUNCIL

15. ADOPT REPORT OF THE COMMITTEE OF THE WHOLE

16. MEETING CLOSE

MINUTE

1 MEETING COMMENCES

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

MINUTE

2 PUBLIC QUESTION TIME

B Trimming – Policy Meeting Minutes - Public Question Time Review

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

P Field – Ratepayer- Water

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

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

L Colley – Colley Foundation

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

P Wright – Keppel Street Committee

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

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

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

M Hollis – Public Question Time

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

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

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

P Dowling – Ratepayer

Asked where Council is up to with Norwood Park?

The Director Corporate Services & Finance advised currently holding discussions with

Norwood and fees are listed in the Delivery Plan and Annual Operating Plan, which has been on public exhibition.

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

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

C LeFevre – Tourism in Bathurst

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

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

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

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

MINUTE

- 3** **APOLOGIES**
 MOVED: Cr I North SECONDED: Cr B Bourke

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

MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

1 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 21 MAY 2014 (11.00005)

Recommendation: That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 21 May 2014 be adopted.

Report: The Minutes of the Ordinary Meeting of Bathurst Regional Council held 21 May 2014, are attached.

Financial Implications: N/A

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

4 Item 1 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
- 21 MAY 2014 (11.00005)

MOVED: Cr W Aubin SECONDED: Cr I North

RESOLVED: That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 21 May 2014 be adopted.

MINUTES OF THE ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
HELD ON 21 MAY 2014

MEETING COMMENCES

1 MEETING COMMENCES 6:00 PM

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

PUBLIC QUESTION TIME

2 PUBLIC QUESTION TIME

P Field – Water Supply - asked does Council substantially comply with State Best Practice Guidelines and various other matters.

The General Manager requested Mr Field to forward his questions in writing to Council and a reply will be prepared.

P Oxenbridge – Rockley - spoke to purchase of farm in Rockley that is on East Street (Crown Road). The DA has been refused as road is not up to specifications. Noted another DA in East Street has been approved since amalgamation. Requests Council review the refusal.

The Director Environmental, Planning & Building Services advised the matter will come to Council if Mrs Oxenbridge requests a review.

B Manning - Ratepayer - spoke to letters received from Mayor and General Manager. Referred to advice from the General Manager and stated the General Manager has not reported to Council on the processes that went wrong. Raised issues concerning costs and the Judges decision.

G Crisp - Ratepayer - DCSF Item #2 - Quarterly Budget Review - spoke to attachment 2_2, page 11 and legal expenses. Noted expenditure and budget levels. Queried variance in legal costs to what he expects. Feels document is misleading.

Spoke to the submission he has made to Council. Referred to Manning and Trackcorp cases. How long has Trackcorp matter been going for? Further he queried amount to be paid.

The General Manager noted the matter has been going for around three years.

M Hollis - Stanley Street resident - raised concerns about parking and safety in this area. Last weekend people were parking in the No Parking zone near their house. Additional signage may help. Pedestrian safety is an issue with people crossing to the park. Could Council continue to monitor this area?

M Burns - Consultant - DA Telecommunication Base Station - DEPBS Item #4 - spoke to DA before Council. This is for part of the NBN Network. Spoke to benefits

of the network. Have undertaken consultation, feel majority of the community are supportive of the proposal. This proposal is an important part of the network and asks Council to approve the DA.

J Grinter - Resident at Clear Creek - DA Telecommunication Base Station - DEPBS Item #4 - noted address is wrong in the report. Has some safety concerns; road (speed issues) need signage warning of trucks turning, two driveways on property (Point 5.2). Request use driveway not near the crest. Do not want the tower in this location.

Resident - DA Telecommunication Base Station - DEPBS Item #4 - asked has Council considered the proximity to the airport and possible extensions to the runway.

APOLOGIES

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

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

MINUTES

4 **Item 1 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 16 APRIL 2014 (11.00005)**
MOVED Cr W Aubin and **SECONDED** Cr B Bourke

RESOLVED: That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 16 April 2014 be adopted.

DECLARATION OF INTEREST

5 **DECLARATION OF INTEREST 11.00002**
MOVED Cr I North and **SECONDED** Cr G Hanger

RESOLVED: That the following Declarations of Interest be noted.

Cr Coote
Item #4 of the Director Environmental, Planning & Building Services' report

Cr Westman
Item #1 of the Director Corporate Services & Finance's Confidential report
Item #3 of the Director Corporate Services & Finance's Confidential report

RECEIVE AND DEAL WITH DIRECTORS' REPORTS

Director Environmental Planning & Building Services' Report

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

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

RESOLVED: That the information be noted.

7 **Item 2 GENERAL REPORT (03.00053)**

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

RESOLVED: That the information be noted.

8 **Item 3 BATHURST REGION HERITAGE STRATEGY 2014-2017 (20.00123)**

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

RESOLVED: That Council:

- (a) adopt the Bathurst Region Heritage Strategy 2014-2017
- (b) establish a Heritage Reference Group (action item 4.3.13) in 2014
- (c) forward the Bathurst Region Heritage Strategy 2014-2017 to the NSW Office of Environment and Heritage.

9 **Item 4 DEVELOPMENT APPLICATION NO. 2014/0022 – TELECOMMUNICATION BASE STATION AT LOT: 12 DP: 1000407, 982 LIMEKILNS ROAD, YARRAS. APPLICANT: COMPLAN PTY LTD. OWNER: BEZIDA PTY LTD (DA/2014/0022)**

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

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

Reason: two Brother-in-laws live on Limekilns Road and will use service if it becomes available

RESOLVED: That Council:

- (a) direct the Director Environmental, Planning & Building Services to approve Development Application No. 2014/0022, 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:
 - (1) The applicant is responsible for:
 - (a) The maintenance and upgrading of infrastructure and maintenance of the site.
 - (b) Notifying Council and the Department of Environment, Climate Change and Water should any emissions other than electromagnetic radiation arise from the installation and operation of the infrastructure and recommend a preferred strategy of amelioration.
 - (c) Removing infrastructure within 3 months of decommissioning;
 - (d) Ensuring each facility has a permanent and legible weatherproof sign that must be visible in the immediate proximity of the facility to identify the name and contact details of the operator and site manager.

- (2) The applicant is to provide Council with the measurement of EME levels at the nearest residence to the proposed site within thirty (30) days of commissioning of the facility and provide the results to Council along with a statement that the EME emission levels from the proposed base station would not differ significantly from that measured, and will at all times comply with the standard specified in the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) 2002, 'Radiation Protection Standard: Maximum Exposure levels to Radiofrequency Fields – 3khz to 300Ghz', Radiation Protection Series No. 3.
- (a) The installation is to comply at all times with the RF emission standards specified in AS/NZS 2778.1.
- (b) Compliance with any requirements of Civil Aviation Safety Authority (CASA).

(b) call a division.

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

The result of the division was:

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

10 Item 5 NAMING OF PUBLIC ROADS – COOPER CRESCENT, RISING LIGHT LANE & DARNEY WAY (20.00024)

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

RESOLVED: That Council:

- (a) adopt the names Cooper Crescent, Rising Light Lane and Darney Way; and
- (b) direct the Director Environmental, Planning & Building Services Department to undertake procedures pursuant to the requirements of the Roads Act 1993, to have the names gazetted, should no objections be received.

11 Item 6 2014 SUSTAINABLE LIVING EXPO (23.00124)

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

RESOLVED: That the information be noted.

12 Item 7 BIZSTART PROGRAM – MICRO BUSINESS OPERATIONS (20.00071)

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

RESOLVED: That Council:

- (a) note the information, and

- (b) continue to partner with the Business Enterprise Centre (BEC) to offer additional certificate programs under BizStart.

13 **Item 8 BUSINESS MANAGEMENT WORKSHOPS (20.00071)**
MOVED Cr G Westman and **SECONDED** Cr I North

RESOLVED: That the information be noted.

14 **Item 9 AGRICULTURE AUDIT (07.00017)**
MOVED Cr G Westman and **SECONDED** Cr M Morse

RESOLVED: That Council:

- (a) note the information, and
- (b) note the Regional Development Australia (RDA) Import/Export Study will be released shortly which will also contain relevant agricultural data.

Director Corporate Services & Finance's Report

15 **Item 1 STATEMENT OF INVESTMENTS (16.00001)**
MOVED Cr M Coote and **SECONDED** Cr G Westman

RESOLVED: That the information be noted.

16 **Item 2 YEAR TO DATE REVIEW - QUARTERLY BUDGET REVIEW STATEMENT 2013-2014 (16.00135)**
MOVED Cr B Bourke and **SECONDED** Cr M Coote

RESOLVED: That the information be noted and any variations to income and expenditure be voted.

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

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

18 **Item 4 POWER OF ATTORNEY (11.00007)**
MOVED Cr W Aubin and **SECONDED** Cr M Morse

RESOLVED: That the information be noted.

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

RESOLVED: That the information be noted.

- 20** **Item 6 REQUEST FOR FINANCIAL ASSISTANCE - WOMEN OF AVIATION WEEK (18.00004)**
MOVED Cr I North and **SECONDED** Cr M Coote

RESOLVED: That Council support the Women With Wings event, as part of the Women of Aviation Week, to be held at Bathurst Aerodrome as follows:

- (a) provision of crowd control fencing (estimated cost \$500).
- (b) provision of groundsman for security (estimated cost \$800).

To be funded from Section 356 Donations.

- 21** **Item 7 APPOINTMENT OF STATE EMERGENCY SERVICE CONTROLLERS - BATHURST UNIT (18.00043)**
MOVED Cr M Coote and **SECONDED** Cr B Bourke

RESOLVED: That Council support the appointment of Mr Gavan Ellis as Volunteer Local Controller and Ms Jessie Davidson as Volunteer Deputy Local Controller for the Bathurst State Emergency Service (SES) Unit effective to 31 July 2014

- 22** **Item 8 AUGUST 2014 POLICY COMMITTEE MEETING (07.00064)**
MOVED Cr W Aubin and **SECONDED** Cr I North

RESOLVED: That Council change the Policy Committee Meeting date from Wednesday 6 August 2014 at 6.00pm, to occur on Tuesday 5 August at 6.00pm.

- 23** **Item 9 SPORTING GRANTS- BATHURST NETBALL ASSOCIATION INC (18.00279)**
MOVED Cr I North and **SECONDED** Cr M Coote

RESOLVED: That Council agree to the Bathurst Netball Association Inc changing their sporting application grant of \$3,000, that allowed for the erection of shade sails over the grandstands, to instead be used for the purchase of four adjustable goalposts and a re-fit of their old toilet block.

Director Engineering Services' Report

- 24** **Item 1 CLASSIFICATION OF LAND, LOTS 1 AND 2 DP914784, AND LOT 1 DP914785, WINBURNDALE DAM (32.00014-02)**
MOVED Cr G Westman and **SECONDED** Cr I North

RESOLVED: That Council approve the classification of Lots 1 and 2 DP914784, and Lot 1 DP914785 being property containing the Winburndale Dam as Operational land, subject to the information contained in the Director Engineering Services' report.

Director Cultural & Community Services' Report

- 25** **Item 1 VACATION CARE PROGRAM, APRIL 2014 (09.00005)**
MOVED Cr M Coote and **SECONDED** Cr G Westman

RESOLVED: That the information be noted.

- 26** **Item 2 2014 CATAPULT FESTIVAL (21.00069)**
MOVED Cr I North and **SECONDED** Cr M Coote

RESOLVED: That the information be noted.

- 27** **Item 3 BATHURST MEMORIAL ENTERTAINMENT CENTRE - PATCH THEATRE
CREATIVE LEARNING PROJECT (21.00069)**
MOVED Cr M Coote and **SECONDED** Cr G Westman

RESOLVED: That the information be noted.

- 28** **Item 4 2014 YOUTH WEEK EVENT - CATAPULT MEETS YOUTH WEEK AT THE
RIVER (23.00047)**
MOVED Cr M Coote and **SECONDED** Cr W Aubin

RESOLVED: That the information be noted.

- 29** **Item 5 KELSO COMMUNITY CENTRE - APRIL SCHOOL HOLIDAY ACTIVITIES
(09.00026)**
MOVED Cr I North and **SECONDED** Cr M Coote

RESOLVED: That the information be noted.

- 30** **Item 6 KELSO COMMUNITY CENTRE - TUESDAY GROUP (09.00026)**
MOVED Cr M Morse and **SECONDED** Cr W Aubin

RESOLVED: That the information be noted.

REPORTS OF OTHER COMMITTEES

Policy Committee Meeting

- 31** **Item 1 MINUTES - POLICY COMMITTEE MEETING - 7 MAY 2014 (07.00064)**
MOVED Cr W Aubin and **SECONDED** Cr M Coote

RESOLVED: That the recommendations of the Policy Committee Meeting held on 7 May 2014 be adopted.

Traffic Committee Meeting

- 32** **Item 1 MINUTES - TRAFFIC COMMITTEE MEETING - 6 MAY 2014 (07.00006)**
MOVED Cr W Aubin and **SECONDED** Cr G Hanger

RESOLVED: That the recommendations of the Traffic Committee Meeting held on 6 May 2014 be adopted.

DELEGATES REPORTS

- 33** **Item 1 COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 9 APRIL 2014 (11.00019)**
MOVED Cr M Coote and SECONDED Cr G Westman

RESOLVED: That the information be noted.

- 34** **Item 2 2015 BICENTENARY CELEBRATIONS COMMITTEE MEETING - 6 MAY 2014 (20.00153)**
MOVED Cr M Morse and SECONDED Cr I North

RESOLVED: That:

- (a) the recommendations of the 2015 Bicentenary Celebrations Committee held on 6 May 2014 be adopted.
- (b) the Charter of the 2015 Bicentenary Celebrations Committee be changed to:
- receive and deal with endorsement applications
 - receive operations reports
 - provide a mechanism for community engagement
 - raise general business items

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

- 35** **RESOLVE INTO CONFIDENTIAL COMMITTEE OF THE WHOLE TO DEAL WITH CONFIDENTIAL REPORTS**
MOVED Cr I North and SECONDED Cr M Coote

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

The following representation was made.

M Nicholls, Western Advocate - queried why Item #2 of the Director Corporate Services & Finance Report was in Confidential.

The General Manager advised involves contractual matters and noted any changes to fees and charges will be shown in the publicly exhibited Revenue Policy.

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 SALE OF LOT 705 DP1103109 IRVING PLACE, 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.
2	BATHURST CEMETERY FEES - NORWOOD PARK	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
3	PROPOSED NEW TELECOMMUNICATION LEASE AGREEMENT - PART LOT 5 DP DP792990 LOCATED ON WINDEMERE ROAD WATER RESERVOIR ROBIN HILL	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public

	interest as it would prejudice the commercial position of the person who supplied it.
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*** DIRECTOR ENGINEERING SERVICES' REPORT**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	VARIATION TO CURRENT RECYCLING CONTRACT	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
2	WINBURNDALE DAM - FLOOD SECURITY UPGRADE – DETAILED DESIGN	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
3	TENDER FOR PREFERRED CONTRACTOR'S LIST	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
4	TENDER FOR PROVISION OF	10A (2) (d) (i) – contains commercial information of a

SECURITY TO COUNCIL BUILDINGS	confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
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Director Corporate Services & Finance's Report

- a** Item 1 PROPOSED SALE OF LOT 705 DP1103109 IRVING PLACE, BATHURST TRADE CENTRE (22.13931)
MOVED Cr M Coote and SECONDED Cr M Morse

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

Reason: Employee of firm seeking to purchase the land.

That Council approves the sale of Lot 705 DP1103109 known as 16 Irving Place Bathurst Trade Centre to Tru Flo Industrial Pty Ltd atf JAMB Property Unit Trust in accordance with the report.

- b** Item 2 BATHURST CEMETERY FEES - NORWOOD PARK (36.00246-02)
MOVED Cr M Coote and SECONDED Cr G Hanger

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

- c** Item 3 PROPOSED NEW TELECOMMUNICATION LEASE AGREEMENT - PART LOT 5 DP DP792990 LOCATED ON WINDEMERE ROAD WATER RESERVOIR ROBIN HILL (32.00001)
MOVED Cr M Morse and SECONDED Cr I North

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

Reason: Employee of firm seeking to lease the property.

That Council approves entering into a new telecommunication lease agreement for part Lot 5 DP792990 known as Water Reservoir No. 14 located on Windemere Road Robin Hill with Tru-Flo Pumping Services Pty Ltd as detailed in the report.

Director Engineering Services' Report

- d** Item 1 VARIATION TO CURRENT RECYCLING CONTRACT (36.00276)

MOVED Cr M Coote

and **SECONDED** Cr G Westman

That Council

- (a) determine that in the case of the Recycling Contract, a satisfactory result would not be achieved by inviting tenders due to the relatively short period involved, the number and scale of risks involved in tendering for such a short period, and the knowledge that there is already an open tender out for the subsequent ten year period, and
- (b) approve a variation by extension of the existing recycling contract with JR Richards & Sons from 1 October 2015 to 3 April 2016.

e **Item 2 WINBURNDALE DAM - FLOOD SECURITY UPGRADE – DETAILED DESIGN (32.00019)**

MOVED Cr I North

and **SECONDED** Cr M Morse

That Council:

- (a) approve the allocation of \$400,000 from water reserve funds for the production of a detailed design and tender documents for the safety upgrade to Winburndale Dam as detailed in the report.
- (b) approve the appointment of NSW Dams and Civil to carry out the detailed design, prepare contract documents and drawings

f **Item 3 TENDER FOR PREFERRED CONTRACTORS LIST (36.00516)**

MOVED Cr B Bourke

and **SECONDED** Cr W Aubin

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

g **Item 4 TENDER FOR PROVISION OF SECURITY TO COUNCIL BUILDINGS (36.00512)**

MOVED Cr M Coote

and **SECONDED** Cr G Hanger

That Council accept the tender from Smith & Co Security Pty Ltd for the provision of security for Council buildings under Contract No. 36.00512 for the Tender Amount of \$279,448.20 plus adjustments and provisional items.

RESOLVE INTO OPEN COUNCIL

36 **RESOLVE INTO OPEN COUNCIL**

MOVED Cr M Coote

and **SECONDED** Cr I North

RESOLVED: That Council resume Open Council.

MINUTE

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

RESOLVED: That the Declaration of Interest be noted.

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

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

18 JUNE 2014

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

Recommendation: That the information be noted.

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

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

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

MOVED: Cr I North SECONDED: Cr M Coote

RESOLVED: That the information be noted.

2 GENERAL REPORT (03.00053)

Recommendation: That the information be noted.

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

- (a) Applications determined using authority delegated to the Director Environmental Planning & Building Services during May 2014 (**attachment 1**).
- (b) Applications refused during May 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 May 2014 (**attachment 5**).
- (f) No political disclosure statements have been received in relation to any "planning applications" being considered at this meeting.

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

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

RESOLVED: That the information be noted.

3 DEVELOPMENT APPLICATION NO. 2014/0042 – USE OF EXISTING SWIMMING POOL, RETAINING WALLS, INTERNAL POOL SAFETY FENCE AND PAVING, DEMOLITION OF AN EXISTING MASONRY POOL FENCE, PUMP SHED AND PRIVACY SCREEN/FENCE AND CONTRUCTION OF A NEW POOL FENCE AND BOUNDARY FENCE AT 9 MCKELL STREET, WEST BATHURST. APPLICANT AND OWNER – G & K LYNCH (2014/0042)

Recommendation: That Council:

- (a) as the consent authority, grant consent pursuant to section 80 of the EP& A Act for use of the existing swimming pool, concrete block retaining walls and internal swimming pool safety fencing, demolition of the existing 1800 mm high brick pool fence, the colorbond privacy screen and the brick and metal pool pump and filter shed, and construction of new fences and pool pump and filter shed subject to the conditions as follows:

DESIGN CHANGES PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

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

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

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

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

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

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

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

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

PRIOR TO ANY WORK ON SITE

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

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

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

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

DURING CONSTRUCTION

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

REASON: Because it is in the public interest that a copy of the construction certificate plans are available. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

5. **The development is to be carried out in accordance with the plans prepared by Anthony Daintith Town Planning (Reference No 2014-047DA**

Sheets 1-9 dated 11 April 2014) except where modified by the conditions imposed upon this consent.

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

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

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

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

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

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

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

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

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

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

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

10. **If the work involved in the erection or demolition of a building:**
- a) **is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or**
 - b) **building involves the enclosure of a public place,**

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

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

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

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

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

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

- a) **be executed safely and in accordance with appropriate professional standards, and**
- b) **be properly guarded and protected to prevent them from being dangerous to life or property.**

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

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

Storm water disposal drains shall be connected to all roof gutter down pipes within 14 days of installation of the down pipes and/or the construction of hard standing areas, as may be appropriate, to discharge roofwater to the approved method of disposal.

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

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

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

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

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

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

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

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

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

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

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

PRIOR TO OCCUPATION CERTIFICATE

16. **The applicant is to obtain an Occupation Certificate pursuant to Section 109C of the Environmental Planning and Assessment Act 1979, from either**

Council or an accredited certifying authority prior to any use of the swimming pool.

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

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

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

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

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

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

NOTE 1: An application form has been attached.

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

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

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

USE OF THE SITE

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

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

21. **The proposed filter and pump are not to increase ambient noise level by**

5dBa measured at property boundary.

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

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

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

PRESCRIBED CONDITIONS

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

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

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

24. **Building work (within the meaning of the Home Building Act 1989) must not be carried out unless the principal certifying authority for the development:**
- a) **in the case of work done by a licensee under the Act:**
 - i) **has been informed in writing of the licensee's name and contractor license number, and**
 - ii) **is satisfied that the licensee has complied with the requirements of Part 6 of that Act, OR**
 - b) **in the case of work to be done by any other person:**
 - i) **has been informed in writing of the person's name and owner-builder permit number, or**
 - ii) **has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder**

work in section 29 of the Act,

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

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

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

25. **A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:**
- a) **stating that unauthorised entry to the site is prohibited, and**
 - b) **showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside work hours.**

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

NOTE 1: This condition does not apply to:

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

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

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

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

27. **If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the person having the benefit of the development consent must, at the person's own expense:**

- a) **protect and support the building, structure or work from possible damage from the excavation; and**
- b) **where necessary, underpin the building, structure or work to prevent any such damage.**

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

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

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

Report: Council has received a Development Application for the property at 9 McKell Street, West Bathurst.

The proposal

The Development Application relates to:

- The use of the existing inground swimming pool, retaining walls, internal pool safety fence and paving
- The demolition of the existing masonry pool fence and pump shed and privacy screen/fence
- The construction of a new 1.8 metre high pool fence, pump shed and boundary fence.

The proposed fencing is proposed to be “pale eucalypt” facing 11 McKell and “woodland grey” facing 9 McKell.

The development involves the extension of the existing retaining wall between 9 and 11 McKell Street by approximately 5.9 metres towards the rear of the property. At this point the retaining wall turns back towards 7 McKell Street creating an elevated level within 9 McKell Street. The new retaining wall (where it adjoins 11 McKell) will range in height from 1.4 metres through to 2.1 metres above 11 McKell Street.

Within this elevated area the inground swimming pool has been constructed.

Surrounding the swimming pool is proposed a new 1.8 metre high colorbond fence on the common boundary between 9 and 11 McKell Street and a 1.2 metre high metal fence forming the internal barrier. The 1.8 metre fence will commence generally at the front building line of the two properties and extend along the retaining wall for its full length. The top of the fence at its highest point will be approximately 3.9 metres (709.60 – 705.70) above 11 McKell Street.

The area surrounding the pool has been paved.

Located near the boundary with 11 McKell Street is the swimming pool pump. The pump is

proposed to be enclosed with a new colorbond shelter.

The Development Application has been supported by plans (**attachment 2**) and an accompanying Statement of Environmental Effects (**attachment 3**).

It is noted that during the assessment process amended plans were received. The changes related to the external elevation to 11 McKell Street. The plans, as originally submitted, indicated that the newly constructed brick wall and the new replacement colorbond fence were to commence at the southern side of the pool pump where in fact the pool pump is located on top of the pre-existing retaining wall. The recently constructed retaining wall and fence is therefore not as long as originally indicated. It is this amended plan that forms the basis for the assessment.

For the purposes of this Development Application it is the totality of the development (both existing and proposed) that must be assessed.

Notification of Development Application

The Development Application and accompanying documents were notified to the four adjoining properties for a period of ten days in accordance with Chapter 2 of Bathurst Regional (Interim) DCP 2011.

In response to the notification, Council received one submission from the owner of 11 McKell Street. Issues raised in this submission were as follows:

- Visual appearance of the proposed retaining wall and pool safety fence.
- Noise associated with the pool pump.
- Impact upon structural adequacy and drainage for the existing brick retaining wall.
- Compliance with the Australian Standard for pool fencing.
- Adequacy of the Statement of Environmental Effects.
- Inaccuracies within the submitted plans.
- Damage to existing fences on the land.
- Not significantly different to the proposal considered by the Court.

A copy of the submission is provided at **attachment 4**.

It is further noted that the applicants provided a written response to the submission. Issues noted in the response were as follows:

- The materials chosen are consistent with those currently used on the boundary.
- The owners of 9 McKell are open to alternate solutions to the materials to be used and to assist with additional landscaping.
- Options for increased setbacks are not feasible. Other options are constrained by the swimming pool safety standards.
- The pool pump will be housed in a shelter.
- Fencing between the 2 dwellings is required to provide an acceptable level of privacy.
- Issues associated with drainage and dampness within the existing brick wall have previously been investigated and remedied following professional advice.

A copy of the following documentation submitted by the applicant is provided at **attachment 5**:

- Reply to submission.
- Various photographs of the existing deck at 11 McKell, the side wall between the 2 properties and surface water at 9 McKell.

- Letter from Manning to Lynch dated 23 October 2012.
- Engineers report into the retaining wall dated 25 October 2012.
- Engineers report into the retaining wall dated 8 February 2013.
- Letter from previous owners of 11 McKell regarding the condition of the existing retaining wall.

Following closure of the notification period Council received a second submission from the owner of 11 McKell Street (**attachment 6**). Issues raised include:

- Drainage issues have not been addressed and are ongoing.
- The pool pump was not part of the first Development Application.

In response to the second submission the applicants provided further clarification by way of submission (**attachment 7**). Issues raised include:

- Photos taken of crumbling bricks were taken on 29 January 2012 (10 days after the pool was installed).
- The crack within the existing wall was in existence prior to the pool being installed.
- The retaining wall has been assessed by a structural engineer and found to be structurally sound.
- Issues associated with dampness in the wall predate the construction of the swimming pool.

The Development Application was the subject of a Council Discussion Forum held on 2 April 2014.

It is noted that the report prepared by Lindsay Fletcher includes commentary upon the issues raised in the submissions received.

Assessment Process

As part of the process Council engaged Lindsay Fletcher, Consultant Town Planner, to undertake an independent assessment of the Development Application as lodged.

Mr Fletcher has been provided copies of the Development Application, all submissions received, has undertaken a site inspection of both 9 & 11 McKell in the company of the respective owners and attended the Council discussion forum held on 2 April 2014.

Mr Fletcher's original assessment noted that the development as a whole warranted approval although the proposed boundary treatment required further consideration on behalf of the applicant.

Mr Fletcher requested that the applicant give consideration to different options for the boundary treatment including the construction of a new 1.8 metre boundary fence at ground level with a new 1.2 metre fence on top of the retaining wall or a higher fence of "more attractive and interesting materials for that section on top of the concrete block retaining wall". Mr Fletcher suggested that the neighbours should confer upon this alternate higher fence.

Following consideration of these options it was determined that the former option (new 1.8m fence at ground level and new 1.2 m fence on top of the retaining wall) would NOT comply with *AS1926.1 – 2012 Swimming Pool Safety – Safety Barriers for Swimming Pools*. Accordingly it has been discarded.

In response to a request from Mr Fletcher the applicants put forward two alternative

solutions for consideration (**attachment 8**).

The first option was the retention of the 1.8 m colorbond fence on top of the retaining wall with the addition of lattice to the 11 McKell St side. In addition star jasmine would be planted to climb over the lattice.

The second option was the installation of a 1.8m open fence on top of the retaining wall in the same style as the existing internal pool barrier.

Both these options were put to the owner of 11 McKell by Mr Fletcher.

The owner of 11 McKell has not provided any response to these alternative boundary treatments.

Assessment

A copy of Mr Fletcher's report is attached (**attachment 9**) and will not be repeated here.

It is worth, however, making note of the following points made by Mr Fletcher:

- In light of the findings of the Land and Environment Court, demolition of the existing pool and retaining walls is not considered to be a realistic or feasible option.
- It is clear that the expectation of the Court was that any future proposal would significantly ameliorate the impacts and create a better relationship and appearance than the current circumstances.
- The current proposal fails to achieve any significant improvement in the external design and appearance of the development and therefore its visual impact on the neighbouring property.
- It is the height and appearance of the wall on the western edge of the pool above the concrete block retaining wall that has the most significant visual impact when viewed from the neighbouring property.
- No purpose would be served by setting any fence, balustrade or wall back from the boundary as this would simply create an inaccessible space that would be problematic to maintain and, without maintenance, would be of little if any aesthetic benefit.
- Greater benefit can be achieved by use of design and materials that either provide some transparency or significantly enhanced appearance.
- Whilst there has been consideration given to alternate proposals on behalf of the applicant and the owner of 11 McKell there has been no agreement to any alternative treatment.
- Notwithstanding the absence of any agreement there are measures that can be taken to reduce the impact of the excessive height and improve the appearance of the proposed treatment of the fence above the concrete block retaining wall and to improve the appearance.
- In the absence of any agreement between owners the appropriate course is to recommend approval subject to conditions that require design modifications including painting of the retaining wall and exposed concrete slab above the boundary fence and the provision of a 1.8 m high pool safety fence of the same design as the existing internal pool fence.
- An adverse consequence of this alternate is that it will provide very little aural or visual privacy for people using the pool, and for the occupants of 11 McKell Street however, in the absence of any agreement otherwise, it represents the best balance in the circumstances.
- The impact of the proposed development on solar access to the neighbouring properties is considered to be acceptable.
- The development will not have any significant impact on views from the neighbouring

properties.

- There is already overlooking of neighbouring properties from the elevated rear levels of each dwelling house.

In light of the above findings Mr Fletcher has recommended approval of the Development Application subject to conditions which are provided at **attachment 1**. It is noted that these conditions include:

1. *The following design changes are to be incorporated into the architectural plans for the project prior to the issue of a Construction Certificate:*
 - a) *The concrete block work and exposed concrete slab of the swimming pool retaining wall height is to be painted 'Pale Eucalypt' to a level at least 150mm below the level of the top of the boundary fence.*
 - b) *Deletion of the proposed 1.8m high colorbond fence above the concrete block swimming pool retaining wall and provision in lieu thereof of a 1.8m swimming pool safety fence adjacent to the western property boundary, to match the colour and design of the current safety fence around the swimming pool.*
 - c) *The pool pump and filter shed to be a separate structure from the boundary fence and the height of the pool pump and filter shed to be not higher than the adjacent fence. The shed is to be acoustically treated to ensure compliance with Condition 21 and the Protection of the Environment Operations (Noise Control) Regulation 2000.*
2. *An Engineers Certificate is to be obtained confirming that all recommendations contained in the letter of Calare Civil Pty Ltd - Consulting Engineers dated 25 October 2012 has been implemented.*
3. *The applicant is to obtain a Building Certificate from Council pursuant to Section 149A of the Environmental Planning and Assessment Act 1979, as amended in relation to the existing swimming pool, retaining wall, internal pool safety fence and paving.*

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

NOTE 1: An application form has been attached.

4. *The applicant is to provide a report from an appropriately qualified acoustic engineer verifying that the pool filter and pump shed has been constructed to satisfy the requirements of Conditions 1(c), 21 and 22 of this consent.*
5. *The proposed filter and pump are not to increase ambient noise level by 5dBa measured at property boundary.*
6. *The proposed filter and pump are to be operated in accordance with the Protection of the Environment Operations (Noise Control) Regulation 2000 which restricts the times of operation. Restrictions apply between 8.00 pm and 7.00 am on weekdays and Saturdays, and 8.00 pm to 8.00 am on Sundays and public holidays.*

Building Certificate

The owners have concurrently lodged an application for a Building Certificate pursuant to

Section 149D of the Environmental Planning and Assessment Act.

The Building Certificate relates to the existing swimming pool, retaining wall, internal safety fence and paving only. That is the Certificate only relates to those parts of the development approved by Council under the first Development Application and not subject to the Orders of the Court to demolish.

The requirement for the Building Certificate stems from the fact that as it stands the swimming pool, retaining wall, internal safety fence and paving have no valid consent.

The approach taken in dealing with situations where a building has been erected without consent is to seek to "regularise" the use via a Development Application for the prospective or ongoing use of the development and to consider a Building Certificate to deal with any building related matters.

Council's obligations to issue a Building Certificate (Section 149D) are as follows:

- (1) *The council must issue a building certificate if it appears that:*
 - (a) *there is no matter discernible by the exercise of reasonable care and skill that would entitle the council, under this Act or the Local Government Act 1993 :*
 - (i) *to order the building to be demolished, altered, added to or rebuilt, or*
 - (ii) *to take proceedings for an order or injunction requiring the building to be demolished, altered, added to or rebuilt, or*
 - (iii) *to take proceedings in relation to any encroachment by the building onto land vested in or under the control of the council, or*
 - (b) *there is such a matter but, in the circumstances, the council does not propose to make any such order or take any such proceedings.*
- (2) *If the council refuses to issue a building certificate, it must inform the applicant, by notice, of its decision and of the reasons for it.*
- (3) *The reasons must be sufficiently detailed to inform the applicant of the work that needs to be done to enable the council to issue a building certificate.*
- (4) *The council must not refuse to issue or delay the issue of a building certificate by virtue of the existence of a matter that would not entitle the council to make any order or take any proceedings of the kind referred to in subsection (1) (a).*
- (5) *Nothing in this section prevents the council from informing the applicant of the work that would need to be done before the council could issue a building certificate or from deferring its determination of the application until the applicant has had an opportunity to do that work.*

The Building Certificate in itself is not a merit assessment of the development but rather involves consideration as to whether there are any circumstances that would warrant Council requiring the building be demolished, altered, added to or rebuilt. By virtue of Section 149D(4) a Building Certificate must not be delayed or refused where those circumstances do not exist.

The effect of the Building Certificate (Section 149E) is as follows:

- (1) *A building certificate operates to prevent the council :*

- (a) *from making an order (or taking proceedings for the making of an order or injunction) under this Act or the Local Government Act 1993 requiring the building to be repaired, demolished, altered, added to or rebuilt, and*
- (b) *from taking proceedings in relation to any encroachment by the building onto land vested in or under the control of the council ,*

in relation to matters existing or occurring before the date of issue of the certificate.

- (2) *A building certificate operates to prevent the council , for a period of 7 years from the date of issue of the certificate:*

- (a) *from making an order (or taking proceedings for the making of an order or injunction) under this Act or the Local Government Act 1993 requiring the building to be repaired, demolished, altered, added to or rebuilt, and*
- (b) *from taking proceedings in relation to any encroachment by the building onto land vested in or under the control of the council ,*

in relation to matters arising only from the deterioration of the building as a result solely of fair wear and tear.

- (3) *However, a building certificate does not operate to prevent a council :*

- (a) *from making order No 6 in the Table to section 121B, or*
- (b) *from taking proceedings against any person under section 125 with respect to that person 's failure:*
 - (i) *to obtain a development consent with respect to the erection or use of the building , or*
 - (ii) *to comply with the conditions of a development consent .*

- (4) *An order or proceeding that is made or taken in contravention of this section is of no effect.*

The retaining wall, swimming pool and internal pool safety fencing (as originally approved by Council) were the subject of a Construction Certificate issued by private certifiers BBAC certifiers. The Construction Certificate issued at the time certifies that the works as proposed complied with the Building Code of Australia.

During the construction period BBAC undertook "critical stage" inspections at the commencement, pool steel, temporary pool fencing and at the completion of works. This resulted in BBAC issuing a final occupation certificate for the works on 18 August 2013.

Council has also received a copy of further correspondence from Calare Civil dated 27 November 2013 which notes that the newly constructed retaining wall has been inspected and appeared to be in a "sound condition" and concludes that the wall is "structurally adequate".

There is no evidence to suggest that there are any circumstances that would warrant Council requiring the retaining wall, swimming pool and internal pool safety fence as they currently stand to be repaired, demolished, altered, added to or rebuilt.

Likewise the retaining wall, swimming pool and internal pool safety fence does not encroach upon any land vested in or under the control of Council.

Whilst there are elements of the swimming pool safety fence that are yet to be completed

there is (subject to satisfactory completion of those works) ultimately no impediment to the granting of the Building Certificate.

It is therefore proposed that at the satisfactory completion of the remainder of the swimming pool safety barrier that the Building Certificate will be issued.

Conclusion

The Development Application has been independently assessed by a planning consultant with considerable experience and has been recommended for conditional approval. It is noted that the conditions to be imposed deal with the visual appearance of the retaining wall and pool safety fence and from noise from the pool filter.

Subject to the proposed design amendments the Development Application warrants approval.

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

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.2

MINUTE

8 Item 3 DEVELOPMENT APPLICATION NO. 2014/0042 – USE OF EXISTING SWIMMING POOL, RETAINING WALLS, INTERNAL POOL SAFETY FENCE AND PAVING, DEMOLITION OF AN EXISTING MASONRY POOL FENCE, PUMP SHED AND PRIVACY SCREEN/FENCE AND CONSTRUCTION OF A NEW POOL FENCE AND BOUNDARY FENCE AT 9 MCKELL STREET, WEST BATHURST. APPLICANT AND OWNER – G & K LYNCH (2014/0042)

MOVED: Cr I North SECONDED: Cr M Coote

RESOLVED: That Council:

- (a) as the consent authority, grant consent pursuant to section 80 of the EP& A Act for use of the existing swimming pool, concrete block retaining walls and internal swimming pool safety fencing, demolition of the existing 1800 mm high brick pool fence, the colorbond privacy screen and the brick and metal pool pump and filter shed, and construction of new fences and pool pump and filter shed subject to the conditions as follows:

DESIGN CHANGES PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

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

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

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

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

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

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

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

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

PRIOR TO ANY WORK ON SITE

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

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

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

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

DURING CONSTRUCTION

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

REASON: Because it is in the public interest that a copy of the construction certificate plans are available. Section 79C(1)(e) of the Environmental Planning

and Assessment Act 1979, as amended.

5. **The development is to be carried out in accordance with the plans prepared by Anthony Daintith Town Planning (Reference No 2014-047DA Sheets 1-9 dated 11 April 2014) except where modified by the conditions imposed upon this consent.**

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

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

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

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

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

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

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

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

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

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

REASON: Because it is in the public interest that all building elements are able

to withstand the combination of loads and other actions to which it may be subjected. Section 79C(1)(b) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

10. **If the work involved in the erection or demolition of a building:**
- a) **is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or**
 - b) **building involves the enclosure of a public place,**
- a hoarding or fence must be erected between the work and the public place.**

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

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

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

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

11. **All excavation and backfilling associated with the erection/demolition of the building must:**
- a) **be executed safely and in accordance with appropriate professional standards, and**
 - b) **be properly guarded and protected to prevent them from being dangerous to life or property.**

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

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

Storm water disposal drains shall be connected to all roof gutter down pipes within 14 days of installation of the down pipes and/or the construction of hard standing areas, as may be appropriate, to discharge roofwater to the approved method of disposal.

Where kerb and gutter is constructed, an approved PVC or galvanised steel

kerb adaptor (either roll over kerb adaptor or upright kerb adaptor) shall be installed in the kerb.

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

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

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

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

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

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

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

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

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

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

PRIOR TO OCCUPATION CERTIFICATE

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

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

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

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

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

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

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

NOTE 1: An application form has been attached.

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

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

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

USE OF THE SITE

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

REASON: To ensure that all swimming pool backwash and water discharged is

dealt with in an appropriate fashion. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

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

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

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

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

PRESCRIBED CONDITIONS

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

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

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

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

a) in the case of work done by a licensee under the Act:

i) has been informed in writing of the licensee's name and contractor license number, and

ii) is satisfied that the licensee has complied with the requirements of Part 6 of that Act, OR

b) in the case of work to be done by any other person:

i) has been informed in writing of the person's name and owner-builder permit number, or

- ii) **has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in section 29 of the Act,**

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

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

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

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

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

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

NOTE 1: This condition does not apply to:

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

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

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

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

27. **If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any**

structure or work within a road or rail corridor) on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

- a) protect and support the building, structure or work from possible damage from the excavation; and**
- b) where necessary, underpin the building, structure or work to prevent any such damage.**

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

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

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

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

The result of the division was:

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

Against the motion - Nil

Absent - Cr J Jennings,

Abstain - Nil

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

Recommendation: That Council:

- (a) support the variation to the 1(e) Outer Rural 100 hectare minimum lot size as prescribed in Clause 27 (1) of *Bathurst Regional (Interim) Local Environmental Plan 2005* for proposed Lot 1;
- (b) support the variation to the 1(e) Outer Rural 100 hectare minimum lot size as prescribed in Clause 28 (1) of *Bathurst Regional (Interim) Local Environmental Plan 2005* for proposed Lot 1;
- (c) grant consent pursuant to section 80 of the Environmental Planning and Assessment Act to Development Application No. 2014/0178, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979; and
- (d) call a division.

Report: The Site

Council has received a Development Application (DA) for a two lot rural subdivision (boundary adjustment and consolidation) at Lots 1 DP 1054881, Lots 11, 19, 20, 23, 22 DP 239011, Lots 82 & 83 DP: 755805 and lots 1 & 7 DP 1193081 known as 8 Molybdonite Road, Yetholme.

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

The current areas for each allotment are as follows:

Lot	DP	Area
82	755805	17.8 ha
83	755805	16.99 ha
19	239011	189.6 m ²
20	239011	2618 m ²
22	239011	8170 m ²
23	239011	1638 m ²
30	239011	31.6 ha
31	239011	1.45 ha
11	239011	21.79 ha (contains existing dwelling)
1	1054881	20.14 ha (contains existing dwelling)
1	1193081	15.56 ha
7	1193081	16.57 ha

The proposal

The proposal is for the consolidation and boundary adjustment of the existing lots to create

two allotments. Proposed lot 1 will be 1.165ha in area and will contain an existing dwelling and associated outbuildings. Proposed Lot 2 will contain the residual area of 106.47 ha. This lot will also contain an existing dwelling and associated rural outbuildings. The plan of proposed subdivision is at **attachment 2**.

The existing dwellings and outbuildings on each proposed lot will be wholly contained within the proposed boundaries.

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 1 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 1.165 hectares.

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

1. No new lots or dwelling entitlements are created;
2. Both dwellings are already on allotments below the 100ha minimum.
3. The proposal will result in proposed lot 2 exceeding the 100ha minimum
4. 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 1, with an area of 1.165 hectares will contain an existing dwelling and proposed Lot 2 with an area of 106.47 hectares will also 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 (DA) for a two lot rural subdivision (boundary adjustment and consolidation) at 8 Molybdonite, Road, Yetholme the proposal does not create any new dwelling entitlements as each of the proposed lots will contain existing dwellings. Further the proposal 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

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

RESOLVED: That Council:

- (a) support the variation to the 1(e) Outer Rural 100 hectare minimum lot size as prescribed in Clause 27 (1) of *Bathurst Regional (Interim) Local Environmental Plan 2005* for proposed Lot 1;
- (b) support the variation to the 1(e) Outer Rural 100 hectare minimum lot size as prescribed in Clause 28 (1) of *Bathurst Regional (Interim) Local Environmental Plan 2005* for proposed Lot 1;
- (c) grant consent pursuant to section 80 of the Environmental Planning and Assessment Act to Development Application No. 2014/0178, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979; and
- (d) call a division.

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

The result of the division was:

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

Against the motion - Nil

Absent - Cr J Jennings,

Abstain - Nil

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

Recommendation: That Council:

- (a) support the variation to the 1(a) Inner Rural 200 hectare minimum lot size as prescribed in the Clause 27 (1) of *Bathurst Regional (Interim) Local Environmental Plan 2005* for proposed Lot 82 and lot 81;
- (b) support the variation to the 1(a) Inner Rural 200 hectare minimum lot size as prescribed in the Clause 28 (1) of *Bathurst Regional (Interim) Local Environmental Plan 2005* for proposed Lot 82 and lot 81;
- (c) grant consent pursuant to section 80 of the EP&A Act to Development Application No. 2014/0207, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979; and
- (d) call a division.

Report: The Site

Council has received a Development Application (DA) for a two lot rural subdivision (boundary adjustment) at 35 Rayburn Drive, Kelso (Lot 8, DP 243814) and 6 Rayburn Drive, Kelso (Lot 6, DP 243814). A location plan is provided at **attachment 1**.

35 Rayburn Drive is 4.047 ha and currently contains a dwelling.

6 Rayburn Drive is 4.07 ha and currently contains a dwelling.

The proposal

The proposal is for the resubdivision of the two existing lots to increase the area of 35 Rayburn Drive to 7.181 ha and reduce the area of 6 Rayburn Drive accordingly. A plan of proposed subdivision is at **attachment 2**.

The proposal will result in:

- Lot 8 (35 Rayburn Drive) will increase in size to 7.181 ha
- Lot 6 (6 Rayburn Drive) will decrease in size to 9325m²

Both lots will continue to contain existing separate dwellings.

Planning Context

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

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

Both the proposed Lots 81 and 82 are therefore below the minimum areas specified by

Clause 27 and 28 of the Bathurst Regional (Interim) Local Environmental Plan 2005, in that they will have areas of 7.181 hectares and 9325 metres squared respectively.

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

1. Both lot are already well below the minimum lot size of 200 hectares;
2. The proposed lot sizes are consistent with the surrounding pattern of subdivision;
3. No new lots are created;
4. No new dwelling entitlements are being created; and
5. The agricultural use of the lots will not be compromised.

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

Concurrence

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

Need for Council Concurrence

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

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

Conclusion

Council has received a Development Application (DA) for a two lot rural subdivision (boundary adjustment) at 35 Rayburn Drive, Kelso and 6 Rayburn Drive, Kelso. The resubdivision of the two existing lots will not create any new dwelling entitlements nor compromise the agricultural potential of the land. Accordingly the SEPP 1 Objection is supportable.

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

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

MOVED: Cr B Bourke SECONDED: Cr M Coote

RESOLVED: That Council:

- (a) support the variation to the 1(a) Inner Rural 200 hectare minimum lot size as prescribed in the Clause 27 (1) of *Bathurst Regional (Interim) Local Environmental Plan 2005* for proposed Lot 82 and lot 81;
- (b) support the variation to the 1(a) Inner Rural 200 hectare minimum lot size as prescribed in the Clause 28 (1) of *Bathurst Regional (Interim) Local Environmental Plan 2005* for proposed Lot 82 and lot 81;
- (c) grant consent pursuant to section 80 of the EP&A Act to Development Application No. 2014/0207, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979; and
- (d) call a division.

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

The result of the division was:

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

Against the motion - Nil

Absent - Cr J Jennings,

Abstain - Nil

6 MARKET GARDENS FOR THE BATHURST REGION (04.00034)

Recommendation: That the information be noted.

Report: Within the Bathurst Region there is approximately 2716 hectares of land which is zoned Market Garden (to be known as RU4 Primary Production Small Lots under the draft LEP 2014) (see map at **attachment 1**). This land is primarily located on the floodplain of the Macquarie River from White Rock to Rankens Bridge at Eglinton. The Market Garden zone also takes land within the reaches of Queen Charlottes Vale Creek along Vale Road. The Market Garden Zone contains all of the Class 1 Agricultural Land which is described as “*arable land, with very good capability for agricultural uses such as intensive horticulture and cropping; there are only minor constraints to sustained high levels of production.*” The Class 1 Agricultural Land is the most suitable to maintain a high level of production.

Intensive (plant) agriculture is permissible without the need for development consent within the Market Garden zone. Market gardening activities can also be carried out in a number of other zones such as 1(a) Inner Rural, 1(c) Rural Residential, 1(e) Outer Rural and 2(a) Residential, although development consent is required. A number of market gardening activities are occurring on land other than that so zoned, such as at The Lagoon and on Ophir Road.

The Bathurst Region Rural Strategy 2008 seeks to protect the existing market garden land and made the following recommendations:

- a) Adopt a minimum lot size of 40 hectares for the Market Garden zoned land; and
- b) Do not permit new rural lifestyle living subdivision on highly valued agricultural lands (land suitability class 1 or land capability class 1 or 2). Do not generally permit rural lifestyle living subdivision of lands with a land suitability class 2 or land capability class 3 unless there are extenuating circumstances to support such a proposal.
- c) Adopt a flexible approach to land use permissibility in the rural zones under the comprehensive LEP provided the zone objectives protect agricultural values from competing and conflicting land uses and appropriate setback standards are incorporated in the comprehensive DCP.

The draft LEP 2014 proposed a 40 hectare minimum lot size of the RU4 Primary Production Small Lots zone and includes flexible uses for the rural zones.

Conclusion

Council understands the importance of having land appropriately zoned for market garden purposes and aims to protect land already zoned from inappropriate development. It is important to remember that there are a number of other zones where market gardening activities can occur.

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 2: To encourage the dynamic and innovative development and growth of the region’s primary resources. Strategy 2.1
- 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

MINUTE

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

RESOLVED: That the information be noted.

7 MULTI LEVEL CARPARKING (04.00008 & 20.0090)

Recommendation: That the information be noted.

Report: Bathurst CBD Car Parking Strategy 2013

Council at its Ordinary Meeting held 15 May 2013 adopted the Bathurst CBD Car Parking Strategy 2013. The Strategy was prepared to examine the current supply of, and future demand for, car parking in the Bathurst Central Business District (CBD). The Strategy took into consideration surveys of the nine primary off-street public car parks, the on-street carparking including the time restriction designation, the Bathurst CBD & Bulky Goods Business Development Strategy 2011, and the previous CBD car parking strategies.

Some of the key findings of the Strategy include:

- On average 35% (654 spaces) of the off-street car parking spaces are **vacant**.
- On average 49% (1099 spaces) of the on-street car parking spaces are **vacant**.
- The DCP rate of provision for supermarkets, office space and retail floor space is consistent with the current demand rate but will **not** maintain the current high level of vacancy into the future.
- To maintain the current high level of vacancy an additional 190 car parking spaces will need to be provided over and above the current DCP rate to service the future growth in retail floor space in the CBD.

Licence Plate Recognition (LPR) Technology

Council would be aware of the introduction of the Licence Plate Recognition (LPR) technology in early March 2014 (replacing the foot patrols of the time restricted on and off street car park areas). Anecdotally, the introduction of the LPR technology has altered the parking behaviour of the Bathurst community.

Bathurst CBD & Bulky Goods Development Strategy 2011

The Bathurst CBD & Bulky Goods Development Strategy 2011 identified that Bathurst could support a further 11,000m² GLA (retail) and 6,140m² GLA (office) within the Bathurst CBD up to the year 2025. The additional floor space will create an additional demand for car parking. To support the additional recommended retail floor space within the Bathurst CBD, new development must provide car parking spaces at the rate specified in the Bathurst Regional (Interim) DCP 2011 to ensure that there are sufficient car parking spaces available.

In order to maintain the current level of vacancy rates, the Car Parking Strategy identified that additional spaces over and above the DCP rate would need to be provided. The Car Parking Strategy suggested a future multi level parking station to be funded either by Council through its Management Plan or via section 94 contributions.

Section 94 Developer Contributions Plan

Council staff are currently reviewing the Section 94 plan for car parking and for community facilities generally in the Bathurst CBD. Section 94 developer contributions allow Council to impose a condition of development consent requiring a payment towards the provision of car parking on developments. As is currently the case, a contribution towards car parking will apply to developments which are **unable** to provide the required carparking on site in accordance with the DCP. The Section 94 Plan identifies that the funds may be spent on a multi-level carpark, although the location has not been identified.

The current review of the community services section 94 plan is considering the need to levy a contribution on all new development across the city for additional carparking over and above the DCP rate to maintain the existing vacancy rates in the CBD as the population grows.

Multi level carpark

There has been previous discussions on the need for a multi storey carpark. This included a consideration of such a facility at Carrington Park to service an expansion of the Stocklands Centre.

The need for and the location of a multi level carpark is yet to be determined and would need to be the subject of a number of comprehensive traffic and parking studies. It would be expected that the recommendations of those reports would make specific recommendations as to the best location of a multi level carpark. Construction costs alone to provide a facility to supply the additional 190 spaces identified in the Car Parking Strategy so as to maintain current vacancy levels is broadly estimated at \$3 - \$4 million.

As recommended by the Bathurst CBD & Bulky Goods Development Strategy, the additional retail space would be located in the Bathurst CBD and may not be required until approximately 2021. The need for a multi level facility is therefore still some time off.

As a result of the LPR technology and anecdotal changes in parking behaviour, Council staff are planning to undertake additional parking surveys in late 2014 and early 2015 to determine whether the LPR technology has changed parking behaviour and if further alterations to existing car parking time limits or the need for new additional spaces is required as a result of the LPR technology. It is anticipated that this survey will suggest some short to medium term changes in time limits to cater better for all day parking.

Conclusion

Council's current on street and off street carparks are operating, on average, under capacity. The car parking rates located in Council's current DCP, are sufficient to cater for the current parking demand. It is premature to identify the need for a multi level carpark when the current parking facilities are underutilised. In the short to medium term changes in time limits may address any supply issues in key locations which can be determined upon further surveys later this year. Plans are being put in place now to ensure a multi level facility can be funded and constructed in the future when required.

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 6: To support infrastructure development necessary to enhance Bathurst's life-style and industry development. Strategy 6.1
- Objective 29: To guide the construction and provision of new infrastructure/facilities and services and the management and upgrading of existing assets and service levels. Strategy 29.2

MINUTE

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

RESOLVED: That the information be noted.

8 BUSINESS MANAGEMENT WORKSHOPS - FEEDBACK (20.00071)

Recommendation: That the information be noted.

Report: The Economic Development section has collated feedback from the recent series of Business Management Workshops held in May 2014. This series of workshops focussed on the development of effective market strategies.

Overall, 73 feedback forms were received with 63% of respondents rating the workshops as "Excellent". 36% of respondents rated the workshops as "Very Good" and 1% rated them as "Satisfactory".

Comments include:

- "Learned much that will help me in creating my company/business."
- "Exactly what I needed"
- "Really informative and gave me a few ideas for my business."

Conclusion

The second series of workshops was very well received by the business community with positive feedback and high levels of attendance.

Due to high levels of demand for Council's workshops, the Economic Development section will schedule a third series of workshops in November 2014.

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

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

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

RESOLVED: That the information be noted.

9 BUSINESS LEADERS LUNCH (20.00071)

Recommendation: That the information be noted.

Report: The Economic Development section recently hosted a Business Leaders Lunch at Rydges Mount Panorama on the 23 May 2014. Thirty-five prominent business owners attended including Council's Investment Attraction Sponsors who partner with Council to attract new business and investment to our region.

Guests included the Vice Chancellor of Charles Sturt University; the President of the Business Chamber and senior staff from Devro, Hines Constructions, Bolam Group Holdings, Rydges Mount Panorama, Bathurst Real Estate, Grainforce, Newcastle Permanent and the Scots School. The Mayor gave the Business Address to the attendees, feedback from all was that this was a great initiative of the Council.

The objective of the Business Leaders Lunch was to discuss a collaborative approach to the growth of the local economy and to collectively advise leading business owners of Council's current and future Economic Development projects. The event also allowed Council to recognise the contribution of the Investment Attraction Sponsors and to potentially seek new sponsors.

Conclusion:

The Business Leaders Lunch was highly successful and allowed Council to effectively inform key business leaders of the Economic Development section's proactive approach to business growth and investment.

The Economic Development section will continue to host the Business Leaders Lunch on an annual basis.

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

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 1: To attract employment, generate investment and attract new economic development opportunities. Strategy 1.3, 1.4
- Objective 4: To market Bathurst as a great place to live, work, study, invest and play. Strategy 4.1
- Objective 5: To facilitate and foster partnerships, networks and infrastructure to support and attract knowledge, innovation and research. Strategy 5.1, 5.2

MINUTE

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

RESOLVED: That the information be noted.

10 BATHURST REGIONAL COUNCIL HERITAGE STRATEGY ANNUAL REPORT 2013-14 AND LOCAL HERITAGE FUND ANNUAL REPORT 2013-14 (16.00136 & 20.00123)

Recommendation: That Council note:

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

Report: As a requirement of the NSW Heritage Grants Local Government Heritage Advisor program, Council must:

- (a) Adopt and implement a 3 year Heritage Strategy;
- (b) Prepare and submit an annual report on the implementation of Council's Heritage Strategy to Council and to the NSW Heritage Division;
- (c) Prepare and submit a final report for the Local Heritage Fund for the applicable financial year.

The Local Heritage Fund 2013-14

The 2013-14 local heritage funding program is in its 16th year of operation. A total of 51 projects were completed this year. Council offered a total \$52,700.00 to property owners and community groups throughout the region. Grants ranged from \$100- \$2,000. The 2013-14 funding program has seen \$402,377.86 worth of works completed in the region.

There is an ongoing extremely positive response from property owners and community groups throughout the region about the funding program. Council continues to see property owners annually undertaking small projects that have improved their property and over time help to improve the streetscapes of the heritage conservation areas. This year the fund, amongst other things, has helped to clean, prepare and repaint the roof of Miss Trail's house in Bathurst, repair the collapsed brickwork and reinstate the original doorway of the stable building of the St Patricks Catholic Church site in Rockley and repair and reinstate the 'Rose' stain glass window of the All Saints Anglican Cathedral in Bathurst. The works completed have also provided Council with very good media coverage with the Heritage Fund receiving a number of mentions on local television news programs.

The 2013-14 financial year has been recognised as another highly successful year by the NSW Heritage Division:

It's a fantastic result for Bathurst Regional Council. Congratulations to you both, Barbara Hickson, Council staff and Councillors for their work and support to achieve these outcomes.

A copy of the final report for the 2013-14 Local Heritage Fund can be found at **attachment 1**

The Heritage Strategy 2013-14 Annual Report

The Annual report for the year 2013-14 outlines a number of key achievements of Council's Heritage Management Program over the last 12 months:

- The Government Settlement at Bathurst, NSW (1815-1840) Archaeological Management

Plan was completed and adopted by Council. This included a detailed history of the early settlement period and the location and purchase of key early maps and pictures of the early settlement period.

- The Conservation and Interpretation Fund continues to operate successfully. Three projects have been completed to date including reprinting 'Hill End Gold', a biography of bushranger John Vane and a commemorative plaque in Trunkey Creek honouring Mary MacKillop.
- Council's heritage advisory services conducted a total of 98 site visits to properties to provide advice on appropriate materials for repairs and maintenance, colour schemes, appropriate and sympathetic additions to help owners with their older homes.
- Council was successful in obtaining a \$25,000 grant from the Federal Government to create a new heritage trail for the early government settlement area.
- Council consulted with local heritage group representatives, local professionals and Council staff to provide ideas for interpretation of the Government Settlement at Bathurst 1815-1840 archaeological management plan.
- Council continued to waive DA fees for the repainting of buildings in the CBD and the reinstatement of verandahs.
- Council's Autumn colours program runs from March to May each year. The calendar of events includes a significant number of heritage events, tours and promotions.
- May 2014 saw the launch of a dedicated 'Heritage Week'. Organised by representatives from key community groups with the support of Council and Council's officers events like street tours, open houses, concerts and talks were held throughout the city and the rural villages.
- As part of the bicentenary celebrations Council's bicentenary committee has organised several events to commemorate the first meeting of the Wiradjuri people and Europeans with the arrival of Europeans to the Bathurst plains.
- Council adopted the new Standard Instrument LEP with 25 new heritage items and 1 new heritage conservation area.
- Council commenced preparation of an updated conservation management plan for the former Bathurst TAFE building site.
- As part of the preparation of a heritage strategy for 2014-2017 Council undertook extensive community consultation that involved workshops and online surveys with community members and property owners. This was a real opportunity to hear directly from the community about their ideas for heritage management into the future.
- Council continues to update the state heritage inventory database as new information becomes available about sites within the region.

A copy of the annual report for 2013-14 is provided at [attachment 2](#).

Conclusion

The results of this year's heritage management program highlight the significant importance of the public participation programs and financial assistance offered by Bathurst Regional Council. Continued support to these programs and the continued interaction between Council, the community and Council's Heritage Advisor will ensure the protection and retention of the historic landscape of Bathurst.

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 11: To protect the region's unique heritage and history. To protect a unique identity. Strategy 11.1
- Objective 28: To plan for the growth of the region and the Strategy 28.5, 28.8

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

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

Strategy 30.6, 30.7, 30.8

MINUTE

15 Item 10 BATHURST REGIONAL COUNCIL HERITAGE STRATEGY ANNUAL REPORT 2013-14 AND LOCAL HERITAGE FUND ANNUAL REPORT 2013-14 (16.00136 & 20.00123)

MOVED: Cr M Morse SECONDED: Cr M Coote

RESOLVED: That Council note:

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

Yours faithfully



D R Shaw
DIRECTOR
ENVIRONMENTAL, PLANNING & BUILDING SERVICES

DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT AND MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

18 JUNE 2014

1 STATEMENT OF INVESTMENTS (16.00001)

Recommendation: That the information be noted.

Report: \$78,500,000 was invested at 31 May 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	\$15,500,000.00	4.04%
Bendigo and Adelaide Bank	A2	\$7,500,000.00	3.85%
IMB	A2	\$6,500,000.00	3.76%
Maritime, Mining & Power Credit Union	ADI	\$1,000,000.00	3.86%
National Australia Bank	A1+	\$14,500,000.00	3.85%
People's Choice Credit Union	ADI	\$1,500,000.00	3.97%
Railways Credit Union	ADI	\$3,500,000.00	3.94%
SGE Credit Union	ADI	\$1,000,000.00	3.89%
Westpac Banking Corporation	A1+	\$1,000,000.00	3.70%
Greater Building Society	A2	\$1,000,000.00	3.70%
Bankwest	A1+	<u>\$500,000.00</u>	<u>3.40%</u>
		\$53,500,000.00	3.89%
<u>Long Term > 365 Days</u>			
(comprising Commercial Bills, Term Deposits and Bonds):			
<u>Committed Rolling Investments</u>			
Westpac	AA-	\$2,000,000.00	3.80%
Westpac	AA-	\$2,000,000.00	3.92%
Westpac	AA-	\$2,000,000.00	3.96%
Westpac	AA-	\$2,000,000.00	3.88%
Westpac	AA-	\$2,000,000.00	3.80%
Maritime Mining & Power Credit Union	ADI	<u>\$3,000,000.00</u>	<u>2.70%</u>
		\$13,000,000.00	3.60%
<u>Fixed, Negotiable & Tradeable Certificates of Deposits</u>			
Commonwealth Bank	AA-	<u>\$2,000,000.00</u>	<u>3.85%</u>
		\$2,000,000.00	3.85%
<u>Floating Rate Notes</u>			
Barclays Bank PLC – Australia	AA-	\$2,000,000.00	4.43%
Bendigo & Adelaide Bank Retail Bond	A-	\$1,000,000.00	3.88%
Members Equity Bank	BBB	\$3,000,000.00	3.83%
Greater Building Society	BBB	\$1,000,000.00	4.00%
Credit Union Australia	BBB+	<u>\$3,000,000.00</u>	<u>3.96%</u>

	\$10,000,000.00	4.01%
Total Investments	<u>\$78,500,000.00</u>	<u>3.86%</u>

These funds were held as follows:

Reserves Total (includes unexpended loan funds)	\$36,613,410.20
Grants held for specific purposes	\$1,327,950.00
Section 94 Funds held for specific purposes	\$28,366,360.00
Unrestricted Investments – All Funds	\$14,192,279.80
General Fund	\$502,072.95
Water Fund	\$3,439,588.00
Sewer Fund	\$7,157,977.00
Waste Fund	<u>\$3,092,642.00</u>

Total Investments	<u>\$78,500,000.00</u>
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<u>Total Interest Revenue to 30 April 2014</u>	<u>\$2,678,623.29</u>	<u>3.86%</u>
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Year to Date Averages

(as per the CBA & RBA for comparison purposes)

Reserve Bank of Australia - Cash Rate	2.50%
AFMA - 90 day Bank Bill Swap Rate (BBSW)	2.64%
Three Year Swap Rate - Commonwealth	3.05%

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

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

RESOLVED: That the information be noted.

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

Recommendation: That the information be noted.

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

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

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

Fines or penalty notices this month - Nil.

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

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

MOVED: Cr M Coote SECONDED: Cr G Hanger

RESOLVED: That the information be noted.

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

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

Report: At **attachment 1** is a list of Sundry Section 356 Donations, Bathurst Memorial Entertainment Centre Community Use Subsidies and Mount Panorama Fee Subsidies granted by Council for the period ending 31 May 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:	\$ 0.00
BMEC Community use:	\$15,807.10
Mount Panorama:	\$ 3,395.84

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

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

MOVED: Cr M Morse SECONDED: Cr G Westman

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.

- Harvey, KA - 17 Freeman Circuit - Lot 916, DP 1191778 - Transfer
- Anderson, MW - 31 Freeman Circuit - Lot 909, DP 1191778 - Transfer
- Anderson, R - 53 Freeman Circuit - Lot 901, DP 1191778 - Transfer
- Anderson, KJ & P, Anderson, MW & R - 7 Irving Place - Lot 712, DP 1103109 - Transfer
- Bankovic, DA & AM - 28 Freeman Circuit - Lot 910, DP 1191778 - Transfer
- Sharman, DW - 15 Freeman Circuit - Lot 917, DP 1191778 - Transfer
- Humphreys, AL - 43 Freeman Circuit - Lot 905, DP 1191778 - Transfer
- Collins, AS & BJ - 41 Freeman Circuit - Lot 906, DP 1191778 - Transfer
- Miller, KC & KM - 23 Freeman Circuit - Lot 913, DP 1191778 - Transfer
- BAR Constructions Pty Ltd - 27 Freeman Circuit - Lot 911, DP 1191778 - Transfer
- Roughley Investments Pty Ltd - 19 Freeman Circuit - Lot 915, DP 1191778 - Transfer
- Marple, C I - 39 Freeman Circuit - Lot 907, DP 1191778 - Transfer
- Roughley Property Pty Ltd - 25 Freeman Circuit - Lot 912, DP 1191778 - Transfer
- Max Hire Pty Ltd - Lee Street, Kelso - Part Lot 1 DP1001027, Part Lot 16 DP712197, Part Lot 1 DP1090555 - Surrender of Lease
- Max Hire Pty Ltd - Lee Street, Kelso - New lots 101, 102, 103 - Lease
- Edwards, KN - 51 Freeman Circuit - Lot 914, DP 1191778 - Transfer
- Grainforce Pty Ltd - Land adjacent to Lot 1, DP 211174 - License

Linen Plan Release

- Roxburgh Downs Pty - Subdivision release of 8 lots & 1 residue - Lot 1826, DP 1146965, Cheviot Drive, Kelso
- BRC -Plan of acquisition for road widening - Lot 10, DP 596364, 364 O'Regans Road, Perthville
- JA & CP Stait - Subdivision release of 44 lots - Lot 200, DP1189714, Graham Drive, Kelso
- Glenfan Pty - Subdivision release of 18 lots & 1 residue - Lot 700, DP1191694, Amber Close, Kelso
- GA & TC Jones - Two lot subdivision - Lot 7, DP227929, 7 Delaware Crescent, Robin Hill
- BRC - Acquisition of Road - Lot 1, DP1196141, Cox Lane, Eglinton

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

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

RESOLVED: That the information be noted.

5 BATHURST 200 BICENTENNIAL CELEBRATIONS UPDATE (20.00153)

Recommendation: That the information be noted.

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

Recent activities by Council staff include; contacting community groups throughout the region who hold an annual event/activity detailing the opportunity to officially endorse the event and contacting a number of Council suppliers detailing sponsorship and partnership opportunity information.

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 4 June 2014, two new applications were submitted for endorsement, being:-

- Bathurst Uniting Church – Victorian High Tea
- NSW Department of Education and Communities – Bathurst Network Education Week 2015

Council staff are currently following up the sponsorship and partnership correspondence to determine local businesses level of interest in being involved in Bathurst 200 Council run events and activities.

The Bathurst 200 website has now been updated with visitor numbers now increasing. These numbers are shown at **attachment 1**, shown in a Google Analytics report.

The 'Peoplescape – People in Time' project expressions of interest have now closed and a report has been submitted to this Council meeting for consideration.

The Bicentennial Flag Staff tenders have now also closed with a report to this Council meeting for consideration.

Financial Implications: A draft budget has been set for Bathurst Regional Council activities, which is currently on public display as part of the Draft Bathurst Delivery Plan 2014-2018 and Annual Operation Plan 2014-2015. 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

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

RESOLVED: That the information be noted.

6 2014 LIQUI-MOLY BATHURST 12 HOUR - ECONOMIC IMPACT REPORT (04.00097)

Recommendation: That the information be noted.

Report: Council contracted the Western Research Institute (WRI) to carry out an economic impact report of the 2014 Liqui-Moly Bathurst 12 Hour and associated events.

Council has now received this report which details the benefits of the 12 Hour race to Bathurst, Central West, and NSW.

Shown at **attachment 1** is the Economic Impact Report prepared by the Western Research Institute.

The 2014 event resulted in 7,000 spectators and 1,400 competitors participating in the event.

Table 1 of the report (page 4) details the financial results for the region.

The table indicates the 12 Hour event generates an output for Bathurst of \$5.9 million, the Central West (including Bathurst) \$6.37 million, and NSW (including Bathurst and Central West) \$15.96 million.

Another positive result from the study shows that the 12 Hour event creates 29 full-time jobs for the Bathurst economy and 61 full-time jobs for NSW.

Financial Implications: As shown in the report.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.5
- Objective 23: To encourage a supportive and inclusive community. Strategy 23.7

MINUTE

21 Item 6 2014 LIQUI-MOLY BATHURST 12 HOUR - ECONOMIC IMPACT REPORT (04.00097)

MOVED: Cr W Aubin SECONDED: Cr I North

RESOLVED: That the information be noted.

7 BLAYNEY TO BATHURST (B2B) BIKE RACE - ROAD CLOSURE (23.00128-03)

Recommendation: That the petition against road closures during the B2B bike race be referred to the Traffic Committee for their consideration.

Report: Council has received a petition, signed by 190 people, regarding road closures during the Blayney to Bathurst bike race. A copy of this petition is shown at **attachment 1.**

The petition advises Council of the concerns in the community regarding road closures, and the inconvenience caused to the residents who are unable to access roads during the Sunday morning of the bike race.

This petition points out to Council that it is not against the bike race, but instead a petition against the inconvenience caused by the road closures associated with the event.

As this is a traffic matter it is recommended that this petition be referred to the next Traffic Committee for their information and attention.

Financial Implications: There are no financial implications.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 23: To encourage a supportive and inclusive community. Strategy 23.7
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.3

MINUTE

22 Item 7 BLAYNEY TO BATHURST (B2B) BIKE RACE - ROAD CLOSURE
(23.00128-03)

MOVED: Cr M Coote SECONDED: Cr B Bourke

RESOLVED: That the petition against road closures during the B2B bike race be referred to the Traffic Committee for their consideration.

8 REQUEST FOR FINANCIAL ASSISTANCE - 2014 XXXX GOLD VARIETY BASH (18.00004)

Recommendation: That Council not provide the requested facilities for the 2014 XXXX Gold Variety Bash at Mount Panorama on Friday 15 August 2014.

Report: Council has received a request from Variety Queensland for financial assistance for the XXXX Gold Variety Bash event. A copy of this request is shown at **attachment 1**.

This event is celebrating its 25th anniversary and consists of a ten day adventure travelling from Brisbane to Sydney, visiting Bathurst on Friday 15 August 2014.

The Variety Bash has requested the use of the Mount Panorama campgrounds and amenities, behind the Pit Complex, for approximately 100 participants. The estimated cost of providing the campground and amenities for Friday night is \$956.

The organisation is also requesting Bathurst Regional Council to waive the entrance fees at the National Motor Racing Museum for 300 people, where they are hosting an evening function for the participants. The cost of providing the entrance is \$3,450, based on 300 people attending as advised by the Variety Club, plus the venue hire of \$225 and labour costs of \$190. The total cost of this event, including the use of the campground and amenities would be \$4,821.

Shown at **attachment 2** is the organisations Annual Financial Report for the year ending 30 September 2013.

Councillors will note that the profit for the 2013 event was \$2.815 million (page 7), and the organisations Statement of Financial Position can be found on page 8.

The Mount Panorama Section 356 donations 2014/15 budget currently has a balance of \$30,000.

The Profit and Loss Statement and Statement of Financial Position shows this organisation as being financially very strong and could easily afford the \$4,821 from its own operational funds to support this event.

Financial Implications: Should Council accept the recommendation then there are no effects on Council's financial position.

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

23 Item 8 REQUEST FOR FINANCIAL ASSISTANCE - 2014 XXXX GOLD VARIETY BASH (18.00004)

MOVED: Cr M Coote SECONDED: Cr B Bourke

RESOLVED: That Council provide the camping facilities for the 2014 XXXX Gold Variety Bash at Mount Panorama on Friday 15 August 2014 at no charge, to be funded from Section 356, Mount Panorama Fee Subsidies to a value of \$956.00.

9 EXPRESSION OF INTEREST - PEOPLESCAPE: BATHURST 200 BICENTENNIAL FUNCTION (20.00153)

Recommendation: That Council accept the expression of interest from Bathurst Arts Council Inc. to administer, with the assistance of Council, the 'Peoplescape project' as part of the bicentenary celebrations in 2015.

Report: As part of the Bathurst 200 celebrations the 2015 Bicentenary Celebrations Committee have resolved to adopt the 'Peoplescape – People in Time' as an official project. The project aims to have an external group administer the project whereby 200 corflute cut-outs will be decorated representing people of significance to the Bathurst region. The finished project will be displayed for a two week period in a prominent central location. Discussions and a formal letter of request has been sent to the Bathurst Local Courthouse requesting use of the Courthouse forecourt, however Council are still awaiting a formal reply.

The project aims to involve school age children, youth groups and seniors groups throughout the community. Peoplescapes have recently been held in Canberra to mark the centenary of federation and by Canberra University recognising their Alumni.

To administer the project Expressions of Interest (EOI) were recently sought. Following an advertising campaign one (1) expression of interest was received from the Bathurst Arts Council, which is shown at **attachment 1** for your reference.

It is therefore recommended that Council accept the expression of interest from Bathurst Arts Council Inc. to administer, with the assistance of Council, the Peoplescape project as part of the bicentenary celebrations in 2015.

Financial Implications: Funding for the Peoplescape project is included within the Bathurst 200 Bicentenary Celebrations Budget.

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

24 Item 9 EXPRESSION OF INTEREST - PEOPLESCAPE: BATHURST 200 BICENTENNIAL FUNCTION (20.00153)

MOVED: Cr M Morse SECONDED: Cr I North

RESOLVED: That Council accept the expression of interest from Bathurst Arts Council Inc. to administer, with the assistance of Council, the 'Peoplescape project' as part of the bicentenary celebrations in 2015.

10 REQUEST FOR FINANCIAL ASSISTANCE - RELATIONSHIPS AUSTRALIA (21.00102)

Recommendation: That Council not provide financial assistance to Relationships Australia for \$816, being the waiving of fees associated with the running of a Women's Group and outreach services, including counselling, at the Kelso Community Centre.

Report: Council has received a request from Relationships Australia (NSW) seeking financial assistance with the costs of hiring the Kelso Community Centre. A copy of the request is shown at **attachment 1**.

Relationships Australia Bathurst have been facilitating the Women's Group since 14 October 2013. Over this period the group has provided women in the community the opportunity to meet, support each other, and undertake activities that develop their skills. To date there has not been additional outreach services provided by Relationships Australia at the Kelso Community Centre.

Council currently holds \$1,517 in trust for this organisation to cover the costs associated with the hiring of the meeting room. As there are sufficient funds available, then the \$816 requested from Council can be funded from these funds held in Council on behalf of Relationships Australia.

Financial Implications: Council has not allowed for this request of \$816 in its budget.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

25 Item 10 REQUEST FOR FINANCIAL ASSISTANCE - RELATIONSHIPS AUSTRALIA (21.00102)

MOVED: Cr M Coote SECONDED: Cr W Aubin

RESOLVED: That Council not provide financial assistance to Relationships Australia for \$816, being the waiving of fees associated with the running of a Women's Group and outreach services, including counselling, at the Kelso Community Centre.

11 SUBMISSIONS - DRAFT DELIVERY PLAN 2014-2018 AND ANNUAL OPERATING PLAN 2014/2015 (16.00135)

Recommendation: That Council consider the submissions individually.

Report: Council has had the Draft Bathurst Delivery Plan 2014-2018 and Annual Operating Plan 2014/2015 (DP/AOP) on exhibition for the required period of 28 days. Council has received a number of submissions in relation to the DP/AOP. Submissions were made on various matters and are detailed below for Councillors information.

(a) Bridle Track

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

Report: Council has received a submission in relation to repair and maintenance of the Bridle Track. This submission is shown at **attachment 1**. This road has not been included in the DP/AOP for this year as other urgent works have been prioritised above this one.

Financial Implications:

If the recommendation is adopted, there will be no change to the Bathurst Delivery Plan 2014-2018 and Annual Operating Plan 2014/2015.

(b) Objection to Increased Rates

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

Report: Council has received two submissions objecting to the increase in rates. These submissions are shown at **attachment 2**. Council has proposed to lift rates by no more than the amount allowed under the NSW Government rate peg (2.3%) and has incorporated that amount into the budget to maintain existing service levels.

Financial Implications:

If the recommendation is adopted, there will be no change to the Bathurst Delivery Plan 2014-2018 and Annual Operating Plan 2014/2015.

(c) Footpath, Prince Street Perthville

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

Report: Council has received submissions in relation to a petition, submitted to the Mayor at the Perthville Village Meeting, requesting the construction of a footpath in Prince Street, Perthville. These submissions are shown at **attachment 3**. The estimated cost of this footpath is \$68,000. Councillors should note, Council received a late submission objecting to the construction of this footpath.

Financial Implications:

If the recommendation is adopted, funding will be sourced by adjusting the works

program.

(d) **Destination Management Plan**

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

Report: Council has received submissions in relation to the development of the DMP. These submissions are shown at **attachment 4.** These submissions call for the allocation of an additional \$50,000 towards the establishment of a new public/private partnership to be an overarching tourism body to coordinate all community tourism functions and facilities. It is to be noted that the DMP has not yet been completed, and accordingly recommendations from the process are not yet available.

Financial Implications:

If the recommendation is adopted, there will be no change to the Bathurst Delivery Plan 2014-2018 and Annual Operating Plan 2014/2015.

(e) **Keppel Street Upgrade – BINC Carpark**

Recommendation: That Council not amend the DP/AOP to fund BINC carpark works at a cost of \$300,000.

Report: Council has received many submissions in relation to the sealing, drainage, landscape, signage and lighting of the BINC carpark area at a cost of \$170,000 and upgrading the pedestrian access from Keppel Street at a cost of \$130,000. These submissions are shown at **attachment 5.** The total cost of works requested is \$300,000.

Financial Implications:

If the recommendation is adopted, there will be no change to the Bathurst Delivery Plan 2014-2018 and Annual Operating Plan 2014/2015.

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

Recommendation: That Council amend the DP/AOP to fund a redesign of the Art Gallery / Library entrance at a cost of \$40,000.

Report: Council has received many submissions in relation to the removal of the brick wall and redesigning the entrance to the Art Gallery / Library from Keppel Street at a cost of \$40,000. These submissions are shown at **attachment 6.**

Financial Implications:

Included in the 2013/14 Management Plan is an amount of \$40,000 for this work. As these funds were not spent they will be rolled over to cover this work in the 2014/15 year.

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

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

Report: Council has received many submissions in relation to the planting of trees in Keppel Street between William and Havannah Streets at a cost of \$150,000. These submissions are shown at **attachment 7.**

Financial Implications:

If the recommendation is adopted, there will be no change to the Bathurst Delivery Plan 2014-2018 and Annual Operating Plan 2014/2015.

(h) **Buy Local Campaign**

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

Report: Council has received a submission from Dr Jess Jennings to design and deliver a “Buy Local” campaign in the Bathurst Region. This submission is shown at **attachment 8.**

Financial Implications:

If the recommendation is adopted, there will be no change to the Bathurst Delivery Plan 2014-2018 and Annual Operating Plan 2014/2015.

(i) **Avdata Landing Fees**

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

Report: Council has received a submission to remove fees per landing and parking for aircraft that pay the annual local fee and to remove landing fees for non-local aircraft below 2000kg. This submission is shown at **attachment 9.**

Council needs to recoup fees from aircraft landings and from increased maintenance activities around parked aircraft in order to maintain the aerodrome facilities and therefore it is recommended not to amend the Revenue Policy in regard to this submission.

Council would be aware that the financial arrangements have been closely examined over the last two years at the aerodrome.

Council's current policy is that the aerodrome is subject to cost recovery. As Councillors would be aware, the aerodrome has substantial capital works planned over the next five years, including the rehabilitation of the main runway. The runway rehabilitation is planned for January – February 2015 and is expected to cost approximately \$2M. Council does not have a reserve fund for this work and will be thus funded by way of a low interest loan through the NSW Government's Local

Infrastructure Renewal Scheme.

Council has developed and adopted Masterplan for the Aerodrome, which identifies likely capital works over the ten year life of the plan. The proposed works include the following items

1. Runway 17/35 Pavement works	\$2.00M
2. GA Apron Expansion - sealed	\$0.37M
3. Taxiway C Diversion	\$0.07M
4. Parallel Taxiway F (gravel surface)	\$0.69M
5. New Taxiway G	\$0.35M
6. Extend Taxiway C and Taxiways New H & I	\$0.64M
7. Aerodrome Perimeter Security Fencing	\$0.50M
8. Hangar Sub-division Development (Incl. access roads & services)	\$1.45M

At its meeting of 3 July 2013, it was resolved

That:

- (a) Council place the Aerodrome Master Plan on public exhibition for 28 days, inviting comments; and
- (b) if no submissions are received, adopt the Aerodrome Master Plan as a working document.

Council did not receive any submissions regarding the capital works as identified in the Masterplan.

Council has prepared a forward ten year financial plan for the aerodrome, considering likely expenditure and income. This plan has included the following income sources:

Regular Passenger Transport head tax income, based on current industry trends in the regional airline industry, (Regional Express the current RPT operator)

1. Expected increased lease income, due to both increased area made available for lease and increases in lease rates to reflect current market rates at renewal,
2. Annual charges for locally based commercial and private aircraft below 2000kg Maximum Take-off Weight (MTOW), projected at 10% increases per annum.
3. The introduction of landing fees in 2013-14 financial year at for non-local, or itinerant aircraft under 2000kg MTOW. Collection of fees is carried out by AVDATA.
4. The charging of landing fees for all aircraft above 2000kg MTOW, again using AVDATA.
5. The changes to the above collection of landing fees by the AVDATA system has seen an increase of income for the 2013-14 financial year from the previous financial year, of approximately \$15,000 (ex GST). This increase in income is not considered insignificant, when compared with the overall revenue for 2012-13

financial year of \$387,119 (ex GST)

At release of the draft Management Plan and revenue Policy, all owners of locally based aircraft registered with Bathurst Aerodrome were written to, advising of the proposed changes. One only response was received.

The response was somewhat incorrect in the way in which aircraft are charged. All locally based aircraft that have requested to be charged on an annual basis do not pay landing fees. However, aircraft that are not hangared are subject to weekly parking charges.

Financial Implications:

If the recommendation is adopted, there will be no change to the Bathurst Delivery Plan 2014-2018 and Annual Operating Plan 2014/2015.

(j) Aerodrome Annual Fees

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

Report: A submission in relation to the annual local aircraft fees has been received. Fees for these aircraft have increased as follows;

Non Commercial Locally Based Aircraft (aircraft considered by Council to be permanently based at Bathurst Aerodrome) UP TO 2000kg MTOW Annual Charge in 2013/2014 \$400.00 has increased to 2014/2015 \$440.00; and

Commercial Locally Based Aircraft (aircraft considered by Council to be permanently based at Bathurst Aerodrome) UP TO 2000kg MTOW Annual Charge in 2013/2014 \$800.00 has increased to 2014/2015 \$880.00.

It has been requested that the increase in fees be constrained to CPI which would amend the charges to \$412.00 and \$824 respectively. Aerodrome users have been consulted in 2012/13 for the 2013/14 fees and recently for the 2014/15 fees. The consultation included advice on the annual fees increasing by 10%, refer to prior submission report. Only one submission was received.

Council needs to recoup fees from aerodrome operations in order to maintain the aerodrome facilities and therefore it is recommended not to amend the Revenue Policy in regard to this submission.

Financial Implications:

If the recommendation is adopted, there will be no change to the Bathurst Delivery Plan 2014-2018 and Annual Operating Plan 2014/2015.

(k) Heritage Funding

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

Report: The Bathurst 2036 Heritage Action Network has made a submission in

relation to various items. This submission is shown at **attachment 10.**

Items included in this submission are as follows;

- An allocation of an “appropriate” amount for preventative maintenance to the TAFE building and the Town Square precinct buildings being the Australian Fossil and Mineral Museum and the adjoining Headmaster’s House. Councillors should note that the TAFE Building is not in Council ownership, this still rests with the State Government. Currently funds are being expended on updating the Conservation Management Plan (CMP) which will provide future direction on the future use of their site. Until the CMP is finalised and Council has determined its future direction, as to the use of this structure, it is not recommended that the funds requested be provided.
With respect to the AFMM (Somerville Collection) and Headmasters residence, these are under the auspices of the independent company that has policy control of the museum. Notwithstanding this, Council has an ongoing commitment to the operations of the museum and has injected significant funds into the structures. This will continue as needed, but at this time any significant movements in funding and direction are awaiting completion of the CMP, this is expected by the end of 2014.
- An extra allocation of \$10,000 for Heritage Adviser
- An extra allocation of \$20,000 for the Interpretation Fund
- An extra allocation of \$20,000 for the Local Heritage Fund
- An extra allocation of \$25,000 for the Heritage Strategy initiatives
- An extra allocation of \$6,000 for four walking tour brochures.

Financial Implications:

If the recommendation is adopted, there will be no change to the Bathurst Delivery Plan 2014-2018 and Annual Operating Plan 2014/2015.

(l) Cultural Pass Fee

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

Report: The Acting Director Cultural and Community Services has made a submission in relation to the introduction of a Cultural Pass to supersede the current Museum Pass. This submission is shown at **attachment 11.**

The pass represents an incentive to visit the National Motor Racing Museum, Australian Fossil & Mineral Museum and Chifley Home & Education Centre by allowing access to the three facilities at a discounted price as well as a reduced admission price at the Bathurst District Historical Society and a 10% discount on purchases at the Bathurst Regional Art Gallery.

	Family	Adult	Concession
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	2014/2015	2014/2015	2014/2015
Cultural Pass Fee	\$75.00	\$30.00	\$21.00

Financial Implications:

If the recommendation is adopted, there will be no change to the Bathurst Delivery Plan 2014-2018 and Annual Operating Plan 2014/2015, as the discounts offered should lead to increased sales, the effect of which is uncertain, and therefore the budget will be reviewed during the ensuing year.

(m) Bathurst Memorial Entertainment Centre

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

Report: A submission has been made in relation to the Local Community Organisation - Not for Profit Organisation donation at BMEC. This submission is shown at **attachment 12**. The paragraph B to be inserted replaces the current paragraphs B,C & D which relate to the Bathurst Eisteddfod Society, Bathurst Carillon Theatrical Society and Bathurst Theatre Company respectively. The paragraph to be inserted is:

(B) "Local Community Organisation – Not for Profit Organisations" – where money raised is dispersed for the benefit of the community 20% discount of the scheduled venue hire fee. Note that this does not affect the current special arrangement between Council and the Eisteddfod Society.

Financial Implications:

If the recommendation is adopted, there will be no change to the Bathurst Delivery Plan 2014-2018 and Annual Operating Plan 2014/2015, as this change does not affect the amount of discounts allowed.

(n) Bathurst Aquatic Centre – spectator fee

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

Report: The spectator fee at the Bathurst Aquatic Centre has been held at \$1.00 since the opening of the facility and was flagged last year to increase to \$2.00 in the 2014/2015 year. Discussions have been held with the operators of the facility who have agreed that the fee increase should be incorporated into the fee schedule for admissions. The \$2.00 fee was to be included in the advertised draft plan but was overlooked during preparation.

Financial Implications:

If the recommendation is adopted, there will be no change to the Bathurst Delivery Plan 2014-2018 and Annual Operating Plan 2014/2015, as the budget was developed with the \$2.00 charge in place.

(o) **Bathurst Indoor Cricket Academy**

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

Report: Mr Richard Newell has had previous discussions with Council regarding a training facility known as the Bathurst Indoor Cricket Academy. The project has been offered a \$100,000 grant from CricketNSW and various other grant funding opportunities are being sought. Discussions so far have been unclear as to the commitment sought from Council but a formal letter is attached for further information. A copy of this letter is shown at **attachment 13.**

Financial Implications:

If the recommendation is adopted, there will be no change to the Bathurst Delivery Plan 2014-2018 and Annual Operating Plan 2014/2015.

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

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

Report: Council has received a submission from Mr G A Crisp which is shown at **attachment 14.**

The submission includes:

- Why ratepayers do not make submissions on the annual management plans
- The unreliability of the plan due to:
 - The plan is based on lies
 - Unlawful misappropriation of money by Council's Water Fund
- Termination of the senior staff
- Free buses from the outskirts of Bathurst to the CBD to alleviate parking stress

Financial Implications:

If the recommendation is adopted, there will be no change to the Bathurst Delivery Plan 2014-2018 and Annual Operating Plan 2014/2015.

(q) **Sewerage Access Charge**

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

Report: Council has received a submission by Mr Ray Carter, and Heath Consulting Engineers in relation to service access charges at Mr Carter's properties. These submissions are shown at **attachment 15.**

Mr Carter has requested Council to review each of the access charges that relate to his 12 properties. Council has reviewed these access charges and has found that they reflect a cost recovery on each of the services. Council's Sewer Fund is based on

Council recovering its operation costs by way of income received from sewerage access charges together with income from usage charges.

Mr Carter's main contention is the access charge. Council uses the method shown in NSW Government's Best Practice Management of Water Supply and Sewerage Guidelines at *Section 4.2.2 Non- Residential* and *Section 4.4.1 Sewerage Pricing Structure*.

Council's calculation of the sewerage access charge has been reviewed by the Minister for Water and Utilities in 2004 and the Minister for Water in 2009. Both Ministers have supported Council's approach as "responsible" and "appropriate".

Financial Implications:

If the recommendation is adopted, there will be no change to the Bathurst Delivery Plan 2014-2018 and Annual Operating Plan 2014/2015.

Financial Implications: Each submission has its own financial implications, as shown in the report.

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

26 Item 11 SUBMISSIONS - DRAFT DELIVERY PLAN 2014-2018 AND ANNUAL OPERATING PLAN 2014/2015 (16.00135)

MOVED: Cr I North SECONDED: Cr M Coote

RESOLVED: That Council consider the submissions individually.

MINUTE

27 Item 11.01 SUBMISSIONS - DRAFT DELIVERY PLAN 2014-2018 AND ANNUAL OPERATING PLAN 2014/2015 (16.00135)

MOVED: Cr M Coote SECONDED: Cr G Hanger

(a) Bridle Track

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

MINUTE

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

MOVED: Cr M Coote SECONDED: Cr G Hanger

(b) Objection to Increased Rates

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

MINUTE

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

MOVED: Cr M Coote SECONDED: Cr M Morse

(c) Footpath, Prince Street Perthville

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

MINUTE

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

MOVED: Cr I North SECONDED: Cr M Coote

(d) Destination Management Plan

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

MINUTE

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

MOVED: Cr M Morse SECONDED: Cr G Westman

(e) Keppel Street Upgrade – BINC Carpark

The following MOTION was MOVED.

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

The MOTION was PUT and LOST.

MINUTE

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

MOVED: Cr I North SECONDED: Cr B Bourke

(e) Keppel Street Upgrade – BINC Carpark

RESOLVED: That:

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

MINUTE

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

MOVED: Cr I North SECONDED: Cr B Bourke

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

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

MINUTE

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

MOVED: Cr M Coote SECONDED: Cr G Westman

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

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

MINUTE

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

MOVED: Cr M Coote SECONDED: Cr I North

(h) Buy Local Campaign

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

MINUTE

36 Item 11.09 SUBMISSIONS - DRAFT DELIVERY PLAN 2014-2018 AND ANNUAL OPERATING PLAN 2014/2015 (16.00135)

MOVED: Cr M Coote SECONDED: Cr I North

(i) Avdata Landing Fees

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

MINUTE

37 Item 11.10 SUBMISSIONS - DRAFT DELIVERY PLAN 2014-2018 AND ANNUAL OPERATING PLAN 2014/2015 (16.00135)

MOVED: Cr M Coote SECONDED: Cr W Aubin

(j) Aerodrome Annual Fees

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

MINUTE

38 Item 11.11 SUBMISSIONS - DRAFT DELIVERY PLAN 2014-2018 AND ANNUAL OPERATING PLAN 2014/2015 (16.00135)

MOVED: Cr M Coote SECONDED: Cr B Bourke

(k) Heritage Funding

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

MINUTE

39 Item 11.12 SUBMISSIONS - DRAFT DELIVERY PLAN 2014-2018 AND ANNUAL OPERATING PLAN 2014/2015 (16.00135)

MOVED: Cr I North SECONDED: Cr W Aubin

(I) Cultural Pass Fee

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

MINUTE

40 Item 11.13 SUBMISSIONS - DRAFT DELIVERY PLAN 2014-2018 AND ANNUAL OPERATING PLAN 2014/2015 (16.00135)

MOVED: Cr M Morse SECONDED: Cr M Coote

(m) Bathurst Memorial Entertainment Centre

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

MINUTE

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

MOVED: Cr B Bourke SECONDED: Cr W Aubin

(n) Bathurst Aquatic Centre – spectator fee

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

MINUTE

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

MOVED: Cr I North SECONDED: Cr G Hanger

(o) Bathurst Indoor Cricket Academy

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

MINUTE

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

MOVED: Cr I North SECONDED: Cr B Bourke

(p) Submission from Mr G A Crisp

RESOLVED: That:

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

MINUTE

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

MOVED: Cr I North SECONDED: Cr W Aubin

(q) Sewerage Access Charge

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

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

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

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

Report: The Draft Delivery Plan 2014 - 2018 and Annual Operating Plan 2014/2015 has been advertised for the statutory 28 days and submissions were received by the end of the submission period.

Council considered these submissions in the previous report (DCSF #13 of 18 June 2014) and any adjustment to the Draft Delivery Plan 2014 - 2018 and Annual Operating Plan 2014/2015 adopted at that item will now have to be included in the formal adoption of the Plan.

The adopted budget contains an allowance for Councillors to be paid in accordance with the maximum level allowed by the Local Government Remuneration Tribunal under the category, Regional Rural, as shown in **attachment 1**.

Financial Implications: The Delivery Plan 2014 - 2018 and Annual Operating Plan 2014/2015 is the budget of the Bathurst Regional Council for the 2014/2015 financial year.

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

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

MOVED: Cr I North SECONDED: Cr M Coote

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

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

13 2014/2015 REVENUE POLICY (16.00135)

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

Report: Council's Revenue Policy for 2014/2015 has been advertised for the statutory 28 days and submissions considered by Council.

Included in this year's Plan is the provision of six waste management vouchers consisting of three (3) x Mixed Refuse Vouchers of 200kg each and three (3) x Green Waste Vouchers of 200kg each. It is proposed that this service continue for ratepayers as part of issuing of rates and charges during 2014/2015.

Financial Implications: The 2014/2015 Revenue Policy sets out the fees and charges for Council services for the 2014/2015 financial year. These fees and charges assist Council to achieve its budgeted income for the year.

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

- 46 **Item 13 2014/2015 REVENUE POLICY (16.00135)**
MOVED: Cr W Aubin SECONDED: Cr G Westman

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

14 2014/2015 RATE LEVY (16.00135)

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

- (a) ORDINARY RATES FOR 2014/2015 - That in accordance with Sections 534 and 535 of the Local Government Act, 1993, WHEREAS the Bathurst Delivery Plan 2014-2018 and Annual Operating Plan 2014/2015 for the twelve months to 30 June 2015 was adopted by the Council on 18 June 2014 it is hereby recommended that:
1. a **Residential Rate** of zero point three one nine five two one (0.319521) cents in the dollar on the land value of all rateable land categorised as Residential in accordance with Section 516 of the Local Government Act, 1993 excepting those parcels of land sub-categorised as "Residential Town/Villages", AND THAT
 2. a **Residential Town/Villages Rate** of one point zero four three four two two (1.043422) cents in the dollar on the land value of all rateable land sub-categorised as Residential – Town/Villages, in accordance with Section 529(2) (b) of the Local Government Act, 1993, AND THAT
 3. a **Farmland Rate** of zero point two four three three one six (0.243316) cents in the dollar on the land value of all rateable land categorised as Farmland in accordance with Section 515 of the Local Government Act, 1993, AND THAT
 4. a **Business Rate** of zero point four nine one one three zero (0.491130) cents in the dollar on the land value of all rateable land categorised as Business in accordance with Section 518 of the Local Government Act, 1993, excepting those parcels of land sub-categorised as "Business Bathurst City", "Business Forest Grove", "Business Ceramic Avenue", "Business Eglinton Non-Urban", "Business Orton Park", "Business Stewarts Mount", "Business Evans Plains" AND THAT
 5. a **Business Bathurst City Rate** of two point zero four two nine five eight (2.042958) cents in the dollar on the land value of all rateable land sub-categorised as Business Bathurst City in accordance with Section 529(2)(d) of the Local Government Act, 1993, AND THAT
 6. a **Business Forest Grove Rate** of one point seven six three two nine three (1.763293) cents in the dollar on the land value of all rateable land sub-categorised as Business Forest Grove in accordance with Section 529(2)(d) of the Local Government Act, 1993, AND THAT
 7. a **Business Ceramic Avenue Rate** of one point seven six three two nine three (1.763293) cents in the dollar on the land value of all rateable land sub-categorised as Business Ceramic Avenue in accordance with Section 529(2)(d) of the Local Government Act, 1993, AND THAT
 8. a **Business Eglinton Non-Urban Rate** of one point seven six three two nine three (1.763293) cents in the dollar on the land value of all rateable land sub-categorised as Business Eglinton Non-Urban in accordance with Section 529(2)(d) of the Local Government Act, 1993, AND THAT
 9. a **Business Orton Park Rate** of one point seven six three two nine three (1.763293) cents in the dollar on the land value of all rateable land sub-categorised as Business Orton Park in accordance with Section 529(2)(d) of

the Local Government Act, 1993, AND THAT

10. a **Business Stewarts Mount Rate** of one point seven six three two nine three (1.763293) cents in the dollar on the land value of all rateable land sub-categorised as Business Stewarts Mount in accordance with Section 529(2)(d) of the Local Government Act, 1993, AND THAT
11. a **Business Evans Plains Rate** of one point seven six three two nine three (1.763293) cents in the dollar on the land value of all rateable land sub-categorised as Business Evans Plains in accordance with Section 529(2)(d) of the Local Government Act, 1993, AND THAT
12. a **Mining Rate** of zero point three eight eight two four one (0.388241) cents in the dollar on the land value of all rateable land categorised as Mining in accordance with Section 517 of the Local Government Act, 1993,

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

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

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

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

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

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

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

- (e) WASTE MANAGEMENT VOUCHERS – That the Council provide to all rateable properties six waste management vouchers, consisting of 3 Mixed Refuse Vouchers of 200kg each and 3 Green Waste Vouchers of 200 kg each, at no charge.
- (f) SEWERAGE CHARGES FOR 2014/2015 – That in accordance with Sections 501,502, 503, 539, 541 and 552 of the Local Government Act, 1993, the following charges are made for the twelve months commencing 1 July 2014.

1. That the annual charge for single residential (including residential strata) and un-metered properties, be four hundred and seventy nine dollars and zero cents (\$479.00).
2. That the annual charge for vacant land be three hundred and four dollars and zero cents (\$304.00).
3. That the annual access charges for non-residential and multiple residential properties are to be the total of the metered charges applicable to the property as shown in the table below multiplied by a sewerage discharge factor.

Size of Water Connection (mm)	Charge for 2014/2015
20	\$432.00
25	\$672.00
32	\$1103.00
40	\$1726.00
50	\$2697.00
65	\$4338.00

80	\$6900.00
100	\$10781.00
150	\$24258.00
Strata Properties (Each non-residential lot)	\$432.00
Assumption School	\$1350.00

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

(g) SEWERAGE CHARGES -TRADE WASTE 2014/2015

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

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

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

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

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

- That the minimum annual water availability charge for each unit within a Strata development be one hundred and twenty one dollars and zero cents (\$121.00).

3. That the annual water availability charge for vacant unconnected land be one hundred and twenty one dollars and zero cents (\$121.00).
4. That the annual water availability charge for unmetered or unconnected properties be six hundred and thirty dollars and zero cents (\$630.00).
5. That if water pressure at a property is less than 120 kpa, then a larger service may attract a charge of one hundred and twenty one dollars and zero cents (\$121.00).
6. That Water Usage Charges (Section 502) be as follows in the below table.

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

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

reasonable cost of providing the service and Water Charges have been calculated on achieving a 25/75 basis (25% access charge and 75% usage charge) based on the Best Practice Guidelines introduced by the NSW Office of Water, August 2007.

Report: As per the recommendation.

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

MINUTE

47 Item 14 2014/2015 RATE LEVY (16.00135) MOVED: Cr M Coote SECONDED: Cr I North

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

- (a) ORDINARY RATES FOR 2014/2015 - That in accordance with Sections 534 and 535 of the Local Government Act, 1993, WHEREAS the Bathurst Delivery Plan 2014-2018 and Annual Operating Plan 2014/2015 for the twelve months to 30 June 2015 was adopted by the Council on 18 June 2014 it is hereby recommended that:
1. a **Residential Rate** of zero point three one nine five two one (0.319521) cents in the dollar on the land value of all rateable land categorised as Residential in accordance with Section 516 of the Local Government Act, 1993 excepting those parcels of land sub-categorised as "Residential Town/Villages", AND THAT
 2. a **Residential Town/Villages Rate** of one point zero four three four two two (1.043422) cents in the dollar on the land value of all rateable land sub-categorised as Residential – Town/Villages, in accordance with Section 529(2) (b) of the Local Government Act, 1993, AND THAT
 3. a **Farmland Rate** of zero point two four three three one six (0.243316) cents in the dollar on the land value of all rateable land categorised as Farmland in accordance with Section 515 of the Local Government Act, 1993, AND THAT
 4. a **Business Rate** of zero point four nine one one three zero (0.491130) cents in the dollar on the land value of all rateable land categorised as Business in accordance with Section 518 of the Local Government Act, 1993, excepting those parcels of land sub-categorised as "Business Bathurst City", "Business Forest Grove", "Business Ceramic Avenue", "Business Eglinton Non-Urban", "Business Orton Park", "Business Stewarts Mount", "Business Evans Plains" AND THAT
 5. a **Business Bathurst City Rate** of two point zero four two nine five eight (2.042958) cents in the dollar on the land value of all rateable land sub-categorised as Business Bathurst City in accordance with Section 529(2)(d) of the Local Government Act, 1993, AND THAT
 6. a **Business Forest Grove Rate** of one point seven six three two nine three (1.763293) cents in the dollar on the land value of all rateable land sub-categorised as Business Forest Grove in accordance with Section 529(2)(d) of the Local Government Act, 1993, AND THAT
 7. a **Business Ceramic Avenue Rate** of one point seven six three two nine three (1.763293) cents in the dollar on the land value of all rateable land sub-categorised as Business Ceramic Avenue in accordance with Section 529(2)(d) of the Local Government Act, 1993, AND THAT
 8. a **Business Eglinton Non-Urban Rate** of one point seven six three two nine three (1.763293) cents in the dollar on the land value of all rateable land sub-categorised as Business Eglinton Non-Urban in accordance with Section 529(2)(d) of the Local Government Act, 1993, AND THAT

9. a **Business Orton Park Rate** of one point seven six three two nine three (1.763293) cents in the dollar on the land value of all rateable land sub-categorised as Business Orton Park in accordance with Section 529(2)(d) of the Local Government Act, 1993, AND THAT
10. a **Business Stewarts Mount Rate** of one point seven six three two nine three (1.763293) cents in the dollar on the land value of all rateable land sub-categorised as Business Stewarts Mount in accordance with Section 529(2)(d) of the Local Government Act, 1993, AND THAT
11. a **Business Evans Plains Rate** of one point seven six three two nine three (1.763293) cents in the dollar on the land value of all rateable land sub-categorised as Business Evans Plains in accordance with Section 529(2)(d) of the Local Government Act, 1993, AND THAT
12. a **Mining Rate** of zero point three eight eight two four one (0.388241) cents in the dollar on the land value of all rateable land categorised as Mining in accordance with Section 517 of the Local Government Act, 1993,

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

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

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

hundred and sixty nine dollars (\$169.00) per mobile bin and for each additional fortnightly recycling collection service of seventy five dollars (\$75.00) per mobile bin be made by the Council.

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

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

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

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

- (e) WASTE MANAGEMENT VOUCHERS – That the Council provide to all rateable properties six waste management vouchers, consisting of 3 Mixed Refuse Vouchers of 200kg each and 3 Green Waste Vouchers of 200 kg each, at no charge.
- (f) SEWERAGE CHARGES FOR 2014/2015 – That in accordance with Sections 501,502, 503, 539, 541 and 552 of the Local Government Act, 1993, the following charges are made for the twelve months commencing 1 July 2014.

1. That the annual charge for single residential (including residential strata) and un-metered properties, be four hundred and seventy nine dollars and zero cents (\$479.00).
2. That the annual charge for vacant land be three hundred and four dollars and zero cents (\$304.00).
3. That the annual access charges for non-residential and multiple residential properties are to be the total of the metered charges applicable to the property as shown in the table below multiplied by a sewerage discharge factor.

Size of Water Connection (mm)	Charge for 2014/2015
20	\$432.00
25	\$672.00
32	\$1103.00
40	\$1726.00

50	\$2697.00
65	\$4338.00
80	\$6900.00
100	\$10781.00
150	\$24258.00
Strata Properties (Each non-residential lot)	\$432.00
Assumption School	\$1350.00

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

(g) SEWERAGE CHARGES -TRADE WASTE 2014/2015

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

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

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

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

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

2. That the minimum annual water availability charge for each unit within a Strata development be one hundred and twenty one dollars and zero cents (\$121.00).
3. That the annual water availability charge for vacant unconnected land be one hundred and twenty one dollars and zero cents (\$121.00).
4. That the annual water availability charge for unmetered or unconnected properties be six hundred and thirty dollars and zero cents (\$630.00).
5. That if water pressure at a property is less than 120 kpa, then a larger service may attract a charge of one hundred and twenty one dollars and zero cents (\$121.00).
6. That Water Usage Charges (Section 502) be as follows in the below table.

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

- (i) Included in this year's Bathurst Delivery Plan 2014-2018 and Annual Operating Plan 2014/2015 in the Water Fund are amounts for Operational expenditure at the Aquatic Centre. This is to be financed from revenue raised from the Water Fund as detailed in the Plan.
- (j) INTEREST ON OVERDUE RATES AND CHARGES FOR 2014/2015 – That in accordance with Section 566 of the Local Government Act, 1993 Council charge interest on overdue rates at a rate of 8.5% per annum for the 12 month period commencing 1 July 2014 as advised by the Minister.

- (k) The rates and charges have been based upon the advertised estimates of income and expenditure, which provided for increases in Ordinary Rates of 2.3%, a 5.0% increase in Sewer Charges, Waste Charges have been calculated on the basis of the reasonable cost of providing the service and Water Charges have been calculated on achieving a 25/75 basis (25% access charge and 75% usage charge) based on the Best Practice Guidelines introduced by the NSW Office of Water, August 2007.

Yours faithfully



R Roach
DIRECTOR
CORPORATE SERVICES & FINANCE

DIRECTOR ENGINEERING SERVICES' REPORT AND MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

18 JUNE 2014

1 REGISTRATION OF EASEMENT FOR SEWER PIPELINE, VALE ROAD, PERTHVILLE (26.00005)

Recommendation: That Council approve:

- (a) The transfer of easements for sewer pipeline,
- (b) The endorsement of necessary forms by the General Manager of easements vested in Council by the Department of Public Works,
- (c) The endorsement of necessary forms for the application for Certificate of Titles for Lot 29 DP856435 and Lot 1 DP857402 at properties located at Vale Road, Perthville,

as detailed in the Director Engineering Services' report.

Report: The Department of Public Works constructed various sewer lines between 1988 and 1996 within properties having frontage to Vale Road, Perthville.

With the continual upgrade of Council's information, it has been found the Department of Public Works has constructed and vested the 16 easements in Council, however, the final step of registration of the easements in Council's ownership has not occurred.

For finalisation of the project, Council is required to make application by Request form to the Land and Property Information to register Council's interest in easements. One property requires an application for Certificate of Title.

The applications for transfer of the easement rights include the following properties – Lot 2 DP786926, Lot 3 DP786926, Lot 4 DP786926, Lot 3817 DP1101839, Lot 3 DP881546 (**attachment 1**), Lot 30 DP856435 and Lot 1 DP875955 (**attachment 2**), Lot 4 DP778506 (**attachment 3**), Lot 36 DP1173912 (**attachment 4**) and Lot 2 DP859006 (**attachment 5**).

In order to protect Council's sewerage infrastructure, it is recommended Council approve:

- 1 The transfer of easements for sewer pipeline to Council's care and control;
- 2 The endorsement of necessary forms by the General Manager of easements vested in Council by the Department of Public Works at properties located at Vale Road, Perthville; and
- 3 The endorsement of necessary forms by the General Manager for the application for Certificate of Titles for Lot 29 DP856435 and Lot 1 DP857402.

Financial Implications: An estimated total cost of the transfer of the easement rights is subject to the unknown cost and is estimated to be \$5,000.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

48 Item 1 REGISTRATION OF EASEMENT FOR SEWER PIPELINE, VALE ROAD, PERTHVILLE (26.00005)

MOVED: Cr W Aubin SECONDED: Cr M Coote

RESOLVED: That Council approve:

- (a) The transfer of easements for sewer pipeline,
- (b) The endorsement of necessary forms by the General Manager of easements vested in Council by the Department of Public Works,
- (c) The endorsement of necessary forms for the application for Certificate of Titles for Lot 29 DP856435 and Lot 1 DP857402 at properties located at Vale Road, Perthville,

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

18 JUNE 2014

1 BATHURST LIBRARY - AUSTRALIA'S FAVOURITE LIBRARY (21.00029)

Recommendation: That the information be noted.

Report: The Bathurst Library was nominated by a community member and library user in the Australian Library and Information Associations (ALIA) competition to find Australia's favourite library.

Libraries and library services across Australia provide so much for their communities. Bathurst Library is no exception providing a valued community space and a range of services that meet the needs of Bathurst and the smaller communities in the Local Government area.

The Australia's Favourite Library initiative was launched by ALIA to provide an opportunity for communities to acknowledge the excellent service that libraries provide.

A total of 547 nominations for the 203 different libraries and library services across Australia were received. Individuals were encouraged to cast their vote by telephone, the internet or on voting sheets produced by the ALIA.

The campaign to discover Australia's Favourite Library was launched on Library Lovers' Day, 14 February 2014 with a total of 223,768 votes cast.

There was one overall winner, Sandringham Library in Victoria, with 15 other winners across the various, territories and sectors.

Council is proud to announce that the Bathurst Library came seventh overall and second in NSW. This fantastic result is due, in no small part, to the wonderful staff that ensure the Library continues to cater to the needs of the Bathurst community. Council would like to thank those in the community who took the time to vote and for their continued support of a very valuable community facility.

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

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

49 Item 1 BATHURST LIBRARY - AUSTRALIA'S FAVOURITE LIBRARY
(21.00029)

MOVED: Cr M Morse SECONDED: Cr G Westman

RESOLVED: That the information be noted.

2 LITTLE SCALLYWAGS CHILD CARE CENTRE - ASSESSMENT AND RATING PROCESS (09.00007)

Recommendation: That the information be noted.

Report: Little Scallywags Child Care Centre successfully completed the Assessment and Rating Process for long day care centres and preschools receiving the final report in May 2014.

Under the National Quality Framework, every education and care service will be assessed to determine whether, and at what rating level, the service meets the National Quality Standards and the requirements of the National Regulations.

Step 1. Quality Improvement Plan

All services are required to prepare a Quality Improvement Plan (QIP) annually, in consultation with staff and parents of the centre. When a service is advised of an impending visit, the service is required to submit their QIP which is reviewed by DEC prior to the visit. Little Scallywags was required to submit their Quality improvement Plan in March 2014.

Step 2. Assessment and Compliance Visit

A DEC Assessment and Compliance Officer visited the service (at a pre-arranged time) and reviewed the evidence to help assess and rate the service. This was done by observing practices and interactions, discussing programming, children's records, planning and reflection cycles and sighting documentation relating to children's records, programming, policies and procedures, to ensure compliance with the regulations. This occurred at Little Scallywags in April 2014, with the visit occurring over two consecutive half day visits.

Step 3. Draft Report and Feedback

Following the visit the Assessment and Compliance Officer drafted the report, determining if the elements and regulations were met or not met, and then determined the rating for each standard. Little Scallywags received the Draft Report in May 2014, and accepted the report with no amendments necessary.

Step 4. Final Report

Little Scallywags received an overall rating of Meeting National Quality Standard, which is given if a service receives National Quality Standard or Exceeding National Quality Standard for each quality area.

Little Scallywags has been rated as follows in the seven quality areas:

Quality Area 1–Educational Program and Practice– Rating - Meeting National Quality Standard

The Educational Program and practices developed and implemented by staff were assessed against the two elements in Quality Area 1. Educators provide opportunities for children to demonstrate their skills and knowledge in a supportive environment and the Early Years Learning Framework is used to guide the program and curriculum decision making. Children are able to choose activities and older children engage in meaningful activities for an extended period of time. Children's learning is evaluated and educators recognise the importance of interactions and conversation with children. Families are involved in their child's learning through the program, child portfolios and daily conversation. Recommendations for improvement in this area of incorporating the use of digital technology into programming and parent communication will be incorporated in the service QIP and assessed on a regular basis.

Quality Area 2 – Children’s Health and Safety – Rating - Meeting National Quality Standard

Children’s health and safety is promoted across all aspects of the service and it was identified that the service has detailed policies and procedures to ensure requirements are being met at all times. Areas identified in the report included; health and hygiene practices, risk assessments of the learning environments, managing each child’s health needs, the promotion of healthy eating and physical activity, the protection of children from harm.

Quality Area 3 – Physical environment – Rating – Meeting National Quality Standard

Little Scallywags’ physical environments were noted to be appropriate for the operation of the service. The service is a homely environment which is comfortable for children. The play spaces inside have been arranged to allow for children to participate in varied age appropriate activities and alone or in small groups. The service is proactive in accessing the service environments to ensure they are maintained accordingly. The natural resources in the environment were noted, such as the raised vegetable bed, rocks, wood and pot plants inside and outside; in addition to the sustainable practices used within the service.

Quality Area 4 – Staffing Arrangements – Rating – Exceeding National Quality Standards

The professional standards observed through practices and interactions of staff and management of Little Scallywags, awarded a rating of Exceeding National Quality Standards in QA 4. Educators demonstrated a high level of collaboration, support and an atmosphere of openness and respect for each other’s’ strengths. It was noted educators share responsibilities throughout the day to ensure they are bright and happy when interacting with children and professional standards are embedded in practice. Further areas discussed included the staff’s commitment to further professional development, staffing arrangements and staff qualifications.

Quality Area 5 – Relationships with Children – Rating – Exceeding National Quality Standards

“The service has an atmosphere that is generally relaxed and happy. Educators are responsive to children and listen to their conversations. ”

Little Scallywags was rated Exceeding National Quality Standards in QA 5. Respectful relationships with children were evident throughout the report. Interactions observed promoted children’s learning, gave children a sense of belonging and comfort in the care environment and encouraged collaborative learning opportunity with their peers. Staffing practices demonstrated a genuine interest in, understanding of and respect for all children.

Quality Area 6- Collaborative partnerships with families and communities – Rated – Meeting National Quality Standards

The building of positive and consistent relationships was observed through the daily interactions between educators and families. Relationships with educators and families are positive and meaningful. To meet this quality area, Little Scallywags has created a welcoming environment for all families using the service, provides information to families on available resources within the community and networked with relevant support services that assist in child health and development. The service has involved itself in community events for both family and child involvement.

Quality Area 7 – Leadership and Service Management – Rating – Meeting National

Quality Standards

Meeting National Standards has been met through the efficient work practices guided by policy, procedure, effective administration systems and a commitment to the service from both Management and educators. Management and staff have worked collaboratively together in many areas to ensure all legislative requirements have been met, and to ensure quality improvement of the service.

Council acknowledges the level of professionalism and care provided by the staff of Little Scallywags in achieving this excellent result. A copy of the Quality Area ratings is at **attachment 1**.

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

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 21: To support the provision of community services and facilities to meet the needs of specific community sectors and the community as a whole. Strategy 21.7
- Objective 26: To encourage and support the provision of a range of opportunities for life long education across the Bathurst community. Strategy 26.1, 26.4
- Objective 27: To encourage youth engagement, participation and achievement across all areas of the Bathurst community. Strategy 27.3, 27.8

MINUTE

50 Item 2 LITTLE SCALLYWAGS CHILD CARE CENTRE - ASSESSMENT AND RATING PROCESS (09.00007)

MOVED: Cr B Bourke SECONDED: Cr W Aubin

RESOLVED: That the information be noted.

Yours faithfully

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

Janelle Middleton
ACTING DIRECTOR
CULTURAL & COMMUNITY SERVICES

GENERAL MANAGER'S REPORT AND MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

18 JUNE 2014

1 LOCAL GOVERNMENT NSW ANNUAL CONFERENCE 2014 (18.00074-08)

Recommendation: That Council nominate its delegates and observers for the Local Government NSW Annual Conference 2014.

Report: The Local Government NSW Annual Conference 2014 will take place from Sunday 19 October to Tuesday 21 October 2014 at Coffs Harbour. Registration will soon open and Council will be required to advise of names of their voting delegates. Conference details are shown at **attachment 1**.

Council is entitled to three voting delegates and whatever number of observers it wishes to send. It would be appropriate for Council to advise its voting delegates at this time. If the Mayor should attend, then he will be one of the three voting delegates.

It is recommended that Council:

(a) nominate its delegates and observers for the Local Government NSW Annual Conference 2014.

If Councillors should have items for consideration at the conference, please discuss with the Mayor.

Financial Implications: Funding is provided in the 2014/2015 Delivery Plan for Councillor attendance at the Conference.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 33: To be and develop good leaders. Strategy 33.7
- Objective 32: To ensure Council is supported by an adequate workforce and appropriate governance procedures. Strategy 32.5

MINUTE

51 Item 1 LOCAL GOVERNMENT NSW ANNUAL CONFERENCE 2014
(18.00074-08)

MOVED: Cr W Aubin SECONDED: Cr M Coote

RESOLVED: That Council nominate the Mayor, Deputy Mayor and Cr Morse as delegates, and Crs Bourke and Hanger as observers for the Local Government NSW Annual Conference 2014.

Yours faithfully



D J Sherley
GENERAL MANAGER

POLICY COMMITTEE MEETING

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

1 MINUTES - POLICY COMMITTEE MEETING - 4 JUNE 2014 (07.00064)

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

Report: The Minutes of the Policy Committee Meeting held 4 June 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

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

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

MINUTES OF THE POLICY COMMITTEE
HELD ON 4 JUNE 2014

MEETING COMMENCES

1 MEETING COMMENCES 6:00 PM

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

2 Item 999.01 MINUTE SILENCE

The Mayor observed a minute silence to honour the passing of former Engineer, Peter Gannon.

APOLOGIES

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

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

REPORT OF PREVIOUS MEETING

4 Item 1 MINUTES - POLICY COMMITTEE MEETING - 7 MAY 2014 (07.00064)
MOVED Cr G Westman and **SECONDED** Cr W Aubin

RESOLVED: That the Minutes of the Policy Committee Meeting held on 7 May 2014 be adopted.

DECLARATION OF INTEREST

This is page 1 of Minutes of the Policy Committee held on 4 June 2014.

General Manager

Page 161
Mayor

- 8** **Item 1 BATHURST LIBRARY - NSW PUBLIC LIBRARY FUNDING (16.00030)**
MOVED Cr M Morse and **SECONDED** Cr I North

RESOLVED: That Council provide support to the campaign mounted by the NSW Public Library Associations for increased State funding to local government for public libraries.

GENERAL BUSINESS

- 9** **KEPPEL STREET BUS STOP (25.00039)**

Cr North - asked could this area be looked at for being made as public parking on a Saturday morning?

The Director Environmental, Planning & Building Services spoke to processes required to review parking restrictions, including involvement of the Traffic Committee.

- 10** **Item 2 2015 EVENT DAY GAZETTAL (20.00153)**

Cr North - asked has this been approved for 2015?

The General Manager advised will get back to Cr North on this matter.

- 11** **Item 3 SIGNAGE NEW SUBDIVISIONS (23.00045)**

Cr North - advised has received representations about street signage not installed in residential areas. Council should have a policy on when signs are to be installed.

The Director Engineering Services spoke to processes involved and requested details of areas of concern.

- 12** **Item 4 SECURITY COMPANY MSS (07.00106)**

Cr North - has held discussions with representatives of this group regarding issues

This is page 3 of Minutes of the Policy Committee held on 4 June 2014.

at Stockland Centre and other places. Spoke to action plan at Nowra with youth and how well it worked, will forward details of this plan. The security company is keen to talk with Council. Would like Council to sit down with the community and discuss CCTV and various safety issues.

13 **Item 5 COMMUNICATION STRATEGY (11.00003)**

Cr North - expressed frustration about how sometimes the message going out is betrayed. Feels Council needs a strategy to be developed.

14 **Item 6 CARPARK ENQUIRY - CARRINGTON PARK (20.00116)**

Cr North - spoke to item raised last month about a carpark in the Carrington Park precinct. Referred to prior history.

The General Manager advised of status of this matter, a report is being prepared.

15 **Item 7 DISABILITY SERVICES - LAND DISABILITY INCLUSION BILL (18.00152)**

Cr North - noted legislation is going through that requires Councils to have an Inclusion Plan in place. Asked where is this at?

The Acting Director Cultural & Community Services spoke to current status of the legislation. Council is awaiting guidelines to assess impact and allow scheduling of a response within resources that are available.

16 **Item 8 MOUNT PANORAMA BUSINESS PLAN (04.00009)**

Cr Aubin - noted a number of conferences have been held at Rydges. Why aren't Mount Panorama facilities being used more often? Is the use of Council facilities increasing at this time?

The Mayor spoke about some recent events.

The General Manager noted working relationship between Rydges and Council.

17 **Item 9 BUSINESS AFTER HOURS (18.00027)**

Cr Coote - congratulated Council on this program.

18 **Item 10 SECOND RACING CIRCUIT LAND PURCHASE (20.00278)**

Cr Coote - asked where is this at?

The Mayor spoke to strategy of purchasing land and current status of this matter.

The General Manager noted current land purchasing process and engagement with the land owner. Further, Council in the near future will be engaging a consultant to undertake a noise study.

19 **Item 11 NETBALL DA - SIGNAGE (04.00013)**

Cr Coote - has heard there is an issue with a signage DA for the Netball Association.

The Director Environmental, Planning & Building Services is unaware of any DA issue, will investigate and advise.

20 **Item 12 TREES CUT DOWN IN GEORGE STREET (25.00007)**

Cr Coote - advised trees have recently been cut down in George Street. Why were these trees cut down?

The Director Engineering Services will investigate the matter and advise Cr Coote.

21 **Item 13 WATER DISRUPTION GEORGE STREET (32.00013)**

Cr Coote - spoke to advice being provided to ratepayers about water outages in this area.

The Director Engineering Services will investigate the matter and advise Cr Coote.

22 **Item 14 PUBLIC QUESTION TIME (11.00005)**

Cr Morse - spoke to conduct of public question time and the issues being raised. Feels a good concept for these sessions is that questions should be based on agenda items only. Requested a report be provided on possible options for public question time for the Council.

23 **Item 15 LIBRARY WALL REMOVAL (22.09965)**

Cr Morse - would like that a report be prepared for Council on the removal of the library wall proposal.

24 **Item 16 AGED CARE (09.00040)**

Cr Morse - referred to prior issues about lack of Aged Care in the city. Noted Council has recently received \$21 million worth of Development Applications for Aged Care developments, this is good news.

25 **Item 17 DESTINATION NSW FUNDING (37.00421)**

Cr Jennings - noted next round of funding has been opened. Will Council apply for projects and when will the Destination Management Plan (DMP) be completed?

The Director Environmental, Planning & Building Services advised Council is waiting to see the grant guidelines, will work with Central NSW Tourism. Not sure if the DMP will be ready within the required timeline.

26 **Item 18 VICTORS WALK REDEVELOPMENT AND V8 ACTIVITIES IN 2015 (20.00153 & 04.00001)**

Cr Jennings - noted previously raised this matter. Have any advances occurred with respect to this? Also V8 actions for 2015, could an update be provided?

The General Manager advised will need to research and will contact Cr Jennings with respect to the Victor's Walk matter.

The Mayor advised on discussions held with V8 Supercars and various proposals for 2015.

27 **Item 19 CHARLES NEW (18.00004)**

Cr Jennings - received a letter from Mr New, a student in Bathurst who is going to Euro-Science forum. Has sought assistance from Council, seeking \$300.

The General Manager advised a report will be prepared for Council.

28 **Item 20 BATHURST ARTS TRAIL (20.00020)**

Cr Jennings - advised the Bathurst Arts Trail is interested in getting support from Council for their TV program? Is Council taking any action?

The Mayor advised will be speaking to the Minister for Arts in the near future on this proposal.

29 **Item 21 CSU 2015 PROJECT WITH BRC - PR STUDENTS (20.00153)**

The Mayor - spoke to presentations recently given on 2015 projects by the students. It was a great evening and the ideas were excellent. The proposals will be developed during the next semester and two internships will occur at Council. Projects included a lantern theme.

MEETING CLOSE

30 **MEETING CLOSE**

The Meeting closed at 6.43 pm.

CHAIRMAN: _____

Date: _____ **(18 June 2014)**

TRAFFIC COMMITTEE MEETING

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

1 MINUTES - TRAFFIC COMMITTEE MEETING HELD 3 JUNE 2014 (07.00006)

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

Report: The Minutes of the Traffic Committee Meeting held on 3 June 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

53 Item 1 MINUTES - TRAFFIC COMMITTEE MEETING HELD 3 JUNE 2014
(07.00006)

MOVED: Cr W Aubin SECONDED: Cr G Westman

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

MINUTES OF THE TRAFFIC COMMITTEE
HELD ON 3 JUNE 2014

MEETING COMMENCES

1 MEETING COMMENCES 2:00 PM

Members: Cr Warren Aubin (Chair), Sargeant Peter Foran (Police), Jackie Barry (Roads and Maritime Services), David Veness (MP Representative).

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

Observers: Deanne Freeman and Molly Hanns (Roads and Maritime Services).

APOLOGIES

2 APOLOGIES

Nil

REPORT OF PREVIOUS MEETING

3 Item 1 MINUTES - TRAFFIC COMMITTEE MEETING - 6 MAY 2014 (07.00006)

That the Minutes of the Traffic Committee Meeting held on 6 May 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 6 MAY 2014 (07.00006)

That the information be noted and necessary actions be taken.

6 Item 2 MONTHLY REPORT FOR LOCAL GOVERNMENT ROAD SAFETY PROGRAM (28.00002)

That the information be noted.

7 Item 3 ST PHILOMENA'S PRIMARY SCHOOL - ADDITIONAL SIGNAGE (25.00022-02/036)

That Council install "School Drop off Pick up Zone" with No Parking 8.30AM-9.15AM 2.30PM-3.00PM MON-FRI signage in Lloyds Road, adjacent to St Philomena's Primary School.

8 Item 4 CLASSIC RALLY CLUB INC – 2014 ALPINE CLASSIC EVENT (23.00015-07/073)

That Council classify the Classic Rally Club Inc. 2014 Alpine Classic to be held on Saturday 18 October and Sunday 19 October 2014 as a Class 2 event, and approve the event subject to conditions as detailed in the Director Engineering Services' report.

9 Item 5 STANLEY STREET TRAFFIC ISSUES (25.00060)

That Council approve installation of "No Parking" signs in Stanley Street, Bathurst.

10 Item 6 TARANA ROAD (VIA BREWONGLE) SAFETY REVIEW (25.00290/042)

That Council approve the installation of one-lane bridge markings and curve markings at:

- (a) The railway bridge on Tarana Road to the south east of the Brewongle School Lane intersection with Tarana road at Brewongle, and
- (b) The railway bridge on Tarana Road adjacent to the Ridge Road at Brewongle.

11 Item 7 NATIONAL DOUGLAS RALLY (23.00015-07/071)

That the draft program of the National Douglas Rally be noted.

12 Item 8 DIRECTIONAL SIGNAGE - STONE PINE DISTILLERY (28.00007)

That Council approve the installation of a directional sign indicating "Distillery", at the intersection of Havannah and Russell Streets.

13 Item 9 2014 PANTHERS VS SHARKS NRL TELSTRA PREMIERSHIP GAME - ROAD CLOSURES AND TEMPORARY NO PARKING (18.00296)

That Council approves the staging of the 2014 NRL Telstra Premiership Panthers vs Sharks Game to be held at Carrington Park Bathurst on 26 July. The event is to be classified as a Class 2 event and approved subject to conditions decided by the Traffic Committee.

TRAFFIC REGISTER

14 Item 1 TRAFFIC REGISTER (07.00006)

That the information be noted.

MEETING CLOSE

15 MEETING CLOSE

The Meeting closed at 2.34pm.

DELEGATES REPORTS AND MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

18 JUNE 2014

1 COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 14 MAY 2014 (11.00019)

Recommendation: That the information be noted.

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

Apologies: Cr Morse

1. TAFE WESTERN (18.00093)

Kate Baxter and Andrew Crowley from TAFE provided an update for Council on TAFE facilities.

Topics discussed included:

Vocational Training

- 2015 - NSW will reform vocational training under a program called "Smart & Skilled".
- At the present time, majority of Government subsidised training is provided by TAFE.
- Next year funding will be based on attracting students. This may change the TAFE funding significantly.
- Government has issued the NSW skills list, which is a list of courses the Government will subsidise.
- Subsidy will only be available with qualifications lower than a Certificate III.
- Raised concerns about the community service obligations e.g. special consideration for smaller communities and also changes to student fees and loans.

TAFE Western

- Bathurst Campus has approximately 3,500 enrolments annually.
- Runs courses from Statement of Attainment to Diploma level.
- Some courses are only run at Bathurst, such as Motor Racing Mechanics Course.
- TAFE works with CSU to provide a pathway from school to university.

2. ST PATS RUGBY LEAGUE FOOTBALL CLUB (22.01560)

Gary Goldsmith and Katherine Waldren from St Pats Football Club attended the meeting to discuss matters concerning St Pats Football Club.

Matters discussed included:

- St Pats was established in 1943 and have always competed in the Group 10 Competition.
- In 1989 they moved to Jack Arrow Oval off Gilmour Street.
- In 2011, St Pats Sporting Club folded and was sold and was not economically for the football club to stay. Now operating out of the sports ground and Carrington Park.
- Juniors have 220 children involved.
- Club is seeking to build a permanent home and would like to discuss with Council how to get there.

3. BATHURST REFUGEE SUPPORT GROUP (23.00057)

Brian Mowbray, Bob Smith and other members of the Bathurst Refugee Support Group attended the meeting to discuss matters with Council.

Topics included:

- The group have a grant application in for 2015 in association with BINC focusing on stories of refugees who have been in Bathurst.
- Group has an event planned for December on World Human Rights Day.
- Asked where the present Council stands on the Refugee Welcome Zone which is a Council adopted policy.

Youth Program

- St Stanislaus Collage and MacKillop College are promoting a program of writing letters to detainees to form friendships.

Activities

- The group would like to make available a site for people to meet and suggested the old school house in Howick Street.
- Their main concern is human rights issues.
- A Little House of Welcome is being developed in Busby Street.

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

**54 Item 1 COUNCILLORS MEETING WITH COMMUNITY
GROUPS/REPRESENTATIVES - 14 MAY 2014 (11.00019)**

MOVED: Cr M Coote SECONDED: Cr I North

RESOLVED: That the information be noted.

2 MINUTES - BATHURST REGIONAL YOUTH COUNCIL - 13 MAY 2014 (11.00020)

Recommendation: That the information be noted.

Report: MINUTES OF BATHURST REGIONAL YOUTH COUNCIL MEETING HELD IN COUNCIL CHAMBERS ON TUESDAY, 13 MAY 2014

PRESENT: Cr Michael Coote, Emily Behan, Keegan Bringolf, Nick Forbutt, Geordie Mulholland, Cassandra Talbot, Zachery Baker, Brendan Thorpe, Cody Channing, Dom Mjadwesch, Emily O'Shea, Laura Van Uum, Gerard O'Shea, Jayne Dwyer, Sophie Ireland, Ben McGrath,

IN ATTENDANCE: Megan Bargwanna (Community Development Officer- Youth)

1. APOLOGIES

RESOLVED that apologies from Emma Farr, Cameron Jones, Tom Nobes and Jenny Parsons be accepted.

2. ADOPTION OF PREVIOUS MINUTES

RESOLVED that the minutes of the meeting held 11 March 2014 be accepted.

Moved: Brendan Thorpe
Seconded: Cassandra Talbot

3. BUSINESS ARISING FROM PREVIOUS MINUTES

There was no business arising from the previous minutes.

4. DE-BRIEF: YOUTH WEEK 2014, CATAPULT MEETS YOUTH WEEK AT THE RIVER

- The event was well prepared.
- Some felt the circus and music together was confusing, as well as the large space of the event.
- Some issues with a couple of musicians not turning up- this was managed on the day.
- Opportunity to have a go on flying trapeze was not possible- disappointing as this was initially advertised. Megan only advised of this change on the morning of the event.
- Would have been good to have more information as to performance times.
- Food stalls worked well.
- Families and people passing through park attended which was positive.
- Poster could have been more appealing.
- Difficulty with boarders and people on holidays unable to attend.
- Discussion for Youth Council members to consult with friends and feedback to next meeting about ideas for next year.

5. YOUTH COUNCIL NEXT PROJECT

The following ideas were discussed:

- Too recent to do another music event, but would like to do a similar event to

- “Summersault” as the third event for the year.
- Possibility of a break from a dance party or an alternative themed one discussed.
- A non-school type “Dio day” event similar to MacKillop College.
- A Bathurst’s Got Talent type event.
- A health type campaign with various themes such as mental health- could use something like the Summersault event to springboard the event.
- Some concerns about LGBTI (Lesbian, Gay, Bisexual, trans/transgender and intersex) focus for campaign.
- Discussed and decided not to run a 24 hour short film competition.
- Interschool sports competition discussed- could possibly link in with a health campaign- location could be difficult.
- Discussed computer classes for seniors and “speed dating” concept where seniors have short conversations with young people- unsure about these ideas.
- Flicks in the Stix idea- perhaps some inclusion with a 24 hour short film festival.
- Agreed to start working party meetings next Monday at 3.45pm- venue headspace (to be confirmed).

Cr Coote arrived at 12.00pm

6. KIRRALEE BURKE, BRC- SOCIAL AND COMMUNITY PLAN 2015-2019, COMMUNITY SAFETY PLAN 2015-2019 CONSULTATION

- Kirralee discussed the updating and consultation process involved with the abovementioned plans. She then consulted with the group by asking the following there questions:
 1. What do people like about Bathurst?
 2. What things would make Bathurst better?
 3. Do young people feel safe in Bathurst?
- Responses were documented.
- Surveys were also distributed for completion as well as details of the online survey option.

7. GENERAL BUSINESS

7.1 Karen Golland (headspace) presentation -

- Headspace is a National health space for young people, with mental health and other general health needs.
- Some services include General Practitioner, Women’s health, sexual health clinic, referrals to programs which support young people, financial adviser, addresses drug and alcohol issues including providing information on substances, bullying.
- Karen’s role as the Community Youth Engagement role is to “bust” the stigma attached to mental health.
- The service looks at both mental and physical health.
- The service works to get young people involved in decision making through their Youth Reference Group which has been established this year.
- The group are looking at potentially working with the Youth Council to improve the wellbeing of young people in Bathurst.
- The Youth Reference Group has a LGBTIQ focus.
- Would be good for Youth Council to come up with a concept, relevant to Bathurst to work on with the Youth Reference Group.

- Headspace will be making a video which will be a site tour of the centre.
- 7.2 Keegan Bringolf - Buddy Holly production - Posters distributed for the upcoming production.
- 7.3 Sophie Ireland- Bonjour de Bathurst group - Sophie encouraged any French students to join the group to practice French speaking.
- 7.4 Ben McGrath- Scots Musical - Scots musical "Summer-rain" is the week before Buddy Holly.
- 7.5 Jayne Dwyer- attendance at Oberon Youth Council meeting -
- Jayne and Megan attended the Oberon Youth Council meeting recently.
 - They shared ideas with the group regarding past projects of the Bathurst Regional Youth Council.
 - Oberon had their first event during Youth Week which was a talent show and disco, prizes were cash prizes.
 - Major project they are considering is the development of a skatepark.

8. NEXT MEETING

The next meeting will be held on Tuesday, 24 June 2014 at 11.15am.

9. MEETING CLOSURE

There being no further business, the meeting closed at 1.12 pm.

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

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 23: To encourage a supportive and inclusive community. Strategy 23.3, 23.6
- Objective 27: To encourage youth engagement, participation and achievement across all areas of the Bathurst community. Strategy 27.1, 27.3, 27.4, 27.5, 27.6, 27.9
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.2, 30.5
- Objective 33: To be and develop good leaders. Strategy 33.2, 33.3

MINUTE

55 Item 2 MINUTES - BATHURST REGIONAL YOUTH COUNCIL - 13 MAY 2014
(11.00020)

MOVED: Cr M Coote SECONDED: Cr W Aubin

RESOLVED: That the information be noted.

3 2015 BICENTENARY CELEBRATIONS COMMITTEE MEETING - 3 JUNE 2014 (20.00153)

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

Report: The Minutes of the 2015 Bicentenary Celebrations Committee held on 3 June 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

56 Item 3 2015 BICENTENARY CELEBRATIONS COMMITTEE MEETING - 3 JUNE 2014 (20.00153)

MOVED: Cr M Morse SECONDED: Cr G Hanger

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

MINUTE

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

MOVED: Cr I North SECONDED: Cr M Coote

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

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

There were no representations from the public.

RESOLVED: That:

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

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

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	RENEWAL BATHURST MOTOR FESTIVAL CONTRACT - YEEHAH EVENTS PTY LTD	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
2	EXPRESSION OF INTEREST - LOTS 14 AND 15 DP1089380 KNOWN AS 193 MORRISSET STREET, BATHURST	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the

		public interest as it would prejudice the commercial position of the person who supplied it.
3	NEW RESIDENTIAL TENANCY AGREEMENT - LOT 1 DP786946 KNOWN AS 159 EGLINTON ROAD, BATHURST	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
4	NEW TELECOMMUNICATION LICENCE AGREEMENT - PART LOT 1 DP6334401 MCPHILLAMY PARK, MT PANORAMA	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
5	NEW TELECOMMUNICATION LICENCE AGREEMENT - PART LOT 1 DP6334401 MCPHILLAMY PARK, MT PANORAMA	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
6	PROPOSED SALE OF LOT 18 DP758864 KNOWN AS 39 LOCKE STREET RAGLAN	10A (2) (c) – contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. Discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it would

		prejudice council's position in negotiating commercial and or financial arrangements.
7	RENEWAL OF LICENCE AGREEMENT - BATHURST REGIONAL COUNCIL CHILDREN'S SERVICES - LEE STREET, KELSO	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
8	PROPOSED NEW LEASE AGREEMENT COMMONWEALTH OF AUSTRALIA (DEFENCE) - BATHURST AERODROME	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
9	REQUEST FOR FINANCIAL ASSISTANCE - BATHURST TENNIS CENTRE	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

*** DIRECTOR ENGINEERING SERVICES' REPORT**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	TENDER FOR GILMOUR FLOOD PUMP AND SEWER MAIN	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

		Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
2	TENDER FOR DETENTION BASINS, MOUNT PANORAMA	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
3	TENDER FOR CONSTRUCTION OF FLAGSTAFF IN BICENTENNIAL PARK	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
4	TENDER FOR DESIGN AND CONSTRUCTION OF SALTWATER CREEK BRIDGE (BREWONGLE LANE) AND CARRS CREEK BRIDGE (LACHLAN ROAD)	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
5	12 MONTH EXTENSION - MOWING MAINTENANCE CONTRACT	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on

		balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
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DIRECTOR CORPORATE SERVICES & FINANCE'S CONFIDENTIAL MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

18 JUNE 2014

MINUTE

a Item 1 RENEWAL BATHURST MOTOR FESTIVAL CONTRACT - YEEHAH EVENTS PTY LTD (04.00125)

MOVED: Cr W Aubin SECONDED: Cr M Coote

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

MINUTE

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

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

MINUTE

**c Item 3 NEW RESIDENTIAL TENANCY AGREEMENT - LOT 1 DP786946
KNOWN AS 159 EGLINTON ROAD, BATHURST (22.12696)**

MOVED: Cr W Aubin SECONDED: Cr M Coote

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

MINUTE

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

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

MINUTE

**e Item 5 NEW TELECOMMUNICATION LICENCE AGREEMENT - PART LOT 1
DP6334401 MCPHILLAMY PARK, MT PANORAMA (08.00007)**

MOVED: Cr I North SECONDED: Cr G Westman

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

MINUTE

f Item 6 PROPOSED SALE OF LOT 18 DP758864 KNOWN AS 39 LOCKE STREET RAGLAN (22.10294)

MOVED: Cr W Aubin SECONDED: Cr G Hanger

That Council

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

MINUTE

g Item 7 RENEWAL OF LICENCE AGREEMENT - BATHURST REGIONAL COUNCIL CHILDREN'S SERVICES - LEE STREET, KELSO (22.02268)

MOVED: Cr B Bourke SECONDED: Cr W Aubin

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

MINUTE

h Item 8 PROPOSED NEW LEASE AGREEMENT COMMONWEALTH OF AUSTRALIA (DEFENCE) - BATHURST AERODROME (08.00007)

MOVED: Cr I North SECONDED: Cr W Aubin

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

MINUTE

i Item 9 REQUEST FOR FINANCIAL ASSISTANCE - BATHURST TENNIS CENTRE (18.00004)

MOVED: Cr M Coote SECONDED: Cr B Bourke

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

DIRECTOR ENGINEERING SERVICES' CONFIDENTIAL MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

18 JUNE 2014

MINUTE

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

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

MINUTE

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

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

MINUTE

I Item 3 TENDER FOR CONSTRUCTION OF FLAGSTAFF IN BICENTENNIAL PARK (36.00518)

MOVED: Cr I North SECONDED: Cr M Morse

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

MINUTE

m Item 4 TENDER FOR DESIGN AND CONSTRUCTION OF SALTWATER CREEK BRIDGE (BREWONGLE LANE) AND CARRS CREEK BRIDGE (LACHLAN ROAD) (36.00513)

MOVED: Cr I North SECONDED: Cr W Aubin

That Council accepts the tender of:-

- (a) Kenpass Pty Ltd, for Separable Portion A, for the amount of \$318,000 (inc GST) subject to adjustments and provisional items, and
- (b) Shumack Engineering (NSW) Pty Ltd, for Separable Portion B, for the amount of \$449,770.20 (inc GST) subject to adjustments and provisional items.

MINUTE

**n Item 5 12 MONTH EXTENSION - MOWING MAINTENANCE CONTRACT
(36.00415)**

MOVED: Cr I North SECONDED: Cr B Bourke

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

MINUTE

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

RESOLVED: That Council resume Open Council.

MINUTE

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

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

MINUTE

60 MEETING CLOSE

The Meeting closed at 8.07 pm.

CHAIRMAN: _____.

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